

# Evidence review: Effectiveness of public procurement measures at addressing modern slavery in supply chains.

Dr Sofia Gonzalez De Aguinaga<sup>1</sup>

November 2022

## Table of Contents

Table of Contents .....	1
1. Methodology .....	3
2. What evidence is there on public measures to address modern slavery risks and their <i>implementation</i> ? .....	4
Cross-cutting themes in public laws, policies and practices.....	4
Legal and Policy Provisions.....	5
Exclusion Criteria .....	5
Selection Criteria .....	6
Award Criteria .....	7
Contract Performance Clauses .....	8
Termination of Contracts.....	8
Practices .....	9
Guidelines, Training, Tools & Resources .....	9
Collaborative Practices.....	10
What does the evidence show about the <i>effectiveness</i> of public procurement measures at addressing modern slavery risks? .....	10
Effectiveness of implementation by public procurement authorities (Type 1) .....	11
Legal Certainty.....	11

<sup>1</sup> Dr Sofia Gonzalez De Aguinaga is a Research Fellow in Business, ESG & Modern Slavery, Bingham Centre for the Rule of Law. She leads the Modern Slavery PEC's research work strand on business and modern slavery.

Resources & Capabilities .....	12
Collaboration .....	14
Effectiveness at influencing change in suppliers (Type 2).....	15
Contract & Supplier Relations Management.....	15
Market Knowledge for Tailored Approaches.....	16
Effectiveness at addressing modern slavery (Type 3) .....	17
National and Sectorial Regulatory Systems.....	17
Legislative Design .....	17
Monitoring.....	18
3. What does the evidence show about the <i>connections</i> between public procurement measures and wider obligations on businesses to address modern slavery risk in their supply chains? For example, transparency regimes and mandatory human rights due diligence.....	19
4. What does the evidence show about any potential <i>wider consequences</i> of using public procurement as a lever to address modern slavery in supply chains? .....	20
5. Priorities for further research .....	21
References .....	22
Annex A: Table of public procurement laws, policies and practices .....	25

# 1. Methodology

This is a realist evidence review<sup>2</sup> looking at public procurement laws, policies and practices (collectively ‘public procurement measures’) worldwide that address<sup>3</sup> modern slavery with a focus on identifying ‘what works’. Given the international scope of this review, evidence of public procurement measures that explicitly referred to *modern slavery, human trafficking, labour rights/standards, labour exploitation, forced labour and child labour were included*<sup>4</sup>. The evidence was collected through desk-based research of existing academic and grey literature<sup>5</sup> and, as it is common in realist approaches, it factored in the insights of consulted academics and practitioners experts in public procurement. This review incorporated principles developed in systematic reviews in relation to collecting, synthesising, and analysing evidence<sup>6</sup>. However, this is not a systematic review of all available evidence. To assess the quality of the evidence the rating system shown in **Box 1** was used. Countries included in this review were mostly selected deductively. The ‘Five Eyes’ group (Australia, New Zealand, Canada, the United States and the United Kingdom<sup>7</sup>) were included as they have issued a joint statement of intent stating that they will “analyse, develop, and implement measures to identify, prevent and reduce the risk of human trafficking in government procurement supply chains” as part of the [principles for nations to tackle modern slavery in global supply chains](#). France, Germany, Italy and Japan were also included as part of the G7 countries<sup>8</sup> who issued a [joint statement](#) at the G7 Trade Track on Forced Labour 2021 recognising the importance of governments “including respect for international labour standards in their assessments of publicly funded projects”. Following consultations with public procurement experts, Norway, Sweden, Finland and the Netherlands were included. For relevance to the UK context, Ireland<sup>9</sup> was included whilst other countries were excluded from the review<sup>10</sup>. Inductively, through the review of cross-country evidence, other European countries such as Belgium were included.

## **Box 1: Evidence quality assessment – description of ratings**

**Green:** there is a well-established body of evidence on this issue; the overall landscape and evidence gaps are well understood; evidence is grounded in rigorous and peer reviewed research.

**Amber:** there are some rigorous and peer reviewed research studies on this issue; evidence base is growing but there remain gaps in understanding.

**Red:** there are no or very few rigorous research studies on this issue; evidence base is anecdotal<sup>1</sup>; data sources are very limited.

<sup>2</sup> A ‘realist’ approach to evidence reviews includes a greater focus on the conditions under which different outcomes arise. Therefore, it is focused on identifying factors that lead to a specific outcome.

<sup>3</sup> Identify, prevent, mitigate or remediate the risk of modern slavery.

<sup>4</sup> Most reference to labour rights, forced labour and child labour legislation and practices was found in the evidence under the umbrella of the ILO core conventions.

<sup>5</sup> Systematic key word searches were carried out which included combinations of ‘Modern Slavery’, ‘Forced Labour’, ‘Human Trafficking’ and ‘public procurement’, ‘government procurement’.

<sup>6</sup> The researcher used Excel for the evidence synthesis (and generation of descriptive statistics) and NVIVO to analyse the evidence following a thematic analysis technique that involved inductive and deductive coding.

<sup>7</sup> Including Wales, Scotland and Northern Ireland.

<sup>8</sup> Canada, France, Germany, Italy, Japan, the United Kingdom and the United States.

<sup>9</sup> No relevant evidence on modern slavery was found.

<sup>10</sup> Due to more significant cultural and system differences, developing countries have been excluded from this review. For instance, in such contexts barriers to implementing public procurement policy might be different and greater.

## 2. What evidence is there on public measures to address modern slavery risks and their implementation?

Public procurement measures: **Green**; Implementation: **Amber**

*There is evidence of countries introducing a range of provisions into their public procurement laws and policies to addressing modern slavery in public procurement across the procurement cycle<sup>11</sup> and as part of broader international public procurement agendas such as Sustainable Public Procurement (SPP)<sup>12</sup> and Socially Responsible Public Procurement (SRPP)<sup>13</sup>. There is also evidence of these countries producing guidelines, training, toolkits and resources.*

*Table 1 in Annex A illustrates some of the most relevant laws, policies and practices already in force<sup>14</sup> that tackle modern slavery. The table shows that all ‘Five Eyes’ countries have already implemented public procurement measures to tackle modern slavery. Conversely, many of the G7 countries have not, except for Germany<sup>15</sup>. In particular there is a concentration of public procurement laws, policies and practices that address modern slavery in Europe (EU), likely due to the provisions in the EU Directive 2014/24/EU on public procurement.*

*The most common legal and policy measures are exclusion criteria, selection criteria, award criteria, contract performance clauses and termination of contracts. Common wider practices include due diligence (risk identification and assessment) and collaboration. However, there is limited research into how these measures are being implemented in practice. Most countries focus these measures on high-risk sectors and on prevention of modern slavery rather than remediation.*

### Cross-cutting themes in public laws, policies and practices

- **High Risk Approach:** Many countries have identified *high-risk sectors* to which either specific legal and policy provisions or practices such as training, guidance and

---

<sup>11</sup> Typically, the procurement cycle is divided in Pre-tender, Tender and Post-tender. The pre-tender phase refers to activities involved in the tendering process prior to award of a project, for example market research and defining the requirements and award criteria. The tender phase is where tender requirements are presented to the market and includes setting selection/qualification and award criteria and contract performance clauses. The post-tender phase includes monitoring contracts (OECD, 2020).

<sup>12</sup> [UN Sustainable Development target 12.7](#): Promote public procurement practices that are sustainable in accordance with national policies and priorities.

<sup>13</sup> According to the [European Commission](#), “Public authorities can engage in socially responsible public procurement by buying ethical products and services, and by using public tenders to create job opportunities, decent work, social and professional inclusion and better conditions for disabled and disadvantaged people”. Issues outside of the scope of this review that fall within this framework include social inclusion, employment opportunities for disadvantaged people, and opportunities for social enterprises.

<sup>14</sup> Laws and policies not yet in force are not included in this table. However, some countries or jurisdictions in the scope of this review are considering or developing public procurement laws to address modern slavery. For instance, the UK [Procurement Bill](#) will create a mandatory exclusion ground for modern slavery and human trafficking offences. Also, [Japan](#) is considering legislation to give preferential treatment to public procurement to suppliers that prevent child labour.

<sup>15</sup> For instance, there is no evidence of public procurement laws, policies and practices being implemented in France, Italy and Japan addressing modern slavery.

resources apply to (See Table 1). For example, the [UK Government's own Modern Slavery Statement](#) identified ICT hardware and electronics, construction and catering and cleaning staff as high-risk areas, the Swedish County Councils have identified high-risk categories of goods including pharmaceuticals, surgical instruments, IT and textiles (The Danish institute for Human Rights, 2020). The U.S. publishes regularly a '[List of Products Produced by Forced or Indentured Child Labor](#)' that identifies high-risk products and their source countries, and Norway publish lists of high-risks products based on ILO studies and the government's procurement activities (OSCE, 2020). As Table 1 shows, ICT, apparel & textiles, health, and construction are some of the most common sectors identified as high-risk.

- **Prevention Focus:** Most countries are focused on *prevention* with a lack of evidence of laws, policies and practices on *remediation*. A study of twenty jurisdictions including Australia, Ireland, the Netherlands, and Norway, found that none of these countries provided access to remedy nor did they have dedicated remedial mechanisms for workers in government supply chains (Methven O'Brien et al., 2016). In the UK, for instance, local authorities voluntary reporting on modern slavery have rarely reported how they approach and manage remediation (Martin-Ortega et al., 2018) and do not mention remediation action plans (Martin-Ortega et al., 2020). In the US, whilst there are remedy provisions in the Federal Acquisition Regulations (FAR) and the 1936 Walsh-Healey Act, they are limited in scope as they only apply for employees within the US<sup>16</sup> (Methven O'Brien et al., 2016).
- **Lack of Transparency:** Most countries do not have transparency laws, policies or practices to address modern slavery in public procurement. For instance, at the legislative level only Australia requires the public sector to produce a modern slavery report through their [Modern Slavery Act 2018](#)<sup>17</sup>.

## Legal and Policy Provisions

### Exclusion Criteria

Some countries have implemented *exclusion criteria*<sup>18</sup> to prevent suppliers tainted with modern slavery from participating in public tenders (See Australia, Austria, Belgium, EU, Finland, Netherlands, Sweden, UK and US in **Table 1**). In the UK, modern slavery and trafficking offences are listed as mandatory exclusions under s57(1) of the Public Contracts

---

<sup>16</sup> The FAR provides remedies for workers inside the US if a contractor fails to pay overtime for construction or other service contracts. The 1936 Walsh-Healey Act provides a provision on remedy of payment of unpaid wages of all affected employees and a remedy for damages for each child labourer that worked on the contract.

<sup>17</sup> In the UK a new [Modern Slavery Bill](#) is [expected to extend](#) section 54 of the Modern Slavery Act 2015 from businesses to public sector organisations with an annual budget of £36m. In Scotland, the reporting requirements for the publication of modern slavery statements might be extended to Scottish public bodies following a recent [consultation](#).

<sup>18</sup> Grounds for exclusion are used to prevent suppliers that have committed any violations of applicable social or labour law, or collective agreements to bid for a public contracts and can be mandatory (applied in all tenders) and discretionary (which public buyers can choose to apply) (European Commission, 2021). Exclusion criteria is not limited to the tendering phase but can be extended to termination of contracts awarded to companies that were convicted after being awarded (Sanchez-Graells, 2019). In this document termination of contracts is discussed separately for clarity purposes.

Regulations 2015. The EU directives allow for mandatory exclusions for child labour and human trafficking and discretionary exclusion for violations to the ILO core conventions. Moreover, the Public Procurement Act in Sweden allows for the exclusion of suppliers from participating in a procurement if they are found guilty of human trafficking.

Going beyond Tier 1, the Public Procurement Act in Finland and the Federal Law of Public Procurement in Austria establish human trafficking as a mandatory exclusion criteria for contractors and subcontractors. Similarly, the Public procurement Act of 2017 in Belgium requires suppliers and sub-contractors to comply with environmental, social and labour laws and failure to do so can be used as a ground for exclusion (The Danish institute for Human Rights, 2020). Finally, the US and Western Australia have established *debarment*<sup>19</sup> regimes alongside exclusion criteria<sup>20</sup>. For instance, in the US, the FAR allows for debarment when officers find human trafficking violations<sup>21</sup>. However, there is limited available evidence of implementing exclusion criteria in practice to tackle modern slavery, apart for a few exceptions. For instance, in Germany, between 2013 and 2015, and following labour clauses inspections, the authorities in Bremen imposed penalties for non-compliance to several suppliers including exclusion from public tenders for a period of 6 to 15 months (Jaehrling et al., 2018). In fact, the European Commission has found that, in general, the use of exclusion grounds as an available social provision under the EU directive has so far been underexploited (European Commission, 2020). Likewise, the US debarment mechanism has rarely been used in practice (Woods, 2019).

## Selection Criteria

There is also evidence of implementation of *selection criteria*<sup>22</sup> that includes modern slavery provisions as conditions for participating in public tenders. These have usually been used to increase transparency in supply chains and have been set as technical specifications to which suppliers can show compliance with through certifications, labels, or self-declarations (See EU, Netherlands, New Zealand, UK, Belgium, Canada, Northern Ireland, US, Wales in **Table 1**). For instance, to be eligible to supply rubber gloves to the Region Stockholm, suppliers are requested to report on migrant workers in factories and to disclose policies related to forced labour and no recruitment fees (The Danish institute for Human Rights, 2020). Similarly, in the US, the City of Madison, Wisconsin released a request for proposals for uniforms for its police, fire, and metro workers in 2014 requiring all bidders to disclose information on factory location, wages, and hours, in an effort to eliminate unsafe and illegal working conditions in apparel factories. In Germany, the BMZ Federal Ministry for Economic Cooperation and Development included compliance with ILO Core Labour Conventions as

---

<sup>19</sup> Debarments are a form of exclusion that include removing a supplier for a specific procurement process, for a period of time (The World Bank, et. al., 2019), or from “preferred supplier” or equivalent lists (OSCE, 2018).

<sup>20</sup> In the UK, Regulation 37 of the [Procurement Bill](#) aims to create a ‘debarment register’ accessible to all public sector organisations as an additional exclusion mechanism to prevent modern slavery in public procurement.

<sup>21</sup> [Federal Acquisitions Regulations Subpart 22.1 Combatting Trafficking in Persons. Section 22.1704 Violations and remedies](#). See also OSCE. (2018). Model Guidelines on government measures to prevent trafficking for labour exploitation in supply chains.

<sup>22</sup> Also referred to as *Qualification criteria*. Unlike exclusion criteria, selection criteria are specific to each contract, linked to the subject matter and describes the best practice criteria that is required rather than that to be avoided (European Commission, 2021). Selection criteria allow a public buyer to stipulate minimum requirements that must be met for a supplier to be eligible in a procurement at all (The Danish institute for Human Rights, 2020) and are mandatory for suppliers to submit a tender for a contract (OECD, 2020).

mandatory criteria in the technical specifications of an ICT tender (European Commission, 2020).

Finally, in a garments tender in 2015, the Czech Ministry of Labour and Social Affairs required, as part of the selection criteria, that bidders guaranteed, through membership of the Fair Wear Foundation or a self-declaration, that they had a system to protect labour rights, and that the ILO core Conventions had not been violated during the manufacturing of goods (European Commission, 2021; European Commission, 2020). Canada, UK<sup>23</sup> and the US<sup>24</sup> also use certification mechanisms to verify compliance with selection criteria. However, the use of these labels and certifications has been strongly criticized in the private sector literature. For instance, an evidence review undertaken by a Dutch NGO in 2018 revealed that farms with popular sustainability certifications presented recurring instances of labour rights violations (SOMO, 2018).

## Award Criteria

There is also evidence of incentivising or rewarding suppliers through the use of *social award criteria*<sup>25</sup> specific to modern slavery and mostly applied to Tier 1 suppliers (See EU, Germany, UK, US in **Table 1**). For instance, in the UK, Public Procurement Note 06/20 establishes that a minimum of 10% weighting should be given to social value criteria which include modern slavery considerations<sup>26</sup>. In Bonn, Germany, public authorities included compliance with ILO core labour standards as award criteria in a tender of uniforms in 2016. The increase of weighting of this social criteria from 15% to 30% between the first and the second tendering of the contract, allows bidders to win the contract even if they are not the cheapest offer (European Commission, 2020). This contrasts with the more modest approach from Hansel, the national-level central purchasing body in Finland, where social award criteria related to working conditions in its ICT framework agreements is weighted 10% (European Commission, 2020). For example, they give points to suppliers that pay a living wage and that limit total working hours, including overtime, to no more than 48 hours per week on average (OECD, 2020). In Sweden, bidders are rewarded for transparency. Since 2018 the Region Stockholm has applied a methodology of reducing the price quoted by a supplier up to 30% to tenders in the ITC, surgical instruments and rubber gloves if they meet all the award criteria which includes disclosure of supply chain and human rights risk assessments conducted (The Danish institute for Human Rights, 2020).

There is also evidence of award criteria being implemented beyond Tier 1. For instance, in Germany, the BMZ Federal Ministry for Economic Cooperation and Development implemented award criteria to Tier 1 and Tier 2 suppliers in a pilot tender as a way of incentivising suppliers to address labour standards in the ICT industry. The award criteria

---

<sup>23</sup> In the UK, modern slavery risk management requirements such as certifications or standards can be included as technical specifications ([Tackling modern slavery in government supply chains, 2019](#)). Also, public authorities report that they request that suppliers self-certify that no modern slavery is taking place in their supply chains (Martin-Ortega et al., 2020).

<sup>24</sup> Under the FAR, the tender solicitation documents can stipulate that anti-child labour certification will be required from the successful bidder prior to contract award (Mbah et al., 2021). However, this does not apply to commercially available off-the-shelf (COTS) items.

<sup>25</sup> Unlike qualification criteria or contracting clauses, award criteria are not mandatory for suppliers to fulfil. The supplier chooses the best tender and awards a contract based on this criteria which must be established in advance (OECD, 2020).

<sup>26</sup> See model award criterion 6.3 in [Social Value Model quick reference table](#).

assigned marks for a “bidder concept” with different criteria applying to the first tier than for the second and further tiers. In the case of suppliers beyond tier 1, the tenderer was requested to disclose all measures undertaken to demonstrate compliance with the ILO Core Labour Conventions and other labour standards and could demonstrate compliance through a label or certification (European Commission, 2020).

## Contract Performance Clauses

Another common provision is that of including *labour clauses* as contract performance conditions<sup>27</sup> mostly applied to Tier 1 suppliers (See EU, Sweden, Norway, Belgium, US, Australia in **Table 1**). In Germany, most federal states mandate labour clauses, with Bremen City pioneering and extending this approach to a wider range of industries (Jaehrling et al., 2018). In Sweden, the national contracting authorities have applied labour clauses in the performance of public contracts to supply surgical instruments (Swedwatch & BMA, 2015) and in the Brazil coffee supply chain (Swedwatch, 2016). In the UK, Leeds applies labour clauses to contracts for elderly care (Jaehrling et al., 2018) and Essex County Council has been reporting for several years that they include modern slavery clauses in their contracts (Martin-Ortega et al., 2020).

There is also evidence of implementing labour clauses beyond Tier 1. For instance, in Denmark, Copenhagen has implemented and monitored, mandatory labour clauses focused on fair pay and labour conditions as contract performance conditions in all service and construction public contracts for contractors and subcontractors (European Commission, 2020) introducing chain liability clauses (Jaehrling et al., 2018). In Norway, the municipality of Skien has established a set of collective contractual requirements applicable to ‘high-risk’ sectors, such as construction, called the Skien Model which establishes a maximum of one level of subcontracting under the main supplier to promote decent work and labour rights (European Commission, 2020). In Northern Ireland, the Public Sector Standard Conditions of Contract contain clauses related to the Modern Slavery Act. Finally, Australia and Norway also provide templates or model modern slavery contractual clauses for public buyers to use (See table 1).

## Termination of Contracts

Another form of exclusion being implemented across countries as part of their legal provisions is to *terminate contracts*<sup>28</sup> (See US, City of Houston, Finland, Norway, UK, Sweden in **Table 1**). For instance, in the US, the FAR allows for public authorities to terminate any agreement if it finds that a supplier, including subcontractors, are engaged in forced labour or human trafficking (Aronowitz, 2019) but only as a last resort after other options have been ineffective (OSCE, 2018). The US also allows for debarment as a consequence of breaching contract clauses<sup>29</sup>. Similarly, in the City of Houston, contractors

---

<sup>27</sup> Performance clauses are specifications (conditions) in the contract that determine how a contract should be implemented during the contract period and take effect after the contract is awarded for the duration of the contract. A breach might lead to sanctions or even termination of the contract (OECD, 2020).

<sup>28</sup> Provisions for terminating contracts allow public buyers to cancel a contract before it is fully performed for non-compliance and unwillingness to implement corrective measures, or because grounds for exclusion emerge after the award of the contract (The Danish institute for Human Rights, 2020).

<sup>29</sup> See [Federal Acquisitions Regulations paragraph \(e\) of the clause 52.222-50, Combating Trafficking in Persons.](#)



that have found to be engaged in human trafficking may be subject to suspension or termination of their contracts after remedial actions are proven unacceptable. In the UK, public authorities can insert termination clauses for modern slavery offences in high-risk contracts but should only terminate a contract as a last resort<sup>30</sup>. In Norway, the Skien model contract clauses allow for the contracting authority to withdraw a contract with a suspension on future participation in procurement procedures if a supplier has not been able to solve a breach in compliance with the core ILO conventions (European Commission, 2020). Similarly, in Oslo, the City can terminate a contract due to a breach of child labour or other fundamental labour rights under the contract clauses known as the Oslo Model (European Commission, 2021).

However, there is a lack of evidence of terminating contracts for modern slavery breaches in practice. This might be due to the United Nations Guiding Principles (UNGPs) recommendation to first exercise leverage with suppliers and only terminate contracts as a last resource (United Nations Human Rights Office of the High Commissioner, 2011). For instance, in Oslo, the City has issued warnings for termination of contracts based on evidence from third-party audits of breaches to child labour regulations, but contracts have not been terminated as suppliers have implemented satisfactory corrective measures (European Commission, 2021). In fact, requesting compliance measures before terminating contracts can be an effective measure for addressing modern slavery as illustrated by the Dell case later in this document.

## Practices

### Guidelines, Training, Tools & Resources

Most countries in this review have published guidelines, training, tools and other resources for public procurement authorities to tackle modern slavery in public procurement supply chains that include due diligence, risk identification, supply chain mapping responsibilities and model contract clauses (See **Table 1**). For instance, the OSCE was the first international organisation to have produced guidance for their procurement staff on combatting human trafficking and the UK Government has published guidance on risk assessment and due diligence for public procurement<sup>31</sup>. In the UK, there is also evidence of local authorities providing training on modern slavery to their staff and reporting it as a KPI (Martin-Ortega & Gorna, 2022).

However, there is less evidence of implementation of due diligence in practice by public procurement authorities as only Australia has mandated authorities to report on modern slavery through their Modern Slavery Act 2018. In the UK, there is evidence of due diligence practices by Local Authorities that voluntarily produce a modern slavery statement. For instance, the most common due diligence strategy undertaken by UK councils is the use of pre-qualification questionnaires such as the Crown Commercial Service's Standard Selection Questionnaires (SSQs) (Martin-Ortega et al., 2018; Martin-Ortega et al., 2020; Martin-Ortega & Gorna, 2022), however, supply chain mapping practices are lacking, little

---

<sup>30</sup> See [Tackling modern slavery in government supply chains \(2019\)](#).

<sup>31</sup> Such as ['Tackling Modern Slavery in Government Supply Chains'](#) in 2019. Moreover, the Local Government Association (LGA) and the Chartered Institute of Procurement and Supply (CIPS) have developed guidelines.

detail is provided on risk assessment practices and the Modern Slavery Assessment Tool (MSAT), aimed to assist them in identifying and managing risk, remains largely underused (Martin-Ortega & Gorna, 2022). In Canada, the government has undertaken a risk assessment of human trafficking, forced labour and child labour in its public supply chains in 2021<sup>32</sup> as part of its efforts to implement its National Strategy to Combat Human Trafficking.

## Collaborative Practices

There is evidence of *collaborative practices* being implemented across countries (See EU, US, UK, Sweden and Norway in **Table 1**). For instance, Electronics Watch is a monitoring organisation and one of the largest forums of collaboration among public buyers globally. The contracting authorities that affiliate with Electronics Watch gain access to country and factory specific risk assessments, a guide and toolkit to implement labour rights standards in tenders, template contracts, and information on worker-driven monitoring. Affiliates obligations include the incorporation of a model contract performance clause (Martin-Ortega, 2018).

The Sweatfree Purchasing Consortium (SPC) comprises 14 U.S. cities and 3 U.S. states that work together to ensure that their procurement of apparel products is free of sweatshop labour. In Sweden, 21 County Councils work together since 2010 to make sure the products and services they procure do not involve human trafficking or labour right violations in the ICT hardware, surgical instruments, pharmaceuticals, apparel and textiles. While each council conducts its own procurements, they all use the same code of labour standards and contract performance conditions (Electronics Watch, 2016). In Norway, there is an intermunicipal procurement partnership, Grenlandskommunenenes innkjøpsenhet, that comprises several municipalities. The city of Skien for example, coordinated its approach with other contracting authorities part of the partnership to address working conditions in public procurement resulting in the creation of standard provisions and contracts that serve to level the playing field (European Commission, 2020).

In the UK, there is emerging evidence of internal collaboration among councils and of external collaboration with the police, communities and NGOs but mostly focused on addressing risk to direct employees rather than the supply chain (Martin-Ortega & Gorna, 2022; Martin-Ortega et al., 2020).

## What does the evidence show about the effectiveness of public procurement measures at addressing modern slavery risks?

Evidence Quality: **Amber**

*The empirical evidence base that directly assesses effectiveness, especially through robust methodologies, is scarce. This might be related to the lack of investment in evaluation, the*

---

<sup>32</sup> See Government of Canada (2019) and Toronto Sun (2021).

*lack of transparency in public procurement processes across the world<sup>33</sup>, and the relatively recent implementation of some of these laws, policies and practices in some countries. The few studies looking at the effectiveness of country-specific public procurement laws and policies, such as those in the US and the UK<sup>34</sup>, and Australia<sup>35</sup> have found that their effectiveness is hampered by a lack of clarity and specificity. However, there are some case studies demonstrating public procurement measures have positively influenced supplier behaviour and contributed to reduced modern slavery risk. Further evidence on implementation, suggests there are several factors that are likely to influence the effectiveness of public procurement measures for addressing modern slavery.*

Three types of effectiveness of laws, policies and practices to tackle modern slavery through public procurement can be measured<sup>36</sup>:

- **Type 1: Implementation:** Whether and to what extent *public procurement bodies* implement the laws, policies and practices as intended.
- **Type 2: Influence:** Whether and to what extent the applied laws, policies and practices work to influence change in *suppliers* as compared to previous behaviour.
- **Type 3: Address:** Whether and to what extent these laws, policies and practices *prevent* the unwanted outcome of modern slavery. For instance, reducing modern slavery instances.

The analysis of the existent evidence suggests that *legal certainty, resources & capabilities, and collaboration influence the effectiveness of public procurement measures at being implemented (type 1); contract management and market knowledge influence their effectiveness at changing supplier behaviour (type 2), and national regulatory and sectorial systems, law design, and monitoring practices influence their effectiveness at preventing or reducing modern slavery (type3).*

## Effectiveness of implementation by public procurement authorities (Type 1)

The evidence suggests that *legal certainty* and *resources & capabilities* influence the effectiveness of implementation of laws, policies and practices by public procurement authorities. The evidence also shows *Collaboration* as a promising tool to tackle lack of resources and capabilities.

### Legal Certainty

Having legal certainty into what public buyers can and cannot do is key. Legal certainty refers to laws being sufficiently clear in order to provide confidence to users over what their obligations are (Mbah, et al., 2021). Public procurement laws and policies on modern slavery in Australia, UK and the US have been found to be ineffective as they do not provide sufficient legal certainty. According to a recent study, Australia's Commonwealth

---

<sup>33</sup> The lack of evidence on the effectiveness of practices by councils when reporting voluntarily such as in the UK might also be due to a lack of reporting of effectiveness and use of Key Performance Indicators (KPIs) to address modern slavery by Councils (Martin-Ortega et al., 2020).

<sup>34</sup> See (Buys, 2021).

<sup>35</sup> See (Mbah et al., 2021).

<sup>36</sup> This framework is adapted from previous PEC research that has considered the effectiveness of measures to address modern slavery in supply chains, specifically Hsin, New, Pietropaoli and Smit '[Effectiveness of Section 54 of the Modern Slavery Act Evidence and comparative analysis](#)', which considered transparency and Policy Brief on effectiveness of [mandatory human rights due diligence legislation](#).

Procurement Rules (CPR) do not provide sufficient legal certainty to be effective as it does not explicitly mention trafficking practices such as forced labour and child labour (Mbah, et. al., 2021). Another study measured the effectiveness of US and UK's modern slavery procurement policies on exclusions, contract clauses and award criteria based on principles of public procurement (competition and fairness to contractors), public administration (clarity and specificity in rulemaking), and human rights principles (human rights due diligence) and found that policies in both jurisdictions do not fully satisfy one or more of these key principles (Buys, 2021). The study concludes that careful policy design is key for implementation by public buyers.

The clarity of laws is especially important due to the long-established public procurement culture of focusing on low prices and cost savings that remains in governments of high-income countries (Hamilton, 2022) and the risk aversion of public buyers. For instance, procurement officials are less likely to undertake human rights due diligence if the permissible measures are unclear as tenderers might challenge the procurement process leading to a delay in government procurement orders (Methven O'Brien et al., 2016). Similarly, public buyers might also be risk averse to implement exclusion grounds as suppliers could challenge this decision legally (The Danish institute for Human Rights, 2020). Tensions within law regimes, for example those between primary (economic and efficiency criteria) and secondary aims (social criteria) (Martin-Ortega & O'Brien, 2017) can also hamper implementation. For instance, a study looking at the voluntary MSA statements of local authorities in the UK found that councils were cautious in their engagements with suppliers before and after tendering due to the restrictions to social criteria in the procurement system (Martin-Ortega et al., 2018). In fact, a study covering mostly OECD countries found that public buyers' efforts to use human rights criteria into procurement are undermined by restrictive provisions in public procurement laws and policies that fail to effectively integrate social considerations into the procurement cycle (Methven O'Brien et al., 2016).

## Resources & Capabilities

The evidence shows that *resources & capabilities* influence the effectiveness of laws, policies and practices. In particular, they influence the effectiveness of *setting and implementing social clauses* related to labour conditions, implementing *exclusion criteria*, undertaking *supply chain mapping* and modern slavery *risk assessments*, and *monitoring contract performance* clauses by public buyers. Without these resources and capabilities, labour standards conditions run the risk of being only rhetoric (Jaehrling et al., 2018).

### *Setting and implementing social clauses*

Findings from Swedwatch investigations revealed that in practice, *setting social criteria* related to labour rights varies depending on the type of product procured due to knowledge and resource constraints (Swedwatch, 2016). For instance, in *Trapped in the Kitchen of the World*, Swedwatch identified that whilst there were instances of severe labour rights violations in factories, including debt bondage and child labour, Swedish county councils and municipalities had limited *knowledge and resources* for *setting* social criteria in the procurement of food products as it was not listed as a high-risk category in their system (Swedwatch & Finnwatch, 2015). Therefore, suggesting that for social criteria to be

implemented efficiently, sufficient financial resources need to be allocated to public authorities to undertake risk analysis across product categories and to equip procurement officials with adequate knowledge (Swedwatch, 2016).

In the Netherlands, a study by SOMO, looked at the *implementation of social conditions*, in particular of the ILO core conventions, by national and subnational public procurement authorities across electronics, clothing, coffee and natural stone tenders. Following robust methodologies, the study found that contracting authorities failed to apply the country's national public procurement policies as intended. It identified *lack of knowledge* of the impacts of labour rights violations in supply chains as a factor explaining the significant variation in the extent of implementation of policies across procurement authorities and across tender sectors (SOMO, 2014).

### **Implementing exclusion criteria**

Resources and capabilities also influence the effective implementation of exclusion criteria as the authorities would carry the burden of proof to demonstrate, by use of “appropriate means”, that a supplier is tainted by modern slavery (The Danish institute for Human Rights, 2020) and it might be difficult to detect, investigate and gather the necessary evidence (Woods, 2019). For instance, in a study by the OECD<sup>37</sup>, public buyers have reported to struggle to find the appropriate and publicly available information to implement mandatory exclusion grounds (OECD, 2020).

### **Supply chain mapping & Risk assessments**

Resources also influence the capacity of public authorities to undertake *supply chain risk mapping*. For instance, a 2018 report analysing the modern slavery statements published voluntarily by UK local authorities showed that local authorities do not have sufficient resources to *map* their entire supply chains (Martin-Ortega et al., 2018). They also influence the effective implementation of *risks assessments*. For instance, a recent study looking to reduce modern slavery risk in the English adult social care sector argues that it is necessary to allocate additional financial and human resources to local authorities to develop risk identification and remediation capabilities tailored to the fragmented market structure of the sector (Emberson & Trautrim, 2019a).

### **Monitoring**

Knowledge and resources influence the *monitoring* of contract performance clauses. For instance, in Sweden it was reported that although it was mandated by policy, the lack of monitoring found was mainly due to lack of resources, knowledge and capacity of public buyers (Methven O'Brien et al., 2016). Another study showed that the limited resources of the Nottinghamshire County Council hampered them from enforcing recruitment standards used by temporary agency providers in their own residential care and nursing homes (Emberson & Trautrim, 2019a). In particular, managerial oversight was found to be weakened when local authorities moved to ‘flexible’ employment relations in the social care

---

<sup>37</sup> Based on a survey sent to OECD and non-OECD countries on *Leveraging Responsible Business Conduct through Public Procurement* conducted between November 2019 and February 2020.

sector (Emberson & Trautrim, 2019b). Resources for monitoring are particularly important as in house monitoring can be more effective than outsourcing it (European Commission, 2020<sup>38</sup>). Finally, a study by the Dutch government found that public procurement buyers did not *verify* supplier compliance with their policies due to a lack of ownership at different administrative levels (Methven O'Brien et al., 2016). This might be related to the silos within procurement organisations where, in most cases, procurement teams are not the ones responsible for defining contract performance clauses or for contract management (The Danish institute for Human Rights, 2020).

## Collaboration

A promising practice to address the lack of resources and capabilities across public sector authorities that hamper the implementation of supply chain mapping, risk assessments and audits to address modern slavery is *collaboration*. Collaborative procurement practices between authorities, that is, when they work together pooling their purchasing power to increase leverage, can reduce costs, promote knowledge sharing and simplify evaluation processes (Meehan et al., 2016). Especially as public buyers purchase many of the same goods and services as each other (The Danish institute for Human Rights, 2020). Evidence from public procurement authorities in the US and Sweden suggest that collaboration across authorities has the potential to make the *implementation, monitoring and auditing* of labour rights criteria more efficient.

For instance, in 2014 the City of Madison, US, in consultation with the Sweatfree Purchasing Consortium, created a collaborative 'piggy-back' contract for uniforms in 2014, mainly used by Fire, Metro Transit, Police and other municipal operations agencies to eliminate unsafe and illegal working conditions in apparel factories. The contract can still be used by all City of Madison agencies, approximately 167 other local government counties, cities, town and other public entities and agencies in the US. Each agency has the opportunity to join in the bid, which helps agencies with limited resources to participate in tenders without having to set the requirements themselves (The Danish institute for Human Rights, 2020).

In terms of monitoring, through the Swedish SKL Kommentus Central Purchasing Body (SKI), local and regional contracting authorities are able to sign on to a centralised supplier monitoring system. SKI regularly undertakes third-party audits of suppliers under their framework agreements and monitors high-risk categories through a three-step process of supplier self-assessment, desktop audit, and on-site audit. The audit results are shared among the contracting authorities and have so far enabled a more efficient approach to audits, avoiding duplication and informing contracting authorities when undertaking risk assessments (The Danish institute for Human Rights, 2020).

Another example in Sweden is the Swedish County Councils who through their collaboration have increased their capacity to undertake audits. The county councils pool resources based on population, and each contributes 40 Swedish cents (€0.04), per capita. They have also developed the capacity of their own staff to assess risk in their supply chains and since 2015 they have a group of internal experts that to conduct their own risk assessments. They

---

<sup>38</sup> See example of the City of Copenhagen.

have also coordinated so each council is responsible for auditing a specific supply chain (Electronics Watch, 2016).

However, there are also barriers to collaboration in general across and within public procurement authorities. For instance, a research study of five UK public authorities in the emergency services sector found that there are multi-level operational barriers such as inappropriate national solutions, a lack of intra-regional alignment, a perceived need for bespoke solutions, and individual resource pressures that constraint collaboration (Meehan et al., 2016). These barriers are further heightened by a strategic resistance to collaborate legitimised by the belief that collaboration is risky and unsuitable- as there is a lack of sufficient evidence on the benefits of collaboration, and by symbolic tick-boxing practices characterised by collaboration in selected and limited high profile spend categories (ibid).

## Effectiveness at influencing change in suppliers (Type 2)

There are good practice cases that show effectiveness at influencing change in suppliers. Those cases show evidence of either *good contract and supplier relations management*, or *tailored approaches* that move away from a 'one-size fits all' by making use of *market knowledge*.

### Contract & Supplier Relations Management

The evidence shows that a key factor influencing the effectiveness of policies and practices to create change in supplier's practice, is *contract and supplier relations management*. The importance of contract management practices was noted in the case of workwear procurement by the city of Ghent where, for the contract clauses to be effective, dialogue and partnership with the suppliers was necessary from the pre-tender phase to contract performance. In fact, Ghent works together with its suppliers to achieve its labour rights objectives for the entire course of the framework (European Commission, 2020). Conversely, the lack of a direct contractual relationship of local authorities with the employer of social care workers when procuring through contracted-out arrangements was identified as a key barrier for enforcing recruitment standards in the adult social care sector (Emberson & Trautrim, 2019a).

Leverage to influence the behaviour of suppliers varies according to the duration of the contract. For instance, the longer the contract, the more opportunity there is to engage with suppliers (The Danish institute for Human Rights, 2020) as it allows to build on-going and long-term relationships with suppliers who would need sufficient time to change their practices and meet the new procurement requirements (OSCE, 2021) and to resolve or remediate any instances. In particular, the DELL case in Sweden shows evidence that the effectiveness of contract performance clauses is likely to increase when there is *long term engagement* with suppliers and continuous work with them to develop their capacities rather than terminating relations.

In this case, the Swedish Country Councils engaged with Dell and Atea, the Swedish reseller of Dell, for 18 months after DanWatch reported excessive working hours, forced overtime, inadequate safety conditions and wages below the minimum wage in four Dell supplier

factories in 2013. The on-going dialogue and engagement that started in February 2014, resulted in Atea's improvement of their due diligence processes in its supply chain through the creation of a robust system and moved from a CSR report review to a detailed social audit reports and corrective action plans approach. Dell's due diligence to ensure social responsibility in its supply chain was also improved and after the long process of engagement, Dell increased its transparency and disclosed detailed audit reports, records of working hours, corrective action plans, and status reports. Although these improvements were achieved, the Stockholm County Council will continue to meet regularly with Atea for the contract's duration and, given the collaborative structure of the Swedish councils, once the contract ends the national county council network can continue its engagement with Atea through another county council. These collaborative practices increase the capacity for long-term engagement and improvements in the supply chain (Electronics Watch, 2016).

### Market Knowledge for Tailored Approaches

Market engagement is one of the most significant unexploited opportunities to tackle labour rights in public procurement (OECD, 2020). However, several cases show the importance of moving from 'one-size fits all' approaches by making use of *market knowledge* in the pre-tender stage.

For instance, in 2016, the Federal Ministry for Economic Cooperation and Development in Germany took a two-step approach for an ICT pilot tender based on a market research on what the ICT supply chain market was able to prove in regard to human and labour rights. This study showed that effective verification of compliance with labour and social standards could not yet be provided by a broad range of bidders for the entire supply chain, given the complex supply chains in the industry, but it could for the first tier of the supply chain. As a result, the authorities used a combination of minimum criteria as binding criteria (technical specifications) for the first tier of the main subject of the tender (computers and monitors) and award criteria for the first tier of the peripheral tender (keypad and pc-mice) and for the second and further tiers of both tenders. The result was that almost all bidders complied with the minimum requirements and were incentivised to improve labour rights beyond the first tier of the supply chain (European Commission, 2020). This illustrates that the effectiveness of modern slavery provisions can be increased if applied across different stages of the procurement cycle. In particular, award criteria may be most effective when combined with selection criteria, technical specifications and contract performance conditions (European Commission, 2021).

In Norway, the municipality of Skien decided to adopt an incremental approach to labour standards requirements in the building and construction sector building upon *previous measures* undertaken by the Municipality. This was based on discussions with construction business organisations, who shared their main challenges, and trade unions, who recommended appropriate procurement requirements. Dialogue with social partners and stakeholders in the sector was key to set out requirements in a realistic way and ensure compliance and effective results. This approach allowed the municipality to improve labour rights whilst ensuring the level of requirements did not hamper reliable suppliers to participate (European Commission, 2020).



Another example of tailored approaches is that of the City of Ghent. In 2016 the city authorities divided the framework agreement of workwear procurement into five lots that required *varying degrees of social and environmental performance*. This was based on an analysis of previous public tenders in the Flanders region and a market study conducted by Ghent and the Association of Flemish Cities and Municipalities (VVSG) that showed that the market was not ready to deliver the level of social impact required to guarantee ILO labour standards and increased transparency throughout the textile supply chain. By requesting various degrees of social performance across the five lots, the city was able to increase supplier awareness on labour rights, supplier membership to the Fair Wear Foundation, supply chain transparency, and supplier engagement with third party verification systems (European Commission, 2020).

These cases contrast the case of the Sweden's National Agency for Public Procurement who, taking a 'one-size fits all' approach launched a tender for mobile phones with *award criteria* focused on conflict minerals due diligence where none of the bidders were able to report such due diligence procedures (Methven O'Brien et al., 2016).

### Effectiveness at addressing modern slavery (Type 3)

The evidence for this type of effectiveness is the most limited. However, a few studies show that *National regulatory and sectorial systems, law design and monitoring* practices can influence the effectiveness of laws, policies and practices at addressing modern slavery in public procurement supply chains.

#### National and Sectorial Regulatory Systems

Public procurement laws, policies and practices do not exist in a vacuum. The evidence suggests that differences in national and sectorial labour regulatory systems influence the impact of public procurement policies. For instance, a study looking at the role of labour clauses at addressing low wages and precarious work in the subcontracted workforce in public supply chains across sectors in Leeds (care services), Bremen (construction and catering) and Copenhagen (construction and cleaning), found that whilst all of them changed the previous status quo, labour clauses had either a complementary or compensatory impact according to national and sectorial labour market regulatory systems (Jaehrling et al., 2018). Whilst both impacts have their benefits and limitations, the study found that the ability to tackle precariousness was strengthened where they complemented existing mechanisms of collective bargaining and labour market regulation by extending existing pay rates and other benefits to subcontracted staff, compared to those that compensated for weaker mechanisms of collective bargaining by raising wages but from a lower starting point and requiring additional resources. Thus, suggesting that supportive national and sectorial labour systems are necessary for labour clauses to ultimately tackle modern slavery.

#### Legislative Design

Limitations in the design of the laws can influence the effectiveness of laws and policies to tackle modern slavery. For instance, a PhD thesis analysing the effectiveness<sup>39</sup> of human trafficking provisions in the procurement frameworks of the US Federal Acquisitions Regulations (FAR) and the Australian Commonwealth Procurement Rules (CPR) found them

---

<sup>39</sup> Defined as "The applicability and functionality of public procurement rules for them to be capable of combating trafficking" (p. 2)

to be ineffective at preventing and addressing trafficking as they allow contracts to be awarded to suppliers tainted with trafficking (Mbah, 2020) due to a flawed design of the laws that overlook the prosecutorial difficulties to convict traffickers and thus to exclude them from public procurement (Mbah, et. al., 2021). For instance, under EU law<sup>40</sup> and Australian regulations<sup>41</sup> mandatory exclusion can only be applied to suppliers that have already been convicted by final judgement, and not if there is sufficient and credible evidence (Mbah, et. al., 2021).

Moreover, in the US, the FAR clause 52.222-50, Combating Trafficking in Persons, requires contractors to certify that they have implemented a Compliance Plan to prevent human trafficking. However, this only applies to contracts above \$550,000 and covers only non-commercially available off-the-shelf (non-COTS) contracts outside the United States. This arbitrary threshold and limited coverage can reduce the effectiveness of public procurement measures at addressing modern slavery. For instance, the Department of Defence (DoD), who holds the largest contract spending portfolio in the U.S. government, might be contracting with companies whose supply chains are tainted with human trafficking as significant spend in some contracts in sectors such as PPE, construction and food are not covered by the above criteria (Crouch IV et al., 2022).

## Monitoring

In Healthier Procurement, Swedwatch and BMA looked at the impact of including labour rights and working conditions criteria as contract performance clauses to suppliers that sourced surgical instruments in Pakistan in 2014. Following field visits and interviews<sup>42</sup>, the research found that overall, the conditions of the visited factories in Pakistan that were subject to these contractual obligations imposed by Sweden and UK's procurement authorities had improved<sup>43</sup>. In particular, child labour prohibition policies were enforced by subcontractors of exporting factories to Swedish suppliers. Wages were also paid appropriately, and employees were not forced to work overtime. Conversely, the workshops evaluated where no social requirements were mandated showed little change since their last study in 2007, especially regarding child labour<sup>44</sup> (Swedwatch & BMA, 2015). In Agents for Change, a follow-up comparative study across different industries, found that the *long-term commitment and monitoring* from the contracting authorities was a key factor to tackle child labour (Swedwatch, 2016). The study concluded that social contractual conditions could become 'merely an administrative burden with little impact' in the absence of monitoring (p.43).

---

<sup>40</sup> Art 57 (1) of European Union's Directive 2014/24/EU permits contracting authorities to exclude a supplier subject of "a conviction by final judgement" for "child labour and other forms of trafficking".

<sup>41</sup> CPR Rule 6.7: "Relevant entities must not seek to benefit from supplier practices that may be dishonest, unethical or unsafe. This includes not entering into contracts with tenderers who have had a judicial decision against them (not including decisions under appeal)".

<sup>42</sup> The research included field visits and interviews with workers, union representatives, government officials and labour rights experts. However, this study has important limitations as the factories and subcontractors were not fully audited, the findings are based on selected interviews, and supplier documentation was not verified systematically.

<sup>43</sup> The factories supplying Sweden had already been visited twice, in 2006 and 2009, whilst those supplying to the UK were visited for the first time in 2014.

<sup>44</sup> These are the suppliers further down the chain, such as forges and general vendors.

### 3. What does the evidence show about the *connections* between public procurement measures and wider obligations on businesses to address modern slavery risk in their supply chains? For example, transparency regimes and mandatory human rights due diligence.

Evidence Quality: **Red**

Little is known about the interactions between public procurement laws, policies and practices and other instruments that seek to address modern slavery in global supply chains. For instance, Mandatory Human Rights Due Diligence laws (mHREDD), have been developed recently and most are not implemented yet, with the exception of the French Due Diligence Law (Johnstone & Hesketh, 2022). However, France has not implemented public procurement laws and policies to tackle modern slavery. In Germany, plausible connections can be anticipated. For instance, a blog by the International Learning Lab on Public Procurement and Human Rights foresees that the German Due Diligence Act, through an enforcement mechanism coming into force in 2023 that will allow companies to be fined, will likely have an impact on public sector contract award decisions in the future as companies fined for more than €175,000 will be subject to exclusion from public procurement<sup>45</sup>. Moreover, a proposed mHREDD legislation in Austria, Lieferkettengesetz, would introduce penalties and sanctions to companies for violations of human rights and environmental due diligence obligations. One of these penalties, besides fines, would be the exclusion from public procurement processes for up to 3 years (Clifford Chance, 2022). Similarly, when a company that is bidding for a public contract falls within the French or Dutch mHREDD laws but has not complied with its due diligence obligations, it can be excluded by EU law. However, this would not be the case if the due diligence law does not apply to the bidder (European Commission, 2021). This means that the connections between mHREDD, which apply to commercial entities rather than public sector organisations, and public procurement laws could complement each other. It remains to be seen whether the potential effects would happen on both directions, that is, whether public procurement regulations would also influence mHREDD obligations.

Public procurement laws could also complement Transparency in Supply Chains legislation (TISC) that apply to large businesses. In the UK for example, the 2015 Public Contracts Regulations stipulates that a public body can, although discretionarily, exclude a bidder from procurement if the supplier, falling under the TISC regulations of the Modern Slavery Act 2015 has not submitted a modern slavery statement (Business and Human Rights Resource Centre, 2017). A more stringent approach of *debarment* has been implemented by the government of Western Australia, which precludes suppliers from seeking or being awarded public contracts for up to 2 years for non-compliance with the reporting requirements of the Modern Slavery Act 2018 (Clifford Chance, 2022). However, there is not yet evidence of implementation of these provisions. Furthermore, through public procurement laws, the

---

<sup>45</sup> Döring, Laura and Sukurica, Ilda (2021): [Germany takes important steps towards sustainable textile procurement](#).

public sector might be able to extend the due diligence obligations already imposed on large businesses to SMEs who do not fall within such transparency legislation in the UK due to their low turnover (Justice & Care, 2022). This will gain more relevance as countries worldwide aim to increase their SME spend.

There is less evidence of the interaction between public procurement laws and forced labour import bans and other trade instruments. Only a few countries have introduced labour import bans, most notably the US<sup>46</sup>, but the limited evidence on their implementation (Pietropaoli et al., 2021) means there is not yet evidence of their interaction with public procurement laws. However, some connections can be identified for specific public procurement provisions. For instance, in the US, whilst suppliers are required to certify that they will not supply products included in the 'List of Products Produced by Forced or Indentured Child Labor', contractors that are part of the WTO Government Procurement Agreement (GPA) or have free trade agreements with the US are exempt from this requirement (Methven O'Brien et al., 2016). Scholars suggest public procurement could work as a complementary tool to social clauses in trade agreements (Martin-Ortega & O'Brien, 2017) but there is no mention of the mechanisms or challenges for this.

## 4. What does the evidence show about any potential wider consequences of using public procurement as a lever to address modern slavery in supply chains?

Evidence Quality: **Red**

There is scant evidence of any wider consequences of using public procurement as a lever to address modern slavery in supply chains. An unintended consequence is that it can lead to unfair or *discriminatory* market practices; for instance, of SMEs who are less likely to be able to prove due diligence practices (Justice & Care, 2022). This could hamper the policy objective of increasing SME spend in public procurement and thus increase the tensions between policy aims. Similarly, the integration of non-commercial criteria in public procurement has raised concerns related to discrimination as this might represent a barrier to trade for developing countries (Hamilton, 2022) who might struggle to fulfil the new requirements.

Another wider consequence relates to the tensions between the dual role of the government as both regulator and buyer and the challenges this brings when attempting to bring about positive societal outcomes while maximising value for money (Grandia & Meehan, 2017). This dual role can have consequences in addressing modern slavery through public procurement such as in the agreement of labour clauses and their implementation and enforcement. For instance, a study found that in Copenhagen, Danish employers blocked the proposal of the unions to exclude firms that had not signed the sector collective agreement from bidding for public contracts (Jaehrling et al., 2018). Other consequences of these tensions could include the allocation of resources for auditing and monitoring and

---

<sup>46</sup> Other jurisdictions are considering labour ban instruments such as the European Commission who recently published a [Proposal to ban products made with forced labour](#), and the UK where a [Bill to prohibit the import of products made by forced labour in the Xinjiang Uyghur Autonomous Region](#) is in progress.

establishing chain liability (ibid). Therefore, transparency in the design, implementation and monitoring of policies is key.

There is also the risk of overburdening businesses. To avoid this, governments should aim to harmonise their public procurement laws and policies with wider regulatory instruments for businesses (OSCE, 2021).

## 5. Priorities for further research

- Future research could undertake a *comparison* between public and private sector approaches to modern slavery in supply chains to draw lessons from the private to the public sector but, also to explore how the public and the private sector could collaborate to improve standards and harmonise approaches that address modern slavery in supply chains.
- Future research should analyse the *interactions* of public procurement laws with international trade agreements, forced labour import bans, mHREDD, and transparency legislation as these get implemented worldwide, and how these different regulatory instruments impact businesses' operations and their capacity to tackle modern slavery in supply chains.
- *Empirical* research following robust methodologies is also needed to *evaluate* the effectiveness of specific public procurement laws, policies and practices that aim at tackling modern slavery.
- Another avenue for future research is to explore how public procurement policy makers and practitioners could capitalise from incorporating the voices of *People with Lived Experience (PLE)* and consulting with labour unions in the design and implementation of laws, policies and practices for this to be effective.
- Future research should also seek to undertake *comparative* research exploring the interrelation between modern slavery and other social public procurement policy objectives, such as those of *SPP* and *SRPP*, to identify trade-offs but also possible complementarities.

## References

- Aronowitz, A. A. (2019). Regulating business involvement in labor exploitation and human trafficking. *Journal of Labor and Society*, 22(1), 145–164. <https://doi.org/10.1111/lands.12372>
- British Medical Association. (2017). *Ethical Procurement for Health: Workbook*. [https://www.bma.org.uk/media/2409/ethical\\_procurement\\_for\\_health\\_workbook\\_20\\_final\\_web.pdf](https://www.bma.org.uk/media/2409/ethical_procurement_for_health_workbook_20_final_web.pdf)
- Business and Human Rights Resource Centre. (2017). *Modern Slavery in Company Operation and Supply Chains : Mandatory transparency, mandatory due diligence and public procurement due diligence* (Issue September).
- Buys, E. (2021). *Addressing slavery and trafficking in UK and US public procurement frameworks [Master's thesis]*. [University of Oxford]. <https://ora.ox.ac.uk/objects/uuid:79621996-b94a-4d0b-8107-6ae4db78695e>
- Clifford Chance. (2022). *BUSINESS AND HUMAN RIGHTS NAVIGATING A CHANGING LEGAL LANDSCAPE* (Issue January).
- Crouch IV, W. C., Morris, A. L., & Peaslee, K. P. (2022). *The Price of Slavery: Contracting's Role in Ending Human Trafficking*.
- De Cokere, A. (2020). *THE CITY OF GHENT: LEADING THE WAY IN SOCIALLY RESPONSIBLE PROCUREMENT OF WORKWEAR*. International Learning Lab on Public Procurement and Human Rights. <https://www.humanrightsprocurementlab.org/blog-1/the-city-of-ghent-leading-the-way-in-socially-responsible-procurement-of-workwear-aline-de-cokere-january-2020>
- Electronics Watch. (2016). Public Procurement and Human Rights Due Diligence to Achieve Respect for Labour Rights Standards in Electronics Factories: A Case Study of the Swedish County Councils and the Dell Computer Corporation. In *Electronics Watch: Vol. February*. <https://doi.org/10.1525/curh.2016.115.780.160>
- Emberson, C., & Trautrim, A. (2019a). How might modern slavery risk in English adult social care procurement be reduced? *Public Procurement Global Revolutions IX*. <https://nottingham-repository.worktribe.com/output/2319744>
- Emberson, C., & Trautrim, A. (2019b). Public procurement and modern slavery risks in the English adult social care sector. In *Public Procurement and Human Rights: Opportunities, Risks and Dilemmas for the State as Buyer* (pp. 180–191). Edward Elgar Publishing. <https://doi.org/10.4337/9781788116312.00021>
- European Commission. (2021). *Buying Social - A guide to taking account of social considerations in public procurement (2nd edition)*.
- European Commission Executive Agency for Small and Medium-sized Enterprises, Tepper, P., McLennan, A., Hirt, R., et al. (2020). *Making socially responsible public procurement work : 71 good practice cases*. (Issue May). <https://data.europa.eu/doi/10.2826/844552>
- Government of Canada. (2019). *Labour Exploitation in global supply chains: What we heard report*. <https://www.canada.ca/en/employment-social-development/programs/international-affairs/reports/what-we-heard-forced-labour-global-supply-chain.html>
- Grandia, J., & Meehan, J. (2017). Public procurement as a policy tool: using procurement to reach desired outcomes in society. *International Journal of Public Sector Management*, 30(4), 302–309. <https://doi.org/10.1108/IJPSM-03-2017-0066>
- GRETA. (2020). *COMPENDIUM of good practices in addressing trafficking in human beings for the purpose of labour exploitation* (Issue 2020). <https://rm.coe.int/mpendium-of-good-practices-in-addressing-trafficking-in-human-beings-f/16809f9bef>
- Hamilton, S. G. (2022). Public procurement – price-taker or market-shaper? *Critical Perspectives on International Business*, 18(4), 574–615. <https://doi.org/10.1108/cpoib-08-2020-0116>
- Jaehrling, K., Johnson, M., Larsen, T. P., Refslund, B., & Grimshaw, D. (2018). Tackling

- Precarious Work in Public Supply Chains: A Comparison of Local Government Procurement Policies in Denmark, Germany and the UK. *Work, Employment and Society*, 32(3), 546–563. <https://doi.org/10.1177/0950017018758216>
- Johnstone, O., & Hesketh, O. (2022). *Effectiveness of mandatory human rights and environmental due diligence* (Issue May).  
Justice & Care. (2022). *Modern Slavery in Global Supply Chains: The state of evidence for key government and private Modern Slavery in Global Supply Chains* (Issue July).
- Martin-Ortega, O. (2018). Public Procurement as a Tool for the Protection and Promotion of Human Rights: A Study of Collaboration, Due Diligence and Leverage in the Electronics Industry. *Business and Human Rights Journal*, 3(1), 75–95.  
<https://doi.org/10.1017/bhj.2017.35>
- Martin-Ortega, O., & Gorna, A. (2022). *UK Modern Slavery Act Transparency in Supply Chains: Reporting by Local Authorities* (Issue BHRE Research Series. Report No. 5).
- Martin-Ortega, O., Gorna, A., Corradi, L., & Dehbi, F. (2020). *UK Modern Slavery Act Transparency in Supply Chains: Reporting by Local Authorities* (Issue Research Series Report No. 4).
- Martin-Ortega, O., Gorna, A., & Islam, R. (2018). *UK Modern Slavery Act Transparency in Supply Chains: Reporting by Local Authorities* (Issue March).  
<https://doi.org/10.13140/RG.2.2.27917.59367>
- Martin-Ortega, O., & O'Brien, C. M. (2017). Advancing respect for labour rights globally through public procurement. *Politics and Governance*, 5(4), 69–79.  
<https://doi.org/10.17645/pag.v5i4.1073>
- Mbah, M. (2020). *Addressing Human Trafficking through Public Procurement : An Examination of US and Australian Federal Procurement Frameworks Overview [Doctoral Thesis]*. Bangor University.
- Mbah, M., Cahill, D., & Ceri, E. (2021). Tackling Human Trafficking in Governments Supply Chains : Legal Certainty & Effectiveness Issues Under the Australian Commonwealth Procurement Rules. *Federal Law Review (In Press)*.
- Meehan, J., Ludbrook, M. N., & Mason, C. J. (2016). Collaborative public procurement: Institutional explanations of legitimised resistance. *Journal of Purchasing and Supply Management*, 22(3), 160–170. <https://doi.org/10.1016/j.pursup.2016.03.002>
- Methven O'Brien, C., Vander Meulen, N., & Mehra, A. (2016). *Public Procurement and Human Rights: A Survey of Twenty Jurisdictions*. 1–104.
- OECD. (2020). *Integrating Responsible Business Conduct in Public Procurement*.  
[https://www.oecd-ilibrary.org/governance/integrating-responsible-business-conduct-in-public-procurement\\_02682b01-en](https://www.oecd-ilibrary.org/governance/integrating-responsible-business-conduct-in-public-procurement_02682b01-en)
- OSCE. (2018). *Model Guidelines on government measures to prevent trafficking for labour exploitation in supply chains*.
- OSCE. (2020). *Compendium of Relevant Reference Materials and Resources on Ethical Sourcing and Prevention of Trafficking in Human Beings for Labour Exploitation in Supply Chains*.
- OSCE. (2021). *Summary of OSCE Workshops on " Prevention of Human Trafficking in Supply Chains through Public Procurement " and recommended next steps*.
- PIANOO. (2018). *Be aware of mandatory frameworks and organisational objectives*.  
<https://www.pianoo.nl/en/sustainable-public-procurement/spp-procurement-process/check-list-spp/1-be-aware-mandatory>
- PIANOO. (2022). *Social conditions in global supply chains*.  
<https://www.pianoo.nl/en/sustainable-public-procurement/spp-themes/social-conditions-global-supply-chains>
- Pietropaoli, I., Johnstone, O., & Balch, A. (2021). *Policy Brief: Effectiveness of forced labour import bans*. July, 1–9. <https://modernslaverypec.org/assets/downloads/PEC-Policy-Brief-Effectiveness-Forced-Labour-Import-Bans.pdf>
- Sanchez-Graells, A. (2019). Public Procurement and ' Core ' Human Rights : A Sketch of the EU Legal Framework. In *Public Procurement and Human Rights: Risks, Dilemmas and Opportunities for the State as a Buyer*. Edward Elgar.

- SOMO. (2014). *A review of Dutch policy for socially responsible public procurement* (Issue March).
- SOMO. (2018). *Looking Good on Paper: Review of recent research on the impact of sustainability certification on working conditions on large farms*.  
<http://vlib.excelior.edu/login?url=https://search.ebscohost.com/login.aspx?direct=true&db=bth&AN=12408459&site=eds-live&scope=site>
- Swedwatch. (2016). *Agents for change. How public procurers can influence labour conditions in global supply chains. Case studies from Brazil, Pakistan and Thailand*.  
<https://swedwatch.org/publication/public-authorities-agents-for-change/>
- Swedwatch, & BMA. (2015). *Healthier Procurement*.  
<https://swedwatch.org/publication/healthier-procurement/>
- Swedwatch, & Finnwatch. (2015). Trapped in the Kitchen of the World: The situation for migrant workers in Thailand's poultry industry. In *Report 76*. <https://swedwatch.org/wp-content/uploads/2021/01/76thaikyckling151123ab.pdf>
- The Danish institute for Human Rights. (2020). *Driving Change Through Public Procurement* (Issue March).
- The World Bank, & Inter-American Development Bank. (2019). *A Global View of Debarment: Understanding Exclusion Systems Around the World*. <https://doi.org/10.37701/0033-2909.126.1.78>
- Toronto Sun. (2021, August 11). Feds ensure government contracts do not include "slave-made" goods. *Toronto Sun*. <https://torontosun.com/news/feds-ensure-government-contracts-do-not-include-slave-made-goods>
- United Nations Human Rights Office of the High Commissioner. (2011). *Guiding Principles on business and human rights*. Routledge.  
[https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr\\_en.pdf](https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf)
- Woods, T. (2019). Utilizing Supply Chain Transparency Measures to Combat Trafficking in Persons: A Comparative Analysis of the U.S. and Swedish Systems. *Public Contract Law Journal*, 48(2), 423-[ii].



## Annex A: Table of public procurement laws, policies and practices

Table 1: Public procurement laws, policies and practices implemented worldwide<sup>47</sup>

Instrument	Country <sup>48</sup>	Level	Provision	Description of Modern Slavery Provisions/practices <sup>49</sup>	Coverage <sup>50</sup>	Sectorial Focus
<b>Public Procurement Laws, Policies and Regulations</b>						
<a href="#">Commonwealth Procurement Rules (CPR) 2022</a> <sup>51</sup>	Australia	National	<i>Exclusion Criteria</i>	<i>CPR 6.5 defines <b>ethical purchasing</b>. Rule 6.7 Rule 6.7, that <u>requires</u> relevant entities<sup>52</sup> to "not seek to benefit from supplier practices that may be dishonest, <b>unethical</b> or unsafe. This includes not entering into contracts with tenderers who have had a judicial decision against them (not including decisions under appeal) relating to <b>employee entitlements</b> and who have not satisfied any resulting order. Officials <u>should</u> seek declarations from all tenderers confirming that they have no such unsettled orders against them.</i>	Goods, Services and Works	Not sector specific
<a href="#">Modern Slavery Act 2018</a>	Australia	National	<i>Transparency</i>	<i>The Australian Government is <u>required</u> to prepare annual <b>modern slavery</b> statements. The Commonwealth is required to report on behalf of non-corporate Commonwealth entities, and the reporting requirements also apply to Commonwealth corporate entities and companies with an annual consolidated revenue of more than \$100 million.</i>	Goods, Services and Works	Not sector specific
<a href="#">Procurement Act 2020 and Procurement (Debarment of Suppliers) Regulations 2021 (in force 1 January 2022)</a>	(Western) Australia	Subnational	<i>Exclusion (debarment)</i>	<i>Debarment regime to preclude suppliers who engage in unlawful and irresponsible business practices from seeking or being awarded a public contract. The regime identifies 3 categories of debarment: Category A (5 years debarment) contravention of legislation relating to <b>human trafficking</b>, and others. Category B (2 years) conduct includes non-compliance with the <b>modern slavery</b> reporting requirements of the Modern Slavery Act 2018. Affiliates of a supplier (including overseas entities) can also be debarred if it is in the public interest. The names of debarred suppliers will be published on a public register.</i>	Goods, Services and Works	Not sector specific

<sup>47</sup> Elaborated by the author. This is not an exhaustive list of laws, policies and practices or of their provisions. This list is in alphabetical order according to country name.

<sup>48</sup> Or jurisdiction.

<sup>49</sup> In bold: modern slavery relevant provisions. Underlined: voluntary vs mandatory language.

<sup>50</sup> In EU law, the subject matter of procurement is commonly divided into three categories: Goods (supply of products); services; and works (construction) (Methven O'Brien et al., 2016). This framework is used here based on evidence by [The International Learning Lab on Procurement & Human Rights](#) and the definitions from The Danish institute for Human Rights (2020). *Goods* refer to: raw materials, products and equipment and objects in solid, liquid or gaseous form, and electricity, as well as services incidental to the supply of the goods if the value of those incidental services does not exceed that of the goods themselves. *Services* refers to: Work, duty or labour performed by a contractor such as security, catering, cleaning, travel management, event management, IT services, training, freight forwarding, and consulting. *Works* refers to: all activities associated with the construction, reconstruction, demolition, repair or renovation of a building, structure or activities such as site preparation, excavation, erection, building, installation of equipment or materials, decoration and finishing, as well as services incidental to construction such as drilling, mapping, satellite photography, seismic investigations and similar services provided pursuant to the procurement contract, if the value of those services does not exceed that of the works themselves.

<sup>51</sup> These rules do not refer explicitly to modern slavery issues, but it has been analysed in such context. See Mbah et al. (2021).

<sup>52</sup> Officials from non-corporate Commonwealth entities and prescribed corporate Commonwealth entities listed in section 30 of the Public Governance, Performance and Accountability Rule 2014 must comply with the CPRs when performing duties related to procurement.

<a href="#">Federal Law on public procurement (BVerG 2018)</a>	Austria	National	<i>Exclusion Beyond Tier 1</i>	<i>The contracting authority or entity <b>has to</b> exclude an economic operator from participation in the procurement procedure if that economic operator has been convicted by final judgement of, inter alia, <b>slavery or, trafficking in human beings</b>. This mandatory exclusion ground also applies to all subcontractors. In case a subcontractor has been convicted of any of the mentioned offences, the economic operator <b>has to</b> be excluded from participation in the procurement procedure or the respective subcontractor has to be rejected (and the economic operator has to nominate another subcontractor).<sup>53</sup></i>	Goods, Services and Works	Not sector specific
<a href="#">Public Procurement Act of 2017</a>	Belgium	National	<i>Exclusion and selection criteria</i>	<i>The Belgium Public Procurement Act of 2017 <b>requires</b> that suppliers and subcontractors comply with environmental, <b>social and labour laws</b>, and allows for failure to do so to be used as a ground for exclusion. The public buyer can require a specific label as evidence of <b>human rights</b> compliance for goods and services. The buyer can also introduce minimum standards as technical specifications applicable across the lifecycle of the goods and services.</i>	Good and Services	Not sector specific.
<a href="#">City of Ghent procurement policy 2014</a>	Belgium	Subnational	<i>Selection criteria &amp; contract performance clauses</i>	<i>The City of Ghent entered into a partnership with the Association of Flemish Cities and Municipalities (VVSG) to stimulate local authorities to incorporate <b>ethical criteria in their procurement procedures</b>. Sustainable workwear for the City of Ghent is defined by a minimal environmental impact throughout the life cycle and a maximum guarantee that both national and international <b>working conditions</b> and human rights are being respected throughout the entire supply chain.</i>	Goods	Textiles, ICT and stone <sup>54</sup>
<a href="#">Requirements for Ethical Procurement Apparel Policy Notification (PN) 132/2018</a>	Canada	National	<i>Selection criteria Beyond Tier 1</i>	<i>New contracting and certification <b>requirements</b> for the ethical procurement of apparel. Suppliers selling apparel to the government <b>must self-certify</b> that they and their <b>first-tier subcontractors</b> comply with local laws and international standards on labour and human rights. These rights include freedom from <b>child labour, forced labour</b>, discrimination and abuse, and access to fair wages and safe working conditions.</i>	Goods	Apparel
<a href="#">Directive 2014/24/EU on public procurement</a>	EU	Supranational	<i>Exclusion, selection, award, contract performance clauses, and termination.</i>	<i>Establishes that public authorities <b>may</b> consider multiple factors when awarding a contract, including sustainable development considerations. It establishes <b>mandatory and discretionary grounds</b> for exclusion. Mandatory social clause: Makes it possible to exclude any economic operator that has been the subject of a conviction by final judgment for <b>child labour</b> and other forms of <b>trafficking</b> in human beings (up to 5 years). Discretionary exclusion when they can demonstrate a violation to obligations in art 18 (2) on environmental, social and labour law (up to 3 years).</i>	Goods, Services and Works	Not sector specific.
<a href="#">Act on Public Procurement and Concession Contracts 2016</a>	Finland	National	<i>Exclusion Beyond Tier 1 &amp; termination</i>	<i>Section 80 <b>Mandatory exclusion</b> criteria: The contracting entity <b>shall</b> issue a decision excluding a candidate or tenderer from competitive tendering if the contracting entity is aware that the candidate or tenderer, has a legally final conviction for <b>trafficking in human beings</b>. It also allows for exclusion of subcontractors (section 78) and the contracting entity shall require the tenderer to replace a subcontractor that is subject to some mandatory exclusion criterion. In addition to the terms and conditions of the</i>	Goods, Services and Works.	Not sector specific.

<sup>53</sup> GRETA (2020) [COMPENDIUM of good practices in addressing trafficking in human beings for the purpose of labour exploitation](#).

<sup>54</sup> These were identified as having a high-risk and thus were prioritised for the policy objectives relating to international labour standards and fair-trade principles. De Cokere (2020), [THE CITY OF GHENT: LEADING THE WAY IN SOCIALLY RESPONSIBLE PROCUREMENT OF WORKWEAR](#). International Learning Lab on Public Procurement and Human Rights Blog (January).

				<i>procurement agreement, a contracting entity may terminate the procurement agreement with immediate effect if the supplier was subject to a mandatory exclusion criterion prescribed in section 80.</i>		
<a href="#">Berlin Tendering and Procurement Act (BerlAVG, 2020)</a>	Germany	Subnational	Award criteria	§ 8: Compliance with the ILO core labour standards: When awarding works, supplies or services, efforts <u>shall</u> be made to ensure that no goods are used for the provision of services which have been obtained, manufactured or further processed in disregard of the minimum standards laid down in the <b>ILO core labour standards</b> .	Goods, Services and Works	Not sector specific.
<a href="#">Public Procurement Act 2016</a>	Netherlands	National	Selection & Exclusion criteria	Contracting authorities <u>may</u> require bidders to submit compliance declarations with specific requirements related to environmental and <b>labour laws</b> . Contracting authorities <u>can</u> exclude bidders who have committed <b>human rights infractions</b> <sup>55</sup> .	Goods, Services and Works	Not sector specific
<a href="#">Government Procurement Rules (2019)</a>	New Zealand	National	Selection criteria & due diligence	Ensure that the businesses you contract with respect international standards relating to <b>human and labour rights</b> . Rule 19: Improving conditions for New Zealand workers explains the circumstances where agencies <u>must</u> require their suppliers to show that they comply with all relevant <b>employment standards</b> and health and safety requirements. To incentivise suppliers with <b>good labour practices</b> , agencies should ensure that all workers employed to fulfil the requirements of government contracts are treated fairly and are <b>not exploited</b> . In addition, agencies need to apply a greater level of due diligence in assuring that employment standards are being met for the designated contracts as these show the underlying characteristics associated with employment standards breaches and <b>labour exploitation</b> .	Goods, Services and Works	Cleaning, security, forestry <sup>56</sup>
<a href="#">Procurement Guidance Note PGN 03/18 – Human Rights in Public Procurement</a>	Northern Ireland	National	Selection criteria, contract performance clauses and due diligence.	It applies to those bodies subject to the Northern Ireland Public Procurement Policy. When entering into any commercial contracts, contracting authorities <u>should</u> assess the level of risk involved in each contract and provide a procurement strategy. <u>Where appropriate to require</u> that a contractor must not use <b>forced labour</b> in the delivery of services. The Contracting Authority must consider the method for including specific human rights requirements into the tender process either as a condition of contract or a technical specification. The Public Sector Standard Conditions of Contract contain clauses related to the <b>Modern Slavery Act</b> .	Goods, Services and Works.	Not sector specific.
<a href="#">Public Procurement Act 2016 (in force January 2017) &amp; The Regulation on Public Procurement No. 974 2016</a>	Norway	National	Contract performance clauses	The Ministry <u>may require</u> central, county and municipal authorities and public law bodies to include clauses in service and construction contracts related to wages and <b>working conditions</b> . The Ministry <u>may require</u> contracting authorities to supervise compliance with the clauses and to take action against the supplier in the event of non-compliance with the clauses. It is <u>mandatory</u> to ensure short supply chains in construction and cleaning contracts.	Goods, Services and Works	Not sector specific.
<a href="#">Norwegian regulations on wages and working conditions in public contracts No. 112 2008</a>	Norway	National	Contract performance clauses	Aims to ensure that salary and <b>working conditions</b> for workers in companies that implement public works contracts comply with national standards and tariffs. Contracting authorities <u>mandated</u> to ensure that contracts clearly stipulate that <b>wages</b> of suppliers employees or subcontractors and <b>working conditions</b> are in accordance with this regulation.	Works	Not specified.

<sup>55</sup> OSCE (2020) [Compendium of Relevant Reference Materials and Resources on Ethical Sourcing and Prevention of Trafficking in Human Beings for Labour Exploitation in Supply Chains](#).

<sup>56</sup> Established as designated contract areas which require higher due diligence for outcome three: Employment Standards.

Oslo's City Council Regulation against Child Labour <sup>57</sup> : <a href="#">The Oslo Model 2017</a>	Norway	Subnational	Contract performance clauses & termination	<i>It has been in use for a limited number of contracts since 1996 and was extended to all standard contracts in 2005. The policy was developed by Oslo's City Council together with the Corporate Procurement department. The City Council has since adopted new guidelines and contract clauses with regard to human rights and <b>child labour</b> in particular, known as the Oslo Model. Suppliers <u>have to</u> guarantee that all products supplied are manufactured in compliance with the UN Convention on the Rights of the Child and the other <b>core ILO conventions</b>. The social contract clauses allow to terminate a contract due to a breach of <b>child labour</b> or other fundamental labour and human rights laws. Max. one subcontractor in vertical line.</i>	Goods, Services and Works	Not specified.
<a href="#">The Skien Model 2014 (reviewed 2019)</a>	Norway	Subnational	Contract performance clauses, penalties, termination & suspensions.	<i>This set of collective contractual requirements applicable to '<b>high-risk</b>' sectors is called the Skien Model. It implemented standard contract terms, <u>mandatory</u> for construction and building contracts and where applicable to selected goods services. The purpose of the Skien Model is to ensure that businesses bidding for public-sector contracts offer <b>good working conditions</b>. <u>Mandatory</u> for contracting authorities to ensure <b>short supply chains</b> in contracts in construction and cleaning services (no more than two tiers). In construction contracts, the contracting authority <u>may</u> levy a daily <b>penalty</b> (no less than NOK 1,000- approximately €100 per business day) until the situation is remedied if they or any of their subcontractors use illegal or non-compliant labour. In the event of a confirmed breach of the terms of the Model and the contractor's inability to solve it, the contracting authority <u>may</u> rescind the contract with a <b>suspension period on future participation</b> in procurement procedures. The bidder is responsible for providing continuous reports on the use of <b>foreign labour</b> at all stages of the contract chain and must <b>self-certify</b> compliance with <b>ILO Convention No 94 (wages, working hours, and labour conditions)</b>.</i>	Good, Services and Works	High-risk Construction and cleaning <sup>58</sup>
<a href="#">The Public Contracts (Scotland) Regulations 2015</a>	Scotland	National	Exclusion	<i>Regulation 58: <u>legal obligation</u> on public bodies to exclude companies from tendering for public contracts where they have been convicted for <b>human trafficking</b>.</i>	Goods, Services and Works	Not sector specific.
<a href="#">Reducing the risk of human trafficking and exploitation in the performance of public contracts: SPPN 3/2020</a>	Scotland	National	Selection criteria, contract clauses	<i>Invitations to tender <u>can</u> include provisions (e.g.as specifications) aimed at ensuring supply chains are free from <b>human trafficking and exploitation</b>. Specific terms and conditions of contract <u>can</u> be developed aimed at ensuring supply chain transparency and protections related to labour and human rights risks and <b>the core ILO conventions</b>.</i>	Goods, Services and Works	Not sector specific.
<a href="#">The Public Procurement Act 2016</a>	Sweden	National	Exclusion criteria & contract performance clauses	<i><b>Exclusion criteria</b> (chapter 13): A contracting authority <u>shall</u> <b>exclude</b> a supplier from participation in a procurement if the authority learns that the supplier through a judgment that has entered into legal force has been found guilty of a crime including <b>trafficking in human beings</b>. <b>Contract Performance Clauses</b>: "A contracting authority <u>shall</u>, if it is necessary,</i>	Goods, Services and Works	Not sector specific.

<sup>57</sup> See European Commission (2021) [Buying Social - A guide to taking account of social considerations in public procurement \(2nd edition\)](#). European Commission Executive Agency for Small and Medium-sized Enterprises, Tepper, P., McLennan, A., Hirt, R. (2020). [Making socially responsible public procurement work: 71 good practice cases](#). Publications Office.

<sup>58</sup> Mandatory clause on shorty supply chains in construction and cleaning contracts.

				<i>require that the supplier <b>performs the contract</b> according to stated requirements under the <b>core conventions of the ILO</b>, if the performance is made under such conditions that Swedish labour law is not applicable.”</i>		
<a href="#">UK Public Contracts Regulations 2015</a>	UK	National	<i>Exclusion, selection criteria</i>	<i>Require potential suppliers to <b>self-declare</b> offences listed under Reg 57(1) which includes <b>Modern slavery and trafficking</b>. It also allows for <b>mandatory exclusions including modern slavery</b>.</i>	Goods and Services	Not sector specific.
<a href="#">Procurement Policy Note – Tackling Modern Slavery in Government Supply Chains Action Note PPN 05/19</a>	UK	National	<i>Exclusion criteria, selection criteria, termination of contracts &amp; due diligence</i>	<i>This Procurement Policy Note (PPN) and guidance which in scope organisations<sup>59</sup> <b>must</b> use, sets out how UK Government departments <b>must</b> take action to ensure <b>modern slavery risks</b> are identified and managed in government supply chains in both existing contracts and new procurement activity. The guidance includes that failure to publish a statement or failure to comply with the requirements of Section 54 as a <b>discretionary exclusion ground</b>. Includes <b>mandatory exclusion</b> of bidders from public procurement if they have been convicted for modern slavery. <b>Terminating</b> a contract for reasons linked to modern slavery should only be considered as a last resort. Modern slavery risk management requirements such as certifications or standards can be included as technical specifications.</i>	Goods, Services and Works	Not sector specific.
<a href="#">Procurement Policy Note 06/20 – taking account of social value in the award of central government contracts</a> (Applied from January 1st, 2021)	UK	National	<i>Award criteria; Due diligence</i>	<i>This note sets out how to take account of social value in the award of central government contracts by using the Social Value Model. Central government organisations<sup>60</sup> <b>should</b> use this model. Social value criteria <b>must</b> receive a minimum 10% weighting. Model Award Criteria 6.3: Demonstrate action to identify and manage the risks of <b>modern slavery</b> in the delivery of the contract, including in the supply chain. Reporting metrics for this criteria include the percentage of the supply chain for which <b>supply chain mapping</b> has been completed to the appropriate tier or to source in order to reduce the risks of <b>modern slavery</b>.</i>	Goods, Services, Works	Not sector specific.
<a href="#">Procurement policy note 8/16: Standard Selection Questionnaire (SQ) template (updated 2017)</a>	UK	National	<i>Selection &amp; exclusion criteria</i>	<i>This note provides the revised standard Selection Questionnaire (SQ) template and guidance and substitutes the standard Pre-qualification Questionnaire (PQQ). Organisations in scope<sup>61</sup> are required to apply this guidance when undertaking the supplier selection process in procurements above the relevant EU thresholds. <b>Child labour and other forms of trafficking</b> in human beings listed as mandatory exclusion. Selection questions include compliance with the <b>Modern Slavery Act 2015</b> supply chain transparency reporting (s.54).</i>	Goods, Services, and Works.	Not sector specific.
<a href="#">US Federal Acquisition Regulation (FAR) 2015</a>	U.S.	National	<i>Exclusion (debarment), selection, termination, suspension,</i>	<i>Subpart 22.17; Combating Trafficking in Persons. This subpart prescribes policy for implementing Executive Order 13627. The government <b>may terminate</b> any agreement if it finds that an entity or its subcontractors are engaged in <b>forced labour</b>, severe forms of <b>human trafficking</b>, providing substandard housing, using false promises to lure employees, charging</i>	Goods and Services	Not sector specific.

<sup>59</sup> Applies to all Central Government Departments, their Executive Agencies and Non-Departmental Public Bodies. Voluntary to other public sector contracting authorities.

<sup>60</sup> Central Government Departments, their Executive Agencies and Non-Departmental Public Bodies.

<sup>61</sup> Applies to all contracting authorities in England and contracting authorities in Wales and Northern Ireland that exercise wholly or mainly reserved functions for procurements above the thresholds laid down in the Public Contracts Regulations 2015.

			contract performance clauses & due diligence.	unreasonable recruitment fees, etc. Public buyers <i>may</i> require suppliers to disclose identity, locations of subcontractors. FAR 22.1704(b) empowers Contracting Officers with a list of available remedies for human trafficking violations, including <b>suspension and debarment</b> after credible information about a violation. The FAR also <u>requires due diligence</u> in relation to human trafficking. Under the FAR, agencies <u>must</u> insert a <b>clause</b> in all solicitations and contracts that imposes obligations on suppliers to prevent human trafficking. It also imposes a <b>compliance plan</b> , due diligence and <b>certification</b> requirements for overseas contracts over \$550,000 although it does include commercially available off-the-shelf (COTS) items.		
<a href="#">Executive Order 13126 on the "Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labour," 1999</a>	U.S.	National	Selection criteria	Aims to ensure that U.S. federal agencies do not procure goods made by <b>forced or indentured child labour</b> . It requires the Department of Labour to publish and maintain a list of products, by country of origin, which the three Departments have a reasonable basis to believe might have been mined, produced, or manufactured by forced or indentured child labour. Under the procurement regulations implementing the Executive Order, federal contractors who supply products from this list <u>must certify</u> that they have made a good faith effort to determine whether forced or indentured child labour was used to produce the items listed.	Goods	Not sector specific.
<a href="#">Executive Order 13627: Strengthening Protections Against Trafficking in Persons in Federal Contracts 2012</a>	U.S.	National	Exclusion (debarment and suspension)	Prohibits <b>human trafficking</b> activities not just by federal prime contractors, but also by their employees, subcontractors, and subcontractor employees. Also, contracting officers <u>must</u> contact their agency official overseeing suspension and debarment when they become aware of human trafficking violations. It stipulates that the Administrator for Federal Procurement Policy will provide guidance to agencies on how to improve monitoring of and compliance with actions to prevent trafficking and will implement improved training for the federal acquisition workforce.	Goods, Services and Works	Not sector specific <sup>62</sup> .
<a href="#">1936 Walsh-Healey Act</a>	U.S.	National	Exclusion	Prohibits federal agencies from purchasing sweatshop goods in contracts of a value over \$15,000. Sweatshop labour is defined with respect to compliance in the country of production with applicable rules regarding minimum wages, maximum working hours, child labour, convict labour, and health and safety. However, imported goods are exempt.	Goods	Not specified.
<a href="#">Executive Order – Zero Tolerance for Human Trafficking in City Service Contracts and Purchasing and Comprehensive Anti-trafficking Strategic Plan – City of Houston 2017</a>	U.S.	Subnational	Suspension & termination	Assure the integrity of the procurement process is not undermined by <b>substandard labour practices</b> or purchase of services provided or goods made under <b>exploitative</b> or unsustainable conditions. The City of Houston has a robust anti-trafficking program and multi-pronged strategic plan, which has been credited as the nation's first comprehensive municipal response to <b>human trafficking</b> . Contractors that have been found to have engaged or promoted—directly or indirectly— <b>human trafficking</b> <u>may</u> be subject to suspension or termination of the relationship with the city if no remedial action is taken in an acceptable manner.	Goods and Services	Not sector specific.

<sup>62</sup> However, to prepare for its implementation, Verité, contracted by the US Government, mapped and identified sectors with significant federal procurement and risk of trafficking in human beings including agriculture, construction, electronics, forestry, healthcare, and textiles. OSCE (2018). [Model Guidelines on government measures to prevent trafficking for labour exploitation in supply chains](#).

<a href="#">‘Sweatfree’ policy of the City of Madison, Wisconsin: Uniform Management Programme Cooperative Contract 2014</a>	U.S.	Subnational	Selection & award criteria	To eliminate <b>unsafe and illegal working conditions</b> in apparel factories worldwide, Madison Developed a cooperative <b>"piggyback" contract</b> and required all bidders to <b>disclose information</b> on factory location, wages, and hours, for a minimum of 60% of factories to be used in production of goods for the contract. The awarded contractor <b>was required</b> to increase this disclosure by 10% each year and provide compliance action plans from all manufacturers producing goods for the contract above a certain value threshold. The contract <b>can be used</b> by all City of Madison agencies, approximately 167 other local government counties, cities, town and other public entities and agencies in the US.	Goods	Apparel
<a href="#">Welsh Procurement Policy Note WPPN 11/21: Code of Practice - Ethical employment in supply chains for the Welsh public sector</a>	Wales	National	Selection criteria	Contracting authorities <b>should</b> require contractors to adopt fair employment and labour practices, recruiting and retaining staff in a fair and ethical manner, and provide a safe and competent workforce employed in accordance with industry best practice. <b>Modern slavery</b> is included as unethical employment practices. In the Invitation to tender, contracting authorities <b>can</b> include a statement of commitment to fair employment practices.	Goods, Services and Works	Not sector specific.
<b>Practices: Guidelines and training</b>						
<a href="#">Information Sheet for Commonwealth Government procurement officers 2022</a>	Australia	National	Awareness	To encourage Government procurement officers to reflect on whether the people involved in the production of goods or the provision of services that they procure could be victims of <b>human trafficking and slavery</b> .	Goods and Services and Works	Not sector specific
<a href="#">Modern Slavery in Public Procurement e-learning module 2019</a>	Australia	National	Awareness	This module has been developed to help public buyers understand what <b>modern slavery</b> is, and what you and your agency can do to practice ethical procurement practices, and rid slavery from global operations and supply chains.	Goods and Services and Works	Not sector specific
<a href="#">Toolbox Socially Responsible Workwear: A Guide for Public Purchasers 2018</a>	Belgium	Subnational	Contract performance clauses	Guide for a sustainable procurement policy for local authorities in Flanders that includes compliance with <b>ILO core conventions</b> and examples of public buyers <b>inserting clauses</b> for vendors to sign a commitment to respect them.	Goods	Textiles
<a href="#">Buying social guide 2021</a>	EU	Supranational	Social criteria across the procurement process	Guide for public buyers to support them in covering the social dimension of sustainable public procurement. Social objectives include ensuring compliance with social and <b>labour rights</b> and the <b>fundamental ILO conventions</b> . The purpose is to raise public buyers' awareness and explain the opportunities offered by the EU legal framework. The chapters of this guide address all aspects of the procurement process and how social considerations can be introduced.	Goods, Services and Works	Not sector specific.
<a href="#">Combating Trafficking in Human Beings and Labour Exploitation in Supply Chains -</a>	Pan-European	Supranational	Awareness and Due diligence	The guidance aims to support procurement and <b>anti-trafficking</b> staff in the OSCE with the background knowledge to understand the risk of trafficking and labour exploitation in OSCE supply chains and implement anti-trafficking measures in their procurement activities, alongside training workshops, procurement risk analyses and local action plans. The OSCE has trained its public procurement officers and programmatic staff.	Goods, Services and Works	Not sector specific.

<a href="#">Guidance for OSCE Procurement</a>						
<a href="#">Labour Exploitation and Public Procurement Guide 2021</a>	Finland	National	Awareness and Due diligence	To offer tools for public procurement entities in Finland to address and manage risks of <b>labour exploitation in national supply chains</b> . The guide provides information on exploitation of migrant workers and <b>human trafficking</b> in Finland, and advice on how to react when cases of labour exploitation are suspected or encountered. The guide also proposes measures for the prevention of exploitation at different stages of the procurement procedure.	Goods, Services and Works	Not sector specific.
<a href="#">Guideline for sustainable textile procurement Leitfaden der Bundesregierung für eine nachhaltige Textilbeschaffung der Bundesverwaltung 2020</a>	Germany	National	Selection and award criteria & contract performance clauses	The guideline describes in detail how social and environmental sustainability criteria can be incorporated into tender documents at different stages of the procurement process: the selection criteria, specification for tenders, award criteria, conditions for execution. In all three stages of the process set out in the guideline, the social sustainability criteria encompass a range of <b>ILO conventions</b> as well as additional propositions such as a living wage.	Goods	Textiles
<a href="#">Getting started with social conditions in global supply chains 2017</a>	Netherlands	National	Contract performance clauses, penalties & termination	Guide to integrate <b>social conditions</b> into public contracts. Implementation of social conditions is <u>required</u> in the Netherlands for European public procurement by the State. Social conditions in global supply chains include promoting international labour standards and human rights, including combating <b>forced labour, slavery, child labour</b> and unfair discrimination <sup>63</sup> . If a supplier does not comply with social conditions in the contract, <b>fin</b> es can be imposed. If, after notice of default, the contractor still does not comply with social conditions in the contract, the agreement can be <b>terminated</b> .	Goods, Services, Works	Not sector specific but additional social criteria are included for textiles, flowers, coffee, tea, cocoa <sup>64</sup> .
<a href="#">Walk the talk: Ensuring socially responsible public procurement 2014</a>	Norway	National	Contract performance clauses & due diligence	Guide to promote <b>workers' and human rights</b> protection in the manufacturing of goods for public organisations. The function of the SRPP criteria is to request and verify that suppliers to public organisations have socially responsible supply chain management systems in place. SRPP contract performance clauses include <b>the ILO core conventions</b> .	Goods	High-risk <sup>65</sup>
<a href="#">Worker conditions: sustainable procurement guidance 2018</a>	Scotland	National	Contract performance clauses	Guidance for public bodies to embed contract requirements where there may be concerns about human rights, working conditions and <b>exploitation</b> . Its focus is on behaviour that is <b>exploitative</b> and concentrates on circumstances where human rights may be infringed. Concerns regarding compliance with <b>ILO conventions</b> including <b>forced or child labour and</b>	Goods, Services and Works	Not sector specific.

<sup>63</sup> It is mandatory to implement social conditions for all central government contracts (and voluntary for all other contracting authorities) when contracts exceed or are equal to the European thresholds and which falls within the national risk categories. It is obligatory to include these social conditions in the tender documentation as special terms and conditions of performance while social conditions in selection or award criteria are voluntary. In the case of smaller contracts, a decision should be made about whether or not to include social conditions. PIANOo (2022). [Social conditions in global supply chains](#).

<sup>64</sup> PIANOo (2018) [Be aware of mandatory frameworks and organisational objectives](#).

<sup>65</sup> See Difi high-risk list.



				<b>human trafficking, and slavery and human trafficking statements not published by suppliers where required under section 54 of the <i>Modern Slavery Act 2015</i>.</b>		
<a href="#">Procurement Reform (Scotland) Act 2014: statutory guidance 2022</a>	Scotland	National	Selection and award criteria, exclusion.	This suite of statutory guidance provides advice on what a contracting authority should do to comply with the Public Contracts (Scotland) Regulations 2015 and the Procurement Reform (Scotland) Act 2014. Chapter 5 on Fair Work describes what is required of a contracting authority to advance Fair Work through procurement where there is a risk of <b>exploitative practices</b> . Chapter 6 provides guidance for selection, award and exclusion criteria. Annex B lists <b>Child labour and other forms of trafficking in human</b> as mandatory exclusion criteria.	Goods, Services and Works.	Not sector specific.
<a href="#">Tackling modern slavery in PPE supply chains: A practical guide for public bodies Tools and further guidance 2021</a>	UK	National	Due diligence	To provide commercial staff in UK public bodies tailored information on the key measures that can be taken to carry out effective <b>modern slavery due diligence</b> in PPE supply chains.	Goods	Health (PPE)
<a href="#">The Ethical Procurement for Health workbook 2017</a>	UK <sup>66</sup>	National	Due diligence, selection and award criteria, contract management	Guidelines on inclusion of <b>labour rights</b> protection into contracts. This workbook provides a framework for implementing ethical procurement and focuses on promoting <b>labour standards</b> through procurement and contract management process.	Goods, Services and Works	Health & Social care.
<a href="#">Protecting human rights in the supply chains: A guidance for public procurement practitioners 2017</a>	UK	National	Due diligence	Guidance to encourage public procurement practitioners, decision-makers and opinion-formers to understand why promoting respect for human rights in public supply chains is important, develop a strategic approach to human rights due diligence, identify practical steps that can be taken to help mitigate the risk of <b>human rights abuses</b> in supply chains, work in collaboration with other organisations in order to increase knowledge and promote good practice. Developed by London Universities Purchasing Consortium, University of Greenwich, and the Chartered Institute of Procurement and Supply.	Goods, Services and Works	Not sector specific.
<a href="#">Guidance to tackle modern slavery in the hand car wash sector 2020</a>	UK	National	Awareness	This guidance is intended to increase awareness of the risk of <b>slavery</b> in hand car washes and increasing standards within the sector, and to bring clarity to the role that councils and other organisations can play within the current regulatory framework, pending any new system of oversight being introduced. Recommends councils to tackle modern slavery in car washes by training staff, promote a code of practice, collaborate with other agencies and support victims. Developed by the Local Government Association (LGA).	Services	Hand car wash sector
<a href="#">Guidance for councillors 2019</a>	UK	National	Awareness and due diligence	A follow up guidance from the 2017 council guide. Developed by the Local Government Association (LGA). It aims to support local councillors in thinking about their role to tackle <b>modern slavery</b> . In particular with regard to awareness raising, scrutinising the work of the council and its partners and holding them to account.	Goods, Services and Works.	Not sector specific.

<sup>66</sup> Department of Health.

<a href="#">Tackling modern slavery: a council guide 2017</a>	UK	National	Awareness and Due diligence	The Local Government Association (LGA) Published detailed guidance in 2017 to increase awareness of <b>modern slavery</b> and provide clarity for councils on their role in tackling it. It provides steps that councils <u>can</u> take on public procurement. The LGA has also run <b>modern slavery</b> workshops around the country.	Goods, Services, and Works	Not sector specific.
<a href="#">Code of Practice: Guide to tackling modern slavery 2022</a>	Wales	National	Awareness and Due diligence	It is designed to help ensure workers in public sector supply chains in Wales are employed in a fair and ethical way. The code covers employment issues including <b>Modern Slavery and human rights abuses</b> . The 'Wales Procurement Policy Statement' (WPPS) supports this and sets out the expectations placed on every public sector organisation in Wales.	Goods, Services, and Works	Not sector specific.
<b>Practices: Toolkits &amp; Resources</b>						
<a href="#">Addressing Modern Slavery in Government Supply Chains A toolkit of resources for Government procurement officers</a>	Australia	National	Due diligence	This procurement toolkit is aimed at procurement officers who work in any government department, agency or body. It provides a range of resources to assist procurement officers to <b>identify, assess and manage modern slavery</b> risks at all stages of the procurement process. This Toolkit has been designed to be used within the existing Commonwealth procurement framework, primarily the Commonwealth Procurement Rules. Includes: tender guidance, risk assessment tool, supplier questionnaire, <b>modern slavery</b> model contract clauses and <b>modern slavery training</b> .	Goods and Services and Works	Not sector specific.
<a href="#">Supplier Questionnaire- Identifying modern slavery risk</a>	Australia	National	Selection	The Questionnaire <u>can</u> be integrated into the tender process itself as a criteria during the contract application process. Procurement officers <u>are encouraged</u> to ask suppliers to complete the Questionnaire when the procurement is screened as having a modern slavery risk level of 9 or more when using the Risk Screening Tool. Any Australian Government official undertaking a procurement <u>can use</u> the Questionnaire. If the supplier's answers are not fully satisfactory, this does not necessarily mean they should not be considered for the contract. Rather, agencies are encouraged to work with that supplier.	Goods and Services and Works	Not sector specific.
<a href="#">Modern Slavery Model Contract Clauses</a>	Australia	National	Contract performance clauses	A suite of model <b>modern slavery</b> contract clauses with graduating obligations, depending on the modern slavery risk profile of the procurement. There are short, standard and long form versions of the draft modern slavery clause depending on risk level. The inclusion of Modern Slavery model clauses into contracts is <u>optional</u> but recommended.	Goods and Services and Works	Not sector specific.
<a href="#">Risk Screening Tool</a>	Australia	National	Due diligence	This tool <u>is intended</u> to be used at the beginning of a new procurement, or when assessing the risk of <b>modern slavery</b> in existing contracts to assess the general risk classification of the procurement. It is not intended to facilitate a detailed analysis of risk with a particular supplier, but rather to provide sufficient information to differentiate between low, medium and high-risk categories of the procurement relating to modern slavery compliance.	Goods and Services and Works	Not sector specific.
<a href="#">Sustainability Compass 2010</a>	Germany	National	Due diligence	It provides contracting authorities and suppliers with information on socially responsible public procurement practices, on specific <b>labour standards</b> risks, labelling schemes, guidelines for procurement criteria and practical examples from other local contracting authorities. It supports practitioners in implementing sustainability criteria.	Goods	Not specified.
<a href="#">CSR risk checker</a>	Netherlands	National	Due diligence	Public buyers <u>are encouraged</u> to use the CSR risk checker to <b>identify risks</b> and obtain tangible evidence of a higher risk that certain social standards may be violated in a specific product group or geographical region. Themes in the CSR risk checker include wages and <b>working conditions</b> .	Good, Services and Works	Not sector specific.

<a href="#">Contract performance clauses for safeguarding basic human rights in the supply chain 2022</a>	Norway	National	Contract performance clause & termination.	Model templates of <b>contract performance clauses</b> based on based on the <b>ILO core conventions</b> , the UN Convention of the Child and national legislation of the country of production. The Contract performance clauses for safeguarding basic human rights in the supply chain, holds suppliers liable for integrating human rights due diligence carrying as part of core operations. They are <b>recommended</b> to be used when procuring <b>high risk products</b> . Breaches include corrective action plans, suspension, change of sub-suppliers and termination of contract.	Goods	High-risk <sup>67</sup>
<a href="#">Difi High Risk List 2018</a>	Norway	National	Due diligence	The Difi High Risk List contains information on <b>high-risk products</b> . It is a guidance tool, and not exhaustive. Products are defined as “high risk procurement” when there are systematic documented high risk of <b>human rights abuse</b> occurring in the supply chain, meaning the value chain from raw material extraction to component production until finishing assembling. The documentation is based on reports and studies by <b>ILO</b> and other relevant sources. To make the list relevant in the daily practice of public procurers, specific product categories from each product group have been selected based on Norwegian public procurement activities. Due to the principle of proportionality, <b>Socially Responsible Public Procurement requirements should</b> only be used in high-risk purchases.	Goods	Vehicles, medical supplies, furniture, textiles, food & beverage, electronics and ICT, construction and landscape materials, sport equipment, office supplies.
<a href="#">CDP supplier code of conduct 2021</a>	Northern Ireland	National	Selection criteria	Members of professions engaged on government work, whether as suppliers or sub-contractors, are <b>expected fully</b> to comply with the Code and the standards of their professional bodies. Suppliers <b>must</b> support and respect the protection of internationally proclaimed human rights and ensure they are not complicit in human rights abuses including adherence to the principles concerning International <b>Labour Standards</b> established by the <b>International Labour Organisation (ILO)</b> . Suppliers <b>must</b> sign the code. If applicable, suppliers must also fully comply with the requirements of the <b>Modern Slavery Act 2015</b> .	Goods, Services and Works	Not sector specific.
<a href="#">Labour Standards Assurance System (LSAS) 2012</a>	UK	National	Due diligence	Ensure NHS Supply Chain procures from suppliers that are making improvements in <b>labour standards</b> management throughout their supply chains. It uses a progressive matrix approach to implementation to demonstrate progress. <b>Risk based approach</b> , focusing on supply chains with documented human rights abuses such as gloves, surgical instruments, and uniforms. Launched as part of both the Direct Textiles Framework Agreement as well as the Framework Agreement for Surgical Instruments <sup>68</sup> . The LSAS has been made a <b>contractual requirement</b> in national agreements in specific product categories including surgical instruments, textiles, surgical gloves, etc. <sup>69</sup> .	Goods	Health, textiles
<a href="#">Modern Slavery Assessment Tool (MSAT) 2017</a>	UK	National	Due diligence	The MSAT is a <b>modern slavery</b> risk identification and management tool. Public buyers are <b>encouraged</b> to use the MSAT with existing suppliers. This tool has been designed to help public sector organisations work in partnership with suppliers to improve protections and reduce the risk of <b>exploitation</b> of workers in their supply chains. It also aims to help public	Goods and Services	Not sector specific.

<sup>67</sup> See Difi high-risk list.

<sup>68</sup> Methven O'Brien, C., Vander Meulen, N., & Mehra, A. (2016). *Public Procurement and Human Rights: A Survey of Twenty Jurisdictions*. 1–104.

<sup>69</sup> British Medical Association (2017). *Ethical Procurement for Health: Workbook*.

				sector organisations understand where there may be risks of <b>modern slavery</b> in the supply chains of goods and services they have procure. Suppliers can share results with multiple buyers.		
<a href="#">Responsible Sourcing Tool 2016</a>	U.S.	National	Due diligence.	Online platform that includes resources to help federal contractors, acquisition officers and business identify, prevent and address <b>human trafficking</b> risks in supply chains. The purpose of developing the RST was to ensure that the resources could benefit and inform both public and private sector procurement.	Goods and Services	11 key sectors and 43 commodities.
<a href="#">List of Products Produced by Forced or Indentured Child Labour 2022</a>	U.S.	National	Selection criteria	Since 2001, ILAB maintains a list of products and their source countries which it has a reasonable basis to believe are produced by <b>forced or indentured child labour</b> , pursuant to Executive Order 13126. This List is intended to ensure that U.S. federal agencies do not procure goods made by forced or indentured child labour. Under procurement regulations, contractors who supply products on the List <u>must</u> <b>certify</b> that they have made a good faith effort to determine whether forced or indentured child labour was used to produce the items supplied.	Goods	Comprises 34 products from 26 countries. Including agriculture, electronics, textiles & garments.
<b>Practices: Collaborative initiatives</b>						
<a href="#">Electronics Watch</a>	EU	Supranational	Code of conduct, contract performance clauses, and monitoring.	It is a monitoring organisation to which contracting authorities <u>can</u> become affiliates. It currently has 45 affiliates globally. The contracting authorities that affiliate with Electronics Watch gain access to country and factory specific risk assessments, a guide and toolkit to implement <b>labour rights</b> standards in tenders, template contracts, and information on worker-driven monitoring. Affiliates obligations include the incorporation of a model contract performance clause <sup>70</sup> . This model allows Electronics Watch to coordinate sector engagement for all affiliates. The Crown Commercial Service has collaborated with Electronics Watch to detect and address modern slavery in supply chains of public sector customers in the hardware supply chains.	Goods	ICT
<a href="#">Swedish County Councils</a>	Sweden	National	Code of conduct and contract performance clauses.	In Sweden, 21 county councils have joined forces to make sure the products and services they procure do not involve <b>human trafficking</b> or violations of workers' rights. The county councils use the same <b>code of labour standards</b> and contract performance conditions to facilitate nationwide coordination. Sweden's County Councils are responsible for healthcare, public transportation and regional planning. The councils have also identified specific <b>high-risk categories</b> . By entering into contract with any of the Swedish county councils, a supplier agrees to deliver products made in compliance with international standards such as the <b>ILO core conventions</b> , and all work-related health and safety legislations and labour laws in the manufacturing country.	Goods and Services	Textiles, surgical instruments, rubber gloves, dressings, IT, pharmaceuticals, food.
<a href="#">SKL Kommentus Central Purchasing Body (SKI)</a>	Sweden	National	Contract performance clauses, monitoring, penalties & termination of contracts.	Provides a service for local and regional contracting authorities to sign on to a centralised supplier monitoring system. SKL Kommentus continuously audits suppliers under their framework agreements through third party audits. It includes <b>social</b> and environmental criteria in its contracts and uses a <b>code of conduct</b> , as well as <b>contract performance clauses</b> . SKI monitors <b>social criteria</b> during the contract period by checking suppliers' processes and how they are implemented. If non-compliances are discovered, suppliers are required to take measures to comply. SKI has the right to charge a penalty fine or <b>terminate the contract</b> if substantial	Goods and services	High-risk

<sup>70</sup> Martin-Ortega (2018). Public Procurement as a Tool for the Protection and Promotion of Human Rights: A Study of Collaboration, Due Diligence and Leverage in the Electronics Industry. *Business and Human Rights Journal*, 3(1), 75–95. <https://doi.org/10.1017/bhj.2017.35>

				<i>violations are found. In 2016, SKI consolidated its code of conduct and contract clauses to match those of the county councils.</i>		
The Legal, Financial and Administrative Services Agency <a href="#">Kammarkollegiet</a>	Sweden	National	<i>Due diligence.</i>	<i>It concludes framework agreements for all national level authorities for goods and services. The Agency conducts <b>human rights</b> risk assessments for all their framework agreements and include specific requirements based on these. By representing all national level authorities in Sweden, the requirements in these framework agreements create a level playing field across the supplier base. It also facilitates dialogue with suppliers because the framework agreements are continuously used.</i>	Goods and Services	ICT, office supplies, transportation and security services <sup>71</sup>
<a href="#">The London Universities Purchasing Consortium</a>	UK	Subnational	<i>Contract performance clauses, due diligence.</i>	<i>Higher education purchasing consortia which work collaboratively to tender and manage EU-compliant framework agreements for their members to use. It has established a Responsible Procurement Advisory Group and a risk assessment tool for human rights abuses in supply chains to supports its members. In 2016, it included <b>labour rights</b> contract clauses in its framework agreement on cleaning and security services. It has also published an MSA statement. It also published a <a href="#">guide</a> for public procurement practitioners to address human rights <b>including modern slavery</b>.</i>	Services	Cleaning and Security
<a href="#">The Sweatfree Purchasing Consortium (SPC) 2010</a>	US	National	<i>Code of conduct</i>	<i>SPC is a membership organization of public entities and comprises 14 U.S. cities and 3 U.S. states that seek to ensure that the apparel products they buy are made without <b>sweatshop labour</b>. SPC members adopt sweatfree <b>codes of conduct</b>: the municipal governments of Los Angeles and San Francisco, for example, require their apparel suppliers to comply with laws in the country of production as well as <b>ILO core labour standards</b>. It provides its members with a model purchasing agreement serving as a resource centre and coordinating body.</i>	Goods	Apparel

<sup>71</sup> Those procured often, to large amounts or of substantial value by public contractors.



This review was produced by the Bingham Centre for the Rule of Law as part of the Modern Slavery PEC's Partner Work Strand, which utilises the existing expertise within the Modern Slavery PEC Consortium partners.



The Modern Slavery and Human Rights Policy and Evidence Centre was created by the investment of public funding to enhance understanding of modern slavery and transform the effectiveness of law and policies designed to overcome it. The Centre is a consortium of six academic organisations led by the Bingham Centre for the Rule of Law and is funded by the Art and Humanities Research Council on behalf of UK Research and Innovation (UKRI).



The Modern Slavery and Human Rights Policy and Evidence Centre is funded and actively supported by the Arts and Humanities Research Council (AHRC), part of UK Research and Innovation (UKRI), from the Strategic Priorities Fund.