



CHILD LABOUR AND FORCED LABOUR Guidelines

1. BACKGROUND AND OBJECTIVES

- 1.1 As a significant employer of labour in the countries in which they operate, Fairtrade producer and processing organizations are committed to preventing and effectively eliminating all forms of Forced Labour, Child Labour and human trafficking, in accordance with the principles of the International Labour Organisation (ILO) conventions and the United Nations Global Compact (UNGC). This commitment is enshrined in the Fairtrade Standards for Small Producer Organizations, Hired Labour and Contract Production, including related product standards and Trader Standards¹, by which Fairtrade operators are variously bound.
- 1.2 Fairtrade recognizes that Child Labour and Forced Labour remain problems in many parts of the world where we operate. Fairtrade is committed to playing a positive role in enabling producers, workers and processors to adopt a rights-based approach to eliminating exploitative labour practices, by working cooperatively with Fairtrade Producer Networks and their producer and worker organizations, including suppliers, industry, non-governmental organizations, trade unions and governmental bodies, to address abuses that may exist in Fairtrade global supply chains.
- 1.3 All Fairtrade operators are audited according the relevant child and forced labour aspects of the applicable Fairtrade Standards
- 1.4 To enable compliance with the child and forced labour aspects of Fairtrade Standards, these Guidelines should be used as references for, and operational steps to be followed by, Fairtrade producer organization and processors within their own operations and, in addition, should be communicated to all operators with whom they do business.
- 1.5 These Guidelines may be amended from time to time as circumstances require or through relevant Fairtrade Standard amendments.

2. DEFINITIONS

For the purposes of these guidelines:-

- 2.1 **“Child”** – means a person less than 18 years of age;
- 2.2 **“Child Labour”** - means Worst Form of Child Labour as defined by ILO Convention 1999 (No. 182) and Minimum Age of Admission to Employment as defined by ILO Convention 1973 (No. 138).
 - 2.2.1 **“Worst Forms of Child Labour”** means:
 - (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage, serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;

¹ FLOCERT will undertake audits on Trader Standard, Production – Labour Rights starting January 1st, 2017

(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 and trafficking of drugs;

(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.

2.2.1.1 Definitions from a) to c) above are referred to as unconditional worst forms of child labour, and definition d) above refers to hazardous labour.

2.2.1.2 All countries that ratify ILO Convention (No. 182) are required to generate a Hazardous Labour List that specifically identifies hazardous child labour

2.2.2 “Minimum Age of Admission to Employment” means

a) not less than the age of completion of compulsory schooling and will not less than 15 years.

b) light work is permissible for children and could include work that is not likely to be harmful to their health or development and not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes.

2.2.3 In short, child labour means any work involving a child that is mentally, physically, socially or morally dangerous and harmful to children, prevents him or her from attending school or concentrating at school, or negatively impacts on the health, social, cultural, psychological, moral, religious and related dimensions of the child's upbringing;

2.3 “**Forced Labour**” – means forced labour as defined by the ILO in the Forced Labour Convention, 1930 (No 29) and Abolition of Forced Labour Convention, 1957 (No 105), including relevant ILO Forced Labour Protocols. Forced labour includes work or service exacted from a person under threat or penalty (or where the person has not offered him or herself voluntarily), slavery and abduction, misuse of public and prison works, forced recruitment, debt bondage, domestic workers under forced labour situations, and internal or international human trafficking for labour or sex purposes, which includes slavery or practices similar to slavery. ILO Forced Labour definitions, include the unconditional worst forms of child labour (as specified in ILO 182)

2.4 **Vulnerable adult** is a person who is 18 years of age or over and is or maybe unable to protect him/herself against significant harm, abuse or sexual exploitation

3. **PROHIBITION AGAINST THE USE OF FORCED LABOUR AND CHILD LABOUR**

3.1 The use of Forced Labour and Child Labour in any of Fairtrade operations is strictly prohibited.

3.2 No Fairtrade producer or processor organization may engage, or contract the services of:

3.2.1 any person in circumstances which would constitute Forced Labour, as defined in Fairtrade Standards and in these Guidelines; or

3.2.2 any person under the age of fifteen years or higher, depending on the country's minimum age of employment in factories or agricultural operations

3.3 No Fairtrade operator may contract with, or use the services of, any supplier, contractor, service provider or representative who employs or engages, or otherwise directly or indirectly utilizes the services of:

3.3.1 any person in circumstances which would constitute Forced Labour, as defined in Fairtrade Standards and these Guidelines; or

3.3.2 any person under the age of 18 years, in any work which is likely to defined as the Worst Forms of Child Labour, including labour that jeopardizes the health, safety or morals of young persons (hazardous labour). Some examples of hazardous labour include:

(a) handling or applying agricultural chemicals, pesticides or insecticides in any agricultural undertaking, or handling plants or soil immediately after the application of

agricultural chemicals or during or after any period specified on the chemicals' container labels;

- (b) curing or processing agricultural products where there is exposure to temperatures or working at heights hazardous to safety, health and well-being of persons;
- (c) any activity involving dangerous machinery, equipment or tools;
- (d) disposal, processing, or any work in connection with hazardous waste or garbage;]

3.4 All children identified in the unconditional worst forms of child labour or vulnerable adults identified in forced labour situations must be reported to Fairtrade International or the management representative of Fairtrade Producer Networks for further action to trigger protection of the impacted individual(s), following Protection Policy and Procedures.

4. PROTECTION POLICY AND PROCEDURES

4.1 Fairtrade International has developed Protection Policy and Procedures for Children and Vulnerable Adults which calls for response and action to ensure protection of children found in the unconditional worst forms of child labour, and adults in forced labour situations as defined by Fairtrade Standards and the relevant ILO conventions.

4.2 All forced labour identifications must be reported to Fairtrade International for assessment, response (safety and protection) and prevention. It is not the responsibility of anyone working for Fairtrade International to decide whether or not the abuse of vulnerable adults through forced labour has taken place. There is, however, a responsibility to act on any concerns by contacting the appropriate experts and/or authorities. Fairtrade International regards all physical or sexual violence (threat of and/or actual harm), restriction on movement, bonded labour, withholding of wages, retention of passports and identity documents, or threat of denunciation to the authorities (e.g. threats of exposure to immigration authorities if the worker is an immigrant) as key indicators of forced labour that requires reporting, follow-up and action.

4.3 To ensure that Fairtrade operators act to protect children from child labour, including its worst forms, Fairtrade Standards call for the operator to develop a child labour policy, including child protection procedures, to guide them in withdrawing children found in these forms of labour and to ensure their long-term safety, including developing and implementing remediation projects and/or internal control systems to monitor and respond to child labour.

5. CHILD WORK VERSUS CHILD LABOUR

5.1 Fairtrade International recognizes the distinction drawn by the International Labour Organisation (ILO) between "child labour" and "child work."

5.2 Accordingly, not all work done by children is classified as Child Labour. It is acceptable for children to carry out work that does not affect their health and personal development or interfere with their schooling, and which may have a positive impact on their development. Activities such as helping their parents around the home or farms, assisting outside school hours and during school holidays, supervised by a parent or guardian and that are not exploitative or abusive, is not considered child labour. These activities undertaken in the circumstances noted above could contribute to a child's development and to the welfare of their families, provide them with skills and experience, and help to prepare them to be productive members of society during their adult life.

5.3 Therefore, in relation to family and smallholder farms, it is acknowledged that a child may carry out light work (i.e., work that does not threaten their health and safety, hinder education or which constitutes vocational orientation and training) on those farms provided that there is compliance with the Fairtrade Standards relating to Child Work, i.e., that the child does not handle hazardous tools, chemicals, or perform physically dangerous tasks, that such work does not interfere with their education or physical, emotional or psychological well-being and that they are supervised by a family member or guardian.

5.4 A country's Hazardous Child Labour List should be obtained from the government's labour department (if available) to ensure that the activities undertaken by a child are not hazardous as defined by that country's government.

- 5.5 In these circumstances, Fairtrade operators should implement measures to educate the farmers on the requirements of Fairtrade Standards, including understanding that work performed by a child must not:-
- 5.5.1 deprive him or her of the ability to acquire a formal education or to enjoy other recognized rights as a child, including the right to protection should a child be found working in the worst forms of child labour; or
- 5.5.2 be detrimental to the child's health or physical development.

6. MONITORING AND REMEDIATION

- 6.1 Fairtrade's approach to the elimination of child and forced labour has two aspects. a) Reactive: should a non-compliance of the child or forced labour requirements of the standard be identified by a FLOCERT audit (with corrective actions issued by the certification company). Corrective action could require the producer organization to establish an Internal Control System (ICS) to identify and address risks. b) Proactive: if a commodity (and its country of origin) is listed on a public Watch List (e.g., US Department of Labour Watch List for Child and Forced Labour or Maplecroft Index) and/or a country is listed on a Tier 2 Watch List or Tier 3 on the US Trafficking in Persons List), then the Producer Organization is encouraged proactively and voluntarily to build a self-governing, community based system to monitor and respond to the risks identified. Both reactive and proactive aspects to the Fairtrade approach involve producer organizations establishing a monitoring and remediation system to identify and respond to child labour and forced labour.

6.2 Monitoring

Should the producer organization wish to request support from Fairtrade to build a self-governing, monitoring and remediation system, Fairtrade International offers training and guidance to the producer organization in establishing a Youth Inclusive Community Based Monitoring and Remediation System (YICBMR) for Child and/or Forced Labour. Supply chain actors are encouraged to support producer organizations in establishing YICBMR on child and/or forced labour as best practice.

- 6.2.1 YICBMR involves regular self-checks to monitor compliance;
- 6.2.2 Producer organizations are encouraged to implement a mechanism to receive reports and/or complaints regarding the use of child and forced labour within their operations;
- 6.2.3 Reports must be issued on actions taken to address child and forced labour, including prevention actions.
- 6.2.4 Data generated from the YICBMR system is the property of the producer organizations and the producer organization may wish to share aggregate findings with any third party requesting information. However, all efforts must be made to ensure that data sharing does not cause harm to impacted communities and those wishing to be part of the voluntary self-governing system.
- 6.2.5 All producer organizations wishing to build YICBMR for child and/or forced labour should first obtain training on rights-based methodology from an independent expert organization or individual and have the appropriate protection policy and procedures in place. This protection policy should be signed by the president of the PO board and all members of the producer organizations, including management, should be trained in the policy relating to the elimination of Forced Labour and/or Child Labour, including the following:-

6.3 Training

Training and/or training materials should be provided to Producer Organizations, other interested support staff such as youth monitors, and related operators in the supply chain in Fairtrade relevant standards and, if requested, YICBMR systems. In addition training should be provided in the relevant provisions of the UNGC and ILO Conventions which deal with the abolition of Forced Labour and Child Labour, including government' national action plans for the elimination of child labour and forced labour, and a country's hazardous child labour lists.

6.4 Identification

- 6.4.1 Birth certificates, national identity documents, or other reasonably acceptable documents such as hospital or clinic cards, religious and baptismal certificates, or school documents, should be used to verify the age of a prospective employee or farm worker. Alternatively, in the absence of any such documents, and if the age of the employee or worker is unknown but suspected to be below the age of 18 years, a child-rights approach must be used to arrive at the age of the person. However, the lack of a birth certificate or national identification document may not be used as an excuse for employing or engaging under-aged persons (including seasonal workers).
- 6.4.2 Child and forced labour risks identified through the ICS or YICBMR systems must be used to formulate a strategy to address its root causes, focusing specifically on vulnerable child groups such as the children of migrant workers, girl and, orphans, and child trafficking and/or vulnerable adult groups such as undocumented workers, migrant workers, single women, prison labour and trafficked persons, among others.

6.5 Engagement/Advocacy

- 6.5.1 Producer organizations are encouraged to initiate and formalize working relationships with government and local officials in the area where they operate, in order to understand the nature of the problem in the area and to find collaborative ways to monitor and remediate Forced Labour and Child Labour;
- 6.5.2 Producer organizations are also encouraged to engage with non-governmental human rights organizations and other community organizations in the areas where they operate, in order to assess levels of need for community/stakeholder awareness and/or advocacy programs regarding the elimination of Forced Labour and Child Labour, and to work in collaboration with these organizations to develop, introduce and implement such programs as may be required.

6.6 Remediation

- 6.6.1 If child and forced labour are identified in Fairtrade operations it is important to act quickly and responsibly.
- 6.6.2 Producer organizations and/or processors must follow protection policy and procedures in remediating child and forced labour, which could include consulting with expert organizations and/or local government officials. Should the Fairtrade organization not have such a policy, the Fairtrade Producer Network of which the organization is a member, or Fairtrade International, can be contacted for support and guidance, including assessment and follow-up.
- 6.6.3 If assessment checks confirm child labour (unconditional worst forms of child labour) and/or forced labour, producer organizations should take the following action:
- Safely remove the child or impacted adult from all work immediately.
 - Talk to the child or impacted adult to ensure they understand what is happening and why.
 - Listen to the child(ren) or impacted adult(s) to determine their needs and what is in their best interests.
 - Ensure the child(ren) or impacted adult(s) are in a safe place.
 - Obtain contact details of the child(ren) and their parents/guardian (or relatives in the case of the adult(s)), and safely report the case to the appropriate government agency for protective action.
 - Meet with the producer organization member found to be using this type of labour and explain the Fairtrade Standards on child labour and/or forced labour and the emphasis put on protection, including policy and procedures, if available.
 - Review all worker records to ensure that no other cases of child labour or forced labour are present, and provide advice on improving the monitoring and remediation system to ensure that no new child workers or vulnerable adults are hired in these situations.
 - Develop and fund remediation projects to address root causes and that seek to resolve the problem in the best interests of the child(ren) or impacted adult(s) involved, including initiating or participating in a program to enroll the child(ren) in quality education and assisting their family to access any available alternative means of income generation.

-Develop a risk improvement plan to mitigate further risk, including a prevention project.

7. TRADERS AND CSR INITIATIVES

- 7.1 Fairtrade requires all traders as of 2017 to be compliant with the Child Labour and Forced Labour requirements of its Trader Standard, specifically requiring traders to be aware of, and comply with, the applicable labour laws in the countries where they operate.
- 7.2 Fairtrade enables traders voluntarily to go beyond minimum compliance and engage in best practices, supporting efforts by producer or worker organizations to mitigate risks to labour violations and/or ensure increased well-being for children and vulnerable adults in and around Fairtrade organizations.
- 7.3 Fairtrade therefore recommends that as part of possible CSR initiatives engaged in by traders and their various business partners, consideration should be given to include the following:-
 - 7.3.1 Support producer organizations (or other operators in their supply chains) that are targeting removal of root causes of Forced Labour and Child Labour in their communities, including support to establish the YICBMR system on Child Labour and/or Forced Labour to monitor and address risks
 - 7.3.2 Support education, the livelihoods and development of young people, especially women;
 - 7.3.3 Promote the development of children by encouraging skills formation projects.
- 7.4 Where cases of Child Labour are encountered in their supply chain, traders should seek to support actions to resolve the problem in the best interests of the child or children involved, including initiating or participating in a program to enroll them into quality education and assisting the child's family to access any available alternative means of income generation.
- 7.5 Where cases of Forced Labour are encountered in their supply chains, traders should seek to support actions to remediate and mitigate risks, including programs to reduce gender-based violence.