

Sweatshop Free Procurement Policy

City of Portland

Overview

Following adoption of this policy, the Bureau of Purchases is authorized to adopt administrative rules reasonable or necessary for the implementation of this program. These rules will include objective performance metrics for the purpose of evaluating the success of the program. The intent is eventually to extend the scope of the policy from uniforms and clothing to other goods and to complement the overarching social equity component of the City's Sustainable Procurement Policy

1. Purpose

In accordance with the City of Portland Sustainable City Principles [1994] the City of Portland [the City] recognizes its responsibility to promote better working conditions while supporting a diverse, equitable, and vibrant community and economy. The City recognizes that its purchase of uniforms and clothing products has inherent social and human health impacts, and that the City should make procurement decisions that emphasize its commitment to social justice by specifically addressing sweatshop free procurement practices.

This Sweatshop Free Procurement Policy is intended to:

- identify anti-sweatshop criterion that shall be incorporated into procurement decisions;
- provide implementation authority;
- comply with applicable standards to ensure sweatshop free practices;
- educate and empower employees to be innovative and demonstrate leadership by promoting anti-sweatshop labor factors into procurement decisions;
- complement Citywide and Bureau-specific sustainability goals and related policies; and
- communicate the City's commitment to sweatshop free procurement.

2. Policy

2.1 General Policy Statements

City employees will procure uniforms and clothing in a manner that integrates sweatshop free procurement practices that include social equity, fiscal responsibility, and community and environmental stewardship. The standards established in the City of Portland Code of Conduct for Apparel Contractors [Code of Conduct] as referenced in Exhibit A are based on the principle that contractors will comply with all applicable laws and regulations in their business activities. This policy applies to formal contracts for uniforms and clothing, other than specialized safety components of uniforms as outlined in Appendix B.

2.2 Criteria for Sweatfree Procurement

City employees will incorporate the Code of Conduct when writing specifications for, or purchasing uniforms or clothing. The Code of Conduct shall complement other sustainability factors as guided by the City's Sustainable Procurement Policy.

2.3 Use of Best Practices

City employees will utilize best practices in sweatshop free procurement as they evolve. As it applies to this policy, best practices in sweatshop free procurement are those that utilize leading edge standards and procedures in an efficient, effective and enforceable way that is successful and replicable. This includes but is not limited to using staff to verify contractor compliance with the Code of Conduct and/or using third-party Independent Compliance Monitoring services with expertise in onsite cut and sew factory monitoring. The City will leverage its resources and collaborate with other public agencies for the purpose of ensuring the most effective deployment of this policy.

3. Responsibilities

3.1 Uniform and Clothing Standards

City Bureaus shall be responsible for:

- Ensuring that bureau staff utilize product standards and best practices that comply with this policy;
- Ensuring internal policies and procedures reference this policy and incorporate the use of sweatshop free products that meet the intent of this policy.

The Bureau of Purchases shall be responsible for:

- Providing resources for assisting bureaus with standards and best practices in sweatshop free procurement.
- Handling and/or assigning responsibility for education, specifications within contracts, data collection and performance reporting

3.2 Resources

The City shall commit to providing the appropriate dedicated staff levels and related funding to support the implementation and ongoing application of this policy. This includes but is not limited to activities such as employee training and resources; contracting professional services including consultants, independent compliance monitors, trainers and subject matter experts; coordinating and collaborating with other interested public agencies; and preparation and dissemination of educational materials.

3.3 Oversight and Policy Review

The City shall establish an oversight committee to assist the Bureau of Purchases in the implementation and enforcement of this policy and to evaluate and make recommendations regarding the policy, the Code of Conduct, its procedures and implementation. The oversight committee will report to the City Council on an annual basis or as requested on the implementation of this policy including the status of contractors' compliance and any proposed policy changes including but not limited to options for expanding the provisions to cover additional commodities purchased by the City. Members of the oversight committee shall be appointed by the Mayor and confirmed by City Council. The oversight committee shall consist of eight persons representing the following groups: four members from advocates for labor rights and just working conditions in apparel, footwear and textile industry; two members from an organization representing uniform-wearing public employees; one member who is an expert in global economics and supply chains; the City Purchasing Agent or designee. Persons serving on the oversight committee must volunteer to avoid bidding on city contracts overseen by the Committee and must not have a conflict of interest with any part of this Policy during their term of service.

3.4 Procedure Development

Within six months of City Council's approval of this Policy, the Bureau of Purchases shall, in conjunction with a procedure development subcommittee of the oversight committee, develop and adopt administrative rules and procedures to implement and enforce this policy. These rules and procedures shall incorporate the following elements:

- Supporting the goal of bringing existing and potential suppliers into compliance with :
 - A weighted evaluation procedure to incorporate contractors compliance with the Code of Conduct
 - A procedure to provide a remediation process to move suppliers toward increasing compliance with the Code of Conduct
- Ensuring compliance with Code of Conduct and/or the agreed-upon remediation plan with:
 - Language developed for inclusion in contracts that requires contractors to sign an affidavit stating full compliance with the Code of Conduct or adherence to a mutually agreed-upon remediation plan and places responsibility for subcontractor compliance upon the prime contractor;
 - Public disclosure requirements that include relevant information such as the street addresses and other contact information for points of assembly;
 - A procedure for monitoring contractor compliance with the Code of Conduct
 - A procedure that establishes a process for handling complaints, violations, remediation and sanctions in a transparent and robust manner while ensuring worker complainants maintain anonymity.

3.5 Monitoring and Cooperation

The City shall actively support sweatshop free contracting, monitoring, and establishing and evaluating sweatshop free standards and procedures. The City will collaborate with other public agencies and labor rights advocates to share information regarding best practices in sweatshop free procurement and the hiring of Independent Compliance Monitors. Organizations engaged to perform contract compliance in accordance with this policy will make recommendations to the Bureau of Purchases and the oversight committee to further these efforts expressed in this policy.

4.0 Severability

If any part or provision of this policy, or the application of this policy to any person or circumstance, is held invalid, the remainder of this policy, including the application of such part or provisions to other persons or circumstances, shall not be affected by such holding and shall continue in full force and effect. To this end, the provisions of this policy are severable.

APPENDIX A

Definitions

Independent Compliance Monitor – An organization that works with the City or its agents for the purposes of monitoring services associated with factory labor disclosure. The Independent Compliance Monitor is an organization with expertise in monitoring factory working conditions deemed free of a conflict of interest based on revenue base or income sources.

Sweatshop Labor - Serious and repeated violations of laws of the jurisdiction within which the work is performed pertaining to: wages; employee benefits; health and safety, including without limitation exposure to hazardous toxic substances; labor, including without limitation collective bargaining rights; environmental conditions; nondiscrimination, harassment or retaliation, including without limitation all laws prohibiting workplace and employment discrimination; freedom of association; and building and fire codes. In addition, it includes work performed by any person under a contract or subcontract that constitutes foreign convict or forced labor, or abusive forms of child labor or slave labor.

Uniform and Clothing - All garments or items of clothing any part of which is textile produced by weaving, knitting, sewing or felting; and all shoes and other footwear. Includes uniforms and clothing that are leased or rented on a recurring basis.

APPENDIX B

References

Related City Resolutions, Ordinances, and Code as of October 2008

City Code

- 5.33, Portland City Code
- 5.33.080: Environmentally Preferable Procurement
- 3.100 Equal Employment Opportunity

Resolutions & Policies

- Resolution 35338: *Adopt the City of Portland Sustainable City Principles that promote a sustainable future that meets today's needs without compromising the ability of future generations to meet their needs* (November 1994)
- Resolution 36061: *Adopt Sustainable Procurement Strategy: A Joint City of Portland and Multnomah County Effort* (March 2002)
- Sustainable Procurement Policy (July 2008)
- Code of Conduct for Apparel Contractors (**Insert date of acceptance**)

Examples of Included and Exempted Clothing Items

The following examples represent those items that would typically fall under this policy:

Clothing Examples:

Dress Shirts
T-Shirts
Trousers
Polo shirts
Sweatshirts
Footwear
Baseball caps

Excluded Clothing Examples:

Safety harness and/or safety related accessories
Duty belts/holsters
Ballistic vests