



## Fact Sheet

# Socially Responsible Procurement of Garments and Textiles

Focus on the role of European governments and organisations in the public and semi-public sectors

November 2014

**This fact sheet is about the socially responsible public procurement (SRPP) of textiles and garments in Europe. SRPP is all about how the purchasing policies and practices of public sector organisations at the buying end of the supply chain can help to improve global sustainability and human rights.**

This fact sheet offers background information about labour standards, as well as practical suggestions for organisations in the public sector. It includes information about operationalising SRPP policies and suggestions about how to factor human rights and sustainability into these policies.

Growing awareness of SRPP coincides with the increasing interest among European citizens in holding their governments to account for the responsible spending of public money.

The European public (and semi-public) sectors are important consumers of textile products and clothing, including work wear, uniforms and linen. A wide range of organisations are involved in buying textiles and garments, including central governments, local administrations, educational institutions, hospitals, elderly care and welfare institutions, prisons, the police, refuse collection, park keeping etc. These organisations are all operating under European

public procurement law and are wholly or partly financed with public money.

Labour conditions in the global textiles and garment supply chain often fall well below accepted standards. This is related to the generally appalling social conditions in low-income countries. Year in, year out, trade unions and non-governmental organisations (NGOs) churn out reports on systematic violations of International Labour Organization (ILO) core labour conventions on the factory floor. In key textiles and garment-producing countries such as China, India, Pakistan, Bangladesh, Turkey and Cambodia hundreds of thousands of workers face hardships such as long working hours, heavy workloads and discrimination related to their case or gender. Child labour and forced labour are both rampant. Workers earn low wages and often find it very difficult to make ends meet. Freedom of association is not respected and workers' grievances frequently fall on deaf ears.

These conditions still prevail in some countries, even though states have a duty to protect against human rights abuses and companies have a responsibility to respect human rights. Companies should act with due diligence. This means that they should have business processes in place through which they actively identify, prevent,

mitigate and account for how they address and manage their potential and actual adverse human rights impacts.

Victims need to have greater access to effective remedies when human rights abuses occur, notably access to legal processes and to non-legal complaint processes such as offered by the International Labour Organization's Committee on Freedom of Association.<sup>1</sup>

Governments at the production end of the supply chain are often not able to enforce labour laws. Existing corporate accountability policies and instruments are clearly insufficient tools when it comes to protecting the labour rights of textile and garment workers in low-income countries. Companies (from manufacturers to buying houses, brands and retailers) rely on social auditing and certification schemes – but these are failing as instruments to detect and address labour issues.

What is needed are additional and innovative strategies to help improve the situation for workers and the communities they come from. Public procurement on the basis of stringent social criteria is one way forward. Together European public and semi-public buyers of textiles and garments have considerable purchasing power. If these organisations join forces they can create significant leverage in the supply chain to improve labour conditions in the textile and garment manufacturing industries in the global south.

## Labour issues in the textile and garment sector in low-wage production countries

Across the board, textile and garment workers are subjected to widespread and systematic violations of national and international standards when it comes to labour and human rights. Frequently reported labour abuses include:

- ❑ Recruitment of workers by abusing their vulnerability (e.g. abuse of lack of education and information; abuse of cultural and religious beliefs, such as, for example, the need to save for a dowry);
- ❑ Deception or false promises about types and terms of work (e.g. no contracts or payslips);
- ❑ Long hours of work with forced overtime;
- ❑ Low wages;
- ❑ Discrimination;
- ❑ Forms of bonded labour;
- ❑ Physical confinement at the work place;
- ❑ Psychological compulsion (i.e. an order to work, backed up by a credible threat for non-compliance);
- ❑ Sexual and physical harassment;
- ❑ Poor living conditions in hostels on factory grounds;
- ❑ Unhealthy and unsafe workplaces;
- ❑ No social protection (including social insurance, pension, etc.).

## Normative framework: international labour standards

Key international labour standards are the legal instruments drawn up by the constituents of the International Labour Organization (ILO) – governments, employers and workers – that set out basic principles and rights at work. ILO conventions are legally binding international treaties that are ratified by member states and translated into national legislation.

The ILO has identified eight conventions as “fundamental”, covering subjects that are considered to be fundamental principles and rights at work, including: **freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labour; the effective abolition of child labour; and the elimination of discrimination in respect of employment and occupation.**<sup>2</sup> The eight fundamental ILO conventions are binding upon every member country of the ILO, regardless of ratification.

- ❑ **Freedom of association and the right to collective bargaining:** The right of all workers to form and join trade unions and bargain collectively is recognised (ILO Conventions 87 and 98).
- ❑ **Employment is freely chosen:** No use of forced labour, including bonded or prison labour (ILO Conventions 29 and 105).
- ❑ **No use of child labour:** The age for admission to employment is not lower than the age of completion of compulsory schooling and, in any case, is not lower than 15 years (ILO Conventions 138 and 182).
- ❑ **No discrimination in employment:** Recruitment, wage policy, admission to training programmes, employee promotion policy, policies of employment termination, retirement and any other aspect of the employment relationship are based on the principle of equal opportunities, regardless of race, colour, sex, religion, political affiliation, union membership, nationality, social origin, deficiencies or disabilities (ILO Conventions 100 and 111).

Other important ILO Conventions cover subjects such as occupational health and safety, maximum hours of work, the right to job security and the right to a living wage:

- ❑ **Right to a safe and healthy work environment** (ILO Convention 155).
- ❑ **No excessive working hours:** Hours of work comply with applicable laws and industry standards. Workers are not required to work in excess of 48 hours per week

on a regular basis and are provided with at least one day off for every seven-day period. Overtime is voluntary, does not exceed 12 hours per week, is not demanded on a regular basis and is always compensated at a premium rate (ILO Convention 1).

- ❑ **Right to job security** (ILO Tripartite Basic Principle, art. 24-28).
- ❑ **Living wage:** Wages and benefits paid for a standard working week meet at least legal or industry minimum standards and are sufficient to meet the basic needs of workers and their families and to provide some discretionary income (ILO Conventions 26 and 131).

The ILO Conventions are regarded as authoritative corporate social responsibility (CSR) standards and are seen as a minimum threshold for SRPP policies and practices.

## Other guidelines that set international standards in terms of SRPP

### United Nations Guiding Principles on Business and Human Rights

The first responsible institution for the protection and promotion of human rights is, of course, the government of each country. Governments should translate the content of international treaties and conventions that they have ratified into national legislation. In addition, governments should ensure that labour laws are implemented and enforced. Companies should prevent and address adverse human rights impacts, even if they have not contributed directly to the violation of these rights. This responsibility is laid down in the United Nations Guiding Principles on Business and Human Rights (UNGP), which were adopted by the United Nations Human Rights Council in 2011.<sup>3</sup>

The UNGP mention commercial transactions and procurement activities of states as a unique opportunity to promote respect for human rights by enterprises:

“States should promote respect for human rights by business enterprises with which they conduct commercial transactions. States conduct a variety of commercial transactions with business enterprises, not least through their procurement activities. This provides States – individually and collectively – with unique opportunities to promote awareness of and respect for human rights by those enterprises, including through the terms of contracts, with due regard to States’ relevant obligations under national and international law.”<sup>4</sup>

### OECD Guidelines for Multinational Enterprises

The Organisation for Economic Co-operation and Development (OECD) has developed Guidelines for Multinational Enterprises that consist of a set of recommendations for multinational enterprises operating in or from adhering countries.<sup>5</sup> The OECD Guidelines offer one of the few mechanisms available for holding corporations to account for their international operations. They provide guidance for responsible business conduct in areas such as: labour rights, human rights, environment, information disclosure, combating bribery, consumer interests, competition, taxation and intellectual property rights. While the OECD Guidelines are not legally binding on companies, OECD signatory governments are required to ensure that they are implemented and observed by multinational enterprises domiciled in their territories. The SRPP policies of OECD signatory governments should refer to the OECD Guidelines. The OECD Guidelines also have a dispute resolution mechanism for resolving conflicts regarding alleged corporate misconduct.<sup>6</sup>

### International Organization for Standardization (ISO)

The International Organization for Standardization (ISO) has developed a voluntary International Standard, ISO 26000:2010 “Guidance on social responsibility”. ISO 26000 is intended to assist all types of organisations in the private, public and non-profit sectors – whether large or small, and whether operating in developed or developing countries – in contributing to sustainable development. ISO 26000 encourages organisations to go beyond legal compliance, recognising that compliance with law is a fundamental duty of any organisation and an essential part of their social responsibility.<sup>7</sup>

ISO is currently working on a new international standard, ISO/PC 277 “Sustainable procurement”. This international standard is intended to provide guidance to organisations integrating sustainable development as described in ISO 26000 within procurement, regardless of their activity or size. This new standard is aimed at stakeholders involved in or impacted by procurement processes and decisions.<sup>8</sup>

### Legal basis for public procurement in the European Union

The legal basis for public procurement in the European Union (EU) is provided by the recently revised Directive 2014/24/EU of the European Parliament and of the European Council (EC) of 26 February 2014 on public procurement. The 2014 Directive repeals Directive 2004/18/EC.<sup>9</sup>

The directive defines the concept of the Most Economically Advantageous Tender (MEAT), which may include the best price-quality ratio. This is to be assessed on the basis of criteria, including qualitative, environmental and/or social aspects, linked to the subject matter of the public contract in question.<sup>10</sup>

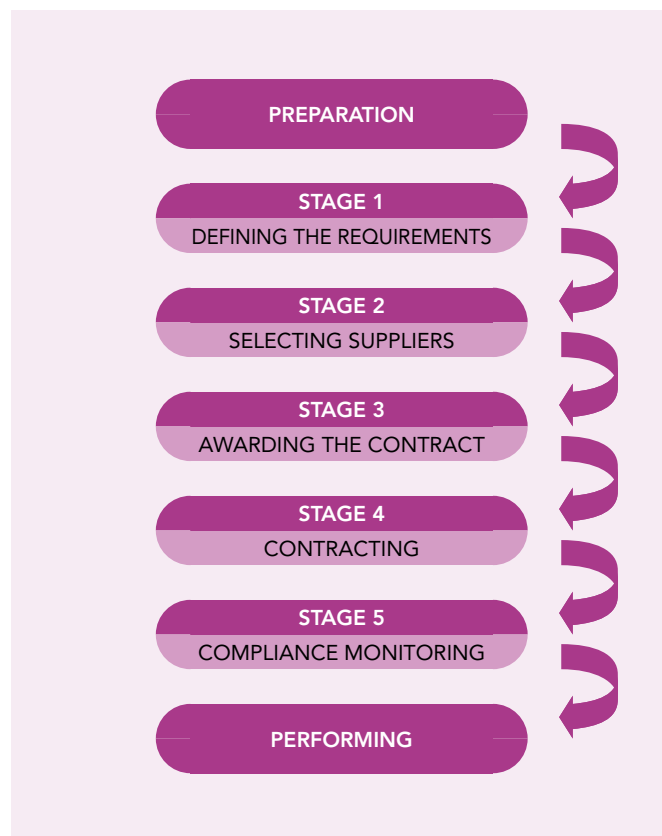
In 2011, the European Commission published a “Buying Social Guide” distinguishing nine topics relevant for socially responsible public procurement, including decent work, compliance with social and labour rights, ethical trade and respect for human rights. The Guide explains how public authorities can apply social criteria in public procurement, on the basis of the 2011 EU legal framework. The Guide stresses that while requirements relating to the labour conditions of workers involved in the production process cannot be taken into account in the technical specifications, they may be included in the contract performance clauses, provided they are linked to performance of the contract.<sup>11</sup>

The new directive offers even more scope for taking social considerations into account. The directive stipulates that European Union Member States have a duty to create a legal framework in which the chances on economic operators performing public contracts violating the social norms are as limited as possible. In the next few years, the new EC Directive will be transposed into national legislation in the EU member states, replacing existing legal provisions.

## Including international labour standards in public procurement

So how should these standards actually be integrated into procurement policies and practices? First of all, it is important that public sector organisations stay informed about any discussions and developments in the field of SRPP by linking up to existing materials and initiatives. There are plenty of policy documents, reports, brochures, conferences, LinkedIn groups etc. that provide insights and tips about the actual formulation of social criteria and the application in the procurement process. Connecting with other public sector organisations that are in a more advanced stage of applying SRPP policies is crucial. Public sector buyers are encouraged to be ambitious and innovative, but always in a way that works for their individual organisation.

This diagram is a simplified representation of the stages of a standard procurement process:



When defining the requirements in stage one, it's possible to distinguish four types of criteria:

1. **Qualification criteria** that describe the grounds for exclusion and suitability. Qualification criteria are used to evaluate whether bidders are able to deliver the requested materials, products or services. A bidder can be excluded if a serious fault or offence has been observed (for instance, violation of an environmental act). Sustainability can also be set as a suitability requirement in the technical competence of the supplier.
2. **Technical capacity criteria** that compare the relative quality of the bidders meeting the suitability requirements. Bidders are challenged to make the best offer. Technical capacity criteria may refer to sustainability as long as this is related to the subject matter of the tender. Sustainability aspects that underpin existing certification schemes may be included in technical requirements. One example is a requirement to minimise the level of harmful substances in work clothing. Bidders can meet this requirement by proving that they are covered by the Öko-Tex 100 label.
3. **Award criteria** are based on the Most Economically Advantageous Tender (MEAT). Points are awarded both to price and to quality linked to sustainability characteristics. The more points awarded to a sustainability requirement, the higher the chance that the tender

will be awarded to the bidder that pays attention to sustainability. For work clothing, for instance, extra points may be awarded to bidders that offer a higher percentage of organic cotton.

4. **Contract performance clauses** stipulate the conditions under which the tender will be performed. These clauses are binding upon contracted suppliers. A contractual clause may include sustainability requirements, outlining best effort obligations for the contracted party. Contract clauses must be included in the original tender documents to make sure that bidders are fully informed and can take any requirements into account in their proposal.

## SRPP policy and practice in the Netherlands

The Dutch government requires contractual suppliers to make certain efforts towards improved labour conditions (e.g. no child labour, decent wages etc.). A supplier can fulfil these requirements in different ways. Joining or being part of a recognised supply chain initiative is one way of

doing this. A supply chain initiative is a collaborative effort bringing together companies, traders, environmental, human rights organisations and/or trade unions. These parties collaborate to bring about better labour conditions in the production of certain products. If a supply chain initiative is recognised or approved, the contracting authority can refrain from making additional social requirements towards the contractual supplier. Suppliers that participate in these supply chain initiatives automatically live up to the social conditions set by the government<sup>12</sup>.

Currently, the Dutch government/administration recognises a number of supply chain initiatives. The initiatives that are relevant for the textile and garment industries are Fair Wear Foundation<sup>13</sup> and Social Accountability International<sup>14</sup>.

## Interesting practices in SRPP

There are plenty of best practices in SRPP that interested public sector organisations can learn from and adopt for their own purposes. Public sector organisations have gained experience in applying SRPP policies with the procurement

### Fair Wear Foundation

Fair Wear Foundation (FWF) is an independent, non-profit organisation that works with companies and factories to improve labour conditions for garment workers. FWF's 80 member companies represent more than 120 brands, and are based in eight European countries. Members' products are sold in over 20,000 retail outlets in more than 80 countries around the world. FWF is active in 15 production countries in Asia, Europe and Africa. While company commitments to ethical practices are important, these claims usually only gain credibility

when verified by a third party. This is where FWF comes in. FWF's multi-stakeholder character means that it is independent, balanced and credible. FWF checks whether companies comply with the Code of Labour Practices by three-level verification: annual Brand Performance Checks, factory audits and a complaints procedure.<sup>15</sup> FWF shares its knowledge and (local) contacts with the member companies, providing them with access to information on local legislation, labour standards and culture.

### Social Accountability International

Social Accountability International (SAI) describes itself as a non-governmental, international, multi-stakeholder organisation dedicated to improving workplaces and communities by developing and implementing socially responsible standards. SAI convenes key stakeholders to develop consensus-based voluntary standards, conducts cost-benefit research, accredits auditors, provides training and technical assistance,

and helps corporations to improve social compliance in their supply chains. In 1997, SAI launched SA8000 (Social Accountability 8000) – a voluntary standard for workplaces, based on ILO and UN conventions.<sup>16</sup> However, SAI has been severely criticised over the past few years, in particular in relation to a series of factory fires and building collapses of SA8000 certified factories in Pakistan and Bangladesh.



of garments, hospital products (such as operation articles, gloves, bandages and stainless steel instruments), electronics hardware and other products. For example, in Europe as well as in the US there are public buyers that:

- ❑ Formulate **stringent social criteria** based on international labour standards that are included throughout the different steps of the procurement process (see example 1: Utrecht, The Netherlands below);
- ❑ **Carry out risk analyses** of products and production countries in major procurements where there is a risk of breach of human rights (see example 2: South-Eastern Regional Health Authority, Norway below);
- ❑ Engage suppliers through an **on-going plan of compliance** with labour norms (see example 3: Madison, US below);
- ❑ Require that **suppliers join credible supply chain initiatives** (see examples 4a: Amsterdam West, and 4b: Ministry of Security and Justice, both in the Netherlands below);
- ❑ Investigate supplier factories by **interviewing workers** (see example 5: Los Angeles, US below);
- ❑ **Central role of citizen oversight body** (see example 6: San Francisco, US below)
- ❑ **Push supply chain transparency** (example 7: City of Portland, Oregon, US below).

*NB: This factsheet distinguishes a number of different approaches in applying SRPP policies. Most progressive public buyers do not limit themselves to one or the other approach, but apply a mixture of approaches.*

### 1. Utrecht, The Netherlands: stringent criteria throughout the entire procurement process

In 2013, the city of Utrecht bought a large batch of natural stone for the redevelopment of the Stationsplein. Utrecht **included international labour standards in all stages of the procurement process**. The city's policies in the field of fair trade, CSR and international social standards are referred to in the **subject matter** of the tender. The tender also describes labour issues in the natural stone chain: child labour, forced labour, health and safety, no formal conditions of employment, low wages, long working hours and discrimination.

The **qualification criteria** state that bidders must have a description of the measures taken "within the framework of environmental management, including the social aspects in the chain and which guarantees they are able to offer in this field".

The **list of requirements** indicates that the bidders must submit a plan regarding the guarantees they can provide in this regard. This requires a supply chain analysis, as well as a risk analysis. At the very least, issues occurring during the extraction phase and at processing locations must be addressed; including a risk analysis related to non-compliance with the fundamental

ILO standards. Utrecht chose to apply additional labour standards related to working hours, health and safety in the work place and wages. Bidders who did not meet these requirements were not taken into consideration. Bidders were also expected to describe what measures they would take to minimise risks in their supply chain, and, for each risk, to outline how the social and environmental standards were being or would be safeguarded in company policy; how the company would handle the prioritisation of violations; how communication on labour standards with the supplier would take place and what agreements were in place and would be made in this regard; the intended results per risk, including the associated timeline; how the company would handle monitoring; and the way and frequency in which the planned approach would be updated.

At the **award stage**, Utrecht awarded points according to the way the social standards were safeguarded; sustainability amounted to as much as 20 to 100 points. This was also determined by looking at the planned approach. Finally, the supplier was also expected to agree to the social conditions included in the contract. The supplier was invited to a **meeting** in which the social aspects were discussed in detail. The supplier was awarded points for sustainability efforts. Eventually, Utrecht selected a supplier of Spanish natural stone, which presented the least number of social issues.<sup>17</sup>

### 2. South-Eastern Regional Health Authority, Norway: risk analysis

Helse Sør-Øst is the South-Eastern Norway Regional Health Authority. Sykehuspartner is the part of the health authority that carries out procurement services for all the hospitals in the region. Helse Sør-Øst spends more than 20 billion kroner a year and wants to use this buying power to promote good practice in terms of environmental considerations and for ethical supply chains in public procurement. This has been done with the help of **risk analyses** of products and production countries in major procurements and by setting requirements for suppliers where there is a risk of breach of human rights or global environmental concerns. During the contract period, Helse Sør-Øst follows up with suppliers to ensure that requirements are being met.<sup>18</sup>

### 3. Madison, US: compliance plan

Madison, the capital of Wisconsin state in the US with an estimated population of some 240,000, **engages vendors through an on-going plan of compliance with international labour norms**. With this approach Madison is moving away from the certification model, which requires contractors to affirm complete compliance in order to receive a contract.

On the one-year anniversary of the Rana Plaza building collapse in Bangladesh, Madison released a Request for

Proposals for a variety of types of uniforms that raises the bar for human rights due diligence in government contracting. Scheduled to be awarded in January 2015, this contract requires:

- **transparency.** Bidders must disclose the names and addresses of factories, as well as workers' minimum wages and benefits;
- **compliance plan to remedy and prevent violations:** The winning bidder will work with the City of Madison and the Sweatfree Purchasing Consortium to implement a compliance plan that includes worker education, a grievance process, responsible purchasing practices, and prevention measures to address health and safety conditions in high-risk areas such as Bangladesh and Pakistan;
- **independent oversight by the Sweatfree Purchasing Consortium:** Contractor rebates will help to fund the independent monitoring of suppliers and factories where there is a high risk of violations;
- **rigorous compliance review and evaluation:** an independent review panel, coordinated by the Sweatfree Purchasing Consortium, will assist the City of Madison and other user agencies in evaluating contractor compliance at all stages of the process – including the proposal, award and contract performance. The review panel will include experts in international labour rights and representatives of public agencies that use the contract.<sup>19</sup>

#### 4a. Amsterdam-West, the Netherlands : credible supply chain initiatives

In 2013, Amsterdam-West bought work clothing for approximately 150 employees who are active in various disciplines in the field. The Programme of Requirement stated that, at the time the tender was awarded, **bidders should be a member of an independent organisation that strives for good working conditions in the global clothing industry, and in particular in low-wage countries where clothing is produced for the Dutch market. Fair Wear Foundation is presented as an example of such an initiative.** Compliance with 'the ILO standard' is formulated as a minimum requirement.<sup>20</sup>

#### 4b. Dutch Ministry of Security and Justice : credible supply chain initiatives

In 2013, part of the **Dutch Ministry of Security and Justice** put out a tender to procure some protective clothing. The technical specifications stated that, in addition to a certified environmental policy, **bidders should provide information on how sustainability aspects were propagated and on participation in organisations that promote sustainability such as the Fair Wear Foundation, fair trade etc.** Bidders were also asked to present a plan on compliance with and promotion

of labour standards. With regard to the ILO labour standards, bidders were asked to declare or prove that none of the supplied goods had been produced using child labour, as described in ILO Convention 182. This requirement applied to the entire production chain. This was substantiated by means of a code of conduct (compliance to which will be monitored...) or looking at whether the bidder was a member of, for example, the Fair Wear Foundation or a similar initiative. If bidders said they respected the ILO standards, they earned points (three out of 12) in the awarding stage.<sup>21</sup>

#### 5. City of Los Angeles, US: investigate supplier factories by interviewing workers

The City of Los Angeles is one of the pioneers in **apparel supply chain investigations and remediation activities.** The US city has worked with the Worker Rights Consortium (WRC) over a period of several years to map the supply chain, educate workers about their rights, investigate violations through off-site interviews with workers like line operators, and monitor remediation activities.

"At every manufacturing facility, the activities that the city supported have resulted in various positive changes, with regard to freedom of association, paying back wages, occupational health and safety, hours of work and overtime, or non-discrimination," says Farshid Yazdi, Management Analyst with the City of Los Angeles, in an interview with the Sweatfree Purchasing Consortium. "There have been major changes in all factories WRC got involved with. It's good just to see what kind of impact the city can have."<sup>22</sup>

#### 6. City of San Francisco, US: central role of citizen oversight body

The City of San Francisco has a long-standing policy of working to support better manufacturing practices and labour conditions in the garment and textile industries. In 2005, San Francisco specifically established a "sweat-free" procurement policy and contracting effort covering "apparel, garments and corresponding accessories, materials, supplies or equipment" as well as textiles, meaning "all items of cloth that are produced by weaving, knitting, felting, sewing, or similar production processes". San Francisco aims to buy from and reward vendors who do not conduct or participate in sweatshop manufacturing and who make a strong effort to disclose complete information about their supply chain. **There is an advisory committee of citizens and city departments,** the Sweatfree Procurement Advisory Group (SPAG), which reviews and makes recommendations regarding the City's enforcement and compliance with the Code and works to encourage participation by the City in other government and political efforts to reduce sweatshop manufacturing and disclose clothing

and textile manufacturing conditions. As of November 2013, six current term contracts totalling approximately \$6.2 million in purchases of uniforms, inmate clothing, towels, mops, mats and other items are subject to and have been scored and awarded using the Sweatfree Contracting Ordinance point system analysis.<sup>23</sup>

### 7. City of Portland, Oregon, US: push supply chain transparency

The City of Portland, Oregon requires **contractors to supply detailed "point of assembly factory" information** using this standardised form.<sup>24</sup> In addition to the name, physical address and ownership of the factory, contractors must specify the exact product made at the factory, identifying the product by the brand name and style number. The City of Portland is a member of the Sweatfree Purchasing Consortium (see below) and uses the Consortium's online factory database, Sweatfree LinkUp to upload factory information.<sup>25</sup> By connecting product and factory information, the database shares with Portland purchasers information about other public agencies that may be using the same factories for the same products.<sup>26</sup>

## Campaigns and initiatives

- The US-based Sweatfree Purchasing Consortium (SPC) is a membership organisation for public entities that strive to purchase apparel and related products made in decent working conditions. By bringing organisations together, SPC seeks to make sweatfree purchasing easier and more effective. The Consortium's mission is to end public purchasing from sweatshops and help its members make sweatfree purchases more effectively and less expensively than any individual organisation could accomplish on its own. To accomplish this mission, the Consortium coordinates and represents public officials and others who seek to ensure that taxpayer dollars are not spent on products made in sweatshops, and serves as a coordinating body and resource centre for public entities and other organisations that share this goal. (See <http://buysweatfree.org/about>).
- The Worker Rights Consortium (WRC) is a US-based, independent labour rights monitoring organisation, conducting investigations into working conditions in factories around the globe. The WRC's goal is to combat sweatshops and protect the rights of workers who make apparel and other products. The WRC conducts independent, in-depth investigations; issues public reports on factories producing for major brands; and helps workers at these factories in their efforts to end labour abuses and defend their workplace rights. The WRC has the support of over 175 college and university affiliates. Its primary focus is the labour practices of factories that make university-related apparel. (See <http://www.workersrights.org/about/>).
- Electronics Watch brings together European public buyers of ICT hardware and local monitoring organisations in electronics production countries. Public sector organisations have considerable buying power and can create significant leverage to influence structural improvement in the industry. Electronics Watch will be up and running by mid-2015, with a first group of 50 public sector buyers from across Europe. Southern NGOs and trade unions, as well as European public sector buyers and experts, will have an equal say in the governance of the new organisation. On the basis of a fee, affiliated public sector buyers will be assured of up-to-date information about their suppliers, monitoring of local working conditions and structured ways of responding to detected non-compliances. EW affiliates are provided with standard texts and templates on social criteria for use in the procurement process. (See [http://electronicswatch.org/en/presentation\\_4777](http://electronicswatch.org/en/presentation_4777) ).
- WellMade was launched in July 2013. It is a three year project in which was developed to help provide everyone working in European clothing companies with tools to understand the major labour issues that they have influence over, and how they can support better conditions. (See <http://www.wellmade.org>).





## What can European governments and organisations in the public and semi-public sectors do?

### On a policy level:

- Ratify the ILO core labour standards and other important labour standards;
- Translate ILO labour standards into national legislation;
- Call upon governments at the production end of the textile and garment supply chain to ratify all relevant ILO labour standards by means of CSR diplomacy;
- Translate the revised EC Directive into national legislation, taking into account the opportunities for the use of social criteria;
- Translate the OECD Guidelines and UNGP into national action plans and SRPP policies;
- Ensure a high level of policy coherence – by mainstreaming human rights and sustainability concerns throughout policies;
- Provide local authorities with guidance, training and sufficient budget to enable smooth implementation of SRPP policies on a local level, including support in actually formulating social criteria for inclusion throughout procurement processes;
- Provide oversight and evaluation of public and semi-public sector bodies;
- Ensure a high level of policy coherence.

### On an implementation level:

- Ambitiously apply social criteria throughout all phases of procurement processes;
- Actively engage in dialogue with market parties, to prepare the ground for SRPP;
- Require that companies join credible supply chain initiatives, like Fair Wear Foundation;
- Make funds available for guidance and training of procurement officers and contract managers to familiarise them with the new European Directive and other relevant instruments and initiatives in the field of SRPP;
- Link up to and learn from other organisations through designated initiatives and conferences, like ICLEI , EcoProcura and Procura+. (See below);
- Join innovative and ambitious initiatives with regard to SRPP;
- Support activities of local civil society organisations related to labour rights and SRPP;
- For Dutch-based buying organisations, a first small step could be to fill out the MVO Nederland CSR Risk Checker.

## More information

### Reports and papers



SOMO, [A review of Dutch policy for socially responsible public procurement](#), March 2014



European Commission, [Buying Social – A Guide to Taking Account of Social Considerations in Public Procurement](#), October 2010



Stop Kinderarbeid – school is de beste werkplaats, [Kinderarbeidvrij inkopen door overheidsinstanties. Tips, risicolanden en risico-producten](#), April 2014



SOMO, [Buy IT fair. Handleiding voor het duurzaam inkopen van computers](#), September 2009



MVO Nederland and Pianoo, [Duurzaam inkopen doe je zo. Experts van overheden en bedrijven over hun ervaringen met duurzaam inkopen](#) – *This how SRPP is done. Government experts and companies about their experiences with socially responsible procurement*, 2014



[Schone kleren, Handreiking voor het bewust inkopen van dienstkleding](#) – *Guidance for the ethical procurement of work wear*, Bestuursdienst Amsterdam, Directie Bedrijven, Afdeling Concern Inkoop, September 2003

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### Useful links

- [Electronics Watch](#)
- [The EcoProcura conference series](#)
- [Fair Wear Foundation \(FWF\)](#)
- [India Committee of the Netherlands \(ICN\)](#)
- [ICLEI, Local Governments for Sustainability](#)
- [MVO Nederland: Duurzaam leveren aan de overheid](#)
- [MVO Nederland Risk Checker](#)
- [Procura+](#)
- [SOMO](#)
- [Sweatfree Purchasing Consortium](#)
- [WellMade](#)
- [Worker Rights Consortium \(WRC\)](#)

## End notes

- 1 International Labour Organization, ILO Committee on Freedom of Association, <http://www.ilo.org/global/standards/applying-and-promoting-international-labour-standards/committee-on-freedom-of-association/lang--en/index.htm>.
- 2 ILO, Conventions and Recommendations, <http://ilo.org/global/standards/introduction-to-international-labour-standards/conventions-and-recommendations/lang--en/index.htm>.
- 3 United Nations, Guiding Principles on Business and Human Rights [http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf).
- 4 Idem, Principle 6, p.9.
- 5 OECD, OECD Guidelines for Multinational Enterprises <http://www.oecd.org/investment/mne/48004323.pdf>
- 6 OECD Watch, The OECD Guidelines for Multinational Enterprises: A tool for responsible business conduct, [http://oecdwatch.org/publications-en/Publication\\_3816/at\\_multi\\_download/files?name=OECD%20Watch%20brochure%20%28English%29](http://oecdwatch.org/publications-en/Publication_3816/at_multi_download/files?name=OECD%20Watch%20brochure%20%28English%29).
- 7 International Organization for Standardization, ISO 26000:2010 Guidance on social responsibility, [http://www.iso.org/sites/iso26000launch/documents/Discovering\\_ISO.pdf](http://www.iso.org/sites/iso26000launch/documents/Discovering_ISO.pdf), page 3 and <https://www.iso.org/obp/ui/#iso:std:iso:26000:ed-1:v1:en>.
- 8 ISO, ISO/PC 277 Sustainable procurement, [http://www.iso.org/iso/home/standards\\_development/list\\_of\\_iso\\_technical\\_committees/](http://www.iso.org/iso/home/standards_development/list_of_iso_technical_committees/)
- 9 Directive 2014/24/EU of the European Parliament and of the Council, <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014L0024&from=EN>.
- 10 Idem, Subsection 3, Award of the contract, Article 67, Contract award criteria.
- 11 European Commission, Buying Social. A Guide to Taking Account of Social Considerations in Public Procurement.
- 12 See <http://www.rijksoverheid.nl/onderwerpen/inkopen-door-het-rijk/maatschappelijk-verantwoord-inkopen-door-het-rijk/voldoen-aan-sociale-voorwaarden>.
- 13 Fair Wear Foundation (FWF), <http://www.fairwear.org/>.
- 14 Social Accountability International (SAI), <http://www.sa-intl.org/>.
- 15 FWF, <http://www.fairwear.org/ul/cms/fck-uploaded/documents/PerformanceChecks/2014/FWFBrandPerformanceCheckGuideOnlineMay2014.pdf>.
- 16 Social Accountability 8000, <http://www.sa-intl.org/index.cfm?fuseaction=Page.ViewPage&pageId=490>.
- 17 SOMO, A review of Dutch policy for socially responsible public procurement, March 2014, [http://www.somo.nl/publications-en/Publication\\_4043/at\\_download/fullfile](http://www.somo.nl/publications-en/Publication_4043/at_download/fullfile).
- 18 Helse Sør-Øst, Ethical trade, [http://www.helse-sorost.no/fagfolk\\_/temasider\\_/etikk\\_/Documents/Ny%20estetisk%20handelsbrosjyre\\_Engelsk%20Korr4.pdf](http://www.helse-sorost.no/fagfolk_/temasider_/etikk_/Documents/Ny%20estetisk%20handelsbrosjyre_Engelsk%20Korr4.pdf)
- 19 Sweatfree Purchasing Consortium (SPC), Uniform Management Program Request for Proposals, [http://buysweatfree.org/uniform\\_management\\_program](http://buysweatfree.org/uniform_management_program) and <http://www.thenation.com/blog/180055/how-local-governments-are-using-their-purchasing-power-end-sweatshop-labor#>.
- 20 SOMO, A review of Dutch policy for socially responsible public procurement, March 2014, [http://www.somo.nl/publications-en/Publication\\_4043/at\\_download/fullfile](http://www.somo.nl/publications-en/Publication_4043/at_download/fullfile).
- 21 SOMO, A review of Dutch policy for socially responsible public procurement, March 2014, [http://www.somo.nl/publications-en/Publication\\_4043/at\\_download/fullfile](http://www.somo.nl/publications-en/Publication_4043/at_download/fullfile).
- 22 City of Los Angeles, Department of General Services, Supply Services, WRC reports, [http://www.gsd.lacity.org/sms/WRC/WRC\\_reports.htm](http://www.gsd.lacity.org/sms/WRC/WRC_reports.htm).
- 23 San Francisco Sweatfree Procurement Advisory Group Annual Report 2013, [http://buysweatfree.org/files/spag\\_2013\\_report\\_final.pdf](http://buysweatfree.org/files/spag_2013_report_final.pdf).
- 24 City of Portland Sweatshop Free Procurement Policy Point-of-Assembly Factory Location Form, [http://buysweatfree.org/files/sfp\\_pointofassembly\\_factory\\_location\\_form\\_20120207web.pdf](http://buysweatfree.org/files/sfp_pointofassembly_factory_location_form_20120207web.pdf).
- 25 Sweatfree Purchasing Consortium, Sweatfree LinkUp, <http://buysweatfree.org/linkup>.
- 26 For more information, see <http://www.portlandoregon.gov/bibs/50342>.

## Colophon

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