

A trade unionists' guide to using public procurement to advance equality and social justice

Public sector procurement, whether for services, goods or works, can seem mysterious for trade unionists, who might find themselves dealing with the impact of procurement contracts, such as the outsourcing of jobs and/or the worsening of terms and conditions of employment. Yet the procurement process also offers opportunities for trade unions to advance equality and diversity objectives and proactively secure good employment conditions.

The [Buying Social Justice through Procurement](#) research project has produced guidance, based on its findings and best practice examples, on how to include equality and social considerations into public procurement.

The **Buying Social Justice Through Procurement toolkit**, is available to download [here](#) This guidance and checklist highlight how trade unions can use the toolkit.

Checklist

- ✓ You can lay the ground for influencing your employers' procurement activities by seeking to **recruit and represent workers** employed on work being done through contracts that have already been let.
- ✓ Unions have an important role to play in **monitoring workers' experiences** of employers' outsourced contracts and raising any issues of concern, for example relating to discrimination or harassment, health and safety, or failing to meet key conditions on pay and conditions, including the Living Wage, that are required by the contract. Make sure that workers on the contract know that the union is there to voice their concerns.
- ✓ You can **use consultation meetings with employers** to ask how they are ensuring that their equality policies and employment standards applying to inhouse staff are being upheld by all contractors, for example paying the Living Wage as a basic minimum and addressing gender and equality pay gaps.
- ✓ Seek to **make use of your union's political influence to persuade senior public sector** leaders to include social justice objectives, such as action to address gender and ethnicity pay gaps, paying the Living Wage, and setting goals for jobs and apprenticeships for underrepresented groups in their procurements.
- ✓ **Use the evidence you gather through monitoring contract workers' experiences as leverage** to press for tighter requirements for future procurements. The best time to use this evidence is **at the early pre-procurement stage of a re-tender of the contract**, when the requirements for a new procurement exercise are being drawn up.
- ✓ You can also use a combination of influencing senior leaders and evidence from contract experiences to **seek agreement for trade union involvement at appropriate stages of the procurement process** or better still for bringing the work inhouse, where it is an outsourced activity.
- ✓ There is an additional opportunity for trade unions to influence the pre-procurement process through the **Equality Impact Assessment (EqIA)** that public bodies should conduct at this point in the procurement process.

Guidance for trade unions on encouraging the use of public procurement for equality and social justice objectives



The **Buying Social Justice Through Procurement toolkit**¹ is primarily intended to support procurement and equality specialists working for public sector organisations who want to include equality and social justice objectives in their procurement activities. Whilst the good practice examples it includes are focused on procurement of construction works, it is also relevant to the procurement of goods and services. The toolkit provides valuable guidance for trade unions who would like to support the creation of a 'golden thread' of equality and social justice objectives woven through the five stages of procurement (see image above).

You can download the toolkit [here](#) and look up the page numbers referred to below.

Procurement good practice principles

The toolkit outlines the six principles for success in incorporating equality and social justice objectives to procurement activity. Two of these principles are of relevance for trade unionists (**see page 29 of the toolkit**).

The first principle, **collaboration and partnership working**, highlights the benefits to employers of harnessing the knowledge and expertise of trade unions at key points in the procurement process. That involvement should include opportunities for trade unions to discuss and advise on how best to promote good employment opportunities and to deliver equality, diversity and inclusion for workers. Trade unions also have an important role to play in monitoring contractors in relation to the commitments they have made during the procurement process (**see page 26 of the toolkit**). The TUC has also produced a useful [guide](#) to using **employment charters** to seek leverage through any opportunities you have for collaboration over employment-related procurement requirements.

The third principle, **strategic alignment across the public sector and within each organisation**, highlights how **national, regional and local policy agendas** can be used as leverage for including equality and social justice objectives in procurement requirements. For example, the Crown Commercial Services [procurement guidance](#) and Social Value Model for Central Government

¹ [McAndrew, F., Conley, H., Mamode, J., Sarter, E. K. and Wright, T. \(2023\) Buying social justice through procurement: an equality and diversity toolkit. Queen Mary University of London](#)

encourages the adoption of social value² objectives that include employment-related standards and initiatives to reduce inequalities in pay and skills within contractors' workforces, to reduce the disability employment gap and support community integration. Community wealth building strategies adopted at a town, city and regional level in many parts of the UK can also be useful leverage. You can find some examples in the toolkit **on page 8**. More information and some useful case study examples of local authorities, health trusts and other public bodies who have adopted community wealth building strategies can also be found on the Centre for Local Economic Strategies (CLES) [website](#).

Why buying social justice matters particularly in construction (page 4 of the toolkit)

Many public sector organisations engage with the construction sector through their procurement of works projects. This section of the toolkit provides some background on why it is important to seek to influence construction procurement requirements as a way of encouraging equality and other employment improvements. The construction sector has low levels of unionisation and as a result a poor safety record, poor employment practices in many areas, and a lack of gender, ethnicity and disability-related diversity in the workforce. The construction sector also has a history of anti-trade union activities such as blacklisting. Procurement can be used as a way of combatting all these issues. For example, **on page 17 of the toolkit**, you can find a link to the Welsh Government's Code of Practice on Ethical Employment in Supply chains. This provides a template for how other public bodies could be ensuring that suppliers commit to not engaging in blacklisting and to giving trade union reps access to members and potential members on site.

Influencing the pre-procurement process (page 5 of the toolkit)

During the pre-procurement stages, there is an opportunity for trade unionists to make the case **not to procure** a service at all, but to keep it in-house. **On page 7 of the toolkit**, you can find a case study of an organisation that chose to recruit an in-house home improvement team in response to previous issues with the standard of work of outsourced contractors. Engaging in the monitoring of a contract once it is let can enable trade unionists to gather the evidence to make the case for in-sourcing once the contract is up for re-tender.

During the pre-procurement process there is also an opportunity for trade unionists to seek to **engage with key decision makers** such a chief executive, heads of functions and local politicians who may have a role in setting the high-level standards that procurement activities will have to reflect, for example in terms of embedding equality, fairness and community benefits into objectives. **On page 8 of the toolkit**, you see how you might seek to leverage pre-existing relationships with local politicians and organisational leaders to encourage them to require such standards in the procurement activities of their organisations or the organisations they oversee.

Another useful source of leverage, **outlined on page 10 of the toolkit**, is the opportunity for trade unionists to **work with community groups or service users** who may be invited to collaborate with procurement specialists to help set the priorities for a procurement process. The toolkit includes some case studies examples of community and service user influence over procurement requirements (**see pages 6, 12 and 14 of the toolkit**).

² Although the social value framework is not ideal, it can be a useful starting point from which to argue for stronger equality and employment standards to be introduced within procurement requirements.

Equality Impact Assessments (EqIA) provide an additional route for trade unionists to seek to positively influence the pre-procurement process. Details of EqIAs as they apply to procurement can be found on **pages 10 to 11 of the toolkit**. These will be of particular interest to **equality reps**.

The pre-procurement stage is the time when organisations might first start to consider broadening the range of suppliers who might bid for the contract. This opens up a potential opportunity for trade unions to be pro-active in negotiating agreements with any new supplier. To facilitate this, trade unions can seek to influence organisations to encourage potential new suppliers to commit to enabling trade union access to the workforce for recruitment purposes and ideally to consider the possibility of a union recognition agreement.

Page 21 of the toolkit outlines how organisations might hold events or issue communications to potential suppliers. Trade unionists can subscribe to these communications as a useful way to **keep up to date with the procurement activities of an employer**. Attending ‘meet the buyer’ events can help trade unions know **who the potential suppliers are** seeking to win future contracts with an employer.

Understanding the specification process (pages 15 to 19 of the toolkit)

The specification process can be the most mysterious part of procurement for trade unionists. This section of the toolkit is useful for anyone who is keen to understand more about what goes on during this stage of procurement and what suggestions they might make in the form of potential requirements for inclusion by specialist procurement teams.

The toolkit provides two useful case study examples **on pages 17 and 19** of the specifications required by a public body designed to ensure a strong foundation of minimum employment standards across their procurement activities, including encouragement for **trade union recognition**.

The toolkit also provides, **on page 18**, examples of the kinds of equality requirements that can be included in procurement specifications, such as the monitoring and reporting of gender and ethnicity pay gaps, encouragement of opportunities for under-represented groups to access training and employment opportunities, and the provision of clear procedures to report and deal with allegations of discrimination.

Selecting suppliers (page 20 of the toolkit)

At this stage, although the actual selection and evaluation process will be confidential between the prospective suppliers and the procurement team, input from the local community and other relevant stakeholders during the early stages of pre-procurement can help ensure that when it comes to evaluating bids, the right criteria are being assessed to meet local needs. The toolkit includes a case study, **on page 24**, of a housing association that involved its tenants directly in the evaluation of tenders. Trade unionists are also an important group of stakeholders in this regard and one avenue for trade union influence can involve **input, during the pre-procurement stage, into aspects of evaluation**, particularly **the supplier or pre-qualification questionnaire (SQ or PQQ) stage**. For example, a good case can be made for an **equality rep** or another trade union representative with specialist knowledge of equality or the specific area that the procurement is concerned with, to be given a role in the SQ or PQQ evaluation panel. You may even be able to make the case for a trade union involvement in aspects of the selection stage which follows, involving bidders who have passed the initial stage of the process. (**see pages 23 to 24 of the toolkit**).

Monitoring the outcomes of the procurement (pages 25 to 26 of the toolkit)

Once a contract has been let, trade unionists should ask the employer for a full briefing on the key requirements of the contract, particularly the requirement relating to good employment practices and equality and diversity outcomes. There are ongoing opportunities throughout the period of the contract for trade unionists to ensure that they make contact with, seek to recruit and then represent, the supplier's workers. As well as ensuring strong union organisation linking the core workforce to those working for contractors, this provides an invaluable source of monitoring information about adherence to contractual requirements, including the Living Wage where the commissioning organisation is an accredited Living Wage employer (see pages 15 to 17 of the toolkit).

Trade unionists should seek to raise issues arising from their monitoring of contractual performance including requirements to pay the Living Wage, through workers' reports with the employer through existing negotiating and consultation channels. A record should also be kept of issues that arise as they can be useful to feed into any lessons learnt' discussions with the employer when a contract comes up for re-tender, as it can help make the case for tightening contractual requirements in the future.

Spread the word – share this guidance with your fellow trade unionists

Share the link to the toolkit (<https://buyingsocialjustice.org.uk/toolkit/>) with your employers' equality and procurement specialists so they too can be better informed about the possibilities open to them for using procurement to promote equality and social justice objectives.

For a more detailed account of all the findings of the Buying Social Justice Through Procurement, you can download a copy of the full research report [here](#).

Guide prepared by Dr Joyce Mamode and the Buying Social Justice research team, Queen Mary University of London, June 2024.

