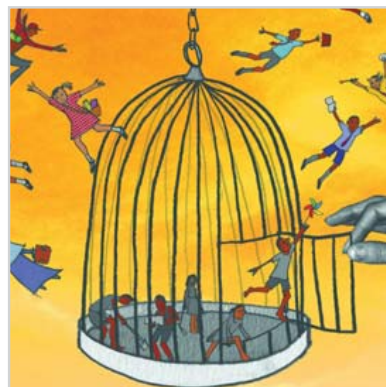




International  
Labour  
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# Child Labour Manual

## A Resource for Labour Inspectors and Officers in Pacific Island Countries



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## FOREWORD

The International Labour Organization, with financial support from the European Union, through the Tackling Child Labour through Education or TACKLE project, has for the last 6 years collaborated with the Fiji Ministry of Employment, Productivity and Industrial Relations to support the development of child labour inspection systems and processes. In 2008, the launch of TACKLE in Fiji was followed by capacity building of labour inspectorates and other enforcement agencies to take action against child labour, in particular hazardous child labour and child labour monitoring. The Child Labour Manual: A Resource for Labour Inspectors and Officers in Pacific Island Countries, was first adapted and used widely for child labour trainings in Fiji. In 2014, the Manual was revised, and inspection forms, hazardous child labour lists, and child labour inspection systems and processes developed by the Fiji Ministry of Employment, Productivity and Industrial Relations, inserted into the Manual and shared with other Pacific Island Countries.

Labour inspectors have traditionally been key partners in eliminating child labour. Labour inspection is a public function, a responsibility of government, best organised as a system, within the context of a larger state system, and in line with the ILO Conventions on Labour Inspection, 1947 (No. 81), and Labour Inspection (Agriculture), 1969 (No. 129). To tackle hazardous child labour inspectors can give information on hazardous child labour to employers and workers including advice on how to eliminate it. They can also use their legal enforcement powers in the workplace to ensure that children are withdrawn from workplaces where hazardous work is taking place, and referred to appropriate authorities who can then get them into school or skills training, and that the health and safety of children who have reached the minimum legal age to work is fully protected in the workplace.

Tackling child labour requires a multi-sectoral and multi-level approach. Although the Labour inspector plays a crucial role, it is essential that the Labour inspector not work in isolation, but with other officials in Education, Child Welfare, Health, Justice (especially Police), Immigration, Agriculture, workers, employers, civil society and communities, to effectively prevent and withdraw children from child labour and see that the child, once withdrawn, is cared for, receives education or training and does not return to child labour.

The Child Labour Manual: A Resource for Labour Inspectors and Officers in Pacific Island Countries has been developed primarily for the Ministries of Labour, but can also be used by other inspectorates and officers whose work overlaps into the area of child labour. The manual provides information on child labour including the worst forms of child labour, hazardous work and hazardous child labour lists, conducting child labour inspections, the labour inspector's role when faced with the commercial sexual exploitation of children, and strategies and approaches to addressing child labour.

The ILO acknowledges the contribution of the Fiji Ministry of Employment, Productivity and Industrial Relations (formerly Ministry of Labour, Industrial Relations & Employment) and the Child Labour Unit to the Manual, and all stakeholders from Fiji, Samoa, Solomon Islands, Papua New Guinea, and Kiribati who have participated in the review of the Manual.



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## The Global Situation of Child Labour

- There are 168 million child labourers worldwide, over half are in the worst forms of child labour.
- The number of child labourers has fallen by one third during the last decade but the pace of decline is not sufficient to reach the 2016 target of eradicating the worst forms of child labour.
- There are still 85 million children – more than half of all child labourers – who are involved in hazardous work which directly endangers children’s health, safety and moral development.
- The largest absolute number of child labourers is in the Asia-Pacific region (78 million), but Sub-Saharan Africa continues to be the region with the highest incidence of child labour (21 per cent of 5-17 year-olds, or 59 million).
- Asia and the Pacific however registered the largest decline in child labour, from 114 million in 2008 to 78 million in 2012. The number of child labourers also decreased in Sub-Saharan Africa (by 6 million), and modestly in Latin America and the Caribbean (by 1.6 million). There are 9.2 million child labourers in the Middle East and North Africa. While the incidence of child labour is highest in poorer countries, middle-income countries have the largest numbers of child labourers.

*Marking Progress Against Child Labour; Global Estimates and Trends 2000-2012 (ILO)*

## Child Labour: The Issue in the Pacific

There is clear evidence that there are children in the Pacific Islands Countries (PICs) who are in the worst forms of child labour and trafficking. ILO child labour research studies conducted through the EU funded Tackling Child Labour through Education or TACKLE programme in some Pacific countries have found children in street vending, commercial sexual exploitation, hazardous work (agriculture, scrap metal scavenging, construction), and illicit activities such as drug trafficking, begging and pick pocketing. Poverty, illiteracy and poor academic performance and lack of employment opportunities aggravate risk and vulnerability to exploitation and abuse.

It is essential to understand the child labour problem at the national level and develop an effective response to fighting it. Information on child labour is vital to helping decision-makers craft effective policies; service providers develop effective programmes; and labour law authorities and law enforcement agencies to be able to identify and protect victims, and prosecute exploiters.

The employment of very young children is a particularly alarming problem. The younger the children, the more vulnerable they are to hazards at the workplace and to economic exploitation. Many children are forced to work without sufficient rest, in cramped spaces, with poor lighting, seated on the bare ground, using tools that are too big for them, go without adequate drinking water or toilets, and have no chance to go to school. Others are isolated and exposed to violence, including physical and sexual abuse.





## Getting to know the working child

All over the world, children start working at a very early age. At the age of six or seven, they may be helping around the home sharing household chores, running errands and helping their parents in the fields. These activities are often encouraged by adults in the family because such activities can be beneficial to a child's growth and development.

Children learn a sense of responsibility and take pride in carrying out tasks that help a family to survive. By observing and working with others, children learn skills and gain knowledge that will help them in their later lives. Work in this sense becomes a door to the world of adult work and earning and is part of the progression from childhood to adulthood. Unfortunately, many children do work which, far from having a positive effect on their lives, actually impedes their growth and development. This is what is known as child labour.

**Sushila, eight years old, works all day in a plantation and does not go to school.**

**Maya, eight years old, helps her mother look after her younger brothers and sisters and also goes to school.**

*The work done by Maya is not necessarily harmful. It does not put her health in danger. It is not her only activity. She has time to attend school and play with her friends. Maya's work is not considered to be child labour. Sushila, on the other hand, does not get the opportunity to play or to get a basic education because she works all day. The environment in which she works can seriously harm her health and development. Sushila's work is a form of child labour.*

**All work which is harmful to a child's health and development is child labour!**

## Child work and child labour

Not all work is harmful to children. Age-appropriate tasks that are of lower risk and do not interfere with a child's schooling and right to leisure time can be a normal part of growing up. Indeed, many types of work experience for children can be positive, providing them with practical and social skills for work as adults. Improved self-confidence, self-esteem and work skills are attributes often found in young people engaged in some aspects of work. From a young age, many children help around the home, run errands, or assist their parents in the family farm or business, gaining the skills and attitudes they will need as future workers and useful members of the community.

Light work, carefully monitored, can be an essential part of children's development process, where they learn to take responsibility, and gain pride in their own accomplishments. Work of this kind is not without risk, but it is **NOT** what is generally meant by child labour.

Child labour is classified as children's work which is of such a nature or intensity that it is harmful to their health and development and prevents them from receiving a proper education. The concern is with children who are denied their childhood, who work at too young an age, who work long hours, who work under conditions harmful to their health and to their physical and mental development, who are separated from their families, and who are deprived of education. This can create irreversible damage to the child and violates international guidelines and national laws.

### **What kinds of labour are children commonly found in?**

Millions of children are doing work that is hazardous, abusive and exploitative. They are commonly found in the following forms of labour, among others:

- In industry, doing dangerous work, such as glassmaking, construction and carpet-weaving.
- In agriculture, performing heavy work and being exposed to many hazards associated with machinery and chemicals.
- In domestic service, carrying out arduous work under conditions of isolation, working excessively long hours and being subjected to physical and sexual abuse.
- In criminal forms of exploitation such as slavery, bonded labour and commercial sexual exploitation involving prostitution, pornography and sex shows.
- At home, looking after younger siblings, or helping in family farms or businesses, to the extent that this becomes their main and only activity.

### **What kind of work should children never do?**

- Work that violates children's fundamental rights as human beings.
- Work that is dangerous or threatening, that exhausts their strength, damages their bodies and takes advantage of their young age.
- Work that harms their growing up or robs them of their childhood.
- Work that prevents them from going to school and gaining basic skills and knowledge for their growth and future.

Child labour which is harmful to a child's health and development must be prevented and eliminated. Certain forms of child labour, however, put children in extreme danger and therefore must be abolished as a matter of urgency:

- Activities that are against fundamental human rights, such as **bonded child labour**, children working under conditions of **slave-like practices**; **children in prostitution**; the **use of children in drug trafficking**, the **armed forces** or the **production of pornography**.
- Activities that expose children to grave hazards to their safety and health such as work with **chemicals**, **dangerous tools** and machines, or work involving heavy loads and complex tasks.
- Activities that are performed under hazardous working conditions and environment, involving the **risk of physical violence**, **sexual harassment**, work in **isolation** or **at night**, excessive working hours and work under **extreme temperatures**.

When addressing child labour, there must be a total prohibition of work by **very young** children and special protection measures considered for **girls**.

#### The special needs of girls

Considering that 60% of children out of school worldwide are girls, greater efforts need to be made to address the special concerns and issues of girls. Their work is largely hidden, unaccounted and unvalued (e.g. household chores, domestic servitude, agricultural work, home- based work). Often parents prefer to invest in educating their sons and not lose their daughters' critical contribution to the household economy, when faced with limited resources and many financial demands. Efforts to increase girls' education must go hand- in- hand with efforts to progressively eliminate child labour.



*Why should there be special consideration for very young children and girls?*

## The nature of hazardous and exploitative work

The dangers that children face vary with the kind of work that they do. Some dangers are immediate, others have long-term consequences. Here are some examples of the threats child labourers face:

- **Dangerous work-** Work in hazardous conditions that can cause serious injuries, disease and even death.
- **Working too young-** Work that prevents children from going to school and deprives them of the chance to enjoy their childhood. Young children lack physical, mental and psychological maturity necessary for work.
- **Long hours-** Work that can last from 12 to 16 hours a day, sometimes for 7 days a week. Children frequently suffer from physical and mental exhaustion.
- **Bondage and slavery-** Work whereby children and their families attempt to pay off a debt or loan. Some children are born into an enslaved family; others may be kidnapped or sold to employers.
- **Strenuous work** - Physically demanding work. Heavy work can affect normal growth and can cause emotional distress.
- **Sexual exploitation-** Exploitation of children for sexual purposes, prostitution and sexual abuse. Girls, but boys too, who are subjected to any kind of sexual exploitation are vulnerable to sexually transmitted diseases, AIDS and psychological trauma.
- **Violence and abuse-** Beatings, physical punishment and verbal abuse. Employers may take advantage of children's docile nature and vulnerability with devastating effects on their physical and mental well-being.
- **Heavy responsibilities-** Work requiring a level of responsibility for which the child is too young and ill-prepared.



*What dangers may these children be exposed to?*

## What forces children to work under harmful conditions?

Poverty is one of the most significant causes of child labour. Many governments, when facing economic crisis, do not give priority to areas that would help to alleviate the hardships endured by the poor, such as health care, education, housing, sanitation, income-generating schemes, skills training etc. Life consequently becomes a day-to-day struggle for survival for the poor. Children are therefore forced to take on family responsibilities, either by helping out at home so that the parents can go to work, or by going out to work themselves to earn money for the family.

Some employers take advantage of this poverty. By employing children, they are guaranteed malleable, docile, submissive and untroublesome workers, who are unable to defend their rights and are prepared to do even the most menial of jobs for a much lower wage than adults.

Many child labourers come from poor families and households. For example, 75% of the world's core poor – surviving on less than 1 USD per day – live in rural areas, including fishing communities, where over 70% of child labour is found.

Families often can't afford to send their children to school, especially where there is no universal free primary education. There may be no schools, insufficient numbers of teachers, poorly trained teachers, poorly paid teachers, a lack of textbooks and equipment, and children often have to walk long distances to school. The situation is even worse for secondary education in terms of access and affordability for poor households. Hard-pressed parents may not feel that the long-term returns of education outweigh the short-term economic gain and skills acquired through child work.

Another cause of child labour is the belief in many societies that children should share family responsibilities by participating in the work of the parents, earning outside of the family, or helping with the running of the home. The latter is especially true for girls who are expected to look after their siblings and take care of household duties, to the extent that it becomes their main and only activity. These cultural beliefs mean that the burden of responsibility is taken on by children at an early age, unquestioned, from generation to generation.



*What hazards are there in mining?*

The demand for child workers also plays a part in causing child labour. Children incur no long-term investment on the part of industry in terms of insurance or social security and low paid child labour may be perceived as a significant element for industries wishing to maintain a competitive edge in national and international markets. Children are unprotected, powerless and silent as far as their rights as workers are concerned and are subject to economic exploitation because they are paid at the lowest rates or not at all. Child labour also persists because the laws that do exist are not strictly enforced and because social and political commitment is weak. Countries that allow child labour lower their labour costs, attract investors, and benefit from unfair trade.



*What factors may put this child at risk?*

### **How does work affect the development of a child?**

Childhood provides children the opportunities to learn from the world around them and develop skills to participate fully in family and community life. This early period of life is critical in determining future existence. Child labourers miss out on much of this precious time. Their work gets in the way of childhood activities and becomes an obstacle to their physical, emotional and social development. Children often work under the worst conditions which can cause physical deformations, long-term health care problems, emotional and mental breakdown. Child labourers, deprived of education or healthy physical development are likely to become adults with low earning prospects.

**Physical development**

Child labourers are far more vulnerable than adults because their bodies are still growing and are not yet fully formed. They experience poor physical health because the work that they do exposes them to the risk of injury and illness. These effects can be both immediate, like a burn or a cut, or can have consequences that last a lifetime, like suffering from a respiratory disease or catching AIDS.

**Emotional development**

Child labourers frequently work in environments that are exploitative, dangerous, degrading and isolating. They often suffer ill-treatment, abuse and neglect at the hands of their employers. Children may, as a consequence, find it very difficult to form attachments and feelings for others. They have problems interacting and cooperating with others and getting a real sense of identity and belonging. They often lack confidence and experience feelings of low self-esteem.

**Social development**

Children who work do not have the opportunity to participate in activities that are a crucial part of growing up, such as playing, going to school and socializing with their peers. They do not obtain the basic level of education that is needed to cope in life. Nor do they get the opportunity to interact with others and actively participate in and enjoy life. These activities are abandoned in favour of work and children are consequently pushed into adulthood before they are ready, doing work that requires an adult level of maturity.

**Types of employment relationships**

Classifying children by sector or trade says little about the relationship between the children and the persons (clients, employers or members of the family) who, in one form or another, employ them.

In the diverse **agricultural sector**, which includes everything from multinational agri-businesses to family units, the child workers may be permanent, seasonal, pieceworkers, slaves, or family workers.



*What are some of the hazards in agriculture?*

In the **informal sector**, which includes a vast range of traditional, unstructured, family, artisanal, and generally unregistered businesses, children may be found as paid workers, “apprentices”, unpaid workers without contracts, domestic servants, home workers or subcontractors.



*What can be done to reduce risks faced by child street vendors?*

In the **formal sector**, which includes private, semi-public or state enterprises of varying sizes, children may be employed as permanent workers, seasonal or daily workers, apprentices with or without contracts, and children who are on the premises with a parent and may be asked to help.

Lastly there are sectors on the margins of society which consist of **illegal or quasi-illegal activities**, where children may get a cut of the profits, be paid in kind, or have an informal “**contract**” with a supplier or manager.

These classifications can help to evaluate the constraints children face as a result of their employment relationship. Priorities for action can be developed by taking account of the pressures children may be under because of their legal or economic dependence.

It is important for labour inspectors to be capable of identifying the precise employment status of working children whom they encounter during their inspection visits so that they can take the action which is appropriate to the specific situation.

Another way of categorizing child labour is by their visibility. Whether the work is hidden behind walls or out in the open has important implications for how easily child labourers can be found. And whether they work alone or in groups will be a significant factor in how the situation can be addressed. The following table shows how children are grouped in this way.



*Identify some areas where children may be scavenging?*





## RESOURCE: CHILD LABOUR SITUATIONS

	<b>Visible</b>	<b>Invisible</b>
<b>Concentrated</b>	<p><b>Child labour which is concentrated and visible includes children who work in one place, are easily observed, and can be approached from outside.</b></p> <ul style="list-style-type: none"> <li>• Seamstresses, tailors, soccer ball stitchers, metal workers, woodworkers (and their helpers in open shops).</li> <li>• Bakers, confectioners, cooks (and their helpers) preparing food for passers-by.</li> <li>• Workers in small repair shops, e.g. automobile repair.</li> <li>• Service workers in congested areas, e.g. shoe shiners, car washers, and car watchers.</li> <li>• Supermarket helpers, vendors, porters, cleaners, cashiers in markets.</li> <li>• Stone and brick breakers on road and building construction sites.</li> <li>• Plantation workers (sugar cane, coffee, vegetables), either alone or with their families.</li> <li>• In family production or harvesting for either domestic or export use.</li> <li>• Agricultural processing, fish processing.</li> </ul>	<p><b>Children in these situations work together or near each other, but cannot be seen or are inaccessible to outsiders.</b></p> <ul style="list-style-type: none"> <li>• Brick kiln workers, quarry workers.</li> <li>• Carpenters, helpers and carriers at construction sites.</li> <li>• Factory workers or helpers producing pottery, glass, metal products, plastic goods, jewelry etc.</li> <li>• Factory workers processing food products.</li> <li>• Traditional carpet and textile weavers whether in groups of households or small workshops.</li> <li>• Cigarette makers.</li> <li>• Workers in match, explosive and firework factories.</li> <li>• Miners of coal and minerals.</li> <li>• Work on factory ships or on fishing fleets or fishing platforms.</li> </ul>
<b>Dispersed</b>	<p><b>These children usually work alone and are, or may appear to be, self-employed.</b></p> <ul style="list-style-type: none"> <li>• Delivery boys, messengers, and errand-runners.</li> <li>• Providing services or goods on the street, e.g. shoe-shiners, flower-sellers.</li> <li>• Hotel, restaurant, café workers who serve customers, wash dishes, clean the premises.</li> <li>• Entertainers and dancers who may move around with a troupe, camel jockeys, circus performers.</li> <li>• Professional beggars.</li> <li>• Helpers on long distance transport (buses, cargo steamers, passenger boats).</li> <li>• Children who guard fields against birds, monkeys, thieves.</li> <li>• Herders and those engaged in livestock care, milking, and fodder-gathering.</li> </ul>	<p><b>These are the children most unknown and hardest to reach; they work in remote areas, isolated and powerless.</b></p> <ul style="list-style-type: none"> <li>• Domestic servants.</li> <li>• Children working in family-based industries, such as craft work.</li> <li>• Children who assist with subsistence hunting, gathering, fishing and agriculture.</li> <li>• Children involved in stealing, picking pockets,</li> <li>• smuggling, the drug industry or pornography.</li> <li>• Sexually exploited children.</li> <li>• Children held under conditions of slavery or bondage.</li> <li>• Children recruited into armed groups or providing services in conditions of armed conflict.</li> </ul>

Child labour only began to be seriously questioned when industrialization and urbanization fundamentally changed children's working relationships and multiplied the dangers. Although some governments began to intervene in the nineteenth century to protect children from the worst excesses of the factory system and the most dangerous activities, the major change came when governments' commitment to education increased.

Even then, the move against child labour was not without challenge. Major arguments against it were:

- that education would make poor children unsuitable for the mundane work that society required,
- that child labour was necessary for the welfare of poor families as well as for certain industries if they were to remain competitive,
- that child labour laws would be impossible to enforce because of the number of enterprises involved, that numerous tasks could only be done by children, and
- that it was not the role of the state to interfere with parental wishes concerning what was best for their children.



*What dangers may these children be exposed to?*

This historical experience demonstrates two important lessons:

- a. the importance of governments taking a lead role to eliminate child labour by providing protective legislation along with universal, free basic education, and effectively enforcing both labour and education-related regulations; and
- b. the necessity for awareness-raising to bring about changes in the social climate, such as the recognition of children's rights, and understanding of the long-term health impacts of early labour, which enables new laws to be enacted and accepted.

Labour inspectors have played an important role in both enforcing regulations, and public awareness-raising especially among employers and workers.

Although several ILO Conventions and Recommendations on child labour and labour inspection date from the beginning of the ILO itself, the minimum age standards for work in various sectors were regarded as a technical topic of employment conditions rather than a major social problem. Beginning in the 1970s, there was a growing conviction among the ILO's constituent Members that:

- Childhood is a period of life which should be dedicated, not to work, but to education and development.
- Child labour, by its nature or because of the conditions in which it is undertaken, often jeopardizes children's chances of becoming productive adults, able to take their place in the community.
- Child labour can jeopardize a country's present reputation and long-term productivity by denying education to the future workforce.
- Child labour is not inevitable and progress towards its reduction and even its elimination is possible when the political will to fight it exists.

As a result, in 1973, a major new child labour Convention was adopted: the Minimum Age Convention (No. 138). It required member States to design and apply national policies to ensure the effective abolition of all forms of child labour and set minimum ages for employment.

### **ILO Minimum Age Convention No. 138 and Recommendation No. 146**

The Minimum Age Convention, 1973 (No. 138) continues to be the fundamental international standard on child labour which requires ratifying states to: "undertake to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons".

The Convention applies to all sectors of economic activity, whether or not the children are employed for wages. It is a flexible instrument allowing for progressive improvement, and most importantly, for developing countries (i.e. whose educational and economic systems are not yet fully developed) to set lower minimum age for employment to start with. Exceptions are allowed for certain sectors (e.g. non-commercial agriculture in developing countries), for limited categories of work, for education and training, and for artistic performances.

Fixing the **minimum age for admission to employment** is a basic obligation of ratifying member States, and the Convention establishes three categories for this:

- The minimum age should not be less than the age of completing compulsory schooling, and in no event less than 15 years of age. Countries whose economy and educational facilities are insufficiently developed may initially fix the age of admission to employment at 14.
- A higher minimum age of 18 is set for hazardous work “which by its nature or the circumstances in which it is carried out is likely to jeopardize the health, safety or morals of young persons”. It is left to the individual countries to determine which these are, after consultation with employers’ and workers’ organizations. The Recommendation gives guidance on the criteria that should be applied in determining what hazardous work is.
- A lower minimum age for light work, i.e. work which is not likely to be harmful to children’s health or development or to prejudice their attendance at school may be set at 13. For a country that initially sets a minimum age of 14, the minimum age for light work may be set at 12.

Recommendation No. 146 provides guidance on enforcement measures and addresses some of the specific issues that child labour raises for inspection services.

**Recommendation No. 146 emphasizes:**

- Strengthening labour inspection and related services by, for example, providing special training for inspectors on detecting abuses in the employment or work of children and young persons and on correcting such abuses;
- Strengthening government services for the improvement of training offered in enterprises;
- Placing emphasis on the role which can be played by inspectors in supplying information and advice on effective means of complying with relevant provisions of the law and in securing enforcement of the law;
- Coordinating labour inspection and inspection of training to provide economic efficiency;
- Having the labour administration services work in close cooperation with the services responsible for the education, training, welfare and guidance of children and young persons.

**Labour inspection should give special attention to:**

- The enforcement of provisions concerning hazardous types of employment or work.
- The prevention of work during the hours when instruction is available where education or training is compulsory.
- Taking measures to facilitate the verification of ages, such as:
  - 1) maintaining an effective system of birth registration, including issuance of birth certificates; requiring employers to keep and make available to the competent authority registers or other documents which give the names and ages or dates of birth of children and young people who are employed and who receive vocational orientation or training in their enterprises;
  - 2) issuing licenses or other documents to children and young persons who work in the streets, in outside stalls, in public places, in itinerant occupations or in other circumstances which make checking employers’ records impracticable and which indicate the eligibility to work.

## Summary of the Minimum Age Convention, 1973 (No. 138)

- The ILO uses minimum age for employment as a yardstick for defining and regulating child labour. The ILO Minimum Age Convention 138 calls on countries to fix a minimum age for admission to work; abolish child labour; and progressively raise the minimum age to the appropriate level.
- Applies to all economic sectors and to all working children whether they are employed for wages or working on their own account.
- Does not forbid all child work. Age appropriate work that does not affect a child's health and development or interfere with schooling is generally regarded as positive e.g. helping parents care for the home and the family or earning pocket money outside of school hours and in the school holidays is not child labour.
- States are required to specify in law a minimum age for admission to employment not less than the age of finishing compulsory education, which should not be less than 15 years.
- National laws or regulations may permit the employment of 13-15 year olds in light work which is not harmful or prejudicial to school attendance.
- Developing countries, under certain conditions, may specify a minimum age of 14 years. Developing countries may specify the ages 12-14 for light work.
- This Convention is a 'flexible' instrument, responsive to the different stages of development in a country.

	General	For developing countries
<b>General minimum age (Article 2)</b> <i>(Not less than the age at end of compulsory schooling)</i>	15 years or more	14 years
<b>Light work (Article 7)</b> <i>Work that is not likely to be harmful to a child's health or development, and does not prejudice their attendance at school, their participation in vocational training, nor their capacity to benefit from the instruction received.</i>	13 years	12 years
<b>Dangerous work (Hazardous work) (Article 3)</b> <i>Any type of employment or work which by its nature or the circumstances it is carried out is likely to jeopardize the health, safety or morals of young people</i>	18 years (16 years under certain conditions)	18 years (16 years under certain conditions)

## ILO Worst Forms of Child Labour Convention No. 182 and Recommendation No. 190

The ILO Worst Forms of Child Labour Convention No. 182, calls for “**immediate and effective measures** to secure the prohibition and elimination of the worst forms of child labour as **a matter of urgency**.” It applies to everyone under the age of 18 years.

Effective, time-bound preventative action is demanded of ratifying states, including the identification of children at special risk and taking into account the special situation of girls. Children in the worst forms of child labour must be removed and rehabilitated, and have access to free basic education or vocational training.

The worst forms of child labour (WFCL) fall into two categories- largely **illegal/ criminal** activities (items a, b and c below); and **Hazardous work**- (item d below). The WFCL are defined as:

- a. **All forms of slavery or practices similar to slavery**, such as the sale and trafficking of children, debt bondage and serfdom, as well as forced labour, including forced or compulsory recruitment of children for use in armed conflict;
- b. The use, procurement or offering of a child for **prostitution**, for the production of **pornography** or for pornographic performances;
- c. The use, procurement or offering of a child for **illicit activities**, in particular for the production and trafficking of drugs as defined in relevant international treaties;
- d. Work, which by its nature or circumstances in which it is carried out, is likely to **harm the health, safety or morals of children**, such harmful work to be determined national authorities.

The types or conditions of work that are likely to be harmful or hazardous must be identified at the national level in close consultation with employers and workers organisations and other stakeholders.



*Describe the work these children are doing. What dangers may they be exposed to?*

The Convention calls on ratifying States to set up mechanisms to monitor implementation of the new laws that have been set up regarding the worst forms of child labour, and allows for effective enforcement, including penal or other sanctions.

**ILO Recommendation 190**, which accompanies Convention No. 182, provides a list of **broad categories of hazardous work**, which can be used as a basis for consultation. R 190 calls for particular consideration to be given to:

- Work which exposes children to physical, psychological or sexual abuse;
- Work underground, underwater, at dangerous heights, and 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; and
- Work under particularly dangerous conditions including long hours, night work, or work where the child is unreasonably confined to the premises of the employer.

**Recommendation 190 offers guidelines for implementing the Convention involving:**

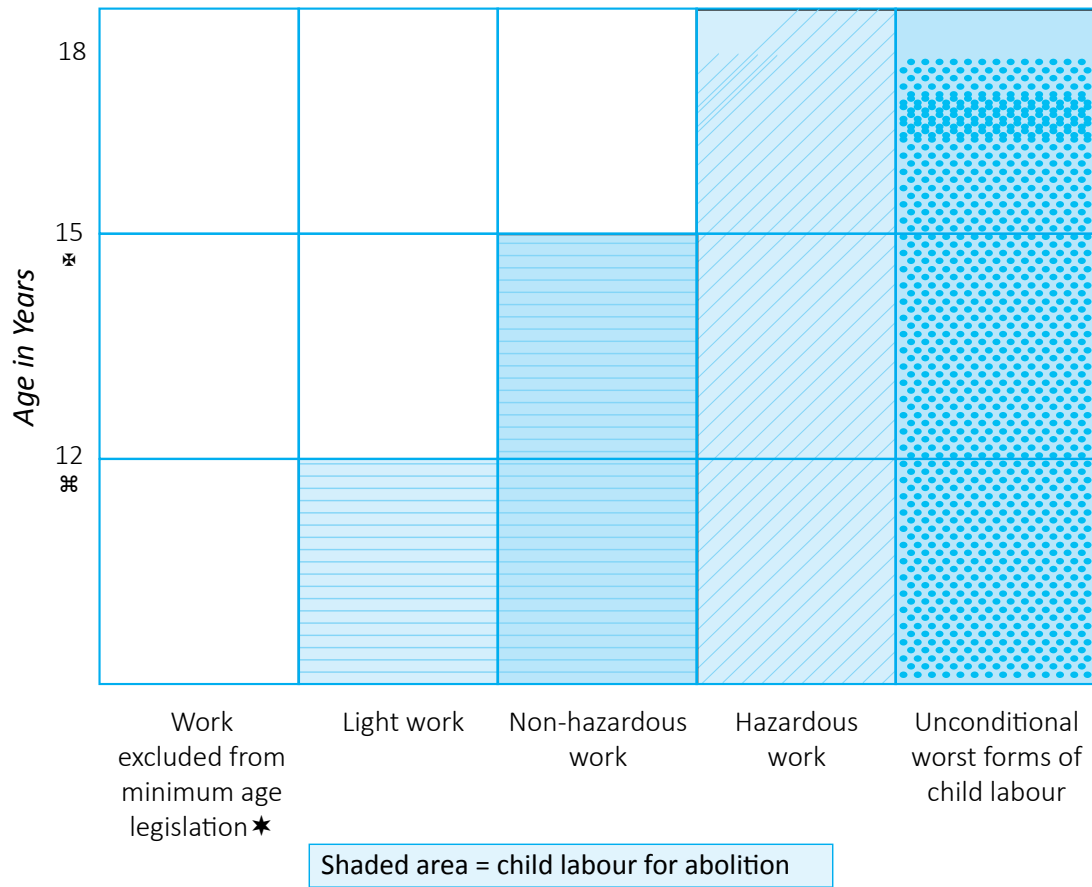
- Collecting detailed information and statistical data on child labour;

- Cooperating with international efforts to exchange information and to detect and prosecute persons involved in the sale and trafficking of children;
- Mobilizing public opinion and involving employers' and workers' organisations and civil society;
- Monitoring and publicising best practices on the elimination of child labour;
- Creating jobs and providing skills training for parents and adult family members of concerned children.

**National programmes of action should be designed and implemented to aim at:**

- identification and denunciation of the worst forms of child labour;
- preventive action and the removal from work, rehabilitation and social integration of the children concerned through measures that address their educational, physical and psychological needs;
- giving special attention to younger children; girls; hidden work in which girls are at special risk; children with special vulnerabilities or special needs;
- identifying and working with communities where children are at risk;
- raising awareness and mobilizing society.

**Figure 1. Basic distinctions in ILO child labour standards**



- ✕ The minimum age for admission to employment or work is determined by national legislation and can be set as 14, 15 or 16 years.
- ‡ The minimum age at which light work is permissible can be set at 12 or 13 years.
- ★ For example, household chores, work in family undertakings and work undertaken as part of education.

### United Nations Convention on the Rights of the Child (UN CRC)

Child labour is a child rights issue. The United Nations Convention on the Rights of the Child (CRC) affirms: **“the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s physical, mental, spiritual, moral or social development.”** (Article 32)

The ILO Conventions complement the UNCRC and provide comprehensive international instruments to tackle the problem of child labour. Article 28 of the UNCRC “recognises the right of the child to education and requires primary education to be compulsory and available free to all”; Article 34 states the need to “protect the child from all forms of sexual exploitation....and take measures to prevent ...the exploitative use of children in prostitution...pornographic performances..”; and Article 35 to “prevent the abduction of, sale of or traffic in children of any purpose or in any form”.



## Commercial Sexual Exploitation and Trafficking of Children

Commercial sexual exploitation of children is the exploitation by an adult with respect to a child or an adolescent – female or male – under 18 years old; accompanied by a payment in money or in kind to the child or adolescent (male or female) or to one or more third parties. Commercial sexual exploitation in children includes all of the following:

- The use of girls and boys in sexual activities remunerated in cash or in kind (commonly known as child prostitution) in the streets or indoors, in such places as brothels, discotheques, massage parlours, bars, hotels, restaurants, etc.
- The trafficking of girls and boys and adolescents for the sex trade.
- Child sex tourism.
- The production, promotion and distribution of pornography involving children.
- The use of children in sex shows (public or private.)



*How can Labour Officers address CSEC?*

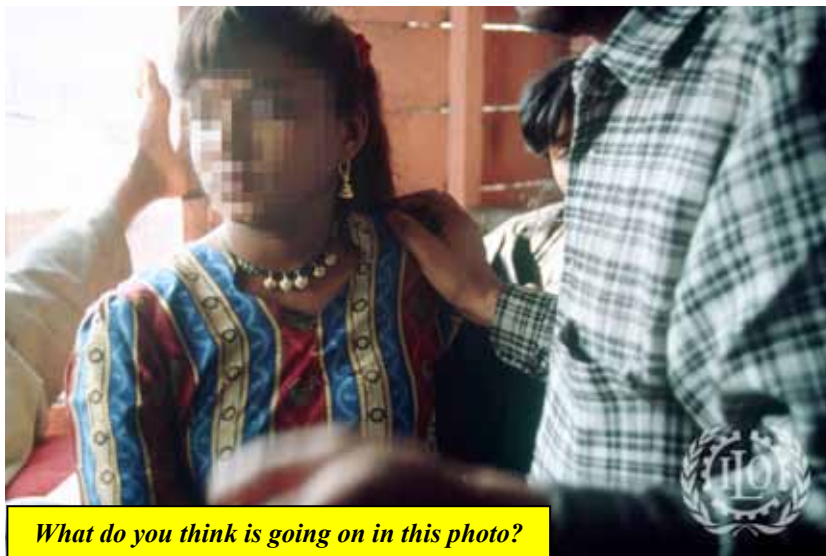
The **Stockholm Declaration** adopted at the World Congress against Commercial Sexual Exploitation of Children (1996) defines the commercial sexual exploitation of children as “a form of coercion and violence against children (that) amounts to forced labour and a contemporary form of slavery.”

The **UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol)** defines the term “exploitation” to include “the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”



**Child trafficking** (children under 18 years of age) is a combination or series of events that may take place in the child's home community, at transit points and at final destinations. The recruitment and movement may appear voluntary initially but then take on aspects of coercion by a third person or a group. The relocation may be across borders or within a country. Exploitation may occur at the beginning, middle or end of the trafficking process or indeed at several points.

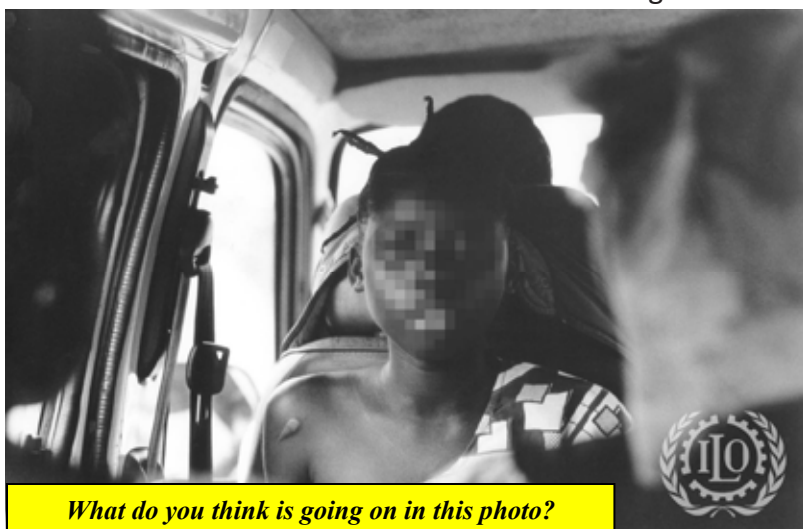
Those who contribute to it with the intent to exploit – recruiters, intermediaries, document providers, transporters, corrupt officials, service providers and employers – are traffickers, even when they take part only in a small fragment of the whole process.



*What do you think is going on in this photo?*

**Elements of child trafficking:**

- A child - a person under the age of 18 years;
- Recruitment, transportation, transfer, harbouring or receipt, whether by force or not, by a third person or group. The third person or group organizes the recruitment and/or these other acts for exploitative purposes;
- Movement may not be a constituent element for trafficking in so far as law enforcement and prosecution is concerned. However, an element of movement within a country or across borders is needed - even if minimal - in order to distinguish trafficking from other forms of slavery and slave-like practices enumerated in Art 3 (a) of ILO Convention 182, and ensure that trafficking victims separated from their families do get needed assistance.



*What do you think is going on in this photo?*

**For more information see Chapter 4.**



## RESOURCE: CHILD LABOUR LEGISLATION IN FIJI: EXTRACTED FROM THE EMPLOYMENT RELATIONS PROMULGATION 2007

### PART 1 — PRELIMINARY

**“Child” means a person who is under the age of 18 years;**

### PART 10 — CHILDREN

#### ***Objects of this Part***

90. The objects of this Part are—

- (a) to prohibit work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children;
- (b) to establish the circumstances and ages at which children may work; and
- (c) to confer certain rights on children and provide protection in view of their vulnerability to exploitation.

#### ***Prohibition of worst forms of child labour***

91. The following forms of child labour are prohibited—

- (a) all forms of labour slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and any form of forced or compulsory labour, including forced or compulsory recruitment of children in armed conflict;
- (b) the use, procuring or offering of a child for illicit activities in particular for the production and trafficking of drugs as defined in relevant international treaties; or
- (c) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances, and a person who engages a child in such prohibited form of child labour commits an offence.

#### ***Minimum age for employment***

92. The age of 15 years is the minimum age for employment of children.

#### ***Employment of children under 15 years***

93.—(1) A child under the age of 15 years must not be employed in any capacity other than in accordance with subsection (2) and a person who contravenes this subsection commits an offence.

(2) Subsection (1) does not apply to a child of 13 to 15 years of age engaged in employment or light work or in a workplace in which members of the same family or of communal or religious group are employed provided that-

- (a) the employment is not likely to be harmful to the health or development of the child; and
- (b) the employment is not such as to prejudice the child’s attendance at school, participation in vocational orientation or training programmes approved by a competent authority or capacity of the child to benefit from the instruction received.

**Trade union rights**

94. A child who is 15 years or over has the right to join a trade union and to vote in a trade union elections where the child is a member.

**Certain restrictions on employment of children**

95.—(1) A child must not be employed underground in a mine.

(2) The Minister may, after consulting the National Occupational Health and Safety Advisory Board established under the Health and Safety at Work Act 1996 and by order in the *Gazette*, declare any employment or workplace to be a prohibited or restricted employment or workplace for the purposes of this Part on the ground that it is injurious to health or is hazardous, dangerous or unsuitable, including attendance on machinery, working with hazardous substances, driving motor vehicles, heavy physical labour, the care of children or work within security services.

(3) An employer must not, after being served with a copy of an order made under subsection (2), continue to employ the child.

(4) If a child's employment is discontinued under subsection (2), the child must be paid any outstanding wages or any other entitlement the child may have earned up to the date of the discontinuance under the terms of the contract of service.

(5) An employer who—

(a) employs a child underground in a mine or in an employment or workplace declared under subsection (2); or (b) contravenes subsection (3), commits an offence.

**Children not to be employed against the wishes of parent or guardian**

96.—(1) An employer must not continue to employ a child after receiving notice, either orally or in writing, from the parent, guardian or Ministry, that the child is employed against the wishes of the parent or guardian.

(2) An employer who contravenes subsection (1) commits an offence.

**Hours of work for children**

97.—(1) A child must—

(a) not be employed or permitted to be employed for more than 8 hours in a day; and

(b) be given at least 30 minutes paid rest for every continuous 4 hours worked.

(2) A child must not be employed or permitted to be employed during a period when the child is required to attend school or for a period which prejudices the child's educational participation.

(3) Subsections (1) and (2) do not apply to a child employed under a contract of apprenticeship lawfully entered into under the provisions of any written law.

(4) An employer who contravenes subsections (1) or (2) commits an offence.

**Conditions on night employment**

98. The Minister may, after consultation with the Board, by order in the *Gazette*, prescribe conditions for the employment of children between 6 o'clock in the afternoon of any day and 6 o'clock in the forenoon of the following day in a workplace.



**Employers of children to keep register**

99.—(1) An employer of children in a workplace, or in an occupation which forms part of a workplace, must—

(a) keep a register of all the children and the register must include particulars of their ages, the date of commencement and termination of their employment, the conditions and nature of their employment and any other prescribed particulars; and

(b) must produce the register for inspection when required by a labour officer or labour inspector.

(2) The register must be maintained separately and apart from any other register.

(3) An employer who fails to keep a register as required by subsection (1) or who fails or refuses to produce a register when required to do so commits an offence.

**Extracted from the Employment Relations (Administration) Regulations 2008, Fiji**

**PART 8 – CHILDREN**

**Conditions of work**

40.—(1) A child must not be employed or permitted to be employed in any of the following situations:

(a) in situations of direct hostilities;

(b) any work for which the child has little capacity;

(c) any work which is hazardous to the child’s health, mental, spiritual or social development;

(d) in an environment which subjects the child to physical harm, psychological torture, any form of neglect, torture, any form of cruel, inhuman or degrading treatment, or which does not foster the health, self-respect and dignity of the child.

(2) An employer who does not comply with sub regulation (1) commits an offence.

**Hours of work for children and night employment**

41. - (1) For the purposes of section 97 of the Promulgation, a child must not be employed for more than 8 hours during daylight hours.

(2) Each child employed during daylight hours must be given a 30 minute paid lunch break.

(3) For the purposes of section 98 of the Promulgation, no child may work beyond 10 pm at night.

(4) Each child employed during night employment must be given a 30 minute paid dinner break within 2 hours of starting work.

(5) No child may be employed for more than 8 hours per day.

(6) Any employer who does not comply with this regulation commits an offence.

## Hazards and Risks 3

### What is “hazardous child labour”?

**Hazardous child labour** is the largest category of child labour with an estimated **85 million children** out of 168 million child labourers in this category. An estimated **22,000 children are killed every year at work**. No figures for child accidents or ill health due to work are currently available. But every year there are 270 million work accidents and 160 million cases of ill health due to work, and child labourers figure amongst these statistics.

Because child work is not recognised, nor easily recorded in statistics, it goes largely unnoticed. Similarly, the accidents and ill health that child labourers suffer at work often go unrecorded and unreported. In addition, as certain work-related physical disabilities and health problems only develop, or become fully apparent in adult life, they too go unrecorded and unreported, and the connection with work exposure as a child labourer is not made.

Subparagraph (d) of Article 3 in C182 describes what “hazardous child labour (HCL) is. HCL is work in dangerous or unhealthy conditions that could result in a child being killed, or injured (often permanently) and/or made ill (often permanently) as a consequence of poor safety and health standards and working arrangements. Both ILO Conventions 138 and 182 state that hazardous work should not be carried out by anyone under 18, with certain reservations.



*What are some of the dangers in car repair/ mechanical garages/ shops?*

## Basic principles about hazardous work

A hazard is anything with the potential to do harm. A risk is the likelihood of potential harm from that hazard actually occurring. Common workplace hazards for example may be:

- An object- knife blade, tall ladder
- A solvent- benzene
- A material- asbestos
- An energy source- electricity
- A physical environment- wet floor
- A psychological environment- intimidation
- A task- welding
- A general practice- tobacco growing
- A condition of work- excessive hours

The potential harm from some of these hazards is obvious such as cuts from blades and blindness from welding. Other times the hazards are obscured and take a long time to be felt. For example many young workers do not know that when they harvest wet tobacco leaves they will be absorbing nicotine through their skin. The dangers associated with psychosocial hazards- such as stress, long hours, fast paced work, isolation and intimidation- are known least of all.

## Why are children at greater risk than adults from health and safety hazards in the workplace?

Child labourers are susceptible to all the dangers faced by adult workers when placed in the same situation. However, the work hazards and risks that affect adult workers can affect child labourers even more strongly. The results of lack of safety and health protection can often be more devastating and lasting for them. It can result in permanent disabilities, and they can also suffer psychological damage from working and living in an environment where they are harassed or experience violence.

The World Health Organization's definition of 'child health' is a complete physical, mental and social well-being of a child and not merely the absence of disease or infirmity.

Children's vulnerability to workplace hazards and the risks arising from them are numerous and complex. Some of these are:

General

- Per kilogram of body weight, children breathe more air, drink more water, eat more food and use more energy than adults. These higher rates of intake result, for example, in greater exposure to diseases (pathogens) and toxic substances/pollutants. They also need more sleep than adults.
- Their small physical size and being asked to do tasks beyond their physical strength may pose additional risks.
- As children's tissues and organs mature at different rates, it is not possible to specify precise ages of vulnerability for children to specific workplace hazards and risks.

*Compare the work in the photos below*

Skin

- A child's skin area is 2.5 times greater than an adult's (per unit body weight), which can result in greater skin absorption of toxics. Skin structure is only fully developed after puberty.

Respiratory

- Children have deeper and more frequent breathing and thus can breathe in more substances that are hazardous to their health.
- A resting infant has twice the volume of air passing through the lungs compared to a resting adult (per unit of body weight) over the same time period.

Brain

- Maturation can be hindered by exposure to toxic substances.
- Metals are retained in the brain more readily in childhood and absorption is greater (e.g. lead and methyl mercury).

Gastro-intestinal, endocrine and reproductive systems and renal function

- The gastro-intestinal, endocrine and reproductive systems and renal function are immature at birth and mature during childhood and adolescence, thus the elimination of hazardous agents is less efficient. Exposure to toxic substances in the workplace can hinder the process of maturation.





- The endocrine system and the hormones it generates and controls play a key role in growth and development. The endocrine system may be especially vulnerable to disruption by chemicals during childhood and adolescence.

#### Enzyme system

- The enzyme system is immature in childhood, resulting in poorer detoxification of hazardous substances.

#### Energy requirements

- Children require greater energy consumption because they are growing, and this can result in increased susceptibility to toxins.

#### Fluid requirements

- Children are more likely to dehydrate because they lose more water per kilogram of body weight through the greater passage of air through their lungs, the larger surface area of their skin, and their inability to concentrate urine in their kidneys.

#### Sleep requirements

- 10-18 year-olds require about 9.5 hours sleep per night for proper development.

#### Temperature

- Children have increased sensitivity to heat and cold, as their sweat glands and thermo-regulatory systems are not fully developed.

#### Physical strain/repetitive movements

- Physical strain, especially combined with repetitive movements, on growing bones and joints can cause stunting, spinal injury and other life-long deformations and disabilities.



#### Auditory/Noise

- In principle, the effects of excessive noise apply to children as well as adults, though at present it is not unequivocally clear whether children are more vulnerable to noise than adults.

#### Cognitive and behavioural development

- A child's capacity to recognize and assess potential safety and health risks at work and make decisions about them is less mature than that of adults. For younger children this ability is particularly weak. The ability to generate options, to look at a situation from a variety of perspectives, to anticipate consequences and to evaluate the credibility of sources increases throughout adolescence. By mid-adolescence, most youngsters make decisions in similar ways to adults.

### Children are vulnerable

Other factors that increase levels of risk for children include:

- lack of work experience – children are unable to make informed judgments
- a desire to perform well – children are willing to go the extra mile without realizing the risks
- learning unsafe behaviour from adults
- lack of safety or health training
- inadequate, even harsh, supervision
- lack of power or status and find it difficult to speak out about their rights
- try to appear as if they understand when they don't- to appear competent.

Children may be reluctant to let others know when they do not understand something. They want to show superiors and others that they are big enough, strong enough or old enough to do the job. They may fear dismissal if they fail. Children often are unfamiliar with hazards and risks and not trained to avoid them.

When speaking of child labourers it is important to understand that children are still growing and have special characteristics and needs that must be taken into consideration when determining workplace hazards and the risks associated with them. It is also important to bear in mind that the consequences of some health and safety problems do not develop, show up, or become disabling until the child is an adult. So this aspect of permanent long-term disability or incurable disease must be factored in when considering the long term effects of working as a child labourer. Examples would be carrying heavy loads as a child resulting in long term musculoskeletal problems in later life; or cancer or reproductive effects developing in adulthood resulting from exposure to pesticides, industrial chemicals or heavy metals as a child worker.

#### **IN A NUTSHELL- CHILDREN ARE NOT LITTLE ADULTS!**

- Children have thinner skin, so toxins are more easily absorbed
- Children breathe faster and more deeply so can inhale more airborne pathogens and dusts
- Children dehydrate more easily due to their larger skin surface and because of their faster breathing
- Children absorb and retain heavy metals (lead, mercury) in the brain more easily
- Children's endocrine system (which plays a key role in growth and development) can be disrupted by chemicals
- Children's enzyme systems are still developing so are less able to detoxify hazardous substances
- Children use more energy when growing and so are at higher risk from metabolized toxins
- Children require more sleep for proper development
- Children's less developed thermoregulatory systems make them more sensitive to heat and cold

*Adapted from Children in Hazardous Work: What we know, what we need to do; IPEC; 2011; p13*

This concept is difficult to quantify. But the earlier a person starts work, the more premature the ageing that will follow. A study based on a nationally cross-representative survey of 18-60 year-old Brazilian adults found that, (after controlling for age, education, wealth, housing conditions, unemployment status and race), their *entry into the labour force at or below the age of 9 years old had a statistically significant and substantial negative effect on health in adulthood*. The magnitude of the effect for women is roughly twice that for men. On average, a 40-year-old woman who started work at or below 9 years of age is estimated to have the health status of a 45-year-old woman who did not work before the age of 9.

### Disability and child labour

Little is known about what happens to child labourers who become disabled as a result of their work, or about disabled children who become child labourers, and currently there is no alternative to informed guesswork.

Based on sketchy evidence of the situation of children with disabilities in developing countries it is likely that disabled child labourers will face great difficulties in finding decent work as an adult, and in integrating into their communities and society.

In particular, their chances of attending school are likely to be greatly reduced. Lack of access to education, and the likelihood of being unable to read, write or calculate meaning they have very slim chances of acquiring marketable skills that will enable them to rise out of poverty and earn a decent livelihood in adulthood.



*What may be some hidden forms of child labour in your country?*

They will most likely have poor access to orthopaedic or prosthetic services or assistive devices. Having to make do with makeshift devices to enable them to move around, where they have lost a limb or can no longer walk; or to technical aids where they have lost their vision or hearing; or to counselling and support if they have been traumatised.

### **Examples of risks for adults and children**

#### **(a) Hazards specific to different economic sectors and industries**

##### Harmful substances:

flammable and/or explosive materials, pesticides, fungicides and fertilizers, paints, varnishes and solvents, acids and asbestos. They may have acute or chronic, toxic or biological effects, may be irritants or asphyxiants and may cause sensitization, allergies or skin problems.

##### Dangerous processes and equipment:

- welding, grinding, polishing machinery;
- heating and drying systems or cold rooms, and pressure vessels with excessive temperatures;
- heating systems and pressure vessels with excessive temperatures;
- silos, tanks and other storage vessels that can cause entrapment;
- electrical and power-driven machinery.

##### Conditions that create physical strain:

- awkward positions: bending over or kneeling or prolonged standing. Seating may be cramped;
- lifting and carrying heavy loads;

##### Conditions that create psychological strain:

- excessive pace of work, or monotonous and repetitive work, visual constraints;
- sexual harassment (overt or innuendo);
- threats, insecurity, intimidation, beatings.

##### Situations where personal protection is inadequate:

- clothing, footwear or equipment that is designed for adults may be quite unsuitable for children so no protection can be offered;
- lack of drinking water, water for washing, toilet facilities or space to change or keep clothing, leading to intestinal infections, skin problems, etc.;
- little or inadequate or erroneous information on possible work hazards, inadequate training and safety advice regarding machinery, materials, or processes;
- no occupational safety and health committee or workers' representatives, no first aid or someone trained to administer it; those injured at work cannot receive immediate adequate treatment;
- no doctor or nurse, excessive distance to the nearest hospital or health care centre, lack of health insurance or coverage for cost of care.

##### Situations where conditions of work are poor:

- night work with lack of adequate rest leading to lack of concentration, accidents and injuries;
- risk of fire (due to poor storage and use of flammable substances, lack of fire alarms and fire drills, lack of functioning fire extinguishers, blocked or locked escape routes and fire exits);
- lack of freedom to leave or to object (situations of confinement, slavery, etc.).

#### **(b) Hazards specific to certain industries:**

##### Construction, mining and fishing industries:

- working underground, underwater, or in confined spaces with the risk of becoming trapped;
- scaffolding, ladders, working platforms, staircases and stairwells which can become insecure or unstable; working at dangerous heights, e.g. on roofs;
- trenches, holes and excavations which can cave in.

##### Manufacturing industries involving machinery, vehicles and electrical tools:

- hand tools that are too large, badly designed or defective;
- hazardous machinery with rotating parts, which run together into a nip, which have an intake between a belt and pulley, which are designed to cut or saw or which have a trapping point;
- tractors, all sorts of vehicles, hoists and lifts. Serious hazards are also associated with the setting, cleaning and maintenance and repair of plant and machinery.

##### Agriculture:

- heavy machines, dangerous tools, the carrying of heavy loads, repetitive movements, monotonous work, exposure to herbicides,
- fertilizers and insecticides are all potential hazards that can place a heavy burden on the health and safety of workers, especially children.

## **Case Study: Hazardous child labour, using agriculture as an example**

**The following text on hazardous child labour in agriculture is used to illustrate many of the types of hazards and degrees of risk experienced by working children across all economic sectors.**

Worldwide, agriculture is the sector where by far the largest share of working children is found - nearly 70 per cent. From tending cattle, harvesting crops, to handling machinery or holding flags to guide planes spraying pesticides, millions of girls and boys aged 5 to 14 years old help supply some of the food and drink we consume and the fibres and raw materials we use to make other products.

A large, though uncertain, number of these girls and boys carry out hazardous child labour, which is work that can threaten their lives, limbs, health, and general well-being. On farms and plantations of all types and sizes, these child labourers carry out jobs or tasks which put their safety and health at risk. Many of them toil in poor to appalling conditions, are harshly exploited to perform dangerous jobs with little or no pay, and consequently suffer physical and mental hardship, and even loss of life. Irrespective of age, agriculture is one of the three most dangerous sectors in which to work in terms of the numbers of work-related fatalities, non-fatal accidents, and cases of occupational diseases.

Agriculture is a sector with a very poor record of safety and health. Agriculture is one of three most dangerous occupations to work (along with construction and mining) in terms of fatalities, injuries and work-related ill health.

The work that children undertake in agriculture is often invisible and unacknowledged because they assist their parents or relatives on the family farm or in "piece work" or a "quota system" on larger farms or plantations, often as part of migrant worker families. In these situations it is assumed that children work, though they are not formally hired. They are often classed as "helpers" though they do similar and as strenuous work as adults.

Equally, they may be "hired" through contractors, sub-contractors, or team leaders, thus enabling farm and plantation owners to deny responsibility for knowing the ages of the children or the terms under which they were hired. In other instances, children are hired directly by the farm or plantation owner.

**Specific hazards and risks in agriculture include:****Hours of work**

Hours of work tend to be extremely long during planting and harvesting. Especially during rush periods, field work can go from dawn to dusk, with transport time to and from the fields in addition. The intensity of the work offers little chance for rest breaks and the length of the working day offers insufficient time for recuperation, or for leisure time.

**Physically demanding work**

Much agricultural work is by its nature physically demanding and strenuous, involving long periods of standing, stooping, bending, repetitive and forceful movements in awkward body positions (see cutting tools below), and carrying heavy or awkward loads - baskets, bundles of crops, water containers etc. - often over long distances. These types of activities can harm children's musculoskeletal development, and may result in permanent impairment/disability.

**Extreme temperatures**

Children often work in extreme temperatures - ranging from hot sun to cold, wet conditions without suitable clothing or protective equipment. In high level tea plantations in the tropics the weather can be often cold and wet and frequently the children lack suitable warm clothing or footwear. In hot conditions, they may get dizzy from dehydration because they do not have access to drinking water.



*As a Labour Inspector, Education or Child Welfare Officer, what would you do if you came across this child working in the farm on a school day?*

**Cutting tools**

Child labourers use cutting tools - machetes, knives, scythes, sickles etc. - to cut crops, hay, weeds, and brushwood. Cuts are frequent, and even more serious injuries can be sustained such as amputations. Repetitive and forceful actions associated with cutting can also harm their musculoskeletal development. The machete is the tool that is most commonly used by less skilled workers on the farm or plantation.

### Harvesting hazards

Child labourers are especially used to harvest crops, and they may fall off ladders, or out of trees, while picking high-growing fruit. They may also be injured by fruit pods falling from trees. Many of the crops they work with are abrasive, prickly or irritant and they can suffer skin problems - allergies, rashes, blistering etc.



*Name the sectors where children would be working with their parents?*

### Transport

Child labourers are at risk of being killed by a tractor overturning, or being hit by tractors, trailers, trucks and heavy wagons used to transport the farm produce from the fields. In Australia and the USA, for example, boys are driving tractors on farms as young as the age of 7-9 years old, and by those ages many more are already riding on tractors as passengers.

In other cases child labourers are killed or injured by climbing on or off trailers or other machines whilst these are still in motion, slipping or missing their footing, and falling under them and being crushed or run over.

### Machinery

In some countries, child labourers can be working around, or even operating, powered machinery and equipment such as power take-off shafts, grain augurs, balers, slurry tankers and other large farm machinery, and are at risk of being entangled or dragged into such machinery. Noisy machinery may also be a problem for child labourers, and excessive exposure to noise can lead to hearing problems in later life.

### Hazardous substances

Many child labourers also mix, load and apply pesticides which are toxic products, some of which are extremely poisonous and potentially cancer-causing (carcinogenic) or can harm both female and male reproduction later in life. Some children stand in the fields where pesticides are being aerially sprayed, holding flags to guide the spray planes as they swoop low over the fields. Contamination is virtually inevitable.

Lack of proper pesticide storage facilities or systems for disposal of empty pesticide containers can result in child poisonings or even deaths when containers are used for other purposes, e.g. to hold drinking/cooking water, or when children play with the empty, unwashed drums and bottles. Similarly they often apply chemical fertilisers with their bare hands or using a spoon.

Child labourers are often exposed to high levels of organic dust when harvesting crops or preparing feed for farm animals, and this can result in them developing allergic respiratory diseases such as occupational asthma and "farmer's lung-type" diseases (extrinsic allergic alveolitis).

Child labourers are at risk of catching diseases from farm animals, or from wild animals/micro-organisms (zoonoses), e.g. rats commonly associated with farm yards, livestock houses/enclosures, and ditches.

### Animals

They herd and shepherd farm animals, and/or milk them. Child labourers are frequently injured by being jostled, butted, or stamped on by farm animals, especially as many child labourers work barefoot. Children in pastoral communities may spend many months in remote, isolated areas looking after the herds, and involving heavy work such as watering livestock.

### Cuts, bites and diseases

Working barefoot in fields or around livestock also exposes them to cuts, bruises, thorn injuries, skin disorders, or even catching water-borne diseases, especially where soils are wet and sticky, or deliberately flooded as in the case of rice cultivation. They are also vulnerable to snake and insect bites, and in some cases, attacks by wild animals.

### Welfare

Frequently, there is a lack of clean drinking water, of decent washing facilities and toilets. Often their clothes are very dirty due to lack of cleaning facilities. Often the farm or plantation accommodation in which they live is extremely basic and makeshift - built of pieces of plastic, wood or cardboard, or other forms of unheated dwelling.



*What are the dangers in this photo?*



## Hazardous child labour lists

An important instrument that policy-makers can use as part of their strategy to tackle hazardous child labour is a legally-binding list of hazardous work activities and sectors that are prohibited for children. In drawing up a national list, countries must also identify where such hazardous work is found and devise measures to implement the prohibitions or restrictions included in their list. Because this list is critical to subsequent efforts to eliminate hazardous child labour, the Convention emphasizes the importance of a proper consultative process, especially with workers' and employers' organizations, in drawing up, implementing it, and periodically revising it. Advice for governments and the social partners on some hazardous child labour activities which should be prohibited is given in Recommendation 190, Paragraph 3: *"In determining the types of work referred to under Article 3(d) of the Convention, and in identifying where they exist, consideration should be given, inter alia, to:*

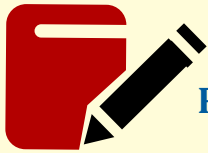
- a) *work which exposes children to physical, psychological or sexual abuse;*
- b) *work underground, under water, at dangerous heights or in confined spaces;*
- c) *work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads;*
- d) *work in 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;*
- e) *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."*

### Understanding children's risks

Information is needed to:

- Obtain a profile of occupational risks to children so that awareness campaigns, training and prevention strategies can be adjusted to meet the real needs;
- Assess the gender differences in these risks, as well as the risks for young migrant workers, indigenous people and other ethnic minorities;
- Target risk reduction policies and programmes to the sectors where young workers are most at risk

*Adapted from Children in Hazardous Work: What we know, what we need to do; IPEC; 2011; p15*



## RESOURCE: HAZARDOUS WORK BY SECTOR

The following tables lists a selection of common tasks, hazards and potential consequences in:

- crop agriculture
- fishing and aquaculture
- domestic work
- manufacturing
- mining and quarrying
- construction and associated industries
- service sector and street work

**Table 1: Selected list of common tasks, hazards and potential consequences in crop agriculture**

Tasks	Hazards	Injuries and potential health consequences
Loading and carrying produce or water	Heavy loads	Joint and bone deformities; blistered hands and feet; lacerations; back injury; muscle injury
Climbing trees to harvest fruit	Dangerous heights; slippery surfaces; unstable ladders	Fatal or non- fatal injuries, including broken bones, skull fractures and head injuries
Collecting fodder	Heavy loads; thorns and sharp objects	Blistered hands and feet; lacerations; back injury; muscle injury
Collecting, preparing, redistributing manure	Bacteria, parasites and other micro-organisms	Bacterial and parasitic infections and diseases; rashes and other forms of dermatitis; asthma and breathing difficulties; eye irritation
Weeding and harvesting	Thorns; bending; long hours; insects and animals; biological toxins and exposures	Back and muscle injury; lacerations; blisters; exhaustion; poisonings, such as Green Tobacco Sickness
Caring for farm animals	Kicks; bites; brucellosis, anthrax and other bacterial exposure such as E. coli and salmonella; rabid animals	Head trauma and broken bones from kicks; infections from bites; weakness from brucellosis; bacterial or viral infections resulting in death or severe injury
Collecting fodder	Heavy loads; thorns and sharp objects	Blistered hands and feet; lacerations; back injury; muscle injury
Handling, mixing, spraying agrochemicals	Toxic chemicals	Rashes and other forms of dermatitis; allergic reactions; breathing difficulties; eye irritation; chemical poisoning; liver damage; nerve and neurological disorders; cancers; reproductive health disorders such as male and female infertility
Using motorized or sharp farm tools	Tools in poor repair; lack of safety features; sharp blades; heavy weights; loud noise; vibrations; faulty power supply; poor ventilation	Tools in poor repair; lack of safety features; sharp blades; heavy weights; loud noise; vibrations; faulty power supply; poor ventilation



**Table 1: Selected list of common tasks, hazards and potential consequences in crop agriculture**

Tasks	Hazards	Injuries and potential health consequences
Driving tractors or other farm machinery	Vehicle or machine in poor repair; lack of safety features; fast-moving blades; moving belts; uneven ground or mud	Severe injury or death from vehicle collision or overturned tractor; lost finger or limb from standing too close to moving part; pulled into or underneath machinery
Outdoor work in general	Exposure to extreme weather; sun; insects; wild animals; parasites; lack of drinking water	

**Table 2: Selected list of common tasks, hazards and potential consequences in fishing and aquaculture**

Tasks	Hazards	Injuries and potential health consequences
Sorting, unloading and transporting catches	Heavy loads; large machines with moving parts	Joint and bone deformities; blistered hands and feet; lacerations; back injury; muscle injury; amputation of fingers, toes and limbs; noise-induced hearing loss
Cooking on fishing vessels	Sharp blades; stoves in poor repair	Cuts; burns
Diving for various aquatic species, to free snagged nets, or to scare fish into nets	Deep water; dangerous fish; boat propellers; fishing nets; entanglement	Drowning; hypoxia; decompression illness; dizziness; emphysema; bites or stings from fish; hearing loss from ear infections or rapid pressure change
Actively fishing; pulling fish onto boat	Heavy loads; sharp objects	Blistered hands and feet; lacerations; back injury; muscle injury; fish poisoning
Cleaning fish and shellfish; processing, smoking or selling fish	Sharp tools; long hours standing or bending	Blistered hands and feet; lacerations; backaches and other musculoskeletal strains and disorders; exhaustion
Repairing nets, vessels	Sharp or heavy tools	Blistered hands and feet; lacerations
Tending aquaculture farms	Disease control compounds; mosquitoes	Injury from falls; drowning; malaria or dengue; pesticide poisoning
Work on boats and water in general	Crowded conditions; deep water; cold water; polluted water; slippery walkways; fumes and other odours; loud equipment; lack of drinking water; long hours	Drowning; hypothermia; nausea; claustrophobia; schistosomiasis, guinea worm and similar parasitic infections; broken bones and head injuries from slips; physical or emotional abuse; exhaustion; hunger; dehydration
Long periods at sea on boats or fishing platforms	Sexual abuse, intimidation, exposure to and pressure or enticement to engage in adult behaviours	Sexually transmitted diseases; alcoholism, drug use and smoking; diminished sense of self-worth


**Table 3: Selected list of common tasks, hazards and potential consequences in domestic work**

Tasks	Hazards	Injuries and potential health consequences
Cooking, cleaning, ironing and other household chores	Sharp blades; hot pans; stoves and other tools in poor repair; toxic chemicals	Cuts; burns; respiratory disease; rashes and other forms of dermatitis; allergies; ergonomic injuries
Gardening	Sharp objects; heavy loads; hot weather; stinging insects; toxic pesticides and fertilizers	Cuts; back and other muscle pain; heat stroke; sunburn; dehydration; insect and animal bites; developmental and neurological effects
Gathering fuel, water, groceries	Heavy loads; traffic and other urban hazards; long distances by foot	Back and other muscle pain; injury from traffic accident or urban violence; harassment
All tasks out of public view	Inadequate food and shelter; long hours; no privacy; physical, verbal and sexual abuse; humiliating or degrading treatment	Exhaustion; hunger; depression; behavioural disorders; suicidal tendencies; bruises, burns and other injuries incurred from abuse
All tasks when working alone	Isolation; separation from family and peers	Disrupted psychological, social and intellectual development

**Table 4: Selected list of common tasks, hazards and potential consequences in manufacturing**

Tasks	Hazards	Injuries and potential health consequences
<i>Textile:</i> dyeing; weaving; sewing; embroidery; cleaning	Harmful dyes; awkward postures; repetitive movements; sharp tools; close work	Finger deformities and premature arthritis; neck, shoulder and other muscle discomfort; vision loss; skin rashes, nail damage and other dermatitis; breathing difficulties; byssinosis
<i>Leather:</i> dehairing; tanning; sewing; cleaning	Harmful dyes, solvents and other chemicals; fumes; sharp tools	Chemical poisoning; lung damage; asthma; bronchitis; skin rashes; bladder cancer; anthrax poisoning
<i>Footwear:</i> shoe manufacturing and repair	Dangerous solvents, adhesives and other chemicals; sharp tools	Cancers of nose, nasal sinuses, larynx, lung and gall bladder; haematological disorders; neurological impairment; dermatological disorders such as occupational vitiligo; musculoskeletal problems such as carpal tunnel syndrome
<i>Crafts:</i> jewellery making; stonework; woodwork	Awkward postures; repetitive movements; close work; dust; sharp tools	Finger deformities and premature arthritis; neck, shoulder and other muscle discomfort; vision loss; lung disease such as asthma, bronchitis, silicosis, tuberculosis or cancer from inhaling fine particles or toxic chemicals; lead poisoning



**Table 5: Selected list of common tasks, hazards and potential consequences in mining and quarrying**

Tasks	Hazards	Injuries and potential health consequences
Tunnelling; diving into muddy wells	Drilling equipment; explosives; confined spaces; faulty supports; stagnant air; poisonous gases; dust; darkness; dampness; radiation	Death or traumatic injury from tunnel collapse; suffocation from compressor mining; injury from explosions; silicosis and related respiratory diseases; nausea; exhaustion
Digging or handpicking ore, slabs, rock or sand	Heavy tools; heavy loads; repetitive movements; dangerous heights; open holes; falling objects; moving vehicles; noise; dust	Joint and bone deformities; blistered hands and feet; lacerations; back injury; muscle injury; head trauma; noise-induced hearing loss; breathing difficulties; frostbite, sunstroke and other thermal stresses; dehydration
Crushing and amalgamating; sieving, washing and sorting	Lead, mercury and other heavy metals; dust; repetitive movements; bending, squatting or kneeling	Neurological damage; genito-urinary disorders; musculoskeletal disorders; fatigue; immune deficiency
Removing waste or water from mines	Heavy loads; repetitive movements; chemical and biological hazards; dust	Musculoskeletal disorders; fatigue; infections
Transporting materials via carts or carrying	Heavy loads; large and unwieldy vehicles	Musculoskeletal disorders; fatigue; crushed by vehicles
Cooking and cleaning for adults	Physical and verbal abuse; unsafe stoves; explosive fuels	Injury from beatings; sexual abuse; burns
Selling goods and services to miners	Physical and verbal abuse	Injury from beatings; behavioural disorders
Mining and quarrying in general	Remote locations; lawless atmosphere; poor sanitation; contaminated drinking water; stagnant water (mosquitoes); inadequate nutrition; recruitment into sex trade; gambling, drugs and alcohol	Death for lack of medical treatment; behavioural disorders; addiction; sexually transmitted diseases; pregnancy; stunted growth; diarrhoea and digestive disorders; malaria and mosquito-borne diseases

**Table 6: Selected list of common tasks, hazards and potential consequences in construction and associated industries**

Tasks	Hazards	Injuries and potential health consequences
<i>Construction:</i> hauling and stacking materials; carpentry; masonry	Heavy loads; dangerous heights; falling objects; sharp objects; power tools; live wires; moving vehicles; loud machines; exposure to extreme weather; dust	Joint and bone deformities; blistered hands and feet; lacerations; punctures from nails; back injury; muscle injury; head trauma; broken bones from falls; electrocution; noise-induced hearing loss; frostbite, sunstroke and other thermal stresses; dehydration; breathing difficulties


**Table 6: Selected list of common tasks, hazards and potential consequences in construction and associated industries**

Tasks	Hazards	Injuries and potential health consequences
<i>Brick-making:</i> toting, stacking	Heat from kilns and ovens; flying ashes; heavy loads; dropped bricks; dust; exposure to extreme weather; remote locations; poor sanitation; moving vehicles	Burns and heat stroke; dehydration; joint and bone deformities; musculoskeletal problems from repetitive motion; blistered hands; bruised feet from dropped bricks; lacerations; breathing difficulties; silicosis and other occupational lung diseases; heat and cold stress; insect bites; poor nutrition; bacterial and viral diseases; injury from moving vehicles
<i>Construction:</i> hauling and stacking materials; carpentry; masonry	Heavy loads; dangerous heights; falling objects; sharp objects; power tools; live wires; moving vehicles; loud machines; exposure to extreme weather; dust	Joint and bone deformities; blistered hands and feet; lacerations; punctures from nails; back injury; muscle injury; head trauma; broken bones from falls; electrocution; noise-induced hearing loss; frostbite, sunstroke and other thermal stresses; dehydration; breathing difficulties

**Table 7: Selected list of common tasks, hazards and potential consequences in service sector and street work**

Tasks	Hazards	Injuries and potential health consequences
Portering and transport	Heavy loads; long hours; unsanitary conditions; poor access to food; long distance from home; violence; exposure to alcohol, cigarettes, drugs and adult language and situations; sexual exploitation	Musculoskeletal problems; lacerations and blistering; diarrhoea and other bacterial and viral-based illnesses; nutritional deficiencies; depression; addiction; psychological harm; sexually transmitted disease
Outdoor shop work, such as vehicle repair, scrapyards	Toxic fumes and liquids; acids from batteries; clutter; slippery floors; sharp objects; heavy and dangerous machinery; loud noises	Respiratory diseases; nausea; burns; injury from falls; cuts and scrapes; exhaustion; skin rashes; hearing loss
Scavenging; trash and recycling collection	Sharp objects; contaminated objects; moving traffic; vehicle exhaust; bending; heavy loads; long hours; extreme weather; street crime	Infectious diseases such as tetanus; joint and bone deformities; blistered hands and feet; lacerations; back injury; muscle injury; breathing difficulties; frostbite, sunstroke and other thermal stresses; dehydration; death or injury from moving vehicles
Street-corner services such as shoe-shine or food sales	Street crime; harmful chemicals; hot surfaces; long hours; extreme weather	Injury from assault; rashes from shoe polish; breathing difficulty from chemicals or vehicle exhaust; heat stroke; exhaustion
Street environment in general	Exposure to violence, crime, illicit drugs, tobacco, alcohol and sex	Physical and mental harm; addiction



## RESOURCE: FIJI HAZARDOUS CHILD LABOUR LIST

### Hazardous Occupations Prohibited To Children Under 18 Years of Age Order 2013

#### *Short title and commencement*

1. This Order may be cited as the **Hazardous Occupations Prohibited to Children Under 18 Years of Age Order 2013**, and shall come into force on the date of its publication in the *Gazette*.

#### *Interpretation*

2. In this Order, unless the context otherwise requires—  
     “hazardous work” means a subset of child labour and the worst form of child labour, being work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

#### *List of hazardous occupations*

3. For the purposes of section 95(2) of the Employment Relations Promulgation 2007, the following occupations or workplaces are prohibited occupations or workplaces for a child—
  - a) **all occupations in the processing and preparation of drugs and chemical products involving exposure to dangerous chemicals;**
  - b) **all occupations in the manufacturing, handling, and transporting of explosives, toxic, corrosives, poisonous and noxious components and flammable liquids in bulk;**
  - c) **all activities in any work-room, building, premises, or any place where radium is stored, kept or processed or used in the manufacture of self-luminous compounds or other radioactive substances;**
  - d) **craftsman, production process and related occupations—**
    - i. spinners and winders (textile);
    - ii. fiber and plastic preparers;
    - iii. bleacher, dyer and finisher of textiles using chemicals;
    - iv. tool maker, machinist, plumber, welder, flame cutter and plater;
    - v. installer and repairer of telephone and telegraph;(vi) electrical and electronic fitter;
    - vi. linemen and cable jointer;
    - vii. sawyer and woodworking machine setter and operator;
    - viii. furnace and oven workers in brick making;
    - ix. furnace man and kilnman in the manufacture of glass and ceramics;
    - x. brewer and wine maker;
    - xi. distiller of alcoholic beverages;
    - xii. tanner;
    - xiii. blacksmith, hammersmiths, forge man;
    - xiv. slaughtering and killing birds and animals;
    - xv. extraction of lard and oil;
  - e) **farming, fishing, hunting, logging, and related occupations—**
    - i. deep sea and offshore fishing;
    - ii. divers of marine organisms or products of marine organisms, including but not limited to, sponge, sea cucumber, pearl and shell;
    - iii. logging (cutter, stripper, cable installer, feller);
    - iv. farming activities including but not limited to, sugarcane cutting, sugarcane loading and chemical spraying;
    - v. workers on commercial vegetable farming;



**f) mining, quarrying and related occupations—**

- i. operators of drilling and blasting machines, stone crushing equipment, conveyor, compressor, steam boiler, air receiver, gas cylinder, acetylene generator;
- ii. firing (with fuse, electricity);
- iii. stone splitter;

**g) service, sports and related work—**

- i. fire-fighters and guards;
- ii. ship stewards;
- iii. airline hostesses;
- iv. bartenders;
- v. bus conductors and conductresses;
- vi. masseurs and masseuses;
- vii. taxi-dancers;
- viii. entertainers (strip teasers, burlesque, dancers);
- ix. bath house attendants;
- x. escorts for men or women;
- xi. personal service of males or females in bars, cocktail lounges, motels, hotels, massage clinics, and other drinking places;
- xii. janitors in bawdy houses;
- xiii. lifeguards in swimming pools and resorts;
- xiv. jockeys and horse trainers;
- xv. contact sport instructor;
- xvi. embalmers and undertakers;
- xvii. dealers, croupiers, bookies and bet takers;
- xviii. lifting, carrying, handling and moving heavy loads;
- xix. security officers;

**h) transport, communication and navigational occupations—**

- i. firemen;
- ii. drivers or operators of bulldozer, crane, pile driving equipment, trailer, road roller, tractor lifting appliances, scaffold winch, hoist, excavator, loading machine, trucks, buses and taxis;
- iii. tillers and greasers of heavy machineries;
- iv. traffic controller and dispatchers;
- v. servicemen and garage workers in transport company;

**i) other hazardous work including but not limited to—**

- i. bottle collecting;
- ii. scrap metal collecting.

***Employer shall be liable***

4. Any employer who, after being served with this Order, continues to employ a child in the prohibited occupation or workplace, commits an offence and shall be liable under the provisions of the Employment Relations Promulgation 2007.

**Extracted from the GOVERNMENT OF FIJI GAZETTE SUPPLEMENT; TUESDAY, 28th MAY 2013; [LEGAL NOTICE NO. 30]; EMPLOYMENT RELATIONS PROMULGATION 2007 (PROMULGATION NO. 36 OF 2007)**





## RESOURCE: HOW TO MOVE HEAVY LOADS<sup>1</sup>

As many as a third of all workers get hurt lifting or carrying loads. Young people in the workforce over the minimum legal age of employment should take extra care whenever when they pick up, hold, put down, push, pull, carry or move something that is heavy. The load can be alive (a person or animal) or an object. The damage can be slow causing gradual damage to bones and/or muscles – as when lifting or handling over a long period of time. Or the damage can be quick as when an accident causes a sudden injury.

There are four factors that increase the possibility of injury, particularly back injury: **the load, the task, the environment, and the individual.**

### If the load is ...

- **too heavy.** There is no weight limit that is safe for everybody – especially for young workers. (Note: 20–25 kilos is considered heavy for European adults).
- **too large.** If the load is large it is not possible to follow the basic rules for lifting and carrying and the muscles will get tired more rapidly.
- **difficult to grasp.** This can result in the object slipping and causing an accident. Loads with sharp edges or made from dangerous materials can injure workers.
- **unbalanced or unstable.** This leads to uneven loading of muscles and fatigue due to the centre of gravity of the object being away from the middle of the worker's body.
- **difficult to reach.** Reaching with outstretched arms, or bending or twisting the trunk of the body takes greater muscular force.
- **too high.** If the load is of a shape or size that obscures the worker's view, it increases the possibility of slipping/tripping, falling or collision.

### If the task is ...

- **too strenuous.** For example, if the lifting is done too frequently or for too long a time;
- **awkward.** For example, if it requires bending over, twisting, raising the arms, bending the wrists, or long reaches.
- **repetitive.** For example, if it is done again and again, especially if the motion is rapid.

### If the environment has ...

- **too little space.** Insufficient space to lift or move around in may force the worker into an awkward posture or to move unsafely.
- **poor flooring.** An uneven, unstable or slippery floor may increase the risk of accidents.
- **too hot/cold.** Heat makes workers feel tired, and sweat makes handholds slippery, meaning that more force must be used. Cold can make hands numb, making it hard to grip.
- **poor lighting.** Insufficient lighting may increase the risk of accidents, or force workers into awkward positions in order to see what they are doing.

### If the individual has ...

- little experience, training or familiarity with the job – which is often the case with young workers – the risk of accident is higher
- a slight build (height, weight) or less strength (a gender consideration)
- prior history of back disorders.

<sup>1</sup> Adapted from Safe Work for Youth; Packet for Young Workers- How to Move Heavy Loads; 2011; [http://ilo.org/ipec/areas/Safeworkforyouth/WCMS\\_120426/lang--en/index.htm](http://ilo.org/ipec/areas/Safeworkforyouth/WCMS_120426/lang--en/index.htm)



### **RISK ASSESSMENT**

Employers should assess the health and safety risks that young workers are likely face when they lift and carry things. The steps for carrying out an effective risk assessment are simple:

- **Look for hazards that could cause accidents, injuries or ill health**
- **Evaluate who might be harmed and how this might happen**
- **Evaluate whether existing precautions are adequate or if more are needed**
- **Monitor the risks, and review preventive measures**

It is often helpful if young workers participate in the risk assessment. Tackling workplace hazards in this way will improve workers' health and well-being, and prevent reductions in productivity.

### **PREVENTION MEASURES**

Accidents and ill health associated with lifting can often be prevented. Prevention measures should be undertaken in this order:

1. **Elimination.** Can the danger be avoided, for example, by making smaller packages out of one large one, or by sharing the load with another person?
2. **Technical measures.** If not, can simple supporting devices (hoists, trolleys) be used? If neither of these is possible, young workers may need to be restricted from these jobs.
3. **Organisational measures.** Risks to adult workers can be reduced by rotating the work among them, ensuring that they take rest breaks that are long enough and frequent enough so they are well rested.
4. **Training.** Accidents can be prevented by getting information on the risks and negative health effects of improper lifting and moving, as well as by being trained in the use of equipment and correct handling techniques.

### **CORRECT HANDLING TECHNIQUES**

#### **Lifting**

Before lifting a load, you need to plan and prepare for the task. Make sure that:

- you know where you are going;
- the area where you move is clear of obstacles;
- you have a good grip on the load;
- your hands, the load and any handles are not slippery;
- if you are lifting with someone else, both of you know what you are doing before you start.

You should use the following technique when lifting a load.

- Put your feet around the load, with your body over it (if this is not feasible, try to get your body as close as possible to the load).
- Use the muscles of your legs when lifting.
- Straighten your back.
- Pull the load as close as possible to your body.
- Lift and carry the load with straight downward turned arms.

#### **Pushing and pulling**

- you should push and pull using your body's own weight. Lean forward when pushing, lean backwards when pulling;
- be sure you have enough grip on the floor to be able to lean forward/backwards;
- avoid twisting and bending your back; move your feet to turn, not your body



- use handles/hand grips so that you can use your hands to exert a force; handle height should be between the shoulder and waist so that you can push/pull in a good, natural posture;
- handling devices should be well-maintained with wheels the right size so they run smoothly;
- it is important that the floors are hard, even and clean.

## **RESOURCE: MONITORING QUESTIONS FOR EMPLOYERS WHO EMPLOY YOUNG PEOPLE<sup>2</sup>**

### **General principles**

- There are some workers under the legal age in the workshop
- All your young workers have completed compulsory or basic schooling
- A young worker is showing signs of deprivation (not enough sleep, food, clothing)
- A young worker is showing signs of intimidation or fear
- Supervisors and co-workers have been informed what is safe for young workers to do
- All young workers have been trained on what to do during an accident or emergency
- An occupational safety and health plan has been developed for this workshop

### **Working time**

- A young worker sometimes works at night, goes home in the dark, or works overtime
- A young worker is allowed to work in an isolated area

### **Harassment, Violence, and Stress**

- A written policy against harassment and violence, particularly addressing the risks that young girl workers may face, has been developed
- The anti-harassment policy is posted in the workshop where all can see it

### **Materials storage and handling**

- Each new young worker has an assigned “buddy” to answer questions and keep an eye out for safety
- All young workers have been trained on correct lifting techniques
- Supervisors check periodically to make sure they are lifting correctly
- Some young workers do jobs that require lifting or carrying heavy loads

### **Work-stations**

- Some young workers squat or kneel for long periods of time
- Your young workers know and use the “elbow rule”

### **Machine and tool safety**

- Your young workers are only allowed to use machines and tools that have low potential for causing injuries or are closely supervised if they use power equipment
- Question Action notes

<sup>2</sup> Adapted from Safe Work for Youth; Packet for Employers: Monitoring Form; 2011;  
[http://ilo.org/ipec/areas/Safeworkforyouth/WCMS\\_120426/lang--en/index.htm](http://ilo.org/ipec/areas/Safeworkforyouth/WCMS_120426/lang--en/index.htm)



### Hazardous substances

- Some of your young workers use or work around hazardous substances
- Chemicals, including containers into which chemicals have been poured, are labelled
- Chemical safety data sheets are kept on file for each chemical or mixture (e.g., paints, glues, solvents, acids) that the workshop uses or produces
- Young workers have a place to wash and change clothes at your workplace
- Young workers wash their hands with soap before eating or drinking
- Young workers wash themselves and change clothes before going home

### Lighting and noise

- Skylights and windows are cleaned regularly
- Ceilings and walls are painted white or in light colors and kept clean
- Workstations are adequately lighted
- There is no glare in the young worker's field of vision
- Noisy equipment and areas are marked with warning signs and young workers are trained on noise protection measures
- Noise levels are low enough that young workers do not need to shout to communicate

### Welfare facilities

- There is always cool, safe drinking water for young workers to drink
- Toilets are regularly cleaned, close to the work area, and have soap for washing
- There are separate toilets for girls and women
- There is a clean and comfortable place for the workers to rest and eat

### Premises

- Metal walls and roofs are backed with insulation to protect workers from heat or cold
- Roof and wall openings, windows or open doorways provide natural ventilation
- During working hours, doors are unlocked so workers can escape easily in case of fire
- The workshop is not used as sleeping quarters after working hours

**Employers should sign written contracts with young workers. In order to avoid misunderstanding between the employer and the young employees, the contract must be clear and explicitly outline the rights and obligations of both. A contract can be for an undefined period, for a specified time, or for a specific task. The contract should include these ten points**

1. Name
2. Age
3. Address
4. Place of work
5. Description of the job(s) to be done
6. Start date and duration (or end date, if time-limited)
7. Days per week and hours of work per day
8. Remuneration and when it will be paid
9. Benefits
10. Obligations

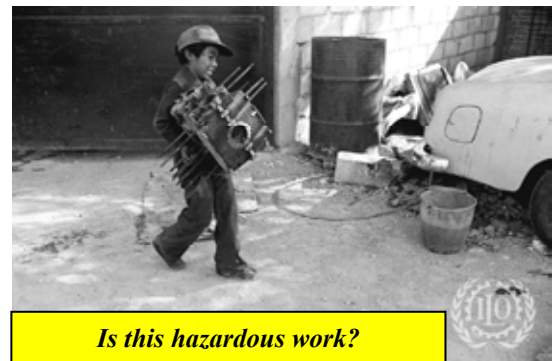
# 4

## Labour Inspection and Child Labour

In 1802, the British Parliament passed an “Act to preserve the morals of apprentices”. Their definition of “morals” included what today would be termed occupational safety, health and welfare matters, and the “apprentices” were in fact just child workers in different trades, most notoriously in mining, textiles, chimney sweeping, and factories. Enforcement of this initial child labour-protection legislation was entrusted to committees of respected men. Since compliance was entirely voluntary, however, this monitoring proved ineffective. In 1833, four factory inspectors were appointed to His Majesty’s Government to control excessively long working hours of children and young persons. The birth of labour inspection is thus historically linked to the need to effectively control and combat the worst abuses of children in the world of work and to safeguard their health.

This link between labour inspection on the one hand, and child labour on the other, is further underlined by the fact that at the very first International Labour Conference of the ILO in 1919 (the year of its creation), new international standards were adopted by the community of ILO Members on both labour inspection and child labour protection:

Convention No. 5, prohibiting work done by children of less than 14 years of age in industrial undertakings; and Recommendation No. 5, urging member States to set up national systems of labour inspection.



This close interrelationship found further expression in subsequent ILO standard-setting work. Thus, both the fundamental ILO Conventions combating child labour (C.138 and C.182), and their accompanying Recommendations (R.146 and R.190) include provisions on enforcement by inspection systems; and likewise, both ILO Labour Inspection Convention, No. 81 covering industry, commerce, mining and transport, and Convention No. 129, covering all manner of agricultural activities, refer to the principal duty of labour inspectors to secure the enforcement of legal provisions relating to the employment of children and young persons.

Together these two factors – the long history of association between child labour and labour inspection, and the several ILO instruments dealing with these topics – have provides a very solid social and legal foundation, linking child labour and the work of labour inspection.

## Mandate and role of labour inspectorates and labour inspectors

To provide advice to both employers and workers, to administer social and labour policy, and to supervise and enforce labour legislation and standards, effective national systems of **labour inspection** are required. Labour inspection is a public function, a responsibility of government, best organised as a system, within the context of a larger state system: the labour administration system.

The **labour inspectorate** is the national competent authority designated by parliament or the Government to carry out the functions of applying, enforcing, and reporting back on the labour laws under its jurisdiction, and running and managing the labour inspection system. Inspectorates enforce provisions relating to hours, wages, weekly rest and holidays, safety, health and welfare, the employment of women, children and young persons; and other connected matters.

Labour inspection varies from one country to another. Ranging from generalist inspection systems responsible for dealing with conditions of work, the work environment, and also individual or collective labour relations to more specialised systems, e.g. with specialised health and safety (labour) inspectorates which develop national health and safety policy programmes and inspection systems for the protection of workers in the different occupational sectors.

**Labour inspectors** are legally-empowered enforcement officers, employed by the Inspectorate, whose most important function is to ensure compliance with national labour law in order to prevent workplace fatalities, accidents, ill health, under-payment of wages and other labour abuses. Inspectors also supply technical advice and information to employers and workers concerning the most effective means of complying with the legal provisions.

The sources of labour inspection authority are to be found in a set of relevant international labour standards. The Labour Inspection Convention, 1947 (No.81) sets out the basic international standards, supplemented by the ILO Labour Inspection (Agriculture) Convention, 1969 (No.129) which take into account the special characteristics of the agricultural sector.

## Labour Inspection Convention, 1947 (No.81)

Convention No.81 has been widely ratified (138 ratifications in July 2008) and sets provisions for the enforcement of legislation relating to conditions of work and the protection of workers in industrial workplaces, as well as commercial workplaces, if the ratifying State accepts this extension. In terms of scope, most countries have only excluded mining and transport enterprises from the application of this Convention.

Convention No. 81 has been ratified by over 130 ILO Member States, and was designated some years ago by the ILO Governing Body to rank among the ten most important Conventions of the organization. An explicit link between child labour and labour inspection is established in Article 3(a), which includes among the primary functions of the system of labour inspection *“to secure the enforcement of the legal provisions relating to conditions of work and the protection of workers while engaged in their work, such as provisions relating to hours, wages, safety, health and welfare, **the employment of children and young persons**, and other concerned matters, in so far as such provisions are enforceable by labour inspectors”*. Article 3.1 of Convention No.81 states that, *“The functions of the system of labour inspection shall be to:*

- (a) secure the enforcement of the legal provisions relating to conditions of work and the protection of workers while engaged in their work, such as provisions relating to hours, wages, safety, health and welfare, the employment of children and young persons, and other connected matters, in so far as such provisions are enforceable by labour inspectors;*
- (b) supply technical information and advice to employers and workers concerning the most effective means of complying with the legal provisions;*
- (c) bring to the notice of the competent authority defects or abuses not specifically covered by existing legal provisions.”*

In return, inspectors are required to respect certain obligations. They are prohibited from having any direct or indirect interest in the undertakings under their supervision, and shall not reveal manufacturing or commercial secrets of the workplaces they inspect, or the source of any complaint.

**The ILO Labour Inspection (Agriculture) Convention, 1969 (No.129)** applies to agricultural enterprises – farms and plantations – and covers employees and apprentices, and – subject to a declaration by the ratifying State to this effect – tenants, share-croppers, members of a cooperative or of the family of the operator.

Convention No.129 contains certain provisions which take into account the special characteristics of the agricultural sector, concerning the organisational flexibility and structure of the inspection services; the extension to inspectors of enforcement

functions regarding legal provisions relating to the living conditions of workers and their families; the possibility of including representatives of occupational organisations in the system of labour inspection officials, and the possibility of entrusting certain inspection functions at the regional or local level to other appropriate government services or public institutions.

It is critical that the labour inspector is adequately prepared for her/his role in the elimination of child labour, and properly motivated. It is the conviction that labour inspection is critical to the helping the child that will fuel the labour inspector to perform her/his role with zeal, passion and a sense of urgency. The inspector also has to be able to handle the contradictions implicit in tackling child labour. For example, that in acting to enforce the law, the inspector may be cutting the child from her/his economic source of survival. Hence the importance of the inspector not working in isolation but linking up with other officials, authorities and communities to see that the child, once withdrawn, is cared for, goes to school or into vocational training, and does not return to child labour.

#### ILO Convention No. 81

##### **Benchmarks for effective labour inspection:**

- Labour inspection should be organized as a system (Article 1) applying to all workplaces in respect of which legal provisions relating to conditions of work and the protection of workers are enforceable (Article 2).
- It should cover a basic set of functions, such as hours of work, wages, safety, health and welfare, the employment of children and young persons, and other connected matters (Article 3.1).
- Inspectors should supply information and advice to employers and workers on how to comply with the law, and alert the competent authorities on any defects or abuses not covered by existing legal provisions (Article 3.1).
- Labour inspection should be placed under the supervision and control of a central authority (Article 4.1).
- Effective cooperation with other government services and private institutions (NGOs) engaged in labour protection, as well as with employers and workers and their organizations must be promoted (Article 5).
- Inspectors must be public officials assured of stability of employment and independent of changes of government and improper external influences (Article 6).
- They must be recruited with sole regard to their qualifications and adequately trained for the performance of their duties (Article 7).
- Their number must be sufficient to secure the effective discharge of these duties in regard to inter alia the number, nature, size and situation of workplaces, the number of workers employed, and the number and complexity of the legal provisions to be enforced (Article 10).
- They must be properly equipped with local offices and transport facilities (Article 11).
- They must be provided with proper credentials and properly empowered (Articles 12 and 13).
- Workplaces must be inspected as often and as thoroughly as is necessary to ensure the effective application of relevant legal provisions (Article 16).
- Adequate penalties for violations of legal provisions enforceable by labour inspectors and for obstructing labour inspectors in the performance of their duties must be provided for by national laws and regulations and effectively enforced (Article 18).



## Special challenges for labour inspection/inspectors

Certain occupational sectors pose special challenges for labour inspectors. Two such areas are child domestic labour and agriculture.

### ***Child domestic labour***

Millions of children, primarily girls, work in domestic service in peoples' homes. These girls constitute one of the most difficult populations to protect, since they work in private homes and their labour is perceived as an extension of the obligations that they have in their own homes. Thus they are usually identified as "house girls", "girls being raised", "servants" or "helpers"; all of which are euphemisms used to avoid recognising the tasks they carry out and justify the exploitative conditions.

This is an occupation that remains concealed and socially "invisible", where behind closed doors the child domestic labourers are exposed to economic exploitation on a daily basis and their rights are trampled on in relationships bearing on servitude that contribute to reproduce and sustain at the same time gender, age and social class discrimination.

Domestic work involves occupational safety and health hazards and risks. People, especially children, engaged in domestic work often labour for long hours cut off from other people; work through the night; carry heavy loads; handle hazardous materials; and are at risk of psychological, physical, and sexual abuse from employers and their families.

Usually, there are only verbal agreements regarding their "employment". On very few occasions is employment covered by a formal written contract with legal backing; among other factors, this is due to the very prohibitions against child labour as well as the greater possibility of employers avoiding compliance with obligations and duties that they might acquire.

Labour inspectors have clear authority to enter and search workplaces. However, special provisions must be made to regulate inspectors' access to places where child domestic workers are employed or where children work in private homes.

*How can domestic child labour be regulated?*



### ***Agriculture***

Seventy per cent of child labour is found in agriculture which is one of the three most dangerous occupations to work in (along with construction and mining) in terms of fatalities, injuries and work-related ill health. Labour inspection in agriculture involves special challenges:

First, even where the legislation applies to agriculture, in developing countries there are often far too few inspectors to assure even a token appearance at more than a tiny proportion of the workplaces, and the larger the plantation and more remote the agricultural activity, the greater the problem.

Secondly, inspectors responsible for agriculture in developing countries often receive inadequate training. At best, they may have a month or two of basic instruction and then work in the field under supervision for another month or so before inspecting alone. But given the need for them to be familiar with the law, with standards, with inspection methods and procedures, in addition to all the technical matters, such periods of training will generally be too short to adequately instruct them in the range of hazards to be found in local agricultural and forestry activities. There is seldom provision for in-service or refresher training and the availability of specialist medical and technical support varies widely, often it is non-existent.

Thirdly, many inspectors in developing countries suffer from inadequate resources, particularly in the matter of transport and communication facilities, so that even if they have time, they are unable to afford to travel to more distant parts. One such developing country in Africa has passed a law requiring employers in large commercial farms to provide transport for the inspector from his or her base to their plantation and, if necessary, to provide overnight accommodation and food.

### **Other challenges to effective child labour inspection**

The barriers to effective compliance with international standards can be many, including political, legal, economic, structural and cultural factors, and they can appear at any level – from national to the field.

#### ***Lack of clear legislation***

If the national laws are not revised, or new and more effective legislation adopted, labour inspectors have nothing to enforce. The job of understanding, explaining and ultimately enforcing the law becomes difficult and at times virtually impossible if there are gaps in the law, varying minimum ages, confusing and different (or the absence of) definitions of hazardous and nonhazardous work (or of acceptable light work), or

outdated and excessively complex regulations spread through fragmented and sometimes inconsistent laws. Labour policy and legislation is not the only legal framework that is needed. Registration of births, necessary to prove age, may not exist or not be followed. There may also not be adequate legislation on compulsory education to provide alternatives for the children removed from work.

### ***Lack of political will***

In addition to the lack of political will, a major obstacle to good labour inspection is the lack of financial support. In some developing countries, the whole labour administration system receives less than 1 per cent of the national budget and sometimes a mere 0.1 per cent, with the labour inspection services, in turn, receiving only a fraction of that. But the cost to the state of poor labour protection, in the form of accidents, illnesses, absenteeism, abusive exploitation, industrial conflict and the like is often in excess of 5 per cent of total gross domestic product. And there is considerable evidence that an effective and efficient labour inspection system can significantly reduce these losses.

In many industrialized countries in the last 10 years strong political support for labour inspection and commitment to high standards has made a measurable difference in the performance of their labour inspectorates and a reduction in economic and social loss at both national and at enterprise level. The cost to the state of child labour – in the case of children whose adult work years are shortened by disease, or whose productivity is grossly curtailed due to lack of education – is almost incalculable.

### ***Fragmented labour inspection***

Unfortunately in many countries there is no single inspectorate mandated to deal with all aspects of child labour. The labour inspectorate may be responsible for identifying child labour as well as overseeing general employment conditions, rates of pay, overtime and the resolution of disputes between workers and employers. Factory inspectors or occupational health and safety inspectors who generally operate in the formal sector will give attention to the mechanical, chemical, and ergonomic hazards in the worksite. Like labour inspectors, they are usually few in number considering the need, and their inspections do not bring them into contact with those children at greatest risk. If labour inspectorates are fragmented and effective arrangements for cooperation and coordination are absent at the top (and/or lower levels), local labour inspectors may have no contact with those responsible for parallel or particular aspects of child labour. For example, they may have no connection with police authorities who are combating illicit activities such as prostitution, pornography or drug trafficking, or with occupational health and safety inspectors who are investigating hazards.

***Lack of access to the informal economy***

One very practical problem is finding and gaining access to the type of workplaces where child labour most commonly occurs – the unregulated side of the economy. If labour inspection activities are planned solely on the basis of the official register of businesses, they will cover only a fraction of the establishments in the country, and certainly none of the informal sector. And it is not often that any significant number of child workers will be found in these officially registered businesses. In some countries inspectors visit only registered, established, large or medium-sized, and in many cases, exclusively urban formal sector enterprises.

Limited resources may inhibit inspectors from carrying out their advisory and enforcement functions in small businesses in the informal sector, but also tradition plays a part as well. To track down cases of child labour, inspectors would need to get out into the community and extend their actions to new areas. They might encounter roadblocks in the form of laws which bar them from small workshops with less than five employees or, as in the case of domestic service, “invisible” workplaces such as the child’s own or somebody else’s home, since in many countries, the law provides that when workers live and work on the same premises, the occupier’s permission is required before those premises may be entered. They may also fear that, in these unknown settings, they will be threatened and even suffer physical violence.

In addition, there are practical problems of identifying shifting workplaces in the informal sector (e.g. the street). Remote places of employment are particularly challenging and some, such as offshore fishing platforms, are almost inaccessible. In the informal economy, complex and diffuse employment arrangements can complicate enforcement, as it is not always clear who is to be held accountable when it is not the owner of the business but middlemen who recruit and pay the children, sometimes clandestinely. Even formal sector companies may rely on complicated informal sector supply and sub-contracting chains that make it difficult to identify employer-employee relationships.

***Cultural issues***

Action against child labour may also encounter cultural obstacles. Abolishing child labour may be seen as a luxury reserved for those to whom life offers other alternatives. People may feel that because they belong to a certain social category, ethnic class, caste or religious group they have no other options. Child labour may not be seen as an alarming phenomenon in this society. Parents may themselves have worked from a very young age, not having been to school, and may see this as part of a tradition, in which the children of poor families have always worked for their survival and that of the

family. They may have no experience of families which escaped this economic constraint. Traditionally too it may have been that only some of the children were able to go to school and to succeed. Whilst awaiting the success of the eldest son or the most intelligent child, the other children had to work to contribute to his or her education.

Society may see work by children as a normal stage in the process of growing up. Hard work when young may be considered as the best form of education and preparation for community life. Even abusive conditions may be tolerated as a way of teaching children the “realities of life” in which they must learn to respect power and authority and their place in the social hierarchy.

A common problem for inspectors is that child workers themselves often strongly resist any efforts to remove them from work. The work provides them with an income, however small, and sometimes the chance to get some minimal training, which, in the face of inadequate schooling followed by unemployment, may well appear preferable. Work also gives children a sense of being grown up. They are proud that they are able to help their families and support the schooling for a younger sister or brother. Child workers may not therefore see themselves as victims but as responsible and earning the respect of their family, themselves and their community.

### ***Economic issues***

Poverty is one of the key causes of child labour along with other economic factors such as the perceived cost advantages of using child labour. The labour inspectorate is confronted with the reality of this face to face on the ground. Inspectors see the poverty, the economic powerlessness of the prime producers or service providers and the lack of any trade union presence in many sectors, and they are acutely aware of the economic consequences for the family of removing children from work in certain circumstances. This is very different from prosecuting a large corporation for violations of laws protecting adult workers.

There is a vicious circle of under-development and child labour. Economic under-development is associated with low productivity which in turn results in low living standards, low incomes and inadequate food, education, training, housing, hygiene, sanitation and health care. These conditions reduce the capacity to work and contribute to fatigue, premature ageing, accidents, disease, and absenteeism. These in turn lead to reduced income, indebtedness and increased poverty. Strict enforcement alone – except in the case of evident life-threatening hazards – is unlikely to be successful in the longer term without additional measures that make it cost-effective for the family to release the child from work.

## The Labour Inspection in the face of crimes of commercial sexual exploitation of children and adolescents

ILO Convention No. 182 on the Worst Forms of Child Labour requires ratifying Member States to take immediate and effective action to prohibit and eliminate what are termed the 'worst forms of child labour' (WFCL). These measures include a number of penal prohibitions concerning child labour ranging from trafficking, forced labour, child soldiers, commercial sexual exploitation and the use of children in illicit activities. It is quite evident from the nature of many of these offences (trafficking, forced labour, child soldiers, commercial sexual exploitation, the use of children in illicit activities) and from the nature and location of policing these offences (streets, airports, borders etc.) that the labour inspectorate is unsuited to be the principal investigating agency in this respect. In most countries, these offences are primarily dealt with by the police and immigration services which are more appropriate for the task.

### How does commercial sexual exploitation of Children (CSEC) occur?

Traditionally, society has recognized prostitution of adults as a “form of work”. However, in the case of persons under 18, the payment for sexual activities constitutes one of the worst forms of violence and exploitation that includes multiple physical, psychological and social consequences for its victims, therefore, it is a crime.

Sadly, sexual commerce of children and adolescents has become a lucrative “business”, operated by criminal networks of **exploiters**, who can be:

- From all careers or professions.
- From any educational level and any social class.
- Married, divorced or single persons
- From any country (nationals, tourists, residents)
- Most are men, but there are also women involved.

Persons below 18 years involved in a commercial sexual exploitation situation are victims of a form of violence and exploitation and **cannot be considered as “employees” or “workers”**.

The “**client-exploiters**”: People who pay to carry out sexual activities with children and adolescents to satisfy their own desires, consume pornographic materials containing images of children and adolescents; or participate as clients of sexual shows where persons under 18 participate.

**Pimps or intermediaries**: are the persons who (taking advantage of the vulnerability of children and adolescents, especially those coming from conditions of poverty, mistreatment or drug addiction) involve, induce or recruit them to carry out sexual activities and receive an economic benefit for mediating or facilitating situations of CSEC.

***The term “prostitution” should not be used when one refers to children and adolescents. It reinforces the idea that they are “selling a service” when they are really being exploited.***

The commercial sexual exploitation of children (CSEC) occurs when one or more persons involve a child or adolescent (a person under the age of 18), in sexual activities such as:

- Having sexual relations or carrying out any other type of sexual activity
- Producing and distributing pornographic material (videos, magazines, photos, etc.)
- Participating in public or private sexual shows (in nightclubs, bars, and parties, among others)

... **in exchange for economic remuneration or any other form of retribution or payment in kind (clothes, food, drugs, among others).**

Any child or adolescent can be a victim of commercial sexual exploitation, but some are more vulnerable if they...

- Have no money,
- Have been abandoned,
- Suffer abuse in their homes,
- The institutions that should protect them fail to do so,
- They live on the streets and suffer labour exploitation,
- Use alcohol and drugs.



*Who are the key partners in your country to address CSEC?*

There are many myths or false beliefs about the reality of these victims, for example, believing that they “earn a lot of money”, they “like it” or “need” to be abused. These myths place the guilt on the victims, and we should eliminate them if we wish to provide effective protection to them and comply adequately with our job.

### **How can Labour Inspectors detect a situation of commercial sexual exploitation?**

Among the tasks of labour inspectors, it is possible to find a variety of situations when children and adolescents are found during an inspection. In these situations, many questions can come to mind:

- Are these child labour situations or not?
- Which law regulates these situations?
- Are these remunerated activities prohibited, or even considered crimes committed against children?
- As a labour inspector, what can I do if I detect these situations?

*I thought he/she was an employee of the bar and he/she turned out to be a victim of exploitation.*

There are certain economic sectors where commercial sexual exploitation of children (CSEC) situations are more frequent, and in which it is important to pay special attention to those industries involving sex and entertainment, transportation and tourism.

CSEC is difficult to identify due to its illegal nature and therefore it is usually hidden from the “public eye”; this is the reason it is so important to report it. Privileged access of labour inspectors to certain places in which there might be CSEC situations, puts the Labour Inspector in an advantageous position for detecting and therefore for denouncing CSEC situations. As a Labour Inspector, you might suspect you are in the presence of a situation of commercial sexual exploitation, if you detect the following situations upon making a visit to a workplace: **Girls, boys or adolescents ...**

- *In a bar or place where you suspect drugs are sold.*
- *In brothels, massage parlours, casinos or nightclubs.*
- *In hotels, unaccompanied by a family member.*
- *In a restaurant or tourist attraction, accompanied by a foreigner or non-family member adult.*
- *In photographic studios.*
- *Outside places linked to the sex industry and entertainment (bars, nightclubs, hotels)*
- *In places with a lot of transportation movement (border crossings, important highway rest stops)*
- *In a factory or workplace and you are prevented from talking to them.*
- *Late at night in these places listed above.*

***I thought it was his/her boss, and it turned out to be a sexual exploiter...***

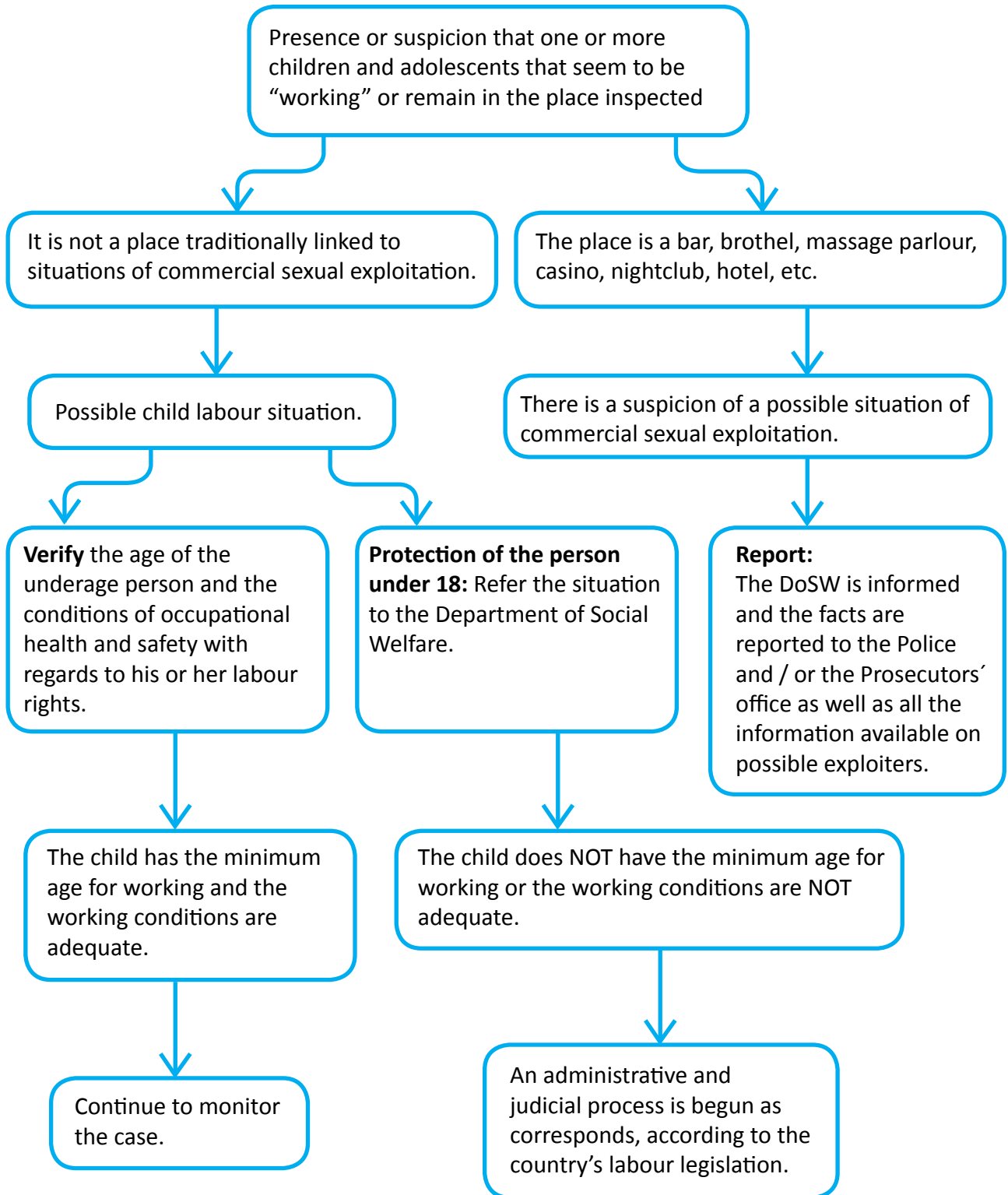
In order to detect CSEC situations, any observation that you can perform at the site is fundamental. Be aware that at the least suspicion of a CSEC situation, you are obliged to inform the Department of Social Welfare or Child Protection Unit, for them to provide immediate protection for the child and the Prosecutors’ Office or the Police department as they are the ones in charge of investigating these crimes.

In the face of suspicion or certainty of a commercial sexual exploitation situation, it is not recommended, but also illegal, to initiate a labor administrative process for “child labour or the protection of a working adolescent” seeking to improve the “working conditions” of the adolescent. This type of exploitation is a crime in which the exploiters must be denounced in a penal process. Furthermore, proceeding in this way can seriously obstruct a criminal investigation.

***Commercial sexual exploitation of children exists because there are adults willing to pay for sex with children and adolescents. There are no excuses ... it is a crime! The fight for the eradication of commercial sexual exploitation requires the support of many sectors of society. Children and adolescents need to count on your support in this battle.***



### Recommended Steps for Labour Inspectors for CSEC cases



**Remember not to alert the suspects of the actions that you are going to carry out, since that could hinder a criminal investigation. However, remember that you must act with URGENCY to prevent further criminal acts against the boys, girls and adolescents.**

## How can I report commercial sexual exploitation crimes?

- With nothing more than a reasonable suspicion that a crime has been committed, one should file a criminal report, even if you are not sure you are in the presence of a CSEC crime, or you are doubtful on what kind of a crime it is. Do not worry the police authorities and the Prosecutors' Office will take care of that aspect.
- It is important for you to contribute by reporting all the information that is possible to gather (according to your competences), this does not mean you should become a police investigator. You should not put your life or the victim's life at risk. Be careful not to alert the possible suspects, take note and details of the situation you are observing: address of the site, any data that you have on the suspicious person or persons (name, description); description of other persons present, whether they are victims, witnesses or suspects, vehicle license plates, etc.
- Provide any other reference and information that might be useful for the investigation. If possible, write a report with all of the information you have.
- In many cases, the denunciation may be anonymous, however, it is important that the investigators stay in contact with the denouncer, for any additional information they may need.
- Remember that reports are to be made to the Prosecutors' Office or to the Police.

## Other actions that you can take to combat commercial sexual exploitation:

- Within the Labour Inspection team, define guidelines for action. It should clearly state with whom one must coordinate with when confronted by a CSEC situation.
- Inform and train all labour inspectors on the subject.
- Place posters or informative materials in your workplace to inform other persons about the problem and to encourage its denunciation.
- Participate actively in the local and national networks (commissions, work groups, committees, and institutional networks, among other things) that deal with the problem.
- Give your support to cultural change towards Zero Social Tolerance of exploitation situations.

**To successfully confront the crimes of CSEC, coordination with other institutions such as the Police, the Prosecutors' Office and the Child Protection Agency, is indispensable, and to obtain this coordination it is necessary for all of the public officials, including labour inspectors, who know of crimes of CSEC, to fulfill their obligation to report them and to put the mechanisms for victim protection in motion.**



## RESOURCE: ETHICAL CONSIDERATIONS WHEN INTERVIEWING CHILDREN

### **Interviewing Children: Ethics and Climate Setting**<sup>3</sup>

- When interviewing children it is important to remember that it is not the child who is violating the law, rather, it is the child's employer. The inspector should see her/himself as asking a favour from the child, not the other way around. In this way the child can perhaps see the benefits of participating in the interview rather than it being the inspector who "demands" cooperation and may intimidate the child labourer.
- If the child agrees to an interview, s/he is asked to recount aspects of her or his experience – both in the work environment and outside. In trying to understand the child's situation, the interviewer has to be sensitive to the child's emotional state, aware of the consequences of the questioning and must respect the child's right to speak or to keep silent. The interviewer should also create the right physical and psychological climate.
- The physical climate may be unhelpful with a noisy machine nearby, people moving around, a child sitting on the floor with the interviewer standing and so on. Ideally, therefore, an interview should take place out of sight and earshot of superiors, or even peers if they appear unfriendly. It must also be kept in mind that if the child is kept off the job for too long, this may subsequently entail sanctions by the boss, unless the intention is clearly to take the child out of the workplace straight away.
- The psychological climate will be determined by whether conditions are such as to make the child feel comfortable and safe, or suspicious and anxious about being scolded, judged, ridiculed, subsequently victimized by the boss, or reported to the authorities. The child may appear neutral with no clear positive or negative feelings, or distant and uncaring, or friendly, warm, welcoming and willing to talk, or hostile and uncooperative. The interviewer should try to choose a convenient time during a break or lunch hour, remembering that time away from work will affect the child's output and therefore cost the child money. Whatever the child's reaction, the interviewer must try to create a non-threatening atmosphere, adopt an empathetic and caring approach and encourage the child to talk by asking open questions. Most of all, inspectors must genuinely listen to what the child is saying, but should also know when to stop if the child's memories and experiences are too intense or painful.

### **Sample 'Interviewing Children: Ethical Considerations' Checklist**<sup>4</sup>

- The security of the child being interviewed must always be a priority. If there are any doubts that an interview may bring harm to the child, it must be avoided;
- Tell the child being interviewed what you are there for and how the information they are gathering will be used;
- Be sensitive to where the child is emotionally at any given time before, during, and after the interview;

<sup>3</sup> Taken from: IPEC & SafeWork (2002) "Combating Child Labour: A Handbook for Labour Inspectors" (pp. 29-30), International Labour Organization, Geneva

<sup>4</sup> Derrien, J-M, "Travail des Enfants: Accompagner les Changements – Guide pour la Formation, ILO-IPEC (Draft 2004) 'Investigating Child Labour : Guidelines for Rapid Assessment A Field Manual; & IPEC 'Sourcebook for Labour Inspectorate Training on Child Labour'



- Be deeply aware of the consequences of your questioning, be constantly aware of what the child has to go through to give an answer, especially if in the process the child has to relive a painful experience, admit resentment for a person or situation, or accept the utter hopelessness of being caught up in the complexity of poverty and work;
- Respect the child's right to speak (what is said, how it is said, how much is said);
- Most importantly, respect the child's right not to speak, to refuse to answer a question: because s/he cannot or because the answer is too painful to express.
- Take all the time necessary. Interviews with children are likely to take longer than those with adults.
- Small talk, play, recurrent visits, patience and time are some of the major ingredients needed to obtain reliable data from children on delicate issues as family background or child labour activities;
- Assurances of confidentiality must be given and observed.

#### **Sample Interviewing Children: Setting the Climate Checklist**

- Creating a conducive physical climate:
- To the extent possible, conduct interviews in a neutral setting, and preferably in a place where children feel safe and comfortable. Monitors should ask children where they would prefer to talk and whether they would like anyone else to be present, for example a sibling or a friend;
- Try to conduct the interview out of sight and earshot of employers, peers and others who may influence the way in which the child acts and responds to the questions;
- Tell the child that there is no need for him/her to stop working during the interview. They may well be paid by the amount they produce, and stopping work will mean losing money. Stopping work may also cause problems with their boss;
- Be on the same level as the child – if he/she is sitting on the floor, sit down beside him/her;
- If the child moves around whilst working, accompany him/her, for example, if the child is selling flowers on the streets, walk alongside him/her.

#### **Creating a conducive psychological climate:**

- Treat each child as an individual person, with rights to be respected;
- Start the interview with small talk to make the child feel at ease. Starting with conversations about music, films, athletes, and pop stars can help the child to feel relaxed and be more willing to share other information with you;
- Build trust by maintaining a warm, friendly and caring approach;
- Listen, genuinely listen! Listen for the expressed and unexpressed. Listen for meanings behind words. Listen to what is expressed through facial expressions, gestures and attitude;
- Phrase your questions in a simple way that the child will easily be able to understand;
- Encourage the child to talk by asking open-ended questions – do not repeatedly ask questions that the child does not grasp or understand;
- Know when to stop. Change the topic or switch conversation when emotions are too intense and probing further will inflict more pain on the child;
- Resist expressions of shock, sadness, frustration or any other emotions when listening to the information that a child has to offer; and
- Always maintain a positive attitude and a neutral expression when interacting with the child.

## A. Strengthening the Legal and Policy Framework

### 1. Developing a national child labour policy

There must be an appropriate policy framework, consistent with the basic ILO Conventions No.182, No.138 and No.81. This requires consultation at the national level with social partners and other stakeholders to produce a clear, coherent and consistent set of policies on labour protection, labour inspection, and enforcement, as well as a mandate and defined role for labour inspectors in combating child labour. This set of policies map and provide a legal base for labour inspection.

A national child labour policy makes it clear that child labour is a priority on the national agenda and sets out clear stages for elimination of the worst forms of child labour as a priority, and commits the government to working with employers, workers, and other stakeholders to identify and target any such worst forms of child labour for action.

### 2. Determining a list of hazardous child labour

Strengthening the inspection of children's working conditions is only possible if a rational distinction is made between "hazardous" and "non-hazardous work", or in other words, between work that only a person over 18 years may do, and work that is allowable for a child aged 15 years.

Convention No. 182 specifically requires governments or competent authorities to define work which is likely to harm the health, safety or morals of children, and to do so in consultation with employers' and workers' organizations. Such a listing will guide inspectors in determining whether a child worker must be removed immediately or gradually, or protected through workplace improvements.

### 3. Establishing free and compulsory education

Having a clear age limit below which no child may work facilitates inspection and standard setting. Whilst some countries prohibit work during school hours, it is important to ensure that they also have compulsory (preferably free) education and that the minimum ages coincide for child labour and school completion.

#### **4. Strengthening child labour laws**

For labour inspection to be effective, the law and administrative regulations must be clear. Many countries have streamlined their laws, repealing contradictory, overlapping, or outdated standards and making the remaining legislation easily understandable and more “user-friendly”. Some countries have achieved this by passing legislation which states the overall objectives to be achieved (such as, “the protection of all working people against hazards to their health or safety” or, “the protection of children at work”) and supplementing this with clearly written regulations, codes of practice, and guidelines.

#### **5. Establishing an inspection policy regarding child labour**

The authority of labour inspectors must be clearly defined and be unambiguous in relation to child labour. Besides confirming the general principle that labour inspectors may freely undertake inspections at any time of the day or night (Article 12 of ILO Convention No. 81), these regulations should specify any sectors or areas where this power may be limited. This is important not only as a guide to the inspectors but also for the sake of others (government departments, employers’ and workers’ organizations, non-governmental organizations, families, and communities) that have a role to play in monitoring and securing the rights of children, so that they all understand the role of the labour inspectorate and utilize it effectively.

The policy should outline what, in the medium and long term, is feasible to achieve given the country’s social, employment, economic and technological situation, and in the short term what strategies it should adopt to respond to political initiatives, national priorities, new international standards or the expressed concerns of employers and workers.

In relation to child labour, a labour inspectorate should seriously consider including these elements in its policy:

- emphasizing prevention as the main aim and developing prevention-oriented methods of intervention;
- integrating with child labour monitoring systems;
- ensuring a good balance between advisory, enforcement and supervisory functions;
- within the advisory function, giving particular attention to motivating and convincing the disparate interests and stakeholders to cooperate in the progressive elimination of child labour;

- encouraging complementary inputs, such as birth registration and school attendance records, information services, use of the media, voluntary compliance programmes and codes of practice;
- collaborating with other organizations and authorities, particularly the school inspectorate, social service agencies, and others in the educational and skills training field; and
- creating clear positions regarding child labour in general, the worst forms of child labour in particular, and on the use of legal sanctions.

#### **6. Clarifying the policy on enforcement**

Most inspectorates have at their disposal a range of enforcement devices. These include: verbal advice and written confirmation, follow-up visits, formal enforcement notices requiring specific changes to be accomplished within a specified time, administrative fines, prohibition or stop notices, and prosecution or reference to the public prosecutor.

But the inspection of child labour is not a simple matter of compliance or noncompliance, with non-compliance automatically being sanctioned. Some particularly dangerous aspects of child employment (for instance, where the child is at immediate risk) will of course call for immediate enforcement action, as it would if an adult were involved.

In other circumstances, a more considered, more deliberate, more multi-disciplinary approach will be called for. In such circumstances, the advisory/facilitating role needs to be used, that can be developed into a clearly more enforcement-oriented approach if necessary. It must be remembered that the goal is compliance and inspectors must be competent to use their discretion as to how this can be best achieved at a sustainable level.

#### **7. Clarifying the management and use of discretion**

Inspectors in most labour inspectorates have a considerable degree of discretion in deciding precisely what action to take in particular circumstances. The limits of such discretion are set by the inspectorate management which provides guidance on how it should be exercised. The managers of labour inspectorates have a heavy responsibility in managing and guiding the exercise of discretion, since one of the important considerations in this context is the need to balance the inspectors' independence and initiative with overall demands for uniform and fair enforcement of the law.

No inspection department can have a staff of agents covering all the fields within its competence. But every inspector must have sufficient knowledge to understand and assess the nature of a problem, to call in specialists when needed, and to coordinate the interventions of other parties in the inspection and monitoring process.

## **8. Information-gathering and information-sharing**

Accurate information about the child labour situation and the worst forms in particular, is essential for generating a common base of understanding among all stakeholders. Data-gathering is seldom a single operation, but a series of studies for different purposes and using different techniques, some of which are quite simple. For example, stakeholders can begin to be aware of the problem simply by seeing films or doing a personal reconnaissance (walking through an area and observing children at work). But a rapid assessment, mapping exercise, baseline survey, and/or national study will be necessary to provide detailed data for planning and subsequent monitoring.

Labour inspectors have found it extremely fruitful to participate as interviewers in the gathering of data in such surveys. Through this, they gain a deeper understanding of the issues than they could in any other way, they become familiar with areas and sectors to which they may have had no exposure before, and they gain experience in interviewing children and employers. In analysing the results, the inspectors as well as other stakeholders gradually build a consensus as to the nature of the problem and the preferred ways of addressing it. In other words, they develop a holistic view of the problem.

Mapping and/or profiling studies are particularly useful for identifying the locations and sectors in which child workers are clustered. These studies help to identify the target groups and may gather basic information about the children and the sectors they work in. Location is especially important for migrant children whose homes and workplaces may be far apart.

Another initial data-gathering process that is frequently overlooked is information from other service agents. This will include:

- educational services (primary schools, non-formal education, vocational training);
- social service agencies including health, welfare, shelters, and counselling facilities;
- income enhancement programmes for adults (micro-credit, training schemes);
- courts and legal structures.

These provide labour inspectors with information they will need to make referrals for identified child workers.



## 9. Planning and setting priorities

Planning involves:

- reviewing the information gathered on the scale and general location of child workers, the workplaces, and the available services;
- deciding on the end goals;
- setting realistic intermediate objectives;
- preparing strategies and tactics for achieving those objectives within specific time frames; and
- deciding how progress is to be measured and achievement evaluated.

An inspection plan or programme with clear priorities is vital to any new initiative against child labour for four main reasons:

- Firstly, because the problems of child labour and of non-compliance with laws are so large, often long-established, and widespread, inspectors can easily feel disheartened at the size of the task and perplexed as to where to start.
- Secondly, those who employ children must be brought to accept the need for change- but this is more likely to happen if the inspectors are seen to target the obviously worst examples, i.e. those trades or particular employers with particular hazardous conditions and exploitative practices.
- Thirdly, targeting a sector or geographical area shows that the inspectorate is determined, creates its own momentum and perhaps, above all, reassures employers that their competitors are being treated in the same way and will not have a competitive advantage over them. Employers therefore are more willing to comply.
- Fourthly, targeting enables the inspectorate to concentrate always limited resources on sectors or areas where there are good data about the location and nature of child labour, and where there is the possibility of education for those removed from employment and/or practical initiatives to reduce poverty.

A national plan should be formulated to layout the strategies for inspection and monitoring. Together with potential partners, the inspectorate would:

- identify which sectors of employment or geographical areas would be the focus;
- determine whether all workplaces would be covered or a concentration on specific types, whether urban or rural, registered and unregistered, visible or invisible;
- decide whether all forms of child labour would be considered or there would be a focus on the situations which are most abusive or most hazardous to children and young persons;

- decide whether and how there will be attention to improving the working conditions of young persons who are legally employed;
- identify and gather data on child labour and on children working in illegal occupations that can help to guide future interventions;
- decide how to cooperate with other partners, including inspection and enforcement bodies such as the police and/or education authorities, and clarify the roles of all parties.

Priorities in the inspection and enforcement plan might be set according to:

- age and sex, protecting the youngest children and especially young girls who tend to be more exposed to discrimination;
- the degree of hazard in the work, taking into account the age and sex of the children, the natural environment, the working environment, the work performed and conditions of work;
- the likelihood of exposure to violence, forced labour, slavery, bondage, prostitution, armed groups, physical and moral violence;

In the case of agriculture, the plan may distinguish between the employment of children in commercial plantations who come in contact with pesticides, pick fruit from high trees, or work in an aggressive environment without any legal protection or educational, medical or social services; and those children who work in informal agricultural settings, such as on the family farm, where they have a recognized role, acquire practical experience and are adequately supervised.

A distinction may also be made between children who are employed as domestic servants and exposed to beatings and sexual violence, and those who work within the context of their family.

## **B. Creating a “culture of prevention” in inspection systems**

With a culture of prevention – i.e. stopping the problem before it starts – the advisory role and services of the inspectorate gain greater prominence and importance. From small workshops and family enterprises to large companies, interest and demand are growing for advice on how to address occupational safety and health problems in a cost-efficient manner. The key to all preventive action lies in the increasingly close relationship between labour inspectorates, employer organizations and industry groups, and trade unions, other inspectorates, as well as technical, scientific and medical experts.

As industrial and commercial sectors and individual enterprises increasingly adopt preventive policies, the labour inspectorate becomes part of the process of facilitating change and “building-in” prevention, rather than engaging simply in its traditional inspection and enforcement activities. Greater emphasis is now placed on the development of protection policies at the workplace, and on prevention rather than cure. It is less costly to prevent damage than to have to compensate for it.

It is a common misconception that 'advice' and 'enforcement' are different activities, and that labour inspectors only deal with the latter. In modern labour inspection, providing information and technical and legal advice are standard elements of enforcement used by labour inspectors in course of their daily, routine duties. Equally, when new laws and standards are being introduced, it is perfectly legitimate for inspectors as part of their enforcement activities to provide advice to employers as to their new legal duties, and to workers. Providing information and advice allows employers to plan and put in place the necessary preventive measures in consultation with their workers.

### **C. Conducting Child Labour Inspections**

During an inspection, inspectors or monitors check, and then re-check on a periodic basis, whether child workers are present, the occupational safety and health situation in the workplace (which determines the age threshold for younger workers), and gather information that might signal the need for changes in policy. Before looking at the key elements of the inspection visit, it is useful to consider whether such visits should be announced or unannounced

There are only two rules: first that an inspectorate should never only use one or the other technique, and secondly, that inspectors should generally be free to use either approach, but within the frame of a defined national inspection/enforcement policy.

The announced inspection can also be productive in that a competent employer will likely undertake some preliminary review of working conditions and do work in advance of the visit to avoid criticism. The inspector can then assume that everything that is not rectified is due to ignorance or incompetence and can give appropriate advice. It is also useful to give notice if one wants to speak to a particular manager or official of the company. The disadvantage is, however, that dangerous machines and hazardous processes can be temporarily stopped and, in the case of child labour, the children warned not to attend or chased off the premises.

If therefore, the inspector wishes to see an enterprise or activity as it is normally undertaken, it is usually preferable to visit unannounced, although s/he should be aware of being detained in the office whilst matters are rectified, processes stopped or children sent out. Indeed in some industries (e.g. construction sites) employers may have elaborate warning systems and it will then be necessary to call upon the help of the police to close off exits, etc. Whilst this method is useful when the objective is to identify violations, sanction them and send children home, it is doubtful whether it actually prevents the return of the children to the workplace (or their drifting into even worse situations) and whether it really promotes the employment of adult workers in their place.

Demonstrations of force of this type can be effective, provided that they form part of a programme for the integration of children into protected workshops or vocational training which allow them to continue to earn their living. If not, the process will have to be repeated for as long as the children have no realistic alternative other than to work or to suffer more extreme poverty.

### **Step 1: Making initial contact**

The first visit to a worksite where children are working is likely to involve primarily observing the sort of work performed, safety and health conditions, hours and wages, and the employment relationship. After having made their presence known to the management or his/her representative and shown their credentials, inspectors will wish to speak to children about their work, and also obtain the views of other workers. The inspector will also gather information on the enterprise and its workers, especially those under 18 years, entering them in a record. Individual child records will include such data as:

- personal information (age, schooling, home, activity of the child, and of the parents);
- location of the work site (whether home, fields, workshop, or factory);
- working conditions (terms of work, as well as health and safety situation);
- the action being taken (removal; protection; referral to education/ service provider).

Unless the child workers are exposed to hazards that are likely to jeopardize their lives or health (mental or physical), it would be counter-productive to threaten sanctions during a first visit. Instead, the inspector would take the “preventive” approach and seek to inform the employer of the hazards that early work poses to children, advise him/her of the law and the measures required by the law, and convince him/her that complying with these will be in her/his own best interests (and certainly those of the child) in the long run.

If convinced that the recommendations are not unreasonable, are indeed inevitable, if s/he is given time to make the necessary adjustments, the employer is more likely to continue complying – whether withdrawing the child workers or improving the working conditions – while those forced by legal action can easily allow conditions to revert.

If it is not a situation involving one of the “worst forms of child labour”, inspectors are often able to suggest relatively simple, low cost means of protecting adolescent workers, such as reducing hazards, making the work easier and therefore more efficient, shortening hours or increasing breaks which may well not reduce output, and negotiating arrangements for children to be released for education. The more the inspection and monitoring programme is coordinated with or involves other agencies in the locality, the more likely are employers to respond positively.

**Case example**

The labour inspectorate received information through neighbours, rumour and complaints from parents and children, that boys and girls between 11 and 14 years of age were employed under deplorable health conditions in a printing works; that they were exposed to dust, noise and fumes from heated glue; that they worked standing up for at least 48-hours a week; and were paid wages which were very much lower than the minimum rates. Before visiting the enterprise the inspector (hardly likely that more than one would go) sought to supplement available information by talking discreetly with neighbours, parents and trade unionists.

During the visit the manager of the enterprise claimed he only employed around 15 young persons over 15 years of age, all of whom were covered by a proper apprenticeship contract. During the inspection of the work place and discussions with the children, the information gathered prior to the visit enabled the inspector to persuade the manager of the enterprise to admit that he in fact employed around 30 young persons, including 10 who were under 15 years of age and could not be described as apprentices. Once this had been admitted it became possible to begin discussing a programme of school attendance for some of them and real apprenticeship for others and to talk about improving the safety and health and conditions of work of all the workers, both adults and children.

**Step 2: Interviewing child workers**

When interviewing working children, it is important to remember that it is not the child who is violating the law; rather, it is the child’s employer. The inspector should see her/himself as asking a favour from the child, not the other way around, and the child must therefore be looked upon as a partner exploring a particular situation. In this way the child can perhaps see the benefits of participating in the interview rather than it being the inspector who “demands” cooperation and may intimidate the child labourer.

If the child agrees to an interview, he/she is asked to recount aspects of her or his experience – both in the work environment and outside. In that the inspector is asking the child's help in understanding the situation, the interviewer has to be sensitive to the child's emotional state, aware of the consequences of the questioning and must respect the child's right to speak or to keep silent.

For satisfactory results, the interviewer should also create the right physical and psychological climate. The physical climate may be unhelpful with a noisy machine nearby, people moving around, a child sitting on the floor with the interviewer standing and so on. Ideally, therefore, an interview should take place out of sight and earshot of superiors, or even peers if they appear unfriendly. But the advantages of setting the interview while the child is working or within the workplace have to be weighed against its disadvantages and the feasibility of making any choice. It must also be kept in mind that if the child is kept off the job for too long, this may subsequently entail sanctions by the boss, unless the intention is clearly to take the child out of the workplace straight away.

The psychological climate will be determined by whether the conditions make the child feel comfortable and safe, or suspicious and anxious about being scolded, judged, ridiculed, subsequently victimized by the boss, or reported to the authorities. The child may appear neutral with no clear positive or negative feelings, or distant and uncaring, or friendly and warm, welcoming and willing to talk, or hostile and uncooperative. The interviewer should therefore try to choose a convenient time during a break or lunch hour, remembering that time away from work will otherwise affect the child's output and therefore cost the child money.

**Questions can also be validated by asking the same thing in different ways at different times during the interview. For example "Are you happy working here?" could be asked at different times:**

- ***Do you think that you will continue doing this job for very long? Why do you think so?***
- ***How do people here treat you? Are they nice and kind? How do they show it? Are you happy with how they treat you?***
- ***Please tell me the happiest moment you can remember since the time you started working here.***
- ***Tell me about any fun that you have had here.***

Whatever the child's reaction, the interviewer must try to create a non-threatening atmosphere, adopt an empathetic and caring approach and encourage the child to talk by asking open questions. Most of all, inspectors must genuinely listen to what the child is saying, but should also know when to stop if the child's memories and experiences are too intense or painful. Closed questions simply requiring the answer "yes" or "no" are sometimes necessary, but an open question is better because it enables the child to describe or explain, comment on or justify a view.

If the interviewer cannot obtain an answer to a key question even after rephrasing it, it is sometimes better to return to the issue later on. It is also important to realize that, like all interviewees, the child may be adjusting his/her answers to please the interviewer or out of fear that what they reveal will be used against him or her. The interviewer should therefore be sensitive to these unseen and unexpressed elements.

It is important to understand the situation from the child's point of view. Working children, just like all other workers, may be seen as having a progression of needs and aspirations:

- Basic physiological needs such as food, drink, sleep, rest, shelter, hygiene and comfort;
- Need for security to be protected against physical, social and economic problems, danger and fear;
- Need to belong and be accepted in society as a member of a family, at work and with a need for human relations and the ability to express oneself;
- Need for esteem, to be recognized, appreciated, respected and valued, within one's competence and limits; and
- Need to achieve, to fulfil oneself, to be creative whether in technical, intellectual or artistic terms.

Income from child labour may sometimes only just be sufficient to satisfy basic physiological needs without even assuring freedom from danger in the workplace or fear from being reprimanded, beaten or assaulted. The long working hours found in industry, agriculture, construction, commerce and domestic service allow children no time to play, to rest, be free and spontaneous or act without constraint.

Furthermore, working children are torn between the economic and parental pressure to work and the desire and need to learn. Having constantly to find a compromise between these two demands on their time, they may resolve the tension by giving up school. Work is then perceived as a constraint, which will influence their attitude toward work for the whole of their adult lives.

There is further conflict within the life of the family where, on the one hand, working children are expected to fulfil the role of adults by earning money, performing tasks, contributing to the economic life of their families and, on the other hand, remaining as children, obedient to their parents and masters, accepting that they are not paid as much as adults and being subjected to teaching methods which take no account of their work experience.

### **Step 3: Assessment of occupational health and safety (OSH) risks**

Since the hazards to which working children are exposed are so serious, inspectors and monitoring teams need to have at least a basic understanding of how to assess risk. There are a number of instruments or guidelines on how to identify and assess hazardous occupations and situations for adults, but those for children are still not well-known. Children are not just small adults. They are particularly vulnerable from a developmental point of view – physical, psychological and social.

To help decide whether the risk is high, inspectors should think about:

- *What is the worst result? Is it a broken finger? Somebody suffering permanent lung damage or being killed?*
- *How likely is it to happen? How often is the job done? How close do people get to the hazard? How likely is it that something can go wrong?*
- *How many people could be hurt if things go wrong?*

In terms of prioritizing hazards in terms of their risks to health and safety it can be useful to **assess each hazard on a scale from 1 to 5** from the **minor to the most serious**, and then do the same, **assessing the risk on a similar scale of 1 to 5**. Multiplying the two figures will indicate that those **issues with the highest figures should receive**

**priority attention** in terms of prevention because they have both a significant potential for harm and also a reasonable likelihood or risk of such harm occurring. Inspectors should always remember that what is hazardous to adults is even more hazardous to children.

Assessment of the hazards in the working environment does require special skills, particularly in more complex situations. However, it is sometimes made out to be more mysterious and complicated than it is, and in many cases, requires no more than the systematic and imaginative application of common sense. This is made easier and more effective by having good practical guidelines, basic training, and whenever necessary, the advice of technical or medical experts. For instance, it is obviously dangerous for staircases to be blocked with flammable materials (packaging, broken furniture, etc.) or for fire exits to be locked. High, open-sided platforms or staircases without guardrails are hazards, as are unguarded moving machine parts, non-insulated electric wires, etc.

**First, it is helpful to distinguish between hazard and risk** in assessing the seriousness of a situation and in deciding what should take priority.

- **A hazard is anything that can cause harm**, for example, chemicals, electricity, working from ladders.
- **Risk is the chance, whether big or small, of such harm actually occurring due to this hazard.** For example, a can of chemical solvent high up on a shelf is a hazard if the solvent is toxic or flammable, but entails very little risk (especially for child workers). The risk increases when it is taken down and poured into a bucket as harmful vapour is given off and there is a danger of spillage. The chance of harm, that is the risk, is then high.



Inspectors can identify hazards by simply imagining themselves to be working there for eight, ten or more hours. They see the children in cramped working positions with inadequate seating, inadequate lighting and subject to dust, dangerous fumes, unpleasant smells, etc. It does not require scientific training to know that such conditions are potentially hazardous. There are, however, many hazards where specialist knowledge or the advice of experts is essential. These include explosive, flammable, toxic or other chemicals, solvents which have deleterious side-effects, electrical hazards, and the hazards of specialized industries such as mining. Specialist knowledge is also required in formulating certain precautions and preventive measures.

Even in these cases, the inspector can learn a great deal by asking questions. “Do you know ...?” “What happens if ...?” “How do you deal with ...?” “When did you last ...?” “Who checks ...?” This will reveal whether the employer knows the risks of the materials, machinery, chemicals, and natural hazards in the establishment to children who are unskilled, inclined to take risks, and unprotected. And whilst the inspector or team may not always know what the correct answer should be, it will often be possible to judge whether the employer is being honest or evasive and whether the answer sounds unlikely or convincing. The answers often suggest the next question. Most importantly, every official inspector must be empowered to take appropriate action where there are evident risks to the safety or health of children or others.



### **Sources of risk**

When inspecting a workplace, look for several categories of hazard e.g. biological, physical, chemical, ergonomic, psychological and general working conditions and environment. With regards to young workers, establish if they are subjected to any of these hazards and then assess the degree of risk to which they are exposed. The following list is indicative, not comprehensive, as there are other much more sophisticated hazards associated with a major industrial plant or industries such as mining or fishing:

#### ***a. Potential hazards at work***

- Biological hazards include exposure to bacteria, parasites, viruses, dangerous animals, insects and plants.
- Physical hazards include exposure to extreme heat or cold, noise, vibration and radiation.
- Chemical hazards include exposure to toxic substances such as solvents, flammable or explosive substances and agro-chemicals e.g. pesticides, herbicides and fungicides.
- Ergonomic hazards include carrying heavy loads, fast or repetitive movements, badly designed workplaces resulting in awkward working positions, etc.
- Psychological hazards include isolation, threats, overwork, the lack of control or choice, abuse and harassment (sexual or otherwise).
- Working conditions involving long hours, night-work, low pay or lack of adequate contracts.
- Working environment involving work underground, underwater, at dangerous heights or in confined spaces, or working in places that are badly maintained, unsafe because of dangerous machinery, equipment or tools.

#### ***b. Special risks to children***

Children and young people are particularly vulnerable to risks because they are physically immature, weaker than adults and can be more sensitive to toxic substances. In addition they:

- tend to react differently (less rationally) to imminent danger such as fire;
- lack life experience, knowledge of risks and appropriate reactions;
- are almost always untrained or inadequately trained in safety matters;
- tire sooner with attention lapses resulting in vulnerability to injury;
- require closer supervision which is often not given;
- are subject to bullying (physical, sexual, etc.) and exploitation because they are easily intimidated; and are regularly given work to do that is too difficult or too dangerous for them; are given dirty work that adults do not wish to do.

**Step 4: Closing discussions**

As in any inspection visit it is vital that there is a full closing discussion with the key people, especially the manager or director of the enterprise, and any worker representatives, shop stewards, members of safety councils, or similar bodies. Even with children, a short final word to share with them some of what was found, what action the inspector has proposed or intends to take, and to reassure them that they will not suffer as a result, would be useful.

To the employer, the visiting inspector will present her/his understandings regarding economic performance, financial constraints, individual relations, and accidents in addition to matters of employment, and solicit feedback. Such interchange is of value as it may give clues to whether conditions can be expected to improve or why children have been employed. And it is a means of cross-checking statistics and data from other sources, such as the manager's records.

In the informal sector, small enterprises and family businesses there is usually only one person, the owner, who controls everything and in her or his absence, little will be achieved. In any case, it is usually important to agree or specify priorities for action, otherwise the employer is likely to do what is easy and cheap rather than what is most important.

Following the discussion, the inspector/team prepares a summary report to give information about:

- the enterprise itself, its ownership, address, name of manager, telephone, street and portal, etc.;
- the workers, particularly the ages of children employed, the nature of employment (seasonal, daily, intermittent, etc.), and the tasks they undertake;
- the working environment;
- hours of work (distinguishing, if necessary, between age groups) together with a note of any night work done, rest periods, etc.;
- remuneration, whether on a time or piecework basis, for public holidays, from tips, and the nature of any benefits in kind such as meals, accommodation, transport, clothing, etc.; and
- any information on accidents or incidents, particularly if children were involved, and illnesses, etc. (as a possible indicator of occupational diseases).

### **Step 5: Taking follow-up action**

There are a range of possible actions: removal of the child workers, removal of the hazards (in the case of older children), referral of the children to school or other suitable alternative, referral of the families for assistance, legal action against the employer, etc.

The first step, however, is to look at the situation from various points of view in a logical, and systematic manner. This process involves evaluation of the child workers' situation in general and the risks to their health and safety in particular, gathering input for negotiation, identifying options for action, assessing these options in terms of their social, political and economic implications, and finally making a decision and taking action.

*For example, in fireworks production where the child is working in the home with explosive materials. Obviously the child cannot be removed from her own home, but the hazard (inserting gunpowder) can be removed from the premises to a controlled area.*

It is not always immediately evident what the "right" action is. Most problematic is the choice of whether, in the case of hazardous child labour, the child is to be removed from the situation, or whether the situation requires he/she remains, but that the hazard be removed.

The inspector/team carries out the **analysis** by reflecting on a series of questions. Is the particular child labour situation:

- *one which is really the concern of police authorities (e.g. children involved in drug trafficking, prostitution and other illegal activities)?*
- *also hazardous to adults employed?*
- *clearly liable to harm the health, safety or morals of the children? If so, how?*
- *one which because of the immediacy or degree of hazard calls for the immediate closure of the worksite, or machine, or removal of the child from work for her/his own protection?*
- *one which could be improved in the short term by additional precautions, improved work environment, shorter hours, etc.? (for hazardous work only)*
- *one which could be undertaken by older children who have been given adequate training and supervision?*
- *one where, if removed from employment, the children would drift back or disappear into less visible and more exploitative, possibly hazardous and illegal types of work?*
- *covered by national inspection enforcement policies?*
- *included in the current inspection programme?*
- *covered by any child labour programme or project of the government, NGOs or others?*
- *one to which trade unions would give support for inspectorate action?*

To prepare themselves for negotiation with the employer, the inspectors will also have to analyse the following questions:

- *What is the precise employment status of the working children?*
- *Is it clear who actually employs them?*
- *Is such employment against the law? Know what provisions of the law is being breached!*
- *Has the employer previously been warned not to employ children?*
- *Are there child labour projects or social services applicable to these children?*
- *Is the community involved in monitoring?*
- *Is the employer cooperative, indifferent or hostile?*
- *Is lack of cooperation due to deliberate exploitation, fear of unfair competition or rather, lack of information?*
- *Would it be possible to put equal pressure on local or sectoral competitors?*
- *Are there any educational or vocational training facilities in the vicinity?*
- *Is it possible to try to negotiate further education or training support for children above minimum age?*
- *Are there any possible concessions, which would persuade the employer to make a long-term commitment to stop employing children (e.g. more time to comply, or removing the youngest children, or excluding children from certain processes first)?*
- *If family poverty is the driving force behind child labour, is there any form of social support for the families?*
- *Is financial compensation available for children who stop working and go to school?*
- *Can the education and/or social welfare authorities provide assistance?*
- *Is the employer bluffing when threatening to close the factory if forced to replace children by adults? (Probably!)*

At this point, the inspector/team will have arrived at a series of options, ranging from the harshest to the relatively mild. Each option will have arguments for and against, advantages and disadvantages, and of course there will be uncertainties.

This is usually the stage at which it is good to speak with colleagues, as well as other partners and stakeholders (trade union representatives, NGOs, etc.). Discussion and argument will often reveal other options, other disadvantages and benefits, and sometimes possible compromises – all of which will be useful during future negotiations. Particularly serious or unusual situations will have to be reported to senior levels for advice, guidance and possibly final decision. Such reports also provide important material for case studies when used in future training programmes, and create a body of information which can be used by managers to guide future decisions and ensure a broad consistency of approach.

With the range of options having been identified, the next step is to assess the feasibility of alternative lines of action, whether to take a hard enforcement line, to seek compliance through persuasion, or to adopt an advisory/facilitating role. These questions might be helpful:

**(a) Economic considerations:**

- *If the enterprise were to be closed, would it be a major loss to the community?*
- *Can the employer be persuaded to invest in improved conditions of work to protect the children or to finance their schooling?*
- *Is family poverty so severe that child labour is essential to provide food?*
- *What has been the economic impact of similar measures taken elsewhere?*

**(b) Cultural considerations:**

- *Does the local community accept the legal and ethical case against child labour and does it understand the reasons for changing attitudes and social tradition?*
- *If not, will there be insuperable non-cooperation from parents and children, and collusion with employers in ensuring that the employment of children continues?*
- *In that case, should any action be better preceded by public awareness-raising, media campaigns, and personal approaches to explain the concern, change local society's perception of child labour, gain its trust and build confidence?*

**(c) The children's considerations:**

- *How can children themselves best be convinced that going to work at an early age is not good for them? Do they see it as inevitable?*
- *Do they feel a sense of economic responsibility for the family?*
- *Is it providing money in the short-term but reducing their longer-term life chances?*
- *Is it the only way to prepare to take over the family farm, business, or special skill?*
- *Is it considered the prerogative of parents to decide?*
- *Is work considered necessary to legitimize children's place in society?*
- *Does it particularly discriminate against girls?*

**(d) Political considerations:** At more senior levels, inspectorate managers will have to consider:

- *whether the proposed action reflects the current political will and national policy;*
- *if not, whether there are sectors of public opinion, which will speak up in support of decisive action against child labour;*
- *whether the government is more likely to be swayed by the objections and arguments of employers;*
- *whether ministers may bring pressures to bear upon the inspectorate to back down;*

- *whether the mere taking of action, even if it is over-ruled or lost, is of longer-term value in raising awareness, enrolling support for the elimination of child labour and influencing political thinking;*
- *whether successful or not, if the argument and publicity resulting from action can be used to promote coherent legislation, establish clear standards of health and safety, provide clear definitions of work hazardous to children and ensure limitations on working time;*
- *whether an agreement (memorandum of understanding, joint statement) can be reached with another body to stimulate, possibly fund or institute a national committee to combat child labour.*

The decision on what actions to take should consider 'holistically' the situation with all its advantages, disadvantages and uncertainties, in economic, social, cultural and political terms.

#### **Step 6: Negotiating a solution**

Labour inspectors understand that to be effective, they need to explain the law, to explain why action needs to be taken and to invite cooperation by pointing out the benefits of compliance, with other ways to convince, persuade, and stimulate the employer into sustainable compliance. They will attempt to come to an agreement, by working out a time schedule for rectifying irregularities and progressively removing children from work.

**The negotiation should start with the most serious issues.** If the labour inspector simply calls on the employer to take corrective measures on all the points which are contrary to the law, without any priority on the basis of the seriousness of the violations or their urgency or the number of persons exposed to the hazard, he is living the decision on what needs to be done to the employer. Faced with such a list the employer will simply select those matters which cost least and make the least trouble, whilst ignoring more serious violations.

**In order to embark on negotiations there must be a willingness to do so.** There must be potential areas of common ground or where concessions can be made. Both parties must have the authority to adjust their positions and each must have been able to prepare and know what they wish to achieve. How the negotiation proceeds will depend on whether the inspector and the employer are already well known to one another, how strongly the employer feels about her or his position, the strength of the inspector's own legal and practical position, and the importance of reaching an agreement.

It is often best to start by **identifying problems, agreeing on points** where agreement can be found, if possible **making some small concessions**, but above all **being flexible**. However, if the negotiation is adversarial, and the employer does not wish to cooperate, the inspector has to state the position, and indicate the consequences of failure to meet the requirements. One can make some concessions which are not vital but which will prevent the other party completely losing face. It is always wise to avoid getting emotional, but important to stress the consequences for the other party of failure to reach agreement. Trying to enhance mutual respect and adopt a shared problem-solving approach may be successful, but the inspector may have to accept that no cooperative approach is possible.

### **Step 7: Enforcement**

Most inspectorates have at their disposal a range of sanctions varying from verbal warning through written advice, formal improvement notices requiring action (with follow-up visits), possibly administrative fines, prohibition or stop notices closing down a process, plant or enterprise, legal action, such as prosecution or reference to the public prosecutor. Whatever the outcome of the enforcement action, the labour inspectorate will wish to learn any lessons for the future and will therefore wish to consider:

- taking up the case with local employers or the relevant sectoral employer bodies with a view to establishing an agreed programme for the elimination of child labour and the improvement of working conditions;
- inviting closer practical cooperation with the trade unions;
- establishing closer links and more coordinated policies at higher level with educational and social protection authorities;
- ensuring maximum publicity for successful outcomes;
- monitoring the situation to ensure no reversion occurs as part of the ongoing child labour monitoring programme; and
- bringing to the notice of the competent authority defects or abuses not specifically covered by existing legal provisions.



*Describe the working conditions of the children in this photo!*



## D. Removal and rehabilitation

ILO's experience has shown that parents and families who are given a viable choice prefer to keep children out of the workplace. The simple removal of children from the workplace does not have a significant impact unless it is carried out in the context of a national policy that promotes the rights, welfare and sound development of children and encourages their participation in finding solutions to the problem of child labour.

The withdrawal, referral and subsequent rehabilitation of children already at work include:

- identifying those children in unsuitable work, especially hazardous child labour;
- removing them from workplaces;
- getting them into school and/or skills training;
- Monitoring to ensure that they do not return to the same workplace or move to a new workplace.

Children in the worst forms of child labour need urgent action for rescue, removal and rehabilitation. Measures to withdraw children may rely on persuasion through dialogue with parents, children, employers or law enforcement authorities or radical "rescue" operations. Community-based, integrated initiatives tailored to the specific needs of each target group, with close community participation, have proven to be the most effective solutions.

Whilst it may not be the responsibility of the inspectors to provide follow-up facilities for child workers being removed from work, there must be a referral or link made with programmes and agencies which can do so. Inspectors need to track or follow up on cases to verify that the children withdrawn have accessed the services they were referred to and that they are participating in these services. Otherwise, they may simply be shifting to another line of work.

Similarly, in the case of legal action, the cases need to be **tracked** or **monitored** to see if action is being taken. If citations, once made, are not prosecuted nor penalties imposed, there is little incentive for employers to take action.

**The ultimate goal must always be kept in mind: that the child should be better off as a result of being removed, rehabilitated, or prevented from working. Monitoring does not make that judgment, but it provides the information that enables others to do so.**

**Rehabilitation activities include:**

- Health care and psychological support or counselling, particularly for those who have been exposed to traumatic situations;
- Legal aid and protection for children threatened with reprisals;
- Non-formal or basic education to bring older children up to grade level so that they can successfully enter or re-enter regular schools or access skills training;
- Facilitating entry directly to regular schools for younger children, including provision of school supplies, and occasionally stipends, subsidies, or scholarships to offset costs of schooling;
- Vocational training for older children;
- Income substitution programmes for those in extreme poverty, for whom loss of income could mean lack of food or other basic necessities for themselves or the family.

Alongside these direct services for child workers, there are activities which are indirect but equally important in supporting the rehabilitation of the child worker. These are:

- Measures to improve the quality, accessibility, and availability of schools since, in many cases, children are drawn to work because the schools do not offer much promise;
- Sensitizing parents, the children themselves, and other members of the community about the specific hazards of early work;
- Income support schemes for families of child workers, such as micro-credit and savings mobilization.

## E. Protection and improvement of working conditions

For young people and adolescents who are working legally, there must be ongoing monitoring of their situation to ensure that they are being protected and that there are neither hazards present nor situations that would impede their education if they are still in school. This requires improving occupational safety and health (OSH) and working conditions and arrangements in the workplace. Strengthening risk management in the undertaking is considered to be a basis for these types of initiative.

**Note: Protection is not a viable option in certain occupational sectors. For example, small-scale mining – whether surface or underground – is considered so hazardous and the general working conditions so harsh, that prevention or withdrawal are the only options.**

**“The dangers are so obvious and extreme that there are no conditions – poverty included – under which child labour in mining can be tolerated any longer.”**

If these young workers are *not* better protected and continue to work under hazardous conditions then they are classed as child labourers. As no child under 18 is allowed to carry out hazardous work, failure to improve OSH standards means they must be withdrawn from dangerous workplaces. Labour inspectors can advise company owners and employers about how to make the workplace safer and less hazardous. The collaboration with local governments, trade unions and occupational health and safety institutions and experts can be very effective in this area of work.

## **F. Coordinating Child Labour Monitoring Systems (CLMS)**

“Child labour monitoring”, creates an integrated system, which includes the labour inspectorate plus others, in an ongoing process of identifying child labour and tracking the children to verify that they are removed from danger and have satisfactory alternatives; and determine child labour trends in specific sectors or areas. It recognizes that the labour inspectorates in many countries may be weak and poorly organized, and that, even for well- organized and smoothly operating labour inspectorates; there are not enough inspectors to adequately cover all establishments, both formal and informal sectors, urban and rural locations. Thus, the idea behind child labour monitoring is to intensify and expand observation of child labour by enlisting additional partners.

The concept of child labour monitoring grew out of a series of IPEC-assisted projects in the garment manufacturing sector (Bangladesh), carpet, soccer ball, and surgical instrument sectors (Pakistan), the fishing and footwear industries in Indonesia and Philippines, and the coffee and agricultural sectors (Central America). Alarmed that child workers – once removed from these industries – were not only returning to work but sometimes going to work in other sectors less visible and more dangerous, the projects developed monitoring systems that enlisted new partners to identify child workers, ascertain the degree of risk, verify that they have been fully removed from work and involved in education or other suitable alternatives. In other words, they shifted the focus from the industry to the child.

For a child labour monitoring system to be effective from an organizational point of view, it must be built on foundations that are already in place and which are going to be there for some time to come. And it must be grounded in those who have the official mandate from society to ensure that workers are protected. The key here is the word “system”. The system incorporates and assigns a monitoring role to new parties based on their role and capacity to access and identify child labour. Community-level officials and parents can observe children in small workshops and informal sector enterprises as

they are usually in the locality where this occurs. Enforcement officers such as police can observe children found in the shadows of the crime world. Agricultural extension workers have access to children working in the vast and widely dispersed farming sector. Teachers and health workers can document when children are not present in school or if they appear fatigued. Together, these partners offer new hands and eyes to the official inspectorate.

For child labour monitoring to function as a system, it requires a number of tools and conditions to be in place. The first requirement and the basis of a monitoring programme is a **plan** which identifies and lays out the responsibilities of the partners who will participate in the monitoring and their degree of authority. Depending on the level of the discussions, this plan might be compiled in the context of a national, provincial, or local child labour meeting.

A second element is to define **linkages** among the various inspectorates and enforcement authorities – school officials, safety and health officers, environmental health officers, factory inspectors, etc. Since all of these inspectors are thinly spread, their time must be used to best effect. It is therefore vital that when one visits a remote location or worksite s/he is empowered to deal with every aspect of the abuse, exploitation and risk to which children are exposed.

Another building block of the child labour monitoring system is a **set of tools** – a database, for example – that allows children at high risk or the establishments that hire them, to be tracked over a period of time. The most feasible is an internet-based database with pre-established forms which inspectors and others can access from wherever they are. Information gathered during monitoring visits is recorded in such databases so that it can be updated easily and shared by labour inspectors and other relevant partners.

Additional elements have been found useful in certain circumstances. For example, where an industry covers only a particular area (e.g. shoe manufacturing, coastal fishing), the standard approach is to seek cooperation of employers or operators and sign a memorandum or letter of agreement with them. These agreements may be more easily implemented if those signing are the government (representing at least the education and labour authorities), the employers (or their organization), and official representatives of the local communities concerned. In addition, trade unions and (NGOs) should be involved where they will be active in supporting the agreement (e.g. with services).



## RESOURCE: CHILD LABOUR INSPECTION PROCEDURES: FIJI



MINISTRY OF LABOUR, IR & EMPLOYMENT



TITLE: CHILD LABOUR INSPECTION PROCEDURES

QSP No: CLMU 1/12

Date Issued: 7/2/12

Written by:

Child Labour Unit

Authorized by:

Permanent Secretary for Labour IR & E

### 1.0 PURPOSE

The objective of this procedure is to provide instructions for carrying out statutory labour inspections of records of wage payments at all undertakings where children are employed and to ensure compliance of minimum requirements under the Employment Relations Promulgation 2007 and the various Wages Regulation Orders that is in effect. This procedure will also be periodically reviewed to ensure its applicability and its sustainability on the enforcement of the law.

### 2.0 SCOPE

This procedure applies to all Inspectorate staff in the Labour Compliance carrying out statutory labour inspection of all undertakings to all Employers both Domestic and Commercial sectors who are employing children's as per the requirements of the Employments Relations Promulgation 2007, its Regulation and the various wages Regulation Orders in force .

### 3.0 DEFINITION

3.1 **Child** - means a person who is under the age of 18 years.

3.2 **Employer** - means a corporation, Company, body of person or individual by whom a worker is employed under a contract of service and includes, Local Authority, Statutory Authority the agent or authorised representative of a local or foreign Employer.

3.3 **Domestic Worker** - means a person employed in connection with the work of a private dwelling house and not in connection with a trade, business or profession carried on by the employer in the dwelling house such as cook, house worker, child's nurse, gardener, laundry worker, security officer, or a driver of a vehicle licensed for private use.

3.4 **Child Labour Inspection** – visits which are concerned with checking compliance with the law and advising the enterprises on how to comply with legal provisions such as the terms and conditions of employment the minimum rate of pay as per the applicable WRO . The visit will concentrate on:-

3.4.1 Checking of the child Labour wages register which shall contain;

3.4.1.1 Age of the child [provide the birth certificate]

3.4.1.2 Minimum rate of pay [as per the relevant WRO where applicable]

3.4.1.3 Hours of work [per day]



- 3.4.1.4 Date of Commencement
- 3.4.1.5 Nature of Employment
- 3.4.1.6 Date of Termination

#### **4.0 ENFORCEMENT**

Children who are 15 years and above can be employed provided that the Employers follow condition as stipulated under ERP;

- 4.1 Child can be employed for 8 hours only with 30 minutes paid break after 4 hours of work.
- 4.2 Child must be paid with the relevant wages regulation rates as in force.
- 4.3 Child must be paid 30 minutes dinner break within two hours of starting work at night employment.
- 4.4 A child can become members of a registered trade union and have the right to vote in the trade union election.
- 4.5 Child who is between the ages of 13 to 15 years can only be employed in light work or in work place in which members of the same family or religious groups are employed.

#### **5.0 SITUATION WHERE THE CHILD CANNOT BE EMPLOYED**

- 5.1 Situation which is injurious or hazardous to the health or dangerous or unsuitable to Child's health, mental, spiritual or social development.
- 5.2 Situation of attendance on machinery, Driving motor vehicle, heavy physical Labour, work within the security services.
- 5.3 Situations of Direct Hostilities.
- 5.4 Work on which the child has little capacity.
- 5.5 Any situation which can harm the child physically, psychological torture, any form of neglect, mental torture, any form of cruel, inhuman or degrading treatment, or which foster the health, self- respect and dignity of the child.

#### **6.0 VISITATION**

- 6.1 Follow-up visits – In Conducting the follow-up inspection the Labour Inspector and the Labour Officer must ensure that the employer has complied with the relevant provision of ERP and WRO and the follow-up in a situation the employer fails to comply with the law then officer must recommend for prosecution of the particular employer.
- 6.2 Special visits – this is where there is a complaint lodged in the relevant office by the members of public through written mode or via telephone or by personal visitation where they have identified a particular industry or house hold where the child is being employed. The officers must always protect the identity of the person who has complained about the issue of child labour and investigate the complaint within 48 hours from the time it is lodged.
- 6.3 Complaints referred from PM office PSLIR, FICAC, should be investigated with 24 hours and report to be submitted to Project Coordinator child Labour unit with copies to be provided to DLC, MLC and the respective supervising officers in the District.

#### **7.0 REFERENCES**

- 7.1 Employment Relations Promulgation 2007
- 7.2 Wages Regulation Orders



**8.0 RESPONSIBILITY**

8.1 The Director Labour Compliance Service (DLCS) Manager Labour Compliance and the Project Coordinator child Labour unit together with the DLO[S] shall be allocated overall responsibility for the implementation of this procedure.

**9.0 PROCEDURES FOR CONDUCTING QUALITY LABOUR INSPECTION ON CHILD LABOUR**

Labour Inspection Areas are designated to the relevant District officers for the purpose of Conducting labour inspection in their respective areas.

**10.0 PREPARATION FOR CONDUCTING LABOUR INSPECTION**

10.1 The inspector should put together materials and items required for conducting the inspection, including:

- 10.1.1 The ERP and related regulations/WROs which must be up to date with most recent amendments
- 10.1.2 An identity card or a similar identification verifying his or her appointment
- 10.1.3 Awareness and educational materials
- 10.1.4 Current TPAF Apprentice rates

10.2 Before leaving the officer should check the:

- 10.2.1 Location of the enterprise (employer may have changed location) and the contact person
- 10.2.2 Total number of children, by sex and by age
- 10.2.3 Previous violations of the law and action taken (this will provide an insight into general commitment of the employer to meeting labour standards)
- 10.2.4 Employer's attitude to Inspectorate
- 10.2.5 Any letters of complaints from workers against the employers and the action taken to address the complaints

10.3 Inspectors must always consult the relevant officers in that office about the attitude of the particular employer and they must always read the employers file before leaving for inspection, if it's a new employer the inspector should consult the relevant municipal council to get the exact location of the employer if they are in town area or the Rural local authority if the Employer is outside the town area, officers must also if possible call the employer via phone to check on their location.

10.4 The issue of child labour inspection is quite new at this stage and officers must be careful to handle the situation where if the child is of employment age of 15 and above then the employer should be advised of the relevant ERP conditions.

**11.0 CONFIRMING THE VISIT**

It is necessary for the Inspector to decide whether the visit will be notified, and thus made by appointment, or without notification.

**12.0 NOTIFIED VISIT**

12.1 If it is to be notified the Inspector should make a firm appointment to visit the enterprise at a time on a particular date;



- The ERP provides for Inspectors to make surprise visits at any reasonable time, and for routine visits this can be a definite advantage. For special visits an appointment is unusual, while follow-up visits may be announced.
  - All inspectors to note that entering private dwelling house for inspection purposes of Domestic Servants should be made with the consent of the Occupier
- 12.2 The main **advantages of a** notified visit are that it gives the enterprise time to:-
- Put together relevant information
  - Alert managers and workers to the timing of the visit
  - Arrange meetings to facilitate the inspector's visit
  - Give greater assurance that senior managers will be present
  - Awareness will be provided to senior managers on process
- 12.3 The main **disadvantages** of such a visit are that it provides the enterprise an opportunity for:
- Window dressing (e.g. borrowing safety equipment from other enterprises)
  - Senior management to be deliberately absent
  - Documents to be missing for example "the wages book is with the auditor"
  - Providing false information
  - Advise workers to stay away from the workplace
  - Making the workers hide in the company yards

### 13.0 UNNOTIFIED VISIT

The main reason for the surprise visit is to get the full detail which the employer can conceal if the visit is notified.

- 13.1 The main advantage of an un-notified visit:-
- Enables the Inspector to observe the actual and true conditions under which work is normally performed in the enterprise and the number of children employed who are under 15 years of age
- 13.2 An inspection visit resulting from a formal complaint should normally be un-notified to prevent documents and evidence from being concealed. Officers must ensure that they exercise their due diligence while they conduct the inspection

### 14.0 GENERAL INSPECTIONS

The inspectors must always ensure that they get in the full details of the child while conducting the inspection.

- 14.1 The items to be covered in a general inspection of terms and conditions of employment should be confined within the Employment relation Promulgation its Regulations and the relevant wages regulation rates in force
- 14.2 Inspection must ensure that all children who are employed in the industry are interviewed and not only few of them
- 14.3 During inspection, attention should be given to checking that:
- Basic remuneration has been paid at the rates required by Law (WRO rates)
  - Payments have been made at proper intervals
  - All allowances have been paid including shift allowance, meal allowance, annual holiday pay
  - Child has been given the appropriate rest period





- The hours of work, rest periods and holidays required by the law have been complied with overtime has been properly calculated
- Wage Statements (Payslips) are being issued
- Workers sign for their wages on their pay period
- Employment Contracts are in place

**15.0 INVESTIGATION OF COMPLAINTS DURING INSPECTION [LODGED BY WORKERS WHO ARE EMPLOYED IN THE INDUSTRY; THESE WORKERS NAMES TO BE KEPT CONFIDENTIAL]**

- 15.1 Some inspections are undertaken in response to complaints. In such cases, the Inspector should not disclose the reasons for his/her presence or the name of the complainant/informant.
- 15.2 The Inspector should act as though a normal inspection is being undertaken, but ensure that the subject matter of complaint is addressed during the course of inspection.
- 15.3 In the event that the employer fails to address the concerned issues then the Investigating Officer must use the procedures laid down.
- 15.4 In an interview with an infirm or handicapped Child worker, a Labour Inspector should try to assert his/her previous employment history and the extent to which he/she feels that his handicap disables him/her from earning the same scale as other workers. Care must be taken not to alarm the infirm or handicapped worker that his/her job may be in much jeopardy. As with other workers, his/her rate of pay, his/her earnings, and hours of work and rate of overtime pay should be checked.

**16.0 INTERVIEWING OF CHILDREN**

- 16.1 Child interviews should be conducted very professionally and officers should not in any way intimidate the child, officers must tell the child for the purpose of the visit and should ensure that the child understand what they are asking, officers must also try to become the Childs friend and they should ensure that they get maximum details out from the child. Officers must also try to find out the real purpose of the employment of the child on whether the child is employed for supporting the family or whether the child is employed to fulfil the school needs
- 16.2 Reporting writing and data base entry in the child labour data base- Once the child Labour inspection form is filled and the inspection conducted that officers must ensure that the original forms are kept in the employer file for future action while the data entry is done in the system the reports and data entry to be submitted within two working days from the date of inspection and before 4pm on the second day.
- 16.3 Procedures of the child labour follow-up inspection- The monitoring form 2 needs to be filled in by the officers where the follow-up is needed in the child labour inspection that is conducted previously by the officers. Employers are given 5 [working days] to rectify the non- compliance and provide reports to the Labour officer or Labour inspector who will make follow-up visit.



## RESOURCE: CHILD LABOUR MONITORING FORM 1: FIJI CHILD LABOUR MONITORING UNIT, 2012

### INSTRUCTIONS FOR FILLING THE MONITORING FORM:

1. Please ensure that you enter details in hand writing using **BLOCK LETTERS**.
2. Note that the declaration section of this form should be signed in the presence of an authorised Officer.

A. EMPLOYER DETAILS			
1. NAME OF BUSINESS			
2. NUMBER OF WORKERS EMPLOYED			
3. NATURE OF BUSINESS			
4. ADDRESS/LOCATION OF EMPLOYER			
5. CONTACT	[PHONE]	[FAX]	[MOBILE PHONE] [EMAIL]
6. BUSINESS REGISTRATION ID		7. COMPANY REGISTRATION ID	
8. EMPLOYER REPRESENTATIVE INTERVIEWED DURING INSPECTION	[NAME]	[TITLE]	[MOBILE PHONE]
B. CHILD'S DETAILS			
9. NAME (As in Birth Certificate)	[LASTNAME]	[MIDDLE NAME(S)]	[FIRST NAME]
10. D.O.B	DATE [ ] [ ] MONTH [ ] [ ] YEAR [ ] [ ] [ ] [ ]	11. GENDER	<input type="checkbox"/> MALE <input type="checkbox"/> FEMALE
12. FATHERS NAME		13. OCCUPATION	
14. MOTHERS NAME		15. OCCUPATION	
(IF CHILD STAYS WITH GUARDIAN)		17. OCCUPATION	
16. GUARDIAN			
18. RESIDENCE	[POSTAL ADDRESS]	[RESIDENTIAL ADDRESS]	
19. CONTACT	[PRIMARY PHONE]	[SECONDARY PHONE]	[MOBILE PHONE]
20. SCHOOL	[IF NOT SCHOOLING THEN STATE SCHOOL LAST ATTENDED]	21. CLASS / FORM	[IF NOT SCHOOLING THEN STATE CLASS / FORM LAST ATTENDED]
22. REASON(S) FOR LEAVING SCHOOL	<input type="checkbox"/> CANNOT AFFORD SCHOOL <input type="checkbox"/> DEMISE OF CAREGIVER <input type="checkbox"/> FORCED TO WORK <input type="checkbox"/> HARASSMENT BY SCHOOL STUDENT(S) <input type="checkbox"/> HARASSMENT BY TEACHER(S) <input type="checkbox"/> SCHOOL IS TOO FAR <input type="checkbox"/> PARENT OR GUARDIAN DID NOT WANT THE CHILD TO ATTEND <input type="checkbox"/> OTHERS _____		



**C. CHILDS EMPLOYMENT DETAILS**

23. PAY RATE		24. WORKING HOURS	[START TIME] _____ [FINISH TIME] _____
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25. DAYS WORKED IN A WEEK		26. TOTAL HOURS WORKED IN A WEEK	
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27. AT WHAT AGE DID THE CHILD START WORK	
--	--

28. REGISTER MAINTAINED	<input type="checkbox"/> YES <input type="checkbox"/> NO
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29. PARENTAL /GUARDIAN CONSENT AVAILABLE	<input type="checkbox"/> YES <input type="checkbox"/> NO
--	--

30. CHILD'S STATE OF HEALTH AT INSPECTION	<input type="checkbox"/> HEALTHY <input type="checkbox"/> UNHEALTHY OFFICERS COMMENT: _____
---	--

31. HAS THE CHILD BEEN IN CONTACT WITH CHEMICALS	<input type="checkbox"/> YES <input type="checkbox"/> NO	IF YES, THEN STATE THE NAME OF THE CHEMICALS BELOW: _____
--	--	--

32. NATURE OF WORK CARRIED OUT BY THE CHILD	<input type="checkbox"/> WHOLESALE & RETAIL <input type="checkbox"/> HOTEL & CATERING <input type="checkbox"/> ROAD TRANSPORT <input type="checkbox"/> GARMENT INDUSTRY <input type="checkbox"/> PRINTING <input type="checkbox"/> MINING & QUARRING <input type="checkbox"/> MANUFACTURING <input type="checkbox"/> SAWMILLING & LOGGING <input type="checkbox"/> SECURITY <input type="checkbox"/> BUILDING, CIVIL & ELECTRICAL ENGINEERING <input type="checkbox"/> AGRICULTURE <input type="checkbox"/> SCRAP METAL <input type="checkbox"/> BOTTLE COLLECTORS <input type="checkbox"/> GARAGES <input type="checkbox"/> SHOESHINE <input type="checkbox"/> DOMESTIC DUTIES (OTHERS, PLEASE SPECIFY BELOW)
---	--

33. IS THE FAMILY RECEIVING ALLOWANCE	SOCIAL WELFARE DEPARTMENT <input type="checkbox"/> FAMILY ASSISTANCE <input type="checkbox"/> CARE & PROTECTION ALLOWANCE <input type="checkbox"/> FOOD VOUCHER PROGRAM <input type="checkbox"/> BUSFARE CONCESSION <input type="checkbox"/> EXPANDED FOOD VOUCHER	NGO _____ _____ _____ _____
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**D. DECLARATION**

34. CHILDS SIGNATURE		35. DATE	____ / ____ / ____
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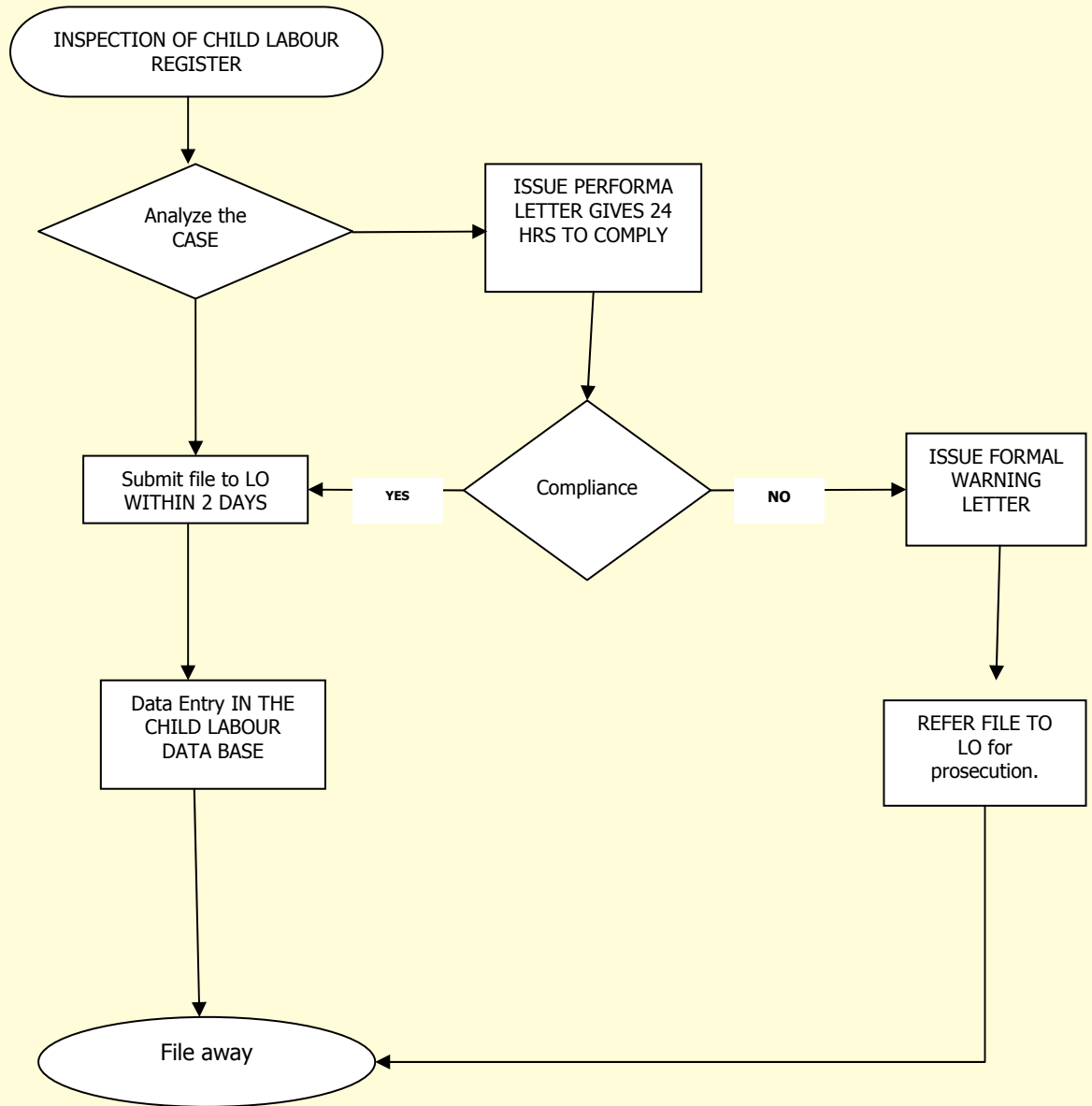
36. CHILDS THUMB PRINT	
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37. OFFICERS COMMENTS	
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38. OFFCIERS SIGNATURE		39. DATE	____ / ____ / ____
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**RESOURCE: INSPECTION FLOW CHART FIJI**





## **RESOURCE: CHILD LABOUR WITHDRAWAL, READMITTANCE INTO MAINSTREAM SCHOOL SYSTEM, TECHNICAL & VOCATIONAL TRAINING PROCESS (FIJI MINISTRY OF LABOUR, INDUSTRIAL RELATIONS AND EMPLOYMENT, 2012)**

### **Step 1: Child identification into child labour including informal work [selling, scrap metal, bottle collecting, road side selling and other Non-formal work]**

- a. Request the child for the following information:
  - i. The name of the employer
  - ii. Birth certificate or date of birth
  - iii. Reason for employment
  - iv. Amount of wages paid by the employer
  - v. Full family details
  - vi. The type and hours of work with the expected starting and ending time.
  - vii. Child's preferred interest; whether to go back to the mainstream educational system or opt vocational/technical training. The decision of the child's preferred interest should be at the discretion of the officer and in the best interest of the child.
- b. In circumstances whereby worst forms of child labour are identified, the child should immediately be removed from employment. Consult with Social Welfare Department.

### **Step 2: Visitation by the Labour/Welfare/Police officer to the child's family**

- a. Advise the family the purpose of the visit and the impact of child labour on the child's health, wellbeing and future and also identify the reason for the child's employment from the family's point of view. Also identify if the place is safe for the child to live in.
- b. Identify if there is pressure by the family for the child to be in child labour including any form of outside pressure (child's employer, parents employer, other family members)
- c. Advise the family on the need for the child to be placed into the mainstream educational system with the option of technical/ vocational training and relevant counselling to be provided to the child and family.
- d. Determine if any form of assistance is provided to the family by any Government Department or NGO
- e. Identify if families are able to provide any form of assistance in sending the child to school
- f. Seek assistance from the relevant authorities in providing the necessities for the child to go back to school

### **Step 3: Visitation of the officers to the nearest school where the child is expected to be admitted in mainstream educational system.**

- a. Seek the clearance from the previous school of the child if the child is to be admitted into a new school
- b. Advise the head teacher/school principal on the background of the child which needs to be embedded in the child's school folder for the class teachers and subject teachers to be aware of
- c. Advise the head teacher/school principal on the monthly report format which needs to be filled and given to the MLIRE for the purpose of monitoring
- d. Officers must make visits for the first 2 weeks when the child is admitted to school with the assistance of the authorities to ensure that the child remains in school

### **Step 4: Technical/ Vocational training for children who are not admitted into mainstream educational system.**

- a. The investigating officer and the Pacific Counselling & Social Services (PCSS) counsellor to advise the child on the options available under the National Employment Centre (NEC) and MOE (Technical & Vocational Training)
- b. If the child opts for the NEC then refer to NEC process
- c. If the child opts for Technical Vocational training with MOE then refer to STEP 3 above



## RESOURCE: NEGOTIATING A SOLUTION

### POSSIBLE NEGOTIATION OUTCOMES:

#### Win-Lose

One party achieves all or most of what it sets out to do; the other party achieves nothing or very little.

**Example 1:** a trade union demands a 15 per cent increase in wages. The employer offers nothing. If the final outcome is the union wins an increase of 15 per cent, the union has won and the employer lost.

**Example 2:** a union demands a 15 per cent increase in wages. The employer offers nothing. If the final outcome is no increase at all, the employer has won and the union lost.

#### Lose-Lose

The parties fail to reach agreement. Conflicting interests prevail over the common interests, there is little or no compromise and there is every prospect that the conflict will escalate to the stage of a strike or lockout.

**Example:** the trade union demands a 15 per cent increase in wages. The employer offers 2 per cent. Both parties adopt set positions and negotiations become deadlocked, resulting in a strike. Both workers and employers lose income because production stops.

#### Win-Win

Both parties achieve some but not all of their opening positions.

**Example:** The union demands a 15 per cent increase in wages. The employer offers 2 per cent. Through persuasion and compromise a final increase of 8 per cent is agreed. Both parties have moved from their opening situations, but did not have to compromise to the extent where all was lost.

***Negotiation is concerned with a win-win situation. The aim is not to defeat the other party, or to inflict harm or damage or to force submission. The aim is for both parties to achieve their objectives to a mutually acceptable level.***

#### **What must be present prior to negotiations?**

- There is a willingness to enter into negotiations. This indicates a perceived common interest
- There are potential areas in which concessions could be made
- Both parties have the authority to adjust their positions
- Each party has carefully prepared its negotiation position

#### **Don't negotiate if:**

- You have no bargaining power
- You have nothing to bargain with
- Broader objectives may be prejudiced
- You are not prepared
- You don't know exactly what you want.



**STRUCTURE OF NEGOTIATION: THERE ARE FOUR STAGES IN A TYPICAL NEGOTIATION:**

**A. Preparation**

This involves setting objectives and priorities, collecting information and adopting strategies. The purpose of preparation is to develop a case that is well researched, follows a plan and identifies the consequences of a failure to agree.

- i. Collecting information- Successful negotiation does not come out of a magician's hat, but needs careful preparation!
- ii. Setting objectives- Negotiators try to push the other party as close as possible to that party's resistance point.
- iii. Establishing priorities
- iv. Assessing the other party and its case
- v. Developing a negotiation strategy - a strategy should be amenable to adjustment, according to the circumstances and issues arising during the negotiations.
- vi. Considering the consequences of failure- Considering the consequences of failures can help build commitment to the negotiation process.

**B. Discussion**

This signals the commencement of the actual negotiation- During the discussion stage no offers are made and no trade-offs take place. Clear and unambiguous communication is an important part of giving signals if you want them to be understood.

- i. Communicating
- ii. Questioning
- iii. Signalling
- iv. Presenting arguments

**C. Bargaining**

This involves making proposals, offering concessions and moving towards agreement. Making compromises is not a sign of weakness: it is a commitment to the negotiation process.

**D. Closure and agreement**

Here the parties actively seek a win-win situation and reach an acceptable agreement. In the closing phase of negotiation the situation changes from 'us' to 'we'.



### **DIFFERENT STYLES OF NEGOTIATING**

Before deciding on your style of negotiating, consider the following:

- The long time or one-off relationship with the other party
- The strength of the other party
- The strength and position of your team
- The importance of reaching an agreement

#### **A. Cooperative Negotiation**

- Create an atmosphere of mutual respect and trust
- Make it clear from the beginning that you want a win-win outcome.
- Start with identifying problems before indicating solutions
- Begin with issues on which an agreement can easily be found
- Make several small concessions (spread over time) instead of one big concession
- Avoid defensive language and postures
- Be flexible

#### **B. Competitive Negotiation**

Competitive negotiation is acceptable in very few circumstances and is possible only if you have a very strong position. You may, however, have to adopt this style if it becomes very clear that the other party does not want a cooperative negotiation:

- State from the beginning your commitment to your set position
- Indicate the consequences if you do not get what you want
- Provide for some concessions which are not important to you, but which will prevent the other party from completely losing face.

#### **How do you react to win-lose tactics?**

- Don't get emotional
- Ask the other party the reason why they adopt a particular position
- Stress the consequences for the other party of failure to reach agreement
- Try to enhance mutual respect and adopt a shared problem-solving approach
- Take an equally strong position if mutual respect and a shared approach is impossible. Against a convinced competitive negotiator, it is unlikely that a cooperative approach will be of any use.

#### **Note-taking and keeping records**

Note-taking and keeping records are important in the negotiation process.

- Take notes of each stage of the negotiation process (including telephone conversations and informal meetings)
- Note key points only: don't try to record every single word, unless really necessary
- Use different colour pens for what each party said
- Note carefully who said what
- Note if any further action is required and who will do it
- Be organised in note-taking to find your way easily through your notes
- Leave enough space to add details
- In reporting on the negotiation, you should have three sections: introduction, main substance and conclusion



## APPENDIX: ILO REOURCES USED TO PRODUCE THIS GUIDE

The following resources published by the International Labour Organization have been used to produce this guide:

- Derrien, J-M, Travail des Enfants: Accompagner les Changements – Guide pour la Formation: **Investigating Child Labour : Guidelines for Rapid Assessment A Field Manual**
- **Child Labour - The Role of Labour Inspection: A Resource Booklet for Labour Inspectors, other Enforcement Agencies and Key ILO Partners:** Draft Version
- **Child Labour: A textbook for university students;** 2004
- **Children in hazardous work: What we know, what we need to do;** International Programme on the Elimination of Child Labour (IPEC); 2011
- **Combating child labour: A handbook for labour inspectors;** International Programme on the Elimination of Child Labour (IPEC); InFocus Programme on Safety and Health at Work and the Environment (SafeWork ) International Association of Labour Inspection (IALI); 2002
- **Safe Work for Youth Kit;** 2011  
[http://ilo.org/ipec/areas/Safeworkforyouth/WCMS\\_120426/lang--en/index.htm](http://ilo.org/ipec/areas/Safeworkforyouth/WCMS_120426/lang--en/index.htm)
- **A 5 STEP GUIDE for employers, workers and their representatives on conducting workplace risk assessments;** 2014
- **Sourcebook for Labour Inspectorate Training on Child Labour;** IPEC; Draft 2004
- **Test Versions: The Child Labour Monitoring (CLM) Training Manual;** Workshop 1- The CLM National Orientation Workshop; December 2004 & **Child Labour Workshop for Labour Inspectors: Trainers Manual;** February 2005
- **The Labour Inspection in the face of crimes of commercial sexual exploitation of children and adolescents;** ILO Pamphlet
- **The Tripartite Process of determining hazardous child labour: Guide for facilitators - Eliminating hazardous child labour: Step by step;** International Programme on the Elimination of Child Labour (IPEC) – Geneva; 2012.
- **Tool Kit for Labour Inspectors: A model enforcement policy, a training and operations manual, a code of ethical behaviour;** Budapest International Labour Office; 2006

## About the ILO

The International Labour Organization (ILO) is the United Nations agency devoted to promoting rights at work, encouraging decent employment opportunities for women and men in conditions of freedom, equity, security and human dignity, and enhancing social protection. It is unique in that it brings together representatives of governments, employers and workers to jointly shape policies and programmes and strengthen their dialogue.

The ILO develops international labour standards and works with members States to ensure they are respected in practice as well as principle.

The ILO Office for Pacific Island Countries based in Fiji, provides technical assistance to ten member States (Cook Islands, Fiji, Kiribati, Republic of Marshall Islands, Palau, Papua New Guinea, Samoa, Solomon Islands, Tuvalu and Vanuatu), as well as to non-member States in the region as required, on a wide range of areas including: labour migration; the elimination of child labour; promotion of gender equality; labour law reform; protecting seafarers; labour market statistics; occupational safety and health; HIV/AIDs in the workplace; youth employment; and entrepreneurship development.

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