

Permission



The CAMFEBA's Child Labour Project received the permission from the ILO's Bureau for Employers' Activities (ILO ACTEMP) to adjust, translate into Khmer language and reproduce this guide from the original guides published by ILO ACTEMP in 2007 with the ISBN 978-92-2-1-19819-2, ISBN 978-92-2-119875-8, and ISBN 978-92-2-119877-2



CAMFEBA's Child Labour Project



Technically and financially supported by ILO IPEC, CAMFEBA has implemented a child labour project aiming at mobilizing employers to eliminate child labour in Cambodia, focusing on the worst forms of child labour. A dedicated group of private sector representatives and Child Labour Focal Persons were created and trained and have been an active and effective mechanism in disseminating information and knowledge on the worst forms of child labour. A Code of Conduct for employers was developed and adopted by employers in target sectors under the project. The project works extensively in a variety of sectors including brick, rubber plantations, fishery, salt production, domestic child labour, and child porters.

The project has created a platform for employers to address and immediately eliminate the worst forms of child labour. As employers globally have played an important role in mobilizing public opinion against child labour, CAMFEBA continues to build on her experiences and work in this area.

For more information, please contact us at:

Phone: (855) 23 222 186

Fax: (855) 23 222 185

E-mail: camfeba@camfeba.com

TABLE OF CONTENTS

Foreword by CAMFEBA	4
Purpose of the Guide	5
About the Guide	6
Chapter One: Introduction to the Issue of Child Labour	7
1.1. Definition of Child Labour and Its Worst Forms	7
1.2. International Conventions on Child Labour	7
1.3. What Causes Child Labour?	9
1.4. Consequences of Child Labour	12
1.5. Why Employer's Associations Get Involved in Child Labour?	13
Chapter Two: How Employers Can Eliminate Child Labour	15
2.1. Four Guiding Principles in Eliminating Child Labour in Your Work Place:	15
2.2. The 8 Step that Employers Can Take Action to Eliminate Child Labour:	16
2.2.1. Step 1: Analysing the Situation	16
2.2.2. Step 2: Designing the Strategy	18
2.2.3. Step 3: Three Immediate Actions: Hiring, Hazards and Hours (3 H's)	20
2.2.4. Step 4: Supporting Children and Their Families	21
2.2.5. Step 5: Eliminating the Need for Children in Your Business	24
2.2.6. Step 6: Eliminating Child Labour from the Supply Chain	27
2.2.7. Step 7: Using a Code of Conduct	29
2.2.8. Step 8: Auditing, Monitoring and Certification	31
Chapter Three: The Role of Employers' Association in Combating Child Labour	33
Annex 1: Employers' Code of Conduct on Child Labor.	37
Annex 2: CAMFEBA's Letter Head.	38

Foreword by CAMFEBA

Employers' Association is one of the tripartite constituents of the International Labor Organization (ILO). Employers have globally played an important role in mobilizing public opinion against child labour, and especially in taking the issues of child labour to the workplace. Employers have made child labour an important issue on their agenda. Likewise, the Cambodian Federation of Employers and Business Associations (CAMFEBA) has been implementing a project on mobilizing employers and their organizations for the elimination of child labour in Cambodia, focusing on the immediate elimination of its worst forms. The project is financially and technically supported by the ILO's International Programme on the Elimination of Child Labour (ILO IPEC).

One of our activities of the project is to develop the Guide for Employer on combating child labor at the workplace in Cambodia. Many real practices have been obtained from employers in Cambodia to be used as the good examples for the other employers as well as to reveal that Cambodia is promoting "*the workplace is freed of child labour*".

Employer should not only look for their own benefits, but also the Corporate Social Responsibility that is also important in their business. The child labour elimination at workplace is one of the social issues that employers should take into consideration. Giving children the support and protecting their rights from the hazardous working environment, unappreciated working hours, and other exploitations are the easy way that employers can contribute. By doing so, children will have the chance to make use of their rights to schooling, their rights to full family life and a safe and healthy upbringing. They will have a bright future and ultimately our country will be able to develop and prosper.

I, therefore, wish to call on all employers and Business Associations operating in Cambodia to join effort with CAMFEBA, the Royal Government of Cambodia as well as the International Labor Organization to work on the elimination of child labour so that we are able to achieve the national child labour elimination target to 8% by 2015 and end the worst forms of child labour in the country by 2016.

Phnom Penh, Date: 11 August 2012

Van Sou Ieng
President of CAMFEBA

Purpose of the Guide:

This guide is designed to help employers and their associations understand and take action against child labour. It provides ideas, advice and example for the prevention of child labour, the withdrawal of children from work and the protection of young workers from hazardous conditions.

This Guide will be a key resource for the executives, directors and managers of enterprises and other Employers' Association that wish to engage on this important and sensitive issue.

The guide focuses on what Cambodian employers can do to eliminate child labour and provides examples of enterprises and Employers' Association that have taken concrete actions, either by themselves or in cooperation with the international or local NGOs, donors and other national and international organizations.

So many inputs were taken from the guide for employers on child labor developed by the Bureau for Employers' activities of the International Labor Association (ILO ACT/EMP) and the International Association of Employers – IOE. They were contextualized to fit with Cambodian context in order to mobilize the employers to join in eliminating Child Labour in their workplace as well as to contribute to achieve the national child labour target to 8 per cent by 2015 and end the worst forms of child labour in the country by 2016.

About the Guide

This guide is divided into 3 main chapters, in which employers can easily find the information that they want to know. In Chapter 1 (Guide One), it will give a short introduction to the issue of child labour which employer could take a quick look and understand of what the child labour is and also be aware of some related important information on the child labour issue. In Chapter 2 (Guide Two), we will discuss how employers can eliminate child labour at their workplace. In Chapter 3 (Guide Three), we will describe the roles of Employers' Association in combating child labour. They will get some idea on what they can do as the employers and who they can work with to help eliminate child labour at their workplace.

Concepts and real examples

This guide provides a variety of ideas. Some of them are quick and simple and will not have a negative effect on the welfare of children or the operations of a business. This guide offers not only ideas but also real examples of actions that have been taken by businesses.

Each enterprise has its own goals

It is difficult to propose a single strategy for all types of enterprises and all situations of child labour. Thus, this guide will introduce some tips for the enterprise to consider whether which strategies are the most suitable for their own workplace to adapt in order to eliminate child labour.

Public perceptions

Other enterprises might be worried about prevention and public perception. It wants to be able to tell its customers outside of their country that its goods are not produced by children. And it wants to be confident that a non-governmental organization or the media will not find evidence to the contrary.

Chapter One:

Guide 1: Introduction to the Issue of Child Labour

1.1 Definition of Child Labour and Its Worst Forms

Child labour is work that harms a child's well-being and hinders his or her education, development and future livelihood. Child labour is work which, by its nature and/or the way it is carried out, harms, abuses and exploits the child and deprives the child of an education.

The ILO makes an important distinction between **child work** and **child labour**. Only work done by children that jeopardizes the child's health, safety, or morals; or the work that interferes with the child's mental, physical, or educational development is considered **child labour**.

Thus, the term "**Child labour**" which is illegal, while the other terms used by ILO "**working children**" and "**economically active children**", notably for statistical purposes. These two terms denote work by a child of more than one hour during a seven-day period. This work can be paid or unpaid, for the market or not, regular or casual, legal or illegal. In many cases such work is within the law, and therefore is not considered child labour.

According to the article 2 of the ILO's Worst Forms of Child Labour Convention, 1999 (C. 182) defines a '**child**' as anyone under the age of 18.

The Cambodia Labour Law has established the general minimum working age at 15 years, but allows children aged 12-14 years to perform "light" work that is not deemed either hazardous to their health or to interfere with educational success. Cambodia has reaffirmed its commitment of the reduction of child labour to 10.6% by 2010 and to 8% by 2015.

The applicable age is below 18 years; the law sets the minimum allowable age for work hazardous to health, safety, or morality at 18 years.

1.2 International Conventions on Child Labour

Child Labour is not only the internal issue of any specific nation, but also the one of the worldwide. The ILO has continuously paid attention to this problem for ages. Many child-relevant international norms have been adopted and ratified by many member states, including Cambodia. Two of the international conventions involved in Child Labour have gained in popularity at the present time. They are Minimum Age Convention No138 and Convention No182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. As one of the nations ratifying the conventions, Cambodia is bound to take immediate and effective action to respond to child labour because it is one of social and world problems.

- **Convention No 138 on Minimum Age for Admission to Employment**

The convention No 138 was adopted at the International Labour Conference on 26 June 1973 and

aims at specifying a minimum age for admission to employment and work to a level consistent with the fullest physical and mental development of young persons and prohibiting the children under the age determined by law or other norms into force from getting involved in any work form. Cambodia ratified and put into force the convention on 23 August 1999.

The convention has categorized all work into three forms which are normal work, light work and hazardous work. The minimum age for admission to employment differs from the different kinds of work. The convention has set up these available ages for admission to employment:

- Normal work available from 15 years of age
- Light work available from 13 years of age and
- Hazardous work available from 18 years of age.

However, for Cambodia, the Cambodian Labor Law has minimized age for admission to employment to¹:

- Minimum working age is 15 years of age
- Light work available from 12 years of age and
- Hazardous work available from 18 years of age.

- Convention No 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour



The convention was unanimously adopted by all the member countries of ILO at the General Conference of the International Labour Organization on 17 June 1999. Until now, there have been over 150 out of the 181 member countries, including Cambodia, have ratified and put into force the convention. This ratification on 24 October 2005 has shown the commitment and attention of the Royal Government of Cambodia to implementing the convention and combating child labour in Cambodia. The convention was developed in

order to immediately eliminate the worst forms of child labour in the world, especially in the member and ratified countries. According to ILO Convention No 182, the worst forms of child labour are divided into unconditional worst forms and hazardous forms of child labour.

Unconditional worst forms of child labour include:

- a. all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict
- b. the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances
- c. the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties. Hazardous forms of child labour include any activity or occupation which, by its nature or the circumstances in which it is carried out, is likely to harm the child's safety, health, or moral development.

¹ Article 177 of Cambodian Labor Law

- Children's Work in Cambodia²

In ILO IPEC terminology used in global publications on child labour, "worst forms of child labour" are divided into "**unconditional worst forms**" and "**hazardous forms**" of child labour.

Children involved in the worst forms of child labour, as set in ILO Convention No 182, are the sub-group of child labourers whose rights are most compromised and whose well-being is most threatened. They therefore constitute the most immediate policy priority. The Government implemented a National Plan of Action (NPA) for the elimination of worst forms of child labour in February 2004 covering the period 2004-2010 and the draft National Plan of Action on the Worst Forms of Child Labour (NPA-WFCL) 2008-2012. The Government bodies and national stakeholders participating in this process identified a total of three "unconditional" worst forms of child labour and a further 16 "hazardous" forms of particular relevance in the Cambodia context.

Below are the nationally-identified worst forms of child labour:

A. Unconditional worst forms of child labour

1. Child commercial sexual exploitation
2. Child trafficking
3. Children used in drug production, sales and trafficking

B. Hazardous forms of child labour

- | | |
|---|--|
| 1. Porter | 9. Salt production and related enterprises |
| 2. Domestic service (private home) | 10. Handicrafts and related enterprises |
| 3. Waste scavenging or rubbish picking | 11. Processing sea products |
| 4. Work in rubber plantations | 12. Stone and granite breaking |
| 5. Work in tobacco plantations | 13. Rock/sand quarrying, stone collection |
| 6. Fishing | 14. Gem and coal mining |
| 7. Work in semi-industrial agricultural plantations | 15. Restaurant work |
| 8. Brick-making | 16. Begging |

1.3 What Causes Child Labour?

- **Low household income (poverty):**
Poverty forces children to work: A powerful determinant of child labour is poverty. Parents send their children out to work or ask them to work in the family business or on the family farm because the family has a low income and needs the extra money (or work effort) that the children provide. Children who are orphans work to support themselves.



² Source: Children's Work in Cambodia by UCW, Page 21

▪ **Supply and demand factors:**

The factors that cause child labour are closely interrelated. We define here five key factors. The first three of these (poverty, education and social norms) can be considered supply factors. They prompt parents to supply the labour of their children in their own businesses or farms or in the labour market. The other factors relate to the demand for child labour, demand from parents' farms or businesses and demand from other businesses. It is the combination of supply and demand factors that contributes to the prevalence of child labour. Addressing all of these factors – and not just one single one – is critical for reducing child labour.

▪ **Various income shocks:** In addition, we note that a decline in a household's income or resources can cause an increase in child labour. The factors that can cause such a decline include:

- War, political unrest or social strife that disrupts the economy
- Natural disasters
- Migration (prompted by the above factors)
- Economic recession or depression
- Inability to raise credit
- Large family size (high fertility)
- Sickness or death of a parent or working sibling

▪ **Health and AIDS:** The state of health of the key income-earners in the family can have an important influence on whether to send a child out to work. If parents are sick, children are forced to become breadwinners. The death of one or both parents can produce a similar result.

▪ **Fertility dynamics:** Fertility is another influencing factor. A larger household has a greater potential to supply child labour as well as a greater need to generate income. A large household also has a reduced capacity to afford education. Older siblings are more likely to work to raise income to support the education of their younger brothers or sisters.

▪ **Lack of decent, low-cost schooling, fees as a barrier to schooling:**

The alternative to working is attending school. Parents find it difficult to send their children to school, however, if they must pay tuition and other fees (uniforms, notebooks). If parents cannot afford these costs, children stay away from school and often end up working for the family or for others. Families living far away from the nearest school also face difficulties either because they cannot afford the cost of transportation or because it is too difficult or time-consuming for their children to walk.



- **Quality of schooling:** It is also important, of course, that schooling be of adequate quality to ensure that students are learning something. If parents feel that their children are not getting an education, they will be less inclined to send them to school. Parents may also not feel that education increases their child's prospects of securing a good job due to the nature of the job market, including various forms of discrimination. In addition, some parents feel that their children need only a certain level of education
- **Social norms and attitudes:** Social norms and attitudes may have an impact on the level of child labour, although this remains an area that is not well understood. Some researchers



suggest that societies may differ in the level of social pressure – or social stigma – related to child labour. For example, in societies where the stigma is low, parents are not influenced by their neighbours to keep their children in school and away from work. In other societies, however, this social stigma may be high, in which case it discourages parents from allowing their children to work.

- **Gender attitudes:** Social values can also lead to gender biases in child labour. These issues may affect the type of work that is done by girls and boys, the number of hours worked (including domestic chores) and, most critically, decisions about who goes to work and who gets an education. In many societies, girls work more hours than boys when domestic chores are taken into account. The composition of the family often determines whether girls or boys, and who in the birth order, will go to work or to school. Generally, younger children have a greater chance of going to school and are supported by the income earned through the work done by older children.
- **Demand from households, family farms or family businesses- household chores:** Many children work for their parents. Children do household chores, which allow their parents to do other work, either on the family land plot, in a micro business or for a wage working for others. Household chores will often be greater in areas where the infrastructure is poor or non-existent. As a result, some researchers have found that the availability of water, sanitation, electricity and other services are correlated with lower levels of child labour.
- **Own children as a substitute for hiring outsiders:** Children are also asked to work in the family business or on the family farm to reduce or avoid the costs of hiring outsiders. Such outside labour may also not be available at peak times in the agricultural cycle. This means that poor families that are, nonetheless, in possession of land to operate a farm or have the resources to run a business can be more likely to have their children working than poor families that do not have these resources.

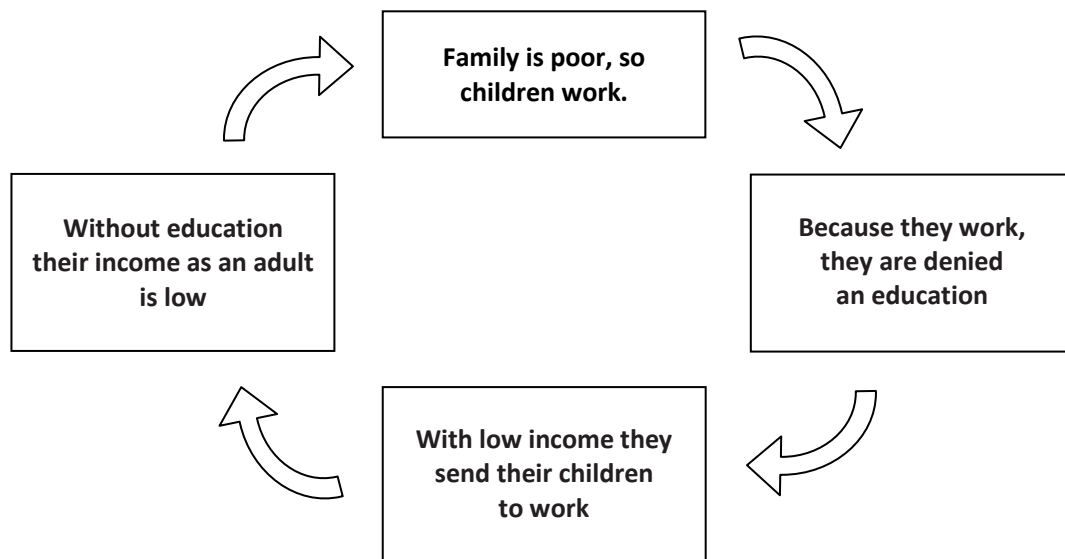


- **Demand from other businesses- paid less than adults:** Businesses hire children for a variety of reasons. When supply factors are strong – i.e. many children are looking for work – businesses may hire more children. Furthermore, in many cultures child labour is not viewed as negative, but instead children are seen as a natural and traditional part of the labour market. At the same time, businesses often hire children to keep costs low. Overall, the main reasons why businesses hire children can be categorized in the following manner:
 - **Labour shortage** – At certain points in the agricultural cycle (notably at harvest), farms, plantations and other business may experience a shortage of adult labour. Children are hired to fill the gap. Mechanization of farming and other work processes can reduce the demand for child labour.
 - **Cheaper** – Children are often paid less than adults. However, children are only a cheaper form of labour if the wage is low enough to offset the lower productivity.
 - **Assist a poor family** – In some cases, an employer may be aware that a child's family is poor and hire the child to ensure that the family obtains more income. In many cases, children may accompany their parents to work and/or assist in piecework production.
 - **Lack of child care** – When both parents work and school is inadequate; children may accompany their parents to work. In this case, they may be paid a small amount to assist the parent or they may undertake separate tasks.
 - **More manageable** – Children are less able to defend their rights and interests than adult workers are. Thus, they are sought by some employers as a more manageable form of labour for difficult situations.
 - **Ignorance and innocence** – Children can be ignorant of the risks associated with handling dangerous substances and fearless in dangerous situations (climbing, working with heavy machinery). Thus, they may be sought over adult workers who are more cautious and thus might work more slowly.

1.4 Consequences of Child Labour:

- **Impact on a child's education and future earnings - reduces human capital and income in later life:** Working full-time prevents a child from getting an education: She or he does not learn the basics of reading, writing and arithmetic and does not develop thinking processes. This inhibits the child's future earning capacity. In effect, children get stuck in low-skilled and low-paying jobs.
- **Combining work and schooling:** Families that send their children to work, therefore, gain income in the short term but they sacrifice earnings in the long term. The issue is not so simple, of course, because families may rely on the income of their children to survive. Thus, the transfer of children from work to school must recognize the need for the family to compensate for the loss of income generated by the child.

- **Cycle of poverty and child labour**



- **Long-term impact on economic growth:** Child labour has a direct effect on individual lives and families, but it also has a larger, cumulative impact on society and its long-term growth. A society with high levels of child labour is susceptible to being caught in a low-level equilibrium trap in which a relatively uneducated workforce continues to produce low quality goods at low levels of productivity. A new generation needs to break the vicious cycle and allow children the chance to go to school instead of working so that they can be more productive in future years. They will then be able to contribute to the efficient production of higher quality goods and to the expansion of markets both domestically and internationally.

1.5 Why Employer's Association Get Involved in Child Labour?

Four reasons why employers should eliminate child labour:

The reasons why an Employers' Association might get involved in the child labour issue are similar to those for individual enterprises. Those reasons can be briefly summarized as in the following:

- Complying with the law:** Cambodia has the Labor Law which prohibits employing persons of a certain age in specific activities. Thus the first reason to stop child labour is that in Cambodia it is against the law to employ children under the working age. An Employers' Association can encourage its members to operate within the law.
- Expanding market access:** International buyers and brands wish to meet accepted international labour standards and also to avoid bad publicity and potential boycotts. These buyers seek producers in Cambodia that has certified the international ILO Convention 138 and 182 as being a country that is free of child labour and that have worked hard to ensure that child labour is not used in the suppliers they source from. An Employers' Association that promotes the elimination of child labour assists its

members in accessing markets. It is good not only for individual business but also for entire sectors and the economy as a whole. Cambodia will gain a positive image among investors and consumers.

- c. Improving productivity:** Enterprises, especially informal ones, often hire children because they think that it improves their profitability. This is usually a short-term perspective, however. Child labour detracts from long-term enterprise success because it inhibits the development of a trained and productive workforce of adult workers. Children have short attention spans, less appreciation of quality control and less capacity to use machinery efficiently. They are not as strong physically as adults. An Employers' Association can encourage the elimination of child labour to improve the business performance of its members.
- d. Ethics – Doing the right thing:** An Employers' Association can contribute to society by encouraging hiring decisions that allow children to get an education. In turn, these children will earn more in the future, will be part of a more educated workforce and will contribute to a more productive economy. But the decision to avoid hiring children does not need to be based strictly on the future economic benefits it brings to children and society. Sparing children the misery of hard and hazardous work is desirable in itself. It allows children, immediately and as children, to have a happier life (if they live in households with adequate income). In such a situation, not hiring child labour is simply the right thing to do.

Chapter Two:

Guide 2: How Employers Can Eliminate Child Labour

Finding appropriate solutions: As what have been mentioned before, child labour is a severe social problem that is caused by poverty, the lack of schooling, parental attitudes and other factors. Enterprises may contribute to this problem by not hiring children under the working age and they can thus play a role in helping to eliminate it. Elimination is not difficult but it does require a thought-out strategy, notably to ensure the welfare of children and the families they help to support. Simply laying off children is not an appropriate solution; instead enterprises can work with other groups to assist in the transfer of children to school and to ensure that the welfare of the family is not damaged by the loss of a child's income.

2.1 Four Guiding Principles in Eliminating Child Labour in Your Workplace:

- **While the guide provides a variety of suggestions, it might be best to keep in mind four overall ideas or guiding principles in setting out a strategy and implementing it.**
 - a. **Understand the consequences of your actions:** Rushing to comply with legislation or buyer demands can lead to negative, unintended consequences for children and their families. Consider their welfare when creating a workplace free of child labour. Little is known of what happened to these children and their families. Some probably ended up in worse conditions. Careful planning can ensure that negative consequences are avoided.
 - b. **Be proactive rather than reactive:** Don't wait to be told or forced to reduce child labour. Be proactive and reduce child labour through internal efforts or work with organizations that can help. Include it as an action item in the company's strategic plan. Being proactive in finding solutions means that enterprise will avoid bad publicity in the media, fines by the government and dictation by buyers. In addition, the removal of children from work takes time and planning. Being proactive means an enterprise stands a better chance of planning this process carefully.
 - c. **Cooperate with others:** Many local and international organizations or coalitions have been formed to fight child labour. Employers' Associations or sectoral bodies might also have active programmes on the issue. All of these groups may be able to help a company design a responsible programme. Other groups can help to monitor labour practices and set codes of conduct.
 - d. **Work within your spheres of influence:** Enterprises are responsible for their own workplaces, but they also can have an influence beyond it. They can encourage or even help suppliers to reduce child labour; they can work with other organizations to create awareness; they can support broader programmes to improve education facilities for children and so on.

2.2 The 8 Step that Employers Can Take Action to Eliminate Child Labour:

Suggestions on steps – but a business can decide on its own strategy

This guide tries to address all these situations. As such, not all sections will be useful to all enterprises. The guide is organized along eight steps which are designed to help the owners or managers work through a process. However, in many cases, a business may decide not to follow the steps in the order in which they are presented

2.2.1 Step 1: Analyzing the Situation

What is the extent of the child labour problem?

To deal with child labour, it is first necessary to have an idea of the extent of the problem in the business or among its suppliers. The owners or managers probably already know whether the business might be employing workers below the age of 18. They may not be aware, however, what the minimum age for work is or how hazardous work is defined. They may not be aware of what potential buyers require in terms of the age of workers. Thus, to fully understand the requirements and the business' situation, it may be important to undertake a more detailed analysis of the situation. This can be done internally, or it may involve an audit by an outside firm with experience in these matters. Likewise for suppliers, an audit can be conducted internally or by an outside body. This section considers some of the issues to be addressed.

Defining child labour

How is child labour defined in my country?

It is necessary that the enterprise be aware of how child labour is defined in the Cambodian Labor Law. The Cambodian definition is important because it will allow the business to operate within the law. This is the minimum requirement for any business. Information on the Cambodian Labor Law can be easily obtain from the Ministry of Labour and Vocational Training or CAMFEBA. Understand clearly the content of the Labour Law and articles in other regulations that pertain to child labour.

Stricter than the Cambodian Labor Law

Indeed, a business may decide to adhere to a policy that is stricter than the Cambodian Labor Law or even international standards. For example, in some companies decided to set its minimum hiring age at 18. This allows it to avoid problems with 16 and 17-year-old workers that may be working too many hours or in hazardous conditions such as at night or with chemicals. A strict policy may be required by buyers, notably foreign ones or local plants or plantations owned by multinationals. In addition, there may be an international industry standard that determines access to foreign markets. In these cases, it may be useful to ask buyers or an industry representative body what the standards are.

Different buyer requirements

It is possible that an enterprise sells to different buyers who have different definitions. This can be confusing. To be safe and enjoy access to a range of buyers, it may be best to comply with the higher standard. Below are the checklists that your enterprise should have and implement in order to be aware of or to find the resolutions to any unexpected mistakes that may have.

Checklist 1

Requirements of the law

1. Minimum age for regular work in my country: _____ years
2. Maximum weekly hours of work that can be undertaken legally by children below this age: _____ hours
3. Minimum age for hazardous and “worst forms” of work (probably 18): _____ years
4. Cambodian legal definition of hazardous or worst forms of work in my area of business:
_____, _____, _____,
_____, _____, _____.
5. Other legal requirements, if any, regarding child labour:
 - a. _____
 - b. _____
 - c. _____

Checklist 2

Requirements of my buyers or industry standards

1. Minimum age for regular work, if different from the law: _____ years
2. Minimum age for hazardous and “worst forms” work (probably 18): _____ years
3. Main hazardous forms of work in my area of business as defined by my industry or suppliers:
_____, _____, _____,
_____, _____, _____.
4. The ISO requirements of my buyers regarding child labour are:
_____.
5. Other requirements of my buyers or industry standards, regarding child labour:
 - a. _____
 - b. _____
 - c. _____

Current situation in the business

Verifying age: The next step is to determine whether the enterprise is employing people who are classified as child labourers under the Cambodian Labor Law or the higher standard that the enterprise has set to conform to the requirements of buyers. This can be done through an audit of current employees. They can be asked to provide proof of age, if possible. Sometimes there are no birth certificates to verify age (and falsified documents may be easy to obtain on the black market). The major techniques to verify age include the following:

- medical examination prior to employment
- multiple written documents and affidavits
- interviews (that are culturally adjusted) with employees and applicants who appear to be too young
- school enrolment certificate
- common sense.

Checklist 3

Quick check of child labour in my business

	Male/Female
1. Total number of children (below the age of 18) working in my business:	____ / ____ children
2. Number of children currently working in my business below the legal minimum age for work:	____ / ____ children
3. Number of children up to the age of 18 working at hazardous or “worst forms” tasks:	____ / ____ children
4. Number of workers whose age is difficult to verify:	____ / ____ persons
5. Number of workers who would be defined as child labourers by my suppliers:	____ / ____ children

2.2.2 Step 2: Designing the Strategy

Elements of a child labour strategy

- **Step 1 - Consider:** Analyzing the situation: The owner or a senior manager designates one or more subordinates to consider the ‘shape’ of the problem and come up with a few ideas on how to move forward. In a small firm, this might be done by the owner alone.
- **Step 2 - Consult:** Designing the strategy (with implementation schedule): A process of consultation then takes place. An individual or group consults with others working in the business, including workers’ representatives, members of welfare committees and those who hire workers. A key issue here is whether any consultations also take place outside of the business (e.g. specialized consultant, NGO, Employers’ Association, sectoral group, buyers).
- **Step 3 – Draft:** Three immediate actions: hiring, hazards and hours: Following consultations, the person or group in charge drafts a strategy. This does not need to be elaborate. It can be four paragraphs on a single sheet of paper which include the basic actions to be taken, by whom and when. For a large company it might be more developed and include specifying accountabilities.
- **Step 4 - Consult again:** Supporting child and household welfare: The draft strategy is then used to consult again. Determine whether the key internal people, including senior

management and perhaps workers' representatives, agree and whether the line managers think it will work.

- **Step 5 – *Decide*:** Eliminating the need for child labour in my business: Consider these second-round comments and then decide on a strategy. At this stage, it might need to be formally written out.
- **Step 6 – *Communicate*:** Eliminating child labour in the supply chain: The strategy must then be communicated to the entire business and possibly to outsiders (buyers, sector organizations).
- **Step 7 – *Implement*:** Using a code of conduct: The next step is to implement the strategy, which will necessarily include the assignment of accountability for specific actions.
- **Step 8 – *Review*:** Auditing, monitoring and certification: And finally, some mechanism can be put in place to review the strategy's implementation and gauge its success or consider modifications. It is critical that key figures in the enterprise, including the most senior management, be engaged in and supports this process.

Four scenarios: What an Enterprise Might Seek to Achieve

Seek solutions to meet your objectives

Your business needs to develop its own strategy. It might decide to follow all of the eight steps that structure this guide. However, it might also decide to follow only some of the steps or to change the order. To illustrate how this guide might be used to serve different circumstances, four invented scenarios are presented below. These represent the most common situations faced by businesses. The purpose here is not to imagine every case, but to provide a sense of how the guide might be used and adapted.

1. Want to prove that firm is free of child labour

In this first scenario, your enterprise does not employ anyone under the age of 18. There is thus no problem of child labour. However, international buyers have recently been asking for proof that the business is free of child labour. In this case, Step 7 on creating a code of conduct and Step 8 on auditing, monitoring and certification will be the most relevant for your business. The central concern is to get an independent audit to confirm the existing reality.

2. Want to operate within the law

In the second scenario, your small enterprise produces only for the domestic market. Recently, the issue of child labour has been raised in the community and government has increased their enforcement of existing laws. Your business employs individuals from the age of 18 upwards on a full-time basis and a few younger boys who come to work a few hours every day after school. In this case, the most relevant steps are Step 1 on analysing the situation and Step 3 on immediate action. Your goal would be to comply with the law and ensure that children are not working in hazardous conditions. You are not interested in engaging an outside auditor or setting a formal code of conduct.

3. Want to eliminate what is a significant problem

In the third scenario, you are aware that your business employs, on a full-time basis, children under the legal working age. You know the parents of these children and you know that they are

poor. They cannot afford to send their children to school. Laying off these children probably means that they will find work elsewhere, possibly in worse conditions. At the same time, you are concerned that hiring more adults may raise your costs and make it more difficult to remain in business. In this case, it is best first to detail the extent of child labour (Step 1) and take whatever immediate action is possible to stop hiring and move children from hazardous work (Step 3). The real challenge, however, will be to see whether these children can be put in school without damaging their welfare and that of their families (Step 4). In this regard, you may need outside help from a community group or non-governmental organization that can help reduce the costs of sending the children to school and help the parents generate more income through microcredit schemes, cooperatives or other means. You have no interest in setting a formal code of conduct or allowing outside auditors to visit your premises.

4. Want to appease a buyer concerned with the supply chain

In the fourth scenario, your business is a well-known clothing brand based in Europe. Recently, one of your competitors has been the subject of negative media reports because a supplier was found to have been employing under-aged workers. You are concerned that the same might happen to your firm. In this case, it is best to consider Step 6 regarding child labour in the supply chain. In addition, the firm's code of conduct (Step 7) may need to be reviewed or discussed with suppliers. It may well be that your office in the countries where the plants are situated may need to start regular or surprise checks on suppliers, as suggested in Step 8.

Assistance from NGOs, community groups and others - A key strategic question is who to collaborate with:

A key question for your strategy is whether the elimination of child labour in your firm will be an entirely internal matter, or will involve some type of outside collaboration. As the scenarios above suggest, this will depend on the situation of the business. External collaboration in the form of an auditor may be essential for convincing buyers or consumers that your business is free of child labour. Other forms of external collaboration may include cooperating with community groups and non-governmental organizations to move children from work to school. Alternatively, a business may simply want to end child labour quietly on its own and not be associated in any public manner with the issue.

2.2.3 Step 3: Three Immediate Actions: Hiring, Hazards and Hours (3 H's)

Immediate actions: Immediately laying off children can be harmful to them and to the welfare of their families. There are, however, some immediate actions that can be taken by a business can reduce the problem of child labour without adversely affecting the children. This is the 3 H's approach: a stop to under-age *hiring*, removing children from tasks where the risks from *hazards* are high and reducing *hours* to the legal level.

3 H's only or as part of a broader strategy:

In some businesses where the incidence of child labour is low, these actions may allow for the total elimination of child labour, including the problem associated with workers below 18 but above the minimum age of work. The 3 H's approach can, however, be the first immediate step of a larger strategy as outlined in the subsequent parts of this guide.

- **Immediate Action 1: End the practice of hiring children (H-1- hiring):** Your business can immediately stop the hiring of children. This will ensure that you are not adding to the problem. This is not a *freeze* on hiring (which is temporary) but a permanent ban. It can be put into effect through a firm policy implemented by those in charge of the hiring process. The main concern is verifying the age of job applicants, as discussed in Step 1. Once the hiring ban is in place, the business can then consider what can be done with children that it hired before the ban was imposed. Part of that strategy may be found in the following two immediate actions.
- **Immediate Action 2: Eliminate hazardous child labour (H-2: hazards)** Children should

not be working in conditions in which the risks from hazards are high. 'Hazardous' child labour is defined in the ILO's Worst Forms of Child Labour Recommendation (R. 190) as work involving: exposure to physical, psychological or sexual abuse; work underground, under water, at dangerous heights or in confined spaces; exposure to dangerous machinery, equipment or tools; the handling of heavy loads; exposure to unhealthy environments (substances, agents, processes, temperatures, noise, vibrations); and work under difficult conditions, including for long hours, at night or being unreasonably confined to the premises of the employer. There are two ways to eliminate hazardous child labour:



- reduce the risk from hazards by improving workplace safety and health:* an adolescent would continue working in the same workspace and at the same tasks, but the environment and tasks would now be low-risk.
 - remove adolescents from tasks and environments that are deemed hazardous for adolescents but not for adults (i.e. heavy loads, night work, heavy machinery):* an adolescent would be reassigned to different tasks and/or a different environment in which the work is more suitable to his or her development.
- **Immediate Action 3: Reduce the hours for children under the minimum age (H-3: hours)** In Cambodia, the Labor Law allows children to do light work of a limited duration each week. Nonetheless, children can often do some work while also attending school on a regular basis. *Reduce hours but not income:* There is, however, one important requirement here: while the hours may be reduced, the income should not, if at all possible. This will ensure that the child continues to take home the same amount of money to support him or herself and the family. And, it will decrease the likelihood that s/he will have to work somewhere else instead of going to school.

2.2.4 Step 4: Supporting Children and Their Families

Dismissal can be dangerous need to support family income: The immediate actions, outlined in Step 3, may reduce the problem of child labour in your business but not eliminate it. Children may

still be working at or near full time. It is dangerous to simply dismiss these children as it can cause hardship for them and their families. Instead, action is needed that balances the dual concerns of removing children from work and finding ways to ensure that family income is maintained.

In this step, a number of suggestions are put forward that may be more or less suitable depending on the size and financial means of the enterprise.

Working with child labour reduction programmes: Compensating for the loss of a child's wage and getting children into school generate costs. As a result, efforts to reduce child labour often rely on the support of projects funded by governments and donors. A comprehensive approach is most effective and normally involves the following components:

- decreasing the costs of schooling (lowering or eliminating school fees and related expenses, providing stipends for children, etc.)
- providing midday meals at school
- providing transitional schools for children who have fallen behind their peer group
- offering vocational training programmes for older children
- organizing credit and other income-generating activities for parents.

Link with local projects: An enterprise can find out whether a programme of this nature exists in the area and encourage its child workers and their families to receive support.

Encouraging microfinance and skills training: Microcredit and savings and credit cooperatives can provide one or both parents with the start-up capital needed for an income-generating activity. The added income can reduce the need for the wages earned by a child. An enterprise can therefore find out whether a microcredit organization operates in the area and, if so, encourage the parents of working children to join. It can also provide or guarantee soft loans (i.e. at low rates of interest) to its employees to help cover education expenses, notably at the start of the school year when school fees are due.

Improving wages and hiring family members - Hire the child's parent or older sibling: An enterprise owner may also look at his own operations and consider ways in which his pay or hiring decisions can help families. For example, if a parent and a child work for the same employer, the employer may be able to increase the parent's wages. Alternatively, if members of the family (parents, older siblings) are unemployed, these might be hired instead of the children or to fill vacancies.

Supporting education - Supporting children and schools: Enterprises can provide support for children's education either through scholarships, bursaries and stipends, or by providing funds to establish and improve schools near a plantation or a factory. Such support can be curative (to help child labourers) or it can be preventative (to ensure children stay in school).



Case Study 1:

Case Study of Cambodian Ngoun Hav Brick Establishment

Ngoun Hav brick Establishment is one of the biggest brick factories in Siem Reap province. It is located in Chhouk Sar Village, Khun Ream Commune, Beanteay Srey District, Siem Reap Province. The factory employs an adult labour force of more than 100 persons. The owner of the factory provides housing for his workers who come from the different places of the village or province to live with their families so that children can stay all together with their parents. However, children are not allowed to work in the brick production. Instead, the owner of the factory and his parents workers encourage their children to go to schools. To encourage for more schooling, the owner gives books, pens, bags, clothes, and shoes (by his own expenses) to the children of his workers who reach school age and also for those who are going to start their higher grade. This kind of distribution is conducted every year during the day before the school enrolment.



Paying wages while children attend school - *An incentive to stay in school:* For larger companies, the most direct method of reducing the number of full-time child workers is to transfer them to schools while continuing to pay their wages.

The challenge for small enterprises:

Less capacity to support children in education: Enterprises that are smaller will face much greater difficulty in balancing the requirements of eliminating child labour on the one hand, and on the other ensuring that the child and his/her family does not suffer from a loss of income. Most micro and small enterprises will find it difficult to pay for school fees or continue to make wage payments while former employees are in school. For them, the following steps might be more appropriate:

- **Seek out community groups,** NGOs or mutual support groups (savings and credit cooperatives) that can help families to maintain income.
- If only a few children are working in your enterprise, ask them to stop working and go to school but **agree to hire them back** when they reach the legal working age.

- Decide on a **phase-out** in which under-age hiring is stopped but children just below the minimum age of work (several months) can keep working until and after they reach that age.
- **Improve working conditions** so that the tasks done by children (or the conditions they work in) are no longer classified as hazardous work. This would apply particularly to the situation of children above the legal working age but below the age of 18.
- **Hire siblings or parents** instead: the third point should only be used if external support is not available and the child provides valuable family income.

Case Study 2:

Real Practice of Garment Manufacturers Association in Cambodia on Child Labour Elimination

What does GMAC do to combat child labour at their workplace?

Garment Manufacturers Association in Cambodia represents all garment and shoes factories which totally employ about 450,000 workers as of end 2011. Established since 1996, GMAC has become the most active and prominent business associations in the country, representing, promoting and safeguarding the rights and interests of its garment factory members. All the garment and footwear factories in Cambodia that come under the GMAC umbrella do not employ any workers under the legal working ages. With real commitment to eliminate child labour, GMAC has signed an agreement with ILO-BFC based on which factories found guilty of employing child labour are required to withdraw those underage workers from their factories and instead send them to school and support their school fee, continue to pay their normal wages until they reach the legal age of employment and even agree to hire them back if they wish to come back.

2.2.5 Step 5: Eliminating the Need for Children in Your Business

Affect on enterprise viability: The elimination of child labour in most cases will not affect the ability of your business to remain in operation and earn a profit.

Cost savings in other areas: Suppliers that hire children are usually also enterprises that are not well managed. The two problems – child labour and poor management – tend to occur together. Therefore, cost savings can usually be found in other areas of the operation, notably in how production is organized, to offset any wage cost increase that may arise when children are replaced with older workers.

Checklist

Reducing the need for child workers

1. Mechanize tasks currently done by children _____
2. Improve production layout _____
3. Review the wage differential for children below and above the legal working age

4. Replace child family labour _____

- **Difficulties faced by small enterprises:** The situation may be more difficult, however, for small firms. They tend to be more reliant on the cost savings generated from paying low wages to children. This includes the low wages – or no wages – paid to young family members. Here in Step 5, some suggestions are provided, notably for smaller firms, which can help to reduce the reliance on child labour.

1. **Mechanize:** Often children below the legal working age undertake tasks that can be done by machines. Replacing children with machinery is thus one way of reducing the child labour problem.
2. **Improve production layout:** Production can also be made more efficient by rearranging the production layout. Depending on the situation, this may reduce the manpower requirement and, in some situations, the need to employ children. It is difficult to specify the precise situations in which improvements in the production process will lead to such reductions. Each enterprise can, however, consider the tasks that children do and consider whether they can be eliminated through better layout and possibly with some minor additions of machinery or adaptations of the workspace.
3. **Review the wage differential:** Misconceptions exist regarding the costs of eliminating child labour. If children are employed because they are cheaper to hire, the actual wage differential between hiring an individual below the legal work age and hiring someone above that age may be reviewed. In some cases, there may be little difference between, say, paying a 14-year-old and paying a 16-year-old. Regarding hazardous work, there may be little difference between the wages of a 17-year-old and those of a 19-year-old. Enterprises might also consider that the slightly older workers in these cases are likely to be more productive.
4. **Reduce child family labour:** The owners of small enterprises and small farms often employ their own children. These children may not be paid or may be paid very little. This situation is very difficult to handle because the cost savings (of not paying for the labour) may be important for the farm or business operated by a poor family. Furthermore, balancing the education of children with the family workload is never easy. This is especially true when the workload varies with the agriculture cycle. The points made under the three sections above are relevant here. The family head(s) will need to consider whether the increase in cost that arises from hiring non-family members can be accommodated, and whether work can be reorganized to generate time and cost savings.

Case Study 3:

How Salt Producer's Community of Kampot and Kep (SPC) Deal with the Child Labour Elimination Issue at Their Work Place

- Reasons Caused Child Labour

Poverty, low education, and lack of understanding of local people about the long term impacts of children working at early age, parents forced their children to go to work instead of to schools.

- How to Indicate the Number of Child Labour at Workplace

Through Rapid Listing conducted by Provincial Department of Planning (PDP) of Kampot province in 2010, 772 children were found working and preparing to join workforce in Salt Sector in Kampot province.

- Collaboration with the Others to Eliminate Child Labour

To respond to Child Labour in Salt Sector, Salt Producer's Community (SPC) of Kampot and Kep has actively involved in eliminating Child Labor (CL) since 2006. It has collaborated with Provincial Committee on Child Labor (PCCL), Provincial Department of Vocational Training of Kampot (PDLVT), Provincial Department of Education Youth and Sports, Trade Unions and other relevant institutions and local authority. Recent years, SPC has received financial support from ILO IPEC for project aiming to declare Kampot as the province where is free Child Labor in Salt Sector by 2011.

- Code of Conduct

The effort of SPC to eliminate CL in the salt sector is remarkably noted. They have developed Code of Conducts to stop using child labor and encourage salt farm owners to participate in eliminating child labor movement, especially its worst forms. The SPC has mainstreamed the CL in its Annual General Meeting and cooperated with PDLVT and ILO IPEC to provide the training of CL, its consequences, International Convention 182 and 138, Labor Law, Prakas and National Plan of Action to the salt farm owners. They also closely worked with Trade Unions to find the strategies and framework to end child labor in Salt Sector by 2011.

- Monitoring and Support Provided

Worked cooperatively with PCCL, APIC, Trade Unions and Local Authority, SPC let PDP to conduct rapid listing for children working in Salt Sector and allow the community and work place monitors to monitor each salt farm to ensure that no CL is used. They also provided land for constructing Community Learning Centers (CLC) and pushed salt workers to send their children to CLC or Schools with providing school materials and uniforms, especially for children whose parents live permanently in Salt Farms. The SPC also allowed the Trade Unions to set up the committee and network and monitor their workers. The SPC has provided some money to construct one school building with 6 rooms in Trapeng Pring Village, Trapeng Pring Commune, Tek Chhour District, Kampot Province to make it easier for children from salt worker's families to go to study.

How to Determine Child Labour

Family Book and Citizen ID cards are the major instruments for SPC to determine and accept workers to work. For those who did not have family book or ID Card, they have to be certified by Local Authority, but normally Salt Farm Workers are mostly living in Salt Farm Communities or villages near the farms, so the farm owners know them very well. For those who migrated from other districts or provinces, they have to show their family books to SPC before they are offered the job. Each worker and family has been prohibited to use their children in salt sector and have to send their children to school or CLC; otherwise, they would be punished by SPC and dismiss them from work.

Why Employer Need to Eliminate Child Labour at Their Workplace

The good quality of products and good service are factors that lead SPC success. The quality of salt produced by children is not satisfied and good enough for sale, so the SPC does not want children to involve in production. There are also other reasons that made SPC stop using the children in their production such as their understanding on the consequence of using CL, their obligation to join in the implementation of National Plan of Action on combating child labor, their obligation to follow International Convention 182 and 138, the Cambodian Labor Law and regulations, especially their desire to see children's bright future.

2.2.6 Step 6: Eliminating Child Labour from the Supply Chain³

Responding to bad publicity: Legally, businesses are only responsible for their own hiring and employment practices. They are not responsible for whether other businesses engage child labour. However, businesses are linked in supply chains and the firms that are further downstream, i.e. closer to the consumer, are increasingly demanding that their suppliers upstream be free of child labour. Many international buyers will now only purchase from businesses that respect certain standards. Moreover, a buyer's requirements may be stricter than the national law.



Brand name companies no longer produce – they buy: Many common brand name companies in footwear, clothing and other sectors no longer manufacture their own products. They shifted from being primarily a producer of goods to a marketing firm buying from local firms. To avoid bad

³ **Supply chain:** a supply chain consists of all parties involved, directly or indirectly, in fulfilling a customer request. The supply chain includes not only the manufacturer and suppliers, but also transporters, warehouses, retailers, and customers themselves.

publicity, brand name companies, they need to ensure that child labour is not being used by any of its suppliers or by any of its suppliers' suppliers.

Checklist

A supply chain free of child labour

- a. Screen prospective suppliers _____
- b. Make suppliers aware of your requirements _____
- c. Write the conditions into the contract _____
- d. Require ISO certification _____
- e. Monitor your suppliers _____
- f. Work with suppliers to improve conditions _____
- g. Provide credible warnings _____
- h. As a last resort, drop suppliers that fail to comply _____
- i. Centralize home-based production _____

Long chains difficult to monitor: Buyers of both finished goods and inputs find it difficult and costly to ensure that suppliers further up the supply chain are meeting agreed-on child labour and other standards. This is particularly true when the number of suppliers is great (e.g. garment and agriculture sectors) and when the supply chain is long. International and domestic buyers have developed a number of methods to ensure that child labour is not used to produce the goods that they sell. The list of measures is given in the Action Checklist above, with the details provided in the narrative that follows.

- **Screening prospective suppliers:** Buyers now seek suppliers who understand and share similar values concerning the problems of child labour. The initial screening includes checking conditions and practices at the premises of a potential supplier. Where enterprises have large numbers of suppliers in many countries, they usually have an approval procedure with specific requirements that need to be met before a business partnership can be initiated.
- **Make suppliers aware of the requirements of your business:** New and existing suppliers are to be made aware that child labour will not be tolerated. Clear statements, delivered verbally and in writing, and up-front discussion will ensure that there is no misunderstanding. The following aspects can be explained.
 - 1. the Cambodian legal minimum age of work and definition of hazardous work
 - 2. your standards as the buyer, if they are higher than the national legal standards
 - 3. reasons why suppliers must abide by standards that are higher than those required by the law
 - 4. agreement on transitional period and schedule of steps during which the supplier will need to remove child labour
 - 5. monitoring procedures
 - 6. consequences of non-compliance.

- **Write the conditions into contracts:** Contracts with suppliers can set out the minimum age of employment, the hazardous tasks that cannot be undertaken by those under 18 and any other labour conditions. The consequences of breaching the conditions, including the possible termination of the contract, can be stated clearly to avoid confusion. While some buyers will terminate contracts with suppliers immediately when found in breach, most opt for constructive engagement with suppliers so that a programme of reform is put in place. Where verbal contracts are the usual practice – for instance when a mid-chain buyer purchases from a home-based producer and where literacy is a problem – the conditions need to be clearly explained and reiterated at subsequent meetings.
- **Monitor your suppliers:** A monitoring system will ensure ongoing compliance with contract requirements. As a buyer, your business has several options: it may monitor suppliers itself; it may contract the function to an outside firm or agency; or it may rely on a trade or sectoral association. The issues of monitoring are dealt with in greater detail in Step 8.
- **Work with suppliers to improve conditions:** If child labour is detected, it is not necessary to immediately abandon the supplier. If a supplier is reliant on your purchases, abandonment can cause layoffs, including those of children, thus making their situation worse. Furthermore, the abandonment of a supplier can disrupt your flow of supplies and buyers tend not to drop suppliers if their supplier network is small. Instead, the supplier can be given time and support to remove children from work.
- **Provide credible warnings:** The supplier needs to know that you are serious about child labour. It can be made clear that if concrete steps are not taken to eliminate the problem, then contracts will be terminated and no new contracts issued.
- **Drop suppliers that fail to reform:** If a supplier does not make serious efforts to solve the problem, then the buyer may have no option but cancel contracts and drop that supplier.

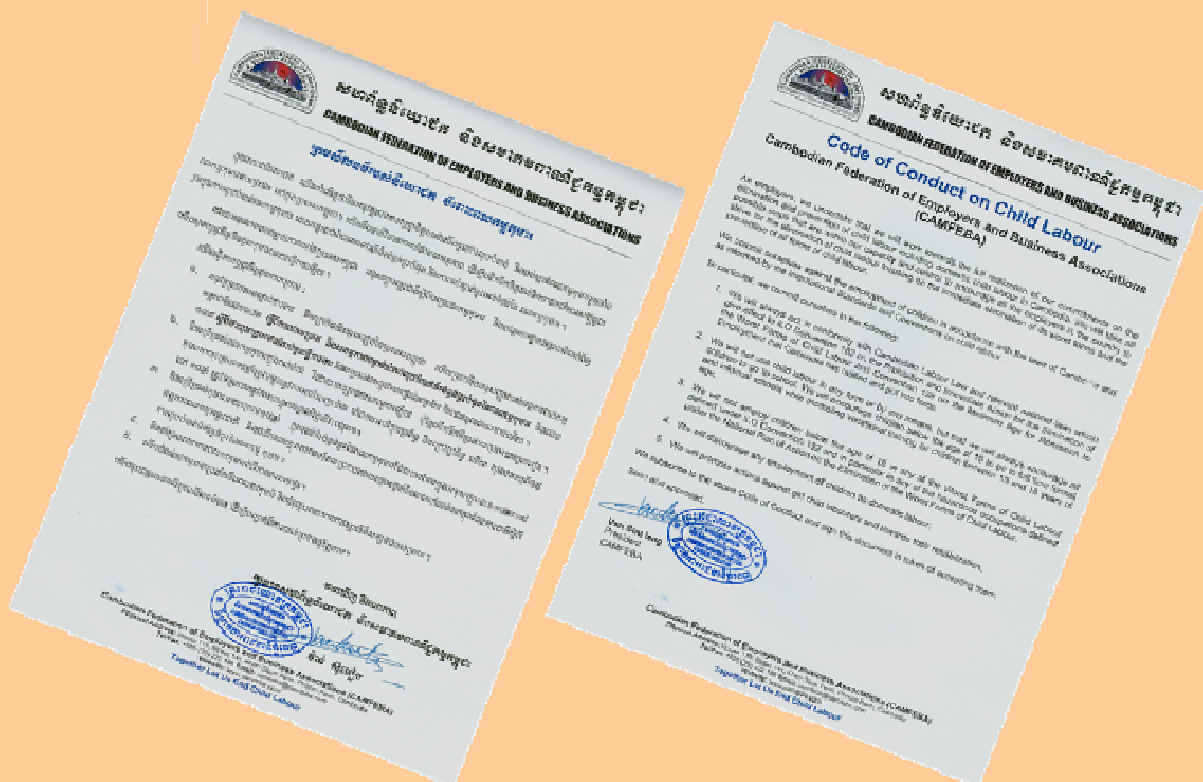
2.2.7 Step 7: Using a Code of Conduct

A Code of Conduct can have multiple purposes. Along with promoting labour standards and improved productivity, such codes can enhance a company's reputation, attract investors, and make it easier to recruit qualified and motivated staff. Enterprises that are small and not oriented to international markets may decide not to have a written Code of Conduct, but have an unwritten policy against the hiring of children and have informal procedures for handling the situation if an employee is found to be under-age. A Code of Conduct dealing with child labour fulfills two objectives: one internal and one external.

Case Study 4:

Code of Conduct for Employers Against Child Labour

As the representative of employers in Cambodia, CAMFEBA developed a Code of Conduct for members in 2007 to combat child labour at their workplace. This Code of Conduct was developed in Khmer and English language and disseminated widely to members to show the commitment of the employers in combating child labour and acting in conformity with Cambodian Labour Law and regulations, ILO Convention 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour and Convention 138 on the Minimum Age for Admission to Employment that Cambodia has ratified. The employers promised not to employ underage workers while encouraging children to go to school.



- **Internal objective:** Regarding the internal aspect, a written Code of Conduct allows the owners and senior managers to indicate their seriousness about child labour and to establish policy coherence. Through the Code of Conduct, all employees, but notably those involved in recruitment, can be made aware and reminded of the policy regarding child labour, of procedures for screening in the recruitment process and of steps to be taken to remove children from work or young workers from hazardous conditions. A Code of Conduct reduces confusion and makes infractions easy to spot.
- **External objective:** Regarding the external aspect, a Code of Conduct allows a business to indicate to others that the business does not employ child labour. This can be especially important when attempting to secure new customers, notably buyers for whom compliance with international labour standards, including child labour, is an important issue.

Limited credibility: It is true however, that a self-designed and self-enforced Code of Conduct may provide only a limited amount of credibility with buyers or other outsiders. While it will indicate that an enterprise has considered the issue and put down a policy in writing, there is no guarantee, however, that this Code of Conduct is being enforced. Stronger proof may be required that the Code of Conduct is supported by a system of monitoring. Step 8 is dedicated to the issue of monitoring and related issues.

Living up to the code-Words and action: A Code of Conduct is a standard to follow. It is not only worthless if not followed, but worse: it can make a company look hypocritical. Non-governmental organizations, and especially the media, can create considerable bad publicity by demonstrating the difference between the Code of Conduct and actual practice.

2.2.8 Step 8: Auditing, Monitoring and Certification

Certification and proof to buyers and consumers: To ensure that a business or a supplier does not employ child labour, some type of assessment can be made. A single assessment is generally referred to as a social audit. A series of repeated assessments is generally called monitoring. Auditing and monitoring are conducted internally or by outsiders, and several approaches are described in more detail below. Monitoring can take place every two weeks, every month or for whatever period the enterprise decides.

Must be credible: Monitoring has two purposes. Firstly, it acts as a detection and verification system. It lets the enterprise know that it is free of child labour or, if it is not, it provides information on the nature and extent of the problem. This knowledge can be used to take remedial action. Secondly, monitoring is an assurance mechanism that provides proof to buyers and consumers that an enterprise is free of child labour. Following an assessment, an enterprise may be certified as free of child labour either by the auditor itself, or by an organization that approves of the audit. Once that credibility is broken, however (e.g. the media or an NGO finds that children are employed where it was claimed they were not), then the credibility of the monitoring system and the enterprise involved is damaged.

Main Types of Monitoring: Several methods have been developed to enhance the credibility of monitoring. The main method is to allow the monitoring to be conducted by a third party that is neither the enterprise itself nor a buyer. Some companies use both their own internal system of monitoring and an external process conducted by a credible outside organization. The various types of assessment are provided below.

- **Internal monitoring:** As its name suggests, internal monitoring is a system in which the enterprise monitors itself. Also known as first-party monitoring, it is the easiest to manage but may lack credibility. If the company is large, with manufacturing plants, mines or plantations spread over several countries it can be an important system to ensure that all units are in compliance with the company's policy on child labour.
- **Buyer monitoring:** A second approach, known as buyer or second-party monitoring, refers to a process in which a buyer monitors its suppliers. It is used both by international buyers relative to their producers, and by domestic producers who subcontract to other enterprises.

- **External monitoring:** With external monitoring, an enterprise contracts a firm or organization to monitor its worksites or, more commonly, those of its suppliers. This is an example of third-party monitoring but, because the monitored firm is paying, the process may lack a degree of credibility. Such credibility will, however, be higher if the third party is respected for its assessments.
- **Independent monitoring:** Independent monitoring is like external monitoring, except that the process is not organized or paid for by the enterprise. A trade association or an NGO takes on these responsibilities and either conducts the monitoring itself, or engages a firm or another body. The fact that the enterprise does not pay means that the results are not likely to be biased in any way.

Certifying auditors: International concerns regarding labour practices have led to the development of multi-player systems of auditing and monitoring. In these arrangements, non-profit organizations that are respected in the area of labour practices certify or accredit others to undertake assessments. The Fair Labour Association and Social Accountability International are two of the key organizations in this respect.

Making an accurate assessment

Regardless of the method chosen, all monitoring systems must overcome several key issues. These include: the difficulty of ascertaining a child's age; the falsification of documents; and the possibility that children will be temporarily taken out of the work places when an inspection visit takes place. Suppliers have developed techniques for putting on a false show for auditors by hiding their child workers or diverting such workers from export production to domestic production worksites. These problems can be overcome by employing surprise checks and monitoring all the enterprise's worksites. The mechanisms used to audit an enterprise include:

- review of relevant documents, such as enterprise's stated policy, documentation on workers' age and time sheets.
- interviews with management and workers, and sometimes with other parties such as NGOs or community representatives
- on-site inspections (announced and surprise).

Chapter Three:

The Role of Employers' Association in Combating Child Labour

Employers' Associations are one of the three key constituents of the ILO's tripartite structure, the other two being the government and trade unions. Employers have globally played an important role in mobilizing public opinion against child labour, and especially in taking the issues of child labour to the workplace. Employers have made child labour an important issue on their agenda.

There is no single employer will be able to save our country in terms of eliminating child labour on their own. Yet together, with the assistance of the Royal Government of Cambodia, Employers' Association, International Labour Organization, and other relevant stakeholders, we will make a difference.

Each enterprise is responsible for complying with the law regarding the employment of children. However, an enterprise may not know the details of the law. For example, it may not know the minimum age of employment or how "light" work is defined. It may not know what constitutes hazardous work or the worst forms of child labour. In Cambodia, the answers to these questions can be found in Cambodian Labor Law. Furthermore, an enterprise may not know what to do about the child labourers it currently employs. Should it just stop employing them? Should it try to get them into school? What organization can help? For all of these questions – and many others – CAMFEBA is able to provide answers.

Case Study 5:

The Cambodian Federation of Employers and Business Associations (CAMFEBA) has cooperated with the employers, trade unions, government, especially with the Ministry of Labour and Vocational Training and other relevant Ministries and NGOs such as ILO IPEC, to work in combating child labour in the country as well as to support the Royal Government of Cambodia's commitment of the reduction of child labour to 10.6% by 2010 and to 8% by 2015.



As the main role of an Employers' Association is lobbying, it can lobby for the effective elimination of child labour. In doing so, it can engage in tripartite dialogue on the issue of child labour elimination. In addition to lobbying other actors, an Employers' Association can encourage its hesitant members to do the right thing and stop employing child labourers. It can encourage members to be more aware of the hiring policies of their suppliers, notably those in the informal economy.

In addition, an Employers' Association can participate in projects with NGOs and donors. In short, Employers' Association can participate in collective action to eliminate child labour among its members in a region or sector, or indeed throughout the country.

- **Three 'Options for Action':** There are three possible areas of involvement for an Employers' Association. An association may decide to undertake all three and to map them together in an integrated strategy. Conversely, the Employers' Association might decide on only two of the options or decide to take two options now and add a third in the future. Those three options are:
 1. **Providing information and advice:** it is the minimalist option as it involves the Employers' Association in only a limited engagement on the issue. Nonetheless, the information and advice it provides can be very valuable for its members, especially for those enterprises that lack basic knowledge about the issue and the possible actions they might undertake.
 2. **Facilitating dialogue and raising awareness:** it combines the traditional role of engaging with governments and trade unions on key labour issues with more public awareness activities. As part of its strategy, an Employers' Association may commission research which defines the nature and extent of child labour. Such research can provide support for knowledgeable tripartite discussions, for lobbying governments on legal reforms and remedial programmes and for raising public awareness. Employers' Association can also advocate for free basic education as a means of reducing child labour.
 3. **Programmes:** the third option requires considerable involvement in that the Employers' Association undertakes programmes that can remove children from child labour, support schools for them or assist in other ways. There are often financial implications to this involvement, and the Employers' Association will most likely engage with local groups and schools, international agencies and donors and other organizations.

Case Study 6:

Work Done by Cambodian Federation of Employers and Business Association (CAMFEBA) as the Employers' Association in Combating Child Labour in Cambodia

On behalf of the employers, CAMFEBA has accepted to implement the child labour elimination project with ILO-IPEC from 2006.

CAMFEBA has been contributing to combating child labour through their influence amongst the employers community in the country. CAMFEBA has also played a powerful role to raise

awareness on child labour among employers community across large sections of the population.

1. Conducted the training to CAMFEBA members

To build up the capacity of her members so that they can contribute to the country's efforts to reach the Twin Goal of Cambodia, CAMFEBA conducted many capacity building training on child labour to her members including Corporate Social Responsibility on child labour issue, safe migration for decent work for youth of working age, child safe tourism and Commercial Sexual Exploitation of Children (CSEC) as well as Cambodia's NPA, Cambodia's Twin Goals etc. Also, we explained the participants about the Labour Law, Policies, Prakas, international instruments such as ILO C. 138, 182 etc. that can contribute archiving the national child labour target to 8% by 2015 and ending the WFCL in the Country by 2016.



2. Built up employer focal points

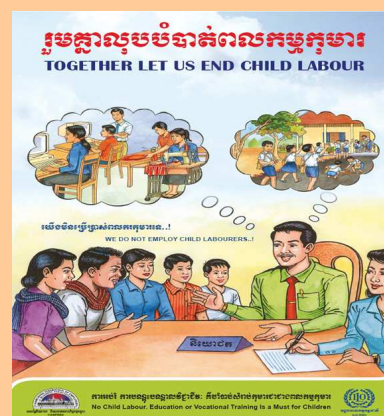
CAMFEBA has selected the employer focal points in the project target areas to ensure the a smooth and effective implementation of the employers in combating child labour at their workplace.



3. Awareness Raising

A. Developed Sensitization Materials

CAMFEBA has developed many sensitization materials on the child labour elimination such as sticker, poster, billboard, notebook and the cartoon mini-book with the messages on child labour etc. Those materials were delivered and disseminated to the stakeholders and other interested parties as well as displayed in the public locations.





B. Developed CAFMEBA's Letterhead

In order to show her strong commitment to join in child labour elimination, CAFMEBA has put a key message on her formal letterhead reading that *"Together Let Us End Child Labour"*.

C. Developed the Training Newsletters

CAMFEBA has developed the Training Newsletters in both Khmer and English language as the information dissemination to the relevant bodies or the public on crucial information about child labour issue and the commitment of Cambodian Employer in combating child labour in the country.



Annex 1: Employers' Code of Conduct on Child Labor.



Annex 2: CAMFEBA's Letter Head.