

**U.S. Department of Labor
Bureau of International Labor Affairs
Office of Child Labor, Forced Labor, and Human Trafficking**

FREQUENTLY ASKED QUESTIONS:

***Trade and Development Act Report:
2009 Findings on the Worst Forms of Child Labor***

1. Why does the Department of Labor prepare this report?

The report is prepared in accordance with Section 412(c) of the Trade and Development Act, which requires the Secretary of Labor to make findings on the efforts of certain U.S. trade beneficiary countries to implement their international commitments to eliminate the worst forms of child labor.

2. When did the Department of Labor begin issuing reports on the worst forms of child labor?

The Department published the first Findings on the Worst Forms of Child Labor report in 2002, which included information on child labor efforts in 2001.

3. How is the report prepared?

The Department's Office of Child Labor, Forced Labor and Human Trafficking prepares the report by collecting data from a wide variety of sources, including U.S. embassies and consulates, foreign governments, nongovernmental organizations, and international agencies. In addition, staff conducted field visits to certain countries covered in the report. Since 2008, research conducted in response to the Trafficking Victims Protection Reauthorization Act (TVPRA) has also been incorporated in the report. The TVPRA requires, among other things, the Department to develop a List of goods that it has reason to believe are produced by forced labor or child labor in violation of international standards. Under this process, the Department has conducted extensive research on 116 countries.

4. What changes were instituted with the 2009 TDA report?

The 2009 report differs from previous versions in a number of ways. First, it provides a sharper focus on the worst forms of child labor, mainly in the first section of the text, which highlights the prevalence and distribution of the problem. In previous reports the Department provided an overview of children's work in each country that may have included cases that did not clearly constitute the worst forms of child labor. This year, the Department chose to focus exclusively on the worst forms of child labor to realign the report with the mandate in the TDA.

Second, the sections that describe efforts by each government to address the worst forms of child labor differ from those in previous reports. These sections are organized to more closely track the types of efforts that the Congressional TDA Conference Committee report indicated the President should consider when determining whether a country has met its obligations under the GSP and other trade preference programs. The report now contains findings throughout these sections, and also contains a paragraph at the beginning highlighting the key findings in the report.

Finally, the most significant change is the inclusion for the first time this year of a set of proposed actions for each government to consider that would address the main deficiencies found in the report.

5. How can the report serve as a tool for U.S. policymakers, foreign governments, and the public?

DOL seeks to provide timely, relevant information and analysis on the worst forms of child labor that will inform and raise awareness among public and private stakeholders in the U.S. and in each covered country. By providing more analysis and specific recommendations, the redesigned report provides Congress and Executive Branch agencies with useful information to consider when making labor and trade policy. For foreign governments, aid organizations, and civil society groups, the report both recognizes positive efforts by countries and notes areas where action is needed, thus offering a basis for discussion, collaboration, and implementation of targeted efforts to address the most urgent child labor issues facing each country. Finally, where the report demonstrates a need for additional information on specific dimensions of child labor or actions to address it, the report may spur further research and reporting that will enable governments and other stakeholders to better evaluate the impact of their efforts and guide future actions.

6. What is the difference between this report and the State Department's Human Rights Report and Trafficking in Persons Report?

The State Department's Human Rights Report contains a short section on child labor, but it focuses on the status of a wide variety of internationally recognized human rights. State's Trafficking in Persons Report provides information on the prosecution and prevention of trafficking as well as protection of trafficking victims, including both adults and children. The Department of Labor's Findings on the Worst Forms of Child Labor provides information on the incidence and nature of child labor in general; child labor laws and their enforcement; and efforts of certain countries to address exploitive child labor. The report also provides information on trafficking of children, not adults, since it is considered to be one of the worst forms of child labor as defined by International Labor Organization (ILO) Convention 182.

7. What are the worst forms of child labor?

The worst forms of child labor are defined in the Trade and Development Act and ILO Convention 182 as:

- (A) all forms of slavery or practices similar to slavery, such as the sale or trafficking of children, debt bondage and serfdom, or forced or compulsory labor, including forced or compulsory recruitment of children for use in armed conflict;
- (B) the use, procuring, or offering of a child for prostitution, for the production of pornography or for pornographic purposes;
- (C) the use, procuring, or offering of a child for illicit activities in particular for the production and trafficking of drugs; and
- (D) 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.

8. Does the Department of Labor issue a similar report about the United States?

Since the Trade and Development Act applies to countries eligible for U.S. trade benefits, information on the United States is not included in the report. The Department recognizes, however, that children in this country are exploited in the worst forms of child labor. The Department's Wage and Hour Division (WHD) is the lead agency in enforcing laws regarding child labor in the United States. WHD publishes information on child labor regulations as well as the results of enforcement actions that pertain to child labor. In addition, since 2003, the U.S. Department of Justice (DOJ) has prepared an annual report to Congress on U.S. government efforts to combat human trafficking. This report includes information on efforts by various U.S. government agencies, including the Department of Labor, to combat worst forms of child labor such as child prostitution, pornography, sex tourism, and trafficking.

9. What is the Department of Labor doing to combat the worst forms of child labor in the United States?

DOL is committed to ensuring that U.S. child labor laws are strictly enforced. Since 2009, DOL has added 350 new field investigators to increase enforcement in industries that employ vulnerable workers, including young workers. Every onsite investigation conducted by DOL's WHD has a child labor component. Child labor complaints, although not numerous, are given the highest priority within the agency. Each year, WHD regional and local offices undertake child labor compliance initiatives in a variety of industries, such as grocery stores, shopping malls, theaters, and restaurants, homing in on industries that traditionally employ large numbers of young workers and are most likely to have problems with compliance. Ending illegal child labor is a top DOL priority, and WHD investigators use every tool available — from imposing civil money penalties to using the "hot goods" provision to prevent interstate commerce in goods produced by child labor — to end these violations.

Many working children in the United States work on farms. Safeguarding agricultural workers' health and safety poses challenges, because workers are often mobile, the work may be seasonal, and often occurs in remote locations. WHD aims to protect youth

working in agriculture through a variety of means, including investigations and outreach to farmers, farm labor contractors, workers, parents, teachers, federal agencies, and others who provide services to farmworkers. WHD is also focusing on strengthening regulatory protections for children working in agriculture.

Children work in other U.S. industries as well, some illegally, and an estimated 146,000 youth sustain work-related injuries and illnesses each year. In May 2010, DOL promulgated new regulations that expanded the list of hazardous occupations and processes prohibited for children under age 18. These rules draw on technical recommendations from the National Institute for Occupational Safety and Health (NIOSH). They bar children from working at poultry slaughtering and packaging plants; riding on forklifts; working in forest fire fighting, forestry services, and timber tract management; operating power-driven hoists and work-assist vehicles; operating balers and compactors designed or used for non-paper products; and operating power-driven chain saws, wood chippers, reciprocating saws, and abrasive cutting discs.

WHD has stiffened penalties for employers that illegally employ child workers. Under the new penalty structure, employers who employ youth who are under the age for legal employment will face a minimum penalty of \$6,000 per violation for employing 12 and 13 year olds; for workers illegally employed under age 12, the minimum rises to \$8,000 per violation. WHD can assess up to \$50,000 for a child labor violation that results in a youth's serious injury or death, and this penalty can be doubled for repeat or willful violations up to \$100,000.