



Base Code Guidance: Child Labour



Lead author: Mike Dottridge

Commissioning editor: Cindy Berman

With thanks to Luca Ponzetta and to advisory panel members Save the Children, Marshalls, Homeworkers Worldwide, ITUC and Unicef.

Photos: ILO, ETI, ICI

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1 Introduction

This guidance is intended to help businesses understand child labour and the responsibilities of companies to embed the application of ETI's Base Code Clause 4 in their global supply chains. It aims to frame and understand the complexity of the issues, recognising that each situation is different, and that no 'one size fits all' approach is possible. The guidance provides advice to companies on what they could and should do to identify, manage, mitigate, prevent and continuously monitor and improve their approaches to child labour.

This is not intended to be a definitive guide, but a work in progress. Many other specialist organisations have produced helpful toolkits, guidance documents and briefings. These are listed in an extensive set of references in the Annex and signposts where you might seek specific answers to specific questions requiring specialist expertise. ETI will continue to generate evidence, advice and practical tools for companies as more is known about what works, where and why, and as more lessons are shared.

The report is structured as follows: the first part contains some important basic information about child labour, the challenges for companies and the minimum standards enshrined in the ETI Base Code. The second section describes the steps involved in applying a due diligence approach and contains advice on what companies can do to identify child labour, manage situations where child labour is found, and how to prevent it from occurring in their supply chains. The final section contains definitions, information on international standards, as well as useful references and resources. Throughout the guide, you will find examples and case studies aimed at helping companies learn from the experience, lessons and insights in different situations to help strengthen their own responses.

"Every child has the right to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or that is likely to harm the child's health, physical, mental, spiritual, moral or social development."

United Nations Convention on the Rights of the Child (1989)

1.1 What is child labour?

Universally agreed and legally binding rights are enshrined in the United Nations Convention on the Rights of the Child (1989). The Convention defines a child as everyone under 18 years of age. The term "adolescent" refers to children aged 10 to 17; 18-19 year olds are referred to as 'young adults'.

Children have a right to be protected from harm, have a right to an education and should attend school before they start working. The international community has agreed that younger children should not be employed in full time work before reaching a specified minimum age: International Labour Office (ILO) Convention 138 sets this at 15. In some countries, the age at which children can engage in full-time work is higher (16 or over), whilst in others, depending on their development status, the age is set lower. The need for supervision is also set to a higher standard than for adults.

There are specific and limited circumstances in which children can undertake some types of work. Some national laws or regulations permit 'light work' for children aged 13-15 which is not harmful to their health and development, and does not interfere with attending school or vocational training. Convention 138 states that children should not be employed on light work for more than two hours a day, or spend more than seven hours a day on a combination of school work and light work. Children engaged in light work should have at least one day a week off (as should adults), as well as public holidays.

There are clear internationally binding standards about the type of work children can do and their working hours are limited. ILO's 'Worst Form of Child Labour Convention' 182 states that no-one under 18 should be allowed to engage in the "worst forms of child labour", which includes work that is hazardous, undertaken at night, requires long hours or causes harm to the health, safety or morals of a child. ILO Conventions 138 and 182 are 'core labour standards' that are binding for all countries, regardless of whether or not they have ratified these conventions.

But whilst the standards are clear, the reality may be different. It may be difficult to clearly identify the difference between work occasionally performed by children to help their families, and other types of work that children perform to support themselves or their families. This is particularly the case where it may cause harm to their health, or where there is little visibility, regulation or supervision.

As such, ETI advises companies to set clear standards on tolerance of child labour in global supply chains in line with the ETI Base Code and international labour standards, to manage and mitigate risks.

Some children work rather than attend school and many leave home at an early age because they think they will be better off finding work elsewhere. Others are not just urged to work by their parents or offered work by local employers, but are forced to work and are grossly exploited, for example as child soldiers or providing sexual services. A variety of terms are used to refer to extreme forms of child exploitation: sale of children, bonded labour, child servitude and the sexual exploitation of children.



How many child labourers and where are they?

The ILO estimated in 2013 that there were 168 million children working in circumstances that violated international standards — the world's child labourers¹. This is almost 11% of the world's children; more than half (85 million) engage in hazardous work.

Most of the world's child workers are in Asian countries, particularly South Asia. The proportion of children who work rather than attending school in Asian countries has been decreasing, while the proportion in many parts of Africa remains high (approximately one third of all children in West Africa). The overwhelming majority of child labourers (59%) are reported by the ILO to work in agriculture, mainly on their parents' family farm, but many are also found in commercial agriculture, for example cultivating cocoa and harvesting cotton or crops. In a few countries in Central Asia, children are conscripted once a year to work during their country's cotton harvest. The largest sector for girls' employment involves domestic work, but both girls and boys work for manufacturers, e.g. in the garment industry. At the lowest levels of supply chains, girls take on out-sourced work in their own homes, alongside their mothers. Both boys and girls are found working alongside desperately poor parents in brick kilns in South Asia.

Most child workers are involved in low skilled work which is poorly paid (though employers in India, for example, have claimed that some stitching or other fine work can only be done by children because of "their small hands"). All child workers are vulnerable to abuse because of their immaturity (and sometimes their size), but those who have left home are particularly vulnerable. Children who live with their employer are especially vulnerable because of their high level of dependency.

The effects of child labour on the children involved vary according to the type of work and other circumstances. They also vary according to the children themselves, with the same job potentially having a different effect on a girl or a boy of the same age. A job that is particularly demeaning may simply frustrate a child from one social background, whilst in the case of children from particular indigenous peoples or minority groups, it contributes to their lifelong social exclusion.

¹ Estimates of numbers here and below come from ILO, *Marking progress against child labour: Global estimates and trends 2000–12*, Geneva, 2013. Annex 2 contains details of international standards.



Why do children work?

Despite efforts to build enough schools for all children, there are still many places where there are no schools, or not enough school places, or where attending school is not free. Even when schooling is free, some families are so poor that they have no option but to require their child to contribute to the household's income by working. Such poverty may be due to a lack of economic opportunities.

In areas where many adults are in wage employment, child labour is also caused by low wage levels, particularly wage rates that are so low that they do not cover minimum household expenses. In such cases, low wages paid to adults by a business's supplier may oblige the adults' school-age children to work, even if the children's work is not in an export-oriented sector and appears to have nothing to do with the business itself, which might have a strong commitment to ethical trade.

In other cases, either parents or children think the education on offer is unsuitable and believe that a child will benefit more by starting work early. For example, leaving their village and seeking work in a nearby town where there will be more opportunities as the child grows up. Some adolescents want to work away from home, as this increases their freedom (earning money that they keep for themselves) and other opportunities, such as non-formal education (i.e. classes they attend in free time when not working).

Other children in work may be migrants fleeing violence and they (and their families) are destitute. This leaves them vulnerable to exploitative employers and obliged to accept harmful working conditions and extremely low wages.

1.2 Child labour as a 'business-critical' issue

Addressing child labour (particularly its worst forms) is a business-critical issue – essential for the credibility and legitimacy of a business in the eyes of all its stakeholders. The presence of child labour is also likely to be indicative of poor management practices and poor compliance with a wider set of labour standards. Children are often at the cheapest, most exploitable and expendable end of the labour supply chain; but child labour can also be an indicator of poor attitudes and behaviour towards workers more generally.

Responsibility for tackling child labour

Retailers and brands that are consumer facing and other major international businesses are very unlikely to encounter either child labour or children working in their own operations. However, they have a responsibility to make sure that they understand the risk of child labour being present in their supply chains and that their supply chain partners understand what needs to be done to prevent child labour. A responsible company will need to consider what level of risk assessment needs to be made, through secondary information or through a detailed due diligence exercise involving local experts and children themselves. They will need to consider to what extent they can rely on audits alone or whether they need to invest in their suppliers' capacity and systems to ensure that they are capable of tackling child labour. Suppliers, manufacturers, farmers and producers in the supply chains of ETI members are more likely to face the direct risk of child labour and will have to face the challenge of ensuring children are not present at all, or if above the minimum age, that they are working in acceptable conditions.

But ending child labour requires the involvement of many others, apart from businesses:

- governments that set laws and policies (concerning education, as well as employment);
- political and religious leaders who influence the public's views on what is acceptable work for children;
- trade unions and employers' organisations,
- non-governmental organisations (NGOs) which campaign against child labour or provide working children with services,
- donors supporting child poverty alleviation schemes and others

Challenges for companies

While the minimum age must be respected, above this age not all the work that children do is harmful. A challenge for employers and businesses sourcing in areas where child labour is common is to distinguish between jobs that should not be done by children below a specified age and those which are reasonable for an adolescent child to be doing. Below are some examples of unacceptable and acceptable forms of work that children might do to illustrate this.

It is acceptable in some circumstances for adolescents to help run their parent's shop or to help a parent who is a home worker, or to work part-time in the evenings or at weekends while also continuing with their studies. On the other hand, it is unacceptable for a ten-year-old child to be sent away to work full-time as a live-in domestic servant or in a factory. Similarly, it is acceptable for adolescents to help out with the harvest during school holidays, but it is unacceptable for the government to oblige school children to harvest cotton or for children to spend all their time working alongside parents who, because they are so poorly paid, cannot earn enough money to survive without the additional income generated by their child's work.

Establishing a young worker's age

There are several obstacles to finding out a young worker's age: either no proof of age is available or the child or child's parents want the child to keep working and are willing to lie about a young worker's age. In addition, children from various social groups and those from poor households may look younger than they actually are. Visitors representing companies may think a workshop has employed under-age children when they are all at least 16. Or, vice versa, they may assume the workers are young adults, when most are aged 15 or less.

Businesses based in industrialised countries are used to the idea that proof of a child's age is available (e.g. a birth certificate). However, in many countries children may have no birth certificate, and whatever certificates people do have may be forged to suggest they are older than there are. Equally, many children and parents genuinely do not know what age a child is or in which year the child was born.

Getting meaningful evidence of young people's age may be a challenge, but is something that local specialists can offer advice on (e.g. on how common it is for forged documents to be used).

Be aware that various techniques which are reputed to estimate a young person's age accurately are in fact inaccurate or even unethical (e.g. x-rays or examinations of a young person's teeth).

Homeworkers

The vast majority of homeworkers are women. In most places, their daughters are more likely to be found working alongside their mothers than their sons. Many homeworkers are paid a piece rate. If the price per piece is low, or if there are orders for large volumes in short timeframes, adult workers may need to ask other family members for help. In effect, they subcontract some of their work within the family.

If such work involves a 15-year-old daughter spending an hour after school helping her mother in work that is safe, this is acceptable. If, however, this involves long hours, prevents them from doing their school homework or causes other harm (e.g. eye strain when stitching garments in poor artificial light), it is not acceptable. Neither is it acceptable if it results in children who are of compulsory school age not attending school.

However, simply trying to put a stop to home-based work could, in many countries, lead to inadvertent negative impacts such as discrimination against women and girls and reduce their economic independence.

ADVICE

The most effective way to avoid homeworkers passing on inappropriate work to their children is to pay a fair piece rate (and to check that a fair rate is being paid). ETI and Homeworkers Worldwide have produced guidance materials on this – see Annex III.

ADVICE

- At the time of recruitment, employers should ask for proof of a young applicant's age.
- Employment agencies and other recruitment brokers must be instructed to follow the business' standard on the minimum age for recruitment, facing a penalty (no more business) if they provide under-age workers.
- Employers should keep a register of young workers that lists their name, date of recruitment, birth date, department, job, work schedule (including education-related restrictions) and supervisor's name.
- Auditors should investigate the age of a child if they believe the worker may be under-age

Other children working for their parents

Most child workers around the world work with and for their parents. This is often referred to as chores rather than paid for work and can make a useful contribution to the household. However, it can still be exploitative child labour, for example if a child is prevented from attending school, or is at risk of injury. In most countries, laws about the minimum age for entering employment do not apply to children who are seen to be "helping out" in their parent's shop or helping run their mother's food stall.

Indirect corporate responsibility

Questions about the extent of a company's responsibilities come up in different ways.

SCENARIO 1:

Some children earn a living on the fringes of the activities of a large business. They may not be directly employed or commissioned by a business or its suppliers, but could be visible in or around a business. This raises dilemmas about the extent of businesses' responsibilities and reactions. Some examples:

- In many countries, children can be seen selling snacks at a factory's gates or on their premises, some helping a parent and some working by themselves.
- In Albania, children have been seen scrambling over a mine's rubbish tip to pick up discarded pieces of rock that they can sell. These rocks may become part of the supply chain.
- In many countries, adult workers (particularly women) are only able to afford to go out to work because they employ an under-age domestic worker—who remains entirely invisible.

When child work is prohibited, what actions should companies take?

One of the requirements of the ILO Child Labour Convention 182 is for individual countries to compile a list of hazardous activities, typically by sector. But many countries have not done this. Where this list has been developed, and working-age children are legally working, then it is important to make sure that workplaces are aware of the forms of hazardous work. If children are eligible to work, but working long hours, at night or undertaking hazardous work, their tasks should be re-assigned and working hours adjusted accordingly. However, this can be quite subtle. One hazard might be quite obvious, for example operating dangerous machinery, but others may need to be adjusted to age, for example lifting bales – sorted by sizes and weight, with careful supervision.

Businesses can also use their influence to discourage the inappropriate involvement of child workers in activities for which the business has no legal responsibility.

ADVICE

Businesses should apply similar standards (and use similar methods) to those that apply to homeworkers.

ADVICE

Businesses do not have direct responsibility for how workers spend their money, nor for the way a local economy works. However, they do have responsibility to take remedial action when children are working inappropriately on a business's premises or when goods or services supplied by children are part of their supply chain.



SCENARIO 2:

Where children are to be found working on farms, some businesses buying a wide variety of agricultural produce have opted for a "whole farm" approach to child labour. Instead of checking whether child labour is used to produce the crop they buy, they insist that no children should be working inappropriate anywhere on the farm. This can be very effective, but at the same time, it may be difficult to prohibit legally acceptable work by children who are helping their families with agricultural activity for their own domestic consumption.

UTZ Code of Conduct child labour requirements apply to a whole farm and all farm and farming group activities, not just the UTZ crop. This includes children working on non-cash crops (such as food for family consumption), in the household or on other tasks such as looking after livestock. It means that businesses purchasing agricultural produce have to fully resolve all cases of child labour on a farm. They cannot simply displace the problem of child labour onto a different, non-certified part of the farm (see UTZ Guidance Document on Child Labour in Annex III).

Child work that is prohibited	Actions for businesses to take
Businesses may not employ anyone under the age of 18 in any type of work that by its nature or circumstances is hazardous or is carried out in a way likely to jeopardize the health, safety or morals of young persons.	Check what jobs are prohibited for anyone under 18 and take responsibility for identifying jobs or tasks which are hazardous.
Businesses may not employ a child on a full-time basis if the child is still of compulsory school age. Part-time work should not interfere with the child's education.	Check what national law stipulates as a minimum age for starting full-time employment and about part-time employment for younger children. Check that child workers are not being asked to work overtime. If they are either working too many hours or are unable to continue with their schooling, that is unacceptable.
Businesses may not employ anyone under 18 to work at night.	Check that adolescent workers are not being asked to work overtime or are working too many hours or are unable to continue with their schooling.
Child workers may not be hit, beaten or subjected to other violence (nor is it legitimate to inflict violence on any other workers)	Check that workplace supervisors are not allowed (even unofficially) to use violence against child workers.

1.3 ETI Base Code Clause on Child Labour

Clause 4 of the ETI Base Code states

4 Child labour shall not be used.

4.1 There shall be no new recruitment of child labour.

4.2 Companies shall develop or participate in and contribute to policies and programmes which provide for the transition of any child found to be performing child labour to enable her or him to attend and remain in quality education until no longer a child; "child" and "child labour" being defined in the appendices.

4.3 Children and young persons under 18 shall not be employed at night or in hazardous conditions.

4.4 These policies and procedures shall conform to the provisions of the relevant ILO standards

Clause 4: What does 'child labour shall not be used' mean?

International standards say that no child under 15 should be in full-time employment although there are transitional exceptions for some developing countries which allow children aged 14 to be in full-time employment. This potentially makes it complicated for businesses to know what standard to respect in a particular country. In this case they should use international standards as their point of reference. For example, ETI company members and their suppliers are expected to ensure that working conditions are compliant with the ETI Base Code of labour standards or with local law, whichever is higher.

International standards allow for younger children to take on some 'light work' (defined in Annex I), but this should be part-time and compatible with attending school. In the context of global supply chains, we strongly recommend that the international standard minimum age of 15 for full time work should be enforced; even if a country's laws allow for the employment of younger workers. While most countries have legislation regulating the employment of children and adolescents, in some places no serious effort is made to enforce the law. Knowing the level of enforcement in a given country and/or region should inform the level of scrutiny that a business applies to this issue with its supply chain partners.

In most countries, the minimum age at which children may leave school is the same as the minimum age at which they may start full-time work, so adolescents who have reached this minimum age may be employed. However, in some countries minimum age laws are not coherent (compulsory education may end several years before the minimum age at which children may enter employment). Even when children are old enough to be employed full-time (i.e. at least 15), there are some jobs which are not suitable for them, either because the job itself or some of the tasks involved are hazardous.

ADVICE

Businesses should ensure employers across the supply chain observe any requirements of the law concerning adolescent workers under 18, such as seeking the authorisation of a government's Labour Inspectorate before hiring someone aged under 18. Neither should under 18s be required to work at night, or to work long hours (more than eight hours a day or five days a week). Consider making sure that there are checks in place with suppliers so that any young person under 18 who is recruited is fit to carry out the work assigned to them (by medical checks).

What are the 'worst forms of child labour'?

International standards define some categories of work for children as the "worst forms of child labour" in which no young people under 18 years of age should be involved. This includes a list of hazardous tasks or jobs that is supposed to be agreed by the authorities in each country (though some lists are adopted without appropriate consultation or expertise).

Where harm has been caused to children working in contravention of national law, provisions in the ETI Base Code and ILO Conventions, appropriate remedial action needs to be taken. This could include compensation, support provided to enable children to complete their schooling, and other forms of support to the family if needed. Companies should also ensure that any negative health impacts also result in appropriate remedy.

In a situation where a case of child labour is identified, it is not acceptable to summarily dismiss the child. This may often cause them more harm than is being caused by remaining at work. The nature of the work, supervision or hours worked could be adjusted, for example, to reduce the hazard or negative impact. However, children should not be kept working in circumstances that present an immediate risk of harm.

Protection for the child is the most important consideration and involving credible local experts is the best way to develop an appropriate strategy for the individual child/children concerned. Working with their suppliers, businesses need to balance the importance of taking prompt action that protects a child against avoiding inappropriate actions. Inappropriate actions can include dismissing child workers, forbidding the employment of anyone below 18 or prohibiting home-based work (in case children participate in the work).



Reducing the risk of harm to working children (in contravention with the ETI Base Code)

The priority for businesses and employers should be to have clear policies and procedures in place to ensure that children's best interests are the primary consideration for decisions and actions that affect anyone under 18.

When children are old enough to be employed full-time, they should be provided with decent work. That means work in which workers' rights are protected and which generates an adequate income, with adequate social protection, working in conditions of freedom, equity, security and human dignity. It is important that work is age appropriate, is not hazardous and is properly supervised recognising that greater oversight is likely to be required when compared to adults. Recognising their particular vulnerability, businesses should check that young workers are not subjected to violence at work by managers, supervisors or fellow workers; in a number of countries where child labour is common, adults regard it as acceptable to slap or use other physical or psychological violence against children.

Young workers should be recruited and employed without discrimination of any kind including race, skin colour, sex, age, language, religion, political or other opinion, national or social origin, property, birth, sexual orientation, trade union membership, disability or other status. Ensuring decent work that is free from violence or discrimination implies providing training for management and supporting them in setting up appropriate workplace systems and production processes (notably to allow appropriate levels of production without unacceptable pressure or coercion of workers).

It is important not to exclude adolescents from the workplace once they are old enough to be employed, unless there are legal considerations or other reasonable grounds for doing so. This is because exclusion may be against a young person's best interests. Employers who are keen not to be found employing child labour have sometimes excluded older adolescents from their workforce (as well as children below the minimum age). In such cases, young workers are made more vulnerable to abuse and exploitation if they feel compelled to look for work in other factories with lower labour standards or with unscrupulous subcontractors.

If suppliers provide apprenticeships, businesses should ensure that these are properly registered and supervised, not a form of forced labour. Neither should they allow any form of abuse or exploitation, for example through withholding wages, enforcing long hours, threat or harassment.



EXAMPLE: When child labour becomes forced labour: an example from India

Tamil Nadu in southern India is the powerhouse of India's garments and textiles export sector. Yet some of its mainly young, female workforce has been subject to severe labour exploitation, including bonded labour.

The state's cotton spinning mills have traditionally employed young women aged from 15 to 18 (although there have been cases of child workers aged as young as 13), who are employed on fixed-term contracts (usually between three and five years). During this time, they earn minimal wages and at the end are promised a lump sum to pay for a dowry. This is normally equivalent to a year's pay, which they only receive if they complete their contracts.

This so-called *sumangali* system has the effect of forcing young women to remain with the same employer.² They often work long hours (more than 60 hours a week), sometimes seven days a week, in hazardous working conditions. Neither are they allowed out (unsupervised) of the area containing their workplace and dormitories. This restriction on freedom of movement is justified locally on the grounds that young women are 'safe' from male predators and that it is in accordance with parents' wishes.

Such harsh working and living conditions reportedly affect the health of girl workers, but those who stop work due to ill-health go unremunerated. In 2012 approximately 100,000 girls and young women were reported to be employed in this system.³ Subsequently, ETI set up its Tamil Nadu Multi-Stakeholder (TNMS) programme bringing together companies, trade unions and NGOs. See <http://www.ethicaltrade.org/programmes>.

One part of this is *Nalam* – the Tamil word for wellbeing – which delivers training on women's health issues and employment rights within spinning mills. Young women have reported and demonstrated greater confidence in addressing their managers and supervisors. Mills have set up workplace committees and Committees Against Sexual Harassment (CASH). New grievance mechanisms are also in place. Additionally, NGO and union campaigns are helping to bring about systemic change, with many factories now claiming to have discontinued sumangali.

Other child rights issues for companies to take into account

In addition to ensuring that they do not exploit child labour, businesses also have an obligation to avoid causing other "adverse human rights impacts" to children. These include impacts that occur outside the workplace, such as harming children by dispossessing their parents of a family farm, polluting their source of drinking water or marketing goods that are harmful to children.

Further details about other adverse impacts and ways of avoiding them can be found in the Reference section of this Guide.

Paying older adolescent and adult workers a living wage can reduce the pressure on poor households to send a child out to work before reaching the appropriate minimum age. Ensuring that suppliers pay their workers a living wage is therefore also an indirect way of preventing child labour. However, there are often multiple causes of child labour, including lack of social protection provided by governments for health and education. ETI has produced Guidance on Living Wages with practical guidance on implementing living wages in global supply chains (see Annex III).

2 See M. Theuws & P. Overeem, Flawed Fabrics. The abuse of girls and women workers in the South Indian textile industry, SOMO (Stichting Onderzoek Multinationale Ondernemingen, Centre for Research on Multinational Corporations) and the India Committee of the Netherlands, 2014.

3 Fair Labor Association, Understanding the Characteristics of the Sumangali Scheme in Tamil Nadu Textile & Garment Industry and Supply Chain Linkages, prepared by Solidaridad-South & South East Asia, 2012.

2 THE STEPS INVOLVED IN APPLYING A 'DUE DILIGENCE' APPROACH

ETI's Human Rights Due Diligence Framework (2016) is based on the UN Guiding Principles on Business and Human Rights (UNGPs). It is focused on labour standards and is the result of tripartite consultations with companies, trade union and NGOs. The term "human rights due diligence" refers to the process of a business (and other organisations) identifying and addressing the human rights impacts of its business across its operations and products, and throughout its supplier and business partner networks. A due diligence approach helps with the effective identification, prevention and remediation of child labour.

What do companies need to do to apply a human rights due diligence approach?

The process includes assessing actual and the risk of potential human rights impacts, including on child workers and other children, acting upon the findings by addressing identified abuses of rights and significant risks of their occurring, and tracking and communicating the business' performance by accounting publicly for what has been done. The four principle stages of the process are set out below.

Due diligence is needed with respect to all core labour standards. Leading companies are increasingly conducting human rights risk analyses by country, sector or type of labour and prioritising the identified risks accordingly.

STEP 1: Assessing actual and potential risk of child labour

The human rights due diligence process starts by using common sense and open source information to find out the likelihood that child labour might be present in a particular region, country or economic sector where a company is considering, or already doing business. A list of valuable sources is to be found in Annex II.

In places where child labour is known to be prevalent, extra efforts need to be taken. It is important to check what suppliers' levels of awareness are, what systems and provisions they have in place, what local experts report and what actions can be taken to reduce the risk of child labour. This must be both at suppliers' premises and also at lower tiers in the supply chain. Where there is a higher level of risk, or lack of clarity, more detailed inquiry and indirect methods may be required to investigate further, including the underlying causes of child labour in the particular context.

Businesses should seek information at local level about the work being done by children in areas where they or their suppliers operate, and not rely solely on experts at national or international level. Detailed information is needed. It is not good enough to hear that "the girls entering the factory look old enough" (they may all be 16 or older and entitled to work, though not in hazardous tasks. Or they may even be younger than the permitted age).

Assessments about the working conditions of children and adults can be carried out by specialist researchers who have experience of interviewing workers confidentially and safely. They will know to take precautions to ensure that employers are not aware of these interviews (in case they take retaliatory action). UNICEF and Save the Children have published guidance for businesses on engaging stakeholders on children's rights as part of enhancing their standards and practices at both the corporate and site levels (see Annex III).

A major challenge is to find out what is happening beyond the first tier of suppliers (i.e. the suppliers that have contracts with buyers). Some suppliers may be located far away from first tier suppliers or in isolated locations which even specialist researchers face challenges to visit. One example of this occurred in Uttar Pradesh in India, when inspectors arrived in cars to check carpet-making units in villages. As cars visited rarely, the inspectors were spotted well before their arrival and the children working in carpet making units were removed and went undetected.

Potential informants include:

- Workers' organisations (trade unions)
- NGOs that focus on children or adolescents
- Youth associations
- Community organisations or local community representatives
- Local school teachers
- Trade associations.

The assessments prepared may result in one of the following conclusions:

- No significant risk identified
- Potential risk identified given the presence of adolescent workers or the nature of the work e.g. homework.
- Actual risk identified with existing or previous cases of child labour, or conditions that present hazards to children
- Evidence of child labour requiring immediate action.



Case study: Identifying country risk

The Cotton Campaign challenges the continuing use of forced child (and adult) labour during the cotton harvest in Uzbekistan (and other Central Asian Republics). A coalition of human rights organizations, trade unions, investors and business associations, it documents how the Government of Uzbekistan forces people to work on the country's cotton harvest (amounting to approximately 3.3 million tonnes in 2015). The coalition argues that, because of the extensive use of forced labour, businesses buying cotton should avoid buying cotton from Uzbekistan or from companies known to buy Uzbek cotton.

The Cotton Campaign calls on all businesses purchasing cotton to "establish a policy that prohibits the use of cotton from Uzbekistan and Turkmenistan and prohibits business with companies that use it". It also asks that businesses specifically sign the Cotton Pledge to "not knowingly source Uzbek cotton for the manufacturing of any of our products until the Government of Uzbekistan ends the practice of forced child and adult labor in its cotton sector" (see <http://www.cottoncampaign.org/what-companies-that-use-cotton-can-do.html>).

In 2007, a group of retailers in Europe and North America, including Wal-Mart Stores Inc, Tesco and Marks and Spencer, announced that they would not allow Uzbek cotton to be used in products they sold. By 2013, 136 companies were reported to refuse to source their cotton in Uzbekistan.



Legal provisions on child labour

Although the law in most countries stipulates a minimum age at which adolescents may enter full-time employment, in some developing countries the authorities make little or no effort to enforce such laws.

Labour inspectors

Labour inspectorates or other government agencies have a responsibility to check that minimum age law is respected. They can be extremely effective in investigating potential situations of child labour and in holding companies to account if this is found. But in many places, this does not happen. Some labour inspectorates are too poorly resourced to visit work sites; some are not pressed by their government to enforce child labour laws or regulations; yet others are corrupt and either bribed or otherwise influenced by employers to turn a blind eye.

Even when labour inspectors do visit factories or other work sites where child labour is present, the procedures used to detect them may be ineffective. For example, if visits are announced in advance, young children can be hidden and older adolescents can be reassigned from hazardous work on to acceptable tasks. If inspectors only review documentation and do not interview workers, they may be deceived by falsified information, and they are unlikely to get a true picture.

Social audits conducted too narrowly

Auditors contracted by businesses have often fallen into the same trap (of visiting a workplace and restricting their inspection to a discussion with managers and a review of paper trail). Some individual companies check (or "audit") their suppliers for compliance with a range of standards, such as the ETI's Base Code. But the time and extent of the audit is often limited, and they may have only a few hours every year to check a work site. Furthermore, they are mostly pre-announced. As such, it is difficult to rely on the veracity of information from these audits if workers are not spoken to directly or without the presence of their managers. Even if auditors insist on interviewing workers, factory owners and managers will often ensure that the most vulnerable workers are excluded from any interviews, and that any children are hidden from view.

Audits should be complemented by information from labour inspectors, local civil society organisations, trade union representatives and other labour rights experts. Correlating information from a variety of sources is likely to give a more accurate picture of the situation.

STEP 2: Identification of corporate leverage and responsibility, decision-making and actions needed

Ensuring a business is well prepared to identify and tackle child labour is an important starting point.

Experience shows that:

- The engagement of senior leaders is the strongest enabler of corporate action on human rights issues, including action to stop the exploitation of children.
- There is a clear risk to brand image if child labour is found in the supply chain. Many companies have codes of conduct that prohibit child labour.
- Larger companies can influence smaller and medium-sized businesses in their value chain but can also influence competitors and strengthen respect for children's rights throughout a particular sector
- Retailers working together with multi-stakeholder initiatives have more influence than a business applying pressure on its suppliers by itself.
- Leverage is easiest in the first tier of a business's supply chain, i.e. where brands and retailers are visible and have direct relationships based on contracts.
- Additional efforts are needed to identify child labour at lower levels of the supply chain. Unannounced spot checks, investigations and interviews outside the workplace in surrounding communities can be effective in detecting the risks and incidence of child labour.
- One of the key challenges for companies is how best and how long to work alongside suppliers to improve working conditions, whilst also having red-lines in place when the minimum standards on child labour are not met.

As in the case of efforts to eradicate modern-day slavery in general, barriers to corporate action include:

- insufficient leverage with suppliers to gain their engagement
- dealing with commercial partners that deny the possibility of child labour existing in their sector
- a lack of urgency to address the risk. It may require a crisis in the media that exposes the company to reputational damage before effective and swift action is taken.

Whenever a business has reason to be concerned that children may be employed in circumstances that contradict minimum standards, it must take steps to check if the concerns are valid. It also must protect any children found working in unacceptable circumstances.

It is difficult to provide generic guidance on when a company should engage with a local supplier where child labour has been found, how long to work with them in addressing the problem, and when a zero-tolerance policy should be adopted. The protection and welfare of the child or children concerned must be the overriding priority. The business needs to balance an approach on engaging with the supplier to ensure remediation and improve systems so that it does not happen again, against the risk that a supplier may try to remove the children and avoid responsibility.

Each situation needs to be assessed on its own merits, the relationship with the supplier, the nature of the issue (an adolescent worker employed with poor supervision would be different to a child in bonded labour for example) and in accordance with relevant best practice.

Where a supplier is using child labour intentionally or engaging in other illegal activities, a different approach is needed. In such cases, the company will need to involve police, labour inspectors or other officials, but should be mindful that in some places law enforcement officials are corrupt and may collude with local criminals or turn a blind eye.

Case study: Identifying corporate responsibility

International Cocoa Initiative

From time to time there is media publicity alleging that a particular company is retailing products made by children or that its suppliers in a particular place are exploiting child labour. In the 1990s, it was relatively standard for retailers to deny such reports, but it soon became clear that denials were often not considered credible. When a television documentary in 2000 reported that forced child labour was occurring in Côte d'Ivoire's cocoa sector, cocoa importers in the UK chose to respond instead by commissioning a specialist to check whether the allegations were likely to be accurate before issuing any denials. They subsequently became involved in a substantial process to address both child labour and forced child labour on cocoa farms in four African countries (Cameroon, Côte d'Ivoire, Ghana and Nigeria), known as the International Cocoa Initiative.

Better Factories Cambodia

The ILO's Better Factories Cambodia (BFC) programme (<http://betterfactories.org/>) is a good example of collaborative efforts to combat child labour. To acquire export licences for apparel and textiles, factories must sign up to BFC. The programme includes mandatory inspections and public reporting of results. Inspectors monitor garment factories through unannounced visits to check for compliance with national and international labour standards, including child labour, and work with factories to implement remediation plans. The BFC does not claim to have completely eliminated child labour. As is common in the garment sector, many adolescent girls are employed and it is difficult to establish who is old enough to be employed legitimately and who is too young. Numerous ETI members support the programme.



STEP 3: Mitigation of risk and remediation for child workers in cases of ETI Base Code violations

KEY PRINCIPLES

- The protection of the child and his/her interests comes first
- A child should not be dismissed without due regard for what happens to him/her
- Any solution must improve the child's situation and not make the child more vulnerable to abuse
- Consult the child and his/her family or guardian
- Involve relevant professionals and other trusted stakeholders as needed

Is the child being harmed by the employer or are criminals involved in exploitation?

- Remove the child to a safe place (eg government child protection officials or local child rights organisation) and check they are not moved to a worse situation
- If trafficking or other criminal activity is involved, contact the relevant authorities. Check if they are trusted
- Get updated information from the supplier on what has happened to the child and a confirmation that the child has not been allowed to remain under control of criminals

Is there a suspicion that a child is at work?

Conduct a careful and sensitive investigation to discover the age of the child and their circumstances

Are they engaged in hazardous work?

Stop the young worker being involved in work or tasks that are hazardous and provide an alternative without penalising them

MITIGATION

- Be willing to suspend suppliers who are not demonstrating cooperation or commitment to urgent action
- Review and communicate child labour policies, recruitment and HR procedures and approaches, and clarify expectations of company and supplier
- Review personnel records at the workplace to check if other children are employed or whether records are being falsified systematically
- Commission investigators to find out if 2nd or 3rd tier suppliers use child labour
- Review tasks performed by children if legal, and make changes if appropriate
- Identify and address root causes of child labour in the workplace, eg low wages for adults, purchasing practices
- Put in place training on child labour and changing attitudes and behaviours of managers and supervisors
- Urge the introduction of a formal mechanism for mediation, conciliation and arbitration
- Engage with local labour inspectors to improve inspection
- Identify local NGO and other stakeholders on education and other services for children at work
- Engage with other companies sourcing from the same factory where possible

Is the child too young for full-time employment or are they engaged in night work?

- Find out what alternatives are open to the child, including full or part-time education, continuing to work part-time, referral to a local NGO that can provide appropriate services and support
- Reduce or change the hours
- Keep open the job for when they are allowed to work
- Offer another adult member of the family a job and pay a living wage



REMEDIATION

- Ensure affected children are safe, protected from victimisation or further vulnerability
- Consult with the child and his/her family to understand their wishes and needs
- Agree a process and next steps for the child/children involved with the supplier
- Compensate for loss of income and get commitment for remediation, including a stipend, housing, food while an investigation gets underway
- Offer the child's job to a qualified adult member of the family
- Enable the child to attend school and ensure payment of fees
- Conduct a detailed investigation with appropriate child labour and protection expertise
- Establish a monitoring mechanism and conduct regular reviews of progress

'Do no harm' principle - what not to do

Just as businesses should avoid knee-jerk reactions, such as requesting the dismissal of child workers when they are identified, so it is rarely sensible for businesses or their suppliers to impose a blanket ban on the employment of any young workers below 18 unless it involves hazardous work. Some businesses might be tempted to do this to avoid the possibility of being criticised for exploiting child labour. A blanket ban would constitute discrimination against older adolescents. It could create incentives for employers to hide the use of child labour, for example through illegal sub-contracting. A critical risk of a blanket ban approach is that it could expose young people to even greater harm, because they may have no option than to seek work in places where there is scant regard for any workers' rights.

What to do

In addition to putting safeguards in place to prevent the recruitment or employment of workers who are too young, or the involvement of any workers under 18 in hazardous work, responsible businesses can promote respect for a range of workers' rights (in their workplaces and those of their suppliers). When rights are respected, they have the effect of discouraging child labour. These include:

- Recognition of freedom of association (workers' right to form trade unions and engage in collective bargaining);
- Discouragement of discrimination based on gender, racial or other origins or other relevant factors, as discrimination has the effect of marginalising certain adults from the mainstream workforce and increasing their dependency on their children's earnings;
- Promotion of whistleblowing procedures (for workers to complain about abuses of workers' rights, including the inappropriate employment of children).

Trade unionists routinely argue that 'formalisation' of the workplace is an effective way of preventing a range of workplace abuses, including child labour. But it is important for companies to be aware that some NGOs that are in close contact with working children (including working children's organisations) dispute this approach. They worry that it has the effect of marginalising adolescent workers (and increasing their exposure to abuse).

Businesses can:

- Promote direct employment of workers and urge suppliers to do the same, rather than rely on sub-contracting relationships with self-employed workers;
- Establish formal business relationships with business partners and urge first tier suppliers similarly to establish formal relationships with their own suppliers. This will help to promote accountability and transparency;
- Keep supply chains as short as possible (i.e. keep the number of tiers to a minimum so it is feasible to check on labour conditions all along the chain and to be held accountable for what happens at all tiers of the supply chain).

Large multinational companies are also urged by trade unions to consider developing an international framework agreement with one of the global union federations (also known as international trade secretariats, see <http://www.global-unions.org/>).

Social Label

Several social labels have been developed in India, a country with high numbers of child labourers, starting with one known as 'Rugmark' (now GoodWeave) offering a guarantee that hand-knotted woollen carpets were not made with illegal child labour



Case study: Fairstone label

ETI's member company, Marshalls, uses a 'Fairstone' label for its products (<http://www.marshalls.co.uk/homeowners/garden-paving/fairstone>). This is intended as evidence for consumers that the product has been produced without exploiting child labour.

Marshalls is committed to the principles of the ETI Base Code and has been trying to eliminate child labour in the quarrying sector in Rajasthan (India) for over 10 years. Marshalls developed its own 'Marshalls Protocol Regarding the Elimination of Child Labour'. This is effectively a Standard Operating Procedure (SOP) for the organisation, which sets out the measures to be taken to help ensure a child labour free supply chain. It also details what should be done in the best interests of a child if an instance of child labour is identified. Using the Fairstone label, Marshalls offers a guarantee that it knows where its quarried stone comes from, how it was manufactured and that it has been produced in accordance with a clear and unequivocal set of ethical values and commitments listed on its website.

For additional information, see <http://www.marshalls.co.uk/documents/reports/ChildLabourBooklet.pdf>

STEP 4: Monitoring implementation and impact, ensuring that the best interests of children are taken into consideration, reviewing and reporting

Doing the right thing is not enough. **It is necessary for a company to document what it does to identify possible abuse, to remedy abuses when they are detected and to prevent them from recurring.** It is also necessary to report to shareholders and the wider public (and sometimes to government agencies) on these and on the remedial or preventive actions taken.

Businesses and employers have a special responsibility to document the actions they take that affect children. This is partly because there is potential for well-intentioned actions to have unexpected harmful effects. For example, child workers who are dismissed from their jobs may be recruited by criminals or end up in prostitution. This makes it essential to keep accurate records when child labour is detected, noting all the remedial measures taken.

When it is a supplier or business partner who is responsible for initiating an action that affects a child, a company should check that the supplier or business partner understands what records should be kept. **Check the accuracy of records.** For example, a record on file might consist of a short statement of what is said to have happened, but may not reflect either what action staff in the supplier business took or what they said to a child worker.

Documenting the actions taken and their results is intended to enable a company to review the ways in which it obtains and verifies information about workplace abuse in general (and reports of child labour in particular). This should be part of an **internal learning process**, i.e. enabling company staff to assess how particular suppliers or researchers have responded when asked to provide information, and the apparent accuracy of the information provided.

Key Performance Indicators and strategies should be put in place for monitoring and continuously reviewing the effectiveness of child labour policies and procedures, as well as decision-making and accountability systems within the company, and revising them where appropriate.



Annex I: Glossary

Adolescent	A child between the age of 10 and 17 and also a young adult aged 19 or 20.
Best interests of the child	Article 3.1 of the UN Convention on the Rights of the Child (CRC) stipulates that, " <i>In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration</i> ". This means that many government agencies and some private institutions caring for children have a legal obligation to make the best interests of a child a primary consideration in all decisions and actions affecting the child or affecting children; to prove they have done so, they must keep a formal record of decisions affecting an individual child or children in general. The legal obligations for businesses are not so stringent: it is good practice to keep a record of decisions affecting a young employee aged under 18 and to make the child's best interests a primary consideration.
Child	Every boy and girl under the age of 18. The UN Convention on the Rights of the Child (1989) says: "For the purpose of this present Convention, a child means every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier" (article 1). In Spanish-speaking countries in Latin America, it is usual practice to distinguish between the boys and girls, on the one hand, and older adolescents, on the other, thereby recognising that adolescents are more mature and can take on more responsibilities than younger children.
Forced labour	Article 2.1 of the ILO Convention No. 29 on Forced Labour (1930) defines the term "forced or compulsory labour" to mean "all work or service which is exacted from any person [ie., child or adult] under the menace of any penalty and for which the said person has not offered himself voluntarily".
Girl(s)	Female children aged under 18: not young adult women.
Hazardous work	Defined by Article 3 (d) of the ILO's Convention No. 182 on the Worst Forms of Child Labour Convention (1999) as "Work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children". Such work falls in three distinct categories: 1. Young people under 18 employed in hazardous industries (such as the construction industry, where the entire environment on a construction site is inherently dangerous) 2. Young people under 18 employed in hazardous occupations (eg. leather tanning, where the tanning process is dangerous) 3. Young people under 18 working under hazardous conditions (eg. in situations which make any worker vulnerable to danger').
Light work	Work which is not likely to be harmful to the health or development of the child, and will not prejudice school attendance, participation in vocational orientation, training programmes approved by authorities, or the child's capacity to benefit from the instruction received. Children aged 13 to 15 years (or 12 to 14 years in some developing countries) may be employed in light work if national laws or regulations permit.
Minimum Age	The ILO Convention No. 138 concerning Minimum Age for Admission to Employment (1973) stipulates that the minimum age for admission to employment should "not be less than 15 years", but special provisions allow developing countries to opt for a minimum age of 14 (though supposedly only temporarily). Some states have chosen to make the minimum age 16 rather than 15.
Primary consideration	Formal decisions require certain criteria to be primary considerations, while other factors are only secondary considerations. Decisions affecting children should make the best interests of the child a primary consideration (ie. among other primary considerations).
Trafficking (in children, or human trafficking, or trafficking in persons)	The recruitment, transport, transfer, accommodation or receipt of persons (adults or children or both); <ul style="list-style-type: none"> • in the case of adults, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person • in the case of children, it refers to the recruitment, transport, transfer, accommodation or receipt of children, whether or not these abusive means are used. <p>In both cases (of adult and children), it is for the purpose of exploitation, which includes the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.</p>

Annex II: International standards on child labour

UN minimum standards for business

The United Nations Secretary-General's Special Representative on business and human rights, Professor John Ruggie, published a set of Guiding Principles on Business and Human Rights in 2011 (at http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf).

They are divided into three parts:

- Part I on "the State duty to protect human rights";
- Part II focuses on "the Corporate responsibility to respect human rights"; and
- Part III on "Access to remedy".

The first "foundational principle" for businesses is that:

"Business enterprises should respect human rights. This means that they should avoid infringing on the human rights of others and should address adverse human rights impacts with which they are involved" (Principle 11).

This principle means that businesses should not infringe the right of children below certain ages not to work.

The Guiding Principles' key requirements on businesses (Principle 13)

"The responsibility to respect human rights requires that business enterprises:

- (a) *Avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur;*
- (b) *Seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts".*

With specific reference to the contents of business codes and policies, Principle 15 specifies that

"In order to meet their responsibility to respect human rights, business enterprises should have in place policies and processes appropriate to their size and circumstances, including:

- (a) *A policy commitment to meet their responsibility to respect human rights;*
- (b) *A human rights due diligence process [emphasis added] to identify, prevent, mitigate and account for how they address their impacts on human rights;*
- (c) *Processes to enable the remediation of any adverse human rights impacts they cause or to which they contribute".*

The reference to "a human rights due diligence process" in Principle 15 is critical. It refers to the process that a business must undertake to identify its possible impacts on human rights and to address these, in effect setting minimum standards that every business should meet. A UN publication describes it as follows:

"Human rights due diligence refers to the process of identifying and addressing the human rights impacts of a business enterprise across its operations and products, and throughout its supplier and business partner networks. Human rights due diligence should include assessments of internal procedures and systems, as well as external engagement with groups potentially affected by its operations"

(The UN Guiding Principles on Business and Human Rights. An Introduction, accessed at http://www.ohchr.org/Documents/Issues/Business/Intro_Guiding_PrinciplesBusinessHR.pdf).

OECD Guidelines

The Organisation for Economic Co-operation and Development (OECD) adopted a set of Guidelines for Multinational Enterprises in 1986. These were revised in 2011 (to ensure their compatibility with the UN Guiding Principles) and are available at <http://www.oecd.org/corporate/mne/48004323.pdf>.

Annex III: Additional resources

There are a huge number of publications and online resources about child labour. Only a few of these resources are mentioned here – those that seem likely to be most useful to ETI members.

A. Standards to be observed by businesses

The website of the UN Global Compact Human Rights and Labour Working Group contains both guidelines and case studies at <https://www.unglobalcompact.org/take-action/action/human-rights-labour-working-group>

The Committee on the Rights of the Child (established by the UN Convention on the Rights of the Child) published General

Comment 16, On State obligations regarding the impact of the business sector on children's rights (at https://www2.ohchr.org/english/bodies/crc/docs/GC/CRC-C-GC-16_en.doc). This focuses on what governments are required to do with respect to business impacts on children, but is relevant for individual businesses to understand.

B. Guidelines on taking action and practical advice

UNICEF, the UN Global Compact and Save the Children

- Ten Children's Rights and Business Principles were developed jointly by the Global Compact, UNICEF and Save the Children. The Principles are found at https://www.unicef.org/csr/css/PRINCIPLES_23_02_12_FINAL_FOR_PRINTER.pdf. A dedicated website (<http://childrenandbusiness.org>) provides other relevant information and guidance.

ILO tools:

- International Organization of Employers (IOE) and ILO: How to do business with respect for children's right to be free from child labour. ILO-IOE Child labour guidance tool for business. 2015. At http://www.ilo.org/ipec/Informationresources/WCMS_IPEC_PUB_27555/lang--en/index.htm. Further information is also available at <http://ilo.org/ipec/projects/global/protect-respect-remedy/lang--en/index.htm>

UNICEF tools:

- UNICEF child labour guide: https://www.unicef.org/protection/files/Child_Labour_and_UNICEF_in_Action.pdf
- UNICEF website on child labour: https://www.unicef.org/protection/57929_child_labour.html
- Engaging Stakeholders on Children's Rights. A Tool for Companies. 2014. UNICEF's guide on how to involve local people when investigating how children's rights are respected. At https://www.unicef.org/csr/css/Stakeholder_Engagement_on_Childrens_Rights_021014.pdf
- Children's Rights in Impact Assessments. A guide for integrating children's rights into impact assessments and taking action for children. UNICEF and the Danish Institute for Human Rights, 2013: https://www.unicef.org/csr/css/Children_s_Rights_in_Impact_Assessments_Web_161213.pdf
- UNICEF's publication, Children's Rights and Business Principles (https://www.unicef.org/csr/css/PRINCIPLES_23_02_12_FINAL_FOR_PRINTER.pdf).

By ILO and UNICEF together

- Supporting Workers with Family Responsibilities. Connecting Child Development and the Decent Work Agenda. 2013: http://www.ilo.org/wcmsp5/groups/public/---dgreports/---integration/documents/publication/wcms_217181.pdf

By others

- Center for Children's Rights and Corporate Social Responsibility (CCRCRS). Best Response: Auditors' Insights on Child Labor in Asia. 2016. <http://ccrcrs.com/resource/548>
- Center for Children's Rights and Corporate Social Responsibility (CCRCRS). Child Labor Remediation Resource Platform. 2016. <http://ccrcrs.com/news/CCR-CSR-launches-child-labor-remediation-resource-platform-free-working-group-members>
- Child Labour Platform and the Sustainable Trade Initiative (IDH). Good Practice Notes. With recommendations for companies (2014). At <http://www.ilo.org/ipecinfo/product/download.do?type=document&id=25835>
- Children and Young Workers What does it mean? Sedex briefing at http://www.sedexglobal.com/wp-content/uploads/2012/03/Children_9-March-2012-v10_FINAL.pdf
- ETI Base Code Guidance: Living Wages: <http://www.ethicaltrade.org/resources/base-code-guidance-living-wages>
- ETI Human Rights Due Diligence Framework: <http://www.ethicaltrade.org/resources/human-rights-due-diligence-framework>
- ETI Homeworker guidelines: <http://www.ethicaltrade.org/resources/homeworker-project-resource-downloads>
- Global Child Forum (a Swedish non-profit foundation which organises regional fora to find solutions for children, including on issues involving companies). The website at <http://www.globalchildforum.org> includes a Children's Rights and Business Atlas

- Homeworkers Worldwide. Preventing Child Labour in Home-based Crafts Production – A Practical Toolkit for Businesses. At <https://www.cips.org/Documents/Knowledge/Procurement-Topics-and-Skills/4-Sustainability-CSR-Ethics/Sustainable-and-Ethical-Procurement/Preventing%20child%20labour%20amongst%20homeworkers%20-%20Toolkit.pdf>
- Impactt. Operational Procedures for Remediation of Child Labour in Industrial Contexts. 2008. <https://impacttlimited.squarespace.com/clop/>
- UTZ Guidance Document Child Labor (Version 1.0 - August 2016): <https://www.utz.org/wp-content/uploads/2015/12/Child-labor-guidance-document-UTZ.pdf>

C. Examples of codes or other standards adopted by business

Both trade associations and individual businesses have adopted and published the minimum standards that they expect their suppliers to respect, often in the form of a code of conduct prohibiting child labour, which specifies what procedures to follow if young workers are suspected to be working in ways that constitute child labour. One of the earliest to be developed (and updated periodically) is:

- World Federation of the Sporting Goods Industry (WFSGI). WFSGI Code of Conduct. Guiding Principles. Approved by the WFSGI General Assembly in January 2016. At <http://www.wfsgi.org/sites/default/files/inline-files/WFSGI%20Code%20of%20Conduct%202016.pdf>

To be meaningful, such codes need to be accompanied by a verification procedure—otherwise they are little more than advertising.

In some countries, an employers' association or trade association has taken the initiative to introduce common minimum standards, rather than relying on foreign retailers to do so. It is good practice for such standards to be developed in consultation with workers' organisations and representatives of the communities concerned, although some employers are reluctant to do so. One example that was developed in consultation with the ILO and with trade unions focuses on the agricultural sector:

- National Federation of Employers in Agriculture and the Food Industry in the Republic of Moldova: Code of Conduct for Employers on the Elimination of the Worst Forms of Child Labour In Agriculture And The Food Industry in 2008 (available at http://www.ilo.org/public/english/dialogue/actemp/downloads/projects/code_conduct_en.pdf)

This covers issues such as: minimal employment age; duration of work per day (for young people entitled to work); duration of work per week; work during the night, days-off and official holidays; other employer commitments including payment for work, annual vacation, guarantees in cases of redundancy, work environment issues and a guarantee that all workers aged under 18 will be given a medical examination.

Some codes go beyond specifying what should not happen and make more positive commitments to workers aged under 18. One developed relatively recently was adopted by an employers' organisation in Albania in 2015. The online version of this code (Code of Conduct adopted by BIZNES ALBANIA concerning the employment of workers aged less than 18) is available only in Albanian (at <http://www.biznesalbania.org.al/wp-content/uploads/2015/03/Final.pdf>), so is partially reproduced below, as the code starts with an employer's pledge to children and young people, which would be appropriate for businesses anywhere to replicate.

"We will provide decent work for young people who have reached the minimum age set by law for admission to full-time employment. We will observe the requirements of the law, such as seeking the authorisation of the Government's Labour Inspectorate before hiring an employee aged under 18. We will recruit and employ young workers without discrimination of any kind as to race, skin colour, sex, age, language, religion, political or other opinion, national or social origin, property, birth, disability or other status. We guarantee that we will not involve young workers aged less than 18 in hazardous work or hazardous tasks, or let them work in hazardous conditions that could cause them harm. We will ask workers aged 16 and 17 to work no more than 30 hours a week, i.e. no more than six hours a day [for 5 days]. We confirm that decent work means that young workers will not be subjected to violence at work (either corporal punishment or verbal abuse) by managers, supervisors or fellow workers."

Example: ASOS Child Labour Policy

Having a child labour policy is important, and should include specific commitments on remediation where a child has been found. ASOS has a policy in place, setting out its position and providing details on responsibilities, protection of young workers as well as remediation. See <https://www.asosplc.com/~/media/Files/A/ASOS/reports-and-presentations/child-labour-policy.pdf>

D. Research looking at prevalence in sectors and geographical spread

ILO reports:

- Marking progress against child labour: Global estimates and trends 2000–12, 2013. At http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipec/documents/publication/wcms_221513.pdf
- Children in hazardous work: What we know, What we need to do. ILO-IPEC, Geneva, 2011. At http://ilo.org/global/publications/ilo-bookstore/order-online/books/WCMS_155428/lang--en/index.htm

US Department of Labor (US DOL). List of Goods produced by Child Labor or Forced Labor (website at <https://www.dol.gov/ilab/reports/child-labor/list-of-goods/>). US DOL updates its reports every two years. It also maintains web pages with up-to-date news of sectors where child labour has been reported (e.g. on India at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/india>).

Academics have compiled detailed regional surveys on patterns of child labour, but these swiftly go out of date. For example, a 900-page lexicon was published in 2009: Hugh Hindman (ed.), *The World of Child Labor: an historical and regional survey*. M E Sharpe, 2009. This is not available on-line, though parts can be read on Google Books at: [https://books.google.co.uk/books?id=MrfBQAAQBAJ&pg=PR5&lpg=PR5&dq=Hugh+Hindman+\(ed.\)+The+World+of+Child+Labor:+an+historical+and+regional+survey.&source=bl&ots=ogg3wlbwK_&sig=xAdwyLF1zB_r0vKtzw3tw6NZhqU&hl=en&sa=X&ved=0ahUKEwjp6uem99rSAhVHJcAKHW0aDF8Q6AEIPzAG#v=onepage&q=Hugh%20Hindman%20\(ed.\)%2C%20The%20World%20of%20Child%20Labor%3A%20an%20historical%20and%20regional%20survey.&f=false](https://books.google.co.uk/books?id=MrfBQAAQBAJ&pg=PR5&lpg=PR5&dq=Hugh+Hindman+(ed.)+The+World+of+Child+Labor:+an+historical+and+regional+survey.&source=bl&ots=ogg3wlbwK_&sig=xAdwyLF1zB_r0vKtzw3tw6NZhqU&hl=en&sa=X&ved=0ahUKEwjp6uem99rSAhVHJcAKHW0aDF8Q6AEIPzAG#v=onepage&q=Hugh%20Hindman%20(ed.)%2C%20The%20World%20of%20Child%20Labor%3A%20an%20historical%20and%20regional%20survey.&f=false)

E. Ongoing initiatives in key sourcing destinations

Companies can consult various websites to find out what others are doing to address issues of child labour and other human rights issues, both in general and in relevant sectors and countries, e.g. the Business and Human Rights Centre (<https://business-humanrights.org>) or the ILO's International Programme on the Elimination of Child Labour (IPEC) <http://www.ilo.org/ipec/lang--en/index.htm>.

F. Ways in which business can support children's rights in general

These are often corporate social responsibility initiatives which support broader social and economic development (which are expected to have a medium-term effect of reducing child labour prevalence, rather than addressing the exploitation of children in the workplace directly).

When large businesses become aware that child labour is a structural problem in communities where they are sourcing goods or services (signifying that investment is needed in local infrastructure over many years), some have opted to cooperate with international organisations such as UNICEF to improve the lives of children by improving school and medical facilities, and investing in community development in general. The IKEA Foundation's corporate partnership with UNICEF is one example. Details are at https://www.unicef.org/corporate_partners/index_ikea.html and <https://www.ikeafoundation.org/media/video/8218>. Corporate social responsibility initiatives of this sort go well beyond the legal obligations of a business to avoid exploiting child labour but signal a determination to seek "whole community" solutions in a complex world.

Principle 10 of the Children's Rights and Business Principles (<http://childrenandbusiness.org>) calls on business to "Reinforce community and government efforts to protect and fulfil children's rights". A specific way of doing this has been suggested by Save the Children in a 2015 publication: *Business and Children's Participation: How business can create opportunities for children's participation*. Available at: <https://resourcecentre.savethechildren.net/library/business-and-childrens-participation-how-businesses-can-create-opportunities-childrens>

G. Training resources

Although not all the online resources mentioned above have been prepared with training in mind, most are appropriate for training purposes. The ILO and UNICEF have developed some dedicated training materials. The ILO's training materials are intended primarily for labour inspectors and other officials and are found at: <http://ilo.org/ipec/Action/Childlabourmonitoring/Trainingmaterials/lang--en/index.htm>. The ILO has also prepared a video about child labour in supply chains, at: https://www.youtube.com/watch?v=2z_ubdfLmFA

ETI/V1/07/17

The Ethical Trading Initiative (ETI) is a leading alliance of companies, trade unions and NGOs that promotes respect for workers' rights around the globe. Our vision is a world where all workers are free from exploitation and discrimination, and enjoy conditions of freedom, security and equity.

Ethical Trading Initiative
8 Coldbath Square London
EC1R 5HL
UK

+44 (0)20 7841 4350
eti@eti.org.uk
[@ethicaltrade](https://twitter.com/ethicaltrade)
ethicaltrade.org