

Dutch Child Labour Due Diligence Law

In May 2019, the Dutch Senate adopted the [Wet zorgplicht kinderarbeid](#) or so called “Child Labour Due Diligence Law” requiring companies to report that they have carried out supply chain due diligence pertaining to child labour.

With various interpretation aspects still pending and to be determined via ad-hoc governmental General Administrative Orders, the law has yet to be implemented by royal ratification. The earliest possible entry into force date was originally set for 1 January 2020; however, in order to allow for those implementation / interpretation aspects of the law to be worked out, the law is likely to become effective sometime in 2022 (exact date still TBD). Consequently, the final details of the law / requirements are not yet known.

Who will be affected?

Both companies registered in the Netherlands and companies from abroad selling goods and delivering services to Dutch customers. Those companies will be required to conduct due diligence related to child labour and submit a statement to a supervising authority declaring that they have investigated risks of child labour in their activities and supply chains.

Definition of Child Labour (Article 2)

According to the Act, child labour includes any forms of work as referred to in Article 3 of the [ILO Convention on the Worst Forms of Child Labour \(1999\)](#) performed by persons under the age of 18.

If the work takes place in the territory of a state that has ratified the [ILO Convention on Minimum Age \(1973\)](#), child labour will also include the forms of work prohibited by that State in the implementation of that Convention.

In the case where the work takes place in the territory of a State which is not party to the ILO Minimum Age Convention, child labour should also be understood to mean:

- Work performed by persons under the age of 15 or who are subject to compulsory schooling.
- Work performed by people under the age of 18 that may endanger the health, safety or morality of those performing it.

What is expected of companies? (Articles 4 and 5)

Companies' statements, which will have to be lodged within six months from the date the act enters into force, will be then made publicly available by the national competent authority. Contrary to, for example, the [UK Modern Slavery Act](#) or the [French Duty of Vigilance Law](#) which require annual reporting, the Dutch Child Labour law will require companies in the scope to produce the statement only once.

If a company identifies a reasonable suspicion of child labour (see [ILO-IOE Child Labour Guidance Tool for Business](#)), it is required to develop an action plan in line with international guidelines such as the [UN Guiding Principles](#) or [OECD Guidelines for Multinational Enterprises](#) in order to prevent and mitigate the risks of child labour.

Enforcement and sanctions (Articles 7 and 9)

Administrative fines are contemplated e.g. in cases where statements are not submitted or if the company fails to remedy the negative impact / does not follow the instructions imposed by the competent authority.

If a company is found to have committed the same violation within a time span of five years, and the company is managed by the same director, the responsible director may face criminal prosecution and sanctions.

amfori services and tools that can support members' due diligence efforts

amfori BSCI Code of Conduct focusses on commitments for respecting [ILO Fundamental Conventions](#) enforced through international law and binding for states that have ratified them.

These are:

- Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
- Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
- Forced Labour Convention, 1930 (No. 29) and Abolition of Forced Labour Convention, 1957 (No. 105)
- Minimum Age Convention, 1973 (No. 138) and Worst Forms of Child Labour Convention, 1999 (No. 182)
- Equal Remuneration Convention, 1951 (No. 100)
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

amfori BSCI tools that contribute to supporting companies in detecting instances of child labour are:

- Self-assessment templates
- amfori BSCI audits
- Remediation plans
- Guidance to establish a social management system
- Guidance to establish factory-level grievance mechanism
- The [amfori zero tolerance protocol](#) which supports its members and their producers to take immediate and effective action to redress violations of the amfori BSCI Code of Conduct through a process of collective and pre-competitive remediation.

The amfori Academy provides more than 500 training activities in 25 countries to promote the respect of labour rights in global supply chains, and more specifically on Forced Labour Due Diligence and Responsible Recruitment.

To prevent modern slavery and help amfori members exercise due diligence in their supply chains, amfori BSCI has taken the following steps:

- Designed a Responsible Recruitment training module with focus on risks for migrant workers.
- Published guidelines on the UK Modern Slavery Act focused on legal reporting requirements.
- Partnered with Stronger Together, a multi-stakeholder business-led initiative working to reduce modern slavery through guidance, training, resources and collaborative sector programmes to deliver online training sessions concerning forced labour due diligence.
- Developed two interactive e-learnings on the amfori Academy to support member companies in their due diligence journey towards detecting, preventing and responding to forced labour in their own business and global supply chains.

The amfori Country Due Diligence Tool provides country indicators on:

- Child Labour (ages 5-14)
- Human Trafficking in Persons (TIP) Tier Placement
- Vulnerable employment

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