



environmental
services
association

Code of Conduct For Members

January 2014 edition



welsh
environmental
services
association



scottish
environmental
services
association



northern ireland
environmental
services
association

Code of Conduct For Members

INTRODUCTION

The Environmental Services Association (ESA) is the trade association representing the UK's waste and resource management industry.

This Code of Conduct – which is referred to in ESA's Articles of Association and Rules, and is binding on Full Members – has been developed to ensure that ESA and its Members lead the sector in transparently promoting and attaining high standards in business and operations.

As well as abiding by this code, ESA Members are expected to follow the principles of the Responsibility Deal between Government and the waste and resource management sector (www.esauk.org/rd/).

Members operating in Scotland are expected to follow the principles of Zero Waste Scotland's Resource Sector Commitment. (www.zerowastescotland.org.uk/ResourceCommitment).

There are five sections to the ESA Code of Conduct:-

- A. HEALTH AND SAFETY**
- B. ENGAGING WITH BUSINESSES**
- C. ENGAGING WITH LOCAL COMMUNITIES**
- D. DATA PROVISION**
- E. CONVICTIONS**

In this Code, "Members" means "Full Members" of ESA, except for the requirements of Section A, B, C and D in which "Members" means "Operational Full Members" of ESA.

Appendices to this Code form part of the Code.

A. HEALTH AND SAFETY

Members should sign and publicly display ESA's Accident Reduction Charter (*Appendix 1*) to demonstrate their commitment to improved health and safety.

Members should take the steps necessary to:

- Reduce the incidence rate of RIDDOR reportable accidents by 10% per year until 2018
- Prevent fatal injury or harm as a result of avoidable accidents

The baseline year for measuring against these targets is 2012.

Members will, within 8 weeks of a request to do so, complete an annual Accident Reduction Reporting Form, providing information on incidents reported under the terms of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013, along with needlestick injuries, and provide information on accident causation as agreed by ESA's Health and Safety Committee. Members will continue to report over-three-day injuries to enable year on year comparisons to be made on accident trends and causation.

Members are encouraged to complete an annual Sickness Absence Reporting Form and report such absences using standard metrics as agreed by ESA's Health and Safety Committee. Upon collation of suitably robust baseline data, the Health and Safety Committee will seek to devise an appropriate target to reduce the incidence rate of sickness absence.

Members will provide ESA with the name of the Director responsible for Health and Safety and of the company's Health and Safety Manager.

Members will develop, implement, regularly audit and review a health and safety plan for their company and provide ESA with a summary of the current plan.

ESA Members will, within 2 weeks of a fatal accident, provide ESA with a Fatal Incident Report, providing details of the incident, the person involved and action taken ¹.

Members must have a management system in place which follows the principles set out in Health and Safety Guidance (HSG)65².

Members will work with ESA and other Members to share experiences and good practice across the sector.

1) A copy of the Fatal Incident Report form is available from the Health and Safety section of ESA's website.

2) ESA has devised HSG65 Contacts, a scheme to offer support to Members in implementing the principles of Health and Safety Guidance (HSG)65. Details of the scheme are available on the Members' section of ESA's website.

Code of Conduct For Members

B. ENGAGING WITH BUSINESSES

Members will help businesses by:

- Raising awareness of the waste hierarchy in dealings with waste producers, by promoting waste prevention and the need for greater emphasis on resource efficiency.
- Raising awareness of available waste services to SMEs, by providing well signposted collection services and exploring potential for innovation in the provision of services to SMEs.
- Seeking to ensure that small business customers are offered clear and transparent contract terms and adhering to good practice principles.
- Signing up to the **Business Waste and Recycling Commitment** (*Appendix 2*) developed by ESA and Defra, which sets out best practice principles on the provision of services to businesses.

C. ENGAGING WITH LOCAL COMMUNITIES

Members will ensure that:

- All operational sites have documented complaint procedures;
- Where this is appropriate, operational sites have a site liaison committee;
- They adopt good communications with local communities, for example, and where appropriate, by providing information on where the materials they recycle go, or on the impact and benefits of new waste infrastructure.

D. DATA PROVISION

Members shall report to ESA on the indicators set out in *Appendix 3*.

Within 8 weeks of ESA requesting this information, Members will report each year on the indicators from their previous financial year. The previous financial year is that containing 1st April in the calendar year before ESA's request.

E. CONVICTIONS

Members will inform ESA within seven days of any conviction of that Member or any of its directors of the fact and relevant details of that conviction.

Further explanation is provided at *Appendix 4*.

APPENDIX 1: ESA'S ACCIDENT REDUCTION CHARTER



ESA ACCIDENT REDUCTION CHARTER

ESA and its Members aim to deliver the highest standards of health and safety. ESA Members regard the health, safety and well-being of their staff and all those associated with their activities to be an essential element of a successful and sustainable business.

We believe it can never be acceptable that people are fatally injured or harmed as a result of avoidable accidents in the waste and resource management industry, and will ensure that all necessary steps are taken to achieve this aim.

This revised Accident Reduction Charter aims to build upon the 65% reduction in accidents already achieved by ESA Members since the launch of our first Charter in 2004.

Our ambition is Zero Harm for all those working in, and involved with, the waste and resource management industry. In working towards this objective, ESA and its Members aim to:

1. **reduce** the incidence rate of RIDDOR reportable accidents by a minimum of 10% year on year until 2018
2. **demonstrate** a visible commitment to health and safety through leadership
3. **encourage and support** worker engagement in health and safety
4. **contribute** to the development and sharing of industry good practice
5. **support** the Waste Industry Safety & Health (WISH) Forum to deliver its five strategy goals

ESA also recognises the contribution that other health and safety performance indicators can make in creating an environment that is free from accidents. A focus on reducing all accidents - no matter how minor - is an important contributor to reducing more serious accidents.

To help achieve the above ESA Members are encouraged to recognise and explore the benefits that proactive measures of occupational health and safety can bring. ESA Members will therefore continue to promote programmes of work that focus on improving workplace behaviours and will share and exchange ideas that will prevent accidents happening in the first place.

Signed: _____

Company: _____

Date: _____

Code of Conduct For Members

APPENDIX 2: BUSINESS WASTE & RECYCLING COMMITMENT

ESA Business Waste and Recycling Commitment

We are committed to making recycling easy. If you choose us to provide your waste and recycling services, you can expect the following:

1. Reliable and regular collections

If we provide your service and cannot collect when we have said we will:

- let you know as soon as possible; and
- make other arrangements if this is possible

2. A collection service tailored to meet the needs of your business

If possible, and appropriate locally, we will provide a waste audit, where we advise you how best to present your waste for re-use or recycling

3. Clear information about our recycling service

We will provide:

- Explanations of what you can and cannot recycle
- Reasonable feedback on what happens to your waste and recycling
- Information on any new services offered

4. Contracts managed by following the principles of best practice

We will provide clear advice on alterations to agreements between us

5. Reasonable and clear fees

We will provide an explanation of how to work out your fees

6. Guidance on your responsibilities for managing waste

To help you make the right decisions for you and your business, we will help you access guidance which explains your legal responsibilities for your waste

7. Direction to other local waste and recycling services

Where we do not provide a service directly, we will provide advice on information sources which might be able to help you

8. Easy ways to give us your feedback

If you have any issues with the service, we will:

- make sure you can contact us in ways that are simple and easy to understand
- deal with any complaints fairly, consistently and promptly

9. A commitment to continuous improvement

We will ask for your feedback and ideas on how we can improve our service and make recycling easier.

As we improve, we will seek to share those benefits with you

APPENDIX 3: ENVIRONMENTAL INDICATORS

Industry Indicators

Certain indicators are used to monitor the sector, including:

1. Number of operational facilities.
 2. Number of material separation facilities:
 - Material Recycling Facilities (MRFs);
 - Household Waste Recycling Centres (HWRCs).
 3. Number of thermal treatment facilities:
 - Municipal incinerators;
 - High temperature incinerators;
 - Clinical waste incinerators.
 4. Number of landfill sites.
 5. Number of organics facilities:
 - Composting;
 - Anaerobic Digestion (AD)
 6. Number of transfer stations.
 7. Tonnes of waste handled.
 8. Tonnes of waste treated by thermal activity.
 9. Total energy generated.
 10. Tonnes of waste landfilled.
 11. Tonnes of the following material types recovered from the waste stream for recycling or composting:
 - Paper and card
 - Glass
 - Steel
 - Aluminium
 - Plastics (HDPE)
 - Plastics (PET)
 - Mixed dry recyclables
 - Green waste
-

Code of Conduct For Members

APPENDIX 4: NOTE ON CONVICTIONS

1. REPORTABLE CONVICTIONS

a) Conviction of Member

Any conviction of the Member must be reported.

b) Conviction of Director

Directors will appreciate that all convictions in open court are immediately in the public domain. However, as ESA does not expect every conviction of directors in a personal capacity to be reported, the rule for directors is more complex than for Members and ESA requires the reporting of any conviction of a director for any offence:-

- deemed to be a relevant environmental offence under the Environmental Permitting Regulations 2010 (or equivalent legislation of the devolved administrations) and associated guidance.
A relevant offence is any conviction for an offence relating to the environment or environmental regulation;
- under the Companies Act 1985 or the Companies Act 2006 (as applicable and in force at the date of the offence) for which the sentence at a Crown Court could be imprisonment and/or a fine (regardless of whether the offence is in the event tried in a Crown Court or Magistrates' Court and/or whether the imposed sentence is imprisonment); and/or
- involving dishonesty and/or disqualification as a director and/or for which the imposed sentence is or includes imprisonment.

An offence under the Companies Act 1985 or the Companies Act 2006 (as applicable and in force at the date of the offence) which can be tried only in a Magistrates' Court and for which the **only** possible sentence is a fine is not required to be reported.

If the conviction is for an offence in a part of the United Kingdom where Regulation 3 of the Companies Act 1985 and/or the Companies Act 2006 (as applicable) may not at the relevant time be in force, a conviction under equivalent statutory provision in force at the relevant time in that part of the United Kingdom must nonetheless be reported to ESA.

Convictions of directors outside the United Kingdom must be reported if the offence is of a type that would have been reportable had it occurred and/or been tried in England.

APPENDIX 4 cont: NOTE ON CONVICTIONS

2. REPORTED CONVICTIONS

The details of a conviction will be maintained on a register by ESA's company secretary.

Even if an appeal against a conviction is being made to a higher Court, the conviction must still be reported. It will be completely and immediately removed from ESA's Register in the event of a successful appeal being reported to ESA.

On becoming spent (or in the case of a reportable conviction outside the United Kingdom at the time when a similar offence committed within England would have become spent), any conviction will on request be completely and immediately removed from ESA's Register. It is therefore suggested that, at the time a conviction is reported to ESA, the request is simultaneously made to withdraw the report from ESA's Register on the date the conviction becomes spent.

The details of the conviction that must be reported are:

- the name of the Defendant;
- any reportable offence for which a conviction is made;
- the name of the Court;
- the date of the conviction;
- the sentence; and
- details of aggravating and mitigating circumstances.

In case of doubt, please consult ESA's company secretary.



The Environmental Services Association,

*154 Buckingham Palace Road,
London,
SW1W 9TR*

Tel: 020 7824 8882

Fax: 020 7824 8753

E-mail: info@esauk.org