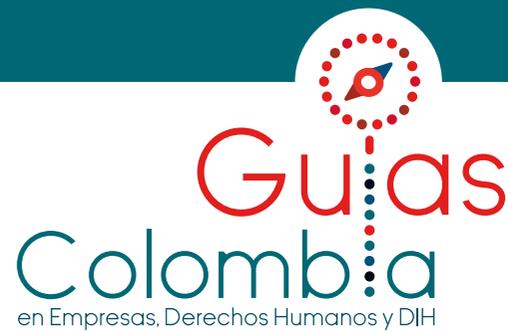


# GUIDE ON DECENT WORK



# GUIDE ON DECENT WORK



Guías  
Colombia  
en Empresas, Derechos Humanos y DIH

Technical Secretariat:

**FIP**  
FUNDACIÓN IDEAS PARA LA PAZ

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This document is a self-regulating instrument of voluntary application, that serves as a guide to develop business activities in a way that is respectful to Human Rights and International Humanitarian Law. The application of these principles does not imply that *Guías Colombia* certifies the performance of business in Human Rights issues.

The organizations that adhere to *Guías Colombia* do it voluntarily and on their own behalf. The content of this guideline is public and of free access to anyone that wishes to consult and apply it. However, only businesses endorsing the initiative are bound to implement it. As to business associations, their adhesion to *Guías Colombia* does not bind or compromise any of the businesses that are part of it.

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# 1

## SCOPE

Guías Colombia, and therefore, this Guide, is largely based on the United Nations 'Protect, Respect and Remedy' Framework for Business and Human Rights, and its Guiding Principles. Thus, this Guide aims to promote business operations that are responsible and respectful of human rights (HRs) and International Humanitarian Law (IHL) in Colombia.

It focuses on the following labor issues:

- Freedom of association
- Labor opportunities
- Labor conditions
- Prevention of forced labor, child labor exploitation, and sexual exploitation
- Prevention of sexual exploitation of children and adolescents
- Industrial safety and social protection
- Equal opportunities and respect for diversity

This Guide is grounded on the recognition that labor issues under Colombian legislation are overarching and consistent with international standards. However, there is space within the Colombian context to learn and improve in order to accomplish labor practices compliant with the “decent work”<sup>1</sup> approach, that ILO defines as “productive work in conditions of freedom, equity, security and human dignity, in which rights are protected and generates an adequate income and adequate social

protection”. As such, this Guide is essentially inspired on the international understanding of the concept of decent work. Therefore, this document is an effort to clarify what is expected from business conduct regarding decent work requirements in Colombia, beyond the stringent respect for domestic laws.

For this reason, the document sets out principles for action that provide businesses tools to identify current and potential risks associated to the above-cited issues and, also, mechanisms to address the same. The foregoing, in order to promote productive employment opportunities consistent with key criteria on decent work.

1 “Trabajo digno y decente en Colombia: Seguimiento y control preventivo a las políticas públicas” [Dignified Work and Decent Work in Colombia: Monitoring and preventive control of public policies], General Prosecutor’s Office (2012).

# 2

## OVERVIEW ON DUE DILIGENCE IN LABOR ISSUES

1. The company should create a baseline of the vulnerabilities prevalent in its area of operations and economic sector<sup>2</sup>.
2. The company should analyze potential impacts and risks associated to the topics in this Guide.
3. The company should include in its analysis any risk<sup>3</sup> associated to its value chain regarding the topics in this Guide.
4. Based on the foregoing, the company should design and implement a strategy for prevention, management and mitigation of risks identified<sup>4</sup>, and should promote this Guide in its value chain, including affiliates, when there are any.
5. The company should allocate responsibilities to monitor compliance with the norms and standards related to the topics in this Guide and its resulting commitments.
6. The company should include the grievances and complaints related to the topics in this Guide in its grievance mechanism, following the recommendations stated in the Guías Colombia Guide on operational-level grievance mechanisms.
7. The company should socialize this Guide with the Co-existence Committee<sup>5</sup>.
8. The company should socialize this Guide under the direction and coordination of its Human Resource Department or the unit that exerts its functions.

2 Vulnerabilities or critical factors in a company’s area of operations are understood as the conditions or circumstances of regulatory, political, social, economic, demographic, and institutional character existing outside corporate activities that may influence potential impacts over HRs (in the context of this Guide, HRs associated to labor issues, including access to work, social security, freedom of association, non-discrimination in the workplace, etc.).

3 When conducting a HRs impact assessment, it is crucial to identify all business activities which, given their nature and/or condition, may trigger adverse impacts on HRs.

4 The company must verify that it has prevention processes and activities incorporated in its management systems. It is particularly important to consider the processes of staff selection, the processes and requirements of contractor and vendor selection, procurement processes, and the processes to monitor its performance on the topics in this Guide.

5 “Comité de Convivencia” in Spanish, as regulated by domestic law.



## FREEDOM OF ASSOCIATION

### 3.1 RECOGNITION

9. The company should draw-up and implement specific policies and standards to comply with applicable legal requirements on freedom of association, as well as other mechanisms to monitor its performance.
10. The company should recognize trade unions created in accordance to the Colombian Constitution and the law.

### 3.2 FREEDOM OF ASSOCIATION<sup>6</sup>

11. The company should respect that any worker – without distinction nor discrimination, and freely – enjoys the right to join a trade union, abstain from it, or depart from it, in due respect for the bylaws of the trade union.

### 3.3 TRADE UNION ACTIVITIES

12. In its interactions with trade unions and workers, the company should promote the prevalence of principles like respect for different opinions, inclusive dialogue, productivity, sustainability and legitimacy.

### 3.4 SECURITY

13. If a worker informs his/her employer about any threat due to his/her trade union activities and, if the worker does not oppose, the company will report the situation to the competent authorities, therein requesting

the State to investigate the threat and duly protect the worker.

14. Furthermore, the company may adopt, on a provisional basis, some of the good practices referred to in the attached Annex on Good Practices<sup>7</sup>.

### 3.5 FREEDOM OF SPEECH

15. Parties in a negotiation should promote freedom of expression, based on mutual respect, non-violence and non-discrimination between them, both during a collective bargaining process and elsewhere.
16. The company should respect the freedom of speech of unionized workers.

### 3.6 COLLECTIVE BARGAINING

17. The company should recognize the trade unions' right to collective bargaining.
18. In collective bargaining, the company should encourage inclusive participation, particularly of women.

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<sup>6</sup> Based on ILO's definition, see Glossary.

<sup>7</sup> Find in separate document.



## WORK OPPORTUNITIES

19. Where a business is in a position to generate employment alternatives in its direct area of influence, the following should be taken into account when offering work opportunities:

- Existing and potential labor markets and economic activities.
- Relevant education opportunities for the business activities and its value chain<sup>8</sup>.
- Existing skills available at the local level relevant to the activity of the company and its value chain.

20. The company should revise that its policies and practices embody an inclusive approach and gender-perspective to enable differentiated views, consistent with any vulnerabilities identified in the population.

21. If the Colombian market is unable to fulfil the demand for specific labor, and hiring citizens from other countries is an option, migrant workers should be given the priority, ensuring that protection standards and affiliation to social security be upheld based on Colombian regulations.

22. The company should give priority to hiring personnel living in the project's area of influence, provided that in the community there are persons that can fulfill the technical requirements of the company.

23. The company should take into account vulnerable population when providing training associated to

employment opportunities. Likewise, the company should seek strategic alliances with educational institutions to provide training to local people for later labor needs. This allows to prepare local communities for the future.

.....

<sup>8</sup> See the Annex on Good Practices (found in separate document).

## 5 LABOR CONDITIONS

### 5.1 WORK-LIFE BALANCE

24. The company should promote among its workers, a balance between personal, family, and professional life.

### 5.2 SOCIAL SECURITY

25. The company should have a channel through which its employees and contractors can inform whether or not social security requirements established by the law are being met.
26. If a company has hired foreign workers from countries with which Colombia has bilateral agreements regarding social security issues, the company should instruct workers to contact the Ministry of Work or its Colabora Centers, with the purpose of receiving relevant information to determine the access to the benefits provided in such agreements.

### 5.3 WELLNESS AND ERADICATION OF DOMESTIC VIOLENCE AND VIOLENCE AGAINST WOMEN

27. The company should explicitly state its commitment to abide all existing laws regarding women's rights and eradication of violence against women.
28. The company should disclose to its workers its commitments and duties pursuant to applicable laws.
29. The company should encourage the dissemination of information regarding the available State's mechanisms to handle cases of domestic violence and violence against women and, to the best of its abilities, provide support for accessing such mechanisms.

### 5.4 MECHANISMS TO HANDLE CASES ON LABOR AND SEXUAL HARASSMENT AND OTHER FORMS OF GENDER-BASED VIOLENCE IN THE WORKPLACE

30. The company should take steps to raise awareness of the problem of labor and sexual harassment and other forms of gender-based violence in the workplace.
31. The company should adopt adequate and transparent mechanisms to handle labor and sexual harassment claims and other forms of gender-based violence in the workplace.
32. The company should adopt measures to ensure confidentiality and privacy in the mechanisms implemented.
33. The company should adopt measures to handle labor and sexual harassment claims and other forms of gender-based violence claims, to avoid recurrence. For that purpose, the company may undertake the actions mentioned in the Annex on Good Practices<sup>9</sup>.
34. The company should have suitable mechanisms of information regarding institutional channels in its area of influence to handle labor harassment claims.
35. The company should be in contact with the Directorate for Occupational Risks of the Ministry of Labor, in order to handle cases reported by its employees and provide background information as needed.

<sup>9</sup> See the Annex on Good Practices (found in a separate document).

## 6 ERADICATION OF FORCED LABOR, CHILD LABOR EXPLOITATION AND SEXUAL EXPLOITATION

### 6.1 MINIMUMS ON FORCED LABOR

36. The company should explicitly state before its affiliates, contractors and providers its commitment to abide the ILO Convention No. 29 on forced labor and all domestic laws on the matter of labor exploitation and human trafficking. Likewise, it should ensure dignifying work conditions for vulnerable population, including ethnic population, foreigners, and women.
37. The company should identify any forced labor risks directly or indirectly resulting from its business activities, including risks along its value chain.

### 6.2 MINIMUMS ON CHILD LABOR EXPLOITATION

38. The company should explicitly state before its workers and contractors its commitment to abide by all applicable laws regarding the eradication of child labor.
39. The company should identify risks to child labor, including those prohibited under domestic laws, directly or indirectly resulting from its business activities, including risks along its value chain.
40. The company should adopt strategies to prevent and mitigate impacts on the rights of children and adolescents, including training processes for employees and legally binding procurement requirements.

41. The company should adopt and implement comprehensive response protocols to address child labor cases.

### 6.3 MINIMUMS ON SEXUAL EXPLOITATION

42. The company should directly or indirectly identify sexual exploitation risks, that result from the individual behavior of its employees, including risks along its value chain.
43. The company should adopt strategies aimed at preventing and mitigating risks in the workplace.

# 1

## ERADICATION OF SEXUAL EXPLOITATION OF CHILDREN AND ADOLESCENTS

- 44. The company should explicitly state before its workers, its commitment to abide by any laws regarding the rights of children, the eradication of sexual exploitation of children and adolescents, as well as its commitment towards the implementation of this Guide.
- 45. The company should identify any risks of sexual exploitation of children and adolescents, directly or indirectly resulting from its business activities, including risks along its value chain.
- 46. The company should adopt prevention and mitigation strategies and other contractual measures, including the creation and implementation of a policy associated to the protection of children and adolescents, training processes for employees and legally binding procurement requirements.<sup>10</sup>
- 47. The company should adopt and implement integral response protocols to address cases of sexual exploitation of children and adolescents.

<sup>10</sup> See the Annex on Good Practices (find in separate document).

# 8

## INDUSTRIAL SAFETY AND SOCIAL PROTECTION

### 8.1 BUILDING AN IN-HOUSE PROGRAM TO MANAGE INDUSTRIAL SAFETY AND OCCUPATIONAL HEALTH MATTERS

- 48. The company should have in place an integrated monitoring system and improvement protocols for safety, health and social protection matters.
- 49. The company should have in place protocols and programs for preventing and mitigating occupational risks, that consider gender-based differences.
- 50. The company should manage in collaboration with the State's social security system, the adoption and implementation of a program for the prevention of health risks concerning common diseases in the workplace, taking into account the specific needs of women and men in the company.
- 51. The company should adopt adequate measures to inform its employees that gender-based violence is covered by the social security system.<sup>11</sup>

### 8.2 PREVENTION AND MITIGATION

- 52. All processes for risk identification should be consistent with the company's activities and its levels and types of risks.
- 53. The company should strengthen the protection provided to its employees in zones of high industrial risk and zones of high public risk.

### 8.3 VALUE CHAIN

- 54. The company should implement a grievance and complaints mechanism to handle and monitor grievances and complaints raised by employees of its providers and contractors, on the matter of social protection and industrial safety.
- 55. The company should publish its commitment to this Guide and create mechanisms or incentives for its diffusion and implementation by providers and contractors.

<sup>11</sup> Article 19, Law 1257/2008 and its Regulatory Decree.



## EQUALITY OF OPPORTUNITIES AND RESPECT FOR DIVERSITY<sup>12</sup>

Bearing in mind specific barriers faced by people discriminated in their workplace, the company should take into account the following principles:

- 56. The company should be aware of, respect, and promote the rights of discriminated peoples.
- 57. Within the framework of its staff procurement, promotion and capacity-building processes, the company should promote non-discrimination, that is, the prohibition of any form of distinction, exclusion, restriction or preference made on the basis of sex, sexual orientation, gender, race, religion, political opinion, social or economic condition, physical or mental condition or civil status; which has the effect of nullifying or impairing the recognition, enjoyment or enforcement, in conditions of equality, of rights and freedoms vested upon given groups of persons.
- 58. Within the framework of its staff procurement, promotion and capacity-building processes, the company should adopt measures to prevent and eradicate any form of discrimination among given groups of persons, based on their physical characteristics, race or country of origin, sex, gender identity, age, disability, social or economic condition, health condition, pregnancy, language, religion, opinions, sexual preferences, civil status, and any other difference that may cause distinction, exclusion or restriction of rights.
- 59. Where possible, the company should support the reintegration of discriminated populations, taking into consideration applicable laws on positive discrimination.
- 60. The company should explicitly state in its policies and documents, the respect for diversity and the prohibition of all forms of discrimination<sup>13</sup>. In this regard, the company may take into account the following:
  - The identification of possible situations which may lead to discrimination, in any form and by any motivation, which may be associated with its activities and/or resulting from individual behavior of its employees.
  - The implementation of strategies for prevention and mitigation of possible discrimination cases in the workplace, through the Coexistence Committee.
  - The implementation of response mechanisms that promote non-discrimination and respect for diversity among its workers, consistent

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<sup>12</sup> For further information on the matter, see the Guidelines on non-discrimination and inclusion under the Ethical Commitment of Swiss Companies.

<sup>13</sup> Article 23, Law 1257/2008 and Executive Order 2733 of 27 December 2012.

with their qualifications, the activities that they perform, and the productive sector they belong to.

- 61. The company should adopt adequate measures to ensure that the differences in pay between its employees does not respond to distinctions, restrictions or preferences based on sex, sexual orientation, gender identity, race, religious beliefs or political opinion, social or economic condition, physical or mental condition, or civil status.<sup>14</sup>
- 62. Where possible, the company should implement mechanisms to correct potential salary imbalances based on sex, sexual orientation, gender identity, race, religious beliefs or political opinion, social or economic conditions, physical or mental conditions, or civil status.
- 63. The company should review whether its promotion processes embody inequality factors grounded on any form of discrimination and, if necessary, should design new guidelines based on the principle of equality of opportunities. In particular, the company should identify any constraints hindering the career advancement of women.
- 64. The company should set objective and transparent guidelines and criteria regarding salary bonuses, whenever applicable, and should report any decision to its employees.
- 65. The company should implement the equality of opportunities approach to identify needs in terms of the design, planning, and organization of continuous training within the organization.

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<sup>14</sup> See the Regulatory Annex.

# REFERENCES



## DOMESTIC AND INTERNATIONAL REFERENCES

### INTERNATIONAL REFERENCES ON DECENT WORK

"The Labor Principles of the United Nations Global Compact – A Guide for Business", ILO and UN Global Compact.

This Guide includes a brief description of each of the four Global Compact labor principles: freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced and compulsory labor; the effective abolition of child labor; and, the elimination of discrimination regarding employment and occupation. It also contains an inventory of key ILO materials concerning these principles.

- See: [https://www.unglobalcompact.org/docs/issues\\_doc/labour/the\\_labour\\_principles\\_a\\_guide\\_for\\_business.pdf](https://www.unglobalcompact.org/docs/issues_doc/labour/the_labour_principles_a_guide_for_business.pdf)

### INTERNATIONAL REFERENCES ON FREEDOM OF ASSOCIATION

- "C087 - Freedom of Association and Protection of the Right to Organize Convention", 1948 (No. 87), concerning freedom of association and the protection of the right to organize, which is part of the Colombian block of constitutionality.
- "C098 - Right to Organize and Collective Bargaining Convention", 1949 (No. 98)".

### REFERENCES ON ERADICATION OF CHILD LABOR

#### INTERNATIONAL PROTOCOLS

- ILO Convention No. 138 – Establishes that the minimum age for admission to employment or work should not be less than the age of completion of compulsory schooling and, in any case, should not be less than 15 years – or 14 in the case of countries with insufficiently developed economy and educational facilities. It must be taken into account that in Colombia, the minimum age for admission to employment is 18 years.
- ILO Convention No. 182 – Concerning eradication of the worst forms of child labor. This Convention applies to all persons under the age of 18.
- UN Convention on the Rights of the Child – Establishes that member States will take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

#### COLOMBIAN REGULATIONS

- Article 44 of the Political Constitution of Colombia – Children will be protected against any form of abandonment, physical or moral violence, kidnapping, sale, sexual abuse, work or economic exploitation, and dangerous work. They should also be entitled to the

other rights contemplated in the Constitution, in the law, and international treaties ratified by Colombia.

- National strategy for the prevention and eradication of child labor, 2008-2015.
- Childhood and Adolescence Code, Law 1098/2006.
- Interagency Committee for the Eradication of Child Labor and Protection to Young Workers: Government organizations, workers, employers, NGOs, communities, children, adolescents and their families, should jointly plan and develop systematic and sustained actions to influence the underlying reasons of early labor engagement.

### INTERNATIONAL REFERENCES ON FORCED LABOR

ILO issued "Combating forced Labor- A Handbook for Employers and Business" which compiles a series of examples of individual actions taken by companies and multi-stakeholder initiatives to combat forced labor.

- See: [https://www.ilo.org/wcmsp5/groups/public/@ed\\_norm/@declaration/documents/publication/wcms\\_101171.pdf](https://www.ilo.org/wcmsp5/groups/public/@ed_norm/@declaration/documents/publication/wcms_101171.pdf)

### INTERNATIONAL REFERENCES ON DISCRIMINATION AND INCLUSION

The "International Convention on the Elimination of All Forms of Racial Discrimination"- CERD<sup>15</sup>, and the "Convention on the Elimination of All Forms of Discrimination against Women"- CEDAW<sup>16</sup> are paramount international conventions on the issue of discrimination.

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<sup>15</sup> "International Convention on the Elimination of All Forms of Racial Discrimination". Entry into force on 4 January of 1969, <https://www.ohchr.org/en/professionalinterest/pages/cerd.aspx>

<sup>16</sup> "Convention on the Elimination of All Forms of Discrimination against Women". Entry into force on 3 September of 1989, <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>

# GLOSSARY



## GLOSSARY

### GENERAL TERMS RELATING TO BUSINESS AND HUMAN RIGHTS

#### DUE DILIGENCE

Due diligence<sup>17</sup> has been defined as a measure of prudence, activity, or assiduity, to be expected from, and ordinarily exercised by, a reasonable and prudent [person] under particular circumstances. Due diligence is not measured by any absolute standard, but, according to the facts of the case.

In the context of the Guiding Principles, due diligence in HRs is an ongoing management process that a reasonable and prudent business should undertake, in the light of the circumstances (such as the sector in which the business operates, context, size and other factors) that the business faces to meet its responsibility to respect HRs.

Due diligence processes regarding HRs should detect risks of non-legal (or perceived) complicity, as well as legal complicity, and implement an appropriate response.

#### VULNERABLE POPULATIONS

United Nations instruments define vulnerable populations as indigenous peoples, women, national or ethnic minorities, religious and linguistic minorities, children, persons with disabilities, and migrant workers and their families. In Colombia, victims of forced displacement resulting from armed conflict should also be considered due to the multiplicity of rights affected by displacement.

### SPECIFIC TERMS IN LABOR ISSUES

#### DECENT WORK<sup>18</sup>

It means to have the opportunity to enjoy a productive employment that entails to a fair income, a secure workplace, social security for families, prospects for improving personal development and social integration, freedom to express opinions, the possibility to organize and participate in the decisions affecting a persons' life, and equality of opportunity and treatment for all women and men.

#### POSITIVE DISCRIMINATION

It is the special protection provided to members of groups historically discriminated, particularly on the basis of sex, race, language or religion, to achieve full social integration.

#### GENDER<sup>19</sup>

It is a concept that refers to the social differences (as opposed to the biological differences), between women and men, that have been learned, that change over time, and have wide variations both within and between cultures.

#### INCLUSION<sup>20</sup>

For the Swiss companies in Colombia participating in the Ethical Commitment Group, inclusion refers to the actions deliberately pursued by companies to employ or engage social groups, regardless of their political, social, gender or economic conditions, or regardless of a situation of disability.

According to the *Ethos Institute*<sup>21</sup> from Brazil, inclusion involves radical transformations, rupture of systems, and a society adapted to address the needs of people, regardless of their respective condition.

#### GENDER EQUALITY<sup>22</sup>

It means the absence of discrimination on the basis of sex, in connection to employment opportunities, allocation of resources and benefits, or access to services.

#### FREEDOM OF ASSOCIATION

According to the ILO, freedom of association ensures respect to the right of workers and employers to freely and voluntarily establish groups to defend and protect their work relations, as well as to join such groups.

Workers and employers have the right to establish and manage their own organizations, and join the same without interference from the State or any other agency.

Employers should neither interfere nor attempt to interfere in workers' decisions to associate, nor discriminate workers or their representatives that decide to associate.

#### COLLECTIVE BARGAINING

Collective bargaining is a voluntary process whereby employers and workers debate and negotiate their relation, particularly, in terms of employment and work conditions. Employers or their organizations as well as unions participate in collective bar-

gaining processes. In the absence of the latter, freely designated representatives of workers may attend.

The purpose of a negotiation under good faith, is to reach a satisfactory collective agreement between both parties. When the parties fail to reach an agreement, they may appeal to dispute resolution mechanisms like conciliation, mediation and arbitration.

According to Global Compact, collective bargaining will only be effective if all parties participate voluntarily and in good faith, that is:

- Make endeavors to reach an agreement.
- Enter into *bona fide* and constructive negotiations.
- Avoid unjustified delays.
- Respect the agreements reached and implement the same in good faith.
- Allocate enough time for the parties to debate and settle their disagreements.

#### GENDER PERSPECTIVE<sup>23</sup>

It is a framework of analysis to assess how women and men affect and are affected differently by policies, programs, projects and activities. It recognizes that relationships between

<sup>17</sup> "The Corporate Responsibility to Respect Human Rights; An Interpretive Guide" (2011). [https://www.ohchr.org/Documents/Publications/HR.PUB.12.2\\_en.pdf](https://www.ohchr.org/Documents/Publications/HR.PUB.12.2_en.pdf)

<sup>18</sup> International Labor Organization (undated). Decent Work. <https://www.ilo.org/global/topics/decent-work/lang-en/index.htm>

<sup>19</sup> International Labor Organization (undated). ILO Thesaurus. <http://ilo.multites.net/defaulten.asp>

<sup>20</sup> Definition elaborated in sessions held between parties engaged in the Ethical Commitment and the Fundación Ideas para la Paz.

<sup>21</sup> Ethos Institute (2011). Direitos Humanos na Perspectiva do Trabalho Decente. <http://www1.ethos.org.br/EthosWeb/arquivo/0-A-cb3MarcoDeReferenciaCOMPLETO.pdf>

<sup>22</sup> World Health Organization (2002) Director-General's Executive Statement on WHO Gender Policy: Integrating Gender Perspectives in the Work of WHO. Retrieved on March 21, 2013, from <http://whqlibdoc.who.int/hq/2002/a78322.pdf>

<sup>23</sup> United Nations Development Fund for Women (2012). Women's Empowerment Principles. See: [http://www.unglobalcompact.org/docs/issues\\_doc/human\\_rights/Resources/WEP\\_EMB\\_Booklet.pdf](http://www.unglobalcompact.org/docs/issues_doc/human_rights/Resources/WEP_EMB_Booklet.pdf)

women and men may be affected depending on the context. A gender perspective takes into account gender roles, social and economic relationships and needs, access to resources, and constraints and opportunities imposed by society, culture, age, religion, and/or ethnicity on both women and men.

### CHILD LABOR

The International Labor Organization – ILO, defines child labor as children's or adolescents' participation in work that affects their health and personal development or interferes with their schooling and potential livelihood.

According to the UN Convention on the Rights of the Child, a child is any person under the age of 18. ILO Convention No. 138 concerning minimum age for admission to employment, and ILO Convention No. 182 concerning the worst forms of child labor, define child the same way.

*“Child labor is work that is mentally, physically, socially or morally dangerous and harmful to children and interferes with their schooling, as it refers to work that:*

- *deprives them of the opportunity to attend school;*
- *obliges them to leave school prematurely;*
- *requires them to attempt to combine school attendance with excessively long and heavy work.”*

Nonetheless, there is a very fine line between what are admissible tasks and child labor. The difference depends on a number of factors that should be considered: in addition to age, it is

necessary to take into account the nature of the activity, the conditions and risks of such activities on the children's integrity and development. Given that they are still physically and mentally immature, children are generally more vulnerable to conditions which, per se, may entail risks for adults. Some of the negative effects on their rights may show up in later stages of their development and give rise to devastating consequences.<sup>24</sup>

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<sup>24</sup> See “Guía Metodológica para la evaluación y manejo de los impactos de trabajo infantil en las actividades empresariales” [Methodological Guide for the evaluation and management of the impacts of child labor in business activities] drafted by Global Compact and Telefónica. [http://www.telefonica.co/documents/1285851/1367152/Guia\\_metodologica\\_de\\_impactos\\_y\\_manejo\\_del\\_Trabajo\\_Infantil\\_en\\_espa%C3%B1ol.pdf/ec45699e-9fd9-46be-ae27-4fc2e2d0a01f](http://www.telefonica.co/documents/1285851/1367152/Guia_metodologica_de_impactos_y_manejo_del_Trabajo_Infantil_en_espa%C3%B1ol.pdf/ec45699e-9fd9-46be-ae27-4fc2e2d0a01f). Also, the Children's Rights and Business Principles Initiative. <http://childrenandbusiness.org/>

GUIDE ON DECENT WORK



Guías  
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