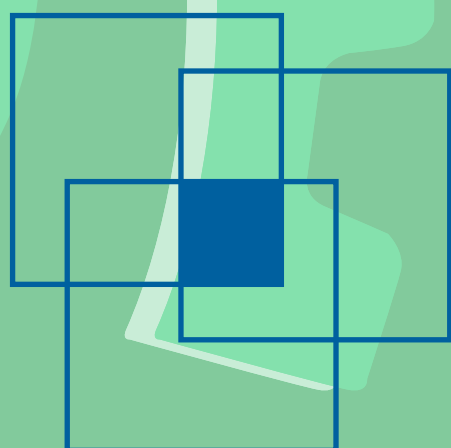




International
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Organization



How to prevent and eliminate
the worst forms of child labour:

What can employers do?

International Programme on the Elimination of Child Labour (IPEC)

How to prevent and eliminate the worst forms of child labour: What can employers do?

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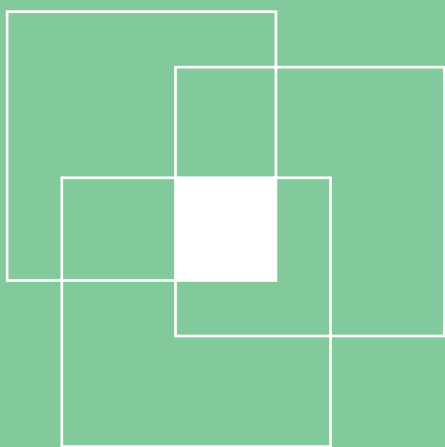
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Introduction

Kosovo¹ portrays as both the poorest and the youngest society in the Balkans; 45% of the population lives below the poverty line and 16% in extreme poverty². Unemployment rate is over 50% and 50% of the population is under the age of 25. Children are among the most affected, households with children below the age of 14 are 25% more likely to live in extreme poverty³. Poverty pushes a high number of children to drop out of school and enter child labour as early as 10 in order to support their families. Children engaged in worst forms of child labour are unable to develop their full potential due to the age limit for admission to employment as well as hazardous, illegal or degrading work conditions.

ILO International Programme on Elimination of Child Labour (IPEC) has been working in Kosovo since 2004. The main activities were focused on: mainstreaming child labour into legislation and policies, capacity building for public authorities, workers' and employers' organizations, establishment and piloting of CLMS, direct services for children involved in WFCL / at risk to enter in WFCL and awareness rising.

Based on IPEC experience, employers' organizations see their role in relation to their members as providing a voice for national employer issues and providing services that add value to their members' businesses. As their membership is drawn from the formal sector, the issue of worst forms of child labour is not generally of greatest concern. In addition, individual employers do not see their role in preventing/combating child labour as they claim that they do not hire children below the minimum age for admission to employment.

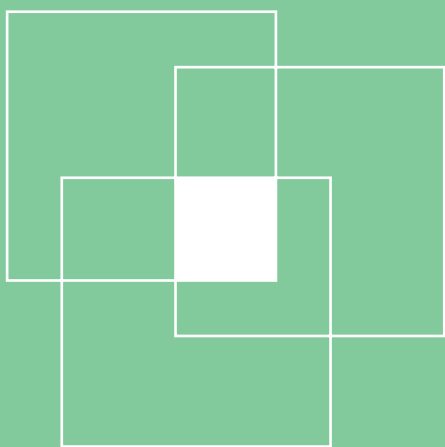
Recognising that social partners are key players in creating an environment conducive to the elimination of child labour, IPEC activities in 2009 were focused to strengthen their involvement in the response to child labour.

The booklet is prepared under the IPEC Worst Forms of Child Labour Project in Kosovo, funded by the Italian Government under the Regular Budget Supplementary Account. It is prepared based on "Eliminating Child Labour- Guides for Employers" produced by ILO Bureau for Employers Activities (ACT/EMP) in cooperation with International Organisation of Employers (IOE) in 2007, in consultation and with active involvement of the senior leadership of the Kosovo Chamber of Commerce (KCC) and individual employers. It is aimed to help employers and their associations understand and take action against child labour also serve as a guide of practical actions that employers and employers' organizations can take in preventing and eliminating child labour.

¹ Throughout this brochure, references to Kosovo should be taken to be within the meaning of UNSC Resolution 1244, 1999.

² World Bank Poverty Assessment, 2005.

³ World Bank Poverty Assessment, 2005.



I. Defining child labour

a. What is child labour

Child labour is defined as 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.

Most of the countries in the world have set a minimum age for work. Many countries have also defined hazardous work in the national legislation and banned children from this form of work, including children who are above the minimum age for work and below 18, obliging the enterprises to comply with it.

In accordance with the ILO Minimum Age Convention No. 138 (C138), the labour law in Kosovo prohibit children below the age of 15 to work in order to allow for completion of compulsory education. Age of 18 has been set as the minimum age for entry into hazardous employment. This is reinforced by the Primary and Secondary Education Law of 2002, which guarantees the right to basic education for all children under the age of 15.

b. Defining light work

In line with ILO C138, light work is defined in the **Essential Labour Law** of Kosovo (2001/27) as work that is not likely to be harmful to children's health and development, and does not affect their school attendance.

c. A focus on the worst forms of child labour

The ILO's Worst Forms of Child Labour Convention No. 182 (C182) 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 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.

The fourth category (d) is referred to hazardous child labour: work which is likely to result into death, serious injuries or sickness, as a consequence of poor workplace surroundings, safety and health standards, working conditions and arrangements. In some cases, hazardous work can be prevented by improving conditions and taking protective measures.

d. What is hazardous child labour

Because economies, industries, customs and production processes differ from place to place, Article 4 of the ILO C182 requires each country to prepare its own list of what constitutes hazardous work, in consultation with the organizations for workers and employers concerned.

The Administrative Instruction on Prevention and Immediate Prohibition of Hazardous Child Labour that entered into force on 25 September 2008 lists the hazardous sectors and hazardous generic activities to be banned as a matter of priority in Kosovo.

General activities prohibited for “children” (persons under the age of 18 years old) are as follows:

- 1) Night work (between 20:00 am and 6:00)
- 2) Lifting or carrying of weight over 15 kg intermittent work (male) - 10 kg intermittent work (female)
- 3) Lifting or carrying of weight over 10 kg continuous work (male) and over 5 kg continuous work (female)
- 4) Work that requests particular equilibrium
- 5) Work underground, under water and in confined spaces
- 6) Work above 2 meters in height
- 7) Work that may cause injuries of his/her health due to exposure of extreme temperatures or against noises or trembling.
- 8) Exposure against biological, chemical, physical and toxic substances which jeopardise their health and exposure to radioactivity

Activities prohibited for “children” in the following sectors are:

- 1) Agriculture and forestry sector
 - Operation with agriculture machinery;
 - Spraying with pesticides;
 - Work on harvesting-threshing;
 - Hard physical work in fields;
 - Cutting trees;
 - Work at slaughterhouse (animal slaughter, haul and sale).
- 2) Street work
 - Child labour for those under the age of 15 is prohibited.
 - Child labour for children between 15-18 years old is prohibited as follows:
 - Loading goods
 - Cleaning vehicle fenders
 - Loading goods with hand-barrow
 - Begging
- 3) Work with dumped materials
 - Child labour in digging, gathering and hauling of hazardous discarded materials
- 4) Work in exploitation of natural resources
 - Child labour in exploitation of natural assets

II. Child labour in Kosovo

a. Root causes

There are many reasons that drive children in the work force, but the most important factor is poverty. Poor families put their children to work to supplement their household's insufficient income. Poverty is both a cause and a consequence of child labour. Poverty and Child Labour are the main components of a "low economic equilibrium" at family, community, and country levels. Child labour is therefore a crucial entry point for poverty reduction and social protection measures, even among the poorest, for whom sustainable solutions are difficult to identify (beyond direct social assistance).

In addition to poverty, many other factors contribute to child labour, including:

Supportive attitude to child labour – Parents (teachers, and the general society) may perceive child labour as a form of education, especially when education does not benefit the youth economically. In some cases parents may also encourage child labour as a result of prevention to discrimination and serious bullying

Disrupted family environment – Single parent families; the illness or the incapacity of the bread winner; his/her addiction to alcohol or drugs; the lack of parental skills; and abuse can push children into great vulnerability to get involved in child labour.

Lack of access to education – When direct and indirect education costs (including cost of clothes, school supplies and travel) are too high for parents to allow the child to attend classes and/or when schools are geographically distant.

Discrimination – Certain minorities have less access to education and the labour market and therefore are expected to perform specific tasks while they are still children. In addition, the gender based division of labour may force women and men to restrict their career perspectives to a certain range that does not need education but "on the job" practice from an early age, including domestic work.

Spread of the informal sector and lack of law enforcement – The lack of contracts and of right of association / collective negotiation in the informal sector makes it difficult to protect children from abusive working conditions and to identify children in child labour.

The high rate of migration – Contributes substantially to the increase in national income. However, it also plays a part in the weakening of the social support to children due to the inability of the state services in suburban areas to cope with the influx of rural migrants.

The deterioration in the rule of law – Allows the shadow economy to grow and corruption to invade many aspects of people's lives. It has a direct bearing a). on the incidence of the Worst Forms of Child Labour related to criminal activities (illicit activities, trafficking, and prostitution – when criminalized), and b). on the implementation of child labour related laws and policies.

Post conflict and transitional environment – created a market for goods, arms, and human beings which is monopolised by organized crime groups. It also increased the public tolerance towards illicit activities.

There is also a temporary "value vacuum" – Competing pressure from western consumerism versus traditions, and extreme personal deprivation have a) broken down family and community value basis and b) consequently increased the vulnerability of children. The streets

have become the main area for the socialization of many children due to lack of proper supervision and care.

b. Consequences of child labour

Children used for labour and sexual exploitation get hurt psychologically, morally, as well as physically. The following is the extent to which children are impacted by different forms of labour from a health and safety point of view:⁴

- Physical injuries and mutilations are caused by badly maintained machinery on farms and machete accidents in plantations
- Pesticide poisoning
- Growth deficiency is prevalent among working children, who tend to be shorter and lighter than other children; these deficiencies also impact their adult life.
- Long-term health problems, such as respiratory disease, asbestosis, and a variety of cancers, are common in countries where children are forced to work with dangerous chemicals.
- HIV/AIDS and other sexually transmitted diseases are rife among children forced into trafficking every year. Pregnancy, drug addiction, and mental illness are also common among children used for sexual exploitation.
- Exhaustion and malnutrition are a result of underdeveloped children performing heavy manual labour, working long hours in unbearable conditions, and not earning enough to feed themselves adequately.

Labour may have a negative impact on the mental, spiritual, moral, and social development of the child because of:

- the incapacity of the child labourer to follow school normally, either because they do not attend classes or because they are too tired to focus on the subjects.
- the related breakdown of social networks (working children do not have time to see their friends) as children in child labour absence from school also prevents them from socializing and interacting with their peers.
- the un-stimulating, monotonous activities that has a negative effect on children's future creativity / flexibility. The trade / activity children in child labour will learn "hands on" will be specific and low skilled. It will not allow the child to acquire the needed flexibility and skills to benefit from opportunities in his adult life.
- all types of mistreatment including negligence, inconsistent and cruel treatment, emotional abuse, and coercion;

c. Existing response against child labour

Since 2004, the Ministry of Labour and Social Welfare (MSLW) proved its commitment in addressing child labour through the following actions:

- 1) Signing a Memorandum of Understanding for the implementation of the ILO International Programme on the Elimination of Child Labour (IPEC) by the Special Representative of UN Secretary-General and Minister of Labour and Social Welfare, in 2005;
- 2) Establishing a Child Labour Unit in the MLSW in March 2005;

⁴ ECLT Foundation, 2005, <http://www.eclt.org/about/overview.html>.

- 3) Establishing the Kosovo Committee for the Prevention and Elimination of Child Labour (KCPECL) with decision No. 5 / 166 of the Prime Minister of Kosovo on 13 December 2005;
- 4) Setting up a Technical working group on child labour monitoring system (CLMS) with the decision 01/02 of the KCPECL on 12 June 2006;
- 5) Developing a child labour monitoring profile, approved by the KCPECL on 5 March 2007;
- 6) Issuing the Administrative Instruction on Prevention and Immediate Prohibition of Hazardous Child Labour, including hazardous sectors and hazardous generic activities to be banned as a matter of priority in Kosovo on 25 September 2008;
- 7) Providing institutional support and ensuring active participation of public institutions at both central and local levels in piloting of different interventions in addressing child labour supported by IPEC during 2004-2009;
- 8) Initiating the process of establishment of child labour monitoring system, in accordance with Article 5 of the ILO Convention No. 182, to serve as a basis for formalizing standard operating procedures for:
 - identification, removal, support and protection of children involved in worst forms of child labour,
 - documentation of child labour trends in specific economic sectors
 - evaluation of the efficiency of the existing response to child labour at central and local levels, including recommendations and guidelines for concrete actions and policy development.

By now, the CLMS structures at central level were established and trained, tools were developed and the CLMS was piloted in six areas (Pristina, Prizren, Mitrovica, Kastriot/Obiliq, Gjilan and Drenas/Gillogovc). Challenges encountered during the pilot phase were documented and used as lessons learned for planning the replication of the CLMS Kosovo wide. The work plan for the CLMS replication was approved by the KCPECL in its meeting on 9 Feb 2010 and the implementation is ongoing.

- 9) Drafting an Action Plan for Prevention and Elimination of the Worst Forms of Child Labour (2010-2012), to set time-bound targets and provide clear evidence of public authorities' commitment in terms of responsibilities and budget allocation for the implementation.

d. Institutional framework for prevention and elimination of the WFCL

The Inter-Ministerial Committee on Children's Rights (ICCR) was established in 2006 and is chaired by the Prime Minister. Through this committee, the Government of the Republic of Kosovo aims to achieve international standards on human rights, to enhance existing services for children, and to guarantee that the standards on children's rights are implemented and respected.

The Kosovo Committee on Prevention and Elimination of Child Labour (KCPECL) was established in 2005 (Decision Nr. 5/166 on 13 Sep 2005 of the Prime Minister) to oversee the activities for prevention and elimination of child labour in Kosovo, provide policy guidance for activities aimed at eliminating child labour, and advise on the priority areas. The KCPECL is composed of representatives of the Prime Minister's Office on Good Governance, Ministry of Labour and Social Welfare, Ministry of Education Science and Technology, Ministry of Health,

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Ministry of Agriculture, Forestry and Rural Development, Ministry of Local Governance Administration, Ministry of Culture Youth and Sports, Ministry of Justice, Ministry of Economy and Finance, Ministry of Trade and Industry, Ministry of Internal Affairs, Kosovo Police, Kosovo Union of Independent Trade Unions (BSPK), Kosovo Chamber of Commerce (KCC), and a representative of an NGO active in child protection.

The Technical Working Group (TWG) on Child Labour Monitoring System (CLMS) was set up by the KCPECL in June 2006, to prepare the Kosovo CLMS Profile describing the standard operating procedures at central and local level for a) protection and support of children involved in WFCL and b) collection and management of data on WFCL cases. The CLMS Profile was endorsed by the KCPECL in March 2007. The TWG on CLMS is also mandated to support, coordinate, and supervise the process of establishment of CLMS in Kosovo.

The Local Action Committees (LACs) on CLMS were established in six areas (Pristina, Prizren, Mitrovica, Kastriot/Obiliq, Gjilan, Drenas/Glllogovc) based on agreements between the Minister of Labour and Social Welfare and Mayors of the targeted municipalities, to coordinate CLMS activities at municipality level, including a). monitor schools/work sites/families in order to identify children in child labour, assess their situation, refer them to appropriate services, such as: schooling and skills development, tracking them to make sure that they are not back to work and verification that children at risk benefit from satisfactory alternatives; b) document the lack of services and/or barriers to the access of services by children at risk/withdrawn from child labour and their families, based on specific cases; c). review child labour consolidated data from the Centres for Social Work; d). prepare annual action plans for addressing child labour at municipality level; e). provide recommendations on further actions in strengthening the local response to child labour and improving of social policies and programmes. LACs are composed of representatives of municipal authorities, trade unions local branches, employers' organizations regional branches, teacher-parent associations, youth centres, and other relevant NGOs active in child protection.

The Technical Group for Developing the List of Hazardous Child Labour in Kosovo was established by the KCPECL on 14 December 2005 to draft the HCL List based on broad consultations with social partners and civil society. The HCL List was endorsed by the KCPECL on June 2007 and serves as a basis for drafting the Administrative Instruction on Prevention and Elimination of HCL.

The Technical Working Group for developing the Strategy and Kosovo Action Plan on Prevention and Elimination of the WFCL was established by the KCPECL during its meeting on 22 May 2009 to prepare the draft Strategy and National Action Plan, present it to the KCPECL for official approval, and support and monitor its implementation.

The Counter Trafficking Inter Ministerial Working Group is a group of representatives from central institutions, whose mandate is to coordinate policy implementation, monitor, and report on achievements in the implementation of the Kosovo Action Plan against Trafficking in Human Beings, chaired by the Deputy Minister of Internal Affairs. The coordination of activities at operational level is made through the following four sub-working groups for a) Prevention of trafficking; b) Protection of victims of trafficking; c) Prosecution of trafficking crimes; and d) Protection of children.

e. Emerging issues for prevention and elimination of the WFCL

The Ministry of Labour and Social Welfare, Kosovo Committee for Prevention and Elimination of Child Labour, and Centres for Social Work have identified the following emerging issues for prevention and elimination of the WFCL that would need further support:

At central level:

- Public institutions are still under consolidation and weak in addressing social issues. There is also a lack of determination to bring about the eradication of the worst forms of child labour through the commitment of substantial public funds.
- There is a lack of software to collect and process CLMS data (accurate disaggregated information on direct beneficiaries).
- The education curriculum is inadequate to prepare older children for their future work experiences; detached from local needs, values, and aspirations of children at risk of dropping out.
- Lack of a concerted effort by social partners to combat WFCL. The experience of trade unions in combating the worst forms of child labour is still limited and on ad hoc basis. Employers could do more in terms of a) mainstreaming child labour in their codes of conduct both for their own activities and with a supply chain approach (especially when their sectors have sub-contracts with entrepreneurs in the informal economy); b) participating financially in socially responsible activities targeted towards the elimination of child labour; c) providing job opportunities for vulnerable families. Social partners would need further strengthening to diversify the range of services and their delivery.
- Inadequate knowledge management skills that would help to 1) evaluate impact and the cost effectiveness of particular interventions, 2) identify and disseminate findings of good practice, 3) validate findings of good practices through external consultation, and 4) replicate good practices in addition to large-scale projects and policy reforms. An operational knowledge management system is needed to ensure dissemination and replication of good practices, tools, and models of interventions.

At local level:

- The institutions involved in protection of children and monitoring of child labour and WFCL characteristically lack the outreach required by the scale of the problem. This lack of physical outreach is compounded by limited mandates of some institutions, lack of coordinated action, low number of qualified staff, and limited annual allocation for administration/logistic costs in order to effectively implement all their functions (including telephone, fuel for vehicles and generators, vehicle maintenance etc.). In addition, limited services available at the local level to support the prevention of children at risk, and the withdrawal and reintegration of children involved in the WFCL present another factor jeopardizing active involvement of the Centres for Social Work and other stakeholders at local level in identification of children in child labour (given that for most families the only income is the one generated from child labour and/or the social assistance benefits).
- The education system does not contribute to the social inclusion of vulnerable children. Teachers often lack the capacity to provide the multidimensional support to children at risk or child victims of WFCL. Work in shifts, relatively large number of children in classrooms, and the lack of professionals in schools (psychologists, education specialist, doctor/nurse, etc.) limits the involvement of the school to fulfil its role in identifying and supporting the withdrawal, reintegration, and monitoring of children withdrawn from child labour.

How to prevent and eliminate the worst forms of child labour: What can employers do?

- Lack of an emergency grant for the Social Services Division of the Centres for Social Work to cover immediate needs of beneficiaries until a sustainable solution is found (child care centre, health care services/including: medicine, travel, nutrition etc.);
- Lack of a special allocation for the Centres for Social Work to provide: a) “nutrition voucher” for vulnerable families, b) school supplies and meal for children enrolled in education, c) travel costs for children that have to travel to and from school, or d) scholarships for ex-working children to prevent dropout from school (for families that did not fulfilled criteria for social assistance schemes or for which this assistance is insufficient);
- Limited number of services that would support the prevention of children at risk and withdrawal of children involved in WFCL such as a) day care centres to provide emotional support, social rehabilitation, and educational programmes to catch up with school requirements; b) peer to peer education programmes in schools to prevent school drop out and to improve school attendance and performance rates of working children; c) non-formal education activities; and d) extra help programmes for the children to catch up on school work.
- Lack of coordination and networking among key stakeholders at local level in particular: the Centres for Social Work and Labour Inspectors, Labour Market Institutions, schools, and health authorities.
- Limited involvement of the business community and civil society organisations in addressing child labour.

In addition, there is a need to ensure that IPEC role will be taken over by the public authorities. In this respect, Child Labour Unit and other institutional structures need further strengthening to fulfil of their duties towards eradication of WFCL.

III. Social dialogue in Kosovo and the profile of employers' organizations

Public authorities are responsible to ensure a stable environment for the development of the economy, social peace, and a judicial base for social dialogue.

A Tripartite Council was established in 2001 based on the Administrative Instruction 17/2001 in order to initiate the process of tripartite consultation between the employers' organizations, employees' organizations and the government. Its competences included: a) advise the government on social welfare and economic policies, b) trigger the contracts and collective agreements at the national and local (branch) levels, c) take initiative in conducting other activities on work and social welfare issues with the agreement of other participants.

In 2009, the Ministry of Labour and Social Welfare established the Socio-Economic Council based on the decision No.09/57 of the Government, replacing the Tripartite Council.

The Socio-Economic Council is the highest non-political tripartite institution in Kosovo mandated to lead common activities of social partners in the field of social policies, economy, protection of social rights, development of collective negotiations, and concluding and implementing collective agreements.

Kosovo Chamber of Commerce is a leading business association in Kosovo. Established in 1962 by the Assembly of Kosovo, it is the legal representative of the business community's interests in Kosovo. Kosovo Chamber of Commerce (KCC) is a non-profit, independent organization with no political affiliation. The main objective of the KCC is to improve the market economy, entrepreneurship, and triggering competition between its members. It seeks to advocate and represent, at its best, the interests of its members, to advise on business start-ups, to give professional assistance for the members companies, and in particular to promote investment and the development of Kosovo's economy.

According to the law on the establishment of KCC⁵, membership is on a voluntary basis. KCC consists of four main departments, thirty associations and over 15,000 registered members. Its members operate in different sectors of the economy including technology, telecommunications, construction, banking and insurance, metal processing, wood processing, food and beverages processing, etc. Kosovo Chamber of Commerce is member of the Socio-Economic Council, having three seats.

For more information please refer to the KCC website: www.oek-kcc.org

Kosovar Business Alliance (KBA) was established in 2002 as a non-governmental organization based on Law Nr.03/L-134 for NGO registration. It represents 23 associations and has 150 registered business members.

The Kosovar Business Alliance is directed by the board of directors and is managed by a professional team. Its main services are: a). provision of periodical information for different industries present in Kosovo; b). organisation of trade missions outside Kosovo in order to foster international business partnerships for its members; and c). provision of technical support for the development of sectoral industries present in Kosovo, including development of business plans, facilitation of business meetings, and publication of brochures for businesses.

⁵ Law No. 2004 / 7 on Kosovo Chamber of Commerce.

The mission of KBA is to unite the sectoral associations and business in order to lobby and affect the economic policies and the development of private sector; and to build a sustainable partnership with the private and public sector in order to increase employment, satisfying customer's needs. KBA offers training in business development and integration of the Kosovar economy in the international markets.

The KBA has two seats in the Socio-Economic Council, as a registered non-governmental organization.

For more information please refer to the KBA website: www.akb-ks.org.

IV. Why employers and employers' organizations in Kosovo should be involved in prevention and elimination of the WFCL

There are four main reasons why employers and employers' organizations in Kosovo should contribute to the prevention and elimination of the worst forms of child labour.

a. Complying with the law

Each of the enterprises must be aware that it is their moral and legal responsibility to contribute in this process by abiding by child labour laws just as it should comply with other legal requirements. Failure to obey the law can bring penalties and other state sanctions. Employers' organizations can play an important role in advising and encouraging the business community to operate within the law.

b. Expanding market access

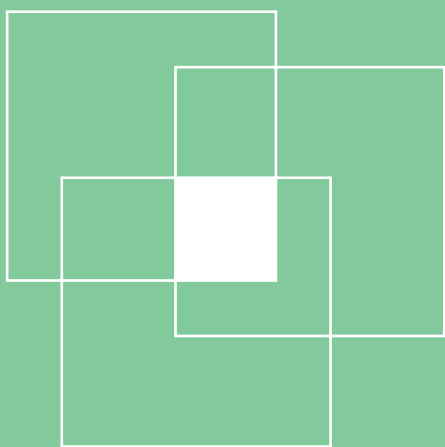
International buyers and brands wish to meet accepted international labour standards and also to avoid bad publicity and potential boycotts. Thus, enterprises that wish to maintain or expand their range of buyers must ensure that child labour is not used. Industry sectors can also build a reputation for being child-labour free, which becomes known to buyers who are then more willing to place orders. An employers' organization that promotes the elimination of child labour assists its members in accessing markets.

c. Improving productivity

Enterprises often hire children because they think that it improves their profitability. However, this is usually a short-term perspective. Children have short attention spans, less appreciation of quality control, and less capacity to use machinery efficiently. They are not physically stronger than 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. As a result, employment of children leads to higher costs and lower productivity in enterprises in the long-term perspective. An employers' organization can encourage the elimination of child labour to improve the business performance of its members.

d. Ethics - Doing the right thing

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 himself/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 workforce and will contribute to a more productive economy. An employers' organization can contribute to society by encouraging hiring decisions that allow children to get an education.



V. How can employers and employers' organizations in Kosovo support actions for prevention and elimination of the WFCL

a. How can employers prevent and eliminate the WFCL in Kosovo

I. Know about legal requirements

Minimum age for work: 15 years old (Essential Labour Law)

Maximum weekly hours of work for children between 15-18 years: 40 hours (Essential Labour Law)

Minimum age for hazardous work: 18 years old (Essential Labour Law)

Light work: as defined by the Essential Labour Law

Worst forms of child labour: With a reference to the ILO C182, criminal offences committed against a child for trial of adults include:

- 1) Facilitating prostitution
- 2) Abuse of children in pornography
- 3) Enlisting of persons between the age of fifteen and eighteen years in armed conflict
- 4) Establishing slavery, slavery-like conditions, and forced labour relations
- 5) Trafficking of persons
- 6) Withholding identity papers of victims of slavery or trafficking of persons (items 1 to 6 defined by the Juvenile Justice Code, no. 8/2004)
- 7) Unauthorized production and processing of dangerous narcotic drugs and psychotropic substances by exploiting a child, or to the detriment of such person (as defined by the Criminal Code, Law No 03/L-002).
- 8) Hazardous work (as defined by the Administrative Instruction No. 17/2008 on the Prevention and Elimination of Hazardous Child Labour)

II. Eliminate hazardous child labour in the supply chain

Improve workplace safety and health

Enterprises can provide a low-risk environment by creating a safe and healthy workplace. Thus, allowing the child to work in the same workspace and at the same tasks, but in a harmless environment so as to not damage his/her health. In order to provide a safe and healthy workplace, employers can consult medical personnel or health and safety experts.

Remove adolescents from hazardous tasks

Another method to eliminate hazardous child labour is to reassign them to different tasks and/or different environment in order to create more suitable work for their development. For the successful implementation of this action, senior managers need to monitor constantly so they can prevent children on gradually shifting back into high-risk activities or situations. For example, an owner or a senior manager might send instructions to his or her subordinates on this issue and children may be removed from high-risk work. However, these subordinates maybe 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.

How to prevent and eliminate the worst forms of child labour: What can employers do?

Make suppliers aware of the requirements of your business

It is in the enterprise's interest to contribute in the prevention of hazardous work in the supply chain. International buyers are becoming stricter every day and only wish to buy from companies who respect certain standards. Therefore, companies can ensure they are child labour free in their supply chain by informing their suppliers that child labour will not be tolerated, and informing them on:

- the national legal minimum age of work and definition of hazardous work,
- your standards as the buyer, if they are higher than the national legal standards,
- reasons why suppliers must abide by standards that are higher than those required by law,
- agreement on transitional periods and schedule of steps during which the supplier will need to remove child labour,
- monitoring procedures, and
- consequences of non-compliance.

Write the conditions into contracts

In order to ensure that the suppliers follow your requirements when doing business with you, the child labour conditions can be written in a contract. Contracts with suppliers can set out the minimum age of employment, the hazardous tasks that cannot be undertaken by those under 18, and any other labour conditions. The consequences 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.

III. Support children and their families

Hire older siblings or parents

When there is a situation that a parent and a child work for the same employer, an enterprise can consider the option of increasing the parent's wage. On the other hand, if members of the family (parents, older siblings) are unemployed, they might be hired instead of the children to fill vacancies.

Support children in attending schools

Senior managers or company owners need to respect school hours and not prevent them from education. Education is very important for their development and thus must not be stopped in any kind of way.

Seek out community groups, NGOs, or mutual support groups (savings and credit cooperatives) that can help families to maintain income.

NGOs are constantly working to supporting and help groups of people who are disadvantaged and need help. Enterprises can seek help and support from NGOs to ensure financial support for low-income families.

Savings and credit schemes

Alternatively, an employer might take the initiative to encourage its workers to set up 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.

IV. Use a code of conduct

An enterprise may wish to state its approach to child labour in a corporate code of conduct.

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.

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.

A code of conduct dealing with child labour fulfils two objectives: one internal and one external. Regarding the internal aspect through the code, all employees, notably those involved in recruitment, can be made aware and reminded of the policy regarding child labour, of procedures for screening in the recruitment process, and of steps to be taken to remove children from work or young workers from hazardous conditions. A code reduces confusion and makes infractions easy to spot.

Regarding the external aspect, a code of conduct allows a business to indicate to others that the business does not employ child labour. This can be especially important when attempting to secure new customers, notably buyers for whom compliance with international labour standards, including child labour, is an important issue.

An example: a code of conduct from the Body Shop Company

'Child labour shall not be used.

1. There shall be no new recruitment of child labour.
2. Companies shall develop or participate in and contribute to policies and programmes which provide for the transition of any child found to be performing child labour to enable her or him to attend and remain in quality education until no longer a child; 'child' and 'child labour' being defined in the appendices of Purpose, Principles, Programme: Ethical Trade Initiative membership information.
3. Children and young persons under 18 shall not be employed at night or in hazardous conditions.
4. These policies and procedures shall conform to the provisions of the relevant ILO standards.'

b. How can employers' organizations in Kosovo support actions for prevention and elimination of the WFCL

I. Provide information and offer advice

In order for the employer's organization to have an active role in preventing and eliminating the WFCL, it needs to primarily have the right professional capacities within the organization. This means that it needs to appoint a person that will handle child labour issues. Whether this person dedicates his or her time to child labour full-time, or whether it is one of several responsibilities, will depend on the staff size of the employers' organization and on the nature of demand for assistance from members.

Providing information

Information on laws

The employer's organizations can play an important role in informing its members and providing them with the relevant provisions of laws relating to children and work. The employers' organizations-- which include various associations as their members--can bring together hazardous work definitions for the various sectors or direct members to the various associations.

Information related to international buyers

Employers' organizations may have a larger role to play in informing members of the changing attitudes toward child labour. In the past, buyers – large domestic and international ones – may not have been aware of, or may have turned a blind eye to child labour practices in their supply chains. Attention has increased greatly in the past decade and over the past five years. Requirements are stricter. Employers' organizations have a role to play in talking to buyers, being informed of the changing attitudes, and informing members of these changes. Associations from various sectors can have a particularly important role to play in this regard, as child labour tends to get attention from a segmented perspective. Members also need to know that the requirements of international buyers are often stricter than the national law.

Information on certification

With regards to information on certification, members of the employer's organizations may be interested in having their products certified as having been produced without child labour. This will assist producers seeking to supply international buyers. The employers' organization may have a role to play in making firms aware of what types of certification are possible in their sector – both nationally and internationally – and the benefits and drawbacks of each of these.

Offering advice

Basic advice from the employers' organization focal point

Along with providing information, employer's organizations can also provide advice on how to stop the recruitment of new child workers; suggest strategies for verifying age before hiring; remove child workers from hazardous tasks; encourage activities that can raise family income; determine whether school fees are a hindrance; and find groups that can help to support family income.

Sharing good practice

Enterprises can learn a great deal from the examples offered by other enterprises. It allows them to learn about what really works and how others have tackled similar problems. As a result, the employers' organization can play an important role in documenting examples of good practice among its members and disseminating these examples among the membership.

Help with choosing partners

Directing member enterprises to respected and reliable partners for collaboration in joint activities to reduce child labour can also present one of the aspects that employers' organizations can advise on. In many cases, these will be NGOs that can provide advice to enterprises and support for the removal of children from work. Enterprises may also want advice on finding partners for monitoring and accreditation.

Other partners may include school boards and associations that can help to keep children in school, various media outlets that can help in raising awareness, and international agencies and donors, notably those that may have projects near where the enterprise is located.

Assisting with the formulation of codes of conduct

With regards to codes of conduct, enterprises in Kosovo have a low awareness on the advantages of designing one and integrating it in the management of their business processes. Therefore, employers' organizations can play an important role in advising and supporting their members in establishing a code of conduct and integrating the child labour issues within it.

II. Lobby, facilitate and raise awareness

Engage with the government

Government is a key player in the elimination of child labour due to its involvement in setting child labour laws, in enforcing those laws, and in providing universal and affordable (or free) education. A cooperative relationship with the government will therefore allow the employers' organization to lobby effectively in these three areas of public policy. As a first key step, the employers' organization should be a part of negotiations to ratify the ILO and UN Conventions on the minimum age of work, the worst forms of child labour, and the rights of the child. The employers' organization engages with government and workers to present the enterprise perspective.

Work with workers' organizations

Child labour is a labour issue and thus workers' organizations will be a key participant in dialogue on the issue. An employers' organization is likely to work with its workers' organization counterpart on the fundamental aspects discussed in the section above on government, namely the ratification of conventions, the adoption of laws, the agreement on the list of hazardous work, and the operation of labour inspection. In this dialogue, the employers' organization and the workers' organization will be in a similar position from a representational point of view. That is, these organizations represent the formal economy, while child labour exists predominately in the informal economy.

Cooperate with NGOs

Non-governmental organizations are an important group of actors campaigning for and supporting the elimination of child labour. They are also a varied group; some are global organizations while others operate primarily within a single country. Some have named-and-shamed multinational enterprises, whereas many others have played a constructive role in working with enterprises to find solutions for issues such as improving labour conditions in their factories and those of their suppliers. Along with campaigning and raising awareness, NGOs, notably at the local level, can help companies in finding ways on how to prevent and eliminate child labour.

Raise awareness

The employers' organization and its partners undertake a 'dialogue' with the public which includes parents but also further sensitizes the actors noted above. Public campaigns also help to reach enterprises that are not members of the employers' organization and that may operate in the informal economy where much of the child labour problem exists. The goal is to raise public understanding of the problem and the reasons why it generates negative long-term consequences for children, their families, and the society. This helps to strengthen a social consensus against child labour.

III. Deliver programmes

Take the initiative

An employers' organization that takes the initiative has decided that child labour is a problem from a legal, a moral, or a business perspective (or all three). The employers' organization's board or staff may raise the issue, although the impetus may also come from members. In either respect, the initiative is generated from within the business community and the employers' organization agrees that a programme is required. An employers' organization can encourage its members when completing their membership forms to be obliged to abide by

the four fundamental labour principles set out by the ILO, which include: freedom of association; the right to bargain collectively; the elimination of forced labour and the worst forms of child labour; and discrimination.

Join an initiative

Many programmes designed to reduce child labour are initiated by the ILO. The ILO is structured on a tripartite basis, meaning that its activities focus on cooperation between employers' organizations, and workers' organizations, and the government. Thus, ILO projects will seek the involvement of employers' and workers' organizations, even though in many cases the main counterpart will be the government. In these cases, the employers' organization is joining an initiative launched by others.

Support the initiative of a constituent association

A business association that is a member of an employers' organization may take the initiative itself in designing a programme. This tends to occur when a sector is under threat from buyers and consumers because children are employed. Its members are concerned about the loss of demand and potential business and turn to its association for help.

Evolve a programme over time

An employers' organization may wish to develop its expertise, knowledge and connections over time. It can start with information and dialogue activities, and then build more concrete activities in key sectors in conjunction with constituent associations.

A gradual approach has two key benefits. First, a large, multi-faceted initiative with several partners may be difficult to manage for an employers' organization not familiar with child labour and with limited experience in managing projects that involve more than just their members. Second, a big initiative can be a big success, but it can also be a big failure.

VI. What next?

a. Analyse the situation in your business

1. Check labour law requirements
 - Minimum age for work
 - Maximum weekly hours of work that can be undertaken legally by children above this age
 - Minimum age for hazardous work
 - Legal definitions of light work, hazardous work, and other worst forms of child labour
2. Check requirements of your buyer or industry standards
 - Minimum age for regular work, if different from the law
 - Minimum age for hazardous work
 - Main hazardous forms of work in the area of business as defined by the industry or suppliers
 - The ISO requirements of buyers regarding child labour
 - Other requirements of buyers or industry standards regarding child labour
3. Check child labour in your business
 - Total number of children (below the age of 18) working in the business
 - Number of children currently working in the business below the legal minimum age for work
 - Number of children up to the age of 18 working at hazardous tasks
 - Number of workers whose age is difficult to verify
 - Number of workers who would be defined as children in child labour by suppliers

b. Design your strategy

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.

Designing a child labour strategy might follow the following eight-step process as outlined in the next page.

Elements of a child labour strategy

1. Analyse the situation
2. Design the strategy (with implementation schedule)
3. Three immediate actions: hiring, hazards, and hours
4. Support child and household welfare
5. Eliminate the need for child labour in the business
6. Eliminate child labour in the supply chain
7. Use a code of conduct
8. Auditing, monitoring, and certification

How to prevent and eliminate the worst forms of child labour:
What can employers do?

What should/should not be done

- Consult with others before deciding on a strategy
- Build upon best practices of individual companies
- Evaluate realistically the time and costs associated to the strategy
- Appoint a focal point within your organization for matters that deal with child labour
- Consider your role towards your employees and government
- Do not finalize the strategy earlier than it should; allow development; change...
- Do not deny it publicly because the problem exists
- Do not ignore the importance of international buyers
- Do not lecture your members – help and convince them instead
- Do not work on your own- find partners including NGOs

VII. Example of a good practice

Moldova, located in South East Europe, is characterized by low incomes, a low level of GDP, and approximately half of the population living below the poverty line. In addition, there is a lack of opportunities and inadequate enforcement of social policies, which in turn affects the fundamental rights of the child negatively.

This example was chosen because the economic situation and the child labour issues that Moldova faces resembles that of Kosovo and gives an indication as to how an initiative of this kind can take place in Kosovo.

The National Federation of Employers in Agriculture and Food Industry (FNPAIA) in Moldova conducted a project on combating child labour in agriculture in Moldova.

Situation analysis

The existing situation was characterized by the fact that the entrepreneurs in Moldova were lacking proper understanding of child labour and denying it as a problem. There was a high demand of manpower for manual handling of work in agriculture and at the same time a high number of Moldovans leaving for work abroad. As a result, a high number of children were involved in hazardous work in agriculture. In 2005, FNPAIA conducted a Rapid Assessment on child labour. FNPAIA presented its findings to the members of the FNPAIA Council, which consists of entrepreneurs from all FNPAIA member-associations across the country. After the assessment and presentation of the findings, the Council issued a statement on 6 October 2005: "The place of the child is at school and the child's work is to study".

The strategy

- The FNPAIA added the issue of child labour to its on-going business and trained existing staff on child labour issues
- Developed training materials on child labour
- Established a network of Change Agents/trainers across the country advocating on combating child labour
- Created a "movement" on changing attitudes and combating child labour
- Included the issue of child labour to its on-going business and trained existing staff on child labour issues

Outcomes and achievements

- Understanding of the issue of child labour and employers' knowledge on labour legislation improved
- Commitment of employers to eliminate child labour enhanced
- Proposals from member-employers collected and incorporated into a draft Code of Conduct
- Code of Conduct approved on 19 December 2007 by the FNPAIA Council
- CL Code of Conduct Monitoring scheme in operation

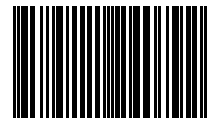
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