

A person with dark hair in a ponytail, wearing an orange safety vest over a blue long-sleeved shirt, is seen from behind, standing in a warehouse aisle. The aisle is lined with tall metal shelving units filled with numerous brown cardboard boxes. Each box has a white shipping label with a barcode. The scene is brightly lit, and the perspective is from behind the person, looking down the aisle.

Guidance for Suppliers and Providers on Identifying, Addressing, and Preventing Child Labor in U.S. Manufacturing

Important Note

This document is meant to provide general information for educational purposes about unique challenges in the U.S. regarding identifying and mitigating against child labor. The content of this document does not constitute legal advice regarding interpretation of U.S. federal law or relevant state labor laws, nor is it intended to replace formal consultation with a legal professional.

About Our Funding

This guidance was made possible through the generous support of the AIM-Progress. AIM-Progress is a global forum of leading fast-moving consumer goods (FMCG) companies and suppliers collaborating on responsible sourcing. The opinions expressed herein are those of the author(s) and do not necessarily reflect the views of AIM-Progress. For more information, see aim-progress.com.



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Verité® provides the knowledge and tools to eliminate the most serious labor and human rights abuses in global supply chains.

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INTRODUCTION



Introduction

What is the purpose of this Guidance Document?

This Guidance Document serves as a reference for suppliers, co-manufacturers, co-packers, and labor and service providers who work with AIM-Progress member companies, after completion of the Verité Responding to Child Labor and Forced Labor in U.S. Manufacturing online training modules. While the training's scope includes both forced labor and child labor, this Guidance Document focuses solely on child labor. The objective of this document is to guide stakeholders to adhere to applicable labor laws, recruit labor responsibly, and minimize risks of child labor in U.S. manufacturing supply chains.

Child labor is a complex topic. There are no easy answers or magic solutions. As this Guidance Document explains, some factors that contribute to child labor risk are in your control as a business, but many are not. This resource provides detailed guidance on preventative actions you can take for the risk factors that are in your control. It also provides recommendations to help remediate instances of child labor by following best practices and partnering with other entities to ensure the interests of the minor are prioritized, should you identify child labor in your worksite or supply chain.

Risk factors in your control, such as operations or business practices, must be assessed to determine if they are causing or contributing to child labor risk. If so, the practices should be ceased and revised. If you identify risks linked to your partners' operations, you can work to mitigate and prevent harms from occurring by providing capacity building to your partners around the issue of child labor. However, as this Guidance Document explains, the root causes of child labor are complex and difficult for your company alone to change, relating to global migration due to instability and violence, poverty, and shortages in the U.S. labor market. Collaboration with a variety of partners who can provide a range of direct services and wrap around support, should you need to connect a minor to them, can boost the effectiveness of your company's prevention and remediation activities. These changes can also set an example for other companies, which in turn helps build lasting solutions to the issue of child labor.

When working on this topic you may run into some difficult dilemmas. There are often very urgent and serious reasons why youth seek employment, even if it is unlawful or unsafe. It can be challenging to confront the fact that ensuring your operations do not employ child labor may mean eliminating a source of much needed income for a minor. As this Guidance Document discusses, one of the most powerful ways to prevent child labor is by providing lawful and safe employment opportunities to young workers. In addition to defining the issue of child labor in the U.S., and how to identify, address, and prevent it, this Guidance Document suggests longer-term strategies for engaging with external organizations to create workplaces that are safe and protective for young workers.

Introduction to Child Labor in U.S. Manufacturing and Packaging

What is the problem?

“Child labor” refers to when a minor under 18 is working outside the legal limits and/or in a hazardous position. Minors working within legal limits and in a non-hazardous position, according to state and federal law, is not considered “child labor”.¹

Instances of child labor in the U.S. have been rising rapidly in the last five years. According to the U.S. Department of Labor (USDOL), there has been an 88 percent increase in the number of children found to be illegally employed from 2019 to 2023. During 2023 and 2024, USDOL assessed over USD 23.2 million in penalties for child labor violations and found nearly 10,000 young workers employed in violations of the Fair Labor Standards Act. At the end of 2024, the US DOL had more than 1,000 open investigations of potential child labor violations.²

Research indicates that increased global poverty and migration, alongside shortages in the U.S. labor market, are contributing factors in these trends.³ Recently, the United States has seen an uptick in news coverage highlighting child labor practices, including a February 2023 New York Times article involving interviews with over 100 migrant children, some as young as 12 years old, found working illegally across 20 states. It is especially common for these minors to have fake IDs, typically obtained by an adult on their behalf. Fake IDs are most frequently obtained using identity theft, making them harder for employers to detect during the hiring and vetting process. In multiple cases of identified child labor, minors experienced serious injury, including the loss of limbs and appendages, exposure to hazardous materials, and even death while on the job.⁴

It is especially common for these minors to have fake IDs, typically obtained by an adult on their behalf. Fake IDs are most frequently obtained using identity theft, making them harder for employers to detect during the hiring and vetting process.

RISK FACTORS OF CHILD LABOR IN THE U.S.



Exploitation of
unaccompanied minors



Use of fake IDs



Health and safety



Lack of systems and
oversight

Both migrant children and U.S. citizens are engaged in child labor. Many children engaged in child labor are migrants, who either migrate with their families or enter the United States unaccompanied to send income back home. Families facing economic instability and migration-tied debt are pressured to send their child to work for more income. Unaccompanied migrant children, who are at particularly high risk, do not have parents in the United States and live with approved sponsors while they are processed through the immigration system. Unaccompanied minors entering the United States reached 130,000 in 2022.⁵ USDOL has noted a significant increase in migrant children from Latin America entering the United States, fleeing violence and poverty in their home countries, most of whom are unaccompanied.⁶

Due to the complexity of the asylum process, migrant children can face roadblocks to gaining lawful employment documentation. Migrant children commonly incur debt from the migration process and/or have obligations to sponsors (family members, friends, or strangers) who assisted them in entering and finding accommodations in the United States. Other vulnerable children are U.S. citizens who are homeless,⁷ fleeing unsafe living situations (commonly referred to as “runaways”), or in the child welfare or foster care. Minors living in low-income, marginalized, and underserved communities may also be at risk of exploitation, including child labor.⁸

According to USDOL, child labor has been identified in industries including agriculture, food and beverage manufacturing and packaging (including the suppliers of leading retail food brands), restaurants, meat packing, janitorial services, construction, landscaping, and hospitality.⁹ Practices observed that are typical of manufacturing and packaging, specifically, include heavy lifting; long shifts in a 24/7 production cycle; operating, cleaning, and repairing power-driven machinery; working in freezers; exposure to hazardous chemicals; and migration-related debt.¹⁰

Prominent practices that contribute to conditions or risks of child labor include the use of third-party labor or service providers by companies, which shift the responsibility of age verification to the outside contractor. Companies often assert they have limited line of sight into the employment verification practices of their subcontractors. Procurement practices can also create issues. Lead times to third-party

INDUSTRIES WITH IDENTIFIED CASES OF CHILD LABOR IN THE U.S.



Meat packing



Food and beverage manufacturing and packaging



Janitorial services



Agriculture



Landscaping



Construction



Hospitality



Restaurants

labor and service providers may create pressure to find workers without following due process; prices paid for these providers may create challenges in meeting legal requirements. Companies must do their part in preventing child labor by examining their business practices and operations to eliminate any risk within their control. Supply chain visibility, transparency, and company due diligence measures are also key in identifying, remediating, and preventing child labor in the United States.

Increased Regulatory Pressures Facing Companies

Increased USDOL enforcement

Media scrutiny of child labor has played a role in putting public pressure on federal agencies to step up enforcement of child labor laws. In July 2023, USDOL Wage and Hour Division (USDOL-WHD) announced “significantly enhanced child labor enforcement efforts,” including increases in fines levied against businesses found in violation of child labor laws.¹¹

Tools the Department of Labor (DOL) utilizes for child labor violations include Civil Money Penalties (CMPs) assessed against employers for each violation, with higher penalties for repeated or willful violations that result in serious injury or death. The “hot goods” provision, under section 212(a) of the Fair Labor Standards Act (FLSA), prevents the shipment of goods produced with oppressive child labor, ensuring compliance throughout supply chains. This provision allows the DOL’s Wage and Hour Division (WHD) to block the movement of such goods until the violation is remedied. Additionally, the DOL uses disgorgement to require employers to give up profits earned from illegal child labor, which are then used to provide restitution to affected children. Federal agencies may also assess civil money remedies and enforce enhanced compliance terms before allowing the shipment of goods to continue.¹²

Proposed U.S. Child Labor Legislation

Legislative activity on addressing child labor at the Federal Level has increased with a series of bills introduced in Congress aimed to pressure companies to implement due diligence measures to prevent and remediate child labor. Examples include:

The [Children Harmed in Life-threatening or Dangerous Labor \(CHILD\) Labor Act](#) (HR6709) — Proposes the expansion of FLSA definitions of “oppressive child labor” and “hazardous work;” updates hot goods requirements and introduces labelling of unlawfully manufactured goods; grants the government greater discretion on “stop work” orders resulting from child labor violations; and increases corporate liability, civil penalties, and damages for victims.¹³

The [Preventing Child Labor Exploitation in Federal Contracting Act](#) (S. 920) — Proposes the creation of an entity list for companies that have been found to have serious or repeated child labor violations or have failed to complete corrective actions. Companies on the list would be ineligible from securing federal contracts.¹⁴

Mandatory Human Rights Due Diligence

Multinational corporations are increasingly being required through international legislation¹⁵ to institute mandatory human rights due diligence (HRDD) in their extended supply chains. With these new laws, companies will be under even more pressure to ensure that their suppliers and labor and service providers have HRDD systems in place to prevent human rights abuses such as child labor. Incorporating HRDD into company operations requires taking steps to identify, address, and prevent any harmful impacts that your business may have on workers and the community, including child labor. HRDD efforts require company directors to oversee the implementation of due diligence into corporate strategy, including systems and protections to mitigate and prevent underage or child labor. For more, see the [Management Systems Approaches for Preventing Child Labor section](#).

IDENTIFYING CHILD LABOR



Identifying Child Labor

Child labor is a complex challenge to address. As political tensions, economic factors and environmental factors drive more migration of children globally, cases of child labor in the U.S. manufacturing sector have increased. Brands, suppliers, and labor and service providers need to be proactive when identifying cases of child labor.

Child Labor Definitional Reference

The Fair Labor Standards Act (FLSA) prohibits “oppressive child labor” (referred to as “child labor” in this document), which encompasses the employment of minors under 18 in hazardous jobs, the employment of 14- and 15-year-old minors in many jobs (including most processing and manufacturing jobs) or beyond specific hours, and the employment of any child under the age of 14. Child labor in U.S. manufacturing and packaging settings typically involves minors performing hazardous jobs and/or working hours beyond legal limits. For example, if a 15-year-old is found working a night shift cleaning a meat processing plant, that would be a violation of the hours the minor is allowed to work **and** a violation of the type of job (hazardous job) they are allowed to perform.

The FLSA represents the base level legislation for child labor laws in the U.S. Many states have stricter legal requirements related to number of hours, overnight shifts and night hours, what sectors or positions are defined as ‘hazardous’, and documentation requirements for minors under 18. However, in recent years, multiple states have reduced their child labor safeguards with some falling short of the FLSA’s minimum legal protections. The US Department of Labor has emphasized that federal law prevails when state legislation is less stringent than the FLSA. Consequently, companies applying lower level of protections than the FLSA risk facing fines and penalties from the U.S. Department of Labor. Companies must apply whichever law, federal or state, is stricter.

The following section summarizes the types of work that minors are allowed to work and are prohibited from working according to FLSA guidelines, according to age range.

SUMMARY REFERENCE TABLE OF THE NON-AGRICULTURAL FLSA GUIDELINES

| Age range | Under 14 | 14 – 15 | 16 – 17 | 18+ |
|---|---|---|---|------|
| Any job | 14 is the minimum age for part-time employment. | | | ✓ |
| Any non-hazardous job* | | | ✓ | ✓ |
| Jobs not in manufacturing or mining or deemed hazardous | | ✓ | ✓ | ✓ |
| Number of hours | | LIMITED | ANY** | ANY |
| Limitations | | Up to 3 hours/day, 18 hours/ week when school is in session. Up to 8 hours/day, 40 hours/week when school is not in session. | Many states have different and/or stricter regulations on nighttime shifts and/or hours and definitions of hazardous jobs for minors. | NONE |

***Hazardous jobs include mining, operating heavy machinery, driving large vehicles or equipment, firefighting, and forestry.**

****Many states have different, and sometimes stricter, restrictions on allowable hours of work and definitions of hazardous jobs for minors under 18.**

Hazardous Jobs

Listed below are some of the jobs that are hazardous and prohibited for youth under 18, according to the FLSA.¹⁶ Many states have additional occupations or tasks that are deemed hazardous under state law.



Power-Driven Hoisting Apparatuses

Youth under 18 cannot operate, ride on, or assist in the operation of most power-driven hoisting apparatus (such as forklifts and manlifts).



Meat Processing and Slicing

Youth under 18 cannot perform most jobs in meat and poultry slaughtering, processing, rendering, and packing establishments (although there are some exceptions, for example, such as messengers, hand truckers, and some packaging jobs).



Power-Driven Machines

Youth under 18 cannot:

Operate, assist to operate, adjust, or repair power-driven bakery machines (some exceptions include small lightweight, small capacity, portable counter-top power-driven food mixers)

Operate or assist to operate, adjust, or repair, power-driven meat processing machines and equipment (such as meat slicers, saws, and meat choppers)

Clean power-driven processing machines and equipment, including hand washing of disassembled machine parts



Additional Prohibited Jobs for 14- and 15-Year Olds

- Manufacturing and most processing occupations
- All baking and most cooking activities
- Maintenance or repair of a building or equipment
- Work in freezers and meat coolers
- Loading and unloading goods to and from trucks or conveyors
- Catching and cooping of poultry in preparation for transport or for market
- Working in warehousing and storage

LINKS TO RESOURCES

For an example of a state with strong child labor laws and requirements, refer to this presentation from Vermont DOL:

[WH-30 Information for Employer.](#)

[Fact Sheet #43: Child Labor Provisions of the Fair Labor Standards Act \(FLSA\) for Nonagricultural Occupations](#) from the U.S. Department of Labor.

[State-level laws on child labor](#) from the U.S. Department of Labor.



Actions Manufacturers Can Take to Identify Child Labor

It is up to employers to ensure that minor workers are hired for jobs and shifts that are appropriate for their age range, per the FLSA and state laws, whichever is stricter. This applies to direct hiring, indirect hiring, and any outside services that are provided to the company. It is also up to employers to monitor their worksites to ensure there are no minors working in prohibited jobs.

The [Preventing Child Labor](#) section discusses the concept of management systems and how to use well-recognized systems thinking approaches to prevent child labor. But first, it is important to know how to identify child labor. The suggested activities discussed in this section focus on concrete actions you can take to check for instances of child labor in your operations. They are actions that you would typically take as part of a broader management system approach (such as the Plan, Do, Check, Act approach) for preventing child labor.

How can you ensure your company isn't employing minors inappropriately?

It starts with strong oversight of your processes and operations. You should have procedures in place to know the following:

Know who is working in your facilities (the workforce employed directly and indirectly at all sites)

- Who is recruiting, hiring, and supervising, or employing (if hired through a labor provider), workers for each job being performed
- The different types of jobs being performed on each site of your operations
- What those jobs entail and if they are classified as hazardous
- The shifts during which each job occurs
- Minimum age requirements for any type of work (these may be federal, state, or dictated by your own Code of Conduct or a client's Code of Conduct)
- Minimum age requirements for specific types of jobs (these will likely be federal or state, whichever provides greater protection)

With this information in hand, you'll be better informed and prepared to dig deeper if you see any red flags. The following activities will help ensure your facility is proactively managing any risk of child labor at your facilities.

Ensure your company isn't employing minors inappropriately by:

- Knowing who is working in your facilities
- Maintaining personnel records
- Verifying age during recruitment and employment
- Monitoring worksites
- Prioritizing high risk sites
- Training and communicating with workers
- Engaging labor and service providers

Maintain Personnel Records

Human resources (or other appropriate staff) should be formally assigned to the following activities:

- Maintain a register of workers' application documents and employment records
- Regularly review personnel files to assess age of workers directly employed and maintain up-to-date identification records
- Review contracts with service providers/labor providers and staffing/temp agencies to determine number of workers hired through third party
- Review what job each employee or worker is performing in order to determine if it is an appropriate fit; for any young workers hired through an agency, even if on paper it is appropriate, conduct further due diligence

Verify Age During Recruitment and Employment

Establishing strong age verification processes for recruitment and employment can help you proactively identify minors who may be applying for prohibited work. The following are suggested good practices to include in your age verification processes:

- All applicants must present valid government-issued ID documents to prove their age and identity, following the I-9 verification process.
- Check and cross-check the validity and reliability of documents presented using programs such as E-Verify and other federal systems.
- Although E-Verify or other programs can be an effective tool to confirm the validity of identification documents, **it [E-Verify] does not alone prevent underage workers from using fake or fraudulent identification.** You'll need to take additional steps to further validate identification documents. The International Labor Organization (ILO) recommends the following steps, many of which are being used by manufacturing and packaging companies in the U.S. today to prevent child labor:
 - Ensure that the photo on the ID presented matches the appearance of the applicant.
 - Ensure that the signature on the ID presented matches the applicant's signature.
 - Check for original seals on the photo and ID card and ensure they are intact.

IDENTIFYING CHILD LABOR IN THE PLAN-DO-CHECK-ACT (PDCA) SYSTEM

Here's a look at how these specific actions for identifying child labor fit in a PDCA management systems approach.

PLAN

Policies

- Proactively identify jobs appropriate for different age ranges of workers

Risk Assessment

- Prioritize high risk sites

DO

Procedures

- Age verification during recruitment and employment
- Conduct in-person interviews as part of the hiring process
- Maintain and review personnel records (including periodic review of a selection of records for any workers employed by a third party)

Communication and Training

- Worker communication
- Train workers on their rights and communication channels
- Engage labor providers

CHECK

Monitoring

- Monitor the work site

- Cross check the date of issue of the ID presented and the condition of the card. If the card was issued numerous years ago but looks brand new, that may be suspicious.
- If you suspect the ID presented is fraudulent, request another form of ID and/or support the applicant in procuring appropriate documents (provide information on where and how they can apply for a valid ID). Ensure that the ID presented is returned to the applicant immediately.
- Run background checks as part of the hiring process and compare the address history to information that was presented during the I-9 process.

Additionally, companies can use an in-person interview as an opportunity to further cross check that the individual applying matches the individual represented on the ID. This may include:

- Asking the applicant questions that can help verify they are the person their ID claims them to be (such as age, date of birth, current location of residence, etc.)
- Asking where and when the documents were issued
- Asking the applicant, "What is your birthday by day, month and year? So, in this case, how old are you?"
- Asking the applicant, "What is the address of the place you currently reside when you are not at work, including the zip code?"

For more information on best practices for age verification, including sample questions for in-person interviews, see the ILO's "Good practices for age verification" resource ([Annex 1](#)).

NOTE

If you are unable to verify an applicant's age and/or identity based on the documents provided, Verité recommends that you simply turn them away from employment (on the basis on not being able to verify their identity) and that you do not report suspected use of fraudulent identification to authorities.

Monitor Worksites

Monitoring your work sites through conducting site walk-throughs, document reviews, and engaging with workers can help identify potential red flags.

- Human Resources (or other appropriate staff) should be formally responsible for conducting regular and proactive internal monitoring
- Higher risk sites should be prioritized based on the information gathered above. Examples of sites to be prioritized include:



Sites that are known to use temporary workers, labor providers/staffing agencies, and/or contracted service providers



Sites that operate night shifts; monitoring should account for workers during those shifts, not just day shift workers



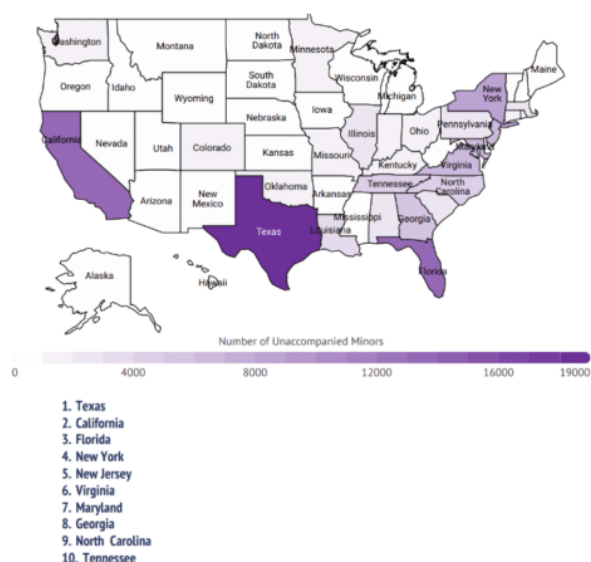
Sites that have hazardous and/or undesirable jobs and that often see high labor demand

Prioritize High Risk Sites

For suppliers with worksites across different states or regions, geographic areas may be prioritized. For prioritizing child labor risk, this may include mapping and identifying U.S. facilities and worksites, both within a company's own operations and in their extended supply chains and comparing data points such as the absolute number of unaccompanied minors and "Available Worker Ratios" (i.e. labor shortages) in states and counties. For more, see Verité's [Guidance for Companies on Understanding the Distribution of Child Labor Risk in the United States](#).

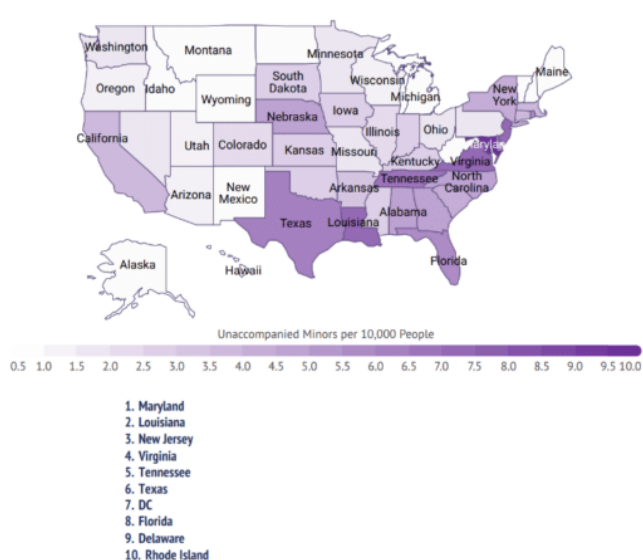
States with most unaccompanied minors - via HHS data.

Data from October 21-September 22 (Most recent time period with complete annual data).



States with most unaccompanied minors per capita - via HHS data.

Data from October 21-September 22 (Most recent time period with complete annual data).



When trying to identify where child labor is happening in a particular region, it can be useful to consult with organizations that have knowledge of child labor specific issues or local context; represent children's best interests; and can provide insight on children's activities or behaviors in the region. In some cases, these organizations may be able to help with root cause analysis and audits. For more, see the [Worker & Community Engagement section](#).

Train and Communicate With Workers

- Establish an internal phone number or other type of mechanism that allows workers to report any child labor violations anonymously. Post this number in visible areas at all sites. Clarify with employees that the goal of establishing this communication channel is not to penalize young workers but to keep them safe from serious injury.
- Ensure workers are trained to understand how to identify child labor and encouraged to raise concerns formally or informally.

IMPORTANT

Do not put a child at risk of any harm, including retaliation, when communicating with them. If you receive a call or a report of suspected child labor, proceed carefully and follow the guidance detailed in the [Guidance on Child Labor Remediation section](#).

Engage Labor & Service Providers

When you outsource recruiting, hiring, and oversight of workers to third parties, you run the risk of losing oversight on who is hired to work in your facility. If you are concerned that child labor is occurring in your facility, you can communicate with labor providers or staffing agencies you use to better understand their hiring and age verification processes to help determine the level of risk you're facing.

Vetting and monitoring labor providers and staffing agencies and clarifying expectations around what types of jobs young workers can be hired to perform, are all key preventative steps that are discussed in the "Prevent" section of this guidance document. See [Monitoring Labor & Service Providers](#) for more.



Actions Labor & Service Providers Can Take to Identify Child Labor

Labor and service providers also need to know what to look for and how to look for it, in terms of both the types of work they are hiring for and amongst applicants. You need to know:



- The different types of jobs you are looking to fill
- What those jobs entail (are they hazardous?)
- The shifts during which each job occurs and the level of supervision on each shift
- Minimum age requirements for any type of work (these may be federal, state, or dictated by a client's Code of Conduct; make sure to clarify this with your client before taking on an engagement!)
- Minimum age requirements for specific types of jobs (these will likely be federal or state, whichever is higher)
- Applicant's ages and hours of availability

With this information in hand, both suppliers and labor providers will be better prepared to identify and respond to risk of harm within supplier facilities and during hiring and to ensure that any minors are hired into age-appropriate jobs.

Proactively identify jobs appropriate for different age ranges of workers

- When taking on a client, make sure you understand what each job they are looking to fill entails as well as the minimum age requirements for each job or type of work (these may be federal, state, or dictated by a client's Code of Conduct)
- If none of the job openings are appropriate for youth, work with the client to determine if any can be adapted (either by changing the shift, hours of work, or details of work)

Verify Age During Recruitment

- All applicants must present valid government-issued ID documents to prove their age and identity
- Check and cross-check the validity and reliability of documents presented using programs such as E-Verify and other federal systems.
- Although E-Verify or other programs can be an effective tool to confirm the validity of identification documents, it [E-Verify] does not prevent underage workers from using fake or fraudulent identification. You'll need to take additional steps to further validate identification documents.

The ILO recommends the following steps, many of which are being used by manufacturing and packaging companies in the U.S. today to prevent child labor:

- Ensure that the photo on the ID presented matches the appearance of the applicant.
 - Ensure that the signature on the ID presented matches the applicant's signature.
 - Check for original seals on the photo and ID card and ensure they are intact.
 - Cross check the date of issue of the ID presented and the condition of the card. If the card was issued numerous years ago but looks brand new, that may be suspicious.
 - If you suspect the ID presented is fraudulent, request another form of ID and/or support the applicant in procuring appropriate documents (provide information on where and how they can apply for a valid ID). Ensure that the ID presented is returned to the applicant immediately.
 - Make sure to ask the applicant questions that can help verify they are the person their ID claims them to be (such as age, date of birth, recent locations of residence, etc.).
- Run background checks as part of the hiring process and compare the address history to information that was presented during the I-9 process.

IMPORTANT

If you are unable to verify an applicant's age and/or identity based on the documents provided, Verité recommends that you simply turn them away from employment (on the basis on not being able to verify their identity) and that you do not report suspected use of fraudulent identification to authorities.

For more information on best practices for age verification, including sample questions for in-person interviews, see the ILO's "Good practices for age verification" resource ([Annex 1](#)).

Train Workers on Their Rights and Communication Channels

- Once workers are hired, conduct training on core labor rights, making sure to focus on special considerations for minor workers (jobs, tasks, hours that are off limits).
- Ensure workers know how to use communication channels to report grievances to the labor provider and employer.

LINKS TO RESOURCES: IDENTIFYING CHILD LABOR

[USDOL Young Worker Toolkit](#) — For minor workers and their families, educators, and employers to learn about the specific rights and responsibilities that apply to them on the job

[USDOL Wage and Hour Division Employer Self-Assessment](#) — To help prioritize sites for child labor monitoring

[Verité Guidance for Companies on Understanding the Distribution of Child Labor Risk in the United States](#) — For risk assessment in prioritizing sites for child labor monitoring

GUIDANCE ON CHILD LABOR REMEDIATION



Important Note

The following Guidance on Child Labor Remediation does not constitute legal advice regarding interpretation of U.S. federal law or relevant state labor laws, nor is it intended to replace formal consultation with a legal professional.

Guidance on Child Labor Remediation

If child labor is identified in your own operations, or through a labor or service provider, it is the responsibility of the company and the provider to address the situation by remedying the harm that occurred to the minor when they were hired into an unlawful position. This process is referred to as **remediation**. A child labor remediation protocol is a tool designed to help you clarify the decisions and steps that need to be taken in response to specific cases. It is not the same thing as a due diligence framework to prevent child labor but is part of a larger prevention process. The [Management Systems Approaches to Preventing Child Labor section](#) provides information on using a due diligence framework to prevent child labor. The following section provides detailed child labor remediation guidance.

How you can be prepared for remediation

Even if you've never had a case of child labor in your operations, it's important to be prepared in case one arises due to the increasingly risky operational environment in the United States. Verité recommends the following steps for your organization to be prepared to effectively remediate child labor:

1. Develop a policy outlining your organization's commitment to not using child labor which is understood by all relevant staff.
2. Ensure all relevant staff understand what child labor is and have completed a training on the topic.
3. Using the guidance provided below, develop a child labor remediation procedure for your organization. Identify a remediation team and define roles and responsibilities, including an escalation procedure for who will manage child labor law violations and who will be informed of steps taken.
4. Maintain awareness of social welfare resources in your community (including state institutions and non-profits) who can provide support if child labor violations are found. See the detailed guidance and following resources section for suggestions on the types or organizations to proactively build connections with.
5. Ensure you have an effective grievance mechanism in place which any worker on your site can access to raise concerns about potential child labor violations. Ensure that any labor or service provider you work with also has an effective grievance mechanism.



Summary of Key Remediation Responses

The goal of providing holistic remediation is to do no harm; the protection of the minor and their interests come first.

Response 1. Provide Holistic Remedy, in Collaboration With Other Parties

- The safety of the minor is paramount. Remove any worker under 18 years old from a hazardous environment immediately.
- Avoid simply firing any worker under 18 years old (minor worker, or “minor”) found at the facility. If the worker is under 18 years old, but legally permitted to work, know and follow laws that protect young workers. Ensure that any hours worked in an allowed position do not interfere with regular school hours. Report violations to relevant authorities (state labor departments, USDOL, WHD, OSHA): <https://www.dol.gov/agencies/whd/contact>
- If a worker is not of legal working age, work with local organizations to provide for the needs of the minor worker.

*If the minor is unaccompanied, report the violation immediately to your company’s legal representative. With the assistance of the legal representative, identify a social service provider to support remediation. Ensure that there is a way to maintain contact with the social service provider and appropriate authorities throughout the investigation and any subsequent remediation actions. When engaging with young workers, follow **child safeguarding principles**.*

Response 2. Implement Controls for Business Relationships to Prevent Violations in the Future

- Avoid immediately terminating business relationships with third-party labor/service providers found in violation of child labor law, if they demonstrate a commitment to improving management practices to address the root cause of the violation.

Work with the third-party labor or service provider to strengthen their management systems and ensure they adhere to child labor laws in the future.

- If continuing the business relationship is not an option for the company, first ensure that the minor worker(s) are appropriately supported, provided with financial remediation, and able to remain in school (if currently enrolled) before cutting ties.

Commit to enhanced vetting and monitoring of labor and service providers.

Response 3. Commit to Creating a non-Discriminatory, Protective Workplace for Minor Workers

- Implement internal management system improvements to prevent violations in the future.
- Conduct regular third-party audits at sites where labor or service providers have hired third-shift or overtime workers.
- Ensure the existence of effective grievance mechanisms available to workers.

KEY EXAMPLES OF REMEDIATION



Protect young workers, but do not discriminate against them



Report violations to relevant authorities, connect with social service provider to support remediation



Provide support and requested information to the appropriate social service provider(s)



If minor workers can't stay legally employed, offer financial remediation



Work with local organizations to provide for the minor's immediate needs

Detailed Guidance for Key Remediation Action Steps

As soon as you determine you have a situation of child labor, immediately contact your company's legal representative to inform of the possible violation. With the assistance of the legal representative, identify a social service provider with experience in social work and case management who can protect the best interests of the minor during the remediation process. The social service provider may directly contact a legal organization who can represent the minor, if appropriate, to address any labor rights violations or immigration-related needs.

RESOURCES AND CONTACTS

- [Resource and Contacts by State](#)
- **Child Protective Services:** [State Child Protection Reporting Numbers](#)

Response 1. Provide Holistic Remedy, in Collaboration with Other Parties

If cases of child labor are identified in a facility, try to find solutions that are in the best interest of the minor worker(s). The "best interests of the child" standard is a foundational principle of child protection in both international law and United States child welfare law.¹⁷ Reporting to your company's legal representative and a social service provider partner is the first step towards investigation and remediation. They can assist with connecting you to local and state level resources for addressing the minor's needs.

Access to lawful and safe work can help prevent future child labor violations. In some cases, if a non-hazardous job within the legal working limits is available, this might mean continuing to employ minors in accordance with federal and state laws. If it is not feasible to keep the minor legally employed, it might mean ethically terminating employment and following the safeguarding and remediation principles outlined below. The steps are suggested to be taken in order, but this may not always be feasible.

- **Avoid simply firing any worker under 18 years old (minor worker) found at the facility. Remove the minor from the area of work.** Arrange a safe place for the minor, including an office or other private space available within your facilities.

Treat the minor worker with dignity. Talk to the minor calmly, using age-appropriate language. Ensure that your manner of speech is respectful and not punitive. Ask open-ended, general questions and avoid questions that can be answered with only "yes" or "no." Assure the minor that they are not in trouble and that the questions being asked are to help you gather more information about their safety. Remind the minor of organizational confidentiality policies, including any limitations. Ask the minor if they would like to use an interpretation or translation service to address any language barriers, what language they prefer to speak, and what gender interpreter or translator they would prefer. If an in-person interpreter or translator is not available, use a phone or online interpretation service.

Treat the minor worker with dignity. Assure the minor that they are not in trouble and that the questions being asked are to help you gather more information about their safety.

U.S. law dictates what kinds of job roles young workers can do. Determine whether the minor worker is employed in an allowed occupation at the facility in question. Consult with both state and federal laws about child labor. Apply the strictest protections to the case you are remediating. In collaboration with your human resources department, document all findings as part of your records.

- **If yes** (the minor is employed in an allowed occupation), ensure that they are working hours allowed by federal and state guidance, that they understand their rights in the workplace, and that they've received sufficient health and safety training. Follow the recommended safeguarding principles below.
- **If no** (the minor is not employed in an allowed occupation or is employed in a hazardous occupation) determine if there is an allowed/non-hazardous job they can be moved to within the facility. Do not permit them to return to the previous work position, as it is illegal. Follow the safeguarding principles below.
- If there is not an allowed, non-hazardous job they can be moved to, **clearly explain** to the minor worker why they cannot work in the current position. Specify which labor law(s) have been violated. Terminate employment ethically and provide support as detailed below.
- **Provide support** and any requested information to the appropriate social service provider(s). This may include information related to the minor's work position, any violations identified, and steps you have taken towards remediation. The social service provider can be a direct point of contact with any adults involved in the minor's life. In some cases, child labor may be normalized in the minor worker's family system. If you believe that any adults in the child's life are profiting from the minor's labor, exploiting the minor, or otherwise acting outside of the best interests of a minor, report these concerns to any social service provider(s) involved.

Report the violation to any identified social service provider(s). Comply with any investigative protocols enacted by these agencies. Inform them of any plans to remediate the situation and a timeline of when

the remediation will occur. If the minor is unaccompanied, they have rights to legal representation and can access pathways to stay in the U.S. Ensure that any legal services are informed of pending investigations into the violation and plans to remediate.

Determine what form of financial remediation you can take at the worksite. This could include:

- Paying the minor worker their wages for the remainder of the pay period in which they are terminated and the following pay period;
- If possible, place the minor worker on paid leave pending investigation.

Consult with a legal team to determine which forms of financial remediation can be provided. Provide the amount of remediation to the minor worker, to the fullest extent of the law within your area. Inform the social service provider and the minor worker that you plan to compensate them before termination. Directly state that they cannot work in the role due to child labor laws. Explain that they will be compensated out of respect for their time and willingness to work.

If social service provider(s) are in contact with any adults that the minor lives with, including a family member or sponsor, inform the minor and identified adults of any plans to provide remediation, including any necessary documentation or investigation requirements.

Provide the minor with any legal and social services referrals, who can ensure that remediation has been satisfactorily applied.

THIRD-PARTY SUPPORT

- Non-government or nonprofit organizations, such as social auditing firms and labor rights organizations
- Local social service organizations
- Direct aid organizations
- Translators
- Legal aid services, including immigration law services

► **Work with local organizations to provide for the minor's needs**

Whenever possible, involve third-party experts with knowledge of social programs at the local level if you encounter a suspected case of child labor. Maintain awareness of local organizations to provide for the minor's immediate needs (especially any harm endured by the minor at the worksite). For example, this could include connecting the minor to nonprofit workers centers that can provide guidance on documentation, direct aid organizations, and translators available in your community. For more, see [Suggested External Partner Resources](#). Social service provider(s) assigned to the case may be able to support connecting the minor with local resources.

The social service provider leading the case management may decide to connect the minor to legal aid services, if appropriate, to address labor rights violations and/or immigration-related needs, depending on the case at hand. Assist any legal representatives in collecting information about the minor's working situation. Maintain contact with legal personnel to advocate for the minor's needs and safety.

- Identify any resources within your area, including immigration law services, that you can connect these minors with to assist in meeting their needs.

Work with civil society and non-governmental organizations, legal firms, or other consultants who have expertise in child labor prevention to conduct a thorough audit of any violations found. With the partnership of these organizations, identify preventative practices you can use in the future, including screening practices, management system approaches, and training to inform workers in your facility about the risks that hazardous child labor poses, and the process for reporting any suspected violations to management.

► **Report violations to relevant authorities (state labor departments, USDOL, WHD, OSHA)**

Relevant authorities should be contacted **within one week** of a labor violation being identified. Parties that might be contacted (depending on the situation and violation) can include, but are not limited to:

- [United States Department of Labor \(USDOL\)](#)
- [Wage and Hour Division \(WHD\)](#)
- [Occupational Safety and Health Administration \(OSHA\)](#)
- [National Human Trafficking Hotline: 1-888-373-7888](#)

► **When engaging with young workers, follow child safeguarding principles**

Provide minor workers with information about what labor protections apply to them, per federal or state laws. Do not allow workers under age 18 to work outside of legal working hours, or more than the maximum number of hours allowed by law. Do not allow workers under age 18 to work overtime, during hours that would interfere with school, or in hazardous environments.

Arrange an orientation and occupational safety training for minor workers before they begin work. This training should include a review of contract, hours, factory regulations, and safety policies. Explain in this training clearly what types of work minors of different ages can and cannot perform. Identify in the training any prohibited equipment and hazardous areas.

Provide **ongoing protection** during employment. Maintain an effective and accessible grievance system for minor and adult workers to report any violations. Ensure confidentiality and provide options for anonymity whenever possible.

Best Practice for Long Term Remediation: Workforce Development



Workforce development is one form of long-term remediation. Developing skills can help to empower minor workers, while also improving their working conditions. Examples of workforce development can include internship programs with local high schools, ongoing financial assistance, opportunities for continuing education, career services, and assistance for benefits enrollment. Workforce development requires the collaboration of brand clients and external organizations. These partnerships are key to ensuring long-term safety and economic empowerment for vulnerable youth workers.

For some examples of these types of initiatives, explore the [United States Workforce Development Solutions](#) page.

Response 2. Remediating Violations and Implementing Prevention Systems

If cases of child labor are found among workers hired/employed through third-party labor or service providers follow these additional steps:

► Identify the root cause of the child labor in your or your partner's workplace

- Work with the third party to identify and remedy needs of the affected minor worker(s) and determine which party(s) are responsible for providing remedy.
- Determine the scale and scope of the issue (i.e., whether this is a single offence or recurring, widespread pattern).
- With the assistance of civil society experts and legal counsel, determine the root cause of the issue (i.e. ineffective ID verification procedures). Assist in any follow-up needed to determine if a third party was involved in the exploitation.
- Determine if a supplier improvement plan is an appropriate way forward and, if so, move forward with that.

► If continuing the business relationship is not an option for the company, first ensure that the minor(s) are appropriately remediated before cutting ties.

Follow guidance in Response 1.

► Commit to enhanced vetting of labor, service providers and staffing agencies.

- If cases of child labor are found among workers hired or employed through third-party labor or service providers, you will want to put a plan in place to ensure enhanced vetting of labor and service providers you work with.
- Ensure that there are multiple systems to evaluate the identification and work authorization documents of employees. At a minimum, ensure that the federal government's best employment practices, such as the use of E-Verify and I-9 documentation, are utilized. However, recognize that E-Verify alone is not equipped to detect fake IDs gained through identity theft. For this reason, a pre-hire questionnaire testing the employee's knowledge of the claimed identification should occur to determine if there are any signs of identity theft. For examples of questionnaires, see [Annex 1: Age Verification During Recruitment and Employment section](#).
- See the [Responsible Recruitment section](#) for detailed guidance on vetting labor providers and responsible recruitment.

Response 3. Commit to Creating a non-Discriminatory, Protective Workplace for Young Workers

We elaborate further on the practices you can use to prevent child labor in your worksite in the next chapter of this guidance document. Some broad guidance from both the U.S. Department of Labor and the International Labour Organization includes:

► Implement internal system management improvements to prevent violations in the future

- Implement the federal government's best employment practices, such as the use of E-Verify and the I-9 Verification System.
- Implement an onboarding anti-identity theft questionnaire to detect signs of potential identity theft.
- Review worker identification records every 6 months to ensure that files are kept up to date. Flag any concerns with identification documents for further internal investigation or audit. If concerns about any worker identification arise in your review process, ask the workers questions to verify their identities (see [Annex 1](#)). If they cannot answer these questions, flag these as part of your documented concerns.
- Take minor workers' needs into account in all onboarding and orientation training. Discuss the differences in policies for minor workers at time of hire, so that all workers and supervisors will be aware of the protections in place for young people in your facility.
- Maintain an external, confidential hotline for any workers to report concerns to. Publicly post the number of the hotline in areas that are visible to most workers.

► Conduct regular third-party audits

- Utilize a third-party resource to conduct external audits. It is best practice to have a pre-established third-party in place to receive grievances and initiate any audits that need to take place.
- Conduct regular internal audits with union representatives and supply chain supervisors. Ask questions related to the age of supply chain workers, verification processes, and compliance with state and federal workplace safety guidelines (as outlined by DOL, OSHA, and other workplace authorities). Companies must apply whichever law, federal or state, is stricter.
- Ensure that all internal and external audits are conducted during all working times (for example during overnight shifts) to accurately capture the experiences of all workers.
- Any audits related to specific grievances should be conducted within 1 week of a report being made. Audit findings should be reported after 1-3 months of active investigation. Then, conduct audits every 3-6 months until remediation steps are completed.

NOTE

Internal and external audits are intended to improve your systems over time and cannot act as a replacement for ongoing remediation to any minors found in your workforce. Confidentiality should be honored in your audits and can limit the amount of information that workers are able to report at one time. Document any limits within your own audit process as part of your findings.

Create a low-risk environment for minor workers through the following means:

- Identify high-risk and hazardous jobs, consistent with local, federal laws, that are prohibited for all workers under 18.
 - Post signs on any equipment that youth are prohibited from using, or in areas where minors are prohibited from entering. It is recommended to post signs in multiple languages, so that they can be understood by all workers within the facility.
 - Post the most protective child labor laws (state, federal, or international guidance) around your facility in areas that are easily accessible to workers.
 - Protect the minor's identity through confidentiality procedures pertaining to any documentation of the worker's employment, any investigations, and any prior or ongoing remediation practices.
- Identify low-risk and non-hazardous jobs, consistent with local, federal, and international laws, that are permitted for workers under 18.
- Through long-term measures, reduce the risk levels of more positions to create more options for minors.
- With management and supervisors, raise awareness on how to create a safe workplace for minor workers. Engage management and supervisors in ongoing training about safety practices. Remember, child labor is a workplace safety issue. When educating workers, staff, and management about safety, highlight the protocols your company has in place to protect people while on the job. Explicitly name any safety hazards that are specific to minors and what protocols you have in place to prevent these risks.
- Ensure that your own staff are on-site any time a minor is working, including during evening shifts.

► Maintain worker awareness of grievance mechanisms

- Ensure that workers can file grievances through multiple channels. Maintain a confidential hotline and online grievance submission forms for employees to access anonymously.
- Review your grievance mechanisms with all employees upon hire. Provide any third-party labor recruiters with information about your grievance mechanisms. Where applicable, ask for information related to labor provider grievance mechanisms, and include this information as part of your onboarding process for new hires.
- Provide information about your grievance mechanisms within all written documentation.
- Maintain an up-to-date copy of your grievance policy and mechanisms in your employee handbook.
- Offer all employees written, verbal, and visual guidance around how to file a grievance.
- Include an organizational chart of which personnel will be involved in responding to a grievance once it is filed.
- Maintain an ongoing system of documentation and tracking.



Suggested External Partnership Resources

Non-government or nonprofit organizations, social auditing firms, and local social service organizations can be important partners in preventing child labor.

Consider reaching out to experts at labor rights organizations or social auditing firms for support and guidance in developing your policies and remediation protocols, as partners available to advise and support child labor remediation if it occurs in your supply chain, or in the long-term development of programming to support the prevention of child labor. For lists of example organizations see:

- [Examples of labor rights organizations engaging on child labor](#)
- [Examples of social auditing firms](#)

Locally based organizations in your community can also provide support for child labor remediation efforts if it occurs in your supply chain. You'll need to identify local organizations in your community that might be good partners in the work. You can start by exploring these suggested resources:

- [Boys & Girls Clubs of America](#)
- [National Safe Place](#)
- [The YMCA](#)
- [The YWCA](#)
- [Calling 211](#) provides a phone directory of resources by state

Additionally, you can web search for “migrant worker non-profits in [STATE]” to determine if a local non-profit specializing in supporting migrant workers is available to support your work.

We recommend to also research and maintain awareness of community centers (including community health centers), places of worship, and local social service providers in your geographic area and how they might be able to support you in potential remediation work.

Social services, including legal aid, may be needed for addressing immigration-related needs and/or human rights violations, depending on the case at hand. The following national organizations (with regional offices) may be able to provide information, support, and referrals:

- [Kids in Need of Defense](#) (KIND)
- [Young Center for Immigrant Children's Rights](#)
- [International Rescue Committee](#) (IRC)

Additionally, you can web search for “immigrant legal services in [STATE]” to identify local law firms offering pro-bono support or non-profits providing legal services in your region.

You can also familiarize yourself with federal- and state-level organizations who you might need to report a case of child labor and work with during the remediation process, including:

- [National Human Trafficking Hotline: 1-888-373-7888](#)
 - [Find Local Services](#) – *Note: some services may not be relevant to cases of child labor. Consult with a hotline representative to receive direct referrals within your local area.*
- Child Protective Services: [State Child Protection Reporting Numbers](#)
- [U.S. Department of Labor programs and services in your state](#)
- [Find U.S. Department of Labor Wage and Hour Division offices in your state](#)
- [Find Occupational Safety and Health Administration offices in your state](#)

PREVENTING CHILD LABOR



Preventing Child Labor

Management Systems Approaches to Preventing Child Labor

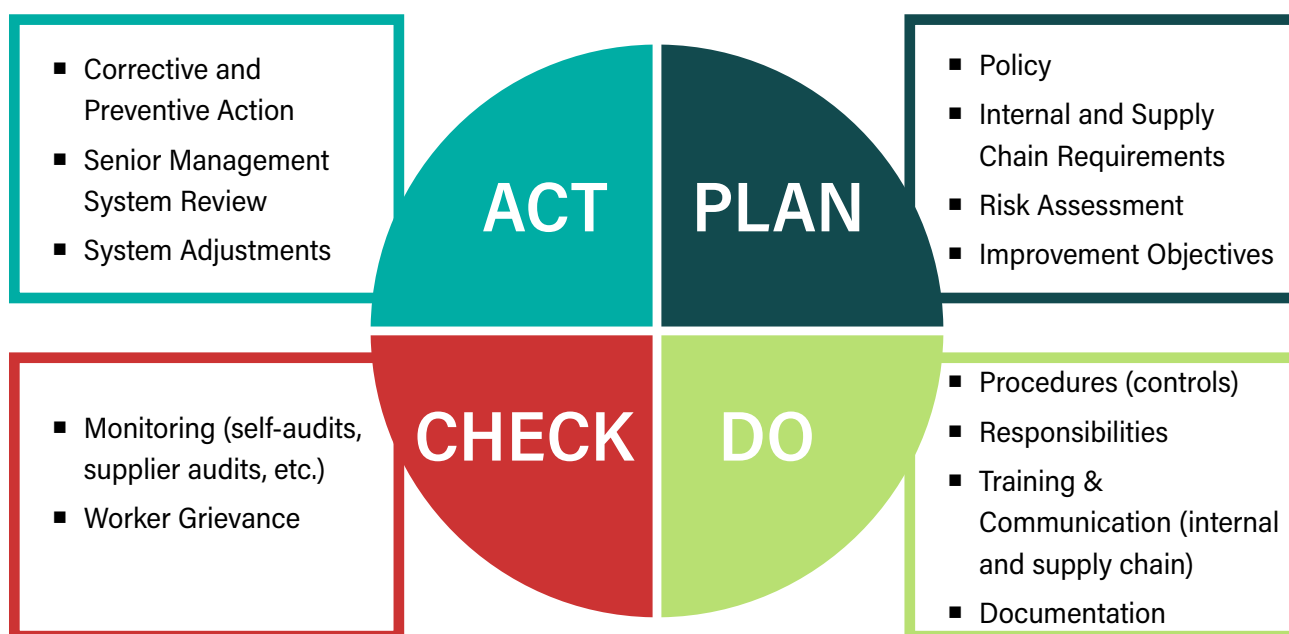
Prevention efforts require an ongoing process of monitoring and implementing risk controls into your management systems. A management system is the set of policies, processes, and procedures that ensure your company is meeting its legal and business objectives effectively. One of the ways it does this is by anticipating problems such as child labor and putting “risk controls” in place. They are just like they sound: ways to control risk. Your hiring, training, timekeeping, payroll, benefits, production management, health and safety protocols are all important parts of your management system.

Incorporating human rights due diligence, or HRDD, into your management systems is an effective way of improving your company's labor responsibility standards over time. HRDD refers to the assurance controls in place to prevent harm to the people in your factories and other worksites. Mandatory HRDD is becoming the law in key parts of the world, and your customers are under pressure to report that their suppliers are doing a good job of preventing or addressing harm, such as forced or child labor.

Plan, Do, Check, Act As a Model

There are many different management system models, which are all based on a process of continual improvement. The Plan-Do-Check-Act (PDCA) model is one way to approach these processes holistically.

THE PDCA MODEL



The **PLAN** phase focuses on the future and setting goals for the company. In this phase, you ensure you have policies that reflect your values and goals, that you understand legal and customer requirements, and that you're aware of local factors that increase your company's risk.

The **DO** phase focuses on how you get where you want to go, or how to achieve your goals. In this phase, you ensure that you have documented procedures for implementing policies, that staff are assigned to carry out those procedures, and that any partners (including labor and service providers) understand your requirements.

The **CHECK** phase focuses on making sure you are on track, and that your procedures are working. This phase includes internal assessments, engagement with workers, and identifying the root causes of any problems that arise.

The **ACT** phase focuses on making adjustments to your procedures to respond to problems and root causes. In this phase, you ensure that senior management regularly reviews the effectiveness of your system to see if any adjustments need to be made.

Systems thinking for prevention, remediation, and continual improvement

PDCA takes the form of a cycle without a finish line: the goal is continual improvement. The activities associated with human rights assurance have a logical flow, but this doesn't mean they happen one at a time. For example, you'll continue to do monitoring while you're remediating issues you've already found.

Assessing risks, preventing problems, addressing issues that arise, and monitoring that your risk controls are working are all integral, ongoing parts of doing business as an ethical and sustainable company.

Root Cause Analysis

A root cause is the core issue, or underlying cause, of a violation or noncompliance. Root cause analysis, or RCA, is a structured approach to identify and prioritize underlying causes of incidents or system failures. It is used to help identify effective solutions.

RCA involves three basic questions:



1. What happened? (The problem)
2. Why did it happen? (The "system fault")
3. How can it be prevented from happening again? (The solution)

One simple way to identify root causes is through the “5 Whys” activity. In this approach, you identify a specific problem and continuously ask **why** something went wrong, until you find the underlying cause or causes that need to be solved. Sometimes these underlying causes are societal root causes to problems that are beyond a company’s control. Other times, you may identify multiple or branching root causes. This activity is most helpful when you use it to reflect on issues that you have some control over, such as your business operations.

Once you have identified the root cause of a problem, you can begin identifying solutions that will both address the problem and prevent it from happening again. Building systems solutions to problems you encounter means longer lasting prevention of these issues recurring.

See [Annex 2](#) for a 5 Whys Worksheet for Root Cause Analysis as well as an example of a completed worksheet.

Examples of Effective Practices for Preventing Child Labor

This section describes the management systems approach in action for preventing child labor. It highlights examples of effective practices for preventing child labor for each component of the PDCA approach.



Policies

To make sure everyone knows what is expected you should have a written statement signed by your most senior executive of your company’s commitment to not use child labor and to remediate any cases of child labor found.

Risk Assessment

A risk assessment will help you prioritize the areas of your management system you need to strengthen first. For example, you would assess gaps in your business processes such as your ability to screen out underage workers or how labor shortages might impact your operations, such as how contracting or negotiating pricing with customers may impact your ability to directly recruit and hire workers at competitive market wages.

Improvement Objectives

Once you know the internal and external risks, you can make an improvement plan and set improvement objectives to address them, such as strengthening your age verification system with a specific target of preventing underage workers from being hired.



Procedures

Procedures are the “what,” “how,” and “who” of how your company operates to prevent child labor. There are many different types of procedures or systems that a company can use to prevent child labor. There is no one-size-fits-all approach. Here are a few examples of some of the procedures identified by U.S. manufacturing companies:

- Using E-Verify and I-9 process, or another trusted system, to authenticate identification as part of hiring process. Although these programs can be an effective tool to confirm the validity of identification documents, they do not prevent underage workers from using fake or fraudulent identification.
- Developing internal ID verification protocols, such as checking photos match the appearance of the applicant, ID signature match application forms, and testing the applicant on their ID information, in their preferred language (What’s your address? What’s your date of birth? What high school did you go to? etc.).
 - Running background checks as part of the hiring process and comparing the address history to information that was presented during the I-9 process.
 - Require a manager be present (at least once per month) for night shifts to look for visual signs of underage workers, with a system for reporting and checking to make sure the worker is of age, such as requesting additional identification with date of birth that was not presented during the hiring process.
- Use a badge system (or similar system) which indicates which workers are under 18 and are restricted from specific work areas, specific machinery, hazardous tasks, or night shift working hours. Workers under 18 may also require additional training on safety protocols, and what tasks they are not allowed to perform.
- In states where work permits are still available, maintain these whenever possible to verify the minors age, detail the types of work they do, and document the hours of work.¹⁸ These documents are generally available to minor workers through their school or the state labor department.

Responsibilities

Roles and responsibilities for effectively implementing child labor procedures include assigning a senior manager formal accountability (“ownership”) for preventing any form of child labor in the company, as well as ensuring other staff members have specific and appropriate roles for implementing procedures.

Documentation

Documentation of your policies and procedures to standardize your practices and demonstrate compliance to your customers. Document your age verification procedures for hiring staff, including tips for conducting screening interviews and maintaining proof of age records in every worker's personnel files.

Communication and Training

Communication and training to make sure every employee as well as third-party contractors know their rights and know your policies and how to implement them. Training to make sure all workers on site know how to use operational grievance mechanisms. Training your hiring staff on age-verification techniques and clearly communicating your child labor prevention requirements to any third parties providing labor or services to your company. If your company is using third-party recruiters or contractors, review all personnel hired by these firms or recruiters and perform unannounced spot checks on all shifts, including third shift.



Monitoring

Monitoring includes document spot-checking, internal and external audits, and formal confidential grievance channels to make sure procedures are implemented effectively.

Monitoring can take different forms, including conversations with recruitment staff members or hired labor providers to ensure they understand how to verify the age of job applicants and identify falsified documents. It can also include building relationships with the community around your site to encourage communication of any concerns that minors might be working at your site.



Corrective Action and System Review

Corrective Action and System Review is used to address the issues or gaps underlying persistent problems.

Find the root causes of any child labor issues and identify where your risk controls have gaps or need strengthening (for example, address root causes related to purchasing practices by looking at ordering patterns or pricings or work with the community around your site to address why minors might be looking for work and to identify legal work opportunities that can be provided to them).

RESPONSIBLE RECRUITMENT



Responsible Recruitment

What is Responsible Recruitment?

If you are a labor provider, you may be familiar with the term “Responsible Recruitment.” It refers to practices related to recruiting, selecting, transporting, and employing workers in such a way that actively prevents abuses and risks that start at this phase of the job lifecycle. These include:

Employer Pays
Principle

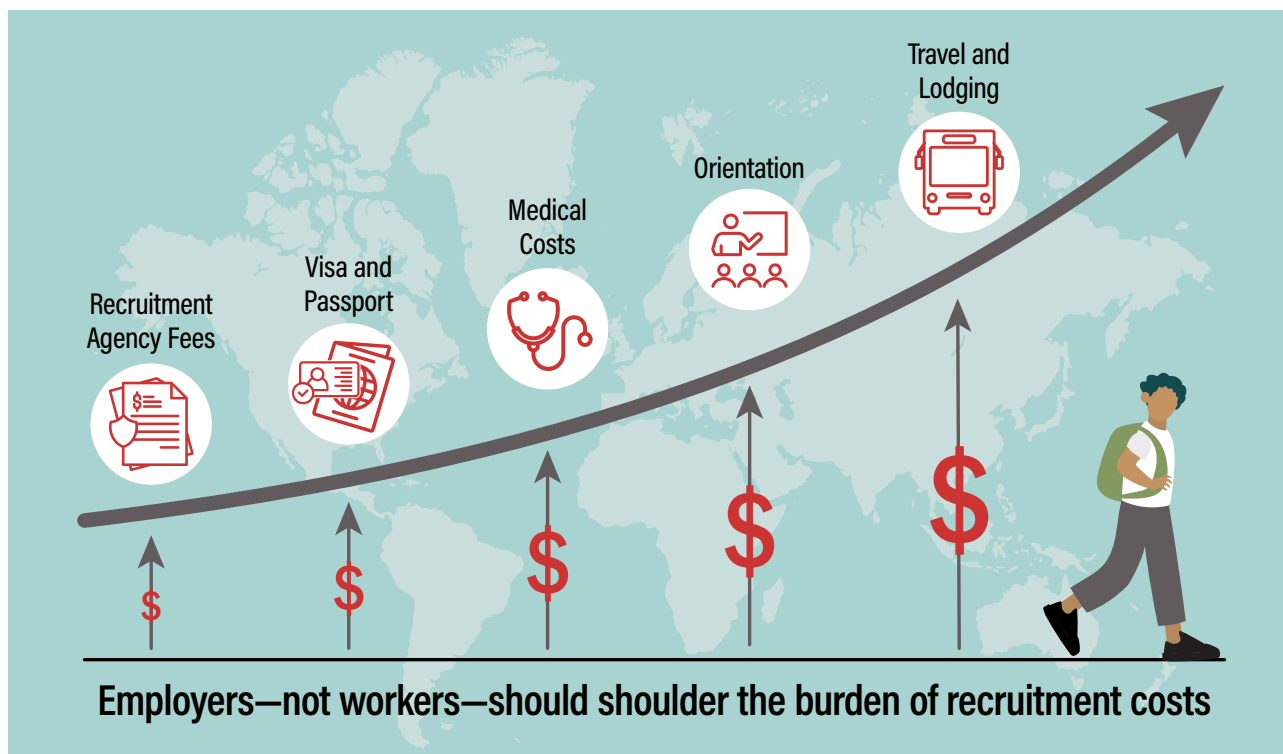
Recruitment
Agency Due
Diligence &
Oversight

Contracting
& Terms of
Employment

Grievance
Mechanisms &
Remediation

Employer Pays Principle

- The costs of legally recruiting and employing workers are understood by employers and recruiters and are covered by a contract between the two parties.
- The employer pays all recruitment fees and related costs.
- Workers are not charged recruitment fees or related costs incurred in the recruitment process irrespective of the manner, timing, or location of their imposition or collection.



"Despite 'No Fees to Workers' Policies, Workers Are Still Paying." Verité, August 18, 2023. <https://verite.org/despite-no-fees-to-workers-policies-workers-are-still-paying/>

Recruitment Agency Due Diligence & Oversight

- Employers, recruiters, service providers, and other entities involved in the recruitment process act legally, ethically, and transparently at all times.

Contracting & Terms of Employment

- Employers and recruiters provide transparent and accurate information about working conditions to jobseekers and make nondiscriminatory recruitment and selection decisions.
- Workers are provided transparent, accurate, and complete information regarding terms and conditions of employment in writing, in a language they understand, prior to signing an employment contract.
- Workers are provided with a contract they can access in a language they understand.

Grievance Mechanisms & Remediation

- Workers have access to an effective and adequate grievance mechanism that they can access in a language they understand.
- Workers have access to effective and adequate remedy throughout the recruitment process and their employment.

Screening and Selecting Labor & Service Providers

When direct employment is not possible, exercising careful due diligence in the screening and selection of labor and service providers, and partnering with labor and service providers who use robust recruitment processes that aim to protect workers, can help minimize risks to workers in your operations. Screening labor and service providers helps you gather information so that you can ensure the providers you're working with are able to meet legal requirements and your own standards. You want to have as much visibility into their recruitment and hiring processes as possible.

First, you will want to have a written policy stating that your company will only engage third-party labor and service providers that are capable of, and contractually committed to, meeting your company's requirements. Established procedures and clear roles and responsibilities for screening, selecting, and monitoring labor and service providers will strengthen your policy.

You should screen each potential labor provider or service provider to assess their business practices and procedures, compliance with state and federal labor laws, compliance with client policies and procedures, and their commitment to respecting labor and human rights.

A set of **performance criteria** will help. Here's a list that can help you get started.



Suggested Performance Criteria

Business practices and procedures

The labor or service provider:

- Can manage the volume of workers and/or work you need
- Has proposed a price which allows them to cover all legal costs of employing workers, including but not limited to background checks, onboarding training, any required uniforms or PPE, regular and overtime hours, etc.

Communication style and sharing of information

The labor or service provider:

- Is proactive in sharing required and/or requested documentation and information
- Is responsive and gets back to you quickly
- Accommodates regular audits on workforce (labor audits) and processes (e.g. employee documentation review) and understands their importance
- Requests information from you as the employer to demonstrate your commitment to labor and human rights
- Shares concerns or risks about forced or child labor with you

Compliance with state and federal labor laws

The labor or service provider:

- Is fully licensed and accredited by relevant authorities, as proven by official documentation issued by the proper authorities
- Has no record of violations, or violations have been corrected/are on track for correction
- Has an operational process to ensure they are updated on applicable legal requirements in each state in which they operate (in particular, minimum working ages and hours of work)
- Has an operational process and means for verifying IDs of applicants, including:
 - Reviews new hire's identity documents in accordance with the I-9 form and E-Verify process or another trusted system
 - Takes additional verification steps validate IDs (see the section on Age Verification During Recruitment for additional details)
 - Requires staff involved in recruitment to complete trainings on how to verify identification; if required by your company, ensure providers are trained in E-Verify or I-9 programs (the U.S. government offers free trainings on both programs)

Compliance with client policies and procedures

The labor or service provider:

- Commits in writing to comply with your company's labor and human rights requirements
- Provides required and/or requested documentation and information
- Demonstrates that they share your values on how to treat workers

Commitment to respecting labor and human rights

The labor or service provider:

- Has their own written policy or commitment statement related to labor and human rights (including a prohibition on child and forced labor)
- Has a policy that prohibits the use of misleading or fraudulent recruitment and hiring practices
- Has a policy stating that no worker shall be charged recruitment or placement fees

IMPORTANT NOTE

Verité recommends that companies do not report instances of fake identification being used to obtain employment to authorities, as this can affect a migrant worker's ability to obtain legal status in the future, unless advised to by legal counsel.

Monitoring Labor & Service Providers

Monitoring labor and service providers can help you prevent risks workers might face, even if they are not directly employed by your business. The first step of monitoring labor and service providers is to make sure they know your standards for respecting human rights and are formally committed to meeting them. With this foundation set you will be able to hold them accountable to their commitment throughout the course of your business relationship.

When you monitor the performance of a labor or service provider, you want to try to assess whether they are performing according to legal requirements and the standards for respecting human rights that you have defined.

There are different strategies you can use. For example, annual audits or quarterly checks of the labor or service provider's paperwork to ensure it is in order and the staff are paid the expected amount (including any relevant bonuses). It's best practice to select paperwork for workers at random.

Another tool is a more formal performance assessment. This can create an objective basis for management decisions and help protect against hidden abuses. It can also help labor and service providers work towards performance effectiveness, continual improvement, and meeting agreed upon goals and standards.

Performance assessments require a process of **triangulation**. You will need to gather and analyze information from different sources. An internal auditor from your company or an external auditor can do this work, as long as they're an expert. There are many different sources you'll want to gather information from, if available.

Performance Assessment Information Sources

Worker Interviews

Usually, the most valuable assessment information comes from workers hired by the labor or service provider themselves. Labor audits should include an interview sample of staff employed by labor and service providers and should include diverse representation across ages, genders, job assignments, dates of hire, etc. and ask about their recruitment and hiring process. Individuals conducting worker interviews should be sufficiently trained and should speak a language which can be easily understood by workers. No interview should put workers at risk.

PERFORMANCE ASSESSMENT INFORMATION SOURCES



Worker
interviews



Labor/service
provider documents



Labor/service
provider
management and
staff



External
stakeholders

Labor/service provider management and staff

Interview your labor/service provider contacts regularly to hear their reflections on their business operations and how you can support them to be a responsible recruiter.

Labor/service provider documents

You'll want to review business records (licenses, registration, certifications), payroll records (if applicable), ID verification records, and policies and procedures relevant to the standards you have communicated. For example, human resources staff may conduct periodic spot checks to make sure personnel files, selected at random, contain copies of verified proof-of-age documents and E-Verify authentication (if required).

External stakeholders

As part of a performance assessment, you may want to consult with local civil society organizations or worker centers to see what else you can learn about the operations of the labor/service provider you are working with. You can also conduct media scans to check to see if any concerns have been raised.

Monitoring Criteria

Just as each company will have their own specific criteria for screening and selecting labor and service providers, each company should develop their own criteria for assessing the performance of providers, too. The following assessment areas are recommended, depending on the context you're working in:



Suggested Assessment Areas

- Age verification practices — are these practices in place and working?
- Compensation and benefits — can you confirm workers are paid the correct amount, including any bonuses and overtime?
- Deductions (including deposits or loans) — can you confirm workers have not had any unauthorized deductions taken from their pay?
- Contracts, documentation, orientation and training — can you confirm workers receive written contracts and required trainings?

If you recruit workers internationally, these assessment areas are also recommended:

- Recruitment fees — can you confirm that workers have not paid recruitment fees?
- Personal identity documentation — can you confirm that workers retain their identity documents?

Monitoring labor and service providers is an ongoing process; as with the other components of the continual improvement cycle/business management approach it's not a one-time activity. Establishing procedures for monitoring labor and service providers and ensuring staff know how to implement those procedures can help the process run smoothly.

This is also a two-way process. It should allow labor and service providers to provide feedback on whether their customers' behaviors (the employer) are or are not supporting them to meet requirements.

WORKER & COMMUNITY ENGAGEMENT



Worker & Community Engagement

Worker Engagement

Worker engagement is an important practice to support company efforts to identify minors employed in unsafe or inappropriate jobs and allow for worker feedback on systems or procedures put in place for identifying child labor. Workers need to be trained on the red flags, and trust should be built between workers, management, and any involved third parties (including labor providers, auditors, and community-based partners) to assure transparency and an openness to report issues.

There are many practices for worker engagement that can support child labor identification. These can include, but are not limited to, the following.

| Worker Engagement Practice | Notes |
|---|--|
| Grievance mechanisms | See following section. |
| Training opportunities for workers | These could cover the grievance mechanisms your company uses, prohibited forms of labor, red flags for any workplace hazards, and how to report a suspected case of child labor. |
| Polls and surveys | Ideally polls and surveys are distributed every three to six months to measure effectiveness of policies and procedures, worker satisfaction, and workplace safety. |
| Worker interviews | Worker interviews can be conducted through internal and external audits, can be used to build trust, assess safety, and provide continuous opportunities for monitoring and evaluation (ensure workers have the right to confidentiality in all interviews, and, wherever applicable, can remain anonymous during individual or group interviews). |
| Trade unions and worker committees | Workers' agency and representation in the workplace are essential for protecting and ensuring workers' rights. Trade unions can act as a watchdog against child labor and inform the response to potential red flags. ¹⁹ Employers should have a policy on neutrality and non-retaliation regarding workers' organizations and create an enabling environment. Engage unions wherever possible. |

Grievance Mechanisms



A **grievance** is an allegation or report of a right violated, a procedure or standard not followed, an obligation not fulfilled, or other workplace practice or condition that could adversely impact a worker.



A **grievance process** includes the intake mechanism or mechanisms used by the company, which employees can then use to report an issue. The process also includes the steps the company takes in response to a report.

There are two general types of grievance mechanisms that can be used in the U.S. manufacturing sector:

- **National level mechanisms**, such as the U.S. Department of Labor's [Wage and Hourly Division's Youth Rules](#) and [State and Local Government Resources](#), [MigrantWorker.Gov](#) or the National Human Trafficking Hotline 1-888-373-7888
- **Company or operational-level grievance mechanisms**, including grievance hotlines, emails, business management applications, and online reporting tools

Workers should have access to both types of mechanisms, as they may feel more comfortable reporting serious issues, including a situation of child labor, forced labor, or human trafficking, to a third-party.

Grievance mechanisms are more likely to be used by adults to report cases of child labor than by minor workers themselves. Educate your staff on what grievance mechanisms are available to them, as part of both onboarding and ongoing training. Frame child labor as a safety issue that all workers and employees are responsible for addressing. Review your company's policies around confidentiality and anonymity for any grievances filed.

Frame child labor as a safety issue that all workers and employees are responsible for addressing.

The United Nations Office of the High Commissioner (OHCHR) provides the basic criteria that make an effective grievance mechanism. For more see, [Guiding Principles on Business and Human Rights, Effective Criteria for Non-Judicial Grievance Mechanisms](#).

Community Engagement

With increasing cases of child labor in the United States, companies need to better understand the labor risks in their specific communities and how they can be prevented and remediated. The more input companies have from directly affected groups (the local community, NGOs, etc.), the greater their chances of successfully preventing and remediating issues. Child labor risks are complex. Some risks are well within your control as a business, as described earlier in this module. But some are systemic and beyond your control alone; these kinds of risks require long-term solutions with strategic partners.

Ongoing engagement with community stakeholders in which you work (institutions that are core parts of your local social eco-system) is necessary when working to identify, address, and prevent labor rights violations in your supply chains.

Why engage with stakeholders in your community?

- Stakeholders are a good source of information
- Early engagement helps anticipate impacts
- Interaction with different actors encourages innovation
- Stakeholder engagement provides better perspectives on business performance

Connecting with local organizations who can provide a range of services and support is one way you can proactively prepare to remediate labor violation cases if they are found.

There are many ways to engage with the community that surrounds your workers and worksites, depending on the type of community you work in. Identify what is most helpful, using the input of your workers and management systems as a guide. Some suggestions for local engagements are listed below, with information about how these resources can assist you in creating a safe working environment. For more ideas, see the [Suggested External Partnership Resources section](#).

| Community Resource | How they can help |
|--|--|
| Non-profit and non-governmental organizations | <ul style="list-style-type: none"> → Provide information on external risk factors facing your workers → Provide guidance on best practices for remediation → Support remediation directly if cases of child and/or forced labor occurs |
| Social service providers | <ul style="list-style-type: none"> → Provide information on external risk factors facing your workers → Describe services they can provide to individuals should a situation of child labor be identified → Provide training on child safeguarding and resources on how to interact with vulnerable populations |
| Healthcare services | <ul style="list-style-type: none"> → Describe services they can provide to individuals should a situation of child labor be identified |
| Local school systems | <ul style="list-style-type: none"> → May be able to partner in the development of internship or workforce development programs to proactively hire minors in safe and lawful ways |
| Community centers | <ul style="list-style-type: none"> → Provide information on external risk factors facing your workers → Describe services they can provide to individuals should a situation of child labor be identified |

ANNEXES



Annex 1: Good Practices for Age Verification

The following has been adapted from [Annex II of Supplier Guidance on Preventing, Identifying and Addressing Child Labour](#) from the International Labour Organization²⁰.

Elements of a good age verification system must have:

- Effective Child Labor Policy and Procedures in place (which include age verification), which are in line with business partners' requirements.
- Trained HR staff who can carry out age verification as required and identify the authenticity of the ID documents.
- Responsible person appointed, who has the authority and resources to regularly supervise the age verification process.
- Active risk control measures, including resources utilized in hiring and operating processes and management of labor agents, subcontractors, and sub-contract partners.
- Measures for preventing young workers from conducting hazardous work, which includes maintaining a list of hazardous work, a regularly updated list of young workers, and onsite checks to ensure no young workers are engaged in hazardous work.
- Budget in place to allow for child labor prevention training and skills on age verification.

Sample questions related to age verification (to be used in addition to requested age verification documents):

Questions related to age should be natural and may start with a casual chat about the family situation. If needed, use an interpreter or translator in the minor's preferred language.

- What is the name of your hometown?
- Do you have friends from the same hometown here? Do you keep in contact with them?
- How many members are in your family? What are your parents' names?
- What are your parents doing? Where are they?
- Do you have siblings? Are they studying or working? How many years older/younger than you are your siblings?
- What is your birthday by day, month, and year? So, in this case, how old are you?
- What is the address of the place you currently reside when you are not at work, including the zip code?
- Is this your first job? Have you ever worked before? What kind of job have you done before? How long did you work for in the last job?

Annex 2: 5-Whys Worksheet for Root Cause Analysis

Problem Statement (what happened)

5-Why Root Cause Analysis to Determine Why it Happened

1. **Why?**

2. **Why?**

3. **Why?**

4. **Why?**

5. **Why?**

Prioritized Corrective Actions

Example 5-Whys Worksheet for Root Cause Analysis

Problem Statement (what happened)

A minor is performing a job prohibited for her age and is not able to attend school. The minor is in a situation of child labor.

5-Why Root Cause Analysis to Determine Why it Happened

1. Why?

The minor was hired using a fake ID which said she was older than she is.



2. Why?

The labor provider that hired her did not check her ID thoroughly to determine if it was fraudulent or otherwise verify her age.



3. Why?

The labor provider did not have an established process for verifying IDs.



4. Why?

The labor provider did not understand their co-packer client's policy and expectations around child labor, or the legal requirements around child labor in their state.



5. Why?

Shortages in the labor supply (related to low wages) have led to rushed hiring processes and the co-packer engaged the labor provider without thoroughly vetting them, onboarding them as a service provider, or communicating their child labor policy.

Prioritized Corrective Actions

- The labor provider can address the root cause by putting in place an established process for verifying IDs and strengthening their understanding of local laws around appropriate work for minors.
- The co-packer can address the root cause by having more robust processes for working with labor providers and ensuring that they verify IDs of all applicants and improve their ability to directly recruit and hire workers at competitive market wages.

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