



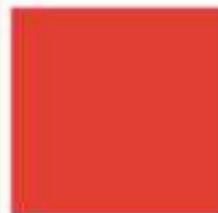
International
Labour Office

Time-Bound Programme

Manual for Action Planning

T B P

M A P



ILO Worst Forms
of Child Labour
Convention No. 182:
Recommendations for
determining hazardous
child labour in connection with
Time-Bound Programmes

International
Programme on
the Elimination
of Child Labour

**ILO Worst Forms of Child Labour
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Recommendations for determining
of hazardous child labour
in connection with
Time-Bound Programmes**

**Technical Unit on Hazardous Child Labour &
Child Labour Monitoring
IPEC**

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1 Introduction

When a country ratifies ILO Convention No. 182 on the worst forms of child labour, it is required to undertake a national-level process of identifying, prioritising, and acting on hazardous child labour (HCL).¹ It starts by making a list of hazardous work. But according to the Convention, the **process** of making this list is almost as important as the list itself. Workers and employers' organizations join with the government in a formal process of "determination of hazardous work". An ILO member State that chooses to implement C.182 by undertaking a Time-Bound Programme (TBP) can use the determination of HCL as a good entry point for beginning work on national policies.

1.1 What does the process involve?

There are six steps:

1. creating a structure,
2. gathering existing information and producing new data,
3. putting together a list of dangerous work and where it occurs,
4. formalizing the list,
5. using the list to change legislation and to prepare a plan of action,
6. revising the list periodically.

¹ HCL is "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" (Article 3). "The types of work...shall be determined by national laws...or by the competent authority, after consultation with employers & workers". (Article 4)

These are described in the brochure, *Eliminating Dangerous Child Labour Step by Step*.²

1.2 Where does the TBP fit into this process?

There are three areas where the needs of a TBP mesh particularly closely with those of the process of determining hazardous work required by Convention No.182. These are: 1) identifying and bringing into the process those with the necessary expertise, 2) drawing together the necessary information, and 3) assisting in selection of the items to be included in the list.

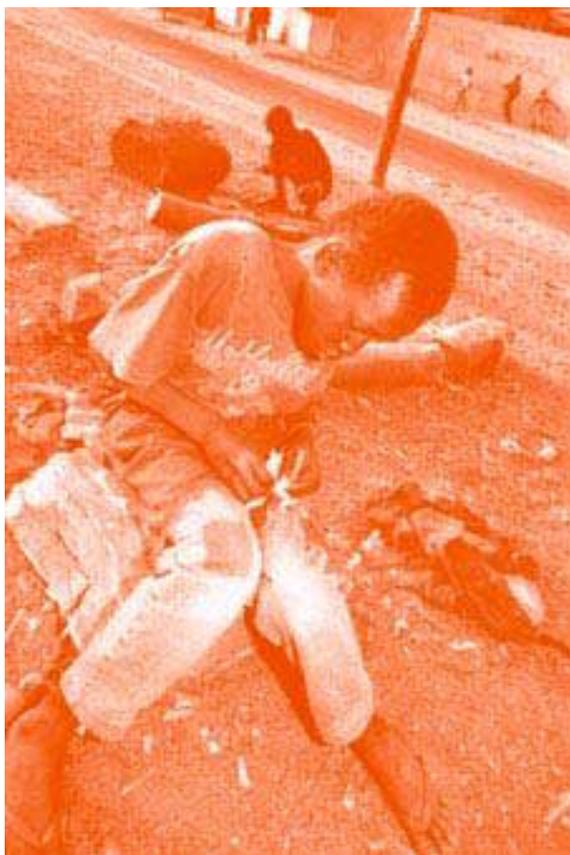
HCL	Hazardous Child Labour
ILO	International Labour Organization
IPEC	International Programme on the Elimination of Child Labour
OSH	Occupational Safety and Health
TBP	Time-Bound Programmes
WFCL	worst forms of child labour

1.2.1 Identifying and bringing into the process those with the necessary expertise

The hazardous work determination process is a formal one. Ideally, it starts with an assessment of the stakeholders who need to be involved. In this, it is similar to and can be combined with

² IPEC: *Eliminating Hazardous Child Labour Step by Step* (ILO, Geneva, 2002). Available in the TBP MAP Kit or from the TBP MAP website: www.ilo.org/public/english/standards/ipec/themes/tibound/tbpmmap/index.htm

other mapping exercises carried out in connection with the TBP. The Convention mentions several times the necessity of having the workers' and employers' organizations involved, although it does not stipulate the points at which that must take place. But in order for the workers, employers and other actors deemed important in a particular national setting to be effective in the process, it helps greatly if they are involved at the beginning.



New partnerships usually need to be created to assist the government and its social partners in identifying the particular forms of HCL on which they will take action. Many countries that have significant child labour problems do not have much data on what types of HCL exist, how extensive they are, and where each is located. They may have few (if any) institutions specialized in occupational safety and health (OSH) and

may not be equipped to identify, assess and prioritize occupational hazards, particularly where children are concerned. However, resource people can be found — but they may be unusual ones. It is important to look beyond customary partners. Groups and organizations can be found which have some OSH experience — research institutes, universities, NGOs, or health professionals and their organizations — and, although they may have never engaged themselves in child labour work before, they can have valuable experience and capacity to contribute. If there are not appropriate resources within a country, they can often be found nearby in countries with similar problems, culture, or population profile.³

1.2.2 Drawing together the necessary information

Next, and this is the challenging part, the process requires the parties that have been selected to inform themselves about the occupational hazards to which children are exposed in their country. They will not only need to look for situations and tasks that are hazardous for adults, but also work that may be **more hazardous to children and young workers than to adults**. They will also need to look for work that may be particular to their country. If this were purely a technical or medical issue, the drafters of this Convention would have listed the hazardous sectors, conditions, and industries in the international standard, as they did for the “unconditional worst forms”, but instead they left this to national determination in order that local realities could be

³ Another concern is the compounding effect of poverty and its concomitant factors: inadequate nutrition, low body weight and stature, delayed physical and psychological development, chronic infectious diseases, inadequate housing, poor quality of drinking water, and scarce access to health care, just to name a few. Action on these factors will necessarily be part of any rehabilitative programmes, but the effects of these need to be taken into consideration when assessing the health outcome that can be produced by hazards in particular occupational activities and situations.

considered. Unless there is adequate opportunity for fact-finding and debate, the list of hazardous work will have little meaning or use for the country involved.

One caution to consider when the list-making process is underway — and this complicates the matter — is to avoid labelling whole occupations as “hazardous”. For example, it is easy to say that because agriculture uses hazardous pesticides, it is a hazardous occupation. The truth is that there are hazardous elements to agriculture and non-hazardous elements. The more specificity that can be built into the list, the more it will be a useful guideline.

1.2.3 Assisting in selection of the items to be included in the list

One can get an idea of the problems countries have in determining HCL by looking at the national lists they are currently producing. These lists give an idea of where and what kind of support is needed. The lists, which are now starting to come in from the countries that have ratified Convention No.182, indicate in many cases considerable difficulties in obtaining up-to-date knowledge on hazards. The Committee of Experts and ILO staff have noted the following problems related to the lists:

- too general, offering little guidance for labour inspectors and others tasked with protecting the working child;
- mixing activities, exposures, occupations and health outcomes in one list⁴;
- omissions due to lack of knowledge⁵;

⁴ An example of this would be if the following were included in one list — “breaking rocks”, “dust”, “quarry operations”, and “work causing respiratory problems”.

⁵ The whole range of psychosocial hazards is seldom adequately considered in traditional discussions and older guidelines and materials on child occupational health and safety. Stress is only now beginning to be seriously researched for adult workers and indications from a few child labour studies indicate that the risks for children may be grossly under-

- limited tri-partite consultation;
- mere copying the list from another country; and
- little thought given to implementation mechanisms.

Although it would be good to have some agreement on exposure limits to hazards, the process of setting limits is very long and may not match the need of countries that are trying to get a TBP up and running. For example, Recommendation No. 190 specifies that

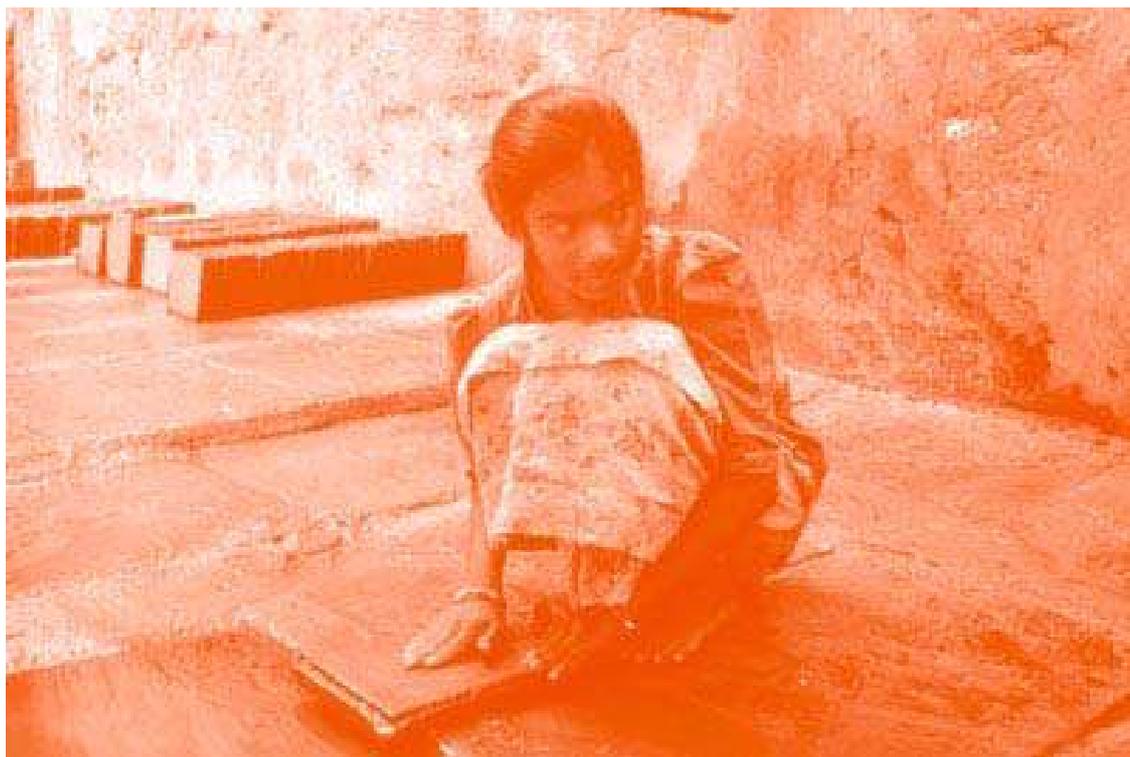
<p>In determining the types of work referred to under Article 3(d) of the Convention, and in identifying where they exist, consideration should be given, inter alia, to:</p>
<ul style="list-style-type: none"> (a) work which exposes children to physical, psychological or sexual abuse; (b) work underground, 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; long hours or during the night or work where the child is unreasonably confined to the premises of the employer.

But when does noise become hazardous? What is a heavy workload? The complexity of defining HCL is not surprising when we realize that even for adults, very often we don’t know exactly what is hazardous. Take for example the enormous variety of chemical products in existence. Every year many new products are brought onto the market,

estimated. Some occupational stresses may be unique to children, e.g. the effects of isolation, or of battering and intimidation.

and the effects, especially the long-term health effects, are unknown.

From a legal perspective, it makes no sense to seek definitions of hazardous work for children below the minimum age of work, as they are not supposed to be working in the first place. We already know the negative impact of being withheld from education and a normal childhood. However, it is exactly this group of children that is most vulnerable and that needs to be kept in mind when we develop instruments and action plans to combat HCL. It may be good to set a limit on noise, but an 80 dB limit is only useful if there is someone in the country who has the equipment to measure noise! And even if the expertise exists, the capacity to effectively monitor all workplaces where there may be children is rarely present, even in the most developed countries.



2 What support can IPEC provide?

2.1 Elimination of dangerous child labour step by step

The brochure mentioned on page 1 on the process of identifying HCL has been produced in several languages. The brochure indicates the steps that countries need to take in order to properly identify HCL.

2.1.1 Technical advice

An expert meeting was held October 16-19 2002, in Geneva with the objective of developing a mechanism to support countries that have ratified ILO Convention No. 182 in determining HCL. This three-day meeting involved experts on occupational safety and health, child health and child labour from all over the world, including members of several international associations and organizations: International Committee on Occupational Health, the International Occupational Hygiene Association, the International Pediatrics Association, the World Health Organization and the United Nations Children Fund. Workers' and Employers' organizations were present. From ILO, IPEC (legal and research units), SafeWork and Sector staff participated.

The experts examined existing national and international tools and instruments that could be used to provide guidance to countries when they are in the process of determining what is likely to harm the health, safety and morals of children under 18 years. One of the conclusions was to draft a format for a "technical framework" which gives information on the different tasks, activities, occupations and sectors in which children are involved, on the hazards involved in those, and the expected health outcomes. The framework aims at children above the legal working age (depending on the country, 14 or 15), since the ones under

that age limit should not be involved in labour in the first place. Additionally, the framework gives guidance on possible interventions and actions to be taken to remove the children from hazardous work, or to remove the hazards from the workplace (making the work safe), for children above the legal working age.⁶

The meeting agreed to aim for the development of official ILO guidelines on the issue. This will involve a broad tripartite consultation and development process. In the short-term, interim versions and products coming out of this process will be helpful for countries determining HCL. Although the interim products will not be official guidelines, **work in progress** to digest and present the existing scientific knowledge will allow competent authorities to access more up-to-date knowledge and make better informed decisions.⁷

Individual participants and representatives of professional associations expressed their interest to work with IPEC on the development, testing and dissemination/implementation of the technical framework on HCL, as part of the ongoing effort to eliminate child labour. They will form the basis for an informal technical advisory group, which will assist in reviewing and providing inputs to the process.

Now, with this back-up support from the key professional associations in the area

⁶ This document is available in draft from the Hazardous Child Labour Technical Unit or from the TBP MAP website www.ilo.org/public/english/standards/ipec/themes/ti-mebound/index.htm

⁷ An initial document, prepared in collaboration with WHO, will be available June 2003 from the Hazardous Child Labour Technical Unit.

of OSH, plus IPEC's own legal experts, IPEC is well-placed to provide the technical advice on Convention No.182 that countries need. Generally, this service is provided by telephone or email, on a case-by-case basis, as a country embarks on the process of determining hazardous work. Exceptionally, it is provided in the context of an in-country workshop or training course.

"Determining Hazardous Child Labour: Examples from Ratified Countries", a sequel to the pamphlet, entitled *"Eliminating Hazardous Child Labour Step by Step"* (ILO, Geneva, 2002), is now under preparation.⁸ It illustrates how a number of countries have approached the listing of HCL in fulfilment of Convention No.182.

⁸ Scheduled for publication in July 2003.