

C.A.F.E. Practices Manual and Guidance on the Evaluation of Child Labor (SR-HP 4.1)

Starbucks Coffee Company

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1.0 Introduction

The purpose of this manual is to provide guidance on the evaluation of child labor (in the scope of SR-HP4.1) in the C.A.F.E. Practices program. As definitions of child labor, minimum age for work, and type of labor permitted for minors vary from country to country, this document aims to provide guidance on how to evaluate child labor in the C.A.F.E. Practices program globally, rooted in the International Labour Organization (ILO) conventions and international guidelines on child labor, while taking into account national child labor legislation. Any identified child labor for children under 14 or the legal working age would result in a Non-Comply evaluation for the indicator SR-HP4.1 in the C.A.F.E. Practices program. This document provides definitions of child labor and hazardous work; and exceptions for children working are detailed as part of light work, family work and authorized minor employment. This manual is intended to supplement the "C.A.F.E. Practices Verifier and Inspector Indicator Guidance Reference."

2.0 Child Labor Related Terminology

Authorized Minor: A child of or over the legal working age.

Child: Any human being under 18 years old. "Minors" is used interchangeably with "child" in the C.A.F.E. Practices program.

Child Labor: According to the ILO, Child Labor is work that deprives children of their childhood, their potential, and their dignity, and that is harmful to their physical and mental development. It refers to work that is mentally, physically, socially or morally dangerous and harmful to children; and interferes with their schooling by depriving them of the opportunity to attend school or obliging them to leave school prematurely; or requiring them to attempt to combine school attendance with excessively long and heavy work. In C.A.F.E. Practices, child labor includes **work that is performed by people under the legal working age**; or hazardous; or interferes with education or general physical and mental development; or exceeds a minimum number of hours; or is unsupervised. Child Labor includes both work that is paid and unpaid.

Family Worker (on own farm): A person who contributes labor on an agricultural enterprise in which a member of their family owns or operates. Examples can include spouses, children, and other extended family who primarily reside on the farm. Children who are accompanying family members working on another farm in which the family members do not own or manage would not be considered family workers in the C.A.F.E. Practices program and the conditions of their work should be assessed under "light work."

Hazardous Work: Any work that harms a child's health, safety or morals, including the handling of agrochemical or hazardous waste or work conducted in agrochemical storage areas or pesticide applied fields or areas; the operation or cleaning of machinery/power tools or work conducted in farm tool storage areas; work with dangerous machinery, equipment and tools; activities that require physical effort beyond the child's safe capacity, such as lifting heavy objects with loads greater than 20% of their body weight; working on steep slopes of more than 50%; and night work. A country's list of Hazardous Child Labor activities should be reviewed to identify additional hazardous activities carried out by children which are prohibited by national legislation.

Indirect Employment: Situations where a worker is not hired directly by the entity itself, but are working through a labor intermediary, lead harvester, or other group, or are assisting a family member when the

¹ https://www.ilo.org/ipec/facts/lang--en/index.htm

family member is a hired worker. Children indirectly employed might be receiving indirect payment or no payment at all.

Indirect Payment: Payment that is made through an entity who is not the farm/entity owner (e.g., a parent, labor intermediary, lead harvester). Indirect payment may include pocket cash provided to a child for contributing labor.

Legal Guardian: A person who has the legal authority to care for the interests of another person.

Legal Working Age: The minimum age established by the government and national laws to allow a minor to legally execute an activity or provide paid services, subordinate to another person, company or institution.

Light Work: Work carried out by children that is not harmful to the child's health and development (i.e. hazardous work); does not interfere with schooling or training; involves supervision of a parent or guardian; does not exceed 14 hours a week, and meets all legal requirements for minors as defined by national law (including age). Light work is only permitted when allowed by national law. Light work can be carried out by children on their own family farm, or by children accompanying their parents/legal guardians on another farm. Children unaccompanied cannot carry out light work, this would be considered a form of child labor.

Worst Forms of Child Labor: All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and forced or compulsory labor; the use, procuring, or offering of a child for illicit activities (e.g., the production and/or trafficking of drugs); and hazardous work, as by its nature or the circumstances in which it is carried out, is likely to harm the health, safety, or morals of children.

3.0 What is Child Labor (SR-HP4.1)?

The C.A.F.E. Practices program does not allow for direct or indirect employment of children under the age of 14 or under the country's legal working age, whichever is higher. In C.A.F.E. Practices, child labor that is performed under 14 or under the legal working age is evaluated under indicator SR-HP4.1. The conditions of work for children who are over 14 or the legal working age for general work are to be evaluated under indicator SR-HP4.2 (authorized minor employment).

Child labor includes work that is under the legal working age; or hazardous; or that interferes with education or general physical and mental development. Additionally, child labor includes work that exceeds a maximum number of hours and is unsupervised. Any identified child labor under the legal working age would result in a Non-Comply evaluation for indicator SR-HP4.1 in the C.A.F.E. Practices program.

Indirect employment refers to situations where children are not hired directly by the entity itself, but are working through a labor intermediary, lead harvester, or other group, or are assisting a family member hired by the farm owner. If minors under the age of 14 (or the country's legal working age) are found to be working either through an employment agency or intermediary and are not contributing light work supervised by a parent or guardian, SR-HP4.1 must be evaluated as Non-Comply.

Children under 14 or the legal working age who are unpaid may be performing child labor and the conditions of their work must be evaluated. Payment made directly (e.g., by farm owner) or indirectly (e.g., through a parent or other entity who is not the farm owner) is not a condition for a Non-Comply evaluation for SR-HP4.1.

3.1 Hazardous Work

Hazardous work is any work that harms a child's health, safety, or morals. Hazardous work includes, but is not limited to:

- Handling pesticides or hazardous waste, work conducted in pesticide storage areas, or work conducted where pesticides have been applied;
- The operation or cleaning of machinery/sharp tools or work conducted in tool storage areas;
- Work with dangerous machinery, equipment and tools;
- Activities that require physical effort beyond the child's safe capacity, such as lifting heavy objects with loads greater than 20% of their body weight;
- Working on steep slopes of more than 50%; and
- Night work.

A country's list of Hazardous Child Labor activities should also be reviewed in addition to the list above to ensure that the activities carried out by children are not hazardous as defined by national legislation or C.A.F.E. Practices guidance, **whichever is stricter**. If it is found during an inspection that any of the

Child Labor includes work that is:

Under 14 or under the legal working age

In conflict with school

Hazardous or interferes with general physical and mental development

Excessive in hours

Unsupervised

Child Labor does *not* include:

Authorized minor employment (over 14 or the legal working age)

Light work

Family work (that is supervised, age appropriate and does not conflict with school)

Table 1. Child Labor Overview.

hazardous activities noted above or any activity on a country's hazardous activity list is performed by a child, then the correct evaluation for SR-HP4.1 is Non-Comply. Children performing any hazardous work is considered one of the Worst Forms of Child Labor. Children are prohibited from performing the "Worst Forms of Child Labor" as defined by Article 3 of ILO Convention 182 (see Appendix A).

4.0 When are Children Permitted to Work?

Not all work carried out by children under 18 is considered child labor. The ILO states that children working as part of light work, family work, or authorized minor employment can have positive benefits for a child's development. If it is in accordance with national legislation, C.A.F.E. Practices allows for children of certain age groups to carry out some types of work in three situations: as part of family labor, light work or authorized minor employment. Children carrying out light work as permitted by law (two years below the legal working age and older than 12 years old), children that are working as part of authorized minor employment (over the legal working age and older than 14 years old), or children performing light work through family labor on their own family farm are forms of permitted work in C.A.F.E. Practices.

The conditions of work for children over the age of 14 or the legal working age should be evaluated under the indicator SR-HP4.2 (authorized minor employment), while light work and family work under the legal working age are to be evaluated under SR-HP4.1.

4.1 Light Work

In countries where light work is permitted for children according to national legislation, there can be some allowance for minor assistance or light work on farms for children of hired workers two years under the legal minimum age. If a country allows light work, national legislation must be referenced to understand what activities are considered light work, and the hours and the circumstances under which they may be carried out. In countries where the minimum age for general work is 15, an exception may exist in national legislation for light work ages 13-15, and in countries where the minimum age is 14, the exception for light work would be for ages 12-14. Light work can include non-hazardous and age-appropriate activities such as:

- Occasionally picking coffee,
- Carrying loads of less than 20% of the child's body weight,
- Manually sorting coffee,
- Certain household chores (e.g., provision of snacks, water), and
- Caring for siblings in the field.

See *Appendix C* for more information on permitted activities by age group.

Children working as part of light work should not be working alongside their parents for the same number of hours and should not be conducting the same type of work. If children age 12 to 14 or ages 13 to 15 are observed assisting their family, the inspector must ensure that the activities:

Type of Work	Minimum Age	Minimum Age if nation ratifies ILO Convention 138 with exception	
Light	13	12	
General	15	14	
Hazardous	18	18	

Table 2. Minimum Age for Light, General and Hazardous Work.

- I. Are permitted by national law and meet all legal and Hazar requirements for children carrying out light work as defined by national law,
- II. Are not harmful to the child's health and development (i.e. hazardous work),

- III. Do not interfere with schooling,
- IV. Involve supervision of a parent or legal guardian, and
- V. Must not exceed 14 hours per week.²

If children under 14 or under the national legal working age are present on the farm in violation of any of the conditions (I) to (V) above, SR-HP4.1 should be evaluated as Non-Comply. While in some cases it may appear that children are only "helping" on a farm, the inspector must evaluate the conditions of the child's activities on the farm and ensure that all conditions (I) to (V) above are met for compliance with SR-HP4.1. In no cases are children under the age of 12 allowed to support family members who are hired workers on a farm, even if doing light work.

4.2 Family Work

On smallholder coffee farms, children are often contributing as family workers on their own family farm. Some countries have laws regulating the conditions by which children are permitted to work on their own family farm. C.A.F.E. Practices permits children contributing work on their own family farm in work that:

- I. Is not harmful to the child's health and development (i.e. hazardous work) and tasks performed are age-appropriate (see appendix C),
- II. Does not interfere with schooling,
- III. Involves the supervision of a parent or guardian,
- IV. Does not exceed 14 hours a week for minors below the legal working age, and
- V. Meets all legal requirements for minors as defined by the national law (including the minimum age from which children can perform light work on their own family farm, if noted. If legal requirements for family work are not defined by law, conditions I IV must be met).

If any of the above conditions are not met, SR-HP4.1 should be evaluated as Non-Comply. In cases where a child below the compulsory schooling age is not attending school in order to work on their own family's farm, the correct evaluation for SR-HP4.1 is Non-Comply. In cases where the national law for family work is stricter than C.A.F.E. Practices guidance, then the national law should be followed.

5.0 Child Labor in National Laws

National legislation on child labor is based on the International Labour Organisation's (ILO) international child labor conventions, which individual countries ratify and incorporate into their national law. Inspectors should always consult and reference applicable national law for:

- I. The minimum age of work (for light, hazardous, general, and agricultural work),
- II. The list of activities considered as hazardous for children,
- III. Any permission for light work for children ages 12-14 or 13-15 (depending on the legal minimum working age) and the hours and type of work permitted by age group,
- IV. Any certificate of age or work permit required for minors working,
- V. Compulsory school age, and
- VI. Any requirements for family labor and family farms.

² The number of light work hours that can be done during school holidays must be verified in national legislation but should not exceed 14 hours.

In cases where national law is stricter than C.A.F.E. Practices child labor guidance, SR-HP4.1 should be evaluated according to the national law. For example, if the national law prohibits any work under age 16, including light work, then a farm where a child age 15 is carrying out light work would receive a Non-Comply evaluation for SR-HP4.1.

In cases where the national legislation is less strict or is lacking specific details relating to child labor, such as a list of hazardous activities, the C.A.F.E. Practices guidance on hazardous activities should be utilized to evaluate if activities performed by children are to be considered as hazardous and grounds for non-compliance for SR-HP4.1.

Table 3 below details some of the scenarios in which national legislation and C.A.F.E. Practices guidance

may be in conflict and which to follow in each scenario.

National Legal Requirement	C.A.F.E. Practices Guidance	Aligned? (Yes/No)	Follow Stricter National Law	Follow Stricter C.A.F.E. Practices Guidance
Minimum working age is 14.	Minimum working age is 14.	Yes		
Minimum working age is 15.	Minimum working age is 14.	No	Yes	
Children are not permitted to perform any light work under the legal working age.	If allowed by law, children may perform light work that is not hazardous, does not interfere with school, is supervised, 14 hours per week or less, and meets national requirements.	No	Yes	
Light work for children of farm workers is not defined in national law.	national requirements.	No	Yes – if light work is not defined in national legislation, it is not to be permitted.	
Legal requirements for children working on their own family farm as part of family labor are not defined by national law.	Children may perform light work on their own family farm that is not hazardous, does not interfere with school, is supervised, 14 hours per week or less, and meets national requirements.	No		Yes
List of hazardous activities is not defined in national law.	Hazardous work is defined, and list of examples are included.	No		Yes

Table 3. Differences between National Legal Requirements and C.A.F.E. Practices Guidance.

6.0 Identifying Child Labor Risks

Identifying children vulnerable to child labor is challenging; it is critical to understand what the risks are for certain groups of children. The following factors may contribute to children being vulnerable to child labor:

- Ethnicity
- Migrant status
- Gender
- Regional/national conflict
- Citizenship status
- Poverty
- Natural disasters
- Disabilities
- Separation from family

Inspectors should prepare for the inspection by evaluating the local context of the entities that will be visited in relationship to the risks above. When inspectors observe any of the above risk factors present at an entity, the inspector must thoroughly investigate to assess if there is any child labor practiced by the entity.

7.0 Best Practices for Inspectors in Evaluating Child Labor

Pre-inspection

- Inspectors should review any updates to national child labor legislation and review the list of hazardous activities that cannot be carried out by children (if country has such list).
- Verification timing should be planned to coincide with harvest activities when full workforce will be present and the likelihood of observing any instances of child labor is increased.
- National and regional tools (census, etc.) should be utilized to evaluate the risk of child labor in
 the region where the inspection is taking place before going to the field. For example, census
 data could be utilized to identify where children may be at higher risk of not going to school.
 Additionally, regional coffee organizations may also have research and reports available on the
 incidence of child labor in a particular geographic area.
- Risk evaluation should be considered when selecting sampled entities to visit.

Onsite Inspection

- In order to verify a child's age, an inspector should review identity documents, school or medical records, or other verifiable documents when available. When documents are not made available, inspector will need to verify the child's age through interviews and triangulation.
- Inspectors should assess if the entity has an age verification system in place, and if the entity has a system for ensuring minors are not involved in hazardous work. During worker interviews, the inspector should inquire about what type of age verification system the worker went through upon being hired and also if they have observed any young-looking workers at the entity.
- Inspectors should ensure to document the ages of children on the farm, the duration of time (e.g., the number of hours per day, amount of rest time, meal time, time of day to make sure it

- doesn't conflict with school, days per week, etc.), the activities that the children conduct while on the farm, who are the accompanying adults (if any), and if payment is made to any children.
- Inspectors should ensure the questions are open-ended and not leading, and sufficient time is taken to get a full understanding of what the child is doing throughout the course of the day onsite.

Inspectors are required to assess whether entities that use a labor intermediary or employment agency to contract workers are employing persons under the age of 14.

Tips on conducting child friendly interviews:

- If possible, the inspector should triangulate all sources of evidence to verify the incidence of child labor *before* interviewing the child. If interviews with workers, review of payroll records, and visual observation all indicate that a child below the working age is working in conditions of child labor then an interview with the child may not be necessary.
- It is important to ensure that the rights of the children are being respected and that sensitive approaches are used. First and foremost, interviews with children are voluntary, and permission to interview must first be granted. While conducting interviews inspectors should treat the child with respect and do what they can to make the child feel comfortable and secure. For example, inspectors can sit at the same level as the child before beginning the interview.
- To help put the child at ease, the inspector should explain his or her role and inform the child of the purpose of the meeting and what will happen when it is over. Validating what the child says by being attentive and repeating back what he or she says helps to encourage the child to share, letting the child know it's okay to correct you. The conversation should be open-ended, and inspector should ensure that they are not leading the children.
- When speaking, use simple, non-confrontational terms to communicate to the child, using short sentences to ask questions. Give time for the child to digest the question and take breaks as needed.
- Where language interpretation is needed, the interpreter should ensure that they have understood the question clearly before posing the question to the child.
- In cases where a ZTNC for SR-HP4.1 is detected, ensure that there are no negative repercussions for the child and the child's family. If there is potential risk of causing harm by reporting ZTNC at entity closing meeting, the inspector should immediately inform the verifier and discuss with SCS when possible before disclosing the ZTNC to the entity.

Post-Inspection/Reporting

- A Non-Comply evaluation for SR-HP4.1 requires a set of minimum evidence, in addition to legal references to applicable child labor laws. The minimum evidence required includes:
 - Age(s) of worker(s), or children assisting family members, under 14 or under the legal working age,
 - Reference to the legal working age,
 - o Activities conducted by children under 14 or the legal working age,

- Schedule of when children under 14 or the legal working age work and/or are present at the entity (hours per day/week),
- If applicable, payment system for work done by children under 14 or the legal working age, including whether payment is direct to the child or indirect (e.g., through parents or other person or organization),
- o Information about whether children are accompanied by a parent or legal guardian;
- When applicable, the school calendar including holidays in the country of inspection;
 and,
- Any additional circumstances as to why the children are working and what the circumstances are (e.g., whether work is voluntary, how long has this been occurring).
- o Any additional references to relevant national legislation.

8.0 Case Studies

Situation: A 13-year-old girl is working on her own family's farm, harvesting small amounts of cherries during a break from school which she attends full-time. The legal working age in her country is 14 years old and light work is legally permitted for ages 12-14. The girl is with her mother and works about 2 hours per day, Monday through Friday.

Evaluation for SR-HP4.1: The type of work carried out by the 13-year old girl meets the C.A.F.E. Practices requirements for light family work. The child is within the legally permitted age for light work, her work is supervised by her mother, she carries out non-hazardous activities (assuming that she does not carry heavy weight and does not work on steep slopes, with sharp tools, etc.), her work does not exceed 14 hours a week and does not interfere with the child's development and access to education. The correct evaluation for SR-HP4.1 is Comply.

Situation: A 14-year-old boy is accompanying his parents who are working as harvesters on a farm during the weekends. He spends most of the day playing on the farm and picks a very small amount of coffee cherries each day that he puts into his parents' baskets. He is always with his parents, attends school, and picks coffee for less than an hour per day. His parents give him a small amount of pocket money for his contributions. The legal working age is 15 and the country does not permit light work outside of a child's own family farm.

Evaluation for SR-HP4.1: Since the country does not permit light work outside of a child's own family farm, the work that the 14-year old boy is performing is not in compliance with national legislation on child labor. The correct evaluation for SR-HP4.1 is Non-Comply.

Situation: During a large farm inspection, you note that workers aged 14-17 were hired for handing empty coffee bags to older workers and occasionally harvesting cherries. You interview the young workers and they indicate that they work 8 hours a day, 5 days a week, but only during the school holidays, and that they work independently without any supervision and are paid directly by the farm owner. According to the national law of this country, the employment age is 16 years old, with exceptions for 14 to 16-year-old workers if the working hours are 8 hours per day maximum and the nature of the job is not hazardous.

Evaluation for SR-HP4.1: The work does not meet the C.A.F.E. Practices requirements for light work for the children working ages 14 to 16 years old, as it is unsupervised and exceeds 14 hours per week. While the national legislation may permit such work performed by these young workers, this type of work does not meet the definition of light work for minors below the legal working age in the C.A.F.E. Practices program, due to the excessive number of hours worked (e.g., 40 hours per week). The correct evaluation for SR-HP4.1 is Non-Comply.

Appendix

A. Child Labor in International Laws

C.A.F.E. Practices' child labor definition follows the International Labor Organization (ILO) conventions, which defines child labor as:

Work that deprives children of their childhood, their potential and their dignity, and that is harmful to their physical and mental development. It refers to work that is mentally, physically, socially or morally dangerous and harmful to children; and interferes with their schooling by depriving them of the opportunity to attend school or obliging them to leave school prematurely; or requiring them to attempt to combine school attendance with excessively long and heavy work.³

National legislation on child labor is based on the International Labour Organisation's (ILO) international child labor conventions, which individual countries ratify and incorporate into their national law. Most countries' national legislation on child labor is rooted in the two ILO conventions (C138, C182) and ILO recommendation on hazardous activities (R190).

ILO Convention No. 138 on Minimum Age

The aim of Convention No. 138 is the abolition of child labor – which is work that is hazardous to children's health, safety or morals, work that interferes with compulsory education or for which they are simply too young. Convention 138 requires countries to:

- Establish a minimum age for entry into work or employment, and
- Establish national policies for the elimination of child labor.
- According to Article 7 of ILO Convention No. 138, national laws or regulations may permit the
 employment or work of persons from 13 years of age (or 12 years in countries that have
 specified the general minimum working age as 14 years) in light work which is:
 - o not likely to be harmful to their health or development; and
 - not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received.

ILO Convention No. 182 on the Worst forms of Child Labor

- Convention 182 defines the worst forms of child labor as: "All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and forced or compulsory labor, the use, procuring, or offering of a child for illicit activities (e.g., the production and/or trafficking of drugs) and hazardous work, as by its nature or the circumstances in which it is carried out, is likely to harm the health, safety, or morals of children".
- Under no circumstances, children should be involved with jobs that are considered the worst forms of child labor, as defined by Article 3 of ILO Convention 182.

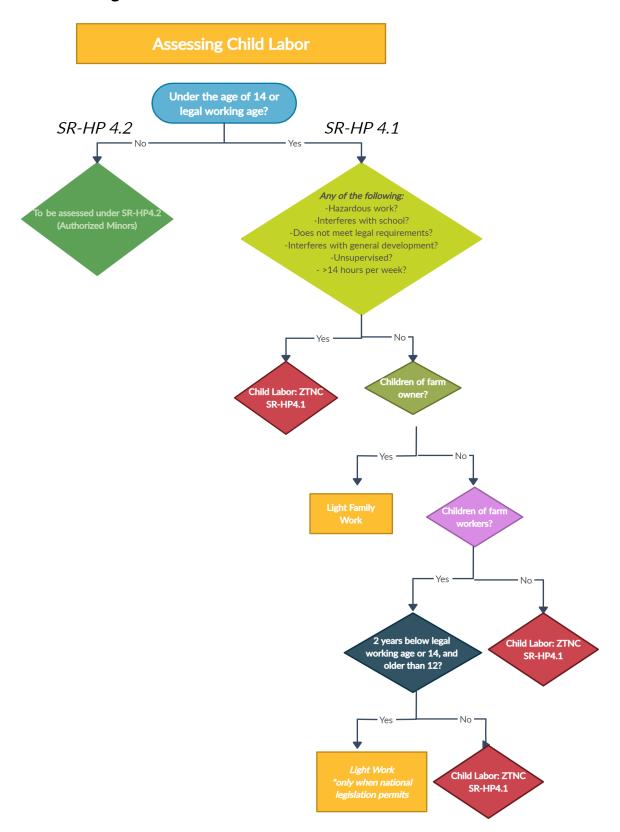
³ https://www.ilo.org/ipec/facts/lang--en/index.htm

ILO Recommendation No. 190 on Hazardous Activities

Guidance for governments on hazardous work activities which should be prohibited is given by Article 3 of ILO Recommendation No. 190 and include the following:

- Work which exposes children to physical, psychological or sexual abuse,
- Work underground, under water, at dangerous heights or in confined spaces,
- Work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads,
- Work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health,
- Work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer.

B. Assessing Child Labor Decision Tree



C. List of Activities Permitted by Age in C.A.F.E. Practices

The following table provides examples of activities that may be performed by children in the coffee supply chain and whether that activity is permitted in the C.A.F.E. Practices program by age group. The table below should be used alongside the national list of hazardous tasks to determine if activities conducted by children are permitted. The list of activities is not exhaustive of all activities that could potentially be performed by a minor. While the activity itself may be permitted, the inspector must still evaluate if it is being carried out in such a way that may cause hazard to the child. For example, while harvesting cherry may be permitted in the program, if it is done in hazardous conditions (e.g., on steep slopes), in excessive hours, causes a child to miss school or is unsupervised then SR-HP 4.1 would be evaluated as Non-Comply.

	Activity	2 years below legal working age (SR-HP4.1)*	Legal working age or 14 to 18 years old (SR-HP4.2)
	Handling agrochemicals	NO	NO
_	Working in agrochemical storage	NO	NO
ÆSI	Working in tool storage area	NO	NO
OFF-HARVEST	Using sharp tools in field	NO	NO
긒	Weeding (manually)	YES	YES
e e	Weeding (with sharp tools)	NO	NO
	Any activity that has potential agrochemical exposure	NO	NO
	Occasionally harvesting cherry	YES	YES
	Carrying heavy loads (>20% child's body weight)	NO	NO
ST	Carrying light loads (<20% of child's body weight)	YES	YES
HARVEST	Operating machinery	NO	NO
₹	Working on steep slopes (>50%)	NO	NO
	Night Work	NO	NO
	Caring for siblings in the field	YES	YES
	Manually sorting Cherry/parchment	YES	YES
	Dehusking	NO	YES

^{*}If permitted by national legislation.