



# **Code of Conduct**

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**1 FOREWORD**

With these behavioural guidelines, we set out the basis for our actions towards authorities, customers, partners and also within Heitkamp Construction Swiss GmbH (HCS) in our dealings with our employees.

With our guidelines, we create a clear framework for the implementation of and compliance with our values. They define our corporate culture and serve as a guide for our dealings with third parties and with each other.

## 2 OUR VALUES

Our core values express what we stand for at HCS. They help us to act in accordance with our code of conduct.



### Quality

We do not compromise on quality. Our specialisation and know-how in underground construction are the result of a customer-oriented corporate culture that has grown over the years. With our experience and our optimised work processes, we offer our customers the guarantee of project completion in the required quality.



### Integrity

In our relationships with customers, partners, subcontractors, suppliers and employees we are honest and trustworthy. We comply with laws and regulations. Our employees take responsibility and act with integrity. We create trust.



### Security

We are aware that the well-being of our employees is the basic prerequisite for everything we do. We can only realise projects successfully if we always ensure the safety of our employees. For this reason, we are aware of the risks that our work entails and take measures to safeguard the health of our employees.



### Teamwork

We are only successful when we work together as a team. The interlocking of different disciplines and competences is a key to our success. Together with our partners, we find and implement the best solutions. We respect each other and act accordingly.



### Professional competence

We are experts in underground construction. We have engineering know-how as well as modern construction technology and continue to develop in both. We understand the complex challenges and interests of our clients and partners and are able to offer sustainable and innovative solutions.



### Reliability

We work hard and honestly. We strive to realise the projects entrusted to us at the quoted costs, in the agreed time and in the required quality. We inform our clients of any deviations from these targets and seek fair solutions through dialogue.

### 3 HOW DO WE DEAL WITH EACH OTHER?

We can only be successful if we act as a team together with our customers, partners, subcontractors, suppliers and employees. Only together can we achieve project success.



#### Respect and equal treatment

We respect each other and act accordingly. Employees are responsible for their own actions. In case of misconduct, employees address each other in a respectful manner.

An open, appreciative culture of discussion and the acceptance of objective criticism are components of our leadership culture.

We treat everyone equally. Discrimination on the basis of origin, ethnicity, gender, religion, political opinion or other reasons will not be tolerated.



#### Unacceptable behaviour

We provide a good working environment where unacceptable behaviour such as bullying, sexual harassment, discrimination and aggression is not tolerated. Management sets a good example.

In doing so, we are guided by the *"Guidelines on unacceptable behaviour (Partial Code 2)"* of the parent company Ballast Nedam and apply them mutatis mutandis.

We work in accordance with the health and safety regulations and working conditions applicable at the place of performance - whether in Switzerland or abroad - and guarantee equal pay for women and men. By working conditions we understand the labour laws but also the collective and standard labour agreements. Even in the absence of such agreements, we do not tolerate forced or child labour, and we grant employees freedom of association and the possibility of collective bargaining.

We also apply these rules in our supply chains. We are guided by the *"Code of Conduct for Subcontractors and Suppliers (Partial Code 1)"* of our parent company Ballast Nedam and apply it mutatis mutandis.



#### Health and safety

The safety of employees and third parties involved in the project is an essential factor in our actions. Already in the bidding phase and especially in the execution phase, we pay the utmost attention to safety. By consistently adhering to the health and safety rules, we create a safe working environment with the aim of preventing accidents and health impairments. The specifications from the *"HCS Safety Concept (Appendix 3)"* must be strictly adhered to.

We are aware of the safety and health risks specific to underground mining. Unsafe conditions and breaches of safety regulations must be rectified and reported. If an unsafe situation cannot be remedied immediately, work must be stopped until safety has been established.

Employees affected by contagious diseases report to their supervisors and stay away from the workplace.

During working hours and work breaks, alcohol, drugs and other substances that impair judgement and work safety are prohibited.



### **Data protection and dealing with social media**

We respect the privacy of our customers, partners, subcontractors, suppliers and employees and handle personal data with care and in compliance with data protection laws. In case of doubt, we ask the legal service how to handle data.

The use of new information technologies and social media offers opportunities, but also involves risks. Our employees take responsibility in dealing with social platforms. Here, too, they are guided by our values and behavioural guidelines and use the new channels in particular to communicate respectfully with clients, employees and other stakeholders.

## **4 HOW DO WE TREAT OUR ENVIRONMENT?**

We are aware that our work and the structures we build have a major impact on the environment. We therefore also use our engineering know-how and modern construction technology to pursue sustainable approaches. Innovations are consistently tested for environmental compatibility and our environmental management also includes doing what is necessary on our construction sites to have as little impact on the environment as possible. By using modern equipment and new technology, we reduce fuel consumption and thus CO2 emissions.

## **5 HOW DO WE WORK WITH INTEGRITY AND HONESTY?**



### **Conflicts of interest**

We avoid constellations that could lead to a real or even a potential conflict between the interests of HCS and our own personal interests. In the case of potential conflicts of interest, it is important to assess how third parties might perceive the constellation.

Any conflicts of interest must be reported to the Compliance Officer and clarified with the management. All secondary activities as well as all participations in business partners or competitors of HCS must be approved in writing by the management.



### **Compliance with rules and laws**

Our employees take responsibility and act with integrity. This also includes consistent compliance with the law and our internal rules.

We use the corporate resources of HCS responsibly and only for their intended purpose. We protect our company resources against loss, damage and misuse. The use of machines, tools and building materials for private purposes is strictly prohibited.

The use of information technology resources is permitted primarily for official purposes and only to the extent expressly permitted for the completion of tasks. Minor private use is tolerated, provided that HCS does not suffer any damage as a result. The instructions in the *"IT Regulations HCS (Appendix 4)"* must be observed.

Any form of property offences committed by our employees, such as unlawful appropriation, embezzlement and theft, will not be tolerated - even in the case of small offences - and will result in sanctions.

Violations of laws and rules must be reported to the Compliance Officer.



## Competition and corruption prevention

We conduct our business honestly and in free competition. In doing so, we do not engage in corruption or bribery in any way. We comply with the provisions of antitrust law and avoid any form of collusion. We report violations and requests for violations from employees as well as from suppliers or competitors to the Compliance Officer.

We do not accept or offer gifts or invitations from clients and business partners. Exceptions to this are isolated promotional gifts of low value or participation in events for company interest or business-relevant occasions. In case of doubt, the supervisor and the Compliance Officer must be consulted.

The decision on sponsoring or other contributions to natural or legal persons of any kind is exclusively incumbent on the management.

## 6 HOW DO WE IMPLEMENT OUR CODE OF CONDUCT?

We expect our employees to act in accordance with our Code of Conduct. Non-compliance can lead to sanctions such as a warning or even dismissal, which is decided by management after an investigation of the violation.

We always examine the risks and consequences of our actions and are guided by the rules of conduct. In case of uncertainty, we discuss the matter with colleagues, superiors, the Compliance Officer or another trusted person.

Behaviour that is not in line with our values is addressed and breaches of the Code of Conduct are reported to the Compliance Officer. The reports are treated confidentially.

The current version of this Code of Conduct can be found on our homepage at [www.heitkamp-swiss.ch](http://www.heitkamp-swiss.ch). There you will also find the e-mail address ([compliance@heitkamp-swiss.ch](mailto:compliance@heitkamp-swiss.ch)) and the telephone number of the Compliance Officer.

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### A. APPLICABLE DOCUMENTS

Appendix	Designation
A 1	Guidelines on Unacceptable Behaviour (Partial Code 2 of Ballast Nedam)
A 2	Code of Conduct for Subcontractors and Suppliers (Partial Code 1 of Ballast Nedam)
A 3	Safety concept HCS
A 4	IT Regulations HCS

## **BALLAST NEDAM CODE OF CONDUCT FOR SUBCONTRACTORS AND SUPPLIERS**

### **1.0 Preface**

Ballast Nedam is a development and construction company in which the projects form the core business. Ballast Nedam wants to be the most competitive construction company. Via direct and open dialogue with its clients and partners, Ballast Nedam develops future-proof buildings and infrastructure: from dream to completion. It combines this with its smart view of cost efficiency, technology, worldwide expertise and focus on operational excellence. In this way Ballast Nedam achieves ground-breaking solutions.

The projects on which Ballast Nedam focuses include the major part of our built environment and ensure diversification within the group. These are projects in which Ballast Nedam makes the difference for its client through its specialist expertise and skills. Ballast Nedam industrialises the construction process by using innovative modular concepts and standardising its approach.

### **2.0 General Conditions Code of Conduct**

Ballast Nedam endorses the importance of Corporate Social Responsibility as described in our CSR policy and implements this throughout the entire organisation. Our CSR policy is in accordance with the guidelines of the OECD (Organization for Economic Co-operation and Development) and the principles of the ILO (International Labour Organization) Declaration on Fundamental Principles and Rights at Work. Our subcontractors and suppliers play an important role in the execution of our CSR policy. This Code of Conduct for Subcontractors and Suppliers (hereinafter the “Code of Conduct”) is in line with our CSR policy and describes how we want to work together and how we can make a positive contribution to our living environment. We therefore expect from our subcontractors and suppliers that, next to complying with applicable national laws and regulations, they also abide by the values and principles described in this Code of Conduct.

We expect that the values and principles of this Code of Conduct are also declared applicable for companies in the supply chain of our subcontractors and suppliers.

Furthermore, subcontractors and suppliers that enter the construction site of Ballast Nedam are required to comply with the applicable rules and regulations with respect to quality, safety, health, labour and the environment.

Subcontractors and suppliers shall also take appropriate measures if they are aware of violations of the Code of Conduct or similar norms. In such cases, Ballast Nedam may advise on the points where correction or improvement is needed. Failure to comply with the Code of Conduct or repeated and unfounded refusal to provide the required information may result in suspension or termination of the agreement with Ballast Nedam.

In case of conflict, the applicable local laws and regulations shall prevail over this Code of Conduct. In such case, subcontractors and suppliers shall immediately inform Ballast Nedam thereof in order to take the appropriate measures, if possible.

### **3.0 Regulations Code of Conduct**

#### **3.1 Professionalism**

Subcontractors and suppliers are expected to deliver high quality services and products and are expected to keep a record of transactions in accordance with applicable procedures and handle information carefully. Subcontractors and suppliers are deemed to respect and be committed to the principles and values of Ballast Nedam and to refrain from conduct and actions that may undermine Ballast Nedam’s reputation.

### **3.2 Safety**

Subcontractors and suppliers are required to comply with the applicable safety rules and regulations. We expect that they keep in mind our and their own safety, as well as that of others. Subcontractors and suppliers are expected to do their utmost to report unsafe situations and immediately remedy them.

### **3.3 Environment and Sustainability**

We expect that subcontractors and suppliers meet all relevant local environmental regulations, as well as the environmental requirements stated in the agreement with Ballast Nedam. We also expect from subcontractors and suppliers to strive to restrict and even prevent damage to the environment and surroundings at all times.

Ballast Nedam expects its subcontractors and suppliers to contribute to environmentally acceptable and energy saving solutions which we are able to offer to our clients and are able to use in our company operations. Entrepreneurial, innovative and sustainable solutions should thereby be stimulated. Subcontractors and suppliers are expected to know and undertake their responsibility with regard to the environment and surroundings.

### **3.4 Teamwork**

The basis for teamwork is to approach each other in a mutually open and unprejudiced way. Subcontractors and suppliers are expected to seek and use each other's advice and qualities, and successfully co-operate with all parties within the supply chain.

### **3.5 Transparency**

Subcontractors and suppliers are expected to be open and accessible and to communicate in a transparent and clear manner. Commercial transactions, considerations and processes within the supply chain are to be transparent. Ballast Nedam has the right to conduct audits in order to verify compliance with this Code of Conduct.

### **3.6 Integrity**

We expect our subcontractors and suppliers to separate personal interests from business/professional interests and to avoid any appearance of conflict of interest. Presents and gifts from and to internal parties as well as from and to external parties, shall never affect the process of decision making. Subcontractors and suppliers are expected to act in good conscience at all times. Abuse of power will in no circumstances be acceptable.

Employees of Ballast Nedam do not accept or give presents, services or other advantages that would create the appearance of impropriety. Employees of Ballast Nedam never accept or host excessive entertainment, lunches or dinners. This should all suit the social and business status of the (potential) business relationship and shall never be excessive, regardless of someone's function.

### **3.7 Respect**

Subcontractors and suppliers are required to create a pleasant working environment in which everyone feels comfortable and is approached free of prejudice and in a respectful manner. In this working environment everyone needs to be accepted as he/she is.

### **3.8 Discrimination**

Under no circumstances shall a subcontractor or supplier discriminate or act in a discriminating manner when hiring and employing personnel as well as when awarding labour-related matters, including but not limited to compensation, access to education and training and termination of agreements.

## 4.0 Specific Regulations

### 4.1 Conditions of Employment

We expect our subcontractors and suppliers to at least comply with all applicable (local) laws and regulations concerning (monetary) remuneration and working hours including the legal requirements with regard to minimum wages, overtime wages, sick leave, unit rates and other rulings of compensation.

### 4.2 Freedom of Association and Collective Bargaining

Subcontractors and suppliers shall respect the rights employees to freely join and form trade unions or any other organisation aimed at the protection and advancement of the interests of its members in the workplace. Subcontractors and suppliers shall also respect their right to collective bargaining. In case the right to freedom of association and collective bargaining is restricted by law, subcontractors and suppliers shall respect employees' rights to the fullest extent permitted under the national law and encourage the appointment of representatives of the employees and their interests.

### 4.3 Intimidation and Disciplinary Measures

Subcontractors and suppliers shall under no circumstances use, allow or encourage any form of corporal punishment, sexual intimidation and/or any other form of psychological and/or physical coercion, punishment or suppression.

### 4.4 Child Labour

Subcontractors and suppliers shall combat all forms of child labour and shall ensure that no children are employed or shall benefit from the use of child labour under the legal minimum age of employment (in general 15 years), taking into account the local schooling and educational obligations. Subcontractors and suppliers shall not employ personnel under the age of 18 for hazardous work.

In case child labour is identified in the supply chain of the subcontractor or supplier, the subcontractor or supplier shall take all the necessary measures in order to improve the situation and well-being of the child and to ensure the child's education. It is the responsibility of subcontractors and suppliers to report child labour to a certified aid organisation, the local authorities and Ballast Nedam.

### 4.5 Forced Labour

Subcontractors and suppliers shall under no circumstances permit the use of forced labour and/or involuntary prison labour on its own sites and premises as well as in its supply chain.

### 4.6 Corruption and Bribery

Subcontractors and suppliers shall in no way, directly nor indirectly, engage in corrupt practices, including extortion, fraud and/or bribery. Subcontractors and suppliers shall comply with all applicable anti-corruption and anti-bribery laws, rules and regulations, including the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and the UK Bribery Act 2010. Subcontractors and suppliers fully indemnify Ballast Nedam for any breach of such anti-corruption and anti-bribery laws, rules and regulations. Subcontractors and suppliers shall make no expenditures other than for lawful purposes. Subcontractors and suppliers shall make no payments, gifts or promises to public officials or clients and representatives of the client in connection with the award or execution of the project. Subcontractors and suppliers are required to keep clear and transparent records of all expenditures in relation to the execution of the project. Such records shall be available for periodic inspection by Ballast Nedam.

In addition, subcontractors and suppliers must ensure that these corrupt practices also do not take place within their supply chain.

#### **4.7 Competition**

Suppliers and subcontractors must comply with all applicable laws and regulations regarding competition and shall not engage in discussions and agreements with competitors about prices or other comparable activities.

## **POLICY ON UNACCEPTABLE BEHAVIOUR**

### **INTRODUCTION**

Ballast Nedam wants to offer its employees a pleasant and safe work environment. This means an environment where unacceptable behaviour is not tolerated.

### **WHAT IS UNACCEPTABLE BEHAVIOUR?**

Unacceptable behaviour is behaviour which makes people feel uncomfortable and/or unsafe. You should think of bullying, sexual harassment, discrimination and aggression. If this occurs, action should be taken in order to stop this and follow up measures will have to be implemented in order to prevent such behaviour.

### **BULLYING**

Bullying is (repeatedly) negative behaviour of a person (colleague) against someone who is not able (anymore) to defend themselves. This can be verbal, non-verbal or physical behaviour.

Bullying can occur directly or indirectly. An example of direct bullying is when someone is belittled, ignored or socially excluded, when a person receives unnecessary criticism, or when uncomfortable comments or jokes are made about a person. Threats or abuse of power are also considered bullying. Bullying can also take place behind someone's back, which is the case with gossiping or spreading false rumours. This is called indirect bullying.

Sometimes it is difficult to objectively determine whether certain behaviour is to be seen as bullying. The person who is joking does not always realise that it can be perceived as bullying.

The bottom line is that action needs to be taken when someone feels that they are being bullied. Everyone should feel safe at work. If unacceptable behaviour is discussed between colleagues, it will create awareness among everyone. In most cases, this will be sufficient to stop the behaviour.

### **SEXUAL HARASSMENT**

Sexual harassment is to be considered each form of sexual advances, requests for sexual favors or other sexually charged verbal, non-verbal or physical behaviour which is perceived as unwanted.

Sexual harassment can manifest itself in (a combination of) three forms:

#### Verbal behaviour:

Here one can think of sexual oriented comments, jokes, asking intimate questions or making intimate allusions.

#### Non-verbal behaviour:

By making certain gestures and/or facial expressions. For example staring, sexually charged remarks or showing sexually charged or pornographic images (also by electronic means).

#### Physical behaviour:

This includes all forms of unwanted physical contact. This can be an arm around the shoulder, grabbing, squeezing, kissing, blocking the road, assaulting or even rape.

Sexual harassment can take place intentionally, but it can also happen unintentionally. This makes it sometimes a difficult problem to recognise. It is not about the intentions of the perpetrator, but about how someone perceives the behaviour. What is innocent for one person can be perceived by another as annoying, hostile, embarrassing or intimidating.

### **DISCRIMINATION**

Discrimination is treating people in a different way without any justification, excluding or putting people at a disadvantage on the basis of the following (personal) traits:

- Race
- Gender
- Age
- Nationality
- Religion/belief
- Sexual orientation
- Handicap or chronic disease
- Marital status

Often discrimination occurs as a joke and people are not aware of the harm that is caused with such behaviour. Unfortunately, it also happens regularly that people discriminate consciously because they are convinced that they are better than others. Both forms of discrimination are unacceptable and must therefore be prevented.

### **AGRESSION**

Aggression is a form of unacceptable behaviour where a person demonstrates violent behaviour against another person. The previously mentioned topics of bullying, sexual harassment and discrimination can also fall under (the scope of) aggression. Often, aggression involves physical violence, but it can also be the use of bad language, blackmailing or threatening.

## MEASURES IN CASE OF UNACCEPTABLE BEHAVIOUR

Ballast Nedam does not tolerate unacceptable behaviour and ensures that direct action is taken when this occurs. Ballast Nedam creates awareness within the organisation by training sessions and by making this subcode available on the intranet.

In case of unacceptable behaviour, it will have direct consequences for the person acting in such a manner. Depending on the level of unacceptable behaviour, appropriate measures will be taken, based on reasonableness and fairness. These measures vary from a stern conversation up to termination of the employment agreement. Other measures may be:

- Formal warning
- Suspension
- Transfer

If one experiences unacceptable behaviour, this can be reported to the supervisor/manager. If this is not possible, one can always go to the Confidential Counsellor or the (Chief) Compliance Officer. The role of the Confidential Counsellor is to support, guide, advice and if needed assist with the further handling of the complaint within the organisation or when reporting it to the police. The Confidential Counsellor operates objectively and independently from the organisation and does not take any action without the explicit permission of the employee.

The (Chief) Compliance Officer will start an investigation once a (suspicion of) unacceptable behaviour has been reported. Upon completion of the investigation, measures will be taken if needed.

If an employee does not have (sufficient) confidence in the Confidential Counsellor of Ballast Nedam, it is possible, after consultation with the HR department, to have an external professional counsellor acting as Confidential Counsellor.

## WHAT TO DO:

I am confronted with unacceptable behaviour:

- Make the person aware that you do not tolerate the unacceptable behaviour
- Discuss it with your colleagues
- Discuss it with your supervisor/manager and/or Confidential Counsellor
- Discuss it with someone you trust
- Report it to the compliance department

My colleague is confronted with unacceptable behaviour:

- Make the person aware of his/her unacceptable behaviour
- Support the victim of the unacceptable behaviour

- Discuss it with your colleagues
- Find support from your colleagues
- Discuss it with your supervisor/manager and/or Confidential Counsellor
- Report it to the compliance department

I, as manager/supervisor, am confronted with unacceptable behaviour:

- Set the standard and spread this within the department
- Set the right example
- Take action and ask for advice from the Confidential Counsellor/(Chief) Compliance Officer
- Report it to the compliance department
- Support the person who is confronted with the unacceptable behaviour.