

# Code of Conduct

for the Bundesarbeitgeberverband der Personaldienstleister e. V.  
(BAP - Federal Employers' Association of Staffing Services)

Version: 14. June 2012

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fundamental bases for our business and  
our guiding principle for dealing with  
employees and clients.”**

## **PREAMBLE**

The member companies of the Federal Employers' Association of Staffing Services (BAP) are aware of their social and economic responsibility. Out of a sense of responsibility for company and employees, the following guidelines have been developed for modern staffing services.

Modern personnel services, such as, for example, temporary agency work, contribute greatly to the establishment of new and preservation of existing jobs as well as to greater competitiveness and flexibility for companies. Temporary employment in particular is a modern and contemporary response to the challenges of a growing international economy working across borders. Modern personnel services reconcile for the economy the urgently needed labour market flexibility on the one hand and the workers' needs for employment on the other.

Fairness and transparency are fundamental bases for our business and our guiding principle for dealing with employees and customers. The value we attach to our employees is for us a key concern, something which we promote publicly and internally as well as in client companies. We place great importance on a fair social partnership between employer associations and trade unions. Together with trade unions, we wish to advance this social partnership with a modern collective bargaining policy and intensive social dialogue.

We, the associated companies in the BAP, commit ourselves to this Code of Conduct. It is a guiding principle of our business and shapes the fundamental principles for staffing services, most notably temporary employment in Germany:

## **I. ETHICAL PRINCIPLES**

1. We commit ourselves to ethical standards which derive from European human and civil rights. Essential guidelines on human rights are the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 and the Charter of Fundamental Rights of the European Union of 2000. A fair and trusting, respectful and appreciative treatment of employees and candidates by clients and competitors is a guiding principle of our business.
2. For us, adherence to the letter of the law is a matter of course and an indispensable principle of our economic business.
3. We conduct our business in such a way so as not to hinder the reputation and prestige of the temporary employment industry or the Association.
4. We are merchants within the meaning of statutory regulations. Our offices demand business operations established according to commercial principles.
5. We shall work towards compliance with these principles by our staff. We shall monitor compliance with our principles and ensure sanctions in the case of violations.

## II. CONDUCT AND DUTY OF CARE TOWARDS EMPLOYEES AND CANDIDATES

1. We commit to our employer obligations towards our employees. We are aware of and bear all obligations, responsibilities and risks associated with them. Our employees shall enjoy full protection of German employment legislation such as, for example, continued pay in the event of illness, paid holiday and protection against dismissal.
2. We shall inform our employees of their rights and obligations, of the type of activities they are to carry out, and the details of their working conditions. Working conditions such as, for example, regulations on the level of wages or salaries, working hours, holiday entitlement and reference to collective agreements shall be set out in a written contract and explained to employees verbally.
3. Before deploying a temporary employee, we shall conduct a thorough and diligent assessment of the possible health and safety risks at the place of employment. We shall inform our employees of possible health and safety risks associated with the employment.
4. We shall consider it a violation of this Code, if a member intentionally or through gross negligence does not award its employees adequate remuneration. Inadequate remuneration in this sense shall be remuneration that deviates to the disadvantage of the employee from, for example, mandatory collective agreements or the ethical principles of our Association.
  - We shall undertake to refrain from any form of illegal discrimination.
  - We shall undertake not to hinder the request of an employee to change his/her place of employment, but instead offer him/her professional support in compliance with contractual and legal regulations.
  - We shall not assign any employees to establishments to replace employees who find themselves involved in a lawful strike.
  - We shall undertake to provide continuous support for our employees. This includes, for example, regular meetings with employees and the explanation and clarification of questions concerning all aspects of the employment relationship, such as payroll, holiday entitlement, etc.
  - For us there is no difference whatsoever between temporary employees and permanent employees. We shall work to ensure that an atmosphere of appreciation is maintained with respect to our employees in our client companies. We are committed to ensuring that they are integrated socially and into the environment of the client company.

- We shall guarantee confidentiality in all of our activities and shall be responsible for ensuring that the regulations of the Data Protection Act are observed.

### **III. CONDUCT TOWARDS CLIENTS AND COMPETITORS**

1. We shall develop up-to-date quality standards for our services and strive for continuous improvement of our quality specifications.
2. We shall ensure that our employees are assessed on their suitability for a particular job in the client company.
3. We guarantee that our employees shall be appropriately trained and prepared to perform their functions in the company of deployment responsibly and to a high standard.
4. We shall work within the scope of our abilities to ensure that our client companies are informed of their statutory obligations towards temporary employees.
5. We shall commit ourselves to fair competition and refrain from any kind of unfair or otherwise unlawful competition.

#### IV. PENALTIES

1. Members of the Association shall be subject to BAP arbitration and shall acknowledge the binding nature of said arbitration, under reserve of a possible examination by ordinary courts. The Association shall in each instance ensure the neutrality of the court of arbitration.
2. The non-observance of a decision made by the court of arbitration shall represent a serious violation against the Articles of Association and this Code.
3. Each member undertakes to inform the Association immediately of the withdrawal of the licence to assign temporary employees.
4. Violations against these principles (except for Section III. 5.) shall upon application be examined by the court of arbitration and punished where applicable. Details shall be regulated by the Articles of Association and rules of arbitration.
5. Depending on the severity and sustained nature of the violation against the interests of the Association and the industry as a whole, the court of arbitration may issue a warning or reprimand, impose a fine of up to one-and-a-half times the most recent contribution of the member concerned, however no higher than EUR 25,000 or decide on the proposal for exclusion of the member via a members' meeting.
6. Fines shall be used for Association statutory purposes.

