

# Nepal Labor Inspection Training On Child Labor

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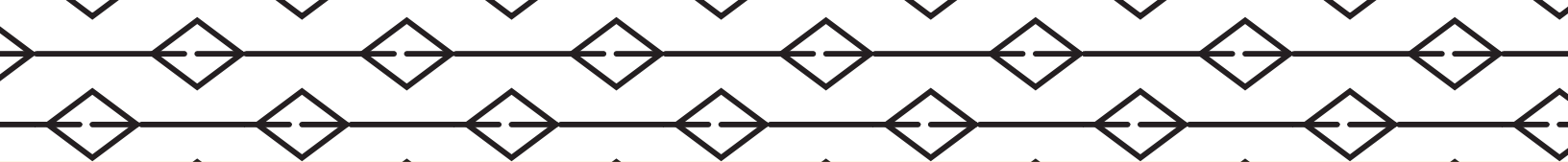
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# LABOR INSPECTION TRAINING ON CHILD LABOR





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2018

## **CLEAR II**

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# LABOR INSPECTION TRAINING ON CHILD LABOR



## FACILITATOR'S GUIDE



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## INTRODUCTION

This facilitator's guide provides tips and advice to help facilitators successfully use the curriculum for Labor Inspection Training on Child Labor in Nepal. It describes the purpose and objectives of the training; provides an overview of the training structure and format; gives examples of ice breakers and energizers; and includes sample training agendas and course evaluations. The curriculum is based on a training methodology that encourages participants to play an active role, contributing their professional expertise on how to improve the response to child labor in the workplace.

The curriculum is comprehensive and covers a wide array of topics relevant to those engaged in the fight against child labor. Before beginning, facilitators should understand the participants' skill level and knowledge and tailor the training accordingly. For example, if the curriculum is used as part of onboarding of new inspectors with relatively little experience, an introductory approach that emphasizes definitions and legal standards should be employed to lay the foundation for more in-depth training. However, when training more senior enforcement personnel, lessons and exercise that deal with more complex matters such as strategic planning and risk analysis should be emphasized. Attached to this guide is a sample training needs survey (Appendix A) that can be distributed to trainees several weeks prior to the training to help training organizers meet the learning objectives of the participants.

# OBJECTIVES OF THE TRAINING

At the end of the course, labor inspectors and other relevant enforcement personnel should:

- » Appreciate the importance of addressing child labor in their work.
  - » Clearly see their role in protecting children from exploitation.
  - » Understand the definitions, legal frameworks and best practices for addressing child labor.
  - » Transform the knowledge gained in the training into concrete actions that reduce the incidence of child labor and promote decent work for youth.
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# CURRICULUM STRUCTURE

The curriculum includes five modules, each with lessons and interactive exercises designed to help participants apply the lessons to real life situations. The curriculum is designed to move from understanding general principles and definitions (Module 1) to planning and information gathering (Module 2) to action (Modules 3 through 5). In most situations, it will not be possible to cover all of the material in one training. Therefore, the training team should determine in advance what lessons and exercises will be most useful for the participants. As mentioned above, it is important to tailor the agenda to the needs of those attending the training. Those who are new will need to start with more introductory sessions while those participants who are more experienced can spend more time on more complex lessons. Consider the curriculum to be like a menu of options to pick and choose from depending on the needs of the audience.

The curriculum is broken down as follows:

- » Module 1–Definitions and Legal Frameworks
  - Lesson 1.1: The importance of combatting child labor
  - Lesson 1.2: International standards, definitions, and concepts
  - Lesson 1.3: Estimates of child labor and national legal/policy context
- » Module 2–Roles and Responsibilities of Labor Inspectors in Addressing Child Labor
  - Lesson 2.1: The critical role of labor inspectors in the fight against child labor
  - Lesson 2.2: Methods for addressing challenges inspectors face in tackling child labor
  - Lesson 2.3: Coordination and collaboration with stakeholders
  - Lesson 2.4: Strategic planning
  - Lesson 2.5: Data gathering, record keeping, and reporting
  - Lesson 2.6: Ethics and corruption
- » Module 3–Identifying Child Labor
  - Lesson 3.1: Proactive vs. reactive inspections
  - Lesson 3.2: Identifying children most vulnerable to child labor
  - Lesson 3.3: Identifying sectors most vulnerable to child labor



- Lesson 3.4: Gathering information to assist in identifying child labor
- Lesson 3.5: Interviewing children and adolescents and improving methods of age verification
- Lesson 3.6: Child labor monitoring systems
- » Module 4—Eliminating Child Labor
  - Lesson 4.1: Deciding on the appropriate action
  - Lesson 4.2: Task mapping and job risk analysis
  - Lesson 4.3: Compliance-oriented approaches
  - Lesson 4.4: Deterrence—confrontational and adversarial approaches
  - Lesson 4.5: Removing children from the workplace
  - Lesson 4.6: Rehabilitation, reintegration, and monitoring
- » Module 5—Preventing Child Labor
  - Lesson 5.1: The importance of focusing on prevention
  - Lesson 5.2: Outreach and awareness raising
  - Lesson 5.3: Promoting formalization of informal businesses
  - Lesson 5.4: Promoting corporate social responsibility and self-regulation within the private sector

The curriculum contains 18 exercises (three per module) which each take from 60-90 minutes to complete, however timeframes can be modified to accommodate a tight schedule. The exercises are spread throughout the modules and are designed to be interactive and help participants apply the lessons to real life situations. Facilitators should feel free to change or add details to examples and case studies to make the material more relevant to trainees' experiences in the field.

A more complete description of each lesson and exercise, including the objective, training methods, and duration is included as Appendix B to the Facilitator's Guide. This information can be used to develop a training agenda.

# ICE BREAKERS AND ENERGIZERS

It is nice at the beginning of the training to give participants a chance to get to know each other. This can be done by using “ice breakers” which are games that encourage participants to mingle and introduce themselves. Additionally, it is important to build into the agenda short breaks for “energizers” which are brief activities that get participants moving around and laughing and give them a short break from the intensity of the training. Energizers are recommended after lunch and at any other time that participants’ energy seems low. Examples of ice breakers and energizers include:

» **Ice breaker 1: Getting to know each other**

1. Divide participants into pairs.
2. Ask participants to introduce themselves to their partner, providing some personal and professional details.
3. Ask them to identify something they have in common.
4. Tell them to take notes and be prepared to introduce their partner to the rest of the group.
5. Gather back together and have each pair introduce themselves to the larger group.

» **Ice breaker 2: Baggage Claim<sup>i</sup>**

1. Distribute blank note cards to each participant. Tell them that they are going on a trip and the cards represent their baggage.
2. Ask participants to “fill their bag” with three interesting facts about their life and the work they do, but they should NOT put their names on the bag.
3. Once they are finished, ask participants to “check their luggage” by handing in the card to the facilitator.
4. The facilitator should put all the cards into a pile and mix them up face down.
5. Tell the participants that they have now arrived at their destination and it is time to come retrieve their bags by picking up any card that is face down in the pile.

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<sup>i</sup> This ice breaker comes from Verité’s auditor training.

6. It appears that many have retrieved the wrong bag! Participants should walk around the room and share with others what is in their bag and what is in the bag they picked up. The goal is to locate their own bag, and find the owner of the bag they picked up. This is done until all participants have located their own luggage.
7. Reconvene the group and ask each participant to share one thing that they learned about their fellow participants.

» **Energizer 1: Snowball fight**

1. Distribute two pieces of paper to each participant.
2. Ask them to write on the first sheet of paper something they like about their job and on the second sheet of paper write something they do not like about their job.
3. Instruct participants to then crumple up each paper into a ball.
4. Tell participants to start a snowball fight and throw the balls at each other, picking up the balls that land on the floor and throwing them again.
5. Stop the snowball fight and ask each participant to pick up two balls, open them and read them to the group. After each ball is opened and read out loud ask who in the group can relate to that feeling.

» **Energizer 2: Fortunately/unfortunately**

1. Gather participants in a circle and tell them you are going to build a story together.
2. The facilitator starts the story by saying "Fortunately..." and follows with something good like "Fortunately, we all made it safely to this training."
3. The person to the right of the facilitator must continue the story but start their sentence with "Unfortunately..." For example, they might say "Unfortunately, we are all very tired from the journey."
4. The person to their right then adds to the story with a new sentence that starts with "Fortunately..." and so on until everyone in the circle has added to the story.

# SETTING THE STAGE FOR A SUCCESSFUL TRAINING

On the first day of the training facilitators should take time to:

- » Welcome participants and introduce the training team.
- » Give participants an opportunity to introduce themselves.
- » Explain the objectives of the training.
- » Outline the agenda and the subjects to be covered.
- » Outline the methodology to be used including lectures, group work, role plays, and question and answer sessions (Q&As).
- » Emphasize the importance of active participation during the training by sharing experiences, asking questions, and providing feedback.
- » Ask participants to share their expectations regarding the training.
- » Inform participants that they will have an opportunity at the end of each day to provide feedback to the facilitators.

## UNDERSTANDING EXPECTATIONS

It is important to take stock of participants' expectations at the beginning of the training. This is important so that the facilitator can address trainees' needs throughout the program as much as possible. It is also important for the facilitator to acknowledge that some participants' expectations may not be reasonable given the training agenda. For example, some might expect to receive official certification at the end of the program, which may not be feasible. Discussing expectations can be done in a variety of ways. One way is to ask participants to write down answers to each of the following questions:

- » What do I expect from the training?
- » What do I expect from other participants?
- » What do I expect from the facilitators?

The facilitator should gather the responses and read them aloud while someone writes the answers on a flipchart at the front of the room. Facilitators should check the list periodically throughout the training to ensure they are meeting expectations as much as possible.

Facilitators should also share their expectations with the group by noting that they expect trainees to:

- » Arrive each day on time and stay until the end of the program.
- » Have a good attitude.
- » Participate actively, ask questions, and listen to others.
- » Be open to learning and change.



# EVALUATIONS

It is recommended that facilitators conduct an evaluation at the end of each day of training to solicit feedback about:

- » How well the program is meeting trainees' needs.
- » What has been learned today.
- » Suggestions for improvement.

Results of evaluations should be tallied and discussed by the facilitators each day at a wrap up meeting in which the facilitators and other staff involved in the training come together to discuss what went well and what needs to be changed or improved upon. When feasible, recommendations for improvement should be implemented the following day. A sample evaluation form is attached as Appendix C.

# APPENDIX A: SAMPLE TRAINING NEEDS SURVEY

## TRAINING NEEDS SURVEY

The purpose of this survey is to allow inspectors and other relevant staff within the Ministry of Labor to express particular areas of knowledge and interest regarding training on child labor. Results will be used to develop a training agenda that responds to the needs of participants and builds upon current capacities. Your answers are important so please consider the questions carefully and fill out the form completely. Your answers will remain anonymous and confidential. Thank you!

### Instructions:

1. Please complete this Training Needs Survey by yourself, as it concerns your individual training needs and interests.
2. In Section I: Be specific and provide as much detail as possible in your answers.
3. In Section II: Read each subject area listed in column A. In column B assess whether you have a “low,” “intermediate,” or “high” **level of knowledge or skill** in that area. In column C indicate whether you have a “low,” “intermediate,” or “high” **level of interest** in receiving training in that subject area.
4. In Section III: Indicate additional areas of interest, challenges faced on the job and any additional thoughts regarding training.

## SECTION I. PERSONAL INFORMATION AND PREVIOUS TRAINING

POSITION

LENGTH OF TIME IN POSITION

PLEASE INDICATE BELOW WHAT TRAINING YOU HAVE RECEIVED SINCE STARTING YOUR JOB WITH THE MINISTRY OF LABOR, INCLUDING THE SUBJECT OF THE TRAINING, WHEN IT WAS GIVEN AND WHICH ORGANIZATION PROVIDED IT.

SUBJECT OF TRAINING	YEAR ATTENDED	ORGANIZATION PROVIDING TRAINING

## SECTION II. PREVIOUS EXPERIENCES AND CURRENT INTEREST

In order to tailor the training to the participants, we would like to know your experience in various subjects related to child labor inspection and your level of interest in learning more about those subjects.

1. Read each **subject area** listed in Column A, then
2. Indicate in Column B your **level of experience** or knowledge in the subject area (Low–little or no experience; Intermediate– some experience; or High–a lot of experience)
3. Indicate in Column C **your level of interest** in receiving training in the subject area (Low–little or no interest; Intermediate– some interest; or High–a lot of interest)

COLUMN A	COLUMN B			COLUMN C		
SUBJECT AREA	CHECK THE BOX THAT INDICATES YOUR LEVEL OF EXPERIENCE OR KNOWLEDGE IN THIS SUBJECT			CHECK THE BOX THAT INDICATES YOUR LEVEL OF INTEREST IN RECEIVING TRAINING ON THIS SUBJECT		
	LOW: LITTLE OR NO KNOWLEDGE/ EXPERIENCE	INTERMEDIATE: SOME KNOWLEDGE/ EXPERIENCE	HIGH: A LOT OF KNOWLEDGE/ EXPERIENCE	LOW: LITTLE OR NO KNOWLEDGE/ INTEREST	INTERMEDIATE: SOME KNOWLEDGE/ INTEREST	HIGH: A LOT OF KNOWLEDGE/ INTEREST
Definitions and legal frameworks - A training on legal frameworks can provide a review of international standards on child labor and the details of national law. Please indicate your level of knowledge and your level of interest in learning more about the following subject areas:						
a. International standards on child labor including ILO Conventions 138 on Minimum Age for Employment and 182 on Worst Forms of Child Labor						
b. National laws related to child labor including: minimum age for work, definitions of hazardous work for children, and penalties for violations						

COLUMN A	COLUMN B			COLUMN C		
SUBJECT AREA	CHECK THE BOX THAT INDICATES YOUR LEVEL OF EXPERIENCE OR KNOWLEDGE IN THIS SUBJECT			CHECK THE BOX THAT INDICATES YOUR LEVEL OF INTEREST IN RECEIVING TRAINING ON THIS SUBJECT		
	LOW: LITTLE OR NO KNOWLEDGE/ EXPERIENCE	INTERMEDIATE: SOME KNOWLEDGE/ EXPERIENCE	HIGH: A LOT OF KNOWLEDGE/ EXPERIENCE	LOW: LITTLE OR NO KNOWLEDGE/ INTEREST	INTERMEDIATE: SOME KNOWLEDGE/ INTEREST	HIGH: A LOT OF KNOWLEDGE/ INTEREST
c. The difference between “child labor” and “child work”						
d. How to recognize “light work” and “safe youth employment”						
e. How to recognize “human trafficking” and “forced labor”						
The role of inspectors in addressing child labor—Labor inspectors play a crucial role in combatting child labor by enforcing laws, advising employers and workers, and raising awareness about risks and hazards of child labor. Please indicate your level of knowledge and your level of interest in learning more about the following subject areas:						
f. Developing a strategic plan to address child labor						
g. Collecting data on child labor and using it for planning						
h. Promoting safe youth employment						
i. Outreach and awareness raising on child labor						

COLUMN A	COLUMN B			COLUMN C		
SUBJECT AREA	CHECK THE BOX THAT INDICATES YOUR LEVEL OF EXPERIENCE OR KNOWLEDGE IN THIS SUBJECT			CHECK THE BOX THAT INDICATES YOUR LEVEL OF INTEREST IN RECEIVING TRAINING ON THIS SUBJECT		
	LOW: LITTLE OR NO KNOWLEDGE/ EXPERIENCE	INTERMEDIATE: SOME KNOWLEDGE/ EXPERIENCE	HIGH: A LOT OF KNOWLEDGE/ EXPERIENCE	LOW: LITTLE OR NO KNOWLEDGE/ INTEREST	INTERMEDIATE: SOME KNOWLEDGE/ INTEREST	HIGH: A LOT OF KNOWLEDGE/ INTEREST
j. Identifying children most vulnerable to child labor						
k. Conducting child-friendly interviews						
l. Developing action plans with employers to eliminate child labor from supply chains						
m. Recommending child labor cases for prosecution						
n. Planning for operations/raids to rescue and remove child laborers from the workplace						
o. Coordinating with others on plans for rehabilitation and reintegration for children rescued from child labor						



**SECTION III. OTHER AREAS OF INTEREST, BIGGEST CHALLENGES FACED ON THE JOB, AND ADDITIONAL THOUGHTS**

1. Describe any other subjects in which you are interested in receiving training that are not listed above.

2. Describe the biggest challenges to effective inspection of child labor.

3. Please provide any additional thoughts you have regarding training on child labor.

**Thank you very much for your time and your help in developing the training program.**

## APPENDIX B: DESCRIPTION OF LESSONS AND EXERCISES

MODULES	LESSONS/EXERCISES/ TOPICS	OBJECTIVES	METHODS	DURATION (MINUTES)
<b>Module 1:</b> Definitions and Legal Frameworks	<b>Lesson 1.1:</b> The importance of combatting child labor	To highlight for participants why their contribution to the fight against child labor is so important.	Brainstorm to elicit participants' thoughts on the topic; PowerPoint presentation of material in curriculum followed by Q&A	30
	<b>Lesson 1.2:</b> International standards, definitions, and concepts <ul style="list-style-type: none"> <li>• Children engaged in employment/ child work</li> <li>• Child labor</li> <li>• Minimum age for employment—ILO Convention 138</li> <li>• Light work</li> <li>• Worst forms of child labor—ILO Convention 182</li> <li>• Hazardous child labor</li> <li>• Child trafficking and forced labor</li> <li>• Youth employment and decent work</li> </ul>	To provide an overview of international labor standards, and definitions of key terms related to child labor.	PowerPoint presentation of material in curriculum followed by Q&A	60
	<b>Exercise 1.2.1:</b> Understanding definitions and concepts related to child labor	To identify which situations constitute child work, child labor, worst forms of child labor, light work, human trafficking, youth employment, and hazardous labor.	Group work to analyze specific examples and determine which definition applies; report back in plenary; wrap up with Q&A and key messages	90
	<b>Exercise 1.2.2:</b> Recognizing child labor in the community	To identify instances of child labor and child work in one's own community.	Group work to elicit real-life examples of child work, light work, and child labor in participants' communities; report back in plenary; wrap up with Q&A and key messages	60
	<b>Lesson 1.3:</b> Estimates of child labor and national legal/policy context	To provide global statistics related to child labor and statistics from Nepal. To provide an overview of Nepal's: <ul style="list-style-type: none"> <li>• Ratifications of international conventions related to child labor</li> <li>• National legal framework related to child labor</li> <li>• Hazardous child labor</li> <li>• National policies related to child labor</li> </ul>	PowerPoint presentation of material in curriculum followed by Q&A	60
	<b>Exercise 1.3.1:</b> Analyzing the strengths and weaknesses in Nepal's child labor laws	To articulate the strengths and weaknesses in Nepal's legal framework for protecting children from labor exploitation.	Group discussions; report back in plenary; wrap up with Q&A and key messages	60

MODULES	LESSONS/EXERCISES/ TOPICS	OBJECTIVES	METHODS	DURATION (MINUTES)
<b>Module 2:</b> Roles and Responsibilities of Labor Inspectors in Addressing Child Labor	<b>Lesson 2.1:</b> The critical role of labor inspectors in addressing child labor	To reinforce the idea that child labor legislation is only as good as the mechanisms to enforce it.  To understand that even with enforcement mechanisms, there remain challenges including: lack of resources, culture and tradition, complex reasons for hiring children, and most hidden child labor is in the informal economy.	Brainstorm to elicit participants' thoughts on the topic  PowerPoint presentation of material in curriculum followed by Q&A	45
	<b>Lesson 2.2:</b> Methods for addressing challenges inspectors face in tackling child labor	To identify the challenges faced by labor inspectors in tackling child labor and discuss methods for addressing those challenges.	PowerPoint presentation of material in curriculum followed by Q&A	60
	<b>Exercise 2.2.1:</b> Enhancing inspections in the informal economy	To consider challenges faced by inspectors in investigating the informal sector and how to overcome these challenges.  To encourage thinking around different types of approaches to inspections and consider how inspectors can best influence employers in the informal economy.	Brainstorming on questions posed by trainer; group work on case studies; report back in plenary; wrap up with Q&A and key messages	90
	<b>Lesson 2.3:</b> Coordination and collaboration with stakeholders	To learn that collaboration and coordination with other stakeholders is critical in the fight against child labor.	PowerPoint presentation of material in curriculum followed by Q&A	60
	<b>Exercise 2.3.1:</b> Stakeholder mapping to encourage coordination and collaboration	To understand the importance of working with other public agencies and stakeholders to combat child labor.  To identify different agencies/organizations to maximize resources and protection measures through cooperation.	Brainstorming on questions posed by trainer; group work on mapping; report back in plenary; wrap up with Q&A and key messages	60
	<b>Lesson 2.4:</b> Strategic planning	To learn the importance of strategic planning when addressing child labor at the national and regional levels.  To identify the essential components of a good strategic plan.	PowerPoint presentation of material in curriculum followed by Q&A	45
	<b>Exercise 2.4.1:</b> Developing a strategic plan	To be able to develop a strategic plan outlining the key activities to be undertaken to combat child labor.	Brainstorming on questions posed by trainer; group work to create a plan; report back in plenary; wrap up with Q&A and key messages	90
	<b>Lesson 2.5:</b> Data gathering, record keeping, and reporting	To understand the importance of collecting analyzing and reporting accurate qualitative and quantitative information about child labor in order to track trends, conduct strategic planning, set priorities, determine effective collaborative arrangements, decide how best to respond to particular situations, measure progress, and advocate for resources.	PowerPoint presentation of material in curriculum followed by Q&A	60
	<b>Lesson 2.6:</b> Ethics and corruption	To learn good practices in promoting ethical conduct and to introduce a Model Code of Ethical Behavior.	PowerPoint presentation of material in curriculum followed by Q&A	45

MODULES	LESSONS/EXERCISES/ TOPICS	OBJECTIVES	METHODS	DURATION (MINUTES)
<b>Module 3:</b> Identifying Child Labor	<b>Lesson 3.1:</b> Proactive vs. reactive inspections	To understand the difference between proactive and reactive inspections and highlight the importance of proactive inspections that target specific types of industry and/or specific areas where noncompliance is known to be relatively widespread or where the potential consequences of noncompliance are deemed to be particularly serious.	PowerPoint presentation of material in curriculum followed by Q&A	20
	<b>Lesson 3.2:</b> Identifying children most vulnerable to child labor	To identify the wide variety of circumstances that lead to the exploitation of children and indicators for vulnerability to child labor.	PowerPoint presentation of material in curriculum followed by Q&A	45
	<b>Exercise 3.2.1:</b> Identifying vulnerable children	To recognize the unique situations that make children vulnerable to child labor.	Brainstorming on questions posed by trainer; group work on case studies; report back in plenary; wrap up with Q&A and key messages	60
	<b>Lesson 3.3:</b> Identifying sectors most vulnerable to child labor	To provide an overview of economic sectors in Nepal that are at risk of worst forms of child labor. To introduce risk mapping as a tool to focus on areas and sectors that are most at risk of serious child labor abuses.	PowerPoint presentation of material in curriculum followed by Q&A	45
	<b>Exercise 3.3.1:</b> Mapping child labor in Nepal	To understand what economic sectors and industries are at risk for child labor, hazardous labor, and the worst forms of child labor in different areas of the country. To explore migration patterns for child laborers. To introduce Nepal's hazardous work list.	Brainstorming on questions posed by trainer; group work on mapping; report back in plenary; wrap up with Q&A and key messages	90
	<b>Lesson 3.4:</b> Gathering information to assist in identifying child labor	To learn best practices for gathering information on child labor including using surveys, reports, observation of worksites, interviews, etc. To introduce Tool 3.4.1: Checklist for hazardous occupations and tasks.	PowerPoint presentation of material in curriculum followed by Q&A	60
	<b>Lesson 3.5:</b> Interviewing children and adolescents and improving methods of age verification	To understand guidelines and best practices for conducting child-friendly interviews. To learn multiple methods to verify age that may provide a more accurate findings. To introduce tools: 3.5.1: Guide for interviewing children 3.5.2: Assessing whether it is child labor 3.5.3: Assessing whether it is forced labor	PowerPoint presentation of material in curriculum followed by Q&A	60
	<b>Exercise 3.5.1:</b> Child interview (role play)	To interview children/adolescents about their age and work situation using methods that take into account the best interest of the child. To practice using Tool 3.5.1: Guide for interviewing children.	Presentation of four scenarios; role play to practice interviewing children; feedback in plenary; Q&A; wrap up with key messages	90
	<b>Lesson 3.6:</b> Child labor monitoring systems	To understand the importance of child labor monitoring (CLM) systems as tools in the fight against child labor. To learn how CLM systems link the labor inspectorate with partners to increase observation of vulnerable children and provide follow-up support for children who are rescued. Activity 3.6.1: Guest speaker with CLM system experience presents a model framework for CLM activities. Activity 3.6.2: Guest speaker discusses child exploitation hotline.	PowerPoint presentation of material in curriculum followed by Q&A Guest speakers on CLM systems and child exploitation hotline	30-60 minutes depending on if there is a guest speaker who has worked with CLM systems

MODULES	LESSONS/EXERCISES/ TOPICS	OBJECTIVES	METHODS	DURATION (MINUTES)
<b>Module 4:</b> Eliminating Child Labor	<b>Lesson 4.1:</b> Deciding on the appropriate action	To learn methods to address noncompliance with child labor laws, including task mapping and job risk analysis; deterrence versus compliance oriented approaches to enforcement; creation of action plans, issuing fines, and recommending cases for prosecution.	PowerPoint presentation of material in curriculum followed by Q&A	45
	<b>Lesson 4.2:</b> Task mapping and job risk analysis	To determine whether specific tasks are hazardous and inappropriate for children, and design labor intervention strategies for preventing long-term harm.	PowerPoint presentation of material in curriculum followed by Q&A	45
	<b>Lesson 4.3:</b> Compliance-oriented approaches	To understand the benefits and disadvantages of offering advice and suggestions to noncompliant employers rather than fines and punishment.	PowerPoint presentation of material in curriculum followed by Q&A	45
	<b>Lesson 4.4:</b> Deterrence - confrontational and adversarial approaches	To understand the benefits and disadvantages of using punitive approaches to enforcement including fines and prosecution.	PowerPoint presentation of material in curriculum followed by Q&A	60
	<b>Exercise 4.4.1:</b> Deciding on an enforcement strategy	To determine what type of action is appropriate once child labor is identified.	Brainstorming on questions posed by trainer; group work analyzing case studies; report back in plenary; wrap up with Q&A and key messages	60
	<b>Lesson 4.5:</b> Removing children from the workplace	To learn how to plan for rescue and removal of child laborers, keeping in mind the goal of rehabilitation and social reintegration of the rescued child.  To discuss best practices for collecting and verifying information; coordinating with stakeholders; preparing a rescue action plan; creating a rescue team; orientating for team members; and conducting the rescue operation.	PowerPoint presentation of material in curriculum followed by Q&A	60
	<b>Exercise 4.5.1:</b> Rescue and removal of child laborers from the workplace	To understand how to plan for a child labor rescue operation.  To ensure participants will prioritize the best interests of the child when removing them from the workplace.	Brainstorming on questions posed by trainer; group work analyzing case studies and create a rescue plan; report back in plenary; wrap up with Q&A and key messages	90
	<b>Lesson 4.6:</b> Rehabilitation, reintegration, and monitoring	To learn best practices for conducting assessment of child laborers and their families; filing an incident report; ensuring rehabilitation needs are met; and monitoring and follow up.	PowerPoint presentation of material in curriculum followed by Q&A	60
	<b>Exercise 4.6.1:</b> Planning for rehabilitation and reintegration	To consider the roles and responsibilities of different actors in the rehabilitation and reintegration of rescued children.	Brainstorming on questions posed by trainer; group work analyzing case studies and create a plan for post rescue assistance for child laborers; report back in plenary; wrap up with Q&A and key messages	90



MODULES	LESSONS/EXERCISES/ TOPICS	OBJECTIVES	METHODS	DURATION (MINUTES)
<b>Module 5:</b> Preventing Child Labor	<b>Lesson 5.1:</b> The importance of focusing on prevention	To understand the importance of inspectors finding ways to move beyond their traditional role as enforcers of the law and take a more advisory approach that focuses on prevention and stopping the problem of child labor before it begins.	PowerPoint presentation of material in curriculum followed by Q&A	30
	<b>Lesson 5.2:</b> Outreach and awareness raising	To learn strategies for conducting outreach and awareness raising. To introduce a model questionnaire for gathering information on awareness of child labor. To present real-life examples of effective awareness raising campaigns to eliminate child labor.	PowerPoint presentation of material in curriculum followed by Q&A	60
	<b>Exercise 5.2.1:</b> Developing a media/ awareness raising strategy	To be able to create a media/awareness raising strategy to change the attitudes of a specific population about the negative consequences of child labor.	Brainstorming on questions posed by trainer; group work to create an awareness raising strategy plan; report back in plenary; wrap up with Q&A and key messages	90
	<b>Lesson 5.3:</b> Promoting formalization of informal businesses	To understand the reasons many businesses operate in the informal economy and best practices for helping informal businesses to formalize.	PowerPoint presentation of material in curriculum followed by Q&A	60
	<b>Exercise 5.3.1:</b> Designing a campaign to promote formalization of businesses	To design a campaign that increases awareness of the negative effects of undeclared work and highlights the advantages of formalizing business.	Brainstorming on questions posed by trainer; group work to create an outreach campaign to promote formalization of businesses operating in a particular sector; report back in plenary; wrap up with Q&A and key messages.	90
	<b>Lesson 5.4:</b> Promoting corporate social responsibility and self-regulation within the private sector	To illuminate the issue of child labor in supply chains of companies that source materials or services from subcontractors. To learn best practices in helping companies reduce risks of child labor in their supply chains, including: • Developing codes of conduct • Conducting supply chain mapping • Risk screening for suppliers • Conducting on site supplier and subcontractor social responsibility assessments • Monitoring • Developing corrective action plans	PowerPoint presentation of material in curriculum followed by Q&A	60
	<b>Exercise 5.4.1:</b> Promoting compliance plans and internal monitoring	To develop skills to provide companies with advice on eliminating child labor from their supply chains. To introduce the documents: Sample policy commitment on child labor Sample supplier code of conduct	Brainstorming on questions posed by trainer; group work to analyze case studies and answer questions; report back in plenary; wrap up with Q&A and key messages.	90

# APPENDIX C: SAMPLE EVALUATION

## Daily Evaluation

### RATING OF SESSIONS:

PLEASE RATE EACH TRAINING SESSION THAT YOU ATTENDED BY PLACING A MARK IN THE BOX THAT BEST APPLIES.	1 BAD ☹️	2	3 😊	4	5 GOOD 😊
[Insert name of lesson]					
[Insert name of lesson]					
[Insert name of lesson]					
[Insert name of lesson]					

### PLEASE DESCRIBE SOMETHING YOU LEARNED FROM TODAY'S SESSIONS

### PLEASE DESCRIBE SOMETHING THAT COULD HAVE BEEN IMPROVED ABOUT TODAY'S SESSIONS

[In addition to the daily evaluations, this general evaluation should also be used to solicit feedback on the success of the overall training]

## General Evaluation

PLEASE INDICATE HOW MUCH YOU AGREE WITH THE STATEMENT BELOW BY MARKING THE BOX THAT BEST APPLIES.		DISAGREE → AGREE				
		1 ☹	2	3 ☹	4	5 ☺
1	The objectives of the training were clear.					
2	We achieved the objectives of the training.					
3	I learned something new about child labor over the course of the training.					
4	I am committed to trying to eliminate child labor.					
5	The training was too long.					
6	The training was too short.					
7	This training was necessary.					
8	I would like more training on child labor.					

Please provide any additional feedback that you think will help us to improve our training on child labor:

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NEPAL

# LABOR INSPECTION TRAINING ON CHILD LABOR



## **MODULE 1:**

### DEFINITIONS AND LEGAL FRAMEWORKS



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## INTRODUCTION TO MODULE 1

Module 1 of the *Labor Inspection Training on Child Labor* focuses on the definitions of child labor and the legal frameworks that guide labor inspector's work to eliminate child labor. This Module covers concepts such as the difference between child work and child labor; definitions of hazardous work, light work, worst forms of child labor, trafficking, and forced labor; and the importance of decent work for youth. It also provides estimates for child labor in various sectors in Nepal and covers international standards and national laws and policies that guide inspectors' work on child labor. Additionally, the Module includes three interactive exercises to help trainees apply lessons learned to real-life situations. The information learned in Module 1 helps to set the stage for Modules 2 through 5 on the important role of inspectors and how they can better identify, eliminate, and prevent child labor.

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*"We are guilty of many errors and many faults, but our worst crime is abandoning the children, neglecting the fountain of life. Many of the things we need can wait. The child cannot. Right now is the time their bones are being formed, their blood is being made, and their senses are being developed. To them we cannot answer 'Tomorrow,' their name is today."*

-Gabriela Mistral

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# LESSON 1.1: THE IMPORTANCE OF COMBATTING CHILD LABOR

[30 minutes]

## Objective

To highlight for participants why their contribution to the fight against child labor is so important.

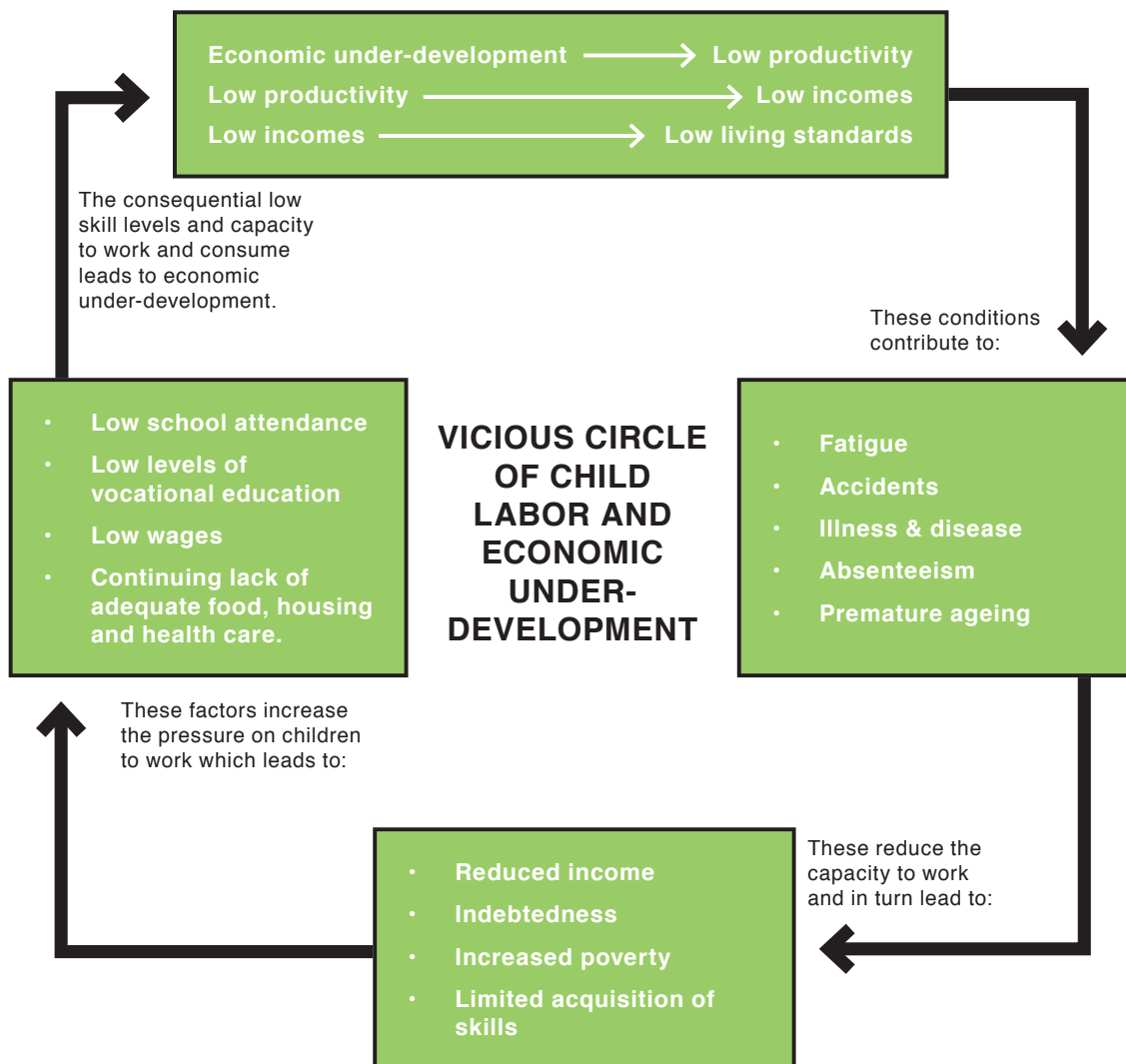
Combating child labor is one of the most important responsibilities of the labor inspectorate. Much of child labor is driven by poverty and children are often sent to work to increase family income in the short-term. However, it is well-established that in the long-term child labor contributes to the cycle of poverty by impeding access to education and skills-training which diminishes opportunities for economic and social mobility and advancement later in life. This in turn lowers the income of child laborers' future families, and increases the probability of their children being sent to work. In this way, poverty and child labor is passed on from generation to generation.

While tackling child labor is one of the most important roles for labor inspectors it is also one of the most difficult. This is in part because child labor takes many forms, including work that is hazardous and non-hazardous; rural and urban; formal and informal; part-time and full-time; paid and unpaid; visible and hidden. Despite the challenge of tackling the various forms of child labor, much progress has been made and the number of economically-exploited children has been steadily diminishing worldwide. International Labour Organization (ILO) estimates show that investments in education and social protection, as well as improved government policies and enforcement of child labor laws, has led to child labor decreasing by 94 million worldwide since 2000, and the number of children in hazardous work fell by half in that same period.<sup>1</sup> This shows that the work of inspectors and other advocates for children is paying off.



Despite these gains, 152 million children (64 million girls and 88 million boys) are still engaged in child labor across the globe, accounting for approximately one in ten of all children worldwide. Nearly half of these children, 73 million, are in hazardous work that endangers their health, safety, and moral development.<sup>2</sup> It is critical to maintain focus on these issues and ensure that the number of exploited children continues to decline. This requires knowing how to identify child labor, including its worst forms, and understanding the legal and policy framework related to child labor that guides inspectors' work.

### Child Labor Leads to Poverty!



By preventing abuse of workers in their youth, society gains a more productive workforce and a new generation grows up that is healthier and better equipped for changing times.

### What can inspectors do to break this cycle?



Awareness raising & prevention



Enforcement & follow-up



Advice to employers

# LESSON 1.2: INTERNATIONAL STANDARDS, DEFINITIONS, AND CONCEPTS

[60 minutes]

## Objective

To provide an overview of international labor standards, and definitions of key terms related to child labor.

### CHILDREN ENGAGED IN EMPLOYMENT/CHILD WORK

Not all work done by children should be classified as child labor and targeted for elimination. Children and adolescents' participation in work that is not harmful to their health and personal development and does not interfere with their schooling, can be a positive thing! **Children engaged in employment** or engaged in **child work** include those that help their parents around the home, spend a limited number of hours assisting in a family business, and do small jobs to earn pocket money outside school hours and during school holidays. These types of activities do not necessarily constitute child labor and contribute to children's development by providing them with skills and experience which helps to prepare them to be productive members of society once they become adults.<sup>3</sup>

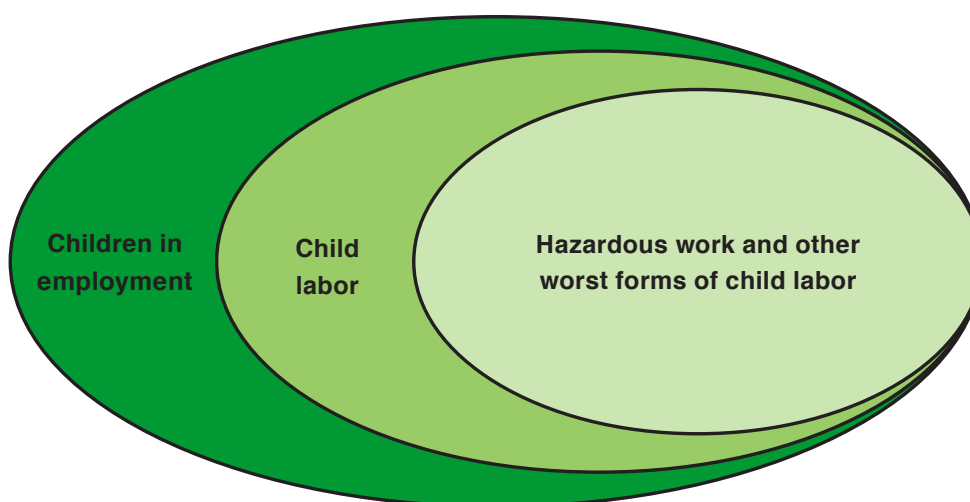
### CHILD LABOR

Children in child labor are a subset of children in employment. Work that deprives children of their potential and dignity, and is harmful to their physical and mental development constitutes **child labor**. The ILO defines child labor as “work that:

- » is mentally, physically, socially or morally dangerous and harmful to children; or
- » interferes with their schooling by:
  - depriving them of the opportunity to attend school;
  - obliging them to leave school prematurely; or
  - requiring them to attempt to combine school attendance with excessively long and heavy work.”

In its most extreme forms, child labor involves children being enslaved, separated from their families, exposed to serious hazards and illnesses and/or left to fend for themselves on the streets of large cities—often at a very early age. Whether or not particular forms of “work” can be called “child labour” depends on the child’s age, the type and hours of work performed, the conditions under which it is performed and the objectives pursued by individual countries. The answer varies from country to country, as well as among sectors within countries.”<sup>4</sup>

#### Distinguishing between child labor and children in employment<sup>5</sup>



#### MINIMUM AGE FOR EMPLOYMENT—ILO CONVENTION 138

One way to ensure that children do not start work too young is by establishing a **minimum age for employment**. ILO Convention 138 establishes this standard and recommends that countries set 15 as the age when young people can begin to undertake full-time work.<sup>6</sup> However, countries whose economy and educational facilities are insufficiently developed may initially specify a minimum age of 14. In any case, the age for starting work should be close to the age when children normally finish secondary school.



## LIGHT WORK

Children can do age-appropriate household chores at a younger age and they can undertake **light work** starting at age 13 (or 12 for developing countries). The critical factor is that any work—whether chores, light work, or regular work—must not interfere with school and must not be hazardous. Light work is defined as work that is not harmful to the health or development of children; doesn't prejudice their attendance at school or vocational training program; and does not impede their ability to benefit from the instruction received. Countries are encouraged to include in their definition of light work, work that does not exceed 14 hours per week.<sup>7</sup>

## WORST FORMS OF CHILD LABOR—ILO CONVENTION 182

There is some work that children should never be involved with—these jobs are considered the **worst forms of child labor**. ILO Convention 182 reflects a global consensus that the worst forms of child labor are those which must be given priority and addressed as quickly as possible, while affirming the overarching goal of the abolition of *all* child labor in line with Convention 138.

Convention 182 defines the worst forms of child labor as:

- » All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and forced or compulsory labor
- » The use, procuring, or offering of a child for prostitution or the production of pornography
- » The use, procuring, or offering of a child for illicit activities (e.g., the production and/or trafficking of drugs)
- » Hazardous work, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety, or morals of children. This definition applies to children below the minimum working age as well as to adolescents who are above the general minimum working age but not yet adults (i.e., those who are 15-17 years old).<sup>8</sup>

## HAZARDOUS CHILD LABOR

**Hazardous child labor** is work performed by children in dangerous and unhealthy conditions that can lead to a child being injured, made ill, or killed. Such unhealthy and dangerous conditions can result in disability or impairments that can impede children from accessing decent work opportunities once they become adults.

Hazardous child labor represents the largest category of children working in the worst forms of child labor, and occurs in both formal and informal sectors, and in industries as diverse as agriculture, mining, construction, manufacturing, the service industries, and domestic work.<sup>9</sup>

### **DETERMINING WHAT WORK IS HAZARDOUS FOR CHILDREN<sup>10</sup>**

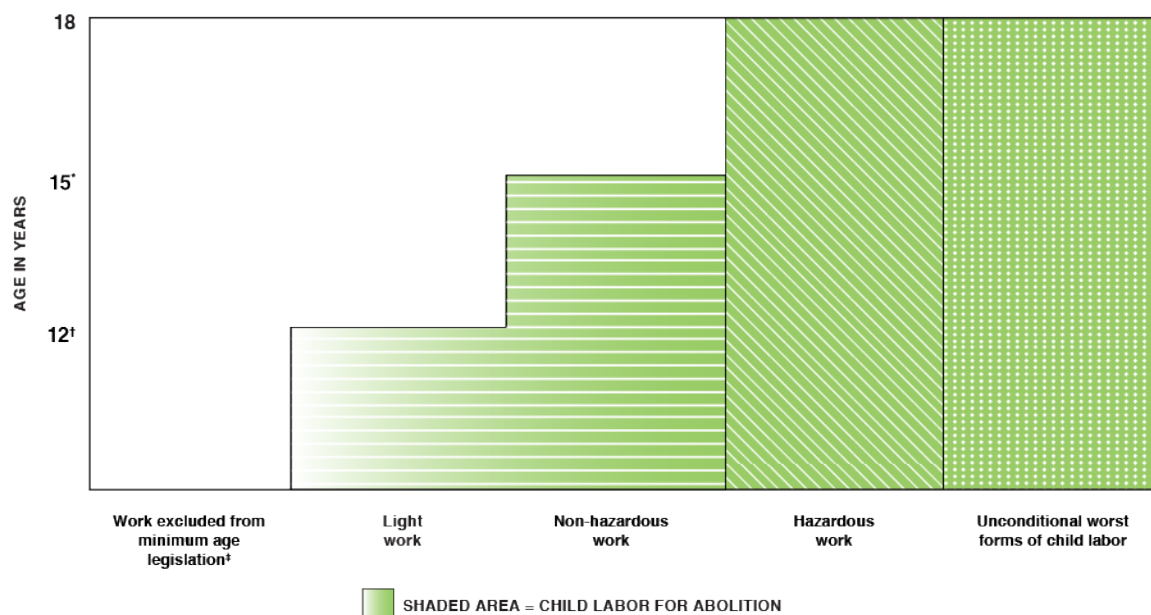
All countries that ratify Convention 182 are obliged to draft a list of tasks and conditions that young people cannot do until they are over the age of 18. This is established by the government and requires the input from representatives of employers and workers before being put into law. This list is helpful to inspectors in judging whether older children are working in acceptable employment or are engaged in child labor.

To develop this list, the ILO provides the following broad guidance on forms of work that should be considered by regulators:

- Work that exposes children to physical, psychological or sexual abuse;
- Work underground, under water, at dangerous heights or 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 expose children to hazardous substances or temperatures, noise levels or vibrations damaging to their health;
- Work under particularly difficult conditions such as long hours, during the night or work where the child is unreasonably confined to the premises of the employer.

National lists of hazardous work for children are to be periodically reviewed and revised so as to keep abreast of new types of work or new occupational risks, as necessary, a process that should be conducted in consultation with employers' and workers' organizations.

### Basic distinctions in ILO child labor standards<sup>11</sup>



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

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

‡ For example, household chores, work in family undertakings and work undertaken as part of education.

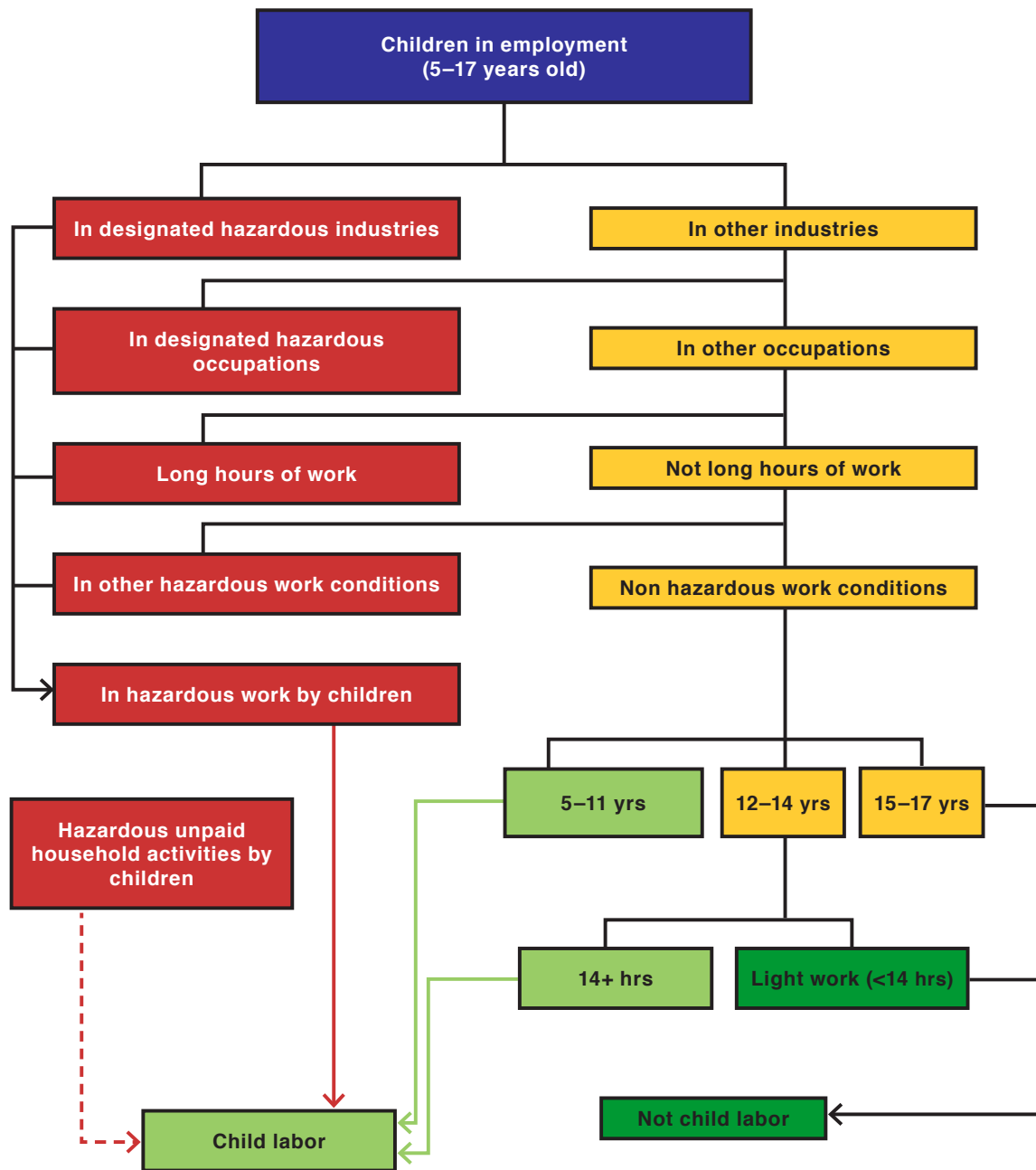
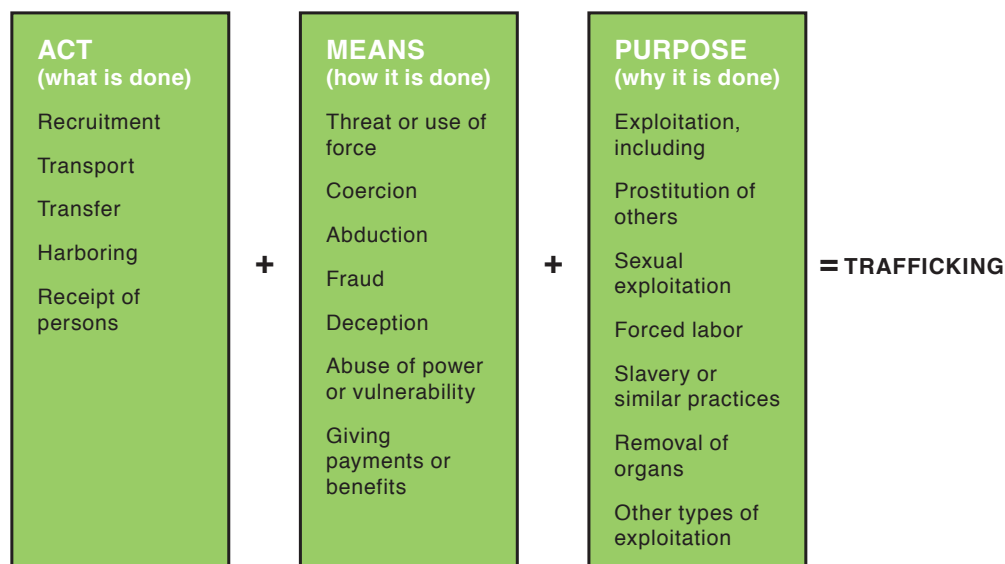
Identifying child labor<sup>12</sup>

Chart taken from International Labor Organization, *Marking progress against child labour: Global estimates and trends 2000–2012*, © 2013

## CHILD TRAFFICKING AND FORCED LABOR

Article 3 of ILO Convention 182 on the worst forms of child labor prohibits “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 labor, including forced or compulsory recruitment of children for use in armed conflict.”<sup>13</sup>

**According to the United Nations Office on Drugs and Crime (UNODC) trafficking involves three elements:<sup>14</sup>**



Trafficked children and those working in forced labor are at the mercy of their employers or the people who are controlling their lives and thus risk sexual exploitation, loss of liberty, physical violence and exposure to fear, intimidation, dangerous work, long working hours and other forms of exploitation. Any child found to be trafficked or working under forced labor conditions must be immediately removed from the situation and given the support they need to recover and rebuild their lives in safety and security.

Trafficking is distinct from migration, which can be a positive experience for children and can provide them with a better life, increased opportunities, and an escape from immediate threats such as conflict and natural disaster. However, some child migrants face serious challenges while migrating, particularly when they migrate without proper documentation or without their families. In these situations, child migrants are at high risk of exploitation and vulnerable to child labor, with some at risk of becoming victims of child trafficking.<sup>15</sup>



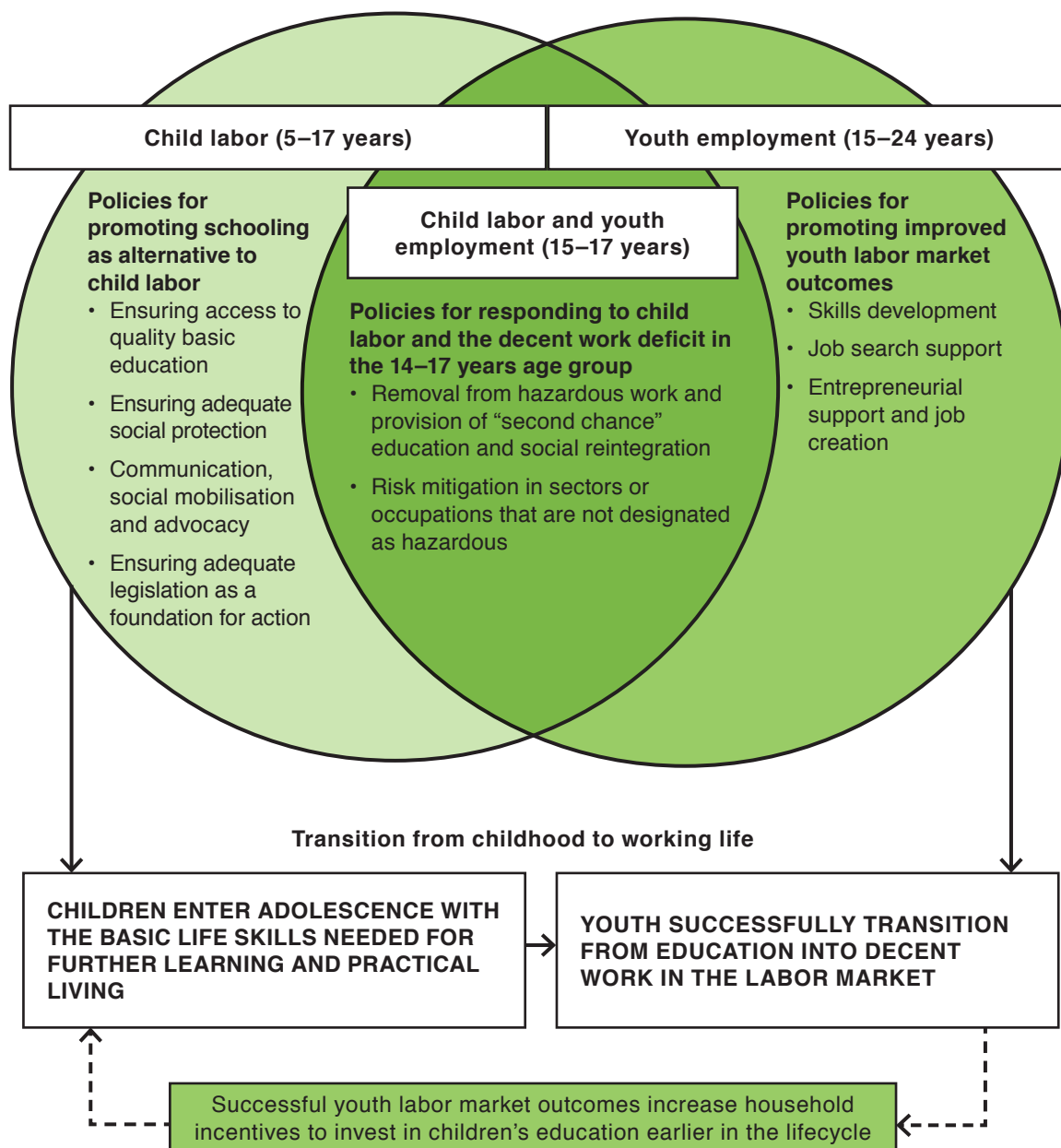
## YOUTH EMPLOYMENT AND DECENT WORK

While child labor is a serious problem, ensuring that youth of legal working age have access to safe jobs that comply with international standards is also critical. Many youths are not engaged in education, employment or training, and those that are employed too often work in low-skills jobs offering little opportunity for advancement or for escaping poverty and exploitation. Young people who have no opportunities to gain marketable skills in school or in the labor force often find themselves at the margins of society and are more vulnerable to risky and violent behavior. Additionally, because their productive capacity is underutilized they are a constraint on the growth of the economy.<sup>16</sup>

Both child labor and the lack of decent work for youth can negatively affect a young person's prospects for employment that will allow them to earn a fair income, provide security in the workplace and offer social protection for their families. The fact that child labor and youth employment are closely linked underscores the importance of having an integrated and holistic approach that addresses the two issues hand-in-hand. Securing decent work rather than just any work per se, should be the goal as youth transition to working life. Ensuring that they have access to safe jobs that comply with international standards can help them gain marketable skills and experience and will contribute to their development.<sup>17</sup>



### An integrated response to child labor and youth employment problems<sup>18</sup>





## Exercise 1.2.1: Understanding definitions and concepts related to child labor



### OBJECTIVE:

- » To be able to identify which situations constitute child work, child labor, worst forms of child labor, light work, trafficking, youth employment, and hazardous labor.



### TIME:

- » 90 minutes



### MATERIALS AND PREPARATION:

- » One copy for each group of Handout 1.2.1: *Understanding definitions and concepts related to child labor*
- » Pens



### STEPS:

- » Explain to the participants the objectives of the exercise.

**[5 minutes]**

- » Divide participants into small groups of 4-5 people and provide each group with a copy of Handout 1.2.1. Ask the groups to discuss each of the situations described in the handout and mark the appropriate columns that apply to that situation. For example, if the scene describes a child that has been trafficked **and** is working in a hazardous form of labor—mark both of those columns.

**[30 minutes]**

- » Reconvene participants and ask each group to share a few of their answers, discussing which columns they checked and why. The facilitator should follow along using the Answer Key and note which answers are correct and incorrect. Encourage questions and comments.

**[30 minutes]**

- » Ask the following questions of the participants:
  - Why is it important to understand the difference between child labor and child work?

- Were your ideas of which scenarios were child labor and which were child work in line with the definitions?
- Why might there be differences in one's ideas of what child labor is and the definitions of child labor?
- How does child labor impact children? How does child labor impact families and communities?
- Describe how child labor impacts the future and the economic growth of the country?

**[20 minutes]**

- » Wrap up with Q&A and key messages below.

**[5 minutes]**



### KEY MESSAGES:

- » Not all work that children do is harmful or illegal. Limited amounts of chores at home or in the family business and small jobs to earn pocket money can teach children important life skills. As long as the work does not interfere with schooling, allows adequate time for rest and play, and does not endanger children's physical or mental health, it is not prohibited child labor.
- » Whether particular forms of **work** are considered prohibited **child labor** depends on:
  - The child's age
  - The type and hours of work performed
  - The conditions under which it is performed
- » Children should never be involved with jobs that are considered the **worst forms of child labor**. According to ILO Convention 182 these include jobs that involve enslavement; separation from families; or exposure to illicit activities, serious hazards or illnesses.
- » Ensuring that youth of legal working age have access to decent work is also critical. Young people who are unable to gain marketable skills in school or in the labor force are more vulnerable to risky and violent behavior, and because their productive capacity is underutilized they impede economic growth.

## Handout 1.2.1: Understanding definitions and concepts related to child labor

	CASE STUDIES	CHILDREN ENGAGED IN EMPLOYMENT/ CHILD WORK	CHILD LABOR	LIGHT WORK	WORST FORM OF CHILD LABOR	HAZARDOUS LABOR	CHILD TRAFFICKING	YOUTH EMPLOYMENT/ DECENT WORK	IS IT OK?
1	A 15-year-old boy is hired by a group of "business men" to sell illegal drugs in the market.								
2	A 14-year-old girl works as a domestic servant. She is enrolled in the local school but frequently misses class because she must watch over small children at the house.								
3	During the school holiday, a 10-year-old boy works with his mother for a few hours a day helping to sell vegetables.								
4	A 16-year-old boy works alongside his family inside a mine for 8 hours a day.								
5	A local recruiter promises a 17-year-old girl a good paying job in a nearby country. Once they arrive in the new country he confiscates her passport and forces her into prostitution.								
6	A 7-year-old boy works alongside his family harvesting fruit. He does not attend school.								
7	A 16-year-old girl does not go to school but works for 8 hours per day at a coffee farm. She is paid fairly, does not operate machinery, and does not work with pesticides.								
8	A 13-year-old boy is paid to carry very heavy bags of sand for a construction firm.								
9	A 12-year-old girl goes to school and works for 10 hours a week cleaning up in the local tea shop.								
10	A 14-year-old boy is paid to work full time in a mechanic shop.								

## Facilitator's Answer Key **DO NOT DISTRIBUTE TO PARTICIPANTS**

### Handout 1.2.1: Understanding definitions and concepts of child labor

	CASE STUDIES	CHILDREN ENGAGED IN EMPLOYMENT/ CHILD WORK	CHILD LABOR	LIGHT WORK	WORST FORM OF CHILD LABOR	HAZARDOUS LABOR	CHILD TRAFFICKING	YOUTH EMPLOYMENT/ DECENT WORK	IS IT OK?
1	A 15-year-old boy is hired by a group of "business men" to sell illegal drugs in the market.		✓		✓				NO
2	A 14-year-old girl works as a domestic servant. She is enrolled in the local school but frequently misses class because she must watch over small children at the house.		✓		Maybe	Maybe			NO
3	During the school holiday, a 10-year-old boy works with his mother for a few hours a day helping to sell vegetables.	✓							YES
4	A 16-year-old boy works alongside his family inside a mine for 8 hours a day.		✓		✓	✓			NO
5	A local recruiter promises a 17-year-old girl a good paying job in a nearby country. Once they arrive in the new country he confiscates her passport and forces her into prostitution.		✓		✓		✓		NO
6	A 7-year-old boy works alongside his family harvesting fruit. He does not attend school.		✓		✓	✓			NO
7	A 16-year-old girl does not go to school but works for 8 hours per day at a coffee farm. She is paid fairly, does not operate machinery, and does not work with pesticides.	✓						✓	YES
8	A 13-year-old boy is paid to carry very heavy bags of sand for a construction firm.		✓		✓	✓			NO
9	A 12-year-old girl goes to school and works for 10 hours a week cleaning up in the local tea shop.	✓		✓					YES
10	A 14-year-old boy is paid to work full time in a mechanic shop.	Maybe	Maybe		Maybe	Maybe		Maybe	Maybe

1. The boy is 15 and therefore legally allowed to work. However, he is engaged in an illicit activity and thus a worst form of child labor which, according to the ILO Convention 182, Article 3(c), includes the use, procuring or offering of a child for the production and trafficking of drugs.
2. The girl is 14 and legally allowed to work. However, because the girl's work is interfering with her schooling it is considered to be child labor and is prohibited. Depending on the situation, if the work is hazardous, it may also be considered a worst form of child labor. Some of the most common risks children face in domestic service include: long and tiring working days; use of toxic chemicals; carrying heavy loads; handling dangerous items such as knives, axes and hot pans; insufficient or inadequate food and accommodation; and humiliating or degrading treatment including physical and verbal violence, and sexual abuse.
3. The boy is 10 and under the minimum age for work. However, children who work alongside their families in reasonable conditions and for a limited number of hours are not engaged in prohibited child labor. In fact, this can be a positive experience and an integral part of growing up. However, if the child's workload becomes excessive or dangerous or interferes with their education then it would be prohibited child labor.
4. The boy is 16 and legally allowed to work. However, the work he is doing is prohibited for anyone under 18 because of its inherent hazards. According to ILO Convention 182, Article 3(d), the worst forms of child labor include work which could harm children's health or wellbeing and/or expose them to danger such as in a mine, where children risk death or injury from tunnel collapses, accidental explosions or rock falls.
5. The girl is 17 and legally allowed to work. However, according to ILO Convention 182, Article 3(c), children engaged in prostitution is prohibited as a worst form of child labor. Additionally, because she was recruited, coerced and forced into prostitution against her will she is a victim of human trafficking.
6. The boy is 7 and under the minimum age for work. Although he is working alongside his family, his work is interfering with schooling and is therefore a prohibited form of child labor. Additionally, work in agriculture is often hazardous, and thus a worst form of child labor – especially where children have to work with dangerous tools and equipment, with chemical substances like pesticides, or they have to work out in the sun all day with little rest.
7. The girl is 16 and therefore legally able to work as long as it is not hazardous. Although she works on a farm she is not working with dangerous chemicals or machinery, is paid fairly, and does not work unreasonable hours. Therefore, she is not engaged in prohibited child labor.
8. The boy is 13 and therefore could be qualified to engage in light work as long as it does not interfere with his schooling. However, it is hazardous for children to regularly carry heavy loads. This type of work is not considered to be "light" and therefore he is engaged in a prohibited form of child labor.
9. The girl is 12 and therefore could be qualified to engage in light work. She only works 10 hours a week cleaning up the tea shop and is able to attend school. As long as her work does not entail carrying heavy loads, or working with dangerous chemicals and machinery, she is paid, and has adequate time to rest, she is not engaged in prohibited child labor.
10. The boy is 14 and therefore legally able to work in Nepal. As long as his work does not entail carrying heavy loads, or working with dangerous chemicals and machinery, he is paid, and has adequate time to rest, he is not engaged in prohibited child labor.

## Exercise 1.2.2: Recognizing child labor in the community<sup>i</sup>



### OBJECTIVE:

- » To identify instances of child labor and child work in one's own community.



### TIME:

- » 60 minutes



### MATERIALS AND PREPARATION:

- » One flipchart for each group and one for the facilitator
- » Markers
- » Facilitator should prepare a flipchart in advance with the following questions to be exhibited at the front of the room as a guide for the group discussions:
  1. What is an example of **child work** or light work that you have seen in your community?
  2. Why is that an example of child work or light work—and not child labor?
  3. What conditions would cause that scenario to be child labor, instead of child work or light work?
  4. What is an example of **child labor** that you have seen in your community?
  5. Why is this type of child labor bad for the child, family, community, country?



### STEPS:

- » Explain to the participants the objectives of the exercise.

**[5 minutes]**

- » Ask participants to form small groups of 4-5 people. Instruct the groups to consider the questions written on the flipchart at the front of the room and write down answers to the questions using real examples of child work and child labor that participants have seen in their communities.

**[25 minutes]**

<sup>i</sup> Adapted from *Winrock Child Labor Community Engagement Toolkit: Best Practices and Resource Materials Drawn from the REACH Project*. Rwanda Education Alternatives for Children, pp. 15-16, January 2013. [http://www.dol.gov/ilab/projects/summaries/Winrock%20International\\_Child%20Community%20Engagement%20Toolkit%20\(2013\).pdf](http://www.dol.gov/ilab/projects/summaries/Winrock%20International_Child%20Community%20Engagement%20Toolkit%20(2013).pdf)

- » Reconvene participants and ask each group to share their answers to the questions. Encourage comment and questions.

**[25 minutes]**

- » Wrap up with Q&A and key messages below.

**[5 minutes]**



### KEY MESSAGES:

- » Not all work that children do is harmful or illegal. Limited amounts of chores at home or in the family business and small jobs to earn pocket money can teach children important life skills. As long as the work does not interfere with schooling, allows adequate time for rest and play, and does not endanger children's physical or mental health it is not prohibited child labor.
- » Whether particular forms of **work** are considered prohibited **child labor** depends on:
  - The child's age
  - The type and hours of work performed
  - The conditions under which it is performed
- » Many people believe that child labor will alleviate poverty but this is not true. While child labor is a symptom of widespread poverty and inequality—it is also a cause of poverty, and becomes self-perpetuating. The less opportunities children have to be educated and develop into healthy adults, the more likely they are to remain in poverty.



## LESSON 1.3: ESTIMATES OF CHILD LABOR AND NATIONAL LEGAL/POLICY CONTEXT

[60 minutes]

### Objectives

To provide global statistics related to child labor and statistics from Nepal.

To provide an overview of Nepal's ratifications of international conventions related to child labor; national legal framework related to child labor; hazardous child labor; and national policies related to child labor.

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### GLOBAL ESTIMATES

Child labor has been decreasing steadily over the past 15 years. However, according to the latest global estimates there are still over 152 million child laborers (10 percent of the world's child population).<sup>19</sup> A gender breakdown shows that of these children, approximately 88 million are boys and 64 million girls. Almost half of the total child labor population are 5-11 years old. These young child laborers are extremely vulnerable to abuse and compromised education. In addition, half of children (73 million) in child labor are performing hazardous work, which directly endangers their health, safety and moral development.<sup>20</sup> These figures are lower than the last global estimate in 2000 which estimated that 246 million children worked in child labor.<sup>21</sup> While this is encouraging, far too many children in the world still remain trapped in child labor, compromising their individual and our collective futures.

While agriculture is by far the most important sector where child laborers can be found across the globe (71 percent), there are also millions of children being exploited in other sectors such as services (17 percent) and industry (12 percent), including mining and the informal economy.<sup>22</sup>

## ESTIMATES FOR NEPAL<sup>23</sup>

According to the ILO and Nepal Central Bureau of Statistics, child labor has been widespread in the country for many centuries. It is concentrated mostly in rural areas as part of a “normal” process of socialization. In such areas, children typically work long hours alongside their parents in fields and in the home. The last Nepal Labour Force Survey conducted in 2008 estimated the population of children between five and 17 years of age to be 7.77 million, which is approximately 33 percent of the total population of the country. Based on this survey, it is estimated that 3.14 million children in Nepal, or 40.4 percent of the child population, can be classified as children in employment. Of these working children, an estimated 1.6 million, or nearly 50 percent of all working children, fall into the category of child labor. Within this category, 620,000 were identified as being engaged in hazardous work.

### CHILDREN IN EMPLOYMENT

Of the 3.14 million children in Nepal that are economically active, girls are employed at higher rates than boys. In urban areas, 20.8 percent of girls are working, with the comparable figure for boys set at approximately 19 percent; in rural areas, while 48.4 percent of girls are working, only 40 percent of boys are similarly engaged. It is estimated that nearly 40 percent of working children work up to 14 hours a week, whereas 36 percent work from 15 to 28 hours and 15 percent work from 29 to 42 hours. On average, girls spend more time engaged in economic activities than boys, with 22.1 hours a week for girls and 21.5 hours for boys.

### CHILD LABOR

The 2008 Labour Force Survey estimates that 1.6 million children in Nepal between the ages of five and 17 are engaged in child labor. This represents 50.9 percent of all working children and 20.6 percent of the total child population in the country. Of these, 910,000 are girls and 690,000 are boys. The majority of child laborers—more than 1.5 million—are found in rural areas. The age distribution of child laborers reveals almost 25 percent in the 5-9 year age group, 51 percent in the 10-13 year group and 24 percent in the 14-17 year group.



### HAZARDOUS CHILD LABOR

Almost 20 percent of working children work under hazardous conditions, or 38.8 percent of children in child labor. Distributed by sex, two fifths of those in hazardous work are boys (248,000) and three fifths are girls (373,000). According to ILO, working children from rural areas of Nepal are relatively less exposed to hazardous conditions than children in urban areas; and children in the Kathmandu Valley are relatively more exposed to hazardous conditions than those in other parts of the country. Among children in hazardous work, almost 56.8 percent also attend school, while 43.2 percent do not. Across age groups, figures vary widely. Some 38.3 percent of children aged 14-17 years are working in hazardous conditions, compared to 14.4 percent in the 10-13 year age group and 11.4 percent in the 5-9 year group.

## MIGRANT CHILDREN

Approximately 12 percent of children in employment in the country are migrants. Most migration among children has been from rural to urban areas in the country, especially from the Far-Western region. Approximately 27 percent of migrant child workers do not attend school, with 73 percent of these being girls. The highest number of these migrant children (62 percent) is in the 14-17 year age group.

## NEPAL'S LEGAL AND POLICY CONTEXT

The authority of any labor inspectorate derives from national law, thus a comprehensive legal and policy framework prohibiting child labor is a critical step in combatting the problem. Nepal has committed to abiding by international standards on child labor and has passed domestic legislation regulating the employment of children. It is imperative that inspectors have a solid grasp of the laws and regulations that exist, not only so that they are able to enforce the laws, but also so they can advise the competent authorities about defects not covered by existing provisions in the law and advocate for stronger regulations.

## RATIFICATIONS OF INTERNATIONAL CONVENTIONS RELATED TO CHILD LABOR

Nepal has ratified several of the most important international conventions that address child labor, including:

- » ILO Convention 138 on the Minimum Age of Employment—ratified 1997
- » ILO Convention 182 on the Worst Forms of Child Labor—ratified 2002
- » UN Convention on the Rights of the Child (CRC)—ratified 1990
- » Optional Protocol to the CRC on the Rights of the Child in the Involvement of Children in Armed Conflict—ratified 2007
- » Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography—ratified 2006

Nepal also signed the following South Asian Association for Regional Cooperation (SAARC) Conventions:

- » Regional arrangements for the promotion of child welfare in South Asia—signed in 1992
- » Preventing and combating trafficking in women and children for prostitution—signed in 1996

## NEPAL'S NATIONAL LEGAL FRAMEWORK RELATED TO CHILD LABOR

Nepal's 2015 Constitution seeks to protect children by conferring on them certain fundamental rights. Nepal has pledged to safeguard the rights and interests of children, to ensure that they are not exploited and to introduce free and compulsory primary education and free secondary education.<sup>24</sup> In addition to the constitution, a number of other laws contain important provisions for the protection and advancement of the interests of children and child workers. These laws establish Nepal's minimum age for employment at 14 years of age, and prohibit children under 16 from engaging in occupations such as tourism, carpet weaving, factory work, mining, and other forms of hazardous work. Therefore, whether or not a particular form of work is considered child labor depends on the child's age, the type of work performed, the hours worked, and the conditions under which work is performed.

The following national laws and regulations in Nepal are relevant to child labor and labor inspection.

### **The Labor Act 2017**

- » Section 5: No one should employ a child against the existing legal provision.

### **The Civil Code 2017 (to be Enforced from 17 August 2018)**

- » Any individual below the age of 18 years is a child (Part I, Section 2 (e))
- » Nobody shall be employed with force or against their will (Chapter 2, Section 24)
- » Every child birth should be registered within 3 months from the date of birth (Section 113)
- » Any child employment allowed by existing law should have a consent from both parents of the child (Section 120)
- » No child under 14 years shall be employed in paid employment and any child under 16 years shall not be employed in hazardous work. No child should be employed beyond 8 hours a day, without education and safety facilities. (chapter 14)
- » Any domestic worker must be registered at the local ward office by the employer within one month of entering into the employment contract (Section 644)

### **Local Governance Management Act 2017**

- » The local government is responsible for the statistical record of employment,



implementation of social security, basic health and fixing basic wages (in compliance with national standards).

- » The ward offices are responsible for taking actions to end child labor.

### **Child Labour (Prohibition and Regulation) Act, 2000**

- » Section 2(a) defines a child as any minor under the age of 16
- » Section 3(1) sets the minimum age for employment at 14.
- » Section 3(2) prohibits “risky” work for children under the age of 16 and sets out what is to be considered hazardous child labor in the schedule of the Act.
- » Section 4 states that no child is to be engaged in work against their will or by subjecting them to threats or coercion.
- » Section 9 (1)–(3) states that no child shall be engaged in work during a period from 6 p.m. to 6 a.m.; shall not work more than six hours per day or 36 hours per week; and must be given a half hour of rest time every day and one day of leave for each week.

**NOTE:** As of 2014 the Government finalized amendments to the Child Labor (Prohibition and Regulation) Act of 2000; however, it has not yet been submitted to the Constituent Assembly. If the amendments become law, they will raise the maximum age to be considered a child from 16 to 18 years to be in line with international standards regarding working in hazardous conditions and activities. They will also increase the maximum fine for illegally employing a child, including in hazardous activities and conditions and provide protections for informants and witnesses involved in criminal investigations of child labor.

### **Bonded Labour Prohibition Act, 2002**

Forbids keeping or employing any person as a bonded laborer and cancels all unpaid loans or bonds between creditors and Kamaiya laborers, an ethnic group in Western Nepal that has long been subjected to traditional systems of bonded labor. The law prohibits the involvement of children in the sale, distribution, or trafficking of alcohol and drugs.

### **Children’s Act, 1992**

- » Section 13: Prohibits engaging children in begging.

- » Section 16: Prohibits the use of children in immoral professions, including sex work and the taking and distribution of pornographic photographs.

**Human Trafficking and Transportation Control Act, 2007**

Forbids human trafficking, provides for punishment of offenders and aims to protect, compensate and rehabilitate victims of trafficking. Part 4 Section 15(e)(1) provides additional punishment and fines for removing any child from the country as part of a human trafficking scheme.

**Basic Principles for Appointment and Promotion to Military Service 2007**

Sets 18 as the minimum age for compulsory military recruitment and for voluntary military service.

**Education Act of 2009**

Extends free public education from five to eight years.

**Hazardous Child Labor in Nepal**

The minimum age for hazardous work in Nepal is 16.<sup>ii</sup> In Nepal, hazardous work is defined in the Child Labour (Prohibition and Regulation) Act 2000 as paid work in occupations identified as being high-risk.

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ii This is inconsistent with the standards established by the ILO which sets the minimum age for hazardous work at 18.



**These high-risk occupations include:<sup>25</sup>**

- Service workers and shop market sales workers
- Travel attendants and related workers
- Housekeeping and restaurant services workers
- Personal care and related workers
- Craft and related trades workers
- Miners, shot firers, stone cutters, and carvers
- Painters, building structure cleaners, and related trades workers
- Metal molders, welders, sheet-metal workers, structural-metal preparer
- Blacksmiths, tool-makers, and related trades workers
- Precision workers in metal and related materials
- Potters, glass-makers, and related trades workers
- Handicraft workers in wood, textile, leather, and related materials
- Printing and related trades workers
- Food processing and related trades workers
- Textile, garment, and related trades workers
- Pelt, leather, and shoe making trades workers
- Plant and machine operators and assemblers
- Mining and mineral-processing plant operators
- Metal-processing plant operators
- Glass, ceramics, and related plant operators
- Chemical products machine operators
- Rubber and plastic products machine operators
- Elementary occupations
- Street vendors and related workers
- Shoe cleaning and other street services elementary occupations
- Domestic and related helpers, cleaners, and launderers
- Building caretakers, windows and related cleaners
- Garbage collectors and related laborers
- Mining and construction laborers
- Manufacturing laborers
- Transport laborers and freight handlers

## NATIONAL POLICIES RELATED TO CHILD LABOR

Over the past several years, national policies have been enacted that raise awareness of child labor in Nepal and promote implementation of national laws and compliance with international commitments.

### Nepal's Road Map on SDGs

The Sustainable Development Goals (2016-2030) are global guidelines for development and progress adopted in 2015 by the UN General Assembly. Nepal has developed a road map for the implementation of SDGs, including the following targets on child labor and child Protection:

- » By 2030 eliminate violence against children.
- » Increase birth registration to 100% by 2030.
- » Eliminate child labor by 2030.

### National Master Plan on Eliminating Child Labor (2018-2028)

The plan envisions eliminating the worst forms of child labor by 2022, and ending all forms of child labor by 2028, through five major strategies: (1) improving legislation and policies; (2) enhancing capacities of authorities and agencies; (3) identifying, rescuing, and rehabilitating children in hazardous labor; (4) preventing child labor through regular and targeted support programs to families and communities and (5) strengthening coordination and collaboration among stakeholders both in government, non government sectors.

### National Plan of Action on Countering Human Trafficking Particularly in Women and Children (2011-2021)

#### Notes:

The children's act, child labor prohibition and regulation act (2000), the human trafficking and transportation (control and punishment act) 2007 are under revision in compliance to new constitution.

## NATIONAL DIRECTIVES ON CHILD LABOR

In 2013, Nepal's Department of Labor issued three directives on subjects related to child labor. These directives, currently awaiting endorsement by the Ministry of Labor, are as follows:

**Directive on Procedure for Child Labor Rescue, Rehabilitation and Reintegration**

This resource provides guidelines on removing, rehabilitating and reintegration children discovered in hazardous and/or exploitative conditions. In particular, it sets out a protocol to follow during the rescue process, guidelines for emergency rescue, e.g. in cases of physical or sexual abuse of children, and a description of rehabilitation and reintegration, including the role of various public bodies and other stakeholders. Recommended steps include:

- » Identifying cases that need to be addressed
- » Collecting basic information
- » Reporting the situation to Child Welfare Officers (CWOs)/Child Rights Officers (CROs)
- » Registering and opening a case file for the child
- » Collecting additional information on the case from reporting person/agency
- » Selecting a personal service provider (PSP) according to needs of case
- » Contacting PSP and referring case for frontline case management
- » Conducting an assessment of child
- » Developing a care plan
- » Reporting progress on the case on regular basis to CWOs/CROs
- » Arranging regular review meetings and providing recommendations on adjustment if necessary

**Child Labor Inspection and Monitoring Directive**

This resource describes the process of inspection and monitoring for child labor, including the protocol for removing children from child labor situations and returning them to their family or legal guardian. The directive also sets out instructions for improving the work situations of working children that face conditions that violate the law. The directive also establishes a new public institution to address child labor, the Central Child Labor Inspection and Monitoring Coordination Committee, that oversees the District Child Labor Inspection and Monitoring Coordination Committee, including its composition from across public agencies at district level. Finally, the directive sets out clear instructions on practical activities of the child labor inspectorate, including how to interview suspected child laborers in the workplace.

### Child Labor Investigation and Litigation Guidelines

This resource identifies the process for investigating and litigating suspected cases of child labor, including how complaints are filed; the investigation of complaints and role of investigations officers; the rescue of children; preparation of situation reports of the site of child labor; and the procedure on judgement, execution of the judgement, and appeal.



## Exercise 1.3.1: Analyzing the strengths and weaknesses in Nepal's child labor laws



### OBJECTIVE:

- » To articulate the strengths and weaknesses in Nepal's legal framework for protecting children from labor exploitation.



### TIME:

- » 60 minutes



### MATERIALS AND PREPARATION:

- » Flipchart and markers for each group



### STEPS:

- » Explain to the participants the objectives of the exercise.

**[5 minutes]**

- » Divide participants into groups of 4-5 people. Assign each group one of the below questions to discuss:

1. What are the strengths and weaknesses of Nepal's legal framework as it relates to child labor? Discuss whether Nepal's labor laws, education policies and anti-trafficking measures meet the international standards described in ILO Conventions 138 and 182 as well as the UN Convention on the Rights of the Child and the UN Protocol to Prevent Trafficking in Persons.
2. What are the strengths, weaknesses, and gaps in Nepal's enforcement regime as it relates to child labor, child protection, and trafficking? Consider labor law enforcement as well as enforcement of laws and regulations related to education, health, community development, agricultural development, immigration, and anti-trafficking measures, etc.

**[30 minutes]**

- » Reconvene participants and ask each group to report back the results of their group discussions in plenary. Encourage questions and comments.

**[20 minutes]**

- » Wrap up with Q&A and key messages below.

**[5 minutes]**



### KEY MESSAGES:

- » Under current Nepalese law, education is compulsory only up to age 13.<sup>iii</sup> It is well known that education plays a key role in reducing the risk of children becoming vulnerable to child labor. The Nepal legislature should make education compulsory and free for all children up to age 14, which is the minimum age for work.
- » The Child Labor (Prohibition and Regulation) Act of 2000 establishes a minimum age of 16 for hazardous work. This is not consistent with international standards which sets the minimum age at 18.
- » Children ages 16-17 are not covered under the Children's Act, and therefore may face criminal penalties if found participating in commercial sexual exploitation and the sale of drugs. Because 16 and 17 year olds are not considered children under the legal framework, there is no prohibition against employing children in this age group in the production of pornography.

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iii 2016 Findings on the Worst Forms of Child Labor—Nepal. U.S. Department of Labor, Bureau of International Labor Affairs, p. 6, September 2017. <https://www.dol.gov/sites/default/files/images/ilab/child-labor/Nepal2016.pdf>

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NEPAL

# LABOR INSPECTION TRAINING ON CHILD LABOR



## **MODULE 2:**

ROLES AND RESPONSIBILITIES OF LABOR  
INSPECTORS IN ADDRESSING CHILD LABOR

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## INTRODUCTION TO MODULE 2

Module 2 of this *Labor Inspection Training on Child Labor* focuses on the important role that labor inspectors play in the fight against child labor in Nepal. This Module covers challenges faced by inspectors in their day-to-day work, including limited resources and cultural and economic forces that act as both pull and push factors for child labor. It also includes information to help inspectors overcome these barriers such as how to: understand employers' motivations for hiring children; enhance inspections in the informal economy; coordinate with other stakeholders; develop strategic plans; collect, analyze and use data for planning; and ensure that high ethical standards are maintained at all times. The Module also includes three interactive exercises to help trainees apply lessons learned to real life situations. The information learned in Module 2 helps to set the stage for Modules 3-5 on how labor inspectors can better identify, eliminate, and prevent child labor.

# LESSON 2.1: THE CRITICAL ROLE OF LABOR INSPECTORS IN THE FIGHT AGAINST CHILD LABOR

[45 minutes]

## Objectives

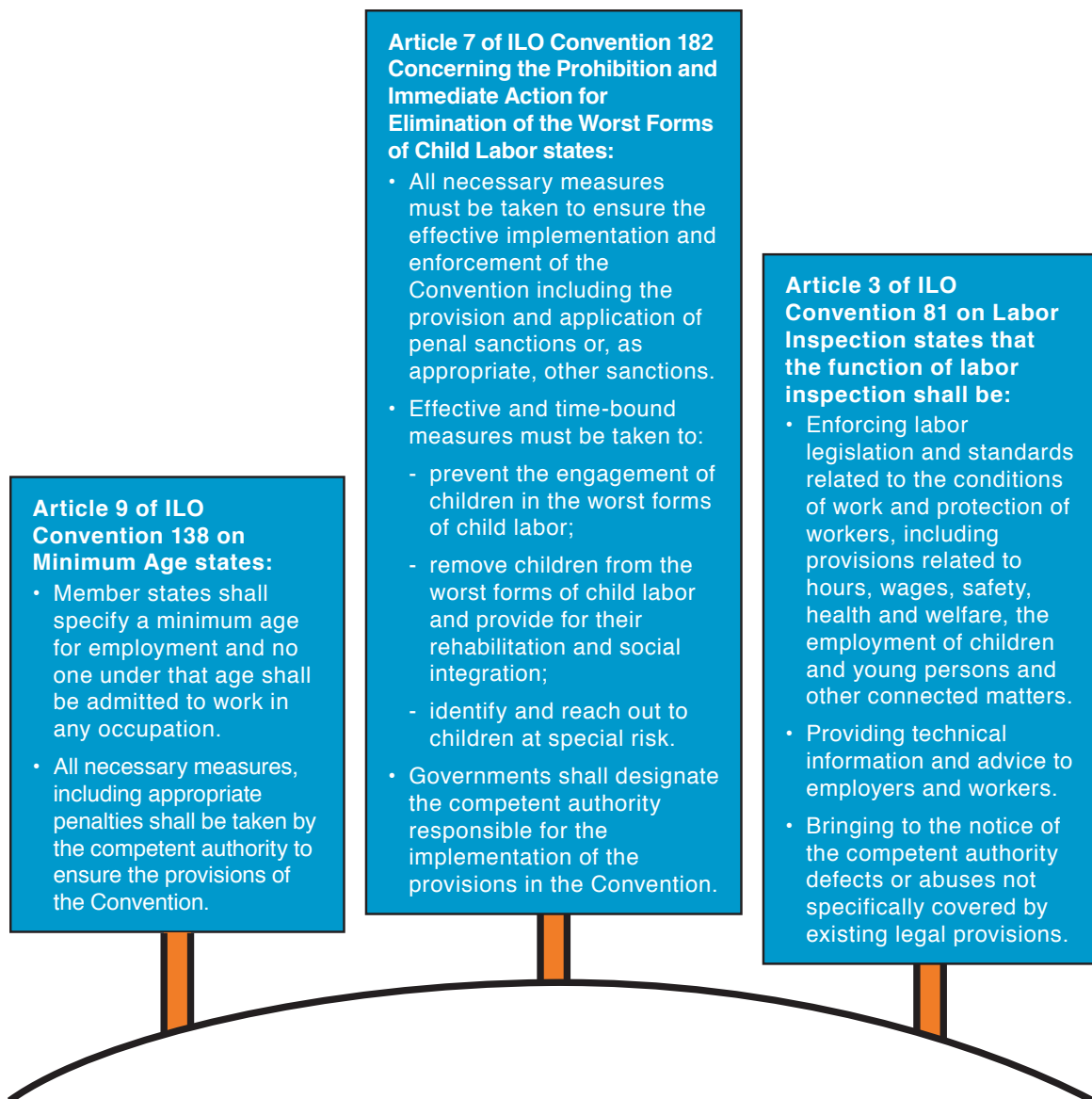
To reinforce the idea that child labor legislation is only as good as the mechanisms to enforce it.

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Labor legislation is only as good as the mechanisms for enforcing it – and inspectors are the lifeblood of the enforcement process. Labor inspection activities are fundamental to social justice, and the authority granted to inspectors in enforcing the law uniquely positions them to play a critical role in combatting child labor. Unlike most other institutions focused on eliminating child labor, including government agencies and international and national nongovernmental organizations (NGOs), labor inspectors have the power to enter workplaces without prior notice or authorization, question employers and employees, examine documents, seize materials and equipment, stop the work of an enterprise, remove vulnerable children, issue fines, and if necessary recommend further action to prosecutors and other law enforcement entities. Because of this, labor inspectors should be an active and robust partner in any country's child labor elimination strategy.

The principal role of any inspectorate is law enforcement and securing compliance. In the past labor inspectors' role was mainly one of policing and imposing fines on entities that violated labor laws. Now, inspectors are expected to be advisors as well as enforcement agents, with an overall mission of improving working conditions and productivity in the workplace, and upholding international and national commitments on human rights. In particular, inspectors help to ensure that four categories of fundamental principles and rights at work are respected including: freedom of association and the right to collective bargaining; the elimination of all forms of forced or compulsory labor; the elimination of discrimination in respect to employment and occupation; and the effective abolition of child labor. ILO Conventions that provide guidance on the inspectors' role in addressing child labor are as follows:



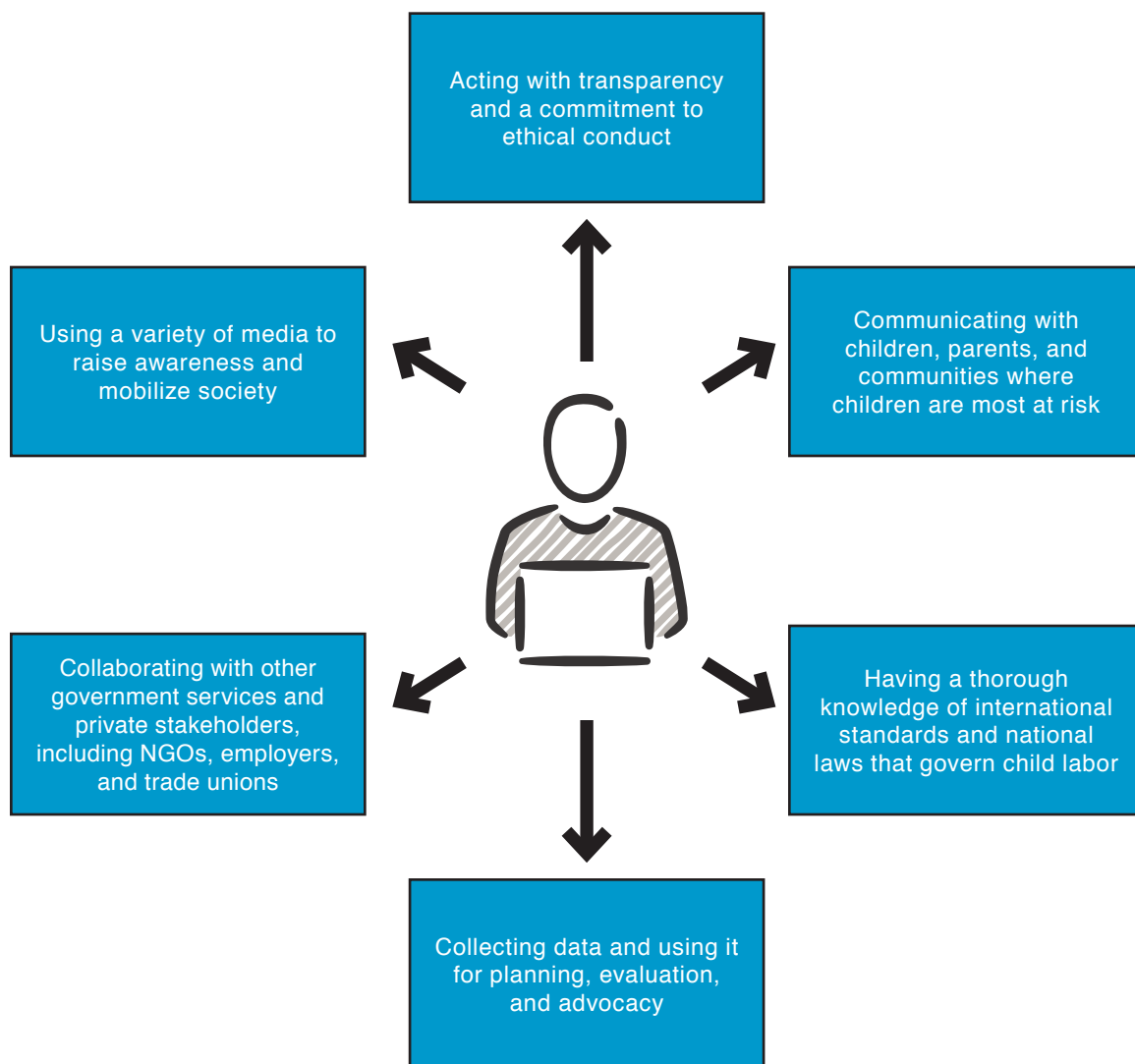


These conventions, along with Nepal's national laws related to child labor, give labor inspectors the authority to withdraw children from workplaces where hazardous work is taking place. They also have the authority to refer them to the appropriate organizations who can ensure that their best interests are taken into consideration, including ensuring that they are enrolled in school or other skills training. The conventions and national laws also require that enforcement agents such as labor inspectors, ensure that the health and safety of children who have reached the minimum legal age to work are fully protected in the workplace, through general improvements in workplace health and safety conditions and avoidance of children



carrying out hazardous tasks. Inspectors are clearly a fundamental pillar in upholding the laws prohibiting child labor and ensuring the safety and wellbeing of children.

The role of an inspector in the fight against child labor is multifaceted. In order for inspectors to effectively meet their obligations under the conventions and national laws, they must be adept at negotiating with different stakeholders and employ a variety of techniques, including:



To be effective, inspectors must resist the urge to view themselves as only enforcers who react to complaints. They must also play a role in data collection and monitoring to help identify children who are being exploited. Equally important is labor inspectors' role in preventing the problem of child labor from happening in the first place. This can be done by providing advice to employers on how best to comply with the law as well as by participating in awareness raising campaigns, public discussions, and community forums; conducting educational outreach; and engaging in interactions with the media. Through these various methods, inspectors can help to spread the word about the risks and harmful effects of child labor. By taking a more holistic view and incorporating prevention, identification, and elimination goals and targets into strategic plans, inspectors are more likely to achieve success in the fight against child labor.

More information on the ways inspectors can work to address child labor can found in subsequent modules of this training curriculum including:

- » Module 3 describes challenges and techniques for **identifying child labor** including: use of proactive vs. reactive inspections; assessing vulnerable populations and economic sectors at risk; types of research tools for gathering information; best practices for interviewing children; and how inspectors can engage with child labor monitoring systems.
- » Module 4 explores **eliminating child labor** including: task mapping and job risk analysis; action planning; compliance vs. deterrence oriented approaches; rescue and removal of children from the workplace; and planning for the rehabilitation, rehabilitation, and monitoring of child laborers.
- » Module 5 focuses on methods for **preventing child labor** including: outreach and awareness raising; encouraging the formalization of informal businesses; and promoting corporate social responsibility.

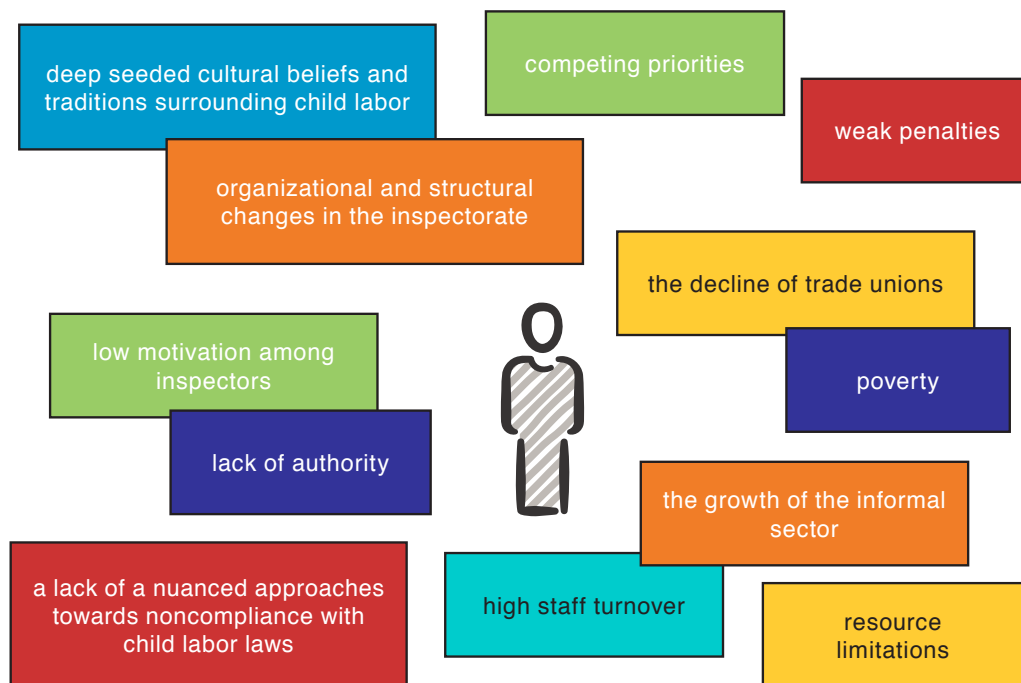
## LESSON 2.2: METHODS FOR ADDRESSING CHALLENGES INSPECTORS FACE IN TACKLING CHILD LABOR

[60 minutes]

### Objective

To identify the challenges faced by labor inspectors in tackling child labor and discuss methods for addressing those challenges.

**Inspectorates and inspectors face many challenges in their everyday work**



While overcoming the political, economic, structural, legal, and cultural barriers to enforcement may at times seem insurmountable, with creative thinking, strategic planning, a focus on prevention, collaboration with others, and a willingness to try new approaches, inspectors can find ways to effectively address child labor.

## LACK OF RESOURCES

Labor inspectorates all over the world are understaffed, underequipped, underfunded and underpaid, and Nepal is no different. The ILO benchmarks for adequate levels of inspectors, set on the basis of the stage of a country's economic development, are one inspector per 10,000 workers in developed market economies; one inspector per 20,000 in transition economies; and one inspector per 40,000 in less developed countries.<sup>1</sup> The ratio in Nepal is one inspector per 1,416,799 workers—less than one-third of the minimum number needed to adequately enforce the labor laws.<sup>i</sup> This figure provides a stark illustration of the resource problem facing the labor inspectorate. In addition to the lack of personnel, labor offices in Nepal are also insufficiently equipped with vehicles and information technology such as computers and other office equipment to do their work.

While it is important that inspectorates continue to lobby for sufficient budgets, they must go beyond calls for more funding and personnel and adopt a strategy for reacting to incoming complaints and targeting investigations into child labor that maximizes the effectiveness of their overstretched resources. In other words, to tackle child labor, inspectorates must make it a priority and careful thought must be given about where, when, and how labor inspectors should intervene in order to have the maximum impact on the problem. This requires creativity and a willingness to try new approaches, the ability to prioritize and think strategically, and a willingness to collaborate with other institutions and stakeholders that also have mandates to address child labor.

## CULTURE AND TRADITION

Culture and tradition can be a big obstacle to anyone attempting to address child labor in Nepal, where many in society see work by children as a “normal” stage in the process of growing up. For some, hard work when young is considered to be the best form of education and preparation for community life, and even abusive conditions may be tolerated as a way of teaching children how to respect power and authority. Others feel that belonging to a certain social category, ethnic class, caste, or religious group leaves them with no other options, and not sending a child to work is a luxury reserved for those who have other alternatives. Some parents view child labor as the best way to ensure that children do not become idle and keep them out of trouble.

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i According to data from the World Bank, in 2014 Nepal's workforce was estimated at 15,584,793. The number of labor or “factory” inspector positions in 2014 was 11. <http://data.worldbank.org/indicator/SL.TLF.TOTL.IN>

“ A common problem for inspectors is that child workers themselves often strongly resist any efforts to remove them from work. The work provides them with an income, however small, and sometimes the chance to get some minimal training, which, in the face of inadequate schooling followed by unemployment, may well appear preferable. Work also gives children a sense of being grown up. They are proud that they are able to help their families and support the schooling for a younger sister or brother. Indeed, child workers may not therefore see themselves as victims but as assuming responsibility and earning the respect of their family, themselves and their community. If not gifted at school, they might see themselves as inferior if it were not that work conferred a status of its own. Additionally, children are often considered to be the property of the family with only the parents in a position to decide whether they have to work, go to school or stay at home. Nobody but the parents or those to whom they delegate their authority is entitled to interfere with them or their future. Inspectors therefore also have to counter a large number of cultural beliefs and attitudes. There is also a lack of understanding of the inspector’s role, suspicion of him or her as a prying outsider and fear that if their children are found to be illegally employed, the parents themselves will suffer punishment.” <sup>2</sup>

## **VARIED AND COMPLEX REASONS FOR HIRING CHILDREN**

Firms that employ children have different reasons for doing so—

- » Some might be ignorant about laws prohibiting child labor
- » Some may honestly believe they are doing children and their families a favor by hiring them
- » Some hire children because it is easy to do so but do not fully understand or appreciate the cost to the children or society
- » Some are not ignorant about the law but make little effort to ensure that children are not being exploited in their supply chain
- » Some know the cost and harm to children but do not care and will do whatever it takes to maximize their profits

The challenge is knowing what is motivating the noncompliance and then tailoring the enforcement strategy to the particular situation. Where noncompliance is willful, sanctions are likely the best way to alter the employer's cost-benefit calculation in an effort to bring about compliance. Where the problem results from ignorance, however, sanctions are less useful (or even counterproductive) and counseling and awareness-raising efforts might be more effective.

Labor inspectors' main goal is to achieve compliance with labor laws—but finding the right methods for doing so is often a challenge. Inspectors have a vast array of tools at their disposal for encouraging compliance with laws on child labor, including: awareness raising; provision of technical advice and counseling; training and workforce development programs; formal warnings and demands for remedial action; sanctions and fines; cease and desist orders; mediation and conciliation; and in the worst cases—referrals to police or prosecutors for judicial action. Depending on the situation, some of these strategies will work better than others.



Deciding on which tool to use and what approach is in the best interest of the children might require multiple conversations and consultations with the employer, workers, trade unions and others in the community who have knowledge about the situation. For example, if a firm is exploiting children purely as a way to increase profits with no regard for the laws, then strict sanctions that make noncompliance costlier than compliance are in order. However, if the problem is ignorance of the law and the harm to children—then a more advisory approach might work better. By providing on-site technical advice and other capacity-building measures, inspectors might bring the uninformed employer into compliance over time, whereas sanctions could drive him underground or out of business. It is important to understand the relationship between enforcement strategies and compliance outcomes.

### Three theories of noncompliance<sup>3</sup>

AVARICE BASED THEORY	IGNORANCE BASED THEORY	AVARICE AND IGNORANCE
<ul style="list-style-type: none"> <li>» Noncompliance is intentional and willful.</li> <li>» Regulations impose costs on firms (otherwise firms would desist from the proscribed activities on their own).</li> <li>» Firms are owned and operated by “amoral calculators” who will evade regulations and their costs whenever profitable.</li> <li>» Inspector’s job is to make noncompliance more burdensome and less rational than compliance not only by raising the cost of detection and punishment after the fact but by raising the probability of detection and punishment before it happens.</li> <li>» The goal is to deter malfeasance before the violations or bring into compliance post violation. The inspector therefore should be a strict enforcer indifferent to the firm’s manipulations and excuses.</li> </ul>	<ul style="list-style-type: none"> <li>» Noncompliance is unintentional or accidental.</li> <li>» Firm owners and operators are ignorant of the law and/or ignorant of organizational or productive techniques that would allow the firm to compete and comply simultaneously.</li> <li>» Education and training is better approach. Strict enforcement here might add to the firms’ costs, undercut profits and drive the firm underground or out of business.</li> <li>» Firms can reconcile compliance with competitiveness through capacity building and dissemination of legal and productive information.</li> </ul>	<ul style="list-style-type: none"> <li>» There are firms that fall along a continuum from more to less deliberate.</li> <li>» Firm might be somewhat willing to violate laws to cut costs/increase profits, but also does not have the knowledge, tools, skills to achieve it any other way.</li> </ul>



## THE INFORMAL ECONOMY

While labor inspectorates spend most of their time and resources on monitoring the formal workforce, the fact is that most child labor takes place in the informal economy. Hundreds of millions of people worldwide work under informal conditions. According to the ILO, these informal laborers make up more than half of the global labor force and more than 90 percent of micro and small enterprises.<sup>4</sup>

Despite its prevalence, informality poses serious challenges to:

- » **workers** who suffer from decent work deficits, poverty and vulnerability;
- » **businesses** that cannot gain access to finance and markets which contributes to low productivity and;
- » **governments** when the rule of law is flouted, and taxes go uncollected.

The expression **informal economy** refers to all economic activities by workers and businesses that are not covered by formal arrangements. It encompasses a diverse array of situations and phenomena and manifests itself in a variety of forms which may include:<sup>5</sup>

- » Self-employed workers employed in their own informal sector enterprises
- » Contributing family workers, irrespective of whether they work in formal or informal sector enterprises
- » Members of informal producers' cooperatives
- » Employees holding informal jobs in formal sector enterprises, informal sector enterprises, or as paid domestic workers by households
- » Self-employed workers engaged in the production of goods exclusively for own final use by their household

## CHILD LABOR IN THE INFORMAL ECONOMY IN NEPAL

A series of rapid assessments conducted by World Learning in 2012-2013 found that most child labor in Nepal occurs in industries such as agriculture, construction, mining and quarrying, manufacturing carpets, bricks and embroidered textiles, domestic work, restaurants and tea shops, transportation, "entertainment" venues, and portering. These businesses are often unregistered, scattered, remote, conducted out of people's homes, hidden and hard to find, seasonal and migratory, and workers rarely have the backing of industry associations or trade unions.

Even formal sector firms often rely on complicated informal sector supply and subcontracting chains that make it difficult to identify who is to be held accountable for recruiting and employing children. Thus, inspectors are faced with the practical problems of finding and gaining access to the type of workplaces where child labor most commonly occurs and teasing out who is ultimately responsible. Their job can also be dangerous at times as some informal enterprises are controlled by organized crime. Even when inspectors do have access to job sites, gathering information can be a challenge because workers are often unwilling to speak out, perhaps because they fear reprisals or because they believe the drawbacks associated with their job are outweighed by the benefits.

If inspectorates lack the ability or are unwilling to intervene and enforce national laws in the informal sector, the vulnerable situation of informal economy workers cannot be properly addressed. This lack of oversight encourages businesses to engage in informal employment practices, to the extent that they believe that the probability of being detected and inspected is very low. By not intervening and enforcing the law, the government is inadvertently reinforcing the informal economy and allowing it to flourish!



To effectively identify and address cases of child labor in the informal sector, inspectorates must find creative ways to overcome these challenges and explore different approaches that might be used alongside traditional methods. Tackling the informal sector requires inspectorates to develop a well thought out strategy that prioritizes and targets those sectors most at risk and includes a plan for collaboration with other stakeholders. Inspectors should routinely check newspapers, magazines, and social networking sites where child labor stories might be reported. Additionally, online research should be conducted to access the latest reports from the ILO as well as international and national NGOs working on the issue in-country. These can provide a wealth of information about sectors where child labor is most prevalent as well as geographic areas hardest hit by the problem and ethnic groups that are most vulnerable.

Another way of tackling child labor in the informal economy is by encouraging business entities to transition from the informal to the formal economy so that their operations are regulated and more easily monitored. It is important that inspectors understand the factors contributing to informality and become adept at explaining the risks and disadvantages of remaining outside the mainstream economy, as well as the benefits and paths to formalization.

**RISKS AND DISADVANTAGES OF INFORMALITY INCLUDE:**

- Insecure income
- Decent work deficits and limited legal protection
- Limited or no access to public infrastructure and benefits such as health and social protection schemes

**BENEFITS TO FORMALIZATION INCLUDE:**

- Legal identity and recognition of worker and or entrepreneur status
- Legal protection and access to dispute resolution mechanisms and courts
- Improved access to mainstream economic resources including investment, capital, finance, property, and markets

More information on the steps the government can take to help businesses transition to the formal economy can be found in Module 5: Preventing Child Labor.

## Exercise 2.2.1 : Enhancing inspections in the informal economy



### OBJECTIVES:

- » To consider the challenges faced by inspectors in investigating the informal sector and how to overcome these challenges.
- » To encourage thinking around different types of approaches to inspections and consider how inspectors can best influence employers in the informal economy.



### TIME:

- » 90 minutes



### MATERIALS AND PREPARATION:

- » One flipchart for each group and one for the facilitator
- » Markers
- » Several copies for each group of Handout 2.2.1A: *Case study on textile manufacturing*; Handout 2.2.1B: *Case study on domestic workers*; and Handout 2.2.1C: *Case study on sand mining*.



### STEPS:

- » Explain to the participants the objectives of the exercise.

**[5 minutes]**

- » Ask for volunteers to answer the following questions:
  1. What are current approaches to enforcement of child labor laws in the informal sector?
  2. How effective are they?
  3. Should a different approach be tried?
  4. What practical steps can be taken to enhance inspections in the informal sector?

Encourage the group to come up with at least 3-4 suggestions for improvement and write them down on the flipchart at the front of the room.

**[20 minutes]**

- » Divide participants into small groups of 4-5 people. Provide each group with a different case study (Handouts 2.2.1A, 2.2.1B, and 2.2.1C). Ask them to read their case study and answer the questions that follow. Each group should record their answers on the flipchart.

**[30 minutes]**

- » Reconvene participants and ask each group to share their case study and their answers. Encourage questions and comments.

**[30 minutes]**

- » Wrap up with Q&A and the key messages below.

**[5 minutes]**



### **KEY MESSAGES:**

- » Workers in the informal economy are not normally organized and lack the ability to make collective representations to their employer or public authorities.
- » Their vulnerability means that they are often subjected to unfair treatment by employers, including underpayment of wages, unwarranted deductions from pay, discrimination, excessively long working hours, and hazardous working conditions.
- » The vulnerability of those who work in the informal sector and widespread failure of employers to respect national labor laws and treat their workers decently mean that the informal economy is an important issue for labor administration.
- » Inspectorates cannot be expected to tackle informal economy problems on their own. The informal economy also has implications for social security, health and safety, migration, education, employment relations, and macroeconomic policy. Inspectorates must find ways of coordinating with the various ministries and agencies that also are concerned with the informal economy to ensure that actions are coordinated, policies are coherent, and information is shared.



## Handout 2.2.1A: Case study on textile manufacturing

The labor office has received complaints about children as young as eight years old manufacturing textiles at an unknown workshop in a building located just outside of town. The inspectors do not know who is contracting this alleged informal employment, but they do have information about the address where the children are working. Consult with your group and answer the following questions:

1. What steps can the inspectors take to investigate the complaints?
2. What barriers might they face in gaining access to the site? How can they overcome them?
3. What barriers might they face in getting information from the employer? How can they overcome them?
4. What barriers might they face in getting information from the children? How can they overcome them?
5. What steps should inspectors take to ensure the safe removal of the children and connect them with supportive services?



## Handout 2.2.1B: Case study on domestic workers

The labor office is aware that many young girls are working as domestic helpers in houses located in a wealthy part of town. It is well known that many of the girls are not attending school. There has been a recent complaint that one girl is being abused by the family that employs her. Consult with your group and answer the following questions:

1. What steps can the inspectors take to address the situation of the child domestic workers in the neighborhood?
2. What barriers might they face in gaining access to the girls and getting information from them? How can they overcome them?
3. What barriers might they face in getting information from the family? How can they overcome them?
4. How can the inspectors investigate the complaint about abuse, ensure the safe removal of the child if needed, and connect her with supportive services?





### Handout 2.2.1C: Case study on sand mining

During the dry season, many families migrate from the countryside to mine sand, silt, and gravel from the local river and sell it to construction firms who use it for building. Children accompany their parents to the river and help with the digging and hauling of bags—as heavy as 70 kg—up the river banks where trucks wait to haul the sand away. The children do not go to school and there have been reports of serious injuries.

1. What steps can the inspectors take to address the situation of the children working in the sand mines?
2. How can the inspectors work with the local construction companies to address the situation?
3. What barriers might they face in working with the companies? How can they overcome them?
4. What barriers might they face in getting information from the families or children? How can they overcome them?
5. How can the inspectors promote school attendance for the children working in the river?
6. What other stakeholders can inspectors collaborate with to improve the children's situation?



## LESSON 2.3: COORDINATION AND COLLABORATION WITH STAKEHOLDERS

[60 minutes]

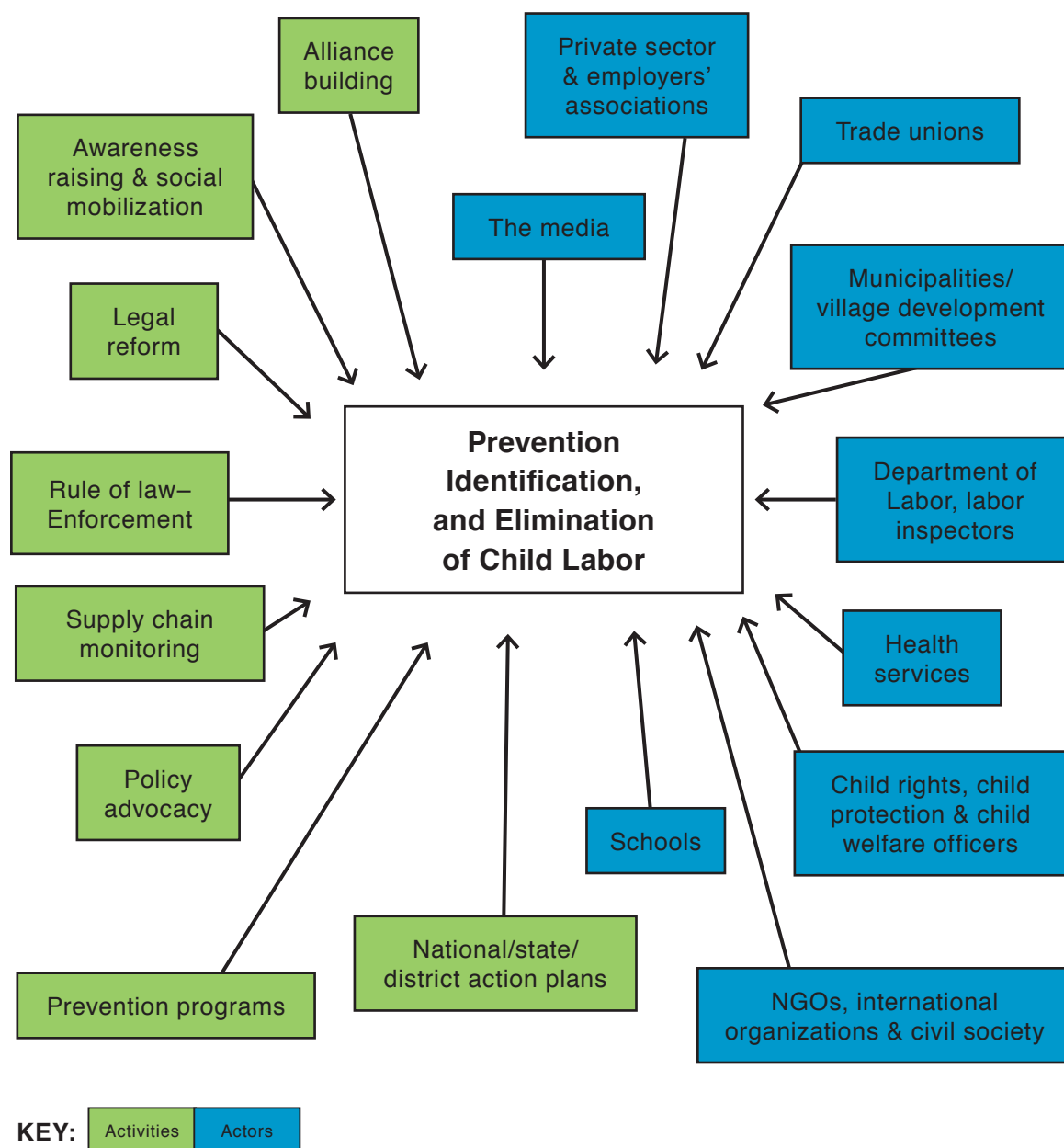
### Objective

To learn that collaboration and coordination with other stakeholders is critical in the fight against child labor.

While labor inspectors are key players in the fight against child labor, they cannot do it alone. A comprehensive and coordinated approach is needed to adequately address the problem. To be effective, inspectorates need to enter into alliances with a broad group of organizations who share their goal of eliminating child labor. Collaboration is particularly critical when trying to address child labor in the informal sector. “The informal economy has implications for policy and administration in respect of employment, social security, health and safety, migration, education, employment relations and macroeconomic policy.”<sup>6</sup> Therefore, government agencies addressing these issues must find ways to share information and better coordinate their activities.



While it is important for inspectorates to collaborate with other government actors at the national level, it is equally important for inspectors working in field offices to actively participate in village and district level government planning mechanisms to set targets for ending child labor and promoting alternatives. In addition to collaboration with other government entities, inspectorates should also consider how they can work with civil society, NGOs, the media, trade unions, and employer groups that might have access to information or resources that can be leveraged by the inspectorate.



Getting out into the community and meeting with others that are engaged in the same fight will allow inspectors to better understand where the problems are and develop a coordinated response.

#### Coordination among government actors and other stakeholders in child labor monitoring:

Under Nepal's three-tier system of federal, state, and local governments. Labor relations and administration is a concurrent responsibility of all three tiers of government. At the federal level, the Ministry of Labor, Employment and Social Security is responsible for devising and implementing child labor related policies and programs. At the state level the Ministry for Social Development also bears responsibility for enacting policies to reduce child labor.

The Local Government Management Act also gives local government actors responsibility for addressing child labor through the formation of Local Child Labor Monitoring and Elimination Committees to better coordinate actions to reduce child labor. These committees may be comprised of: representatives from local government women and children sections; local police; local labor office representatives; civil society organizations; local health committee representatives; and child club representatives. The roles and responsibilities of the committees include monitoring activities related to child labor, referring vulnerable children to appropriate services and referring cases of child labor exploitation to local labor office representatives and the Attorney's Office for the adjudication and punitive action.

## Exercise 2.3.1: Stakeholder mapping to encourage coordination and collaboration



### OBJECTIVES:

- » To understand the importance of working with other public agencies and stakeholders to combat child labor.
- » To identify different agencies/organizations to maximize resources and protection measures through cooperation.



### TIME:

- » 60 minutes



### MATERIALS AND PREPARATION:

- » Copies for each participant of Handout 2.3.1: *List of stakeholders to address child labor*
- » Pens
- » Flipchart and marker for facilitator



### STEPS:

- » Explain to the participants the objectives of the exercise and that the main output will be a stakeholder map of relevant public agencies and stakeholders that inspectors can/should engage with in order to be more effective.

**[5 minutes]**

- » Explain to participants that because inspectors have limited financial and human resources, and have a broad range of responsibilities, it is critical that they coordinate and collaborate with other government agencies and stakeholders when trying to address child labor. Coordination and collaboration can be done in many different ways. Ask participants to brainstorm on the different ways the Ministry of Labor can work with other agencies to address the problem. As participants call out answers, write them on the flipchart at the front of the room. Supplement answers with the following as needed:
  - Child labor prevention and awareness raising campaigns
  - Child labor monitoring, improved data collection, and information sharing
  - Referral of cases of child labor to the inspectorate



- Referral by inspectors to service providers when rescued children need services
- Follow up of rescued children to ensure they do not return to an exploitative situation

**[10 minutes]**

- » A first step to coordination is conducting stakeholder mapping. For example, each labor office should:
  - Develop a list of local public agencies and organizations that work on children's issues
  - Gather information about the mandates, responsibilities, and resources of each organization listed
  - Visualize an approach for how the labor office can work with each organization on the list to better address child labor
  - Prioritize stakeholders in order of importance and relevance

**[5 minutes]**

- » Divide participants into small groups of 4-5 people—match participants by geographic region if possible. Distribute one copy of Handout 2.3.1 to each participant and ask them to brainstorm about the relevant stakeholders working on child protection issues in their geographic area and fill in the table to the best of their ability. While it is unlikely that everyone in the group will work in the same location, participants can help each other fill out their respective lists by asking questions and helping to jog memories. Once the individual tables are completed, ask participants to prioritize those organizations they feel could be most helpful, by placing #1 next to the most helpful, #2 next to the second most helpful, etc.

**[20 minutes]**

- » Reconvene the participants and ask for a few volunteers to share the names of the organizations they wrote down and state why they believe those organizations would be good partners to work with. Encourage questions and comments.

**[15 minutes]**

- » Wrap up with Q&A and key messages below.

**[5 minutes]**



## KEY MESSAGES:

- » Due to resource constraints, the Ministry of Labor is unable to adequately address child labor, particularly in the informal sector where most child labor takes place, without the help of other governmental and nongovernmental organizations.
- » It is important that inspectors get out into the community and meet with others that are engaged in the fight against child labor. This will allow inspectors to better understand where the problems are and develop a coordinated response.
- » A well-researched stakeholder map can help inspectors identify and prioritize those partners that can be of greatest assistance in tackling child labor.
- » Stakeholder maps should continually be updated as new organizations, programs and initiatives are identified.



## Handout 2.3.1: List of stakeholders to address child labor

GEOGRAPHIC AREA (TOWN AND DISTRICT):			
NAME OF ORGANIZATION	AREA OF WORK/SPECIALTY	ADDRESS/PHONE	CONTACT PERSON NAME/TITLE/EMAIL
<b>GOVERNMENT AGENCIES</b>			
<b>NGOS</b>			
<b>TRADE UNIONS</b>			

GEOGRAPHIC AREA (TOWN AND DISTRICT):			
NAME OF ORGANIZATION	AREA OF WORK/SPECIALTY	ADDRESS/PHONE	CONTACT PERSON NAME/TITLE/EMAIL
<b>SCHOOLS</b>			
<b>PRIVATE SECTOR/INDUSTRY GROUPS</b>			
<b>MEDIA OUTLETS</b>			

## LESSON 2.4: STRATEGIC PLANNING

[45 minutes]

### Objectives

To learn the importance of strategic planning when addressing child labor at the national and regional levels.

To identify the essential components of a good strategic plan.

Even when an overall strategic plan and approach for delivering inspection services is in place, many inspectorates do not have a **specific strategy for addressing child labor**. Creating a specific strategy or strategic plan is an important step to motivate inspectors and provide guidance on how they can work to address the problem.<sup>ii</sup> Such a plan will communicate the inspectorate's vision and signify commitment to addressing the issue, and provide direction for inspectors, by laying out a systematic and prioritized time-bound approach that encourages everyone to work towards the same goals. Additionally, while it is important for the national inspectorate service to have an overall strategic plan for addressing child labor, it is also helpful for **each district labor office** where an inspector is present to have a plan as well, that accounts for regional risk factors for child labor such as types of industry, vulnerable groups, relevant stakeholders, etc. in that particular geographic area. It is critical that the knowledge inspectors have about the realities in the field is used to inform the process of strategic planning.

All strategic plans whether they guide national, regional, or local efforts, should be driven by fundamental principles of good governance, participation, transparency, equity, inclusiveness, effectiveness, accountability, and rule of law. Ultimately, an effective plan should inform policy, operational, and budget decisions and provide a structure by which accountability is ensured.

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ii Section 13(a) of Nepal's Child Labor Inspection and Monitoring Directive, 2071 contemplates Ministry of Labor developing an "integrated action plan for child labor inspection and monitoring" in collaboration with organizations working in the child labor sector.

Strategic plans on child labor should contain:

- » A mission statement
- » Guiding principles for good governance
- » Objectives and measurable outcomes identifying what the inspectorate aims to achieve with respect to addressing child labor in a specified period of time
- » Description of clear transparent and effective procedures for inspections and sanctions
- » Clearly defined responsibilities for those charged with addressing child labor, including details on who will monitor implementation of the strategy
- » Framework for collaborating with other stakeholders that are interested in eliminating child labor
- » Discussion about how to address or prioritize areas of particular importance such as sectors with high numbers of child laborers, or sectors where children are involved in hazardous work

When developing a plan, the inspectorate should consider any documents and commitments already in place that govern or inform its work. In Nepal these might include the following:

- » Ministry of Labor and Employment's broader strategic plans
- » The legislative agenda as it pertains to child labor laws and regulations
- » Nepal's Ministry of Labor and Employment's directives on child labor, such as the Directive on Procedure for Child Labor Rescue, Rehabilitation and Reintegration, Child Labor Investigation and Litigation Guidelines and Child Labor Investigation and Monitoring Guidelines
- » The National Master Plan on the elimination of the Worst Forms of Child Labor

## Exercise 2.4.1: Developing a strategic plan



### OBJECTIVE:

- » To be able to develop a strategic plan outlining the key activities to be undertaken to combat child labor.



### TIME:

- » 90 minutes



### MATERIALS AND PREPARATION:

- » A copy for each group of Handout 2.4.1: *Strategic planning template*
- » Pens



### STEPS:

- » Explain to the participants the objectives of the exercise.

**[5 minutes]**

- » Ask for volunteers to state why strategic planning is important. Once a few responses have been given, remind participants that strategic planning can help inspectorates determine how to utilize scarce resources most effectively to accomplish specific goals. Strategic plans can be made for a specific:
  - **Goal** like “raising awareness about child labor”
  - **Sector** such as “reducing child labor in brick kilns”
  - **Region** such as “reducing child labor in Pokhara”

Ask the participants if any of them are aware of strategic plans on reducing child labor in their local labor office. If so, ask them to describe the plan.

**[20 minutes].**

- » Divide participants into small groups of 4-5 people and provide each group with a copy of Handout 2.4.1. Ask each group to decide upon a specific area of child labor they would like to focus on. Examples might be:
  - Strengthening strategic partnerships and improving access to supportive services for child laborers and their families.

- Establishing a child labor data collection and knowledge management system.
- Raising awareness about the risks of child domestic work.

Once the group has decided upon an area of focus have them fill out the template for at least five objectives with accompanying activities, expected results, indicators, budget, timeframe, and partners. Encourage the group to fill out more if time permits.

**[30 minutes]**

- » Reconvene participants and ask each group to share their case study and their answers. Encourage questions and comments.

**[30 minutes]**

- » Wrap up with Q&A and the key messages below.

**[5 minutes]**



## KEY MESSAGES:

- » While it is important for the national inspectorate service to have an overall strategic plan for addressing child labor, it is also helpful for **each district labor office** where an inspector is present to have a plan as well that considers regional risk factors for child labor.
- » Creating a strategic plan is an important step to motivate inspectors and provide guidance on how they can work to address the child labor.
- » Plans should lay out a systematic and prioritized time-bound approach that encourages everyone to work towards the same goals.
- » The knowledge inspectors have about the realities in the field should inform the strategic planning process.
- » Plans should have clearly defined responsibilities for those charged with addressing child labor, including details on who will monitor implementation of the strategy.

## Handout 2.4.1: Strategic planning template

Goal: This strategic plan will \_\_\_\_\_

**Example goal: This strategic plan to will reduce child labor in brick kilns.**

OBJECTIVE	ACTIVITY	EXPECTED RESULTS	INDICATORS	BUDGET	TIMEFRAME	PARTNERS	PERSON RESPONSIBLE



## LESSON 2.5: DATA GATHERING, RECORD KEEPING, AND REPORTING

[60 minutes]

### Objective

To understand the importance of collecting, analyzing, and reporting accurate qualitative and quantitative information about child labor in order to track trends, conduct strategic planning, set priorities, determine effective collaborative arrangements, decide how best to respond to particular situations, measure progress, and advocate for resources.

---

### DATA GATHERING

Accurate qualitative and quantitative information about child labor is critical for labor inspectors to be able to track trends, conduct strategic planning, set priorities, determine effective collaborative arrangements, decide how best to respond to particular situations, measure progress and advocate for resources. Data gathering can be done using a variety of techniques, including observing children at work, surveys, rapid assessments, mapping exercises, and baseline surveys. By participating in surveys, inspectors can “become familiar with areas and sectors to which they may have had no exposure before, and they gain experience in interviewing children and employers.”<sup>7</sup>

Aside from direct interviews with employers, children, and families, other important sources of information include: other civil servants working in the field, such as agricultural extension agents; schools and vocational training centers; courts and police records; and social services agencies such as health, welfare agencies, shelters and counseling facilities who can provide inspectors with information about how to refer child workers.

Whenever possible and/or relevant, data gathered on child labor should be disaggregated by:

- » Gender
- » Age
- » Socio-economic status
- » Rural/urban
- » Migration status
- » Disability
- » School attendance
- » Nationality
- » Ethnicity
- » Religious affiliation
- » Native language
- » Other at-risk populations  
(children of sex workers, street children, orphans, etc.)



## Reporting<sup>8</sup>

As a general rule, inspectors should take detailed notes during any visit to a worksite. Once the inspection is completed but before leaving the premises, the inspector should take the time to provide a summary of findings to key people at the worksite including the manager, owner or director of the enterprise, any worker representatives or members of safety councils and even the children involved. The inspector should present his or her understanding of the situation, what actions are intended, and solicit feedback. Having such an exchange is a means of cross-checking information and may reveal whether the employer intends to improve conditions. This is also an opportunity to come to an agreement with the employer on priorities for action.

Shortly thereafter—ideally within one day—the inspector should prepare a report summarizing any observations, findings, and recommendations. These reports are an important source of information and a resource for supporting future actions such as in the event of a court case. Reports should consist of a standard format with the name of the inspector and the date of the inspection at the top, followed by a narrative organized and divided into sections that provide information about:

- » The nature and description of the enterprise including, its ownership, address, name of manager, telephone, street, etc.
- » The workers, particularly the ages of children employed, the nature of employment (seasonal, daily, intermittent, etc.), and the tasks they undertake.
- » The working environment including any notable hazards that children are exposed to such as toxic materials, heavy loads, awkward positions for prolonged periods of time, lack of safety equipment, lack of water, blocked exits, work in confined spaces or underground, dangerous heights, and dangerous machinery or tools.
- » Hours of work (distinguishing, if necessary, between age groups) together with a note of any night work done, rest periods, etc.
- » Remuneration, whether on a time or piecework basis, for public holidays, from tips, and the nature of any benefits in kind such as meals, accommodation, transport, clothing, etc.
- » Any information on accidents or incidents, particularly if children were involved, and illnesses, etc. (as a possible indicator of occupational diseases).

The following actions can be helpful in preparing reports:

- » Consult the notes taken during the inspection visit in order to re-examine problems identified and confirm—based on personal reflection—that they have been correctly prioritized.
- » Consult with technical colleagues and fact check against legal texts, guidelines, and publications to ensure that the recommendations proposed and instructions given are correct.
- » Decide on what action is required for each problem. This may depend on the assessment of its seriousness, the inspector's powers under the law, and how likely actions are to improve the workplace situation in a sustainable manner.

## RECORD KEEPING

It's important that systems are in place for keeping records of workplace visits. Files on any given workplace should include the inspector's reports as well as working notes, comments, and the results of any other relevant research. Records for noncompliant enterprises should ideally contain a timeline of reports with explanations for noncompliance and the actions requested, together with any improvement notices and their outcomes. Information stemming from inspections may also help to identify further inspection needs and capacities—generating the evidence for increased investment, training, policy development, and technological enhancements—geared to better tackling the informal economy. Inspectors should ideally upload labor statistics and contribute to online databases, including registers of enterprises and workplaces based on the inspections. Even labor ministries with restricted budgets should maintain at least a baseline survey of existing enterprise records and establishments.<sup>9</sup>

## LESSON 2.6: ETHICS AND CORRUPTION<sup>iii</sup>

[45 minutes]

### Objective

To learn good practices in promoting ethical conduct and introduce a Model Code of Ethical Behavior.

Unethical behavior and corruption are sensitive but important issues to consider in any public administration. Labor inspectors are no different than other public officials, their jobs are difficult, they are often underpaid, and there can be a temptation to succumb to bribery. However, in order to encourage businesses and foreign investment, public trust and respect for the inspectorate is imperative.

While only a small percentage of inspectors tend to engage in corrupt practices, even one can spoil the reputation of the whole inspectorate. Such behavior should not be tolerated and when it occurs management should tighten its supervision. Other techniques to discourage corruption include peer group pressure, combined with standardized work procedures and some form of compensation or acknowledgement for inspectors who do well. Inspectors must be held strictly accountable for their actions and managers for their inspectors. Good practice must be encouraged and labor inspection recognized as a profession in its own right, which requires a professional approach.

Attached to this Module as Appendix 2A is a model code of ethical behavior that can form the basis for an inspectorate's efforts to combat corruption or advance the profession of labor inspection. It is also recommended that it be used as an **oath or pledge**, to be signed by each inspector when they first begin their work with the inspectorate. This will promote transparency and provide the necessary philosophy on which to base inspection practices. Additionally, with a code, employers and workers will know what to expect from inspectors and be unwilling to tolerate behavior which goes against the code's provisions.

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iii Excerpts taken from *A Tool Kit for Labour Inspectors: A model enforcement policy, a training and operations manual, a code of ethical behavior*. Edited by Annie Rice, Budapest, International Labour Office, pp. 69-85, 2006. [http://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---safework/documents/instructionalmaterial/wcms\\_110153.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---safework/documents/instructionalmaterial/wcms_110153.pdf)

## APPENDIX 2A: A MODEL CODE OF ETHICAL BEHAVIOR FOR LABOR INSPECTORS<sup>IV</sup>

As a member of the Labor Inspection Service and of my profession, I recognize the following principles on which ethical behavior is based and I accept to follow and promote them in my work as a labor inspector.

### GUIDING PRINCIPLES:

1. I shall perform my work to the highest professional standards and ethical principles at all times.
2. I shall perform all professional tasks in accordance with the law and international standards that the state has ratified, and with the rules and values of the inspection services.
3. I shall always act in good faith towards employers and serve the right to decent working conditions, safety and health and wellbeing of workers individually and collectively.

### DUTIES AND OBLIGATIONS:

1. I shall be guided in my duties by the requirements set down in the labor inspection enforcement policy and the operations and training manual.
2. I shall enforce all regulations objectively, that is in a consistent, fair, equitable and transparent manner, without regard to the national or ethnic origin, race, gender, language, political or religious beliefs, or social position of the person to which the law is applied.
3. I shall recognize and abide by the basic aim of good inspection practice, that is to promote the establishment and maintenance of a decent, productive, safe and healthy working environment. A clear priority shall be given to high risk enterprises and vulnerable groups of workers.

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iv Adapted from *A Tool Kit for Labour Inspectors: A model enforcement policy, a training and operations manual, a code of ethical behavior*. Edited by Annie Rice, Budapest, International Labour Office, 2006. [http://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---safework/documents/instructionalmaterial/wcms\\_110153.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---safework/documents/instructionalmaterial/wcms_110153.pdf)



**PRINCIPLES OF ETHICAL BEHAVIOR:**

1. I shall oppose any act of attempted corruption.
2. I shall always perform my duties as a disinterested third party. I shall not use the inspection process to accept nor make available commissions, services, allowances, goods or other favors directly or indirectly.
3. I shall not use my knowledge, position or influence to cause any damage to the public interest, the inspection services, my profession, colleagues or clients.
4. I shall not disclose any industrial or commercial secrets or data I collect during inspection visits or information given in confidence, without prior approval of the client and persons involved. However, should the concealment of any such information endanger the life and health of workers or the community, I shall be obliged to disclose it, whilst protecting confidentiality as far as possible.

**FURTHERING THE INSTITUTION OF LABOR INSPECTION:**

1. I shall remember that I represent a profession which has a public image of trust, honesty and courtesy to build and maintain. I will, by my attitudes and behavior, set an example to colleagues and the public.
2. I shall always emphasize professional values at my place of work, work closely with my colleagues for better understanding and cooperation, for the benefit of the inspection services, and for the clients we work with and for.
3. I shall strive to be an active member of the inspection services, making proposals where appropriate and participating in activities that are aimed at improvement of performance of the institution.
4. I shall try, personally and with my colleagues, to transfer my experience, knowledge, and ideas for the purpose of their application in practice and for the benefit of all.
5. I shall advance in my profession through the acquisition and adoption of new skills and knowledge, and I shall seek promotion only on the basis of my skills and knowledge.

**Name:** \_\_\_\_\_

**Date:** \_\_\_\_\_

## ENDNOTES

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NEPAL

# LABOR INSPECTION TRAINING ON CHILD LABOR



## **MODULE 3:** IDENTIFYING CHILD LABOR





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## INTRODUCTION TO MODULE 3

Module 3 of this *Labor Inspection Training on Child Labor* focuses on how labor inspectors can identify where child labor is occurring. The Module includes information to help inspectors: gather information on child labor through surveys, reports, observation, and interviews; assess sectoral risks; identify vulnerable groups; improve age verification and; contribute to child labor monitoring systems. The Module also includes three interactive exercises to help trainees apply lessons learned to real-life situations. The information learned in Module 3 helps to set the stage for Modules 4 and 5 on how Labor Inspectors can better eliminate and prevent child labor.



## LESSON 3.1: PROACTIVE VS. REACTIVE INSPECTIONS

[20 minutes]

### Objective

To understand the difference between proactive and reactive inspections and highlight the importance of proactive inspections that target specific types of industry and/or specific areas where noncompliance is known to be relatively widespread or where the potential consequences of noncompliance are deemed to be particularly serious.

Investigations based on complaints make up a significant portion of inspections undertaken by labor inspectorates in most countries. While such complaints play an important role in bringing problems to the attention of inspectors, inspectorates that are entirely complaint driven risk being purely reactionary to events in the workplace rather than proactive. This can have several negative repercussions, particularly when trying to address child labor:<sup>1</sup>

- » First, some complaints may come along after critical events have already been set in motion. Waiting for the complaint could delay intervention and leave child workers unprotected.
- » Second, just because a complaint is made about a problem does not necessarily mean that it is the most important or the only problem that exists at the firm.
- » Third, relying entirely on complaints does not ensure that inspections are conducted where the most prevalent problems occur. **Complaint-based systems confuse silence with compliance and thus can exclude workplaces where workers do not have a voice, such as places that employ children.**
- » Finally, perceptions play an important role in deterrence: employers' perceptions of the likelihood of investigation and the consequences of noncompliance motivate their behavior. Because they are inherently reactive, complaint-based investigations do not send clear deterrence signals in this respect, particularly because they often focus on the resolution of a

particular problem rather than signaling regulatory intentions to other employers, industry segments, or geographical areas.

Proactive or discretionary inspections on the other hand are planned by either the inspector or team leaders/managers and target specific types of industry and/or specific areas where noncompliance is known to be relatively widespread or where the potential consequences of noncompliance are deemed to be serious such as when child labor is being used.<sup>2</sup> “Pro-active or discretionary investigations may have limited sustainability however if they are seen as transitory (e.g. an area spot-lighted today means that the pressure will be off next year) rather than part of a sustained effort to change compliance. Thus, proactive investigations must be guided by careful strategic choices.”<sup>3</sup>



## LESSON 3.2: IDENTIFYING CHILDREN MOST VULNERABLE TO CHILD LABOR

[45 minutes]

### Objective

To identify the wide variety of circumstances that lead to the exploitation of children and indicators for vulnerability to child labor.

---

Child labor arises in a wide variety of contexts and forms. Some of the many reasons that children are put to work include:

#### POVERTY

The most common reason that families put their children to work is the extra income that a child can contribute. Although children are almost always paid less than adults, this can still be an important addition to the family budget for the very poor. When faced with the choice of sending their children to school or work, the short-term gain from a child's income is often more compelling than the long-term gains of a school education, especially when there are school fees or other related education costs. Other factors that contribute to poverty and make children vulnerable to exploitation include: illness or death of a family member, debts or bondage to an employer, living in remote and hard to access communities, parents' unemployment, and the seasonality of work such as periods between harvest where income is limited.

#### DESIRE TO GAIN SKILLS

A common reason that parents give for allowing their child to work is that they feel the child will learn useful skills and by starting early, they will be able to get a good job later in life.

#### CRISES INCLUDING NATURAL DISASTERS AND CONFLICT

When an environmental disaster occurs, such as a flood or earthquake which disrupts a family's usual means of livelihood or, alternatively, which creates

opportunities for work (e.g., construction to rebuild) there is frequently an upsurge in child labor. War and conflicts have a similar effect, particularly in areas with weak governance systems.

### **CHILDREN FROM BROKEN FAMILIES**

Children from families plagued by alcohol or drug abuse or domestic violence, including sexual abuse, can end up working on the street or in sexual services, and themselves risk drug addiction. Additionally, children who are AIDS orphans have few support systems and may feel obligated to work to sustain themselves and their siblings.

### **CHILD MIGRANTS**

Migrant children are often at higher risk of exploitation, especially if they travel without their families or proper documents. This is compounded when children migrate to countries where legal protections are weak or absent. Frequently, they are not allowed to go to school, and may be afraid to use clinics or social services for fear of being reported to authorities. If they are abused or have their wages withheld they have little recourse and no one to turn to for help.

### **CHILDREN WITH DISABILITIES**

When schools cannot accommodate children with physical disabilities and learning difficulties, families may send these children to work instead.

### **DISCRIMINATION**

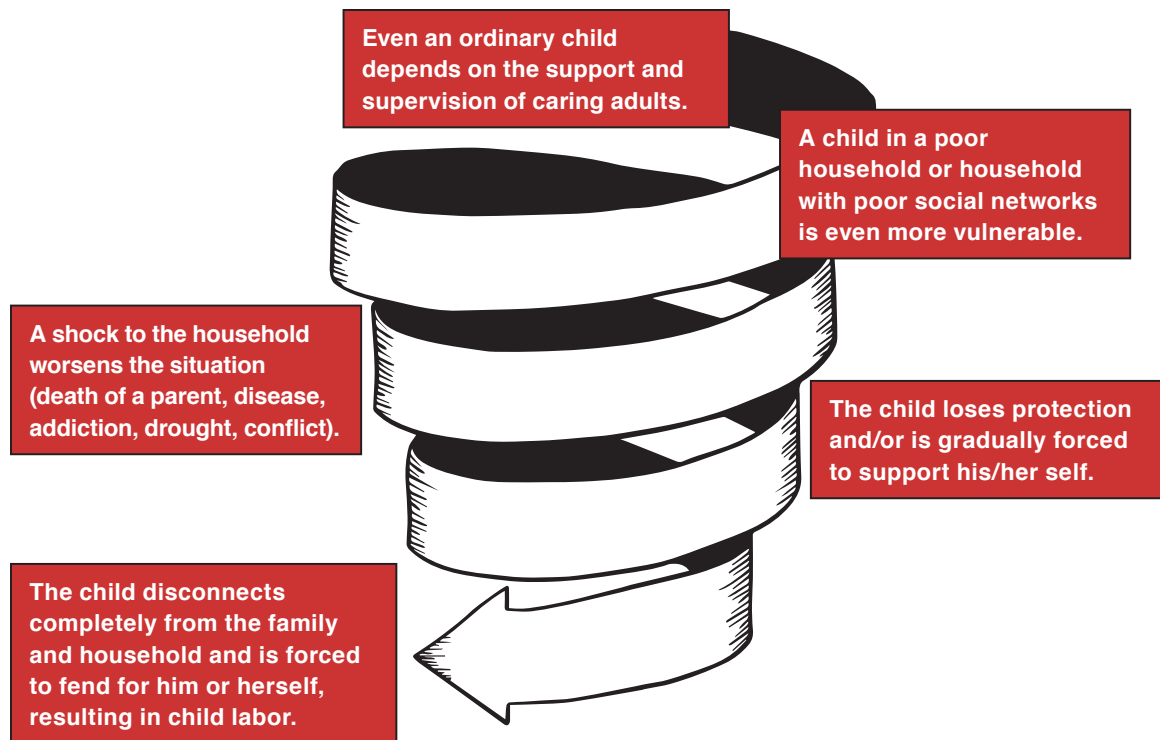
In some situations, girls are sent to work early (e.g., as live-in maids) and in others, boys are pushed into doing work that is inappropriate for their age (e.g., mining). Ethnic or religious minorities, members of indigenous communities, or lower castes may also feel pressed to allow their children to work due to lack of decent employment opportunities for the adults. Some bonded child laborers come from large landless families.

Special attention should be paid to the most vulnerable children when developing, implementing, and enforcing national laws, policies, and inspection regimes. When assessing vulnerability inspectors should consider risk factors related to individuals, families, communities, institutions, and the workplace.<sup>4</sup>

## Risk factors for discrimination

INDIVIDUAL	FAMILIES	COMMUNITY	INSTITUTIONAL	WORKPLACE
Sex	» Insufficient income and/or debt » Malnutrition	Youth unemployment	Geography	Unsupervised hiring of workers
Age	Large family size	Community violence	Natural disaster	Lack of labor monitoring
Ethnic group	» Discriminatory traditional and cultural practices » Early child marriage	Road connections and transport	» Peace/conflict status » Child soldiers	Poor labor protection and limited reach of the labor law
Birth registration/citizenship status	Ethnic grouping or caste	Accessibility of schools and training centers	Economy	Unregulated, informal economy
Separation from family (orphaned, run away, displaced)	» Illness or death in the family » Single parent family or one parent regularly absent	» Location (e.g., close to a border with more prosperous neighbor) » Trafficking	Social service regime	Lack of workplace representation (trade unions)
Disability	Child abuse and family violence	Policing, local authority services	Discrimination	Inability to change employer
» Education/skill level » School drop-outs » Ignorance of life outside family/community	Preferences for male/female child	Entertainment outlets and community centers	Strength of the legal framework	Supply chains with little visibility
Position with family hierarchy	Power relations within the family	Public tolerance of prostitution/begging/child labor	Level of corruption	
Exposure to negative peer pressure	Tradition of migration	Corporal punishment in schools	Refugees and internally displaced	

The different degrees and stages of child vulnerability can be seen as a downward spiral where each loop downward in the spiral leads to a situation where the child is more likely to experience a negative outcome as a result of a shock.<sup>5</sup>





## Exercise 3.2.1: Identifying vulnerable children



### OBJECTIVE:

- » To recognize the unique situations that make children vulnerable to child labor.



### TIME:

- » 60 minutes



### MATERIALS AND PREPARATION:

- » Flipchart for each group with columns labeled “individual,” “family,” “community,” “institutional,” and “workplace”
- » Markers
- » Copies for each participant of Handout 3.2.1: *Mandana case*



### STEPS:

- » Explain to the participants the objectives of the exercise.

**[5 minutes]**

- » Ask participants to name some risk factors that make some children more vulnerable to child labor than others? Answers might include: poverty, migration, disabilities, discrimination against certain ethnic groups or castes, orphans, violence in the home, peer pressure, etc. Ask participants to explain why these factors make them more vulnerable.

**[10 minutes]**

- » Divide participants into small groups of 4-5. Provide each participant with a copy of Handout 3.2.1. Ask them to read the case study and then work with their group to identify and write on the flip chart the risk factors for child labor. Ask the groups to think about whether the risk factors are related to the individual, the family, the community, the workplace or are institutional.

**[20 minutes]**

- » Reconvene and ask each group to report back their findings. Encourage questions and comments.

**[20 minutes]**

- » Wrap up with Q&A and key messages.

**[5 minutes]**



### **KEY MESSAGES:**

- » There are certain categories of children that are more vulnerable than others to child labor.
- » Not all children have the same risks of being exploited as child laborers. Some children are at a greater risk because of their ethnicity or citizenship status. Others are at risk because they migrate. The difficulties some disabled children face in accessing education can mean they are more at risk. In some cultures, it is the norm to send children to work at an early age. Very poor families depend on the income that a child can bring in.
- » Discriminatory gender norms mean that girls often have inferior positions in the family which means they are given lower priority for schooling.
- » Identifying children vulnerable to child labor is challenging; it is critical to understand what the risks are for certain groups of children so that they can be targeted for interventions.

## Handout 3.2.1: Mandana case study

### INSTRUCTIONS:

*Read the case study below and then answer the questions that follow.*

### CASE STUDY:

Amsam is a relatively poor rural province in Country X. It is situated approximately 100 kilometers from Mandana, the Capital of Country X. Amsam faces significant problems with child labor—particularly among two ethnic groups, the Raki and the Nai. The ethnic composition of the population of Amsam is 70 percent Amsami, 17 percent Raki, and 13 percent Nai. The Amsami own all the land and manage sizeable farms. The Raki are mostly small farmers and the Nai mainly do street trading. While people can make a modest living farming, every few years the region floods and causes damage to the crops in the area. The Raki live up in the hills far away from basic services and Nai live in the low areas. It is well known that the Nai have a history of drug and alcohol abuse. Recent reports also suggest rampant domestic violence among the Nai.

With few jobs outside of agriculture, youth employment in the province is high. Schools are located long distances from each other and official statistics indicate that girls in the province drop out of school 1.2 years earlier than boys. Many of these girls quit school around the age of 13 and migrate to the capital Mandana, where they hope to find work in restaurants and bars. They do so with the help of older girls who have been to Mandana before, or they use the services of unregistered recruitment agencies that have flourishing operations in most of the villages in the district. While working at the restaurant/bars girls are sometimes forced to perform sexual services. Boys from Amsam also migrate to Mandana to work in the transportation industry, washing busses, collecting fares, and working in the garages. They often sleep

in a room with many other boys or sleep on the busses. The employers provide them with food, which is usually poor quality. The costs for food and accommodation are deducted from their wages which is already very low. The boys are often given drugs to keep them happy.

The Raki tend to have large families that are ruled over by the men, who make all family decisions. Raki have a history of irregular migration and during the dry season often take their families to mining areas to find work. Raki do not see the point of registering their children at birth and as a result, they have no official status. At around the age of 13, many Raki girls are sent to the households of extended family members elsewhere in the province, where they work long hours as child domestic servants.

**QUESTIONS TO ANSWER:**

1. What are the risk factors (individual, family, community, institutional, and workplace) that make children in Amsam vulnerable to child labor?
2. What are the risk factors that make some children more vulnerable than others?
3. Do some risk factors relate to girls more than boys, or boys more than girls?

## LESSON 3.3: IDENTIFYING SECTORS MOST VULNERABLE TO CHILD LABOR

[45 minutes]

### Objectives

To provide an overview of economic sectors in Nepal that are at risk of worst forms of child labor.

To introduce risk mapping as a tool to focus on areas and sectors that are most at risk of serious child labor abuses.

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### ASSESSING RISK—WHAT TO LOOK FOR

Given the limited nature of human and financial resources available to labor inspectorates, efforts at eliminating child labor should be focused on areas and sectors that are most at risk of serious child labor abuses.<sup>6</sup> Risk mapping is one way to look at the probability and the scope of the hazard that a business activity may create to target and prioritize certain sectors for intervention.

Rather than conducting inspections at random, risk-based targeting can be a more efficient and effective method for addressing the problem. Risk assessment requires the collection and analysis of information to determine whether key factors are present in a particular situation that increase the likelihood of child labor. After gathering information on sectors and regions, inspectorates can then prioritize the riskiest sectors in the highest risk regions. To most effectively address child labor, inspectors should prioritize those jobs that are highly hazardous and where child labor has a higher risk of occurring.<sup>7</sup>

## Risk-based targeting



To determine risk, inspectors should consider:<sup>8</sup>

4. What is the worst result? (e.g., a broken finger vs. permanent limb damage vs. death)
5. How likely is it that harm will occur?
6. How often is the risky task performed?
7. How close do children get to potential hazard?
8. How likely is it that something could go wrong?
9. Are there systems in place to minimize risk?
10. How many people could get hurt?

Work with a significant potential for harm and a reasonable likelihood or risk of such harm occurring should be prioritized for remediation.

## TYPES OF WORK AND SITUATIONS WHERE CHILDREN ARE OFTEN EXPLOITED

In addition to focusing on specific **sectors** where child labor is rampant (see more below on sectors at risk), inspectors should be aware of particular **types of work** where children are often exploited. For example:

### Work that relies on low-skilled labor

Industries that rely heavily on inputs of low-skilled labor are at risk of child labor. Examples of such jobs include those involving manual labor (mining, farm work, construction, brick making), prolonged periods of repetitive motion (carpets, embroidery), and work that is socially devalued (janitorial work, domestic work). Because these jobs are undesirable and low-paying, they are often performed by vulnerable individuals including children.<sup>9</sup>

### Seasonal and migrant work, piece rate jobs, and quota systems

“The time-sensitive nature of harvest cycles for many agricultural crops can lead to a temporary surge in the need for farm workers in a particular region, only to have the demand for them drop off sharply once the harvest is complete.”<sup>10</sup> Industries such as these are characterized by sharp seasonal or product lifecycle fluctuations and frequently rely on migrant labor who must meet quotas in their work. The quota system in agriculture and the nature of piece rate work in other industries often compels parents to enlist their children in work which can be hazardous and disrupt their schooling. Additionally, children of irregular migrants may be stateless, which often means they cannot attend school, and often end up working with their parents. Thus, sectors that rely heavily on migrant labor, quotas, and piece rate work are at risk of using child labor.

### Informal work and hidden workplaces

Although the formal sector is not free of child labor, most child labor happens in the informal sector. The work is often hazardous and hiring and employment processes are likely to be precarious and unregulated, leaving workers vulnerable to exploitation. Informal worksites are often small, and lack their own internal procedures to ensure safety and wellbeing of workers. Because many informal worksites are hidden from view or in isolated locations, monitoring these sites are challenging. Children working in isolated locations may have little contact with the outside world, leaving them no avenue for escape. Even more challenging to detect are workers who often work



alone—children in these worksites are the hardest to reach. These might include domestic servants, children in family-based industries, children involved in criminal or illicit activities, and sexually-exploited children. Children who are the hardest to access, by virtue of their isolation or invisibility, are likely to be most vulnerable.<sup>11</sup>

### **Use of labor recruiting**

Industries that rely on labor recruiters to hire their workforce are at increased risk of having child labor in their supply chains. Although labor recruiters often provide valuable services, because of gaps in regulation, workers can be easily deceived as to the nature and/or conditions of the job they are being recruited for, and many end up paying substantial fees to cover their recruitment costs. While children may not pay fees to labor brokers, the head of household might be indebted, thus motivating child labor to cover fees.<sup>12</sup>



### **Illegal, criminal, and immoral activities**

Organizations such as criminal gangs sometimes use children in illicit activities such as pornography, prostitution, and drug trafficking.

## RISKS RELATED TO GEOGRAPHY

When evaluating risks, it is also useful to pay attention to:

- » Remote/rural areas:<sup>13</sup> Worksites in these areas are more difficult to monitor and often operate without any formal regulation.
- » Urban areas:<sup>14</sup> These areas often have a higher density of vulnerable populations, including lower-status castes, ethnic groups, or migrant communities.
- » Areas with less access to child care and educational institutions, particularly primary schools:<sup>15</sup> Where schools are not accessible, working may be seen as the only viable option to securing a future.
- » Areas that tend to have higher levels of poverty and/or income inequality:<sup>16</sup> Relatively prosperous populations are often unwilling to take on low-paid, unpleasant jobs, and therefore may rely on vulnerable workers such as children who are seeking sources of income and educational opportunity to fill these positions. In some cases, children may be sent by their parents to live with extended family members or other contacts, and the child may be exploited as a domestic or worker in a family enterprise.<sup>17</sup>
- » Areas where local people face widespread landlessness or dispossession: Areas where large populations face loss of land or property due to land grabs, political conflict, crime, natural disasters, forced resettlement, or entrenched discrimination, such as indigenous communities, may be at increased risk for child labor and child trafficking. When people lack alternative livelihood options, they may be driven to make increasingly risky choices for survival. Parents in these regions may be faced with an inability to provide for their children's basic needs such as food and shelter, thus necessitating that the child work or migrate.<sup>18</sup>
- » Areas with higher incidences of violence, conflict, or organized crime: The presence of organized crime syndicates is often related to human trafficking, including child trafficking. Crime rings trafficking in arms, drugs, or other illicit goods may also deal in human beings, facilitating delivery of children to factories, farms, brothels, mines, or other worksites. Areas where crime and violence flourish generally have high levels of lawlessness and corruption, both of which can increase risk of child trafficking and child labor.<sup>19</sup>
- » Areas affected by conflicts or natural disasters: In conflicts and disasters, parents may lose their jobs, schools may be destroyed, and children can end

up separated from their parents. With few other options, children often begin working. Migrant and refugee children are especially vulnerable to child labor. Children can end up separated from their parents, and need to support themselves, or may feel pressure to help support their families.<sup>20</sup>

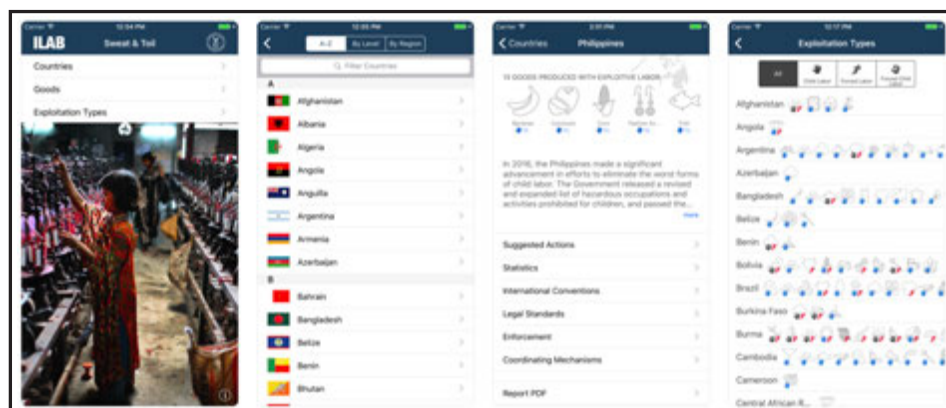
- » Areas with high rates of HIV: In these communities, children are often orphaned and left to fend for themselves, or take care of their siblings which can drive them to quit school and begin working to survive.

### ECONOMIC SECTORS MOST AT RISK OF CHILD LABOR

The ILO's International Program on the Elimination of Child Labor (IPEC) and the U.S. Department of Labor's International Labor Affairs Bureau (ILAB) provide regular updates on the child labor situation in countries all over the world and can serve as valuable resources for research, advocacy, government action, and corporate responsibility.

ILAB reports and tools include:

- » Findings on the Worst Forms of Child Labor  
[www.dol.gov/agencies/ilab/resources/reports/child-labor/findings](http://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings)
- » The List of Goods Produced by Child Labor or Forced Labor  
[www.dol.gov/ilab/reports/child-labor/list-of-goods/](http://www.dol.gov/ilab/reports/child-labor/list-of-goods/)
- » The List of Products Produced by Forced or Indentured Child Labor  
[www.dol.gov/ilab/reports/child-labor/list-of-products/](http://www.dol.gov/ilab/reports/child-labor/list-of-products/)
- » The “Sweat & Toil: Child Labor, Forced Labor, and Human Trafficking Around the World” mobile phone app that can be used by inspectors who want quick access to information when trying to prioritize where they should focus their child labor elimination efforts



The main features of the app include the ability to:

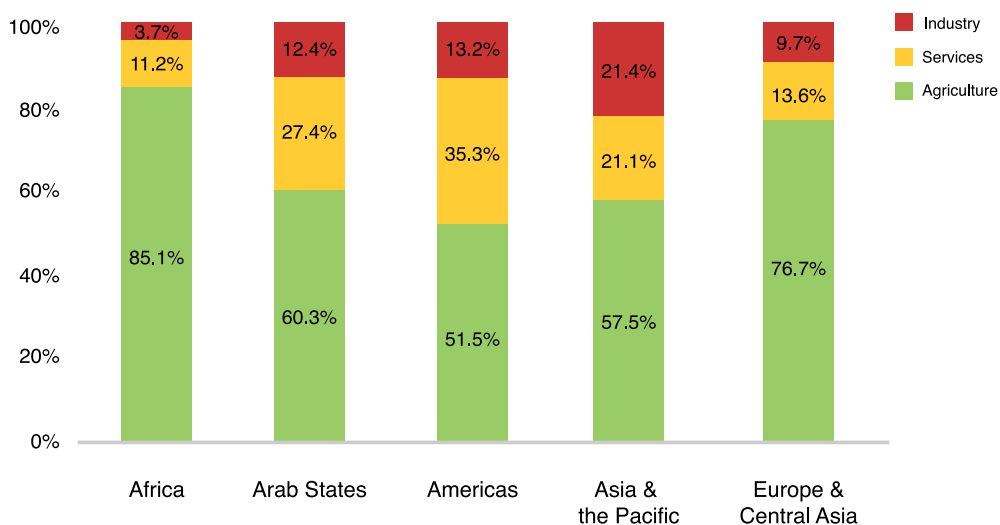
- » Check countries' efforts to eliminate child labor
- » Find child labor data
- » Browse goods produced with child labor or forced labor
- » Review laws and ratifications
- » See what governments can do end child labor

Information on downloading the app can be found at: [www.dol.gov/dol/apps/ilab.htm](http://www.dol.gov/dol/apps/ilab.htm)

The ILO's global reports on child labor are also valuable sources of information. According to the ILO's most recent global estimates, 71 percent of all child labor takes place in the agriculture sector. "Child labor in agriculture relates primarily to subsistence and commercial farming and livestock herding, but the agriculture sector also extends to fishing, forestry and aquaculture."<sup>21</sup> Most agricultural work done by children is hazardous, unpaid, and takes place within the family. Another 17 percent of all child labor takes place in the service industry, with the remaining 12 percent of child labor occurring in industry. While the smallest percentage of children work in the industrial sector, three-quarters of these children are undertaking hazardous work.<sup>22</sup> Importantly, there are regional differences in the sectoral distribution of child labor, as shown in the graph below:

### Sectoral composition of child labor by region<sup>23</sup>

Percentage distribution of children in child labor by sector employment, 5–17 years age group, 2016, by region



## SECTORAL DISTRIBUTION OF CHILD LABOR IN NEPAL

The U.S. Department of Labor estimates that in Nepal 89 percent of working children are employed in the agricultural sector, another 8 percent work in industry (e.g., brick production, carpet weaving, etc.), and 3 percent in services (e.g., transportation, rag picking, recycling, portering, and domestic work). According to Nepal's most recent labor force survey, approximately 352,000 children work in the informal economy, which accounts for 91 percent of all employment outside the agricultural sector. Excluding agriculture and forestry, most children employed in the informal economy work in utilities (e.g., gas, water, and electricity industries), manufacturing, and wholesale and retail trades. Among the 621,000 children working in hazardous conditions, approximately 58 percent are engaged in elementary occupations, including agriculture, fisheries, manufacturing, mining, construction, transport and freight handling, and domestic work. Craft and trade-related activities also employ many child workers and involve hazards.<sup>24</sup>

### Percentage distribution of currently employed children in Nepal, by sex and industry<sup>25</sup>

WORKING CHILDREN			
INDUSTRY	BOYS	GIRLS	TOTAL
Agriculture and fishing	86.1	89.1	87.7
Manufacturing and recycling	2.7	2.3	2.5
Electricity, gas and water supply	3.9	5.8	4.9
Construction	1.3	0.1	0.7
Wholesale and retail trade	3.0	1.2	2.0
Hotels and restaurants	1.3	0.9	1.1
Transport, storage and communications	1.0	0.0	0.5
Private households with employed person	0.2	0.3	0.2
Others	0.5	0.3	0.4
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

### Agriculture (farming, fishing, aquaculture, forestry, and livestock-raising)

Agriculture in Nepal is the largest employer of child labor, with more than 87 percent of children working in the sector, many of whom work alongside their parents on family farms.<sup>26</sup> Forced and bonded child labor in agriculture is also a serious



problem. Children are often recruited by their parents, relatives or recruitment agents to work in *Haruwa* (ploughing land for others in exchange for land to cultivate or to repay a debt), and *Charuwa* (employed to herd cattle). The nature of the work, working hours and mode of payment reveals that *Haruwa-Charuwa* workers are marginalized and compelled to work without remuneration or with low remuneration for landowners in a wide range of farm activities. The average number of working hours for these children is more than eight hours per day, with many working 14 hour days. Monthly pay averages between 500 and 800 Nepalese rupees (Rs) or 58 U.S. dollars (USD), with girls' remuneration approximately 75 percent of what boys earn.<sup>27</sup>

Agriculture is one of the three most dangerous sectors in terms of work-related fatalities, nonfatal accidents, and occupational diseases. Some agricultural tasks pose less risks to children, but where children are exposed to pesticides or powered equipment such as combines or tractors, or to industrial farming practices, such as manure pits and silos, the risk can be quite great. In addition, the conditions of work associated with carrying heavy loads, working long hours, and exposure to hot sun or cold or wet weather can make any agricultural work hazardous. Sunstroke is not uncommon due to children's higher liquid requirements.

It is important to emphasize that involvement in agricultural activities is not always child labor. Assisting the family with agricultural work is a normal part of growing up in a rural environment. In this way, children not only learn agricultural skills, but gain important psychological benefits from contributing to the family wellbeing. But the tasks must be:

1. age-appropriate;
2. low risk;
3. carried out only for an age-appropriate number of hours; and
4. not interfering with a child's study or play time.

### **Construction (including stone-cutting, building, and transport)**

Children working in construction are often exposed to risks including exposure to dangerous machinery, extreme noise, chemicals, dust and other hazards that can lead to long term physical damage. Construction sites tend to be unregulated workplaces, with many temporary or unprotected structures (e.g., scaffolding, balconies, and roofs) which can result in serious falls. Other sources of serious injury or death for children in construction are electrocution from touching exposed wires, being hit by falling material, or being crushed by loaders or diggers. Outside

the worksite, children of all ages often prepare construction material such as pounding stone or brick into gravel resulting in danger to eyes from flying chips and to fragile joints from repeated percussion.

### Mining and quarrying

Mining and quarrying are some of the most hazardous forms of child labor in Nepal. However, regulation, enforcement of laws, and providing assistance to vulnerable children in this sector is difficult because most child labor in mining occurs in artisanal and small-scale mines that are found in remote, hard-to-reach areas. The jobs children perform in mining include using chisels and hammers to break large stones into gravel, digging sand, separating pebbles from sand, collecting pebbles and/or sand by extracting them from rivers, excavating stone, loading trucks, and transport of stones, pebbles, and sand from one location to another.<sup>28</sup>

### Prevalence of child laborers in the mining sector in sample districts in Nepal<sup>29</sup>

DISTRICT	NUMBER	PERCENT
Jhapa	277	4.6
Dhankuta	135	2.3
Udayapur	208	3.5
Kavre	88	1.5
Kathmandu (and Lalitpur)	74	1.2
Dhading	2,084	34.9
Dhanusha	35	0.6
Makwanpur	209	3.5
Chitwan	63	1.1
Kaski	586	9.8
Myagdi	167	2.8
Dang	840	14.1
Rupandehi	655	11.0
Banke	224	3.8
Bardiya	250	4.2
Kailali	70	1.2
<b>Total</b>	<b>5,965</b>	<b>100</b>



### **Carpet weaving and wool spinning**

A study conducted in 2012 on the prevalence of children working in the carpet industry in Nepal revealed that 714 factories and 15,847 households were engaged in Nepal's carpet industry, employing a total workforce of 49,539 usual workers, of whom 10,907 were children. More than 80 percent of the children working in this sector were working in households. Of those working in factories, the vast majority were migrants from neighboring districts. Most children working in the carpet sector were girls.<sup>30</sup>

Children in the carpet industry face numerous unhealthy and hazardous conditions. Child carpet weavers often suffer respiratory illnesses and other health problems due to constant inhalation of dust and tiny wool fibers. Long days spent in cramped positions cause backaches, swollen legs, and severe joint pain. Other commonly reported health problems include arthritis, eye strain, and cuts and wounds that risk infection. Sexual abuse by factory managers, co-workers, or labor contractors has also been reported.

Data shows that half (51.9 percent) of the children in the industry work excessive hours, a proportion that rises to 89.4 percent among factory-based child carpet workers. Additionally, studies have shown clear indications of forced or bonded labor, as well as indications of child trafficking among factory-based child carpet workers. A conservative estimate in 2012 was that at least 7.8 percent of factory-based child carpet workers showed indications of trafficking. There were no indications of forced or bonded labor or child trafficking among household-based children working in this sector.<sup>31</sup>

### **Brick production**

There are an estimated 750 brick factories in Nepal registered under the Small and Cottage Factory offices in the districts. Brick factories employ more than 500,000 workers including thousands of children. According to a recent study, more than 28,000 children are engaged in work at brick factories.<sup>32</sup> This includes a whole system of moving complete families to the brick factory premises during production season (which spans October to April). Families live in make-shift huts called *Jhyauli* provided by the employer. Children typically drop out of school to accompany their parents and work with their family in the factory, often carrying raw bricks from the production site to the factory furnace. Family members, including children, are involved in soil and clay preparation; brick laying, drying, stacking, carrying and firing; and loading trucks. In this process, children are typically

involved in the drying stages, while older children may be more involved in physically demanding tasks such as brick carrying.<sup>33</sup>



### Textiles manufacturing/zari

The embellished textiles or *zari* industry in Nepal employs children, predominantly boys, as young as eight years old. They are reportedly subjected to severe forms of exploitation, including long hours, negligible compensation and threats of violence. This qualifies the industry as a worst form of child labor. The zari industry has expanded rapidly in Nepal, particularly in the Kathmandu Valley. The growing demand has required more workers, and many employers found a cheap solution in employing children. Employers view children as illiterate and more easily exploitable and ideal for performing tasks such as stitching. Most of the children working in zari factories are trafficked to the Kathmandu Valley from Muslim and non-Muslim communities in the three border districts of Sarlahi, Mahottari, and Rautahat, as well as a few children from the Indian border state of Bihar. These districts hold high rates of out of school children), poverty, and a large population compared to the rest of Nepal. A normal workday for children in the industry is usually 14 hours long. Children begin work by 8 or 9 a.m. and rarely stop until 10 p.m., though in interviews, many children stated that they often worked until midnight.<sup>34</sup> Breakfast and dinner must be taken before and after work, while a lunch break, though short, is permitted during work hours.

### Domestic work

Employing children to perform household activities is common in Nepal, particularly in more affluent urban areas. It is estimated that in Kathmandu one in five households employ children, and that there are approximately 62,000 child domestic workers under the age of 14 in the country.<sup>35</sup> A 2010 study by the trade union GEFONT reported that child domestics comprised almost two-third in a sample of 288 domestic workers. In 2011, a UNICEF supported census of domestic child working in different regions of the country found 1,800 children in Nepalgunj; 1,113 in Dang; 1,723 in Kaki; 2,864 in Chitwan and 1,387 in Biratnagar.<sup>36</sup>

Domestic child laborers perform a variety of tasks in the household such as cooking, cleaning, washing laundry, collecting fodder and firewood, gardening and looking after children, elderly, or sick household members. They are often underpaid, forced to work extremely long hours, and are vulnerable to mistreatment, abuse, and violence within and outside their workplace. According to some studies, almost 50 percent are not paid wages, and when salaries are paid—it typically goes to the child domestic worker's parents.<sup>37</sup>

### Transportation

Child labor in the transportation sector is increasing due to rapid urbanization. Children, mostly boys, often work over 12 hours per day performing tasks in different vehicles—trucks, buses, mini-buses, microbuses, jeeps, and tempos, where they are charged with collecting fares, unloading and packing goods, and giving signals about the traffic situation on the road. For this work, they are paid approximately 930 Rs per month.<sup>38</sup> The boys working in this sector have often run away from home to escape problems at school, domestic violence, poverty, abuse, or neglect. At night, they often sleep at the depots where the vehicles are stored. The dangers from the traffic, exposure to pollution, and poor living arrangements put them at risk for health problems and sexual and physical abuse. CWIN, a local NGO in Nepal working to eliminate child labor, conducted a study in 2005 and estimated there were 2,193 child transport workers in the Kathmandu Valley—and 28 percent of those were under 14 years of age.<sup>39</sup> They are mainly found in major urban centers such as Kathmandu Valley, Dharan-Biratnagar, Birgunj, Nepalgunj, Butwal, and Pokhara.

### Portering

A rapid assessment conducted in 2012 found child porters working in 40 of Nepal's 75 districts. The eastern hill, central hill, and mountain districts had 60 percent of the child porters interviewed working there; 19 percent were working in mid- and far-western districts; 31 percent in the central and western districts; and 9 percent in the Kathmandu Valley. Of the 493 child porters interviewed, 238 were under the age of 14, and 255 were between 14-17 years old. Approximately 22 percent were girls. In general, children enter this sector at the age of 11 or 12.<sup>40</sup>

The average weight carried by a child porter, irrespective of type, gender, and age, was 37 kg. About 27 percent of the child porters said that their employers had not paid them the agreed wage rate. Short-distance porters complete one job per hour on average and perform multiple jobs in a day, whereas long-distance porters spend an average of 27 hours on a single job. The longer jobs lasted five days on average. For both long and short distance porters, earnings per day average 285 Rs, with about 54 percent earning less than 250 Rs a day, while 46 percent earn more. The length of time they spend on each job demonstrates that long-distance porters suffer more health hazards than short-distance child porters except those who perform many jobs in a day. Food, vegetables, bolts of cloth, readymade garments, and construction materials are the goods most commonly carried by child porters. Other items carried include stones and slate, wood and firewood, cartons of beer and other alcoholic beverages, odd-sized materials like galvanized iron sheets and pipes, and sometimes chemicals.

### Hospitality and tourism

Use of child labor in tea shops and restaurants is common. Children often find refuge working in restaurants as food and shelter are generally provided in addition to paltry wages for their efforts. A 2012 survey of 959 tea shops and restaurants found 239 children working, of which 25 percent were girls and 75 percent boys; 36 percent below the age of 14 and 64 percent between 14-18.<sup>41</sup> Children reported working from early morning until late at night (on average 12 hours per day) carrying out various manual tasks, including: dish washing, serving food, kitchen work, washing clothes, food preparation, shopping in the market, and chopping meat, fruit and vegetables. About 18 percent surveyed reported they had been injured at the workplace, 74 percent experienced cuts and bruises and 26 percent burns. About 36 percent reported that they faced health problems at work and 52 percent said they had to work even when they were sick.<sup>42</sup> The long hours, low pay, and young age of many of the workers makes this work exploitative.

## Exercise 3.3.1: Mapping child labor in Nepal



### OBJECTIVES:

- » To understand what economic sectors and industries are at risk for child labor, hazardous labor, and the worst forms of child labor in different areas of the country.
- » To explore migration patterns for child laborers.
- » To introduce Nepal's hazardous work list.



### TIME:

- » 90 minutes



### MATERIALS AND PREPARATION:

- » If possible, the facilitator should locate a large map of Nepal to be hung at the front of the room. If that is not possible facilitator should draw a large map of Nepal using several pieces of flip chart paper so that the map is approximately 2 meters long. The map should note international borders, internal provincial borders, as well as major cities and towns.
- » Make copies of the following handouts for each group: Handout 3.3.1A: *Map of Nepal*, Handout 3.3.1B: *Article 3 of ILO Convention 182 on the Worst Forms of Child Labor*, and Handout 3.3.1C: *Nepal's Hazardous Work List*
- » 10 sticky notes or 10 small note cards and black markers for each group
- » Tape
- » Red and green markers for the facilitator



### STEPS:

- » Explain to the participants the objectives of the exercise.

**[5 minutes]**

- » Ask participants why it is important to map where the risks of child labor are greatest in Nepal? Guide the discussion to reflect that:
  - Inspectors can often feel overwhelmed by the size and scope of the child labor problem, and unsure where to start. Mapping helps to target the work, determine where problems are the greatest, and make things seem more manageable.
  - Mapping helps inspectors target the worst examples of child labor where



children are working in particularly hazardous conditions and should be removed as soon as possible. These situations might include lack of hygiene at the workplace, air contaminants, chemicals, noise, poor illumination, excessive workload and inappropriate tools and equipment.

- Targeting a sector or geographical area shows that the inspectorate is determined, and shows employers that their competitors are being treated in the same way so no one will have a competitive advantage. This makes employers more willing to comply.
- Targeting enables the inspectorate to concentrate limited resources on sectors or areas where there is some data about the location and nature of child labor and where there is the possibility of education or other practical initiatives for those removed from employment.

**[15 minutes]**

- » Ask participants to divide into several small groups based on the geographic regions where they work (e.g., north, south, central, east, and west parts of the country). Distribute copies of Handout 3.3.1A: *Map of Nepal*, Handout 3.3.1B: *Article 3 of ILO Convention 182 on the Worst Forms of Child Labor*, and Handout 3.3.1C: *Nepal's Hazardous Work List* to each group.
- » Ask each group to refer to the map and discuss which towns, cities, and rural areas in their geographic area have the most child labor, which groups are most vulnerable to exploitation, and what economic sectors in those areas employ children. Write down on the note cards the names of the towns identified (one town per card) and the types of child labor found in that town. Try to be as specific as possible by specifying crops such as rice or tea, services such as portering, industries such as brick making, etc. Do not forget to consider worst forms of child labor as defined in Handout 3.3.1B and hazardous forms of labor as defined in Handout 3.3.1C.

**[20 minutes]**

- » Reconvene and ask each group to report their findings. As groups report back, ask them to attach their note cards to the corresponding section of the large map at the front of the room.

**[20 minutes]**

- » Once everyone has attached their cards to the map review the types of child labor listed on each card and ask participants whether it is a worst form of child labor or

involves hazardous work. If so, circle it using a red marker. Then ask if any of the types of child labor listed involve migration for work. If so, use a green marker to draw an arrow showing where the children are migrating from to do the work. Encourage questions and comments.

**[20 minutes]**

- » Wrap up with Q&A and key messages below

**[10 minutes]**



### **KEY MESSAGES:**

- » Mapping is a way of identifying target groups of at-risk children and the sectors they work in. Geographical localities that included the largest numbers of children exposed to the worst forms of child labor should be prioritized.
- » It is important to understand migration patterns of children whose homes and workplaces are far apart.
- » Mapping exercises can focus on larger area such as a province or district or a smaller area such as a town or even neighborhood.
- » Mapping helps inspectors strategize their work on child labor, prioritize interventions, identify good collaborating partners, and make efficient use of scarce resources. It also helps inspectors develop a holistic view of the problem and think more broadly about solutions.
- » Often child labor is hidden, therefore good mapping requires speaking with other stakeholders in the community such as school officials, village leaders, child development officers, etc. Through collaboration, inspectors become familiar with areas and sectors to which they may have had no previous exposure, and they gain experience in interviewing children and employers.
- » Often decisions to expose children to worst forms of child labor are taken within the family. Parents have an important role to play in preventing their children from becoming child laborers and in helping to remove them from hazardous work. Whenever possible, inspectors should speak with the families of child laborers about the benefits of educating their children and inform them of assistance that they can access.



### Handout 3.3.1A: Map of Nepal



## Handout 3.3.1B: Article 3 of ILO Convention 182 on the Worst Forms of Child Labor

ILO Convention No. 182 defines the worst forms of child labor as:

- » All types of **slavery**, including the sale and **trafficking** of children; **forced labor** to pay off a debt; any other type of forced labor, 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
- » Any work which could damage the health, safety, or wellbeing of children ("**hazardous work**")

## Handout 3.3.1C: Nepal's Hazardous Work List

The minimum age for hazardous work in Nepal is 16.<sup>i</sup> Hazardous work is defined in the Child Labor (Prohibition and Regulation) Act 2000 as paid work in high risk occupations including:<sup>43</sup>

- |   |  |
|---|--|
| 1. Service workers and shop market sales workers                          | 16. Pelt, leather, and shoe making trades workers                  |
| 2. Travel attendants and related workers                                  | 17. Plant and machine operators and assemblers                     |
| 3. Housekeeping and restaurant services workers                           | 18. Mining and mineral-processing plant operators                  |
| 4. Personal care and related workers                                      | 19. Metal-processing plant operators                               |
| 5. Craft and related trades workers                                       | 20. Glass, ceramics, and related plant operators                   |
| 6. Miners, shot firers, stone cutters, and carvers                        | 21. Chemical products machine operators                            |
| 7. Painters, building structure cleaners, and related trades workers      | 22. Rubber and plastic products machine operators                  |
| 8. Metal molders, welders, sheet-metal workers, structural-metal preparer | 23. Elementary occupations   |
| 9. Blacksmiths, tool-makers, and related trades workers                   | 24. Street vendors and related workers                             |
| 10. Precision workers in metal and related materials                      | 25. Shoe cleaning and other street services elementary occupations |
| 11. Potters, glass-makers, and related trades workers                     | 26. Domestic and related helpers, cleaners, and launderers         |
| 12. Handicraft workers in wood, textile, leather, and related materials   | 27. Building caretakers, windows and related cleaners              |
| 13. Printing and related trades workers                                   | 28. Garbage collectors and related laborers                        |
| 14. Food processing and related trades workers                            | 29. Mining and construction laborers                               |
| 15. Textile, garment, and related trades workers                          | 30. Manufacturing laborers   |
|   | 31. Transport laborers and freight handlers                        |

<sup>i</sup> This is inconsistent with standards established by the ILO which sets the minimum age for hazardous work at 18.

## LESSON 3.4: GATHERING INFORMATION TO ASSIST IN IDENTIFYING CHILD LABOR

[60 minutes]

### Objectives

To learn best practices for gathering information on child labor including using surveys, reports, observation of worksites, interviews, etc.

To introduce Tool 3.4.1: *Checklist for hazardous occupations and tasks*.

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### SKILLS REQUIRED

Once specific sectors, vulnerable groups, and geographic areas where risks of child labor are highest have been identified, inspectors must be adept at gathering information from a variety of sources to locate children who are being exploited. To do this well requires good communication, observation, and analytical skills, such as the ability to:<sup>44</sup>

- » Understand the demographic information of children present at worksite
- » Record and interpret information about work activities of children including hazards and risks
- » Interact respectfully with diverse informants of different ages, genders, occupations, ethnicities, and religions
- » Conduct child-sensitive interviews
- » Record detailed written notes

### KEY INFORMATION TYPES

Types of information to gather may include:<sup>45</sup>

- » Maps of general demographics in area—noting particularly vulnerable groups such as migrants
- » Information on primary economic sectors or types of work in region

- » Demographics of workers in each sector—noting anywhere child labor is particularly prevalent or risky
- » The root cause factors of child labor in relevant sectors
- » The socio-cultural context of child labor in target area
- » Whether certain subgroups of children may be more at risk of child labor, or of particularly hazardous child labor
- » Relevant information about production in top sectors (i.e., if agricultural, seasonality, types of tasks)
- » Characteristics of work environments in top sectors
- » Potential hazards in top sectors
- » General work hours and schedules (for all workers) in top sectors
- » Economic information relevant to families in a region such as recent income shocks or high rates of debt
- » School attendance rates in a region
- » Notable health issues that might be specific to a region (e.g., in tobacco harvesting regions around the world, higher rates of nicotine poisoning have been noted)
- » Other notable human development indicators such as access to water, access to health care, etc.



## USEFUL ORGANIZATIONS

When trying to identify where child labor is happening in a particular region it can be useful to consult with organizations that have knowledge of child labor specific issues or local context; represent children's best interests; and can provide insight on children's activities or behaviors in the region. Such organizations may include:

- » **Civil society organizations working in or familiar with the area.** Targeted organizations could include those with a child-labor specific focus but might also include organizations that work on health, education, migration, gender, general child welfare, etc.
- » **Youth and family oriented social organizations** which may be run through schools, religious institutions, civil society, etc.
- » **Relevant local, regional and national government ministries, offices or committees.** Similar to selecting civil society informants, various ministries hold important information. In Nepal, these might include:
  - Ministry of Women, Children and Social Welfare
  - Ministry of Education
  - Ministry of Health and Population
  - Relevant sectoral ministries, such as the Department of Mines and Geology, the Department of Agriculture, or the Department of Cottage and Small Industries
- » **Other local stakeholders who may have knowledge of child and family welfare issues** such as health and education professionals (doctors, nurses, teachers, social workers, religious leaders, etc.).
- » **Trade unions, labor unions, or other worker organizations** active in a sector are likely to have useful information about the populations involved.
- » **Law enforcement such as the police and judiciary officers** who have been involved in previous child labor investigations or prosecutions in an area may be able to provide helpful perspectives.

## SURVEYS, REPORTS AND MEDIA

Background desk research can also be collected from a variety of other sources, including:

- » **National surveys and censuses**, particularly information regarding occupations and sectors prevalent in different areas as well as information about potentially vulnerable demographic groups

- » **Reports from NGOs, government agencies, trade unions, or business associations** concerning labor issues
- » **Industry or company reports** with details about the type of industry/production in a region
- » **Newspaper and magazine articles** to help understand the local, regional, and national social and political situations

## OBSERVATION OF WORKSITES

Prior to conducting official inspection, inspectors may want to consider observing worksites, particularly those which are isolated or otherwise hard to access.<sup>46</sup> Without entering the official premises of a worksite, inspectors can observe and note potential child workers that enter and exit, whether children are accompanied, the hours that children work, the scope of operations, etc. This may be particularly helpful for:<sup>47</sup>

- » Worksites with gated or guarded entrances
- » Informal workshops
- » Home/cottage industries
- » Rural industrial operations located in isolated areas such as carpet weaving loom sheds or small-scale mining
- » Urban commercial areas
- » Marketplaces (children may work as vendors, porters, assistants, or domestic sources)
- » Transportation depots

**A note on safety of inspectors:** It is unsurprising that employers who disregard the basic rights of workers are also more likely to demonstrate aggressive behaviors towards labor inspectors. In some cases, employers have employed armed guards to prevent workers from running away and to harass inspectors. It is not uncommon for inspectors to be threatened, insulted, and even attacked physically by employers who object to their presence. Such threats can seriously affect labor inspectors' work. Therefore, before embarking on an inspection or visit to gather information about child labor, inspectors should thoroughly assess the clandestine nature of the situation and the potential dangers involved. Where possible, inspectors should consider entering into cooperation agreements with police and other law enforcement authorities to reinforce state presence in potentially dangerous environments and ensure the safety of unarmed inspectors.



## Prioritizing children in hazardous work

Because hazardous work is the most common type of the worst forms of child labor, special attention should be paid to identifying children in hazardous work. Inspectors should understand how to assess the risk of harm that children in each work situation may be facing. Young people are particularly vulnerable to risks because they are physically immature, weaker than adults and can be more sensitive to toxic substances. In addition, they:

- » Tend to react differently (less rationally) to imminent danger
- » Lack life experience and knowledge of risks
- » Are almost always untrained or inadequately trained
- » Tire sooner with attention lapses
- » Require closer supervision
- » Are subject to bullying (physical, sexual, etc.) and exploitation
- » Are regularly given work to do that is too difficult or too dangerous for them<sup>48</sup>

Hazards should be assessed with particular attention to the unique physical and psychological needs of children. Inspectors should always remember that what is hazardous to adults is invariably even more hazardous to children.



A hazard can be anything that can cause harm such as chemicals, heavy equipment, working at heights, or use of illicit drugs. Assessment of hazards can often be conducted with common sense. For example, an obvious fire hazard in a factory would be having all exits locked. The simplest way to identify a potential hazard is to imagine potential scenarios for a child working in that environment and the impacts that might have on their physical and mental health. Special knowledge may be useful in determining which chemicals are toxic (as well as their effects), electrical hazards, and hazards specific to industries such as mining. To determine if potential hazards, an inspector can consider conditions such as:<sup>49</sup>



» Exposure to **harmful substances** that may have acute or chronic effects:

- Any materials that can be irritants, allergens, asphyxiates, or cause skin, lung, or other systemic damage.
- Flammable/explosive materials, pesticides/fungicides, paints/solvents, acids, asbestos.



» **Dangerous processes and equipment:**

- Welding, grinding, and polishing machinery
- Heating and drying systems or cold rooms
- Silos, tanks, and other storage units that can cause entrapment
- Electrical and power-driven machinery
- Machinery with sharp components
- Working environment involving work underground, underwater, at dangerous heights, or in confined spaces, or working in places that are badly maintained



» Conditions that create **physical strain**:

- Excessive pace of work, monotonous and repetitive work
- Dark working environment (eyesight strain)
- Prolonged posture in one position (standing, bending, kneeling, sitting in one position)



» Conditions that create **psychological strain**:

- Excessive pace of work, monotonous and repetitive work
- Sexual harassment (whether overt or innuendo)



- Threats, insecurity, intimidation, violence (including threatened)
- Night work or excessive hours with lack of adequate rest can lead to accidents and injuries, as well as preclude children from participating in education
- » Situations where **personal protection is inadequate**:
  - Children are not provided any necessary protective clothing or equipment
  - Protective clothing/equipment is designed and sized for adults, so is inadequate for children
  - Lack of water for washing or space to keep or change clothing
  - Little or inadequate information on possible work hazards, inadequate training and safety procedures regarding machinery, materials, and processes
  - Lack of adequate first aid supplies or no one trained to administer first aid
  - Lack of transportation or financial resources for health care



- » **Risk of fire:**
  - Poor storage or use of flammable substances
  - Lack of fire alarms/fire drills,
  - Lack of functioning fire extinguishers
  - Blocked or locked escape routes and exits

The following is a checklist that inspectors can use as a guide during investigations to determine if particular tasks pose a risk to children.

### TOOL 3.4.1: CHECKLIST FOR HAZARDOUS OCCUPATIONS AND TASKS<sup>ii</sup>

The following checklist may be used when inspecting industries or economic sectors that pose risks for children. If during an inspection, any of the boxes in the **tasks** or **hazards** columns are checked, the labor inspector should determine what precautions must be taken to ensure the child is safe (e.g., removal of child from premises; use of protective gear; change in job duties; etc.)

ENTERPRISE/INDUSTRY/SECTOR	TASKS THE FOLLOWING TASKS MAY PRESENT HAZARDS FOR CHILDREN	HAZARDS IF PRESENT, THE FOLLOWING HAZARDS MAY NEGATIVELY AFFECT CHILDREN'S HEALTH.	POSSIBLE HEALTH CONSEQUENCES
AGRICULTURE	<input type="checkbox"/> working with agricultural tools and machinery <input type="checkbox"/> use of lawnmowers and circular saws <input type="checkbox"/> handling and spraying of agrochemicals <input type="checkbox"/> caring for farm animals and herding sheep <input type="checkbox"/> crop picking and weeding <input type="checkbox"/> collecting fodder <input type="checkbox"/> loading heavy items	<input type="checkbox"/> inadequate or unprotected machinery and tools <input type="checkbox"/> driving tractors and farm vehicles <input type="checkbox"/> motor vehicle accidents <input type="checkbox"/> excessive noise and vibration <input type="checkbox"/> risk of falls and suffocation in grain elevators and silos <input type="checkbox"/> dangerous animals <input type="checkbox"/> biological toxic agents <input type="checkbox"/> exposure to hazardous chemicals <input type="checkbox"/> arduous work <input type="checkbox"/> working without personal protective equipment <input type="checkbox"/> exposure to extreme temperatures <input type="checkbox"/> heavy loads	Lacerations, cuts, injuries and death, fractures and amputations of fingers, limbs and toes, head injuries or other handicaps caused by equipment and farm machinery mishaps; induced hearing loss; eye injuries; parasitic infections and other infectious diseases; dermatitis; thermal stress; chemical poisoning (chronic and acute)

ii Adapted from *Children at work: Health and safety risks*, 2d edition, pp. 76-82, Valentina Forastieri, ILO, 2002. [http://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---safework/documents/publication/wcms\\_235332.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---safework/documents/publication/wcms_235332.pdf)

ENTERPRISE/INDUSTRY/SECTOR	TASKS THE FOLLOWING TASKS MAY PRESENT HAZARDS FOR CHILDREN	HAZARDS IF PRESENT, THE FOLLOWING HAZARDS MAY NEGATIVELY AFFECT CHILDREN'S HEALTH.	POSSIBLE HEALTH CONSEQUENCES
<b>MINES (QUARRIES AND UNDERGROUND)</b>	<input type="checkbox"/> carrying rocks, slate slabs or other heavy items <input type="checkbox"/> digging and quarrying <input type="checkbox"/> bending over, kneeling or lying down in cramped positions in underground work	<input type="checkbox"/> risk of falls <input type="checkbox"/> injuries due to falling objects and fatal accidents <input type="checkbox"/> risk of explosion from methane <input type="checkbox"/> exposure to harmful dusts, gas, fumes, carbon monoxide <input type="checkbox"/> strain from carrying heavy loads <input type="checkbox"/> arduous work <input type="checkbox"/> poor sanitation <input type="checkbox"/> inadequate nutrition <input type="checkbox"/> excessive noise	Fractures and injuries caused by falling objects, death; respiratory diseases (silicosis, pulmonary fibrosis, emphysema); physical strain and fatigue; musculoskeletal disorders
<b>CONSTRUCTION WORK AND BRICKMAKING</b>	<input type="checkbox"/> digging earth <input type="checkbox"/> carrying heavy loads <input type="checkbox"/> shoveling sand and cement <input type="checkbox"/> metalwork <input type="checkbox"/> roofing <input type="checkbox"/> working with wallboards and fixing pipes <input type="checkbox"/> crushing, grinding, screening and mixing clay in brickmaking <input type="checkbox"/> carrying bricks	<input type="checkbox"/> injuries due to falls and falling objects <input type="checkbox"/> arduous tasks <input type="checkbox"/> exposure to harmful dusts and noise <input type="checkbox"/> exposure to asbestos <input type="checkbox"/> poor housekeeping <input type="checkbox"/> working without personal protective equipment <input type="checkbox"/> extreme weather conditions <input type="checkbox"/> silica exposure <input type="checkbox"/> carrying heavy loads <input type="checkbox"/> lead exposure from glaze <input type="checkbox"/> excessive heat from ovens <input type="checkbox"/> carbon monoxide from kilns	Musculoskeletal disorders; respiratory diseases such as asbestosis; fatigue; injuries caused by falling objects and by stepping on sharp objects; falls from heights; burns, lead poisoning, silicosis, carbon monoxide intoxication; thermal stress

ENTERPRISE/INDUSTRY/SECTOR	TASKS THE FOLLOWING TASKS MAY PRESENT HAZARDS FOR CHILDREN	HAZARDS IF PRESENT, THE FOLLOWING HAZARDS MAY NEGATIVELY AFFECT CHILDREN'S HEALTH.	POSSIBLE HEALTH CONSEQUENCES
<b>TEXTILE WORKSHOPS</b>	<input type="checkbox"/> spinning <input type="checkbox"/> weaving <input type="checkbox"/> knitting <input type="checkbox"/> finishing natural and synthetic fibers <input type="checkbox"/> dyeing <input type="checkbox"/> trimming	<input type="checkbox"/> unsafe machinery <input type="checkbox"/> excessive noise <input type="checkbox"/> inhalation of contaminated dust <input type="checkbox"/> exposure to synthetic fibers, asbestos dust <input type="checkbox"/> poor lighting <input type="checkbox"/> exposure to chemicals <input type="checkbox"/> inadequate ventilation <input type="checkbox"/> high humidity <input type="checkbox"/> high temperatures <input type="checkbox"/> working without personal protective equipment <input type="checkbox"/> lifting and carrying of heavy loads <input type="checkbox"/> poor housekeeping <input type="checkbox"/> risk of fire	Cuts and injuries from machines; chemical poisoning; respiratory lung diseases; induced hearing loss; musculoskeletal disorders; byssinosis; asbestosis; physical strain
<b>CARPET-WEAVING WORKSHOPS</b>	<input type="checkbox"/> yarn preparation <input type="checkbox"/> wool sorting <input type="checkbox"/> washing <input type="checkbox"/> hand spinning and weaving <input type="checkbox"/> dyeing <input type="checkbox"/> trimming	<input type="checkbox"/> inhalation of wool dust contaminated with biological agents <input type="checkbox"/> inadequate working postures (squatting) <input type="checkbox"/> inadequate lighting <input type="checkbox"/> hazardous chemicals <input type="checkbox"/> inadequate ventilation, housekeeping and sanitation <input type="checkbox"/> repetitive movements	Musculoskeletal disorders; eye strain and defective vision; respiratory diseases; fatigue; chemical poisoning

ENTERPRISE/INDUSTRY/SECTOR	TASKS THE FOLLOWING TASKS MAY PRESENT HAZARDS FOR CHILDREN	HAZARDS IF PRESENT, THE FOLLOWING HAZARDS MAY NEGATIVELY AFFECT CHILDREN'S HEALTH.	POSSIBLE HEALTH CONSEQUENCES
<b>GARMENT AND LEATHER WORKSHOPS, TANNERIES AND FOOTWEAR MANUFACTURE</b>	<input type="checkbox"/> cutting and incision <input type="checkbox"/> chasing <input type="checkbox"/> molding <input type="checkbox"/> embossing <input type="checkbox"/> hammering <input type="checkbox"/> mosaic formation <input type="checkbox"/> trimming <input type="checkbox"/> bonding <input type="checkbox"/> stitching <input type="checkbox"/> dyeing <input type="checkbox"/> sewing	<input type="checkbox"/> Inadequate ventilation <input type="checkbox"/> Excessive noise <input type="checkbox"/> exposure to glues and solvents <input type="checkbox"/> exposure to formaldehydes and dyes <input type="checkbox"/> blocked exit doors <input type="checkbox"/> accumulation of combustible materials <input type="checkbox"/> overcrowded workspaces, poor housekeeping <input type="checkbox"/> risk of fire <input type="checkbox"/> overloaded electrical supplies and exposed wires and fuse boxes <input type="checkbox"/> unsafe machinery and sharp instruments <input type="checkbox"/> working without personal protective equipment <input type="checkbox"/> shift work and long hours of work	Cuts and injuries from machines and sharp instruments; burns; loss of fingers; fatigue, electrocutions; chemical poisoning; fire accidents; musculoskeletal disorders.
<b>PAINT SHOPS</b>	<input type="checkbox"/> painting <input type="checkbox"/> paint scraping	<input type="checkbox"/> exposure to leaded paint, solvents, and other chemicals <input type="checkbox"/> inadequate ventilation	Chemical poisoning, neurological impairment; musculoskeletal disorders; dermatitis; lead poisoning
<b>FOOD SERVICES (RESTAURANTS, FAST- FOOD SHOPS, GROCERY STORES, SUPERMARKETS, BUTCHERS' SHOPS, BAKERIES, TEA SHOPS)</b>	<input type="checkbox"/> handling and serving food <input type="checkbox"/> stocking shelves <input type="checkbox"/> working as cashiers <input type="checkbox"/> cleaning ovens <input type="checkbox"/> manipulating and carrying cardboard boxes <input type="checkbox"/> stocking shelves	<input type="checkbox"/> exposure to microwaves <input type="checkbox"/> electric hazards <input type="checkbox"/> exposure to extreme changes in temperature <input type="checkbox"/> slicing machines <input type="checkbox"/> unsafe use of ladders <input type="checkbox"/> carrying heavy loads	Minor lacerations and burns; electrocution; thermal stress; amputation of fingers; injuries from falling objects; carpal tunnel syndrome; injuries from crushing machines; falls from ladders; strain



ENTERPRISE/INDUSTRY/SECTOR	TASKS THE FOLLOWING TASKS MAY PRESENT HAZARDS FOR CHILDREN	HAZARDS IF PRESENT, THE FOLLOWING HAZARDS MAY NEGATIVELY AFFECT CHILDREN'S HEALTH.	POSSIBLE HEALTH CONSEQUENCES
<b>AUTO-REPAIR GARAGES/ PETROL STATIONS</b>	<input type="checkbox"/> repair of storage batteries <input type="checkbox"/> degreasing metals <input type="checkbox"/> electroplating <input type="checkbox"/> housekeeping <input type="checkbox"/> minor mechanical repairs <input type="checkbox"/> tire maintenance <input type="checkbox"/> washing cars and fueling tanks	<input type="checkbox"/> exposure to carbon monoxide, benzene, solvents and asbestos <input type="checkbox"/> Excessive noise <input type="checkbox"/> unsafe tools and machines <input type="checkbox"/> manual handling of heavy objects <input type="checkbox"/> inadequate ventilation <input type="checkbox"/> poor housekeeping <input type="checkbox"/> risk of fire or explosion	Burns, injuries, carbon monoxide poisoning; falls; hernia and strain; dermatitis; chemical poisoning, (lead, burns, injuries, carbon monoxide) asbestosis; lead poisoning
<b>ENTERTAINMENT (THEATRE, CIRCUS, BARS, NIGHTCLUBS)</b>	<input type="checkbox"/> acting <input type="checkbox"/> modelling <input type="checkbox"/> performing in circus <input type="checkbox"/> serving	<input type="checkbox"/> falls <input type="checkbox"/> long hours of work <input type="checkbox"/> night work <input type="checkbox"/> irregular meals <input type="checkbox"/> sexual and moral abuse	Injuries, health effects of long working hours; mental stress and behavioral disorders
<b>DOMESTIC SERVICE/ HOUSEWORK</b>	<input type="checkbox"/> all types of domestic work including childcare	<input type="checkbox"/> at the mercy of the master/mistress <input type="checkbox"/> long hours of work <input type="checkbox"/> lack of minimum facilities to sleep or rest <input type="checkbox"/> abuse of health and morals (sexual or physical abuse, demeaning work) <input type="checkbox"/> isolation from society irregular meals <input type="checkbox"/> corporal punishment	Health effects of long hours of work and insufficient rest; malnutrition; psychological stress (from sexual abuse, confinement, fear of destitution); physical injury
<b>HOME-BASED MANUFACTURE</b>	<input type="checkbox"/> sewing <input type="checkbox"/> electronic assembly <input type="checkbox"/> jewelry making	<input type="checkbox"/> poor lighting and inadequate working conditions <input type="checkbox"/> environmental exposure	Fatigue from long hours of work in inadequate conditions and from hazards associated with the type of product

ENTERPRISE/INDUSTRY/SECTOR	TASKS THE FOLLOWING TASKS MAY PRESENT HAZARDS FOR CHILDREN	HAZARDS IF PRESENT, THE FOLLOWING HAZARDS MAY NEGATIVELY AFFECT CHILDREN'S HEALTH.	POSSIBLE HEALTH CONSEQUENCES
<b>SCAVENGING AND RAG-PICKING</b>	<input type="checkbox"/> reclaiming usable material from garbage heaps	<input type="checkbox"/> cuts from glass/metal <input type="checkbox"/> exposure to hazardous substances including waste from hospitals <input type="checkbox"/> inhaling stench from putrefied matter <input type="checkbox"/> infestations of flies <input type="checkbox"/> temptation to eat leftover food <input type="checkbox"/> insanitary conditions (water, food and shelter) <input type="checkbox"/> risk of being run over by big trucks or bulldozers <input type="checkbox"/> living near the dumpsite	Cuts, burns, tetanus; chemical poisoning; infectious diseases (HIV/AIDS, HB, etc.); tuberculosis, respiratory diseases; food poisoning; malnutrition; injuries and death
<b>PROSTITUTION</b>	<input type="checkbox"/> sex with partners	<input type="checkbox"/> exposure to drugs, violence, abuse, bondage <input type="checkbox"/> danger to health and morals <input type="checkbox"/> exclusion from family and community	Sexually transmitted diseases (syphilis, hepatitis and HIV/AIDS); psychosocial disorders; unwanted pregnancy
<b>STREET WORK</b>	<input type="checkbox"/> hawking and vending goods <input type="checkbox"/> carrying drugs <input type="checkbox"/> selling newspapers <input type="checkbox"/> shoe polishing <input type="checkbox"/> begging <input type="checkbox"/> cleaning car windows <input type="checkbox"/> red-light performances <input type="checkbox"/> delivering goods <input type="checkbox"/> messenger services	<input type="checkbox"/> exposure to drugs, violence and criminal activities and prostitution <input type="checkbox"/> exposure to traffic accidents <input type="checkbox"/> danger to health and morals	Motor vehicle injuries; victims of drug addiction; branded as social outcasts (reconvicted criminals); long working hours, fatigue, malnutrition; HIV/AIDS and other sexually transmitted diseases; psychosocial disorders; unwanted pregnancy

## LESSON 3.5: INTERVIEWING CHILDREN AND ADOLESCENTS AND IMPROVING METHODS OF AGE VERIFICATION<sup>50</sup>

[60 minutes]

### Objectives

To understand guidelines and best practices for conducting child-friendly interviews.

To learn multiple methods to verify age that may provide more accurate findings.

To introduce tools:

- » 3.5.1: *Guide for interviewing children*
- » 3.5.2: *Assessing whether it is child labor*
- » 3.5.3: *Assessing whether it is forced labor*

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Before deciding upon a course of action, inspectors should attempt to interview any children found to be engaged in hazardous work or suspected of being below the minimum age for the type of work they are performing. Working children can provide valuable perspectives and authentic insights into their situations, and interviews with them may provide useful information for the investigation. Children also may be able to offer valid recommendations and suggestions for how their situation can be improved. However, it is important to ensure that the rights of the child are being respected and that gender-sensitive approaches are used. While conducting interviews inspectors should treat the child with respect and do what they can to make the child feel comfortable and secure. It is also important to avoid passing judgement on the child. “For children who have been traumatized, the feeling of embarrassment often translates into shame preventing them from communicating with the interviewer in any positive manner.”<sup>51</sup>

When interviewing children, as with interviewing all vulnerable populations, the most important guidelines are:

1. Do not put the child at risk of any harm, including retaliation.
2. When working with victims of forced labor or trafficking, do not ask questions in a way that could retraumatize the child.

There are some techniques that inspectors can use during the interview that will make the child feel more powerful and more comfortable with the inspector. Remember that the child will likely be nervous and therefore the conversation should take place in an undisturbed environment but not one that is too remote or out of sight. While it is important that the child is interviewed away from their supervisor or manager, there should be two adults present at the interview and, when interviewing a girl, there should always be a woman present. When possible the child's parents or other relatives should be invited to the interview, or if they cannot be located, a representative of a child rights NGO may be invited. It is also helpful if snacks, toys, or other inviting items are available to create a child-friendly environment.



Other child-friendly interview techniques include sitting on the same level as the child. When speaking use simple nonconfrontational terms and take breaks when needed. Explain the role of inspector and inform the child of the purpose of the meeting and what will happen when it is over to help put the child at ease. If during the interview it is unclear whether the child understands what is happening, ask further questions to make sure they are not confused. It is important to focus on listening as children can sense whether the person they are speaking with is engaged or not. Validating what the child says by being attentive and repeating back what he or she says to ensure that the inspector fully understands what the child means helps encourage the child to share. Most importantly, ensure that the child understands that they are not to blame.

Remember that the key objective of the interview is to listen to the child and to try to assess:

- » The child's age
- » The child's family circumstance, including where they live, where their parents are, and whether they are contributing to their family's income
- » Why they are working
- » How they came to be employed at that location
- » How they are treated at work
- » How the child understands and appreciates his or her own work and what will happen if they stop working

### THINGS TO REMEMBER WHEN INTERVIEWING CHILDREN AND ADOLESCENTS<sup>52</sup>

- » The **child should be given a choice** about whether they want to participate in an interview.
- » The child should also be given an **opportunity to ask questions** of the inspector.
- » If possible, **children should be interviewed away from employers or supervisors in a nonthreatening, welcoming atmosphere**. Children may fear reprisal or retaliation by their employer. They may also fear getting their employer or family member "in trouble."
- » **Do not conduct interviews at a time that will take children away from work**, costing the child money or angering the employer. Unless it is a raid

situation, interviews should be conducted on breaks or after work. That said, be respectful of the child's time and attendance to educational and family obligations outside of work hours.

- » **Interviews should not usually last more than an hour.** When necessary, they may be broken into two sessions. Respondents, especially young children, tend to get tired or bored, and their attention will wander if interviews are too long.
- » **If a child becomes visibly upset (or emotionally shutdown), the questions may be too intense or emotionally painful and the interview should stop, or the interviewer should change course.** Ideally, someone with professional counseling experience would be available when the inspector suspects issues of trafficking, or other highly traumatic experiences such as physical, sexual, or emotional abuse. At a minimum, if sexual abuse is suspected, interviewers should be of the same gender as the children being interviewed.
- » **Children may not understand technical questions.** When possible, rephrase with simpler language. Do not use jargon.
- » **Children often have an intrinsic desire to please adults and may adjust their answers to what they feel the interviewer wants to hear.** Conversely, they may have been coached by their employer. Evaluating the child's demeanor and triangulating information will be helpful. Open-ended questions will be helpful in drawing out genuine responses.
- » There is also considerable benefit to **talking with children in small groups**, where they often become more talkative and spontaneous. The interviewer can introduce him or herself and learn about their lives, their work, and any number of related issues. With the increased confidence that comes from numbers, children may be willing to talk about working conditions and about their employer.
- » **Be aware that some working children—accustomed to daily hardships and the constant need to fend for and defend themselves—will cope with interviewers by concealing or distorting information.** Where boys or girls have worked for employers from a very early age or in a very repressive environment, they may learn to make themselves as unobtrusive and inconspicuous as possible. An unfamiliar woman or man who comes to ask questions will initially be viewed as a threat. Moreover, boys or girls



interviewed in or near their workplaces, or who work most of their waking hours with insufficient sleep, food, or kindness and few chances to play can hardly be expected to respond in a trusting or relaxed manner. Interviewers who, whether intentionally or not, are given dubious information, must cross-check the replies later for accuracy.

- » Children working in “nomadic” occupations, where their job frequently changes location, might need to be **interviewed at the various work sites**, if possible, or at their temporary living quarters.
- » **Friendliness and understanding**, expressed sincerely, can also go a long way toward breaking the ice with children and with other informants as well.
- » **Ensure that girls are able to speak with a female inspector.** Girls may be more willing to discuss things like sexual harassment or when they got their period (for age verification) if being interviewed by a woman.

## IMPROVING METHODS OF AGE VERIFICATION

Verifying a young worker’s age is a challenging component of child labor inspection, particularly in countries where birth registration processes have gaps or workers do not have access to official documentation. Even where documentation, such as copies of birth certificates or identity cards, is present, these documents may be borrowed from an older family member or otherwise forged or inaccurate.

Using multiple methods to verify age can provide a more accurate finding. Some options include:<sup>53</sup>

- » **Assessment of physical appearance and mental development.** Does the young worker appear to be at roughly the same developmental level as other workers who are reportedly the same age? Keep in mind that many children who need to work may have been vulnerable to illness and poor nutrition, so children may physically appear younger than they are, or be smaller than the inspector expects. If a particular child looks (or acts) markedly younger than his reported peers, it can be a red flag for further investigation.
- » In the absence of an official birth certificate, other documentation such as **educational records, school identification, or interviews with teachers, can be used.**
- » In interviews with the child, the inspector can **ask questions that indirectly assess a child’s age.** For example, the inspector could ask questions about past events that only older children would remember or previous employment



history. During the interview, the inspector will also get a sense of whether the child feels comfortable being honest around many issues, including their age. When asked about school, does the child answer openly and without hesitation? Can she talk about her favorite teacher and her favorite subject? If not, what the child says about what grade they attended may be inaccurate or the child may have been coached, particularly if other red flags are present. Information can be triangulated in informational interviews with local schools as well, who will likely have enrollment records against which educational documentation and interview responses.

- » Outside of checking the age of individuals present, the inspector should also check **what processes the employer has in place to verify age on an ongoing basis**. The inspector can ask the employer:
  - What the normal process is for hiring a worker?
  - Is age verification conducted on a regular basis?
  - How is information collected?
  - What if the employer believes a potential worker may be using fraudulent documentation or not telling the truth about their age?
  - What happens if the employer discovers after hiring a worker that the worker is younger than reported?

**Note on formal vs. informal workplaces:** Formal workplaces (such as factories) should keep records of each worker with documentation that shows their age. However, in small informal enterprises, like small farms, there is unlikely to be any sort of formal system of age verification. That said, even the owner of a small, informal operation should be able to speak to their own processes for assessing the age of workers. In a small community, it may be as simple as he knows the worker's family and knows that the young worker is an appropriate age. He may say that when he is unsure of the age of potential workers, he inquires with local community leaders (like teachers) who may have more information. Even without formal human resource policies and procedures, a small farm owner who hires juveniles for seasonal labor could keep educational identification/records/certificates on file and assign appropriate tasks based on age. An employer who cannot openly answer these process questions (even if processes are informal) may be a red flag for further investigation and can be triangulated with information from workers and records.

## TOOL 3.5.1: GUIDE FOR INTERVIEWING CHILDREN

The following guide can be used when interviewing children about their work situation:<sup>iii</sup>

GUIDE FOR INTERVIEWING CHILDREN AT WORK	
<b>TIP:</b> Some children may feel more comfortable telling about experiences of “a friend” or “other kids who work here” in general, rather than their own personal experiences.	
<b>STARTING EMPLOYMENT:</b>	
Tell me about when you started working here?	
Did somebody help you get this job? Did you feel that person treated you fairly? Why or why not? Did you have to pay any money to get this job? What did they tell you about the job in advance? Now that you’ve been working here for a while, is it mostly like what you expected or mostly different? How so?	
What went in to making the decision to take this job/start doing this type of work? Did anyone pressure you? If so, how/tell me about it.	
How did your family feel when you started working here?	
What was your first day here like? How did you feel when you started? Has that changed since?	

<sup>iii</sup> Adapted from the following sources:

*Investigating Child Labour—Guidelines for Rapid Assessment*, P.53, ILO/UNICEF, 2000,

[http://www.childtrafficking.org/pdf/user/ilo\\_unicef\\_rapid\\_assessment\\_manual.pdf](http://www.childtrafficking.org/pdf/user/ilo_unicef_rapid_assessment_manual.pdf)

*The Child Interview. Practice Guidelines*, Maria Keller-Hamela, Nobody’s Children Foundation,

<http://canee.net/files/The%20Child%20Interview.%20Practice%20Guidelines.pdf>

Attorneys for Children Guide to Interviewing Clients, NY Courts, 2011 [www.nycourts.gov/ip/cwcip/Publications/attorneyGuide.pdf](http://www.nycourts.gov/ip/cwcip/Publications/attorneyGuide.pdf)

## GUIDE FOR INTERVIEWING CHILDREN AT WORK

**RED FLAGS TO LOOK FOR:**

- » Child began working under pressure from someone else and/or was deceived about nature conditions of the job
- » Child was recruited by third-party/middleman, particularly if the child paid any sort of fee

**FAIR TREATMENT/ABUSE/HARASSMENT:**

How do people treat you? Is your boss/employer/supervisor kind and understanding? Can you give me an example of how they show it? If you could change anything about how you're treated, what would you change?

Do you feel you're treated the same or differently than other workers? In what ways? Why do you think that might be?

Tell me about the best time/happiest day you've had since you started work here. What about the worst time/day?

What happens if workers make a mistake? Are they punished? How? Have you ever been punished?

Are some supervisors/managers nicer than others? Why?

What would you do if you felt like you weren't being treated well? Is there anyone who could help you?

Have you ever seen any of your friends treated badly/unfairly? Tell me about it?

## GUIDE FOR INTERVIEWING CHILDREN AT WORK

**RED FLAGS TO LOOK FOR:**

- » Child feels intimidated or threatened by employer, manager/supervisor, or associated party
- » Child (or other children at worksite) has experienced (or been threatened with) any physical, verbal, or sexual abuse
- » Child faces punishment or retribution for mistakes
- » Some children (or groups of children) are treated worse than others (less desirable assignments, more dangerous/degrading tasks, worse hours, lower pay, harsher punishment)

**HEALTH AND SAFETY:**

Describe the tasks that you usually do. Who assigns you your tasks? Do you do the same tasks as the adult workers here? Is there anything you're not supposed to do because of your age?

Are there any tasks that you especially don't like to do? Why? Are there any tasks that make you scared/nervous/uncomfortable? Can you avoid that task? Why or why not? Is there anything that could be fixed/addressed/changed to make those tasks less scary?

Do you have all protective equipment you need?

Were you ever trained in how to carry out certain tasks safely?

Have you (or another child here) ever gotten hurt or sick from working here? What happened? Did you get to see a doctor? Does that happen regularly? Does it happen to other children here?

How do you feel physically at the end of the day/work hours? Does anything hurt physically? Are you tired? How do you feel emotionally? What do you do when you leave and go home?

## GUIDE FOR INTERVIEWING CHILDREN AT WORK

**RED FLAGS TO LOOK FOR:**

- » Child expresses or shows fear or anxiety about tasks
- » Child reports doing potentially hazardous tasks that the employer did not mention
- » Child reports illness, injury, pain or fatigue
- » Child reports any high risk/high hazard task

**WAGES:**

Tell me about how/when you get paid? Do you think this is a fair amount/ fair system? Why or why not?	
How are you paid (In cash? In food? In cigarettes? In material goods?)	
Do you receive any sort of explanation of your earnings, like a payslip (this could be informal, like a handwritten note listing hours worked and rate per hour)?	
Are any deductions taken out of your wages? If yes, for what? Do you think this is fair? Why or why not?	
Are you in debt to anyone? Do you owe anyone money? If so, who? How did that debt originate? Will you be able to pay it off?	
What types of things do you spend your wages on? Are you happy about this?	
Do you control your earnings? If not, who does? Why?	

## GUIDE FOR INTERVIEWING CHILDREN AT WORK

**RED FLAGS TO LOOK FOR:**

- » Wages or earnings are not what child was led to believe at time of hiring/recruitment
- » Child is paid less than legal minimum wage for sector
- » Child receives majority of earnings in “in-kind” payments—or the promise of such payment (like receiving a bicycle at the end of a harvest season)
- » Child paid in lump sums (such as at end of season) rather than regularly
- » Child does not understand wage/payment system and/or is not provided with any justification or documentation of earnings
- » Child does not maintain control of his earnings or must hand them over to a third party
- » Child (or child’s parents) are indebted to recruiter/middleman or employer
- » Significant deductions are taken from child’s earnings, particularly for necessities such as food and housing

**HOURS:**

Tell me about what time you normally start and end work? (Note: children may not be able to provide exact hours, but can give details like “before the sun comes up” or “after dinner” or “late at night.”)

How many hours do you usually work per day? Per week?

Do you ever work overtime? If you do work overtime, do you can you say no to working overtime?

How much time do you get to rest each day?

How much time do you have to rest each week? Do you have at least one full day off each week?

Do the hours that you have to work prevent you from doing other things in your life you want to do? (like attending school, doing homework, sleeping, socializing, etc.)

## GUIDE FOR INTERVIEWING CHILDREN AT WORK

**RED FLAGS TO LOOK FOR:**

- » Child does not have adequate time for rest, educational or recreational activities
- » Child works at night
- » Child works long daily hours or is not granted time off each week
- » Child is forced to work overtime

**GENERAL:**

Do you think you will continue to work here for a while? Why? If you left this job, would you work elsewhere? What else might you like to do instead?

Tell me about a usual day working here? What time do you start? What sorts of things do you do in a usual day?



## TOOL 3.5.2: ASSESSING WHETHER IT IS CHILD LABOR

The following is a list of questions to ask in order to determine if a child is being unlawfully exploited and is in need of assistance.

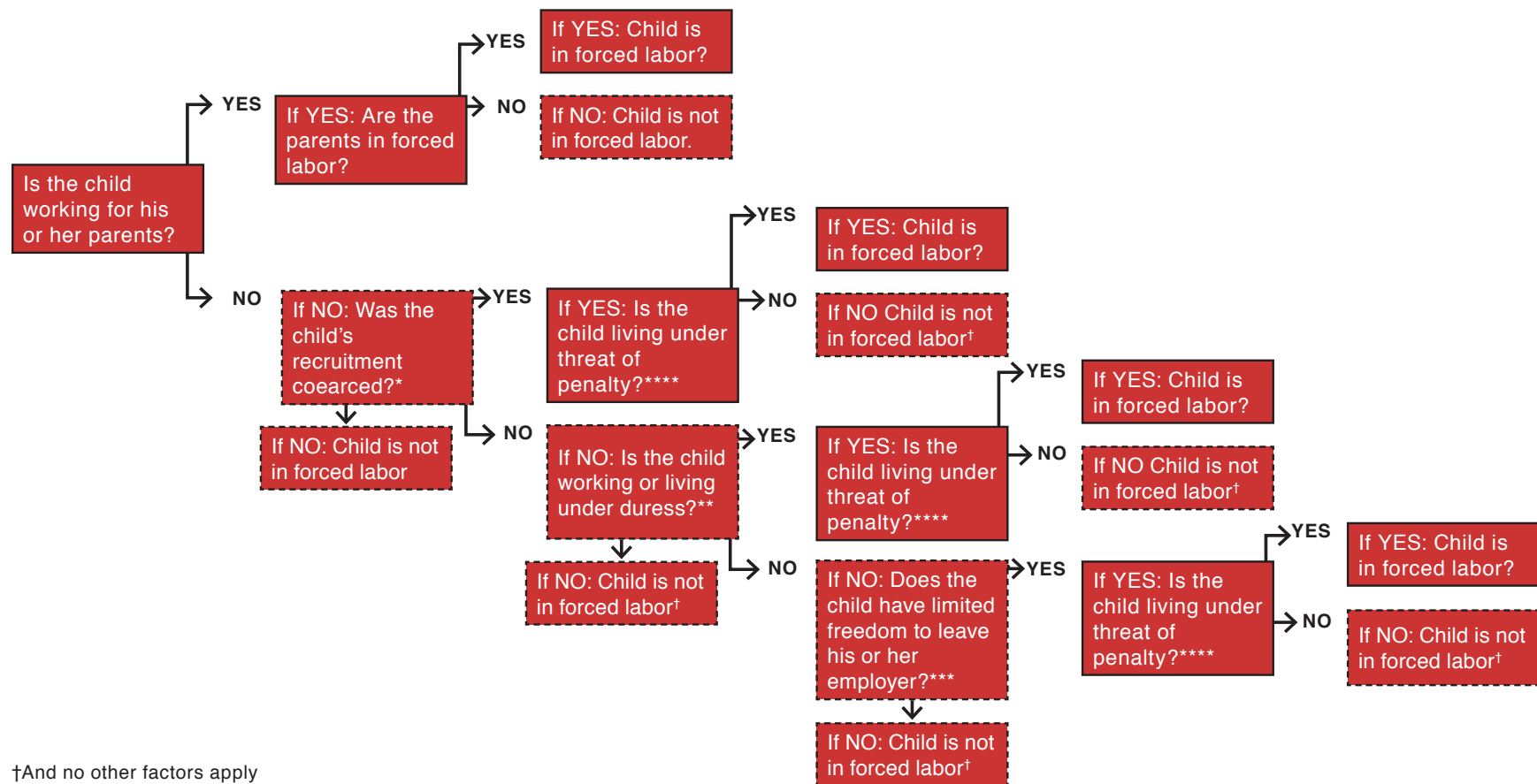
1. Is the child employed in a worst form of child labor? This could include:
  - a. slavery, trafficking, debt bondage, forced or compulsory labor, or armed conflict
  - b. prostitution, production of pornography, or pornographic performances
  - c. illicit activities, in particular for the production and trafficking of drugs
  - d. work that is likely to harm the health, safety, or morals of the child.
2. Is the child under 14 years of age—the minimum age for working in Nepal?
3. If the child is over 14, is the work he or she is undertaking hazardous according to the law?
4. If the child is over 14 and not employed in hazardous work, are the following provisions being fulfilled?<sup>iv</sup>
  - a. Working hours fall between 6 a.m. and 6 p.m.
  - b. Maximum of six hours of work daily
  - c. Half-hour break after every three hours of work
  - d. One paid day off is given each week
  - e. The work is not obstructing the child's education
  - f. Appropriate health and safety precautions are being taken
  - g. Pay is at or above the minimum wage
  - h. The child has regular contact with their parents or other family members.
  - i. There is no discrimination in pay or benefits based on gender, race, caste, ethnicity, or faith
  - j. Employer maintains a registration book detailing the child's name, address, age, gender, payment amount, name and address of guardian, the nature of the child's work and date of hire
  - k. Permission and certificate has been given from the local labor office to employ the child
  - l. The child is free from inhumane behavior such as bullying, humiliation, abuse, negligence, exploitation, and bodily harm

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iv Child Labor Inspection and Monitoring Directive, 2071, Nepal Ministry of Labor and Employment, 2014.

### TOOL 3.5.3: ASSESSING WHETHER IT IS FORCED LABOR<sup>54</sup>

Forced labor is a worst form of child labor and must be dealt with immediately. The following questions are helpful when assessing the situation and determining how to intervene:



†And no other factors apply

\*\*\*\*\*See next page for definitions

**\*Examples of coercive recruitment include:** traditional/inherited bondage; recruitment in exchange for loan or cash advance to parents; recruitment of the child in the context of a tradition perpetuated by those in power; deception about living or working conditions.

**\*\*Examples of work and life under duress include:** forced overtime; forced hazardous tasks; forced to work when sick/injured; forced to engage in illicit activities; limited freedom of movement or communication at worksite or employer provided housing; degrading living conditions; dependency on employer for other needs.

**\*\*\*Examples of limited freedom to leave include:** retention of identity documents, armed guards, etc.

**\*\*\*\*Examples of penalty/threat of penalty include:** family would lose benefits like land, housing, credit/loans, or other family members' jobs if child left employment; exclusion of child or family from future employment; violence against child or family members; isolation; threats against child or family members; psychological violence; sexual violence; physical violence; punishment (deprivation of food, water, sleep, etc.); punishment inflicted on another child in front of child; fines or wage deductions; threat of dismissal; threat of denunciation to authorities; locked in living quarters; constant surveillance; limited freedom of movement or communication; retention of identity papers; withholding of wages; abuse of cultural practices/power by employer.

## Exercise 3.5.1: Child interview (role play)



### OBJECTIVES:

- » To interview children/adolescents about their age and work situation using methods that take into account the best interest of the child.
- » To practice using Tool 3.5.1: *Guide for interviewing children*.



### TIME:

- » 90 minutes



### MATERIALS AND PREPARATION:

- » Six copies of Handout 3.5.1A: *Role play case scenarios*. Cut the pages along the dotted lines so that there is one case scenario on each strip of paper.
- » Copies of Tool 3.5.1: *Guide for interviewing children* and Tool 3.5.3: *Assessing whether it is forced labor* for each participant.



### STEPS:

- » Explain to the participants the objectives of the exercise.

**[5 minutes]**

- » Distribute one case scenario to each participant. Ask for a volunteer to come to the front of the room and play the role of the inspector and another volunteer to play the role of the child worker in *Scenario 1: Transportation*. Encourage those playing the role of inspector to review the Tool 3.5.1: *Guide for interviewing children* and Tool 3.5.3: *Assessing whether it is forced labor* to think about what questions would be useful to ask during the interview. Ask others to watch and take notes about three things that go well and three things that could be improved. Observers should pay attention to all aspects of the interview, including the interviewer's appearance, behavior, mannerisms, body language, types of questions asked, etc. The facilitator should pay particular attention to whether the participant playing the role of the inspector is asking questions that might put the child at risk of any harm, including retaliation or might retraumatize the child. After the first role play is finished, ask for comments and observations.

**[20 minutes (10 minutes for role play + 10 minutes for observations)]**

- » Repeat for *Scenario 2: Carpet factory*.  
**[20 minutes (10 minutes for role play + 10 minutes for observations)]**
- » Repeat for *Scenario 3: Sand mining*.  
**[20 minutes (10 minutes for role play + 10 minutes for observations)]**
- » Repeat for *Scenario 4: Brick kiln*.  
**[20 minutes (10 minutes for role play + 10 minutes for observations)]**
- » Wrap up with Q&A and key messages.  
**[5 minutes]**



### KEY MESSAGES:

- » Children being interviewed by an inspector might be scared and could try to conceal or distort information.
- » The most important thing to do when interviewing a child is to ensure their safety and put them at ease.
- » When trying to verify a child's age, in the absence of an official birth certificate, use other documentation such as school records to determine if the child is too young to be working. If there is no documentation, try and ask questions that indirectly provide clues.
- » Employers should be questioned to ensure that they have the proper systems in place to ensure that underage children are not employed.
- » Use open-ended questions when interviewing children. Consider interviewing them with their peers, since they may feel safer and more likely to open up in a group setting.
- » Interviewers should always cross check the information they receive for accuracy.
- » Situations of forced labor are one of the worst forms of child labor and should be dealt with immediately.

## Handout 3.5.1: Role play case scenarios

### SCENARIO 1: TRANSPORTATION

A boy who appears to be 11 or 12 years old is found collecting tickets on the local bus. Inspectors are aware that child labor is a problem in the city's transportation sector. An inspector is sent to investigate the situation.

CUT ALONG DOTTED LINE



### SCENARIO 2: CARPET FACTORY

Girls as young as nine years old have been seen moving in and out of an old building in town. The neighbors tell the local authorities that the building houses a small factory for producing carpets. The authorities ask someone from the labor office to check out the situation. The inspectors interview the children and the employer. Some of the girls say that they are forced to work overtime; work when sick or injured; and are not free to leave and go back to their homes in the village.

CUT ALONG DOTTED LINE



### SCENARIO 3: SAND MINING

It is well known that many children work down near the river hauling sand up the banks to sell to trucks who work for one of the big construction firms in town. The sand is used to make cement and other construction material. The children are various ages and it is unclear who employs them. The work is considered hazardous and the children should be in school. Therefore, the inspectors pay a visit to the site to speak to some of the children about their situation.

CUT ALONG DOTTED LINE



### SCENARIO 4: BRICK KILN

A local recruiter convinced a 14-year-old boy to leave his village and go work at a brick kiln near Kathmandu. He, along with other boys who look to be the same age, were given transportation to the kiln and they live together in a hut on the kiln's property. His employer has not yet paid him—saying that he must work off his transportation and housing debt before he can get paid.

## LESSON 3.6: CHILD LABOR MONITORING SYSTEMS

[30-60 minutes, longer with guest speakers]

### Objectives

To understand the importance of child labor monitoring (CLM) systems as tools in the fight against child labor.

To learn how CLM systems link the labor inspectorate with partners to increase observation of vulnerable children and provide follow-up support for children who are rescued.

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Child labor monitoring (CLM) systems are a critical tool in the fight against child labor as they extend the eyes and ears of the inspectorate through trained teams of local monitors who systematically observe places where children are likely to be found working. The idea behind CLM is to link the labor inspectorate with partners to increase observation of vulnerable children and provide follow-up support for children who are rescued. These systems are important because, while labor inspectors have the power to remove a child from the workplace when necessary, they must rely on those in the community to help identify where children are working and ensure that those rescued are connected with supportive services including food and shelter, education or skills development, health care and counseling, legal assistance, etc. Without this support, there is a good chance that a child rescued from an exploitive situation will likely return to the same workplace, or even enter a worse form of work. The process of CLM also includes a prevention component whereby employers and parents are provided with advice about the ill effects of child labor and educated about child labor laws and work-related hazards.<sup>55</sup>

Through multi-sector teams that are linked to labor inspectorates and to local governments, CLM can help locate and follow-up on children who are at risk of exploitative work and extend the scope of action against child labor to traditionally hard to reach areas and sectors of child labor such as the home-based workshops, farms, mines, bus stations, market places, and other more hidden or illicit areas of the economy such as organized begging, sex-work, etc. Child labor monitoring committees monitor workplaces in their community on a regular basis, often working



alongside labor inspectors. Typically, they are composed of community leaders, teachers, health workers, and family members, including children or adolescents who have been withdrawn from work. CLM requires a framework for regular sharing of information and should always be linked to and work through the labor inspection system as the main institution mandated to address child labor in the workplace.<sup>56</sup>

The following is a model framework that lays out the principle activities in both the monitoring and follow up phases that are necessary in order to have an effective CLM system.

#### Model framework for CLM activities<sup>57</sup>

PRINCIPLE ACTIVITIES OF THE MONITORING PHASE	
1. Identification and assessment	Girls and boys at work or in transit to work are identified.
2. Referral	If children are found, identified as child laborers, and assessed to be at serious risk, they are removed and referred to services corresponding to their needs via a network of service providers and agreed procedures.
3. Protection and prevention	The workplace is checked to see what types of work-related hazards exist and to which child laborers may be exposed, using a common set of tools.
4. Immediate data management and analysis	After the monitoring visit information is recorded and reported upon for appropriate action
PRINCIPLE ACTIVITIES IN THE FOLLOW-UP PHASE	
1. Tracking	Checking that girls and boys covered by CLM are attending school or have been provided other suitable alternatives.
2. Verification and quality control	Checking that the information from CLM is credible and accurate
3. Providing information for enforcement or laws	Making information about violations of laws related to child labor available for enforcement officials and the judiciary
4. Information dissemination and analysis	Actively disseminating information to the regional and national levels. Information is used to review and promote anti-child labor laws, policies, etc.

## Activity 3.6.1: Guest speaker who has experience working with child labor monitoring systems



### OBJECTIVE:

- » To understand how a child labor monitoring system operates and consider ways in which the inspectorate can be more involved in the system.



### TIME:

- » 60 minutes



### MATERIALS AND PREPARATION:

- » Guest speaker



### STEPS:

- » Explain to the participants the objectives of the exercise.

**[5 minutes]**

- » Introduce the guest speaker—note that the session will cover the following:
  - The process for establishing the CLM system
  - The actors involved
  - Labor inspectors' role
  - How the system works
  - Documents used such as checklists, questionnaires, etc.
  - Data collection and reporting system
  - Lessons learned
  - Best practices

**[5 minutes]**

- » Presentation from guest speaker

**[25 minutes]**

- » Encourage questions and comments from participants

**[20 minutes]**

- » Wrap up with key messages.

[5 minutes]



### KEY MESSAGES:

- » Child labor easily reoccurs if a system of regular surveillance is not in place.
- » CLM systems are designed to support the labor inspectorate and are very useful ways of periodically checking places where child labor may be found and then launching action in line with the age and needs of the child.
- » CLM consists of three main actions:
  1. Directly observe on a regularly repeated basis to identify child laborers and, in the case of children of legal working age, to see if they are working in hazardous conditions.
  2. Referral of cases to the labor inspectorate or other authority (police, etc.) and referral of the child to the appropriate services (school, social welfare, vocational training, etc.) so that they can take the appropriate action in line with the previously-agreed plan.
  3. Record the action taken for reporting purposes and follow-up.
- » CLM is a good way to keep an eye on workplaces in the informal economy, such as shops, fields, streets, home-based workshops, and services—all areas which are difficult for the inspectorate to reach or cover adequately.

## Activity 3.6.2: Guest speaker to discuss the hotline used to report complaints about child exploitation



### OBJECTIVE:

- » To understand how the child protection hotline system in Nepal works and consider ways in which the inspectorate can utilize the system to identify cases of child labor.



### TIME:

- » 60 minutes



### MATERIALS AND PREPARATION:

- » Guest speaker to discuss the hotline in Nepal that is used to report cases of child abuse and exploitation.



### STEPS:

- » Explain to the participants the objectives of the exercise.  
[5 minutes]
- » Speaker will describe how the hotline functions, including:
  - How it was developed
  - Who it is operated by
  - Typical types of complaints received by the hotline
  - What the process is for responding to a complaint
  - How labor inspectors can be more involved
  - Data collection and management
  - Lessons learned
  - Best practices
 [5 minutes]
- » Presentation from guest speaker  
[25 minutes]

- » Encourage questions and comments from participants

**[20 minutes]**

- » Wrap up with key messages.

**[5 minutes]**



### **KEY MESSAGES:**

- » CWIN's helpline system entered a new phase with the installation of toll free number.
- » The Ministry of Women, Children, and Social Welfare, Nepal Telecom, and the Nepal Telecommunications Corporation all jointly own the Child Helpline with its toll-free number 1098.
- » The helplines in Kathmandu, Biratnagar, Pokhara, Hetauda, and Nepalgunj will now all have the same number and CWIN plans to expand the Child Helpline into other parts of the country.
- » CWIN helped develop regulations for running Child Helpline in collaboration with the Ministry of Women, Children, and Social Welfare.

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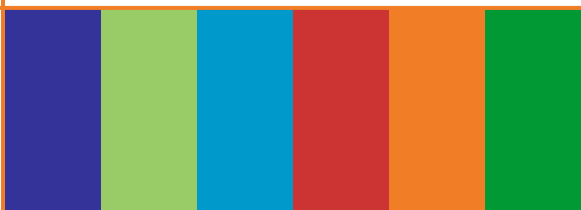


NEPAL

# LABOR INSPECTION TRAINING ON CHILD LABOR



## **MODULE 4:** ELIMINATING CHILD LABOR





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## INTRODUCTION TO MODULE 4

Module 4 of this Labor Inspection Training on Child Labor focuses on how labor inspectors can eliminate child labor after it has been identified. The Module includes information to help inspectors decide on an enforcement strategy and whether to use a compliance versus a deterrence approach; conduct task mapping and risk analysis; create action plans; conduct rescue operations to remove children from the workplace; and plan for the rehabilitation, reintegration, and monitoring of child laborers. The Module also includes three interactive exercises to help trainees apply lessons learned to real-life situations. The information in Module 4 builds on that presented in Module 3 on how to identify child labor, and sets the stage for Module 5 on how labor inspectors can better prevent child labor.

# LESSON 4.1: DECIDING ON THE APPROPRIATE ACTION

[45 minutes]

## Objective

To learn methods to address noncompliance with child labor laws, including task mapping and job risk analysis; deterrence versus compliance-oriented approaches to enforcement; creation of action plans, issuing fines, and recommending cases for prosecution.

Labor inspectors have a variety of options to choose from when determining how best to address child labor cases. If children are at risk of imminent harm then plans should be made to remove them from the workplace immediately. However, in some cases removal may not be the best option, particularly if there is no safe place to take the child. In those instances, the inspector should determine if the employer is willing and able to make changes to ensure the child's wellbeing. The sections below will help labor inspectors understand the motivations of employers and tailor a response that is in the best interest of the child.

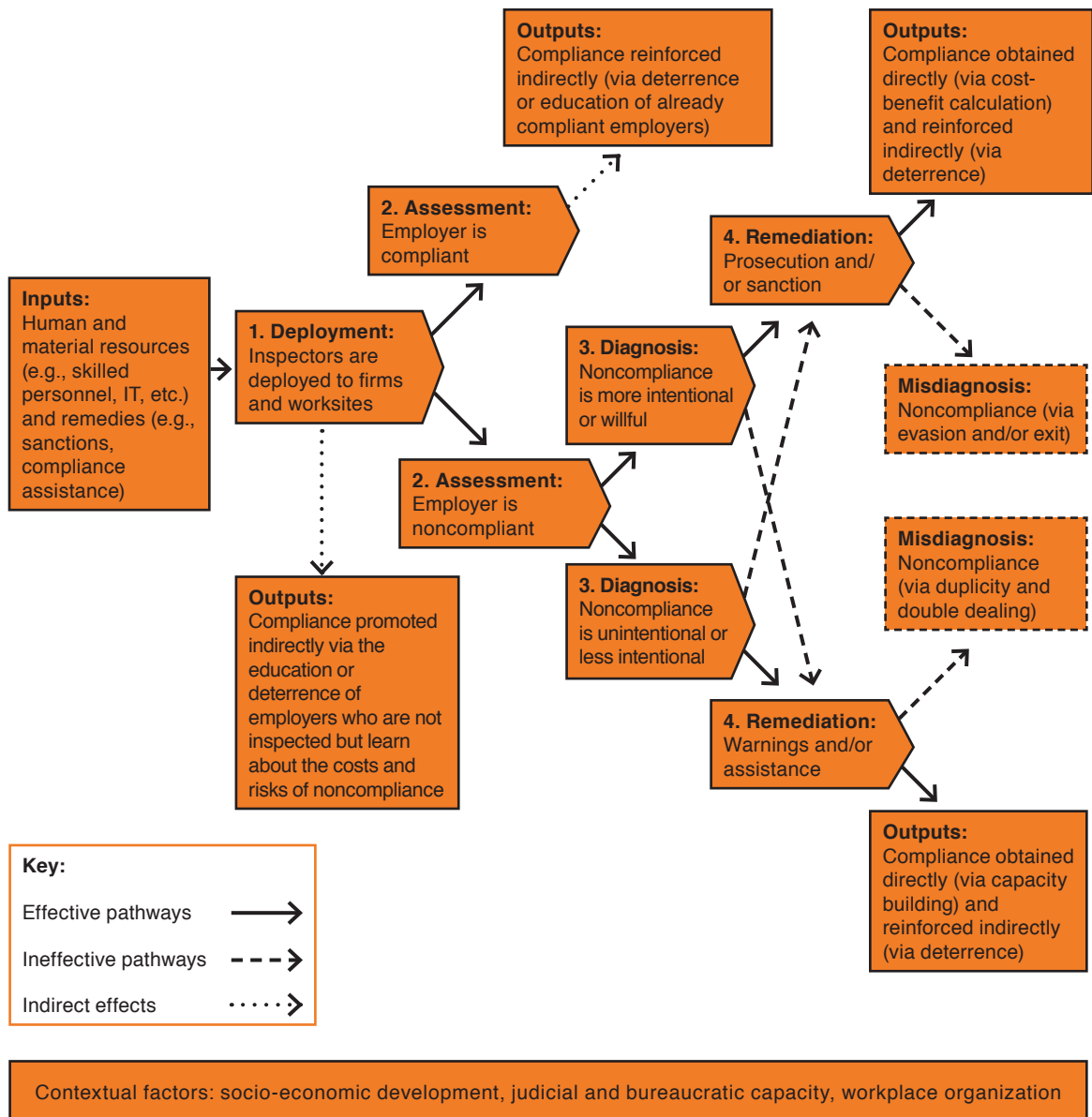
## METHODS FOR ADDRESSING NONCOMPLIANCE

The reasons for noncompliance with child labor laws are wide-ranging, thus when deciding upon an enforcement strategy it is important to know what is motivating the noncompliance and then tailor the strategy to that situation. Essentially, noncompliance can be addressed in three different ways:

1. Focus on prevention efforts by disseminating knowledge and deterring violations.
2. Invoke sanctions (or the threat of sanctions) to raise the cost of violations.
3. Provide advice and capacity building to businesses to decrease violations.<sup>1</sup>

The flowchart below illustrates the importance of connecting enforcement inputs and activities to compliance outcomes.

### Logic model connecting enforcement inputs and activities to compliance outcomes<sup>2</sup>



Once a case of child labor is identified, it is not always immediately clear what approach should be taken. In some cases, sanctions for the employer and referral to the prosecutor for legal action are appropriate. In others advice and counseling might be more effective. It is important to understand the employer's motivation for hiring children, the children's motivation for working, and the community's views on child labor. Some important questions to help determine an approach are:

- » Who actually employs the children and have they been previously warned not to hire child laborers?
- » Is the employer cooperative, indifferent, or hostile?
- » Is the lack of cooperation due to deliberate exploitation, fear of unfair competition or lack of information?
- » Is there a way to persuade the employer to commit to stop hiring children such as more time to comply, removing the youngest children, etc.?
- » If the employer threatens to close the factory if forced to replace children by adults—is he bluffing? And, if the enterprise is closed will it be a serious loss to the community?
- » Does the community understand and accept the legal and ethical case against child labor and understand the reasons for changing attitudes and social tradition? If not, will parents collude with employers to ensure that employment of children continues?
- » Is the best action to engage in public awareness raising, media campaigns, and personal approaches to explain the concern, change local society's perception of child labor, gain its trust, and build confidence?
- » Do the children feel a sense of economic responsibility to the family?
- » Is the work the child is doing the only way to prepare to take over the family farm or business or gain a special skill?
- » Is the work necessary to legitimize children's place in society?
- » Does the work discriminate based on gender, particular ethnic or religious group, or caste?
- » Will taking action have a long-term deterrent effect by raising awareness, scaring others who employ children, and influencing thinking?<sup>3</sup>

## LESSON 4.2: TASK MAPPING AND JOB RISK ANALYSIS

[45 minutes]

### Objective

To determine whether specific tasks are hazardous and inappropriate for children, and design labor intervention strategies for preventing long-term harm.

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Task mapping can also be a useful way of deciding what action would be most effective. The goals of task mapping are to:<sup>4</sup>

- » Determine specific tasks and activities in the production process that are hazardous and not appropriate for children and/or youth to perform
- » Determine if there are age- and task- appropriate activities in the production process that are not hazardous for children and youth to perform and the conditions under which they would not be hazardous
- » Map the tasks and activities performed by children and youth in a particular job or industry sector
- » Identify problems that result from performing these tasks and activities
- » Identify areas where worker safety interventions and education could be applied to prevent long-term harm to children and youth if they perform such work-related activities

The results of task mapping and a job risk analysis can assist in:<sup>5</sup>

1. Designing child labor intervention strategies in a specific industry or work sector
2. Monitoring children and youth's engagement in hazardous work activities in a particular industry or sector
3. Developing materials and teaching tools

Gathering this type of information will help inspectors to determine an appropriate response. For example, if the child is permitted to work and is not engaged in hazardous activities, but some conditions such as sufficient breaks or adequate safety precautions are not being met, the inspector may opt to provide advice and

counsel to the employer and issue an order for improvement. This will help to encourage the employer to make the changes necessary to create a safe and healthy work situation for the child. Follow-up should be done to make sure that the employer did not revert to the old bad practices and is committed to the child's wellbeing.

On the other hand, if the child is underage, employed in hazardous work, or engaged in one of the worst forms of child labor then the inspector should make a rescue plan to remove the child from the situation as quickly as possible, and take measures against the employer that are commensurate with the situation. For example, in some instances, fining the employer a sufficient amount could deter them from breaking the law again. However, in the most serious situations such as trafficking, slavery, prostitution, pornography, sexual or physical abuse, and other criminal acts, the inspector should gather evidence and refer the case to the police and justice officials for prosecution.

#### **COMPLIANCE VS. DETERRENCE APPROACHES—CARROTS VS. STICKS**



Compliance and deterrence strategies both have strengths and drawbacks. The challenge is to develop enforcement strategies that punish the worst offenders, while at the same time encouraging and helping employers to comply voluntarily.

## LESSON 4.3: COMPLIANCE-ORIENTED APPROACHES

[45 minutes]

### Objective

To understand the benefits and disadvantages of offering advice and suggestions to noncompliant employers rather than fines and punishment.



While carrying out their daily duties, labor inspectors are exposed to a wide variety of business practices. This experience makes them well-suited to play the role of consultant who **imparts knowledge** about legal obligations and **offers advice and suggestions** for improving workplace conditions. Providing advice and technical information to employers is a good way to promote compliance with child labor laws. Using collaboration and persuasion rather than punishment allows inspectors to help employers adapt work systems to better meet production demands while at the same time redressing compliance problems. Compliance-oriented approaches are best applied when the child is not in imminent danger and the employer is open to suggestions for improvement.

### ACTION PLANS



One way inspectors can help employers comply with the law is to assist them in developing action plans. Action plans are a good tool for following up to see if anything has been done as a result of the inspection. Plans should outline the steps needed to achieve greater compliance. The general format of an action plan should include realistic targets and expectations that are based on evidence obtained during the inspection and the capacity of the organization to respond to fresh requirements. Action plans should typically include:

- » A description of milestones and deadlines for achieving tasks
- » A description of the roles of stakeholders (i.e., expectations of employers and inspectors)
- » For employers and workers, details of where to access necessary information to help achieve compliance<sup>6</sup>



Action plans can also help inspectors follow up to ensure that offenses are not repeated. The use of action plans can provide an audit trail which will help to ensure accountability for those organizations under investigation. Before deciding on the details of the action plan, inspectors must consider what action they wish the employer to take and why, and it should be made clear to the employer that failure to comply with the action plan may lead to a more severe sanction. It is critical then that inspectors actually follow-up with the employer to ensure that suggested improvements were made, and if the situation has not improved the employer should be penalized.

**Potential positive effects of a compliance-oriented approach<sup>7</sup>**

- » Advice and guidance helps employers better understand their obligations and can lead to less unintended violations.
- » Employers might feel supported by the state and its agencies, leading to high levels of trust.
- » Inspectors can work as problem solvers rather than strict enforcers.

**The impact of a compliance approach will be less if:**

- » There is no real threat of enforcement. Those with no interest in complying voluntarily will ignore standards.
- » People feel that others are 'getting away with it' and consequently have an unfair advantage. This tends to weaken one's own commitment to respecting standards.
- » Inspectors do not provide sufficient information and practical support to help businesses understand their obligations and ensure that they meet them.
- » It is generally believed that undeclared employment is acceptable and payment of taxation does not provide any real benefits.<sup>8</sup>

## LESSON 4.4: DETERRENCE— CONFRONTATIONAL AND ADVERSARIAL APPROACHES

[60 minutes]

### Objective

To understand the benefits and disadvantages of using punitive approaches to enforcement including fines and prosecution.



This strategy emphasizes detecting violations and penalizing those responsible. In some countries inspectorates have organized intensive inspections in a particular sector or locality where violations are known to be widespread and where the consequences are particularly serious (e.g., where child labor or forced labor is employed). When those violating the law believe there is a high probability of being detected, they will be less likely to offend. The deterrence approach requires that effective sanctions be applied. If rulebreakers are detected and subjected to sufficiently severe punishments, then they will choose not to offend again in the future, and when word gets out, the threat of punishment will encourage compliance among others. But for sanctions to act as a deterrent, the penalties enacted must be sufficiently strong.

*Benefits of a deterrence-oriented approach:*

- » Punishing noncompliant employers may cause them to come into compliance and remain so in the future.
- » Punishment serves as a warning to others and encourages them to meet the required standards.
- » Punishment reinforces the belief that the system is fair and those who do not 'play by the rules' will not get away with it.

*The impact of a deterrence approach will be less if:*

- » Employers think there is a low chance of violations being detected.
- » Fines are small and easily affordable.

- » Routine inspections take place but enforcement is lacking.
- » Employers are not deliberately ignoring standards but simply do not understand them.
- » The penalties that result from minor transgressions, particularly those that have occurred through ignorance rather than deliberate noncompliance, are excessive. This might lead otherwise compliant employers to perceive the system as unfair.<sup>9</sup>

## ISSUING FINES

Sometimes, particularly in the case of repeat offenders, monetary sanctions are the best way to promote compliance. In Nepal, those who violate child labor laws can be fined up to 50,000 Rs.<sup>10</sup> Depending on the size of the operation, this financial penalty may be sufficient to deter further violations. However, if the firm is large this amount will not likely be an effective deterrent against the exploitation of children since the cost of the fine would be less than the benefits derived from child labor. Owners of large firms may simply elect to pay the fine and continue with business as usual. In that case a different approach would be necessary, such as a recommendation for prosecution.

## Recommending cases for prosecution

Prosecutions should only be initiated/continued where there is sufficient admissible, relevant, and reliable evidence that indicates that the law has been violated. When deciding whether to pursue prosecution of an employer, it is helpful to have the following items on file:

- » The signed and dated inspector's report noting relevant legislation filed within the time prescribed by Sections 20(2) of the Child Labor (Prohibition and Regulation) Act
- » Discussion of how the evidence supports the finding
- » The date of any offense(s)
- » Copies of any complaints
- » Copies of all correspondence between inspectorate and employer (notes of telephone calls, copies of emails, etc.)
- » Calculation of any unpaid wages

- » Statements taken of any employees the inspector interviewed
- » Evidence that children were employed such as payslips, or employer records<sup>11</sup>



According to laws and regulations on child labor in Nepal, those who violate child labor laws may be imprisoned for up to one year. In deciding whether to pursue prosecution one should consider, the seriousness of the alleged offenses (the most serious offenses should be prioritized), the quality of the evidence available for each offense, and the willingness of witnesses to testify or provide evidence.<sup>12</sup>

The threat of imprisonment may motivate bad actors to come into compliance with the law and can also work to deter others from behaving similarly. In order for fines and threats of imprisonment to act as deterrents, inspectors must exercise their powers in a transparent and fair manner with clear guidelines on which types of violations trigger certain penalties. Such guidelines can be developed as part of the inspectorate's strategic planning process. If a decision to prosecute is made, "the inspectorate should then recommend the charges to be included on the summons, focusing on how to bring the case against the employer in a clear and simple fashion, based on the strength of evidence available."<sup>13</sup>

## Exercise 4.4.1: Deciding on an enforcement strategy



### OBJECTIVE:

- » To determine what type of action is appropriate once child labor is identified.



### TIME:

- » 60 minutes



### MATERIALS AND PREPARATION:

- » Flipcharts and markers for each small group
- » Copies for each small group of Handout 4.4.1: *Deciding on an enforcement strategy*



### STEPS:

- » Explain to the participants the objectives of the exercise.

**[5 minutes]**

- » Ask the following questions:

1. Why is it important to understand the employer's motivation for hiring children? Should it make a difference in how an inspector approaches the problem?
2. When is it appropriate to simply provide advice to an employer on how to comply with the law? When is it appropriate to issue sanctions? When is it appropriate to recommend the case for prosecution?

**[10 minutes]**

- » Divide participants into small groups of 4-5 people. Distribute copies of Handout 4.4.1 to each group and ask them to read the case study and answer each of the questions.

**[20 minutes]**

- » Reconvene and ask each group to share their answers to the questions. Encourage questions and comments.

**[20 minutes]**

**Alternatively:** Groups may instead present their answers in a role play – with some participants playing the roles of children or managers in the case study and others playing the roles of inspectors who are seeking answers to the questions.

- » Wrap up with Q&A and key messages.

**[5 minutes]**



### **KEY MESSAGES:**

- » There are many different reasons that employers choose to hire children.
- » An effective enforcement strategy requires that inspectors understand why the employer is out of compliance with the law. It is also important to understand the child's motivation for working.
- » Part of an enforcement strategy should be identifying areas where worker safety interventions and education could be applied to prevent long-term harm to children at the workplace.
- » Enforcement strategies should punish the worst offenders, while at the same time encouraging and helping employers to comply voluntarily.

## Handout 4.4.1: Case study–Deciding on an enforcement strategy

### SCENARIO 1

Your office receives a call from someone who tells you that there are children working in a brick kiln just outside of Kathmandu. You decide to go and inspect the kiln to see if the allegations are true. On your first visit, you see children molding bricks by hand, then carrying them over to place them in rows to dry in the sun. You also witness some children preparing mud for clay for the next day and others stacking bricks. You ask the supervisor about the children. He assures you that he does not hire children to work, however he states that many of them come to the kiln with their parents and are bored or want to help their families. He tells you he did not think it was a problem for kids to “help out” as long as they are not involved in firing the bricks. It is the middle of the day when school is in session, and the children appear very tired and worn out.

#### Questions:

1. What questions would you ask to determine the supervisor’s motivations for having children working in the kilns?
2. Who else would you interview while at the kiln and what types of questions would you ask?
3. What would you do if some of the children seem afraid to speak with you? How can you make them more comfortable?
4. What type of information will you try to gather to determine the best action to take?
5. What action will you take? Would you try to provide advice and educate the employer about the laws regarding children and hazardous work? Issue a warning? Issue a fine? Remove the children? Call the police? Refer the case to a public prosecutor for legal action? Explain why you think your action is the best one to take.





## SCENARIO 2

You return to the kiln one month later to follow up and see if the situation has improved. You find that nothing has changed and there are as many children working at the kiln as there were the first time you visited.

### Questions:

1. What action will you take this time?
2. You receive information that the employer has been fined before, but the amount he was required to pay was so low that he would rather pay them than comply with the law. Given this information, what actions will you take? Explain why you think your action is the best one to take.

## LESSON 4.5: REMOVING CHILDREN FROM THE WORKPLACE

[60 minutes]

### Objectives

To learn how to plan for rescue and removal of child laborers, keeping in mind the goal of rehabilitation and social reintegration of the rescued child.

To discuss best practices for collecting and verifying information; coordinating with stakeholders; preparing a rescue action plan; creating a rescue team; orientating for team members; and conducting the rescue operation.

In situations where a child's health, safety, or wellbeing is clearly being compromised at the workplace, they must be removed as quickly as possible. For example, child laborers working in the following conditions must be rescued immediately:

- » Children who are subjected to sexual abuse or rape
- » Children who are beaten or subjected to treatment resulting in physical or mental harm/injury
- » Children who are suffering from serious illness and not being treated
- » Children forced to work under bonded conditions
- » Children engaging in sexual acts or the sex trade
- » Children who have been trafficked or are at high risk of being trafficked
- » Children engaged in work that could have a serious impact on their health

All plans for rescue and removal should be formulated keeping in mind the goal of rehabilitation and social reintegration of the rescued child. Rescue-related activities can be divided into two stages: pre-rescue tasks to facilitate an effective operation, and the actual rescue. Some of the key steps are the following:<sup>14</sup>

1. Collecting and verifying Information

Information from a primary source, such as a child laborer or relative of a child laborer can be the basis for planning a rescue operation. Secondary sources, such as information available from NGOs, can also be used to identify hotspots or clusters of child labor for planning rescue operations.

As soon as the inspectorate is informed of a possible child labor situation, they should attempt to verify the situation within 72 hours, so that prompt action that is in the best interest of the child may be taken. After verification, the responsible authority should ensure that logistical, financial, and other arrangements that are necessary for the rescue and post-rescue operations, are in place.

2. Coordination with relevant stakeholders

While the labor inspectorate will likely lead the rescue operation—other relevant organizations such as the police and social service organizations should be consulted to develop a post-rescue plan for the rescued children. The responsible authority should ensure that all the relevant government departments that can provide care and protection for the child post-rescue are involved in the planning.

3. Preparation of the rescue operation plan

Prior to carrying out a rescue operation, the inspectorate should develop a plan of action to ensure that the rescue is safe and does not inflict additional trauma on the children. The plan should detail the division of work and assign tasks to relevant actors. The rescue team should prepare a map of the rescue area that marks out where child laborers are likely to be found and identifies spots which may be potentially dangerous for the child. Those involved in the planning of the operation should ensure that the rescue plans remain secret and confidential.

4. Creation of the rescue team

The rescue team assigned to carry out the operation might comprise members from the following organizations:

- Department of Labor
- Police (including female police/volunteers when rescuing girls)
- Local government officials
- Child welfare/social welfare officers
- NGOs
- Trade unions
- Doctors/paramedics
- District bar association/legal aid

The actual number of team members will be determined by estimated number of children to be rescued, the geographic area of operation, and other relevant factors.

5. Orientation of all members to be involved in the rescue operation

Once a plan is in place, a basic orientation should be provided to all team members involved in the rescue operation. The orientation should include:

- A briefing on relevant laws applicable to child labor.
- Clear articulation of roles for all those involved in the rescue operation.
- A briefing on the different strategies adopted by employers to avoid detection.
- Since the actual rescue operations may be traumatic for the child, members of the rescue team should be sensitized regarding how to deal with such children; the use of appropriate language; how to adopt child sensitive and friendly behavior; and how to avoid treating the child as an offender. As these children have been rescued from an exploitative situation, they need to be reassured about the benefits of the rescue operation that will be available to them.

6. Rescue operations<sup>15</sup>

The following procedures can help to ensure that the rescue operation is conducted in a child-friendly manner and does not retraumatize the children:

- The rescue plan and operation must remain confidential until after it is fully carried out and the children involved are in a safe place.
- Strategic placement of rescue team members in pre-planned locations, to prevent the employer from relocating the children and evading detection.
- Police personnel, including female officers, shall accompany the rescue team wherever possible.
- During the rescue, employers should be separated from children to ensure that they do not threaten the children or persuade them to lie to officials.
- Members of the rescue team should be assigned the task of collecting evidence including statements from the children and the employer, material that helps to determine the status and age of the child, photographs of the premises, and any other documents that facilitate effective prosecution, such as:

- i. Child's personnel records
  - ii. Birth certificate
  - iii. List of workers and hiring rates
  - iv. Employment contracts
  - v. Daily time records/timesheets
  - vi. Payroll information
  - vii. Production records if paid by results
  - viii. Business permit/license/registration
  - ix. Accident reports
  - x. Medical records
- Rescued children must be treated humanely at all times, and their personal belongings should be collected, listed, and kept in safe custody.
  - When appropriate, a trained counselor and doctor or paramedic with a first aid kit, should be included in the team.
  - The rescue team must ensure that the details revealing the identity of the children rescued are not divulged to the media so that provisions of the law regarding confidentiality are not violated. A draft model press note should be kept ready and should be completed and issued after the rescue operation.
  - Arrangements for transportation, shelter and food for the rescued children should be made in advance whenever possible.
7. After the rescue
- Details of each child must be included in the follow-up report.
  - After the rescue operation is carried out, it must be determined which competent authority will be charged with taking all future actions and decisions regarding the rescued children.
  - When applicable, labor ministry officials are responsible for lodging a report of the cognizable offense under the appropriate criminal law, and for determining if the business operation should be closed to ensure against future violations.

## Exercise 4.5.1: Rescue and removal of child laborers from the workplace



### OBJECTIVES:

- » To understand how to plan for a child labor rescue operation.
- » To ensure that participants will prioritize what is in the best interest of the child when removing them from the workplace.



### TIME:

- » 90 minutes



### MATERIALS AND PREPARATION:

- » Flipcharts and markers for each group
- » Copies of Handout 4.5.1: *Planning for rescue operations* Scenario 1 for half of the groups, and Scenario 2 for the other half.



### STEPS:

- » Explain to the participants the objectives of the exercise.

**[5 minutes]**

- » Ask for volunteers to answer the following questions:

1. What does “acting in the best interest of the child” mean?

**Note:** After eliciting responses from participants, the facilitator should supplement with the following:

*The term “best interests” broadly describes the wellbeing of a child. Such wellbeing is determined by a variety of individual circumstances, such as the age, gender, level of maturity, the presence or absence of parents, the environment, and the child’s past experiences. Any decisions should be made with the ultimate goal of fostering and encouraging the child’s happiness, security, physical and mental health, and emotional development.*

**[10 minutes]**



2. What are some methods that can be used during a rescue operation to ensure that the child's best interest is taken into consideration?

**Note:** After eliciting responses from participants, the facilitator should supplement with the following:

- *In all cases, rescued children should be given an opportunity to express their views and be heard. This ensures that their views are given proper consideration, taking into account their age, maturity, and capacities.*
- *If possible, police officers involved in the rescue should not be in uniform to avoid frightening the children.*
- *Threatening language should not be used with the child.*
- *Female officials should be employed to approach girl child laborers.*
- *Sweets, food, or soft drinks may be given to the child to build rapport.*
- *Information may be sought from neighbors or nearby shops as to parents/guardian of the child so that they may be contacted.*
- *Information should be shared with the child about where they are being taken post-rescue and what they can expect to happen in the following days.*
- *A safe and protective environment should be provided immediately post-rescue, and counselling needs for the child should be identified.*

**[10 minutes]**

- » Divide participants into small groups of 4-5 people and distribute Scenario 1 from Handout 4.5.1 to half of the groups, and Scenario 2 to the other half. Ask each group to read their scenario and develop a rescue plan taking into consideration the questions in the handout.

**[30 minutes]**

- » Reconvene the participants and ask each group to report back their results. Encourage questions and comments from other groups.

**[30 minutes]**

- » Wrap up with Q&A and key messages.

**[5 minutes]**





### KEY MESSAGES:

- » Children often depend upon adults for the realization of their rights and it is essential that that we do whatever we can to ensure their protection.
- » When a child's health, safety, or wellbeing is compromised at the workplace, they must be removed as quickly as possible.
- » What is in the child's best interest will vary depending on the age, gender, and maturity of the child, as well as the proximity of parents or caretakers and other environmental factors.
- » It is important to have a well-thought-out plan prior to conducting the rescue operation with defined tasks for team members who are well briefed and sensitized regarding the situation.
- » Arrangements for post-rescue transportation, shelter, food, and medical care should be made in advance.
- » Evidence should be collected, documented, and preserved for future action.

## Handout 4.5.1: Planning for rescue operations

### SCENARIO 1: DOMESTIC WORKERS

A 10-year-old child works as a maid for a family in town. People in the neighborhood have notified the inspectorate that the girl never goes to school, often looks tired and undernourished and may have been beaten by the family. When the inspector visits the house, the family says she is not there. The inspector suspects that the family has hidden her so that she cannot be interviewed.

Create a rescue plan for this child that considers the following:

- » What information needs to be gathered prior to the rescue operation?
- » Who should be part of the rescue team and what tasks will be assigned to the different team members?
- » What logistical arrangements are needed (for example transportation, shelter, food, medical care, etc.)?
- » How will the safety of the child be ensured during the operation?
- » What type of evidence will be gathered to support future action against the family if needed?
- » What are possible complications that could occur and how will they be dealt with?



## SCENARIO 2: ZARI FACTORY WORKERS

Boys as young as nine years old have been seen moving in and out of an old building in town. The neighbors tell the inspectorate that inside the building is a small zari factory, and the owners will likely move their operations overnight if they suspect a raid by the authorities.

Create a rescue plan for these children that considers the following:

- » What information needs to be gathered prior to the rescue operation?
- » Who should be part of the rescue team and what tasks will be assigned to the different team members?
- » What logistical arrangements are needed (for example transportation, shelter, food, medical care, etc.)?
- » How will the safety of the children be ensured during the operation?
- » What are some possible complications and how will they be dealt with?

## LESSON 4.6: REHABILITATION, REINTEGRATION, AND MONITORING

[60 minutes]

### Objective

To learn best practices for conducting assessment of child laborers and their families; filing an incident report; ensuring rehabilitation needs are met; and monitoring and follow-up.

Once children are removed from the workplace it is important that they have a safe place to go where their immediate needs such as safe shelter, food, health care, and counseling are addressed. In some cases, it may be best to return the child directly to their family, however in other cases this may not be the best option, and other services may be needed. It is not the responsibility of inspectors to provide these services, but there must be a referral or link made with programs and agencies that can do so. Once the children are referred to social services, there should be follow-up to verify that they are participating in the services they were referred to and have not simply moved to another line of dangerous work. Similarly, in the case of legal action, the cases need to be tracked to see if action is being taken. This is important because if citations are not prosecuted and penalties are not imposed, there is little incentive for employers to comply. The main goal with any of these actions is that the child is better off as a result of being removed, rehabilitated, or prevented from working.<sup>16</sup>

### ASSESSMENT OF CHILD LABORERS AND THEIR FAMILIES

After the rescue of a child, an **incident report** must be prepared that reflects information gathered from the child, family members, staff members, community members, the employer and anyone else who can provide details about the situation.<sup>17</sup> The report should include the following:

- » The rescue date
- » Information about the child including: name, age, gender, and address
- » Information about the family including: names of parents or guardians, their address/phone number, and their occupation

- » Brief description of the rescue operation
- » Details about the child's employer including:
  - type of business
  - names of managers
  - type of work the child was performing
  - number of hours the child worked per day and number of days worked per week
  - rest breaks
  - salary
  - holidays
  - details about the work premise (cleanliness, drinking water, ventilation, light, temperature, food facilities, etc.)
  - details about conditions of work including punishments, violence, labor exploitation, sexual abuse, etc.
- » A description of the child's physical and mental condition upon rescue
- » Plan for connecting the child with assistance and needed services
- » Penalty levied against the employer, and plan for prosecution
- » Description of evidence and attached documents

Accurate documentation and report writing is extremely important and often plays a vital role in deciding the outcome of a legal case – which can range from a basic caution to a court prosecution. Therefore, inspectors should be rigorous and thorough when documenting inspection findings, and details should be recorded as soon as possible after the inspection has taken place (ideally within one day). It is also critical that inspectors develop good file management protocols so that all files are maintained in a consistent manner and can be utilized in any future cases involving the same employer. All records and documents should be complete and up-to-date, filed in a timely fashion, and stored in a secure manner to maintain confidentiality.

## REHABILITATION

Rehabilitation activities may include:

- » Health care
- » Counselling, particularly for children who have been exposed to traumatic situations

- » Legal aid
- » Assistance with re-entry into school including provision of school supplies, and help with fees
- » Vocational training for older children
- » Income support programs for those in extreme poverty, who may lack of food, or other basic necessities post-rescue<sup>18</sup>

## MONITORING AND FOLLOW-UP

Soon after the rescue, a physical and psychosocial checkup for the child should be scheduled, and an assessment of the risk or vulnerability of the children should be conducted and communicated to those taking charge of the children. Subsequently, rescued children should be monitored and followed up with every six months for up to two years, to ensure that they are receiving the services that they need and do not return to performing work that is damaging to their physical and emotional wellbeing.

Monitoring and follow-up is not the role of the Ministry of Labor, however the inspectorate should ensure that the appropriate organizations, such as the District Child Welfare Committee and other service providers, will assist the rescued children and monitor their progress. Questions to consider when assessing what follow-up is necessary include:

- » Will the child reside in adequate shelter that is physically safe?
- » Will the child have access to food that is similar in quality and quantity as the other members of the community?
- » Will the child receive medical care to detect and treat any conditions resulting from the employment?
- » Will the child receive sufficient legal support, if needed?
- » Will the child attend school, vocational training, or other non-formal education?
- » If the child is legally old enough to work, will they be working in a legal/safe/nonhazardous environment?
- » Does that child have a supportive family or caretaker?
- » Is the child at risk of being re-exploited?



## Exercise 4.6.1: Planning for rehabilitation and reintegration



### OBJECTIVE:

- » To consider the roles and responsibilities of different actors in the rehabilitation and reintegration of rescued children.



### TIME:

- » 90 minutes



### MATERIALS AND PREPARATION:

- » Flipchart and markers for each group
- » Copies for each group of Handout 4.6.1: *Plan for post-rescue assistance to child laborers*



### STEPS:

- » Explain to the participants the objectives of the exercise.

**[5 minutes]**

- » Discuss the importance of post-rescue plans that consider children's immediate and long-term needs. While labor inspectors are not in the position to address most of these needs, it is important that a plan is in place to ensure their safety and wellbeing. Relevant government agencies, workers and employer groups, international and national NGOs, and other members of civil society can take on various roles to minimize children's vulnerability post-rescue. This exercise will get participants to focus on the roles and responsibilities of the different stakeholders who can help protect victims of child labor.

**[5 minutes]**

- » Ask for volunteers to answer the following questions. The facilitator should write the answers on a flipchart at the front of the room:
  - What are the immediate needs of children who have been rescued from child labor situations?
  - What are the long-term needs of these children?

**[5 minutes]**



- » Divide participants into groups and distribute a copy of Handout 4.6.1 to each group. Ask the groups to replicate the table on the handout onto their flipchart. Taking into consideration the immediate and long-term needs of children rescued from child labor, discuss which government agencies, worker and employer organizations, NGOs, civil society organizations, and other organizations will play a role in ensuring the wellbeing of these children. Record the answers in the appropriate sections of the table on the flipchart.

**[30 minutes]**

- » Reconvene the participants and ask each group to report back their results. Encourage questions and comments from other groups.

**[40 minutes]**

- » Wrap up with Q&A and key messages.

**[5 minutes]**



### **KEY MESSAGES:**

- » The best interests of the child should always be the primary consideration when making any post-rescue plans.
- » Once children are removed from the workplace it is important that they have a safe place to go where their immediate needs such as safe shelter, food, health care, and counseling are addressed.
- » Longer-term needs should also be addressed by coordinating with appropriate governmental and nongovernmental organizations that can provide the child with support.
- » Following up with the children who have been rescued is critical to ensure that they do not re-enter work that is harmful to them.
- » Rigorous and accurate reporting is critical for follow-up on the children as well as the employer, to make sure they do not re-offend.

## Handout 4.6.1: Plan for post-rescue assistance to child laborers

NEED	REQUIRED?		AGENCY/ORGANIZATION/ INDIVIDUAL RESPONSIBLE
	YES	NO	
Short-term housing			
Long-term housing			
Nutritional support			
Medical care			
Psycho-social support			
Enrollment in school			
Enrollment in non-formal education			
Enrollment in vocational program			
Legal assistance			
Livelihoods assistance			
Family reunification			
Follow up by social worker			
Other support			

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NEPAL

# LABOR INSPECTION TRAINING ON CHILD LABOR



## **MODULE 5:** PREVENTING CHILD LABOR



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## INTRODUCTION TO MODULE 5

Module 5 of this Labor Inspection Training on Child Labor focuses on how labor inspectors can prevent child labor. The Module includes information to help inspectors understand the importance of prevention efforts; better conduct outreach and awareness raising on the issue of child labor; promote the formalization of businesses operating in the informal economy; and promote corporate social responsibility and self-regulation in the private sector. The Module also includes three interactive exercises to help trainees apply lessons learned to real-life situations. The information in Module 5 builds on that presented in Modules 3 and 4 on how labor inspectors can better identify and eliminate child labor.



# LESSON 5.1: THE IMPORTANCE OF FOCUSING ON PREVENTION

[30 minutes]

## Objective

To understand the importance of inspectors finding ways to move beyond their traditional role as enforcers of the law and take a more advisory approach that focuses on prevention and stopping the problem of child labor before it begins.

As mentioned earlier, labor inspectorates cannot compel compliance with child labor laws by deterrence-oriented approaches alone. They must find ways of moving beyond their traditional role as enforcers of the law and take a more advisory approach that focuses on prevention and stopping the problem of child labor before it begins. Child labor has deep cultural, social, and economic roots that have granted it legitimacy and invisibility as a form of exploitation. In these cases, the struggle against child labor is primarily about changing attitudes. Through awareness raising and providing advice, inspectors can help employers, workers, and the community realize that by preventing abuse of workers in their youth, society gains a more productive work force, and a new generation grows up that is healthier and better equipped for their future.<sup>1</sup> By promoting a culture of prevention and stopping child labor before it starts, the advisory role and services of the inspectorate gain greater prominence and importance.

Child labor prevention goes beyond providing advice to employers. Effective prevention efforts require relationships between labor inspectorates, employer organizations and industry groups, trade unions, other government agencies, educational institutions, NGOs that focus on child labor, and communities who have information and access to vulnerable families and children. These collaborations should expose those enterprises that seek short-term profit by cutting corners and exploiting children. As more workplaces begin to appreciate that it is less costly to prevent damage than to have to compensate for it, the labor inspectorate's role as enforcer, moves to being a facilitator of change. By combining enforcement approaches with preventative measures, inspectors can help move employers and society to a place where they see compliance with child labor laws as the norm, a social responsibility, and in their own best interest.<sup>2</sup>

## LESSON 5.2: OUTREACH AND AWARENESS RAISING

[60 minutes]

### Objectives

To learn strategies for conducting outreach and awareness raising.

To introduce a model questionnaire for gathering information on awareness of child labor.

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Many people in society are unaware of the problems of child labor, of the risks to children working in hazardous conditions, and of the negative consequences child labor has on society. Others are aware of the problems and risks but accept them as an unavoidable consequence of poverty. “Making the most intolerable forms of child labor visible, showing their consequences, and indicating what can and should be done are the first steps in the right direction to ensure that the most abusive forms of child labor become socially unacceptable.”<sup>3</sup> Community pressure and public opinion can play an important role in creating societal change. While broad-based campaigns play an important role in sensitizing the entire population on these issues, inspectorates should also consider more localized and targeted approaches—focusing outreach efforts in particular neighborhoods where child labor is prominent or where there are a large number of families at risk.

A good way to start an outreach campaign is to first survey the community to try and understand the knowledge and attitudes of parents, youths, teachers, and employers around child labor. The following is a sample survey that inspectors and their partners can use to gather information that will be useful in targeting campaigns that:

- » Educate the local population about child labor laws
- » Inform people about the negative consequences of child labor on children, families, and society
- » Connect vulnerable families and children with organizations and services where they can go to seek help or advice.

## TOOL 5.2.1: CHILD LABOR AWARENESS SURVEY<sup>i</sup>

In response to the below questions, please check the box that most closely reflects your opinion:

	STATEMENT	COMPLETELY DISAGREE	DISAGREE	NEITHER AGREE NOR DISAGREE	AGREE	COMPLETELY AGREE
1	In the area where I live, it is common for primary school children to go to school and work for pay.					
2	I would let my primary school-aged child work for pay outside my home if he/she finds the opportunity.					
3	The legal minimum age for employment in Nepal is 13.					
4	If parents/guardians do not have money to send their children to school, it is alright that the child drops out and starts working.					
5	Paid work at a young age is a better way to learn than going to school.					
6	Education is very important for my children's future.					
7	A 15-year-old can work underground in a mine during the week end, if it does not interfere with school.					
8	Employers who hire children under legal working age do so as a way to help poor children.					
9	Employers who hire children prefer them to adults because children are more disciplined and cheaper manpower.					
10	If a family's financial means are very limited, boys should get priority for attending school.					

### Respondent demographics:

Age range: ☐ 15-19 ☐ 20-24 ☐ 25-29 ☐ 30-34 ☐ 35-39 ☐ 40-49 ☐ 50-59 ☐ 60 and more

Sex: ☐ male ☐ female ☐ other

District/neighborhood: \_\_\_\_\_

Education level achieved: \_\_\_\_\_

Current occupation/position: \_\_\_\_\_

<sup>i</sup> Winrock Child Labor Community Engagement Toolkit: Best Practices and Resource Materials Drawn from the REACH Project. Rwanda Education Alternatives for Children, pp. 93/95, January 2013. [http://www.dol.gov/ilab/projects/summaries/Winrock%20International\\_Child%20Community%20Engagement%20Toolkit%20\(2013\).pdf](http://www.dol.gov/ilab/projects/summaries/Winrock%20International_Child%20Community%20Engagement%20Toolkit%20(2013).pdf)

There are multiple ways inspectorates can raise awareness about the negative consequences of child labor. The best way to ensure success is to involve others who can contribute to the process, including children and youth groups, families, teachers, employers, labor unions, community leaders, other government representatives, and the media, all of whom can all help to spread knowledge and promote solutions. Labor inspectors should consider taking public officials and other key people such as journalists on unannounced inspections to places where children work. This needs careful and coordinated planning but can be an effective way to mobilize public opinion.<sup>4</sup>

Some labor ministries have partnered with worker and employer organizations to reward companies who act responsibly by providing them with good publicity and holding them up as role models for other businesses.

#### **Yo si cumplo—I comply**

*Yo si cumplo* is a strategic alliance between the Ministry of Labor, five business chambers and nine union centers in Panama which evaluates and certifies employers and workers that comply with good labor practices. As part of the initiative inspectors were trained on the requirements for certification. Since its launch in 2014, many companies have requested evaluation by the program, as it is considered to be a mark of good quality and good relations between employers and workers.

At the same time, public exposure of companies found to be exploiting children can also be a powerful tool to educate consumers and serve as a warning to others in the sector who may also be engaging in unethical practices. Well-publicized opposition to child labor by authorities, celebrities, and other public figures, backed by media outreach can help to change views of what is acceptable.

### **CAMPAIGNS**

National campaigns organized around specific days such as “World Day Against Child Labor” on June 12 can have a broad reach. TV and radio spots, along with newspaper ads and billboards in high risk areas warning against child labor are effective, and public support from well-known entities like the Chamber of

Commerce is helpful. Targeted, small-scale, and repeatedly delivered messages throughout the year also work to solidify messages, change attitudes, and mobilize people. Such targeted campaigns should be used to reach rural areas, marginalized communities, and those working in economic sectors that have a high risk of labor exploitation and deceptive recruitment practices.

### Targeting child domestic workers

Child domestic work warrants particular attention because of the conditions under which the children are living and working. In many countries, thousands of children are living away from home and working in households where they carry out tasks such as cleaning, ironing, cooking, gardening, collecting water and firewood, looking after other children, and caring for the elderly. This type of work entails many risks including: long days; toxic chemicals; heavy loads; dangerous items such as knives, axes and hot pans; inadequate food and accommodation, and physical and verbal violence and sexual abuse.<sup>5</sup>

Because there is a general lack of awareness of the ill effects of child domestic labor, outreach and awareness-raising campaigns are a critical way to educate the community and child workers about the hazards of domestic work and their rights as children and employees. When carried out effectively, **rights education** can open child workers' eyes to their situation and enable them to reflect on how to attain their rights, or at least move towards better protection in the future. They may also feel emboldened to leave an abusive employer or take out a complaint against harsh or cruel treatment.

In some cases, child domestic workers have also organized and taken part in general associations of child workers or children's groups. In Nepal, CWIN (Child Workers in Nepal) supports a network of child rights forums with thousands of child members. This network includes a special forum of workers and survivors of abuse and exploitation, which includes child domestic workers. These venues provide excellent opportunities to engage with child domestic workers, and learn from them what problems they face and what steps should be taken to ensure their rights are protected.<sup>6</sup>





Patience and determination are needed to change attitudes and culture. As with other parts of the inspectorate's work, it is helpful to have an awareness-raising or media strategy that helps to identify:

- » Who do you want to influence? Who is your audience?
- » What do you want them to do?
- » What is the best way to reach them and prompt the change you want to see?
- » What is the optimal time to reach them? When should outreach be done?
- » Who should you partner with?
- » What is your message?

Prevention work is particularly important in rural economies where child labor often occurs on farms that are remote and hard to reach. Strong collaboration in the field between local partner associations, caseworkers, elected local officials, parents, and other relevant groups is the key to successful implementation in remote rural areas. In these cases, it is critical that inspectors understand how the local population receives information (such as specific radio stations, village committees, etc.) and work with those outlets to spread the message that child labor is harmful.

The following are some example campaigns to raise awareness about the dangers of child labor. Inspectorates should consider ways they can become involved in similar initiatives.

### **SOUTH AFRICA: GIVE A RED CARD TO CHILD ABUSE AND EXPLOITATION**



In anticipation of the World 2010 Cup in South Africa, the government partnered with UNICEF to develop the red card campaign—representing red cards given to soccer players who violate the rules of the game and are disqualified from further participation. By using this symbol, the campaign sent a message that child abuse and exploitation have no place in South Africa.

The South African government worked with UNICEF, NGOs, the private sector, and civil society to develop and distribute 500,000 leaflets and posters that promoted a greater understanding of the risks and consequences of child labor. The campaign also aimed to make children and young people at risk aware of their rights, and helped them know where to go and whom to trust for protection against abuse and from dangerous situations.

### **INDIA: 225 RESIDENT WELFARE ASSOCIATIONS COME TOGETHER AGAINST DOMESTIC CHILD LABOR IN THE CAPITAL**



On the World Day Against Child Labor, a campaign against domestic child labor was launched across 300 villages in 9 states in India where child labor is culturally accepted and widely prevalent. Children wash clothes, sweep and clean the homes, cook food, take care of younger children, and too often do not attend school or have sufficient time for their studies.

Several programs were organized throughout the city and surrounding rural areas, and 225 Resident Welfare Associations came together to pledge their support to the campaign.

As part of the campaign, stickers declaring “My home is child labor free” were provided to households that do not employ child labor for them to paste outside their home.



### NEPAL: GREEN FLAG CAMPAIGN



The local NGO CWISH collaborated with Lalitpur Sub Metropolitan City to initiate the Green Flag Movement to eradicate child labor. The campaign, which kicked off on World Day Against Child Labor—June 12, 2014—issues green flags to households and businesses such as shops, hotels, restaurants, construction sites, and brick kilns who are committed to and verified as not using children as laborers.

### BRAZIL: NATIONAL CARAVAN TO ERADICATE CHILD LABOR<sup>7</sup>



THE GOOD PRACTICES OF LABOUR INSPECTION IN BRAZIL

A National Caravan for the Eradication of Child Labour, was carried out over six months. The caravan was organized by the National Forum for the Prevention and Eradication of Child Labour and ILO IPEC in partnership with 26 State Forums and the active participation of labor inspectors. As part of the campaign, children and adolescents who had been workers developed proposals to eradicate child labor which were then presented to State

Governors during public hearings, to raise awareness about the issue. In many cases the governors, publicly pledged to implement policies to eliminate child labor.

## Exercise 5.2.1: Developing a media/awareness-raising strategy



### OBJECTIVE:

- » To create a media/awareness raising strategy to change the attitudes of a specific population about the negative consequences of child labor.



### TIME:

- » 90 minutes



### MATERIALS AND PREPARATION:

- » Flipcharts and markers for each small group
- » Copies for each group of Handout 5.2.1: *Awareness raising strategy*



### STEPS:

- » Explain to the participants the objectives of the exercise.

**[5 minutes]**

- » Ask the following questions:

1. What are some awareness-raising campaigns that you remember hearing about (e.g., anti-smoking, drunk driving, etc.)? What about the campaign was effective? What was not? Do you think it had an influence on people and changed attitudes?
2. Have any of you ever been involved in awareness-raising work as a labor inspector? If so what was the issue? (e.g., safety, migration, etc.) Who was the target audience? What was the method of communication? Was it successful?

**[20 minutes]**

- » Divide participants into small groups of 4-5 people. Distribute copies of Handout 5.2.1 to each group and ask them to choose the type of child labor they would like to focus on, such as child domestic workers who migrate to cities from rural areas, children working in agriculture, child labor in the zari sector, etc. Tell participants to consider the problems that exist in the area of the country where they work. Once a type of child labor has been chosen, the group should work together to build a strategy for raising awareness about the issue. In doing so, the following questions should be answered:

- *Who do you want to influence?* Examples could include parents; children at risk; buyers of certain products; households that use child domestic workers; tourists; etc.
- *What do you want them to do?* Examples could include send children to school; use hotlines to report problems; not buy products made with child labor; etc.
- *How will you reach them and prompt the change you want to see?* Examples could include radio; TV; theater; music; billboards and other written material; the press; speaking at public events; school tours; road shows in various districts; SMS messages; internet; messages on busses; etc.
- *What is your message?*
- *What is the timeframe for the campaign?*
- *Who should you partner with?* Examples could include the media; NGOs; other government agencies; mobile phone companies; celebrities; etc.

**[30 minutes]**

- » Reconvene the participants and ask each to share the strategy that they developed. Encourage questions and comments.

**[30 minutes]**

- » Wrap up with Q&A and key messages.

**[5 minutes]**



**KEY MESSAGES:**

- » There are many different ways inspectorates can raise awareness about the negative consequences of child labor. It is important to think creatively and understand how the population you want to reach receives information.
- » Collaboration with other stakeholders is important to the success of any campaign. Children and youth groups, families, teachers, employers, labor unions, community leaders, other government representatives, mobile phone companies, and the media should all be considered as potential partners.
- » Prevention campaigns are a way for the inspectorate to influence populations that are remote, isolated, and hard to reach such as rural areas and those working in hidden employment sectors.
- » Targeted, small-scale, and repeatedly delivered messages throughout the year help to solidify messages, change attitudes, and mobilize people.
- » A well-thought-out strategy is critical to any awareness-raising activities to ensure that the message is clear and partners are accountable.

### Handout 5.2.1: Awareness-raising strategy

Who do you want to influence?	
What do you want them to do?	
What is the best way to reach them and prompt the change you want to see?	
Who should you partner with?	
What is your message?	
What is the optimal timeframe?	

## LESSON 5.3: PROMOTING FORMALIZATION OF INFORMAL BUSINESSES.

[60 minutes]

### Objective

To understand the reasons many businesses operate in the informal economy and best practices for helping informal businesses to formalize.

The term **informal economy** refers to businesses with employment relationships that are unrecognized or unregulated by the state. This can include businesses with hired help; the self-employed who work alone or with the help of contributing family members; employees working as subcontractors in supply chains; domestic workers; undocumented workers, etc. Informal work may be found across all sectors of the economy, in both public and private spaces.<sup>8</sup> According to the ILO, “more than half of the world’s workforce is estimated to be trapped in the informal economy, which is marked by the denial of rights at work, the absence of sufficient opportunities for quality employment, inadequate social protection, a lack of social dialogue and low productivity.”<sup>9</sup> Most people enter the informal economy not by choice but as a consequence of a lack of opportunities in the formal economy and in the absence of other means of livelihood. However, while the informal part of the economy is typically characterized as poor, exploitative, insecure, unsafe, and a hotbed for child labor, it can also be a safety net for many vulnerable groups including women and indigenous entrepreneurs, as well as a place for innovation.

The informal economy in Nepal is large and growing. According to the ILO “more than 70 percent of the economically active population in Nepal is involved in the informal economy...and because of changing patterns of employment, the informal economy is rapidly expanding.”<sup>10</sup> This expansion is because the informal economy provides:

- » A source of income for unskilled or semi-skilled workers;
- » Fertile ground for new businesses; and
- » Access to goods and services that might otherwise be unobtainable to customers.



While the informal economy can be a significant contributor to the domestic production of goods and services and provides opportunities for employment, there are also high costs to informality and it generally does not contribute to sustainable economic growth. Problems attributed to the informal sector include:<sup>11</sup>

- » Lower tax and social security receipts collected by the government, which reduces state revenue.
- » Difficulties in targeting and managing social protection for workers.
- » Reduced cost for producing goods and services by informal actors creates unfair competition to those who are complying with regulations. This may force formal businesses to move back into informality to compete or sustain their business.
- » Cost to government of detecting and penalizing work in the informal economy.
- » Constraints on the ability of the business to expand.
- » Lack of access to formal systems of finance.
- » Facilitation of illegal migration.
- » Time and effort spent by businesses in trying to keep their activities hidden.
- » Unchecked exploitation of workers including children.

The informal economy includes a diverse group of enterprises. Some are microenterprises just barely surviving, with very limited potential for growth. Others are larger with potential to grow if they could gain better access to markets and resources.<sup>12</sup>

The more businesses move into the formal sector, the more protections are available for workers and employers. Thus, an important role for inspectors in preventing child labor is to convince informal businesses to formalize. To be successful in this endeavor, inspectors must understand why workers and businesses choose to operate outside the formal economy. For workers, some reasons for operating in the informal sector include:

- » A lack of alternative opportunities.
- » The need to supplement a low income.
- » Wish to supplement social security benefits with an undeclared income.

On the other hand, businesses may not choose to formalize due to:

- » Complicated registration and licensing procedures.

- » A wish to avoid taxes and social security contributions.
- » Inadequate inspection services mean there is little risk of detection.<sup>13</sup>

Once inspectors understand why businesses in their area are choosing not to formalize they can develop a strategy for addressing the problem—paying particular attention to high-risk workplaces where children are known to be engaged in hazardous labor. There are many ways in which inspectors can promote formalization:

- » Remove barriers to entry into the formal economy. In a good regulatory environment, business should be able to formalize quickly, easily and at minimal cost. Burdensome and costly bureaucratic procedures governing registration and start-up of businesses are major obstacles in bringing micro and small enterprises into the formal economy.
- » Many informal enterprise owners and managers do not believe they have a choice other than to operate informally. Thus, they should be offered affordable choices that lead toward formality. Promoting a policy of compliance through advising and persuading employers of the benefits of legal registration which might include: access to commercial buyers, more favorable credit terms, micro-insurance schemes, savings plans, legal protection, written contracts which allow for enforcement, and social security coverage. Inspectors should also provide employers with advice on the steps they need to take to comply with labor laws and regulations.
- » Develop incentives for registration and conduct outreach and awareness-raising campaigns that describe how to register and tout benefits for doing so. Information campaigns can be useful in discouraging work in the informal economy and providing workers with free and easily accessible information concerning their rights and obligations. Informal operators generally have very low levels of literacy; thus, programs should be designed in a way that informal operators are able to understand.
- » Create a tripartite strategy that includes the government, employers and labor representatives when designing, implementing and evaluating policies and programs on formalization. Inspectors should:
  - Work with employer organizations that can facilitate the establishment of links between informal and formal enterprises and provide informal businesses with access to information and other business support services that will lead to formalization.



- Work with trade unions to support efforts at organizing informal economy workers or including them in collective agreements. Trade unions can also provide workers with special services, including information on legal rights.
- » Inspectors should ensure that administrative, civil, or penal sanctions provided for by national laws for noncompliance are adequate and strictly enforced.
- » Inspectors should collect, analyze, and disseminate statistics disaggregated by gender, age, workplace, and other specific socioeconomic characteristics on the size and composition of the informal economy, including the number of informal economic units, the number of workers employed and their sectors.
- » Monitor and evaluate the progress towards formalization to obtain helpful information for future formalization work such as what tactics work and lessons learned.

**Case study: Republic of Macedonia<sup>14</sup>**

The Macedonian government collaborated with trade unions and employers to implement a campaign in 2010 to increase small and medium enterprises' awareness of the negative aspects of undeclared work while pointing out the advantages of formalizing within the agricultural and construction sectors.

The campaign made use of images showing good and bad practices, and informed employers and workers of the necessary conditions to prevent accidents or health problems in the workplace. Posters, leaflets, and booklets, both printed and digital were used to provide information on why all employees should be declared and how this can be done. Different posters and leaflets were developed for agriculture (undeclared work, pesticides, and agricultural machinery), construction (roof work, scaffolding, excavation, and use of personal protective equipment), and gender (gender discrimination, sexual harassment, maternity protection, and gender equality plans). Labor inspectors were provided with management tools and checklists to support the initiative during their inspection visits.

**Case study: Argentina<sup>15</sup>**

In Argentina, a 2003 national plan for the regularization of workers was launched which combined data collected by inspectors with available data on general social contributions. As part of the plan, if workers in irregular situations registered, then the fine imposed on the enterprise is reduced. This resulted in 24 percent of the workers at sites visited being regularized.

**Note on formalizing child domestic work:** Child domestic workers are vulnerable to abuse and exploitation not only because they are children, but also because they are working in people's homes without being recognized as workers. Efforts to professionalize domestic work are an important part of formalizing the workforce and raising child domestic workers' status. Initiatives in several countries have focused on the need for written contracts for domestic workers that grant full employment rights and fulfill obligations according to labor laws. In India, the National Domestic Workers' Movement and its branches in 13 states promote the registration of child domestic workers and issue an identity card to child domestic workers.<sup>16</sup> Codes of conduct for child domestic workers have been also been launched by provincial governments and Ministries of Labor in several countries including Tanzania and Sri Lanka. The codes cover issues such as occupational hazards from which young employees should be protected: working hours; holidays and leave; registration of employees, their consent and that of their parents to employment; the obligation of employers; and the terms of payment including the right to a minimum salary. These efforts have received wide coverage through TV, radio, posters, and leaflets.<sup>17</sup>



## Exercise 5.3.1: Designing a campaign to promote formalization of businesses



### OBJECTIVE:

- » To design a campaign that increases awareness of the negative effects of undeclared work and highlights the advantages of formalizing business.



### TIME:

- » 90 minutes



### MATERIALS AND PREPARATION:

- » Flipcharts and markers for each group
- » Copies for each group of Handout 5.3.1: *Campaign design form*



### STEPS:

- » Explain to the group the objectives of the exercise.

**[5 minutes]**

- » Ask for volunteers to answer the following questions:

1. Why is most child labor found in the informal economy?
2. What are some ways the inspectors can promote formalization?

Answers might include:

- Provision of information on the benefits of formalization and process for registration;
  - Assistance and capacity building for businesses on how to comply with relevant laws and regulations;
  - Ensuring that sanctions for noncompliance are adequate and strictly enforced.
3. Ask participants if any of them have ever consulted with any informal businesses to help them towards formalization?

**[20 minutes]**

- » Divide participants into small groups of 4-5 people and distribute a copy of Handout 5.3.1 to each group. Ask each group to identify a particular sector in the informal economy and develop an outreach campaign to promote formalization of the industry. The campaign can make use of posters or leaflets, radio or TV spots, public speaking

events, collaboration with trade unions or employer groups, etc. The campaign should identify the sector it is targeting and be designed in such a way that it:

- Increases awareness of the negative effects of undeclared work
- Highlights the advantages of formalizing business
- Provides employers with advice on the steps they need to take to comply with labor laws and regulations

**[30 minutes]**

- » Reconvene the participants and ask each group to report back their results. Encourage questions and comments from other groups.

**[30 minutes]**

- » Wrap up with Q&A and key messages.

**[5 minutes]**



### **KEY MESSAGES:**

- » The denial of rights at work, the absence of sufficient opportunities for quality employment, inadequate social protection and the absence of social dialogue are most pronounced in the informal economy.
- » The vast majority of child labor takes place in the informal economy thus, an important role for inspectors in the fight against child labor is to promote formalization of businesses and to ensure that businesses in the formal sector do not retreat to the informal economy.
- » Inspectors can promote formalization by advising and persuading employers of the benefits of legal registration. These include: access to commercial buyers, more favorable credit terms, micro-insurance schemes, savings plans, legal protection, written contracts which allow for enforcement, and social security coverage.
- » Inspectors should use a carrot and stick approach when working with businesses by:
  - Providing employers with advice on the steps they need to take to comply with labor laws and regulations
  - Ensuring that administrative, civil or penal sanctions provided for by national laws for noncompliance are adequate and strictly enforced
- » Much of the informal economy is hidden, hard to reach, and difficult to measure. An outreach and awareness-raising campaign is a good way to get out the message about the benefits of formalization and the risks of operating informally.

### Handout 5.3.1: Campaign design form

1. What sector in the informal economy will you target for your campaign to promote formalization?

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2. What will your message be? **Ensure that your message does each of the following:**

- » Increases awareness of the negative effects of undeclared work
- » Highlights the advantages of formalizing business
- » Provides employers with advice on the steps they need to take to comply with labor laws and regulations

**(Please use the flip chart to write your message)**

3. How will you get your message out? (Consider activities such as speaking events, community forums, distribution of materials such as posters/leaflets, radio, or TV, etc.)

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4. Will you partner with anyone? If so, who?

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## LESSON 5.4: PROMOTING CORPORATE SOCIAL RESPONSIBILITY AND SELF-REGULATION WITHIN THE PRIVATE SECTOR

[60 minutes]

### Objectives

To illuminate the issue of child labor in supply chains of companies that source materials or services from subcontractors.

To learn best practices in helping companies reduce risks of child labor in their supply chains.

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For many businesses operating in the formal sector, the risk of child labor in their own facilities may not be significant. However, companies who source materials or services from subcontractors may run the risk of having child labor in their supply chain. This risk is particularly acute in sectors where child labor is rampant.

Examples of companies that often have child labor in their supply chains include:<sup>18</sup>

- » Those sourcing agricultural products including, cocoa, coffee, tea, sugar, tobacco, spices, nuts, seafood, seeds, palm oil, forestry products, and meat
- » Firms dealing in apparel and textiles
- » Electronics companies with manufacturing supply chains
- » Businesses that source metals, minerals or gems either directly or through suppliers.
- » Those that buy scavenged materials
- » Companies offering or relying on tourism or transportation services
- » Construction firms sourcing materials such as, sand, bricks, stones, and other materials sourced from quarries and mines

It is the responsibility of all companies to respect human rights in their own

operations and throughout their business relationships. Even if children are not working in a company's own facilities, it is still important to ensure that children are not exploited in the company's supply chain. It is not only the right thing to do, but it also helps protect the company's brand. Bad news about a company's supply chain can damage its reputation, depress sales and alienate investors. Negative reviews can spread quickly in today's world where information moves at a fast pace.

Companies can often be persuaded to comply with the law through **smart regulation** and **meta-regulation** approaches which recognize that regulatory authorities are not the only bodies that influence the behavior of business, and that informal mechanisms of social control might be at least as important as the formal mechanisms used by regulators.

**Smart Regulation** encourages regulatory authorities such as inspectorates to consider the potential role that might be played by, for example, peer pressure, trade unions, employers' organizations, NGOs, community groups, and cooperatives. Smart Regulation contemplates a quasi-regulatory role for nonstate actors and could also involve many different instruments employed by a variety of different bodies. For example, nongovernment bodies might be in charge of awareness-raising and persuasion. Where this approach fails, the inspectorate can move to a deterrence-oriented approach (threat or actual imposition of penalties). "The role of the government in relation to Smart Regulation is to act as a facilitator. Enabling second and third parties to assume a greater responsibility for enforcing standards will reduce pressure on the resources of the state's regulatory agencies."<sup>19</sup>

**Meta-regulation**, like smart regulation, also contemplates an arm-length role for regulatory bodies. However, meta-regulation focuses more on corporate responsibility and encouraging businesses to develop and put in place their own controls, including risk-management plans that show how they intend to ensure that standards are upheld and the willingness to allocate sufficient resources to ensure that their approach is effective. These plans should then be submitted to the regulatory agency for approval and subsequent monitoring to check the quality of the controls. The aim is to lead organizations to become reflective self-regulators.<sup>20</sup>

Self-regulation requires putting in place mechanisms to ensure that the contractors and subcontractors throughout a company's supply chain are not relying on children to produce goods and services. Such mechanisms should include:

1. **Developing and disseminating a company policy commitment to not support child labor**<sup>21</sup>—A company's policy commitment on child labor



should incorporate relevant international and national standards and clearly state the company's expectations of its own staff, business partners, and contractors, as well as other parties linked to its operations and services. The company must also ensure that its commitment is communicated and understood by staff, business partners, contractors, suppliers, etc. See Appendix 5A for a sample Company Policy Commitment on Child Labor.

2. **Supply chain mapping**<sup>22</sup>—The due diligence process for identifying, preventing, managing, and accounting for child labor impacts starts with conducting supply chain mapping across the company (first tier and beyond). Mapping should identify all current suppliers and subcontractors and determine the nature and scale of the supply of good and services, including raw materials, production, distribution, marketing, and recycling. Supply chain mapping entails asking, “who supplies your company?” (1st tier), “who supplies your suppliers?” (2nd tier), etc.
3. **Supplier code of conduct**—A supplier code of conduct establishes basic performance expectations for subcontractors, suppliers and agents. Once all existing and new suppliers and subcontractors are identified, each should be required to sign a declaration that they will comply with the supplier code of conduct prohibiting child labor. See Appendix 5B for a sample Supplier Code of Conduct. This should be incorporated into both new and existing supplier and subcontractor contracts and purchase agreements.
4. **Risk screening**<sup>23</sup>—Once mapping is completed the company should try to determine where in the supply chain the risks of child labor are most severe. Risk screening involves assessing the potential risk presented by a supplier, based on the supplier's location, product or service, contract size, and other indicators of risk. Risk screening requires that all existing and new suppliers and subcontractors disclose information about the location and nature of their operations and operating sites, as well as methods for worker recruitment and hiring. From this information, the company should rank suppliers, subcontractors, and agents in order of risk potential and require those ranked as having a high and moderate risk, to undergo an on-site audit. The company should maintain a record of the potential risks identified for each supplier and subcontractor. Suppliers and subcontractors with low risks should be re-evaluated at least every two years to determine if changes in operations, location, or contract value have increased the potential risk presented by the supplier.

5. **On-site supplier and subcontractor social responsibility assessments/audits**<sup>24</sup>—Those suppliers and subcontractors identified as having high or medium risks of child labor should then undergo on-site assessments/audits to objectively evaluate the effectiveness of the supplier's control of social responsibility risks, including child labor. This should be done prior to:

- Approval as a supplier
- Renewing existing contracts
- Placing new orders

It is most effective if assessments/audits are completed by a competent third-party auditor or audit firm approved by the company.

6. **Monitoring**<sup>25</sup>—Supplier and subcontractor performance regarding child labor should be monitored on an ongoing basis. The company is responsible for ensuring that any instances of noncompliance with the supplier code of conduct are identified and effectively addressed in a timely manner. Egregious issues, such as worst forms of child labor must be addressed immediately upon identification. The suppliers should submit a progress report within 30 days clearly identifying how the issues identified were addressed, including copies of supporting evidence where appropriate.

7. **Corrective action plan**<sup>26</sup>—The company should ensure that the audited supplier or subcontractor submits a corrective action plan to the company within one month of completion of the on-site audit. The company should review the plan to verify that:

- Corrective actions were immediately taken for any egregious findings
- All findings are addressed
- Root causes have been identified
- Corrective and preventive actions are appropriate
- Personnel responsible for taking action and target completion dates are listed

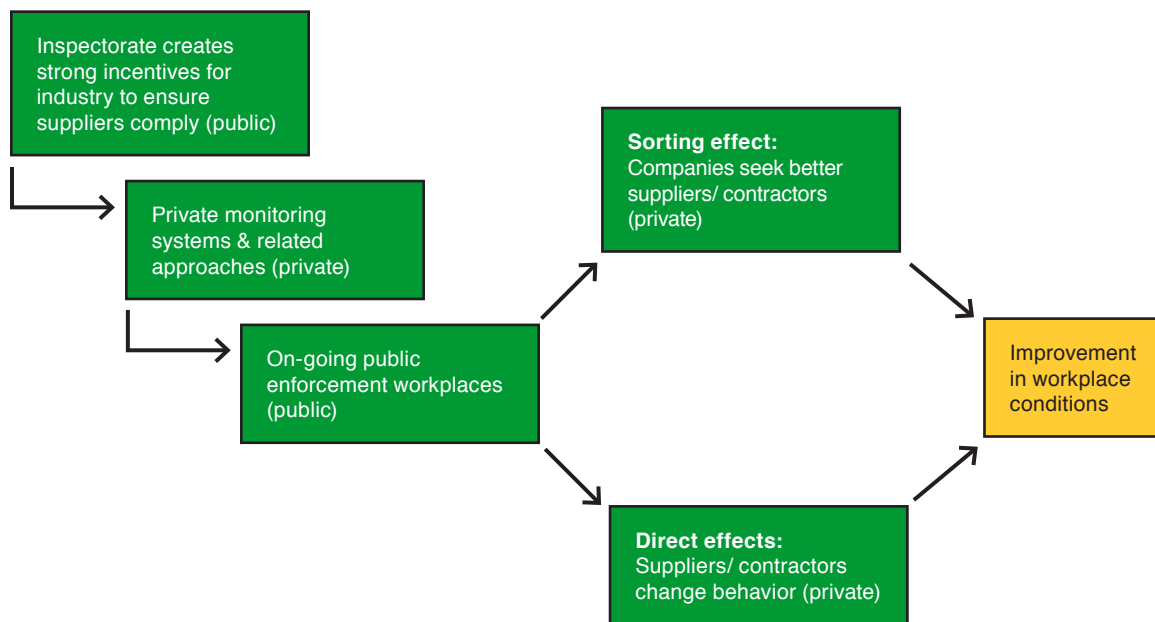
Suppliers and subcontractors should then be required to submit monthly status reports to track and follow-up on corrective and preventive actions. The company should ensure that no new contracts or new orders are placed until any egregious issues have been independently verified as being addressed.

### **CASE STUDY: COMPLIANCE PLANS IN THE GARMENT SECTOR<sup>27</sup>**

Noncompliance with labor laws is often found in the apparel industry. Garment production involves many different enterprises that carry out the design, cutting, sewing, and pressing/packaging of apparel products. Suppliers and contractors compete in a market with large numbers of small companies, low barriers to entry, limited opportunities for product differentiation, and intense price-based competition. Because labor costs represent the vast majority of total costs for a sewing contractor, there is a lot of pressure on these contractors to strike deals with subcontractors that do not comply with labor laws in order to reduce labor costs. One way of attempting to induce compliance is direct inspection and imposition of penalties on those found in violation. This approach however, can lead to an endless cat-and-mouse game between inspectors and small-scale contractors who constantly go in and out of business, either because of the harsh competitive conditions in the industry or as a means of evading penalties for past violations.

Some inspectors have tried a new approach, embargoing goods and only releasing them contingent upon the manufacturer's agreement to create a compliance program for its subcontractors. The manufacturer must agree to sign an agreement with the Department of Labor, and an agreement with its contractors. The agreements stipulate basic components of a monitoring system to be operated by the manufacturer. Analyses of these monitoring arrangements show that they have led to very significant improvements in labor law compliance among apparel contractors. The incentives for manufacturers to find partners who are less likely to cause their goods to be embargoed seems to raise average levels of compliance among new garment contractors entering into the system.<sup>28</sup>

### Impact of using enforcement power to create private monitoring systems<sup>29</sup>





## Exercise 5.4.1: Promoting compliance plans and internal monitoring



### OBJECTIVES:

- » To develop skills at providing companies with advice on eliminating child labor from their supply chains.
- » To introduce the sample documents on policy commitment on child labor and supplier code of conduct.



### TIME:

- » 90 minutes



### MATERIALS AND PREPARATION:

- » Flipcharts and markers for each group
- » Copies for each group of Handout 5.4.1: *Case study on “Himalayan Fashion” clothing company*



### STEPS:

- » Explain to the participants the objectives of the exercise.

**[5 minutes]**

- » Explain that while it is critical to ensure that labor laws are fairly and consistently enforced, it can also be very effective to advise businesses about the law and how they can stay in compliance. This helps build trust and promotes the idea that inspectors are problem solvers. Ask participants the following questions:
  - If they view themselves as mainly enforcers of the law or also as advisors?
  - If any of them have ever developed a plan with a company to help them comply with the law?
  - If any of them have ever worked with a company to address supply chain issues?

**[20 minutes]**

- » Divide participants into small groups of 4-5 and distribute copies of the case study. Ask each group to read parts 1 and 2 of the case study and write the answers to the questions on their flipchart.

**[30 minutes]**

- » Reconvene all the participants and ask groups to report back the answers to the questions. Encourage questions and comments from other groups.

**[30 minutes]**

- » Wrap up with Q&A and key messages.

**[5 minutes]**



### **KEY MESSAGES:**

- » Even if children are not working in a company's own facilities, it is important to ensure that the company's suppliers and contractors are not exploiting children.
- » Human rights violations in a company's supply chain can hurt its reputation, depress sales, and scare investors.
- » Inspectors should encourage businesses to develop systems that help them avoid risks of child labor and other human rights violations caused by suppliers and contractors.
- » Inspectors should encourage businesses to develop written policies regarding child labor; due diligence processes to identify, prevent, manage, and account for child labor in the supply chain; and processes to remedy violations.

## Handout 5.4.1: Case study on “Himalayan Fashion” clothing company

### PART 1

Zari (embroidered) clothing has become very fashionable in Nepal, and the embroidered garment industry has seen rapid growth and expansion over the past few years. You know from reading news reports that the industry employs children (predominantly boys) as young as 7 years old. Many of these boys are subjected to severe forms of exploitation, including working 14 hour days, six days per week, little compensation, and threats of violence or physical sanctions for not delivering on time. You have also heard that because the Indian government has cracked down on child labor in the zari industry, several Indian zari companies have relocated to Nepal and some brought Indian children with them to work in the factories under debt bondage conditions.

Himalayan Fashion (HF) is a large apparel manufacturer operating in your region. The company produces clothing mostly for the domestic market but also has a few small contracts for exporting garments to the UK. HF operates a factory where the garments are sewn, but it subcontracts all of its embroidery work to smaller businesses in the area. You decide to pay a visit to HF’s main factory to conduct an inspection. You do not observe any children working in the factory while you are there. You interview the manager who states that he is well aware of the child labor laws and does not employ children. You ask if he is aware of any of his contractors/suppliers using child labor? He replies “no” and states that even if they do employ children there is nothing he can do about it because he does not control their hiring practices.

**Question 1: What are some reasons you can give to the manager that might persuade him to look into the employment practices of his contractors/suppliers?**



## PART 2

You ask the manager whether HF has any systems in place to identify and address risks of child labor in the supply chain? The manager states that “HF is committed to being a good corporate citizen and has adopted a policy pledging to uphold the laws related to safety and health, wages, hours, freedom of association, and collective bargaining. The policy is distributed to employees upon hire. There is not a specific staff member with responsibility for ensuring that the code of conduct is followed, all managers try to keep an eye on things the best they can.” The manager states that, “HF does not have an official mechanism for employees to file a complaint, but that is ok because HF is a good place to work and no employees have ever needed to complain about unfair or unethical work practices. HF uses a standard contract with its contractors/suppliers that stipulates the number of garments to be delivered, the time frame, and the cost. HF’s contractors/suppliers always deliver their products on time so no one at HF has ever had to visit the contractors’/suppliers’ premises. Even if we wanted to, HF’s contracts do not include a clause allowing HF to inspect the contractors/suppliers’ premises. HF maintains a list of its contractors/suppliers but is unaware if any of them subcontract their work to other businesses. It does not matter, as long as they get their orders in on time.”

**Question 2: Identify five areas where the company can improve their efforts at eliminating child labor from their supply chain.**

**Facilitator's Answer Key**    **DO NOT DISTRIBUTE TO PARTICIPANTS**  
**Handout 5.4.1: Case study on “Himalayan Fashion” clothing company**

**Question 1: What are some reasons you can give to the manager that might persuade him to look into the employment practices of his contractors/suppliers?**

**Answers:**

- » Ethical considerations—Ensuring that your business does not support the exploitation of children is the right thing to do.
- » Liability—If word gets out that HF contractors/suppliers use children to make its products this might lead to lawsuits.
- » Reputation—Customers are becoming savvier and do not want to buy products made by young children. A good policy on contractors/supplier will protect and enhance HF's brand.
- » Employee satisfaction and retention—Employees will appreciate HF's efforts to ensure that the law is being followed and that the welfare of all employees, including those working for contractors/suppliers is taken into consideration. This can lead to higher employee satisfaction and retention rates.
- » Maintaining/increasing import market—Many buyers in Western countries face liability if they import goods made with forced or child labor. These buyers want assurance that HF is taking appropriate steps to ensure its products are child labor and slave labor free.

**Question 2: Identify five areas where the company can improve their efforts at eliminating child labor from their supply chain.**

**Answers:**

1. Ensure that HF's Policy includes a statement prohibiting child labor. [See Appendix 5A for an example]. The policy should be distributed widely to all employees and posted in prominent areas of the workplace.
2. Ensure that all contractors/suppliers receive a copy of HF's Supplier Code of

Conduct related to child labor and emphasize that they are expected to comply with the code. HF should require that contractors/suppliers: sign the code; translate it into languages that can be understood by their employees; distribute the code to all employees; post the code prominently in the workplace; and ensure that employees who cannot read are made aware of the terms of the code.

3. HF should assign someone to specifically monitor compliance with the code among its own staff and its contractors/suppliers. This person should have a good understanding of international and national standards related to child labor.
4. HF should create a mechanism for employees to confidentially express their concerns if the terms of the code are violated or there are other problems in the workplace. Employees should be reassured that they will not be retaliated against for lodging complaints. HF should require that contractors/suppliers have similar mechanisms in place.
5. HF should obtain written agreement from all contractors/suppliers that they are willing to submit to periodic inspections to ensure that labor laws are being upheld.
6. HF should periodically visit its contractors/suppliers' worksites or hire an independent auditor to do so, to ensure the code of conduct and labor laws are being followed. This is particularly important for those sites where there is a risk of child labor.
7. HF should require that contractors/suppliers notify HF if they are subcontracting work to others. If so, subcontractors should be required to abide by the same terms as the contractor/supplier with respect to labor standards. HF should maintain lists of names of all contractors and subcontractors throughout the supply chain, including contact information and nature of goods and services supplied.
8. If HF finds that the contractor/supplier is not abiding by the code of conduct or other labor laws, a corrective action plan should be put in place. If the contractor/supplier continues to violate the code or labor laws, the contract should be terminated.

# APPENDIX 5A: SAMPLE POLICY COMMITMENT ON CHILD LABOR

## POLICY COMMITMENT ON CHILD LABOR

*[insert company name]* strives to deliver quality products and services to our customers, but not at the expense of the welfare of workers anywhere in our supply chain.

We will therefore:

- » Seek to ensure that products and services delivered to customers or used in our business are sourced from suppliers, subcontractors, and business partners that share our commitment to worker welfare and eradicating all forms of child labor in their operations and supply chains;
- » Establish a consistent process for engaging with our suppliers and subcontractors to ensure that they meet or exceed minimum requirements and legal standards;
- » Monitor and manage the social responsibility performance of our suppliers and subcontractors on an ongoing basis; and
- » Establish a transparent process for reporting supply chain risks and progress in conforming with social responsibility and legal requirements. The *[insert position title here]* is responsible for identifying ‘at risk’ suppliers and subcontractors.

# APPENDIX 5B: SAMPLE SUPPLIER CODE OF CONDUCT<sup>ii</sup>

## SUPPLIER CODE OF CONDUCT REGARDING CHILD LABOR

- » No employee of any age, including apprentices or vocational students, will be employed in breach of local regulations governing the minimum age for work or the compulsory age for schooling, consistent with ILO Minimum Age Convention 138.
- » *[Insert name of supplier]* does not employ individuals below the age of 14 and maintains documentation of each individual's date of birth or has legitimate and reliable means of confirming each individual's age.
- » *[Insert name of supplier]* ensures that workers under 18 are not allowed to:
  - Work in hazardous conditions or those that require handling hazardous materials in an unsafe manner
  - Work for more than eight hours per day
  - Work primarily at night
  - Work in a manner that unreasonably interferes with education

Supplier confirms that it has read the Supplier Code of Conduct, agrees with its statement of requirements, and commits to comply with them.

**Date:**

_____	_____	_____
Month	Day	Year

**Signatures:**

_____	_____	_____
Signature	Company name	Address
_____	_____	_____
Signature	Supplier name	Address

ii Adapted from "Supplier Code of Conduct." *Mars, Incorporated*, March 2014. <http://www.mars.com/docs/default-source/Policies-and-Practices/supplier-code-of-conduct/supplier-code-of-conduct-english.pdf?sfvrsn=4>



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