



**Child labour:
Fair Wear policy and
practice**

One of Fair Wear Foundation's labour standards is no exploitation of child labour:



4 No exploitation of child labour

There shall be no use of child labour. The age for admission to employment shall not be less than the age of completion of compulsory schooling and, in any case, not less than 15 years." (ILO Convention 138) "There shall be no forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour. [...] Children [in the age of 15-18] shall not perform work which, by its nature or the circumstances in which it is carried out, is likely to harm their health, safety or morals." (ILO Convention 182)

(From the Fair Wear Code of Labour Practices¹)

Companies affiliated to Fair Wear Foundation (Fair Wear) want to make sure that they source from production facilities that produce under decent working conditions, in accordance with their corporate responsibility. This responsibility has global implications and also applies to countries where local governments are unwilling or unable to adhere to international labour standards.

Around the world, an estimated 215 million boys and girls are engaged in child labour.² According to the International Labour Organization (ILO), 60% of the worldwide child labour occurs in agriculture, about 25% in the service sector, 7% in industry and another 8% is undefined.³ As 'industry' includes garment and textile manufacturing, the prohibition of child labour is an important part of the Fair Wear Code of Labour Practices, and of efforts by Fair Wear and affiliate companies to improve working conditions.

Both ILO Convention No. 182 (worst forms of child labour) and ILO Convention No. 138 (minimum age for admission to employment and work) are core conventions that countries are required to obey, even if they have not ratified the convention. Fair Wear Foundation has used both ILO conventions as a basis for the Fair Wear Code of Labour Practice.

¹ www.fairwear.org

² 2010 ILO Global Report on child labour

³ www.ilo.org/ipec/facts/lang--en/index.htm

Many international organisations have noted that child labour can be hidden in supply chains.⁴ Textile supply chains are diverse and complex; detecting child labour can be very difficult, due to a variety of factors, including:

- Many of the child labour cases are found in the informal sector.
- Even if child labour is not found at first-tier suppliers, it may exist at their subcontractors or at second tier suppliers.
- Official age documents are sometimes absent; fake identity cards are common.
- Child workers may be sent home while visitors are at the factory.

PRACTICE IN PRIORITY COUNTRIES⁵

Fair Wear Foundation's priority countries are Bangladesh, China, India and Turkey, where Fair Wear's members source most of their products.

Bangladesh

Bangladesh is one of the world's leading garment exporting countries. In 1992 the US banned the importation of goods made by using child labour, which led to a dismissal of many of child workers. Bangladesh did not, however, ratify ILO convention 138 on child labour, which is one of the core labour standards setting the minimum age to work.⁶ Although primary education in government-sponsored schools is free, child labour is still widely accepted, as can be seen in daily street life. One leading cause of child labour in Bangladesh is the extreme poverty of many families, which forces them to send children to work for extra income. Another is a preference among some employers for child workers, as they are relatively cheap, and more obedient and compliant than adult workers.⁷ According to the ILO definition, an estimated 3.2 million children are working in Bangladesh. In 2010, the Ministry of Labour and Employment adopted a National Child Labour Elimination Policy which provides a framework to eliminate all forms of child labour by 2015.⁸ Though precise numbers vary, all stakeholders agree that children are working in the garment industry in Bangladesh. The majority

⁴ 2012 ETI briefing: Child labour; www.ilo.org/public/english/dialogue/actemp/downloads/projects/child_guide1_en.pdf

⁵ Please check regular updates on country studies provided on the Fair Wear website.

⁶ [International Programme on the elimination of child labour \(IPEC\): Bangladesh: Child Labour Data Country Brief](http://www.ilo.org/public/english/programmes/ipec/country_briefs/bangladesh.pdf)

⁷ www.unicef.org/bangladesh/Child_labour.pdf

⁸ Please check <https://www.fairwear.org/programmes/countries/bangladesh> for further information on labour policies in Bangladesh.

work in factories producing for the domestic market, however child workers can also be found in export-oriented factories.

China

In China, the legal minimum working age is 16 (older than the ILO minimum of 15 years). Although China's law prohibits employment of minors younger than 16 years and restricts work for children between the age of 16 and 18, child labour quite regularly occurs in China.⁹

A growing economy, combined with growing economic disparity has a negative impact on the most vulnerable people in society. To prevent child labour, employers are asked to keep records of workers' identity documents. In some regions, child labour is more common as economic circumstances are putting more pressure on parents to falsify their children's age certificates; employers may be tricked or too easily convinced by these falsified age certificates.

India

India prohibited child labour by law as early as 1949, but it took until early 2012 for the union cabinet to enforce a complete ban on the employment of children in all occupations and processes.¹⁰ Despite the ban, child labour is still common in the garment industry, mainly in production for the local market. Exact numbers are difficult to establish as many workers do not have identity papers and thus no proof of age. According to the 61st Round Survey of the Indian National Sample Survey Office, 2.6 % of all children aged 5-14 (approx. 5.8 million children) were working in 2004-05.¹¹

Girls working under the Sumangali Scheme – a form of bonded labour¹² – are especially likely to start employment before they are 15. Incidences of Sumangali are commonly described as violations of the labour standard 'employment is freely chosen'. However there is also a close relationship with child labour. Because labour is often forced, and working conditions are generally poor, the Sumangali Scheme is one of the worst forms of child labour. While prohibited by law, research in 2010-11 showed that even wellknown international garment brands do business with production facilities where Sumangali is used, especially around Tamil Nadu in south India.¹³

⁹ www.china-labour.org.hk/en/node/15889

¹⁰ www.deccanherald.com/content/276226/blanket-ban-child-labour-hit.html

¹¹ Census 2011 statistics

¹² Vaan Muhil (supported by KFB Austria): "Advocacy Study on the Impact of the Sumangali Scheme on the Adolescent Girls from Rural Areas of Southern Tamil Nadu" 2011; see also Fair Wear's [short paper on the Sumangali scheme](#) (2010)

¹³ somo.nl/about-somo/successes/garments

Turkey

Turkey's largest demographic group are children. An estimated 36% of the total population is under 19 years old.¹⁴ In 2009, the proportion of children under 15 living in poverty was approximately 26%, compared to a 19% poverty rate for the general population in the country.¹⁵ Many child workers are migrants, engaged in the agricultural sector and in household chores.¹⁶ Turkey is European Union's largest textile supplier, and the second largest garment supplier after China. Many production sites are small- to-medium sized, privately owned workshops where subcontracting to unregistered workplaces is common practice.¹⁷ In the formal garment industry, child labour is rare, however reliable data on the informal sector is scarce. It is estimated that five per cent of all children in Turkey between 5 to 14 years are forced to work.¹⁸

FAIR WEAR POLICY

Fair Wear requires that affiliated companies take action to ensure that child labour as described in Fair Wear's Code of Labour Practice does not occur in their supply chains. Fair Wear requires all affiliates to implement the following steps:

1 General

- Affiliates should identify and investigate production sites at risk for child labour. The affiliate should be familiar with the risk of child labour in the region where the production takes place.¹⁹ In addition, the affiliate should perform a risk assessment study of their products' style and design to discover potential risk for the usage of child labour: products with a lot of details (e.g. buttons, glitter, ...) are labour intensive. If the factory does not have appropriate machinery, small and cheap hands might be used instead.
- Affiliates should ensure that personal documents such as working contracts and age-verifying documents are kept up-to-date and in good order at all production sites.

2 If/when child labour is found

¹⁴ www.unicef.org/turkey/ut/ut2_2010.html

¹⁵ www.unicef.org.tr/en/content/detail/49/children-in-poverty-2.html

¹⁶ www.unicef.org/turkey/dn_2006/cp41.html, Press Release Turkish Statistical Institute, Prime Ministry, Republic of Turkey, Number 61, April 20, 2007

¹⁷ www.cleanclothes.org/betterbargain/1109

¹⁸ <https://www.fairwear.org/programmes/countries/turkey>

¹⁹ www.ilo.org/ipeac/Action/Childlabourmonitoring/lang--en/index.htm

- When child labour is suspected, it is very important to immediately record the names, ages and contact details of the workers concerned.
- Fair Wear requires its affiliated companies sourcing from workplaces where child labour is found or suspected to consult and cooperate with local initiatives focused on child labour prevention and remediation. The Fair Wear affiliate must hire a credible service provider to assess the context of the situation and investigate the root causes of the child labour occurrence.²⁰
- The employment relationship between the production facility and the child worker(s) must be formally terminated. The affiliate and supplier are obliged to compensate the child's family for at least the legal minimum wage the child would have earned. These wages should be paid monthly (not as a lump sum) until the child has reached the minimum working age set out in the Fair Wear Code of Labour Practices or, if it is higher, the legal minimum age for working.
- Another acceptable compensatory measure is for the affiliate and the production site to find employment for another, older and unemployed family member who meets the legal requirements to work.
- The affiliate must take adequate steps to ensure the welfare of the child. Consideration of the child's preferences is necessary. However, depending on the age of the child, the child should attend school or remain in quality education (vocational training or formal education) until (s)he is no longer a child.
- Once the child turns 15 (or the legal age for working, if higher), the production site is required to offer employment in at least the same position and under at least the same conditions. The work must then comply with the conditions set out in the Fair Wear Code of Labour Practices regarding health and safety conditions for workers under 18.²¹
- If needed, the affiliate should include support for medical treatment of the child.
- In any case, the Fair Wear affiliate should talk with the family of the child to understand why the child has to work instead of attending school.

²⁰ Please check credibility of service provider with Fair Wear staff.

²¹ Among others, this includes a limited number of hours at work, adequate payments as well as regular health checks. Minor workers should always be able to show a work permit for the work they conduct.

- The affiliate should agree with Fair Wear on a detailed and time-bound plan to ensure child welfare at the production site in question. The plan should cover the current case and include a plan to ensure that the production site does not currently and will not in the future employ workers under the age of 15 and will work towards full compliance with Fair Wear Code of Labour Practices. Structural solutions including better age checks at factory level have to be established.
- Provided the necessary improvements have been made, the Fair Wear member brand should continue the business relationship with the supplier to ensure further actions towards the fulfilment of the Fair Wear Code of Labour Practices. If the supplier fails to make significant improvements, the Fair Wear member brand needs to ultimately consider termination of its business relationship.