



Code of Practice - Ethical Employment in Supply Chains

Ministerial Foreword

“The Welsh public sector spends around £6bn every year on goods, services and works involving international supply chains. A huge range of goods, works and services are purchased by every part of the public sector but the uniting factor is that people are involved in each stage of these supply chains.

It is therefore vital that, at every stage, there are good employment practices for the millions of employees. Good employment practices, which empower and reward workers, help to improve the quality of life of people here in Wales and further afield and, in turn, result in better quality goods and services. Poor – and even unethical – practices, such as the unfair use of zero hours contracts, can lead to poor morale, high staff turnover and, in some cases, can be dangerous and exploitative.

Although slavery was outlawed many years ago, and is illegal throughout the world, it is an endemic problem in some industries and in some parts of the world. Indeed, cases of people being held in conditions of modern slavery are discovered within the UK. We must do more to ensure these practices cannot take place in Wales and in our public sector supply chains around the world.

We have produced this *Code of Practice on Ethical Employment in Supply Chains* to ensure all public sector organisations are taking action to eradicate unlawful and unethical employment practices and to ensure all workers at every stage of the supply chain are treated fairly. The 12 commitments in this code of practice are aimed at public, private and third sector organisations and the accompanying guides include advice and tools for putting each commitment into practice. I hope as many organisations as possible sign up to the code of practice, which will ensure we contribute to the wellbeing of our people living and working in Wales and those involved in our supply chains across the world.”

Introduction

This Code of Practice has been established by the Welsh Government to support the development of more ethical supply chains to deliver contracts for the Welsh public sector and third sector organisations in receipt of public funds.

Evidence illustrates that unethical employment practices are taking place in supply chains throughout Wales and beyond.

This Code is designed to ensure that workers in public sector supply chains are employed ethically and in compliance with both the letter and spirit of UK, EU, and international laws. The Code covers the following employment issues:

- Modern Slavery and human rights abuses;
- Blacklisting;
- False self-employment;
- Unfair use of umbrella schemes and zero hours contracts; and
- Paying the Living Wage

Further information on each of these issues can be found in the Code of Practice Toolkit *[insert URL]*.

In signing up to the Code, organisations will agree to comply with 12 commitments designed to eliminate modern slavery and support ethical employment practices.

The Welsh Government expects all public sector organisations, businesses and third sector organisations in receipt of Welsh public sector funding to sign up to this Code of Practice. Other organisations operating in Wales from any sector are encouraged to adopt the Code.

Action taken in relation to the 12 commitments contained within the Code should be appropriate and proportionate, in line with the size and influence of each organisation and the level of risk of labour exploitation within its supply chain.

The Code of Practice should be read in conjunction with the Toolkit which contains practical guidance, example text and templates to help address each of the subjects covered, and policy advice for public sector organisations.

Code of Practice Commitments - Our organisation will:

1. Produce a written policy on ethical employment within our own organisation and our supply chains. Once produced we will communicate the policy throughout our organisation and we will review it annually and monitor its effectiveness. As part of this we will:
 - 1.1. Appoint an Anti-Slavery and Ethical Employment Champion.
2. Produce a written policy on whistle-blowing to empower staff to raise suspicions of unlawful and unethical employment practices, and which places a responsibility on staff to report criminal activity taking place within our own organisation and our supply chains. Once produced we will communicate the policy throughout our organisation. We will review the policy annually and monitor its effectiveness. We will also:
 - 2.1. Provide a mechanism for people outside our organisation to raise suspicions of unlawful and unethical employment practices.
3. Ensure that those involved in buying/procurement and the recruitment and deployment of workers receive training on modern slavery and ethical employment practices, and keep a record of those that have been trained.

4. Ensure that employment practices are considered as part of the procurement process. We will:
 - 4.1. Include a copy of our Policy on ethical employment (Commitment 1) in all procurement documentation.
 - 4.2. Include appropriate questions on ethical employment in tenders and assess the responses provided.
 - 4.3. Incorporate, where appropriate, elements of the Code as conditions of contract.
 - 4.4. Ask our suppliers to explain the impact that low costs may have on their workers each time an abnormally low quote or tender is received.

5. Ensure that the way in which we work with our suppliers does not contribute to the use of illegal or unethical employment practices within the supply chain. We will:
 - 5.1. Ensure that undue cost and time pressures are not applied to any of our suppliers if this is likely to result in unethical treatment of workers.
 - 5.2. Ensure that our suppliers are paid on time – within 30 days of receipt of a valid invoice.

6. Expect our suppliers to sign up to this Code of Practice to help ensure that ethical employment practices are carried out throughout the supply chain.

7. Assess our expenditure to identify and address issues of modern slavery, human rights abuses and unethical employment practice. We will:
 - 7.1. Carry out regular reviews of expenditure and undertake a risk assessment on the findings, to identify products and / or services where there is a risk of modern slavery and / or illegal or unethical employment practices within the UK and overseas.
 - 7.2. Investigate any supplier identified as high risk, by direct engagement with workers wherever possible.
 - 7.3. Work with our suppliers to rectify any issues of illegal or unethical employment practice.
 - 7.4. Monitor the employment practices of our high risk suppliers, making this a standard agenda item for all contract management meetings / reviews.

8. Ensure that false self-employment is not undertaken and that umbrella schemes and zero hours contracts are not used unfairly or as a means to:
 - 8.1. Avoid, or facilitate avoidance of, the payment of tax, National Insurance contributions and the relevant minimum wages.
 - 8.2. Unduly disadvantage workers in terms of pay and employment rights, job security and career opportunities.

- 8.3. Avoid Health and Safety responsibilities.
9. Ensure that workers are free to join a Trade Union or collective agreement and to undertake any related activity and raise worker concerns without risk of discrimination. We will:
- 9.1. Not make use of blacklists / prohibited lists.
 - 9.2. Ensure that our suppliers do not make use of blacklists / prohibited lists.
 - 9.3. Not contract with any supplier that has made use of a blacklist / prohibited list and failed to take steps to put matters right.
 - 9.4. Work with our suppliers to ensure that Trade Union representatives can access members and contracted workers.
10. Consider paying all staff the Living Wage Foundation's Living Wage as a minimum and encourage our suppliers to do the same. We will:
- 10.1. Consider paying at least the Living Wage Foundation's Living Wage to all our staff in the UK.
 - 10.2. Consider becoming an accredited Living Wage Employer.
 - 10.3. Also encourage our suppliers based overseas to pay a fair wage to all staff, and to ensure that staff working in the UK are paid at least the minimum wage.
11. Produce an annual written statement outlining the steps taken during the financial year, and plans for future actions, to ensure that slavery and human trafficking are not taking place in any part of our organisation and its supply chains. We will:
- 11.1. Ensure that the statement is signed off at senior management / board level.
 - 11.2. Publish the statement on our website. If this is not possible, we will provide a copy to anyone within 30 days of a request being made.

All organisations signing up to this Code are expected to produce and publish this annual written statement - for commercial organisations with a turnover of £36m or more, this also fulfils the requirements of Section 54 of the Modern Slavery Act 2015.

We encourage all organisations to publish their statements on the Transparency in Supply Chains (TISC) register www.tiscreport.org free of charge for all public and small organisations. In exchange, they can make use of the Wales Anti-Slavery Logo.

For public sector bodies to whom the Code of Practice on Workforce Matters (2014) applies:

12. Ensure all those undertaking work on an outsourced contract are treated fairly and equally. We will:
 - 12.1. Ensure that public sector staff who are transferred as part of a public service which is outsourced to a third party retain their terms and conditions of employment.
 - 12.2. Ensure that other staff working on an outsourced public service are employed on terms and conditions that are comparable to the transferred public sector staff.

Implementing the Code of Practice

The 'Code of Practice – Ethical Employment in Supply Chains' has been established to help ensure workers in public sector supply chains in Wales are employed in a fair and ethical way.

The scope of the Code of Practice covers procurement, supplier selection, tendering, contract management, workforce management and supplier management.

The Code must be read in conjunction with the Guides and other documents in the Toolkit (see below).

Who can sign up to the Code:

Organisation type	
<p>Welsh public bodies whose functions are wholly or mainly Welsh devolved:</p> <ul style="list-style-type: none"> • Welsh Government • National Procurement Service • Welsh Government Sponsored Bodies • NHS Wales • Local Government • Higher & Further Education • Emergency Services (excluding Police) 	Are expected to sign up to the Code
Third sector organisations in receipt of Welsh public funds through grants, contracts or any other means.	Are expected to sign up to the Code
Businesses involved in Welsh public sector supply chains, particularly those in markets with higher risks of labour exploitation	Are expected to sign up to the Code
Other Public Bodies in Wales	Are encouraged to sign up to the Code
Other businesses based in Wales	Are encouraged to sign up to the Code

How to sign up:

To notify us that you are signing up to the Code, simply send an email to vwpolicy@wales.gsi.gov.uk using the subject line 'Code of Practice' and include the following information:

- Your name
- Your role
- Your email address
- Your organisation's name
- Your organisation's contact details – address & telephone number

Code of Practice Toolkit:

This Code is accompanied by a Toolkit made up of a series of Guides and Procurement Advice Notes along with document templates, example tender questions, and example contract conditions. These provide practical advice and guidance to help you when implementing the Code.

The following Guides are available to download at [INSERT URL]:

- Guide to tackling modern slavery and human rights abuses
- Guide to tackling unethical employment practices
- Guide to tackling Blacklisting
- Guide to implementing the Living Wage through procurement
- Example Questions, Conditions and Policies

The following Procurement Advice Notes (PANs), aimed at public sector procurers, also form part of the Toolkit:

- Employment Practices on Publicly Funded Projects;
- Blacklisting in the Construction Industry; and
- Revised Code of Practice on Workforce Matters.

Other policy commitments, particularly for the public sector, such as those produced by Workforce Partnership Council, should be applied. Where relevant these are referenced in the Guides.

How to implement the Code:

In your own organisation:

The Welsh Government appreciates that the commitments within the Code are wide-ranging. You should be able to take action on the majority of the commitments quickly, particularly those that relate to your contracting activity, but some will take time to implement in full. Once you have signed up to the Code, we recommend you take the following steps:

- Carry out an assessment to identify the commitments with which you already comply.
- For the remaining commitments:
 - Prioritise the commitments according to your own organisation's impacts and situation.
 - Develop an Action Plan, detailing the activities you will be undertaking to implement each commitment.
 - Assign timescales to each of the actions within your Action Plan.

If you are a small organisation you may need longer to implement the Code fully. We suggest you begin with those commitments which you feel have most relevance to your organisation and work on others over time. Alternatively you may also wish to take more focussed action against each of the commitments. For example, for Commitment 7 'Assess our expenditure to identify and address issues of modern slavery and unethical employment practice' – you could begin by only assessing suppliers who supply a particular type of commodity, or only those suppliers involved in supplying your core product or service.

In your Supply Chain(s):

A number of the commitments within the Code relate to ethical practices within your supply chains. An effective way to achieve this is to expect your suppliers to sign up to the Code.

Reporting requirements:

For Welsh public sector bodies only:

Welsh public sector organisations will be asked to report on their status in relation to sign-up and implementation of the Code through the Welsh Government's Annual Return for procurement, providing information on:

- The number of staff involved in procurement who have undertaken training on modern slavery and ethical employment practices (as both a number & percentage); and
- The number of suppliers who have signed up to the Code of Practice as a result of action taken by the organisation

We will also ask for copies of the following documents to be sent with the Annual Return:

- Code of Practice Action Plan (which should form part of your annual Written Statement)
- Ethical Employment Policy
- Whistleblowing Policy

Issues relating to ethical employment practices on publicly funded projects which are raised through the Supplier Feedback Service will be reported alongside the Annual Return.

For all organisations:

Through Commitment 11 of the Code each organisation agrees to produce and publish an annual written statement outlining the steps taken in relation to modern slavery. You will only be able to continue to use the Wales anti-slavery logo if you continue to produce your annual statement and commit to carrying out the actions contained in it.

Supporting information

Practical advice and guidance on implementing the Code are contained within the Code of Practice Toolkit [insert URL].