

GUIDELINES FOR IMPROVING POLICIES AND PRACTICES ON CHILD LABOUR AND FORCED LABOUR

Content developed by the Fair Labor Association (FLA) as part of the project “Remedies Towards a Better Workplace” with input from project partners: Hivos, Arisa, Unicef, AGT/SER, SAVE, READ, CCR CSR, WE Fashion, O’Neill, Prénatal, Hunkemöller, FNG, Cool Investments.

For whom: for AGT signatories, FLA affiliates, brands and companies

Objective: The explanations and recommendations provided in this document support companies in understanding how to best work with and support supply chain partners when addressing child labour and forced labour risks.

Background: As part of the project “*Combatting Child Labour in the Garment Supply Chains*”, AGT signatories used a collaborative approach to collect more insight into their supply chains and how best to support their supply chain partners in preventing and remediating child labour and forced labour. In Tamil Nadu the project was implemented by four Dutch garment companies, ARISA, SAVE and the Fair Labor Association (FLA) and in Bangladesh it was implemented by two Dutch garment companies, UNICEF Netherlands and CCR CSR.

The businesses and organisations that signed the Dutch Agreement on Sustainable Garments and Textiles (AGT) committed themselves to fighting child labour and forced labour in their supply chain. This document provides concrete steps for setting standards and improving child labour and forced labour policies, and recommendations for providing remediation in case forced labour or child labour is detected. Suggestions for further reading and links to existing tools for companies to address child labour and forced labour are also provided.

Related tools:

In addition to this guidance document, there are several tools that can be referred to for more in-depth explanation and information.

Tool 6: Information to collect from suppliers for child labour risk mapping

Tool 7: Recommendations for age verification

Tool 8: Legal framework and indicators on child labour

Tool 9: Legal framework and indicators on forced labour

Tool 10: FLA self-assessment tool on child labour and forced labour

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1. Companies need to set standards

1.1 Developing clear standards is the starting point

- **Setting standards is critical as it** reflects the company's commitment to labour and human rights, particularly with respect to child labour and forced labour. It is important to convey standards to employees, suppliers, business partners, and consumers, with the purpose of creating a corporate culture of respect for labour and human rights. Developing and agreeing on clear standards is the starting point for creating solid engagement by staff and the company against forced and child labour throughout the entire supply chain and within the company itself.
- **Make use of examples from others.** Numerous companies and organisations have created Codes of Conduct, policies and other valuable standards that cover a range of labour and human rights issues and are applicable to different contexts. This means that a company does not have to start from scratch, but can build its standards drawing from existing models and adapting them to their own context. This guidance document provides companies with recommendations and input to help them develop or revise their own Code of Conduct and related policy documents specifically in relation to child labour and forced labour.
- **Create a Code of Conduct.** One way for a company to make a statement of its values internally and externally is through the adoption of a Code of Conduct that embodies respect for labour and human rights and incorporates a human rights due diligence process, particularly with respect to child labour and forced labour. Typically, corporate Codes of Conduct are based on internationally accepted labour and human rights standards embodied in conventions of the ILO and the UN. In some instances, local law and regulations may be more protective of workers than international standards. It is recommended that the Code of Conduct mention and apply the standards or regulations that are most favourable to workers.

1.2 Key elements to include in the Code of Conduct

- As child labour and forced labour are interrelated with other types of labour and human rights violations (e.g. discrimination, gender, wages), we suggest that a corporate Code of Conduct include, at a minimum, standards addressing the elements listed in Table 1. In addition to listing the elements, the table also includes some explanation as to why such elements need to be part of a code.

Table 1: Supply chain Code of Conduct key elements and rationale.

Element	Justification
Forced labour	According to the ILO, 24.9 million people around the world are trapped in forced labour. ¹ The most common conditions of forced labour are debt bondage to employers, confiscated identity papers that do not allow people freedom to move, and non-payment of wages.
Child Labour	The ILO conventions 138 on minimum age and 182 on worst forms of child labour are in place to protect children, yet there are 152 million child workers around the world. Around 73 million children work in hazardous conditions. ²
Workplace discrimination	Women and minorities earn less compared to men in similar functions globally. They are often given the lowest paid jobs and have limited opportunities for advancement and promotion.
Excessive hours of work	Very large numbers of workers are required to work extremely long days, e.g. to earn extra income and/or meet high production targets. This affects time with their families and may also affect their health. Mistakes and accidents become more frequent when excessive hours are worked.
Harsh and inhumane treatment	Women and migrant workers are particularly vulnerable to physical, verbal and sexual abuse at the workplace.
Freedom of association and the right to collective bargaining	Relatively few workers worldwide enjoy these basic rights. Every year, thousands of people lose their jobs because of employer retaliation for their trade union activities. Some even risk their lives because of their involvement in such activities.
Health and safety	Every day, around 6,000 people die as a result of work-related accidents or diseases. Reasons for this include improper handling of hazardous substances and a lack of protective equipment. For more information see: https://www.ilo.org/moscow/areas-of-work/occupational-safety-and-health/WCMS_249278/lang-en/index.htm .
A living wage	When full-time work does not provide sufficient income to cover workers' basic needs, they are caught in a hopeless poverty trap. Companies need to work toward paying competitive and decent living wages to their workers. For more information see: https://www.isealalliance.org/about-iseal/our-work/global-living-wage-coalition
Regular employment	Many workers do not have employment contracts. Without them, workers do not know the terms and conditions of their employment and are not able to demand their legal rights.

Source: International Labour Organization

¹ ILO (2017): Global Estimates on Modern Slavery

² ILO (2017): Global Estimates of Child Labour: Results and Trends 2012-2016

- In developing a corporate Code of Conduct, the following **codes or guidelines** can be used:
 - [FLA Workplace Code of Conduct](#)
 - [FLA Principles of Fair Labor & Responsible Sourcing](#)
 - [Children's Rights in Policies and Codes of Conduct](#), developed by UNICEF and Save the Children
 - [Child Labour Policy: a child-centred approach. Guidance and best practice](#), developed by Global Child Forum

Examples from companies

Patagonia:	Supplier Workplace Code of Conduct Patagonia's approach for remediation, Forced Labor & Human Trafficking
Nike	Code of Conduct
Hugo Boss	Social Standards (available in 24 languages)
PVH	CSR Supplier Guidelines
Nestlé	Code of Business Conduct Nestlé Commitment on Child Labour
M&S	Marks and Spencer Child Labour Procedure

1.3 Include clear definitions for child labour and forced labour

- For the purposes of better understanding child labour and forced labour definitions between different parties, it is important to include clear definitions in Codes of Conduct and policy documents. It is recommended that international conventions and frameworks are referred to and used.
- At a minimum, policy documents should refer to common definitions for child labour, minimum age for working, and forced labour. Common definitions are:
 - **Child Labour** is defined by the ILO as work that deprives children of their childhood, their potential and their dignity, and that is harmful to their physical and mental development; is mentally, physically, socially or morally dangerous and harmful to children; and interferes with their schooling by depriving them of the opportunity to attend school, obliging them to leave school prematurely or requiring them to attempt to combine school attendance with excessively long and heavy work. Tip: learn more about the [Convention on the Rights of the Child](#).
 - **Minimum age for working:** According to ILO/IPEC–SIMPOC and ILO Convention 138 on the Minimum Age (1973), child labour refers to any person **less than 15 years of age** who is economically active (in paid work) for one or more hours per week,³ unless the local minimum age law stipulates a higher age for work or mandatory schooling, in which case the higher age would apply.
 - **Forced Labour** or compulsory labour is “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily” (ILO Convention No. 29). Forced labour is defined as work or service, without reference to the employment status of the worker both formal or informal, for which a person has not offered him or herself voluntarily (concept of “involuntariness”) and which is performed under the menace of penalty (concept of “coercion”) applied to the worker by an employer or a third party. The coercion may take place during the worker’s recruitment process (forced or deceptive recruitment) to force him or her to accept the job (unfree recruitment) or, once the person is working, to force him/her to do tasks, which were not part of what was agreed at the time of

³ Towards an internationally accepted statistical definition of child labour: children’s activities and their definitions, ILO/IPEC-SIMPOC, Geneva, dated 18 Jan. 07.

recruitment (work and life under duress), or to prevent him/her from leaving the job (impossibility of leaving employer).

- For more information on definitions and legal frameworks, see tool 8 Legal framework and indicators on child labour and tool 9 Legal framework and indicators on forced labour.

2. Have separate policies for child labour and forced labour

2.1 Develop more in-depth documents on child labour and forced labour

- Besides including elements on child labour, including clear definitions in the Code of Conduct, it is recommended that a specific **Child Labour Policy or Child Labour Commitment** is developed. This document can provide more in-depth information on expectations than the Code of Conduct and should help in developing procedures for prevention and remediation (see chapter 4). It is recommended that this policy is communicated to suppliers as well as to the wider public by making it available on the company website.
- Similarly, a **policy on forced labour** is recommended.
- To **keep the supplier Code of Conduct and policies up-to-date**, the company should review them regularly and adjust standards accordingly, particularly if the business has grown or changed significantly since the last review. It is important to review each section of the Code and/or policies and make sure these still represent the values of the company. Likewise, the company should review current standards and guidelines and any new policies introduced for the business.
- **Engagement with external stakeholders**, including Civil Society Organisations (CSOs), is recommended when reviewing and updating the Code of Conduct or policy documents. Stakeholders can provide valuable input and help to ensure that you do not miss out on important standards or elements. Tip: make use of the guidance document on stakeholder engagement.

2.2 Elements to include in a Child Labour Policy

This is how a company's Child Labour Commitment or Policy could look:⁴

- Children under 18 years should not conduct hazardous work or any work that may harm their physical, mental, or moral well-being. This means they do not carry heavy loads or work in dangerous locations, in unhealthy situations, at night, or with dangerous substances or equipment. They are not exposed to any form of abuse and there is no human trafficking, bonded or forced labour and in any circumstance can work in security forces.
- Children under 15 years should not be engaged in work. In case national law has set the minimum work age at 14 years, this age applies. Children in the age of 13-14 years may perform light work, provided that the work is not harmful to their health and development, does not interfere with their schooling or training, is under supervision of an adult, and does not exceed 14 hours a week. In case national law has set the light work ages at 12-13 years, these ages apply.
- The company is strongly committed to addressing and eradicating forms and risks of child labour throughout its entire supply chain and condemns all forms of exploitation of children.
- The company recognises that gender inequality (e.g. vulnerability of young women and girls) and discrimination (e.g. based on religion, ethnicity, caste or decent) are strongly linked with child labour and forced labour, and sets standards and has separate policies to address these as well.

⁴ Based on FLA's benchmarks for Child Labour with input from project partners

- The company recognises the importance of taking individual actions and collaborating with other actors such as governments, NGOs and unions to create the conditions that will prevent and eliminate the occurrence of child labour.
- The company is committed to carrying out an assessment⁵ of the risks to child rights in its supply chain and developing a clear strategy to address the issues and its underlying causes.
- The company is committed to carrying out a workplace risks assessment (working hours, wages, health and safety, living conditions) in the case of young workers (15-18 years) to identify and implement measures to prevent or reduce risks, and to improve.
- The company is committed to providing necessary support and remediation in case of child labour encountered in its supply chain and to monitoring effective implementation of remediation activities (see chapter 5 on remediation for more explanation).
- The company is committed to including the Child Labour Commitment in its business operations, communicating this with suppliers in such a way that it is understood clearly, and working together to ensure commitment and implementation at the tier 1 level and beyond.
- The company takes the commitment and performance on children's rights into account in the identification and selection of potential business relationships. The company explains how these decisions can be affected.
- The company is committed to assessing its own buying practices (including prices, production requirements, lead times, short notice changes/orders) to identify and mitigate the negative impact of these on the supplier and to adjust buying practices accordingly.
- The company will develop its capacity and data collection system for supply chain mapping and for keeping track of information on suppliers, sub-suppliers and subcontractors.
- The company will develop an action plan with concrete indicators (SMART) to be able to implement and monitor progress on the commitments as stated in its Child Labour Commitment.
- The company is transparent about its commitment to and progress on identifying and eliminating child labour, and communicates about its performance in its annual report or equivalent.
- The company expects and supports its suppliers to:
 - comply with all national laws, regulations and procedures concerning the prohibition of child labour;
 - refrain from employing anyone under the age of 15 or under the age for completion of compulsory education, whichever is higher;
 - abide by all relevant rules and procedures where the law requires government permits or permission from parents as a condition of employment, and keep documentation on-site for inspection at all times;
 - comply with all relevant laws that apply to young workers (e.g. those between the minimum working age and up to the age of 18), including regulations related to hiring, working conditions, types of work, hours of work, proof of age documentation (see tool 7 with recommendations for age verification), and overtime;
 - refrain from having any person under the age of 18 undertaking hazardous work, i.e. work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of persons under the age of 18;
 - refrain from engaging apprentices or vocational students under the age of 15 or under the age for completion of compulsory education, whichever is higher.

⁵ To be based on UN Guiding Principles on Business and Human Rights and/or the OECD Guidelines for Responsible Supply Chains in the Garment and Footwear Sector

- The company shall work together with its suppliers to:
 - develop clear policies, procedures and strategies to identify and remedy the adverse impact on children (including children accompanying parents to the workplace) that it has caused or contributed to (annex I provides a set of requirements that can be included in the policies of supplying companies).
 - develop a system for identifying work stations and operations that are (in)appropriate for young workers according to applicable laws.
 - comply with all regulations and requirements of apprentice, vocational education programs and housing arrangements and be able to document and monitor that these are legally recognized arrangements that meet (inter)national standards. Informal arrangements of any kind are not acceptable.
 - provide adequate working conditions for young workers (including reduced working hours, health and safety protections and training opportunities).
 - cascade the requirements and expectations further upstream in the supply chain and progressively include sub-suppliers and subcontractors in the effective implementation and monitoring of child labour commitments.

2.3 Elements to include in a forced labour policy

This is how a company's Forced Labour Commitment or Policy could look:⁶

- **General Compliance Forced Labour**
 - The company shall comply with all national laws, regulations and procedures concerning the prohibition of forced labour and human trafficking and regulations on the employment of migrant workers.
 - The company shall proactively inform workers about their rights at the start of their employment in the language understood by the employee.
 - The company shall provide a written employment contract to the employee in the language understood by the employee. A written employment contract must be signed by the employer and employee prior to the commencement of the employment relationship. Both the employee and employer will receive a copy of the signed employment contract.
 - The company recognises that gender inequality (e.g. vulnerability of young women and girls) and discrimination (e.g. based on nationality, religion, ethnicity, caste or decent, migration status) are strongly linked with child labour and forced labour, and sets standards and has separate policies to address these as well.
- **Freedom in Employment**
 - All workers shall have the right to enter into and to terminate their employment freely.
 - The company shall not utilize practices that restrict workers freedom of movement or ability to terminate his or her employment. Examples of such practices include, but are not limited to:
 - (the threat of) physical or mental coercion;
 - abuse of a vulnerable position, e.g. in the case of young migrant workers who do not speak the local language and depend on the employer;
 - requiring deposits;
 - imposing financial penalties;
 - requiring recruitment fees;
 - setting production targets or piece rates at such a level that workers need to work beyond regular working hours (excluding overtime) as set under the FLA Workplace Code in order to make the legal minimum wage or the prevailing industry wage;
 - denying and hampering access to, and renewal of, identity papers and/or work permits or any other personal legal (identification) documents;

⁶ Based on FLA's benchmarks for Forced Labour with input from project partners

- providing accommodation at the workplace with restrictions on movement of workers. (Accommodation of workers is preferably arranged outside the workplace, to avoid excessive dependency).

- **Debt/Bonded Labour**

- The company shall not bind workers to employment as a condition of fulfilling terms of a debt to a third party or to the employer.
- The company shall have clear recruitment policies and practices in line with the [IRIS standard](#) to prevent recruitment of forced labourers or persons trafficked. (Specific criterion of the IRIS standard can be integrated in your forced labour policy).
- The company shall only work with recruitment agencies that are legally registered and adhere to all terms and conditions as stated in this policy and in line with the IRIS standard on ethical recruitment.

- **Freedom of Movement**

- If workplace entrances are locked or guarded to prevent non-employee access to the premises for security reasons, workers shall have free egress at all times, subject to work rules.
- No employment term shall confine or restrict employees' freedom of movement.

- **Workers' Residence**

- The company shall not require workers to live in employer-owned or controlled residences as a condition of recruitment, continued employment or to receive the same terms of employment and working conditions as other workers in the same position.
- The company shall not subject workers to any undue influence to persuade workers to live in such residences.
- The freedom of movement of workers who live in employer-owned or controlled residences shall not be unreasonably restricted.
- The company shall follow guidelines for workers' residence (In case workers' residence is provided by suppliers, it is suggested to include specific guidelines for workers' residence, including hostels, in your Code of Conduct.)

- **Forced Overtime**

- The company shall not impose overtime where workers are unable to leave the work premises.

- **Personal Workers Identification and Other Documents**

- Workers shall retain possession or control of their passports, identity papers, travel documents, and other personal legal documents.
- The company may only obtain copies of original documents for record-keeping purposes.

- **Storage of Employee Documents**

- The company shall provide at employee request secure storage for employees' documents such as passports, identity papers, travel documents, and other personal legal documents. Such storage shall be freely accessible to workers.
- The company shall not withhold any such documents or restrict workers' access to them for any reason whatsoever, including in order to ensure that workers shall remain in employment in the workplace.

2.4 Express and communicate commitment to address child labour and forced labour

- A Code of Conduct without clear commitment and the establishment of goals is not effective. Therefore, it is important that human rights in the supply chain become part of the business culture. In order to achieve this, commitment of the highest governance body is as important as engagement of staff at all levels in all areas. It is recommended that a company publicly express clear and concrete commitment on addressing child labour and forced labour, e.g. through a letter or statement from the CEO.
- Companies need to share their Code of Conduct and relevant policies with all staff, agents and suppliers, and require that they acknowledge such standards, for example by signing a document stating that they are familiar with the Code. It is recommended that this is combined with additional training to support understanding and implementation.
- Staff in the procurement areas, field technicians and quality controllers need to be involved in designing the policies and able to make their contributions when goals and benchmarks for suppliers and producers are set. Their engagement will increase the chance that supplier monitoring programs can be successfully implemented, as they know the context of the supply chain and will make sure that the goals set are achievable. To make this part of their job, it is recommended that job descriptions are updated and expectations on implementing the social standards are included.
- Improvement of working conditions does not occur at headquarters, it occurs in a supplier's processing facilities and facilities further up in the supply chain. Engagement and communication with suppliers, agents and importers is therefore crucial for the success of any program on improving working conditions.
- Suppliers – and sub-suppliers – must be aware that respect for labour and human rights are as important as quality and delivery terms, and that the prevalence of labour and human rights violations can eventually lead to the termination of a contract (as a final step only after a buyer has taken all required actions and the offending supplier remains unwilling to prevent and remediate identified violations). The purchasing company should set its benchmark as high as possible, but also give enough time, understanding and support for the producers and suppliers to adopt and improve their practices.
- The company can check understanding of the Code of Conduct with own staff as well as suppliers by requiring that they periodically complete a set of questions on any new sections or other areas of the Code that the company feels are key. Based on the results of this survey, the company may identify topics for which further explanation or training is needed. It helps to develop a communication and training plan for this.

3. Take steps to get more insight and monitor progress

3.1 Start doing a detailed risk assessment

- **Make use of available reports and information.** Companies can start with getting an initial picture of the risk of child labour and forced labour (and other interrelated labour and human rights issues) by making use of available information and reports, e.g. by region/country, commodity or strategic suppliers. Examples of reports and information sources are given in the box below. This first check will help determine where risks are and where more information gathering is needed.
- Tip: make use of the **indicators for child labour and forced labour** as explained in tool 8 Legal framework and indicators on child labour and tool 9 Legal framework and indicators on forced labour.

Examples of reports and information sources

Country reports by Fair Wear Foundation (<https://www.fairwear.org/countries/>)

List of goods produced by Child Labour and Forced Labour by the U.S Department of Labor (<https://www.dol.gov/sites/default/files/documents/ilab/ListofGoods.pdf>)

Children's Rights and Business Atlas by Unicef (<https://www.childrensrighsatlas.org/>)

The Modint Due Diligence Tool (<https://modint.nl/2018/12/07/sustainable-sourcing-use-the-due-diligence-tool/>) developed with support of AGT parties, gives an overview of information sources and tools on child labour and forced labour (free of charge for AGT signatories).

Webinars on Child Labour by Arisa, Hivos and Unicef (see AGT sharepoint website)

- **Map your supply chain.** Besides making use of available information, it is necessary to obtain detailed insight into your supply chain, the particulars of the workforce and the working conditions at supplier level. Considering the higher risk of poor working conditions in subcontractors or suppliers in upstream supply chains, particularly issues of child labour and forced labour, AGT signatories are expected to get insight into their supply chain beyond their direct suppliers. Tip: make use of the guidance and tools on supply chain mapping.
- **Gather and update information regularly.** Companies can make use of several assessment approaches to gather child labour and forced labour information from suppliers. These approaches include self-assessments, site visits and continuous dialogue, stakeholder engagement, impact assessment and social audits. A combination of approaches is recommended. Engagement with suppliers, effective communication and building a trustworthy working relationship are key for effectively identifying and addressing child labour and forced labour. It is recommended that companies establish an internal monitoring system to effectively document and update information on child labour and forced labour, and monitor progress.
- **Seek for collaboration with peers.** It is evident that companies can easily demand more information from suppliers, if a supplier strongly depends on sales to the company and shows readiness to cooperate. If the sales volumes are low, but the risks are considered high, the task may be more difficult but it is equally important. In this case, the company can leverage its long-term relationship or increase leverage through collaboration with other companies.

3.2 Make use of self-assessment tools

- Suppliers may fill out a self-assessment form with questions that refer to the different parts of the Code of Conduct and give insight into the current status of compliance and management with the Code requirements. It can be completed online or on paper by current suppliers and can serve as a conditional document for the selection of new suppliers. Such a self-assessment may be similar to tool 10 FLA Self-assessment tool on Child Labour and Forced Labour. The FLA Self-Assessment Tool is a resource to assess not only a company's but also its suppliers' policies and procedures to identify, prevent and remediate child and forced labour issues. It is possible to use it as self-assessment of direct suppliers and can help them structure and improve their own monitoring system on child labour and forced labour.
- Self-assessment responses can be consolidated in a database and analysed to get a clear profile of the current policies and practices of the suppliers. But bear in mind that responses have been provided by suppliers, agents or importers. Therefore they should be validated with other information sources (e.g. through site visits and critical dialogue with suppliers and stakeholder engagement) to confirm their objectivity.

3.3 Put adequate recruitment systems in place

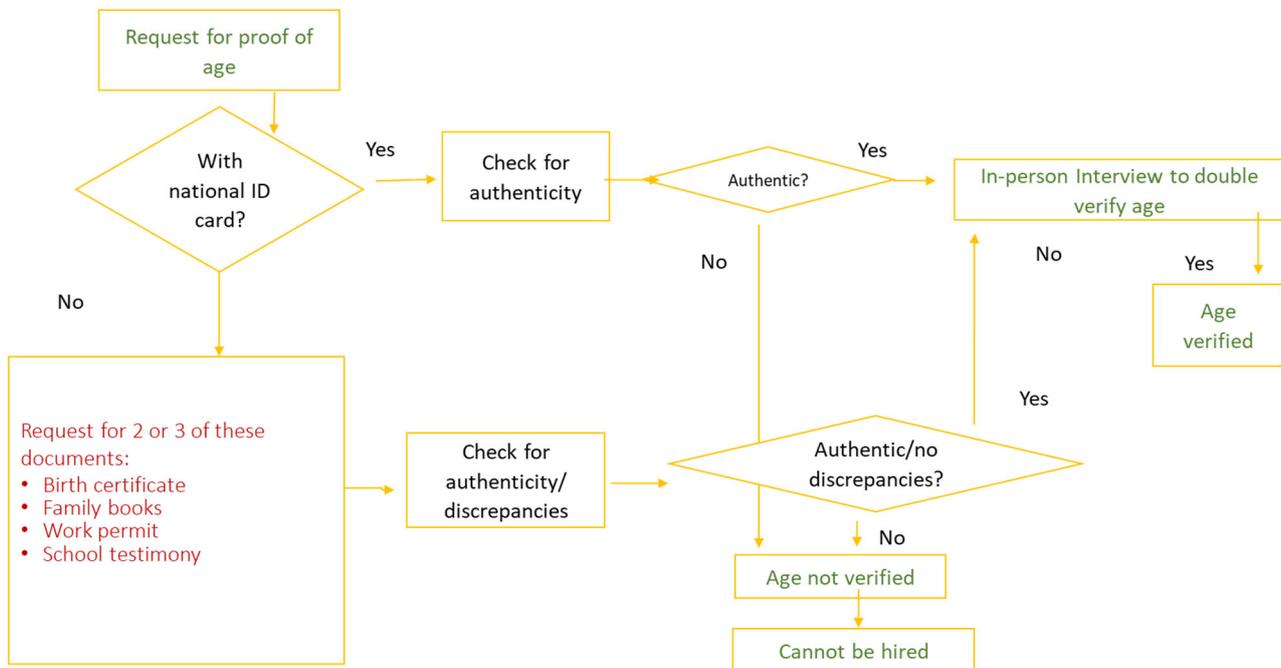
- An effective and transparent recruitment process is important to prevent the employment of children and people subject to forced labour. Therefore it is recommended that companies get insight into recruitment policies and practices of suppliers. Usually the human resources department is in charge of recruitment, but in some cases production managers may be allowed to recruit new workers directly from outside the factory or recruitment is outsourced to recruitment agencies or agents. The latter cases can make factories vulnerable to recruiting children and people subject to forced labour.
- Migrant workers from other districts, provinces/states or countries have specific vulnerabilities, such that their recruitment bears increased risk of forced labour. These vulnerabilities include: trafficking, poor awareness of labour rights applicable in the province/state or country of employment, dependency on employers for housing, no or limited access to friends and family for support, language barriers and discrimination. Therefore, it is recommended that companies take into account standards on ethical recruitment in forced labour policies and practices, e.g. the [IRIS standard](#) on ethical recruitment.

Information and tools on recruitment

- IOM, International Recruitment Integrity System (IRIS) promotes ethical international recruitment. See <https://iris.iom.int/> website for the [IRIS standard](#) and links to relevant information sources and practical guidance and tools on ethical recruitment.
- Verité, Fair hiring toolkit <https://www.verite.org/help-wanted/fair-hiring-toolkit/>
- Sedex guidance tool on operational practice and indicators of forced labour <https://www.sedexglobal.com/wp-content/uploads/2016/03/Sedex-Guidance-on-Operational-Practice-and-Indicators-of-Forced-Labour.pdf>

3.4 Develop and make use of age verification

- Age verification is essential for minimising the risk of employing children. There are different ways for doing age verification, but it is always key to put the child's interest and rights first. Age verification should only be carried out when there are serious doubts about the age of a child and only as a measure of last resort. If there is no serious doubt, the benefit of the doubt should be given to the child. The age assessment procedure must be undertaken in a manner that is sensitive to the age and maturity of the child.
- Age verification should only be done with the informed consent of the child concerned. Children should be given clear information about the purpose and process of the age verification procedure in a language they understand.
- Age verification must be done by appropriately skilled staff. Staff should be skilled in child-friendly and gender-sensitive communications, and be familiar with the child's culture and ethnicity, and knowledgeable about children's physical, emotional and psychological development. Staff should establish a rapport and trust with the child through the entire age verification process.
- Tip: Make use of tool 7 on age verification



Information and tools on age verification

- Fair Wear Foundation (2018). The face of child labour, stories from Asia's garment sector (see appendix B for guidance for age verification at garment factories). (<https://www.fairwear.org/wp-content/uploads/2018/12/FWF-childlabourpublication-DEF-web-002.pdf>).
- Fair Wear Foundation (2017), [Guidance on age verification at garment factories in Myanmar](#).
- ILO Better Factories Cambodia. Child labour guidance, Methods to prevent child labour at your workplace. (http://ubmasiafiles.com/files/aplf/psf/psf12/2012_child_labour_guidance.pdf)

Figure: Age verification flow chart, CCR CSR

3.5 Engage with suppliers: site visits and meaningful dialogue

- **Conduct regular site visits:** an integral part of an assessment of a supplier is a site visit, which includes a tour of the suppliers' facilities to get an initial impression of the working conditions, complemented by review of records and interviews with managers and workers. In order to get a complete picture, it is key that the professional(s) conducting the site visit have the appropriate language skills and cultural awareness to engage with managers and workers in meaningful two-way conversations.
- **Have continuous and meaningful dialogue:** in-depth conversations with management and workers will help to increase understanding and build up the relationship with suppliers. For establishing open and meaningful dialogue with suppliers it is important to invest in communication and explanation, build trust and verify how suppliers and workers interpret the information communicated. Building an open and trusting relationship does not happen overnight and requires long-term engagement and continuous dialogue. Make use of tool 1 with recommendations for dialogue with suppliers and guiding documents on supply chain mapping. Also see the recommendations for dialogue with suppliers in Tamil Nadu on child labour and forced labour.

3.6 Use social audits as one means to collect information

- Do not rely on social compliance audits only. The most common practice for companies to obtain information about supplier's working conditions is to perform a social compliance audit. This may be done by the company's own trained staff or the company may contract external experts from local organisations or consultancy firms. Since social audits are brief in nature, in many cases they do not detect the prevalence of child labour, forced labour and discrimination. Furthermore, higher risks of child labour and forced labour often occur at the level of subcontractors or suppliers in upstream supply chains where social compliance audits are not performed at all. For this reason, it is highly recommended that additional approaches and sources of information are used to identify and address child labour and forced labour risks. Tip: see the paper 'Can a picture say more than a thousand words?'
- Critically assess social compliance audit results. The quality of information gathered through social compliance audits or assessments is determined by several elements, including the standards and audit tool used, competence of assessors, available time for physical observations, level of in-depth analysis of documents, meetings with management and workers, and level of meaningful engagement with stakeholders.
- Suggestions for assessing the quality of information gathered through social audits and/or improving social audit practices include:
 - The experts should be competent, have knowledge of the local context and languages, and to have the skills and knowledge for evaluating and responding to child labour and forced labour situations.
 - If the workers are organized into one or more unions, the assessors should have a meeting with the employee representatives and review any existing collective bargaining agreements.
 - In order to ensure openness and the best possible information, interviews with the workers should be carried out without the managers present and in such a way that the workers do not risk reprisals. Interviewed workers are to be guaranteed anonymity in their statements and ensured that statements in reports will not lead back to them. It is recommended that worker interviews are conducted off-site (outside the factory premises), since workers might feel reluctant to talk about issues at the workplace itself. In order to avoid group pressure, it is also important to conduct individual worker interviews.
 - The company should assess the suppliers on a continual basis, either by commissioning experts or having internal staff perform the audits. Unannounced audits are more likely to identify social issues compared to announced audits.
 - Audit findings are to be followed up on by concrete improvement measures in the form of a corrective action plan. Therefore, the company should ensure that the experts it engages, whether external experts or trained internal staff, can both identify violations and weaknesses and propose

improvement measures. There is no point in using resources for audits that are not designed to lead to improvements, either for the company or for the supplier.

- Audit reports and copies of business licenses collected by direct suppliers from lower tiers factories may not be enough to assess and identify child labour risks. More nuanced data can be collected, for example Volume of Business (VoB), Product/Process Category (PPC), Geographical & Cultural Information (GCI), History of Child Labour (HCL), Peak Season Conditions (PSC), Competitive Business Impact (CBI), In-House Subcontractors (IHS), Size of Supplier (SoS). This information provides a factual base to assess and identify higher and lower potential child labour risks in different areas, time and situations in the factories. Tip: use tool 6 for information to collect for child labour risk mapping.

3.7 Engaging with stakeholders is key

- Developing an accurate picture of the actual and potential risks on child labour and forced labour (and other labour and human rights impacts) requires consultation with a range of relevant stakeholders, for example civil society organisations, labour unions, trade associations, corporate social responsibility initiatives, research organisations and government departments.
- To understand who the key stakeholders are, and how they can contribute to identifying and addressing child labour and forced labour, it is recommended that a stakeholder map is developed. A stakeholder map is an overview of key organisations, coalitions, individuals, governmental bodies, etc., their core activities, how they relate to each other, and their priorities with respect to the company. Dutch/European civil society organisations working on human rights and labour rights issues in production countries can help you with the development of a stakeholder map. Tip: make use of the overviews for relevant stakeholders in India and Bangladesh.
- Dialogue with relevant stakeholders enriches your information on child labour and forced labour risks (and other adverse impacts on labour and human rights). Stakeholder dialogue can include meetings with suppliers, workers and worker representatives, local authorities and local experts such as civil society organisations. Other relevant stakeholders that can advise and support this process are the International Labor Organization (ILO), multi-stakeholder initiatives (MSIs), international organisations and industry-specific organisations. Tip: make use of the guidance document with recommendations for stakeholder engagement.
- Once high risks of or actual cases of child labour and forced labour are identified, the company should collaborate with suppliers and other relevant stakeholders to agree upon measures to:
 - Prevent child labour and forced labour risks
 - Reduce the likelihood and/or consequence of child labour and forced labour risks
 - Repair damage or compensate in case child labour and/or forced labour victims are found

3.8 Implement operational-level grievance mechanisms

- Operational-level grievance mechanisms are means for receiving, investigating and responding to questions and complaints from workers, communities and stakeholders affected by a company's operations. For grievance mechanisms to be effective, they should be well known by the target group and trusted. There must be evidence that they are used in practice. An important element of an effective grievance mechanisms is a system or approach to address complaints in a prompt and consistent manner.
- It is important that the procedures for complaint handling are clearly communicated and that there is a system in place for reporting and communicating with the key stakeholders, including with the person who raised the complaint. Reports and learnings can provide useful information for risk assessments. It is recommended that anonymous reports are made publicly available.
- For more information on how you can benefit from effective grievance mechanisms and how to establish and implement operational-level grievance mechanisms, see the box below, which includes relevant sources and practical guidance and tools.

Information and tools on grievance mechanisms

- Shift (2014), Remediation, Grievance mechanisms and the Corporate Responsibility to Respect Human Rights. (workshop report incl. practical guidance) (https://www.shiftproject.org/media/resources/docs/Shift_remediationUNGPs_2014.pdf).
- CAO, Grievance Mechanism Toolkit (<https://www.cao-grm.org/>).
- CRS Europe, a checklist for effective grievance mechanisms (<https://www.csreurope.org/sites/default/files/MOC-A%20checklist.pdf>).
- FLA's Third Party Complaint process: <https://www.fairlabor.org/third-party-complaint-process>

4. Be prepared to provide remediation

4.1 Remediation is needed to address child labour and forced labour

- Remediation is the activities or systems that a company puts in place when a case of child labour and/or forced labour, or other non-compliance with social standards, is identified. Cases of child labour and forced labour may be identified through monitoring and/or verification during site visits or while performing social audits. They may also be based on accusations or complaints by stakeholders, e.g. by a local labour union or CSO.
- Remediation may apply to individual cases of child labour and forced labour (for example, the rehabilitation and integration into education of a child labourer identified) and/or it could address broader systemic processes at the company or its suppliers. Remediation concerns the changes and improvements needed to reduce the risk of child or forced labour. Each company has to question itself whether its own sourcing practices may be inducing or contributing to child labour and forced labour in its supply chain and, if such a risk is detected, take recourse to remediate those sourcing practices.
- It is recommended that companies include the responsibilities and the steps to be taken for remediation in their policy and procedures on child labour and forced labour. The following steps and elements can be taken into consideration for inclusion in the policy documents.

4.2 Remediation steps for child labour

The following elements are to be included in policy documents or standards of procedure, and put in practice in case child labour is identified in a company's own operations or in its supply chain.

1. If under-age workers are found during visits or audits in any part of the supply chain, company staff shall work closely with the supplier (and preferably with a civil society organisation or multi-stakeholder initiative) to develop a remediation plan that is both sustainable and preventative and that includes regular monitoring and follow-up to ensure no recurrence.
2. The company, working with the supplier, should ensure that an interim arrangement is made for the under-age worker depending on the age of the worker, as follows:
 - a. If the under-age worker is prohibited from engaging in any type of work, the worker should be immediately suspended from all work, pending the conclusion of an agreement providing for arrangements under section 3 below;
 - b. If the under-age worker is allowed to engage in light work, the worker should immediately be provided with such work or if no such work is available, be immediately suspended from all work pending the conclusion of an agreement providing for arrangements under section 3 below;
 - c. If the under-age worker is allowed to engage in normal work, e.g. non-hazardous work, the worker should immediately be provided with such work or if no such work is available, be immediately suspended from all work, pending the conclusion of an agreement providing for arrangements under section 4 below.
 - d. If the under-age worker is suspended from all work, the worker should continue to receive regular wages or the minimum wage, including all benefits, whichever is higher, and the average monthly overtime payments the worker received as calculated for the six-month period preceding discovery. If the under-age worker undertakes work of a different type than before, the worker shall receive regular wages or the minimum wage, including all benefits, whichever is higher, and, when not allowed to work overtime, the average monthly overtime payments the worker received as calculated for the six-month period preceding discovery. In no case should the under-age worker be terminated or placed at risk of falling into worse forms of child labour.
3. In case an under-age worker falls under category 2.a. or 2.b., the company, in collaboration with the supplier:
 - a. Should seek to place the worker in a regular school, special school, or vocational skills training centre until he or she reaches the minimum age to work. Relevant arrangements should ensure that the worker continues to receive at least the minimum wage as an incentive to complete school and not return to work, as well as receive subsidies towards the cost of schooling (school fees, uniforms, books, transportation, etc.).
 - b. Provide a guarantee of a job to the worker once he or she has reached the minimum age for work or has finalised school.
 - c. Make sure that there is continual monitoring to follow the child. Allow children who started a course or school to finalize this, also when they have reached working age!
 - d. Make suitable alternative arrangements in situations in which there are no formal or informal education systems available or situations in which the worker does not want to go to school.
4. In case an under-age worker falls under the category 2.c. and no normal work is available in the facility, the company, working with the supplier, should seek to secure the worker suitable employment at another place of employment in the general vicinity where the under-age worker will receive, at a minimum, a regular wage comparable to wages earned before or the minimum wage, including all benefits, whichever is higher.

5. The Company, working with the supplier, should develop an age verification system (see tool 7 on age verification) that seeks to prevent future instances of child labour. In case under-aged workers are identified during the recruitment process, the company and supplier can engage with stakeholders (e.g. a civil society organisation) to prevent employment of the under-aged worker in other companies. It is also recommended that concrete agreements are made on what to do and who to contact in case under-aged workers are identified at the time of recruitment.

6. The company should engage with civil society organisations in the region to start addressing some of the root causes of child labour in the region and effectively prevent child labour. Civil society organisations can help in building better mechanisms for child welfare in local communities.

[UNICEF has developed a set of tools and guidance documents](#) to help identify and remediate child labour in supply chains. For companies to prevent and remediate child labour, UNICEF has formulated the following recommendations:

- Understand the specific country situation in which you are operating and define appropriate working conditions accordingly.
- Establish a child-friendly age verification mechanism.
- Where you discover cases of children employed in violation of minimum-age provisions, take responsible action to rectify them.
- A child discovered to be engaged in any of the worst forms of child labour, including hazardous work as defined by national law, must be withdrawn immediately.
- Examine your internal business behaviour to avoid making demands of suppliers or sub-contractors that may lead them to use child labour.
- Exert your influence on supply chains and sub-contractors to eliminate child labour throughout their business operations.
- Ensure that salaries paid offer adequate living wages to workers i.e. the national minimum wage plus additional payments such as sick pay, overtime pay and social contributions.
- Create and communicate a company policy prohibiting your employees from hiring children as domestic workers, who are not of working age.
- Take an active role to eliminate poverty in the communities where your company is operating, as part of the fight against child labour.

4.3 Clarify the expectations towards suppliers and provide support on addressing child labour

- It is important to make direct suppliers aware of expectations on child labour remediation. It helps to clarify the process and procedures and clearly define the roles of the buyer and supplier. There should also be a procedure in place in case there is child labour identified, both within the supplier's operations as well as at the level of sub-suppliers/subcontractors. Suppliers in the lower tiers should also be informed of the process and consequences.
- To raise awareness among a large group of suppliers, it is useful to organise in-person meetings and information sessions (e.g. webinars) in local languages to explain the child rights issue in the country, national laws and regulations, the risks in the supply chain, and rationale for addressing these risks. It is likely that their understanding on basic concepts of a child, child rights and business partners' management could be very low. It is critical to raise awareness among direct suppliers that it is their responsibility to prevent child labour among their business partners, including sub-suppliers and subcontractors. If external parties, e.g. local welfare organisations or NGOs, are identified to be involved in the remediation process, it is preferable to have

them conduct the awareness raising session in order to build trust. Buyers could also consider inviting suppliers that are already more advanced to share their experiences, as suppliers tend to have more trust of their peers.

- When suppliers are more aware of child's rights and child labour and have a better understanding of the risks in their supply chains, their willingness to take responsibility in preventing child labour is enhanced. It is important to give them the tools (the remediation mechanism) to address child labour if it is identified in their sub-suppliers/subcontractors. It also facilitates suppliers to take responsible actions and build sustainable supply chains in alignment with international buyers' CSR programmes. Lack of understanding about the child labour remediation process may lead them to ignore indicators and fail to prevent and identify child labour.
- Provide support where needed and engage in continuous dialogue about risks of child labour in the supply chain without causing fear that orders will be cancelled in case of a non-compliance. Overall, the risk of child labour at the level of direct suppliers is low, but it is certainly present at the level of subcontractors and sub-suppliers. The zero-tolerance policy regarding child labour has made it difficult to have open conversations about the topic. Therefore, it is key for companies to gain the trust of their suppliers and to provide reassurance. A non-retaliation policy can be helpful for this.
- Work together with the supplier to discuss how to improve policies and practices regarding child labour and forced labour, and work towards improvements further up in the supply chain. It can be helpful to connect with other buyers of the same production facility and discuss opportunities for collaboration and joint support to the supplier.
- Link suppliers with local civil society organisations or local consultants who can support remediation of child labour, e.g. by getting children out of work and into school or vocational training; monitor the school attendance; counsel child labourers and their families; provide support in case children are identified during recruitment.

4.4 Remediation steps for forced labour

Suppliers can proactively identify and address risky practices in relation to forced labour, as opposed to waiting for grievances to arise. This section will discuss ways to address forced labour identified by grievances, as well as ways to proactively identify and address forced-labour risk areas in a company's operations. These elements are to be included in policy documents or standards of procedures and put in practice in case forced labour is identified in a company's own operations or in the supply chain.

Regardless of how forced labour cases and risks are identified, good practices for remediation should:

- Aim to eliminate the existence of forced labour indicators;
- Address the root causes that lead to the existence of forced labour indicators;
- Educate the relevant stakeholders (e.g. workers and management) along the way;
- Have specific time frame and milestones;
- Identify the necessary resources (e.g., human resources, clearly defined roles and responsibilities and budget, if necessary) and obtain their supports; and
- Establish and run a review team/process.

Broadly there are two types of resolutions needed in forced labour cases. One is to correct immediately the forced labour conditions (eliminate or reverse them) and the other is to address the systemic issues leading to forced labour.

Start with correcting the Forced Labour Conditions

Based on the investigation, the grievance the committee will review the results and define the next steps (resolutions) internally. After the investigation, the first action is to correct the relevant situations and conditions. It should take place quickly and immediately so that individual victims are removed from the situation or the situations are removed from the victims' employment conditions.

Possible resolutions may include any combination of the following:

- Reversal of forced labour indications such as:
 - Defining clear employment relations (articulating who the legal employer is)
 - No payment of recruitment fees by the workers during the recruitment process
 - Not organising trainings in preparation of work that needs to be paid back by workers
 - Provision of legal written contract to the worker, in the language understood by the worker
 - No retention or return of identity papers / passport etc.
 - Reducing excessive work quotas without a decrease in compensation
 - Improvement in living conditions
 - No restriction on freedom of movement
 - No harassment or abuse
 - Improvement of recruitment policies and practices
- The company shall have clear recruitment policies and practices in line with the [IRIS standard](#) to prevent recruitment methods that amount to forced labour or human trafficking. (Specific criterion of the IRIS standard can be integrated in your forced labour policy).
- The company shall not employ workers recruited by abusive recruiters/recruitment agencies, such as those who impose debts on workers by charging recruitment fees.
- In case of identification of (risk of) forced labour, the company shall arrange the following:
 - Dialogue and negotiation between workers and employers (i.e. labour contractors or production units) to proactively inform workers about their rights and establish clear terms and conditions such as the nature of work, hours of work, egress times, conditions, etc. so that workers understand and can agree to the terms and conditions;
 - If the workers are in distress, provide psychosocial support and rehabilitation (in this case, external expert support is strongly recommended);
 - Financial and non-financial support (e.g. to assist workers in reducing debt or to repatriate);
 - Mediation (e.g. a neutral expert ombudsperson should be sought);
 - Formal apology (verbal and written);
 - Payment of money owed to victims (e.g. back pay, overtime pay, recruitment fee, repatriation cost, if it was promised);
 - Engagement with the labour contractor/employment agency to pay the contracted wages to the workers and maintain the records;
 - Reversal of an employment decision (e.g. where a worker was unfairly dismissed); and
 - Referral to relevant external authorities, including police and judicial authorities in criminal cases.

- Any resolution should keep a ‘do no harm’ principle at its core, focusing on the affected worker’s well-being. If a situation is not handled carefully, it may do more harm than good. When a resolution is formulated, it must be decided if there is a need to seek support and advice from expert civil society organisations, trade unions and/or community organisations.

Identify and start addressing the systemic issues

While the identified forced labour conditions are being remedied, companies need to ensure that the same conditions do not happen again. If there are practices or environments that create or reinforce such forced labour conditions, such practices or environments need to be changed. The following elements are to be taken into account:

- Understanding the root cause is necessary for addressing systemic issues and developing solutions to prevent recurrence of forced labour conditions, rather than simply reversing or removing particular conditions. A medium to long-term vision to mitigate the actual grievance and prevent its reoccurrence is therefore required.
- Good practices for discovering root causes include:
 - Engaging in dialogue and conversations versus relying on fact-checking. It is important to ask the reason why something that is considered wrong is happening (e.g. labour contractors keep the workers’ passports for safekeeping because there are no personal lockers) and not only pointing out what is wrong (e.g. retention of passports);
 - Identifying the bottlenecks. What is preventing people from taking and maintaining actions? It may be the result of a lack of management systems, proper oversight, or proper information and training (e.g. workers’ accommodation reached beyond its capacity, leaving no space for personal storage);
 - Paying attention to “invisible” factors such as regional culture, religious culture, socioeconomic status, language, gender issues, and policy structures.
- Root causes establish a more accurate understanding of the situations leading to forced labour conditions. It may require a number of actions to resolve the underlying root causes of forced labour cases or monitoring findings. It is important to remember that delivering the result within a given timeframe is not as important as making meaningful progress toward resolving a grievance. In many instances, follow-up will be needed.
- There are other exercises that help identify root causes and potential risk areas. Forced labour indicators are often identified during workers’ employment period. However, many of these stem from the recruitment phase. To capture the risks during the recruitment phase of existing workers, it is important to understand the existing workers’ recruitment experience and to learn more about recruitment processes. Below are two exercises to capture forced labour risks.
 - **Worker Profiling** collects information about individual workers, rather than a workplace or a work environment. Workers are often treated as a homogenous group, but they may have varying needs and concerns. Collecting information about the profile of the workers will help identify the existence of forced labour indicators, not only in the recruitment phase but also in relation to their economic and community circumstances.
 - **Research on migration corridors, recruitment processes, and practices** aims to describe the recruitment process of a supplier, which is not always clearly understood when workers are indirectly hired through labour contractors. By focusing on a worker recruitment process, monitoring goes beyond the workplace and reaches the phases before a worker arrives at a factory or mill, where some forced labour indicators may exist.

4.5 Strengthening Internal Management Systems

- Addressing systemic issues requires deeper and broader changes in business practices or business operations. This is often done through strengthening a company's internal management system (i.e. companies' policies, processes and procedures).
- Forced labour could manifest itself at any phase of a worker's employment cycle. It can start in the recruitment phase since recruitment sets the terms and conditions of the working environment. Companies' internal risk management systems may become effective by targeting the recruitment practices and labour contractors.
- The following are sample activities related to recruitment that could be taken up by suppliers, factories and mills that hire labour contractors:
 - Institute a forced labour policy and benchmarks
 - Define fair recruitment criteria for labour contractors to adopt (see IRIS standard and fair hiring toolkit)
 - Include specific criteria and requirements for labour recruitment in the supplier contracts
 - Train suppliers and labour contractors on forced labour issues
 - Develop a professional, standardized and transparent recruitment system, with information available in various languages
 - Establish clear expectations regarding the costs and fees involved in the recruitment process
 - Have a cascading mechanism to communicate employment terms and conditions and workers' rights through the supply chain
 - Strengthen or adjust the focus on workers during monitoring and verification practices
 - Conduct outreach activities to possible (migrant) workers and worker communities about employment opportunities and workers' rights
- To strengthen companies' internal management systems, some supply chain partners may require additional support, such as technical assistance (e.g. legal advice, victim rehabilitation), guidance on robust policies and procedures and joint monitoring and training. When adequate and functioning internal management systems do not exist, an external resource can be utilized. The use of external parties will depend on the availability of internal resources, capabilities, and budget.

Information on forced labour

ILO Survey Guidelines on forced labour: [Hard to see, harder to count](#)
[FLA issue brief on addressing forced labor in supply chains](#)