

# RWE

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# Human Rights Supplier Contract Appendix

Version 1  
December 2022

# Our expectation towards our business partners in regards to human rights

RWE AG and all its group companies according to §§ 15 et seq. German Stock Corporation Act – Aktiengesetz (“**RWE**”) prohibits any form of human rights and labour rights violations in its business activities and supply chains. Since January 1st, 2023 RWE has been legally obliged to human rights risk and environmental-related risk due diligence through the Supply Chain Due Diligence Act (dt. Lieferkettensorgfaltspflichtengesetz, LkSG).

RWE takes up its responsibility to ensure respect of human rights, labour rights and environmental regulations throughout the own business activities and the supply chains, including protecting employees from being exploited, providing decent working conditions and occupational health and safety and adherence to international human rights standards (see [Policy Statement on RWE’s Human Rights Strategy](#)), and expects the same behaviour from its business partners and selected suppliers.

## 1. General obligations

RWE, **its business partners and suppliers** (both hereinafter **Supplier**) have a legal duty and social responsibility to drive out poor labour practices in their business and a duty to influence and incentivise continuous improvements to reduce the risks of adverse impacts on human rights in our supply chains.

1.1. The Supplier shall support and respect the protection of internationally proclaimed human rights and labour rights, ensuring that it is not in complicit in any human rights or labour rights abuses.

1.2. The Supplier shall ensure that it respects the rights of employees and workers protected by Applicable Laws and as defined in this document.

1.3. If the Supplier **identifies a human rights risk or environmental-related risk**, as defined in this document in its own business area or at a direct sub-supplier, which stays in connection to the business relation with RWE, it must take appropriate preventive measures without undue delay and inform RWE immediately.

1.4. If the Supplier discovers that a **violation of a human rights-related or an environment-related obligation** has already occurred or is imminent in its own business area or at a direct sub-supplier, it must without undue delay, take appropriate remedial action to prevent, end or minimise the extend of this violation and inform RWE accordingly.

1.5. The Supplier shall provide on RWE’s request all **information and/or documents** which RWE may reasonably demand to verify Supplier’s compliance with the obligations of this document, including regular or ad-hoc third party audit reports or certifications, within ten (10) Days following a respective request in writing. Moreover, the Supplier shall accept and

ensure RWE's own right to initiate or conduct **specific audits** at Supplier's, and sub-suppliers' facilities in case of an indication of a severe violation of its obligations under this document.

1.6. The Supplier shall conduct initial training measures for its staff to implement the assurances made under this section 1 and refresh such on a frequent basis, including initial training measures for new hires. RWE will support such training with appropriate training material.

1.7. The Supplier shall also make sure by means of contractual obligations that its sub-suppliers and other sub-contractors comply with the obligations set forth in this document.

1.8. The Supplier shall maintain at all times **documentation** sufficient to identify and confirm traceability for any and all item(s) of goods and services purchased from sub-suppliers or other sub-contractors, and to confirm compliance with the requirements of this document.

## 2. Definitions & Principles

### 2.1. Human Rights risk

A **human right risk** within the meaning of this document is a condition in which, on the basis of factual circumstances, there is a sufficient probability that a violation of one of the following prohibitions is imminent:

2.1.1. the **prohibition of the employment of a child** under the age at which compulsory schooling ends according to the law of the place of employment, provided that the age of employment is not less than 15 years, except where the law of the place of employment so provides in accordance with Article 2 (4) and Articles 4 to 8 of Convention No. 138 of the International Labour Organization of 26 June 1973 concerning Minimum Age for Admission to Employment (Federal Law Gazette 1976 II pp. 201, 202);

2.1.2. the **prohibition of the worst forms of child labour** for children under 18 years of age, in accordance with Article 3 of Convention No. 182 of the International Labour Organization of 17 June 1999 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Federal Law Gazette 2001 II pp. 1290, 1291) this includes:

- a. all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom, as well as forced or compulsory labour, including the forced or compulsory recruitment of children for use in armed conflict,
- b. the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances,

- c. the use, procuring or offering of a child for illicit activities, in particular for the production of or trafficking in drugs,
- d. work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children;

2.1.3. the **prohibition of the employment of persons in forced labour**; this includes any work or services that is required of a person under threat of punishment and for which he or she has not made himself or herself available voluntarily, for example as a result of debt bondage or trafficking in human beings; excluded from forced labour are any work or services that comply with Article 2 (2) of Convention No. 29 of the International Labour Organization of 28 June 1930 concerning Forced or Compulsory Labour (Federal Law Gazette 1956 II p. 640, 641) or with Article 8 (b) and (c) of the International Covenant of 19 December 1966 on Civil and Political Rights (Federal Law Gazette 1973 II pp. 1533, 1534);

2.1.4. the **prohibition of all forms of slavery**, practices akin to slavery, serfdom or other forms of domination or oppression in the workplace, such as extreme economic or sexual exploitation and humiliation;

2.1.5. the **prohibition of disregarding the occupational safety and health** obligations applicable under the law of the place of employment if this gives rise to the risk of accidents at work or work-related health hazards, in particular due to:

- a. obviously insufficient safety standards in the provision and maintenance of the workplace, workstation and work equipment;
- b. the absence of appropriate protective measures to avoid exposure to chemical, physical or biological substances;
- c. the lack of measures to prevent excessive physical and mental fatigue, in particular through inappropriate work organisation in terms of working hours and rest breaks;  
or
- d. the inadequate training and instruction of employees;

2.1.6. the **prohibition of disregarding the freedom of association**, according to which

- a. employees are free to form or join trade unions,
- b. the formation, joining and membership of a trade union must not be used as a reason for unjustified discrimination or retaliation,
- c. trade unions are free to operate in accordance with applicable law of the place of employment, which includes the right to strike and the right to collective bargaining;

2.1.7. the **prohibition of unequal treatment in employment**, for example on the grounds of national and ethnic origin, social origin, health status, disability, sexual orientation, age, gender, political opinion, religion or belief, unless this is justified by the requirements of the

employment; unequal treatments includes, in particular the payment of unequal remuneration for work of equal value;

2.1.8. the **prohibition of withholding an adequate living wage**; the adequate living wage amounts to at least a minimum wage as laid down by the applicable law and, apart from that, is determined in accordance with the regulations of the place of employment;

2.1.9. the prohibition of causing any harmful soil change, water pollution, air pollution, harmful noise emission or excessive water consumption that

- a. significantly impairs the natural bases for the preservation and production of food,
- b. denies a person access to safe and clean drinking water,
- c. makes it difficult for a person to access sanitary facilities or destroys them or
- d. harms the health of a person;

2.1.10. the **prohibition of unlawful eviction and the prohibition of unlawful taking of land, forests and waters** in the acquisition, development or other use of land, forests and waters, the use of which secures the livelihood of a person;

2.1.11. the **prohibition of the hiring or use of private or public security forces for the protection of the enterprise's project** if, due to a lack of instruction or control on the part of the enterprise, the use of security forces

- a. is in violation of the prohibition of torture and cruel, inhumane or degrading treatment,
- b. damages life or limb or
- c. impairs the right or organise and the freedom of association;

2.1.12. the **prohibition of an act or omission in breach of a duty** to act that goes beyond nos. 1 to 11, which is directly capable of impairing a protected legal position in a particularly serious manner, and the unlawfulness of which is obvious upon reasonable assessment of all the circumstances in question.

## 2.2. Environment-related risk

An **environment-related risk** within the meaning of this document is a condition in which, on the basis of factual circumstances, there is a sufficient probability that one of the following prohibitions will be violated:

2.2.1. the **prohibition of the manufacture of mercury-added products** pursuant to Article 4 (1) and Annex A Part I of the Minamata Convention on Mercury of 10 October 2013 (Federal Law Gazette 2017 II pp. 610, 611) (Minamata Convention);

2.2.2. the **prohibition of the use of mercury and mercury compounds in manufacturing processes** within the meaning of Article 5 (2) and Annex B Part I of the Minamata

Convention from the phase-out date specified in the Convention for the respective products and processes;

2.2.3. the **prohibition of the treatment of mercury waste contrary** to the provisions of Article 11 (3) of the Minamata Convention;

2.2.4. the **prohibition of the production and use of chemicals pursuant** to Article 3 (1) (a) and Annex A of the Stockholm Convention of 23 May 2001 on Persistent Organic Pollutants (Federal Law Gazette 2002 II pp. 803, 804) (POPs Convention), last amended by decision of 6 May 2005 (Federal Law Gazette 2009 II pp. 1060, 1061), in the version of Regulation (EU) 2019/1021 of the European Parliament and of the Council of 20 June 2019 on persistent organic pollutants (OJ L 169 of 26 May 2019 pp. 45-77) as last amended by Commission Delegated Regulation (EU) 2021/277 of 16 December (OJ L 62 of 23 February pp. 1-3);

2.2.5. the **prohibition of the handling, collection, storage and disposal of waste in a manner that is not environmentally sound** in accordance with the regulations in force in the applicable jurisdiction under the provisions of Article 6 (1) (d) (i) and (ii) of the POPs Convention.

2.2.6. the **prohibition of exports of hazardous waste** within the meaning in Article 1 (1) and other wastes within the meaning of Article 1 (2) of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal of 22 March 1989 (Federal Law Gazette 1994 II pp. 2703, 2704) (Basel Convention), as last amended by the Third Ordinance amending Annexes to the Basel Convention of 22 March 1989 of 6 May 2014 (Federal Law Gazette II pp. 306, 307), and within the meaning of Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste (OJ L 190 of 12 July 2006 pp. 1-98) (Regulation (EC) No 1013/2006, as last amended by Commission Delegated Regulation (EU) 2020/214 of 19 October 2020 (OJ L 433 of 22 December 2020 pp. 11-19)

- a) to a party that has prohibited the import of such hazardous and other wastes (Article 4 (1) (b) of the Basel Convention),
- b) to a state of import as defined in Article 2 no. 11 of Basel Convention that does not consent in writing to the specific import, in the case where that state of import has not prohibited the import of such hazardous wastes (Article 4 (1) (c) of the Basel Convention),
- c) to a non-party to the Basel Convention (Article 4 (5) of the Basel Convention),
- d) to a state of import if such hazardous wastes or other wastes are not managed in an environmentally sound manner in that state or elsewhere (Article 4 (8) sentence 1 of the Basel Convention);

2.2.7. **the prohibition of the export of hazardous wastes** from countries listed in Annex VII to the Basel Convention to countries not listed in Annex VII (Article 4A of the Basel Convention, Article 36 of Regulation (EC) No 1013/2006) and

2.2.8. **the prohibition of the import of hazardous wastes** and other wastes from non-party to the Basel Convention (Article 4 (5) of the Basel Convention).

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