

Operational Procedures for Remediation of Child Labour in Industrial Contexts

4th June 2008

Draft for Discussion

INTRODUCTION

This document sets out draft operational procedures on how to deal with instances of child labour in the industrial context. These procedures are designed as a practical guide for purchasers, agents, factories, trade unions and NGOs who may be involved in child labour remediation. They are based on Impactt's experience of working with stakeholders on child labour remediation and prevention programmes around the world. This document does not set out to tackle the root causes of child labour, but rather to provide support on dealing with individual instances.

We hope that these draft procedures will stimulate debate, encourage sharing of both successes and failures and support the development of a consensus on the best way forward for all stakeholders. **Impactt calls on all stakeholders in the debate to join forces to discuss and develop these draft operational procedures and reach consensus on an approach to child labour remediation in the industrial context.**

BASIC PRINCIPLES:

These principles apply to ALL children in all work situations regardless of their employment status or length of service. This includes permanent, temporary, or casual labour, whether directly or indirectly employed by the management of the workplace, as well as children who have been trafficked or sold into work.¹

Who is allowed to work?

- No person will be employed or engaged in work if they are younger than 15 (or 14 in some developing countries). Light work may be allowed for 12 and 13 year-olds in most developing countries provided it does not interfere with schooling². No person may be employed or work if they are younger than the legal minimum age for work in the country of manufacture.
- No persons aged below 18 years will engage in any dangerous/hazardous³ work that might jeopardize their health or safety or harm their development.
- Work done by children and young persons in schools for general, vocational, or technical education or in other training institutions must all meet local requirements with regards to programme design, training support, minimum age, and safety.

¹ International Labour Organization (ILO) C143 Migrant Workers (Supplementary Provisions) Convention, 1975

² International Labour Organization (ILO) Conventions for minimum age (C138) and child labour (C182)

³ Examples of hazardous or dangerous work would include working with or near chemicals, with dangerous machines, heavy work or in an environment that is excessively noisy. It would also include night work and working excessive hours.

- Persons engaged in any workplace apprenticeship programmes must also meet the local minimum age requirements.

We believe that work in the industrial context, in factories, is always hazardous for young people and, in practical terms it is impossible to combine it with effective schooling. Therefore we believe that, in all cases of child labour in the industrial context, the child should be removed from work and a full remediation plan instigated. These Operational Procedures are intended for all cases where children are found working in factories, whether the children are employed directly or indirectly (through a labour broker or agent) and also apply in cases where children have been trafficked. These procedures are specifically designed for the industrial context and are not designed for use in agriculture or homeworking.

REMEDIATION PROCEDURES

If child labour is found, it is vital to act quickly.

Phase One: immediate actions

- Remove the child from all work immediately
- Obtain contact details (ideally mobile phone number) of child and parents/guardian, and wherever possible, home address
- Clarify the true identity and age of the child. It is important to err on the side of caution and assume that a young-looking worker is a child until verifiable evidence to the contrary is provided. This may involve:
 - Reviewing age documents of the child and verifying that they are genuine
 - Communication or meeting with parents and guardians of children (in hometown if necessary)
 - Contacting local labour authorities to validate identification
 - Medical checks to assess age
- Meet with top production site management to communicate the policies and basic positions regarding child labour and obtain their consensus on the interim arrangement for the child and their commitment for remediation.
- Provide free food and free and safe accommodation to the child until a remediation programme is operational. In some cases, particularly for children who have migrated for work, either with or without their families, the best interim solution may be to continue to stay in the factory dormitory; however this is never a desirable long-term solution.
- Payment of stipend to the child both during the exploratory phase and throughout the whole remediation programme. The stipend should be equivalent to the amount the child was earning whilst employed, or at least local minimum wage standard, whichever is higher.
- Talk to the child to understand their needs and seek their agreement to participate in the remediation programme. Ensure they understand and agree with what is happening.
- Contact the parents/guardians to ensure that they understand and agree with what is happening and to explain the ongoing provision of stipend, food, and accommodation. If

necessary, educate the parents to the good schooling/vocational training will provide to their child.

- Review all the personnel records at the workplace to identify whether there are any other child workers.
- Give advice on improving age verification systems to ensure that no new child worker is hired.

Phase Two: Designing a remediation programme

Before starting this phase of the process, it is vital to identify and establish a remediation team. This should be made up of representatives from the factory, the agent, the purchaser, and local experts with the experience and capacity to work with children and their families to identify appropriate solutions. Local partners must have the determination to push the programme through at a local level and have the skills to negotiate between the different stakeholders and find a solution that maintains the best interest of the child.

In many countries there are existing government or civil society-backed organizations, processes and projects tackling child labour. It is vital to identify and work with these initiatives in order to avoid duplication of effort.

Ensuring the child's welfare must be the first priority for any remediation programme. It is vital that the remediation team understand the specific needs, circumstances, and aspirations of each child and his or her family. Specialist support may be needed to understand the full picture. A full understanding of the situation will enable the remediation team to identify the root causes which drove the child to work, and to ensure that the remediation tackles these same root causes.

Key stages are:

- Identification of the remediation team, including local experts. These may include trade unions, local NGOs, government resources, health professionals (for example educational psychologists), or knowledgeable individuals.
- A thorough investigation into the specific circumstances of each child, including family background, education history and economic circumstances. This should also include discussions with each child about their ambitions and how education can help in achieving them and meetings with parents exploring why the child was not already placed in school.
- Identification of an appropriate school/training or tutoring facility. This should match the needs and circumstances of each child. The school must not be on the same site as the factory. In the case of children who are away from home/have migrated for work, with or without their families, it is important to evaluate educational/training/tutoring facilities both in the child's home town and in the host area.
- Identification of an appropriate accommodation facility. This must be a safe place and must match the needs and circumstances of each child. For children who are away from home/have migrated for work, with or without their families, the best interim solution may be for the child to remain in his or her current dwelling/ continue to lodge in the factory dormitory whilst the remediation plan is developed. However, each instance should be discussed carefully by the remediation team. Long-term accommodation should not be on the factory site.

- Negotiating a commitment from the employer to cover all necessary costs (education and travel expenses) and to continue to pay directly to the child a living subsidy not lower than the local minimum wage and at least until the child reaches the national minimum working age or 15, whichever is the higher or finishes the agreed training/educational/tutoring course in the remediation programme.
- Negotiating commitment from the supplier/site to re-hire the child when he or she reaches legal working age, should the child and his/her parents wish to go back to work for the facility.
- Consulting with the parent/guardian of each child in the design of the specific remediation programme for each child.
- Obtaining signed agreements from the parent/guardian of each child and the employer setting out the elements of each child's remediation programme (remuneration, school etc) and the duties of each party in ensuring the success of the remediation.

Phase Three: ongoing support and monitoring

Ongoing support and monitoring of the progress of the remediation programme to ensure that it continues to benefit the child until he or she reaches working age. This should normally be done by a third party, with close communications with the remediation team, and should have the following elements:

- Monitoring of the child's progress at school, exam results, school reports, discussions with teachers etc
- Home visits by an independent 'friend' to the child, checking in on a regular basis on their hopes, fears, and ambitions.
- The monitoring findings should then be used to fine tune the remediation programme.

MAKE OR BREAK MOMENTS

Successful child labour remediation is hard to achieve. The factors which caused the child to be in work (family circumstances, poverty catastrophic shocks etc) all conspire to push children back to work. We have identified the following 'make or break' moments in real live child labour remediation cases:

- The worker says they were underage, management insists the worker is old enough to work. There is a delay in the provision of proof of age identification..... doubt creeps in.
- The child is employed by a labour provider/agent and the factory does not acknowledge the employment relation.
- What would be the appropriate roles of unions and government? When and how should they be involved?
- The supply chain is not prepared to fund some of the elements of remediation programme.
- Some parties (purchaser, agent, and factory) are not willing to engage in remediation.
- The child does not want to go back to school.
- There is no appropriate schooling available.
- Some parties in the remediation team are not genuinely committed to a full remediation programme.

- The parents/guardian does not see any benefit in the child going back to school.
- The child and/or parents/guardian are concerned that the child's earning capacity in the future will be reduced by their attendance at school.
- The remediation team breaks down after a number of months, due to a lack of ongoing commitment.
- The purchaser moves away from the factory.

We believe that there is a need for detailed guidance, building on shared learning, to help avoid or resolve these 'make or break' moments.