

**Department for Infrastructure  
Transport and Road Asset Management CoPE**

**Case Studies 2023/24**

**Human Rights in Public Procurement**

## **PPN 05/21 Human Rights in Public Procurement**

DfI TRAM currently has 247 live works, supplies or services contracts available to maintain and develop the infrastructure of public roads, footways, bridges and street lighting across Northern Ireland. Within the past year, 72 contracts were awarded with a total value of £572.5m. PPN 05/21 mandates the actions that we must take to incorporate human rights considerations into contracts. DfI TRAM recognise that having this value of contracts affords us the opportunity to promote the respect and protection of human rights and prevent violations across our contracts and the roads construction industry.

### **DfI TRAM CoPE Procurement Policy**

As standard DfI TRAM includes a Supplier Code of Conduct within their contract documents which the Supplier must sign up to. Within the code Suppliers must:

- Treat all colleagues and services users with respect irrespective of gender, including gender identity and gender history, marital status including same-sex couples and civil partnership status, race/ethnic origin, religious belief or political opinion, disability, having or not having dependants, sexual orientation and age and have due regard to the need to promote equality of opportunity.
- Provide a safe and healthy workplace for their employees.
- If relevant to the contract, have clear and effective strategies in place to manage the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) process.
- Support and respect the protection of internationally proclaimed human rights and ensure they are not complicit in human rights abuses including adherence to the principles concerning International Labour Standards established by the International Labour Organisation (ILO).
- Allow their staff to establish and be members of trade unions or workers' organisations.
- If applicable fully comply with the requirements of the Modern Slavery Act 2015.

In addition to this DfI TRAM CoPE is working to develop internal policy which implements the requirements of PPN 05/21 and explains how as a CoPE we will assess, incorporate and manage the human rights risks throughout our contracts in an effective way.

PPN 05/21 states, “*Departments have a duty to ensure human rights are respected when they enter commercial transactions with contractors*” and details the requirements for all Contracting Authorities when incorporating human rights considerations throughout the procurement process.

The construction industry has been identified as an industry at high risk of violations or abuse of human rights. Therefore, DfI TRAM are keen to ensure they have fully implemented PPN 05/21 and as such ensure human rights are protected across our portfolio of construction contracts.

As part of the proposed CoPE Procurement Policy, DfI TRAM CoPE staff must complete a risk assessment (RA) for each contract as part of the procurement development, this RA identifies the level of risk within the specific contract for potential human rights violations. Following the identification of risk the appropriate terms can be included within the contract docs and measures put in place to mitigate them.

We consider that this along with the requirement for the Supplier to have the policies in place to address any potential human rights issues as per the Modern Slavery Act 2015, will adequately cover the needs of PPN 05/21.

### **Enniskillen Southern Bypass**

The Department is proposing a new 2.1km bypass to the South of Enniskillen to provide a connection between the A4 Dublin Road in the east and the A509 Derrylin Road in the west. The scheme also proposes improvements on the A509 Derrylin Road and a Non-Motorised User (NMU) provision to promote sustainable travel and improve the legacy of the project in accordance with the Departments Active Travel Policy.

During the procurement development for this construction scheme a risk assessment was completed by the Major Works Consultant to consider the potential for human rights violations.

The risk assessment looked at the following characteristics:

- Industry Type
- Nature of workforce
- Supplier Location
- Context in which the supplier operates

- Commodity Type
- Business / supply chain model

A medium risk was identified for the scheme. At pre-qualification stage, Economic Operators were asked to provide a form of their official human rights policy, along with formal reporting mechanisms for their organisations. Further Human Rights requirements for the Contract will be set out at Tender stage. This should include details of continual monitoring throughout the contract and reference to the sanctions to be applied if the terms are breached.

### **Lagan Pedestrian Footbridge**

The Department is proposing the construction of Lagan Pedestrian and Cycle Bridge in Belfast, between the Gasworks area and the Ormeau Embankment close to the 'Ozone' indoor tennis and leisure complex. The proposed bridge is to be a twin-pylon, three-span cable stayed steel bridge, spanning approximately 143m from bank to bank over the River Lagan.

Again, during the procurement development stages, a risk assessment was completed to consider the risks of human rights violations during the construction phase of the project. This assessment was undertaken by the scheme Consultant who could take into consideration their knowledge of potential suppliers for the required materials and had an adequate knowledge of the Northern Ireland construction industry.

This Risk Assessment considered the same characteristics as those identified under Enniskillen Southern Bypass and a medium risk was recognised for the scheme.

As such, at PQQ stage the Economic Operators will be asked to confirm that they are aware of their obligations under the Modern Slavery Act 2015 and the associated human rights legislation, and to attach, for information, a copy of their policy statement and the formal mechanisms in place for their reporting. Further details of the human rights requirements for this contract will be set out at tender stage and based on the associated risk level identified.