



U. S. Department of Labor Publishes Toolkit to Help Reduce Global Child and Forced Labor

Insights

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On December 14, 2102 the U.S. Department of Labor's ("DOL")'s Bureau of International Labor Affairs ("ILAB") introduced "Reducing Child Labor and Forced Labor: A Toolkit for Responsible Businesses" ("the Toolkit"), the first guide developed by the U.S. government to help businesses combat child labor and forced labor in their global supply chains. Multi-national businesses have long been faced with the challenge of ensuring such practices are not conducted in their global operations or supply chain processes. Many of these companies are currently involved in efforts to combat child and forced labor on an international basis through numerous governmental and philanthropic programs.

The Toolkit, which can be downloaded at no cost, provides information and resources to help companies combat such practices. The DOL unveiled the Toolkit during an event at its Washington, D.C. headquarters for representatives of government, industry, labor and civil society organizations active in efforts to prevent labor abuses in the production of goods.

In a video message announcing the Toolkit, Secretary of Labor Hilda L. Solis stated, "[e]ncouraging businesses to reduce child and forced labor in their supply chains helps advance fundamental human rights that are at the core of worker dignity, whether here in the U.S. or abroad". Since 1995, the U.S. Congress has provided funding to ILAB for programs aimed at combating child labor internationally. ILAB has used these funds to implement more than 250 projects in over 90 countries, in partnership with a variety of governments, international institutions, civil society organizations and industry groups.

The Toolkit was created by the ILAB as part of its responsibility under the Trafficking Victims Protection Reauthorization Act of 2005. The Toolkit focuses on the need for companies to create social compliance programs that integrate the ILAB's policies and practices to ensure the business entity acts to prevent child labor and forced labor throughout its supply chain. The Toolkit 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.

Child Labor. The International Labor Organization (“ILO”) estimates there are 215 million children in child labor worldwide, 115 million of them in hazardous forms of work. It also estimates that 21 million people are in forced labor, six million of them children.

Child labor includes instances of children (minors under age 18) working in the worst forms of child labor (“WFCL”) as described in ILO Convention 182, as well situations where children engage in work that is exploitative and/or interferes with their ability to attend school. Some examples of WFCL are: 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 forced or compulsory 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.

Forms of work identified as “hazardous” for children may vary from country to country. ILO Recommendation No. 190 states that in order to determine hazardous work for children and identify where such situations occur, consideration should be given to: 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, for example, 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. [ILO Convention 182, Section II, Paragraph 3].

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 mentions it is important to recognize that not all work performed by children is exploitative. 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 non-hazardous activities after school, can be an asset to their families’ welfare and their nations’ economic development.

Forced Labor. The ILO estimates that 20.9 million people are currently victims of forced labor globally. Of these individuals, 4.5 million are in forced commercial sexual exploitation and 14.2 million are in other forms of labor exploitation spanning sectors such as agriculture, construction, domestic work and manufacturing. The remaining 2.2 million people are in state-imposed forms of forced labor.

ILO’s defines forced or compulsory labor” in ILO Convention 29 to include “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.” “Menace of any penalty” means that a workers believe they will face a penalty if they refuse to work. “Menace” means the penalty need not actually occur; threats of penalty may be sufficient if the employee believes the employer will exact the penalty. A wide variety

of penalties exist which fulfill this element of forced labor, including: confinement to the workplace; violence against workers or their family members; retention of the employee's identity documents; dismissal from employment; and non-payment of wages. A worker can be considered to be in forced labor even if he or she consented to work, if the consent occurred through the use of force, abduction, fraud, deception or the abuse of power or a position of vulnerability, or, if the individual has revoked his or her consent. According to the Toolkit, forced labor can happen in any industry, but is especially prevalent in industries that require low-skilled labor, such as agriculture and mining, or occupations hidden from public view, such as domestic service.

Reasons companies develop social compliance systems. The Toolkit lists a number of reasons that motivate employers to develop social compliance systems to combat child or forced labor, including:

- complying with existing laws such as the Dodd-Frank Act and the Consumer Protection Act;
- meeting public expectations of a companies' 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;
- maintain eligibility for loans from the U.S. Government through programs such as 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
- doing good.

Examples of Government and Industry Projects. The following are a few examples of government and industry programs aimed at combating global child and forced labor:

- The Better Work program, a joint initiative of the ILO and the International Finance Corporation, is designed to improve labor practices and productivity in the international apparel sector. Better Work is a transparent factory monitoring program conducted by a credible monitor, the ILO, in participating countries.
- ManpowerGroup, a global employment services firm, supports a program in Medellín, Colombia called Jóvenes Visionarios, which helps abandoned and at-risk youth through counseling, training and employment support. Through one of its sub-projects, Manpower has partnered with the International Organization of Migration to identify youths approaching 18 years of age who will no longer be supported by government assistance. This project provides these youths access to training facilities, equipment, instructors, courses, vocational assessments and career guidance, as well as psychological counseling.
- In its Mewat Program, Gap Inc. formed a multi-stakeholder group with the Government of India, suppliers, a local training institute and a local nongovernmental organization ("NGO"). The group

designed a program involving 20,000 women who do handwork in their homes or at local community centers. The women work at home bring their finished products to the community centers for pick-up, which increases efficiency for suppliers. The local NGO coordinates monitoring of working conditions as well as payment to the workers, who are also provided free training to upgrade their handwork skills.