



Guideline for Indonesian Palm Oil Companies

Mitigating the Risks of Child Labour in Oil Palm Plantations

2020

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Introduction

The protection of and respect to Human Rights, including children's rights, has been mandated in the Universal Declaration of Human Rights in 1948 and the United Nations Convention on the Rights of the Child in 1989. In 2011, the UN released its Guiding Principles on Business and Human Rights establishing the corporate responsibility to respect human rights. However, the increasing complexity of global trade and supply chains have created new challenges for government and other actors in upholding these commitments. Today, as per international reports, children are found to be working in various economic sectors such as agriculture, manufacturing and mining¹.

ILO data shows that in 2016 there were 152 million child workers globally and 73 million of them were engaged in hazardous work². In the context of Indonesia, in 2017, the percentage of children aged 10-17 years in work reached 7.23%. This figure is higher than in 2016 which was 6.99%³. Of this amount, 40.06% worked in the agricultural sector, 42.27% worked in the service sector, and 17.67% worked in the industrial sector.

The prevention and elimination of child labour is a complex effort requiring the involvement of different stakeholders. The issue is also closely related to poverty, lack of access to and poor quality of education, lack of livelihoods opportunities and weak law enforcement². To engage on this issue and make an effort to end child labour, a number of international standards and national regulations have been issued for the welfare of children and the eradication of child labour⁴.

¹ US Department of Labour, Bureau of International Affairs, 2018 Findings on Worst Forms of Child Labour <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>

² ILO. 2017. Global Estimates of Child Labour : Results and Trend, 2012-2016. https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_575499.pdf

³ Indonesian Ministry of Women's Empowerment and Child Protection (KPPPA). 2018. Profile of Indonesian Children 2018. <https://www.kemenpppa.go.id/lib/uploads/list/74d38-buku-pai-2018.pdf>

⁴ ILO Convention No. 138 year 1973 on **Minimum Age**; ILO Convention No. 182 year 1999 on **The Worst Forms of Child Labour**; Indonesian Law 13 year 2003 on **Manpower**; Indonesian Law 13 year 2014 on

Indonesia's commitment to child labour eradication is also demonstrated through the National Action Plan for the Elimination of the Worst Forms of Child Labour (RAN-PBPTA) which aims to make Indonesia free of child labour by 2022 (Presidential Decree Number 59 of 2002).

As mentioned above, data from 2017 showed that about 40% of Indonesian children aged found to be working, were working in the agriculture sector³. As is widely known, palm oil is the one of the leading processed agricultural export commodities from Indonesia and has been reported for the risk and presence of Child labour in the supply chain⁵. The industry occupies 14.33 million-hectares of land⁶ with a production of 42.88 million tonnes⁷ in 2018. While the size of the industry can be indicative of the rates of child labour risk in the supply chain it can also represent the potential for impact. With such a large scale, the commitment and efforts of the palm oil industry to end child labour, can make a significant contribution to achieving the national targets as set out in the Indonesian Child Labour National Action Plan.

In order to support the implementation of the policy, this guideline on 'Mitigating the Risks of Child Labour in Oil Palm Plantations' was prepared. Intended especially for oil palm plantation companies, this guideline provides practical measures to mitigate the risks of child labour in their daily operations. This document also offers guidance on business roles and responsibilities to implement a 'No Child Labour'

Amendment to Law 23 year 2002 on **Child Protection**; Indonesian Law 20 year 1999 on ratification of ILO Convention No. 138 Concerning Minimum Age for Admission to Employment; Indonesian Law 1 year 2000 on ratification of ILO Convention No. 182 Concerning The Prohibition And Immediate Action For The Elimination Of The Worst Forms Of Child Labour; Indonesian Decree of the Minister of Manpower and Transmigration number 115 year 2004 on **Protection of Children Who Work to Develop Talent and Interest**; Indonesian Decree of the Minister of Manpower and Transmigration number 235 year 2003 on **Types of Work that Endanger the Health, Safety or Morals of Children**

⁵ Amnesty International, 'The Great Palm Oil Scandal', 2016

<https://www.amnesty.org/en/documents/asa21/5184/2016/en/>; Rainforest Action Network, 'The Human Cost of Conflict Palm Oil', 2016

https://laborrights.org/sites/default/files/publications/The_Human_Cost_of_Conflict_Palm_Oil.pdf

⁶ Indonesian Ministry of Agriculture. 2020. Total cultivated area of palm oil by province, 2016 - 2020*).

<https://www.pertanian.go.id/home/index.php?show=repo&fileNum=229>

⁷ Indonesian Ministry of Agriculture. 2020. Palm oil production by province, 2016 - 2020*).

<https://www.pertanian.go.id/home/index.php?show=repo&fileNum=214>

policy and encourage equal provision of education as mandated in the core actions of RAN-PBPTA⁸.

This guideline is also in line with the vision of sustainably produced palm oil as defined through industry certification bodies such as the ISPO and RSPO as well as individual palm oil companies' commitments to No Deforestation, No Peat and No Exploitation (NDPE) which unanimously prohibit the use of child labour.

"Plantation companies are prohibited from employing minors and discriminating against workers according to statutory regulations."

Criterion 5.3-ISPO

"Children are not employed or exploited."

Criterion 6.4-RSPO



⁸ Advocate for law enforcement and applicable regulations related to CL and WFCL ; Adopt laws and policies concerning the elimination of child labour ; Take an active role in developing and implementing action plans for the elimination of WFCL and its implementation ; Enter into cooperation agreements with workers which specify the minimum age to be allowed, namely 18 years ; Advocating the effectiveness of education policies to free up education costs, 12 year compulsory education, and equitable quality education for children ; Collaborate with other stakeholders especially the government, to support the development of policies, planning and mechanisms needed by children who are already working and facilitate them to get education and training ; Providing education and training by employers/associations regarding WFCL before being placed in formal employment



CHILD, CHILDREN IN EMPLOYMENT AND CHILD LABOUR

>> A child is any person who is less than 18 (eighteen) years old

>> Children in employment are children who do work in order to help parents, practice responsibility, discipline or skills that are carried out in a short term and after school , and there is no exploitation

>> Child labour is every child who does work that deprives him/her of their childhood, their potential and their dignity, and that is harmful to their physical, mental social and intellectual development, including an interference with their education

Source:

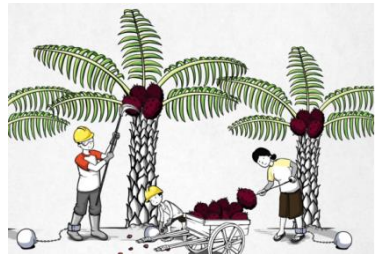
Indonesian Law 13 year, 2003 on Manpower

Indonesian Presidential Decree 59, year 2002 on the National Action Plan for the Elimination of the Worst Forms of Child Labour

Why Do Children Go to Work ?

In some cases, children are found working in the palm oil industry, mostly in estates/plantations. They may be working like adult workers i.e. full time work or they might be helping their parents in harvesting palm fruit usually by gathering loose fruit from the ground. In other cases children may not be working on plantations but may be accompanying their parents to work. A number of driving factors for these issues have been identified by numerous studies⁹, including:

- **Poverty and high unemployment rates.** These are deemed to be the root causes that force children to work to contribute to family incomes. In oil palm plantations in particular, children may work because of the parents' high work targets or low wages. High targets can be difficult to achieve without this family assistance. Similarly piece-rate wages for workers are dependent on the achievement of large harvests and so all family members, including children sometimes, might help workers maximise the harvest and thus earn higher wages.
- **Local culture and traditions.** There can be societal attitudes that encourage children to help parents work or to train children with skills to be ready for employment after completing their education.
- **Lack of access to quality education and provision of adequate education facilities.** In many parts of the world, especially in rural agricultural



⁹ UNICEF. 2017. The Roots of Child Labour. <https://www.unicef.org/sowc97/report/roots.htm>; Fiji Commerce and Employers Federation. 2013. An Employers Guide for Eliminating Child Labour. https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-suva/documents/publication/wcms_359272.pdf; International Law and Policy Institute (ILPI). 2015. Child Labour in the West African Cocoa Sector. <https://ilpi.org/wp-content/uploads/2015/11/20151126-Child-labour-in-the-West-African-Cocoa-Sector-ILPI.pdf>; The University of Iowa Labor Center. Causes of Child Labor. <https://laborcenter.uiowa.edu/special-projects/child-labor-public-education-project/about-child-labor/causes-child-labor>;

contexts, schools, daycare facilities, playgrounds/reading facilities, and school shuttle vehicles for children could be scarce. These facilities play an important role in fulfilling a child's right to education and recreation, and ensure that children are in a safe place when their parents are working. In addition, training facilities and vocational schools are also important, especially for children aged 12-18 years, to prepare them to enter the workforce and reduce the risk of them working in hazardous jobs.

- **Lack of parents' awareness.** Poor awareness levels on the part of parents regarding the dangers of child labour, or the importance of education might increase the risk of children being taken to work rather than being left at childcare facilities
- **Inadequate monitoring and law enforcement.** This can be understood as the responsibility of several stakeholders from national and local governments, local police and company management
- **High industry demand for cheap and large workforces**

The Risks of Children in Oil Palm Plantations and Child Labour

Work in palm oil mills and oil palm plantations can be described as work that harms children's health and safety and can constitute the worst forms of child labour (See [Annexes](#)). Mills use heavy processing machinery such as boilers and work in plantations can involve using hazardous chemicals (pesticides/herbicides), moving heavy loads and using sharp equipment. Therefore, no children should be in employment in either palm oil mills or oil palm plantations.^{10, 11}

What if children do not work? Can they still be in oil palm plantations/mills?

If the working environment is dangerous, then children should not loiter or play at work sites, including palm oil mills and plantations. The risk of children accessing plantations is higher if workers live in plantations in housing areas known as 'plantation villages'. A dangerous work environment such as an oil palm plantation may threaten the safety and health of the children. For the welfare of children, they should stay in safe spaces, not be brought to the work sites, and should not be able to easily access work sites.

From a business perspective, the presence of children at a work site can create legal and reputation risk for the company. Article 73 of Law No. 13/2003 also states that children are considered to be at work when they are in a work location, unless proven otherwise.

Therefore, if children are present or have easy access to work locations, palm oil mills and oil palm plantations should facilitate the removal of children from work locations. More details on how this can be done can be found in the next section.

¹⁰ Indonesian Law 13 year 2003 on Manpower Art. 68

¹¹ Indonesian Presidential Decree 59 year 2002 on the National Action Plan for the Elimination of the Worst Forms of Child Labour

Law No. 13/2003 prohibits businesses to employ children. Nevertheless, children can work on certain types of job, permissible for 'young workers'. This is detailed in the table below ^{10, 11, 12}:

<p>Children (< 18 years old)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> for the child's interest and talent development* <input type="checkbox"/> under supervision of parents/guardians <input type="checkbox"/> maximum of 3 hours/day <input type="checkbox"/> Not in a harmful work environment and the work does not interfere with the child's education 	<ul style="list-style-type: none"> <input type="checkbox"/> Not part of worst forms of child labour <input type="checkbox"/> Not part of works that harm children's health, safety, and morality
<p>13-15 years old</p>	<ul style="list-style-type: none"> <input type="checkbox"/> light work* <input type="checkbox"/> does not deprive physical, mental, and social development of the child <input type="checkbox"/> written consent from parents <input type="checkbox"/> employment contract signed by parents and employer <input type="checkbox"/> maximum of 3 hours/day <input type="checkbox"/> carried out in daytime and does not interfere with school time <input type="checkbox"/> OHS protection <input type="checkbox"/> clear work relationship <input type="checkbox"/> wages in accordance with prevailing regulations 	
<p>> 14 years old</p>	<ul style="list-style-type: none"> <input type="checkbox"/> part of education curriculum/training* <input type="checkbox"/> there's a clear explanation, direction, and supervision in doing the work <input type="checkbox"/> OHS protection 	
<p>15-18 years old</p>	<ul style="list-style-type: none"> <input type="checkbox"/> work in general 	

**if children work with adult workers, their working places should be separated*

Provisions of Youth Employment

¹² Indonesian Decree of the Minister of Manpower and Transmigration number 235 year 2003 on **Types of Work that Endanger the Health, Safety and Morals of Children**

Mitigating the Risks of Child Labour: What Can Companies Do?

The following are practical steps that companies can take to ensure that they minimize legal, business, and reputational risks associated with the welfare of children including the presence of children in hazardous work sites. The following steps do not exclusively refer to one standard, but rather are based on various national regulations and international standards, including the ISPO principles and criteria (criterion 5¹³) and RSPO (criterion 6¹⁴) to have the most positive impact on workers. Much of this guideline is also drawn from EF's experience working closely with upstream palm oil producing companies, mills and plantations and downstream palm oil buyers.

Prevention

1

- a. **Develop a Company Policy on children's well-being which explicitly mentions the company's commitment to not employ underage workers and to support the education and best interests of children.**
 - Higher management in the company has a good understanding of children's wellbeing, the issue of child labour and approves the development of company policies on these matters
 - Policy draft developed by an assigned team in close discussions with the higher management
 - Policy sign-off by higher management and applied in all operations

¹³ Indonesian Regulation of the Minister of Agriculture number 11 year 2015 on Indonesian Sustainable Palm Oil Certification System /ISPO

¹⁴ Roundtable on Sustainable Palm Oil. 2018. *Principles and Criteria for the Production of Sustainable Palm Oil*. <https://rspo.org/resources/certification/rspo-principles-criteria-certification/rspo-principle-criteria-for-the-production-of-sustainable-palm-oil-2018>



- The policy should be:**
- ✓ In accordance with the national laws
 - ✓ Explicit and clear
 - ✓ In a language that is easy to understand
 - ✓ Applies for all company's workers, subcontractors, and supply chain

- b. Create a system that increases the company's visibility of all its workers and ensure that only workers who are above minimum working age are hired.
- ❑ Define all types of job in your company and classify them into 2 categories:
 - 1) Work that is not permissible for anyone under 18 years of age, including work that is harmful for children's health and safety and work that can constitute the worst forms of child labour (as listed in the **Annexes**)
 - 2) Work that is not part of category 1 and where young persons may be employed as long as the work meets the youth employment criteria as mentioned on page 8 and in the **Annexes**

"Youth employment (under 18 years old) is permissible for light work, for education curriculum and training, for children's interest and talent development. The work shall not be harmful for children's health, safety, and morality, not constitute the worst forms of child labour, and meet the minimum criteria of employment" ^{10, 11, 12/10}

Analysis. Hazardous work for persons below 18 years of Age:

No	Types of Work	Remarks (Please refer to the Annex and list of harmful and worst forms of labour)	Age of Workers
1	Harvesting (Picking and transporting FFBs, picking up loosing fruits, etc)	Worst forms of child labour + Work involving manual lifting of more than 10 kgs/12 kgs	> 18 years old
2	Fertilizing	Worst forms of child labour+ Chemical	> 18 years old

No	Types of Work	Remarks (Please refer to the Annex and list of harmful and worst forms of labour)	Age of Workers
		exposure	
3	Spraying	Worst forms of child labour + Chemical exposure	> 18 years old
4	Manual weeding	Worst forms of child labour	> 18 years old
5	Cleaning the estate office	Not harmful and not worst forms of child labour. Even so, OHS risk analysis is needed, for instance using the HIRARC (Hazard Identification, Risk Assessment, and Risk Control) to minimize injuries and accidents	> 18 years old + young workers
6	Childcare caregiver		
7	Office administration		
etc			

- ❑ Only recruit workers who meet the minimum age allowed under each type of work category and other terms / conditions to ensure that there are no child workers in your company. Mill and plantation workers should be above 18 years old. **A situation where a person under the age of 18 is married does not eliminate the fact that the person is biologically and legally still a child.** Therefore, if your company wants to employ a prospective employee who is under 18 years old and is married, make sure he/she is not employed in hazardous work or the worst forms of child labour
- ❑ When hiring workers, check their identity documents (Indonesian identity card-KTP, birth certificate, family registration or academic certificate) that shows their age to prove that they meet the minimum age requirement.
- ❑ Keep a copy of those documents
- ❑ Make a company 'worker list' containing workers' information which should at least include their name, gender, birth date, education, job function, etc. of all workers in the company, including those contracted by a third party.

Example. Worker List

Name	M/F	Education	Birth Date	ID No	Date of start working	Role/function	Status
							Permanent/Contract/ Casual worker/ Outsourcing

- ❑ If your company uses outsourcing services or recruits workers through a third party, make sure that these third-party entities adhere to your company procedures and mechanisms to prevent child labour or the presence of children in plantations. Below are a few ways this can be done:
 - ✓ When signing a contractual agreement, include a clause on the third party's commitment to adhere to your company regulations and the consequences of failing to do so. For instance, delay of payments, financial penalties, contract termination, or other consequences
 - ✓ Carry out periodical performance evaluation or due diligence on your third-party partners, for example every once in a year. This due diligence must include compliance or the contractor's ability to comply with company policies such as the commitment to No Child Labour

Example. Due Diligence Check List

- **Legal Compliance**
 - Third party has legality to operate
 - Third party never received legal sanctions for the past 3 years
 - etc
- **Employment Contract**
 - Third party's proved commitment to ensure that every and each employment contract is abide by the regulation
 - etc
- **Commitment to Child Wellbeing**
 - Third party's policy to not employ children in hazardous works of their business operational
 - No child under 18 years old is employed
 - Third party has prevention, detection, and remedial mechanisms of child labor
 - etc
- **Etc.....**

To make sure the third party's compliance, your company should meet and discuss with the third party, the workers, or other employers that have used the third party's services. Look for concrete evidence to support your assessment.

c. **Communicate your company's commitment to mitigate the risks of child labour**

- Develop awareness raising and training curriculum/plans on company policy, the risks and impacts of child labour, the importance of education, and prevention, detection, and remediation mechanisms of child labour
- Conduct regular trainings and disseminations (For instance once every 3 months) for all workers including office staff, assistants, foremen (*mando*), mill workers, plantation workers, as well as smallholders, third party agents and suppliers and surrounding communities. Trainings can be combined with other different training/awareness raising topics. When conducting policy disseminations with surrounding communities, companies need to have a dialogue with them, not only about the child labour policy but the company's commitment and capacities to support local community development. For example, communities need to

understand minimum age requirements and maximum number of workers that can be hired by the company, and other criteria to support local employment. A third-party intermediary such as a representative of the local government/CSOs may be needed to reach an agreement.

- ❑ Document all your training and awareness raising activities
- ❑ Make posters/pamphlets/signboards on the company commitment to Children's Well-being and 'No Child Labour'. Post these at strategic locations and in a language that is understood by all workers
- ❑ Communicate the key messages through other channels both formal and informal, for instance, at every morning briefing for staff and workers
- ❑ The company can also communicate its efforts to mitigate the risk of child labour to external parties, for example through sustainability reports that can be easily accessed by the public.



Example of a signboard that warns workers not to bring children to the work site and prohibits underage employment

d. **Support the provision of basic education**

- Increase visibility and collect basic data on the number of school-age children (children of workers living in the company-area housing)

Example. Data of School-Age Children

Age group	Total
0-6	
6-12	
12-15	
15-18	

- Give permission for leave or put in place a leave policy for workers to administer their children’s civil registration documents required for school admissions, such as birth certificates, family registration, or transfer letters for children who have previously attended schools in other places.
- When needed, the company can also facilitate communication between parents (company’s workers) with the Citizenship and Civil Registration Office or other relevant agencies to ensure that their children have the required documents.
- Collect information on nearby education facilities and childcare facilities and share these with workers so they know what options are available.

Example. Data of Education Facilities

Facilities	Student Capacity	Availability	Location	Distance
Childcare				
Pre-school				
Elementary school				
Junior high school				
Senior high school				
Community-based learning center				

- If there are childcare and education facilities available nearby, then your company should make sure these facilities can be reached easily by the children.

- ❑ Provide safe and comfortable school transport shuttles if the facilities are located far from your workers' housing areas.
- ❑ If educational and child care facilities are not available, the company needs to consult with the government and local education office regarding alternatives to providing education and child care facilities for children on site. This should cover the number of prospective students, the type of educational facilities, location (both inside and outside the company area) the provision of appropriate facilities and infrastructure, as well as the contributions needed from the company, both for formal education (elementary, junior high, or high school) as well as non-formal facilities (such as Community Learning Activity Centers/PKBM).

e. Ensure rational and achievable work targets so that workers can get minimum wage by working within normal working hours without any help.

- ❑ There are cases where companies set work targets that might be too high or not adjusted for plantation conditions. This might make it difficult for workers to achieve their targets within standard working hours. In some cases, workers might bring others to help out, known as *'kernet'* workers. These workers can be neighbours, workers' wives or other relatives of the workers, even including children. This can be considered as child labour. These helpers make the targets achievable and make it possible for the worker to get minimum wage or higher wages by surpassing targets. The relation between work targets, wages, and children in plantations is best explained in this video <https://bit.ly/2sirDfE> (Challenges and potential solutions to labour issues in Indonesian palm oil).
- ❑ To prevent and control such drivers of child labour, make sure that the company sets a rational and achievable work target and a beneficial wage policy to reduce the incentives for workers to bring family members that can include children
- ❑ Please refer to EF guidelines on "Target-Setting and Wage Policies" for more information on how to set rational and achievable work targets and minimize the presence or the risk of child labour.

To create a bigger impact on the elimination of child labour, companies are strongly encouraged to implement prevention efforts. However, despite this, there could still be incidences of children in plantations or child labour. Therefore, companies must also have proactive risk detection processes in place to detect and identify risks of child labour.

- a. **Check your worker list and make sure that all workers are above minimum working age. If there is an indication of underage workers, please refer to Section 3 on what corrective actions can be taken**
- b. **Supervision by foremen (*mandor*)/assistants**
 - Conduct trainings for foremen (*mandor*)/assistants on how to record and deal with a case, if child labour is found
 - Foremen (*mandor*)/assistants always check their workers' lists/workers' groups on daily basis and make sure there are only officially registered workers in their area of work
 - Cross-check the company's worker lists to ensure that all workers are registered or if there any workers who are yet unregistered
 - If such unregistered workers are found, check their age and other important information as is mentioned on page 18. Record the findings and report to the supervisors. Make sure there is a clear line of communication from foreman (*mandor*)/assistants to a decision maker
 - If the unregistered workers are suspected to be underage, please refer to Section 3 on what corrective actions can be taken.

Sample Record of Unregistered Workers

General Information

Date :
Time :
Location/Afdeling:
Number of unregistered workers found:

Identity (first person)

Name :
Gender :
Age :
Address :
Relationship with company's worker(s):
Activity : *[E.g.: harvesting, picking up loose fruits, playing, etc., dll]*

Identity (Second person)

Name :
Gender :
Age :
Address :
Relationship with company's worker(s):
Activity : *[E.g.: harvesting, picking up loose fruits, playing, etc., dll]*

Etc.

Made by,
[Name]
[Job role]

- c. The company can also review workers' harvest output data and salaries paid to detect whether workers are bringing family members to help them with their work. These groups can include children. Companies can detect such risk by comparing workers' output data or salary paid with the average working hours, average outputs and average salaries. When a high excess in output or salary is found, far beyond the average, this could be an indication of presence of family workers, that could include children

What if there are workers >18 years old who are not registered in the company workers list?

Such workers are generally referred to as *kernet* workers or family workers. They 'help' directly employed workers to do their daily work, without having a formal work agreement or contract with the company. Therefore they work without wages, benefits or Personal Protective Equipment (PPE). This can be considered a serious form of exploitation; and when children are present, this can be considered child labour because plantation work is hazardous and is classified as one of the worst forms of child labour.

Some factors that can cause this include :	What can be done ?
<ul style="list-style-type: none"> Inadequate manpower planning, i.e. there is a lack of required and registered workers at the company during certain seasons 	<ul style="list-style-type: none"> Developing an accurate workforce plan, i.e. hiring permanent workers in accordance with the total work volume. If needed, the company can recruit seasonal / daily freelancers in certain seasons. These workers may be recruited from <i>kernet</i> workforces if preferred. <p><i>For more details, refer to "Guidelines on the Fair Employment of Casual Workers"</i></p>
<ul style="list-style-type: none"> The work target is too high, so the worker needs help from others to reach the work target. Workers' efforts to increase their wages through premiums so that they can earn above minimum wage 	<ul style="list-style-type: none"> Establish work targets that take into account various productivity factors so that workers can achieve them in standard working hours throughout the year Establish a wage system to ensure that workers earn at least a minimum wage throughout the year, and even move towards a living wage if possible. Increased supervision to ensure that only registered employees work in plantations <p><i>For more details, refer to "Guidelines on Target-setting and Payment Policies"</i></p>

d. Complaints/Grievances

Complaints from workers or grievances from external parties such as NGOs, local communities, results of buyer audits, results of inspections by labour inspectors, or other parties can be used as sources of risk detection on child labour or children's presence in plantations.

Aside from child welfare, complaints/grievances are important sources for employers to know about labour issues within the company's operations. Please refer to page 26 on how to follow up complaints/grievances.

e. Internal Assessments

Internally, companies can conduct assessments as a baseline to assess the company's initial position and capacity to mitigate the risk of child labour on plantations. Subsequent assessments can be conducted periodically (for example once every year) as a step taken by the company to monitor progress. To support this process, the company can make a checklist by referring to preventative actions and see what points have been implemented and those that have not. This assessment is important to determine the steps that companies need to take in the future in order to mitigate the risks of child labour.

Example of Internal Assessment Check List

No	Activities	Yes	No
1	Company's policy on children's well-being		
2	Company's visibility of all its workers		
	<ul style="list-style-type: none">• Classification of all types of jobs that are allowed and not allowed to employ children under 18		
	<ul style="list-style-type: none">• Only recruit workers above the minimum age of working as standard. Mill and plantation workers should be above 18 years of age		
	<ul style="list-style-type: none">• Check workers' identity documents		
	<ul style="list-style-type: none">• Keep a copy of those documents		
	<ul style="list-style-type: none">• Make a 'company worker list' containing detailed information		
	<ul style="list-style-type: none">• Cooperation agreements with third party companies shall include a clause on the third party's commitment to adhere to your company regulations		
	<ul style="list-style-type: none">• Carry out periodical performance or due diligence on your third-party partners for example once a year		

No	Activities	Yes	No
3	Communicate your company's commitment to mitigate the risks of child labour		
	<ul style="list-style-type: none"> Develop information dissemination and training curriculum/plans on child labour risk mitigation 		
	<ul style="list-style-type: none"> Conduct regular trainings and information sharing activities 		
	<ul style="list-style-type: none"> Document all your training and information sharing activities 		
	<ul style="list-style-type: none"> Make posters/pamphlets on children's well-being and 'No Child Labour' and display them at strategic spots to ensure visibility 		
	<ul style="list-style-type: none"> Communication through other channels, for instance, the daily morning briefing for staff and workers 		
4	Support the provision of basic education		
	<ul style="list-style-type: none"> Collecting data on the number of school-age children from the total children living on site 		
	<ul style="list-style-type: none"> Give permission if your workers ask for a leave to administer their children's civil registry documents (if any) 		
	<ul style="list-style-type: none"> Facilitate communication between parents (company workers) with the Citizenship and Civil Registration Office or other relevant agencies to ensure that children have the required documents for school registration (if needed) 		
	<ul style="list-style-type: none"> Collecting data on nearby education and childcare facilities 		
	<ul style="list-style-type: none"> Provide safe and comfortable school shuttles if the facilities are located far from your workers' housing areas 		
	<ul style="list-style-type: none"> Provision of childcare and education facilities after consultation with local government and education agencies 		
5	Ensure rational and achievable work targets		
	<ul style="list-style-type: none"> Set rational and achievable work targets 		
6	Proactive mechanisms to detect the risks of child labour		
	<ul style="list-style-type: none"> Regular checks of the 'company's worker list' 		
	<ul style="list-style-type: none"> Review workers' harvesting outputs and salaries, compare them with data on working hours and average harvesting outputs/salaries 		
	<ul style="list-style-type: none"> Conduct training for foremen/assistants on how to record and deal with the case, if child labour is found 		
	<ul style="list-style-type: none"> Check if there are any invisible/unregistered workers. Record and report 		
	<ul style="list-style-type: none"> Check and follow up on complaints/grievances 		
	<ul style="list-style-type: none"> Conduct internal assessments 		

No	Activities	Yes	No
	<ul style="list-style-type: none"> Conduct performance evaluation/due diligence on third-party companies 		
7	Remedy		
	<ul style="list-style-type: none"> Procedures for urgent actions 		
	<ul style="list-style-type: none"> Procedures for remediative actions 		
	<ul style="list-style-type: none"> Monitoring 		

- f. If your company uses outsourcing companies or third-party suppliers, make sure they also implement similar detection mechanisms in their operations and activities.

Remedy

3

Below are steps that your company can take if:

- Your workers are suspected to be underage
- Your workers bring family members, including children aged below the minimum age standard, to work locations, whether the child concerned does the work or not

Phase 1a : Urgent Actions (Immediate term)

Responsible Parties: Area supervisors, foremen (*mandor*)/assistants,

- **Step 1:** Check their ID and make sure it is a genuine document to verify his/her age

In the case of undocumented children, it is suggested that company personnel ask questions such as:

- ❖ date of birth
- ❖ age of brothers/ sisters
- ❖ year of entering school
- ❖ last education
- **Step 2:** If age verification is inconclusive, company personnel are best advised to remove the child immediately from the workplace and ensure the child is in a safe place such as school, childcare, or his/her parents house, if this is known
- **Step 3:** Get the contact details of his/her parent/ guardian and find out where the child lives. Ensure safe return of the child to their home or another safe space till the child is back in the care of their parents/guardians.

Phase 1b : Urgent Actions (within 5 days)

Responsible Parties: Company management at estate level

- **Step 4:** Verify the age of the child(ren) through discussions with parents or close relatives or by checking other identity documents such as birth certificates, family registration, or diplomas
- **Step 5:** If the child(ren) is/are proven to be underage, notify higher management/decision makers and get their commitment for remediation

Phase 2: Develop Remediation Action Plan (2 months)

Responsible Parties: Company management at estate level and group level/headquarters

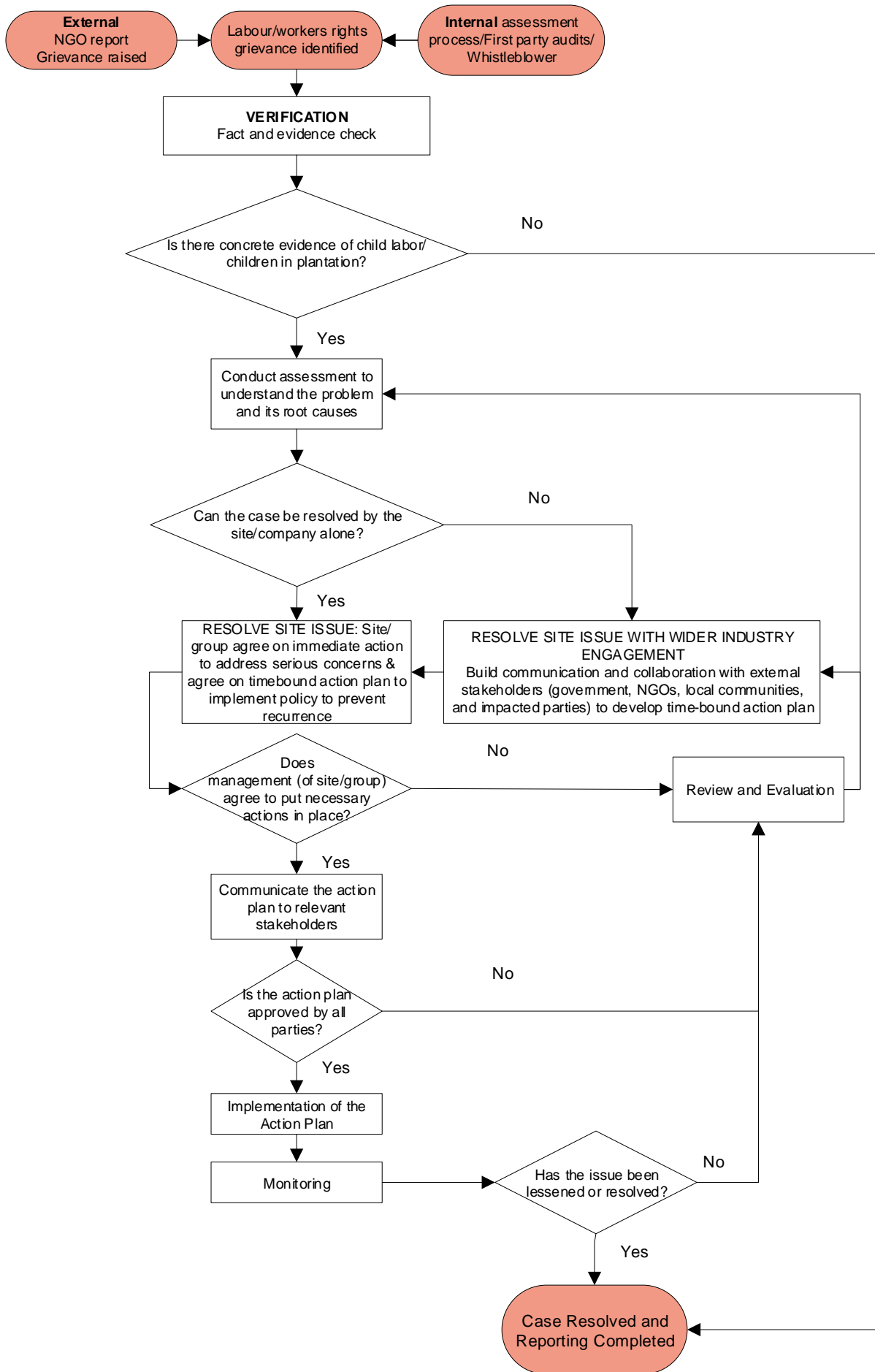
- **Step 6:** Establish a remediation team and develop a Terms of Reference for the team in accordance with a remedial process. An example of a remedial process can be found on page 26. The next steps from 7-13 must be carried out by the remediation team.
- **Step 7:** The remediation team or an appointed team representative should explain to the parents about the legal requirements and restrictions on working ages and the importance of education. If the parents are your company workers, explain to them your company's policy on the well-being of children that should be followed by all company workers
- **Step 8:** A team representative should ask the parents some questions about what has caused the child to work, assess the family background & their needs and factors that caused the child to work. If the child does not want to go to school, find out the reasons.
- **Step 9:** If the causes are complex and frequency of the cases is high, or if remediation cannot be done solely by your company resources alone, contact relevant government organisations (Social Affairs Agency or Women's Empowerment and Child Protection Agency) or non-government organisations that work for the welfare of children.
- **Step 10:** Based on an understanding of the causes discovered in step 8, prepare a remediation plan. Plans can be prepared on a case-by-case basis or can be more general and applied to similar cases that occur frequently. Any budget requirements to implement the plan must be developed and approved by higher management at this stage. An example of remedial actions could be returning children to school or skills training through coordination with the government and/ or other parties. If the dismissal of children from work affects family income, then children who can be employed as young workers could be considered to work in jobs that are not hazardous (in line with descriptions on page 8). For example, this could be work in a plantation office or employee housing. Young workers should be employed in line with all necessary regulatory requirements. Other remediative actions could include communication with the government, for example social services, on economic assistance to ensure children and their families can meet their daily needs
- **Step 11:** Get senior management's buy in and approval on the remediation plan

- **Step 12:** Consult with parents/guardians and other relevant stakeholders on the development and implementation of the remediation plan and agree on the actions to be taken
- **Step 13:** The company and its local partners should then implement the plan

Phase 3: Monitoring

Responsible Parties: Company management at estate level and group level/headquarters

- **Step 14:** The well-being of the affected child(ren) and the effectiveness of the remediation plan should be monitored regularly to ensure the process is successful. This supervision can be carried out independently by the company or contracted out to a third party for independent monitoring to increase accountability



Example of Decision Tree

Annexes

Worst Forms of Child Labour (Indonesian Presidential Decree 59 year 2002 on the National Action Plan for the Elimination of the Worst Forms of Child Labour) :

- Prostitution
- Mining
- Pearl divers
- Constructions
- Fishing platforms (jermal)
- Garbage scavenger
- Activities using or production of explosive materials
- Employment in streets
- Housemaids
- Home industries
- Plantations/estates
- Wood logging, processing, and transporting
- Industries/activities using hazardous chemicals

Works that are harmful for children's health and safety (Indonesian Decree of the Minister of Manpower and Transmigration number 235 year 2003 on Types of Work that Endanger the Health, Safety and Morals of Children) :

- Work related to machinery manufacturing, assembly/installation, operation, maintenance and repairing
 - ❑ Drilling machines, grinding machines, cutting machines, lathes, scrap machines, knitting machines, sewing machines, weaving machines, packaging machines, bottle filling machines
 - ❑ Boilers, steam vessels, water heaters, oil heaters, cooling machines, acetylene generators, crane, belt conveyor
 - ❑ Escalators, gondolas, forklifts, loaders, diesel engines, turbines, gas engines, electric power generators
 - ❑ Tractors, stone breakers, graders, asphalt mixers, piling machines
 - ❑ Pressure pipe installations, electrical installations, fire fighting installations, power lines
 - ❑ Furnaces, smelting kitchens, elevators, scaffolding

- ❑ Pressure vessels, steel bottles, storage vessels, transport vessels, etc.
- Work carried out in dangerous environments
 - ❑ Physically harmful
 - ✓ Work carried out underground, under water or in a narrow enclosed space with limited ventilation (confined space) such as wells, tanks
 - ✓ Work carried out at a height of more than 2 meters
 - ✓ Work using or in an environment where the electricity is above 50 volts
 - ✓ Work that uses electric and/or gas welding equipment
 - ✓ Work with extreme temperature and humidity or high wind speed
 - ✓ Work with noise or vibration levels that exceed the threshold value
 - ✓ Handling, storing, transporting and using radioactive materials
 - ✓ Work related to ionizing radiation
 - ✓ Work performed in a dusty work environment
 - ✓ Work related to electrical hazards, fire and/or detonation
 - ❑ Contain chemical hazards
 - ✓ Work that involves exposure to hazardous chemicals
 - ✓ Work in handling, storing, transporting and using chemicals that are toxic, explosive, flammable, combustible, oxidizing, corrosive, irritative, carcinogenic, mutagenic and/or teratogenic
 - ✓ Work that uses asbestos
 - ✓ Work that involves handling, storing, using and/or transporting pesticides
 - ❑ Contain Biological Hazards
 - ✓ Work involving exposure to germs, bacteria, viruses, fungi, parasites, etc. such as work in a clinical laboratory, leather tanning, latex/rubber washing
 - ✓ Work in slaughterhouses, processing and packing of animal meat
 - ✓ Work carried out at farm companies such as milking, feeding livestock and cleaning cages
 - ✓ Work in silos or warehouses for storing agricultural products
 - ✓ Captivity of wild animals
 - ❑ Work that is dangerous in nature
 - ✓ Construction work on buildings, bridges, irrigation or roads.
 - ✓ Work carried out in wood processing companies such as logging, transporting, loading and unloading.

- ✓ Manual lifting and transporting with loads above 12 kg for boys and above 10 kg for girls.
- ✓ Work in a locked building.
- ✓ Offshore or in deep sea water fishing.
- ✓ Work carried out in isolated and remote areas.
- ✓ Work on ships.
- ✓ Work carried out in the disposal and processing of waste or recycling.
- ✓ Work carried out between 6:00 pm to 6:00 am

Types of work that endanger children's morals (Indonesian Decree of the Minister of Manpower and Transmigration number 235 year 2003 on Types of Work that Endanger the Health, Safety and Morals of Children) :

- Work in bars, discotheques, karaoke, game bars, cinemas, massage parlours or locations that can be used for prostitution.
- Work as a model for the promotion of liquor, sexually stimulating drugs and / or cigarettes.