

Code of Conduct for Contractors: Ethical Principles and Standards

Preamble

The Help Code of Conduct is based on the corporate values and principles of action of “Help – Hilfe zur Selbsthilfe e.V.” as stipulated in the statutes of the association.

This Code of Conduct for Contractors and its related principles and standards are based on recommendations from the UN Global Compact principles¹ and ECHO’s Humanitarian Aid guidelines for Procurement 2011².

Help as a humanitarian actor and as a buying organisation in that role, influences the flow and allocation of economic resources and consequently has a direct or indirect impact on poverty, rights, social and environmental conditions. Therefore, Help has a responsibility to promote fair and ethical procurement. Practicing ethical procurement means looking beyond economic parameters and efficiency. The life cycle of the resources we procure and the related social consequences, risks and implications for people, society and the environment, shall be considered in the procurement process.

By this Code of Conduct for Contractors, Help seeks to apply ethics to our procurement. The objective of this code is to ensure that the contractors we work with act socially and environmentally responsible.

General Conditions

This Code of Conduct for Contractors defines ethical principles and standards for our contractors. All of Help’s contract Parties are expected to comply with this code and make the principles of this code known to any subcontractor used by the contract party and ensure that subcontractors adhere to these standards accordingly.

The provision of the ethical standards constitutes minimum rather than maximum standards. National laws shall be complied with, and where the provisions of law and Help standards address the same subject, the highest standard shall apply.

All contract parties are requested to sign this Code of Conduct and thereby confirm that they uphold its standards and work actively towards its implementation as far as applicable to their status and areas of activity.

Respect for Human, Social and Labour Rights

Help’s contractors must at all times protect and promote human, social and labour rights and work actively to address issues of concern. As a minimum they are obliged to comply with the following ethical standards:

Respect for Human Rights

The contract party represents and warrants that neither it nor any of its subcontractors violates the fundamental human rights as set out in UN Universal Declaration of Human Rights and the European Convention on Human Rights. The basic principles of the Universal Human Rights are that all human beings are born free and equal in dignity and in rights, and everyone has the right to life, liberty and security of the person. Contractors are responsible to uphold and promote the Human Rights towards employees and the community in which they operate.

¹ <https://www.unglobalcompact.org/what-is-gc/mission/principles>

² http://ec.europa.eu/echo/files/partners/humanitarian_aid/Procurement_Guidelines_en.pdf

Non exploitation of Child Labour

The contract party represents and warrants that neither it nor any of its subcontractors are engaged in any practice of exploitation of child labour³ or other practice inconsistent with the rights as set out in the UN Convention on the Rights of the Child. The contract party is required to take all necessary steps to prevent the employment of child labour. A child is defined as a person under the age of 18 and children shall not be engaged in any work that is likely to compromise their health, safety, mental and social development or that is hazardous to interfering with their education.

Employment is freely chosen

The contract party represents and warrants that neither it nor any of its subcontractors make use of any form of forced or bonded labour and that they respect workers freedom to leave their employer.

Freedom of association and the right to collective bargaining

The contract party represents and warrants that it and all of its subcontractors recognise workers right to join or form trade unions and bargain collectively, and should adopt an open attitude towards the activities of trade unions.

Living wages are paid

The contract party represents and warrants that it and all of its subcontractors meet national minimum wage standards where they exist or ILO wage standards as a minimum. It is expected that the contract party and all of its subcontractors pay living wages. A living wage is contextual, but it should always ensure a basic living standard that is considered as decent in the respective context which means that it must meet basic needs such as food, shelter, clothing, health care and schooling as a minimum.

No discrimination in employment

The contract party represents and warrants that neither it nor any of its subcontractors practice any form of discrimination in hiring, salaries, job termination, retiring, and access to training or promotion - based on race, national origin, caste, gender, language, sexual orientation, political affiliation, age, disability, marital status, health status, or other distinguishing characteristics.

No harsh or inhumane treatment of employees

The contract party represents and warrants that it and all of its subcontractors are protecting employees and workers from any acts of physical, verbal, sexual or psychological harassment, abuse or threats or other forms of intimidation in the workplace by either their fellow workers or their managers.

Working conditions are safe, healthy and hygienic

The contract party represents and warrants that it and all of its subcontractors take adequate steps to provide a safe, healthy and hygienic working environment. Additionally workers health and safety must be a priority and adequate steps must be taken to prevent accidents and injury to health associated with or occurring in the course of work.

Working hours are not excessive

The contract party represents and warrants that it and all of its subcontractors ensure that working hours comply with national law and international standards. A working week of 7 days should not exceed 48 hours and employees must have one day off per week. Overtime shall be compensated, limited and voluntary.

Regular employment is provided

The contract party represents and warrants that it and all of its subcontractors ensure that all work performed is on the basis of a recognised employment relationship established through international conventions and national law. The contract party and all of its subcontractors must protect vulnerable group's regular employment under these laws and conventions and must provide workers with a written contract.

³ The definition of Child Labour can be found at: <https://www.unglobalcompact.org/what-is-gc/mission/principles/principle-5>

Anti-Corruption

The contract party represents and warrants that neither it nor any of its subcontractors are engaged in any sort of corruption, defined as the misuse of entrusted power for illegitimate private (individual or group) gain, including but not limited to money laundering, bribery, facilitation payments, embezzlement, extortion, favouritism and forms of fraud.

The contract party accepts and acknowledges the Help Anti-Fraud and Anti-Corruption Policy and Regulations which will form inherent component of all contracts concluded with Help.

Conflict of Interest

The contract party represents and warrants that neither it nor any of its subcontractors are engaged in any activity which conflicts with its obligation towards the contracting authority, i.e. Help, and/or the Donor Institution that funds the project under which a contract between the contracting authority and the contract party is concluded.

The contract party represents and warrants that it and all of its subcontractors will disclose to Help any situation that may appear as a conflict of interest, and disclose to Help if any Help representative, staff or professional under contract with Help may have an interest of any kind in the contract party's or any of its subcontractors' business or any kind of economic ties with the contract party or its subcontractors.

Gifts and Hospitality

The contract party represents and warrants that neither it nor any of its subcontractors will offer any benefit such as free goods or services, employment or sales opportunity to a Help representative, staff or professional under contract with Help in order to facilitate its or its subcontractors' business with Help.

Sexual Exploitation and Sexual Abuse

The contract party represents and warrants that it and all of its subcontractors are protecting all people from sexual abuse and sexual exploitation, meaning any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. Similarly, the term 'sexual abuse' means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

Illegal Activity and Terrorism

The contract party represents and warrants that neither it nor any of its subcontractors are engaged in any sort of illegal activity.

The contract party represents and warrants that neither it nor any of its subcontractors are engaged in any transactions with, and/or the provision of resources and support to, individuals and organisations associated with terrorism.

Mines and Weapons

The contract party represents and warrants that neither it nor any of its subcontractors are actively and directly or indirectly engaged in any development, manufacturing, stockpiling or trade of anti-personnel mines and/or cluster munition, or components thereof, and of weapons including but not limited to firearms, chemical weapons, biological weapons and nuclear weapons.

Transport and Cargo

If a provider of transport and cargo, the contract party represents and warrants that neither it nor any of its subcontractors are engaged in transport activities which initiate, sustain, and/or exacerbate conflict or other illegal

activities. If a contract party is arranging transport, it should ensure that the transport provider has ethical standards in place and is not engaged in transport of illicit or illegal goods.

Additionally, whenever air transport is required Help will give preference to providers who are not on the EU Safety Ban List⁴.

Protection of the Environment

The contract party represents and warrants that neither it nor any of its subcontractors are violating any national or international environmental legislation and/or agreements.

The contract party represents and warrants that it and all of its subcontractors act in an environmentally responsible manner and addresses issues related to proper waste management, insuring recycling, conservation of scarce resources, and efficient energy use.

Transparency and Accountability

The contract party undertakes a duty of full disclosure of any relevant material at any time and at the sole discretion of Help in order for Help to examine any alleged breach of this Code of Conduct.

Affirmative statement

We hereby confirm that we have received, read, and understood Help's Code of Conduct for Contractors.

We declare that we shall carry out our duties to comply with the abovementioned ethical principles and standards and work for the implementation thereof. This, to the highest professional standards and in the best interests of Help. We acknowledge that this commitment is not linked to the possibility for future contract awards. We declare that we are committed to apply the ethical principles and minimum standards throughout our commercial and procurement activities. We have in place, or are working towards having in place, procedures to ensure that ethical principles and standards are upheld by our staff and our contractors.

We are fully aware that any failure to sign and comply with this Code of Conduct for Contractors could lead to exclusion from the tender/procurement procedure and to the rejection of the bid/tender.

We are also fully aware that unwillingness to cooperate with Help or serious violations of the Code of Conduct for Contractors will lead to termination of awarded contracts.

Company name:

Full name and position of signatory:

Date:

Signature and stamp:

⁴ http://ec.europa.eu/transport/air-ban/list_en.htm

Key International Conventions and Reference Documents

(All web links as accessed on 22 June 2016)

UN Universal Declaration of Human Rights, 1948;
<http://www.un.org/en/universal-declaration-human-rights/>

European Convention on Human Rights, 1950 including all protocols to the convention
http://www.echr.coe.int/Documents/Convention_ENG.pdf

ILO Declaration on Fundamental Principles and Rights at Work and its follow-up, 1998; (Annex revised 2010)
<http://www.ilo.org/declaration/thedeclaration/textdeclaration/lang--en/index.htm>

UN Convention on the Rights of the Child, 1990;
http://www.unicef.org.uk/Documents/Publication-pdfs/UNCRC_PRESS200910web.pdf

The Rio Declaration on Environment and Development, 1992;
http://www.unesco.org/education/nfsunesco/pdf/RIO_E.PDF

Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, adopted 1997, entry into force 1999;
http://www.apminebanconvention.org/fileadmin/APMBC/text_status/Ottawa_Convention_English.pdf

Convention on Cluster Munitions, adopted 2008, entry into force 2010;
<http://www.clusterconvention.org/files/2011/01/Convention-ENG.pdf>

The Ten Principles of the UN Global Compact
<https://www.unglobalcompact.org/what-is-gc/mission/principles>

Guidelines for the award of Procurement Contracts within the framework of Humanitarian Aid Actions financed by the European Union
http://ec.europa.eu/echo/files/partners/humanitarian_aid/Procurement_Guidelines_en.pdf