

Policy: 105 Anti-Bribery & Anti-Corruption Procedure

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105	1.02.2017	1.02.2017	Endorsed

Why

The Bay Building Group has a well-established reputation for conducting business in an ethical and honest way. This reputation is built on our company value of Integrity which is a major, underlying theme found throughout our Code of Responsible Business Practice.

BBG strives to participate as a strong competitor in our market and are committed to doing so without the use of bribery or other corrupt practices to obtain an advantage.

Bribery and corruption are morally wrong and could seriously damage BBG’s reputation. Bribery is a criminal offence and any corrupt act exposes BBG and its employees to the risk of prosecution fines and imprisonment.

BBG apply a “zero tolerance” approach to acts of bribery and corruption by any of our employees, officials or third-party representatives. Management have the primary responsibility for implementing this policy within their areas of responsibility. Any breach of this policy is regarded as a serious matter by BBG and will result in disciplinary action up to and including termination of employment or contract.

Details

What are Bribery and Corruption?

Bribery is the offer, promise, giving, demanding or acceptance of an advantage as an inducement for an action which is illegal, unethical or a breach of trust. Bribes can take on many different shapes and forms, but typically there will be a “quid pro quo” – meaning that both parties, or a party’s designate, will benefit.

A bribe could be:

- The direct or indirect promise, offering, or authorization, of anything of value (whether the value is material or not);
- The offer or receipt of any kickback, loan, fee, reward or other advantage; or
- The giving of aid, donations or voting, designed to exert improper influence.

Acts of bribery are designed to influence individuals to act dishonestly in the performance or discharge of their duty.

Corruption is the misuse of office or power or influence for private gain.

Who May be Guilty of Bribery and Corruption?

In the eyes of the law, bribery and corruption can be committed by:

- An employee, officer or director; or
- Any person acting on behalf of another (i.e. a third-party representative); or
- Organisations which authorize, permit or facilitate others to carry out such acts.

People who are likely to be approached with bribes or corrupt conduct are generally those who are able to obtain, retain or direct business, or officials involved in some aspect of the regulation or purchase of a company’s products and services, for example, tendering and contracting, or the handling of administrative tasks such as purchases or issuing of work orders

Bribery and Corruption Prevention

A. Risk Assessment

Local Management must assess the vulnerability of each business unit to bribery and corruption risks. Where bribery and corruption risks are identified they should be managed in line with BBG's established risk management framework.

B. Accurate Books and Record-Keeping

Local Management must ensure that books, records and overall financial reporting must also be transparent. That is, they must accurately reflect each and all underlying transactions.

C. Effective Monitoring and Control

Local Management must take the necessary steps to maintain an effective system of internal control and monitoring to prevent bribery and corruption. This must include education and training of employees. Local Management must provide a sign off to the BBG Financial Officer as part of the annual management representation process of the business unit that they are responsible for. This includes having assessed the vulnerability of its operations to bribery and corruption risks and that appropriate controls and monitoring have been put in place to prevent bribery and corruption and, that there have to the best of their knowledge, been no instances of bribery or corruption that have not otherwise been reported to Senior Management or BBG Directors.

Key Risk Areas for Bribery and Corruption

Gifts, Entertainment and Hospitality Gifts.

Entertainment and hospitality include the receipt or offer of gifts, meals or tokens of appreciation and gratitude, or invitations to events, functions, or other social gatherings, in connection with matters related to our business. These activities are acceptable provided they:

- fall within reasonable bounds of value and occurrence as defined by BBG policies;
- do not influence, or are not perceived to influence, objective business judgement; and
- are not prohibited or limited by applicable laws or applicable industry codes.

BBG staff must not accept gifts or entertainment where to do so might influence, or be perceived to influence, objective business judgement. BBG staff cannot provide any gifts to, or receive them from associated business partners or representatives without the prior approval of the BBG Directors.

Facilitation Payments

A facilitation payment is a small payment made to secure or expedite the performance of a routine or necessary action (for example, the issue of a work order) to which the payer of the facilitation payment is entitled. As a general rule, it is BBG's policy that facilitation payments must not be made.

Tangible and intangible benefits

Tangible benefits include any real, concrete or physical benefit, for example misused funds and theft of assets such as:

- Theft or kickback schemes from any associate of BBG ie subcontractors/suppliers or company to who you will give work;
- Carrying private works for insureds unrelated to BBG
- Using BBG trades/subcontractors on private jobs without prior Directors approval
- Using the Supplier Accounts ie Bunnings for personal products or services
- Changing invoices or quotes to create a personal cash flow and/or kickback
- Intentional billing for services the employee knows were not rendered
- Intentional duplicate or overbilling
- Creation and/or registration of a false claim
- Misrepresentation of hours on time sheets
- Creation of fictitious vendors for billing
- Altering or providing fictitious receipts or invoices

- Conspiring with others to commit a fraudulent act

Intangible benefits are benefits which are not concrete or physical such as:

- Improper access to or circulation of secure data or company information; and
- Unauthorised and improper use of BBG assets; such as personal use of a Bay Building Group vehicle. Please refer to the Motor Vehicle Policy for further information.

How to Raise a Concern

All BBG employees and contractors have a responsibility to help detect, prevent and report instances not only of bribery and corruption, but also of any other suspicious activity or wrongdoing in connection with BBG’s business. BBG is absolutely committed to ensuring that all BBG employees and contractors have a safe, reliable and confidential way of reporting any suspicious activity. BBG has established and will continue to maintain multiple channels that facilitate the reporting of any suspected incidence of bribery or corruption.

A BBG employee or contractor may report the issue/concern to their Manager or to BBG HR in the first instance. If for some reason it is not possible to speak to their Manager or BBG HR, then the issue/concern should be reported to another Senior Manager or Company Director.

If a BBG employee or contractor is not comfortable with speaking directly to a colleague or anyone mentioned above, BBG has a reporting or “whistleblower” facility for BBG employees and contractors to use. Details of this have been communicated separately in the Whistleblower/Reporting Procedure. In the event that an incident of bribery, corruption or wrongdoing is reported. BBG will act as soon as possible to evaluate the situation.

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