



SAFPA SOUTH AFRICAN
FLUID POWER
ASSOCIATION
PROMOTING THE HYDRAULICS & PNEUMATICS INDUSTRIES

APPLICATION FOR MEMBERSHIP

*Kindly complete the Membership form as well as the Code of Conduct
on the last page.*

Corporate Membership

Company Name:

Trading Name:

Nominated Representative:

Holding Company:

Date Established:Registration Number:

Full Names and Designations of Owners/Directors/Partners:

.....
.....

Nature of Business:

.....

Physical Address:

.....
.....

Postal Address:

.....
.....

Telephone No: (Work) (Home).....

Fax Number Cell

E-mail: (Preferred method of communication)

Web Site:

I/We in my/our capacity as
.....
of (Company Name),
agree to the Conditions of Membership as prescribed by the Constitution of the SA Fluid
Power Association and consider myself/ourselves bound by the SAFPA Code of Conduct
and all subsequent amendments.

Signature of Applicant: Date:

SAFPA Member Companies (and contact name) proposing or supporting this
application for membership:

1. _____

2. _____

Kindly return to us by email to: ctr@safpa.org.za

*Fee structure available on enquiry to the Secretary at telephone +27 (0) 11 888-7163 or on our
website: www.safpa.org.za*

For Office Use Only

SAFPA Proposer: (Company and Name) _____

SAFPA Seconder: (Company and Name) _____

The South African Fluid Power Association Code of Business Conduct for Corporate Members

Purpose

The purpose of establishing a code of business conduct for corporate members is for SAFPA to be recognized by clients as an association whose members comply with a code of business conduct, in line with acceptable business practice and the combating of corruption between suppliers and parties influencing purchasing decisions.

The SAFPA Code of Business Conduct for Corporate Members

All SAFPA corporate members and their employees shall strive conscientiously to act with honesty and integrity in accordance with a high level of moral and ethical standards in their business and inter-personal dealings. All employees working for SAFPA corporate members will be expected to commit themselves to know, understand and support these values. The values stated below include, but are not limited to:

Corporate members shall:

- ❖ Treat all business relationships in a fair and equitable manner with respect and dignity, irrespective of race, colour, nationality, creed, gender, sex, sexuality, language, culture, religion, age, physical disability or political views.
- ❖ Be tolerant of another's views unless they cause hardship to others, infringe on the human rights of others or attempt to impose beliefs on others.
- ❖ Actively develop skills to meet the changing demands of our industry and to assist and encourage the development of other members.
- ❖ Cultivate and maintain a healthy relationship within the fluid power Industry, based on mutual trust, honesty and respect.
- ❖ Support the SAFPA council in order to promote aspirations and steady growth in our Industry.
- ❖ Strive continuously and overtly, to achieve acceptable performance within the industry and not to bring the industry into disrepute.
- ❖ Contribute to the creation of a work environment that is conducive to the delivery of work of an acceptable standard and the well-being of all members of SAFPA.
- ❖ Satisfy customers' business needs promptly and professionally in a respectful manner, and to comply with customers' legitimate and reasonable requests.
- ❖ Communicate and receive all relevant information, from or to the appropriate party, accurately and honestly and in a transparent manner.

Protection of the Code of Conduct for a Corporate Member

In order for the Code of Conduct to be effective, it will need to be protected by means of an acceptable enforcement procedure.

Enforcement Procedure for a Corporate Member

The procedure to be adopted to deal with a breach of the Code of Conduct is summarized as follows: Any complaint against a corporate member of SAFPA must first be lodged with the SAFPA secretariat.

A copy of the complaint will be submitted to the respondent who will have the right to reply.

The respondent's reply will in turn be submitted to the complainant.

Should no resolution be obtained at this stage, an investigating committee will be appointed to hold a hearing on the complaint of a breach of the Code of Conduct.

The investigating committee will forward its decision to both the complainant and respondent. If either the complainant or respondent is unhappy with the committee's decision an appeal may be lodged with the SAFPA secretariat. An appeal committee will then be appointed to consider the appeal.

The costs of such an appeal will be borne by the party lodging the appeal. The decision of the appeal committee will be given to both the complainant and the respondent as well as the SAFPA council. The decision of the appeal committee will be final and binding. Notwithstanding anything to the contrary, where a SAFPA corporate member has a remedy at common law against another member, the corporate member shall not be obliged to first lodge a complaint with the SAFPA secretariat before pursuing such remedy.

Composition of Investigating Committee

The investigating committee shall comprise
The current president or vice president of SAFPA.
Two selected members' representatives.
A member of the secretariat to provide a purely secretarial function.
An appointee may be recused from the proceedings if necessary.

Lodging a Complaint

A party wishing to make a complaint in terms of the Code of Conduct must do so in writing, addressed to the SAFPA secretariat. The written statement must contain full particulars of the complaint, copies of all relevant correspondence, the names and addresses of any witnesses, if applicable, and any other evidence, including affidavits in support of the complaint.

A copy of the complainant's statement shall be submitted to the respondent.

The respondent may, within fourteen days of receipt of the complaint, submit a written statement to the SAFPA secretariat, fully setting out his defence to the complaint, substantiated with supporting evidence where necessary, including the names and addresses of witnesses, if applicable. The SAFPA secretariat shall submit a copy of the respondent's statement and supporting documents to the complainant.

Should no resolution be obtained at this point, an investigating committee shall be appointed to hold a hearing on the breach of ethics complaint. The chairman of the investigating committee shall determine a date, time and venue for the hearing and notify all parties.

The complainant and the respondent shall both appear personally at the hearing and shall be permitted to give oral evidence and call witnesses.

The complainant and the respondent shall not be entitled to legal representation at the hearing.

Any party who gives oral evidence may be cross-examined and questioned by members of the hearing committee and re-examined in accordance with such procedures, as it may deem appropriate to an investigative tribunal.

Any party giving evidence shall take an oath or make affirmation.

All oral evidence shall be recorded by the SAFPA secretariat.

After all the evidence has been given, both parties shall be entitled to address the committee in the order as determined by the chairman of the hearing committee.

At the conclusion of the hearing, the investigating committee shall make known both its conclusions and its recommendations in a written report, which shall be sent to both the complainant and the respondent.

Appeal

An appeal against the findings of the investigating committee may be lodged in writing by either the complainant or the respondent within fourteen days of receipt of the report of the findings of the investigating committee. This appeal shall be lodged with the SAFPA secretariat.

Before an appeal can proceed, the party lodging the appeal shall agree in writing to pay the costs of the appeal. As soon as possible after receipt of an appeal, an appeal committee shall be appointed. The

SAFPA secretariat shall furnish the appeal committee with a copy of the entire record of the complaint proceedings, including written statements, correspondence, recorded oral evidence, written evidence and final report.

The appeal committee shall consist of an arbitrator (who will be a senior member of the legal profession) and two co-opted advisors. The advisors should firstly be drawn from unaffected members of the SAFPA council, or failing that, from unaffected member's representatives. The advisors shall not have a vote and shall simply advise the arbitrator. The respondent will be consulted with, in order to agree on an appropriate arbitrator.

The arbitrator shall review the evidence and make a decision. If he requires oral evidence, he may call on the parties and/or their witnesses to appear before him. If he does, the parties shall not be entitled to legal representation and evidence shall be given on oath or affirmation. The arbitrator's finding and recommendation shall be communicated to all parties involved in the dispute and to the SAFPA council. There shall be no further right of appeal.

SAFPA shall indemnify the members of the appeal committee against any claims that may be brought against them as a result of a decision handed down by the appeal committee.

Adoption of Recommendation

The SAFPA council shall have the sole right to decide, after considering the reports and/or the appeal committee reports, whether or not to implement the recommendation, including a recommendation to withdraw the membership of any corporate member without recompense. There shall be no right of appeal against such a decision.

Waiver

No SAFPA corporate member shall have any claim of whatsoever nature against SAFPA, its management, investigative or appeal committees (or any individual member thereof) howsoever arising, including, without limiting the generality of the aforesaid, from any negligent act, omission or statement, the making of any finding or recommendation (even if negligent), or the implementation or non-implementation of any recommendation (even if negligent). The waiver referred to herein shall operate as a *stipulatio alteri* for the benefit of the corporate members of SAFPA, its management, investigative and appeal committees.

Notes

The interpretation of the Code of Conduct vests in the SAFPA investigating committee and the appeal arbitrator.

CODE OF CONDUCT

ACCEPTANCE BY CORPORATE MEMBER

I, in my capacity as a director,
duly authorized in terms of a resolution of the board of directors of

..... (The COMPANY), do hereby accept the Code of Conduct

and by my signature below, bind the COMPANY to adhere to and abide by this Code of Conduct, and to any amendments thereto.

Signed at on theday of

In the presence of the undersigned witnesses:

Director of the Company

.....

Witness 1:

Witness 2: