

Definitions

A **child** as defined by the UN Convention on the Rights of the Child (CRC) is a person below the age of 18.

The term child labour covers

Employment of children below the age of 15 or the minimum school leaving age, whichever is oldest (as defined in ILO c.138) and the worst forms of child labour (as defined in ILO c.182), including;

- All types of slavery, including the sale and trafficking of children; forced labour to pay off a debt; any other type of forced labour, including using children in war and armed conflict;
- The use of children in all activities which sexually exploit children, such as prostitution, pornography or pornographic performances;
- Any involvement in illegal activities, especially the production or trafficking of drugs;
- Any work which could damage the health, safety or well-being of children (so called “hazardous work”).

Purpose

This guidance applies to and should be used in all areas of Clarks own operations and by all our suppliers. It applies to all cases of child labour and involvement of children in “light permissible work as “young workers” as set out in Clarks Code of Practice for working conditions and as defined by ILO conventions No. 182 and 138 regardless of length of service or status of work. This includes permanent, temporary, informal or contract labour, whether directly or indirectly (via subcontractor or in family work) employed by the management of the workplace as well as children who have been trafficked or sold into work. When using this guidance, it is paramount to take into consideration local and national laws in the country of operation, in particular to ascertain the national minimum age for admission to employment, and to identify tasks that are considered hazardous and barred for all persons under 18 years of age. Local authorities and local child rights organisations should be advised promptly of any instances of alleged and confirmed child labour.

This document outlines Clarks responsibility and the expectation for our suppliers in ensuring child labour is not used in the production of our products. It should be used by Clarks employees and suppliers and outlines a process that should be followed to develop a remediation plan and provide remedial actions based on the best interests of the child and their rights (as outlined in the UN Convention of the Rights of the Child and the 2010 Roadmap for achieving the elimination of the worst forms of child labour by 2016 and Child Labour and Unicef in Action, 2016). This document should not be used as a checklist of activities but as guidance for any instance of child labour found and to ensure the rights of young workers are protected and promoted. The guidance includes a remediation process that can be followed by managers to ensure the child’s safety and rights are upheld and best interests are served at all times.

Clarks policy on child labour

The legal minimum age of work can vary depending on the country and so suppliers should seek guidance from national law as well as International Standards (ILO convention 138). In line with ILO conventions, Clarks policy on child labour is that no children under 15 years or the minimum school leaving age, whichever is oldest, are to be employed or engaged in the production of Clarks products. All Clarks suppliers must have effective procedures for age verification in place as part of the recruitment process, a documented policy and must retain valid age verification records for all workers; this is in line with Clarks Code of Practice for Suppliers. Suppliers should also make themselves aware of the national laws and related child labour plans that the country of operation may have in place. Supplier’s need to take appropriate action to ensure their company premises and facilities are not used for any form of exploitation of children.

Young workers (defined by those being less than 18 years of age but above legal working age) are specifically vulnerable and they have specific needs in terms of health and education in the workplace and must be protected from hazardous work. They must be afforded appropriate protections as required by local law to ensure their rights are upheld. National legislation usually identifies the list of hazardous work activities that are prohibited to young workers. These should at least include not working overtime, not working at night or in hazardous conditions (e.g. working with moving machinery, sharp objects, chemical substances, heavy loads), be provided with regular health checks and ensure they are able to complete their education. Suppliers should also have a list of appropriate roles and responsibilities for young workers made available to management and supervisors.

Providing appropriate remedy

Clarks expects all of its suppliers to have effective remediation procedures in place in the case of any child found to be in their employment and this should meet at least the standards outlined in this remediation guidance. This guidance is to be used by Clarks, its suppliers and in conjunction with other relevant stakeholders to support the development of a bespoke plan. Each situation of child labour should be treated on a case-by-case basis to ensure the best interests of the child are paramount at all time and tailored to each child's specific needs and aspirations. Child-focused organisations and local authorities should be consulted to complement this guidance with appropriate individual case management plans for any child allegedly or confirmed to be involved in child labour.

Suppliers' management should assign a responsible person or department to make sure this personalised plan is developed and carried out; this includes communicating Clarks policy on child labour to all managers, supervisors and workers, as well as meeting regularly with managers and supervisors responsible for recruitment, monitoring and reporting all complaints and issues of child labour. Clarks Head of Vendor Audit should be made aware of any instance of child labour and will assign a responsible person from Clarks to provide support if necessary.

If child labour is discovered the appropriate local authorities should be notified and further guidance and support from local child rights and protection specialists should be sought. These individuals and or organisations should have agreed roles and responsibilities and an agreement made for who will fund all the costs associated with the remediation plan. The remediation plan should be developed in consultation with the child and their parent/caregiver. The suppliers should also ensure it has identified and has contact information for the local authority, child protection services and relevant and reputable local NGOs with expertise of working with children; this will make it easier to engage with them during the remediation process.

The supplier with the support of local child protection services and organisations or child rights expert should work to understand each child's needs and develop an appropriate and effective remediation plan. This includes choice of schooling, negotiation of financial support, including referral to existing social welfare schemes and ongoing monitoring. This remediation guidance is not a conclusive list of actions to be taken if a child is found to be in the employment of a supplier but as a guide for the action necessary and also the key child rights considerations. Some of the outlined activities could occur in tandem but it is important that the Supplier acts quickly and appropriately to ensure the safety of the child.

Clarks will monitor any remediation plan's progress made by suppliers on a quarterly basis during year 1 and then every 6 months going forward until the child is of legal working age. Collaborating with local child protection services and organisations is crucial to help both the supplier and Clarks support the monitoring of the remediation plan.

Any child under 15 years of age or the legal working age whichever is oldest found to be in employment is unacceptable; however, there are certain situations that need extra attention, care and consideration. These include a child found in hazardous work or the other worst forms of child labour, which can include slavery and work using chemicals, pesticides, or carrying heavy loads as defined in ILO convention No. 182. These children may need immediate medical care or health checks to ensure they have the best possible care available to fully assess and remediate any impact of working. This care could be for physical and/or psychological impacts and in the stages of the plan where the appointed representative is engaging directly with the child this needs to be evaluated while ensuring the situation is not exacerbated.

Domestic and international migrant or refugee children will also be specifically vulnerable as they may not have access to basic education and health facilities and could also be separated from their parents. As such the supplier will ensure their schooling and any financial assistance and alternative care including facilitating family reunification if necessary is included in the remediation plan.

Other useful guidance and standards

The following are global standards and publically available documents that can be used as further guidance:

- The UN Convention on the Rights of the Child (CRC) http://www.unicef.org.uk/Documents/Publication-pdfs/UNCRC_PRESS200910web.pdf
- The Children's Rights and Business Principle's (CRBPs) and tools <http://www.unicef.org/csr/47.htm>
- Core ILO conventions <http://www.ilo.org/global/standards/introduction-to-international-labour-standards/conventions-and-recommendations/lang--en/index.htm>
- http://www.ilo.org/ipecc/Informationresources/WCMS_IPEC_PUB_27555/lang--en/index.htm
- http://www.unicef.org/protection/files/Child_Labour_and_UNICEF_in_Action.pdf
- <http://www.ilo.org/ipeccinfo/product/viewProduct.do?productId=13453>