



YELLOW PART: To be fulfilled for services provided in SWITZERLAND / provided both in Switzerland AND abroad

GREEN PART: To be fulfilled for services provided ABROAD

Compliance with working conditions, workplace health and safety regulations and requirement of equal pay for men and women: Declaration by the supplier

The undersigned herewith confirms, in his/her capacity as member of the management board, that his/her company:

Name and address:

and those subcontractors and sub-suppliers used by said company **for services in Switzerland**, comply with the following working conditions, workplace health and safety regulations and the requirement of equal pay for men and women:

- **Working conditions:** The working conditions are based on the collective employment contracts and standard employment contracts or, where these do not exist, the usual working conditions for the particular professional and location.
- **Health and safety regulations:** Federal Act on Employment in Trade and Industry (Employment Act; SR 822.11) and Federal Act on Accident Insurance (Accident Insurance Act; SR 832.20).
- **Equal pay for men and women:** Federal Act on Gender Equality (Equality Act; SR 151.1).

From 1.1.2016, suppliers and their first-level subcontractors with over 50 employees each have to provide in addition an evidence of the way they have checked their wage practice:

☐ Company with 50 or less employees

☐ Company with more than 50 employees

When the evidence is obtained with Logib (www.logib.ch) the data required below can be copied from the "Fazit" sheet (rtp_fazit). This serves as evidence.

The wage practices were checked as follows:

- ☐ Logib self-test (www.logib.ch).
☐ Through an extern (.....).
☐ State-controlled equal pay in procurement
☐ confederation ☐ canton ☐ city/commune
☐ Not checked.

Wage data of the month:

All things being equal, women earn :

☐ more
% ☐ less

The procurement tolerance threshold of 5%

☐ is respected

☐ is not respected

- **ILO Core Conventions:** Listed individually on the back of the form.

Furthermore, the undersigned herewith confirms that, **for services provided abroad** by his/her company or by subcontractors and/or sub-suppliers, he/she complies with the Core Conventions of the International Labour Organisation (ILO).

The undersigned confirms that he/she has taken note of the information for suppliers printed on the back of this form.

Please note: Knowingly entering false information on this form may result in criminal penalties for the undersigned.

Place and date

Legally binding signature

This document and the evidence requested must be submitted to the authority issuing the call for tenders.

Compliance with working conditions, workplace health and safety regulations and requirement of equal pay for men and women – Declaration by the supplier

Legal basis and purpose

The legal basis for this self-declaration is set out in Art. 8 of the Public Procurement Act (PPA; SR 172.056.1) and in Art. 6 and 7 of the Public Procurement Ordinance (PPO; SR 172.056.11). If the place of performance is in Switzerland, the procuring entity may only award the contract to a supplier who can guarantee compliance with the health and safety regulations and working conditions as well as equal pay for men and women.

For services performed abroad, the procuring entity may only award the contract to a supplier who complies with at least the following Core Conventions of the International Labour Organisation (ILO Core Conventions):

- Convention No. 29 of 28 June 1930 on forced or compulsory labour (SR 0.822.713.9);
- Convention No. 87 of 9 July 1948 on the freedom of association and protection of the right to organise (SR 0.822.719.7);
- Convention No. 98 of 1 July 1949 on the application of the principles of the right to organise and the right to collective bargaining (SR 0.822.719.9);
- Convention No. 100 of 29 June 1951 on equal remuneration between men and women for equal work (SR 0.822.720.0);
- Convention No. 105 of 25 June 1957 on the abolition of forced labour (SR 0.822.720.5);
- Convention No. 111 of 25 June 1958 on discrimination in employment and occupation (SR 0.822.721.1);
- Convention No. 138 of 26 June 1973 on the minimum age for employment (SR 0.822.723.8);
- Convention No. 182 of 17 June 1999 on the prohibition of and immediate measures to abolish the worst forms of child labour (SR 0.822.728.2).

Subcontractors and ancillary industries

Suppliers must contractually oblige subcontractors and ancillary industries to comply with the working conditions, workplace health and safety regulations and requirement of equal pay for men and women in accordance with Art. 8 PPA, Art. 6 PPO and the general terms and conditions of the federal government. For this purpose, suppliers may, for example, request the signature of a self-declaration that must be submitted to the regulatory authority in the event of a control.

Controls

The procuring entity reserves the right to verify the minimum social standards (Art. 8 (2) PPA). It may delegate such verification of working conditions to the joint employer-worker organisation, where one exists. The executive body specified in the Employment Act and in the Accident Insurance Act is responsible for verifying compliance with health and safety regulations. The Federal Office for Gender Equality (FOGE) is responsible for verifying the equality of pay for men and women.

Important: In carrying out the controls of the above minimum social standards the compliance with each contractual employment provision need to be verified separately. Failure to comply with one particular provision cannot be offset by exceeding the minimum standards in another area.

Evidence of equal pay in procurement

From 1.1.2016, suppliers and their first-level subcontractors with over 50 employees each have to provide the evidence that they respect equal pay based on the federal standard analysis model. The wage practice must be checked with wage data not older than 36 months calculated from the date of signing of this declaration. The Logib tool (www.logib.ch) may be used for this. The Confederation provides a free helpline (0800 55 99 00) for queries in this respect.

Duty to cooperate, legal protection and sanctions

The supplier is obliged to provide the data required for the controls free of charge.

In the event of an infringement of the requirement of equal pay for men and women, the supplier may be given a deadline by which evidence of compliance with this requirement must be provided, in case of omission sanctions may be imposed. At the same time, it should be pointed out that the case of omission may also lead to the imposition of sanctions in connection with any other ongoing proceedings.

In the event of an infringement of the working conditions, workplace health and safety regulations or requirement of equal pay for men and women, the procuring entity will notify the supplier about its decision to impose sanctions. The supplier may lodge an appeal against this decision with the Administrative Court within 20 days from the date of opening of the decision.

- Furthermore, the procuring entity may revoke the award of contract or exclude the supplier from the ongoing procurement procedure (Art. 11 PPA), and/or

- call for the imposition of a penalty in accordance with the general terms and conditions of the federal government (Art. 6 (5) PPO), and

- exclude the supplier from the invitation procedure.

Suppliers found to have breached Art. 8 PPA may be re-admitted to the call for tenders procedure if:

- the Employment Office has issued confirmation that the supplier complies with the working conditions;
- the executive bodies specified in the Employment Act or in the Accident Insurance Act confirm that the supplier complies with the health and safety regulations
- the FOGE confirms that the supplier complies with the conditions regarding equal payment for men and women.

No obligation to join CLA

The procuring entities do not require suppliers to join the non-binding CLA (collective labour agreement). It merely requires compliance with the contractual employment provisions of the CLA, so as to prevent unfair competitive distortion among suppliers.

Amendment to the CLA?

If the social partners enter into a new CLA, the new contractual employment provisions form the basis for the audits.

Any questions? Please do not hesitate to contact the Federal Procurement Conference (FPC), Fellerstrasse 21, 3003 Bern (e-mail: bkb@bbl.admin.ch). For further information regarding the federal procurement process, please visit: <http://www.beschaffung.admin.ch>