

Child Labour Assessment for the Proposed DAI Cashew Nut Processing Plant

Report Prepared for



Report Prepared by



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Acronyms

DAI	Diaoune Agro-Industrie Sarl
EHS	Environmental, Health and Safety
EIA	Environmental Impact Assessment
ESIA	Environmental and Social Impact Assessment
ESS	Environmental and Social Standards
GIIP	Good International Industry Practice
IFC	International Finance Corporation
ILO	International Labour Organization
KIIs	Key Informant Interviews
PS	Performance Standards
VAC	Violence against Children

1 Introduction

1.1 Study Background

In an era where trade unionism has significantly weakened and poverty still afflicts a large part of humankind, forms of labour that violate fundamental human rights have become a serious issue, child labour among them. According to the International Labour Organization (ILO), child labour affects some 168 million children worldwide, the majority of which are in hazardous works (ILO 2013a). Sub-Saharan Africa has the highest incidence of children in economic activities. That is 28.4% of labour in Sub-Saharan African countries comes from child labour whose age is between 5 to 14 years old, and the attempt towards the elimination of child labour is still lagging compared to the rest world. These are likely to jeopardize their normal development, interfere with schooling, and/or harm their health and safety.

In view of this, Diaoune Agro-Industrie Sarl has appointed Richflood International Limited to conduct an Environmental and Social Impact Assessment (ESIA) for the new Cashew nut Processing Plant in accordance with Presidential Decree No.199/PRG/SGG/89 of November 18, 1989, made under Articles 82 and 83 of the Environmental Code, which sets out the projects requiring an EIA study. As a result, as part of the ESIA, a child labour assessment study has been conducted to better understand the project's impact on the child/children in the area. As a result, this report contains the findings of the Child Labour Assessment.

1.2 Objective

This ESIA adheres to the International Finance Corporation's (IFC) Performance Standards (PS), Good International Industry Practices (GIIP), and other relevant standards, such as the World Bank Group Environmental, Health, and Safety General and sector-specific Environmental, Health, and Safety (EHS) Guidelines. Because of the risks associated with child labour, in-depth child assessment is required as part of the ESIA. The objective is to;

- i.** identify working areas where children are heavily involved;
- ii.** identify factors that contribute to child labour;
- iii.** assess the effects of child labour on the overall development of the child/ren;
- iv.** support the implementation of child labour standards; and
- v.** provide information on child labour trends.

2 Project Description

2.1 Project area

The proposed facility for cashew nut processing will be located in Boke prefecture, which is one of the prefectures in Guinea's Boke region. The project will be built in Kataba village on a 30,000-square-meter plot of land along the major Boke-Kalaboui Road. The site is located on the outskirts of the main Boke town, approximately 14.3 kilometres due west along the main road. Access to the project site from Conakry is via the Boke-Kalaboui Road, which serves as the only access to the region of Guinea. Project site boundary coordinates are as follow SW corner: 10° 50' 11.1"N, 14° 21' 23.2"W, SE corner: 10° 50' 11.8"N, 14° 21' 25.2"W, NE corner: 10° 50' 4.3"N, 14° 21' 28.2"W, NW corner: 10° 50' 3.9"N, 14° 21' 24.4"W and NW corner: 10° 50' 3.9"N, 14° 21' 24.4"W. A map showing the project site with the entire Boke region is shown in Figure 1 below.

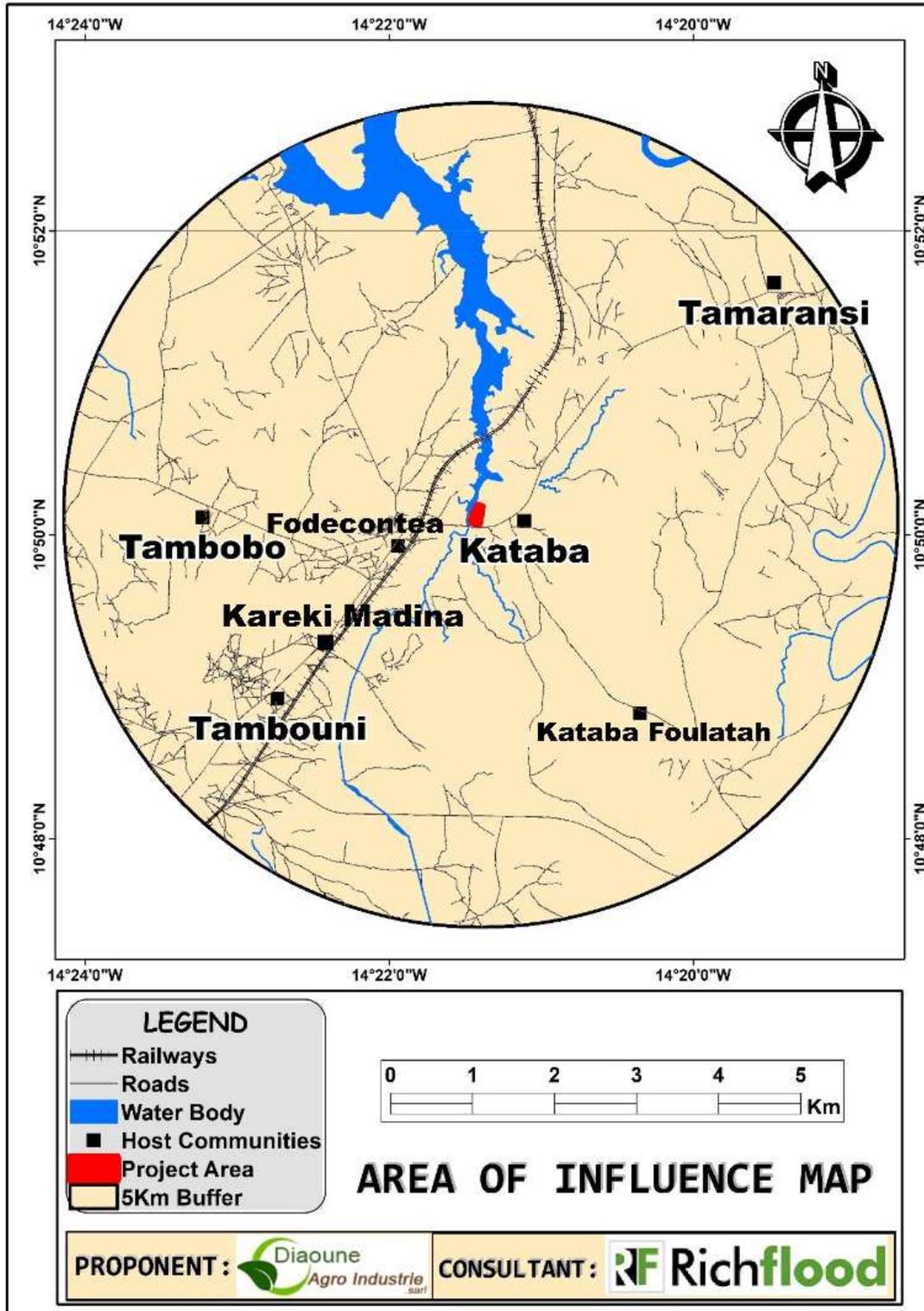


Figure 1: Location of the Proposed Project

Source: Richflood, 2022

2.2 Project Phases

2.2.1 Pre-construction Phase

The activities in this stage include;

- designing
- feasibility studies
- socio-economic surveys
- community engagement
- construction of residential camps and offices for the contraction workers and
- provision of associated facilities.

2.2.2 Construction Phase

The construction works for the cashew nut plant and the various activities will include:

- Vegetation clearance, surface stripping and topsoil stockpiling;
- Excavation works for structural foundation;
- Channelling and installation of site drainage;
- Establishment of hard standing for laydown areas, roads, paths; and
- Laying of concrete;
- Vegetation landscaping

2.2.3 Operational Phase

Activities during the operational phase, the project will mainly focus on the following points:

- Sourcing and supply of raw cashew nuts to the factory;
- Processing of raw cashew nut into kernels;
- Distribution and export of finished raw cashew kernel

3 Child Labour Legislation and Standards

3.1 International Labour Standards on Child labour

The fundamental ILO standards on child labour are the two legal pillars of global action to combat child labour.

C138 - Minimum Age Convention, 1973 (No. 138)

Article 1: Each Member for which this Convention is in force undertakes to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons.

Article 2;

1. Each Member which ratifies this Convention shall specify, in a declaration appended to its ratification, a minimum age for admission to employment or work within its territory and on means of transport registered in its territory; subject to Articles 4 to 8 of this Convention, no one under that age shall be admitted to employment or work in any occupation.
2. Each Member which has ratified this Convention may subsequently notify the Director-General of the International Labour Office, by further declarations, that it specifies a minimum age higher than that previously specified.
3. The minimum age specified in pursuance of paragraph 1 of this Article shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years.
4. Notwithstanding the provisions of paragraph 3 of this Article, a Member whose economy and educational facilities are insufficiently developed may, after consultation with the organisations of employers and workers concerned, where such exist, initially specify a minimum age of 14 years.

R146 - Minimum Age Recommendation, 1973 (No. 146)

III. Hazardous Employment or Work

9. Where the minimum age for admission to types of employment or work which are likely to jeopardise the health, safety or morals of young persons is still below 18 years, immediate steps should be taken to raise it to that level.

10.

(1) In determining the types of employment or work to which Article 3 of the Minimum Age Convention, 1973, applies, full account should be taken of relevant international labour standards, such as those concerning dangerous substances, agents or processes (including ionising radiations), the lifting of heavy weights and underground work.

(2) The list of the types of employment or work in question should be re-examined periodically and revised as necessary, particularly in light of advancing scientific and technological knowledge.

11. Where, by reference to Article 5 of the Minimum Age Convention, 1973, the minimum age is not immediately fixed for certain branches of economic activity or types of undertakings, appropriate minimum age provisions should be made applicable therein to types of employment or work presenting hazards for young persons.

IV. Conditions of Employment

12.

(1) Measures should be taken to ensure that the conditions in which children and young persons under the age of 18 years are employed or work reach and are maintained at a satisfactory standard. These conditions should be supervised closely.

(2) Measures should likewise be taken to safeguard and supervise the conditions in which children and young persons undergo vocational orientation and training within undertakings, training institutions and schools for vocational or technical education and to formulate standards for their protection and development.

V. Enforcement

15. Special attention should be paid--

(a) to the enforcement of provisions concerning employment in hazardous types of employment or work; and

(b) in so far as education or training is compulsory, to the prevention of the employment or work of children and young persons during the hours when instruction is available.

C182 - Worst Forms of Child Labour Convention, 1999 (No. 182)

Article 1: Each Member which ratifies this Convention shall take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency.

Article 2: For the purposes of this Convention, the term child shall apply to all persons under the age of 18.

Article 3: For the purposes of this Convention, the term the worst forms of child labour comprises:

(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 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.

II. Hazardous work

3. In determining the types of work referred to under Article 3(d) of the Convention, and in Identifying where they exist, consideration should be given, inter alia, to:

- (a) work which exposes children to physical, psychological or sexual abuse;
- (b) work underground, under water, at dangerous heights or in confined spaces;
- (c) work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads;
- (d) work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or temperatures, noise levels, or vibrations damaging to their health;
- (e) work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer.

III. Implementation

5.

(1) Detailed information and statistical data on the nature and extent of child labour should be compiled and kept up to date to serve as a basis for determining priorities for national action for the abolition of child labour, in particular for the prohibition and elimination of its worst forms as a matter of urgency.

(2) As far as possible, such information and statistical data should include data disaggregated by sex, age group, occupation, a branch of economic activity, status in employment, school attendance and geographical location. The importance of an effective system of birth registration, including the issuing of birth certificates, should be taken into account.

(3) Relevant data concerning violations of national provisions for the prohibition and elimination of the worst forms of child labour should be compiled and kept up to date.

3.2 The International Finance Corporation (IFC) Performance Standards

The specific standard of relevance to this Project is, therefore:

PS1: Labour and Working Conditions

Performance Standard 2 recognizes that the pursuit of economic growth through employment creation and income generation should be balanced with protection for the basic rights of

workers. For any business, the workforce is a valuable asset, and a sound worker-management relationship is a key ingredient to the sustainability of the enterprise. Failure to establish and foster a sound worker-management relationship can undermine worker commitment and retention and can jeopardize a project. Conversely, through a constructive worker-management relationship, and by treating the workers fairly and providing them with safe and healthy working conditions, clients may create tangible benefits, such as enhancement of the efficiency and productivity of their operations

Protecting the WorkForce

Child Labour

14. The client will not employ children in a manner that is economically exploitative, or is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral, or social development. Where national laws have provisions for the employment of minors, the client will follow those laws applicable to the client. Children below the age of 18 years will not be employed in dangerous work.

3.3 World Bank Environmental and Social Standards (ESS) 2: Labour and Working Conditions

Child Labour and Minimum Age

17. A child under the minimum age established in accordance with this paragraph will not be employed or engaged in connection with the project. The labour management procedures will specify the minimum age for employment or engagement in connection with the project, which will be the age of 14 unless national law specifies a higher age.

GN17.1. With regard to risks relating to child labour, the environmental and social assessment considers any inherent risks within the country, the region, the sector, or the industry in which the project is developed.

GN17.2. The project labour management procedures specify the minimum age for employment or engagement in connection with the project as the age specified in law or the age of 14, whichever is higher and include measures to prevent employing or engaging children under this age. Documentation and verification of age are important

steps in preventing employment or engagement of child labour, and, as appropriate to the project circumstances, may include the following, which are undertaken prior to the employment or engagement of a project worker and kept on file:

- Obtaining written confirmation from the applicant of their age; and
- Where there is any reasonable doubt as to the age of the applicant, request and review available documents to verify age (such as a birth certificate, national identification card, medical or school record, or other document or community verification demonstrating age).

GN17.3. If a child under the minimum age is discovered working on the project, measures will be taken to terminate the employment or engagement of the child in a responsible manner, taking into account the best interest of the child.

Possible measures will be outlined in the labour management procedures.

18. A child over the minimum age and under the age of 18 may be employed or engaged in connection with the project only under the following specific conditions:

- (a) The work does not fall within paragraph 19 below;
- (b) An appropriate risk assessment is conducted prior to the work commencing; and
- (c) The Borrower conducts regular monitoring of health, working conditions, hours of work, and the other requirements of this ESS.

3.4 African Development Bank Operational safeguard 5: Labour conditions, health and safety

Protecting the workforce: Child labour

The borrower or client does not employ children in any manner that is economically exploitative, or is likely to be hazardous or to interfere with the child's education or to be harmful to the child's health or physical, mental, spiritual, moral, or social development as stipulated in national laws in compliance with the provisions of ILO Convention C138 and C182. All work is subject to an appropriate risk assessment and regular monitoring of health, working conditions, and hours of work.

3.5 Guinean Legislation

The Labour Code

Law N°L/2014/072/CNT of 10 January 2014 is the main source of legislation governing employment practices and labour relations in Guinea. This Code applies to all private-sector employees. It prohibits forced or compulsory labour. It establishes the rules of recruitment and termination of employment; the rules relating to working conditions, including wages, maximum hours worked and overtime; the employee benefits such as paid leave and retirement. The Code also defines the requirements for the employees' health and safety.

The Child Code Act of 2008

The Child Code Law L/2008/011/AN of August 19, 2008, promulgated by the President of the Republic of Guinea stated that The best interests of the Child must be the primary consideration in all measures taken concerning the child by public or private institutions, Courts or administrative authorities. This Code establishes conventionalization and the procedure of non-incrimination through mediation as well as the participation of the Services and Institutions concerned by Childhood in decision-making and the choice of measures compatible with the best interests of the child. A child has the right to continue to benefit from the various living conditions, and services adapted to their needs, their age and corresponding to the normal family environment.

Law on Child Labour

Article 1. This Order, taken under article 186 of the Code of work, determines the working conditions of employees under the age of 18 years.

Article 2. It is prohibited to employ young workers under the age of 18 years in the following works:

- 1) lubrication, cleaning, inspection or repair of machinery or market mechanisms;
- 2) works requiring the present or the passage in a room where find machines operated by hand or by animal motor or mechanics, motors, transmissions and mechanisms including dangerous parts are not covered with protective devices appropriate;
- 3) driving or manoeuvring lifting or handling equipment;
- 4) handling and use of explosive materials, irritants, corrosive or poisonous;
- 5) work in slaughterhouses, rendering, casing works, tanneries, etc...;

- 6) extraction of waste ores, materials and cuttings in the mines and quarries, as well as in earthworks;
- 7) work of trimmers, drivers, motor drivers, vehicles and mechanical gear;
- 8) all work performed during night hours;
- 9) all works which, even if they do not fall under the scope of the penalties of the law are likely to injure their morality;

Article 3. It is forbidden to employ young workers under the age of 16 years in the following works:

- 1) motor work utilizing pedals, wheels, cranks, levers, manoeuvres of legs and shaking tables moved by hand or foot;
- 2) use and supply of circular or band saws, or lances multiple, work on mechanical shears or cutting edges and with millstones;
- 3) building work, excluding finishing work not requiring the use of scaffolding.

Article 4. Young workers under the age of 18 may not wear, drag or push, both inside and outside establishments, loads weighing more than the following:

Carrying burdens:

- ✓ 14 and 15 year old boys 10 Kg
- ✓ 16 and 17 year old boys 15 Kg
- ✓ 16 and 17 year old girls 10 Kg

Transport on wheelbarrow (vehicle included):

- ✓ 14 and 15 year old boys 20 Kg
- ✓ 16 and 17 year old boys 25 Kg
- ✓ 16 and 17 year old girls 15 Kg

Transport on vehicles with 2, 3 and 4 wheels (vehicle included):

- ✓ 14 and 15 year old boys 40 Kg
- ✓ 16 and 17 year old boys 50 Kg
- ✓ 16 and 17 year old girls 35 Kg

The transport of any load on hand trucks or similar vehicles is prohibited for young workers under the age of 18.

Article 5. The age for admission to apprenticeship fixed at 14 years of age may, with the authorization of the Labour Inspector, however, be reduced to 12 years for the following works:

- a. light domestic work corresponding to the employment of scullion, assistant cook, little boy, and babysitter;
- b. picking, collection and sorting work carried out in the agricultural exploitations;
- c. light work of a non-industrial nature.

Article 6. Any hiring of young workers aged 12 to 14 carried out in accordance with article 5 of this Order will give rise, within eight days, to the establishment of a list of names which will be sent to the Labour Inspector and who will specify for each young worker the nature of work and its remuneration.

Article 7. The written consent of the parents or guardians is required for entry into the employment of a child aged 12 to 14.

Article 8. The entry into the employment of the children referred to above is subject to the written authorization of the Labour Inspector or his legal representative. This authorization will be mentioned in the employer's register.

Article 9. The Labour Inspectors may require the medical examination of any young worker to determine whether the work in which he is employed does not exceed his strength. When it is proven that the young worker is physically unfit for the work to which he is employed, he must be assigned to work corresponding to his physical fitness or dismissed without the consequences of his dismissal may be charged to him.

Article 10. Night work is prohibited for young workers of one or the opposite sex under the age of 18. However, it can be waived for young workers aged 16 to 18 to repair accidents that have occurred or to prevent any accidents that may occur.

Article 11. The minimum duration of night rest for young workers may not be less than twelve consecutive hours including the period between six o'clock in the evening and six o'clock in the morning.

Article 12. Sunday rest is compulsory for apprentices and young workers under the age of 18, even when employed in a business or establishment where Sunday work is permitted.

Article 13. Persons violating the provisions of this Order expose themselves, as the case may be, to the penalties provided for in Articles 167 and 205 of the Labour Code.

Article 14. This Order, which takes effect from its date of signature, will be recorded and published in the Official Journal of the Republic. Conakry, April 22, 1996

4 Child labour Baseline Assessment

4.1 Approach

Primary information was gathered through Key Informant Interviews (KIIs) and household-level surveys in the study area. The study area is defined as the project site and all the villages studied within its AoI. The surveys captured quantitative statistics related to child labour.

Secondary data sources were collected in the form of articles and research papers. Where possible information sources were used in combination to secure reliable knowledge and understanding.



Plate 1: Engagement with Children in the community

Source: Richflood Field survey, 2022

4.2 Age of working children

Children between the age range of 8-17 were the predominant category of children assessed as part of the child labour assessment for this project. Of the total 36 children respondents, the majority (63.9%) fell into the 14-17 age group, while 36.1% constituted the age group of 8-13. This information is illustrated in the below diagram.

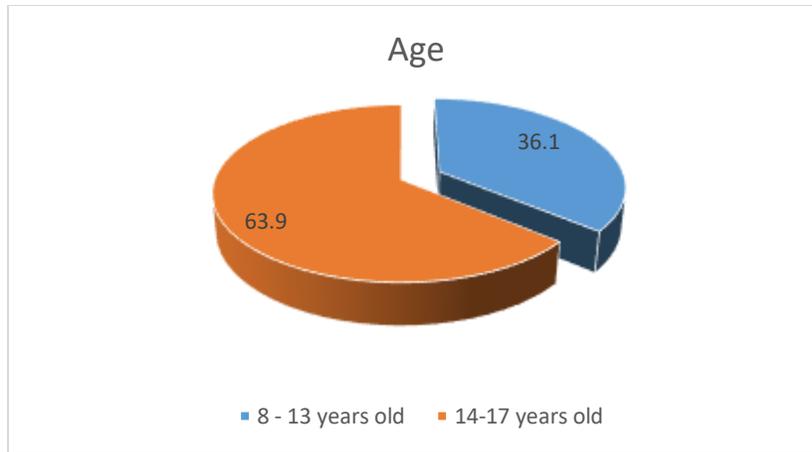


Figure 2: Children Survey: Children Age Group
Source: Richflood Field survey, 2022

4.3 Gender

During the child labour survey, 66.7% of female child and 33.3% of male child was interviewed. All the children were reported to be living with their parents.

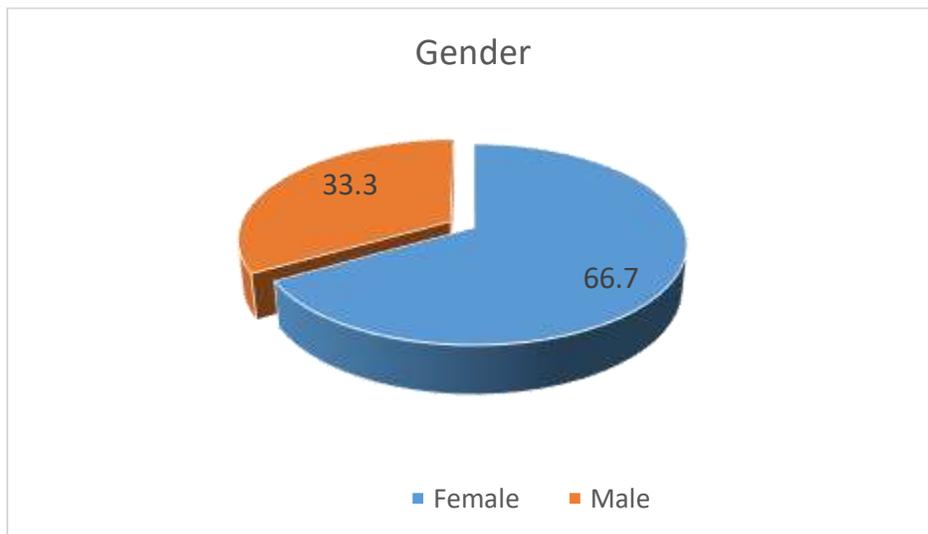


Figure 3: Children Survey: Gender
Source: Richflood Field survey, 2022

4.4 School Enrolment

Amongst the interviewed children, 25% of them were not enrolled in any school during the study period due to different reasons ranging from lack of family support (deprivation of access to

education by the family), pregnancy, health concerns as well as involvement in other artisan skill activities such as tailoring and mechanic.

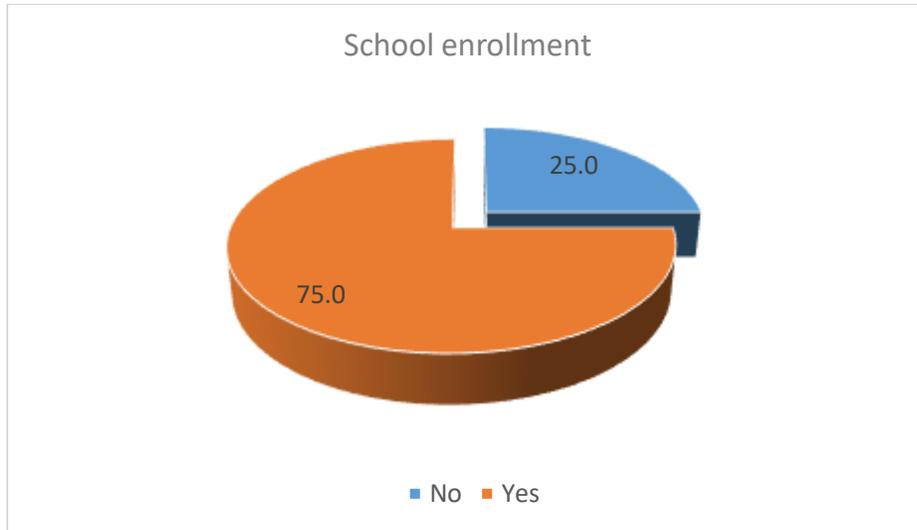


Figure 4: Children Survey: Educational Status
Source: Richflood Field survey, 2022





Plate 2: Children enrolled in school
Source: Richflood Field survey, 2022

4.5 Work description in the cashew value chain

Based on the survey, assessment of child-related work in the cashew value chain in the past 12 months reported children to have been engaged in carrying out a task in cashew farms, either in the family cashew nuts farm or working for someone else's (guardian, relative, parent’s friend or child’s friend). The survey reported that the children were engaged in different activities in the cashew-nut value chain, which includes harvesting/gathering matured fallen cashew (45%), weeding of cashew plantation (34%), local production or sale of cashew nuts products (15%) and manually movement of loaded cashew nut on their head for more than 3km distance (6%). Generally based on the survey, the children engaged in these activities without monetary gains as a form of a family assistance and for family friends.

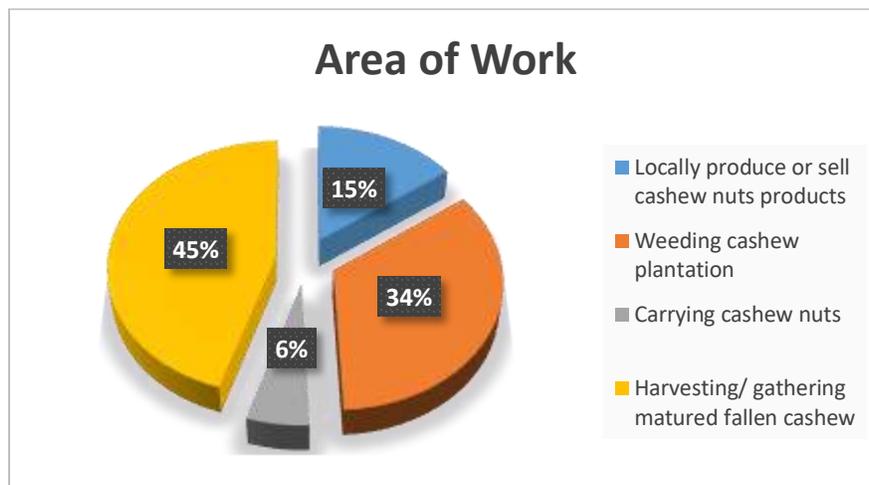


Figure 5: Children Survey: Area of Work
Source: Richflood Field survey, 2022



Plate 3: A girl de-shelling cashew nuts with her mother
Source: Richflood Field survey, 2022



Plate 4: A boy selling goods in the market
Source: Richflood Field survey, 2022

5 Child Labour Impacts Assessment

All impacts associated with child labour have been grouped under each project phase.

5.1 Construction Impacts

Child labour is anticipated during the construction process. Children in the project area and villages within the project study area may be affected by construction activities. Children are likely to be engaged in the following activities: vegetation clearance, surface stripping, and topsoil stockpiling; excavation works for structural foundation; channelling and installation of site drainage; establishment of hard standing for laydown areas, roads, and paths; laying of concrete; vegetation landscaping, construction of residential camps and offices for contract workers, and provision of associated facilities.

Impact Summary: Risk of Child labour and Violence against Children (VAC)

5.1.1 Mitigation measures

- Children must not be employed by the Project (paid or unpaid)
- The project must comply with all relevant legislation, including labour laws about child labour and the Bank's safeguard policies on child labour and minimum age.
- Create a clear system for identifying, responding to, and sanctioning VAC incidents
- Orientation on code of conduct on children's safety, protection and child labour, including for parents;
- Establishment of a crèche' for workers' children within the facility;

5.2 Operational Impacts

It was envisaged that the operational phase of the cashew nuts processing plant would increase the risk of child labour in the cashew nuts value chain. Some of the activities include sourcing and supplying raw cashew nuts to the factory, processing raw cashew nuts into kernels, and supplying and selling finished raw cashew kernels.

Impact Summary: Loss of quality childhood, health issues, mental trauma, and illiteracy

5.2.1 Mitigation measures

- Develop a Company Policy on children's well-being which explicitly mentions the company's commitment to not employ underage workers and to support the education and

best interests of children

- Create a procedure for the age verification of applicants as part of the hiring policy
- Establish a protocol for how to respond when harmful child labour is detected
- Communicate the policy to employees, suppliers/contractors and the community
- Develop transparent human resources policies and procedures for the recruitment process, working conditions and Terms of Employment wages, worker-employer relations, Grievance Mechanism, non-discrimination, monitoring, roles and responsibilities following the Guinea Labour Code and ILO conventions.
- No use of child labour (workers under age 18) or forced labour.
- Create demand for skilled and trained workers
- Reward staff for their efforts toward eliminating harmful child labour
- Create a mechanism by which employees and others can report violations with the assurance of confidentiality.

6. Recommendations

6.1 Monitoring Requirements

Actively monitoring and enforcing company policy through in-house monitoring and independent verification monitoring and enforcement are critical components of any program aimed at regulating the use of child labour. There are three general types of monitoring a company can employ: internal, external, and independent.

- **Internal monitoring** is conducted by company staff. The company will train members of its staff on the requirements of the labour policy and then empower these employees to conduct inspections of workplace facilities and practices.
- **External monitoring** is generally conducted by auditing firms. The company will hire an auditor to inspect and monitor its workplace facilities and practices.
- **Independent monitoring** is generally carried out by non-governmental organizations or other interest groups. In this case, the monitors are normally not paid for by the company. This is generally believed to lend greater independence and credibility to the monitoring process and its results.

6.2 Managing Cashew Supply Chain Risks (Child Labour/Forced Labour)

Businesses which do not permit harmful child labor practices in their own workplaces may nevertheless find themselves confronted with it in their supply chain. This is particularly problematic given that companies have much less control over the practices of their suppliers, yet can be directly affected by them in terms of reputational risk. The situation however, is especially difficult to control where the work is a traditional family activity or contracted out to the household or domestic sphere. (See Plate 3: A girl de-shelling cashew nuts with her mother, page 18.).

Therefore, the following are some of the methods DAI can use to manage supply chain risks related to child labor. These include:

- **Selecting Quality Suppliers:** Choosing suppliers who share similar values and checking their farming practices and cashew plantation in advance can go a long way toward preventing problems down the road. While dealing with multiple suppliers have a

formalized vendor selection process whereby vendors have to meet a series of stringent requirements before they are approved.

- **Contractual Agreements:** This involves including a clause prohibiting the use of harmful child labour in contractual agreements with suppliers and contractors. For effectiveness of this approach, monitoring mechanisms must be put in place and DAI must be prepared to terminate business agreements with partners who do not demonstrate a willingness to comply.
- **Subcontracting Safeguards:** This can be achieved by prohibiting the use of subcontractors. In a situation where this is difficult, hold the contractor legally responsible for compliance of the subcontractors with agreed codes of conduct.
- **Supplier Training and Incentives:** Improve supplier farming practices through training and education. Also, the use of incentives as a means of encouraging suppliers to stop using child labour.
- **Monitoring, Compliance and Corrective Action:** DAI should not rely solely on legal agreements and codes of conduct from suppliers to do the job, rather DAI must actively monitor working conditions through audits and independent inspections to the suppliers' cashew plantation, and exercise their ability to take corrective action up to and including termination of the relationship with partners who violate the law or their contractual terms of engagement.