

COFFEE Project

Cooperation On Fair, Free, Equitable Employment

Definitions and Concepts

TOOL 1 OF 28

Verité
Fair Labor. Worldwide.

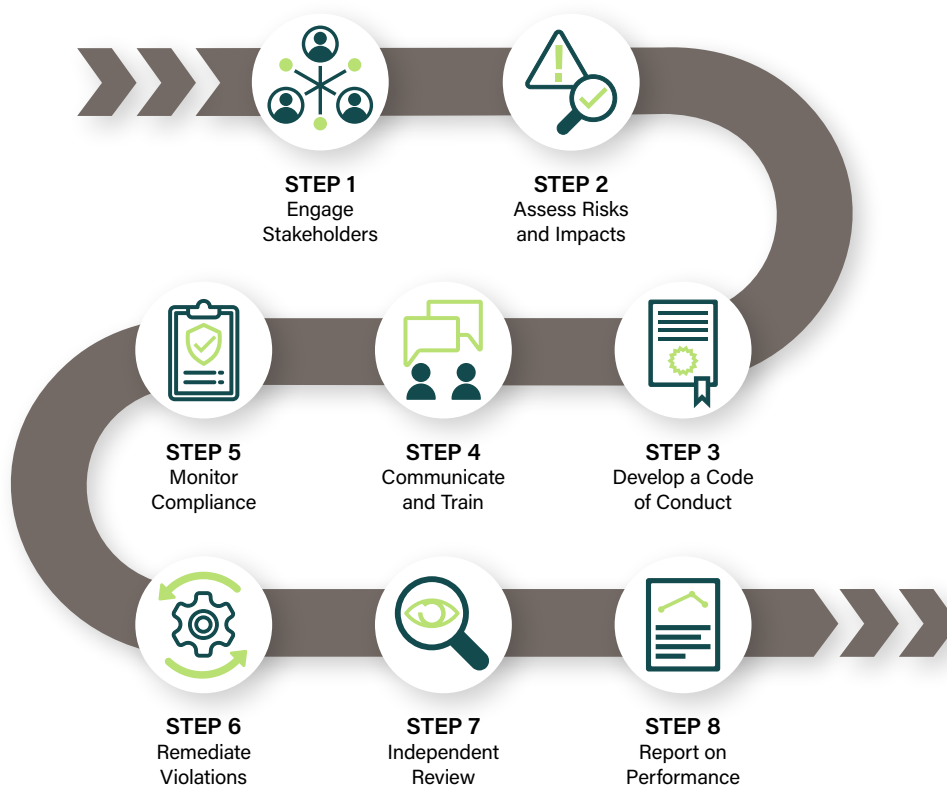
About Our Funding

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About the COFFEE Toolkit

This tool is one of 28 tools and 14 online training modules comprising the [COFFEE Toolkit](#), which was developed as part of Verité’s Cooperation on Fair, Free, Equitable Employment (COFFEE) Project through generous funding from the US Department of Labor’s Bureau of International Labor Affairs (USDOL-ILAB). The purpose of the COFFEE Toolkit is to promote coffee retailer, roaster, trader, cooperative, and farm adoption of socially sustainable sourcing and farming practices in order to promote improved working conditions for farmworkers in the coffee sector.

The COFFEE Toolkit was developed in alignment with USDOL’s [Comply Chain](#) model, with at least one tool created for each of the eight steps of Comply Chain (see graphic below). Many of the tools are derived from tools created for the [Responsible Sourcing Tool](#), developed by Verité with funding from the U.S. Department of State’s Office to Monitor and Combat Trafficking in Persons (J/TIP). The tools can be used á la carte, but it is important that companies have systems and tools in place for each step of Comply Chain.



About This Tool

The **purpose** of this tool is to explain key concepts and terms, most of which are related to child labor and forced labor, which are the focus of the COFFEE Project. The concepts and terms explained in this tool will be used throughout the COFFEE Toolkit and form the foundation for the use of other tools.

The **audience** for this tool are all users of the COFFEE Toolkit, including coffee retailers, roasters, and traders; medium and large coffee farms and farm groups; smallholder farmers; auditors and monitors; civil society organization; and government bodies.



Source: Oleg Breslavstev/Adobe Stock



Child Labor and Related Concepts

Child Labor

The ILO defines child labor as “work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development.” It refers to work that:

- is mentally, physically, socially or morally dangerous and harmful to children;
- interferes with their schooling by depriving them of the opportunity to attend school;
- obliges them to leave school prematurely; or
- requires them to attempt to combine school attendance with excessively long and heavy work.”

Minimum Age for Work

ILO Convention 138 generally sets the minimum age for work at 15, although it permits a minimum age of 14 in some developing countries. Children working below the minimum age are considered to be in child labor.

Light Work

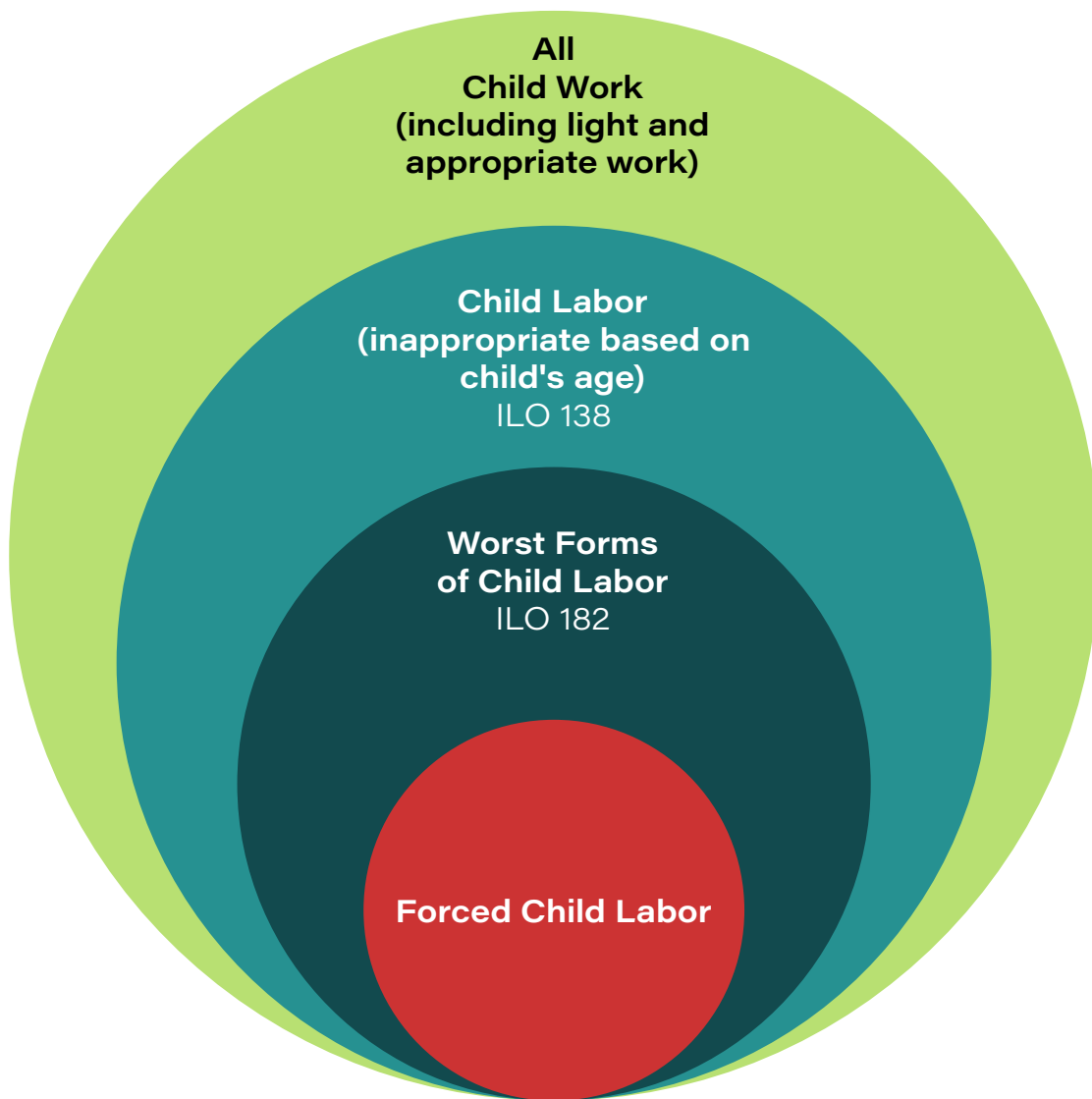
An exception under ILO Convention 138 allows children to perform “light work” starting at age 13 (or age 12 in some developing countries) for less than 14 hours a week. This is work that does not harm children’s health or development and does not limit their school attendance, participation in vocational orientation or training programs, or their capacity to benefit from instruction.

Worst Forms of Child Labor

ILO Convention 182 defines and prohibits the Worst Forms of Child Labor for all minors under the age of 18. This includes: a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labor, including forced or compulsory recruitment of children for use in armed conflict; b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

Forced Child Labor

Forced child labor is one of the worst forms of child labor. It is work performed by a child under coercion applied by a third party (other than the child's parent) either to the child or to the child's parents, or work performed by a child as a direct result of their parents being in forced labor. Children working for their parents are not considered to be in forced labor, provided their parents are not in forced labor themselves.





Forced Labor and Related Concepts

Forced Labor

ILO Convention No. 29 defines forced or compulsory labor as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”

The ILO and the International Conference of Labor Statisticians have created **indicators** to determine whether a particular situation can be defined as forced labor. If at least one of the indicators of “Menace of Penalty” and one indicator of “Involuntariness” exists, the situation can be considered forced labor.

Involuntariness	Menace of Penalty
Threats or violence against workers or workers’ families and relatives, or close associates	Situations in which the worker must perform a job of different nature from that specified during recruitment without a person’s consent
Restrictions on workers’ movement	Abusive requirements for overtime or on-call work that were not previously agreed with the employer
Debt bondage or manipulation of debt	Work in hazardous conditions to which the worker has not consented, with or without compensation or protective equipment
Withholding of wages or other promised benefits	Work with very low or no wages
Withholding of valuable documents (such as identity documents or residence permits)	In degrading living conditions imposed by the employer, broker, or other third-party
Abuse of workers’ vulnerability through the denial of rights or privileges and/or threats of dismissal or deportation	Work for other employers than agreed
	Work for longer period of time than agreed
	Work with no or limited freedom to terminate work contract



A worker experiencing any one of these indicators can be considered to be vulnerable to or at risk of forced labor.

Debt Bondage

Being forced to work to repay a debt and not being able to leave, or being forced to work and not being able to leave because of a debt.

Labor Broker

Any person who identifies, recruits, transports, processes paperwork for, places, or receives a worker anywhere between their source community and the worksite. The defining characteristic of a labor broker is not the nature of their relationship to an enterprise (e.g. formal employee vs. subcontractor) but rather their role in facilitating the recruitment and/or management of labor by an enterprise.

Migrant Worker

The term "migrant" or "migrant worker" refers to a person who has relocated to take employment away from their source community without plans to remain at the new site of residence permanently. A "seasonal migrant worker" is one who relocates from their source community and one or multiple worksites during certain times of year. Unless a worker is specified to be an "internal migrant," the term refers to workers who cross international borders between their source and destination locations. "Shuttle migrants" travel between their home communities and their worksites daily, across international borders.

Recruitment Fee

Any fees or costs incurred in the recruitment process in order for workers to secure employment or placement, regardless of the manner, timing, or location of their imposition or collection (See Box 1).

BOX 1

ILO DEFINITION OF RECRUITMENT FEES AND RELATED COSTS



Recruitment Fees

Payments for recruitment services offered by labour recruiters (public or private); payments made in the case of recruitment of workers with a view to employing them to perform work for a third party; payments made in the case of direct recruitment by the employer; and payments required to recover recruitment fees from workers.

These fees may be one-time or recurring and cover recruiting, referral and placement services which could include advertising, disseminating information, arranging interviews, submitting documents for government clearances, confirming credentials, organizing travel and transportation, and placement into employment.



Related Costs

Medical costs: payments for medical examinations, tests or vaccinations.

Insurance costs: costs to insure the lives, health and safety of workers, including enrollment in migrant welfare funds.

Costs for skills and qualification tests: costs to verify workers' language proficiency and level of skills and qualifications, as well as for location-specific credentialing, certification or licensing.

Costs for training and orientation: expenses for required trainings, including on-site job orientation and pre-departure or post-arrival orientation of newly recruited workers.

Equipment costs: costs for tools, uniforms, safety gear, and other equipment needed to perform assigned work safely and effectively.

Travel and lodging costs: expenses incurred for travel, lodging and subsistence within or across national borders in the recruitment process, including for training, interviews, consular appointments, relocation, and return or repatriation.

Administrative costs: application and service fees that are required for the sole purpose of fulfilling the recruitment process. These could include fees for representation and services aimed at preparing, obtaining or legalizing workers' employment contracts, identity documents, passports, visas, background checks, security and exit clearances, banking services, and work and residence permits.

Source: ILO, [General Principles and Operational Guidelines for Fair Recruitment and Definition of Recruitment Fees and Related Costs](#).

Trafficking in Persons

The Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children defines trafficking in persons as “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.”



Key International Standards Relevant to the COFFEE Project

The definitions in this tool are based on the international standards listed below.

- ILO Convention No. 29 on Forced Labor (1930)
- ILO Convention No. 105 on Abolition of Forced Labor (1957)
- United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air (2000)
- ILO Protocol No. 29 to Forced Labor Convention 29 (2014)
- United Nations Convention on the Rights of the Child (1989)
- ILO Convention No. 138 on Child Labor (1973)
- ILO Convention No. 182 on the Worst Forms of Child Labor (1999)
- ILO Convention No. 87 on Freedom of Association and Protection of the Right to Organize (1948)
- ILO Convention No. 98 on the Right to Organize and Collective Bargaining (1949)
- ILO Convention No. 100 on Equal Remuneration (1951)
- ILO Convention No. 111 on Discrimination (Employment and Occupation) (1958)
- ILO Convention No. 155 on Occupational Safety and Health Convention (1981)
- ILO Chemical Convention No. 170 (1990)
- ILO Private Employment Agencies Convention No. 181 (1997)
- ILO General principles and operational guidelines for fair recruitment (2017)
- ILO Definition of recruitment fees and related costs (2019)
- Migration for Employment Convention No. 97 (Revised) (1949) and Migration for Employment Recommendation No. 86 (Revised) (1949)

- Migrant Workers (Supplementary Provisions) Convention No. 143 (1975) and Migrant Workers Recommendation No. 151 (1975)
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)
- Global Compact for Safe, Orderly and Regular Migration (2018)

Non-Binding Standards

- ILO Multilateral Framework on Labor Migration: Non-binding principles and guidelines for a rights-based approach to labor migration (2006)
- ILO Convention No. 184 on Safety and Health in Agriculture (2001)
- ILO Convention No. 129 on Labor Inspection in Agriculture (1969)
- ILO Plantations Convention No. 110 and Protocol (P110) (1958)
- ILO Right of Association (Agriculture) Convention No. 11 (1921)
- ILO Minimum Wage Fixing Machinery (Agriculture) Convention No. 99 (1951)
- ILO Tenants and Share-croppers Recommendation No. 132 (1968)