



The Highway Electrical Manufacturers and Suppliers Association

Code of Conduct

Since 1998 HEMSA has been the recognised voice of manufacturers and suppliers of products and services, other than contracting services, to the highway electrical contracting industry in the UK. HEMSA Members range from small businesses to multinational companies and all members must meet the HEMSA Membership criteria as set out by HEMSA Council as well as the ongoing audit requirements of HEMSA.

HEMSA is dedicated to improving and maintaining standards in the industry, so that all clients of HEMSA members can have confidence that they are receiving value for money. The majority of professional organisations involved in the manufacturing, distribution and supply of products to the highway electrical sector are members of HEMSA.

Compliance with this Code of Conduct is mandatory on all HEMSA Members, and whilst no code can cover every instance or every detail of practice and behaviour, its effectiveness is dependent on HEMSA Members observing the spirit, as well as the letter, of the Code. This also depends on HEMSA Members regulating, in part, through their own internal review or audit processes.

This Code of Conduct has been prepared by reference to guidance available through the Office of Fair Trading web-site and in full consultation with HEMSA Members.

Standards of Service

As a HEMSA Member we shall:

1. General

- 1.1 be clear and open in our dealings with clients, suppliers and employees
- 1.2 trade fairly, responsibly and professionally
- 1.3 behave at all times with honesty and integrity
- 1.4 hold appropriate types and levels of insurance
- 1.5 provide products and services that provide value for money for the client
- 1.6 ensure that all work carried out is to a good standard and meets industry requirements
- 1.7 not approach employees of other organisations directly in order to offer employment to them
- 1.8 not conduct our business in any manner likely to bring HEMSA or its members into disrepute

2. Health, Safety, Environment and Competence

- 2.1 have a quality management system in line with ISO9001
- 2.2 have a documented and communicated Health and Safety Policy reviewed at least biennially
- 2.3 have documented and communicated risk assessments
- 2.4 have a system for recording, investigating, reviewing, and, where practicable, reducing accidents at work and make statistics available to HEMSA on demand
- 2.5 have access to competent H&S advice
- 2.6 have a documented and communicated Environmental Policy
- 2.7 ensure that those carrying out work, including design work, are competent
- 2.8 ensure that anyone or any organisation that we order work, services or products from, is appropriately competent

3. Training and Registration

- 3.1 be registered to the Highway Electrical Registration Scheme (HERS) where site works are carried out by registrable employees

- 3.2 ensure that all (100%) of our registrable employees are registered to HERS except in the instances of new employees (including trainees) or TUPE transfers who will be registered before carrying out non-directly supervised work on site and in accordance with clause 3.3
 - 3.3 ensure that all registrable employees carrying out site works are registered to HERS within 12 months of commencing employment
 - 3.4 ensure that all sub-contractors carrying out site works within the scope of HERS are registered to it and are using HERS registered personnel on their works
 - 3.5 ensure that relevant employees are aware of the contents of this Code of Conduct
4. Contract information and guarantees
- 4.1 use clear and fair contract conditions (preferably standard terms and conditions)
 - 4.2 ensure where practicable that timely notice is given of any delays in delivery of the product or service
 - 4.3 ensure that any guarantees or warranties are set out clearly
5. Advertising and logos
- 5.1 ensure that all advertising or marketing communications are legal, decent, honest and truthful
 - 5.2 ensure that advertising or marketing communications are not misleading or likely to be misleading, by inaccuracy, ambiguity, exaggeration, omission or otherwise and that it complies with relevant statutory requirements including the Control of Misleading Advertisements Regulations 1988 (as amended by the Control of Misleading Advertisements (Amendment) Regulations 2000) which implement EU Directives 84/450/EEC and 97/55/EC on misleading and comparative advertisements.
 - 5.3 ensure that all advertising or marketing communications comply with any relevant code of advertising including the British Codes of Advertising, Sales Promotion and Direct Marketing
 - 5.4 ensure that all advertising or marketing communications are prepared with a sense of responsibility to consumers and to society and respects the principles of fair competition generally accepted in business
 - 5.5 ensure that no advertising or marketing communications bring HEMSA or HEMSA Members into disrepute
 - 5.6 ensure that the HEMSA logo is used as supplied by HEMSA, only so long as we remain a member of HEMSA and are in full compliance with this Code. The HEMSA logo is only to be used in conjunction with our HEMSA Membership number
 - 5.7 use the HEA logo only where we are an HEA Approved Training Organisation and in full compliance with the Approved Training Organisation requirements and in conjunction with the words "HEA Approved Training Organisation"
 - 5.8 ensure that the HEMSA and HEA logos are not used in such a way as to imply or state that the organisation which has granted permission for the use of the logo endorses or approves any services or products supplied by us
6. Payment
- 6.1 pay suppliers on time within the terms agreed at the outset of the contract, without attempting to change payment terms retrospectively and without changing practice on length of payment for smaller companies on unreasonable grounds
 - 6.2 give clear and easily accessible guidance to our suppliers (of goods or services) on payment procedures
 - 6.3 communicate our complaints and disputes system to our suppliers
 - 6.4 advise our suppliers promptly if there is any reason why an invoice will not be paid to the agreed terms
 - 6.5 encourage good practice by requesting that our suppliers adopt the payment elements of this code of conduct throughout their own supply chains
7. Complaints
- 7.1 have in place speedy, responsive, accessible and user friendly procedures for dealing with written (by email or letter) complaints, irrespective of the source of complaint (e.g. whether individual, organisation or representative)
 - 7.2 ensure that all appropriate staff, especially "customer facing staff" are familiar with the complaints procedure
 - 7.3 advise our clients that complaints should, in the first instance, be directed towards the HEMSA member themselves wherever practicable

- 7.4 acknowledge receipt of all complaints within 5 working days of receipt
- 7.5 seek to resolve any complaint within 20 working days of receipt
- 7.6 advise our clients that should they be unable to resolve the complaint, that clients may contact the HEMSA office or HEMSA Chief Executive, who will then investigate the complaint and refer the matter if required to either a panel consisting of the current HEMSA Chair, Immediate Past Chair and the Chief Executive or to the next HEMSA Council meeting. In any event, the complaint and the results of any investigation will be communicated to HEMSA Council; with summary information being communicated to HEMSA members as part of the Annual Report.
- 7.7 make any complaint we may have in respect of another HEMSA Member direct to that member or to the HEMSA office or HEMSA Chief Executive, who will then investigate and report back
- 7.8 keep a record of all complaints received and the action taken for review by the HEMSA auditor or HEMSA Chief Executive

8. Compliance Audits

- 8.1 provide access to HEMSA auditors on at least a biennial basis to audit compliance with this code
- 8.2 not wilfully or unintentionally obstruct the auditor in their duties, nor seek to re-arrange the date of audit without good reason
- 8.3 preferably agree with the auditor the actions to be taken, their commencement date and their target completion date
- 8.4 complete any incomplete action plan start dates within a maximum of four weeks from the date of the audit, and shall progress outstanding actions without further delay
- 8.5 complete the audit action plan to show the actions carried out and their completion date

9. Disciplinary Procedures

If any infringement of this Code is alleged against a Member, the HEMSA office will write to the Member within 10 working days (to allow initial investigation into the veracity of the allegation) requesting information and supporting evidence.

The Member shall respond to the HEMSA office within 15 working days.

Where the Chief Executive considers that a breach of the Code has taken place, a proportionate response will be agreed with a panel consisting of the current HEMSA Chair, Immediate Past Chair and the Chief Executive or as agreed at the next HEMSA Council meeting.

If the decision is taken to suspend or terminate membership, the Member will be advised of this at least 10 working days in advance of the next HEMSA Council meeting, and may appeal through representation in writing or in person to that meeting. The decision of the HEMSA Council will be final.

10. Review of this Code of Conduct

The HEMSA Member Code of Conduct will be reviewed from time to time as determined by the HEMSA Council or by the members at an AGM or both.

Signed:

Date:

Position:

For and on behalf of: