

Ethical Employment Policy

Introduction

This statement sets out Careers Wales' policy on procurement from organisations whose employment policies reflect Careers Wales' own ethical employment policies. In addition, Careers Wales recognises that our work is also part of a supply chain, therefore must comply with the ethical employment rules of those who procure our services.

Careers Wales does not condone any practices under the following four headings:

- Modern Slavery
- Blacklisting
- False self-employment
- Unfair use of umbrella schemes and zero hours contracts

Careers Wales is committed to:

- Paying the Living Wage
- Fair dealing with suppliers to avoid cost and timescale pressures; e.g. avoidance of abnormally low prices or non-industry standard timescales, ensuring fair payment terms and fair delivery timescales that do not encourage unethical business practice in the supply chain in order to meet demands.

Almost all of products procured in the UK – e.g. clothes, computers, furniture and food - involve a supply chain that employs migrant workers or workers in other countries both inside and outside the EU. The Careers Wales policy on ethical recruitment is based largely on the following principles and we expect suppliers of goods and services to evidence upon request that:

- Working conditions are safe;
- Good health is promoted;
- Employment is freely chosen;
- Working hours are not excessive;
- Wages meet at least national legal standards;
- Training is provided;
- No discrimination is practised;
- Diversity and good workforce practices are encouraged;
- Child labour is eliminated;
- No inhumane treatment is allowed.

Careers Wales engages Recruitment Agencies from time to time to procure temporary workers to fill short term resource gaps. All recruitment agencies are required to evidence the above as applicable.

This Policy should be read in conjunction with the Whistleblowing Policy which sets out the mechanism for raising concerns where it is believed that there is a breach of any of the conditions listed above.

This Policy should also be read in conjunction with the Careers Wales Recruitment and Selection Policy which sets out the Company's approach to ethical engagement of employees and agency staff.

Purpose

Draft Policy
Denise Currell
May 2018

Careers Wales is working within the legal framework governing public procurement to purchase goods, services and works that support Welsh Government policies to achieve value for money. This Policy sends a positive signal to stakeholders, clients and public policymakers about our commitment to address any abuse. It promotes supply chain efforts to mitigate risks to brand value and company reputation.

Responsibilities:

The Director of Corporate Services has overall accountability for the policy and its implementation and for reporting to the Board. A Board member is nominated to be the Board Liaison for this Policy.

The Head of People Development and Compliance and Governance Team Leader are Careers Wales' Ethical Employment Champions and are responsible for the policy, its implementation and for providing training to all employees to maximise awareness. Training includes (as appropriate to audience):

- The company's social responsibilities principles;
- Methods of detecting abuse in recruitment and hiring;
- Effective measures of prevention and corrective action; and
- Strategies for continuous improvement.

This Policy applies to employees and extends to suppliers (including those further down the supply chain), business partners, investors and other stakeholders

Definitions: (Taken from the Ethical Trade Initiative Base Code)

ETI Base Code

1: Employment is freely chosen

1.1 There is no forced, bonded or involuntary prison labour.

1.2 Workers are not required to lodge "deposits" or their identity papers with their employer and are free to leave their employer after reasonable notice.

2: Freedom of association and the right to collective bargaining are respected

2.1 Workers, without distinction, have the right to join or form trade unions of their own choosing and to bargain collectively.

2.2 The employer adopts an open attitude towards the activities of trade unions and their organisational activities.

2.3 Workers representatives are not discriminated against and have access to carry out their representative functions in the workplace.

2.4 Where the right to freedom of association and collective bargaining is restricted under law, the employer facilitates, and does not hinder, the development of parallel means for independent and free association and bargaining.

3: Working conditions are safe and hygienic

3.1 A safe and hygienic working environment shall be provided, bearing in mind the prevailing knowledge of the industry and of any specific hazards. Adequate steps shall be taken to prevent accidents and injury to health arising out of, associated with, or occurring in the course of work, by minimising, so far as is reasonably practicable, the causes of hazards inherent in the working environment.

3.2 Workers shall receive regular and recorded health and safety training, and such training shall be repeated for new or reassigned workers.

3.3 Access to clean toilet facilities and to potable water, and, if appropriate, sanitary facilities for food storage shall be provided.

3.4 Accommodation, where provided, shall be clean, safe, and meet the basic needs of the workers.

3.5 The company observing the code shall assign responsibility for health and safety to a senior management representative.

4: Child labour shall not be used

4.1 There shall be no new recruitment of child labour.

4.2 Companies shall develop or participate in and contribute to policies and programmes which provide for the transition of any child found to be performing child labour to enable her or him to attend and remain in quality education until no longer a child.

4.3 Children and young persons under 18 shall not be employed at night or in hazardous conditions.

4.4 These policies and procedures shall conform to the provisions of the relevant International Labour organisation standards.

5: Living wages are paid

Careers Wales is a Living Wage Foundation Accredited Employer.

5.1 Wages and benefits paid for a standard working week meet, at a minimum, national legal standards or industry benchmark standards, whichever is higher. In any event wages should always be enough to meet basic needs and to provide some discretionary income.

5.2 All workers shall be provided with written and understandable Information about their employment conditions in respect to wages before they enter employment and about the particulars of their wages for the pay period concerned each time that they are paid.

5.3 Deductions from wages as a disciplinary measure shall not be permitted nor shall any deductions from wages not provided for by national law be permitted without the expressed permission of the worker concerned. All disciplinary measures should be recorded.

6: Working hours are not excessive

6.1 Working hours must comply with national laws, collective agreements, and the provisions of 6.2 to 6.6 below, whichever affords the greater protection for workers. 6.2 to 6.6 are based on international labour standards.

6.2 Working hours, excluding overtime, shall be defined by contract, and shall not exceed 48 hours per week*

6.3 All overtime shall be voluntary. Overtime shall be used responsibly, taking into account all the following: the extent, frequency and hours worked by individual workers and the workforce as a whole. It shall not be used to replace regular employment.

6.4 The total hours worked in any 7 day period shall not exceed 60 hours, except where covered by clause 6.5 below.

6.5 Working hours may exceed 60 hours in any 7 day period only in exceptional circumstances where all of the following are met:

- this is allowed by national law;
- this is allowed by a collective agreement freely negotiated with a workers' organisation representing a significant portion of the workforce;
- appropriate safeguards are taken to protect the workers' health and safety; and
- the employer can demonstrate that exceptional circumstances apply such as unexpected production peaks, accidents or emergencies.

6.6 Workers shall be provided with at least one day off in every 7 day period or, where allowed by national law, 2 days off in every 14 day period.*

**International standards recommend the progressive reduction of normal hours of work, when appropriate, to 40 hours per week, without any reduction in workers' wages as hours are reduced*

7: No discrimination is practiced

7.1 There is no discrimination in hiring, compensation, access to training, promotion, termination or retirement based on race, caste, national origin, religion or beliefs, age, disability, gender, marital status, sexual orientation, union membership or political affiliation.

8: Regular employment is provided

8.1 To every extent possible work performed must be on the basis of recognised employment relationship established through national law and practice.

8.2 Obligations to employees under labour or social security laws and regulations arising from the regular employment relationship shall not be avoided 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.

9: No harsh or inhumane treatment is allowed

9.1 Physical abuse or discipline, the threat of physical abuse, sexual or other harassment and verbal abuse or other forms of intimidation shall be prohibited.

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Auditing:

Social audits are the primary tool used by organisations to assess their own facilities and those of their suppliers for compliance with their corporate policies and codes, and to detect compliance violations and worker abuse. The following points are covered by a pre-contract questionnaire for suppliers;

- General profile of migrant workers
- The process for selecting and contracting labour recruiters;
- Who has oversight of the recruitment process;
- Recruitment fees and expenses;
- Contracts of employment for migrant workers;
- Document retention and withholding passports;
- Charging of security deposits
- Wage payment and deductions;
- Compulsory or involuntary overtime;
- Migrant worker freedom of movement and personal freedom at the workplace and in dormitories;
- Workplace discipline;
- Threats of violence and intimidation;
- Grievance procedures; and
- Migrant worker rights to terminate employment without penalty.

Monitoring and Compliance:

This Policy will be regularly reviewed against current legislation. Non-compliance is identified by:

- Regular scrutiny of HR metrics,
- Via questionnaire to prospective suppliers and
- By responding to questionnaires from those contracting with us for our services.

In addition:

- Enquiries aimed at compliance are made of all suppliers, also contributing to the raising of awareness of these issues and consideration given to the need to make these enquiries to clear sub-contractors.
- Additional information arising through Whistleblowing reports informs future action.
- An action plan to attain compliance is in place and regularly reviewed.
- The Company's specific responses to the issues are mapped out (ensuring at all times that vulnerable workers are protected, that contingencies are in place to respond to issues where they happen);
- The root causes of the issues, including the policies and practices that contributed to the problem, are addressed;
- The risks and their sources – the particular business processes, operational functions, or structural gaps from which the risks arise are mapped (risk assessments); and

- The results are fed into into a management systems improvement plan.
- Issues becoming apparent through the implementation of this policy will be subject to reporting to the Board.
- Reports are made annually on policy, performance and impact, giving details about the preventive and corrective actions taken against forced labour, and the protective measures in place as part of the recruitment, selection and hiring process for migrant workers in their supply chains. New policy interventions and strategies are described, and lessons learned in implementation are shared.