

**RSPO**

Roundtable on  
Sustainable Palm Oil



## Research Brief

### Palm Oil Business Operations' Impact on Children's Rights

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## BACKGROUND

This research brief aims to summarise the findings from the desk research and key informant interviews on the impact of palm oil operations on children's rights and related root causes, as well to identify good practices and innovative approaches to address any negative impacts on child rights, which will inform good practice guidances for Roundtable on Sustainable Palm Oil (RSPO) members on child rights. The research brief is structured based on the seven impact areas identified in a 2016 UNICEF study on palm oil and children in Indonesia<sup>1</sup>, with particular attention to the relevant provisions in the 2018 RSPO Principles and Criteria (P&C) that relate to children's rights. This research brief draws both from an extensive desktop research on palm oil-related reports and from the evaluation results on the implementation of the Children's Rights and Business Principles (CRBP) Palm Oil Programme for RSPO oil palm plantation members in Indonesia<sup>2</sup>. This research brief also takes into account the top five palm oil producing countries: Indonesia, Malaysia, Thailand, Colombia and Nigeria when drawing the key indicators, looking at the legislative frameworks, and understanding the situation and condition of palm oil workers and their children.

At the end of July 2019, we conducted a short online survey<sup>3</sup> to identify the issues and status regarding children in oil palm companies based on the experience of RSPO members. We collected 59 responses from different stakeholders in the palm oil supply chain, including respondents from Asia, Europe, the Americas and Africa (see Figure 1).

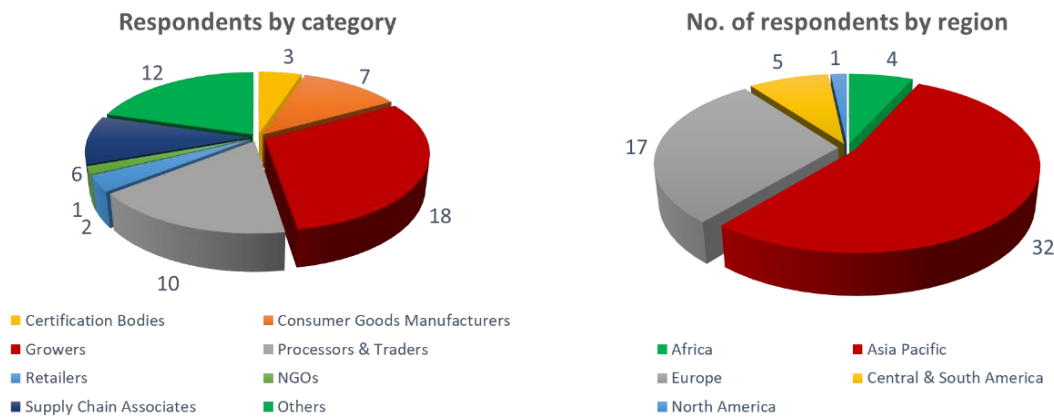
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<sup>1</sup> In 2016, UNICEF conducted a qualitative research on the palm oil sector and children in Indonesia. The research took place at oil palm production centres in the provinces of North Sumatra and Central Borneo. Consulted stakeholders included plantation executives, managers, trade unions, healthcare workers, teachers, childcare providers, children and their families, civil society organisations, community members, international buyers, government ministries, national human rights institutions, inter-governmental bodies, and multi-stakeholder bodies. Through this research, UNICEF identified seven impact areas in relation to children in oil palm plantations. These impact areas are maternity protection and breastfeeding, childcare, nutrition and healthcare, housing, water, sanitation and hygiene, access to education, child protection, child labour and young workers. This qualitative research also identified some of the main root causes contributing to the above impact areas. However, as the UNICEF impact study is based on the situation in Indonesia, it therefore did not pick up on other issues that are more prevalent in other countries, for example, the children of stateless and/or undocumented workers in Malaysia.

<sup>2</sup> This programme aimed at providing information and knowledge to the estate managers and staff on the standards, as well as the positive implications of children's rights to the business world. At the same time, the programme also aimed to discover best practices relating to the seven impact areas by oil palm plantation members of RSPO in Indonesia. The information and knowledge acquired was then forwarded as recommendations to the RSPO Principles and Criteria Review Task Force, with the expectation that the CRBP standards shall be incorporated into the revised Principles & Criteria.

<sup>3</sup> The survey specifically asked about their past and **current** initiatives in protecting the rights of children i.e. whether their company/organisation has a policy covering child rights, whether they have ever carried out child rights risk assessment, the child rights focus areas of highest concerns for their company/organisation (incl. maternity protection and breastfeeding, access to education, childcare support (e.g. day-care, Early Childhood Care & Development (ECCD), cash benefit), health and nutrition, water, sanitation and hygiene (WASH), child protection mechanism (e.g. identification, reporting, and referral of violence against children cases), child labour and young worker, and child rights of migrant workers), whether they have programmes with respect to child rights, and last but not least, if they are willing to be consulted during the development of RSPO's Guidance on Child Rights.

Figure 1 Online survey respondents by category and by region



Based on this survey, 75% of respondents have already developed a policy covering child rights (Figure 2) and, as shown in Figure 3, approximately 50% indicate they have carried out a child rights risk assessment in palm oil environments. Based on both experience and our conversations with companies, the majority of these policies do refer to child labour and young workers, and full-fledged child rights policies are still rather rare. However, a much smaller number of respondents indicated that they have actually implemented programmes with respect to child rights (Figure 4).

Figure 2 Does your company/organisation have a policy covering child rights?

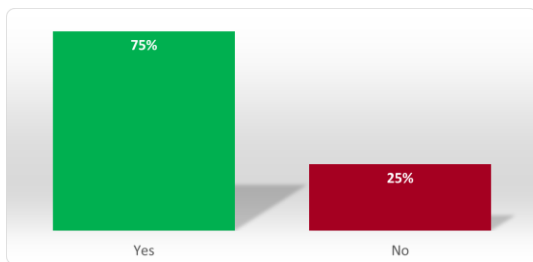


Figure 3 Has your company/organisation assessed the risk of child rights in palm oil environment?

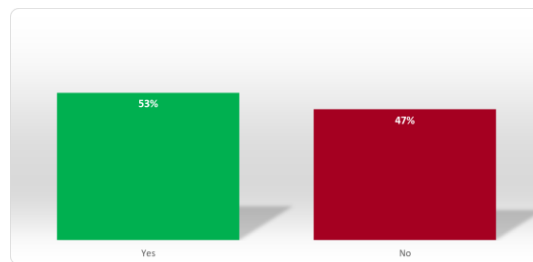
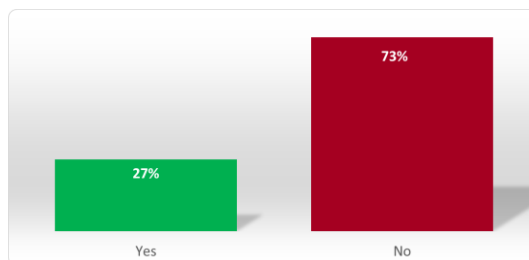
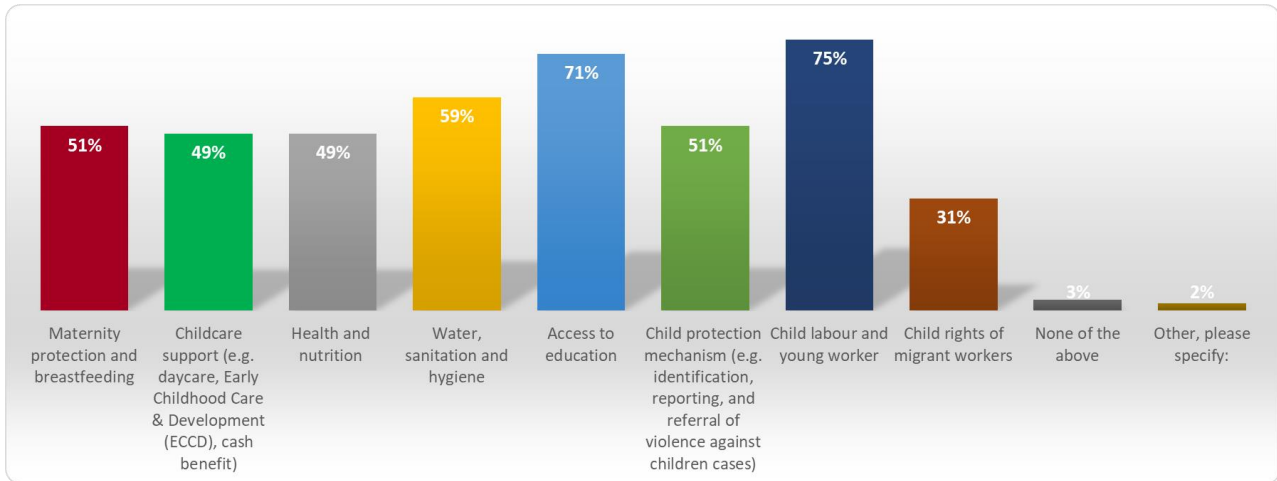


Figure 4 Did/do you have any programmes implemented within palm oil environments with respect to child rights?



On the other hand, the survey shows that the absence of child rights programmes does not indicate a lack of interest. 75% of respondents state that they are worried about child labour and young workers followed closely by 71% who voice concerns about access to education for palm oil workers and their children (see Figure 5). Water, Health and Sanitation are ranked third. Interestingly, fewer state that the rights of children of migrant workers are one of their worries (31%), although migrant children, particularly in Asia, have shown to be one of the most vulnerable groups.

Figure 5 The respondents' areas of highest concern with regards to child rights



The results from the quick survey do indicate that while the work on child rights in the palm oil sector is still at the early stages, a range of topics are already high on stakeholders’ agendas. In the following section of this research brief we will summarise the available research, legislative framework, and the relevant criteria in the RSPO P&C of the seven impact areas: maternity protection and breastfeeding; childcare; health and nutrition; water, sanitation and hygiene; access to education; child protection; and child labour and young workers.



# RESEARCH FINDINGS BASED ON 7 KEY IMPACT AREAS

## 1. Maternity Protection and Breastfeeding

### Definitions

Maternity protection refers to the protection that should be provided in particular for expecting and nursing female workers, to ensure women can successfully combine their reproductive and productive roles (International Labour Organisation (ILO), 2012). In addition to pregnancy and nursing, menstrual hygiene management is often linked to women’s reproductive rights, and we will therefore include provisions around menstrual leave in this impact area.

Despite the fact that maternity protection has been on the ILO’s radar since its start, women still face higher barriers to enter and re-enter the workforce after spending time away for giving birth, nursing, and doing other non-paid homework (ASEAN, 2013). What’s more, women are deprived of sufficient health and safety protection during pregnancy, maternity leave and opportunities to carry on breastfeeding when re-entering the workforce. These challenges are particularly stark for female workers in the context of labour migration, informal and agriculture work, and as the UNICEF impact study has shown, are prevalent in the palm oil sector. And, as evidence from Malaysia shows, are further aggravated for undocumented migrant women, who do not make use of hospitals and other medical services out of concern about their undocumented status (Pocock, 2018).

### Relevant Criteria in RSPO P&C

Table 1 Relevant Criteria in RSPO P&C on Maternity Protection and Breastfeeding

<b>Maternity protection and breastfeeding</b>	<p>4.2 There is a mutually agreed and documented system for dealing with complaints and grievances, which is implemented and accepted by all affected parties.</p> <p>6.1 Any form of discrimination is prohibited.</p> <p>6.5 There is no harassment or abuse in the workplace and reproductive rights are protected.</p> <p>7.2 Pesticides are used in ways that do not endanger the health of workers, pregnant and breastfeeding workers, families, communities or the environment.</p>
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### Key Indicators, SDG and Legislative Framework

Table 2 Key Indicators and Relevant Criteria in SDGs on Maternity Protection and Breastfeeding

<b>Key Indicators</b>	<ul style="list-style-type: none"> <li>● Pregnant women receiving prenatal and postnatal care</li> <li>● Maternal mortality ratio</li> <li>● Length of maternity leave</li> <li>● Exclusive breastfeeding duration</li> </ul>
<b>SDG3, 5, and 8</b>	<p><b>3.7</b> By 2030, ensure universal access to sexual and reproductive healthcare services, including for family planning, information and education, and the integration of reproductive health into national strategies and programmes</p>



	<p><b>3.8</b> Achieve universal health coverage, including financial risk protection, access to quality essential health-care services and access to safe, effective, quality and affordable essential medicines and vaccines for all</p> <p><b>5.1</b> End all forms of discrimination against all women and girls everywhere</p> <p><b>5.5</b> Ensure women’s full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life</p> <p><b>8.8</b> Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment.</p>
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There are three (3) ILO conventions adopted in 1919, 1952 and 2000 relevant to maternity protection and breastfeeding, which stipulate the prevention of exposure to health and safety hazards during pregnancy and nursing, entitlement to paid maternity leave, maternal and child health and breastfeeding breaks, and protection against discrimination and dismissal because of pregnancy and maternity, as well as a guaranteed right to return to work after maternity leave (ILO, 2014).

A total of 66 out of 185 countries and territories have committed to at least one of three maternity protection conventions (ILO, 2014). On health and safety, 111 out of 160 countries have laws to protect pregnant and nursing women from hazardous work and 78 explicitly prohibit such work for pregnant and nursing women. On maternity leave, since 1994 there has been a gradual shift towards leave periods that meet or go beyond the 14-week ILO standard (ILO, 2014). On discrimination, 145 countries prohibit any forms of discrimination for pregnant and nursing women (ILO, 2014). Regarding other maternity protection such as cash benefits, 183 out of 185 countries provide statutory cash benefits during maternity leave and over 100 countries provide it through social security, decreasing employers’ contribution (ILO, 2014).

In Table 3 below we summarise key legal regulations on maternity protection in the 5 most important countries for palm oil production:

*Table 3 Legislative Framework on Maternity Protection and Breastfeeding in Top 5 Producing Countries*

<b>Indonesia</b>	
Maternity leave	Women can start their maternity leave 1.5 months before giving birth and another 1.5 months after giving birth, with the possibility of an extension if required for medical reasons.
Other types of leave	<ul style="list-style-type: none"> <li>● Female workers are entitled to 1.5 months of leave in the event of a miscarriage.</li> <li>● Female workers are entitled to two (2) days of menstrual leave i.e. on the first and second day if they are unable to perform their usual tasks.</li> <li>● A male worker is entitled to two (2) days of paid leave when his wife gives birth or suffers a miscarriage.</li> </ul>
Cash benefit	<ul style="list-style-type: none"> <li>● 100% of wages for female workers during the 3-month maternity leave.</li> <li>● A male worker shall be entitled to receive two (2) days of paid leave when his wife gives birth or suffers a miscarriage.</li> </ul>
Breastfeeding	A nursing mother has a daily entitlement of two (2) 30-minute breaks during work hours to breastfeed her child under six (6) months: one (1) in the morning and another one (1) in the afternoon.

Occupational health & safety	Employers are forbidden to require pregnant workers to work between 11:00pm and 7:00am if the worker provides a doctor's certificate stating that it would endanger the pregnancy.
Non-discrimination	Employers are prohibited from terminating the employment of a female worker on the grounds of pregnancy, childbirth, miscarriage or breastfeeding.
<b>Peninsular Malaysia</b>	
Maternity leave	Female workers are entitled to 60 days of maternity leave (for up to 5 births).
Other types of leave	<ul style="list-style-type: none"> <li>Female workers who miscarry after 22 weeks or have stillbirths are also entitled to paid maternity leave.</li> <li>Male civil servants are entitled to 7 days paternity leave; there is no mandatory paid paternity leave for non-government sectors.</li> </ul>
Cash benefit	During maternity leave, female workers are entitled to be paid full wages if they have been employed for more than 90 days.
Breastfeeding	No entitlement to nursing breaks or reduction of work hours identified.
Occupational health & safety	<ul style="list-style-type: none"> <li>In general, employers are prohibited from requiring female workers to work between 10:00pm and 5:00am without a dispensation from the Director-General of Human Resources.</li> <li>No female employee shall be employed in any underground work.</li> </ul>
Non-discrimination	An employer is prohibited from terminating the employment of a worker whilst she is on maternity leave. Foreign female workers are not entitled to maternity leave. There is also specific legal provision regulating the type of permitted work for foreign workers depending on the country of origin (Immigration Department of Malaysia, 2019)
<b>Sabah</b>	
Maternity leave	Female workers are entitled to 60 days of maternity leave.
Other types of leave	No entitlement to paternity leave identified.
Cash benefit	A female worker is entitled to receive maternity allowance for the eligible period from her employer if (a) she has been employed by the employer at any time in the four (4) months immediately before her confinement; and (b) she has been employed by the employer for a period of, or periods amounting in the aggregate to, not less than ninety (90) days during the nine (9) months immediately before her confinement. A female worker is not entitled to any maternity allowance if at the time of her confinement she has five (5) or more surviving children.
Breastfeeding	No entitlement to nursing breaks or reduction of work hours identified.
Occupational health & safety	Employers are prohibited from requiring any female worker to work in any agricultural, forestry or industrial undertaking between the hours of 10:00pm and 5:00am, nor commence work for the day without having had a period of eleven (11) consecutive hours of rest.  No female worker shall be employed in any underground work.
Non-discrimination	An employer is prohibited from terminating the employment of a worker whilst she is on maternity leave.
<b>Sarawak</b>	
Maternity leave	Female workers are entitled to 60 days of maternity leave.
Other types of leave	No entitlement to paternity leave identified.
Cash benefit	A female worker is entitled to receive maternity allowance for the eligible period from her employer if (a) she has been employed by the employer

	at any time in the four (4) months immediately before her confinement; and (b) she has been employed by the employer for a period of, or periods amounting in the aggregate to, not less than ninety (90) days during the nine (9) months immediately before her confinement.
Breastfeeding	No entitlement to nursing breaks or reduction of work hours identified.
Occupational health & safety	Employers are prohibited from requiring any female worker to work in any agricultural, forestry or industrial undertaking between the hours of 10:00pm and 5:00am, nor commence work for the day without having had a period of eleven (11) consecutive hours of rest. No female worker shall be employed in any underground work.
Non-discrimination	An employer is prohibited from terminating the employment of a worker whilst she is on maternity leave.
<b>Thailand</b>	
Maternity leave	Employers must grant pregnant workers 98 days of maternity leave. This is inclusive of the workers' scheduled weekly holidays, public holidays, and annual holidays. Maternity leave is defined to also include leave that is taken for prenatal examinations before the delivery.
Other types of leave	Male civil servants are entitled to seven (7) days paternity leave; there is no mandatory paid paternity leave for non-government sectors.
Cash benefit	The employer must pay up to 45 days' wages during the maternity leave period.
Breastfeeding	No entitlement to nursing breaks or reduction of work hours identified.
Occupational health & safety	An employer is prohibited from requiring a pregnant worker to work between 10.00pm and 6.00am, to work overtime, to work on a holiday, or to perform any of the following work: work involving vibrating machinery or engines, driving or travelling in a vehicle, lifting, carrying on shoulders, carrying on the head, pulling or pushing loads that exceed fifteen kilograms, working in a boat, or other work as prescribed in the Ministerial Regulations. An employer shall consider changing the duties of a pregnant worker to something more suitable for her. By presenting a certificate from a physician, the pregnant worker can also request the employer to temporarily change her duties before or after delivery.
Non-discrimination	Employers are prohibited from terminating the employment of a female worker on the grounds of her pregnancy.
<b>Colombia</b>	
Maternity leave	Female workers are entitled to 18 weeks paid maternity leave, which can be taken from up to two (2) weeks before the expected date of delivery. Workers should inform their employees about their pregnancy and enclose medical documents indicating the due date. In case of multiple or premature births, the maternity leave is extended by (2) more weeks.
Other types of leave	All benefits granted to the biological mother are applicable to the adoptive mother, or to the father in charge of the new-born in cases of sickness or death of the mother. In the case of miscarriage or premature stillbirth, female workers are entitled to paid leave for two (2) to four (4) weeks. A male worker (who has been working for at least 100 weeks) is entitled to 8 days of paternity leave upon presentation of a birth certificate
Cash benefit	The maternity leave payment is paid with the salary earned by the worker at the initiation of the leave. If the worker earns a variable salary, then the

	paid maternity leave will be calculated by averaging the salary of the last year of service, or, if less than a year, by averaging the entire time of employment.
Breastfeeding	A nursing mother has a daily entitlement of two (2) 30-minute breaks during work hours to breastfeed her child.
Occupational health & safety	Employers are prohibited from employing women for night work in any industrial company, with the exception of a company employing members of the same family. It is prohibited to employ women underground in mines, and, in general, in dangerous or unhealthy work or work requiring great effort. It is also prohibited to employ women in jobs where they are exposed to certain chemical agents, radioactive or ionizing substances, among others. Employers are prohibited from requiring pregnant workers to work during night shifts for more than five (5) hours.
Non-discrimination	Workers' contracts cannot be terminated (for any cause) during pregnancy, maternity leave or the lactation period without the prior authorisation of the Ministry of Labour.
<b>Nigeria</b>	
Maternity leave	A pregnant worker is entitled to six (6) weeks of maternity leave before her expected delivery date and another six (6) weeks after the delivery by providing a medical certificate issued by a registered medical practitioner.
Other types of leave	No entitlement to paternity leave identified.
Cash benefit	A worker who has been in employment for at least six (6) months before the maternity leave starts shall be entitled to at least 50% of her salary during the duration of maternity leave.
Breastfeeding	A nursing mother has a daily entitlement of two (2) 30-minute breaks during work hours to breastfeed her child
Occupational health & safety	Employers are prohibited from requiring female workers to work during the six (6) weeks following her confinement. Employers are prohibited from employing female workers to undertake night work in a public or private industrial undertaking or in any agricultural undertaking. Night means: a) in industrial undertakings is between 10:00pm and 5:00am, and b) in agricultural undertakings is between 9:00pm and 04:00am.
Non-discrimination	An employer is prohibited from terminating the employment of a worker whilst she is on maternity leave. It is prohibited to demand pregnancy tests during the hiring process or during employment. Only those employers with high risks activities that can harm the health of pregnant workers or the foetus are authorised to demand pregnancy tests.

## Challenges

- **Under-exercised maternity rights and inflexible maternity leave**

Although ILO conventions on maternity protection have been widely ratified by palm oil producing countries, many palm oil producers only partly provide their female workers with described maternity benefits (UNICEF, 2016), and many women in the sector are not sufficiently aware of their rights. As described in a report by CNV International, an Indonesian palm oil company only provides paid maternity leave to women workers who are permanently employed (Kiezebrink, 2017). In this case described by CNV International, casual workers were not entitled to paid maternity leave although they often had worked for the company for years, which is a violation of the Indonesian law. This distinction between casual and

permanent workers in terms of access to their rights has become common practice, particularly when it comes to maternity protection (RSPO, 2018). In oil palm plantations, female and in particular migrant female workers, are mostly employed as casual workers, and as such, often have very limited secondary-labour benefits such as maternity leave, childcare, and the opportunity to become a permanent worker (Colchester & Chao, 2011; UNICEF, 2016).

In Malaysia, although the law prohibits female workers to be dismissed due to pregnancy, this safeguard does not cover foreign workers. Foreign female workers are not allowed to get pregnant while working in Malaysia and are therefore not entitled to paid maternity leave. Pregnant foreign workers are considered 'unfit' to work and are therefore seen as not fulfilling the work contract requirements. As a consequence, they lose the work visa and risk deportation at their own cost. In its report "Triple Discrimination: Woman, Pregnant, and Migrant" the Fair Labour Association also highlighted this problem, pointing to the observation that women who are at risk of being deported due to their pregnancy sometimes opt to enter the informal workforce (FMT, 2018; FLA, 2018) and stay in the country illegally.

As we can see, a worker's circumstance (e.g. local or foreign, permanent or temporary) might decide whether workers have access to maternity benefits, and that the right to maternity leave is far from universal.

- **Discriminatory practice of menstrual leave**

Of the five most important palm oil producing countries, only Indonesia regulates menstrual leave. While such provision is not always considered as advancing women's rights<sup>4</sup>, research shows that the provisions, if not implemented correctly, can quickly take a discriminatory turn (Verite, 2016). In one example, an Indonesian palm oil company required female workers who are availing of the menstrual leave to get a letter from the clinic and are required to stay in the clinic for half a day. On the second day, they are required to show the letter to the supervisor to prove that they are still on menstrual leave. If they are found to have lied about their menstruation, their contract will be terminated. In its 2016 report, Verité recommended that the disciplinary procedures should instead include an escalating series of verbal and written warnings prior to suspension or dismissal. As long as this escalation procedure is not applied on menstrual leave, where only women are involved and affected, the practice to excessively punish women for taking advantage of menstrual leave is discriminatory (Verite, 2016).

- **Unlawful termination due to pregnancy**

Under the CRBP Palm Oil Programme (RSPO, 2018), a pregnancy test is included in the policy to ensure pregnant women will be transferred to more conducive workplaces. Palm oil companies generally provide pregnancy tests under two circumstances (RSPO, 2018). In the first circumstance, the company carries out regular health checks under a special programme, i.e. once a month, specifically for female workers or staff who carry out high-risk tasks and have contact with chemicals (hazardous and poisonous substances) such as sprayer operators or fertiliser spreading operators. In the second circumstance, the company performs pregnancy tests at the request of workers and staff whenever they feel any symptoms/indications of pregnancy. However, it was also found that migrant workers in Malaysia have

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<sup>4</sup> Menstrual leave, whether paid or unpaid, gives women an option to work or not when she is suffering from menstrual pain. Menstrual leave can be seen as advantageous as many women have to take painkillers to get through the cycle while working which can have a negative long-term impact on their health. Menstrual leave should not be seen as a worker taking more time off but as a means to encourage women to work more efficiently and flexibly around their menstrual cycle. However, in some situations where ignorance about menstruation is widespread, this policy may create an opportunity for harassment and discrimination of women at the workplace, including gender pay gap.

to undergo annual medical checks and they can lose their work visas and be deported if they are found to be pregnant or ill (Pye, Daud, Manurung, & Siagian, 2016).

Similar to menstrual leave, pregnancy testing, if not applied properly, can have a negative impact and lead to increased discrimination especially when workers do not have equal access to basic labour protection, which as mentioned above, is often the case with migrant and casual workers. In their 2018 report, the Danish Institute for Human Rights (DIHR) and the Forest Trust (TFT) found that there were casual workers on oil palm plantations in Indonesia who were terminated as soon as the company's management found out about their pregnancy. The workers were forced to stop working without maternity benefits or compensation (DIHR and TFT, 2018). Therefore, casual workers working in palm oil plantations often hide their pregnancies for as long as possible, despite the harmful effects of exposure to pesticides and other substances (UNICEF, 2016).

- **Challenges in breastfeeding**

The World Health Organisation (WHO) recommends mothers worldwide to exclusively breastfeed infants for the child's first six months to achieve optimal growth, development and health (WHO, 2011). The percentage of children being breastfed varies between the palm oil production countries, and currently we only have specific data for Indonesia on the breastfeeding time for children of palm oil workers. The comparison shows that while the nationwide numbers are not ideal (only 42% of children are exclusively breastfed for 6 months or more) they are mostly in line with the global average (WHO & UNICEF, 2017). However, the exclusive breastfeeding rate is significantly lower in Indonesia for the numbers of children born to women working in oil palm plantations. Nearly all mothers working in plantations stopped breastfeeding after 3 months (UNICEF, 2016).

These low numbers are closely linked to the insufficient implementation of maternity leave, the short duration of the legally required leave period, the lack of facilities, organisational challenges for nursing mothers (UNICEF, 2016), as well as cultural challenges, as breastfeeding outside the house is a new and uncommon practice in many areas (RSPO, 2018). In addition, nursing mothers often return to their previous activities e.g. pesticide spraying, which are hazardous and may affect infant health. Many female workers interviewed for the study said they stopped breastfeeding immediately after resuming work and spend at least 25% of their monthly wages on formula milk (UNICEF, 2016).

RSPO also found that most mothers would not regularly attend *Posyandu* (an integrated service station for children and pregnant women) after giving birth, and as a result the doctors and paramedics face difficulties in monitoring mothers' breastfeeding activities as the attendance rate remains low although *Posyandu* activities are held outside working hours or during holidays, and with prior public announcements (RSPO, 2018). All palm oil companies participating in RSPO and UNICEF's CRBP Palm Oil Programme have provided special breastfeeding corners ("Pojok ASI") equipped with ice cooler boxes to store breast milk, and some of them also provided supporting facilities such as day-care for infants (RSPO, 2018). These companies stated that they will transfer nursing mothers to non-hazardous tasks with no chemical exposure, and where possible also close to day-care centres or their homes, to make it easier for them to feed the babies.

However, it is important to note that evidence showing that these measures do lead to longer breastfeeding times is still scarce. General studies have shown that longer maternity leave is indeed the most effective way to increase breastfeeding times (UNICEF, 2019). A mother's right to a period of rest in relation to childbirth is a crucial means of protecting the health of the mother and her child. ILO's recommendation No. 191 recommends 18 weeks of maternity leave, although the breastfeeding research creates important arguments that it would have a strong impact if maternity leave could be extended to 6 months.



- **Exposure to hazardous work**

Being exposed to hazardous chemicals can have catastrophic effects on the health of pregnant workers and their children. For palm oil workers, the use and danger of toxic pesticides/herbicides such as Paraquat, have been well documented. As most sprayers in palm oil production are women, they are disproportionately exposed to these chemicals (DIHR and TFT, 2018). Female workers in all stages of their pregnancy have been observed spraying and fertilizing without enough protection (NCHR, 2014).

It has also been reported in Indonesia that in some cases, workers are told misleading information that Paraquat is medicine instead of a pesticide containing toxic chemicals, which has serious health implications (DIHR and TFT, 2018). In addition, many tasks in the plantation require frequent bending and squatting, taking a heavy toll on women's bodies. As a result, women's complaints of body aches and prolapsed wombs are frequent but are generally dismissed as malingering (Basnett, Gnych, & Anandi, 2016).

Most palm oil producing countries have relevant regulations to ensure the usage of personal protective equipment (PPE) to ensure the safety and health of all workers (see Table 1), which is of particular importance to pregnant workers. However, based on a range of studies and assessments, the palm oil companies either do not provide complete PPE, or the PPEs are ill-fitting, worn-out, or they do not provide PPE to the workers at all (Liberty Shared, 2018). Where workers are aware of the necessity of PPE, some purchase their own PPE, which often turn out to be inadequate (Liberty Shared, 2018).

### **Good Business Practices**

- **Provide longer maternity leave**

Palm oil companies can take initiatives to provide longer maternity breaks and breastfeeding periods for new-borns beyond the national legal requirements to better support working mothers.

#### **Good Practice Box 1 Maternity benefit at Agropalma, Brazil**

Agropalma is a vertically integrated palm oil producer of premium palm oil products, with operations in Pará in Northern Brazil and Limeria, São Paulo State. Agropalma offers female employees 180 days of maternity leave, which is 60 days more than what is required under Brazilian law. The ratio of female staff in mid-level positions has been growing steadily over the last five years. However, the imbalance in the field and at management level is also recognised (POIG, 2016).

- **Build breastfeeding facilities**

Female workers will often have to go back and forth between their homes or creche in order to breastfeed. The distance between home and the workplace often becomes the barrier for working mothers to provide exclusive breastfeeding for their infants. Palm oil companies can build a special, comfortable, hygienic space for breastfeeding, and for expressing and storing breastmilk for mothers who cannot breastfeed their babies at work.

#### **Good Practice Box 2 Promoting breastfeeding in Central Kalimantan, Indonesia**

In order to promote breastfeeding amongst nursing mothers, two existing palm oil companies in Central Kalimantan province allocated budget and human resources for the provision of complete and convenient



facilities for nursing mothers, such as *Pojok ASI* at clinics and daycares, equipped with ice cooler boxes to store breast milk and a 24-hour power connection (RSPO, 2018).

- **Enact a policy to protect workers' reproductive rights**

RSPO in collaboration with UNICEF implemented a Children's Rights and Business Principles (CRBP) Palm Oil Programme in Indonesia in 2017-2018 targeting nine companies from five business groups located in Indonesia. All palm oil companies participating in the programme introduced a policy on reproductive rights protection for their workers, staff and managers.

**Good Practice Box 3 CRBP Palm Oil Programme in Indonesia by RSPO and UNICEF**

The policy developed under CRBP Palm Oil Programme shall guarantee the rights of female workers to receive:

- Paid menstruation leave for two days upon recommendation of doctor or paramedic at the estate clinic
- Pregnancy tests and, if positive, transfer of pregnant workers to more conducive workplace(s)
- Healthcare during pregnancy and postpartum
- Paid maternity leave for three (3) months or 90 days

These rights were set out in companies' respective social policies or the sustainability policies of the business groups, standard operational procedures (SOP), collective bargaining agreements (CBA) or company regulations, as well as in working instructions or company's internal memos (RSPO, 2018).

## 2. Childcare

### Definitions

Childcare is essential for all children to achieve their full potential by ensuring they can grow up in safe, healthy and nurturing environments. Childcare is especially paramount during the early childhood phase from birth to 3 years, from 3 years to the age of school entry (usually 5 or 6 years), and from school entry age to 8 years of age (UNICEF, 2017).


### Relevant Criteria in RSPO P&C

*Table 4 Relevant Criteria in RSPO P&C on Childcare*

<b>Childcare</b>	5.2 The unit of certification supports improved livelihoods of smallholders and their inclusion in sustainable palm oil value chains. 6.5 There is no harassment or abuse in the workplace and reproductive rights are protected.
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## Key Indicators, SDG and Legislative Framework

Table 5 Key Indicators and Relevant Criteria in SDGs on Childcare

<p><b>Key Indicators</b></p>	<p>An extensive study by IFC on understanding the demand for childcare has identified four dimensions of childcare support important to parents: availability, affordability, accessibility and quality (see Figure 1) (IFC, 2017):<sup>5</sup></p>  <p>The diagram illustrates four dimensions of childcare support arranged in a circle around a central white circle. Each dimension is represented by a colored segment with an icon and a list of questions:</p> <ul style="list-style-type: none"> <li><b>QUALITY</b> (orange segment, top): <ul style="list-style-type: none"> <li>Is my child safe?</li> <li>Is care reliable?</li> <li>Does my child learn and thrive?</li> <li>What are caregivers' educational levels?</li> </ul> </li> <li><b>AVAILABILITY</b> (green segment, right): <ul style="list-style-type: none"> <li>Are places available?</li> <li>Is childcare available at the times needed?</li> <li>Is childcare available during emergencies (illness, school closure)?</li> </ul> </li> <li><b>AFFORDABILITY</b> (blue segment, bottom): <ul style="list-style-type: none"> <li>Can I afford to pay for childcare?</li> <li>Do I want to pay for childcare?</li> <li>Am I earning enough after paying for childcare to make working worthwhile?</li> </ul> </li> <li><b>ACCESSIBILITY</b> (purple segment, left): <ul style="list-style-type: none"> <li>Can I get my child to the facility?</li> <li>Is transport safe and affordable?</li> <li>Can I get to my child during the work day?</li> <li>Can I find information about childcare options?</li> </ul> </li> </ul>
<p><b>SDG</b></p>	<p><b>4.2</b> By 2030, ensure that all girls and boys have access to quality early childhood development, care and pre-primary education so that they are ready for primary education.</p>

<sup>5</sup> **Availability** captures both the overall supply of childcare services in the local labour market and whether childcare is available when parents need to work. **Affordability** assesses the childcare costs. Although childcare may be available, the high costs can make it impossible for parents who might be most in need of childcare to access the services. **Accessibility** captures the ease and safety with which childcare can be reached. Transport issues are particularly acute in rural areas, where options for travelling between the home, a crèche, and the workplace may be non-existent, constrained, or overly time consuming. **Quality** captures perhaps the widest range of factors, starting from basic safety to broader developmental elements, such as whether the child is learning and developing his or her cognitive and emotional skills.

In Table 6 below, we summarise key legal regulations on early childhood care and education (ECCE) in the five (5) most important countries for palm oil production:

Table 6 Legislative Framework on Childcare in Top 5 Producing Countries

<p><b>Indonesia</b></p> <p>Referring to Law No. 20/2003 article 28, on National Education System, ECCE is provided for <b>children up to 6 years of age</b> as follows:</p> <ul style="list-style-type: none"> <li>• ECCE is organised prior to basic education.</li> <li>• ECCE is provided through formal education, non-formal education, and/or informal education.</li> <li>• ECCE provided through formal education can take the form of <i>Taman Kanak-Kanak</i> (kindergarten), <i>raudatul athfal</i> (Islamic-based early childhood education), or other forms of formal education of similar type.</li> <li>• ECCE provided through non-formal education can take the form of <i>kelompok bermain</i> (play groups), <i>taman penitipan anak</i> (childcare centres), or other forms of non-formal education of similar type.</li> <li>• ECCE provided through informal education can take the form of family education or education in the surroundings.</li> </ul>
<p><b>Malaysia</b></p> <p>Early childhood care and education in Malaysia is divided into two age groups, which is <b>0-4 years and 4-6 years old</b>.</p> <ul style="list-style-type: none"> <li>• 0-4 years old comes under the Ministry of Women, Family and Community Development (MWFCD), which coordinates national programmes on the growth and development of children. They keep a register of all <i>taska</i> (childcare centres) in the country, which fall into four categories: <ul style="list-style-type: none"> <li>- Government-owned childcare centres</li> <li>- Workplace childcare centres</li> <li>- Institution-based childcare centres with ten (10) children or more</li> <li>- Home-based childcare centres with fewer than ten (10) children</li> </ul> </li> <li>• Pre-school education for the second group (4-6 years) comes under three ministries/agencies, i.e. the Ministry of Education, the Ministry of Rural and Regional Development, and the National Unity Department.</li> </ul> <p>Referring to Workers' Minimum Standards of Housing and Amenities Act 1990:</p> <ul style="list-style-type: none"> <li>• Where there are workers residing on the place of employment and such workers have together no less than ten (10) dependents under four years of age living with them, the Director General may, by order, require the employer of such workers to construct at the aforesaid place of employment within such reasonable time as may be specified therein a nursery of a size capable of accommodating such number of workers' dependents.</li> <li>• On each day a dependent is accommodated at the nursery, he shall be provided by the employer at his own expense with a supply of milk in sufficient quantity and of good quality and play equipment.</li> </ul>
<p><b>Thailand</b></p> <p>ECCE in Thailand is targeting children ages of <b>0-5 years</b>:</p> <ul style="list-style-type: none"> <li>• The 1997 Thai Constitution states that Thai government must provide basic services for children and families, especially in providing care and development of young children.</li> <li>• The 1999 National Education Act also stipulates that early childhood and basic education shall be provided in the following institutions: <ul style="list-style-type: none"> <li>- Childcare centres</li> <li>- Child development centres</li> <li>- Preschool child development centres of religious institutions</li> <li>- Initial care centres for disabled children or those with special needs, or</li> <li>- Early childhood development centres under other names</li> </ul> </li> <li>• <b>0-3 years old</b>: Although most of the under-three children are cared for by their parents and relatives, there are public and private childcare services available. While for <b>3 to 5-year-old</b>: ECCE services for this age group are classified in three categories: (1) kindergarten (2 and 3 years); (2) preschool classes</li> </ul>

(in normal primary schools, just one year prior to Grade 1); and child development centres (receiving children aged 2-5 years).

- All kindergartens/preschools within the public school system, are free of charge.

#### **Colombia**

In Colombia, ECCE is a fundamental right for children subject to Law 1804 of 2016. Children and their mothers can attend community, family and institutional modalities of early childhood education and care from birth **until the age of 5**.

- ECCE is divided into two: a) nursery care from birth until the age of 3 years old, and b) kindergarten for children at the age of 4
- ECCE can be seen in two modalities: government supported ECCE (e.g. Colombian Institute of Family Welfare, Administrative Department of Social Welfare of the District in Bogota) and ECCE by other institutions (e.g. NGOs and private organisations)
- ECCE can be provided as centre-based (institutional) by professional educators and also home-based where family is put as the starting point (especially for children younger than 2 years).

#### **Nigeria**

Referring to the Universal Basic Education (UBE) Act (2004):

- Early childhood care and education (ECCE) as the first level of education and an integral part of basic education given to children aged 0-15 years.
- Pre-primary education in Nigeria caters to children **aged 1-5 years** and is not compulsory.
- Preschool establishments include daycare centres for children **aged 0-3 years** and pre-primary or nursery schools for children **aged 3-5 years**.

## Challenges

Investing in early childhood development is paramount in achieving the UN Sustainable Development Goals (SDGs). Almost one in 10 of the world's population, 679 million, are children younger than 5 years old (IFC, 2018). However the number of children benefiting from pre-school programmes is persistently low (IFC, 2017) and the UNICEF impact assessment has shown that this is particularly true for the palm oil sector where quality pre-school is rare (UNICEF, 2016).

In addition to pre-school, a range of research has shown that ongoing child care such as after school centres and vacation programmes that can benefit children are rare in agriculture settings. There is also discrimination of childhood education for children of migrants working in oil palm plantations, including early childhood care and/or nursery options. The lack of childcare has also been linked to increased risk of child labour; Earthworm, in their report, explained that the contributing causes of child labour amongst the migrant worker community in the plantation sector in Sabah are not only labour shortage and high rate of abscondment, but also the absence of educational and childcare facilities on site, which for example encourages children to join their parents at the work sites (Earthworm, 2018). Similarly, in South America there are cases where discriminations exist for afro-descendants (Sanchez & Bryan, 2003).

Currently many palm oil companies do provide transportation and subsidies for employees' children to access primary and secondary school, in particular for children living in remote plantations. However, these services rarely apply to the early childhood programme, or after school activities and children at early childhood care are not likely to be provided this kind of support.

IFC's extensive studies in a range of industries has shown that formal childcare is often outside the reach of low-income employees (IFC, 2018). However, it is often the low income workers who work the longest hours (Lee, Salzwedel, Chyou, & Liebman, 2017), further increasing their need for childcare. Moreover, women are more likely than men to bear childcare responsibilities. Lack of childcare is therefore a major barrier to women's full and equal participation in paid work. Globally, women's labour force participation rate is just over 49 percent, nearly 27 percentage points lower than the rate for men (IFC, 2017).

In the rare situation where plantations offer 'workplace-based childcare centres', companies reveal little information on the standard the facilities follow, and there seems to be little knowledge on what to expect for on-site childcare. In one example, an on-site assessment of a childcare facility in an oil palm plantation only provided a space for children to play and snack, but offered no activities, supervision, safety provisions, etc. (Ross, 2011). In other cases, it was expected that children's relatives would take over supervisory roles at childcare centres, often leading to income loss for the families. For example, grandmothers stopped working to accompany their grandchildren to those centres (Earthworm, 2018; Elmhirst, Basnett, Siscawati, & Ekowati, 2017). The perceived lack of guidance has also shown to be a major barrier, in particular for large-scale companies, to provide childcare options for their workers (Lee, Salzwedel, Chyou, & Liebman, 2017).

## Good Business Practices

ILO and UNDP introduced a co-responsibility childcare model involving the state, employer and parents in making sure four key areas are covered, including creating the policy and normative frameworks, implementing family-friendly workplace, quality childcare programme, and promoting greater sharing of childcare responsibilities between mothers and fathers in the home setting (ILO & UNDP, 2009). Several good practices relevant to the co-responsibility childcare model between state, employers and parents are explained below.

- **Establishing a family-friendly workplace can benefit both companies and workers**

Where employers invested in childcare in agriculture settings, they have shown to create significant positive impact to both parents and children (Miller, Gempler, & Lee, 2016):

- Positive impact on employers due to reduced absenteeism rates, which in turn increases productivity
- Increased work satisfaction and improved employer reputation
- Parents have improved psychological health if they know their children are safe
- Positive impact on reducing early school dropouts and as a consequence reduce the risk of child labour
- Positive impact on the community through increased awareness on the needs and rights of children
- Redistribution of women's care burden (Elmhirst, Basnett, Siscawati, & Ekowati, 2017)

**Good Practice Box 4 Afrifresh, an agribusiness company in South Africa, supports childcare**

Afrifresh is a South African producer and exporter of fresh fruit. The company specialises in table grapes and citrus (grapefruits, oranges, soft citrus, and lemons), and has buyers in more than 50 countries. Women are an important part of Afrifresh's workforce, representing 35 percent of the permanent workforce and 48.5 percent of the seasonal workforce. They support workers with children by providing creches at the farms, transportation for children to go to school and come back home, and flexible work arrangement for professional workers. They consider the monthly expenses of the creches as very small (\$686 per month) that it can be subsumed to other budget lines, e.g. electricity of the creche is paid as part of the overall farm electricity bill. The business impacts of childcare to Afrifresh are: enhanced status as an "employer of choice", overtime and productivity gains, increased safety for workers' children living on-site, and ongoing market access and enhanced profile with buyers (IFC, 2017).

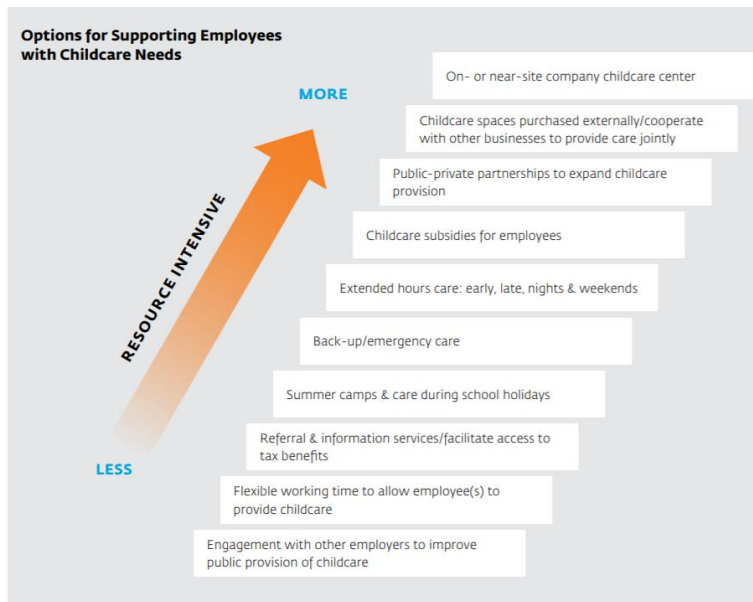
- **Range of options for supporting workers with childcare needs**

Companies seeking to support their workers' childcare needs shall have a broad range of options. Figure 1 lists some childcare options, which span a spectrum of highly resource intensive options to less resource intensive interventions. Employers may offer more than one of these options to more comprehensively address their employees' needs and generate higher business returns (IFC, 2017).

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Good practice box 5 and 6 below provide examples on how a company may decide the range of childcare support they can provide based on their capacity.

**Good Practice Box 5 Pandurata Alimentos Ltda. (Bauducco), a food manufacturing in Brazil**

With 50% of their permanent workforce and 70% of production workers being women and at least 5% having children under the age of 3, Pandurata Alimentos Ltda. has been taking tangible steps to provide its employees with a number of childcare support measures for more than 30 years, such as:

- Reserved spaces in nearby childcare
- Referrals to local private childcare with lower prices
- Monthly health advice for pregnant workers, mothers and babies
- Starter package for new parents
- Gift basket for child’s first day of school
- 24-hour nurse/doctor on-site

**Good Practice Box 6 Borusan, a heavy manufacturing in Turkey**

Borusan supports parents with children with a wide range of childcare services:

- A childcare subsidy for Borusan Mannesmann employees
- Corporate social responsibility project funding the construction of crèche facilities in organised industrial zones (OIZs)
- Breastfeeding and lactation stations at all group locations
- Parents’ leave entitlements
- Flexible working and leave arrangements (where practical)
- Policies aiming to increase gender diversity and support women’s employment and empowerment

### 3. Health and Nutrition

#### Definitions

Health and nutrition are essential across the entire life-span for survival, physical growth and mental development. Primary healthcare is the foundation of universal health coverage, which adapts a whole-of-society approach to health and well-being, while good nutrition is the foundation of well-being for all, leaving no one behind and is a critical component of primary healthcare (WHO, 2019). For children, efforts in ensuring their health and nutrition should cover the earliest stages of foetal development, at birth, and through infancy, childhood, and into adolescence.

#### Relevant Criteria in RSPO P&C

Table 7 Relevant Criteria in RSPO P&C on Health and Nutrition

<b>Health and nutrition</b>	<p><b>3.4</b> A comprehensive Social and Environmental Impact Assessment (SEIA) is undertaken prior to new plantings or operations, and a social and environmental management and monitoring plan is implemented and regularly updated in ongoing operations.</p> <p><b>4.3</b> The unit of certification contributes to local sustainable development as agreed by local communities.</p> <p><b>5.2</b> The unit of certification supports improved livelihoods of smallholders and their inclusion in sustainable palm oil value chains.</p> <p><b>6.2</b> Pay and conditions for staff and workers and for contract workers always meet at least legal or industry minimum standards and are sufficient to provide a decent living wage (DLW).</p>
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#### Key indicators, SDG and Legislative Framework

Table 8 Key Indicators and Relevant Criteria in SDGs on Health and Nutrition

<b>Key Indicators</b>	<ul style="list-style-type: none"> <li>● Access to affordable and quality healthcare</li> <li>● Children’s growth and development with a focus on stunting and wasting</li> <li>● Household minimum food consumption</li> </ul>
<b>SDG 2 &amp; 3</b>	<p><b>2.1</b> By 2030, end hunger and ensure access by all people, in particular the poor and people in vulnerable situations, including infants, to safe, nutritious and sufficient food all year round.</p> <p><b>2.2</b> By 2030, end all forms of malnutrition, including achieving, by 2025, the internationally agreed targets on stunting and wasting in children under 5 years of age, and address the nutritional needs of adolescent girls, pregnant and lactating women and older persons.</p> <p><b>3.2</b> By 2030, end preventable deaths of newborns and children under 5 years of age, with all countries aiming to reduce neonatal mortality to at least as low as 12 per 1,000 live births and under-5 mortality to at least as low as 25 per 1,000 live births.</p> <p><b>3.8</b> Achieve universal health coverage, including financial risk protection, access to quality essential healthcare services and access to safe, effective, quality and affordable essential medicines and vaccines for all.</p> <p><b>3.C</b> Substantially increase health financing and the recruitment, development, training and retention of the health workforce in developing countries, especially in least developed countries and small island developing States.</p>

In Table 9 below, we summarise key legal regulations on health and nutrition in the five (5) most important countries for palm oil production:

Table 9 Legislative Framework on Health and Nutrition in Top 5 Producing Countries

<b>Indonesia</b>
<ul style="list-style-type: none"> <li>● Law No. 36 of 2009 on Health               <ul style="list-style-type: none"> <li>- Execution of health service shall be conducted in a responsible and safe manner, with good quality, as well as evenly distributed and non-discriminative.</li> <li>- Efforts to improve community nutrition shall be aimed at increasing the nutrition quality of individuals and the community.</li> <li>- The Government, regional government and/or community jointly ensure the availability of food material with high nutritional value and that it is evenly distributed and affordable.</li> </ul> </li> <li>● The legal basis of food and nutritional programme policies in the long term at national level is formulated in the Law No. 17/2007 on National Long-Term Development Plan (RPJPN) 2005-2025:               <ul style="list-style-type: none"> <li>- Development of health is directed at enhancing the awareness, willingness, and ability to live in a healthy manner;</li> <li>- The development of health is carried out on the basis of humanitarian considerations, and considerations on empowerment and self-reliance, justice and equity, and the placing of priority to the vulnerable population, i.e. mothers, babies, children, the elderly, and poor households;</li> <li>- The development of health is implemented through increasing health services, health financing, health personnel, medicines and health instruments accompanied by increasing supervision, community empowerment, and health management;</li> <li>- The development and improvement of nutritional levels are implemented on an inter-sectoral basis, encompassing the production, processing, distribution up to the consumption of food at households with a nutritional content that is adequate, balanced, and with ensured security in the context of attaining a satisfactory nutritional status.</li> </ul> </li> <li>● Law No. 40 of 2004 on National Social Security System               <ul style="list-style-type: none"> <li>- The employers shall be obliged to register themselves and their employees as participants to Social Security Administrative Body</li> <li>- Each employer shall be obliged to collect contributions from the employees, add compulsory contribution, and pay such contributions to the Social Security Administrative Body periodically</li> </ul> </li> </ul>
<b>Malaysia</b>
<ul style="list-style-type: none"> <li>● Since 1970, Malaysia implements a two-tier system for government primary healthcare facilities: 1) Health clinic (1:20000) provides outpatient services, dental care, MCH care, health promotion and family planning; and 2) Community clinic (1:4000) provides MCH care, home care and family planning.</li> <li>● As stated in the Employees' Social Security Act 1969               <ul style="list-style-type: none"> <li>- The contribution payable under this Act in respect of an employee shall comprise contribution payable by the employer (hereinafter referred to as the employer's contribution) and contribution payable by the employee (hereinafter referred to as the employee's contribution) and shall be paid to the organisation</li> </ul> </li> <li>● Referring to Workers' Minimum Standards of Housing and Amenities Act 1990:               <ul style="list-style-type: none"> <li>- The Director General may require the employer to construct or enlarge a hospital and employ a registered medical practitioner to reside at and take charge of such a hospital.</li> <li>- It shall be the duty of every employer to provide for every worker employed on an estate including his dependents who reside on such estate or on any other land owned or leased by or is within the control of the employer, medical attendance, care and treatment including diet at the estate hospital or group estate hospital.</li> <li>- Where there are workers residing on the place of employment, the employer of such workers shall set aside land which has been cleared for allotment to such workers for cultivation, grazing or partly cultivation and partly grazing.</li> </ul> </li> </ul>

<ul style="list-style-type: none"> <li>• Despite the good infrastructure and modern medical treatment in Malaysia, many studies show that foreign workers have lower access to healthcare services than the locals (Kanapathy, 2006; Karim &amp; Diah, 2015)</li> </ul>
<b>Thailand</b>
<ul style="list-style-type: none"> <li>• <b>National Food Safety and Nutritional Plan.</b> All children in the targeted schools are eligible to receive school meals or participate in the school feeding programme. School meals are free for all children. Menus are decided following national food-based dietary guidelines, selecting menus based on lists of foods and beverages. At the regional or national level, menus are decided by a nutritionist. Fruits and vegetables are part of the menu three (3) times per week. Food is procured locally.</li> <li>• <b>National Health Statue (2009)</b></li> <li>• <b>The National Health Act B.E. 2550 (2007).</b> This law codifies important rights and duties on health such as the right to live in a healthy environment, the right to receive sufficient health information to make an informed decision to accept or refuse any health service, etc.</li> </ul>
<b>Colombia</b>
<ul style="list-style-type: none"> <li>• Colombia’s <b>“Rural Mission”</b> set the goal to eliminate rural-urban gaps by 2030 in the provision of social services (nutrition, education, health, social protection, housing, water and sanitation).</li> <li>• Colombia also has a 2012-2021 Ten-Year Public Health Plan <ul style="list-style-type: none"> <li>- The plan incorporates different complementary approaches. One of them is the life cycle (senior, adult, youth and children) approach.</li> <li>- The objective is to address the particular determinants involving persistent social and health inequities in early childhood, childhood and adolescence.</li> </ul> </li> <li>• Colombia’s Intersectoral Food and Nutrition Security Commission (CISAN) launched the 2012-2019 National Food and Nutrition Security Plan, with the aim of ensuring that the entire Colombian population has access to and consumes food in sufficient quantity, variety, quality and safety.</li> </ul>
<b>Nigeria</b>
<ul style="list-style-type: none"> <li>• <b>The National Health Bill 2014 (3rd reading)</b> provides a framework for standards and regulation for health services (the National Health System) which shall (a) encompass public and private providers of health services; (b) promote a spirit of cooperation and shared responsibility among all providers of health services in the Federation and any part thereof; (c) provide for persons living in Nigeria the best possible health services within the limits of available resources; (d) set out the rights and obligations of healthcare providers, health workers, health establishments and users; and (e) protect, promote and fulfil the rights of the people of Nigeria to have access to healthcare services</li> <li>• In Nigeria, a <b>National Strategic Plan of Action for Nutrition (2014 – 2019)</b> was established with a particular emphasis on the most vulnerable groups, i.e. children, women, and the elderly. This strategy identifies a set of priority areas that are key to improving nutritional status in Nigeria namely: maternal nutrition, infant and young child feeding, management of severe acute malnutrition in children under five, micronutrient deficiency control, diet related non-communicable diseases and nutrition information systems.</li> </ul>

## Challenges

- **Negative impact on the health as well as a high risk of accidents**

Generally, we can observe that the nature of work in palm oil plantations brings with it a possible negative impact on health as well as a high risk of accidents. Plantation workers are exposed to heat, dust, toxic chemicals, and the use of heavy machineries (Amnesty International, 2016). In Malaysia, female workers in plantations are disproportionately unhealthy compared to other women in the community (Friends of the Earth, 2005). The same piece of research also shows that the accident rate in the plantation sector is higher than in other sectors in Malaysia.

Children are directly and indirectly affected by these conditions, be it because they themselves work or help out on oil palm smallholder farms or plantations, or because the health issues and or accidents of their parents puts them at risk of receiving insufficient protection and support from their parents. CCR CSR's studies and data have shown that parents' poor health is a key reason for children to be pushed into paid work at an early age.

- **Children of palm oil workers have precarious access to healthcare services**

Some palm oil companies who are members of RSPO provide on-site medical facilities and transportation to hospitals/clinics for workers and their families, where estates and workers' residents are regularly checked in terms of health, safety, and sanitation. However, there is often no specific service for children, and it is not clear to what level children can benefit from these services. As mentioned above, often these healthcare services are limited to permanent workers, and as a result casual workers and their children might not benefit from these services (Amnesty International, 2016). Even for permanent workers, there is still an issue in accessing quality healthcare, for example in Indonesia as described in the below box.

### **Challenge of healthcare provision in Indonesia (RSPO, 2018)**

Before the BPJS Kesehatan programme was initiated and introduced by the government, company participants of the CRBP Palm Oil Programme developed an internal financing mechanism for the referral of health services, where the capped amounts differed according to the status and positions of workers and staff concerned.

After the introduction of the BPJS Kesehatan programme in 2018, these companies were required to register their workers and staff in the national health insurance programme. As a result, they switched the financing of their main referral health services of workers and staff from an internal mechanism, to that which is under the BPJS Kesehatan programme.

All workers and staff involved in the focus group discussions (held as part of the CRBP Palm Oil Programme) complained about this switch. The workers claimed that the internal financing system by the companies was faster and more accessible. Meanwhile, the mechanism under the BPJS Kesehatan programme was deemed to be more complicated and limit their access to healthcare, as only selected health facilities (hospitals) were BPJS Kesehatan insurance holders. In addition, not all medication was covered by the BPJS Kesehatan programme.

The quality of healthcare is not always guaranteed as workers described the lack of qualified doctors and midwives. In the situation where workers lack good quality plantation-based healthcare, poor road conditions and limited availability of emergency transport often undermined their ability to obtain healthcare services at clinics and hospitals outside of plantations (UNICEF, 2016).

Although Malaysia is widely recognised to have achieved universal health coverage for its citizens, in the case of migrant workers, the medical fees at public facilities are substantially higher for foreigners and undocumented migrants are excluded from public healthcare (Loganathan, Rui, Ng, & Pocock, 2019). This is problematic especially considering that the number of undocumented children of migrant workers working in oil palm plantations are quite significant and are hindered from accessing quality and affordable health services (Earthworm, 2018).

- **Food insecurity leads to poor child health**

The transformation of diverse agriculture or forests to oil palm plantations impacts the food supply of the workers and their families. For example in Papua New Guinea, many people in these regions were relying on gardening and collecting, for many the change to oil palm cultivation has brought an end to these practices, and more food has to be bought, which in turn has led to higher consumption of processed foods, reliance on cash economy and waste from packaging (Tunama, 2014). Researchers also observed a negative impact of the palm oil sector on water resources in South Asian countries and clean water is now harder for communities to access than previously (Colchester M. , 2011).

Furthermore, the assessment of the local impacts of oil palm expansion in Malaysia (Dhali, 2008) found that some workers and surrounding communities faced problems of increasing expenses for food due to reduced farm production, which lead to family's food insecurity (Norwana, et al., 2011). Pollution from pesticides and agrochemicals can also kill fish and staple crops, impacting food security (NCHR, 2014). Food security is an issue in non-certified plantations that employ many illegal migrant workers (mainly from Indonesia and Philippines) and casual workers (ZEF, Welthungerhilfe and WWF, 2018). Smallholders with one hectare of land or less are at high risk of food insecurity. This group was constantly anxious about not having enough food, depended on external support from relatives, ate less nutritious and diversified food or at reduced quantity (ZEF, Welthungerhilfe and WWF, 2018; Mohamadpour, Sharif, & Keysami, 2012).

The situation in Nigeria is generally poor when it comes to children's nutrition, especially in rural areas. Nigeria has the highest number of children under 5 years with chronic malnutrition in sub-Saharan Africa at more than 11.7 million (National Population Commission and ICF International, 2014).

Sufficient, healthy and nutritious food is particularly important for mothers. UNICEF research found a link between maternal and child health where mothers' nutritional status affects her working performance and ability to raise a healthy child, e.g. undernourished and anaemic mothers may give birth to underweight babies and contribute to 50% of childhood stunting (UNICEF, 2016).

## **Good Business Practices**

- **Diversification of income to alleviate poverty**

Poverty is the cause and impact of poor nutritional health. Employers can support their workers' diversification of income to ensure they can fulfil their basic needs, including providing healthy and nutritious food for their children.

### **Good Practice Box 7 Employer-supported workers' diversification of income**

In Sumatra, a company distributed three cattle to each of its 500 employee families. The cattle were allowed to graze on plantations, fed on oil palm waste, used for breeding, and for transporting oil palm fruit. The cattle population doubled, harvested areas increased, incomes of workers increased, and community relations excelled (Zen, Barlow, & Gondowarsito, 2006).

- **Targeted programmes to improve children’s health and nutrition status**

Palm oil companies may initiate and run programmes that may improve the health and nutrition status of children of workers living on palm oil estates. An example can be drawn from a tea estate in India in the box below:

**Good Practice Box 8 “Sustainability Cell” of Indian Tea Association**

The Indian Tea Association launched its Sustainability Cell in December 2016 (India Tea Association, 2016). The cell would coordinate and monitor and report on all activities of the ABITA-UNICEF project on promotion of child protection, health, nutrition and WASH amongst children and adolescents living within tea communities across 116 tea estates in Upper Assam, in Dibrugarh, Tinsukia and Sivasagar Districts of Assam. Particularly on health and nutrition, they run programmes such as:

- Community awareness programmes on health and nutrition through rallies and organising street plays and drama
- Establishing fruit tree plantations in tea estates
- Weekly Iron and Folic Acid Supplementation (WIFS) programme, or workers in collaboration with the social welfare department to develop kitchen gardens in tea estates
- Nutrition shops in tea estates
- Cooking demonstration programmes



## 4. Housing and WASH

### Definitions

WASH stands for Water, Sanitation and Hygiene. Due to their interdependent nature, these three core issues are grouped together as each is dependent on the presence of the other, e.g. without toilets, water sources become contaminated; without clean water, basic hygiene practices are not possible (UNICEF, 2016).

- **Water** focuses on the ability for children to access safe water, the quality of the water they can access and the distance they must travel to collect it.
- **Sanitation** ensures access and use of basic toilets and ways to separate human waste from contact with people. One important area of work is to end the practice of “open defecation,” and facilitate community-led initiatives to build, maintain and use basic toilets.
- **Hygiene** aims at nurturing good hygiene practices, especially handwashing with soap. This simple practice is essential to prevent disease and protect the health of children.

WASH is a particular concern for children’s rights as it has significant impact on children’s survival and health, access to education, and long-term development (UNICEF, 2003).

- **Impact on health:** Inadequate WASH conditions lead to diarrheal-related diseases and malnutrition. The former is one of the major causes of death for children, killing nearly half a million children under the age of five each year. Even when diarrheal episodes are not fatal, they can cause a vicious cycle of diarrhoea and undernutrition. Poor sanitation and hygiene have also been linked to stunting, which causes irreversible physical and cognitive damage. Other water- and sanitation-related diseases and infections impact millions of children each year. These include cholera, malaria, trachoma, schistosomiasis, worm infestations and guinea worm disease.
- **Impact on education:** Many children - mostly girls - spend hours every day collecting water and miss out on the opportunity to attend school. Lack of access to basic toilets and gender segregated toilets in schools prevent girls from attending school, especially after they reach adolescence and need to manage their menstrual hygiene. WASH also affects long-term development of children, as many suffer physical and cognitive damage from water- and sanitation-related diseases that impact their development and educational performance.
- **Economic impact:** WASH also directly impacts the family and community’s resilience. Poor WASH conditions increase healthcare spending and reduce labour outputs. This is particularly damaging for rural and low-income communities like plantation workers and trap them in chronic poverty.

Housing has close links to WASH conditions as plantation owners and operations are typically responsible for maintaining workers’ housing. Typical housing benefits provided to workers include free or subsidised utilities, such as electricity and water. However, there is considerable disparity in the quality and condition of housing. In some plantations, housing maintenance is a concern, and workers’ houses are in poor repair (UNICEF, 2016).

## Relevant Criteria in RSPO P&C

Table 10 Relevant Criteria in RSPO P&C on Housing, Water, Sanitation and Hygiene

<b>Housing, Water, Sanitation, and Hygiene</b>	<p>3.4 A comprehensive Social and Environmental Impact Assessment (SEIA) is undertaken prior to new plantings or operations, and a social and environmental management and monitoring plan is implemented and regularly updated in ongoing operations.</p> <p>4.3 The unit of certification contributes to local sustainable development as agreed by local communities.</p> <p>5.2 The unit of certification supports improved livelihoods of smallholders and their inclusion in sustainable palm oil value chains.</p> <p>6.2 Pay and conditions for staff and workers and for contract workers always meet at least legal or industry minimum standards and are sufficient to provide a decent living wage (DLW).</p> <p>7.2 Pesticides are used in ways that do not endanger the health of workers, families, communities or the environment.</p> <p>7.3 Waste is reduced, recycled, reused and disposed of in an environmentally and socially responsible manner.</p> <p>7.8 Practices maintain the quality and availability of surface and groundwater, including the access to clean water for all workers.</p>
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## Key indicators, SDG and Legislative Framework

Table 11 Key Indicators and Relevant Criteria in SDGs on Housing, Water, Sanitation and Hygiene

<b>Key Indicators</b>	<ul style="list-style-type: none"> <li>● Access to potable water</li> <li>● Access to proper sanitation facilities and sanitary products</li> <li>● Appropriate hygienic habits, e.g. handwashing</li> </ul>
<b>SDG 6</b>	<p><b>6.1</b> By 2030, achieve universal and equitable access to safe and affordable drinking water for all</p> <p><b>6.2</b> By 2030, achieve access to adequate and equitable sanitation and hygiene for all and end open defecation, paying special attention to the needs of women and girls and those in vulnerable situations.</p>

In Table 12 below, we summarise key legal regulations on plantation worker housing and living conditions in the five (5) most important countries for palm oil production:

Table 12 Legislative Framework on Housing, Water, Sanitation and Hygiene in Top 5 Producing Countries

<b>Indonesia: Manpower Act (No. 13/2003)</b>	
General Provision	<p>Article 66 (2) c. The labour provider shall be responsible for wages and welfare protection, working conditions and disputes that may arise.</p> <p>Article 100 (1) In order to improve the welfare of the workers/ labourers and their families, the entrepreneur shall provide welfare facilities. (...) Welfare facilities shall refer to, for instance, family planning service, babysitting facilities [nursery], <u>housing facilities for workers/ labourers</u>, special rooms for prayer or other religious</p>

	facilities, sports facilities, eateries [canteens], polyclinic and other medical/health facilities, and recreational facilities.
<b>Malaysia: Workers' Minimum Standards of Housing and Amenities Act 1990 (Sections 5 and 6 summarised below)</b>	
Building to comply with requirements	5. (1) Except as provided in subsection (2), no employer shall house or cause or permit to be housed any worker employed by him or by any other person (with whom he has contracted for the purpose of executing any work for or connected with his business, trade, operation or interest) in any building either owned by him or is within his possession or control which does not comply with the provisions of his Act or any regulation made thereunder.
Supply of water and electricity and maintenance of houses	6. (1) Where workers and their dependants are provided with housing at their place of employment it shall be the duty of the employer of such place of employment— (a) to provide free and adequate piped water drawn from a public main, or where the Director General so permits in writing, to provide free and adequate supply of potable piped water drawn from any other source which shall be filtered and treated in a manner approved by the Director General; (b) to provide adequate electricity supply; (c) to ensure that the buildings are kept in a good state of repair and painted to present a satisfactory appearance; and (d) to ensure that no unauthorised extensions or structural alterations are made to the buildings.
<b>Thailand</b>	
<ul style="list-style-type: none"> <li>● Based on the <b>Municipality Act, 1953 and Decentralization Act, 1999</b> local governments or municipalities are the most important agency in providing safe drinking water and basic sanitation service to people.</li> <li>● Several ministries and institutions share the lead for sanitation services. The Ministry of Interior leads hygiene promotion initiatives and drinking water services. As a step towards addressing equality in access to WASH services, six disadvantaged groups are identified in Thailand's WASH plans: <ul style="list-style-type: none"> <li>- Poor populations</li> <li>- People living in slums or informal settlements</li> <li>- Remote populations</li> <li>- Indigenous populations</li> <li>- Ethnic minorities</li> <li>- People living with disabilities</li> </ul> </li> </ul>	
<b>Colombia</b>	
<ul style="list-style-type: none"> <li>● <b>The Ministry of Environment and Sustainable Development</b> is the legal authority for environmental management, planning, regulation and policy-making. Also, <b>Regional Autonomous Corporations (CARs)</b> and <b>Urban Environmental Authorities</b> are endowed with administrative and financial autonomy, patrimony and legal status to administer the environment and natural renewable resources.</li> <li>● Urban Environmental Authorities control discharges and emissions, solid waste and dangerous waste disposal, dictate the measures for correction or mitigation of environmental damage and promote sanitation and decontamination projects (<b>Law 99 of 1993, article 66</b>).</li> </ul>	
<b>Nigeria</b>	
<ul style="list-style-type: none"> <li>● <b>The Water Decree 101 from 1993</b> is the principle legislation governing the utilisation and pollution control of the water resources. This legislation does not adequately meet present and emerging water resources management challenges and the requirement emerging from this water policy.</li> <li>● <b>The National Water Supply and Sanitation Policy (2000)</b> emphasises the provision of sufficient potable water and adequate sanitation to all Nigerians in an affordable and sustainable way.</li> </ul>	

## Challenges

- **Inadequacy of company-provided housing facilities**

The quality of the housing and amenities available to palm oil plantation fieldworkers have typically been very low. Lyngkaran in 1995 reported that in Malaysia more than 35% of estate families live in houses that do not meet the basic minimum requirement as regulated by the country's Workers Minimum Standards of Housing and Amenities Act 1990. Most estates do not have an adequate, treated water supply (Friends of the Earth, 2005; Lyngkaran, 1995)

However there is evidence that many companies have reacted to these challenges and have in the last few years made more investments to improve housing and WASH. Referring to the RSPO report on their CRBP Palm Oil Programme, all companies joining the programme have introduced policies relating to the provision of housing and amenities for workers, staff and managers (RSPO, 2018). Based on the employment status and position, the plantation management also provided houses with basic facilities, such as water, electricity, bathrooms and toilets for all workers and staff. However, it was found during the CRBP Palm Oil Programme that ditches and reservoirs near the housing complexes may harm the workers' children. Not all companies have put up safety perimeter fences and warning boards or educated the children to not play in these areas. (RSPO, 2018).

UNICEF observed that while initially the housing and WASH facilities are of good quality, there seems to be little investment in the long-term maintenance of those houses and facilities (UNICEF, 2016). Repair work is usually only done sporadically and as the RSPO assessment shows, waiting times can be long, due to the need to wait for the supply of construction materials, before proceeding with any house repair work (RSPO, 2018).

- **Casual workers have less access to housing**

There seems to be considerable discrepancy amongst different groups of workers regarding the extent to which they benefit from housing arrangements. Casual or contract workers (those hired on a temporary basis or through third party recruiters) are not always provided with housing (UNICEF, 2016; NCHR, 2014).

- **Access to clean water**

Palm oil plantations have a considerable impact on local ecological environments, particularly surface water quality due to leaching of pesticides and agrochemicals; palm oil mill effluent discharge; and hydrocarbon contamination in rivers, including increased total suspended solids due to soil erosion in relation to land clearing for plantations. Communities affected by water pollution lose access to important sources of drinking water (Brown & Jacobson, 2005). Drinking and swimming in polluted water can cause a range of adverse health impacts to which children may be more vulnerable (UNICEF, 2016). Pollution from pesticides and agrochemicals can also kill fish and staple crops, impacting food security (NCHR, 2014).

Villagers interviewed in Indonesia often report that local fish stocks in rivers and lakes declined and that their potable and bathing water sources turned brown and smelt foul after oil palm plantations were established in their areas (Friends of the Earth, 2005). In September 2019, Human Rights Watch published an article titled "When We Lost the Forest, We Lost Everything" highlighting the situation of local residents nearby who rely on the Kumba and Semunying Rivers in West Kalimantan. The local residents claimed the rivers have become polluted and it was caused by the oil palm company's operations such as use of fertilizers, herbicides and pesticides (HRW, 2019).

RSPO study in Indonesia has shown that households with relatively poor water quality, would only use the water for laundry purposes (RSPO, 2018). For drinking and cooking, they would buy bottled water from nearby shops.

In addition, the limited access to clean water brings about adverse effects to the quality of hygiene and sanitation at housing complexes, creating additional risks for children in terms of health e.g. diarrhoea is one of the most common illness affecting children in palm oil settings (UNICEF, 2016), which is commonly caused by contaminated water and poor hygiene practices. In Papua New Guinea, where the palm oil development is massively increasing, the village women in West New Britain have reported significant increases in birth defects, fertility and maternity problems associated with palm oil pollution caused by palm oil activities (Tunama, 2014).

- **Housing is used to justify low wages**

Many challenges also stem from the colonial legacy of the industry. For instance, state and privately-owned plantations in Indonesia have operated since the 1860s. During these times, plantations were responsible for providing workers with all basic necessities and social services out of necessity, including housing, schools and healthcare. Many of these amenities continue to be provided by plantations today and are sometimes used as a justification for low wages (UNICEF, 2016).

## **Good Business Practices**

- **Appoint focal point and initiate community consultation**

Palm oil business will affect the social and ecological setting continuously, that is why they need to update and be made aware of any issues caused by their operations towards their surrounding community. Companies can appoint a designated staff to engage and communicate regularly with locals and workers living in the palm oil plantations and facilitate community consultation for any relevant business implications that affect the local community.

### **Good Practice Box 9 Community consultation in the Baku-Tbilisi-Ceyhan (BTS) pipeline**

The BTC pipeline's Environment and Social Management Plans incorporated a Worker Camp Management Plan to be implemented by the construction contractor. As part of ongoing community liaison over the project as a whole, community liaison officers were appointed for worker camps who were responsible for meeting regularly with communities, identifying issues and addressing community concerns. A particular responsibility was to review HR records and disciplinary logs at worker camps to ensure that rules were being implemented effectively and that any community liaison after any incidents was effective (IFC & EBRD, 2009).

- **Targeted programmes to ensure children’s access to WASH**

There are a number of actions that can be taken by palm oil companies to ensure children’s rights to WASH are protected. See box 10 below.

**Good Practice Box 10 Palm oil companies’ good initiatives in housing and WASH provision**

Two companies in Central Kalimantan, provide clean water and sanitation facilities to keep workers’ housing neighbourhoods clean at all times. These two companies supply clean water to the houses of workers and staff all day. They also provide bathrooms and toilets; every housing unit is equipped with sinks for hand washing. The companies have also launched special programmes to encourage hand washing habits at schools, *posyandus* and day-care centres. They procure garbage bins, which are safe and user friendly, even for children. Two other companies in Riau provide three bedrooms per housing unit to ensure more privacy for both parents and their children (the norm is two bedrooms per housing unit) (RSPO, 2018).

## 5. Access to Education

### Definitions

All children have the right to go to school and learn, regardless of who they are, where they live or how much money their family has. UNICEF identifies three key areas on improving access to education (UNICEF, n.d.):

- **Access:** Gender-equitable access to quality education from early childhood to adolescence, including for children with disabilities, marginalised children and those living in humanitarian and emergency settings
- **Learning and skills:** Quality learning outcomes and skills development that come from strong education systems and innovative solutions
- **Emergencies and fragile contexts:** Improved learning and protection for children in emergencies and on the move

### Relevant Criteria in RSPO P&C

Table 13 Relevant Criteria in RSPO P&C on Access to Education

<b>Access to education</b>	<p>4.3 The unit of certification contributes to local sustainable development as agreed by local communities.</p> <p>5.2 The unit of certification supports improved livelihoods of smallholders and their inclusion in sustainable palm oil value chains.</p> <p>6.2 Pay and conditions for staff and workers and for contract workers always meet at least legal or industry minimum standards and are sufficient to provide a decent living wage (DLW).</p>
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### Key Indicators, SDG and Legislative Framework

Table 14 Key Indicators and Relevant Criteria in SDGs on Access to Education

<b>Key Indicators</b>	<p>The school leaving age is the minimum age a person is legally allowed to cease attendance at an institute of compulsory secondary education. Most countries have their school leaving age set the same as their minimum full-time employment age, thus allowing smooth transition from education into employment.</p> <ul style="list-style-type: none"> <li>● Indonesia: 15</li> <li>● Malaysia: 17 (compulsory education in Malaysia is from 7 to 12 years of age)</li> <li>● Thailand: 15</li> <li>● Nigeria: 15</li> <li>● Colombia: 15</li> </ul>
<b>SDG 4</b>	<p><b>4.1</b> By 2030, ensure that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and Goal-4 effective learning outcomes</p> <p><b>4.2</b> By 2030, ensure that all girls and boys have access to quality early childhood development, care and pre-primary education so that they are ready for primary education</p> <p><b>4.3</b> By 2030, ensure equal access for all women and men to affordable and quality technical, vocational and tertiary education, including university</p>



	<p><b>4.4</b> By 2030, substantially increase the number of youth and adults who have relevant skills, including technical and vocational skills, for employment, decent jobs and entrepreneurship</p> <p><b>4.5</b> By 2030, eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples and children in vulnerable situations</p>
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In Table 15 below, we summarise key legal regulations on children’s access to education in the five (5) most important countries for palm oil production:

Table 15 Legislative Framework on Access to Education in Top 5 Producing Countries

<b>Indonesia</b>
<ul style="list-style-type: none"> <li>● <b>Act of the Republic of Indonesia on National Education System</b> reflects certain fundamental principles, notably universal access to basic education without gender bias, non-discrimination, equality of opportunity, and equity in education. The Law seeks to open access to education at all levels and all forms – formal and informal – for all the citizens of Indonesia. <ul style="list-style-type: none"> <li>● <b>Article 4 (1):</b> Education is conducted <b>democratically, equally and non-discriminatorily based on human rights, religious values, cultural values, and national pluralism.</b></li> <li>● <b>Article 5 (1):</b> Every citizen <b>has equal rights to receive a good quality education.</b> (2) Citizens with physical, emotional, mental, intellectual, and/or social deficiencies shall have the <b>right to receive special education.</b> (3) Citizens in the <b>remote or less-developed areas, and isolated areas</b> have the right to <b>receive education with special services.</b></li> <li>● <b>Article 6 (1):</b> Every <b>7 to 15 years old</b> citizen shall have the right to receive basic education. (2) Every citizen shall have the <b>obligation to keep the education process sustainable.</b></li> </ul> </li> </ul>
<b>Malaysia</b>
<ul style="list-style-type: none"> <li>● <b>Education Act 1996</b> states that education plays a vital role in achieving the country’s vision of attaining the status of a fully developed nation in terms of economic development, social justice, and spiritual, moral and ethical strength, towards creating a society that is united, democratic, liberal and dynamic</li> <li>● The National Education Policy is based on the <b>National Philosophy of Education</b>, which is expressed as follows: <p><i>“Education in Malaysia is an on-going effort towards further developing the potential of individuals in a holistic and integrated manner so as to produce individuals who are intellectually, spiritually, emotionally and physically balanced and harmonious, based on a firm belief in and devotion to God. Such an effort is designed to produce Malaysian citizens who are knowledgeable and competent, who possess high moral standards, and who are responsible and capable of achieving a high level of personal well-being as well as being able to contribute to the betterment of the family, the society and the nation at large”</i></p> </li> <li>● Every parent who is a Malaysian citizen residing in Malaysia shall ensure that <b>if his child has attained the age of 6 years</b> on the first day of January of the current school year, that <b>child is enrolled as a pupil</b> in a primary school in that year and remains a pupil in a primary school for the duration of the compulsory education.</li> </ul>
<b>Thailand</b>
<ul style="list-style-type: none"> <li>● <b>National Education Act</b> <ul style="list-style-type: none"> <li>- <b>Section 6:</b> The provision of education shall be for the development of Thai people so as to be a perfect human being including body, mind, intelligence, knowledge, and virtue and to have morality and culture in living life and capable of living with other people happily.</li> <li>- <b>Section 10:</b> In the provision of education, the State shall provide equal right and opportunity for a person to receive a basic, quality education for no less than twelve years free of charge.</li> </ul> </li> </ul>

<ul style="list-style-type: none"> <li>● <b>The basic education</b> shall consist of education for no less than <b>twelve years</b> prior to higher education.</li> </ul>
<b>Colombia</b>
<ul style="list-style-type: none"> <li>● <b>General Education Law:</b> Compulsory education in Colombia lasts 12 years. Students enter the education system with a year of preschool (Year 0 or transition year, age 5) and have five (5) years of primary (primaria básica, Years 1-5) and four (4) years of lower secondary education (secundaria básica, Years 6-9). Students then progress to two (2) years of upper secondary education (media, Years 10-11), following a general (académico) or vocational (técnico) track.</li> <li>● <b>Article 67, Colombian Constitution:</b> Education is an individual right and a public service that has a social function. The State, society, and the family are responsible for education, which is mandatory between the <b>ages of five (5) and fifteen (15) years</b> and which minimally includes <b>one (1) year of preschool instruction</b> and <b>nine (9) years of basic instruction</b>. Education is <b>free of charge</b> in the <b>State institutions</b>, without <b>prejudice to those who can afford to defray the costs</b>.</li> </ul>
<b>Nigeria</b>
<ul style="list-style-type: none"> <li>● <b>Compulsory, Free Universal Basic Education Act 2004</b> <ul style="list-style-type: none"> <li>- <b>Article 2(1):</b> Every Government in Nigeria shall provide free, compulsory and Universal basic education for every child of primary and junior secondary, school age.</li> <li>- <b>Article 2(2):</b> Every parent shall ensure that his child or ward attends and completes his - (a) primary school education; and (b) junior secondary school education, by endeavouring to send the child to primary and junior secondary schools</li> <li>- <b>Article 4(1):</b> Every parent shall ensure that his child receives full-time education suitable to his age, ability and aptitude by regular attendance at school.</li> <li>- <b>"child or ward"</b> means a person of primary or, junior secondary school age who is between the ages of <b>6 years and 16 years</b> whether disabled or not;</li> <li>- <b>"Basic education"</b> means early childhood care and education and nine (9) years of formal schooling;</li> <li>- <b>"Primary School"</b> means a school, which provides a <b>six-year</b> basic course of full-time instruction suitable for pupils between the ages of <b>6 years and 12 years</b>.</li> </ul> </li> </ul>

## Challenges

**Access to quality education** is one of the most effective ways to keep children out of child labour. However, access is often constrained by a number of geographical, administrative, social, and financial factors.

Rural areas are usually characterised by sparsely located schools and poor infrastructure. Children may need to walk long distances to school and face the risk of abuse during the long commute; children who live further away from bigger urban settlements are also more likely to drop out after completing primary or junior high education, as higher education is no longer easily accessible and/or affordable. Because of their remoteness, the turnover rates of teachers could also be high. Moreover, the quality of education is often poor, with limited teaching materials and a curriculum with little relevance for rural lives.

### Challenges to Access to Education in Indonesia

Only 60% of children living in rural Indonesia are enrolled in primary school. Two-thirds of the rural schools are inadequate in terms of their infrastructure and facilities, lack of hygiene and environmental awareness, etc. One of the key challenges Indonesia faces is to upgrade the skills and knowledge of its huge pool of primary teachers. To begin with, only 60% of the 1.85 million elementary school teachers in Indonesia have bachelor's degrees; due to the remote locations of the primary schools, teachers only have limited access to training opportunities (USAID-PRESTASI, 2013)

**Adverse norms** held by parents, especially the head of household, and lack of awareness of social inclusion could limit opportunities for certain groups in the community<sup>6</sup>. Such groups include girls, children with disabilities, and children of new workers and/or migrant workers.

### Education for Children with Disabilities

An estate in Indonesia that participated in the UNICEF/RSPO CRBP Palm Oil Programme ran a daycare centre on the estate. A blind child was identified there and was found to be older than the other children at the centre. He was not able to attend normal school and was not receiving any special education at the centre. There is no specific guidance to teach disabled children, and the teachers are not appropriately trained (RSPO, 2018).

**Migration** presents an additional challenge for education. Children of new workers who were in the process of transferring schools are more likely to drop out; and in some cases, parents have neglected or failed to process the required documents (RSPO, 2018). Moreover, schooling could be disrupted for children of seasonal migrants, and even if children have access to schooling at their destination estate, it can be difficult to re-enter the formal education system upon their return.

### Migrant Children in Malaysia

In Malaysia, there are a large number of migrant children, including children of migrant workers, undocumented and stateless children, refugee and asylum-seeking children, lagging behind in education because of their immigration status that prohibited them from enrolling in Malaysian government schools. The Government of Indonesia estimates that there are at least 60,000 Indonesian children living around plantation areas across Sabah, where some may be living in poverty with little or no access to education (Earthworm, 2018).

## Good Business Practices

- **Provide On-site Education Facilities for Workers**

Oil palm companies could set up on-site education facilities either managed by themselves or in partnership with other organisations/companies. The beneficiaries are not limited to workers' children as other children from the surrounding communities could also attend.

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<sup>6</sup> A study in Indonesia found that the percentage of the children's school enrolment increased in line with the improvement of the heads of household's education level. The enrolment of children whose heads of household are highly educated (secondary school and above) was 99.5 per cent. It was higher than the children whose heads of household are from elementary education, which was 88.3 per cent. [https://www.researchgate.net/publication/319571097\\_THE\\_SCHOOL\\_ENROLLMENT\\_OF\\_CHILDREN\\_IN\\_THE\\_PLANTATION\\_SECTOR\\_IN\\_INDONESIA](https://www.researchgate.net/publication/319571097_THE_SCHOOL_ENROLLMENT_OF_CHILDREN_IN_THE_PLANTATION_SECTOR_IN_INDONESIA)

#### **Good Practice Box 11 School Provision in CRBP Pilot in Indonesia**

All companies joining the CRBP Palm Oil Programme have introduced policies on the provision of education facilities for the children of workers, staff, and managers, up to vocational senior high school. These education facilities are also accessible by children of local communities living adjacent to estate locations. They have employed teachers and provide shuttle bus services for students to access schools located beyond the estates, or other schools that are relatively far from their houses. In addition, these companies also offer scholarships to the children of workers and staff, and other children from villages in the vicinity of their estates (IMC Plantations, 2019).

#### **Good Practice Box 12 Company-run Education Foundation**

Cargill Tropical Palm Holdings founded Yayasan Harapan Masa Depan Cerah (YHMDC) in 2012; as of 2017, it was running 42 schools in South Sumatra and West Kalimantan, benefiting 6,000 children living within or around Cargill's plantations. It offers enhanced English language programmes, a safety programme, and opportunities to develop communication skills. It also runs a programme that encourages teachers and principals to be more creative and gives out scholarships for teachers to improve their skills (Koh, 2017).

- **Support Public School System**

Instead of creating a new ecosystem, oil palm companies could support the government's public-school system by providing financial and human resources.

#### **Good Practice Box 13 IMC Plantations Ltd. In Nigeria**

IMC Plantations Ltd. is a large scale industrial producer of sustainable palm oil in Nigeria and has one of the largest oil palm plantations and milling facilities in Nigeria. As a CSR initiative, IMC Plantations 'adopted' a local government school (Aniocha South Local Government Nursery/Primary School) to provide long-term support, including renovating the school buildings, hiring six permanent teachers on the company's payroll, and purchasing exercise books for pupils (IMC Plantations, 2019).

- **Non-formal Education for Vulnerable Children and Youth**

Out-of-school children and youth are more vulnerable to engaging in child labour. To mitigate the risk, non-formal or second-chance education could be useful to engage with them meaningfully; as the oil palm industry is always in need of skilled local human resources, such training programmes could also build the talent pipeline and create more competitive companies.

#### **Good Practice Box 14 Malaysian Estate Owners Association (MEOA)'s Oil Palm Plantation Conductorship for Youth in Need**

Malaysian Estate Owners Association (MEOA) has partnered with the Montfort Youth Training Centre (MYTC) to introduce a new skill training programme for Malaysians between 18 and 20 years old, with priority given to orphans, the poor, those from large families in the rural and interiors areas, as well as early school leavers. The two-year course covers both the knowledge and practical skills needed in plantation supervision, including basic communication in English, and knowledge on arithmetic and computers. Moreover, trainees will undergo fieldwork training and commit to a company (Ministry of Primary Industries, 2019).

- **Alternative Education for Migrant Children**

Alternative education is specially designed for vulnerable children (such as children of migrant workers) who do not have access to a formal education system.

**Good Practice Box 15 Alternative Education in Malaysia**

Alternative education is not a part of the formal national education system in Malaysia, but they all share similar aims such as – but not limited to – providing free or very low-cost schooling options to the vulnerable children of migrants, minimise travel time to rural schools by having an on-site facility, equip children with basic education programmes, vocational knowledge and life skills, and prevent the possibility of child labour and other forms of child exploitation.

In Sabah, many NGOs, Indonesian Consulate and plantation companies across the state are involved and running alternative education programmes, e.g. a total of 209 Community Learning Centres (CLC) by the Indonesian Consulate in Sabah, in cooperation with around 40 plantation companies, are providing alternative primary and junior secondary level of education to over 12,000 children, and a total of 142 Alternative Learning Centre (ALC) by Humana Child Aid Society Sabah and plantation companies are providing alternative pre-school and primary level of education to over 14,000 children (Earthworm, 2018).

## 6. Child Protection

### Definitions

Child protection refers to preventing and responding to violence, exploitation and abuse against children, including commercial sexual exploitation, trafficking, child labour and harmful traditional practices, such as female genital mutilation/cutting and child marriage (UNICEF, 2015). In particular, violence against children is defined as all forms of physical or mental violence, injury and abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse (CRC).

A company may engage in an activity or in a position that involves *contact with children*, either under the position description or due to the nature of the work environment. This means physical contact, face-to-face contact, oral communication, written communication or electronic communication. Some examples are:

- Oral and written communication (including electronic communication) relating to a child
- Access to data relating to a person under the age of 18
- Visiting premises, e.g. schools, health or residential facilities, that provide services to children
- Any community consultation (data collection, surveying, training)

Companies should take *child safeguarding* measures so as to keep the children they have contact with safe. Safeguarding includes the proactive measures put in place to ensure children do not come to harm as a result of any direct or indirect contact with the company. Child safeguarding encompasses the prevention of physical, sexual and emotional abuse, neglect and maltreatment of children by employees and other persons whom the company is responsible for, including contractors, business partners, visitors to premises and volunteers.

Children are entitled to have an identity. To reflect the protection of the children’s rights, their birth must be recorded and proven with a birth certificate.

The issues arising from child labour and *working with children* are illustrated in Impact Area 7: Child Labour and Young Worker.

### Relevant Criteria in RSPO P&C

Table 16 Relevant Criteria in RSPO P&C on Child Protection

<b>Child Protection</b>	<p>4.1.2 The unit of certification does not instigate violence or use any form of harassment, including the use of mercenaries and paramilitaries in their operations.</p> <p>4.2.1 (C) The mutually agreed system, open to all affected parties, resolves disputes in an effective, timely and appropriate manner, ensuring anonymity of complainants, HRDs, community spokespersons and whistle-blowers, where requested, without risk of reprisal or intimidation and follows the RSPO policy on respect for HRDs.</p> <p>4.2.2 Procedures are in place to ensure that the system is understood by the affected parties, including by illiterate parties.</p> <p>4.2.3 The unit of certification keeps parties to a grievance informed of its progress, including against agreed timeframe and the outcome is available and communicated to relevant stakeholders.</p>
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	<p>4.2.4 The conflict resolution mechanism includes the option of access to independent legal and technical advice, the ability for complainants to choose individuals or groups to support them and/or act as observers, as well as the option of a third-party mediator.</p> <p>6.5.1 (C) A policy to prevent sexual and all other forms of harassment and violence is implemented and communicated to all levels of the workforce.</p> <p>6.5.4 A grievance mechanism, which respects anonymity and protects complainants where requested, is established, implemented and communicated to all levels of the workforce.</p>
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## Key Indicators, SDG and Legislative Framework

Table 17 Key Indicators, Relevant Criteria in SDGs and Legislative Framework on Child Protection in Top 5 Producing Countries

<b>Key Indicators</b>	<ul style="list-style-type: none"> <li>● Official reports of violence against children</li> <li>● Child victims referred to services</li> <li>● Use of services by child victims</li> <li>● Children who skipped school due to violence</li> </ul>
<b>SDG#16</b>	<p><b>16.2</b> End abuse, exploitation, trafficking and all forms of violence against, and torture of, children</p> <p><b>16.9</b> By 2030, provide legal identity for all, including birth registration</p>
<b>Legislation</b>	<p>Many countries have laws on child protection, including the responsibility of school authority and healthcare professionals. There are also provisions on birth registration and reporting. Some examples are as follows:</p> <ul style="list-style-type: none"> <li>● Indonesia: The first amendment to Indonesia’s child protection legislation amends Article 9 to grant children the right to enjoy an education that is free from sexual violence at the hand of an individual in a position of authority. According to the amended Article 54, it is the <b>responsibility of the personnel in the education system to ensure children receive this protection</b></li> <li>● Malaysia: As per the Child Act 2001, <b>the duty to inform is imposed on the medical officer or medical practitioner</b> who believes on reasonable grounds that a child he is examining or treating is physically or emotionally injured as a result of being ill-treated, neglected, abandoned or exposed, or has been sexually abused</li> <li>● Nigeria: National policy mandates the <b>registration of children at birth</b></li> <li>● Colombia: Article 219-B in the Criminal Code stipulates the provisions on <b>mandatory reporting</b> of child abuse cases</li> </ul> <p>In addition to running a business, plantations and estates may operate schools and healthcare facilities and respective personnel (incl. subcontractors) may come into contact with children.</p>



## Challenges

**Many migrant children within the palm oil plantation lack a legal identity.** Some of the key reasons are poor awareness of parents on the importance of birth registration, high illiteracy rate, administrative barriers as parents may be undocumented, and registration offices are often inaccessible due to distance and transportation cost as plantations tend to be remote.

### Children's lack of identity in Sabah, Malaysia

It is estimated that around 840,000 undocumented Indonesian migrant workers are working in oil palm plantations in Sabah, Malaysia. About 50,000-200,000 children live with their parents on these plantations and help their families by picking loose fruits and other work. The children born on plantations are often stateless, which can happen if their parents did not register them with the Indonesian Consulate in Sabah. This also applies to the estimated 10,000 children who are born to Filipino migrants who entered and worked without proper documents in Sabah. Children who have no birth certificates do not have access to public schools or medical care.

In theory, any child born in Malaysia can obtain a birth certificate through the National Registration Department of Malaysia. Although the latter does not guarantee access to citizenship, it at least formalises their existence in Malaysia. In practice, however, this approach is limited by the illegal status of parents. The issuance of a birth certificate requires that a mother give birth in a public clinic, which means that she must travel outside the plantation. Migrants are often reluctant to leave the plantations because of the risk of being arrested by the police. In addition, childbirth in clinics is only permitted for women who have undergone periodic pregnancy checks, which many migrant women cannot afford (Solidar Suisse, 2019).

### Birth registration in Indonesia

The majority of companies participating in the CRBP Palm Oil Programme in Indonesia gave no direct facilitation in processing birth certificates for the children of their workers and staff. Although estate clinics have issued Birth Notification Letters and the estate management provides paid leave to facilitate the birth registration process, it is still challenging for some workers to process the birth certificates of their children. This is mainly due to the distance between the estates and the capital of respective regions where the civil registration offices are located, as well as the associated high transportation cost (RSPO, 2018).

Apart from child labour, there is limited literature on other forms of violence against children in the plantation estates. In similar agricultural settings, it is quite common for children to experience **abuse (mainly physical and/or emotional, but also sexual) and neglect**. The perpetrators are usually parents and teachers in school. **Domestic violence** is not a direct form of child abuse but a child is considered to be at risk in a home that is violent.

### Violence against children in tea estates in Sri Lanka

A study of child maltreatment in tea estates in Nuwara Eliya in Sri Lanka has shown that it is common for teachers to use emotional abuse as a means of discipline, as about 30% of children between the ages of 10 and 12 years in the plantation sector are subject to emotional abuse by female teachers. Other common

forms of physical abuse include beating and pushing, and both parents, teachers, and even school principals could be the perpetrators (Save the Children, 2018).

## Good Business Practices

- **Facilitate access to birth registration**

Companies could directly facilitate the processing of birth certificates for the children of their workers and staff. They could also provide indirect assistance, e.g. issuance of birth notification letters, provide paid leaves, and transportation allowance.

### **Good Practice Box 16** Facilitating Birth Registration of Staff and Workers' Children in Indonesia

A company located in the Musi Banyuasin region of South Sumatra facilitates the process of issuing birth certificates for newborn babies of workers and staff by inviting officers from the Demography and Civil Registration Agency to the estate. This practice greatly facilitates the workers and staff in registering the birth of their children (RSPO, 2018).

- **Strengthen existing policy and mechanism**

RSPO P&C 6.5.1 indicates 'A policy to prevent sexual and other forms of harassment and violence is implemented and communicated to all levels of the workforce'. If such a policy is in place, it can be updated to better provide guidance on conduct related specifically to safeguarding children. For example, all participating companies in the CRBP Palm Oil Programme in Indonesia have introduced policies that forbid sexual harassment and domestic violence. Their gender committees are also obliged to coordinate with management when responding to any reports of sexual harassment and domestic violence.

- **Develop child protection policy**

Companies could develop a stand-alone child safeguarding policy, which sets out the company's commitment to keep children safe and articulates what will be done to protect children from harm and response to concerns.

### **Good Practice Box 17** Child Protection Policy in Tea Estates in Sri Lanka

Save the Children, in partnership with Kelani Valley Plantations and Talawakelle Tea Estates, launched a "Child Protection Policy" in 2018, specifically tailored to the needs of children living on Sri Lanka's tea estates.

The *Child Protection Policy* is a voluntary undertaking through which participating tea companies commit to ensuring that all children living in their estates are protected from all forms of harm, violence, abuse and exploitation. It establishes a set of principles, standards and implementation mechanisms through which tea companies, their management and staff take active measures to help ensure the safety and protection of the children on their estates.

Key learnings from the initiative:

- **Child Protection Focal Point:** A Child Protection Focal Point is designated to be the first line of contact to report cases of violence against children in the estates. The focal point also represents the company in local multi-stakeholder forums and other meetings/discussions related to child protection
- **Clear reporting and referral mechanism:** Staff at all levels are obligated to report incidents of violence against children, through a clear and well-established reporting and referral mechanism. Incidents of

violence against children are categorised into those that cause significant harm and those that don't, and there are clear reporting lines for complaints against different level of staff

- **Special children protection in childcare facilities:** Special measures are in place in creches/child development centres in the estates, e.g. at least one child caregiver is present in the creche/child development centre at all times and all caregivers are trained to address the safety and protection of children
- **Participation of children:** Capacity building of child leaders through child rights and child protection training, leadership skills development, confidence building, creative expression of issues has been incorporated as key activities in the programme to enable children's participation especially as representatives of their respective children's clubs at the village child development committees. Facilitation of child led advocacy at the children's clubs formed at each pilot estate and linking them to government mechanisms and officials has also promoted the participation of children in core areas of the programme
- **Multi-stakeholder collaboration:** Participating estates coordinate with Save the Children and government partners, such as the National Child Protection Authority, to develop the capacity of Child Protection Focal Points

- **Integrating parenting classes in agribusiness training**

Economic strengthening and parenting classes are two strategies proven to reduce child maltreatment. Combining positive parenting sessions with classes training farmers in good agricultural/business practices could reduce income insecurity and reduce child maltreatment.

**Good Practice Box 18 Integrating Parenting Training in Agribusiness Training**

ICS Africa delivered a 12-session parenting programme in tandem with training on how to improve crop yields for farming families in rural Tanzania. Parenting sessions included learning positive discipline techniques, communication skills, and child protection. The combined programme reduced physical child abuse more than the parenting sessions alone, and much more than the agribusiness-only programme (Siddons, 2018).

## 7. Child Labour and Young Worker

### Definitions

**Child Labour:** Not all work done by children should be classified as child labour. According to the ILO (ILO, 2019), Child Labour refers to work that deprives children (any person under the age of 18) of their childhood, their potential and their dignity, and that is harmful to their physical and/or mental development. It refers to work that is mentally, or morally dangerous and harmful to children; and/or interferes with their schooling by:

- depriving them of the opportunity to attend school
- obliging them to leave school prematurely
- requiring them to attempt to combine school attendance with excessively long and heavy work

In its most extreme forms, child labour involves children being enslaved, separated from their families, exposed to serious hazards and illnesses and/or left to fend for themselves on the streets of large cities – often at a very early age. Whether or not particular forms of “work” can be called “child labour” depends on the child’s age, the type and hours of work performed, the conditions under which it is performed, and the objectives pursued by individual countries. The answer varies from country to country, as well as among sectors within countries.

**Young Worker:** Young workers are persons under 18 years of age, but above the minimum working age, who are engaged in work. Even though these young people are over the minimum age (usually 14 or 15) they are still considered “child labour” under ILO Conventions Nos. 138 and 182 if the work they do is hazardous.

**Minimum working age:** The minimum legal working age is defined by the national legislation and is the age, above which a person can be employed on a full-time basis. It can be 16 years, 15 years, or 14 years in certain developing countries.

**Light Work:** Simple, limited tasks performed under adequate adult supervision, as long as they do not threaten the child’s health and safety, her/his right to play or hinder their education or vocational orientation and training. The requirements regarding safety and health for light work are the same as for young workers (no hazardous work). When permitted by national law, 13- and 14-year-olds are allowed to perform light work.

### Relevant Criteria in RSPO P&C

Table 18 Relevant Criteria in RSPO P&C on Child Labour and Young Workers

<b>Child Labour and Young Worker</b>	<p>3.5.1 Employment procedures for recruitment, selection, hiring, promotion, retirement and termination are documented and made available to the workers and their representatives.</p> <p>3.5.2 Employment procedures are implemented, and records are maintained.</p> <p>6.4.1 A formal policy for the protection of children, including prohibition of child labour and remediation is in place, and included into service contracts and supplier agreements.</p> <p>6.4.2 (C) There is evidence that minimum age requirements are met. Personnel files show that all workers are above the national minimum age or above company policy minimum age, whichever is higher. There is a documented age screening verification procedure.</p>
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	<p>6.4.3 (C) Young persons may be employed only for non-hazardous work, with protective restrictions in place for that work.</p> <p>6.4.4 The unit of certification demonstrates communication about its ‘no child labour’ policy and the negative effects of child labour, and promotes child protection to supervisors and other key staff, smallholders, Fresh Fruit Bunches (FFB) suppliers and communities where workers live.</p>
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## Key Indicators, SDG and Legislative Framework

Table 19 Key Indicators and Relevant Criteria in SDGs on Child Labour and Young Workers

<b>Key Indicators</b>	<ul style="list-style-type: none"> <li>• Minimum age for entry into work or employment</li> <li>• Age of young person/young workers</li> <li>• List of light work and hazardous work</li> </ul>
<b>SDG 8</b>	<p><b>8.7</b> Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms.</p>

ILO C138 (Minimum Age Convention) has been ratified by 172 countries (as of 2019) and ILO C182 (Worst Forms of Child Labour) has been ratified by 186 countries (as of 2019), including all five (5) countries discussed in this research brief: Indonesia, Malaysia, Thailand, Nigeria, and Columbia. Relevant national laws on child labour and young workers are:

- Indonesia: Act of the Republic of Indonesia Number 13 Year 2003 Concerning Manpower Article 68-76
- Malaysia: Children and Young Persons (Employment) Act 1966 (Peninsular Malaysia); Labour Ordinance (Sabah Cap. 67); Labour Ordinance (Sarawak Cap 76)
- Thailand: Labour Protection Act (1998) Chapter 4
- Nigeria: Labour Act Chapter 198
- Colombia: Childhood and Adolescence Code of 2006 (Ley 1098 of 2006)

In Table 20 below, we summarise key legal regulations on child labour and young workers in the five (5) most important countries for palm oil production:

Table 20 Legislative Framework on Child Labour and Young Workers in Top 5 Producing Countries

	<b>Minimum working age</b> Full-time work; Age should not be below the age for finishing compulsory schooling	<b>Light Work</b> Work that will not threaten health and safety or hinder education or vocational training	<b>Hazardous Work</b> Work that is likely to jeopardise children’s physical, mental or moral, health and safety
ILO C138	15 (developing countries have the option of setting a minimum age of 14)	13	18 (16 under strict conditions)
Indonesia	15	13	18
Malaysia	15	Below 15	18
Thailand	15	12	18
Colombia	14	12	18
Nigeria	15	12	18

## Challenges

According to the U.S. Department of State 2019 *Trafficking in Persons Report*, palm oil is listed as being produced with forced child labour in Myanmar, Ecuador, Indonesia, and Malaysia. According to the U.S. Department of Labour 2018 *List of Goods Produced by Child Labour or Forced Labour*, palm oil is produced with child labour in Indonesia and Sierra Leone and with forced child labour in Malaysia.

Poverty and local culture drive children to work or help families. Poverty is common in rural areas often leads to parents making the decision to send their children to work in the plantations (ILO, 2012). Children from poor villages in Indonesia were reported to be deliberately recruited by palm oil companies to work in Malaysian plantations for little pay because of poverty (Schaeffer, 2010; Rainforest Action Network, 2010).

There is often a thin line between ‘child workers’ and ‘children assisting parents’. In order to meet their quota/targets, earn bonuses and avoid penalties, workers in the palm oil plantation get help from their spouses, children or others to complete certain tasks (Amnesty International, 2016; Kiezebrink, 2017; Earthworm, 2018). Families will work together to harvest daily, and children often drop out of school to help (Gunawan, 2011). Children of migrant workers are particularly vulnerable because of their status.

### Children’s Involvement in Oil Palm Plantation

Some children (in Indonesia) started working from the age of 8 years onwards and all were below 15 years of age. Most of the children help their parents in the afternoons, after attending school, and on weekends and holidays. However, some children have dropped out of schools and work for all or most of the day. Children carry heavy loads, as they have to carry sacks of loose fruits and some transport wheelbarrows full of heavy palm fruit bunches over uneven terrain and narrow bridges. They run the risk of injuries from repetitive movements, carrying heavy loads and from working in an environment where they are exposed to chemicals (Amnesty International, 2016).

Although child labour became less common, there were a significant number of juvenile labourers above the age of 14 working on palm plantations in Sayaxché in Guatemala. Workers interviewed in Southern Guatemala reported that children sometimes worked alongside their mothers, who were responsible for picking up fallen palm kernels. Because women had to reach a quota and could be fired for failing to do so, some reportedly brought their children to help them reach this quota, even though the palm companies officially prohibited this practice (Verite, 2016).

As parents have limited knowledge and awareness on their guardian responsibility and the health impact of plantation work, there is a heightened risk for children to help their parents even though they are given tasks that are considered not harmful like collecting loose fruit (Earthworm, 2018).

## Health and Safety Hazards

Health and safety hazards identified by ILO in relation to children working on palm oil plantations:

- Being hit by falling fruit branches
- Injuries from cutting tools
- Skin abrasions due to contact with oil palm fruit and thorns
- Eye damage from falling palm fronds
- Poisoning and long-term health effects from pesticide use or exposure
- Musculoskeletal injuries from repetitive movements and lifting and carrying heavy or awkward loads
- High levels of sun exposure that can result in skin cancer and heat exhaustion
- Long working hours
- Stress
- Snake and insect bites (especially mosquitoes and fire caterpillars, an oil palm pest)

There is a lack of knowledge and practical guidelines for companies to address child labour. The existence of a “No Child Labour” policy does not guarantee elimination of child labour. When child labour is identified, there is limited research to demonstrate that companies have the necessary knowledge, tools, and network to remediate cases.

Out-of-school young workers denied employment opportunities maybe at a higher risk of working below the legal minimum working age. According to the plantation workers, they often find children between the age of 15 and 17 no longer attend school. Although education is free in some countries (e.g. Indonesia), research indicates that schools impose additional fees on students to cover school activities and educational items. These added expenses may hinder students' ability to attend school (Bureau of International Labor Affairs, 2019). Some of the out-of-school children are willing to be recruited as estate workers. However, due to the no child labour regulation, they must wait until they reach 18 years of age to be qualified for recruitment as workers at the estates (RSPO, 2018). Those who are not formally employed by the estate tend to continue helping their parents as informal helpers with no protective equipment (DIHR and TFT, 2018).

There are not enough means to engage with children meaningfully during after school hours and holiday. Children usually help their parents after school or during school holidays; a lack of playing facilities and after-school programmes could increase the risk of children engaging in hazardous work.

## Good Business Practices

- **Develop robust social compliance system**

A social compliance system is the foundation for many child mitigation initiatives. It requires active engagement with stakeholders and partners, risk and impact assessment, development of a code of conduct, communications and training across the supply chain, regular monitoring, having a remediation system in place, and a reporting mechanism. A more robust compliance system would involve independent review and use of technology.



### **Good Practice Box 19 Strengthening social compliance in Colombia and Ecuador**

The Bureau of International Labour Affairs of the U.S. government provides technical guidance to participating palm oil companies in Colombia and Ecuador to assist them in developing robust social compliance systems. Under this approach, tools for organisational systems management are incorporated into the eight (8) components of a social compliance system laid out in [ComplyChain](#), USDOL's app to support the efforts of companies that seek to address child labour and forced labour within their own supply chains. The project works to help the companies assess the risks of child labour in their business and production processes in order to develop robust standards and a system for monitoring compliance, as well as ensuring enforcement when violations occur. The project also collaborates with and builds the capacity of many different stakeholders to support social compliance (Bureau of International Labor Affairs, 2019).

### **Good Practice Box 20 Setting up anti-child labour policy (RSPO, 2018)**

All palm oil companies participating in CRBP Palm Oil Programme of RSPO and UNICEF have policies that ban children from working, not only in the plantation but also on affiliated production lines (RSPO, 2018). They implement the policy by:

- Socialising the relevant policy
- Monitoring all estates, and the premises of partners and contractors
- Prohibiting the recruitment of workers and staff under the age of 18<sup>7</sup>.
- Warning the workers not to bring their children to work and imposing sanctions on them if they are found to be in breach of this policy

- **Facilitate access to school**

Education is a major means of keeping children out of the labour market and breaking the barriers to education could help to mitigate child labour risk. Barriers to education include *accessibility* (e.g. lack of birth registration, physical remoteness of school), *affordability* (e.g. direct and indirect costs), *quality* (e.g. lack of infrastructure and facilities such as toilets for girls), and *relevance* (e.g. outdated/inadequate curriculum). Efforts to facilitate access would need to consider multi-level factors.

### **Good Practice Box 21 Wilmar's Child Protection Policy**

A key component of Wilmar's Child Protection Policy is to provide all children of Wilmar's staff and workers the best possible opportunities to access primary and secondary education. In this regard, Wilmar has embarked on a School Redevelopment Programme to upgrade all 15 schools in and around Wilmar's oil palm estates in Indonesia. Students will have access to a range of extracurricular activities ranging from music and arts to sports and uniformed groups. This will benefit between 6,500 and 7,000 children in pre-primary school through to secondary school annually. Wilmar aims to complete the programme for all schools by 2020 after the successful pilot in two schools (Wilmar, 2017).

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<sup>7</sup> Companies must consider carefully and reconsider regularly because the right to protection should not waive the right to access to decent work. As such where decent non-hazardous works can be offered, young people under 18 but of legal working age should not be generally excluded from the workforce.

- **Community-based and child-centred monitoring and remediation system**

Audit and certification alone tend to drive the issue underground. For example, when auditors come, the children could easily be ushered from the fields and when interviewed the farmers can deny that the children were ever there. A community-driven approach has a higher chance of success, as they leverage community resources to understand the real scope of the issue and come up with practical solutions that put children at the centre (e.g. facilitate access to education).

**Good Practice Box 22 Nestlé's Child Labour Monitoring and Remediation System (CLMRS)**

Nestlé's main tool for addressing child labour is its Child Labour Monitoring and Remediation System (CLMRS), which works with cocoa-growing communities to raise awareness of the issue, identify children who are engaged in labour and implement remediation activities.

The main achievement of the CLMRS to date has been to interview these farmers and identify which of their children are actively engaged in (or at risk of) child labour. By using local people to gather the information, farmers are reassured that they will not face commercial sanctions for admitting to child labour when they have no realistic alternatives. Consequently, more farmers acknowledge that their children are in fact working in the fields than would otherwise be the case. Moreover, they are much more candid about discussing why their children are there in the first place.

In some cases, remediation is highly individualised and focused on the specific needs of a particular child. In others, it can cast its net wider and aim to tackle broader problems that affect the whole community. Remediation measures included donations of equipment for school, such as notebooks, pens and pencils, the provision of birth certificates, and bridge schools. As of 2016, CLMRS has been operating in 1,553 communities and helped 5,232 children (Nestle, 2018).

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**Roundtable on Sustainable Palm Oil**

Unit 13A-1, Level 13A, Menara Etiqa,  
No 3, Jalan Bangsar Utama 1,  
59000 Kuala Lumpur

T+603 2302 1500

F+603 2302 1543

**Other Offices:**

Jakarta, Indonesia

London, United Kingdom

Beijing, China

Bogota, Colombia

New York, USA

Zoetermeer, Netherlands

 [rspo@rspo.org](mailto:rspo@rspo.org)

 [www.rspo.org](http://www.rspo.org)