



## SUPPLIER CODE OF CONDUCT AND ETHICS

CONFIDENTIAL

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## **1. About the National Bargaining Council for Road Freight and Logistics Industry**

The National Bargaining Council for the Road Freight & Logistics Industry (“Council”) is established in terms of Section 27 of the Labour Relations Act 66 of 1995. Council is constituted by the party employer organisations, and party trade unions.

## **2. Aim of the Supplier Code of Conduct**

The aim of this Supplier Code of Conduct (“Code”) is to regulate the ethical principles that govern the actions of suppliers with whom Council may enter into a contractual relationship. By disseminating these ethical principles, Council aims to promote its firm commitment to a strong corporate culture, based on values that make a difference.

Council is committed to doing business the right way by acting honestly, fairly and with highest standards of integrity including in its relations with suppliers. The actions of suppliers may have a direct impact on the reputation of Council. It is for that reason that Council aims to work with suppliers who share its commitment to doing business the right way and which is consistent with this Code.

It is the policy of Council to comply with all laws and regulations applicable to it including the principles of good governance where it does business, and it expect its supplier to do the same. Suppliers are therefore expected to know this Code and fully comply with it as well as take the necessary steps to ensure that it is communicated throughout their organisations.

For the purposes of this Code, suppliers are defined as companies or persons rendering services to Council, including suppliers of all materials and services, contractors, consultants, outsourcing services, and other business partners.

## **3. Scope**

This Code is applicable to suppliers with whom Council may enter into a contractual relationship from time to time.

## **4. Ethical Principles**

The following ethical principles are aimed at determining and directing the standard of conduct of suppliers within the frame of reference. In this regard, suppliers shall:

- a. Act with integrity and honesty at all times as the values that underly trust-based relationship that must be equally observed by all who work with, and consistently apply highest ethical standards.
- b. Base their actions on ethical behaviour and aim to build long-term relationships based on honesty, trust, and mutual respect.
- c. Demonstrate outstanding professionalism and aim to achieve results in the best way possible.
- d. Make an effort to convey unrivalled image of professionalism in all situations.
- e. Always commit to Council and its stakeholders as well as keep up the level of excellence in all aspects of their professional performance.
- f. Beyond what is required for acceptable working relationship, consider that employees are people, and thus deserve to be treated as such. This involves respect for human rights and work environment that promote growth, development, and personal success, fostering a climate of continuous collaboration and teamwork.
- g. Meet the highest demands, exceeding expectations in an environment of constant trust and close cooperation.
- h. Protect the confidentiality of information to which they may have access, never share such information with third parties, treat all with great responsibility, control, and protection, without using it for personal gain or for that of third parties. The information of Council, employees, Councillors, and stakeholders that they might have access as a result of their professional activity are considered confidential.

## **5. Labour Standards and Human Rights**

The Bill of Rights, Chapter 2 of the Constitution of the Republic of South Africa, enshrines the fundamental human rights of all people living in South Africa. The Council upholds these rights, as well as those defined by the United Nations and enshrined in International Human Rights Law.

Council expects its Councillors and employees to comply with these principles and to act in the best interest of Council at all times. Council also expects its stakeholders, partners, suppliers, and customers to comply and adhere to these principles.

## DIGNITY, FAIR TREATMENT AND NO HARASSMENT

- Suppliers should envisage an environment that promotes diversity, respect for human rights and equal opportunity where all employees are treated with dignity and fairness. Our suppliers should refrain from unlawful discrimination, victimisation, or harassment.

## FORCED LABOUR AND CHILD LABOUR

- No supplier shall employ any child that has not attained the minimum legal working age and shall not make use of any involuntary labour.

## WORKING HOURS AND LEAVE

- Suppliers should adhere to the applicable legislation with regard to working hours and leave, including overtime working hours, as well as annual, sick, and parental leave and any other applicable leave regulations.

## WAGES AND BENEFITS

- Suppliers shall adhere to the applicable legislation with regards to wages and benefits. All their employees shall be paid at least the minimum prescribed wage. Suppliers shall provide their employees with information about their employment terms and conditions, including benefits, in a format and language they can easily understand, such as a written employment contract, and a timely wage statement. Deduction from wages is permitted only if and to the extent prescribed by applicable law, regulations, or collective bargaining agreements.

## FREEDOM OF ASSOCIATION

- Freedom of association and collective bargaining are fundamental human rights. All suppliers should protect and promote this right, which enables their employees to have a voice and representation. We expect our suppliers not to discriminate against any person because of their affiliation to any organisation of their own choosing.

## ANTI-DISCRIMINATION

- We expect our suppliers to treat everyone with dignity and respect and provide equal opportunities and prohibit all forms of unfair discrimination, including but not limited to, race, gender, sex, sexual orientation, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, language, and birth. suppliers

shall not tolerate humiliating or physical punishment or allow any of their employees to be subject to verbal, psychological, physical, or sexual harassment or abuse.

### THIRD-PARTY EMPLOYMENT AGENCIES

- Suppliers shall ensure that any third-party recruitment agencies used are compliant with the provisions of this Code and the law.

### FAIR EMPLOYMENT PROCEDURES AND REMEDIES

- Suppliers must ensure that all of their employees are provided with transparent, fair, and confidential procedures that result in swift, unbiased, and fair resolution of difficulties that may arise as part of their working relationships.

### LAND RIGHTS OF COMMUNITIES

- Suppliers must respect the rights and title to property and land of the individual, indigenous people, and local communities. All negotiations with regard to their property or land, including the use of and transfers of such, must adhere to the principles of free, prior, and informed consent, contract transparency and disclosure.

### GRIEVANCE SYSTEMS

- Suppliers shall ensure that their employees have an effective mechanism to report grievances and must ensure that they facilitate open communication between management and employees.

### EMERGENCY PREPAREDNESS AND RESPONSE

- Suppliers shall identify and assess potential emergency situations. For each situation, suppliers shall develop and implement emergency plans and response procedures that will minimise harm to life, the environment, and property.

### INCIDENT MANAGEMENT

- Suppliers shall have a system for their employees to report health and safety incidents and near misses, as well as a system to investigate, track, and manage such reports. Suppliers shall implement corrective action plans to mitigate risks, provide necessary medical treatment, and facilitate the return to work of affected

employee(s).

## WORKING AND LIVING CONDITIONS

- Suppliers shall provide their employees with reasonably accessible and clean toilet facilities and potable water. Supplier-provided dining, food preparation, and storage facilities shall be sanitary. Worker dormitories provided by suppliers or third-parties shall be clean and safe and provide reasonable living space.

## 6. Business Ethics and Integrity

### COMPLIANCE WITH LEGISLATION

- We expect our suppliers to be knowledgeable and comply with all applicable local, national, and international laws and regulations, as well as contractual terms and conditions agreed upon with the Council, and to deal fairly and act ethically in all matters. All legally required permits, approvals, licenses, registrations, inspections, and related reports shall be in place, up to date and available for inspection upon request.

### ANTIBRIBERY, CORRUPTION AND EXTORTION

- Council has a zero-tolerance approach to bribery, corruption and extortion and conducts all its business honestly and ethically in an open and transparent manner. The same behaviour is required of all our suppliers. Suppliers may not act in any manner that transgresses anti-bribery legislation.

### WHISTLE-BLOWERS: BE HEARD CRIME REPORTING LINE

- The Council has an anti-crime policy that addresses crime in general, including fraud and corruption. The internal audit department is very active and makes use of both reactive and proactive approaches in dealing with criminal or unacceptable activity. The Council makes use of an external service provider to facilitate and handle the reporting of dishonesty, fraud and other inappropriate behaviour. Whistleblowers may call 0800-000-904 with anonymous tip-offs 24 hours a day, 365 days a year. The hotline supports the Council's approach of zero tolerance of unethical behaviour. This provides staff, customers, and suppliers with the opportunity to help the Council identify and eradicate all forms of crime.
- We expect our suppliers to have the same zero tolerance approach to crime and corruption.

## CONFLICT OF INTEREST

- Our suppliers must declare conflicts of interest (actual, potential, or reasonably perceived) as soon as they become aware of them.
- The giving or acceptance of any gifts should not create improper influence or obligate the recipient for any business opportunity. Gift giving should occur sparingly and always be legitimate and aligned with the Council's policy.

## UNFAIR COMPETITION

- Our suppliers must conduct their business in compliance with competition legislation. Any anti-competitive conduct, restrictive practices such as price fixing, collusion, market sharing, bid rigging and kickbacks are prohibited. Our suppliers should not engage in business practices that will restrict or limit competition.

## INTELLECTUAL PROPERTY AND PERSONAL INFORMATION

- Our suppliers shall respect the Council's confidential information and intellectual property rights by safeguarding against misuse, mishandling, counterfeit, theft, fraud, or improper disclosure in accordance with applicable law and the contractual terms with the Council.
- All and any personal information about individual must be handled with full respect for the protection of their privacy and for all relevant privacy laws and regulations, including the Protection of Personal Information Act (POPIA) and the Promotion of Access to Information Act 2 of 2000 (PAIA) in South Africa.

## PROTECTION OF CONFIDENTIAL INFORMATION

- Our suppliers should take all reasonable measures to prevent the disclosure of confidential the Council information. The disclosure of any confidential, proprietary, or sensitive information to any party is strictly prohibited.

## PRODUCT QUALITY AND RESPONSIBLE INNOVATION

- Products and services provided by our suppliers must be delivered to meet the specifications and quality and safety criteria specified in the relevant contract documents and must be safe for their intended use. Research and development must be conducted responsibly and based on good clinical practice and generally accepted scientific, technological, and ethical principles.



## COUNTERFEIT PARTS

- Our suppliers should not source or supply counterfeit products to the Council.

## FINANCIAL RECORDS, MONEY LAUNDERING AND INSIDER TRADING

- Suppliers must ensure that all business and commercial dealings are transparently performed and accurately recorded in the supplier's books and records. They must ensure that there is no actual or attempted participation in money laundering. No confidential information in the supplier's possession regarding the Council may be used to either engage in or support insider trading.

## EXPORT CONTROLS

- Our suppliers are expected to implement export controls in line with all applicable legislation and regulations.

## 7. Transformation

The Council recognises the importance of implementing a broad based black economic empowerment (B-BBEE) programme in South Africa that addresses the inequalities of the past through a dedicated and ongoing process. It is expected that suppliers share the same values to ensure that the economy is structured and transformed to enable the meaningful participation of all its citizens. Our suppliers must at all times be in possession of valid B-BBEE certificates or affidavits, whichever is applicable.

## 8. Health and Safety

A commitment to Health and Safety sits at the very heart of our business. As such, we require all our suppliers to:

- Maintain compliance with the Occupational Health and Safety laws and regulations and any other relevant laws, regulations, and codes of standards;
- Provide demonstrated evidence of their safety excellence and an Occupational Health and Safety Management system;
- Outline the identified Occupational Health and Safety risk for activities and their systems and methods to effectively manage those risks;

- Notify the Council of any incidents and Occupational Health and Safety performance associated with activities performed for The Council; and
- Maintain adequate insurance coverage including employee compensation.

Suppliers must take all reasonable steps to fully comply with all environmental, health and safety legislation and regulations.

## **9. Fair Business Practices**

We also require that suppliers do not engage in business practices that will restrict or limit competition. In particular:

- Never discuss or reach an understanding or arrangement with a competitor about supplies, prices, terms, tenders, other competitors, or other factors relevant to competition;
- Never try to influence another supplier's or competitor's dealings with The Council;
- Not to take advantage of others' disadvantage by acting unfairly or unconscionably;
- Not to supply goods and services in a manner that contravenes the Trade Practices Act or other legislation;
- Not mislead or deceive with advertising, predictions, and opinion; and
- Refrain from discussing the Council's business or information in the media, unless duly authorised.

By complying with the requirements outlined in this document, suppliers will be able to advance their business objectives and interests in a fair and ethical manner. All of our suppliers are required to comply with this Code; accordingly, doing so will not advantage them in any way in their dealings with the Council. It is also important that suppliers are aware of the consequences of not complying with the Council's ethical requirements when doing business with us. Any corrupt or unethical conduct could lead to:

- Termination of contracts

- Loss of future work
- Loss of reputation
- Investigation for corruption
- Matters being referred for criminal investigation.

## **10. Environment and Sustainability**

We are responsible for the environment and seek opportunities to reduce our environmental footprint. We aim to protect and conserve land, air, water, biodiversity and energy resources.

We expect our suppliers to:

- Comply with all applicable laws and regulations to protect the environment.
- Maintain all legally required environmental permits, licenses, approvals, and other certifications.
- Improve their efficiency of energy, water, and natural resource usage.
- Responsibly manage their air emissions, water quality and handling of hazardous materials.
- Have appropriate policies and controls to effectively manage their environmental performance.

### **HAZARDOUS WASTE MANAGEMENT**

- Where applicable, suppliers shall implement a systematic approach to identify, manage, reduce, and responsibly dispose of or recycle hazardous waste.

### **NON-HAZARDOUS WASTE MANAGEMENT**

- Where applicable, suppliers shall implement a systematic approach to identify, manage, reduce, and responsibly dispose of or recycle non-hazardous waste.

### **WASTEWATER MANAGEMENT**

- Where applicable suppliers shall implement a systematic approach to identify, control, and reduce wastewater produced by their operations. This includes conducting routine monitoring of the performance of their wastewater treatment systems.

#### STORMWATER MANAGEMENT

- Where applicable, suppliers shall implement a systematic approach to prevent contamination of stormwater runoff. Suppliers shall prevent illegal discharges and spills from entering storm drains, the public water supply, or public bodies of water.

#### AIR EMISSIONS MANAGEMENT

- Where applicable, suppliers shall identify, manage, reduce, and responsibly control air emissions emanating from their operations that pose a hazard to the environment. Suppliers shall conduct routine monitoring of the performance of their air emission control systems.
- Where applicable, suppliers shall regularly quantify, set targets, monitor progress, and reduce its emissions of greenhouse gases through conservation, use of clean energy, or other measures.

#### BOUNDARY NOISE MANAGEMENT

- Where applicable, suppliers shall identify, control, monitor, and reduce noise generated by their facilities or equipment that affects boundary noise levels.

#### RESOURCE CONSUMPTION MANAGEMENT

- Where applicable, suppliers shall regularly quantify, set targets, monitor progress, and reduce consumption of fossil fuel, water, hazardous substances, and natural resources through conservation, re-use, recycling, substitution, or other measures.

### **11. Non-Compliance**

By complying with the requirements outlined in this document, suppliers will be able to advance their business objectives and interests in a fair and ethical manner. All of our suppliers are required to comply with this Code; accordingly, doing so will not advantage them in any way in their dealings with the Council.

The Council reserves the right to terminate a business relationship with any supplier that does not comply with or that transgresses the provisions of this Code of Conduct.

Any failure to comply with this Code (including any failure by an employee of the Council or anyone acting on behalf of the Council) of which the supplier is aware should be reported to the Council as soon as possible. Failure to do so will be considered a breach of this policy.

The Council strongly supports a culture of speaking up for both suppliers and their employees without fear of retaliation against those who report actual or suspected breaches.

Suppliers, their employees, workers, or contractors may report actual or suspected breaches of this policy to the Council by phone or online. Reports can be submitted confidentially and anonymously through the Be Heard platform.

The Council has an anti-crime policy that addresses crime in general, including fraud and corruption. Our internal Audit and Risk Department is very active and makes use of both reactive and proactive methods in dealing with criminal or other unacceptable behaviour.

The Council also makes use of an external service provider (Be Heard) to facilitate and handle the reporting of dishonesty, fraud, and other inappropriate behaviour in the workplace.

Be Heard contact details:-

- Telephone: 0800 000 1904
- SMS: 44666
- E-mail: [nbcfli@beheard.co.za](mailto:nbcfli@beheard.co.za)

Whistle-blowers may contact Be Heard with anonymous tip-offs 24-hours a day, 365 days a year.

The hotline supports Council's approach of zero tolerance of corrupt and unethical behaviour. It provides staff, customers, and suppliers with the opportunity to help the Council identify and eradicate all forms of crime.

Council will investigate any concern raised and discuss findings with the supplier. The supplier shall assist with any such investigation and provide access to any information reasonably requested.

If remediation is required, the supplier will devise corrective action and inform the Council of this action, as well as the implementation plan and timeline to effectively and promptly resolve the breach.

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**Name: Supplier**

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**Signature: Supplier**

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