

CHILD LABOUR IN THE SUPPLY CHAINS OF CORPORATIONS IN GHANA



**Eban Centre For Human
Trafficking Studies**

Ending Human Trafficking. In both its Causes & Consequences

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Introduction

Mining is a form of child labour which presents and exposes the child to all forms of chemicals, heat and equipment hazardous to the health and wellbeing of the child. These may affect the child's physical and mental development. Gold, diamond and cobalt are amongst the list of minerals commonly mined by trafficked children between the ages of 5 and 17 years for approximately less than \$ 2 per day (Amnesty International, 2016). In most situations, however, children who are coerced into this form of child labour are not paid. Apart from mining, other forms of child labour exist in Ghana. For example, child labour in cocoa farms; processing plants etc.

(Amnesty International, 2016) reports that, children are at the mercy of all forms of child labour in Gold, Diamond and Tin mines. The report further states that in the Democratic Republic of Congo, cobalt mined by child laborers have been traced to supply chains of major tech companies like Apple, Samsung, Microsoft and some car manufacturers.

In Ghana, the Eban Centre for Human Trafficking Studies have reported that children as young as 7 years have been actively involved in child labour in the Gold mines of Ashanti, Western and Brong-Ahafo regions.

According to UNICEF children's rights and the mining sector (2015), the working conditions of children in these mine sites are atrocious. Children, just like adults are subjected to the same status. They work without breaks and without any basic measures for protection or security. In unbearable heat, with other unbearable conditions like dust and dim light, these children dig at depths of 200 to 300 meters and are at constant risk of asphyxiation, rockslides, or other accidental deaths, for a remuneration of 1 to 2 dollars per day.

Children are exposed to injuries and deaths from pit collapses, mercury poisoning and piercing objects. In some cases, too, girls are subjected to sexual harassment and the pressure to engage in sex trade which exposes them to unplanned pregnancies and sexually transmitted infections.

According to Ghana's Child Labour Report (2014), often, child miners do not enroll in school. This denies them the opportunity to acquire life skills and other job options in the future. However, child miners who enroll in school, work between 10 to 14 hours during non-school days like holidays and weekends. In some situations, too, they work just before school hours. In Ghana, an estimated 35 percent of child miners do not go to school while 32 % who do, do not attend regularly.

Legal and Policy Framework Regulating Child Labour

The international Labour Organization's Convention 182 on the worst forms of child Labour (1999) and its accompanying Recommendation 190 called for prohibition and elimination of the employment of children in mines and quarries across the world. Also, Article 32 of UNICEF's Convention on the Rights of the Child states that, children have the right to be protected from all forms of threat to their education, health and social wellbeing.

The African Charter on the Right and Welfare of the child exist to protect and promote the right of the African Child. Domestic laws and international treaties have made it an obligation for African governments to protect and uphold the rights of their children. These includes the protection from all forms of child labour such as working in hazardous conditions. However, African governments have failed to tackle these problems with the required efficiency, effectiveness and urgency.

The Children's Act, 1998, Act 560 was passed to protect and improve the welfare of Ghanaian children. Under section 91 of the act, labour is exploitative of a child if it deprives the child of his or her development, health and education. The minimum age for a person to work in these hazardous place is 18 years and above. However, the act fails to give a detailed procedure for its implementation. Due to the laxity in enforcing laws protecting children from abuse and exploitation; industries and processing companies engaged in such nefarious acts have either done little or zero to disentangle themselves from the practice of child labour.

Notwithstanding the pressure from some civil society organizations in the field of child protection and efforts made by mining companies to comply with OECD Due Diligence Guidance in ensuring child labour free mineral supply chains, the fact still remains that the rights of children in Africa and especially children in mining are poorly protected.

The Obligation to tackle child labour in the supply chains of corporations

It is critical to recognize that global corporate supply chain can be a force for good. Significantly, it is effective at providing benefits to end-users and those in the lower echelons of the supply chain. Global supply chains could assist in the provision of a wide range of low-cost products to consumers through influx of capital to assist development in developing nations, a source of wage for parts of the world with little alternative opportunity for economic gains, and higher corporate returns for investors and employees (Johnson, 2013). There is continuous supply of workers in foreign jurisdictions ready and willing to produce goods at lower cost than the domestic market in the global labour market. As a result, in many instances, there is positive development for workers in communities overseas. In the case of corporations, there is downstream in the supply chain along with the consumers who buy their products (Maryanov, 2010).

Nevertheless, global labour and product supply chains that contain multiple levels of subcontracting, particularly throughout the developing world, where labour laws are not properly enforced, provides good grounds for force labour conditions to arise (Crane, 2013). Corporations are often immune from domestic legal accountability due to their extraterritorial presence and nature of their supplier relationships and the nature of their contacts and subcontracts (Bang, 2013)

A report jointly released by the McCain Institute of Arizona State University, American Bar Association, the School of Politics and Global Studies indicates that 54 percent of Fortune 100 have tailored policies targeting human trafficking, a 68 percent have a commitment to supply chain monitoring, with most using a mixture of external and internal monitoring methods. (American Bar Association and Arizona State University, 2014). Corporations understand that when operating in countries with weak enforcement regimes and ineffective central or local governments they must be vigilant to ensure that they are not benefitting or taking advantage of a vacuum of proper regulatory authority.

Additionally, governments are beginning to recognize the need to fulfill their obligations to prevent human rights abuse by corporations domiciled or operating in their territories including the use of forced labour violations committed abroad to compliment voluntary corporate action. Governments are enacting regulatory legislation which compels corporate entities within their jurisdiction to take action to ensure they are not directly responsible to forced labour practices throughout their global operations. Be it internationally or through the UN and the International Labour Organization, or the national or regional level, legislators and policy-makers are actively seeking regulatory mechanisms focused on corporate practices.

Best Practices of Corporations Checking Child Labour in the Supply Chain

Globally, complex supply chains spanning several continents have presented challenges for companies that are required to determine where every commodity and component in their products comes from. High ranking shops which display and market products of Gold, bauxite, cobalt, etc. may have no knowledge of the engagement of children in such hazardous employment. In Ghana, little or no effort is done by mining companies to check child labour free supply chains. Below are best practices that corporations in Ghana and abroad could adopt in checking their supply chain.

The U.S Securities and Exchange Commission has policy to curb child labour in countries that supply minerals. The term “conflict mineral” has been coined by the US Securities and Exchange Commission to refer to minerals that are deemed as commodities used in funding military groups which are often mined by children. The terminology “conflict mineral” denotes some legal ramifications as U.S Securities and Exchange Commission rules mean public companies must track the source of commodities that have been accorded the term “conflict mineral” in their supply chains as a move to help combat the financing of armed groups in Africa. At the moment, four minerals have been termed conflict mineral namely; tantalum, tin, gold and tungsten.

An Apple Report on Statement on Efforts to Combat Human Trafficking and Slavery in Our Business and Supply Chains (2017) declared that it did not tolerate underage labour. It stated that 16 underage workers were discovered out of a workforce of 1.6 million and these cases were successfully addressed. In a similar breadth, Verisk Maplecroft warned that; workers of all ages in the Dr. Congo Republic are at the risk of exposure to forced labour or trafficking. Verisk further reported that children of school going ages in mining towns are at the risk of forced labour explaining that this mode of modern-day slavery was common across many poorer countries and not just in Africa. The goods and components produced might find their way on to the shelves of shops in Europe and the U S. The consultancy again stated that companies that were in heavy reliant on goods and raw materials from India and China were at the risk of outsourcing from these countries that can come with a substantial risk of association with forced labour. This act is common in the agricultural sector of India and it related garment sector.

However, In Ghana there is little effort by multi-nationals like Pepsi-Cola, Coca-Cola and the government in ensuring that their supply chain is child labour free. Policy on dealing with child labour in Ghana is often absent in their annual reports. Though there is general neglect on the part of major manufacturing companies in Ghana to ensure a child labour free supply chain, such is not the case for Nestle Ghana.

The International Cocoa Initiative and Nestlé Ghana have launched the first ever private sector Child Labour Monitoring and Remediation System (CLMRS) for cocoa production in the country.

Established in 2002, within the framework of the Harkin-Engel Protocol, the International Cocoa Initiative (ICI) is a non-profit organization that promotes child protection in cocoa-growing communities. ICI works with the cocoa industry, civil society, farmers' organizations, communities and national governments in cocoa-producing countries to ensure a better future for children and to contribute to the elimination of child labour. The collaboration between Nestle Ghana and Global Cocoa Initiative is the first ever private sector Child Labour Monitoring and Remediation System (CLMRS) for cocoa production in the country. ICI's CLMRS is a structure that is embedded in the supply chain of chocolate and cocoa companies with the objective of remediating cases of child labour. The system is based on the presence of facilitators within cocoa-growing communities that are trained periodically to raise awareness on the issue of child labour, identify some cases and request remediation actions that are implemented by ICI together with company and relevant national agencies. Information that is collected via smartphones are gathered on a data base for systematic analysis that can be conducted and remediation strategies refined. The initiative started as a pilot in 2012. The system now monitors 24,000 farms and 31,000 children in Cote D'Ivoire. Questionnaire and training material used have been adapted by the National Steering Committee on Child Labour under the Child Labour Unit of the Ministry of Employment and Labour Relations.

The collaboration between Nestle and ICI is the first of its kind in Ghana covering about 3,000 farmers in four cocoa districts and six administrative districts of the Ashanti Region. Community facilitators and four assistant field co-coordinators are the main agents implementing the system.

The ICI- Nestle Ghana could be a model to be adopted by various companies in Ghana to help arrest the situation of child labour in supply chains in Ghana. To sum it up, corporations are crucial actors when it comes to the prevention of human trafficking, especially in labour exploitation

Recommendations

In Ghana, companies such as Coca-Cola, Pepsi-Cola, Kasapreko and Lever Brothers must not only emulate the ICI-Nestle Collaboration's model but, must show real commitment in exhibiting real social responsibility in ensuring their supplier chain is free of issues of child labour.

Human Trafficking labor exploitation is a severe crime taking place on a massive scale and violating a range of basic human rights. According to the international legal framework, states are obliged to combat it. To effectively combat this crime, multidisciplinary and multilevel action must be taken, including at the business level.

Governments, with the support of such corporations, need to increase access to and support for preschool and primary education, especially in mining and cocoa farm communities. Opportunities for vocational and skills training, as well as apprenticeship programs, should be easily available and accessible to children and youth from such industrial base. The recent governments free senior high school programme is an initiative that may push many children of school going age out of the supply chain of corporations.

At the community level, parents who engage their children in the supply chain of corporations must be sensitized to the potential hazards the work has on the children. Such as the health impact of mercury exposure. Since many children who are involved in the supply chain of corporations do so to supplement their family's income, strategies and programs seeking to eliminate child labor should provide sustainable alternative livelihood opportunities to parents. For example, this can include entrepreneurship training on small start-up businesses of their choice and the provision of funds and easy access to credit, for parents to sustainably support their families and young ones.

Since Western countries are the destinations of most minerals mined in Africa, international companies who source such minerals must initiate programs discouraging child labor and removing children from the supply chain. Companies can do this by meaningfully engaging with their suppliers on a well-defined timeframe to demand an end to the use of children in their supply chain, and by ceasing to source minerals from suppliers who fail to comply with the due diligence procedures within the given timeframe.

International donors, civil society groups and advocacy groups should demand implementation, support, and provide assistance to African governments by developing a comprehensive strategy on monitoring and strengthening initiatives and laws targeted at child labor in corporations.

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