



# The Conflict-of-Interest Policy of the Humsafar Trust

Policy Date: November 7, 2022

Effective from January 1<sup>st</sup>, 2023

**Policy Revision: Annually**

## 1.0 Background

Since its' inception in 1994, the Humsafar Trust has played a key role in furthering the LGBTQ+ rights related movement in the country. It has also grown as a community led organization which is governed by numerous policies that strengthen and regulate its' operations. Besides the communities at the grassroots level, people working with the Humsafar Trust are the key resources who have contributed to the organization by way of their knowledge and skills. Since the beginning the Humsafar Trust has allowed its' employees to undertake consultancies, promotional contracts (for extra income) and board positions in NGOs and CBOs working on similar issues. This was done with an intent to help communities grow at the grassroot level by the way of knowledge transfer from community to community. On account of the community systems strengthening programs, communities and their organization have become much stronger. In the last two decades, many LGBTQ+ organizations and activists have emerged across Mumbai and India. Due to the creation of vast human resources and

knowledge repositories, the dependency on the Humsafar Trust employee as human resources has reduced drastically.

While the Humsafar Trust strives to strengthen the rights of the communities of LGBTQ+ persons and sex workers, it has to compete with similar organizations to raise grants. In such a situation, the historical position of allowing its' employees to serve on the boards of CBOs and NGOs that work for similar cause of LGBTQ+ health and human rights is potentially creating a situation of “**Conflict of Interest**”(COI). Also the multiple roles, financial involvement and power dynamics driven by the community and social networks can impact an employee or board member's commitments towards the values and ethos of the Humsafar Trust. This can potentially jeopardize the overall mission and interest of the Humsafar Trust. It is with this intent, the Conflict of Interest policy is envisaged. It is also in line with the policies followed by the similar organizations at the national and international level.

This policy will have details of what constitutes a COI. The scope of this policy covers the Humsafar Trust board members, executive committee members and the employees. Provisions of this policy also cover consultants as well.

## 2.0 Defining Conflict of Interest

According to the Oxford dictionary, Conflict of Interest is defined as:

1. a situation in which the concerns or aims of two different parties are incompatible.
2. a situation in which a person is in a position to derive personal benefit from actions or decisions made in their official capacity.

The Merrium Webster dictionary defines COI as:

3. a conflict between the private interests and the official responsibilities of a person in a position of trust

According to the Texas McCombs school of business:

4. A conflict of interest arises when what is in a person's best interest is not in the best interest of another person or organization to which that individual owes loyalty. For example, an employee may simultaneously help himself but hurt his employer by taking a bribe to purchase inferior goods for his company's use. A conflict of interest can also exist when a person must answer to two different individuals or groups whose needs are at odds with each other. In this case, serving one individual or group will injure the other (<https://ethicsunwrapped.utexas.edu/glossary/conflict-of-interest>).

### 3.0 Conflict of Interest as per the Humsafar Trust

By amalgamating above definitions and practical experiences, **the conflict of interest for the Humsafar Trust** is defined in paragraphs below.

#### **Conflict of Interests Types:**

1. **Financial:** Receiving monetary benefits from another organization or entity in lieu of time, promotion while being a full time employee or board member.
2. **Non-financial:** Sharing Humsafar Trust's data, resources, knowhow and sensitive information with another organization because of holding an important position there.
3. **Conflict of roles:** Holding multiple roles as an employee as well as the member of another organization working in the similar field as the Humsafar Trust may lead to internal conflict of roles.

#### **Category I Board Members and Employees**

#### **A situation of "Conflict of Interest" is created by:**

1. **Holding Board and Trustee positions** in CBOs, NGOs and groups working in the following areas:
  - The health and human rights of LGBTQ+ persons and sex workers.
  - Art, culture and literature, films and media related to of LGBTQ+ persons and sex workers.

**Exception:** Holding Board and Trustee position in CBOs, NGOs and groups working in the following areas – child protection, children’s rights, education, mental health, women’s health, slum redevelopment, environment, water and sanitation, watershed management, livelihood programs, food security, energy and agriculture is acceptable. Before accepting such a position, a full and formal disclosure by way of a letter/ email to the reporting senior and in case of CEO, Chairperson and the board members email to the Humsafar Trust board is required.

**2. Accepting technical or advisory positions** in CBOs, NGOs task force and groups working in the following areas:

- The health and human rights of LGBTQ+ persons and sex workers.
- Art, culture, literature, films and media related to of LGBTQ+ persons and sex workers.
- Research projects on LGBTQ+ persons and sex workers.

**Exception:** Anyone who is approached to be on the community advisory board (CAB) for research/ intervention by another organization has to seek permission from the reporting senior for being a part of the CAB. In case of CEO, any board member or the chairperson, the board will take a final call on whether such a position can be taken up or not.

Technical and advisory positions in areas such as child protection, children’s rights, education, mental health, women’s health, slum redevelopment, environment, water and sanitation, watershed management, livelihood programs, food security, energy and agriculture is acceptable. Before accepting such a position, a full and formal disclosure by way of a letter/ email to the reporting senior and in case of CEO, Chairperson and the board members email to the Humsafar Trust board is required.

**3. Accepting consultancy assignment** from individuals and organizations. This includes serving as a recruiter, investigator or a community mobiliser for any other organizations working for research, health and rights of LGBTQ+.

**Exception:** Any employee who is approached by an international organization of repute for a consultancy which is tapping into the Humsafar Trust experience for a cross country learning can take up consultancy only after getting relevant permission and by surrendering consultancy amount (except for per diem) to the organization.

4. Promoting and marketing a product-physical or digital (for a fees, incentives in kind or otherwise) not related to the Humsafar Trust.

**Exception:** Anyone who already has a social media presence and have prior contracts can continue to the promotion but new contracts cannot be taken up. Promotion of HST links against an honorarium is allowed.

## **Category II Full time and Part-time Consultants**

**Note: Clauses applicable to Category I is applied to full time consultants.**

### **Part-time Consultants**

A situation of “Conflict of Interest” is created when:

1. A consultant is working on assignments which are directly conflicting with the interest of the Humsafar Trust. A consultant cannot work on similar projects in two organizations: for example developing the grant proposals simultaneously where HST and another organization are likely to compete. A consultant cannot take assignments which taps into the Humsafar Trust know-how. This includes developing proposals - intervention or research similar to the on-going work of the Humsafar Trust.
2. A consultant who is leading a project for the Humsafar Trust can not take an assignment with a collaborator or an agency which will create power dynamics that jeopardize the project of the Humsafar Trust.

**Exception:** Internal and organizational auditors are not covered by these provisions on this understanding that they abide by the provisions of ICAI Code of Ethics revised in January, 2019 based on 2018 edition of IESBA Code of Ethics which is applicable from 1<sup>st</sup> April, 2020.

## 4.0 Expected Conduct with respect to Conflict of Interest

### Category I Board Members and Employees

1. **Disclosure (making):** Upon joining the organization in any capacity, the member/ employee is expected to make a fully disclosure of their membership of any board, trust and any technical and advisory positions.
2. **Decision (sharing):** These positions if they are falling in the category of COI listed above, the joinee is expected to make a choice- whether to be a part of the Humsafar Trust exclusively or hold the position in another organization. In case a person is leaving the position held in another organization, such an action needs to be notified to the Humsafar Trust senior. Further evidence should be furnished by sharing a written evidence of an accepted resignation as well as digital evidence in the form of change in the board structure as reflected in the website of another organization. Resignation should be tendered prior to or within a week of joining the Humsafar Trust.
3. **Direction (receiving):** Whenever a CAB position or a consultancy offer of international level is made, the outside agency is supposed to write to the reporting senior of such an employee. Only when the senior has approved based on the HST policy then such a person can undertake the offered role. The senior needs to be kept marked on all the email communication pertaining to CAB or consultancy developments.

### Category II Full time and Part-time Consultants

**Note: Clauses applicable to Category I is applied to full time consultants.**

1. **Assess (COI):** Consultants who are part-time with the Humsafar Trust are expected to assess any potential assignments for a COI and then take a measured call.
2. **Assure (HST):** Consultants are expected to notify their reporting point person when they have made a decision to embark on an assignment. The reporting point person needs to know if the upcoming assignment is free of COI.

3. **Avoid (Role Conflict):** While working with HST and other organizations, a consultant is expected to steer clear of any role conflict.
4. **Abide (HST deadlines):** Consultants working on multiple assignments are expected to follow the deadline set by the Humsafar Trust.
5. **Aware (HST Rules):** Consultants working for the Humsafar Trust are expected to follow the full confidentiality measures pertaining to their on-going work, HST policies, knowledge resources and other confidential information.

## 5.0 Implementation of this Policy

In order to implement this policy, following course of action is recommended:

1. **Translation** of this policy in Hindi and inclusion of relevant portions in the job contract.
2. **Appointing a person** to ensure compliance of this policy and managing after effects.
3. **Collecting** organization-wide affiliation information via a google form.
4. **Sharing** this policy with the employees and potential job aspirants.
5. **Identifying** employees with potential COI and counselling them about the same.
6. **Setting** a deadline by which an employee's claim of action can be verified.
7. **Incorporating** - COI to be brought under safeguarding and HR policy.
8. **Maintaining** HR log of COI on an annual basis.

## 6.0 Policy Endorsement by the Humsafar Trust Board

***We the Humsafar Trust Board Members have drafted this policy to protect the best interests of the organization and hereby give our approval for its' implementation effective from January 1<sup>st</sup>, 2023.***

<b>Name</b>	<b>Position</b>	<b>Date</b>	<b>Signature</b>
Suhail Abbasi	Chairperson		
Vivek Anand	Board Member (also CEO)		
Shibu Thomas	Board Member		
Dr. Shubhojit Sen	Board Member		
Pradipta Ray	Board Member		