



BUY IT FAIR

RECOMMENDATIONS FOR SUSTAINABLE PROCUREMENT OF COMPUTERS

Computers have become an indispensable part of our daily life. They allow for global communication. Yet, also their production and often their disposal are organised in a global manner.

While for those who use them in their daily lives computers represent assistance in work processes, interconnectedness, and efficiency, for many people in low-income countries they stand for insecure, exploitative, and even dangerous working conditions. Particularly women in South East Asia and China are among those who work under the most appalling conditions in the computer industry. Payment below the legal minimum wage, forced overtime work, and illnesses due to the use of toxic substances as well as the work strain form their everyday life are the most frequent among violations of basic workers rights. The mining of the raw materials contained in computers such as cobalt and tin often causes damages to people and the environment, and used equipment frequently ends up as toxic E-waste in countries in Asia and Africa.

So far, individual consumers have little choice as to what they can buy – ‘fair computers’ are not on offer. When public institutions purchase computers, however, they precisely define the technical properties that the product in question must have. In a similar way, they can also demand the compliance with environmental criteria and international labour standards. Their active demand pushes the manufacturer to supply better products. The buying power of public institutions can in fact be used to help improve the living conditions and working conditions of those people working in the production of computers. Thus, public authorities can act as a role model and improve their own image.

LEGAL FRAMEWORK

Since 2004, EU Law explicitly allows for the consideration of social and environmental criteria in public procurement (EC-Directives 2004/17/EC and 2004/18/EC). The member states have meanwhile included this option in their respective national procurement laws.

Although the EC Directives stipulate a standardisation of different law(-systems) within the EU, the current practice of social-environmental procurement in Europe shows quite some variation. While the inclusion of environmental criteria in tenders is meanwhile uncontested, the inclusion of social and ethical criteria in public tenders is only in its beginnings. However, tenders in several cities all over Europe show its feasibility.

Regardless of this, public contracting entities that purchase products at a value below a certain amount have the possibility to directly award contracts to any freely selected bidder. The scope of acquisitions that is considered sub-threshold can vary from one country to the next.

PREPARATION OF A TENDER

What is crucial for the success of a tender along social and environmental criteria is the will and the effort exhibited by the respective public institution. Careful preparation helps minimise legal uncertainties and create a broad base of support within the public institution.

As a first step, it should be clarified as to what procedure the purchase will follow, which pub-

lic authorities are involved, and which procedure is selected for any possible tender. It is recommended to contact possible allies, such as e.g. environmental officers or staff board members, prior to a tender, and to also involve the users/clients of an institution. A graduated plan should be formulated stating the objectives on the path towards fair procurement. A declaration of commitment by the political decision-makers and the management of a relevant public institution can help legitimise the preparation of the tender and makes the cause more transparent. Analyses of needs and the corresponding current availability on the market as well as corresponding public relation efforts also contribute to the project's success. Last, not least, it is important to establish a dialogue with the manufacturers and to inform the potential bidders about the upcoming tender and its social and environmental objectives.

CRITERIA FOR SOCIAL-ENVIRONMENTAL PROCUREMENT

In a public tender the Core Labour Standards of the International Labour Organisation (ILO) should be stated as minimum requirements, and the criteria for humane working conditions (see box) as additional requirements.

The most important environmental criteria are efficient use of resources, particularly through long operational life span, reparability and upgradeability, and the avoidance of oversized computers. Computers are environmentally sustain-



ADVICE FOR REALISATION THROUGH DIRECT AWARDING

In addition to the formal tendering procedures, the following measures may help promote social and environmental aspects in the production of computers:

- **Supplier surveys:** Companies whose products are being considered for purchase can be asked to respond to a survey. Adequate questions are e.g.: Does the company comply with a code of conduct that meets the Minimum Labour Standards of the ILO (International Labour Organisation)? When computers are acquired from service providers, it should also be inquired as to whether these providers are able to supply goods that have been produced in compliance with social/environmental criteria.
- **Consideration of tradable permits and information from environmental organisations:** Tradable permits such as the "Blue Angel", Energy Star, or the TCO-Certificate represent indicators regarding environmental criteria, and environmental organisations such as Greenpeace and others publish further information on environmental aspects on their websites.

able if they are energy-efficient and recyclable, and require only very little use of harmful substances in their production.

Furthermore, sufficient delivery time should be guaranteed, in order to not place any unnecessary additional pressure on the workers in production.

REALISATION OF A TENDER

The consideration of social criteria in PC tenders is further complicated by the fact that there is no 'fair computer' – in the sense of a certified product – available on the market today. Moreover, an effective verification of the labour standards of working conditions throughout the entire supply chain of computer manufacturers is currently difficult to implement. In a first step, however, specific requirements demanded from the bidders can be formulated, that lay the foundations for the compliance with fundamental labour laws. What can be demanded for the time being, is e.g. the disclosure of the supply chain, certain obligations or agreements with regard to compliance with labour laws, regular effective auditing of suppliers, and informing employees of their rights. Such criteria are verifiable and represent a first step towards the improvement of working conditions. Subsequently, more far-reaching and binding requirements may then be stated in tenders.

• **Definition of the subject matter of the contract**

Stating environmental criteria in this section of the tender is unproblematic. The stating of

social requirements, however, remains controversial, since conclusive verification of this criterion is not feasible.

• **Technical specifications**

Stating environmental criteria in this section of the tender is uncomplicated. As is the case for the subject matter of the contract though, the stating of social requirements is highly controversial due to the unfeasibility of a conclusive verification of this criterion.

• **Bidder selection**

The stating of environmental criteria makes little sense in this section. Stating social criteria may be sensible if they refer precisely to the bidder. That way, the bidder can be excluded from the tender in case of a grave violation of human rights.

• **Award criteria**

Stating environmental criteria is unproblematic here, whereas the stating of social criteria is still being debated. Award criteria do not necessarily have to be met by a bidder, but can feature positively in the bid evaluation process.

• **Contract performance conditions**

Stating social and environmental criteria in this section is unproblematic. Verification is provided by a bidder's declaration. To increase accountability the bidders should be asked for detailed evidence for certain measures that help implementing humane working conditions.

THE ILO'S LABOUR STANDARDS



Core Labour Standards

- Freedom of Association and Right to Free Collective Bargaining (Conventions 87 and 98);
- Abolition of Compulsory and Forced Labour (Conventions 29 and 105);
- Abolition of Child Labour (Conventions 138 and 182);
- Elimination of Discrimination in Respect of Employment and Occupation (Conventions 100 and 111);

Additional requirements for humane working conditions

- Right to Minimum Wages (Convention 131),
- Right to Safe and Healthy Working Conditions (Conventions 115, 155, and 170);
- Compliance with Maximum Working Hours (48+12) (Conventions 1 and 30);
- Right to Safety at the Workplace (Convention 158);
- Right to Receive a Written Employment Contract.

Good example

Switzerland takes first steps for the procurement of "fair computers"

Geneva, Biel, Lausanne, Zurich, and Zug have already developed a strategy for social and environmental procurement of IT devices, and have handed in or accepted the postulate "for a sustainable public procurement of computers" of the ecclesiastical organisations "Fastenopfer" (Swiss Catholic Lenten Fund) and "Brot für alle" ("Bread for All").

Good example

The Swedish county councils implement social criteria

The three biggest county councils in Sweden run a project called "Sustainable procurement" since 2007. All prioritised goods are purchased with the requirement that the production should follow an ethical code of conduct based on ILO conventions. The implementation of the criteria is later monitored via self-assessment questionnaires to the suppliers as well as random independent verification at production sites.

Good example

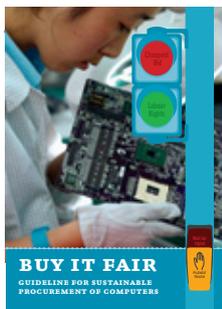
Berlin ITDZ turns to procurement along social criteria

The Berlin IT Service Center ("IT-Dienstleistungszentrum Berlin") has decided to consider social criteria in its next tender for computers. The ITDZ Berlin, which acquires hardware and software for all administrative bodies in Berlin, is closely cooperating with WEED in this project. Nationwide, this institution is (already) leading the way when it comes to 'Green IT'.

procureITfair

ProcureITfair is a coalition of NGOs from various European countries that intend to raise awareness of the working conditions and environmental pollution in the production of computers and asks politicians and public purchasers to use their (buying) powers to demand compliance with international labour rights and environmental standards in the global supply chain of computers.

ProcureITfair also serves as a network and welcomes organisations and institutions from all countries seeking exchange and advice.
More information at: www.procureITfair.org



BUY IT FAIR – GUIDELINE FOR THE SOCIAL-ENVIRONMENTAL PROCUREMENT OF COMPUTERS

Berlin 2009, 42 pages

This guideline composed by the campaign Procure IT fair shows how public tenders can be carried out in accordance with labour laws and environmental standards. Alongside an overview of violations of labour laws and environmental problems in the IT industry the guideline contains

detailed suggestions for formulations and advice for legally sound public tenders for computers.

It can be downloaded on the ProcureITfair website: www.procureitfair.org.

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