



June 5, 2017

Via email: ramirez@ilo.org

Jose M. Ramirez
Senior Programme Officer
Fundamental Principles and Rights at Work Branch
Governance and Tripartism Department
International Labour Organization
Route des Morillons, 4 - Office 4-149
CH-1211 Geneva 22 (Switzerland)

Dear Mr. Ramirez:

Re: IV Global Conference on Child Labour Consultation #1

The Canadian Corporate Counsel Association of the Canadian Bar Association (the CBA Section) appreciates the opportunity to comment on the International Labour Organization's (ILO) Survey Questions for IV Global Conference on the Sustained Eradication of Child Labour – Civil Society Consultation #1.

The CBA is a national association of over 36,000 members, including lawyers, notaries, academics and law students, with a mandate to seek improvements in the law and the administration of justice. The CBA Section is the national forum for issues relevant to in-house counsel in Canada.

Reflecting the CBA's commitment to the issue of eliminating child labour – and the legal profession's pivotal role in advising businesses on corporate social responsibility, governance, and legal and reporting obligations – the CBA endorsed Model Business Principles on Forced Labour, Labour Trafficking, and Illegal or Harmful Child Labour in February 2016.¹

The CBA Section offers the following responses to the questions posed in the survey. While we recognize that other issues, such as child soldiers and children involved in the sex trade (or the making of pornography), are important areas of concern in relation to child labour, these issues are not specifically addressed in our responses to this initial survey.

¹ Canadian Bar Association, Resolution 16-03-M *Model Business Principles on Forced Labour, Labour Trafficking, and Illegal or Harmful Child Labour* (February, 2016), available [online](http://ow.ly/NFkU30cc2Sq) (<http://ow.ly/NFkU30cc2Sq>).

Survey Question 1

The purpose of the IV Global Conference is to consolidate global commitment to joint efforts to accelerate progress towards the elimination of child labour. It will also examine the issues of forced labour and youth employment. The Conference will include several high-level technical thematic discussions. Which thematic areas do you consider should be addressed during the high-level technical thematic discussions?

a. *Please propose up to three thematic areas corresponding to child labour.*

The CBA Section proposes three thematic areas:

1. Corporate social responsibility and child labour²
2. Child labour and private sector education³
3. Hazardous child labour⁴

b. *Please propose up to two thematic areas corresponding to forced labour and/or youth employment.*

The CBA Section proposes two thematic areas:

1. Youth employment and private sector partnerships
2. Forced labour and fair recruitment⁵

Survey Question 2

The Roadmap for Achieving the Elimination of the Worst Forms of Child Labour, resulting from The Hague Global Conference on Child Labour, 2010 made a call to end the worst forms by 2016. The SDGs through Target 8.7 call for ending child labour in all its forms by 2025. With only 8 years to go, what type of action should be taken or prioritized to secure the end of child labour in all its forms by 2025?

The CBA Section recommends that priority be given to actions that will have the most impact in addressing labour practices, industries and geographic areas that pose the greatest risks to child labourers. These actions should address critical participants in supply chains – both at the beginning of chains (e.g. procurement of raw materials) and at the end (e.g. sale of finished products) – by prohibiting child labour as well as the importation and distribution of goods sourced or manufactured using child labour.

Survey Question 3

The SDGs, through Target 8.7, addresses child labour, forced labour, modern slavery and human trafficking:

a. *To maximize effectiveness and efficiency in tackling child labour and forced labour, modern slavery and human trafficking in an integrated way, what areas, overlaps and potential synergies in responding to these issues should be taken into account?*

The CBA Section recommends that responses to these four issues should take into account the commonality of the geographic areas, the industries, and the political and socio-economic environments in which these issues are presented.

² See International Labour Organization, *Corporate Social Responsibility (CSR) and child labour*, available [online](http://ow.ly/v8q830cc30B) (http://ow.ly/v8q830cc30B).

³ See International Labour Organization, *Child labour and education*, available [online](http://ow.ly/Q50e30cc4g5) (http://ow.ly/Q50e30cc4g5).

⁴ See International Labour Organization, *Hazardous child labour*, available [online](http://ow.ly/p52G30cc47S) (http://ow.ly/p52G30cc47S).

⁵ See International Labour Organization, *Fair recruitment*, available [online](http://ow.ly/uWRT30cc4d2) (http://ow.ly/uWRT30cc4d2).

- b. *What are the main obstacles / risks of the integrated approach? How can they be minimized or mitigated?*

The main obstacle and risk to an integrated approach is the lack of effectiveness in addressing the four identified issues together. This can be minimized or mitigated by developing and communicating an understanding of how these issues have more commonalities than differences – for example, in terms of who is affected, where the issues are presented, the identity of the instigators/enablers/overseers of these practices, and the identity of the beneficiaries of these practices.

- c. *Do you identify any benefits in the integrated approach? If yes, what is in your opinion the main benefit of such an integrated approach in the fight against child labour, forced labour, modern slavery and human trafficking? How could this benefit be maximized?*

The CBA Section supports an integrated approach in the fight against child labour, forced labour, modern slavery and human trafficking. Governments, global regulators, academia, organized labour and businesses (especially those with international supply chains and global operations) should ensure that third parties in their supply chains adopt practices that comply with applicable employment and labour laws and regulations, as well as with internationally proclaimed human rights, including the Universal Declaration of Human Rights and ILO conventions. This includes requirements for minimum wages, working hours, overtime, days of rest, compensation and freedom of association.

The adoption of employment practices that prohibit harmful child labour, forced labour – which includes work or service exacted under threat of penalty (including imprisonment), or for which the people performing the work or service has not offered themselves voluntarily, or that fails to respect human rights – should also be required by both governments and businesses in their respective supply chains.

To date, many businesses in Canada and elsewhere have voluntarily adopted supplier codes of conduct for these matters without need for legislation and regulation, while other countries have legislated requirements (such as the United Kingdom's *Modern Slavery Act*).

All these suggestions represent positive ways to ensure responsible management, and move closer to the goal of realizing the social and economic benefits associated with eradicating the harmful effects of labour child labour, forced labour, modern slavery and human trafficking.

Survey Question 4

Given the global nature of the SDGs, what should be the role of CSOs in the fight against child labour and forced labour? How could CSOs interact with other relevant actors in these areas – including governments and workers' and employers' organizations?

The CBA Section suggests that one role of Civil Society Organizations (CSOs) should be to work with business communities, and across national borders on an industry-by-industry basis, to develop and encourage the adoption of common industry standards for each industry and their supply chains to combat and eliminate child labour, forced labour, human trafficking and modern slavery.

These CSOs could also engage and work with stakeholder groups, including governments and workers groups, to broaden support and participation in efforts to address these issues and labour practices.

Survey Question 5

The global employment challenge requires a set of policy responses that are multi-pronged, coherent and context-specific.

- a. *How can CSOs contribute to the promotion or creation of quality youth employment?*
- b. *How can CSOs cooperate with other stakeholders with a view to mutually reinforce respective work and maximize impact?*

This topic is outside the scope of expertise of the CBA Section.

Survey Question 6

Knowledge and data are important to combating child labour and forced labour.

- a. *What do you think are the crucial knowledge gaps in child labour? What do you think are the crucial knowledge gaps in forced labour?*

Crucial knowledge gaps in child labour and forced labour flow from the lack of data gathered in an organized, systematic and standardized manner. Without this data, it is not known how many children and individuals are forced into labour, or how often, where, when and under what circumstances.

- b. *What should be the key knowledge areas to be prioritized in order to be in a better position to end child labour in all its forms by 2025 and eradicate forced labour by 2030?*

A key knowledge area necessary to end child labour and eradicate forced labour is our understanding of how, where and under what circumstances these abuses occur. The creation of a standardized, mobile monitoring and reporting structure for global use should be prioritized.

- c. *Nowadays, technology offers the promise of improving intervention effectiveness in the social sphere. In which specific areas do you consider this possible with regard to child labour and forced labour?*

Technology (such as smartphones) offers the potential for contemporaneous identification and anonymous reporting of suspected occurrences of child labour and forced labour.

Survey Question 7

What is your organization's experience in the area of eradicating child labour and/or forced labour? In such a case, with which partners have you worked within these areas? Among your partners have you worked with employer's and / or worker's organizations?

The CBA Section develops resources to assist its members in understanding best practices and model policies to combat forced labour and child labour. We compile existing and model policies for review, comparison and use by members.

Survey Question 8

The SDGs have generated new momentum for global, regional, sub-regional and national initiatives and partnerships. Who should be the main actors in those initiatives and partnerships, and what should be their respective roles, functions and contributions?

The private sector has an indispensable role to play in the fight against child labour. One way for individual companies to contribute is to adhere strictly to national laws and regulations

that restrict conditions under which children can be employed. The private sector realizes that, apart from obvious humanitarian and social concerns, combatting child labour makes good business sense. Companies can play an effective role by setting high standards on workers' rights and the use of child labour in their own operations, as well as by seeking to extend those standards generally among the business community. Many Canadian corporations have taken this step by voluntarily establishing their own codes of practice.

Academia is also central to preventing child labour – removing children from hazardous work, providing for their rehabilitation and social reintegration and offering alternatives for them and their families. History has shown how instrumental education has been to the abolition of child labour, establishing a skilled workforce and promoting development based on principles of social justice. Through both global technical cooperation and policy dialogue, national education policies can prevent children from being drawn prematurely into labour, and can be more responsive to the needs of children released from hazardous work. Academia can be particularly effective in the areas of awareness raising, monitoring former child labourers and at-risk children, and school-based social support.

Governments can assist by devising national policies to counter child labour, by integrating child labour issues systemically into social and economic development policies, programs and budgets, and by helping to create awareness in the community and workplace in partnership with academia, the private sector and civil society. Governments are also best suited to ensure a coordinated approach with the global community. Government involvement supports the strong notion that no problem in the world is an isolated problem, and that no problem can be solved in isolation – the solutions are interconnected, as are the problems.

CSOs are also main actors in these partnerships and initiatives. During the past 20 to 30 years, a strong civil society has emerged from conventional charity work, and these organizations have evolved into critical policy partners. A vibrant and dynamic civil society acts as a watchdog, and serves as an important policy partner for governments.

The CBA Section is pleased to have the opportunity to comment on the International Labour Organization's Survey Questions for IV Global Conference on the Sustained Eradication of Child Labour – Civil Society Consultation #1. We look forward to providing additional comments in response to the second online consultation.

Yours truly,

(original letter signed by Kate Terroux for Stephen A. Rotstein)

Stephen A. Rotstein
Chair, Canadian Corporate Counsel Association