

Labor Rights and Due Diligence Terms

Certification Scheme

Certification schemes act as a “confirmation of the chain of custody or traceability [system],” verifying claims of due diligence against a set of standardized criteria¹ and acting as a “license to trade” within the growing market momentum of corporate social responsibility.² Certification schemes vary by industry and their purpose (e.g., enabling chain of custody, communicating a product’s mass-balance of sustainable and non-sustainable sourced components, or affirming identity preservation throughout a supply chain).

[1] [Chain of Custody Models and Definitions](#). ISEAL Alliance, Sept. 2020, p. 1.

[2] [A Guide to Traceability: A Practical Approach to Advance Sustainability in Global Supply Chains](#). UN Global Compact and BSR, 2014, p. 8.

Child Labor

The International Labour Organization defines child labor as:

“Work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. It refers to work that: is mentally, physically, socially or morally dangerous and harmful to children; and interferes with their schooling by: depriving them of the opportunity to attend school; obliging them to leave school prematurely; or requiring them to attempt to combine school attendance with excessively long and heavy work.” Child labor is differentiated from child work, which is economic activity performed by children that is considered to be both legal and not harmful.

[ILO International Programme on the Elimination of Child Labour](#), International Labour Organization.

ILO Convention 138 sets the minimum age for work at 15 years of age (although countries with insufficiently developed economies and educational facilities can qualify for “exception” status with a minimum working age of 14). The convention permits light work for 13- to 15-year-olds, with light work being defined as work that is “(a) not likely to be harmful to their health or development; and (b) not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from instruction received.”

[C138 – Minimum Age Convention, 1973 \(No. 138\)](#). International Labour Organization, 1973.

Forced Labor

The International Labour Organization defines forced labor as “All work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”

[C029: Forced Labour Convention](#), International Labour Organization (ILO), 1930.

Forced Child Labor

Forced Child Labor is defined as “work performed by children under coercion applied by a third party (other than by his or her parents) either to the child or to the child’s parents, or work performed by a child as a direct consequence of their parent or parents being engaged in forced labour.”

[Hard to See, Harder to Count - Survey guidelines to estimate forced labour of adults and children](#), International Labour Organization, 1 Jun 2012, p. 17.

Labor and Human Rights Due Diligence

Due Diligence is a preventative, risk-conscious, and process-oriented obligation upon a business enterprise to “identify adverse impacts, prevent and mitigate them, track implementation and results, and communicate on how adverse impacts are addressed with respect to the enterprise’s own operations, their supply chains and other business relationships.” As applied to labor and human rights, due diligence principles are concerned with potential infringements of core internationally-recognized worker protections, workplace safety, and “basic life necessities and freedoms.”

[OECD Due Diligence Guidance for Responsible Business Conduct](#), OECD, 2018, p. 20, 45-6.

Third Party Labor Recruiter; Labor Broker; Labor Intermediary

Third-party labor recruiters, brokers, and intermediaries are individuals or agencies separate from the primary employer who are “involved in the recruitment, selection, hiring, transportation, and/or in some cases employment of workers in either origin (sending) and destination (receiving) countries.”

“Definitions of Terms.” *Responsible Sourcing Tool*, 2022, www.responsiblesourcingtool.org/uploads/136/Facilities_Definition_of_Terms_2022.pdf.

For more information, see: [Multi-Party Work Arrangements: Concepts, Definitions, and Statistics](#), International Labour Organization (ILO), 2018, p. 2.

Trafficking in Persons

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

United Nations. [*Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime*](#). Organization for Security and Co-operation in Europe. 2000.

Quota or Piece-rate Work

A compensation system in which workers are paid based on volume of product harvested or produced. The use of quota or piece-rate systems can compel the use of unpaid family labor, sub-contracting to other vulnerable workers, and/or work extremely long hours.

[*Module III: Understanding Risk, The ILO Forced Labour Indicators*](#). Verité.

Worker Voice

Worker voice generally refers to workers’ “right and ability to assert their interests individually or collectively to influence the conditions under which they work.”¹

Another working definition lays out the key components of the Worker Voice concept:

“Two fundamental aspects of ‘worker voice’ have always been:

- (1) Capturing the voices, experiences, and needs of workers, and
- (2) Channeling that voice into a clear mechanism for remediation for those workers.”²

The United States Department of Labor has used the above definition and noted further that the ability of workers to express their experiences and needs and seek remediation is dependent on their right to be free from a fear of retaliation. See also: <https://govtribe.com/file/government-file/foa-ilab-21-17-dot-pdf>

[1] Kochan, T. A., Yang, D., Kimball, W. T., & Kelly, E. L. [*Worker Voice in America: Is There a Gap between What Workers Expect and What They Experience?*](#) ILR Review, 2019, 72(1), 3–38.

[2] [*What is 'Worker Voice' in the context of global supply chains?*](#) Issara Institute & Respect International, 2017.

Worst Forms of Child Labor

ILO Convention 182 defines the worst forms of child labor as:

“(a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;

(b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;

(c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;

(d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.”

[C182: Worst Forms of Child Labour Convention](#), International Labour Organization (ILO), 1999.

Traceability Terms

Chain of Custody

“The documented chain of parties who had possession of the goods at every moment between the entry and exit points in the value chain where traceability took place.”

[Recommendation No. 46: Enhancing Traceability and Transparency of Sustainable Value Chains in the Garment and Footwear Sector](#), United Nations Economic Commission for Europe (UNECE) and United Nations Centre for Trace Facilitation and Electronic Business (UN/CEFACT), 2022, p.22.

Claim

“...a high-level statement about a characteristic of a product, or about a process or an organization associated with that product (traceable asset). To show that the characteristic is true, it is necessary to trace the asset as it moves through the value chain.”

[Recommendation No. 46: Enhancing Traceability and Transparency of Sustainable Value Chains in the Garment and Footwear Sector](#), United Nations Economic Commission for Europe (UNECE) and United Nations Centre for Trace Facilitation and Electronic Business (UN/CEFACT), 2022, p.45.

Products

“...processed, finished items that are offered for sale...they are manufactured combinations of materials and perhaps other products, processed to create items.”

[Recommendation No. 46: Enhancing Traceability and Transparency of Sustainable Value Chains in the Garment and Footwear Sector](#), United Nations Economic Commission for Europe (UNECE) and United Nations Centre for Trace Facilitation and Electronic Business (UN/CEFACT), 2022, p.46.

Product Certification

“The process of certifying that a certain product has passed performance and quality assurance tests, or qualification requirements stipulated in regulations.”

[*Recommendation No. 46: Enhancing Traceability and Transparency of Sustainable Value Chains in the Garment and Footwear Sector*](#), United Nations Economic Commission for Europe (UNECE) and United Nations Centre for Trace Facilitation and Electronic Business (UN/CEFACT), 2022, p.46.

Traceability

“The ability to trace the history, application or location of an object in a value chain.”

[*Recommendation No. 46: Enhancing Traceability and Transparency of Sustainable Value Chains in the Garment and Footwear Sector*](#), United Nations Economic Commission for Europe (UNECE) and United Nations Centre for Trace Facilitation and Electronic Business (UN/CEFACT), 2022, p.22 and ISO 9000:2015.

Traceability System

The Verite STREAMS project and the Supply Chain Traceability Matrix use the term Traceability System to refer to a holistic set of functional traceability strategies and technologies that collectively provide insight into both the movement of goods throughout a supply chain as well as the identities and characteristics of the entities, actors, and locations, along supply chains.

The STREAMs definition works alongside the UNECE definition of a traceability system as “all the practical processes, procedures and technology needed to create a functional traceability system...A traceability system together with its surrounding ecosystem of supporting policies, incentives and promotion measures, forms a traceability framework.”

[*Recommendation No. 46: Enhancing Traceability and Transparency of Sustainable Value Chains in the Garment and Footwear Sector*](#), United Nations Economic Commission for Europe (UNECE) and United Nations Centre for Trace Facilitation and Electronic Business (UN/CEFACT), 2022, p.47.