



OUT OF **WORK** AND INTO SCHOOL

STOP



Child Labour
school is the best place to work

ACTION PLAN FOR COMPANIES TO COMBAT CHILD LABOUR



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PREFACE

Children's rights are human rights. Children have right to education and the right to be free from child labour. These human rights also imply that others have obligations.

Today, all major stakeholders acknowledge that states have the obligation to protect human rights and prevent environmental abuse by companies; that companies have a responsibility to respect human rights and the environment and act with due diligence to identify, prevent and mitigate their impacts; and that access to justice and remedies for victims of corporate-related abuses is essential. This broad consensus is illustrated by the unanimous endorsement of the UN Guiding Principles on Business and Human Rights.¹ On the basis of these Guiding Principles recently the Children's Rights and Business Principles have been developed by UNICEF, the UN Global Compact and Save the Children. 'The Children's Rights and Business Principles are the first comprehensive set of principles to guide companies on the full range of actions they can take in the workplace, marketplace and community to respect and support children's rights.'²

The realisation of children's rights is intrinsically linked to economic and social development. The International Labour Organisation (ILO), for example, published a study in April 2004 showing that the benefits of eliminating child labour will be nearly seven times greater than the costs.³ The study by ILO's International Programme on the Elimination of Child Labour (IPEC) says child labour — involving one in every six children in the world — can be eliminated and replaced by universal education by 2020 at an estimated cost of US\$ 760 billion.

The worldwide movement against child labour consists of a range of private actors contributing to the realisation of the fight against child labour, including the campaign 'Stop Child Labour — School is the best place to work'. This Action Plan by 'Stop Child Labour' builds on the varied experience of companies, trade unions, non-governmental organisations (NGOs), multi-stakeholder initiatives, governments and international organisations. But it also builds on our own experience and firm conviction that all forms of child labour should be eliminated so all children can enjoy their right to education.

The approach outlined in this document has an added value by combining:

- a focus on all forms of child labour (under the two ILO child labour conventions instead of primarily the worst forms of child labour) and its link with the right to education, as the basis for corporate policies on child labour;
- a focus on the area-based approach leading to the creation of *Child Labour Free Zones* based on the experience of organisations in India and several African and Latin American countries;
- a focus on *due diligence* and active *engagement* of companies in the supply chain aimed at a systematic, planned improvement, instead of immediately withdrawing orders in case of problems;
- explicitly combating child labour as part of the broader goal of realising labour rights, using the experience from the field of corporate responsibility and accountability;
- a focus on engagement of companies with other stakeholders such as communities, unions, NGOs, governments, multi-stakeholder initiatives etcetera.

This document is primarily written for companies as well as multi-stakeholder initiatives that are working or intend to work on the elimination of child labour. However, we think this document is also useful for governments to (re)consider their policies and regulations, for NGOs to guide their action and engagement regarding company or sector-related activities and for international organisations to further specify their policies on the subject of child labour. The campaign 'Stop Child Labour' will present this Action Plan at meetings, dialogues and via other forms of communication with companies, multi-stakeholder initiatives, governments and international organisations in the coming years. We will *not* be able to guide individual companies on implementation. But of course we are open to requests for dialogue and consultation on the Action Plan according to our capacities.

The earlier published (2008) version of this document was finalised after receiving valuable input from a range of people worldwide, including em-



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ployers, unions, NGOs and people working for international organisations such as the ILO. For this revised version we made this Action Plan compatible with the UN Guiding Principles for Business and Human Rights and the recently revised OECD Guidelines for Multinational Companies.⁴ Comments continue to be welcome for further improvement of this document.

The Universal Declaration of Human Rights⁵ states that '*every organ of society*' should contribute to ensuring that human rights are observed and implemented. The UN Guiding

Principles on Business and Human Rights have further clarified what this means in terms of the responsibility of business to respect human rights.

The Convention on the Rights of the Child (CRC)⁶, which has been ratified by almost all states worldwide, obliges states and enterprises to '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' (Article 32.1.CRC). Member states to the CRC have committed themselves to incorporating this obligation in their national legislation. Businesses are therefore also obliged to comply with such international agreements incorporated in national law – both at home and in operations outside their home markets.





Furthermore, the United Nations' *Global Compact* consists of a number of principles that businesses should adhere to – including principle 5: taking effective action to end child labour.⁷

The two 'Conventions' on child labour of the International Labour Organisation (ILO), both ratified by almost 90% of its 185 members, are the most explicit international agreements in specifying what combating child labour should amount to in practice. These are the Minimum Age Convention (No. 138)⁸ and the Convention on the Worst Forms of Child Labour (No. 182)⁹. These Conventions have been jointly drafted in the ILO by national governments, employers' associations and trade unions. The Minimum Age Convention specifies that work is banned for children under the age of 15 (developing countries may opt for 14 years of age). Fifteen years is not a maximum; several countries including Brazil have adopted 16 as the minimum age for employment. Light work is allowed for 12- and 13-year-olds in most developing countries, provided it does not interfere with their schooling. Both Conventions include a ban on hazardous work for children under the age of 18, e.g. spraying pesticides or carrying heavy loads. The Worst Forms of Child Labour Convention also bans 'working' as a child soldier, as a drugs trafficker and children working in pornography and prostitution, and other forms of forced labour.

The Guidelines of the Organisation for Economic Co-operation and Development (OECD) for Multinational Enterprises¹⁰ spell out what the national governments of OECD member states expect from their national business sector, including in their global operations and throughout their supply chains and business relationships.. The Guidelines stipulate that business should contribute to the effective abolition of child labour, and take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency.

In the OECD Guidelines it is specified that the responsibility for adverse impacts is threefold: enterprises can (1) cause or (2) contribute to adverse impacts through their own activities, or they (3) can be linked to an ad-



WHAT ACTIONS SHOULD BUSINESSES TAKE?

verse impact while not having contributed to it, when the impact is nevertheless directly linked to their operations, products or services by a business relationship. In order to identify, prevent and mitigate actual and potential adverse impacts, and account for how these impacts are addressed, enterprises should carry out *risk-based due diligence*, for example by incorporating it into their enterprise risk management systems.

The OECD Guidelines comprise voluntary standards and principles, however they are not optional because the countries adhering to the Guidelines make a binding commitment to implement them. The OECD requires member and adhering countries to set up a National Contact Point that is tasked to deal with complaints about violations of the OECD Guidelines.

In order to identify, prevent, mitigate and account for how they address their adverse human rights impacts, business enterprises should carry out human rights due diligence. The process should include assessing actual and potential human rights impacts, integrating and acting upon the findings, tracking responses, and communicating how impacts are addressed.

As the basis for embedding their responsibility to respect human rights including child labour, business enterprises should express their commitment to meet this responsibility through a statement of policy that:

- (a) is approved at the most senior level of the business enterprise (*see recommendation 1*);
- (b) is informed by relevant internal and/or external expertise (*see recommendation 2-4*);
- (c) stipulates the enterprise's human rights expectations of personnel, business partners and other parties directly linked to its operations, products or services (*see recommendation 5-6*);
- (d) is publicly available and communicated internally and externally to



all personnel, business partners and other relevant parties (*see recommendation 7-8*);

(e) is reflected in operational policies and procedures necessary to embed it throughout the business enterprise (*see recommendation 9-10*).

In addition the different elements of due diligence are reflected in the following recommendations:

- (a) identify: 10 and 11;
- (b) prevent: 12 and 13;
- (c) mitigate: 14, 15 and 16;
- (d) remediate: 17 and 18;
- (e) tracking responses and communicating how impacts are addressed: 19.

The recommendations below are ranked according to the above-mentioned aspects of the statement of policy of a company and aspects of due diligence as according to the UN Guiding Principles.

RECOMMENDATIONS

1 Make explicit in your company's formal policy — to be approved at the most senior level of a company - or code of con-



duct that all forms of child labour prohibited by the two ILO Conventions (C 138 and C 182) will be pro-actively prevented and, if nevertheless found, be combated and eliminated.

Many companies and other stakeholders still feel it is enough to combat the worst forms of child labour. Given that both Conventions against child labour have been ratified by most nations, and are part of the minimum expectations set forth in the UN Guiding Principles, governments and companies should not only act against some types of child labour, but against all types of child labour. Also the "Roadmap for Achieving the Elimination of the Worst Forms of Child Labour by 2016¹¹", which is the Outcome Document of The Hague Global Child Labour Conference 2010, states in its Preamble: 'Considering that action to eliminate the worst forms of child labour is most effective and sustainable when it is situated within action to eliminate all child labour, including through area-based and sector-based programmes.'

While developing countries are allowed, according to Convention 138, to choose the age of 14 instead of 15 years for a limited period as the minimum age of employment, it is advised to sticking to an age limit of 15 because this is the norm in most countries.

2 Make sure that the company policy is based, at the very least, on the international conventions against child labour — and complies with national and local legislation if their standards exceed those of the international conventions.

So far, 161 countries have ratified ILO Convention 138 and 174 countries have ratified ILO Convention 182. Moreover, all ILO members have agreed that they have an obligation to respect, promote and implement the ban on child labour and comply with three other core labour standards, even if they have not ratified the Conventions in question (see also recommendation 10). International standards and principles on responsible business conduct such as the OECD Guidelines and the UN Guiding Principles clarify that obeying domestic law is the first obligation of enterprises, but if domestic law is not up to the level of internationally recognised principles it is the latter that prevails. In countries where domestic laws



and regulations conflict with internationally recognised principles and standards, companies should seek ways to implement such principles and standards as much as possible without violating domestic law.

3 Combating child labour must always go hand in hand with compliance with the ILO's other core labour standards¹² and other broadly agreed workers' rights.

In addition to refraining from engaging child labour, the following generally recognised fundamental workers' rights should always be observed: 1) freedom of association and the right to collective bargaining, 2) the elimination of all forms of forced or compulsory labour, and 3) the elimination of discrimination in respect of employment and occupation. These three are defined by six ILO Conventions: 87, 98, 29, 105, 100 and 111. These workers' rights are fundamental human rights. In addition, the following workers' rights are basic and particularly relevant for the structural elimination of child labour: the right to a safe and healthy working environment, a living wage, and no excessively long hours or forced overtime. A company combating child labour cannot use this action as a pretext for violating other workers' rights. Nor can companies justify employing children because of their parents' low income – the latter being precisely the area where companies can make a difference.

For a broad national NGO and union vision on corporate social responsi-



bility, we refer to the 'CSR Frame of Reference' document (edition 2012), in which more than 30 civil society organisations in The Netherlands – including the Dutch members of the 'Stop Child Labour' campaign – spell out their social and environmental expectations of companies.¹³

4 Make explicit in contracts with your suppliers that they must eradicate child labour and realise labour rights across all sub-contracted operations.

Child labour is widespread in operations that companies have outsourced to other businesses. Moreover, 'first tier' suppliers also frequently outsource manufacturing to sub-contractors. The scope of responsibility for business is defined by the actual or potential impacts of their own activities and of the operations throughout their business relationships. This means the responsibility extends beyond the first tier to the whole supply chains of companies.

Many companies outsource some or all of their manufacturing and service operations to low-wage countries, often to developing countries or countries in Eastern Europe. Such operations frequently involve child labour or fail to comply with other core labour standards. Companies should avoid contributing to adverse impacts on labour rights, for example by changing product requirements for suppliers at the eleventh hour without adjusting production deadlines and prices, thus pushing suppliers to breach labour standards in order to deliver.

Companies should have a written contract with their suppliers to ensure that the entire supply chain is free from child labour, to facilitate that children are released from work and start going to school, and to observe and implement labour rights. Make binding agreements with suppliers to ensure that they, in turn, make sure their suppliers and sub-contractors meet the same standard.

Part of the due diligence process as outlined in the UN Guiding Principles is communicating on and demonstrating progress in identifying, mitigating and remediating violations. To achieve this, the outsourcing company will have to disclose the names, production sites and other relevant details of all its suppliers and subcontractors, and make them available to the public.



In order to prevent suppliers from hiding children when child labour monitoring is first carried out, the outsourcing company should support suppliers for co-operating and helping to get all children to attend school instead of working and reward the suppliers for doing so. Once the 'no-child labour policy' is firmly in place, the company should become stricter - resulting in penalties - when children are found in new monitoring rounds.

Suppliers can also be individual families making products for a company. These home-based workers are normally paid on a piece-rate basis while their production targets are set in such a way that children have to work as well to make sure family remuneration equals minimum wages. Companies should ensure that production targets and remuneration for home-based work do not compel children to work alongside adults. In the case of light work by 13-14 year olds there should be no conflict with education, no hazardous work, clear supervision and pay for the parents equalling 'a living wage'.

5 Companies should have a policy to prohibit their employees from using children as domestic servants.

Combating child labour by employees and management should not stop at the factory or office gate. For the sake of furthering children's rights



and the coherence and credibility of company policy against child labour, a ban on employing child domestic workers by owners and employees should be in place. The company should seriously consider making this part of the labour contract with its employees.

6 Involve your own staff and your suppliers in combating child labour: inform them and involve them in your company's action plan against child labour.

It is very important to involve your company's own employees and your suppliers in corporate policy which explicitly terms child labour as unacceptable – both in the company's own operations and throughout its supply chain. Inform your employees about this ban on child labour and provide training to instruct them in how they can or should contribute to it. The same applies to your company's suppliers. While setting up an internal supply chain monitoring system, do this as much as possible in co-operation with your suppliers.

7 Work with trade unions both to tackle child labour and to make sure that labour rights are implemented.

Trade unions have a crucial role in combating child labour. At the international level unions are one of three constituents of the International Labour Organisation (ILO) and have been party to the negotiations on the present ILO child labour conventions. At the national level they represent the workers in talks with the government on (child) labour issues. At the company level they are the ones who organise (adult) labourers and therefore have a mandate to negotiate with companies on wages and working conditions. Union members can in principle be the most direct 'gatekeepers' and 'watchdogs' to prevent, signal and act on child labour. Experience shows that child labour is much less likely to occur in a situation where there are mature 'industrial relations' between a union (or several unions) and a company. In the Philippines, for example, unions have included combating child labour as part of their collective bargaining with a company. They started with demanding a policy on child la-



bour in the main factory and then expanded it to subcontractors and suppliers. Next, they demanded a monitoring system throughout the whole supply chain. This approach to combating child labour can also be an entry point to fighting for other labour rights and issues. Alternatively the right to organise, when established, can be used to put elimination of child labour on the collective bargaining agenda. Companies should be constructive partners in these efforts.

8 Pay a procurement price to suppliers enabling them to avoid using child labour and to employ adults (or youngsters older than 14 or 15) instead, offering them a living wage and decent working conditions. If needed, also adjust other elements of your company's sourcing policy with a view to implementing your company's 'no child labour' policy and ensuring that fundamental workers' rights are complied with.

Companies should assess whether they are also contributing to the abuse by their own actions and omissions.

Research on clothing and shoe manufacturing in Albania and cottonseed growing in India has shown that low prices paid by purchasing companies encourage child labour: low prices may induce suppliers to employ children, or cause parents whose earnings are insufficient for a decent life to put their children to work. Hence, procuring companies should not only demand that their suppliers refrain from employing children – they will also have to create the necessary conditions that will enable their suppliers to implement labour rights. Price is an important prerequisite to consider, but other purchasing conditions are also relevant.

Late orders or bad procurement planning on the part of the procuring companies (e.g. where the buyer demands significant last-minute changes in product specifications without adjusting price or delivery dates) put suppliers under pressure. Fearing that no new orders may be forthcoming if they do not deliver on time, suppliers pull out all the stops to meet their deadlines - making their employees work long hours and taking on child labourers as extra hands. Normally companies should be able to



know if workers are compelled to put their children to work at home in order to meet a production deadline. If an adult can produce five pairs of shoes in a day on average but delivers ten, it is obvious that standards are being violated.

9 Invest in a credible management system to combat child labour. This includes: pro-active investigations into child labour in the supply chain, a solid self monitoring system and complaints mechanism, reporting and transparency on policy and practice, third-party monitoring and verification, and involving those directly concerned and/or affected.

The due diligence process entails assessing actual and potential human rights impacts, integrating and acting upon the findings, tracking responses as well as communicating how impacts are addressed.

An adequate management system, which should include the above elements, is indispensable for any company wishing to assert credibly that its supply chain is free from child labour and does not violate other labour rights. This applies in particular to industries and supply chains in countries or regions where child labour is widespread.





In industries where child labour occurs it is not enough to state that neither the company itself nor its suppliers use child labour. The motto should be: don't tell me, show me! Companies should not passively wait for others to confront them with child labour practices or other violations of labour rights – they should be pro-active and launch their own investigations, which should be conducted independently. Companies should be transparent about the findings of such investigations and state unambiguously how they will respond to any findings, whether independently or by working with others.

In addition, companies should set up a complaints mechanism which is fair, anonymous and open to anyone, including for workers further in the supply chain.

Civil society organisations and trade unions understand that child labour may occur in the supply chain, especially in those countries without compulsory education and weak, understaffed, absent and/or corrupt labour inspection services. In practice there is considerable appreciation for companies that are transparent about the issue, and take credible steps to tackle it. Verification of problems that have been identified, whether

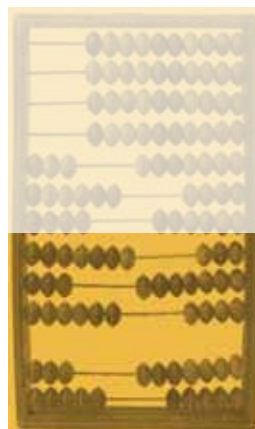
it be child labour or underpayment of workers, can only be credible if local organisations are involved in the monitoring process. This applies even more to making improvement plans, for example to phase out child labour and 'guide' the children to school.

Therefore, companies need to work with local governments, trade unions, and NGOs. A problem may be that such partners – government bodies, unions and NGOs – have little or no presence on the ground. In that case, companies should be able to demonstrate that they have done all they possibly can. One action they can take, for example, is to support capacity-enhancement programmes of local unions and NGOs, and collaborate with them. If all efforts fail, including increasing leverage by co-operation (see point 12) the option of last resort is to pull out.

Regular reporting on the above and willingness to react to questions by stakeholders is another element that should be part and parcel of an effective anti-child labour and broader CSR policy.

10 Verify the authenticity of birth certificates and lobby jointly with other parties for the establishment of reliable birth registration systems in areas where these are absent.

A child or youngster's exact age is often difficult to verify or even estimate. Birth certificates may be false, particularly because many countries lack a reliable birth registration system. Age may also be assessed through other methods, for example a medical examination by a reliable physician, or through interviews to test a child's knowledge (e.g. has it finished elementary education?). Local people or authorities can also be asked to estimate the age of the child, e.g. in relation to important village or community events. In more general terms, companies could contribute to the development of reliable public birth registration systems as these are frequently lacking. Together with employers' associations, trade unions and other stakeholders, companies should be strong advocates for a birth registration system and thus speed up the introduction of such systems. This can include advocacy and/or co-operation with relevant Ministries (e.g. of Health) and/or government agencies.



11 Get involved in efforts to combat child labour in industries where child labour is rampant (e.g. stone quarries, tourism, cocoa, tobacco, cottonseed, cotton and garment production, coffee, tea, rice, and flowers) through a so-called multi-stakeholder initiative and/or join, if your company is a multinational, an 'International Framework Agreement' with one of the sectoral global unions.

In industries where child labour is endemic the practice might be very difficult or impossible to tackle if a company acts on its own.

The Special Representative of the Secretary General on Human Rights and Transnational Corporations and other Business Enterprises, Professor Ruggie, has outlined what steps a company can take when the supply chain entity is crucial to the enterprise but it lacks leverage to mitigate the abuse. The company's priority should be to seek ways to increase its leverage to enable mitigation. This could take a number of forms, for example:

- (i) offering capacity-building support to the entity (supplier or other business relation) to help it address the problems;
- (ii) working collaboratively with other enterprises that have relationships with the entity to incentivise improvements;
- (iii) working with other enterprises on a broader regional or sectoral basis to incentivise improvements;
- (iv) working with local or central government to the same ends.

The best option for companies, though not always feasible, in such sectors is to work through multi-stakeholder initiatives (MSIs). MSIs are collaborative efforts by companies, trade unions and NGOs, which sometimes also involve the government, researchers and specialised institutes. MSIs have many advantages. For one, working together makes it far easier to share experience in combating child labour. Secondly, companies can also share the costs of monitoring and can learn from each other and from other stakeholders. Thirdly, and this is particularly important, by working together companies can create a new 'level playing field' in terms of costs when they, or their suppliers, have to hire more expensive adults. Finally, collaboration with unions is essential to give workers a



say in fighting child labour and in improving working conditions. However, multi-stakeholder initiatives should meet certain quality criteria. As already stated, trade unions should be fully involved in the effort. Furthermore, the MSI should be vigilant in guarding against the risk that its most tardy members effectively set the pace of change. An example of an effective MSI in the garment industry is the Fair Wear Foundation. Another potentially effective option would be for a multinational company to enter into an 'international framework agreement' with a global trade union federation that it routinely negotiates with, to spell out the labour rights to be observed (including the need for avoiding and combating child labour!) for all its employees at all its sites around the world, whether in its own operations or in its extended supply chain.

12 Make sure that young people aged 15 to 18, who are allowed to work according to international agreements, are not engaged in the worst forms of child labour as specified in ILO Convention 182. At least comply with agreements - required by the Convention — between governments, labour unions and employers' associations on combating jointly listed hazardous work.





Many children – up to the age of 15 but particularly those aged 15 to 18 (and often beyond) – fall victim to forced labour or prostitution, are recruited as soldiers, or are engaged in hazardous work unsuitable for their age. Examples of forced and hazardous labour can be found in the industrial, service and agricultural sectors. As 60% of all working children work in agriculture, yet another ILO Convention is relevant here: Convention 184 on Health and Safety in Agriculture. This Convention requires, for example, protective measures when working with chemicals (e.g. pesticides) and agricultural tools. One recent instance where such protection is not available is cottonseed production in India. Farmers growing cottonseed for multinational and Indian companies replaced some young children with youths up to 18 years old. The latter, however, are also exposed, without protection, to pesticides and the burning sun while working in the fields for 12 hours or more a day.

Companies should at least ensure that children do not perform the types of hazardous work agreed on by government, unions and employers at national level. But companies can also decide not to hire (or allow

sub-contractors to hire) children for work of a type that is considered hazardous by the company itself and/or other stakeholders. Work in commercial agriculture is often not on an agreed list of hazardous work, but is seen by many (see example above) as very hazardous. A company should advocate, together with unions, NGOs, and (local) governments for a comprehensive list of hazardous forms of child labour, including agricultural and domestic work.

There is also the problem of fake apprenticeships: children being employed under the banner of an apprenticeship, for long hours and without pay. Apprenticeships should be limited in duration, performed in conjunction with an education or training programme, supervised by the Ministry of Labour or labour organisations, and should not interfere with education. It should also offer a perspective on a job as a skilled worker.

13 Create, independently or working with others, facilities such as crèches and daycare centres for employees, to help them keep their children out of the child labour market.

Many children, notably in agriculture and small-scale production facilities, are forced into child labour or introduced to the work gradually because their parents start taking them along to their workplace when they are still very young. Pre-school and daycare centres can help to prevent this, while also providing playing and learning opportunities for children. Such facilities also free older children from the task of caring for younger brothers and sisters, a duty which prevents them, especially girls, from going to school.

14 Ensure that children hitherto employed at the company's own plants, plantations or service operations, and/or in outsourced or sub-contracted operations across the entire supply chain, are transferred to free, full-time regular education.

The right to education is enshrined in the Universal Declaration on Human Rights. Experience shows that companies with a no-child-labour policy frequently limit their involvement to merely seeing to it that the



children concerned are removed instead of facilitating their transition to formal quality day-time schooling. Businesses that simply make children 'redundant' and leave them to fend for themselves, behave highly irresponsible. Precisely because they have benefited from children working for them, they have an obligation to create or help facilitate the alternative to work – i.e. education. 'Hybrid' solutions, for example having children do part-time jobs and provide for school in the evening, are fundamentally unacceptable. Every child is entitled to free, quality, full-time education – not 'separately' in part-time schools, but together with other children. Besides that research has shown that children who combine work with school perform less well at school and run a greater risk of dropping out.

15 Collaborate and team up with other segments of society, for example local and/or national governments, to achieve full-time schooling for former child labourers up to the age at which they are allowed to work under Convention 138 or national law.

Companies who find that their operations (or supply chains) involve large numbers of child labourers often find it very difficult or even impossible to 'guide' these children to school. In most cases companies should not attempt to set up or fund a school of their own, but team up with other stakeholders and jointly develop a more structural solution. This should include the Ministry of Education and/or its agencies and the local government. The preferred option, by far, is that former child labourers enter the regular education system and that companies support these efforts. Where children cannot (immediately) enter a regular school, companies should, in cooperation with local authorities and civil society organisations, contribute to 'bridging' or 'transitional' education that enables somewhat older children to enter the regular school system. Should reintegration into either the regular school system or into private schooling (temporarily) not be possible, companies should support the entry of older children - typically 13 to 14 years old - into vocational training.

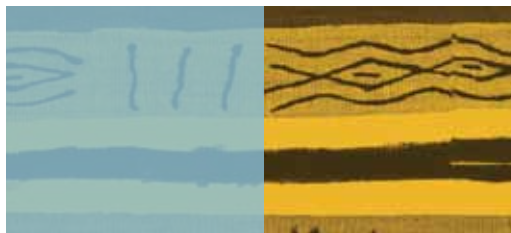
Efforts must be made not to create parallel structures to formal school-



ing. Bridge schools should only serve as a transitional tool to move children into formal full-time education. Though this is mainly for the government and local (non-)governmental organisations to tackle. Companies and their stakeholders should be aware that children are sometimes forced by teachers to work for them. Companies should be partners in fighting those practices.

16 Make a special effort where needed to address the specific challenges faced by children from groups suffering discrimination and other marginalised groups so that they too can make the transition from work to school.

Many child labourers are from groups that are economically disadvantaged, discriminated against and/or from marginalised and migrant backgrounds. Children may suffer discrimination because of the type of work done by their parents, their background, their migrant status or the ethnic group or caste they belong to. Also, children with specific vulnerabilities such as child scavengers, street children, trafficked children and HIV/AIDS affected children – often from groups that suffer discrimi-



nation — need special attention. In China, for example, many migrant children start working because they are denied their right to education and health care if the household is not registered in the place where the parents work. In India, Dalits ('outcastes') and Adivasi (tribals) are largely 'overrepresented' as child labourers and even more so as victims of scavenging, trafficking and bonded child labour.

Many people, often encouraged by local vested interests, feel it is 'normal' that children from 'such backgrounds' are put to work and do not go to school. This makes it even more crucial to be inclusive in fighting all types of child labour through the entire supply chain and to mobilise society to get all children out of work and into school. Children who are marginalised and/or who are discriminated against might otherwise 'disappear', be it 'further down the supply chain' or in other types of work. But being inclusive in combating all child labour does, maybe paradoxically, also mean that special efforts are sometimes needed to ensure that specific groups of marginalised children join children from other backgrounds in regular daytime schooling and do not suffer from discrimination there as well. Efforts by companies and governments — including



training programmes - are needed with a view to offering jobs to parents or family members of these working children. They might also need other types of social support to enable them to compensate for the loss of their children's labour.

17 Whenever possible, try to transfer the job hitherto done by children to their parents or other close relatives, or offer the parents alternative suitable employment.

It may not always be possible or even desirable to transfer a child's job to an unemployed parent or relative, but when this is an option, companies have a moral obligation to do so. Companies are also expected to offer training to a parent or relative, enabling them to get a job at the company or elsewhere with at least a 'living' wage. Another option, is to continue to pay children their former wage on condition that they attend school, while offering them a job once they reach at least the minimum 'working age'.

18 Link your activities wherever possible to an area-based approach to child labour whereby child labour free zones are created.

The experience of the Indian, African and Latin American partners of the 'Stop Child Labour' campaign is that an area-based approach aiming to get all children out of work and into full-time schools is the most comprehensive and sustainable solution to eradicate child labour and realise the right to education.

In the 'Handbook for organisations for the 'area-based approach' to eliminate child labour and universalise education'¹⁴, published by the MV



Foundation, the area-based approach is formulated as follows:

'The area-based approach means concentrating on protecting the rights of all children and ensuring that all of them attend full-time formal schools. For those children who are out of school, it is necessary to draw up specific plans to withdraw them from work and make all arrangements to prepare such children to be integrated into schools. For those who are already in schools, planning needs to ensure that they are retained in school and continue to be so without any disruption. By doing this, child labour is prevented and children's rights are protected. Ultimately, the area-based approach enables the declaration of 'child labour free zones' which would act as an inspiration for all others to join the movement.' It adds: 'The area-based approach is built on positive principles which recognize that parents, even poor parents, are motivated strongly to provide a better future for their children through education.'

The Handbook describes the outcomes of an area-based approach and the fundamental beliefs on which it is built:

- The sustained norm within a community becomes 'no child should work'.
- The school is developed as an institution that takes care of all aspects of a child's development.
- Community takes ownership of child rights.

Companies are normally not the initiator or leading force of an area-based approach to child labour but respecting human rights and exercising due diligence would mean that they link to such an approach, where it exists or is being set up. Some elements of such an approach, with a clear link to the due diligence steps in the UN Guiding Principles for Business and Human Rights, are:

- building rapport and co-operation with the community/communities where the company has its impact and finding out what activities are already being undertaken to get children from work to school;
- co-operating with local organisations, including community groups, NGOs and/or unions, to work on a joint area-based approach;
- work with interested community members to do a survey of all chil-

dren in the community that are or might be affected by your operations and do this in dialogue with other relevant local actors;

- take a firm position in the community based on the non-negotiable right to education and help building a consensus on the norm that all children should go to school and not work;
- raise the issue of out of school children in the communities, especially those affected by your company or supplier through appropriate awareness raising activities;
- co-operate if possible and needed with school enrollment drives for younger children, especially if your suppliers are strongly present in the community;
- motivate and demand evidence from your suppliers that they (help to) guide children above the usual school entry age (normally 9 to 15) to motivation camps and/or a form of transitory and accelerated education so they do enter formal full-time school at a class appropriate to their age;
- chose wherever possible to support the strengthening of the local (formal) school system instead of setting up separate private schools;
- be prepared to be part of the joint community initiative to keep track of children if they have dropped out of school and, especially if they are working at your suppliers, help out to bring them back to school.

19 Use an online reporting system on child labour and other labour rights violations.

Leading companies in tackling the issue of child labour and labour rights violations can use a web-based tool that NGOs also use for highlighting (child) labour violations. While many workers in the supply chain of larger companies might be illiterate (though certainly not all), individual workers could avail themselves of the help of others to report complaints about child labour and working conditions on the website or through an email address of a company which is keen on monitoring their supply chain. The information on how to file a complaint should be simple and available in the local language(s). The website or email address should be prominently displayed by all the suppliers of a company. Complaints



could be submitted either anonymously, with or without being published on the site. The company receiving the complaints should report publicly and regularly (e.g. once every half year) on their website on the number and character of the complaints received and what has been done about them. A multi-stakeholder initiative could also consider setting up such a 'web-based complaint mechanism'.

FINAL APPEAL

Do not allow yourself, as a company, to be lured into thinking that child labour is a fact of life and that the company does something good by employing a child.

Employing even one child helps to perpetuate child labour. And child labour perpetuates poverty. Combating child labour helps to create more jobs and better wages for adults and thus also helps to alleviate poverty!

Sometimes, local social pressure or heartbreaking individual circumstances may seem to suggest that the most humane or easiest remedy is to give employment to a child that should be at school. But doing so would undermine the norm that children should be in school instead of working and the efforts of those who are working towards achieving that norm. Moreover, even in the direst of circumstances, the best solution is to hire a parent or other adult relative who would be entitled to a higher wage. Then this adult can support the child, and can see to it that it receives a proper education. If this option is not available, then companies are of course free to support poor children and their families without employing the child!

June 2012



ABOUT THE CAMPAIGN 'STOP CHILD LABOUR - SCHOOL IS THE BEST PLACE TO WORK'

'Stop Child Labour - School is the best place to work' is an international campaign of Alliance 2015, co-ordinated by Hivos (Netherlands). The campaign

is executed in co-operation with CESVI (Italy), FNV Mondiaal (Netherlands), the General Education Union (Netherlands), Ibis (Denmark), ICCO & Kerk in Actie (Netherlands), the India Committee of the Netherlands (ICN), People in need (Czech Republic), Stichting Kinderpostzegels Nederland (Netherlands) and local partners in Asia, Africa and Latin America.

'Stop Child Labour' aims to eliminate all forms of child labour and to ensure formal full-time and quality education for all children, at least until the age of 15. The campaign calls on consumers, companies, governments and international organisations in Europe to be part of the solution. Besides, local organisations in Asia, Africa and Latin America work on the principle that 'no child should work; every child must be in school'. In doing so, the campaign works towards increasing and strengthening so called 'Child Labour Free Zones'.

Website: www.stopchildlabour.org



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GUIDING PRINCIPLES

CAMPAIGN 'STOP CHILD LABOUR - SCHOOL IS THE BEST PLACE TO WORK'

Definition of Child labour: child labour is work performed by a child that is likely to interfere with his or her education, or to be harmful to their health or physical, mental, spiritual, moral or social development. (*Convention on the Rights of the Child, Article 32.1*)

PRINCIPLE 1: Child labour is the denial of a child's right to education

The elimination of child labour and the provision of full-time formal education are inextricably linked. The focus of attention must be to actively integrate and retain all 'out of school' children into formal education systems. Children have the right to education at least until the age they are allowed to work which is 15 (while developing countries can choose 14). In addition efforts must be made to remove all barriers to local schools as well as ensuring the necessary financial and infrastructural support for the provision of quality education.

PRINCIPLE 2: All child labour is unacceptable

The Convention on the Rights of the Child (quoted above) along with a host



of other international agreements unequivocally affirm the right of all children to live in freedom from exploitation. Approaches to the issue have tended to prioritize and segregate solutions to different types of child labour depending on certain categories. These range from children working in hazardous industries, children doing so-called non-hazardous work - including domestic work - but missing out on school.

The SCL campaign believes that such distinctions, while helping to cast a spotlight on the worst abuses, tend to be too narrow in their focus and offer only partial solutions. Efforts to eliminate child labour should focus on all its forms, preferably aiming at all children in a certain community.

PRINCIPLE 3: It is the duty of all Governments, International Organisations and Corporate Bodies to ensure that they do not perpetuate child labour

All governments have a duty to ensure that they do not permit, or allow child labour to exist within their state. Furthermore they have a duty to ensure that state agencies, corporate bodies as well as their suppliers and trading partners worldwide, are fully compliant with the CRC and other international agreements protecting the rights of the child.

As part of their corporate social responsibility, all transnational and other





business enterprises using child labour should create and implement a plan to remove children from their workforce, including their supply chain, and enrol them in full-time education.

PRINCIPLE 4: Core Labour standards must be respected and enforced to effectively eliminate child labour

The eradication of child labour is closely linked to the promotion of other labour standards in the workplace: the right to organise and collective bargaining, freedom from forced labour, child labour and discrimination. A living wage, health and safety at work, the absence of forced excessive overtime are also crucial. Child labour undermines the opportunities for adult employment and decent wages. Experience has shown that child labour is highly unlikely to exist when a free trade union is present and where core labour standards are respected.

ENDNOTES

- ¹ See: <http://www.business-humanrights.org/SpecialRepPortal/Home/Protect-Respect-Remedy-Framework/GuidingPrinciples>
- ² See: http://www.unglobalcompact.org/docs/issues_doc/human_rights/CRBP/Child-rents_Rights_and_Business_Principles.pdf
- ³ See: http://www.ilo.org/global/About_the_ILO/Media_and_public_information/Press_releases/lang-en/WCMS_005220/index.htm
- ⁴ For another publication (Child Labour Platform: Business practices and lessons learned on addressing child labour) that is informed by the UN Guiding Principles on Business and Human Rights, see: <http://www.stopchildlabour.org/News-Items/Child-Labour-Platform-Report-2010-2011>
- ⁵ See: <http://un.org/Overview.rights.html>
- ⁶ See: <http://ohchr.org/english/law/pdf/crc.pdf>
- ⁷ See Global Compact website: <http://www.unglobalcompact.org/AboutTheGC/TheTenPrinciples/principles5.html>
- ⁸ See: <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C138>
- ⁹ See: <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C182>
- ¹⁰ See: <http://www.oecd.org/dataoecd/56/36/1922428.pdf>
- ¹¹ See: http://www.ilo.org/global/about-the-ilo/press-and-media-centre/news/WCMS_127015/lang-en/index.htm
- ¹² See ILO page: <http://www.ilo.org/dyn/declaris/DECLARATIONWEB.INDEXPAGE>
- ¹³ See CSR Frame of Reference of 36 Dutch civil society organisations: http://mvoplatform.nl/publications-en/Publication_3738/view?set_language-en
- ¹⁴ See: <http://www.stopchildlabour.eu/africatour2008/bestanden/MVFHandbook-AreaBasedApproach.pdf>





STOP  **Child Labour**
school is the best place to work

