



Procedure Title:
Anti-Sweatshop Procedure

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7560

Effective Date:
March 01, 2010

This procedure item applies to:
State-Operated Campuses

Category:
Financial
Related Entities

Responsible Office:
[University Counsel](#)

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Summary

In support of the State University of New York's (University's) Anti-Sweatshop Policy, a contractor, subcontractor or licensee is required to certify to its adherence to applicable labor standards in connection with working conditions, compensation, employee rights to form unions and the use of child labor when University designs; trademarks, service marks, logographic symbols and other indicia are utilized in the manufacture of apparel or textiles ("apparel") or sports equipment or when the University purchases such items.

Process

In support of the State University of New York's (University's) Anti-Sweatshop Policy, a contractor, subcontractor or licensee is required to certify to the adherence to applicable labor standards followed in the chain of production as to working conditions, compensation, employee rights to form unions and the use of child labor for apparel and sports equipment sold to the University or its affiliated organizations such as Auxiliary Services Corporations or when University designs; trademarks, service marks, logographic symbols and other indicia (hereafter "university marks") are utilized in the manufacture of such goods or sports equipment. Among other things, such standards apply to working conditions, compensation, employee rights to form unions and the use of child labor.

I. Requirements of contractors, subcontractors and licensees

For all transactions described above, contractors, subcontractors or licensees shall be required to comply with the following procedures:

A. Disclosure Requirements

1. In connection with the purchasing of apparel/textiles or sports equipment or the licensing of university marks, a contractor or licensee (hereafter the "vendor") shall in connection with the purchasing of apparel/textiles or sports equipment or the licensing of university marks, provide the University, Auxiliary Services Corporation

(ASC) or other affiliated organization, whichever is the purchasing or licensing entity, with the following:

a. Certification of Compliance With Fair Labor Conditions (see Forms) attesting that such apparel or sports equipment to be manufactured or to be manufactured using university marks was done in compliance with all applicable labor and occupational safety laws including but not limited to child labor laws, wage and hour laws and workplace safety laws.

b. If known: (i) the names and addresses of each subcontractor to be utilized in the performance of the contract; (ii) the vendor and each subcontractor's applicable state tax identification number; and (iii) all manufacturing plants utilized by the vendor or its subcontractors for the performance of the contract.

2. During each year of the term of a contract, the appropriate University Procurement/Purchasing Officer or designee or affiliated organization may request a written assurance from the vendor and each of its subcontractors that the vendor or subcontractor is in compliance with this Procedure. The request may seek confirmation of compliance with some or all of the requirements of this Procedure, and may require the response to be submitted under penalty of perjury. The vendor shall provide the written assurance within the time period specified by the University Procurement/Purchasing Officer or designee or the affiliated organization, which shall not be less than 15 business days from receipt of the request.

3. Each vendor shall be responsible for ensuring their subcontractor(s)' compliance with this Procedure and applicable labor standards.

4. When competitive bidding is required, in accordance with New York State Labor Law, for a procurement of apparel or textiles or sports equipment, campuses must add a statement to their bid documents that the campus will not enter into a contract to purchase or obtain for any purpose any apparel or textiles or sports equipment with a bidder unable or unwilling to provide documentation that such apparel or sports equipment was manufactured in compliance with all applicable labor and occupational safety laws, including, but not limited to, child labor laws, wage and hour laws and workplace safety laws.

II. Enforcement and vendor Compliance

To ensure vendor compliance, campuses may undertake the following actions at their option:

A. Third Party/External Monitoring

To ensure that the anti-sweatshop labor practices outlined in the University's Anti-Sweatshop Procedure are independently verified and complied with, a campus may decide to implement compliance programs such as joining an independent external monitoring agency to monitor compliance with anti sweatshop standards. In choosing the appropriate independent external monitoring agency, a campus shall comply with New York State procurement laws and also take into consideration the cost implications and utility of using an independent third party monitoring/enforcement service.

B. Code of Conduct

Campuses may require that vendors join an independent external monitoring agency or require adherence to a code of conduct consistent with the above.

If a campus chooses to join an independent third party monitoring organization or create or adopt a Code of Conduct it may result in additional compliance requirements. Such compliance requirements may be adopted provided that they do not conflict with any term of this procedure.

III. University-wide Advisory Panel

To assist and advise the Chancellor and University campuses on sweatshop issues and emerging trends in sweatshop compliance and monitoring, the Chancellor may designate and institute a University-wide internal advisory panel comprising in equal proportions of students, faculty and staff.

Forms

Where applicable, this section contains links and/or references to forms as they relate to this procedure:

[Certification of Compliance with Fair Labor Conditions](#)

Related Procedures

In support of this procedure, the following links and/or references to related procedures are included:

[Purchasing and Contracting \(Procurement\)](#)

Other Related Information

In support of this procedure, the following links and/or references to other related information are included:

[Anti-Sweatshop Policy](#)

[Alumni Associations Guidelines](#)

[Foundations Guidelines, Campus-Related](#)

Authority

Where applicable, this section contains links and/or references to the authority governing this procedure:

The following link to FindLaw's New York State Laws is provided for users' convenience; it is not the official site for the State of New York laws.

NYS State Finance Law Article 11 §165(7) (Purchase of Apparel)

State University of New York Board of Trustees Resolution 2009-109, adopted June 16, 2009.

History

There is no history relevant to this procedure.

Appendices

