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Labour Office

Time-Bound Programme

Manual for Action Planning

T B P

M A P



Identifying
Hazardous
Child Labour
in Time-Bound
Programmes

International
Programme on
the Elimination
of Child Labour

Identifying Hazardous Child Labour in Time-Bound Programmes

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

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1 Introduction

Defining hazardous work and setting priorities for action among the many different types of hazardous work are two of the first things to be done when starting a Time-Bound Programme (TBP). On the one hand, hazardous work seems obvious: mining, deep-sea fishing, working in nightclubs, etc. But on the other hand,

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| HCL | Hazardous Child Labour |
| ILO | International Labour Organization |
| OSH | Occupational Safety and Health |
| TBP | Time-Bound Programmes |

the myriad of chemicals and toxic substances that can make work hazardous seems almost too daunting to tackle. How does one proceed? This short paper provides some background on the extent and nature of the problem of hazardous child labour (HCL) then explains why this is particularly relevant for TBPs. It then looks at various responses that can be made in the context of a TBP.

2 Why is it so important?

Although concern about HCL has been with us for almost ninety years, there is now a new urgency to the issue. One reason is that the number of children at risk of hazardous work is much greater than we had previously thought. The International Labour Organization (ILO) estimates that there are about 111 million children aged 5-14 at risk either because of the nature of the work they do or because of the conditions under which it is done.¹ Another 60 million young persons between the ages of 15-17 are engaged in hazardous work, making a total of over 170 million at substantial risk of injury, retarded development, disease or even death. With so many millions of young people at risk, we are compelled to re-think our priorities so as to make a greater impact on this group.²

Second, the nature of work is changing and new, more potent hazards are appearing. For example, with the dramatic increase in the use of pesticides, chemical fertilizers, and machinery over the last two decades, 70 % of children who work in agriculture worldwide are exposed to new risks. Often they are unaware of the dangers. They mix pesticides with their hands; go into the fields just after spraying; do not read the directions - so use too much; or will drive a tractor or harvester without realizing how easily it will tip over on a slope in order to try to act grown-up. In urban areas, as mega-cities multiply and family income in the poorest countries continues to deteriorate, more and more children are being sent to scratch out a living on

¹ IPEC: *Every Child Counts: New Global Estimates on Child Labour* (Geneva, ILO, 2002), p. 23-24.

² Op cit. p. 33. The definition for HCL used in that Report was: "any activity or occupation which, by

its nature or type has, or leads to, adverse effects on the child's safety, health (physical or mental), and moral development. Hazards could also derive from excessive workload, physical conditions of work, and/or work intensity in terms of the duration or hours of work even where the activity or occupation is known to be non-hazardous or 'safe'."

garbage dumps or scavenging on the streets. Waste, including toxic substances and radiation-contaminated refuse from hospitals, that might have been merely obnoxious in the past, is now life-threatening. The children do not know that a little needle prick can carry so much danger — tetanus, hepatitis, HIV-AIDS. Working on a fast-paced mechanical assembly line is very, very different from intermittent work on, say, a carpet loom at home. Even health specialists are not sure of what the effect will be on a child of crouching in one position for hours at a stretch, without stimulation, light, and decent food. The increasingly visible use of children for commercial sexual purposes (pornography, prostitution) is perhaps the most flagrant form of hazardous work as it involves both severe physical and psycho-social danger.



Third, many people do not realize how vulnerable children are. There may be no evidence of immediate damage, but mercury used in mining can affect the central nervous system, lead contamination which is common in street work stunts a child's intellectual growth, poor nutrition and fatigue from working long hours while a child is growing rapidly, puts her whole development at risk. Starting work too young means that a person has more years of exposure to contaminants and deleterious conditions than if s/he had begun work later. At this point, we know very little about the compounding effects of hard work, weakened immune system, and poor nutrition on an immature body.

3 What has this got to do with a TBP?

A TBP is, by intent, a priority-setting exercise, with much of the effort occurring at the national level in setting policy and engaging stakeholders in planning an overall framework for action. Defining hazardous work is at the core of this.

3.1 Policy work: The "Convention No. 182 process"

When a country ratifies ILO Convention No. 182 on the worst forms of child

labour (1999), it is required to undertake a national-level process of identifying, prioritizing, and acting on hazardous child labour.³ It starts by making a list of hazardous work. But according to the Convention, the process of making this

³ 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)

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". The determination involves informing themselves about the occupational hazards over and above what is hazardous to adults and 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 to allow local realities to be considered. Unless there is adequate opportunity for fact-finding and debate, the list will have little meaning or use for the country involved. For this reason, a TBP can use the determination of HCL as a good entry point for beginning work on national policies.

3.2 Harmonizing national legislation with ILO standards

The TBP needs to consider HCL in order to guide lawmakers in setting an

appropriate age for entry into work in various sectors. Convention No. 138 on the minimum age for admission to employment (1973) specifies three different age categories for work: light (13), regular (15), and hazardous (18). There are caveats and exceptions to these, but the point is that in all cases it is the presence of a hazard or risk to a child's physical, mental or emotional health and development that determines what the recommended age would be for a specific type of work. This has important implications for laws, statutes, and other legal instruments. Since harmonization of national (and local) legislation with international standards is invariably part of the TBP, this matter of assessing hazards within occupations becomes crucial. Thus, if it can be demonstrated that no hazard exists, a lower age can apply, which is an important consideration for very poor countries. Making a workplace hazard-free not only enables younger workers (e.g. apprentices or those who combine work and school) to be present, but it also helps create a desirable working environment for adult workers as well.

4 How can a TBP address hazardous child work?

Hazardous work, like the unconditional worst forms of child labour, is easy for the public and policy-makers alike to both understand and appreciate the urgency of action against it. For this reason, a focus on hazardous child work can mobilize a sceptical public or activate distracted policy-makers. There are several ways that those involved in design, management, and implementation of the TBP can help address HCL:

4.1 Assess working conditions

The TBP needs to consider not just the hazards inherent in a particular piece of work, such as the chemistry of the paint

in the auto-body shop, but the working conditions that are typical in this line of work. Picking flowers may not be hazardous; but if it occurs at 4:00 a.m., then it is. Making paper boxes may not be hazardous; but if it takes place in dark, damp, and unventilated rooms, then it is. Doing light housework may not be hazardous; but if the child is never allowed out, much less to school, then it is. Most lists of hazardous work include those that have inherent hazards, but the vast majority of lists forget completely about work that has no inherent hazards but where the typical conditions of work pose a threat in and of themselves. Even

fewer give attention to psycho-social hazards, especially when no apparent physical hazards exist.

4.2 Provide guidance on removing hazards

New approaches need to be found to remove hazards and improve working conditions for those of legal age. Young workers constitute a special challenge, and require approaches that go beyond those traditionally used in the child labour field of simply removing the child from the hazardous situation. These new methods need to be tested to ensure that they are practical and cost-effective and feasible in widely differing situations. What is the answer here? One answer is to carry out small "projects" that concretely show what can be done; another is the use of "risk management tools" that help employers adopt new methods that eliminate risks.

4.3 Create credible monitoring systems for hazardous situations

A TBP country needs to find ways of effectively monitoring occupational sectors and industries and sites that are prone to hazards. It is not enough to set forth laws that list occupations that are off limits to young people. The public as well as employers and trade unions need to be alerted, and the dangerous situations that have been dealt with must be continuously watched to ensure that, once changed, they do not recur. This is relatively easy in the formal economy where labour inspectors regularly visit the factories, but in the back streets and fields of the developing world's informal economy, there are not enough eyes and ears or legal capacity to guard young workers against exploitation. How can this be done? First, by identifying new "eyes and ears" by engaging para-professionals or community partners. Second, by providing training for formal and informal monitors, as well as for employers, trade unions. And third, by providing guide sheets to help harried labour inspectors and the monitors to know what to look for.



4.4 Build the knowledge base

It is usually not necessary for a country to do research to find out the health effects on children of a certain kind of hazard. Lead, for example, has been studied in many places. If children are exposed to lead in Colombia, it will most likely have the same effect on children in Sri Lanka, since children do not differ that much. But what is really needed, however, is to know whether lead is present. Do the children selling flowers at a busy intersection have high blood lead levels? Is there lead in the paint at the automotive repair centre? Finding out may well involve performing tests. Another important type of information needed is the specific tasks that children of different ages are doing. To continue with the example, is the 10 year old in the auto shop actually painting with the lead-based paint, or has he just brought in some tea for his father?

In addition, there are at least three circumstances where research may well be fruitful: for information on local hazards, for obtaining information for TBP action programmes, and for awareness-raising purposes. First, there is sometimes a need for basic research on hazards peculiar to the country — working with sisal, for example, is not all the same as working with other agricultural crops. New studies may be needed to see what the hazards and risks are. Second, research can provide details on the sectors being selected for the TBP so as to better design the action programmes. Third, locally done research can be a powerful tool for awareness raising. While many will be saddened by reading: “worldwide, many thousands of children die each year from work”; country-based research can bring the message home: “two local children died recently of tetanus due to scratches incurred when they were picking up garbage”.

4.5 Prioritize

Experience shows that the children working in the most hazardous conditions are generally not the first in line to be reached by preventive action or rehabilitation programmes. Sometimes they are hard to reach, e.g. children working on ships or fishing platforms. Sometimes there are no government agencies or Non Governmental Organizations in the area to provide services. All too often, funding is focused on those sectors that are most visible or where the most children are or which are easiest to access. Furthermore, although the aim is to eliminate child labour, there is a huge difference between a child working on the neighbour's farm every morning to collect eggs and the child labourer working full time in direct contact with pesticides and exposed to the sun for long periods.

We need to prioritize so that we first address the situation of the full-time child labourer deprived of the most basic rights to health and safety.

5 What resources does IPEC have to help?

5.1 International Labour Standards

It seems obvious, but Convention No.182 and its accompanying Recommendation No.190 (as well as Convention No. 138) do have simple, clear, and useful guidance in regard to hazardous work. Also very helpful specifically for hazardous work are the so-called "OSH Conventions" and the Codes of Practice elaborated by the ILO InFocus Programme on SafeWork for adults.

But can adult standards be used when it comes to child labour. Some have argued forcefully that standards for adults cannot be used for children without further clarification or elaboration. However, these standards can be used if you consider any exposure to substances, circumstances, tasks or occupations mentioned under those ILO instruments as hazardous for children. In other words, given the vulnerability of children, limited adult exposure might for example translate into zero exposure for children.

5.2 List of hazards by sector

Called "the matrix" for short, this is a compilation of information from the ILO standards and codes of practice on the limits for children and young people. Currently in the form of a chart of approximately 50 pages (it may be made available as a database in the future), this compilation is intended to provide IPEC staff, policy-makers, and health professionals with the legal basis on which to identify occupational hazards for children and young workers.⁴ The matrix is designed so as to have multiple "entry points", i.e. a user can look up an occupation and see the hazards that are commonly associated with that

occupation, plus the reference in the ILO standards. Or, s/he can look up a particular hazard and see the health effects of exposure to that hazard, again, with the citation from the relevant ILO standard. The matrix is not exhaustive; further data could and should be included, but it is currently under peer review by OSH.

5.3 Criteria for identifying hazardous child labour

A workshop on the Definition of Criteria for HCL, took place in Quito, 7-9 of August 2002, with specialists on OSH and child labour. The aim was to: a) retrieve and analyse existing criteria for the definition of HCL to determine the state of the art; and b) define and recommend new criteria for the identification, categorization and prioritisation of HCL. The criteria that the workshop produced are:

- **Severity of the health outcome**, as a consequence of the exposure to specific risk factors and defined work forms.
- **Vulnerability** of the child, determined by children's anatomic and functional immaturity, family circumstances and socio-economic conditions.
- **Probability of damage**, related to the exposure to the hazard and the likelihood to produce risks leading to health outcomes
- **Magnitude** of the problem, in terms of the number of exposed children and health outcomes.

⁴ Available upon request from IPEC's Technical Unit on HCL and Child Labour Monitoring.

The workshop also produced a list of occupations that should be classified as “zero exposure” (completely unacceptable for young workers), a general list of HCL, and a list of factors that increase children’s vulnerability. These have been included in the matrix.

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| Convention No.138 (Article 3) the text relevant to hazardous work is: |
| <ol style="list-style-type: none"> 1. “The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of young persons shall not be less than 18 years.” 2. 3. “Notwithstanding the provisions of paragraph 1 of this Article, national laws or regulations or the competent authority may, after consultation with the organizations or employers and workers concerned, where such exist, authorise employment or work as from the age of 16 years on condition that the health, safety and morals of the young persons concerned are fully protected and that the young persons have received adequate specific instruction or vocational training in the relevant branch of activity. (Article 3) |
| In Convention No. 182, the relevant text on the nature of hazardous work is found in Article 3: ...”the term ‘the worst forms of child labour’ comprises: |
| <ol style="list-style-type: none"> (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; (d) 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) |
| Recommendation No. 190 which accompanies Convention No.182, but is not legally binding, provides the following guidance: |
| <p>“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:</p> <ol 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.” |

5.4 Sectoral “protocols”

The term “protocol” refers to guidance, usually for medical professionals, on what to look for to diagnose a condition and

how to look for it. Here, we are using the term in reference to a package of tools: a questionnaire or observation guide, a set of instructions on how to use the questionnaire, including to whom and

how many respondents are needed in order to get sufficient and reliable information; and finally a format for analysis of the information that has been obtained. Medical protocols are limited to a particular condition, and similarly, each of the HCL protocols is designed for a specific occupational sector.

A draft protocol has already been prepared for agriculture. It includes an observation guide and questionnaire to detect hazards in an agricultural setting, a "sampling frame" to determine the number of children to be interviewed, and some "fact sheets" on various types of

agriculture (e.g. tea, coffee, tobacco, sisal, palm oil) that provide user-friendly analyses of information on hazards in this sector. These also are currently being tested under field conditions.

5.5 National tools

Finally, there may also be useful materials at hand at the national level. These include:

1. existing national decrees or reports on HCL; and
2. national legislation on hazardous work for adults, including exposure limits.