

PLEDGE OF COMMITMENT BY ECLT FOUNDATION BOARD MEMBERS

I. PREAMBLE

ECLT Foundation Board members pledge to work collaboratively with the relevant local, national, regional and international stakeholders to progressively eliminate all forms of child labour as defined in Section III below, within tobacco-sourcing supply chains.

ECLT Foundation Board members' commitment acknowledges: the ILO Declaration on Fundamental Principles and Rights at Work; the UN Guiding Principles on Business and Human Rights, also known as Ruggie Framework or UN "Protect, Respect, and Remedy" Framework, as they relate to children; the Children's Rights & Business Principles; the UN Convention on the Rights of the Child and its corresponding General Comment No. 16; the ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour; the ILO Convention No. 138 concerning Minimum Age for Admission to Employment; the ILO Convention No. 184 concerning Safety and Health in Agriculture; and/or the relevant national regulatory frameworks on child labour in the countries in which ECLT Foundation Board members operate. Conventions Nos. 138 and 182 are fundamental Conventions. Under the ILO Declaration on Fundamental Principles and Rights at Work, even those ILO member States¹ that have not yet ratified these Conventions have an obligation to respect, promote and realize the principles they enshrine.

ECLT Foundation Board members respect and recognize the principles and rights enshrined in the ILO Conventions and Recommendations on child labour, as described in Section III below.

ECLT Foundation Board members' pledge is described in the Child Labour Policy and in the ECLT Foundation Board members' Minimum Requirements, in Section II below.

II. ECLT FOUNDATION BOARD MEMBERS' CHILD LABOUR POLICY AND MINIMUM REQUIREMENTS

CHILD LABOUR POLICY:

There shall be no use of child labour. There shall be no forms of slavery or practices similar to slavery, such as the sale, trafficking, debt bondage, or forced labour of children, or other worst forms of child labour, including hazardous work. Children of legal working age shall not perform hazardous work, as defined by national regulatory frameworks, which by its nature, or the circumstances in which it is carried out, is likely to harm their health, safety, or morals.

To ensure the highest protection of children, the minimum age for admission to non-hazardous employment shall not be less than the age prescribed by national law and members should respect the relevant minimum age established in the ILO Conventions and Recommendations on child labour.

In countries² in which national laws do not provide the highest protection, members should respect the international laws cited in Section I to afford the greatest protection for children.

¹ Refers and pertains to the 185 countries who are member states of the ILO:

<http://www.ilo.org/public/english/standards/relm/country.htm>

² See full list of ratified and non-ratified international conventions

<http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11001:0::NO::>

In the context of family farms, as defined under national law, the highest protection offered to children also depends on the interaction and enforcement of other robust national laws in place to protect children. The child labour policy of each ECLT Foundation Board member, as applicable, shall include a policy to promote a level of child protection that meets or exceeds the protections provided by the relevant international frameworks mentioned in the Preamble above.

Reaching all standards established in this child labour policy, especially in circumstances when national laws and international principles on child labour are not aligned, is a dynamic process that requires time-bound and transparent milestones aimed at determining the highest protection from child labour.

ECLT FOUNDATION BOARD MEMBERS' MINIMUM REQUIREMENTS (hereinafter the "requirements"):

For buyers and manufacturers – to apply these requirements within their entire tobacco-sourcing supply chains, and consistent with the principles of "Protect, Respect, and Remedy Framework" pledge to:

- Make the appropriate policy commitment to eliminate child labour;
- Implement due diligence, consistent with the size and circumstances of the company, with the aim of identifying, preventing, mitigating and accounting for their adverse impacts on child labour in tobacco-sourcing supply chains;
- Provide for/or cooperate in legitimate processes of remediation.

That buyers and manufacturers help build the capacity of farmers and farmers' organizations – to implement the requirements and other child labour clauses contained in their working agreements; and that with buyers' support, farmers and any other third party, follow the guidance and recommendations consistent with the requirements of this Pledge.

All to work collaboratively, consistent with their respective size and circumstances:

- With workers' organizations and cooperatives to promote the requirements;
- With a wide range of stakeholders, including but not limited to, workers' organizations, civil society/non-governmental organizations, educational institutions, local communities, and children, to advocate against child labour and support this Pledge;
- With governments, to support the State's role to 'Protect' against human rights abuses under the UN Guiding Principles, and to advocate for and support strong national regulatory frameworks on child labour.

IN JOINT COMMITMENT TO THIS CHILD LABOUR POLICY AND MINIMUM REQUIREMENTS:

- **The International Tobacco Growers Association (ITGA)** pledges to take an active part in the challenge of eliminating child labour in the tobacco growing sector by raising awareness with its membership, disseminating this Pledge, and promoting, respecting, and realizing its stated child labour policy and requirements.

- **The Eliminating Child Labour in Tobacco Growing Foundation (ECLT)** pledges to: (i) mobilize all its available resources to promote the ECLT Foundation Board Members' Pledge, and as needed, guide and support ECLT Foundation Board Members' actions to realize the stated policy and requirements; (ii) promote, disseminate, and integrate this Pledge in its own policies and programme approaches; (iii) promote and support the responsibility to respect children's rights amongst all organizations; and (iv) promote and support decent youth employment, risk assessment and occupational safety and health (OSH) training and the proliferation of good OSH practices for farmers and farm workers among all organizations to improve safety and health on farms.
- **All signatories to the ECLT Foundation Board Members' Pledge**, acknowledge the intent of the founding documents of the Foundation - the Memorandum of Cooperation signed on 19 June, 2000 by the ITGA, the International Union of Food, Agriculture, Hotel, Restaurant, Catering, Tobacco and Allied Workers Associations, IUF, and British American Tobacco, BAT, and the preceding joint statement on child labour of 10 June, 1999, signed by ITGA and IUF, and witnessed by the International Labour Organization (ILO); and subscribe, in particular to the stated principle that ***children have a right to schooling, a full family life, and a safe and healthy upbringing that gives them the best chance to succeed in all aspects of life.***

III. ILO DEFINITIONS, CONVENTIONS, AND RECOMMENDATIONS ON CHILD LABOUR

DEFINITIONS:

In international law, a "child" is defined as a person under 18 years of age. According to the basic principle of international standards, "child labour concerns work for which the child is either too young – work done below the required minimum age – or work which, because of its detrimental nature or conditions, is altogether considered unsuitable for children and is prohibited"³. The term "child labour" is often explained as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development.

Not all work done by children is classified as child labour. Children's or adolescents' participation in types of work they are old enough to perform, enter into freely, and which do not affect their health and personal development or interfere with their schooling, is generally regarded as being something positive. This may include activities such as helping their parents around the home, assisting in a family business or earning pocket money outside school hours and during school holidays. These kinds of activities may contribute to children's development and to the welfare of their families; provide them with skills and experience, and help to prepare them to be productive members of society during their adult life.⁴ Even below the general minimum working age, national legislation may exceptionally permit light work, guided by the ILO standards as from the age of 13 or 12 years, in specified types of work by children that does not hinder education, and within limited hours (e.g. less than 14 hours per week), and other protective conditions⁵.

CONVENTIONS AND RECOMMENDATIONS ON CHILD LABOUR:

³ Report of the Secretary General to the UN General Assembly, dated 27 July 2009 (A/64/172), "Status of the Convention on the Rights of the Child", paragraph 13. http://www.un.org/ga/search/view_doc.asp?symbol=A%2F64%2F172&Submit=Search&Lang=E

⁴ See: <http://www.ilo.org/ipecc/facts/lang--en/index.htm>

⁵ ILO, 2013. Making Progress against Child Labour. http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipecc/documents/publication/wcms_221513.pdf p. 46

1) The main principles of the ILO Convention No. 138 concerning Minimum Age for Admission to Employment are shown in the table below.

	The minimum age under which the type of work is prohibited	Possible exceptions
<p>Hazardous work: Any 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</p>	<p>18 (16 under strict national conditions⁶)</p>	<p>16 (Under strict national conditions⁶) Work defined as hazardous in national legislation may be performed by children of 16 years and above only if permitted by national legislation after consultation with employers' and workers' organizations, and if the health, safety and morals of the children concerned are fully protected and they have received adequate training in the relevant branch of activity.</p>
<p>Basic Minimum Age: The minimum age for work (except for light work) should not be below the age of 15 years nor below the compulsory education age.</p>	<p>15</p>	<p>14 (Possible temporary exception for developing countries) Most countries have set the minimum age for admission to employment at 15 or 16 years.</p>
<p>Light Work: If national legislation permits, children between the ages of 13 and 15 years old may do light work, as long as it does not threaten their health or safety, or hinder their attendance at school, their participation in vocational orientation and training or their ability to benefit from education and training.</p>	<p>13-15</p>	<p>12-14 (Possible temporary exception for developing countries)</p>

2) The main principles of ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour for anyone under 18 comprise the following:

- (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

32nd Board Meeting of the ECLT Foundation, Geneva, September 18, 2014

⁶ Refers to Article 3.3 of ILO C138 on minimum age for admission to employment; Article 16.3 of ILO Convention 184; Paragraph 4 of ILO Recommendation 190, and ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour for anyone under 18.
http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C138
http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312329
http://www.ilo.org/dyn/normlex/fr/f?p=1000:12100:0::NO::P12100_INSTRUMENT_ID,P12100_LANG_CODE:312528,en:NO and
http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312327:NO

Signed by the ECLT Foundation Board Members:

International Tobacco Growers Association

Alliance One International, Inc.

Altria Client Services Inc.

British American Tobacco (Holdings) Limited

Contraf-Nicotex-Tobacco GmbH

Hail & Cotton

Imperial Tobacco Group Plc

Japan Tobacco International & Japan Tobacco Inc.

Philip Morris International

Premium Tobacco

Scandinavian Tobacco Group

Sunel Ticaret Turk A.S

Swedish Match

Universal Leaf Tobacco Company, Inc.

Witnessed by ECLT Board Advisors:

International Labour Organization

Save the Children Switzerland

By the Eliminating Child Labour in Tobacco Growing Foundation:

ECLT Foundation

###