



## Webinar on ‘Fundamental Principles and Rights at Work-FPRW’

10<sup>th</sup> April 2021 - Organized by: National Advocacy Unit-Campaign Against Child Labour

### A brief report of the webinar

#### **Background:**

*Today, in the world, 152 million children are the victims of child labour; 73 million of them work in hazardous child labour. Almost half of all 152 million children victims of child labour are aged 5-11 years. 40.3 million People are in modern slavery, including 24.9 in forced labour and 15.4 million in forced marriage. 1 in 4 victims of modern slavery are children. On average, women are paid 23 percent less than their male counterparts. Hundreds of millions of people suffer from discrimination in the world of work because of the color of their skin, their ethnicity or social origin, their religion or political beliefs, their age, gender, sexual identity or orientation, disability, or because of their HIV status.*

*To address these issues, in the year 1998, ILO's member States expressed their shared commitment to uphold basic human rights at work by adopting the Declaration on Fundamental Principles and Rights at Work (FPRW). A FPRW branch was also established in ILO in 2013, for bringing together the International Programme on the Elimination of Child Labour (IPEC) and the Department for the Promotion of the Declaration on Fundamental Principles and Rights at Work. These fundamental principles are meant to serve as a center of excellence on policies and action to support the realization of fundamental principles and rights at work.*

#### **Objective of this webinar:**

The objective of organising this webinar was to discuss the Fundamental principles and rights at work which provides the foundation on which equitable and just societies are built. We feel that deliberating upon these basic principles are crucial in the present scenario because current labour laws dilutions are allowing more factories to operate without following safety and health norms and gives a free hand to companies to keep labourers in service as per their convenience. Dilutions of labour laws are also directly-indirectly affecting the lives of lakhs and lakhs of children whose parents are already in difficult financial situations due to Covid- 19 related lockdown & slowdown. Discussions and deliberations on these issues would help us to refine our intervention strategies at the grassroots level to address the root cause of child labour.

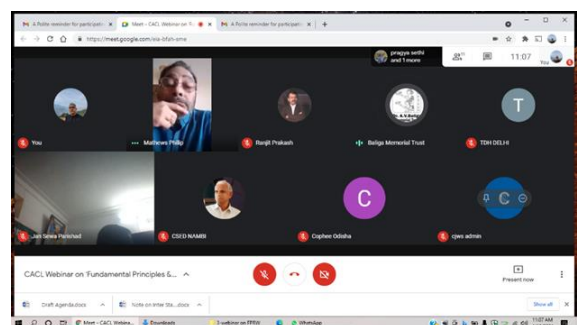
#### **Resource Person:**

Dr. Ranjit Prakash-National Project – Coordinator (Promoting Fundamental Principles and Rights at Work in the cotton supply chain)-International labour Organisation was the resource person for this webinar.

24 representatives from various child rights organisations from 11 states (where CACL has its presence) participated in this webinar.

#### **Context setting:**

At the beginning of the webinar Mr. Ashok Kumar- Convenor- National Advocacy Unit-CACL gave a warm welcome to everyone and shared the objective of organising this webinar.



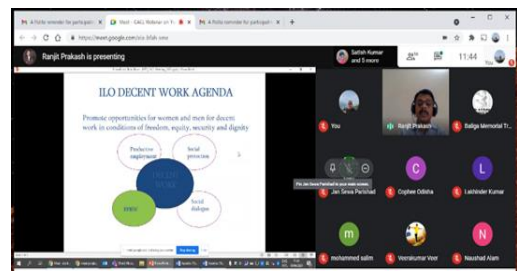


In his address, Mr. Mathews Philip -National Convenor- CACL, shared the worsening situations of child labour in the country, especially during Corona Pandemic period. He said that we need to make civil society and government organisations aware about the deteriorating situation of child labour and therefore CACL has decided to carry out a 44 days National Campaign “#ShramNahiShiksha’. This will be a way too to observe International Year for the Elimination of Child Labour -2021 . This campaign will be launched on 30<sup>th</sup> April and culminate with a National Consultation on June 12<sup>th</sup>, 2021( i.e. on World Day Against Child Labour) .

### Session Highlights:

#### What is ‘Fundamental Principles and Rights at Work-FPRW’

The fundamental principles and rights at work derive from ILO Conventions and Recommendations, which set international labour standards on a broad range of subjects related to the world of work, including human rights at work, occupational safety and health, employment policy, and human resources development.



Four pillars of ‘Fundamental Principles and Rights at Work-FPRW’:

1. Freedom of association and the effective recognition of the right to collective bargaining;
2. The elimination of all forms of forced or compulsory labour;
3. The effective abolition of child labour; and
4. The elimination of discrimination in respect of employment and occupation.

### Core Labour Conventions

Freedom of association and the right to collective bargaining

- Freedom of Association and Protection of the Right to Organize Convention (No. 87), 1948
- Right to Organize and Collective Bargaining Convention (No. 98), 1949

Forced Labour

- Forced Labour Convention (No. 29), 1930
- Abolition of Forced Labour Convention (No. 105), 1957

Child Labour

- Minimum Age Convention (No. 138), 1973
- Worst Forms of Child Labour Convention (No. 182), 1999

Discrimination in Respect of Employment and occupation

- Equal Remuneration Convention (No. 100), 1951
- Discrimination (Employment and Occupation) Convention (No. 111), 1958

Keeping in mind the Child labour scenario, whole discussion on FPRW was held.



Child labour elimination will help Decent work agenda, just we need to follow FPRW i.e. child labour plus approach. It is an integrated strategy to eliminate child labour.

### **The Relationship Between Labour Principles and Business**

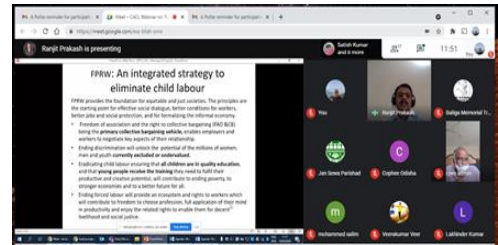
ILO Conventions are international treaties, which, upon ratification by a member state, become an obligation that they are transposed into national legislation which ultimately binds companies' operation. Companies must respect national law in their efforts to advance the labour principles.

### **Freedom of Association**

Freedom of association implies a respect for the right of all employers and all workers to freely and voluntarily establish and join groups for the promotion and defence of their occupational interests.

Workers and employers have the right to set up, join and run their own organizations without interference from the State or any other entity.

Employers should not interfere in workers' decision to associate, try to influence their decision in any way, or discriminate against either those workers who choose to associate or those who act as their representatives.



### **Collective Bargaining**

Collective bargaining can only function effectively if it is conducted freely and in good faith by all parties. This implies:

- Making efforts to reach an agreement;
- Carrying out genuine and constructive negotiations;
- Avoiding unjustified delays;
- Respecting the agreements concluded and applied in good faith; and
- Giving sufficient time for the parties to discuss and settle the collective disputes.

Bargaining in good faith aims to reach mutually acceptable collective agreements. Where agreement is not reached, dispute settlement procedures ranging from conciliation through mediation to arbitration may be used.

### **The Responsibility of Government**

Governments have the responsibility for ensuring that the legal and institutional frameworks exist and function properly. They should also help to promote a culture of mutual acceptance and cooperation.

### **Why Freedom of Association and Effective Recognition of the Right to Collective Bargaining are Important**

Collective bargaining is a constructive forum for addressing working conditions and terms of employment and relations between employers and workers, or their respective organizations. It can help in anticipating potential problems and can advance peaceful mechanisms for dealing with them, and finding solutions that take into account the priorities and needs of both employer and workers. Sound collective bargaining benefits both management and workers, and the peace and stability it promotes benefit society more generally.



## How Companies Can Uphold Freedom of Association and the Effective Recognition of the Right to Collective Bargaining

<b>In the workplace:</b>	<ul style="list-style-type: none"> <li>– Respect the right of all workers to form and join a trade union of their choice without fear of intimidation or reprisal, in accordance with national law</li> <li>– Put in place non-discriminatory policies and procedures with respect to trade union organisation, union membership, and activity in such areas as applications for employment and decisions on advancement, dismissal, or transfer.</li> <li>– Provide information needed for meaningful bargaining</li> <li>– Provide worker representatives with appropriate facilities to assist in the development of the effective collective agreement</li> </ul>
<b>At the bargaining table:</b>	<ul style="list-style-type: none"> <li>– Recognise representative organizations for the purpose of collective bargaining.</li> <li>– Address any problem-solving or other needs of interest to workers and management, including restructuring and training, redundancy procedures, safety and health issues, grievance and dispute settlement procedures, and disciplinary rules.</li> </ul>
<b>In the community of operation:</b>	<ul style="list-style-type: none"> <li>– Take into account the role and function of the representative national employers' organizations</li> <li>– Take steps to improve the climate in labour-management relations, especially in those countries without an adequate institutional and legal framework for recognizing trade unions and for collective bargaining.</li> <li>– Take steps to preserve the safety and confidentiality of trade unions and their leaders.</li> </ul>

### Child Labour

ILO conventions (Minimum Age Convention No. 138 and the Worst Forms of Child Labour Convention No. 182) provide the framework for national law to prescribe a minimum age for admission to employment or work that must not be less than the age for completing compulsory schooling, and in any case not less than 15 years. Lower ages are permitted for transitional periods - generally in countries where economic and educational facilities are less well-developed the minimum age is 14 years and 12 years for 'light work'. On the other hand, the minimum age for hazardous work is higher at 18 years for all countries.

<b>Minimum Age for Admission to Employment or Work</b>		
	Developed Countries	Developing countries
Regular Work	15 years	14 years
Hazardous Work	18 years	18 years
Light work	13 years	12 years



Campaign Against Child Labour

The term “child labour” should not be confused with “youth employment” or “student work”. Child labour is a form of exploitation that is a violation of a human right. It is recognized and defined by international instruments. It is the declared policy of the international community and of almost all governments to abolish child labour.

There are certain types of child labour, as categorised in ILO convention 182, which call for governments to take urgent and immediate action when undertaken by children under the age of 18 years. They are:

- all forms of slavery - this includes the trafficking of children, debt bondage, forced and compulsory labour, and the use of children in armed conflict;
- the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic purposes;
- the use, procuring or offering of a child for illicit activities, in particular the production and trafficking of drugs; and
- work which is likely to harm the health, safety or morals of the child as a consequence of its nature or the circumstances under which it is carried out.

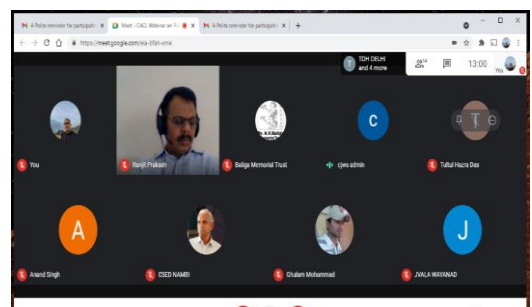
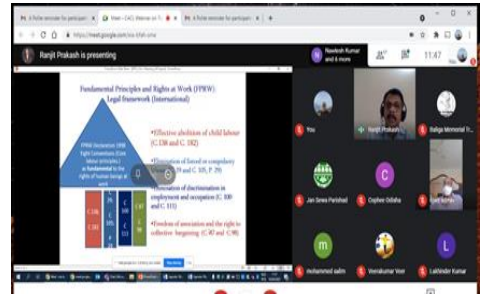
Companies should make efforts to eliminate all forms of child labour. Efforts to eliminate the worst forms of child labour should not be used to justify other forms of child labour.

- *Out of 8 , Government of India has ratified 6 conventions related to labour and employment .*
- *Principal challenge to abolish child labour system in India is informality of businesses and processes.*
- *Right to Freedom of association and collective bargaining is not recognized in India , which is a big hurdle/obstacle for achieving FPRW .It also creates a hurdle in addressing the root causes of child labour in India.*

### Why Companies Should be Concerned About Child Labour

Child labour damages a child's physical, social, mental, psychological and spiritual development. Child labour deprives children of their childhood and their dignity. They are deprived of an education and maybe separated from their families. Children who do not complete their basic education are likely to remain illiterate and never acquire the skills needed to get a job and contribute to the development of a modern economy. Consequently, child labour results in under-skilled, unqualified workers and jeopardises future improvements of skills in the workforce.

Children enjoy human rights no less than adults. However, by virtue of their age and the very fact that they are still growing and gaining knowledge and experience, they have some distinct rights as children. These rights include protection from economic exploitation and work that may be dangerous to their health, safety, or morals that hinder their development or impede their access to education. The complexity of the issue of child labour means that companies need to address the issue sensitively, and not take action which may force working children into more exploitative forms of work. Nevertheless, as Principle 5 states, the goal of all companies should be the abolition of child labour within their sphere of influence.





Association with child labour will likely damage a company's reputation. This is true in the case of transnational companies who have extensive supply and service chains, where the economic exploitation of children, even by a business partner, can damage a brand image and have strong repercussions on profit and stock value.

### What Companies Can Do to Uphold the Effective Abolition of Child Labour

<p><b>In the workplace:</b></p>	<ul style="list-style-type: none"> <li>– Adhere to minimum age provisions of national labour laws and regulations and, where national law is insufficient, take account of international standards.</li> <li>– Use adequate and verifiable mechanisms for age verification.</li> <li>– When children below the legal working age are found in the workplace, take measures to remove them from work.</li> <li>– To the extent possible, help the child removed from workplace and his/her family to access adequate services and viable alternatives</li> <li>– Exercise influence on subcontractors, suppliers and other business affiliates to combat child labour.</li> </ul>
<p><b>At the bargaining table:</b></p>	<ul style="list-style-type: none"> <li>– Companies may also wish to contribute, where possible, to broader community efforts to eliminate child labour and help children removed from work to find have access to quality education and social protection.</li> <li>– Work in partnership with other companies, sectoral associations and employers' organisations to develop an industry-wide approach to address the issue, and build bridges with stakeholders such as workers' organisations, law enforcement authorities, labour inspectorates and others.</li> <li>– Establish or participate in a task force or committee on child labour in your representative employers' organisation at local, state or national level.</li> <li>– Support development of a National Action Plan against child labour as part of key policy and institutional mechanisms to combat forced labour at national level.</li> </ul>
	<ul style="list-style-type: none"> <li>– Within your sphere of influence, participate in prevention and re-integration programmes for former child labourers by providing skills development and job training opportunities.</li> <li>– Where possible, participate in national and international programmes, including media campaigns, and co-ordinate with local and national authorities, workers' organisations and other stakeholders.</li> </ul>

### Suggested strategy for decreasing child labour in India:

- **Decrease Informality in business practices:** Informality is a major cause of child labour in India and everywhere in the world therefore we need to oppose such practice and try our best to advocate for formalize the business practices. It will strengthen labor standers and reduce the child labour phenomena.



- **Advocate for implementation of ‘Labour Standards In Global Supply Chains’ promoted by ILO.**
  - *Labour Standards In Global Supply Chains – ILO (2019)*  
([https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/instructionalmaterial/wcms\\_725761.pdf](https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/instructionalmaterial/wcms_725761.pdf) ) .
  - Page number 42 to 47 of this document is on child labor prohibition. It will substantially reduce child labour in the supply chain system. Through various ways, we can reach to suppliers and make them aware of these standers and protocols.
  - *Ending child labour, forced labour and human trafficking in global supply chains-ILO (2019,*  
[https://labordoc.ilo.org/discovery/delivery/41ILO\\_INST:41ILO\\_V2/1263729770002676?lang=en](https://labordoc.ilo.org/discovery/delivery/41ILO_INST:41ILO_V2/1263729770002676?lang=en) )
  - *Achieving decent work in global supply chains-ILO (2020)*  
([https://www.ilo.org/wcmsp5/groups/public/---ed\\_dialogue/---dialogue/documents/meetingdocument/wcms\\_735378.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---dialogue/documents/meetingdocument/wcms_735378.pdf) )
- **Promote social dialogue** among all the stakeholders for the eradication of child labour.
- **Promote collective bargaining** system in the commercial sectors.
- **Promote a convergent approach** (at each level) to address the child labour issue.
- **Child labour elimination efforts should not be limited to the legal exercises.** It should be dealt with on the social front too for long-lasting impact.
- **The right of the adult workers** (including the right to have better working conditions) must be advocated simultaneously otherwise it is not going to address the root causes of child labour.
- **The right to get quality education and other rights** like survival, development, protection, etc, should also be addressed appropriately.

### Program schedule

#### WEBINAR ON ‘Fundamental Principles and Rights at Work-FPRW’

Date: 10<sup>th</sup> April 2021 ----- Time: 11 am - 1.00 pm

Organized by: National Advocacy Unit-Campaign Against Child Labour

Time	Session	Resource Person /Facilitator
11.00am-11.10 am	Welcome and Objectives of the Webinar	Mr. Ashok Kumar, Convener, National Advocacy Unit-CACL
11.10 am -11. 20 am	Sharing the 'proposed programmes of CACL for observing the 'International Year for the Elimination of Child Labour-2021''	Mr. Matthews Phillip-National Convener-CACL
11.20 am-11.50 am	<ul style="list-style-type: none"> <li>● The Relationship Between Labour Principles and Business</li> <li>● Freedom of Association</li> <li>● Collective Bargaining</li> <li>● The Responsibility of Government</li> <li>● Why Freedom of Association and Effective Recognition of the Right to Collective Bargaining are Important</li> </ul>	Dr. Ranjit Prakash-National Project – Coordinator, Promoting Fundamental Principles and Rights at Work in the cotton supply chain-International labour Organisation(ILO)



Campaign Against Unethical Labour Practices

	<ul style="list-style-type: none"><li>• <b>How Companies Can Uphold Freedom of Association and the Effective Recognition of the Right to Collective Bargaining</b></li><li>• <b>Forced Labour and How Companies Can Contribute to the Elimination of Forced Labour</b></li></ul>	
<b>11.50 am- 12.10 am</b>	<b>Q &amp; A session/ Open discussion</b>	<b>-Facilitator: Mr. Ashok Kumar</b> <b>-Response to the questions by: Dr. Ranjit Prakash-ILO</b>
<b>12.10 am- 12.40 pm</b>	<ul style="list-style-type: none"><li>• <b>Child Labour and Why Companies Should be Concerned About Child Labour</b></li><li>• <b>What Companies Can Do to Uphold the Effective Abolition of Child Labour</b></li><li>• <b>Discrimination in Respect of Employment and Occupation and What Companies Can Do to Eliminate Discrimination in Respect of Employment and Occupation</b></li></ul>	<b>Dr. Ranjit Prakash-ILO</b>
<b>12.40 pm- 12.55 pm</b>	<b>Q &amp; A session and Open discussion</b>	<b>-Facilitators: Mr. Ashok Kumar</b> <b>-Response by: Dr. Ranjit Prakash-ILO</b>
<b>12.55 pm- 1.00 pm</b>	<b>Vote of thanks</b>	<b>Mr. K K Tripathy</b>

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