

Social Clauses in Wallonia Region, Belgium

At the federal level in Belgium, ad hoc initiatives for public procurement practices have been promoted in recent years. These initiatives cover both the facilitation of SEMs' participation and sustainability criteria. At the regional level, various initiatives have also been taken in Flanders, Wallonia, and Brussels Capital Region. The Walloon Region and the Wallonia-Brussels Federation offer, on their public procurement portal, a page dedicated to social clauses in works contracts, provisions intended to encourage construction companies to engage in the training, and/or integration of people with disabilities or who have disadvantage entering the labour market.

An interesting practice is carried out by *La Société wallonne de Financement complémentaire des infrastructures (SOFICO)* – the regional institution in charge of the maintenance of the highways in Wallonia. SOFICO included a 5% social clause of the entire market (which represents more than 600 million Euros). Social clauses are the way used to include the social economy organisations and SMEs in the public procurement procedures and a company provide placements for trainees directly in their own workforce, or to subcontract specific work to social enterprises, thus supporting the integration of persons with disabilities. Additionally, Wallonia has also enabled a system of facilitators or intermediaries, working as a helpdesk to assist public authorities in integrating clauses into tenders, and to help companies to execute them.

A concrete example, is the public procurement contract with SOFICO for the [Lighting plan 4.0](#), which concerns the design, modernisation and maintenance of the public-lighting equipment located along the 2,700 kilometres of the structured network managed by SOFICO in Wallonia.

For this project, [ENTRA](#), an adapted work company that, since 1968, has had the mission to create and maintain quality, adapted and sustainable jobs for people with disabilities and other vulnerable groups, was awarded the contract to provide the components required to assemble the devices (70.000 devices). In this context, ENTRA received all the components from the suppliers (cables/ circuit breakers/ terminal blocks) and the workers (persons with disabilities and other disadvantaged groups) assembled it to provide the final electrical boxes. These electrical boxes will be inserted in all the electric poles of Wallonia's motorways by other companies.

The workers are on the payroll of ENTRA are provided coaching and training, either by ENTRA or its clients and ENTRA ensures that all the workers are placed in a job with fair salary, stable, rewarding and evolving.

Enabling Environment and Social Clauses in France

In 2020, public procurement in France reached about 16% of GDP. Approximately 13% of all public procurement was executed by local authorities. In France, the government sets national policy on the basis of EU directives and has set the target that from 2025, 100% of public procurement should include ecological criteria and 30% with social considerations. In this context, the French government has deployed strong support to strengthen sustainable public procurement by enabling and promoting the role of facilitators assisting and guiding public authorities in the procurement process. One of these facilitators are:

- [Marché de l'inclusion](#): a kind of marketplace platform, where the public buyers present their needs, and the inclusive sector (integrated by more than 8 000 inclusive social enterprises) can provide support and services. This platform facilitates the sourcing and the inclusive procurement throughout France.
- [Rapidd](#): is a forum between public buyers, for the exchange of experiences and knowledge on public procurement with environmental and social considerations in which stakeholders can get involved.
- [Relais 2D](#) (Facilitator): a cooperative society of collective interest that provides guidance and support to public buyers to include and implement social and environmental criteria in public contracts.

A concrete example of the social clauses in the public contracts can be found in the practices of [Eau de Paris](#), the state-owned company responsible for the public water supply and wastewater collection for the city of Paris, that has been performing in sustainable and responsible procurement for several years. The company's purchasing department relies on multi-year planning to identify contracts that can be reserved and those that can contain social clauses to promote the professional integration of disadvantaged groups. This practice also allows greater visibility of the markets, giving public buyers the opportunity to anticipate future markets and organise themselves to prepare them as optimal as possible, particularly through outsourcing. Eau de Paris' goals and its collaboration with organisations such as Maison de l'emploi de Paris (The Paris Employment Centre) have enabled the company to receive quality offers and to implement a purchasing strategy focused on sustainability and inclusion.

The role of the Maison de l'Emploi de Paris is to identify potential markets that could contain social clauses and after the consultation phase organised by Eau de Paris, it continues by supporting the successful companies in the execution of these social clauses (implementation procedures and recruitment assistance) and will verify their compliance. This is to ensure the effectiveness of the insertion system put in place. To monitor the implementation of its responsible purchasing policy, Eau de Paris has set itself a steering indicator, which is regularly reported to the Executive Committee, on the number of reserved contracts awarded and the number of contracts awarded containing a social clause.

Reserved Contract in Czech Republic

In recent years public institutions in the Czech Republic have been promoting responsible public procurement by including different social clauses and reserving contracts to promote the integration of people with disabilities in the labour market. Leading by example, the Ministry of Labour and Social Affairs has been promoting socially responsible public procurement for several years. It adopted the underlying principles of socially responsible public procurement in its governing documentation and has been continuously and systematically applying them, as well as providing incentives for other public institutions to follow the same principles.

A notable example was the public procurement for the maintenance of photocopiers, printers, and multifunctional devices for the Ministry of Labour and Social Affairs' office operations in 2016 for a 3-year contract. Using Art. 101 Par. 1 of the Czech Public Procurement Act (transposition of Article 20, r. 36 of the Directive 2014/24/EU) and reserved the contract only to organisations employing “more than 50 % of persons with disabilities, in accordance with a special regulation [...] of the total number of their employee”.

Each such bidder had to provide evidence of the above in its bid and submit a confirmation from the Labour Office of the Czech Republic or a confirmation or a decision from a “social security authority concerning persons with disabilities” to ensure the employment of persons with disabilities in equal conditions.

Furthermore, the contract also included contractual penalties for breaching the specifications of the tender and established some criteria for the hiring of persons with disabilities and their involvement in the implementation of the contract. In this sense, the Contractor was required to employ persons with disabilities with various degrees and nature of disability (sight, hearing, physical or mental impairment) at various positions within its facilities, and a minimum of two persons with disabilities had provide for the services to be carried out directly within the Ministry's offices.