

Towards the Ethical Procurement of Goods for use in the Public Sector

Research Report prepared to inform a Curriculum Design Day on 28th January 2020

Introduction

This report has been created to provide background research for participants who will attend UNISON's Ethical Procurement of Goods for Public Services Curriculum Design Workshop on 28th January 2020.

UNISON is the UK's largest union, serving more than 1.3 million members working in both the public and private sectors. UNISON works with individual unions and global union federations to defend public services and fight against austerity around the world. We also have a strong focus on international work and seek to defend human and trade union rights under attack.

The systemic exploitation of a majority of the workers caught up in complex global supply chains is well documented. As are the failures of the multi-billion dollar voluntary corporate social responsibility (CSR) industry which is mostly a risk protection exercise for multinational companies whose reputations are vulnerable to public opinion. The CSR industry has done little to address the root causes behind exploitation and modern slavery.

Until recently, relatively little attention had been paid to the contribution of government procurement spending. For example, the UK Government purchases around £260 billion in goods and services annually, yet its own Modern Slavery Act still does not cover public services.

Over recent years UNISON has increasingly engaged in policy and campaigns on Business and Human Rights. We work with UK civil society to support the UN Binding Treaty on Business and Human Rights, as well as a proposal for UK legislation which would require companies to take action to prevent the abuse of people and the planet or face meaningful consequences. We have provided guidance to our members on 'responsible buying' in the workplace as we are taking internal action to act meet the Modern Slavery Act, including affiliating to and implementing Electronics Watch's contract conditions.

This led, at the end of 2018, to UNISON's International Committee agreeing a four year strategic plan that aims to utilise UNISON's status within the public sector to ensure that government expenditure contributes to tackling root causes of worker's exploitation rather than perpetuating it. This is because our members do not want to save lives in the operating theatre using surgical goods made with slave or child labour, nor do they wish to wear uniforms made by workers suffering in sweatshop conditions.

We therefore plan, through a learning-by-doing training programme, to enable public sector bodies to develop purchasing practices and other actions designed to contribute to a race to

the top in terms of workers' rights in global supply chains. This approach is based on the evidence that once workers can exercise their rights at work, they naturally also encourage better environmental workplace practices. Starting with local government in the Greater Manchester area and then rolling out the project in four other UK regions, the project will later focus on other Service Groups.

During the research views were varied on impact of legislation, such as the MSA, but coalesced around certain proven methods for change. These include ensuring all public service procurement staff understand the importance of and how to act more ethically, including during contract management; sector-wide collaboration and the importance of the market evaluation phase of a tender. Usefully, interviewees confirmed UNISON's unique position to coordinate this kind of project. They stated that the public sector requires its own guidelines for ethical procurement aligned with the specific realities of public sector supply chains with a strong role for trade unions.

The results of this work will be used to influence regional and national policy and practice in order to level the playing field and gain stronger and more sustainable results. Finally and not least of all, UNISON intends for this work will to inspire and up skill a new generation of activist members keen to see their union playing a wider role in social and economic justice.

Thanks and appreciation goes to Athena Rees who was contracted to undertake the vast majority of research and writing for this report. The writing of the report and the implementation of the four year strategy is made possible thanks to the financial support of UNISON's Campaign Fund¹.

Methodology

After a period of time ensuring the project gained support across the union, this report was commissioned. Largely, based on qualitative telephone interviews with around 10 experts from academia, the global trade union movement, public service buyers, NGOs and others; as well as electronic feedback from a wider group from across the UK and Europe. The report is designed to inform discussions at a curriculum design workshop in January 2020.

This report identifies the current trends in ethical procurement including perceived good and poor training. Interviewees were asked to share their experiences with ethical procurement and provide examples of how practice can be improved. Where interviewees were happy to be quoted, they are, however some requested anonymity and this has been respected.

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The importance of a conducive legislative environment

When asked who has the greatest potential to influence progress in procurement policy, the interviewees gave a variety of answers however, almost all emphasised the influence of favourable national and regional governments.

The EU's 2014 directives pertaining to the public sector, utilities and concessions included three Public Procurement Directives. The directives included two new 'principles of procurement'.ⁱⁱ The second principle is to ensure that suppliers comply with social, environmental and labour obligations, including the ILO core conventions, under a public tender.ⁱⁱⁱ However, as member states must respond to the legislation but can transpose the legislation to varying degrees, this non-mandatory requirement has a limiting effect. For example, the UK, excluding Scotland, excluded compliance with the ILO core conventions and instead made this compliance a matter for administrators.^{iv} Indeed, The Public Contracts Directive states that the award of contract must be given to the most 'economically advantageous' tender.^v This can include social criteria but as an optional consideration. Claire Methven O'Brien from the Danish Institute for Human Rights states that EU legislation has influenced local procurement officials and lawyers to act more conservatively.

Interviewees also identified the problem of non-mandatory legislative stipulations in the UK's Modern Slavery Act (MSA). However, interviewees explained that the self-reporting method of commercial organisations sharing their due diligence processes and data limited its capacity to progress ethical public procurement. Whilst one public sector procurer welcomed the increased awareness the legislation had brought to the issue, they stated that it is 'the tip of the iceberg'. Olga Martin-Ortega, Professor of International Law at the University of Greenwich, who has been working with LUPC on modern slavery reporting in supply chains, stated that once companies have collected information on their supply chains, it is hard to take the next step as there is no clear guidance.

Despite these reservations, they also believe that law is not an immovable barrier to progress. Instead, many experts assert that with political will, organisations and lower levels of government can exceed weak EU or national legislation. Despite reservations, Professor Martin-Ortega states that the MSA has been a success with high levels of participation. She highlights this success as particularly impressive given that institutions have chosen to hand over data, including smaller organisations such as museums and galleries. Björn Claeson, Director of Electronics Watch, agrees and said he was greatly impressed by companies' sustained commitment to the act. Similarly, Ms Methven O'Brien made the point that whilst Sweden operates within the same EU framework as other countries; it has chosen to ignore the most conservative interpretations of EU legislation.

For example, the Swedish Government's National Public Procurement Strategy states that 'the Government will provide the conditions for contracting authorities and entities to obtain the necessary support from The National Agency for Public Procurement'.^{vi} When work is not performed according to Swedish labour law, Section 4A of the law on public procurement states the contracting authority shall, if necessary, require the supplier to fulfil the contract in accordance with specified conditions such as the ILO's core conventions... Certainly, Kristin Talbo from SKL Kommentus, the central purchasing body for the Swedish regions, argued that this full implementation of social criteria has made it easier to support freedom of association in local government contract agreements.

Further, as public procurement is so decentralised across Europe, it is possible for lower levels of government to enforce stronger social criterion for public procurement tenders. Indeed, Björn Claeson highlighted the importance of applying pressure on lower levels of government and stressed that the Mayor of London's leadership has been critical to progressing socially responsible public procurement in the capital. One academic gave the

example of the German state government of North Rhine Westphalia, which had made it mandatory to include social criteria whilst German national government had only transposed the EU Directives as originally stated. This makes its state regulations stronger than national German law. However, Gale Raj-Reichert, a lecturer in Economic Geography at Queen Mary's University, pointed out that this swing forward was reversed by the politicians succeeding the state government. Though decentralised policy can stimulate progressive initiatives more quickly, an academic argued that it is still much easier to overturn than if it were included in mandatory EU law. As such, more progressive results can occur but with potentially unsustainable and inconsistent results.

Achieving change across an organisation

Organisations all have their own habits, ethos and cultures. As such, affecting organisational change can be difficult. Who holds power, who has the ability to make change and who has the ability to block change needs to be considered. The interviewees' responses are encompassed largely by a top-down and bottom-up approach to organisational change in procurement. Public sector practitioners emphasised the importance of favourable management and heads of key departments, such as finance, to progressing an ethical agenda in their procurement teams. No amount of external will to affect organisational change will take root without a mandate from the procurement heads.

Emma Fletcher is a public sector procurer at APUC, the procurement consortium for Scottish colleges and universities. She stressed that the interest of APUC's executives in human rights issues has been vital to transitioning the organisation towards more socially responsible procurement practice. Indeed, she cited this as key in not only establishing a code of conduct for suppliers but also convincing every APUC affiliate to use it in their buying contracts. Moreover, she stated that becoming an affiliate of the NGO Electronics Watch was an important change and was in part possible because of progressive APUC executives. This best illustrates the tandem approach necessary to facilitate organisational change. Electronics Watch works primarily from the grassroots, on the ground through monitoring factory conditions and speaking to workers in supply chains. However, to gain impact, they need managers of buying organisations to designate crucial resources by affiliating. Without both approaches, some very committed people are wasted on stagnant organisational habits.

Björn Claeson stressed the importance of a wider social moment to affect organisational change. Although this includes favourable governments and national narratives, Björn Claeson highlighted that it is grassroots actors that have the power to build this wider momentum and civil society demands. For example, students in the People & Planet society at the University of Sheffield successfully mounted a campaign to become affiliates of Electronics Watch. Megan McGrath, the Students' Union Development Officer at the time, called the move 'one of the first actions of the newly formed Sustainability Steering Group, in which the Students' Union has an equal voice alongside two senior University staff members'.vii

Gale Raj-Reichert also pointed to how the public expects higher ethical standards from the public sector, as institutions the public contributes to and views as central pillars of shared society. She stated that this perception is a crucial base for mobilisation. Gale specified that DanWatch's 'shaming' tactics of public bodies who have unwillingly contributed to supply chain workers violations was an effective model. In many of DanWatch's reports, the NGO reaches out to public officials for comment. In its article on student electronics workers in China, Louise Voller explains that 'experts argue that public institutions should be careful not to simply buy into the CSR approaches favoured by businesses'.viii

In addition, unions have a further angle for mobilisation, Gale argues. NGOs access the ethical values of consumers and users but unions have the ability to mobilise the ethical values of public sector workers too, giving them the ability to utilise external and internal modes for organisational change.

Buyer Practice

Public buyers are the front-line operatives. To progress ethical public procurement, it is not only imperative to change buyer practice but it is crucial to learn from practitioners the best methods to do so. When asked, practitioners stressed that buyers are limited in resources and cannot commission risk assessments and audits of every potential tender product. As such, experts advised mapping high risk products and products bought in high quantities where UNISON members are employed.

Examples given by practitioners included food, medical supplies and diagnostic instruments, uniform and construction. It is worth noting that although all interviewees saw the necessity of choosing a specific product focus, a Swedish practitioner stated that her public body's eight product focus also means that other areas of importance are ignored. She posited that a digital tool to assess risk in each individual contract could be a useful development here. The methods suggested to shift buyer practice towards socially responsible procurement can be separated into buyer training, horizontal integration and changes to contract processes.

Kristin Talbo argued that for younger practitioners, human rights issues and social criteria are a natural component to consider. However, for expert procurers who have been working for twenty years or more, these issues are incredibly new. As such, in order to not lose their expertise, more in-job training and common information is needed to bring them into the fold.

The website for the Swedish national procurement authority has a 'criterion wizard' portal that provides information on the different social and environmental criteria for specific products. Users can then download the guidelines provided for their use. Ms. Talbo believes that this type of common information sharing can be furthered by organisations internally. She suggested that a digital system of support could assist procurers step-by-step as well as explain the legality and relevance of human rights criteria and issues. One procurement researcher reiterated the importance of training practitioners who can feel confused by the details of human rights issues.

Although practitioners praised the important work of NGOs and third party actors, they stressed that horizontal integration of human rights issues into an existing procurement team was the most effective way to further socially responsible practice. Two public practitioners from the UK explained that external sustainability experts can offer insights for a specific tender but they are temporary and their influence is not absorbed throughout the institution. One procurer suggested a pyramid methodology for incorporating socially responsible issues into an existing procurement department. They stated that 5-10% of a large workforce could be trained with the most detailed knowledge at the top of the pyramid. The remainder of the workforce wouldn't be trained in the same way but a middle layer could be given less detailed but still important information. This framework could then allow for a line of communication between the pyramid layers. Every three months, employees could speak to the experts at the top of the pyramid to ensure they're up to date. Emma Fletcher agrees with the idea of selected champions and explained that one or two individuals can be trained as 'socially responsible managers' and can distribute their expertise as contracts arise.

Previously at SKL Kommentus, when a contract was at the tendering stage, the different teams handled the contract separately, explained Kristin Talbo. The procurers would handle the information from previous agreement conditions and then it would pass over to the lawyers to develop the specific agreement conditions for the individual contract. The teams

worked in their independent silos. Now, Kristin praised the organisation's new approach which brings together a team from all of these silos, including a social and sustainability expert practitioner. She stated that this team handles the contract collaboratively throughout the whole cycle, which allows for information to be shared and understood.

When discussing contract phases – market engagement, evaluation (pre-qualification), tender, management Peter Pawlicki, Director of Outreach and Communications at Electronics Watch was keen to stress the importance of the market engagement phase. 'I've learnt from public buyers that this is either a completely new tool, or not used much. However market engagement needs to be given adequate time, resources and skills'.

The interviewees agree that the contract management phase is the most important step. 'So as long as you have that clause in the contracting that allows follow up and creates the obligation of the supplier to engage beyond the tendering stage', explained Olga Martin-Ortega. One practitioner argued that too much time is spent on the evaluation at the tender stage. He stated pointed out how ethical evaluation is redundant unless it is matched with equal resources spent on contract management.

Harpreet Paul, Electronics Watch's UK Representative pointed out the importance re-sellers can play in successfully pressuring brands and manufacturers to provide information. This also highlights the importance of a) contract terms requiring all suppliers to exert pressure to the best of their ability b) the importance of pressure through effective contract management.

A practitioner suggested UNISON should consider having specific training modules for contract management officials that differs from the general training for procurers. Without effective contract management, suppliers will be under little pressure to deliver on transparent and ethical conditions for supply chain workers.

On the other hand, another practitioner cited, tender windows can often be too narrow to make an effective evaluation of a bidders' due diligence processes. It was recommended that public authorities focus on collaborating with their most important suppliers to embed due diligence as a normal function of the relationship. These are often a small number that repeatedly win contracts and due to deep relationships, have the potential for genuine due diligence that can withstand 'discovery, reporting and action' taken to remedy abuses. After this, the practice can be rolled out.

Influencing Suppliers

Gaining commitment from suppliers to continuously monitor their supply chains for potential risks to human rights is not an easy task. However, feedback from practitioners suggests that suppliers are actually more open to being pressured on this agenda than is commonly thought. One procurer explained that this openness mustn't be wasted and buyers should push harder for greater engagement and stronger obligations. For example, when explaining to LUPC's suppliers the high human rights risks that surrounded specific industries, for example, the production of medical gloves, Olga Martin-Ortega stated that the suppliers were horrified. The 2016 BMA study identified many risks to migrant workers in Malaysia.^{ix} Olga explained that the suppliers had no idea about the potential violations. Olga said that she cannot vouch that the supplier committed to any specific actions after the meeting but it speaks to the wider, untapped potential for buyers to influence suppliers.

Building on this, the experts provided many examples of particular contract clauses they believed were useful for gaining supplier commitment. The suggestions revolved around increasing buyer leverage in the contract management phase. Examples included ensuring terms were clear and specific in order to remove grey areas for suppliers to exploit in the case of violations. Olga Martin-Ortega explained that the training LUPC provided for cleaning

and security services suppliers was a useful way to increase communication between buyers and suppliers. LUPC created a pilot database to engage with suppliers, EQUIANO, in which they asked them to answer questions specifically about supply chain risks. This created a method for constant engagement with suppliers that started at the tender stage but continued further.

Termination clauses were repeatedly raised by interviewees. Practitioners stated that termination clauses were sometimes useful to have but opinions differed to their usefulness. In the case of Swedish County Councils and Dell computers in 2014, the council announced it would no longer purchase Dell computers after the company did not adequately address supply chain violations in its factories.^x The Swedish County Council instructed its provider, Atea, to find another supplier and Atea temporarily put Dell on a suspended 'stand-still' status.^{xi} In this case study, the contracting authority was greatly helped by a termination clause as it could use its strong leverage as a large buyer of Dell electronics to shock the company. As a result, the company 'came to the table' and improved its practice and the council created new contract compliance conditions.^{xii}

However, some interviewees were wary of this approach. Caution to ensure that the problem is genuinely resolved and not just further concealed or pushed down the supply chain during these moments, was advised by a buyer. And a practitioner and researcher both pointed out that termination clauses in the tender stage were not as helpful as performance clauses. The researcher explained that as long as you have a clause that creates the obligation of the supplier to engage later on, there is no need to have stringent clauses that can be counterproductive to a constructive relationship.

Olga Martin-Ortega stated that contract termination doesn't improve conditions for supply chain workers and also nullifies the buyers' leverage of holding a contract. 'They are still violating human rights but you no longer have the capacity to influence them', she explained. A UK public procurer agrees that termination is not always productive. They argued that procurers do not want to contract the perfect suppliers but use suppliers who are willing to learn. It is more rewarding to create an engaged, long-term relationship that can improve conditions and produce better results for workers overtime. Countering this, Harpreet Paul pointed out that the mere threat (and contractual power) of termination can bring brands to the negotiating table more meaningfully than without them.

Achieving Results for Workers

When asked about achieving tangible results for workers in supply chains, interviewees raised concerns. Firstly, the UK's focus on the most extreme worker abuses, such as human trafficking, obscures the more common labour violations in supply chains. Some argued that this has diverted attention from freedom of association. Further, Claire Methven O'Brien pointed out that the UK Human Rights Act as a hard legal obligation on authorities domestically it doesn't require strong ILO Core Convention based supply chain obligations.

This was also picked up by Kristin Talbo. She stated that the Swedish government agency guidelines outline three areas that must be analysed before contract; hours of work, pay and vacation days. These are rigorously applied in a domestic context to counter abuses of a domestic workforce. However, for Kristin's work on international supply chain workers, the government agency supplies a basic or advanced level guideline. The basic level includes the ILO commitments whilst the advanced covers additional areas of human rights, anti-corruption and environmental risks. The choice leaves a lot of areas for negotiation by suppliers and Kristin believes the advanced level should be a mandatory stipulation for all procurements. This is something she believes UNISON should carefully consider. She stated that she is looking into the development of a digital tool to address these issues. The tool will allow buyers to analyse the risks to supply chain workers on an individual and

specified basis, which would combat the generalised and tenuous vague current requirements.

Buyer Responsibility in Remedy

On the issue of remediation in the event of supply chain worker violations, all experts felt that the area is the most difficult to navigate and is an undervalued area of research. Remediation for supply chain workers in the case of human rights violations is not specifically outlined in EU law.

Where responsibility lies is a contentious area, does it rest with the supplier, buyer or both? Many argued that it is technically the responsibility of the supplier to monitor its own supply chain as the buyer involvement is indirect and can be therefore explained away as a contributing cause rather than a direct factor in the violation. Therefore, it is very difficult to distinguish between lawful buyer activity and violations, and buyers don't want to engage on the issue. Another practitioner stated 'there should be no hiding place' and responsibility should be shared with suppliers. Whilst resources can be cited as a reasonable push back argument, it is counter-argued that public authorities can collaborate in ways competing private sector businesses cannot and therefore share the burden.

The questions repeatedly asserted by academics were: How do you engage your buyer in remediation of a supply chain violation beyond putting pressure on the supply chain? How do we define the ideal level of buyer responsibility in remedy? None of the experts had a definitive answer to this problem but suggested that this is an area that needs urgent prioritization and creative thinking. The move within many EU countries, as came into being in France with the 2017 French duty of vigilance law, to legislate for human rights due diligence within company's own operations and across supply chains will necessitate the speeding up of answers.

If it is advantageous to increase buyer responsibility in remediation, a further question arises. What type of remedy could be hypothetically expected from the public sector? This is especially poignant in comparison to the private sector where brands have the financial capacity to offer financial remedy. However, many victims state that financial remedy alone is not enough. It is the recognition that an injustice has occurred and responsibility for fault accepted that is also crucial. In this instance, a formal and public apology for the violation also goes a long way.

Most interviewees discussed the importance of this question but said they hadn't seen anything trialled in practice. A sustainable procurement official said that public buyers are not preparing for the potential reputational risks here. They stated that procurement bodies have not considered other options of remediation instead of financial payout and that this should be a cause for concern. If a violation were to happen, public bodies are not prepared to be scrutinised en masse and have no plan of action.

Collaboration

Progress in ethical public procurement is rarely achieved in isolation. To be successful, interventions need to be made on the factory floor, in buying offices and at the top of government. As such, experts offered their thoughts on the importance of collaboration, which can be split into organisational, sector-wide and international partnerships.

Emma Fletcher explained a common opinion amongst interviewees; partnerships with NGOs are critical for procurement offices that do not have the resources to monitor conditions on the ground. In particular, she cited the value of APUC's affiliation to Electronics Watch.

Electronics Watch is an independent monitoring organisation that public sector procurement bodies can join in order to share costs of monitoring in global production regions. The non-for-profit's human rights experts collaborate with monitoring partners, including unions, to monitor supply chain activity in factories and other global production sites. Thus, by becoming a member, a public body can greatly increase its observance of its suppliers' behaviour and hold them to greater standards of accountability. Interviewees repeatedly cited the organisation as crucial to organisational change, alongside similar variants such as DanWatch and SwedWatch. These partnerships with on the ground worker organisations and unions are something UNISON, working with IndustriALL can take advantage of.

When talking about sector wide issues, Björn Claeson states how 'It is equally important that they find ways to coordinate and collaborate so they are presenting a unified voice and creating a collaborative vehicle'. One public sector procurer emphasised the value of the organisation's collaboration with Ethical Trade Initiative (ETI) but stressed that there is room for more NGOs and civil society organisations to specify how they can assist the public sector. This was reiterated by Olga Martin-Ortega who argued it was imperative for third party organisations to be moulded to the specific needs of the public sector and the different issues in their supply chains to the private sector, e.g on remediation. This would provide greater grounds for more effective partnerships between organisations.

Kristin Talbo argued that this was one of the most valuable qualities of the Swedish public sector. She said Kommentus' ability to work closely with the Swedish regions' national office allows them to share valuable information and resources, such as audit reports. Moreover, she shared that Kommentus reaches out to the smallest counties, some with as few as 10,000 people. The central body annually asks the small counties for suggestions on areas of risk and areas for the national office to audit. In addition, Kommentus supplies a 'sustainability check' (Hallbaraete) for the smaller counties to use to follow up on their agreements. This pools resources and builds relationships across the sector and takes into consideration the discrepancies of size and capacities across councils and the public sector.

Emma Fletcher emphasised the value of sector-wide collaboration for APUC. She stated that APUC are currently working with LUPC on a mandatory data collection specification, before award, for suppliers. This exercise will combine APUC and LUPC's current systems and add an additional step, which is designed to be used by affiliates across both consortiums. Emma also explained the importance of collaboration of APUC's internal members - the individual universities and colleges. The consortium is, of course, designed to create some uniformity among university procurement and thus, sustainable initiatives by APUC have a far greater reach than if enacted by an individual university or college. Emma explained that there is a 25-40% collaborative spend and that within the consortium, the universities often procure regionally as well.

A local authority officer wondered, with many boroughs buying from the same companies, whether there was a mechanism to share data on non-compliance and failures of suppliers as well as achievements between local authorities.

Finally, international collaboration was raised as beneficial to socially responsible procurement. Kristin said that Kommentus' ongoing work with other central purchasing bodies in Finland and Denmark is likely to have a greater impact. However, Björn Claeson highlighted some of the problems that arise when trying to draw on international collaboration. For example, when trying to enforce supply chain transparency, the leeway differs significantly. He had found it much harder to obtain reports from German companies due to GDPR regulations than in Spain, where the rules are more relaxed and straightforward. For an NGO like Electronics Watch that works across many countries, this can make international cohesion difficult to establish. Similarly, if the subcontractors and

related companies under investigation stretch across more than one European country, it can be difficult to gain essential supply chain transparency.

Learning Lessons

Experts were asked to reflect on their own professional experiences and share some key lessons for UNISON to take on board. Interviewees were optimistic about UNISON's aims in the current context of ethical procurement. The realities of decentralised policy and higher standards for public sector accountability should be exploited effectively by campaigns. Public sector institutions are not divorced from democratic accountability, Gale Raj-Reichert explained. Politicians such as mayors, health secretaries and local government officials are all vulnerable to democratic accountability as judged by how they run our hospitals, schools and councils. Björn Claeson agrees and stated that there is a lot of low-hanging fruit for campaigners. In addition to political potential, Björn Claeson went on to say that most practitioners are not properly looking at ethical issues and as such, there is a host of untapped opportunities and cause for optimism.

The importance of messaging was highlighted including step-by-step instructions written in laymen's terms, developed with their input, was crucial for internal training manuals. This will help buyers to understand, develop and assess their own performance and UNISON's work. In terms of external messaging, Björn Claeson stressed the importance of using the stories of real people in supply chains and especially 'wins' to prove the effectiveness of the model to encourage up-scaling.

Regarding UNISON's curriculum development, Olga Martin-Ortega agreed that a union was best placed to facilitate this and concerns about cohesion between human rights academics and practitioners. As previously discussed, interviewees believe that specific training is needed for different officials and raised concerns. Gale was also optimistic about UNISON's ability to not only affect end-users of products but public sector employees. Many interviewees agreed that UNISON's skills and perspective as a trade union would be the project's great strength and should be capitalised on.

Conclusion

The interviewees shed light on considerations for any sector or service group committed to socially responsible procurement, in particular the need for whole organisation buy-in and ensuring all those involved in procurement understand why and how they can make a difference.

Currently, there are very few ethical procurement models which lead to significant and sustainable organisation-wide improvements in purchasing practices; and even fewer that lead to sustainable improvements in workers' pay and conditions and crucially, more workers being able to exercise the enabling human rights to freedom of association and collective bargaining. Terminating contracts for serious and repetitive or unaddressed breaches of workers' rights is a contested point amongst those interviewed and public buyers have yet to consider whether and in what forms they should remedy the exposure of workers' rights abuses in their supply chains.

As the interviewees stated, this social partner initiative, taken by a public sector trade union, is an exciting and original prospect. Over time, UNISON is in a strong position to influence politicians and public institution employers and their representative groups to forge organisation wide, effective and sustainable models of public procurement.

Recommendations from this study:

- A better legislative environment would be much more useful but this shouldn't overshadow the potential for change at lower levels of government and the leeway present within national legislation.
- Weak supplier commitment and contract obligations, poor buyer monitoring and follow up etc leads to a failure to improve workers' fundamental human rights within supply chains. Much more work and training is needed to ensure that all tenders and contracts have stricter obligations, monitoring and proactive strategies to fill this vacuum.
- The right to contract suspension or even termination, should be strategically used where contractors repeatedly fail to address serious breaches.
- Both a top-down and bottom-up approach is needed for organisational change. This includes political will and action at leadership level, as well as middle management and more junior staff.
- In order to move buyer practice towards a socially responsible model, ensure all public service procurement staff understand the importance of and how to act more ethically in their respective roles, including during contract management and digital buyers.
- Public sector buyers should begin to explore how to provide remedy for workers, within their supply chains, whose rights have been violated. These pilot projects and the sharing of the results in series of round tables is a good space to explore this.
- Public ownership and the accountability that goes with it perhaps provides a better space than the private sector whose primary objective is profit, to reverse the race to the bottom in workers' rights in global supply chains.

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