

SITUATIONAL ANALYSIS OF
**BUSINESS AND
CHILDREN'S RIGHTS
IN THE WORKPLACE:**

THE PHILIPPINE CONTEXT

September 2020



SITUATIONAL ANALYSIS OF BUSINESS AND CHILDREN'S RIGHTS IN THE WORKPLACE: The Philippine Context

**By Ateneo Human Rights Center
in partnership with Save the Children Philippines**

September 2020

**Situational Analysis of Business and Children's Rights in the Workplace:
The Philippine Context**

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Message from Save the Children Philippines



In the process of upholding child rights, there are duty bearers and rights holders. However, these two actors cannot operate in a vacuum — the role of other stakeholders, whose work directly or indirectly affect children, are also critical in ensuring the fulfillment of children's rights. Amongst the other stakeholders, the private sector can play a pivotal role in ensuring that children are protected from abuse and exploitation. The study CHILDREN'S RIGHTS AND BUSINESS PRINCIPLES (CRBP) calls on businesses as strategic stakeholders in supporting children's rights by doing their due diligence in conducting their business activities and relationships.

In the Philippines, the laws, policies and practices on child labor, provision of decent work, and protection in the workplace are primarily in place. However, their implementation is largely hindered by the lack of updated and disaggregated data, as well as the lack of emphasis on child rights-centered perspectives. It is our hope that the work being carried out by the Ateneo Human Rights Center on CRBP, starting with this situational study, will be able to serve as a guide on what needs to be done in improving systems and mechanisms that will ensure children and young people in the workplace are protected.

We may have a long way to go since Child Rights and Business is a relatively new concept in the country. However, it is heartening to know that we are on the right path and that both the government and the private sector have given their commitment in moving this forward. We encourage you to help us deepen the interest and support for the implementation of CRBP and may this study assist in identifying priorities on why and how it must be done.

Atty. Albert Jesus T. Mugot

Chief Executive Officer

Message from Ateneo Human Rights Center



The Ateneo Human Rights Center is committed to protecting the rights of Filipino children. In line with AHRC's mission to protect and promote human rights, the Adhikain para sa Karapatang Pamabata (AKAP), our child rights desk, has pursued various programs and projects which highlight, promote and safeguard the pillars of children's rights within the Philippines and the ASEAN (Association of Southeast Asian Nations) region.

One of AKAP's thrusts is the furtherance of the Children's Rights and Business Principles (CRBP) in the Philippines. The CRBP is seen as a relatively novel movement in the country, brought about by the economic development of a growing economy. Coupled with other factors related to economic progress, such as the decreasing poverty, better education for all, and increasing employment, among others, the CRBP has influenced the way we appreciate the impact of business enterprises to the human rights climate in the Philippines, especially on children's rights. Its development facilitated better discussion and recognition by the corporate and business sectors themselves of their impact on, and responsibility to upholding children's rights.

An integral part of the work and partnership of AKAP-AHRC and Save the Children Philippines for the advancement of CRBP is to assess and evaluate business policies and practices in the Philippines. This entails a review of the gaps in our laws which may violate the rights of children. With this framework, we have been able to identify which aspects the private and public sector should work on together in order to adhere to and to be guided by the tenets of CRBP.

This situational analysis analyzes the status of CRBP in the workplace, focusing mainly on the conditions and treatment of child labor in the Philippines. Aside from evaluating laws, policies and practices of both the government and businesses in the country, the study also considered the children's insights, gathered through their active participation, regarding the effects of these business practices to their rights.

We are hopeful that this situational analysis will help improve and stimulate more participation from the private and public sectors in the advancement of the objectives of CRBP in the country.

Ray Paolo J. Santiago

Executive Director

Acknowledgment

This Situational Analysis report is a product of the collective efforts of the team from Adhikain para sa Karapatang Pambata (AKAP) or the children's rights desk of the Ateneo Human Rights Center and of Save the Children Philippines.

We would like to extend our appreciation and gratitude to all key partners from the government and business sectors that took part in the process of developing this study, specifically from the Department of Labor and Employment (DOLE), the Department of Social Welfare and Development (DSWD), the Department of Education (DepEd), the Employers Confederation of the Philippines (ECOP) and the Philippine Association of Legitimate Service Contractors (PALSCON).

We are grateful for the support of civil society organizations (CSOs), particularly partners of the AHRC, Save the Children Philippines, members of the Child Rights Network (CRN), Unang Hakbang Foundation, Volunteer for Visayans, and Kaugmaon for Children's Rights and Social Development, Inc in identifying child facilitators, participants, and adult support in the separate consultations with children and young people.

We also thank all the child and adult participants who actively took part in the series of Children's Rights and Business Principles (CRBP) Caravan and Consultation and CRBP Conference that were conducted from August to November 2019.

We commend the child facilitators who demonstrated innovative ways of ensuring that the voice of children can be heard throughout the planning and conducting of the series of CRBP Caravan and Consultation.

We express our gratitude to the researchers and writers from AKAP and AHRC interns for extending their technical expertise in developing and reviewing this work.

Acronyms

AHRC	Ateneo Human Rights Center
CHED	Commission on Higher Education
CRBP	Children's Rights and Business Principles
CRN	Child Rights Network
CSO	Civil Society Organization
CSR	Corporate Social Responsibility
CWC	Council for the Welfare of Children
DOLE	Department of Labor and Employment
DSWD	Department of Social Welfare and Development
DTI	Department of Trade and Industry Philippines
ECOP	Employers Confederation of the Philippines
GIP	Government Internship Program
GMRC	Good Manners and Right Conduct
ILO	International Labor Organization
MOA	Memorandum of Agreement
NBI	National Bureau of Investigation
NCLC	National Child Labor Committee
OSHS	Occupational Safety and Health Standards, as Amended
OSY	Out of School Youth
PALSCON	Philippine Association of Legitimate Service Contractors
PESO	Public Employment Service Office
PNP	Philippine National Police
PPACL	Philippine Program Against Child Labor
SBM	Sagip Batang Manggagawa
SHIELD	Strategic Helpdesks For Information, Education, Livelihood And Other Developmental Interventions
SHS	Senior High School
SPES	Special Program of the Employment of Students
TESDA	Technical Education and Skills Development Authority
TVET	Technical and Vocational Education and Training
UN	United Nations
UNCRC	United Nations Convention on the Rights of the Child
UNGP	United Nations Guiding Principles on Business and Human Rights

Chapter 1

INTRODUCTION

The United Nations Convention on the Rights of the Child¹ (UNCRC), the most widely ratified core international human rights treaty, codifies the fundamental non-negotiable human rights possessed by all children. While the UNCRC does not specifically mention the role of business in the realization of children's rights, it builds the legal foundation for initiating the formation of Children's Rights and Business Principles (CRBP). This aspect of children's rights is significant to every country, especially to a developing one like the Philippines.

In 2012, the United Nations Global Compact, Save the Children and UNICEF created a set of principles known as Children's Rights and Business Principles (CRBP) for promoting the corporate responsibility to respect and support children's rights in the work place, market place and community.

- The Children's Rights and Business Principles, UNICEF, ChildFund, Save the Children, 2012

In 2017 and 2018, the Ateneo Human Rights Center (AHRC) in partnership with Save the Children Philippines, conducted a series of focus group discussions and seminars discussing CRBP among representatives of different businesses, government and civil society groups. This generated genuine interest and insights on CRBP in the context of the Philippines. The discussions highlighted government's primary duty and the complementary role of the business sector in relation to the promotion and protection of children's rights. The CRBP initiative also presented opportunities for partnership and collaboration between the government, businesses and civil society.

From the foregoing initiative, the need to conduct a CRBP Situational Analysis that will serve as a guide for future initiatives and responses from both the government and business sectors became apparent. This Situational Analysis provides a baseline study of existing laws, policies, and programs conducted by the government in partnership with the business sector in relation to children and young persons in the workplace. It focuses on Children's Rights and Business Principles applicable in the workplace particularly Principles 2, 3, and 4.

Objectives

This Situational Analysis was undertaken with the overall goal of identifying opportunities for the promotion of Children's Rights and Business Principles in the current Philippine business landscape. Specifically, it aims to:

1. Determine existing laws, policies and programs relevant to children in the workplace;
2. Assess the current conditions, needs and challenges to adherence to CRBP;
3. Identify opportunities for training and education on child safeguarding policies in the workplace; and
4. Increase awareness and advocate for long-term change.

Methodology

The development of this Situational Analysis involved three (3) major components:



1 "Convention on the Rights of the Child". Adopted and opened for signature, ratification and accession November 20, 1989, entered into force September 2, 1990, United Nations. Accessed 15 April 2020, <https://www.ohchr.org/Documents/ProfessionalInterest/crc.pdf>.

Primary and secondary data were collected during the research phase of the project. These provided baseline information on the existing laws, policies and programs related to CRBP in the workplace. , The inputs and recommendations of stakeholders solicited through a series of consultations with government, business, and civil society sectors in identified areas in Luzon, Visayas and Mindanao supplemented the information gathered from the initial research phase. Simultaneous with these consultations, a caravan was organized to raise awareness on CRBP.



Child participation was an integral component in the conduct of this Situational Analysis, and was done through a series of consultations with children. Parallel consultations with children were conducted to ensure that their inputs as primary stakeholders are taken into account. These consultations were guided by the standards prescribed by the UNCRC Committee² as well as the guidebook on child participation developed by the Council for the Welfare of Children (CWC).³

The research phase and consultations yielded substantial inputs to the draft Situational Analysis, the highlights of which were presented to selected participants from the different consultations during a validation activity in Metro Manila. In addition, a survey toolkit for businesses and government agencies was specially developed for this study to facilitate the holistic assessment of CRBP compliance by the Philippine government and the businesses sector.

These survey questions were formulated in accordance with the following documents:

1. Resolutions adopted by the International Labour Conference at its 93rd Session (Geneva, June 2005): Resolution concerning youth employment;⁴
2. Enterprise-based youth employment policies, strategies and programmes initiatives for the development of enterprise action and strategies (ILO): Government's role in youth enterprise policies;⁵
3. Children's Rights in Policies and Codes of Conduct developed by Save the Children and United Nations Children's Fund (UNICEF);⁶ and
4. Children are Everyone's Business: Workbook 2.0 developed by UNICEF.⁷

2 UN Committee on the Rights of the Child, "General Comment No. 12: The Right of the Child to be Heard", CRC/C/GC/12 ,(July 20, 2009).

3 Council for the Welfare of Children, "Guidebook on Child Participation in the Philippines", (2014).

4 International Labour Office,"Youth: Pathways to Decent Work", Report VI (June 2005).

5 Simon White & Peter Kenyon, "Enterprise-based youth employment policies, strategies and programmes (Initiatives for the development of enterprise action and strategies)", International Labor Organization, October 2001, https://www.ilo.org/wcmsp5/groups/public/-/-ed_emp/-/-ifp_skills/documents/publication/wcms_104022.pdf.

6 Save the Children & UNICEF, "Children's Rights in Policies and Codes of Conduct: A tool for companies", (September 2013), https://www.unicef.org/csr/css/Children_s_Rights_in_Policies_26112013_Web.pdf.

7 UNICEF, "Children are Everyone's Business: Workbook 2.0", (August 2014), https://www.unicef.org/csr/css/Work-book_2.0_Second_Edition_29092014_LR.pdf.

The responses by participants were incorporated and formed part of the initial findings in the investigation of primary resources. This Situation Analysis is thus shaped by responses to the survey toolkit and additional data and information gathered from participants of the caravan and consultation series.

Key partners from the government and business sector were engaged in the process of developing this study. These include the Department of Labor and Employment (DOLE), the Department of Social Welfare and Development (DSWD), the Department of Education (DepEd) as well as the Employers Confederation of the Philippines (ECOP) and the Philippine Association of Legitimate Service Contractors (PALS CON). The Department of Trade and Industry (DTI), Commission on Higher Education (CHED) as well as other concerned or attached units in government, especially those with human-capital development programs including the Technical Education and Skills Development Authority (TESDA) were also engaged during the course of the study.

Civil society organizations (CSOs), particularly partners of AHRC, Save the Children Philippines, and members of the Child Rights Network (CRN) were instrumental in providing child facilitators, participants, and adult support in the separate consultations with children and young people.

Scope and Limitations

While this study pertains to the CRBP, it will focus only on the discussion of the principles as applied to the workplace⁸, specifically:

Principle No. 2	All business should contribute to the elimination of child labor, including in all business activities and business relationships.
Principle No. 3	All business should provide decent work for young workers, parents, and caregivers.
Principle No. 4	All business should ensure protection of and safety of children in all business activities and facilities.

This study was initially designed to analyze these principles in the context of legitimate service contracting in the country with the view of contributing to Save the Children Philippines' Strategic Goal No. 6: Resilient Youth accessed decent work or self-employment. Thus, this research should ideally include an examination of the business models, policies, and practices of legitimate service contractors. It was in this light that the project team reached out to the PALS CON as a partner and participant to the study. Noting, however, that there was very minimal participation from PALS CON in the caravan and consultation series, the focus of the study was thereafter re-examined and re-calibrated.

Accordingly, this situational analysis is limited to a survey of laws and policies of the Philippine government relevant to the CRBP in the workplace. The analysis of the present landscape of CRBP in the Philippines was based on the data gathered from primary and secondary resources, as well as the inputs of both adults and children who participated in the consultation series and validation process.

⁸ UNICEF et al, "The Children's Rights and Business Principles" (UNICEF, ChildFund, Save the Children: 2012), <https://resourcecentre.savethechildren.net/node/5717/pdf/5717.pdf>.

This study included a stakeholder analysis by mapping out which government agencies and/or business entities are implementing specific programs relevant to CRBP 2, 3 and 4, and assessing the impact these programs are having. Emerging trends were also examined in relation to their significance to the fulfilment and promotion of children's rights.

Chapter 2

CHILDREN'S RIGHTS AND BUSINESS PRINCIPLES

Legal and Policy Framework

In 2012, the United Nations Global Compact, Save the Children and UNICEF created a set of principles known as Children's Rights and Business Principles (CRBP) for promoting corporate responsibility to respect and support children's rights in the work place, market place and community.⁹ CRBP not only highlights the government's duty to protect and safeguard children's rights but also defines the scope of corporate responsibility of businesses towards children, covering a wide range of critical issues and calling on companies to respect children's rights through policy commitments, due diligence and remediation measures.¹⁰

"The Children's Rights and Business Principles are an important effort to explore the implications of the UN Guiding Principles on Business and Human Rights for the human rights of children. Children are among the most marginalized and vulnerable members of society, and can be disproportionately, severely and permanently impacted by business activities, operations and relationships."

Professor John Ruggie, former UN Secretary-General's Special Representative for Business and Human Rights

First proposed in 2010, the development of the principles was significantly influenced by an extensive multi-stakeholder consultation process involving the business sector, civil society, governments, national human rights institutions, the academe, and children. CRBP does not impose new obligations, rather, it is derived from international instruments, such as:¹¹

1. UNCRC;
2. United Nations Guiding Principles on Business and Human Rights (UNGPs)¹²;
3. UN Global Compact's Ten Principles;¹³ and
4. International Labor Organization (ILO) Convention Nos. 138¹⁴ and 182¹⁵ on the minimum age of employment and the elimination of the worst forms of child labor.

The UNCRC mandates States Parties to respect and ensure the rights of the child "without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status."¹⁶ The four core principles under the UNCRC, namely the best interests of the child, non-discrimination, child participation, and survival and development are meant to govern actions undertaken by government or the private sector concerning children. States Parties are duty-bound to safeguard the right of the child to be protected from exploitation and to take legislative and administrative action and other measures for the implementation of children's rights.¹⁷ In the context of labor and employment, this mandate includes providing for a minimum age or

9 UNICEF et al, The Children's Rights and Business Principles, (UNICEF, ChildFund, Save the Children: 2012), <https://resourcecentre.savethechildren.net/node/5717/pdf/5717.pdf>.

10 *Ibid.*

11 *Ibid.*

12 United Nations Office of the High Commissioner for Human Rights, "Guiding Principles on Business and Human Rights"(2011) , https://www.ohchr.org/documents/publications/GuidingprinciplesBusinesshr_eN.pdf.

13 United Nations, "The Ten Principles of the UN Global Compact", accessed 21 April 2020, <https://www.unglobalcompact.org/what-is-gc/mission/principles>.

14 "International Labour Organization Convention No. 138", entry into force 19 June 1976.

15 "International Labour Organization Convention No. 182", entry into force 19 Nov. 2000.

16 "Convention on the Rights of the Child". Adopted and opened for signature, ratification and accession November 20, 1989, entered into force September 2, 1990: Article 2, United Nations. Accessed 15 April 2020, <https://www.ohchr.org/Documents/ProfessionalInterest/crc.pdf>.

17 "Convention on the Rights of the Child". Adopted and opened for signature, ratification and accession November 20, 1989, entered into force September 2, 1990: Article 4, United Nations. Accessed 15 April 2020, <https://www.ohchr.org/Documents/ProfessionalInterest/crc.pdf>.

minimum ages for admission to employment; appropriate regulation of the hours and conditions of employment; and appropriate penalties or other sanctions.”¹⁸

Meanwhile, the UNGP is the “first corporate human rights responsibility initiative to be endorsed by the United Nations.”¹⁹ The UNGP does not create additional legal obligations on States but refers to and is derived from relevant and legally binding international human rights treaties. It provides for the “Protect, Respect, and Remedy” Framework which rests on three pillars²⁰:

Protect	The state duty to protect against human rights abuses by third parties, including business, through appropriate policies, regulation, and adjudication;
Respect	The corporate responsibility to respect human rights, which means acting with due diligence to avoid infringing on the rights of others and to address adverse impacts that occur; and
Remedy	Greater access by victims to effective remedy, both judicial and non-judicial.

This framework applies to all States and to all business enterprises, whether transnational or not, and regardless of its size, sector, location, ownership and structure.²¹

A key component of the UNGP is the conduct of human rights due diligence as a means for businesses to “identify, prevent, mitigate, account for”, and address its adverse impact on human rights.²² The process includes the “assessment of actual and potential human rights impact; integration of the findings; action upon the findings; tracking of responses, and communicating how the adverse impacts are addressed.”²³

With regard to employment matters involving children, ILO Conventions and Declarations serve as fundamental bases for CRBP. Policies regarding the minimum age of employment is based on the ILO Convention 138, otherwise known as the “Minimum Age Convention” which directs States to undertake a “national policy designed to ensure the effective abolition of child labor and to progressively raise the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons.”²⁴ The call for States to respect and promote principles and rights of children in relation to the abolition of child labor and the elimination of discrimination with respect to employment and occupation is reiterated in the ILO Declaration on Fundamental Principles and Rights at Work adopted in 1998.²⁵

18 *Ibid.* art. 32.

19 “European Commission issues status report of implementation of UN Guiding Principles for Business and Human Rights”, European Commission, accessed April 9 2020, <https://europa.eu/capacity4dev/platform-rmsc-garment-sector/document/un-guiding-principles-business-and-human-rights-ungps>.

20 United Nations Office of the High Commissioner for Human Rights, “Guiding Principles on Business and Human Rights”, accessed 21 April 2020, https://www.ohchr.org/documents/publications/GuidingprinciplesBusinesshr_eN.pdf.

21 *Ibid.*

22 *Ibid.*

23 “Business and Human Rights Resource Centre, Human rights due diligence”, accessed April. 9, 2020 <https://www.business-humanrights.org/en/un-guiding-principles/implementation-tools-examples/implementation-by-companies/type-of-step-taken/human-rights-due-diligence>.

24 “International Labour Organization Convention No. 138”, Article 2, entry into force 19 June 1976.

25 International Labour Organization, “ILO Declaration on Fundamental Principles and Rights at Work and Its Follow-Up”, accessed 21 April 2020, https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_467653.pdf.

ILO Convention No. 182, also known as the “Convention Concerning The Prohibition And Immediate Action for The Elimination Of The Worst Forms Of Child Labour,” on the other hand, directs Member States to take “effective measures to secure the prohibition and elimination of the worst forms of child labor as a matter of urgency.”²⁶ It also enumerates the worst forms of child labor, as follows²⁷:

1. All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
2. The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
3. The use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; and
4. Work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children

Further, the ILO Domestic Workers Convention or Convention No. 189, adopted in 2011, requires States to set a minimum age for entry into domestic work.²⁸ It also establishes the standard that domestic worker done by children aged fifteen (15) to below eighteen (18) years old should not deprive them of compulsory education, or interfere with opportunities for further education or vocational training.²⁹

These ILO Conventions pertain to the fundamental human rights and principles of workers. Together with the UNCRC, it serves as the reference point in the formulation of CRBP, which calls on businesses to respect and support children’s rights in their business activities and relationships. This includes interactions in the workplace, the marketplace, the community and the environment which have significant impact on children’s rights.³⁰ These principles also encourage support from the business sector in safeguarding and promoting the rights of children. The transformation of ILO Conventions into concrete domestic laws in the signatory countries will be guided by or evaluated through CRBP.

Shortly after the release of the CRBP, the UNCRC Committee issued General Comment No. 16 on States’ obligations in relation to the impact of business on children’s rights.³¹ General Comment No. 16 extended the meaning of the core principles enshrined in the UNCRC to the business context. It highlighted the importance for States to put in place well-functioning child-focused governance structures and mechanisms to ensure the inclusion of children’s rights in the national policy framework for implementation of the UNCRC.³² It elaborated on the necessity of having “adequate legal and institutional frameworks to respect, protect and fulfill children’s rights, and to provide remedies in case of violations in the context of business activities and operations.”³³ It also discussed the obligations of non-profit organizations, which play a role in the provision of services that are

26 “International Labour Organization Convention No. 182”, Article 1, entry into force 19 Nov. 2000.

27 *Ibid.* art. 3.

28 International Labour Organization Convention No. 189, entry into force 5 Sep. 2013.

29 *Ibid.* art 4.

30 UNICEF et al, “The Children’s Rights and Business Principles”, (UNICEF, ChildFund, Save the Children: 2012), <https://resourcecentre.savethechildren.net/node/5717/pdf/5717.pdf>.

31 UN Committee on the Rights of the Child, “General Comment No. 16 on State Obligations Regarding the Impact of the Business Sector on Children’s Rights”, CRC/C/GC/16, (Apr. 17, 2013).

32 *Ibid.*

33 *Ibid.*, ¶4.

critical to the enjoyment of children's rights.³⁴

CRBP in the Workplace

CRBP revolves around the idea that the private sector has a responsibility to respect children's rights and should commit to support such rights. The corporate responsibility to respect requires businesses to refrain from violating children's rights. Meanwhile, the corporate commitment to support involves voluntary actions that seek to "advance human rights, including children's rights through core business activities, strategic social investments and philanthropy, advocacy and public policy engagement, and working in partnership and other collective action."³⁵ The following discussion will explain the pertinent principles related to the systems of workplace.

Principle No. 1

All business should meet their responsibility to respect children's rights and commit to supporting the human rights of children.

Principle 1 provides the operational framework for CRBP. The responsibility to respect calls on businesses to avoid any infringement of children's rights, and address any adverse human rights impact where the business is involved, across all professional relationships linked to its operations, products or services.³⁶ Furthermore, the commitment to support must be complied with.³⁷

The corporate responsibility to respect and support children's rights can be seen in the policy commitments, due diligence and remediation measures undertaken by businesses.

The UNGP defines a "policy commitment" as a statement that sets out the business' responsibility to respect rights, including children's rights³⁸. Human rights due diligence refers to "a business's ongoing processes for assessing its actual and potential human rights impact, including on children's rights, integrating and acting upon its findings, tracking its responses and communicating how its impact is addressed"³⁹. Meanwhile, remediation covers "both the processes of providing a remedy for an adverse human rights impact and to the substantive outcomes that can counteract, or make good, the adverse impact."⁴⁰

34 *Ibid*, ¶ 33.

35 Save the Children, "How to Use the Children's Rights and Business Principles: A Guide for Civil Society Organizations", 21 (2014).

36 *Ibid*.

37 *Ibid*, 21.

38 United Nations Office of the High Commissioner for Human Rights, "Guiding Principles on Business and Human Rights", (2011), https://www.ohchr.org/documents/publications/GuidingprinciplesBusinesshr_eN.pdf

39 UNICEF et al, "The Children's Rights and Business Principles", (UNICEF, ChildFund, Save the Children: 2012), 7 <https://resourcecentre.savethechildren.net/node/5717/pdf/5717.pdf>.

40 *Ibid*, 9.

Principle No. 2**Contribute to the elimination of child labour including in all business activities and business relationships.**

- ✓ Cease employing children in any capacity likely to endanger children's health, safety or morals and adopt measures to reduce, minimize and ultimately eliminate harmful child labor in all stages.
- ✓ Contribute to sustainable solutions that address the root causes of child labor.⁴¹

"Child labor" is defined as work which "deprives children of their childhood, their potential, and dignity, or that which is harmful to [their] physical and mental development."⁴² Child labor needs to be distinguished by child work which is allowed by Philippine laws under certain conditions. The ILO description as to what constitutes child labor and child work may be helpful in this regard:⁴³

Child Labor	Child Work
<ul style="list-style-type: none"> • Work burdens the child: too heavy for child's age and capabilities • Child works unsupervised or supervised by abusive adults • Very long hours of work • Workplace poses hazards to child's health and life • Child is subjected to psychological, verbal, or physical/sexual abuse • Child is forced to work • Limited or no positive rewards for the child • Child's work has no social security and benefits • Child's work is used for exploitative and illegal operations 	<ul style="list-style-type: none"> • Work is appropriate to child's age and capabilities • Supervised by responsible and caring adults • Limited hours of work • Workplace is kept safe and child-friendly • Child's physical, emotional, and mental well-being are nourished even in work environment • Child works voluntarily to participate in the family responsibility of maintaining the household • Child is justly compensated • Child's work is regulated by law • Child's work serves as a vehicle for social advancement and improvement in the child's quality of life

CRBP Principle No. 2 makes it imperative for businesses not to employ children under child-labor like conditions and to "establish robust age-verification mechanisms as part of recruitment processes and ensure that these mechanisms are also used in the [value chain]."⁴⁴ It further becomes necessary under this principle to prevent or lessen the prospects of harm caused by work to young workers as well as to avoid subjecting them to work that they are prohibited from engaging in, or work that exceeds their physical and psychological capacity.⁴⁵ Corporate action following this principle would involve cooperation with other groups including government

41 Save the Children, "How to Use the Children's Rights and Business Principles: A Guide for Civil Society Organizations", (2014): 35.

42 "What is Child Labour?", International Labor Organization, accessed 21 April 2020, <https://www.ilo.org/ipec/facts/lang--en/index.htm>.

43 "Child Labour in the Philippines", International Labor Organization, accessed April 21, 2020, <https://www.ilo.org/manila/areasofwork/child-labour/lang--en/index.htm>.

44 UNICEF et al, "The Children's Rights and Business Principles", (UNICEF, ChildFund, Save the Children: 2012), <https://resourcecentre.savethechildren.net/node/5717/pdf/5717.pdf>.

45 Ibid.

and other stakeholders for the promotion of education and sustainable means of addressing problems at the root of child labor.⁴⁶

Principle No. 3 Provide decent work for young workers, parents and caregivers

- ✓ Ensure that conditions are safe and that children are protected from abuse and exploitation.
- ✓ Commit to promoting decent, age-appropriate work-related opportunities for children.⁴⁷

Decent work refers to “opportunities for work that are productive and delivers a fair income.”⁴⁸ Furthermore, it requires security and protection of the rights of families, including the personal development of the worker, as well as mechanisms for social dialogue.⁴⁹ Workers should be able to express their concerns and grievances in decisions that may affect them.⁵⁰ This includes young workers who should be treated equally and given similar, if not same, opportunities.⁵¹ CRBP defines young workers as children who are “above the minimum legal working age and engaged in economic activity.”⁵² It is an age group where children may be considered as engaged as child labor “if the work or working conditions are hazardous.”⁵³

Implementing Principle No. 3 entails the recognition of the rights of children above the minimum age for work, the advancement of social dialogue and rights at work, the assurance of safety in the work environment, prevention of abuse and exploitation, and access to water, sanitation and hygiene facilities, which take into account the differences in needs between men and women, among others.⁵⁴ The measures businesses take should be responsive to the vulnerability of young workers above the minimum age for work.⁵⁵ In connection to this, human resource development may play a significant role in promoting decent work opportunities for young workers as well as “age-appropriate social protection and health information and services.”⁵⁶ Further, this principle requires that more attention be given to labor standards, regarding the conditions of work, including “the payment of a living wage, length and flexibility of working hours, provisions for pregnant and breastfeeding women, need for parental leave, as well as support for migrant and seasonal workers” in connection to their relationship with their children left in the country as they seek work abroad, including provision of access to good quality childcare, health care and education for the said children.⁵⁷

46 *Ibid.*

47 Save the Children, “How to Use the Children’s Rights and Business Principles: A Guide for Civil Society Organizations”, (2014): 39.

48 “Decent Work”, International Labour Organization, accessed 21 April 2020, <https://www.ilo.org/global/topics/decent-work/lang--en/index.htm>.

49 *Ibid.*

50 *Ibid.*

51 *Ibid.*

52 UNICEF et al, “The Children’s Rights and Business Principles”, (UNICEF, ChildFund, Save the Children: 2012), 9, <https://resourcecentre.savethechildren.net/node/5717/pdf/5717.pdf>.

53 *Ibid.*

54 *Ibid.*, 20-21

55 *Ibid.*, 20.

56 *Ibid.*

57 UNICEF et al, “The Children’s Rights and Business Principles”, (UNICEF, ChildFund, Save the Children: 2012), 21, <https://resourcecentre.savethechildren.net/node/5717/pdf/5717.pdf>.

Principle No. 4**Ensure the protection and safety of children in all business activities and facilities.**

- ✓ Address potential and actual risks to children's safety and ensure that children remain protected from violence, exploitation and similar rights violations.
- ✓ Commit to developing and applying child protection codes of conduct to corporate operations, products, services and relationships.⁵⁸

Certain business activities pose risks to the safety of children in the work environment, as well as cause or contribute to violations of their rights in the course of operations. Principle No. 4 calls upon businesses to take measures in relation to these risks and to further ensure that business operations or premises do not become means for exploitation or abuse.⁵⁹

The corporate responsibility to respect children's rights includes ensuring that "company facilities are not used to abuse, exploit or harm children" and that "potentially dangerous areas of company facilities do not pose a safety threat to children, during or outside business hours."⁶⁰ It also covers the education and training of personnel and a zero tolerance policy for violence, exploitation and abuse in all business activities, as well as taking appropriate action when concerns of possible violence, exploitation or abuse arise.⁶¹

This principle calls on businesses to implement child-protection codes of conduct for business operations and ensure awareness and training relative thereto.⁶² Similarly, it further entails business to recommend the development of child-protection codes of conduct to other entities linked to the business's operations, products or services.⁶³

58 Save the Children, "How to Use the Children's Rights and Business Principles: A Guide for Civil Society Organizations", (2014): 43.

59 UNICEF et al, "The Children's Rights and Business Principles", (UNICEF, ChildFund, Save the Children: 2012), 22-23, <https://resourcecentre.savethechildren.net/node/5717/pdf/5717.pdf>.

60 *Ibid.* 22.

61 *Ibid.*

62 *Ibid.*

63 *Ibid.*

Chapter 3

THE PHILIPPINE CONTEXT: LAWS, POLICIES, AND PROGRAMS

The Philippines has ratified almost all key international instruments in relation to children and young people in the workplace, including the UNCRC, ILO Convention No. 138 or the Minimum Age Convention of 1973, and ILO Convention No. 182 or the Convention on Worst Forms of Child Labour Convention of 1999. Ratification of these international instruments obligates the Philippine government to incorporate these international principles into domestic law for implementation.

In relation to our domestic labour laws, the tenets of UNCRC and ILO Conventions are also reflected in our 1987 Constitution which recognizes the integral role of the youth in contributing to nation building. Article II, Section 13 of the Constitution provides:

SECTION 13. *The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs.⁶⁴*

As a matter of State policy, the Philippines declares that “the child is one of the most important assets of the nation [and that] every effort should be exerted to promote the welfare of children and enhance [their] opportunities for a useful and happy life.”⁶⁵ Accordingly, every child’s right “to protection against exploitation, improper influences, hazards, and other conditions or circumstances prejudicial to his physical, mental, emotional, social and moral development” is recognized.⁶⁶

Child Labor

Presidential Decree No. 442 (PD No. 442) or the “Labor Code of the Philippines” sets the minimum employable age and provides general guidelines covering the employment of children.⁶⁷ Article 137 fixes the minimum employable age at fifteen (15) years old and provides the minimum requirements for and limitations on their employment, to wit:

Art. 137. Minimum employable age.

- a. *No child below fifteen (15) years of age shall be employed, except when he works directly under the sole responsibility of his parents or guardian, and his employment does not in any way interfere with his schooling.*
- b. *Any person between fifteen (15) and eighteen (18) years of age may be employed for such number of hours and such periods of the day as determined by the Secretary of Labor and Employment in appropriate regulations.*
- c. *The foregoing provisions shall in no case allow the employment of a person below eighteen (18) years of age in an undertaking, which is hazardous or deleterious in nature as determined by the Secretary of Labor and Employment.*⁶⁸

64 Phil. Const. art. II, § 13 (1987).

65 The Child and Youth Welfare Code [Child and Youth Welfare Code], Presidential Decree No. 603, art. 1 (1974).

66 *Ibid.* art. 3.

67 A Decree Instituting a Labor Code Thereby Revising and Consolidating Labor and Social Laws to Afford Protection to Labor, Promote Employment and Human Resources Development and Insure Industrial Peace Based on Social Justice [Labor Code], Presidential Decree No. 442 (1974) (as amended).

68 *Ibid.* art. 137.

Specifically, the Omnibus Rules Implementing the Labor Code provides that any person, regardless of sex, between ages fifteen (15) and eighteen (18) may be employed in any non-hazardous work.⁶⁹ The law defines non-hazardous work or undertaking as any work or activity in which the employee is not exposed to any risk, which constitutes an imminent danger to his safety and health.⁷⁰ Pursuant to its mandate under PD No. 442, the DOLE issued Department Order (DO) No. 149 series of 2016, amended by DO No. 149-A s. 2017, governing the assessment and determination of hazardous work in the employment of persons below eighteen (18).⁷¹ It enumerates the different work and activities declared hazardous for persons below eighteen (18) years of age as follows:

SECTION 2. Policy. Pursuant to Republic Act No. 9231, the employment of a person below 18 years of age is prohibited in any work, which by its nature or the circumstances in which it is carried out, is hazardous or likely to be harmful to the health, safety or morals of children, such that it:

- a. *Debases, degrades or demeans the intrinsic worth and dignity of a child as a human being;*
- b. *Expose the child to physical, emotional or sexual abuse, or is found to be highly stressful psychologically or may prejudice morals;*
- c. *Is performed underground, underwater or at dangerous heights*
- d. *Involves the use of dangerous machinery, equipment and tools, such as power-driven or explosive power-actuated tools;*
- e. *Expose the child to physical danger such as, but not limited to the dangerous feats of balancing, physical strength or contortion, or which requires the manual transport of heavy loads;*
- f. *Is performed in an unhealthy environment exposing the child to hazardous working conditions, elements, substances, co-agents or processes involving ionizing, radiation, fire, flammable substances, noxious components and the like or to extreme temperatures, noise levels, or vibrations;*
- g. *Is performed under particularly difficult conditions;*
- h. *Expose the child to biological agents such as bacteria, fungi, viruses, protozoans, nematodes, and other parasites; or*
- i. *Involves the manufacture or handling of explosives and other pyrotechnic products.⁷²*

To ensure compliance with these standards, DOLE issued DO No. 183 in 2017 reiterating the need to prioritize establishments and workplaces that employ children in the conduct of routine inspections.⁷³ In 2018, the DOLE issued Administrative Order (AO) No. 142–18, or “Guidelines on the Profiling of Child Laborers and Provision of Service to Remove Them from Child Labor”, to harmonize the process of removing children from child labor, referring them to the appropriate agency, and assisting them with all necessary services and intervention mechanisms.⁷⁴ A Task Force Against Illegal Recruitment, Recruitment of Minor Workers, and Trafficking in Persons was also created by virtue of DOLE AO No. 551, to allow the DOLE to have a more focused, concerted,

69 Department of Labor and Employment, Omnibus Rules to Implement the Labor Code, Presidential Decree No. 442, Book III, Rule XII, §2 (1989).

70 *Ibid*, §3.

71 Department of Labor and Employment, Department Order No. 149 (s. 2016) [DO No. 149] (Feb. 15, 2016); Department of Labor and Employment, Department Order No. 149-A (s. 2017) [DO No. 149-A] (Jan. 16, 2017).

72 Department of Labor and Employment, Department Order No. 149, §2 (s.2016), (February 15, 2016).

73 Department of Labor and Employment, Revised Rules on the Administration and Enforcement of Labor Laws Pursuant to Article 128 of the Labor Code, as Renumbered, Department Order No. 183 (s. 2017) [DO No. 183] (Oct. 3, 2017).

74 Department of Labor and Employment, Guidelines on the Profiling of Child Laborers and Provision of Services to Remove Them from Child Labor, Administrative Order No. 142-18 [AO No. 142-18] (Mar. 28, 2018).

coordinated, and effective program of action to help eliminate illegal recruitment, recruitment of minor workers, and trafficking in persons.⁷⁵

One of the four core principles of the UNCRC is the best interest of the child.

As stated in Section 2 of RA 7610, the best interests of children shall be the "paramount consideration in all actions concerning them, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities, and legislative bodies"

RA 7610 - Special Protection of Children Against Abuse, Exploitation and Discrimination Act

The State's policy of safeguarding children against situations of child labor is further enunciated in a number of legislations. Republic Act (RA) No. 7610, as amended by Republic Act No. 7658⁷⁶, is an all-encompassing law that provides special protection to children from all forms of abuse, neglect, cruelty, exploitation and discrimination, and other conditions prejudicial to their development including child labor and its worst forms.⁷⁷ It specifically states that the best interests of children shall be the "paramount consideration in all actions concerning them, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities, and legislative bodies."⁷⁸

RA No. 9231 strengthens protection for working children by defining the various conditions for children's employment including allowable hours of work of a working child and access to education or training of working children. The law further includes a prohibition against worst forms of child labor and the employment of children in certain advertisements.⁷⁹

Specifically, RA No. 9231 prohibits the employment of children below fifteen (15) years of age except in the following instances:⁸⁰

1. When a child works directly under the sole responsibility of his/her parents or legal guardian and where only members of his/her family are employed: Provided, however, That his/her employment neither endangers his/her life, safety, health, and morals, nor impairs his/her normal development: Provided, further, That the parent or legal guardian shall provide the said child with the prescribed primary and/or secondary education; or
2. Where a child's employment or participation in public entertainment or information through cinema, theater, radio, television or other forms of media is essential: Provided, That the employment contract is concluded by the child's parents or legal guardian, with the express agreement of the child concerned, if possible, and the approval of the Department of Labor and Employment: Provided, further, That the following requirements in all instances are strictly complied with:
 - a. The employer shall ensure the protection, health, safety, morals and normal development of the child;

75 "Findings on the Worst Forms of Child Labor", Bureau of International Labor Affairs, accessed 21 April 2020 https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2018/Philippines.pdf.

76 An Act Prohibiting The Employment Of Children Below 15 Years Of Age In Public And Private Undertakings, Amending For Its Purpose Section 12, Article VIII Of R.A. 7610, Republic Act No. 7658 (1994).

77 An Act Providing For Stronger Deterrence And Special Protection Against Child Abuse, Exploitation And Discrimination, And For Other Purposes [Special Protection of Children Against Abuse, Exploitation and Discrimination Act], Republic Act No. 7610, as amended, §2 (1992).

78 *Ibid*, §2.

79 An Act Providing for the Elimination of the Worst Forms of Child Labor and Affording Stronger Protection for the Working Child, Amending for this purpose, Republic Act No. 7610, as Amended, Otherwise known as the "Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act", Republic Act No. 9231, (2003).

80 *Ibid*, §2.

- b. The employer shall institute measures to prevent the child's exploitation or discrimination taking into account the system and level of remuneration, and the duration and arrangement of working time; and
- c. The employer shall formulate and implement, subject to the approval and supervision of competent authorities, a continuing program for training and skills acquisition of the child.

In exceptional cases where a child may be employed, the employer shall first secure, before engaging such child, a work permit from the DOLE, which shall ensure observance of the above requirements.⁸¹ RA No. 9231 also provides for protection for those covered by the aforementioned exceptions, specifically that:

1. A child below fifteen (15) years of age may be allowed to work for not more than twenty (20) hours a week: Provided, That the work shall not be more than four (4) hours at any given day;
2. A child fifteen (15) years of age but below eighteen (18) shall not be allowed to work for more than eight (8) hours a day, and in no case beyond forty (40) hours a week; and
3. No child below fifteen (15) years of age shall be allowed to work between eight o'clock in the evening and six o'clock in the morning of the following day and no child fifteen (15) years of age but below eighteen (18) shall be allowed to work between ten o'clock in the evening and six o'clock in the morning of the following day.⁸²

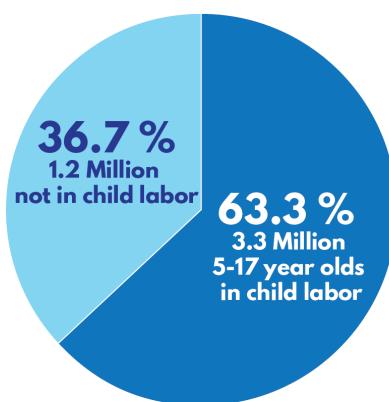


Figure 1: Children in child labor, 2011 Survey on Children 5 to 17 Years Old

To further respond to the evolving issue of child labor, RA No. 10361 or the Domestic Workers Act was passed in 2012 prohibiting the employment of children below the age of fifteen (15) years as domestic workers.⁸³ A Protocol on the Rescue and Rehabilitation of Abused Kasambahay was also issued in 2015 to guide agencies in conducting immediate rescue and rehabilitation of abused or exploited kasambahay, or domestic workers, including child domestic workers.⁸⁴

Despite the enactment of these laws however, studies show that effectively addressing the situation of child labor remains challenging. The most recent nationwide survey on working children showed that a total of 2.1 million out of 3.3 million or 63.3% of working children in the country, ages five (5) to seventeen (17) years old, are engaged in child labor.⁸⁵ More than half of these children fall within the 15 to 17 years old age group and are part of the labor force population, while more than half of the working children engaged in

⁸¹ An Act Providing for the Elimination of the Worst Forms of Child Labor and Affording Stronger Protection for the Working Child, Amending for this purpose, Republic Act No. 7610, as Amended, Otherwise known as the "Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act", Republic Act No. 9231, (2003), §2.

⁸² *Ibid*, §3.

⁸³ An Act Instituting Policies for the Protection and Welfare of Domestic Workers [Domestic Workers Act], Republic Act No. 10361, §15 & §16 (2013).

⁸⁴ "More cohesive rescue, rehabilitation of abused Kasambahay now guaranteed under new inter-agency agreement — Baldoz", Department of Labor and Employment, accessed 21 April 2020 <https://www.dole.gov.ph/news/more-cohesive-rescue-rehabilitation-of-abused-kasambahay-now-guaranteed-under-new-inter-agency-agreement-baldoz/>.

⁸⁵ Philippine National Statistics Office & International Labor Organization, 2011 Survey on Children 5 to 17 Years Old, 8 (2011).

child labor (58.4%) were in the agriculture sector.⁸⁶

Across regions, Central Luzon (10.5%) and Bicol Region (10.4%) had the largest share of the country's child labor population.⁸⁷ Northern Mindanao (8.5%), CALABARZON (8.3%) and Western Visayas (8.2%) also had substantial rates of child labor where the highest proportions of female child laborers were reported—ranging from 8.6% to 10.2% of the total female children engaged in child labor.⁸⁸

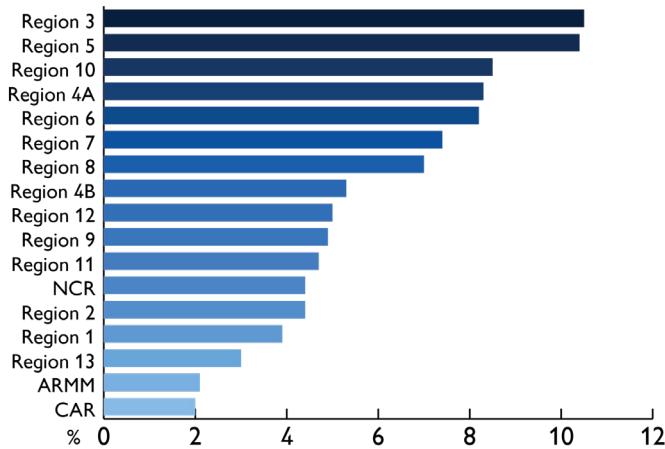


Figure 2: Children in child labor by region, 2011
Survey on Children 5 to 17 Years Old

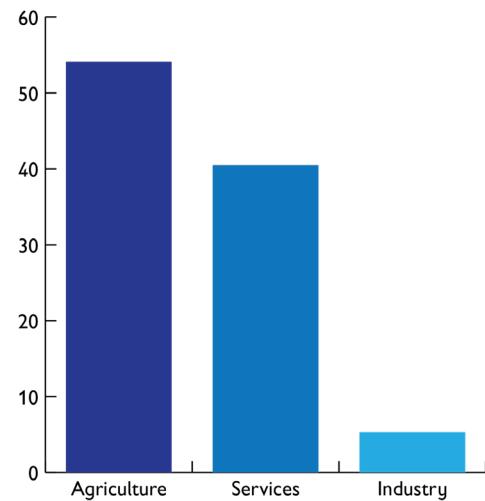


Figure 3: Top Sector in which children work,
2016 USDOL study

A 2016 study by the United States Department of Labor (USDOL) shows that at 54.1%, agriculture remains top sector where children work, followed by services at 40.5%, and then industry at 5.3%.⁸⁹ Child labor occurs in the following areas: bananas, coconuts, corn, fashion accessories, fish, gold, hogs, pornography, pyrotechnics, rice, rubber, sugarcane and in tobacco.⁹⁰ Children also perform dangerous work in agriculture and gold mining, and are exploited in the illicit drug industry.⁹¹

Meanwhile, the 2015 ILO Country Report, citing the 2011 Survey on Child Labor in the Philippines, maintained that “child labour rises sharply with age, from 16 percent of 15-year-olds to 25% of 17-year-olds, as the 15-17 years age range coincides with the period in which the transition from school to work begins to accelerate. The child labour population in this age group is male-dominated – 27% of male 15-17 year-olds are in child labour against only 14% of same-aged females.”⁹² The study made an assessment that the data showing a higher rate of boys entering the labour market, as compared to girls, implied that relatively more girls take up domestic responsibilities in their own homes.⁹³

86 *Ibid.* 57.

87 *Ibid.* 56.

88 *Ibid.*

89 “Findings on the Worst Forms of Child Labor”, Bureau of International Labor Affairs, accessed 21 April 2020 https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2018/Philippines.pdf.

90 *Ibid.* 2.

91 *Ibid.*

92 “Understanding Child Labour and Youth Employment Outcomes in the Philippines (Country Report)” International Labour Organization, at 5, accessed 21 April 2020, https://www.ilo.org/wcmsp5/groups/public/-asia/-ro-bangkok/-ilo-manila/documents/publication/wcms_447853.pdf.

93 *Ibid.*

Other Related Issuances⁹⁴

<p>Department Order No. 159 Series of 2016 (Guidelines for the Employment of Migratory Sugarcane Workers)</p>	<p>Issued on 22 June 2016; prescribes standards to be followed in hiring migratory sugarcane workers. The Guidelines provide, among others, the requirements for the issuance of authority to hire before employers and/or contractors may be allowed to hire and/or transport these workers. It includes a provision on prohibition against child labor.</p>
<p>Department Order No. 156 Series of 2016 (Rules and Regulations Governing the Working and Living Conditions of Fishers on Board Fishing Vessels Engaged in Commercial Fishing Operation)</p>	<p>Issued on 25 May 2016; provides that fishing vessel owners engaged in child labor and forced labor shall be penalized pursuant to appropriate provisions of the Revised Penal Code, Republic Act No. 7610, Republic Act No. 7658, Republic Act No. 9208, Republic Act No. 9231 and Republic Act No. 10364.</p>
<p>Department Order No. 141 Series of 2014 (Revised Rules and Regulations Governing Recruitment and Placement for Local Employment)</p>	<p>Issued on 20 November 2014; classified recruitment and placement of workers in violation of anti-child labor laws as a serious offense with an imposable penalty of cancellation of license/authority to recruit of private employment agencies.</p>
<p>Department Circular No. 2 Series of 2012 (Adopting the Manual of Procedures in Handling Complaints on Trafficking in Persons, Illegal Recruitment and Child Labor)</p>	<p>Issued on 10 May 2012; serves as the standard operating procedure to be used by the DOLE Regional/Field Offices in implementing the relevant provisions of the Labor Code, Republic Act No. 9231, Republic Act No. 9208, Republic Act No. 10002 and other related laws to achieve an organized and effective management of cases on trafficking in persons, illegal recruitment and child labor.</p>
<p>Department Order No. 173 Series of 2017 (Revised Guidelines in the Implementation of the Department of Labor and Employment Integrated Livelihood and Emergency Employment Programs)</p>	<p>Issued on 13 February 2017; provides that beneficiaries of livelihood programs of the DOLE should not allow their children to be engaged in child labor.</p>
<p>Department Circular No. 2 Series of 2018 (Guidelines on the Issuance of Work Permit for Children below 15 years of Age Engaged in Public Entertainment or Information.)</p>	<p>Issued on 21 March 2018; provides for the guidelines on the issuance of employment permit for children below 15 years old, amending the previous Department Circular No. 2 Series of 2017.</p>

Philippine Labor Standards and Social Legislation

The Philippines has incorporated in its national laws the fundamental principles and rights at work, as well as a wide range of general labor standards, occupational, safety and health standards, social security and protection, including a well-developed regulatory system for overseas migrant workers.⁹⁵ It is the State's declared policy

94 "Laws on Child and Young Workers" Department of Labor and Employment, accessed 21 April 2020, <https://www.bwsc.dole.gov.ph/policy-issuances/compilationoflaws/233-laws-on-child-and-young-workers.html>.

95 International Labour Organization, "Decent Work Country Diagnostics: Philippines 2017" (2017): 3-4.

to “protect labor, promote full employment, provide equal work opportunity regardless of gender, race, or creed; and regulate employee-employer relations.”⁹⁶ This entails equal work opportunities for all as well as equal compensation for work of equal value and equal access to promotion and training opportunities without distinction or discrimination as to gender.

Consistent with the constitutional mandate to safeguard the worker’s social and economic well-being as well as his physical safety and health, the Occupational Safety and Health Standards law was adopted in 1978.⁹⁷ This landmark Philippine labor and social legislation has been enhanced by RA No. 11058 entitled “An Act Strengthening Compliance with Occupational Safety and Health Standards and Providing Penalties for Violations thereof,” which was signed into law on August, 17 2018.⁹⁸ The law requires all employers to provide complete safe work procedures, provide adequate personal protective gears and give employees access to mandatory occupational safety hazards trainings. In addition, by virtue of Presidential Decree No. 626, an Employees’ Compensation Program was created to provide a tax-exempt compensation program for employees and their dependents that provides for medical, disability, rehabilitation, death and funeral and pension benefits.⁹⁹ Furthermore, the Child and Youth Welfare Code mandates close collaboration between management and labor in the observance of the conditions of employment required by law for working children.¹⁰⁰

The Anti-Age Discrimination in Employment Act enacted in 2016 declared it as a State policy “to promote employment of individuals on the basis of their abilities, knowledge, skills and qualifications rather than their age; prohibit arbitrary age limitations in employment and; promote the right of all employees and workers, regardless of age, to be treated equally in terms of compensation, benefits, promotion, training and other employment opportunities.”¹⁰¹ It prohibits discrimination on account of age and identifies acts that shall be unlawful including denying employment or opportunities for training, and denying membership in labor organizations because of age.¹⁰² This is consistent with a child’s right to participation¹⁰³ and right to freedom of association¹⁰⁴ guaranteed by the UNCRC. As explained by the UN Committee on the Rights of the Child in its General Comment No. 12, working children have a right to be protected by law against exploitation and should be heard when worksites and conditions of work are examined by inspectors investigating the implementation of labour laws.¹⁰⁵ In fact, the right of working children to organize has been recognized since 1974 with the enactment of the Presidential Decree 603, otherwise known as the Child and Youth Welfare Code. It expressly provides working children the

96 A Decree Instituting a Labor Code Thereby Revising and Consolidating Labor and Social Laws to Afford Protection to Labor, Promote Employment and Human Resources Development and Insure Industrial Peace Based on Social Justice [Labor Code], Presidential Decree No. 442, art. 3 (1974).

97 “Occupational Safety and Health Standards”, Department of Labor and Employment, accessed 21 April 2020, <http://bwc.dole.gov.ph/index.php/forms?layout=edit&id=53>.

98 An Act Strengthening Compliance with Occupational Safety and Health Standards and Providing Penalties for Violations thereof, Republic Act No. 11058 (2018).

99 Further Amending Certain Articles of Presidential Decree No. 442 Entitled “Labor Code of the Philippines,” Presidential Decree No. 626 (1975).

100 The Child and Youth Welfare Code, Presidential Decree 603, Article 112 (1974).

101 An Act Prohibiting Discrimination Against Any Individual In Employment On Account Of Age And Providing Penalties Therefor [Anti-Age Discrimination in Employment Act], §2 (2016).

102 *Ibid*, §5.

103 “Convention on the Rights of the Child”. Adopted and opened for signature, ratification and accession November 20, 1989, entered into force September 2, 1990: Article 12, United Nations. Accessed 6 June 2020, <https://www.ohchr.org/Documents/ProfessionalInterest/crc.pdf>.

104 “Convention on the Rights of the Child”. Adopted and opened for signature, ratification and accession November 20, 1989, entered into force September 2, 1990: Article 15, United Nations. Accessed 6 June 2020, <https://www.ohchr.org/Documents/ProfessionalInterest/crc.pdf>.

105 UN Committee on the Rights of the Child, “General Comment No. 12: The Right of the Child to be Heard”, CRC/C/GC/12,(July 20, 2009).

same freedoms as adults to join the collective bargaining union of their own choosing, and prohibits management and labor union to threaten or coerce any working child to either join or withdraw as members of a union.¹⁰⁶

In addition, laws enhancing the benefits enjoyed by Filipino workers such as maternal leaves, paternal leaves, solo parent leaves and breastfeeding facilities were recently passed by Congress. These pieces of legislation are not only enacted to comply with the labor standards mandated by international law and the Constitution but they are aimed at further improving the quality of life of Filipino workers.

Other Related Laws

RA 8972 or the Solo Parents' Welfare Act of 2000. ¹⁰⁷	This establishes particular benefits and privileges for solo parents and their children which includes special work arrangements, housing benefits and medical assistance among others.
RA No. 10028 or the Expanded Breastfeeding Promotion Act of 2009 ¹⁰⁸	This law provides women, especially those who are in the workforce, safe and healthful working conditions whereby they may still fulfil their maternal role through productive facilities suitable for them. It also adopts the national policy to encourage, protect and support breastfeeding as a healthful practice in our country.
RA 11148, or the "Kalusugan at Nutrisyon ng Mag-Nanay Act." ¹⁰⁹	It gives priority to the health and welfare of adolescent females, pregnant and lactating women and their children by instituting programs which will address malnutrition in our country.
RA 11210 or the Expanded Maternity Leave Act. ¹¹⁰	This law grants women one hundred and five (105) days of maternity leave with pay with additional option to extend for thirty (30) days without pay or fifteen (15) days with pay for solo parents. This covers all women in the public and private sectors, including those belonging to the informal sector without discrimination as to the civil status of the mother or legitimacy of the child.
RA 11261 or the "First Time Job Seekers Assistance Act." ¹¹¹	This gives assistance for first time job seekers by waiving all fees and charges for certain governmental transactions and documentation needed in seeking employment.

106 The Child and Youth Welfare Code, Presidential Decree 603, Article 111 (1974).

107 An Act Providing for Benefits and Privileges to Solo Parents and their Children, Appropriating Funds therefor and Other Purposes [Solo Parents Welfare Act of 2000], Republic Act No. 8972, (2000).

108 An Act Expanding The Promotion Of Breastfeeding Amending For The Purpose Republic Act No. 7600, Otherwise Known As 'An Act Providing Incentives To All Government And Private Health Institutions With Rooming-In And Breastfeeding Practices And For Other Purposes requires [Expanded Breastfeeding Promotion Act of 2009], Republic Act No. 10028, (2010).

109 An Act Scaling Up the National and Local Health and Nutrition Programs Through a Strengthened Integrated Strategy , for Maternal, Neonatal, Child health and Nutrition in the First 1000 days of Life, Appropriating Funds therefore and for Other Purposes [Kalusugan at Nutrition ng Mag-Nanay Act], Republic act No 11148, (2018).

110 An Act Increasing the Maternity Leave Period to One Hundred Five (105) Days for Female Workers with the Option to Extend for an Additional thirty (30) days Without Pay, and Granting an Additional Fifteen (15) days for Solo Mothers, and for Other Purposes [105-day Expanded Maternity Act], Republic Act 11210, (2019).

111 An Act Waiving Government Fees and Charges in the Issuance of Documents Required in Application for Employment of First Time Jobseekers [First Time Jobseekers Assistance Act], Republic Act No. 11261, (2019).

Chapter 4

THROUGH A CHILD'S LENS: CRBP IN THE WORKPLACE

A Child's Lens of CRBP in the Workplace

Child participation, a right guaranteed by the UNCRC, was purposely integrated in the process of completing this study to ensure that the opinions and views of children as primary stakeholders are taken into account. Specifically, Article 12 of the UNCRC states:

Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.¹¹²

Accordingly, this Situational Analysis is shaped by the views of children who were consulted as primary stakeholders. This section will present the views and insights of the children and young persons who participated in the consultation series of the Situational Analysis and during the Children's Conference.¹¹³ Recommendations from the child participants are also highlighted in this section.



Left to right photo: Luzon Children's Consultation, Nuvali, Laguna; and Visayas Children's Consultation, Tacloban City



Left to right photo: Mindanao Children's Consultation, Davao City; and Children's Conference, Alabang, Muntinlupa City

112 "Convention on the Rights of the Child". Adopted and opened for signature, ratification and accession November 20, 1989, entered into force September 2, 1990, United Nations. Accessed 15 April 2020, <https://www.ohchr.org/Documents/ProfessionalInterest/crc.pdf>.

113 Responses of participants in Children's Conference: Why investing in Children is Good for Business in Alabang, Muntinlupa City (November 12, 2019).

Principle 2:Addressing Child Labor

Monitoring of activities considered as child labor is possible through strict policies and compliance of business organizations. However, this is not the case in the informal sector where most cases of child labor are present. For instance, a child participant observed that it is common to see household helpers and construction workers who are below 18 years old.¹¹⁴ Parents and work supervisors, i.e. hacienderos in farms, allow children to work as long they see them fit and able, regardless of the law prohibiting children to do hazardous work. This is especially the case in the informal work sector, which is not monitored and regulated by law. This sector does away with the requirement of a birth certificate and other documents for identification as long as the child is working with his parent, or looks like an adult.¹¹⁵ The children recommended that there should be regular house and school visits to ensure that children are not engaged in child labor and that they are receiving benefits and assistance from the government. Small businesses should be awarded a certification or business permit only if they pass inspection and monitoring for purposes of ensuring that child labor is not employed.



In the photo: A child participant shared his own experience when he used to work in the construction site and gets paid 350 PHP per day. He wasn't asked to submit a biodata and other personal details.

Most of the child participants remain confused about what work is considered as child labor. Parents and guardians also had difficulty in differentiating what form of work is acceptable and what is not. The lack of access to education and decent work and the need to financially support the family result in situations where parents and guardians are forced to send their children to work.¹¹⁶ In several cases, children engage in work that is readily available to help sustain their family, without any regard to whether it is allowable child work or not. There is also little to no knowledge on the process of reporting cases of child labor if a child deems oneself or his or her peers engaged in such.

Involving children and their families in awareness-raising programs on child labor policies allows for a discussion on the root causes of child labor in their community. It also opens up opportunities to develop long-term solutions to address it. The children suggested conducting more awareness-raising programs on child labor and training and education programs for children, parents, schools, businesses and government employees. According to them, the government should offer more employment opportunities as poverty is one of the main reasons why children are forced to work. They also pointed out how important it is for children like them to be able to study so that they may improve their condition in life. As was shared by some of the participants during the consultations,

A Child's Story

A 15 year old participant shared his experience as a child labor worker. For each bundle of sugarcane that they gather, they earn 2.00 PHP only. In a day, they earn 400-600 PHP. They get wounded from using itak or bolo. He is now studying as a grade 6 student. He said that if he weren't rescued and became a SHIELD beneficiary, he wouldn't be able to continue his studies.

¹¹⁴ Interview with a participant of the Children's Conference: Why investing in Children is Good for Business in Alabang, Muntinlupa City (November 12, 2019).

¹¹⁵ Interview with stakeholders during the CRBP Consultation in Tacloban City (September 2019).

¹¹⁶ Ibid.

they were able to continue their education and stay in school only after they have been rescued as beneficiaries of the SHEILD program of DOLE.¹¹⁷

While the need to address poverty and provide more access to decent work as long-term solutions to address child labor remains vital, providing safer avenues and opportunities for children to continue helping their families will prevent them from doing illegal and hazardous work.

Principle 3: Decent Work for Young Workers

Businesses can provide opportunities for child participation in the development of child protection policies and codes of conduct and in improving their programs for youth employment.

During the consultations, most of the concerns raised by children were on issues related to the K-12 curriculum and transition programs for youth employment. For them, the job mismatch issue starts with the unavailability of the track that students want to take based on their preference and skills mainly because the only school in their area does not offer it. It was suggested for the government ensure that senior high school (SHS) students have access to strands that would be aligned with their career choice to avoid job mismatch.¹¹⁸ Aside from gaining actual work experience related to the student's strand, it is also suggested that raising awareness on worker's rights should begin at the school level.¹¹⁹



In the photo: “We don’t have any choice but to give up our dreams,” one of the participants shared during the Children’s Conference last November 12, 2019 regarding the unavailability of tracks in rural areas.

Based on their experience, the children recommended that businesses should develop and include feedback mechanisms on internship programs to ensure that companies and schools will be able to monitor the progress of their students. It should also be able to monitor how children are protected from violations of labor standards and regulations in accordance with child protection policy and CRBP, provide uniform transition programs from SHS to college and SHS to employment, and make available employment careers for strands or tracks in locales where students will spend their immersions.

According to the child participants, joining the Special Program for Employment of Students (SPES) and the Government Internship Program (GIP) helped them prepare for their entry into the workforce, having acquired

117 Interview with stakeholders during the CRBP Consultation in Tacloban City (September 2019).

118 Interview with a participant of the Children’s Conference: Why investing in Children is Good for Business in Alabang, Muntinlupa City (November 12, 2019).

119 Interview with stakeholders during the Children’s Consultation in Laguna (August 2019).

skills that will make them more employable.¹²⁰ It was also observed, however, that not all adolescents have access to or are given equal opportunity to be part of these programs.

Making training programs available for newly hired young workers will likewise help ensure their transition from the academic setting to the workforce. This would give young workers an avenue to directly raise their concerns and monitor whether their concerns would reach the right person authorized to address them. The issue on how K-12 graduates will continue onwards to the tertiary level was also raised, especially by students who opt to work before obtaining their college degrees. It was also suggested for government to conduct more job fairs for the youth to help them find decent employment.

Principle 4: Child Protection and Child Safety in the Workplace

For interns and young workers, safety measures in the workplace and social benefits remain unclear. The participants stressed that children should not be made to work in unsafe spaces – including infrastructures that are substandard and not secure. This includes making sure that appropriate personal protective equipment (PPEs) are provided, when necessary. One child participant also raised the concern for the lack of protection for children who are forced to work in the informal sector due to poverty, lack of education, and access to basic documents such as a birth certificate.¹²¹ It was also observed that the rules imposed at work for interns and young workers are violated by the employees and long-time staff themselves, defeating the purpose of the rules and regulation orientation.¹²² It was suggested that businesses must strengthen their rules and regulations in accordance with the child protection policy and CRBP. This will ensure that children's welfare is protected and that they are not exposed to harmful working conditions such as working overtime.¹²³



In the photo: A child participant shared his experience in work immersion wherein a safety orientation is conducted at the start of the immersion. They are also given personal protective equipment such as goggles and gloves.

Grievance mechanisms and protection policies must also emphasize other forms of violation of rights aside from grave abuse and exploitation. Allowing young workers to join or even participate in meetings of labor unions and organizations permit them to be part of the discussion of matters related to their labor rights. In addition, conducting awareness-raising activities, information dissemination, and capacity-building programs on children's rights, child abuse and exploitation, sexual harassment, work safety, health standards, and other related laws will help children and their parents and guardians understand the rights of children and how these rights can be protected. The children likewise recommended consolidating and putting up a database of establishments that violate children's rights which must be monitored and regularly updated by the government.

120 Interview with stakeholders during the Children's Consultation in Davao (October 2019)

121 Interview with stakeholders during the Children's Consultation in Davao (October 2019).

122 Interview with stakeholders during the Children's Consultation in Davao (October 2019).

123 Interview with a participant of the Children's Conference: Why investing in Children is Good for Business in Alabang, Muntinlupa City (November 12, 2019).

Summary of Children's Insights



In the photo: Children participated in a workshop during the Children's Conference last 12 November 2019.

Children who were employed in hazardous labor conditions shared that they were driven to work because of poverty and the need to help sustain their families. Most of them only became aware of what are the acceptable conditions for child work after they were rescued and have joined child rights organizations. They were only given the opportunity to return to school under various programs of government and non-government organizations which provided scholarships or livelihood assistance to their parents.

Meanwhile, insights shared by children related to the K-12 curriculum based on their experience focused on the difficulty of getting into a track that is relevant to their target career and allowing them to get into a decent job despite their lack of work experience. Job mismatch and getting the right training from immersions can be

addressed when the problems in the K-12 curriculum are recognized. Communication and closer coordination between the academe and business sector will help address the mismatch of expectations and needs of students related to their training.

For those with experience engaging in work immersions, most have shared that basic orientation on safety in the workplace is provided. They also feel that some programs, such as the SPES and GIP, better prepared them towards entering the workforce compared to the job-immersion program in senior high school. However, the knowledge of their rights and what constitutes a violation of their rights are not well taught to students.

In general, child participants from different consultations have emphasized the need for wider awareness-raising on different issues related to Principles 2, 3, and 4 for children like them, their parents and guardians, school representatives. Better coordination among school, business, and the government is also seen as a factor that will improve programs for children. Avenues for child participation in the development of child protection policies and codes of conduct, and improving their programs for youth employment should also be made available.

Chapter 5

NAVIGATING THE PRESENT LANDSCAPE: ANALYSIS OF CRBP IN THE PHILIPPINES

This Chapter discusses whether the existing laws and policies and current programs implemented by the government are compliant with the tenets of Children's Rights and Business Principles 2, 3, and 4. It involves an examination of which government agencies and/or business entities are implementing specific programs relevant to CRBP 2, 3 and 4, and an assessment of how these programs impact children. This includes legal and policy frameworks, existing good practices, as well as challenges and gaps in relation to the aforementioned three principles. Additionally, emerging trends in relation to their significance to the fulfilment and promotion of children's rights within the framework of CRBP is also presented.

Principles 2, 3, and 4 in the Philippine Context

Principle No. 2

Contribute to the elimination of child labour including in all business activities and business relationships.

Principle 2 does not simply mandate to decrease the rate of child labor. More importantly, its main objective is to address the root causes of child labor. Elimination of these root causes will ultimately help in alleviating the increasing number of children workers.

The Philippines has robust legal and policy frameworks that lay down guidelines for the employment of children in allowable circumstances. The Labor Code of the Philippines and its implementing rules provide for the minimum employable age which is fifteen (15) years old,¹²⁴ subject to requirements and limitations for the protection of the children who are allowed to work under certain conditions. As seen in the previous chapter, this is strengthened by other DOLE issuances that provide for guidelines, rules and regulations for implementing the provisions of the Labor Code relevant to working conditions of children and in the context of specialized industries.

Principle 2 directs businesses to protect children from work that is prohibited for young workers and to be aware of the presence of children in the workplace. There should be mechanisms in place to determine and verify the age of the applicants. These mechanisms should be able to remove child workers from hazardous workplaces and provide interventions that will address the impact of their removal from the workplace. Several programs are being implemented by the Philippine government that directly relates to this principle and are designed to remove child workers from conditions of child labor. Among those that were shared during the CRBP consultations are:

Sagip Batang Manggagawa (SBM) Program

This program provides for an inter-agency quick action mechanism for responding to child labor composed of the DOLE, the Philippine National Police (PNP) or the National Bureau of Investigation (NBI), DSWD and other social partners for detecting, monitoring and rescuing child labor victims in hazardous and exploitative working conditions. This mechanism addresses the need for a grievance mechanism for the protection of the rights of young workers. It is a response by the government in resolving cases of abuse, exploitation and harm against children in the workplace. From 1993 to 2018, the SBM Quick Action Teams conducted a total of 955

¹²⁴ A Decree Instituting a Labor Code Thereby Revising and Consolidating Labor and Social Laws to Afford Protection to Labor, Promote Employment and Human Resources Development and Insure Industrial Peace Based on Social Justice [Labor Code], Presidential Decree No. 442, art. 137, (1974).

rescue operations wherein a total of 3,563 child laborers were removed from hazardous and exploitative working conditions.¹²⁵

HELP ME Convergence Program

The DOLE, through this program, aims to implement a sustainable and responsive program to address child labor in the Philippines by providing focused, converged, and synchronized strategies to effectively address the problem of child labor. This is done by engaging several government agencies to deliver services to child laborers and their families. Through this program, caravans across the country are conducted whereby child workers and their families are provided with goods and services like school supplies, hygiene kits, medical and dental services and other learning opportunities for employment for parents of young workers. The participation of business organizations in this program contributes to the fulfillment Principle 2 and is reflective of their corporate commitment to support programs that aim to eradicate the root causes of child labor and promote the protection of children who are already employed.

From the business sector, there are also initiatives to remove and prevent child labor not only within their business operations, but also in their supply chain. For instance, Magnolia Shipping, a member of the Employer's Confederation of the Philippines, prohibit child kargadors or porters, which is prevalent in their areas of operation, to carry their cargo from ship to port even if they voluntarily offer their services. Additionally, arrastre and stevedoring services that employ children are blacklisted from their company.

Principle 2 not only covers the designation of the minimum age for employment but essentially addresses the prevalent use of child labor. This issue is a complex one with social, economic and cultural roots.¹²⁶ In order to resolve the root causes of child labor, there should be a "multi-stakeholder approach at both the community and policy levels."¹²⁷ The government, social partners and corporate entities should work together to come up with the most sustainable programs addressing these root causes. This way, a more holistic and industry-wide solution for child labor can be achieved. The following programs are good examples of multi-stakeholder approaches that fulfills Principle 2:

Strategic Helpdesks for Information, Education, Livelihood And Other Developmental Interventions For Child Laborers (SHIELD Program)

The DSWD, through the assistance of the ILO, launched its SHIELD Program as an initiative to combat child labor.¹²⁸ This is in line with the Philippine Program Against Child Labor (PPACL) 2017-2022, which is a confluence of efforts of the National Child Labor Committee (NCLC) chaired by DOLE together with other entities from government and the private sector, including workers and employers organizations, non-government organizations (NGOs) and international development institutions, towards the prevention and progressive elimination of

125 Bureau of Workers with Special Concerns, Department of Labor and Employment, "Child Labor in the Philippines", presented at the Visayas CRBP Caravan and Consultation, September 2019.

126 UNICEF & The Danish Institute for Human Rights, "Children's Rights in Impact Assessments: A guide for integrating children's rights into impact assessments and taking action for children", 20, accessed 21 April 2020 https://www.unicef.org/csr/css/Children_s_Rights_in_Impact_Assessments_Web_161213.pdf.

127 *Ibid.*

128 Elmer Recuerdo, "DOLE revives campaign vs child labor in Eastern Visayas", Business Mirror, Oct. 26, 2017, <https://businessmirror.com.ph/2017/10/26/dole-revives-campaign-vs-child-labor-in-eastern-visayas/>.

child labor through “protection, withdrawal, healing [,] and reintegration of child workers into a caring society.”¹²⁹ The project’s target is to remove 630,000 children from situations of child labor by 2022 and a total of 1 million children by 2025.¹³⁰ SHEILD has three components: (1) the establishment of a child labor registry, (2) putting up of help desks and strengthening systems for convergence of services, and (3) advocacy and capacity building for child laborers and their families. In 2017, this program was initially tested in CALABARZON, Bicol and Eastern Visayas regions, due to the fact that a high number of children are involved in deep-sea fishing, mining, quarrying, and in agriculture.¹³¹ The consultations revealed that the staunch support given by the local government units together with the DSWD initiatives were among the strengths of the program.¹³² On the other hand, the need to further engage employer groups in the program has been identified as an opportunity for improvement.

Livelihood Assistance for Parents of Child Laborers (Kabuhayan para sa Magulang ng Batang Manggagawa).

Under this program, DOLE provides for livelihood assistance to parents, guardians, or other family members of child laborers. Seen as a strategic response to prevent and eliminate child labor, the program provides necessary materials to start a livelihood undertaking. This program serves as the Philippine’s compliance with Children’s Rights and Business Principle 2 and 3. Addressing the problem of unemployment in the Philippines is an essential step in eradicating child labor in the country. When parents and caregivers are given adequate livelihood support, eventually there will be no need for children to work. Under the DOLE guidelines, beneficiaries of the livelihood program should not allow their children to be engaged in child labor. From 2008 to 2018, a total of 32,507 parents of child laborers were provided by DOLE with livelihood assistance.¹³³

Principle 2 does not simply call for the reduction of the number child labor incidences. More importantly, its main objective is to address the root causes of child labor. Eliminating these root causes will ultimately curb the increasing number of child workers. This agenda involves corporate commitment of businesses to support the “government, social partners[,] and other [organizations] to promote education and sustainable solutions to the root causes of child [labor].”¹³⁴ It means that businesses and industries should be proactively involved in different programs of community, national and international scope to eliminate child labor such as conducting awareness campaigns, development and implementation of national action plans against child labor and promotion of youth employment for young workers above the minimum age of employment among others.¹³⁵

129 “Philippine Program Against Child Labor Strategic Framework, 2017-2022, Vision of the PPACL”, Department of Labor and Employment, accessed 21 April 2020, <https://bwsc.dole.gov.ph/programs-and-projects-submenu1/clpep/philippine-program-against-child-labor.html>.

130 Elmer Recuerdo, “DOLE revives campaign vs child labor in Eastern Visayas”, Business Mirror, Oct. 26, 2017, <https://businessmirror.com.ph/2017/10/26/dole-revives-campaign-vs-child-labor-in-eastern-visayas/>.

131 Elmer Recuerdo, “DOLE revives campaign vs child labor in Eastern Visayas”, Business Mirror, Oct. 26, 2017, <https://businessmirror.com.ph/2017/10/26/dole-revives-campaign-vs-child-labor-in-eastern-visayas/>.

132 Interview with stakeholders during the CRBP Consultation in Tacloban City (September 2019).

133 Bureau of Workers with Special Concerns, Department of Labor and Employment, “Child Labor in the Philippines”, presented at the Visayas CRBP Caravan and Consultation, September 2019.

134 UNICEF et al, “The Children’s Rights and Business Principles”, (UNICEF, ChildFund, Save the Children: 2012), 18, <https://resourcecentre.savethechildren.net/node/5717/pdf/5717.pdf>.

135 Ibid.

Principle No. 3**Provide decent work for young workers, parents and caregivers**

Principle 3 does not only cover rights and protection of young workers. It also pertains to the corporate commitment to provide decent work opportunities for young workers, as well as to provide decent working conditions for parents and caregivers.

Under this principle, businesses have the corporate responsibility to be responsive to the needs and vulnerabilities of young workers in the workplace. They should be able to provide a platform where young workers are given opportunities for dialogue regarding their rights at work.¹³⁶ Businesses should also provide for “safe working conditions, protection from abuse and exploitation, and access to gender-appropriate water, sanitation[,] and hygiene facilities.”¹³⁷ Businesses abide by this principle through compliance with existing labor standards on minimum age, safety standards for hazardous works and general working conditions as provided by law and regulations. There are also business entities that, more than adhering to basic compliance, take additional initiatives for child protection. For instance, some of the good practices shared during the consultations were that of Grand Astoria Hotel Zamboanga. The hotel management requires the human resources personnel to undergo a training on labor laws and regulations, as well as on work immersion guidelines of the DepEd. Reception desk officers also participate in trainings conducted by law enforcement officers on how to detect suspicious behavior and prevent sexual exploitation of children.

Principle 3 also encompasses the corporate commitment to provide decent work opportunities for young workers, as well as to provide decent working conditions for parents and caregivers. Thus, businesses should be able to give support beyond legal compliance. For parents and caregivers, this means that social considerations related to work such as payment of living wage, flexibility of working hours, provisions for pregnant and breastfeeding women, provisions on parental leave and support for migrant and seasonal workers regarding accessibility of parenting facilities.¹³⁸ As discussed in the earlier chapter, several social legislations have been enacted that require business compliance with Principle 3. This includes longer maternity and paternity leave periods, telecommuting work arrangements and provisions for breastfeeding stations in the workplace. In addition to these laws, certain programs are in place to facilitate employment opportunities for young workers and their parents or caregivers. One such program is the Public Employment Service Office (PESO), which is non-fee charging multi-employment service facility provided by government and maintained largely by local government units (LGUs) and a number of non-governmental organizations (NGOs) or community-based organizations (CBOs) and state universities and colleges (SUCs).¹³⁹

The general objective of the PESO is to ensure the prompt, timely and efficient delivery of employment service and provision of information on DOLE programs. Specifically, the law provides for the functions of the PESOs¹⁴⁰ as:

136 *Ibid*, 20.

137 *Ibid*.

138 UNICEF et al, “The Children’s Rights and Business Principles”, (UNICEF, ChildFund, Save the Children: 2012), 21, <https://resourcecentre.savethechildren.net/node/5717/pdf/5717.pdf>.

139 An Act Institutionalizing a National Facilitation Service Network through the Establishment of a Public Employment Service Office in Every Province, Key City, and Other Strategic Areas throughout the Country [Public Employment Service Office Act of 1999], Republic Act No. 8759, §3 (2000).

140 *Ibid*, §5.

Section 5. Functions of the PESO.

- The PESO shall have the following functions:

- a. Encourage employers to submit to the PESO on a regular basis a list of job vacancies in their respective establishments in order to facilitate the exchange of labor market information between job seekers and employers by providing employment information services to job seekers, both for local and overseas employment, and recruitment assistance to employers;
- b. Develop and administer testing and evaluation instruments for effective job selection, training and counselling;
- c. Provide persons with entrepreneurship qualities access to the various livelihood and self-employment programs offered by both government and nongovernmental organizations at the provincial/city/municipal/barangay levels by undertaking referrals for such programs;
- d. Undertake employability enhancement trainings/seminars for job seekers, as well as those who would like to change career or enhance their employability;
- e. Provide employment or occupational counselling, career guidance, mass motivation and values development activities;
- f. Conduct pre-employment counselling and orientation to prospective local and, most especially, overseas workers;
- g. Provide reintegration assistance services to returning Filipino migrant workers; and
- h. Perform such functions as willfully carry out the objectives of this Act.

Special Services Provided by PESO

1. Jobs Fairs
2. Livelihood and Self-employment Bazaars
3. Special Credit Assistance for Placed Overseas Workers -
4. Special Program for Employment of Students and Out-of-School Youth (SPESOS)
5. Work Appreciation Program (WAP)
6. Workers Hiring for Infrastructure Projects (WHIP)
7. Other programs/activities developed by DOLE to enhance provision of employment assistance to PESO clients, particularly for special groups of disadvantaged workers such as persons with disabilities (PWDs) and displaced workers.

Government programs devoted to developing the skills of young workers likewise support Principle 3. Through these, young workers are given opportunities to hone their skills and prepare them for different competitive business industries. A good example is the provision of access to quality and relevant Technical-Vocational Education and Training (TVET) opportunities and expansion of government-academe-industry collaboration.¹⁴¹ Strategies to improve the employability and income-earning potential of individuals are also implemented pursuant to the Philippine Development Plan 2017-2022 such as the encouragement of skills development and retooling through continuing education and training; strengthening of employment facilitation services; strengthening and expansion of internship, apprenticeship, and dual training programs.¹⁴² These strategies help

¹⁴¹ An Act Institutionalizing a National Facilitation Service Network through the Establishment of a Public Employment Service Office in Every Province, Key City, and Other Strategic Areas throughout the Country [Public Employment Service Office Act of 1999], Republic Act No. 8759, §3 (2000).

¹⁴² Ibid.

ease school-to-work transition and increase the employability of young workers.

RA No. 10533 or the “Enhanced Basic Education Act of 2013” was passed in line with the State’s policy to ensure that every graduate of basic education has learned “competence to engage in work and be productive”¹⁴³ so that they are better prepared to adapt to global challenges. The spirit of the law is in line with Principle 3 which directs the provision of quality education and relevant training opportunities for young workers. Pursuant to this law, the K-12 program was implemented, wherein two years of senior high school (SHS) was added to the curriculum. In SHS, students will go through a core curriculum and subjects under a track of their choice. The two additional years aim to equip learners with skills that will better prepare them for the future, whether it be employment, entrepreneurship, skills development (further Technical-Vocational training) or higher education (college).¹⁴⁴

Students in SHS level have a choice among the following tracks: Academic; Technical-Vocational-Livelihood; and Sports and Arts. Under the Technical-Vocational-Livelihood track, a student is able to obtain Certificates of Competency (COC) or a National Certificate Level I (NC I) as early as after finishing Grade 10 and a National Certificate Level II (NC II) after finishing Grade 12 upon passing the competency-based assessment of TESDA.¹⁴⁵ This key feature of the K-12 Technical-Vocational-Livelihood track significantly improves the employability of graduates in fields like agriculture, electronics, and trade.¹⁴⁶

The provision of decent work opportunities for young workers and their parents or caregivers is further implemented through the Special Program for Employment of Students (SPES), as mandated by Republic Act No. 7323, as amended.¹⁴⁷ Under this program, “any person or entity employing at least ten (10) persons may employ poor but deserving students, out-of-school youth (OSY) or, dependents of displaced or would-be displaced workers due to business closures, or work stoppages, or natural calamities, intending to enroll in any secondary, tertiary or technical-vocational institutions, fifteen (15) years of age but not more than thirty (30) years old, paying them a salary or wage not lower than the minimum wage for private employers and the applicable hiring rate for the national and local government agencies[.]”¹⁴⁸ The law encourages their employment in private firms and government agencies through incentives granted to employers, allowing them to pay only 60% of their salaries or wages and the 40% through education vouchers to be paid by the government.¹⁴⁹

It was noted however during the consultations that there seem to be low or limited participation by the business sector in programs such as SPES and work immersion. This could be due to a number of factors such as the nature of business enterprise that the government seeks to engage in partnerships with, lack of confidence building measures between government and the private sector and a lackluster information dissemination drive regarding these government programs.¹⁵⁰

¹⁴³ An Act Enhancing The Philippine Basic Education System By Strengthening Its Curriculum And Increasing The Number Of Years For Basic Education, Appropriating Funds Therefor And For Other Purposes [Enhanced Basic Education Act of 2013], Republic Act No. 10533, § 2 (2013).

¹⁴⁴ *Ibid.*

¹⁴⁵ “What is K to 12 Program?”, Official Gazette, accessed Apr. 21, 2020 <https://www.officialgazette.gov.ph/k-12>.

¹⁴⁶ *Ibid.*

¹⁴⁷ An Act To Help Poor But Deserving Students Pursue Their Education By Encouraging Their Employment During Summer And/Or Christmas Vacations, Through Incentives Granted To Employers, Allowing Them To Pay Only Sixty Per Centum Of Their Salaries Or Wages And The Forty Per Centum Through Education Vouchers To Be Paid By The Government, Prohibiting And Penalizing The Filing Of Fraudulent Or Fictitious Claims, And For Other Purposes [Special Program for Employment of Students], Republic Act No. 7323, as amended, §1 (1992) (as amended).

¹⁴⁸ *Ibid.* §1.

¹⁴⁹ *Ibid.* §2.

¹⁵⁰ Interview with stakeholders during the CRBP Consultation in Tacloban City (September 2019).

Principle No. 4**Ensure the protection and safety of children in all business activities and facilities.**

Principle 4 directs businesses to ensure that their facilities are responsive to the needs of child safety and protection, and that their establishment will not tolerate abuse, exploitation or harm against children.

— *The Children's Rights and Business Principles, (UNICEF, ChildFund, Save the Children: 2012)*

The main thrust of this principle is the corporate responsibility to address the safety and protection risks of children posed by business operations and the adoption of a child protection code or child safeguarding policy for businesses. Principle 4 directs businesses to ensure that their facilities are responsive to the needs of child safety and protection and that their establishment will not tolerate abuse, exploitation or harm against children.¹⁵¹ This includes having accountability mechanisms in cases of violations of child protection standards.

Insofar as protection and safety of workers are concerned, the prevailing standard is provided in the “Occupational Safety and Health Standards, as Amended” (“OSHS”) regulation which contains provisions addressing general safety risks of all workers, with no special emphasis on children.¹⁵² At present, there is no law requiring businesses across different industries to provide for policies specifically pertaining to young workers and the treatment of them by other employees in the workplace.

Important to note:

At present, there is no law requiring businesses across different industries to provide for policies specifically pertaining to young workers and the treatment of them by other employees in the workplace.

There is no special law mandating businesses to develop, adopt and implement a child protection code of conduct. However, government agencies dealing with children are mandated by the 1987 Constitution in accordance with the UNCRC to have their own child protection policies. For instance, DepEd Order No. 40 (series of 2012) entitled “Child Protection Policy” reiterates the Department’s zero tolerance policy for any act of child abuse, exploitation, violence, discrimination, bullying, and any forms of abuse.¹⁵³ This was followed by DepEd Order No. 55 (series of 2013), the Implementing the Rules and Regulations (IRR) of Republic Act No. 10627 otherwise known as the “Anti-Bullying Act of 2013.”¹⁵⁴

In the context of the K-12 curriculum, protection and safety of children is of particular significance in its Work Immersion Program, where SHS students are given opportunities to become familiar with the workplace and to apply their competence.¹⁵⁵ Work Immersion “involves hands on experience or work simulation in which learners can apply their competencies and acquired knowledge relevant to their track.”¹⁵⁶ It may include earn-while-you-learn opportunities to provide students relevant exposure and actual experience in their chosen track.¹⁵⁷ It is

151 UNICEF et al, “The Children’s Rights and Business Principles”, (UNICEF, ChildFund, Save the Children: 2012), 22, <https://resourcecentre.savethechildren.net/node/5717/pdf/5717.pdf>.

152 Department of Labor and Employment, Occupational Safety and Health Standards, As Amended, accessed 21 April 2020, <http://www.oshc.dole.gov.ph/images/Files/OSH%20Standards%202017.pdf>.

153 Department of Education, Policy and Guidelines on Protecting Children in School from Abuse, Violence, Exploitation, Discrimination, Bullying and other forms of Abuse, DepEd Order No. 4 (s. 2012) (May 14, 2012).

154 Department of Education, Rules and Regulations Implementing the Anti-Bullying Act of 2013, Republic Act No. 10627 (2013).

155 Department of Education, K to 12 Basic Curriculum Senior High School, <https://www.deped.gov.ph/wp-content/uploads/2019/01/Work-Immersion.pdf>

156 Department of Education, Order No. 30 [DepEd Order No. 30-2017], § 3 (5) (June 5, 2017).

157 “What is K to 12 Program?”, Official Gazette, accessed Apr. 21, 2020 <https://www.officialgazette.gov.ph/k-12>.

specifically required for those enrolled in the technical-vocational livelihood track, and is optional for all other tracks. This is done together with partners in the business or industry, which are able to provide the know-how and venues to train the SHS students.¹⁵⁸

DepEd Order No. 40 (series of 2015)¹⁵⁹ entitled “Guidelines on K to 12 Partnerships,” specifically governs partnerships with the private sector. Meanwhile, DepEd Order No. 30 (series of 2017) provides for the following principles and policies¹⁶⁰:

1. Work Immersion requires parental consent;
2. Partner Institutions and Work Immersion Venues shall be selected only after thorough study, screening and preparation to ensure that each venue is safe, secure, and suitable place for learning;
3. All applicable safety guidelines of TESDA, DOLE, and the work immersion venue relevant to basic education shall apply;
4. Schools may partner with any institutions or organization duly registered/recognized by an accrediting government agency; and
5. All Work Immersion agreements at the school level must be covered by a Memorandum of Agreement (MOA) for the security of all parties involved. All learner activities shall be reflected in the MOA

DedEd Order No. 30, or the Guidelines for Work Immersion also specifically states that the safety of the learners is primary, and as such, the “DepEd, in collaboration with its partners and stakeholders, shall ensure that all schools and venues for learning are conducive to the education and safety of the learners.”¹⁶¹ This enhanced DepEd Order No. 40 (series of 2012) or the Department’s Child Protection Policy requiring all schools to orient its partner institutions on the relevant policies including their Child Protection Policy and Gender-Responsive Basic Education Policy.¹⁶² For work immersions in institutions with sensitive operations, securing the health permit of learners is also a requirement. While the guidelines require a Memorandum of Agreement and contract between the school and the business entity before learners can engage in work immersion, it is worth noting, however, that the prescribed MOA does not contain a provision stating adherence to the child protection policy, nor does it require partner institutions to observe specific safety standards for learners doing work immersion.

Work immersion guidelines issued by the DepEd were complemented by DOLE Labor Advisory No. 9 (series of 2017), which provides that “SHS between fifteen (15) and eighteen (18) years of age [shall not be exposed to hazardous materials and environments and] shall not be required to undergo work immersion between [10:00 p.m. and 6:00 a.m.] of the following day.”¹⁶³ These specific guidelines for the immersion component of the K-12 program complies with the mandate under Principle 4 which provides that businesses shall ensure the protection and safety of young workers in the workplace.

The SPES program, discussed under Principle 3, also provides an illustrative example for fulfilling Principle 4. The program has in place several safeguards for the welfare and safety of young works. For instance, DO No. 175

¹⁵⁸ *Ibid.*

¹⁵⁹ Department of Education, Order No. 40 [DepEd Order No. 40-2015] (Aug. 28, 2015).

¹⁶⁰ Department of Education, Order No. 30 [DepEd Order No. 30-2017], § 5, ¶¶ 1-4. (June 5, 2017).

¹⁶¹ *Ibid.*, § 5 ¶6.

¹⁶² Department of Education, Order No. 40 [DepEd Order No. 40-2012] (May 14, 2012).

¹⁶³ Department of Labor, Labor Advisory No. 9 [DOLE LA No. 9-2017], §§ 2-3 (July 14, 2017).

(series of 2017) provides that SPES beneficiaries shall not be engaged in any hazardous work or undertaking.¹⁶⁴ It also limits the hours of work of SPES beneficiaries to not more than eight (8) hours a day nor more than forty (40) hours a week and prohibits them from working from 10:00 p.m. to 6:00 a.m. of the following day.¹⁶⁵ Further, while students in the secondary level may only be employed during summer and/or Christmas vacations,¹⁶⁶ OSYs and those enrolled in tertiary, vocational or technical education may be employed at any time during the year.¹⁶⁷ Moreover, their period of employment shall be from twenty (20) to seventy-eight (78) working days only.¹⁶⁸ However, during Christmas vacation, students may only be employed between ten (10) to fifteen (15) days¹⁶⁹, wherein such period may be considered as part of the probationary period if in case the students apply with the same company upon graduation.¹⁷⁰ These conditions and limitations are in accordance with the mandate of Principle 3 and 4 as they provide for safeguards and guidelines on how young workers are to be treated in the workplace to be considered as decent work.

Summary of Analysis

Philippine laws, policies and practices in relation to the prohibition of child labor, provision of decent work and safety and protection in the workplace are in line with the main objectives of CRBP 2, 3 and 4. While there are good laws, policies, and programs in place, the manner of its implementation and monitoring in the workplace is problematic based on the inputs from the series of CRBP consultations conducted. These programs are no longer responsive to the issues which they are designed to address. The lack of updated and disaggregated data is the underlying challenge that needs to be resolved in order to come up with more responsive and effective policies and programs. An integrated data collection and monitoring system that harmonizes the objectives of government programs is the key to reducing overlapping functions and ensure maximum utilization of both human and financial resources. In addition, based on the survey of laws, policies and programs implemented by the government there is lack of emphasis on children's rights-centered perspective. For instance, while occupational safety standards laws are in place, there is no provision that directly and specifically provides for safety and protection of young workers in the OSHS regulations.

The consultations revealed that businesses are open-minded to the tenets of the CRBP. However, they are cautious in formulating corresponding policies due to the lack of proper appreciation of the laws in place, and the risks and possible negative repercussions to their business. Particularly, large enterprises have, in some ways, adhered to the CRBP consequent to their compliance to national laws and as a matter of practice in accordance with internationally accepted business standards (i.e. the ISO 26000 Social Responsibility Guidance Standard). However, medium, small and micro enterprises (MSMEs), especially those that are in the informal sector, need to be included in the discussion to obtain data that truly reflects the current status of compliance in relation to the CRBP.

Taking into consideration the information gathered from both the government and the business sector, it can be concluded that there is not much awareness and exposure of the different stakeholders regarding the

¹⁶⁴ Department of Labor and Employment, Rules and Regulations Implementing Republic Act No. 10917, rule V, § 1 (c) (2017).

¹⁶⁵ *Ibid.*

¹⁶⁶ *Ibid.*, V § 3 (a).

¹⁶⁷ *Ibid.*, V § 3 (b).

¹⁶⁸ *Ibid.*, V § 3 (c).

¹⁶⁹ *Ibid.*

¹⁷⁰ Rules and Regulations Implementing Republic Act No. 10917, rule V, § 4 (a).

purpose and objective of incorporating CRBP as an intensive country practice. Since CRBP is a fairly new concept that enumerates the obligations of businesses in fulfilling children's rights, it is clear that the first step in institutionalizing these principles in the workplace is promotion and awareness-raising. Through a more extensive exposure of these sectors to CRBP, stakeholders will be capacitated to implement policies and encourage practices in accordance with the principles especially in the local level. Confidence building measures between the government and private sector is key in widening the network and increasing participation in the CRBP.

Particularly for Principle 2 on the elimination of child labor, there is also a need to educate the stakeholders as to the essential distinction between child labor and child work within the context of Philippine culture and society. The general understanding of the term child labor is characterized by abuse and violation of children's rights. This characterization should be distinguished from child work which children engage in due to economic necessity that does not prejudice their rights and does not expose them to any kind of danger. Note that in the Philippines, poverty is the most cited cause for child labor. The positive effect of age-appropriate work needs to be recognized given that allowable child work provides a vital source of income for children from poor families in the Philippines. This helps provide not only basic necessities, but also enables many children to afford the cost of education, including food and transportation.

In order to address child labor, current government initiatives already integrate financial assistance as well as information and education campaigns. However, funding continues to be limited and there is much to be achieved in terms of changing the mindset of Filipino families and communities on the definition of child labor and the detrimental effects it has on a child's health and well-being. Therefore, a multi-sectoral approach is necessary to address the root causes of child labor. This does not only involve government initiatives but also includes the participation of the private sector.

Attaining universal primary education represents only a first step toward ending child labor, and creating higher standards of living and work opportunities for young people. Complementary measures to promote youth employment need to be implemented. Programs that are aimed to equip young persons with skills that will make them employable such as the K-12 work immersion and TVET opportunities, as well as those that facilitate the provision of decent work to young workers such as the SPES and PESO need to be expanded and made more accessible. A review of the K-12 work immersion program and how this effectively prepares senior high school students towards transitioning to the workplace should also be conducted. Specifically, child safety and protection policies in the context of work immersion should be institutionalized by both the Department of Education and their partner business organizations. Community and family awareness and education programs, for a deeper understanding of child protection risks and safety policies need to be sustained and strengthened.

Based on the foregoing, government policies and programs on eradicating child labor, guidelines on child work, provision of decent work and child safety in the workplace adequately, albeit indirectly, satisfy the main objective of the Children's Rights and Business Principles in the workplace. The perspective by which these laws, policies, and government programs were created did not include nor consider the tenets of CRBP as they are fairly novel. This only goes to show that our government agencies, as well as the business sector, need more in-depth awareness and understanding of these principles. The same analysis can be made for the business sector. Based on the limited data gathered in this study from businesses, while there is legal compliance with existing regulations, which indirectly fulfills Principles 2, 3, and 4, compliance with the of these principles per se cannot be determined.

Chapter 6

RECOMMENDATIONS

Children's Rights and Business Principles revolve around the reality that businesses have a responsibility to respect and support children's rights. In the context of the workplace, businesses are encouraged to come up with programs and policies that will help address the root causes of child labor such as poverty, provide access to decent work for young workers and their parents, and ensure safety and protection from harm, abuse, and exploitation in all business activities and facilities.

Policy and Programs on CRBP

Concrete recommendations were given during the CRBP caravans and consultation with government and business sectors on how to integrate CRBPs 2, 3 and 4 into policies and programs.¹⁷¹ For Principle 2, businesses are urged to adopt a zero-tolerance policy towards child labor. This entails integrating safeguards against employment of child labor into company operational guidelines including having an accreditation process, conducting regular checks or compliance audits on their supply chains, as well as designing corporate social responsibility (CSR) activities in such a way that it supports efforts on the elimination of child labor. To build momentum, companies with ethical and responsible business conduct frameworks and good practices can serve as champions in the elimination of child labor and the promotion of the business principles.

Meanwhile, to address challenges to Principle 3 on decent work, particularly the mismatch between young people's education and the needs of the labor market, the creation of an Inter-agency Taskforce mandated to develop a framework for the creation of a responsive labour market network is recommended. This framework will serve as basis for educational institutions in matching the training that they offer with the needs of the industries and job market.

In terms of child protection and safety under Principle 4, the adoption of child safeguarding policies and codes of conduct on child protection to deal with abuse, exploitation, harassment, and safety hazards in the workplace by business organizations is strongly recommended. The enactment of a law requiring companies to have a child protection code of conduct or the issuance of a department order from DOLE may also be considered to make this requirement mandatory for all businesses. Mechanisms for handling violations of Child Protection Policies such as an Ethics Committee or hotline may be incorporated in to ensure that remediation measures are in place. In the context of K-12, DepEd should review their work immersion guidelines to ensure that child protection policies are integrated not only in their Department policies, but also in their Memorandum of Agreements with the business enterprises that take in work immersion participants.

Project Implementation

These policy recommendations may be complemented by strengthening the implementation of existing government programs that contribute to and support CRBP in the workplace. In this regard, efforts should be strengthened to ensure the availability and accessibility of quality universal secondary education, improvement of school retention rates, and consideration of the needs of disadvantaged groups of children in the country. Children who have access to education, and whose parents have better job opportunities, are less likely to be engaged in child labor. The collaboration of government agencies like DOLE, DepEd and DSWD and the business sector in relation to financial assistance and livelihood programs for families of children who are vulnerable to

¹⁷¹ Responses from participants in CRBP Consultations, Laguna, August 2019; Tacloban, September 2019; Davao, October 2019.

child labor should likewise be strengthened. This can include providing vouchers directly to schools for subsidizing tuition fees of students from poor families and providing more funding for seminars or trainings for parents.

Implementation of programs that prepare young persons for entering the workforce and facilitate their access to decent jobs should also be strengthened. Specifically, the development of a module on essential skills and soft skills including good manners and right conduct (GMRC) is recommended to be integrated in the basic education curricula. Businesses admit that while they are willing to hire new graduates, there is difficulty in both training and retention of the new hires given the lack of essential and soft skills. The periodic evaluation and assessment by the schools and their industry partners of the performance of the interns or trainees, as well as the nature of work done, is also recommended. Guidelines and policies on Internship or Work Immersion Program of schools should clearly provide a mechanism for this, to determine whether the work immersion period adequately prepares the student for employment and equips her or him with the necessary skills.

For Principle 4, capacity building of company officials and personnel, and especially designated safety officers in establishments and business organizations on OSHS and other related safety standards for young workers should be pursued. It is not enough for business partners to have existing child protection policies, rather, their personnel should be regularly oriented and trained on child safety and protection measures in the workplace. Spaces and facilities of business establishments should be made child-friendly. Specifically, safety officers of industry partners should conduct regular risk assessment of their facilities. They should also formulate an action plan or risk management report to ensure that the establishments are compliant with safety and protection guidelines. In addition, young workers themselves should be provided with basic OSHS training to make them aware of their rights and the responsibilities of the company. In the context of work-immersion, young people and their parents or guardians should be properly oriented on the various programs for work immersion and future employment in order for them to fully appreciate the importance of such programs and the opportunities they provide. For young workers and for children undergoing immersion, knowing their right to protection enables them to demand for rules and guidelines set to protect them from harassment, abuse, and exploitation in the workplace. To ensure safety in the workplace for young workers, the government may put in place incentive compliance programs and conduct a more regular and stringent compliance checks. The issuance of a policy or legislation that makes child protection code or policy and child protection committees in business enterprises mandatory may also be explored. This may also include a review of existing laws relating to child protection in the workplace and sexual harassment in the workplace.

Awareness-Raising on CRBP

At present, the lack of awareness of both the government and business sectors on CRBP pose a challenge. There is a low level of appreciation as to the crucial role of the business sector in the promotion and protection of children's rights and limited expertise in terms of translating existing related domestic laws into actual policies and programs that respect and effectively support the rights of children and young people. This underscores the need for awareness raising, especially for company decision makers, such that they see investing in children's rights as good for business, and also the need to see government policy makers as duty bearers. Integrating CRBP entails consistent child-rights impact assessments at all levels, coupled with continuous monitoring and evaluation of the impact of laws, policies, and programs on children's rights. Parallel to these, development and publication of education and information materials on CRBP and its application in the context of the workplace, marketplace and the community should be done to equip government officials and company policy makers with proper knowledge on the subject.

Moving forward, this situational analysis revealed that we are still far from achieving the ultimate objective of promoting CRBP as an umbrella concept in fully realizing the impact of business in children's rights and creating a system of best practices. However, we are in the right track especially with the existence of strong interest and support from both the government and the business sector. The social preparation conducted at the onset of this analysis paved the way for a good working relationship with representatives of key government offices and business entities. There are numerous possibilities for future collaboration between government, business, and civil society sectors and much can be achieved in relation to the realization of CRBP, not only in the workplace but as a cross cutting component in business operations. Consistent confidence building among stakeholders from both government and business sectors is key to moving forward. Therefore, efforts to expand exposure and awareness-raising for both the government and business sector to have a deeper understanding of CRBP should be pursued and strengthened. ■

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ANNEXES

SURVEY TOOLKIT QUESTIONS

Annex 1: Survey Toolkit Questions for Business

Thank you for your interest in participating in the Children's Rights and Business Principles Situational Analysis: Caravan and Consultation. This is one of the components of the project “*Situational Analysis of Existing Laws, Policies and Programs Related to Items 2, 3 and 4 of the Children's Rights and Business Principles in the Workplace in the Context of Legitimate Service Contracting in the Philippines.*”

The following are the objectives of the Situational Analysis in the context of legitimate service contracting and in relation to CRBP Nos. 2, 3 and 4:

- a. Determine the relevant existing laws, policies and programs;
- b. Assess the current conditions, needs and challenges to adherence;
- c. Identify opportunities for training and education on child safeguarding policies in the workplace; and
- d. Increase awareness and advocate for long-term change.

As participants to the Caravan and Consultation on CRBP, we would like to ask you to complete this survey in order to provide pertinent information for the design of the program of the consultation.

Before you agree to take part, please read the concept note provided for the background of the project. You may access the file “CRBP_SituationalAnalysis_ConceptNote_Overview.doc” with the email we sent you. If you have any questions regarding the concept note, please contact Atty. Ma. Cecille Latuño at mclc2115@gmail.com.

Definition of Terms

The following terms and definitions will be used for purposes of the Situational Analysis only.

- **Human capital development** – refer to the development of the knowledge, skills, competencies and other attributes embodied in individuals or groups of individuals acquired during their life and used to produce goods, services or ideas in market circumstances.
- **Young worker** – refer to persons whose ages range from fifteen (15) to twenty-four (24) years of age who contribute to the production of goods and services in the country, whether in the formal or informal sector, and who are qualified to work under the prevailing labor laws and regulations.
- **Children's Rights and Business Principles (CRBP)** - refer to a set of principles created by the United Nations Global Compact, Save the Children and UNICEF to promote the corporate responsibility to respect and support children's rights in the work place, market place and community in conjunction with the government's duty to protect and safeguard children's rights.

Interview Questions:

- I. General Profile
 1. Profile of Organization
 - a. Name (Optional)
 - b. Industry sector
 - c. Organization/Company
 - d. Designation
 - e. Department
 2. Number of years in your current company: **a. Less than a year b. 1-2 years c. 3-4 years d. Others, please specify:**
 3. Briefly describe your work and area of responsibility.
 4. Which of the following activities of your company directly or indirectly engage with or has an effect on children and young workers? Check all that apply:
 - a. On-the-job training
 - b. Internship programs
 - c. Outreach programs
 - d. Awareness-raising programs
 - e. Seminars and conference
 - f. Child-friendly facilities (i.e. breastfeeding stations) for employees

- g. None
 h. Others, please specify:
5. What is the working arrangement of young people in your company? Check all that apply:
- On-the-job trainees
 - Internship
 - Service contracting
 - Employee
 - None
 - Others, please specify:
6. What is the nature of work of the young workers in your company? Check all that apply:
- Administrative work
 - Service work
 - None
 - Others, please specify:
7. Around how much of your job is currently concerned with the design and implementation of company policy in relation to children, youth development programs, and young workers?
- All or almost all
 - More than half
 - Around half
 - less than half
 - None or almost none
 - I don't know
8. In the table below, please check what is relevant to your current level of awareness and knowledge:

Concept/Document	None	Some awareness	Fair knowledge	Very good knowledge
Corporate Social Responsibility				
UN Guiding Principles on Business and Human Rights				
UN Global Compact and the Sustainable Development Goals				
UN Convention on the Rights of the Child				
Children's Rights and Business Principles				

9. On the statements below, check if you agree or disagree with each one:

Statement	Strongly agree	Agree	Neither agree or disagree	Disagree	Strongly disagree
Business should end child labor					
Business should ensure all young workers are protected from harm.					
Business should work with governments and civil society to promote education and address the main causes of child labor.					
Business should provide decent work for young workers.					
Business should ensure children have access to water, sanitation, and hygiene facilities.					
Business should protect young workers.					
Business should consider the number of hours young people work.					
Business should protect children from dangerous work.					
Business should address anything that poses a risk to the safety and protection of children's rights.					
Business should develop a set of rules to protect children, i.e. child protection code of conduct.					

Business should ensure everyone is aware of the child protection code of conduct and have necessary training to follow it.					
Business should have a system or procedure in place where children affected by their operations and youth workers can relay their concerns and give feedback to the management.					

II. Principle No.2 - All business should contribute to the elimination of child labor, including in all business activities and business relationships.

Assessment Area	Statement	Has in place	Planning in next year	No immediate plans	Not relevant to my company	Not aware
Business principles, codes of conduct and policies (Policy Commitment)	1. The company have supporting programs and initiatives that contribute to the elimination of child labor.					
	2. The company have steps in place to understand what constitutes an adequate living wage in the country/countries of operation.					
Community and government engagement on issues concerning children (Human Rights Due Diligence)	3. The company have initiatives or commitment to working with governments, partners and others to promote education and sustainable solutions to address the root causes of child labor.					
	4. The company have specified actions to support the broader community, industry and national and international efforts to eliminate child labor.					
Integrating children's rights into risk and impact assessments (Remediation Measures)	5. There is a minimum age for employment policy in your company and is in line with national law or international standards.					
	6. There are mechanisms in place for monitoring along with mitigation measures to be taken if violations occur (such as the use of underage workers by suppliers and their subcontractors).					
	7. The company have clear procedures in place for identifying and addressing the worst forms of child labor, including hazardous work, trafficking, sexual exploitation, debt bondage and forced labor.					

What are the common challenges that your members and employers raise concerning youth employment? Have you met any challenges in youth employment in relation to child labor policies? List at least 5.

Please list down the policies that your company has in relation to elimination of child labor:

III. Principle No. 3 - All business should provide decent work for young workers, parents and caregivers

Assessment Area	Statement	Has in place	Planning in next year	No immediate plans	Not relevant to my company	Not aware
Business principles, codes of conduct and policies	1. The company have policies in place to ensure that the contractual arrangement does not violate any rights of the parties involved.					
	2. The company has a policy commitment in place for recruiting young workers.					
	3. The company have programs that seek to provide employment opportunities for young people.					
	4. The company have policies in place that commits to provide young workers with age-appropriate health care, monitoring and treatment.					
Training and development opportunities for young people and staff	5. The company's commitment includes providing young workers with opportunities to access education, training opportunities and life skills.					
	6. The company have programs that will absorb young workers as regular employee.					
	7. The company have programs to provide transition guidance for young workers?					
Integrating children's rights into risk and impact assessments	8. The company have family-friendly employment terms and conditions at the workplace.					
	9. The company have clear procedures in place for how to prevent, identify and address any alleged violations of a young worker's labor rights.					

	10. There is a formal grievance mechanism in place for receiving, processing, investigating and responding to reports of violations of young workers' rights, including students and vocational school workers.					
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Do you know any specific needs or areas that need improvement in relation to youth employment?

Do you have any data or report that suggests that youth employment directly affects the business or industry in terms of profit/investments/working environment?

IV. Principle 4 - All business should ensure the protection and safety of children in all business activities and facilities

Assessment Area	Statement	Has in place	Planning in next year	No immediate plans	Not relevant to my company	Not aware
Business principles, codes of conduct and policies	1. There are policies in place that prohibit hiring of young workers (below 18 years of age) to perform any type of work that is likely to jeopardize their health, safety or morals.					
	2. There are policies in place that set zero tolerance of harassment and exploitation of young workers, and the measures in place to protect them from discrimination, violence and abuse.					
Training and development opportunities for young people and staff	3. There is a process or guide provided by the company for recruitment staff who work with children.					
	4. The company provides training for all managers and employees on the zero-tolerance policy on violence, exploitation and abuse of children.					
	5. There is a program in place wherein new staff receive					

	induction training on keeping children safe.					
	6. All staff working with children are qualified to the required standards and receive regular, ongoing training.					
Integrating children's rights into risk and impact assessments	7. There are clear procedures set for all activities or contact with children and young people, e.g., children are not left unsupervised, they are consulted and shown respect, and they are treated fairly and without discrimination.					
	8. There is a policy in place that assures that all information on children are maintained in a secure and confidential manner.					

What are the common challenges in ensuring a safe workplace for youth workers?

What are the common challenges that your members and employers raise concerning youth employment?

Annex 2: Survey Toolkit Questions for Government

Thank you for your interest in participating in the Children's Rights and Business Principles Situational Analysis: Caravan and Consultation. This is one of the components of the project "*Situational Analysis of Existing Laws, Policies and Programs Related to Children's Rights and Business Principles in the Workplace (2, 3, 4) in the Context of Legitimate Service Contracting in the Philippines.*"

The following are the objectives of the Situational Analysis in the context of legitimate service contracting and in relation to CRBP 2, 3 and 4:

- a. Determine the relevant existing laws, policies and programs;
- b. Assess the current conditions, needs and challenges to adherence;
- c. Identify opportunities for training and education on child safeguarding policies in the workplace; and
- d. Increase awareness and advocate for long-term change.

As participants to the Caravan and Consultation on CRBP, we would like to ask you to complete this survey in order to provide pertinent information for the design of the program of the consultation.

Before you agree to take part, please read the concept note provided for the background of the project. You may access the file "CRBP_SituationalAnalysis_ConceptNote_Overview.doc" with the email we sent you. If you have any questions regarding the concept note, please contact Atty. Ma. Cecille Latuño at mclc2115@gmail.com.

Definition of Terms

The following terms and definitions will be used for purposes of the Situational Analysis only.

- **Human capital development** – refer to the development of the knowledge, skills, competencies and other attributes embodied in individuals or groups of individuals acquired during their life and used to produce goods, services or ideas in market circumstances.
- **Young worker** – refer to persons whose ages range from fifteen (15) to twenty-four (24) years of age who contribute to the production of goods and services in the country, whether in the formal or informal sector.
- **Children's Rights and Business Principles (CRBP)** - refer to a set of principles created by the United Nations Global Compact, Save the Children and UNICEF to promote the corporate responsibility to respect and support children's rights in the work place, market place and community in conjunction with the government's duty to protect and safeguard children's rights.

Interview Questions:

I. General Profile

1. Profile of Organization
 - a. Name (Optional)
 - b. Organization
 - c. Designation
 - d. Department
2. Number of years in your current organization: a. Less than a year b. 1-2 years c. 3-4 years d. Others, please specify:
3. Briefly describe your work and area of responsibility.

4. Around how much of your job is currently concerned with the policy design and implementation in relation to children, youth development programs, and young workers?

- a. All or almost all b. More than half c. Around half d. less than half e. None or almost none f. I don't know

5. In the table below, please check what is relevant to your current level of awareness and knowledge:

Concept/Document	None	Some awareness	Fair knowledge	Very good knowledge
Corporate Social Responsibility				
UN Guiding Principles on Business and Human Rights				
UN Convention on the Rights of the Child				
Children's Rights and Business Principles				

II. Principle No.2 - All business should contribute to the elimination of child labor, including in all business activities and business relationships.

Statement	Has in place	Planning in next year	No immediate plans	Not relevant to my company	Not aware
1. The government provides programs that allows children and young people to participate and effectively contribute to the reduction or elimination of child labor in the country.					
2. The government provides programs that allows business to participate and effectively contribute to the reduction or elimination of child labor in the country.					
3. The government have a process in place for monitoring, reporting and managing cases of business where children below the minimum age are discovered.					

Are the current existing laws to eliminate child labor in the Philippines enough? What do you think are the challenges or barriers in the implementation of these laws for government, business and civil society?

III. Principle No. 3 - All business should provide decent work for young workers, parents and caregivers

Statement	Has in place	Planning in next year	No immediate plans	Not relevant to my company	Not aware
1. A national youth policy is in place which allows the government to create an environment which hiring of young workers is promoted.					
2. There are mechanisms in place to ensure that existing policies does not discriminate against hiring of young workers.					
3. Your agency has mechanisms in place for regular monitoring and evaluation of the performance of policies and programs promoting decent work for young people.					
4. Your agency has programs that involved in forming linkages between different stakeholders involved in promotion of hiring of young workers.					
5. There are policies in place that monitor the implementation and assess the impact of these policies and programs on youth employment (i.e. special program for the employment of students, K-12, 4Ps).					
6. There are existing programs and initiatives that promote and support initiatives to increase hiring and employment opportunities for young workers, especially the K-12 graduates.					

What do you see are the common challenges, specific needs concerning youth employment?

IV. Principle 4 - All business should ensure the protection and safety of children in all business activities and facilities

Statement	Has in place	Planning in next year	No immediate plans	Not relevant to my company	Not aware
1. There are adequate safeguards and measures to address potential and actual risks to children's safety and ensure that children remain protected from violence, exploitation and similar rights violations within the workplace.					
2. There are specific programs and strategy interventions in place that identify, assess and monitor risks and impacts related to non-compliance of business with the zero tolerance policy on violence, exploitation and abuse of children?					

How can government contribute more effectively in ensuring the protection and safety of children in all business activities and facilities?

