



MODERN SLAVERY STATEMENT

Pursuant to section 54(1) of the Modern Slavery Act 2015, the respective boards of directors of BMC Software Ltd. and BMC Software Distribution B.V. (collectively as “we”) have approved this modern slavery statement (this “Statement”) for the financial year ended 31 March 2022 (“FY22”).

We understand that modern slavery and human trafficking remain fast-growing activities of trans-national criminal organizations, having the potential to affect every country in the world. Therefore, we have implemented a system of policies and procedures designed to protect against modern slavery and human trafficking and they include imposing appropriate legal obligations on our employees and third parties (e.g., subcontractors and partners).

STRUCTURE, BUSINESS AND SUPPLY CHAIN

We are part of the BMC Software group of companies (“BMC”) and our (indirect) parent company, BMC Software, Inc., is based in the United States. BMC has approximately 6,400 employees worldwide who operate globally. BMC had a global annual turnover of circa 2.1 billion U.S. dollars for FY22.

BMC is a global leader in innovative technology solutions that, amongst other things, enable businesses to undertake digital transformation and retain their competitive advantage. BMC develops, implements, markets and sells software which is designed to help its customers with IT service management, data centre automation, performance management, virtualization lifecycle management and cloud computing management. In addition, it provides class leading technology consultancy services. BMC’s customers include some of the largest companies in the world.

BMC’s business is organised into several units, with customers and the wider supply chain located in over 130 countries in Europe, Asia-Pacific, Africa and the Americas. BMC uses a supply chain to effectively conduct business by procuring goods and/or services (e.g., hardware, software, telecommunications, office supplies, marketing products, travel, IT services, consultants, subcontractors and data centres). These goods and/or services are procured from reputable third-party support providers, consultants and hardware resellers. Furthermore, BMC has adopted various means to clearly communicate its expectations to any third parties BMC deals with, as further outlined in this Statement.

DUE DILIGENCE PROCESSES AND RISK ASSESSMENTS

BMC's Supplier Risk Governance Council ("SRGC") performs a risk assessment of each supplier based on the nature of goods or services provided and requires applicable suppliers to contractually agree to comply with the Modern Slavery Act 2015 when providing services to BMC.

Further, BMC is committed to ensuring responsible procurement and sourcing practices. This includes reviewing the ESG reports of major suppliers and only sourcing materials from certifiable conflict-free areas.

POLICIES IN RELATION TO SLAVERY AND HUMAN TRAFFICKING

BMC's [Third-Party Code of Conduct](#) requires that our suppliers refrain "from engaging in or supporting the use of slavery, child, compulsory, forced, or involuntary labour, including human trafficking" and suppliers are required to "flow down such prohibition to any third party they should be engaging with, directly or indirectly, to provide services to BMC." BMC requires applicable services suppliers to contractually agree to comply with the Third-Party Code of Conduct when providing services to BMC. Further, "failure to comply with the Third-Party Code of Conduct may result in the application of corrective measures against the Third Party, including, but not limited to, a reduction or cessation of business and/or termination of a contract between BMC and the non-compliant Third Party." This ensures that BMC's zero tolerance stance on modern slavery and human trafficking is as far reaching as possible.

The [Code of Conduct](#) applicable to BMC's employees contains obligations prohibiting use of child labour, physical punishment or forced or compulsory labour, as well as any other forms of human abuse including human trafficking. Every employee is required to accept the terms of the Code of Conduct. Failure to comply with the Code of Conduct, including not reporting actual or suspected violations of which employees are aware, may result in disciplinary action, including but not limited to termination of employment.

BMC has in place a Human Rights Policy. It is rooted in our existing mission to respect, protect and fulfil human rights and fundamental freedoms. This policy sets forth standards for business conduct and human rights and enables BMC to identify its human rights impacts, mitigate potential risks, and advance human rights in a way that is transparent with our stakeholders. The policy also includes a commitment to support fair labour.

BMC also has in place a Conflict Mineral and Anti-Slavery Policy. The policy sets out BMC's commitment to comply with relevant laws and regulations in regard to addressing modern slavery, human trafficking and conflict mineral trade. This policy specifies that it is applicable to all officers, directors, employees, suppliers and affiliates of BMC Software.

As part of its initiative to identify and mitigate risk, BMC has in place a system to protect whistle blowers. BMC's directors, officers, employees and third-party resources who have reason to believe BMC, an employee or a third party doing business on behalf of any company of BMC has violated, may violate or is acting in a manner that appears to violate a law, regulation, the Third-Party Code of Conduct, the Code of Conduct or other corporate policies are expected to immediately report such activity. Allegations may be reported through many defined channels including an ethics help line that permits anonymous reporting provided by a leading third-party reporting service. As outlined in BMC's [Whistleblower Policy](#), BMC will not tolerate retaliation against any employee who, acting in good faith, reports suspected human rights abuses, asks questions or raises concerns. All allegations of wrongdoing are taken seriously and investigated appropriately.

KEY PERFORMANCE INDICATORS

BMC records any incidents and suspicions of slavery, child, compulsory, forced or involuntary labour, including human trafficking, occurring within BMC and/or BMC's supply chain, which are reported in accordance with the appropriate internal mechanisms. As of the date of this Statement, to the best of our knowledge we are not aware of any such incidents and/or suspicions.

TRAINING

In addition to agreeing to the Code of Conduct, BMC requires every employee to undertake training on an annual basis to ensure that they understand the risks of modern slavery and human trafficking and to stress the importance of upholding its corporate and social responsibilities. This training is provided as an online module which is compulsory for all employees. In FY22, 100% of BMC's employees completed the required training on the risks of modern slavery and human trafficking.

LOOKING AHEAD

As outlined in previous statements, BMC continues to monitor its business where there is a potential risk of labour rights abuses and this includes incidences of modern slavery and human trafficking. BMC places an ever-increasing emphasis on transparency in an effort to identify modern slavery and human trafficking risks which may arise in the future.

This statement is approved for BMC Software Ltd. and BMC Software Distribution B.V.

A handwritten signature in blue ink, consisting of a stylized 'A' followed by a long horizontal stroke extending to the right.

Arno ter Avest
Director

Date: 8-9-2022