

# Better Buying™ Special Report



BETTER BUYING INSTITUTE, JANUARY 2023

## Purchasing practices and factory-level noncompliances: How the available research can inform supply chain due diligence

### KEY TAKEAWAYS

1. Buyer purchasing practices have the most known impacts on Working Time, Contracts and Human Resources (HR), and Compensation; with some evidence of impacts on Occupational Health and Safety; and minimal evidence of impacts on Child Labor, Forced Labor, Freedom of Association, and Discrimination.
2. Most of the research findings connecting purchasing practices to factory-level noncompliances were available prior to COVID-19, suggesting that COVID-19 primarily intensified known impacts rather than creating completely new ones.
3. This evidence should be used to guide companies' human rights due diligence efforts. Buyers' purchasing practices clearly create risks in global supply chains and the evidence identifies "starting points" for retroactively investigating the root causes of persistent noncompliances, in addition to highlighting opportunities to proactively prevent adverse human rights impacts.

### INTRODUCTION

Since the term "purchasing practices" was first introduced nearly 20 years ago, research has demonstrated numerous social, environmental, and financial impacts of such practices on global suppliers.

While it is logical to think that if a supplier company is impacted by purchasing practices their workers would also be impacted, there has been less research examining how purchasing practices prevent workers from achieving their rights at work. Some industry stakeholders have suggested that without evidence that demonstrates the link between buyer purchasing practices and factory-level noncompliance to codes of conduct, perhaps there isn't a need for brands and retailers to work toward improving their day-to-day practices. However, research has found some links, which have implications for both the role of global brands and retailers in corrective action plans when noncompliances are identified in their supply chains, as well as for the human rights due diligence expectations for buyers when it comes to their own purchasing practices.

Better Buying Institute conducted a review of the available research on this "missing link" to clarify what is already known about the connection between purchasing practices and factory-level noncompliance, and where there are opportunities for further research.

## METHODS

A desktop review of research related to purchasing practices and factory-level noncompliance was conducted during November and December 2019, and updated in April through October 2022 due to the surge in relevant research conducted as a result of the COVID-19 pandemic.

Using Better Buying's seven categories of purchasing practices from the Better Buying Purchasing Practices Index™ (plus two additional categories that emerged from the research) and Better Work's eight clusters in its Compliance Assessment Tool, each research finding that connected a specific purchasing practice to a specific noncompliance was recorded. Generic findings, for example a finding that buyer purchasing practices *in general* led to working time noncompliance, or that late payments led to noncompliances *in general*, were not included in the matrix.

Following the desktop review, four experts reviewed the matrix and contributed findings from their professional experience, distinguishing whether they had first-hand knowledge of certain purchasing practices that had impacted workers and created a noncompliance, or whether their experience led them to believe these connections existed but they lacked direct knowledge in support of their beliefs. These additional known findings and hypothesized lineages were combined with the desktop research to arrive at a full picture of evidence linking buyer purchasing practices with worker impacts.

Table 1: Characteristics of Experts

Expert #1	Academic expert with many years of research experience focusing on purchasing practices.
Expert #2	The former head of labor compliance at a major apparel brand.
Expert #3	The head of a multi-factory apparel manufacturer's labor compliance program.
Expert #4	A research consultant with numerous projects focused on purchasing practices and impacts across multiple industries.

### Better Work Compliance Assessment Tool clusters<sup>1</sup>

- Child Labor: Presence of child laborers, hazardous work, age verification and documentation
- Discrimination: Based on race and origin, religion and political opinion, gender, or other grounds
- Forced Labor: Coercion, bonded labor, forced overtime, prison labor
- Freedom of Association and Collective Bargaining: Freedom to associate, union operations, interference and discrimination, strikes
- Compensation: Minimum and overtime wages, premium pay, wage information, use, and deductions, paid leave, social security and other benefits
- Contracts and Human Resources: Dialogue, discipline, and disputes, employment contracts, contracting procedures, termination
- Occupational Safety and Health: Management systems, chemicals and hazardous materials, worker protection, working environment, welfare facilities, health services and first aid, worker accommodations, emergency preparedness
- Working Time: Regular hours, overtime, leave

<sup>1</sup><https://betterwork.org/portfolio/better-works-global-compliance-assessment-tool/>

## FINDINGS

The desktop review of research revealed that all of the clusters in the Better Work compliance assessment are impacted by purchasing practices, and every category of purchasing practices is known to impact at least one compliance cluster, though some categories have a higher concentration of documented connections to particular noncompliance clusters (Figure 1). Based on the prevalence of findings identified in each cell of the matrix, we understand that:

- Buyer purchasing practices have the most known impacts on Working Time, Contracts and HR, and Compensation;
- There is some evidence of impact on Occupational Safety and Health;
- There is minimal evidence of purchasing practices impacting Child Labor, Forced Labor, Freedom of Association, and Discrimination.

Some findings indicated that buyer purchasing practices can lead directly to a noncompliance (e.g., 4.1% of suppliers reported excessive overtime as a result of monthly order variations (BBI, Q2 2022 data)). Meanwhile, other findings specified mediating variables that occur “in-between” the purchasing practice and the noncompliance. For example, “For suppliers who abruptly lost buyer in-process contracts with no compensation . . . 80.4% said they were unable to provide severance pay when order cancellations resulted in worker dismissals” (Anner, 2020a, p.6).

For such findings, the purchasing practice (in this case, abrupt cancellation and non-payment of an in-process order) caused an impact (worker dismissals), which in turn led to a noncompliance (non-payment of severance pay). These indirect findings were included in the matrix because a purchasing practice was identified as the root cause of the noncompliance.

Research findings linking purchasing practices do not exist equally for all compliance clusters. Table 2 shows sample findings from the purchasing practices categories that

were most frequently connected to the three compliance clusters with the largest number of findings. These findings underscore the urgency for buyer companies’ human rights due diligence to examine how their own practices are creating risks for workers, both for preventing and addressing adverse impacts in their supply chains. A buyer company can review its behavior in the relevant category of purchasing practices to ensure its practices contribute to the prevention of adverse human rights impacts.

Conversely, if persistent noncompliances are occurring in a buyer’s supply chain in any of these three clusters, thorough due diligence should include a review of the buyer’s own purchasing practices - beginning with the most relevant purchasing practices categories - to identify and address potential root causes of the noncompliances.

### BETTER BUYING™ PURCHASING PRACTICES CATEGORIES<sup>2</sup>

- Planning and Forecasting: Forecast accuracy, providing regular forecast updates, capacity reservation and utilization
- Design and Development: Adoption rates, accuracy of tech packs, design changes
- Cost and Cost Negotiation: Whether prices cover the costs of compliant production, use of high pressure cost negotiation strategies
- Sourcing and Order Placement: Use of integrated scorecards, accuracy of bulk production orders, order variability
- Payment and Terms: Paying suppliers for samples, timeliness of invoice payments, whether payment terms were defined, payment deductions
- Management of the Purchasing Process: Use of and adherence to time and action calendars, lead times, management of nominated suppliers, placement of reorders
- Win-Win Sustainable Partnership: Conflicts between CSR and commercial requirements, audit harmonization

### ADDITIONAL PURCHASING PRACTICES

- Responsible Transition and Exit Strategies: Management of factory exits
- Buyer Human Resources: Knowledge and capability of buyer headquarters staff, staff turnover.

<sup>2</sup><https://betterbuying.org/about-purchasing-practices/>

Figure 1. Known Impacts of Purchasing Practices on Compliance Clusters

	Planning & Forecasting	Design & Development	Cost & Cost Negotiation	Sourcing & Order Placement	Payment & Terms	Management of the Purchasing Process	Win-Win Sustainable Partnership	Responsible Exit	Buyer HR
Child Labor									
Discrimination									
Forced Labor									
Freedom of Association									
Compensation									
Contracts									
OSH									
Working Time									

0-3 Findings	
4-9 Findings	
10-19 Findings	
20+ Findings	



### A NOTE ABOUT COVID-19

Between April and October 2022, the matrix was updated to include new research that emerged as a result of the COVID-19 pandemic. The purchasing practices of global brands and retailers were front and center during the pandemic, leading to a surge of research connecting purchasing practices to factory-level noncompliances.

Rather than surfacing brand new connections, these additional research findings reinforced the knowledge that was already evident in the matrix.

While some specific purchasing practices had not previously been researched in such depth (namely the impacts of order cancellations and non-payment of invoices), the connection between buyers' ordering and payment practices and factory-level noncompliances had already been made.

There were even a couple examples of positive impacts of purchasing practices, for example on-time or early payment of invoices enabling suppliers to keep paying workers' wages on time (BBI, June, 2020), which demonstrate how buyers can use their purchasing practices for positive impact on workers.

### BETTER BUYING™ INSIGHT



This evidence should be used to guide companies' human rights due diligence efforts. Buyers' purchasing practices clearly create risks in global supply chains.

The evidence identifies "starting points" for retroactively investigating the root causes of persistent noncompliances, and highlights opportunities to proactively prevent adverse human rights impacts.



Table 2: Compliance clusters with most research findings showing negative impacts from buyer purchasing practices and sample findings

<p><b>Working Time</b></p>	<p><b>Management of the Purchasing Process</b>  “...short lead times do not allow suppliers to plan production effectively, the consequences are often additional overtime (for 59% of suppliers responding to our survey).” (Early, 2017, p. 6)</p> <p><b>Sourcing and Order Placement</b>  “One important question in the survey was how the suppliers responded to peak orders...52 per cent of suppliers said they increased overtime hours.” (Anner, 2019b, p. 12)</p>
<p><b>Contracts and HR</b></p>	<p><b>Sourcing and Order Placement</b>  “In Cambodia, factories repeatedly use short-term contracts in excess of legally permissible limits, citing seasonal variations in brand orders.” (HRW, 2019, p. 5)</p> <p><b>Management of the Purchasing Process</b>  “Suppliers reported having to agree to unachievable turnaround times to secure orders; to try and meet these deadlines they...use high numbers of casual workers for short periods.” (BHRRC, 2019, p. 4)</p> <p><b>Planning and Forecasting</b>  “‘We are never sure of whether the next order will be coming,’ said one sub-contractor, ‘You cannot therefore engage people on a regular basis when you are not sure that there will be work.’ As a result, he hires workers on a daily basis for months on end.” (Raworth, 2004, p. 60)</p>
<p><b>Compensation</b></p>	<p><b>Cost and Cost Negotiation</b>  “According to nearly one-third (29 per cent) of suppliers, prices below the costs of production would likely lead them into difficulties in paying workers’ wages and/or overtime pay. In addition 33 per cent of them also insisted that it exposes them to the risk of going out of business, an extreme situation that can only lead the management to reduce labour costs by cutting wages or by evading social security contributions and labour tax in order to remain in business.” (ILO, 2016, p. 11)</p> <p><b>Sourcing and Order Placement</b>  “‘As one interviewee noted, in direct response to order cancellations, ‘thousands of factories closed either temporarily or indefinitely. This has obviously resulted in mass worker lay-offs’...As is reflected in our worker survey and interview data, in this aftermath, workers had two main fates: 1) being suddenly laid off or suspended, or 2) remaining employed but with generally worse conditions and pay.” (LeBaron et al, 2021, p. 33)</p> <p><b>Payment and Terms</b>  “‘When a supplier reported fair payment practices, 16% fewer workers reported salary reductions and 7% more workers were paid on time when in quarantine or on sick leave.’” (BBI &amp; Ulula, 2021, p. 6)</p>

## CONCLUSIONS AND RECOMMENDATIONS

There is ample evidence of the real impacts of purchasing practices on workers, the bulk of which was available before COVID-19. It is understandable that companies working to improve their purchasing practices are most interested in direct evidence of whether their own practices led to a noncompliance, however the available research confirms that purchasing practices place risks on workers in global supply chains. These risks require that brands and retailers examine their own practices as part of human rights due diligence. Buyer companies can use the facts identified through this research to guide this due diligence work and take targeted steps toward improvement.

This research evidence links purchasing practices to human rights violations. Furthermore, emerging human rights due diligence legislation outlines companies' obligations for engaging with such known risks. For example, under the German Act on Corporate Due Diligence Obligations in Supply Chains, which came into effect January 1 2023, companies must identify risks to workers in their supply chains and take preventive measures to ensure that their purchasing practices minimize those risks. Buyer companies can leverage this research to guide the investigation of human rights risks within their own supply chains, with the aim of complying with the new law and both addressing existing impacts and preventing future ones.

Finally, it is important to note that this research is not the final word on areas where purchasing practices have an impact on workers and factory compliance. What is known is heavily dependent on the research findings that exist, so it is possible that the compliance clusters being most frequently impacted are simply the clusters that have been the focus of more study and dedicated exploration, or where these connections are easiest to identify. Hypotheses that surfaced during the desktop research and expert review suggest that the compliance clusters of Child Labor, Forced Labor, and Freedom of Association, along with the purchasing practices categories of Planning and Forecasting and Design and Development, are other areas that would benefit from further research.



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\*These reports were collected by Better Buying Institute's President and Co-Founder, Dr. Marsha Dickson, over the last two decades.

#### About Better Buying™

Better Buying Institute reimagines supply chain sustainability, leveraging data to strengthen supplier-buyer relationships and improve purchasing practices that drive profitability while protecting workers and the environment. Our goal is to accelerate industry-wide transformation of buyer purchasing practices so that buyers and suppliers create mutually beneficial business relationships that achieve shared goals of profitability and social and environmental sustainability. Better Buying's programs provide retailers, brands, suppliers, and industry with data-driven insights into purchasing-related activities. The transparency we deliver to supply chain relationships promotes sustainable partnerships and mutually beneficial financial and other outcomes.

Visit our website: [www.betterbuying.org](http://www.betterbuying.org).

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