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# GUIDANCE ON CHILD RIGHTS FOR SMALLHOLDERS AND GROUP MANAGERS

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4 DECEMBER 2020

# FOREWORD

In the palm oil sector, sustainable certification standards have played a key role in enhancing various initiatives to support and protect children, but more efforts are needed to ensure they are not being deprived of their rights. Research has shown that children in global supply chains can be affected in many ways, including child labour and other forms of exploitation; limited access to quality and affordable education; nutritious food; healthcare; and the absence of healthy living environments, including adequate water, sanitation, and hygiene.

With the COVID-19 outbreak and its far-reaching impacts, there is concern that these issues could increase. Therefore, it is crucial to ensure that children's rights are well-integrated into its practices and systems that not only address long-standing concerns in the palm oil sector, but also those that may arise as a consequence of the pandemic.

In order to strengthen child rights protection and improve compliance with RSPO certification standards, RSPO, with support from the United Nations Children's Fund (UNICEF), has commissioned the development of four guidance documents for the following key palm oil stakeholders - palm oil producers, auditors and certification bodies, smallholders and group managers, and downstream supply chain actors.<sup>1</sup>

These guidance documents are aimed at addressing long-standing risks, such as child labour and forced labour, and additional pressures on pre-existing challenges during the pandemic, such as limited maternity protection, low breastfeeding rates, lack of childcare provisions, and poor maternal health and nutrition, especially in the plantation setting, which might further undermine the health and development of children.

With these guidance documents, RSPO aims to enhance knowledge and capacity building amongst members and stakeholders, and to foster engagement and collaboration with workers and surrounding communities to mitigate the potential negative impacts on children in palm oil. Together with UNICEF, our hope is that children will grow up in a positive environment that allows them to reach their full potential.

# ACKNOWLEDGEMENTS

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<sup>1</sup> All guidance documents were developed by the Center for Child Rights and Corporate Social Responsibility (CCR CSR) and Proforest.

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# 1. INTRODUCTION: CHILD RIGHTS WITHIN THE CONTEXT OF PALM OIL PRODUCTION

## 1.1 What are the rights of the child?

*All children are entitled to special safeguards and care, including appropriate legal protection, before and after birth. Children have the right to survive, to develop, to be heard and be involved, to have equal opportunities as well as to grow in a protective and supportive environment (The United Nations Convention on the Rights of the Child (UNCRC)).*

The UNCRC defines a child as “every human being below the age of eighteen 18 years unless under the law applicable to the child, majority is attained earlier”. Children and young people have the same general human rights as adults but also enjoy specific rights that recognise their special needs due to their physical and mental immaturity.

The UNCRC outlines basic entitlements and freedoms that apply to all children without discrimination. All children have the right to survive and develop, to be protected from violence, abuse, and exploitation, to have their views respected and to have actions concerning them be taken in their best interests.

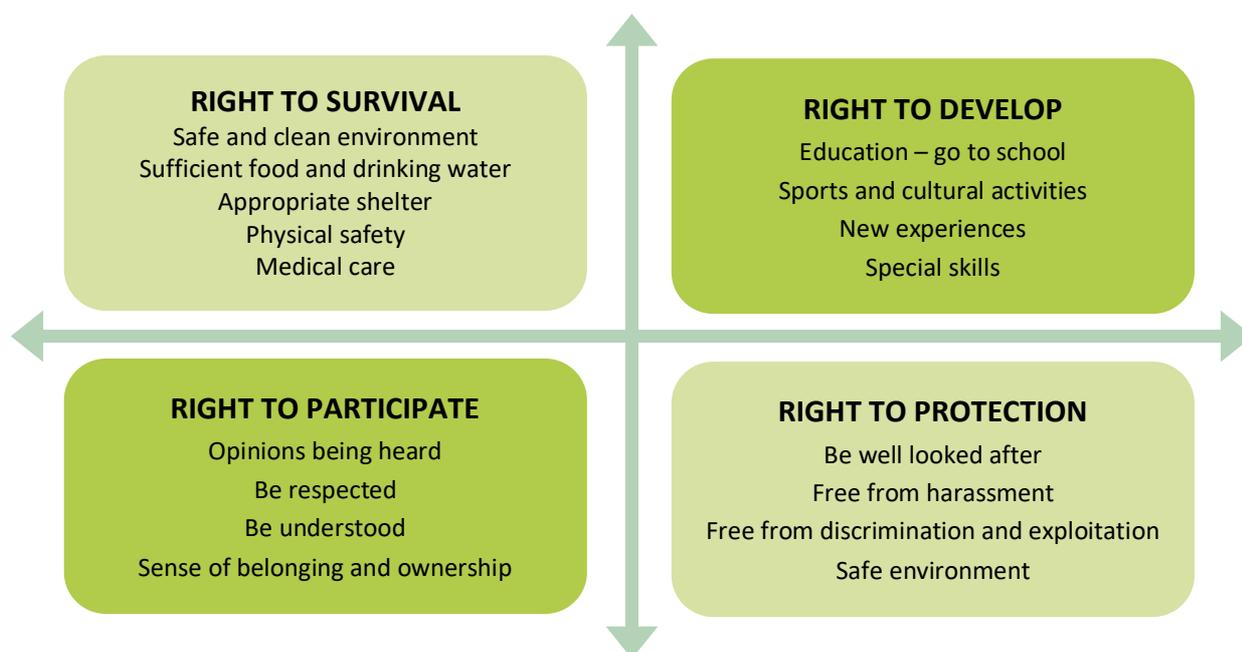


FIGURE 1: THE UNIVERSAL RIGHTS OF CHILDREN AS DESCRIBED IN THE UNCRC

## 1.2 How the palm oil sector impacts children

In the agricultural sector, including palm oil, many children remain insufficiently protected and are unable to enjoy their rights fully. Through extensive desktop research on reports by different government and non-governmental agencies, a research brief<sup>2</sup> was finalised at the end of 2019 that gathered information on the

<sup>2</sup> The [research brief](#) 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 framework, and understanding the situation and condition of palm oil workers and their children (RSPO, 2020).

impact of palm oil operations on children’s rights and relevant root causes. The palm oil industry affects children in many ways, including their access to quality and affordable education, nutritious food and healthy living environment, migrant children’s access to education, healthcare, justice, and other key social services, among other things.

Despite efforts being invested by different actors over the years, child rights risks in the palm oil landscape remain worrisome, especially given that most of the efforts taken appear sporadic and the success rates seem to differ according to different variables, such as the scale of operation (company vs. smallholder), location, company culture, level of commitment, level of technical support provided (e.g. clear guidance on how a company can address the issues surrounding child rights risks in their business), etc.

A report titled “Palm Oil and Children in Indonesia”, published by UNICEF in 2016, identified seven impact areas in which the activities of the palm oil sector affect the rights of children, namely child protection, child labour, education, maternity protection and breastfeeding, childcare, health and nutrition, water, sanitation and hygiene (WASH)<sup>3</sup>. Although the study was conducted in Indonesia, we see that these seven impact areas can be applied to the industry globally.



Photo: © RSPO, Jonathan Perugia

### 1.3 Who is this guidance for and how it should be used?

The child rights guidance documents were developed for four different stakeholder groups: palm oil producers, auditors and certification bodies, smallholders and group managers, and downstream supply

<sup>3</sup> The report was based on a qualitative research on the palm oil sector and children in Indonesia. The stakeholders consulted 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. However, as the UNICEF impact study was based on the situation in Indonesia, it may not capture issues that could be more prevalent in other countries.

chain actors. These guidance documents aim to provide information, examples and practical recommendations to the different stakeholders and practitioners to strengthen child rights in their own operations. They do not add additional criteria or present new compliance requirements or processes beyond the existing RSPO certification requirements. Instead, they emphasise the current elements within the requirements that when properly implemented, can address and strengthen child rights in palm oil production. The guidance serves to highlight these elements and make the linkages to child rights more visible to users of the RSPO certification standards.

In particular, this Guidance on Child Rights for Smallholders and Group Managers is developed to guide and support smallholders to strengthen child rights protection and improve compliance with the 2019 Roundtable on Sustainable Palm Oil (RSPO) Independent Smallholder (ISH) Standard related to children's rights. The intention is to provide tailored support and act as an entry point for interventions that seek to minimise the potential negative consequences and improve the livelihoods of children and the communities in which they live. We hope that the guidance documents can provide useful references and serve as a basis for training and capacity building by all the different stakeholders working in the palm oil sector to create a positive impact on children.

## 2. GUIDING PRINCIPLES

The following guiding principles are strongly recommended in applying these guidelines when working with and for children to ensure that the intended positive outcomes are achieved.

TABLE 1: GENERAL GUIDING PRINCIPLES OF THIS GUIDANCE

PRINCIPLE	DESCRIPTION
<b>Prioritise the best interest of the child</b>	In all actions impacting children, the best interest of children should be the guiding principle. This means that during any decision-making process, the child's protection, preservation of well-being and right to live and grow in an environment that is favourable to his/her mental and physical development, is prioritised.
<b>Do no harm</b>	Always adopt a "do-no-harm" approach that is rooted in the best interest of the child. That means, all actions taken should consider the broader context and whether they may negatively impact children socially, financially, or environmentally. If there is any reason to believe that certain actions or programmes make children worse off than before, the action should not be taken.
<b>Aim for sustainability</b>	<p>The steps described in this guidance aim to create a long-lasting system to protect children and their families from risks and challenges in the palm oil setting, rather than a quick-fix solution. As such, it is important that adequate resources are committed and allocated to sustainably implement the required systemic changes.</p> <p>An important element of sustainability is embedding the required steps and processes in the Group Managers Internal Control System (ICS). As such, it is crucial that the group manager seeks ways to systematically integrate all steps when implementing this guidance.</p>
<b>Comply with relevant laws while maintaining respect for human rights</b>	It is important to always comply with national, provincial, and local laws and regulations related to labour rights and child rights protection. Where legal protection at the national or local level is absent, it is strongly recommended for the group manager to refer to international and/or industry best practice guidelines, standards or principles such as the United Nations Guiding Principles on Business and Human Rights (UNGPs) and the ILO core conventions to identify appropriate measures for smallholders and provide them with the necessary support.
<b>Promote non-discrimination and equality</b>	<p>No group should be discriminated against or excluded from certain benefits or services based on their status, gender, race, religion, nationality, ethnicity, or social origin. This means that no group of workers (contract workers, temporary workers, migrant workers, etc.) can be excluded from enjoying basic rights solely based on their status and be entitled for equal pay for equal work.</p> <p>The group manager should support the smallholders to take positive actions to correct and prevent all types of discrimination at the workplace and promote equality among all workers. Additional protective or supportive measures can be adopted in response to the needs of certain particularly vulnerable groups, such as young workers<sup>4</sup>, women workers, migrant workers, etc. Such differentiated policies and measures aiming at improving equality should not be considered as discriminatory.</p>

<sup>4</sup> RSPO uses young persons and young workers interchangeably throughout its documents. Based on the RSPO P&C Annexe 1 and in line with ILO C138, a young person/young worker is defined as someone whose age is above 15, or above the minimum age of employment, but under the age of 18. These workers are considered 'children' even where they may legally perform certain jobs.

**Respect the right to information and participation** For individuals to make sound decisions about what is best for their health, well-being, and their future and to have realistic expectations of any service provider, they must be given all available information about their options, and then be allowed to voice their opinion on any changes that will affect them directly. This is also true for children who should be given a voice whenever activities directly impact them.

**Obtain informed consent** During any action, children and their families are often required to give their consent to certain proposals. “Full and informed consent” should not be taken lightly. See some guidelines below:

- All assistance provided by anyone should proceed on the basis of the full and informed consent by the children and their parent/guardian.
- Explain each and every relevant action, policy, and procedure in a way the children and their parent/guardian can understand and before the children and their parent/guardian are asked to consent to it or not.
- Throughout certain stages of the process, it will be necessary for the children and their parent/guardian to provide such consent in writing.
- If the group manager/smallholder cannot communicate with the children and their parent/guardian in a language they can understand, every possible effort must be made to get the assistance of an interpreter for oral and written communication.

**Respect confidentiality and right to privacy** Any data and information obtained from and related to the children and their families should not be disclosed without their prior knowledge and informed consent. When handling information and communication related to children, always consider the children and their families’ right to confidentiality and privacy.

**Base prioritisation and measures on the types and needs of the workforce employed/used by the smallholders** The workforce in a smallholder farm can take various forms – smallholders employ permanent or casual labourers, use family members, or labour outsourced from a third-party contractor, etc. To decide where to start, thoroughly assess the situation and needs of the workers that are currently being hired/used by the smallholders. For example, migrant parent workers who live with their children have very different needs from the ones who have left their immediate families behind, and workers who live on the farm might need different support than those who have to commute on a daily basis. Similarly, if family members are working on the farm, their needs and priorities will be different as well.

## 3. CHILD PROTECTION

### 3.1 Why is it important?

**Child protection** refers to “actions that an individual or a company needs to take in response to a particular risk or concern about a particular child or children in order to protect them from further harm” (UNICEF, 2018). In the context of palm oil production, child protection raises a challenge due to the often hazardous surroundings, limited infrastructure, and involvement of children in the production process (UNICEF, 2016). Guaranteeing child rights protection is particularly challenging for the thousands of children of migrant workers who are denied access to education and health services, as well as children without birth registration or a legal identity (Earthworm 2019). Based on desk research and information gathered by Solidar Suisse (2019), there are an estimated 840,000 undocumented Indonesian migrant workers in Sabah, Malaysia. Of these, 50,000-200,000 are children who help their parents with work. In agricultural settings that are similar to the palm oil sector, it is quite common for children to experience abuse (mainly physical

and/or emotional), domestic violence and neglect (Save the Children, 2018). Children in plantations are also vulnerable to sexual exploitation, as was observed in North Sumatera<sup>5</sup>.

The RSPO ISH Standard requires smallholders to provide a work environment at the farm that is free from discrimination, abuse, and harassment. Given that children are often the most vulnerable and most easily exposed to abuse and exploitation, ensuring their protection is a crucial element of providing a safe environment for employees and their families, as well as smallholders and their families.



Photo: © RSPO, Jonathan Perugia

### 3.2 Steps to Implement Child Protection

- **Incorporate child protection in the group policy**

The group policy sets out the group and the smallholders' commitment to achieving group certification of the RSPO ISH Standard and in complying with the principles and their relevant criteria and indicators. As part of the group policy development, the group manager can include commitments to protect children from harm and safeguard their rights in accordance with the relevant criteria and indicators such as:

- Commitment to responsible recruitment practices, which includes the prohibition of child labour and hazardous work by young workers.
- Commitment to protect children from all forms of harassment and abuse.
- Commitment to provide a safe environment for children to support their growth, health, and overall development.

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<sup>5</sup> Raised during an interview with *Pusat Kajian dan Perlindungan Anak* (PKPA), a child-focused NGO based in Medan that implemented a project funded by ICCO Cooperation on Children's Rights and Business Principles (CRBP) in Oil Palm Plantation.

The group manager should ensure that the implementation of the policy is supported by a training plan, regular monitoring, and continuous improvement.

- **Implement measures to prevent harassment and abuse**

Having a grievance mechanism in place that is freely accessible to workers to raise a complaint without fear of reprisal is an important requirement of the RSPO standard. To improve the effectiveness of the grievance mechanism in addressing more sensitive issues, such as harassment and abuse, the group manager can consider the following:

- Raise awareness on sexual harassment, abuse, and discrimination as part of the smallholder training programme.
- Communicate the grievance procedure to all workers and specifically engage with vulnerable groups, such as women and young persons, on the grievance procedure to ensure that they feel safe and secure in raising any complaints.
- Make information of national and local helplines available to smallholders and their workers.

- **Facilitate access to birth registration**

A lack of birth certification can adversely impact a child's access to protection services, such as education, health care and social services, throughout his/her life. Where feasible, group managers are encouraged to support smallholders by facilitating the processing of birth certificates for the smallholder's children or children of their workers by:

- Providing leave or transportation allowance for families to travel to obtain a birth certificate.
- Raising awareness among workers of the importance of birth certification.
- Supporting training, assisting workers, and/or providing information with regards to birth certification application procedures, e.g. contact the local authority and organise or facilitate collective registration activities when the needs from workers are prevalent.

- **Integrate parenting classes in agribusiness training**

Economic strengthening and parenting classes are two strategies proven to reduce child maltreatment (WHO, 2018). Combining positive parenting sessions with classes training farmers in good agricultural/business practices could reduce income insecurity, reduce child maltreatment, and improve understanding of the importance of birth registration to child welfare. More information on parenting training can be found in the section on "child labour and young workers".

- **Participate in local collaborations or initiatives**

Where possible, group managers are encouraged to identify and participate in collaborations or initiatives with local authorities and third parties, aimed at building local-specific solutions to improve children's rights in rural settings and in palm oil operations. This will enable group managers to capitalise on other available streams of resources and expertise to address impacts and strengthen child rights protection within their own operations more effectively and sustainably.

## CRITERIA IN THE RSPO ISH STANDARD<sup>6</sup> WITH DIRECT OR INDIRECT LINKS TO CHILD PROTECTION

### **3.2 Children are not employed or exploited. Work by children is acceptable on family farms, under adult supervision and when not interfering with education programmes. Children are not exposed to hazardous working conditions.**

**3.2 E** Smallholders are aware of what defines child labour and ensure that any child labour in the farm operations is terminated at Eligibility.

Awareness of child labour and commitment to no child labour includes:

- i) Compliance with the minimum age of workers and as defined by local, state, or national law.
- ii) Not exposing children to hazardous work.
- iii) Providing adult supervision of young people working on the farm.
- iv) Ensuring the practice of children's rights to education is unrestricted and respected.

**3.2 MS A** Group managers and smallholders implement measures to protect children as follows:

- i) There are no workers on smallholder farms under the age of 15 or under the minimum age defined by local, state or national law, whichever is higher.
- ii) Children are only permitted to help on family farms and are not permitted to perform dangerous, hazardous or heavy work.
- iii) If young workers are employed, their work is not mentally or physically harmful and does not interfere with their schooling, if applicable.

### **3.5 Working conditions and facilities are safe and meet minimum legal requirements.**

**3.5 E** Smallholders commit to providing safe working conditions and facilities.

**3.5 MS A** Smallholders, workers, and family members complete training and are aware of health and safety risks associated with farm work, (including that of pesticide use) and how to mitigate them.

**3.5 MS B** Workers, including smallholder family members, have access to safe working conditions and amenities that include:

- Safe and adequate housing, where applicable
- Access to basic first aid supplies
- Health and safety equipment, including minimum personal protective equipment (PPE) if appropriate for the type of work
- Adequate drinking water
- Access to toilets

### **3.6 There is no discrimination, harassment, or abuse on the farm.**

**3.6 E** Smallholders commit to no discrimination, harassment, or abuse on the farm.

**3.6 MS A** Smallholders complete training on workplace discrimination, harassment and abuse and are aware of need for a safe workspace.

**3.6 MS B** Workers freely express that they are working in a place that is free from discrimination, harassment or abuse.

### **4.8 Pesticides are used in ways that do not endanger the health of workers, family, communities or the environment.**

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<sup>6</sup> ISH standard adopts a phased approach to certification. There are three phases:

- *E = Eligibility; minimum requirements that need to be met in order to enter the certification system*
- *MS A = Milestone A; intermediate requirements to be met within 2 years*
- *MS B = Milestone B (which is full compliance); final requirements to be met within 1 year of meeting Milestone A.*

**4.8 MS A** Smallholders complete training on BMPs for pesticides, including pesticide usage, awareness on risks for pregnant and breastfeeding women and young workers; storage and disposal; paraquat and pesticides listed by WHO Class 1A or 1B, the Stockholm or Rotterdam Conventions (and in compliance with 3.5).

**4.8 MS B** Smallholders implement BMPs for all pesticide use, including prohibiting the use of pesticides by pregnant and breastfeeding women and young workers, and exclusion of paraquat and pesticides that are categorised as WHO Class 1A or 1B, or those listed by the Stockholm or Rotterdam Conventions, unless when authorised by the relevant authorities for pest outbreaks.

**4.9 Smallholders manage pests, diseases, weeds and invasive introduced species using appropriate techniques, including but not limited to Integrated Pest Management (IPM) techniques.**

**4.9 MS A** Smallholders complete training on and are aware of BMPs, including, but not limited to safe chemical use, Integrated Pest Management, weed and invasive species management.

## 4.CHILD LABOUR AND YOUNG WORKERS

### 4.1 Why Is it important?

Child labour is work that deprives children of their childhood, their potential, and their dignity, and that is harmful to physical and mental development (ILO, 2002a). There are limited available statistics on the prevalence of child labour in the palm oil sector. Although complete data is not available, existing research suggests that the involvement of children in plantation work appears to be fairly widespread (Earthworm, 2018; Solidar Suisse, 2019; U.S. Department of Labor, 2018; U.S. Department of State, 2019). Among all children, those with no birth certificates and/or those who are migrants are particularly vulnerable and are more likely to get involved in child labour and other forms of exploitation (UNICEF, 2016a). Lack of alternatives for out-of-school youth under the age of 18 also contributes to child labour. In Sabah, for instance, the absence of on-site educational and childcare facilities encourages children to join their parents at the work sites (Earthworm, 2018).

Society may see work by children as part of growing up and many cultures consider housework, assisting parents in fields, or running a small shop or stall as acceptable work by children (ILO, 2002b). Consultations with stakeholders reveal a higher presence of children in smallholder farms compared to large plantations. Without enough protection, such “child helpers” may easily engage in child labour, especially in countries where it is culturally acceptable for children to assist their family in farm work.

The RSPO ISH Standard prohibits the use of child labour and requires smallholders to comply with the minimum age of workers as defined by local, state, or national law. Work by children in family farms is acceptable provided that the work is non-hazardous, conducted under adult supervision and does not interfere with the child’s education.



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## 4.2 Steps to Implement Child Labour Prevention and Remediation

- **Understand the national/local laws with regards to child labour, young workers, and the legal minimum age**

Not all work done by children is classified as child labour. Whether or not particular forms of “work” are considered “child labour” depends on the child’s age, the type and hours of work performed, and the conditions under which it is performed (UNICEF, 2005). This can differ between countries, as well as among sectors within countries (UNICEF, 2005).

‘Child labour’ vs ‘Child work’	
<b>Child labour</b> <ul style="list-style-type: none"><li>● Work that is mentally, physically, socially or morally dangerous and harmful to children</li><li>● Any person under the <b>minimum age</b><sup>7</sup> that is engaged in more than light work</li><li>● Any person below the age of 18 engaged in <b>hazardous work</b><sup>8</sup></li></ul>	<b>Child work</b> <ul style="list-style-type: none"><li>● <b>Light work</b><sup>9</sup> that does not negatively affect children’s safety, health or education</li><li>● Undertaken for limited hours and under adult supervision</li><li>● Examples: simple household chores, assisting in family business</li></ul>

Source: ILO (2002a) and (2002b), UNICEF (2005)

Young workers (children who are of legal working age, but below 18 years old) may be legally employed for non-hazardous work and their participation in the workforce can be regarded as something positive (ILO, 2015). For instance, giving children who are no longer in school and need to earn income an opportunity to work under decent work conditions, contributes to the healthy development of individuals and societies. Non-hazardous work refers to work that:

- i) Does not violate the rights of the child (refer to Figure 1)
- ii) Does not negatively impact the child’s health, safety, personal development and education
- iii) Is performed under the supervision of an adult

- **Understand child labour risks by knowing the labour profile of your group smallholders**

Smallholders are required to provide information on the source of labour on the farm, including family, contract, and hired labour, and this information should be maintained by the group manager. In order to understand the risks and identify as well as implement the appropriate measures to prevent child labour, it is important for the group manager to continuously monitor any changes in the labour profile and for smallholders to proactively provide updates to the group manager as such.

It is important for group managers to understand when and where there may be a risk of child labour. Situations such as those listed below can increase the risk of children getting involved in work on farms and should be taken into consideration when evaluating child labour risk:

- Communities that surround the smallholder farms are:

<sup>7</sup> Minimum age is the age above which a person can be employed on a full-time basis. For ILO, the minimum age is 15 years, but it can be higher or lower depending on each country’s national legislation. Appendix 1 provides information on the minimum age in key palm oil producing countries.

<sup>8</sup> Hazardous work is work that i) exposes children to physical, emotional or sexual abuse; ii) involves use of dangerous machinery, equipment or tools, manual handling or transport of heavy loads, or working at dangerous heights; iii) exposes children to hazardous substances or processes, extreme heat, etc.; iv) requires long hours, work at night, or work that does not allow for the possibility of returning home each day (ILO, 1999).

<sup>9</sup> According to the ILO, children aged 13 – 15, can perform light work to support their family, i.e. work is undertaken for limited hours, does not harm the child’s health and safety, and does not interfere with the child’s schooling.

- Remote and lack transport infrastructure and development opportunities
- Living in poverty
- Lacking access to education, have poor educational infrastructure and a high rate of school dropouts
- Culturally accepting of children working to support their families
- Largely made up of households with only one income earner
- Parent workers are working under the quota or piece-rate system, and therefore engage their children to assist them in meeting production quotas
- Use of labour among family members may increase due to lack of availability of hired workers such as times of high crop or government crackdown on illegal or undocumented migrants
- Workforce includes migrant workers who are undocumented and/or have undocumented children
- Low wages that prevent workers from being able to meet their families' basic needs

To better assess the child labour risk, where possible the group manager is advised to maintain an updated record of the number of children of smallholders and workers, as well as the children's age profile. The information will also support the group manager in designing and prioritising interventions to address the other child rights issues highlighted in this guidance such as access to education, childcare and maternity protection.



Photo: © UNICEF/UN0247953/Noorani

- **Undertake preventive mechanisms**

The presence of children at the farms can be due to the following situations:

- i) The child is assisting or working alongside parents/family members who own the farm
- ii) The child is assisting or working alongside parents/family members who are employed to work on the smallholder farm whether on a casual or permanent basis
- iii) The child is accompanying their parents at the farm but may not be participating in any work tasks

- iv) The child is employed to work on the smallholder farm whether on a casual or permanent basis

The reasons why these situations occur can be driven by a variety of factors, such as low wages, poverty, and limited access to childcare and education facilities. Smallholders with the group manager's support may take different preventative mechanisms to mitigate child labour as well as to support and protect young workers in their farms. Some available options are described below.

**a. Pay the legal minimum wage without discrimination**

Poverty and low wages are contributing factors to child labour, especially if the families are dependent on the children's income and effort to support the family. The ISH standard requires that the group manager and smallholders must at least ensure that salary levels of all workers are compliant with the legal minimum wage. Furthermore, practices such as involuntary overtime, debt bondage, withholding of wages and penalty for termination of employment are strictly prohibited.

Where feasible, the group manager and smallholders are encouraged to explore monetary (higher wages, salary bonus, allowances) and/or non-monetary initiatives (access to healthcare, childcare, education) to improve living standards for their workers and their families.

**b. Incorporate the practice of age verification during recruitment**

The recruitment of underage children is usually unintentional and often occurs due to weak recruitment procedures that do not include any age verification steps. There are two key steps to verify age. The first is to check personal documents. Documents that can be presented as proof of age include birth certificate, passport, family card<sup>10</sup> and school leaving certificate. The second step is to conduct interviews and ask targeted questions to verify age. This is usually conducted when there are doubts over the authenticity of the personal documents presented. If the group manager encounters a suspected child worker at a smallholder farm, it is important to not frighten the worker in question. Appendix 2 provides some sample questions that can be used to engage workers in a casual conversation to determine their age if personal documents are not available or if there are doubts about their authenticity.

**c. Provide parenting training to inform parents of children's needs and the importance of education**

Stable and nurturing relationships between parents and children are essential to preventing child labour and assuring that all children can reach their full potential. When parents are not aware of child rights and its possible risks and impacts, they become a contributing factor that prevents solutions to child rights issues. Parents may themselves have not been to school and worked from a very young age, thus see this as part of tradition and preparation for community life (ILO, 2002b). Parents play a key role in the protection, education and welfare of their children and children absorb the attitudes and behaviour of their parents. Therefore, changing the attitudes and behaviour of parents through parenting training, may contribute significantly to the protection and well-being of children.

Recommended approaches for effective delivery:

- Creativity is necessary for effective parenting training amongst smallholders and their workers, with special considerations for literacy levels and language barriers.
- Adopt a non-punitive approach to parents and guardians, especially to those whose children are found helping their parents/guardians doing hazardous tasks. The emphasis should be on educating and

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<sup>10</sup> Not every country may have a Family Card. In Indonesia, a Family Card (*Kartu Keluarga*) is relevant as a document to prove someone's age because this document covers residency, records relationships and family members, and also age. Every family in Indonesia is required to own this document. In other countries, a Family Card may have different names, such as House Registration (*Tabien Baan*) in Thailand or Family Book (*Familienbuch*) in Germany.

informing parents/guardians about the hazards and consequences of child labour, rather than assigning blame.

- Sensitise parents and guardians on the importance of sending their children to school and various options available for them to have access to education.

Appendix 3 provides some suggestions on the topics that can be included as part of the parent training content. Group managers are encouraged, where possible, to collaborate with local non-governmental organisations, state welfare agencies, local labour departments or other relevant experts to jointly carry out the training.

- **Ensure proper protection and management of young workers**
  - a. **Understand the health and safety risks faced by working children**

The risks faced by children who work in a farm are not that different from those faced by adult workers, but because children are not yet fully developed mentally and physically, they are more vulnerable to the adverse impact caused by those risks. This is further compounded if children are not provided with adequate Personal Protective Equipment (PPE), job training and adult supervision.

Children are typically exposed to the following risks in an agricultural setting:

Exposure to sharp tools and dangerous machinery that may lead to physical injuries	Exposure to agrochemicals that may lead to long-term health effects	Musculoskeletal injuries from repetitive movements and lifting and carrying heavy or awkward loads
Stress and exhaustion due to long working hours under extreme environmental conditions, such as high heat and prolonged sun exposure	Injuries from falling palm fronds and fruit bunches	Injuries caused by exposure to wildlife present in the farms, such as snake and insect bites

- b. **Identify non-hazardous tasks for young workers**

The RSPO ISH Standard requires that young workers, if employed, are not given work that interferes with their schooling and that is mentally or physically harmful. It is therefore important for the group manager and smallholders to identify non-hazardous work positions that are allowed for young workers in accordance with the relevant national laws that regulate the types of work that children can undertake, as well as the requirements in ILO C138 on Minimum Age and ILO C182 on Worst Forms of Child Labour.

Table 2 below provides some guidance on the considerations that may be taken by the group manager with the support of the smallholders when identifying non-hazardous work for young workers. It is also encouraged to regularly engage with young workers to discuss their well-being and to adapt or change work positions where necessary.

TABLE 2: IDENTIFYING NON-HAZARDOUS WORK FOR YOUNG WORKERS

ASPECTS	HAZARDOUS	NON-HAZARDOUS
Types of work/tasks	- Potential hazards may occur not only at the main workstations in palm oil production, e.g. harvesting, spraying, pruning, but also at supporting workstations, such as maintenance, repair, or cleaning of machinery.	- Jobs are considered as light work when the work is confined to simple, limited tasks performed under adequate adult supervision and does not threaten the

		child's health and safety or harm the moral of the child.
The physical work environment, equipment, materials, products, etc. that are used.	Jobs may contain: <ul style="list-style-type: none"> <li>- Physical hazards, e.g. extreme temperature, lifting of heavy or awkward loads, work near garbage/waste areas</li> <li>- Chemical hazards, e.g. toxic, explosive, corrosive, pesticides, flammable substances</li> <li>- Hazards associated with the use of sharp tools or machinery</li> </ul>	<ul style="list-style-type: none"> <li>- Jobs that do not require the use of sharp tools or heavy-duty machinery/equipment</li> <li>- Jobs that do not require the use of hazardous chemicals</li> <li>- Jobs that are not carried out under extreme environmental conditions</li> <li>- Jobs that do not require young workers to carry excessive loads<sup>11</sup></li> </ul>
How and when the tasks are undertaken	The hazards may include: <ul style="list-style-type: none"> <li>- Night shift (depending on the national law in defining night shift)</li> <li>- Frequent overtime</li> <li>- Not using personal protective equipment (PPE)</li> <li>- Not properly supervised or trained to the level of experience needed to carry out the work</li> </ul>	<ul style="list-style-type: none"> <li>- Young workers are provided with the necessary training to carry out the work safely</li> <li>- Young workers are provided with adequate protection, such as the use of PPE</li> <li>- Job is undertaken during the day and within the allowable working hours as defined in national law</li> <li>- Job is carried out under adult supervision</li> </ul>

**CRITERIA IN THE RSPO ISH STANDARD WITH DIRECT OR INDIRECT LINKS TO CHILD LABOUR AND YOUNG WORKERS**

**3.2 Children are not employed or exploited. Work by children is acceptable on family farms, under adult supervision and when not interfering with education programmes. Children are not exposed to hazardous working conditions.**

**3.2 E** Smallholders are aware of what defines child labour and ensure that any child labour in the farm operations is terminated at Eligibility.

Awareness of child labour and commitment to no child labour includes:

- i) Compliance with the minimum age of workers and as defined by local, state, or national law.
- ii) Not exposing children to hazardous work.
- iii) Providing adult supervision of young people working on the farm.
- iv) Ensuring the practice of children's rights to education is unrestricted and respected.

**3.2 MS A** Group managers and smallholders implement measures to protect children as follows:

- i) There are no workers on smallholder farms under the age of 15 or under the minimum age defined by local, state or national law, whichever is higher.
- ii) Children are only permitted to help on family farms and are not permitted to perform dangerous, hazardous or heavy work.
- iii) If young workers are employed, their work is not mentally or physically harmful and does not interfere with their schooling, if applicable.

**3.3 Workers' pay complies with minimum legal requirements, mandatory industry standards as defined by national law or collective bargaining, whichever takes priority in local regulations.**

**3.3 E** Smallholders commit to pay workers according to minimum legal requirements or mandatory industry standards.

<sup>11</sup> Please refer to the relevant regulations if available. For instance, in Indonesia, girls are only allowed to carry up to 10kgs and boys up to 12kgs (Ministerial Decree of the Republic of Indonesia no. KEP/235/MEN/2013)

**3.3 MS A** Workers receive payments as expected and agreed in accordance with at least the legal minimum wage rate premiums and without discrimination against vulnerable groups, including women.

**3.5 Working conditions and facilities are safe and meet minimum legal requirements.**

**3.5 E** Smallholders commit to providing safe working conditions and facilities

**3.5 MS A** Smallholders, workers, and family members complete training and are aware of the health and safety risks associated with farm work, (including that of pesticide use) and how to mitigate them.

**3.5 MS B** Workers, including smallholder family members, have access to safe working conditions and amenities that include:

- Safe and adequate housing, where applicable
- Access to basic first aid supplies
- Health and safety equipment, including minimum personal protective equipment (PPE) if appropriate for the type of work
- Adequate drinking water
- Access to toilets

**3.6 There is no discrimination, harassment, or abuse on the farm.**

**3.6 E** Smallholders commit to no discrimination, harassment or abuse on the farm

**3.6 MS A** Smallholders complete training on workplace discrimination, harassment and abuse and are aware of need for a safe workspace.

**3.6 MS B** Workers freely express that they are working in a place that is free from discrimination, harassment or abuse.

**4.8 Pesticides are used in ways that do not endanger the health of workers, family, communities or the environment.**

**4.8 MS A** Smallholders complete training on BMPs for pesticides, including pesticide usage, awareness of risks for pregnant and breastfeeding women and young workers; storage and disposal; paraquat and pesticides listed by WHO Class 1A or 1B, the Stockholm or Rotterdam Conventions (and in compliance with 3.5).

**4.8 MS B** Smallholders implement BMPs for all pesticide use, including prohibiting the use of pesticides by pregnant and breastfeeding women and young workers, and exclusion of paraquat and pesticides that are categorised as WHO Class 1A or 1B, or those listed by the Stockholm or Rotterdam Conventions, unless when authorised by the relevant authorities for pest outbreaks.

## 5. EDUCATION

### 5.1 Why is it important?

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. Poor quality of education in rural areas can be discouraging to both parents and children, and lead to children being sent to work at an early age to help support their families<sup>12</sup>. Only 60% of children living in rural Indonesia are enrolled in primary school and two-thirds of the rural schools are inadequate in terms of their infrastructure and facilities, lack of hygiene, and environmental awareness, etc. (USAID-PRESTASI, 2013). 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/lower secondary 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.

Cultural 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>13</sup>. Such groups include girls, children with disabilities, and children of new workers and/or migrant workers. The ISH standard requires that children's rights to education is unrestricted and respected, especially in the context of work done by children in family farms.



Photo: © UNICEF/Fauzi

<sup>12</sup> Raised during an interview with a stakeholder from Honduras.

<sup>13</sup> A study by Ngadi (2016) in Indonesia found that the percentage of 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.

## 5.2 Steps to Promote Education Awareness and Access

- **Promote the importance of education**

Parents play an important role in enabling children's access to education. Raising the awareness of smallholders who are parents and guardians on the importance of sending their children to school and advocating equal opportunities for their boys and girls to receive education can be a part of the group manager's training programme. Please refer to the earlier section on parental training.

- **Ensure that work on family farms does not interfere with schooling**

While children are permitted to help on family farms, performing light and non-hazardous tasks, it is also important to be mindful that the time spent assisting their families does not affect school attendance or interfere with the child's ability to complete their school assignments and other activities. For children to grow, develop and thrive, basic needs such as sufficient time to sleep and rest as well as time to play and socialise, need to be met.

- **Facilitate job skills and soft skills training opportunities for young workers**

Out-of-school children and youth are more vulnerable to falling into vices or engaging in child labour. To mitigate the risk, non-formal, vocational 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 an interested and skilled workforce.

Young workers need to develop multiple skill sets in order to have better career advancement opportunities. Group managers can offer learning opportunities to young workers, by introducing them to different tasks, offer opportunities of supervised skill development and increase their knowledge on the palm oil sector. Group managers may also work with buyer companies, civil society and/or state agencies to explore options for youth development and education (including vocational skills training) to improve opportunities for the young workers at the farm and the smallholder's family members.

### CRITERIA IN THE RSPO ISH STANDARD WITH DIRECT OR INDIRECT LINKS TO EDUCATION

**3.2 Children are not employed or exploited. Work by children is acceptable on family farms, under adult supervision and when not interfering with education programmes. Children are not exposed to hazardous working conditions.**

**3.2 E** Smallholders are aware of what defines child labour and ensure that any child labour in the farm operations is terminated at Eligibility.

Awareness of child labour and commitment to no child labour includes:

- i) Compliance with the minimum age of workers and as defined by local, state, or national law.
- ii) Not exposing children to hazardous work.
- iii) Providing adult supervision of young people working on the farm.
- iv) Ensuring the practice of children's rights to education is unrestricted and respected.

**3.2 MS A** Group managers and smallholders implement measures to protect children as follows:

- i) There are no workers on smallholder farms under the age of 15 or under the minimum age defined by local, state or national law, whichever is higher.
- ii) Children are only permitted to help on family farms and are not permitted to perform dangerous, hazardous or heavy work.
- iii) If young workers are employed, their work is not mentally or physically harmful and does not interfere with their schooling, if applicable.

# 6. MATERNITY PROTECTION AND BREASTFEEDING

## 6.1 Why is it important?

According to UNICEF and the World Health Organisation (WHO), children should be exclusively breastfed for the first six months<sup>14</sup>, and complementary breastfed until the age of two. In the absence of optimal breastfeeding, children face a higher risk of malnutrition and illness (UNICEF 2016a).

Maternity protection such as paid parental leave, special protection for pregnant and breastfeeding women, and prevention of discrimination (pregnancy and motherhood), are important measures to both protect child health and to provide better working conditions for mothers (UNICEF 2016a). However, women face many challenges in receiving adequate maternity protection due to their employment and immigration status, limited maternity leave periods, cultural challenges (RSPO 2018) and the lack of adequate break times and breastfeeding facilities at work (UNICEF 2016a).

The lack of protection for pregnant workers and breastfeeding mothers means that they continue working in hazardous positions, such as pesticide spraying, heavy lifting, etc. These circumstances also affect business as they are often coupled with increased healthcare costs, sick days, lower productivity, and absenteeism (Mensah, 2011a and b; ILO, 2012 and 2014).

The RSPO ISH Standard does not mention maternity protection *per se* but it does include elements that directly and indirectly support working conditions that can have a positive impact on pregnant or nursing women workers.



Photo: © UNICEF/Fauzi

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<sup>14</sup> It is recommended that mothers exclusively breastfeed infants in their first six months to achieve optimal growth, development and health (WHO, 2011)

## 6.2 Steps to Implement Maternity Protection

- **Understand who should be covered by maternity protection**

All workers working at the farms belonging to the smallholder group should be considered for maternity protection where applicable. This includes permanent or temporary workers, those directly recruited or subcontracted, those in formal employment or family members working on the farm. While migrant workers may not receive similar protection under national laws or be part of the national insurance schemes that cover such things as maternity costs, the group manager and smallholders should strive to uphold the spirit of the RSPO ISH Standard, with regards to the respect for human rights and ensure that workers under their care have equal access to maternity protection and leave, no matter their status.

- **Understand the importance of maternity protection and related requirements under national/local laws**

The group manager should ensure that the smallholders are trained and aware of the laws, regulations, and rights of women workers with respect to pregnancy and maternity. The training and awareness should cover paid maternity leave, non-discrimination of pregnant workers and the rights of new mothers. The group manager can incorporate these criteria into the training on forced labour awareness and fair labour practices. As part of the ISH Standard, smallholders are committed to participate in all training required to comply and progress along the standard.

Where national laws and regulations do not provide for such rights, for example in the cases of stateless people and migrant workers, the group manager can encourage smallholders to apply international standards/guidelines with respect to human rights in accordance with the requirements of the ISH Standard. The group manager should incorporate this approach in the training and awareness provided to smallholders.

- **Ensure that pregnant workers are protected from hazardous work**

As per the requirements of provision of safe working conditions and facilities covering health and safety risks, the group manager should support smallholders in the identification of work positions that are hazardous and high risk to pregnant workers and breastfeeding mothers. The group manager must ensure that all smallholders and their respective workers know that they should not take up these positions while pregnant or breastfeeding. Appendix 4 provides some guidance on how to identify hazardous positions for pregnant or breastfeeding workers.

Further to identification and training, the group manager can support smallholders to implement hazard and risk mitigation measures covering the health and safety of pregnant workers and breastfeeding mothers, such as:

- Prohibiting work in hazardous positions – workers should be provided with alternative tasks without negatively impacting the worker, her job security, or her salary
- No overtime
- No night shifts
- Providing appropriate PPE
- Providing sufficient water intake during working hours

- **Ensure that pregnant workers are not discriminated against**

Workers' rights to maternity benefits as stipulated in local laws and regulations should be provided without discrimination. For instance, pregnant workers must not be dismissed, or demoted, and new mothers

should be able to take full maternity leave and receive full (or a percent as provided by law) salary during that period. New mothers are entitled to their right to return to work in the equivalent position after their maternity leave without any negative impact on their job security, work entitlements and wages.

It is also important for the group manager to ensure that the requirements for maternity protection do not become prohibitive (in terms of resources) that it results in adverse outcomes by smallholders such as discrimination against hiring women workers or termination of women workers once pregnancy is disclosed.

- **Encourage support for breastfeeding mothers**

The group manager can include support for breastfeeding as part of the training and awareness programmes designed for the smallholders. Simple measures can be taken such as providing proper information about the benefits of breastfeeding for mother and child. Sharing information can help workers to make an informed choice about infant feeding. Sometimes such information can be readily available at healthcare agencies or state agencies working on women and family welfare.

Where feasible and within the abilities of the respective smallholders, smallholders can facilitate accessibility for new mothers to breastfeed. The accessibility can range from providing longer breaks<sup>15</sup>, to logistics support from farm to home, or to safe and private spaces within housing or worker's facilities (if provided).

#### CRITERIA IN THE RSPO ISH STANDARD WITH DIRECT OR INDIRECT LINKS TO MATERNITY PROTECTION AND BREASTFEEDING

### 3.3 Workers' pay complies with minimum legal requirements, mandatory industry standards and collective agreements as defined by the national law.

**3.3 E** Smallholders commit to pay workers according to minimum legal requirements or mandatory industry standards.

**3.3 MS A & B** Workers receive payments as expected and agreed in accordance with at least the legal minimum wage rate (excluding overtime premiums) and without discrimination against vulnerable populations, including women.

### 3.5 Working conditions and facilities are safe and meet minimum legal requirements.

**3.5 E** Smallholders commit to providing safe working conditions and facilities.

**3.5 MS A** Smallholders, workers, and family members complete training and are aware of the health and safety risks associated with farm work, (including that of pesticide use) and how to mitigate them.

**3.5 MS B** Workers, including smallholder family members, have access to safe working conditions and amenities that include:

- Safe and adequate housing, where applicable,
- Access to basic first aid supplies
- Health and safety equipment, including minimum personal protective equipment (PPE) if appropriate for the type of work
- Adequate drinking water
- Access to toilets

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<sup>15</sup> Ideally, breastfeeding breaks should be 45 minutes to 1 hour and also allow for some flexibility or as per the applicable national regulations. The breaks given should be long enough for the mother to travel from farm to home for breastfeeding.

### **3.6 There is no discrimination, harassment, or abuse on the farm.**

**3.6 E** Smallholders commit to no discrimination, harassment or abuse on the farm.

**3.6 MS A** Smallholders complete training on workplace discrimination, harassment and abuse and are aware of need for a safe workspace.

**3.6 MS B** Workers freely express that they are working in a place that is free from discrimination, harassment or abuse.

### **4.8 Pesticides are used in ways that do not endanger the health of workers, family, communities or the environment.**

**4.8 MS A** Smallholders complete training on BMPs for pesticides, including pesticide usage, awareness on risks for pregnant and breastfeeding women and young workers; storage and disposal; paraquat and pesticides listed by WHO Class 1A or 1B, the Stockholm or Rotterdam Conventions (and in compliance with 3.5).

**4.8 MS B** Smallholders implement BMPs for all pesticide use, including prohibiting the use of pesticides by pregnant and breastfeeding women and young workers, and exclusion of paraquat and pesticides that are categorised as WHO Class 1A or 1B, or those listed by the Stockholm or Rotterdam Conventions, unless when authorised by the relevant authorities for pest outbreaks.

# 7. CHILDCARE

## 7.1 Why is it important?

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 important 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).

The lack of childcare has also been linked to increased risk of child labour; research shows that the contributing causes of child labour amongst the migrant worker community in the plantation sector in Sabah are not only labour shortages and high rates of abscondment, but also the lack of access to educational and childcare facilities, which encourages children to join their parents at the work sites (Earthworm, 2018).

There is currently no specific reference to childcare in the RSPO ISH Standard. This guidance highlights existing requirements in the ISH Standard that when implemented, can positively affect the provision of childcare.



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## 7.2 Steps to Implement Childcare

- **Ensure provision of minimum wage and other legal entitlements without discrimination**

As smallholders mostly run small family farms, it is unrealistic to expect provision of a full childcare programme. As such, the type of support that can be provided for childcare at the minimum is ensuring women workers are not discriminated against and that they are paid according to the national minimum wage or industry standards so that they can adequately afford childcare<sup>16</sup> while they work.

<sup>16</sup> Childcare in this regard does not necessarily mean access to a childcare centre as such options may be limited in a rural setting. It can also include the possibility of being able to afford having an adult family member to stay home and assume childcare responsibilities while the parents are working.

- **Provide a safe working and living environment**

Smallholders can minimise the exposure of hazards to children at family farms by having designated and secured storage areas for farm equipment, work tools (e.g. harvesting tools) and chemicals, thus keeping them out of reach of children.

If smallholders provide housing for workers and their families, they should ensure the environment is family-friendly and safe for children. The group manager can support this by helping smallholders to extend the health and safety risk identification exercise carried out for pregnant workers to hazards and risks relevant to children. The group manager can also support smallholders in implementing the necessary risk mitigation measures.

#### CRITERIA IN THE RSPO ISH STANDARD WITH DIRECT OR INDIRECT LINKS TO CHILDCARE

### **3.3 Workers' pay complies with minimum legal requirements, mandatory industry standards and collective agreements as defined by the national law.**

**3.3 E** Smallholders commit to pay workers according to minimum legal requirements or mandatory industry standards.

**3.3 MS A & B** Workers receive payments as expected and agreed in accordance with at least the legal minimum wage rate (excluding overtime premiums) and without discrimination against vulnerable populations, including women.

### **3.5 Working conditions and facilities are safe and meet minimum legal requirements.**

**3.5 E** Smallholders commit to providing safe working conditions and facilities.

**3.5 MS A** Smallholders, workers, and family members complete training and are aware of the health and safety risks associated with farm work, (including that of pesticide use) and how to mitigate them.

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- Safe and adequate housing, where applicable,
- Access to basic first aid supplies
- Health and safety equipment, including minimum personal protective equipment (PPE) if appropriate for the type of work
- Adequate drinking water
- Access to toilets

### **3.6 There is no discrimination, harassment, or abuse on the farm.**

**3.6 E** Smallholders commit to no discrimination, harassment or abuse on the farm.

**3.6 MS A** Smallholders complete training on workplace discrimination, harassment and abuse and are aware of need for a safe workspace.

**3.6 MS B** Workers freely express that they are working in a place that is free from discrimination, harassment or abuse.

## 8. HEALTH AND NUTRITION

### 8.1 Why is it important?

Health and nutrition are essential across the entire human lifespan for survival, physical growth, and mental development. 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.

Plantation workers are often exposed to heat, dust, toxic chemicals, and the use of heavy machinery (Amnesty International, 2016). In Malaysia, women 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. Exposure to toxic chemicals is likely to be the single greatest health risk to pregnant or breastfeeding workers in the palm oil sector. In many estates, women casual workers are responsible for the spraying of pesticides and fertilisers (Norwegian Centre for Human Rights, 2015).

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 put them at risk of receiving insufficient protection and support from their parents. An assessment in the rattan and seagrass supply chain in 2019 by CCR CSR has shown that parents' poor health is a key reason for children to be pushed into paid work at an early age.

The RSPO ISH Standard requires the provision of safe working conditions and facilities and that smallholders, workers, and family members receive health and safety training. There are currently no requirements in the RSPO ISH Standard pertaining to nutrition and access to affordable food. However, good nutrition is integral to a child's physical and mental development. Therefore, this guidance highlights the importance of promoting good nutrition and how it also links to other impact areas such as childcare and maternity protection.



Photo: © RSPO, Jonathan Perugia

## 8.2 Steps to Promote Health and Nutrition

- **Ensure working conditions and facilities are safe**

Smallholders should have measures in place to ensure the health and safety at the workplace and all other premises, including amenities and housing provisions if applicable. This includes special health and safety considerations for pregnant or breastfeeding workers, and children at the workplace and other premises under the smallholders' direct control. Please refer to relevant sections in Chapter 4 (child labour and young workers), Chapter 6 (maternity protection and breastfeeding) and Chapter 9 (water, sanitation, and hygiene (WASH)). The group manager should ensure that understanding of the relevant legal requirements on occupational health and safety as well as the provision of workers' amenities are covered in the group training plans.



Photo: © UNICEF/Fauzan

- **Promote awareness on the importance of nutrition**

Sufficient, healthy, and nutritious food is particularly important for mothers as research has found that mothers' nutritional status affects her working performance and ability to raise a healthy child (UNICEF, 2016a). Group managers can consider including awareness on the importance of nutrition as part of parenting training as this will help smallholders and their workers make informed choices in relation to nutrition, childcare and maternity protection.

The group manager together with the smallholders, may also explore the possibility of setting up community or village initiatives, such as grocery cooperatives, vegetable gardens or plots with mixed crops. This can be done in collaboration with smallholders who already practice mixed crop farming to share their expertise and knowledge, or the group manager could engage external parties to provide information on improving farming to increase access to nutritious food.

## CRITERIA IN THE RSPO ISH STANDARD WITH DIRECT OR INDIRECT LINKS TO HEALTH AND NUTRITION

### 3.5 Working conditions and facilities are safe and meet minimum legal requirements.

**3.5 E** Smallholders commit to providing safe working conditions and facilities.

**3.5 MS A** Smallholders, workers, and family members complete training and are aware of the health and safety risks associated with farm work, (including that of pesticide use) and how to mitigate them.

**3.5 MS B** Workers, including smallholder family members, have access to safe working conditions and amenities that include:

- Safe and adequate housing, where applicable
- Access to basic first aid supplies
- Health and safety equipment, including minimum personal protective equipment (PPE) if appropriate for the type of work
- Adequate drinking water
- Access to toilets

### 4.8 Pesticides are used in ways that do not endanger the health of workers, family, communities or the environment.

**4.8 MS A** Smallholders complete training on BMPs for pesticides, including pesticide usage, awareness on risks for pregnant and breastfeeding women and young workers; storage and disposal; paraquat and pesticides listed by WHO Class 1A or 1B, the Stockholm or Rotterdam Conventions (and in compliance with 3.5).

**4.8 MS B** Smallholders implement BMPs for all pesticide use, including prohibiting the use of pesticides by pregnant and breastfeeding women and young workers, and exclusion of paraquat and pesticides that are categorised as WHO Class 1A or 1B, or those listed by the Stockholm or Rotterdam Conventions, unless when authorised by the relevant authorities for pest outbreaks.

# 9. WATER, SANITATION AND HYGIENE (WASH)

## 9.1 Why is It Important?

Water, Sanitation and Hygiene (WASH) are interdependent and refer to the following (UNICEF 2016b):

- Water focuses on the ability for children to access an adequate amount of drinking water, the quality of the water accessed and the distance to water source.
- Sanitation ensures access and use of at a minimum, basic toilets that separate human waste from contact with people and the environment.

Hygiene aims at nurturing good hygiene practices, especially handwashing with soap. 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). An RSPO study in Indonesia showed that households with relatively poor water quality only use the water for laundry purposes (RSPO, 2018). For drinking and cooking, they buy bottled water from nearby shops. 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 illnesses affecting children in palm oil settings (UNICEF, 2016a), which is commonly caused by contaminated water and poor hygiene practices. Good access to WASH is especially relevant during a health crisis, such as an epidemic or pandemic (e.g. COVID-19), as it serves as a crucial preventative measure against the spread of disease.

The ISH Standard contains requirements that have strong linkages to WASH, such as the need to provide adequate drinking water, access to toilets, protection of watercourses, and safe chemical handling and disposal. Housing has close links to WASH conditions as smallholders may live on or close to their farms as well as provide housing for workers if they employ them. Therefore, this guidance also looks at the housing provision requirements in the context of WASH.



Photo: © RSPO, Jonathan Perugia

## 9.2 Steps to Implement Water, Sanitation and Hygiene (WASH)

- **Ensure provision of WASH facilities at the farm site**

The RSPO ISH Standard requires smallholders to provide workers with safe working conditions and facilities. Smallholders with the support of their group manager should ensure that the provision of WASH amenities at the farm and workers' housing (if provided) meet national or local legal requirements. This would generally require the following measures:

- Access to clean water including sufficient and accessible drinking water
- Provision of clean and functioning toilets
- Proper waste disposal system
- Access to hand washing facilities with soap and water

Group managers can also promote awareness of good personal hygiene in their training programme, especially as part of health and safety measures for pesticide handling and management.



Photo: © UNICEF/Fauzan

- **Awareness of water sources and protection of watercourses**

Water sources for smallholders' communities can range from the municipal water supply (if they are closer to urban areas or able to access such infrastructure); rainwater capture; groundwater sources, such as wells and surface; and freshwater sources, such as streams, springs, rivers, and lakes. In agricultural landscapes, the quality of surface freshwater sources can be adversely impacted by topsoil erosion, agricultural run-off from chemical fertilisers and pesticides, and other sources of water pollution including domestic waste. Children tend to be oblivious to polluted water sources and will play, use, and drink water where available. Drinking from, bathing and swimming in polluted water causes adverse health impacts, especially for children (UNICEF, 2016a). Therefore, it is important to ensure children have access to clean

water for bathing and drinking and that they are educated about not playing or swimming in polluted waters.

The ISH Standard requires the group manager and smallholders identify and conserve high conservation value (HCV) areas and the scope includes water sources and watercourses, such as springs, lakes, and rivers. As such, protection and enhancement of watercourses should be incorporated into the group's HCV management plan.

Impacts of pollution can be minimised through practices such as biological pest control and implementation of circle spraying (as opposed to blanket spraying) to reduce the use of pesticides; using organic fertilisers and compost to reduce the use of chemical fertilisers; maintaining and enhancing riparian zones with natural vegetation and proper waste management. These activities can help improve the water quality.

- **Raise awareness on post chemical handling**

On many farms, women workers are responsible for the spraying of pesticides and fertilisers and handle highly toxic agrochemicals on a daily basis (UNICEF, 2018). These workers can potentially be family members working on the smallholders' land.

Training and education for workers on the adverse impacts of chemicals on their health and their children's health is crucial so that family members and workers are aware of the importance of proper hygiene procedures post chemical handling before returning home to undertake activities such as childcare and food preparation. It is therefore important to ensure adequate washing and sanitation facilities at the farm site as well as storage for workers' clothing and PPE used for chemical handling to ensure that workers do not bring these items home where they can expose their children and family members to the chemical residue. This can be covered in the group training plan to be managed by the group manager.

#### CRITERIA IN THE RSPO ISH STANDARD WITH DIRECT OR INDIRECT LINKS TO WASH

##### **3.5 Working conditions and facilities are safe and meet minimum legal requirements.**

**3.5 E** Smallholders commit to providing safe working conditions and facilities.

**3.5 MS A** Smallholders, workers, and family members complete training and are aware of the health and safety risks associated with farm work, (including that of pesticide use) and how to mitigate them.

**3.5 MS B** Workers, including smallholder family members, have access to safe working conditions and amenities that include:

- Safe and adequate housing, where applicable
- Access to basic first aid supplies
- Health and safety equipment, including minimum personal protective equipment (PPE) if appropriate for the type of work
- Adequate drinking water
- Access to toilets

##### **4.1 High Conservation Values (HCVs) on the smallholder plot or within the managed area and High Carbon Stock (HCS) forests identified after November 2019 using the simplified combined HCV-HCS approach are managed to ensure that they are maintained and/or enhanced.**

**4.1 E** Smallholders commit to protect HCVs and HCS forests through the precautionary practices approach.

**4.1 MS A** Smallholders complete training on and are aware of:

- the importance of maintaining and conserving HCVs and HCS forests;

- human-wildlife conflict and mitigation efforts; and
- recognising rare, threatened and endangered species and important ecosystems.

**4.1 MS B** Smallholders implement precautionary practices and manage and maintain rare, threatened and endangered species, HCVs and HCS forests, where applicable.

**4.7 Riparian buffer zones are identified and managed to ensure they are maintained and/or enhanced.**

**4.7 E** Group manager identifies riparian buffer zones within the group and smallholders commit to no new planting in riparian zones.

**4.7 MS A** Smallholders complete training on and are aware of riparian buffer zone management and the group has an action plan to maintain and/or enhance riparian buffer zones.

**4.7 MS B** Smallholders rehabilitate, manage and maintain riparian buffer zone areas.

**4.8 Pesticides are used in ways that do not endanger the health of workers, family, communities or the environment.**

**4.8 MS A** Smallholders complete training on BMPs for pesticides, including pesticide usage, awareness on risks for pregnant and breastfeeding women and young workers; storage and disposal; paraquat and pesticides listed by WHO Class 1A or 1B, the Stockholm or Rotterdam Conventions (and in compliance with 3.5).

**4.8 MS B** Smallholders implement BMPs for all pesticide use, including prohibiting the use of pesticides by pregnant and breastfeeding women and young workers, and exclusion of paraquat and pesticides that are categorised as WHO Class 1A or 1B, or those listed by the Stockholm or Rotterdam Conventions, unless when authorised by the relevant authorities for pest outbreaks.

# APPENDIX 1: WORKING AGE IN THE TOP FIVE PALM OIL PRODUCING COUNTRIES

TABLE 3: WORKING AGE IN THE TOP FIVE PALM OIL 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	17**	15	18
Nigeria	15	12	18

\* Malaysian laws specify the types of light work that are permitted to be undertaken by a child below the age of 15 years. Work that falls outside of the specifications is strictly prohibited.

\*\* In Colombia, the minimum age for admission to work is 15 years old. However, only adolescents over 17 years old that may work full time (8 hours a day and 40 hours a week and maximum until 8 pm), while adolescents over 15 and under 17 years old are only allowed to work 6 hours a day and 30 hours a week and maximum until 6 pm.

## APPENDIX 2: QUESTIONS TO VERIFY AGE

Use the following example questions to crosscheck the facts during an interview:<sup>17</sup>

- Can you talk a bit about yourself? Where is your hometown? Do you like school? Why? Or why not? Do you have to send money back home?
- How many members are there in your family? What are your parents' names?
- What are your parents doing? Where are they?
- Do you have siblings? Are they studying or working? How many years older/younger than you are your siblings?
- What is your birthday by day, month and year? So, in this case, how old are you?
- What's your zodiac animal/sign? What about your siblings?
- When did you start junior middle school? Have you ever skipped a grade or been held back a grade?
- Which grade did you finish and when? Which grade are your siblings in? Or When did they finish school and at what grade?
- Was there a school in your hometown? Where is it?
- Do you have friends from the same hometown/school here? Do you still keep in touch with your classmates? Which grade are your classmates in now if some are still in school?
- Is this your first job? Have you ever worked before? What kind of job have you done before? How long did you work for in the last job?

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<sup>17</sup> When children are engaged directly, group managers and smallholders should be mindful of how to build communication with children. Questions related to age should be natural and may start with a casual chat about the family situation. They can refer to the RSPO Child Rights Guidance for Auditor and Certification Bodies which, in Chapter 3, provides basic guidelines on how to communicate with children or they can also pick up some knowledge from UNICEF's tool for companies in engaging stakeholders on children's rights (UNICEF, 2014)

# APPENDIX 3: PARENTING TRAINING WITH FOCUS ON CHILD LABOUR

TABLE 4: PARENTING TRAINING WITH FOCUS ON CHILD LABOUR

LEVEL	CONTENT
Foundational	<ul style="list-style-type: none"> <li>- Increase sense of value as a parent worker</li> <li>- Understand the rights and needs of the child at different ages to enhance communication with their children and to enable them to provide better support</li> <li>- Develop communication skills with their children to build closer relationships</li> <li>- Recognise signs of distress and being hurt</li> <li>- Support children’s growth and development</li> </ul>
Advanced (more child labour specific)	<ul style="list-style-type: none"> <li>- Introduction to children’s rights and needs, including – but not limited to – their need to have enough rest, receive education and to play</li> <li>- Introduction to child labour               <ul style="list-style-type: none"> <li>o Do you know the legal minimum age of employment?</li> <li>o Do you know the compulsory education age in your country?</li> <li>o What is the difference between child labour and a child helping at home, doing some light work outside school hours?</li> <li>o Have you ever seen a child working? What was the child doing? Do you think the work is harmful or not to the child? What do you think constitutes harmful work?</li> <li>o Why does the child work?</li> </ul> </li> <li>- The impact of working to children’s health and development               <ul style="list-style-type: none"> <li>o How do you think working affects children’s health?</li> <li>o How do you think work affects children’s education?</li> <li>o In your opinion, is it acceptable that children go to work instead of going to school? Do you think the combination of school and work affects children?</li> </ul> </li> <li>- Next steps on what can be done to protect children from child labour               <ul style="list-style-type: none"> <li>o What can you do to better protect children from child labour?</li> <li>o What can others do to help you?</li> </ul> </li> </ul>

# APPENDIX 4: IDENTIFYING HAZARDOUS POSITIONS FOR PREGNANT OR BREASTFEEDING WORKERS

For more details, please refer to Better Work Indonesia’s Guidelines for Employers on Maternity Protection at Work, ILO Standard on Maternity Protection at Work or other relevant occupational health and safety standards for pregnant workers

TABLE 5: HOW TO IDENTIFY HAZARDOUS POSITIONS FOR PREGNANT AND BREASTFEEDING WOMEN (adapted from BWI 2017)

HAZARD	KEY QUESTIONS	NEGATIVE IMPACT
Long or irregular working hours	<ul style="list-style-type: none"> <li>Does the position require long hours and/or night shift?</li> </ul>	Prolonged working hours or irregular working schedule may prevent expectant mothers from having adequate rest, which can result in adverse pregnancy outcomes such as low infant birth weight and smaller head size, premature birth, preeclampsia or miscarriage.
Workplace and hygiene problems	<ul style="list-style-type: none"> <li>Is safe drinking water available?</li> <li>Do workers have access to emergency medical care?</li> <li>Are there existing washing and changing facilities?</li> <li>Is proper sanitation available?</li> </ul>	Expectant mothers are more vulnerable to infection and would need good access to clean drinking water and washing and sanitation facilities.
Physical hazards/ demands, movements and postures	<ul style="list-style-type: none"> <li>Does the position come with physical hazards, such as extreme heat or cold, heavy lifting, prolonged sitting or standing?</li> </ul>	This may harm the expectant mother, cause foetal lesions or other injuries, and lead to low birth weight, miscarriage or premature birth.
Chemical hazards	<ul style="list-style-type: none"> <li>Is the worker exposed to any chemical hazards, such as pesticides, fertiliser, or cleaning material?</li> </ul>	Chemical substances may result in miscarriage, stillbirth, birth defects or developmental problems, including early childhood cancer, allergies, premature birth and low birth weight.
Biological hazards	<ul style="list-style-type: none"> <li>Is the worker exposed to mould and fungi, blood and body fluids, sewage, animal droppings, insect stings or poisonous plants?</li> </ul>	Some microorganisms may infect the womb and cause miscarriages, foetal death, birth defects, stillbirth, premature birth, or early neonatal death.

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The RSPO is an international non-profit organisation formed in 2004 with the objective to promote the growth and use of sustainable palm oil products through credible global standards and engagement of stakeholders.

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