



**Federation of  
Uganda Employers**  
*The Voice of Employers*



International  
Labour  
Organization

# **FUE MNE ELIMINATION OF CHILD LABOUR TOOL FOR EMPLOYERS**



**FEDERATION OF UGANDA EMPLOYERS**

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## About this Tool

This tool has been developed by the Federation of Uganda Employers (FUE) to support employers in dealing with child labour related issues. It is intended to guide and not to dictate what an employer should do. You are therefore encouraged to explore the best possible course of action to take. In case, you need further guidance or clarification, please do not hesitate to get in touch with us using the contacts provided.

## Definition of Terms

<b>Contract of Service</b>	means contract, whether oral or in writing, whether express or implied, where a person agrees in return for remuneration, to work for an employer
<b>Disciplinary Penalty</b>	means any punishment issued to the employee by the employer upon committing a misconduct.
<b>Dismissal</b>	means termination of employment without notice by the employer for reasons such as gross misconduct and or poor performance.
<b>Employee Training</b>	means any learning activity that is directed towards the acquisition of specific knowledge, skills or attitudes for the purpose of an occupation or task.
<b>Employment Contract</b>	also referred to as contract of service.
<b>Induction</b>	means a process of introducing a new employee to the company culture and processes with the aim of bringing them up to speed quickly as well as making them socially comfortable and aware of their professional responsibilities.
<b>Misconduct</b>	means unacceptable and improper behaviour especially by an employee or professional person
<b>Orientation</b>	means the basic training or information that is given to a person starting a new job in an organisation
<b>Procedure</b>	means the instructions on how to implement the tool
<b>Termination</b>	refers to the discharge of an employee from employment at the initiative of the employer or employee for justifiable reasons other than misconduct.
<b>Tool</b>	means a formal guide on how to address child labour using the MNE framework

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## Law Applicable

These Guidelines are developed in compliance with the Constitution of the Republic of Uganda, 1995 (as amended), the employment laws of Uganda particularly the Employment Act, 2006, the awards of the Industrial Court of Uganda and the recommended best practices in the world of work and employment.

## Jurisdiction and Application

This tool is applicable within Uganda and we hope that the employers will make good use of them while developing, reviewing and updating their respective elimination of child labour interventions within their work places including workplace policies.



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# Introduction

## About FUE

Federation of Uganda Employers is the employers' organization advocating for their social and economic interests nationally, regionally and internationally. With over 60 years' experience, FUE has built credibility in serving employers' interests in policy advocacy, employment relations and provision of business support services.

**Our Vision** is to be the leading organization in serving employers' interests and needs by 2023.

**The Mission Statement:** To enhance employer's competitiveness through policy advocacy, fostering best employment relations and sustainable job creation.

Our services are guided by the following core values:

- |                   |  |
|-------------------|--|
| 1. Teamwork       | We win together                              |
| 2. Integrity      | We are transparent and accountable           |
| 3. Mobility       | We are agile & responsive to change          |
| 4. Excellence     | We strive for the best                       |
| 5. Sustainability | We leave Employers better than we found them |

## Background

It is well documented that the Governing Body of the International Labour Office approved the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration) at its 204th Session (November 1977) and subsequently amended it at its 279th Session (November 2000) and 295th Session (March 2006).

According to the ILO, the aim and scope of the MNE Declaration are as follows; multinational enterprises play an important part in the economies of most countries and in international economic relations. This is of increasing interest to governments as well as to employers and workers and their respective organizations. Through international direct investment, trade and other means, such enterprises can bring substantial benefits to home and host countries by contributing to the more efficient utilization of capital, technology and labour.

ILO further notes that within the framework of sustainable development policies established by governments, MNEs can also make an important contribution to the promotion of economic and social welfare; to the improvement of living standards and the satisfaction of basic needs; to the creation of employment opportunities, both directly and indirectly; and to the enjoyment of human rights, including freedom of association, throughout the world. On the other hand, when multinational enterprises operate in ways which are inconsistent with the national framework they may lead to abuses of labour rights.

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In addition, the complexity of multinational enterprises and the difficulty of clearly perceiving their diverse structures, operations and policies sometimes give rise to concern either in the home or in the host countries, or in both. The aim of this Declaration is to encourage the positive contribution which multinational enterprises can make to economic and social progress and the realization of decent work for all; and to minimize and resolve the difficulties to which their various operations may give rise.

ILO also notes that the aim of the MNE Declaration will be furthered by appropriate laws and policies, measures and actions adopted by the governments, including in the fields of labour administration and public labour inspection, and by cooperation among the governments and the employers' and workers' organizations of all countries.

In all companies, not just MNEs, it is a recommended practice to have in place policies and procedures to control the activities of the different departments geared towards fulfilling the organization's mandate. For instance, an organization may have annual work plans that are operationalized by allocating appropriate resources to various functional units. Therefore, it is equally important for the organization to put in place a policy and procedures that are geared towards the elimination of child labour.

In the same spirit as the above, it is a recommended best practice for every workplace to have in place an elimination of child labour policy to guide management, employees and other stakeholders on how to address child labour while complying with the requirements of the employment laws.

Based on the above, FUE has therefore come up with this tool to guide employers on the elimination of child labour.

## **Objectives**

1. To provide step by step guidance to employers on developing and updating the organizational actions aimed at addressing child labour challenge in the world of work.
2. To explain and break down the different actions that should be undertaken by employers to deal with child labour.
3. To provide implementation of the provisions of the MNE declaration by stipulating the recommended best procedures.

## **Steps in using the FUE MNE Elimination of Child Labour Tool**

### **1. Preliminary Steps**

These are the initial processes that the employer must undertake while considering utilizing this tool to deal with child labour issues within the workplace including the supply chain:

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### **a) Identify where, in your own operations and/or supply chain, child labour may be present**

The employer should use this tool to address issues of child labour or to address an existing gap, for instance, child labour is endemic a particular area due to informal work engagements or the school system is not working well

### **b) Prepare to deploy the tool**

The employer should review the tool and see if there is need to address other child labour related issues, for instance, the existing legal requirements, existing good HR practices, operating considerations given the nature of the employer's undertaking e.g. how will the outcome report be implemented, how has the organisation handled that particular issue in the past among others.

Similarly, it is also good practice for the employer to involve management and employees to obtain their views and input. Employees also can be critical partners in the elimination of child labour, as they are on the frontline and able to best spot underage workers in the company's own operations and suppliers' operations. Such partnerships can enhance management-labour communication and cooperation more generally, which often leads to productivity improvement. In addition, the employer should connect with organisations of similar undertaking/ in the same sector for benchmarking best practices.

## **2. Drafting the final tool and data collection**

Once the employer has obtained the necessary information, he/ she can proceed to reviewing and drafting the final tool as guided by the one provided by FUE.

### **a) Drafting the report**

Based on the findings, the employer should proceed to prepare a report. The summary template for the report is included as Annex I. In addition, the employer should ensure that the report contains the following sections;

- i) Purpose; what does the report intend to achieve
- ii) Scope; to whom does the report apply and identify exceptions
- iii) Statement; the actual rule/ standard that the report intends to communicate
- iv) Responsibilities of the board, managers and employees e.g. the commitment of senior management to make sure each responsible party has the knowledge, skills and resources to fulfil their responsibilities
- v) Consequences for non-compliance e.g. disciplinary measures
- vi) Definition of key terms
- vii) Reference to any other policies, documents, legislations that support the implementation of the report
- viii) Effective date; date on which the report actions will be implement including the start and end date for dealing with the issues identified
- ix) Review date; date on which the next report will be prepared
- x) Approval; indicate who approved the report actions for implementation and the date of the same.

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## **b) Write the Procedure**

The procedure provides implementation steps of the report. The employer should be aware of the legislative requirements i.e. there are some laws that dictate the manner in which certain procedures should be implemented in the workplace including child labour related issues.

### **3. Review Process**

Once the report has been prepared, it is important that there should be a second-eye of management to agree on its framing and contents. The employer should also note that there are certain reports that may require the review by a lawyer to subject it to the rigorous of the law e.g. discipline policies, and termination procedures for adult employees, among others. This is because the children of workers who lose their jobs and become impoverished are more likely to be involved in child labour.

In circumstances where the report is already in place, the employer should undertake periodic review to incorporate new emerging aspects that were not anticipated at the time of preparing the report or address challenges faced during implementation.

### **4. Approval**

Once the review has been completed, the report has to be presented to the CEO or Director or Board for approval. The name/ designation of the person approving and date should be stated clearly.

### **5. Implementation and Communication**

Once the report has been approved by the relevant authorities, the employer should ensure that it is abided with by the employees and implemented by management.

Suggested means to communicate and disseminate the approved report to the staff and other stakeholders include;

- i) Distribution of copies to staff and other stakeholders electronically or in hard copy.
- ii) New employees are given the report at the time of orientation and induction.
- iii) Conducting information sessions on various aspects of the report. This allows the employer to clarify certain issues within the report and for the employee and other stakeholders to ask questions.
- iv) Statement of acknowledgement by the employees and other stakeholders that they will support the implementation of report action areas.

## **Key elements of the tool**

According to the International Labour Organization (ILO), the MNE Declaration includes general provisions on respecting national law and aligning the company's operations with national development priorities.



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It then sets out in more detail principles covering four areas, namely: employment, training, conditions of work and life, and industrial relations which governments, employers' and workers' organizations and multinational enterprises are recommended to observe on a voluntary basis. The issue of the human resource manual has been highlighted as a critical one as well. Therefore, in this tool we shall provide some guiding questions which might be used by MNEs and all employers to guide their interventions in the elimination of child labour for each of these 4 areas.

## **Employment**

### **a) Employment promotion**

- Does the company have a policy to recruit some employees from the location(s) of operation to support local employment?
- Does the company aim at developing business relationships with local enterprises?
- Does the company promote formalization and support formalization of economic actors operating in the formal economy?

### **b) Social security**

- Has the enterprise taken actions to complement public social security systems, including through its own employer-sponsored programme?

### **c) Minimum age**

- Does the company have a minimum age for employment, which is in line with national labour law and international labour standards?
- Does the company have in place a policy on the elimination of child labour?
- Is there a focal point person working directly on the issues of child labour within the company?
- Are employees prepared for retirement especially those with school going children?
- What corporate social responsibility initiatives are undertaken by the company that support the elimination of child labour?

### **d) Equality of opportunity and treatment**

- Does the company have well laid down policies on equality of opportunity and treatment?
- Does the company have a policy of nondiscrimination in place?

### **e) Security of employment**

- Are employees protected against arbitrarily dismissal? Dismissals should be related only to the capacity or conduct of the employee, or the operational needs of the enterprise.

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- Does the company issue written contracts to employees?
  - Does the employment contract prohibit employees from engaging children to support with work processes?
  - Is the education of employees' children supported by the company in any way, where possible?

## **Training**

- Are company employees trained on safeguarding against the use of child labour in its own operations and in operations of business partners?
- Which trainings are conducted by the company which is geared towards the elimination of child labour?
- What training initiatives are being conducted by the company to support the elimination of child labour in the neighboring communities?
- Does the company involve experts in its trainings especially those linked to the elimination of child labour?

## **Conditions of Work and Life**

### **a) Wages, benefits and conditions of work**

- Does the company have a wage policy that ensures that the wages paid are sufficient to meet the basic needs of the workers and their families?
- What child related benefits are offered by the company to the employees, such as providing childcare (on or off premises) for very young children of employees and a safe place for school-age children to do homework after school?
- Does the company consider issues of work life balance, particularly for employees with family responsibilities? What support is offered to employees in this regard?

### **b) Safety and health**

- Does the company have a safety and health policy?
- If yes, is the protection of pregnant or breastfeeding workers and young employees under 18 years of age who may need special protections for their well-being included in the policy?
- Are issues of safety and health addressed beyond the premises of the company, such as providing opportunities for workers to learn more about improving the general well-being of themselves and their families (eating healthy, importance of exercise, effective stress management, etc.)?
- Are all the workplaces of the company registered by the Ministry of Gender, Labour and Social Development?

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## **Industrial Relations**

### **a) Freedom of Association and the Right to Organize**

- Does the company have a policy on freedom of association and the right to organize?

### **b) Collective Bargaining**

- Does the company have a CBA in place?
- If yes, does the company CBA include clauses on the elimination of child labour?

### **c) Examination of Grievances**

- Does the company have a grievance handling policy?

### **d) Settlement of Industrial Disputes**

- Does the company ensure that alternatives labour dispute resolution mechanisms are used?

### **e) Human Resource Manual**

- Does the company have a comprehensive human resource manual which is regularly updated to reflect all of the areas addressed above?



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## Annexes

### Annex I: Reporting Template

#	Potential Risk	Issues Identified	Proposed Action / Remedy to be taken	Timeline	Person Responsible
1	Employment promotion				
2.	Equality of opportunity and treatment				
3.	Security of employment				
4.	Training				
5.	Conditions of work and life				
6.	Wages, benefits and conditions of work				
7.	Minimum age				
8.	Safety and health				
10.	Industrial relations				
11.	Freedom of association and the right to organise				
12.	Collective bargaining				
13.	Examination of grievances				
14.	Settlement of industrial disputes				

**Annex II: Extract the ILO Tripartite declaration of principles concerning multinational enterprises: A self-assessment tool for enterprises.**

**Effective abolition of child labour: minimum age and worst forms**

**Does the enterprise respect the minimum age of admission to employment and has it taken effective measures within their own competence to secure the prohibition and elimination of the worst forms of child labour in its operations?**

[paragraph 27 of the MNE Declaration]

**Supplemental Questions**

Policies and relevant procedures	Examples	Opportunities for improvement	Actions suggested
<p>Does the enterprise have a policy and verification procedure on the minimum age for employment that:</p> <ul style="list-style-type: none"> <li>• is consistent with the principles of international labour standards;</li> <li>• complies with national laws; and</li> <li>• in cases where the minimum age set in national law is below the provisions of international labour standards, applies the higher minimum?</li> </ul> <p>Does the enterprise have procedures in place to identify, prevent, mitigate and account for how it addresses risks of child labour in its operations?</p> <p>Does the enterprise encourage its business partners to adopt a similar policy and practices?</p> <p>Does the enterprise take measure to prevent and eliminate the worst forms of child labour; and to encourage and support its business partners to do so?</p>	<p>Data on incidents of child labour uncovered in own operations.</p> <p>Data on incidents of child labour uncovered in operations of business partners.</p> <p>Examples of measures taken when children below the legal working age are found in the workplace of the enterprise or one of its business partners.</p> <p>Examples of measures taken by the enterprise to contribute to broader community efforts to eliminate child labour (e.g. initiatives taken at the industry level; cooperation with trade unions, law enforcement authorities and the labour inspectorate; participation in a task force or committee on forced labour in an employers’ organization, supporting a national plan/strategy on elimination of child labour).</p>		

**Relevant international labour standards:** Conventions Nos. 138 and 182 and Recommendations Nos. 146 and 190.

**Other relevant references/related indicators:** SDG 8 (target 8.7), HRCA A.2.1. – A.2.3, UN Global Compact LA.4, FLA CL.1 – CL.8 and ER.4, BSCI: 8.1 – 8.4, GRI: 408-1, SA8000 (1.1 – 1.4)

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## Useful Resources and Contacts

### Key Resources

- i) Employment Act 2006
- ii) Employment Regulations 2011
- iii) Labour Disputes Act 2006
- iv) MNE Declaration
- v) Occupational Safety and Health Act 2006
- vi) Various information guides for employers produced by FUE
- vii) Workers' Compensation Act 2000

### Key Contacts

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