



THE UNIVERSITY *of* EDINBURGH
Finance

▶ Addressing Modern Slavery in HE Procurement

Peter Hayakawa,
Procurement Policy Officer
University of Edinburgh

27 March 2020





Examples of measures to address working conditions in Public Procurement Regulations

Selection – Exclusion Grounds

- Request compliance with the International Labor Organisation Fundamental Conventions and Human Trafficking laws
- Can request compliance with Modern Slavery Act (i.e., to share Modern Slavery Statement from companies with £36m+ turnover)
- Ability to request evidence of compliance from sub-contractors
- European Single Procurement Document – asks suppliers to confirm compliance with “labour”, “social” and “environmental” law,
- Suppliers self report breaches, can be excluded from procurement

Supplier Engagement

Award Criteria and Specification, e.g., Fair Trade requirements

Contract Management and contract performance conditions

Checking Exclusion Grounds in the European Single Procurement Document – Labour Law Check

3D.3	Has the bidder, to its knowledge, breached its obligations in the fields of labour law?	<input type="checkbox"/> Yes <input type="checkbox"/> No, I have not breached
3D.3.1	If yes , when did the breach occur?	[text]
3D.3.2	If yes , please give details about the breach:	[text]
3D.3.3	If yes , has the bidder taken measures to demonstrate its reliability despite the existence of this ground for exclusion (“Self-Cleansing”)?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3D.3.4	If it has, please describe the measures taken:	[text]

Potential pitfalls in addressing human rights in public procurement

Complexity of supply chains and relevant topics (conflict minerals, migrant workers, chemical safety, etc.) and lack of expertise to set requirements or ability to verify information provided

Labour rights can be treated as an “externality”, and not a core consideration, and not our responsibility as public buyers at the top of the supply chain. Buyers’ level of agency is unclear, and price competition can create a “race to the bottom” in certain supply chains

Lack of time for engagement with suppliers, review of guidance, setting appropriate requirements or to follow up on these over the course of the contract

Each organization working on their own, reinventing the wheel, while engaging with the same companies

Exclusion grounds rules can spur disclosure of subcontractors, but also can punish transparent companies--potentially could lead to a box-ticking on one end or a risk-transfer, transactional approach to dealing with our suppliers on the other

Lack of transparency or connection with our own supply chains, in particular, worker and community voices are not heard

UoE Procurement example actions on Modern Slavery in Supply Chains

University of Edinburgh takes several measures to address MS in procurement

- Integrate [Modern Slavery Act](#) compliance checks in our T&Cs and procurement documentation
- UOE Policies on [Fair Trade](#), [Conflict Minerals](#), [Palm Oil](#) Scottish Government [Sustainable Procurement Tools](#) – risk identification and guidance
- [APUC Code of Conduct](#) and SUSTAIN
- [Supplier engagement](#)
- Affiliation with [Electronics Watch](#)

Strengths of Electronics Watch Model to support practical MS action

Buyers can rely on expertise and knowledge from EW staff and network of researchers and monitors;

EW shares tools based on up-to-date best practice;

EW engages on complex issues with suppliers collaboratively;

EW reports, events and conference links buyers with genuine worker voice;

EW addresses core problems of supply chain transparency and the need for evidence of breaches;

Focuses on practical routes to remediation for workers, not only exclusion