



Operational Procedures for Remediation of Child Labour in Industrial Contexts

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1. INTRODUCTION

Child labour is a complex and growing problem across global supply chains. Successful remediation is not easy to achieve and requires a holistic, multi-stakeholder approach. In every case, the interests of the child need to come first.

This document sets out 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 and on a consultation involving 90 practitioners 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 as and when they are discovered and tackling some of the most common difficulties.

It is important to note that those involved in child labour remediation must have suitable skills and experience of working with children and should have a CRB (Criminal Record Bureau) check in the UK or its equivalent in other countries.

2. 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 The response to a trafficked/bonded situation would also depend on the scale of child labour being used.

2.1 WHO IS ALLOWED TO WORK?

No person should be employed or work if:

- They are younger than the legal minimum age for work in the country of manufacture or
- They are younger than 15 (or 14 in some developing countries)²
 - Light work³ may be allowed for 12 and 13 year-olds in most developing countries provided it does not interfere with schooling⁴. No-one aged below 18 years should engage in any dangerous/hazardous⁵ work that might jeopardize their physical, mental or moral wellbeing because of its nature or the conditions under which it is carried out.
 - Work done by children and young persons in schools for general, vocational, or technical education or in other training institutions must meet local requirements with regards to programme design, training support, minimum age, and safety.
 - Minimum age requirements must also be met for all persons engaged in any workplace apprenticeship programmes.

In practical terms it is extremely difficult to make work in the industrial context safe for children under legal working age and to combine factory work with effective schooling. Therefore we believe that, in all cases 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.

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

² International Labour Organization (ILO) C138 Minimum Age Convention, 1973

³ <http://www.ilocarib.org.tt/childlabour/c138.htm>

⁴ International Labour Organization (ILO) Conventions for minimum age (C138) and child labour (C182)

⁵ <http://www.ilo.org/public/english/standards/decl/publ/reports/report3.htm> 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.

3. REMEDIATION PROCEDURES

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

PHASE ONE: IMMEDIATE ACTIONS

If you suspect that workers in a factory may be underage, do not approach the workers directly in the first instance, but check their ID as part of a routine document check process without raising the alarm.

If document checks confirm the child is underage or if ID checks are inconclusive, you should take the following action:

- Remove the child from all work immediately. Preventing the continuation of work gives a clear message to factory managers. It also reduces the risk that managers may try to continue to use child workers under the guise of bogus 'training centres' or 'apprenticeship schemes'. You should err on the side of caution and assume that a young-looking worker is under-age until verifiable evidence to the contrary is provided.
- Ensure the child is in a safe place.
- 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. Review age documents of the child and verify that they are genuine. If the documentary evidence is inconclusive checking the age of the child may entail
 - Communication or meeting with parents and guardians of children
 - Contacting local labour authorities to validate identification
 - Medical checks to assess age
- Talk to the child to ensure they understand what is happening and why. Listen to them to understand their needs. Explain the possible remediation options and other measures to be put in place. Ensure they agree to participate in the remediation programme. It is important in your contact with children to be aware of situations which may present risks and manage these. (See Appendix 1)
- 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 (this can be a relatively lengthy process). 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 (if dormitory accommodation is provided); however this is never a desirable long-term solution.
- Arrange payment of a 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. The stipend should be paid in weekly or monthly, rather than as a lump sum.
- 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 about the benefits of schooling/vocational training. With younger children, the strong involvement of parents/guardians is particularly important. In cases where parents have sent their child to work, this process of persuasion may be difficult and it is particularly important to ensure that parents are confident that the family's income will not be reduced by participating in child labour remediation.
- 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. These could include (but not exclusively):
 - Policy on minimum age requirements and all workers to show proof of ID
 - How to check the validity of ID and age
 - Record keeping procedures

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, local NGOs, trade unions (if active in the factory where child labour has been found) 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 crucial to identify and work with these initiatives in order to avoid duplication of effort.

At this stage, it is very important to define and agree on the roles and responsibilities of each party and to confirm who will be funding the remediation programme.

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 and the drivers which pushed the child into work. Specialist support may be needed to understand the full picture. The remediation programme must be designed to tackle these specific drivers and to reduce the risk that they push the child back to work again.

Key stages are:

- Identification of the remediation team, including local experts⁶. 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. If the child does not want to go to school, it is necessary to work hard to find out the reasons why. (These can include difficulty in reintegration if the child has dropped out or never attended school; previous experience of bullying or corporal punishment at school, previous experience of poor teaching and boring lessons; language barriers in the case of migrant child workers who do not speak the language used in schools etc). This understanding will enable the team to develop an educational solution which is more attractive to the child.
- Evaluation of whether another adult family member could be employed by the factory in the child's place. This maintains the family's income and continues the link between the factory and the family, making it more likely that remediation will be sustainable.
- Identification of an appropriate school/training or tutoring facility. This should match the needs and circumstances of each child. Besides basic literacy, the education should ideally involve learning skills which will be useful in gaining good employment as an adult. If the child is close to the legal working age, vocational training can be appropriate, particularly if it enhances the earning capacity of the child when they return to work legally. 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.
- Agreement of who will fund the remediation costs, including education costs, any travel expenses and ongoing payment of a stipend not lower than the local minimum wage. This should continue at least until

⁶ A need has been identified to have a database of local organisations and their skills which can be assessed to help facilitate/take part in the remediation and ongoing monitoring of the programme.

the child reaches the national minimum working age or 15, or finishes the agreed training/educational/tutoring course in the remediation programme, whichever is the longest.

- Agreement on who will be responsible for monitoring the ongoing programme, how much this will cost and who will pay for this.
- 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 it.
- 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 all parties to the remediation 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 be carried out by the purchasing company, local NGOs or trade unions or other experts and should not be carried out by the factory which employed the child(ren).

Monitoring includes 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.
- Regular payment of stipend, school fees and any other expenses.

The monitoring findings should then be used to fine tune the remediation programme.

Funding the Remediation Programme

It is important to ensure that all phases of the remediation programme are properly funded.

Stipend and education costs

The employer should take primary responsibility for funding a stipend (which is at least equivalent to the average monthly salary including overtime paid to the child during their employment, or minimum wage, whichever is higher), any repatriation costs, school fees and expenses.

It is important to understand the total cost implications of the programme and secure these monies from the employer preferably as a lump sum payment. This should then be entrusted to a third party to make the payments on a regular basis.

In some cases, other actors in the supply chain may also take some responsibility for funding these costs.

Ongoing monitoring

Successful remediation is dependent on ongoing monitoring to ensure that the child remains in school and that the programme is adjusted to meet the child's changing needs. Often the cost of monitoring is split between the factory, agent or intermediary and the purchaser. However, this needs to be negotiated on a case-by-case basis.

4. 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 events, financial shocks etc) all conspire to push children back to work. The following are real examples of 'make or break' moments encountered in child labour remediation cases.

Problem: The worker says they are underage, management insists the worker is old enough to work. There is a delay in the provision of proof of age identification and doubt creeps in.

Solution: In this case, it is better to err on the side of caution, assume the worker is a child, and begin the remediation process until evidence that the child is of working age can be provided. A maximum of two weeks should be given to obtain the necessary verification. During this time it is important to:

- Reassure the child that they will be protected
- Work with factory management to ensure they understand their obligations and accept that the child's welfare is the first priority.

Problem: The child is employed by a labour provider/agent and the factory does not acknowledge the employment relation.

Solution: It needs to be made clear that, regardless of whether the child is employed directly or through a labour provider, the factory bears the ultimate responsibility for ensuring all workers on site are of legal working age. If a child is found, the factory is still responsible for implementing the remediation programme, and should use its best efforts to involve the labour provider, who may share some of the costs. If the labour provider is unwilling to participate, the factory remains responsible for the remediation. The team should prioritise speedy and effective remediation, rather than clarification of employment relations. The team will have to act quickly to ensure that the labour provider does not simply fire the child or send him or her to work elsewhere. Once the remediation programme is in place, the factory should take steps to ensure that its own systems and those of the labour provider include effective checks to prevent any further employment of children.

Problem: Should government agencies be involved

Solution: Some governments have recognized the complexity and challenges of the issue of child labour and have developed national child labour policy, support programmes and infrastructure. It is advisable to work with government structures where these exist. In the case of governments which tend to take a punitive approach to child labour, the remediation team should exercise caution in requesting official intervention, since this may result in a strong enforcement response which may not be in the best interests of the child or children concerned.

Problem: The supply chain is not prepared to fund some of the elements of remediation programme. There is a risk that delays in agreeing funding will lessen the chances of successfully remediating the children.

Solution: In this case, the purchaser should cover the costs of the programme in advance so decisions can be made quickly. The purchaser can later recover the money through negotiations with the supplier / factory.

Problem: Some parties (purchaser, agent, and factory) are not willing to engage in remediation.

Solution: Purchasing companies should be committed to remediating any children found in their supply chain and should use their commercial leverage to remind the various involved parties of their responsibilities. Ideally, purchasing companies should distribute copies of these operational procedures for the remediation of child labour to all suppliers, so that they are aware of the expectations of their customers. If the factory / supplier is unwilling to engage, the purchaser should consider terminating the commercial relationship. The purchaser may wish to share information about the factory/supplier's attitude to child labour remediation with other purchasers. This will strengthen the message that effective child labour remediation is a customer requirement.

Problem: The child does not want to go back to school.

Solution: The reasons why the child does not want to go back to school should be carefully identified. Some potential reasons and possible solutions could be:

- Problem: The child's family needs the money which the child is earning, and does not believe that they will continue to receive equivalent money as part of the remediation.
- Solution: The child and his or her family should be assured that, as part of the remediation programme, the child will continue receiving a monthly stipend equal to the wages he was previously earning (or local minimum wage if this is higher). Therefore, the family will not be financially affected by the child being taken out of work and put into education. In fact, the child's education should help improve the family's earning potential in the future. The team should ensure that there are no delays to the payment of the first stipend to demonstrate to the family that the remediation is genuine and reliable.

- Problem: The child does not have an interest in learning at school.
- Solution: Talk to the child and the family, explore why the child is not interested in school. This can be because the child's previous experience of school has been unpleasant or boring, due to bullying, corporal punishment, poor teaching standards, inadequate facilities etc. Explore what the child is interested in doing. Sometimes children can be inspired by the thought of a future career, or by the opportunity to learn IT skills. Reassure the child that the education programme will be designed to meet their needs and maintain their interest. Emphasise that the child will have an independent person to whom they can talk about any worries they have about school, or any instances of bullying or mistreatment.

- Problem: The child/family is scared of remediation and doubts its authenticity.
- Solution: Every effort should be made to help the family understand that the remediation programme is being developed to prioritise the child's interests. Through friendly conversation and gentle persuasion, the child's hopes and concerns should be addressed and all their questions should be answered.

The remediation team should sign written commitments with the child and the family setting out what the remediation programme will provide, and the duties of the child and family (to attend education and keep in touch with the remediation team). The team should introduce the independent person responsible for ongoing monitoring as soon as possible. This person will act as the 'friend' of the child and should be able to provide some reassurance of the authenticity of the remediation.

- **Problem:** The child's relatives also work for the same employer and are threatened with dismissal if the family agrees to remediation.
- **Solution:** as soon as this issue comes to the attention of the remediation team, the team should swiftly reassure the family that there will be no repercussions against family members. The team should work with the factory to ensure that they understand the position, and the independent monitor should keep in touch with family members to make sure that they retain their jobs. If there are continued reports of threatening behaviour, the brand/supplier may need to support the family to find alternative employment, so the child can enter the programme without any repercussions for them or the family. If the threat is coming from within the family, then it is essential to help the child's family and relatives understand why and how the remediation programme will benefit the child in the future (see above).

Problem: There is no appropriate schooling available.

Solution: Ideally, the remediation team should identify a school located near the child's family, to ensure that the child receives ongoing support at home. When this is not possible, the remediation team, with the agreement of the parents, should seek alternative options. Appropriate options could include finding a school near the home of other family members who are willing to care for the child, or employing a tutor to provide education to a group of children. This second option can be particularly helpful when the child or children require extra tuition to reach the standard needed to enter conventional schooling.

Problem: Some parties in the remediation team are not genuinely committed to a full remediation programme or cannot / will not offer long term support to the programme.

Solution: A lump sum should be collected at the beginning of the process to cover all expenses for the full remediation programme. These monies can then be administered by a nominated NGO, local association or education professional as required.

Problem: The parents/guardians do not see any benefit in the child going back to school.

Solution: In this case, it is necessary to understand the parents' concerns and persuade them of the benefits and economic opportunities that schooling can offer to the whole family. This could involve the parents/children speaking to other parents/children who have been involved in previous remediation programmes.

Problem: 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. This can happen when the child is employed in a 'training' position, with the idea that they will be able to earn more money as a skilled worker when they reach working age.

Solution: The family may not have any experience of the benefits of education, and they may believe that underage working is the best way to ensure a higher wage for their child when he or she reaches the legal working age. A well designed remediation programme should improve the life chances and earning potential of the child. The team should explain how the specific remediation options will enable the child to access higher wages once an adult. If possible, the factory should commit to offering the child a position and salary at the factory which is appropriate for their level of education once he or she reaches the legal working age. It may be useful to share with the parents examples of other children who have been through the remediation process and were able to enhance their earning potential through education.

Problem: The remediation team breaks down after a number of months, due to a lack of ongoing commitment.

Solution: Full remediation costs for the programme until the child reaches legal working age should be paid upfront to a third party to administer. This means that, even if the remediation team breaks down, the programme will continue.

Problem: The purchaser moves away from the factory.

Solution: The purchaser bears ultimate responsibility for ensuring the child is remediated successfully. The purchaser is much more likely to be able to influence the process if they continue to buy from the factory. However, if all remediation costs have been paid up front to a third party (see above), loss of leverage should not endanger the success of the remediation programme. The purchaser should of course continue to be involved in the programme

APPENDIX

It is important for all those working with children to be aware of situations which may present risk and to manage

- Plan and organise the interview and the interview location so as to minimise risks
- As far as possible, be visible in working with children.
- In general it is not appropriate to:
 - spend excessive time alone with children away from others
 - take children to your home, especially where they will be alone with you.
- Where possible and practical, the 'two adult' rule, wherein two or more adults supervise activities where minors or children are involved and are present at all times, should be followed. When interviewing the child in the factory, a witness should be present but this witness should not be a representative of the factory. The witness must be told clearly that they are there as an observer and must NOT ask any questions. On visits to children when it is difficult to send two adults, other options should be considered, such as being accompanied by community members.
- Adults working with children must be concerned about perception and appearance in their language, actions and relationships with minors and children
- Ensure that a culture of openness exists to enable any issues or concerns to be raised and discussed
- Ensure that a sense of accountability exists between the various adults working with children so that poor practice or potentially abusive behaviour does not go unchallenged.
- Talk to children about their contact with the adults working with them or others and encourage them to raise any concerns
- Empower children - discuss with them their rights, what is acceptable and unacceptable, and what they can do if there is a problem.



MAKING WHAT'S
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