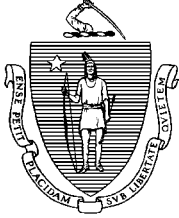


# SENATE, NO. 2412

[SIMILAR MATTER FILED DURING PAST SESSION  
SEE NO. 1788 OF 2005-2006]



## The Commonwealth of Massachusetts

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IN THE YEAR OF TWO THOUSAND AND SEVEN

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### **AN ACT** TO REQUIRE DISCLOSURE OF LOCATIONS AND CONDITIONS OF MANUFACTURE OF SERVICES AND SUPPLIES FURNISHED TO THE COMMONWEALTH

*Be it enacted by the Senate and House of Representatives in General Court assembled,  
And by the authority of the same, as follows:*

- 1 SECTION 1. Policy and purpose. It is hereby declared to be the policy of the
- 2 Commonwealth of Massachusetts that places of manufacture, distribution or sale of any
- 3 product or services in which substandard working conditions and unfair wages prevail,
- 4 commonly known as “sweatshops,” unfairly disrupt the free market and are inimical to
- 5 the welfare of the working people, manufacturers, and consumers of Massachusetts, the
- 6 United States and the World. The Commonwealth believes employers should fairly
- 7 compensate hard work; that the health and safety of working people should be protected;

8 that no form of unlawful discrimination or abuse in the workplace should be tolerated;  
9 and that the establishment of decent working conditions, fair wages for all workers and  
10 the elimination of sweatshop labor are fundamental goals of our democratic society.

11 The Commonwealth further recognizes that government procurement of goods or  
12 services produced under sweatshop conditions offends its citizens' sense of justice and  
13 decency.

14 Moreover, when the Commonwealth contracts with vendors or suppliers of goods or  
15 services who provide substandard wages and/or working conditions, the  
16 Commonwealth's businesses are placed at a competitive disadvantage. In its role as a  
17 market participant and a consumer of goods and services, the Commonwealth seeks to  
18 protect the interests of Massachusetts citizens and businesses by dealing with responsible  
19 bidders who seek contracts to supply goods or services to the Commonwealth, and to  
20 protect Massachusetts businesses and workers from unfair competition created by  
21 downward pressure on prices and conditions attributable to businesses that violate  
22 applicable workplace laws.

23 Therefore, it is the policy of the Commonwealth to seek to do business with vendors and  
24 suppliers of goods and services who make a good faith effort to ensure that they and their  
25 suppliers at the point of assembly adhere to the Commonwealth's principles regarding  
26 sweatshop labor and substandard working conditions.

27 In order to carry out the purposes and intent of this Act, the Commonwealth hereby  
28 requires that the source of all products and services purchased by the Commonwealth, or  
29 any subdivision thereof, or by any entity financed in whole or in part by the

30 Commonwealth and any subdivision thereof, be fully disclosed and such information be  
31 available to the Commonwealth's citizens, residents and public officials.

32 Further, the Commonwealth requires that all vendors and suppliers of goods or services  
33 to the Commonwealth or any subdivision thereof, respond to a questionnaire as part of  
34 their contract with the Commonwealth. This questionnaire, which must be signed under  
35 the penalties of perjury, will inquire as to whether the vendor or supplier of goods and  
36 services and, to the best of their knowledge, their suppliers and subcontractors, comply  
37 with the workplace laws at all locations and places of business and assembly, and with  
38 treaty obligations that are shared by the United States and the country in which the  
39 vendor, supplier or subcontractor's facilities are located.

#### 40 SECTION 2. Required Disclosures.

41 Subsection A. Except when federal or other law precludes the Commonwealth from  
42 attaching the procurement conditions provided in this Subsection, neither the  
43 Commonwealth, nor any board, authority, agency or political subdivision of the  
44 Commonwealth, nor any state university, state college, community college, public school  
45 or other educational institution, individual, partnership, trust, corporation, business or  
46 other entity, financed in whole or in part by the Commonwealth, or any board, authority,  
47 agency or political subdivision thereof, shall purchase or contract for goods or services,  
48 sell, license, franchise its name, logo or symbol to be affixed to, or to promote the sale of,  
49 any article or service for which the vendor or supplier of services thereof, or their  
50 principal subcontractors, have not disclosed, in such printed and electronically accessible  
51 form as the [Executive Office for Administration and Finance through its Secretary/  
52 Operational Services Division of the Commonwealth through its State Purchasing Agent

53 (“A & F/OSD”)] shall require of the purchaser, licensor, franchiser or user thereof, the  
54 location of the vendor or supplier (to include all vendor’s or supplier’s places of  
55 production, assembly, and distribution), or, in the case of services, the source and  
56 location of supply. Said vendor or supplier of services shall also supply, in such printed  
57 and electronically accessible form as the [A & F/OSD] shall require, the location of all  
58 the principal subcontractors’ places of production, assembly, and distribution, or in the  
59 case of services, the source and location of supply. During the performance of the  
60 contract, the vendor or supplier of services and its principal subcontractors shall report  
61 any changes of location within 30 days of such a change.

62 Subsection B. Except when federal or other law precludes the Commonwealth from  
63 attaching the procurement conditions provided in this Subsection, no contract to provide  
64 goods or services to the Commonwealth, nor any board, authority, agency or political  
65 subdivision of the Commonwealth, nor any state university, state college, community  
66 college, public school or other educational institution, individual, partnership, trust,  
67 corporation, business or other entity, financed in whole or in part by the Commonwealth,  
68 or any board, authority, agency or political subdivision thereof, shall be awarded unless  
69 the persons signing such contract on behalf of the party contracting to provide such goods  
70 or services completes, as part of the contract itself, a questionnaire inquiring as to  
71 whether the party contracting with the Commonwealth meets the employment and  
72 business conduct requirements set forth in Section 3 of this Act.

73 Subsection C. Except when federal or other law precludes the Commonwealth from  
74 publishing such information, the [A & F/OSD] shall make available to the  
75 Commonwealth’s residents, citizens and public officials, in such printed or electronically

76 available form as the [A & F/OSD] shall require, each vendor or service supplier's  
77 completed questionnaire, required under Section 2, Subsection B of this Act, relating to  
78 working conditions and employment and business conduct at the vendor, supplier or  
79 subcontractor's locations and facilities.

80 SECTION 3. Definitions: Employment and Business Conduct Requirements; Location.

81 A. For the purposes of this Act, Employment and Business Conduct Requirements as  
82 defined herein shall include the following:

83 (1) Compliance with all applicable wage, health, labor, environmental and safety  
84 laws and legal guarantees of freedom of association including the right to  
85 organize and bargain collectively; compliance with building and fire codes;  
86 and compliance with laws relating to discrimination in hiring, promotion or  
87 compensation on the basis of race, creed, disability, national origin, gender,  
88 sexual orientation or affiliation with any political, nongovernmental or civic  
89 group.

90 (2) Compliance with all human and labor rights treaty obligations that are shared  
91 by the United States and the country in which the goods are assembled. These  
92 may include obligations with regard to forced labor, indentured labor, slave  
93 labor, child labor, involuntary prison labor, physical and sexual abuse and  
94 freedom of association.

95 B. For the purposes of this Act, Location as defined herein, and as may be further  
96 defined in regulations promulgated by the [A & F/OSD], shall include but not be limited  
97 to the following: name, including trade names, registered names, and names commonly  
98 used;

- 99 (1) principal address;
- 100 (2) person or persons to be contacted for the purpose of verifying information  
101 required by Section 2 of this Act;
- 102 (3) telephone, fax numbers, mailing addresses, and e-mail addressed of persons to  
103 be contacted for the purpose of verifying information required by Section 2 of  
104 this Act.

105 SECTION 4. Advisory Committee.

106 A. The [A & F/OSD] shall promulgate regulations establishing an Advisory  
107 Committee, whose functions and duties may include, but not be limited to: verifying  
108 information required under Section 2 of this Act; gathering reports from reputable local,  
109 national and international non-governmental organizations and other creditable sources  
110 regarding working conditions and employment and business conduct of the  
111 Commonwealth's vendors and providers of goods and services; providing information  
112 gathered from these sources to the public and to the [A & F/OSD]; and working in  
113 partnership with the [A & F/OSD] to engage in discussions with vendors and providers of  
114 goods and services who do not comply with the Commonwealth's employment and  
115 business conduct requirements. The purpose of these discussions is to work with vendors  
116 and providers of goods and services, and to use the Commonwealth's bargaining position  
117 as a consumer of goods and services to influence them to change their practices.

118 B. The Advisory Committee may consist of representatives or designees of, but not  
119 be limited to representatives or designees of, the following: the Governor; the President  
120 of the Senate; the Speaker of the House of Representatives; Associated Industries of  
121 Massachusetts; Greater Boston Labor Council; Human Rights Watch; Jewish Alliance for

122 Law and Social Action; Labor Guild of the Archdiocese of Boston; Massachusetts AFL-  
123 CIO; Massachusetts Council of Churches; Massachusetts Immigrant Refugee Advocacy  
124 Coalition; the Massachusetts Interfaith Committee for Worker Justice; the National Labor  
125 Committee; Physicians for Human Rights and the Workers Rights Commission. No  
126 vendors, contractors, or subcontractors doing business with the Commonwealth, directly  
127 or indirectly, shall be members of the Advisory Committee.

128 C. The members of the Advisory Committee shall serve without compensation.  
129 Subject to appropriation, the members of the Advisory Committee may be reimbursed for  
130 expenses necessarily and reasonably incurred in the performance of their responsibilities.  
131 Subject to appropriation, the Advisory Committee may employ such staff personnel as is  
132 necessary to carry out its functions.

133 SECTION 5. Penalties.

134 A. Any vendor or supplier of goods or services to the Commonwealth who  
135 knowingly provides false information in response to any required disclosure under  
136 Section 2 of this  
137 Act shall be subject to the penalties set forth in Massachusetts General Laws Ch.  
138 12 § 5B(9).

139 SECTION 6. Regulations.

140 Within one hundred and twenty (120) days of the effective date hereof, the [A & F/OSD]  
141 shall promulgate appropriate regulations for the purpose of carrying out the intent of this  
142 Act.