



AFL-CIO and Solidarity Center Joint Submission in Response to the Request for Comment on Guidelines for Eliminating Child and Forced Labor in Agricultural Supply Chains



The following is a response to the U.S. Department of Agriculture Foreign Agricultural Service *Request for Comment on Guidelines for Eliminating Child and Forced Labor in Agricultural Supply Chains* (Federal Register Vol. 76, No. 70) submitted jointly by the following organizations:

1. American Federation of Labor-Congress of Industrial Organizations (AFL-CIO)
2. American Center for International Labor Solidarity (Solidarity Center)

The AFL-CIO is a voluntary federation of 56 national and international labor organizations with a total membership of 11.5 million working men and women, including 3 million members in Working America, its community affiliate. The Solidarity Center has over 20 years experience implementing programs related to the elimination of forced and child labor and human trafficking, as well as significant experience providing technical assistance to local partners in countries around the world on monitoring supply chains of multinational corporations (MNCs). The Solidarity Center has 27 field offices around the world, and conducts programs in more than 60 countries.

The Solidarity Center and AFL-CIO appreciate the opportunity to comment on the guidelines developed by the USDA Consultative Group to Eliminate the Use of Child Labor and Forced Labor in Imported Agricultural Products. The development of the guidelines, while only a first step to eliminating the use of child labor and forced labor in agriculture, indicates a willingness of a variety of stakeholders to work collaboratively. The Solidarity Center and AFL-CIO provide the following comments with the intention of strengthening both the guidelines and the programming that will result from them:

General Comments

- The consultative group could have benefited greatly from including trade unions as a key stakeholder in the discussions. Workers and their representative organizations play a key role in ensuring child labor and forced labor-free workplaces and supply chains.

Section I: Definitions

- The definition of “company” should be expanded to read “An entity involved in the production, processing distribution or *retail* of agricultural products...”

Section II: Company Program Elements

- Under sub-section A. 1., the guidelines rightly reference the ILO's standards on child labor and forced labor. This section would be strengthened by also referencing ILO core labor standards more generally (particularly freedom of association and collective bargaining), since compliance with and respect for broader labor standards would play an important role in reducing the likelihood of child labor or forced labor in the workplace.
- The Solidarity Center and the AFL-CIO believe that workers within a supply chain enterprise are the most effective supply chain monitors. Under sub-section A. 2, the guidelines would be improved by noting the importance of involving workers and their representative organizations in mapping the supply chain and identifying high risk areas.
- Sub-section B. explicitly mentions workers and their unions as key stakeholders who should be engaged in company-initiated communication. The Solidarity Center and AFL-CIO are in full agreement with this.
- Under the same sub-section, the guidelines note that the "company should ensure that a safe and accessible channel is available to workers...to lodge complaints..." This is an important point. Based on the experience, the Solidarity Center and AFL-CIO believe that such a "safe and accessible channel" only exists when the rights and ability of workers to self-organize—free of both employer and government interference, control and/or retribution—are vigorously enforced. Only then are workers truly free to effectively gather and convey important case-specific and systemic concerns to the company. The Solidarity Center and AFL-CIO believe that realizing freedom of association and enabling the development of independent, democratic, and representative trade unions provide a sustainable domestic interest group uniquely capable of providing durable long-term protection against child labor, forced labor and other types of slavery. Just as labor unions routinely extend and compliment the enforcement capacities of governments in the arena of workplace safety, so too do they serve as bulwarks against forced and child labor in a workplace. When there is a legitimate organization of workers with, workplace-level union representatives, workplace standards rise and labor laws are honored. Collective bargaining agreements, when achieved, further improve the workplace in these regards. In Liberia, for example, forced and child labor are being addressed at one of the world's largest rubber plantations through the election of an independent trade union and the collective bargaining process.

- Sub-section C.1. refers to remediation. The guidelines could be strengthened by noting that the remediation plan should be executed expeditiously.
- Quota systems in agricultural production are often one of the many causes of child labor and forced labor. Company programs should seriously consider abolishing quota systems within their supply chains and moving to a decent wage system.

Section III: Independent Third-Party Review

- Consideration should be given to the challenges of domestic versus international verification or monitoring parties. In some cases, particularly where local or national governments or members of government are complicit in child labor or forced labor, unannounced visits by international parties become extremely difficult.
- Under sub-section B., it should be noted that third party verifiers should, like monitors, have expertise on core and domestic labor standards more generally, rather than only on child labor and forced labor standards.
- While independent, third-party monitoring and verification systems may be a useful tool in supplementing the voice of workers, the eradication of forced and child labor in supply chains may only be effectively achieved by ensuring that workers have a voice in the process. Third party monitors and verifiers should all be **required** to work with unions where they exist to identify problems, to facilitate interviews with workers, etc. If a union does not exist in a workplace, mechanisms should be created to ensure that the legitimate and independent voice of workers is still included in the investigations, deliberations and reports of third party monitors and verifiers.