

ANNEKS / ANEKS 4

Code of Conduct for Contractors / Kodeks ponašanja za dobavljače: Ethical Principles and Standards / Etički principi i standardi

Preamble / Preambula

The Help Code of Conduct is based on the corporate values and principles of action of “Help – Hilfe zur Selbsthilfe e.V.” as stipulated in the statutes of the association.

Helpov Kodeks ponašanja baziran je na korporativnim vrednostima i principima aktivnosti “Help – Hilfe zur Selbsthilfe e.V.”, navedenim u statutu organizacije.

This Code of Conduct for Contractors and its related principles and standards are based on recommendations from the UN Global Compact principles¹ and ECHO’s Humanitarian Aid guidelines for Procurement 2011².

Ovaj Kodeks ponašanja za dobavljače i principi i standardi na kojima se zasniva bazirani su na preporukama UN Global Compact principa i ECHO smernicama za nabavku u okviru humanitarne pomoći.

Help as a humanitarian actor and as a buying organization in that role, influences the flow and allocation of economic resources and consequently has a direct or indirect impact on poverty, rights, social and environmental conditions. Therefore, Help has a responsibility to promote fair and ethical procurement. Practicing ethical procurement means looking beyond economic parameters and efficiency. The life cycle of the resources we procure and the related social consequences, risks and implications for people, society and the environment, shall be considered in the procurement process.

Help, u svojoj ulozi humanitarne organizacije i organizacije koja sprovodi nabavke, utiče na tokove i alokaciju privrednih resursa i na taj način ima direktan ili indirektan uticaj na siromaštvo, prava, socijalne i ekološke uslove. Zbog toga, Help ima obavezu da promoviše fer i etičku nabavku. Sprovođenje etičkih nabavki podrazumeva posmatranje ne samo ekonomskih parametara i efikasnosti. Životni ciklus resursa koje kupujemo i sa tim povezane socijalne posledice, rizici i implikacije po ljude, društvo i životnu sredinu, moraju biti razmatrani u okviru procesa nabavke.

By this Code of Conduct for Contractors, Help seeks to apply ethics to our procurement. The objective of this code is to ensure that the contractors we work with act socially and environmentally responsible.

Sprovođenjem ovog Kodeksa ponašanja za dobavljače, Help nastoji da primeni etička pravila u svojim nabavkama. Cilj ovog kodeksa je da obezbedi da dobavljače sa kojima radimo deluju na socijalno i ekološki odgovoran način.

General Conditions / Opšti uslovi

This Code of Conduct for Contractors defines ethical principles and standards for our contractors. All of Help’s contract Parties are expected to comply with this code and make the principles of this code known to any subcontractor used by the contract party and ensure that subcontractors adhere to these standards accordingly.

¹ <https://www.unglobalcompact.org/what-is-gc/mission/principles>

² http://ec.europa.eu/echo/files/partners/humanitarian_aid/Procurement_Guidelines_en.pdf

Ovaj Kodeks ponašanja za dobavljače definiše etičke principe i standarde kojih se moraju pridržavati naši dobavljači. Od svih potpisnika ugovora sa Helpom očekuje se da se pridržavaju pravila datih u ovom kodeksu i da sve eventualne podugovarače sa kojima rade obaveste o njima i obezbede da ih se i oni pridržavaju.

The provision of the ethical standards constitutes minimum rather than maximum standards. National laws shall be complied with, and where the provisions of law and Help standards address the same subject, the highest standard shall apply.

Dati etički standardi predstavljaju pre minimum nego maksimum zahteva. Mora se obezbediti poštovanje nacionalnog zakonodavstva, i u slučajevima kada odredbe zakona i Helpovi standardi regulišu istu materiju, primenjuje se viši standard.

All contract parties are requested to sign this Code of Conduct and thereby confirm that they uphold its standards and work actively towards its implementation as far as applicable to their status and areas of activity.

Sve ugovorne strane moraju potpisati ovaj Kodeks ponašanja i time potvrditi da će se pridržavati propisanih standarda i aktivno raditi na njihovoj implementaciji koliko god je to primenljivo u odnosu na njihov status i polje delatnosti.

Respect for Human, Social and Labour Rights / Poštovanje ljudskih, socijalnih i radnih prava

Help's contractors must at all times protect and promote human, social and labour rights and work actively to address issues of concern. As a minimum they are obliged to comply with the following ethical standards:

Helpovi dobavljači moraju u svakom trenutku braniti i promovisati ljudska, socijalna i radna prava i aktivno nastojati da reše sporna pitanja. Kao minimum zahteva, obavezni su da se pridržavaju sledećih etičkih standarda:

Respect for Human Rights / Poštovanje ljudskih prava

The contract party represents and warrants that neither it nor any of its subcontractors violates the fundamental human rights as set out in UN Universal Declaration of Human Rights and the European Convention on Human Rights. The basic principles of the Universal Human Rights are that all human beings are born free and equal in dignity and in rights, and everyone has the right to life, liberty and security of the person. Contractors are responsible to uphold and promote the Human Rights towards employees and the community in which they operate.

Ugovorna strana predstavlja i garantuje da ni ona ni bilo koji od njenih podugovarača ne krše fundamentalna ljudska prava na način naveden u Univerzalnoj deklaraciji o ljudskim pravima UN i Evropskoj konvenciji o ljudskim pravima. Osnovni principi univerzalnih ljudskih prava su da su sva ljudska bića rođena slobodna i jednaka po svom dostojanstvu i pravima, i da svako ima pravo na život, slobodu i ličnu bezbednost. Ugovorne strane su obavezne da se pridržavaju i promovišu ljudska prava prema svojim zaposlenima i zajednici u kojoj rade.

Non exploitation of Child Labour / Neeksploatacija dečje radne snage

The contract party represents and warrants that neither it nor any of its subcontractors are engaged in any practice of exploitation of child labour³ or other practice inconsistent with the rights as set out in the UN Convention on the Rights of the Child. The contract party is required to take all necessary steps to prevent the employment of child labour. A child is defined as a person under the age of 18 and children shall not be engaged in any work that is likely to compromise their health, safety, mental and social development or that is hazardous to interfering with their education.

Ugovorna strana predstavlja i garantuje da ni ona ni bilo ko od njenih podugovarača nisu uključeni u bilo kakvu praksu eksploatacije dečje radne snage ili drugu praksu koja nije u skladu sa pravima navedenim u Konvenciji o

³ The definition of Child Labour can be found at: <https://www.unglobalcompact.org/what-is-gc/mission/principles/principle-5>

dečjim pravima UN. Ugovorna strana ima obavezu da preduzme sve neophodne korake da spreči zapošljavanje dečje radne snage. Dete se definiše kao osoba sa manje od 18 godina, a deca se ne smeju angažovati za bilo koji rad koji može ugroziti njihovo zdravlje, bezbednost, mentalni i socijalni razvoj ili preti da ugrozi njihovo obrazovanje.

Employment is freely chosen / Zaposlenje je stvar slobodnog izbora

The contract party represents and warrants that neither it nor any of its subcontractors make use of any form of forced or bonded labour and that they respect workers freedom to leave their employer.

Ugovorna strana predstavlja i garantuje da ni ona ni bilo koji od njenih podugovarača ni na koji način neće koristiti prinudni rad i da poštuju pravo radnika da slobodno napuste poslodavca.

Freedom of association and the right to collective bargaining / Sloboda udruživanja i kolektivnog pregovaranja

The contract party represents and warrants that it and all of its subcontractors recognise workers right to join or form trade unions and bargain collectively, and should adopt an open attitude towards the activities of trade unions.

Ugovorna strana predstavlja i garantuje da i ona i svi njeni podugovarači priznaju pravo radnika da se udružuju ili formiraju sindikate i kolektivno pregovaraju, i da imaju otvoren stav prema aktivnostima sindikata.

Living wages are paid / Plaćanje adekvatnih zarada

The contract party represents and warrants that it and all of its subcontractors meet national minimum wage standards where they exist or ILO wage standards as a minimum. It is expected that the contract party and all of its subcontractors pay living wages. A living wage is contextual, but it should always ensure a basic living standard that is considered as decent in the respective context which means that it must meet basic needs such as food, shelter, clothing, health care and schooling as a minimum.

Ugovorna strana predstavlja i garantuje da će se i oni i svi njihovi podugovarači pridržavati nacionalnih standarda minimalnih zarada ukoliko postoje, ili standarda ILO (Međunarodne organizacije rada), kao minimuma zahteva. Očekuje se od dobavljača i svih njegovih podugovarača da isplaćuju zarade koje obezbeđuju osnovni nivo kvaliteta života zaposlenih, pod kojim se podrazumeva zadovoljenje osnovnih potreba kao što su hrana, smeštaj, odeća, zdravstvena zaštita i školovanje, kao minimum.

No discrimination in employment / Bez diskriminacije u zapošljavanju

The contract party represents and warrants that neither it nor any of its subcontractors practice any form of discrimination in hiring, salaries, job termination, retiring, and access to training or promotion - based on race, national origin, caste, gender, language, sexual orientation, political affiliation, age, disability, marital status, health status, or other distinguishing characteristics.

Ugovorna strana predstavlja i garantuje da ni oni niti njihovi podugovarači neće biti uključeni u bilo kakvu praksu diskriminacije pri zapošljavanju, isplaćivanju plata, raskidu radnog odnosa, penzionisanju i pristupu obukama i napredovanju – na bazi rase, nacionalnosti, kaste, pola, jezika, seksualne orijentacije, političke pripadnosti, godina, invaliditeta, bračnog stanja, zdravstvenog stanja ili ostalih karakterističnih razlika.

No harsh or inhumane treatment of employees / Zabrana okrutnog ili nehumanog postupanja prema zaposlenima

The contract party represents and warrants that it and all of its subcontractors are protecting employees and workers from any acts of physical, verbal, sexual or psychological harassment, abuse or threats or other forms of intimidation in the workplace by either their fellow workers or their managers.

Ugovorna strana predstavlja i garantuje da i ona i svi njeni podugovarači štite zaposlene i radnike od bilo kog akta fizičkog, verbalnog, seksualnog ili psihološkog uznemiravanja, zlostavljanja ili pretnji i drugih oblika zastrašivanja na radnom mestu kako od strane ostalih zaposlenih tako i menadžera.

Working conditions are safe, healthy and hygienic / Bezbedni, zdravi i higijenski uslovi rada

The contract party represents and warrants that it and all of its subcontractors take adequate steps to provide a safe, healthy and hygienic working environment. Additionally workers health and safety must be a priority and adequate steps must be taken to prevent accidents and injury to health associated with or occurring in the course of work.

Ugovorna strana predstavlja i garantuje da i ona i svi njeni podugovarači preduzimaju adekvatne korake kako bi obezbedili bezbednu, zdravu i higijensku radnu sredinu. Uz to, zdravlje i bezbednost radnika moraju biti prioritet i odgovarajući koraci moraju biti preduzeti da se spreče nezgode i povrede u vezi rada ili nastale u toku radnog vremena.

Working hours are not excessive / Broj radnih sati nije preteran

The contract party represents and warrants that it and all of its subcontractors ensure that working hours comply with national law and international standards. A working week of 7 days should not exceed 48 hours and employees must have one day off per week. Overtime shall be compensated, limited and voluntary.

Ugovorna strana predstavlja i garantuje da će i ona i svi njeni podugovarači obezbediti da radno vreme bude u skladu sa nacionalnim zakonodavstvom i međunarodnim standardima. Prekovremeni rad mora biti plaćen, ograničen i dobrovoljan.

Regular employment is provided / Zaposlenje je legalno

The contract party represents and warrants that it and all of its subcontractors ensure that all work performed is on the basis of a recognized employment relationship established through international conventions and national law. The contract party and all of its subcontractors must protect vulnerable group's regular employment under these laws and conventions and must provide workers with a written contract.

Ugovorna strana predstavlja i garantuje da je i kod nje i svih njenih podugovarača rad baziran na priznatim radnim odnosima, ostvarenim u skladu sa međunarodnim konvencijama i nacionalnim zakonodavstvom. Ugovorna strana i svi njeni podugovarači moraju štititi regularno zaposlenje ugroženih grupa u skladu sa pomenutim zakonima i konvencijama i moraju sa zaposlenima imati pisani ugovor.

Anti-Corruption / Borba protiv korupcije

The contract party represents and warrants that neither it nor any of its subcontractors are engaged in any sort of corruption, defined as the misuse of entrusted power for illegitimate private (individual or group) gain, including but not limited to money laundering, bribery, facilitation payments, embezzlement, extortion, favouritism and forms of fraud.

Ugovorna strana predstavlja i garantuje da ni ona ni bilo ko od njenih podugovarača nije uključena u bilo koji vid korupcije, definisan kao zloupotreba poverene moći za nelegalnu privatnu (individualnu ili grupnu) korist, uključujući, ali ne ograničeno na, pranje novca, podmićivanje, plaćanje za facilitaciju, proneveru, iznudu, favorizaciju i oblike prevare.

The contract party accepts and acknowledges the Help Anti-Fraud and Anti-Corruption Policy and Regulations which will form inherent component of all contracts concluded with Help.

Ugovorna strana prihvata i priznaje Helpovu anti-korupcijsku politiku i politiku borbe protiv prevara i ostala pravila koja čine nerazdvojiv deo svih ugovora potpisanih sa Helpom.

Conflict of Interest / Konflikt interesa

The contract party represents and warrants that neither it nor any of its subcontractors are engaged in any activity which conflicts with its obligation towards the contracting authority, i.e. Help, and/or the Donor Institution that funds the project under which a contract between the contracting authority and the contract party is concluded.

Ugovorna strana predstavlja i garantuje da ni ona ni bilo ko od njenih podugovarača nisu uključeni u bilo kakvu aktivnost koja je u konfliktu sa njihovim obavezama prema ugovaraču, to jest Helpu i/ili donatoru koji finansira projekat u okviru koga se sklapa ugovor između ugovarača i dobavljača.

The contract party represents and warrants that it and all of its subcontractors will disclose to Help any situation that may appear as a conflict of interest, and disclose to Help if any Help representative, staff or professional under contract with Help may have an interest of any kind in the contract party's or any of its subcontractors' business or

any kind of economic ties with the contract party or its subcontractors.

Ugovorna strana predstavlja i garantuje da će i ona i svi njeni podugovarači obavestiti Help o svakoj situaciji koja može dovesti do konflikta interesa, kao i o potencijalnom interesu ili bilo kakvim ekonomskim vezama koji bilo koji Helpov predstavnik, zaposleni ili ekspert pod ugovorom sa Helpom, mogu imati u njihovom poslovanju ili poslovanju bilo kog od njihovih podugovarača.

Gifts and Hospitality / Pokloni i gostoprimstvo

The contract party represents and warrants that neither it nor any of its subcontractors will offer any benefit such as free goods or services, employment or sales opportunity to a Help representative, staff or professional under contract with Help in order to facilitate its or its subcontractors' business with Help.

Ugovorna strana predstavlja i garantuje da ni ona ni bilo ko od njenih podugovarača neće ponuditi ni jednom Helpovom predstavniku, zaposlenom ili ekspertu pod ugovorom sa Helpom, bilo kakvu korist, kao što su na primer besplatna roba i usluge, mogućnost zapošljavanja ili prodaje, kako bi time obezbedili uticaj na poslovanje sa Helpom.

Sexual Exploitation and Sexual Abuse / Seksualna eksploatacija i seksualno zlostavljanje

The contract party represents and warrants that it and all of its subcontractors are protecting all people from sexual abuse and sexual exploitation, meaning any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. Similarly, the term 'sexual abuse' means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

Ugovorna strana predstavlja i garantuje da i ona i svi njeni podugovarači štite sve ljude od seksualnog zlostavljanja i seksualne eksploatacije, što podrazumeva bilo kakvu stvarnu ili pokušanu zloupotrebu položaja ranjivosti, različite moći ili poverenja u seksualne svrhe, uključujući, ali ne i ograničeno na, novčano, socijalno ili političko profitiranje od seksualne eksploatacije. Takođe, termin "seksualno zlostavljanje" podrazumeva stvarno ili zaprećeno nametanje seksualne prirode, bilo putem sile ili pod nejednakim ili prisilnim uslovima.

Illegal Activity and Terrorism / Ilegalne aktivnosti i terorizam

The contract party represents and warrants that neither it nor any of its subcontractors are engaged in any sort of illegal activity.

Ugovorna strana predstavlja i garantuje da ni ona niti bilo ko od njenih podugovarača nisu uključeni u bilo kakav vid nelegalnih aktivnosti.

The contract party represents and warrants that neither it nor any of its subcontractors are engaged in any transactions with, and/or the provision of resources and support to, individuals and organizations associated with terrorism.

Ugovorna strana predstavlja i garantuje da ni ona niti bilo ko od njenih podugovarača nisu uključeni u bilo kakvu transakciju sa, niti podržavaju i snabdevaju, pojedince i organizacije povezane sa terorizmom.

Mines and Weapons / Mine i oružje

The contract party represents and warrants that neither it nor any of its subcontractors are actively and directly or indirectly engaged in any development, manufacturing, stockpiling or trade of anti-personnel mines and/or cluster munition, or components thereof, and of weapons including but not limited to firearms, chemical weapons, biological weapons and nuclear weapons.

Ugovorna strana predstavlja i garantuje da ni ona niti bilo ko od njenih podugovarača nisu aktivno i direktno/indirektno uključeni u razvoj, proizvodnju, lagerovanje ili trgovinu anti-personalnim minama i/ili

kasetnom municijom, ili njihovim komponentama, kao ni oružjem koje uključuje, ali nije ograničeno na, vatreno, hemijsko, biološko i nuklearno oružje.

Transport and Cargo / Transport i tovar

If a provider of transport and cargo, the contract party represents and warrants that neither it nor any of its subcontractors are engaged in transport activities which initiate, sustain, and/or exacerbate conflict or other illegal activities. If a contract party is arranging transport, it should ensure that the transport provider has ethical standards in place and is not engaged in transport of illicit or illegal goods.

Ukoliko obezbeđuje i transport i tovar, ugovorna strana predstavlja i garantuje da ni ona niti bilo ko od njenih podugovarača nisu uključeni u transportne aktivnosti koje iniciraju, održavaju i/ili pogoršavaju konflikte ili druge nelegalne aktivnosti. Ukoliko ugovorna strana podugovara transport, treba da obezbedi da vršilac transporta ima definisane etičke standarde i da nije uključen u transport nezakonite ili nelegalne robe.

Additionally, whenever air transport is required Help will give preference to providers who are not on the EU Safety Ban List⁴.

Takođe, kad god je potreban transport, Help će prednost dati dobavljačima koji nisu na Listi bezbednosne zabrane EU.

Protection of the Environment / Zaštita životne sredine

The contract party represents and warrants that neither it nor any of its subcontractors are violating any national or international environmental legislation and/or agreements.

Ugovorna strana predstavlja i garantuje da ni ona niti bilo ko od njenih podugovarača ne krši ni jedan od nacionalnih ili međunarodnih ekoloških zakona i/ili sporazuma.

The contract party represents and warrants that it and all of its subcontractors act in an environmentally responsible manner and addresses issues related to proper waste management, insuring recycling, conservation of scarce resources, and efficient energy use.

Ugovorna strana predstavlja i garantuje da će se i ona i svi njeni podugovarači ponašati ekološki odgovorno i rešavati probleme u vezi odgovarajućeg upravljanja otpadom, recikliranja, očuvanja ograničenih resursa i efikasnog korišćenja resursa.

Transparency and Accountability / Transparentnost i odgovornost

The contract party undertakes a duty of full disclosure of any relevant material at any time and at the sole discretion of Help in order for Help to examine any alleged breach of this Code of Conduct.

Ugovorna strana preuzima obavezu potpunog obelodanjivanja svih relevantnih materijala koje Help po sopstvenom nahođenju može tražiti u svrhe procene potencijalnog prekršaja ovog Kodeksa ponašanja.

Affirmative statement / Afirmativna izjava

We hereby confirm that we have received, read, and understood Help's Code of Conduct for Contractors.

Ovim izjavljujemo da smo dobili, pročitali i razumeli Helpov Kodeks ponašanja za dobavljače.

We declare that we shall carry out our duties to comply with the abovementioned ethical principles and standards and work for the implementation thereof. This, to the highest professional standards and in the best interests of Help. We acknowledge that this commitment is not linked to the possibility for future contract

⁴ http://ec.europa.eu/transport/air-ban/list_en.htm

awards. We declare that we are committed to apply the ethical principles and minimum standards throughout our commercial and procurement activities. We have in place, or are working towards having in place, procedures to ensure that ethical principles and standards are upheld by our staff and our contractors.

Izjavljujemo da ćemo sprovesti svoje dužnosti pridržavajući se gore navedenih etičkih principa i standarda tokom čitave implementacije. Svesni smo da ova obaveza nije povezana sa mogućnošću dodele budućih ugovora. Izjavljujemo da smo posvećeni primeni etičkih principa i minimalnih standarda u okviru svih naših komercijalnih aktivnosti i nabavke. Imamo usvojene procedure, ili radimo na usvajanju istih, koje obezbeđuju da se etički principi i standardi primenjuju od strane naših zaposlenih i podugovarača.

We are fully aware that any failure to sign and comply with this Code of Conduct for Contractors could lead to exclusion from the tender/procurement procedure and to the rejection of the bid/tender.

U potpunosti smo svesni da nepotpisivanje i nepridržavanje ovog Kodeksa ponašanja za dobavljače može voditi isključenju iz tenderske, odnosno procedure nabavke i odbijanja ponude/tendera.

We are also fully aware that unwillingness to cooperate with Help or serious violations of the Code of Conduct for Contractors will lead to termination of awarded contracts.

Takođe smo u potpunosti svesni da nespremnost za saradnju sa Helpom ili kršenje ovog Kodeksa ponašanja za dobavljače vodi raskidanju sklopljenih ugovora.

Company name / Naziv firme:

Full name and position of signatory
Puno ime i pozicija potpisnika:

Date / Datum:

Signature and stamp / Potpis i pečat:

Key International Conventions and Reference Documents / Ključne međunarodne konvencije i referentni dokumenti

(All web links as accessed on 22 June 2016 / Svi internet linkovi navedeni kako su dati na dan 22.06.2016)

UN Universal Declaration of Human Rights, 1948 / *Univerzalna deklaracija o ljudskim pravima UN*;
<http://www.un.org/en/universal-declaration-human-rights/>

European Convention on Human Rights, 1950 including all protocols to the convention / *Evropska konvencija o ljudskim pravima, 1950, uključujući sve protokole*
http://www.echr.coe.int/Documents/Convention_ENG.pdf

ILO Declaration on Fundamental Principles and Rights at Work and its follow-up, 1998; (Annex revised 2010) / *ILO Deklaracija o fundamentalnim principima i pravima na poslu i njena nadogradnja, 1998; (Aneks revidiran 2010)*
<http://www.ilo.org/declaration/thedeclaration/textdeclaration/lang--en/index.htm>

UN Convention on the Rights of the Child, 1990 / *UN Konvencija o pravima deteta, 1990*;
http://www.unicef.org.uk/Documents/Publication-pdfs/UNCRC_PRESS200910web.pdf

The Rio Declaration on Environment and Development, 1992 / *Deklaracija o životnoj sredini i razvoju iz Rija, 1992*;
http://www.unesco.org/education/nfsunesco/pdf/RIO_E.PDF

Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, adopted 1997, entry into force 1999 / *Konvencija o zabrani korišćenja, skladištenja, proizvodnje i transfera anti-personalnih mina i njihovom uništenju, usvojena 1997, važi od 1999*;
http://www.apminebanconvention.org/fileadmin/APMBC/text_status/Ottawa_Convention_English.pdf

Convention on Cluster Munitions, adopted 2008, entry into force 2010 / *Konvencija o konvenciji o kasetnoj municiji, usvojena 2008, važi od 2010*;
<http://www.clusterconvention.org/files/2011/01/Convention-ENG.pdf>

The Ten Principles of the UN Global Compact / *Deset principa UN Global Compact-a*
<https://www.unglobalcompact.org/what-is-gc/mission/principles>

Guidelines for the award of Procurement Contracts within the framework of Humanitarian Aid Actions financed by the European Union / *Smernice za dodelu ugovora o nabavci u okviru humanitarnih aktivnosti finansiranih od strane Evropske Unije*
http://ec.europa.eu/echo/files/partners/humanitarian_aid/Procurement_Guidelines_en.pdf