

Electronics Watch for Public Buyers

Questions & Answers from the Webinar on June 16, 2015

1. Contract Clauses and the Role of the Public Sector

Question: What is the timeline of the London Universities Purchasing Consortium (LUPC) Apple contract and what is LUPC's role in implementing the Electronics Watch contract clauses?

EW: The tender documentation including the Electronics Watch terms should be issued by early July. We expect the new agreement to commence on October 1, 2015. The terms allow for some flexibility with regard to the role of a framework authority, such as LUPC, and Electronics Watch in the implementation process, particularly in the engagement with contractors and suppliers. As this is the first time the Electronics Watch terms will be used, we expect this contract to be a learning experience for all parties.

Question: If we buy from contracts negotiated by a consortium or a framework authority, can we claim that we are covered by Electronics Watch?

EW: Yes, normally you can. If you are member of the consortium and the consortium has paid affiliation fees that reflect the ICT hardware expenditures of all members, you can claim to be covered. If you are a member of the consortium and you have specifically contributed to the consortium's affiliation fees, even if other members have not, you can claim to be covered. However, if you have not contributed to the consortium's affiliation fees and the consortium does not pay a fee that reflects the expenditures of all members you cannot claim to be covered.

Question: Are the EW contract clauses publicly available?

EW: No. The Electronics Watch contract clauses should only be used by affiliates. Non-affiliates will not have access to critical verification and enforcement tools incorporated into the clauses and will therefore not be able to guarantee equal and non-discriminatory treatment of contractors. However, we make the clauses available to any public sector organisation that is considering affiliating with Electronics Watch for information purposes. If you are interested we will arrange a meeting or webinar to explain the clauses to ensure all your questions are answered.

2. Monitoring and the Role of Civil Society Organisations in Producer Regions

Question: How do you evaluate the risk to workers in the "engagement" model of monitoring and how do you mitigate that risk?

EW: The Electronics Watch engagement model of monitoring is based on continuous engagement between civil society monitoring organisations and workers rather than occasional social audits. These organizations do more than just audit factories. Often based in workers' communities, they may conduct education and training on labour rights and occupational safety and health, and provide legal services and other support for workers. That means they possess expertise on compliance issues and they sometimes know workers and their families personally. Workers trust them to share information about workplace hazards and rights violations that they are often reluctant to share with industry auditors, fearing employer retaliation. When workers report on general issues in their workplaces, Electronics Watch monitors keep their identities strictly confidential to prevent any retaliation against the workers. When they report on issues impacting

individual workers specifically—for example, if workers have been unjustly fired and should be reinstated—and it is necessary to reveal their identity in order to ensure remedy, Electronics Watch and relevant affiliates carefully monitor and enforce our non-retaliation policy, while the local civil society monitor continues to engage with the workers in question to watch out for any mal-treatment.

3. *The Role of the Private Sector*

Question: Is there a way in which open-minded companies can participate in or support Electronics Watch?

EW: Yes. We have two suggestions. First, prepare yourself to satisfy the Electronics Watch contract terms by tracing and researching your supply chain, engaging with suppliers to ensure you are fully informed of labour violations and steps you can take to increase the capacity of suppliers to mitigate risk and prevent violations. Second, contact us about participating in the Electronics Watch Reform Program. The goal of this program is to address systemic issues, including sourcing and purchasing relationships, which may contribute to labour violations. The Reform Program is not a contractual requirement but a voluntary initiative.

Question: Is Electronics Watch limited to public procurement?

EW: Yes. Only public or certain semi-public agencies that bridge the public and private sectors can affiliate with Electronics Watch. However, we are happy to share experience and insight, and to learn from, private sector organisations with an interest in responsible supply chain management.

4. *Electronics Watch and the Role of Governments in Producer Regions*

Question: What steps is Electronics Watch taking to engage with governments of countries with high electronics production in order to improve legislation to protect workers?

EW: Electronics Watch is an organisation with many subnational government agency affiliates. It would not be appropriate for them to seek to influence legislation in other countries. However, Electronics Watch will, when appropriate, seek to work collaboratively with government labor inspectorates in producer regions, informing them of our findings, and requesting their assistance to enforce compliance as necessary. We hope that this engagement will help to strengthen rule of law, albeit not change any laws.

5. *Electronics Watch Development*

Question: Can you give us a timeline for Electronics Watch actions? What progress can we expect to see and when?

EW: Up until now, we have been engaged intensively in organizational development. We have:

- Formally incorporated Electronics Watch as a non-governmental organization under Dutch law, established a Board of Trustees, and recruited the first staff.
- Developed an advisory structure with 75 members, including representatives of public sector organisations, civil society organisations in producer regions, and experts on the electronics industry and international human rights.

- Created a network of about 40 civil society organisations that will serve as they “eyes and ears” on the ground for Electronics Watch affiliates, and developed a monitoring methodology.
- Developed the Electronics Watch contract performance clauses based on an intensive consultation with stakeholders and experts.

We are now at a point where we will begin to shift focus towards the intelligence gathering and monitoring phase of our work. That means we will consult with our network of monitors to determine what intelligence they already possess that is useful for our affiliates, and we will consult with affiliates to determine the monitoring needs that they have in preparation for investigatory activities.

Question: When will information about the condition at production sites be available to use?

EW: The timeline for factory investigations depends on when Electronics Watch learns the names and locations of the factories that make the ICT products for specific affiliates. Affiliates will normally obtain this information from contractors as part of the required contract performance. Because affiliates may not be able to implement the Electronics Watch contract clauses immediately, we encourage affiliates to ask contractors to share information about factories on a voluntary basis before the contract clauses take effect. Contractors’ voluntary compliance with the factory disclosure requirements will help Electronics Watch produce relevant reports sooner rather than later.

However, even if we cannot investigate the specific factories that make the goods for a certain affiliate, affiliates will benefit from Electronics Watch intelligence on labour compliance in electronics producer regions in several ways. All affiliates will receive investigatory data, risk analysis, and ongoing monitoring reports conducted for other affiliates. Affiliates will be asked to treat this information confidentially. Reports that mention specific factories and companies will only be publicly available after the contractor has had a reasonable opportunity to review and address the findings.

