



Die Senatorin für Finanzen

Freie  
Hansestadt  
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BeN  
Bremer entwicklungspolitisches Netzwerk e.V.

## **Basic Guidelines for interviews with companies about the compliance with the Core Labour Standards of the International Labour Organisation along the supply chain**

### **Preamble**

On November the 24<sup>th</sup> 2009 a law was passed in the state of Bremen (namely: Bremisches Vergabegesetz) that obliged public contractors to demand compliance with the core labour standards of the International Labour Organisation (ILO) in public tenders. This obligation was put into concrete form by May the 15<sup>th</sup> 2011 with the „Regulation of the State of Bremen about the Core Labour Standards" (Bremische Kernarbeitsnormenverordnung; abbr.: BremKernV).

The adaption of these legal requirements can be realised only, if there are products available that have been produced by according social standards. Potential bidders have to be informed at an early stage about the new requirements implemented by these regulations, namely compliance with the Core Labour Standards of the ILO. Therefore certain procurement departments started interviewing companies by the end of 2011.

Potential bidders shall be invited to a dialogue before a procurement. The procurement requirements and the requested social standards are to be explained to them. The basic guidelines for interviews presented here have been developed to promote this dialogue.

The basic guidelines for interviews have been developed by the „Landmark-Project" supported by the European Union. Also involved were staff of the fiscal administration of Bremen, „Bremen Real-Estate", and the „Bremen Network for Development". The „Landmark-Project" is a joint venture of several european municipalities and NGOs and is aiming at promoting and establishing responsible procurement according to ethical standards in Europe.

## How to use the basic guidelines for interviews with companies?

These guidelines are aiming at giving the interview a certain structure and at enabling the interviewers to ask proper questions, even if they are no experts. The questions should serve as a mere general orientation.

At the beginning of each interview there should be a short introduction into what it is all about. It can be helpful to mention basic laws and regulations right here.

If there are special requirements for compliance with social standards, which are to be met on principle during the procurement procedures (for example which type of evidence will be accepted, how and when does it have to be provided), this should also be mentioned.

After this introduction, the company itself should be given opportunity to introduce itself. From the company's point of view the interview is a commercial negotiation and the interviewer is a potential customer.

Concerning the questionnaire it is advised to seek guidance by the categories given. It is to be taken heed that the interview is not a mere „question-answer-exercise“, so to speak. Thus the interview could be received as an interrogation, which could give it a tense mood. It would be better if the major part of the interview is held in an open manner and only interrupted by short interim questions to get precise answers on certain topics. This means also that not every single question has necessarily to be asked.

Should there be important questions left unanswered at the end of the interview, there is the possibility to answer them later in written form. Thereby it does not matter whether the questions remained open due to short time or lacking knowledge. It is recommended that the open questions are summoned and made available to the company in written form at a later date.

Under certain circumstances it could be of favour to send the *basic guidelines* to the company before the actual interview.

## Basic guidelines for interviews related to certain goods

### a) General Questions

*These general questions are aiming at getting an overview about the company. Especially knowledge about producing countries and sub-contractors can be an important source of information.*

- How would you categorize your company? Manufacturer/producer, wholesaler/retailer and so on.
- Do you employ someone who supervises the compliance with social and ethical standards during production?
- In which country are those goods being produced?
- Are your goods manufactured entirely in your own genuine production facilities?

If not,...

...where else?

### b) Core Labour Standards according to the ILO

*Questions in this category are aiming at finding out whether or not core labour standards have been taken care of at all by the company. Furthermore you should get an insight how deeply the subject is rooted and how detailed the knowledge about it is.*

- Are the ILO-core labour standards valued within the production of your goods<sup>1</sup>
  - If so,
    - ...are all ILO-core labour standards in force or are there restrictions? If there are restrictions, could you please name them?
    - ...is the whole production-chain afflicted, including the raw material?
  - Do you actively promote the founding of representative organisations where your goods are actually manufactured?
  - Is there any form of worker's representation within the enterprises that provide you with raw material? If so, how many of your providers have such a form of representation? Can you

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<sup>1</sup> Basically that means: no forced labour, no child labour, no discrimination against anyone, gender equality, freedom of association, no discrimination against freedom of association

name a percentage?

- Does your corporation actively try to prevent discrimination against such representative organisations? Please describe by which means!

### **c) Evidence and control**

*Questions in this category are aiming at finding out whether or not there exists evidence of the origin and manufacturing of the goods and raw materials. Central is the question of independant control.*

- If a specific product contains certain materials, can you testify the origin and further processing of this material?<sup>2</sup> If so, how do you do that?
- Can you verify the compliance with ILO-core labour standards? (Do you take part in a verification scheme, for example?)
  - If so,
    - where exactly does the evidence come from?
    - what type of relationship do you have with those givers of evidence?
    - how do you control the proceedings concerning the evidence?
      - Through local controls either announced or unannounced? Who is in charge of these controls?
      - Through social media provided by local buisness associations, unions, civil societies?
      - Are the surveys according to acknowledged scientific standards?
      - Are the workers examined by independant surveyors outside their working facilities?
      - How regular are these controls? (once a year, every two years, three years, etc.?)

### **d) Relationship with the suppliers**

*Questions in this category are aiming at finding out, whether or not ILO- core labour standards are applied in relation to the suppliers. Depending on the specific enterprise, the suppliers can be in charge of a large part of the manufacturing process.*

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<sup>2</sup> In case of working clothes the question would be aiming at certain fibres (cotton, synthetic fibres, etc.)

- Has the corporation a standardised practice of contractually binding their suppliers to meet up to ethical and social requirements?
- Has your company discovered parts of the supply chain that can cause a risk to the ethical standards of your customers?
- Are your suppliers informed about the ILO- core labour standards?
- Is compliance with the ILO- core labour standards part of your contracts with your suppliers?
- What do you do to elevate the labour standards of your suppliers. Are there any means to overcome potential problems in the relationship with your suppliers?

### **e) Transparency**

*Questions in this category are aiming at finding out, whether or not the company is willing to publish detailed information on the supply chain. Hereby it has to be differentiated whether there is a general acceptance of publishing records or if data are only made available to the customer.*

- Would you be willing to disclose the entire supply chain of your product to the contracting authority?
- Would the contracting authority be allowed to publish these records?

Notice:

According to § 3, V. 2 Bremische Kernarbeitsnormenverordnung (i.e.: Regulation of the State of Bremen concerning the core labour standards) there is an obligation to provide information when an order is about to be signed. During the offering process the bidder has to declare that he provides information about the production of raw materials and their manufacturing, if asked to do so. The bidder has also to provide information about all companies which are involved in the manufacturing process. Answering a relating demand, the bidder has to provide the information immediately. The bidder is obliged to track record and stay informed about the labour conditions during production and/or manufacturing of the goods and make further information available immediately on request. In case of a contract the contractor is obliged according to § 5, III, Bremische Kernarbeitsnormenverordnung to keep complete, up to date, verifiable records about the countries of origin related to his goods. He has to provide them to the contracting authority on demand. If asked to do so, he has to

deliver a german translation.

## **ILO- Core Labour Standards**

### **Convention 29 concerning Forced or Compulsory Labour**

Each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress the use of forced or compulsory labour in all its forms within the shortest possible period .

Exceptions are made for military services or other public services as long as their within the boundaries of ordinary civic duties. In addition, forced or compulsory labour is subject to certain restrictions, before it will be entirely abolished. Absolutely prohibited is forced or compulsory labour for the benefit of private individuals, particularly if private persons are aiming at dealing in goods that have been manufactured using forced or compulsory labour. Unprohibited forced or compulsory labour has to be compensated by wages which would be paid for similar work.

### **Convention 87 concerning the Freedom of Association and the Protection of the Right to Organise**

Concerns the right of workers and employers alike to organise themselves without previous permission. These organisations shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes.

### **Convention 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively**

Complements Convention 87. It demands that workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment. Such protection shall apply more particularly in respect of acts calculated to--

- (a) make the employment of a worker subject to the condition that he shall not join a union or shall relinquish trade union membership;
- (b) cause the dismissal of or otherwise prejudice a worker by reason of union membership or because of participation in union activities outside working hours or, with the consent of the employer, within working hours.

Measures appropriate to national conditions shall be taken, where necessary, to encourage and promote the full development and utilisation of machinery for voluntary negotiation between

employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements.

### **Convention 100 concerning Equal Remuneration**

Each Member shall, by means appropriate to the methods in operation for determining rates of remuneration, promote and, in so far as is consistent with such methods, ensure the application to all workers of the principle of equal remuneration for men and women workers for work of equal value.

### **Convention 105 concerning the Abolition of Forced Labour**

This Convention 105 complements Convention 29. It adds that each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress and not to make use of any form of forced or compulsory labour--

- (a) as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system;
- (b) as a method of mobilising and using labour for purposes of economic development;
- (c) as a means of labour discipline;
- (d) as a punishment for having participated in strikes;
- (e) as a means of racial, social, national or religious discrimination.

### **Convention 111 concerning Discrimination in Respect of Employment and Occupation**

For the purpose of this Convention the term **discrimination** includes any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.

Each Member for which this Convention is in force undertakes to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of

opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof.

### **Convention 138 concerning Minimum Age for Admission to Employment**

Each Member for which this Convention is in force undertakes to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons. The minimum age for less developed countries is 14 years, otherwise 15 years, and for work that impose a hazard to life, health or morality 18 years. There are generous exceptions of these principles. Firstly for less developed countries, secondly for at least 14 year old persons for training purposes, and finally for 13 to 15 year olds who execute minor labour, which does not affect their health, physical development, school attendance or line of training.

### **Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour**

This most up to date Convention complements Convention 138 and shall apply to all persons under the age of 18 (children).

For the purposes of this Convention, the term **the worst forms of child labour** comprises:

- (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.





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Responsible:

Dr. Kirsten Wiese, Head of the Landmark Project, Member of Staff of the Bremen Fiscal Authority

Editorial staff:

Gertraud Gauer-Süß, Christopher Duis, Thorsten Schmidt, Carsten Schulz, Dr. Kirsten Wiese

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Contact data:

Dr. Kirsten Wiese

Freie Hansestadt Bremen

Die Senatorin für Finanzen

Referat 01/ Landmark-Projekt

Rudolf-Hilferding-Platz 1

28195 Bremen

Phone: +49 421 361-82307; Fax: +49 421 496-82307

**E-mail:** [kirsten.wiese@finanzen.bremen.de](mailto:kirsten.wiese@finanzen.bremen.de)

**Website:** <http://www.landmark-project.eu/de/home/>