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CHILD LABOUR IN MINING AND GLOBAL SUPPLY CHAINS



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SCOPE OF THE PROBLEM

More than one million children are engaged in child labour in mines and quarries. This is a serious violation of children's rights that puts children's health and safety at risk and deprives them of an education. It is a brake on the economic and social development of affected countries, as it limits productivity of workforces for entire generations. It is also a business challenge, because much of the minerals mined by children end up in global supply chains, including those of **automobiles, banking, construction, cosmetics, electronics, and jewellery**.¹ In the face of this, there are growing demands for action from governments, workers' and employers' organizations, industry leaders, consumer groups and, particularly, mining communities themselves.

In some areas the problem is particularly acute. ILO research indicates that, in Burkina Faso and Niger, some 30-50 percent of the gold mine workforce is comprised of children; most are under the age of 15, and some work under conditions of forced labour.² A 2015 study estimated that 20 percent of artisanal gold miners in Mali are children.³ Thousands of children work in gold mining in the Western, Central, and Ashanti Regions of Ghana.⁴

Child labour is also found in cobalt and coltan mines, minerals used in portable electronic devices and rechargeable batteries, including the batteries of electric cars. More than half of the world's supply of cobalt comes from the Democratic Republic of the Congo (DRC)⁵, where children, some as young as seven years of age, work in life-threatening conditions, subject to violence, extortion and intimidation. This cobalt has been traced to lithium batteries sold by major multinational companies.⁶ Child labour as well as forced labour has been documented in coltan mining in the DRC. Of 931 people interviewed in research conducted at three mining sites in 2013, 93 percent were found to be victims of some form of labour exploitation.⁷ Although much of the limited research available has been conducted in Africa, it is a problem of global dimensions.⁸

Child labour in mining is most commonly found in artisanal and small-scale mines (ASM)⁹. Even if produced in small quantities at a mine site, cumulatively, the quantity of minerals coming from ASM is significant: ASM accounts for about 20 percent of global gold supply, 80 percent of global sapphire supply and 20 percent of global diamond supply, 26 percent of global tantalum production and 25 percent of tin. It is also a major source of employment: some 40 million people work in ASM — a number that has doubled in recent years — as compared with 7 million in industrial mining.¹⁰



THE RISKS OF MINING TO CHILDREN'S HEALTH AND WELFARE

Working in mines puts children's health, safety and future at risk. Children engage in a wide range of hazardous activities, from working in underground shafts to handling mercury to amalgamate gold with their bare hands.¹¹ Boys and girls are involved in the extraction, transportation and processing stages of mining, carrying out tasks such as carrying heavy loads, crushing and grinding soil, washing or panning gold.¹² Mines can lack ventilation, suffocating adults and children. Dust can cause lung diseases, including among children working near mineshafts, which may not appear until they are adults. Children also work in mines in situations of debt bondage or trafficking in countries such as Zambia, Zimbabwe, Nigeria, Ghana, Liberia, Sierra Leone and the DRC.¹³

Because mining often takes place in remote areas where law enforcement is weak and schools and other social services are scarce, where family and community support structures may not exist, and where alcohol and drug abuse and prostitution are rampant, work in the sector can also be morally and psychologically hazardous.¹⁴ Girls are also commonly involved in mining-related jobs such as selling food and supplies to the miners, domestic work for third parties and in some cases may be victims of commercial sexual exploitation.¹⁵

Because of its inherent dangers, the ILO considers mining and quarrying as hazardous work and one of the worst forms of child labour.^{16, 17}

Selected common mining and quarrying tasks, hazards and potential consequences

TASKS	HAZARDS	POTENTIAL HEALTH CONSEQUENCES
Tunnelling, diving into muddy wells	Drilling equipment; explosives; confined spaces; faulty supports; stagnant air; poisonous gases; dust; darkness; dampness; radiation	Death or traumatic injury from tunnel collapse; suffocation from compressor mining; injury from explosions; silicosis and related respiratory diseases; nausea; exhaustion
Digging or hand-picking ore, slabs, rock or sand	Heavy tools; heavy loads; repetitive movements; dangerous heights; open holes; falling objects; moving vehicles; noise; dust	Joint and bone deformities; blistered hands and feet; lacerations; back injury; muscle injury; head trauma; noise-induced hearing loss; breathing difficulties; frostbite, sunstroke and other thermal stresses; dehydration; blunt force trauma, loss of digits, limbs; eye injuries and infections from shards; dust
Crushing and amalgamating; sieving, washing and sorting	Lead, mercury and other heavy metals; dust; repetitive movements; bending, squatting or kneeling	Neurological damage; genito-urinary disorders; musculoskeletal disorders; fatigue; immune deficiency
Removing waste or water from mines	Heavy loads; repetitive movements; chemical and biological hazards; dust	Musculoskeletal disorders; fatigue; infections; skin irritation and damage; respiratory issues from exposure to chemicals and dust
Transporting materials via carts or carrying	Heavy loads; large and unwieldy vehicles	Musculoskeletal disorders; fatigue; crushed by vehicles
Cooking and cleaning for adults	Physical and verbal abuse; unsafe stoves; explosive fuels	Injury from beatings; sexual abuse; burns
Selling goods and services to miners	Physical and verbal abuse	Injury from beatings; behavioural disorders, sexual abuse or harassment
Mining and quarrying in general	Remote locations; lawless atmosphere; poor sanitation; lack of protective gear; contaminated drinking water; stagnant water and mosquitoes; inadequate nutrition; degraded environmental conditions in air, water, soil, food; recruitment into sex trade; human trafficking and forced labour; gambling, drugs and alcohol	Death by lack of medical treatment; behavioural disorders; addiction; sexually transmitted diseases; pregnancy; stunted growth; diarrhea and digestive disorders; malaria and mosquito-borne diseases

Source: OECD (2017), "Practical actions for companies to identify and address the worst forms of child labour in mineral supply chains"¹⁸

BUSINESS RESPONSE TO CHILD LABOUR IN MINERAL SUPPLY CHAINS

Using due diligence to demonstrate respect for human rights is a baseline requirement of business.¹⁹ Business must identify, prevent, mitigate and account for harmful impacts of their operations or business relationships, including impacts that may occur deep in their supply chain. Companies are expected to investigate and determine whether there is reasonable suspicion that child labour contributed to the goods or services they are selling or supplying. If such a reasonable suspicion exists, then they are required to create and implement a plan of action to address their findings.

The ILO and the International Organisation of Employers (IOE) have developed detailed guidance on “How to do business with respect for children’s right to be free from child labour.”

ILO and IOE suggest seven key steps:

1. Develop a policy commitment and embed it throughout the organization
2. Assess child labour impacts
3. Integrate and take action on child labour impacts
4. Track performance on child labour
5. Communicate performance on child labour
6. Stakeholder engagement
7. Remedy and grievance mechanisms²⁰

In addition, the OECD has issued sector-specific due diligence guidance for companies to address the worst forms of child labour in mineral supply chains.²¹



Growing expectations from governments for due diligence

Increasingly, governments are translating the expectation of upholding International Labour Standards within global supply chains into national legislation, public procurement policies, and trade agreements.

In the United States, the federal government now requires due diligence in relation to trafficking in persons, including for the purposes of forced and child labour, from companies seeking federal contracts.

In the United Kingdom, the Modern Slavery Act (2015) requires companies with annual revenue above £36 million to report on their efforts to combat human trafficking in their supply chains.

Companies doing business in California with over US \$100 million in worldwide revenue are required to report on their actions to eradicate slavery and human trafficking, including of children, in their supply chains.

The Dodd-Frank Act on conflict minerals adopted in 2010 obliges publicly traded companies in the United States to undertake supply chain due diligence and report on products containing certain minerals that may be benefiting armed groups in the DRC.

In 2017, the European Union (EU) passed similar regulations on minerals mined in conflict-affected and high-risk areas.

DEVELOPING AN ACTION PLAN ON CHILD LABOUR – KEY ISSUES AND POINTERS

To be effective in their efforts to combat child labour in mineral supply chains, companies need not and should not act alone. It is important that qualified adults with an understanding of and training on child protection establish contact with children and their families, to establish trust and agree on next steps. An independent guardian should be provided to unaccompanied minors. Responsible government authorities and other competent agencies should lead remediation efforts wherever possible.

Below are issues and pointers for collaborative action on child labour.

How to prepare for action?

POINTER 1: THINK AND TALK BEFORE TAKING ACTION

Child labour in mining is illegal in most countries. However, a policing or punitive action to remove children from the site may only have a brief impact. If parents are detained or families are forcibly removed from mining areas, the affected children may become worse off. If communities do not understand why the action is being taken, they will quickly revert to the same practices as soon as the law enforcers are out of sight, and they may defy future efforts to remove or protect children. Talk to the formal and informal community leaders at length.

POINTER 2: ASSESS THE SITUATION CAREFULLY

Identify clearly what activities and tasks children under the age of 18 are doing, either in the mines/quarries or in support of the miners. Categorize these by age and sex. Observe the activities at different times of the day and night.

POINTER 3: FIND OUT WHO THEY ARE

Are the children local or immigrants? Are they alone, with “guardians”, or with their families? If they are not local nor with their families, inquire how they came to be there. They may be victims of trafficking. They may be escaping from a conflict or from recruitment in a military force. This information helps discern what is the most appropriate action to take.

POINTER 4: IDENTIFY ALTERNATIVES AND MAKE A PLAN

Identify resource persons and agencies which are in a position to provide immediate or longer-term assistance. Prior to taking action, discuss with them how they can provide assistance. For example, where can immediate health care be provided? Where is the nearest school and will it accommodate children from elsewhere?

How to rescue children in mining from danger?

POINTER 1: PROVIDE IMMEDIATE CARE

If young children or adolescents are discovered at work in a mine or quarry, assess whether immediate care might be needed such as drinking water, first aid, and counseling. Children may be suffering from malnutrition or dehydration. They may have wounds which are infected or require attention. Engage competent authorities and qualified child welfare specialists who can build trust and formulate tailored plans to promote children’s best interests.

POINTER 2: REMOVE CHILDREN AS QUICKLY AS POSSIBLE FROM HAZARDOUS WORK

If children are in hazardous work, such as handling mercury, going underground or diving underwater with a breathing tube, they should be removed from work and enrolled in a school or other educational programme. Social services or counselling may also be needed. This will require convincing parents or other care-givers that this action must be taken for the good of the child. Companies may consider providing employment for an adult member of the child’s household, or providing cash support to the family to compensate for the loss of income.

POINTER 3: SUPPORT THE PROVISION OF EDUCATION

Younger children must have access to education as the alternative to child labour. They may require support to meet the direct and indirect costs of schooling. Non-formal education may be required to enable them to be reintegrated into formal school systems.

How to release older children from hazardous work in mining?

POINTER 1: PROVIDE SUPPORT TO YOUTH

If children of legal working age (e.g. between 15 and 18 years old) are in the mining area, providing a safe rest area or drop-in centre may be the best way of approaching them. It is crucial to understand the reasons why they feel they must work in this occupation. Be prepared to refer them to counselling or other services in cases of gross abuse such as trafficking.

POINTER 2: SEEK ALTERNATIVES FOR YOUTH

Children of legal working age, although they may understand the dangers, may feel responsible for family members or compelled to work for other reasons. Provided they have completed compulsory education, providing support to secure alternative, safe work will often be the best response. Providing personal protective equipment such as respirators or gloves is not a sufficient safety measure for children.

POINTER 3: PROVIDE EDUCATION

Vocational and skills training is a proven approach to draw older youth away from hazardous work and prepare them to secure decent work in the future.

How to create sustainable change?

POINTER 1: DEVELOP A MONITORING SYSTEM

Without inspection or oversight, and when underlying causes of child labour persist, there is a high risk that children will sooner or later return to dangerous work. Communicate with the labour inspectorate or mining inspectors to see if surveillance of the area can be increased and ensure they understand the laws concerning child labour. Where the formal inspectorate cannot provide additional help, support the development of a “community watch” or community-based monitoring system, linked to the inspectorate. Provide the inspectors and/or monitors with a checklist of hazards faced by children in mining that includes psycho-social and moral risks.

POINTER 2: PROMOTE A SOUND LEGAL BASE AND IMPROVED GOVERNANCE

Most countries have ratified the ILO child labour conventions and have developed a list of hazardous work, prohibited to all

children under age 18. If mining and quarrying is not included on this list, engage with national employers’ organizations and propose that action be considered in this regard. Laws may be needed that recognise small-scale miners and establish the conditions under which they must operate. Licensing of small-scale mining operations provides a basis for routine inspection and monitoring of the enterprises and moving them toward formalization. Companies may consider providing technical assistance for formalizing ASM operations.

POINTER 3: EXPLORE OPPORTUNITIES FOR INCOME GENERATION AND ALTERNATIVE EMPLOYMENT FOR ADULT RELATIVES

Child labour is usually driven by poverty. Assisting mining families to diversify their income through linking them to microfinance services, establishing women’s credit circles, and provision of training and job placement have proved to be effective. Improved access to markets for miners, increased opportunity to add value to minerals through further processing, and support for starting or strengthening small business supporting mining communities are important. Training ASM miners on quality management, environmental restoration, and financial literacy helps improve productivity and income.

POINTER 4: RAISE AWARENESS AMONG CIVIL SOCIETY – INCLUDING PRODUCERS, MIDDLEMEN, AND BUYERS

Raising awareness among parents, the private sector, local government, general public and all those associated with the formal or informal aspects of the industry of the dangers of mining for children, and on children’s rights, their right to education, is important for building support for sustained action.

POINTER 5: INCLUDE MINING IN AN INTEGRATED RURAL DEVELOPMENT FRAMEWORK

The viability and profitability of mining areas can be increased through strengthening public infrastructure (especially schools and roads). Working with employers’ organizations, companies can promote the development and implementation of rural development plans that take into consideration the interests of mining communities and promote decent work in the industry. ASM miners should be engaged in the development of such plans.

The key to successful rural development is the linking of

ministries through a coordinating body that meets regularly, and which has authority to conduct joint activities and to jointly fund them. In rural areas, especially, the ministries of mining and agriculture, education and labour, social welfare and health should have clearly identified responsibilities with regard to protecting children from child labour in mining.

POINTER 6: ASSIST MINERS IN ORGANIZING

One of the most important actions is strengthening small-scale miners' negotiating position by supporting the establishment of trade unions, mining cooperatives and community organizations. ASM miners must be involved in the formulation of mining-related plans and policies if they are to buy into these and be bound by them, and they must be organized in order to represent themselves in policy making forums, and to otherwise defend their interests.

END NOTES

1. "Gold from children's hands: Use of child-mined gold by the electronics sector" November 2015 The Centre for Research on Multinational Corporations (SOMO).
2. "Child labour in gold mining: the problem", ILO June 2006.
3. Gold from children's hands Use of child-mined gold by the electronics sector November 2015 The Centre for Research on Multinational Corporations (SOMO).
4. Precious Metal, Cheap Labor Child Labour and Corporate Responsibility in Ghana's Artisanal Gold Mines, Human Rights Watch, June 2015.
5. <https://www.statista.com/statistics/264930/global-cobalt-reserves/>
6. "This is what we die for: Human Rights Abuses in the Democratic Republic of the Congo Power the Global Trade In Cobalt," Amnesty International, 2016.
7. "Congo's Mining Slaves, Enslavement at South Kivu Mining Sites," Free the Slaves, June 2013. The report documented cases of forced labor, forced prostitution, debt slavery, worst forms of child labour, peonage, forced marriage, sexual slavery.
8. According to the 2016 US Department of Labour List of Goods produced with Child Labour and Forced Labour, child labour was used in the production of 29 goods produced in quarries and mines in 34 countries across Africa, Asia and Latin America.
9. Artisanal mining means mineral extraction undertaken by individuals, small groups of individuals, or cooperatives working with hand tools or very basic forms of mechanization.
10. Intergovernmental Forum on Mining, Minerals, Metals and Sustainable Development (IGF). (2017). Global Trends in Artisanal and Small-Scale Mining (ASM): A review of key numbers and issues. Winnipeg: IISD <https://www.iisd.org/sites/default/files/publications/igf-asm-global-trends.pdf>
11. A Poisonous Mix Child Labour, Mercury, and Artisanal Gold Mining in Mali, Human Rights Watch, 2011.
12. "Gold from children's hands Use of child-mined gold by the electronics sector," The Centre for Research on Multinational Corporations (SOMO), November 2015
13. Combatting forced labour and trafficking in Africa, ILO, November 2013.
14. <http://www.ilo.org/ipec/areas/Miningandquarrying/lang--en/index.htm>
15. Girls in Mining: Research Findings from Ghana, Niger, Peru and the United Republic of Tanzania. ILO, 2007.
16. http://www.ilo.org/safework/areasofwork/hazardous-work/WCMS_124598/lang--en/index.htm
17. While all forms of child labour should be targeted for prevention and elimination, the international community has set priority targets for immediate action on the elimination of the worst forms of child labour (WFCL). These are prohibited to all children (defined as persons below 18 years of age). These are defined in the ILO Convention on the Worst Forms of Child Labour, 1999 (C. 182) as:
 - 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;
 - The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
 - 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
 - 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. <http://www.ilo.org/ipec/facts/WorstFormsofChildLabour/lang--en/index.htm>
18. <http://mneguidelines.oecd.org/Practical-actions-for-worst-forms-of-child-labour-mining-sector.pdf>
19. Human rights due diligence is called for in the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration), first approved in 1977 and most recently updated in 2017. The MNE Declaration provides detailed guidance to enterprises on social policy and inclusive, responsible and sustainable workplace practices. Other expressions of international consensus on the issue of due diligence are contained in the UN Guiding Principles on Business and Human Rights and the OECD Guidelines for Multinational Enterprises.
20. See: How to do business with respect for children's right to be free from child labour: ILO-IOE child labour guidance tool for business / International Labour Office, ILO International Programme on the Elimination of Child Labour; International Organisation of Employers - Geneva: ILO, 2015. http://www.ilo.org/ipec/Informationresources/WCMS_IPEC_PUB_27555/lang--en/index.htm
21. <http://mneguidelines.oecd.org/Practical-actions-for-worst-forms-of-child-labour-mining-sector.pdf>



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