

**Date Reviewed**

October 2020

**Course**

[Social Justice 12](#)

**Topic**

Morality in Purchasing

**Big Idea**

The causes of social injustice are complex and have lasting impacts on society.

**Essential Question**

How can ethical consumerism promote social justice?

**Learning Standards****Content:**

*Students are expected to know the following:*

- processes, methods, and approaches individuals, groups, and institutions use to promote social justice

**Curricular Competencies**

*Students are expected to be able to do the following:*

- use Social Studies inquiry processes and skills to ask questions; gather, interpret, and analyze ideas; and communicate findings and decisions
- make reasoned ethical judgments about controversial actions in the past or present after considering the context and standards of right and wrong (ethical judgment)

**Core Competencies**

[Communication](#) – I can communicate my findings about a company's labour practices in a variety of forms.

[Thinking](#) – I can evaluate a company's labour practices and judge to what extent a company should be held responsible for the ethical failings of an outsourced third party.

[Personal and Social](#) – I can make reasoned ethical decisions about how to use my purchasing power.

## First People's Principles of Learning

Learning involves recognizing the consequences of one's actions.

### Introduction

- State that between 1815 and 1957 there have been about 300 international agreements implemented to suppress slavery. However, today there are more enslaved people today than during the Atlantic Slave Trade; at least 40 million worldwide, annually generating around \$150 billion. Over half of slaves are found in raw materials and manufacturing.
- Ask "How Many Slaves Work for You?" Have student use the NGO website [Slavery Footprint](#) and complete the online questionnaire to estimate how many slaves were used in the manufacture of items they have in their homes. Ask students to take the quiz honestly and write down their results.  
**\*\* Ensure that students put their correct age, otherwise an adult question will come up about use of sex workers.**
- Debrief the quiz:
  - Point out that no brand names were asked for. Ask: What does this tell you about the accuracy of this quiz?
  - Have students click on Methodology at the bottom of the webpage. Ask: Where does this site get their information? Are these credible sources? How do you know?
  - Have students turn to a partner to share how they felt about their results. Ask: Were you surprised?

### Pre-Assessment

Written Reflection: How do your choices about what to buy affect other people in the world?

### Interactive Learning Activities

#### Part 1: Modern Slavery

- Show the video [Modern Day Slavery](#), 25min, Foreign Policy Association, Feb 24, 2015.
- Have students complete the Viewing Guide. Afterwards, discuss answers.

#### Part 2: Case Study

- Pose the discussion question: To what extent should a company be held responsible for outsourced third party failings in labour ethics? Should ignorance of the outsourced third party's actions be an excuse?
- Explain that in the class action lawsuit *Doe v Nestlé USA, 2005*, alleged Nestle aided and abetted (which generally means to provide assistance or encouragement to someone committing a crime) human rights abuse regarding child labour and slavery in the Ivory Coast cocoa plantations.
- Show the BBC video [Nestle failing on child labour abuse](#), 2011 (part 1)
- Provide students with copies of the *Doe v Nestlé USA, 2005* Case Study handouts.
  - Have students read CASE STUDY *Doe v Nestlé USA, 2005*
  - Students should work in small groups to answer Discussion Questions. Afterwards discuss responses as a whole class.

#### Part 3: Inquiry Project

- Explain that students will research the product chain in a company and assess the level of ethics in their labour practices, justify their assessment in a formal paper, and then as a class

educate their school peers on their findings by collaborating to create a bulletin board to be displayed in a public area .

- Provide students with handouts for Inquiry Project: Morality in Purchasing, including list of some possible companies, ethical labour rubric, ethical labour practices worksheet, and brand ownership infographic.
- Provide students with access to digital resources listed in the Additional References section as a starting point for their research.
- You may want to have the teacher-librarian provide a review of research skills, including citations, footnotes, bibliographies.
- Be sure to provide time for presentations and consider having students give peer feedback.

### **Post-Assessment**

Written Reflection: What did you learn? What were you surprised about? What was your reaction to the final product created by the class? Will this project change your purchasing habits? Why or why not?

### **Extension Activities**

BBC video “Nestle failing on child labour abuse, says FLA report”, 2011 (part 2 -- 3 week follow up)  
<https://www.bbc.com/news/av/world-18645010/nestle-failing-on-child-labour-abuse-says-fla-report>

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US Department of Labor. "2018 List of Goods Produced by Child Labor or Forced Labor."  
<https://www.dol.gov/sites/dolgov/files/ILAB/ListofGoods.pdf>

**Materials and Resources** (see next pages)

**Viewing Guide: “Modern Day Slavery”, 25min, Foreign Policy Association, Feb 24, 2015**  
<https://www.youtube.com/watch?v=ielKBf5Jp6E>

- 1) What are three reasons that slavery exists?
- 2) What is a common way of tricking people into slavery?
- 3) How much do traffickers make a year?
- 4) In what industry do we find most slaves?
- 5) What are the estimated profits of slavery a year?
- 6) Which slave industry is the most profitable?
- 7) Generally, people are trafficked from \_\_\_\_\_ regions to \_\_\_\_\_ regions.
- 8) What are the top three countries for slavery?
- 9) More than \_\_\_\_\_ of slaves are children
- 10) Are there international laws against slavery?
- 11) What is the International Labor Organization trying to do?
- 12) How do traffickers keep control over slaves?
- 13) What are some challenges to ending slavery?
- 14) Which group is the most vulnerable?

**ANSWER KEY: Viewing Guide: “Modern Day Slavery”, 25min, Foreign Policy Association, Feb 24, 2015** <https://www.youtube.com/watch?v=ielKBf5Jp6E>

- 1) What are three reasons that slavery exists?  
Income inequality, discrimination, corruption
- 2) What is a common way of tricking people into slavery?  
Fake job in a foreign country. Person needs to hold on to your passport.
- 3) How much do traffickers make a year?  
50 billion dollars
- 4) In what industry do we find most slaves?  
Manual labour
- 5) What are the estimated profits of slavery a year?  
150 billion dollars
- 6) Which slave industry is the most profitable?  
Sex trafficking
- 7) Generally, people are trafficked from poorer regions to wealthier regions.
- 8) What are the top three countries for slavery?  
India, Pakistan, China
- 9) More than  $\frac{1}{4}$  of slaves are children
- 10) Are there international laws against slavery? Yes
- 11) What is the International Labor Organization trying to do?  
Factory inspections, workers know their rights, get countries to sign treaties, legal protection for slaves
- 12) How do traffickers keep control over slaves?  
violence
- 13) What are some challenges to ending slavery?  
Too much money is made  
Policing slavery is hard  
Prosecution for traffickers is low because police are complicit  
Corruption  
Victims are scared of going to jail or being deported
- 14) Which group is the most vulnerable?  
Refugees

## CASE STUDY Doe v Nestlé USA, 2005

<https://earthrights.org/wp-content/uploads/Nestle-pltfs-opening-br.pdf>

\*\* Plaintiffs were trafficked from Mali. see U.S. Code § 1350 Alien's Action for Tort, under which companies can be held liable

\*\*\* this case is ongoing and being heard in 2020 by the US Supreme Court

Between 1994 and 2000, Plaintiffs John Doe I, John Doe II, and John Doe III were forced to work as child slaves on cocoa plantations in the Ivory Coast.

Plaintiffs, aged 12 to 14 when first forced to work as child slaves, had to work 12 to 14 hour days with no pay. Id. They often worked with guns pointed at them, and were given only the bare minimum of food scraps. Plaintiffs were forced to stay on the farms under threat of severe beatings, which they had witnessed occur to other forced child laborers who had attempted escape. Plaintiffs were locked in small rooms at night with other child slaves so they could not escape the plantations. They were whipped and beaten by the guards and overseers when the guards felt they were not working quickly or adequately.

These brutal conditions in the Ivory Coast's cocoa industry occurred against the backdrop of the country's civil conflict, which left the country divided after hostilities ended in 2003. The conflict has left an "Enron-type structure" of companies that insulate their criminal activities through secret bank accounts and other layers of deception. Journalist Carol Off observed that the "dirty work" of the Ivory Coast's cocoa industry has been dominated by Defendants in this case.

It has also been well-documented by the U.S. State Department, the International Labor Organization ("ILO"), and UNICEF that child slavery has existed on Ivory Coast cocoa plantations since the 1990s. UNICEF reported in 1997 that children were being trafficked to Ivory Coast's cocoa farms from Burkina Faso and Mali, as Plaintiffs were, and in 2004 the U.S. State Department "estimated that 15,000 child laborers work[ed] on cocoa, coffee, and cotton farms."

This environment enabled Defendants to extend economic dominance over the cocoa farms and provide logistical support and supplies essential to continuing the profitable system of child slavery. Plaintiffs allege that "through exclusive supplier/buyer relationships, maintained in the form of memorandums of understanding, agreements, and/or contracts, both written and oral, Defendants are able to dictate the terms by which such farms produce and supply cocoa to them, including specifically the labor conditions under which beans are produced." Defendants thus have a distinct ability to control the labor practices on the cocoa plantations.

In addition, given Defendants' intimate and direct involvement in their supply chains, their provision of technical assistance and training programs to farmers, and the well-documented international and U.S. reports on child labor in the cocoa farms.

Defendants had specific knowledge of the pervasive use of child labor in Ivory Coast's cocoa sector and on the farms and cooperatives they used to produce cocoa beans. Defendants have admitted that they "actively participate as the first link in an integrated supply chain," that they "continually monitor the performance, reliability and viability of suppliers," that they have "specific programmes directed at farmers in West Africa including field schools to help farmers with supply chain issues,"

and that they have “an unprecedented degree of control over raw material supply, quality and handling.”

Defendants claim that they are “against all forms of exploitation of children,” that they “will not condone the employment or exploitation of legally underage workers or forced labor and will not knowingly use suppliers who employ such workers or labor,” and that they will “comply with the letter and spirit of all applicable . . . laws designed to accomplish equal and fair opportunities in employment.” However, Defendants’ long-term profitable participation in a system of child slavery directly contradicts their public relations strategy.

Defendants provided many forms of assistance to the farming activities of the Ivorian farmers, knew that these farms operated on child slave labor, and then kept the farms in business by buying all of their crops. Plaintiffs allege that Defendants maintained exclusive supplier/buyer relationships, and that they provided the farmers advance payments and personal spending money to maintain the farmers’ loyalty as exclusive suppliers. Defendants knew that the money they were contributing was providing the essential financial support and incentive for these farmers to employ slave labor to meet the demand of Defendants for the valuable cocoa beans. Defendants received significant benefits from the forced labor practices by purchasing cocoa beans at extremely low prices due to severely diminished labor costs. Defendants’ profits depended on their complicity in this system of child exploitation.

Plaintiffs also allege that Defendants had an “ongoing and continued presence on the cocoa farms,” that they had “first-hand knowledge of the widespread use of child labor on said farms,” and that they had influential status based on their exclusive purchasing agreements and the level of control they exercised over the farms. Plaintiffs allege specific instances of practical assistance and encouragement that had a substantial effect on the perpetration of forced labor at issue in this case.

### **Relevant Law and terms to know**

- Rome Statute of the International Criminal Court, section 25(3) (d)  
<https://www.icc-cpi.int/resource-library/documents/rs-eng.pdf>
  - a person shall be criminally responsible and liable for punishment for a crime within the jurisdiction of the Court if that person: contributes to the commission or attempted commission of such a crime by a group of persons acting with a common purpose. Such contribution shall be intentional and shall either: (i) Be made with the aim of furthering the criminal activity or criminal purpose of the group, where such activity or purpose involves the commission of a crime within the jurisdiction of the Court; or (ii) Be made in the knowledge of the intention of the group to commit the crime;
- Mens Rea - the intention or knowledge of wrongdoing that constitutes part of a crime, as opposed to the action or conduct of the accused.

Aiding and Abetting – providing assistance, encouragement, or inciting someone to commit a crime.



## Discussion Questions: CASE STUDY Doe v Nestlé USA, 2005

- 1) According to the case study, what happened to the plaintiffs on the cocoa plantation? What was the extent of Nestlé's knowledge of the labour conditions on the plantation?
- 2) On Nestlé's website, they state that they are against all forms of slavery, have a zero-tolerance approach, have adopted the UNGP, and expect their business partners to comply with international law. Do you think that this is the truth? Why would their website be so different from what the defendants are alleging?
  - a) In 2012, Nestlé stated that discovering child and slave labour is difficult because of the lack of documentation. Do you think that this is a reasonable excuse?
    - i) [https://www.nestle.com/sites/default/files/2012\\_csv/ruraldevelopment/sourcingoverview/tacklingchildlabour/documents/12-03-21%20background%20document%20%20guidance%20on%20child%20labour.pdf](https://www.nestle.com/sites/default/files/2012_csv/ruraldevelopment/sourcingoverview/tacklingchildlabour/documents/12-03-21%20background%20document%20%20guidance%20on%20child%20labour.pdf)
- 3) The Chocolate Manufacturers Association has stated that further legislation is not needed to solve this problem. Harkin-Engel Protocol in 2001 gave companies the primary responsibility to eradicate child and slave labour in their production chain; however this protocol is voluntary, non-binding, and self-regulatory.
  - a) Why do you think this has failed to stop child and slave labour in the chocolate industry?
- 4) Why do you think chocolate companies like Nestlé have neglected to seek evidence much for child labour/slavery in on the plantations?
- 5) The Ivory Coast government has committed to end child labour and slavery, but only funded one police anti-trafficking force at a budget of USD\$5000 a year, in the capital city of Abidjan. This is several hours drive from the plantations and has proved ineffective. Why do you think the Ivory Coast government has done so little?
- 6) Do you think that Nestlé's business practice on the Ivory Coast constitutes aiding and abetting slavery?
- 7) What incentive do you think Nestlé would have for neglecting to root out and eradicate child labour and slavery on their cocoa plantations? What incentives do you think would inspire action from companies like Nestlé?

## Inquiry Project: Morality in Purchasing

Between 1815 and 1957 there have been around 300 international agreements implemented, to suppress slavery. However, today there are more enslaved people today than during the Atlantic Slave Trade; at least 40 million worldwide, annually generating around \$150 billion. Many of the clothes, electronics, food, and objects you buy had help from child or slave labour at some part during the manufacturing process. However, some companies really make an effort to be ethical.

**You will sign up to research on a major brand** (Nike shoes, Apple laptop, Cadbury chocolate bar, etc..) from the list provided, and research its manufacturing cycle, from harvesting the raw materials, through to all steps of the manufacturing process.

Was your brand made in an ethical way?

Once researched, you will give your brand a rating out of 10 based on the rubric supplied on labour practices.

### A) Display

You will be given a **template** that you will have to fill with the following requirements:

- 1) Your **brand's logo** (full colour!)
- 2) Primary countries of production
- 3) The **rating out of 10**
- 4) Support your **rating with 5 specific reasons** (no more, no less)
  - a) Ex: NOT "Has poor working conditions"  
What does that mean?! Give specific examples.

You will place your completed template onto a large world map display outside the Learning Commons to educate fellow students and teachers!

1) Put a **coloured pin** in the country/city every time your brand takes part in the following labour practices (at any time during the manufacturing process):

Green = ethical labour

Yellow = child labour

Red = slave labour

Blue = poor working conditions/pay

2) Attach the **same coloured yarn** from your pin to your completed template, to show where your company manufactures their goods.

3) You must also find an **ethical certification** that people can use to make better choices. This will be displayed at the bottom of the map (ex: the Kimberly Accord = diamonds or Fair Trade = coffee)

## B) Written Report

**Minimum 1200 word report on this company, evaluating their labour practices.**

1. Use the attached ethical labour worksheet to ensure you have as many details as possible.
  - a. Make sure you are referencing relevant international and national laws and address whether or not they have been effective/applied
2. Chicago style formatting and citations (footnotes)
  - a. [https://owl.purdue.edu/owl/research\\_and\\_citation/chicago\\_manual\\_17th\\_edition/cmos\\_formatting\\_and\\_style\\_guide/chicago\\_manual\\_of\\_style\\_17th\\_edition.html](https://owl.purdue.edu/owl/research_and_citation/chicago_manual_17th_edition/cmos_formatting_and_style_guide/chicago_manual_of_style_17th_edition.html)
3. **Bibliography** with at least 8 credible sources
  - a. You must use the **company** website, a **non-profit** site, a **government** site, and a **newspaper** article

## C) Presentation

You will give a **5 - 7 min presentation** to the class about what you learned about your brand and explain why you gave them the rating you did.

**List of SOME possible companies**

Apple -	Microsoft -	Starbucks -	Cartier Jewelry -
Coca Cola -	Jordan's Carpets -	Ikea -	Nike -
Aveda	Louis Vuitton	M.E.C. -	LuluLemon -
Nabisco	BMW -	Nissan -	Nestle -
Levi's -	Bulgari -	H&M	Ralph Lauren -
WalMart -	The Body Shop -	Johnson & Johnson	Covergirl -
Kraft-	PepsiCo -	Disney -	Sony Corp. -
Tesla	Sunkist -	ClubHouse (spices)	Aritzia
Toys R Us -	Honda -	Cadbury -	Lindt -
Canon -	Lego -	Hasbro -	Mattel -
Prada	Loblaws -	Hershey's -	Campbell's
Home Depot	Zara	Danone	McDonalds -
Vans	Kelloggs	Lululemon	Abercrombie and Fitch

Do you have another idea? Ask me first!!!

## Ethical Labour Rubric

4 - 5: Ethical	3 – 2: Somewhat Ethical	1-0 : Unethical
<ul style="list-style-type: none"> <li>• Legal contracts</li> <li>• Safe working conditions with proper training</li> <li>• Legal number of hours with compensation for overtime</li> <li>• No discrimination or abuse of employees</li> </ul>	<ul style="list-style-type: none"> <li>• Low pay</li> <li>• Difficult to quit position</li> <li>• Very little job training or protection</li> <li>• Some dangerous/unhealthy conditions</li> <li>• Long hours</li> <li>• Some employee abuse</li> </ul>	<ul style="list-style-type: none"> <li>• Slave / Indentured Labour</li> <li>• Dangerous/unhealthy working conditions with no protection or training</li> <li>• Long hours with no compensation</li> <li>• Discrimination and / or abuse of employees</li> </ul>
<ul style="list-style-type: none"> <li>• Company is transparent</li> </ul>	<ul style="list-style-type: none"> <li>• Company is somewhat transparent</li> <li>• Company is attempting to fix unethical operations</li> </ul>	<ul style="list-style-type: none"> <li>• Company is not transparent, and/or knows about employee abuse of rights but do nothing</li> <li>• Corrupt management / illegal associations</li> </ul>
<ul style="list-style-type: none"> <li>• No child labour</li> </ul>	<ul style="list-style-type: none"> <li>• Child labour, but with decent working conditions, and company is trying to improve conditions for the community</li> </ul>	<ul style="list-style-type: none"> <li>• Child Labour</li> </ul>
<ul style="list-style-type: none"> <li>• Good benefits</li> </ul>	<ul style="list-style-type: none"> <li>• Poor benefits, but follow employment laws.</li> </ul>	<ul style="list-style-type: none"> <li>• No maternity, sick leave, overtime pay, or breaks</li> </ul>

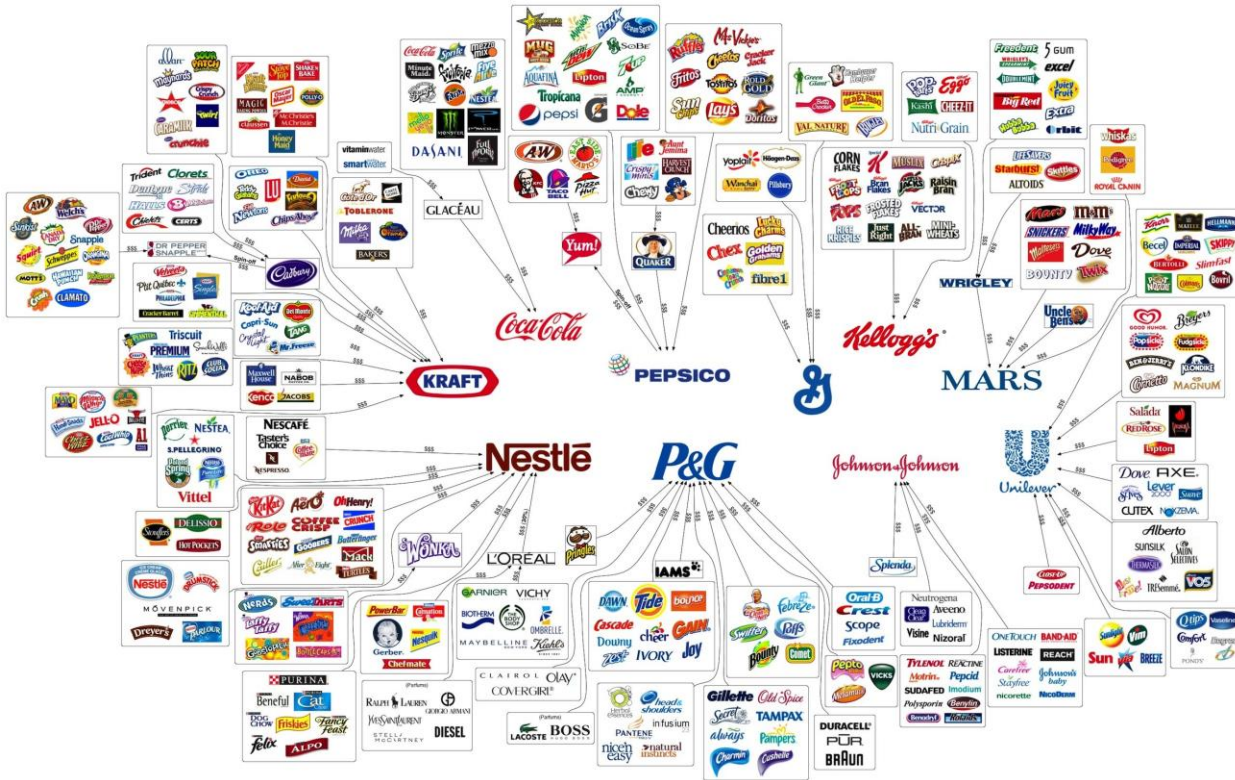
Remember, one company may fit one or more of these columns depending on who their providers are. You will have to use your judgment to decide where they best fit.

## Ethical Labour Practices Worksheet

- 1) Name of Company:
- 2) Products they make:
  - a) If they make a LOT of different products, pick ONE that is more easily researched.
- 3) What raw materials are necessary to make these products (cotton, rubber, metal)?
  - a) Where are these raw materials extracted?
  - b) Where and how are these raw materials processed?
- 4) Where and how is the product put together? Who does it?
- 5) Is there a place where pieces of the product have to be made before the product is made? (i.e. computer chips or cellphones) Where?
- 6) How much do the workers get paid at each level of production?
  - a) How long is a typical workday for employees?
  - b) How are the workers treated at each level of production? Explain.
- 7) Have there been any labour disputes/scandals with this company?
  - a) If yes, what has the company done about it?
  - b) If production happens in a 2nd or 3rd world country... Why would they have it there?
- 8) What does the official company website say about their labour practices?
- 9) What does one non-profit site say about their labour practices?
  - a) Do they agree with each other?
  - b) If not... Why do you think this is?
    - i) Find another source!
  - c) If yes... Find another source to corroborate your evidence!
- 10) What does the ILO say about their labour practices?

# Brand Ownership Infographic

Pay attention to which companies own which brands:



Searching for Style, Fashion 101: Who owns what, 2010  
<http://searchingforstyle.com/2010/11/fashion-101-who-owns-what/>