BSBI
School of Business and Innovation

BSBI Anti-Corruption & Bribery Policy

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BSBI Policy
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1. Policy statement

It is Company Policy to conduct all business in an honest and ethical manner. The company takes a zero-tolerance approach to bribery and corruption and is committed to acting professionally, fairly and with integrity in all its business dealings and relationships wherever the company operates, thereby implementing and enforcing effective systems to counter bribery. The company will uphold all laws relevant to countering bribery and corruption in all the jurisdictions in which it operates. However, the company remains bound by the laws of the Federal Republic of Germany, including Sec. 299 in the German Criminal Code (StGB), in respect of its conduct both at home and abroad.

2. Purpose of the Policy

2.1 The Purpose of this Policy is to:

A. set out the company's responsibilities, and the responsibilities of those working for the company, in observing and upholding the company's position on bribery and corruption; and

B. provide information and guidance to those working for the company on how to recognise and deal with bribery and corruption issues.

2.2 In this Policy, 'third party' means any individual or company you come into contact with during the course of your work for the company, and includes actual and potential clients, customers, suppliers, distributors, business contacts, agents, advisers and government and public bodies, including their advisors, representatives and officials, politicians and political parties.

3. Who is covered by the Policy?

This Policy applies to all individuals working at all levels and grades, including (but not limited to) Senior Managers, Officers, Directors, Employees (whether permanent, fixed-term or temporary), Consultants, Contractors, Trainees, Seconded Staff, Homeworkers, Casual Workers and Agency Staff, Volunteers, Interns, Agents, Sponsors, or any other person associated with the company, or any of its subsidiaries or their Employees, wherever located (collectively referred to as workers in this policy).

4. What is bribery?

A bribe is an inducement or reward offered, promised or provided in order to gain any commercial, contractual, regulatory or personal advantage.

5. Gifts and hospitality

A. The giving or receipt of gifts is not prohibited, if the following requirements are met:

1. it is not made with the intention of influencing a third party to obtain or retain business or a business advantage, or to reward the provision or retention of business or a business advantage, or in explicit or implicit exchange for favours or benefits;
2. it complies with local law;
3. it is given in the company's name, not in your name;
4. it does not include cash or a cash equivalent (such as gift certificates or vouchers);
5. it is appropriate in the circumstances. For example, in the Federal Republic of Germany it is customary for small gifts to be given at Christmas time;
6. taking into account the reason for the gift, it is of an appropriate type and value and given at an appropriate time;
7. it is given openly, not secretly;
8. gifts or hospitality over the value of 40 EUR should be declared to your Line Manager prior to acceptance; and
9. gifts should not be offered to, or accepted from, government officials or representatives, or politicians or political parties, without the prior approval of your manager.

B. The company appreciates that the practice of giving business gifts varies between countries and regions and what may be normal and acceptable in one region may not be in another. The test to be applied is whether in all the circumstances, the gift or hospitality is reasonable and justifiable. The intention behind the gift should always be considered.

6. What is not acceptable?

A. give, promise to give, or offer, a payment, gift or hospitality with the expectation or hope that a business advantage will be received, or to reward a business advantage already given;

B. give, promise to give, or offer, a payment, gift or hospitality to a government official, agent or representative to “facilitate” or expedite a routine procedure;

C. accept payment from a third party that you know or suspect is offered with the expectation that it will obtain a business advantage for them;

D. accept a gift or hospitality from a third party if you know or suspect that it is offered or provided with an expectation that a business advantage will be provided by the company in return;

E. threaten or retaliate against another worker who has refused to commit a bribery offence or who has raised concerns under this policy; or

F. engage in any activity that might lead to a breach of this policy.

7. Facilitation payments and kickbacks

A. The company does not make, and will not accept, facilitation payments or “kickbacks” of any kind. Facilitation payments are typically small, unofficial payments made to secure or expedite a routine government action by a government official. They are not commonly paid in Germany but are common in some other jurisdictions in which the company operates.

B. If you are asked to make a payment on the company’s behalf, you should always be mindful of what the payment is for and whether the amount requested is proportionate to the goods or services provided. You should always ask for a receipt which details the reason for the payment. If you have any suspicions, concerns or queries regarding a payment, you should raise these with your Line Manager.

C. Kickbacks are typically payments made in return for a business favour or advantage. All workers must avoid any activity that might lead to, or suggest, that a facilitation payment or kickback will be made or accepted by the company.

8. Donations

The company only makes charitable donations that are legal and ethical under local laws and practices. No donation must be offered or made without the prior approval of the HR Department.regulatory bodies, and reflective of best practice within the industry.

9. Your responsibilities

A. You must ensure that you read, understand and comply with this policy

B. The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for the company or under its control. You are required to avoid any activity that might lead to, or suggest, a breach of this policy.

C. You must notify your Line Manager as soon as possible if you believe or suspect that a conflict with this policy has occurred or may occur in the future. For example, if a client or potential client offers you something to gain a business advantage with the company, or indicates to you that a gift or payment is required to secure their business.

D. Should you breach this policy, you will face disciplinary action, which could result in dismissal for gross misconduct.

10. How to raise a concern

A. You are encouraged to raise concerns about any issue or suspicion of malpractice at the earliest possible stage. If you are unsure whether a particular act constitutes bribery or corruption, or if you have any other queries, these should be raised with your Line Manager. Concerns should be reported by following the procedure set out in the company's Whistleblowing Policy.

B. It is important that you tell your Line Manager as soon as possible if you are offered a bribe by a third party, are asked to make one, suspect that this may happen in the future, or believe that you are a victim of another form of unlawful activity.

11. Monitoring and review

You are responsible for the success of this policy and you should therefore ensure you use it to disclose any suspected danger or wrongdoing. This Policy does not form part of your Contract of Employment and it may be amended at any time.

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