

Guideline under the Anti-Bribery Policy Suanluang District

1. Principle and Rationale

Reference is made to Strategic Sub-issue No. 5.4 on a transparent city under Strategic Issue No. 5 on promoting the creation of a participatory democratic city of the revised 20-Year Development Plan for Bangkok Metropolis (B.E. 2561-2580); Goal No. 5.4.2 in having efficient disciplinary implementing system relating to malfeasance and corruption and mechanism for preventing malfeasance and corruption in the future of the Strategic Sub-issue No. 5.4 on a transparent city under Strategy No. 5 on promoting the creation of a participatory democratic city of the 20-Year Development Plan for Bangkok Metropolis Phase 3 (B.E. 2023-2027); and the policy of “being transparent, saying no to bribery” of the Governor of Bangkok (Mr. Chadchart Sittipunt). The Bangkok Metropolitan Administration (BMA) has seen the importance of pushing forward actions against bribery in order to propel the Development Plan for Bangkok Metropolis and the Governor of Bangkok’s policy for preventing corruption and misconduct and bringing about concrete results. Furthermore, Bangkok Metropolitan Administration civil officials and personnel as well as persons who perform other duties in agencies under the Bangkok Metropolitan Administration can observe these as a guideline; therefore, the Anti-Bribery Policy shall be designated to apply as a guideline against bribery.

2. Objectives

2.1 To promote and encourage agencies under the Bangkok Metropolitan Administration to see the importance of management and administration with transparency and being free of malfeasance;

2.2 To state an intention to be an agency that is free of malfeasance and without all kinds of bribes; and

2.3 To set up a guideline against bribery of the Bangkok Metropolitan Administration.

3. Scope of Enforcement

The Guideline under the Anti-Bribery Policy of the Bangkok Metropolitan Administration (BMA) shall be enforced on Bangkok Metropolitan Administration civil officials and personnel as well as persons who perform other duties in agencies under the Bangkok Metropolitan Administration.

4. Definition

Bribery means any properties or benefits, presents, and gifts that are offered, promised to give, and granted; acceptance, giving or requesting for anything to do, not to do,

or delay doing any acts in the discharge of duties under official positions no matter such acts are lawful or unlawful;

Property means assets and formless objects which are possibly valuable and can be owned by a person or entity like money, houses, cars, and stocks;

Any other benefit means any other benefit given to each other as a friendly gesture, awards, gratuitous gifts, offers for assistance, offers for remuneration, privileges which are not ones provided to general persons for getting discounts or offering privileges for having services and entertainment as well as bearing expenses for trips or tourism, accommodation, meals or any other same things whether it is giving cards, tickets or any other pieces of evidence, payment in advance or reimbursement as well as facilitation payment.

Corruption means malfeasance by using or relying on one's positions, duties, power and influences for benefit of oneself or other persons. This includes the seeking of benefits done by private business sectors in the form of giving bribes or recompense to politicians or government officials in order to gain their desired benefit like those in the form of procurement bidding, giving concession and so on.

persons who perform other duties in agencies under the Bangkok Metropolitan Administration means persons who work for the Bangkok Metropolitan Administration in which ordinances of the Bangkok Metropolitan Administration, regulations, rules, and criteria prescribe the performance of duties, both permanent and temporary, or the working timeframe of not exceeding the Fiscal Year and such persons shall receive wages, payment from the performance. Moreover, this also includes contractors under the individual service contract according to the Regulation of the Ministry of Finance on Public Procurement and Supplies Administration *mutatis mutandis*.

5. Measures Applied in Case of Violation or Non-compliance

5.1 Bangkok Metropolitan Administration civil officials and personnel as well as persons who perform other duties in agencies under the Bangkok Metropolitan Administration shall strictly observe the Anti-Bribery Policy of the Bangkok Metropolitan Administration (BMA).

5.2 In the case where there is an accusation or it was suspected that Bangkok Metropolitan Administration civil officials and personnel and persons who perform other duties in agencies under the Bangkok Metropolitan Administration violate or do not comply with Clause No. 1 – 3 under the Anti-Bribery Policy of the Bangkok Metropolitan Administration (BMA), superiors who are authorized to give an order of placement, heads of agencies or authorized persons, as the case may be, shall promptly take actions or give order to initially

inquire or consider whether such acts are prone to be accused of disciplinary misconduct. Actions shall be taken under Chapter 6 on Discipline and Maintenance of Discipline and Chapter 7 on Disciplinary Proceedings of the Civil Service Act, B.E. 2551 (2008) and the Bangkok Metropolitan Administration Civil Service and Personnel Act B.E. 2554 (2011), the Bangkok Metropolitan Administration Rules on Human Resource Management of Bangkok Metropolitan Administration Employee B.E. 2562 (2019) or Bangkok Metropolitan Administration ordinances, regulations, rules and criteria relating to personnel administration of persons who perform other duties in agencies under the Bangkok Metropolitan Administration, as the case may be.

5.3 In the case where superiors who are authorized to give an order of placement, heads of agencies or authorized persons, as the case may be, appoint the inquiry committee for serious disciplinary misconduct against Bangkok Metropolitan Administration civil officials and personnel and persons who perform other duties in agencies under the Bangkok Metropolitan Administration for violating or failing to act in compliance with Clause 1 – 3 under the Anti-Bribery Policy of the Bangkok Metropolitan Administration (BMA). Superiors who are authorized to give an order of placement, heads of agencies, or authorized persons, as the case may be, shall promptly use their discretion to give an order of suspension, order of temporary removal from official services, or order of termination of work during the inquiry. Such acts comply with the Regulation of the Bangkok Metropolitan Administration Civil Service and Personnel Commission on Disciplinary Action B.E. 2565 (2022), Rule of the Bangkok Metropolitan Administration on Human Resource Management of Bangkok Metropolitan Administration Employee B.E. 2562 (2019) or Bangkok Metropolitan Administration ordinances, regulations, rules, criteria relating to personnel administration of persons who perform other duties in agencies under the Bangkok Metropolitan Administration, as the case may be.

5.4 The inquiry committee on serious disciplinary misconduct shall accelerate to complete the inquiry with consideration of fairness to the Government and effects on persons who are suspended, temporarily removed from official services, or to persons who are terminated from work during the inquiry.

5.5 Criteria on Specification of Position of the Office of the Permanent Secretary for the Bangkok Metropolitan Administration prescribed by the resolution of the Bangkok Metropolitan Administration Civil Service and Personnel Commission, namely 2 positions from the Executive at the Primary Level, 6 positions from the Managerial at the Primary or Higher Level, 12 positions from the Knowledge Worker at Senior Professional Level. Such Criteria, which are set up to support the behavioral adjustment of the accused

persons with clear pieces of evidence, persons with improper behavior during the disciplinary inquiry, or persons with less efficiency in performing official functions, shall be the guideline to move persons with improper conduct to prevent and fight against corruption and misconduct of the Bangkok Metropolitan Administration. The Criteria shall be used in the appointment of an inquiry committee for serious disciplinary misconduct, official suspension, and temporary removal from official services under the Rule of Bangkok Metropolitan Administration Civil Service and Personnel Commission on Disciplinary Action B.E. 2565 (2022).

And, in case of persons who hold positions of other types and levels, for example, positions in Knowledge Worker type from Professional Level to the lower level and in General type from Senior Level to the lower level, as well as Bangkok Metropolitan Administration teacher officials and educational personnel who are found having the same improper conduct, measures such as an order for temporary duty shall be imposed by lawfully authorized persons, and the inquiry committee on serious disciplinary misconduct shall be appointed together with the order of suspension and temporary removal from official services under the Rule of Bangkok Metropolitan Administration Civil Service and Personnel Commission on Disciplinary Action B.E. 2565 (2022).

5.6 Superiors who are authorized to give an order of placement shall consider the brief of inquiry report submitted by the inquiry committee on serious disciplinary misconduct to completion within 45 days after receiving such report, and make a report of brief on serious disciplinary action to Bangkok Metropolitan Administration Civil Service Commission to propose to Bangkok Metropolitan Administration Civil Service and Personnel Commission for consideration within 15 days from the date of completing consideration.

Heads of agencies shall consider the brief of inquiry report submitted by the inquiry committee on serious disciplinary misconduct against Bangkok Metropolitan Administration personnel to completion within 45 days from the date of receiving the report and submit it via hierarchical superiors to Permanent Secretary for BMA within 15 days from the date of completing consideration.

6. Measures on Follow-up, Inspection and Report of Superiors Who Are Authorized to Give an Order of Placement or Heads of Agencies to Bangkok Metropolitan Administration Anti-Corruption Operation Center

The report of the appointment of committees, the report of inquiry progress, the report of ordering suspension or temporary removal from official services, and the report of applying Criteria on Specification of Position of the Office of the Permanent Secretary for

the Bangkok Metropolitan Administration prescribed by the resolution of the Bangkok Metropolitan Administration Civil Service and Personnel Commission shall be applied and carried out as follows:

6.1 In the case where there is an appointment of the committee on fact inquiry, superiors who are authorized to give an order of placement, or heads of agencies, as the case may be, shall make a report of the appointment of committee on fact inquiry and progress in case of prone disciplinary misconduct to the Bangkok Metropolitan Administration Anti-Corruption Operation Center within 7 days from the date of issuing the order, and from the date of having progress of such probable disciplinary misconduct.

In the case where there is an appointment of the committee on non-serious or serious disciplinary inquiry, superiors who are authorized to give an order of placement or heads of agencies, as the case may be, shall make a report of such appointment to the Bangkok Metropolitan Administration Anti-Corruption Operation Center within 7 days from the date of issuing the order and make a report of the inquiry progress to the Bangkok Metropolitan Administration Anti-Corruption Operation Center every 30 days from the date of issuing the order.

6.2 Persons who order the suspension or temporary removal from official services according to Clause 5.3 shall make a report of suspension or temporary removal from official services to the Bangkok Metropolitan Administration Anti-Corruption Operation Center within 7 days from the date of issuing the order.

6.3 In the case where the Criteria on Specification of Position of the Office of the Permanent Secretary for the Bangkok Metropolitan Administration prescribed by the resolution of the Bangkok Metropolitan Administration Civil Service and Personnel Commission or measures for temporary duty are applied under Clause 5.5, such details shall be reported to the Bangkok Metropolitan Administration Anti-Corruption Operation Center within 7 days from the date of applying such Criteria measures.

6.4 In the case where the superiors who are authorized to give an order of placement or heads of agencies, as the case may be, have already acted in compliance with Clause 5.6, they shall make a report to the Bangkok Metropolitan Administration Anti-Corruption Operation Center within 7 days from the date of reporting to the Office of the Bangkok Metropolitan Administration Civil Service Commission to submit to Bangkok Metropolitan Administration Civil Service and Personnel Commission or from the date of hierarchical report to the Permanent Secretary for the BMA, as the case may be.

Authorized persons shall consider the inquiry report of the inquiry committee on serious disciplinary misconduct of persons who perform other duties in agencies under the Bangkok Metropolitan Administration, in accordance with ordinances of Bangkok Metropolitan Administration, regulations, rules, and criteria on personnel administration of persons who perform other duties in agencies under the Bangkok Metropolitan Administration, without delay. The result of consideration shall also be reported to Bangkok Metropolitan Administration Anti-Corruption Operation Center.

6.5 Office of the Bangkok Metropolitan Administration Civil Service Commission, Personnel Office under the Office of the Permanent Secretary for the Bangkok Metropolitan Administration, and Education Department shall consider the brief on serious disciplinary actions under Clause 6.4 of Paragraph 1 to the completion within 45 days from the date of receiving such brief so as to propose to the extraordinary subcommittee on discipline and removal from official services to act on behalf of the Bangkok Metropolitan Administration Civil Service and Personnel Commission, or screen, or give recommendations to the Bangkok Metropolitan Administration Civil Service and Personnel Commission or to authorized persons, as the case may be.

7. Complaint or Whistleblowing Channels

7.1 By posts, by phone, or make a complaint in person at the Bangkok Metropolitan Administration Anti-Corruption Operation Center located at Disciplinary and Ethics Promotion Division, Office of the Bangkok Metropolitan Administration Civil Service Commission, Bangkok City Hall. The postal address is No. 173 Dinso Road, Sao Chingcha Subdistrict, Phra Nakhon District, Bangkok, 10200. It can be reached by telephone at 0 2224 2963 or by e-mail at anticorrupt.bma@gmail.com.

7.2 By phone and electronic system of Complaint Center under the Permanent Secretary for the Bangkok Metropolitan Administration Secretariat, Office of the Permanent Secretary for the Bangkok Metropolitan Administration. This includes telephone number 1555 and the complaint system website of the Bangkok Metropolitan Administration at <http://www.bangkok.go.th/rongtook>

7.3 By posts, by phone, or make a complaint in person at departments, district offices, or agencies under the Bangkok Metropolitan Administration, or any other channels set up by each organization under the Bangkok Metropolitan Administration.

8. Protective Measures for Complainants /Whistleblowers on Confidentiality

8.1 Measures for protecting and caring for persons who are threatened or defamed as a result of giving information or being witnesses, or being unfairly complained about corruption and misconduct shall act as follows:

8.1.1 In case of anonymous letters without signatures, addresses, and positions, such letters shall not be taken for consideration unless having clear evidence as well as specific personal witnesses;

8.1.2 In the case where the complainants specify their names, positions, and addresses, once superiors have been informed, such act shall be considered as the official secret. A copy of the complaint, withholding the complainants' names, shall be sent to the superior of the accused for a secret inquiry whether it is true or not, and if it was found that:

- In the case where there is no sufficient evidence that ones can be accused of disciplinary misconduct, such allegation shall be terminated, and it shall be reported to the notified superior. In the case where the complainants, as Bangkok Metropolitan Administration civil officials, personnel, or persons who perform other duties in agencies under the Bangkok Metropolitan Administration, make a false complaint, they shall be put into disciplinary action. In the case where the complainants are civil officials from other affiliations, ministries, bureaus, or divisions, a report of fact shall be submitted to superiors of such civil officials to use discretion and make an order as appropriate. In the case where outsiders, threatened persons, or accused persons desire to take criminal cases, they shall coordinate with the Legal and Litigation Office to act as an assistant in providing advice and suggestions in order to prevent defamation.

- In case the allegation has sufficient evidence, and it is an offense, criminal proceedings shall be taken. If the alleged disciplinary misconduct is found to be true, an inquiry shall be implemented, or the inquiry committee shall be set up under laws on Regulations of Bangkok Metropolitan Administration Civil Officials and Educational Personnel coupled with Civil Service Regulations, Bangkok Metropolitan Administration Rules on Human Resource Management of Bangkok Metropolitan Administration Employee B.E. 2562 (2019), or Bangkok Metropolitan Administration ordinances, regulations, rules, criteria relating to the personnel administration of persons who perform other duties in agencies under the Bangkok Metropolitan Administration, as the case may be.

8.1.3 Superiors shall use discretion and give an order as appropriate to protect complainants as well as witnesses who provide information for inquiry from having

been affected by dangers or unfairness which possibly result from such complaints, being witnesses, or providing information.

8.2 Measures for protecting whistleblowers who report malfeasance and corruption shall be taken as follows:

8.2.1 After having been initially notified, superiors shall consider such malfeasance and corruption the official secret and make concealment of names, surnames, addresses, photos, or other information which can be used to identify such whistleblowers and conduct a secret inquiry to see whether there is any truth to it.

8.2.2 In conducting the secret inquiry process to find out facts, in the case where it is found that whistleblowers are Bangkok Metropolitan Administration civil officials or personnel or persons who perform other duties in agencies under the Bangkok Metropolitan Administration or civil officials from other affiliations, ministries, bureaus or divisions or outsiders providing facts which are greatly beneficial to Bangkok Metropolitan Administration, such whistleblowers shall be entitled to receive compensation and benefit in return as appropriate like credits or certificates as the case may be, as a special case. In the case where it is found afterward that such whistleblowers make a false statement and if they are Bangkok Metropolitan Administration civil officials or personnel or persons who perform other duties in agencies under the Bangkok Metropolitan Administration, an inquiry committee shall be set up to take action under laws on Regulation of Bangkok Metropolitan Administration Civil Officials and Educational Personnel and laws on Civil Service Regulation, Bangkok Metropolitan Administration Rule on Human Resource Management of Bangkok Metropolitan Administration Employee B.E. 2562 (2019), or Bangkok Metropolitan Administration ordinances, regulations, rules, criteria relating to the personnel administration of persons who perform other duties in agencies under the Bangkok Metropolitan Administration, as the case may be. For civil officials from other affiliations, ministries, bureaus, or divisions, a report shall be made to superiors of such whistleblowers to use discretion and make an order as appropriate. For outsiders, in the case where injured persons require to take criminal cases, they shall coordinate with the Legal and Litigation Office which acts as an assistant in providing advice and suggestions.

8.3 Measures for protecting and caring for threatened or defamed persons. In the case where the complaint is made through media like televisions, radios, newspapers, or e-mail addresses of the Bangkok Metropolitan Administration, it shall be implemented as follows:

8.3.1 In case complainants do not specify names, or addresses, such complaint shall not be taken for consideration unless having clear evidence as well as specific personal witnesses;

8.3.2 In case the complainants specify their names and addresses, responsible agencies shall make a hierarchical report to superiors who are authorized to give an order of placement, and such superiors shall conduct an investigation and inquiry or initially consider whether such complaint has enough evidence that can be accused of disciplinary misconduct.

- In case such complaint has a reasonable ground to be accused of disciplinary misconduct: if it is the accusation of non-serious disciplinary misconduct in which such accusation and summary of witnesses and evidence are notified to the accused persons and explanation of accused persons is listened to, and it is found that the accused persons are guilty of the accusation, an order of suitable punishment shall be made without setting up an inquiry committee. In the case where the accusation is considered serious disciplinary misconduct, superiors who are authorized to give an order of placement shall set up the committee for inquiry. In the case where it is an offense, criminal proceedings shall be taken.

- In the case where it considers that the allegation has no reasonable ground to be accused of disciplinary misconduct, such allegation shall be terminated.

- In the case where wrongdoers are Bangkok Metropolitan Administration personnel or persons who perform other duties in agencies under the Bangkok Metropolitan Administration, actions under the Rule of the Bangkok Metropolitan Administration on Human Resource Management of Bangkok Metropolitan Administration B.E. 2562 (2019), or Bangkok Metropolitan ordinances, regulations, rules and criteria relating to the personnel management of persons who perform other duties in agencies under the Bangkok Metropolitan Administration, as the case may be, shall be taken.

8.3.3 In case complainants who are Bangkok Metropolitan Administration civil officials or personnel or persons who perform other duties in agencies under the Bangkok Metropolitan Administration make a false complaint, they shall be put into disciplinary action. In case such complainants are civil officials from other affiliations, ministries, bureaus, or divisions, a report of fact shall be submitted to the superior of such civil officials for using discretion and making an order as appropriate. In case such complainants are outsiders and the threatened persons or accused persons desire to take criminal cases, they shall coordinate

with the Legal and Litigation Office to act as an assistant in providing advice and suggestions in order to prevent defamation.

8.3.4 In the case where complainants provide greatly useful and beneficial to the Government, such complainants shall be entitled to receive compensation and benefit in return as appropriate like credits or certificates as the case may be, as a special case.

8.3.5 In case the final inquiry is found that the threatened persons or defamed persons by media channels do not commit an offense as accused, such persons shall notify in a written letter to request the editor or related persons of such media for printing or doing anything to correct or deny such matter. The correction or printing shall be done immediately after receiving such letter. In the case where the editor or related persons fail to do so, such persons have the right to take commercial and criminal actions.

8.3.6 Any persons doing as specified below are prone to be illegal under Computer-related Crime Act B.E. 2550 and the amendments:

(1) Dishonestly or by deception, entering wholly or partially distorted or false computer data into a computer system in a manner likely to cause damage to the general public; which is not a defamation under the Criminal Code; and

(2) Entering false computer data into a computer system in a manner which is likely to cause damage to the protection of national security, public safety, economic safety of the Kingdom of Thailand, infrastructures which are for public benefit; or to cause panic to the general public.