



## Proof of compliance with the participation conditions

**SELF-DECLARATION** regarding compliance with workplace health and safety provisions, employment conditions, notification and authorisation duties in accordance with the IEA, equal pay for men and women, environmental law, anti-corruption rules and the payment of taxes and social security contributions

Project number/project title/project name: .....

Name of the contracting authority: .....

I/we, as authorised representative(s), hereby **confirm** that the tenderer<sup>1</sup>

Name and legal form:	
Business identification number (UID/for Swiss tenderers):	
Business address:	
Contact person (name, function):	
Tel.:	Email:
Number of employees (excluding apprentices):	

and the subcontractors commissioned by us will comply with the rules set out below during the award procedure, as well as during the execution of the awarded contract:

### 1. For goods/services to be provided in Switzerland:

- the workplace health and safety provisions and employment conditions applicable at the place of performance;
- the notification and authorisation duties in connection with combating illegal employment;
- the provisions on the protection of the environment and the conservation of natural resources applicable at the place of performance;
- the anti-corruption provisions (especially in accordance with the Swiss Criminal Code, the Federal Act on Unfair Competition and the Federal Act on Cartels and Other Restraints of Competition);  
the provisions on the equal treatment of men and women in terms of equal pay.

**Tenderers with 100 employees or more (excluding apprentices) must additionally provide evidence of how compliance with equal pay for men and women was checked:**

- ☐ By means of an equal pay analysis using the Confederation's standard analysis tool (Logib)  
(enclose Logib proof)
- ☐ By means of a government check on compliance with equal pay for men and women by the  
☐ Confederation ☐ Canton ☐ City/town/commune (enclose confirmation of check)
- ☐ By an independent body in accordance with the Gender Equality Act (GEA)  
(enclose report in accordance with the Gender Equality Act)

**The equal pay analysis is based on the following reference month:** \_ \_ \_ \_ \_ (MM/YYYY)

**Note:** Checks on compliance with equal pay for men and women are expressly reserved, irrespective of the number of employees.<sup>2</sup>

### 2. For goods/services to be provided abroad:

<sup>1</sup> Name and address of the lowest independent legal entity. An independent legal entity is an operating unit with an independent legal corporate form (e.g. AG, GmbH, Ltd, LLC, as well as subsidiaries). Permanent establishments, branch offices, business establishments, branches, business units, etc. are not included, unless they have an independent legal corporate form.

<sup>2</sup> See the directive of the Federal Office for Gender Equality (FOGE) on controls in federal public procurement (French and German)

- as a minimum, the Core Conventions of the International Labour Organization (see page 3, section 1.2); if the law at the place of performance is stricter, this must be observed;
- any other important international labour standards required by the contracting authority, i.e. principles from other ILO conventions, e.g. in connection with occupational safety and health protection, insofar as Switzerland has ratified them;
- the environmental law applicable at the place of performance, as well as the international conventions on the protection of the environment and the conservation of natural resources listed in Annex 2 of the Ordinance on Public Procurement (PPO; SR 172.056.11).

### 3. **For goods/services to be provided in Switzerland and/or abroad:**

Furthermore, I/we declare that the tenderer and the commissioned subcontractors

- have not and will not reach any unlawful agreements affecting competition during the award procedure, as well as during the execution of the contract;
- have not been legally excluded from future public contracts for a period of up to five years<sup>3</sup>;
- have not received a legally binding conviction for serious or repeated failure to comply with the notification and authorisation duties under social security or foreign nationals law<sup>4</sup>;
- are not on any sanctions list of a multilateral financial institution<sup>5</sup> due to allegations of corruption;
- have paid any taxes and social security contributions due.

I/we have taken note of the following **information for tenderers**.

Legal notice: Deliberately providing false or misleading information on this form may result in administrative sanctions, as well as consequences under procurement law.

Place and date .....

Full name .....

Signature(s) .....

*This document and the supporting documentation must be submitted to the **contracting authority**.*

<sup>3</sup> See Article 44 paragraph 1 letters c, e and j, Article 44 paragraph 2 letters b, f and g, Article 45 of the PPA (SR 172.056.1) and Article 25 paragraph 4 of the PPO (SR 172.056.11)

<sup>4</sup> Article 13 paragraph 1 of the IEA

<sup>5</sup> These include the following international financial institutions: African Development Group; Asian Development Bank; European Bank for Reconstruction and Development; Inter-American Development Bank; World Bank Group.

## **Compliance with workplace health and safety provisions, employment conditions, notification and authorisation duties in accordance with the IEA, equal pay for men and women, environmental law and anti-corruption rules**

### **Information for tenderers**

#### **1. Legal basis**

Compliance with the statutory provisions mentioned in the self-declaration is part of the mandatory general conditions for participation in the award procedure (Art. 12 of the PPA). The legal basis for this self-declaration can be found in Article 26, in conjunction with Article 12, of the Federal Act on Public Procurement (PPA; SR 172.056.1), as well as in Article 4 paragraph 2 of the Ordinance on Public Procurement (PPO; SR 172.056.11).

##### **1.1 For goods/services to be provided in Switzerland**

For goods/services to be provided in Switzerland, the following provisions applicable at the place of performance must be complied with:

- The health and safety provisions and employment conditions. Accordingly, the mandatory provisions of the Swiss Code of Obligations (CO; SR 220), the provisions of the Employment Act (EmpA; SR 822.11) and its implementing ordinances, the provisions on accident prevention (AIA; SR 832.20; including the implementing ordinances) and the contract-related provisions on the prevention of occupational accidents and diseases (see SR 822.5) must be complied with;
- The notification and authorisation duties under social security, foreign nationals and withholding tax law in accordance with the Federal Act of 17 June 2005 on Measures to Combat Illegal Employment (IEA; SR 822.41), as well as the provisions on the equal treatment of men and women in terms of equal pay (Gender Equality Act of 24 March 1995 [GEA]; SR 151.1);
- The wage and other employment law provisions of collective and standard employment contracts and, in the absence of such instruments, the salary and employment conditions customary for the location, occupation and sector;
- The provisions on the protection of the environment and the conservation of natural resources (Art. 12 para. 3 of the PPA). Accordingly, Swiss environmental law may not be violated. This consists of various acts and ordinances, most notably the Federal Act on the Protection of the Environment (EPA; SR 814.01), the Federal Act on the Protection of Waters (WPA; SR 814.20), the Federal Act on the Protection of Nature and Cultural Heritage (NCHA; SR 451), the Forest Act (ForA; SR 921.0), the Chemicals Act (ChemA; SR 813.1), as well as the ordinances based thereon;
- The anti-corruption provisions (in particular, the provisions of the Swiss Criminal Code (SCC; SR 311.0)), the provisions of the Federal Act on Unfair Competition (UCA; SR 241), as well as the provisions of the Federal Act on Cartels and Other Restraints of Competition (CartA; SR 251).

##### **1.2 For goods/services to be provided abroad**

The contracting authority may award the contract for

goods/services provided abroad only to tenderers that comply as a minimum with the following ILO Core Conventions<sup>6</sup> (Art. 12 para. 2 of the PPA, Annex 6 of the PPA):

- Convention No. 29 of 28 June 1930 concerning Forced or Compulsory Labour (SR 0.822.713.9);
  - Convention No. 87 of 9 July 1948 concerning Freedom of Association and Protection of the Right to Organise (SR 0.822.719.7);
  - Right to Organise and Collective Bargaining Convention No. 98 of 1 July 1949 (SR 0.822.719.9);
  - Convention No. 100 of 29 June 1951 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (SR 0.822.720.0);
  - Convention No. 105 of 25 June 1957 concerning the Abolition of Forced Labour (SR 0.822.720.5);
  - Convention No. 111 of 25 June 1958 concerning Discrimination in Respect of Employment and Occupation (SR 0.822.721.1);
  - Convention No. 138 of 26 June 1973 concerning the Minimum Age for Admission to Employment (SR 0.822.723.8);
  - Convention No. 182 of 17 June 1999 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (SR 0.822.728.2);
- and comply with the fundamental rights to a safe and healthy working environment, and meet the associated obligations (Core Convention No. 155 of 22 June 1981 concerning Occupational Safety and Health; Core Convention No. 187 of 15 June 2006 concerning the Promotion of Occupational Safety and Health)<sup>7</sup>.

In addition, the contracting authority may require compliance with other important international labour standards. These are understood to be principles from other ILO conventions, insofar as Switzerland has ratified them (based on Art. 12 para. 2 of the PPA, in conjunction with Art. 4 para. 2 of the PPO); these include the following possible obligations:

- Grant employees a weekly rest period of at least 24 hours (in accordance with ILO Convention No. 14), as well as a paid holiday of at least three weeks per year (in accordance with ILO Convention No. 132);
- Comply with the rest periods applicable in international road transport in accordance with ILO Convention No. 153;
- Implement and comply with the appropriate sector-specific measures to prevent, insofar as possible, occupational accidents, diseases and health hazards concerning their employees; this includes protection against ionising radiation (in accordance with ILO Convention No. 115), guarding of machinery (in accordance with ILO Convention No. 119), protection against benzene (in accordance with ILO Convention

<sup>6</sup> All ILO members, even if they have not ratified the relevant conventions, are obliged, by virtue of their membership of the Organization alone, to respect, promote and implement in good faith and in accordance with the Constitution the principles concerning fundamental rights which are the subject of the Core Conventions.

<sup>7</sup> This means, for example, that – as far as is reasonable and practicable – workplaces, machinery, materials and work processes under the employer's control must be designed in such a way that they do not pose a risk to a safe and healthy working environment. In addition, suitable protective clothing and protective equipment must be provided so as to prevent accidents or damage to health, as far as is reasonably and practically possible. In addition, employees have the right to be consulted on occupational health and safety measures.

No. 136), protection against carcinogenic substances (in accordance with Convention No. 139), safety in the use of asbestos (in accordance with ILO Convention No. 162), health protection in commerce and offices (in accordance with ILO Convention No. 120);

- Not to deploy young people under 18 years of age and pregnant and breastfeeding women for work exposing them to benzene or products containing benzene (in accordance with ILO Convention No. 136);
- Provide appropriate maternity protection (in accordance with ILO Convention No. 183);
- Comply with the ban on night work for young people (in accordance with ILO Convention No. 6).

In the case of goods/services provided abroad, the following conventions must be complied with in addition to the environmental law applicable at the place of performance (Art. 12 para. 3 of the PPA, in conjunction with Art. 4 para. 3 of the PPO; Annex 2 of the PPO):

- Vienna Convention of 22 March 1985 for the Protection of the Ozone Layer (SR 0.814.02) and the Montreal Protocol of 16 September 1987 on Substances That Deplete the Ozone Layer concluded within the framework of the Vienna Convention (SR 0.814.021);
- Basel Convention of 22 March 1989 on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (SR 0.814.05);
- Stockholm Convention of 22 May 2001 on Persistent Organic Pollutants (SR 0.814.03);
- Rotterdam Convention of 10 September 1998 on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (SR 0.916.21);
- Convention on Biological Diversity of 5 June 1992 (SR 0.451.43);
- United Nations Framework Convention on Climate Change of 9 May 1992 (SR 0.814.01);
- Convention of 3 March 1973 on International Trade in Endangered Species of Wild Fauna and Flora (SR 0.453);
- Convention of 13 November 1979 on Long-Range Transboundary Air Pollution (SR 0.814.32) and the eight specific protocols to the Convention ratified by Switzerland.

## 2. Subcontractors

Tenderers shall contractually oblige subcontractors to comply with the requirements mentioned in section 1 regarding employment conditions, workplace health and safety provisions, notification and authorisation duties in accordance with the IEA, equal pay for men and women, environmental law and anti-corruption rules (Art. 12 para. 4 of the PPA).

For this purpose, tenderers may, for example, request the signature of a self-declaration that must be submitted to the supervisory authority in the event of a check.

## 3. Checks

The contracting authority reserves the right at any time to perform its own checks on compliance with workplace health and safety provisions and employment conditions (including ILO Core Conventions), other important international labour standards, notification and authorisation duties in accordance with the IEA and equal pay for men and women, as well as compliance with environmental law and anti-corruption provisions, or to have it checked by suitable third parties, provided this task was not delegated to an authority governed by special legislation or another suitable body (Art. 12 para. 5 of the PPA).

The contracting authority may provide the authority or supervisory body with the necessary information and documents for carrying out these checks. Tenderers and subcontractors have to provide the evidence required upon request.

By signing the self-declaration, tenderers and subcontractors acknowledge that the contracting authorities or third parties commissioned by them may carry out checks within the meaning of Article 12 paragraph 5 of the PPA.

**Important:** In the case of checks concerning employment conditions and workplace health and safety provisions, compliance with each individual provision of the employment contract is checked separately. Failure to comply with an individual provision cannot be offset by exceeding the minimum standard in another area.

## 4. Evidence of equal pay

The Federal Office for Gender Equality (FOGE) is responsible for checks regarding equal pay for men and women. The FOGE issues a directive for this purpose. The contracting authority may forward the self-declaration and the tenderers' proof of compliance with equal pay to the FOGE (Art. 4 para. 1 of the PPO). Tenderers with 100 employees or more (excluding apprentices) must additionally provide evidence of equal pay for men and women. The check must be carried out with wage data dating back no more than 48 months from the time of signing of this self-declaration (reference month). The Confederation's standard analysis tool (Logib, see [www.logib.ch](http://www.logib.ch)) can be used for this.

The Confederation provides a free helpline for the Logib standard analysis tool (0800 55 99 00).

## 5. Duty to cooperate, sanctions

Tenderers and their subcontractors are obliged to supply the data and documentation required for the check free of charge.

If a tenderer, its governing bodies, commissioned third parties or their governing bodies fail to comply with the workplace health and safety provisions, the employment conditions, notification and authorisation duties in accordance with the IEA, the provisions on the equal treatment of men and women in terms of equal pay or the provisions of Swiss environmental law, the contracting authority may exclude the tenderer from the award procedure, delete it from a list or revoke the contract already awarded to it (Art. 44 para. 2 lit. f and g, in conjunction with Art. 44 para. 1, of the PPA). In the event of a serious violation of the participation conditions, a tenderer may be excluded from future public contracts for a period of up to five years (Art. 45 para. 1 of the PPA).

## 6. No obligation to join the collective employment contract

Public procurement offices do not require tenderers to join collective employment contracts that have not been declared generally binding. They merely require compliance with the contractual employment provisions (incl. wages) of the collective employment contract in order to prevent competitive distortions among tenderers.

### Amendments to the collective employment contract

If the social partners enter into a new collective employment contract, the new contractual employment provisions are included in checks.

If you have any **questions**, please contact the Federal

Procurement Conference (FPC), Fellerstrasse 21,  
3003 Bern; email: [bkb@bbl.admin.ch](mailto:bkb@bbl.admin.ch). If you would

like more information about federal procurement, please  
visit: [www.beschaffung.admin.ch](http://www.beschaffung.admin.ch)