

## Drivers of child labour, forced labour, inadequate health and safety, and land rights abuses and disputes in agriculture and forestry

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This document outlines some of the most common underlying conditions in which child labour, forced labour, inadequate health and safety, and land rights abuses and disputes are reported to occur in agriculture and forestry.

The conditions act as drivers or risk factors which can increase the likelihood of labour and land issues occurring.

To identify the most commonly reported conditions, we have drawn from a review of the literature, analysis of mill-level site assessments and discussions with Proforest colleagues and partners who have years of experience in assessing labour and land rights. Our analysis is by no means comprehensive. In addition to the four issues reviewed here, there are other social issues which affect workers, farmers and communities, but although they are not included, they may share some of the underlying conditions.

Although we focus on two tropical commodities of palm oil and sugarcane, much of the literature is more general and the drivers identified here are likely to be relevant for other crops and contexts.

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## Understanding root causes of labour and land issues

The purpose of this document is to summarise the root causes of labour and land rights issues which are mentioned most frequently in reports and by experts, in order to increase companies' understanding of why labour and land rights problems emerge and in which production contexts they may be most likely.

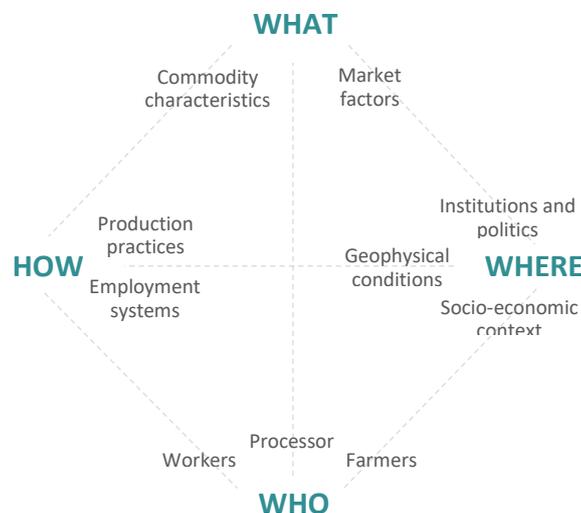
This document should not be interpreted as a checklist of indicators which guarantee that labour and land issues are taking place if those conditions are present. Each context is different, and underlying factors may interact with each other in complex ways.

The literature suggests there are four inter-related dimensions of production to consider:

1. **WHAT** Factors related to the inherent nature of the commodity and to its market prices
2. **WHERE** Factors related to the location where the commodity is produced, including:
  - Policy governance and enforcement
  - Socio-economic and cultural context
  - Geophysical characteristics
3. **HOW** Factors related to how the commodity is produced, covering:
  - Production practices from field to factory
  - The payment and recruitment system
4. **WHO** Factors related to the actors involved, including:
  - The farmers (a company, independent farmers, a producers' association, etc.)
  - The nature of the workforce
  - The processing company and intermediaries such as dealers and labour agents

In other words, the risk of commodity production leading to negative labour or land issues is affected by what is being produced, where it is being produced, how it is being produced and who is producing it. These all affect the underlying conditions where the root causes are found.

We use this framework in the document to summarise the most commonly reported drivers of child labour, forced labour, inadequate health and safety, and land rights abuses and disputes. The multi-faceted nature of social risk suggests there are some root causes which are within the scope of companies to change, and some which are more contextual and may require multi-stakeholder efforts.



**Four dimensions of production that affect the risk of labour and land issues occurring**

## Common drivers of child labour

### What is child labour?

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”<sup>1</sup>. The ILO sets a minimum employment age of 15 years, or 18 if the work is hazardous, and allows for children aged 13 to do light work unless a country’s laws set the limit higher.<sup>2</sup>



One of the most frequent situations in which child labour occurs in agriculture is on low-income family smallholdings. Much child labour occurs within the household or family unit<sup>3</sup> and it increases in areas of deep household poverty<sup>4</sup> and where the household head has a below-average level of education<sup>5</sup>. Families that are indebted, earn a single income or have lost adults to illness or death may rely on children to help out.<sup>6</sup>

The other situation of child labour highlighted by experts is on company plantations or large farms where adults, often seasonal migrant workers, live or travel with children and the children are encouraged to help their parents,<sup>7</sup> perhaps because a piece rate or quota system is used for payment.<sup>8</sup>

In both situations, the risk of child labour is increased where there are obstacles to children attending school,<sup>9</sup> perhaps because parents cannot afford school costs, children of migrants cannot be registered, the farm is in a remote area far from a school<sup>10</sup>, or there are inadequate schooling and childcare facilities provided in production areas<sup>11</sup>.

The experts mention several other possible drivers of child labour. The most common are in four areas. First, a lack of awareness of child rights, and local attitudes which value children’s participation in agriculture and discourage girls from attending school.<sup>12</sup> Second, when a shortage of paid workers forces farmers to enlist their children in farmwork, especially during seasonal peaks.<sup>13</sup> Third, when larger farmers and processors lack policies against child labour such as procedures for checking the age of hired workers.<sup>14</sup> And fourth, when smaller farmers don’t receive messages on child labour from a processing company, auditor or inspector, which is often the case for independent smallholders.<sup>15</sup>

### Some of the most commonly reported drivers of child labour:

<b>WHAT</b>	<b>Characteristics of commodity:</b>	Marked seasonal peaks in labour requirements
<b>WHERE</b>	<b>Political and institutional context:</b>	Arrival of migrant or refugee children and families into area Inadequate system to enforce child labour laws
	<b>Socio-economic and cultural context:</b>	Poverty Low access to education Cultural attitudes and low awareness of child rights Labour shortages caused byW economics or disease epidemics
	<b>Geophysical context:</b>	Remoteness
<b>HOW</b>	<b>Production system:</b>	Hazardous manual tasks Low level of mechanisation
	<b>Employment and payment systems:</b>	Quotas or piece rates
<b>WHO</b>	<b>Farmers:</b>	Independent family smallholdings Larger farmers who lack policies and childcare provision
	<b>Workers:</b>	Migrant families with children
	<b>Processing company and intermediaries:</b>	Companies which lack policies against child labour

## Common drivers of forced labour

### What is forced labour?

According to the ILO, forced labour is “work that is performed involuntarily and under the menace of any penalty. It refers to situations in which persons are coerced to work through the use of violence or intimidation, or by more subtle means such as manipulated debt, retention of identity papers or threats of denunciation to immigration authorities”<sup>16</sup>. Modern-day slavery, human trafficking and debt bondage are among the forms of forced labour.



Certain recruitment practices and industry pressures create potential conditions for forced labour. These include when employers hire a large number of workers informally or on daily contracts – a phenomenon known as casualisation which reduces protections for workers.<sup>17</sup> Another practice is the use of third-party agents or brokers to hire workers. This increases the risk of forced labour as the agents may charge recruitment fees to workers or misrepresent what their job will be, and it means the employers who use agents have little oversight.<sup>18</sup> Conditions are made worse by poor company procedures, such as discouraging worker associations or retaining foreign workers’ passports.<sup>19</sup> Wider forces include seasonal peaks in demand for labour, or price pressures that push employers to cut labour costs.<sup>20</sup>

Evidence shows that certain groups of people are particularly vulnerable to labour exploitation. They are migrants and refugees (especially undocumented foreign workers), itinerant seasonal workers, local people who have been made landless by agricultural expansion, ethnic minorities, and women. These groups are more likely than others to lack legal protection and social safety nets, and to face discrimination.<sup>21</sup> Poverty increases the risk of being exploited,<sup>22</sup> but research suggests that victims of forced labour in agriculture are often members of the ‘working poor’, who have some resources to travel and work, rather than the absolute poorest in society.<sup>23</sup>

Forced labour is especially likely to occur in contexts of criminality, insecurity and conflict.<sup>24</sup> These conditions impede the enforcement of labour laws and the quality of labour inspection in the local area.<sup>25</sup> Governance is also more difficult to achieve in physically remote locations, and these areas pose a further challenge to workers as remote locations may be difficult to leave if the workers find themselves in exploitative employment.<sup>26</sup>

### Some of the most commonly reported drivers of child labour:

<b>WHAT</b>	<b>Characteristics of commodity:</b>	Sharp seasonal peaks in demand for labour Pressures on financial margins of employers
<b>WHERE</b>	<b>Political and institutional context:</b>	Weak law enforcement and corruption Criminality, insecurity and conflict
	<b>Socio-economic and cultural context:</b>	Discrimination against ethnic minorities, foreigners or women
	<b>Geophysical context:</b>	Remoteness
<b>HOW</b>	<b>Production system:</b>	Labour-intensive systems
	<b>Employment and payment systems:</b>	Casualisation Use of third-party labour agents (formal or informal)
<b>WHO</b>	<b>Farmers:</b>	Large operations with poor employment and recruitment practices Smallholders that use paid labour
	<b>Workers:</b>	Migrants, refugees, itinerant seasonal workers, local landless, ethnic minorities, and women
	<b>Processing company and intermediaries:</b>	Companies with poor employment and recruitment practices

## Common drivers of inadequate health and safety

### What is inadequate health and safety?

Inadequate health and safety concerns inadequate protection against work-related accidents, injuries and diseases for paid workers, self-employed farmers and farming household members, which leads to a high risk of those accidents, injuries and diseases occurring<sup>27</sup>.



The problem of inadequate health and safety is closely linked to what commodity is being produced and how it is produced. Manual harvesting of burnt sugarcane, for example, is associated with injuries, respiratory problems and a possible link with kidney disease;<sup>28</sup> while systems of soy cultivation that involve aerial spraying of pesticides poses a serious public health threat.<sup>29</sup> Overall, health and safety risks are often found with tasks that involve agro-chemicals<sup>30</sup> and repetitive manual work over long periods.<sup>31</sup>

Location is influential: the risk of accidents, injuries and diseases may be exacerbated in areas of difficult terrain with a hot and humid climate, heavy rains or harmful animals and insects.<sup>32</sup> Physical remoteness makes it challenging for workers to unionise with others and for labour inspectors to visit sites, and it is often difficult to purchase affordable Personal Protective Equipment in isolated areas.<sup>33</sup>

Vulnerability to health and safety problems is affected by people's underlying health and living conditions, as well as low awareness not only of workplace hazards and best practice in using and storing chemicals, but also of their rights.<sup>34</sup> This means that certain groups of workers and farmers are at high risk of illnesses and injuries, including undocumented migrants, workers hired on a casual basis or through an agent, women, children, and members of low-income family farms.<sup>35</sup>

Health and safety protection is compromised when employers push workers to work overtime and set quotas or piece rates, especially at peak periods,<sup>36</sup> and do not provide adequate sanitation, drinking water, shade, housing and transport, healthcare and PPE.<sup>37</sup> Out-dated attitudes, discrimination against certain types of worker and suppression of labour unions all increase health and safety risk,<sup>38</sup> as do inadequate law enforcement and an environment of criminality, insecurity and corruption, which often allow poor working conditions to go undetected and unpunished.<sup>39</sup>

### Some of the most commonly reported drivers of inadequate health and safety:

<b>WHAT</b>	<b>Characteristics of commodity:</b>	Marked seasonal peaks in labour requirements Hazardous practices associated with the commodity
<b>WHERE</b>	<b>Political and institutional context:</b>	Weak law enforcement, criminality, insecurity and corruption Suppression of labour unions
	<b>Socio-economic and cultural context:</b>	Discrimination against ethnic minorities, foreigners or women
	<b>Geophysical context:</b>	Remoteness Unfavourable climate and terrain
<b>HOW</b>	<b>Production system:</b>	Manual harvesting and use of fire Heavy use of agro-chemicals, especially those classified hazardous
	<b>Employment and payment systems:</b>	Casualisation and use of third-party labour agents Overtime and quotas or piece rates
<b>WHO</b>	<b>Farmers:</b>	Low-income family smallholdings Labour-intensive company plantations
	<b>Workers:</b>	Migrants, casual workers, women Workers in poor accommodation and in poor health
	<b>Processing company and intermediaries:</b>	Companies with inadequate procedures to protect workers

## Common drivers of land rights abuses and disputes

### What are land rights abuses and disputes?

Many people in rural areas have a statutory or customary right to access land and its natural resources. Land rights abuses occur when that access is unjustly denied by others, including where people are forcibly displaced; and when people receive inadequate compensation for their lost access. Land rights abuses may lead to disputes and conflicts. Land disputes also refer to cases when it is not clear who holds the access rights, often where customary systems overlap with statutory systems or where land titling systems are not well governed.<sup>40</sup>



A strong driver of land rights abuses and disputes is agricultural or forestry expansion, especially when forest land is being converted.<sup>41</sup> Large plantation developments often trigger land disputes, although there can also be small-scale land grabs and disputes in outgrower areas,<sup>42</sup> perhaps when settlers come to an area or there is growing population pressure. Areas where plantations or farms are already well established are lower risk for present-day land issues, but there may be historical land grievances here.<sup>43</sup>

Land rights abuses and disputes are likely when local people lack land title or officially recognised tenure.<sup>44</sup> This is often the case in forest regions, indigenous, traditional and community lands, and areas classified as government or state land – which can be awarded as concessions by governments to incoming companies.<sup>45</sup> Local authorities may attempt to uphold people’s land rights and resolve disputes, but this is undermined by corruption and discrimination, especially against women, indigenous peoples and ethnic minorities.<sup>46</sup> People who are poor and have low literacy are especially vulnerable to exploitation.<sup>47</sup> Research has also found hotspots of land issues in conflict or border regions, where insecurity and weak oversight degrade land governance and make land rights abuses more likely.<sup>48</sup>

Lack of accountability at company level is another root cause. Producers and processors that are not certified under an assurance scheme, publicly listed or financed by international lenders may feel less pressure to uphold local land rights. They may fail to obtain Free, Prior and Informed Consent, conduct High Conservation Value studies or Environmental and Social Impact Assessments, establish grievance mechanisms, or pay adequate compensation.<sup>49</sup>

### Some of the most commonly reported drivers of land rights abuses and disputes:

<b>WHAT</b>	<b>Characteristics of commodity:</b>	Land-intensive crops suitable for large plantations
<b>WHERE</b>	<b>Political and institutional context:</b>	Low land titling and poor land governance Corruption, criminality, insecurity and conflict Policies to promote expansion zones and grant concessions
	<b>Socio-economic and cultural context:</b>	Poverty and low literacy levels Indigenous communities High level of in-migration by settlers
	<b>Geophysical context:</b>	Frontier zones of commodity expansion, especially forested areas Border areas
<b>HOW</b>	<b>Production system:</b>	Plantation agriculture
	<b>Employment and payment systems:</b>	
<b>WHO</b>	<b>Farmers:</b>	Companies that are not certified, listed or similarly scrutinised Poor procedures for land acquisition, plantings or outgrower schemes
	<b>Workers:</b>	
	<b>Processing company and intermediaries:</b>	Companies that are not certified, listed or similarly scrutinised Lack of grievance mechanisms or FPIC, HCV or ESIA studies

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## Child labour

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