



ECAM

EMPLOYERS' CONSULTATIVE
ASSOCIATION OF MALAWI

The Voice of Employers in Malawi

ELIMINATING CHILD LABOUR IN MALAWI



GUIDE FOR EMPLOYERS

DEVELOPED WITH SUPPORT FROM



International
Labour
Organization

ELIMINATING CHILD LABOUR IN MALAWI

Guide for Employers

Child Labour is a global problem that has plagued especially developing countries and its efforts at socio-economic Development. The Employers Consultative Association of Malawi is supporting the ILO and the global campaign against the elimination of child labour and in that regard has developed this Guide for Employers and business in Malawi. The Employers Guide is based on the Bureau of Employers Activities Guide on Elimination of Child Labour by Employers Organizations which has been customized to guide employers and business in Malawi in their quest to fight against child labour.

The 2022 revised Guide looks at the Malawi and SADC region with regard to the status of child labour. The Guide considers international treaties in place and stresses the need for the fight against child labour to be multi-sectorial but in the main calls on employer's and business to take a step by step action to contribute to the elimination of child labour in the interest of future skills for economic development and from a moral stand point.

Using the Employers Guide will deepen the resolve of employers in their fight against child labour there by fulfilling their corporate responsibility.

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FOREWORD

The Employers Consultative Association of Malawi completely recognizes the adverse impact of child labour on the children, their families, the economy as well as the future problems it will cause for employers. Child labour deprives children of their rights such as education and their ability to participate actively and positively in the development of their country. As employers there are various reasons why we need to ensure that we eliminate child labour in its worst forms and entirely.

One of the mandate of ECAM is to fight and tackle child labour. As employers we have been involved in the elimination of child labour through various projects with technical support from International Labour Organization. The main areas that we have focused on are the tea and tobacco estates. ECAM fully supports the ratification of Conventions 138 on Minimum Age in Employment and 182 on the Worst Forms of Child Labour as well as the UN Convention on the Right of the Child 1989. These have all been harmonized with the Employment Act 2000 as well as the constitution of 1994. Furthermore Malawi also instituted free primary education post 1994. ECAM recognizes the Government's efforts in tackling Child Labour and is therefore there to compliment these efforts.

Employers are committed to the fight against child labour. The costs associated with employing child laborers are hefty in the long run. Already companies contribute positively to the communities they exist in, however there's a need to intensify efforts in ensuring that elimination of child labour is at the heart of their corporate social responsibilities. For an employer productivity of his/her labour force is crucial to that organizations profitability as well as sustainability. To ensure that a productive workforce is maintained and the right skills are attained child labour needs to be eradicated. Furthermore, business now exists in a global and sophisticated market where ethics are becoming the order of the transaction. Ethics are of utmost importance in any business and it is through having a good ethical statement that a business' reputation can grow to transact regionally and internationally.

This guide serves to confirm the employers' commitment to fighting and eliminating child labour. Special vote of thanks should be accorded to the Bureau for Employers' Activities ACT/EMP for their continued assistance and collaborative efforts on issues pertaining to child labour. We appreciate the efforts of our social partners and at the same time understand the part we have to play as employers in Malawi.

We are aware that our commitment is pivotal and shall abide by the provisions of the legal instruments (national and international) that govern child labour. As partners to the economic development of Malawi we realize that our role in eliminating child labour will have a positive contribution to the objectives of the countries national strategy i.e

Malawi Growth and Development Strategy III. By respecting and upholding the rights of children we believe that we will foster an environment that is devoid of inadequate skills, skills which at all levels are the backbone to the progression of business.

President

Terms and Definitions

The term “child labour” is often defined as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. It refers to work that: is mentally, physically, socially or morally dangerous and harmful to children; and/or 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. Whether or not particular forms of “work” can be called “child labour” depends on the child’s age, the type and hours of work performed, the conditions under which it is performed and the objectives pursued by individual countries. The answer varies from country to country, as well as among sectors within countries.

CHILD: Any person under the age of eighteen years.

LIGHT WORK: Refers to employment or work done by persons aged 13-15 which is–

- a) not likely to be harmful to the health or development of a child; and
- b) not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received (ILO Convention 138, article 7).

CHILD LABOUR: Any activity that employs a child below the age of 14 or that engages a child between the ages of 14 and 17 and prevents him or her from attending school or concentrating on school, or negatively impacts on the health, social, cultural, psychological, moral, religious and related dimensions of the child’s upbringing.

PATHFINDER COUNTRY: Refers to a country that commits to going further and faster to achieve the objectives of Sustainable Development Goal Target 8.7 and willing to try new approaches from which others can learn in order to support achievement of the Target’s urgent deadlines

WORST FORMS OF CHILD LABOUR: ILO Convention 182 defines the worst forms of child labour as:

- (a) 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 labour including forced or compulsory recruitment of children for use in armed conflict;
- (b) The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;

- (c) The use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; and
- (d) Work which, by its nature or in the circumstances in which it is carried out, is likely to harm the health, safety and morals of children.

FORCED LABOUR: can be understood as work that is performed involuntarily and under the menace of any penalty. It refers to situations in which persons are coerced to work through the use of violence or intimidation, or by more subtle means such as manipulated debt, retention of identity papers or threats of denunciation to immigration authorities.

EMPLOYERS CONSULTATIVE ASSOCIATION OF MALAWI

ECAM is the recognized employer's voice of employers in Malawi under the Labour Relations Act. It was established in 1963 and registered under the Trustees Incorporation Act and is an affiliate member of the International Organization of Employers (IOE).

The Employers' Consultative Association of Malawi (ECAM) was registered in 1963 under the Trustees Incorporation Act of Malawi as an employers' trade association representing all subscribing employers. The current membership is close to 208 (active 160) out of a potential population of more than 500 employers

The primary role of the Employers' Consultative Association of Malawi (ECAM) is the promotion, guidance and protection of employers' interests in labour, employment and social-economic issues. From time to time, ECAM collects and collates information on economic and employment matters and issues position papers and public statements of direct interest to employers through mass media and appropriate fora. On a more regular basis, ECAM is actively involved in social dialogue and defence of employers' position in collective bargaining with union representatives at the Industrial Relations Court. ECAM is also extensively engaged in management development programmes.

In order to gain its pivotal role as the apex employers' organization in Malawi, ECAM must develop stronger and closer links with members, provide real-time information and pro-actively respond to members' concerns and contemporary needs. For this purpose, ECAM must embrace best practice and undergo organizational development to provide more technically and organizationally integrated and coherent range of services which address emerging needs of employers. The spirit of 2019 - 2023 strategic plan for ECAM is to attain operational efficiency, national, regional and district level visibility, undoubtful relevancy to its membership, and proactively contribute to the aspirations of the Malawi national development agenda, the following is the vision mission and the objectives that will support the employers to effectively address some of the issues affecting the growth and sustainability of companies in Malawi;

VISION

The vision of ECAM is 'to be the leading and proactive voice of employers in Malawi'.

MISSION

The mission statement of ECAM is "to provide efficient, relevant, professional and quality services for enterprise development and competitiveness through:

- ◆ Building stronger and effective partnerships towards fostering an enabling environment for sustainable enterprises
- ◆ Influencing socio-economic policies affecting business, and
- ◆ Promoting sound labour relations and good governance.

STRATEGIC OBJECTIVES

- ◆ This plan has the following strategic objectives set to be achieved:
- ◆ To attain a sustainable financial position
- ◆ To broaden membership base
- ◆ To institute effective leadership of the Association
- ◆ To provide excellent, comprehensive and cost-effective customer services to become the most trusted advisor
- ◆ To expand and deepen relationships with partners and collaborators to become the preferred mouthpiece of employers in Malawi
- ◆ To optimize operational efficiency to deliver quality products and services,
- ◆ To promote the image of the Association to become a trusted brand.

THE CONSOLIDATED GUIDE ON THE ELIMINATING CHILD LABOUR, EMPLOYERS GUIDE

This guide is a customization of the two ACT/EMP Guides for Employers on Eliminating Child Labour into one consolidated Guide for the employers' organization in Malawi. It has been designed to help employers and their associations in Malawi understand and take action against child labour.

It provides strategies for the prevention of child labour, the withdrawal of children from work and the protection of those children who are above the minimum age of employment and do work. The guide provides definitions, an explanation of the causes and the consequences of child labour, and the rationale for why businesses should not employ children and explains options. Leading good practices and strategies on what businesses in the SADC region have done to eliminate child labour in their operations are provided. Examples of good practices from the region are highlighted in the section "Good Practices for businesses and Child Labour Action Plan.

The overall objective of this guide is to help employers to support the elimination of child labour in their functional scope and programming, this include; to create awareness and build knowledge on child labour, enhance the capacity of employers on how to eliminate child labour within their functional scope and helping employers in identifying gaps and inconsistencies in the legal and regulatory frameworks relating to child labour.

SITUATION OF CHILD LABOUR GLOBAL OVERVIEW

Child labour remains unacceptably common in the world today. At the start of 2020, prior to the outbreak of the COVID-19 pandemic, 160 million children – 63 million girls and 97 million boys – were in child labour, or 1 in 10 children world-wide. Seventy-nine million children – nearly half of all those in child labour – were in hazardous work directly endangering their health, safety and moral development. This global estimate masks large variations across regions. Child labour prevalence stands at 24 per cent in sub-Saharan Africa, three times that of Northern Africa and Western Asia, the region with the second highest prevalence. In absolute terms, the nearly 87 million children in child labour in sub-Saharan Africa are more than in the rest of the world combined.

Recent history provides cause for concern. In the last four years, for the first time since 2000, the world did not make progress in reducing child labour. The absolute number of children in child labour increased by over 8 million to 160 million while the proportion of children in child labour remained unchanged. Children in hazardous work mirrored these patterns: The share remained almost unchanged but the number rose by 6.5 million to 79 million.

The pace of progress has varied dramatically across regions. The proportion and number of children in child labour have declined consistently since 2008 in Asia and the Pacific and Latin America and the Caribbean. Similar progress has proved elusive in sub-Saharan Africa, where child labour has actually gone up since 2012, a trend especially pronounced over the last four years when the region accounted for much of the global increase. At present, the world is not on track to eliminate child labour by 2025. In order to meet this target, global progress would need to be almost 18 times faster than the rate observed over the past two decades. According to pre-COVID-19 projections based on the pace of change from 2008 to 2016, close to 140 million children will be in child labour in 2025 without accelerated action. The COVID-19 crisis is making these scenarios even more worrisome, with many more children at risk of being pushed into child labour.

NATIONAL CHILD LABOUR OVERVIEW

Child labour is a major social and economic problem in Malawi as it violates children's rights. The 2015 National Child Labour Survey (NCLS) found that 38% of the children aged 5-17 were engaged in child labour. Of the children engaged in child labour, 72% are in the agriculture, forestry and fishing industry, 28% are in domestic work and the remaining 6% are in other industry. Some children in Malawi are engaged in worst forms of child labour and these include children in street situations, children engaged in prostitution, those engaged in the production of tobacco and then those in child marriage.

Poverty is widespread in Malawi with 51.5% of the population living below the poverty line. Poverty is a major cause of child labour: the lack of basic needs forces children to engage in child labour. Other causes of child labour include difficulties in accessing education including its high cost, the death of parents due to HIV and other chronic illnesses that forces children to engage in child labour, negative cultural beliefs and norms, food insecurity and the lack of awareness about the negative consequences of child labour. The Government of Malawi has put the elimination of child labour including its worst forms as a priority and this is clearly spelt out in the MGDS III. There are also a number of policies and laws that prohibit child labour practices.

The legal framework for child labour in Malawi is contained in the Employment Act of 2000 (CAP 55:01). The Act sets the minimum age for admission of a child to employment at 14 years. The Act further prohibits children between the ages of 14 and 18 to work in hazardous work. The definition of “hazardous” fulfils at least one of the following work conditions:

- ◆ Working in designated hazardous industries, namely tobacco, mining, quarrying and construction
- ◆ Working in designated hazardous occupations, namely those listed in the Employment act of 2012 (Prohibited hazardous work, CAP 55:02)
- ◆ Working for more than 40 hours per week
- ◆ Working in other hazardous conditions, namely working at night, being exposed to hazardous working environment, carrying heavy loads, operating any dangerous machinery/equipment at work or begging.

The Child care, Protection and Justice Act. 2010 identifies children in child labour as children in need of care and protection

The employers guide on elimination of child labour has been designed and localized in line with international and national laws, the guide intended to operate within the legal framework, the laws and policies include ILO conventions 138 and 182, the convention on the rights of the child, the constitution of the republic of Malawi, the employment act the child care and protection act, the national plan of action on ending child labour and other related laws.

ILO CONVENTIONS No 182 and No 138;

The two ILO Conventions on child labour are Convention No.138 on Minimum Age and Convention No. 182 on the Worst Forms of Child Labour. These Conventions are “fundamental” Conventions. This means that, under the ILO Declaration on Fundamental Principles and Rights at Work, all ILO member States have an obligation to respect, promote and realize the abolition of child labour, even if they have not ratified the Conventions in question.

ILO Convention No. 182 Is the first ILO Convention to achieve universal ratification? It was also the most rapidly ratified Convention in the history of the ILO, with the majority of ratifications occurring within the first 3 years after it was adopted in 1999. ILO Convention No. 138 has also been widely ratified by ILO member States.

CONVENTION ON THE RIGHTS OF THE CHILD 1989;

Malawi sign and ratify The United Nations Convention on the Rights of the Child which is an international human rights treaty which sets out the civil, political, economic, social, health and cultural rights of children, article 32 provides the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

THE AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD, 1990

This Charter adds to other instruments by saying that governments should promote dissemination of information about the hazards of child labour. It also states explicitly that it applies to both the formal and informal sectors of the economy. With regards to Hazardous Child Labour, the charter protects every child 'from performing any work that is likely to be hazardous or interfere with child's physical, mental, spiritual, moral, or social development'[Article 15]. Other forms of child labour that the Charter talks to include: protection against child abuse and torture [Article 16]; recruitment of children to fight in armed conflicts [Article 22]; sexual exploitation [Article 27] and Sale, Trafficking and Abduction of children [Article 29].

CHAPTER 1

The Charter further notes that children have responsibilities towards their families, society, communities and government and the international community. In particular, a child 'shall have the duty ... to work for the cohesion of the family, to respect his (sic) parents, superiors and elders at all times and to assist them in case of need' [Art 31].

ILO DECLARATION ON FUNDAMENTAL PRINCIPLES AND RIGHTS AT WORK, JUNE 1998

The Declaration states that effective abolition of child labour is a fundamental principle and right at work. It says that eliminating child labour is critical for ensuring that the economic growth fueled by growing international economic integration leads to more equity, social justice and less poverty. It requires a four-yearly global report on child labour, which must be translated into a programme of technical assistance to countries.

PROTOCOLS

The UN has adopted a number of optional protocols on the CRC and other instruments that are relevant to the issue of child labour. The Optional Protocol on the Involvement of Children in Armed Conflict was adopted by the UN General Assembly in May 2000. It calls on ratifying governments to do everything feasible to ensure that members of their armed forces who are under 18 years of age do not take part in hostilities. Governments should also ensure that children under 18 years are not recruited compulsorily into the armed forces. Two other protocols of relevance are an optional protocol to the CRC on the sale of children, child prostitution and child pornography, and the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, which supplements the United Nations Convention against trans-national organized crime.

Malawi Constitution; the constitution is the supreme law of the land, it provides the protection and guarantee rights of all citizens. Section 23 provides for Rights of Children, all children, regardless of the circumstances of their birth, are entitled to equal treatment before the law. All children shall have the right to a given name and a family name and the right to a nationality. Children have the right to know, and to be raised by, their parents.

Children are entitled to be protected from economic exploitation or any treatment, work or punishment that is, or is likely to be hazardous; interfere with their education; or be harmful to their health or to their physical, mental or spiritual or social development. For purposes of this section, children shall be persons under sixteen years of age.

Section 27 of the constitution provides for protection on Slavery, servitude and forced labour no person shall be held in slavery or servitude, slavery and the slave trade are prohibited, No person shall be subject to forced labour and No person shall be subject to tied labour that amounts to servitude.

Employment Act Cap 55:01, The Act sets the minimum age for admission of a child to employment at 14 years. The Act further prohibits children between the ages of 14 and 18 to work in hazardous work.

Child Care Protection and Justice Act 2010; The CCPJA was passed by Parliament in 2010. This Act requires parents and guardians to be responsible for the welfare of the child and ensure that the child is protected against violence, abuse and exploitation. It also provides for the registration of the birth of a child. The Act further empowers local authorities to inspect structures, places and activities that present potential or actual harm to children. Section 75 of this Act also gives powers to the MoLSI to inspect homes and that any community member, with evidence that a child's rights are being infringed upon, can report the matter to local authorities for redress.

THE MALAWI GROWTH AND DEVELOPMENT STRATEGY III (MGDS,)

The Malawi Growth and Development Strategy III 2017–2022 (MGDS III) is the overarching operational medium-term development strategy for Malawi. The objective of the MGDS III is to move Malawi to a productive, competitive and resilient nation through sustainable agriculture and economic growth, energy, industrial and infrastructure development while addressing water, climate change, environmental management and population challenges (GoM, 2017). The MGDS III focuses on 5 priority areas namely (i) Agriculture, water development and climate change management; (ii) Education and skills development; (iii) Energy, industry and tourism development;

(iv) Transport and ICT infrastructure; and (v) Health and population. These 5 priority areas are supported by cross cutting areas namely financial growth; disaster risk management; gender, youth development and persons with disabilities and social welfare; human settlement and physical planning; environmental sustainability; HIV management; Nutrition; Peace and security; and Integrated rural development (GoM, 2017).

The employers guide on elimination of child labour highlights commitment of the Government of the Republic of Malawi, on eliminating child labour. The pledge that Malawi will achieving Target 8.7 of the Sustainable Development Goals (SDGs), which calls for immediate and effective measures to eradicate child labour, forced labour, modern slavery and human trafficking.

“Malawi is privileged to be one of the few countries on the African continent to have been admitted as a Pathfinder Country under the Alliance 8.7 initiative. This means that Malawi has pledged to move faster than the rest in achieving Target 8.7 of the Sustainable Development Goals, so that others may learn from us. Furthermore, as a member of the International Labour Organization, Malawi, has ratified all eight of the fundamental international labour conventions and has further ratified the Forced Labour Protocol”.

The Government has developed, National Action Plan on Child Labour (II) and the National Child Labour Mainstreaming Guide, conducted a national child labour survey, and Malawi has adopted the SADC regional code of conduct. “The Government is moving towards the abolition of the tenancy labour system used in tobacco growing, which is associated with serious decent work deficits, including child labour”

The following are some of the national program highlighted by this guide

- ◆ National plan of action
- ◆ National child labour mainstreaming guide
- ◆ SADC code of conduct
- ◆ Employers code of conduct on ending child labour

NATIONAL PLAN OF ACTION ON ENDING CHILD LABOUR

What the employers should know about national plan of action on ending child labour

The development of the second National Action Plan on Child Labour (NAP II) covering the period 2020–2025 was highly participatory, with all the major stakeholders including line government ministries and departments, workers’ and employers’ organizations, civil society organizations and traditional leaders involved. The NAP II provides the necessary guidance required for the implementation of the National Child Labour Policy. The interventions set out in the NAP II have the potential to scale up the fight against vii. Child labour and significantly contribute towards its eradication by Sustainable Development Goal (SDG) target of 2025.

The NAP II has been aligned with the draft National Child Labour Policy, the Malawi Growth Development Strategy (MGDS) III and Sustainable Development Goals (SDGs) in order to achieve coherence with these key development

strategies. It is therefore an important framework for driving the development agenda of the country forward.

Goal of the NAP II

The overall goal of the NAP II 2020–2025 is to eliminate child labour, including its worst forms in all the sectors of the economy in Malawi by 2025.

Objectives of the NAP II

The overall goal of the NAP II (2019–2025) will be achieved through the following objectives;

- ◆ To create a conducive legal and policy environment for child labour elimination.
- ◆ To build and strengthen the institutional and human resource capacity of stakeholders in child labour elimination.
- ◆ To increase public knowledge and awareness on the evils of Child Labour and its effect on national development.
- ◆ To engage in direct action to combat child labour through prevention, withdrawal, rehabilitation and re-integration of children withdrawn from child labour
- ◆ To mitigate the impact of chronic illnesses and HIV and AIDS in inducing Child Labour.
- ◆ To improve child labour information availability and accessibility.

STRATEGIC DIRECTION FOR THE ELIMINATION OF CHILD LABOUR IN MALAWI

There are 6 thematic (priority) areas for the NAP II and these are (i) Legislative and policy framework; (ii) Capacity building; (iii) Awareness creation and advocacy; (iv) Prevention, withdrawal and reintegration; (v) Chronic Illnesses and HIV and AIDS in the context of Child Labour; and (vi) Child labour information database and availability of information. This section details the activities that will be implemented under each of these thematic (priority) areas.

How the employers can support gaps on Legal and policy framework for ending child labour

- ◆ Ensure that the labour laws being advocated for take into account the interests of the employers
- ◆ Ensure that the products from the private sector are produced without the use of child labour
- ◆ Ensure that their members adhere to the minimum age provisions of national labour laws and regulations
- ◆ Ensure that all children are protected against hazardous work
- ◆ Conduct awareness events aimed at various sectors and the sensitization of their constituents about the human, economic and social costs of child labour

CHAPTER 2

- ◆ Provide opportunities to young employees for example of pursuing vocational training.
- ◆ Provide educational opportunities and support to children of employees at risk or engaging in child labour

Lobby with GoM for the adoption of appropriate policies and legislative frameworks including the NCLP and the Tenancy Labour Bill

- ◆ Work very closely with the MoLSI to identify hazardous child labour in all workplaces including private homes and farms
- ◆ Support the establishment of CCLCs in various communities surround workplaces including in the agricultural sector
- ◆ Establish and implement IGAs targeting households of children engaged in child labour using corporate social responsibility approach
- ◆ Work with the Directorate of Occupational Safety and Health in the MoLSI to ensure that workplaces employing children aged 15–17 are regularly inspected to detect and address occupational hazards
- ◆ Promote access to education for children through improvement of school infrastructure such as construction and rehabilitation of schools and teachers' houses, and provision of school materials to students from poor households
- ◆ Mobilize resources for fighting against child labour among their constituents.

NATIONAL CHILD LABOUR MAINSTREAMING GUIDE

Child labour mainstreaming refers to concerted and systematic action by governmental, non- governmental agencies and other actors to integrate and reflect such elements into their processes, policies, programs, and budgets, which will contribute to the sustained prevention and elimination of child labour.

Child labour mainstreaming is a key strategy for ensuring that child labour issues and concerns are included in policies, plans and budgets, appraisals, feasibility studies, evaluations, economic development targets/goals, etc, at the national, sub-national and sectorial levels, regional bodies and the global agenda.

Child labour mainstreaming entails elements that will contribute to the sustained prevention and elimination of child labour, for example: strategies for education, the withdrawal of children from work, the protection of children of legal working ages (14–17), capacity development, data/information collection, dissemination, advocacy, and awareness raising.

How the employers will support the mainstreaming guide

- a) Adhere to minimum age provisions of labour laws and regulations Use age verification measures when conducting the recruitment
- b) Support withdrawn child labourers and their families to access adequate services and viable alternatives.
- c) Provide guidelines on due diligence for subcontractors, suppliers and other business partners on action to combat child labour.
- d) Build the capacity of business partners to combat child labour, such as the provision of trainings and incentives'
- e) Collaborate and develop linkages with a wide range of partners to develop an industry-wide approach in addressing child labour and encourage members to participate in child labour structures within their localities
- f) Participate in national and international programmes, including media campaigns in collaboration with other stakeholders.
- g) Contribute to financing of child labour activities such as through Corporate Social Responsibility (CSR) and involvement in the supply chains.
- h) Engage the private sector and donor community to appreciate the need to priorities CL activities funding

CODE OF CONDUCT FOR EMPLOYERS ON THE ELIMINATION OF CHILD LABOUR IN MALAWI

This code of conduct, confirms the employers' commitment to fighting and eliminating child labour by providing a set of simple principles and behaviors that should guide all employers in Malawi in the day to day conduct of business. This Code offers guidelines to employers on elimination of child labour and serves as an encouragement for government institutions, workers and employers organizations, local leaders, parents, teachers, children and communities to get involved in activities on combating child labour. It is inspired by the national legislation and international conventions ratified by the Republic of Malawi and is signatory. Individuals and corporate entities are encouraged to mainstream the principles promoted on the elimination of child labour as enshrined in the national and international legal and policy frameworks.

The objectives of the Code of Conduct for Employers in the Elimination of child labour include enhance employers efforts to eliminate child labour and the worst forms of child labour in agriculture and all other sectors and providing the employers with the basis for the collaboration and the overarching document for the fight against child labour

The employers will take the leading role in protecting children from child labour, by making sure that enterprises of subcontractors, production and purchase of inputs from smaller enterprises operating in both the formal and informal economies, will ensure there are no traces of children. It should also be made sure that there are no worst forms of child labour or hazardous work or any form of child labour among the contracted farmers and their employees who are tenants.

What the employers need to know about the code of conduct for the Employers in the Elimination of Child Labour in Malawi

- a) The code will guide the employers to put in place screening and monitoring systems to ensure that their suppliers are child-labour free. When these measures are written into contracts between suppliers and domestic firms, it will simply be noted of the importance of the supply chain in understanding child labour.
- b) Adhere to minimum age provisions of labour laws and regulations and, where the law is not clear or there is no provision at all, take account of international standards and best practices.
- c) When children below the legal working age are found in the workplace, take measures to remove them from work and provide them with alternatives
- d) Employers should understand the child labour situation within their supply chains and at the location of their operations. They should identify the level of risk by checking official reports, regional and national government studies, data sources of local and international NGOs and sustainability labels.
- e) Employment Act (No 6 of 2000) No person under the age of fourteen (14 years) shall be employed or work in any public or private agricultural, industrial or non-industrial undertaking or any branch thereof.
- f) The employer will respect the provisions of the law in terms of the working hours per day for employees between 15 and 18 years old. The law stipulates a maximum of 7 hours of work per day.
- g) Employers will provide a safe and healthy workplace to prevent accidents and injuries arising out of performing the work that is associated with hazards or occurring in the course of work or as a result of the operation of employers' facilities. Employers shall adopt measures that mitigate negative conditions that impact on the employees in the workplace and the environment.
- h) The employer will create a safe and healthy working environment for employees under 18 years old.

A 'CHILD' IS UNDER THE AGE OF 18

Article 2 of the ILO's Worst Forms of Child Labour Convention, 1999 (C.182) defines a 'child' as anyone under the age of 18. There are 318 million economically active children in the world. About two-thirds of these children (218million) are engaged in what is considered child labour. About 80 million of these are in Africa. Close to 60 million of these children work in the "worst forms of child labour". The remainder participate in acceptable forms of work. Child labour is work that harms a child's well-being and hinders his or her education, development and future livelihood. Child labour is work which, by its nature and/or the way it is carried out, harms, abuses and exploits the child and deprives the child of an education.

OTHER DEFINITIONS OF CHILD LABOUR

In addition to the term "child labour", the ILO also uses the expressions "working children" and "economically active children", notably for statistical purposes. There are 2 million economically active children between the ages of 10 and 14. These two terms denote work by a child of more than one hour during a seven-day period. This work can be paid or unpaid, for the market or not, regular or casual, legal or illegal. In the context of Malawi, it is generally believed within the communities that the child labour problem is limited to young children in remote areas who work as cattle tenders, domestic work (classified as one of the Worst Forms of Child Labour under the relevant ILO Convention), or babysitters. This is the work that children are doing legally as part of building the culture of self-sustenance as opposed to child labour.

The ILO estimates that there are about 306 million economically active children in the world, of which 7 215 million fall in to the category of child labour. Many countries have also defined Worst Forms of Child Labour – work that children should not undertake and hazardous work – work that is dangerous or could cause harm to the child's emotional, physical and mental wellbeing – and banned children from this work, including those children who are above the minimum working age and below the age of 18.

These definitions, contained in national legislation, must be followed by a business for it to remain within the law. The definitions vary from country to country although they are often based on or include elements of the two ILO Conventions on child labour, the Minimum Age Convention (C.138) and the Worst Forms of Child Labour Convention (C.182), as well as the UN Convention on the Rights of the Child. A country that has ratified these Conventions commits itself to complying with their provisions. A country is free, however, to adopt laws that are more protective than these Conventions and to also use the flexibilities contained in the Conventions to suit its particular circumstances.

MINIMUM AGE CONVENTION (C.138)

The ILO's Minimum Age Convention calls for the minimum working age to be set at not lower than the end of compulsory schooling, and in any case at not less than age 15 (or 14 in developing countries). However, light work may be permitted for those between the ages of 13 and 15 (or 12 and 14 in developing countries).

DEFINING LIGHT WORK

The Convention defines light work for these children as that which is: Not likely to be harmful to their health or development, and not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority, or their capacity to benefit from the instruction received.

With the exception of Mozambique (with the minimum age set at 18), most SADC countries have legislation that has fixed a general minimum age for work to be between 14 and 15 years of age.

WORST FORMS OF CHILD LABOUR CONVENTION (C.182)

A focus on worst form of work

The ILO's Worst Forms of Child Labour Convention was adopted unanimously by ILO delegates in 1999 and covers all children up to the age of 18. As its title suggests, the Convention relates to particular types of work that children should not undertake.

Article 3 defines these worst forms which are also incorporated in the employment act under the list of hazardous work, and the Malawi constitution prohibits all forms of slavery as:

- a) 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 labour, including forced or compulsory recruitment of children for use in armed conflict.
- b) The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances.
- c) The use, procuring or offering of a child for illicit activities in particular for the production and trafficking of drugs as defined in the relevant international treaties.
- d) 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.

UNCONDITIONAL WORST FORMS

Legitimate businesses will be free of the types of “work” mentioned in subparagraphs (a) to (c). These types of work are sometimes referred to as the “unconditional worst forms of child labour”. Subparagraph (d) of Article 3 describes what is referred to as “hazardous child labour” (HCL). C.182 has been ratified by over 90% of the ILO’s member countries.

Figure 1: Basic distinction in ILO child labour standards

Shaded area = child labour for elimination

Non- shaded area = acceptable child work

18					
15*					
12**					
	Work excluded from minimum age legislation	light work	regular work	hazardous work	unconditional worst form of child labour

The minimum age for admission to employment or work is determined by national legislation and can be set at 14, 15 or 16 years

** The minimum age at which light work is permissible can be set at 12 or 13 years

*** For example, households chores, work in family undertakings and work undertaken as part of education

HAZARDOUS CHILD LABOUR

According to C.182, Hazardous Child Labour (HCL) is work in dangerous or unhealthy conditions that could result in a child being killed or injured (often permanently) and/or made ill (often permanently) as a consequence of poor safety and health standards and working arrangements. HCL is also covered under the ILO’s Minimum Age Convention (C.138). “Hazard” is closely associated with “risk”. A hazard is anything with the potential to do harm. A risk is the likelihood of potential harm from that hazard being realized. For example, the hazard associated with power driven agricultural machinery might be getting trapped or entangled by moving parts. The risk will be high if guards are not fitted and workers are in close

proximity to the machine. If, however, the machine is properly guarded, regularly maintained and repaired by competent staff, then the risk will be low.

NATIONAL DETERMINATION

The exact list of hazardous activities is to be determined by each country after consulting with employers and workers. The ILO's Minimum Age Recommendation (R.146) states that, in determining what constitutes hazardous work, "full account should be taken of relevant international labour standards such as those concerning dangerous substances, agents or processes (including ionizing radiations), the lifting of heavy weights and underground work" (para.10.a). Advice for governments on hazardous child labour activities which should be prohibited is also given in the ILO's Worst Forms of Child Labour Recommendation (R.190), which reads:

A child should not be exposed to:

- a. Work which exposes children to physical, psychological or sexual abuse.
- b. Work underground, underwater, at dangerous heights or in confined spaces.
- c. Work with dangerous machinery, equipment or tools, or which involves the manual handling or transport of heavy loads.
- d. Work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels and vibrations damaging to their health.
- e. 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.

Sub-Saharan Africa has seen a sharp increase in the number of children in employment in the 5-14 age groups – from 49.3 million in 2004 to 58.2 million in 2008 (with an increase in the activity rate from 26.4 to 28.4 per cent. In contrast, Asia and the Pacific experienced a decline from 18.8 to 14.8 per cent from 10 to 9 per cent for Latin America. The persistent challenges of widespread and extreme poverty, high population growth, the AIDS pandemic, recurrent food crises, and political unrest and conflict clearly exacerbate the problem.

The past 10 years has seen a concerted effort by SADC Member States to tackle the problem of child labour in the region. The 2003 SADC Summit saw the introduction of the SADC Code on the Elimination of Child aligned to ILO Conventions. This is an important milestone in the fight against child labour in the region.

As part of implementing the code at country level, most SADC countries have put in place policies and legal instruments that address child labour related issues affecting children and youth. Some of these have become good practices in the elimination of child in the region and are discussed in detail in other section of this guide.

Sectors and gender – (Global Perspective)

Worst forms of child labour in the region are in agricultural work, child domestic work, commercial sexual exploitation of children, mining and quarrying work, child trafficking and work in the urban informal sectors. Of children aged 5-11, girls are slightly more likely to be engaged in child labour than boys. Boys constitute 66% of total child labourers aged 15-17. Boys are more likely to be engaged in hazardous work for children in all age categories. With the exception of agriculture and industry sectors of the economy, girls outnumber boys in services by 52.6 per cent.

The factors that cause child labour are interrelated. The causes of child labour in the SADC Region include HIV and Aids, poverty and lack of basic social services like affordable early childhood schooling, lack of social security, lack of feeding schemes, decline or lack of family income. Factors that cause such a decline include:

- Poverty
- low wages
- War, political unrest or social strife that disrupts the economy
- Natural disasters
- Migration (prompted by the above factors)
- Economic recession or depression
- Inability to raise credit
- Large family size (high fertility)
- Sickness or death of a parent or working sibling
- Social norms and attitudes

Addressing all of these factors is critical for reducing child labour. While child labour has become an important international issue over the past 15 years, there is, in fact, relatively little detailed research on its causes. In particular, it is not clear how important each of the five factors is. For example, we know that when the costs of education are removed, a large increase in school enrolment results.

We are not clear, however, on whether very poor parents will then transfer their children from work to school, or how important social norms will be in influencing such a decision. We have an idea of the main factors that affect the decisions of parents and children, but we do not know what combinations of these factors cause child labour.

LOW HOUSEHOLD INCOME

Poverty forces children to work

A powerful determinant of child labour is poverty. Parents send their children out to work or ask them to work in the family business or on the family farm because the family has a low income and needs the extra money (or work effort) that the children provide. This is becoming visible in Fiji where some children are on the streets selling pastries and food packs during and after school hours.

Lack of basic income and food security are the leading cause to child labour. Children are forced to engage in harmful worst forms of child labour and their families condone or encourage such work due to the lack of basic amenities.

POVERTY IS NOT ONLY FACTOR

It is important to remember, however, that while poverty is an important factor influencing household decisions on child labour, it is not the only factor. The decline in child labour at the national level has historically, not come about solely as a result of changes in income levels. It has also been affected by a host of other factors including legislation (ban on child labour, compulsory schooling, and increase in social welfare benefits), changes in attitudes and changes in the nature of work.

WEALTH INCONSISTENCY

We note as well a World Bank study that provides evidence of a so-called 'wealth inconsistency' related to child labour. This is a situation in which families with land may be more likely to ask their children to work than families that do not possess land. This situation can occur especially at peak times of the agricultural cycle (i.e. planting and harvesting) when hired labour is difficult and/or expensive to engage for those families with land. It is called a wealth paradox because we might expect that wealthier families (with land) would have less child labour because they have less need to send their children out to work. The study found evidence, however, that the opposite may be true.

HEALTH

The state of health of the key income-earners in the family can have an important influence on whether to send a child out to work. If parents are sick, children are forced to become breadwinners. The death of one or both parents can produce a similar result.

LACK OF DECENT, LOW-COST SCHOOLING

Fees as a barrier to schooling

The alternative to working is attending school. Parents find it difficult to send their children to school, however, if they must pay tuition and other fees (uniforms, notebooks). If parents cannot afford these costs, children stay away from school and often end up working for the family or for others. The barriers created by school-related fees can be considerable. It is not true in all cases, however, that the abolition of fees will result in higher enrolments, because there are a range of other social and economic barriers that can create barriers to education. For example, families living far away from the nearest school also face difficulties either because they cannot afford the cost of transportation or because it is too difficult or time-consuming for their children to walk.

FREE SCHOOL MEALS

Schools play two additional important roles affecting child labour. Firstly, they are useful in monitoring a ban on child labour because it is generally easier to monitor school attendance than to monitor the employment practices of thousands of businesses.

Secondly, providing free meals at school is now used in many programmes as a key strategy for reducing child labour. Free lunches decrease the costs to poor households of opting for school over child labour. However, it is important that free lunches be provided on a sustainable basis and not end when a 'project' ends. In this regard, school administrators, local school boards/councils and the government should be encouraged to provide full or part funding for the meal component of a child labour project. This provides a better chance that meals will be continued after the broader project has ended.

QUALITY OF SCHOOLING

It is also important, of course, that schooling be of adequate quality to ensure that students are learning something. If parents feel that their children are not getting an education, they will be less inclined to send them to school. Parents may also not feel that education increases their child's prospects of securing a good job due to the nature of the job market, including various forms of discrimination. In addition, some parents feel that their children need only a certain level of education (basic reading, writing and mathematics). For example, an artisan may feel that teaching his 14-year-old son the family trade is better than allowing the boy to continue his education for another year.

SOCIAL NORMS AND ATTITUDES

Social norms and attitudes may have an impact on the level of child labour, although this remains an area that is not well understood. Some researchers suggest that societies may differ in the level of social pressure or social stigma related to child labour. For example, in societies where the stigma is low, parents are not influenced by their neighbors to keep their children in school and away from work. In other societies, however, this social stigma may be high, in which case it discourages parents from allowing their children to work. Such a difference may provide part of the answer as to why countries with similar poverty levels, educational infrastructures and social fabrics have differences in the incidence of child labour.

GENDER ALTITUDE

Social values can also lead to gender biases in child labour. These cases may affect the type of work that is done by girls and boys, the number of hours worked (including domestic chores) and, most critically, decisions about who goes to work and who gets an education. In many societies, girls work more hours than boys when domestic chores are taken into account. The composition of the family often determines whether girls or boys, and who in the birth order, will go to work or to school. Generally, younger children have a greater chance of going to school and are supported by the income earned through the work done by older children.

HOUSEHOLD CHORES

Many children work for their parents. Children do house hold chores, which allow their parents to do other work, either on the family plot, in a micro business or for a wage working for others. Household chores will often be greater in areas where the infrastructure is poor or non-existent. As a result, some researchers have found that the availability of water, sanitation, electricity and other services are correlated with lower levels of child labour.

OWN CHILDREN AS A SUBSTITUTE FOR HIRING OUTSIDERS

Children are also asked to work in the family business or on the family farm to reduce or avoid the costs of hiring outsiders. Such outside labour may also not be available at peak times in the agricultural cycle. This means that poor families that are in possession of land to operate a farm or have the resources to run a business can be more likely to have their children working than poor families that do not have these resources.

DEMAND FROM OTHER BUSINESSES**PAID LESS THAN ADULTS**

Businesses hire children for a variety of reasons. When supply factors are strong—i.e. many children are looking for work—businesses may hire more children. Furthermore, in African cultural practices throughout the region, child labour is not viewed as negative, but instead children are seen as a natural and traditional part of the labour market. At the same time, businesses often hire children to keep costs low. Overall, the main reasons why businesses hire children can be categorized in the following manner:

Labour shortage—

At certain points in the agricultural cycle (notably at harvest), farms, plantations and other business may experience a shortage of adult labour. Children are hired to fill the gap. Mechanization of farming and other work processes can reduce the demand for child labour.

Cheaper—

Children are often paid less than adults. However, children are only a cheaper form of labour if the wage is low enough to offset the lower productivity.

Assist a poor family—

In some cases, an employer may be aware that a child's family is poor and hire the child to ensure that the family obtains more income. In many cases, children may accompany their parents to work and/or assist in piece work production.

Lack of childcare–

When both parents work and school is inadequate, children may accompany their parents to work. In this case, they may be paid a small amount to assist the parent or they may undertake separate tasks.

More manageable–

Children are less able to defend their rights and interests compared to adult workers. Thus, they are sought by some employers as a more manageable labour force in difficult situations.

Ignorance and innocence–

Children can be ignorant of the risks associated with handling dangerous substances and fear less in dangerous situations (climbing, working with heavy machinery). Thus, they may be sought over adult workers who are more cautious and thus might work more slowly.

There is a common misconception that children are more capable of certain tasks than adults. The idea is based on the nimble fingers argument in which children are thought to be better at activities such as carpet-making because their fingers are more nimble than those of adults. However, this theory has been proven false in detailed sector studies, including those related to Indian carpet- making.

IMPACT ON CHILD'S EDUCATION AND FUTURE EARNINGS**Reduces human capital and income in later life**

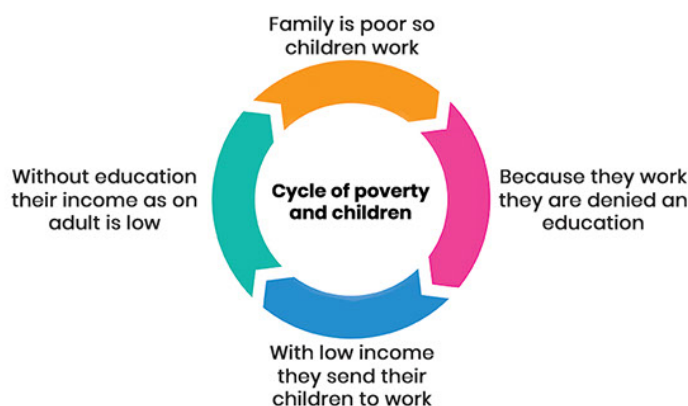
Working full-time prevents a child from getting an education. He or she does not learn the basics of reading, writing and arithmetic and does not develop thinking processes. This inhibits the child's future earning capacity. In effect, children get stuck in low-skilled and low-paying jobs. Research suggests that the earlier a child begins working, the higher the penalty that he or she pays in terms of lower income earnings as an adult. Following a review of existing research, the ILO estimates that a person's income is 11% higher every year for each additional year that he or she (as a child) stayed in school. Simply put: children, particularly the younger ones, are better off in school than at work.

COMBINING WORK AND SCHOOLING

Families that send their children to work, therefore, gain income in the short term but they sacrifice earnings in the long term. The issue is not so simple, of course, because families may rely on the income of their children to survive. Thus, the transfer of children from work to school must recognize the need for the family to compensate for the loss of income generated by the child. In many poor countries, children will combine school with work, although the extent of this practice varies between countries.

A three-country study found that 31% of 14-year-olds in Peru combined the two, while in Ghana the rate was 21% and in Pakistan only 9%. Some programmes to reduce child labour try to provide children with a balanced schedule of work and schooling. Care must be taken, however, to ensure that the work is appropriate for the child's age and does not leave the child too tired for proper participation in school.

Because child labourers generally are from poor families, the fact that they are prevented from obtaining an education means that the poverty passes from one generation to the next. In effect, child labour is part of a vicious cycle of poverty, as depicted in the figure below.

Cycle of poverty and children

CHAPTER 5

Because child labourers generally are from poor families, the fact that they are prevented from obtaining an education means that the poverty passes from one generation to the next. In effect, child labour is part of a vicious cycle of poverty, as depicted in Figure above. Efforts to reduce child labour must endeavor to break the cycle by getting children to stay in school so that they, in turn, can gain better employment and be in a better position to support the schooling of their own children.

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HEALTH AND SAFETY OF CHILDREN

Work hazards that are low-risk for adults can be high-risk for children. They are more vulnerable to risks because their bodies are still growing. Box 1 lists the main physical characteristics that make children more vulnerable to dangers in the workplace. In addition, risk is increased through a number of social factors. These include: lack of work experience and thus inability to make informed judgments; desire to perform well without realizing the risks; lack of safety and health training; learning of bad safety and health behaviour from adults; inadequate or harsh supervision; and lack of power in terms of organization and rights.

MORE TASK AND CONDITIONS

The ILO estimates that 22,000 children are killed every year at work. The level of risk to child labourers is determined more by the tasks and the conditions under which they are carried out than by the specific industry. In addition, because they lack maturity and experience, are physically smaller and are often undernourished, children are affected by long working hours and dangerous substances. They are also more susceptible to injury from tools and machines designed for adults.

HEALTH AND SAFETY OF CHILDREN

Children are at greater risk than adults. Children are susceptible to all the dangers faced by adults in the workplace. However, they are affected more strongly by hazards and risks because their bodies are still growing. Their main physical vulnerabilities include:

Skin:

A child has 2.5 times more skin per body weight than an adult, which, along with thinner skin, can result in greater absorption of toxins.

Respiration:

A child breathes more deeply and frequently than an adult and thus can take in more hazardous substances.

Brain:

Maturation can be hindered by exposure to toxic substances. Metals are retained in the brain more readily in childhood and absorption is greater.

Gastro-intestinal, endocrine and reproductive systems and renal function:

Internal systems are maturing during childhood and adolescence and are less efficient in eliminating hazardous agents. Exposure to toxics can hinder maturation. The endocrine system and hormones play key roles in growth and can be disrupted through exposure to chemicals.

Energy consumption:

Because they are growing, children have a high energy consumption which can result in greater exposure to toxins.

Fluids:

Children are more likely to dehydrate as they lose more water (per weight) than adults through the lungs and skin and their kidneys are less able to concentrate urine.

Sleep:

10 to 18-year-olds require about 9.5 hours of sleep a night for proper development.

Temperature:

Children have increased sensitivity to heat and cold as the sweat glands and thermo-regulatory system are not fully developed.

Physical strain:

Physical strain, especially when combined with repetitive movements, on growing bones and joints can cause stunting, spinal injury and other life-long deformations and disabilities.

Cognitive and behavioral development:

Younger children have a weaker capacity to recognize and assess potential safety and health risks and make decisions about them.

Reduced life expectancy:

While difficult to quantify, the earlier a person starts working, the more premature the ageing that will follow.

LONG-TERM IMPACT ON ECONOMIC GROWTH

Child labour has a direct effect on individual lives and families, but it also has a larger, cumulative impact on society and its long-term growth. A society with high levels of child labour is susceptible to being caught in a low-level equilibrium trap in which a relatively uneducated workforce continues to produce low quality goods at low levels of productivity.

A new generation needs to break the vicious cycle and allow children the chance to go to school instead of working so that they can be more productive in future years. They will then be able to contribute to the efficient production of higher quality goods and to the expansion of markets both domestically and internationally.

ILO research suggests that the benefits of concerted action against child labour substantially outweigh the costs. The global economy could generate a gain of US\$4.1 trillion over 20 years by eliminating child labour.

Global cost-benefit analysis

Determining the economic impact of eliminating child labour is a difficult task, involving numerous assumptions and considerable estimation. Nonetheless, a study by the ILO has tried to determine the net benefit (or cost) arising from a total elimination of child labour during the period 2000 to 2020. The results are astonishing.

The costs are:

- Increasing the quantity and quality of education; providing income transfers to households; and
- Administering the income transfer programme and the targeting of the worst forms of child labour.

The benefits are:

- The increased future productive capacity of children who stay in school longer; and reduction in the time lost due to work-related injury sustained by children.

The results of estimating these costs and benefits is a US\$4.1 trillion net benefit to the global economy over the 20-year period, with the bulk of that benefit (US\$2.7 trillion) gained by Asia due to its current high level of child labour. The costs would be US\$760 million, while the benefits would come mostly from educating children longer (US\$ 5.1 billion) rather than from improved health (US\$28 million).

Source: Investing in Children (Geneva: ILO-IPEC, 2003), p. 4.

MORAL AND ECONOMIC REASONS

There are at least four main reasons why employers should reduce and eliminate child labour. These reasons rest not only on ethical imperatives but also on factors that make good business sense.

Reason One: Complying with the law**It's illegal**

The first reason to stop child labour is that in most countries it is against the law. An enterprise should abide by child labour laws just as it should comply with other legal requirements as set down by the government under which it operates. Failure to obey the law can bring penalties and other state sanctions. By complying, the enterprise becomes an honest corporate citizen that need not engage in costly and wasteful avoidance strategies such as hiding workers from labour inspectors. The enterprise can deal in an honest and forthright manner with government officials, and participate without fear in any enterprise support or promotion activities that the government may operate. Such support can be especially helpful for small and medium enterprises. Abiding by the law, in the case of child labour or other aspects of labour laws, allows an enterprise to establish an open and "cooperative" relationship with government instead of a closed and "confrontational" one.

Reason Two: Expanding market Access**Foreign Buyers suppliers looking for suppliers free of child labour**

Increasingly, the buying public is becoming aware of child labour through the activities of nongovernmental organizations, lobby groups and the media. International buyers and brands wish to meet accepted international labour standards and also to avoid bad publicity and potential boycotts.

These buyers seek producers in developing countries that are certified as being free of child labour and that have worked hard to ensure that child labour is not used by the suppliers they source from.

Each year international buyers "turnover" a large number of their suppliers, that is, they eliminate suppliers that are not meeting a range of standards, including labour standards. Enterprises that wish to maintain or expand their range of buyers thus need to ensure that child labour is not used.

Builds the reputation of a sector

Thus, the elimination of child labour is good for individual businesses in poor countries. But in addition it is good for entire sectors. Sectors can build a reputation for being child-labour free, and that reputation becomes known to buyers who are then more willing to place orders.

Those businesses that produce directly for export or operate further down an export-related supply chain are finding increasingly that child labour denies the access to new market opportunities and may ultimately cause their businesses to fail.

Inhibits Development of a productive workforce

While the pressure to eliminate child labour is coming from international buyers, active social organizations in some developing countries are increasing the level of vigilance on businesses that supply only the domestic market.

Reason Three: Improving Productivity

Short-term savings vs. medium long-term and costs

Enterprises often hire children because they think that it improves their profitability, this is usually a short-term perspective. Child labour detracts from long-term enterprise success because it inhibits the development of a trained and productive workforce of adult workers. Children have short attention spans, less appreciation of quality control and less capacity to use machinery efficiently. They are not as strong physically as adults. Furthermore, they can easily be injured by heavy equipment or difficult tasks which, in turn, increases costs related to the recruitment and training of new workers.

Local Companies Too

A skilled workforce improves a company's productivity. Child labour results in unskilled workers as they would not have been introduced to various forms of training and education. Tied to the issue of productivity is the fact that lack of and low quality of training and education hinder their participation in formal employment which then ties them down to low productivity, low paying and precarious jobs. This has a direct impact on their employability and subsequently on the employer's ability to attract skilled workers.

Some businesses, notably smaller ones engaged in the informal sector, can easily calculate the direct cost savings of employing children at low wages instead of adults at higher wages (including the minimum wage). It is, however, much more difficult to calculate the full and long-term costs –the real costs–of engaging children who produce at lower levels of productivity and are often injured. We have noted above that the traditional nimble fingers argument for employing children in Indian carpet making is not supported by detailed studies of the productivity of children versus adults. Unfortunately, there is a lack of concrete research of this nature for other sectors that could be used to explain to businesses the benefits of employing adults.

Reason Four: Ethics – Doing the Right Thing

Building a Better Economy

An enterprise owner can also reflect on the impact that his/her business has on society, both in an economic sense and in a social or ethical sense. The owner contributes to the economy by employing him/herself, by generating output and by employing others. The owner can also contribute to society by making hiring decisions that allow children to get an education. In turn, these children will earn more in the future, will be part of a more educated work force and will contribute to a more productive economy.

It's The Right Thing to Do

But the decision to avoid hiring children does not need to be based strictly on the future economic benefits it brings to children and society. Sparing children the misery of hard and hazardous work is desirable in itself. It allows children, immediately and as children, to have a happier life (if they live in households with an adequate income). In such a situation, not hiring child labour is simply the right thing to do.

WORST FORMS OF CHILD LABOUR HAVE FALLEN BY 26%

The past two decades have seen concerted efforts to reduce the level of child labour, including its worst forms. In contrast sub-Saharan Africa has seen a sharp increase in the number of children in employment from 49.3 million in 2004 to 58.2 million 2008 (with an increase in the activity rate from 26.4 to 28.4 per cent).

The ILO attributes these good results to a variety of factors, including economic growth and development in certain regions (notably Asia), the increased ratifications of ILO Conventions and the efforts of governments, often working with workers' and employers' organizations, to raise awareness and improve schooling for children and increase income opportunities for their parents

WORST FORMS MAY BE ELIMINATED

Does the ILO feel that, based on past trends and supported by continued efforts, child labour can be eliminated in the coming decades in the region? The title of the ILO's 2006 Global Report on child labour—The End of Child Labour: Within Reach—provides cause for optimism. The report suggests that, based on past trends and with the commitment of member States to put in place appropriate and time-bound national plans by the end of 2008, the worst forms of child labour can be totally eliminated by 2016. This will contribute to the reduction of child labour in all its forms, but the report does not provide a date for the total Elimination of all forms.

USING THIS GUIDE – TO SUIT YOUR BUSINESS**Each enterprise has its own Goals**

It is difficult to propose a single strategy for all types of enterprises and all situations of child local producer focused on the domestic market. The concern is that several workers may be under-age and the business wants to remain within the law and also wants to do the right thing. Conversely, a plantation may be employing the children of its adult employees to help bring in the harvest. It may be hard to find other adult workers at that time of the year when the demand for workers is high.

Suggestions on steps—but business can decide on its own strategy

Not all sections will be useful to all enterprises. The guide is organized along eight steps which are designed to help owners or managers work through a process. However, in many cases, a business may decide not to follow the steps in the order in which they are presented. Step 2 presents some ideas on different strategies. This step comes after Step 1 on 'Analyzing the Situation', but the two steps are closely related. A company can do a preliminary analysis of the problem, map a strategy and then conduct a more detailed analysis. Conversely, an enterprise might want to discuss a preliminary strategy first, which includes a detailed analysis, and then develop a fuller strategy after the extent of the problem is known.

STEP 1: ANALYZING THE SITUATION

What is the Extent of Child Labour?

To deal with child labour, it is necessary to have an idea of the extent of the problem in the business or among its suppliers. The owners or managers probably already know whether the business might be employing workers below the age of 18. They may not be aware, however, what the minimum age for work is or how hazardous work is defined. They may not be aware of what potential buyers require in terms of the age of workers thus, to fully understand the requirements and the business' situation, it may be important to undertake a more detailed analysis of the situation. This can be done internally, or it may involve an audit by an outside firm with experience in these matters. Likewise for suppliers, an audit can be conducted internally or by an outside body. This section considers some of the issues to be addressed.

Statistical Information

The first step in this process is to develop, gather reliable and credible information on child labour practices in the business. The next step is to determine whether the enterprise is employing people who are classified as child labourers under the national law or the higher standard that the enterprise has set to conform to the requirements of buyers. This can be done through an audit of current employees. They can be asked to provide proof of age, if possible. Sometimes there are no birth certificates to verify age (and falsified documents may be easy to obtain on the black market). The major techniques to verify age include the following:

1. Medical examination prior to employment
2. Multiple written documents and affidavits
3. Interviews (that are culturally adjusted) with employees and applicants who appear to be too young
4. School enrolment certificate
5. Common sense.

In many smaller businesses, the owner may employ one or more of his/her own children. If this is the case for your business, you may determine which of your children can, according to the law (or your buyers' standards); work in your business and which are not allowed to work. For your own and others' children, you may consider adopting the principle that work should not replace or impede the child's schooling.

Some employers might want to go a little further and determine whether their child labourers are providing vital income for their families. While ultimately it is best for the child not to work, in the short run it may be necessary that she or he do some part-time work and thus continue to bring in income to support the family.

In addition, an employer can determine whether workers below the age of 18 (but above the minimum age) are engaged in tasks where the risks from hazards are high. The employer can then reduce those risks as a way of eliminating hazardous child labour. A business might also want to quickly assess the possibility of replacing all child workers (up to the age of 18) with adults. This can be effective in ensuring that there is no hazardous child labour. However, this approach may result in the loss or refusal of employment for workers just below the age of 18, thus adding to the problem of youth unemployment.

STEP 2: DESIGNING THE STRATEGY

Different Objectives Conform to the Law

The strategy will be based on the objectives of the business and the extent of its child labour problem. A small business may simply wish to conform to the law. A medium-sized business may want to supply other firms or break into the export market itself. A large business may seek to assure its existing buyers and consumers that it does not use child labour.

Similar to Designing other Business Strategies

Most business owners and senior managers do not need advice on how to design a strategy. They frequently design strategies for various aspects of their business. Instead, they need ideas of what can be done; that is, what are the possible elements of a strategy on combating child labour. Those elements are found in the other steps of this guide. This step provides just a little advice on different types of strategies and how the eight steps of the Strategy.

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FORMULATION FRAMEWORK CAN BE COMBINED OR ADAPTED.

The Process

Designing a child labour strategy might follow the following eight-step process as outlined on the next page. The substance of the strategy might include the elements listed in Box.

Elements of a child labour strategy

1. Analyzing the situation
2. Designing the strategy (with implementation schedule)
3. Three immediate actions: hiring, hazards and hours
4. Supporting child and household welfare
5. Eliminating the need for child labour in my business
6. Eliminating child labour in the supply chain
7. Using a code of conduct
8. Auditing, monitoring and certification

CHAPTER 7

Step 1.

The owner or a senior manager designates one or more subordinates to consider the 'shape' of the problem and come up with a few ideas on how to move forward. In a small firm, this might be done by the owner alone.

Step 2.

A process of consultation then takes place. An individual or group consults with others working in the business, including workers' representatives, members of welfare committees and those who hire workers. A key issue here is whether any consultations also take place outside of the business (e.g. specialized consultant, NGO, employers' organization, sectorial group, buyers).

Step 3.

Following consultations, the person or group in charge drafts a strategy. This does not need to be elaborate. It can be four paragraphs on a single sheet of paper which include the basic actions to be taken, by whom and when. For a large company it might be more developed and include specifying accountabilities.

Step 4.

The draft strategy is then used to consult again. Determine whether the key internal people, including senior management and perhaps workers' representatives, agree and whether the line managers think it will work.

Step 5.

Consider these second-round comments and then decide on a strategy. At this stage, it might need to be formally written out.

Step 6.

The strategy must then be communicated to the entire business and possibly to outsiders (buyers, sector organizations).

Step 7.

The next step is to implement the strategy, which will necessarily include the assignment of accountability for specific actions.

Step 8.

And finally, some mechanism can be put in place to review the strategy's implementation and gauge its success or consider modifications. It is critical that key figures in the enterprise, including the most senior management, be engaged in and supports this process.

FOUR SCENARIOS:

What an enterprise might seek to achieve

Your business needs to develop its own strategy. It might decide to follow all of the eight steps that structure this guide. However, it might also decide to follow only some of the steps or to change the order. To illustrate how this guide might be used to serve different circumstances, four invented scenarios are presented below. These represent the most common situations faced by businesses. The purpose here is not to imagine every case, but to provide a sense of how the guide might be used and adapted.

Want to prove that the business is free of child labour

In this first scenario, your enterprise does not employ anyone under the age of 14. There is thus no problem of child labour. However, international buyers have recently been asking for proof that the business is free of child labour. In this case, Step7 on creating a code of conduct and Step8 on auditing, monitoring and certification will be the most relevant for your business. The central concern is to get an independent audit to confirm the existing reality.

Want to operate within the law

In the second scenario, your small enterprise produces only for the domestic market. Recently, the issue of child labour has been raised in the community and public authorities have increased their enforcement of existing laws. Your business employs individuals from the age of 15 upwards on a full-time basis and a few younger boys who come to work a few hours every day after school. In this case, the most relevant steps are Step1 on analyzing the situation and Step3 on immediate action. Your goal would be to comply with the law and ensure that children are not working in hazardous conditions. You are not interested in engaging an outside auditor or setting a formal code of conduct.

Want to eliminate what is a significant problem

In the third scenario, you are aware that your business employs, on a fulltime basis, children under the legal working age. You know the parents of these children and you know that they are poor. They cannot afford to send their children to school. Laying off these children probably means that they will find work elsewhere, possibly in worse conditions. At the same time, you are concerned that hiring more adults may raise your costs and make it more difficult to remain in business. In this case, it is best first to detail the extent of child labour (Step1) and take whatever immediate action is possible to stop hiring and move children from hazardous work (Step3). The real challenge, however, will be to see whether these children can be put in school without damaging their welfare and that of their families (Step4).

In this regard, you may need outside help from a community group or non-governmental organization that can help reduce the costs of sending the children to school and help the parents generate more income through micro credit schemes, cooperatives or other means. You have no interest in setting a formal code of conduct or allowing outside auditors to visit your premises.

Want to appease a buyer concerned with the supply chain

In the fourth scenario, your business is a well-known clothing brand based in Europe. Your products are made to order by a number of local producers in south and south-east Asia. Recently, one of your competitors has been the subject of negative media reports because a supplier was found to have been employing under-aged workers. You are concerned that the same might happen to your firm. In this case, it is best to consider Step 6 regarding child labour in the supply chain. In addition, the firm's code of conduct (Step 7) may need to be reviewed or discussed with suppliers. It may well be that your office in the countries where the plants are situated may need to start regular or surprise checks on suppliers, as suggested in Step 8.

ASSISTANCE FROM NGOS, COMMUNITY GROUPS AND OTHERS

A key question for your strategy is whether the elimination of child labour in your firm will be an entirely internal matter, or will involve some type of outside collaboration. As the scenarios above suggest, this will depend on the situation of the business. External collaboration in the form of an auditor may be essential for convincing buyers or consumers that your business is free of child labour. Other forms of external collaboration may include cooperating with community groups and non-governmental organizations to move children from work to school. Alternatively, a business may simply want to end child labour quietly on its own and not be associated in any public manner with the issue. In short, the decision to involve outsiders will be based on the need to gain assistance (possibly finance, certainly advice) or recognition (by suppliers or consumers). Alternatively, the decision to handle the matter internally will be based on a desire to keep a low profile.

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STEP 3: THREE IMMEDIATE ACTIONS: HIRING, HAZARDS AND HOURS (3H'S)

Immediate Actions

Immediately laying off children can be harmful to them and to the welfare of their families. There are, however, some immediate actions that can be taken by a business that can reduce the problem of child labour without adversely affecting the children. This is the 3H's approach: a stop to under-age hiring, removing children from tasks where the risks from hazards are high and reducing hours to the legal level. In some businesses where the incidence of child labour is low, these actions may allow for the total elimination of child labour, including the problem associated with workers below 14 but above the minimum age of work. This was the situation sketched out in Scenario 2 of the previous section (p.16). In other businesses, unfortunately, these three actions will not eliminate the problem of child labour. The 3H's approach can, however, be the first immediate step of a larger strategy as outlined in the subsequent parts of this guide.

Immediate Action 1:

End the Practice of Hiring Children

Your business can immediately stop the hiring of children. This will ensure that you are not adding to the problem. This is not a freeze on hiring (which is temporary) but a permanent ban. It can be put into effect through a firm policy implemented by those in charge of the hiring process. The main concern is verifying the age of job applicants, as discussed in Step1. Once the hiring ban is in place, the businesses can then consider what can be done with children that it hired before the ban was imposed. Part of that strategy may be found in the following two immediate actions.

Immediate Action 2:

Eliminate Hazardous Child Labour

Children should not be working in conditions in which the risks from hazards are high. 'Hazardous' child labour is defined in the ILO's Worst Forms of Child Labour Recommendation (R.190) as work involving: exposure to physical, psychological or sexual abuse; work underground, underwater, at dangerous heights or in confined spaces; exposure to dangerous machinery,

equipment or tools; the handling of heavy loads; exposure to unhealthy environments (substances, agents, processes, temperatures, noise, vibrations); and work under difficult conditions, including for long hours, at night or being unreasonably confined to the premises of the employer.

Determining Hazards

Work that is injurious to health or is of a hazardous, dangerous or unsuitable including attendance on machinery, working with hazardous substances, driving motor vehicles, heavy physical labour, the care of children or work within security services. Also must not be employed underground in a mine.

There are two ways to eliminate hazardous child labour:

- Reduce the risk from hazards by improving work place safety and health
- Remove adolescents from tasks and environments that are redeemed hazardous for adolescents but not for adults (i.e. heavy loads, night work, heavy machinery).

In the first situation, an adolescent would continue working in the same work space and at the same tasks, but the environment and tasks would now be low-risk. In the second situation, an adolescent would be reassigned to different tasks and/or a different environment in which the work is more suitable to his or her development.

Requires Ongoing Vigilance

This is an immediate action but it requires ongoing vigilance, in particular to ensure that children do not gradually shift back in to high – risk activities or situations. For example, an owner or a senior manager might send clear instructions to his or her subordinates on this issue and children may be removed from high-risk work. However, these subordinates may be under pressure to meet production quotas and might be tempted to revert back to the practice of placing children in such conditions. Thus, senior management needs to ensure that this one- off immediate action is monitored and verified from time to time.

Immediate Action 3:

Reduce the Hours for Children under the Minimum Age

In many countries, national legislation allows children to do light work of a limited duration each week. Such work is permitted under Art. 7 of the ILO's Minimum Age Convention (C. 138).

Reduce Hours but Not Income

This action can be useful in cases where parents 'employ' their own children. There is, however, one important requirement here: while the hours may be reduced, the income should not, if at all possible.

This will ensure that the child continues to take home the same amount of money to support him or her and the family. And, it will decrease the likelihood that s/he will have to work somewhere else instead of going to school.

STEP 4: SUPPORTING CHILDREN AND THEIR FAMILIES

Dismissal Can Be Dangerous

The immediate actions, outlined in Step3, may reduce the problem of child labour in your business but not eliminate it. Children may still be working at or near fulltime. It is dangerous to simply dismiss these children as it can cause hardship for them and their families. Instead, action is needed that balances the dual concerns of removing children from work and finding ways to ensure that family income is maintained. In this step, a number of suggestions are put forward that may be more or less suitable depending on the size and financial means of the enterprise.

Working with Child Labour Reduction Programme

Compensating for the loss of a child's wage and getting children into school generates costs. As a result, efforts to reduce child labour often rely on the support of projects funded by governments and donors.

A comprehensive approach is most effective and normally involves the following components:

- Decreasing the costs of schooling (lowering or eliminating school fees and related expenses, providing stipends for children, etc.)
- Providing midday meals at school providing transitional schools for children who have fallen behind their peer group.
- Offering vocational training programmes for older children.
- Organizing credit and other income-generating activities for parents

Encouraging Microfinance and Skills Training

Micro credit, savings and credit cooperatives can provide one or both parents with the start-up capital needed for an income – generating activity. The added income can reduce the need for the wages earned by a child.

Income Generation for Parents

Parents can engage in light trading, in service provision (e.g. tailoring), in the manufacture of wood, metal and other products and in food and agro-processing.

Craft activities can serve the tourist trade. Effective micro credit provision is a complex undertaking that requires an experienced micro credit provider.

It is often best to supplement credit with vocational training to increase the quality of the products produced. Micro credit is often less successful with the very poor. It is therefore important that families be properly advised and trained in the use of micro credit. An enterprise can therefore find out whether a micro credit organization operates in the area and, if so, encourage the parents of working children to join.

Avoid Discrimination

Care is needed to ensure that this type of support is not discriminatory. One international agency provided micro credit as part of a programme in West Africa to return migrant child workers to their parents. However, other poor families who had not sent their children out to work were not given access to credit.

Savings and Credit Schemes

Alternatively, an employer might take the initiative in encouraging its workers to setup a savings and credit scheme. It can also provide or guarantee soft loans (i.e. at low rates of interest) to its employees to help cover education expenses, notably at the start of the school year when school fees are due.

Improving Wages and Hiring Family Members

Hire The Child's Parent or Older Sibling

A business owner may also look at his own operations and consider ways in which his pay or hiring decisions can help families. For example, if a child and parent work for the same employer, the employer may be able to increase the parent's wages. Alternatively, if members of the family (parents, older siblings) are employed, these might be hired instead of the children or to fill vacancies.

STEP 5: ELIMINATING THE NEED FOR CHILDREN IN YOUR BUSINESS

Effect on enterprise viability

The elimination of child labour in most cases will not affect the ability of your business to remain in operation and earn a profit. Evidence suggests that this will be the case for larger firms, including those supplying international buyers.

Cost savings in other areas

International buyers note that adherence to child labour laws does not damage a supplier's bottom line. Suppliers that hire children are usually also enterprises that are not well managed. The two problems – child labour and poor management – tend to occur together.

Therefore, cost savings can usually be found in other areas of the operation, notably in how production is organized, to offset any wage cost increase that may arise when children are replaced with older workers.

Difficulties faced by small enterprises

The situation may be more difficult, however, for small firms. They tend to be more reliant on the cost savings generated from paying low wages to children. This includes the low wages– or no wages–paid to young family members. Herein Step 5, some suggestions are provided, notably for smaller firms, which can help to reduce the reliance on child labour.

Mechanize

Often children below the legal working age undertake tasks that can be done by machines. Replacing children with machinery is thus one way of reducing the child labour problem. Enterprises will need to sit down and assess the costs (including borrowing) and revenues associated with an investment in machinery. Micro and small enterprises may find it difficult to invest even small amounts in simple machines. They may need assistance in determining the benefits of making such investments and in accessing the necessary finance.

May be part of a sectorial trend

A general trend toward mechanization in a sector may itself reduce the demand for child labour (but also reduce employment opportunities for adult workers, unfortunately). The mechanization of agriculture in Egypt, combined with changes in crop choice, had a significant impact on reducing the demand for child workers. In this case mechanization was not undertaken for the express purpose of reducing child labour, but it had that positive side effect nonetheless. Production can also be made more efficient by rearranging the production layout. Depending on the situation, this may reduce the manpower requirement and, in some situations, the need to employ children. It is difficult to specify the precise situations in which improvements in the production process will lead to such reductions.

Improve production layout

Each enterprise can, however, consider the tasks that children do and consider whether they can be eliminated through better layout and possibly with some minor additions of machinery or adaptations of the work space. ILO's WISE programme (Work Improvement in Small Enterprises) helps enterprises improve productivity through better working conditions, and might be used in the effort to eliminate the need for child labour.

Review the wage differential

Misconceptions exist regarding the costs of eliminating child labour. If children are employed because they are cheaper to hire, the actual wage differential between hiring an individual below the legal work age and hiring someone above that age may be reviewed. In some cases, there may be little difference between, say, paying a 14-year-old and paying a 16-year-old. Regarding hazardous work, there may be little difference between the wages of a 17-year-old and those of a 19-year-old. Enterprises might also consider that the slightly older workers in these cases are likely to be more productive.

Reduce child family labour

The owners of small enterprises and small farms often employ their own children. These children may not be paid or may be paid very little. This situation is very difficult to handle because the cost savings (of not paying for the labour) may be important for the farm or business operated by a poor family. Furthermore, balancing the education of children with the family work load is never easy. This is especially true when the work load varies with the agriculture cycle. The points made under the three sections above are relevant here. The family head(s) will need to consider whether the increase in cost that arises from hiring non-family members can be accommodated, and whether work can be reorganized to generate time and cost savings.

A Common Theme

Take a hard look at what children do

The common theme linking the four measures above is that they all require enterprise owners to take a hard look at what children do in the work place. Owners may find that children are not an indispensable part of their operations. What a child below the minimum age can do, so can someone over that age. Those owners may also find that by addressing the hazards in the workplace, they can reduce hazardous child labour. There may be cost implications for smaller firms, but those implications may not be substantial.

STEP 6: ELIMINATING CHILD LABOUR FROM THE SUPPLY CHAIN

Legally, businesses are only responsible for their own hiring and employment practices. They are not responsible for whether other businesses engage child labour. However, businesses are linked in supply chains and the firms that are further downstream, i.e. closer to the consumer, are increasingly demanding that their suppliers upstream be free of child labour. Many international buyers will now only purchase from businesses that respect certain standards. Moreover, a buyer's requirements may be stricter than the national law.

Buyers of both finished goods and inputs find it difficult and costly to ensure that suppliers further up the supply chain are meeting agreed-on child labour and other standards. This is particularly true when the number of suppliers is great (e.g. garment and agriculture sectors) and when the supply chain is long. International and domestic buyers have developed a number of methods to ensure that child labour is not used to produce the goods that they sell. The list of measures is given in the Action

Checklist above, with the details provided in the narrative that follows.

Buyers now seek suppliers who understand and share similar values concerning the problems of child labour. The initial screening includes checking conditions and practices at the premises of a potential supplier.

Where enterprises have large numbers of suppliers in many countries, they usually have an approval procedure with specific requirements that need to be met before a business partnership can be initiated.

New and existing suppliers are to be made aware that child labour will not be tolerated. Clear statements, delivered orally and in writing, and up-front discussion will ensure that there is no misunderstanding. The following aspects can be explained:

1. The national legal minimum age of work and definition of hazardous work
2. Your standards as the buyer, if they are higher than the national legal standards
3. Reasons why suppliers must abide by standards that are higher than those required by the law
4. Agreement on transitional period and schedule of steps during which the supplier will need to remove child labour
5. Monitoring procedures
6. Consequences of non-compliance.

Contracts with suppliers can set out the minimum age of employment, the hazardous tasks that cannot be undertaken by those between 14 and 18 and any other labour conditions.

Write the Conditions into Contracts

The consequence of breaching the conditions, including the possible termination of the contract, can be stated clearly to avoid confusion. While some buyers will terminate contracts with suppliers immediately when found in breach, most opt for constructive engagement with suppliers so that a programme of reform is put in place. Where verbal contracts are the usual practice—for instance when amid-chain buyer purchases from home-based producer and where literacy is

a problem—the conditions need to be clearly explained and reiterated at subsequent meetings.

Monitor Your Suppliers

A monitoring system will ensure ongoing compliance with contract requirements. As a buyer, your business has several options: it may monitor suppliers itself; it may contract the function to an outside firm or agency; or it may rely on a trade or sectorial association. The issues of monitoring are dealt with in greater detail in Step 8.

Work With Suppliers to Improve Conditions

If child labour is detected, it is not necessary to immediately abandon the supplier. If a supplier is reliant on your purchases, abandonment can cause layoffs, including those of children, thus making their situation worse. Furthermore, the abandonment of a supplier can disrupt your flow of supplies and buyers tend not to drop suppliers if their supplier network is small. Instead, the supplier can be given time and support to remove children from work. Other organizations may be brought into help with the transfer of children from work to school. The furniture retailer IKEA forbids the use of child labour by its suppliers and if child labour is detected, then a corrective plan is required and implemented by the supplier. The plan must take into consideration the child's best interests, including the family and social situation and level of education.

Provide Credible Warnings

The supplier needs to know that you are serious about child labour. It can be made clear that if concrete steps are not taken to eliminate the problem, then contracts will be terminated and no new contracts issued. In the case of IKEA, if the corrective plan is not implemented in the agreed timeframe or there are repeated violations, then the company will terminate all business with the supplier. This is one example and different companies have different approaches. For example, the corrective steps to be taken may be set out in the contract, or they may be elaborated once child labour is detected.

Drop Suppliers That Fail To Reform

If a supplier does not make serious efforts to solve the problem, then the buyer may have no option but cancel contracts and drop that supplier. These standards set criteria for suppliers in the areas of labour, health, safety and the environment.

Home-Based Production

Children working at Home may not be banned by Law

In some countries, national legislation prohibits work by children outside the home or the family business. The law, however, is usually silent about children working inside the home or the family business. The underlying assumption is

that, in such cases, the parents will exercise the necessary supervision and that a ban would be unenforceable. This is acceptable work undertaken by children of any age that does not interfere with the child's schooling and his or her physical, moral, emotional or psychological development. Some countries do not regulate the work of children in the agricultural sector. In that sense, work carried out by children in these settings generally falls in the category of legal work by children.

Step 7: Using a code of conduct

Over the past years more enterprises including ECAM, have adopted formal statements containing ethical principles that govern their conduct. These are commonly called codes of conduct, but other terms are also used, including: business principles, ethics statements or guidelines, vendor standards and sourcing guidelines.

A code of conduct can have multiple purposes. Along with promoting labour standards and improved productivity, such codes can enhance a company's reputation, attract investors, and make it easier to recruit qualified and motivated staff. Enterprises that are small and not oriented to international markets may decide not to have a written code of conduct, but none the less have an unwritten policy against the hiring of children and have informal procedures for handling the situation if an employee is found to be under-age.

Enterprise Codes

Labour component based on international standards

An enterprise may wish to state its approach to child labour in a corporate code of conduct. Such a code, which is a voluntary initiative on the part of the enterprise, can be either solely dedicated to child labour or include child labour as part of a larger code that includes other labour, social and environmental issues. The labour component can be based on international labour standards.

Group of Enterprises

An enterprise can participate in a collective policy statement by an employers' organization or a group of enterprises. In most cases this will be a grouping of enterprises in the same industry or sector. There are many sectorial codes, notably in: textiles, clothing and footwear; tropical agricultural products; mining, petroleum and forestry; and hotel and tourism. The sectors where child labour has been more of an issue generally devote more attention to the subject. This issue is dealt with in Guide3 on employers' organizations.

Multi-Stakeholder Initiatives

Enterprises, with NGOs and others

A multi-stakeholder initiative (or coalition) brings together enterprises with non-governmental organizations, trade unions or other organizations around an issue or set of issues. In some cases, it may focus on labour and environmental issues and adopt a code of conduct for its members. The Fair Labour Association is a prime example in this regard, bringing together enterprises, NGOs (labour rights, human rights, women and consumer rights organizations) and universities. It promotes and monitors international labour standards, including those related to child labour, through a detailed labour rights code of conduct that is adhered to by members. For enterprises, such initiatives enhance credibility because the standards set by the code are often more demanding than those of enterprise codes. A typical multi-stakeholder initiative is global in coverage and encompasses monitoring arrangements in addition to the code itself.

A code of conduct developed by a multi-stakeholder initiative may be supported by an international organization. An enterprise may adopt its own code of conduct and also adhere to a code set by a multi-stakeholder initiative.

Living Up To the Code

A code is a standard to follow. The code is not only worthless if not followed, but worse: it can make a company look hypocritical. Non-governmental organizations, and especially the media, can create considerable bad publicity by demonstrating the difference between the code and actual practice.

STEP 8: AUDITING, MONITORING AND CERTIFICATION

Certification and proof to buyers and Consumers

To ensure that a business or a supplier does not employ child labour, some type of assessment can be made. A single assessment is generally referred to as a social audit. A series of repeated assessments is generally called monitoring. Auditing and monitoring are conducted internally or by outsiders, and several approaches are described in more detail below. Monitoring can take place every two weeks, every month or for whatever period the enterprise decides. The terms 'monitoring' and 'auditing' are often used interchangeably; for simplicity, 'monitoring' is used in this section.

Must be Credible

Monitoring has two purposes. Firstly, it acts as detection and verification system. It lets the enterprise know that it is free of child labour or, if it is not, it provides information on the nature and extent of the problem. This knowledge can be used to take remedial action. Secondly, monitoring is an assurance mechanism that provides proof to buyers and consumers that an enterprise is free of child labour. Following an assessment, an enterprise may be certified as

free of child labour either by the auditor itself, or by an organization that approves of the audit.

Assuring others

A monitoring system must be reliable but in the case of child labour the system must be especially credible to satisfy this second purpose of assuring others. Once that credibility is broken, however (e.g. the media or an NGO finds that children are employed where it was claimed they were not), then the credibility of the monitoring system and the enterprise involved is damaged.

Main Types

Several methods have been developed to enhance the credibility of monitoring. The main method is to allow the monitoring to be conducted by a third party that is neither the enterprise itself nor a buyer. Some companies use both their own internal system of monitoring and an external process conducted by a credible outside organization. The various types of assessment are provided below.

Internal Monitoring

As its name suggests, internal monitoring is a system in which the enterprise monitors itself. Also known as first-party monitoring, it is the easiest to manage but may lack credibility. If the company is large, with manufacturing plants, mines or plantations spread over several countries it can be an important system to ensure that all units are in compliance with the company's policy on child labour.

Buyer Monitoring

A second approach, known as buyer or second-party monitoring, refers to a process in which a buyer monitors its suppliers. It is used both by international buyers relative to their producers, and by domestic producers who subcontract to other enterprises. It can often be difficult to operate if there are many sub producers, and can result in tensions with these suppliers. However, there are many good examples. See the example in Box 12 of a layered system of buyer monitoring used by a carpet firm in India.

External Monitoring

With external monitoring, an enterprise contracts a firm or organization to monitor its work sites or, more commonly, those of its suppliers. This is an example of third-party monitoring but, because the monitored firm is paying, the process may lack a degree of credibility. Such credibility will, however, be higher if the third party is respected for its assessments.

Independent Monitoring

Independent monitoring is like external monitoring, except that the process is not organized or paid for by the enterprise. A trade association or an NGO takes on these responsibilities and either conducts the monitoring itself, or engages a firm or another body. The fact that the enterprise does not pay means that the results are not likely to be biased in anyway. International concerns regarding labour practices have led to the development of multi-player systems of auditing and monitoring. In these arrangements, non-profit organizations that are respected in the area of labour practices certify or accredit others to undertake assessments.

Certifying Auditors

The Fair Labour Association and Social Accountability International are two of the key organizations in this respect. (These organizations also do monitoring themselves.) When an enterprise or a trade association engages one of the accredited auditors, the assessment has the support of FLA or SAI. This means that, even though an enterprise may engage and pay for an auditor itself, the assessment is highly credible. ECAM together with the Malawi Chambers of Commerce and Industry, The Malawi Bureau of Standards and the Malawi Investment Promotion Agency could also be used for certification

The Monitoring Process

Regardless of the method chosen, all monitoring systems must overcome several key issues. These include: the difficulty of ascertaining a child's age; the falsification of documents; and the possibility that children will be temporarily taken out of the work places when an inspection visit takes place.

Suppliers have developed techniques for putting on a false show for auditors by hiding their child workers or diverting such workers from export production to domestic production work sites. These problems can be overcome by employing surprise checks and monitoring all the enterprise's worksites.

The mechanisms used to audit an enterprise include:

- Review of relevant documents, such as enterprise's stated policy, documentation on workers' age and timesheets.
- Interviews with management and workers, and sometimes with other parties such as NGOs or community representatives
- On-site inspections (announced and surprise).

COMPLAINTS PROCEDURES FOR WORKERS

It is rarely possible to employ a monitor full time in the workplace. However, the people who are present on a continuous basis are managers and workers, and they can report the use of child labour in their workplace. This can be done in part through the trade union or similar workers' organization, where they exist. A complaints procedure could be incorporated into monitoring arrangements. Multi stakeholder initiatives, such as the Clean Clothes Campaign, the Fair Trade Coalition and Social Accountability International, have been developing this aspect of complaints. Multi-stakeholder initiatives generally provide only limited information to the public about working conditions in specific audited factories.

Social Labelling

Labelling Products Not Enterprises

A social label relates to a product or service, not to a specific enterprise. The label is provided on the packaging or takes the form of a tag on the product itself. A label related to child labour indicates to the consumer that child labour was not used in the production of that good. Social labelling has been used to good effect for rugs and footballs—sectors which have had a reputation for employing children.

Social labels are also used for environmental standards, bio products and fair trade practices (such as paying a just price to small coffee producers). The label is voluntary and usually backed by the credibility of an industrial association or social group and a monitoring system. It aims to work through market forces, the premise being that the end consumer will, if properly informed, reward the producer for respecting ethical standards in its work.

The label depends on consumer recognition, which requires some type of information campaign. The sponsoring organization carries out such a campaign, provides a financial link between producers and consumers, supplies or organizes monitoring services, and often carries out developmental activities in the local communities. Financing for these activities may come from the producers who benefit from the scheme, from the elimination of middle men or from a premium price paid by the final consumer.

Building credibility

As with other types of monitoring, social labelling needs to be credible. When a claim is made that no child labour has been used to make a product, the discovery of a single infraction can, if well publicized, undermine the label's credibility. Some schemes do not make such an absolute claim. In view of the difficulty of ensuring 100% compliance, that is a realistic policy. But, if the claim to be free of child labour is qualified, it complicates the task of convincing the consumer to be faithful to the product, especially when a price premium may be involved.

OTHER REPORTING MECHANISMS

Media as an Ally

One multi-stakeholder initiative that has gained some prominence in recent years is the Global Reporting Initiative. The GRI has been in existence since 1997 and has been an independent organization since 2002. The GRI has produced the Sustainability Reporting Guidelines, which cover environmental, social and financial issues, and are used on a voluntary basis. Hundreds of organizations, mostly multinational enterprises, are registered in the GRI's database. The section on child labour makes specific reference to the ILO's Minimum Age Convention (C.138) and addresses issues of monitoring. The most current version of the reporting guidelines is available at: www.globalreporting.org.

A Note on Dealing with the Media

The media will often report instances of non-compliance with the law or with codes of conduct. High profile enterprises with brand name products have been exposed by the media for using child labour in their supply chains, even though they may not have known that the practice existed. Because media reports can damage an enterprise's reputation, it is important to engage the media constructively. Attempts to conceal evidence on the employment of children can back fire if later found out.

Plan a Media Strategy

Enterprises are well advised to have a policy toward the media and most large ones do. The nature of the policy will depend on the type of enterprise, its size and its geographical coverage. Smaller enterprises may feel that little media attention is best. Some enterprises have used an open approach to the media to good effect. These firms argue that they have done their best to rid their factories and their suppliers of child labour, but that if the practice is occurring they want to hear about it so that corrective action can be taken. This more open approach to the media is currently used by Nike.

A reminder: child labour in society

1. Monitoring Society Not Just the Workplace

Monitoring focuses on the work place, not on children. Monitoring or single audits may establish that no under-age children are present at a workplace. It does not, however, indicate what children are doing. The ILO programme on child labour, known as IPEC, has developed monitoring arrangements that shift attention from the withdrawal of children from work to the identification, rehabilitation and tracking of child workers. It is part of an effort to create a society free of child labour, and not solely specific industries that are child labour free.

2. Governments are still responsible

Furthermore, voluntary initiatives have been developed because the government regulation of child labour or indeed social dialogue alone is not effective.

Voluntary monitoring is useful, but governments are still responsible for enforcing child labour legislation where it exists. Ivanka Mamic, *Implementing codes of conduct: How businesses manage social performance in global supply chains*, Geneva, ILO, 2004; and World Bank, *Strengthening implementation of corporate social responsibility in global supply chains*, Washington, 2003.

LIST OF HAZARDOUS WORK

1. AGRICULTURE SECTOR

(a) General and Commercial Farming:

- (i) Handling or applying agricultural chemicals, veterinary drugs, pesticides or insecticides in any agricultural undertaking;
- (ii) Handling plants or soil immediately after the application of agricultural chemicals or during any other period specified on chemicals labels;
- (iii) Curing or processing agricultural products where there is exposure to temperatures or working at heights hazardous to safety, health and well-being of persons;
- (iv) Any activity involving dangerous machinery, dangerous equipment or dangerous tools;
- (v) bee-keeping or any other work involving exposure to bees.

(b) Meat, Poultry and Fish Sector

- (i) Slaughtering of animals or work in an abattoir or a tannery;
- (ii) Meat, poultry or fish processing in a commercial undertaking;
- (iii) offshore fishing in deep waters.

(c) Tobacco Sector

- (i) topping and suckering activities or handling tobacco leaves in the harvesting process;
- (ii) Handling or grading tobacco leaves in damp conditions or conditions of poor lighting or ventilation;
- (iii) Any other work involving tobacco in commercial tobacco estates and farms.

LIST OF HAZARDOUS WORK

2. INDUSTRY

(a) Tobacco Sector:

Handling, processing, manufacturing or packing of tobacco products.

(b) Logging/Timber:

Logging, harvesting or processing of timber including cutting timber and saw milling.

(c) Hazardous Waste:

Disposal, processing or any work in connection with hazardous waste or garbage;

(d) Alcohol Manufacturing Sector:

Brewing, manufacturing or selling any liquid which in its final form would contain more than 1 percent (1%) of alcohol.

(e) Radiology Sector:

Any work involving exposure to ionizing radiation such as x-rays.

(f) Electrical Sector:

Any work involving electrical work involving voltage cables or other power sources in excess of 120 volts.

(g) Machinery Operation

- (i) Any work involving operating or involving vibrating and heavy duty equipment including:-
 - (a) Tractors; (b) winches; (c) forklifts; (d) Front loaders; (e) Earth moving equipment; (f) Asphalt mixers; (g) Heavy graders; (h) Rock drills and riveters; or (i) Similar heavy duty equipment;
- (ii) any work involving welding or soldering using electric or gas welding machines; or
- (iii) Operating, cleaning or repairing any machinery in motion.

LIST OF HAZARDOUS WORK

(h) Transport Industry:

- (i) Driving a motor vehicle;
- (ii) Any repairing or conducting maintenance of motor vehicles or its parts unless under supervision;
- (iii) Any work in vehicles transporting heavy goods

(i) Construction Sector:

- (i) Any manufacturing, mixing or application of tar or asphalt;
- (ii) Work involving brick molding;
- (iii) Building, demolition or any process associated with engineering or construction, with or without the use of lifts and scaffolding.

(j) Chemical Sector:

Any work involving:-

- (i) Manufacturing, processing, handling, storing, transporting or use of any chemical substances, that are toxic, explosive, combustible, flammable, oxidizing, corrosive, irritating, carcinogenic, mutagenic or teratogenic;
- (ii) exposure to hazardous dust including but not limited to cement, tobacco dust, cotton dust, biogases and silica;
- (iii) Any work involving exposure to asbestos or products containing Asbestos;
- (iv) Exposure to any hazardous substance which by virtue of its physical or toxicological properties constitutes a risk to the safety, health or welfare of the child.

(k) Metal Industry:

Any work involving:-

- (i) the use of or in proximity of industrial ovens, kilns, furnaces or boiler;
- (ii) grinding or glazing of metal with or without the use of any power tool or grinding equipment;
- (ii) Operator of a smelter or furnace or rolling mills that forms and cut metals.

3. ENTERTAINMENT SECTOR

- a) Any work in a bar, tavern, pub, shebeen or other establishment of entertainment whose business is to sell alcohol beverages to the general public for consumption on the premises;
- b) Any work as a personal companion or providing escort services in bars, cocktail lounges, motels, hotels, massage houses and other places of recreation or entertainment;

LIST OF HAZARDOUS WORK

- c) Any work in a casino or other gambling establishment;
- d) Any work that involves loitering the streets or around any bar, tavern, pub, shebeen or other establishment of entertainment whose business is to sell alcoholic beverages to the general public for consumption on the premises;
- e) Any work posing as a model in an advertisement for alcoholic beverages, tobacco products or condoms or that is connected with the advertisement of any of these products;
- f) Any work involving exposure to material of a pornographic or adult content or involving the child in any pornographic or adult act, exhibition or production.

4. TOURISM SECTOR

- (a) Any work as a tour guide;
- (b) Any work that constitutes a risk to the safety, health and well-being of persons.

5. HEALTH SECTOR

- (a) Any work in a healthcare or related facility where there will likely be exposure to biological agents or other agents including:
 - (i) Viruses causing hepatitis;
 - (ii) Human Immune Virus (HIV)
 - (iii) Bacterial causing tuberculosis;
 - (iv) Anesthetics
 - (v) Anti-neoplastic medications; or
 - (vi) Addictive drugs

6. MISCELLANEOUS

Any work or activity:-

- (a) At a height of more than two meters above the ground;
- (b) Involving begging or soliciting for alms;
- (c) Involving exposure to a noise of a higher level than
 - (i) 85dB (A) for forty hours per week; or
 - (ii) 135dB (A) for any period of time;
- (d) Mining, quarrying or excavation, including
 - (i) Any work underground;
 - (ii) underwater;
 - (iii) In confined spaces; or
 - (iv) With inadequate ventilation
- (e) Selling or transporting any hazardous items for sale; or
- (f) Done in a confined space

Made this 25th day of January, 2012.

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