

Appendix 5 Ethical Procurement Policy

Westminster City Council's Ethical Procurement Policy is a set of core requirements on aspects including working conditions, freedom of association & collective bargaining, regular employment, humane treatment & blacklisting and payment of the Living Wage. They are principles that the council abides by in the treatment of its workers wishes to cascade to its contractors. These requirements will apply to all contracts, initially over a value of over £100,000, of any duration and within any sector. They will be incorporated into the council policies schedule of our standard terms and conditions.

	Ethical Procurement Policy requirements:
1. Employment, contractual and working conditions	<ul style="list-style-type: none"> a) Suppliers afford employees the freedom to choose work and do not use forced, bonded or involuntary prison labour b) Suppliers, and any employment agents used, do not require workers to lodge "deposits" or their identity papers with their employer c) Suppliers allow workers to leave employment in accordance with their agreed contractual notice period or where not expressed in writing, a reasonable notice period agreed with the employee. d) Suppliers provide a clear, accessible policy and processes for resolving disputes with their employees. e) Suppliers provide clear policy for disciplinary, grievance and appeal procedures that are fair and lawful. Any disciplinary measures should be recorded in writing and employees legal and contractual employment rights should be protected. f) Suppliers should encourage and enable employees to report suspected wrongdoing in the workplace and seek to protect 'Whistleblowers' i.e. those individuals who make disclosures with regard to any instance of malpractice or wrongdoing which the Supplier should investigate those disclosures that are in the public and council's interest where pertaining to the Council's public works or services contract(s) with the Supplier. g) Suppliers must take adequate steps to prevent accidents and injury to health arising out of, associated with, or occurring in the course of an employees' employment whilst delivering services or works under the Council's contract and comply with the Health and Safety Act 1974 (which may be amended from time) and other related health and safety at work legislation or regulations.
2. Freedom of association and the right to collective bargaining	<p>Where permitted by Trade Union and Labour Relations (Consolidation) Act 1992 and Article 11 of Human Rights Act 1998 :</p> <ul style="list-style-type: none"> a) Suppliers must not restrict their employees the opportunity or right to join or form a trade union of their choice. b) Suppliers must not discriminate against employee representatives and allow time to carry out representative functions for colleagues in the workplace

<p>3. Working hours and regular employment</p>	<p>a) Suppliers must comply with the Working Time Regulations 1998 and Working Time (Amendment) Regulations 2003</p> <p>b) Suppliers must not impose a working week of more than 48 hours on the employees delivering services or works under the Council's contract unless the employee has voluntarily opted out to more hours.</p> <p>c) Suppliers must ensure that employees are provided with agreed contract of employment setting out their contractual rights and obligation expressed in writing.</p> <p>d) Suppliers do not avoid obligations to employees under labour or social security laws and regulations arising from the regular employment relationship through the use of labour-only contracting, sub- contracting, or home-working arrangements, or through apprenticeship schemes where there is no real intent to impart skills or provide regular employment, nor shall any such obligations be avoided through the excessive use of fixed-term contracts of employment</p> <p>e) Suppliers shall only use zero-hour contracts as a last resort and only where appropriate taking into account the nature of the services.</p> <p>f) Suppliers are working towards eliminating zero hours contracts OR in the circumstance that</p> <ul style="list-style-type: none"> i. employees express a preference for Zero-hour contracts or ii. where appropriate taking into account the nature of the services <p>Suppliers give more protection to the work force such as adopting an element of guaranteed hours if requested and ensure their employees receive their entitlement to holiday and sick pay.</p>
<p>4. Humane treatment, equalities and blacklisting</p>	<p>a) Suppliers must comply with the Human Rights Act 1998, Employment Relations Act 1999 (Blacklists) Regulations 2010 and the Equalities Act 2010 in consideration of the following:</p> <ul style="list-style-type: none"> i. Suppliers prohibit physical abuse or coercion, the threat of physical abuse, sexual or other harassment and verbal abuse or other forms of intimidation in the workplace. ii. Suppliers must not discriminate in hiring, compensation, training, promotion, termination or retirement either directly or indirectly regarding their employees. iii. Suppliers must not unlawfully compile, use, sell or supply a prohibited list which: <ul style="list-style-type: none"> • Contains details of persons who are or have been members of trade unions or persons who are taking part/ have taken part in the activities of trade unions, and • Is compiled with a view to being used by employers or employment agencies for the purpose of discrimination in relation to recruitment, or in relation to treatment of employees in the workplace. • Contains details of persons who are or have been involved in whistleblowing to appropriate bodies as a result of becoming aware of any deficiency in service provision of the Council's contract, impropriety, fraud, customer abuse, breach of procedure or maladministration iv. Suppliers must report on gender pay gaps if in scope of Schedule 1: Gender Pay Gap Reporting of The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 <p>b) Suppliers are working towards collating the necessary information to generate ethnicity pay gap and disability pay gap data</p>

5. Living Wage	<p>Contracts executed by any contractor (including sub-contractors), who supplies an employee who provides a service or completes works, involving 2 or more hours of work a day, on any day of the week, for 8 or more consecutive weeks of the year:</p> <ul style="list-style-type: none">a) Supplier declares that they have read and understood the Authority's Living Wage Policy Statementb) Supplier declares that they have read and understood the Living Wage obligations as defined and set out in the Council's Contract terms and conditions.c) Supplier understands that it is the intention of the Council NOT to enter into contract with any contractor who does not comply with the Authority's Living Wage Policy including the requirement that contractors must pay employees the Real Living Wage in respect of their time working on a Westminster City Council contract or grant funded service.d) Supplier understands that the Authority may reject my submission in its entirety if the bid information discloses that my organisation (and any of my sub-contractors) is not willing to pay the Living Wage rates for the UK and London, as set independently and revised annually by the Living Wage Foundation, to its employees providing services and delivering works under their public contracts.
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