



2005-5

EXECUTIVE ORDER ON A SWEATSHOP FREE PROCUREMENT POLICY

WHEREAS, each year the State spends millions of dollars contracting with the private sector for the purchase, rental, and laundering of apparel and textile products;

WHEREAS, the prudent expenditure of public dollars requires that the State's procurement process leads to the selection of qualified and responsible contractors who have the ability to perform the contract;

WHEREAS, the State of Illinois has long supported the premise that employers should fairly compensate employees, that the health and safety of workers should be protected, and that no form of discrimination or abuse should be tolerated;

WHEREAS, occasionally, laws and regulations designed to safeguard basic tenets of ethical business practice are disregarded in some workplaces, commonly referred to as "sweatshops"; and

WHEREAS, the State's procurement interests are served by doing business with contractors who make a good faith effort to ensure that they and their subcontractors shun sweatshop practices and adhere to Illinois workplace standards;

THEREFORE, I hereby order the following:

I. Affidavit Requirement

Seeking to protect these interests, the State requires that all contractors subject to this Administrative Order sign an affidavit stating that they and, to the best of their knowledge, their subcontractors will comply with the standards set forth in this Order.

II. Definitions.

The following definitions shall apply to this Order:

1. "Contract" means an agreement to procure or launder apparel and textile products and related supplies to the State. Contract includes, but is not limited to, the procurement and laundering of garments, uniforms, footwear, related accessories, and textile products.
2. "Contractor", "Vendor", or "Bidder" means a person, partnership, corporation or other entity which has a contract or seeks to have a contract with the State.

3. "Procurement" means State purchasing, renting, leasing or laundering of apparel and textile products and related goods, including allowance and voucher programs.
4. "Subcontractor" means a person, partnership, corporation or other entity which enters into a contract with a contractor for performance of some or all of the State contracted work.

III. Scope

This Order applies to all apparel and textile products procured by or laundered for all departments, agencies, boards and commissions under the jurisdiction of the Governor. All other agencies, boards, commissions, authorities, universities, and other state institutions are urged to adopt similar procedures. This Order applies to contractors who enter into contracts with a value in excess of \$25,000.

IV. Substantive Standards

All apparel and textiles procured by the State of Illinois must be manufactured and laundered (if applicable) in facilities that meet the following requirements:

1. Provide working conditions that meet or exceed the International Labor Organization (ILO) Conventions' standards, including the ILO Declaration on Fundamental Principles and Rights at Work, governing freedom of association, forced labor, child labor, and nondiscrimination, as well as payment of wages, hours of work, occupational health, occupational safety, and that are in compliance with all applicable local, county, and state laws of the locality of manufacture, except where such a condition is preempted by federal or state law.
2. Employees are paid a "non-poverty" level of wages & benefits at least equivalent to the U.S. federal poverty line for a family of three. For manufacturing operations in countries other than the U.S., the wage shall be comparable to the wage for domestic manufacturers as defined above, adjusted to reflect the country's level of economic development.
3. Employees are not terminated for other than just cause and have access to a mediator to resolve workplace disputes that fall outside of the jurisdiction of the National Labor Relations Board.
4. Employees shall have at least one day off in every seven-day period and at least 40 hours of paid time off per year, and all overtime hours shall be worked voluntarily.
5. There shall be no discrimination in employment - including in hiring, salary, benefits, advancement, discipline, termination or retirement - on the basis of gender, race, religion, age, disability, sexual orientation, or nationality. Workers are not subjected to sexual,

psychological or verbal harassment, abuse or corporal punishment, nor are they subjected to forced use of contraceptives or pregnancy tests by their employer.

6. Maintenance of verifiable wage and hour records for each worker that shall be provided to each worker.

V. Information/Compliance by Bidders & Vendors

For every bid and contract for the procurement of apparel and textile goods by the state agency or authority, whether for purchase, lease, or laundering, each bidder, vendor, or contractor must submit the following information to the state or procuring agency (CMS):

- A list of each proposed facility to be utilized in the manufacturing, distribution, and laundering (if applicable) of the goods, including any subcontractors, with business name, address and phone number, and the average wage paid to workers for each facility.
- An affidavit that each of the proposed facilities, including any subcontractors, meets all of the substantive standards defined above.
- This information will be made available to the public as soon as possible, but in no case less than 30 days before a decision is made to award a contract to a particular vendor. Any changes to the submitted information during the term of a contract must be reported by the vendor to the procuring agency.

VI. Violations & Enforcement:

CMS will establish an oversight process with an “Apparel Procurement Advisory Board” to receive and assess evidence of non-compliance by bidders, contractors, or vendors, and to consider issues relating to implementation and enforcement of this Order and to make recommendations to address such issues. The Board may coordinate with an independent non-profit organization to investigate allegations of non-compliance with this Order. A vendor’s, bidder’s, or contractor’s refusal to allow an independent non-profit organization access to its facilities to investigate alleged violations of this Order shall itself constitute a violation of this Order.

The Apparel Procurement Advisory Board shall be composed of:

1. Four individuals selected by the Governor, including 2 from agencies that employ uniformed personnel and one from the Department of Labor;
2. Three individuals selected by the Governor representing uniformed unions of employees of the State.

Upon determining that a bidder, contractor, or vendor has not complied with the terms of this policy, including failure to provide truthful information, the state or authorized procurement officer of the state may:

- require immediate corrective action by the bidder or vendor to come into compliance;
- terminate an existing apparel contract;
- bar the vendor or bidder from receiving pending or subsequent contracts.

VII. Waiver

Specific requirements of this Order may be waived if it is determined by the public body that there is no vendor able to meet those specific requirements. In such event, the public body shall take every reasonable measure to contract with a vendor who is able to satisfy most closely the requirements of this section. The provisions of this order may be waived by express waiver in a bona fide collective bargaining agreement.

VIII. Severability

If any provision of this Order is found invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

IX. Effective Date

This Executive Order shall become effective upon filing with the Secretary of State.

ROD R. BLAGOJEVICH,
Governor

Issued by Governor: April 22, 2005

Filed with Secretary of State: April 22, 2005