Compliance With Child And Forced-Labor Laws

Insights
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Many countries are uniting for one simple cause: stopping child and forced labor. The U.S. Labor Department (DOL) is committed to stopping child labor and has adopted this as a key platform. On June 13,the World Day Against Child Labor, Carol Pier, Acting Deputy Undersecretary of the Labor Department's Bureau of International Labor Affairs (ILAB), addressed this issue on the DOL's official blog.

Previously, on February 8, 2013, the United Nations released a report finding that there are 21 million victims of child and forced labor worldwide, and called for tougher efforts and standards in the prevention, identification, and prosecution of forced labor. The International Labour Organization (ILO), which prepared the report, estimated that about 26%, or 5.5 million, of the 21 million victims are children under the age of 18.

The U.S. is not alone in providing funding for programs aimed at combating child labor internationally since the mid-nineties. Funds for such programs have resulted in more than 250 projects in over 90 countries, in partnership with a variety of governments, international institutions, civil society organizations and industry groups. Concerned employers have dedicated private resources to support this important initiative.

Child Labor
The problem of child labor has been stressed again and again. Children, as a population unable to represent itself, are exploited and kept uneducated to use them for forced labor. Some examples of this mistreatment include 1) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom, and forced or compulsory labor, including recruitment of children for use in armed conflict; 2) the use, procuring or offering of a child for prostitution or pornography, or for illicit activities, in particular for the production and trafficking of drugs; and 3) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

Forced Labor
Forced labor for others is also a critical workforce issue. Forced-labor victims are often not in plain view, but may be found on construction sites, fishing vessels, working in commercial agriculture, and in factories, as reported by the ILO. Accordingly, identifying such forced labor victims is challenging. Again, this population may be unable or unwilling to speak for itself.

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U.S. Business Toolkit

While reports of such atrocities are not new, news of the assistance available for companies facing such challenges is cutting edge. On December 14, 2012, the ILAB introduced "Reducing Child Labor and Forced Labor: A Toolkit for Responsible Businesses" ("the Toolkit"). The Toolkit was created to assist businesses in combating child labor and forced labor in their global supply chains. The Toolkit is free for employers and can be downloaded at no cost from the Child Labor Business Toolkit page on the DOL website.

The Toolkit encourages companies to create social compliance programs that integrate the ILAB's policies and practices to assist the business entity in preventing child labor and forced labor throughout its supply chain. It provides step-by-step guidance on the following eight critical elements to aid companies that do not currently have social compliance systems in place or those interested in strengthening existing systems: 1) engaging stakeholders and partners; 2) assessing risks and impacts; 3) developing a code of conduct; 4) communicating and training across the supply chain; 5) monitoring compliance; 6) remediating violations; 7) ensuring independent review; and 8) reporting performance.

How Employers Can Help

Companies should review their practices to ensure that they are not violating child labor laws or unwittingly supporting such practices in their global operations. Many companies are already involved in efforts to combat child and forced labor on an international basis through numerous governmental and philanthropic programs. It may be difficult to maintain a high level of diligence because multinational businesses are not always familiar with every detail and participant in the supply chain.

According to the Toolkit, child labor spans nearly every sector and kind of work, including harvesting cotton, working as domestic servants, and mining diamonds. The Toolkit emphasizes that not all work performed by children is exploitative in violation of U.S. or other laws. For example, children of legal working age who perform work that does not hinder their mental, physical, or emotional development, such as performing household chores and working in nonhazardous activities after school, can be an asset to their families' welfare and their nations' economic development, and their work falls outside the areas of concern.

One ILO recommendation states that to determine if work is hazardous for children, employers should consider: 1) work which exposes children to physical, psychological, or sexual abuse; 2) work underground, under water, at dangerous heights, or in confined spaces; 3) work with dangerous machinery, equipment, and tools, or which involves the manual handling or transport of heavy loads; 4) work in an unhealthy environment which may expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health; and 5) work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer.

Legal And Social Compliance

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Legal And Social Compliance

Laws in this area are strengthening and penalties are becoming more strict. But employers should be socially compliant in combating child or forced labor for other legal and moral reasons, including:

- complying with existing laws such as the Dodd-Frank Act and the Consumer Protection Act;
- meeting public expectations of a company's control over labor standards and human rights in their supply chains through voluntary standards such as the Organization for Economic Cooperation and Development Guidelines for Multinational Enterprises;
- maintaining eligibility for loans from the U.S. Government through programs such as the Overseas Private Investment Corporation, which require compliance with specific labor and environmental standards, including standards on child and forced labor;
- recruiting and retraining employees; and
- simply doing "the right thing," which is always good for business.

For more information, contact the author at CBehymer@fisherphillips.com or 803.255.0000.

Related People

Cheryl L. Behymer
Senior Counsel
803.255.0000
Email

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