



Apparel Export Promotion Council

AEPC Advisory and Protocol

On Child Labour at workplace

Apparel Export Promotion Council (AEPC)

November, 2020

1. Background

India is a leading supplier of apparel to the world. Consumers all over the world are now becoming increasingly conscious of the conditions under which the apparel is produced and hence, suppliers need to be extremely careful while implementing the workplace compliances. One of the major areas of reputational risk is the use of child labour in the units. Though the opening of global market has brought great growth opportunities for the apparel suppliers, it has also brought great responsibility in terms of curbing child labour.

Informed by the Indian laws, policies and regulations, this AEPC Advisory on child labour expresses the clear intent for apparel manufacturers and aims at protecting children and ensuring that their basic needs and fundamental rights such as health, safety, education and skilling are upheld.

As such to guide the apparel manufacturing units for the same, AEPC is placing this Advisory on Zero Tolerance to Child Labour at the work place. This includes prohibition of employment of children below fourteen years on any occupation in the factory and also the regulation of number of hours of work that can be allowed by a young person (above fourteen years of age and less than 18 years of age) in the factory. The same is done to safeguard their fundamental rights.

Further, to ensure that this advisory is understood both in spirit and in action, the apparel manufacturer are expected to devise and implement a functional and effective management system that embedded with processes for compliances, creating a healthy and young person friendly work environment. Additionally, the apparel manufacturers should educate all employees and sub-contractors about the need and importance of protecting children's rights, and on the penalties that may be inflicted on non-compliance.

The apparel manufacturer may ensure that a consistent message is conveyed to all by following the AEPC protocol on child labour in various practices like visitor and applicant screening, recruitment, personnel records management, induction, communication, training and wages and benefits management.

Below are the following details to facilitate understanding and implementation of the AEPC Advisory on Child Labour

- Applicable definitions
- Interpretations
- Advisory
- The relevance and acts
- The responsibilities of the member units
- And the protocols

These are outlined in the following sections.

1.1 AEPC Advisory

AEPC Member Unit shall ensure that no child, who has not completed fourteenth year of age, should be required or allowed to work in any occupation in the factory.

AEPC Member Unit shall also adhere to all applicable local laws for employment of young persons and prohibit young persons from performing any work that is likely to be hazardous or harmful to their health or their physical or mental development.

1.2 Indian Central Act Rules as Applicable to the Apparel Industry

The laws governing this principle of AEPC Advisory are mentioned below:-

- ***The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 amended in 2016 (CLPR Act)*** – as a principal law for the definition of the child.
- ***The Factories Act, 1948*** – as a principal law to define conditions for employment of persons between 14-18 years of age.
- ***The Industrial Employment (Standing Orders) Act, 1946 and associated rules*** – to further define the provisions for employment of persons between 14-18 years of age.

However, in case any State Acts and Rules specify conditions on the subject of employment of children and young persons, different from provisions of the Central Acts and Rules listed above, the relevant State Acts and Rules shall prevail. AEPC Member Unit shall be responsible for identifying the relevant State Acts and Rules.

1.3 Definitions and Interpretations as Applicable to the Apparel Industry

1.3.1 “Child” means a person who has not completed fourteenth year of age¹

1.3.2 “Adolescent” has been interpreted by the Factories Act, 1948, as person who has completed fifteenth year of age but has not completed eighteenth year.

1.3.3 “Young person” has been interpreted by the factories Act, 1948, as a person who is either a child or an adolescent. For the purpose of AEPC Advisory on child labour, as per Chapter 7 of Factories Act, 1948, a young person *is a person who has completed 14th year and has not completed 18th year of age.*

1.3.4 “Hazardous Process” has been interpreted by the Factories Act, 1948, Section 2(cb), as any process or activity in relation to an industry specified in the First Schedule² where, unless special care is taken, raw materials used therein or the intermediate or finished products, by-products, wastes or effluents thereof would: (i) cause material impairment to the health of the persons engaged in or connected therewith, or (ii) result in the pollution of the general environment.

Hazardous process, in the apparel industry, may include operating any electrically operated machine, handling or lifting heavy tools, handling dyes, chemicals and solvents, or working in the boiler or generator room or in any other process which may cause injury or harm to health of the persons employed by the factory. Nonhazardous processes in a garment factory may include thread trimming, fabric spreading, garment packing, helping in core processes and similar activities.

¹ The Child Labour (Prohibition and Regulation) Act, 1986 (part 1, para 1 point 2 (II), amended in 2016 (CLPR Act)

² Refer to the list of industries and processes in “The First Schedule” listed The Factories Act, 1948

1.4 Responsibilities of AEPC Member Unit

AEPC Member Unit shall be committed to adhere to the AEPC Advisory on child labour and take the responsibility to:

- Understand and identify applicable laws and their implementation;
- Understand general industry practices and perception; and
- Establish management systems for sustenance and their continual improvement

The basic requirements (as per Indian Central Acts and Rules) applicable to an apparel manufacturing set up have been listed below. The AEPC Member Unit is expected to add any other relevant laws as applicable.

Salient Points	Relevant Section of Applicable Act
The Child Labour (Prohibition and Regulation) Act, 1986	
1. Display the abstract of the Child Labour (Prohibition and Regulation) Act, 1946 at conspicuous and accessible place in the factory premises containing the abstract of Section 3 & 14.	Section 12
The Factories Act, 1948	
2. No child who has not completed fourteenth year of age shall be required or allowed to work in the factory	Section 67
3. Where certificate of fitness is obtained/renewed, it is valid only for a period of twelve months	Section 69
4. Persons who have completed fourteenth, but not eighteenth, year of age are not employed in hazardous or dangerous operations	Section 87
5. Where certificate of fitness is issued to “work as a child” (for a person who has completed fourteenth year, but not fifteenth year of age), the person shall not be employed or permitted to work during the night, and not beyond 4 ^{1/2} hours during the day.	Section 71
6. NO female young person shall be required or allowed to work in any factory except between 8:00 AM and 7:00 PM	Section 71 (5)
7. Where certificate of fitness is issued to “work as an adult”, the young person (who has completed fifteenth year but not eighteenth year of age) is allowed a full day’s work. A person who has completed fifteenth year but not seventeenth year of age shall not be allowed to work from 7:00 PM to 6:00 AM.	Section 71 (1A)
8. No young person shall be required or allowed to work in any factory on any day on which the person has already been working in another factory.	Section 71(4)
9. Register of Child Worker	Section 73

1.5 Vision for the development of AEPC Child Labour Protocol to be followed at factory:

By implementing AEPC Advisory, it will be possible for AEPC Member Units to establish systems to adhere to Indian laws, re-frame policies and better practices aimed at improving social and environmental impacts in their factories. The advisory provides a framework for the apparel factories to establish and implement the AEPC Advisory.

Accordingly, the following Protocol on Child Labour may be followed by the factory unit:-

- (i) A factory shall have a policy on prohibition of child labour;
- (ii) A factory shall have a designated person who has been given the responsibility and authority to implement systems and procedures relating to prohibition of child labour and employment of young persons
- (iii) A factory shall have a procedure for training and creating awareness amongst all persons employed specially those employed in recruitment and selection procedure;
- (iv) A factory shall have a system for
 - screening of visitors to ensure that no child enters the manufacturing areas;
 - procedure for verifying of the applicant to prevent employment of child labour;
 - regulating employment of young persons, including conditions of their employment;
 - identifying potential conditions for employment of child labour or violation of conditions of employment of young persons and taking adequate preventive measures;
 - detecting if a child is employed inadvertently, and a procedure for remedial action;
 - maintaining and controlling documents of children and young persons and reporting the same to the management;
 - periodically reviewing issues arising out of employment of children and young persons by the factory management and implementing procedures for corrective and preventive action for continual improvement
