



Australian Government
Department of Foreign Affairs and Trade



DFAT CHILD PROTECTION GUIDANCE NOTE PRIVATE ENTERPRISE

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CHILD PROTECTION IN PRIVATE ENTERPRISE

PURPOSE

This Guidance Note provides **DFAT staff and partner organisations** with guidance on how to address the protection and wellbeing needs of children and young people in private enterprise programming, to ensure children are safe and protected from harm and exploitation.

BACKGROUND

Private enterprise enhances the reach and impact of international development work in areas such as health, education, agribusiness, infrastructure development, capacity building and job creation.

In the context of DFAT's development program, the focus of private enterprise is on businesses operating in developing countries. Such businesses include local firms, Australian businesses with operations or supply chains in developing countries, and multinationals.¹

While private enterprise contributes to development work, it is also responsible for safeguarding children and complying with all applicable laws in the work that it implements. All work undertaken with and by private enterprise must avoid the infringement of children's protection rights: in the delivery of activities and services by the business itself; by any operations in the supply and value chain; or indirectly through suppliers, customers and other business partners.

The responsibility of private enterprises to respect children's protection rights applies to all entities regardless of their size, sector, operational context, ownership or structure. These safeguarding measures should be proportional to (among other factors) the size of the enterprise, type and level of access to children, and the severity of the impact on children's protection rights.

Even though a business activity or service might not impact adversely on adults, it could pose a protection risk to children. Every enterprise have processes in place that identify the possible child protection risks posed by their business operations, and to implement adequate safeguarding measures to mitigate them. This extends to those activities that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts.

Please read this guidance note in conjunction with:

- DFAT's Child Protection Policy (<http://dfat.gov.au/about-us/publications/Pages/child-protection-policy.aspx>)
- DFAT's Establishing Child Protection Risk Context Guidance Note (<http://dfat.gov.au/about-us/publications/Documents/child-protection-risk-assessment-guidance.pdf>)
- DFAT Guidance Note – Women's Economic Empowerment Programs
- DFAT's Aid Programming Guide (<http://dfat.gov.au/about-us/publications/Pages/aid-programming-guide.aspx>).

¹ <http://dfat.gov.au/aid/topics/development-issues/private-sector-development/Pages/private-sector-development.aspx>

RISK IN PRIVATE SECTOR ACTIVITIES

This table outlines some common child protection risks within private sector programs and provides some ways to mainstream child protection into private sector programming. You can implement these practical measures as part of service provision and program design. You'll also find other activities that can influence change in attitudes and beliefs about the impacts on children who experience child abuse, by working with communities as well as local and national governments.

RISK

1. **Child suffers harm or exploitation and abuse by staff, consultants or volunteers linked to the business operations**
2. **Company's reputation is damaged due to children suffering harm or exploitation and abuse linked to the business operations**
 - Child-safe recruitment and screening is not used.
 - Business does not have adequate child protection policies and procedures.
 - Companies do not consider child protection risks in their operations.
 - Staff are untrained.
 - Staff, children and adolescents do not report unsafe behaviours or actions of staff member or volunteer.
 - Staff do not respond appropriately to child protection concerns, and children are left in unsafe situations.
 - Privacy is not protected.
 - M&E frameworks do not include consultation with children and young people, and do not monitor the effects of the private sector program on children.
 - Child labour is used in the business or supply chain.
 - Company personnel hire children as domestic workers, which affects a child's access to education and recreation.
 - Young workers (above the minimum age for work) are engaged in hazardous work.²
 - Young women engaged by company are sexually harassed going to and from, or during work

MITIGATION STRATEGIES

Implement robust policies and procedures

- Comply with, or build on, the compliance standards within DFAT's Child Protection Policy, including the development of a child protection policy. Within the policy, include:

² Note that the legal age of employment will differ between countries.

- definitions
- a commitment to zero tolerance of child abuse and exploitation
- an explicit commitment to managing direct and indirect impacts on children
- a statement about the company’s corporate responsibility to protect children and respect children’s rights
- an explicit commitment to building the knowledge and capacity of all company stakeholders to uphold children’s protection rights and the policy principles
- an explicit commitment to funding community strengthening and child wellbeing projects that address and mitigate child protection risks (such as the establishment of community-based child protection groups: family, child and youth livelihood projects; water and sanitation projects).
- Ensure the implementation of all child protection documents is in line with relevant legislation and international law and human and child rights frameworks.

Ensure safe recruitment measures are undertaken

- Undertake child-safe recruitment of all staff, volunteers, consultants and contractors. This includes drivers and security guards. See also *DFAT Child Protection Guidance Note – Recruitment and Screening*.
- Include a clause in employment contracts that the business has a right to dismiss the employee if he/she is found to have breached the child protection policy or code of conduct. This includes using company facilities, credit cards or business accounts for: purchasing child abuse images on the internet; paying for child sexual tourism when travelling; or any other illegal or harmful activity involving children.

Undertake child protection impact risk assessments

- Preferably, employ risk identification, review and mitigation processes that involve children, young people and stakeholders who best represent the voices, needs and rights of children
 - draw on the expertise of child protection experts and civil society organisations (such as women’s groups and NGOs)
 - treat children and young people as a separate stakeholder, rather than as just part of their families or community.
- Include child protection on-site risk registers.
- Include child protection in social and human rights impact and risk assessments, baseline surveys and operation plans.

Seek to understand:

- children’s and young peoples’ participation in family livelihood-generating activities
- how children are likely to be impacted by the business’s operations, products or services (including those in the value and supply chain)
- existing societal risks to children’s safety and protection, which the company’s operations and services could make worse (e.g. family violence, child abuse such as sexual and physical abuse, use of child labour, child trafficking)
- local traditional and cultural practices and beliefs such as early marriage, discrimination of people with disabilities, minority groups and gender inequity. These could put children at risk of being exploited or discriminated against by personnel.

- Include adverse impacts that the business may cause or contribute to through its own activities, or which may be directly linked to its operations, products or services through a business relationship. For example, if the staff of the company's security provider harass or sexually abuse local girls or hires children as labourers, the company is responsible for ensuring that all reasonable steps are taken to reduce the risk of this happening.
- Develop management and risk mitigation plans for each identified risk that is being monitored and evaluated.
- Review child protection risks at regular intervals and at times of change (such as before a new activity or relationship) and before major decisions or changes in the operation or operation environment (e.g. market entry, product launch, policy change, rising social tensions).

Provide training

- Provide regular training on child protection, the child protection policy, code of conduct, complaints handling mechanism, discipline process, appropriate behaviours, local child protection legislation, and relevant standards and procedures.
- Provide training on how to recognise signs of child abuse and how to respond to child abuse disclosures.

Implement robust complaint handling mechanisms

- Provide clear complaints mechanisms for staff, children, families and the general community.
 - Make sure that community-based groups and non-governmental organisations working on behalf of children are able to access the mechanisms and deliver grievances on behalf of children.
 - Complaint handling procedures need to include reports of child abuse and exploitation, as well as breaches of the company's child protection policy and code of conduct. They should include clear escalation, investigation and disciplinary processes for staff and stakeholders.³
- Ensure that there is a policy and procedure for correcting any child protection abuse that is caused by the business or that they have contributed to. Include which civil society/community-based organisations are available to refer children, young people, and families to for support.

Implement a clear child protection code of conduct

- In addition to the minimum requirements in DFAT's Child Protection Policy, the company's child protection code of conduct should include:
 - that all personnel and associates must act in the best interests of all children at all times
 - child protection clauses prohibiting the use of expense accounts or company finances in any aspect of child exploitation
 - » These include: the use of company/business information and communication technology (ICT) to download or view child pornography or misuse information or images of children; or the use of business premises, services or vehicles for improper purposes.
Highlight that serious disciplinary proceedings will be taken against anyone found to be in breach of those guidelines
 - a clause requiring the need to obtain informed consent for any involvement of children and young people in any business activity, for example research, marketing and communications, product

³ For example, using a complaint box located around the community

testing or use of children's images. See *DFAT Child Protection Guidance Note – Use of Images and Social Media* for further information

- a statement reinforcing that the standards of behaviour are expected during and after work hours.

Implement clear child and youth labour policies and guidelines

- Include child labour in the company child protection policy or develop a separate policy that includes clauses covering:
 - the prohibition of employing or using underage children in any type of child labour
 - the use of robust age-verification mechanisms as part of recruitment processes, and ensuring that these mechanisms are also used in the supply chain
 - the requirement to provide safe, decent and adequately remunerated work for young workers.
- Ensure the minimum age for employment is in line with national law or international standards (whichever is higher), and that monitoring mechanisms to check the age of young people being employed are implemented.

RISK

3. Company's reputation is damaged due to children suffering harm or exploitation and abuse linked to the business operations

MITIGATION STRATEGIES

Assess and develop partner capacity

- Undertake a child protection due diligence
 - conduct a child protection due diligence as early as possible in the development of a new activity or relationship. This will identify any child protection risks that partners/suppliers or contractors may cause or contribute to through its own activities, or which may be directly linked to its operations, products or services.
The type of due diligence is likely to vary in complexity due to factors such as the size of the business and the nature and context of its operations.
- Include child protection clauses in contracts and agreement, including:
 - signing onto or developing a child protection policy and code of conduct
 - agreeing to a mutual complaints process
 - expectation of child-safe recruitment and adequate supervision of all personnel, including those along the supply chain, that have direct contact with children and young people
 - a commitment to respecting women's and children's rights
 - the disciplinary process for stakeholders found to be in breach of the company child protection policy or code of conduct.
Include the requirement to investigate unlawful or abusive behaviour, and the subsequent appropriate disciplinary actions where there is credible evidence of unlawful or abusive behaviour
 - a zero tolerance to child abuse and withholding information about child abuse
 - collaboration and participation in capacity building on child protection
 - expectation of ongoing assessment and monitoring of child protection risks and mitigation measures.
- Provide regular training on child protection, child rights, women's rights and the company's child protection policies and procedures.
- Work with business partners, suppliers, contractors, etc. to build their capacity to safeguard children and young people.

RISK

4. Child suffers harm due to product or services provided by company

- Health supplies and pharmaceuticals are inadequately labelled.
- Lifesaving products or services are not accessible or available to some children.

MITIGATION STRATEGIES

Ensure health supplies are accessible and adequately labelled

- Ensure that products and services for children or to which children may be exposed are safe and do not cause mental, moral or physical harm.
- Restrict access to products and services that are not suitable for children or that may cause them harm.
- Ensure that products and services are available, accessible and provided to marginalised children and their families, particularly those that are essential to children's survival and development.
- Consider that products and services could be used to abuse, exploit or harm children, and work to mitigate the risks posed to children.
- Ensure that product labelling and information is clear, accurate and complete, so that parents and children can make safe and informed decisions. For example, make sure that age restrictions for product use and age requirements for adult supervision are included on labels.

RISK

5. Child suffers abuse and exploitation during and following an emergency

- The company or its suppliers and subcontractors are working in an emergency context.

MITIGATION STRATEGIES

Ensure children's safety in the context of emergencies

(See also *DFAT Child Protection Guidance Note – Child Protection in Emergencies*)

- Undertake a specific child protection due diligence and risk assessment that reflects the heightened and specific protection needs and risks for children in emergency situations.
- Ensure child-safe recruitment standards are maintained during rapid deployment.
- Develop a specific policy or set of procedures that outline the special precautions the company takes to safeguard children's protection rights in emergency or conflict-affected areas.
- Make a commitment to working in partnership with local government and humanitarian aid agencies.
- Train personnel, contactors, suppliers and business partners who work in emergency contexts on child protection and any specific or additional expectations and requirements for safeguarding children in the emergency context.
- Clearly identify all personnel working for the business in an emergency situation.
- Appoint a child-safe focal point for emergency situations.