

## 04 Guidance for child labour grievances

This document was commissioned by Cargill and written by Proforest and the Fair Labor Association as part of work with Cargill on grievances and how to address grievances with its suppliers. It was designed to guide internal processes, but Cargill decided to make the short guidance public to demonstrate how it approaches these issues. The long form of this guidance will not be published – but is referenced in places throughout this document, and these references have been left in to demonstrate where more information is available. If you are interested please send a request to receive the more detailed information to [info@proforest.net](mailto:info@proforest.net)

### Introduction

Many companies all along the palm oil supply chain have made commitments to no Exploitation as part of their responsible palm production and sourcing commitments and policies.

Under No Exploitation, child labour is a key issue as, if not done correctly, it can have negative impacts on the rights of children to go to school and on their physical and childhood development.

This document provides practical and action-oriented guidance on how to manage and address grievances related to child labour in the palm oil sector. The guidance provides information about how to verify and identify causes of grievances, develop action plans for remediation and resolution, and minimise chances of future non-compliance and conflict.



**This guidance is primarily developed for growers or mills as a first point of contact, but corrective actions ultimately need to be carried out wherever child labour is occurring, whether in mills, plantations they own or/and plantations of outgrower or smallholder farms they source from.**



### What is meant by a grievance?

A grievance, in the context of the palm oil sector, may be defined as a complaint or allegation of a practice that may go against international standards, company policies or industry best-practices. It usually relates to a company's responsibilities to respect the rights of their employees and neighbouring communities as well as protect the surrounding environment. When individuals, communities, civil society organisations, media and even government agencies identify specific harms that they wish a company to address, they may be termed 'concerns', 'complaints' or 'grievances' or given a different name. They may be raised directly with the company through a formal communication that enters directly into a company's grievance mechanism, or they may arise through informal communication and/or be put forward by proxy through a third party (e.g. by an NGO in a public report).

In the palm oil sector, grievances are usually raised around the production practices of oil palm and therefore fall under the responsibility of the grower or mill. However, grievances at production level may also be raised to downstream companies who source palm oil, in which case they may raise these grievances to those suppliers concerned and routinely follow up to check on progress in resolving them. This also applies to grievances raised against mills concerning the practices of their third-party suppliers (e.g. traders/collectors, outgrowers and independent smallholders).

If left unresolved, grievances can antagonise stakeholders, attract widespread attention, cause damage to a company's reputation as well as that of their buyers, and, in some cases, result in business losses or failure.

## What is Child Labour?

The definition of **a child is any person under the age of 18**. The age of a child is an important reference in terms of identifying if a child that is working is considered unacceptable or acceptable child labour. As a general rule, unacceptable child labour includes any children working:

- a) Under the minimum age, which is the age that a child must reach before being legally allowed to enter into work or employment.
- b) Over the minimum age but before the age considered an adult and who are undertaking age-inappropriate work (hazardous or interfering with school) – these are referred to as 'young workers'.

The following applies to children at work<sup>1</sup>:

1. Work undertaken by a child should not be considered harmful to their physical or mental development or health (no hazardous work).
2. The work should not deprive children of their childhood, potential or dignity. This includes not being deprived of the opportunities afforded by gaining a formal education, a contributing factor to their future well-being.
3. Any work deemed as the worst forms of child labour, irrespective of where it is taking place, must be eliminated.

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**1** The ILO defines child labour as "work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development" (ILO convention 146) taken from SA8000 Standard



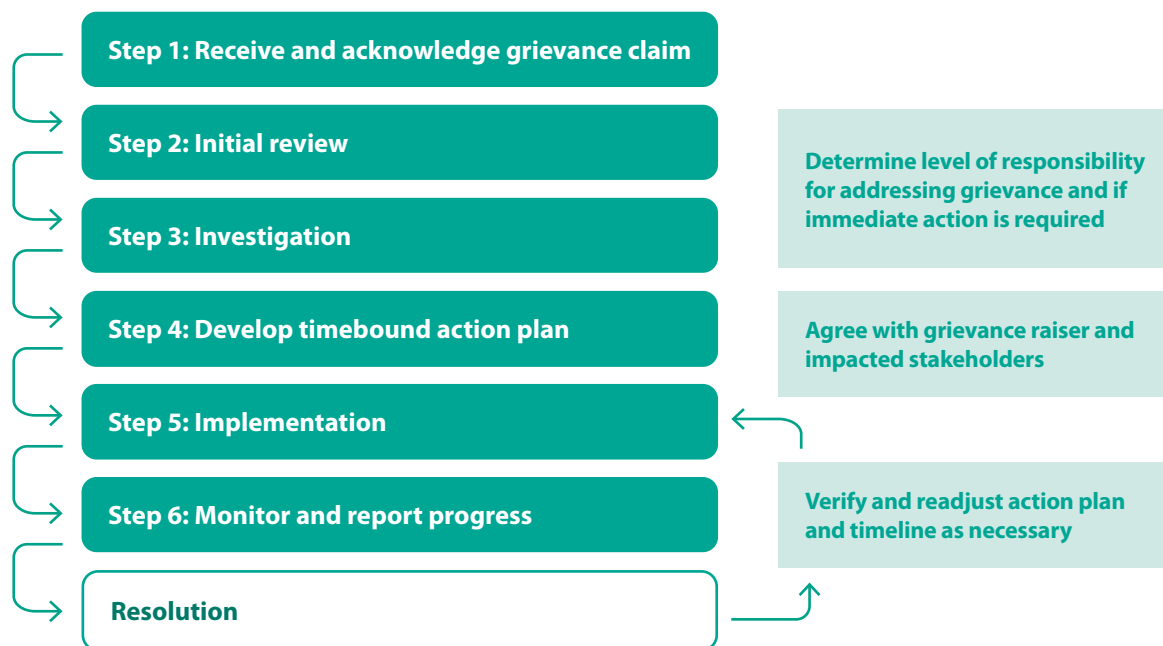
### Worst forms of Child labour

To identify if there is a case of child labour, it is important to understand if this involves the worst forms of child labour. If these worst forms are identified, the employment or job should be immediately prohibited and eliminated provided this does not conflict with the priority to first ensuring the safety of the child, children and their family. Worst Form of Child labour can be grouped into four types of work:

1. Slavery or practices similar to slavery (e.g., trafficking of children, debt bondage, forced or compulsory labour or recruitment, including the use in armed conflicts);
2. Using, procuring or offering of a child for prostitution or similar performances;
3. Using, procuring or offering of a child for illegal activities (e.g., drugs, smuggling);
4. Work or employment that is hazardous and likely to harm the health, safety or morals of children.

## Addressing child labour grievances

A mill or grower that is subject to a grievance must follow a series of steps to address the grievance, presented in the figure below. These should be followed systematically and agreed with relevant stakeholders, in a **transparent, consultative and appropriate** manner.



For further details, please refer to the grievance series [Introduction document](#).

### Step 1: Receive and acknowledge grievance claim

On receipt of a grievance claim, the first step is to assign a member of staff to be responsible for investigating the grievance claim, who will acknowledge receipt of the grievance to the grievance raiser and inform them of an initial timeline. During this step, the grievance holder should also indicate if there is a need to keep the identity of the affected party confidential in terms of ensuring their security and wellbeing.

## Step 2 & 3: Initial Review and Investigation

It can be difficult to distinguish between children's participation in light work activities when helping family members (acceptable child work) and unacceptable child labour. During the initial grievance review, it is important to understand if the grievance relates to a case of child work or child labour. If it is the latter, it is important to understand what type of child labour is occurring. It is important to collect evidence available on the age of the children, the types of work activity they are undertaking, how many hours they are working and at what times of day.

The evidence and information collected will help demonstrate the type of child labour grievance that is occurring, keeping in mind that:

- 1. If the occurrence falls under the category of worst forms of child labour it will require immediate action.** This is because the work is likely to harm the health and/or safety of the child and can include threat to life. It is advised that appropriate expert organisations in child rights are contacted to help identify which agencies (i.e. law enforcement) are engaged.
- 2.** If it is unclear which type of child labour is occurring, or there is insufficient evidence to prove the claim, or there is conflicting evidence or more information is required to confirm, then the grievance should be accepted, and the process detailed below should proceed.

During the initial review, the focus is to collect enough information to verify if the grievance is genuine. If so, then the grievance claim should be accepted as legitimate, and the process should proceed to full investigation. More guidance on exactly the type of information to collect and how to do it sensitively can be found in the detailed guidance. During this internal investigation, all activities, supporting evidence and findings must be carefully documented and shared with the grievance raiser.

## Investigating Child Labour grievances

Investigating child labour grievances requires **gathering a wide range of information**. Because of the complexity of the issues involved, it is necessary to **work with various expert organisations and create an expert committee or network** to help determine the best way to proceed with the process of remediation, with the view to ultimately remedying the grievance itself and underlying root causes that have contributed to it occurring in the first place. Child Rights Organisations and local expert organisations will also be integral in helping to analyse this information and ensure that all the **root-causes are identified and analysed**.



### Characteristics of Grievance Handling Staff and Process

When a grievance is received, the grievance holder will assign a staff member or a team to handle the grievance. Given that child labour cases may involve sensitive issues with a vulnerable group/s, it is expected that the members of staff possess certain qualities such as being able to:

- Be objective, impartial and fair throughout the process;
- Be sensitive to situations and adaptive; and
- Conduct grievance related activities competently with the highest levels of integrity.

## Step 4: Development of timebound action plan

Identifying which type of child labour is occurring is important in helping develop an action plan, which details the activities to take place. To reach this stage, you will need to have:

1. An internal person or team responsible for the child labour grievance;
2. Engaged a network of expert organisations and relevant government or district level bodies such as the social services;
3. Collected all the information and data on the grievance;
4. Understood the root causes of this grievance and understood where you can effect change or need to work on a higher level with other stakeholders to address the issues;
5. Analysed exactly which type of child labour the grievance is referring to and which type of intervention strategy is appropriate to take; and
6. Knowledge of the different methods available to resolve this child grievance (or the experts to get support).

There are multiple objectives for the action plan: to ensure that the affected child or children do not return to child labour either in the palm oil sector or other sectors in the region, to address root causes and drivers of the issue and to remedy the affected children, children and/or their families (this can include compensation).

**Appropriate actions should be determined based on consultation and collaboration with those involved in the child labour grievance, including the affected party, their family, the grievance raiser and other experts where necessary.**



### What should I look for when identifying potential expert organisations?

These questions can be useful when identifying experts in labour rights and forced labour issues are:

- Do they have extensive knowledge of workers' rights and child rights in the local area?
- Do workers and/or local communities trust them and are they willing to work with the organisation or person?
- Do they represent the best interests of workers by demonstrating a knowledge of the needs and rights of workers?
- Can they demonstrate any training or skills that qualifies them to work with and represent workers?
- Do they understand the need to protect the confidentiality and privacy of the worker?
- Do they demonstrate good understanding of the legal aspects of labour grievances and what information needs to be shared with local authorities?

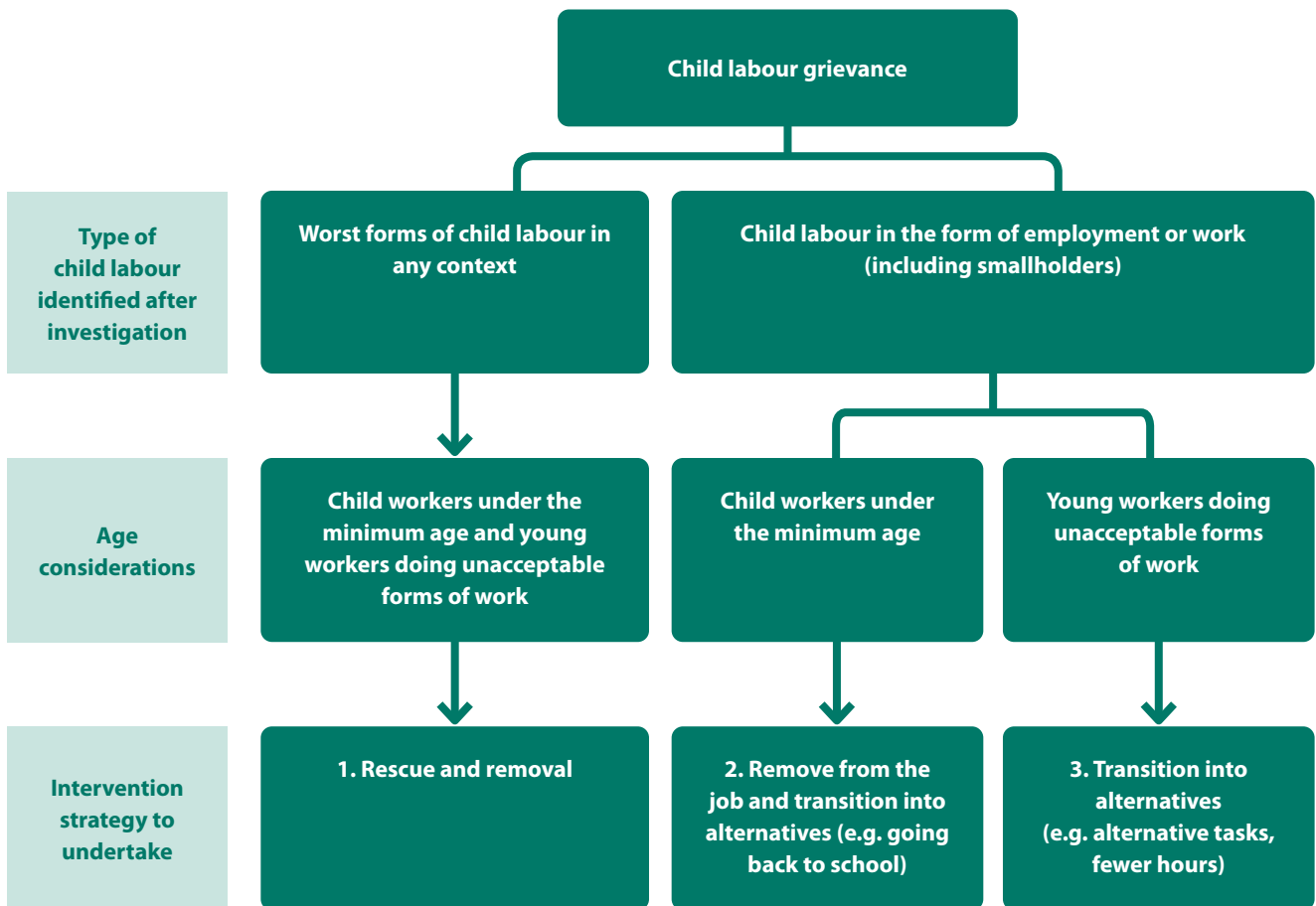


Table 1: Flowchart of the type of child labour occurring, age considerations and appropriate intervention strategy.

Different types of child labour grievances will require different intervention strategies. These interventions can be broken down into three types of action:

1. Rescue and removal
2. Removal and transition into alternatives
3. Transition into alternatives

The tables below present the specific interventions and the milestones for taking action to address the identified type of child labour grievance.

## Intervention strategy: rescue and removal (in cases of worst forms of child labour)

Child labour scenario	Examples of specific interventions and/or compensation strategies	Milestone (timeline)
<b>Worst case of child labour, including: slavery, prostitution, criminal activities or hazardous work</b>	<ul style="list-style-type: none"> <li>• Rescue &amp; remove the child and the family               <ul style="list-style-type: none"> <li>• Consult external experts, especially if the child or the family of the child is in distress;</li> <li>• Refer to experts (e.g., social workers/victim protection service providers/lawyers) for provision of psychological support, advice and rehabilitation; and/or</li> <li>• Referral to relevant external authorities, including judicial and criminal cases</li> </ul> </li> <li>• Terminate relationships with those involved in trafficking the child</li> <li>• Review the processes/policies that allowed such situations to be part of the business operations and revise the practices (what to review and modify depends on the findings and root-cause analyses)</li> </ul>	<ul style="list-style-type: none"> <li>• Child (and the family) safely removed (as soon as possible)</li> <li>• Business relationships are terminated with those who have facilitated child slavery (immediately after the safety of victims are secured)</li> <li>• Business processes and policies have been revised (3-6 months)</li> </ul>



### Intervention strategy: Remove from the job and transition into alternatives

**This refers to child labour found in operations directly owned and managed as well as operations of third-party suppliers (including smallholder operations who employ workers). It applies to children who may be willing to work, feel obliged to work or may even prefer to work, but the current working situation is inappropriate for their age and development stage. It can also refer to child labour found in smallholder operations that only use labour that is part of the family household.**

The aim of this intervention approach is to create circumstances that allow these children to pursue alternatives to working. The grievance holder has a responsibility to ensure that children in this situation are removed from the job as soon as possible but that this is replaced with alternatives. The root causes are important to consider in these situations because they will often help inform the specific actions or interventions that will help the child/ren and their wider family.

Examples include:

- Labour agents let children under the minimum age work in mills or plantations and the employer did not check on the labour agents' age verification practice.
- Children under the minimum age who have lied about their age to gain employment.
- Children who help their parents on family owned farms and either undertake this work during school hours (instead of going to school), or for too many hours, affecting their performance and attendance at school.



## Intervention strategy: Remove from the job and transition into alternatives (child workers under the minimum age in the form of employment or work, including smallholders)

Child labour scenario	Examples of specific interventions and/or compensation strategies	Milestone (timeline)
<p><b>Child under 15 working because of societal and family expectations</b></p>	<ul style="list-style-type: none"> <li>• Provide parental counselling to remove the mental barriers to education</li> <li>• Offer parents and child/ren support to accept and get motivated for children to gain education</li> <li>• Provide financial and non-financial support (e.g. assisting workers in reducing debts, providing financial literacy courses, providing creche and pre-schools)</li> </ul>	<ul style="list-style-type: none"> <li>• The family's overall income (in cases where the family relied on this income to meet basic needs) is not negatively affected, and is possibly improved, by child stopping work (9-12 months)</li> <li>• Child no longer works and is attending school (3-6 months if the school exists; longer if no suitable schools exist)</li> </ul>
<p><b>Child under 15 with no parents or guardians</b></p>	<p>Undertake extra interventions in consultation with external experts, such as:</p> <ul style="list-style-type: none"> <li>• Provide a safe living place</li> <li>• Provide psychological support</li> </ul>	<ul style="list-style-type: none"> <li>• Children without parents or guardians have been provided with a safe living place (3-6 months)</li> <li>• Child no longer works and is attending school (3-6 months if the school exists; longer if no suitable schools exist)</li> </ul>
<p><b>Child under 15 contributes to the family's overall income and without this the family cannot meet basic needs and/or the wages are being used towards debt payments</b></p>	<ul style="list-style-type: none"> <li>• Increase the wage rates for parents (so that their children no longer need to help)</li> <li>• Make the productivity quota attainable by an adult worker in an 8-hr shift (so that his/her children no longer need to help)</li> <li>• Provide adults education (e.g. skills development, vocational training, financial management and enterprise development) so that they can improve their economic conditions</li> </ul>	<ul style="list-style-type: none"> <li>• The family's overall income (in cases where the family relied on this income to meet basic needs) is not negatively affected, and is possibly improved, by child/children stopping work (9-12 months)</li> <li>• Child no longer works and is attending school (3-6 months if the school exists; longer if no suitable schools exist)</li> </ul>
<p><b>Child under 15 lied about their age to get the job</b></p>	<ul style="list-style-type: none"> <li>• Identify the steps in the hiring and operational process which failed to identify the correct age of the child</li> <li>• Understand the root-causes that led to the child/children to lie about their age and resolve the issues so that the child does not return to work</li> </ul>	<ul style="list-style-type: none"> <li>• The hiring process has been revised to ensure workers employed are aged 15 and above (3-6 months) and the revisions have been implemented (3 months from revision)</li> <li>• Child no longer works and is attending school (3-6 months if the school exists; longer if no suitable schools exist)</li> <li>• The family's overall income (in cases where the family relied on this income to meet basic needs) is not negatively affected, and is possibly improved, by child stopping work (9-12 months)</li> </ul>



<p><b>Child under the age of 15 being employed without age-verification</b></p>	<ul style="list-style-type: none"> <li>Identify the steps in the hiring process which failed to either: <ul style="list-style-type: none"> <li>a. Identify the correct age of the child</li> <li>or</li> <li>b. Adhere to the minimum employment age, allowing the child/children to work regardless of being underage</li> </ul> </li> <li>Establish age-verification as part of hiring process and ensure that labour contractors do the same and provide evidence of such practices</li> </ul>	<ul style="list-style-type: none"> <li>The hiring process has been revised to ensure workers employed are aged 15 and above (3-6 months) and the changes have been implemented (3 months)</li> <li>Child no longer works and is attending school (3-6 months if the school exists; longer if no suitable schools exist)</li> </ul>
<p><b>Child under 15 accompanying employed adult workers and helping them to meet productivity quotas</b></p>	<ul style="list-style-type: none"> <li>Increase wage rates for parents (so that their children no longer need to help)</li> <li>Make productivity quotas attainable by an adult worker so that his/her children no longer need to help</li> <li>Provide financial and non-financial support (e.g. assisting workers in reducing debts, providing financial literacy courses, providing creche and pre-schools)</li> </ul>	<ul style="list-style-type: none"> <li>The family's overall income (in cases where the family relied on this income to meet basic needs) is not negatively affected, and is possibly improved, by child/children stopping work (9-12 months)</li> <li>Child no longer works and is attending school (3-6 months if the school exists; longer if no suitable schools exist)</li> </ul>
<p><b>Child in family or household settings</b></p>	<ul style="list-style-type: none"> <li>Check that the family is earning enough to have a decent standard of living</li> <li>Provide financial and non-financial support (e.g. assisting in reduce debts, providing financial literacy courses)</li> <li>Inform parents and children of the rights of children and safety considerations</li> </ul>	<ul style="list-style-type: none"> <li>The family's overall income (in cases where the family relied on this income to meet basic needs) is not negatively affected, and is possibly improved, by child/children stopping work (9-12 months)</li> <li>Child no longer works and is attending school (3-6 months if the school exists; longer if no suitable schools exist)</li> </ul>

## Intervention strategy: Transition into alternatives (young workers doing unacceptable forms of work, including smallholders)



### Intervention strategy: Transition into alternatives

This intervention strategy applies to young workers (in operations directly owned and managed as well as operations of third party suppliers) who are above the legal working age, but under the age considered an adult, and who may be doing inappropriate tasks for their age. It aims to create or change working conditions so that the tasks assigned to them are more age appropriate. It can also refer to child labour found in smallholder operations that only use labour that is part of the family household.

The aim of this intervention approach is to create circumstances that allow young workers to reap the rewards of work whilst being protected from any potential negative effects from the employment and having the opportunity to pursue their education.

Examples include:

- Young workers who perform age-inappropriate tasks including hazardous work, overtime or working at inappropriate hours of the day or night and/or hours that affect compulsory schooling.
- Young people who perform age-inappropriate tasks on their parents on family owned farms including hazardous work or working at unsociable hours of the day.

Child labour scenario	Examples of specific interventions and/or compensation strategies	Milestone (timeline)
<b>Young worker directly employed by business operations</b>	<ul style="list-style-type: none"> <li>• Transfer young worker to age-appropriate work</li> <li>• Inform parents and children of the rights of children and safety considerations</li> <li>• Provide financial and non-financial support (e.g. technical and/or financial literacy courses)</li> </ul>	<ul style="list-style-type: none"> <li>• Young worker is transferred to age-appropriate/safe jobs (3-6 months)</li> <li>• Young worker working an appropriate number of hours so that they can attend school and/or pursue other training opportunities (3-6 months)</li> </ul>
<b>Young worker employed without age verification</b>	<ul style="list-style-type: none"> <li>• Transfer young worker to age-appropriate work</li> <li>• Establish age-verification as part of hiring process and ensure that labour contractors do the same and provide evidence of such practices</li> </ul>	<ul style="list-style-type: none"> <li>• The hiring process has been revised to ensure young worker is identified and placed in appropriate work (3 -6 months)</li> <li>• The young worker is transferred to age-appropriate and non-hazardous jobs (3-6 months)</li> <li>• Young workers work for an appropriate number of hours so that they can attend school and/or pursue other training opportunities (3-6 months)</li> </ul>

<p><b>Young worker accompanying employed adult workers and helping them to meet productivity quotas</b></p>	<ul style="list-style-type: none"> <li>• Inform parents and children of the rights of children and safety considerations</li> <li>• Provide financial and non-financial support (e.g. technical and/or financial literacy courses)</li> <li>• Formalise the employment for children above 15 and under 18 so that the young workers' policy and standards are applied</li> </ul>	<ul style="list-style-type: none"> <li>• The family's overall income (in cases where the family relied on this income to meet basic needs) is not negatively affected (9-12 months)</li> <li>• The young worker is transferred to age-appropriate/safe jobs (3-6 months)</li> <li>• Young worker works for an appropriate number of hours so that they can attend school and/or pursue other training opportunities (3-6 months)</li> <li>• Employment contracts that consider the appropriate work tasks for young worker are established and the minimum wage is paid (3-6 months)</li> </ul>
<p><b>Young worker in family or household settings</b></p>	<ul style="list-style-type: none"> <li>• Check that the family is earning enough to have a decent standard of living</li> <li>• Provide financial and non-financial support (e.g. assisting reduce debts, providing financial literacy courses)</li> <li>• Inform parents and children of the rights of children and safety considerations</li> </ul>	<ul style="list-style-type: none"> <li>• The family's overall income (in cases where the family relied on this income to meet basic needs) is not negatively affected (9-12 months)</li> <li>• The young worker is transferred to age-appropriate/safe jobs (3-6 months)</li> <li>• Young worker works for an appropriate number of hours so that they can attend school and/or pursue other training opportunities (3-6 months)</li> </ul>

## Step 5: Implementation

Having finalised the action plan and incorporated stakeholder feedback, particularly considering the viewpoints of the affected party, the plan then needs to be implemented. This means turning the action plan into day-to-day responsibilities, workplans, etc. If different activities are implemented by different staff members and over different time scales, it is important that an overall lead manager is appointed. The responsible person will need to keep communicating progress with the grievance raiser, the affected party, those working on the grievance internally and other stakeholders on a regular basis.

## Step 6: Monitor and report

Once the action plan implementation is underway, the next step is to monitor and report on progress against it. This means measuring progress against the agreed outcomes and progress indicators included in the action plan. Progress should then be reported to the grievance raiser and affected party on a regular basis. It is recommended to invite the grievance raiser or a third party to visit at intervals as part of monitoring and verifying progress.

To resolve the grievance, the grievance holder, raiser and affected party should discuss and agree at what stage sufficient progress in implementation has been made to allow the grievance to be considered closed. Normally the grievance raiser and holder can agree to a monitoring period that varies from a few months to a year from the point that the action plan is agreed. If all parties accept that the initially agreed outcomes for that time period were met, then the grievance can be considered closed. Grievance raisers will expect to see evidence that the grievance holder has taken the plan seriously by allocating adequate resources, and competent and trained staff to its implementation.

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## Avoiding repetition of grievances – for actors upstream

Grievances related to labour issues can be difficult to address because the underlying root causes are often systemic problems that will not change as a consequence of resolving one case. This means that alongside individual grievance remediation, the grievance holder should learn and incorporate measures that can change the root causes that have led to any harm that has occurred. This could involve a range of measures that cover the company's direct operations and also for monitoring and engaging with service providers and Fresh Fruit Bunch (FFB) suppliers. Undertaking the following activities can go a long way towards avoiding the risk of a future labour-related grievance:

- **Understand the laws in your country of operation, your buyers' requirements and the ILO standards.** These can be different and best practice is to comply with the maximum requirements.
- **Conduct a risk assessment of potential human rights risks and assessment of actual impacts of your operations.** The United Nations Guiding Principles (UNGPs) stipulate the need for assessment of human rights risks and actual human rights impacts to people. This can help to understand root-causes to issues and help mitigate potential risks in the future, based on a company's current operations and that of suppliers. It is important to include vulnerable workers.
- **Review and revise company policies.** Ensure that policies relating to human rights are up to date and include strong clear commitments to protect the rights of all workers (including those hired via agencies, those working on site for other service providers, and those working in supplier operations). Gender considerations should be cross-cutting in these policies.
- **Socialise, operationalise and communicate the policies.** For policies to be effective they must be adopted by all levels of management in the various departments of the business and integrated in company management systems through Standard Operating Procedures (SOPs). Workers, including those hired via agencies or for other service providers, should know where to find the policies. These SOPs should be in a language they understand and be familiar with the content. Policies should also be communicated to suppliers and contractors.
- **Establish or strengthen procedures for concerns to be raised via a grievance system.** It is important for all companies to have an effective and systematic grievance mechanism which is accessible and functional for all workers and others who may wish to raise a grievance.
  - It should be trusted by those who may raise a grievance. This gives the process **legitimacy**;

- Consulting stakeholder groups through **meaningful engagement and dialogue** is the best approach;
- It should be clearly communicated so that grievances can be raised by workers, communities, Civil Society Organisations (CSO) and others. This makes the process **accessible**;
- It should provide a clear set of steps around the remediation process and monitor grievance processes. This makes the process **predictable**;
- Grievance raisers and affected parties should have access to information, advice and expertise necessary to ensure their engagement is fair, informed and respectful. This ensures the process is **equitable**;
- Grievance raisers and affected parties should be updated regularly throughout the remediation process. Being **transparent** is essential;
- Remedy should be consistent with international best-practice standards. This makes the process **rights-compatible**;
- It is necessary to implement any lessons learned and make improvements to the grievance procedure and ensure **continuous learning**.

Further guidance on grievance mechanism design is provided by the UNGPs (**Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy Framework**).

- **Develop or review supplier management systems.** Mills that are supplied by independent estates or smallholders have a responsibility to check that their suppliers are respecting the human rights of workers in their operations. Therefore, mills should have measures in place to determine the risks in their supply base, and to pass on and monitor the requirement to identify, protect and remedy any labour rights issues to their suppliers.
- **Engage consistently with other actors to address systemic issues.** Tackling systemic challenges related to human rights can require joint efforts and shared responsibility among downstream buyers, producers across different sectors, governments, local communities and civil society organisations. Participating in broader initiatives to address root-causes will also likely reduce the cost to individual companies of trying to address issues.

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