

Module 5. Remediation

How to respond to cases of child labor

Draft October 2020



**RAINFOREST
ALLIANCE**



Table of Contents

REMEDIATION	3
What is remediation	3
Who is responsible for remediation and what do they do?	4
How to prepare for remediation	4
Remediation process	6
Designing remediation measures	8

This module is the fifth in the series of six modules to support farms in their child labor due diligence efforts. For further information about other modules, please refer to below overview:

[Module 1: What is child labor: Understanding the root causes of child labor](#)

[Module 2: Assess and Address Child labor: How to implement child labor due diligence](#)

[Module 3: Risk Assessment: How to assess the risk of child labor](#)

[Module 4: Mitigation: How to prevent child labor risks](#)

[Module 5: Remediation: How to respond to cases of child labor](#)

[Module 6: Monitoring: How to monitor child labor risks](#)

[Workbook: Risk Guidance and practical exercises](#)

[Annex A: Engaging with Children](#)




[Annex B: Business Frameworks](#)

[Annex C: Resources](#)



REMEDICATION

If during your risk assessment or other monitoring activities you identify an actual case of child labor, you need to take action to remediate it in accordance with Annex IV to the 2020 Standard, [the Remediation Protocol](#). This includes putting right the wrong done to the child and preventing the case from recurring. This section sets out how to do this in the child's best interests.

5.1.4	Rainforest Alliance assess-and-address standard Remediation
	<p>Mandatory: The management representative/committee sets out in the Management Plan how to remediate cases of child labor</p> <p>Confirmed cases of child labor are remediated and documented following the Rainforest Alliance Remediation Protocol</p> <p>Safety and confidentiality of the victims are protected throughout the process</p> <p>Indicator:</p> <ul style="list-style-type: none"> • Number and percentage of confirmed child labor cases remediated per the Remediation Protocol (by gender, age, and type of issue) <p>Please see Annex 4: Remediation Protocol</p>
	<p>Mandatory: certificate holders shall implement corrections to remediate all known cases within 12 weeks.</p>
	<p>Good practice / recommended: certificate holders may collaborate with government agencies to implement corrections or corrective actions.</p>

What is remediation

The UN Guiding Principles on Business and Human Rights (UNGPs) describe the process of remediation, or providing remedy, as *putting wrongs right*. The Principles require states and businesses (including agricultural businesses) to take steps to ensure that workers have access to effective remedy when labor or human rights violations take place.

Child labor case response

- protect the child
 - remediate to put right the harm done
 - mitigate the risk of repetition
- Remedy is about what to do once a situation of child labor is uncovered, internally reported and verified and how to put that situation 'right'. The objective is to restore the situation of the child to before the incident happened.
 - In practice, remediation involves removing the child from child labor, and taking steps to put right the wrong and to ensure it is not repeated, for example, providing access to age-appropriate, decent work for children, and access to education and healthcare. At all times, the safety, welfare and interest of the child comes first and their identity is protected.



- In severe cases of child labor, or where there is evidence of criminal activity, cases should be referred to the state authorities at the discretion and wish of the victim. Certificate holders may have their licences suspended or withdrawn.
- Prevention is a key part of remediation and that means including mitigation measures designed to prevent the child from re-entering child labor. It's important to understand the root causes of why the child is doing banned work and checking that your mitigation actions are appropriate.

See Module 4. Mitigation for guidance on how to mitigate child labor and examples of mitigation actions

Who is responsible for remediation and what do they do?






Duties of Assess-and-address Committee	Duties of Grievance Committee
Prepare a remediation plan – how to remediate a case of child labor – included within the wider Management Plan, and based on the Remediation Protocol	Members of the community, workers, whistle-blowers may report cases of possible child labor to the Grievance Mechanism
Map and communicate with local stakeholders who can facilitate remediation, for example, going to school, child protection, age-appropriate employment	The Grievance Committee receives, investigates and verifies all reports of cases of child labor. Once it has verified a case, it refers it to the Assess-and-Address Committee for remedy
Report any possible cases of child labor to the Grievance Mechanism Committee	
Support remediation of verified child labor cases	
Document all identified possible cases of child labor and the remediation actions identified for each case	
Liaise with the gender committee where relevant on remediation of child labor	
Monitor remediation actions	

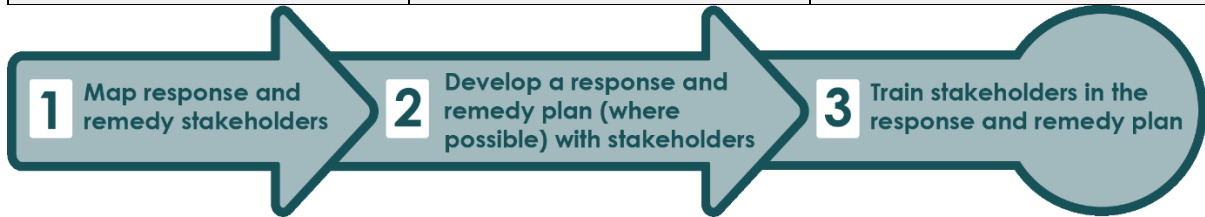
How to prepare for remediation

Developing a Remediation Plan means that you and all your team will know what steps to take in the event that you discover a case of child labor. It's important – and a mandatory requirement – to have a Remediation Plan, even in low risk environments, as this helps you to respond quickly if a case is identified. Your remediation plan is part of the Management Plan.



Figure 1. How to prepare a remediation plan

		
Map stakeholders who can support remediation	Develop a remediation plan	Train



Stakeholders

Your remediation plan should include a list of the stakeholders who can best support your remediation plan. You can use your Stakeholder Mapping Exercise to identify relevant people on the farm, local and national level with whom you can collaborate. They may be the same people with whom you work on specific mitigation measures.

- Identify how stakeholders can support remediation of a case when discovered (e.g. support with going to school, age-appropriate work, income generation, welfare support)
- Identify how stakeholders can help with preventing a case from recurring (e.g. advocacy to improve national laws, hazardous work lists, income generation, birth registration)

Use the Stakeholder Mapping Exercise in the Workbook to identify stakeholders who can support remediation actions.

Figure 2. Example of stakeholders for child labor remediation

Example of stakeholders for child labor
Gender Committee may support with cases that are linked to gender-based discrimination or violence
Trade unions or workers' organizations e.g. could advocate for improvement to list of hazardous tasks
Teachers and education officials in local authority e.g. help with return to school
Child protection experts in NGOs, local authorities and health services e.g. to assist with long-term rehabilitation
NGOs supporting access to education and birth registration e.g. support return, or access to school
Community and religious organizations , NGOs, local authorities e.g. to assist with income and welfare support
Supply chain partners including buyers, retailers and industry bodies e.g. support with training and awareness raising



Government offices beyond education and child protection staff, government offices including social services, labor support and labor inspection, police and judiciary can support with investigating and/or remediating cases of child labor

Remediation Plan

The Remediation Plan is where you set out the steps you need to take to ensure you are ready to remediate any cases of child labor that occur. You include this in your Management Plan so that you can track that you have completed all the steps necessary.

There are three questions you need to answer in order to prepare properly:

- Who is responsible for remediation?
- What stakeholders will support you?
- What specific steps to be taken to remediate child labor?
- Answers to these questions will help you design your training plan for management and other relevant people on how to remediate child labor

The Remediation Plan can be found in [Annex IV, the Remediation Protocol](#) and in the [Workbook](#).

Training

Once you have agreed on the response and remediation plan, you need to tell people about it:

- Train the Management Representative and assess-and-address Committee on how to respond when a potential case of child labor is discovered or reported.
- Raise awareness among members and workers and the community about the Grievance Mechanism and how they can report issues relating to child labor
- Raise awareness among members and workers about the Remediation plan and what it involves

Remediation process

In the Remediation Protocol, you will find the mandatory steps and time frames that you need to follow should you discover a case of child labor.

When a child labor case is discovered or reported, there are two stages to the actions you take:

1. **The 'response' stage**, which involves the immediate safeguarding of the child and a severity test
2. **The 'remediation' phase**, which is when you, together with the child's parents or caretaker, and other relevant parties, define and implement the steps to stop the child doing banned work and tackle the root causes to prevent it from recurring.

The table below sets out the key stages of the remediation process. For specific actions and time frames go to the [Remediation Protocol](#).



Figure 3. Response and remediation stages for a case of child labor

	CASE REPORTED	Shared with Grievance Mechanism Committee (GMC) for investigation.
	Immediate safeguarding & Consent	As soon as case is reported, the safeguarding of affected individuals, and seeking victim consent for next steps, shall be immediate priority.
	▼	
	Severity test	GMC conducts severity test; if severe, further investigation needs to take place.
	▼	
	Implement corrections & Develop corrective action plan	CH (with external parties) implements corrections as part of remediation plan, and develops corrective action plan with detailed timeline.
	▼	
	Implement corrective actions	CH (with external parties) implements corrective actions to address root causes.
	▼	
	Monitoring	A&A Committee monitors implementation of agreed corrections, and corrective actions by CH and external stakeholders.

The Severity Test: Assessing the severity of a case reveals the degree of harm done to the child, as well as how the case has arisen. The Severity Test is conducted by the Grievance Committee. 'Yes' to any of these questions means the case is severe and requires referral to management so they can lead the necessary actions.

1. Is the situation of the worker/child/potential whistle blowers life-threatening?
2. Is this a systemic incident, meaning there are multiple cases of this issue on the farm/site?
3. Can the situation have lifelong, negative impacts on the welfare of the worker/child, including physical and/or psychological damage?
4. Is there evidence that the management or staff member knew that the violation was taking place, but continued / approved the practice?

Establishing the child's safety:

Safeguarding is your first response and a priority throughout the process

- Speak with the child to verify whether the child is safe where s/he is or requires further assistance
- Speak with the parents / caretakers and supervisors to discuss next steps
- If need be, work with child protection agencies to provide for child's protection needs.

Reporting and verification

Maintain appropriate documentation of your remediation process and the case, while ensuring that data protection and privacy rules are respected.

Recording cases: The responsible assess-and-address/grievance committee members record each child labor case



- It is good practice to share information about serious cases with RA country offices, so that they can learn and help if need be. You can also report to local authorities and ask for their support

Involving the police: In case child labor is exploitative, and includes trafficking or forced labor, this could constitute a criminal offence and requires police investigation.

- When working with the police, it is key that the best interests of the child are upheld, and that the child is not brought into further danger.
- It is good practice to share such cases with the RA country office

Remember to respect data protection and privacy rules and do not disclose information about the child's identity.

Designing remediation measures

How you remediate will depend upon the nature of each child labor case. Your action plan will include steps to protect the child, put right the harm done and mitigate the risk of the child re-entering child labor. You will find examples of measures to include in your remediation action plan in Module 4. Mitigation and in the Risk Guidance in the Workbook.

The following are the key elements to consider when designing remediation plans:

Severity: The severity of a case varies, for example, ranging from a child conducting a hazardous task once, or a child below the minimum working age who works long hours that interfere with his education and well-being, to a child being forced to work in exploitative and dangerous work. Remedy for lighter cases can be provided without the help of law enforcement / child protection agencies, whereas the more serious cases require both police and child protection.

The best interests of the child (as well as principles of non-discrimination, do no harm, child participation), should be applied to ensure the child is benefiting from the intervention changing their situation of employment. The child and/or their family/caretakers should consent to the remediation steps.

Unintentional mistake versus criminal exploitation: If the reason for child labor is ignorance, or weak due diligence, rather than deliberate, planned exploitation, you can prevent it happening again by strengthening the assess-and-address system for child labor.

What you can do within your means and influence directly and long term: If a case of child labor happens on a family farm that is cash poor, the farmer may not be able to pay for the child's costs to access education (uniform, birth certificate). The child requires external help, from the farmer group, supply chain actors, village funds or NGOs to cover these costs.

Remember, mitigation is key to the remediation process because it helps to prevent a case of child labor from recurring by tackling its root causes. Module 4 sets out in detail how to mitigate specific risks of child labor including the root causes of child labor together with other stakeholders.

See Module 4. Mitigation and the Risk Guidance in the Workbook for example mitigation measures to prevent child labor.

Case study: Best interest of the child

Sometimes a child is legally contracted, works the allowed number of hours and is generally well treated but some of the tasks s/he conducts are potentially hazardous. In this case, the child's tasks can be adapted so that s/he can continue the work;

- Wheelbarrows: to tackle heavy loads or decrease loads per child
- Changing tools: children can be given a smaller knife / axe that is considered non-hazardous for children to use
- Changing tasks: Due to the economic circumstances of the child, it might be more beneficial to change the tasks of the child rather than removing the child from



When designing remediation action plans, it is important to consider how the issue can be tackled at different levels, in collaboration with a wide set of stakeholders.



The child: (re-)entry to school, by the provision of birth certificates, catch-up classes, donation of a school kit etc.



Household: when a child works because of the family's poverty, the long-term solution to stop the child returning to child labor needs to focus on how to support a sustainable family income.



Farm: when a child does hazardous tasks because they are common practice on a farm, you can work with farmers and management to ban hazardous tasks and adapt practices so they are safe for young workers.



Community: When child labor occurs across a community and is linked to common issues, such as lack of adult labor, access to education, or income, remedy should target the community.



Government: When root causes are linked to local services such as education, health and child protection, or income generation, local or national government may be able to support remedy.

See [Module 3. Risk Assessment](#) and [Module 4. Mitigation](#) for more information on prevention work with stakeholders.

The table illustrates an example of a remediation action plan, with a combination of measures implemented over time and in collaboration with stakeholders at different levels. This reflects the recognition that some steps are urgent, such as safeguarding, whereas other measures addressing root causes, such as awareness raising, training and community collaboration, require more time to organise and to be effective.

Figure 4. Example remediation action plan

Example remediation steps		Level
Short-term step(s) (4 weeks)	Immediate safeguarding response,	Child/household
	Investigation	Farm
	Developing remediation plan in close cooperation with affected parties and specialists.	Stakeholders / local authorities
	Assess hazards.	
Medium-term step(s) (12 weeks)	Implement corrections	Child/household
	Transition children of legal age for work into non-hazardous roles	Farm
	Assistance with education-related fees	Local authorities



	Plan corrective actions with relevant stakeholders	
Long-term steps (52 weeks) Addressing Root Causes	<p>Implement corrective actions with relevant stakeholders</p> <p>Conduct awareness-raising activities with communities on importance of education; assess barriers to education and work to overcome those for children of group members currently out of school</p> <p>Train farm field staff on child labor and dealing with children accompanying working parents</p> <p>Apply minimum age standards</p> <p>Offer the job formerly occupied by the child to another member of the child's family</p> <p>Provide children with a copy of their birth certificate so that they are accepted in school</p> <p>Link vulnerable families to government or NGO support schemes, including cash transfers or income generating activities</p> <p>Supply children with school uniform, bicycles and/or books</p> <p>Arrange saving schemes, income generating activities or credit facilities for parents</p> <p>Support the community to request improvements in local school provision. This could include, for example, helping group members to write to the local Education Office to ask a school to be established in their community</p> <p>Organization and training of youth older than 18 on occupational health and safety to perform hazardous activities, such as spraying</p>	<p>Farm workers</p> <p>Child/household</p> <p>Communities</p> <p>Local/national authorities</p>

See Module 4. Mitigation and the Risk Guidance in the Workbook for example mitigation measures to prevent and remediate child labor.