



U.K. Joint Committee on Human Rights Inquiry into Human Rights and Business

Written Evidence Submitted by the International Corporate Accountability Roundtable: Human Rights and U.K. Public Procurement of Apparel

I. Introduction

The International Corporate Accountability Roundtable (ICAR) appreciates the opportunity to provide written input into the Joint Committee on Human Rights' inquiry on human rights and business.

ICAR is a coalition of non-profit organizations that creates, promotes, and defends legal frameworks to ensure corporations respect human rights in their global operations.¹ As part of this effort, ICAR advocates for governments and other public bodies to use their purchasing power to incentivize businesses to take effective steps to prevent and address human rights harms in their supply chains. ICAR's current research and advocacy related to public procurement is focused on the apparel sector.

In 2014, ICAR launched a report entitled *Turning a Blind Eye? Respecting Human Rights in Government Purchasing*.² The report provides 1) an overview of human rights abuses in four high-risk sectors, including apparel; 2) an analysis of gaps and opportunities in human rights protections in U.S. federal government procurement; 3) a policy menu that lays out options for using procurement to protect and promote human rights in supply chains; and 4) an example of how the policy menu could be operationalized for apparel purchasing.

Following that report, ICAR partnered with the Danish Institute for Human Rights, the Harrison Institute for Public Law at Georgetown University Law Center, and the Public Procurement Research Group at the University of Nottingham to launch the International Learning Lab on Public Procurement and Human Rights (Learning Lab).³ The Learning Lab aims to be a network of government policymakers, procurement professionals, NGOs, NHRIs, academics, and other relevant actors. The purpose of the Learning Lab is to identify effective practices in integrating the State duty to protect human rights into public procurement and to find practical solutions to overcome challenges to such integration. To do this, the Learning Lab engages in research, organizes international workshops, conducts advocacy, and engages in capacity building and outreach. ICAR and the Harrison Institute lead the research and advocacy on the apparel sector on behalf of the Learning Lab. Thus, the focus of this submission is on human rights and public procurement of apparel.

II. Human Rights Risks in Apparel Supply Chains

Global supply chains enable large-scale production of goods to varying specifications—all at the lowest possible cost—often in countries where rule of law and respect for human rights is weak or nonexistent.⁴ As such, global supply chains are often associated with a range of human rights violations.⁵

These are the same global supply chains that governments purchase from.⁶ In the apparel sector, key abuses include the violation of freedom of association, health and safety risks, low wages and excessive hours, human trafficking / forced labor, and child labor.⁷

Individuals who try to organize unions at apparel factories may be threatened or forced to resign, and may face physical, verbal, sexual, and other forms of abuse.⁸ For one Bengali worker, trying to form a union at an apparel factory led to her being beaten three times within one year, her workload increasing, and having to use a permission card to use the bathroom.⁹ Another union organizer at a garment factory in Bangladesh was told that if he returned to work he would be killed, and when he returned anyway he was beaten by a group of men.¹⁰ In 2013, five workers at an apparel factory in Cambodia were fired because of their work to set up an independent union.¹¹

Health and safety risks in the apparel industry include, among others, exposure to toxic chemicals, fire safety issues, and problems with the structural integrity of factory buildings.¹² Organic solvents that are used in the production of apparel can lead to neurological, central nervous system issues, and liver illness.¹³ These chemicals not only affect the workers that handle them, but also harm the environment and surrounding communities.¹⁴

Many apparel factories lack adequate fire safety measures, with is particularly problematic as many materials used in apparel production are flammable.¹⁵ This can lead to many worker deaths, as it did in Pakistan in September 2012, where a fire at an apparel factory complex killed nearly 300 workers.¹⁶ In this case, all but one of the exits in the factory were locked, and most of the windows were barred, leaving workers trapped in the building while it burned.¹⁷ Just one month later, in November 2012, the Tazreen Fashions factory outside of Dhaka, Bangladesh caught fire, killing over 100 people, with some burned beyond recognition.¹⁸ About 5 months later, in April 2013, another massive tragedy hit the apparel industry when the Rana Plaza Factory building in Dhaka collapsed¹⁹, killing over 1,100 people and injuring many others.²⁰ In fact, in order to survive, some people had to amputate their own limbs to get out of the rubble.²¹

Low wages and excessive hours are commonly associated with the apparel industry.²² In most apparel producing countries, workers are paid less than a living wage.²³ Although some countries have improved, a July 2013 report shows that in many apparel-producing countries, such as Thailand and Bangladesh, real wages for apparel workers actually declined from 2001 to 2011.²⁴ The study also found that the prevailing wage in the apparel sector was below a living wage in all of the fifteen countries surveyed.²⁵ At an apparel factory in Bangladesh, one woman worked eighty-nine hours in seven days, and workers are made to work late into the night when large orders come in.²⁶ In India, in the Tamil Nadu textile industry, workers are often required to work four hours of overtime per day during regular business, and are required to work double shifts (sixteen hours) or triple shifts (twenty-four hours) in a row when production has to increase.²⁷ In the U.K. itself, garment workers experience harassment, bullying, intimidation, and wage theft worth an estimated 1 million pounds every week.²⁸

Forced labor and human trafficking have been documented in the apparel industry.²⁹ The U.S. Department of State commissioned Verite to produce a report on human trafficking in supply chains, and in this report, Verite identifies apparel as a sector with significant risk of human trafficking.³⁰ In its 2014 Trafficking in Persons report, the U.S. Department of State noted that there is evidence of human trafficking in the apparel manufacturing sector in multiple countries, including India, Brazil, and

Malaysia, among others.³¹ In India, a local NGO estimates that 200,000 young women and girls are victims of a type of debt bondage known as the Sumangali scheme, in which unmarried girls from poor families are promised a lump sum payment for use as a dowry after working 3-5 years, comfortable housing, and adequate food.³² In reality, they have terrible living and working conditions, poor quality food, forced overtime, and sexual abuse, and it is estimated that less than 35% ever receive their lump sum.³³

Child labor is prevalent in the apparel industry.³⁴ In 2012, a raid on garment factories in India revealed that children under fourteen years old were working at spinning mills.³⁵ A recent investigation into the apparel industry in Cambodia found that despite a legal prohibition on children under 15 working in Cambodian factories, children between 12 and 14 were dropping out of school and going to work in apparel factories supplying international brands.³⁶ An investigation in Bangladesh, where workers under 18 years old are only legally allowed to work five hours a day, found that apparel workers as young as 13 years old must work 11 hour days in some apparel factories.³⁷

III. Connecting Human Rights Abuses to Government Procurement of Apparel

Although the examples of abuses in the apparel sector described in the previous section are not explicitly connected to government procurement, they demonstrate that the apparel sector has a high-risk of human rights abuses. This risk does not disappear when the consumer is a government as opposed to an individual. Due to the lack of publicly available information about procurement supply chains it is difficult to link specific factories to specific suppliers, let alone to link them to specific contracts. However, recently, such documentation has been on the rise, and it includes evidence of human rights abuses. For example:

- U.S. government apparel suppliers in various countries³⁸ show a pattern of hazardous working conditions, including padlocked fire exits, buildings at risk of collapse, repeated hand punctures from sewing needles when workers were pushed to work faster, and falsified wage records.³⁹
- In Cambodia in 2013, an audit revealed that close to two-dozen underage workers were working at a factory that makes clothes sold at Army and Air Force exchanges.⁴⁰
- In Bangladesh, a labor advocate who was trying to organize workers at a factory that makes clothing for the U.S. General Services Administration was arrested and tortured by police in 2010 and was found dead with clear signs of foul play in 2012.⁴¹
- In 2010, camouflage clothing for the U.S. government was produced in a factory in the Dominican Republic that paid eighty cents an hour and frequently failed to pay workers for overtime hours.⁴² This production has since been moved to a factory in Haiti, where workers are paid only seventy-two cents an hour.⁴³
- Audits of factories producing apparel for the City of Los Angeles conducted by the Worker Rights Consortium from 2008 – 2016 have revealed various labor abuses, including pay below the legal minimum wage,⁴⁴ compulsory overtime,⁴⁵ discrimination against pregnant workers,⁴⁶ intimidation of employees attempting to form a union,⁴⁷ failure to provide paid sick leave,⁴⁸ restrictions on workers' access to toilets,⁴⁹ harassment and abuse by managers,⁵⁰ and lack of adequate safety measures.⁵¹

- Similarly, in an audit conducted by the Worker Rights Consortium in 2012 for the City of San Francisco, a factory producing work shirts and pants for city workers was found to be violating various labor rights including underpayment of wages, sexual and verbal harassment, and occupational and safety violations.⁵²
- Rubber gloves purchased by Finnish health authorities were found to be produced in Thai factories using child labor and forced labor, in addition to other labor abuses such as denial of legally required breaks and public holidays, discrimination against migrant workers, and unlawfully docking workers' pay for work permits and accommodation.⁵³

Although many of the examples provided above are connected to U.S. apparel procurement, it is highly unlikely that the apparel supply chains of other governments, including the U.K., are markedly different. As the previous section and this section demonstrate, apparel is a high-risk sector for human rights abuses. The current lack of evidence explicitly linking U.K. government apparel purchasing to human rights abuses does not justify inaction. Indeed, the fact that there is a high-risk of abuses associated with the production of apparel for the U.K. government should be enough to spur the government to take steps to investigate, prevent, and protect against human rights harms in its apparel supply chains.

IV. State Duty to Protect

The United Nations Guiding Principles on Business and Human Rights (UNGPs), which were unanimously endorsed by the UN Human Rights Council in 2011, state that businesses have the responsibility to respect human rights and reaffirm that States have an obligation to protect against human rights violations by third parties, including business.⁵⁴ Furthermore, the UNGPs highlight that the state obligation to protect extends to when a “State - business nexus” exists – which includes when the State enters into a commercial transaction with a business enterprise.⁵⁵ Specifically, UNGP 6 says that that “States should promote respect for human rights by business enterprises with which they conduct commercial transactions,”⁵⁶ which includes “through the terms of contracts.”⁵⁷

By integrating human rights into the U.K.'s procurement of apparel, the U.K. government would be preventing ethical suppliers from being underbid by unscrupulous bidders, and would instead be rewarding and incentivizing companies to take human rights abuses in their supply chain seriously.⁵⁸ Additionally, the government would be leading by example. If governments expect companies to prevent, mitigate, and address human rights issues in their supply chains, governments should be doing the same.

V. Examples of Good Practice in the Apparel Sector

Some governments are indeed leading by example and working to reward companies that are addressing human rights in their supply chains. In considering ways to integrate human rights into its apparel purchases, the U.K. government can look to some existing models from these governments for guidance. The examples provided below are not exhaustive, but provide a starting point for consideration.

U.S. Cities: In the United States, several cities and states are members of the Sweatfree Purchasing Consortium, which comprises 14 U.S. cities and 3 U.S. states that seek to ensure that the apparel products they buy are made without sweatshop labor.⁵⁹ The following are leading examples.

Madison, Wisconsin published a request for proposals (RFP) for uniforms for its fire, metro, and police workers in 2014.⁶⁰ The resulting contract requires the contractor, subcontractors, and other entities used in production of the goods for the city to comply with Madison's Sweatfree Code of Conduct, which forbids the use of Sweatshop conditions and requires compliance with certain minimum labor standards.⁶¹ For this RFP, Madison required disclosure of information about factory location, wages, and hours for factories where the total aggregate value of items produced under the contract is \$5,000 or more each year.⁶² In order to move onto full evaluation, each bidder had to disclose this information for 60% of factories.⁶³ Additionally, the awarded contractor was required to increase this disclosure by 10% each year and to produce compliance action plans for any factory where the total aggregate value of items produced under the contract is \$25,000 or more each year.⁶⁴ All four bidders on the contract were able to meet the 60% disclosure requirement, and the contractor has produced all required compliance action plans.⁶⁵ The administration of this contract, including the sweatfree requirements, is funded by a rebate from the contractor.⁶⁶

San Francisco, California, also has a sweatfree code of conduct that applies to all apparel contracts above \$25,000.⁶⁷ Bidders for covered contracts must submit responses to 12 questions that aim to evaluate whether there are sweatshop conditions in the supply chain.⁶⁸ Although San Francisco does not require bidders to disclose supply chain information as Madison does, in the evaluation period, San Francisco scores each bidder on a scale from 1-100 based on its answers to the 12 questions and the extent to which the bidder discloses factory location information to the City.⁶⁹ This score is used to select the contractor, subject to a 15% price protection.⁷⁰ To monitor compliance with the Code of Conduct, San Francisco hired the Worker Rights Consortium to conduct targeted factory investigations.⁷¹

In Los Angeles, the Worker Rights Consortium monitors compliance with the City's Sweatfree Code of Conduct.⁷² The benefits of these Codes of Conduct, coupled with effective monitoring and enforcement, can be seen in one factory that was supplying the city with uniforms. In 2007, a Worker Rights Consortium audit discovered various labor violations at the factory, and the city was able to successfully use its leverage to pressure the company to address these violations.⁷³ Improvements were seen within months and included: no longer prohibiting workers from taking restroom breaks, paying legally required sick leave, implementing a policy to address verbal harassment by managers, creating additional protections for pregnant workers, and the rehiring of a worker who was fired for trying to form a union.⁷⁴

The supply chain information that SPC cities and states collect from their apparel suppliers is sent to the SPC and posted publicly on its website.⁷⁵

Swedish County Councils: The 21 Swedish County Councils are responsible for health care, public transportation, and regional planning; they spend about 13 billion Euros per year through procurement.⁷⁶ Since 2010, all 21 County Councils have used the same Code of Conduct, which creates a contractual requirement for contractors to comply with various human rights and labor conventions, as well as relevant laws in the country of manufacture.⁷⁷ This Code of Conduct applies to purchases in 7 high-risk sectors, one of which is textiles.⁷⁸ To ensure production of the goods is in compliance with the Code of Conduct, contractors in these sectors are required to carry out human rights due diligence.⁷⁹ The County Councils conduct two types of monitoring: 1) they conduct follow up desk studies to evaluate the human rights due diligence processes; and 2) they conduct targeted factory audits, either themselves or using an independent monitoring organization.⁸⁰ If a violation is found, the contractor

must create a time-bound corrective action plan, and its implementation is monitored by the County Councils.⁸¹ The County Councils may terminate a contract if the contractor is not willing to address violations in its supply chain.⁸²

The Swedish County Councils have also set up an “expert group,” made of up individuals in various positions (e.g., procurement officer, head of quality, environmental department, etc.) that the County Councils have trained in human rights.⁸³ These experts have also been trained on, among other topics, evaluating supplier compliance with the Code of Conduct, conducting risk assessments, and understanding social audits and corrective action plans.⁸⁴ Having these experts available increases the efficacy of the County Council’s integration of human rights into public procurement.

Welsh Health Supplies: To support the U.K. Government’s sustainability agenda, Welsh Health Supplies has a CSR policy that includes ethical procurement.⁸⁵ This policy requires all contracts over 25,000 pounds to include a sustainability risk assessment.⁸⁶ The All Wales Nurses’ and Midwives’ Uniforms Procurement Project Board was created in 2009 to oversee a tender for about 150,000 uniforms.⁸⁷ Welsh Health Supplies managed and coordinated the procurement on behalf of NHS Wales.⁸⁸ The required risk assessment highlighted labor issues in the apparel supply chains and revealed that labor risks existed beyond the first tier.⁸⁹

Because of this risk, it was decided that the resulting contract would require: 1) compliance with the Ethical Trading Initiative (ETI) Base Code for the entire supply chain; 2) that a labor standards audit had been conducted in the last 6 months at each site in the supply chain, and if an audit was not available, the supplier was required to pay for an audit by a Welsh Health Services approved partner; and 3) disclosures of the details of the most recent corrective action report.⁹⁰ Welsh Health Supplies enlisted the assistance of a qualified auditing organization to review this documentation to determine compliance with the ETI Base Code and to provide advice on non-compliance.⁹¹

VI. Public Procurement in the U.K.’s NAP

In its first review of national action plans on business and human rights (2014), ICAR commended the U.K. for “showing leadership in embarking on the process of developing a NAP and for being the first State to publish such a plan.”⁹² However, in relation to public procurement, the U.K. appears to have failed to fulfill the commitments it made in the first NAP, and has now also missed an opportunity to be a leader in this space by inadequately addressing public procurement in its updated NAP.

In the first NAP, the U.K. states that it has been committed to ensuring that “human rights related matters are reflected appropriately” when the U.K. government purchases goods, works, and services.⁹³ It also clearly states that public bodies may, under certain circumstances, exclude bidders if there is a showing of grave misconduct, and that “[s]uch misconduct might arise in cases where there are breaches of human rights.”⁹⁴ However, given that public purchasers are risk averse, it is unlikely that any purchaser would exclude a bidder absent clear guidance on how this can be operationalized while staying in line with other legal and policy requirements.

As a future action, the U.K. committed to “review the degree to which the activities...of State contracting and purchasing of goods and services are executed with respect for human rights, and make recommendations to ensure compliance with the UNGPs.”⁹⁵ However, the U.K. has published no evidence that it has fulfilled this commitment.

The updated NAP merely states that the U.K. will “...continue to ensure that **UK Government procurement rules** *allow* for human-rights related matters to be reflected in the procurement of public goods, works and services” [italics added].⁹⁶ In contrast, as noted above, the first NAP committed to “ensuring that in U.K. Government procurement human rights related matters *are reflected appropriately* when purchasing goods, works and services” [italics added].⁹⁷ Once again, the updated NAP fails to provide guidance for purchasers on how and when they are “allowed” to integrate human rights considerations into their purchasing.

The U.K. missed an opportunity to be a leader in this space at the formative stages, but that opportunity remains open. The next section provides concrete recommendations the JCHR could make to the government regarding human rights in its apparel purchasing.

VII. Recommendations

To fulfill the United Kingdom’s duty to protect against human rights abuses by businesses, and to fulfil its obligations under UNGP 6, ICAR suggests the following to the JCHR as possible recommendations:

A. Study and Gap Analysis of Current Legal and Policy Context

The U.K. government should clarify when purchasers *can* integrate human rights into public purchasing, when they *must* integrate human rights into public purchasing, and in what way they do so (e.g., selection criteria, evaluation criteria, contractual requirements). The government should also highlight existing gaps where public purchasing law, policy, and practice is not in line with the UNGPs or other relevant human rights standards, and recommend how to address those gaps (e.g., amending procurement law or policy, providing training for purchasers on human rights).

This clarification should take the form of a policy note from the Crown Commercials Service describing how public purchasers can operationalize the UNGPs in the context of public procurement of apparel, without going astray of other legal requirements.

B. Provide Guidance and Online Tools for Public Purchasers

Without clarity around legal authority, public purchasers are unlikely to integrate human rights into their apparel purchasing practices, as purchasers may be risk-averse. Therefore, the government should create and disseminate online tools and guidance for public buyers to assist them in integrating human rights into procurement of apparel. This should include, among others: a tool for conducting human rights risk assessments based on the country of production; guidance on how to use human rights criteria as selection criteria and / or evaluation criteria; guidance on how human rights due diligence criteria can be included in contracts; guidance on how to include contractual obligations on human rights; and guidance and tools for how to monitor and review compliance, as well as what enforcement steps to take if violations are discovered.

C. Create an Online Database with Human Rights Information about Apparel Suppliers

The government should create an online database with human-rights related information about apparel suppliers. This information should include: countries the supplier sources from and any available information on its supply chain; audit reports; media reports; supplier statements; and relevant court cases brought against the supplier. This database should be disseminated to purchasers, and updated frequently.

D. Invest in Purchaser Capacity and Resources

In order to assist purchasers, the U.K. should invest in human rights training for purchasers, and/or should select several individuals with expertise in human rights and public purchasing of apparel to serve as a resource for purchasers. The Swedish County Councils could be looked to as a model (see section V). The U.K. government should also ensure that purchasers have sufficient resources (financial and staff) to integrate human rights into their apparel purchasing, as well as for monitoring and enforcement.

E. Require Apparel Contractors to Publicly Disclose Supply Chain Information

The government should require its apparel contractors awarded a contract above a minimum threshold to disclose the locations of factories in their supply chain, as well as information for each factory on wages and hours. The information collected should be publicly disclosed, and included in the online database discussed in recommendation C. This supply chain information will not only allow purchasers to more effectively monitor their apparel supply chains for human rights abuses, but will also enable civil society to supplement that monitoring.⁹⁸

F. Explore Other Mandatory Human Rights Requirements for Apparel Suppliers

The government should explore mandatory requirements for apparel contractors awarded a contract above a minimum threshold value. Such mandatory requirements should include requiring apparel suppliers to: 1) conduct and report on their human rights due diligence activities; 2) publicly disclose supply chain information (factory location, wages, and hours); 3) disclose the results of company audits; 4) submit to independent monitoring; and 5) create remediation plans if violations are identified in factories producing for a public body.

G. Amend the Modern Slavery Act

As proposed in the Private Members Bill - *Modern Slavery (Transparency in Supply Chains) Bill 2016-17* - the Modern Slavery Act should be amended so that all public bodies above a certain threshold size are required to comply with Part 6, which requires covered entities to publish an annual Slavery and Human Trafficking Statement. These statements must describe how they identify, prevent, and mitigate risks of modern slavery in their supply chains. This will ensure that the U.K. government is leading by example by disclosing its own efforts.

¹ For more information on ICAR's work, see INTERNATIONAL CORPORATE ACCOUNTABILITY ROUNDTABLE, www.icar.ngo

² ROBERT STUMBERG ET AL., ICAR, TURNING A BLIND EYE? RESPECTING HUMAN RIGHTS IN GOVERNMENT PURCHASING (2014), available at <http://icar.ngo/about/publications/#blindeye>

³ For more information about the Learning Lab, see INTERNATIONAL LEARNING LAB ON PUBLIC PROCUREMENT AND HUMAN RIGHTS, www.hrprocurementlab.org

⁴ ROBERT STUMBERG ET AL., *supra* note 2.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.* at 13.

⁸ ROBERT STUMBERG ET AL., *supra* note 2.

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- ⁹ INTERNATIONAL LABOR RIGHTS FORUM, OUR VOICES, OUR SAFETY: BANGLADESHI GARMENT WORKERS SPEAK OUT (Dec. 2014), available at <http://www.laborrights.org/publications/our-voices-our-safety-bangladeshi-garment-workers-speak-out>
- ¹⁰ *Bangladesh: Protect Garment Workers' Rights*, HUMAN RIGHTS WATCH (Feb. 6 2014), <http://www.hrw.org/news/2014/02/06/bangladesh-protect-garment-workers-rights>
- ¹¹ *Cambodia: Garment Factories Thwarting Unions*, HUMAN RIGHTS WATCH (Feb. 3, 2014), <http://www.hrw.org/news/2014/02/02/cambodia-garment-factories-thwarting-unions>
- ¹² ROBERT STUMBERG ET AL., *supra* note 2.
- ¹³ GREENPEACE, DIRTY LAUNDRY: UNRAVELLING THE CORPORATE CONNECTIONS TO TOXIC WATER POLLUTION IN CHINA (July 2011), available at <http://www.greenpeace.org/international/en/publications/reports/Dirty-Laundry/>
- ¹⁴ *Id.*
- ¹⁵ See, e.g., Matthew Mosk, Cindy Galli, & Brian Ross, *Labor Organizer who Exposed Dangerous Working Conditions is Tortured, Killed*, ABC NEWS (Apr. 9, 2012), <http://abcnews.go.com/Blotter/labor-organizer-exposed-dangerous-working-conditionstortured-killed/story?id=16101084>; A 'Distinctly South Asian' Tragedy, ECONOMIST (Dec. 6, 2012), <http://www.economist.com/blogs/banyan/2012/12/garment-factory-fires>.
- ¹⁶ Zia ur-Rehman, Declan Walsh & Salman Masood, *More than 300 Killed in Pakistani Factory Fires*, N.Y. TIMES (Sept. 12, 2012), <http://www.nytimes.com/2012/09/13/world/asia/hundreds-die-in-factory-fires-in-pakistan.html>
- ¹⁷ *Id.*
- ¹⁸ Vikas Bajaj, *Fatal Fire in Bangladesh Highlights the Dangers Facing Garment Workers*, N.Y. TIMES (Nov. 25, 2012), http://www.nytimes.com/2012/11/26/world/asia/bangladesh-fire-kills-more-than-100-and-injures-many.html?_r=0
- ¹⁹ The building had three stories added illegally, was built on swampy land that could not support a multistory building, and it was not meant for industrial use. These factors, in addition to the heavy machinery in use, caused the building to collapse. *Bangladesh Factory Collapse Blamed on Swampy Ground and Heavy Machinery*, THE GUARDIAN (May 23, 2013), <http://www.theguardian.com/world/2013/may/23/bangladesh-factory-collapse-rana-plaza>
- ²⁰ Jason Burke, *Rana Plaza: one year on from the Bangladesh factory disaster*, THE GUARDIAN (Apr. 18, 2014), <http://www.theguardian.com/world/2014/apr/19/rana-plaza-bangladesh-one-year-on>
- ²¹ CLEAN CLOTHES CAMPAIGN, *Rana Plaza*, <https://cleanclothes.org/safety/ranaplaza> (last visited 22 August, 2016).
- ²² ROBERT STUMBERG ET AL., *supra* note 2.
- ²³ WORKER RIGHTS CONSORTIUM, GLOBAL WAGE TRENDS FOR APPAREL WORKERS: 2001-2011 11 (July 2013), available at <https://cdn.americanprogress.org/wp-content/uploads/2013/07/RealWageStudy-3.pdf>
- ²⁴ *Id.*
- ²⁵ *Id.* at 18.
- ²⁶ Miles Brignall & Sarah Butler, *Bangladesh Garment Factories Still Exploiting Child Labour for UK Products*, THE GUARDIAN (Feb. 5, 2014), <https://www.theguardian.com/world/2014/feb/06/bangladesh-garment-factories-child-labour-uk>
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- ²⁹ See e.g., U.S. DEPARTMENT OF STATE, TRAFFICKING IN PERSONS REPORT 2014 (2014), available at <http://www.state.gov/j/tip/rls/tiprpt/2014/>
- ³⁰ VERITE, STRENGTHENING PROTECTIONS AGAINST TRAFFICKING IN PERSONS IN FEDERAL AND CORPORATE SUPPLY CHAINS (Jan. 2015), available at http://www.verite.org/sites/default/files/images/JTIP-Verite-ExecutiveOrder_13627.pdf
- ³¹ U.S. DEPARTMENT OF STATE, TRAFFICKING IN PERSONS REPORT 2014 (2014), available at <http://www.state.gov/j/tip/rls/tiprpt/2014/>

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- ³² HOMEWORKERS WORLDWIDE, FORCED LABOUR IN TAMIL NADU’S TEXTILE AND GARMENT INDUSTRY: AN INVESTIGATION INTO THE WORKING CONDITIONS OF YOUNG WOMEN MAKING CLOTHES FOR THE UK HIGH STREET (Nov. 2014), *available at* <http://www.homeworkersww.org.uk/files/resources/forcedlabourbriefingforwebsite.pdf>
- ³³ *Id.*
- ³⁴ ROBERT STUMBERG ET AL., *supra* note 2.
- ³⁵ SOMO - CENTER FOR RESEARCH ON MULTINATIONAL CORPORATIONS, BONDED (CHILD) LABOUR IN THE SOUTH INDIAN GARMENT INDUSTRY 2 (July 2012), *available at* <http://www.wellmade.org/resource/bonded-child-labour-in-the-indian-garment-industry/>.
- ³⁶ HUMAN RIGHTS WATCH, WORK FASTER OR GET OUT: LABOR RIGHTS ABUSES IN CAMBODIA’S GARMENT INDUSTRY (2015), *available at* <https://www.hrw.org/report/2015/03/11/work-faster-or-get-out/labor-rights-abuses-cambodias-garment-industry>
- ³⁷ Miles Brignall & Sarah Butler, *supra* note 26.
- ³⁸ Countries including Bangladesh, the Dominican Republic, Haiti, Mexico, Pakistan, and Vietnam. Ian Urbina, *U.S. Flouts Its Own Advice in Procuring Overseas Clothing*, N.Y. TIMES (Dec. 22, 2013), *available at* <http://www.nytimes.com/2013/12/23/world/americas/buying-overseas-clothing-us-flouts-its-own-advice.html>.
- ³⁹ *Id.*
- ⁴⁰ *Id.*
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- ⁴² *Id.*
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- ⁴⁴ WORKER RIGHTS CONSORTIUM, WORKER RIGHTS CONSORTIUM FACTORY ASSESSMENT BKI (CODEVI INDUSTRIAL PARK, HAITI) FINDINGS AND RECOMMENDATIONS (1 Oct. 2014), *available at* http://www.gsd.lacity.org/sms/WRC/WRC_reports.htm
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- ⁴⁶ WORKER RIGHTS CONSORTIUM, WRC ASSESSMENT RE NEW WIDE GARMENT (CAMBODIA) FINDINGS, RECOMMENDATIONS AND STATUS REPORT (6 March, 2008), *available at* http://www.gsd.lacity.org/sms/WRC/WRC_reports.htm
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- ⁴⁸ WRC ASSESSMENT RE NEW WIDE GARMENT, *supra* note 46.
- ⁴⁹ *Id.*; WORKER RIGHTS CONSORTIUM FACTORY ASSESSMENT BKI, *supra* note 44.
- ⁵⁰ WORKER RIGHTS CONSORTIUM FACTORY ASSESSMENT BKI, *supra* note 44.
- ⁵¹ *Id.*
- ⁵² Sharon Kelly, *Do you know where your Government Uniform was made?*, THE NATION (9 April, 2014), <https://www.thenation.com/article/do-you-know-where-your-government-uniform-was-made/>
- ⁵³ *Glove Factory Siam Sempermed Suspected of Labour Rights Violations*, FINNWATCH (29 March, 2014), *available at* <http://www.finnwatch.org/en/news/186-glove-factory-siam-sempermed-suspected-of-labour-rights-violations-in-southern-thailand>.
- ⁵⁴ John Ruggie, Special Representative of the Sec’y-Gen. on the Issue of Human Rights & Transnational Corps. & Other Bus. Enters., *Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework*, U.N. Doc. A/HRC/17/31, (June 2011) [hereinafter UN Guiding Principles], *available at* http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf.
- ⁵⁵ *Id.* at Principles 4, 5, & 6.
- ⁵⁶ *Id.* at Principle 6.
- ⁵⁷ *Id.* at Principle 6 – Commentary.
- ⁵⁸ ROBERT STUMBERG ET AL., *supra* note 2.
- ⁵⁹ SWEATFREE PURCHASING CONSORTIUM, *Members*, <http://buysweatfree.org/members> (last visited 21 August, 2016); SWEATFREE PURCHASING CONSORTIUM, *About*, <http://buysweatfree.org/about> (last visited 21 August, 2016).
- ⁶⁰ CITY OF MADISON, WISCONSIN, UNIFORM MANAGEMENT PROGRAM REQUEST FOR PROPOSALS (2014), [hereinafter MADISON UNIFORM RFP], *available at* http://buysweatfree.org/uniform_management_program
- ⁶¹ *Id.*; City of Madison, Wisconsin, *Madison General Ordinances Section 4.25: Procurement of Items of Apparel* (27 Oct. 2015), *available at* <http://buysweatfree.org/files/madisonpolicy.pdf>
- ⁶² MADISON UNIFORM RFP, *supra* note 60.

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- ⁶³ *Id.*
- ⁶⁴ *Id.*
- ⁶⁵ Telephone Interview with Kathy Schwenn, CPA, Purchasing Supervisor / Accountant 3, City of Madison Finance Department (23 June, 2016).
- ⁶⁶ MADISON UNIFORM RFP, *surpa* note 60.
- ⁶⁷ City of San Francisco, California, *Administrative Code Chapter 12U: Sweatfree Contracting* (2005), available at <http://sfgov.org/olse/sweatfree-contracting-ordinance>
- ⁶⁸ Telephone Interview with Ellen Love, Senior Administrative Analyst, Office of Labor Standards Enforcement, City and County of San Francisco (15 July, 2016).
- ⁶⁹ CITY OF SAN FRANCISCO, CALIFORNIA SWEATFREE PURCHASING ADVISORY GROUP, ANNUAL REPORT 4 (2014), available at <http://sfgov.org/olse/sweatfree-contracting-ordinance>
- ⁷⁰ If the highest scorer on the sweatfree evaluation criteria has a proposed cost that is 15% higher than the second highest scorer on the sweatfree evaluation criteria, the second highest scorer can be awarded the contract. Telephone Interview with Ellen Love, *supra* note 68.
- ⁷¹ CITY OF SAN FRANCISCO, CALIFORNIA SWEATFREE PURCHASING ADVISORY GROUP, ANNUAL REPORT, *supra* note 69.
- ⁷² *WRC Reports*, CITY OF LOS ANGELES, DEPARTMENT OF GENERAL SERVICES, http://gsd.lacity.org/sms/WRC/WRC_reports.htm (last visited 22 Aug. 2016).
- ⁷³ Sharon Kelly, *supra* note 52.
- ⁷⁴ Sharon Kelly, *supra* note 52.
- ⁷⁵ *Sweatfree Linkup!*, SUSTAINABLE PURCHASING CONSORTIUM, <http://buysweatfree.org/linkup> (last visited 22 Aug. 2016).
- ⁷⁶ Kristian Hemstrom, TCO development webinar: Sustainable IT Webinar Series, *Best Practice Sustainable IT Procurement* (16 March, 2016), available at <http://tcodevelopment.com/news/watch-webinar-on-demand-best-practice-sustainable-it-procurement/>; ELECTRONICS WATCH, 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 4 (February 2016), available at http://electronicswatch.org/en/publications_1633
- ⁷⁷ ELECTRONICS WATCH, 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 4 (February 2016), available at http://electronicswatch.org/en/publications_1633
- ⁷⁸ Kristian Hemstrom, TCO development webinar: Sustainable IT Webinar Series, *Best Practice Sustainable IT Procurement* (16 March, 2016), available at <http://tcodevelopment.com/news/watch-webinar-on-demand-best-practice-sustainable-it-procurement/>
- ⁷⁹ *Id.*
- ⁸⁰ *Id.*
- ⁸¹ ELECTRONICS WATCH, *supra* note 77 at 5.
- ⁸² *Id.*
- ⁸³ *Id.* at 4.
- ⁸⁴ *Id.* at 5.
- ⁸⁵ *Good Ethical Procurement*, BRITISH MEDICAL ASSOCIATION, <https://www.bma.org.uk/collective-voice/influence/international-work/fair-medical-trade/hospital-case-studies> (last visited 22 Aug. 2016).
- ⁸⁶ *Id.*
- ⁸⁷ *Id.*
- ⁸⁸ *Id.*
- ⁸⁹ *Id.*
- ⁹⁰ *Id.*
- ⁹¹ *Id.*
- ⁹² ICAR & ECCJ, ASSESSMENTS OF EXISTING NATIONAL ACTION PLANS (NAPS) ON BUSINESS AND HUMAN RIGHTS: NOVEMBER 2015 UPDATE 6 (Nov. 2015), available at <http://icar.ngo/analysis/icar-eccj-release-2015-update-of-national-action-plans-assessments/>
- ⁹³ HM GOVERNMENT, GOOD BUSINESS: IMPLEMENTING THE UN GUIDING PRINCIPLES ON BUSINESS AND HUMAN RIGHTS 9-10 (September 2013), available at

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/236901/BHR_Action_Plan_-_final_online_version_1_.pdf

⁹⁴ *Id.*

⁹⁵ *Id.* at 11.

⁹⁶ HM GOVERNMENT, GOOD BUSINESS: IMPLEMENTING THE UN GUIDING PRINCIPLES ON BUSINESS AND HUMAN RIGHTS: UPDATED MAY 2016, *available at*

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/522805/Good_Business_Implementing_the_UN_Guiding_Principles_on_Business_and_Human_Rights_updated_May_2016.pdf

⁹⁷ HM GOVERNMENT, GOOD BUSINESS: IMPLEMENTING THE UN GUIDING PRINCIPLES ON BUSINESS AND HUMAN RIGHTS 9-10 (September 2013), *available at*

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⁹⁸ For example, a report from Danwatch alerted Stockholm County Council to possible violations of its Code of Conduct in two factories in the supply chain of one of its IT suppliers. ELECTRONICS WATCH, *supra* note 77.