

Child Labour Resource Guide

Executive Summary



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1. Business Case for Managing Child Labour

Globally, it is estimated that:

- 211 million children (aged between 5 and 14) are engaged in some type of work
- 1 in 12 children (180 million young people under 18) are involved in the worst forms of child labour

1.1 Introduction

This guide has been designed to help businesses establish an appropriate response when they suspect or find that children might be working for them or their suppliers. It will also help businesses entering new markets or product areas within which there may be a risk of child labour being present.

To gain a rapid insight into child labour, begin with this executive summary. It highlights the reasons why children work, the types of labour they are involved in and the numbers of children believed to be working today. It makes a compelling case for business action on child labour, offers a basic step-by-step approach to managing child labour risk responsibly and illustrates why shareholders care about child labour.

Throughout the summary, readers are prompted to turn to one of the guide's six appendices for more in-depth information on a particular aspect of child labour.

Appendix 1 considers international legal standards on child labour. It highlights how these standards are directly relevant to business and explains why their priorities and processes should be taken into account when action against child labour is under development.

Appendix 2 examines different types of standards and codes of conduct on corporate social responsibility with specific reference to child labour. Organisations under the spotlight include businesses, trade unions, individual governments and the UN.

Appendix 3 presents examples of usually competing companies which have cooperated in order to reduce the number of children in manufacturing for export.

Appendix 4 highlights the extent to which businesses can investigate, monitor and verify the codes or standards they establish.

Appendix 5 explores domestic law on child labour in two contrasting countries – India and the UK. Unpicking the complexities of domestic legislation, it looks at how these countries are protecting their children.

Appendix 6 considers the examples of four major international companies which have adopted codes excluding the use of under age child workers by their suppliers.

Finally, the guide is complemented by a section detailing expert organisations offering further guidance and support in tackling child labour, together with a comprehensive bibliography.

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1.2 Causes of child labour

Defining child labour

Drawing a line between “acceptable” work and “child labour” can be difficult in practice. Whether or not particular forms of work can be called child labour depends on the child’s age, the types of work and the conditions under which it is performed. In reality the answer varies from country to country and among sectors within countries.

In general “child labour” refers to children who are engaged in work that could be harmful to them. This is in contravention of International Labour Organization (ILO) conventions. The term applies to all children under 18 involved in the “worst forms of child labour”, all children aged under 12 taking part in economic activity and all 12- to 14-year-olds engaged in more than light work. The ILO defines light work as work that is not likely to be harmful to children’s health or development and not likely to be detrimental to their attendance at school or vocational training.¹

“Child work”, which can include simple household chores and other tasks which do not negatively affect children’s health or education, is generally regarded as positive and is not covered in this guide.

The worst forms of child labour

By 2003, ILO Convention No 182 on the Worst Forms of Child Labour had been ratified by 147 countries. The Convention applies to all children under 18 and defines the “worst forms” of child labour as:

- Slavery and forced labour – including forced recruitment into armies;
- Commercial sexual exploitation including prostitution and pornography;
- Illicit activities, including the production or trafficking of drugs;
- Hazardous work which jeopardises children’s lives and healthy development.

“Hazardous” work is defined within individual countries and consequently definitions of it vary.

Why children work

Children work for a variety of reasons. The major factor is often poverty and a child’s need to contribute to the family economy. Conflict and natural disasters such as earthquakes and drought can also determine whether children need to work to support their families. Over the past two decades, HIV/AIDS has had especially severe effects in sub-Saharan Africa. The UN has estimated that by 2001, 13 million children under the age of 15 had lost their mother or both parents to HIV/AIDS, the majority of them in this region. This has compelled many children to become the heads of their households and take on the adult responsibilities which accompany such a role.

Children are also subject to the rules of supply and demand. “Demand”, can be high for child workers because they work for less pay than adults. Equally important, children can be intimidated into

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obedience, and oppressed child workers are less likely to join trade unions or to insist on their rights being respected.

The “supply” of child workers can be fostered by a lack of educational opportunities and the poor quality of school systems, as well as discrimination against children from particular social groups. Without the opportunity of education, children have little alternative than being propelled into work at an early age.

The impact on children

Child labour can have a lifelong impact on children. Working long hours at physically demanding jobs, often in dangerous and hazardous conditions, robs children of their childhood, affecting their health and future development. One of its most far-reaching consequences is that working children miss out on education. Lacking the skills they need to take them into early adulthood and beyond, working children are also less likely to ensure that their own children attend school and receive an education.

Numbers: global and regional

It is estimated that 246 million children worldwide are involved in forms of child labour which the ILO believes should be abolished.² Of this number, 211 million children aged from 5 to 14 are economically active. A total of 180 million 5- to 17-year-olds are engaged in the worst forms of child labour. This amounts to one in every 12 children in the world.

Numbers of working children by region and economic bloc

Region	Total (millions)	Percentage of total
Asia and the Pacific	127	60
Sub-Saharan Africa	48	23
Latin America and the Caribbean	17.4	8
Middle East and North Africa	13.4	6
Industrialised economies	2.5	1
Transition economies	2.4	1

Source: International Labour Organization

Scenarios: the work that children do

Among the estimated 180 million children involved in the worst forms of child labour, 171 million of them are thought to be engaged in hazardous work. Of these, it is estimated that 111 million are aged between 5 and 14: too young to be engaged in anything more than light work.

This is an alarming picture. It does not mean, however, that every factory in a developing country has children on its premises who should not be working. Many of the 111 million 5- to 14-year-olds are living and working at home or on a family farm or small holding. Some work for part of each day or when there is peak demand for labour, such as during the harvest.

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The invisible children

Many working children are virtually “invisible”. They work in private homes, either as domestic servants (reputedly the largest single type of employment for girls under 18 working outside their own homes), or as part of a household which takes on sub-contracted work as “homeworkers”: stitching footballs for example, or weaving carpets. Most of these children are girls. Others are invisible because they work away from towns and cities in agriculture, fishing, hunting and forestry.

Whilst children working in their own homes and for their own families are in an environment which ought to protect them, some are still subjected to exploitation, or work in hazardous conditions - for example, through the outsourcing of textile work to families in Bangladesh.

The informal economy also draws in large numbers of children. Almost by definition, it is unregulated: labour laws are not observed and governments generally make little or no attempt to enforce them. Child domestic workers, for example, are rarely given a formal contract and are routinely subjected to abuse.

Although no accurate statistics are available, estimates suggest that about 10 million child labourers are involved in producing for direct export. In some countries, children under 15 are reported to play a significant role in the production of agricultural exports including cocoa, coffee, cotton, rubber, sisal and tea³. In addition, the ILO has noted that in Brazil, Kenya and Mexico, under 15s account for between 25 and 30 per cent of the commercial agricultural labour force.

UNICEF's role in protecting children's rights

In 1989 the UN adopted the Convention on the Rights of the Child. The Convention sets out the rights that each and every child has: from the right to an education to the right to protection from exploitation and abuse. It applies to everyone under the age of 18. With reference to child labour, Article 32 in particular states:-

States Parties recognise the right of the child 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 to be harmful to the child's health or physical, mental, spiritual, moral or social development.

In order to make these rights a reality for children, UNICEF is working in partnership with communities, governments and the private sector in 158 countries. Furthermore, the Convention's principles guide all of UNICEF's work with and for children and their communities. UNICEF believes that if children's rights are respected and promoted, they are much more likely to survive and thrive into adulthood. Everyone, including the business community, has a responsibility to ensure that children are protected from abuse and exploitation.

Go to [Appendix 1](#) for information relating to international legal standards on child labour, including the ILO's Minimum Age and Worst Forms of Child Labour conventions.

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1.3 Responses to child labour

This section summarises the responses to child labour from four different groupings:

- a. Governments
- b. International organisations
- c. Concerned groups
- d. Business

a. Governments

The response of industrialised country governments to child labour is usually quite different to the response in developing countries. Governments in industrialised countries generally regard child labour in their country as a problem of the past – sometimes incorrectly.

Fixing a minimum employment age

Generally, governments wishing to stop young children starting work prematurely have fixed a minimum age for employment, usually opting for a lower age, such as 14 or 15, which can potentially be raised to 15 or 16 when the state of the economy permits it.

If the government is committed to ensuring this minimum age is respected, it ensures that attendance at school is compulsory and that the minimum age for leaving school is the same as that for entering employment. This avoids a gap between the age when children are entitled to leave school and the age when they can start work, which almost inevitably results in children starting to work illicitly.

Simply decreeing a minimum age does not usually have much impact on a country where significant numbers of children currently start work when they are younger than the age stipulated. Enforcing minimum age laws by penalising parents whose children fail to attend school, or punishing employers of under age workers are also unlikely to be effective techniques when a large proportion of the children in a country are involved.

Changing public behaviour means modifying attitudes towards the acceptability of children working full-time when they are 13, 11 or younger: or at least changing the attitude of the families and employers concerned. In some societies, this has been achieved by social movements. It also means governments must take action to ensure that the school infrastructure is available to provide places to all children of school age, and to ensure that families whose school age children are at work have an adequate income to feed and house their children without being dependent on the children's earnings.

Enforcing minimum age laws

To actually end child labour, governments have to create the economic and social policies which ensure that children stay at school until they reach the minimum age to start work. The government concerned has to be able to afford this.

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Consequently, many countries have laws governing the minimum age for entry into employment, but they are routinely violated. There are also countries which have laws regulating employment, but which exclude substantial sectors of the economy from any regulation; for example, the law may exclude agriculture, domestic service, or factories below a certain size from the scope of minimum age laws.

In countries where school attendance is compulsory until the minimum age for entering employment, the action required to enforce the law and check what has happened to children who are not attending school is similar to that required to ensure they are not starting work too young. However, in industrialised countries as well as in developing nations, separate government departments may be responsible for school attendance and workplace inspection, allowing irregularities to occur systematically.

Particular problems have arisen in countries where significant numbers of children from minorities or from abroad are found working below the minimum age for entry into employment. In such cases the government may feel little responsibility to ensure that the children concerned attend school, and may even wish to deny them entry into mainstream schools.

“No child labour”

Alongside the efforts of governments to pass/enforce minimum age laws in their own countries, legislation (or the threat of it) by governments of industrialised countries can have a large impact on child labour.

In the 1990s, for example, there were consumer demands for a certificate or label that would confirm that “No Child Labour” had been used in producing a particular product. In the US, the possibility of a law banning imports made with child labour was considered by legislators in 1992. Senator Tom Harkins drafted a Bill, and the mere threat of this “Harkins Bill” had major repercussions, most notably in Bangladesh, where large numbers of girls working in garment factories were summarily dismissed. However, the Bill never became law; instead, President Clinton eventually outlawed imports made by children involved in some of the worst forms of child labour.

Protecting young workers

Governments also have a responsibility to ensure that young workers (who have reached the minimum age for employment) are protected at work. This means passing legislation to stop 14- to 17-year-olds being involved in hazardous work. In many countries this is interpreted to mean that adolescents should not take on night-work or be employed in places such as bars and night clubs.

Compliance with local laws

The governments of industrialised countries have recently started encouraging businesses based in their countries, which invest overseas, to comply with local laws concerning child labour and other labour and environmental standards in the countries where they have

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business dealings or source their goods. In November 2003, the UK's Department for International Development noted that⁴:

"We encourage businesses that invest directly in developing countries, at a minimum, to comply with the various international, national and industrial regulations and codes of conduct. These range from the Organisation for Economic Co-operation and Development (OECD) Guidelines for Multinational Enterprises at the international level, to tax and bribery laws in individual countries, to industry-wide codes such as the Extractive Industries Transparency Initiative. If there are obstacles to businesses behaving responsibly in this way (e.g. corruption, bureaucracy, lack of infrastructure, and lack of a healthy and skilled workforce), we would like businesses to use their influence with governments to help demolish these barriers."

Some governments go further and require businesses based in their country to report publicly on the action they are taking to ensure that their suppliers do not contravene internationally recognised labour standards.

b. International organisations

When cases of child labour and other forms of child exploitation were first highlighted, none of the inter-governmental organisations linked to the UN were involved in monitoring what was happening or organising a systematic response. Now the situation is very different. The governments of both developing and industrialised countries have decided collectively that the issue of child labour requires attention, to ensure that children attend school and acquire the education needed to make a contribution to their country's development, and to end the unacceptable exploitation of children that is so widespread.

UNICEF

Since the UN General Assembly adopted the Convention on the Rights of the Child in 1989, UNICEF has taken a lead among UN agencies in efforts to turn child rights into a reality. This has included initiatives to end the economic and sexual exploitation of children, as well as their use in armed conflict and other abusive situations. In recent years, UNICEF has put particular emphasis on education, especially for girls. Education remains a key safeguard for preventing child labour and helping to combat the sexual exploitation and trafficking of children, to which it is mainly girls that are at risk.

In numerous countries, UNICEF runs specific projects to end particularly unacceptable forms of child exploitation. It works closely with local organisations, although not specifically employers' organisations and trade unions.

The International Labour Organization (ILO)

Within the UN system the ILO has particular responsibility for the world of work, and it is the ILO's annual International Labour Conference which has adopted a series of conventions concerning child labour. Responding to increased concern, the ILO launched an International

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Programme on the Elimination of Child Labour (IPEC or ILO-IPEC) in 1992. This has now acquired a great deal of experience of projects and programmes to combat unacceptable forms of child work, from preventing children being recruited into premature work in the first place to providing protection to working children. This includes withdrawing them from work and supporting children's reintegration into school or vocational training schemes.

The ILO has the special advantage of incorporating representatives of both employers' and workers' organisations (trade unions) in its formal structure; both have played a role in implementing ILO-IPEC programmes and projects. ILO-IPEC also involves other locally-based organisations in implementing its projects.

After accumulating experience in running programmes concerning children working in specific sectors of the economy, in 2001 ILO-IPEC launched a series of more ambitious programmes to bring child labour as a whole to an end in certain countries within a specified time. They are known as "time-bound programmes". The first countries selected for this approach were El Salvador, Nepal and Tanzania.

Since 1999, ILO-IPEC has emphasized combating the worst forms of child labour, particularly since its data revealed that a relatively large proportion of working children (both above and below the minimum age for entry into employment) were involved in hazardous work.

According to the ILO, IPEC "stimulates and facilitates practical action on the ground by its many in-country partners", and "supports direct interventions by government agencies, employers' and workers' organisations, non-governmental organisations and other civil society groups to assist child labourers and their families".⁵ By 2002 it was working in 75 countries and receiving financial support from 26 donor countries and organisations.

c. Concerned groups

A variety of organisations and social movements take action when they believe children are victims of economic exploitation. Chief among these are trade unions, at local, national and international level. They play a formal role within the ILO, where national trade union organisations have a right to vote alongside employers' and government representatives. The largest international trade union federation, the International Confederation of Free Trade Unions (ICFTU) headquartered in Brussels, has an ongoing international child labour campaign.

At national level, trade unions also run specific projects and programmes to prevent children entering employment or to provide assistance to those who have started work too young.

Non-governmental organisations (NGOs)

In both industrialised and developing societies, some organisations focus specifically on issues of child labour or the exploitation of children. Others have a mandate which includes the issue of child labour and child rights as part of their broader work.

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In general these are voluntary organisations, also known as “not-for-profit organisations” or “non-governmental organisations” (NGOs). The largest NGO which focuses specifically on children, Save the Children, has independent branches based in many industrialised countries, running programmes and projects to assist children in countries throughout the world.

NGOs concerned about working children advocate different ways of responding to child labour and some criticise the approach of both the ILO and international trade union organisations.

Over the past 25 years, the contribution of these groups concerning child labour has evolved. Initially they were involved mainly in collecting information and publicising cases in which children were working in circumstances that appeared exploitative and unacceptable. Early NGO reports tended to focus on the export sector. This is not surprising. The export sector has tended to come under much more scrutiny than child labour in the purely domestic economy of developing countries. In some cases, this seems to be because it is easier to attract media attention in industrialised countries to the involvement of child workers in the production of goods that have been imported into that country. In other cases, the motive is to highlight the loss of jobs in industrialised countries to developing countries where wages are much lower.

Revelations of this sort have continued to be published by NGOs. Some reports focus on particular areas, some on particular industries, and yet others on specific companies. As in the 1970s, the main focus of reports by NGOs, and also those by journalists, remains child labour in the export sector, particularly in businesses involved in supplying companies based in Europe or North America.

Media focus

The media has played an important role in publicising discoveries made by NGOs, and journalists have themselves taken the initiative to investigate cases of child labour. Unlike NGOs, however, they usually have little interest in bringing influence to bear without opting for publicity: their editors have tended to ask them to focus on sensational aspects of child labour. Once again, investigative journalists representing media based in industrialised countries have usually focused on children working in sectors of the economy which export goods to the journalist’s own country.

Consumers

Publicity about child labour has naturally provoked a reaction from the general public, particularly consumers, in the industrialised countries where the publicity occurs. Public concern has inevitably focused on products imported into their countries, when it appears that children in poor countries have suffered so that consumers in wealthier countries can buy cheap products.

Local projects

In the 1990s, trade unions, faith groups and NGOs also became active at a local level, running projects with various objectives linked to

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working children. They include preventing children from leaving school too soon and supporting working children who want to continue their education, for example in the evening. They also provide various services to working children, usually intended to minimise the abuse to which they are subjected. Some have supported working children to form their own child worker organisations.

During the second half of the 1990s, the focus moved on still further. Trade unions, faith groups and NGOs played a role in devising standards and procedures which businesses were urged to abide by in order to ensure that child labour did not occur.

Some of the groups concerned are keen to work closely with businesses, while others adopt a more confrontational approach in their relations with both business and government. Their approaches are as varied as the cultures they come from.

d. Business

Businesses play a major role in determining what happens in practice and whether children are involved in producing the goods they sell. In both industrialised and developing countries, individual businesses have played an innovative role in identifying ways of reducing and eventually eliminating the incidence of child labour.

During the 1990s, large businesses, particularly those based in industrialised countries, started taking action on child labour and other labour issues when they came under pressure, often as a result of a critical report by an NGO or journalist. This underlines that many businesses in Europe, North America and Japan have perceived the issue of child labour in terms of the risk it poses – the risk of being publicly criticised – and viewed their actions as risk avoidance.

“Cut and run”

There are dangers in the sorts of reaction taken by a business that feels at risk or under pressure: for both the business and for the children who may be working for it or its suppliers. The main danger is that managers will prefer to cut and run, rather than engage with the community where children are working. Under pressure, businesses often feel they have to make a rapid response: a denial that any children are working (sometimes without even checking whether this is true or not), the announcement that all children found working will be dismissed, or (in recent years) the announcement of an expensive scheme to deal with the problem.

The alternative is a much more positive form of engagement, which involves accepting some responsibility for the labour practices of suppliers, and recognising that simply dismissing child workers is not an adequate response. If children are being employed or, as is more probable, are working, but not formally employed, at an age or in a way which is not appropriate, there is a great deal that businesses can do to promote children's education and change labour practices. However, positive contributions of this sort, neither sensational nor

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responding directly to bad publicity, generally receive much less public attention than revelations in the media that child labour is occurring. Positive responses consequently require a high level of commitment by business managers, both specifically to children and to action on social issues more generally.

In pursuit of good practice

It is businesses that are committed to good practice in the area of corporate social responsibility that have played a leading role in devising some of the standards and schemes for confirming that good practice is occurring in relation to child labour and other issues. Inevitably, this has moved them away from a preoccupation with risk to a more substantial commitment to corporate social responsibility and to the communities from which they are buying products and services. On the way, they have to learn a great deal about these communities, as well as about monitoring labour practices. However, as businesses, rather than social development specialists or labour inspectors, the amount that a single company can or should do is limited. They can contribute to changing the world, but they cannot do so single-handedly.

Working in partnership

A key difference that can be noted in initiatives taken by business on child labour concerns the degree to which it commits itself to working in partnership with others. Potential partners include other businesses operating in similar areas or retailing similar products, representatives of the communities where a business has factories or sources its products, and representatives of workers in the form of trade unions. It is becoming increasingly clear that schemes to eradicate child labour which are designed and run in participation with others in the country or community concerned are more sustainable in the long term than those designed and imposed "top down" by a business which is based in another country or continent.

The response of businesses based in countries in Europe, North America and Japan to reports that they are exploiting child labour has gradually increased in sophistication over the past decade, from a purely self-interested one (looking after the company's interests, but not those of its employees or of the workers paid by its sub-contractors) to one of positive engagement with the communities concerned.

The approach taken by companies exporting products from countries where significant numbers of children are reported to work has also evolved. In 1993, garment manufacturers in Bangladesh responded to rumours about the Harkins Bill by dismissing tens of thousands of children working in their factories. Two years later, companies manufacturing footballs in Pakistan came under similar pressure as a result of media revelations that young children were stitching footballs, but agreed to work together with UNICEF, ILO-IPEC and various NGOs in order to bring about change.

The experiences that businesses around the world have acquired to date in trying to eliminate child labour and uphold other labour rights in the workplace demonstrates something that should be obvious: the

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expertise of business involves making money, not social development. Perhaps the most important lesson over the past decade, therefore, is that businesses have learnt how to cooperate with others when tackling issues of child labour and corporate social responsibility. This has involved cooperation with organisations that have expertise on social development and child rights (such as UNICEF), cooperation with organisations representing workers' interests (trade unions), cooperation with social activists that condemn the use of child labour (for example, in the framework of the Ethical Trading Initiative), and support for collective efforts with other businesses, which are usually competitors, in order to find solutions.

Diagram 1 on page 14 illustrates the evolution over the past decade of the response of businesses employing child labour or buying products made by children.

1.4 The business benefits of managing child labour

In a global economy, no company operates in isolation. Every organisation is part of a complex supply network for goods and services. This complexity, coupled with the reality of children's lives in developing countries, means that the potential for child labour to occur in the supply chain is very real. Indeed child labour tends to be more prevalent the longer and more circuitous the supply chain.

The risks to corporate reputations and brand values are significant if child labour is used in the manufacture of a company's products. It is one of the areas of the corporate responsibility agenda that can develop swift and significant reactions from a broad range of stakeholders.

Companies that do not take child labour seriously run the risk of damaging criticism from well informed and organised consumers operating with the support of a receptive and sympathetic global media. In addition, NGOs and activists can and do coordinate campaigns on a global basis to challenge companies on this issue. An example of this was the World Cup Campaign 2002, initiated by an international NGO, the Global March Against Child Labour and involving UNICEF amongst many others. The campaign's explicit aim was to ensure that the sporting goods industry and FIFA kept their promises to end child labour in football stitching and other sporting products. The initiative was effective on a number of counts – petitions and pledges were signed, reports and investigations were commissioned, a network of concerned organisations was consolidated, and various government bodies agreed to put pressure on businesses to clean up their act.

Protecting carefully nurtured brand values and, ultimately, a company's "bottom line" are compelling enough reasons to act against child labour. These are, however, reinforced by additional and equally important considerations; namely that companies have specific obligations and responsibilities in relation to the children and communities in which they and their suppliers operate.

Leading companies put good corporate responsibility at the centre of

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their business. Rather than being a “chore”, confronting the issue of child labour is seen as a leading business practice.

Business benefits and opportunities

There are clear business benefits for companies openly and actively seeking to address and minimise the potential for child labour to exist in their supply chains. They include:

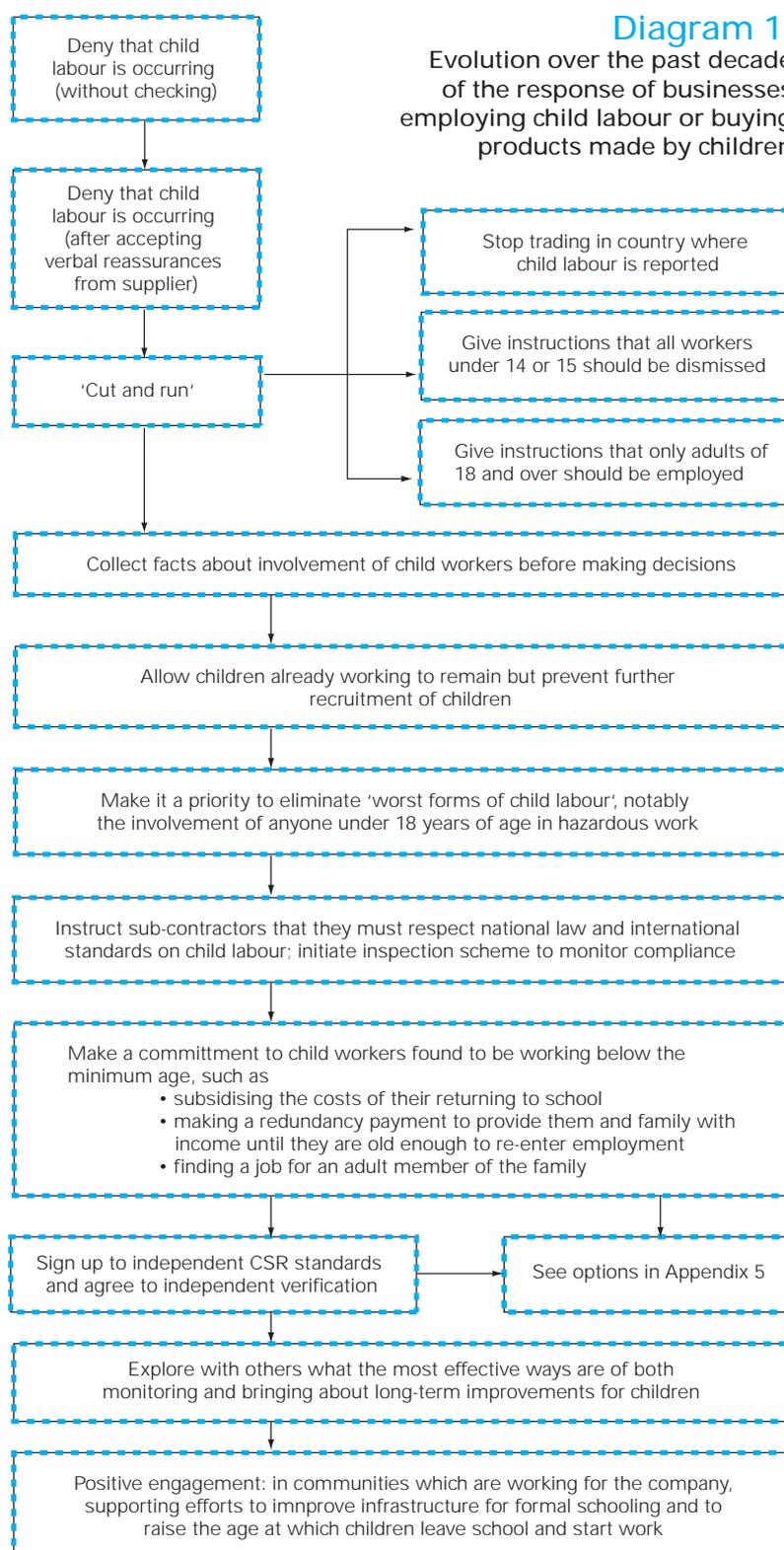
- Increased brand capital
- Higher consumer/customer reputation and loyalty
- Improved customer relations
- Improved employee morale
- Higher quality of goods
- Reduced health and safety risks
- Reduced investor activism
- Minimised risk of “anti” campaigning
- Reduced risk of governmental intervention
- Support of global socially responsible investors
- Support of NGOs

A good example of some of the benefits gained by addressing child labour is the steps that IKEA have taken, detailed in [Appendix 6](#).

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Diagram 1:
Evolution over the past decade
of the response of businesses
employing child labour or buying
products made by children

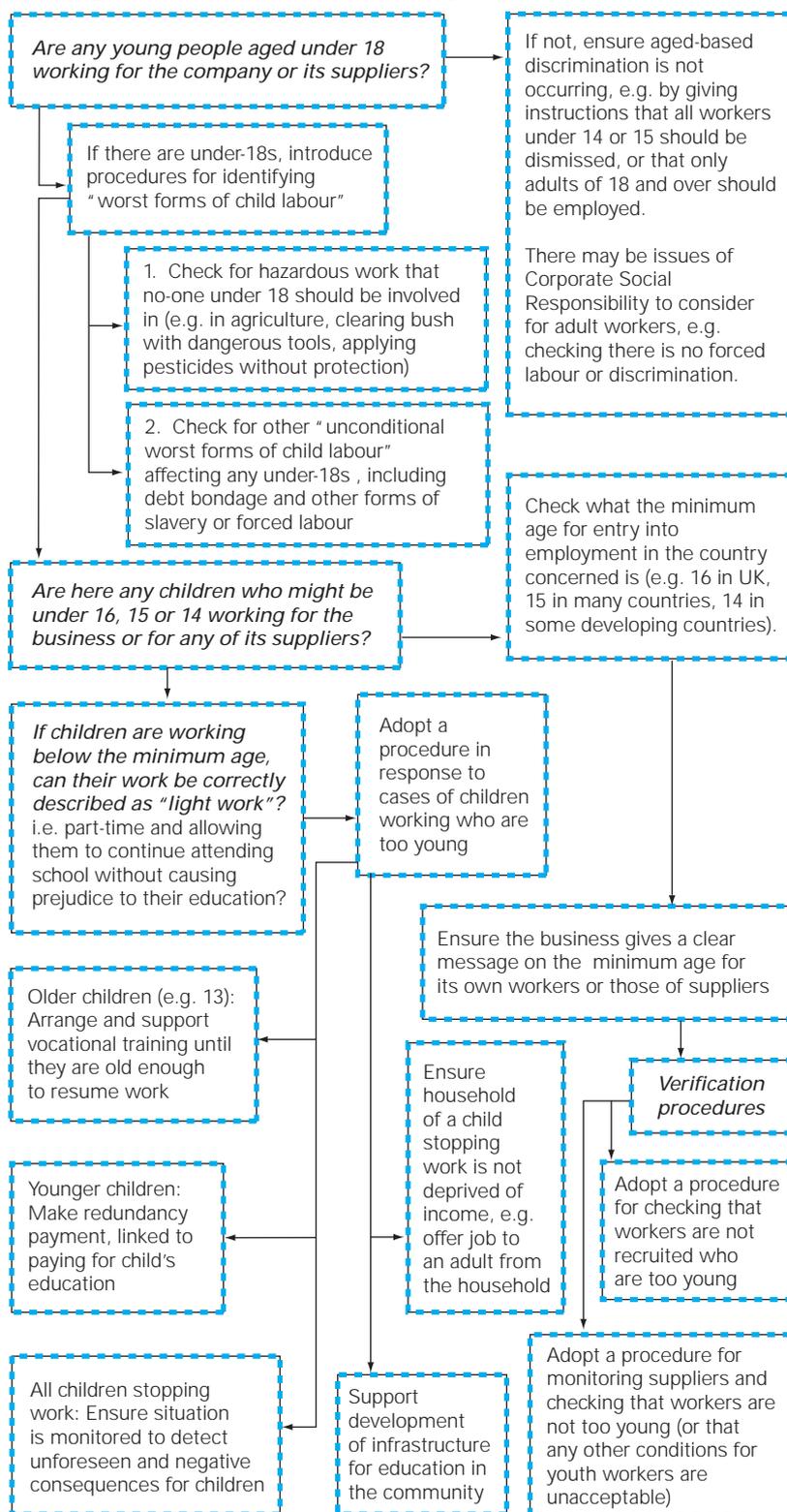


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Diagram 2:

Questions for a business to ask about working children, and possible strategies to follow



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1.5 Strategies for managing child labour risk responsibly

The elimination of child labour, particularly in its worst forms, can be a difficult undertaking. In practice, businesses pursuing this goal have to take the background conditions in the areas in which they operate as a given, and work within these constraints.

Diagram 2 on page 15 suggests questions that businesses should ask about working children and possible strategies to follow.

As in every business objective, companies have a limited amount of resources to devote to achieving maximum impact. In the case of child labour risks in supply chains, resources should be used in the most effective way to reduce this risk as soon as possible. When minimising risk, the priority should be to remove the most serious risk first – instances where children are working in hazardous conditions -- coupled with a longer term plan to reduce the risks of child labour over the supply network. The guiding principle for action should be that all steps are taken with the best interests of children at their core.

Top ten hazards to children prohibited in national legislation

- Working in mining, quarries and underground
- Maritime work
- Work with machinery in motion and dangerous machinery
- Work with explosives
- Work involving heavy weights and loads
- Work in construction and/or demolition
- Work involving exposure to noxious and radioactive substances
- Work with lead/zinc metallurgy
- Work in transportation, operating vehicles
- Work in entertainment, alcohol production and sale

Strategy for taking action – a basic step-by-step approach:

- a. Developing a policy statement or code of conduct
- b. Risk assessment and analysis
- c. Management process and systems
- d. What to do if child labour is found
- e. Reporting and communication

1.6 Developing a policy statement or code of conduct

Many companies, within their statements of core principles concerning labour standards or human rights, have a commitment to removing child labour from their supply chains. Many of these policies are drawn from, or explicitly support, the key ILO conventions, the UN Convention on the Rights of the Child and the UN Global Compact or the ETI Base Code. Examples of companies that have adopted codes excluding the use of under age child workers by their suppliers and taken other action on child labour can be found in [Appendix 6](#).

Company codes should be publicly available and provided to all staff, clearly stating the company's position in relation to the use of child labour.

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1.7 Risk assessment and analysis

Companies, depending on what industry they are operating in, need to assess and identify the key risks. The risks can be estimated by parameters such as:

- Type of industry
- Geographical location of operations/suppliers
- Length and complexity of the supply network

From this, a risk assessment of the supply chain network can be completed and appropriate actions and systems developed from it.

1.8 Management process and systems

The key elements of a management system model for child labour would include the following processes and actions:

- Strategic responsibility for the Policy/Code implementation rests with one or more Board members or senior managers who report directly to the CEO (chief executive officer)
- Policy/Code is communicated to suppliers globally
- Relevant employees (e.g. compliance/audit teams or equivalent, buying teams, managers and workers in suppliers) are trained on the Policy/Code
- Responsible buying practices are incorporated into purchaser's objectives and compensation structures
- Procedures are developed to remedy any non-compliance of the company's code or standards. Subsequent action must be:
 1. Visible
 2. Demonstrable or quantifiable in terms of the measures or steps taken to address allegations effectively
- Visiting/auditing of suppliers is undertaken, with systematic checks on employees including:
 1. Registering employees, including their dates of birth
 2. Proof of age documentation required

For guidance on supply chain management, companies can consult the FTSE4Good's new Supply Chain Labour Standards criteria.

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1.9 What to do if child labour is found

Should child labour be found, a process for dealing with the issue is required which clearly identifies roles and responsibilities. This process should include the following:

- Remove the child from the workplace if involved in harmful activities
- Identify why children are working
- Obtain an assurance that no working child will be dismissed
- Obtain the names of all working children so that checks can be made that they have not been dismissed
- Assess the tasks children are performing and their working hours and conditions
- Identify if the child has access to education and, if not, where and how this can be provided
- Identify key local community partners to monitor and assist in implementation
- Assure management at the workplace that they will not be excluded as suppliers at this point in time
- Develop an “exit” strategy with specified timelines

1.10 Reporting and communication

Child labour is an extremely sensitive issue and can have significant negative outcomes if not handled well. Companies should therefore have a process for dialogue and reporting in place. Reporting should be publicly available and include:

- Details on management systems for implementation of policy
- Board level responsibility
- Description and data on the supply chain
- Details of implementation including: communication to suppliers, training of staff, monitoring and review
- References to instances of non-compliance
- Progress on auditing and performance against objectives and targets
- Details of the methods and proportion of facilities/operations monitored and audited
- Details of remedies provided in cases of non-compliance with policy, and number of incidents reported
- Independent verification of policy implementation and audit report (by an independently recognised third party, such as a professional auditing firm or quality assurance/social auditor)

Undoubtedly it is a challenge for companies to publicly report in this way. Leading companies have reported non-compliance, remedial action, procedures, and outcomes, however, and often use this information as a constructive method of engaging NGOs and other stakeholders in supporting their business to meet its stated policy intentions.

1. Business Case for Managing Child Labour

(continued)

Making this information public also focuses board and senior management attention on the risks posed by neglect or poor management of supply chain labour issues.

Best practice by companies in the reporting process should include the following characteristics:

- An honest and proactive approach, illustrating clear positive steps
- The involvement of key stakeholders
- Clarity with a recognition of the boundaries of what can be achieved (e.g. poverty reduction is not in most businesses' remit or capability, but ensuring that children are not summarily dismissed and then move into more hazardous and exploitative work is)

Companies with exposure to the potential risk of child labour should take systematic steps to remove child labour from their supply chains. This should always be done in a responsible manner. This means ensuring that children working in the most hazardous forms of child labour are removed immediately and that any other child labourers are removed from the workforce according to a well thought out, strategic approach which does not result in unintended consequences for the child's family.

Tackling child labour is difficult, but companies that show openness and leadership in recognising it as a problem will, in the longer term, benefit from the trust and loyalty of a wide range of key stakeholders.

Go to [Appendix 3](#) to find out about how some companies that usually compete have cooperated in order to reduce the number of children in manufacturing for export.

Go to [Appendix 4](#) for further information on how businesses can investigate, monitor and verify the codes they establish.

2. The Socially Responsible Investment Approach to Child Labour

2.1 Introduction

Socially responsible investment (SRI) is one of the fastest growing sectors of the global investment industry. In recent years socially responsible investment communities in the UK, US and Europe have been one of the key motivators for improvements in corporate social responsibility (CSR) in companies.

Socially responsible investment in Europe is attracting a broad audience of investors with a spectrum of different requirements and motivations. Recently published research commissioned by Eurosif⁶ estimates that in Europe alone some 350 billion euros is managed to socially responsible investment strategies. In the US it has been estimated that US \$1 out of every US \$8 is managed to a socially responsible objective. A recent survey conducted on behalf of the UK Social Investment Forum⁷ found that 9 of every 10 UK investors believe that they have a duty to challenge companies on issues such as pay and unethical company practices.

Against this backdrop, both SRI and mainstream asset managers are using company engagement and active share ownership to influence change in corporate behaviour with regard to social, environmental and governance matters, including the issue of child labour.

2.2 The corporate social responsibility map

It is worth describing the relationship between the different aspects of corporate social responsibility that SRI investors are interested in. Companies can therefore assess where their most significant impacts are and thus start to address the strategic implications and requirements for the business.



2. The Socially Responsible Investment Approach to Child Labour

(continued)

2.3 How SRI investors view child labour

Investors see corporate responsibility as something that is entirely consistent with sound financial practice and strong business management because it reduces risk and secures sustainable profits in the long term. The reputation of companies who are exposed as having child labour within their sourcing systems can be seriously affected: hurting profits, destroying brand value and even leading to job losses.

Some companies see the management of child labour risks as a business opportunity as opposed to a threat. Managing child labour and other corporate responsibility risks can benefit investors by increasing returns. This makes for a positive relationship between companies and arguably one of their most important stakeholders – their owners.

SRI funds and child labour

Almost all general socially responsible investment funds sold to investors globally require some sort of impact assessment and screening process for child labour. Often child labour is described within the context of the human rights requirements for companies included in the portfolio of stocks which constitute the funds' "acceptable investments" list.

When a company on this list has been found to have child labour within their supply chain, they are generally not automatically excluded from these funds. In these cases, investment managers seek clarification from the company that they are taking appropriate action to responsibly manage the removal of child labour from their business. Should investment managers have any doubts that this is being done, they normally announce that the company is being removed from their list of acceptable investments and why.

2.4 SRI indices and child labour

Leading global SRI indices such as the FTSE4Good and BITC Corporate Responsibility Index are incorporating into their measurement processes an assessment of how companies are managing the risk of finding child labour in their workplaces and supply chains. For example, the FTSE4Good's Supply Chain Labour Standards provide criteria for businesses with complex supply chains to address the welfare and working conditions of their suppliers' workers.

Failure to provide evidence of managing the risk of child labour in their supply chains can result in a company being removed from the index list or scoring negatively in its rating system. SRI indices are widely followed by investors and the media, as well as other interest groups. In recent years, they have become one of the most important driving forces in encouraging companies to disclose and adopt good corporate responsibility practices.

It is this increased disclosure that is providing investors with more information on which to assess the non-financial risk to shareholder value of a company.

Go to [Appendix 3](#) for examples of companies which have cooperated in order to reduce child labour in manufacturing for export.

3. UNICEF action on child labour

Creating a protective environment

UNICEF believes that the protection of children is crucial to their survival, health and well-being. Unfortunately, millions of children are exploited, abused and become victims of violence. Every day, they are bought and sold, imported and exported as if they were commodities or merchandise. Children are forced to be soldiers, prostitutes and domestic servants, as well as sweatshop workers and field hands.

UNICEF believes that everyone has a responsibility to see that children are safe. A protective environment is one in which everyone -- from parents to businesses to governments -- has the best interests of children and young people at heart and acts accordingly. This way, children are fortified against harm in the same way that proper nutrition and good health care fortify them against disease.

In protecting children, UNICEF endeavours to ensure that all the elements necessary to protect them against a wide range of abuse are in place, rather than focusing narrowly on specific forms to the exclusion of others. It also works closely with other UN agencies which have specific expertise in combating particular forms of abuse, such as child labour.

UNICEF supports programmes to stop the use of children as soldiers and to end the commercial sexual exploitation of children, as well as initiatives focusing on child workers. In countries where significant numbers of children are caught up in conventional forms of child labour, it works to address the root causes of child labour and to promote respect for the rights of the children involved.

UNICEF places particular emphasis on quality education – a critical aspect of children's development and a fundamental right – as a preventative strategy against child labour. Access to education is also the basis of its programmes in support of children who are already working; ensuring that working children have an opportunity to learn, often in “non-formal” schools situated in the heart of their communities.

3. UNICEF action on child labour

(continued)

Hammers and homework: educating child workers in Bangladesh

Hosnara has worked as a brick-breaker since the age of nine. For the last three years, she has spent most of her days hitting square pieces of red stone with a heavy hammer. She makes 35 US cents a day.

"The employer used to cheat me on the length and height of the bricks," Hosnara says. "Now I've learned to count. I learned it at the Hard-to-Reach school."

Hosnara lives in one of the poorest slums in Dhaka, Bangladesh. Her father works as a rickshaw driver; her mother and her sisters are also brick-breakers. Two years ago, an outreach worker came to their hut and told them of classes initiated by UNICEF for urban working children. Hosnara's father never went to school himself, but agreed to let Hosnara and her nine-year-old sister Phaki attend.

"The school is for two hours a day, so my daughters can still work," he says. "It does not hurt us that they go to school."

UNICEF and the Government of Bangladesh developed the "Basic Education for Hard-to-Reach Urban Children" project in 1997. It provides informal education to working children living in urban slums. Over one-fifth of Bangladesh's population, about 26 million people, now live in urban areas. Children account for approximately 56 per cent of slum inhabitants: some 14.6 million boys and girls.

In some families, child labour accounts for a third of the family's income. These children work as brick-breakers, domestic workers, rickshaw pullers, welders or auto mechanics. Some end up as sex workers. The children have little time to go to school, and in most slums there are few schools to attend. They often cannot afford the extra costs of schooling such as pencils, notebooks or uniforms.

The objectives of the Hard-to-Reach project are to provide a basic education to the over 300,000 working children in six Bangladeshi cities and to protect children from exploitative and hazardous work. The learning centres have been set up and are managed by 150 non-governmental organisations. By July 2003, some 11,550 centres in six cities had opened, reaching 339,150 children between the ages of 8 and 14. More than 59 per cent were girls.

Source: UNICEF Bangladesh

3. UNICEF action on child labour

(continued)

UNICEF and business working together for child rights

In 2000, UNICEF and IKEA initiated a three-year child rights project in 200 villages in the “carpet belt” of Uttar Pradesh state in Northern India. Working with both the World Health Organization and the Uttar Pradesh Health Department, the aim is to prevent child labour by addressing the root causes of why children work.

The “carpet belt” is an area where large numbers of children are involved in making hand-knotted carpets for export. The project started in Jaunpur District and was expanded in 2003 to cover an additional 100 villages.

The focus is on working with rural communities, creating awareness and mobilising them around strategies for preventing child labour. School enrolment drives are conducted and alternative learning centres (ALCs) have been established as a transitory measure when formal primary schools either do not exist or are found to be inadequate. Whereas government schools only accept children judged to be the right age into classes, the ALCs accept children who have been working and who have missed one or more years of primary education. UNICEF’s special focus is on “joyful learning”, a method which uses art, craft, song, dance and other activities to teach children language, maths and environmental studies. “Joyful learning” aims both to raise the quality of education and to reduce the drop-out rate.

Through the formation of self-help groups among rural women, the project also helps women to enhance their economic status by improving access to credit and income-generation opportunities, thus reducing the burden of debt, which UNICEF found to be one of the primary reasons why families send their children to work. Women also learn to write and read, learn about children’s rights and get basic information on health and nutrition.

The education component and the establishment of self-help groups have been financed by IKEA.

The project has proved to be very successful. Already, by the beginning of 2003, 24,000 children were attending school and more than 6,000 women generating some income as a result of education and their own microcredit schemes.

Source: UNICEF India

Footnotes

- 1 International Labour Organization, Minimum Age Convention (No 138), 1973
- 2 International Labour Organization, A Future without Child Labour, Geneva, 2002
- 3 DFID and corporate social responsibility, London 2003
- 4 UNICEF, The State of the World's Children 2004, Girls, education and development, New York 2003
- 5 International Labour Organization, A Future without Child Labour, Geneva 2002
- 6 Eurosif, Socially Responsible Investment among European Institutional Investors: 2003 Report, Paris 2003
- 7 See UKSIF's website:
<http://www.uksif.org/J/Z/Z/lib/2003/12/03-press-appg/index.shtml>

Child Labour Resource Guide

Further information



UNICEF/HQ01-0301/Shehzad Noorani

Further information: organisations to contact and websites to consult

Glossaries of terms

Several organisations have made glossaries available on the internet of terminology used in the course of establishing corporate social responsibility standards and verifying whether these are being respected. In the UK, a report on Labour Standards for Investors by ETI and Just Pensions includes a "Glossary of Terms" (available from the ETI website, <http://www.ethicaltrade.org/pub/publications/2002/11-justpensdrft/index.shtml>). In the Netherlands, SOMO (the Centre for Research on Multinational Corporations) has issued a glossary focusing on monitoring and verification, developed especially in relation to the garment and textiles industries ("Monitoring and Verification Terminology Guide for the garment and sportswear industries", available from SOMO's website, see below).

Organisations to contact

AccountAbility (Institute of Social and Ethical Accountability)

AccountAbility is an international membership organisation that promotes social and ethical accountability and sustainable development primarily through AA1000, a set of standards that emphasise stakeholder engagement. An overview of the AA1000 Framework and Series can be viewed online at:

<http://www.accountability.org.uk/aa1000/default.asp>

Address: Unit A, 137 Shepherdess Walk, London N1 7RQ, UK.

Telephone: +44 (0)20 7549 0400

Fax: +44 (0)20 7253 7440

Email: Secretariat@AccountAbility.org.uk

Website: <http://www.AccountAbility.org.uk>

Abrinq Foundation for the Rights of Children and Adolescents

(Fundação Abrinq pelos Direitos da Criança e do Adolescente)

The Abrinq Foundation is a non-profit organisation dedicated to defending the rights and citizenship of children and adolescents. It runs a Child Friendly Business Programme that grants a social stamp of approval to companies that sign up to ten promises to Brazilian children. These promises cover issues such as combating child labour, guaranteeing healthcare and education to the children of their employees and investing in social initiatives that improve the quality of life for all children and adolescents.

Address: Rua Lisboa 224 - Jardim América, 05413-00 São Paulo/SP, Brazil.

Telephone: +55 (11) 3069 0699

Email: info@fundabrinq.org.br

Website: <http://www.fundabrinq.org.br/index.php?pg=empresas>

Further information: organisations to contact and websites to consult

(continued)

BSR (Business for Social Responsibility)

BSR seeks to help companies of all sizes and from all sectors achieve commercial success in ways that respect ethical values, people, communities and the environment. BSR offers a range of services to businesses, including training, an annual conference attended by business leaders concerned with corporate social responsibility, and a website.

Briefing on child labour available at:

<http://www.bsr.org/CSRResources/IssueBriefDetail.cfm?DocumentID=49773>

Address: 111 Sutter Street, 12th Floor, San Francisco, CA 94104 USA.

Telephone: +1 415 984 3200

Fax: +1 415 984 3201

Email: advisoryservices@bsr.org

Website: <http://www.bsr.org>

Business and Human Rights Resource Centre

An independent organisation in partnership with Amnesty International and academic institutions, the Business and Human Rights Resource Centre promotes greater awareness and informed discussion of important issues relating to business and human rights. It runs a website and online library focusing on human rights and business.

The website includes a list of companies whose company human rights policies refer to the Universal Declaration of Human Rights:

<http://www.business-humanrights.org/Categories/Company policysteps/Policies/Companieswithhumanrightspolicies>

Address: 361 Lauderdale Tower, Barbican, London EC2Y 8NA, UK.

Telephone: +44 (0) 20 7628 0312

Fax: +44 (0) 20 7628 0312

Email: contact@business-humanrights.org

Website: <http://www.business-humanrights.org>

CSR Europe

CSR Europe was set up in 1996 by former European Commission president Jacques Delors. It is a not-for-profit organisation that promotes corporate social responsibility. Their mission is to help companies achieve profitability, sustainable growth and human progress by placing corporate social responsibility in the mainstream of business practice. CSR Europe runs a European Business Campaign on Corporate Social Responsibility.

Address: Rue Defacqz, 78-80 Brussels 1060, Belgium.

Telephone: +32 2 541 1610

Fax: +32 2 502 8458

Email: info@csreurope.org

Website: <http://www.csreurope.org>

Glossary of CSR terms at:

<http://www.csreurope.org/glossary/default.aspx>

Further information: organisations to contact and websites to consult

(continued)

Department for International Development (DFID)

DFID is the UK Government department responsible for promoting sustainable development and reducing poverty. For information on DFID's work on corporate social responsibility, please contact Malaika Culverwell (+44 20 7023 1283), Private Sector Advisor on the Business Alliances team or Maria Cushion who works on labour standards. Also, the UK Government has a website dedicated to corporate social responsibility <http://www.societyandbusiness.gov.uk>. It contains the Government Annual Report on corporate social responsibility.

Address: 1 Palace Street, London SE1E 5HE, UK.
Telephone: 020 7023 0000
Email: m-culverwell@dfid.gov.uk
Website: <http://www.dfid.gov.uk>

Eliminate Child Labour in Tobacco Foundation (ECLT)

ECLT was established in 2002 as a joint initiative involving the International Tobacco Growers' Association (ITGA), tobacco importing companies, and the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers Associations (IUF). ECLT's activities focus on 3 areas: developing research on the conditions and level of child labour in tobacco growing; supporting and funding community-based projects; and establishing and sharing best practice.

Address: ECLT Foundation, 28 rue du Village, 1214 Vernier, Geneva, Switzerland.
Telephone: +41 22 306 1444
Fax: +41 22 306 1449
Email: eclt@eclt.org
Website: <http://www.eclt.org>

Ethical Tea Partnership

The Ethical Tea Partnership began work in 1997 as the Tea Sourcing Partnership by a number of UK-based tea packing companies that work to monitor conditions of tea production around the world. Their four core beliefs include responsibility for the social and ethical conditions involved in sourcing tea; a non competitive and apolitical approach; respect for cultural and legislative differences in tea producing countries while aspiring to international standards; and partnership with tea producers. In September 2004 they changed their name to the Ethical Tea Partnership, believing it to reflect more clearly their increasingly proactive role in the ethical trading of tea.

Address: PO Box 2287, Caterham, CR3 0ZW, UK.
Telephone: +44 (0)20 8645 0333
Fax: +44 (0)20 8645 0333
Email: info@ethicalteapartnership.org
Website: <http://www.ethicalteapartnership.org>

Further information: organisations to contact and websites to consult

(continued)

Ethical Trading Initiative (ETI)

The Ethical Trading Initiative (ETI) describes itself as an alliance of companies, NGOs and trade union organisations committed to working together to identify and promote good practice in the implementation of codes of labour practice. ETI's website provides a glossary of ethical trade terms, available at:

<http://www.ethicaltrade.org/Z/ethtrd/gloss/index.shtml>

It also sets out its base code with accompanying principles of implementation at: <http://www.ethicaltrade.org/Z/lib/base/index.shtml>

Address: 2nd floor, Cromwell House, 14 Fulwood Place,
London WC1V 6HZ, UK.

Telephone: +44 (0) 20 7404 1463

Fax: +44 (0) 20 7831 7852

Email: eti@eti.org.uk

Website: <http://www.ethicaltrade.org>

Fair Labor Association (FLA)

The Fair Labor Association (FLA) represents a coalition of companies, universities and NGOs to promote adherence to international labour standards and improve working conditions worldwide. The FLA conducts independent monitoring and verification to ensure that the FLA's Workplace Standards are upheld where FLA company products are produced. The Workplace Code of Conduct is available at:

<http://www.fairlabor.org/all/code/index.html>

Address: 1505 22nd Street, NW, Washington, DC 20037, USA.

Telephone: +1 (202) 898 1000

Fax: +1 (202) 898 9050

Email: bshubash@fairlabor.org (Barbara Shubash – Administrator)

Website: <http://www.fairlabor.org>

Fairtrade Labelling Organizations International (FLO-International)

FLO is the worldwide Fairtrade standard setting and certification organisation. FLO guarantees that products sold anywhere in the world with a Fairtrade label marketed by a national initiative conforms to Fairtrade standards and contributes to the development of disadvantaged producers. FLO International has issued a set of Generic Fairtrade Standards for Hired Labour.

Address: Kaiser-Friedrich-Strasse 13, D - 53113 Bonn, Germany.

Telephone: +49 228 949 230

Fax: +49 228 242 1713

Email: info@fairtrade.net

Website: <http://www.fairtrade.net>

Further information: organisations to contact and websites to consult

(continued)

FAFO (Fafo Institute for Applied Social Science)

Fafo conducts policy-related research at the national and international level in the fields of labour relations, welfare policy and living conditions. One of the topical areas of research is child labour and trafficking, for which further information and publications can be viewed at:
<http://www.fafo.no/ais/topics/childlabour.htm>

Address: Fafo, P.O.Box 2947 Tøyen, 0608 Oslo, Norway.
Tel: +47 2208 8660
Fax: +47 2208 8700
Email: fafo@fafo.no
Website: <http://www.fafo.no/english/index.htm>

FTSE4Good

The FTSE4Good Index Series measures the performance of companies that meet globally recognised corporate responsibility standards to facilitate investment in those companies. For inclusion in the FTSE4Good Index Series, eligible companies must meet criteria requirements in three areas: working towards environmental sustainability; developing positive relationships with stakeholders; and up-holding and supporting universal human rights. To download a copy of the inclusion criteria for the FTSE4Good Index Series, go to:
<http://www.ftse.com/ftse4good/FTSE4GoodCriteria.pdf>
For guidance on FTSE4Good's new Supply Chain Labour Standards criteria, go to: <http://www.ftse.com/ftse4good/SupplyChainCriteria.pdf>

Address: 15th Floor, St Alphage House, 2 Fore Street
London EC2Y 5DA, UK.
Tel: +44 (0)20 7448 1800
Fax: +44 (0)20 7448 1804
Email: info@ftse.com
Website: <http://www.ftse.com/ftse4good/index.jsp>

Global Reporting Initiative (GRI)

The Global Reporting Initiative (GRI) is a multi-stakeholder process and independent institution that offers a set of standards for businesses to take part in the UN Global Compact. The GRI's mission is to develop and disseminate globally applicable Sustainability Reporting Guidelines, to be used voluntarily by organisations for reporting on the economic, environmental, and social dimensions of their activities, products, and services. They can be downloaded from its website at:
<http://www.globalreporting.org/guidelines/2002.asp>

Address: Keizersgracht 209, P.O. Box 10039, 1001 EA Amsterdam,
The Netherlands
Telephone: +31 (0) 20 531 0000
Fax: +31 (0) 20 531 0031
Email: info@globalreporting.org
Website: <http://www.globalreporting.org>

Further information: organisations to contact and websites to consult

(continued)

International Cocoa Initiative (ICI)

In July 2002, the global chocolate and cocoa industry, in partnership with organised labour unions and NGOs, established the International Cocoa Initiative "Working Towards Responsible Labour Standards for Cocoa Growing" to eliminate abusive child labour practices in cocoa cultivation and processing. The ICI's basis for action and pilot programme launched in 2004 can be viewed online at:
http://www.chocolateandcocoa.org/Labour/Child/Initiative/pr_06_04.asp

Address: 8320 Old Courthouse Road, Suite 300, Vienna,
VA 22182, Austria.
Telephone: 703 790 5012
Fax: 703 790 5752
Email: robert.peck@worldcocoa.org
Website: <http://www.chocolateandcocoa.org/Labour/Child/Initiative/default.asp>

International Confederation of Free Trade Unions (ICFTU)

The world's largest trade union organisation, representing trade unions from all around the world, ICFTU runs a campaign against child labour. In the late 1990s, the ICFTU developed a model code on labour standards for companies (available on its website).

Address: Boulevard du Roi Albert II 5, Bte 1, 1210, Brussels, Belgium.
Telephone: +32 (0) 2 224 0211
Fax: +32 (0) 2 201 5815
Email: internetpo@icftu.org
Website: <http://www.icftu.org>

International Programme on the Elimination of Child Labour (IPEC)

Part of the International Labour Organization, IPEC focuses specifically on child labour and campaigns for the universal ratification of ILO's Convention 182 on the Worst Forms of Child Labour. IPEC's website provides information on the worst forms of child labour as well as the various instruments used to combat it.

Address: International Labour Office, CH-1211, Geneva 22, Switzerland.
Telephone: +41 22 799 8181
Fax: +41 22 799 8771
Email: ipecc@ilo.org
Website: <http://www.ilo.org/public/english/standards/ipecc/index.htm>

International Organisation of Employers (IOE)

The IOE represents national employers' organisations at the ILO. The IOE has committed itself and its members to eradicating child labour, and has published the "Employers' Handbook on Child Labour – A Guide for Taking Action", available from
http://www.ioe-emp.org/ioe_emp/pdf/childlabour1.pdf

Further information: organisations to contact and websites to consult

(continued)

Address: 26, Chemin de Joinville, 1216 Cointrin, Geneva, Switzerland.
Telephone: +41 22 929 0000
Fax: +41 22 929 0001
Email: ioe@ioe-emp.org
Website: <http://www.ioe-emp.org>

International Save the Children Alliance

The International Save the Children Alliance is a network of all the Save the Child organisations. Members of the alliance deal with many different aspects of child exploitation and abuse. Their collective policy on child labour is available from their website.

Address: Second Floor, Cambridge House, 100 Cambridge Grove,
London W6 0LE, UK.
Telephone: +44 (0)20 8748 2554
Fax: +44 (0) 20 8237 8000
Email: info@save-children-alliance.org
Website: <http://www.savethechildren.net>

Prince of Wales International Business Leaders Forum (IBLF)

The IBLF is a non-profit organisation based in London but with affiliates and representatives across the world, that promotes responsible business practices and partnership action for sustainable development. The Forum has a Business and Human Rights Programme whose website provides general information about what a company can do to be a responsible business, available at:

<http://www.iblf.org/csr/csrwebassist.nsf/content/a1a2a3b4.html>

It provides more specific information about tackling child labour at:

<http://www.iblf.org/csr/csrwebassist.nsf/content/a1a2a3f4.html#3>

Address: 15-16 Cornwall Terrace, London NW1 4QP, UK.
Telephone: +44 (0)20 7467 3600
Fax: +44 (0)20 7467 3610
Email: info@iblf.org
Website: <http://www.iblf.org/>

Bench Marks for Measuring Business Performance:

Principles for Global Corporate Responsibility (BeFSA-CSR)

Bench Marks has been developed to provide a comprehensive set of social and environmental criteria and business performance indicators for corporations developing and monitoring corporate codes of conduct. The purpose of the document is to promote positive corporate social responsibility.

Address: BeFSA-CSR Secretariat, PO Box 1023, Pretoria 0001,
South Africa.
Email: ptabish@cpsa.org.za
Website: <http://www.bench-marks.org>

Further information: organisations to contact and websites to consult

(continued)

Save the Children (UK)

Save the Children UK is a leading international children's charity working in more than 70 countries. The organisation supports projects that tackle child labour and its causes – poverty and inequality – in around 20 countries in Asia, Africa and Europe. This involves working with groups of working children, their families, communities, the private sector, unions, governments and international bodies, to find solutions to exploitative child labour. Save the Children UK has published various reports on Child Labour including two specifically intended for businesses: "Big Business, Small hands – Responsible Approaches to Child Labour" (2000) and "Business Benefits: How companies can take positive action on education, child labour and HIV/AIDS" (2003) which can be downloaded or purchased from their website.

Address: 1 St. John's Lane, London, EC1M 4AR, UK.
Telephone: +44 (0)20 7012 6400
Fax: +44 (0)20 7012 6963
Email: supporter.care@savethechildren.org.uk
Website: <http://www.savethechildren.org.uk/>

SGS (Société générale de surveillance)

SGS provides verification, testing and certification services through a network of offices and laboratories around the world. This includes assessment and certification against SA 8000 and other ethical performance standards. Information on SGS as a certifying body on SA8000 is available at: http://www.sgs.com/sa_8000?serviceId=10243&lobId=5554. For further information please contact Jonathan Hall on +44 [0] 1276 697 777 or email jonathan_hall@sgs.com.

Address: Head Office – 1 Place des Alpes, P.O. Box 2152,
1211 Geneva 1, Switzerland.
UK Office – SGS United Kingdom Ltd, SGS House,
217-221 London Road, Camberley, Surrey GU15 3EY, UK.
Telephone: +44 (0) 1276 697 877
Fax: +44 (0) 1276 697 696
Email: ukenquiries@sgs.com
Website: <http://www.sgs.com>

SOCAM (Service Organisation for Compliance Audit Management)

SOCAM's purpose is to oversee and monitor responsible business standards in merchandise buying on behalf of the C&A, Marca and the Mondial Group. C&A's Code of Conduct can be viewed online at: <http://www.socam.org/pdf/english.pdf>

Address: SOCAM Audit Services, Alcide de Gasperilaan, B-1804,
Vilvoorde, Belgium.
Email: info@socam.org
Website: <http://www.socam.org>

Further information: organisations to contact and websites to consult

(continued)

Social Accountability International (SAI)

SAI seeks to improve workplaces and combat sweatshops around the world by developing and implementing socially responsible standards. SAI's social accountability system SA8000 is a voluntary set of standards with an associated verification system that can be applied across a wide range of business workplaces. SA8000 is based on international workplace norms in the ILO conventions and the UN's Universal Declaration of Human Rights and the Convention on Rights of the Child. An overview of SA8000 can be found at: <http://www.sa-intl.org/SA8000/SA8000.htm>

Address: 220 East 23rd Street, Suite 605, New York, NY 10010, USA.
Telephone: +1 (212) 684 1414
Fax: +1 (212) 684 1515
Email: info@sa-intl.org
Website: <http://www.sa-intl.org>

SOMO Centre for Research on Multinational Corporations

(Stichting Onderzoek Multinationale Ondernemingen)

SOMO, or the Centre for Research on Multinational Corporations, is a Dutch research and advisory bureau that, since 1973, has been investigating the consequences of corporate policies of Multinational Enterprises (MNEs) and the consequences of the internationalisation of business for developing countries in particular. SOMO's field of expertise includes international guidelines, international treaties, and codes of conduct for MNEs, and the implementation of these norms in practice. SOMO specifically specialises in research on labour conditions in developing countries, in cooperation with local organisations and labour unions.

Address: Keizersgracht 132, 1015 CW Amsterdam, The Netherlands
Telephone: +31 (0)20 6391291
Fax: +31 (0)20 6391321
Email: info@somo.nl
Website: http://www.somo.nl/index_eng.php

UN Global Compact

In an address to The World Economic Forum in 1999, Kofi Annan challenged business leaders to join an international initiative – the Global Compact – that would bring companies together with UN agencies, labour and civil society to support principles in the areas of human rights, labour, the environment, and anti-corruption. The Global Compact describes itself as a voluntary corporate citizenship initiative with two objectives: to mainstream the ten principles in business activities around the world and to catalyse actions in support of UN goals.

The Ten Principles can be viewed online at <http://www.unglobalcompact.org/Portal/Default.asp?>

Principle Five asserts that businesses should uphold the effective abolition of child labour. The full text is available at:

<http://www.unglobalcompact.org/content/AboutTheGC/TheNinePrinciples/prin5.htm>

Further information: organisations to contact and websites to consult

(continued)

Address: Global Compact, 2 UN Plaza, New York, NY 10017, USA
E-mail: globalcompact@un.org
Website: <http://www.unglobalcompact.org>

Verité

Verité is an independent, non-profit social auditing and research organisation whose mission is to ensure that people worldwide work under safe, fair and legal working conditions. Where Verité auditors identify exploitation of workers or health and safety violations in the workplace, they develop steps to correct them through a combination of trainings for management and workers, education programs and remediation programs. Verité's experience and links with NGOs span over 65 countries, with regionally-based operations throughout Asia, Latin America, Africa, the United States and Europe. Verité's Social Audit Program can be viewed online at:
<http://www.verite.org/services/main.html>

Address: 44 Belchertown Road, Amherst, MA 01002, USA.
Telephone: + 1 413-253-9227
Fax: + 1 413-256-8960
Email: verite@verite.org
Website: <http://www.verite.org/>

Worker Rights Consortium (WRC)

The purpose of the Worker Rights Consortium is to assist in the enforcement of manufacturing Codes of Conduct adopted by colleges and universities to ensure that factories producing clothing and other goods bearing college and university names respect the basic rights of workers. Their Model Code of Conduct can be downloaded from their website or viewed online at: <http://www.workersrights.org/coc.asp>

Address: 5 Thomas Circle NW, Fifth Floor, Washington, DC 20005, USA.
Telephone: +1 (202) 387 4884
Fax: +1 (202) 387 3292
Email: wrc@workersrights.org
Website: <http://www.workersrights.org>

World Federation of the Sporting Goods Industry (WFSGI)

The WFSGI's Committee on Ethics and Fair Trade developed a Model Code of Conduct for companies committed to ensuring that their operations satisfy the highest ethical standards in the global marketplace. The Code of Conduct can be found at:
http://www.wfsgi.org/_wfsgi/new_site/about_us/codes/Code_Conduct.htm

Address: La Maison du Sport, CH-1936 Verbier, Switzerland.
Telephone: +41 27 775 3570
Fax: +41 27 775 3579
Email: info@wfsgi.org
Website: <http://www.wfsgi.org>

Further information: organisations to contact and websites to consult

(continued)

Worldwide Responsible Apparel Production (WRAP)

WRAP is a civil society organisation dedicated to promoting humane, ethical, and lawful conditions and practices in manufacturing facilities all over the world. Their Apparel Certification Program certifies individual factories for compliance with WRAP's principles and procedures concerning, fair pay, workers' dignity, safe and secure conditions, and environmental impact. This can be viewed online at:

<http://www.wrapapparel.org/modules.php?name=Content&pa=showpage&pid=3>

Address: 2200 Wilson Boulevard, Suite 601, Arlington, VA 22201,
USA.

Telephone: +1 (703) 243 0970

Fax: +1 (703) 243 8247

Email: info@wrapapparel.org

Website: <http://www.wrapapparel.org>

Other websites and references available on the internet

For details of the 131 countries which have specified a minimum age for entry into employment under the terms of the ILO's Convention No 138 concerning Minimum Age for Admission to Employment (1973), and the minimum age specified for each, consult the ILO's website at: <http://webfusion.ilo.org/public/db/standards/normes/appl/index.cfm?lang=EN>

Child Labour Resource Guide

Appendix 1 - International legal standards on child labour



UNICEF Bangladesh/Shehzad Noorani

Appendix 1

International legal standards on child labour

This appendix examines international legal standards which include specific articles regarding the employment of children. It highlights that:

- Human rights treaties prohibit the “economic exploitation” of children.
- The main human rights convention concerning children, the UN Convention on the Rights of the Child, presents criteria to guide how decisions concerning children, including working children, should be made, giving priority to the child’s “best interests” .
- In 2002, the UN adopted a general set of minimum standards for businesses to observe.
- The ILO has stipulated minimum ages for employment.
- The “worst forms” of child labour are prohibited in all circumstances.

The standards:

- The Universal Declaration of Human Rights
- The International Covenant on Economic, Social and Cultural Rights
- The UN Convention on the Rights of the Child
- Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights
- ILO Convention No 138 concerning the Minimum Age for Admission to Employment
- ILO Convention No 182 on the Worst Forms of Child Labour
- Conventions on Debt Bondage and Forced Labour

International legal standards are relevant to business

International treaties and conventions impose obligations primarily on governments. However, they also dictate a set of priorities and processes which businesses have to take into account: consequently the provisions of the UN Convention on the Rights of the Child are important for businesses to take into account when they take steps against child labour. Furthermore, there is a strong move at present to make some international laws binding on individual businesses, as demonstrated in the UN Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights.

Some international conventions seem complicated at first sight. In the case of the International Labour Organization’s (ILO) Convention No 138 concerning the Minimum Age for Admission to Employment, it is important for businesses to scrutinise the detailed contents of the convention, as its specific provisions concerning the minimum age that children are allowed to start work vary not only from country to country, but also according to the nature of the work being carried out.

The full text of each convention can be found at the websites indicated in the endnotes.

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International legal standards on child labour

(continued)

UN human rights standards

Universal Declaration of Human Rights (1948)¹

The Declaration does not refer explicitly to child labour. However, it does contain a number of relevant rights, concerning, for example, the family and education.

Article 16.3 states:

The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 26 guarantees the right to education and comments on elementary education including the following on the right to education:

Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory.

The International Covenant on Economic, Social and Cultural Rights (1966)²

The provisions of the Universal Declaration were elaborated into two more detailed International Covenants, adopted by the UN in 1966. The Covenant contains a provision on child labour in Article 10:

Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.

The UN Convention on the Rights of the Child (1989)³

The Convention has been signed and ratified by all the countries in the world except Somalia and the US. Its 54 articles detail the individual rights of every person under 18 years of age to live, survive and develop to his or her full potential, free from hunger and want, neglect, exploitation or other abuse.

The Convention states that every human being below the age of 18 years is a child "unless under the law applicable to the child, majority is attained earlier" (Article 1).

Subsequent articles impose a series of obligations on the governments of countries that have ratified the Convention (referred to as "States Parties").

Article 32 concerns child labour. It states:

1. States Parties recognize the right of the child 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 to be harmful to the child's health or physical, mental, spiritual, moral or social development.

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International legal standards on child labour

(continued)

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

- (a) Provide for a minimum age or minimum ages for admission to employment;
- (b) Provide for appropriate regulation of the hours and conditions of employment;
- (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

The Convention condemns forms of work, employment and economic exploitation which damage a child's development and health. States Parties are consequently required to take measures to ensure the article is implemented.

In practice, the vast majority of countries in which there are significant numbers of working children under 15 years have not fulfilled the obligations (b) and (c) above.

Other articles are also important in relation to child labour and child employment. Article 6 imposes an obligation on States Parties to:

Ensure to the maximum extent possible the survival and development of the child.

Article 28 guarantees every child's right to education and stresses the importance of equal opportunity to education for all children. It requires governments to:

- make primary education compulsory and available free to all children;
- encourage the development of different forms of secondary education including general and vocational education, and to make these available and accessible to all children;
- take measures to encourage regular school attendance and to reduce drop-out rates.

Article 39 is relevant when businesses discover that children have been subjected to some sort of harmful experience (such as any of the "worst forms" of child labour). It is aimed primarily at governments and requires them to:

take all appropriate measures to promote the physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Appendix 1

International legal standards on child labour

(continued)

In addition to these various specific rights, the Convention also contains two general provisions that businesses must take into account in all their dealings and decisions relating to children.

The first of these, in Article 3, requires any institution that takes any action concerning a child or children to do so in their “best interest”. It states:

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.

The second of these general provisions is in Article 12 and emphasises that when a child is capable of forming his or her views, those opinions should be given due attention, in accordance with the child’s age and maturity. It states:

States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

Standards for Transnational Corporations and Other Businesses (2003)

Over the past decade, countless codes have been adopted by individual companies, groups of companies and various bodies setting standards for “responsible” and “accountable” business.

In 2003, the UN adopted a compilation based on existing international law that concerns employment and other standards to be observed by individual businesses.

This is a document entitled “Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights”,⁴ adopted by the UN Sub-Commission on the Promotion and Protection of Human Rights.

The Norms contain a long list of UN human rights standards “that transnational corporations and other business enterprises, their officers and persons working for them are also obligated to respect.”

In Article 1 on “General Obligations”, the Norms specify that businesses have specific responsibilities:

Within their respective spheres of activity and influence, transnational corporations and other business enterprises have the obligation to promote, secure the fulfilment of, respect, ensure respect of and protect human rights recognized in international as well as national law, including the rights and interests of indigenous peoples and other vulnerable groups.

Appendix 1

International legal standards on child labour

(continued)

Article 6 concerns the employment of children. It states:

Transnational corporations and other business enterprises shall respect the rights of children to be protected from economic exploitation as forbidden by the relevant international instruments and national legislation as well as international human rights and humanitarian law.

The official Commentary⁵ on this article goes on to say:

- (a) Economic exploitation of children includes employment or work in any occupation before a child completes compulsory schooling and, except for light work, before the child reaches 15 years of age or the end of compulsory schooling. Economic exploitation also includes the employment of children in a manner that is harmful to their health or development, will prevent children from attending school or performing school-related responsibilities, or otherwise is not consistent with human rights standards such as the Minimum Age Convention (No 138) and Recommendation (No 146), the Worst Forms of Child Labour Convention (No 182) and Recommendation (No 190) and the Convention on the Rights of the Child. Economic exploitation does not include work done by children in schools for general, vocational, or technical education or in other training institutions.
- (b) Transnational corporations and other business enterprises shall not employ any person under the age of 18 in any type of work that by its nature or circumstances is hazardous, interferes with the child's education, or is carried out in a way likely to jeopardize the health, safety, or morals of young persons.
- (c) Transnational corporations and other business enterprises may employ persons aged 13 to 15 years in light work if national laws or regulations permit. Light work is defined as 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 competent authority, or the child's capacity to benefit from the instruction received.
- (d) Transnational corporations and other business enterprises shall consult with Governments on the design and implementation of national action programmes to eliminate the worst forms of child labour consistent with ILO Convention No 182. Transnational corporations and other business enterprises using child labour shall create and implement a plan to eliminate child labour. Such a plan shall assess what will happen to children when they are no longer employed in the business and include measures such as withdrawing children from the workplace in tandem with the provision of suitable opportunities for schooling, vocational training and other social protection for the children and their families, for example by employing the parents or older siblings or engaging in other measures consistent with ILO Recommendations Nos 146 and 190.

Appendix 1

International legal standards on child labour

(continued)

International Labour Organization (ILO) conventions

The ILO was established in 1919 as a forum to agree standards that should be applicable to workers everywhere. During the half century following its creation, it has adopted 10 separate conventions setting a minimum age for employment in different industries. In 1973 a general Convention (No 138) was adopted which was intended to be applicable to every sector of employment and in every country.

The ILO has adopted 185 conventions, each one of which is open to governments to ratify, and which then becomes binding on them to enforce. It has adopted an even greater number of recommendations, which are not legally binding.

In 1998, the ILO adopted its Declaration on Fundamental Principles and Rights at Work,⁶ which identified seven ILO “core” conventions which all governments are expected to implement, whether they have been ratified or not. These cover four different issues:

- the right of workers to organise in trade unions (freedom of association) and the right to collective bargaining;
- forced or compulsory labour (the elimination of all forms);
- child labour (its effective abolition);
- discrimination in respect of employment and occupation (whether based on gender or race).

In 1999 ILO Convention No 182 on the “worst forms of child labour” was added to the core list.

With the adoption of the Declaration on Fundamental Principles and Rights at Work, all 174 ILO member states have an obligation, regardless of ratification, to respect, promote and realise the principles contained in the core ILO conventions, including the abolition of child labour.

Convention No 138 concerning Minimum Age for Admission to Employment (1973) and associated Recommendation No 146⁷

The Convention came into force in 1976 and by the beginning of 2004 had been ratified by 131 states. Under the terms of Article 2, each of these states has specified the age of 14, 15 or 16 as the minimum age for admission to employment.⁸ The numbers which have opted for each age are:

Minimum age (years)	Number of countries
14	42
15	59
16	30

Between the ILO’s creation and the adoption of this convention in 1973, the ILO adopted a series of other conventions stipulating minimum ages for entry to employment in specific occupations or industries. Details of these conventions and of the states which are still required to respect them can be found on the ILO’s website.⁹ They remain relevant for countries which have not ratified ILO Convention No 138, but which have ratified one or more of the preceding conventions.¹⁰

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International legal standards on child labour

(continued)

Convention 138 stipulates that the minimum age for employment should “not be less than 15 years” but contains a number of special provisions, which allow developing countries to opt for a minimum age of 14 on what is supposed to be a temporary basis. It prohibits any young people under 18 from being involved in dangerous work. It also has a specific provision for “light work” allowing children aged 13 to 15 to be employed on “light work” (and children aged 12 to 14 to engage in “light work” in certain countries). Special provisions of this sort have to be discussed and agreed in detail in individual countries by the government ministry responsible for labour standards, together with representatives of employers’ organisations and trade unions.

One of the earlier ILO conventions concerning child labour (No 60, adopted in 1932) stipulates 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 and light work. It also stipulates that children engaged in light work should have at least one day a week off, as well as public holidays.

Article 2, the main article concerning the age for starting ordinary full-time employment, specifies that the minimum age for young people to start work should be 15, but can in developing countries be fixed at 14 on a temporary basis. It states:

1. Each Member [i.e. each State] which ratifies this Convention shall specify, in a declaration appended to its ratification, a minimum age for admission to employment or work within its territory and on means of transport registered in its territory; subject to Articles 4 to 8 of this Convention, no one under that age shall be admitted to employment or work in any occupation.
2. Each Member which has ratified this Convention may subsequently notify the Director-General of the International Labour Office, by further declarations, that it specifies a minimum age higher than that previously specified.
3. The minimum age specified in pursuance of paragraph 1 of this Article shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years.
4. Notwithstanding the provisions of paragraph 3 of this Article, a Member whose economy and educational facilities are insufficiently developed may, after consultation with the organisations of employers and workers concerned, where such exist, initially specify a minimum age of 14 years.
5. Each Member which has specified a minimum age of 14 years in pursuance of the provisions of the preceding paragraph shall include in its reports on the application of this Convention submitted under Article 22 of the constitution of the International Labour Organization a statement --
 - (a) that its reason for doing so subsists; or
 - (b) that it renounces its right to avail itself of the provisions in question as from a stated date.

Appendix 1

International legal standards on child labour

(continued)

Article 3 prohibits any young people under 18 from dangerous work. It states:

1. The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of young persons shall not be less than 18 years.
2. The types of employment or work to which paragraph 1 of this Article applies shall be determined by national laws or regulations or by the competent authority, after consultation with the organisations of employers and workers concerned, where such exist.
3. Notwithstanding the provisions of paragraph 1 of this Article, national laws or regulations or the competent authority may, after consultation with the organisations of employers and workers concerned, where such exist, authorise employment or work as from the age of 16 years on condition that the health, safety and morals of the young persons concerned are fully protected and that the young persons have received adequate specific instruction or vocational training in the relevant branch of activity.

Article 7 allows children younger than the minimum age to take on some work:

1. National laws or regulations may permit the employment or work of persons 13 to 15 years of age on light work which is --
 - (a) not likely to be harmful to their health or development; and
 - (b) not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received.
2. National laws or regulations may also permit the employment or work of persons who are at least 15 years of age but have not yet completed their compulsory schooling on work which meets the requirements set forth in sub-paragraphs (a) and (b) of paragraph 1 of this Article.
3. The competent authority shall determine the activities in which employment or work may be permitted under paragraphs 1 and 2 of this Article and shall prescribe the number of hours during which and the conditions in which such employment or work may be undertaken.
4. Notwithstanding the provisions of paragraphs 1 and 2 of this Article, a Member which has availed itself of the provisions of paragraph 4 of Article 2 may, for as long as it continues to do so, substitute the ages 12 and 14 for the ages 13 and 15 in paragraph 1 and the age 14 for the age 15 in paragraph 2 of this Article.

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International legal standards on child labour

(continued)

Convention 138 allows for a number of other variations on its basic rules. For example, Article 8 indicates that " After consultation with the organisations of employers and workers concerned, where such exist, the competent authority may ... allow exceptions to the prohibition of employment or work provided for in Article 2 of this Convention, for such purposes as participation in artistic performances." So children who are younger than the minimum age can be paid to work as actors in certain circumstances where safeguards have been agreed.

Recommendation No 146

With Convention 138, the ILO also adopted a Minimum Age Recommendation. This is not a treaty which the states ratifying it are bound to implement, but nevertheless represents an international standard which suggests ways in which Convention 138 should be implemented.

Article 7 suggests that the minimum age for employment should eventually be increased to 16 and that, if it is fixed at only 14, " urgent steps should be taken to raise that level" .

Article 12 stresses the importance of measures to ensure that conditions for young workers " are maintained at a satisfactory standard" . As far as younger workers in general are concerned, including those old enough to work full-time and those entitled to be employed in " light work" , Article 13 goes into further detail, stressing the need to give special attention to the following aspects of the employment of children engaged in " light work" , who are below the minimum age for entry into full-time employment:

- (a) the provision of fair remuneration and its protection, bearing in mind the principle of equal pay for equal work;
- (b) the strict limitation of the hours spent at work in a day and in a week, and the prohibition of overtime, so as to allow enough time for education and training (including the time needed for homework related thereto), for rest during the day and for leisure activities;
- (c) the granting, without possibility of exception save in genuine emergency, of a minimum consecutive period of 12 hours' night rest, and of customary weekly rest days;
- (d) the granting of an annual holiday with pay of at least four weeks and, in any case, not shorter than that granted to adults;
- (e) coverage by social security schemes, including employment injury, medical care and sickness benefit schemes, whatever the conditions of employment or work may be;
- (f) the maintenance of satisfactory standards of safety and health and appropriate instruction and supervision.

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International legal standards on child labour

(continued)

The Recommendation suggests various ways in which the age of working children can be checked. As far as business is concerned, it suggests in Article 16 (b) that:

employers should be required to keep and to make available to the competent authority registers or other documents indicating the names and ages or dates of birth, duly certified wherever possible, not only of children and young persons employed by them but also of those receiving vocational orientation or training in their undertakings.

It also calls on the public authorities to maintain systems of birth registration and ensure that each child has a birth certificate. This provision, like the others suggested in Recommendation 146, represents good practice, but governments are not obliged to it.

Convention No 182 on the Worst Forms of Child Labour (1999) and associated Recommendation No 190¹¹

Twenty years after the entry into force of Convention 138 on the minimum employment age, the ILO recognised that tens of millions of children below 15 years of age were still working, in spite of Convention 138, and that a further convention was needed to make it a priority to eliminate what were first called “intolerable” and later “the worst forms” of child labour. Its preamble includes notes that:

the effective elimination of the worst forms of child labour requires immediate and comprehensive action, taking into account the importance of free basic education and the need to remove the children concerned from all such work and to provide for their rehabilitation and social integration while addressing the needs of their families.

This new convention entered into force in October 2000. By October 2003, it had been ratified by 147 countries.¹²

Like the UN Convention on the Rights of the Child, ILO Convention 182 applies to everyone under 18 years of age. Once again, it does not focus simply on what is known conventionally as “child labour”, but on all forms of work which could be harmful to children and young people.

In Article 3, it defines “the worst forms of child labour” as:

- (a) all forms of slavery or practice similar to slavery, such as the sale or trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- (c) the use, procuring or offering of a child for illicit activities, in particular for the production or trafficking of drugs as defined in the relevant international treaties;
- (d) 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.

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International legal standards on child labour

(continued)

Categories (a), (b) and (c) are defined in absolute terms by other international treaties. In contrast, the cases which fall under (d) are considered by the Convention to require an initial discussion at national level between government officials and employers' and workers' organisations in order to identify the forms of work which might "harm the health, safety or morals of children" and which it is a priority to eliminate.

Recommendation No 190

The Convention itself refers to the ILO's associated Recommendation No 190 on the Worst Forms of Child Labour, which lists the sort of work which is hazardous and should not, in principle, be undertaken by any young people under 18 years of age.

Paragraph 3 of Recommendation 190 states that:

In determining the types of work referred to under Article 3(d) of the Convention, and in identifying where they exist, consideration should be given, inter alia, to:

- (a) work which exposes children to physical, psychological or sexual abuse;
- (b) work underground, underwater, at dangerous heights or in confined spaces;
- (c) work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads;
- (d) work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health;
- (e) work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer.

Paragraph 4 goes on to point out:

For the types of work referred to under Article 3(d) of the Convention and Paragraph 3 above, national laws or regulations or the competent authority could, after consultation with the workers' and employers' organizations concerned, authorize employment or work as from the age of 16 on condition that the health, safety and morals of the children concerned are fully protected, and that the children have received adequate specific instruction or vocational training in the relevant branch of activity.

This provision recognises, therefore, that in these very specific circumstances young people aged 16 and 17 may engage in hazardous work.

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International legal standards on child labour

(continued)

Other ILO conventions apply to young workers specifically¹³ or apply to all workers but are particularly important for employers to take into account on account of the greater vulnerability of children to abuse.

Conventions on debt bondage and forced labour

While child workers are distinguishable chiefly by their age and size, some are being subjected to other abuses of their rights. This is particularly the case when they are victims of debt bondage or other forms of forced labour.

Forced labour is a general term now used for referring to situations of slavery and servitude, and other situations in which a person is being forced to work. Once again, it is the ILO which adopted a convention to define what is meant by "forced labour". The ILO's Convention No 29 on Forced Labour (1930) defines forced or compulsory labour in Article 2(1) as meaning:

all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.¹⁴

This convention is, like the ILO's two conventions on child employment, one of its "core" conventions that all governments are required to enforce. It has been ratified by 158 countries. When the convention was first adopted, part of its significance was that it made a distinction between "forced labour" imposed by governments on their citizens, and slavery. This specific connotation has been dropped over time, and the ILO now interprets workers being coerced into working by private employers or even gangsters as victims of "forced labour".

Both "forced labour" and "slavery" involve a similar degree of restriction on the freedom of the individual concerned – often through violent means – making forced labour similar to slavery in its effect.

Debt bondage (or "bonded labour", as it is known in South Asia) occurs when a person is required to work in exchange for a loan of money or in kind, and the value of the labour is considerably in excess of the value of the loan. The same term is used when parents or other adults accept a loan, and put their child to work to pay off the loan.

The formal definition of debt bondage is found in the UN's Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery (1956),¹⁵ which prohibits four forms of servitude, or what it calls "servile status". Article 1(a) prohibits:

Debt bondage, that is to say, the status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined.

Appendix 1

International legal standards on child labour

(continued)

The same UN convention also addressed the issue of children who were sent away from home to work for others. Article 1(d) prohibits:

Any institution or practice whereby a child or young person under the age of 18 years is delivered by either or both of his natural parents or by his guardian to another person, whether for reward or not, with a view to the exploitation of the child or young person or of his labour.

The terms of this article are sufficiently vague, however, for the issue to have received further attention in subsequent UN conventions, most recently one that prohibits human trafficking. In November 2000, the UN General Assembly adopted the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime that was adopted at the same time. As far as children are concerned, the Trafficking Protocol prohibits:

the recruitment, transportation, transfer, harbouring or receipt of ... [any person under eighteen years of age] ... for the purpose of exploitation. Exploitation shall include, at a minimum, 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.

While no reputable employers would employ victims of forced labour, debt bondage or trafficking, they can do so without being aware of it, for example because of the recruitment practices by an agent, or when a middle-ranking employee abuses his or her position to coerce workers. In addition to checking whether children under a certain age are being employed in an inappropriate way, therefore, businesses also need procedures to ensure that other abuses such as these do not occur.

- 1 Full text available at <http://www.unhchr.ch/udhr/lang/eng.htm>
- 2 Full text available at http://www.unhchr.ch/html/menu3/b/a_ceschr.htm
- 3 Full text available at <http://www.unicef.org/crc/crc.htm>
- 4 UN document E/CN.4/Sub.2/2003/12/Rev.2, available at <http://www.unhchr.ch/Huridocda/Huridoca.nsf/TestFrame/64155e7e8141b38cc1256d63002c55e8?Opendocument>
- 5 Commentary available at <http://www1.umn.edu/humanrts/links/commentary-Aug2003.html>)
- 6 The text of the ILO Declaration can be found at: <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=2&chapter=26&query=%28%23docno%3D261998%29+%40ref&highlight=&querytype=bool&context=0>
- 7 Text available at <http://www.ilo.org/ilolex/english/convdisp2.htm>
- 8 Ages chosen for each country can be found at <http://webfusion.ilo.org/public/db/standards/normes/appl/index.cfm?long=EN>
- 9 For example, Convention No. 10, the Minimum Age (Agriculture) Convention (1921), specifies that "Children under the age of fourteen years may not be employed or work in any public or private agricultural undertaking, or in any branch thereof, save outside the hours fixed for school attendance".
- 10 For example, Convention No. 123, the Minimum Age (Underground Work) Convention (1965), specifies that the minimum age to be employed or to work underground is 16. Like Convention 10, Convention 123 has been replaced by Convention 138 in countries which have ratified Convention 138. However, in countries such as India, which ratified Convention 123 in 1975 but has not ratified Convention 138, Convention 123 remains in force.
- 11 Full text available at <http://www.ilo.org/public/english/standards/ipecc/ratification/convention/text.htm>

Appendix 1

International legal standards on child labour

(continued)

- 12 See <http://www.ilo.org/ilolex/english/convdisp2.htm>
- 13 Notably Convention No. 77, the Medical Examination of Young Persons (Industry) Convention (1946), ratified by 43 States (not including the United Kingdom), Convention No. 78, the Medical Examination of Young Persons (Non-Industrial Occupations) Convention (1946), ratified by 39 States (not including the United Kingdom and Convention No. 124, the Medical Examination of Young Persons (Underground Work) Convention (1965), ratified by 41 countries (including the United Kingdom). These three conventions have not been replaced by more recent ones. Convention 77 specifies that "Children and young persons under eighteen years of age shall not be admitted to employment by an industrial undertaking unless they have been found fit for the work on which they are to be employed by a thorough medical examination." Convention 78 contains a similar provision concerning non-industrial occupations. Convention 124 extends the provision of periodic medical examinations to the age of 21.
- 14 For the full text, see <http://www.ilo.org/ilolex/english/convdisp2.htm>
- 15 For the full text, see <http://www.unhcr.ch/html/menu3/b/30.htm>

Child Labour Resource Guide

Appendix 2 – From the UN to business: codes on corporate social accountability on child labour



UNICEF/HQ96-1395/Giacomo Pirozzi

Appendix 2

From the UN to business: codes on corporate social accountability on child labour

As the concept of corporate social responsibility has become more established over the past decade, various voluntary initiatives have been developed by individual businesses and other institutions seeking to influence business practices on a range of issues, from child labour to general labour standards and the environmental impact of a company's operations.

Key among the issues emerging from the development of these codes is that they must be supported by a verification procedure in order to be meaningful.

General observations

None of the codes in this section deal exclusively with the question of child labour, although criticisms about the presence of children working in the supply chain have been the starting point for the development of some codes dealing with labour issues in general. A number of agreements concerning specific sectors or products, such as the manufacture of garments or the production of cocoa, have focused solely on child labour and are described in Appendix 3.

All of the codes are voluntary. A few are simply verbal commitments, while others require a company to initiate a series of procedures to audit its own practices and usually those of its suppliers as well, or are backed up by independent checks. Some require companies to consult or work closely with various organisations based in the same areas as their suppliers (or their suppliers' suppliers). In this case, they stress the importance of techniques and solutions that have strong local input in order to be sustainable, in contrast to solutions imposed from outside.

Implicit in the whole approach is that the standards established by codes and guidelines represent a minimum that the company concerned will accept. A great deal of emphasis is on the process of monitoring and verifying whether the standards are respected. In the case of child workers, this means devising techniques to search for children who may be working somewhere in the supply chain, albeit outside any formal work place.

Some of the techniques have proved very costly. If expensive investigations result in no child workers being detected, this may be a sign that the steps already taken to end the use of child labour have been effective, but may alternatively indicate that the investigative techniques being used are not appropriate. This approach (of setting standards and policing them) does not give much attention to the phase of change that a business has to go through before minimum standards are observed throughout its operations, nor does it help companies identify the ways in which they can work with the community supplying labour to change attitudes and practices.

Labour standards specified by codes

Virtually all the corporate social responsibility codes that are mentioned here include a prohibition on child labour as one of several minimum standards to be respected. Most codes have been influenced by the ILO's decision in 1998 to focus on four core labour rights which all

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From the UN to business: codes on corporate social accountability on child labour

(continued)

governments belonging to the ILO are required to enforce, and hence are virtually universal. They cover:

- the right of workers to organise in trade unions (freedom of association) and the right to collective bargaining;
- forced or compulsory labour (the elimination of all forms);¹
- child labour (its effective abolition);
- discrimination in respect of employment and occupation (whether based on gender or race).

In 1999, ILO Convention No 182 on the “worst forms of child labour” was added to the core list.

Code provisions concerning children

Most codes refer explicitly to the ILO’s Convention No 138 as the international standard concerning the employment of anyone under 18 (see Appendix 1 for details). Alternatively, they may refer to it implicitly as part of the ILO’s “core” labour standards. In such cases, the main criterion for assessing whether children should or should not be employed is age.

The codes generally stipulate either 14 or 15 as the minimum age for any employee. However, a few codes refer only to ILO Convention No 182 on the Worst Forms of Child Labour. In these cases, the codes appear to condone the use of young child workers in the supply chain unless they are involved in the “worst forms”.

Many of the codes which mention ILO Convention No 138 and stipulate a minimum age for workers specify 15. This avoids any ambiguity that might exist in developing countries which have not actually ratified ILO Convention No 138, nor gone through the formal procedure by which governments can designate 14 as the minimum age for full-time employment, rather than 15.

Very few codes refer specifically to the possibility of employing children of 12 or 13 years of age in “light work”, even though ILO Convention No 138 allows for this in some cases. It seems to be viewed by businesses and others as either bad practice or else risky.

Some codes also deal with the conditions of employment for children who are above the minimum age but below 18. They mention that no-one aged less than 18 should be involved in hazardous work, or at least not without appropriate training, and sometimes also specify that no worker under 18 should be involved in night work.

Types of code

The many different codes mentioning child labour and related standards can be categorised in several ways. They are presented here as seven different types:

1. Guidelines issued by the UN or other inter-governmental organisations, namely the ILO and Organisation for Economic Co-operation and Development (OECD);
2. Guidelines and requirements issued by individual governments;

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From the UN to business: codes on corporate social accountability on child labour

(continued)

3. Guidelines issued by business and business-backed organisations;
4. Codes issued by quality standard organisations requiring independent verification (known as “multi-stakeholder codes”);
5. Ethical trading and Fairtrade;
6. Trade union model codes;
7. Codes and guidelines issued by faith-based groups and non-governmental organisations (NGOs).

In addition to these generic standards, individual companies and trade associations have devised codes or standards of their own. Some of these are described in Appendix 3.

How strong are the standards?

The strengths of each of these standards depend largely on the perspective of the commentator. As far as children and young people aged less than 18 are concerned, it is not sufficient simply to ban children below a certain age from working. The standard should mention that all young people below 18 deserve special protection and that bans on children working below certain ages must be implemented carefully, with due regard to the best interests of the children concerned.

Consequently, a code which one observer regards as “strong” or “clear cut” on child labour may not be a good one when it comes to its implementation and impact on children. Many commentators have observed that the introduction of any code concerning standards for a business to observe on employment issues or other matters is likely to be more successful if:

- The board and senior management are directly implicated and take a leadership role in its introduction;
- The objectives and expectations are clear;
- The nature of the corrective action to be taken when breaches of the standards are detected is clear;
- The role and responsibilities of different actors in the company (and its suppliers) are spelled out;
- The introduction of new standards is accompanied by training for all those affected;
- The implementation of new standards is the subject of transparent reporting.

On the whole the implications are quite straightforward. At one end of the spectrum, it is possible to sign up to a standard (such as “no child labour”) which simply states what a business or its suppliers should not do.

At the other end of the spectrum, business can sign up to both a standard, a detailed interpretation of what that standards means in practice, and a set of procedures intended to enable the company to monitor and verify whether the standard is being respected.

Verification

For a code to be meaningful, there has to be some process to check

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From the UN to business: codes on corporate social accountability on child labour

(continued)

whether it is being observed, both by an individual business and its suppliers. In addition to internal efforts to check that the minimum standards required are being respected (monitoring), many businesses seek independent confirmation (verification).

Verification that minimum human rights or environmental standards are being observed by a business is reminiscent of the process by which companies have reports on their finances checked by auditors, and is consequently referred to as “social auditing”. Details of some of the procedures involved can be found in Appendix 4.

Limitations on codes

There are limitations on what codes alone can achieve. A recent review of four different initiatives to promote labour rights (two focusing on child labour), observes that “Codes of conduct are but one among many private efforts that aim to eliminate sweatshop conditions and otherwise promote international worker rights.”²

It goes on to observe that:

Far more important than the words of a code may be, for example, the steps taken by companies to incorporate worker rights considerations into their supply chain practices. Such steps may include education programs (covering company personnel, management at supply chain partners, and workers at those facilities), monitoring programs (to determine whether supply chain partners comply with code provisions), incentive programs (to reward partners that comply with a code and punish those that do not) and remediation programs (to assist supply chain partners that have the desire but not the capacity to achieve compliance).

In one example, the Ethical Trading Initiative has its own “base code” of standards, but has concluded that it is important for businesses to work together with others in order to resolve problems connected with child labour in their supply chain, and that businesses are unlikely to find out whether their suppliers are exploiting children, let alone the most appropriate solutions when they do, without working closely with others. This involves companies collaborating with trade unions and NGOs in the country where they are based and also in the country where their suppliers are based.

Standards on child labour in seven categories of code

This section examines codes and guidelines issued by the following groups:

1. The UN or other inter-governmental organisations
2. Individual governments
3. Business and business-backed organisations
4. Multi-stakeholders
5. Ethical trading and Fairtrade
6. Trade unions
7. Faith-based groups and NGOs

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From the UN to business: codes on corporate social accountability on child labour

(continued)

1. The UN or other inter-governmental organisations

In addition to the Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights, adopted by the UN in 2003, three other sets of principles or guidelines have been issued by inter-governmental organisations. They are:

- The UN Global Compact;
- The ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy;
- OECD Guidelines for Multinational Enterprises.

A multi-stakeholder initiative that is linked to the UN Global Compact is also mentioned in this section.

The UN Global Compact

In an address to the World Economic Forum in January 1999, UN Secretary-General Kofi Annan challenged business leaders to join an international initiative – the Global Compact – that would bring companies together with UN agencies, labour and civil society to support nine principles concerning human rights, labour rights and the environment.³

Today the Global Compact describes itself as “a voluntary corporate citizenship initiative” with two objectives:

- Mainstream the nine principles in business activities around the world;
- Catalyse actions in support of UN goals.

Speaking in January 2004, Kofi Annan referred to his call for a Global Compact as:

A compact -- not a contract; not a code of conduct; not a set of regulations, or new system of monitoring, but a concrete expression of global citizenship. I was looking for something that would strengthen the economic openness that business needs to succeed, while also creating the opportunities that people need to build better lives... Today, more than 1,200 corporations are involved, from more than 70 countries, North and South, and from virtually every sector of the economy. Civil society organizations and the global labour movement have joined in the effort to make the Compact work. Governments are supporting the effort.⁴

A company that wants to commit itself to supporting the Global Compact has to send a letter of support to the UN Secretary-General and subsequently act in various ways that are consistent with it. However, there is no formal reporting requirement or verification process. A reporting procedure established separately by an independent organisation offers businesses a set of detailed standards on which they can report compliance (see the Global Reporting Initiative below).

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From the UN to business: codes on corporate social accountability on child labour

(continued)

In April 2003, four well-known NGOs expressed concern that the Global Compact has no meaningful procedure for holding companies that announce their support for the Compact accountable. In reply, the UN said that the Global Compact was in the process of developing new procedures for doing so.

The Global Reporting Initiative (GRI)

Started in 1997 by the Coalition for Environmentally Responsible Economies (CERES), the GRI is technically a multi-stakeholder initiative. It became independent in 2002 and has a board of directors representing business and civil society from around the world. GRI has formal relations with the UN Environment Programme (UNEP) as an "official collaborating centre". It offers a set of standards for businesses seeking to take part in the UN Global Compact.⁵

The GRI's initial focus was on environmental issues and sustainability rather than labour standards. It offers businesses a set of standards on which to base their reports to the Global Compact or the wider public, but the reporting procedure is purely voluntary. It is currently developing a "Technical Protocol" on the issue of child labour, which is due to be made public in 2004. The GRI's "Sustainability Reporting Guidelines" for 2002 refer to ILO Convention No 138 as its minimum standard on the issue of child labour and requires a business using the Reporting Guidelines to adopt a policy on child labour and to report on this. The report is required to include:

[A] description of policy excluding child labour as defined by the ILO Convention 138 and extent to which this policy is visibly stated and applied, as well as [a] description of procedures/programmes to address this issue, including monitoring systems and results of monitoring.⁶

ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy

The Tripartite Declaration was adopted by the ILO's Governing Body in 1977. It was formally amended in November 2000. Paragraph 36 concerns the minimum age of employment that businesses regarded as "multinational enterprises" should observe:

Multinational enterprises, as well as national enterprises, should respect the minimum age for admission to employment or work in order to secure the effective abolition of child labour.

As a Declaration issued by the ILO, the reference here is to ILO Convention No 138 and the minimum ages for admission to employment that governments specify under this convention. The original Declaration envisages consultations within multinational enterprises between employers' and workers' representatives. In 1984, a procedure for the examination of disputes relating to the Tripartite Declaration was issued by the ILO's Governing Body.⁷

OECD Guidelines for Multinational Enterprises

The OECD represents the governments of the world's industrialised

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countries (20 countries in 1960; currently 30). OECD governments first issued guidelines for multinational enterprises in 1976: they are a voluntary framework of “principles of good conduct” for international companies to follow in their international business activities. The guidelines establish non-legally binding principles covering a broad range of issues in business ethics including employment and industrial relations, environment, information disclosure, competition, financing, corruption, taxation and science and technology. Although the guidelines are not legally binding, OECD governments are committed to promoting their observance.⁸

The OECD Guidelines, revised and reissued in 2000, contain a section (IV) on “Employment and Industrial Relations”. Article 1 of Section IV urges respect for the “core” labour rights recognised by the ILO’s 1998 Declaration, but without stipulating either a minimum age for employees or a process to follow for companies that identify under age children among the work force. Article 1 states:

Enterprises should, within the framework of applicable law, regulations and prevailing labour relations and employment practices:

- a) Respect the right of their employees to be represented by trade unions and other bona fide representatives of employees, and engage in constructive negotiations, either individually or through employers’ associations, with such representatives with a view to reaching agreements on employment conditions;
- b) Contribute to the effective abolition of child labour.
- c) Contribute to the elimination of all forms of forced or compulsory labour.
- d) Not discriminate against their employees with respect to employment or occupation on such grounds as race, colour, sex, religion, political opinion, national extraction or social origin, unless selectivity concerning employee characteristics furthers established governmental policies which specifically promote greater equality of employment opportunity or relates to the inherent requirements of a job.

2. Individual governments

Industrialised country governments adopt legislation concerning labour standards and other standards for corporate performance in their own countries, but have generally been reticent about telling companies how to behave abroad. Appendix 5 presents information on laws adopted at national level while details are presented here on the government requirements imposed on companies based, or doing business, in their country.

Government requirements imposed on companies based – or doing business – in their country

In the EU and North America, governments have taken a number of steps to persuade businesses based in their countries to ensure that internationally recognised labour standards are respected by their

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subsidiaries and their suppliers.

In the US in the early 1990s, it appeared that Congress would adopt legislation to restrict the import of products manufactured with child labour. However, the legislation that was eventually adopted targeted forced labour and “indentured” child labour instead. In more recent years, legislation has been passed in several industrialised countries requiring businesses to report in substantial detail on the efforts they are making elsewhere in the world to ensure that internationally recognised labour standards are respected, in their subsidiaries and supply chain.

The US Clinton Administration of 1992 to 2000 went further than most in playing a proactive role. It facilitated agreements involving US-based companies on labour standards, both in the US and elsewhere, notably concerning the garment industry – see Appendix 3.

In recent years, the number of governments insisting that companies report publicly on the action they take on social and environmental issues has been increasing.

The UK Parliament passed legislation in 1999 (The Occupational Pension Schemes [Investment, and Assignment, Forfeiture, Bankruptcy etc.] Amendment Regulations 1999) requiring the Trustees of occupational pension funds to state their policy in their statement of investment principles on “the extent (if at all) to which social, environmental or ethical considerations are taken into account in the selection, retention and realisation of investments.”⁹

In 2001, France’s National Assembly passed legislation requiring major French companies to disclose what they were doing on specified social and environmental issues. A subsequent Decree requires companies to report specifically on the issue of sub-contractors and of what action they have taken to ensure that sub-contractors respect the core ILO conventions, including child labour.¹⁰

In Australia, a Bill has been under consideration (the Corporate Code of Conduct Bill 2000) which would impose reporting requirements on companies and require them to meet minimum standards throughout their operations in Australia and elsewhere. The standards would also apply to companies based elsewhere but which have subsidiaries in Australia.

3. Business and business-backed organisations

Businesses have taken the initiative to adopt minimum standards on a wide range of issues. The 1990s started with an emphasis on the environment. Shortly after, business leaders from industrialised countries began addressing the issue of corporate social responsibility across the board. As child labour received greater international attention, the International Organization of Employers (IOE), the employers’ grouping at the ILO, issued a handbook specifically addressing how businesses could respond to child labour. In several countries with significant numbers of children working below the

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minimum age, employers also launched initiatives of their own. The Abrinq Foundation – examined below – in Brazil is one such example. The examples presented here are the:

- Caux Principles for Business
- Prince of Wales International Business Leaders Forum
- Global Sullivan Principles
- International Organisation of Employers
- Abrinq Foundation

Caux Principles for Business

Adopted in 1994, the Caux Principles are not a code, and consequently have no enforcement procedure. Rather, they were “offered” to other businesses as a set of common principles that the authors felt would be useful “as a foundation for dialogue and action by business leaders in search of business responsibility”.

Principle 2, concerning the economic and social impact of business, observes that:

Businesses established in foreign countries to develop, produce or sell should also contribute to the social advancement of those countries by creating productive employment and helping to raise the purchasing power of their citizens.

With respect to stakeholders such as employees, the starting point in Principle 3 is “We believe in the dignity of every employee and in taking employee interests seriously”. In the ensuing comments about a business’ responsibilities towards its employees, there is no specific reference to children, but acceptance of 10 different responsibilities, including to:

- provide jobs and compensation that improve workers’ living conditions;
- provide working conditions that respect each employee’s health and dignity;
- avoid discriminatory practices and guarantee equal treatment and opportunity in areas such as gender, age, race, and religion;
- promote in the business itself the employment of differently able people in places of work where they can be genuinely useful;
- protect employees from avoidable injury and illness in the workplace.

The responsibility recognised with respect to suppliers and sub-contractors is rather more general. It is to: “seek, encourage and prefer suppliers and subcontractors whose employment practices respect human dignity.”

The Prince of Wales International Business Leaders Forum (IBLF)

The IBLF is an international non-profit organisation promoting responsible business practices and partnership action for sustainable development. Formed in 1990 on the initiative of HRH, The Prince of Wales and an international group of prominent business leaders, the

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Forum promotes awareness of the value of corporate citizenship and acts as a facilitator for partnership programmes in over 40 countries. It is an international leadership group and its corporate membership comprises over 60 companies from around the world: fewer than 25 per cent are British.

Globally, 11,000 business leaders have been involved in Forum activities, largely through its initiatives in brokering partnerships, particularly those between the private and public sector and NGOs in order to address the challenges of development in new emerging markets.

The IBLF has made the following recommendations for companies tackling the problem of child labour:¹¹

- take as a starting point, the UN Convention on the Rights of the Child, ILO Convention No 182 and ILO Recommendation No 190, both of the latter on the Worst Forms of Child Labour;
- consult widely with international and local NGOs and other community organisations on approaches to reducing and eventually eliminating the problem of child labour in the particular localities where the company is operating. Stakeholder consultation is an essential element of pre-investment assessment;
- incorporate company principles into all contracts with joint venture partners and sub-contractors, and build these principles into monitoring of business partners' practices;
- establish cross-sector partnerships with NGOs, private sector and government where possible to address the problems collaboratively. Local ownership of such initiatives is likely to make them more sustainable and successful. These initiatives may include flexible education provision for working children, childcare provision for working mothers, vocational training schemes for family members to boost employment opportunities for those of working age;
- consider joining an international alliance to combat the problem constructively, thereby publicly demonstrating corporate commitment and even leadership;
- seek company commitment at the highest level to advocate responsible business in the area of child labour. If the CEO is not willing to speak out about the company's position on this issue, NGOs and the media are likely to question the company's real commitment to tackling the problem;
- set up systems for regular internal and independent monitoring, verification and reporting;
- provide training for staff internally to be aware of how to tackle the challenges of child labour in a variety of situations, such as dealing with joint-venture partners, opposition from local authorities, criticism from local NGOs or pressure groups. Consider bringing in relevant NGOs and others to provide elements of the training or briefing.

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The Global Sullivan Principles

The Global Sullivan Principles of Social Responsibility were announced at the UN in 1999.¹² They grew out of an initiative taken by the Reverend Leon H Sullivan in the 1970s to influence US corporate conduct in apartheid South Africa. Reverend Sullivan intended the Principles to be formally endorsed by individual businesses, as well as others. By July 2002, 290 institutions, of which 192 were companies, had endorsed the Principles. Their objectives are:

- to support economic, social and political justice by companies where they do business;
- to support human rights and to encourage equal opportunity at all levels of employment, including racial and gender diversity on decision-making committees and boards;
- to train and advance disadvantaged workers for technical, supervisory and management opportunities;
- and to assist with greater tolerance and understanding among peoples; thereby, helping to improve the quality of life for communities, workers and children with dignity and equality.

There are eight separate principles. They start with a general commitment to:

Express our support for universal human rights and, particularly, those of our employees, the communities within which we operate, and parties with whom we do business.

The principle mentioning children is vague. Businesses (and others) endorsing the Principles will:

Promote equal opportunity for our employees at all levels of the company with respect to issues such as color, race, gender, age, ethnicity or religious beliefs, and operate without unacceptable worker treatment such as the exploitation of children, physical punishment, female abuse, involuntary servitude, or other forms of abuse.

Those endorsing the Sullivan Principles are asked (but not required) to submit an annual report on their efforts to apply the Principles. These reports are published on the Global Sullivan Principles website.

The International Organisation of Employers (IOE)

The IOE has not issued a model code of conduct for employers, but has committed itself and its members to eradicating child labour. In 1998, it published an *Employers' Handbook on Child Labour – A Guide for Taking Action*. This was revised and reissued in 2001.¹³

The handbook identifies what it considers to be good practice, in terms of preventing child labour and direct support by businesses for the removal of under age child workers from their jobs, followed by their rehabilitation. It focuses on initiatives by employers' organisations rather than individual businesses and describes initiatives that involve trade associations and companies importing similar commodities or involved in

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(continued)

a specific industrial sector. Some of these are examined in Appendix 3. The handbook expresses a number of reservations about the effectiveness of voluntary codes of conduct in dealing with child labour, observing that:

While the intention of voluntary codes of conduct is laudable, such initiatives are often limited in their ability to address the root causes of child labour. This is due not only to their very general nature, but also to the difficulties encountered in their implementation and in the monitoring of their provisions. Corporate codes of conduct, whether they be broad codes of ethics or issue-specific codes focusing on child labour, generally do not reach the children who are working in the informal sector in the most hazardous conditions. However, through supply chains, the issue of child labour is now being addressed by many businesses which, without codes of their own, are being commercially required to conform to any code of a company for which they are a supplier.

The Abrinq Foundation (Brazil) – principles designed for an individual country

The Abrinq Foundation for the Rights of Children and Adolescents is just one example of a corporate initiative in a developing country to respond to child labour in a responsible way. It was established by Brazilian businesses in the early 1990s to end the abuse of children, in particular the exploitation of child labour.

Abrinq set up a “Child Friendly Business Programme” asking Brazilian companies to sign up to 10 promises. These cover the employment of younger and older children, and also concern the children of employees, maternity leave and related issues. By 2003, 818 companies in Brazil were reported to have signed the 10 promises.¹⁴ The first three promises cover issues of child labour and youth employment. They state:

- Say “No” to child labour, not employing young people under the age of 16, except in formal apprenticeships and only from 14 years of age onwards.
- Respect young workers, and do not employ anyone under 18 in night work, dangerous work or unhealthy work.
- Inform your suppliers, via a contractual clause or other mechanisms, that a complaint that they are using child labour could cause you to terminate your business relationship with them.¹⁵

In the mid 1990s, the Abrinq Foundation also helped negotiate a series of agreements involving Brazilian businesses operating in specific sectors, mainly export. These committed the companies concerned to action to end child labour in, for example, the footwear sector and in orange (fruit) production.

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Multi-stakeholder codes – codes issued by quality standard organisations requiring independent verification

These are sets of standards which require independent auditing, usually by certified auditors, so that a company can state publicly that it is respecting the standards concerned. The most explicit standard of this sort concerning employment is SA8000.

SA8000

SA8000 is an international standard for social accountability, modelled on International Standards Organization (ISO) systems for certifying assurance. It aims to be an “auditable” set of standards that can be applied across a wide range of business workplaces. SA8000 was developed initially by a US-based NGO, the Council on Economic Priorities, a corporate social responsibility research institute which set up Social Accountability International (SAI) in 1996.

After it was set up, SAI convened an Advisory Board to agree a voluntary set of standards to be respected in the workplace. The Board consisted of representatives from business, trade unions and NGOs.

SAI itself describes the strength of SA8000 as lying in “its rigorous requirements and in its clear, auditable language.” It attributes these to the diversity of the Advisory Group that developed the standards and verification procedures. According to its website:¹⁶

SAI works to improve workplaces and combat sweatshops through the expansion and further development of the international workplace standard, SA8000, and the associated SA8000 verification system.

SA8000 standard on child labour

SA8000 has provisions banning child labour, forced labour and discrimination, and guaranteeing freedom of association. It sets standards for performance in nine different areas.¹⁷ Wages paid for the standard working week (of no more than 48 hours) “must meet the legal and industry standards and be sufficient to meet the basic need of workers and their families”. The specific provision on child workers specifies that there should be no worker aged under 15.

The SA8000 definition of a child refers to:

Any person less than 15 years of age, unless local minimum age law stipulates a higher age for work or mandatory schooling, in which case the higher age would apply. If, however, local minimum age law is set at 14 years of age in accordance with developing country exceptions under ILO Convention 138, the lower age will apply.

SA8000 refers to older children aged from 15 to 17 as “young workers”. It prohibits child labour, defining it as:

Any work by a child younger than the age(s) specified in the above definition of a child, except as provided by ILO Recommendation 146.

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SA8000 assumes that any children who are younger than the minimum age and who are found working will be dismissed. It requires "remedial action" to be taken on behalf of any worker whose rights have not been respected. In the case of children who are dismissed, appropriate remedial action is defined as:

All necessary support and actions to ensure the safety, health, education, and development of children who have been subjected to child labour, as defined above, and are dismissed.

SA8000 lists a series of requirements for companies to meet this standard. On the issue of child labour and young workers, it mentions four criteria. These are:

- 1.1 The company shall not engage in or support the use of child labour as defined above.
- 1.2 The company shall establish, document, maintain, and effectively communicate to personnel and other interested parties policies and procedures for remediation of children found to be working in situations which fit the definition of child labour above, and shall provide adequate support to enable such children to attend and remain in school until no longer a child as defined above.
- 1.3 The company shall establish, document, maintain, and effectively communicate to personnel and other interested parties policies and procedures for promotion of education for children covered under ILO Recommendation 146 and young workers who are subject to local compulsory education laws or are attending school, including means to ensure that no such child or young worker is employed during school hours and that combined hours of daily transportation (to and from work and school), school, and work time does not exceed 10 hours a day.
- 1.4 The company shall not expose children or young workers to situations in or outside of the workplace that are hazardous, unsafe, or unhealthy.

SA8000 contains a reference in criterion 1.3 to ILO Recommendation No 146 on minimum age for admission into employment, rather than to ILO Convention No 138. However, it is when governments ratify the Convention that they are required to specify whether the minimum age for entry into employment in their country is 14, 15 or 16 (see Appendix 1).

SA8000 and management systems

As well as specifying minimum standards for labour rights, SA8000 also sets standards for management systems. For example, every business seeking accreditation under SA8000 has to appoint, "a senior management representative who, irrespective of other responsibilities, shall ensure that the requirements of this standard are met". It also requires them to take action to ensure that their suppliers and sub-

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contractors can meet the same standard, effectively requiring a retailing business to extend its systems and standards right down the supply chain.

This starts with securing a written undertaking from suppliers and sub-contractors that they will conform to the standard; businesses then have to “maintain reasonable evidence that the requirements of this standard are being met by suppliers and subcontractors”.¹⁸ The standards in SA8000 have to be met by homeworkers who are working on a sub-contracted basis, as well as employees.

Verification procedures

SA8000 requires verification by an independent auditing body accredited by it. SAI accreditation is said to ensure that auditors have the procedures and resources needed to conduct thorough and objective audits. In November 2003, there were reported to be nine organisations accredited to conduct SA8000 certification. All facilities that have been audited and found to meet the SA8000 standard are listed on the SAI website.

AA1000

The London-based Institute of Social and Ethical Accountability (AccountAbility) developed AA1000,¹⁹ describing it as a “foundation standard” which includes basic principles and what it calls a set of “process standards”, covering:

- a) Planning
- b) Accounting
- c) Auditing and reporting
- d) Embedding
- e) Stakeholder engagement

AA1000 is not a certifiable standard. It places emphasis on engagement with “stakeholders” and involving stakeholders in setting standards for performance. It is backed up by a set of guidelines. In line with this approach, it does not require a business to commit itself to a specific standard, such as “no child labour”. Instead, it requires a business to go through the following twelve steps to agree its standards with stakeholders:

1. Establish commitment and governance procedures
2. Identify stakeholders
3. Define/review values
4. Identify issues
5. Determine process scope
6. Identify indicators
7. Collect information
8. Analyse information, set targets and develop improvement plan
9. Prepare report(s)
10. Audit report(s)
11. Communicate report(s) and obtain feedback
12. Establish and embed systems

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5. Ethical trading and Fairtrade

The “fair trade” movement has been active for several decades, working to ensure improved prices for producers in developing countries. Organisations associated with it have become involved in stipulating minimum employment standards for their suppliers.

In contrast, “ethical trading” is a more recent concept. In its wider sense, ethical trading refers to business practices that promote more socially and environmentally responsible trade. More narrowly, the term relates to a company’s responsibility for the labour and human rights practices within its supply chain. The Ethical Trading Initiative (ETI), a prominent exponent of ethical trading, uses the term in this sense.

Ethical Trading Initiative (ETI)

The ETI describes itself as “an alliance of companies, NGOs and trade union organisations committed to working together to identify and promote good practice in the implementation of codes of labour practice”.

It was established in 1998 as an independent, not-for-profit organisation. It was formed in an effort to bring together trade unions, labour rights organisations with international supply chains. The aim was to attempt to learn together how to make progress, rather than simply confronting each other in the media.

Its headquarters are in London and most of its alliance members are also UK based. It is funded by contributions from its members and a grant from the UK Department for International Development (DFID). By 2005, it had 34 corporate members with a collective annual turnover of over £100 billion.

The ETI sets minimum standards for the businesses supporting it to observe. They are similar to other codes based on internationally recognised labour standards, but the ETI is not an accreditation or auditing agency. ETI members aim to ensure that the working conditions of employees in companies that supply goods to consumers in the UK meet or exceed international standards.

Like other organisations, the ETI has a nine-point “base code” specifying minimum labour standards.²⁰ Point 4 of the base code states, “Child labour shall not be used”. The code further specifies that:

- 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 [of the base code].
- 4.3 Children and young persons under 18 shall not be employed at night or in hazardous conditions.

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

The standard here follows the provisions of ILO Convention No 138, and there is an explicit provision protecting young people who are old enough to be employed.

The standards adopted by the ETI are similar to international standards that have been adopted by others. However, its ways of working are different. Like others, it requires its corporate members to provide reports on their successes and failures in implementing the base code. However, ETI's focus is not on auditing but rather on sharing information about success and difficulties, learning what techniques work, and involving local organisations in areas where companies source their products.

When joining the ETI, companies make the following commitments:²¹

1. The company gives its membership of ETI, the code and its implementation process an informed and explicit endorsement.
2. This commitment is communicated throughout the company and to its suppliers and sub-contractors (including closely associated self-employed staff).
3. A member of senior management is assigned responsibility for the implementation of compliance with the code.
4. The code and the implementation process is integrated into the core business relationships and culture.
5. The company will ensure that human and financial resources are made available to enable it to meet its stated commitments.

In 2002, the ETI produced a Workbook, summarising its experience to date, as a practical guide for companies to develop and implement an ethical sourcing strategy. The ETI plans to revise this on a regular basis in order to incorporate the latest lessons being learnt. The Workbook can be ordered via the ETI's website.

Monitoring and verification

ETI members acknowledge that they have not yet found the most effective or most appropriate ways of detecting child labour in the supply chain. In order to improve their collective knowledge, the ETI is seeking to learn what monitoring and verification techniques prove most effective and to identify the most appropriate responses when cases of child labour are reported.

Fairtrade

Fairtrade Labelling Organizations International (FLO-International) is the worldwide Fairtrade standard setting and certification organisation. It permits more than 800,000 producers and their dependants in more than 40 countries to benefit from being labelled "Fairtrade". FLO

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guarantees that products sold anywhere in the world with a Fairtrade label, marketed by a national initiative, conforms to Fairtrade standards and contributes to the development of disadvantaged producers. The products sold include coffee, tea, rice, cocoa, fresh fruit, juice and honey.

A series of independent Fairtrade organisations operate in different industrialised countries – in France, for example, it is called Max Havelaar. Together they are FLO International.

FLO International has issued a set of Generic Fairtrade Standards for Hired Labour.²² A producer organisation has to be certified as respecting the minimum standards before it can sell produce to FLO International. On some issues, FLO International's Generic Standards set both minimum standards which all producer organisations must meet from the moment they join Fairtrade, or within a specified period, and “progress requirements” on which producer organisations must show permanent improvement and which should be developed according to a plan agreed by both the management and workers of the producer organisation. FLO also requires that producer organisations and companies always abide by national legislation. Furthermore, national legislation prevails if it sets higher standards on particular issues than FLO.

The Generic Fairtrade Standards for Hired Labour stipulate in section 1.3 that “FLO follows ILO Conventions 29, 105 and 138 on child labour and forced labour”. More specifically they require that:

- Children are not employed below the age of 15.
- Working does not jeopardise schooling or the social, moral or physical development of the young person.
- The minimum age of admission to any type of work which by its nature or the circumstances under which it is carried out, is likely to jeopardise the health, safety or morals of young people, shall not be less than 18 years.

Other standards have been issued for producers of specific products, such as cocoa, which include the same requirements. FLO Certification is run by an autonomous unit within FLO International. This Certification Unit coordinates all tasks and processes all information related to inspection of producers, trade auditing and certification. Operating independently from any other Fairtrade interests, it follows the ISO Standards for Certification Bodies (ISO 65). FLO regularly inspects and certifies about 420 producer organisations in over 50 countries in Africa, Asia and Latin America.²³

6. Trade union model codes

Countless trade unions exist at national level. At the international level, there are three main trade union federations which national trade unions can join. The largest of these is the International Confederation of Free Trade Unions (ICFTU), based in Brussels. At international level, trade unions also work together in industry, or sector-specific groupings known as the “International Trade Secretariats” (ITS), which are also closely linked to the ICFTU.

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When individual businesses and groups of companies importing much the same products began introducing codes concerning child labour and other labour issues in the 1990s, the trade union movement was initially hesitant about becoming involved. Once the ICFTU became involved in negotiating an agreement with FIFA (the Fédération internationale of Football Associations) about labour standards in the manufacture of footballs, however, the ICFTU, together with the ITS issued a "Basic Code of Conduct covering Labour Practices" in 1997. This is a standard agreement for individual companies to sign with the ICFTU or individual trade unions.²⁴

The provision of the code concerning the employment of children states:

Child Labour is not used. There shall be no use of child labour. Only workers above the age of 15 years or above the compulsory school-leaving age, whichever is higher, shall be engaged (ILO Convention 138). Adequate transitional economic assistance and appropriate educational opportunities shall be provided to any replaced child workers.

Again, like some other statements on standards, this one points to the obligation on an employer or business to make provision for children being removed from the workplace.

7. Codes and guidelines issued by faith-based groups and non-governmental organisations (NGOs)

Numerous codes on labour standards and other issues have been issued by a variety of organisations, either working alone or collectively with others. The number of codes and schemes organised in the US is particularly numerous. In some cases, the alliance of organisations involved cuts across the various categories listed here, involving, for example, businesses and an NGO, or trade unions working with others. This review is not complete, but refers to some of the best known sets of standards.

Faith-based groups:

[The Principles for Global Corporate Responsibility "Bench Marks for Measuring Business Performance"](#)

These were adopted in 2003 by a group of experts associated with Christian Churches, led by the Interfaith Center on Corporate Responsibility, a North American association of religious institutional investors, in conjunction with the UK's Ecumenical Council for Corporate Responsibility and Canada's Taskforce on the Churches and Corporate Responsibility.

The Principles are described as a set of comprehensive standards by which to measure responsible corporate action in the global economy. They offer businesses a detailed set of standards to adopt in their own codes, but do not specify a verification process in any detail.

Three faith groups published the first edition of the Principles in 1995 and circulated it widely for feedback. A second version was published in

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1998. A further conference in 1999 committed the faith groups involved to developing a partnership between Northern shareholder groups who have access to multinational corporations and Southern groups who are close to the impact of corporate practices on local people and communities. The Bench Marks document was revised in 2002 and reissued in 2003.

The authors describe the Bench Marks as:

specific reference points of measurement to be used in assessing the company's performance in relation to the Criteria. The Bench Marks [document] offers an ethical standard of measurement on which to base decisions about global corporate social responsibility as, for example, when policies about investment and the management of investments are being developed.²⁵

The Bench Marks for Measuring Business Performance set "principles", "criteria" and "benchmarks". The "benchmarks" are the specific instructions for what a business must do to abide by the standards set as "criteria". They make the following detailed requirements in sub-section 2.3d on child labour:

Principles:

2.3d.P.1 The company does not exploit children as workers.

2.3d.P.2 The company guarantees that neither it nor its contractors employ children in conditions that violate the rights of the child.

2.3d.P.3 The company:

- does not interfere with the right of a child to an education
- agrees to abide by minimum age requirements for admission of children to employment as stated in the International Convention on the Rights of the Child
- accepts appropriate regulation of hours and conditions regarding employment of children
- safeguards the health, safety and morals of child workers.

2.3d.P.4 The company does not employ persons under the age of majority as a means of avoiding the payment of the full adult wage for doing the same work.

Criteria:

2.3d.C.1 The company does not employ, in a full-time capacity, in its own workplaces or in that of its subsidiaries and suppliers, any child under the age of completion of compulsory schooling and, in any case, less than the age of 15 years. In countries where the economy and educational facilities are insufficiently developed, companies may, after consultation with the young workers, worker associations, and organizations concerned with children's rights, labour rights and human rights, initially specify a minimum age of 14 years.

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- 2.3d.C.2 The company, when it has taken advantage of the above exception to 14 years, has made a specific public declaration of the reasons for this exception and has determined a date by which it will cease to avail itself of the provisions of this policy.
- 2.3d.C.3 The company works with organizations concerned with children's rights, human rights and labour rights and within the country of production to ensure that young workers are not exploited.
- 2.3d.C.4 The company has a precise statement regarding the employment of children and young people. This policy is publicly available throughout the company and its suppliers in the languages of any and all workers. It is clearly communicated to all employees in a manner, which can be understood, and includes verbal communications for employees lacking adequate reading skills.
- 2.3d.C.5 The company has a clearly stated policy and monitoring programme in regard to the employment of children.

Bench Marks:

- 2.3d.B.1 The company has in place a monitoring and auditing programme to ensure compliance with its corporate code of conduct. This programme includes internal monitoring and auditing as well as independent monitoring.
- 2.3d.B.2 The company has a precise standard of recording and measurement in place, which enables it to monitor the significance of all exceptions to the pattern of child employment below the age of 15 years. In addition, the company has a precise standard and measurement of any exposure to a potentially hazardous environment for anyone aged 18 or below. These records are available for public scrutiny, especially by those groups responsible for human rights, labour rights and children's rights.
- 2.3d.B.3 If monitoring reveals that children are being exploited, immediate steps are taken to rectify the practice and to provide for the rehabilitation of the children involved. The company does not solve the problem by the dismissal of the children affected.
- 2.3d.B.4 The company regularly consults with country-specific knowledgeable organizations regarding programmes and practices to remove children from work sites and re-integrate them into home, school and community.

Other provisions stipulate the action required, verifying the standards and how the costs are to be borne. Principle 2.4.P.3 states that "The Company affirms the concept of joint responsibility with suppliers for the additional costs of compliance with ILO labour standards, national law and the company's code of conduct."

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The Fair Labor Association (FLA)

The FLA was set up in the USA initially under the sponsorship of the Apparel Industry Partnership, with the support of the Clinton Administration and the US Department of Labor. It is now an independent monitoring system that holds its participating companies accountable for the conditions under which their products are produced. To advance fair, decent and humane working conditions, the FLA enforces an industry-wide Workplace Code of Conduct, which is based on the core ILO labour standards.

The FLA represents a multi-stakeholder coalition of companies, universities and NGOs. At the end of 2003, 12 well known companies in the US were reported to be participating.²⁶ The companies committed themselves to a programme of Code of Conduct implementation, monitoring and remediation in order to bring their manufacturing sites into compliance with FLA standards. The Workplace Code of Conduct includes the provision that:

Child Labor

No person shall be employed at an age younger than 15 (or 14 where the law of the country of manufacture allows) or younger than the age for completing compulsory education in the country of manufacture where such age is higher than 15.²⁷

Like similar codes, it also includes provisions on other issues, such as workplace harassment and abuse, hours of work and other issues applicable to all workers.

Compliance

The FLA publishes an annual Public Report, the first of which was issued in June 2003, reporting on the FLA's first year of operations. It reported on 185 monitoring visits, in 48 of which companies were found not to be complying with one or other aspect of the FLA Code. The FLA's manual on Monitoring Guidance, available from its website, suggests how particular labour standards, such as child labour, should be monitored and verified. In the case of child labour, it points out the importance of:

- Identification of methods of verifying workers' ages that are particularly useful or futile in the local area.
- Determination of whether there are local organizations that can offer assistance in verifying workers' ages locally, should the need arise.
- Commonly used techniques in the region or country for presenting false proof of age.
- Interview techniques or questions that may be particularly useful in verifying workers' ages.

The FLA also publishes "Tracking Charts" of individual factories, which detail the non-compliance findings of FLA-accredited independent monitors and track the progress of participating company remediation in these factories. This information is updated periodically.

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Amnesty International Human Rights Guidelines for Companies

Although this well-known human rights NGO has not issued a code or set of standards of its own, it has called on companies to make respect for human rights an integral component of their business dealings. Amnesty International has stated that it believes companies should produce their own codes of conduct to enable them to evaluate the impact of their operations and policies in a human rights framework.²⁸

Worker Rights Consortium (WRC)

The WRC is a US-based not-for-profit organisation created by college and university administrations, students and labour rights experts. It aims to promote socially responsible initiatives by universities and colleges, and by businesses which use the indicia of these universities and colleges, for the improvement of working conditions and labour standards in domestic and global production of their merchandise. More than 100 colleges and universities in the US are affiliated to the WRC.

The WRC's mission includes keeping its affiliate colleges and universities informed about conditions in the factories producing the goods that bear their names and logos; and working with its affiliates to end worker rights violations wherever they are identified. It grants licences to individual businesses which agree to abide by its Code of Conduct and its reporting requirements. The WRC Code of Conduct echoes ILO Convention No 138:

Licensees shall not employ any person at an age younger than 15 (or 14, where, consistent with International Labor Organization practices for developing countries, the law of the country of manufacture allows such exception).

- 1 See Appendix 2 for definitions of forced and bonded labour.
- 2 Eliot J Schrage, Promoting International Worker Rights Through Private Voluntary Initiatives. Public Relations or Private Policy? A report to the US Department of State by the University of Iowa Center for Human Rights. UI Center for Human Rights Global Workplace Research Initiative. January 2004. Available at: http://www.uichr.org/content/act/sponsored/gwri_report.pdf
- 3 The nine principles are:
Principle 1: Businesses should support and respect the protection of internationally proclaimed human rights within their sphere of influence; and
Principle 2: make sure that they are not complicit in human rights abuses.
Labour Standards
Principle 3: Businesses should uphold the freedom of association and the effective recognition of the right to collective bargaining;
Principle 4: the elimination of all forms of forced and compulsory labour;
Principle 5: the effective abolition of child labour; and
Principle 6: eliminate discrimination in respect of employment and occupation.
Environment
Principle 7: Businesses should support a precautionary approach to environmental challenges;
Principle 8: undertake initiatives to promote greater environmental responsibility; and
Principle 9: encourage the development and diffusion of environmentally friendly technologies
Full information on the Global Compact can be found at:
<http://www.unglobalcompact.org/Portal/Default.asp>
<http://www.unog.ch/news2/documents/newsen/sg04002e.htm>
- 4 The Global Reporting Initiative "Sustainability Reporting Guidelines, 2000" can be downloaded from its web-site: <http://www.globalreporting.org>
- 6 Global Reporting Initiative, Sustainability Reporting Guidelines, 2002, "Social Performance Indicators HR6".

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- 7 For the ILO's guide to implementation of the Declaration see:
<http://www.ilo.org/public/english/employment/mult/download/guide.pdf>
- 8 More information can be obtained from government departments responsible for trade issues. In the UK this is the DTI see <http://www.dti.gov.uk/ewt/ukncp.htm#1>
- 9 See <http://www.legislation.hmso.gov.uk/si/si1999/19991849.htm>
- 10 Decree 2002-221 (Décret no 2002-221 du 20 Février 2002 pris pour l'application de l'article L. 225-102-1 du code de commerce et modifiant le décret no 67-236 du 23 mars 1967 sur les sociétés commerciales), Article 1 (9o) of which states : " Il indique l'importance de la sous-traitance et la manière dont la société promeut auprès de ses sous-traitants et s'assure du respect par ses filiales des dispositions des conventions fondamentales de l'Organisation internationale du travail. Il indique en outre la manière dont les filiales étrangères de l'entreprise prennent en compte l'impact de leurs activités sur le développement régional et les populations locales. " ^a From the website of the Observatoire de la Certification et de la Communication Environnementale et Sociale : <http://www.occes.asso.fr/fr/comm/nre.html>
- 11 Information from: <http://www.iblf.org/csr/csrwebassist.nsf/content/a1a2a3f4.html#3>
- 12 Available on <http://globalsullivanprinciples.org/principles.htm>
- 13 It can be downloaded from http://www.ioe-emp.org/ioe_emp/pdf/childlabour1.pdf
- 14 Information on the companies is available at:
<http://www.fundabrinq.org.br/index.php?pg=empresas>
- 15 Original text in Portuguese:
 1. Dizer não ao trabalho infantil, não empregando menores de 16 anos, exceto na condição de aprendizes e só a partir dos 14 anos.
 2. Respeitar o jovem trabalhador, não empregando menores de 18 anos em atividades noturnas, perigosas ou insalubres.
 3. Alertar seus fornecedores, por meio de cláusula contratual ou outros instrumentos, que uma denúncia comprovada de trabalho infantil pode causar rompimento da relação comercial.
- 16 <http://www.sa-intl.org/>
- 17 The nine areas are:
 - Child Labor – no workers under the age of 15; minimum lowered to 14 for countries operating under the ILO Convention 138 developing-country exception; remediation of any child found to be working
 - Forced Labor – no forced labor, including prison or debt bondage labor; no lodging of deposits or identity papers by employers or outside recruiters
 - Health and Safety – provide a safe and healthy work environment; take steps to prevent injuries; regular health and safety worker training; system to detect threats to health and safety; access to bathrooms and potable water
 - Freedom of Association and Right to Collective Bargaining – respect the right to form and join trade unions and bargain collectively; where law prohibits these freedoms, facilitate parallel means of association and bargaining
 - Discrimination – no discrimination based on race, caste, origin, religion, disability, gender, sexual orientation, union or political affiliation, or age; no sexual harassment
 - Discipline – no corporal punishment, mental or physical coercion or verbal abuse
 - Working Hours – comply with the applicable law but, in any event, no more than 48 hours per week with at least one day off for every seven day period; voluntary overtime paid at a premium rate and not to exceed 12 hours per week on a regular basis; overtime may be mandatory if part of a collective bargaining agreement
 - Compensation – wages paid for a standard working week must meet the legal and industry standards and be sufficient to meet the basic need of workers and their families; no disciplinary deductions
 - Management Systems – facilities seeking to gain and maintain certification must go beyond simple compliance to integrate the standard into their management systems and practices

The full text of the SA8000 standard is at <http://www.sa-intl.org>
- 18 SAI also offers a second tier for businesses wishing to improve further, the SA8000 Corporate Involvement Program (CIP), which involves businesses issuing an annual progress reports that have been verified by SAI.
 1. Establish commitment and governance procedures
 2. Identify stakeholders
 3. Define/review values
 4. Identify issues
 5. Determine process scope
 6. Identify indicators

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7. Collect information
 8. Analyse information, set targets and develop improvement plan
 9. Prepare report(s)
 10. Audit report(s)
 11. Communicate report(s) and obtain feedback
 12. Establish and embed systems
- 19 AccountAbility 1000, 1999. From: <http://www.AccountAbility.org.uk>
- 20 Available at <http://www.ethicaltrade.org>
- 21 From "Principles of Implementation":
http://www.ethicaltrade.org/Z/lib/base/poi_en.shtml
- 22 January 2003 version available from <http://www.fairtrade.net/>
- 23 Information from <http://www.fairtrade.net/sites/certification/explanation.html> on 10 March 2005.
- 24 <http://www.icftu.org/displaydocument.asp?Index=990917146&Language=EN>
- 25 Steering Group of the Global Principles Network, Principles for Global Corporate Responsibility: Bench Marks for Measuring Business Performance, 2003. Available from <http://www.bench-marks.org>
- 26 These were Adidas-Salomon, Eddie Bauer, GEAR for Sports, Joy Athletic, Liz Claiborne, Nordstrom Nike, Patagonia, Reebok, Phillips-Van Heusen, Polo Ralph Lauren and Zephyr Graf-X.
- 27 <http://www.fairlabor.org/all/code/>
- 28 Amnesty International, Human Rights are Everybody's Business, London, 2002.
[http://web.amnesty.org/aidoc/aidoc_pdf.nsf/Index/POL340082002ENGLISH/\\$File/POL3400802.pdf](http://web.amnesty.org/aidoc/aidoc_pdf.nsf/Index/POL340082002ENGLISH/$File/POL3400802.pdf)

Child Labour Resource Guide

Appendix 3 – Trade Associations: responding to child labour



UNICEF/HQ96-0035/Franck Charton

Appendix 3

Trade associations: responding to child labour

This appendix describes action on child labour which has been taken in relation to four categories of export product. In three of the four cases, the initiatives were instigated by importers or retailers based in industrialised countries, either working together formally in a trade association or cooperating informally.

These examples illustrate how companies that usually compete against each other in the market have been able to cooperate in agreeing both minimum labour standards and processes for reducing the number of children involved in manufacturing exports, either gradually or completely. However, they also illustrate how such companies have difficulty in distinguishing between their own interests and the interests of children in developing countries.

As a result, one of the major observations emanating from this section is that companies or trade associations which are considering taking action to stop child labour should automatically appoint an independent person with the specific and sole responsibility of advocating the best interests of the working children involved and any other children likely to be affected by such initiatives.

The four categories of export product examined:

- 1 the garment or apparel industry;
- 2 the sporting goods industry (with a specific focus on footballs);
- 3 hand-knotted carpets;
- 4 the cultivation of cocoa.

The first three examples mainly concern working children in South Asia, the last example concerns children in West Africa.

All four examples demonstrate the power of companies based in Europe and North America to specify how their suppliers should behave and what minimum labour standards they should observe. It also highlights the fear that companies in industrialised countries have of consumer boycotts or other popular reactions which would damage their sales. In three of the four cases, it was bad publicity that spurred companies into action; in the first case described, it was fear of losing sales that drove manufacturers selling to Western companies into dismissing children.

Best practice?

It is difficult to conclude that any of the four examples represent “best practice” in which the best interests of the children concerned have been the main point of reference in decisions about what should be done – either by companies in the West, by locally based companies producing for export, or the various NGOs and trade unions that have organised campaigns to protest at the involvement of children in the production of exports. Large amounts of money have been spent organising meetings to decide what should be done. Generally, local people (whether workers, employers or the children involved) have been excluded or given a minor role.

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Trade associations: responding to child labour

(continued)

The difficulties experienced in changing things for the better confirm the obvious: companies do not have the right expertise to design and engineer social change, even if they do have a responsibility to ensure that their activities do not result in violations of human rights.

These examples also reveal a gradual realisation in Western businesses that child labour cannot and should not be made to vanish overnight, and that it may be appropriate for them to tolerate children working, even below the internationally agreed minimum age for employment, as long as the children are not involved in the “worst forms of child labour”. However, in each case companies importing products into the West have focused their interventions on child labour in the sectors of developing economies that supply them with a specific product, leaving it to the governments of the countries concerned and to the inter-governmental organisations they work with (such as UNICEF and the ILO) to try and spread any benefits to the wider economy.

The cases also illustrate that a narrow approach, such as focusing only on child labour and excluding other human rights issues, or focusing only on child labour involved in the production of one agricultural product, rather than in commercial agriculture as a whole, is more likely to result in unintended side-effects for children and others.

1. The garment industry

There have been numerous initiatives since the end of the 1980s to set minimum labour standards and ban child labour in the garment industry, in developing and industrialised countries. Complaints that child labour was being used in the production of clothes and shoes were made from the late 1980s onwards, as the number of employees working in the garment industry in industrialised countries declined. Schemes to address these complaints by establishing minimum standards for working conditions have been initiated by concerned groups and trade unions based in Europe and North America, by the US and other governments, by businesses, and by groups representing a combination of these different groups.

Bangladesh

In the Bangladesh case, it was not the introduction of a code of minimum labour standards by either a single company or US importers working together which precipitated a crisis, but rather the rumour among Bangladeshi garment manufacturers that a law was being adopted (or had already been adopted) in the US to ban their products if child workers were suspected of participating in their production. In 1993, garment employers reportedly dismissed an estimated 50,000 children from their factories, approximately 75 per cent of all children in the industry.

After two years of negotiations, a formal Memorandum of Understanding (MOU) was signed in 1995 by the Bangladesh Garment Manufacturers and Exporters Association (BGMEA), and the UNICEF and ILO offices in Bangladesh. The resulting programme was to be funded by these three organisations. BGMEA alone committed about US\$1 million towards the implementation of the MOU.

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Under the terms of the agreement, four key provisions were formulated:

- 1 the removal of all under age workers – those below 14 – within a period of four months;
- 2 no further hiring of under age children;
- 3 the placement of those children removed from the garment factories in appropriate educational programmes with a monthly stipend;
- 4 the offer of the children's jobs to qualified adult family members.

The MOU explicitly directed factory owners, in the best interests of these children, not to dismiss any child workers until a factory survey was completed and alternative arrangements could be made for the children.

With the benefit of hindsight, it is reasonable to observe that the 1995 MOU was far from ideal, but it did put some safeguards in place to protect children from serious abuse. For example, while Bangladeshi employers came to an agreement with two international organisations, no other stakeholders were directly involved (such as representatives of either the adult workforce or the communities whose children were at work in garment factories).

It is not only in Bangladesh that children have been reported to be working in large numbers in making clothes or assembling footwear and other leather products. There have been a number of significant agreements in other areas to halt the involvement of young children in garment production.

While the Bangladesh example was an initiative taken in the actual country where large numbers of children were working, subsequent initiatives were based in industrialised countries. This underlines the preoccupation of organisations in Europe and North America with the loss of jobs in the garment sector in their countries.

Campaigners in Europe

In Europe, protests against abuses in the garment industry in developing countries led to a "Clean Clothes Campaign". The leading branch of this campaign was based in the Netherlands. One of its early targets was the Netherlands-based company, C&A, which responded by introducing a code of conduct and its own special unit for verifying that the code was respected by its suppliers (see Appendix 4).

Working with Dutch trade unions and NGOs, the Clean Clothes Campaign developed a "Fair Wear Charter for Clothing" in 1994 and a "Code of Labour Practices for the Apparel Industry Including Sportswear" in 1998, based on the "Basic Code of Conduct covering Labour Practices" prepared by the International Confederation of Free Trade Unions (ICFTU).¹

In March 1999 a "Fair Wear Charter Foundation" was launched to monitor efforts to ensure that garments imported into the Netherlands

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were not manufactured either by young children or in other conditions which contravened international standards.

The partnership approach in the US

While the process in Europe was propelled by organisations working closely with the international trade union movement, in North America there was a process involving representatives of business and government more closely. In response to protests in the mid 1990s at the use of sweatshops in the US itself, President Clinton intervened to bring producers, protesters and representatives of trade unions together. He convened an “Apparel Industry Partnership” to agree acceptable minimum standards for work in the US garment industry. The task force included garment manufacturers and retailers, trade unions, and human rights, consumer and religious organisations.

In 1997, the Partnership issued the “White House Apparel Industry Workplace Code of Conduct” which defined minimum standards for working conditions in the garment industry, and was intended to be applied in the US and elsewhere. The code was accompanied by a further document, “Principles of Monitoring”.

The “Workplace Code of Conduct” set minimum standards on a range of labour issues. On child labour it stipulated:

No person shall be employed at an age younger than 15 (or 14 where the law of the country of manufacture allows) or younger than the age for completing compulsory education in the country of manufacture where such age is higher than 15.

Discussions about the most appropriate ways of monitoring whether the code of conduct was being respected proved divisive. Backed by the White House, a “Fair Labor Association” (see Appendix 2) was established to monitor compliance with the code. However, the trade unions protested that the FLA standards would not guarantee a living wage to workers and that the FLA’s system of monitoring would not be effective. They eventually broke away from the Apparel Industry Partnership and established a separate organisation, the Worldwide Responsible Apparel Production (WRAP).

By the end of 2003, 21 companies were reported to be participating in WRAP, 12 of which are based in North or South America.² WRAP adopted its own code of minimum standards, entitled the Worldwide Responsible Apparel Production Principles. In terms of child labour it guarantees that:

Manufacturers of sewn products will not hire any employee under the age of 14, or under the age interfering with compulsory schooling, or under the minimum age established by law, whichever is greater.

The FLA and WRAP offer certification schemes to US companies importing garments into the US. Some of the best-known US-based retailers of garments and sporting goods currently seek certification

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from either the FLA or WRAP and at least one other multi-stakeholder code.

The process in the US demonstrates the complex tensions which occur between different stakeholders involved in initiatives concerning labour rights. Furthermore, there is a danger that the specific interests and voices of children are not taken into account during negotiations between businesses and trade unions and politicians, or given only a low level of priority in comparison to other stakeholders.

In addition to codes of conduct, the US Government has also backed numerous other initiatives to eliminate child labour and ensure a minimum standard for working conditions in the garment industry. For example, in 1999 the US Government entered into a three-year Trade Agreement on Textile and Apparel with the Kingdom of Cambodia. This set an export quota for garments from Cambodia to the US and introduced an incentive (of an annual increase in Cambodia's export entitlements to the US) for improvements in working conditions and respect for workers' basic rights in Cambodia's garment sector.

The minimum age for wage employment was eventually set at 15 years and the minimum age for hazardous jobs at 18. Children from 12 to 15 years of age could be hired to do light work provided that it was "not hazardous to their health or mental and physical development and the work will not affect their regular school attendance or their participation in guidance programs or vocational training approved by a competent authority".³

Monitors inspected between 20 and 60 factories on a regular basis and occasionally came across workers whom they estimated to be under 15. The remedial action reported in one case provides an example of how a child found at work in a potentially harmful situation can be supported in a satisfactory way:⁴

An initial agreement with the factory management was secured by the delegation and further details of the agreement were finalised between factory management and the ILO.

Under the agreement the worker, who worked in the finishing section, has ceased working in the factory and has been placed in a sewing training course at the Provincial Training Centre. The factory agreed to pay the US\$100 placement fee. Although the delegation requested the factory to also pay the monthly minimum wage of US\$45 to the worker until she turns 15, the factory did not agree, arguing that she did not work and could therefore not be given wages. Instead, the factory offered to pay her a monthly food allowance of US\$15. GMAC [Garment Manufacturers' Association in Cambodia] agreed to make up the difference and pay the worker an additional US\$30 a month.

The factory did agree to re-employ the worker once she has turned 15. The ILO will undertake monthly follow-up visits to ensure that the worker is attending the training course and receives relevant payments.

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2. The sporting goods industry: footballs

The industry's attempts to come to terms with child labour have involved elements of the Bangladesh experience and of initiatives taken by trade associations based in the industrialised world. Businesses importing sporting goods into industrialised countries were involved in initiatives to set minimum labour standards in the garment and footwear sectors in the mid 1990s. Many attended a conference held in Switzerland in 1995 to review what they could do to ensure minimum labour standards in the production of goods they were importing. Just a few months later, they were obliged to respond to high profile allegations that the sporting goods industry was exploiting child labour in the manufacture of footballs (soccer balls in the US).

Footballs manufactured in Pakistan

In April 1996, in the run up to that year's 1996 European Football Cup, publicity about children involved in making footballs in Pakistan persuaded importers in Europe and North America and Football's international regulating body, FIFA (Fédération Internationale de Football Association) to lend their support to efforts to end the involvement of children in the manufacture of footballs.

The main international grouping of trade unions, the ICFTU, complained that FIFA was allowing its brand label to appear on footballs stitched by children.

In June 1996, the "Foul Ball" campaign was launched in the US to ensure that footballs were not stitched by under age children. The campaign was particularly significant in the US, as the popularity of football was growing after the US hosted the 1994 World Cup.

The 1996 publicity focused on children assembling footballs by stitching pieces of leather together, in particular in Sialkot, an industrial town in Pakistan's Punjab province. An ILO study in the Sialkot region in 1996 estimated that more than 7,000 Pakistani children between the ages of 5 and 14 were stitching balls on a regular, full-time basis. As recently as 2003, FIFA estimated that 75 per cent of the leather footballs marketed around the world were manufactured in Sialkot.

UNICEF, the ILO and international NGOs such as Save the Children (UK) became involved in initiatives focusing on Sialkot, and the following year there was more publicity about similar cases of children stitching footballs across the border around the Indian town of Jalandhar.

Unlike the Bangladeshi clothes factories, the leather pieces being stitched into footballs were being assembled in many different places. Some were made on factory premises, but most were stitched by people working in their own homes. By the mid 1990s, the issue of homeworking was high on the international agenda, with a new convention on the rights of such workers under consideration by the ILO.

While many homeworkers were exploited, notably working on a sub-contracting basis rather than as employees, they also had some advantages. In Sialkot, it was much more acceptable for women to earn

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money working in their own homes, for example, rather than going out to work in a factory. Indeed, as soon as some companies created special football stitching factories (in which it would be relatively easy to check that young children were not working), it became obvious that women were losing out and that most jobs were being taken by men.

The business response – the Atlanta Agreement (1997)

Individual companies importing footballs into the US initially responded in a piecemeal way. Reebok established an adult-only factory unit in Sialkot. Reebok and a number of other companies importing footballs into the US also began putting a label on individual balls, guaranteeing that its manufacture had not involved child labour – although the World Federation of the Sporting Goods Industry objected at the time to this practice, considering that it was unnecessary and that a retailing company's own logo should be a sufficient guarantee that conditions were satisfactory in the manufacturing process.⁵

In February 1997, a Partners' Agreement between the Sialkot Chamber of Commerce and Industry, the ILO and UNICEF was signed in Atlanta, USA to eliminate child labour in Sialkot's football manufacturing industry by the end of 1998. Child labour was defined as situations "where children under age 14 are working in conditions that interfere with schooling, or that are hazardous or otherwise injurious to their physical, mental, social or moral well-being."

This standard meant in principle that children attending school could continue earning money by stitching footballs, as long as it did not affect their schooling. The Sialkot initiative was initially expected to cost some US\$4.7 million to implement.⁶

In this case, ILO-IPEC was given the role of monitoring whether children were still involved in stitching footballs. UNICEF was involved in addressing the infrastructure for schools, both to increase the number of places for children in schools and the quality of education available. Save the Children UK was given the role of collecting information and working with families and children in order to increase school attendance and reduce the involvement of children in stitching footballs in a "sustainable" way.

More than 70 businesses based in Sialkot eventually joined a partnership with Save the Children UK to achieve the Atlanta Agreement's objectives. It was soon apparent however, that child labour (as defined by the agreement) would not stop by the end of 1998, and that however well resourced the monitors were, they would not get access to all the private homes in the areas where footballs were being assembled.

The scheme was initially expected to be completed by March 1999. However, by that date only 39 of the 69 companies producing and exporting footballs had joined it.⁷

Counter-productive side effects

Various unintended side effects emerged as a result of the action taken

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to end child labour in the Sialkot area. Already in 1996, concern was expressed that “child labour free” football stitching centres would have the effect of excluding adult women workers, thereby negatively affecting women’s status; in particular their economic independence.

A report published in January 2004 lists the following unintended consequences:⁸

- the Project, as originally designed and launched, eliminated a source of income for women;
- family income for families with members stitching soccer balls declined;
- child stitchers entered other occupations;
- the project resulted in the further segregation of soccer ball manufacturers in Sialkot;
- Sialkot soccer ball manufacturers have become less competitive in global markets as soccer ball production has shifted elsewhere.

India

In 1998, the British NGO Christian Aid published a report about children involved in manufacturing sporting goods for export in India, estimating that 25,000 to 30,000 children were involved. A subsequent report commissioned by India’s National Labour Institute made a lower estimate of 10,000, and more detailed research suggested that many of the children involved were also attending school. It also estimated that between 1,000 and 1,500 of school age were working without attending school.

Following the model developed in Pakistan, India-based companies formed the Sports Goods Foundation of India (SGFI), and developed plans with the World Federation of the Sporting Goods Industry to involve Save the Children UK in a programme to assist working children, and ILO-IPEC to carry out checks on whether child labour was still occurring.

The Government of India objected to ILO-IPEC’s involvement, with the result that SGFI decided to develop its own monitoring system. A Programme of the Sports Goods Foundation of India, funded by FIFA, began on 1 January 2000.

Ongoing complaints about the use of child labour

In the Sialkot case, Save the Children UK ended its involvement in 2001, while ILO-IPEC continues to be involved in monitoring. By 2002, the ILO was reported to be monitoring 142 centres where footballs were assembled in and around Sialkot, and 105 villages in the area. By August 2001, UNICEF concluded that all children in the Sialkot area who were between five and seven years of age were attending school.

Nevertheless, reports that child labour is still common in the Sialkot

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area continue to be published, provoked in part by the notoriety of the issue and in part in order to assess whether the initiatives taken so far have been really effective.

In May 2002, an international NGO based in New Delhi, the Global March Against Child Labour, reported that child labour was involved in the stitching of Coca Cola and Adidas balls, which it reported were both sponsors of the FIFA 2002 World Cup. One of the two companies named, Adidas-Salomon, responded by claiming that the footballs with the Adidas label were counterfeit.

The May 2002 report observed that leather pieces for footballs were being taken outside the zone covered by child labour initiatives in Sialkot itself, and were being stitched in a village situated some 250 kilometres away.

This unsurprising observation underlines that both economic and social realities make it virtually impossible to eliminate all cases of child labour; efforts in one area are quite likely to displace the use of child labour into another, neighbouring area. Consequently, the effectiveness of schemes to reduce child labour has to be assessed on the basis of the benefits to the children who are working in unacceptable circumstances.

While it is reasonable to expect a marked decrease in the numbers of children involved, it would be unreasonable (and unrealistic) to expect there to be no cases at all.

WFSGI Code of Conduct

Four years after publicity first focused on children stitching football, the World Federation of the Sporting Goods Industry adopted a code of conduct in August 2000 for its members to observe. On the specific issue of child labour, it states:

No person shall be employed at an age younger than 15 (or 14 where the law of the country of manufacture allows) or younger than the age for completing compulsory education in the country of manufacture where such age is higher than 15.

On the issues of monitoring and verification, the code notes that:

Members are encouraged to establish their own internal management systems to monitor the standards outlined in their own code of conduct and to implement action plans for continuous improvements in factory working conditions in their own operations and those who supply them. Members are also encouraged to have factories monitored by appropriately qualified external third party organizations.⁹

3. Hand-knotted carpets

During the early 1990s, the large numbers of children involved in making hand-knotted carpets in India for export received adverse publicity, particularly in Germany, the largest single importer of such

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carpets. The situation was particularly dire in parts of northern India, particularly Uttar Pradesh state where a significant proportion of the children were bonded. These are child victims of forced labour, as well as being below the legal minimum age for employment. Similar patterns of abuse were reported in neighbouring Nepal and Pakistan.

The protests, in India and abroad, against the exploitation of children in the carpet industry, gave rise to numerous initiatives from the 1980s onwards. These initiatives were made difficult by the fact that carpets were reported to be made on an estimated 300,000 looms, involving a labour force of about 1.5 million people.¹⁰ The looms were not situated in factories, but in houses and small units, many of them in villages, in an area of about 200,000 square kilometres.

The initiative which has received most attention involved a “social label”. This is a label attached to each individual carpet which was sold in India by a company whose actual manufacturing units were inspected periodically and found not to be using child labour. The label offers a guarantee to purchasers that “illegal child labour” was not involved. Operated by “Rugmark”, it was developed by NGOs in India and Europe, supported by German funding. Rugmark now also operates in Pakistan and Nepal.

India's Carpet Export Promotion Council set up a rival scheme (Kaleen), thereby creating some confusion about which label signified what. In addition, there have been several initiatives by Europe-based importers, working with exporters in India (and eventually in other countries as well) to monitor and verify that child labour was not used in the manufacturing process, one started in Germany (Care & Fair) and the other in Switzerland (the STEP Foundation).

The four schemes overlap and compete. They involve different numbers of exporters. A report published in 2000 noted that Rugmark was working with 215 exporters, Kaleen with 252, Care & Fair with 138 and the STEP Foundation with 22.¹¹ In many cases, it was reported that a single exporter was working with several schemes, and consequently exported a carpet bearing two different labels, one from Rugmark and the other from Kaleen.

While this might appear to offer a double guarantee that no child labour was involved, it has also had the effect of muddling importers and consumers in North America and Europe. Indeed, supporters of Rugmark have claimed that this was one of the objectives when a rival label was set up.

Rugmark

Rugmark was the first of the social labelling schemes, started in 1994 with support from the Indo-German Export Promotion Council and a number of NGOs in India and in Europe. For several years a member of UNICEF's staff in New Delhi was on its Board.

To be certified by Rugmark, carpet makers sign an agreement with the following obligations to:

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- produce carpets without employing children under 14 years of age (in the case of traditional family enterprises, children under 14 years helping their parents must attend school regularly¹²);
- pay their workers at least the official minimum wages;
- register all looms and manufacturing units with the Rugmark Foundation;
- allow access to looms/factories for unannounced inspections by Rugmark inspectors.¹³

Exporters register with the Rugmark Foundation, paying a registration fee of some 10,000 Indian Rupees. The Rugmark Foundation is provided with details of each exporter's suppliers, investigates whether the list is complete, and is entitled to inspect any of the production units where looms are located at any time. Exporters pay a percentage of their earnings into a social fund which funds schemes to help children who are found working illegally, and to finance education in the carpet producing area.

By July 2003, Rugmark reported that it had granted labels to 2.9 million carpets exported from India alone.¹⁴ It reported detecting 1,387 cases of illegal child labour. Several hundred of these were bonded children, some of whom were returned to their families and others moved to a Rugmark-run rehabilitation centre.¹⁵

Kaleen

The Kaleen label was an initiative of India's Carpet Export Promotion Council, supported by the government's Ministry of Textiles, in 1995. Kaleen developed a code of conduct based on India's 1986 law on the employment of children. The initiative seems to have been taken primarily as a response to the challenge posed by Rugmark.

The Carpet Export Promotion Council commissioned an independent agency, the Academy of Management Studies (AMS) in Lucknow, to monitor the possible presence of children working looms. The Academy is supposed to check 10 per cent of the looms registered with the Council over a three year period.

In February 2004, Kaleen's website reported that almost 200,000 looms had been registered under the scheme, and just under 80,000 inspected. Among more than 76,000 workers seen during inspections, 2,046 children below the age of 14 had been detected, of whom 694 were categorised as "hired child labour" rather than children of the household. The website identified by name 251 loom owners who had been found by AMS to be employing children under 14 during 2002 (along with the children's names).¹⁶ Kaleen's website advised its members "not to use these looms for production of carpets meant for export."

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Care & Fair

Two further initiatives were started by European carpet importers, Care & Fair in Germany and the STEP Foundation in Switzerland. Care & Fair started as an initiative involving carpet importers in Germany. Like Rugmark, it focused exclusively on India. It has subsequently grown to involve importers in 11 other countries and exporters in four manufacturing countries: Morocco, Nepal and Pakistan (as well as India).

Care & Fair has its own list of standards, which includes an explicit rejection of bonded labour (whether involving adults or children), as well as child labour. It also stipulates that "All employees of producers/exporters/suppliers must receive the minimum wages applicable in the respective country" and an additional requirement that "Children of carpet workers must have the opportunity of regular schooling. Where there are no state schools, producers/exporters/suppliers undertake to support school building and the educational system".¹⁷

Carpet exporters sign a contract agreeing to observe these minimum conditions and agreeing to be monitored by aid organisations and others. However, there is no inspection system, nor any systematic verification that standards are being respected. Like Rugmark, Care & Fair collects contributions from importers and exporters which are used to finance social development projects.

STEP Foundation

The Swiss Association for a Clean Oriental Carpet Trade (IGOT), an importers' association, joined up in 1995 with NGOs based in Switzerland, receiving backing from the Swiss Government's development agency, Swissaid. Technically, this was not a "label scheme", but rather a more conventional certification scheme. However, it was clearly part of the range of overlapping and competing schemes designed to install some confidence in Western consumers that they were not buying products made by children.

According to its website, the STEP Foundation works to improve working and living conditions and fight abusive child labour in the production of manufactured and hand-woven carpets.¹⁸ Companies seeking STEP accreditation must: support socially fair conditions in the production; pay fair prices to ensure fair wages; fight abusive child labour; sustain ecologically harmless production methods; and allow independent verification.

From 1998, the STEP Foundation sub-contracted checking looms to Apt Management Services, a sub-division of the Academy of Management Studies (AMS) that was already monitoring looms for the Kaleen label.

Criticisms of "child labour free" labels

Together with many initiatives taken in the mid 1990s to ensure that child labour was not involved in producing products for export, Rugmark came under sustained criticism. In this case, much of the criticism came from the Indian government and exporters. Both evidently considered the Rugmark initiative to be an infringement of a domain

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over which they felt they had jurisdiction.

Most assurance or accreditation schemes operated by multi-stakeholders or trade associations are themselves monitored and subjected to quality assurance. In the cases of several of the schemes challenging child labour in India's carpet industry, the comments of some researchers carrying out a review in 2000 for ILO-IPEC are interesting. They reported that they had not been given adequate access to information to check these schemes, commenting:¹⁹

The Rugmark Foundation Head Office in New Delhi denied the team a comprehensive list of looms arguing that it would be difficult for the researchers to locate the looms that are spread far and wide and as such it would be of no use to the team. The Carpet Export Promotion Council (Kaleen) did not provide any list either. The team then contacted the Academy of Management Studies (AMS) who is responsible for registration and monitoring of Kaleen looms. AMS (through its subsidiary Apt Management Services) which also oversees operations of STEP exporters, refused to provide a list of the registered looms to the team, stating that it did not have permission from either Kaleen or STEP to give the list.

Commenting more broadly on the pros and cons of labels guaranteeing "no child labour" has been used in manufacturing a product (or guarantees concerning other labour rights), in 2002 the ETI made the following comments:

(T)here are some real risks involved in pursuing ethical labelling of products. In seeking to "get labelled", companies would be discouraged from buying from countries with structural problems such as restrictions on freedom of association or very low wage levels, thus risking putting suppliers out of business and workers out of a job... There is also the risk that smaller companies with narrow profit margins would be penalised because they cannot make the grade as quickly as larger, more capital-intensive companies with higher profit margins. Labelling would reward companies and suppliers who go for the "quick fixes" to labour problems and penalise those who aim for longer-term but more sustainable solutions.²⁰

In addition to these four schemes, other exporters and importers offer a variety of guarantees that the carpets they handle have not been made by child labour. In particular, IKEA buys a significant number of carpets in Uttar Pradesh and provides financial support for projects to bolster education and other services in three districts in India's "carpet belt".²¹

4. Cocoa cultivation

This example shows how importers concerned about children can act in good faith but at the same time undermine local solutions to child labour, by taking the solutions out of their hands. It also provides an example of importers giving clear priority to getting rid of "the worst forms of child labour", rather than trying to stop all children below a minimum age from working, and accepting at the outset that even this

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will take many years.

Concern about trafficked child workers (the child victims of forced labour) employed in cocoa farms in West Africa was voiced in the late 1990s and 2000 in two very different arenas – in West Africa, and in Europe and North America.

The different courses of action that were preferred in the two different regions illustrate some of the dangers of Western-led initiatives that are imposed on other regions, and look like the product of power politics, rather than consultation about what is in the best interests of exploited children.

Research about trafficked children working in Côte d'Ivoire

In the second half of the 1990s, the issue of children being recruited in one West African country to work in another was receiving attention from journalists and NGOs in various West African countries.

In Mali, one of the world's poorest countries, concern was voiced that teenagers and younger children were being recruited to work in Côte d'Ivoire, to the south, in abusive and exploitative conditions. Many teenage boys, it was reported, were trapped in agricultural jobs, where they were expected to work for a full season simply to repay the costs of their original journey from Mali. When the governments of Mali and Côte d'Ivoire signed a bilateral agreement in September 2000 to address the issue, it seemed that local initiatives to end uncontrolled cross-border child trafficking were succeeding.

Quite unknown to local activists, however, Western journalists were also about to report on the problem, and the publicity they gave to the issue eventually resulted in Western industrialists seizing the initiative, with the result that local solutions were virtually side-lined.

A television documentary about modern-day slavery was shown in the UK shortly after the Mali-Côte d'Ivoire agreement had been signed. It included footage of a group of teenage Malian boys employed on a cocoa farm in Côte d'Ivoire, one of whom showed scars from a severe beating. The boys reported that they were incarcerated and prohibited from leaving the farm. An adult accompanying them claimed that similar conditions prevailed on a large proportion of Côte d'Ivoire's cocoa farms.

The impact of the documentary was initially limited to the UK, where it was left to the chocolate industry to try and respond to the accusation that their product was made in part by slave workers. The Biscuit, Cake, Chocolate & Confectionery Alliance (BCCCA) discreetly contacted independent researchers to find out if the claims were credible. A few months after the broadcast, the publicity surrounding the issue had died down, and the BCCCA might have been left to quietly discuss steps it should take with the TV documentary makers, if it had not been for an unrelated incident in West Africa that refocused attention on the issue of cocoa production.

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Over Easter weekend 2001, a ship carrying “slave children” was reported to have disappeared between the ports of Cotonou, Benin and Libreville, Gabon. Journalists throughout Europe and North America reported on the disappearance, and on the predicament of West African children who were enslaved or trafficked.

Before long, a link was being alleged with cocoa farms – possibly because journalists with poor knowledge of where cocoa was produced for export in West Africa assumed that the children were being taken to Gabon to work on cocoa farms, and perhaps because Easter is a festival where chocolate is given as a gift in Europe and North America. Before the weekend was over, a British government minister was reported to have publicly criticised the chocolate industry for not preventing trafficked children from working on cocoa farms.

Within a short time, cocoa importers in the US reacted strongly, seizing the initiative from the BCCCA with the sort of damage limitation exercise that they felt was essential if the concerns of US consumers were to be met. The US Chocolate Manufacturers Association convened their significant stakeholders. Few West African-based stakeholders were included.

In September 2001, they signed the “Protocol for the Growing and Processing of Cocoa Beans and their Derivative Products In a Manner that Complies with ILO Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor” .

Subsequent initiatives by the North American and European cocoa importers and those they chose to work with are described below. They have undoubtedly brought far more resources to bear on behalf of children working on cocoa farms than the governments of Mali and Côte d’Ivoire would have been able to mobilise. However, they have done so on behalf of children cultivating only one cash crop, rather than on behalf of trafficked children more generally, or of children working in hazardous conditions in agriculture. The benefits of removing control of the issue from local governments and the activists who can influence them remain questionable.

Protocol for the Growing and Processing of Cocoa Beans (September 2001)

The Protocol was signed by the presidents of the US Chocolate Manufacturers Association and the US-based World Cocoa Foundation. It was a pledge that child labour and forced labour would not be allowed in cocoa growing, and an outline of the process that was to be followed over four years to make the pledge a reality. The early recognition that child workers could not be made to vanish overnight was important. The Protocol was, in effect, an outline plan of action between 2001 and July 2005.

The Protocol announced five principles and outlined how its objective would be reached:

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- 1 It used ILO Convention No 182 (on the worst forms of child labour) as its yardstick, stating its main objective as “Cocoa beans and their derivative products should be grown and processed in a manner that complies with” Convention 182.
- 2 It recognised that the objective could only be reached “through partnership among the major stakeholders: governments, global industry (comprised of major manufacturers of cocoa and chocolate products as well as other cocoa users), cocoa producers, organized labor, non-governmental organizations, and consumers”.
- 3 It made a commitment to “credible, effective problem solving” and a long-term solution.
- 4 It also made a commitment to sustainability and “a multi-sectoral infrastructure” (to help remove child labour).
- 5 It recognises the ILO’s “unique expertise” and assured it an active role in dealing with the worst forms of child labour “in the growing and processing of cocoa beans and their derivative products”.

Starting with a public acknowledgement that there was “a problem of forced child labor in West Africa”, the Protocol provided for a statement of commitment to be signed by “major stakeholders”, a subsequent memorandum of cooperation, and the establishment of a joint international not-for-profit foundation “to oversee and sustain efforts to eliminate the worst forms of child labor.”

The task of ensuring that a range of “stakeholders” would support the process outlined in the Protocol started by securing a series of witnesses to its signing and formal statements of support. These were primarily US-based, representing the political, business, trade union and NGO worlds, as well as the inter-governmental organisations that were to be involved. They were:

Two US senators (including the “dean” of child labour initiatives in the US Senate, Senator Tom Harkin) and one member of the US house of Representatives, and the Côte d’Ivoire’s Ambassador in the US;

- The heads of eight chocolate businesses based in the US, the Association of Chocolate, Biscuit and Confectionery Industries of the European Union (CAOBISCO), the European Cocoa Association (ECA), and the International Cocoa Organization (ICCO), representing 19 cocoa exporting countries and 22 importing countries;
- The head of the ILO’s International Programme on the Elimination of Child Labour (IPEC);
- The head of the International Trade Secretariat dealing with agriculture, the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco, and Allied Workers’ Association (IUF), representing international trade union interests;
- The representatives of three US-based NGOs, the National

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Trade associations: responding to child labour

(continued)

Consumers League, the Child Labor Coalition, and Free the Slaves (whose director had worked closely with the makers of the UK television documentary).

It was a wide array of stakeholders, although, notably, it included only one representative from anywhere in West Africa.

The International Cocoa Initiative (2002)

Within two months of the Protocol being signed, its protagonists convened what they called a “Broad Consultative Group”, composed of those who had signed the Protocol and others. The Group was expected to provide advice to the joint foundation that was to be established, the International Cocoa Initiative. A formal memorandum of cooperation was signed by members of the Group in May 2002.

The establishment of the International Cocoa Initiative was announced jointly by all involved at the beginning of July 2002. This was said to have three objectives, to:

- 1 Support field projects and act as a clearinghouse for best practices that help eliminate abusive child and forced labour in the growing of cocoa;
- 2 Develop a joint action programme of research, information exchange and action against abusive child and forced labour practices through the enforcement of internationally recognised standards in the growing of cocoa;
- 3 Help determine the most appropriate, practical and independent means of monitoring and public reporting in compliance with these labour standards.

Research findings from research on child cocoa workers (July 2002)

While plans to set up the International Cocoa Initiative were being discussed and agreed, the leading stakeholders were ensuring that the more mundane work of investigating how many children were working on West Africa’s cocoa farms, and in what conditions, was going ahead. This was financed jointly by the US government’s aid programme (USAID) and the US Department of Labor (DOL).

It was organised as part of a wider programme to ensure the sustainability of tree crops in West Africa by the Nigeria-based International Institute of Tropical Agriculture (IITA). The survey was carried out in Côte d’Ivoire, Cameroon, Ghana and Nigeria. The results were announced in July 2002 and its findings are in effect the baseline against which future changes will be measured. Researchers involved in the survey reportedly interviewed more than 4,800 farmers, child and adult workers and community leaders in four countries.

The survey confirmed that large numbers of children were working on cocoa farms: an estimated 284,000 in the four countries. Of these, 64 per cent were estimated to be below the age of 14. About 59 per cent of all the children involved were boys, and 41 per cent girls. Most of the young workers were the children or relatives of farm owners.

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Trade associations: responding to child labour

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On the basis of the survey, the IITA concluded that a total of 284,000 children were working in “hazardous conditions”, 200,000 of whom were in Côte d’Ivoire alone. All 284,000 – half of them under 15 – were believed to be involved in clearing bush for farms with machetes: routine practice and a hazardous task for young children. Some 153,000 children were believed also to be using pesticides without appropriate protective clothing (again, routine practice in most forms of commercial agriculture in West Africa; the pesticides evidently have a more serious effect on children’s health than adults).

In the light of the concerns about child trafficking that had originally set in train the Cocoa Protocol and the subsequent survey, some of the more specific findings reported by the IITA were important:

- In Côte d’Ivoire, approximately one-third of school-age children (aged 6 to 17) living in cocoa-producing households had never attended school; children engaged in tasks on cocoa farms were statistically much less likely to attend school than non-working children, and the children of immigrant cocoa farmers (from neighbouring countries) were much less likely to attend school than the children of local farmers.
- Slightly fewer than 12,000 of the child workers in Côte d’Ivoire “had no family relations to the cocoa farmer or local farm workers”, that is to say, were part of a floating work force.
- An estimated 2,500 working children were recruited through intermediaries for cocoa farming in Côte d’Ivoire and Nigeria, and might have been trafficked.
- A total of just 6,341 out of all the children were believed to be paid workers.
- 29 per cent of the child workers surveyed in Côte d’Ivoire (1,485) reported that they were not free to leave their place of employment should they so wish. A further 18 per cent (922) indicated that they would require either the permission of one of their parents or the intermediary representing their parents to leave.

An intermediary was involved in the recruitment process for an estimated 41 per cent (2,100) of the 5,120 child workers found in Côte d’Ivoire and for an estimated 29 per cent (350) of the 220 child workers found in Nigeria.

More generally, those responsible for the survey concluded:

Because of the weakness in commodity markets since the late 1980s, farmers have been forced to cut costs by reducing expenditures and increasing the use of household labor including children. This in turn is compromising the human development and future productivity of this rising generation of workers.

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Trade associations: responding to child labour

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They also commented that:

The picture that emerges is of a sector with stagnant technology, low yields, and an increasing demand for unskilled workers trapped in a circle of poverty. Salaried child workers were most clearly trapped in a vicious circle. The majority of these children had never been to school and were earning subsistence wages, forced into this labor by economic circumstances. Most of these children are from the drier savanna areas of West Africa, where family livelihoods are inherently uncertain and households are forced into risk-reducing livelihood strategies, including sending adolescents to cocoa plantations to work.²²

Similar initiatives

A number of other agricultural products have been the subject of similar initiatives, notably tea and tobacco. The Ethical Tea Partnership was formed in 1997 by a number of tea packing companies based in the UK and is only open to tea importers based in Europe. According to its website in February 2004, it had 14 corporate members.

Unlike the International Cocoa Initiative (and also an initiative concerning tobacco, outlined below), it does not involve any representatives of the international trade union movement, nor any NGOs. The partnership has developed minimum common standards on a number of issues, including minimum age for employment.²³ It employs PricewaterhouseCoopers to verify the compliance of individual tea producers. By mid 2003, tea estates were being inspected in Kenya, India, Malawi and Sri Lanka and were due to begin in late 2003 or 2004 in Indonesia, Tanzania and Zimbabwe.

The Eliminate Child Labour in Tobacco Foundation was founded in April 2002.²⁴ In much the same way that Côte d'Ivoire was the focus of attention leading to the International Cocoa Initiative, so it was children cultivating tobacco in Malawi which was at the start of this initiative. The Eliminate Child Labour in Tobacco Foundation has involved the International Tobacco Growers' Association (ITGA) and companies such as British American Tobacco (BAT)²⁵ as well as the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers Associations (IUF) and the International Trade Secretariat (and representatives of the international trade union movement) dealing with agriculture.

In conclusion

Too many initiatives by trade associations have been taken with the short-term objective of maintaining business interests, without taking the best interests of the children involved into account.

In view of the pressure which businesses come under as a result of media reports about child labour, child trafficking and other exploitation, it is not surprising that they have to respond fast and find it difficult to ensure that their responses are oriented to long-term solutions and upholding the best interests of exploited children.

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Trade associations: responding to child labour

(continued)

It is clear that there have been significant changes in approach between 1992 and 2004, but the power dynamics have not changed a great deal.

Companies based in Europe and North America retain the upper hand and are able to impose arrangements on their suppliers (and others) in developing countries. In situations where representatives of governments and civil society organisations in developing countries seem relatively powerless and have difficulty in ensuring their point of view is taken into account, it is not surprising that the best interests of child workers are even more likely to be overlooked.

The obvious recommendation that emerges from this is that whenever such agreements are under consideration – indeed, whenever businesses come under criticism for exploiting child labour and start considering what to do about it – the businesses involved should take special steps to ensure that the voice of children is represented. In addition to any negotiations that involve conventional stakeholders, such as local producers, trade unions and politicians, businesses should appoint someone with the specific and sole responsibility of attending any internal discussions within a business (or trade association) and advocating the best interests of the children involved.

Such a “ children’s rights advocate” should be asked to take part in the whole process until a sustainable solution in the best interests of the children involved has been identified and implemented.

- 1 Details of the ICFTU code are included in Item 9.
- 2 <http://www.wrapapparel.org>
- 3 First Synthesis Report on the Working Conditions Situation in Cambodia’s Garment Sector (November 2001) and Fourth Synthesis Report:
<http://www.ilo.org/public/english/dialogue/ifpdial/publ/cambodia.htm>
- 4 From the Fifth Synthesis Report (June 2003),
<http://www.ilo.org/public/english/dialogue/ifpdial/publ/cambodia5.htm>
- 5 Further details of Reebok’s initiatives are included in Item 10.
- 6 Reported by Eliot J Schrage in Promoting International Worker Rights Through Private Voluntary Initiatives. Public Relations or Private Policy? (January 2004). Efforts to eliminate child labour in football stitching in Sialkot constitute one of the four case studies in this report. On the costs of the programme, it notes: “ The Pakistani manufacturers contributed \$360,000 to finance the Prevention and Monitoring Program. The US Department of Labor pledged \$500,000, UNICEF \$200,000 and SICA (Soccer Industry Council of America) \$100,000. The United Kingdom, FIFA, Pakistan, the Pakistani Labor Federation and the National Rural Support Programme also pledged financial support” .
- 7 Samuel Poos, Sialkot, Pakistan. The football industry From Child Labour to Workers’ Rights, For the Clean Clothes Campaign, November 1999.
http://www.cleanclothes.org/publications/child_labour.htm
- 8 Eliot J Schrage, Promoting International Worker Rights Through Private Voluntary Initiatives. Public Relations or Private Policy? 2004.
- 9 WFSGI Code of Conduct – Guiding Principles,
http://www.wfsgi.org/_wfsgi/new_site/about_us/codes/Code_conduct.pdf
- 10 Statistics from Alakh N Sharma, Rajeev Sharma and Nikhil Raj, The Impact of Social Labelling on Child Labour in India’s Carpet Industry, Institute for Human Development New Delhi, ILO/IPEC Working Paper, 2000.
- 11 Ibid.
- 12 According to Sharma, Shamra and Raj (2000), adults working on their own looms are entitled to employ children from their own families who are below 14, as long as the children also attend school and achieve an 80 per cent attendance record. However, they were unable to find out whether the 80 per cent attendance was ever checked.
- 13 <http://www.rugmarkindia.org/assurance/criteria.htm>

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Trade associations: responding to child labour

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- 14 <http://www.rugmarkindia.org>
- 15 Numerous articles are available presenting comments, both positive and negative, about the initiative. See, for example, Aparna Ravi, "Combating Child Labour with Labels, Case of Rugmark", 31 March 2001, UNDP and Children EPW Special Article, <http://hdc.undp.org.in/childrenandpoverty/REFERENC/REPORTS/EPW/CORUGMAR.HTM> and Monika Hoegen, "Ethical Trading - A Way to Help the South. Rugmark against Child Labour in India", Development and Cooperation (No. 4, July/August 2002, p. 18-19), Deutsche Stiftung für internationale Entwicklung (DSE), <http://www.inwent.org/E+Z/1997-2002/de402-7.htm>
- 16 http://www.india-carpets.com/modules.php?name=Kaleen_Label
- 17 A list of the standards can be found at http://www.care-fair.org/download/anforderung_e.pdf
- 18 <http://www.step-foundation.ch>
- 19 Alakh N Sharma, Rajeev Sharma and Nikhil Raj, The Impact of Social Labelling on Child Labour in India's Carpet Industry, Institute for Human Development New Delhi, ILO/IPEC Working Paper, 2000, page 9.
- 20 ETI, Raising the Stakes, Annual Report 2001-2002, London, 2002.
- 21 Details of IKEA's efforts to prevent child labour are described in Item 10.
- 22 IITA, Child Labor in the Cocoa Sector of West Africa. A synthesis of findings in Cameroon, Côte d'Ivoire, Ghana, and Nigeria, Ibadan, August 2002.
- 23 According to the Ethical Tea Partnership's website, the Partnership holds Stakeholder Consultations as part of the launch of the full monitoring system in each producer country, with trade unions, government and NGOs. "These forums allow the Partnership to outline its aims and monitoring programme and to learn of any particular issues of concern – information that is important for the monitors to have prior to their visits". <http://www.ethicalteapartnership.org>
- 24 According to the ECLT "Principles" listed on its website (http://www.eclt.org/commitments/statement_principles.html), "ECLT Foundation members agree that the needs of each country differ and local solutions should be found within a framework including the following principles:
1) children have the right to schooling, a full family life and a safe and healthy upbringing;
2) children under the minimum legal age or under the age recognised by the relevant ILO Conventions should not be employed in the production of tobacco leaf;
3) as many tobacco enterprises are family-run, it may be possible that children take part in routine chores as part of family life for the development of craft skills. This must not extend to potentially hazardous tasks using machinery and agrochemicals and must not impede proper educational development including school attendance. The ECLT Foundation members are committed to support local initiatives, share best practice and work with all relevant stakeholders to eliminate child labour in tobacco growing."
- 25 For details of BAT's child labour policy, see http://www.bat.com/oneweb/sites/uk__3mnfen.nsf/0/c3c3d41b6f6e132880256bf400019942?OpenDocument

Child Labour Resource Guide

Appendix 4 – Corporate ideals, developing country realities:
meeting child labour standards



UNICEF/HQ96-0957/Alejandro Balaguer

Appendix 4

Corporate ideals – developing country realities: meeting child labour standards

Key issues

- Specific standards adopted by a business require some form of quality assurance.
- Finding out whether children are at work in circumstances that violate a business' commitments can be very difficult.
- Various forms of audit can be carried out to find out if standards are being observed.
- There are various ways in which the results can be reported.
- Corrective action must avoid harming children.

This appendix supplements the information in Appendix 2 about codes on child labour and other standards that business agree to observe, by looking in greater detail at verification and inspection procedures. The reason for having such procedures is to enable a business (or any other institution) which has announced a commitment to particular standards to demonstrate that it is taking steps to turn this commitment into reality. In the case of child labour, verification procedures generally involve proving something negative: that no children, or no children below a specific age, are involved in producing items sold by a business. Questions consequently arise about just how much a company should do (or pay others to do) in order to meet its commitments.

In the absence of evidence that practical steps are being taken, a business risks being criticised for making commitments that are simply window dressing or sales propaganda. At the end of 2003, there were numerous products on sale in the United Kingdom which carried labels claiming that "no child labour was used to make this product", notably products imported from countries where large numbers of young children are known to be at work¹. Such labels acknowledge that there is a concern among consumers about child labour and try to allay their fears, but without it being clear whether any evidence is available to back up the claim.

The first part of this appendix reviews the difficulties in detecting whether children (of any age) are working when they should not be, or in inappropriate conditions. It considers various methods for doing so.

The second part focuses specifically on the audits carried out on companies' social commitments, such as ones concerning children. This includes information about the experience of the Ethical Trading Initiative, based in the United Kingdom, in working with a wider-than-normal range of partners to monitor compliancy.

The third part reviews the varying degrees of transparency that companies show in reporting on the standards they observe and the efforts they make to ensure their standards are met.

The fourth section examines the thorny issue of what corrective action to take when children are found at work in inappropriate circumstances – in particular, what to do about the child workers themselves.

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Corporate ideals – developing country realities: meeting child labour standards

(continued)

Taken together, these sections show that there is a great deal that businesses can do to investigate, monitor and verify. Nevertheless, however much they do, businesses which buy off suppliers or rely on sub-contractors can rarely be certain that not a single under age child is at work or being exploited in their supply chain. In the end, therefore, the resources that a particular business decides to invest in verification procedures will depend on three factors:

- 1 the degree of its board's commitment to developing good labour practices and avoiding abuses of human rights throughout its operations;
- 2 the degree of risk that the board reckons it is running – of being criticised for not doing enough to prevent the use of child labour;
- 3 its conviction that the resources being spent on verification cannot be used more profitably in other ways on behalf of the children in communities involved in working for the company or its suppliers.

Difficulties in detecting child labour and techniques for doing so

Organisations concerned about child labour seem to have little difficulty in finding cases to criticise when they compile reports for publication. In contrast, businesses which want to check that child labour is not being used in their supply chain often experience more obstacles. These can be summarised as follows:

- Child workers may conceal themselves (or be concealed by relatives or employers) when outsiders visit the workplace;
- Children may give inaccurate information about their age when questioned, either on entering employment, or by child labour investigators;
- Birth certificates and other records of age may be falsified;
- Alternative techniques for estimating age (such as measuring physical development) are complicated and imprecise.
- In many areas, products are manufactured in private homes. In some cultures it is not acceptable for adult men to enter a house or compound to find out if children are working there. Even if it is acceptable, “unannounced inspections” are likely to be known about in time for child workers to stop work, even if by a matter of only a few minutes. Nominally, the only workers involved may be adults, when in reality children are also at work.

In addition, children working in or near their own homes may work part-time, in which case there may be additional difficulties in assessing whether this constitutes “light work” under international labour standards.

In each of these instances, it is quite likely that the paper trail examined by auditors will not reveal the extent to which under age children are at work.

A recent report by the New York based NGO, Lawyers Committee for Human Rights, describes some of the difficulties involved in finding out whether child labour is being used:

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Corporate ideals – developing country realities: meeting child labour standards

(continued)

Unlike most other areas of workers' rights, the victims of child labor may not themselves want the violations of their rights to be discovered. Under age workers do not want their pay to stop, and neither do their parents. Other, older workers may also see less immediate self-interest in reporting child labor than in reporting abuses where they themselves could be the direct victim, such as wage cheating or sexual harassment. Thus, interviewing workers, chosen either randomly or because they look under age, is less likely to uncover violations than it might be in other areas where the workers being interviewed might see themselves as having more to gain from having violations discovered.

Documentary evidence like birth certificates or other age-bearing identification papers would be definitive if it were available and reliable, but lack of documents and counterfeit documents can be major obstacles to accurate measurement.

Existing units of measurement focus far more on workplace policies than on actual implementation. Qualitative approaches play a smaller role, and workers as a source of information show up much less frequently than they do in other subject areas.

... And beyond age documents, existing measurement units are weak. Comparing workers' height and weight with national norms for 15- or 16-year-olds is the closest to an objective unit of measurement, but very imprecise. Interviewing workers, management, or local outsiders to learn about child labor in the factory is not prescribed in any detail or with any guidance specific to child labor issues, except to ask about protective conditions for juvenile workers (typically defined as workers between 16 and 18 who are old enough to work, but only in relatively low-hazard jobs).²

The Lawyers Group for Human Rights has recommended various ways to make visits by monitors or auditors more meaningful which are summarised in the endnotes to this item.

To overcome these impediments, organisations concerned about the exploitation of children, individual businesses and specialist verification agencies have explored a range of methods. These are described in the next part of this appendix. So far, no single method has been identified as "the best".

Labour inspection services

Governments have a responsibility to ensure that labour laws are respected. Indeed, government-run labour inspection services have the prime responsibility for checking whether labour laws are being respected, and for initiating action if they are not. However, in the countries where child labour is most common, labour inspection services are poorly funded and notable by their absence from sectors of the economy where most children work. From one point of view, the governments of such countries are responsible for this short-coming; from another, however, the scale of the problem is too vast for inspectors to be expected to tackle it. They can potentially play a useful

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Corporate ideals – developing country realities: meeting child labour standards

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role when child labour is the exception rather than the rule. They also face most of the same obstacles to detecting child labour that have already been mentioned.

The auditing options

In order to demonstrate that they are meeting their commitments (both on child labour and other social and environmental issues), businesses usually have internal procedures, similar to other quality assurance procedures, and also subject their operations to external, independent checking. Internal checks are usually referred to as “monitoring”, while checks by independent outsiders are nowadays referred to as “social auditing”. Most social audits nowadays check whether an organisation is compliant with an entire code, rather than on the single issue such as child labour.

Checks and inspections, whether they are carried out internally or externally, have a different impact depending on whether they have been announced in advance or are unannounced. It is unlikely that a factory which is informed in advance that it is going to be checked for compliance with a code prohibiting the employment of under 15-year-old children would allow any employees who are younger than 15 to remain on its premises for the duration of an inspection. However, there is also evidence that unannounced checks fail to detect all cases of child labour.

Some of the techniques involved are expensive. Because publicity surrounding cases of child labour grew in the 1990s, businesses felt there was a significant risk that they might be criticised publicly for selling products made by child labour. In this context, some companies felt it was justifiable to spend large amounts on new internal procedures to check that child labour was not involved, and also on external audits of their activities, designed to confirm that they were not exploiting children.

However much companies invest in monitoring and audits, though, the number of their suppliers and complexity of their supply chains make it difficult to find out what is happening quickly. For example, between 2000 and 2002, a group of 14 of the largest retailers based in France reported carrying out 670 social audits of their suppliers based outside France. However, this was said to account for only 20 per cent of all their suppliers. There were plans to almost double the rate of audits in 2003, but this would still leave half their suppliers unchecked.³

Verification agencies set up by a single company

Some companies have felt that it was sufficient to announce that they have codes of conduct, without making public details of either the codes themselves, or their verification procedures. Initially, indeed, a number of companies responded to claims that they were exploiting child labour by asserting that their company's brand name was a sufficient guarantee that this was not the case.⁴ However, neither journalists nor consumers appeared to give these assertions much credit.

One company which originally followed this model is C&A, which

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(continued)

adopted ethical criteria for its sourcing and initially depended on its sourcing operation, Mondial, to check that these were respected. However, by the mid 1990s C&A decided that this was not sufficient and set up its own verification agency. Businesses which have taken this option have argued that such specialist agencies are better informed about their company's ways of working, and consequently able to do a better job, than outside auditors. In 1996, C&A set up SOCAM (Service Organisation for Compliance Audit Management) to audit the C&A Code of Conduct for the Supply of Merchandise that was published in 1996 and updated in 1998. The Code was adopted for C&A's two sourcing companies, Mondial (C&A's international sourcing operation) and Marca Retail Organisation (which buys from suppliers based in Europe), both of which are also audited by SOCAM.

Sceptics comment that verifying agencies which are directly financed by the company they are monitoring are not truly independent and that the guarantees they offer are less dependable than those given by independent auditors. In the case of SOCAM, a conventional auditor, Cap Gemini Ernst & Young, has confirmed that it "found SOCAM's auditing activities to be well organized, structured and conducted in a professional manner according to the above mentioned EN/ISO standards [ISO Guide 62⁵/ EN 45012]. We have found no indication that SOCAM is dependent in its activities on C&A, Marca and Mondial." ⁶ In 1998, SOCAM's annual report noted "The main cause for termination of business has been either evidence of use of child labour or intolerable working conditions".

Verification by independent quality control and assurance companies

Auditing to check whether a company is abiding by either its own code, or a code developed by others, is carried out by independent companies with expertise in various forms of assurance, such as financial auditing, quality testing, certification that companies are meeting environmental standards, and certification of other standards such as those developed by ISO (the International Organization for Standardization). A number of companies are reported to have been used to verify compliance with codes on labour standards, including child labour. They include ITS (Intertek Testing Services), KPMG, PricewaterhouseCoopers and SGS (*Société générale de surveillance*).

A major source of information checked by verifying agencies consists of the records (paper trail) kept by companies and their suppliers, confirming, for example, that appropriate management systems are in place, or that a certificate confirms each employee's age, and so on.

Because of the limitations of a paper trail, some auditing organisations supplement their examination of the records of a company and its suppliers with other investigative techniques. A US-based organisation, Verité,⁷ maintains links with workers' rights activists and interviews workers as part of its checks. The Ethical Trading Initiative (ETI), based in the United Kingdom, openly acknowledges the shortcomings of existing forms of verification, and stresses that it is still learning from pilot projects which techniques are most effective.

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Verification of specific schemes: Fair Labor Association and SA8000

The Fair Labor Association (FLA) has developed a "Monitoring Guidance" manual which is intended to be used by both companies adhering to the FLA code and independent external monitors. The responsibilities of accredited external monitors which it mentions are listed in the endnotes to this appendix. The manual also offers guidance to independent external monitors and participating companies on how to conduct monitoring as far as both child labour and other standards are concerned. It suggests that the key components of monitoring are: (1) gathering external information, (2) worker interviews, (3) management interviews, (4) capacity review, (5) records review, (6) visual inspection, and (6) analysis and reporting. In relation to each of these, the FLA suggests specific techniques to be used in relation to detecting child labour. For example, in relation to worker interviews, it suggests:

Ask workers what documentation they were asked to show concerning their age. This may provide a useful check against management's statement that it seeks reliable verification of age.

In June 2003, the FLA published details of independent audits of seven major footwear and apparel companies, showing every instance of non-compliance with the FLA Code that was found by accredited independent monitors during the FLA's first year of full operation (1 August 2001-31 July 2002). Non-compliance had reportedly been found in 48 of 185 monitoring visits, which included both unannounced and announced audits in factories in 30 countries on 5 continents.⁸

SA8000

Prior to verification, SA8000 sets out procedures for a company to follow in order to comply with its provisions. This involves making any changes to conditions, policies and management systems required by the standard, and then seeking a "pre-audit" by one of SA8000's accredited auditing firms, before seeking full certification, which is valid for three years once issued.

SA8000 requires verification by an independent auditing body accredited by SA8000. In November 2003, there were reported to be nine organisations accredited to carry out SA8000 certification.

The company seeking accreditation must provide the audit team with access to relevant records as well as the freedom to interview its employees. If any aspect of the company's operations does not meet what is required by the standard, the audit team issues what is called a "corrective action request", indicating what has to be done to bring about compliance. SA8000, like many other verification procedures, categorises corrective action as either "minor" (to be carried out straight away) or "major" (requiring a plan to be drawn up, followed by re-inspection).

Working with others: the ETI experience

Starting with its base code, the ETI shares some of the approaches of other schemes with their own codes. The companies belonging to the

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ETI agree that their implementation of the ETI base code will be assessed through both monitoring and independent verification, and agree to report to the ETI board once a year on their progress with implementation.

Unlike other schemes, however, businesses belonging to the ETI also agree to “engage with other members in the design, implementation and analysis of pilot schemes to identify good practice in monitoring and independent verification and share this experience with other members”. For an approach to count as “practice”, it needs to be agreed as such by ETI’s member companies, trade unions and NGOs.

The ETI itself conducts experimental programmes, in cooperation with member companies and their suppliers, trade unions and NGOs, to identify the most effective approaches to making codes meaningful and credible, in particular as far as monitoring and verification are concerned. Conducting and learning from pilot schemes and disseminating the lessons learnt are said to be the ETI’s core activities, and a high premium is placed on transparency and disclosure. This is initially within a confidential environment, so that a company can discuss the difficulties it is experiencing, for example in persuading a particular supplier to end the use of child labour, in the certainty that other members of the ETI will not leak this information to the media or to its competitors.

Reporting on its main project on child labour in late 2003, the ETI observed that the issue is complex and difficult to detect, and that although incidences were rarely reported in workplace monitoring, its corporate members felt that child labour might be present but out of sight.⁹ These concerns were underlined by NGO and trade union members, who confirmed that the risk of child labour in supply chains was real. The ETI embarked on a project which aimed to eliminate child labour from the supply chain, while contributing positively to the lives of the children affected and their communities. The project was reported to involve five UK-based companies, one ETI trade union member (the Trade Union Congress) and two NGOs belonging to the ETI.

Corrective action when “non-compliance” is detected

When a violation of a company’s code or commitments concerning children is detected, something has to be done about it. The key point here is that care must be taken to ensure that remedial action does not inflict harm on children.

Auditing procedures categorises a business’ failure to comply with the standards it is required to meet as either “minor” or “major”. Different degrees of remedial action are required to address each of these. The ETI envisages three stages of remedial action:

Member companies commit themselves, on the basis of knowledge gained from monitoring to: (a) negotiate and implement agreed schedules for corrective actions with suppliers failing to observe the terms of the code, i.e. a continuous improvement approach; (b) require the immediate cessation of serious breaches of the code,

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(continued)

and; (c) where serious breaches of the code persist, to terminate any business relationship with the supplier concerned.¹⁰

In cases where the conditions in which young people are working are unacceptable and most other cases of non-compliance, remedial action requires changes and improvements in operations. When children are found to be working who are below the minimum age for entry into employment, the situation is more complicated.

What to do about children working in contravention of standards

The diagram on page 15 of the Executive Summary summarises the particular challenges facing businesses on the issue of child labour. Here are some of the options for what action can be taken when children are found at work in contravention of a company's code or of the law.

Options for children found to be involved in "the worst forms of child labour"

There is no justification for keeping children involved in any of the "worst forms", whatever their age. However, there is a distinction between "unconditional worst forms of child labour" and hazardous work (see Appendix 2 for details). Older children (those aged 16 or 17, and in some countries those aged 15) who are involved in hazardous work can potentially be given training to make hazardous work acceptable.

Options for older working children

In the case of children who are within a year or two of reaching the legally stipulated minimum age for entry into employment, it may be appropriate to look at employment-related options to tide them over until they are old enough to work full-time and can return to work with the same employer. These options could include:

- Supporting the child in attending a vocational training programme or apprenticeship;
- Continuing to work several hours a day in "light work", which they are entitled to do by international standards during the two years before they reach the minimum age for employment (although this provision may not be recognised by national law), while ensuring that they complete their basic education.

Options for younger children found at work

Children aged 12 or younger should be supported in returning to school, unless no suitable school is available locally. In such cases, business themselves can take a lead in providing finance for a community school, or in encouraging a suitable organisation to provide educational facilities. Some schools are unwilling to take back children who have already been at work for several years, in which case the company that has been benefiting from the children's work has a responsibility to do what it can, either to persuade the school authorities to take children back, or to organise other types of remedial education. In either case, it seems reasonable that the company should bear some of the costs.

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Replacing lost income

In the options for both older and younger children, the aim is not for a business to “reward” families for sending their children to work by giving them a financial subsidy when a child is removed, but rather to ensure that implementing employment laws does not cause harm to children who are already at work and who depend on their income to survive. Redundancy payments or other compensation can therefore be linked to initiatives to keep a child in school and ensure that he or she does not start work elsewhere. As such schemes are potentially difficult to administer, it is usually easier for a business to team up with an organisation that has experience of working with children and can help organise such arrangements, such as a local child rights NGO or UNICEF or the ILO-IPEC.

In some circumstances, an acceptable option is to offer a job vacated by an under age child to an unemployed older member of the same family, thereby ensuring that the household income is maintained or increased.

Businesses rarely have much experience at listening to children and knowing how to take their views into account when cases of child labour are detected. However, it is quite inappropriate for companies to assume that they can impose decisions on child workers without finding out what their views are and seeing whether these can be taken into account. The principle now recognised by the international community is that children who are capable of forming their own views have a right to express those views freely in all matters affecting them; furthermore, their views should be given due weight in accordance with the age and maturity of the child concerned (see Appendix 1 for details on this in relation to Article 12 of the UN Convention on the Rights of the Child).

The implication is that a business that comes across under age children at work, or other cases of child labour, has a responsibility to talk to the children concerned and to try and involve them in finding an appropriate solution. There is also a responsibility towards child workers, like adult workers, to provide them with clear information about what is going on, and what options are being looked at concerning their future.

Listening to children's opinions may be more difficult in the case of young children aged under 12, but on the whole such cases are likely to be easier to resolve than those of teenagers. It is chiefly in the case of older children, particularly those who are almost old enough to be undertaking the work they are doing, that special attention has to be paid to finding out what solutions the children themselves favour. As it may not be possible for a company to meet the children's wishes, it is important to clarify this at the outset of any consultations.

In order to ensure that child workers are not too intimidated to voice their views freely, companies may find it appropriate to use the services of NGOs or individuals who already have experience of helping children voice their own views.

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(continued)

Reporting on compliance – transparency

The amount of information that both companies and those auditing them make public varies a great deal. The principle here is straightforward: businesses should be as open as possible without compromising their competitiveness. This means stating on a regular basis:

- what standards in relation to child labour and other issues a company is committed to;
- what action has been taken to monitor and verify whether these standards are being met;
- whether corrective action has been taken as a result, and, if so, what.

Reports by companies

Over the last few years, the number of governments insisting that companies report publicly on the action they take on social and environmental issues has been increasing. In 2001, for example, the French National Assembly passed legislation requiring major French companies to disclose what they were doing on specified social and environmental issues. A subsequent Decree requires companies to report specifically on the issue of sub-contractors and of what action they have taken to ensure that sub-contractors respect the core ILO conventions (including those on child labour).¹¹

As far as corrective action in cases of non-compliance is concerned, most company reports limit themselves to mentioning the number of times a verifying agency noted non-compliance and required corrective action to be taken. A few go further and indicate the area in which non-compliance was occurring most frequently.

Reports by organisations administering codes and other schemes

The organisations administering standards such as SA8000 or organising schemes such as the Ethical Trading Initiative require corporate members to report in considerable detail.

The ETI's annual report (2001/2002) notes that "Member companies reported and were assessed against the following criteria which reflect their membership commitments":

- match between the company code and ETI base code
- top management commitment to ethical trade
- communication in the company and supply base about ethical trade
- quality of the monitoring programme
- detection of non-compliances

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Corporate ideals – developing country realities: meeting child labour standards

(continued)

- corrective action taken where non-compliance is found
- priorities for the coming year
- participation in ETI projects or working groups
- overall standard of the report.

The ETI also reported that it had given detailed feedback to each of its member companies on their performance relative to its other corporate members, and, in the cases where a company was judged not to be performing well, ETI representatives met with a senior company representative to agree the steps that would be taken to improve its performance.

The costs of monitoring and verification

The costs for a company of committing itself to not using child labour, let alone other commitments, are considerable. They include:

- Costs related to the development and adoption of an individual company code;
- Costs related to a code's introduction, such as training of both staff and representatives of suppliers;
- Costs of internal monitoring;
- Costs of external verification;
- Costs of corrective actions;
- Costs related to the withdrawal from their work of children who are involved in work in contravention of a code.

Relatively few of the businesses which have adopted codes concerning child labour explain in published reports exactly what the costs of implementation have been and whether it is the business itself or its suppliers which have born those costs. However, many retailers are reported to require their suppliers to pay much or all of the costs.

In a report published in February 2004, the British-based charity Oxfam criticised retailers for passing on these costs to their suppliers, observing that suppliers, in turn, cut their wage bill in order to pay for verification and corrective actions. Oxfam reported on one of the United Kingdom's largest retailers, Tesco, which was a member of the Ethical Trading Initiative (ETI). It noted that to finance its ethical trading programme, Tesco is reported to require all its suppliers to pay US\$119 every three months for each production site which supplies it¹².

In the case of IKEA, an independent report on labour standards among IKEA suppliers notes that IKEA pays the costs of monitoring and independent audits, but the costs of corrective action have to be born by suppliers themselves¹³. An IKEA supplier who is found to be using child labour will have already signed an agreement with IKEA which

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stipulates that child labour will not be used and that, if it is detected:

A corrective action plan shall take the child's best interests into consideration, i.e. family and social situation and level of education. Care shall be taken not merely to move child labour from one supplier's workplace to another, but to enable more viable and sustainable alternatives for the children.¹⁴

The disadvantage of this arrangement – requiring suppliers to pay the costs of both corrective action and remedial action on behalf of child workers who have to be given “viable and sustainable alternatives” – is that it is designed primarily to be punitive (to penalise a supplier for non-compliance) rather than to ensure that the best interests of children are upheld.

Endnotes – improving monitoring techniques

The New York-based Lawyers Group for Human Rights has recommended various ways to make visits by child labour monitors or auditors more meaningful. These are based on what it calls “best current practices”.¹⁵ They include:

- Exploring factory policies on prohibiting child labour and responding to it when it is discovered, including financial compensation to the child's family;
- Checking that the factory requires age documentation for employees as a condition of employment and keeps the documentation on record;
- Checking whether workers understand the prevailing policies and are informed about the factory's actual response in actual cases of violation;
- Reviewing dismissal records for a period prior to the monitor's arrival, to see if child workers were cleared out in advance;
- Checking for actual tracking of responses in cases where child labour is discovered, including compensation, support for schooling, and record-keeping on discovered cases;
- Checking whether the factory brings in and works with local service organizations when addressing child worker issues;
- For juvenile workers supposedly going to school, comparing school hours and work hours, consulting school records and records of schooling support by the employer.

Possible improvements suggested by the Lawyers' Committee

- 1 Require managers to keep track of the number and type of forged age documents that they detect, in the hiring process or subsequently, and to keep the forgeries (or samples) for inspection. This will help monitors learn to recognize prevalent types of forgeries themselves.

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(continued)

- 2 Consult with local outside groups not only on child labor norms in the area, but also for any indication of current child labor in the particular facility, common forgery practices, etc.
- 3 Consult with local schools for same.
- 4 Follow up with local schools in cases of discovered child workers to check on whether remediation is successful, both for the child and for the family.
- 5 In discovered cases, when the child involved reaches eligible age, follow up to check whether rehire actually occurs if requested.
- 6 Check whether hiring agent and/or personnel manager suffers any negative consequences when child labour hires are discovered.
- 7 Ask whether there is special supervision for juvenile workers, and interview the designated supervisor(s).

Responsibilities of external monitors

The US-based Fair Labor Association "Monitoring Guidance"¹⁶ identifies the follow 10 responsibilities for organisations seeking to verify whether a business is respecting a code concerning child labour or related issues.

- A. Establish Clear Evaluation Guidelines and Criteria
 - Establish clear, written criteria and guidelines for evaluation of Company compliance with the workplace standards.
- B. Review Company Information Database
 - Conduct independent review of written data obtained by Company to verify and quantify compliance with the workplace standards.
- C. Verify Creation of Informed Workplace
 - Verify that Company employees and employees of contractors and suppliers have been informed about the workplace standards orally, through the posting of standards in a prominent place (in the local languages spoken by employees and managers) and through other educational efforts.
- D. Verify Establishment of Communications Channel
 - Verify that the Company has established a secure communications channel to enable Company employees and employees of contractors and suppliers to report to the Company on non-compliance with the workplace standards, with security that they shall not be punished or prejudiced for doing so.
- E. Be Given Independent Access to, and Conduct Independent Audit of, Employee Records
 - Be given independent access to all production records and practices and wage, hour, payroll and other employee records and practices of Company factories and contractors and suppliers.
 - Conduct independent audit, on a confidential basis, of an appropriate sampling of production records and practices and wage, hour, payroll and other employee records and practices of Company factories and contractors and suppliers.

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F. Conduct Periodic Visits and Audits

- Conduct periodic announced and unannounced visits, on a confidential basis, of an appropriate sampling of Company factories and facilities of contractors and suppliers to survey compliance with the workplace standards.

G. Establish Relationships with Labor, Human Rights, Religious or Other Local Institutions

- In those instances where accredited external monitors themselves are not leading local human rights, labor rights, religious or other similar institutions, consult regularly with human rights, labor, religious or other leading local institutions that are likely to have the trust of workers and knowledge of local conditions. Assure that implementation of monitoring is consistent with applicable collective bargaining agreements and performed in consultation with legally constituted unions representing employees at the worksite.

H. Conduct Confidential Employee Interviews

- Conduct periodic confidential interviews, in a manner appropriate to the culture and situation, with a random sampling of Company employees and employees of contractors and suppliers (in their local languages) to determine employee perspective on compliance with the workplace standards. Utilize human rights, labor, religious or other leading local institutions to facilitate communication with Company employees and employees of contractors and suppliers, both in the conduct of employee interviews and in the reporting of non-compliance.

I. Implement Remediation

- Work, where appropriate, with Company factories and contractors and suppliers to correct instances of non-compliance with the workplace standards.

J. Complete Evaluation Report

- Complete report evaluating Company compliance with the workplace code of conduct.

- 1 For example, a cushion cover on sale in December 2003 carried a label stating that it was made in India, accompanied by a statement that "Our products are made with consideration of environment and welfare of craftsmen. A great care goes into selection of suppliers, who use no child labour to make this product".
- 2 Lawyers Committee for Human Rights (re-named "Human Rights First" in January 2004), *Yardsticks for Workers Rights: Learning from Experience*, 2003. This website contains information about verification procedures concerning the full range of labour rights.
http://workersrights.lchr.org/yardsticks_report/child_labor.htm#introduction
- 3 Laure Belot, "Les distributeurs français se dotent de règles communes", *Le Monde*, 25 September 2003. <http://www.lemonde.fr/web/article/0,1-0@2-3234,36-335382,0.html>
- 4 One such case, involving a British company, is described in "Forgotten on the Pyjama Trail", Appendix 6 in: *International Working Group on Child Labour, Working Children: Reconsidering the Debates*, Amsterdam, 1998.
- 5 General requirements for bodies operating assessment and certification/registration of quality systems (1996).
- 6 Quoted on SOCAM's website when accessed on 21 January 2004:
<http://www.socam.org/socam2001/nav.html#>

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- 7 <http://www.verite.org>
- 8 “Fair Labor Association Issues First Public Report: Global Companies Go Public With Independent Audits Of Labor Practices In Factories Around The World”, press release issued by FLA on 4 June 2003, available on FLA web-site, <http://fla.org> The companies involved were reported to be: Adidas-Salomon, Eddie Bauer, Levi Strauss and Co, Liz Claiborne Inc, Nike Inc, Phillips-Van Heusen and Reebok International Ltd.
- 9 ETI Annual Report 2001/2002, available from its website: <http://ethicaltrade.org>
- 10 ETI Principles of Implementation.
- 11 Decree 2002-221 (DÉcret no 2002-221 du 20 février 2002 pris pour l'application de l'article L. 225-102-1 du code de commerce et modifiant le décret no 67-236 du 23 mars 1967 sur les sociétés commerciales), Article 1 (9o) states : ‘ Il indique l'importance de la sous-traitance et la manière dont la société promeut auprès de ses sous-traitants et s'assure du respect par ses filiales des dispositions des conventions fondamentales de l'Organisation internationale du travail. Il indique en outre la manière dont les filiales étrangères de l'entreprise prennent en compte l'impact de leurs activités sur le développement régional et les populations locales. ’
From the website of the Observatoire de la Certification et de la Communication Environnementale et Sociale : <http://www.occes.asso.fr/fr/comm/nre.html>
- 12 Oxfam, Trading Away Our Rights - Women working in global supply chains, Oxford, February 2004.
- 13 SOMO (Centre for Research on Multinational Corporations), Esther de Haan and Joris Oldenziel, Labour conditions in IKEA's supply chain – Case Studies in India, Bulgaria and Vietnam, 2003.
- 14 “The IKEA Way on Preventing Child Labour”, December 2002, point 2.
- 15 Lawyers Committee for Human Rights, Yardsticks for Workers Rights: Learning from Experience, 2003.
http://workersrights.lchr.org/yardsticks_report/child_labor.htm#introduction
- 16 Fair Labor Association, Monitoring Guidance, Version 1.1, no date,
<http://www.fairlabor.org/docs/monitoring.pdf>

Child Labour Resource Guide

Appendix 5 – Domestic law as a tool against child labour



UNICEF/HQ96-1026/Shehzad Noorani

Appendix 5

Domestic law as a tool against child labour

In order to protect children, most countries have specified a minimum employment age. A number also have laws governing the employment of young people who have left school but are below 18, providing them with specific protection that is not available to adults. Yet the laws and regulations adopted at national level can seem confusing and in both developing and industrialised countries they are routinely flouted.

Minimum age for employment in 131 countries (under the terms of international law)

Most countries have laws governing the employment of children, often stipulating a minimum age for entry into full-time employment. However, the specific legal terms vary from country to country.

ILO Convention No. 138 concerning the Minimum Age for Admission into Employment has been ratified by 131 countries.¹ They have stipulated different minimum ages for entry into full-time employment:

- 42 countries – 14 years
- 59 countries – 15 years
- 30 countries – 16 years

The minimum age set by governments is not always a direct reflection of what actually happens in the country concerned, nor of the level of its development, even though this is supposed to be the criterion for a country allowing children to start full-time work at 14 rather than 15. For example, Albania has stipulated 16 as the minimum age, although the minimum age for leaving school is younger and many 15-year-olds work full-time. Two more developed European countries, the Netherlands and Norway, have both chosen 15 years.

In principle, the minimum ages stipulated under Convention No 138 are the same as those specified under national legislation. However, national law is not automatically synchronised with a state's international treaty obligations, and businesses wishing to check up on the minimum age for entry into employment in a specific country must obtain information in the country concerned on its legal requirements.

The complexities of the law in some countries

Even the Convention 138 contains a number of options, allowing children younger than the legal minimum age to earn money and work in some specific circumstances. This is reflected in the legislation of countries such as the UK in laws or regulations which allow children who are still obliged to attend school to work part-time, with the number of hours and timing often specified in the law.

The legislation in some countries goes much further and excludes whole sectors of employment from the scope of the law on minimum age for employment. This may mean that employers, parents and even law enforcement agencies are uncertain of what the requirements of the law are and ignore it as a result.

India – domestic law on child labour

One example of such complexities is described in a report submitted by the Government of India to the Committee on the Rights of the Child,

¹⁰¹ *The United Kingdom Committee for UNICEF
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the UN body responsible for monitoring compliance with the Convention on the Rights of the Child.²

India's main legislation on child labour is The Child Labour (Prohibition and Regulation) Act, 1986. This Act prohibits children's employment in a series of occupations and processes. This was modified in January 1999 to add 6 more occupations and 33 processes, bringing the total to 13 occupations and 51 processes, respectively. The situation was summarised by the Government of India in the table on the next page.³

The implications of this legislation are not always clear to businesses or employers. Commenting in February 2004 on the situation in India, the Committee on the Rights of the Child noted that "household enterprises and government schools and training centres" were exempt from prohibitions on employing children under the terms of the 1986 Act, and called for the law to be amended to fill this gap.⁴ As a consequence, private householders may employ children of any age as domestic servants in their houses, and there are no legislative limits on young children working for their own parents.

India has ratified a number of the ILO's early conventions concerning the employment of children in particular sectors, but has not ratified either Convention No 138 on the minimum age for entry into employment or Convention No 182 on the worst forms of child labour.

In its report to the Committee on the Rights of the Child, the Indian Government also mentioned a ruling by India's Supreme Court, in 1996,⁵ which, it said, had given directions regarding the way in which children working in hazardous occupations are to be withdrawn and rehabilitated, and also the manner in which the working conditions of children working in non-hazardous occupations are to be regulated and improved. The judgement, the Government reported, makes a number of requirements, including:

- The payment of compensation amounting to 20,000 [Indian] Rupees by the offending employer for every child employed in contravention of the provisions of the 1986 Act [equivalent to US\$91 at the beginning of 2004];
- Constitution of a Child Labour Rehabilitation-cum-Welfare Fund to receive money paid as compensation and to make payments to former working children or their families;
- Giving alternative employment to an adult member of the family in place of the child withdrawn from the hazardous occupation or payment of an amount of 5,000 Rupees [equivalent to US\$22.75 at the beginning of 2004] for each child employed in hazardous employment, by the appropriate [State] Government;
- Payment of interest on the corpus of 25,000 Rupees (20,000 Rupees to be paid by the employer and 5,000 Rupees to be paid by the Government) to the family of the child withdrawn from work;
- Provision of education in a suitable institution for the child withdrawn from work.

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Employment of Children: protective legal provisions	
<p>Name of the Act</p> <ul style="list-style-type: none"> ● The Children (Pledging of Labour) Act, 1933 ● The Factories Act, 1948 ● The Mines Act, 1952 ● The Motor Transport Workers Act, 1961 ● The Child Labour (Prohibition and Regulation) Act, 1986 	<p>Protective provisions for children:</p> <p>Any agreement to pledge the labour of children is void. Employment of children under 14 years of age is prohibited under these various laws.</p> <p>Except in the process of family-based work or recognised school-based activities, children are not permitted to work in occupations concerned with:</p> <ul style="list-style-type: none"> ● Passenger, goods mail transport in railway ● Carpet weaving ● Cinder picking, cleaning of ash pits ● Cement manufacturing ● Building operation construction ● Cloth printing ● Dyeing, weaving ● Manufacturing of matches, explosives, fireworks ● Catering establishment in railway premises or port limits ● Beedi making ● Mica, cutting, splitting ● Abattoirs ● Hazardous process " and " dangerous operations as defined, notified in Section 2(cb) and Section 87 of the Factories Act 1948 respectively. ● Wool cleaning ● Printing, as defined in Section 2(k) of the Factories Act, 1948 ● Cashew and cashewnut descaling and processing ● Soldering processes in electronic industries <p>In occupations and processes other than the above mentioned, work by children is permissible only for six hours between 8am and 7pm with one day's weekly rest.</p> <p>Occupier of establishment employing children to give notice to local inspector and maintain prescribed register.</p>
<p>The Plantation Labour Act, 1951</p>	<p>Children/adolescents are allowed to work 27 hours a week.</p>
<p>The Minimum Wages Act, 1948</p>	<p>Child work is not allowed during night i.e. 7pm to 6am. Children are permitted to work in plantation only where certificate of fitness is granted by a certifying surgeon. On completion of 15 days, leave with wages is to be allowed.</p>

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Domestic law as a tool against child labour

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The Government of India's report to the Committee on the Rights of the Child did not mention how many compensation payments had been made by employers under the terms of this judgement. However, it reported that on the basis of data collected during India's 1991 census, there were estimated to be 11.28 million working children in the country.

European Union standards on the employment of young people

The countries belonging to the EU were required to adopt new minimum standards concerning under 18-year-old workers as a result of a Council Directive (issued by the Council of the European Union) 94/33/EC in 1994 on the Protection of Young People at Work.⁶ This required all the EU's Member States (15 in 1994, increasing to 25 in May 2004) to:

...take the necessary measures to prohibit work by children. They shall ensure, under the conditions laid down by this Directive, that the minimum working or employment age is not lower than the minimum age at which compulsory full-time schooling as imposed by national law ends or 15 years in any event. (Article 1.1)

The Directive also requires Member States to take action to protect young people who are old enough to work. The general terms for this repeat existing international standards:

They shall ensure that young people are protected against economic exploitation and against any work likely to harm their safety, health or physical, mental, moral or social development or to jeopardise their education. (Article 1.3)

However, as in the case of so much other legislation concerning the employment of children, the Council Directive excludes certain categories of employment from its scope, notably:

(a) domestic service in a private household, or (b) work regarded as not being harmful, damaging or dangerous to young people in a family undertaking. (Article 2.2)

Provision is also made in Article 5 for "The employment of children for the purposes of performance in cultural, artistic, sports or advertising activities" to be subject to different regulations (prior authorisation to be given by the competent authority in individual cases.)

In order to protect the safety and health of young people at work, employers are required by the Directive to make an assessment of risks in the workplace and, if any risk is identified to their safety, physical or mental health, or development to provide regular free assessments and health checks.

To prevent young workers being involved in hazardous work, the Directive requires Member States to prohibit the employment of young people in :

a. work which is objectively beyond their physical or psychological capacity;

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Domestic law as a tool against child labour

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- b. work involving harmful exposure to agents which are toxic, carcinogenic, cause heritable genetic damage, or harm to the unborn child or which in any other way chronically affect human health;
- c. work involving harmful exposure to radiation;
- d. work involving the risk of accidents which it may be assumed cannot be recognised or avoided by young persons owing to their insufficient attention to safety or lack of experience or training; or
- e. work in which there is a risk to health from extreme cold or heat, or from noise or vibration.⁷

However, the Directive allows for some exceptions if these are indispensable in the vocational training of the young people concerned, provided that protection of their safety and health is ensured by the fact that the work is performed under the supervision of someone formally labelled as "a competent person".

The Council Directive limits the number of hours per week that school children (Article 8.1) and young workers who have left school (Article 8.2) may work. For school children, the maximum working time allowed is:

- a. eight hours a day and 40 hours a week for work performed under a combined work/training scheme or an in-plant work experience scheme;
- b. two hours on a school day and 12 hours a week for work performed in term-time outside the hours fixed for school attendance, provided that this is not prohibited by national legislation and/or practice; in no circumstances may the daily working time exceed seven hours; this limit may be raised to eight hours in the case of children who have reached the age of 15;
- c. seven hours a day and 35 hours a week for work performed during a period of at least a week when school is not operating; these limits may be raised to eight hours a day and 40 hours a week in the case of children who have reached the age of 15;
- d. seven hours a day and 35 hours a week for light work performed by children no longer subject to compulsory full-time schooling under national law.

The maximum working time for young workers who have left school is fixed at eight hours a day and 40 hours a week. The Council Directive also stipulates minimum requirements concerning night work, rest periods, annual rest, and breaks during working hours.

With the single exception of the UK, EU Member States were required to amend their legislation to meet these standards by June 1996. The UK was granted a four-year delay. Although the delay expired in 2000, it was not until 2003 that new provisions came into force in the UK.

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UK law concerning the employment of children

In the UK, the minimum age stipulated under ILO Convention No 138 is 16. Young people are entitled to leave school at the end of the school year (June or July) in the academic year in which they reach the age of 16. In some cases this means that children are 16 years and 9 months old before they are entitled to start full-time employment; others may be as young as 15 years and 9 months.

Different laws affecting the employment of children are in force in different parts of the country, and local government authorities, rather than central government, issue regulations to be followed within their jurisdiction.

In England and Wales, the relevant basic legislation is The Children and Young Persons Act 1933, amended by the Children and Young Persons Act 1963 and the Children Act 1972. In Scotland, the relevant law is The Children and Young Persons (Scotland) Act 1937. The legislation dealing with the employment of children is completed by various Education Acts, notably the Education Act 1996, and also by The Children (Protection at Work) Regulations 1998.

In 1997, a British Member of Parliament proposed a Private Member's Bill to update and standardise the law and regulations concerning the employment of children. Detailed new information on the topic was made public as a result.⁸ The Bill was eventually withdrawn, just as a previous attempt to standardise and update legislation and regulations on the employment of children in the early 1970s had been dropped. However, in the light of the EU Council Directive on the Protection of Young People at Work, new regulations (The Children [Protection at Work] Regulations 1998) came into force in August 1998.

Key points of British legislation and regulations concerning the employment of children

British legislation imposes some national limits on the employment of children. The Department of Health website⁹ (rather than the Department for Education or the Department for Work and Pensions) explains:

The law permits children to work:

- for a maximum of 2 hours on schooldays, only one of which may be before the start of school
- for a maximum of 2 hours on Sundays
- subject to a maximum of 12 hours per week, in term time
- for a maximum of 5 hours (if aged under 15) or 8 hours (if 15 or over) on Saturdays and weekdays during the school holidays, subject to an overall limit of 25 hours (under 15) or 35 hours (15 and over) a week in the school holidays.

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But they may not work:

- before they are 13 years of age
- for more than one hour before the start of school
- during school hours
- before 7am or after 7pm
- for more than four hours without a break of at least one hour throughout the year. They then must have at least two weeks free from work during the school holidays without an employment permit issued by the local authority in any industrial undertaking, e.g. factory, building site etc.
- in occupations prohibited by local by-laws or in other legislation (e.g. in pubs or betting shops), or in any work which is likely to be harmful to their health, well-being or education.
- in television, theatre or other similar activities, including modelling, without a performance licence issued by the local authority.

The “employment permit” which is supposed to be issued by a local government authority is also referred to as a “licence”.

A House of Commons Library Research Paper on the Employment of Children Bill 1997/98 Bill 13, published in February 1998, noted that “employment” in the main existing legislation (The Children and Young Persons Act 1933) is defined as:

A person who assists in a trade or occupation carried on for profit shall be deemed to be employed notwithstanding that he receives no reward for his labour.

The Paper comments that paid jobs such as babysitting and mowing lawns are excluded from these restrictions, whereas employment in a shop run by a relative is covered by the law, even if the child concerned goes unpaid. The Research Paper notes that Section 559 of the Education Act 1996 gives the local education authority the power to serve a notice on an employer prohibiting him from employing a child, if it appears that the employment is prejudicial to the child's health or education.

Some specific forms of employment are covered by different legislation. This is the case concerning children involved in performances of various sorts, both cultural and sporting, which are covered by the Children and Young Persons Act 1963 and the Regulations made under it – most recently the Children (Performances) (Amendment) (No 2) Regulations 2000. There is provision for children to be licensed to take part in performances by the local authority in the area where they live if they are involved for more than four days.

The Children (Protection at Work) Regulations 1998 made relatively minor changes to the law. According to the British Government's Department of Health website, the main changes were:

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Domestic law as a tool against child labour

(continued)

- The restrictions on children's working hours on Saturdays and during the school holidays, and the rest break provision, were previously contained in local authority by-laws; they are now standardised in the Children and Young Persons Act 1933.
- Children must now have a two-week break from any work during the school holidays
- Local authorities are updating their by-laws to include a list of jobs which 13-year-olds may do, and no child aged 13 may do any job unless it is on such a list.

Amendments in 2002

Some further minor amendments came into force in April 2003 concerning young workers who have left school, as a result of The Working Time (Amendment) Regulations 2002¹⁰. This confirms the standard maximum eight-hour day and 40-hour week for workers aged under 18 and also confirms the ban on their working at night (usually from 10pm until 6am, but sometimes from 11pm until 7am). However, it also provides for some specific exceptions, allowing young people employed in certain types of employment to work between the hours of 10pm to midnight and 4am and 6am. However, working between the hours of midnight and 4am is still prohibited. The specific places of work concerned are:

- hospitals or similar establishments;
- places involved in agriculture;
- places of retail trading;
- postal or newspaper deliveries;
- a hotel, public house, restaurant, bar or similar establishment;
- a catering business;
- a bakery;
- in connection with cultural, artistic, sporting or advertising activities.

These regulations apply throughout England, Scotland and Wales. Similar provisions came into force in Northern Ireland in April 2003, with the reported exception that 16- and 17-year-olds there are also allowed to work in sea-fishing until midnight and starting from 4am.¹¹ In the case of Northern Ireland, as the new regulations included bars and restaurants in the list of exceptions (as they do in the rest of the UK), it was decided that this would be reviewed in 2006 to see if the extended derogation has affected young workers' health, safety and welfare.

Local by-laws can relax the national rules surrounding the employment of school children in some respects and add to them in others. In some cases, by-laws specify both the occupations which school-aged children of 13 and above can enter, and some occupations which school-age children may not enter under any circumstances. School aged children are required to have a "licence" issued by their local government authority, authorising the specific work they are undertaking.

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Domestic law as a tool against child labour

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For example, Shropshire County Council in England adopted by-laws on child employment in 1999.¹² These stipulate that children under 13 may not be employed in any circumstances. They also stipulate that children who have reached 13 and are still below the minimum school leaving age may be employed in light work only in one or more of the following categories:

- Agricultural or horticultural work
- The delivery of newspapers, journals and other printed material, and collecting payment for same
- Shop work, including shelf stacking
- Hairdressing salons
- Office work
- Car washing by hand in a private residential setting
- In a cafe or restaurant (serving meals only, not preparing meals or serving alcoholic drinks)
- In riding stables
- Domestic work in hotels and other establishments offering accommodation

The Shropshire by-laws also specify that no child may be employed:

- In a cinema, theatre, discotheque, dance hall or night club
- To sell or deliver alcohol, except in sealed containers
- To deliver milk
- To deliver fuel oils
- In a commercial kitchen (e.g. fish and chip shop, washing up dishes)
- To collect or sort refuse
- In any work which is more than three metres above ground/floor level
- In employment involving harmful exposure to physical, biological or chemical agents (e.g. petrol station)
- To collect money or to sell or canvass door to door, except either under the supervision of an adult, or where payment is collected for the delivery of newspapers and journals
- In work involving exposure to adult material or in situations which are, for this reason, otherwise unsuitable for children (e.g. video shop)
- In telephone sales
- In any slaughterhouse or in that part of any butcher's shop
- As an attendant or assistant in a fairground or amusement arcade
- In the personal care of residents of any residential care home or nursing home unless under the supervision of a responsible adult

Employers who take the trouble can find out what sorts of work they may legally employ children aged from 13 to 16 to do. However, research in the UK has revealed that very few employment permits or licences are issued by local authorities for school age children to work. Furthermore, many householders pay children (other than their own) to undertake a wide range of tasks, particularly babysitting, in circumstances which would be prohibited if a formal employer was employing them. In many cases this does no harm, but the general lack

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Domestic law as a tool against child labour

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of public awareness regarding the limits on what children can reasonably be expected to do is disturbing.

Child employment in practice in the UK

The enforcement of national law and local by-laws on the employment of both school age children and young people who have left school is reported to be relatively lax in the UK. Findings from research carried out in four schools in Glasgow, Scotland, revealed that out of 751 pupils aged 13 and 14 who were interviewed, more than half had part-time jobs and 96 per cent of those working did so without a licence issued by the education department.¹³ Indeed, Glasgow's Director of Education reported that only eight licences for school age children to work had been issued in 1998. Particularly worrying was the finding that nearly a fifth of the children who had experience of work had been involved in some kind of accident.

An earlier survey of over 4,000 school children found that 20 per cent of 11-year-olds and 23 per cent of 12-year-olds had done paid jobs even though it was illegal for the under 13s to work.¹⁴ Of the surveyed children, 36 per cent had worked before 7am and over 50 per cent after 7pm, both of which are illegal.

As far as young workers who have left school but are still under 18 are concerned, the British Government's own Labour Force Survey (LFS) in March to May 2001 found that:

...30,000 persons in the UK aged 16 and 17 were in employment and working more than 40 hours per week. The average working week for those working more than 40 hours per week was 47 hours.¹⁵

The same government report noted that "about 35,000 employees aged 16 or 17 were recorded in the LFS as usually working at night."

It would appear that all the amendments to British legislation required by the EU Council Directive of 1994 have now been introduced. However, the gap between what is allowed by law and what happens in practice remains considerable, indicating how even industrialised countries find it difficult to determine the circumstances in which children work by means of legislation.

- 1 For details of the minimum age for each of the countries which have ratified ILO Convention 138 see <http://webfusion.ilo.org/public/db/standards/normes/appl/index.cfm?lang=EN>
- 2 Committee on The Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, India, Second Periodic Report (10 December 2001), UN document CRC/C/93/Add.5 of 16 July 2003, see [http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/6387247e0eeae0c4c1256dbe004f3bf3/\\$FILE/G0343869.pdf](http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/6387247e0eeae0c4c1256dbe004f3bf3/$FILE/G0343869.pdf)
- 3 Ibid., Box 8.22, quoting the source as the Government of India's Ministry of Labour, Annual Report, 1999-2000.
- 4 Committee on the Rights of the Child, 35th Session, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Concluding Observations: India, UN document CRC/C/15/Add.228, 26 February 2004, see [http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/35e5ebb72fcadbac1256e83004a29a8/\\$FILE/G0440552.pdf](http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/35e5ebb72fcadbac1256e83004a29a8/$FILE/G0440552.pdf)
- 5 In response to Writ Petition (Civil) No. 465/1996.
- 6 <http://www.ueanet.com/facts/directive/doc/anglais/>

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(continued)

- ftxtdirective%20young%20people-en.pdf
- 7 Council Directive Article 7.
 - 8 In particular House of Commons Library Research Paper 98/18, Employment of Children Bill 1997/98 Bill 13, 3 February 1998.
 - 9 Department of Health, "Employment of children: summary of legislation", undated <http://www.doh.gov.uk/employ.htm>
 - 10 <http://www.legislation.hmso.gov.uk/si/si2002/20023128.htm>
 - 11 Northern Ireland Department for Employment and Learning, news release, "Increased Protection For Northern Ireland's Young Workers", 21 March 2003, <http://www.northernireland.gov.uk/press/el/030321c-el.htm>
 - 12 <http://www.shropshireonline.gov.uk/pupils.nsf/open/FD78A33BA6FD825C80256CB100496394>
 - 13 Investigation commissioned by the BBC and carried out by Dr Jim McKechnie and others at the University of Paisley, reported by the BBC on 21 April 1999, "Glasgow's illegal child workers exposed", <http://news.bbc.co.uk/1/hi/uk/324964.stm>
 - 14 Working Classes: a TUC Report on school age labour in England and Wales, January 1997, quoted in House of Commons Library Research Paper 98/18, Employment of Children Bill 1997/98 Bill 13, 3 February 1998.
 - 15 The Working Time (Amendment) Regulations 2002, Regulatory Impact Assessment, paragraph 11, <http://www.dti.gov.uk/access/ria/pdf/workingtime.pdf>

Child Labour Resource Guide

Appendix 6 – Developing child labour policies:
examples from four major businesses



UNICEF/HQ00-0367/Alejandro Balaguer

Appendix 6

Developing child labour policies, examples from four major businesses

During the 1990s, many different businesses based in the UK and elsewhere adopted codes which either referred to labour standards in general or incorporated a specific prohibition on child labour. This section cites the examples of four companies which adopted codes excluding the use of under age child workers by their suppliers and which also took other action regarding child labour.

The companies:

Reebok International Ltd
Levi Strauss
Pentland Group plc
IKEA

Reebok International Ltd

The company adopted the "Reebok Human Rights Production Standards" in 1992.¹ The standards cover nine areas, including child labour. The specific requirement on child labour states:

No Child Labor "Reebok will not work with business partners that use child labor. The term "child" refers to a person who is younger than 15, or younger than the age for completing compulsory education in the country of manufacture, whichever is higher."

Auditing and monitoring

Initially, monitoring was carried out entirely by two Reebok staff members. In the mid-1990s, the company started independent audits of its human rights standards.

Meeting human rights standards

The procedures for meeting Reebok's human rights standards are contained in *A Guide to the implementation of the Reebok Human Rights Production Standards*.² This specifies that all Reebok suppliers must keep personnel files which include evidence of the age of each worker younger than 18.

The Guide also requires employers to comply with any legal restrictions applying to young workers below 18, and to have systems in place to identify any places or operations which are inappropriate for young workers. Employers are also required to ensure that all workers engaged in operating, or working close to, hazardous equipment, working at dangerous heights or lifting heavy loads, or are exposed to hazardous substances, are above the legal age for such work.

In order to ensure that younger children are not working, Reebok stipulates that, "children will not have access to production areas", bans children from visiting their parents in factory production areas, and excludes children from the workplace "unless they are part of a guided school group tour or other such unusual event."

Reebok's high profile on human rights issues means that the company has taken special care to avoid being criticised for allowing violations of

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Developing child labour policies, examples from four major businesses

(continued)

labour rights to occur in its supply chain. In 1996 and 1997, this led to some criticisms of the company's efforts to ensure that under age children were not involved in stitching Reebok footballs in Pakistan, notably when the company began printing labels on the footballs declaring: "Guarantee: manufactured without child labor". The use of such labels was criticised by other sporting goods retailers. In order to deliver a cast-iron guarantee that children were not being exploited, Reebok established central stitching factories to replace the practice of stitching footballs in private homes.

While one result was to guarantee that under age children could be identified and kept out of the workplace, another was that few women worked in the stitching factories and it was reported that their income and economic independence suffered.³

Levi Strauss & Co.

Employment standards are one of five issues covered by the *Levi Strauss and Co. Global Sourcing and Operating Guidelines*. The specific requirement on child labour is one of eight employment issues mentioned. The company states:

Child Labor: Use of child labor is not permissible. Workers can be no less than 15 years of age and not younger than the compulsory age to be in school. We will not utilize partners who use child labor in any of their facilities. We support the development of legitimate workplace apprenticeship programs for the educational benefit of younger people.

Taking corrective action

Levi Strauss was one of the businesses sourcing in Bangladesh at the time that suppliers in the country became concerned about child labour in 1992 and 1993. Suppliers feared that US-based retailers would stop sourcing their products in Bangladesh.

Two local suppliers were found to be employing children under 14, which violated Levi Strauss' sourcing guidelines at the time. The suppliers argued that child labour was a "normal and acceptable practice" in Bangladesh and that to dismiss the children would cause severe hardship to their families.

Levi Strauss reportedly explored with the supplier and some local NGOs an arrangement whereby the children under 14 would be removed from the factories and paid their wages and other benefits (paid partly by their former employer and partly by Levi Strauss) whilst receiving an education and other services. This was on the understanding that they would be re-employed on reaching the age of 14.⁴

In using this approach, Levi Strauss was evidently working to reconcile its corporate ideals with developing country realities.

Pentland Group plc

Pentland operates a number of brands and businesses in the footwear, clothing and sports markets. Among its brands are: Speedo, Ellesse,

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Developing child labour policies, examples from four major businesses

(continued)

Kickers, Berghaus, Mitre and Red or Dead. It also operates certain brands under licence from third party brand owners such as Lacoste Footwear Worldwide and Skechers in the UK. It has a major sourcing operation headquartered in Hong Kong.⁵

Codes of conduct

Pentland has adopted codes at several different levels to determine its behaviour and that of its suppliers. A *Group Code of Business Conduct* was adopted by the Board in 2001 to spell out standards of behaviour in the management of the Group's companies. This mentions the Group's responsibilities to its "stakeholders" and also lists the Group's explicit undertakings to its employees, customers, suppliers and the wider community.

A *Group Employment Standards Policy* spells out the rights and responsibilities of Pentland employees while a *Group Code of Employment Standards for Suppliers* spells out the minimum standards required of suppliers.

The *Group Employment Standards Policy* notes that Pentland's "policy is only to do business with suppliers that adopt and implement our standards or have their own policies that reflect the same standards." Recognising the complexity of its supply chain, this policy tries to set out the limits of the Group's responsibility for determining the labour standards respected by its suppliers:

Our suppliers all have suppliers of their own and they in turn are supplied by others. It would be impossible for us to control the working conditions of the vast number of people who contribute in some way to what finally becomes one of our products. We therefore address our policy primarily to our direct suppliers and encourage them, in turn, to apply it to their own supply chains.⁶

The *Group Code of Employment Standards for Suppliers* is said by Pentland to reflect the Base Code of the Ethical Trading Initiative (ETI) and to be consistent with the relevant ILO conventions and recommendations. The requirement that "child labour is not used" is one of nine requirements for suppliers to respect regarding employment standards.

The *Group Code of Employment Standards for Suppliers* stipulates that:

- 4.1 There is no recruitment of child labour.
- 4.2 If any incidence of child labour is identified in the supplier's industry and region, the supplier shall initiate, or participate in, a programme to transfer any children involved in child labour into quality education until they are no longer children.
- 4.3 No one under 18 years old is employed at night or in hazardous work or conditions.

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Developing child labour policies, examples from four major businesses

(continued)

4.4 In this Code, "child" means anyone under 15 years of age, unless national or local law stipulates a higher mandatory school leaving or minimum working age, in which case the higher age shall apply; and "child labour" means any work by a child or young person, unless it is considered acceptable under the ILO Minimum Age Convention 1973 (C138).

In addition to the monitoring and independent auditing of these standards, the Pentland Group is reported to have worked closely with others in Pakistan and India to eliminate the use of child labour from the manufacture of footballs and other sporting goods. Those involved with Pentland have included local manufacturers, the World Federation of the Sporting Goods Industry, other sporting goods retailers, UNICEF, the ILO and Save the Children (UK).

IKEA

The IKEA furniture retailing group is owned by the Ingka Foundation. It was initially headquartered in Sweden, but relocated to the Netherlands in 2001. At the beginning of 2004, IKEA's website indicated that it was sourcing its products in over 55 countries, with more than 2,000 suppliers.

IKEA was alerted to the issue of child labour in 1995, following the murder of a Pakistani boy who had worked closely with a Swedish NGO opposing bonded child labour. The boy, Iqbal Masih, had worked making hand knotted carpets. IKEA became concerned that some of the workers involved in manufacturing carpets for the company in South Asian countries might be working in similarly abusive circumstances.

In 1998, IKEA signed a framework agreement with the International Federation of Building and Wood Workers (IFBWW) on the employment rights of its employees and those of its suppliers, containing a prohibition on child labour. In 2000, it adopted new standards, focusing on working conditions and the environment.⁷

Since December 2002, IKEA's code of conduct governing working conditions and environmental awareness among its suppliers has been known as the *IWAY Standard Minimum Requirements for Environment, Social and Working Conditions and Wooden Merchandise*. This is backed up by a number of more detailed codes, such as *The IKEA Way on Preventing Child Labour*, along with standards on hazardous waste and other environmental issues and the *IKEA Trading Audit Procedure*.⁸ The IWAY Standard refers to 19 different issues, more than the other individual company codes mentioned here.

The specific provision on child labour (point 11) is notable because it makes explicit reference to taking into account the "best interests" of any child found at work inappropriately. It states:

The IKEA supplier shall not make use of child labour. All measures to avoid child labour shall be implemented taking into account the best interests of the child. The supplier shall sign a

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Developing child labour policies, examples from four major businesses

(continued)

document where it is stated that they recognise and abide by IKEA child labour requirements... The IKEA supplier shall take the appropriate measures to ensure that no child labour occurs at their own place of production or at sub-suppliers place(s) of production. The supplier shall maintain a labour force register including date of birth for all the workers. The IKEA supplier shall effectively communicate to all its suppliers, as well as to its employees, the content of the "IKEA Way on Preventing Child Labour" .

IKEA also makes it clear that its suppliers must respect the minimum ages set out in ILO Convention No 138. Therefore the employment of 14-year-olds is acceptable in some countries. Children aged 12 to 14 may, in some restricted circumstances, also be employed in "light work" .

The same Point 11 also sets a minimum standard for young workers aged under 18 who can be appropriately employed, stating:

The IKEA supplier shall protect young workers of legal working age, up until the age of 18, from any type of employment or work which, by its nature or circumstances in which it is carried out, is likely to jeopardise their health, safety or morale.

The IKEA Way on Preventing Child Labour details the process to be followed for upholding the best interests of children including a requirement that suppliers implement corrective action plans if child labour is found at production plants. IKEA also state that:

...A corrective action plan shall take the child's best interests into consideration, i.e., family and social situation and level of education. Care shall be taken not merely to move child labour from one supplier's workplace to another, but to enable more viable and sustainable alternatives for the children.

Monitoring and auditing

IKEA has its own International Compliance Organisation Support and Monitoring Group and its own Children's Ombudsman, whose responsibility it is to ensure that IKEA maintains a clear focus on the best interests of the child and complies with the provisions of the UN Convention on the Rights of the Child.

IKEA's staff at its trading service offices are reported to work with suppliers to implement the IWAY standards and to decide on appropriate corrective action when violations are detected. Some 80 trained auditors are reported to carry out audits of suppliers and are responsible for preparing action plans whenever cases of non-compliance are noted. Cases of non-compliance and action plans are reported to be followed up by a new audit.

In September 2003, IKEA reported that more than 20,000 corrective actions had taken place at 1,600 suppliers in 55 countries. More than 50,000 corrective actions were said to be in progress. IKEA is reported

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Developing child labour policies, examples from four major businesses

(continued)

to have developed a guidebook for auditors and a compliance database to store relevant data on its suppliers and the results of monitoring, including follow up of action plans when contraventions of its standards are detected.

The “ Compliance and Monitoring Group” within IKEA is responsible for auditing the work done by IKEA trading service offices to comply with IWAY standards. In addition, IKEA uses independent third party auditing companies to carry out audits of its suppliers. IKEA has made the interviewing of workers at suppliers an important part of the third party audits. Independent auditors employed by IKEA are reported to include KPMG, PricewaterhouseCoopers and Intertek Testing Services.

Independent research

In September 2003, a research organisation based in the Netherlands published a report on employment standards among IKEA’s suppliers in Bulgaria, India and Vietnam.⁹ While not identifying any cases of child labour, researchers did visit a supplier whose factory bore a sign saying that workers under the age of 18 need not apply for jobs.¹⁰ A blanket provision along these lines might be justified if all the jobs involved hazardous work. As this seems extremely unlikely, however, it appears that the factory was discriminating against all children under 18 in order to avoid accusations of employing child labour. Denying eligible children and young people the opportunity to work is a clear violation of children’s rights.

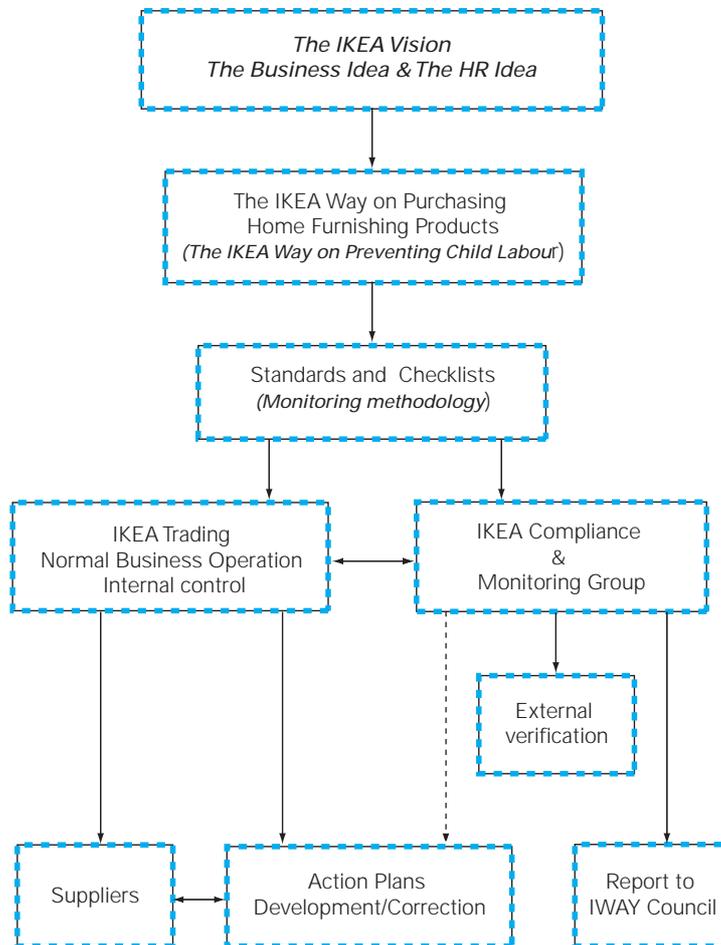
Go to Appendix 2 for an examination of the different types of standards and codes of conduct on corporate social responsibility, with specific reference to child labour.

- 1 Reebok’s website summarises the history of its attempts to enforce this and other standards in the past decade.
<http://www.reebok.com/static/global/initiatives/rights/home.html>
- 2 Reebok, A guide to the implementation of the Reebok Human Rights Production Standards, Version 3, 2001.
http://www.reebok.com/x/us/humanrights/pdf/reebokHR_guide.pdf
- 3 Reported by Eliot J Schrage in Promoting International Worker Rights Through Private Voluntary Initiatives. Public Relations or Private Policy? January 2004
- 4 From Anti-Slavery International, Helping Business to Help Stop Child Labour, London, 1996
- 5 Information taken from the International Business Leaders Forum website, October 2003
- 6 See the Pentland website: http://www.pentland.com/our_business_standards.php
- 7 See IKEA’s website: <http://www.ikea-group.ikea.com/corporate/responsible/index.html>
- 8 Available from the IKEA website
- 9 Esther de Haan & Joris Oldenziel, Labour Conditions in IKEA’s supply chain – case studies in India, Bulgaria and Vietnam. SOMO (Stichting, Onderzoek Multinationale Ondernemingen), September 2003
- 10 SOMO investigators expressed concern that child labour might be present in the supply chain in India but did not identify any specific cases.

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Developing child labour policies, examples from four major businesses

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An illustration showing how IKEA's standards on child labour are subject to scrutiny.

Child Labour Resource Guide

Further information



UNICEF/HQ01-0301/Shehzad Noorani

Further information: organisations to contact and websites to consult

Glossaries of terms

Several organisations have made glossaries available on the internet of terminology used in the course of establishing corporate social responsibility standards and verifying whether these are being respected. In the UK, a report on Labour Standards for Investors by ETI and Just Pensions includes a "Glossary of Terms" (available from the ETI website, <http://www.ethicaltrade.org/pub/publications/2002/11-justpendsrft/index.shtml>). In the Netherlands, SOMO (the Centre for Research on Multinational Corporations) has issued a glossary focusing on monitoring and verification, developed especially in relation to the garment and textiles industries ("Monitoring and Verification Terminology Guide for the garment and sportswear industries", available from SOMO's website, see below).

Organisations to contact

AccountAbility (Institute of Social and Ethical Accountability)

AccountAbility is an international membership organisation that promotes social and ethical accountability and sustainable development primarily through AA1000, a set of standards that emphasise stakeholder engagement. An overview of the AA1000 Framework and Series can be viewed online at:

<http://www.accountability.org.uk/aa1000/default.asp>

Address: Unit A, 137 Shepherdess Walk, London N1 7RQ, UK.

Telephone: +44 (0)20 7549 0400

Fax: +44 (0)20 7253 7440

Email: Secretariat@AccountAbility.org.uk

Website: <http://www.AccountAbility.org.uk>

Abrinq Foundation for the Rights of Children and Adolescents

(Fundação Abrinq pelos Direitos da Criança e do Adolescente)

The Abrinq Foundation is a non-profit organisation dedicated to defending the rights and citizenship of children and adolescents. It runs a Child Friendly Business Programme that grants a social stamp of approval to companies that sign up to ten promises to Brazilian children. These promises cover issues such as combating child labour, guaranteeing healthcare and education to the children of their employees and investing in social initiatives that improve the quality of life for all children and adolescents.

Address: Rua Lisboa 224 - Jardim América, 05413-00 São Paulo/SP, Brazil.

Telephone: +55 (11) 3069 0699

Email: info@fundabrinq.org.br

Website: <http://www.fundabrinq.org.br/index.php?pg=empresas>

Further information: organisations to contact and websites to consult

(continued)

BSR (Business for Social Responsibility)

BSR seeks to help companies of all sizes and from all sectors achieve commercial success in ways that respect ethical values, people, communities and the environment. BSR offers a range of services to businesses, including training, an annual conference attended by business leaders concerned with corporate social responsibility, and a website.

Briefing on child labour available at:

<http://www.bsr.org/CSRResources/IssueBriefDetail.cfm?DocumentID=49773>

Address: 111 Sutter Street, 12th Floor, San Francisco, CA 94104 USA.

Telephone: +1 415 984 3200

Fax: +1 415 984 3201

Email: advisoryservices@bsr.org

Website: <http://www.bsr.org>

Business and Human Rights Resource Centre

An independent organisation in partnership with Amnesty International and academic institutions, the Business and Human Rights Resource Centre promotes greater awareness and informed discussion of important issues relating to business and human rights. It runs a website and online library focusing on human rights and business.

The website includes a list of companies whose company human rights policies refer to the Universal Declaration of Human Rights:

<http://www.business-humanrights.org/Categories/Company policysteps/Policies/Companieswithhumanrightspolicies>

Address: 361 Lauderdale Tower, Barbican, London EC2Y 8NA, UK.

Telephone: +44 (0) 20 7628 0312

Fax: +44 (0) 20 7628 0312

Email: contact@business-humanrights.org

Website: <http://www.business-humanrights.org>

CSR Europe

CSR Europe was set up in 1996 by former European Commission president Jacques Delors. It is a not-for-profit organisation that promotes corporate social responsibility. Their mission is to help companies achieve profitability, sustainable growth and human progress by placing corporate social responsibility in the mainstream of business practice. CSR Europe runs a European Business Campaign on Corporate Social Responsibility.

Address: Rue Defacqz, 78-80 Brussels 1060, Belgium.

Telephone: +32 2 541 1610

Fax: +32 2 502 8458

Email: info@csreurope.org

Website: <http://www.csreurope.org>

Glossary of CSR terms at:

<http://www.csreurope.org/glossary/default.aspx>

Further information: organisations to contact and websites to consult

(continued)

Department for International Development (DFID)

DFID is the UK Government department responsible for promoting sustainable development and reducing poverty. For information on DFID's work on corporate social responsibility, please contact Malaika Culverwell (+44 20 7023 1283), Private Sector Advisor on the Business Alliances team or Maria Cushion who works on labour standards. Also, the UK Government has a website dedicated to corporate social responsibility <http://www.societyandbusiness.gov.uk>. It contains the Government Annual Report on corporate social responsibility.

Address: 1 Palace Street, London SE1E 5HE, UK.
Telephone: 020 7023 0000
Email: m-culverwell@dfid.gov.uk
Website: <http://www.dfid.gov.uk>

Eliminate Child Labour in Tobacco Foundation (ECLT)

ECLT was established in 2002 as a joint initiative involving the International Tobacco Growers' Association (ITGA), tobacco importing companies, and the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers Associations (IUF). ECLT's activities focus on 3 areas: developing research on the conditions and level of child labour in tobacco growing; supporting and funding community-based projects; and establishing and sharing best practice.

Address: ECLT Foundation, 28 rue du Village, 1214 Vernier, Geneva, Switzerland.
Telephone: +41 22 306 1444
Fax: +41 22 306 1449
Email: eclt@eclt.org
Website: <http://www.eclt.org>

Ethical Tea Partnership

The Ethical Tea Partnership began work in 1997 as the Tea Sourcing Partnership by a number of UK-based tea packing companies that work to monitor conditions of tea production around the world. Their four core beliefs include responsibility for the social and ethical conditions involved in sourcing tea; a non competitive and apolitical approach; respect for cultural and legislative differences in tea producing countries while aspiring to international standards; and partnership with tea producers. In September 2004 they changed their name to the Ethical Tea Partnership, believing it to reflect more clearly their increasingly proactive role in the ethical trading of tea.

Address: PO Box 2287, Caterham, CR3 0ZW, UK.
Telephone: +44 (0)20 8645 0333
Fax: +44 (0)20 8645 0333
Email: info@ethicalteapartnership.org
Website: <http://www.ethicalteapartnership.org>

Further information: organisations to contact and websites to consult

(continued)

Ethical Trading Initiative (ETI)

The Ethical Trading Initiative (ETI) describes itself as an alliance of companies, NGOs and trade union organisations committed to working together to identify and promote good practice in the implementation of codes of labour practice. ETI's website provides a glossary of ethical trade terms, available at:

<http://www.ethicaltrade.org/Z/ethtrd/gloss/index.shtml>

It also sets out its base code with accompanying principles of implementation at: <http://www.ethicaltrade.org/Z/lib/base/index.shtml>

Address: 2nd floor, Cromwell House, 14 Fulwood Place,
London WC1V 6HZ, UK.

Telephone: +44 (0) 20 7404 1463

Fax: +44 (0) 20 7831 7852

Email: eti@eti.org.uk

Website: <http://www.ethicaltrade.org>

Fair Labor Association (FLA)

The Fair Labor Association (FLA) represents a coalition of companies, universities and NGOs to promote adherence to international labour standards and improve working conditions worldwide. The FLA conducts independent monitoring and verification to ensure that the FLA's Workplace Standards are upheld where FLA company products are produced. The Workplace Code of Conduct is available at:

<http://www.fairlabor.org/all/code/index.html>

Address: 1505 22nd Street, NW, Washington, DC 20037, USA.

Telephone: +1 (202) 898 1000

Fax: +1 (202) 898 9050

Email: bshubash@fairlabor.org (Barbara Shubash – Administrator)

Website: <http://www.fairlabor.org>

Fairtrade Labelling Organizations International (FLO-International)

FLO is the worldwide Fairtrade standard setting and certification organisation. FLO guarantees that products sold anywhere in the world with a Fairtrade label marketed by a national initiative conforms to Fairtrade standards and contributes to the development of disadvantaged producers. FLO International has issued a set of Generic Fairtrade Standards for Hired Labour.

Address: Kaiser-Friedrich-Strasse 13, D - 53113 Bonn, Germany.

Telephone: +49 228 949 230

Fax: +49 228 242 1713

Email: info@fairtrade.net

Website: <http://www.fairtrade.net>

Further information: organisations to contact and websites to consult

(continued)

FAFO (Fafo Institute for Applied Social Science)

Fafo conducts policy-related research at the national and international level in the fields of labour relations, welfare policy and living conditions. One of the topical areas of research is child labour and trafficking, for which further information and publications can be viewed at:
<http://www.fafo.no/ais/topics/childlabour.htm>

Address: Fafo, P.O.Box 2947 Tøyen, 0608 Oslo, Norway.
Tel: +47 2208 8660
Fax: +47 2208 8700
Email: fafo@fafo.no
Website: <http://www.fafo.no/english/index.htm>

FTSE4Good

The FTSE4Good Index Series measures the performance of companies that meet globally recognised corporate responsibility standards to facilitate investment in those companies. For inclusion in the FTSE4Good Index Series, eligible companies must meet criteria requirements in three areas: working towards environmental sustainability; developing positive relationships with stakeholders; and up-holding and supporting universal human rights. To download a copy of the inclusion criteria for the FTSE4Good Index Series, go to:
<http://www.ftse.com/ftse4good/FTSE4GoodCriteria.pdf>
For guidance on FTSE4Good's new Supply Chain Labour Standards criteria, go to: <http://www.ftse.com/ftse4good/SupplyChainCriteria.pdf>

Address: 15th Floor, St Alphage House, 2 Fore Street
London EC2Y 5DA, UK.
Tel: +44 (0)20 7448 1800
Fax: +44 (0)20 7448 1804
Email: info@ftse.com
Website: <http://www.ftse.com/ftse4good/index.jsp>

Global Reporting Initiative (GRI)

The Global Reporting Initiative (GRI) is a multi-stakeholder process and independent institution that offers a set of standards for businesses to take part in the UN Global Compact. The GRI's mission is to develop and disseminate globally applicable Sustainability Reporting Guidelines, to be used voluntarily by organisations for reporting on the economic, environmental, and social dimensions of their activities, products, and services. They can be downloaded from its website at:
<http://www.globalreporting.org/guidelines/2002.asp>

Address: Keizersgracht 209, P.O. Box 10039, 1001 EA Amsterdam,
The Netherlands
Telephone: +31 (0) 20 531 0000
Fax: +31 (0) 20 531 0031
Email: info@globalreporting.org
Website: <http://www.globalreporting.org>

Further information: organisations to contact and websites to consult

(continued)

International Cocoa Initiative (ICI)

In July 2002, the global chocolate and cocoa industry, in partnership with organised labour unions and NGOs, established the International Cocoa Initiative "Working Towards Responsible Labour Standards for Cocoa Growing" to eliminate abusive child labour practices in cocoa cultivation and processing. The ICI's basis for action and pilot programme launched in 2004 can be viewed online at:
http://www.chocolateandcocoa.org/Labour/Child/Initiative/pr_06_04.asp

Address: 8320 Old Courthouse Road, Suite 300, Vienna,
VA 22182, Austria.
Telephone: 703 790 5012
Fax: 703 790 5752
Email: robert.peck@worldcocoa.org
Website: <http://www.chocolateandcocoa.org/Labour/Child/Initiative/default.asp>

International Confederation of Free Trade Unions (ICFTU)

The world's largest trade union organisation, representing trade unions from all around the world, ICFTU runs a campaign against child labour. In the late 1990s, the ICFTU developed a model code on labour standards for companies (available on its website).

Address: Boulevard du Roi Albert II 5, Bte 1, 1210, Brussels, Belgium.
Telephone: +32 (0) 2 224 0211
Fax: +32 (0) 2 201 5815
Email: internetpo@icftu.org
Website: <http://www.icftu.org>

International Programme on the Elimination of Child Labour (IPEC)

Part of the International Labour Organization, IPEC focuses specifically on child labour and campaigns for the universal ratification of ILO's Convention 182 on the Worst Forms of Child Labour. IPEC's website provides information on the worst forms of child labour as well as the various instruments used to combat it.

Address: International Labour Office, CH-1211, Geneva 22, Switzerland.
Telephone: +41 22 799 8181
Fax: +41 22 799 8771
Email: ipecc@ilo.org
Website: <http://www.ilo.org/public/english/standards/ipecc/index.htm>

International Organisation of Employers (IOE)

The IOE represents national employers' organisations at the ILO. The IOE has committed itself and its members to eradicating child labour, and has published the "Employers' Handbook on Child Labour – A Guide for Taking Action", available from
http://www.ioe-emp.org/ioe_emp/pdf/childlabour1.pdf

Further information: organisations to contact and websites to consult

(continued)

Address: 26, Chemin de Joinville, 1216 Cointrin, Geneva, Switzerland.
Telephone: +41 22 929 0000
Fax: +41 22 929 0001
Email: ioe@ioe-emp.org
Website: <http://www.ioe-emp.org>

International Save the Children Alliance

The International Save the Children Alliance is a network of all the Save the Child organisations. Members of the alliance deal with many different aspects of child exploitation and abuse. Their collective policy on child labour is available from their website.

Address: Second Floor, Cambridge House, 100 Cambridge Grove,
London W6 0LE, UK.
Telephone: +44 (0)20 8748 2554
Fax: +44 (0) 20 8237 8000
Email: info@save-children-alliance.org
Website: <http://www.savethechildren.net>

Prince of Wales International Business Leaders Forum (IBLF)

The IBLF is a non-profit organisation based in London but with affiliates and representatives across the world, that promotes responsible business practices and partnership action for sustainable development. The Forum has a Business and Human Rights Programme whose website provides general information about what a company can do to be a responsible business, available at:

<http://www.iblf.org/csr/csrwebassist.nsf/content/a1a2a3b4.html>

It provides more specific information about tackling child labour at:

<http://www.iblf.org/csr/csrwebassist.nsf/content/a1a2a3f4.html#3>

Address: 15-16 Cornwall Terrace, London NW1 4QP, UK.
Telephone: +44 (0)20 7467 3600
Fax: +44 (0)20 7467 3610
Email: info@iblf.org
Website: <http://www.iblf.org/>

Bench Marks for Measuring Business Performance:

Principles for Global Corporate Responsibility (BeFSA-CSR)

Bench Marks has been developed to provide a comprehensive set of social and environmental criteria and business performance indicators for corporations developing and monitoring corporate codes of conduct. The purpose of the document is to promote positive corporate social responsibility.

Address: BeFSA-CSR Secretariat, PO Box 1023, Pretoria 0001,
South Africa.
Email: ptabish@cpsa.org.za
Website: <http://www.bench-marks.org>

Further information: organisations to contact and websites to consult

(continued)

Save the Children (UK)

Save the Children UK is a leading international children's charity working in more than 70 countries. The organisation supports projects that tackle child labour and its causes – poverty and inequality – in around 20 countries in Asia, Africa and Europe. This involves working with groups of working children, their families, communities, the private sector, unions, governments and international bodies, to find solutions to exploitative child labour. Save the Children UK has published various reports on Child Labour including two specifically intended for businesses: "Big Business, Small hands – Responsible Approaches to Child Labour" (2000) and "Business Benefits: How companies can take positive action on education, child labour and HIV/AIDS" (2003) which can be downloaded or purchased from their website.

Address: 1 St. John's Lane, London, EC1M 4AR, UK.
Telephone: +44 (0)20 7012 6400
Fax: +44 (0)20 7012 6963
Email: supporter.care@savethechildren.org.uk
Website: <http://www.savethechildren.org.uk/>

SGS (Société générale de surveillance)

SGS provides verification, testing and certification services through a network of offices and laboratories around the world. This includes assessment and certification against SA 8000 and other ethical performance standards. Information on SGS as a certifying body on SA8000 is available at: http://www.sgs.com/sa_8000?serviceId=10243&lobId=5554. For further information please contact Jonathan Hall on +44 [0] 1276 697 777 or email jonathan_hall@sgs.com.

Address: Head Office – 1 Place des Alpes, P.O. Box 2152,
1211 Geneva 1, Switzerland.
UK Office – SGS United Kingdom Ltd, SGS House,
217-221 London Road, Camberley, Surrey GU15 3EY, UK.
Telephone: +44 (0) 1276 697 877
Fax: +44 (0) 1276 697 696
Email: ukenquiries@sgs.com
Website: <http://www.sgs.com>

SOCAM (Service Organisation for Compliance Audit Management)

SOCAM's purpose is to oversee and monitor responsible business standards in merchandise buying on behalf of the C&A, Marca and the Mondial Group. C&A's Code of Conduct can be viewed online at: <http://www.socam.org/pdf/english.pdf>

Address: SOCAM Audit Services, Alcide de Gasperilaan, B-1804,
Vilvoorde, Belgium.
Email: info@socam.org
Website: <http://www.socam.org>

Further information: organisations to contact and websites to consult

(continued)

Social Accountability International (SAI)

SAI seeks to improve workplaces and combat sweatshops around the world by developing and implementing socially responsible standards. SAI's social accountability system SA8000 is a voluntary set of standards with an associated verification system that can be applied across a wide range of business workplaces. SA8000 is based on international workplace norms in the ILO conventions and the UN's Universal Declaration of Human Rights and the Convention on Rights of the Child. An overview of SA8000 can be found at: <http://www.sa-intl.org/SA8000/SA8000.htm>

Address: 220 East 23rd Street, Suite 605, New York, NY 10010, USA.
Telephone: +1 (212) 684 1414
Fax: +1 (212) 684 1515
Email: info@sa-intl.org
Website: <http://www.sa-intl.org>

SOMO Centre for Research on Multinational Corporations

(Stichting Onderzoek Multinationale Ondernemingen)

SOMO, or the Centre for Research on Multinational Corporations, is a Dutch research and advisory bureau that, since 1973, has been investigating the consequences of corporate policies of Multinational Enterprises (MNEs) and the consequences of the internationalisation of business for developing countries in particular. SOMO's field of expertise includes international guidelines, international treaties, and codes of conduct for MNEs, and the implementation of these norms in practice. SOMO specifically specialises in research on labour conditions in developing countries, in cooperation with local organisations and labour unions.

Address: Keizersgracht 132, 1015 CW Amsterdam, The Netherlands
Telephone: +31 (0)20 6391291
Fax: +31 (0)20 6391321
Email: info@somo.nl
Website: http://www.somo.nl/index_eng.php

UN Global Compact

In an address to The World Economic Forum in 1999, Kofi Annan challenged business leaders to join an international initiative – the Global Compact – that would bring companies together with UN agencies, labour and civil society to support principles in the areas of human rights, labour, the environment, and anti-corruption. The Global Compact describes itself as a voluntary corporate citizenship initiative with two objectives: to mainstream the ten principles in business activities around the world and to catalyse actions in support of UN goals.

The Ten Principles can be viewed online at <http://www.unglobalcompact.org/Portal/Default.asp?>

Principle Five asserts that businesses should uphold the effective abolition of child labour. The full text is available at:

<http://www.unglobalcompact.org/content/AboutTheGC/TheNinePrinciples/prin5.htm>

Further information: organisations to contact and websites to consult

(continued)

Address: Global Compact, 2 UN Plaza, New York, NY 10017, USA
E-mail: globalcompact@un.org
Website: <http://www.unglobalcompact.org>

Verité

Verité is an independent, non-profit social auditing and research organisation whose mission is to ensure that people worldwide work under safe, fair and legal working conditions. Where Verité auditors identify exploitation of workers or health and safety violations in the workplace, they develop steps to correct them through a combination of trainings for management and workers, education programs and remediation programs. Verité's experience and links with NGOs span over 65 countries, with regionally-based operations throughout Asia, Latin America, Africa, the United States and Europe. Verité's Social Audit Program can be viewed online at:
<http://www.verite.org/services/main.html>

Address: 44 Belchertown Road, Amherst, MA 01002, USA.
Telephone: + 1 413-253-9227
Fax: + 1 413-256-8960
Email: verite@verite.org
Website: <http://www.verite.org/>

Worker Rights Consortium (WRC)

The purpose of the Worker Rights Consortium is to assist in the enforcement of manufacturing Codes of Conduct adopted by colleges and universities to ensure that factories producing clothing and other goods bearing college and university names respect the basic rights of workers. Their Model Code of Conduct can be downloaded from their website or viewed online at: <http://www.workersrights.org/coc.asp>

Address: 5 Thomas Circle NW, Fifth Floor, Washington, DC 20005, USA.
Telephone: +1 (202) 387 4884
Fax: +1 (202) 387 3292
Email: wrc@workersrights.org
Website: <http://www.workersrights.org>

World Federation of the Sporting Goods Industry (WFSGI)

The WFSGI's Committee on Ethics and Fair Trade developed a Model Code of Conduct for companies committed to ensuring that their operations satisfy the highest ethical standards in the global marketplace. The Code of Conduct can be found at:
http://www.wfsgi.org/_wfsgi/new_site/about_us/codes/Code_Conduct.htm

Address: La Maison du Sport, CH-1936 Verbier, Switzerland.
Telephone: +41 27 775 3570
Fax: +41 27 775 3579
Email: info@wfsgi.org
Website: <http://www.wfsgi.org>

Further information: organisations to contact and websites to consult

(continued)

Worldwide Responsible Apparel Production (WRAP)

WRAP is a civil society organisation dedicated to promoting humane, ethical, and lawful conditions and practices in manufacturing facilities all over the world. Their Apparel Certification Program certifies individual factories for compliance with WRAP's principles and procedures concerning, fair pay, workers' dignity, safe and secure conditions, and environmental impact. This can be viewed online at:

<http://www.wrapapparel.org/modules.php?name=Content&pa=showpage&pid=3>

Address: 2200 Wilson Boulevard, Suite 601, Arlington, VA 22201, USA.

Telephone: +1 (703) 243 0970

Fax: +1 (703) 243 8247

Email: info@wrapapparel.org

Website: <http://www.wrapapparel.org>

Other websites and references available on the internet

For details of the 131 countries which have specified a minimum age for entry into employment under the terms of the ILO's Convention No 138 concerning Minimum Age for Admission to Employment (1973), and the minimum age specified for each, consult the ILO's website at: <http://webfusion.ilo.org/public/db/standards/normes/appl/index.cfm?lang=EN>

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Bibliography



Tom Craig

Bibliography

This bibliography gives details of both traditional publications (books and reports) and documents available from websites. When a document is available from a website, details of the site address are given. Many of these are available in PDF format and require Acrobat Reader to read.

Bibliography

Amnesty International, Human Rights are Everybody's Business, London, 2002.
[http://web.amnesty.org/aidoc/aidoc_pdf.nsf/Index/POL340082002ENGLISH/\\$File/POL3400802.pdf](http://web.amnesty.org/aidoc/aidoc_pdf.nsf/Index/POL340082002ENGLISH/$File/POL3400802.pdf)

Anti-Slavery Society, Child Labour in Morocco's Carpet Industry, London, London, 1978.

Anti-Slavery International, Helping Business to Help Stop Child Labour, London, 1996.

Caux Principles for Business (adopted by the Caux Round Table in 1994), <http://www.cauxroundtable.org/principles.html>

Council of the Bars and Law Societies of the European Union, Corporate Social Responsibility and the Role of the Legal Profession – A Guide for European Lawyers Advising on Corporate Social Responsibility Issues, Brussels, September 2003. <http://www.ccbe.org>

Department for International Development (DFID), DFID and corporate social responsibility, London, 2003. <http://www.dfid.gov.uk>

Fair Labor Association, Monitoring Guidance, Version 1.1, no date, <http://www.fairlabor.org/docs/monitoring.pdf>

Lindley, Beth. The South Asian Hand-knotted Carpet Industry and Illegal Child Labor, American University, 2001.

Global Reporting Initiative, Sustainability Reporting Guidelines, 2002. http://www.globalreporting.org/guidelines/2002/GRI_guidelines_print.pdf

Global Sullivan Principles of Social Responsibility, 1999, <http://globalsullivanprinciples.org/principles.htm>

House of Commons Library Research Paper 98/18, Employment of Children Bill 1997/98 (Bill 13), London, 3 February 1998.

International Confederation of Free Trade Unions (ICFTU), Campaigning for an End to Child Labour, decision adopted by the 17th World Congress of the ICFTU, Durban, 3 – 7 April 2000, http://www.icftu.org/www/english/congress2000/econres2000_VI.pdf

International Confederation of Free Trade Unions (ICFTU), Basic Code of Conduct covering Labour Practices, 1997, <http://www.icftu.org/displaydocument.asp?Index=990917146&Language=EN>

Bibliography

(continued)

IKEA, IWAY Standard, Minimum Requirements For Environment, Social & Working Conditions And Wooden Merchandise. December 2002.
http://www.ikea.co.uk/ms/en_GB/about_ikea/social_environmental/iway_standard.pdf

IKEA, The IKEA Way On Preventing Child Labour, December 2002.
http://www.ikea.co.uk/ms/en_GB/about_ikea/social_environmental/preventing_child_labour.pdf

International Labour Office, Child Labour: Targeting the Intolerable, Geneva, 1996.

International Labour Office, A Future without Child Labour (Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work), Geneva 2002.

International Organisation of Employers (IOE), Employers' Handbook on Child Labour – A Guide for Taking Action, Revised 2001. (Available from http://www.ioe-emp.org/ioe_emp/pdf/childlabour1.pdf)

IITA (International Institute of Tropical Agriculture), Child Labor in the Cocoa Sector of West Africa. A synthesis of findings in Cameroon, Côte d'Ivoire, Ghana, and Nigeria. Ibadan, August 2002.

IITA, Summary of Findings from the Child Labor Surveys In the Cocoa Sector of West Africa: Cameroon, Côte d'Ivoire, Ghana, and Nigeria. Ibadan, July 2002.

International Save the Children Alliance, Save the Children's Position on Children and Work, March 2003.
<http://www.savethechildren.net/alliance/publications/main.html#sav>

International Working Group on Child Labour, Working Children: Reconsidering the Debates, Amsterdam, 1998

Lawyers Committee for Human Rights (renamed 'Human Rights First' in 2004), Yardsticks for Workers Rights: Learning from Experience, 2003.
http://workersrights.lchr.org/yardsticks_report/child_labor.htm#introduction

Oxfam, Trading Away Our Rights – Women working in global supply chains, Oxford, February 2004.

Reebok, A guide to the implementation of the Reebok Human Rights Production Standards, Version 3, 2001.
http://www.reebok.com/x/US/humanRights/pdf/ReebokHR_Guide.pdf

Reece, Dan (ETI), and Duncan Green (Just Pensions), Assessing Company Approaches to Labour Standards, Labour Standards for Investors, [Consultation Draft], Ethical Trading Initiative, London, 2002.
<http://www.ethicaltrade.org/pub/publications/2002/11-justpensdrft/index.shtml>

Bibliography

(continued)

Save the Children UK, Business Benefits – How companies can take positive action on education, child labour and HIV/AIDS, London, 2003.

Save the Children UK, Big Business, Small hands – Responsible Approaches to Child Labour. London. 2000.

Schrage, Eliot J, Promoting International Worker Rights Through Private Voluntary Initiatives. Public Relations or Private Policy? A report to the US Department of State by the University of Iowa Center for Human Rights. UI Center for Human Rights Global Workplace Research Initiative. January 2004. Available at:
http://www.uichr.org/content/act/sponsored/gwri_report.pdf

Sharma Alakh N, Rajeev Sharma and Nikhil Raj, The Impact of Social Labelling on Child Labour in India's Carpet Industry, Institute for Human Development New Delhi, ILO/IPEC Working Paper, 2000.

SOMO (Centre for Research on Multinational Corporations), Esther de Haan and Joris Oldenziel, Labour conditions in IKEA's supply chain - Case Studies in India, Bulgaria and Vietnam, 2003.

SOMO (Centre for Research on Multinational Corporations), Nina Ascoly and Ineke Zeldenrust, Monitoring and Verification Terminology Guide - For the garment and sportswear industries, August 2003.

Steering Group of the Global Principles Network, Principles for Global Corporate Responsibility, Bench Marks for Measuring Business Performance, 2003. <http://www.bench-marks.org/contents.html>

UNICEF, The State of the World's Children 1997 – focus on child labour, Oxford University press, 1996.

UNICEF, The State of the World's Children 2004 – Girls, education and development. 2003. <http://unicef.org>