

Supplier Code of Conduct Policy

1.0 Purpose

Bendigo Kangan Institute (BKI) is committed to ethical, sustainable and socially responsible procurement and we expect the same high standards of our Suppliers. We view our Suppliers as partners and we care about the way they do business when providing goods or services, including construction works and services, to BKI.

The Supplier Code of Conduct (Code) describes the minimum expectation in the areas of: integrity, ethics and conduct; conflict of interest; gifts, benefits and hospitality; corporate governance; labour and human rights; health and safety; and environmental management. Suppliers to BKI are advised to review the Code and ensure that relevant areas of their business and supply chain meet these standards.

2.0 Scope

BKI seeks to work with its Suppliers to meet and exceed minimum expectations as outlined in this Code and continuously strives to improve the standard of its business practices. By Supplier, BKI means any entity that supplies goods or services, including construction works and services, to BKI.

Where the Code refers to workers, it includes employees, contractors, agency and temporary staff of the Supplier and its related entities. Where the Code refers to the law it means the laws in the jurisdiction that apply where the goods are procured or services are performed. Fundamental to this Code is an expectation that all Suppliers operate in full compliance with all laws, rules and regulations of the jurisdictions in which they do business.

The expectations outlined in the Code are not intended to supersede or alter the Supplier's regulatory and contractual obligations. BKI expects all existing and new Suppliers to commit to the Code. Suppliers should check their respective contracts, agreements and purchase orders as they may contain additional obligations or higher standards than those set out in this Code.

BKI expects Suppliers to communicate the Code to their related entities, Suppliers and subcontractors who support them in supplying goods and services to BKI, so that they are aware of, understand and comply with the Code.

3.0 References

[Victorian State Government – Procurement Supplier Code of Conduct](#)

[Victorian Public Sector Codes \(VPS Codes\)](#)

[Victorian Government Purchasing Board \(VGPB\)](#)

[Public Administration Act 2004](#)

[Child Wellbeing and Safety Act 2005](#)

[Commission for Children and Young People Act 2012](#)

[Crimes Act 1958 \(Failure to Disclose, Failure to Protect and Grooming offences\)](#)

[Children, Youth and Families Act 2005](#)

[Charter of Human Rights and Responsibilities Act 2006](#)

[Occupational Health and Safety Act 2004](#)

Supplier Code of Conduct Policy

[Disability Discrimination Act 1992](#)

[Equal Opportunity Act 2010](#)

[Working with Children Act 2005](#)

[Working with Children Check Unit](#)

4.0 Principles

BKI seeks to promote and encourages adherence to the principles:

- **Impartiality:** treat all people fairly. Base actions, decisions and advice on a consideration of all relevant facts and implement relevant Victorian Government policy and programs equitably.
- **Integrity, ethics and conduct:** maintain public trust by acting in the public interest and reporting any unethical behaviour in the work place.
- **Efficiency:** achieve results through the best use of the BKI financial, physical and human resources.
- **Responsive Service:** provide a relevant and timely service to clients. Promptly provide accurate, clear, current and complete information to which a person is entitled.

5.0 Policy Statement

The Supplier Code of Conduct outlines the standard of behaviour expected of BKI suppliers. It is designed to help suppliers understand their responsibilities and obligations when supplying goods and services, either via contract, agreement or purchase order to BKI. It is also designed to provide guidance if the supplier is faced with an ethical dilemma or a conflict of interest.

BKI is aligned to the Victorian State Government Procurement Supplier Code of Conduct.

As the Code cannot include all potential situations, please refer to BKI Procurement, Legal Counsel and BKI policies for further advice.

5.1 Reporting misconduct, unethical behaviour or suspected corruption

If a Supplier considers that another Supplier has deviated from or breached their obligations under this Code or that a BKI employee has breached their Employee Code of Conduct, it is expected to report these concerns to one of the following bodies:

- (a) In relation to other Supplies, the relevant department or Contracts and Procurement Manager.
- (b) In relation to BKI personnel breaching the Employee Code of Conduct or in relation to serious misconduct of BKI personnel, the CEO or [Independent Broad-based Anti-Corruption Commission](#); or
- (c) In relation to allegations of suspected corruption involving Suppliers or BKI personnel, directly to the [Independent Broad-based Anti-Corruption Commission](#).

Suppliers must:

- Be ethical in their business activities including relationships, practices, sourcing and operations.

Supplier Code of Conduct Policy

- Comply with all anti-bribery, anti-corruption and anti-money laundering laws.
- Must not engage in, either directly or indirectly, fraudulent, corrupt or collusive activities
- Must comply with modern slavery laws.
- Maintain adequate records that accurately record all financial transactions and information regarding its business activities, labour, health and safety and environmental practices in accordance with applicable laws, policies and procedures. Disclosure of information is expected to be undertaken without falsification or misrepresentation.
- Conduct themselves in a manner that is fair, professional and that will not bring BKI and/or the State into disrepute.
- Not improperly use any private, confidential or commercially sensitive information in its possession relating to or in connection with its dealings with BKI.

5.2 Corrective Action Process

Suppliers are expected to self-assess their compliance with the Code and take timely action to correct any deficiencies or breaches reported or identified by an audit, assessment, inspection, investigation or review.

Suppliers are encouraged to raise any concerns, discuss and seek clarification accordingly to any elements of the Code with the relevant department or with BKI's Contracts and Procurement Manager. If requested by BKI, Suppliers must provide evidence and confirmation of their compliance with the Code, including the provision of documents and records that support their compliance. Suppliers are expected to support the State in reviewing compliance with the Code.

5.3. Minimum Ethical Standards for Suppliers

BKI expects high standards of ethical conduct and compliance with all applicable laws. Suppliers are expected to be ethical in their business activities, including relationships, practices, sourcing and operations.

Business Integrity

Suppliers are expected to comply with all anti-bribery, anti-corruption, anti-money laundering and modern slavery laws. Suppliers must not engage in, either directly or indirectly, fraudulent, corrupt, exploitative or collusive activities.

Record Keeping and Documentation

Suppliers are expected to maintain adequate records that accurately record all financial transactions and information regarding its business activities, labour, health and safety and environmental practices in accordance with applicable laws, policies and procedures.

Disclosure of information is expected to be undertaken without falsification or misrepresentation.

Professional Conduct

Suppliers are expected to conduct themselves in a manner that is fair, professional and that will not bring the State into disrepute.

Supplier Code of Conduct Policy

Confidentiality

Suppliers must not improperly use any private, confidential or commercially sensitive information in its possession relating to or in connection with its dealings with BKI.

5.4 Conflict of Interest; Gifts, Benefits and Hospitality

BKI believes that all business activities to be undertaken with impartiality and any conflict of interest should be raised and managed.

Conflict of Interest

Suppliers must:

- (a) declare to the relevant BKI representative any situation that raises an actual, potential or perceived conflict of interest related to or in connection with its dealings with BKI; and
- (b) avoid financial, business or other relationships which may compromise the performance of their duties under their business arrangement with BKI. Any conflicts of interest that cannot be avoided are expected to be declared and managed appropriately.

Gifts, Benefits and Hospitality

BKI staff are required to:

- (a) conduct themselves with the highest standards of integrity, impartiality, accountability and perform duties without favouritism, bias or for personal gain; and
- (b) not accept any gifts, benefits or hospitality from a person or organisation about to be or currently engaged in a tender or contract negotiation with BKI.
- (c) all offers of gifts, benefits and hospitality are to be assessed to determine the benefit to BKI of accepting the gift, benefit or hospitality versus the perception of impropriety or undue influence. Refer to the BKI Gifts, Benefits and Hospitality Policy prior to accepting any offer of a gifts, benefits and hospitality.
- (d) not take any actions to entice or obtain any unfair or improper advantage.

Suppliers are expected not to:

- (a) offer BKI staff gifts or benefits, either directly or indirectly, and offers of hospitality will be limited to token offers of basic courtesy (such as tea and coffee during a meeting); or
- (b) take any action in order to entice or obtain any unfair or improper advantage.

5.5 Corporate Governance and Transparency

Commitment to sound management administration, risk and corrective action systems, are key to a relation supply chain for BKI. Suppliers are expected to maintain sound administration processes.

Risk Assessment and Management

Suppliers should develop and maintain a process to identify, manage and control relevant risks associated with its operations. These include supply chain risks and risk relating to labour and human rights, health and safety, the environment, business ethics, and corporate governance.

Supplier Code of Conduct Policy

Critical Incident Management

Suppliers should:

- (a) identify and assess potential incident, emergency situations and business continuity risks; and
- (b) develop and implement emergency plans and response procedures that minimise harm to life, environment and property, while minimising disruption to business continuity.

Audits and Assessments

To ensure compliance with this Code and the applicable laws, Suppliers are expected to:

- (a) perform periodic evaluations of the facilities and operations, and the facilities and operations of their subcontractors; and
- (b) cooperate openly and honestly with any BKI audit, assessment or review.

Suppliers need to self-assess their compliance with the Supplier Code of Conduct. Suppliers are encouraged to raise concerns or seek clarification on the Code with their contract manager. Refer to the Supplier Code of Conduct for guidance on additional reporting options.

Suppliers must provide evidence and confirm their compliance with the Supplier Code of Conduct when asked to do so. This includes providing documents and records that support their compliance.

5.6 Labour and Human Rights

BKI supports all workers within its supply chain and all deserve to be treated with dignity and respect. Suppliers are expected to provide a fair and ethical workplace which upholds high standards of human rights and integrates appropriate labour and human rights policies and practices into its business.

Anti-Discrimination

Subject to applicable laws, Suppliers are expected not to discriminate against any worker based on age, disability, ethnicity, gender, marital status, political affiliation, race, religion, sexual orientation, gender identity, union membership, or any other status protected by law, in hiring and other employment practices.

Anti-Harassment

Suppliers are expected to commit to a workplace free from workplace bullying, harassment, victimisation and abuse. Suppliers are expected not to bully workers or threaten workers with, or subject them to, unlawful or inhumane treatment. This includes, but is not limited to, abuse and harassment which can be verbal, physical, sexual or psychological.

Human Rights

Suppliers are expected to provide goods and services in a manner consistent with any applicable human rights obligations.

Supplier Code of Conduct Policy

Consistent with relevant modern slavery legislation, Suppliers are expected to proactively identify, address and where required by legislation, report on risks of modern slavery practices (defined broadly to include all forms of human trafficking, forced labour and slavery-like practices) in their business operations and supply chains.

Prevention of Involuntary and Underage Labour

Suppliers are expected to:

- (a) ensure all work is undertaken without coercion;
- (b) not use any form of forced, bonded or indentured labour; and
- (c) employ only workers who are the applicable minimum legal age.

All use of temporary and outsourced labour should be within the limits of the law. Suppliers are therefore expected to:

- (a) use all reasonable endeavours to ensure that third party recruitment agencies it uses are compliant with the provisions of this Code and applicable law; and
- (b) be responsible for payment of all recruitment-related fees and expense in recruiting foreign contract workers either directly or through third party agencies.

Working Hours, Wages and Benefits

Suppliers must:

- (a) follow all applicable laws and regulations with respect to wages, working hours and workers' compensation insurance;
- (b) ensure that all workers receive their legally mandated minimum wages, benefits, superannuation, leave entitlements and time off for legally recognised holidays; and
- (c) pay workers' wages as required under applicable laws in a timely manner and not be expected to use wage deductions as a disciplinary measure. All overtime is expected to be reasonable and paid at the rate and in accordance with the applicable laws.

Freedom of Association and Collective Bargaining

Suppliers are expected to freely allow workers to associate with others, form and join (or refrain from joining) industrial organisations or associations of their choice and bargain collectively, or engage in any lawful industrial activity without interference, discrimination, retaliation or harassment.

Child Safe Standards

BKI is a child safe organisation, as such all employees, volunteers, contractors (including suppliers) and service providers are required to:

- a. Promote a culture of child safety, comply with Child Safety and Human Rights Laws and reporting obligations of suspected child abuse as per the BKI Child Safety Policy and Procedure.
- b. BKI has a zero tolerance to child abuse.

Supplier Code of Conduct Policy

- c. Suppliers are required to ensure their workers are safe to work with and in the presence of children and have appropriate systems and checks in place such as current and valid Working with Children checks and Police Criminal History Checks, per the Child Safe Standards; Child Wellbeing and Safety Act 2005.

Refer to BKI Child Safety Policy for a list detailing what is acceptable behaviour and what is unacceptable behaviour when working with or in the presence of children and young people.

Refer to BKI Contractor handbooks for contact information for when reporting child abuse concerns.

5.7 Health and Safety

Worker health, safety and well-being is important to BKI. Suppliers are expected to provide a health and safe work environment and integrate sound health and safety management practices into its business.

BKI is committed to ensuring the health and safety of our staff, students, contractors and visitors. This may include the provision of safe operating procedures, installation and maintenance manuals, registration, licencing or competency requirements and material safety data sheets.

Workplace Health and Safety Management

Suppliers are expected to provide a healthy and safe work environment and integrate sound health and safety management practices within its business. Suppliers must comply with all applicable laws relating to workplace health and safety.

Suppliers are required to:

- (a) comply with all legal responsibilities under applicable legislation of the country in which they operate; and
- (b) provide workers with a safe and clean working environment that meet legal requirements; and
- (c) manage occupational health and safety hazards; and
- (d) provide workers with job-related training and consult with employees in relation to the provision of information and training; and
- (e) complete the BKI online induction process before attending any BKI campuses and follow the contractor sign in process when attending sites.

5.8 Environmental Management

BKI is committed to promoting environmental responsibility. Suppliers are expected to minimise the environmental impact of their operations and maintain environmentally responsible policies and practices.

BKI are proactive in measuring and reducing its environmental footprint, with the aim of procuring products and services that have the least possible negative environmental impact.

Supplier Code of Conduct Policy

Environmental Impacts

Suppliers must comply with all applicable laws and regulations relating to the environment, including any management and reporting obligations. Suppliers are expected to manage the environmental impact of their operations by:

- (a) meet all relevant local and national environmental regulations pertinent to their operations regarding all products and services they provide to BKI. This also extends to their supply chain.
- (b) manage the environmental impact of their operations, and establish environmental targets to minimise the negative impact of their products and services throughout their lifecycle. Suppliers must be able to provide reporting to show progress towards targets.
- (c) ensure safe storage, transportation and disposal of hazardous substance including hazardous waste.
- (d) maintain policies and practices for the efficient use of energy, waste and natural water consumption; and
- (e) maintain policies and practices that reduce the risk of pollution, loss of biodiversity, deforestation, damage to ecosystems and greenhouse gas emissions.

6.0 Control Processes for Maintaining the Code with BKI Suppliers

BKI reserves the right to carry out regular assessments of the practices of our suppliers to ensure alignment with this Code. This may include self-assessment by suppliers, auditing of suppliers, and request for additional information and site visits.

Suppliers are required to:

- Respond in full and be open and honest in response to any request for information.
- Agree to implementing action plans to make improvements in business processes until a satisfactory level of improvement is reached in relation to the Code.

Subcontractors

Communicate the Supplier Code of Conduct to all related entities and subcontractors who support them in supplying goods, works or services to BKI. This will ensure that subcontractors conduct their business under the Supplier Code of Conduct.

Suppliers from outside of Victoria

The Supplier Code of Conduct recognises that suppliers may operate and provide goods, works, services from outside Victoria. Where the Supplier Code of Conduct refers to the law, it means the law(s) in the place where the goods, works or services are purchased from.

7.0 Tender Stage

During the tender stage, BKI are to ensure that suppliers can report issues in relation to meeting the Supplier Code of Conduct.

Supplier Code of Conduct Policy

The Supplier Code of Conduct commitment letter must be completed for a supplier's tender submission to be considered.

When entering large contracts and agreements, suppliers need to:

- Sign a commitment letter acknowledging BKI's minimum expectations
- Confirm that they will aspire to meet these expectations

The commitment letter is included in the invitation to supply documentation. The commitment letter is a compulsory part of a supplier's submission.

The terms and conditions of supply for low value, intermittent purchase order purchases includes the suppliers' acknowledgement and commitment to the Supplier Code of Conduct. Therefore suppliers do not need to complete a separate commitment letter.

8.0 Supplier Non-Performance

If a supplier fails to deliver in full, on time, or to meet other contractual agreements or performance milestones, the discrepancy must be dealt with in a prompt and fair manner. When supplier non-performance first becomes apparent, BKI will contact the supplier to request rectification of the situation.

If the supplier fails to resolve the issue after this notice, BKI will possibly cancel the agreement, order from another source, and seek to recover the difference in price, if any, from the supplier.

9.0 Complaints Management System

BKI places a high level of importance on the way we conduct procurement and how we interact with our suppliers. Effectively handling complaints is critical to our relationships with suppliers.

The complaints management system gives a supplier a mechanism to raise concerns about how an organisation manages a procurement activity.

To maintain high standards of probity, complaints need to be handled in a consistent, fair and transparent manner. Complaints will ideally be resolved – to the satisfaction of both parties – within the organisation.

The complaint must relate to a procurement process issue. Matters of improper conduct, corruption or fraud etc are to be dealt with under other existing channels for review.

Within BKI, the appropriate and responsible manager for procurement complaints is the Chief Operating Officer (COO). This demonstrates impartiality when investigating a complaint. The individual, managing the complaint, needs appropriate knowledge of procurement policies and relevant processes. The individual must not be directly involved in the subject matter of the complaint.

For information on how to process a complaint, please refer to [Complaints Management Process](#).

Supplier Code of Conduct Policy

10.0 Procurement Governance Framework

A procurement governance framework establishes processes, authorities, accountabilities and relationships for BKI to manage an efficient and effective procurement function. It operates at 2 levels:

- a. The structure, processes and roles that drive organisational performance, improve procurement practice, reduce risk and promote value for money
- b. Ensuring compliance with VGPB supply policies.

A procurement governance framework ensures that:

- The accountable officer (AO) has developed a strategy, systems, policy, practices and processes to monitor and benchmark performance
- The AO is asking appropriate and regular questions about procurement activity and procurement outcomes
- Roles, responsibilities, authorities and accountabilities are clearly articulated and understood
- Risks are identified, mitigated and / or improved

Complaints are treated fairly and in a timely manner.

11.0 Roles and Responsibilities

Role	Responsibilities
Chief Executive Officer (CEO)	The CEO has ultimate accountability and responsibility to set the standards and expectations required of all BKI staff and the suppliers it engages.
Chief Operations Officer (COO)	The COO is accountable to ensure the Supplier Code of Conduct exists and is managed effectively.
Contracts and Procurement	Procurement is responsible for developing, maintaining and reviewing the Supplier Code of Conduct.
Legal Counsel	Legal Counsel is responsible for review of legally enforceable contracts and legal advice.
Risk and Integrity	Risk and Integrity are responsible for ensuring the Supplier Code of Conduct adheres to industry standards and reducing the risk to BKI of breach of compliance or legislation.
Managers/Supervisors	Managers/Supervisors are required to: <ul style="list-style-type: none"> • Communicate the Supplier Code of Conduct to suppliers when procuring of goods of services; • Escalate any issues or behaviours they believe are in breach of this Code to the Contracts and Procurement Manager, Executive or to a Risk and Integrity representative.

Supplier Code of Conduct Policy

Role	Responsibilities
BKI Staff	<p>BKI Staff are required to:</p> <ul style="list-style-type: none"> • Communicate the Supplier Code of Conduct to suppliers when procuring of goods of services; • Escalate any issues or behaviours they believe are in breach of this code to their managers/supervisors or Contracts and Procurement Manager.

12.0 Definitions

Word/Term	Definition
BKI	Bendigo Kangan Institute
VGPB	Victorian Government Procurement Board
VPSC	Victorian Public Sector Commission
VPS Codes	Victorian Public Sector Codes
Code	Supplier Code of Conduct
CEO	Chief Executive Officer
COO	Chief Operating Officer
Workers	Employees, contractors, agency and temporary staff

13.0 Supporting Policies and Forms

Policy or Form name
Procurement Policy and Procedure
Procurement Guide
BKI Child Safety Policy
BKI Child Safety Procedure
BKI Conflict of Interest Policy and Procedure
BKI Employee Code of Conduct Policy and Procedure
BKI Gifts, Hospitality and Benefits Policy and Procedure

Supplier Code of Conduct Policy

14.0 Version Control and Change History

Ver.	Approved By	Approval Date	Issue Date	Description of Change	Next Scheduled Review Date	Document Owner
1.0	COO	4 Sept 2019	4 Sept 2019	Initial	Sept 2020	Procurement
2.0	COO	24 May 2021	31 May 2021	Updated with Complaints Management Process and alignment to VGPB	Oct 2021	Procurement

15.0 BKI Policy and Procedure Portal

Category	Key Words
Procurement	Supplier, Code of Conduct, Managing Conflict, Supplier complaint