



# Financial and Material Impacts of Child Labour

Case studies of how a child labour  
scandal can impact a business

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## Disclaimer

HACE: Data Changing Child Labour Limited is not an FCA regulated body and this report does not constitute financial or investment advice. The case studies explored in this report show that the impact of a child labour scandal on share price varies on a case-by-case basis. As with any share price analysis, attributing causation to a specific reason or event can be challenging. Therefore, the case studies discussed will state the facts of the scenario and illustrate the parallels with share price and other impacts to the companies involved. We have tried to ensure that the information in this report is correct. However, we cannot guarantee its accuracy as our sources are third party sources of mainstream media. Source material is publicly available and listed on Page 14-15. Quotes and specific facts are linked directly.

## Content Warning

This report contains content that readers may find disturbing, including descriptions of child labour, poor working conditions and references to sexual abuse and rape.

HACE's purpose: to use technology to supply the data that allows informed conversation between investors and companies

HACE's values: Transparency, Reliability, Accountability, Collaboration

# Introduction

What is child labour?  
Find out [here](#).

## Is child labour a business and investment risk?

Child labour is often included in the [“most critical forms of ESG violations”](#) (Elevate, 2023). For the following reasons, identified by HACE experts, we believe that child labour is a significant business and investment risk in its own right and therefore, warrants stand-alone consideration and monitoring.

- The **scale** of the issue. According to the [International Labor Organisation \(ILO\)](#), there are an estimated 160 million children in child labour, equating to 1 in every 10 children globally. This number is expected to increase.
- The **sensitivity** of the issue. Reports of incidents involving children typically draw greater media attention, reflecting the heightened public interest in such matter, which may in turn influence the level of media and public scrutiny faced by a corporation and their shareholders involved in a scandal.
- The **lack of transparency** around the issue. Companies have little visibility into their global supply chains, creating blind spots for risk of child labour. Therefore, their investors have no way to monitor real-time company performance on child labour.
- Understanding child labour as a **distinct risk issue** is crucial for business and investment risk assessments. Child labour is frequently subsumed under broader categories like Modern Slavery and Forced Labour. However, a mere 2.1% of child labourers fall into the category of Modern Slavery based on ILO definitions, highlighting the need for more focused awareness and separate treatment in discussions and analysis.

All of these combined factors mean that companies and investors have insufficient visibility into their exposure to child labour, which means they could be running unseen business or investment risks.

## Misconceptions of child labour and child labour scandals

In addition to the aforementioned factors, there exists a range of global misunderstandings about child labour that can inadvertently serve to rationalise the issue, leading to confusion or misinformation among all stakeholders. This white paper will aim to clarify and correct some of the larger misconceptions which are outlined below:

1. Child labour **only occurs in low-income economies**
2. Child labour is **rarely hazardous**
3. Child labour is a risk issue primarily confined to the **fast fashion and Ready Made Garment** industry
4. Companies embroiled in child labour scandals are rarely, if ever, **legally obligated to provide financial restitution**
5. Companies are never held legally accountable for the **actions of third party suppliers**
6. Child labour scandals lack **long-term repercussions** for companies.

## Impact of child labour on a company

Along with increasing legislation, criminal penalties and fines associated with child labour in supply chains, there are other extensive impacts to a company associated with child labour such as:

- Damage to brand image
- Disruptions in operational performance
- Legal ramifications
- Decreased value in the eyes of the consumer
- Reduced attractiveness as an investment or partner for financial institutions
- Lack of ability to procure public contracts

Share price and subsequently, market capitalisation, are the most significant areas that may be impacted by a company's child labour scandal breaking in the news. Social sustainability is quickly becoming a significant factor in maintaining both business stability and business growth. A study by the Reputation Institute found that **"companies with poor social performance scores lost an average of \$1.2 billion in market capitalization"**.

A drop in share price may be related to a direct, company-specific scandal, a portfolio company's scandal affecting their investors' share price or even a sector-level news item or report detailing high-level child labour information.

## Case study one

# Hyundai Motor Group

In July 2022, a [Reuters' investigation](#) into child labour in Hyundai Motor Group's supply chain in the US reported ongoing developments that would continue for eight months and escalate to an unforeseeable extent. The initial story reported children as young as 12 working in a metal stamping plant, owned by SMART Alabama LLC, which is a unit majority-owned by Hyundai and supplies parts used by the automaker.

Several of the children employed were not attending school, which means their work constitutes child labour, according to the International Labour Organisation's definition. In addition to this violation, the work that the children were undertaking is classified as hazardous, by both Alabama and federal law, through their proximity to heavy and dangerous machinery, while also violating [ILO Convention 182](#). Many of the children and their families were undocumented, migrant workers, putting them in a further vulnerable position where they may not have felt comfortable reaching out to authorities.



Hyundai Motor Group headquarters in Seoul.  
Source: Chu - Own work, CC BY-SA 3.0,  
<https://commons.wikimedia.org/w/index.php?curid=12875176>

In October 2022, SL Alabama, another supplier of Hyundai, was [fined](#) \$30,000 for child labour violations, along with further fines to JK USA, a temporary labour recruitment firm that placed 5 minors between 13–16 years old at the plant. The story develops into systemic failures within Hyundai's supply chain to identify, monitor or effectively remediate child labour. Shortly after this, SOC Investment Group, which works with funds that own a collective 27,000 shares in Hyundai and have a total of \$250 billion AUM, called to the Hyundai chairman for action on the child labour violations found. The Executive Director of the SOC Investment Group said they were putting similar pressure on tech giants such as Apple and Tesla, and that ["investors like us need to step out and say, 'the value of the fines is not capturing your risk even remotely. Your product might be tinged for a long time.'"](#)

## Case study two

# PSSI & Blackstone

Beginning in November 2022, Blackstone-owned Packers Sanitation Services Ltd (PSSI) was [alleged to be using child labour](#) to clean abattoirs in various states in the US. The US Department of Labor initially found 31 employed children, but within months over 100 children had been identified between the ages of 13-17.

This particular case of child labour was illegal on multiple levels and broke various International Labour Organisation conventions. Children were working overnight, which is classed as hazardous work regardless of work tasks as per [ILO Convention 182](#). However, they were carrying out tasks that also constituted hazardous work, such as caustic chemical use and operating or cleaning of heavy machinery. Several children reported caustic chemical burns. Pictures released by the US Department of Labor show workers clearly of a young age wearing inappropriate Personal Protective Equipment for their size. The work also affected children's school attendance, as child labourers were falling asleep in class and some children dropped out of school, constituting illegal child labour as per the [ILO definition of child labour](#).

PSSI was acquired by Blackstone in 2018 from Leonard Green & Partners. Blackstone received a \$135 million dividend in 2019 and a \$297 million dividend in 2020 from PSSI. The 2022 child labour scandal came after news stories broke earlier that year on high worker fatality and amputation incidences within the company.

There were allegations towards PSSI of document tampering and witness interference and intimidation throughout the investigation. After further examination of PSSI by the Department of Homeland Security and after [additional allegations of child trafficking](#), PSSI eventually paid a settlement of \$1.5 million, which is broken down into a \$15,138 fine for each child labourer employed. [Blackstone's asset owners, the New York State Common Retirement Fund, questioned Blackstone](#) on why a company in their portfolio was found to use child labour, demanding information on how the asset manager will rectify the situation. The CEO of PSSI was replaced and they released a \$10 million dollar fund to tackle the systemic issue.

## Case study three

# Big Tech

On the 15th December 2019, six US tech giants were implicated in a class action lawsuit, filed by International Rights Advocates on behalf of 14 plaintiffs. The companies were sued over child labour violations in their supply chain, specifically in cobalt mines in the Democratic Republic of the Congo (DRC) and were named as Apple, Tesla, Microsoft, Google, Dell and Alphabet. The 14 plaintiffs in the class action were either guardians of a child who had passed away in a mining accident such as a tunnel collapse, or were survivors of such an accident, and represented a larger class of children who had similar experiences, [reported the Business & Human Rights Resource Centre](#).

While the above six companies were named and implicated directly in the class action, they represented a significant portion of buyers in the market; due to the nature of the cobalt supply chain and its interactions with Artisanal and Small-scale Mining (ASM), it is extremely difficult to directly trace supply to end-stage buyer. Despite this, it is highly likely that these six companies were sourcing cobalt from the DRC, considering around [70% of global cobalt is sourced there](#).

The [specific legal claim](#) was "for forced child labour in violation of the Trafficking Victims Protection Reauthorization Act. They also seek relief based on common law claims of unjust enrichment, negligent supervision, and intentional infliction of emotional distress. They request that the Court order the defendants to create a fund to contribute to the appropriate medical care of the plaintiffs and other unnamed children who were injured while mining cobalt."

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The implicated companies **contended** the following in their motion to dismiss on the 25th August 2020:

- Global supply chain is not considered a "venture" under TVPRA definitions.
- Child miners were not "forced" into labour as defined by TVPRA; only direct threats of force or harm from the employer are considered.
- Labour compelled by economic pressure is not covered under the TVPRA's definition of "forced" labour.
- Lack of "requisite knowledge" of the abuses at specific mining sites mentioned; general knowledge of problems in the industry is deemed insufficient to prove they knew about the violations that injured the plaintiffs.

In response to the companies' motion, the US District Court for the District of Columbia dismissed the case on 2nd November 2021. The plaintiffs appealed the decision in February 2022, based on alleged **conflict of interest** regarding the judge who was presiding over the case, Judge Carl J. Nichols, and his alleged financial investment in the defendant companies, according to Forbes. Whether this case was lawfully or unlawfully dismissed, companies with supply chains are now increasingly obliged to take responsibility for their entire value chain. The last point of contention claimed by the 6 Big Tech companies, a "lack of 'requisite knowledge' of the abuses at specific mining sites mentioned; general knowledge of problems in the industry is deemed insufficient to prove they knew about the violations that injured the plaintiffs," would no longer be a sufficient argument under new legislation.

For example, the **Norwegian Transparency Act (NTA)** came into force on the 1st July 2022 and applies to companies of a certain size based in Norway or selling in Norway. Importantly, **"the due diligence requirements of the Transparency Act apply to a company's entire supply chain."** In addition, the level of due diligence should now be dependent on the severity and likelihood of violations, meaning the 6 companies named here could now be expected to carry out heightened due diligence in their cobalt supply chain, especially in the DRC, and so this contention could be less likely to stand in Norway.

In this hypothetical case, should these 6 companies have been fined against the NTA, the financial implications would have been significant. Fines are 25 million NOK (~£2 million) or 4% of annual turnover, whichever value is higher.



## Case study four

# Cocoa Industry

On the 14th February 2021, [legal action was launched on seven of the world's largest chocolate companies](#) accused of using child labour in their cocoa supply chain. The suit was filed by the International Rights Advocates on behalf of eight former Malian child slaves, with Nestlé, Hershey, Mars, Cargill, Mondelez, Olam and Barry Callebaut being named as the defendants in the case.



Original Hershey Chocolate Factory in Hershey, Pennsylvania.

By Antarctic96 - Own work, CC BY-SA 3.0, <https://commons.wikimedia.org/w/index.php?curid=18385452>

The companies were accused of aiding and abetting the illegal enslavement of thousands of children in their supply chains, specifically on Ivory Coast cocoa farms. The [central allegation](#) was that these companies 'knowingly profited' from the illegal work of these children. It also accused the companies of misleading the public in their efforts to reduce the use of child labour.

The former child labourers, originally from Mali, said they were victims of child trafficking after being promised paying jobs. They claim to have not received payment, to have been threatened with starvation and forced to live in squalid conditions.

This constituted the first-time class action of this nature had been filed against the cocoa industry in a US court. A federal judge dismissed the case on June 28th 2022 on the grounds that there was a lack of a 'traceable connection' between the seven defendant companies and the specific plantations where the plaintiffs worked. Again, this is a defence that is unlikely to hold against new and upcoming legislation such as the [Norwegian Transparency Act](#).

[Some sources](#) state that the defendant companies faced punitive damages of \$50 million USD per child and that "potentially tens of thousands (...) could then expect similar sums." The companies settled with a ["substantial amount of money to the plaintiffs"](#) says Terrence Collingsworth, Executive Director of IRAdvocates.

## Case study five

# Tesco & Intertek

On the 18th December 2022, a lawsuit against Tesco and Intertek was filed by 130 workers in Thailand who were employed by VK Garment Factory (VKG), a supplier of jeans, jackets and other items to F&F, Tesco's clothing line. Allegations centred around illegally low pay, hazardous working conditions and indicators of forced labour such as **"retention of identity documents, retention of wages, lack of freedom of movement, intimidation, threats, physical and sexual violence"**.

Specifically, the defendants in the case were named as Tesco PLC; Ek-Chai Distribution System Company Limited (owned by Tesco PLC until 2020); and the UK headquartered auditing companies Intertek Group PLC and Intertek Testing Services (Thailand) Limited.

When this story broke in the media, it was a **landmark case** as it was the first example of a UK company being sued in English courts for the actions of a company that they do not own, in their extended supply chain and not based in the UK. Additionally, the case was also brought against Intertek, who had carried out the social audits on Tesco's behalf. It is believed that this is the first time an auditing firm has been included in such a lawsuit in this way.



F&F jeans. Source: WRS.tm.pl

Own work, CC BY-SA 3.0,

[https://commons.wikimedia.org/wiki/File:F%26F\\_jeans,\\_organic\\_cotton\\_from\\_Tesco.jpg](https://commons.wikimedia.org/wiki/File:F%26F_jeans,_organic_cotton_from_Tesco.jpg)

It was also a case that was particularly shocking to the public, due to the wide consumer reach and general knowledge of one of the defendants, Tesco. Further, ongoing developments worsened optics for Tesco, as it was **reported on the 19th December 2022** that a 7 year old girl, one of the claimants in the VKG case, was raped at the VKG factory accommodation while her mother worked unpaid overtime. While this aspect of the story is not under Tesco's responsibility, it is clear to see how public perception of the company would have been even more negatively impacted when such a shocking story was released and connected to Tesco.

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Both Tesco and Intertek denied the claims, with Tesco stating that they have no responsibility to protect the claimants under Thai law. The claimants previously filed a case with the Thai Department of Labour Protection and Welfare and then the Thai labour court, both of which concluded that claimants were only entitled to severance pay and notice pay. [Thai experts on the case](#) believe this is partly due to the fact that Intertek had audited VKG and verified their compliance to labour standards up until 2020. VKG therefore relied on the audit results which allowed them to deny knowledge of the situation.

This case is still ongoing and the outcome is uncertain. Contact the [Leigh Day Press Office](#) for further enquiries.

## Forced labour and child labour in the Tesco & Intertek case study

While this case involved forced labour, there are two main points to consider when relating it to child labour and the potential risk for company share price and impacts on other financial and material assets:

- Forced labour also includes child forced labour. **In 2021, there were an estimated 27.6 million people in forced labour globally, 3.3 million of whom were children**, according to the [International Labor Organisation](#).
- There are 27.6 million people in forced labour globally. If a UK company and their auditors were sued for forced labour violations by 130 workers in Thailand, the risk of similar lawsuits for child labour violations is much higher; in fact, there are 160 million children in child labour globally, which is 5.8x higher than the number of forced labourers.<sup>1</sup> **For every 130 forced labourers in the world, there are 754 children in child labour.**

HACE analysis shows that **if child labourers were added to the total global employed workforce, they would make up 4.6% of that total workforce.**

According to [Tesco's company disclosure](#) and [Open Supply Hub](#), a small supplier might have 50 workers. 4.6% of 50 means 2.3 workers are statistically likely to be child labourers.

1. Calculated from International Labor Organisation: Global Estimate of Modern Slavery 2022 at [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---ipec/documents/publication/wcms\\_854733.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipec/documents/publication/wcms_854733.pdf)

## Case study six

# Nike

In 1996, Life magazine ran a story on child labour that included an emotive photo of a 12-year-old Pakistani child sewing a Nike football. There is debate on whether this image was staged or not but it didn't matter; a global child labour scandal began, arguably the first one to be publicised at such a scale.

On the [20th April 1998, Nike Inc. was sued](#) over statements in which they denied the use of child labour and substandard wages in sweatshops in Asia. Activist Marc Kasky filed the lawsuit claiming these statements were deceptive. The case was swiftly dismissed by the trial court on grounds suggested by Nike of the US First Amendment guarantee of free speech. Therefore, Kasky appealed to the California Court of Appeals and further to the California Supreme Court.

In May 2002, the California Supreme Court declared Nike's statements were commercial speech and entitled to less constitutional protection, at which point Nike appealed to the US Supreme Court. By 26th June 2003, the US Supreme Court had dismissed the case and left the California Supreme Court's ruling to stand. Several months later a settlement was agreed for Nike to pay \$1.5 million, in addition to investments to strengthen workplace monitoring.

The LA Times reported that ["shares of Nike fell 11 cents Friday to \\$55.68 on the New York Stock Exchange."](#)

While this share price drop and \$1.5 million settlement could be considered a relatively small financial impact, it is potentially the first time in public record that a child labour scandal has impacted a company financially in such a public, global and damaging way. Often when we ask a member of the general public which companies are 'bad' for child labour, Nike is mentioned. The precedent was set over 20 years ago that consumers and shareholders care about this issue, a trend which has increased exponentially to create the impacts discussed in other case studies here.

# Conclusions

This report on Financial and Material Impacts of Child Labour concludes with the following summarisations:

## Child labour

- Child labour is pervasive, often invisible and affects all industries and sectors through emotive and sensitive cases
- Child labour is 5.8x more prevalent than forced labour and is therefore a higher risk in global supply chains, in terms of probability

## Financial and material impact

- While child labour violation fines could be considered small, few other examples exist where impacts on share price, brand reputation and business operation are as extreme and long-lasting
- C-Suite executives, shareholders and auditing companies are all becoming increasingly culpable for child labour across supply chains

## Institutional investors

- Asset owners are increasingly looking for heightened due diligence and reporting on child labour
- Strategy-level transparency and reporting may soon be required from asset managers

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**Next series:**

**Child Labour: Definitions, Data and Misconceptions**

2nd November 2023 – 1st February 2024

# Appendix 1

## Misconceptions

- Misconception 1: Child labour only occurs in low-income economies -->
- Evidence: child labour actually occurs in all countries and all income classes. For example, according to the [ILO Global Estimates of Child Labour 2020](#), **25.3 million** children are in child labour across Upper-middle income countries and High income countries. Also see [Case Study 1](#).
- Misconception 2: Child labour is rarely hazardous -->
- Evidence: almost **50%** of child labourers are estimated to be in hazardous child labour (ILO, 2020). Also see [Case Study 2](#).
- Misconception 3: Child labour is a risk issue primarily confined to the fast fashion and Ready Made Garment industry -->
- Evidence: **70%** of child labour actually occurs within the Agriculture sector (ILO, 2020) e.g. working on farms producing agricultural crops. Other examples include children working in mines extracting minerals and therefore in the less visible, bottom tiers of a company's supply chain. There are currently 160+ commodities [proven by the US Department of Labor](#) to be produced with child labour, many of which are in multiple countries. These include high-profile commodities such as cocoa, tobacco and ready-made garments, but also much less spoken about commodities such as bricks, salt and glass. Also see [Case Study 3](#).
- Misconception 4: Companies embroiled in child labour scandals are rarely, if ever, legally obligated to provide financial restitution -->
- Evidence: See [Case Study 4](#).
- Misconception 5: Companies are never held legally accountable for the actions of third party suppliers -->
- Evidence: See [Case Study 5](#).
- Misconception 6: Child labour scandals lack long-term repercussions for companies -->
- Evidence: See [Case Study 6](#).

In our next series on child labour, these misconceptions will be addressed and explored in more detail. The series and subsequent White Paper will focus on child labour as a socially complex issue.

# Appendix 2

## Source material

### Hyundai Motor Group child labour scandal 2022-2023:

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- <https://www.reuters.com/world/us/hyundai-kia-auto-parts-supplier-alabama-fined-child-labor-violations-2022-10-11/>
- <https://www.reuters.com/business/autos-transportation/investor-group-unions-push-hyundai-address-child-labor-us-suppliers-2022-10-19/>

### Packers sanitation child labour scandal 2022-2023:

- <https://www.ft.com/content/54ab001b-01b5-4e89-905e-73ad72431dec>
- [https://pestakeholder.org/news/blackstone-owned-sanitation-company-ordered-to-stop-using-child-labor-to-clean-slaughterhouses/#\\_edn7](https://pestakeholder.org/news/blackstone-owned-sanitation-company-ordered-to-stop-using-child-labor-to-clean-slaughterhouses/#_edn7)
- <https://www.ft.com/content/54ab001b-01b5-4e89-905e-73ad72431dec>
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### Big tech child labour scandal 2019-2020:

- <https://www.business-humanrights.org/en/latest-news/lawsuit-against-apple-google-tesla-and-others-re-child-labour-drc/>
- <https://www.statista.com/statistics/339834/mine-production-of-cobalt-in-dr-congo/>
- <https://abcnews.go.com/International/apple-google-microsoft-dell-tesla-named-lawsuit-deaths/story?id=67795965>
- [https://www.upi.com/Top\\_News/US/2019/12/16/Lawsuit-US-tech-giants-profiting-from-brutal-child-labor-in-Congo/2681576510900/](https://www.upi.com/Top_News/US/2019/12/16/Lawsuit-US-tech-giants-profiting-from-brutal-child-labor-in-Congo/2681576510900/)
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- <https://www.forbes.com/sites/davidjeans/2022/06/24/federal-judge-apple-microsoft-conflict-of-interest/>

## **Nestlé, Hershey, Mars, Cargill, Mondelez, Olam and Barry Callebaut child labour scandal 2021-2022**

- <https://www.theguardian.com/global-development/2021/feb/12/mars-nestle-and-hershey-to-face-landmark-child-slavery-lawsuit-in-us>
- <https://www.reuters.com/business/hershey-nestle-cargill-win-dismissal-us-child-slavery-lawsuit-2022-06-28/>
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## **Tesco & Intertek child labour scandal 2022-2023:**

- <https://www.business-humanrights.org/en/latest-news/uk-tesco-faces-landmark-lawsuit-from-former-garment-workers-over-alleged-sweatshop-conditions-in-thai-factory/>
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## **Nike child labour scandal 1998-2003**

- <https://www.latimes.com/archives/la-xpm-2003-sep-13-fi-nike13-story.html>
- <https://www.business-humanrights.org/en/latest-news/nike-lawsuit-kasky-v-nike-re-denial-of-labour-abuses/>

## **General**

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