

**FROM:**

Not For Sale Campaign  
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**TO:**

United States Department of Agriculture  
Foreign Agriculture Service  
Consultative Group to Eliminate the Use of Child Labor  
and Forced Labor in Imported Agricultural Products

**DATE: July 11, 2011**

This submission is filed on behalf of the Not For Sale Campaign (NFSC) in response to the Federal Registry notice requesting feedback on the list of recommendations by the USDA Consultative Group to Eliminate the use of Forced Labor and Child Labor in the Imported Agricultural Products.

As an organization, we have found the work conducted by the USDA Consultative Group to be of great significance and value in the fight against forced and child labor. In observance of the Consultative Group set to expire at the end of 2012, we have outlined suggestions for how the Consultative Group can strength its recommendations on a list of standard set of practices for independent, third party, certification and verification. In addition to our recommendations we have included suggestions for how the Consultative Group can continue to build upon the work they have achieved thus far.

**We would like to suggest that the recommendations include the following elements:**

Monitoring

We feel that announced monitoring of a random sample of high-risk suppliers alone will not sufficiently enable companies to identify child and forced laborers. We suggest that the Consultative group recommend that:

*All* known suppliers in high-risk areas be monitored, at least annually, with the following:

- Unannounced visits;
- Off-site worker interviews; and
- Off-site interviews with relevant NGOs and civil society organizations

Formalization of Work

The consultative group could make more specific recommendations to companies regarding the formalization of work in their supply chains. The risk of child and forced labor is often higher where work is less formal: particularly in seasonal and contract work and in homework. Companies should make efforts to:

- Map the existence of informal work in their supply chains;
- Require that work be formalized where possible; and

- Monitor production sites where informal workers exist. This means monitoring sites in high-production seasons and also monitoring homework sites and second-tier suppliers.

### Remediation

We believe that law enforcement agencies play a critical role in child and forced labor prevention, remediation and justice in countries with strong democratic rule of law. However, we are concerned that where these elements are not present, law enforcement officials may be ill equipped to protect child or forced laborers. In such cases, alerting law enforcement may put victims at increased risk. In addition to working with law enforcement when appropriate, companies should identify Non-Governmental Organizations or local civil society organizations that have expertise in these matters and can serve as partners in protecting victims and remediating abuses.

We also recommend that companies make all remediation and corrective action plans publicly available and that specific timelines and action steps be included in these reports.

### Empowerment of workers

While monitoring is important and can help companies to identify abuses that are occurring, it should not be considered a sole replacement for the empowerment of workers. We believe that where workers are empowered, the workplace becomes more formalized and the risk of child and forced labor is lower. The Consultative Group should thus recommend that companies make efforts to protect freedom of association and collective bargaining rights in their supply chains.

**In building upon the work accomplished by this Consultative Group we recommend that the following next steps be considered.**

### Dissemination and Implementation

The State Department's Bureau of Democracy, Human Rights and Labor (DRL) with support from the Department of Labor should house a continued initiative to promote and implement the Guidelines developed by the Consultative Group. A key function in the future should be to educate key stakeholders, from the business community, civil society and government about the Guidelines and how the Guidelines should be applied in supply chains.

### Providing Oversight on Implementation of the Guidelines

In addition to educating stakeholders and disseminating information publicly about the Guidelines, DRL should also provide oversight on the appropriate implementation of the Guidelines. With the successful promotion of the Guidelines, we anticipate additional demand for third-party, independent monitoring and verification programs. With scores of companies and third party initiatives claiming to address issues of forced and child labor, DRL should assess the work of these initiatives and provide a publicly accessible list of those programs that appropriately fulfill the criteria in the Guidelines. This compilation of acceptable programs should continue to be assessed and updated over time and we encourage DRL to work with each initiative to identify new ways to strengthen their programs.

### Ombudsman

A key component in any initiative seeking to protect labor rights is an accessible system for workers, civil society organizations and concerned parties to lodge complaints and for those complaints to be settled appropriately. The report recommends that for company child labor policies to be comprehensive, company verification programs should require third-party monitoring and verification programs that are able to demonstrate experience, competence, independence, impartiality, and access to a confidential complaint mechanism for whistleblowers when companies and their third-party initiatives fail to meet the criteria in practice. If third-party initiatives do not meet the criteria, third party initiatives may contribute to the negative impact of business policies on workers and local communities by providing misleading information to the consumer. Therefore, DRL should provide a forum that can (1) accept complaints concerning the policy or practice of a third-party initiative and the company, (2) conduct investigations and (3) offer dispute resolution and adjudication for complainants. If the initiatives continue to fail to meet the requirements of the Guidelines, they should not be eligible for the list of approved third-party initiatives.

#### Future of the Consultative Group

There is a need for ongoing multi-stakeholder engagement to promote and improve the Guidelines. For the remainder of its mandate, the Consultative Group should design a proposal for its next iteration and structure. There should also be additional efforts to secure broader stakeholder participation before the end of the Group's mandate to ensure continued transparency and opportunities for a full range of opinions and advice to guide this process.

Again we would like to state that we believe that the USDA Consultative Group and its recommendations can play a critical role in addressing the use of child and forced labor in the production of imported agricultural products. We are encouraged by the group's current progress to this end and recommend that the group continues to build upon the progress made thus far.

Sincerely,

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