

MARCH 8, 2023

Preventing child labor in supply chains

The *New York Times*' recent investigative report, "[Alone and Exploited. Migrant Children Work Brutal Jobs Across the U.S.](#)" starkly highlighted the clear and present risk of child labor in the United States (US). Unfortunately, the story is one that is repeated across the globe.

According to the International Labour Organization (ILO), one out of 10 children worldwide – 160 million children ages 5 to 17 – are engaged in some form of child labor. About half perform hazardous work that places their health, safety, or moral development at risk. Migrant children, often poor and far from home, are particularly vulnerable to exploitation.

While governments are responsible for creating and enforcing laws that protect children, companies of all sizes and in all countries are responsible for ensuring that they know the risks of child labor in their own operations and in all tiers of their supply chains and take proactive steps to address those risks. This Alert details steps companies can take to protect children from exploitation or harm in both manufacturing and agricultural operations in any country.

STANDARDS ON CHILD LABOR

The international standards and local laws on child labor can be confusing, particularly when defining work that a child might do on a family farm, or after school hours. The ILO defines child labor as work done by anyone under the age of 13. But age is just one factor, and the ILO conventions (see Annex below) prescribe not only the appropriate age for work, but also provide significant detail on the acceptable parameters for that work.

FLA's Fair Labor Code mandates that children should not be employed in the workplace unless they are either older than 15 or over the age for completion of compulsory education, whichever age is higher. Our programs help companies eliminate child labor in factories and farms through rigorous engagement with local stakeholders and sourcing programs that address high-risk sectors. FLA standards are used by its members to protect children in both the formal and informal labor sectors by prohibiting the use of child labor, and by protecting young workers from hazardous work, and the worst forms of child labor. You can learn more about our [work on child labor here](#).

GUIDANCE FOR COMPANIES

To address the risk of child labor in both manufacturing and agricultural operations, companies should:

1. **Commit to aligning policies with international standards on child labor:** Companies should develop clear standards around minimum age of work in their operations and in their supply chain. At a minimum, the standards should be aligned with the [ILO Convention 138 on](#)

[minimum age](#) and [ILO Convention 182 on the worst forms of child labor](#), which set the minimum age to work at 15 years and hazardous work at 18 years. Although the US has not ratified either ILO Convention and some states allow children as young as 12 to work, companies with US operations should adopt the international standards on child labor in their codes of conduct.

2. **Recognize that local laws may not adequately protect children:** In some jurisdictions children are allowed to work at ages well below the internationally accepted age range. In addition, it may be legal to allow children to take on hazardous jobs, or the law may not be clear about what is hazardous work. For example, some US states allow children under 15 to handle some types of heavy machinery on the job.

Companies should create their own definitions and procedures that will protect all workers, but particularly those most vulnerable. Even when permitted by local law, higher standards are warranted to fully protect children at work. Companies should provide clear guidance and definitions of hazardous work or light work to their supply chain partners and inform them in writing that the company will not accommodate local exceptions that are not aligned with the company's own standards.

3. **Build awareness among staff, subcontractors, and supply chain partners:** Companies should regularly train internal staff, subcontractors, and supply chain partners on the company's standards on child labor, including the minimum age for employment, the parameters of work allowed for each age group, and red lines for hazardous work.
4. **Actively monitor facilities:** Companies should monitor facilities and collect information on the age of workers, their scope of work, and their hours of work. Tasks carried out by young workers of legal working age should be assessed to determine if the work undertaken is light work or is prohibited hazardous work.
5. **Maintain required permits and parental consent documentation:** Companies should abide by all relevant rules and procedures where the law requires government permits or permission from parents as a condition of employment and always maintain this documentation on-site.
6. **Develop special considerations for the employment of young workers:** Companies should ensure that if young workers (those between the minimum working age and the age of 18) are hired in their own operations, by subcontractors, or in supply chains, all applicable laws or international standards for young workers are upheld, including regulations related to hiring, working conditions, types of work, hours of work, proof of age documentation, and overtime.
7. **Implement a system to identify and document proof of age for young workers:** Companies should ensure that if young workers are hired either in their own operations, by subcontractors, or in supply chains, a system is in place to ensure young workers are not assigned to workstations or operations that are inappropriate for their age.
8. **Take steps for remediation and case management:** If unauthorized child labor is discovered, companies should work with the supply chain partner to properly remediate and manage the

child labor cases. It is important to connect with the appropriate social service agencies for case management to ensure the children are properly compensated and provided with the opportunity to return to school, or other appropriate remediation steps.

ANNEX

Table 1: Definitions and international legal frameworks on child labor and additional FLA guidance

Term	Definition and International Legal Frameworks
Child	Any individual less than eighteen (18) years of age.
Children in employment	<p>Children in employment is defined by the ILO as those engaged in any activity falling within the production boundary in the System of National Accounts (SNA) for at least one hour during the reference period, including:</p> <ul style="list-style-type: none"> • Child laborers within the SNA production boundary, described in chapters 3-6 (child labor, hazardous child labor, children engaged in the worst forms of child labor, children at high risk of engaging in child labor); • Children doing permissible light work, described in chapter 2 (light work); or • Adolescents between minimum working age and 18 years old who are engaged in work not designated as one of the worst forms of child labor, described in chapter 2 (young workers).
Acceptable work for legally-working children	<p>The ILO distinguishes between child work, which may be acceptable under certain conditions, and child labor, which needs to be eliminated. Acceptable work is not specifically defined in ILO conventions; however, it is allowed for children to complete light work at 14 years old and other permissible ordinary work at 15 years old, provided that:</p> <ul style="list-style-type: none"> • Children are not subjected to exploitative or dangerous work; • Children are monitored while working; • The workplace is safe and special consideration is given to children workers such as light work; • Children are given proper training and instructions; • Working hours are limited; • Work is flexible (occurring at night so as not to interfere with school); and • Work does not prevent a child from obtaining the full benefit of an education or from receiving vocational training.
Light work for legally-working children	<p>Light work is defined in Article 7 of ILO C138 as employment or work performed by children 13 years or older that:</p> <ul style="list-style-type: none"> • Does not fall under the scope of the worst forms of child labor; • Is not likely to be harmful to their health or development; and • Does not affect their school attendance, participation in vocational orientation or training programs, or capacity to benefit from the instruction received. <p>FLA has defined additional parameters around “light work” based on several international and national standards, meaning work that:</p> <ul style="list-style-type: none"> • Is not dangerous or harmful to a child’s health or development:

	<ul style="list-style-type: none"> • Does not involve the use of or exposure to chemicals; • Does not involve carrying heavy loads (more than 15% of their body weight); • Does not involve the use of farm equipment, dangerous tools, ploughs, tractors, machetes, sharp tools, saws, or power engines; • Does not involve labor at heights greater than six feet, or in confined spaces; • Does not involve strenuous labor and extreme conditions such as standing or bending for several hours, working in high temperatures, and not having breaks. <p>Additionally, work should not affect e their attendance at school and be completed within reasonable time limits after school or during school holidays. Specifically:</p> <ul style="list-style-type: none"> • Working hours do not exceed 14 hours per week; • No work occurs before 6 a.m. or after 8 p.m.; • There is at least one full day (24 hours) of rest per week. <p>Work must be appropriate to the child’s age and physical condition and must not jeopardize the child’s social, moral, or physical development.</p> <p>The child’s parents provide supervision and guidance, and maintain all documents as required by the law.</p> <p>Other criteria are commodity specific or as defined by the national government, but not lower than the ILO standards on light work</p>
<p>Legally-working young worker</p>	<p>A young worker is defined as an employed worker of at least the minimum working age but younger than 18.</p> <p>Principles of employment of child and young workers: According to Article 7 of the European Social Charter, adopted in 1961 and revised in 1996, signatory states are obliged to ensure that:</p> <ul style="list-style-type: none"> • The minimum age of employment is 15 years, subject to exceptions for children employed in prescribed light work without harm to their health, morals or education; • The minimum age of employment is 18 years for occupations regarded as dangerous or unhealthy; • Persons who are still subject to compulsory education shall not be employed in such work that would deprive them of the full benefit of their education; • The working hours of persons under 18 years of age are limited in accordance with the needs of their development, and particularly with their need for vocational training;¹ • The right of young workers and apprentices to a fair wage or other appropriate allowances is recognized; • The time spent by youths in vocational training during the normal working hours with the consent of the employer is treated as part of the working day;²

¹ Article 5 of Regulation on the principles and procedures for the employment of children and young persons, Enacted April 6, 2004.
https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=70199&p_country=TUR&p_count=781&p_classification=04&p_classcount=17

² Article 12 of the Vocational Education, Law No. 3308, enacted June 1986.
https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=71461

	<ul style="list-style-type: none"> • Employed persons under 18 years of age are entitled to a minimum of four weeks annual paid holiday;³ • Persons under 18 years of age shall not be employed in night work except for certain occupations provided for by national laws or regulations;⁴ • Persons under 18 years of age employed in occupations prescribed by national laws or regulations shall be subject to regular medical control;⁵ • There is special protection against physical and moral dangers to which children and young persons are exposed, and particularly against those resulting directly or indirectly from their work; • The child's parents provide supervision and guidance, which is an essential principle in employing children or young workers; • Employers ensure children and young workers are protected against every type of risk which may endanger their development linked to their lack of experience, ignorance of actual and probable risks, the fact they are still growing and maturing, and their health and safety; and • Children and young workers work in jobs that do not impede their continuation and success at school, nor their preparation for vocational choices and their participation in vocational training. <p>Several countries have specified the type of work or jobs in which young workers may be employed.</p>
<p>Children engaged in child labor</p>	<p>Child labor is defined by the ILO as “work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development; is mentally, physically, socially or morally dangerous and harmful to children; and 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.”</p> <p>According to ILO/International Programme on the Elimination of Child Labour (IPEC) – Statistical Information and Monitoring Programme on Child Labour Framework on Child Labour Definitions (SIMPOC) and ILO C138 on the Minimum Age (1973), child labor refers to any person less than 15 years of age who is economically active (in paid work) for one or more hours per week, unless local minimum age law stipulates a higher age for work or mandatory schooling, in which case the higher age would apply.⁶</p>

³ Article 10 of the Regulation on the principles and procedures for the employment of children and young persons, enacted April 6, 2004, https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=70199&p_country=TUR&p_count=781&p_classification=04&p_classcount=17

⁴ Tasks that can be performed by young workers between 17-18, Annex 3, regulation on the principles and procedures governing the employment of children and young workers, enacted February 21, 2013. https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=70199&p_country=TUR&p_count=781&p_classification=04&p_classcount=17

⁵ Article 13 of Regulation on the principles and procedures for the employment of children and young persons, enacted April 6, 2004. https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=70199&p_country=TUR&p_count=781&p_classification=04&p_classcount=17

⁶ International Labour Organization/International Programme on the Elimination of Child Labour – Statistical Information and Monitoring Programme on Child Labour Framework on Child Labour Definitions. (2007, January 18). *Towards an internationally accepted statistical definition of child labor: children's activities and their definitions.* http://ilo.org/ipecc/Informationresources/WCMS_IPEC_PUB_7871/lang--en/index.htm

	<p>IPEC/SIMPOC suggests that all children younger than 5 are assumed not to be economically active.</p> <p>The minimum age for child and young labor, and light and hazardous work standards will be applied in this category. Therefore, child labor is therefore a narrower concept than “children in employment,” as child labor excludes children who:</p> <ul style="list-style-type: none"> • Do permissible work; • Work only a few hours a week in permitted work; and • Are above the minimum age whose work is not classified as a worst form of child labor, which includes hazardous child labor.
<p>Hazardous child labor</p>	<p>Hazardous child labor is defined by Part D of Article 3 of ILO C182 as “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.”</p> <p>The Convention dictates that hazardous work “shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned, taking into consideration relevant international standards.” Forms of work identified as “hazardous” for children may vary from country to country.</p>
<p>Children engaged in the worst forms of child labor</p>	<p><u>ILO C182</u> considers the following practices as worst forms of child labor:</p> <ul style="list-style-type: none"> • All types of slavery, including the sale and trafficking of children; forced labour to pay off a debt; any other type of forced labour, including using children in war and armed conflict; • All activities which sexually exploit children, such as prostitution, pornography or pornographic performances; • Any involvement in illegal activities, especially the production or trafficking of drugs; or • Any work which could by its nature damage the health, safety or well-being of children. <p>The word “child” refers to anyone younger than 18 years of age. While C182 leaves to the discretion of the countries the establishment of criteria for the identification of hazardous work, R190 specifies that the worst forms of child labor may include:</p> <ul style="list-style-type: none"> • Work that exposes children to physical, psychological or sexual abuse; work underground, under water, at dangerous heights, and in confined spaces; • Work with dangerous machinery, equipment, and tools, or which involves the manual handling or transport of heavy loads; • Work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health; or • Work under particularly difficult conditions such as long hours or during the night, or work where the child is unreasonably confined to the premises of the employer.
<p>Children at high risk of engaging in child labor</p>	<p>Children at high risk of engaging in child labor face living conditions and circumstances that make them more prone to child labor, such as:</p> <ul style="list-style-type: none"> • Previous engagement in child labor; • Availability to work during a short reference period; or • Meeting one or more of the following criteria:

	<ul style="list-style-type: none"> o Familial migration for seasonal agriculture work (at least one in the previous year) o Sibling currently or previously engaged in child labor; o Residence in a single-parent household; o Parents' lack of social security o Parents' lack of post-secondary education; and o School absenteeism or poor attendance.
<p>Forced labor of children⁷</p>	<p>Forced labor of children is defined as work performed by a child as a direct consequence of their parent or parents' engagement in forced labor, or through third-party (other than the child's parents) coercion to the child or parents.</p> <p>A child below the age of legal majority (18 years old) cannot give consent to work and so parental consent is considered instead. Coercion occur during the child's recruitment (in forcing the child or the parents to accept the job), or once the child is working (in forcing the child to do tasks beyond the original agreement or preventing the child from leaving work). If a child is working as a direct consequence of their parents' engagement in forced labor, then the child is also considered to be engaged in forced labor.</p> <p>As with forced adult labor, forced child labor may take four different forms:</p> <ul style="list-style-type: none"> • Unfree recruitment of children, which covers both forced and deceptive recruitment. Forced recruitment is when constraints are applied to force a child to work for a particular employer, as it is understood that poverty and the family's need for a supplementary income are not recognized as indicative of forced recruitment. Deceptive recruitment occurs when a child is recruited through false promises made to the child or their parents if, knowing about the real work or other conditions involved, the child would not have accepted or been allowed to undertake the job. • Work and life of children under duress, which covers adverse working or living situations imposed on a child through the use of force, penalty or threat of penalty. "Work under duress" may entail an excessive volume of work or tasks that are beyond what can reasonably be expected of a child given his or her physical and mental capacity. "Life under duress" relates to situations where restrictions on freedom or excessive dependency are imposed on a child by their employer. • The impossibility for children to leave their employer is treated as a distinct characteristics. In forced labor situations, where leaving would entail a penalty or punishment which, for children, may be less significant than for an adult (such as an inference that their parents would be extremely unhappy or disappointed if they were to leave, and that the family would suffer as a result). • Regarding coercion of children, the four sub-categories of coercion of adults listed above also apply. The "penalty" can be applied to the parents instead of the child.
<p>International conventions and frameworks</p>	<ul style="list-style-type: none"> • European Social Charter • ILO C138 – Minimum Age Convention • ILO C182 – Worst Forms of Child Labour Convention • ILO/IPEC – SIMPOC Framework on Child Labour Definitions • ILO resolution concerning statistics of child labour

⁷ The International Labour Organization (2012). *Hard to See, Harder to Count; Survey guidelines to estimate forced labor of adults and children*. http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_182096.pdf

- | | |
|--|---|
| | <ul style="list-style-type: none">• The United Nations Convention on the Rights of the Child• The United Nations Children's Fund Children's Rights and Business Principles |
|--|---|

REFERENCES

The International Labour Organization (2012). *Hard to See, Harder to Count; Survey guidelines to estimate forced labor of adults and children.*

http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_182096.pdf

The International Labour Organization/International Programme on the Elimination of Child Labour – Statistical Information and Monitoring Programme on Child Labour Framework on Child Labour Definitions. (2007, January 18). *Towards an internationally accepted statistical definition of child labor: children's activities and their definitions.*
http://ilo.org/ipecc/Informationresources/WCMS_IPEC_PUB_7871/lang--en/index.htm

System of National Accounts 2008. (2009). The European Commission, the International Monetary Fund, the Organisation for Economic Co-operation and Development, the United Nations & the World Bank Group.

<https://unstats.un.org/unsd/nationalaccount/docs/SNA2008.pdf>