

PES Integrity Guidelines

These guidelines can be used to assess the integrity of a (former) employee. The aspects covered by these guidelines are only relevant within the context of an assessment of the integrity of a (former) employee.

Compliance-related aspects:

1. Has the (former) employee left a position in the last five years on account of a difference of opinion with an employer?
2. Has the (former) employee ever been suspended from duty or dismissed from a position?
3. Was the (former) employee involved in legal proceedings with the (former) employer?
4. Has the (former) employee had any kind of financial problems that have resulted in legal proceedings in the last five years?
5. Has the (former) employee filed for a suspension of payments or bankruptcy, or has the (former) employee been declared bankrupt, or has a company of which the (former) employee was a director been put into involuntary liquidation in the last five years?
6. Is the (former) employee currently involved in one or more legal proceedings in the Netherlands or elsewhere as a result of financial problems?
7. Is there any reason to believe that the (former) employee may become involved in such legal proceedings?
8. Has the (former) employee been ordered to pay outstanding debts on account of liability for the involuntary liquidation of a company or other legal entity in the last five years?
9. Has the (former) employee, or a company or other legal entity represented by the (former) employee in the last five years in accordance with the law, the articles of association or certain regulations or rules of procedure, or a company whose daily policy is or has been determined by the (former) employee in the last five years been refused admittance, or a licence, or a discretionary permit by any supervisory authority or any other institution appointed (by domestic or international authorities) to monitor (parts of) the financial services sector?
10. Has the (former) employee been convicted of a crime or violation of the Economic Offences Act in the last five years?
11. Has the (former) employee been offered an (out-of-court) settlement or a (conditional) decision not to prosecute in connection with a crime or violation of the Economic Offences Act in the last five years?
12. Is the (former) employee currently involved in criminal proceedings in the Netherlands or elsewhere in connection with a crime or violation of the Economic Offences Act?
13. Is there any reason to believe that the (former) employee may become involved in such legal proceedings?
14. Has the (former) employee undergone integrity screening by any supervisory authority or any other institution appointed (by domestic or international authorities) to monitor (parts of) the financial services sector (such as the Netherlands Financial Markets Authority, Dutch Central Bank or DSI) in the past and been given conditional clearance?
15. Has an investment firm that the (former) employee has worked for in the last five years noted one or more violations of regulations established by or in accordance with the Securities Transactions (Supervision) Act 1995 in the record keeping system of its incident register on account of an action or omission by the (former) employee, as prescribed in article 39 of the Further Regulations on the Supervision of Securities Transactions?
16. Has the (former) employee had to undergo disciplinary procedures imposed by associations, professional organisations or other similar organisations of which the (former) employee is or was a member in a professional capacity in the last five years?
17. Has the (former) employee been refused a Police Clearance Certificate/Certificate of Good Conduct in the last five years, or has the Ministry of Justice had the intention to issue such a refusal?
18. Are there any facts or circumstances that could be considered to be of reasonable importance in relation to the assessment of the (former) employee's integrity?
19. Has the (former) employee's name been mentioned or entered in an incident register in the last five years.

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Performance-related aspects

Has the (former) employee's performance in the last five years given cause for criticism of:

1. The (former) employee's professionalism and (honourable) dealings with the investing public, clients, potential clients, employers, employees and colleagues.
2. The manner in which the (former) employee has maintained or improved his/her knowledge and expertise or, if the (former) employee supervises or manages others, the steps the (former) employee has taken to ensure that their subordinates act in accordance with the internal code of conduct and maintain and improve their knowledge and expertise.
3. The manner in which and/or the extent to which the (former) employee has remained informed of and complied with the laws, regulations and (internal) guidelines issued and imposed by authorities including the employer that apply to those in the (former) employee's profession.
4. The (former) employee's aiding and abetting of actions or transactions that run counter to or are in violation of laws, regulations and (internal) guidelines issued and imposed by authorities including the employer that apply to those in the (former) employee's profession.
5. The manner in which the (former) employee has fulfilled his/her responsibilities to the employer.
6. If applicable, the manner in which the (former) employee has fulfilled his/her responsibilities to clients and potential clients.
7. The (former) employee's failure to (strictly abide by a code of conduct drawn up by the employer to) prevent conflict between his/her own personal interests and those of his/her employer and/or clients.
8. The (former) employee's failure to treat information carefully and confidentially.