



# GUIDANCE DOCUMENT CHILD LABOR

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## **TRANSLATIONS**

Please be aware that in the case of translations of the FSSC 24000 Scheme or Guidance documents, the English version is the official and binding version.

## **DISCLAIMER**

The information in these guidance documents is intended to assist with the interpretation, implementation, and auditing of the requirements contained in the PAS 24000. While this information addresses and is consistent with these requirements, it is not intended to add to, subtract from, or modify them in any way.

The requirements in the PAS 24000 need to be viewed from a systems perspective and should not be considered in isolation. For example, there can be an interrelationship between the requirements in one clause and the requirements in other clauses.

# CHILD LABOR GUIDANCE ON THE FUNDAMENTAL APPROACH AND INTERPRETATION

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## 1. INTRODUCTION

This Guidance Document is intended to provide guidance on fundamental interpretations that outline systematic approaches and practices specifically related to identifying and addressing child labor and its associated risks and contributing factors.

Compliance with labor and workers' rights is a non-negotiable principle within the social management system that organizations and their linked suppliers and/or business partners must continuously demonstrate. In this context, this includes the engagement of child labor, which can occur in the entire organizational structure in which operational activities are carried out, including its associated suppliers, contractors, or business partners.

## 2. DEFINITION

Child labor refers to the employment of children in any work that deprives them of their childhood, interferes with their ability to attend regular school, and is mentally, physically, socially, or morally harmful. It encompasses various forms of exploitation and hazardous work that can negatively impact a child's development and well-being.

Some associated forms of child labor include:

**Hazardous work:** Involves tasks that are harmful to the physical or mental health of a child, such as working with dangerous machinery, handling toxic substances, or being exposed to extreme temperatures.

**Exploitative labor:** Involves situations where children are forced to work for little or no pay, often under coercive or abusive conditions. This can include bonded labor, where children are forced to work to pay off debts owed by their families.

**Trafficking:** Involves the recruitment, transportation, transfer, harboring, or receipt of children for the purpose of exploitation. Children may be trafficked for various forms of labor, including domestic work, agricultural work, or commercial sexual exploitation.

**Forced labor:** Involves situations where children are compelled to work against their will, often through threats, coercion, or deception. This can include forced begging, domestic servitude, or work in industries such as agriculture, manufacturing, or mining.

These forms of child labor are often intertwined, and children may be subjected to multiple forms of exploitation simultaneously. Efforts to combat child labor focus on promoting education, enforcing labor laws, improving social protections for families, and addressing the root causes of poverty and inequality.

***“Each Member for which this Convention is in force undertakes to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons.”***

— Minimum Age Convention, Article 1, 1973 (No. 138)

**ILO definition:**

It is first necessary to clarify what is not meant by the term child labour. Children's or adolescents' participation in work that does not affect their health and personal development or interfere with their schooling is generally regarded as being something positive. This includes activities such as helping their parents care for the home and the family, assisting in a family business, or earning pocket money outside school hours and during school holidays. It contributes to children's development and the welfare of their families; it provides them with skills, attitudes, and experience, and helps to prepare them to be useful and productive members of society during their adult life.

Child labour refers to work that 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;
- by obliging them to leave school prematurely or
- by requiring them to attempt to combine school attendance with excessively long and heavy work.

A number of factors, such as the age of the child, the nature and duration of the work, the working conditions, and the objectives of individual countries, can influence the definition of child labour. Hence, it is important to understand that the definition of child labour can vary between countries and the sector concerned.

It is important to distinguish between minimum age violations and the worst forms of child labour. The minimum age for work is defined as follows: <sup>(1)</sup>

- The minimum age for work should not be less than the age for completing compulsory schooling, and in general, not less than 15 years. However, states whose economy and educational facilities are insufficiently developed may initially specify a minimum age of 14 years as a transitional measure (Minimum Age Convention No. 138). Children can engage in light work from 13 years of age (or 12 as a transitional measure), provided that it does not interfere with their education or vocational training and that it does not have a negative impact on their health (Minimum Age Convention No. 138).

The worst forms of child labour include (Worst Forms of Child Labour Convention No. 182):

- 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 or pornographic performances;
- The use, procuring or offering of a child for illicit activities (e.g. production and trafficking of drugs).

### 3. RELATED CLAUSES IN THE SCHEME

#### **PAS 24000: 4.2 UNDERSTANDING THE NEEDS AND EXPECTATIONS OF INTERESTED PARTIES**

The organization shall determine the following:

- b) the relevant needs and expectations (i.e. requirements) of workers and other interested parties;
- c) which of these needs and expectations are, or could become, legal requirements and other requirements; and
- d) which of these needs and expectations, besides the (legal) requirements identified in c), will be addressed through the SMS.

#### **PAS 24000: 5.1 LEADERSHIP AND COMMITMENT**

Top management shall demonstrate leadership and commitment with respect to the SMS by:

- a) taking responsibility for the effectiveness of the SMS;
- d) ensuring focus on social performance throughout the organization;
- g) ensuring that the SMS achieves its intended results;
- i) ensuring and promoting continual improvement;
- m) ensuring that applicable statutory and regulatory requirements are determined, understood and consistently met.

#### **PAS 24000: A.3 CHILD LABOUR**

The SMS shall ensure that the requirements in Table A.3 are satisfied.

<b>1</b>	<p>The organization conforms to the minimum age of work to be not less than 15 years, or the minimum age as defined by applicable legal requirements or the age of completion of compulsory education, whichever is higher.</p> <p>The organization may employ persons under the age 15 years for light work in accordance with ILO Convention 138 [3] and in line with applicable national legal requirements.</p> <p>NOTE The organization can employ persons under the age of 15 years for light work only if the local minimum age law is set at an age of 14 years in accordance with ILO Convention 138 [3].</p>
<b>2</b>	Details on any children under the age of 15 years working at the site are reported.
<b>3</b>	Where the organization applies work for training/apprenticeship schemes, these are not exploitative and are in line with national legal requirements.
<b>4</b>	The organization does not employ workers under the age of 18 years at night or in hazardous conditions.
<b>5</b>	The organization establishes age verification mechanisms for all workers and maintains valid age verification records.
<b>6</b>	The organization ensures that if child labour is found, effective remediation procedures are in place that put the best interest of the child first. The remediation plan is documented and verified, and actions put in place to avoid recurrence.

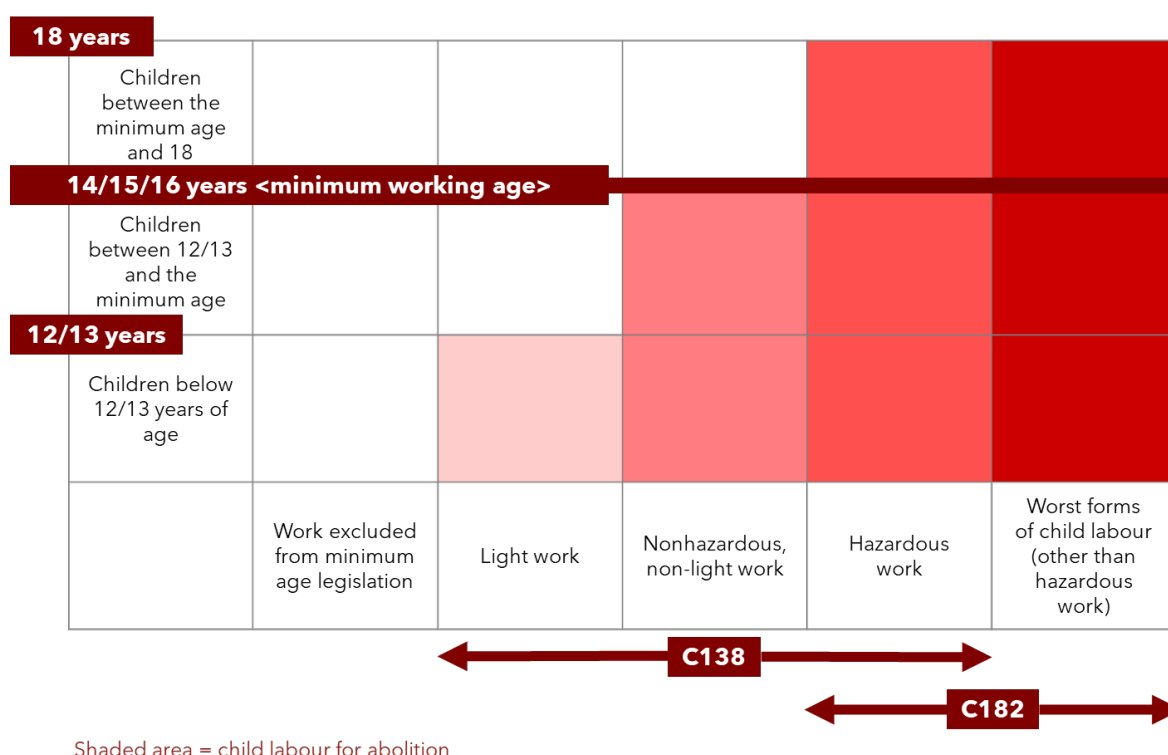


## 4. INTRODUCTION AND BASIC PRINCIPLES ON CHILD LABOUR

### Basic distinctions in ILO child labour standards:

The fundamental ILO standards on child labour are the two legal pillars of global action to combat child labour.

1. Minimum Age Convention, 1973 (No. 138) <sup>(2)</sup>
2. Worst Forms of Child Labour Convention, 1999 (No. 182) <sup>(3)</sup>
3. Further relevant instruments <sup>(4)</sup>



Source: ILO - A future without child labour, Global Report, Report I(B) ILC 90th, 2002 (Figure 2, p. 10).

### 4.1 THE CAUSES OF CHILD LABOUR

Although a consensus confirms that the main driver of child labour is poverty, which through its contribution can ensure the economic and social survival of households to a certain extent, a large number of studies or scientific research and projects can attest that the causes of child labour can have several reasons.

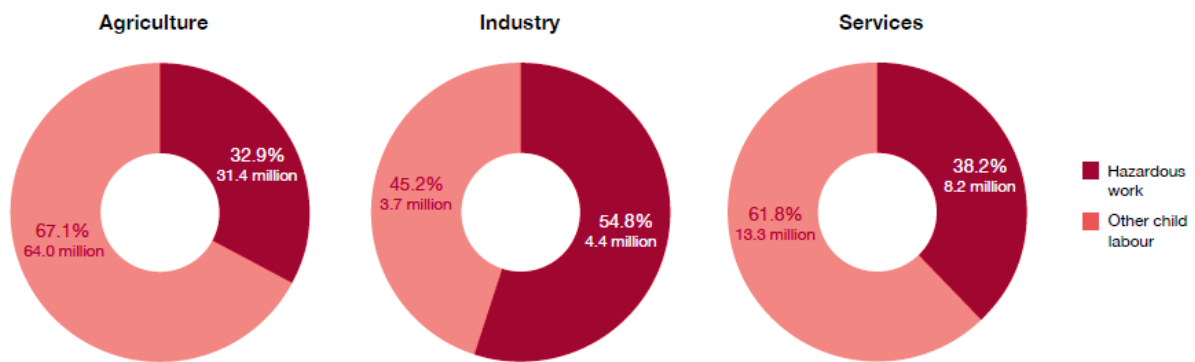
Children work because their survival and that of their families depend on it, and in many cases because unscrupulous adults take advantage of their vulnerability. It is also due to inadequacies and weaknesses in national educational systems. It is deeply ingrained in cultural and social attitudes and traditions.

— ILO, Causes

Although the general view is that the parents' income is supported by the child's work and thus the economic and social existence is covered to a certain extent, other reasons should be taken into consideration.

Based on the work of Olivier Thévenon and Eric Edmonds <sup>(5)</sup> published in a paper, the use of child labour may also have economic reasons, showing that child labour is overwhelmingly found in the agricultural sector and includes family labour.

Hazardous work constitutes a sizeable share of child labour among children aged 5 to 14 across all three sector - number and percentage distribution of children aged 5 to 14 years in child labour, by hazardous work status and sector of economic activity:



Source: Child Labour | Global Estimates 2020, Trends and the Road Forward, (Fig 20. Number and percentage distribution of children aged 5 to 14 years in child labour, by hazardous work status and sector of economic activity) <sup>(6)</sup>

Other contributing factors may include:

- Legal enforcement (countries that do not have far-reaching laws encompassing all areas of the country).
- Limited or no safe/appropriate access to schooling or weak educational systems
- Traditional or cultural reasons
- Weak or non-existent children's rights
- Migration and refugee status (many of whom have been uprooted by conflict, disaster or poverty – also risk being forced into work and even trafficked, especially if they are migrating alone or taking irregular routes with their families.) <sup>(7)</sup>



## 5. GUIDANCE FOR ORGANIZATIONS

In addition to the development and effective implementation of human rights policies and compliance with relevant Scheme requirements (see section 2), the organization should ensure that it exercises due diligence with the active abolition, identification, and remediation of child labor. Successful implementation of the identified measures and the rejection of child labor within the organizational structure and associated supply chains also can bring added economic and social benefits.

***“Recent ILO studies have shown that the elimination of child labour in transition and developing economies could generate economic benefits much greater than the costs, which are mostly associated with investment in better schooling and social services.”***

ILO - International Labour Standards on Child labour

- (1) The development and **implementation of transparent policies and procedures** that clearly and unambiguously describe the principle that prohibits child labor and is comprehensibly cascaded within the entire organizational structure, including the entire supply chain or linked business partners, is crucial. Access to international markets may be restricted for companies associated with child labor.
- (2) Policies should reflect the minimum age requirements, elements relating to hazardous work, and working hours in the general recruitment or hiring process. Recruitment policies should also include a robust age verification process that verifies the age of applicants through officially issued personal identification cards, birth certificates, or any other form of identification issued by the authorities.
- (3) Organizations should adopt policies to promote decent work for adults and young workers of legal age and comply with legal requirements and commitments to the abolition of child labor.
- (4) Organizations that combat child labor demonstrate their **commitment to social sustainability**. This not only demonstrates a clear commitment to meeting global Corporate Social Responsibility expectations, in addition, the ILO Conventions, the OECD <sup>(8)</sup> and UN Global Compact principles <sup>(9)</sup>, and the SDG targets 8.7 and 16.2 <sup>(10)</sup> are met but also promote positive relationships with communities and stakeholder.
- (5) The implementation of a robust risk assessment that identifies potential risks associated with child and young labor, as well as hazardous work, is crucial. The risk assessment must also consider that all linked suppliers or business partners are reflected in the analysis, including vulnerable groups or populations, and should be updated frequently.

## 6. AUDITING TECHNIQUES

In certain regions of the world, child labor can take different forms that are not always immediately apparent due to many factors and circumstances.

Hence, identifying child labor can be challenging for auditors. Therefore, the appropriate use of selective and specific audit techniques or methods is required. Taking into account geographical, cultural, political, and industry-specific elements, the auditor should perform due diligence where

appropriate and conduct investigative research on the organization's profile and its potential risk areas before the audit.

In summary, the affected individuals or even groups of people are defenselessly exposed to this system, and in most cases, the people are not able to turn to any grievance mechanism or legal body, as they are likely to face corporal punishment if they do so or even consequences by their family members. Therefore, a triangulation of different sources and consideration of multiple perspectives is necessary to draw objective conclusions.

During the audit process, auditors may encounter cultural or economic barriers, and as such care should be observed during this process.

- (1) **Site tour:** When inspecting the premises, it is important to be alert to any indications of isolated and cordoned-off areas where children or young workers may be present or accommodated.

It is therefore paramount to perform an independent and unrestricted inspection of all premises, perimeters, and dormitories (if applicable).

Where dormitories are provided to workers by the organization, these must be equipped with adequate safety provisions that meet at least the minimum legal requirements as well as the FSSC 24000 Scheme requirements. Windows and escape routes shall not be blocked, and doors or entrances shall be freely and unrestrictedly accessible to all workers at all times.

- (2) **Interaction and information sharing with trade unions, NGOs or social services** can also help the auditor to determine whether the organization has a negative history concerning child labor or to assess the extent to which the organization is contributing to the abolition of child labor.
- (3) **Worker interviews:** Conducting worker interviews following the Scheme requirements must serve as an essential basis in this case to identify potential child labor. In the systematic selection of individuals and groups, attention should be paid to the composition of the workforce and vulnerable groups.

Among other things, the interviews should also serve to find out whether the age corresponds to the verified documents, how long the employment relationship has existed, the working hours, at what time the individual can leave the premises, what work is done, whether the school is attended in addition to work, etc. This is not an exhaustive list of questions that can be used in the interview process and should be adapted to the situation and the auditor's discretion.

- (4) **Interviews with relevant functions** such as Human resources/recruitment managers, supervisors, mentors: Questions focused on organizational practices should be used to identify aspects such as whether age verification mechanisms are in place, control of workload, work type, working hours and overtime, etc.
- (5) **Worker records:** The review of workers' records is conducted following standard requirements, and the contractual agreement between the worker and the organization should be per legal and standard requirements. The worker should not be contractually disadvantaged in any aspect. Verification of the time sheets, workplace, as well as job description should also help to ensure that the worker is employed according to the

applicable Scheme and legal requirements. A review of worker records also includes age verification.

Some tasks are assigned to trainees or young workers, but these should be consistent with the interviews conducted and the personnel files reviewed. A comparison with the contracts, the interviews and the review of the job description should provide confirmation.

## 7. REMEDIATION AND MITIGATION ACTIONS

Organizations must have a transparent and accessible grievance channel in place for young workers, other workers, and stakeholders. The grievance channel should allow young workers and other workers and stakeholders to receive feedback, lodge complaints, and put forward suggestions to identify actual or potential risks and hazards and to ensure children or young workers are protected. The involvement of business partners in providing remediation can play an important role in the remediation process, depending on the extent and context of direct or indirect attribution of risk and the actual source of the situation. In addition, organizations should understand and develop what remedies and grievance mechanisms exist at the state level. Furthermore, local non-governmental organizations and industry associations can provide support and resources for the grievance mechanism and remediation process.

The implementation of a robust impact assessment of the organizational structure as well as the supply chain or linked business partners is key to understanding how business partners can help remedy or take countermeasures against child labor practices. A robust risk assessment can be conducted by the certified organization as a stand-alone process or, ideally, in cooperation with its business partners in support of established monitoring activities. Reporting on progress and disclosure of transparent procedures to related businesses, including the internal and external communication of a policy against child labor ensures transparency and builds trust between all associated business partners.

In addition, it is important to emphasize that organizations shall observe the relevant Scheme requirements and implement an effective remediation plan after identifying child labor. The social management system should cover the following minimum requirements:

- (a) A robust and demonstrably consistent risk assessment is in place implemented by the organization. The risk assessment should also include an impact analysis and mitigation plan in case young workers are engaged in hazardous work.
- (b) This includes an adequate mitigation and prevention plan based on the identified risks.
- (c) The remediation plan should identify measures and steps that ensure the best interest of the child or young worker. In case child labor has been identified at the premises or within the linked business partners, immediate actions should be taken to ensure that the child is protected, taken to a safe place, and that the child is receiving an appropriate education. The organization should contact the parents or local social services and explore further steps to ensure the welfare of the child of the young worker.
- (d) Organizations should continuously raise awareness and ensure that the understanding and responsibilities of all workers concerning child labor are given, understood and effectively monitored by the organizations.

- (e) Finally, affected individuals or groups are compensated accordingly (in any form).

These processes should be provided to all workers and within the entire supply chain in a comprehensible manner and made available in an unrestricted and documented form. Training measures on children's rights should be made available to all workers.

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- (10) Relevant SDG Targets related to Child Labour