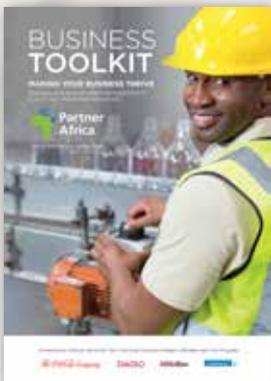




CHILD LABOUR AND YOUNG WORKERS



A CHAPTER FROM THE BUSINESS TOOLKIT

This is only one chapter of the toolkit. You can download the full document or any of the other chapters from the Partner Africa website.
www.partnerafrica.org/business-toolkit

WELCOME

This toolkit provides practical assistance on how to improve **Productivity, Quality and Workforce Management - areas which are inextricably linked**. People are a core and valuable asset for every business and in order to have an efficient, productive business, employees need to work in good conditions. Partner Africa, through its extensive auditing, training and consulting work have found that workers who are safe, respected and content in their work are more efficient and productive. For instance, productivity is increased by reducing the need for sick days and constant recruitment and onboarding due to high worker turnover. The connection also flows in the other direction: as productivity and efficiency improves, there are opportunities to improve wages and reduce excessive working hours without impacting price.

Productivity, Quality and Workforce Management are all essential elements to building a lasting business and a strong partnership with purchasing companies into the future.

The group of companies and organisations behind this toolkit want to share best practice and learning across the industry. This toolkit gives suppliers practical assistance on how to improve productivity, quality and workforce management in production sites. It will enable you to understand each issue and why it matters for your business, what is required, what that means in practice and will also enable you to assess your current situation and provide you with practical tools to make the necessary improvements.

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DIAGEO

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The content of this Toolkit was developed by Partner Africa and consultants, in conjunction with the participating brands. Each company may have additional and/or specific requirements on the topics covered in this document and thus this Toolkit should be utilised as a reference guidance only.



6.2 CHILD LABOUR AND YOUNG WORKERS



WHY THIS IS IMPORTANT TO YOUR BUSINESS

Your business must be legal for it to be a viable and sustainable business. The purchasing companies need to be confident that all their suppliers adhere to local law and internationally agreed standards so that children are not working (under the legal minimum age) and young workers (between the minimum age and 18) are working in non-hazardous jobs with limited hours, that protects their health, wellbeing and development.

If children are contributing to the manufacture of the products or if young workers are in hazardous jobs, this is damaging to the reputation, credibility and legitimacy of your company and also of the purchasing companies in the eyes of customers and other stakeholders. However, it is ESSENTIAL that if children are found to be involved in any part of the process, the situation is handled sensitively and they are not just dismissed, since this may result in even worse danger to their wellbeing.



THE EXPECTATIONS

- No child labour: You must ensure that all workers are above the legal minimum working age or over 15 years (as required by the ILO) whichever is higher (subject to exceptions permitted by the ILO, see footnote).^d
- Young workers (under 18 years old): Employment conditions for young workers must be in accordance with the legal requirements to ensure they have access to education and their health and safety is protected (eg specific working hours restrictions, no work at night and no hazardous work).

^d "The international community has agreed that younger children should not be employed in full time work before reaching a specified minimum age: International Labour Office (ILO) Convention 138 sets this at 15.

There are specific and limited circumstances in which children can undertake some types of work. Some national laws or regulations permit 'light work' for children aged 13-15 which is not harmful to their health and development, and does not interfere with attending school or vocational training. Convention 138 states that children should not be employed on light work for more than two hours a day, or spend more than seven hours a day on a combination of school work and light work. Children engaged in light work should have at least one day a week off (as should adults), as well as public holidays. In the context of global supply chains, we strongly recommend that the international standard minimum age of 15 for full time work should be enforced; even if a country's laws allow for the employment of younger workers.

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



WHAT THIS MEANS IN PRACTICE

This section explains the details of what this means in practice and can also be used as a tool to self-assess your site.

Put a if you think that point is in place in your business and put a if it isn't or needs improvement. You can then create an action plan, to assign and follow up an action for every (sample action plans are given at the back of the toolkit).

- Know what the legal minimum working age is in your country and what the requirements are for young workers
- Have a system in place to check official documentation that proves a worker's age, at the time of hiring (eg official government documents such as birth certificate or ID card with date of birth, photo ID preferred where possible)
- Keep a copy of this document and ensure the original is returned to the worker
- Keep a list of all 'young workers' and ensure that the tasks they are assigned to are not hazardous and that their working hours are in line with legal restrictions and are not at night. The register should list their name, date of recruitment, birth date, department, job (including tasks, to ensure non-hazardous), work schedule/hours (including education related restrictions) and supervisor's name
- You may need to register young workers with an appropriate government organisation, if required in your country
- Employment agencies and other recruitment brokers are instructed to follow the business' standard on the minimum age for recruitment, facing a penalty (no more business) if they provide under-age workers.
- If you find workers in the supply chain that are below the minimum age for work, you need to 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 and then for the child to be re-employed if they so wish (details below)



CASE STUDY APPLE SUPPORTS SUPPLIERS TO TACKLE CHILD LABOUR IN CHINA ⁶⁹

Apple operates a 'Prevention of Underage Labour' training programme - aimed at helping its suppliers identify and prevent underage labour, in provinces of China that represent a high risk on this issue.

The training addresses effective age verification methods, as well as the steps to be taken if underage employees are identified during auditing. It also introduced a guidebook to assist with the verification of legal identification documents and the assessment of the recruitment practices of third-party labour agents.

Following training, the selected suppliers assess their internal and external child labour risks - and create action plans to address any concerns. These are then reviewed by Apple. Where necessary, suppliers are assisted in the implementation of their action plans by industry consultants. In addition, higher risk suppliers are given the names of labour agents to avoid, that have been associated with child labour - as well as guidance as to how to work with labour agents, including advice around:

- Ensuring the labour agents have all necessary licences and permits
- Conducting regular audits of labour agents' recruitment practices
- Reporting violations, both to Apple and to the local authorities

PRACTICAL TIPS AND TOOLS FOR IMPROVEMENT

Developing a child labour policy

Many non-compliances in social audits on child labour are raised because the company does not have a child labour policy. It is important for you to develop a policy and communicate it with the relevant staff, especially in recruitment. Before developing a policy you need to assess what the risk of child labour is within your region and industry. A policy should include:

- Your company's stance on child labour - aligned with ILO Conventions. If you chose to align your policy with the ILO convention (which is recommended) your policy should include a commitment to not recruit or hire workers below the age of 15 or below the local legal minimum age (whichever is higher)
- How you as a company will ensure you do not employ children - e.g document checks on recruitment etc
- A definition of what you mean by young workers and what the specific conditions are for their employment. e.g. a commitment to not allow young workers to work overtime, at night, or in hazardous jobs.
- A description of what your company will do if child labour is found. e.g how the company will remediate the situation in the best interests of the child and his or her family

This doesn't have to be a separate policy. If it's specified in your code or other company policies that's fine as long as it's explicitly mentioned. A link to a sample child labour policy is given in the end notes. ⁷⁰

Acceptable and unacceptable forms of work for children and young people

The table below gives a few examples. ⁷¹

In some circumstances it is acceptable...	It is unacceptable...
<ul style="list-style-type: none"> • For adolescents to help a parent who is a home worker (if the work is not hazardous) • To work part-time in the evenings or at weekends while also continuing with their studies • For adolescents to help out with the harvest during school holidays <p>As long as such work is not hazardous or excessive</p>	<ul style="list-style-type: none"> • For a ten-year-old child to be sent away to work full-time as a live-in domestic servant or in a factory • For the government to oblige school children to harvest crops or for children to spend all their time working alongside parents who, because they are so poorly paid, cannot earn enough money to survive without the additional income generated by their child's work



Evidence of age

- Getting meaningful evidence of young people's age may be a challenge. In many countries children may have no birth certificate, and whatever certificates people do have may be forged to suggest they are older than they are. Equally, many children and parents genuinely do not know what age a child is or in which year the child was born
- Be aware that various techniques which are reputed to estimate a young person's age accurately are in fact inaccurate or even unethical (e.g. x-rays or examinations of a young person's teeth)

What to do if you find child labour

If workers who are younger than the minimum working age are found working at the production site it is **essential that they are not just dismissed**. This may often cause them more harm than is being caused by remaining at work, since in some countries, they may well be likely to go into more hazardous work or into prostitution.

This is a complex and difficult situation to tackle. **Protection for the child is the most important consideration** and involving credible local experts is the best way to develop an appropriate strategy for the individual child/children concerned. Essentially the supplier should:

- Compensate for loss of income and get commitment for remediation, including a stipend, housing, food
- Ensure that the children can access and stay in quality education and that fees are paid until they are of employment age when they should be re-employed, if the children so wish
- If you are facing this situation we recommend you read 'Base Code Guidance: Child Labour', published by the Ethical Trading Initiative.⁷² www.ethicaltrade.org/issues/child-labour
- In the country you operate in there may also be dedicated organisations to support you in dealing with child labour if identified

Other resources

Checkpoints for Companies - Eliminating and Preventing Child Labour, is an application for smartphones that is available for download from the Apple Store and from the Google Play Store. This Checkpoints app allows you to create interactive checklists to help you eliminate child labour in your company and provides best practice recommendations for taking action. It was created by the International Labour Organisation and is also available at the endnote link.⁷³

The Child Labour Toolkit, produced in partnership with Save the Children Denmark, focuses on the textile industry but includes practical principles that can be applied to other industries.

<https://tinycloud.com/yag2bd4v>

TACKLING TOUGH SITUATIONS

WHAT DO YOU NOTICE



The minimum age for work in a country is 15 years.

A 16 year old is hired to count bottles that come out of a steam compressor. The young worker stands next to a steam compressor that blows scalding hot steam a few feet from her location.



PAUSE



THINK



WHAT NEXT

In this situation, it is ok to employ a 16 year old but this is not an appropriate task for them because it is hazardous. The young worker should be given a task that is not hazardous.



REFERENCES

- ⁶⁹ <https://www.apple.com/supplier-responsibility/> quoted in Human Rights and Business Dilemmas Forum. Child labour case studies. http://hrbdf.org/case_studies/child-labour
- ⁷⁰ <http://www.homeworkersww.org.uk/assets/uploads/files/model-company-child-labour-policy.doc>
- ⁷¹ 'Base Code guidance: Child labour', published by the Ethical Trading Initiative. www.ethicaltrade.org/issues/child-labour
- ⁷² 'Base Code guidance: Child labour', published by the Ethical Trading Initiative. www.ethicaltrade.org/issues/child-labour
- ⁷³ Checkpoints for Companies - Eliminating and Preventing Child Labour. International Labour Organization http://www.ilo.org/wcmsp5/groups/public/---dgreports/-dcomm/---publ/documents/publication/wcms_456960.pdf