



# COMMUNITY BENEFITS IN PRACTICE AND IN POLICY:

LESSONS FROM THE UNITED STATES  
AND THE UNITED KINGDOM

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# EXECUTIVE SUMMARY

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*This paper reviews current practices in the field of community benefits in the United States and the United Kingdom. It brings together interviews with practitioners in both jurisdictions; notes major agreements, legislation and policy developments; and extrapolates key learnings. It concludes by exploring what these learnings mean for Ontario, where community benefits have become a topic of increasing interest.*

## Key Ingredients for Community Benefits

There are substantial differences in the way that community benefits are delivered in the U.S. and the U.K.. In the U.S., community benefits have been driven largely by community coalitions, who have entered into freestanding legal agreements with developers and sometimes governments. In contrast, in the U.K. community benefits have been delivered almost entirely by governments through procurement, with far less community involvement. Nonetheless, both systems share some key ingredients, particularly with respect to incorporating community benefits into the realm of public policy.

This paper identifies eight core criteria for the successful implementation of community benefits:

- 1. Political will and an internal champion.** Making change requires both political will and an internal champion with sufficient power to move efforts through the bureaucracy and act as a liaison with elected officials. This champion can be someone within contract administration, procurement, or in a city manager's office. In the U.S., organizations also talk about the need for an "inside-outside" strategy: community coalitions and labour need to apply outside pressure for change, while working closely with elected officials and key bureaucrats on the inside.
- 2. Clear policy basis and alignment with other policy goals and practices.** Where the policy objectives of community benefits align with other public policy goals, they can effectively drive change on the ground and in the marketplace. It is important to have explicit policies requiring that community benefits be incorporated into procurement practices. These policies provide a legal basis for their inclusion, develop the commitment and understanding of the staff who must deliver them, and give notice to prospective bidders in the marketplace that the procuring organization is looking for social as well as economic value.
- 3. Policy guidelines and procurement strategies for implementation.** Detailed policy guidelines provide clarity and direction to the procuring organizations so they can create strategies and practices for implementation. Governments also need to develop guidelines and criteria for the contracting community, adapt assessment criteria for bid requests, create tools to measure success, and ensure employees understand how to embed and implement them in a systemic fashion. All of this will require resources and, more importantly, commitment.
- 4. Clear and measurable targets for workforce development.** For local or targeted hiring and apprenticeships, a number of hours to be worked should

be specified. The agreement should also carefully define what constitutes a disadvantaged worker for the purposes of the target. It is important to set targets that are reasonable and can be delivered, as the contractor's commitment and compliance are key to achieving outcomes.

5. **A workforce and contractor development pathway.** To ensure the success of targeted hiring provisions in an agreement or policy, it is critical to have a central entity that handles recruitment, training and placement of disadvantaged workers. These entities act as a liaison between unions, employers and community organizations. They can also play a role in monitoring compliance.
6. **Monitoring and evaluation frameworks.** Along with gathering data, this includes penalties for non-compliance and requirements for public reporting. Accountability measures, monitoring and compliance must be managed by a body with the capacity to enforce the agreement or policy. There are a variety of methodologies in use for measuring outputs. Long-term outcomes are harder to measure and therefore an area for further research.
7. **Enabling small, medium and social enterprises.** Changes to procurement practices can ensure local economic development and increase indirect local hiring by requiring a certain percentage of work be open to small- and medium-sized enterprises (SMEs) and social enterprises (SEs). Unbundling contracts can encourage participation, as can certain policy interventions. Taking steps to strengthen the capacity of SMEs and SEs to respond to such opportunities, through technical and other assistance, has proven effective in both the U.S. and the U.K.
8. **The value of trust.** Relationships of trust between all the players — community groups, developers, contractors, labour unions and governments — underpin the capacity to move projects and policies forward. Key stakeholders should all be engaged in the design of community benefits clauses and agreements, in establishing realistic targets to which contractors will willingly commit, and in the monitoring and enforcement of agreements.

An additional element that we found in California, though not in the U.K., was the creation of **broad, effective community coalitions**. Coalitions need time to build strong relationships with authentic bases, identify community needs, develop political leadership and create a vision together. They need to manage expectations about the length and complexity of projects, and they need funding and support to be effective advocates.

### What Does This Mean for Ontario?

Community benefits have attracted significant interest from the city, the province, and more recently the federal government. Promising developments are underway: a construction workforce pathway is being established through the partnership of key players to support the Eglinton Crosstown project; the Atkinson Foundation is leading a diverse working group with representatives from the nonprofit, community, philanthropic and labour sectors to push for comprehensive and meaningful policies at provincial and federal levels; and the Foundation is funding important pieces of research to help “make the case” for the adoption of community benefits policies by governments.

“Coalitions need time to build strong relationships with authentic bases, identify community needs, develop political leadership and create a vision together.”

All of these efforts are important, but Ontario lacks critical elements of the ecosystem necessary to successfully implement community benefits:

- Various community groups are interested in supporting this work, but the overall capacity of the community to organize in support of these policies is underdeveloped.
- Governments are seeking assistance to help them write guidelines, structure procurement documents and determine how to monitor and evaluate their efforts. However, there are few people with the necessary legal and technical expertise in Ontario to provide that help.
- There is little in the way of consistent, accessible information about community benefits, how they work and why they can play such a pivotal role in helping build more equitable economies.
- There is no organizational infrastructure that can help build community capacity, undertake research and policy analysis, and provide legal and technical assistance to communities, small businesses and governments.

Without support, there is a danger that governments will promulgate policies that sound laudable but lack the ability to make real change. This was the case with the U.K. *Social Value Act*,<sup>1</sup> which has generally been considered aspirational but ineffective.

To capitalize on the interest being shown by governments, political pressure needs to be brought to bear. A powerful internal player also needs to be identified at each level of government — one who can stickhandle the issue through policy development and into implementation. This would also be a good time to bring in expertise from the U.S. or the U.K., to provide technical assistance to procurement divisions and governments who are developing bids and contractual language, as well as monitoring and evaluation frameworks. And because many organizations and governments have only a rudimentary understanding of community benefits, there is a compelling need to frame a narrative, create materials that explain the basics, and reach out to a wide range of community organizations, governments and agencies to share the opportunities offered by community benefits.

Ontario needs the organizational infrastructure to undertake this work. As has been shown by examples in both the U.S. and the U.K., resource centres can fill a range of useful functions. These include supporting communities and nurturing their capacity to be effective organizers and advocates; providing technical and legal assistance to governments and community groups; driving the communications narrative; undertaking government relations, research and policy; knowledge exchange; and even providing training for enterprises. A resource centre could partner and coordinate with other groups who are naturally positioned to undertake some of this work, and also draw on resources from the academic, legal and professional communities.

Even with such infrastructure in place, instilling community benefits into government policies, let alone into private community benefits agreements, will be a long-term effort. It requires not only changes in legislation and practice, but also a shift in culture. It will require a sustained effort by many different players over a prolonged period of time to make a real difference in people's lives, and to bring us closer to our goal of shared prosperity for all.

“Without support, there is a danger that governments will promulgate policies that sound laudable but lack the ability to make real change.”

# INTRODUCTION

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Interest in community benefits has been growing in Ontario over the last few years, as a way of ensuring that public and private infrastructure investments foster prosperity and well-being in the communities where those projects take place.

In October 2015, Dina Graser was contracted to research how community benefits could produce meaningful change for low-income communities, and to make practical recommendations as how to best advance the field in Ontario.

Accordingly, three research components were undertaken between October 2015 and February 2016:

- A review of community benefits agreements (CBAs),<sup>2</sup> “social clauses,” and legislation and policies in the U.S. and in the U.K. This was done to understand the legal, procurement and political frameworks in which they were created.
- Interviews with a wide range of experts and actors in the field of community benefits in the U.S. and the U.K.
- A study tour to California with Colette Murphy, Executive Director of the Atkinson Foundation, to better understand the “ecosystem” that makes community benefits projects and policies possible there. The tour included meetings with leaders in the nonprofit and community sectors, staff in city governments and public agencies, economic development experts, organizers, workforce development pioneers, academics and policymakers in Los Angeles, San Francisco, Oakland and Berkeley.

This report summarizes what has been learned through those activities, analyzes the state of play in Ontario, and makes recommendations as to how best to further this work in our own context.



## THE CALIFORNIA EXPERIENCE

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After almost twenty years of organizing, activism and change-making, Californians have learned much about how to advance the field of community benefits. From January 18-22, 2016, Colette Murphy and I visited key players in Los Angeles, San Francisco, Oakland and Berkeley to generate new insights about the key conditions required to successfully apply tools for equitable economic development.

We spoke to leaders in the nonprofit and community sectors, staff in city governments and public agencies, economic development experts, organizers, workforce development pioneers, academics, policymakers and coalition-builders. We returned with a wealth of insights, practical tips and strategies to inform the growing movement to advance the systemic adoption of community benefits and social procurement in Ontario.

It is instructive to consider, as case studies, the Los Angeles and Oakland experiences. From Oakland, we learned how a community coalition was built around a particular project. From L.A., we gained a good understanding of the history of the community benefits movement, and how it is transitioning from projects to policy. And from both, we came to understand the core components that are necessary to further this work, as well as the challenges that are commonly faced.

### The Oakland Army Base: Building a Movement

In the Bay Area, much of our research focused on the Oakland Army Base (OAB) agreement. The base — an 1800-acre site in West Oakland — was decommissioned in 1999 and several ideas for development were floated before a viable proposal with local and global partners took hold. Over the years in which proposals had come and gone, a community coalition was built to ensure that any redevelopment project would have substantial benefits for the local community. Ultimately, five or six key organizations comprised the steering committee of this coalition. The hub of the coalition was the East Bay Alliance for a Sustainable Economy (EBASE)<sup>3</sup>, which linked to a broader group of about 30 other organizations.

EBASE and its partners organized in classic fashion: on the ground through a door-knocking campaign, leveraging a voter-engagement program to collect precinct-specific data that they used to lobby city councillors, and following up by mail and telephone with people who were interested in getting involved. One of the groups paid a team to work phones and doors, and each organization committed a number of volunteers for specified “walk days,” for which EBASE would run an hour-long training session then send the volunteers out to knock on doors.

Keeping the coalition together was challenging: the OAB agreement took five years. It was important to manage expectations about how long the process could take, normalizing the length and complexity of development. Sometimes tactical splits were necessary. For example, when one of the developers was refusing to make commitments, some of the groups held a “sit in” at the San Francisco headquarters and demanded to speak to the CEO, while other coalition partners opted

“Our goal is always to build long-term partnerships that span beyond the campaign.”

— Jahmese Myres, EBASE



not to join, in order to keep lines of communication open with the developers. Over a number of years, the coalition was built through negotiation, trust-building and honest conversation, with some parties choosing not to join while others were willing to compromise.

Ebase also re-granted some funds to other, smaller groups whose voice was important (e.g. youth). They worked to keep the momentum going during quiet times through activities and phone banking. While Ebase itself employed a campaign director, researcher and organizer, they also relied heavily on partners for help with organizing and research. This in turn helped to keep their partners engaged and gave them ownership over the process. As Jahmese Myres, campaign director at Ebase, put it, “Our goal is always to build long-term partnerships that span beyond the campaign.”

The “inside-outside” game was important. In Oakland, Fred Blackwell was the assistant city manager. Not only was he the liaison with the developers and City Council, but he also helped bring Ebase to the table and funded community groups to organize and participate. From Blackwell’s perspective, Ebase was savvy, staffed appropriately, had constituents to represent, and was prepared when necessary to play an antagonistic role — all of which were important to the negotiations.<sup>4</sup> For its part, Ebase considered Blackwell a trusted ally whose absence has been sorely felt since his departure. The City of Oakland also hired Julian Gross as its attorney, a leading expert in community benefits contracting who usually represents community groups. Gross ultimately helped negotiate three deals that gave substance to the community benefits provisions: one between the developer and the city, one between the coalition and the city, and one between the trades and the city.<sup>5</sup>

The deal between the community coalition and the city included a cooperation agreement, as well as a right of action vis-à-vis the city that could be used by the coalition to force the city to enforce their agreement with the other parties if necessary. It also created an oversight committee, appointed by the mayor, which included members from Ebase, labour, the developer, city staff and other stakeholders. The agreements required that 50 per cent of hires by every contractor and subcontractor to be local. The committee meets monthly to review certified payroll reports and assess progress.

A final and critical piece of the agreement was the creation of the West Oakland Jobs Resource Center, which was initially funded by the developer and the city. It acts as the workforce hub or jobs coordinator. The Center is headed by Julina Bonilla, who has deep experience in the trades and workforce development, and it plays the role of intermediary between the trades and workers. Ongoing revenue to support the centre will be generated by the city’s rental of space on billboards located near the base and support from the city’s general fund.

From our conversations with those involved, in particular with Ebase, we learned key lessons about how communities can organize to win a successful CBA:

- Take the time to build a coalition that trusts and understands each other. Without that, organizations will sell each other out when they get to the bottom line.
- Research is key. Deep work on policy development is needed to understand the industry and the needs of the workers within it.

- Ensure the community has a role in enforcement. A continuous seat at the table is important and provides lessons for other projects.
- A central jobs coordinator or job centre is critical to the success of local hire. It must work for both contractors and unions, and leaves the community coalition free to play a broader advocacy role.

The results of the OAB have been significant: according to EBASE, at last count 49.8 per cent of the workers on the project are local, and one-quarter of those hours are going to disadvantaged workers. The job centre is seeing a “good number of people” and has a high placement rate. Now EBASE is planning for the next phase of the project (warehousing), with an eye on addressing provisions for temporary workers.

## Los Angeles: From Projects to Policy

Los Angeles is, in many ways, the home of the CBA. But the story of how the community benefits movement was born, grew and moved from projects to policy in Los Angeles is also instructive. It is a story of strong community organizing, political leadership and a mutual recognition by both the community and key people inside government that they needed each other to move a progressive agenda forward.

The community benefits movement in Los Angeles began in the 1990s. There was little progressive organizing infrastructure at the time, but there were a number of people who shared a set of progressive values and a few like-minded individuals working in City Hall. Funded initially by the labour movement, the Los Angeles Alliance for a New Economy (LAANE) was formed, as were other progressive organizations in different communities who ultimately became partners in various campaigns, beginning with a living wage campaign focused on contractors. The City of Los Angeles passed its first living wage ordinance in late 1998.

CBAs arose during what LAANE describes as their “middle years” as an organizing tool that was more systemic and neighbourhood-based.

Around the same time, a 350-acre residential and commercial development called Playa Vista started a non-profit (PVJOBS) and hired Ernest Roberts as Executive Director to recruit local employees. They did this in response to protests by community groups about the development. Roberts began by reaching out to faith-based communities. Eventually, he and others formed a separate non-profit organization (United Job Creation Council) to organize those groups and asked the community to sign petitions to advocate for local hiring. LAANE joined the effort and ultimately the labour movement did as well, recognizing that community support could help them negotiate project labour agreements (PLAs).

The Playa Vista developers provided \$1 million in capital to set up PVJOBS, which was tasked with undertaking local hiring to meet a 10 per cent disadvantaged hiring target. This provided Roberts with a powerful platform: he created the language for the contracts, marketed opportunities to community organizations, and was able to target those with barriers to employment. Because he had hundreds of jobs to offer, he was able to support the process and earn significant community support. Through this work, he created the model that still informs PVJOBS today. Community organizations recruit and pre-screen candidates, and then help them

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**PLAs**, which require the use of union labour, were key to achieving CBAs in California: they provided a legal framework that allowed unions to supersede their own dispatch agreements in order to bring in apprentices or workers from targeted groups.

to become work-ready through training and pre-apprenticeship programs. PVJOBS acts as the link between those community organizations and employers in the construction industry, both union and non-union. Federal workforce programs provide money to support workers once they are on the job.

PVJOBS became the first of a dozen “job coordinators” who implement workforce provisions of CBAs in Los Angeles. With over 20 building trade unions, it did not make sense to have 130 community agencies each attempting to run their own pathway. The jobs coordinator is the central entity that manages the whole process: it is hired by the contractor to coordinate with all the neighbourhood organizations that recruit and train candidates. The jobs coordinator organizes the pathway, certifies people as disadvantaged where required, places and then monitors candidates. Today, PVJOBS places 250-300 people in jobs each year, and estimates it has placed about 8,000 people since it began operations, with a 90 per cent success rate.<sup>6</sup>

As communities were becoming more organized and the jobs coordinator role was being created, CBAs were also becoming recognized tools for more equitable economic development in Los Angeles. In 1998, LAANE negotiated the first CBA for the Hollywood and Highland development, an 8½ acre, \$388-million retail and commercial development. In exchange for community support, the developer agreed to finance traffic improvements, implement living wages and undertake first-source (targeted) hiring. This laid the groundwork for what is commonly called the first full-fledged CBA for the development of the Los Angeles Sports and Entertainment District (the “Staples Centre”). The 2001 Staples development was a \$2.5-billion mixed-use project on 27 acres. The Figuera Corridor Coalition for Economic Justice, comprised of 30 different community groups, spent nine months negotiating the deal.<sup>7</sup>

In 2005, LAANE began work on a broader construction careers project, started by then-Mayor Villaraigosa’s faith-based initiative to recruit African-Americans into construction careers. At the time, only two per cent of African-Americans were apprentices in the trades, despite making up roughly 10 per cent of the population. By comparison, 67 per cent of apprentices were Latino. LAANE started looking at a more comprehensive strategy for workforce development in construction that was geared to low-income communities, especially of colour. Their research followed the money, in particular public dollars: where was public investment being directed, and who was getting the work? They were also concerned with ensuring that local hiring went beyond good-faith or symbolic commitments, and ensured placements for target groups.

This led to two strategies: First, the establishment of a broader legal framework that would tie community benefits to public investment on public or heavily subsidized land; and second, hiring targets based on socio-economic criteria, because of the correlation between race, gender and poverty.<sup>8</sup>

The legal framework was initially realized through the California Redevelopment Agency (CRA) in Los Angeles, headed in 2006 by Cecilia Estolano. She conducted a series of focus groups with major trades and contractors when she moved to the CRA. The result was a policy that required any developer receiving \$1 million or more in public subsidy to sign a master PLA with a three-year term. Non-union

contractors were also included: developers were allowed a certain number of core (non-union) workers, but if they needed more, every second worker had to come from a union hiring hall. Since prevailing wage laws were in place, all labourers were paid the same rate.

Because a number of other projects had already been implementing local hiring policies, by the time of the CRA's Master PLA, there were 13 different jobs coordinators in the L.A. area. Developers were required to hire one of them to coordinate the workforce component and fulfill a variety of other requirements. Overall targets of 30 per cent local and 10 per cent disadvantaged workers were set (The 10% of all work hours is not mutually exclusive to the 30% such that 1/3 of the 30% is disadvantaged workers). These targets were achieved and in some cases exceeded. Transparency was critical: results were tracked publically on the city's website. The CRA wanted to showcase positive benefits, both to show developers that the transaction costs were worth it, and to keep the community onside. Enforcement was another key piece, as there were penalties for breaches of contract.

The importance of monitoring and enforcement was uniformly stressed. PVJOBS imposes a penalty of \$400 for every eight hours that a contractor is short of a target at Playa Vista. The CRA monitored and enforced its contracts. Within the city, the Department of Contract Administration oversees, tracks and enforces requirements for minimum, prevailing and living wages. It also reviews monthly payroll reports and imposes financial penalties for noncompliance. Contractor performance is also tracked to prequalify vendors for future contracts.<sup>9</sup>

LAANE's second strategy, which emphasized socio-economic criteria, was achieved by using geography and income measures to determine workforce targets. LAANE determined that identifying areas of high unemployment by zip code was an effective proxy for targeting African-Americans, since most high-unemployment areas had a high concentration of African-Americans and Latinos. This proved to be more politically palatable as well, as it provided opportunities to low-income and targeted communities across the city, rather than simply near the project being constructed. This method was adopted by the CRA and by the city.

The CRA was shut down in 2012 as part of a wave of austerity measures taken by the California state government. However, the city worked with the trades council, contractors and Department of Public Works to shape a master PLA for L.A. for projects over a certain threshold. This policy, together with living wage ordinances, now applies to California-based companies. The targeted hiring requirements (generally 30 per cent local, 10 per cent disadvantaged) focus on the recruitment, training and sustainability of apprentices. LAANE and other community groups continue to have a strong relationship with the city, and in particular with John Reamer, the director of the Bureau of Contract Administration.<sup>10</sup>

Over the years, LAANE has grown and now has a staff of about 35 people, including organizers, researchers, campaign directors, lawyers and a communications team. They continue to work to advance progressive policies in the city, working with John Reamer and others inside City Hall, as well as with community and neighbourhood groups.

“Schools used to have trades; now no longer. So how do we combat high school dropouts, shrinking middle and plummeting bottom?”

— John Reamer, Director,  
L.A. Bureau of Contract Administration

## Concluding Thoughts on the U.S.

We learned that in California, there were several key ingredients needed to advance effective community benefits projects and policies:

- **Inside-Outside Strategy:** Community coalitions and labour need to apply external pressure for change, while working closely with elected officials and key bureaucrats on the inside. Making change requires both political will and an internal champion with sufficient power to move efforts through the bureaucracy and act as a liaison with elected officials.
- **Broad, Effective Community Coalitions:** Coalitions need time to build strong relationships with authentic bases, identify community needs, develop political leadership and create a vision together. They need to manage expectations about the length and complexity of projects, and they need funding and support to be effective advocates.
- **Community Organizing Infrastructure:** Key community organizations act as a “hub” for coalitions, with the expertise and capacity to organize, to research and develop policy positions, to communicate, to fundraise, and of course to negotiate, implement and monitor agreements and policies.
- **Workforce and Contractor Development Pathway:** To ensure the success of targeted hiring provisions in an agreement or policy, it is critical to have a central entity that handles the recruitment, training and placement of disadvantaged workers. These entities act as a liaison between unions, employers and community organizations. Having a similar entity that strengthens the capacity of local businesses to respond to bids, through technical and other assistance, also helps develop the local economy and increase opportunities for local hiring.
- **Measurable Targets, Monitoring and Compliance:** The agreement should define what constitutes disadvantaged workers and specify the number of hours they will work. Accountability measures, monitoring and compliance must be managed by a body with the capacity to enforce the agreement or policy. Negotiating community benefit clauses at the same time as the other parts of an agreement increases bargaining power, versus making community benefits an add-on.

California is not the only jurisdiction in the U.S. to use CBAs or have community benefits policies in some shape or form. Communities in cities from Seattle to New York have negotiated a wide range of agreements with developers and sometimes directly with municipalities. The benefits they have negotiated range from workforce opportunities and local economic development to physical infrastructure, educational scholarships, public realm improvements and affordable housing.<sup>11</sup>

The community benefits movement is spreading. The Partnership for Working Families (PWF) is a nonprofit organization with affiliates across the U.S. It supports members who are working for community benefits by providing technical and legal assistance, communicating strategies and tactics, and popularizing their efforts. The PWF also provides assistance to non-members through capacity-building, as well as technical and legal research. It is also working to tie local and national narratives together in a more compelling way to grow the community benefits movement.

Like LAANE and EBASE, PWF identifies three levels of people required to build a movement. First, there must be a powerful coalition of affected communities. The coalition must be able to shape demands, advocate and agitate, while also having standing in communities (like churches, unions, institutions). Multi-sector coalitions operate locally, understand how local governments work and focus on being influencers, within legal limits.

Second, progressive political leadership is important — but not sufficient. PWF and its affiliates identify and train people to run for office and become decision makers. However, because political leadership is always subject to change, a grassroots movement is required for continuity.

Finally, city staff are important. They help build the “inside-outside” game that so many in California have identified as critical, and provide continuity through political turnover.

PWF also identified the importance of research. It noted that the Center for Labor Research and Education at the University of California, Berkeley has been a pivotal independent expert in this respect, particularly in researching the impact of minimum wage standards and policies.<sup>12</sup>

Community benefits are becoming part of an overall emphasis on equitable economic development in the U.S. They are part of a constellation of policy and program initiatives —from municipal ordinances to planning and procurement policies — that are designed to address systemic issues. Organizations like the San Francisco Public Utilities Commission (SFPUC) take a holistic view of community benefits: they are incorporated into not only community relations for infrastructure projects and procurement practices, but the SFPUC is also working to embed them institutionally both within the organization and with other utility providers.

The SFPUC has taken an activist role with the City of San Francisco, co-founding a contractor assistance centre to grow the skills of small local contractors, eradicate the barriers they face and help move them up to the prime contractor level. In the SFPUC’s view, institutions must be the drivers of change. The Commission has taken a robust, proactive approach to change the way the contractor community does business and to build the capacities of community groups and other stakeholders. In the words of Masood Ordikhani, the director of workforce and economic program services, “We are going to operationally do business differently. If you want to do business with us, you have to do business differently too. Otherwise, don’t bid.”

“We are going to operationally do business differently. If you want to do business with us, you have to do business differently too. Otherwise, don’t bid.”

— Masood Ordikhani, San Francisco Public Utilities Commission

## THE U.K. EXPERIENCE

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The history of community benefits in the U.K. is very different from in the U.S. Rather than being driven by communities from the bottom-up, the impetus for community benefits came from foundations and government.

The first example of social procurement in the U.K. was by the City of Manchester in 1984. Early work in the area was not adopted by the national government at that time, in part because of uncertainty about how it would be affected by European Union regulations. In 2002, Richard Macfarlane and Mark Cook published a report for the Rowntree Foundation called “Achieving Community Benefits through Contracts.”<sup>13</sup> Subsequently, the Scottish government hired Macfarlane and Cook to conduct a pilot project.

Pilot projects by several Scottish public bodies between 2004 and 2006 emphasized targeted recruitment and training, as well as social procurement. These led to a 2008 report published by the Scottish government<sup>14</sup> that outlined a methodology for including community benefits, or “social clauses,” in public contracts.

Since then, community benefits clauses have become common practice in the Scottish public sector. Early political support from the Scottish National Party, a requirement that public organizations contribute to Scottish national outcomes, and the hosting of the 2014 Commonwealth Games in Glasgow were key to encouraging the uptake of community benefits clauses by public authorities. In 2015, the Scottish government developed a national economic framework that deliberately balanced growth with inclusion to tackle inequality. It is driven by the first minister and flows into both procurement processes and the national outcomes.

The University of Glasgow recently evaluated community benefits clauses by undertaking a large-scale survey of public organizations and an in-depth analysis of 24 contracts. Based on the 24 contracts, the authors found that:

- More than 1,000 individuals from priority groups were recruited as a result of the contracts, 38 per cent whom would not otherwise have been recruited.
- Over 200 apprentices from targeted groups were recruited, 73 per cent as a direct result of the contracts.
- 650 individuals from priority groups accessed a work placement, 72 per cent as a direct result of the contracts
- Over 6,700 individuals from priority groups received training.
- The targets for job opportunities, apprenticeships, work placements and training for priority groups were exceeded.
- Employment sustainability for the priority groups recruited through community benefits clauses is 75 per cent (many contracts are still ongoing).

The University of Glasgow report identified a number of best practices for public organizations, noted the need for further research to be undertaken on a long-term basis to measure the impact of community benefit clauses, and stressed the importance of monitoring and evaluation that provides data based on specified activity indicators.<sup>15</sup>



## Role of Legislation and Policy

In 2013, the U.K. Government promulgated the *Social Values Act* to encourage social and local procurement. However, the legislation has not had a major impact as it was generally considered to be “aspirational” rather than mandatory, it did not apply to construction projects, and it lacked statutory guidance.<sup>16</sup>

## Scotland

Scotland recently enacted the *Procurement Reform Act (PRA)*,<sup>17</sup> which not only puts mandatory requirements in place, but also includes statutory guidance tying the PRA to the national outcomes. The PRA explains where and how it needs to apply, and details how buyers should address fair work practices on their own behalves and with respect to their suppliers.

The PRA places a sustainable procurement duty on public organizations. This is defined as the duty of a contracting authority, before carrying out a regulated procurement, to consider how it can:

1. Improve the economic, social, and environmental wellbeing of the authority’s area,
2. Facilitate the involvement of small and medium enterprises, third-sector bodies and supported businesses in the process, and
3. Promote innovation.<sup>18</sup>

In carrying out the procurement, authorities must work to secure the improvements identified through this process *to the extent to which those improvements are relevant and proportionate* — an important caveat that can mitigate what could otherwise be unreasonable expectations.

The PRA requires the consideration of a community benefit requirement for all regulated procurements of £4 million or more. Contracting authorities must, in the contract notice relating to the procurement, include either a summary of the community benefit requirements it intends to include in the contract, or a statement of its reasons for not including those requirements.<sup>19</sup> The PRA also requires any contracting authority which expects to have “significant” procurement expenditures in the next year (£5 million or more)<sup>20</sup> to prepare and publish a procurement strategy that includes the authority’s policy on the use of community benefit requirements, consultation with those affected by the procurement, living wages for those fulfilling the procurements, and ethical sourcing of goods and services.

The PRA has been called a “game changer.” According to Gerry Higgins, executive director of Community Enterprise in Scotland (CEIS), while Scotland had already had an “enthusiastic community of champions” with respect to community benefits, the promulgation of the PRA will ensure all public authorities are now on board. The requirement to publish a procurement strategy that lists upcoming procurements is particularly significant, as it gives SMEs and social enterprises time to prepare for bids.

The PRA is helping to drive overall culture change in Scotland — a change that is led by the Scottish government and will be part of how every public authority subject to the PRA does business.

While the PRA is the most prescriptive legislation in the U.K., other national and subnational governments also have community benefits policies in place.

## Northern Ireland

In Northern Ireland, community benefits clauses have been used by the national government since 2008, beginning with environmental clauses and then moving to work placement opportunities.<sup>21</sup> Now the government is moving to be more strategic. It is revising its approach to employment to take advantage of a healthier economic climate, and thinking about a more integrated way to add social value across government. Northern Ireland has recently revised its approach to create a new “BuySocialNI” construction model, which will be implemented beginning in April 2016. As part of this work, the government is creating a portal for “brokerage” organizations — workforce agencies that fulfill a similar function to job coordinator agencies in the U.S. — that will be available to the contractors and help match people with jobs. Community benefits clauses will apply to projects with a minimum value of £2 million for construction, £4 million for infrastructure<sup>22</sup> and £500,000 for services.

The new model emphasizes “first-job opportunities” that target the long-term unemployed, apprentices and young people. For every £1 million of contract value, the contractor now needs to provide 52 weeks of employment for someone in one of these groups (e.g. a £50-million contract to build a hospital would provide 70 person-years of employment). However, the contractor has the flexibility to choose how many of each of these groups they will employ, be it apprentices, youth, or other categories.

Although apprenticeships have historically been sought after, Richard Macfarlane notes that many construction contracts are not particularly useful for apprenticeships because they consist of highly specialized trades who only work for short periods of time on a particular job. Therefore, in Northern Ireland, the government decided to broaden the recruitment and training requirements and focus more on jobs that involve only short-term training (receptionists, general operatives, machine operators, etc.).

New public contract regulations are being drafted, which will require unbundling to ensure that local businesses, social enterprises and SMEs can participate in the bidding.<sup>23</sup> Ultimately, the government’s goal is to go beyond construction and include community benefits clauses in service contracts like catering, information technology and social care. It is looking across government to ask what greater social value can be found, and working to link social clauses with wider government policy.

Evaluation is a concern in Northern Ireland as it is elsewhere. While outputs can easily be measured, the larger impact is harder to determine. One possibility being considered is to engage universities to track individuals who are involved in projects through community benefits over a three-year period to assess outcomes: Are these individuals still working? Has the project had an impact on their lives or incomes?

## Wales

The Welsh government defines community benefits as “The inclusion of ‘community benefits’ or ‘social requirement’ contract conditions in public sector procurements designed to ensure that wider social, economic and environmental outcomes are achieved through construction, service or supplies contracts.”<sup>24</sup> It has been working on community benefits since 2004, with two pilot projects reporting in 2006. The lessons learned from these projects were further developed to create a policy approach with guidance published for the public sector in 2010. A community benefits measurement tool was developed in 2011 to capture the outcomes and calculate a local economic multiplier based on those outcomes. In November 2012, the Welsh government won the U.K. Civil Service Award in the procurement category for its work in this area.

In Wales, the Finance Minister has taken a keen interest in procurement as a policy tool and community benefits are seen as a key contributor to tackling poverty and sustainable development in Wales.<sup>25</sup> In December 2012, the government launched the Wales Procurement Policy Statement (WPPS), which set out key principles to govern public procurement activity in Wales, including community benefits. The WPPS was refreshed in June 2015 to further clarify the principles for public procurement in Wales.

Compliance with the WPPS principles is monitored by the Welsh Government’s Value Wales team, and using all available data, including from the Sell2Wales procurement website through which public sector bodies in Wales advertise contract opportunities. A task force was set up in 2015 to examine opportunities to further strengthen community benefits policy and, where they have influence over funding for public-sector bodies, that community benefits are being built into conditions of funding. The Welsh government has also secured new powers to introduce secondary legislation on procurement, and has consulted on use of these powers, including the application of community benefits.

For the Welsh government, a key challenge in implementing community benefits was trying to move public sector buyers and organizations to see procurement as something greater than a transaction simply concerned with costs and supply.<sup>26</sup>

In addition to the WPPS and workshops to bring public bodies on side, the government saw it needed to demonstrate the benefits it could realize for its constituents. To quantify aspects that were not easily monetized, the government developed a community benefits measurement tool (CBMT). That tool not only allowed progress to be tracked, but also helped illustrate and give greater profile to the social and economic return on investment that can be delivered through public procurement. Data gathered through use of the CBMT has illustrated that around £1.80 worth of benefit for each £1 spent has been secured on average from those projects that have been measured. This has provided powerful information to support the added value that can be delivered through public procurement and could help influence investment decisions during a time of austerity.

Today, more than £1 billion worth of contracts have applied community benefits and measured outcomes using the CBMT. It shows that 83 per cent of the contract value stays in Wales as a combination of revenue to businesses and salaries to

residents. Some 1,439 job opportunities and more than 33,000 weeks of training have been delivered since 2011, much of which have targeted disadvantaged groups such as the long-term unemployed. Most of this has been achieved by local authorities and the registered social landlord sector (housing associations) but wider engagement is beginning to take place through the National Health Service and the college sector. As in Northern Ireland, the Welsh government is also encouraging the inclusion of community benefits in service and supply contracts, not just in construction and infrastructure projects.<sup>27</sup>

## England

While isolated cities in England were among the first to experiment with community benefits in the 1980s, and the *Social Value Act* applies to England and parts of Wales, it appears that community benefits or social clauses have not been adopted by the English national government in the same way as in the rest of the U.K. According to Richard Macfarlane, it is primarily local authorities who are working to incorporate community benefits.

### Case study: Birmingham

One local authority that is working to take a steadily more integrated approach to community benefits in its procurement activities is Birmingham.<sup>28</sup> Birmingham City Council (BCC) adopted a *Procurement Policy for Jobs and Skills* in 2010, primarily focused on achieving outcomes on jobs and skills training for disadvantaged groups through procurement.

The policy embeds a requirement to consider community benefits clauses for targeted recruitment, training and apprenticeships at every stage of the procurement process. BCC has adopted a three-tier framework for the strategic application of contract clauses:

1. **Contract Clauses:** BCC directorates include jobs and skills requirements within specific procurement exercises, leading to a contractually agreed set of outputs and outcomes.
2. **Voluntary Agreements:** BCC works with existing contractors to secure commitments to specific jobs and skills outcomes over a specified time period, with support provided to contractors by a range of public sector agencies. This approach can be used retrospectively with longstanding contractors and in the middle of long-term contracts.
3. **Jobs and Skills Charters:** BCC shares its strategic priorities and goals (specifically around jobs and skills) with current and prospective contractors, encourages the adoption of exemplar behaviours and practices, and looks to develop new customer-supplier relationships.

The policy is implemented at a variety of thresholds. New service and construction contracts that are “framework” contracts, or that have an annual value of more than £1 million, will be required to consider jobs and skills contract clauses first. All other contracts for the supply of goods and services, and existing service and construction

contracts with an annual value of £1-5 million will be subject to a jobs and skills charter. The minimum requirement is 60 person-weeks per £1 million of spending.

In 2013, BCC also adopted the *Birmingham Business Charter for Social Responsibility*, a set of guiding principles that must be approved for each company carrying out contracts for the BCC regardless of the value of contract. These principles include commitments to local employment, local purchasing, sustainability and ethical procurement.<sup>29</sup> Depending on the value of the contract, some principles are mandatory while others are voluntary. However, all contractors will be required to create a jobs and skills policy, and to commit to targeted recruitment and training provisions. As of November 2015, there were 255 charters in place with local Birmingham companies.

The aim is to boost the local economy by maximizing the social value that BCC obtains from its £1 billion purchasing power. This is done by making that money work as hard as possible for the economic, social and environmental benefit of Birmingham's citizens. The graphic at right shows one example.

According to staff at the City of Birmingham, the most challenging part of the program has been achieving "buy-in" within government and shifting the culture of city directorates and corporate procurement to ensure that the policy is implemented for all contracts, especially at the start of the process. Communication at all the relevant levels was key, and was undertaken in various forms, to show how adopting this approach has resulted in positive job and skill outcomes.

The staff leading the effort in Birmingham tried to make it as simple and as straightforward as possible for both internal and external players, and supported them through the implementation phase. Over the last two years, there has been significant engagement by local businesses, which in turn have had an impact in Birmingham. City officials point to the involvement of key stakeholders as imperative to moving forward and implementing a strategy that benefits the local community.<sup>30</sup>

## Social Enterprise

In the U.K., the growth of social enterprise has meant that more focus is placed on this sector than in the U.S. or Canada to date. This is particularly true in Scotland, which now has more than 5,000 social enterprises, fully one-quarter of which have been formed in the last five years.<sup>31</sup> Most are SMEs with annual revenues of less than £100,000, and 32 per cent are located in rural areas.<sup>32</sup> The Social Value Lab estimates that the social value sector has added £1.68 billion to the Scottish economy.<sup>33</sup>

CEIS, which describes itself as the U.K.'s "largest and most experienced social enterprise support agency,"<sup>34</sup> has championed the inclusion of social enterprise as part of sustainable procurement strategies with public agencies.

Others, like Richard Macfarlane, are more skeptical. He notes that while social enterprises are relevant, they cannot grow quickly enough to achieve the volume and scale necessary to bid on contracts that are currently being delivered by large enterprises and multinationals. There are examples of some larger institutions



structured as social enterprises, such as social housing authorities in Northern Ireland, but most are fairly small.

The University of Glasgow report evaluating community benefits in Scotland noted that contractors had experienced difficulty meeting targets respecting social enterprises because they were not receiving “good quality, competitive tenders,” and suggested that more support was needed in order to ensure social enterprises could be competitive in a tendering process.<sup>35</sup>

Recently, Gerry Higgins of CEIS noted that SMEs and social enterprises are forming joint ventures to bid on contracts. This presumably allows them to compensate for their lack of scale, and may offer opportunities neither sector could achieve alone.

## Concluding Thoughts on the U.K. Experience

Community benefits clauses in the U.K. have focused primarily on workforce training and secondarily on local supplier and social enterprise opportunities — not on the other amenities that have been found in North American examples to date. There are important lessons to be learned from the U.K., as its legal and policy structure in many ways is more similar to Canada’s than U.S. examples.

However, community benefits clauses in the U.K. are created from the top-down, with minimal community consultation. The emphasis on transparent and inclusive engagement that is a hallmark of the U.S. process is largely absent in the U.K. With the exception of Northern Ireland, which does have communities actively engaged in planning for infrastructure and other projects, communities in most parts of the U.K. are fairly disempowered. It has been recognized that adopting a national framework can come at the expense of local community priorities, and that procuring organizations should be consulting with local stakeholders.<sup>36</sup>

In other ways, the challenges that public authorities in the U.K. face when implementing policy are very similar to those seen in the U.S. The complexity of the procurement process, and the need for internal buy-in within a government or organization, are consistent challenges. They require both technical tools and commitment from leadership. Ultimately, in both jurisdictions, the goal is an overall culture change that replaces a simplistic value-for-money mindset with an expanded view of value that incorporates social, environmental and broader economic objectives.

## EIGHT CORE CRITERIA: LESSONS FROM BOTH JURISDICTIONS

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A review of case studies, policies and legislation from the U.S. and the U.K. reveals differences in the challenges faced, but also many common solutions, that are important to consider in the Canadian context. There are **eight core criteria** required to make community benefits work.

### Political will and an internal champion

The successful implementation of community benefits requires political or organizational leadership. Whether it is Mayor Antonio Villaraigosa of Los Angeles, Harlan Kelly Jr. of the San Francisco Public Utilities Commission, the Finance Minister in Wales or the First Minister in Scotland, every successful example of community benefits has an endorser at the very top.

Coupled with political leadership, however, is an internal champion. The champion is typically a high-level bureaucrat who has both the internal influence and the skills to make the process move forward. In Los Angeles, it is John Reamer, the director of the Bureau of Contract Administration. In Northern Ireland it is Gareth Johnston, the director of procurement. As Alan McGregor notes in his evaluation of community benefits in Scotland:

In terms of supporting contractors, there is value in having a CB ‘champion’ within the procuring organisation. The champion’s role involves:

- Working with the procurement team to ensure that the CB clause is legally compliant and fulfils its objectives.
- Carefully working through how the CB clause can be delivered in practice.
- Developing a potential ‘supply chain’ (for example pre-recruitment training provision for a targeted training and recruitment clause) that contractors can engage with to deliver on the CB clause.
- Supporting the contractors at all stages of the procurement process to enable them to deliver and monitor the CB clause.

This is a skilled and demanding position that is best undertaken by someone who also has experience of the contractor base. For example, construction industry experience is ideally needed when working with construction companies. As part of the skillset, CB champions need to develop strong working relationships with contractors, which includes using language and terminology that they understand and respond to.<sup>37</sup>

Political turnover is a reality in every jurisdiction: an elected official today may be gone tomorrow. Enshrining community benefits into policy documents and making it part of public procurement practice helps to ensure that efforts outlast the government of the day.



## A clear policy basis and alignment with other public policy goals and practices

Community benefits policies do not arise in a vacuum. In other jurisdictions, they have generally been implemented through community benefits clauses or agreements on a project-by-project basis before moving into the policy sphere. Starting with projects has certain advantages: it allows a degree of experimentation with form and content, it begins to build a cadre of people who know how to make them work, and over time it reveals the strengths and weaknesses of different approaches to implementation.

However, where the policy objectives of community benefits align with existing public policy goals, a policy-driven approach can also effectively drive change on the ground and in the marketplace. Equitable economic development policies often include living wages, environmental or sustainability targets, local economic development, and social procurement — all of which can be supported by, or incorporated into, a community benefits policy. Indeed, at the City of Los Angeles, much of what this paper calls “community benefits” happens through the application of living or prevailing wages and targeted hiring policies, not a community benefits policy per se. In Scotland, community benefits are but one part of a national economic strategy that deliberately works to increase competitiveness and tackle inequality as two mutually supportive goals. The priorities of that strategy include “promoting inclusive growth and creating opportunity through a fair and inclusive jobs market.”<sup>38</sup>

Explicit policies requiring that community benefits be incorporated into procurement provide a legal basis for their inclusion, develop the commitment and understanding of the staff who must deliver them, and give notice to prospective bidders in the marketplace that the procuring organization is looking for social as well as economic value.<sup>39</sup>

## Policy guidelines and procurement strategies for implementation

Detailed policy guidelines provide clarity and direction to procuring organizations that need to create strategies and practices for implementation. The U.K.’s *Social Value Act* was promulgated in 2012 but has been considered largely ineffective, in part because of the lack of guidance accompanying the legislation. In contrast, the Scottish *Procurement Reform Act* has extensive guidance that explains when and how the legislation applies, including to community benefits in procurement.<sup>40</sup>

The Government of Northern Ireland recently created a user-friendly introductory video and a toolkit, which it calls a “practical guide to socially responsible public procurement” to assist with implementation.<sup>41</sup> Like the statutory guidance under the PRA, the toolkit explains when and how to use social clauses. However, it is even more detailed. It covers everything from how to create internal policies and business cases to how to undertake targeted recruitment and training, while providing precedent legal language and templates.

Public sector procurement is a complex area. Educating public bodies about community benefits clauses, and how to implement and monitor them, is a necessary first step. Public sector organizations adopting community benefits policies must bring new approaches and requirements to bear on their own purchasing and tender documents, which often requires significant changes to current practices. Policymakers must also take care to prevent “policy drift,” where the intended outputs are lost over time. This can occur because the implementation strategy is not targeted robustly enough, or because it is skewed to meet other priorities, be they of delivery support organizations or other departments.<sup>42</sup>

Procurement departments will need to create guidelines and criteria for the contracting community, assessment criteria for requests for quotations (RFQs) and requests for proposals (RFPs), and tools to measure success. They must also ensure employees understand how to embed and implement them in a systemic fashion. For this reason, an internal person who drives the process is key. This person needs to ensure revisions are made to internal policies, and that contracts are monitored and enforced on an ongoing basis. Support and training must be provided both for procurement teams and for contractors who may need to change pre-tendering and tendering practices.

All of this will require a commitment of resources on the part of the procuring organization. The danger of creating a policy without sufficient internal support and resources is that it will fail for lack of expertise and commitment. It will fail not with a bang, but with a whimper: lip service may be paid, but little will be achieved.

Changing public procurement practices also requires culture change on the part of organizations. This can be achieved in part through internal leadership, but having a critical mass of organizations working together to achieve change appears to have a positive effect:

- In Scotland, CEIS runs a “champions council” that brings together procurement personnel from a wide range of local authorities to exchange best practices and share lessons. CEIS also runs workshops for the procurement divisions of authorities and agencies that are struggling with how to implement community benefits clauses.
- In San Francisco, Juliet Ellis of the SFPUC is working with the Surdna Foundation to convene top executives from American public utilities to talk about “how to leverage infrastructure dollars to impact people and place”.<sup>43</sup>
- From its home base in Oakland, the Partnership for Working Families works with its affiliates and cities across the U.S. to provide capacity building, technical assistance, legal research and policy assistance.

In sum, to implement a community benefits policy, detailed technical and legal support will be necessary, buttressed by strong and ongoing leadership both within and among organizations.

## Clear and measurable targets

In both the U.S. and the U.K., parties involved have been clear that targets for workforce development provisions must be set in community benefits clauses. Early efforts to secure community benefits in the U.S. with voluntary clauses, or with categories that were not sufficiently defined, failed to meet goals.<sup>44</sup> Similarly, in the U.K., having the procuring organization incorporate targets into the contracts is generally seen as more effective than having the contractor decide what will be delivered and reported.<sup>45</sup> Best practices in both jurisdictions include setting a number of hours to be worked by targeted populations.<sup>46</sup>

There are a variety of methodologies that can be used to set targets. In the U.S., recent practice has been simply to set a targeted percentage of hours to be worked by “local” hires. In L.A., the standard is 30 per cent, although it has gone as high as 50 per cent, and a portion of those hours (usually 10%) is further targeted to disadvantaged workers.<sup>47</sup> In the U.K., hours are calculated based on a range of considerations (e.g. how much of the contract value is for labour, how many full-time employees are required, how many apprentices can be accommodated, etc.) and some contractors and cost consultants have worked out formulas to ascertain these numbers.<sup>48</sup>

It is important to set targets that are reasonable and can be delivered. As is noted in the University of Glasgow’s study, “The need for clear, fit-for-purpose CB clauses is particularly important when CBs are a mandatory part of the contract rather than included on a best endeavours basis... there is a need for the targets to be very carefully set so that the contractor views them as proportionate and commits fully to them, rather than feeling forced to do so and delivering to the bare minimum requirement or not delivering them and accepting a contractual penalty.”<sup>49</sup>

In Scotland, section 9 of the *Procurement Reform Act* makes it clear that community benefits provisions need to be relevant and proportionate in the circumstances of the procurement. Speaking of a contract undertaken by the Glasgow Housing Authority, Richard Macfarlane notes, “one important lesson from the GHA case study is that the outcomes reflected the commitment and capability of the contractor more than the type of work they were delivering. Setting reasonable targets is important, but getting contractors’ commitment and compliance is key to achieving the outcomes. And the evidence is that contractors get better with experience.”<sup>50</sup>

## A strong workforce development pathway

The people most in need of the opportunities created by community benefits also need a pathway into the workforce. This pathway involves active support: it recruits candidates from targeted populations; assesses them individually; provides training and apprenticeships; places and monitors candidates; and may provide wraparound supports as needed. The pathway is usually overseen by a lead agency that works with a range of organizations that specialize in individual functions.

Understanding the context of the labour market is an important precursor to the creation of a pathway. Skills Development Scotland, for example, conducts regional skills assessments to provide a single, agreed evidence base to guide future investments in skills and training,<sup>51</sup> while also crafting skills investment plans for each sector.<sup>52</sup>

“Setting reasonable targets is important, but getting contractors’ commitment and compliance is key to achieving the outcomes.”

— Richard Macfarlane

In both the U.S. and the U.K., emphasis is placed on the important role of the workforce agency that is an intermediary between prospective employees and contractors. In Los Angeles, PVJOBS and other jobs coordinators are hired by contractors to work with community organizations. They recruit, train and place candidates in order to fulfill local hire provisions in contracts. In Oakland, the developer paid to seed a workforce agency that performed this function. In other parts of the U.S., “first source” hiring mechanisms — whether through new or existing workforce agencies — are typically used to ensure that targeted populations are given the opportunity to fill jobs before they are posted to the general public.

In the U.K., existing workforce development agencies often perform the same function. In Scotland, each of the 32 local authorities has its own employment agency that acts as the central coordinator. In Northern Ireland, the government has established a Brokerage Portal that provides access to recruitment and training organisations that will help contractors to recruit from the target groups to deliver the Buy Social requirements.

Training programs and providers vary, from community-based pre-apprenticeship programs to trades union apprenticeship programs, or training by local institutions and colleges. While union-based apprenticeship programs have typically had higher graduation and success rates in Los Angeles,<sup>53</sup> construction skills academies and other models have also been used with success in Scotland.

The provision of wraparound supports has also been flagged as important to ensure that targeted populations can obtain training and retain employment once they are placed. In some areas, like Northern Ireland, this has been identified as an area needing improvement.<sup>54</sup> Funding may be required to pay for union fees, tools, childcare and other legitimate costs that create barriers for candidates looking to participate in the workforce.<sup>55</sup>

## Monitoring and evaluation frameworks

Another common theme across both the U.S. and the U.K. was the need for strong monitoring and evaluation frameworks, including penalties for noncompliance and requirements for public reporting. Measurement and evaluation both of projects and of overall community benefits programs is critical.

The value of community benefits can be measured in a number of different ways. The easiest way to measure and monitor is by tracking outputs: if there is a targeted number of hours for disadvantaged workers, then certified payroll records from the contractor can be used to assess whether those targets are being met on a regular basis. Similarly, the number of social enterprises or local businesses who bid on or win contracts can be tracked.

Monitoring and tracking can be a resource-intensive activity, and the data to be tracked should be carefully tailored to the project.<sup>56</sup> The Welsh Community Benefits Measurement Tool consists of a series of spreadsheets with highly detailed questions about performance on employment, environmental and enterprise metrics, among others. However, not all monitoring frameworks need to be so detailed.<sup>57</sup>

Numbers that show outputs are not always an accurate reflection of outcomes, especially long-term outcomes for workers. Ernest Roberts of PVJOBS recognized this when he noted, in an interview, that an employee must complete 3,000 hours of work before they are considered a “graduate” — that is, someone able to maintain their career on their own. Similarly, Gareth Johnston of Northern Ireland noted that the government may partner with universities to track workers over a three-year period to assess the longer-term impact of jobs created through community benefits clauses.

There is no standard measure of the overall social and economic value of community benefits. While some jurisdictions, like Wales, use local economic multipliers to calculate impact, other methods to measure economic and social value are also in use. This is an area that merits more research.

Reporting is also important to demonstrate outcomes and transparency, particularly for public agencies. While the CBA movement is quite strong across the U.S., public reporting of results has been uneven, possibly because most CBAs are private rather than public agreements. In contrast, the City of Los Angeles and the CRA both provide detailed public reporting of results. Anyone can go online and track the compliance of contractors against their targets at any point in time. Los Angeles monitors the compliance of contractors on city projects, and also plays a monitoring role on CBAs when a developer receives financial assistance from the city.

Community benefits clauses must be enforceable and have real consequences in cases of noncompliance. In Los Angeles, at Playa Vista, PVJOBS charges contractors a \$400 penalty for every eight hours that they are short on their targets. The city also imposes financial penalties for noncompliance. In addition, the *Contractor Performance Evaluation Ordinance* accompanies every contract, with the project manager grading whether or not the contractor fulfilled their commitments. Scores are taken into account in future bidding processes for RFPs, and contractors who are not compliant may not get further work from the city.<sup>58</sup> In Scotland, contractors who are noncompliant could, in theory, have their contracts cancelled.<sup>59</sup>

To ensure that community benefits are enforceable, terms and provisions should be negotiated at the same time as the rest of the contract, regardless of whether it is a development deal or a public procurement. Negotiating community benefits after the main deal removes considerable leverage. Moreover, contractual terms about community benefits should be subject to the same penalties for breach of contract as other material terms of the contract.

Finally, the question of who enforces a contract is not always obvious. While one would assume that a government or procuring agency would enforce community benefits clauses, in a private CBA, community groups do not always have the resources or expertise to do so effectively. Indeed, the Los Angeles International Airport CBA has not lived up to its promise with respect to workforce development precisely because the community did not have the capacity to enforce and monitor the agreement.<sup>60</sup> Many private CBAs establish a monitoring committee, made up of representatives of the developer, the community, city staff and other interested stakeholders. This committee reviews regular reports and addresses compliance issues. In other cases, one of the benefits negotiated with the developer is payment for an independent compliance monitor who takes on this role.

## Enabling small, medium and social enterprise participation

Community benefits serve as tools for economic development in part because they offer business and growth opportunities for local SMEs and SEs. To maximize this potential, both sides of the equation need to be addressed.

SMEs and SEs may require technical assistance and skills development, both to enable them to respond to tenders appropriately and to ensure they have the capacity to deliver. In Scotland, CEIS and others provide a wide range of business support services to SEs. CEIS calls itself “the largest social enterprise business support provider in Scotland.”<sup>61</sup>

In San Francisco, SFPUC’s Contractors Assistance Center was created to provide technical assistance and build the capacity of local businesses, in order to enable them to stay in the city and hire others. In response to contracting strategies that were inefficient at attracting local bidders, a choice was made to “work with the community to get to the community.”<sup>62</sup> The Center itself was built by local labour; community organizations disseminated information about it and its services. Innovative engagement strategies were used to inform people about opportunities and graduates of the program were hired to mentor smaller businesses. The SFPUC notes that this kind of training has a very high return on investment and helps build a larger pool of local contractors who can respond to its tenders.

At the same time, changes must be made on the procurement side to make it easier for SMEs and SEs to take advantage of business opportunities. Contractors need to unbundle their contracts (i.e. break them down into smaller lots) so that local companies, which may not have the same organizational capacity as large multinational companies, can bid on them.<sup>63</sup> In San Francisco, considerable work was done to removing barriers to access to these opportunities for small business. This was done not only by unbundling contracts and creating “micro set-asides,” but also through a range of policy interventions, including providing easier access to capital, changing or eradicating requirements respecting years of experience and insurance coverage, and creating novel contract delivery methods.<sup>64</sup>

## The value of trust

A final lesson was the importance of personal relationships between key parties. Communities, developers, contractors, labour unions and governments need to develop relationships of trust in order to implement community benefits clauses and agreements. In the U.S., this was described as the “inside-outside” game, but the pattern is equally apparent in the way that U.K. authorities approach their commitments. Key stakeholders should all be engaged in the design of community benefits clauses and agreements, in establishing realistic targets that contractors will willingly commit to, and in monitoring and enforcing agreements. This may require breaking down historic silos. But if the parties trust each other, they are more likely to accord each other flexibility when needed, and are more likely to achieve positive results.

# APPLICATION TO THE ONTARIO CONTEXT

How does Ontario fare with respect to the eight criteria set out above? The table below provides a summary analysis, followed by a discussion of some of the most promising developments and pressing challenges.

ONTARIO AND THE EIGHT CORE CRITERIA FOR COMMUNITY BENEFITS		
CRITERIA	STATUS	NEEDS
Political will and an internal champion	Some political advocates, but no high-level internal champions	Mobilization and expansion of political support, plus identification of internal champions
A clear policy basis and alignment with other policy goals and practices	Somewhat, via the <i>Infrastructure for Jobs and Prosperity Act</i>	A wider lens that covers all of government policy
Policy guidelines and procurement strategies for implementation	None, though consideration is being given to revising the Ontario Procurement Directive	Technical procurement support
Clear and measurable targets	None in place to date, though Ontario may put regulations in place for apprenticeships via the <i>Infrastructure for Jobs and Prosperity Act</i>	A roadmap as to how targets should be set
A strong workforce development pathway	A workforce pathway is in development for Metrolinx which could have wider applicability for all construction projects	Further development and political will, as well as the cooperation of key stakeholders in the workforce system
Monitoring and evaluation frameworks	None to date, but may enact some via the <i>Infrastructure for Jobs and Prosperity Act</i> regulations	Technical and legal help to establish this system
Enabling small, medium and social enterprise participation	Support some programs for SEs and SMEs that offer basic business and technical assistance	Demand-side mechanisms (unbundling, removal of barriers, etc.) along with supply-side technical assistance specifically directed to helping SMEs and SEs bid on opportunities created via community benefits programs



A unique opportunity is presenting itself in Ontario. The federal government is planning to spend \$120 billion on infrastructure in the next decade.<sup>65</sup> The province has budgeted even more — \$137 billion — for infrastructure over the same time period.<sup>66</sup> These infrastructure dollars should be leveraged to their fullest extent to generate inclusive prosperity and equitable growth.

This opportunity will be lost, however, if we do not ensure that all of the necessary participants in the ecosystem can play their part. The danger is that governments otherwise will promulgate policies that sound laudable but are not able to make real change on the ground. There is a pressing need to build the capacity of governments, communities and local businesses so that each sector has the legal, technical and organizational skills and resources necessary to succeed.

## Promising developments

Community benefits have attracted significant interest from the City of Toronto, the province of Ontario, and more recently from the federal government. Toronto's recently passed Poverty Reduction Strategy<sup>67</sup> includes a recommendation for community benefits, and a social procurement strategy was recently passed by Council. At the provincial level, the *Infrastructure for Jobs and Prosperity Act*<sup>68</sup> has been passed and includes community benefits as a principle. It is not yet in force, pending regulations that will likely be created in 2017. At the federal level, a private members' bill calling for community benefits for construction, maintenance and repair projects<sup>69</sup> has been introduced in the House of Commons.

Excellent work has been done to date on the creation of a construction workforce pathway. The provincial government funded the United Way of Greater Toronto and York Region to undertake a labour market partnership study to accompany the implementation of community benefits for the Eglinton Crosstown project. That study has been completed, and work is now continuing to develop an intermediary that would act as the coordinating workforce agency for the project. If this can be successfully implemented for Metrolinx projects, it is logical to extend the use of this workforce pathway to other construction projects in Ontario.

The Atkinson Foundation has done important work to educate and engage anchor institutions in southern Ontario in a community of practice around social procurement. It has also funded research and served as a convener for a community benefits working group, which includes representatives from community groups, foundations, nonprofit organizations, government and labour to advocate for comprehensive and meaningful policies at provincial and federal levels. In part because of the efforts of this group, community benefits were included as a principle in the *Infrastructure for Jobs and Prosperity Act*. This group continues to advocate for an "all of government" community benefits policy at the provincial level.

## Challenges

### **Government has some political will, but a lack of expertise**

Governments are clearly interested in maximizing the impact of dollars spent to achieve their poverty reduction and community well-being goals. However, their staff have limited experience and understanding of how to implement community benefits through the procurement process. Moreover, while the premier of Ontario has endorsed the concept of community benefits,<sup>70</sup> no level of government currently has a high-ranking member of the bureaucracy who acts as a champion for this file.

Governments are seeking assistance to help them write guidelines, structure procurement documents and determine how to monitor and evaluate their efforts. However, there are few people with the necessary legal and technical expertise in Ontario, or even in Canada, to provide that help.

To capitalize on the interest shown by governments, both political allies and powerful internal champions need to be identified and mobilized. They can then stickhandle community benefits through policy development and into implementation. This is also a good time to bring in expertise from the U.S. or the U.K. to provide technical assistance to procurement divisions and governments who are developing bids and contractual language, as well as monitoring and evaluation frameworks. Metrolinx, the only Ontario government agency wrestling with the implementation of community benefits, could clearly use this support now.

### **Lack of community capacity**

Various community groups are interested in community benefits, but the overall capacity of the community to organize in support of these policies is underdeveloped. The Toronto Community Benefits Network has played an important role in beginning to build a grassroots coalition for the purposes of discussions with Metrolinx, but it cannot be the only player. An effective community benefits movement needs a broad base and, as is shown by the U.S. experience, strong coalitions can take years to develop.

Right now, there are few sources of support for community groups who want to advocate and organize for community benefits across Ontario. The U.S. experience shows that the necessary support includes on-the-ground training for organizing and advocacy, clear communications materials, research and legal assistance.

It would be easy for governments to follow the U.K. model by assuming that nobody will oppose the inclusion of targeted workforce initiatives or social procurement practices, and therefore deciding that local communities don't need to be a central part of the process. But Ontario is not the U.K. Communities here expect to have a voice, and one of the key opportunities offered by community benefits is that local communities can engage in a robust process to define local needs. To negotiate effectively with governments and developers, communities need to be organized, to have adequate resources, and to bring a certain level of understanding and sophistication to the negotiating table.

## Need for a narrative

There is a shortage of consistent, accessible information about community benefits, how they work and why they can play a pivotal role in building more equitable economies.

Many organizations and even governments have only a rudimentary understanding of community benefits. There is substantial confusion around the term, in part because it is often used in other contexts. For example, capital improvements negotiated through section 37 of the *Planning Act* in Toronto are often called community benefits. There is no clear understanding of the difference between community benefits clauses and CBAs, nor between social procurement and community benefits (which can indeed amount to the same thing, depending on how they are framed).

There is a compelling need to craft a narrative, clearly define terms, and tell a consistent story about why community benefits create value for everyone. Materials, videos, webinars and more are needed to explain the basics, and they must be disseminated to a wide range of community organizations, governments and agencies. Workshops, speaking opportunities and conferences can provide platforms for sharing and education. Governments themselves should look to precedents like Northern Ireland's, where the government has created videos, toolkits and other explanatory material to explain their "BuySocialNI" approach.<sup>71</sup>

## Need for organizational infrastructure

All of the needs identified above, and throughout this paper, lead to another question: how will they be met?

It goes without saying that one person or organization cannot do all of this. The cross-sector community benefits working group convened by the Atkinson Foundation is doing yeoman's work in many respects. But it is clear that Ontario lacks critical organizational infrastructure.

In both the U.S. and the U.K., there are centres that act as hubs for much of this work. In the U.S., organizations like LAANE and the Partnership for Working Families fill this role. They offer technical and legal expertise; work with community groups to help them organize; undertake research and develop policy positions; communicate and fundraise; and sometimes even negotiate, implement and monitor agreements or policies. In the U.K., CEIS, independent consultants and solicitors work closely with governments, local businesses and social enterprises to help craft procurement strategies and implementation frameworks. They also foster knowledge exchange between procurement professionals and contractors, while building the ability of SMEs and SEs to respond to opportunities.

Ontario needs one or more resource centres as well. The exact role that such a centre should play needs to be determined through a consultative process. A dedicated resource could support communities and nurture their capacity to be effective organizers and advocates. It could also provide technical and legal assistance to governments and community groups, or lead communications efforts and a government relations strategy. There may also be a need for research and policy analysis, for opportunities to exchange knowledge, or training for SMEs and SEs.

Now is the time to think about the value a resource centre could add in aligning the myriad elements that have been key to the success of community benefits in other jurisdictions. A centre of expertise could partner and coordinate with other groups in Canada who are naturally positioned to undertake some of this work, and draw on resources from the academic, legal and professional communities.

Despite the urgency for organizational infrastructure in the short term, we must not forget that instilling community benefits into government policies — let alone into private CBAs — is a long-term effort. Creating legislation and policies, and shifting government procurement practices, will require a deep culture change. It is worth noting that in Scotland, public authorities have been undertaking community benefits programs and projects for 15 years. It is only now, with the enactment of legislation, that such culture change is genuinely taking root.

We must move swiftly to take advantage of the receptiveness within government to community benefits policies, while also being realistic about how quickly the fruits of this labour can be realized. Only a sustained effort by many different players over a prolonged period of time will make a real difference in people's lives, bringing us closer to the goal of shared prosperity for all.

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## Endnotes

- 1 *Public Services (Social Value) Act 2012 (UK), c 3*
- 2 The term CBA is used in this paper to indicate enforceable legal agreements signed between community groups or coalitions and private developers or governments. CBAs are distinct from community benefits clauses or social clauses, which are incorporated into public procurements.
- 3 Other members included key unions, the Alliance of Californians for Community Empowerment (formerly ACORN), faith-based organizations and an urban peace youth group.
- 4 Blackwell noted that there were in fact two groups at the negotiating table. One was EBASE. The other was a community organization that had not joined their coalition, was not staffed and did not have the technical capacity to participate in the same way, which made negotiations much more difficult.
- 5 Access to apprenticeships through the trades is key, and usually needs to be done through a project labour agreement because that is the only document the trades actually sign — they are not usually a party to the agreement between a contractor and a developer or an authority.
- 6 PVJOBS' policy is that a person must accumulate 3,000 hours of work before they are considered a "graduate" who should then be able to maintain their career on their own.
- 7 Like many CBAs, the benefits to the community were provided in return for a cooperation agreement, in which the community agreed to support the project and relinquish any legal claims regarding the project.
- 8 Many of the people we met with discussed the difficulties posed by Proposition 209, which bars employers and educational institutions from looking at race, ethnicity or gender. This had a profound effect on employment and led to the adoptions of strategies based on income instead.
- 9 Accountability is only as effective as those holding the contractors accountable. However, during interviews the author was told that the targeted hiring provisions for the Los Angeles International Airport CBA were not fulfilled largely because the community did not have the capacity to monitor and enforce the agreement once it had been signed.
- 10 The Bureau is a powerful player within the city, as it administers living wage ordinances and oversees the performance evaluations of community benefits contracts.
- 11 A chart listing the different kinds of benefits found in a variety of U.S. CBAs can be found in Graser, D. (2016) "Community Benefits and Tower Renewal" Evergreen CityWorks, to be released.
- 12 The Center for Labor Research and Education at the University of California, Berkeley describes itself as a "think and do" tank. It undertakes research and policy analysis that is connected to progressive policymakers and campaigns to change the way the labour market functions in the U.S. It works closely with organizations like EBASE, LAANE and the trades to shape policy development, although it is sometimes asked to undertake research by mayors and city councils as well.
- 13 Macfarlane, R. and Cook, M. (2002) *Achieving community benefits through contracts: Law, policy and practice*. The Policy Press for the Joseph Rowntree Foundation, Bristol
- 14 Macfarlane, R. and Cook, M. Anthony Collins Solicitors (2008) *Community Benefits in Public Procurement: A Report Demonstrating the Methodology for Including Targeted Recruitment and Training Clauses in Public Sector Contracts*, The Scottish Government, Edinburgh.

- 15 Sutherland, V., McTier, A., Glass, A. & McGregor, A. (2015 June) Analysis of the Impact and Value of Community Benefit Clauses in Procurement: Final Report. Training & Employment Research Unit, University of Glasgow.
- 16 See Macfarlane, R (2014) Tackling Poverty Through Public Procurement. Joseph Rowntree Foundation; comments by Gerry Higgins of Community Enterprise in Scotland (CEIS), from a presentation delivered in Toronto on March 18, 2016.
- 17 *Procurement Reform (Scotland) Act 2014*, ASP 2014 (“PRA”)
- 18 *Ibid.* at s. 9.
- 19 *Ibid.*, s. 25. Section 26 notes that the Scottish ministers may publish guidance on the use of community benefit requirements, including consultation that should take place before determining whether or not to include community benefits requirements in a contract, and also the circumstances in which including them would or would not be appropriate.
- 20 *Ibid.*, s. 15(4)
- 21 Information about Northern Ireland is based on an interview with Gareth Johnston, director of the policy and performance division at the Central Procurement Directorate, part of the Government of Northern Ireland.
- 22 The value is higher for infrastructure projects because labour costs tend to be low relative to the cost of materials.
- 23 Large social enterprises in Northern Ireland include social housing authorities and recycling collectors, who compete on the same basis as anyone else. Regulations will include a “turn-over” requirement that dictates who can bid on a contract based on a contractor’s volume from the previous year, to ensure they have enough capacity to deliver, as well as provisions to ensure prompt payment of subcontractors within 30 days.
- 24 “Community Benefits: Helping Suppliers Deliver Maximum Value for the Welsh Pound”, Welsh Government, 2011: available online at <https://www.cardiffmet.ac.uk/procurement/Documents/Community%20Benefits%20guidance%20for%20Suppliers.pdf>
- 25 The minister set up two “task and finish” groups at key stages in the development of community benefits. One group was launched in 2012 off the back of two reports published that year both of which commented that Welsh government had some good policies but implementation was patchy for community benefits: the Welsh Assembly Enterprise and Business Committee, Inquiry into influencing the modernisation of European procurement policy (May 2012) and the McClelland Review : ‘Maximising the Impact of Welsh Procurement Policy’ (August 2012).
- 26 Unfounded concerns about European Union regulations were overcome by running a series of workshop specifically on the legal aspects of community benefits.
- 27 Statistics and information provided via email from Value Wales, Welsh Government.
- 28 Information in this section was provided via email from Nicholas Doyle, Employment and Skills Support Officer at the City of Birmingham.
- 29 Future commissioning and contracting decisions will take account of the principles of this charter and it will form part of the terms of new BCC contracts, and the conditions of grant aid. The charter will be mandatory for organisations with individual contracts or grants over £200,000 per annum and aggregate annual contracts or grants above £500,000. For contracts and grants below these thresholds, some aspects of the charter are mandatory and other aspects are voluntary.
- 30 See Richard Macfarlane with Anthony Collins Solicitors LLP, Tackling Poverty Through Public Procurement, Joseph Rowntree Foundation, 2014, which presented Birmingham as a case study and discusses its employment practices in more detail: available online at [file:///C:/Users/Dina/Downloads/poverty-procurement-social-mobility-full%20\(1\).pdf](file:///C:/Users/Dina/Downloads/poverty-procurement-social-mobility-full%20(1).pdf)
- 31 Social Enterprise in Scotland: Census 2015, Social Value Lab: Glasgow at 3.

- 32 Ibid.
- 33 Ibid. However, it is not clear over what period of time this covers.
- 34 CEIS website, <http://www.ceis.org.uk/about-ceis/>
- 35 Sutherland et al, *supra* note 15 at 22.
- 36 Ibid. at 21.
- 37 Ibid. at 36. Internal footnotes omitted.
- 38 See <http://www.gov.scot/Topics/Economy/EconomicStrategy>
- 39 Macfarlane, *supra* note 30 at 24.
- 40 See <http://www.gov.scot/publications/2016/03/8410> for the guidance.
- 41 <http://www.buysocialni.org/#>
- 42 Macfarlane, *supra* note 30 at 30.
- 43 Interview with Juliet Ellis, SFPUC, January 21, 2016
- 44 Interview with Ernest Roberts, PVJOBS, January 18, 2016
- 45 Macfarlane, *supra* note 30 at 8.
- 46 Interview with Ernest Roberts, PVJOBS, January 18, 2016 and interview with Richard Macfarlane, 10 November 2015
- 47 With respect to project-based CBAs, L.A.'s John Reamer has noted that the biggest challenge "is agreeing to the agreement." Communities push hard and reach high, and developers need to make a profit while also addressing community needs. Finding the "sweet spot" for both sides is the most difficult part. Groups involved in U.S. CBAs consistently reference the relationship with developers and contractors as the most important part of the endeavour.
- 48 Macfarlane, *supra* note 30 at 26.
- 49 Sutherland et al, *supra* note 15 at 21.
- 50 Macfarlane, *supra* note 30 at 27.
- 51 <https://www.skillsdevelopmentscotland.co.uk/what-we-do/partnerships/regional-skills-assessments/>
- 52 See, e.g. [https://www.skillsdevelopmentscotland.co.uk/media/35688/sds\\_construction\\_sip\\_digital.pdf](https://www.skillsdevelopmentscotland.co.uk/media/35688/sds_construction_sip_digital.pdf)
- 53 Interview with John Reamer, *supra*
- 54 Interview with Gareth Johnston, *supra*
- 55 Interview with Ernest Roberts, *supra*
- 56 Macfarlane, *supra* note 46
- 57 The University of Glasgow report makes a number of recommendations about how best to track and monitor community benefits and proposes standardizing data, but Macfarlane takes the view that tracking should be tailored to the individual contract.
- 58 Interview with John Reamer, *supra*
- 59 Interview with Gerry Higgins, *supra*
- 60 Interview with Cecilia Estolano, January 18, 2016
- 61 See <http://www.ceis.org.uk/business-support-and-capacity-planning/>
- 62 Interview with Masood Ordikhani, SFPUC



- 63 The bidding process can include, as a safeguard, provisions to ensure the bidders have the capability to meet contractual requirements. For example, in Northern Ireland, requests for proposals have extensive regulations that specify who can bid on a contract, based on their volume of the previous year's business, to ensure they have enough capacity to deliver.
- 64 For example, job order contracting allows the city to hire a successful business that has worked with them before, and that business is then required to hire someone who has never worked for the city before. The prime contractor is paid extra to ensure quality control, and certain requirements are waived to incent them to participate. In this way, the pool of contractors with relevant experience grows and small businesses can become "primes" in turn.
- 65 Janyce McGregor, "Federal budget 2016: Liberals push deficit to spend big on families, cities." CBC (March 22, 2016) Available online at [bit.ly/1Ydu47p](http://bit.ly/1Ydu47p)
- 66 <http://www.fin.gov.on.ca/en/budget/ontariobudgets/2016/bk2.html>
- 67 Passed November, 2015. Available online at <http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=de8f727e05c79410VgnVCM10000071d60f89RCRD>
- 68 S.O. 2015 C.15
- 69 Bill C-227
- 70 [http://www.communitybenefits.ca/kathleen\\_wynne](http://www.communitybenefits.ca/kathleen_wynne)
- 71 See <http://www.buysocialni.org/>. For a press release announcing the initiative, which shows how the Government of Northern Ireland has positioned it, see <http://www.northernireland.gov.uk/news-ofmdfm-290115-bell-and-mccann>

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The Atkinson Foundation promotes social and economic justice by investing in people who are making Ontario more equitable, inclusive and prosperous.

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