

Code of Conduct for Members



Through recognising, supporting and promoting excellence within the professional recruitment market, APSCo Deutschland GmbH (APSCo Deutschland) members provide other organisations, Government and candidates with a recognised stamp of quality assurance and the knowledge that dealing with APSCo Deutschland's members demonstrates clear commercial advantage. The aim of this Code of Conduct is to enable members to express their commitment to providing the highest principles of professionalism, integrity, fair practice and ethics in dealing with clients, candidates and other recruitment firms. It is designed to enhance the operation, image and reputation of the recruitment profession and the staffing industry in Germany and indirectly therefore in every country in which APSCo Deutschland members provide services.

1. Rule 1 - General

- 1.1. Members shall at all time act in the best interests of the professional staffing industry and will not act in a way likely to bring the industry into disrepute.
- 1.2. Members' conduct is to be regulated in accordance with this Code of Conduct and support is offered to all members in order to achieve compliance with these standards

2. Rule 2 - Honesty

- 2.1. Members will act honestly in all dealings with candidates, clients and other recruitment firms (whether APSCo members or not), and others.
- 2.2. Members shall not knowingly make a false or inaccurate statement, mislead or otherwise allow those with whom it deals to operate with a false impression of anything relating to the business between the member and that of another party.
- 2.3. Members should familiarise themselves with German legislation pertaining to Competition law (Gesetz gegen Wettbewerbsbeschränkungen, GWB) and the potential legal penalties for making false or inaccurate statements.

3. Rule 3 - Staff Training

- 3.1. Members agree to communicate the contents of this Code of Conduct to all staff, and instruct them to abide by its contents.
- 3.2. Members will train their staff to ensure that they have the skills, knowledge and information to reach the standards required by this Code of Conduct, and will put in place adequate procedures to ensure continuing compliance.
- 3.3. Members will specifically communicate to all staff those relevant sections of German Competition Law as it related to making false or inaccurate statements and the potential legal implications of doing so.
- 3.4. Members may where appropriate make this Code of Conduct available to Candidates and Clients.

4. Rule 4 - Compliance with Laws

4.1. General

- 4.1.1. Members will ensure that they comply with all relevant legislation relating to all business activities delivered in, to or from Germany, including but not limited to any legislation relating to equal opportunities, health and safety, taxation, data protection, competition and telecommunications privacy.

4.1.2. This Code of Conduct is not legally binding but represents a minimum standard of good practice by APSCo Deutschland members and is promoted on that basis. APSCo Deutschland members are free to operate in their own commercial interests. This code does not support or promote any anti-competitive activity and should not be construed as doing so.

4.2. Contractual Documentation

4.2.1. Members shall ensure that the contractual documentation they use to cover their dealings with both Candidates and Clients is in line with relevant law and any other appropriate statutory requirements.

4.2.2. Members will have procedures in place to ensure that adequate documentation is provided, where required by law to all relevant parties.

4.3. Referral Fees

4.3.1. Members shall have a procedure in place to ensure that any referral fee or other financial incentive paid to or received from any other staffing company, contractor Management Company, intermediary, or any other business in the supply chain is not in breach of Anti-Corruption Law (Gesetz zur Bekämpfung der Korruption). APSCo Deutschland expects members to adhere to the following best practice with regard to such fees to ensure that:

4.3.2. they are not disproportionately high in relation to the value of the service provision;

4.3.3. all employees adhere to the member's referral fee policy;

4.3.4. when entering into referral fee/financial incentive arrangements all parties have complete transparency with regard to the payments made and/or received; and

4.3.5. members never apply undue pressure to any other staffing company, contractor management company, intermediary or other business in the supply chain to offer a referral fee or any other financial incentive.

4.4. Right to Work in the Country where the Services are Performed.

4.4.1. Members will put in place adequate procedures to ensure consistent and continual compliance with German and European Union to ensure that all permanent and temporary Candidates and employees have the right to work in the country in which they are providing services.

4.4.2. Members will ensure that all relevant staff members are aware of the documents/document combinations, which are acceptable as proof of right to work in the country in which the services are performed

4.5. Data Protection

4.5.1. Members will ensure that all Candidate personal information is held and processed for the purposes for which the information was provided by the Candidate, and in a secure manner and in full compliance with the German Data Protection Law Bundesdatenschutzgesetz (BDSG) and the EU Directive 95/46/EC

4.5.2. Members will ensure that before they pass any personal details relating to a Candidate onto a Client or other third party they will first have obtained the Candidate's consent and entered into an agreement with that Client or third party to only hold and process the Candidate's information in a secure manner.

4.6. Respect for Diversity

4.6.1. Members shall champion equality and diversity and shall not discriminate against anyone with whom they come into contact. Members shall adhere to all aspects of applicable human rights, equality and employment laws and regulations.

4.6.2. Members shall not act on an instruction from a Client that breaches any applicable law or regulation from time to time in place relating to discrimination or require other Recruitment Firms or Candidates to act on such instructions.

4.6.3. Members will treat all Candidates, and Clients with dignity and respect and should establish working practices that safeguard against unlawful or unethical discrimination in the operation of their business.

5. Recruitment processes

5.1. Members shall put in place adequate procedures to ensure the documentation of all stages of their recruitment processes, including but not limited to: recording the time and date of CV's sent, interviews arranged, and the outcome of offers of employment or engagement.

5.2. Members shall ensure that all advertisements and marketing to attract Candidates comply with applicable legislation.

5.3. Members will endeavour to place the candidates who best meet the client's reasonable and lawful requirements.

5.4. Members will only introduce or submit details to the Client of those Candidates who have given permission for their CV and personal data to be transmitted to an agreed or pre-discussed Client organisation.

5.5. Members shall ensure that there is a clear understanding with the Client as to who is responsible for each aspect of the recruitment process (e.g. interviews and obtaining references).

5.6. Members must be willing, on request from a Client, to clarify what procedures are in place to verify the Candidate's identity, experience and qualifications.

5.7. Members shall only process a Candidate's details for the purpose of facilitating employment or engagement as an independent contractor with a Client, or such other service as has been agreed by the Candidate, and shall ensure that any Client with whom a Candidate's details have been shared has also agreed to a similar undertaking.

5.8. Members shall promote and deliver effective communication mechanisms with Clients and Candidates, and other interested parties, which engenders an open, and respectful transfer of information fully compliant with German Law.

6. Dealings with Clients

6.1. Members will not target employees of active Clients for search purposes.

6.2. Members will treat all Client information confidentially and the disclosure of information will be restricted to those parties that form part of the recruitment process.

6.3. Members will provide Clients with either references or the contact details of referees for Candidates where required and or where requested. Members will ensure that they obtain the Candidate's permission before passing on any reference/referee details, and will obtain the Client's agreement to only contact the referees in relation to the Candidate that have been provided by the member.

6.4. Members should avoid misrepresentation when undertaking research or business development with potential clients. Members should familiarise themselves with the penalties for doing so under German Competition Law (Gesetz gegen Wettbewerbsbeschränkungen, GWB)

7. Dealings with Candidates

7.1. Members should make clear to Candidates at what stage references will be taken up and how they will be used. Only referees provided by the Candidate should be contacted, unless express permission from the Candidate is obtained to act otherwise.

7.2. As stated in clause 5.4 above, members will only pass information relating to a Candidate onto a Client once the member has made the Candidate aware of that particular opportunity and has received either verbal or written confirmation from the Candidate that their details maybe forwarded to the Client.

7.3. Members shall use reasonable endeavours to keep Candidates informed of progress in finding them work and of any application for work the member is pursuing on their behalf. To that end, members shall agree with Candidates who is to initiate further contact.

7.4. Where members have agreed to provide and are providing work finding services for Candidates, or where members have engaged the services of Candidates as temporaries/contract workers, members shall return Candidates' calls, emails and other correspondence as soon as reasonably practicable.

7.5. Members shall not misrepresent pay rates, contract terms, assignment duration or other subjects relevant to the relationship between the members, the Client and the Candidate.

7.6. Members shall pay all temporary/contract workers promptly in accordance with their contract. In the event of a delay, members shall inform the temporary/contract worker as soon as practicable, giving the reasons for the delay and the steps that have been taken to resolve the issue.

7.7. Members shall not unfairly prevent a Candidate from pursuing other opportunities, nor will they induce Candidates to breach or improperly interfere with a contractual relationship with a Client.

7.8. Members will not impose a restriction on any Candidate they have previously engaged from obtaining work by withholding or refusing to provide any information, whether in a reference or otherwise, that is reasonably requested by another recruitment firm or Client in respect of that Candidate unless they can objectively and lawfully justify their decision for refusing to give such information in any particular case.

8. Complaints & Escalation

8.1. Any complaint that a member has breached the standards contained within this Code of Conduct shall be dealt with in accordance with the APSCo Deutschland complaints procedure, which is available on the [APSCo Deutschland website](#).

8.2. Please note that APSCo Deutschland will not investigate or intervene in complaints, which are based solely on a commercial dispute.

8.3. In the event that a complaint is made against a member, that member shall cooperate with any investigation of that complaint under the APSCo Deutschland complaints procedure.

8.4. Members shall provide reasonable assistance to any investigation under the APSCo Deutschland complaints procedure, even if they are not the subject of that complaint.

8.5. Should a member fail to adhere to the terms of this Code of Conduct or should a complaint be upheld against a member that it has failed to so adhere, APSCo Deutschland reserves the right to terminate their membership. In any such decision to terminate, APSCo Deutschland shall act in good faith and in compliance with any applicable law and will follow its own rules and procedures including any right to appeal.

9. Whistleblowing

9.1. Members should report concerns or suspicions about any wrong doing or malpractice on the part of APSCo Deutschland or any other member or affiliate member. Wherever possible such reports will be kept confidential.

9.2. Members should not report concerns that relate to their own company's operations and practices, as these should be dealt with through that company's own internal reporting structure.

9.3. Where a member reasonably believes any one or more of the following matters have, may have or will take place, they should report these via APSCo Deutschland's complaints hotline at deutschland@apsco.org

9.3.1. A serious breach of this Code of Conduct

9.3.2. A criminal offence

9.3.3. A failure to comply with a legal obligation

9.3.4. A danger to the health and safety of an individual

9.3.5. Dishonesty, corruption, or bribery

9.3.6. False accounting or reporting irregularities

9.4. Once a concern or incident has been reported APSCo Deutschland will make preliminary enquiries and decide if further investigation is needed. Where necessary, APSCo Deutschland will decide whether the investigation should be conducted internally or externally.

9.5. Any member reporting such concerns will not be victimised or treated less favourably in any way as a result.

9.6. Members should be aware that deliberately raising false or malicious allegations is not acceptable and will be viewed extremely seriously by APSCo Deutschland, and could result in their membership being terminated.

Membership of APSCo Deutschland implies acceptance of this code of conduct. The Code of Conduct will be distributed with promotional material upon receiving a request for information from potential members and is easily accessible in both German & English languages on the APSCo Deutschland website.
