

童工补救行动.

本文件没有给出方案来解决童工问题的根源，而是在发现个别情况和解决一些常见的困难时，为处理个别情况提供帮助。

实际上，要使合法工作年龄以下的儿童在工业环境中安全地工作，并将工厂工作与有效的教育结合起来，是极其困难的。因此，我们认为，在工业环境中，儿童应暂时退出工作岗位，并制定全面的童工补救计划。这些操作程序适用于所有发现儿童在工厂工作的情况，无论儿童是直接 or 间接被雇用（通过劳工经纪人或代理人），也适用于儿童被贩运的情况。这些程序是专门为工业环境设计的，不是为农业或家庭作业环境而设计的。

程序

第一阶段：立即行动

如果您怀疑工厂中的工人可能未成年，请不要在第一时间直接与工人联系，而是在不提高工厂警觉的情况下，将他们的身份证作为例行文件检查过程的一部分进行检查。如果文件检查确认儿童未成年，或者 ID 检查没有结果，您应采取以下行动：

- 立即将孩子从其工作中隔离出来。向工厂经理发出明确的信息不能让孩子继续在其工作岗位工作。它还降低了管理人员可能试图继续以虚假的"培训中心"或"学徒计划"为幌子使用童工的风险。你应该谨慎行事，并假设一个看起来年轻的工人还未成年，直到可核实的相反证据被提供。
- 确保孩子呆在安全的地方。
- 获取儿童和父母/监护人的联系方式（最好是手机号码），并尽可能提供家庭住址，澄清儿童的真实身份和年龄。查看儿童的年龄文件，并验证它们是否真实。如果文件证据没有定论，可能需要与孩子的父母和监护人进行沟通或会面来证实儿童的年龄，请与当地劳动部门联系，用身份证明或医疗检查以评估年龄。
- 与孩子交谈，确保他们了解正在发生的事情和原因。倾听并了解他们的需要。对他们解释可能的补救办法和其他措施。确保他们同意参加补救方案。在与儿童接触时，了解可能带来风险的情况并加以管理是一件很重要的事情。
- 与生产现场最高管理层会面，交流有关童工的政策和基本立场，并就儿童临时安排及其补救承诺达成共识。
- 在补救方案实施之前，为儿童提供免费食物和安全的住宿（这可能是一个相对漫长的过程）。在某些情况下，特别是对于有或没有家人而迁移工作的儿童，最好的临时解决办法可能是继续留在工厂宿舍（如果提供宿舍住宿）。然而，这从来不是一个理想的长期解决

方案。· 安排在探索阶段和整个补救方案期间向儿童支付津贴。津贴应等同于儿童在就业期间的收入，或至少是当地最低工资标准，以较高者为准。津贴应按周或按月支付，而不是一次性支付。

- 联系父母/监护人，确保他们了解并同意正在发生的事情，并向他们解释目前提供的津贴、食物和住宿。如有必要，教育家长了解学校/职业培训的好处。对于年幼的孩子，父母/监护人的积极参与尤为重要。如果父母已经送孩子去工作，说服他们的过程可能很困难，特别重要的是要确保让父母相信，参与童工补救不会减少家庭收入。
- 查看工作场所的所有人事记录，以确定是否有其他童工。
- 就改进年龄核查制度提供建议，以确保不雇用新的童工。这些可以包括（但不完全包含）：
 - 关于最低年龄要求的政策，以及所有工人出示身份证证明
 - 如何检查身份证和年龄
 - 记录保存程序的有效性。

第二阶段：设计补救方案

在开始这一进程的这一阶段之前，必须确定并建立一个补救工作小组。这应由工厂、代理人、**买家**、当地非政府组织、工会（如果活跃在发现童工的工厂）和具有与儿童及其家庭合作的经验和能力的当地专家的代表组成，以确定适当的解决办法。当地伙伴必须有决心在当地的层面来推动该方案，并有能力在不同利益相关方之间进行谈判，并找到维持儿童最大利益的解决办法。在许多国家，有现有的政府或民间社会支持的处理童工问题的组织、进程和项目。必须知悉这些倡议并配合这些倡议，以避免重复工作。在现阶段，确定和商定各方的作用和责任，并确认谁将为补救方案提供资金是非常重要的。

确保儿童的福利必须是任何补救方案的首要优先事项。补救小组必须了解每个儿童及其家庭以及推动儿童工作的司机的具体需要、情况和愿望。可能需要专家支持才能了解整个情况。补救方案必须旨在解决这些特定的原因，并降低他们迫使儿童再次工作的风险。关键阶段包括：

- 鉴定补救小组，包括当地专家。这些可能包括工会、地方非政府组织、政府资源、卫生专业人员（例如教育心理学家）或知识渊博的个人。
- 彻底调查每个孩子的具体情况，包括家庭背景、教育历史和经济状况。这还应包括与每个孩子讨论他们的雄心壮志，以及教育如何帮助实现这些抱负，并与家长举行会议，探讨为什么孩子还没有入学。如果孩子不想上学，就必须努力找出原因。（这些可能包括如果儿童辍学或从未上学，重返社会的困难；以前在学校遭受欺凌或体罚的经历，以前教学不善和

课时乏味的经历;移徙童工的语言障碍等-他们不使用学校所使用的语言)。这种理解将使团队能够开发一个对孩子更有吸引力的教育解决方案。

- 评估工厂是否可以在儿童工作的地方雇用另一名成年家庭成员。这维持了家庭的收入，并延续了工厂与家庭之间的联系，使得补救更有可能是可持续的。
- 确定适当的学校/培训或辅导设施。这应该符合每个孩子的需要和情况。除了基本的识字学习外，教育最好包括学习技能，这些技能对于他们成年后获得良好的就业是有用的。如果儿童接近法定工作年龄，职业培训可能是更适当的，特别是如果职业培训提高了儿童合法返回工作岗位时的收入能力。学校不得与工厂在同一地点。对于离家出走/已经迁移工作、有或没有家庭的儿童，必须评估儿童家乡和该项目主办地区的教育/培训/辅导设施。
- 确定适当的住宿设施。这必须是一个安全的地方，必须符合每个儿童的需要和情况。对于离家/已移居工作、有或没有家庭的儿童，最好的临时解决办法可能是在制定补救计划时让儿童留在其目前的住所/继续住在工厂宿舍。但是，补救小组应仔细讨论每个实例。长期住宿不应在工厂现场。
- 协商并决定由谁资助补救费用，包括教育费用、任何差旅费和持续支付不低于当地最低工资的津贴。这至少应持续到儿童达到国家最低工作年龄或 15 岁，或在补救方案中完成商定的培训/教育/辅导课程，以时间最长者为准。
- 就谁将负责监测正在进行的方案、这将花费多少费用以及谁将为此付出费用达成协议。
- 供应商/工厂承诺，如果孩子及其父母愿意，在孩子达到法定工作年龄时重新雇用孩子。
- 在为每个儿童设计具体的补救方案时与每个儿童的父母/监护人协商。
- 从每个儿童的父母/监护人以及补救的所有方面获得签署的协议，其中规定了每个儿童补救方案（报酬、学校等）的内容以及每一方在确保补救项目成功的责任。

第三阶段：持续的支持和监测

持续支持和监测补救方案的进展，以确保该方案继续使儿童受益，直到他或她达到工作年龄。这应由采购公司、当地非政府组织或工会或其他专家执行，不应由雇用儿童（儿童们）的工厂执行。监控包括以下要素：

- 监测孩子在学校的进步、考试成绩、学校报告、与教师的评论等
- 独立"朋友"对孩子进行家访，定期检查他们的希望、恐惧和抱负。
- 定期支付津贴、学费和任何其他费用。然后，监测结果应用于微调补救方案。
- 资助补救方案
- 必须确保补救方案的所有阶段都得到适当的资金。

津贴和教育费用

雇主应承担主要责任，为津贴提供资金（这至少相当于平均月薪，包括雇用期间支付给儿童的加班费，或最低工资，以较高者为准）、任何遣返费用、学费和其他必要费用。重要的是要了解该方案的总体成本，最好是一次性付款，从雇主那里获得这些款项。然后，应委托第三方定期付款。在某些情况下，供应链中的其他行为者也可能承担一些为这些费用提供资金的责任。

持续监测

成功的补救取决于持续监测，以确保儿童继续上学，并调整该方案以满足儿童不断变化的需要。监控成本通常由工厂、代理或中介机构与**买家**分摊。然而，这需要每个个案**单独**谈判。

Child Labour Remediation Action.

This document does not set out to tackle the root causes of child labour, but rather to provide support on dealing with individual instances as and when they are discovered and tackling some of the most common difficulties.

In practical terms it is extremely difficult to make work in the industrial context safe for children under legal working age and to combine factory work with effective schooling. Therefore, we believe that, in all cases in the industrial context, the child should be removed from work and a full remediation plan instigated. These Operational Procedures are intended for all cases where children are found working in factories, whether the children are employed directly or indirectly (through a labour broker or agent) and also apply in cases where children have been trafficked. These procedures are specifically designed for the industrial context and are not designed for use in agriculture or homeworking.

PROCEDURES

Phase One: Immediate actions

If you suspect that workers in a factory may be underage, do not approach the workers directly in the first instance, but check their ID as part of a routine document check process without raising the alarm. If document checks confirm the child is underage or if ID checks are inconclusive, you should take the following action:

- Remove the child from all work immediately. Preventing the continuation of work gives a clear message to factory managers. It also reduces the risk that managers may try to continue to use child workers under the guise of bogus 'training centres' or 'apprenticeship schemes'. You should err on the side of caution and assume that a young-looking worker is under-age until verifiable evidence to the contrary is provided.
- Ensure the child is in a safe place.
- Obtain contact details (ideally mobile phone number) of child and parents/guardian, and wherever possible, home address • Clarify the true identity and age of the child. Review age documents of the child and verify that they are genuine. If the documentary evidence is inconclusive checking the age of the child may entail o Communication or meeting with parents and guardians of children o Contacting local labour authorities to validate identification o Medical checks to assess age
- Talk to the child to ensure they understand what is happening and why. Listen to them to understand their needs. Explain the possible remediation options and other measures to be put in place. Ensure they agree to participate in the remediation programme. It is important in your contact with children to be aware of situations which may present risks and manage these.
- Meet with top production site management to communicate the policies and basic positions regarding child labour and obtain their consensus on the interim arrangement for the child and their commitment for remediation.
- Provide free food and free and safe accommodation to the child until a remediation programme is operational (this can be a relatively lengthy process). In some cases, particularly for children who have migrated for work, either with or without their families, the best interim solution may be to continue to stay in the factory dormitory (if dormitory accommodation is provided); however, this is never a desirable long-term solution. • Arrange payment of a stipend to the

child both during the exploratory phase and throughout the whole remediation programme. The stipend should be equivalent to the amount the child was earning whilst employed, or at least local minimum wage standard, whichever is higher. The stipend should be paid in weekly or monthly, rather than as a lump sum.

- Contact the parents/guardians to ensure that they understand and agree with what is happening and to explain the ongoing provision of stipend, food, and accommodation. If necessary, educate the parents about the benefits of schooling/vocational training. With younger children, the strong involvement of parents/guardians is particularly important. In cases where parents have sent their child to work, this process of persuasion may be difficult and it is particularly important to ensure that parents are confident that the family's income will not be reduced by participating in child labour remediation.
- Review all the personnel records at the workplace to identify whether there are any other child workers.
- Give advice on improving age verification systems to ensure that no new child worker is hired. These could include (but not exclusively):
 - o Policy on minimum age requirements and all workers to show proof of ID
 - o How to check the validity of ID and age
 - o Record keeping procedures.

Phase Two: Designing a remediation programme

Before starting this phase of the process, it is vital to identify and establish a remediation team. This should be made up of representatives from the factory, the agent, the purchaser, local NGOs, trade unions (if active in the factory where child labour has been found) and local experts with the experience and capacity to work with children and their families to identify appropriate solutions. Local partners must have the determination to push the programme through at a local level and have the skills to negotiate between the different stakeholders and find a solution that maintains the best interest of the child. In many countries there are existing government or civil society-backed organizations, processes and projects tackling child labour. It is crucial to identify and work with these initiatives in order to avoid duplication of effort. At this stage, it is very important to define and agree on the roles and responsibilities of each party and to confirm who will be funding the remediation programme.

Ensuring the child's welfare must be the first priority for any remediation programme. It is vital that the remediation team understand the specific needs, circumstances, and aspirations of each child and his or her family and the drivers which pushed the child into work. Specialist support may be needed to understand the full picture. The remediation programme must be designed to tackle these specific drivers and to reduce the risk that they push the child back to work again.

Key stages are:

- Identification of the remediation team, including local experts⁶. These may include trade unions, local NGOs, government resources, health professionals (for example educational psychologists), or knowledgeable individuals.
- A thorough investigation into the specific circumstances of each child, including family background, education history and economic circumstances. This should also include discussions with each child about their ambitions and how education can help in achieving them and meetings with parents exploring why the child was not already placed in school. If the child does

not want to go to school, it is necessary to work hard to find out the reasons why. (These can include difficulty in reintegration if the child has dropped out or never attended school; previous experience of bullying or corporal punishment at school, previous experience of poor teaching and boring lessons; language barriers in the case of migrant child workers who do not speak the language used in schools etc). This understanding will enable the team to develop an educational solution which is more attractive to the child.

- Evaluation of whether another adult family member could be employed by the factory in the child's place. This maintains the family's income and continues the link between the factory and the family, making it more likely that remediation will be sustainable.
- Identification of an appropriate school/training or tutoring facility. This should match the needs and circumstances of each child. Besides basic literacy, the education should ideally involve learning skills which will be useful in gaining good employment as an adult. If the child is close to the legal working age, vocational training can be appropriate, particularly if it enhances the earning capacity of the child when they return to work legally. The school must not be on the same site as the factory. In the case of children who are away from home/have migrated for work, with or without their families, it is important to evaluate educational/training/tutoring facilities both in the child's home town and in the host area.
- Identification of an appropriate accommodation facility. This must be a safe place and must match the needs and circumstances of each child. For children who are away from home/have migrated for work, with or without their families, the best interim solution may be for the child to remain in his or her current dwelling / continue to lodge in the factory dormitory whilst the remediation plan is developed. However, each instance should be discussed carefully by the remediation team. Long-term accommodation should not be on the factory site.
- Agreement of who will fund the remediation costs, including education costs, any travel expenses and ongoing payment of a stipend not lower than the local minimum wage. This should continue at least until the child reaches the national minimum working age or 15, or finishes the agreed training/educational/tutoring course in the remediation programme, whichever is the longest.
- Agreement on who will be responsible for monitoring the ongoing programme, how much this will cost and who will pay for this.
- Commitment from the supplier/site to re-hire the child when he or she reaches legal working age, should the child and his/her parents wish it.
- Consulting with the parent/guardian of each child in the design of the specific remediation programme for each child.
- Obtaining signed agreements from the parent/guardian of each child and all parties to the remediation setting out the elements of each child's remediation programme (remuneration, school etc) and the duties of each party in ensuring the success of the remediation.

Phase Three: Ongoing support and monitoring

Ongoing support and monitoring of the progress of the remediation programme to ensure that it continues to benefit the child until he or she reaches working age. This should be carried out by the purchasing company, local NGOs or trade unions or other experts and should not be carried out by the factory which employed the child(ren). Monitoring includes the following elements:

- Monitoring of the child's progress at school, exam results, school reports, discussions with teachers etc

- Home visits by an independent ‘friend’ to the child, checking in on a regular basis on their hopes, fears, and ambitions.
- Regular payment of stipend, school fees and any other expenses. The monitoring findings should then be used to fine tune the remediation programme.
- **Funding the Remediation Programme**
- It is important to ensure that all phases of the remediation programme are properly funded.

Stipend and education costs

The employer should take primary responsibility for funding a stipend (which is at least equivalent to the average monthly salary including overtime paid to the child during their employment, or minimum wage, whichever is higher), any repatriation costs, school fees and expenses. It is important to understand the total cost implications of the programme and secure these monies from the employer preferably as a lump sum payment. This should then be entrusted to a third party to make the payments on a regular basis. In some cases, other actors in the supply chain may also take some responsibility for funding these costs.

Ongoing monitoring

Successful remediation is dependent on ongoing monitoring to ensure that the child remains in school and that the programme is adjusted to meet the child’s changing needs. Often the cost of monitoring is split between the factory, agent or intermediary and the purchaser. However, this needs to be negotiated on a case-by-case basis.