

## MFAT Supplier & Delivery Partner Code of Conduct

The Ministry of Foreign Affairs & Trade (MFAT) is committed to sustainable and inclusive government procurement that delivers public value for New Zealand and New Zealanders. This Code outlines the expectations we have of our suppliers (including contractors, technical advisors, or other contracted personnel) and delivery partners (which may include, but is not limited to, non-governmental organisations, not-for-profit organisations, and other civil society organisations). Suppliers and delivery partners must make their subcontractors aware of this Code and are responsible for ensuring compliance at all times. In the event of an inconsistency between this Code and the Agreement the latter will have precedence. Any breach of this Code could lead to the termination of the Agreement.<sup>1</sup>

### Ethical Behaviour and Lawful Conduct

MFAT expects its suppliers and delivery partners to:

- manage their activities and affairs with integrity in accordance with applicable laws, regulations and ethical standards;
- perform their duties in an efficient and competent manner, show reasonable care in the use of property, resources or funds, and obey all lawful instructions;
- be transparent about their ethical policies and practices;
- avoid activities that might bring the government,<sup>2</sup> or MFAT into disrepute, or jeopardise its relationship with the public, another government or key stakeholders;
- respect the privacy of individuals when dealing with personal information;
- conduct themselves in a culturally appropriate manner for the countries and communities where the services are provided;
- comply with all relevant laws relating to working with families, children and other vulnerable people or groups (including the Children's Act 2014);
- refrain from engaging in any form of corruption or fraud and immediately report to MFAT any act of corruption or fraud of which they become aware;
- not be involved with any organisation or activity that provides direct, or indirect support or resources to an organisation and/or individuals associated with terrorism; and
- advise MFAT immediately if during the course of their duties, they discover any links whatsoever with an organisation or individual associated with terrorism.

When representing MFAT overseas, MFAT also expects its suppliers and delivery partners to:

- ensure that accompanying family members, dependents or other household members also comply with the standards set out in this Code;
- comply with local traffic and parking laws and regulations and, where they opt to purchase their own vehicle whilst in-country, carry ample comprehensive vehicle

<sup>1</sup> Where a supplier or delivery partner is subject to a Code of Conduct of another department or agency that Code shall continue to apply to the extent that it is stricter and/or there is no conflict with the provisions of this Code.

<sup>2</sup> For the purpose of this Code 'government' may mean the government of New Zealand or the host government in the country where the assignment is carried out.

insurance<sup>3</sup> to provide cover regardless of fault for themselves, accompanying family members and any other driver or passenger;

- follow driving recommendations as described in the Safety Plan and only drive where they are competent and feel safe to do so;
- meet all host country responsibilities in the case of traffic accidents, including paying parking and traffic fines promptly;
- not become involved in any black market or parallel market operations or contravene foreign exchange regulations of the host country;
- obey the laws and regulations of the country in which they are assigned and respect the laws of New Zealand while on assignment;
- advise MFAT immediately if they may be in breach of a local law (excluding parking infringements);
- refrain from purchasing or exporting any item of cultural property of a sensitive nature other than in accordance with local regulations;
- not use official accounts to transfer non-official or private funds nor expend official money or incur official costs without proper authorisation; and
- refrain from becoming involved in any activity which could be construed as illegal, unethical, corrupt, fraudulent, collusive or coercive.

Note that diplomatic immunity does not apply to suppliers, delivery partners or their respective employees whilst working overseas on behalf of MFAT.

## Labour and Human Rights

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MFAT expects its suppliers and delivery partners to:

- adhere to international human rights standards in their workplace and monitor and address these standards within their supply chain;
- comply with New Zealand employment standards and maintain a workplace that is free from unlawful discrimination and bullying;
- respect the labour rights of employees in the workplace and ensure all employment standards comply with International Labour Organisation (**ILO**) standards; and
- ensure all employees are employed of their own free will and not use any form of modern slavery (including but not limited to forced, trafficked, compulsory, indentured, or child labour).

## Health, Safety and Security

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MFAT expects its suppliers and delivery partners to:

- comply with workplace health and safety laws and regulations and maintain healthy and safe work environments;
- comply with all security notices, instructions, guidelines, practices or requirements issued by the host country and/or by MFAT;
- inform MFAT of any information which may affect their ability to maintain Security Vetting;
- protect any information, assets, tools and materials provided by MFAT (or its partners) and return or dispose of these promptly when requested or as expected; and
- not bring illegal drugs into the workplace and refrain from conduct that might impair work performance, including being under the influence of alcohol, illegal drugs or solvents during work hours.

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<sup>3</sup> Technical advisors shall obtain a sum of coverage that as a minimum complies with local standards and practices, or normal international standards, whichever is higher.

## Preventing Sexual Exploitation Abuse and Harassment

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MFAT has a zero tolerance policy towards sexual exploitation, abuse or harassment of any kind (**PSEAH**). Our policy requires suppliers and delivery partners to:

- minimise the risk of sexual exploitation, abuse and harassment occurring in the first place and respond in a meaningful way should such an incident occur;
- investigate any and every SEAH incident, take appropriate action and notify MFAT of the incident; and
- comply with MFAT's PSEAH [policy and guidelines](#).

## Environmental Sustainability

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MFAT encourages suppliers and delivery partners to establish environmentally responsible business practices and proactively improve their environmental performance. MFAT expects its suppliers and delivery partners to:

- conduct their business in accordance with applicable laws, regulations and standards regarding the mitigation of impacts on and protection of the environment; and
- work to improve their environmental sustainability and reduce their environmental impacts.

## Corporate Social Responsibility

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MFAT encourages its suppliers and delivery partners to be good corporate citizens and contribute positively to their communities. Some positive things suppliers and delivery partners should do are:

- pay their subcontractors promptly; and
- consider, if applicable, engaging local Maori and Pasifika businesses to deliver the contract.

## Conflicts of Interest

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MFAT expects its suppliers and delivery partners to:

- avoid situations that might compromise their integrity and ensure that no conflict exists, or appears to exist, between their private interests and their official duties for MFAT;
- observe the principles of fairness and impartiality in all official dealings so that no individual or organisation is given preferential treatment;
- comply with all MFAT guidance and policies relating to appropriate expenditure and the receiving of gifts or koha; and
- inform MFAT of any potential or actual changes to their conflict of interest status.

In relation to overseas assignments and to avoid any potential, perceived or actual conflict of interest, MFAT expects to be:

- asked for prior approval where an individual proposes to undertake secondary employment or be engaged in any other trade, business or occupation;
- asked for advice where an accompanying partner or child(ren) seek to take up local employment; and
- informed before individuals stand for, or are appointed to, any office or position on any voluntary or public body if there is any doubt or potential conflict of interest between such participation and providing services for MFAT.

## Political Neutrality

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MFAT expects all suppliers and delivery partners to:

- conduct themselves in a politically neutral manner and ensure that their private participation in political matters and any personal beliefs on certain issues are managed so as to avoid conflict with their duties to MFAT;
- respect our international relationships by avoiding any involvement in political activity in the host country, including participation or membership of any pressure group, political party, or other political or lobby organisation; and
- provide honest, impartial and comprehensive services and advice, and not withhold relevant information nor seek to obstruct, or delay a decision nor attempt to undermine or improperly influence government policy, for example by an unauthorised release of information.

## Public Comment and Publications

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MFAT expects its suppliers and delivery partners to:

- not provide responses to media or other requests for comment on government policy unless specifically authorised to do so;
- not compromise the government through public criticism of, or comment on policies in which they have been professionally involved or associated;
- refrain from releasing or communicating in an unauthorised way, information which may result in damage to New Zealand's, or the government's foreign relations; and
- refrain from publishing any material which is based in whole, or in part upon their experience whilst undertaking work or duties for MFAT, unless prior approval is granted.

## Sanctions

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MFAT expects its suppliers and delivery partners to not use or procure from any organisations that are currently identified under sanctions and exclusion registers including [UN sanctions | New Zealand Ministry of Foreign Affairs and Trade \(mfat.govt.nz\)](#), [New Zealand Police list of designated terrorists](#), the World Bank [List of Ineligible Firms and Individuals](#), or the [New Zealand Russia Sanctions Register](#).

## Personal Taxes

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Suppliers and delivery partners are responsible for assessing their own personal tax liabilities both in their normal country of residence and in the host country. Suppliers and delivery partners must ensure that they make payment in full of all tax liabilities. Failure to effect payment of taxes may be grounds to terminate the Agreement.