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# Ending child labour, forced labour and human trafficking in global supply chains



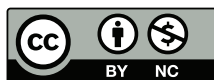




# Ending child labour, forced labour and human trafficking in global supply chains

International Labour Organization (ILO)  
Organisation for Economic Co-operation and Development (OECD)  
International Organization for Migration (IOM)  
United Nations Children's Fund (UNICEF)

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## ABBREVIATIONS

<b>3TG</b>	Tin, tantalum, tungsten and gold
<b>ACT</b>	Action, Collaboration, Transformation
<b>AGOA</b>	African Growth and Opportunity Act
<b>CBI</b>	Caribbean Basin Initiative
<b>DFI</b>	Development finance institution
<b>EBA</b>	Everything but Arms
<b>ECA</b>	Export credit agency
<b>EPRM</b>	European Partnership for Responsible Minerals
<b>G20</b>	Group of Twenty
<b>GDP</b>	Gross domestic product
<b>GSP</b>	Generalized System of Preferences
<b>ICIO</b>	Inter-Country Input-Output
<b>ILO</b>	International Labour Organization
<b>IOE</b>	International Organisation of Employers
<b>IOM</b>	International Organization for Migration
<b>IRBC</b>	international responsible business conduct
<b>IRIS</b>	International Recruitment Integrity System
<b>ITUC</b>	International Trade Union Confederation
<b>MNE Declaration</b>	Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy
<b>NAP</b>	National action plan
<b>NGO</b>	Non-governmental organization
<b>OECD</b>	Organisation for Economic Co-operation and Development
<b>PPA</b>	Public-Private Alliance for Responsible Minerals Trade
<b>SDG</b>	Sustainable Development Goal
<b>TiVA</b>	Trade in Value Added
<b>UNICEF</b>	United Nations Children's Fund
<b>UNODC</b>	United Nations Office on Drugs and Crime



# BACKGROUND AND RATIONALE

By adopting the Sustainable Development Goals (SDGs), the global community has committed to end child labour by 2025 and forced labour and human trafficking by 2030. According to the latest global estimates, 152 million children are in child labour<sup>1</sup> and 25 million adults and children are in forced labour,<sup>2</sup> including in global supply chains. To achieve SDG target 8.7, governments, business, the financial sector and civil society must take strong action to address the root causes and determinants of these human rights violations.

Global supply chains have the potential to generate growth, employment, skill development and technological transfer. Nevertheless, decent work deficits and human rights violations, including child labour, forced labour and human trafficking, have been linked to global supply chains. All actors operating in this context have a responsibility to ensure that these human rights violations and abuses are addressed.

This report presents the joint research findings and conclusions on child labour, forced labour and human trafficking linked to global supply chains from the ILO, the Organisation for Economic Co-operation and Development (OECD), the International Organization for Migration (IOM), and the United Nations Children's Fund (UNICEF), under the aegis of Alliance 8.7. It is the first attempt by international organizations to measure child labour, forced labour and human trafficking in global supply chains.

The report responds to the Ministerial Declaration of the July 2017 meeting of the Group of Twenty (G20) Labour and Employment Ministers, asking “the International Organisations in cooperation with the Alliance 8.7 for a joint report containing proposals on how to accelerate action to eliminate the worst forms of child labour, forced labour and modern slavery in global supply chains including identifying high risk sectors, and how to support capacity building in the

countries most affected”. It also responds to the Buenos Aires Declaration on Child Labour, Forced Labour and Youth Employment, November 2017, which called for “research on child labour and forced labour and their root causes ... pay[ing] particular attention to supply chains”.

The report seeks to inform public and business policies and practices in order to prevent child labour, forced labour and human trafficking in global supply chains, and to protect its victims. It also recognizes the multidimensional nature of these violations and the smart policy mix necessary to address them. It considers not only the risk factors and policy interventions related to addressing the vulnerability of people, but also the unique complexity of global supply chains that can hide abuse and the links with informality and migration.

The report is divided into two parts. **PART 1, Understanding child labour, forced labour and human trafficking in global supply chains**, presents empirical evidence on the prevalence of and risk factors related to child labour, forced labour and human trafficking linked to global supply chains. In particular, it looks at how, in the absence of strong law enforcement, the socio-economic vulnerability of individuals and workers, along with economic and commercial pressures facing suppliers within global supply chains, can in combination lead to abuses. **PART 2, Responding to child labour, forced labour and human trafficking in global supply chains**, provides two policy perspectives. On the one hand, it provides a comprehensive overview of the State's duty to regulate and implement legal frameworks to protect workers and mitigate the vulnerability to abuse, and to provide access to remedies with good practices and policy tools; and, on the other hand, it presents the necessary smart policy mix to facilitate and incentivize responsible business conduct in global supply chains.

**BOX 1. DEFINITIONS AND CONCEPTS**

**CHILD LABOUR** is any work that deprives children of their childhood, their potential and dignity, and that is harmful to physical and mental development. It is defined by the ILO Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182), and by the United Nations Convention on the Rights of the Child.

**FORCED LABOUR** is defined by the ILO Forced Labour Convention, 1930 (No. 29), as “all work or service that is exacted from any person under the menace of penalty and for which the said person has not offered himself voluntary”.

The **MEASUREMENT OF CHILD LABOUR AND FORCED LABOUR** follows the international standards of the International Conference of Labour Statisticians.

**HUMAN TRAFFICKING** is defined by the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, as “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”

For the empirical evidence presented in this report, **GLOBAL SUPPLY CHAINS** refer to goods and services that cross international borders for consumption or as inputs for further production.

A number of terms are used in the literature on supply chains to describe different locations along supply chains. In this report, the term **UPSTREAM** is used to refer to production processes in supply chains that occur closest to raw material production, whereas the term **DOWNSTREAM** is used to delineate those production activities in supply chains that occur closest to retail.

PART 1.  
**UNDERSTANDING CHILD LABOUR,  
FORCED LABOUR AND HUMAN TRAFFICKING  
LINKED TO GLOBAL SUPPLY CHAINS:  
A REVIEW OF EVIDENCE ON PREVALENCE  
AND RISK FACTORS**



## 1.1 MEASURING CHILD LABOUR, FORCED LABOUR AND HUMAN TRAFFICKING IN GLOBAL SUPPLY CHAINS

According to the latest global estimates, there are a total of 152 million children<sup>3</sup> in child labour and 25 million children and adults in forced labour<sup>4</sup> in the world today. While it is possible to estimate with growing precision the total number of people in child labour and forced labour, determining how many of these people are in production and consumption linked to global supply chains remains a significant challenge.<sup>5</sup> The goods and services purchased by consumers are composed of inputs from many countries around the world and are processed, assembled, packaged, transported, and consumed across borders and markets. Mapping these intricate supply chains, or, to use a more descriptive metaphor, supply “webs”, is complex. Identifying where and to what extent child labour, forced labour and human trafficking occur along these supply chains is even more so. Tracing the origins of a final product or even its components requires capturing statistics not only in the market where the product is “consumed”, but also all along its supply chain, a task that is beyond the scope of traditional survey and national accounting methods.<sup>6</sup> For example, identifying child labour at each segment of a global supply chain would require very detailed information on the sectoral composition of child labour and on the interdependencies between industries within an economy and across countries.

A growing number of mixed methods (using both qualitative and quantitative approaches) and sectoral surveys are providing valuable localized insights into child labour, forced labour and human trafficking in production serving the global economy. Some businesses are also contributing to such insights, as they map labour rights violation risks they are exposed to in the context of their human rights or social impact assessments and transparency efforts. Nevertheless, the scope of this research has mostly been restricted to identifying child labour, forced labour or human trafficking in the production of goods and services of particular industries or their main suppliers. This may miss collecting information on workers that are not in the immediate supply chain – for example, upstream suppliers of intermediate goods. Additionally, due to the complexity of global production networks, quantitative accounting of these relationships is not straightforward.

To understand these interdependencies, national statistical offices routinely compile input-output tables, which analyse, at the national level, interdependencies between different industries. Several initiatives at the international level, such as the OECD Inter-Country Input-Output (ICIO) tables,<sup>7</sup> have aimed to expand these tables to also analyse interdependencies between countries, and have thus provided researchers with tools to analyse several aspects of international trade and its impacts.

*Measuring child labour, forced labour and human trafficking in global supply chains remains a significant challenge.*

This report combines data from the OECD ICIO tables with available child labour, forced labour and human trafficking data in order to provide some insights into how these phenomena are linked with global supply chains. A background technical paper prepared for this report describes the methodology used to estimate which parts of global supply chains are particularly exposed to child labour and trafficking for forced labour.<sup>8</sup> This methodology builds on previous literature, as summarized in **box 2**. Given data availability constraints and assumptions made, the results are presented in more depth when assessing child labour in global supply chains, while the methodology as applied to trafficking for forced labour should be considered as more experimental.



## BOX 2. USE OF INPUT-OUTPUT TABLES TO MEASURE SOCIAL AND ENVIRONMENTAL IMPACTS IN SUPPLY CHAINS

Input-output tables are commonly used by national statistical offices to describe the relationship between producers and consumers within an economy at an industry level. They account for final and intermediate goods and services, allowing statisticians to identify and isolate the direct and indirect impact of, for instance, a specific industry on the whole economy.

The use of input-output tables is becoming increasingly popular as a means of understanding social and environmental dimensions in relation to economic activity.

For example, the OECD Trade in Value Added (TiVA) database provides an alternative perspective to international trade by describing and capturing the value added left in a country from goods and services that are “consumed” worldwide. TiVA provides insights beyond gross trade flows, such as domestic versus foreign value added content of exports; position and participation of a country in global supply chains; global orientation of industrial activity, that is, share of industry value added that meets foreign demands; and country and industry origins of value added in final demand. Building on the work done with TiVA, the OECD has developed a methodology to analyse CO<sub>2</sub> emissions across the entire supply chain. The analysis moves beyond traditional emissions statistics – which are based on measuring emissions that occur within sovereign borders – to provide a perspective on how much CO<sub>2</sub> is embodied in final demand or “consumed”, regardless of where that CO<sub>2</sub> has been “produced”.<sup>(a)</sup> This perspective focuses on understanding global consumption patterns that “drive” the demand for CO<sub>2</sub>.

Similarly, input-output tables were recently applied to understanding the role of skills in countries’ comparative advantage and industry performance in global supply chains. By using information on cognitive skills from the Survey of Adult Skills under the Programme for the International Assessment of Adult Competencies and TiVA data, the OECD was able to show that workers’ skills bundles and their distribution have larger effects on trade specialization than countries’ endowment of capital per employee, or the relative endowment of workers possessing different levels of education.<sup>(b)</sup>

When it comes to labour, the ILO and the OECD have used a similar methodology to estimate labour content in trade<sup>(c)</sup> and understand the share of jobs that are associated with global production. These studies show the increasing trend of job generation associated with foreign demand. Another study looks into how the integration in upstream or downstream segments of supply chains can impact the sectoral prevalence of child labour.<sup>(d)</sup>

Notes: (a) Wiebe and Yamano: *Estimating CO<sub>2</sub> Emissions Embodied in Final Demand and Trade Using the OECD ICIO 2015: Methodology and Results*, OECD Science, Technology and Industry Working Papers, No. 2016/05 (Paris, OECD Publishing, 2016), available at: [doi.org/10.1787/5jlrcm216xkl-en](https://doi.org/10.1787/5jlrcm216xkl-en);

(b) Grundke et al.: *Skills and global value chains: A characterisation*, OECD Science, Technology and Industry Working Papers, No. 2017/05 (Paris, OECD Publishing, 2017), available at: [doi.org/10.1787/cdb5de9b-en](https://doi.org/10.1787/cdb5de9b-en);

(c) Kizu, Kuhn, Viegelahn: *Linking jobs in global supply chains to demand*, ILO Research Paper No. 16. (Geneva, International Labour Office, 2016), available at: [www.ilo.org/wcmsp5/groups/public/---dgreports/---inst/documents/publication/wcms\\_512514.pdf](http://www.ilo.org/wcmsp5/groups/public/---dgreports/---inst/documents/publication/wcms_512514.pdf); and the OECD Employment and Global Value Chains (GCVs) website: [oe.cd/io-tim](http://oe.cd/io-tim); and

(d) Ugarte, Olarreaga and Saiovici: *Child labour and global value chains*, manuscript (forthcoming).



## METHODOLOGY

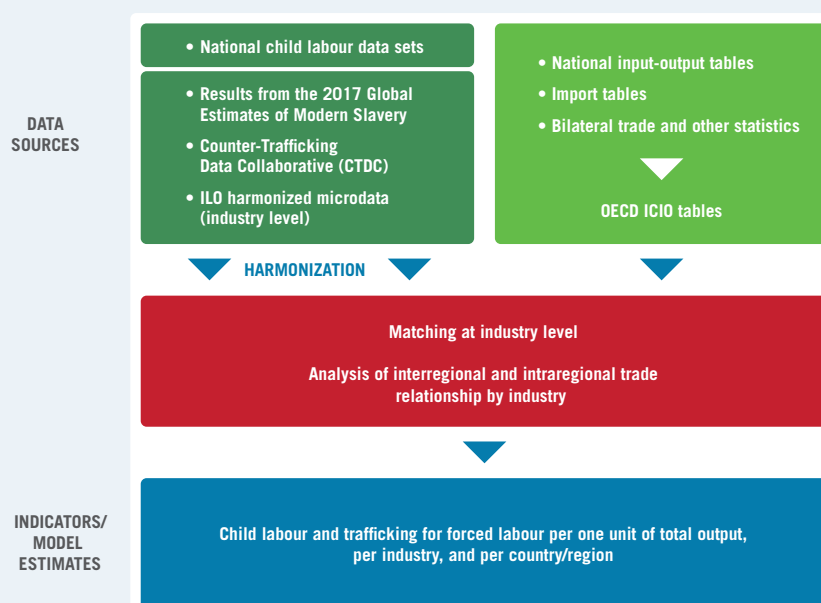
The ICIO tables describe the monetary flows of intermediate and final goods and services for all countries, hence allowing inter-industry and inter-country transactions to be recorded and analysed. This global interconnectedness captured by the ICIO tables means that the downstream use of an industry's output by other industries, be they domestic or foreign, can be identified. Equally, the ICIO tables can identify the inputs required for a particular industry from home or abroad. In other words, the ICIO tables allow estimation of how much input is required by each industry per unit of total output that is consumed either domestically or exported. For example, an increase in food processing supply may lead to an increase in demand for agricultural products, which in turn requires inputs from other upstream industries (for example electricity, fuel and chemical products). Through ICIO, all the total requirements needed to produce a product (both direct and indirect) can be determined.

Such data granularity allows for disaggregation between *direct* and *indirect* impacts of an industry. Direct impact is related to the production of goods

and services for export, whereas *indirect* impact is related to other upstream industries incorporated in the production of goods and services for export along the supply chain. ICIO also captures final and intermediate products. Final products are exported from country A to country B to be finally consumed in country B (without additional transformation), whereas intermediate products are exported from country A to country B, where they are either transformed for final consumption or exported to country C.

This is the first time that data sets from the OECD, ILO, IOM and UNICEF have been combined, and the first time that methodology has been applied to measure these decent work deficits in such a wide range of countries.<sup>9</sup> **Figure 1** illustrates how the various data sets have been combined and harmonized to the same industry classification, as well as what the model estimates are. A full description of the underlying model, theoretical framework, data coverage and limitations is contained in the accompanying technical paper. The empirical analysis undertaken for this report allows estimation of which parts of global supply chains are particularly exposed to child labour and trafficking for forced labour at regional and industry levels.

**FIGURE 1.**  
FROM DATA SOURCES TO MODEL ESTIMATES



## ESTIMATING CHILD LABOUR IN GLOBAL SUPPLY CHAINS

*The extent to which child labour contributes to exports varies across regions.*

The analysis combines data from the ICIO tables with 65 available nationally probabilistic child labour data sets,<sup>10</sup> representing 50 per cent of the children estimated to be in child labour in the world. Combining these sources of data permits, after a harmonization process, the estimation of child labour involved in the production of goods and services for the domestic and foreign markets at a macro level.

Data limitations necessitated a number of assumptions in developing the methodology, and the results should therefore be interpreted with caution. In the absence of available data on the share of child labour between domestic and export markets by industry and country, the methodology assumes each unit of production in a given industry (whether it is part of global supply chains or not) uses the same amount of child labour. The implication of this assumption results in an underestimation of child labour in global supply chains in industries and countries where child labour is disproportionately concentrated in export production, and an overestimation in industries and countries where child labour is disproportionately concentrated in domestic production.<sup>11</sup> More specific industry-level studies would be needed to refine and update the results. The results presented here should therefore be taken as a starting point for further investigation and a foundation for cooperation and concerted action on the part of stakeholders along global supply chains.

The prevalence and extent of child labour (as forced labour and human trafficking) vary greatly across regions.<sup>12</sup> This needs to be taken into account when interpreting the results, which provide some insights into the regional specificities of how child labour is related to global supply chains.

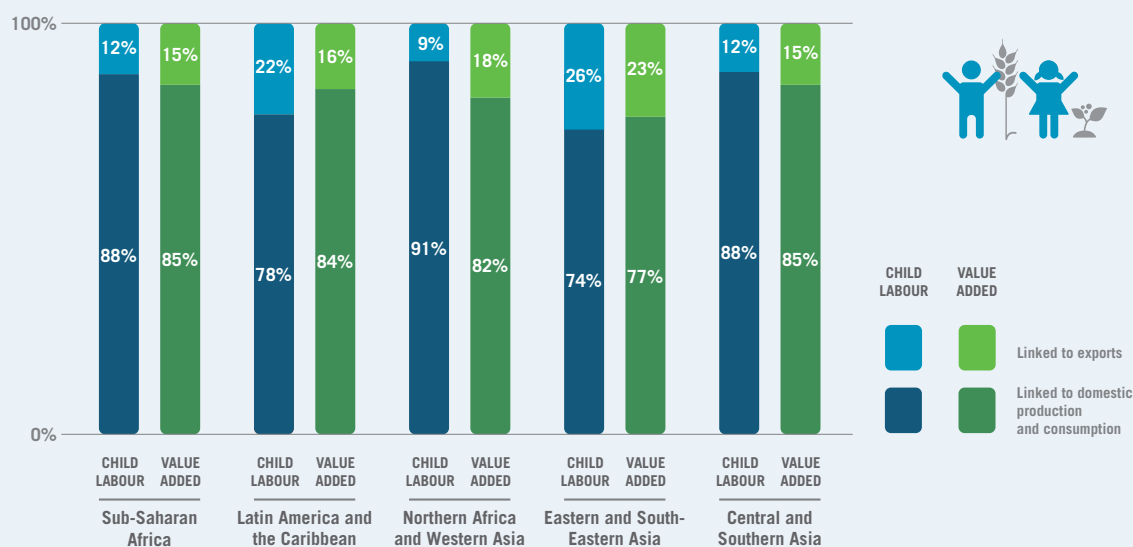
It should also be noted that information for Europe, Northern America and Oceania are not included in the analysis due to lack of available data. Additionally, while the published OECD ICIO tables cover 64 economies, the authors have used additional unpublished data that cover a total of 198 countries to include more regions in the analysis and reporting. The results for Eastern and South-eastern Asia should also be used with caution, due to data limitations.

For every region, the analysis estimates how much of the existing child labour in different industries is present in global supply chains (**figure 2**). The results indicate a significant variation across regions. Nine per cent of child labour from Northern Africa and Western Asia is estimated to contribute to exports to other regions (either directly or indirectly). This figure rises to 26 per cent in Eastern and South-eastern Asia. In other words, involvement of children in industries producing export-oriented products is higher in Eastern and South-eastern Asia than in Northern Africa and Western Asia.<sup>13</sup>

*Regional variation also exists in terms of whether child labour is disproportionately concentrated in industries that contribute to global supply chains.*

While the results demonstrate that a child in child labour is far more likely to be involved in production for the domestic economy, there is however a non-negligible risk that this child will be contributing to global supply chains. Considerably more child labour occurs in production linked to domestic production and consumption, particularly in regions where children in child labour are mainly involved in family-based subsistence agriculture. Addressing child labour in production for *both* domestic consumption and for export will clearly be critical for achieving SDG target 8.7 by the target date.

**FIGURE 2.**  
ESTIMATES OF CHILD LABOUR AND VALUE ADDED FOR EXPORTED GOODS  
AND SERVICES, AND DOMESTIC DEMAND, BY REGION (2015)



Source: Based on (a) child labour data from the 65 country data sets used in the 2017 ILO Global Estimates of Child Labour (including ILO-supported national surveys on child labour or child labour modules in national Labour Force Surveys, UNICEF-supported Multiple Indicator Cluster Surveys (MICS), and USAID-supported Demographic and Health Surveys); (b) OECD ICIO tables (2018 edition); and (c) value added data from the OECD (Annual National Accounts and Structural Analysis Databases), United Nations main aggregates and United Nations national accounts official country data.

**Figure 2** also presents the share of value added<sup>14</sup> of each region that contributes to exports to other regions versus the share of value added contributed to domestic production and consumption. The values for each region represent the aggregation of countries with available child labour data. The value added data are included to contextualize the estimated child labour from each region. As **figure 2** shows, there are regional differences between how much value added is associated with exports and how much child labour is associated with exports. Across Sub-Saharan Africa, Central and Southern Asia, and Northern Africa and Western Asia, the estimated child labour contribution to exports is less than the value added contributed to exports. This means that industries in those regions with higher child labour prevalence are less likely to contribute to global supply chains.

The empirical analysis also provides insights into where child labour is concentrated along supply chains. The results in **figure 3** indicate that, across regions, between 28 and 43 per cent of the child labour estimated to contribute to exports does so indirectly, through preceding tiers of the supply chain (such as extraction of raw materials or agriculture). In other words, a child in child labour who is contributing to exports in Eastern and South-eastern Asia is more likely to be contributing to exports indirectly, in preceding tiers of the supply chain, than a child in child labour in other regions. Nevertheless, across all regions, there is significant risk that a child in child labour who is contributing to exports will be contributing indirectly, in upstream industries of the supply chain where risk may be more difficult to identify and mitigate. These results make clear that efforts against child labour in global supply chains will be inadequate if they do not extend beyond immediate suppliers, that is, downstream suppliers closer to final production, and also cover actors in preceding tiers of supply chains, including those involved in upstream

*Part of the child labour that contributes to exports does so indirectly through upstream industries, making diligence efforts, and visibility and traceability challenging.*

production activities such as raw material extraction and agriculture serving as inputs to other industries.

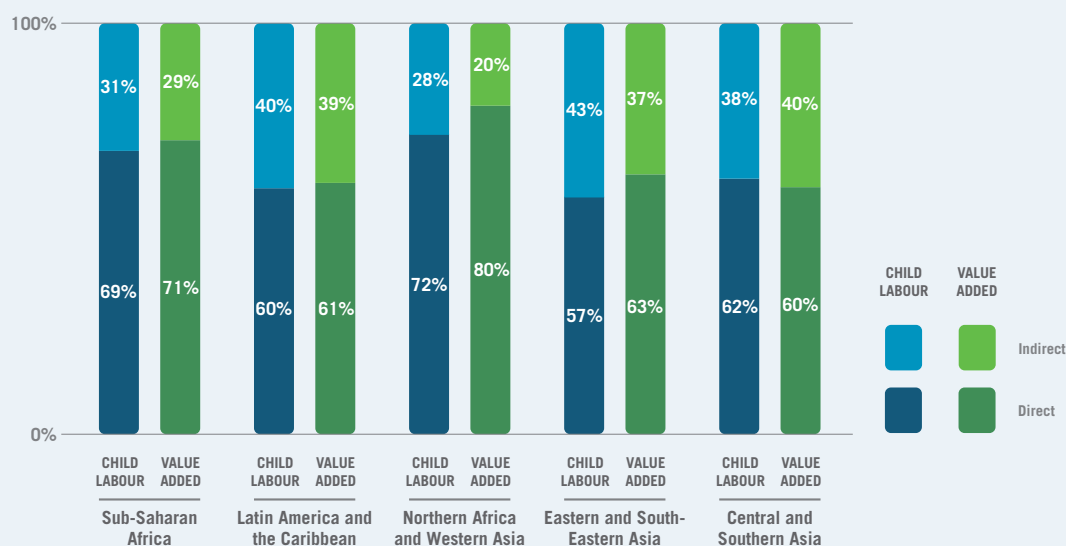
An assessment of child labour contextualized with the value added contributing indirectly to exports indicates that, for all regions except Central and Southern Asia, child labour is disproportionately more likely to contribute indirectly to exports. This means that child labour is frequently concentrated in upstream production, that is, in industries serving as inputs to other industries that are then exporting.

The often-complex webs of production activities leading to exports, and the risk of child labour across these webs, clearly pose a challenge for traceability and auditing. The challenge is further increased by the fact that exports are often intermediate goods and services that will be further transformed in the destination region, rather than final exports.

Another important set of results derived from the model are estimates of which industries contributing to global supply chains have the highest risk of child

*An examination of inputs provides additional insights into which export industries have a high risk of child labour in their supply chains.*

**FIGURE 3.**  
ESTIMATES OF CHILD LABOUR AND VALUE ADDED FOR EXPORTED GOODS AND SERVICES,  
DIRECT AND INDIRECT, BY REGION (2015)



Source: Based on (a) child labour data from the 65 country data sets used in the 2017 ILO Global Estimates of Child Labour (including ILO-supported national surveys on child labour or child labour modules in national Labour Force Surveys, UNICEF-supported Multiple Indicator Cluster Surveys (MICS), and USAID-supported Demographic and Health Surveys); (b) OECD ICIO tables (2018 edition); and (c) value added data from the OECD (Annual National Accounts and Structural Analysis Databases), United Nations main aggregates and United Nations national accounts official country data.

labour, and whether the risk is upstream, in preceding tiers of the supply chain, or downstream, in the exporting industry itself (see an example of this mechanism in **box 3** and of indirect child labour in **box 4**).

**Table 1** reports, for each region, the five exporting industries that are most at risk of having child labour present in their exported goods and services when counting only direct contributions in the final stage of production and when counting only indirect contributions from upstream inputs of the supply chain.

Several conclusions can be drawn from the information presented. First, child labour is a problem that extends well beyond industries where information about child labour is traditionally well documented; businesses currently undertaking due diligence efforts consequently need to expand the scope of their investigation. Second, concentrating efforts narrowly on primary industries will not be enough. Third, the results reiterate the importance of examining intermediate suppliers to identify which export-oriented production processes have the highest risk of child labour.

**TABLE 1.**  
TOP FIVE EXPORTING INDUSTRIES WITH RISK OF CHILD LABOUR IN THEIR SUPPLY CHAIN,  
DIRECT AND INDIRECT CONTRIBUTIONS, BY REGION (2015)<sup>15</sup>

Region	By DIRECT contributions	By INDIRECT contributions
Sub-Saharan Africa	Agriculture Wholesale and retail Transport and storage Textiles and apparel Food products	Food products Mining, non-energy Basic metals Transport and storage Wholesale and retail
Eastern and South-Eastern Asia	Agriculture Textiles and apparel Wholesale and retail Mining, energy Transport and storage	Food products Textiles and apparel Wood Mining, energy ICT and electronics
Central & Southern Asia	Textiles and apparel Agriculture Wholesale and retail Transport and storage Food products	Textiles and apparel Food products Wholesale and retail Transport and storage Other business services
Northern Africa and Western Asia	Agriculture Wholesale and retail Transport and storage Mining, energy Accommodation and food	Food products Mining, energy Textiles and apparel Wholesale and retail Agriculture
Latin America and the Caribbean	Agriculture Wholesale and retail Accommodation and food Transport and storage Textiles and apparel	Food products Motor vehicles Chemicals Basic metals Textiles and apparel

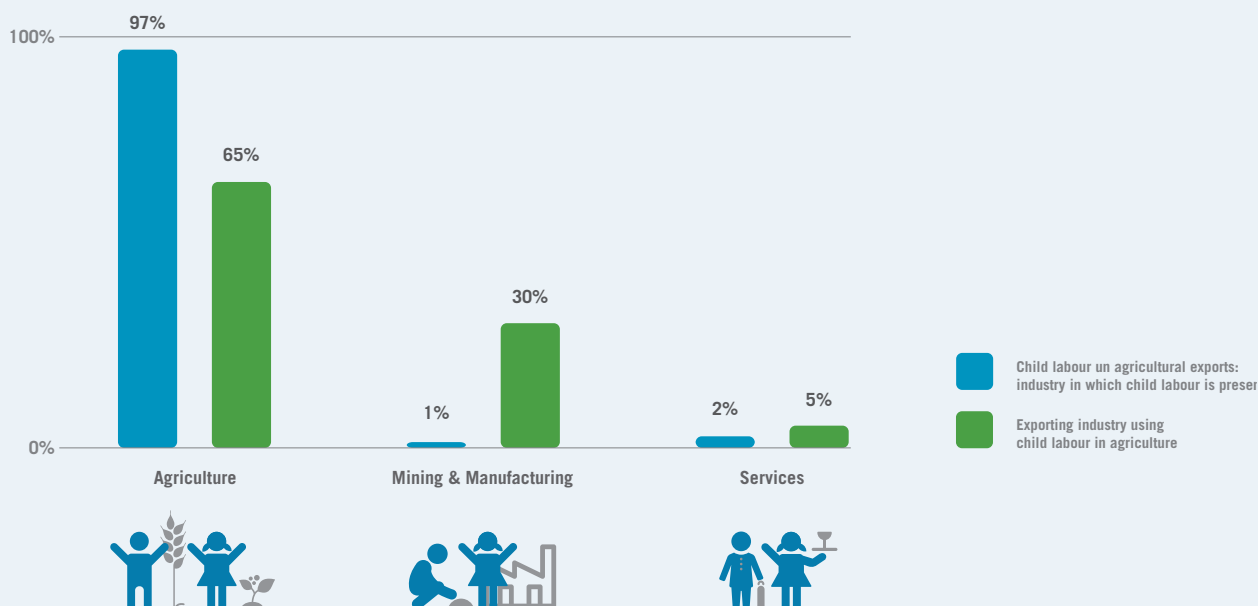
### BOX 3. A CLOSER LOOK INTO UPSTREAM VERSUS DOWNSTREAM: UNDERSTANDING THE COMPLEXITIES

There are two different angles on how children's involvement in the production of agricultural goods can contribute to exports. The first angle is the downstream perspective, which looks into the final exported agricultural goods and assesses the inputs (such as child labour) that were used for this final production, directly or indirectly. The second angle is the upstream perspective, which looks into child labour present in the agricultural sector and assesses which exporting industries these children are ultimately working for, directly or indirectly. The figure below shows these differences, aggregating the numbers for countries with available data into three broad sectors.

The blue bars represent child labour contained in the exports of agricultural goods (the downstream perspective). Child labour contained in these goods can originate from the agricultural industry itself or can be present indirectly from inputs to final agricultural production. The results reveal that 97 per cent of the estimated child labour contributing to the export of agricultural goods comes from children working in the agricultural sector itself, 1 per cent comes from children working in the mining and manufacturing sector (for example, children working on manufacturing equipment), and 2 per cent comes from children working in the service sector (for example, children selling fertilizers).

The green bars show the exporting industry that children working in agriculture are contributing to (the upstream perspective). They indicate that approximately a third of the children in child labour who are working in the agricultural sector are indirectly contributing to exports of other industries. This would refer not only to exports of agricultural products as above, but also to mining and manufacturing (for example, cotton used in apparel) and services (for example, food and accommodation used by foreign tourists).

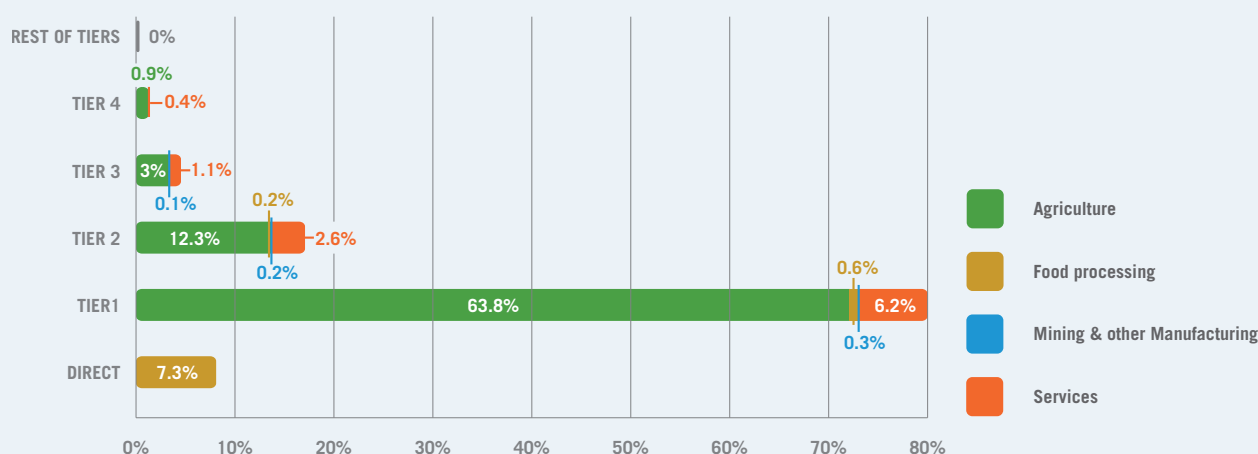
#### CHILD LABOUR IN AGRICULTURAL EXPORTS (DOWNSTREAM PERSPECTIVE) AND EXPORT INDUSTRIES USING CHILD LABOUR IN AGRICULTURE (UPSTREAM PERSPECTIVE)



Source: Based on (a) child labour data from the 65 country data sets used in the 2017 ILO Global Estimates of Child Labour (including ILO-supported national surveys on child labour or child labour modules in national Labour Force Surveys, UNICEF-supported Multiple Indicator Cluster Surveys (MICS), and USAID-supported Demographic and Health Surveys); and (b) OECD ICIO tables (2018 edition).

**BOX 4. INDIRECT CHILD LABOUR IN THE FOOD PROCESSING INDUSTRY**

Child labour in the upstream segments of supply chains is particularly present in more transformative industries. The figure below shows an example of sectoral interdependencies in Latin America and the Caribbean<sup>(a)</sup> to illustrate the point. The analysis captures children in upstream suppliers and different layers of production. For example, among all children contributing to the production of processed food in the region, only 7 per cent are contributing directly to the final stage of food processing production. Most of the child labour (93 per cent) is associated with sectors whose goods and services are not directly exported (in upstream industries). While children working in upstream industries and tiers are mainly in the agricultural industry, services also occupy a non-negligible share (approximately 11 per cent, the sum of the red bars). A similar pattern holds for other regions.

**ESTIMATED CHILD LABOUR EMBODIED IN EXPORTED FOOD PRODUCTS IN LATIN AMERICA AND THE CARIBBEAN**

Note: (a) This region is used as an example due to the high coverage of child labour data sets.

Source: Based on (a) child labour data from the 65 country data sets used in the 2017 ILO Global Estimates of Child Labour (including ILO-supported national surveys on child labour or child labour modules in national Labour Force Surveys, UNICEF-supported Multiple Indicator Cluster Surveys (MICS), and USAID-supported Demographic and Health Surveys); (b) OECD ICIO tables (2018 edition).

In view of these results, it is worth recalling that one of the tenets of international responsible business conduct – enshrined in the main international instruments on responsible business, human rights, and labour rights, such as the United Nations Guiding Principles on Business and Human Rights, ILO Conventions and the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration), and the OECD Guidelines for Multinational Enterprises – is that businesses have a responsibility to address adverse impacts that their activities may cause, including in all their supply chains and business relationships.

Forced labour and human trafficking are considered rare events, in statistical terms.<sup>16</sup> Methodologies to estimate reliable prevalence numbers are recent.<sup>17</sup> The

*Expanding the analysis to trafficking for forced labour is more challenging.*

availability of national data sets is lower than for child labour; therefore, less statistical confidence can be placed in the results presented below. In addition, even for countries where there are national forced labour estimates, data sets rarely provide the sectoral distribution of the phenomenon. Forced labour is often concentrated in “pocket” areas or subsectors, which sometimes require specific statistical (over)sampling methods<sup>18</sup> to provide more reliable figures on sectoral distribution of forced labour.

Similarly, the measurement of human trafficking for forced labour is an area of ongoing efforts. In particular, the ILO, United Nations Office on Drugs and Crime (UNODC) and IOM are working together on the development of joint survey tools to study and estimate the prevalence of trafficking for forced labour at both national and sectoral levels. This will lead to better statistical data, allowing for deeper analysis of forced labour and human trafficking in global supply chains.

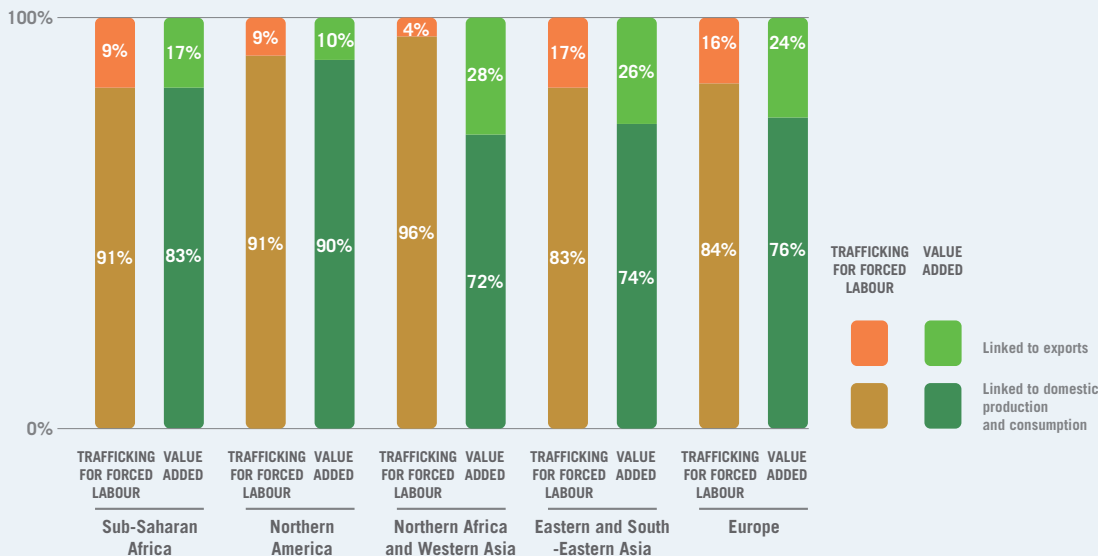
In the context of this research, an experimental effort was made to replicate the methodology adopted for the child labour analysis by (a) modelling industry-level country estimates of victims with existing data sets and the results from the 2017 Global Estimates of Modern Slavery; and (b) estimating the contribution of industries with trafficking for forced labour to global supply chains. Given the caveats described above, the results should only be seen as a preliminary indication of the nature of this issue. The limitations and assumptions made when applying this methodology to trafficking for forced labour are further described in the background technical paper.

*The share of trafficking for forced labour contributing to exports varies across regions.*

The human trafficking data used in this exercise are aggregates from the Counter-Trafficking Data Collaborative, which include victim case data from the IOM and partner organizations.<sup>19</sup> As with all administrative victim data collected by counter-trafficking organizations, data on identified cases of human trafficking are best understood as a sample of the unidentified population of victims. This sample may be biased if some types of trafficking cases are more likely to be identified than others, but the extent of this bias is usually unknown. Nevertheless, there are few, if any, alternative sources of data on the distribution of human trafficking by industry sector across countries.<sup>20</sup>

Figure 4 indicates that the share of trafficking for forced labour contributing to exports varies across regions.<sup>21</sup> Across all regions, the estimated trafficking for forced labour present in exports is less than the

**FIGURE 4.**  
**ESTIMATES OF TRAFFICKING FOR FORCED LABOUR AND VALUE ADDED FOR EXPORTED GOODS AND SERVICES, AND DOMESTIC DEMAND, BY REGION (2015)**



Sources: Based on (a) Counter-Trafficking Data Collaborative non-k-anonymized data between 2006 and 2016; (b) the 2017 ILO-Walk Free Foundation Global Estimates of Modern Slavery; (c) ILO harmonized microdata (by industry); (d) OECD ICIO tables (2018 edition); and (e) value added data from OECD (Annual National Accounts and Structural Analysis databases), United Nations main aggregates and United Nations national accounts official country data.



value added these industries contribute to exports. This means that industries with higher prevalence of trafficking for forced labour are less likely to contribute to global supply chains. Nevertheless, a non-negligible part of trafficking for forced labour does contribute to global supply chains, and further industry-level analysis and comparison is needed to better understand and address the risks.

Pending further industry-level analysis, these results are partly due to the role played specifically by trafficking in construction and support services, such as domestic work and cleaning. The vast majority of the output produced in the construction industry is consumed in the domestic economy, while the contribution of the domestic work industry into other sectors and exports from the domestic work industry are both negligible. In other words, neither direct nor indirect trafficking exports originate from the domestic work industry.

Preliminary results show that, across all regions, there is significant chance that a person trafficked for forced labour who is contributing to exports will be

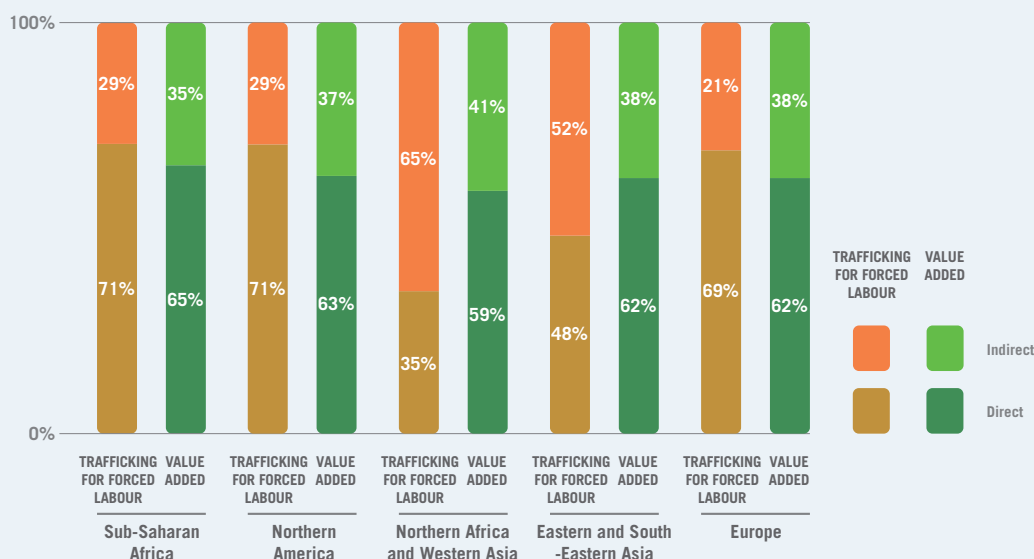
*Part of trafficking for forced labour is estimated to contribute to exports through upstream industries.*

contributing indirectly, in upstream industries where risk may be more difficult to identify and mitigate.

Assessing trafficking for forced labour contextualized with the value added contributing indirectly to exports indicates different regional patterns (figure 5).<sup>22</sup> Across all regions, while the levels of indirect value added in exports are similar, there is great variation in the estimate of trafficking for forced labour indirectly exported. These differences could be explained by the fact that trafficking for forced labour is concentrated in specific industries and regions.

As with child labour, these results make clear that efforts against trafficking for forced labour in global supply chains will be inadequate if they do not extend beyond immediate suppliers to include actors operating further upstream in global supply chains.

**FIGURE 5.**  
**ESTIMATED TRAFFICKING FOR FORCED LABOUR AND VALUE ADDED FOR EXPORTED GOODS AND SERVICES, DIRECT AND INDIRECT, BY REGION (2015)**



Sources: Based on (a) Counter-Trafficking Data Collaborative non-k-anonymized data between 2006 and 2016; (b) the 2017 ILO-Walk Free Foundation Global Estimates of Modern Slavery; (c) ILO harmonized microdata (by industry); (d) OECD ICIO tables (2018 edition); and (e) value added data from OECD (Annual National Accounts and Structural Analysis databases), United Nations main aggregates and United Nations national accounts official country data.

## KEY FINDINGS

The quantitative analysis presented in this section sheds new light on how child labour, forced labour and human trafficking are associated with global supply chains. Even with the limited results presented in the report, one thing is clear – child labour, forced labour and human trafficking are a whole-of-supply-chain problem. This has important implications for the identification of needed actions.

A focus on directly exported goods and services may be too narrow to fully address these exploitative practices in global supply chains. In addition to society-wide policy efforts, complementary action across the whole of the supply chain is needed, as discussed in **PART 2** of this report. The data for child labour also provide some insights into which sectors may be more at risk in each region.

It is important to note that the hidden nature of child labour, forced labour and human trafficking in global supply chains reflects both the complexity of production processes and data limitations. Data gaps, owing to the lack of regular child labour and forced labour national surveys in several countries, and the difficulty of generating detailed data on the prevalence of these phenomena in specific suppliers operating in the upstream segments of global supply chains, significantly limit the ability of stakeholders to prioritize areas or industries where action is most urgent, but these gaps should not be used as a reason not to undertake due diligence beyond immediate suppliers.

Additional investments for countries to collect more timely and better disaggregated national data are needed to build a clearer picture of the extent and characteristics of child labour in global supply chains and to strengthen the analysis of trafficking for forced labour. Continuing efforts to develop measurement tools and ensure sustainability of data collection on these issues are particularly welcomed to inform future research and action.

These results are of interest to governments, businesses, social partners, international organizations, non-governmental organizations (NGOs), and other stakeholders, and could stimulate and guide further discussions on where interventions may be needed and where existing initiatives are successful.



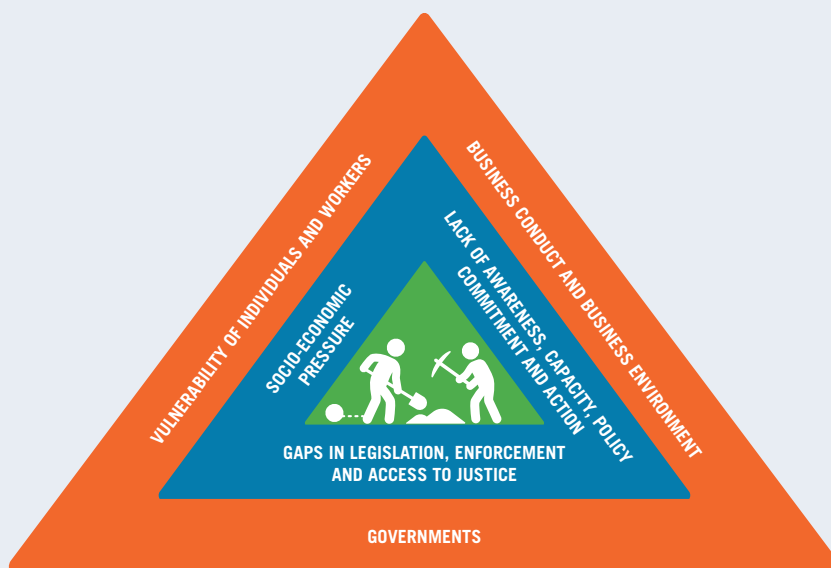
## 1.2 RISK FACTORS ASSOCIATED WITH CHILD LABOUR, FORCED LABOUR AND HUMAN TRAFFICKING IN GLOBAL SUPPLY CHAINS

Evidence shows that child labour, forced labour and human trafficking in global supply chains can be traced to the interplay of three critical dimensions: (a) gaps in statutory legislation, enforcement and access to justice that create space for non-compliance; (b) socio-economic pressures facing individuals and workers; and (c) business conduct and business environment (figure 6).

Implicit in this framing is that child labour, forced labour and human trafficking in global supply chains need to be understood as structural phenomena that require comprehensive policy responses. A narrow focus on eliminating child labour, forced labour and

human trafficking within the production settings that form part of global supply chains – without addressing the common set of legal gaps and socio-economic pressures at their root – risks simply displacing the abuses into sectors of the local economy that are not linked to global supply chains, meaning in turn that the ultimate goal of ending *all forms* of child labour, forced labour and human trafficking, regardless of where they occur, would be no closer. While the unique complexities of global supply chains present special challenges, efforts to end child labour, forced labour and human trafficking in global supply chains cannot be divorced from broader efforts towards ending these abuses generally.<sup>23</sup>

FIGURE 6.  
RISK FACTORS ASSOCIATED WITH CHILD LABOUR, FORCED LABOUR AND HUMAN TRAFFICKING  
IN GLOBAL SUPPLY CHAINS



## GAPS IN STATUTORY LEGISLATION, ENFORCEMENT AND ACCESS TO JUSTICE

*Gaps in statutory legislation, enforcement and access to justice create space for non compliance with international labour standards in global supply chains.*

The first dimension relates to the responsibility of States to protect workers within their territory or jurisdiction and to establish and enforce a framework for responsible business conduct. An adequate legal architecture is a critical precondition for effective administration of criminal and labour justice, yet important gaps in this regard remain in many countries in the areas of child labour, forced labour and human trafficking.

According to a recent ILO review, a total of 135 countries have laws that define, criminalize and assign penalties for forced labour, but in the remaining countries the issue of forced labour is covered only partially or not at all.<sup>24</sup> What is more, in many of the countries where laws ostensibly exist they have not kept pace with recent mutations of forced labour linked to trafficking, recruitment debts and other developments.

A separate UNODC review of human trafficking laws indicates that 168 countries among the 181 assessed have legislation criminalizing human trafficking broadly in line with the United Nations Trafficking Protocol.<sup>25</sup> On the other hand, nine countries have anti-trafficking legislation that only criminalizes some aspects of the trafficking definition, such as trafficking for the purpose of sexual exploitation, or trafficking in children; and four countries do not have the offence of human trafficking in their criminal codes.<sup>26</sup> Another common weakness in national legislation is a lack of precision and clarity in how the terms “forced labour” and “human trafficking” are defined, in turn hampering the efforts of investigatory authorities and the courts to bring cases to trial and obtain sentences.<sup>27</sup>

In the context of child labour, there are encouraging signs – there is almost near universal ratification of the United Nations Convention of the Rights of the Child, almost all children in the world are covered by the ILO Worst Forms of Child Labour Convention, 1999 (No. 182), and coverage of the Minimum Age Convention, 1973 (No. 138), has risen to 80 per cent of the world’s children. However, significant challenges remain in terms of transposing these international standards into national laws. For example, recent research has highlighted important inconsistencies between laws governing the minimum age for admission to employment and those dealing with the age range for compulsory schooling – of the 170 ILO member States that have ratified ILO Convention No. 138, 44 set an age for the completion of compulsory education that is higher than the minimum age for admission to employment they specified upon ratification, meaning that children in these countries are allowed to enter employment before they are allowed to leave school.<sup>28</sup> In other countries, the scope of application of Convention No. 138 excludes some key industries. Equally important, comments by the ILO Committee of Experts on the Application of Conventions and Recommendations suggest that many countries are also lagging in terms of honouring the commitment made upon ratification of ILO Conventions Nos. 138 and 182 to adopt or review national lists of hazardous work prohibited to people under 18 years of age.<sup>29</sup>

Laws alone are insufficient if not accompanied by adequate capacity for enforcement of both labour and criminal law. With regard to the former, according to various ILO sources, many labour administration systems, especially in developing countries, are woefully understaffed and operate under severe budgetary restrictions.<sup>30</sup> As stated in a 2017 ILO brief on labour inspectorates, “the number of workplaces subject to inspection dwarfs the resources available to inspect them, leading to a situation in which workers are unprotected, violators operate with impunity, and unfair competition for compliant businesses pervades. The growth of non-standard forms of employment, global supply chains, and the introduction of new technologies, which enable new business models, may outpace the evolution of the legal authority and enforcement tools available to the labour inspectorate; as a consequence, its enforcement levers are mismatched to the influences driving non-compliance.”<sup>31</sup> The informal economy, where the vast majority of child labour, forced labour and human

trafficking occurs, is effectively beyond the reach of most government inspection regimes.

National studies and comments from the ILO Committee of Experts on the Application of Conventions and Recommendations point to a range of capacity needs at all stages of the criminal justice process, resulting in a vast discrepancy between estimates of total prevalence and numbers of convictions.<sup>32</sup> Most forced labour and human trafficking cases are simply never identified, and even the minority of cases brought to the attention of the system rarely culminate in conviction and the award of compensation. Many cases are not registered with the police when identified or do not reach the courts when registered and charges brought; prosecutions often fail to achieve convictions.

In some instances, capacity needs are conceptual in nature, for instance the legal definition of forced labour and trafficking in persons, its constituent elements, and concrete manifestations. For example, a multi-country survey of practitioners undertaken by UNODC found that in most States covered, “practitioners noted considerable difficulties in identifying and prosecuting forced labour, as well as in walking the line that divides bad work from trafficking for forced labour.”<sup>33</sup> In other contexts, capacity constraints are more technical, for example, the evidential requirements needed to adjudicate claims or to secure convictions. In others, the biggest capacity challenge relates to establishing effective identification and referral procedures, through which the array of first responders – labour inspectors, immigration officials, NGO workers, and social workers – are able to identify suspected cases and refer them to the criminal justice system.

Finally, lack of coordination and coherent policy measures across several government ministries, including those responsible for labour, social welfare, women and children, justice, migration, trade, and foreign affairs, can compound the challenges faced in addressing these complex violations and abuses. These coordination and coherence challenges are often echoed in the fragmentation of data collection efforts. As cross-sectoral issues, a whole-of-government approach is required to develop holistic responses to child labour, forced labour and human trafficking that can be implemented at scale. A majority of countries have established national coordination mechanisms against forced labour or human trafficking, such as

national commissions, inter-ministerial task forces or national councils. However, employers’ and workers’ organizations are rarely systematically involved, even though they could particularly contribute to addressing gaps in relation to labour market-based measures.<sup>34</sup>

## SOCIO-ECONOMIC PRESSURES FACING INDIVIDUALS AND WORKERS

*The socio-economic pressures that render individuals and workers vulnerable to child labour, forced labour and human trafficking are multiple and mutually reinforcing.*

Poverty, informality, absence of social services and infrastructure, presence of violence, certain social norms, gender and other forms of discrimination all operate together to limit options for survival and sustainable livelihoods.<sup>35</sup> Limits on the ability of workers to organize and exercise their collective voice, the lack of social safety nets (including availability of a social service welfare workforce), and inadequate labour protection exacerbate these pressures, making it more difficult for people to refuse or leave jobs that are abusive or have degrading conditions. Socio-economic pressures also make families less able to avoid reliance on their children’s labour or may push them to resort to high-risk or coercive forms of credit.

Such pressures may also contribute to people’s decisions to migrate in search of better opportunities, or simply viable livelihoods and survival. Migratory journeys can themselves exacerbate vulnerabilities to forced labour and human trafficking, for example when migrants resort to irregular and risky channels, relying upon unscrupulous recruitment intermediaries or smugglers. Once they reach their destination, migrants may remain vulnerable to forced labour and human trafficking due to language barriers, challenges of social integration, and unscrupulous employers, landlords, and service providers who may take advantage of their limited knowledge of local conditions and reduced bargaining power.

The relevance of these socio-economic risk factors is by no means restricted to workplaces linked to global

supply chains. Indeed, such dynamics have also been extensively documented in domestic production and domestic supply chains.<sup>36</sup> This basic point has important implications for any response to child labour, forced labour and human trafficking. A narrow focus on eliminating these fundamental labour rights violations within the production settings that form part of global supply chains – without addressing the common set of socio economic pressures at their root – risks simply displacing the violations into sectors of the local economy that are not linked to global supply chains. This would mean that the ultimate goal of ending *all forms* of child labour, forced labour and human trafficking, regardless of where they occur, would be no closer.

The discussion of child labour, forced labour and human trafficking in global supply chains therefore cannot be separated from that of child labour, forced labour and human trafficking generally, or from the common set of socio-economic pressures that render people vulnerable to these human rights violations at work.

### Multi-dimensional poverty

Multidimensional poverty is central to understanding vulnerability to child labour, forced labour and human trafficking. There is a substantial body of evidence linking child labour, forced labour and human trafficking to income poverty<sup>37</sup> and to non-income dimensions of poverty, including food insecurity and poor health.<sup>38</sup> The role of poverty in driving these human rights violations is straightforward. In terms of child labour, poverty makes households more likely to have to resort to child labour at the expense of their children's education to meet basic needs and deal with uncertainty and shocks. For example, studies show that households can respond to health shocks, such as the sudden illness of caregivers or primary wage earners, by sending children to work. This suggests that child labour acts as a buffer or insurance against the impact of health-related shocks to the household.<sup>39</sup> In the context of forced labour and human trafficking, poverty can mean having to accept any job, regardless of the risks, in order to survive, or having to remain in jobs that have turned abusive. Studies also link exposure to shocks, such as the death of a household's main breadwinner or natural disasters, with debt bondage, as high-risk debt is another way in which households cope in the face of such shocks.<sup>40</sup>

Educational deprivation, another important way in which families experience poverty, is associated with child labour, forced labour and human trafficking in two important ways. The first concerns the role of free, quality public education as an alternative to child labour, and conversely, the role of inaccessible or poor-quality schools in pushing children into child labour and situations of forced labour or human trafficking. There is extensive evidence of this negative interplay between working and schooling,<sup>41</sup> for example in cocoa farming communities<sup>42</sup> and in communities linked to artisanal mining,<sup>43</sup> where the lack of worthwhile schooling options is a key reason for children entering work prematurely. Second, and equally important, is the impact of educational deprivation on labour market prospects later in the life cycle. Simply stated, people with low levels of educational attainment usually lack the skills and bargaining power needed for securing decent work in the formal economy, leaving them less resilient to violations of their rights in the labour market, including forced labour and human trafficking. A number of studies link low levels of education and illiteracy with forced labour,<sup>44</sup> and higher levels of household education with a reduced risk of forced labour and human trafficking.<sup>45</sup> Girls experience the most severe educational deprivation. While the decision to send girls to school is typically driven by social and cultural norms, girls often stay home to care for siblings or to help with their parents' work. Low education levels among girls reduce their future job prospects and trap them in cycles of poverty, increasing the risk of them falling into forced labour.<sup>46</sup> The educational status of mothers is another key predictor as to whether their children engage in child labour, highlighting the importance of equal access to education for girls and boys.

A lack of access to quality and affordable childcare services is a less discussed but also critically important dimension of poverty that is of relevance to child labour in particular. One study based on survey data from 31 developing countries indicated that just 1 per cent of poor working women had recourse to affordable organized childcare or nursery arrangements.<sup>47</sup> For the poor, for whom remaining outside the labour market is often not an option, this lack of organized childcare services can mean having to mind their young children at their place of work, or ask an older girl child to take care of the young sibling, preventing them from attending school; or it can mean having to bring their work to their home, in turn resulting in children's very early exposure to, and



frequently involvement in, work.<sup>48</sup> This phenomenon is documented in a variety of agricultural settings (including cocoa farming),<sup>49</sup> in home-based work in the garment sector,<sup>50</sup> and in artisanal cobalt mining.<sup>51</sup> These hazardous work environments can endanger children and harm their development. Older siblings, often sisters, are also made to stay home from school to provide childcare while parents are working.<sup>52</sup> Such arrangements often do not end when children reach schooling age, as families can become reliant on their children's production, with obvious consequences for children's ability to attend school and benefit from education.

Violence – for example, in the home, at school or in institutions – can drive children to run away and become vulnerable to child labour. Work becomes a way to survive, even in extremely exploitative forms such as sexual exploitation, recruitment by gangs, armed groups and armed forces, forced labour, and human trafficking.<sup>53</sup> Discrimination and violence in schools can also contribute to child labour, as it means that children are more likely to drop out of school early if they are subjected to discrimination or violence – including playground fighting, verbal abuse, intimidation, humiliation, corporal punishment, sexual abuse, gang violence, or other forms of cruel and humiliating treatment – by their peers, teachers and other school staff.<sup>54</sup>

### Informality

Child labour, forced labour and human trafficking occur overwhelmingly in the informal economy. A wide body of research indicates that workers in the informal economy are among the most vulnerable and least protected groups. As stated in a recent ILO report, most informal economy workers are “exposed to inadequate and unsafe working conditions, and have high illiteracy levels, low skill levels and inadequate training opportunities; have less certain, less regular and lower incomes than those in the formal economy, suffer longer working hours, an absence of collective bargaining and representation rights and, often, an ambiguous or disguised employment status; and are physically and financially more vulnerable because work in the informal economy is either excluded from, or effectively beyond, the reach of social security schemes and safety and health, maternity and other labour protection legislation”.<sup>55</sup> All of these characteristics of the informal economy run contrary to the concept of decent work and increase susceptibility to child labour, forced labour and human trafficking.

Evidence also indicates that informality is strongly associated with working poverty.<sup>56</sup> In developing and developed countries alike, the working poor are much more likely to be found in the informal economy, and the informal economy has a much higher share of workers who are poor.<sup>57</sup> In 2017, more than 300 million workers in emerging and developing countries were in situations of extreme working poverty, with a per capita household income or consumption of less than US\$1.90 per day.<sup>58</sup> Additionally, for vulnerable workers, poor-quality jobs in the informal economy can “entrench their poverty and vulnerability by preventing them from accumulating wealth or achieving long-term economic security”.<sup>59</sup> Poverty, in other words, and the limited livelihood opportunities associated with it, can oblige people to engage in the labour market in a manner that makes their escape from poverty even more difficult.<sup>60</sup>

As global supply chains have evolved into complex networks of firms with multiple layers of suppliers, they have increasingly extended into the informal economy.<sup>61</sup> This is especially the case for the lower and outsourced segments of global supply chains. The encroachment of informality in global supply chains limits transparency and traceability, in turn making it more difficult to monitor and follow up on labour practices in the segments of chains operating within the informal economy. More research needs to be done to determine the share of informal employment both in production linked to global supply chains and in domestic production.<sup>62</sup>

### Discrimination

The persistence of discrimination in employment and occupation – along gender, race, caste, sexual identity or other lines – can reinforce the impact of poverty and informality on susceptibility to human rights violations at work. Discrimination not only makes other human rights violations more likely but also provides an excuse for such exploitation, as it follows logically that those who are seen by society as being lesser than others are also typically seen as being more “justifiably exploitable”.<sup>63</sup> Discrimination, in short, “shapes how people are treated in the labour market, and helps to create and justify the supply of people who are vulnerable to forced labour in the global economy”. Moreover, as stated by the ILO: “Discrimination in the labour market, by excluding members of certain groups from work or by impairing their chances of developing market-relevant capabilities, lowers the quality of jobs they can aspire to. This,



in turn, enhances their risk of becoming or remaining poor, which further reduces their ability to obtain jobs that can lift them out of poverty.”<sup>64</sup>

There is an array of evidence that being a member of a marginalized group can raise the risk of child labour,<sup>65</sup> forced labour and being trafficked.<sup>67</sup> Research indicates that in many contexts migrants can also experience discrimination, in turn increasing their vulnerability to forced labour and human trafficking.<sup>68</sup> Discrimination against migrants also means that they may not have access to legal and law enforcement systems that might otherwise protect them. Gender inequality is another key factor that shapes vulnerability to fundamental labour rights violations. Globally, the 2017 Global Estimates of Modern Slavery indicate that women and girls make up 58 per cent of all people subjected to forced labour in the private economy outside the commercial sex industry.<sup>69</sup> There is also a growing body of evidence that links women workers in global supply chains and forced labour across a range of specific industries, including garment manufacturing and cocoa farming.<sup>70</sup> The ILO Violence and Harassment Convention, 2019 (No. 190),<sup>71</sup> provides a valuable new tool in efforts against discrimination in the workplace. Article 6 of the new Convention calls on Members to “adopt laws, regulations and policies ensuring the right to equality and non-discrimination in employment and occupation, including for women workers, as well as for workers and other persons belonging to one or more vulnerable groups or groups in situations of vulnerability that are disproportionately affected by violence and harassment in the world of work”.

### Precarious migration

Migration can create situations of vulnerability that may be exploited, particularly when migration is undertaken as a last resort. Although most migration is voluntary and has a largely positive impact on individuals and societies, migration, particularly irregular migration, can increase vulnerability to child labour, forced labour and human trafficking.<sup>72</sup> The 2017 Global Estimates of Modern Slavery indicate that at least one in four of all people in forced labour were exploited outside their country of residence.<sup>73</sup> Other sector-specific or localized studies suggest that migrants account for a much larger share of total people in forced labour in specific sectors and locations.<sup>74</sup>

Because of poverty and shocks, including disasters or conflict, or simply a lack of decent opportunities, people may decide to move beyond their borders to ensure their survival and livelihoods. When the need to move is sufficiently acute, individuals or families can resort to dangerous migration routes and means of travel, including irregular and clandestine border crossings, with high migration costs exacerbating the cycle of debt and risk of abuse.<sup>75</sup> Many who start their journeys by willingly placing themselves in the hands of smugglers can become victims of trafficking or forced labour along the way.<sup>76</sup> Migrants may also be the victims of collusion between smugglers and local moneylenders who provide loans to pay for the journey and then claim family land or property as collateral. For example, analysis of IOM data shows that 73 per cent of migrants interviewed along the central Mediterranean route reported at least one indicator of exploitation.<sup>77</sup> Findings from a recent report by UNICEF and the IOM also shed light on the risks of human trafficking and exploitation among children and youths on the move through the Mediterranean Sea.<sup>78</sup>

The vulnerability of migrants can be also affected by their legal status and rights in the countries they migrate to. Migrants, for example, can be denied access to social security or other benefits from the State in their destination countries, or face restrictions in their ability to organize and bargain collectively, which can in turn make them less resilient to forced labour. Under some sponsorship or “tied” visa programmes, “sponsors are able to prevent the worker from leaving the country or changing jobs”, resulting in a situation in which “the worker’s legal status is effectively tied to the employer, so even in cases of labour rights violation, or if the worker has completed the employment contract, the worker may therefore be unable to leave or return home without the explicit permission of the sponsor”.<sup>79</sup> A number of countries are moving away from this practice, recognizing that it can heighten the risks of the violation of migrants’ rights.<sup>80</sup>



### Abusive and fraudulent recruitment practices

Abusive and fraudulent practices by elements within the private recruitment industry are an important related mechanism through which migration can lead to debt bondage, forced labour and human trafficking. The exploitation of migrant workers can often begin even before the migration process, when recruitment agents charge recruitment fees, deceive jobseekers about the conditions of employment, or even operate knowingly or unknowingly as the recruitment arm of human trafficking operations.

Recruitment abuses are more likely to occur in contexts in which (a) the supply of low-skilled workers who are willing to move greatly exceeds the effective demand and opportunities; (b) there are large information asymmetries between recruiters and prospective migrants; and (c) there are substantial governance gaps within the private recruitment industry. In contexts where low-skilled workers are desperate to migrate for jobs, they are incentivized to take risks and accept recruitment terms that can make them highly vulnerable. If, in addition and because of gaps in law enforcement, corrupt private recruiters face little risk in violating workers' rights, then the risk is high. The most common violation is the charging of extortionate recruitment fees, in turn often leading to workers taking on substantial debts<sup>81</sup> with high interest rates and severe punishment for default, culminating in situations of debt bondage.<sup>82</sup>

Recruitment intermediaries or employers may also confiscate migrants' identity documents, making it impossible for them to escape or travel back home, or encourage migrants to travel on a tourist or student visa to undertake work, and then use the migrants' irregular status as a means of controlling and exploiting them. Among victims of trafficking assisted by the IOM, 58 per cent of the victims reported that their documents had been confiscated during the trafficking process and 22 per cent reported threat of involvement of law enforcement as one of the means used to control them.<sup>83</sup> Risks also arise when the terms of work imposed at the workplace are different from or inferior to those promised upon recruitment, by which point migrant workers will often have already incurred costs and obligations that limit their freedom to refuse the imposed changes. Of the victims of trafficking assisted by the IOM, 77 per cent reported that false promises were used as a mean of control.<sup>84</sup> These dynamics may be compounded when workers are isolated, and unable to escape or seek help. These factors, in turn, can lead to the trafficking, exploitation and abuse of migrants.

### Debt and its manipulation

Forced labour and human trafficking are inextricably linked to debt and its manipulation. The 2017 Global Estimates of Modern Slavery indicate that 50 per cent of all cases of forced labour in the private economy involve debt bondage.<sup>85</sup> Among victims of trafficking assisted by the IOM, 34 per cent reported having been subjected to debt bondage.<sup>86</sup> Tea and cocoa,<sup>87</sup> sugar,<sup>88</sup> palm oil,<sup>89</sup> production of electronic goods,<sup>90</sup> cotton,<sup>91</sup> mining<sup>92</sup> and fishing<sup>93</sup> are among the specific sectors where bonded labour has been identified in particular geographical settings in recent research.<sup>94</sup> What is more, this particular dimension of forced labour and human trafficking is not limited to adults. Research also suggests that countless children are forced to work to pay off debt incurred by their families.<sup>95</sup> Thirteen per cent of the child victims of trafficking assisted by IOM reported having been subjected to debt bondage.<sup>96</sup>

The mechanism linking debt and forced labour is as straightforward as it is pernicious. Poor households with limited savings and limited access to social protection or other forms of State support can be forced to rely on credit to cope with shocks of an individual nature (such as injury or illness, sudden job loss) or shocks of a more collective nature (such as drought or natural disaster, economic collapse, armed conflict), or, relatedly, to secure the funds necessary to migrate. But poverty typically also means a lack of land or other assets, and therefore a lack of the collateral necessary to access formal credit markets. The urgent need for funds to ensure household survival, combined with the inability to take out formal loans and limited financial literacy, leaves the poor as easy prey for lenders providing credit on usurious terms.<sup>97</sup> Debt bondage results when the people concerned are forced to work, under threat of violence or other penalties to them or their families, until they have paid off their debts, including the often usurious interest associated with those debts. Such debts can be intergenerational, with children having to pay off debts accumulated by their forebears.

Migrants who have incurred debts to finance their migratory journeys may be forced to work under abusive conditions or may resort to risky employment to be able to pay off the debt, resulting in exacerbated vulnerabilities that can lead to forced labour and human trafficking.

## BUSINESS CONDUCT AND BUSINESS ENVIRONMENT

Understanding why there is a pool of children and adults who are vulnerable to child labour, forced labour and human trafficking constitutes only one part of the explanation of why these human rights violations occur in some global supply chains. Vulnerability only translates into actual human rights violations in the absence of efficient protection from States and in the presence of unscrupulous business actors that make use of exploitative forms of labour. It is therefore important to also understand the risk factors associated with business conduct and business environment that give rise to the use of child labour, forced labour and human trafficking.

## LACK OF BUSINESS AWARENESS AND CAPACITY

Risk factors include the lack of awareness, capacity, policy commitment and action on the part of businesses in relation to their responsibility to respect fundamental principles and rights at work, notably the prohibition of child labour, forced labour and human trafficking. Economic and commercial pressures can also play a role in driving some businesses to use child labour, forced labour and human trafficking linked to global supply chains. An overall business environment that is characterized by a high degree of informality creates additional challenges for government inspection and for implementation by business of policies and due diligence measures.

Aside from flagrant human rights violations, the lack of awareness of what constitutes child labour, human trafficking or some forms of forced labour (such as forced overtime or restrictions on freedom of movement) may contribute to continued abuses by business. This may be more likely within informal work environments or businesses along the supply chain that have not been exposed to labour inspection or other assessments. Beyond awareness, companies may not have the capacity to address child labour, forced labour or human trafficking within their operations or with direct contractors. For example, a company may be aware of the payment of informal recruitment fees paid by migrant workers, but unaware of how to hold third-party recruitment agencies accountable to responsible recruitment practices. Challenges created by a lack of awareness and capacity confront not only employers but also buyers. Buying companies may not know where child labour, forced labour or human trafficking exist along their supply chains, and perhaps more importantly, how to address these complex issues with suppliers with whom they may not hold direct buying relationships. Within this context, awareness raising and capacity building on how to recognize and address child labour, forced labour and human trafficking are critical for all companies along the supply chain.

## ECONOMIC AND COMMERCIAL PRESSURES

While the specific economic and commercial pressures that can play a role in the use of child labour, forced labour and human trafficking vary across different types of supply chains, geographical contexts and organizations, research suggests that pressures facing companies around price, cost and speed are of importance.<sup>98</sup> These pressures can often act in concert. Many industries, for example, face a price–cost squeeze, in which the international price of inputs has risen, but global commodity prices – as well as the prices that producers receive for their goods – have remained steady or even declined. Studies also point to short-term supplier relationships,<sup>99</sup> volatility in order volumes and timing,<sup>100</sup> late changes to order contents and specifications,<sup>101</sup> and delays in payments<sup>102</sup> as other important factors creating pressure on businesses and instability in the operations of suppliers in global supply chains.

It is important to underscore that these economic and commercial pressures, in and of themselves, do not lead inevitably to the use of child and forced labour and human trafficking. Pressures on price, cost and speed are common features in global supply chains, and in supply chains generally, and mostly do *not* lead to these outcomes. But where these pressures are sufficiently severe, and where there is a supply of vulnerable workers and there are weaknesses in the rule of law (discussed below), a growing body of evidence indicates that such pressures can incentivize the use of child labour and forced labour.<sup>103</sup>

### Downward pressure on wages

Severe cost and price pressures can lead suppliers to lower labour costs in a manner that increases the risk of child labour, forced labour and human trafficking. In the face of these pressures, supplier firms may seek to lower labour costs through underpaying workers, imposing illegal deductions, imposing penalties and fines, or non-payment of wages altogether.<sup>104</sup> A study by the ILO and the joint Ethical Trading Initiatives, for example, based on a non-probabilistic sample of nearly 1,500 supplier companies of different sizes across 87 countries and a range of sectors, suggests that receiving prices below the costs of production could lead to difficulties in paying wages or overtime pay, unilateral wage cuts, or evasion of social security



contributions.<sup>105</sup> These or similar violations do not of course by themselves constitute forced labour. But complementary research suggests that in worst cases these violations can be combined with other forms of coercion, such as restrictions on freedom of mobility or threats of violence, resulting in situations of debt bondage or other forms of forced labour and trafficking.

For instance, a recent study of forced labour in the tea industry in India – involving interviews with over 600 tea workers across 22 plantations and interviews with over 100 business, trade union, government and civil society actors — highlights the links between cost pressures and forced labour.<sup>106</sup> The study found that workers were experiencing widespread

labour exploitation, including underpayment and manipulation of wages. Elements of forced labour, such as debt bondage, physical violence, threats, and verbal or sexual abuse, were reported by workers. Cost pressures were identified as a key driver of these practices. The study found that the demand of tea plantation owners for exploited labour was driven by the low prices they received for tea, relative to rising costs, which introduced pressure to cut costs. As one tea producer interviewed within the study stated: “If you are a plantation owner, labour is 80 to 85 per cent of your cost of doing business. At the moment, prices of inputs are going up (machinery, petrol, diesel, and labour). And gardeners are getting paid less for the tea they grow. Margins are tight for growers.”<sup>107</sup>

Low wages can also render workers more vulnerable to child labour, forced labour and human trafficking indirectly by making it more likely that they are poor. As described earlier in this section, working at or below the poverty line can result in situations of debt bondage, for instance where workers take on loans with usurious interest rates as a coping strategy. Delayed or missed payment of wages can also create barriers to exit. These pressures can additionally contribute to the use of child labour; for example, one clear pattern in the agricultural industry is parents turning to children to help them meet quotas or increase earnings where wages are low. Of course, it is important to reiterate that these dynamics are not limited to global supply chains. There is some evidence to suggest that wages connected to global supply chains can even be higher than for work outside global supply chains.

### Pressures around delivery time

Another source of commercial pressure that can potentially increase the risks of child labour, forced labour and human trafficking in global supply chains relates to delivery time, for example when there is a need to complete orders in short production windows or when suppliers face fluctuations in order size or last-minute changes to design specifications. The aforementioned ILO and joint Ethical Trading Initiatives study, for example, found that only 17 per cent of surveyed suppliers considered that most orders (at least nine out of ten) had sufficient lead times, while the majority of suppliers reported that 30 to 50 per cent of their orders had insufficient lead times.

The study found that insufficient lead times were most common in situations in which there were large asymmetries between suppliers and buyers in terms of bargaining power, and that such situations were especially common among surveyed suppliers in the garment and agricultural sectors. These results are consistent with a broader literature pointing to the large imbalance in the market relationship between firms and their suppliers in a number of sectors and industries, and the power that this imbalance affords the former in setting the price and terms of supplier contracts. In industries that have experienced significant consolidation, including retailing<sup>108</sup> and agrifood,<sup>109</sup> these imbalances have probably increased.

Suppliers seeking to cope with time pressures often turn to overtime, outsourcing, and the use of informal labour contracting (or a combination of these) to deliver orders on time, practices that in some circumstances can open the door to child labour, forced labour and human trafficking within the supply chain. In addition, workers can face physical or verbal abuse, gender-based violence, harassment, intimidation, constraints on freedom of movement, and limits on their freedom of association as suppliers rush to meet orders.<sup>110</sup> This situation is not limited to adult workers, but can also be required of children working in global supply chains.<sup>111</sup>

### Overtime

Within the ILO and joint Ethical Trading Initiatives study, 59 per cent of surveyed suppliers identified overtime as a direct result of insufficient lead time. While overtime is not of course inherently negative or exploitative, it can lead to situations of forced labour, especially where involuntary overtime beyond legal limits is accompanied by other forms of coercion. For instance, several recent studies of the garment supply chain have found that in the face of time pressures linked to retail competition to offer consumers new product lines, suppliers are turning to forced or compulsory overtime beyond legal limits, sometimes even requiring workers to complete multiple shifts in a row.<sup>112</sup>

## Outsourcing of production

Another common strategy used by suppliers to cope with time and flexibility pressures is outsourcing of production. The ILO and joint Ethical Trading Initiatives survey found that 31 per cent of suppliers turned to outsourcing as a means of coping with peak demand periods. Especially where it is unauthorized, outsourcing along the product supply chain can increase risks of child labour, forced labour and human trafficking, since it tends to involve workers who are not formally part of a buyer's supply chain, and therefore can remain off the radar of auditors and inspectors. Outsourcing does not result only from time pressures, but can be driven by cost pressures as well. In the study, for example, imposing prices below production costs and a weak bargaining position were found to be associated with a 16 per cent and a 30 per cent, respectively, increase in outsourced production.

Research across several industries, including agricultural and retail industries, suggests that forced labour tends to occur in the outsourced portions of supply chains.<sup>113</sup> For instance, one large study of forced labour in Brazil, which included statistical analysis of data involving “more than 21,000 workers released from conditions defined as ‘slave labour’ between 2003 and 2009”, as well as on-the-ground investigation of garment and agricultural supply chains, found that forced labour tended “to occur in those parts of the production process that are associated with outsourcing practices”.<sup>114</sup>

## Labour subcontracting

Time and speed pressures can also prompt suppliers to turn to labour market intermediaries to meet sudden needs for more workers.<sup>115</sup> These intermediaries then sometimes subcontract further, creating long and informal labour supply chains. This typically introduces temporary, casual, and other forms of contingent labour into the supply chain, often supplied through third-party labour providers. While labour market intermediaries are by no means always and everywhere exploitative, several studies have documented the link between subcontracting along the labour supply chain and child labour, forced labour and human trafficking.<sup>116</sup> The risk of these human rights violations is greatest where there are several stages of informal subcontracting along the labour supply chain, and where labour market intermediaries are charging workers fees for their services – such

as for transportation, housing or placing them in a job – violations that can in turn lead to restrictions on workers' mobility, illegal wage deductions, threats of penalty, predatory fees and debt bondage.<sup>117</sup>

For example, a study of forced labour within the food, construction and cannabis supply chains found that “forced labour often enters the labour supply chain in the face of multiple subcontracted labour agencies”.<sup>118</sup> This often occurred where there was a sudden need for additional workers to complete an order on time and avoid costly fines imposed by buyers. Workers provided through labour subcontracting are typically not on the books of the supplier, and may only remain on the worksite for a short time, often days or weeks, making it more difficult for abuse to be detected.<sup>119</sup> This is a phenomenon that is by no means limited to less industrialized countries, as attested by recent research and press articles documenting human rights violations among temporary workers in locations including Western Europe and Northern America.<sup>120</sup>

## Production quotas and child labour

In some agricultural business contexts and outsourced homework production, the use of production quotas or piecework payments can increase the risk that families resort to the help of their children to meet targets and increase income. In these instances, children may not be officially on the books as workers but may be working to help fulfil the quotas of the adult relatives or hired independently. For example, UNICEF's study of child rights in palm oil plantations noted that harvesters' income was dependent on piece-rate performance system and quotas, typically paid by activity and the weight or number of fresh fruit bunches harvested. During low-yield cycles, workers may struggle to meet quotas and may need to recruit the unpaid assistance of family members, including children.<sup>121</sup>





PART 2.  
**RESPONDING TO CHILD LABOUR,  
FORCED LABOUR AND HUMAN TRAFFICKING  
IN GLOBAL SUPPLY CHAINS:  
A REVIEW OF PUBLIC AND PRIVATE ACTION**



## 2.1 PUBLIC MEASURES TO PROTECT WORKERS AND MITIGATE VULNERABILITY TO CHILD LABOUR, FORCED LABOUR AND HUMAN TRAFFICKING

### ADDRESSING GAPS IN LEGISLATION, ENFORCEMENT AND ACCESS TO JUSTICE<sup>122</sup>

*Adequate implementation of relevant standards and Conventions and enforcement of national laws and regulations are of paramount importance in addressing the challenges of child labour, forced labour and human trafficking. More efforts are needed by governments to support each other in this regard, through technical cooperation and the exchange of experience.*

#### Adequate legal framework for child labour, forced labour and human trafficking

An adequate legal architecture is a critical precondition for effective administration of criminal and labour justice. As discussed earlier, in many countries there remain significant gaps in laws concerning child labour, forced labour and human trafficking. A number of countries have undertaken gap analyses of existing laws and regulations vis-à-vis international legal standards as a first step in bringing their national legal frameworks into line with these standards.<sup>123</sup>

It is of course important that the legal framework extend not just to child labour, forced labour and human trafficking directly, but also to the factors underlying them. Adequate laws ensuring the right to freedom of association and collective bargaining are one key priority in this regard, in line with the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), as forced labour is typically associated with limits on workers' rights to organize, exert a collective voice and positively influence their working lives. Relatedly, as set out in the ILO MNE Declaration, "where governments of host countries offer special incentives to attract foreign investment, these incentives should not include any limitation of the workers' freedom of association or the right to organize and bargain collectively".<sup>124</sup>

As discussed in **PART 2**, discrimination is also closely linked to child labour, forced labour and human trafficking. Laws to eliminate any workplace discrimination based on race, colour, sex, religion, political opinion, national extraction or social origin, in line with relevant international Conventions dealing with discrimination in employment,<sup>125</sup> are therefore also critical. Recruitment abuses, migration and migrant protection are among the other policy areas of relevance, as discussed elsewhere in this report.

#### Strengthening labour inspection

Labour inspectorates are uniquely equipped to detect and act on labour rights violations before they degenerate further into forced labour or human trafficking. A number of strategies have emerged to strengthen inspection within existing limited resources. Perhaps most important in this context are efforts to shift the model of labour inspection from the traditional one focused narrowly on enforcement to a broader one focused instead on strategic compliance. The latter approach trains inspectors and provides them with extensive discretion to bring firms into compliance. Unlike the traditional enforcement model, deterrent-based sanctions are only used as a last resort or in the case of serious labour rights violations and abuses. Instead, the strategic compliance model "is designed to foster compliance through a broader array of tools and tactics, and it therefore allows inspectors to develop plans with which to bring enterprises into compliance over time – in part by treating labour rights violations as mere symptoms and looking for their root causes in underlying technological or business practices".<sup>126</sup> The inspectors draw on a range of data sources in order to systematically identify and target priority compliance issues and employers, and engage stakeholders inside and outside government in planning and implementing responses.<sup>127</sup> The broadened mandate of inspectors under the strategic compliance approach serves to substantially extend the reach of each individual inspector, in this way substituting "economies of scope for economies of scale".<sup>128</sup>

A related strategy increasingly applied in the context of child labour involves extending the effective reach of labour inspectorates by linking them with community-level child labour monitoring systems or community child protection networks. These can take a number of different modalities, but all involve the mobilization of local actors to obtain information and follow up on child labour in family-based and other informal economy workplaces in the community. The child labour monitoring systems operate on the basis of a relationship of trust with the community member rather than from a formal legal mandate. A number of countries, including Brazil, Cambodia and Uganda, have achieved positive results through innovative strategic partnerships between labour inspectorates and local child labour monitoring systems. A review of lessons from these experiences underscores the importance of advance agreement on the modalities of collaboration between the labour inspectorate and child labour monitoring mechanisms, including roles and prerogatives, procedures and operational rules of engagement, child-oriented protocols for inspections and follow-up, and systems for reporting.<sup>129</sup> Strong collaboration between ministries of labour and ministries responsible for children's issues should be actively pursued.

Co-enforcement is a third approach for strengthening labour inspection within existing resource limitations. This approach involves the systematic engagement of workers' organizations in the co-enforcement of labour standards. It is based on the premise that "workers are uniquely positioned to identify violations and workers' organizations are specially placed to tap into this pool of information",<sup>130</sup> and that these unique and substitutable capabilities can be a valuable complement to the State enforcement capacity. Evidence from countries as varied as Australia, China and Sweden points to the positive potential of labour inspectors working with workers' organizations in the co-enforcement of labour standards.<sup>131</sup>

### **Building criminal law enforcement capacity<sup>132</sup>**

Forced labour and human trafficking are of course not just a matter of labour law but also of criminal law, and strengthening criminal law enforcement is also a vital part of any national response to forced labour and human trafficking. There has been huge investment worldwide in training different enforcement actors, yet the continued low numbers of prosecutions and

convictions relative to the estimated total number of victims suggests that much remains to be done in terms of strengthening criminal law enforcement capacity.

As discussed in **PART 1**, national studies and comments from the ILO Committee of Experts on the Application of Conventions and Recommendations indicate that capacity needs are common at all stages of the criminal justice process. Specific capacity-building requirements vary across countries and jurisdictions, underscoring the importance of local assessments of training needs and, on the basis of the results, the development of specialized training for the different enforcement actors, consistent with the unique role that each plays in ensuring that those subjected to forced labour receive justice and that perpetrators are prosecuted. Training in countries where new laws on forced labour and human trafficking have come into force is a particular priority, in order that legal reforms do not outpace the institutional capacity needed to implement them.

## **ADDRESSING SOCIO-ECONOMIC VULNERABILITY**

*Child labour, forced labour and human trafficking are rooted in important part in the socio-economic vulnerability of individuals, workers and their families. Preventive efforts that can address socio-economic vulnerability are necessary for ending these human rights violations at work.*

While there is no simple or one-size-fits-all approach, research and experience point to some of the policy areas and developmental challenges most relevant to reducing people's vulnerability to child labour, forced labour and human trafficking. Addressing the vulnerability of individuals, workers and their families will not only support the eradication of these phenomena in global supply chains, but also contribute towards the elimination of these practices in the national economy, contributing substantially to the achievement of SDG target 8.7.

Accessible public education of good quality is essential as an alternative to child labour and for breaking the poverty cycle by improving prospects for decent work in adulthood. Accessible and good-quality pre-school facilities are equally important. They can reduce household vulnerability by allowing primary caregivers to return to the labour market and can help children avoid early exposure to work resulting from caregivers having to tend to their children at work. Stronger social protection systems, including social protection floors,<sup>133</sup> are necessary to offset the vulnerabilities that can push people into forced labour and human trafficking or that can oblige families to send their children to work as survival strategies. Ensuring children's healthy development, through child survival interventions and access to basic services, is critical to breaking intergenerational cycles of poverty. Microcredit schemes, are relevant in ensuring that vulnerable families are able to avoid falling victim to debt bondage, as access to the financial market through such schemes helps reduce their dependence on employers, recruiters and other moneylenders for loans. Access to credit also enables families to hedge against some of the risks they face.

To be most effective, these prevention measures need to be implemented at scale. Importantly, a rights-based approach needs to put children and workers at the centre of response efforts and provide a comprehensive way of addressing vulnerabilities.

### Access to quality public education<sup>134</sup>

Ensuring access to education at least up to the minimum working age has received comparatively little attention in the debate on how to end child labour, forced labour and human trafficking in global supply chains, yet the discussion in **PART 1** of this report suggests it is of central importance. Public schooling that is free, accessible and of good quality provides families with a worthwhile alternative to involving their children prematurely in work and builds resilience to forced labour later in the life cycle.

There is an extensive body of evidence on what works in getting and keeping children in school and out of child labour.<sup>135</sup> This includes ensuring a good start by promoting early childhood development, care and pre-primary education, which both helps promote later school success<sup>136</sup> and helps poor parents avoid having to tend to their young children while working. Moreover, when pre-school facilities are not available,

older siblings, primarily girls, are often forced to leave school to provide childcare.<sup>137</sup> Other measures to promote schooling include offsetting the costs associated with schooling with measures such as abolishing school fees,<sup>138</sup> reducing transport and other out-of-pocket costs,<sup>139</sup> and providing cash transfers to poor families to compensate them for the foregone earnings or production stemming from children's time in the classroom.<sup>140</sup> Access to secondary schooling can also be important to primary schooling enrolment, as parents have greater incentive to send their children to primary school rather than to work if they know that their offspring will also have access to secondary education, where the seed of the initial investment in education begins to bear fruit.<sup>141</sup> The school-to-work transition is particularly crucial, and education opportunities such as vocational training and skill building can increase the range of opportunities for young people to find work.

Other evidence points to the importance of measures to raise school quality in promoting school attendance as an alternative to child labour.<sup>142</sup> Even in contexts in which child labour is seen as a social norm, parents (and children themselves) value schooling when it is seen as a path to a better future for their children.<sup>143</sup> Raising school quality requires, inter alia, addressing violence, overcrowding, lack of teachers and inadequate training, and sanitation and canteen services within schools.<sup>144</sup> Clear policies on training, recruitment, deployment, and decent working conditions for teachers are especially important in this context.<sup>145</sup>

### Child survival measures

Ensuring children's healthy development, through child survival interventions and access to basic services such as nutrition, water, sanitation and hygiene, and health services, is critical to breaking intergenerational cycles of poverty. When children's development is hindered, so too is their ability to attend and benefit from schooling and ultimately their prospects for attaining decent work as adults. The working conditions of working families often have very direct consequences on their ability to invest in their children's development. Long working hours constitute one important example in this regard. Studies by UNICEF of workers in garment and apparel factories in Bangladesh and Viet Nam, for example, found that long working hours were incompatible with the public health service infrastructure, and often meant that working parents had to pay out of pocket to access

private health care for themselves and their children.<sup>146</sup> Another UNICEF study of child rights in palm oil plantations noted that in plantations paying above minimum wages and providing adequate services for their workers, parents were more likely to be able to afford nutritious food and send their children to school. On the other hand, workers with unstable employment relationships and earning low wages often indicated that sustaining their families was a challenge, taking a toll on their health, social relationships and the quality of care they could provide to their children.<sup>147</sup> The Better Work programme, a partnership between the ILO and the International Finance Corporation of the World Bank Group, provides an illustration of the positive impact of improved workplace conditions of parents on their ability to ensure their children's healthy development. A comprehensive impact assessment of the programme indicated a direct relationship between increased wage levels of workers, reduced debt, and increased investments in children's education and family health.<sup>148</sup>

### **Strengthening social protection systems, including social protection floors<sup>149</sup>**

Stronger social protection systems, including social protection floors, are needed to offset the socio-economic vulnerabilities that can push people into child labour, forced labour and human trafficking. Without adequate social protection, as highlighted in **PART 1** of this report, families can be left with no other recourse than their children's labour to cope with adverse social or economic contingencies such as sudden loss of income or catastrophic illness, and adult workers can be left with little choice but to incur debt on usurious terms or to accept jobs that carry high risk of forced labour or to fall into situations where they are trafficked. Yet the ILO estimates that, despite significant progress in recent years, the challenge of extending social protection remains very large.<sup>150</sup>

Informal economy workers are often excluded from social protection, as they face various barriers in accessing both social insurance and social assistance.<sup>151</sup> This of course includes workers in numerous informal economy production settings linked to global supply chains. Examples include casual workers on plantations and workers on smallholder farms linked to global agrifood supply chains.<sup>152</sup> Migrant workers in the informal economy are very likely to be excluded from social protection schemes despite being among

the groups most vulnerable to forced labour and human trafficking. For children, a major barrier to social protection is unregistered births. Birth registration helps to establish legal identity and age and can be a prerequisite to accessing education, social security and other public programmes.<sup>153</sup>

This discussion underscores the importance of extending basic social security guarantees, particularly to those in the informal economy, as part of broader efforts against child labour, forced labour and human trafficking. Strengthening national social protection systems, including floors, is essential. Instruments contributing to strengthening social protection floors typically include disability benefits, support for those without jobs, old-age pensions, child and family benefits, and effective access to health care. There are numerous examples of emerging practices using all of these instruments to extend basic social security guarantees to hitherto uncovered groups.<sup>154</sup> There is also growing evidence of their direct relevance to reducing child labour and promoting schooling.<sup>155</sup>

Child and family benefits, including child cash benefits, have attracted particular interest in recent years as an instrument for expanding social security coverage and ensuring at least a basic level of income security for vulnerable families striving to eke out an existence in the informal economy. During the last decade and a half, such child and family benefit schemes have spread to all regions of the world. The *Bolsa Família* in Brazil, for example, offers monthly cash benefits to poor families conditional on children's school attendance and other behavioural criteria, and covers tens of millions of persons; and the Child Money programme in Mongolia benefits virtually all children in the country.<sup>156</sup> There is extensive evidence that these cash-based benefit programmes succeed in lowering child labour.<sup>157</sup>

Yet while the numbers of non-contributory child and family benefit schemes are growing worldwide, not all are anchored in national legislation, a key to their sustainability, and many are still of limited coverage. Research also indicates that some such schemes are plagued by large targeting errors, meaning that they can fail to cover families most in need.<sup>158</sup> As a result, only 35 per cent of children worldwide have access to child or family benefits.<sup>159</sup> In recent years, many more countries have moved towards universalizing child benefits, either through non-contributory child or family cash benefits of some form on a universal



basis, or a combination of contributory and tax-financed benefits.<sup>160</sup> Such greater investment in child and family benefits, as well as strengthening social protection systems overall, is indispensable for the prevention of child labour, forced labour and human trafficking.

In addition, strengthening the reach, calibre and funding of the social service workforce<sup>161</sup> is crucial to effective intervention by those who are at the front line against child labour, forced labour and human trafficking. The social service workforce plays a central role in supporting children and families in communities by alleviating poverty, identifying and managing risks, and facilitating access to and delivery of social services to enhance child and family well-being. A well-developed social service workforce is also key to promoting social justice, reducing discrimination, challenging and changing harmful behaviours and social norms, and preventing and responding to violence, abuse, neglect, exploitation and family separation.<sup>162</sup>

Strengthening national social protection systems, including floors, is also essential to achieve a more equitable distribution of production gains and an improvement in the lives of workers and their communities. This can be achieved by developing and financing tax-based social assistance programmes (for those workers at the bottom of the supply chain, who have little or no ability to contribute) and contributory social insurance schemes to ensure an adequate level of protection to broad segments of the population, including the middle classes (access to health care and earnings-related benefits in case of sickness, maternity, invalidity, employment injury and, of course, old-age and disability pensions).

Governments should seek to ensure that all economic actors involved in global supply chains not only are compliant with national social security legislation, but also contribute fairly to the financing of a sustainable and comprehensive social protection system through the payment of taxes and social security contributions. This could be further promoted through the development and application of legislation, as in the case of France, where, since 2017, global buyers have had a legal obligation to identify and protect human rights, including social protection rights, and prevent environmental violations that result not only from their own activities but also from those of their subsidiaries, subcontractors and suppliers, in France and around the world.<sup>163</sup>

## Microfinance

Microfinance refers to the sustainable provision of financial services to the poor and to others who are excluded from formal financial and banking services. It includes microcredit for those unable to access credit from traditional banks because they lack sufficient collateral or are without formal employment.<sup>164</sup> Microfinance schemes can help vulnerable families to avoid falling victim to debt bondage and to hedge against some of the risks they face. Microfinance is especially relevant in poverty alleviation,<sup>165</sup> for example by ensuring that vulnerable families are able to avoid falling victim to debt bondage, as access to credit through microfinance schemes helps reduce their dependence on employers, recruiters and other moneylenders for loans.<sup>166</sup> Microfinance can also spur formalization, which, in turn, may increase access to contributory social protection schemes and therefore reduce vulnerabilities.

An ILO review of a range of microfinance efforts undertaken in collaboration with 16 microfinance institutions during the period 2008–2012 highlighted a range of positive social impacts, including a significant reduction in child labour (microinsurance, Pakistan) and reduced indebtedness (emergency savings scheme, the Philippines).<sup>167</sup> A separate review of microfinance schemes addressing bonded labour in Southern Asia suggests that impact is dependent on project design considerations, and that they are more effective as part of a broader integrated approach to promoting adequate livelihoods.<sup>168</sup>



## ENSURING FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING

*Child labour, forced labour and human trafficking are closely associated with restrictions on workers' ability to exercise their rights to organize and bargain collectively.*

In situations where the rights to freedom of association and collective bargaining are denied, workers are unable to exert agency or collective voice, to defend their interests, or to positively influence the conditions of their working lives, in turn leaving them much more vulnerable to other fundamental labour rights violations, including forced labour and human trafficking. In many cases, children are forced to work, while their adult relatives remain unemployed.

As an institution, collective bargaining can help tackle the root causes of child labour, forced labour and human trafficking in a number of ways. Through collective bargaining, workers – through their elected representatives – are better able to negotiate wages and working conditions, thereby reducing dependence on income earned by children. Strong, democratic organizations may also lobby for the “social wage”, including employment promotion, vocational training and access to public education, all of which contribute to eradicating child labour. A large body of research also demonstrates how trade union membership and collective bargaining coverage are associated with lower levels of income inequality.<sup>169</sup>

Collective bargaining is a form of bipartite social dialogue, the effective recognition of which is embedded in the ILO Constitution itself.<sup>170</sup> Moreover, freedom of association and effective recognition of the right to collective bargaining are recognized as one of the fundamental principles and rights at work and, perhaps more importantly, as enabling conditions<sup>171</sup> for the attainment of decent work more generally. Collective bargaining has proven to be an effective means of increasing income, improving working conditions and identifying institutional mechanisms for resolving industrial conflict.

This discussion underscores the critical role of governments in promoting freedom of association and collective bargaining and creating an enabling environment for the full realization of these rights, and the “full development and utilisation of machinery for voluntary negotiation between employers or employers' organizations and workers' organizations, with a view to the regulation of terms and conditions of employment by means of collective agreements”.<sup>172</sup> An enabling institutional and legal framework that supports the development of strong, independent and representative employers' and workers' organizations constitutes a necessary prerequisite for such dialogue to take place. In this regard, governments play a key role on multiple levels: as policy-makers, as facilitators through labour administration and dispute settlement bodies, and as convenors of tripartite social dialogue.<sup>173</sup>

## ADDRESSING MIGRANTS' VULNERABILITY

*Migrants can be particularly vulnerable to child labour, forced labour and human trafficking. Safe and regular migration can help tackle these human rights violations and abuses.*

As detailed in **PART 1**, migrants can be especially susceptible to child labour, forced labour and human trafficking, both during transit and in their countries of destination.

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990), and the ILO migrant workers Conventions (Nos. 97 and 143),<sup>174</sup> provide international normative bases for the protection of migrants' rights in the world of work. Various non-binding international agreements also provide a framework and guidance for promoting well-managed migration and protecting migrants from exploitation and abuse. For example, the ILO Multilateral Framework on Labour Migration provides a set of non-binding principles and guidelines to assist governments, social partners and other stakeholders in their efforts to regulate labour migration and

protect migrant workers.<sup>175</sup> The IOM Migration Governance Framework<sup>176</sup> provides a detailed articulation of well-managed migration policies, which should seek to “adhere to international standards and fulfilment of migrants’ rights” (Principle 1); “advance the socio-economic well-being of migrants and society” (Objective 1); and “ensure that migration takes place in a safe, orderly and dignified manner” (Objective 3).

Other examples include the 2030 Agenda for Sustainable Development, in which SDG target 10.7 calls for the facilitation of “orderly, safe, regular and responsible migration and mobility of people”. The Global Compact for Safe, Orderly and Regular Migration<sup>177</sup> also contains numerous commitments to prevent and address violence, exploitation and abuse, including forced labour and human trafficking.<sup>178</sup>

Reviewing and developing relevant national laws and policies can be first steps towards ensuring that they do not create or exacerbate vulnerabilities, and that they make provision for identifying and addressing work-related vulnerabilities and abuse of migrant workers, wherever they may arise. Generally, vulnerabilities can be reduced when migrants have the same labour rights and protections as those extended to all workers.<sup>179</sup> as such, they should be allowed to change employers with minimal administrative burden, and to retain possession of their travel documents.

Enhancing the availability and flexibility of pathways for regular migration, including for employment, education, family reunification and humanitarian admissions, can play a key role in preventing violence, exploitation and abuse, and promoting decent work and responding to labour market needs in countries of destination. This includes partnerships and labour mobility schemes for migrants at all skill levels, assisting them with the development, recognition and retention of skills, and offering flexible, convertible and non-discriminatory visa and permit options.

Tools that facilitate and regulate labour mobility, such as international and bilateral cooperation arrangements and bilateral labour migration agreements, are particularly important.<sup>180</sup> Inter-State consultation mechanisms on migration, including regional consultative processes, can also provide a useful platform for international cooperation to address migrants’ vulnerability to forced labour and human trafficking. For instance, the Colombo Process,<sup>181</sup> established in 2003, brings together 12 Southern and South-eastern Asian labour-sending countries. One of its thematic

focus areas is the protection and provision of services to migrant workers: in particular, protecting migrant workers from abusive practices in recruitment and employment, and providing appropriate services to them in terms of pre-departure information, orientation and welfare provisions.<sup>182</sup>

Unprepared and ill-informed migrants may be at greater risk of forced labour and other labour and human rights violations and abuses, and may be more susceptible to being trafficked. Helping ensure their adequate preparation is therefore important. Migrant workers should not only be provided with a written contract, but should also be made aware of its provisions, of the relevant regulations in their country of destination, of their rights and obligations, and of how to access complaint and redress mechanisms.<sup>183</sup>

Examples of policies to ensure that migrants have access to necessary information include creating centralized and publicly accessible websites<sup>184</sup> and establishing open and accessible information points along relevant migration routes. In this context, various networks of migrant resource and response mechanisms, including migrant resource centres, have been established globally, providing information and services for migrants in source, transit and host countries. Depending on the specific national context, migrant resource and response mechanisms may take on different functions, involving a variety of actors and serving a multitude of objectives.<sup>185</sup>

A number of countries also offer migrants pre-departure training and orientation. For example, India, Indonesia, Nepal, the Philippines and Sri Lanka have government-mandated pre-departure orientation for prospective migrant workers.<sup>186</sup> An independent evaluation of one such pre-departure training effort involving Nepali workers going to Jordan suggested a major impact in terms of reducing the risk of indebtedness, improving workers’ understanding of the contracts and strengthening their sense of agency.<sup>187</sup>

Awareness-raising programmes that inform migrant workers of their rights should be accompanied by adequate access to protection, justice and remedy. Migrant workers are often faced with a number of barriers – legal, administrative, linguistic and cultural – in this regard. Migrants should have access to public or affordable independent legal assistance and representation in legal proceedings that affect them. In addition, victims of forced labour and human trafficking should be provided with a reflection

and recovery period to allow an informed decision relating to protective measures and participation in legal proceedings, with temporary or permanent residence permits and access to the labour market, and facilitation of safe and preferably voluntary repatriation.<sup>188</sup> Ancillary support services can play a key role in ensuring that migrants receive support in these areas. For example, migrant resource and response mechanisms also include, as part of their service model, referral to protection actors, including access to legal assistance in seeking redress for labour and human rights violations.<sup>189</sup> The role of employers' and workers' organizations is also particularly relevant in ensuring the protection of migrant workers before, during and after their migration for employment, and can help prevent their being subject to child labour, forced labour or human trafficking.<sup>190</sup>

Finally, policies and practical measures should be in place to identify migrants who are at risk of or who have been subject to violence, exploitation and abuse, such as victims of forced labour and trafficking. Protection systems should also have sufficient capacity and resources to provide the necessary services to migrants in a situation of vulnerability, through the support and participation of a range of local and international partners.

## PROMOTING FAIR RECRUITMENT

*Recruitment abuses are one of the main entry points for forced labour and human trafficking in global supply chains, and promoting fair recruitment is therefore another key element in tackling these violations and abuses.*

Promoting fair recruitment is a critical priority in the context of both international and internal migration. As discussed in **PART 1**, a key finding of recent ILO research is that recruitment abuses – and in particular the payment of illegal recruitment fees and related costs – are one of the main ways in which forced labour and human trafficking enters supply chains.

The adoption of laws and regulations to help ensure that workers and jobseekers are not charged recruitment or related costs, or subjected to other recruitment-related abuses – addressed in the Global Compact for Safe, Orderly and Regular Migration and international legal standards<sup>191</sup> – is therefore critical to broader efforts against forced labour and human trafficking. Yet a recent ILO review of national regulations and measures in the labour recruitment sphere in 90 countries found a wide variety of approaches to the issue of recruitment fees among those countries, and the need for further efforts in this regard.<sup>192</sup> Other studies indicate that recruitment regulations commonly only cover recruiters operating at the upper end of the labour supply chain, leaving the various labour intermediaries and subcontractors acting on behalf of the recruiters outside the government's regulatory authority.<sup>193</sup>

**BOX 5. PROMOTING FAIR RECRUITMENT****IOM International Recruitment Integrity System (IRIS)**

To promote ethical recruitment and support the transformation of the international recruitment industry, the IOM and a coalition of partners from government, civil society, the international community and the private sector have developed the International Recruitment Integrity System (IRIS). IRIS is a global multi-stakeholder initiative that supports governments, civil society, and the private sector (brands, employers and recruiters) to establish ethical recruitment as the norm in cross-border labour migration. The goal of IRIS is to make international recruitment fair for everyone involved: migrant workers, employers, recruiters, and countries of origin and destination. IRIS does this by:

- promoting respect for the rights of migrants;
- enhancing transparency and accountability in recruitment;
- advancing the employer pays principle;
- strengthening policies, regulations and enforcement mechanisms, in both the public and private sectors.

IRIS has established an operational benchmark for ethical recruitment – the IRIS Standard – which is based on existing international human rights instruments, ILO Conventions and standards, the ILO general principles and operational guidelines for fair recruitment, and the United Nations Guiding Principles on Business and Human Rights, as well as related codes of conduct and best practices from the recruitment industry.

In practical terms, IRIS involves defining good practices through multi-stakeholder initiative of ethical recruitment, awareness raising, advocacy and capacity building, migrant empowerment, recruitment regulation, partnerships and certification. IRIS also supports monitoring of international recruitment practices reinforced by robust due diligence, grievance and redress mechanisms.

The IRIS-created voluntary certification of private international recruitment agencies identifies, supports and promotes ethical recruiters and helps employers and workers make more informed decisions about recruitment. IRIS certification also supports governments in ensuring recruiters' compliance with regulation.

**ILO Fair Recruitment Initiative**

Building on the growing political will to address fraudulent and abusive labour recruitment practices, the ILO in 2014 launched the Fair Recruitment Initiative, which is based on a four-pronged approach that places social dialogue at its centre. It focuses on:

- enhancing global knowledge on national and international recruitment practices;
- improving laws, policies, and enforcement mechanisms to promote fair recruitment practices;
- promoting fair business practices; and
- empowering and protecting workers.

This multi-stakeholder initiative is being implemented in collaboration with the ILO's social partners, including the International Trade Union Confederation (ITUC), the International Organisation of Employers (IOE), governments, United Nations agencies and civil society organizations.

**ILO general principles and operational guidelines for fair recruitment**

In 2016, the ILO endorsed a set of non-binding general principles and operational guidelines for fair recruitment to inform the recruitment policies and practices of governments, enterprises, public employment agencies, labour recruiters and employers. Included is the principle that “no recruitment fees or related costs should be charged to, or otherwise borne by, workers or jobseekers”. In 2019, the ILO approved the publication and dissemination of the definition of recruitment fees and related costs, which are designed to be read together with the general principles and operational guidelines.\*

\* From: ILO: General principles and operational guidelines for fair recruitment & Definition of recruitment fees and related costs (Geneva, 2019). Available at: [www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---migrant/documents/publication/wcms\\_536755.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_536755.pdf).

*The provision of decent work that enables families to meet their needs and thrive is critical to addressing child labour, forced labour and human trafficking.*

Helping ensure compliance with laws and regulations dealing with recruitment is another major challenge. The nature of the labour recruitment industry – low barriers to entry, minimal capital requirements, absence of a need for fixed premises – has led to a proliferation of actors along the labour migration chain, frequently overwhelming the enforcement capacity of regulatory authorities.<sup>194</sup> One emerging strategy for dealing with this challenge is to shift part of the compliance burden from recruiters onto employers through joint liability schemes that make both these parties liable for fraudulent or abusive recruitment or labour practices. Importantly, these schemes leverage the market power of employers to influence recruitment agencies' practices, in turn helping lighten the enforcement burden of the regulatory authorities, enabling them to focus their limited enforcement resources on the (relatively few) employers rather than on the (relatively numerous) recruitment actors.<sup>195 196</sup>

To be fully effective, joint liability needs to be incorporated into bilateral agreements in order to ensure that the concept is applied across borders, as it is not enough for an agreement to cover recruiters operating in the country of destination for migrants if they, in turn, utilize potentially non-compliant labour intermediaries or brokers in the source country. There are several recent cases that provide positive examples in this regard. For example, as part of a broader “zero cost to migrants” policy, the Government of Nepal has sought to include stipulations that employers pay the costs of recruitment and migration in bilateral labour agreements signed with a number of countries, including Jordan, Malaysia, Mauritius and the United Arab Emirates. Similarly, bilateral labour agreements between Nepal and the Republic of Korea and between Nepal and Japan have explicit provisions for making migration costs transparent and effectively controlling intermediaries.

## PROMOTING DECENT WORK

Decent work implies work “that is productive and delivers a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organize and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men”.<sup>197</sup> This definition makes clear the centrality of decent work to reducing the socio-economic vulnerability of individuals, workers and their families that lies at the root of child labour, forced labour and human trafficking. Decent work providing a fair income to support families is the cornerstone of combating poverty and of mitigating the array of other pressures accompanying or associated with poverty. The provision of decent work is relevant not only for those excluded from the economy, but also for the vast numbers of workers who are “adversely incorporated” within it, trapped in low-paid, insecure jobs in the informal economy that offer no viable route out of poverty.

There is of course no single or simple approach to promoting decent work – all of the measures discussed in this chapter are of relevance in this regard. Laws consistent with international labour standards, and effective means of enforcing them, constitute the foundation for decent work. Measures to ensure children's healthy physical development and their access to quality public education, at least up to the minimum working age, will help to improve decent work prospects later in the life cycle. Adequate social protection and the freedom to organize and bargain collectively are themselves integral parts of what makes work “decent”. Migrant workers can be particularly susceptible to decent work deficits, and well-managed migration and measures to protect migrants from exploitation – including fair recruitment – can contribute to broader efforts towards decent work for all workers. In addition, well-functioning labour markets that provide decent work in the formal economy also provide the economic base for taxation systems required to finance social protection systems and education and health provision — the “social wage” that is so crucial in combating socio-economic vulnerability.<sup>198</sup>



## 2.2 PUBLIC GOVERNANCE MEASURES TO REGULATE BUSINESS CONDUCT AND THE BUSINESS ENVIRONMENT

*Regulatory measures can play a critical role in encouraging business to carry out due diligence, but to be effective they should be consistent and clear about obligations and expectations placed on business.*

In addition to addressing root causes of child labour, forced labour and human trafficking, governments also have a major role to play in ensuring that companies act to address the risks of these labour rights violations across their operations and supply chains. This means ensuring an *enabling environment* for businesses to act responsibly. Governments can use a range of tools to encourage companies to act responsibly, and are increasingly doing so in different ways. This chapter focuses primarily on reviewing the efforts of governments to incentivize and facilitate responsible business conduct in global supply chains and seeks to highlight good practices and suggest areas for improvement and further uptake.

Government action has been guided by the international instruments on corporate responsibility. The United Nations Guiding Principles on Business and Human Rights call on States to “set out clearly the expectation that all business enterprises domiciled in their territory and/or jurisdiction respect human rights throughout their operations”.<sup>199</sup> This is also reflected in the ILO MNE Declaration and the OECD Guidelines for Multinational Enterprises. In this context, States are also expected to take steps to prevent abuse abroad by business enterprises operating within or from their jurisdiction.<sup>200</sup> The Committee on the Rights of the Child became the first human rights treaty body to request governments in their regular reporting to address the State’s obligations to protect children from business impacts as outlined in “General comment No. 16 on State Obligations Regarding the Impact of the Business Sector on Children’s Rights”.<sup>201</sup>

### NATIONAL REGULATIONS ON TRANSPARENCY AND DUE DILIGENCE IN SUPPLY CHAINS

In recent years, a growing number of governments have introduced supply chain transparency and due diligence legislation (**box 6**). Several countries have also adopted, or are considering adopting, supply chain transparency and due diligence legislation that specifically focuses on child labour, forced labour and human trafficking.

While the nature, type and scope of these pieces of legislation vary considerably, broadly they can be categorized into two types: those relating to the mandatory disclosure and transparency of information and those relating to mandatory due diligence and other conduct requirements. Transparency and disclosure legislation requires companies to disclose risks they identify and whether they take any action to address those risks. To comply with this type of legislation, companies may have to follow certain standards and good practice when disclosing risks, but are not required to necessarily change their conduct, for example by addressing those risks. The idea behind this legislation is that it allows the market, including investors, consumers, and civil society, to better assess companies. Mandatory due diligence legislation and other conduct requirements actually require companies to adhere to new forms of conduct and market practice, normally to prevent or mitigate risks and also to report on them.

Supply chain transparency and due diligence laws are a relatively recent phenomenon, and in some cases are still not in force, so their effectiveness in driving overall impact in reducing child labour, forced labour and human trafficking has not yet been evaluated. Nevertheless, legislation has increased awareness among businesses, above all among senior business leaders.<sup>202</sup> In some cases, it has catalysed more action to prevent and address risk, including collaboration with stakeholders.<sup>203</sup> Legislation in major consumer markets can drive change by increasing government awareness and action in producing countries.



## BOX 6. RECENT EXAMPLES OF TRANSPARENCY AND DUE DILIGENCE REGULATION

### Disclosure and transparency legislation

- In 2010, the state of California passed the Transparency in Supply Chains Act (Civil Code Section 1714.43) with the intent of ensuring that large retailers and manufacturers doing business in California provide consumers with information on the efforts undertaken, if any, to eradicate slavery and human trafficking from their supply chains. The act requires every retail seller and manufacturer with annual worldwide gross receipts of more than US\$100 million to make public such information on their websites. More specifically, enterprises that are subject to the act must post disclosures on their websites related to verification, audits, certification, internal accountability and training.
- In 2015, the United Kingdom adopted the Modern Slavery Act, requiring, amongst other provisions, all commercial organizations with an annual turnover of £36 million or more to prepare a slavery and human trafficking statement for each financial year (Section 54). The statement, which is to be signed off by the company's upper management and published on its website, should outline the steps that the company has taken, if any, to ensure that trafficking is not taking place in any part of its own business or in any of its supply chains. It is estimated that around 12,000 companies need to conduct this annual reporting.
- On 1 January 2019, Australia's Modern Slavery Act entered into force, requiring large entities with a consolidated annual revenue of over 100 million Australian dollars to publish annual statements outlining the risks of modern slavery in the global operations and supply chains of the reporting entity and its controlled entities. Entities complying with the act are also required to report on their actions to address identified risks and how they assess the effectiveness of those actions.
- At the European Union level, non-financial reporting requirements are also mandating large public interest companies with more than 500 employees to report on policies, risks and programme outcomes related to social responsibility, treatment of employees and respect for human rights (Directive 2014/95/EU). The directive covers approximately 6,000 large companies and groups across the European Union, including listed companies, banks, insurance companies and any other companies designated by national authorities as public interest entities. Also, in April 2019, the European Parliament approved a regulation on disclosures relating to sustainable investments and sustainability risks in an effort to strengthen sustainable finance and amend the previous Directive 2016/2341. The regulation aims to create a dedicated and coherent disclosure framework on the integration of environmental, social and governance risks and requests that end investors receive coherent and comparable disclosures on financial products and services relating to sustainable investments and sustainability risks.





### Due diligence and other conduct-related legislation

- In March 2017, France adopted the Corporate Duty of Vigilance Law (No. 2017-399), which imposed a duty of vigilance on large companies to prepare, implement and publish details of their due diligence plan to prevent adverse serious human rights and environmental impacts associated with their operations and supply chains. The law applies to all French joint stock companies employing 5,000 employees or more domestically or 10,000 employees or more internationally, and to their subsidiaries and certain relevant suppliers and subcontractors. The law provides for judicial mechanisms that allow third parties to order a company to comply with the law, or to hold it liable for damages caused by a failure to comply with the law. A study of vigilance plans published under the French Corporate Duty of Vigilance Law found that the vast majority of companies have published vigilance plans since the law was introduced.
- In May 2019, the Netherlands adopted the Child Labour Due Diligence Law, which requires companies to determine whether child labour occurs in their supply chains and set out a plan of action on how to combat it. According to this law, companies registered in the Netherlands and companies that deliver their products or services to the Dutch market twice or more a year are required to submit a declaration to a supervisory authority declaring that they carry out due diligence relating to child labour across their supply chains. If the due diligence process reveals that there are reasonable grounds to believe that a product or service has been provided using child labour, the company is expected to draw up an action plan in line with international standards. These declarations would be published in a public register on the website of the supervising authority, yet to be determined. The supervisory authority will impose an administrative fine if companies do not fulfil the requirement to submit a declaration.
- In January 2021, a new law will come into force across the European Union – the Conflict Minerals regulation (Regulation 2017/821). The law aims to ensure that European Union importers of tin, tantalum, tungsten and gold (3TG) meet international responsible sourcing standards, and requires European Union companies in the supply chain to ensure they import these minerals and metals from responsible and conflict-free sources only. This regulation refers to the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas, which requests that companies do not tolerate the worst forms of child labour. The regulation will directly apply to companies that import 3TG into the European Union, no matter where these originate. The regulation applies directly to between 600 and 1,000 European Union importers, and they will need to carry out due diligence – including for child labour – from this date by law.

While regulations can be a strong inducement for companies to carry out due diligence, they can also pose challenges in the area of implementation. Diverse expectations can create difficulties for businesses operating globally.<sup>204</sup> There is also a potential for legislation to lead to a more narrow compliance focus rather than a broader due diligence approach that seeks to prevent and mitigate impacts. Legislation can also lead to de-risking (for example by avoiding certain regions where prevalence of child labour, forced labour or human trafficking is high instead of conducting due diligence), or to reporting a bare minimum (to avoid legal liabilities). The best means of monitoring and enforcing legislation also remains a point of learning that requires further research. In relation to these elements, some stakeholders have called for company disclosure to be based on consistent and meaningful indicators pertaining to child labour, forced labour and human trafficking;<sup>205</sup> for adoption of a common reporting framework;<sup>206</sup> and for establishment of a centralized searchable repository of reports and company statements.<sup>207</sup> Finally, further research is needed to understand the extent to which reporting requirements prompt companies to assess suppliers further up the supply chain where risks of child labour, forced labour and human trafficking may be highest.<sup>208</sup> For instance, many laws extend only to direct suppliers, and not to those operating in upstream industries or in the informal economy.<sup>209</sup>

Promoting consistency and clarity around obligations and expectations for businesses operating globally will be important for establishing a level playing field among all enterprises, irrespective of their home country, and making it easier for businesses to live up to global expectations concerning sustainable supply chains. Governments should therefore ensure that domestic legislative initiatives align with government-backed guidance on due diligence, such as the OECD Due Diligence Guidance for Responsible Business Conduct, 2018,<sup>210</sup> which can be used by businesses to respond to due diligence expectations of the United Nations Guiding Principles on Business and Human Rights, the ILO MNE Declaration and the OECD Guidelines for Multinational Enterprises.

## OVERARCHING POLICIES TO PROMOTE RESPONSIBLE BUSINESS CONDUCT

*Governments should ensure coherence across domestic government agencies and bodies to ensure alignment of policies relevant to responsible business conduct.*

A number of countries have adopted policies to promote the uptake of responsible business practices in global supply chains. In this regard, national action plans (NAPs) on business and human rights and on responsible business conduct have become an important tool through which governments have sought to unify national efforts to implement the United Nations Guiding Principles on Business and Human Rights and other corporate responsibility instruments. NAPs can provide an overarching policy framework for responsible business conduct and ensure coordination and coherence within the government. They take stock of existing governmental actions to promote business and human rights and introduce new actions, including to specifically address or reinforce existing actions on child labour, forced labour and human trafficking. To implement these actions, countries can attribute different responsibilities to distinct parts of the government. Good practices include communicating clear actions, which enhances the transparency of the NAP and the accountability of the government; setting up inter-ministerial groups to establish and monitor the NAP; and involving stakeholders (business, workers' organizations, civil society organizations) in the development and monitoring of the NAP.

As of June 2019, 23 countries had adopted NAPs and four countries were in the process of developing one. All of the countries that have adopted NAPs are adherents to the OECD Guidelines for Multinational Enterprises, demonstrating strong government commitment to responsible business conduct.<sup>211</sup> Some NAPs go beyond the theme of business and human rights by encompassing the environment (for example, France and Italy) and responsible business conduct more generally (such as the United States). A review of NAPs suggests broad references to child labour, forced labour and human trafficking as examples of the adverse human rights impacts that companies can cause, contribute to or be linked to, or to the

government's international obligations with regard to these human rights violations at work. Many countries have also developed stand-alone action plans on combating child labour, forced labour and human trafficking, although these do not always make the link with responsible business conduct.

Some NAPs suggest dedicated action points to ensure that companies better assess and address these particular risks in their activities.<sup>212</sup> In particular, they target the operations of companies operating within the country, but are less concerned with addressing company operations abroad in the context of global supply chains. NAPs can also include built-in monitoring mechanisms on supply chain due diligence. For example, Germany's NAP commits the government to examining steps to take further action, including legislative measures, if more than 50 per cent of all German-based companies with over 500 employees have not taken credible action to integrate human rights due diligence in their operations by 2020.<sup>213</sup>

Some governments have also supported partnerships between government, business, unions and civil society to promote responsible business practices in a specific sector (for example, the Dutch covenants and the German Textile Partnership), to identify risks (including child labour, forced labour and human trafficking), and to address those risks proactively. It is important that governments ensure that the links between the different, but related, action plans and initiatives are made explicit and that there is complementarity and alignment.

## GOVERNMENTS LEADING BY EXAMPLE

*Governments can lead by example by integrating due diligence criteria in their own activities as procurers of goods and services, owners of enterprises and providers of credit and loans.*

When governments engage as economic actors (for example, when procuring goods or as employers), they are expected to behave responsibly and lead by example in implementing the main international corporate responsibility instruments.<sup>214</sup> This is not only in the public interest and ensures accountability

of public spending, it also enhances the legitimacy of public policies on responsible business conduct.

### Public procurement

Public procurement plays a significant role in national economies, representing 13 per cent of gross domestic product (GDP) in OECD countries and 15 to 25 per cent in non-OECD States,<sup>215</sup> meaning that governments have considerable leverage to mitigate the risks of child labour, forced labour and human trafficking in the supply chains of the companies with whom they do business. While in the past value for money meant lowest price, governments are now increasingly concerned with the conditions under which the goods and services they purchase have been produced. This concern is reflected in the small but increasing number of efforts to address child labour, forced labour and human trafficking, and labour conditions more broadly, in public procurement at different levels of government.<sup>216</sup> Examples include the 2014 European Union directive on public procurement,<sup>217</sup> the United States Executive Orders 13126 and 13627<sup>218</sup> dealing with federal contractors, the Code of Practice for Ethical Employment of the Welsh Government,<sup>219</sup> and the local government procurement measures of a range of European municipalities,<sup>220</sup> including, most recently, Athens, Greece.<sup>221</sup> The ILO Labour Clauses (Public Contracts) Convention, 1949 (No. 94), provides the normative framework for efforts in this regard. The Convention promotes socially responsible public procurement by requiring bidders and contractors to align themselves with the locally established prevailing pay and other working conditions as determined by law or collective bargaining.

These positive developments notwithstanding, much remains to be done in terms of leveraging the purchasing power of governments to encourage responsible business conduct.<sup>222</sup> Perhaps the most important challenge relates to how governments can ensure not only that winning bidders address child labour, forced labour and human trafficking in their own operations, but also that their suppliers and subcontractors do the same. Indeed, at present, most provisions related to human and labour rights limit the bidders' responsibilities to immediate contractors or suppliers, and do not take into account adverse human rights impacts along the entire supply chain.<sup>223</sup> Monitoring and verifying compliance, even among immediate contractors, remains another challenge. Additional challenges include effectively engaging business, social partners and civil society



in strengthening sustainable public procurement,<sup>224</sup> and building the capacity and raising the awareness of public officials regarding integrating child labour, forced labour and human trafficking standards in the procurement processes. Fully accounting for the social cost of a product or service requires a change of culture by public procurement officials, most of whom are trained to base procurement decisions on a narrow set of financial parameters. Finally, there is a need for greater international collaboration around responsible public procurement in order to share learning and best practices, and to exchange tools and information on risks related to certain products and markets and on follow-up and monitoring.<sup>225</sup>

The United Nations procures goods and services from suppliers all over the world to support its activities and operations. In 2018, 39 organizations reported a collective US\$18.8 billion in procurement of goods and services.<sup>226</sup> The combined purchasing power of United Nations organizations holds significant potential to influence the market in favour of sustainable

development. The United Nations sustainable procurement practices “integrate requirements, specifications and criteria that are compatible and in favour of the protection of the environment, of social progress and in support of economic development, namely by seeking resource efficiency, improving the quality of products and services, and ultimately optimizing costs”.<sup>227</sup> At the 25th meeting of the United Nations High-Level Committee on Management Procurement Network in 2018, the Network agreed to develop and implement a common approach to combating forced labour and human trafficking in supply chains. As a result, within the framework of the Working Group on Sustainable Procurement, a dedicated task force on the subject has been established. The objective of the task force is to develop and coordinate a comprehensive and coherent approach to combat forced labour and human trafficking in supply chains through procurement operations of the Procurement Network members.

## Export credit and direct lending

Officially supported export credits<sup>228</sup> are often used to facilitate projects in developing countries, where the risks of potential environmental and social impacts, including on human rights, may be significant. These are provided through export credit agencies (ECAs), which can be government institutions or private companies operating on behalf of governments. The key multilateral forum where international disciplines on officially supported export credits are agreed, implemented and monitored is the OECD.<sup>229</sup> Since 2003, OECD Members have agreed a series of recommendations, known as the “Common Approaches”, for addressing the potential environmental and social impacts of projects benefiting from official support (last updated 2016).<sup>230</sup> The Common Approaches seek to promote coherence between governments’ policies regarding officially supported export credits, which are generally aimed at fostering trade, and their international environmental, climate change, social and human rights policies and commitments under relevant international agreements and Conventions, including by promoting awareness of the OECD Guidelines for Multinational Enterprises as a tool for responsible business conduct. The Common Approaches also recognize that governments have a responsibility to protect human rights and fundamental freedoms and that business enterprises have a responsibility to respect human rights.

As a result, the Common Approaches require ECAs to screen all applications falling within their scope<sup>231</sup> to identify, inter alia, whether there may be a high likelihood of severe project related human rights impacts<sup>232</sup> occurring.<sup>233</sup> Where this is the case, the review of the underlying project may need to be complemented by specific human rights due diligence.<sup>234</sup> In addition, all projects reviewed by ECAs should be benchmarked against, and are expected to meet, international standards, including the International Finance Corporation Performance Standards, which contain specific provisions relating to labour and working conditions, such as a prohibition on the use of forced labour and explicit measures to protect the rights of children where national laws allow for the employment of minors.<sup>235</sup>

Many governments make reference to ECAs in their NAPs on business and human rights and require due diligence on human rights impacts in return for government support. Many ECAs have in place specific

public policies covering social, labour and human rights issues: for example, the Swedish Export Credit Agency, SEK, requires clients to uphold freedom of association and collective bargaining rights, and has a zero tolerance statement in place regarding child labour and forced labour.<sup>236</sup>

ECAs are increasingly aware of the need to address human rights impacts, both in their own activities and in their business relationships, and of the need to develop their expertise when applying relevant standards and guidelines. In this context, ECAs are developing policies and procedures, either generically<sup>237</sup> or with regard to specific issues or sectors.<sup>238</sup> The environmental and social practitioners from ECAs also frequently meet under the auspices of the OECD to share experiences, meet with relevant experts and academia, and discuss future developments, including with practitioners from other financial institutions, with the aim of promoting more globally consistent approaches to addressing environmental and social issues, including human rights, within the wider financial sector.<sup>239</sup>

## State-owned enterprises

The practices of State-owned enterprises represent another way that governments can lead by example and leverage their role in the economy to encourage compliance with international labour standards. The OECD Guidelines on Corporate Governance of State-Owned Enterprises recommend that the State ownership policy fully recognizes the responsibilities of State-owned enterprises towards stakeholders and requests that those enterprises report on their relations with stakeholders, and makes clear any expectations the State has in respect of responsible business conduct by State-owned enterprises. The Guidelines further recommend extensive measures to report on foreseeable risks, including in the areas of human rights, labour, the environment, and risks related to corruption and taxation.<sup>240</sup>

However, so far there has been limited research on responsible business conduct practices of State-owned enterprises. A 2016 report by the United Nations Working Group on Business and Human Rights that examined the issue found that there is a general lack of attention to corporate responsibility issues and that policies, guidelines and good practices are lacking at both the international and national levels.<sup>241</sup> More research is needed in this area, which would also be

important for ensuring a level playing field for private enterprises, which are expected to follow responsible business conduct principles and standards. Making responsible business conduct expectations clear is a role and opportunity for governments.

### National and multilateral development finance institutions

Reflecting labour rights conditionality in agreements of development finance institutions (DFIs)<sup>242</sup> – both multilateral and national – offers an important means to incentivize responsible business conduct vis-à-vis child labour, forced labour and human trafficking in global supply chains. As DFIs often operate in challenging markets, implementing responsible business conduct due diligence, internally and externally, is a way for DFIs to protect their investments and ensure they are meeting the broader sustainability objectives that underpin their *raison d'être*. DFIs also have significant leverage to promote and incentivize responsible business conduct standards, including respect for core labour rights, with the businesses they invest in.<sup>243</sup>

To assess and address social risks, including those relating to child labour, forced labour and human trafficking, some multilateral DFIs have adopted safeguard standards covering labour and working conditions which assert that these human rights violations at work will not be tolerated. Such standards require borrowers to identify whether there are risks of child labour, forced labour and human trafficking related to primary supply workers and within community labour, and to take appropriate measures to monitor and remedy instances of child labour, forced labour or human trafficking that have been identified. Several multilateral DFIs have also adopted lists of prohibited activities in which they do not engage, and these lists often include references to child labour, forced labour and human trafficking. To support the implementation of these safeguards, several DFIs have also developed guidance for their clients, including specifically on child labour, forced labour and human trafficking. For example, in 2018, a group of major development lending institutions issued joint guidance on addressing risks of modern slavery and establishing appropriate controls and levers to implement remedies.<sup>244</sup>

The effectiveness of a safeguards regime depends also on the checks and balances provided by monitoring and evaluation, disclosure of findings, and objective verification of results. Internal evaluations of a major DFI's implementation and monitoring of its clients' compliance with safeguards suggest that, overall, the quality of environmental and social supervision has been deficient. With regard to safeguards addressing child labour and forced labour, the dialogue of DFIs with their private sector clients appears to have suffered from an insufficient understanding and depth of knowledge on how some details in social safeguard standards should be incorporated. A shortage of social specialists to fully assess and ensure private sector client performance on child labour has also undermined efforts to consistently apply labour and employment safeguards.<sup>245</sup> While many DFIs have taken important steps to promote, incentivize and exemplify responsible business conduct issues, there is still significant scope to harmonize efforts and mainstream responsible business conduct standards within institutions.

An important starting point for DFIs is to assess to what extent due diligence practices for themselves and those they require from their clients align with current responsible business conduct standards.<sup>246</sup> A human rights lens does not contradict the ongoing due diligence efforts and standards developed by DFIs – it is complementary and can also assist DFIs with their own efforts. For example, a key element of responsible business conduct is the use of leverage, to the extent possible, to encourage clients to prevent or mitigate adverse impacts or risks. Responsible business conduct standards provide guidance on the expectations related to leverage and how this can and should be communicated to clients.

As board members, governments can exercise effective leverage over DFIs' lending and technical support, including by ensuring and insisting that objectives related to ending child labour, forced labour and human trafficking are reflected in the design and implementation at the project level. As shareholders, member States also have an important role to play in ensuring that the safeguard frameworks and practices incorporate due diligence for responsible business conduct.

## TRADE POLICIES AND TRADE ARRANGEMENTS

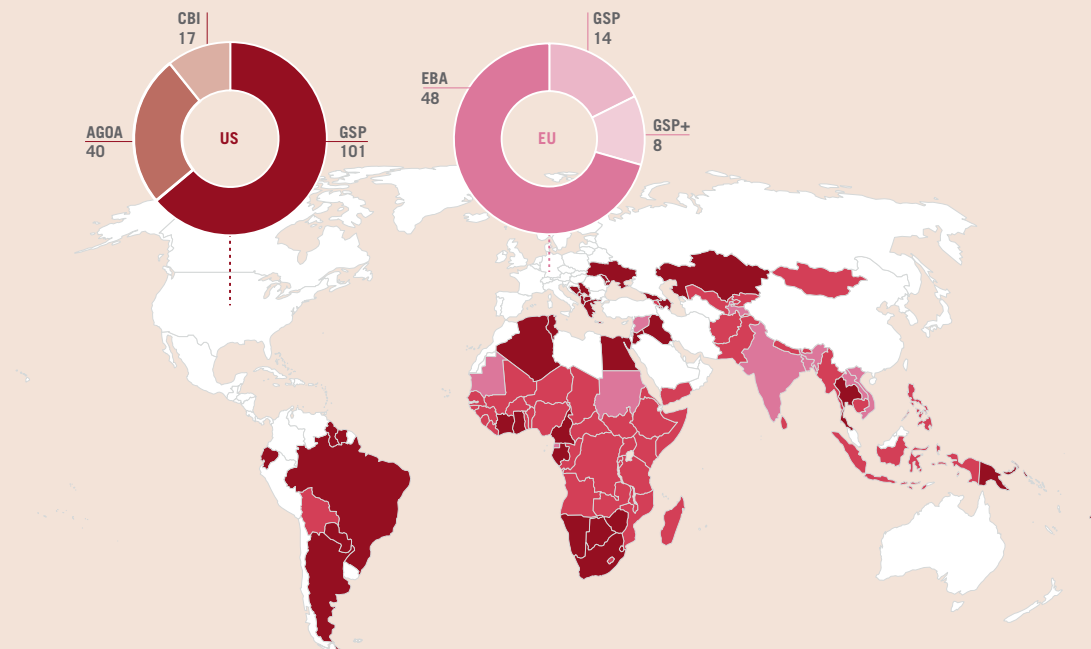
*Trade policies and trade arrangements are other important vehicles for governments to promote international labour standards in global supply chains.*

Today, trade arrangements in the form of unilateral preferences, import restrictions, and bilateral and plurilateral trade agreements increasingly contain labour provisions that explicitly refer to international labour standards,<sup>247</sup> including international standards relating to the elimination of child labour, forced labour and human trafficking.<sup>248</sup> Governments are also increasingly including language in their trade policies setting out an expectation on corporate responsibility.<sup>249</sup>

### Unilateral trade preference programmes

Unilateral trade preference programmes in the United States and the European Union together provide preferential market access to 122 developing countries (see **figure 7**). The programmes adopt a “carrot and stick” approach, providing duty-free access to certain exports from eligible beneficiary developing countries based on labour conditionality. The United States trade preferences involve a total of 111 independent beneficiary countries through both generalized and regionally focused programmes. The European Union provides duty-free access to 70 eligible countries through three separate programmes that are differentiated based on the beneficiaries’ level of development. In both the European Union and the United States trade preference programmes, there are regular reviews and assessments of labour standards, among other issues.<sup>250</sup>

**FIGURE 7.**  
GLOBAL COVERAGE OF EUROPEAN UNION AND UNITED STATES UNILATERAL TRADE PREFERENCE PROGRAMMES WITH LABOUR CONDITIONALITY



Note: The map covers 122 independent countries. The United States has three trade preferences programmes: the Generalized System of Preferences (GSP), the African Growth and Opportunity Act (AGOA), and the Caribbean Basin Initiative (CBI). There are currently 101 independent countries that are United States GSP-eligible beneficiaries. Some countries may benefit from more than one trade preference programme at the same time. Therefore, 39 countries out of 40 beneficiary countries of AGOA benefit from both GSP and AGOA programmes, and 8 countries out of 17 beneficiary countries of the CBI are also part of the GSP programme. There is no overlap among the European Union trade preference programmes; therefore 70 countries are eligible beneficiaries of the European Union GSP (14), GSP+ (8) and Everything but Arms (EBA) (48) programmes.

Source: Based on the list of beneficiary countries of trade preference programmes provided by the Office of the United States Trade Representative, the European Community, and the United Nations Conference on Trade and Development (2018).

This map is for illustration purposes only. The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by ILO, OECD, IOM, UNICEF.

The global coverage of European Union and United States unilateral trade preference programmes with labour conditionality is extensive (figure 7). There is scope, however, to further leverage the review mechanism of the programmes in response to issues of child labour, forced labour and human trafficking.<sup>251</sup> For instance, the case involving the cotton industry in Uzbekistan illustrates how trade leverage, acting in combination with other factors such as political will and technical and development assistance, can be used for the progressive advancement of labour rights in specific sectors and contexts. The review in Uzbekistan triggered under the United States GSP programme prompted strong political commitment to ending child and forced labour in the cotton harvest and to a range of domestic policy measures for achieving this. This has resulted, in a short period of time, in a situation where, according to the ILO, systemic child labour is no longer a serious concern in the Uzbek cotton industry. The ILO has also cautioned, however, that challenges remain, particularly in the eradication of forced labour, and has recommended continuous engagement through its supervisory mechanisms or trade mechanisms.<sup>252</sup>

### Regional trade agreements

The importance of bilateral and plurilateral trade agreements, hereafter referred to as regional trade agreements, has grown considerably over the last two decades. The inclusion of labour considerations in regional trade agreements has become more common and comprehensive as the role of regional trade agreements in the global economy has grown. As of mid-2019, there were 85 regional trade agreements that included labour provisions, representing about one-third of the total regional trade agreements in force and notified to the World Trade Organization.<sup>253</sup> More than half of the regional trade agreements with labour provisions were concluded after 2008. In about three out of four instances, trade-related labour provisions make reference to ILO instruments, and generally establish binding commitments on labour standards with mechanisms for implementation.

Most trade agreements with labour provisions also include a means to foster technical cooperation and dialogue and build the capacity necessary for compliance with labour commitments. Some countries, including Canada and the United States, emphasize cooperation directly linked to facilitating the effective enforcement of the Worst Forms of Child Labour Convention, 1999 (No. 182), and support development cooperation programmes to support this objective.<sup>254</sup> In the case of an alleged violation, regional trade agreements may also include a mechanism for public submissions with the potential to trigger dispute settlement mechanisms that may or may not lead to sanctions. Irrespective of the possibility of sanctions, dispute settlement offers the potential for a “more leveraged” discussion to improve compliance with commitments adopted in the agreement.<sup>255</sup>

Although the evidence indicates that labour provisions can provide leverage in promoting compliance with international labour standards, complementary policies, at both the national and the enterprise levels, are crucial to their success. Labour provisions in trade agreements, where coupled with policies and instruments such as social dialogue and sustained workplace monitoring, can improve labour compliance at the micro level.<sup>256</sup> Other research also points to the need for effective enforcement mechanisms and complementary actions to address non-compliance.<sup>257</sup>

Imposing import restrictions on goods manufactured using child labour, forced labour or human trafficking can serve as an important means to eliminate the competitive advantage created by these fundamental labour rights violations and to incentivize companies to better assess and address these risks. These measures should be accompanied by a policy dialogue with concerned countries to ensure that such restrictions are targeted to serve the intention of levelling the playing field and do not undermine development efforts in concerned countries. Furthermore, observers have questioned more broadly whether import restrictions will achieve their intended purpose “as exporters may decide to sell to markets other than those imposing sanctions”.<sup>258</sup> In this context, import restrictions related to child labour, forced labour and human trafficking should be discussed within a multilateral framework.



## INVESTMENT TREATIES

*Governments can also use investment treaties to encourage companies to act responsibly throughout their operations.*

A trend toward increasing attention to labour standards and responsible business conduct has also been observed in investment treaties (including free trade agreements with investment provisions and bilateral investment treaties). The power of treaty-covered investors to bring claims in arbitration against governments under many investment treaties, while the reverse is not possible, has raised the profile of business conduct issues in investment treaty policy. Generally speaking, references to business responsibilities range from preambular language to provisions that promote implementation of specific responsible business conduct instruments and ILO Conventions.<sup>259</sup> More recently, the Netherlands has updated its model investment treaty by specifying among other things that damages awards for claimants can be reduced based on improper business conduct. However, it must be noted that recent investment treaties can often be circumvented by investor claimants, given the currently broad scope for treaty shopping in investor-state dispute settlement;<sup>260</sup> most claims continue to be brought using older treaties.<sup>261</sup>

These developments also form part of the continuing discussion around the balance of policy interests in investment treaties. In considering these issues, investment policy-makers may need to re-examine the degree to which the traditional primary reliance on national law suffices to address investor and business conduct, and to consider a possibly stronger contribution of investment treaty policy. In March 2019, as part of its work in this area, the 50-plus OECD, G20 and other governments that participated in an OECD-hosted round table that focused on investment treaty policy requested background work on investor responsibilities and investment treaties. They will consider the issues at an upcoming meeting.<sup>262</sup>

## ENHANCING CORPORATE ACCOUNTABILITY IN ENSURING ACCESS TO EFFECTIVE REMEDY

*Governments should step up efforts to strengthen grievance mechanisms to address cases related to child labour, forced labour and human trafficking in supply chains and provide victims with remedy, including protection and assistance.*

The need to ensure access to effective remedy for victims of child labour, forced labour and human trafficking is recognized in the three main international instruments for responsible business conduct: the United Nations Guiding Principles on Business and Human Rights, the ILO MNE Declaration, and the OECD Guidelines for Multinational Enterprises. Facilitating access to remedy is key to promoting sustainable supply chains and enhancing corporate accountability for child labour, forced labour and human trafficking violations. As part of their duty to protect, governments have the overall responsibility to ensure that those impacted have access to remedy, including through judicial and non-judicial avenues.

While effective judicial mechanisms are at the core of ensuring access to remedy, administrative, legislative and other non-judicial mechanisms play an essential role in complementing and supplementing judicial mechanisms.<sup>263</sup> The OECD Guidelines for Multinational Enterprises, for example, have a unique built-in grievance mechanism – the National Contact Points for Responsible Business Conduct – to which specific cases can be brought about company conduct. Countries adhering to the OECD Declaration on International Investment and Multinational Enterprises, of which the OECD Guidelines for Multinational Enterprises form an integral part, have a legal obligation to establish a national contact point and ensure that it has the necessary financial and human resources needed to address cases that it receives, including those relating to child labour, forced labour and human trafficking. The national contact points represent the only State-based non-judicial grievance mechanism with a mandate to consider adverse human rights impacts – including those relating to child labour, forced labour and human trafficking – across global supply chains, and have a mandate to handle

**BOX 7. EXAMPLES OF NATIONAL CONTACT POINT CASES ADDRESSING CHILD LABOUR OR FORCED LABOUR****Child labour in cotton**

In 2011, cases were submitted to national contact points regarding sourcing of cotton from Uzbekistan cultivated using child labour. Mediation by national contact points led to several agreements with companies involved in sourcing the products as well as heightened industry attention to this issue. In a follow-up to the national contact point processes, several years later the European Center for Constitutional and Human Rights concluded that the submission of the cases had encouraged traders to take steps to pressure the Government of Uzbekistan to end forced labour. The report also noted that the cases referred to the national contact points triggered investment banks to monitor forced labour issues in Uzbekistan in the context of their investments.

**Forced labour in mega sporting events**

In 2015, the Swiss national contact point provided mediation between the Building and Wood Workers' International and FIFA regarding a case concerning alleged human rights and forced labour issues in Qatar. In response to the case, FIFA integrated a commitment to respect and promote the protection of human rights and enshrined the implementation of this commitment as an important pillar in its new organizational strategy, "FIFA 2.0: The Vision for the Future". Furthermore, the Building and Wood Workers' International has signed a memorandum of understanding with the Supreme Committee for Delivery and Legacy, which is responsible for delivering the infrastructure for the 2022 FIFA World Cup in Qatar. Previous collaboration also included the support of the Building and Wood Workers' International for FIFA's Decent Work Monitoring System in stadium construction sites for the 2018 FIFA World Cup in the Russian Federation.

cases relating to companies operating in or from their territories. Since their creation in 2000, national contact points have received over 450 cases, and over 50 per cent of cases handled since 2011 have a human rights element. Of those, 15 have considered issues related to child labour or forced labour.<sup>264</sup>

Governments, employers and workers are also encouraged to appoint national focal points on a tripartite basis to promote the use of the ILO MNE Declaration<sup>265</sup> and its principles at the national level. National focal points provide a valuable platform for non-adversarial tripartite and tripartite-plus dialogue, which can in turn be critical to addressing issues at the root of child labour, forced labour and human trafficking violations in global supply chains (**box 7**).<sup>266</sup>

There are a range of judicial and non-judicial options available for impacted individuals or communities to hold businesses to account for causing or contributing to child labour, forced labour and human trafficking and to seek remedy. These include courts, tribunals, labour inspectorates and ombudspersons in the country in which the harm (that is, the child labour, forced labour and human trafficking) has taken place. In times of rapidly expanding cross-border activities of businesses, victims are also increasingly turning

to judicial and non-judicial avenues in the countries that host or have jurisdiction over the enterprises that have caused or contributed to the harm.<sup>267</sup> Obstacles to seeking remedy – such as significant legal costs or rules restricting who may bring a case and how parties can access and use evidence – in the countries where harm has taken place or in the countries that have jurisdiction over the company that has caused or contributed to harm may at times lead to situations where no effective access to remedy is possible.<sup>268</sup>

According to an independent study commissioned by the Office of the United Nations High Commissioner for Human Rights in 2014, there is a lack of realistic prospects for legal remedy and a lack of action by criminal prosecution and law enforcement bodies with regard to adverse human rights impacts by business. In addition, there is significant uneven distribution and use of domestic mechanisms, political concerns over extraterritorial regulation and enforcement, and a general lack of international coordination and cooperation.<sup>269</sup>

In concrete terms, this has meant that victims often face considerable legal, financial, practical and procedural barriers that, in many cases, "prove insurmountable".<sup>270</sup> Victims are often also deprived



of information relating to employers and contractors and may risk reprisals if they are publicly named as plaintiffs or witnesses in legal action or in their use of State-based non-judicial grievance mechanisms.<sup>271</sup>

Seeking remedy brings particular challenges in a cross-border context. At present, countries with laws addressing the extraterritorial dimension of responsible business conduct are divergent on the issues of access to remedy and the possibility of pursuing legal action against companies that have caused or contributed to harm.<sup>272</sup> More specifically, there are significant differences in the extent to which States “are prepared to take jurisdiction over the activities of members of corporate groups, and particularly foreign subsidiaries and commercial partners”.<sup>273</sup> In recognition of this challenge, the Council of Europe recommended in 2016 that domestic courts within the European Union “exercise jurisdiction over civil claims concerning business-related human rights abuses against subsidiaries, wherever they are based, of business enterprises domiciled within their jurisdiction if such claims are closely connected with civil claims against the latter enterprises”.<sup>274</sup>

Users of State-based non-judicial grievance mechanisms can experience similar challenges. In particular,

“haphazard legal and institutional development in some jurisdictions has led to unevenness and gaps in the extent to which different human rights are protected through these mechanisms”.<sup>275</sup> Complaints about under-resourcing and lack of technical capacity are also common, as are concerns about the lack of accessibility to the mechanisms.<sup>276</sup>

Most State-based non-judicial grievance mechanisms have jurisdiction over the acts or omissions of companies within their own territorial boundaries. As such, many are not well suited to dealing with corporate liability for cross-border child labour, forced labour or human trafficking, or ensuring that victims of harm have access to remedy. National contact points are a notable exception as they have the mandate to consider the conduct of companies operating in or from their territories. However, while there have been successful outcomes from cases handled by the national contact points, there are still significant variations across the 48 countries. Contributing to this are the current human and financial resource constraints that make it challenging for national contact points to fulfil their potential. In order for the entire network of national contact points to meet the expectations set out by their mandate, appropriate government support, resources and institutional arrangements are essential.

Taken together, the current challenges that victims of child labour, forced labour or human trafficking face to access remedy – whether through judicial or non-judicial mechanisms – suggest that standards should be raised and capacity enhanced everywhere. While victims in the first place should have access to remedy in the country where the harm occurs, numerous implementation deficits exist. The unevenness that at present exists in relation to cross-border cases also calls for greater international cooperation on this issue. As has been noted elsewhere, cooperative efforts are also needed for clarifying key issues of principle and

policy relating to tests for legal accountability and the respective roles of States where companies are domiciled and where impacts are felt. Cooperation should also ensure the effective functioning of domestic grievance mechanisms by promoting technical cooperation between policy-makers, operators and users of these mechanisms to identify and replicate good practices. The role of criminal law enforcement bodies in developing more robust domestic legal responses to corporate human rights misconduct is also an area where further work needs to be done.<sup>277</sup>



## 2.3 RESPONSIBLE BUSINESS CONDUCT FOR LABOUR AND HUMAN RIGHTS

There is strong consensus that responsible business conduct, including due diligence through a comprehensive approach, is appropriate for businesses to tackle child labour, forced labour and human trafficking in their global supply chains. Much, however, remains to be done in terms of translating this consensus into practice.

All intergovernmental standards on responsible business conduct – which include the United Nations Guiding Principles on Business and Human Rights, the ILO MNE Declaration, the OECD Guidelines for Multinational Enterprises, and the Organization for Security and Co-operation in Europe Model Guidelines on Government Measures to Prevent Trafficking for Labour Exploitation in Supply Chains – establish due diligence as the framework for companies to address child labour, forced labour and human trafficking risks in their supply chains. The Protocol of 2014 to the Forced Labour Convention, 1930, calls for measures “supporting due diligence by both the public and private sectors to prevent and respond to risks of forced or compulsory labour”. The Ministerial Declaration of the July 2017 meeting of the G20 Labour and Employment Ministers also underlined the responsibility of businesses to exercise due diligence. At its core, due diligence on child labour, forced labour and human trafficking involves assessing actual and potential risks of these fundamental labour rights violations and abuses and violations within a company’s operations and supply chain, integrating and acting upon the findings, tracking progress and communicating on these efforts. Due diligence is important in the context of insufficient State-based enforcement of labour and human rights standards within global supply chains.

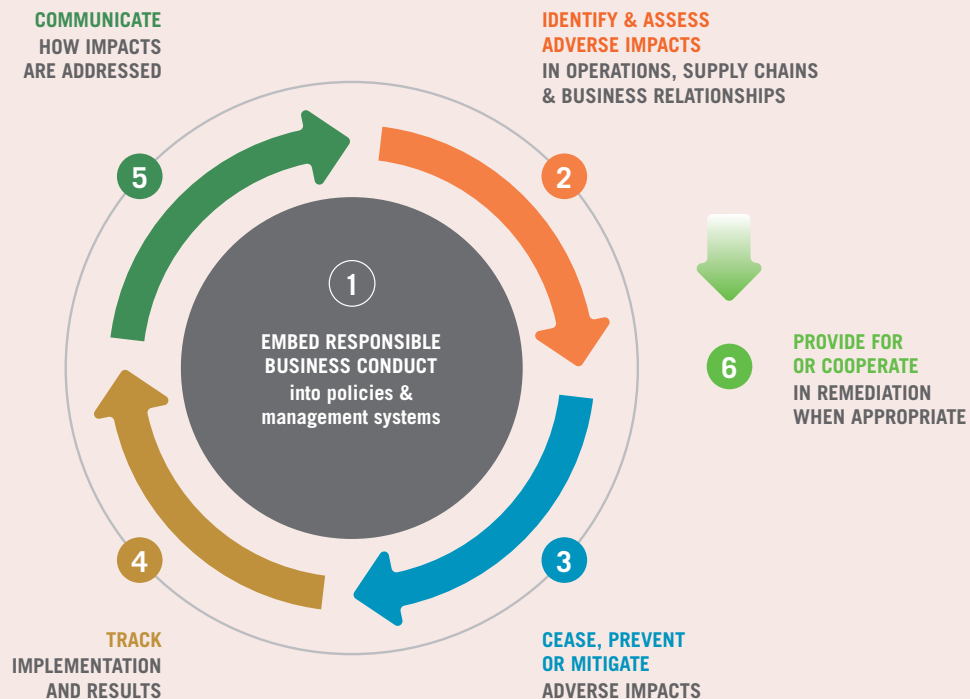
The OECD Due Diligence Guidance for Responsible Business Conduct,<sup>278</sup> which was launched in 2018, is endorsed by 48 governments and promotes a common understanding on due diligence for responsible business conduct, including labour rights.<sup>279</sup> It details the specific steps of the due diligence process that have been agreed upon by business, trade unions and civil society. Other intergovernmental tools also exist, including government-backed and sector-specific due diligence guidance by the OECD<sup>280</sup> and the ILO-IOE Child Labour Guidance Tool for Business, which looks at due diligence in the specific context of child labour.<sup>281</sup>

These due diligence standards show what has or has not been effective in the management of labour and human rights violations risks – including child labour, forced labour and human trafficking – over the past 20 years. Therefore, due diligence both builds on and adjusts existing practices, such as the establishment of company policies for the supply chain and assessments of business partners, while also introducing processes that are still relatively new in the supply chain context, such as processes to provide for remedy along the supply chain.

As set out in the United Nations Guiding Principles on Business and Human Rights and the OECD Guidelines for Multinational Enterprises, and detailed in the OECD Due Diligence Guidance for Responsible Business Conduct (**box 8**),<sup>282</sup> due diligence entails a full supply chain approach, meaning that a company should seek to address child labour, forced labour and human trafficking at all stages of the supply chain, including raw material extraction. Rather than being primarily reactive, due diligence is preventive. The purpose of due diligence is to avoid causing, contributing to, or being linked to, through business relations, child labour, forced labour and human trafficking, and to seek to prevent these risks from materializing. Due diligence is also risk based, meaning that the actions companies take to address harm should be commensurate with, and prioritized in accordance with, its severity and likelihood. It is an integral part of an enterprise’s risk management and decision-making, and includes feedback loops so that the company can learn from what has worked and what has not worked

**BOX 8. OECD DUE DILIGENCE GUIDANCE FOR RESPONSIBLE BUSINESS CONDUCT**

The OECD Due Diligence Guidance for Responsible Business Conduct (2018) provides a common understanding amongst governments, stakeholders and intergovernmental organizations on the practical application of due diligence for responsible business conduct. The OECD Due Diligence Guidance includes a six-step framework for due diligence, illustrated in the figure below, which seeks to align with the United Nations Guiding Principles on Business and Human Rights.

**DUE DILIGENCE PROCESS AND SUPPORTING MEASURES**

Source: OECD: *OECD Due Diligence Guidance for Responsible Business Conduct* (Paris, 2018).  
Available at: [mneguidelines.oecd.org/OECD-Due-Diligence-Guidance-for-Responsible-Business-Conduct.pdf](https://mneguidelines.oecd.org/OECD-Due-Diligence-Guidance-for-Responsible-Business-Conduct.pdf).

to effectively prevent, mitigate and remediate child labour, forced labour and human trafficking. Finally, due diligence is informed by continuous engagement with stakeholders, the most important of whom are the enterprises, workers and their organizations, which comprise the supply chain, and whose income and livelihoods depend on it.

The following subsections describe some of the trends in business approaches related to addressing child labour, forced labour and human trafficking, as well as challenges and opportunities in how to strengthen alignment with government-backed due diligence standards.

## BUSINESS MODELS, MANAGEMENT SYSTEMS AND PURCHASING PRACTICES

*There is increased awareness that addressing child labour, forced labour and human trafficking may require reorienting management systems and rethinking business models.*

The importance of tone from the top in establishing a business culture that seeks to address human rights violations risks has been acknowledged for a number of years. However, experience indicates that company management systems may need to be further “retooled” in order to deliver on human rights due diligence.<sup>283</sup> For example, the business units within a company may operate with misaligned or even conflicting objectives, resulting in an unclear overall company approach to reducing risks of child labour, forced labour and human trafficking. For instance, the buying department may be required to select suppliers based on quality and price while the corporate social responsibility unit seeks to consider labour and human rights violations risks. Alignment may require ensuring adequate information flows between teams and aligned incentives, as well as the necessary capacity building.

Due diligence should also be mainstreamed into decision-making processes. For example, the decision to source from a new country, to develop a new product or service line that varies significantly from existing lines, to change the inputs of a product or service, to restructure, or to engage in new forms of business relationships (such as mergers, acquisitions, new clients and markets) may all require companies to consider whether the company is exposed to increased risk of child labour, forced labour and human trafficking and, if so, whether it is capable of addressing the risk.<sup>284</sup>

**PART 1** of the report notes the link between purchasing dynamics and practices in global supply chains and increased risks for labour and human rights abuses violations. Broadly speaking, movement to address purchasing practices has been slow; however, a number of exceptions are emerging. For example, in the apparel sector, Action, Collaboration, Transformation (ACT) is an initiative that brings together brands, retailers, trade unions and manufacturers to address wages and working

conditions in the garment and textile supply chain.<sup>285</sup> The negotiations between suppliers, workers and brands include commitments from the brands and retailers to implement responsible purchasing practices, which would then be monitored by both the suppliers and trade unions.

Other actions being taken by companies include providing long-term contracts to suppliers, ensuring that prices paid cover at least the costs of production,<sup>286</sup> adopting the employer pays principle, and eliminating recruitment fees in the supply chain.<sup>287</sup> By altering purchasing practices and relationships with suppliers, and by bearing costs (such as recruitment fees) that can create vulnerability to forced labour and human trafficking, companies can positively shape conditions within their supply chains to prevent and address the drivers of child labour, forced labour and human trafficking.

Business collaboration around the employer pays principle is critical to addressing forced labour linked to recruitment practices. As discussed in previous sections of this report, forced labour and human trafficking often start prior to workers coming into contact with suppliers in the global supply chains, through the practices of recruitment and employment agencies that facilitate the overseas employment of migrant workers. Recruitment practices often require migrant workers to pay large sums of money to work abroad. High fees and induced indebtedness of migrant workers – particularly prominent in the context of global recruitment channels – can increase workers’ vulnerability to forced labour and human trafficking. Employers may be unaware of the hiring practices of their operations, leaving workers exposed to exploitation.

Within this context, common standards should be established to ensure that workers do not pay recruitment fees or related costs to attain their employment. Recent years have seen an increased collaboration around the employer pays principle to address forced labour and human trafficking linked to migration. For example, in May 2016 the Leadership Group for Responsible Recruitment was launched as a collaboration between leading companies and expert organizations to drive positive change in the way that migrant workers are recruited. In October 2018, 123 apparel and footwear companies signed the American Apparel & Footwear Association and Fair Labor Association Apparel & Footwear Industry Commitment to Responsible Recruitment, which seeks to address

potential risks of forced labour and human trafficking for migrant workers in the global supply chain.<sup>288</sup> Other examples include the Responsible Labor Initiative,<sup>289</sup> a multi-industry and multi-stakeholder initiative that seeks to address forced labour and human trafficking in global supply chains; and the Building Responsibly initiative, which seeks to promote the responsible recruitment and employment of migrant workers in the engineering and construction sector.

## GATHERING INFORMATION ON THE SUPPLY CHAIN

*The complexity of global supply chains poses challenges for gathering information on supply chain actors and their human rights performance.*

Child labour, forced labour and human trafficking can occur at any stage in a company supply chain, but the risk of these fundamental labour and human rights violations is often greatest in upstream production. The fragmentation, global dispersion and resulting complexity of global supply chains may obstruct the visibility of suppliers and business partners in many contexts. For example, a buying company may source directly from a producer or through an intermediary. Producers, in turn, may subcontract various activities, thereby creating an even more opaque supply chain structure where several layers of subcontracting interlink. This dynamic is then repeated at each stage of the production process to sourcing of raw materials. These factors lead to challenges in identifying specific components and products made with child labour or forced labour or linked to human trafficking.

To gain information on business partners and their compliance related to child labour, forced labour and human trafficking, recent trends include the use of traceability or chain of custody tools by business, either individually or through industry or multi-stakeholder initiatives. Companies can take an incremental approach or a risk-based approach in recognition of the fact that addressing the full supply chain is extremely difficult in practice. Emerging tools include online databases, self-disclosure information systems

and distributed ledger (blockchain) technology (box 9).<sup>290</sup> However, despite these advances, collecting information on business partners remains challenging. Successful traceability demands the full collaboration of all actors that are operating along a company's supply chain. While technological advances may facilitate the gathering of data, such technology is not always accessible to the necessary business partners.<sup>291</sup> For some industries, sourcing can shift quickly within a supply chain, thus requiring fit-for-purpose tools that can keep pace with the changes in the supplier base. Finally, there are concerns about the security, integrity and ownership of data; the ethical procedures in place for data collection, use and repurposing; and the privacy and protection of workers asked to participate in data collection systems.

Beyond trends towards full supply chain traceability, some sectors have established traceability to mid-tier suppliers that operate at control points – also referred to as “choke points” – in their supply chains. Control points refer to companies that operate at key points of transformation in the supply chain where traceability or chain of custody information may be aggregated or lost, and where there are relatively few companies that process or handle a majority of inputs that they pass further down into a supply chain. These control points will have greater visibility and leverage over their own suppliers and business relationships further up the supply chain than enterprises closer towards consumers or end users. The minerals sector provides a case study of this approach, whereby smelters and refiners are increasingly playing a role in meeting transparency gaps in the supply chain by carrying out due diligence upstream in their supply chains, where they have leverage.<sup>292</sup> Retailers downstream in the supply chain therefore only need to trace to midstream suppliers.



**BOX 9. USE OF BLOCKCHAIN TECHNOLOGY IN SUPPLY CHAIN MONITORING**

Distributed ledger technology, such as blockchain, can offer an important tool to manage complicated networks of suppliers. By design, blockchains are inherently resistant to modification of data, and avoid reliance on easy-to-forge paper documents. Recently, a multitude of supply chain due diligence blockchain initiatives has developed across different sectors to help address issues of traceability, sharing of risk information and data integrity. Such blockchain initiatives have sought to establish traceability of goods and services in supply chains and map supply chain actors and locations, and have been used to pool and share information on risk relating to child labour and forced labour. However, concerns continue to be raised about several elements of this new technology, including the lack of controls on the quality of information that is initially entered into the system and the lack of checks and balances on this information, the lack of access by vulnerable groups to this technology, the scalability and incentives for uptake, and the emergence of multiple competing databases for similar supply chains that lack interoperability. There is a need for data ontology and guidance for companies and initiatives that are planning blockchain pilots to address how due diligence standards could best be reflected in blockchain initiatives in a coherent and consistent manner.

In addition to the challenges associated with gaining visibility over the supply chain, identifying the risks of child labour, forced labour and human trafficking linked to suppliers is uniquely difficult due to the hidden and often illegal nature of these violations. Social audits are the most widely used tool for assessing child labour, forced labour and human trafficking linked to suppliers, and supplier assessments can play an important role in company due diligence. However, the effectiveness of supplier audits has been questioned.<sup>293</sup> There are numerous reasons why auditing data may not accurately reflect the situation in a workplace, including workers being prepared by management to provide inaccurate responses, lack of freely chosen workers' representatives, and fraud in accounting and reporting. Additionally, audits can take a check-the-box approach and not sufficiently include worker participation or interviews. The past 20 years have provided lessons on how supplier assessments can be strengthened to better identify risks, including the necessity for assessments to be fit for purpose (that is, tailored to the local context and the nature of the issue being assessed), to integrate worker interviews as a key component, and to be carried out by experts. Given the hidden nature of child labour, forced labour and human trafficking, worker participation and interviews are particularly important to the assessment process.<sup>294</sup>

These challenges surrounding audits also pertain to the numerous certification mechanisms that currently exist. Certification, which generally involves an audit against a particular standard, can be an important tool for companies in gaining information on their

suppliers and may be particularly useful for small and medium-sized enterprises that have more limited resources to work directly with suppliers. However, as certification is based on audit, it faces the same broad challenges. There is also wide variance in the scope of different certifications. Reviewing certifications for alignment with government-backed due diligence standards will help to ensure that they are promoting due diligence that is commensurate with the severity of the risk of child labour, forced labour and human trafficking and that can enable cross-recognition between various certifications.

While important to a company's due diligence process in countries where government inspectorates are insufficient, assessments in and of themselves may not be sufficient for identifying child labour, forced labour and human trafficking. Continuous monitoring, for example through the use of grievance mechanisms linked with robust training and awareness building, can flag concerns of abuse on an ongoing basis. Monitoring is likewise a step in the due diligence process and is intended to complement supplier assessments. Efforts at continuous monitoring remain fairly limited across most sectors due to the obvious challenges linked with monitoring numerous suppliers across a wide range of geographical locations. New technology tools that seek to gather workers' voices are one solution that companies are turning to. While technology can be useful in making grievance mechanisms more widely accessible, it should not undermine or replace the development of worker agency through unions. Many such tools are developed without substantive worker input, limiting workers' buy-in and trust in the tools, and ultimately their effectiveness.<sup>295</sup> For example, one



recent study found that “technology tools ... rarely identified modern slavery due to gaining little trust from workers, and to business clients not being ready to expose or address modern slavery”.<sup>296</sup>

## SOCIAL DIALOGUE AND MEANINGFUL STAKEHOLDER ENGAGEMENT

*Meaningful social dialogue and engagement with relevant stakeholders is critical to informing and guiding the human rights due diligence efforts of firms.*

Workers and their organizations can provide a crucial source of expertise, information and monitoring within due diligence. However, company efforts to combat child labour, forced labour and human trafficking are often designed and enforced without meaningfully involving workers and trade unions. For example, trade union or workers’ representatives are rarely involved in the design of either supplier assessments or grievance mechanisms. Another concern is the lack

of systematic worker participation in validating and following up on audit or supplier assessment results.<sup>297</sup>

This discussion underscores the need for meaningful social dialogue and engagement with other relevant stakeholders (such as community members) in informing the human rights due diligence efforts of firms. The ILO MNE Declaration in this context refers to the central and continuing role of social dialogue in the efforts of enterprises to identify and assess any actual or potential adverse human rights impacts with which they may be involved.<sup>298</sup> Firms are also encouraged to engage in meaningful social dialogue under the OECD guidelines.<sup>299</sup> The OECD Due Diligence Guidance for Responsible Business Conduct (2018) states that meaningful engagement with relevant affected stakeholders is important throughout the due diligence process but in particular when the enterprise may cause or contribute to an adverse impact.

Practically, this could include participation of stakeholders in and sharing results of on-site assessments, or the engagement of workers in the development of risk mitigation measures, or the ongoing monitoring and design of grievance mechanisms. In all cases, meaningful engagement with affected stakeholders – including workers and community members – is characterized by two-way communication. It involves the timely sharing of relevant information needed for

stakeholders to make informed decisions in a format that they can understand and access.<sup>300</sup> International framework agreements (also often referred to as global framework agreements) are one important vehicle grounded in social dialogue for facilitating worker engagement within human rights due diligence in global supply chains. They are negotiated between multinational enterprises and global and domestic trade unions and trade union federations, and constitute continuing, rather than one-off, initiatives.<sup>301</sup> The agreements reflect commitments to respect, promote and realize a variety of international labour standards, including the Fundamental Principles and Rights at Work. They can contain provisions relating to the conduct of the suppliers of the multinational enterprise in question, and increasingly include monitoring mechanisms. A national monitoring committee can be established to oversee the implementation of the agreements in key sourcing countries, thus acting as a form of grievance mechanism and a means of facilitating dialogue between parties. Specific obligations – tailored to the particular context in which a company is working – can also be included in international framework agreements. As such, international framework agreements offer an important means to address risks of child labour, forced labour and human trafficking by including binding obligations and monitoring. Further research is needed to determine the extent to which such agreements produce impacts on these human rights violations in global supply chains. Additionally, some have pointed to the limitations of these agreements in reaching impacts beyond a company's first-tier suppliers.<sup>302</sup>

Worker-driven social responsibility programmes are another model for strengthening human rights due diligence that is grounded in a central role for workers and their organizations. These programmes are based on binding and enforceable agreements between companies and workers' organizations that mandate companies to cover the costs of higher labour standards and include workers in their design and implementation.<sup>303</sup> There are a number of worker-driven social responsibility programmes active in different locations and sectors.<sup>304</sup> Evidence of the impact of one such programme, the Fair Food Program, involving 14 major corporate buyers of tomatoes and the Coalition of Immokalee Workers in the United States, suggests that worker-driven social responsibility programmes can play a valuable role in reducing the risk of forced labour and improving working conditions in global supply chains.<sup>305</sup>

## MULTI-STAKEHOLDER COLLABORATION AND INITIATIVES

*Long-term partnerships across sectors and stakeholders are critical to systematically addressing child labour, forced labour and human trafficking at scale.*

While companies always retain the responsibility to identify and address the risks of child labour, forced labour and human trafficking in their supply chains, the complexity and entrenched nature of these violations means that no company is likely to be able to successfully address them without long-term partnerships within and across sectors and with the involvement of a wide range of stakeholders. Historically, companies have used their individual leverage with their own suppliers to seek to prevent or mitigate human rights violations. However, acting alone can result in duplication of efforts, lack of coordination between civil society, government and business responses, and failure to respond at scale.

Greater collaboration is needed between businesses – for example, to scale effective solutions, to share learnings, and to help address the cost and leverage limitations that an individual company may face. Coordinating and collaborating with other companies are also important given the fact that, in the same local area, child labour, forced labour and human trafficking can be prevalent in multiple sectors. A wide range of voluntary, business-led, industry-wide and cross-industry initiatives have emerged in recognition of this need for greater collaboration. These initiatives often involve common codes of conduct and provide platforms for the exchange of experience and know-how across firms.

Broader multi-stakeholder collaboration is necessary with government, social partners, and civil society to help ensure that company action is integrated into existing localized efforts by government and other groups that are seeking to combat these human rights violations. Research highlights the importance of such multi-stakeholder collaboration, working together in concert with community-based efforts, to success in reducing and preventing child labour<sup>306</sup> and forced labour.<sup>307</sup>

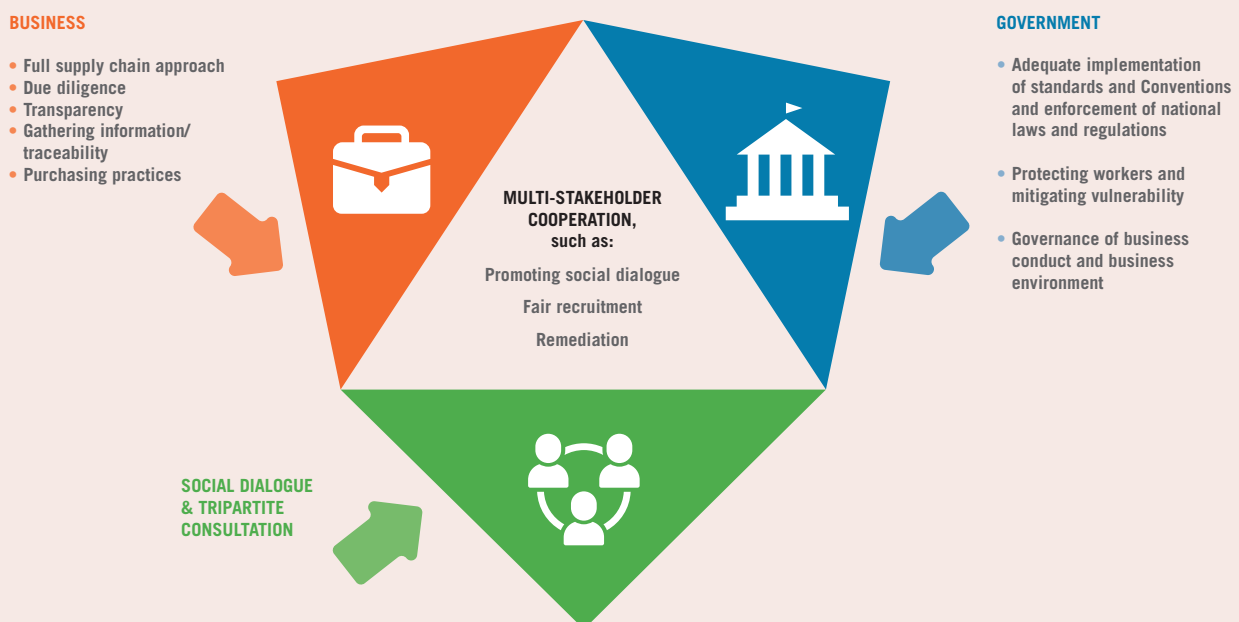
Multi-stakeholder initiatives of various forms are present in a number of sectors and locations. In the garment sector, for example, the Better Work programme, a partnership between the ILO and the International Finance Corporation of the World Bank Group, brings diverse groups together, including governments, trade unions, global brands and factory owners, to improve compliance with labour standards and promote decent work in the supply chains of the garment industry.<sup>308</sup> A comprehensive study of Better Work indicates that it has had a direct impact on improving working conditions – abusive practices, including forced labour in factories, have diminished, excessive overtime has been curbed, and the gender pay gap has decreased as a result of the programme – although it also shows that there remains scope for further improvements in these and other areas.<sup>309</sup>

Other initiatives involve investors as collaboration partners. For example, in 2017, Norges Bank Investment Management, which administers the Norwegian Government Pension Fund Global, signed a partnership with UNICEF to promote child rights in the garment and footwear sector. With equity investments in more than 300 apparel companies, and children's

rights at the core of the fund's sustainability strategy, improving the sector's impact on children is important to the long-term success of its investment portfolio. A key component of the collaboration is a peer learning network with leading apparel and footwear brands to raise awareness on adverse child rights impacts and support the integration of child rights into responsible sourcing policy and practice.

Area-based approaches offer a framework for translating multi-stakeholder collaboration into practice, and can be an integral part of broader company efforts to prevent or mitigate risks of child labour, forced labour and human trafficking in the upstream reaches of their supply chains. As opposed to approaches that seek to prevent and address child labour, forced labour and human trafficking at the worksite (for example, factories, home workshops or other manufacturing facilities), an area-based approach involves companies, in partnership with local stakeholders and in consultation with community members, supporting efforts to address the common set of root causes of child labour, forced labour and human trafficking in a specific target area or region where production linked to supply chains is located. Often, they focus on where

**FIGURE 8.**  
RESPONDING TO CHILD LABOUR, FORCED LABOUR AND HUMAN TRAFFICKING  
IN GLOBAL SUPPLY CHAINS



raw materials or other products used in the supply chain are sourced in order to create zones that are free from child labour, forced labour and human trafficking.

Government-backed multi-stakeholder initiatives are also emerging to provide a platform for collaboration between national governments, businesses, trade unions and civil society organizations for the purpose of sharing best practices and implementing shared action to address child labour, forced labour and human trafficking, amongst other human rights issues, in global supply chains (**box 10**). Such government-backed multi-stakeholder initiatives are still fairly new, and therefore lessons learned are still

emerging. Some initial learnings point to the important role that such initiatives can play in helping to build momentum and capacity around due diligence, particularly amongst smaller companies, within a national context. At the same time, it is important that national initiatives do not create requirements that duplicate or conflict with those of other States, thereby increasing the burden on companies operating across jurisdictions.<sup>310</sup> Additionally, supporting companies in meeting the core characteristics of due diligence – such as being risk based and commensurate with the degree of risk, incorporating stakeholder engagement and being preventive – is also both challenging and important.

## BOX 10. GOVERNMENT-LED MULTI-STAKEHOLDER INITIATIVES

In the Netherlands, the government has been developing so-called international responsible business conduct (IRBC) agreements with businesses, unions and civil society to facilitate working together to address human rights violations, including child labour, forced labour, human trafficking, and environmental degradation, in the context of Dutch companies' global supply chains. These agreements seek to stimulate companies to do business with respect for human rights and the environment, in line with the United Nations Guiding Principles on Business and Human Rights, the core international ILO labour standards, and the OECD Guidelines for Multinational Enterprises. IRBC agreements currently exist for the garment, gold, banking and sustainable forestry, food products, natural stone, insurance, pension funds, metals and floriculture sectors.<sup>(a)</sup>

Similar efforts have taken place in other countries. For example, in Germany the Partnership for Sustainable Textiles was established in 2014 in order to achieve social, ecological and economic improvements along the entire textile supply chain. This partnership includes approximately 120 members from the German Government, NGOs, businesses, unions and standards organizations, covering about half of the German textile market.<sup>(b)</sup> Within the Partnership for Sustainable Textiles, members commit to publicly establishing and reporting on jointly defined, binding, social, environmental and anti-bribery and anti-corruption due diligence targets, and undergoing a third-party evaluation of their progress against those targets. Processes to enable remedy in the case of child labour or forced labour are one such target.<sup>(c)</sup> Members are likewise encouraged to participate in collective engagements to support the goals of the partnership. In 2017, the Partnership for Sustainable Textiles updated its reporting framework to align with the OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector.

The Public-Private Alliance for Responsible Minerals Trade (PPA) and the European Partnership for Responsible Minerals (EPRM) are other examples of government-backed multi-stakeholder initiatives to support accompanying measures designed to give effect to the United States Dodd-Frank Act and the European Union Conflict Minerals regulation. The PPA, supported by the United States, supports the responsible sourcing of minerals from the Democratic Republic of the Congo and the Great Lakes region of Central Africa through the provision of funding and coordination support to organizations working within the region to develop verifiable conflict-free supply chains; align due diligence programmes and practices with the OECD guidance; encourage responsible sourcing from the region; promote transparency; and bolster in-region civil society and governmental capacity.<sup>(d)</sup> The EPRM, supported by Germany, the Netherlands and the United Kingdom, aims to create better social and economic conditions for mine workers and local mining communities by increasing the number of mines that adopt responsible mining practices in conflict and high-risk areas, in line with the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas.<sup>(e)</sup>

Notes: (a) See the website of the Social and Economic Council of the Netherlands for a full list of IRBC agreements: [www.internationalrbc.org/agreements?sc\\_lang=en](http://www.internationalrbc.org/agreements?sc_lang=en).

(b) In relation to the 100 top-selling companies in the German textile retail industry.

(c) For example, in 2018 a mandatory target for companies was to “establish a process or procedure for handling cases of child labour and/or forced labour (including access to redress)”.

(d) Public-Private Alliance for Responsible Minerals Trade website: [www.resolv.org/site-ppa](http://www.resolv.org/site-ppa).

(e) European Partnership for Responsible Minerals website: [europeanpartnership-responsibleminerals.eu](http://europeanpartnership-responsibleminerals.eu).

Finally, intergovernmental organizations are playing a critical role in bringing stakeholders together to address these challenges. For example, the Alliance 8.7 Action Group on Supply Chains supports country-level implementation by conducting research, disseminating knowledge, developing tools and mobilizing resources across stakeholders to address child labour, forced labour and human trafficking. The ILO Child Labour Platform and the ILO Global Business Network on Forced Labour offer forums for collaboration convened by the ILO where businesses and business networks leverage their comparative advantages towards the elimination of forced labour and human trafficking.

## COMMUNICATION ABOUT DUE DILIGENCE ACTIONS AND THEIR CONSEQUENCES

*While there is evidence that companies are increasingly communicating on measures taken to address child labour, forced labour and human trafficking, communication remains insufficient in scope and inconsistent across companies.*

Companies have been reporting on their efforts to identify and address human rights violations risks in their activities and supply chains for years – even decades in some cases – through annual sustainability reports. In recent years, businesses have also begun to report on their efforts to address forced labour and human trafficking specifically in their supply chains, in response to legislation. Additionally, some companies are moving towards greater transparency on their supply chains, specifically in relation to supplier disclosures. For instance, several tea, garment and electronics companies have recently made public their supplier lists. While most of these focus on immediate suppliers, some companies are beginning to go beyond them and to disclose information about the sub-tiers of their supply chains.<sup>311</sup>

Industry has seen a rise in both mandatory and voluntary disclosure requirements concerning human rights and supply chain due diligence. Beyond government action, multi-stakeholder and industry initiatives also often require companies to report on how they are carrying out due diligence in their supply chains and, in some cases, members are then evaluated on this reporting. The past five years have also seen an increase in third-party sustainability and due diligence indices and benchmarks that seek to measure company performance vis-à-vis their supply chains. While indices have traditionally been focused on corporate social responsibility, in recent years there has been a shift towards human rights due diligence benchmarks, such as Know the Chain, Fashion Revolution and the Corporate Human Rights Benchmark.

Investors too are playing an important role in driving disclosure. Environmental, social and governance products and benchmarks have flourished in response to the increased attention paid by governments to the financial sector with regard to the environmental, social and governance performance of potential investees. In addition to annual ratings and benchmarks, investors are also turning directly to companies to request information on specific issues or processes on a more ad hoc basis.

However, despite the increasing focus on mandatory and voluntary disclosure, company due diligence reporting faces a number of shortcomings. For example, a study carried out by Shift found that few companies focus reporting on their most severe human rights violations risks and that only 8 per cent of the companies reviewed shared insightful information on their engagement with stakeholders on human rights issues.<sup>312</sup> One recent study of 26 garment company reports under the United Kingdom Modern Slavery Act found that “most statements did not address risks in the upstream reaches of the garment production process: for example, detailing, embroidery, dyeing, washing, labelling. The fact that most statements concentrated on the immediate suppliers in the supply chain but did not, or could not, address activity further upstream in the supply chain means that the upstream production activities most vulnerable to abuses and violations, such as casual labour, subcontracting, and homeworking were not in their purview.”<sup>313</sup> Finally, while the Internet certainly increases access to reporting, company reporting may still not be readily accessible to impacted stakeholders, such as workers.



Disclosure requirements have also come under criticism in light of the lack of alignment across stakeholders, including governments, multi-stakeholder and industry-led initiatives, and investors. For example, in a review of methodologies by Stern School, the researchers found no consistent set of standards for assessing the social component of environmental and social governance frameworks.<sup>314</sup> In response to these challenges, some stakeholders have called for company disclosure to be organized around consistent and meaningful indicators about child labour, forced labour and human trafficking. These could include patterns of labour exploitation, including child labour and forced labour within their industry and supply chain, and efforts (and effectiveness of those efforts) taken to mitigate and guard against these human rights violations in their global supply chain.

## PROVISION OF REMEDY

*Companies are expected to provide remedy or cooperate in its provision when they have caused or contributed to harmful impacts, including child labour, forced labour and human trafficking.*

The provision of remedy may be effected through company-level grievance mechanisms or, where relevant, judicial or non-judicial grievance mechanisms.<sup>315</sup> In the case of instances of child labour, forced labour or human trafficking, providing for remedy will often entail cooperating with judicial or State-based and non-judicial mechanisms. While there has been increased attention to this responsibility on the part of businesses and governments alike, further learnings are necessary to make remedy a more consistent reality in global supply chains.

One of the persisting challenges to establishing effective grievance mechanisms for child labour, forced labour and human trafficking in global supply chains is ensuring access. Victims – who may be children or migrant workers who do not read or speak the local language well – may not be able to access grievance mechanisms themselves. Grievance mechanisms should therefore also be accessible to those who can raise concerns on behalf of the victim, such as committees tasked with monitoring child labour, trade unions, community members, procurement staff, local civil society organizations and government officials.

A second critical challenge is provision of remedy in the case of forced labour and human trafficking related to migrant workers who have incurred high recruitment fees. While there is increasing awareness that workers should not pay to attain employment, the informal nature of recruitment and the payment of fees along the recruitment process can make the calculation of provision of remedy difficult in practice. The IOM Remediation Guidelines for Victims of Exploitation in Extended Mineral Supply Chains underline the importance of cash grants in remediation, particularly when the victim has had to pay recruitment fees.<sup>316</sup> Where companies come across workers in debt bondage due to recruitment fees, repayment of such fees can be key to their long-term recovery as it relieves them of the financial and emotional stress of such debt. It is also instrumental in facilitating their sustainable reintegration, and preventing any further exploitation or re-trafficking.

Regarding remedy for child labour, it is important that the child is removed from child labour but not put in a more precarious position. For example, when a child is below the legal working age, the goal of remediation should be to support the competent authorities in removing the child from the workplace and ensuring that alternatives, preferably formal full-time schooling, are in place. However, such alternatives are not always readily accessible. The process of remediation should include dialogue with the caregivers of the child and, where feasible, should seek to enrol the child in school without damaging the child's welfare or that of their family. Where they exist, the enterprise is encouraged to engage with credible initiatives in the community to help children make the transition from work to school. Remediation for children above the minimum age could include removing the hazard, moving the child to safe work, or providing vocational or skills training.<sup>317</sup>

The recovery, rehabilitation and long-term reintegration of victims of trafficking and forced labour typically fall under the purview of local support systems run by governments and civil society organizations. To provide an effective remedy, companies should therefore work closely with governments, civil society organizations, international organizations, and the victims themselves. However, there is currently little practical guidance for companies on how to provide effective remedy, and how the private sector can connect to, and leverage, existing systems to protect and assist victims of forced labour and human trafficking run by local State and non-State protection actors. Governments and businesses should therefore work together to link the private sector into the protection and assistance work done by governments and civil society organizations, and link victims exploited in global supply chains to the services they need, for example through national referral mechanisms.<sup>318</sup>



# CONCLUSIONS

Target 8.7 of the 2030 Agenda for Sustainable Development calls for measures to end child labour, forced labour and human trafficking. The commitment of G20 governments to this target, including through fostering sustainable global supply chains, provided the rationale and mandate for this report. The report was developed under the aegis of the Alliance 8.7 Action Group on Supply Chains.

The report breaks new ground by providing first ever estimates by international organizations of child labour and trafficking for forced labour in global supply chains, an achievement made possible through the collaboration and sharing of data among the OECD, ILO, IOM and UNICEF. The results show that, while child labour is considerably more common in production for the domestic economy, there is also a non-negligible risk of child labour in production linked to supply chains that serve the global economy. The estimated share of total child labour that is found in global supply chains ranges from 9 per cent in Northern Africa and Western Asia to 26 per cent in Eastern and South-eastern Asia. An experimental effort to extend the estimates to include human trafficking for forced labour, based on much more limited data, suggests that human trafficking is also present in global supply chains. These results make clear that addressing child labour, forced labour and human trafficking in production for both domestic consumption and global supply chains will be critical for achieving SDG target 8.7. The estimates provide an important foundation for further data collection efforts aimed at generating a more granular picture of the extent, nature and location of these human rights violations in global supply chains.

The challenge of ending child labour, forced labour and human trafficking in global supply chains cannot

be divorced from that of ending these labour and human rights violations in the domestic economy. Comprehensive approaches, based on authoritative international standards and informed by workers' grievances, bottom-up interventions, and community engagement, are required for the elimination of these labour and human rights violations at scale. It is also crucial to address the public governance gaps and economic pressures that create space for non-compliance with international standards and domestic legislation and that render people vulnerable to child labour, forced labour and human trafficking, and to increase access to remedy in instances in which violations have been identified. Governments also need to leverage their regulatory authority and economic power to incentivize businesses to act responsibly and respect human rights in their operations and supply chains. For businesses, a shift to a comprehensive approach to due diligence on child labour, forced labour and human trafficking is needed, involving assessing actual and potential risks of these fundamental labour rights abuses and violations within a company's operations and supply chain, integrating and acting upon the findings, tracking progress and communicating on these efforts.

The report's conclusions and recommendations are structured around five key priority areas: (a) addressing child labour, forced labour and human trafficking through a whole-of-supply-chain approach; (b) public measures to protect workers and mitigate vulnerability to child labour, forced labour and human trafficking; (c) public governance measures to regulate business conduct and the business environment; (d) responsible business conduct for labour and human rights; and (e) advancing collaboration and inclusive business approaches to address child labour, forced labour and human trafficking.

## ADDRESSING CHILD LABOUR, FORCED LABOUR AND HUMAN TRAFFICKING THROUGH A WHOLE-OF-SUPPLY-CHAIN APPROACH

The estimates of child labour in global supply chains produced for this report indicate that child labour is a problem affecting the whole of the global supply chain, and that a significant share of child labour occurs in the upstream reaches of supply chains, in the production of raw materials and other inputs to final export products. Across regions, between 28 and 43 per cent of child labour in global supply chains occurs in the upstream segments. These results underscore that a response that focuses only on downstream suppliers will not be enough. Rather, a whole-of-supply-chain approach is needed, which extends in scope beyond immediate suppliers to comprise actors in the upstream segments of supply chains, in production activities such as raw material extraction and agriculture. From a company due diligence perspective, this will entail expanding the focus from where companies may have greater leverage, particularly their immediate suppliers, to where there is greater risk, namely in the deeper supply chain and informal work environments. Companies may have less visibility and more limited leverage over suppliers operating in the upstream segments of supply chains, but these challenges should not be used as a reason not to undertake due diligence beyond immediate suppliers.

## PUBLIC MEASURES TO PROTECT WORKERS AND MITIGATE VULNERABILITY TO CHILD LABOUR, FORCED LABOUR AND HUMAN TRAFFICKING

Governments have a duty to establish and enforce a strong legal framework against child labour, forced labour and human trafficking, and to create an enabling environment for action. Ratification by States of relevant international Conventions needs to be followed by swift action to implement them. The effective enforcement of national and international laws and regulations is of paramount importance to address child labour, forced labour and human trafficking in all supply chains, domestic and global. But governments also need to go further and explore how to extend labour rights protection to the informal

economy, which currently falls outside the remit of labour market institutions and where the risk of labour rights violations is especially high. An overall business environment that is characterized by a high degree of informality creates additional challenges for government inspection and for implementation by business of policies and due diligence measures. In addressing vulnerability, governments should therefore also focus on addressing informality.

Governments should also mainstream action against child labour, forced labour and human trafficking into broader national development efforts aimed at mitigating socio-economic vulnerability. This includes taking effective action to ensure access to affordable and quality schooling and pre-schooling facilities and day care, and through strengthening social protection systems and measures to increase children's health and chances of survival. Establishing adequate statutory or negotiated minimum wages that include support for families also helps to reduce economic vulnerability, reduce poverty and increase family incomes, and to advance decent work measures more broadly. A strong social service welfare sector can help support the identification and reintegration of children or adults in situations of child and forced labour, and implementation of preventive measures to identify and protect those at risk of child labour, forced labour and human trafficking.

Facilitating well-managed migration is another priority. This includes the development of policies and programmes to promote fair and ethical recruitment, establishment of regular migration pathways, and identification and protection of migrants who are vulnerable or have been subject to violence, abuse and exploitation. The Global Compact for Safe, Orderly and Regular Migration, although not adopted by all States Members of the United Nations, may provide a roadmap to collectively advance these issues.

Such measures to reduce the overall vulnerability of children and families are of particular relevance in addressing child labour in the upstream reaches of the supply chain, including in smallholder farm contexts, raw material extraction and informal work environments. As data in this report indicate, the greatest risk of child labour is in these contexts, and measures to combat that risk must be an essential component of the portfolio of actions to address the root causes of child labour at scale.

## **PUBLIC GOVERNANCE MEASURES TO REGULATE BUSINESS CONDUCT AND THE BUSINESS ENVIRONMENT**

Governments should take an active role in encouraging companies to act responsibly throughout their operations and to promote respect for human rights in their supply chains through due diligence. A smart mix of policy approaches is needed in this regard. Governments can first lead by example by integrating due diligence criteria in their own activities as owners of enterprises and in public procurement. Another important approach involves regulations encouraging and, where appropriate, requiring companies to carry out supply chain due diligence or to disclose and report on actions they have taken to deal with adverse human rights impacts. Governments can also leverage various economic instruments, including export credits, development finance, trade preference programmes and regional trade agreements, to encourage responsible business conduct.

Governments should promote uniformity and clarity around expectations on supply chain due diligence in all government policies, regulations and practices. Policy approaches should align with government-backed and negotiated due diligence expectations, including the United Nations Guiding Principles on Business and Human Rights, and the OECD Due Diligence Guidance for Responsible Business Conduct.

To help companies implement effective supply chain due diligence processes, governments should explore ways to improve the availability and accessibility of information on supply chains. This could include, for example, developing registries or online databases for companies to access information on the origin and transport of imported goods, lists of importers and exporters, reports of human rights violations risks in countries and sectors, and company due diligence reports. Intergovernmental organizations could also play an important role in establishing common indicators and frameworks to help governments monitor the uptake and impact of due diligence, in order to improve data coherence across governments and strengthen the empirical basis for evaluating progress and effectiveness in the long term. Such efforts should also strive to measure the impact of due diligence efforts in terms of minimizing human rights violations, and the incidence of child labour and forced labour.

Finally, governments should step up efforts to strengthen grievance mechanisms to address cases related to child labour, forced labour and human trafficking in supply chains and provide victims with remedy, including protection and assistance. Most important are interventions that strengthen judicial accountability, create avenues for legal recourse, improve the effectiveness of the labour and criminal justice system, and strengthen protection systems for victims. For those countries that have adhered to the OECD Guidelines for Multinational Enterprises, government efforts should include reinforcing the national contact points for responsible business conduct and ensuring that national contact points are given the resources, support, independence, impartiality and visibility needed within governments to operate effectively.

## **RESPONSIBLE BUSINESS CONDUCT FOR LABOUR AND HUMAN RIGHTS**

Companies should implement human and labour rights due diligence approaches that cover the full supply chain, including raw material extraction, and that help address risk factors and root causes. International instruments, principally the United Nations Guiding Principles on Business and Human Rights, the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, and the OECD Guidelines for Multinational Enterprises, provide a comprehensive framework for due diligence and for company–union, tripartite and multi-stakeholder collaboration to address child labour, forced labour and human trafficking in global supply chains.

In line with the United Nations Guiding Principles on Business and Human Rights and the OECD Due Diligence Guidance for Responsible Business Conduct, due diligence entails a full supply chain approach; includes processes that are designed to be preventive; is risk based, meaning that the actions companies take are commensurate with and prioritized in accordance with the severity of the impact and are part of an enterprise's risk management and decision-making system, so that the company can learn from what has worked and what has not worked to effectively prevent, mitigate and remediate child labour, forced labour and human trafficking; and adopts management systems and business practices that place human rights at their core. Due diligence also entails ensuring

meaningful dialogue with affected stakeholders, including workers and their unions and communities, and continuous stakeholder engagement and social dialogue.

While progress has been made on due diligence to assess and mitigate risks of human rights violations, remediation remains a new area of work for the private sector. Governments and businesses should work together to connect the private sector into the social welfare, protection and assistance work done by governments and civil society, and link victims of child labour, forced labour and human trafficking in global supply chains to the services they need.

## **ADVANCING COLLABORATION AND INCLUSIVE BUSINESS APPROACHES TO ADDRESS CHILD LABOUR, FORCED LABOUR AND HUMAN TRAFFICKING**

Multi-stakeholder partnerships and inclusive business approaches can serve as platforms to enable collaboration, focus efforts, share experiences and good practices, and accelerate progress. These partnerships can be global, such as the Alliance 8.7 Action Group on Supply Chains and the OECD Business for Inclusive Growth platform; industry specific, such as CocoaAction or the Roundtable on Sustainable Palm Oil; or national and area based, such as the Malawi Tea 2020 partnership. They can convene partners, businesses and governments to identify bottlenecks and support joint action to address governance gaps, minimize vulnerabilities of communities, and address economic pressures. Such shared responsibility approaches can transform the positive action by one business, in one supply chain, into wider action by government, business and civil society that achieves the elimination of child labour, forced labour and human trafficking at scale.





# ANNEX.

## LIST OF REGIONS

The regional groupings referred to in Section 1.1 of the report follow the United Nations Statistical Division's Standard Country or Area Codes for Statistical Use (M49)<sup>319</sup> and are comprised as follows:

### Sub-Saharan Africa

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Angola	Liberia
Benin	Madagascar
Botswana	Malawi
Burkina Faso	Mali
Burundi	Mauritania
Cabo Verde	Mauritius
Cameroon	Mayotte
Central African Republic	Mozambique
Chad	Namibia
Comoros	Niger
Congo	Nigeria
Côte d'Ivoire	Réunion
Democratic Republic of the Congo	Rwanda
Djibouti	Sao Tome and Principe
Equatorial Guinea	Senegal
Eritrea	Seychelles
Eswatini	Sierra Leone
Ethiopia	Somalia
Gabon	South Africa
Gambia	South Sudan
Ghana	Togo
Guinea	Uganda
Guinea-Bissau	United Republic of Tanzania
Kenya	Zambia
Lesotho	Zimbabwe

### Northern Africa and Western Asia

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Algeria	Libya
Armenia	Morocco
Azerbaijan	Oman
Bahrain	Qatar
Cyprus	Saudi Arabia
Egypt	State of Palestine
Georgia	Sudan
Iraq	Syrian Arab Republic
Israel	Tunisia
Jordan	Turkey
Kuwait	United Arab Emirates
Lebanon	Yemen

### Central and Southern Asia

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Afghanistan	Maldives
Bangladesh	Nepal
Bhutan	Pakistan
India	Sri Lanka
Iran (Islamic Republic of)	Tajikistan
Kazakhstan	Turkmenistan
Kyrgyzstan	Uzbekistan

### Eastern and South-eastern Asia

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Brunei Darussalam	Malaysia
Cambodia	Mongolia
China	Myanmar
China, Hong Kong SAR	Philippines
China, Macao SAR	Republic of Korea
Democratic People's Republic of Korea	Singapore
Indonesia	Thailand
Japan	Timor-Leste
Lao People's Democratic Republic	Viet Nam

### Latin America and the Caribbean

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Anguilla	Guadeloupe
Antigua and Barbuda	Guatemala
Argentina	Guyana
Aruba	Haiti
Bahamas	Honduras
Barbados	Jamaica
Belize	Martinique
Bolivia (Plurinational State of)	Mexico
Bonaire, Sint Eustatius and Saba	Montserrat
Brazil	Nicaragua
British Virgin Islands	Panama
Cayman Islands	Paraguay
Chile	Peru
Colombia	Puerto Rico
Costa Rica	Saint Kitts and Nevis
Cuba	Saint Lucia
Curaçao	Saint Vincent and the Grenadines
Dominica	Sint Maarten (Dutch part)
Dominican Republic	South Georgia and the South Sandwich Islands
Ecuador	Suriname
El Salvador	Trinidad and Tobago
Falkland Islands (Malvinas)	Turks and Caicos Islands
French Guiana	United States Virgin Islands
Grenada	Uruguay
	Venezuela (Bolivarian Republic of)

### Northern America

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Bermuda	Greenland
Canada	United States of America



**Europe**

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Åland Islands	Latvia
Albania	Liechtenstein
Andorra	Lithuania
Austria	Luxembourg
Belarus	Malta
Belgium	Monaco
Bosnia and Herzegovina	Montenegro
Bulgaria	Netherlands
Channel Islands	Norway
Croatia	North Macedonia
Czechia	Poland
Denmark	Portugal
Estonia	Republic of Moldova
Faroe Islands	Romania
Finland	Russian Federation
France	San Marino
Germany	Serbia
Greece	Slovakia
Hungary	Slovenia
Iceland	Spain
Ireland	Sweden
Isle of Man	Switzerland
Italy	Ukraine
	United Kingdom of Great Britain and Northern Ireland

**Oceania**

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Australia	Papua New Guinea
Fiji	Solomon Islands
New Caledonia	Micronesia
New Zealand	Polynesia

List of countries used as underlying data for regional estimates (due to data availability):

### Child labour in global supply chains

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- **Central and Southern Asia:**  
Afghanistan, Bangladesh, Bhutan, India, Kyrgyzstan, Nepal, and Pakistan
- **Eastern and South-eastern Asia:**  
Cambodia, Indonesia, Lao People's Democratic Republic, Mongolia, Philippines, Timor-Leste, and Viet Nam
- **Latin America and the Caribbean:**  
Argentina, Barbados, Brazil, Chile, Colombia, Dominican Republic, Ecuador, El Salvador, Haiti, Jamaica, Mexico, Nicaragua, Panama, Peru, Saint Lucia, Suriname, and Venezuela (Bolivarian Republic of)
- **Sub-Saharan Africa:**  
Benin, Burkina Faso, Burundi, Cabo Verde, Cameroon, Central African Republic, Chad, Comoros, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Ethiopia, Eswatini, Gabon, the Gambia, Ghana, Liberia, Malawi, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone, South Sudan, Togo, Uganda, United Republic of Tanzania
- **Northern Africa and Western Asia:**  
Armenia, Egypt, Georgia, Iraq, Tunisia, and Yemen

### Trafficking for forced labour in global supply chains

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- **Sub-Saharan Africa:**  
Ethiopia, Ghana, Mali, Mozambique, Rwanda, Sierra Leone, and Uganda
- **Northern Africa and Western Asia:**  
Armenia, Egypt, Georgia, Sudan, Turkey, United Arab Emirates, and Yemen
- **Eastern and South-eastern Asia:**  
Indonesia, Lao People's Democratic Republic, Philippines, Thailand, and Timor-Leste
- **Northern America:**  
United States of America
- **Europe:**  
Austria, Bosnia and Herzegovina, Czechia, France, Greece, Italy, Portugal, Serbia, Switzerland, and United Kingdom of Great Britain and Northern Ireland

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## ENDNOTES

- 1 ILO (2017b).
- 2 ILO and Walk Free Foundation (2017).
- 3 ILO (2017b).
- 4 ILO and Walk Free Foundation (2017).
- 5 On human trafficking, while there is not yet a global estimate on the size of the phenomena, sectoral data on victims are regularly collected through multi-stakeholder efforts (see [www.ctdatacollaborative.org](http://www.ctdatacollaborative.org)).
- 6 LeBaron and Crane (2018).
- 7 More information about the OECD-ICIO, the full data set and methodology notes are available at [oe.cd/icio](http://oe.cd/icio).
- 8 Alsamawi et al. (2019).
- 9 For an application of similar methodology to a specific country in the context of child labour, see Gómez-Paredes et al. (2016).
- 10 Annex presents the regional classifications and data sets used in this report.
- 11 The same issues are present in the estimation of trafficking for forced labour in global supply chains.
- 12 ILO (2017b).
- 13 The regional classifications for child labour, forced labour and human trafficking follow the United Nations Statistical Division's Standard Country or Area Codes for Statistical Use (M49).
- 14 Value Added is a standard national accounts concept that reflects the value generated by producing goods and services, and is measured as the value of output minus the value of intermediate consumption (see [data.oecd.org/natincome/value-added-by-activity.htm](http://data.oecd.org/natincome/value-added-by-activity.htm)).
- 15 These sectors correspond to the OECD TiVA list of industries (see [www.oecd.org/sti/ind/measuring-trade-in-value-added.htm](http://www.oecd.org/sti/ind/measuring-trade-in-value-added.htm)), which, in turn, is derived from the International Standard Industrial Classification of All Economic Activities (ISIC rev. 4), revision four (see [unstats.un.org/unsd/publication/seriesM/seriesm\\_4rev4e.pdf](http://unstats.un.org/unsd/publication/seriesM/seriesm_4rev4e.pdf)).
- 16 According to the 2017 ILO-Walk Free Foundation Global Estimates of Modern Slavery, on any given day in 2016, 25 million people were in forced labour in the world (see ILO and Walk Free Foundation (2017)).
- 17 For forced labour, see the guidelines concerning measurement of forced labour in ILO (2018d).
- 18 Ibid.
- 19 The Counter-Trafficking Data Collaborative portal, curated by IOM, is the first global data portal on human trafficking, with data contributed by multiple agencies. The data used in this report combine the three largest case-level "victim of human trafficking" data sets in the world, from IOM, Polaris and Liberty Shared (2006 to 2016) (see [www.ctdatacollaborative.org](http://www.ctdatacollaborative.org)).
- 20 The 2018 UNODC Global Report on Trafficking in Persons and the 2017 ILO-Walk Free Foundation Global Estimates of Modern Slavery provide data of human trafficking and forced labour, respectively, disaggregated at the regional level. The latter report also provides global-level estimates of the sectoral distribution of victims of forced labour in the private economy (see UNODC (2018a); ILO and Walk Free Foundation (2017)).
- 21 Oceania, Central and Southern Asia, and Latin America and the Caribbean are not included because of data availability.
- 22 The values for each region represent the aggregation of countries with available trafficking for forced labour data.
- 23 Broader policy options for addressing child labour and forced labour are reviewed, respectively, in ILO (2018a); ILO (2018b).
- 24 ILO (2018b).
- 25 UNODC (2018a).
- 26 The status of the trafficking legislation of the remaining 12 of the 193 States Members of United Nations is unknown to UNODC.
- 27 See UNODC (2018b); ILO (2018b).
- 28 ILO (2018b).
- 29 Comments can be searched at: [www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:1](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:1).
- 30 ILO (2011b).
- 31 ILO (2017d).
- 32 The 2018 UNODC Global Report on Trafficking in Persons reports an increasing number of detected victims, but also more trafficking convictions (see UNODC (2018a)).
- 33 See UNODC (2018b); ILO (2018b).
- 34 ILO (2014c).
- 35 For an overview of relevant academic literature on forced labour and a typology to conceptualize root causes of forced labour in global supply chains, see LeBaron et al. (2018).
- 36 Crane et al. (2017); Allain et al. (2013).
- 37 See, for example, Edmonds and Schady (2012); Phillips (2015); LeBaron (2018c); Crane et al. (2017); Allain et al. (2013); Phillips (2013); Phillips and Sakamoto (2012).
- 38 See Genicot (2005); Berlan (2009); ILO (2014b).
- 39 See, for example, ILO-IPEC (2013); Institute of Development Studies (2018); LeBaron (2018c).
- 40 Institute of Development Studies (2018).
- 41 See, for example, Office of the UN Special Envoy for Global Education (2012).
- 42 Berlan (2004).
- 43 Hilson (2010).

- 44 LeBaron et al. (2018).  
45 Ibid.  
46 UNICEF (2018).  
47 UN Women (2015).  
48 Office of the UN Special Envoy for Global Education (2012).  
49 LeBaron and Gore (2019).  
50 Phillips et al. (2011).  
51 Office of the UN Special Envoy for Global Education (2012).  
52 UNICEF (2018).  
53 UNICEF (2014).  
54 Office of the Special Representative of the Secretary-General on Violence against Children (2016).  
55 ILO (2014d).  
56 ILO (2018f).  
57 Ibid.  
58 ILO (2018g).  
59 LeBaron et al. (2018).  
60 Ibid.  
61 Lee (2014).  
62 Ibid.  
63 LeBaron et al. (2018).  
64 Ibid.  
65 ILO (2003).  
66 See, for example, ILO-IPEC (2009); ILO-IPEC (2003); Kazeem (2013).  
67 See, for example, Republic of Guatemala (2011); ILO and Instituto Nacional de Estadística y Censo del Panamá (2014); ILO and Dirección General de Estadística, Encuestas y Censos del Paraguay (2013).  
68 ILO (2006a).  
69 IOM and Walk Free Foundation (2019).  
70 Girls and women make up 99 per cent of all people in forced commercial sexual exploitation (see ILO and Walk Free Foundation (2017)).  
71 Crane et al. (2019); LeBaron and Gore (2017).  
72 ILO Violence and Harassment Convention, 2019 (No. 190).  
73 For a detailed analysis of migrants' vulnerability to human trafficking and forced labour, see IOM and Walk Free Foundation, 2019. The study analyzes which migrants are at higher risk, as well as when, and in what enabling environment. Prepared for the Alliance 8.7 Action Group on Migration, the report examines the recent research literature (published between 2014-2018) through a crime prevention lens in order to identify a set of salient features that can help understand the relevant connections between migration and vulnerability to forced labour, human trafficking and modern slavery.  
74 ILO and Walk Free Foundation (2017).  
75 See, for example, Waite, Craig, Lewis and Skrivankova (eds.) (2015); Mak et al. (2017); Kiss et al. (2019).  
76 IOM (2017a).  
77 UNICEF and IOM (2017).  
78 IOM (2017b).  
79 UNICEF and IOM (2017).  
80 IOM and Walk Free Foundation (2015).  
81 ILO (2017a).  
82 In the IOM database, victims paid USD 498 on average, but amounts range from USD 22.8 for the fifth percentile to USD 2,000 for the 95th percentile.  
83 ILO (2014b); Jones (2015); Andrees (2006); Afsar (2009); Arif (2009).  
84 These figures refer to victims of trafficking assisted by IOM between 2002 and 2018.  
85 Verité and Manpower Group (2012).  
86 ILO and Walk Free Foundation (2017).  
87 This figure refers to victims of trafficking assisted by IOM between 2002 and 2018.  
88 LeBaron (2018a) and the underpinning research on which this journalistic article is based: LeBaron (2018c).  
89 Verité (2017a); Richardson (2017).  
90 Verité (2016); Fair Labor Association (2018).  
91 Verité (2014).  
92 Nagaraj (2017).  
93 Verité (2013).  
94 ILO (2013).  
95 For an overview of sector-based research on forced labour, see LeBaron (2018b).  
96 See, for example, ILO (2011a); Basu and Chau (2004); Musa and Olsen (2018).

- 97 This figure refers to victims of trafficking assisted by IOM between 2002 and 2018.
- 98 LeBaron (2018a) and the underpinning research on which this journalistic article is based: LeBaron (2018c).
- 99 See, for example, Allain et al. (2013); Crane (2014); ILO (2017f).
- 100 Locke (2013).
- 101 Crane et al. (2019).
- 102 Stoop (2005).
- 103 Simpson (2016). See also Weaver (2015).
- 104 See LeBaron et al. (2018); Locke (2013); LeBaron (2018c).
- 105 From LeBaron (2018c); Centre for Sustainable Work and Employment Futures (2014); Allain et al. (2013).
- 106 ILO (2017f).
- 107 LeBaron (2018c).
- 108 Both quotes from LeBaron (2018c).
- 109 Milberg and Winkler (2013); Gereffi and Christian (2009).
- 110 Clapp (2018).
- 111 See Anner (2012); Anner (2017); Bair, Anner and Blasi (2017); Locke (2013).
- 112 See, for example, Moulds (2015).
- 113 See, for example, Crane et al. (2019); Centre for Sustainable Work and Employment Futures (2014).
- 114 See, for example, Labowitz and Baumann-Pauly (2014); Labowitz and Baumann-Pauly (2015).
- 115 Phillips and Sakamoto (2012); Phillips (2013).
- 116 Allain et al. (2013).
- 117 Verité (2017b).
- 118 Crane et al. (2017); Gordon (2017); Ware Barrientos (2013).
- 119 Allain et al. (2013).
- 120 See, for example, ILO (2017h).
- 121 See, for example, Verité (2010); Jones and Awokoya (2019).
- 122 UNICEF (2016a).
- 123 This discussion draws from ILO (2018b).
- 124 See, for example, ILO (2017g).
- 125 ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration), 2017, paragraph 46.
- 126 ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and its Recommendation (No. 111); and ILO Equal Remuneration Convention, 1951 (No. 100) and its Recommendation (No. 90).
- 127 Hardy and Ariyawansa (forthcoming).
- 128 ILO (2017d).
- 129 ILO (2017e).
- 130 Hardy and Ariyawansa (forthcoming).
- 131 Amengual and Fine (2016).
- 132 See ILO (2018b).
- 133 Social protection floors are nationally defined sets of basic social security guarantees that should ensure, as a minimum, that over the life cycle, all in need have access to essential health care and to basic income security, which together secure effective access to goods and services defined as necessary at the national level (see ILO's webpage on Social protection floor: [www.ilo.org/secsoc/areas-of-work/policy-development-and-applied-research/social-protection-floor/lang--en/index.htm](http://www.ilo.org/secsoc/areas-of-work/policy-development-and-applied-research/social-protection-floor/lang--en/index.htm)). The ILO Social Protection Floors Recommendation, 2012 (No. 202) provides a key framework for ensuring social protection for all.
- 134 This discussion draws on ILO (2018a).
- 135 For a brief review, see ILO (2018a).
- 136 See, for example, Berlinski, Galiani and Manacorda (2008); Alderman, Britto and Siddiqi (2004).
- 137 UNICEF (2018).
- 138 Engel (2011).
- 139 See, for example, UCW (2009); UCW (2005).
- 140 See, for example, De Hoop and Rosati (2014); FAO and UNICEF (2016); UNICEF (2016b).
- 141 See, for example, Beegle and Burke (2004); Vuri (2008); Rosati and Tzannatos (2006).
- 142 See, for example, Rosati and Rossi (2007); Guarcello and Rosati (2007).
- 143 See, for example, Faber, Krause and Sanchez De La Sierra (2017).
- 144 UNICEF (2018).
- 145 UNESCO (2014).
- 146 See UNICEF global supply chains webpage: [www.unicef.org/csr/global-supply-chains.html](http://www.unicef.org/csr/global-supply-chains.html); UNICEF (2015); UNICEF (2017).
- 147 UNICEF (2016a).
- 148 See Impact assessment section of the BetterWork portal: [betterwork.org/blog/portfolio/impact-assessment/](http://betterwork.org/blog/portfolio/impact-assessment/).
- 149 See ILO (2018b).

- 150 Only 29 per cent of the global population has access to comprehensive social security systems, while the rest are covered only partially or not at all. See ILO (2017).
- 151 ILO (2012a); ILO and OECD (2019). See also ILO: *Extending social security coverage to workers in the informal economy: Lessons from international experience* (forthcoming).
- 152 ILO (2016b).
- 153 UNICEF (2014).
- 154 See, for example, ILO, UNDP and Global South-South Development Academy (2011).
- 155 See, for example, Dammert et al. (2017).
- 156 ILO and UNICEF (2019).
- 157 Dammert et al. (2017).
- 158 Kidd, Gelders and Bailey-Athias (2017).
- 159 ILO (2017).
- 160 ILO and UNICEF (2019).
- 161 The Global Social Service Workforce Alliance (GSWA) defines the social service workforce as: paid and unpaid, governmental and non-governmental, professionals and para-professionals, working to ensure the healthy development and well-being of children and families. The social service workforce focuses on preventative, responsive and promotive programmes that support families and children in communities by alleviating poverty, reducing discrimination, facilitating access to services, promoting social justice and preventing and responding to violence, abuse, exploitation, neglect and family separation (see [www.socialserviceworkforce.org](http://www.socialserviceworkforce.org)).
- 162 UNICEF (2019).
- 163 Loi n° 2017-399 du 27 mars 2017 relative au devoir de vigilance des sociétés mères et des entreprises donneuses d'ordre (France) (see [www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000034290626&categorieLien=id](http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000034290626&categorieLien=id)).
- 164 Other financial services that the working poor need and demand include different types of savings, guarantees, insurance, transfer payments, remittances and other transactions (see ILO (2005)).
- 165 See, for example, Banerjee and Jackson (2016).
- 166 Crane (2014).
- 167 ILO (2015).
- 168 Premchander, Prameela and Chidambaranathan (2014).
- 169 ILO, OECD and Global Deal (2018).
- 170 ILO Declaration of Philadelphia, 1944.
- 171 See ILO Fundamental Principles and Rights at Work Declaration, 1998 and ILO Declaration on Social Justice for a Fair Globalization, 2008.
- 172 ILO Convention on the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), Article 4.
- 173 Social partners can be involved in decision-making processes on an ad hoc basis through information, consultation or negotiation or through institutionalized channels of dialogue, such as, for example, National Tripartite Social Dialogue Institutions.
- 174 Principally, the ILO Migration for Employment Convention (Revised), 1949 (No. 97) and the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143).
- 175 ILO (2006b).
- 176 IOM (2016).
- 177 The Global Compact for Safe, Orderly and Regular Migration (GCM) is an inter-governmentally negotiated agreement prepared under the auspices of the United Nations that aims to cover all dimensions of international migration. Adopted by 164 UN Member States, it is a non-binding document that addresses some issues linked to the vulnerability of some migrants to trafficking and other abuses. The Global Compact is framed in a way that is consistent with target 10.7 of the 2030 Agenda for Sustainable Development through which some Member States committed to cooperate internationally to facilitate safe, orderly and regular migration (see [www.un.org/en/conf/migration/global-compact-for-safe-orderly-regular-migration.shtml](http://www.un.org/en/conf/migration/global-compact-for-safe-orderly-regular-migration.shtml)).
- 178 These include objective no. 5, “Enhance availability and flexibility of pathways for regular migration”, no. 6, “Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work”, no. 7, “Address and reduce vulnerabilities in migration” and objective no. 10 “Prevent, combat and eradicate trafficking in persons in the context of international migration” (see UN (2016a)).
- 179 ILO Fundamental Principles and Rights at Work Declaration, 1998.
- 180 For example, the European Union allows for the free movement of workers and (temporary) residence for citizens of Member States. The experience of the Bologna Process between the Member States of the Council of Europe also illustrates a good practice in improving comparability of academic degrees. In Africa, Regional Economic Communities (RECs) have made significant strides in facilitating free movement. For instance, the ECOWAS Treaty makes provision for “90 days of visa-free stay, an ECOWAS passport, and the elimination of rigid border formalities and [stipulates] residence permit requirements” (see IOM and African Union (2018)). Bilateral agreements also provide governance over the movement of workers between jurisdictions, often focusing on seasonal, temporary or circular migration. For example, bilateral memoranda of understanding have been signed in the Greater Mekong Subregion (GMS) among States, including Cambodia, the People’s Republic of China, Lao People’s Democratic Republic, Myanmar, Thailand, and Viet Nam (see Asian Development Bank (2013)). The Russian Federation has signed a number of separate bilateral agreements regarding admission and protection of migrant workers. Equally, Canada has bilateral agreements with Mexico and several countries of the Eastern Caribbean regarding the seasonal admission of agricultural workers. For more details on bilateral agreements in African Union Member States (see ILO and IOM (2019)).
- 181 In full, the Regional Consultative Process on the Management of Overseas Employment and Contractual Labour for Countries of Origin in Asia.
- 182 See Colombo Process webpage: [www.colomboprocess.org](http://www.colomboprocess.org).
- 183 GCM, Objective 6. See also, ILO (2019a).

- 184 For example, the Recruitment Advisor is a new web platform launched by the International Trade Union Confederation to help protect migrant workers from abusive employment practices (see [www.recruitmentadvisor.org](http://www.recruitmentadvisor.org)). In the Danube region, a transnational project has established the Danube COMPASS, providing information for migrants on a variety of topics including work and education. Croatia, Germany, Slovenia, Austria, Czechia, Slovakia, Hungary and Serbia are participating in this project (see [at.danubecompass.org](http://at.danubecompass.org)). In Ukraine, IOM runs a toll-free National Counter-Trafficking and Migrant Advice Hotline, which assists up to 20,000 people annually (see [www.iom.int/news/iom-marks-20-years-counter-trafficking-ukraine](http://www.iom.int/news/iom-marks-20-years-counter-trafficking-ukraine)).
- 185 IOM's Handbook on MRC provides guidance for the set-up of MRCs to provide assistance to migrants in countries of origin at a pre-departure stage specifically, including on issues of institutional structure, service design and delivery and the resources required (see IOM (2012, 2015)).
- 186 For further detail on these and other awareness-raising efforts targeting migrants, see ILO (2018b).
- 187 See ILO: The ILO Fair Recruitment Pilot along the Nepal-Jordan Corridor (forthcoming).
- 188 ILO Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203), paragraph 11.
- 189 For example, Migrant Worker Resource Centres provide these services in Cambodia, Lao People's Democratic Republic Malaysia, Myanmar, Thailand, and Viet Nam (see ILO (2018e)).
- 190 ILO's Migration for Employment Convention (Revised), 1949 (No. 97); Migration for Employment Recommendation (Revised), 1949 (No. 86); Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143); and Migrant Workers Recommendation, 1975 (No. 151).
- 191 The ILO Private Employment Agencies Convention, 1997 (No. 181), the principal ILO instrument dealing directly with private recruitment, prohibits private employment agencies from charging any fees or costs to workers (Articles 7.1, 8.1 and 8.2). Similarly, the ILO Recommendation on supplementary measures for the effective suppression of forced labour, 2014 (No. 203), calls for measures to "...eliminate the charging of recruitment fees to workers to prevent debt bondage and other forms of economic coercion" (paragraph 4(i)).
- 192 Of the 99 recruitment policies identified in the review, 63 involved the prohibition of recruitment fees and related costs but the remaining 36 involved only their regulation. Roughly half of all policies do not deal with both national and cross border recruitment, but only with one or the other. Just 27 of the countries have formulated full (6 countries) or partial (21 countries) definitions of recruitment fees and related costs. One-third of all policies do not explicitly provide for sanctions for violations. Policies are also sometimes limited to specific cost items or apply only to particular types of recruiters or to certain sectors (see ILO (2018c)).
- 193 ILO (2018b).
- 194 Gordon (2015).
- 195 Examples of such schemes include that originating in the Canadian province of Manitoba and subsequently replicated with some variations in several other Canadian provinces and the public-private initiative in place in The Netherlands. The Manitoba scheme uses government regulation to hold both employers and their recruiters liable if a foreign worker hired in Manitoba is charged recruitment fees at any point in the process. In the Dutch model, a non-governmental entity, the Foundation for Employment Standards, offers voluntary but stringent certification for employment agencies, and Dutch law partially releases firms from joint liability if they contract with a Foundation-certified labour provider. In both the Manitoba and Dutch models, extending liability to employers is a means of using them to drive and correct the market for recruitment (see Gordon (2015)).
- 196 Employers can also be trained in hiring procedures and best practices. For example, IOM's office in Poland has been working directly with Polish employers to build their knowledge of legal procedures for hiring foreign workers, as well as best practices in managing a diverse and multicultural workforce (see IOM (2017c)).
- 197 See ILO Decent Work webpage: [www.ilo.org/global/topics/decent-work/lang--en/index.htm](http://www.ilo.org/global/topics/decent-work/lang--en/index.htm).
- 198 ILO (2018a).
- 199 UN (2011).
- 200 ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration), para 12; OECD (2011).
- 201 UN (2013).
- 202 Ergon Associates (2018).
- 203 Hult International Business School and Ethical Trade Initiative (2016).
- 204 Some Governments have taken steps to promote harmonization. The Principles to Guide Government Action to Combat Human Trafficking in Supply Chains were developed by the United States, Canada, New Zealand and Australia and launched at the UN General Assembly in 2018. The fourth principle states that "Governments should strive for harmonization" and suggests that organizations should "make reasonable efforts to share information and work with other committed governments to align existing and proposed laws, regulations and policies to combat human trafficking in global supply chains" (see [https://foreignminister.gov.au/releases/Pages/2018/mp\\_mr\\_180924.aspx](https://foreignminister.gov.au/releases/Pages/2018/mp_mr_180924.aspx)).
- 205 In the context of the UK's Modern Slavery Act, the Ethical Trading Initiative (ETI) has developed a framework for evaluating modern slavery statements. This framework, among others, provides a tool to assess the quality of modern slavery statements and suggests ways of improving statements over time (see Ethical Trade Initiative (2018)).
- 206 The lack of a common reporting framework or government guidance on what companies should report can potentially undermine the full potential of supply chain transparency legislation. For example, a recent assessment of 100 reporting companies under the EU Non-financial Reporting Directive found that while over 90 per cent of companies expressed a commitment to respect human rights and over 70 per cent endeavour to ensure the protection of human rights across their supply chains, a majority did not provide any information that would allow stakeholders to understand how this commitment is put to practice. Only 36 per cent describe their human rights due diligence system, 26 per cent provide a clear statement of salient issues and 10 per cent describe examples or indicators to demonstrate effective management of those issues (see Alliance for Corporate Transparency Project (2019)).
- 207 Alliance for Corporate Transparency Project (2019).
- 208 Canadian House of Commons (2018).
- 209 Phillips, LeBaron and Wallin (2018).
- 210 The Due Diligence Guidance for Responsible Business Conduct was made the subject of the Recommendation of the Council on the OECD Due Diligence Guidance for Responsible Business Conduct, adopted in the Ministerial Council Meeting on 30 May 2018.

- 211 The OECD Guidelines are part of the OECD Declaration on International Investment and Multinational Enterprises (Investment Declaration). A total of 48 countries have adhered to the Investment Declaration; this includes the 37 OECD member countries and 11 non-member countries (see <https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0144>).
- 212 See, for example, the National Action Plans of Belgium (Action Points 19 and 24), France (National Framework: 11 and 13), Germany (1.2), Switzerland (5.7.2), the UK and the US (Outcomes 1.2, 1.3, 2.1, 3.1. and 3.3.).
- 213 See the German National Action Plan (Federal Ministry of Labour and Social Affairs, December, 2016), available at: [www.csr-in-deutschland.de/EN/Business-Human-Rights/National-Action-Plan/national-action-plan.html;jsessionid=3BEC-948F8A24A9EE56B97338AC956AC9](http://www.csr-in-deutschland.de/EN/Business-Human-Rights/National-Action-Plan/national-action-plan.html;jsessionid=3BEC-948F8A24A9EE56B97338AC956AC9).
- 214 The UN Guiding Principles on Business and Human Rights recalls the State duty to protect against human rights abuses by business, including by “business enterprises that are owned or controlled by the State or that receive substantial support and services from the State” and calls on governments to ensure policy coherence across government (see UN (2011)).
- 215 Julien (2014).
- 216 Methven O'brien, Mehra and Vander Meulen (2016).
- 217 The Directive makes it compulsory for contracting authorities to reject abnormally low tenders arising from non-compliance with EU legislation or fundamental ILO conventions, including those relating to child labour and forced labour. It also makes it compulsory to exclude economic operators convicted of child labour or human trafficking offences. See the Directive 2014/24/EU of the European Parliament and of the Council on public procurement (<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014L0024&from=EN>); and the repealing Directive 2004/18/EC (<https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:134:0114:0240:en:PDF>).
- 218 See Executive Order 13126 - Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor, June 12, 1999 ([www.govinfo.gov/content/pkg/FR-1999-06-16/pdf/99-15491.pdf](http://www.govinfo.gov/content/pkg/FR-1999-06-16/pdf/99-15491.pdf)); and Executive Order 13627 - Strengthening Protections Against Trafficking in Persons in Federal Contracts, September 25, 2012 ([www.govinfo.gov/content/pkg/FR-2012-10-02/pdf/2012-24374.pdf](http://www.govinfo.gov/content/pkg/FR-2012-10-02/pdf/2012-24374.pdf)).
- 219 The Code of Practice: Ethical Employment in Supply Chains requires, inter alia, that all public sector organizations, businesses and third sector organizations in receipt of public sector funding consider employment practices as part of the procurement process, and produce an annual written statement outlining the steps taken during the financial year, and plans for future actions, to ensure that slavery and human trafficking are not taking place in any part of the organization and its supply chains (see Government of Wales (2016)).
- 220 Including, inter alia, Malmö, Sweden, San Sebastian, Spain, Munich, Germany, and Zurich, Switzerland (see The Landmark Project (2012)).
- 221 The municipality of Athens Launched a pilot procurement scheme in January 2019 aimed at ensuring that the municipality sources only from slavery-free suppliers (see Guilbert (2019)).
- 222 See the Executive Summary of Government of the United Kingdom, OSCE and ETI (2019).
- 223 OECD (2017e).
- 224 ILO (2014a).
- 225 See the Executive Summary of Government of the United Kingdom, OSCE and ETI (2019).
- 226 See UN Office for Project Services (2019).
- 227 See United Nations HLCM PN, 2009.
- 228 An export credit is an insurance, guarantee or financing arrangement that allows a foreign buyer of exported goods and/or services to defer payment over a period of time. They can take the form either of “official financing support”, such as direct credits to foreign buyers, refinancing or interest-rate support, or of “pure cover support”, such as export credits insurance or guarantee cover for credits provided by other financial institutions (see OECD (2017c)).
- 229 These disciplines cover both financial issues (to ensure that governments are not using export credits to subsidize their exporters) and good governance issues (to ensure compatibility with broader policies on fighting corruption, preventing adverse environmental and social impacts, and encouraging sustainable lending policies).
- 230 OECD (2016b).
- 231 The “Common Approaches” applies to all types of officially supported export credits for exports of capital goods and/or services, except exports of military equipment or agricultural commodities, with a repayment term of two years or more.
- 232 See OECD (2016b), footnote 2: “For example, impacts that are particularly grave in nature (e.g. threats to life, child/forced labour and human trafficking), widespread in scope (e.g. large-scale resettlement and working conditions across a sector), cannot be remediated (e.g. torture, loss of health and destruction of indigenous peoples’ lands) or are related to the project’s operating context (e.g. conflict and post-conflict situations)”.
- 233 See OECD (2016b), paragraph 6.
- 234 See OECD (2016b), paragraphs 8 and 14.
- 235 International Finance Corporation (2012), paragraphs 21-22.
- 236 Swedish Export Credit Corporation (2018).
- 237 Shift (2017b).
- 238 Institute for Human Rights and Business (2017).
- 239 For example, at the 2019 Workshop, practitioners discussed practical approaches to combatting modern slavery on the basis of a new good practice note (see Ethical Trading Initiative and Ergon Associates (2018)).
- 240 OECD (2015).
- 241 UN (2016b).
- 242 Development finance institutions (DFIs) are government-backed financial institutions that invest in low- and middle-income economies through a wide range of instruments, notably equity investments, loans and loan guarantees, risk insurance and technical assistance. DFIs may have varying ownership and governance structures, and in the case of the national DFIs, some may be fully owned by their governments while others may also have private shareholders.

- 243 OECD (2018b).
- 244 Ethical Trading Initiative and Ergon Associates (2018).
- 245 World Bank (2010).
- 246 Good practice in this field has been led by Norway, where a 2018 evaluation by the Evaluation Department within the Norwegian Agency for Development Cooperation (NORAD) assessed the systems and performance of six Norwegian public entities in Norwegian development cooperation, namely, the Ministry of Foreign Affairs (MFA), Norway's embassies, NORAD, Norfund, the Norwegian Export Credit Guarantee Agency (GLEK) and Innovation Norway. The results suggest that while Norway's aid administration communicates about business and human rights, there are still significant gaps in practice in how these commitments are implemented (see NORAD (2019)).
- 247 ILO (2016a).
- 248 The United States trade policy establishes the promotion of ratification and full compliance of the ILO Worst Forms of Child Labour Convention, 1999 (No. 182). Additionally, in 2015, the United States closed a legal loophole and officially banned all imports of goods made with forced labour (US Congress, 2002, 2015). The European Union also recognizes that in global supply chains human rights violations occur in particular with respect to the worst forms of child labour and forced labour (European Commission, 2015).
- 249 Recent examples include the EU-Canada Comprehensive Economic and Trade Agreement (CETA) (2017), the EU-Viet Nam Free Trade Agreement (signed in June 2019), both of which include provisions on CSR/RBC in the core text of the agreements, and the Free Trade Agreement between the European Free Trade Association (EFTA) States and Georgia (2017-2018). These agreements also include provisions on sustainable development, labour and environment. Labour, including CSR considerations, environment and anti-corruption provisions have been included in the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) between Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore and Viet Nam, in force since December 2018.
- 250 In particular, in one of the three EU programmes, the GSP+ programme (the EU Special Incentive Arrangement for Sustainable Development and Good Governance (GSP+) programme) currently comprising eight countries (Armenia, Bolivia, Cape Verde, Kyrgyzstan, Mongolia, Pakistan, the Philippines, and Sri Lanka) labour rights standards are assessed against the ILO's eight fundamental conventions, which include ILO conventions prohibiting child labour and forced labour.
- 251 The United States, for instance, in recent reviews 2018-2019 out of 14 cases of country practices review, 6 correspond to labour conditionality and 4 to child labour or forced labour.
- 252 ILO (2019d).
- 253 ILO (2019b).
- 254 ILO (2019d).
- 255 For an overview of labour provisions in trade agreements see ILO (2017c); ILO (2016a).
- 256 ILO (2016b).
- 257 Ebert (2017); Scheuerman (2001); Vogt (2015).
- 258 European Commission (2013).
- 259 Gordon, Pohl and Bouchard (2014).
- 260 OECD (2018c).
- 261 UNCTAD (2018).
- 262 A 2014 OECD statistical survey of the language of 2107 investment treaties concluded that the inclusion of at least some reference to sustainable development and RBC issues had become frequent in new treaties by that time, it noted more than three-fourths of investment treaties concluded in 2012 and 2013 included some such language (see Gordon, Pohl and Bouchard (2014)).
- 263 OHCHR (2018).
- 264 Forced labour in Myanmar (2011), Forced labour in Uzbekistan (2010), Forced labour in Uzbekistan (2014), Lack of supply chain due diligence in the Democratic Republic of Congo (2007), Child labour in Uzbekistan (2010), Italian bank, et al and an individual (2016), Copper mining in Ecuador (2013), Danish Ministry of Defence concerning the Lauge Koch vessel (2017), Failure to respect employees' rights in India (2007), Gold mining in China's Tibet Autonomous Region (2014), Child labour in Uzbekistan (2010), Alleged child labour in the supply chain in India (2004), Paul Reinhart AG and ECCHR (2010), Employment and Industrial relations in Uzbekistan (2010), and Louis Dreyfus Commodities Suisse S.A and ECCHR (2010).
- 265 ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration), 2017.
- 266 The following countries informed the ILO of the appointment of national focal points to promote the use of the MNE Declaration and its principles: Côte d'Ivoire, Jamaica, Norway, Portugal, Senegal and Sierra Leone.
- 267 For example, cases involving allegations of human trafficking in global supply chains have been brought to courts in the United States under the Trafficking Victims Protection Reauthorization Act, which allows victims of human trafficking to bring civil claims against persons or entities that have knowingly benefited from participating in a venture that was engaged in trafficking or forced labour, Trafficking Victims Protection Reauthorization Act, 2013.
- 268 European Union Agency for Fundamental Rights (2017).
- 269 OHCHR (2014).
- 270 Ibid.
- 271 Bryk and Muller-Hoff (2017).
- 272 Human Rights Resource Centre and International Trade Union Confederation (2017).
- 273 OHCHR (2014).
- 274 Council of Europe (2016).
- 275 OHCHR (2018).
- 276 See, for example, OECD (2016a).
- 277 Ibid.
- 278 OECD (2018a).

- 279 The OECD Due Diligence Guidance seeks to align with the UN Guiding Principles on Business and Human Rights and the ILO MNE Declaration and has been endorsed by both organizations.
- 280 The OECD has produced government-backed due diligence guidance for the minerals, extractives, agriculture, garment and footwear and financial sectors.
- 281 ILO and IOE (2015).
- 282 OECD (2018a).
- 283 Van Heerden (2015).
- 284 OECD (2018a), section “Characteristics of diligence”.
- 285 See Action Collaboration Transformation webpage: [actonlivingwages.com](http://actonlivingwages.com).
- 286 See, for example, Taylors of Harrogate (2016), sections “Core Standards”, “Enduring Relationships and Fair Terms of Trade”.
- 287 Specific company examples include HP Migrant Worker Standards and Patagonia Migrant Worker Standards (see Gangmasters & Labour Abuse Authority (2018)).
- 288 For the commitment, action plan, and a list of companies that are signatories, see American Apparel and Footwear Association (2018).
- 289 See Responsible Labour Initiative webpage: [www.responsiblebusiness.org/initiatives/rli/](http://www.responsiblebusiness.org/initiatives/rli/).
- 290 UN Global Compact and Ernst & Young (2016).
- 291 UN Global Compact and Business for Social Responsibility (2014).
- 292 OECD (2017b).
- 293 Clean Clothes Campaign (2005).
- 294 OECD (2017a).
- 295 Kyritsis, LeBaron and Anner (2019).
- 296 Rende Taylor and Shih (2019).
- 297 Egels-Zandén and Merk (2013).
- 298 ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration), 2017, paragraph 10(e).
- 299 OECD (2017d).
- 300 OECD (2018a), section “the Essentials”, pp. 18-19.
- 301 OECD, ILO and Global Deal. (2018).
- 302 ILO (2019c).
- 303 As the Worker-Driven Social Responsibility (WSR) Network describes, WSR models can be distinguished from other sector-based compliance programmes through six principles: (1) Labour rights initiatives must be worker driven; (2) Obligations for global corporations must be binding and enforceable; (3) Buyers must afford suppliers the financial incentive and capacity to comply; (4) Consequences for non-compliant suppliers must be mandatory; (5) Gains for workers must be measurable and timely; (6) Verification of workplace compliance must be rigorous and independent. For an overview of worker-driven social responsibility (see WSR Network: [wsr-network.org](http://wsr-network.org); see also Edwards, Hunt and LeBaron (2019)).
- 304 See the WSR Network resources webpage: [wsr-network.org/resource](http://wsr-network.org/resource).
- 305 See, for example, the Fair Food Program webpage: [www.fairfoodprogram.org/results](http://www.fairfoodprogram.org/results).
- 306 See, for example, Fair Labor Association (2017).
- 307 Verité (2019).
- 308 See Better Work portal: [betterwork.org](http://betterwork.org).
- 309 Tufts University Labor Lab (2016).
- 310 These preliminary findings are drawn from the current OECD assessments of The Alignment of Industry and Multi-Stakeholder Programmes with the OECD Garment and Footwear Guidance (See OECD (2019)).
- 311 Edwards, Hunt and LeBaron (2019).
- 312 Shift (2017a).
- 313 Vaughn et al. (2019).
- 314 O’Connor and Labowitz (2017).
- 315 Principle 12 of the UN Guiding Principles on Business and Human Rights (UN (2011)); OECD (2011).
- 316 IOM (2018).
- 317 OECD (2017a).
- 318 IOM: *Guidance on Referral Mechanisms for the Protection and Assistance of Migrants Vulnerable to Violence, Exploitation, and Abuse and Victims of Trafficking* (forthcoming). See also IOM (2018) which provides guidance to downstream companies and their business partners to identify the steps to follow, the stakeholders with whom to engage, and the different factors to consider to respond to incidents of exploitation in their supply chains, including forced labour and human trafficking.
- 319 The UN Statistical Division’s Standard Country or Area Codes for Statistical Use (M49) are available at: [unstats.un.org/sdgs/indicators/regional-groups](http://unstats.un.org/sdgs/indicators/regional-groups).







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