## **Good Practice Notes**

### With recommendations for companies

### Child Labour Platform (CLP)

November 2014

These Good Practice Notes are a product of the first phase of the Child Labour Platform (CLP), when it was implemented by the Sustainable Trade Initiative (IDH). IDH developed these good practices in conjunction with members of the first phase of the CLP. Among this group were companies with extensive experience in combating child labour as well as companies that were developing their first activities on the topic. The publication by the CLP of these Good Practice Notes does not imply the endorsement of them by the International Organisation of Employers, the International Trade Union Confederation, the International Labour Organization or the UN Global Compact.

### **Table of content**

Ab	Abbreviations3			
Ab	out the Child Labour Platform and the Good Practice Notes	4		
	Background	5		
	Corporate responsibility to respect the right to be free from child labour			
	Development of Good Practices by the Child Labour Platform			
1.	Child Labour Policy Supported by Operational Guidelines	10		
	Introduction	10		
	Good practice	11		
	Lessons learned	12		
2.	Tailored Training for Key Employees	13		
	Introduction	13		
	Good practice	13		
	Lessons learned	15		
3.	Building Relationships with Suppliers: Supplier Support and Supplier Relationship Strate	gies 16		
	Introduction	16		
	Good practice	17		
	Lessons learned	18		
4	Combining non-judicial and judicial channels for addressing incidences of child labour	19		
	Introduction	19		
	Good practice from the tourism sector	20		
	Lessons learned	21		
5.	When Child Labour is Found: a Remediation Approach based on Engagement with Suppli			
	Local Stakeholders and Affected Persons	22		
	Introduction			
	Good practices from the textile and garment sector			
	Lessons Learned	24		
Ro	forences and Eurther Sources of Information	25		

### **Abbreviations**

ANVR Dutch Association of Travel Agents

ASI Anti-Slavery International BCI Better Cotton Initiative

BSCI Business Social Compliance Initiative
BSR Business for Social Responsibility

CCP Cadbury Cocoa Partnership

CEC Centre for Education and Communication (India)

CEO Chief Executive Officer
CLP Child Labour Platform
CoC Code of Conduct

CSR Corporate Social Responsibility

ECPAT End Child Prostitution, child pornography And the Trafficking

of children for sexual purposes

ETI Ethical Trading Initiative

EU European Union

FLA Fair Labour Association

FLO-CERT Fairtrade Labelling Organizations – Certification System

FWF Fair Wear Foundation

GRI Global Reporting Initiative

ICI International Cocoa Initiative

ICN India Committee of the Netherlands
ILO International Labour Organization

iMPACT Mars Impact Partnership

IPEC International Programme on the Elimination of Children (ILO)

ISO 26000 International Organization for Standardization 26000

NGO Non Governmental Organization

OECD Organisation for Economic Cooperation and Development

RFA Rain Forest Alliance

SA 8000 Social Accountability International 8000

SAVE Society for Social Awareness and Voluntary Education
SOMO Centre for Research on Multinational Companies

UDHR Universal Declaration of Human Rights

UN United Nations

UNICEF United Nations Global Compacts
UNICEF United Nations Children Fund

### **About the Child Labour Platform and the Good Practice Notes**

In May 2010, the 2nd Global Conference on Child Labour took place in The Hague. There, governments, companies, trade union and civil society organizations agreed to a Roadmap for Achieving the Elimination of the Worst Forms of Child Labour by 2016. Sharing good practices and using the combined experiences of companies from multiple sectors were declared to be supportive of the required acceleration in combating child labour.

The Dutch Government committed to set up Child Labour Platform (CLP) to facilitate this acceleration and asked the Sustainable Trade Initiative (IDH) to coordinate the establishment and the first year of the work of the CLP (2011) in cooperation with the UN Global Compact. During its first phase, the CLP comprised thirty companies from four sectors: cocoa, cotton/garment, mining and tourism. Among participating companies, are those with extensive experience in combating child labour as well as those which are developing their first actions against it. In addition, multiple experts and stakeholders were involved to advise, support and challenge the CLP.

These Good Practice Notes (GPNs) were developed by IDH in conjunction with members of the first phase of the Child Labour Platform. Among this group were companies with extensive experience in combating child labour as well as companies that were developing their first activities on the topic.

The majority of these companies were large multinational enterprises of European origin. These companies' ability to allocate resources to social responsibility initiatives such as the CLP facilitated their participation in the development of these good practice notes. Other companies, notably small and medium-sized enterprises without comparable levels of resources and capacity, and companies in the global South, were not involved. It is important to keep this context in mind when considering the wider applicability of these good practices.

From April 2012, the CLP began operating as part of the UN Global Compact Human Rights and Labour Working Group, with the International Labour Organization (ILO) and the UN Global Compact as its Secretariat. In this second phase, the International Organisation of Employers (IOE) and the International Trade Union Confederation (ITUC) serve as co-chairs of the CLP.

The CLP will update, add to, revise and otherwise amend them as is necessary and practicable. One of the goals of the CLP is to stimulate innovation and support the development of new models for combating child labour in supply chains; as such good practices are developed, they will be documented and included in this document.

The CLP and its members recognise that good business practice is required, regardless of the business case (or lack thereof), to meet societal expectations. This involves carrying out due diligence to identify, prevent, mitigate, remediate and account for any adverse effects on children's right to be free from child labour that they cause, contribute to, or are linked with through their business relations.

### **Background**

The use of all forms of child labour is still widespread in many parts of the world. Child labour refers to work that is unacceptable for children, because:

- the child is too young to enter work or employment;
- the work concerned is hazardous work or another Worst Form of Child Labour (WFCL), as defined in ILO Convention No. 182.

Most child labour takes place in agriculture, including livestock production and fishing, including in production for export. Agriculture is one of the most dangerous sectors of economic activity for children, due to the numbers of work-related fatalities, non-fatal accidents and occupational diseases. Child labour is also found in other global production, supply and value chains, for example in the textile/garment, cocoa, tourism and mining sectors. A global web of multi-tier suppliers is a common feature of these chains, with child labour taking place mainly in the lowest tiers in the informal economy.

The worst forms of child labour are highlighted in table below. The WFCL are to be targeted immediately and eliminated. ILO Convention 182 (Article 1) obliges member States to "take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency".

The ILO estimates that 11% of the world's total child population is in child labour. This estimate amounts to 168 million children,<sup>2</sup> more than half of which (estimated at 85 million children) are involved in hazardous work that endangers their health, safety and moral development. While Asia and the Pacific region accounts for the largest number of child labourers in absolute terms, sub-Saharan Africa continues to be the region with the highest ratio of child labourers. Although the global number of child labourers (aged 5-17) declined from 215 to 168 million between 2008 and 2012, child labour remains a problem of epic proportions: agriculture accounts for nearly 60% of child labour, often including work in hazardous conditions, particularly for children between 15-17 years old.

<sup>&</sup>lt;sup>1</sup> ILO-IPEC. 2013. Marking progress against child labour: global estimates and trends 2000-2012. ILO, Geneva

### Definitions of child labour and minimum ages for employment as established by ILO Conventions<sup>3</sup>

The ILO Convention No. 138 on the Minimum Age for Admission to Employment (1973) and ILO Convention No. 182 on the Worst Forms of Child Labour (1999) define child labour and establish the minimum ages for different types of employment. The minimum ages for employment are shown below, the shaded area indicates child labour to be eliminated, and non-shaded area indicates acceptable work by children.

Years of Age	Work excluded from minimum age legislation***	Light work	Regular work	Hazardous work and other worst forms of child labour****
18				
15*				
13**				

<sup>\*</sup>The minimum age for employment is determined by national legislation. It should be set at a minimum of 15 years but countries with insufficiently developed economies and education systems are permitted to ratify the Convention, initially, stating a minimum age of 14 years. In any case, the main minimum age for entry into work should not be lower than the age at which children are permitted to leave compulsory education.

The United Nations (UN) and the International Labour Organization (ILO) define a child as a person under 18 years old. The worst forms of child labour include all forms of slavery, child prostitution and work that is harmful to a young person's health, safety and moral. The general minimum age for admission to employment or work is set at 15 years (13 for light work) and the minimum age for hazardous work at 18 (16 under certain strict conditions). In countries where economy and educational facilities are insufficiently developed, it is possible to initially set the general minimum age at 14 (12 for light work). By 'economically active or working children', those working for more than one hour during a seven day period are indicated. This work, paid or unpaid, often is within the law.

Child labour is a violation of the UN Convention on the Rights of the Child.<sup>4</sup> It not only contravenes children's right to be free from child labour, but is also likely to infringe the child's right to education and development, to health, to a family, and the right to an adequate standard of living. It deprives children of their dignity and childhood, and can be harmful to a child's physical, mental and social development. Child labour interferes with a child's education and opportunities to acquire knowledge and skills needed to pursue a decent life.

Limited access to quality basic education and social protection, lack of awareness of adults about the adverse impacts of child labour, certain persistent discriminatory cultural practices, extreme inequality, and adult and youth unemployment are enabling factors of child labour. Household poverty, abusive working conditions and child labour are closely intertwined. On the other hand, child labour itself not only perpetuates poverty for generations, but also slows economic growth and

<sup>\*\*</sup> Work which is not likely to be harmful to the child's health or development and not interfering with schooling. The minimum age at which light work is permissible can be set by national legislation at 13 years (or 12 if the country has initially stated a general minimum age of 14).

\*\*\* For example, household chores if they do not involve excessive hours, and work undertaken as part of vocational or technical education (under specific conditions).

<sup>\*\*\*\*</sup> Hazardous work is work that due to its nature or the circumstances in which it is carried out is likely to jeopardize the health, safety or morals of children. The worst forms of child labour refer to hazardous work; slavery or similar practices including the sale and trafficking of children and forced recruitment of children for armed conflict; use of children in prostitution and pornography; and in illicit activities.

<sup>&</sup>lt;sup>3</sup> ILO (2007), pp 7-11.

<sup>&</sup>lt;sup>4</sup> UN Convention on the Rights of the Child, 1989; ILO Minimum Age Convention, 1973 (138); ILO Worst Forms of Child Labour Convention, 1999 (182).

social development of the whole of society and thus aggravates the factors mentioned above.<sup>5</sup> Combating child labour is about breaking this vicious circle of poverty and lack of decent work.

## Corporate responsibility to respect the right to be free from child labour

The Guiding Principles on Business and Human Rights were endorsed unanimously by the United Nations (UN) Human Rights Council in June 2011.<sup>6</sup> They have been integrated into several important Corporate Social Responsibility (CSR) instruments such as the OECD Guidelines for Multinational Enterprises and the ISO 26000 Guidance on Social Responsibility.

The UN Guiding Principles operationalize the UN Framework 'Protect, Respect and Remedy'. This human rights and business framework rests on three pillars: the state's duty to protect against human rights abuse by third parties including business; the corporate responsibility to respect human rights; and greater access by victims to remedies (judicial, administrative and at corporate level).

States have the obligation to respect, protect and fulfil human rights. By becoming parties to international treaties such as the ILO Conventions and UN human rights instruments, states assume obligations and duties under international law. With regard to the right to be free from child labour, this means that states must realize this right through the appropriate steps to prevent, investigate, punish and redress child labour through effective policies, legislations and adjudication. This includes protecting children from human rights abuse by third parties. Moreover, states have to take active steps to put in place institutions and procedures, including the allocation of resources deriving from fiscal means, to enable children to enjoy this right.

The UN Guiding Principles state that, independently of the duties of the state, business enterprises have a responsibility to respect human rights, that is, to act with due diligence to avoid infringing the rights of the child, which includes the right to be free from child labour. Companies should avoid causing or contributing to child labour through their own activities and, where child rights abuses occur, address adverse impacts and provide for or cooperate in their remediation. Furthermore, they should seek to prevent or remove child labour that is directly linked to their operations, products or services by their business relationships, such as suppliers.

Compliance with national and international law and standards is paramount for companies. Other important drivers for companies to address child labour can be to maintain and improve reputation, the demands of stakeholders, shareholders and investors, and collective agreements with their social counterparts in the trade union movement. The responsibility to respect human rights is strongly reinforced by expectations of local and national governments, international and regional organizations such as the ILO and EU, consumers, local and international civil society organizations, trade unions, as well as industry organizations.

Applying the ILO MNE Declaration, ILO Conventions 138 and 182, and the UN Guiding Principles to the issue of child labour means that companies should have in place, when possible, policies and procedures, including:

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<sup>&</sup>lt;sup>5</sup> ILO-IPEC (2004), pp. 4-5. FNV Mondiaal (2010).

<sup>&</sup>lt;sup>6</sup> Guiding Principles on Business and Human Rights: Implementing the UN 'Protect, Respect and Remedy' Framework, 2011.

<sup>&</sup>lt;sup>7</sup> UN Guiding Principles (2011), General Principles, Principles 1 and 3.

<sup>&</sup>lt;sup>8</sup> UN Guiding Principles (2011), Principle 11.

- A policy commitment to meet their responsibility to respect the right to be free from child labour reflected in appropriate operational policies and procedures;
- A child labour due diligence process to identify, prevent, mitigate and account for how they
  address their impacts on the right to be free from child labour, including assessing actual and
  potential impacts, integrating and acting upon the findings, and tracking and communicating
  on performance;
- Processes to enable the remediation of any adverse impacts on the right to be free from child labour, including through establishing or participating in effective operational-level grievance mechanisms, with indicative time frames for implementation.

All companies have to respect the right to be free from child labour. However, the scale and complexity of the necessary corporate policies and procedures to address child labour will not be the same for every company. Factors, such as the company's size, the nature and extent of its business relationships, the economic sectors in which it operates and the geographical regions and countries where its activities have impacts that must be taken into account. The severity of the adverse human rights impact, determined by its scale, scope and irremediable character, must also be taken into account.

Some companies have developed a wide range of measures in regard to child labour in the past decade. Supply chain codes of labour practice, supplier assessments and social audits as well as multi-stakeholder initiatives have proliferated. These approaches may have contributed to diminishing the risk of incidences in the supply chain and taking action whenever child labour is found, however there is a lack of a solid evidence base on their effectiveness. However because most child labour in supply chains occurs in the informal economy, out of the reach of many such initiatives, further and more sustainable action is often required in order to effectively eliminate child labour. Focusing mainly on code compliance and audits in first-tier, formal economy suppliers and on limited remediation activities when child labour is discovered, may not be sufficient to address child labour. Identifying and addressing child labour regardless of where in the supply chain it may occur (e.g. farms, spinning mills, informal mines, hotels, households where home-work production takes place), tracing the origin of products in complex value chains and cross-sectoral cooperation and a multi-stakeholder approach are advisable to effectively tackle child labour.

### **Development of Good Practices by the Child Labour Platform**

In 2011, the CLP companies identified good practices from the textile and garments, cocoa, tourism and mining sectors. The good practices cover the four sectors and reflect different human rights principles and different stages of the production chain, including:

- Child labour policy supported by operational guidelines;
- Tailored training for key employees;
- Building relationships with suppliers: supplier support and supplier relationship strategies;
- Collaborative action with other companies and organizations;
- Combining non-judicial and judicial channels for addressing child labour incidences;

<sup>&</sup>lt;sup>9</sup> UN Guiding Principles (2011), Principle 14.

• When child labour is found: a remediation approach whereby the business engages with the supplier in question, local stakeholders and affected persons to take measures before terminating the relationship as a last resort.

The good practices were identified on the basis of information obtained from the CLP companies through 20 surveys and 15 semi-structured interviews, as well as through workshops with a wider group of corporate representatives and other relevant stakeholders. Additional sources of information included annual corporate reports, corporate websites and reports from international and national organizations (e.g. the ILO and UN Global Compact), plus documents from multistakeholder and business driven initiatives (e.g. the International Cocoa Initiative and Business Social Compliance Initiative).

During one workshop, stakeholders proposed criteria for and a selection of good practices. Through bilateral communications and workshops organized for CLP companies and stakeholders together, the stakeholders provided further suggestions and ideas for the development of the good practices and lessons learned.

Each Good Practice consists of the following three components:

- Introduction: background information as well as information on general business practice of CLP and other companies. This part places the practice in a human rights dimension and links it to the UN Guiding Principles on Business and Human Rights;
- **Good practice:** description of the experiences of at least two but often more CLP companies, usually from different sectors. This part also evaluates the practice on the basis of the selected criteria for good practices;
- **Lessons learned:** experiences with the good practice as mentioned by the CLP companies, complemented with input from other stakeholders.

Consolidating practices from several companies makes the good practices more widely applicable. However, some may perceive them to be less specific as they are necessarily less case-based. It should be emphasized, therefore, that the good practices presented are neither intended to be exhaustive nor reflect a full or exact picture of the practices of individual companies. They are examples of approaches that work for multiple companies in the textile and garments, cocoa, tourism and / or mining sectors, which have undergone a process of reflection and undergone multistakeholder scrutiny. The reader is requested to keep this in mind when reading and considering the good practices. The good practices are likely to be most useful if a company follows a similar reflective and multi-stakeholder approach when applying them to its own systems and practices.

## 1. Child Labour Policy Supported by Operational Guidelines

"As the basis for embedding their responsibility to respect human rights, business enterprises should express their commitment to meet this responsibility through a statement of policy (...)."

### Introduction

In creating policies on child labour, it is important that companies defer to ILO Conventions No. 138 and No. 182, as these set the minimum standards applicable to business. Where national law provides a higher level of protection than Conventions 138 and 182, it becomes the minimum standard.

To align with the expectations set out in the UN Guiding Principles, policies should reflect a commitment to understand any adverse impacts on children's right to be free from child labour and to demonstrate that appropriate measures will be taken if such adverse impacts occur.

Policy statements addressing child labour are common practice among Child Labour Platform (CLP) companies and other companies. Approved by the most senior level of the company (i.e. Board of Directors, CEO), such a statement sets out the company's responsibilities, commitments and expectations of all personnel and business partners. It is the basis for taking steps towards the eradication of child labour within the company and within the company's supply chain.

Most CLP companies have a general (CSR) policy at corporate level (sometimes also called Business Principles) containing child labour clauses and a Code of Conduct (CoC) for suppliers. The supplier CoC contains clauses which recommend or even oblige suppliers to ensure that their own suppliers (indirect suppliers, down-stream and upstream sub-contractors) also adhere to the prohibition of child labour. Preventive measures, remediation activities and sanctions in case requirements are breached are also spelled out.

Clauses on child labour in the corporate statements of policy are typically based on public international standards for child labour set by the UN and the ILO, combined with standards relevant to the specific sector (commonly set by industry organizations and private certification bodies). Companies in the four sectors represented in the CLP, refer to and / or build on the following standards:

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<sup>&</sup>lt;sup>10</sup> UN Guiding Principles (2011), Principle 16.

<sup>&</sup>lt;sup>11</sup> See UN Guiding Principles (2011), Principle 16 (a) and 9 (c).

Textile, garment, cotton	Mining	Cocoa	Tourism					
Universal Declaration of Human Rights UN Convention on the Rights of the Child ILO Minimum Age Convention, No. 138 ILO Worst Forms of Child Labour Convention, No. 182								
UN Global Compact Principles								
OECD Guidelines for Multinational Enterprises								
		l Responsibility						
Code of Conduct of the Business Social Compliance Initiative (BSCI) Base Code of the Ethical	Millennium Development Goals		Code of Conduct for the Protection of Children from Sexual Tourism in Travel and Tourism as used by ECPAT					
Trading Initiative (ETI)								
Social Accountability International's SA 8000 standard		UTZ Certified Code of Conduct for Cocoa						

Statements of policy usually require compliance with national laws in the country of operation. It is important that companies, in establishing child labour policies, defer to the internationally established definitions of child labour and take into consideration the UN Guiding Principles in determining the scope of their responsibilities. The statements also frequently point out that where national and international law standards differ, the more stringent should be followed, for example in regard to the minimum age for employment. Child labour as expressed in the statements of policy is often broadly formulated, referring (implicitly) to all forms of child labour, including the worst forms. Companies in the tourism sector primarily focus on sex tourism implicating children.

As statements of policy are usually phrased in broad and aspiring language, the challenge is to operationalize such policies clearly, practically and concretely. The Child Labour Platform identified the use of operational guidelines as a good practice in this light.

### **Good practice**

Some CLP companies from the textile and garment industry work with operational guidelines (or guidance tools) based on their policy statements. The operational guidelines outline procedures and measures for managing supplier relationships, tracking performance of suppliers and how to respond when child labour is found. They sometimes also refer to causes of child labour and to different forms of child labour in specific sourcing countries. In addition, guidance is provided on checking and comparing child labour definitions under national law with international standards in order to follow the more stringent standard.

When developing operational guidelines, CLP companies (in the textile and garment and tourism sectors) have built on relevant internal and external expertise. Internal expertise is sought both at the corporate and country level, which increases the chance that the policy will be embedded in internal procedures and processes, including at the local level. Testing operational guidelines by auditors and staff in countries of operation further contributes to effectiveness and acceptance at the local level.

External expertise can be obtained through engaging with international organizations (e.g. ILO-IPEC and UNICEF), business and employers' organizations, sectoral organizations, trade union

organizations, NGOs (e.g. Global March against Child Labour, Stop Child Labour Campaign, ECPAT) multistakeholder initiatives, (e.g. ETI) and investors. These can help ensure that the policy is adapted to country and local contexts and in line with international standards, but it should be noted that the ILO is the primary authoritative international body insofar as compliance with the ILO Conventions on child labour is concerned.

Regular communication (including training) with employees and suppliers about the statement of policy and the operational guidelines is imperative as it enables them to understand and use the documents better. CLP companies (especially in the textile and garment industry) have made these documents available into several languages (in some cases more than 20, including pictures for the illiterate). Several companies also make the documents publicly available via their websites and annual reports.

To conclude, the practice of developing and communicating operational guidelines, placed in the local context, is very useful as it helps to ensure that employees, service providers and suppliers know how to recognize and prevent child labour and also how to respond adequately when child labour is found. In addition, the involvement of internal and external expertise ensures that the perspectives of relevant stakeholders are included and aligned with ILO Conventions and the Guiding Principles on Business and Human Rights.<sup>13</sup>

### Lessons learned

- The use of operational guidelines can help make statements of policy clearer, more practical
  and more concrete, thereby contributing to their acceptance and embedding at the local
  level.
- Involving internal expertise in the development of statements and operational guidelines
  helps build ownership and shared accountability for the eradication of child labour at
  different levels of the company and supports the embedding of the policy in the
  organization.
- Involving external expertise could help ensure that the policy and operational guidelines are adapted to country and local contexts and in line with international standards.
- Policies should be easily accessible and communicated to all relevant internal and external stakeholders including suppliers. Policies should be made available in multiple languages and understandable also for low-skilled and illiterate workers.

<sup>&</sup>lt;sup>12</sup> See Good Practices 2 and 3.

<sup>&</sup>lt;sup>13</sup> UN Guiding Principles (2011), Principle 16.

## 2. Tailored Training for Key Employees

"(...) business enterprises should express their commitment through a statement of policy that (...) is reflected in operational policies and procedures necessary to embed it throughout the business enterprise" 14

### Introduction

Several company measures and procedures help to embed the statement of policy on child labour in the corporate organization. Among those, training for managers and workers is crucial. CLP companies often provide training on child labour as part of a broader CSR training, while sometimes specific training on child labour is organized. Training is usually aimed at raising awareness on child labour and clarifying concepts of child labour (including specific issues such as hazardous work or tourism involving commercial sexual exploitation of children) based on international and national standards as laid down in the statement of policy. Target groups for training include employees and managers in business functions such as the CSR, procurement and auditing departments and those working in country offices. The challenge is how to ensure that all key employees are fully equipped and encouraged to address child labour within their roles and responsibilities. The Child Labour Platform identified providing tailored training for key employees as a good practice in this light. Trade union shop stewards may be particularly well placed to carry out such training for workers.

### **Good practice**

Some companies (textile and garment industry) have included a commitment to awareness raising and training in their statement of policy, or have included training at the corporate level on purchasing practices in performance targets and key performance indicators. This helps to reinforce ethical trading or CSR, including child labour requirements, as a core business strategy.

Business decisions that might ultimately have an impact on the rights of children are not only taken by procurement or CSR departments. Designers, for instance when changing the styling of clothes, might influence the lead times for manufacturers. And communications and customer relations managers might be approached by consumers with questions about child labour. Therefore, some companies have targeted all key employees for training on child labour. For the tourism industry this means that not only CSR and product managers receive training but also travel representatives in holiday destinations.

Good training programmes are tailored to the specifics of the supply chain and the needs of the target group. They address different forms of child labour and relevant international human rights and labour standards as set out in the International Bill of Human Rights and the 1998 ILO Declaration on Fundamental Principles and Rights at Work. They also pay attention to root causes and local contexts of child labour, focus on how to recognize child labour, look at different due

<sup>&</sup>lt;sup>14</sup> UN Guiding Principles, 2011, Principles 16(e) and 19(a).

<sup>&</sup>lt;sup>15</sup> For instance assigning clear responsibilities, embedding child labour in job accountabilities, developing key performance indicators at corporate level and rewarding staff for good performance.

diligence measures (including age verification systems), discuss purchasing practices and supply chain management (with direct and indirect suppliers) and work on remediation activities. Good training programmes also address topics specific to the sector, such as:

Textile, garment	Cotton	Mining	Tourism	Cocoa
Sumangali scheme Home workers Living and minimum wages Excessive overtime	Child labour at cotton seed farms Living and minimum wages Gender discrimination Use of pesticides at cotton farms	Child labour in small- scale artisanal/informal mines Hazardous work (underground, heavy loads) Use of casual labour	Commercial sexual exploitation of children in hotels and bars  Trafficking of children to holiday destinations  Child labour among street vendors	Child labour at small-holder farms Living and minimum wages Hazardous work (use of pesticides, machetes and other tools) Child trafficking

While companies have the responsibility to respect the right to be free from child labour, governments have a duty to protect children from child labour. According to CLP companies, training should therefore also make clear the lines and systems of accountability with respect to child labour. The various roles and responsibilities of relevant actors and stakeholders, including the company itself, suppliers (e.g. manufacturers, farmers, hotels, travel agents), sub-contractors, (local) governments, local and international NGOs and trade unions are discussed, although as is stated in the Guiding Principles, where a business enterprise causes or may cause an adverse human rights impact, it should take the necessary steps to cease or prevent the impact and also use its "leverage" to mitigate any remaining impact (by other parties involved) to the greatest extent possible. Also on the agenda is how and when to approach stakeholders and the different ways partners can work together. This enables employees to situate child labour in a wider context and addresses the eradication of child labour as a joint effort, and in the case of engagement with workers' organizations, as a matter for social dialogue.

In order to sustain good training results, CLP companies emphasize the importance of repeating and updating training. Training could also be complemented with coaching, e-learning and other forms of engagement such as briefings, intranet, fact sheets and newsletters.

Training is sometimes provided by external experts from organizations or initiatives such as ECPAT, BSCI, ETI and ICI, and also by local organizations. This gives employees the opportunity to learn from people with specialized knowledge and expertise about child labour (often across companies and sectors) and compliance systems, and such sessions could provide practical suggestions to tackle challenges in supply chain management.

To conclude, tailored training on child labour for key employees, which is based on international human rights standards, is considered good because it helps to embed child labour requirements within the organization and to build ownership among employees of the company's commitments regarding child labour. <sup>17</sup> Running training programs is valuable as it stimulates cooperation between departments responsible for child labour, thereby integrating child labour requirements in purchasing practices and, for example, styling decisions, and allowing for more effective responses when incidences of child labour are identified.

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<sup>&</sup>lt;sup>16</sup> UN Guiding Principles (2011), Principle 19

<sup>&</sup>lt;sup>17</sup> UN Guiding Principles (2011), Principle 16 (e).

### **Lessons learned**

- Training helps employees to properly understand child labour issues, to give due weight to child labour considerations (also in their own decisions and practices) and to act properly when child labour incidences are found. It also helps to create a business culture in which employees are willing and able to address child labour issues.
- Training should be targeted at all key employees in order to promote a uniform approach to child labour in the business operations.
- Training provided by external experts (from international and national organizations and initiatives) gives employees the opportunity to learn from people with specialized knowledge and expertise about child labour (often across companies and sectors).
- Different forms of child labour and the relevant international and national standards should be subject of the training. Training should also provide practical tools and be performance related.
- It is important to repeat and update training and to support training with coaching, e-learning and other forms of engagement (briefings, intranet, fact sheets, newsletters).

## 3. Building Relationships with Suppliers: Supplier Support and Supplier Relationship Strategies

"In order to gauge human rights risks, business enterprises should identify and assess any actual or potential adverse human rights impacts with which they may be involved, either through their own activities or as a result of their business relationships. In order to prevent and mitigate adverse human rights impacts, business enterprises should integrate their impact assessment findings across relevant internal ... processes, and take appropriate action." <sup>18</sup>

### Introduction

The initial step in conducting due diligence is to assess the nature and scale of actual and potential impacts of business operations on child labour, directly or via either business relationships with suppliers or service providers. In assessing impacts, consideration should be given to determining the nature of responsibility for child labour in the supply chain. An essential step is to distinguish between, on the one hand, situations in which the business causes or contributes to child labour in its supply chain, and on the other, situations in which there is a responsibility because the abuse is caused by an entity with which it has a business relationship and is linked to the operations, products or services of the business. In both situations, there is a responsibility to seek to prevent child labour or to mitigate the impact of the abuse. However, when a business causes or contributes to child labour there is also a responsibility to provide or participate in remediation.<sup>19</sup> As part of their risk

### **Due Diligence**

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

- a) Should cover adverse human rights impacts that the business enterprise may cause or contribute to through its own activities, or which may be directly linked to its operations, products or services by its business relationships;
- b) Will vary in complexity with the size of the business enterprise, the risk of severe human rights impacts, and the nature and context of its operations;
- c) Should be ongoing, recognizing that the human rights risks may change over time as the business enterprise's operations and operating context evolve.

UN Guiding Principles (2011), Principle 17.

management process, many CLP companies map their supply chain in order to understand the particular risks, including child labour risks. Supply chains are often complex, often better conceived of as webs rather than chains, and diverse - particularly in the agricultural, industry and mining industries — and many companies mainly have focussed on their first-tier suppliers. Recently some CLP companies have started to map risks further down their supply chains. They identify and prioritize general areas of risks to cause or contribute to child labour based on country and sector conditions, the profile of their business partners and the partner's own sourcing practices.

<sup>&</sup>lt;sup>18</sup> UN Guiding Principles (2011), Principles 18 and 19.

<sup>&</sup>lt;sup>19</sup> Please see the concept of Remediation, Principle 20. UN Guiding Principles (2011)

Decisions to engage in a relationship with a supplier are often based on more than just factors that are related to price and quality of products or services: whether the supplier shares the same social values and has the capacity to manage sustainability risks and impacts, including child labour. As part of the selection process, checking management procedures and workplace practices of suppliers through self-assessments and (internal or external, announced or unannounced) audits is common practice among CLP companies.<sup>20</sup> In this process, CLP companies also make use of initiatives such as the Fair Wear Foundation and Business Social Compliance Initiative, and information provided by external stakeholders such as reports of national and international organizations (e.g., Anti-Slavery International).

However, the eradication of child labour requires looking further down the supply chain. A company's direct leverage (e.g. contract provisions, buying power) further down the supply chain is often more limited, so the question is which approach towards first-tier suppliers proves to be effective in this respect?<sup>21</sup> The Child Labour Platform identified as a good practice strategic relationships with suppliers, including supplier support programs.

### **Good practice**

Several retailers and brand companies in the textile and garment sector have established long-term and stable relationships with first-tier suppliers, some even longer than 20 years. A thorough understanding of each other's requirements and capacities forms the basis for such long-standing relationships. Working strategically with key first-tier suppliers brings benefits not only to buying companies, but also to suppliers. First-tier suppliers are sometimes rewarded on the basis of their sustainability performance and improvements. Rewards can come in the form of continued long-term commitments by the buying company and sometimes (temporary) exemptions from audits.

In order to enhance the capacity of key first-tier suppliers to respect children's rights, companies support suppliers in various ways. Building on the supplier Code of Conduct, the companies organize training and consultation sessions to raise awareness of child labour issues, often combined with training on other labour rights and supply chain sustainability issues. Moreover, companies support their suppliers to improve their own management system and *due diligence* processes. Such support can consist of assistance in mapping their supply chain, developing human resources systems, enhancing age verification systems and communicating with sub-contractors on child labour issues.

Good supplier support programs are characterized by a phased approach that is tailor-made - as much as possible - to each specific supplier. It should not only aim at preventing and addressing child labour in the supplier's own operations, but also at ensuring that the supplier is adequately equipped to select and manage its own suppliers and contractors in line with requirements laid down in the supplier Code of Conduct. Truly good practice occurs when suppliers have been supported to draft their own plans, take independent decisions and manage their own supply chain, building on their knowledge and experience and seeing the clear benefits for their own business to work on the eradication of child labour.

<sup>&</sup>lt;sup>20</sup> See also Good Practice 4. If child labour is found during supplier selection, suppliers could be supported to upgrade their management systems and adequately address the issue within a specific period of time. If there is no improvement, the company will not enter into a relationship with the supplier.

<sup>&</sup>lt;sup>21</sup> Leverage can be described in terms of degree of direct control between the company and supply chain entity, the terms of contract between the company and supply chain entity, the ability of the company to incentivize the supply chain entity for improved performance in regard of child labour as well as the proportion of business the enterprise represents for the supply chain entity. See SRSG (2010).

At the minimum, buying companies need to be aware of the effects of their own actions, decisions and omissions on their supplier's sustainability performance, including where it relates to child labour. Several CLP companies stress the importance of supplier relationship strategies that aim to ensure that procurement strategies do not increase the risk of a supplier engaging in child labour (see also table). Close cooperation between corporate procurement departments and CSR / ethical departments is essential for developing good supplier relationship strategies.<sup>22</sup> Moreover, in order to improve the supplier's sustainability performance, it is important to have transparent and regular communication and dialogue with suppliers about the relationship and strategies.

### Depending on the business model, different supplier relationship strategies are possible

- Establishing long-term and stable supplier relationships with formal, registered businesses.
- Using longer or better planned lead times based on good procurement planning.
- Buying larger volumes.
- Using off-season factory time where possible in order to provide stable employment in typical low-seasons.
- Prompt payment avoiding delay in payment of workers' wages.
- Adequate procurement prices enabling suppliers to avoid child labour by offering decent wages to adults.

To conclude, the practice of supplier support combined with good supplier relationship strategies is considered to be effective as it is not only aligned with the Guiding Principles on Business and Human Rights, but also contributes to enhancing the supply chain management capacity of suppliers. It is focused on strengthening the capacity of suppliers to meet their responsibility to respect the right to be free from child labour in their own supply chains. Considering the ongoing challenge for suppliers, who often work with different retailers and brand companies, which set different supply chain management requirements, the good practice of supplier support combined with good supplier relationship strategies is even more essential.

### Lessons learned

- Long-term and stable supplier relationships and the enhancement of suppliers' capacities can lead to more mature supplier relationships.
- To be effective in working towards the eradication of child labour further down the supply chain, it is important to work with and stimulate ownership of suppliers to implement companies' supplier Code of Conduct and to map and manage their own supply chain.
- Close cooperation between corporate procurement departments and CSR / ethical trade departments is required to develop good strategies for supplier relationship.
- Transparent and regular communication and dialogue with suppliers about relationship strategies help to improve the suppliers' sustainability performance.

<sup>&</sup>lt;sup>22</sup> See Good Practice 2.

<sup>&</sup>lt;sup>23</sup> UN Guiding Principles (2011), Principles 18 and 19.

## 4. Combining non-judicial and judicial channels for addressing incidences of child labour

"To make it possible for grievances to be addressed early and remediated directly, business enterprises should establish or participate in operational-level grievance mechanisms for individuals and communities who may be adversely affected. Industry, multistakeholder and other collaborative initiatives that are based on respect for human rights-related standards should ensure that effective grievance mechanisms are available." <sup>24</sup>

### Introduction

Companies that are at risk of causing or contributing to child labour increasingly establish channels through which they can receive information about child labour incidences and remediate them. Such grievance mechanisms can also function as an 'early warning system', giving companies ongoing information about current and potential impacts relating to child labour, which helps to identify trends and address systemic problems. Business-level grievance mechanisms should be complementary to judicial and other non-judicial grievance mechanisms, and should not impede other channels of engagement, such as representation by trade unions.<sup>25</sup>

Non-judicial grievance mechanisms should be legitimate (enjoying the trust of stakeholder groups for whose use they are intended); accessible; predictable, particularly as regards process, time frames, available outcomes and means of monitoring implementation; equitable (ensuring aggrieved parties access to information and advice so as to engage in a grievance process on fair terms); transparent; rights-compatible (ensuring that outcomes and remedies accord with internationally recognized human rights). Operational-level mechanisms should also be based on engagement and dialogue with the stakeholder group for whose use they are intended in their design and performance. <sup>26</sup>

CLP companies have taken different approaches to providing channels for raising grievances, including incidences of child labour. This depends on company culture, the sector and country context as well as the scale and potential impacts of the business operations. Often, child labour incidences can be reported directly to the company's CSR, ethical trade or consumer services departments. Some companies have established confidential web-based systems, which are available to all who may wish to notify the company of an incidence of child labour. Such a mechanism can be managed by an independent third party or by a corporate department, which investigates the claim and, where possible, reports back to the claimant. Furthermore, as explained below, concerns about child labour can be raised via multi-stakeholder or business-driven initiatives. Examples of such initiatives are BSCI, ETI, ICI and ECPAT International, which often operate in collaboration with national governments.

A central question about addressing child labour incidences is: who is going to report? Children, particularly younger children, can rarely be expected to access grievance mechanisms themselves,

<sup>&</sup>lt;sup>24</sup> UN Guiding Principles (2011), Principles 29 and 30.

<sup>&</sup>lt;sup>25</sup> See UN Guiding Principles (2011), Principle 29.

<sup>&</sup>lt;sup>26</sup> UN Guiding Principles (2011), Principle 31

even if they have the knowledge and capacity to use the right channels. An important part of the challenge is to ensure that the mechanism is accessible to those who can raise incidences on behalf of the children, such as workers - including teachers - and their trade unions, community members and their organisations, procurement staff and agricultural extension workers who visit suppliers in the field, local NGOs and government officials, including labour inspectors. In that light, the Child Labour Platform identified the practice of combining judicial and non-judicial channels for addressing child labour incidences within the tourism sector as a good practice.

### Good practice from the tourism sector

Commercial sexual exploitation of children linked to tourism can be prosecuted in the country of origin (where the tourist lives), if national law stipulates it as an extra-territorial crime. Some tourism destination countries also allow for prosecution of tourists involved in CSEC. Nevertheless, few child sex tourists are effectively investigated and sentenced because such cases are time-consuming, costly, frequently hampered by lack of evidence and often not followed up by local authorities in tourism destinations.

Therefore, tour operators, hotel chains, hospitality and transport workers' unions and civil society organizations, have started to cooperate with national and international institutions and organizations such as the police, public prosecution service, specific government departments, Interpol and Europol and with ECPAT International (an NGO dedicated to eliminating the commercial sexual exploitation of children, including child sex tourism).

Tour operators receive reports about possible child sex tourism from tourists, tour guides, travel agents or providers of hotels and restaurants services in travel destinations. Some of the companies offer the possibility to report incidences on their website (directly or via a web-link to the ECPAT website), others via a national hotline. Tour guides and travel agents, as well as service providers have received training or briefings on how to identify CSEC linked to tourism and report incidences. Tourists themselves are also informed (through brochures, posters in hotels, and information briefing at the tourism destination) about what to do if they suspect incidences of child sex tourism.

A tourism company will usually not investigate reports itself, but refer them, sometimes via ECPAT, to national hotlines such as the Dutch 'Meldpunt Kindersekstoerisme' (Hotline Child Sex Tourism) and Meld Misdaad Anoniem (Report Crime Anonymously; part of Crime Stoppers International), which can also receive complaints directly from tourists, tour guides, travel agents or even children themselves, even though the latter seldom occurs.<sup>27</sup> Grievances can be submitted anonymously and information provided is treated confidentially. The agency running the national hotline screens the incidences (i.e. the foundation or reasonable grounds for the claim) and reports them to the national police (in the country of origin of the tourist). Subsequently, a grievance might enter the judicial arena and ultimately lead to a paedophile sex offender being prosecuted.

Tour operators continuously emphasize the possibility of anonymous reporting and confidentiality in briefings about channels for reporting child labour. However, reporting anonymously also poses challenges: it is not only impossible to give feedback to the complainant; it also limits the possibilities for verification of the complaint. Therefore, a balance between confidentiality (anonymity) and possibilities to verify a complaint and address the incident is imperative.

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<sup>&</sup>lt;sup>27</sup> The Dutch national hotline, Meldpunt Kindersekstoerisme (<u>www.meldkindersekstoerisme.nl</u>) works together with the Dutch Ministry of Justice, the European Commission and ECPAT. See also Misdaad Anoniem, which is part of Crime Stoppers international, http://www.meldmisdaadanoniem.nl/over-m/internationaal/ and http://www.csiworld.org/

The practice of combining judicial and non-judicial grievance mechanisms is thus potentially effective in multiple ways and also provides learning points for other sectors. It is not only a good example of meaningful multi-stakeholder collaboration but also provides a way for stakeholders and employees, and possibly victims, to report child labour incidences. It supports companies in their efforts to properly address child labour incidences, which they would not be able to do on their own. Companies find it reassuring that complaints are dealt with and addressed in a timely, systematic and adequate manner by experts and national authorities. The Dutch national hotline has dealt expeditiously with more than thirty grievances since its launch in early 2010.

### Lessons learned

- To ensure that incidences of child labour are reported and can be dealt with effectively, employees, suppliers, service providers and other stakeholders should be informed about the available channels to report incidences of child labour and how child labour can be recognized.
- Making available hotlines (telephone) and online channels for reporting child labour incidences can be effective.
- Confidential treatment of reported incidences increases the credibility of the mechanism with stakeholders and (potential) complainants. However, grievance mechanisms should find a balance between confidentiality (anonymity) and possibilities to verify a complaint and address the incidence.
- Reports of child labour incidences by children themselves are rare. The role of local organizations and other stakeholders that represent or support victims is therefore crucial.
- Non-judicial and judicial mechanisms can be complementary.

# **5.** When Child Labour is found: a Remediation Approach based on Engagement with Supplier, Local Stakeholders and Affected Persons

"Where business enterprises identify that they have caused or contributed to adverse impacts, they should provide for or cooperate in their remediation through legitimate processes." <sup>28</sup>

### Introduction

If a company has caused or contributed to child labour, it has the responsibility to remediate the situation.<sup>29</sup> If the company has not caused or contributed to child labour, but is nonetheless directly linked to child labour issues by its operations, products or services through a business relationship, then it may play a role in remediation activities.<sup>30</sup> Engagement in remediation should be active and appropriate and can be in cooperation with others.

Any action taken should respect the child's right to education and to development, support the rule of law and be in the best interest of the child.

### Good practices from the textile and garment sector

Retailers and brand companies from the textile and garment industry have developed an effective remediation approach to child labour incidences in the supply chain.<sup>31</sup> The objective of this approach is to ensure not only that the child is removed from the workplace, but also that he or she returns to formal daytime schooling and that his or her family has access to feasible alternatives of obtaining income. Spelling out such an approach in operational guidelines is very useful, particularly when tied to the local context and accounting for different forms of child labour and the different levels in the supply chain at which it can occur.<sup>32</sup>

When child labour is found (with the first-tier supplier or further down the supply chain), companies usually issue a serious first warning to the supplier and engage with them to find a suitable solution. This can include supporting suppliers to improve their management system (i.e. on age verification measures and monitoring of compliance with minimum labour standards). As leverage is greatest at the level of direct suppliers, such remediation approach is primarily directed at first-tier suppliers. If child labour is found again or the supplier refuses to cooperate, the business relationship might be terminated. This is the final resort.

<sup>&</sup>lt;sup>28</sup> UN Guiding Principles (2011), Principle 22.

<sup>&</sup>lt;sup>29</sup> See UN Guiding Principles (2011), Principle 22.

<sup>&</sup>lt;sup>30</sup> See UN Guiding Principles (2011), Principle 22.

<sup>&</sup>lt;sup>31</sup> The child labour that is most often found with first-tier suppliers concerns adolescent youth working more hours than legally permitted, or children who are just below legal minimum working age. The worst forms of child labour are commonly found in the second or lower tiers in the supply chain.

<sup>&</sup>lt;sup>32</sup> See Good Practice 1.

Engagement with suppliers rather than immediately terminating the relationship is based on the premise that any actions taken should be in the best interest of the child. This also means that each incidence of child labour requires a tailored approach, which depends on factors such as age of the child, the working conditions observed, the child's home situation and educational level and the availability of schooling that is suitable and of a minimum acceptable quality.

CLP companies emphasize that it is important that the supplier is committed not only to preventing future child labour, but also to remediating past and current incidences of child labour. Suppliers' ownership of the problem should therefore be encouraged. Some companies do check with the supplier, local NGOs - or community based child labour monitoring platforms - and the school after a certain period of time, to verify that the child did not return to work and is still enrolled in school. Companies should be able to track the progress of older children who, having been removed from hazardous work, may be able to remain in the workplace in legal and appropriate youth employment.

Companies may work with various in-country experts, government agencies and public services, trade unions, or, where appropriate, NGOs which they may contact in case child labour is found. In addition, companies may cooperate with schools and parents or relatives of the child to ensure that the best solution for the child is found. This all can help ensure that the remediation is sensitive to the country and case-specific context. In sectors and workplaces with a trade union presence (which is more likely in formal economy workplaces, but may also be the case in the informal economy – for example among domestic or rural workers), companies may engage workers' organisations in providing permanent monitoring of their respective workplaces - something that neither social auditors nor labour inspectors can do.

To conclude, the described remediation approach is not only aligned with the UN Guiding Principles on Business and Human Rights, <sup>33</sup> the ILO Declaration of Fundamental Principles and Rights at Work (1998), <sup>34</sup> and the ILO Declaration on Social Justice for a Fair Globalization (2008), <sup>35</sup> but also linked to human rights principles including the rights to be free from child labour, to education, to an adequate standard of living and to a family. It is particularly effective when relevant actors such as trade unions, public education and social services or, where appropriate, NGOs are involved. However,

Examples of remedial actions reported by the CLP companies (often multiple actions are combined, with government and other stakeholders)

- Ensure the *release* of the child from hazardous circumstances.
- Ensure that underage workers around school-entering age get enrolled in formal schools and do not drop out.
- Provision of quality transitional schooling for those children who need catching up with regular formal and full-time schools; generally these are somewhat older exworking children.
- Organize vocational training for children who have reached minimum legal working age, but who are not 18 years old yet.
- Support efforts to compensate the child's family for the loss of income, for example by supporting local NGOs in the development of alternative income-generating activities or by continuing to pay (at least) the legal minimum wage during the schooling period.
- Offer work to another member of the same household who has reached the legal minimum age to work.
- Require the supplier to guarantee rehiring the child when he or she has reached the minimum legal age – if the child so desires.
- Support the relevant public authorities to facilitate the reunion of the child with his or her family, where the relevant public authorities determine that is in the best interests of the child.
- When there is a large distance between the factory and the child's home make a one-off payment to compensate for the cost of the ticket, loss of wages and education.

remedying child labour at lower levels in the supply chain and ensuring that the child does not return

35 ditto

<sup>&</sup>lt;sup>33</sup> UN Guiding Principles (2011), Principle 22.

 $<sup>^{34} \</sup> www.ilo.org/declaration/the declaration/text declaration/lang--en/index.htm.$ 

to work (in the same or another sector) remains a huge challenge. While companies have a role to play in remediation as part of their responsibility to respect the right to be free from child labour, governments have to implement their duty to protect children from child labour and provide the necessary conditions for the education and development of children.

At the same time, however, companies can support the capacity of government services, of their supply chain workforces and of the communities in which their value chains operate. Companies can and should support the rule of law, including by contributing appropriately to national taxation so that law can be enforced and the services children need provided. They can and should ensure that their supply chain management practices support the creation of decent work for adults, which improves family incomes, income security and social protection, and combats poverty and income insecurity which are among the root causes of child labour. They can and should insist on non-discrimination in the employment practices in their supply chains, thus combating social exclusion and discrimination, which is also a root cause of child labour. They can and should make clear to their suppliers that freedom of association and the effective right to collective bargaining are universally recognised human rights at work, which also help empower workers to be vigilant and active in combating child labour; and by supporting community child labour monitoring platforms that can identify children in child labour (or at risk) and refer them to the appropriate services. Supporting wider "area-based approaches" is important to avoid a child moving from one type of child labour.

#### **Lessons Learned**

- If child labour is found with a supplier, engaging in dialogue with and providing support to a
  supplier is necessary to stimulate ownership by the supplier in order to remediate the
  situation. This also means that termination of the relationship should only be the last resort
  in case the supplier is unwilling to cooperate or recurrent incidences of child labour are
  found.
- Companies should provide or cooperate in the provision of remedy when they cause or contribute to child labour. Effective remedy of child labour ensures that children are not displaced from one supply chain into another; industry-wide efforts and support for areabased approaches are important in this regard. Independent of corporate responsibility to respect children's rights, governments have to fulfill their duty to protect children from child labour and provide the necessary conditions for children's' education, health and development. However, government can only fulfil that obligation if there is a sufficient tax base available to provide the necessary enforcement of law and the services children need.
- All remediation activities should be in the best interest of the child and should take place immediately.
- Remediation of child labour should include understanding of the multiple causes of child labour and take into account economic, social and cultural conditions and practices. It should be bottom-up and focused on community empowerment and on the indivisible and mutually supportive nature of fundamental rights at work.
- Effective remediation of child labour must be sustainable and should also focus on the socioeconomic situation of the family involved. For this purpose working together with trade unions, local governments and public services, and, where appropriate, NGOs is important.
- Monitoring of the situation of the former child labourer is important to verify that he or she
  does not return to work (in the same or another sector) or is placed in a worse situation. It is
  also important to ensure that the supplier is keeping its promises.

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