



# **Code of Ethics, Conduct, Drugs and Alcohol, HR Policies**

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## Introduction

This document covers a wide range of business practices and policies. It does not cover every issue that may arise, but it sets out basic principles to guide all Security Operators and personnel of the company. All our Security Operators and personnel must conduct themselves according to the ethical principles and values laid out in this document. Additionally, ESS Maritime would like to urge that the Company's agents and representatives respect the values outlined in this Code.

## Basic Principles

ESS Maritime is a reliable maritime risk solutions provider. Our primary goal is to provide reliable, safe and reputable risk management and maritime security services to our clients. In doing so, we embrace all applicable international and domestic legislation, guidelines and industry standards, including the Voluntary Principles on Security and Human Rights (VPSHR).

To be a reliable maritime security provider, we value quality and incorporate a professional approach in all our operational fields, thereby always protecting its clients and personnel's interest. Thus, ESS Maritime operates by adhering to certain ethical principles and values and provides practical guidance for all our Security Operators and personnel.

At ESS Maritime, all people are treated equally and with respect. No one shall be discriminated against based on race, colour, sex, religion, political opinion, social origin or sexual orientation. For this reason, all employment decisions will be made based on qualifications and competency. We will not tolerate any form of harassment or abuse. Consequently, all Security Operators or personnel are encouraged to report any form of discriminatory behaviour to the management.

Additionally, the company requires all Security Operators and personnel always to act honestly and with integrity to safeguard resources for which they are responsible. ESS Maritime does not tolerate any form of corruption (including the giving and receiving of bribes) and takes the most profound view of any attempt to commit corrupt practices. Cases of suspected corruption will be appropriately investigated, and appropriate action is taken, including reporting to the proper authorities and disciplinary action. The Management, Security Operators and personnel are encouraged to report all suspected corruption cases using the whistleblowing procedure.

Furthermore, the company strives to continually improve its services and internal processes to protect its clients' interest to the furthest extent possible. Our quality and security management system are based on the guidelines as laid out in ISO 28007 *Guidelines for Private Maritime Security Companies*



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(PMSC), providing privately contracted armed security personnel (Security Operators) onboard ships, ISO 28000 Specifications for security management for the supply chain and ISO 9001 Quality management systems.

The Code of Ethics applies to all Security Operators and personnel and any person against which the organisation intends to act.

## Values

- A. In the context of anti-piracy operations, ESS Maritime considers International Humanitarian Law not to apply. Where individuals are involved, ESS Maritime operates in accordance with international regulations on Human Rights.
- B. ESS Maritime complies with international law and human rights law imposed on it by applicable national law and other international law and federal law such as criminal law, tax law, immigration law, labour law, and specific private security services regulations. ESS Maritime and its Personnel are aware of preventing and addressing possible human rights impact by integrating respect for human rights across all relevant functions, operations and processes.
- C. ESS Maritime complies with the following international law and human rights laws:
  - United Nations Convention on the Laws of the Sea (UNCLOS);
  - International Convention for the Safety of Life at Sea (SOLAS);
  - International Code of Conduct for Private Security Providers (ICoC);
  - United Nations Declaration of Human Rights;
  - Economic, Social and Cultural Rights as embedded in the Treaty of Lisbon;
  - International Labour Organisation (ILO);
  - The laws of any territorial or contiguous waters that ESS Maritime may operate within;
  - The European Charter of Fundamental Rights as embedded in the Treaty of Lisbon.
- D. ESS Maritime takes UNCLOS as the foundation for its responsibility to comply with international duties concerning matters like ‘safety at sea’ and ‘the rendering assistance to ships in distress. According to articles 94 and 98, Flag States must adopt and enforce legislation dealing with matters via their flag, coastal and port requirements, which are always considered to apply to ESS Maritime, its operations and personnel.
- E. ESS Maritime endorses the principles of the Montreux Document and the ‘*Respect, Protect, Remedy*’ framework as they apply to security companies. In doing so, we commit to support the rule of law and to respect the human rights of all persons.
- F. Following the second pillar of the “*Protect, Respect and Remedy*” Framework for Business and Human Rights – the corporate responsibility to respect human rights, the company acts with due diligence to avoid infringing on others’ rights and addresses harm that might occur. This responsibility applies across all company business activities and through its relationships with third parties connected with those activities, such as business partners, entities in its supply

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chain, and other non – State and State officials. This responsibility also applies to third parties that might be affected by the actions of ESS Maritime like (potential) pirates, robbers and others that are perceived to pose a threat to the protected object, life or limb of individuals or any other asset of the company and ESS Maritime’s actions the client.

- G. With regard to the ICoc and where the principles of this Code are both appropriate and useful for maritime security operations, ESS Maritime and its Personnel always commit to the following:
- To operate according to applicable law and regulation, as well as corporate standards for the maritime security industry;
  - To support and abide by the rule of law and to respect human rights in all its operational fields;
  - To adopt appropriate Rules on the Use of Force, consistent with applicable law and to take all reasonable steps to avoid the use of force;
  - Not to engage in torture or other cruel, inhuman or degrading treatment or punishment, sexual exploitation or gender-based violence, human trafficking, slavery or forced labour and every other inhumane treatment of persons;
  - To exercise due diligence during the selection and vetting of personnel by ESS Maritime and to require personnel to cooperate with this process where necessary, including physical and mental fitness test;
  - To ensure ESS Maritime and its personnel are always up-to-date regarding their field of practice by means of proper and regular training;
  - To give special attention to personnel that are working with arms and ammunition utilising regular training on firearms familiarisation, Rules on the Use of Force (RUF) and national laws and regulations applicable in the areas of duty;
  - To keep appropriate reporting documentation for all the operational fields where applicable under flag State requirements;
  - To provide a safe and healthy working environment for personnel.

### **Code of Conduct**

The Code of Conduct outlines how all Security Operators and personnel are expected to behave during their proceedings for and on behalf of ESS Maritime. In doing so, the Code of Conduct provides guidance based on the following topics:

### **Excellence**

ESS Maritime strives to provide its maritime security services with utmost excellence. The need to continually guarantee the best results is based on a deep-rooted company culture in which employees are motivated to go the extra mile. Additionally, the company demonstrates its ability to consistently provide services that meet the customer and applicable statutory and regulatory requirements by



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adhering to the industry standards such as those published by the International Standardization Organisation (ISO).

### **Professionalism**

ESS Maritime always professionally conducts its business, whether on board the vessel or at Amsterdam’s headquarters. The company provides sufficient training to its Security Operators and personnel to conduct themselves professionally to reach this goal. Due to our culture of professionalism within the company, our Security Operators and personnel maintain a professional demeanour when dealing with all parties they are involved with.

### **Integrity**

Integrity is paramount in achieving our mission. ESS Maritime strives to act with honesty and adhere to the highest ethical standards through our personal and professional behaviour. We expect our actions to be consistent with our words and our terms compatible with our intentions. The company aims to create a beneficial business environment where trustworthy measures set the foundation for a successful business relationship. In practice, all Security Operators and personnel must be honest about their activities and intentions and uphold the company’s confidentiality guidelines. The company ensures that the image of the client is safeguarded throughout all lines of proceedings.

### **Transparency**

ESS Maritime values transparency through a good relationship with all stakeholders involved in its business conduct. As a result, the company aims to communicate with its clients and third parties honestly and openly. Additionally, ESS Maritime encourages all Security Operators and personnel to raise genuine concerns about possible improprieties in our business’s conduct at the earliest opportunity and in an appropriate way. An individual discovers information that they believe shows serious malpractice or wrongdoing with the organisation. Then this information should be disclosed to the Senior Management without fear of reprisal. All issues will be treated with strict confidence, but employees can also report their concerns anonymously.

### **Bribery and Corruption**

The bribery of civil servants and commercial corruption is illegal. This is laid down in the Dutch Criminal Code, 177, 178, 328ter, 363 and 364. ESS Maritime complies with the Dutch national legislation while also respecting the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions. We are committed to meeting our legal obligations, preventing detecting, eliminating corrupt practices, and cooperating to reduce bribery and corruption opportunities. Consequently, the company trains its Security Operators and personnel to detect and prevent the occurrence of (potential) acts of corruption and bribery. Additional procedures include, among others, that the management is involved in creating a corporate culture that has a zero-tolerance policy



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concerning corruption and bribery. Additionally, the corporate risks derived from corruption and bribery are thoroughly analysed via the Risk Assessment Matrix and are periodically reviewed. ESS Maritime also strives to minimise bribery and corruption by performing extensive due diligence regarding the third parties involved.

### **Alcohol and Drugs Policy**

In the interest of protecting human life, safety at sea and protecting the environment, it is essential that no Security Operators operate any on-board equipment or security equipment whilst impaired by substances that influence behaviour and thinking. ESS Maritime recognises that alcohol, drugs or other substance abuse by their Security Operators will impair their ability to perform properly and may have serious adverse effects on the safety, efficiency and productivity of the company as a whole as well as personnel and assets of its clients. Our regulating policies apply to all personnel and contractors during their employment period, whether on-board or ashore. Our Drug and Alcohol Policy exceeds the recommendations in OCIMF's 'Guidelines for the Control of Drugs and Alcohol On Board Ship'. If the Drug & Alcohol policies of a client or local regulations are even more strict than those of our company, the higher standard shall be fully adhered to.

All Security Operators will undergo pre-employment Drug & Alcohol testing. A regular check-up will follow this at either 6 or 12-month intervals (depending on the Security Operators contract). During their service, Security Operators will also be required to submit to unannounced periodic or random testing or when cause exists to suspect alcohol or drug use, including testing immediately after an incident. A positive test result or refusal to submit to a drug or alcohol test is grounds for disciplinary action, including termination of their contract with ESS Maritime.

### **Alcohol Policy**

The maximum allowable content limit of alcohol in the blood is 0,5 mg/ml. However, our policy is zero alcohol on-board, and this also accounts for the consumption of beer and wine during dinner. Team leaders shall ensure that the security team members are not impaired by an excess of the above set limit and will check this pre-embarkation. Any Security Operators found in contravention of the alcohol policy will be instantly dismissed. The prohibition also applies to a period of twenty-four (24) hours before embarking.

### **Drugs Policy**

Any form of drug, except for prescribed drugs, is banned from the client's vessels. Security Operators on prescribed drugs must declare this fact to the recruitment department during pre-employment, using the Medical Questionnaire, or declare this to the operations department if prescribed during the period of service on-board. The misuse of legitimate drugs or the use, possession, distribution or sale of illicit or un-prescribed controlled drugs ashore or on-board ship or by shore staff/crew members on leave is



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prohibited. ESS Maritime will not authorise the employment of any persons who are users of or have a recent record of the use of illegal drugs or have abused the use of prescribed drugs. Any use of a controlled substance that causes or contributes to unsafe, unacceptable or unusual job performance is also prohibited. Any Security Operators found in contravention of the drug policy will be instantly dismissed and handed over to the appropriate authorities for prosecution, where full cooperation will be given to public authorities in the criminal prosecution of anyone using, possessing or smuggling illegal drugs or drug paraphernalia aboard the vessel. It is everybody's responsibility to immediately report violations to management on-board or ashore. All Security Operators are reminded that possession of illegal drugs can result in the Death Penalty in certain countries.

### **Human Rights Policy**

Antipiracy operations are inherently defensive and may involve the use of firearms. The actions being taken by any member of the Security Team will primarily focus on the protection of the vessel and its crew, including the Security Personnel, to accomplish the following, in order of priority:

- Preservation of human life;
- Maintenance of the continuity of operations; and
- Protection of property.

The Security Team's primary function is to prevent pirates from boarding a vessel using the minimum force necessary and building layers of defensive rings around the vessel to make an attack infeasible.

ESS Maritime acknowledges that respect for Human Rights is fundamental in the way Security Operators undertake their business. Not adhering to Human Rights legislation might lead to legal disputes, reputational harm, loss of licenses to operate and employee dissatisfaction. Additionally, adhering to Human Rights legislation will help us build an enduring and positive relationship between ESS Maritime and the communities in which we serve. In this regard, ESS Maritime is fully committed to respecting Human Rights and will always avoid infringing on others' rights.

We recognise that businesses have the responsibility to respect human rights. In so doing, we will avoid causing or contributing to adverse human rights impacts through their activities. Furthermore, ESS Maritime aims to prevent or mitigate direct adverse human rights impacts directly linked to their operations, products or services by their business relationships. The company furthermore recognises that it has a duty of care to all of its personnel. This implies that ESS Maritime will act towards its employees with watchfulness, attention, caution and prudence.



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ESS Maritime trains all its Security Operators and personnel to know the basic Human Rights provisions and how it affects their work. In practice, this means that all Security Operators should be tolerant towards cultural differences which might be present in the countries they operate in, treat apprehended persons with respect and dignity deriving from Human Rights Law and report any accidents which involve the use of any weapons at the earliest moment convenient. Furthermore, all personnel are required to treat all people equally and with respect. No one shall be discriminated against based on race, colour, sex, religion, political opinion, social origin or sexual orientation.

This commitment applies across all business activities of the company and through its relationships with third parties connected with those activities, such as business partners, entities in its supply chain and other non-State and State officials. Additionally, ESS Maritime's enduring commitment to adhere to Human Rights law also applies to third parties that might be affected by the actions of the company, such as (potential) pirates, robbers and others that are perceived to pose a threat to the to be protected object, life or limb of individuals or any other asset of ESS Maritime.

### **Disciplinary Offenses**

ESS Maritime does not tolerate any unjustifiable or unlawful actions which may injure, harm or damage its personnel, clients, property, activities or reputation. As a result, ESS Maritime strongly condemns workplace violence, misconduct, alcohol and drug use, sexual harassment and Human Rights abuse or other practices contrary to Human Rights obligations. In case of minor violations, the company will issue a warning to its personnel or Security Operators. However, more serious violations will lead to the termination of the contract one has with ESS Maritime.

