

Tokyo Metropolitan Government  
Socially Responsible Procurement Guidelines

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Tokyo Metropolitan Government

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Definitions of terms within these Procurement Guidelines

Term	Definition
Works and Goods	Items and services (including services provided electronically) procured by the Tokyo Metropolitan Government (hereinafter referred to as the “TMG”), such as works, building materials, supplementary materials, equipment, supplies, consumables, including outsourced business activities.
Order Recipients	Parties with whom the TMG concludes contracts for the procurement of Works and Goods
Supply chain	All stages (refers to all stages in the provision of parts and materials, subcontracting, and recommissioning, etc.) of manufacture, distribution, etc. including harvesting of feedstocks, up to provision to Order Recipients.
Procurement-related business operator	Order Recipients and business operators involved in their supply chain.
Procurement process	Processes related to the harvesting of feedstocks, manufacture, production, construction, distribution, and operation, etc. undertaken in Japan or in other countries, in the implementation of contracts for Works and Goods by Order Recipients. Furthermore, in order to clarify scope, within these Procurement Guidelines, this means the process up to delivery or provision of services to the TMG, unless otherwise specified under “5 Perspectives for securing sustainability”.
Negative impacts	Impacts that threaten the sustainability of human rights, and the environment, etc. (risk to sustainability).
Laws and regulations	Constitutions, treaties, laws, ordinances, government ordinances, cabinet ordinances, ministerial ordinances, public notices, regulations, government agency ordinances, directives, notifications, and other similar edicts.
Due diligence	A series of continuous processes to assess the business activities of corporations, including business related to the supply chain, in terms of negative impacts of possible illegal acts, human rights violations, environmental pollution, and other factors, implement measures according to the assessment results, and regularly disclose verification results and measures put in place following verification of the effectiveness of said measures.
Stakeholder	Parties with interests that will be affected or may be affected by the business operations of corporations (individual or group).
Workers, etc.	Persons engaged in some form of work to facilitate the provision of Works and Goods by Order Recipients. This is regardless of whether the employment format is regular or irregular, and includes freelance workers.
Foreign and immigrant workers	Workers at each site within the procurement process who are not nationals of the country in which the work site is located (includes technical interns, specified skilled workers, and foreign students.)

## 1 Purpose

Under the “Future Tokyo” strategy (March 2021), the Tokyo Metropolitan Government (hereinafter referred to as the “TMG”, excluding public enterprise bureaus, the same applies hereunder), expanded our initiatives from the perspective of “Sustainable Development Goals (SDGs)”, from the TMG offices to the world, and declared our intent to contribute to a sustainable society.

Based on this strategy, which clarifies the relationships between each promoted project and each SDG, the TMG is currently engaged in integrated initiatives for issues facing TMG administration, from the perspectives of the three sides of SDGs, which are economy, society, and environment.

Within this backdrop, and with this strategy in mind, the TMG embraced contribution to a sustainable society as its social responsibility, and going beyond TMG procurement to include corporate procurement, the TMG elaborated on desired customary practice in each of the fields of environment, human rights, labor and the economy, through procurement that takes sustainability into consideration as well as economic rationale, and formulated the “Tokyo Metropolitan Government Socially Responsible Procurement Guidelines” (hereinafter referred to as the “Procurement Guidelines”) in order to achieve this goal.

As well as enabling corporations to contribute to the realization of a sustainable economy and society, compliance with Procurement Guidelines will be highly significant for corporations, as this will allow them to maintain and acquire the confidence of society, reduce business management risk, create trading opportunities, and maintain and increase corporate value.

With these objectives in mind, these Procurement Guidelines shall respect the sustainability-related international agreements and codes of conduct of all sectors (“SDGs”, “UN Global Compact”, “Paris Convention”, “Osaka Blue Ocean Vision”, “Universal Declaration of Human Rights”, UN Guiding Principles on Business and Human Rights”, ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (including the ILO Core Labor Standards)”, “OECD Guidelines for Multinational Enterprises on Responsible Business Conduct”, “Guidelines on Respecting Human Rights in Responsible Supply Chains”), and provide for the standards and operational methods required for the realization of best practicable procurement for the realization of a sustainable society, which, along with compliance with laws and regulations, also takes into consideration contribution towards matters such as global warming, resource depletion, and other environmental issues, prevention of human rights and worker’s rights violations, realization of decent work<sup>1</sup>, promotion of fair competition and business practices, and stimulation of local economies.

## 2 Scope

The Procurement Guidelines shall apply to all procurement undertaken by the TMG. However, transitional measures shall be put in place for their application, and the content of specific measures shall be determined separately.

The TMG shall require Order Recipients to comply with Procurement Guidelines for the procurement of Works and Goods, and matters such as manufacture, distribution, and implementation related to outsourced administrative and business activities.

The TMG shall also require Order Recipients to encourage business operators involved in corresponding supply chains to comply with Procurement Guidelines.

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<sup>1</sup> Decent work: Rewarding and dignifying work. Specifically, productive work for all people under the conditions of freedom, fairness, safety, and dignity as human beings.

Compliance with Procurement Guidelines and encouragement of business operators involved in the supply chain shall be conducted in accordance with methods provided for under “6 How to ensure socially responsible procurement”.

### 3 Responsibilities of the Tokyo Metropolitan Government

The TMG shall promote compliance with Procurement Guidelines as a joint initiative with related parties, beginning with Order Recipients and business operators involved in corresponding supply chains (hereinafter referred to as “Procurement-related business operators”) who participate in TMG procurement. As the order placing party or consignor, the TMG shall secure the appropriate business environment required for compliance with Procurement Guidelines by Procurement-related business operators, through actions such as the setting of appropriate price estimates, appropriate construction periods or implementation periods, and undertake maximum efforts to operate a fair, transparent, and highly competitive bidding and contracting system.

In addition, the TMG shall undertake to fully inform Procurement-related business operators, beginning with SMEs, regarding the purpose and meaning of these Procurement Guidelines, in order to expand initiatives similar to these Procurement Guidelines, and encourage the entrenchment of attitudes that prioritize sustainability among the diverse organizations that comprise society.

### 4 The thinking behind the standards required by these Procurement Guidelines

Based on the premise that procurement undertaken by the TMG is a burden on the taxpayer, the TMG has constructed a system based on the principle of securing fairness, transparency, and economic viability in accordance with the Local Autonomy Act (Act No.67 of 1947).

(Principles of public procurement)

<Fairness>	Procedures for the selection of a contracting party must be fair.
<Transparency>	Contracting procedures and results must be publicly disclosed, and accountability must be sufficiently fulfilled.
<Economic viability>	Procurement must seek maximum effectiveness for minimum costs, under the most advantageous conditions.

Furthermore, for public procurement, as the TMG aims to increase opportunities for SMEs to receive procurement orders in accordance with laws such as the Act on Ensuring the Receipt of Orders from the Government and Other Public Agencies by Small and Medium-sized Enterprise (Act No.97 of 1966), and the Small and Medium-sized Enterprise Basic Act (Act No.154 of 1963), the majority of Order Recipients party to contracts with the TMG are SMEs. Perspectives to secure sustainability in the Procurement Guidelines are comprised of content that takes the characteristics of such public procurement into consideration.

Specifically, with compliance with laws and regulations as the basic principle, the desired directionality is indicated with respect given to the sustainability-related international agreements and codes of conduct of all sectors. Moreover, with a focus on the potential of SMEs that comprise the majority of Order Recipients, the TMG has set “mandatory items”, for which compliance is essential, and “recommended items”, indicating a desire for initiatives by corporations to fulfil responsibilities, for the receipt of procurement orders and their execution. Regarding mandatory items, the TMG will require the compliance of Order Recipients, while for recommended items; the TMG will promote initiatives such as the awarding of additional points at the tendering stage using a comprehensive evaluation formula, and the provision of incentives in the contracting system.

Regarding the scope of mandatory items, the TMG will set appropriate standards in accordance with social trends, along with the implementation of suitable reviews, with the aim of strengthening

initiatives.

## 5 Perspectives for securing sustainability

In the procurement process for Works and Goods, the TMG has defined matters required of Procurement-related business operators as the following perspectives for securing sustainability.

Furthermore, the initiatives for each item must take the possibility of mutual impacts into consideration. For example, initiatives should be implemented after comprehensive reviews to ensure that an initiative that favors one aspect does not have a negative impact on another, such as human rights violations occurring due to an initiative for the environment, climate change, or biodiversity.

In each of the following items, “Mandatory” indicates mandatory items, and “Recommended” indicates recommended items.

### ( 1 ) General provisions

#### 1.1 Compliance with laws and regulations

In the procurement process for Works and Goods, Procurement-related business operators must comply with laws and regulations applicable in Japan and other countries, and respect international statutory requirements.

In cases where international statutory requirements and local laws and regulations are incompatible, or are in conflict, Procurement-related business operators must comply with local laws and regulations while respecting international statutory requirements.

Mandatory

#### 1.2 Responsibilities of Order Recipients for securing sustainability

In the procurement process for Works and Goods, Order Recipients should clarify and publicly disclose in-house policies related to respect for human rights and environmental protection, in order to avoid involvement in human rights violations or excessive burden on the environment.

Furthermore, they should conduct regular due diligence, whilst engaging in continuing dialogue with stakeholders, in order to identify any actual or potential negative impacts arising from the above activities or the activities of related parties, prevent or mitigate such impacts, assess the practical effectiveness of initiatives, and provide explanations and disclose information pertaining to how they have been addressed.

Recommended

In addition, they should prepare a grievance mechanism<sup>2</sup> as a mechanism for identifying negative impacts and remediation.

#### 1.3 Prohibition of retaliatory actions against whistleblowers

Procurement-related business operators must not take any retaliatory actions against whistleblowers for the submission of reports concerning acts of violation of laws and regulations or noncompliance with Procurement Guidelines.

Mandatory

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<sup>2</sup> Grievance mechanism: A mechanism for receiving information pertaining to instances of human rights violations or excessive burden on the environment, ascertaining circumstances, and conducting remedial actions or improvements.



#### 1.4 Appropriate implementation of Works and Goods

In the procurement process for Works and Goods, Procurement-related business operators must bear in mind that the purpose is public procurement using tax monies as the resource, and engage in fair business operation that will contribute to improvements in the livelihoods and wellbeing of Tokyo's citizens.

Mandatory

## ( 2 ) Environment

As one of the world's largest cities, the TMG needs to implement leading reforms such as the realization of sustainable consumption and production, in addition to efforts for the realization of zero emissions by 2050, the recovery of biodiversity, and the realization of higher quality urban environments.

Consequently, aiming for a sustainable, safe, and secure Tokyo replete with aspiration, which embraces both “growth” and “maturity”, in other words “A Green and Resilient City Tokyo Opens up a Future”, the TMG also prioritizes environment conservation and environmental load reduction perspectives in TMG procurement activities.

Specifically, in view of the ongoing progress made in the development of laws and regulations, various policies, and guidelines for the environment in Japan, in accordance with the Act on the Promotion of Procurement of Eco-Friendly Goods and Services by the State and Other Entities (Act No.100 of 2000), the TMG will also proactively promote the fulfilment of standards defined in policies formulated by the national government and the TMG for the reduction of environmental load (“Basic Policy for the Promotion of Procurement of Eco-friendly Goods and Services” (Ministry of the Environment), and “Tokyo Metropolitan Government’s Green Purchase Promotion Policy” (TMG), and “Tokyo Metropolitan Government’s Eco-friendly Goods and Services Procurement Policy (Public Works)” (TMG), etc.) in its procurement activities.

Furthermore, the TMG will be requiring considerations for the reduction of environmental load throughout the lifecycle of the entire value chain<sup>3</sup>, including the procurement process, and not only in the performance of the actual Works and Goods.

### 2.1 Reduction of greenhouse gas emissions

Working towards a zero-carbon society, Procurement-related business operators should identify the volume of greenhouse gas emissions, generated directly, indirectly, or through their supply chains, and implement measures to reduce emissions.

Recommended

### 2.2 Use of low-carbon and zero-carbon energies

In the procurement process for Works and Goods, Procurement-related business operators should utilize energies with lower CO<sub>2</sub> footprints. Examples include electrical power and heat derived from renewable energy (including renewable energy certificates), and utilization of green hydrogen derived from renewable energy as fuel, etc.

Recommended

Furthermore, when utilizing renewable energy, they should take into consideration perspectives such as sustainability, additionality, and regional contribution, in addition to low environmental load.

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<sup>3</sup> Value chain: The entire lifecycle of products and services, from development, harvesting of feedstocks, manufacturing, distribution, storage, and provision of services and use of products, through to disposal, recycling, and other end stages.

### 2.3 Reduction of greenhouse gas emissions using other methods

In the procurement process for Works and Goods, Procurement-related business operators should reduce greenhouse gas emissions. This includes examples such as the adoption of chillers using CFC-free coolants (natural coolants) and carbon-offset<sup>4</sup> schemes.

Recommended

### 2.4 Use of feedstocks, etc. that contribute to the reduction of greenhouse gas emissions across the entire value-chain

In the procurement process for Works and Goods, from a lifecycle assessment (LCA) perspective, Procurement-related business operators should select and use feedstocks, components, and fuels that contribute to the reduction of greenhouse gas emissions throughout the entire value chain through the use of Environmental Product Declaration (EPD), etc. Examples include the use of low-carbon materials such as low-carbon concrete and recycled steel materials.

Recommended

### 2.5 Promotion of energy efficiency

In the procurement process for Works and Goods, Procurement-related business operators should reduce energy consumption. This includes, for example, the installation of high energy-efficiency equipment and logistics systems, building insulation, the introduction of energy management systems, the development of energy-efficient products and services, the use of zero-emissions vehicles, and the promotion of eco-driving.

Recommended

### 2.6 Promotion of sustainable resource use

In the procurement process for Works and Goods, Procurement-related business operators should proactively utilize sustainable recycled products and feedstocks containing recyclable resources, and also undertake efficient use of feedstocks, efforts to reduce the generation of wastes through efforts such as the extension of product lifespans, thorough reuse and recycling, and appropriate disposal of wastes that still remain (3R+ Renewable).

In addition, concerning procured goods, etc. Procurement-related business operators should use generic products or products that are easy to reuse or recycle after use due to the adoption of structures that allow simple dismantling, separation, or disintegration.

Recommended

In addition to this, for the transition towards the circular economy, Procurement-related business operators should make effective use of their stocks, while suppressing resource deployment and consumption from a medium-to-long term perspective.

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<sup>4</sup> Carbon offset: Recognizing one's own greenhouse gas emissions, and having undertaken efforts to reduce such emissions, counterbalancing all or part of the emissions that cannot be reduced by reducing or absorbing them elsewhere (carbon credit, etc.).

## 2.7 Reduction of containers and packaging, etc. and use of recycled materials and plant-derived materials

In the procurement process for Works and Goods, Procurement-related business operators should minimize the use of containers and packaging for their products, as well as boxes for packing, and also packing and transportation materials used with pallets and such for transportation.

Recommended

Furthermore, they shall also make efforts to use of recycled and plant-derived materials, as well as containers and packaging materials that are easy to reuse or recycle.

## 2.8 Reduction of plastic product use and mitigation of discharge into the environment

Taking “2.6 Promotion of sustainable resource use” into consideration, in the procurement process for Works and Goods, Procurement-related business operators should reduce plastic waste generation, and promote reuse and recycling. They shall also make efforts to reduce non-essential use and disposal of single-use plastic containers, packaging, and products as well as the use of plastic products, and where alternatives can be found, promote the switch to appropriate alternative recyclable resources that consider resource sustainability, such as recycled materials, paper, and bioplastics that retain or enhance the product’s performance.

Recommended

## 2.9 Contamination prevention, chemical substance management, and waste management

In the procurement process for Works and Goods, Procurement-related business operators must, in accordance with all environmental laws and regulations, prevent contamination of air, water, and soil, conduct appropriate management of chemical substances (including those contained in products), and undertake proper disposal of waste materials.

Mandatory

Furthermore, in the procurement process for Works and Goods, Procurement-related business operators shall also make efforts to avoid any adverse effects on the environment and human health.

Recommended

## 2.10 Harvesting of feedstocks with awareness of resource conservation

In relation to Works and Goods, Procurement-related business operators must not use illegally harvested or cultivated resources in cases where forest or marine resources are used.

Mandatory

Furthermore, in relation to Works and Goods, Procurement-related business operators should use feedstocks that are harvested or cultivated with resource conservation taken into consideration, including perspectives to reduce deforestation and forest degradation (promotion of initiatives for zero-deforestation).

Recommended

## 2.11 Protection of biodiversity

In relation to Works and Goods, Procurement-related business operators must not use feedstocks derived from endangered fauna and flora.

Mandatory

Furthermore, in the procurement process for Works and Goods, including the harvest and cultivation of feedstocks, Procurement-related business operators should identify any potential adverse effects on biodiversity and eco-system services, protect rare species of fauna and flora, and make efforts to reduce loads on biodiversity and eco-systems through the use of production methods with low impact on lifeforms and their habitat.

Recommended

## 2.12 Sustainable use of water

In the procurement process for Works and Goods, Procurement-related business operators should conserve water, reduce water use, implement water-saving measures, and recycle water whenever possible.

In the procurement process for Works and Goods, Procurement-related business operators should identify future water risk<sup>5</sup> areas, and implement public disclosure concerning such risk, in relation to sites within the supply chain that procure or use high volumes of water. Procurement-related business operators should formulate strategies related to appropriate water use management, and implement cooperative initiatives with water resource stakeholders in relation to particularly high water risk sites.

Recommended

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<sup>5</sup> Water risk: Water related risk such as various regulatory requirements imposed by laws and regulations, and damages due to harmful rumors, as well as physical risks such as water shortages, water contamination, and flooding.

### ( 3 ) Human rights

The human rights of the diverse peoples who gather in Tokyo shall be respected without exception, and it is important for Tokyo to continue to be a city that realizes the philosophy of respect for human rights for a sustainable better future.

Based on this awareness, the TMG works to realize a society of co-existence with mutual respect, and create a city that respects diversity, and has clarified its position of zero tolerance for any unjust discrimination related to various human rights, with priorities placed on diversity and inclusion<sup>6</sup>.

Furthermore, considerations to ensure information accessibility (information assurance) for all people, a prerequisite for a fully diverse and inclusive society, are important.

#### 3.1 Compliance with and respect for international human rights standards

In the procurement process for Works and Goods, Procurement-related business operators must comply with, and respect, international human rights standards (in particular, the Universal Declaration of Human Rights, Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, Convention on the Elimination of All Forms of Racial Discrimination, International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, Convention on the Elimination of All Forms of Discrimination Against Women, UN Convention against Torture, Convention on the Rights of the Child, Convention on the Rights of Persons with Disabilities, International Convention for the Protection of All Persons from Enforced Disappearance, and UN Declaration on the Rights of Indigenous Peoples).

Mandatory

#### 3.2 Prohibition of discrimination and harassment

In the procurement process for Works and Goods, Procurement-related business operators must eliminate all forms of unjust discrimination or harassment based on race, ethnicity, nationality, religion, beliefs, gender, sexual orientation/self-identity, gender identity, disability, social standing, lineage, culture, or age, etc.

Mandatory

#### 3.3 Prohibition of the violation of rights of indigenous peoples and local communities, etc.

In the procurement process for Works and Goods, Procurement-related business operators must respect the rights of indigenous peoples and local communities, etc. Procurement-related business operators must respect the right to agreement by free will by undertaking sufficient prior information provision, and must not illegally displace members of indigenous peoples or local communities, etc. by force, or considerably damage their living environments.

Mandatory

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<sup>6</sup> Inclusion: Acceptance of diverse people without unjust discrimination or harassment.

### 3.4 Respect for the rights of women

In the procurement process for Works and Goods, Procurement-related business operators should respect women's rights, and make considerations for the appointment of female human resources, and the enhancement of childcare leave, etc. from the perspectives of women's empowerment<sup>7</sup>, promotion of equal opportunities for social participation between men and women, and reproductive health and rights<sup>8</sup>.

Recommended

### 3.5 Respect for the rights of persons with disabilities

In the procurement process for Works and Goods, Procurement-related business operators must prohibit any unjust discriminatory treatment as defined under the Act to Facilitate the Employment of Persons with Disabilities when employing persons with disabilities, and make necessary and reasonable considerations. In addition, when providing products and services, Procurement-related business operators must prohibit any unjust discriminatory treatment as defined under the Act for Eliminating Discrimination against Persons with Disabilities, while referencing the "Basic Policy on Elimination of Discrimination on the Basis of Disability" (Cabinet Office), and make necessary and reasonable considerations.

Mandatory

Furthermore, in the procurement process for Works and Goods, Procurement-related business operators should respect the rights of persons with disabilities, and engage in initiatives to promote understanding and employment of persons with disabilities, and the use of products produced at support facilities for persons with disabilities, in order to support their participation in economic and social activities.

Recommended

### 3.6 Respect for the rights of children

In the procurement process for Works and Goods, Procurement-related business operators should respect the rights of children, and in addition to the provisions of "4.4 Prohibition of Child Labor", ensure safety when providing products and services intended for children, and engage in initiatives to support parents and guardians involved in childcare, in order to support the sound development of children.

Recommended

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<sup>7</sup> Women's empowerment: Realization of women's potential to change their social, economic, and political standing by being autonomous agents who have the rights and abilities to direct their personal and social lives, and by participating in decision-making processes at various levels.

<sup>8</sup> Reproductive health and rights: Sexual and reproductive health rights. The rights encompass the right to freely and responsibly determine the number of children to have, the frequency of pregnancy, and the timing of childbirth, and the basic rights to have access to information and means to realize this.

### 3.7 Respect for the rights of social minority groups

In the procurement process for Works and Goods, Procurement-related business operators should respect the rights of people belonging to social minority groups, such as racial or cultural minorities, sexual minorities (LGBT, etc.), and immigrant workers, in the same manner as they respect the rights of other people, and engage in initiatives to provide appropriate support, from both tangible and intangible perspectives, to promote understanding of such individuals within society, and allow them to enjoy equality in economic and social rights, while protecting their privacy according to their characteristics.

Recommended



## (4) Labor

Given that labor is relevant in each stage of the procurement process, the TMG will require appropriate labor management and workplace environments to be ensured, in order to realize decent work, in the context of the awareness in Japan and other countries concerning issues of forced labor, child labor, long working hours, and employment of foreign workers.

Furthermore, as the wellspring of social growth is “people”, there is a need to promote life-work balance<sup>9</sup> and expand human resource development opportunities, etc. for the realization of a society in which everyone can make the most of their individuality and demonstrate their strengths.

### 4.1 Compliance with and respect for international labor standards

In the procurement process for Works and Goods, Procurement-related business operators must comply with and respect international standards concerning labor (in particular, the basic principles and rights on labor promoted by the International Labour Organization (including the ILO Core Labour Standards)).

Mandatory

### 4.2 Freedom of association and collective bargaining rights

In relation to workers engaged in the procurement process for Works and Goods, Procurement-related business operators must ensure the fundamental rights of workers, such as the rights to freely associate and collectively bargain, without obstruction, unjust discrimination, retaliatory action, or harassment.

Mandatory

Furthermore, in relation to workers engaged in the procurement process for Works and Goods, Procurement-related business operators should provide accurate and fair information in response to demands, in order to make negotiations meaningful.

Recommended

### 4.3 Prohibition of forced labor

In the procurement process for Works and Goods, Procurement-related business operators must not employ any form of forced labor through wrongful physical or psychological restraints, or engage in human trafficking.

Mandatory

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<sup>9</sup> Life-work balance: A state in which a balanced distribution of time is achieved between personal and professional life. In Japan, following the enactment of the Act on the Promotion of Female Participation and Career Advancement in the Workplace (Act No. 64 of 2015), the national government, etc. promoted procurement practice that favors companies that promote better work-life balance.

Based on the concept of “life first, cherish living”, the TMG has opted to refer to this as “life-work balance”.

#### 4.4 Prohibition of child labor

In the procurement process for Works and Goods, Procurement-related business operators must not employ any form of child labor. In the event that child labor is discovered, Procurement-related business operators must urgently prohibit and eliminate such labor through immediate effective measures.

Mandatory

In the procurement process for Works and Goods, in cases where Workers, etc. under the age of eighteen are engaged, Procurement-related business operators must not require such workers to undertake dangerous tasks that may harm their health or safety, or work overtime or late night shifts.

#### 4.5 Prohibition of discrimination in employment or occupation

In relation to Workers, etc. engaged in the procurement process for Works and Goods, Procurement-related business operators must not unjustly discriminate against any worker in terms of their recruitment screening, promotion, wages and remuneration, working hours, and any other working conditions on the basis of race, ethnicity, nationality, religion, beliefs, gender, sexual orientation/self-identity, gender identity, disability, social standing, lineage, culture, or age, etc.

Mandatory

#### 4.6 Workplace health and safety

Procurement-related business operators must acquire the necessary approvals and licenses, provide physically and psychologically safe and sound work environments and conditions for Workers, etc. engaged in the procurement process for Works and Goods, and establish health and safety committees, including mental health measures, in accordance with health and safety related laws and regulations, etc.

Mandatory

Furthermore, Procurement-related business operators should undertake initiatives to prepare work environments that contribute to the realization of workers' life-work balance. Specific examples include the introduction of working-from-home and flextime options, and the promotion of childcare leave acquisition regardless of the parent's gender.

Recommended

#### 4.7 Wages and remuneration

In relation to workers engaged in the procurement process for Works and Goods, Procurement-related business operators must pay at least the minimum wages and appropriate allowances stipulated under laws and regulations, etc.

Mandatory

Furthermore, Procurement-related business operators should pay wages and remuneration at levels that reflect the value of a worker's labor, and are sufficient to pay for their essentials.

Recommended

#### 4.8 Prohibition of long working hours

In the procurement process for Works and Goods, Procurement-related business operators must not subject workers to illegally long working hours (or long working hours that may compromise the health and wellbeing of workers for whom regulations on working hours do not apply).

Mandatory

Furthermore, in the procurement process for Works and Goods, Procurement-related business operators should manage the working hours of workers appropriately.

Recommended

#### 4.9 Foreign and immigrant workers

In relation to foreign and immigrant workers engaged in the procurement process for Works and Goods, Procurement-related business operators must undertake appropriate labor management in accordance with the relevant laws and regulations, and must not engage in illegal or unjust acts towards such workers, such as withholding wages, demanding illegally long working hours, confiscating passports, deportation, and levying of security deposits, and must respect their freedom to leave work, change occupation, return to the countries from which they came, or their freedom to lead private lives.

Mandatory

Furthermore, in accordance with laws and regulations, etc. and administrative guidance, Procurement-related business operators must issue descriptions of working conditions in writing in a language such workers can understand.

In cases where, foreign and immigrant workers are employed through brokers or workforce outsourcing agencies for the procurement process for Works and Goods, Procurement-related business operators must verify that these brokers and agencies are legally licensed to operate the brokerage and outsourcing, that they do not levy commissions from foreign and immigrant workers, and that they do not violate the rights of foreign and immigrant workers.

Furthermore, Procurement-related business operators should provide appropriate housing, develop a system that enables foreign and immigrant workers to easily access opportunities to file complaints or seek consultations, and liaise with the relevant authorities.

Recommended

#### 4.10 Prevention of violence and harassment at the workplace

In the procurement process for Works and Goods, Procurement-related business operators must respect the dignity of individual Workers, etc. and their personal rights, and must not tolerate any form of violence or harassment in the workplace.

Mandatory

Furthermore, Procurement-related business operators must implement appropriate preventative measures.

#### 4.11 Provision of human resource development and training at the workplace

Procurement-related business operators should make efforts for workers to benefit from skills development, training, and practical exercises, for all stages of occupational experience.

Recommended

#### 4.12 Promotion of employment for disadvantaged people in the labor market

In the procurement process for Works and Goods, Procurement-related business operators should employ persons who, while desiring employment, have difficulties in finding jobs, due to social, economic, or other reasons, such as mental or physical disabilities.

Recommended

## ( 5 ) The economy

Social interest in fairness in business activities, which is an important aspect for ensuring the free competition environment that leads to a society's sustainable growth and improved living standards, has been growing in recent years.

Furthermore, as sustainability is built upon the three pillars of the environment, society and economy, harmony between these three aspects is also expected in economic and business activities.

In particular, proactive participation in TMG procurement enables the SMEs that form the foundations of Tokyo's economy to heighten their international competitiveness through the identification of new markets and enhanced expertise, which in turn contributes to the sustainable growth of Tokyo's economy.

Furthermore, promotion of local production and consumption as well as local economic circulation leads to reductions in greenhouse gas emissions, and contributes to the resolution of climate change issues.

Consequently, the TMG places priority on initiatives for fair business practice and the local economy.

### 5.1 Prevention of corruption

In the procurement process for Works and Goods, Procurement-related business operators must not be involved in acts of corruption such as bribery, etc.

Mandatory

### 5.2 Fair trade practices

In the procurement process for Works and Goods, Procurement-related business operators must comply with laws and regulations, etc. related to trade practices, such as the Antimonopoly Act and the Subcontractor Act, and must not take part in unfair, anti-competition trade practices, such as dumping, exploitation of weaknesses to beat down prices, and collusive tendering, etc.

Mandatory

Furthermore, in the procurement process for Works and Goods, Procurement-related business operators should visualize subcontracting structures within the supply chain and maintain appropriate management.

Recommended

### 5.3 Use of feedstocks free from association with conflicts or crimes

In relation to Works and Goods, Procurement-related business operators must not use feedstocks that are in any way involved in armed conflicts or crimes, such as through the financing of armed groups or criminal organizations.

Mandatory

### 5.4 Protection of intellectual property rights

In the procurement process for Works and Goods, Procurement-related business operators must not infringe third-party intellectual property rights (patents rights, copyrights, design rights, etc.) or trade secrets.

Mandatory

## 5.5 Responsible marketing

In relation to Works and Goods, Procurement-related business operators must not employ false labelling that may impede autonomous and rational consumer choice.

Mandatory

Furthermore, in relation to Works and Goods, Procurement-related business operators should give due consideration to consumers and society by avoiding discriminatory or misleading advertisements, and restricting advertisements that may have a negative influence on children, in accordance with “3.6 Respect for the rights of children”.

Recommended

## 5.6 Appropriate information management

In the procurement process for Works and Goods, Procurement-related business operators must handle personal information in accordance with the relevant laws, and undertake the appropriate management of confidential information obtained through the course of business activities to prevent leakage due to cyberattack or internal fraud, etc.

Mandatory

Furthermore, in the procurement process for Works and Goods, Procurement-related business operators shall also make efforts to strengthen data access controls and establish leakage mitigation systems corresponding to the data security risk, as well as implementing measures such as the establishment of systems to investigate cause and minimize damage in the unlikely event of a leak.

Recommended

## 5.7 Maintenance of information records and disclosure

In the procurement process for Works and Goods, Procurement-related business operators must not undertake any acts of falsification, alteration, or concealment of records, evidence, or testimonies, or other similar unethical act.

Furthermore, information related to the procurement process for Works and Goods must be correctly recorded in a manner not only in accordance with applicable regulations and general business practice, but also in a manner that will bear up to subsequent verification, etc. of business implementation and performance details, and must be available for disclosure when such is requested by the TMG.

Mandatory

## 5.8 Stimulation of the local economy

In the procurement process for Works and Goods, Procurement-related business operators should ensure opportunities for SMEs engaged in sustainable regional stimulation to receive orders, and to use local products in consideration of sustainability. However, for procurement that is subject to the WTO Agreement on Government Procurement, Procurement-related business operators shall make maximum efforts to stimulate local economies in consideration of the purpose of said Agreement.

Recommended

## 6 How to ensure socially responsible procurement

### ( 1 ) Implementation by Order Recipients

#### <Actions prior to acquisition of qualification>

#### ① Understanding the Procurement Guidelines

Parties wishing to become Order Recipients must review and understand these Procurement Guidelines in advance, by referencing and using explanatory materials created separately by the TMG.

#### ② Disclosure and explanation of implementation status

When applying for screening for TMG competitive tendering participation, parties wishing to become Order Recipients must use checklists to disclose and explain implementation status towards compliance with the Procurement Guidelines, including surveys on business operators involved in supply chains, and encouragement of their engagement (including items that are scheduled for implementation).

Furthermore, even after contracts have been concluded, Order Recipients must disclose and explain implementation status when so requested by the TMG. Moreover, regarding implementation status, regular disclosures should be made concerning each process and how any negative impacts are dealt with, etc.

#### <Actions prior to conclusion of contracts>

#### ③ Declaration of commitment

When entering a contract with the TMG, Order Recipients must submit a written pledge declaring their commitment to comply with the Procurement Guidelines.

#### <Actions after conclusion of contracts>

#### ④ Development of a system for Procurement Guidelines compliance

Prior to conclusion of a contract with the TMG, and in the subsequent period, Order Recipients should, under a PDCA cycle, construct and operate an appropriate internal control system, and prepare an internal system for compliance with the Procurement Guidelines. Specific examples include commitment from the top management, formulation of policies and regulations, development of organizational systems, securing of information transmission routes, the implementation of training and education, and audits and monitoring, etc.

#### ⑤ Dissemination

Prior to conclusion of a contract with the TMG, and in the subsequent period, Order Recipients should implement training, education, and other appropriate measures to disseminate the content of the Procurement Guidelines to the relevant directors and employees in their own companies, and to the business operators involved in their supply chains.

Furthermore, when disseminating Procurement Guidelines content, Order Recipients should endeavor to use dissemination methods that interested parties receiving such dissemination will find easy to understand.

⑥ Survey on business operators involved in supply chains and encouragement of their engagement

Prior to conclusion of a contract with the TMG, and in the subsequent period, Order Recipients should make efforts to ensure compliance with the Procurement Guidelines throughout the procurement process for Works and Goods, by requiring the business operators involved in the supply chains to comply with the Procurement Guidelines or equivalent policies, and by making best efforts to conduct surveys on these business operators and encourage their engagement. When engaging in these surveys and encouragement of engagement efforts, Order Recipients should apply the due diligence processes demanded by international statutory requirements in their efforts to conduct said surveys and encouragement of engagement. In particular, in the event of a negative impact occurring in the supply chain, Order Recipients should respond under their own responsibility depending on the scale of the negative impact.

When engaging in surveys and encouragement of engagement efforts in relation to business operators involved in their supply chains, Order Recipients should prioritize communication with said business operators, based on the principles of co-existence and co-prosperity, so that compliance with Procurement Guidelines can be promoted as a joint initiative with these business operators.

When concluding contracts with business operators involved in their supply chains, Order Recipients should enter the necessary details in specifications documents, etc. to ensure surveys, encouragement of engagement, and communications, in relation to said business operators.

⑦ Documentation of implementation status

Prior to conclusion of a contract with the TMG, and in the subsequent period, Order Recipients should document as thoroughly as possible, and store, implementation status towards compliance with Procurement Guidelines, including surveys on business operators involved in supply chains and encouragement of their engagement, in a manner that allows such documents to be provided whenever the TMG so requires.

Order Recipients should make readily available on request by the TMG, in particular, the names and addresses of facilities for the manufacturing (in the assembly and finishing stages) and storage of goods, etc. for procurement (including cases where such facilities are a part of the supply chain).

Furthermore, Order Recipients should develop a system that facilitates the provision of as much information as possible in relation to said facilities at the request of the TMG.



## ( 2 ) Implementation by the TMG

### ① Promotion of understanding of Procurement Guidelines

In relation to parties wishing to become Order Recipients, the TMG shall endeavor to promote understanding of the purpose and meaning of the Procurement Guidelines, through actions such as the presentation of explanations of the Procurement Guidelines, etc.

### ② Development of grievance mechanisms

The TMG shall implement a whistleblowing section to receive and appropriately respond to reports concerning non-compliance with Procurement Guidelines (containing information based on specific facts concerning a case of non-compliance or that may suggest such non-compliance with Procurement Guidelines, with the scope extending to supply chains; hereinafter referred to simply as “Reports”).

In principle, Reports shall be in relation to matters concerning contracts currently in their term of performance. However, in cases where the facts pertaining to non-compliance become known after expiry of the term of performance, Reports submitted within one year of said expiry will be accepted. The scope of persons submitting Reports shall be stakeholders (individuals, groups, communities, or their representatives), beginning with involved parties who, as a result of non-compliance with Procurement Guidelines, have incurred negative impacts, or have a probability of incurring equivalent negative impacts in the future.

Upon receipt of a Report, the TMG shall request the Procurement-related business operators who are the subject of said Report to verify the facts, and if non-compliance or suspected non-compliance with Procurement Guidelines is confirmed, the TGM shall take the necessary actions to prompt the Procurement-related business operators and the relevant stakeholders to resolve the non-compliance, such as by promoting communications between them, etc.

For the appropriate operation of the whistleblowing section, the TMG shall, establish meeting bodies comprised of third parties, who will undertake post-event verification, and offer advice towards securing practical effectiveness, etc. in relation to responses to received Reports.

Order Recipients must cooperate with the TMG’s response to received Reports.

### ③ Verification and monitoring of compliance status

Taking into consideration, the checklist submitted by Order Recipients in accordance with (1) ② and the content of Reports received in accordance with (2) ②, the TMG shall verify and monitor the compliance status of Procurement-related business operators with Procurement Guidelines, when it deems necessary according to the level of sustainability-related risk.

Order Recipients must cooperate with the TMG’s verification and monitoring. When further investigations are deemed necessary due to the results of the aforementioned verification and monitoring, the TMG may request Order Recipients to accept an audit conducted by a third party appointed by the TMG.

Order Recipients must cooperate with the TMG and take necessary actions when the TMG requests the verification and monitoring, of the status of compliance with Procurement Guidelines, of business operators involved in the supply chain, or third-party audits, to be conducted.

#### ④ Remedial measures

When Order Recipients are found to be non-compliant with Procurement Guidelines, the TMG shall demand remedial measures by said Order Recipients and the submission of an improvement plan, within a specified period.

In such cases, Order Recipients must submit an improvement plan within the specified period, implement remedial measures according to the plan following the plan's approval by the TMG, and report the results of said implementation to the TMG.

When business operators involved in the supply chain are found to be non-compliant with the Procurement Guidelines, Order Recipients must, in accordance with requests from the TMG, cooperate with efforts to encourage improvement by said business operator, and endeavor to remedy the non-compliance.

Furthermore, when remedying the non-compliance, Order Recipients should endeavor to prevent and mitigate negative impacts while maintaining the relationship with the business operator involved in the supply chain, without the immediate suspension of trade with the non-compliant party, and suspension of trade should only be implemented when any resulting improvement cannot be verified.

The TMG may terminate a contract with, or implement designated suspension measures, in relation to Order Recipients when efforts for improvement are deemed inappropriate despite significant non-compliance with the Procurement Guidelines. However, cases in which business operators involved in the supply chain are found to be non-compliant with the Procurement Guidelines will not be considered a reason for contract termination or designated suspension measures, as long as Order Recipients are making appropriate efforts to encourage said business operators in accordance with the provisions of the Procurement Guidelines and requests by the TMG.

## 7 Main references

### > International agreements and codes of conduct

- The 2030 Agenda for Sustainable Development (Sustainable Development Goals: SDGs)
- Paris Convention
- The Universal Declaration of Human Rights
- The ILO Core Labour Standards
- ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy
- The ILO Declaration on Fundamental Principles and Rights at Work and the follow-up of the Declaration
- The OECD Guidelines for Multinational Enterprises on Responsible Business Conduct
- The OECD Due Diligence Guidance for Responsible Business Conduct
- The UN Guiding Principles on Business and Human Rights
- The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)
- The International Convention on Civil and Political Rights (ICCPR)
- The International Convention on Economic, Social and Cultural Rights (ICESCR)
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Torture Convention)
- The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
- The Convention on the Rights of the Child (CRC)
- The Convention on the Rights of Persons with Disabilities (CRPD)
- The International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED)
- The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (the Convention for the Suppression of the Traffic in Persons)
- The UN Declaration on the Rights of Indigenous Peoples

### > Other international initiatives, standards, guidance, etc.

- UN Global Compact
- The Children's Rights and Business Principles
- ISO 26000:2011 Event sustainability management systems — Requirements with guidance for use
- ISO 26000:2010 Guidance on social responsibility
- ISO 20400:2017 Sustainable procurement — Guidance
- The Handbook for Business Management that Respects Human Rights, the Japan Business
- Guidelines on Respecting Human Rights in Responsible Supply Chains, Ministry of Economy, Trade and Industry of Japan
- Introduction to Environmental Due Diligence in Value Chain—with reference to OECD guidance, the Ministry of Environment of Japan
- International Labour Standards and Sustainable Sourcing Handbook, ILO and the Tokyo Organising Committee of the Olympic and Paralympic Games

## 8 Preparation process

The TMG deliberated the Procurement Guidelines in a council of experts comprised mainly of experts on the environment, human rights, labor issues, economy, and public procurement, etc.

In the process of deliberation, the TMG implemented public comment, along with hearings from private sector organizations and such according to theme, in an effort to reflect opinions and input from a broad range of people.

Further details regarding the members of the council of experts and the content of deliberations, are posted on the Tokyo Metropolitan Government Bureau of Finance website.

(<https://www.zaimu.metro.tokyo.lg.jp/keiyaku/sr>)

## 9 Revision history

16 July 2024 “Tokyo Metropolitan Government Socially Responsible Procurement Guidelines”  
created.