Behavioural Codex for Trading and Non-Trading Commodities

The principles laid down in this behavioural codex are not to be regarded as maximum demands but should be exceeded, if possible.

1. Area of Validity

This behavioural codex forms the basis for all business relationships with regard to all national and international production processes and sites regarding the final stage of production (hereafter "Production Sites") for all trading and non-trading commodities procured by the SpanSet-Group. It is valid for the SpanSet-Group over the whole world as well as for the SpanSet-Group's direct business partners, and also for any other agents commissioned by said direct business partners who are involved in the manufacturing of goods for the SpanSet-Group (hereafter jointly referred to as "Business Partners"). The business Partners guarantee and vouch for the fact that they will adhere to and/or grant the principles laid down in this behavioural codex.

2. Observance of Laws

In the respective production sites the valid national and international laws and ordinances, minimum industrial standards, ILO and UN conventions as well as all other relevant stipulations (hereafter referred to as "Norms") are to be observed, whereby those norms that represent the strictest requirements are to be applied.

The observance of this behavioural codex and the above norms may not be circumvented by any stipulations in employment contracts or comparable measures (e.g. pseudo-training programmes).

3. Child Labour/Employment of Adolescents

Child labour and any form of exploitation of children and adolescents will not be tolerated by the SpanSet-Group.

The minimum age for working authorisations may not be below that age at which compulsory education ends and under no circumstances be below the age of 15. Inter-state norms for the protection of children and adolescent employees are to be observed.
The exceptions of the ILO apply.
The observance of the ban on child labour and the restriction of the employment of adolescents is to be guaranteed. In particular, adolescents may not be subjected to any situations that are dangerous, unsafe or hazardous to health. In the event of a violation of this ban the business partner is to introduce appropriate remedial actions without delay. The remedial actions are to be documented. Moreover, such measures and procedures are to be taken that serve the purposes of the rehabilitation and social integration of the children concerned and to enable them to acquire a general school-leaving certificate in accordance with inter-state norms.

In accordance with the ILO conventions 79,138,142 and 182, as well as the ILO recommendation 146.

4. Discrimination

Any form of discrimination in connection with appointment and employment is forbidden. In particular all forms of differentiation, exclusion or preference that are based on the race, social caste, colour of the skin, gender, age, religious beliefs, political opinion, membership in a workers' organisation, physical or mental handicap, ethical, national and social origin, nationality, sexual orientation or any other personal characteristics are forbidden. This applies independent of whether said differentiation, exclusion or preference was decided upon by the business partner or not,

In accordance with the ILO conventions 100, 111, 143, 158 and 159.

5. Right of Association and Right to Free Collective Bargaining

The employees are to be protected against all forms of differential treatment that are connected with their employment and are targeted against the freedom of assembly. Their right to found associations or organisations of their own choosing for the purpose of promoting and protecting the interests of employees, to join or resign from said organisations as well as to work for them is to be respected. The practice of their professions must not be impaired as a consequence thereof.

In the event that any inter-state norms should restrict the right of association and the right to free collective bargaining then, as an alternative, the free and independent association of employees for the purpose of conducting negotiations must be made possible and granted as a minimum standard.

In accordance with the ILO conventions 87, 98, 135 and 154 as well as the ILO recommendation 143.

6. Forced Labour

All forms of forced and compulsory labour, debt bondage, serfdom or slave labour as well as any conditions similar to those of slavery will not be tolerated by the SpanSet-Group. All forms of prison labour are rejected. No employee may be directly or indirectly compelled to work by means of violence or intimidation. Employees may only be deployed if they have voluntarily come forward for the tasks in question.

In accordance with the ILO conventions 29 and 105.

7. Disciplinary Measures

All employees are to be treated with honour and respect. Sanctions, fines, and any other forms of punishment or disciplinary measures may only be imposed in accordance with valid national and international norms as well as with the internationally recognised human rights.

No employee may be subjected to verbal, psychological, physical, sexual and/or bodily violence, coercion or harassment.

8. Working Hours

Working hours must be in accordance with valid legislation, industrial standards or relevant ILO conventions, whichever is the stricter regulation. The maximum permissible number of working hours per week according to the national laws shall apply, but this may not, on a regular basis, exceed 48 hours or 60 hours including extra work. Moreover the relevant national and international norms, and in particular the exceptions of the ILO, shall apply to individual trades and types of employment contracts as well as in cases of serious disturbances to regular company operations.

The employees are entitled to at least one day off after six consecutive working days. Any extra work performed is to be rewarded separately in accordance with inter-state norms. Extra work must be performed on a voluntary basis.

In accordance with the ILO conventions 1 and 14.

9. Documentation of the Working Relationship

The business partners guarantee the written documentation of the working conditions (e.g. beginning and duration of the working relationship, number of working hours, wages and bonuses) of their workforce in relation to those manufacturing phases that directly affect them. The name, date and place of birth and, if at all possible, the address of the employee should be registered.

The direct business partners furthermore guarantee an equivalent documentation on the part of any agents employed by them.

Any circumvention of valid inter-state labour and social insurance norms is banned.

10. Remuneration

The business partners guarantee that the wages paid to the employees corresponds at the very least to the minimum wage prescribed either by law or the normal standards of the branch of industry in question, whichever is the higher. The wages paid should be sufficient to cover the employees' basic needs.

Illegal and unjustified wage deductions, in particular such that take the form of direct or indirect disciplinary measures, are forbidden. The wages must be paid to the employees in a form that is practicable for the latter (e.g. in cash or by cheque). The employees are to be informed regularly and in detail as to how their remuneration is made up.

In accordance with the ILO conventions 26 and 131.

11. Health & Safety

The business partners are required to ensure a safe and healthy working environment.

They will undertake those measures necessary to avoid accidents and damage to health that could arise in connection with their activities. To this end the business partners will set up systems for the detecting and averting of potential threats to the health and safety of their employees or to respond to such threats. They will furthermore guarantee that the employees are regularly informed about and trained in health and safety norms, as well as safety measures. The business partner is required to document the above.

Clean toilets and access to adequate quantities of drinking water must be provided. Inasmuch as bedrooms are also provided, these must be clean and safe and conform to health requirements.

In accordance with the ILO convention 155.

12. Environmental Protection

The protection of nature and the environment is an integral part of the business practice of the SpanSet-Group. The business partners are required to observe the environmental standards valid at any given time. They are furthermore required to work continuously on the avoidance and reduction of burdens on the environment. Valid procedures and standards for waste management, handling of chemicals and other hazardous substances and the disposal thereof, as well as for emissions and the treatment of waste water are to be observed. The protection and preservation of the natural resources of life are to be taken into particular account and an environmentally and socially compatible method of production should be promoted.

13. Information/Communication

As a minimum requirement, this behavioural codex is to be made available in the respective language of the country concerned and to be displayed in places where they are freely accessible and clearly visible to all the employees of the business partners. In the event of illiteracy the behavioural codex is to be explained orally.

14. Bribery and Corruption

No form of bribery or corruption will be tolerated by the SpanSet-Group. All business partners and employees must conduct themselves in such a fashion that no personal dependencies, obligations or influences can arise. It is expected of everyone that he/she will go about his/her business in a manner compatible with the principles of fairness and the observation of the valid national and international norms at any given time.

The business partners will also introduce an anti-bribery and anti-corruption policy that is to be observed in all fields of business activity. Inasmuch as, in certain nations, presents are a matter of custom and politeness, care should be taken that these do not lead to any obligating dependencies and that the valid norms of the law of the country in question are adhered to.

Any indications of corrupt behaviour should be reported to the SpanSet-Group (Divisions: Company Auditing or Company Investigations) or to the independent external ombudsman (cf. Figure 18).

15. Management Systems

The business partners shall introduce a management system for the purpose of the realisation, observance and monitoring of the principles set down in this behavioural codex. The management system must contain clearly defined responsibilities and procedures as well as adequate documentation. The documentation, realisation, upholding and continuous improvement of the principles set down in this behavioural codex need to be reviewed regularly. These reviews are to be documented. The direct business partners shall ensure that any other agents deployed by them adhere to the principles set down in this behavioural codex.

16. Monitoring of the Behavioural Codex

It is the responsibility of the SpanSet-Group to vouch for the guaranteeing of the principles of this behavioural codex. To this end the business partners are, if required to do so by the SpanSet-Group, obliged to have a social audit implemented at their production sites.

The direct business partners guarantee that the SpanSet-Group itself or, if necessary, any third parties authorised by it may be allowed to carry out a review of the observation of the principles set down in this behavioural codex on the premises of either the immediate agent itself or on those of any other sub-agents deployed by it. It will name its production sites for this purpose accordingly.

17. Sanctions and Remedial Actions

The SpanSet-Group is entitled to monitor the principles defined in this behavioural codex. Inasmuch as any non-observance is established, the business partner is obliged to introduce appropriate remedial actions without delay. The SpanSet-Group will provide both sufficient time and support for said remedial actions.

The right to terminate the business relationship with the business partner enjoyed by the SpanSet-Group will not be restricted by the above. And this is irrespective of whether the direct business partner itself or any of the other agents it has deployed is guilty of violating the principles defined in this behavioural codex.

18. Complaints Procedure

Any complaints about or pointers to violations of this behavioural codex can be addressed at any time to the SpanSet-Group – also anonymously – to the contact persons named below:

The notifying party is obliged only to report such complaints or pointers the truth of which it is genuinely convinced of.

All business partners guarantee that no actions, of a disciplinary or any other nature, to the detriment of the notifying party will be taken.

Übach-Palenberg / 2010