

WELSH GOVERNMENT CODE OF PRACTICE : ETHICAL EMPLOYMENT IN SUPPLY CHAINS - PROGRESS AND ACTION FOR 2023-24

COMMITMENT	PROGRESS
<p>Commitment 1 (to 1.1) of the Code Produce a written statement on ethical employment within our own organisation and our supply chains. Once produced, we will communicate the statement throughout our organisation and we will review it annually and monitor its effectiveness.</p> <p>1.1 Appoint an Anti-slavery and Ethical Employment Champion</p>	<p>1</p> <ul style="list-style-type: none"> Ethical Employment statement produced and available on the Council's website.. <p>1.1 Cabinet member for Corporate Support appointed as Ethical Employment Champion, along with Cabinet member for Housing, Leisure and Culture (for Modern Slavery).</p>
<p>Commitment 2 (to 2.1) of the Code Produce a written policy on whistle-blowing to empower staff to raise suspicions of unlawful and unethical employment practices, and which places a responsibility on staff to report criminal activity taking place within our own organisation and our supply chains. Once produced, we will communicate the policy throughout our organisation. We will review the policy annually and monitor its effectiveness.</p> <p>2.1 Provide a mechanism for people outside our organisation to raise suspicions of unlawful and unethical employment practices</p>	<p>2</p> <ul style="list-style-type: none"> Whistleblowing policy in existence and available to staff on the Council's intranet. Single point of contact : Human Resources Advisory Services Manager, Tel. (01766) 771000
<p>Commitment 3 of the Code Ensure that those involved in procurement and the recruitment and deployment of workers, receive training on modern slavery and ethical employment practices, and keep a record of those that have been trained.</p>	<p>3 Key Category, Procurement and Human Resources staff have completed Welsh Government's e-learning on the Code of Practice. In addition, a further module, produced in collaboration with North Wales Police and other specialist organisations, is available for front-line staff who may be in a position to spot signs of modern slavery as part of their day-to-day role.</p>
<p>Commitment 4 (to 4.4) of the Code Ensure that employment practices are considered as part of the procurement process. We will :-</p> <p>4.1 Include a copy of our Statement on ethical employment (Commitment 1) in all procurement documentation</p> <p>4.2 Include appropriate questions on ethical employment in tenders and assess responses provided</p> <p>4.3 Incorporate, where appropriate, elements of the Code as conditions of contract</p> <p>4.4 Ask bidders to explain the impact that low costs may have on their workers each time an abnormally low quote or tender is received</p>	<p>4</p> <p>4.1 Statement published on the Council's website and updated annually</p> <p>4.2 Relevant questions are being asked of our suppliers via our tendering process, proportionate to the degree of risk of projects.</p> <p>4.3 Specific terms related to modern slavery and ethical employment have been incorporated into the Council's Standard Terms & Conditions.</p> <p>4.4 Consideration of the effect of an 'abnormally low tender' is included in the Procurement rules as part of the assessment arrangements of quotes and tenders.</p>

<p>Commitment 5 (to 5.2) of the Code Ensure that the way in which we work with our suppliers does not contribute to the use of illegal or unethical employment practices within the supply chain. We will :- 5.1 Ensure that undue cost and time pressures are not applied to any of our suppliers if this is likely to result in unethical treatment of workers. 5.2 Ensure that our suppliers are paid on time – within 30 days of receipt of a valid invoice</p>	<p>5</p> <ul style="list-style-type: none"> • 5.2 Payment within 30 days is current practice. <p>All relevant staff are aware of these requirements.</p>
<p>Commitment 6 of the Code Expect our suppliers to sign up to this Code of Practice to help ensure that ethical employment practices are carried out throughout the supply chain</p>	<p>6</p> <ul style="list-style-type: none"> • The Council's commitment to the Code is demonstrated via this Progress Report, our Ethical Employment Statement and Modern Slavery statement which are all available on the Council's website. <p>The Council includes appropriate questions and terms in relation to the Code as part of its tendering process</p>
<p>Commitment 7 (to 7.4) of the Code Assess our expenditure to identify and address issues of modern slavery, human rights abuses and unethical employment practices. We will :- 7.1 Carry out regular reviews of expenditure and undertake a risk assessment on the findings, to identify products and/or services where there is a risk of modern slavery and/or illegal or unethical employment practices within the UK and overseas 7.2 Investigate any supplier identified as high risk, by direct engagement with workers wherever possible 7.3 Work with our suppliers to rectify any issues of illegal or unethical employment practice 7.4 Monitor the employment practices of our high risk suppliers, making this a standard agenda item for all contract management meetings/reviews</p>	<p>7</p> <p>7.1/7.2 In late 2020, work commenced on identifying such high risk areas, two of which are considered to be Construction and Food : https://www.gla.gov.uk/publications/labour-exploitation/</p> <ul style="list-style-type: none"> • During late 2020/21, we assessed a small sample of our construction suppliers to identify their knowledge of Welsh Government's Code of Practice and to ascertain what processes they had in place with their supply chains in terms of addressing modern slavery or unethical employment practices. Although the main contractors had processes in place, it is fair to say some of their supply chain were unfamiliar with the Code and its aims. This information was shared with Welsh Government colleagues. Also in 2021, we replicated this process with a small sample of our food suppliers. Again, although our main contractors had processes in place, processes within their supply chains were less consistent in terms of modern slavery and unethical employment practices. We have also reiterated our desire to work with suppliers/contractors who make efforts to address the modern slavery/ethical employment agenda. • • 7.3-7.4 Business Wales has also worked with some local suppliers to raise their awareness of ethical employment practices. We acknowledge that we are starting the journey of committing to the Code and we cannot guarantee our supply chain's compliance but we will make efforts to abolish any instances of modern slavery and unethical working practices.
<p>Commitment 8 (to 8.2) of the Code Ensure that false self-employment is not undertaken and that umbrella schemes and zero hours contracts are not used unfairly or as a means to:</p>	<p>8</p> <ul style="list-style-type: none"> • 8.1 Gwynedd Council does not support the use of zero hour contracts, and as an employer, has not employed staff on arrangements of this nature since 2013.

<p>8.1 Avoid or facilitate avoidance of the payment of Tax and National Insurance contributions and the relevant minimum wages</p> <p>8.2 Unduly disadvantage workers in terms of pay and employment rights, job security and career opportunities</p> <p>8.3 Avoid Health and Safety responsibilities</p>	<p>At the same time, the Council has also taken steps to reduce the numbers of staff who have, since a number of years, worked under such arrangements. 338 members of staff were employed under such arrangements in 2011/12 but by now, this figure has reduced to 35. Despite this, the Council respects that some individuals wish to continue to work zero hours as it suits their personal arrangements</p> <ul style="list-style-type: none"> • 8.2 The Council complies with the relevant legislation in relation to self-employed individuals that are paid to undertake specific work by the Authority. The Council monitors its arrangements to ensure that the relationship between it and the individual is totally clear, therefore complying with HMRC requirements. • 8.3 Gwynedd Council has a health and safety policy in place which outlines employees' and contractors' responsibilities and no discrimination on the basis of employment contracts is allowed. The need to carry out work in a safe and healthy manner stands for everyone. The Council also has a Contractor Management policy in relation to health and safety that requires a high standard of qualifications and work quality by contractors.
<p>Commitment 9 (to 9.4) of the Code</p> <p>Ensure that workers are free to join a Trade Union or collective agreement and to undertake any related activity and raise worker concerns without risk of discrimination. We will:</p> <p>9.1 Not make use of blacklists/prohibited lists</p> <p>9.2 Ensure that our suppliers do not make use of blacklists/prohibited lists</p> <p>9.3 Not contract with any supplier that has made use of a blacklist/prohibited list and failed to take steps to put matters right</p> <p>9.4 Expect our suppliers to ensure that Trade Union representatives can access members and contracted workers</p>	<p>9</p> <ul style="list-style-type: none"> • Gwynedd Council encourages a healthy relationship with the recognized trade unions and is eager to work in partnership with them. The Council will not give any staff an unfair disadvantage for being involved in any activity on behalf of a union. • 9.1 The Council does not use blacklists / prohibited lists. • 9.2 The Council will endeavor to ensure that we use suppliers that share this principle. • 9.3 Certainty of this is part of the pre-qualification arrangements of suppliers who apply for Council contracts. • 9.4 See 9.2 above
<p>Commitment 10 (to 10.3) of the Code</p> <p>Consider paying all staff the Living Wage Foundation's Living Wage as a minimum and encourage our suppliers to do the same. We will:</p> <p>10.1 Consider paying at least the Living Wage Foundation's Living Wage to all our staff in the UK</p> <p>10.2 Consider becoming an accredited Living Wage Employer</p> <p>10.3 Encourage our suppliers based overseas to pay a fair wage to all staff, and to ensure that staff working in the UK are paid at least the minimum wage</p>	<p>10</p> <ul style="list-style-type: none"> • 10.1 The Council wishes and aims to pay the Living Wage Foundation's Living Wage as a minimum wage for staff • 10.2 At the time of updating this Progress Report, the Council currently pays slightly below the Living Wage Foundation's rate: https://www.livingwage.org.uk/ • 10.3 In achieving the ambition of paying the Living Wage Foundation's Living Wage as a minimum wage, the Council will be in a position to also encourage our suppliers to pay the Living Wage Foundation's Living Wage.
<p>Commitment 11 (to 11.2) of the Code</p> <p>Produce an annual written statement outlining the steps taken during the financial year, and plans for future actions, to ensure that slavery and human</p>	<p>11</p>

<p>trafficking are not taking place in any part of our organisation and its supply chains. We will:</p> <p>11.1 Ensure that the statement is signed off at senior management/board level</p> <p>11.2 Publish the statement on our website. If this is not possible, we will provide a copy to anyone within 30 days of a request being made</p>	<ul style="list-style-type: none"> • 11.1-11.2 Modern slavery statement available on Council's website and flowchart produced, outlining the process for reporting, for the attention of staff. • Modern slavery statement updated annually, demonstrating any further progress made on this agenda
<p>Commitment 12 (to 12.2) of the Code</p> <p>Ensure all those undertaking work on an outsourced contract are treated fairly and equally. We will:</p> <p>12.1 Ensure that public sector staff who are transferred as part of a public service which is outsourced to a third party retain their terms and conditions of employment</p> <p>12.2 Ensure that other staff working on an outsourced public service are employed on terms and conditions that are comparable to the transferred public sector staff</p>	<p>12</p> <ul style="list-style-type: none"> • 12.1 The Council respects the principles of the Code of Practice on Workforce Issues (2014), by ensuring that TUPE legislation is implemented correctly when transferring Council staff to a third party that will deliver services. That means that staff who transfer to a third party will keep their terms and conditions of work. • 12.2 The Council agrees with the principle that a body that provides a Service on its behalf should employ staff on terms and conditions of work similar to those staff that have been transferred out of the Authority's employment. At the same time, the Council first needs to respect and commit to the requirements of employment law when transferring staff out of its employment.

Welsh Government's Code of Practice : <https://gov.wales/ethical-employment-supply-chains-code-practice>

Animation : <https://youtu.be/Dh7xovOblvU>

[Further actions for 2023/24](#)

Commitment 3- We will continue to share any appropriate new training on modern slavery with key Procurement, Category Management and Human Resources staff.

Commitment 4 -_For high risk areas, where necessary, increase the level of questioning. Monitoring of use of questions on an ad-hoc basis.

Commitment 5 - When the situation arises that conditions of contracts change, we will ask for an assessment on the workforce so as to try to ensure this does not have a negative effect.

Commitment 7 - We have also reiterated our desire to work with suppliers/contractors who make efforts to address the modern slavery/ethical employment agenda and will continue to identify high risk areas and assess their knowledge of the Code.

Separate to the Code of Practice but relevant to the topic, identify action points from the Social Partnership and Public Procurement Bill, once in place