

Contractor Code of Conduct City of Portland, Oregon

DRAFT for REVIEW: October 4, 2019

INTRODUCTION

Procurement Services, a Division of the Bureau of Revenue and Financial Services at the City of Portland (“the City”) supports City bureaus with the acquisition of outsourced supplies, materials, equipment, and services in a timely, efficient, and effective manner; and in compliance with applicable laws, regulations, and City policies. Procurement Services also provides leadership, policy development, oversight, and management of the City's procurement and contracting processes to ensure equity and sustainability in the expenditure of public funds.

The purpose of this Contractor Code of Conduct is to establish expectations and requirements on behalf of the City for contractors to meet and adhere to. The City spends approximately \$350 - \$400M per year on outsourced goods and services and strives to use that as a force for good. By thinking holistically and acting responsibly, the City, together with its contractors, can advance equity, environmental protection, community health and achieve market transformation.

This Code of Conduct applies to all Contractors that the City does business with, which includes, but is not limited to, suppliers, professional service firms, construction and trade contractors, sole proprietors and other government agencies (“Contractor”). The expectation on behalf of the City is that Contractors will adhere to the principles contained herein for those operations that support the fulfillment of their contract(s) with the City and have due diligence policies and practices in place that extend these Code of Conduct requirements into, and throughout, their supply chains that support the fulfillment of the contract(s) with the City. Contractors are strongly encouraged to make their policies, procedures, and due diligence practices related to this Code of Conduct publicly available on their (and their affiliates’) website.

(Note: blue text in parenthesis is for reference purposes only)

LAW AND CODE COMPLIANCE

Contractors are expected to comply with: (1) all relevant and applicable laws and regulations of the country in which workers are employed including those at the federal, state/provincial and local community levels, and including environmental, labor, health and safety, and anti-corruption and other business ethics laws; (2) the City’s Contractor Code of Conduct; (3) all City contract terms and conditions.

When differences or conflicts in standards arise, Contractors are expected to comply with the highest standard that is the most in favor of the workers.

Depending on the product or service being provided, the City will monitor compliance by means of reporting, data analysis, performance reviews and surveys, including entities within the Contractor’s applicable supply chains as needed to verify compliance with this Code of Conduct. This monitoring may occur directly by the City or through an authorized third-party entity.

If a Contractor fails to comply with this Code of Conduct the City may issue a Notice to Cure requesting the Contractor take corrective action to come into compliance with this Code of Conduct. Corrective actions will vary depending on the violation, however, in general, corrective actions shall not include moving applicable operations to a different location or region or business to avoid taking corrective action at the location or place of business where the violation occurred. A Contractor's failure to take appropriate corrective action is grounds for contract termination. Egregious violations of the Code of Conduct, as determined by the City, are subject to contract termination without a Notice to Cure process.

CODE OF CONDUCT

Human and Labor Policy

FORCED LABOR: Contractors shall not use forced or coerced labor. ([ILO Fundamental Principles and Rights](#)) Contractor shall not engage in any human trafficking related acts. ([Patagonia Code of Conduct](#))

CHILD LABOR: Contractors shall not employ child labor. ([ILO Fundamental Principles and Rights](#)) A child is defined as a person under 14 years old or the age for compulsory schooling, whichever is higher. Workers under the age of 18 shall not be made to perform any work that would negatively impact their morals or health. ([UN Supplier Code of Conduct](#))

DISCRIMINATION: Contractors shall give workers equal access to all aspects of employment. ([ILO Fundamental Principles and Rights](#)) Contractors shall not discriminate based on any of the following: race/color/national origin/ancestry/gender/gender identification/sexual orientation/marital status /medical conditions/pregnancy or childbirth status/age/physical or mental disability/political opinions/veteran status/union membership or other classification protected under applicable law. ([Patagonia Supplier Workplace Code of Conduct](#)) Contractors shall have a method of for workers to appeal for discrimination. ([UN Discrimination Convention](#))

WAGES: Contractors shall pay the minimum wage or above, and pay overtime, according to the laws of the worker's working locale as a floor. ([UN Supplier Code of Conduct](#))

WORKING HOURS: Contractors shall not require workers to work more than 48 regular hours per week or the maximum allowed under local laws, whichever is stricter. For every seven days worked, workers shall be given 24 hours off or the minimum required by local law, whichever is stricter, as well as holidays and vacations. ([FLA Workplace Code of Conduct](#), [WRC Code of Conduct](#))

HARASSMENT: Contractors shall not engage in or allow harassment or violence to occur among their workers. Harassment includes threats of violence, verbal or psychological harassment or abuse, and/or sexual exploitation and abuse. ([UN Supplier Code of Conduct](#)) There shall be an accessible grievance mechanism for workers posted in all facilities written in all the languages spoken at the workplace. ([Patagonia Supplier Workplace Code of Conduct](#))

FREEDOM OF ASSOCIATION and COLLECTIVE BARGAINING: Contractors shall honor workers' freedom of association and their ability to collectively bargain. ([ILO Fundamental Principles and Rights](#))

JUST CAUSE and PROGRESSIVE DISCIPLINE: Contractors shall have a clear worker disciplinary policy in place. ([RBA Code of Conduct](#)) Contractors shall use progressive discipline and a bona fide grievance process to resolve workplace disputes.

Health and Safety

OCCUPATIONAL SAFETY: Contractors shall take a proactive approach to health and safety by implementing policies, systems and training designed to prevent accidents, injuries and protect worker health. ([FLA Workplace Code of Conduct, Patagonia](#)) Workers shall be given applicable personal protective equipment and workplace safety training. ([UN Supplier Code of Conduct](#))

EMERGENCIES: Contractors shall make plans in the event of an emergency and communicate those plans to workers. Facilities shall be equipped with fire detection and suppression equipment. ([RBA Code of Conduct](#))

Ethics and Accountability

CORRUPTION and MISCONDUCT: Contractors shall comply with all local and national: anti-corruption laws, confidentiality laws, and corporate laws. Contractors shall not bribe, extort, embezzle or otherwise engage in corruption. ([Ten Principles of UN Global Compact](#))

WHISTLEBLOWERS: Contractors shall provide identity protection and non-retaliation measures for whistleblowers to report ethics violations. ([RBA Code of Conduct](#)) This includes having reporting options in place that allow whistleblowers to report ethics violation to an applicable person or entity that is not involved in the ethics violation.

TRANSPARENCY: Upon request from the City, Contractors shall be transparent in providing to the City relevant and detailed compliance and continuous improvement information related to this Code of Conduct as applicable to production of the contracted goods or services. ([City Sustainable Procurement Policy](#))

DUE DILIGENCE: Contractors shall exercise due diligence associated with their activities and sourcing decisions to cultivate sustainable practices throughout their operations and supply chains. At a minimum, due diligence practices shall entail on-going, proactive and reactive processes that support compliance with applicable laws and this Contractor Code of Conduct. Contractors shall disclose their due diligence practices to the City upon request. ([RBA Code of Conduct](#))

Environment Policy

ENVIRONMENTAL RESPONSIBILITY: Contractors shall comply with all applicable local and national environmental laws, legal permits, and mandated reporting. Upon request from the City, Contractors shall provide documentation demonstrating the Contractor's environmental responsibility performance. Contractors are expected to take a progressive approach to minimize negative impacts on the environment. ([UN Supplier Code of Conduct, Patagonia](#))