

**A Review of Child Labour Laws of
Trinidad and Tobago - a Guide to
Legislative Reform**

Clive Pegus

June 2005

**ILO Regional Child Labour Project
International Labour Organization
Subregional Office for the Caribbean**

Copyright © International Labour Organization 2006

Publications of the International Labour Office enjoy copyright under Protocol 2 of the Universal Copyright Convention. Nevertheless, short excerpts from them may be reproduced without authorization, on condition that the source is indicated. For rights of reproduction or translation, application should be made to the Publications Bureau (Rights and Permissions), International Labour Office, CH-1211 Geneva 22, Switzerland. The International Labour Office welcomes such applications.

Libraries, institutions and other users registered in the United Kingdom with the Copyright Licensing Agency, 90 Tottenham Court Road, London W1T 4LP [Fax: (+44) (0)20 7631 5500; email: cla@cla.co.uk], in the United States with the Copyright Clearance Center, 222 Rosewood Drive, Danvers, MA 01923 [Fax: (+1) (978) 750 4470; email: info@copyright.com] or in other countries with associated Reproduction Rights Organizations, may make photocopies in accordance with the licences issued to them for this purpose.

Pegus, C

A Review of Child Labour Laws of Trinidad and Tobago – a Guide to Legislative Reform
Port of Spain, International Labour Office, 2006

The designations employed in ILO publications, which are in conformity with United Nations practice, and the presentation of material therein do not imply the expression of any opinion whatsoever on the part of the International Labour Office concerning the legal status of any country, area or territory or of its authorities, or concerning the delimitation of its frontiers.

The responsibility for opinions expressed in signed articles, studies and other contributions rests solely with their authors, and publication does not constitute an endorsement by the International Labour Office of the opinions expressed in them.

Reference to names of firms and commercial products and processes does not imply their endorsement by the International Labour Office, and any failure to mention a particular firm, commercial product or process is not a sign of disapproval.

TABLE OF CONTENTS

Executive Summary		1
1. Introduction		6
1.1 Terms of Reference		6
1.2 Methodology		6
1.3 Structure		8
1.4 Issues		8
2. Convention Framework		9
2.1 Background		9
2.2 Definition of Child Labour		9
2.3 ILO Convention No. 138		10
2.3.1 Primary objectives		10
2.3.2 Child Labour Policy		10
2.3.3 Minimum Age for Employment		10
2.3.4 Exception for Light Work		11
2.3.5 Exception for Artistic Performances		12
2.3.6 Hazardous Work		12
2.3.7 Exclusions		13
2.4 ILO Convention No. 182		14
2.5 Enforcement		14
2.6 Legal Status of Convention		15
3. Socio-economic Background of Child Labour		16
4. A Review of the Policy, Legal and Institutional Framework on Child Labour		18
4.1 Policy		18
4.2 Legal Framework		21
4.2.1 Minimum Age for Employment		21
4.2.2 Light Work		23
4.2.3 Artistic Performances		24
4.2.4 Hazardous Work		24
4.2.5 Exclusions		26
4.3 Unconditional Worst Forms of Child Labour		27
4.3.1 All forms of slavery and practices similar to slavery		27
4.3.2 Sale and trafficking of children		28
4.3.3 Debt bondage, serfdom, forced and compulsory labour		28
4.3.4 Compulsory recruitment of children in armed conflict		28
4.3.5 Use, procuring or offering a child for prostitution, pornography or pornographic performances		28

4.3.6	Use, procuring or offering a child for illicit activities, production and trafficking of drugs	30
4.4	Enforcement	30
4.5	Investigation and Inspection	32
4.6	Preventive and Remedial Measures	33
4.7	Institutional Framework	35
5.	Conclusions and Recommendations	37
	References	41
	Appendix I: Summary of Good Practices in Countries Studied	43
	Appendix II: Questionnaire	49

Executive Summary

This study, commissioned by the International Labour Organization, Subregional Office for the Caribbean, reviews the laws on child labour in Trinidad and Tobago, within the context of ILO Convention No. 138 on the Minimum Age for Admission to Employment and No.182 on the Worst Forms of Child Labour and its relevant ILO Recommendations No. 146 and No. 190. Its main concern is to identify *apparent gaps and inconsistencies* in the laws relating to child labour in Trinidad and Tobago and to provide a *guide for legislative reform to ensure compliance* with the requirements of the ILO Conventions.

Status of Convention

Trinidad and Tobago has recently ratified both ILO Conventions No. 138 and No. 182. An obligation of ratification is that the Government of Trinidad and Tobago must ensure that its laws comply fully with the requirements of the Convention and that all measures are in place for the implementation of the Convention.

Policy

ILO Convention No. 138 requires Trinidad and Tobago to have a policy for the elimination and prevention of child labour. Unfortunately, although Trinidad and Tobago has sound national policies in areas connected with child labour, such as education, childcare protection, welfare, social security, labour administration and other social development, there is no coherent explicit policy on child labour.

It is significant to note that the Ministry of Labour has initiated action to remedy the policy deficiency and has recently established a National Steering Committee on Child Labour whose task is to make recommendations for a policy and a plan of action on child labour.

It is important that child labour policy provides the framework within which all institutions approach their individual and collective tasks of seeking to abolish child labour. It should also facilitate an integrated and coordinated approach by all agencies in the implementation of their work programmes. Each agency will identify the connection of their work with the work of other agencies. Moreover, a policy framework will also serve to guide the administration of the laws on child labour.

It is recommended that the National Steering Committee on Child Labour be given all the support required to complete its draft policy on child labour as efficiently as possible. The Committee may consider the following steps in adopting a national policy:

- i. collection of reliable data and information through surveys and other methods of assessing the child labour problem;

- ii. a forum for government, employers' and workers' organizations and NGOs to reflect on the strengths and weaknesses of existing policies and programmes;
- iii. identification of priority target groups in the programmes of action;
- iv. identification of main programme areas and types of interventions in the programmes of action;
- v. adoption of the national policy and programme of action geared towards the elimination of the worst forms of child labour.

Minimum Age for Employment

Trinidad and Tobago, after consultation with the social partners, has determined a minimum age for admission to employment or work at age 16. Trinidad and Tobago is to be commended for using the optimal age and not availing itself of the special dispensation of a lower minimum age offered to developing countries. However, the compulsory age for the completion of schooling in Trinidad and Tobago as set out in the Education Act remains at the anachronistic age of twelve years.

An Order made by the Minister of Education to raise the compulsory age for the completion of schooling from twelve years to sixteen years was necessary on or before 3rd September 2005 in order to ensure compliance with ILO Convention No. 138.

In addition, the Government of Trinidad and Tobago will also have to amend Sections 91,93 and 94 to provide that the minimum age for admission to employment or work for all undertakings be sixteen years.

Light Work

The Government of Trinidad and Tobago did not make any declaration on ratification of ILO Convention No.138, regarding any exception from the minimum age for light work. However, the Recruitment of Workers Act permits the recruitment of persons from age 14 to undertake light work.

The age of fourteen years for admission to employment with the consent of the parents or guardians of children for light work seems consistent with Article 7 of the Convention, subject to the requirement that light work should not be harmful to their health or development and should not prejudice their attendance at school. However, the Recruitment of Workers Act may have to be amended to provide strict limitations of the hours spent at work in a day and in a week, the prohibition of overtime and a minimum consecutive rest period of twelve hours' night rest in order to fulfill the requirements of the ILO Convention on light work.

In addition, Trinidad and Tobago may wish to consider the good practice of the Commonwealth of Bahamas which has limited the applicability of a lower minimum age for light work to a very limited set of activities for a limited duration.

In addition, Trinidad and Tobago may also consider the adoption of a legal provision, similar to the Bahamas, on the prohibition of employment during school hours. The Bahamas law prohibits the employment during school hours, of all children and young persons attending school, regardless of whether they are of compulsory school age.

Artistic Performances

There is no legislative provision or policy in Trinidad and Tobago to give effect to the requirements of ILO Convention No. 138 regarding the engagement of children in artistic performances. Trinidad and Tobago may wish to consider an amendment to its Children Act to allow for the person seeking to engage the services of the child performer to obtain a permit from the relevant authority after consultation with the representative organizations of workers and employers, and impose such conditions to ensure that the welfare of the child is guaranteed similar to what obtains in the Bahamas.

Hazardous Work

While employers have a legal duty to provide a safe place of work, there is no specific legislative provision, which declares hazardous work for children and young persons as a worst form of labour. Employers have a duty to do a risk assessment and declare their list of own hazardous activities.

Part 1X of the Occupational Safety and Health Act of 2004, yet to enter into force, deals specifically with the employment of young persons. It imposes a duty on employers to ensure that young persons have a medical certificate of fitness for work in that industrial establishment. There are regulations with respect to the hours of work and the duty to maintain a register of young persons, consistent with the requirements of ILO Conventions No. 138 and No. 182. Section 54 provides that no young person shall be employed between the hours of 10:00 p.m. and 7:00 a.m.; young persons must have a period of twelve consecutive hours of rest; and no young person shall be required to work more than forty-eight hours in any week.

One of the deficiencies of the Occupational Safety and Health Act 2004 is that it does not specifically address the issue of moral hazards at workplaces. It addresses some welfare concerns but these are limited to physical facilities such as adequate drinking water, sanitary conveniences, washing facilities, first aid appliances, canteens, restrooms and lunchrooms. It does not address risks to psychological and sexual abuse at the workplace. In this regard, it should be recalled that the ILO's definition of hazardous work includes threats to the morals of young persons at work.

In addition, Part V of the Children Act, which deals with restrictions on employment of young persons, does not prohibit employment of children in work that is likely to jeopardize their morals. The Liquor Licences Act prohibits the sale of alcoholic beverages to children under eighteen years but, unlike Barbados legislation, is silent on

the issue of employment of young persons. The Government may wish to amend the Children Act to prohibit the employment of young persons in work, the nature of which or the circumstances in which it is carried out, is likely to harm their safety, health or moral development.

Restriction of Scope of Convention

Trinidad and Tobago has made no express declaration on ratification of ILO Convention No. 138 regarding limitation of the scope of the Convention.

Unconditional Worst Forms of Child Labour

There are laws in Trinidad and Tobago, which outlaw most activities involved in the worst forms of child labour. However, these laws are not characterized as child labour but as criminal offences and there are some deficiencies and gaps. There is no specific offence of child trafficking, and the upper age limit for some offences under the Offences against the Persons Act and the Sexual Offences Act is below the age of 18 years. The Government may wish to consider introducing comprehensive legislation on the sale and trafficking of children similar to the Bill in Guyana. Guyana's Bill makes the recruitment, transportation, transfer, harbouring, or receipt of any child, or the giving of payments or benefits to obtain the consent of a person having control of a child for the purpose of exploitation an offence of trafficking in persons. The purpose of trafficking is not limited to sexual exploitation. It includes keeping a person in slavery or subjecting the person to practices similar to slavery; compelling a person to provide forced labour or services; keeping a person in servitude and engaging in any form of sexual exploitation such as pimping, pandering, procuring, profiting from prostitution, maintaining a brothel and child pornography. A child for the purposes of this bill is someone under the age of 18 years. The Bill also provides that consent or past sexual behaviour of the victim is not a defence and is irrelevant to the prosecution. The offence of trafficking in persons is an extraditable one.

Institutional Arrangements

There is the need to strengthen the monitoring of child labour in Trinidad and Tobago. The labour inspectors do have the power to enter, inspect and examine at all reasonable times by day and night any premises or place liable to inspection, when he has reasonable cause to believe to be liable to inspection. He may require the employer to provide documents and information to show that all laws are complied with. However, there is no legal requirement for the monitoring of child labour in Trinidad and Tobago. It is recommended that consideration be given to have systemic reviews of the child labour situation in Trinidad and Tobago.

Summary conclusions

- (i) There is need for a comprehensive policy framework to guide law reform on the issue of child labour.
- (ii) The gaps in Trinidad and Tobago's laws relating to the requirements of ILO Convention No. 138 could be remedied by a process of amendments to the Children Act, Factories Act and the Occupational Safety and Health Act to replace the Factories Act.
- (iii) With respect to ILO Convention No. 182, there should be a specific law relating to the worst forms of child labour so that a special focus and awareness could be given on the need to protect children.
- (iv) Child labour issues need to be mainstreamed in all institutions that deal with the protection of children.
- (v) Administrative and institutional mechanisms should be developed for the cohesive and coordinated monitoring and enforcement of laws relating to child labour.

1. Introduction

1.1 Terms of Reference

This study, commissioned by the International Labour Organization, Subregional Office for the Caribbean, reviews the laws on child labour in Trinidad and Tobago, within the context of ILO Conventions No. 138 and No. 182 and ILO Recommendations No. 146 and No. 190. It is part of a wider project, which reviews the child labour laws of six Caribbean countries, namely the Bahamas, Barbados, Belize, Guyana, Suriname and Trinidad and Tobago.

The main concern of this review is to identify *apparent gaps and inconsistencies* in the laws relating to child labour in Trinidad and Tobago and to provide a *guide for legislative reform to ensure compliance* with the requirements of the ILO Conventions.

The primary practical purpose of the review is to propose *recommendations for an effective legal framework for the elimination of child labour in Trinidad and Tobago*. This involves not only consideration of the substantive laws but also certain ancillary non-legal elements contained in the Convention. These include the policy framework on child labour as well as the administrative and institutional arrangements for the monitoring and enforcement of the laws that seek to eliminate and prevent child labour.

1.2 Methodology

This review used as its frame of reference the ILO Conventions and Recommendations on child labour. The author reviewed relevant handbooks, manuals and reports produced by, or under the auspices of the ILO in order to determine whether the laws of Trinidad and Tobago dealing with child labour were framed and administered in accordance with the expectations of the Conventions.

In this regard, the study benefited significantly from the report by Desmond Hunte and Cheryl Lewis on *The Situation of Children in Landfill Sites and other Worst Forms of Child Labour: A Rapid Assessment*, which was undertaken for the Child Labour Project of the ILO Subregional Office for the Caribbean in 2002.

The review took note of the policy, institutional and socio-economic context within which the issues of child labour are addressed in Trinidad and Tobago. This was important in order to ensure that relevant country-specific background was taken into consideration in the review of the laws and that recommendations are practical and effective.

This study also benefited from the information and insights provided by officials of the Government of Trinidad and Tobago and stakeholders in interviews on issues relating to

the law, policy, programmes, monitoring and enforcement of measures to eliminate child labour. In this regard, discussions were held with officials from the:

- Ministry of Labour and Social Security;
- Ministry of Education;
- Ministry of Health;
- Trinidad and Tobago Coalition for the Rights of the Child.

These interviews provided the author with a broad perspective on the functioning and enforcement of the current laws and their socio-economic context. The attached questionnaire served as the basis for discussion on child labour issues relating to policy, legislation, programmes, administration and enforcement.

The laws reviewed were:

- The Constitution of Trinidad and Tobago;
- Adoption of Children Act 2000
- Births and Deaths Registration Act, Chap. 44:01
- Children Act, Chap. 46:01 as amended;
- Children and Young Persons (Harmful Publications) Act, Chap. 11:18;
- Children's Authority Act 2000;
- Children's Community Residences, Foster Homes and Nurseries Act 2000;
- Criminal Law Act, Chap. 10:04;
- Criminal Offences Act, Chap. 11:01;
- Criminal Procedure Act, Chap. 12:02;
- Dangerous Drugs Act 1991 as amended;
- Defence Act, Chap. 14:01;
- Education Act, Chap. 39:01;
- Factories Ordinance (CAP.30/2) (O);
- Family Law (Guardianship of Minors, Domicile and Maintenance) Act, Chap. 46:08;
- Industrial Training Act, Chap. 39:54;
- Minimum Wages Act, Chap. 88:04;
- Miscellaneous Provisions (Children) Act 2000;
- National Insurance Act, Chap. 32:01;
- Occupational Safety and Health Training Act;
- Probation of Offenders Act, Chap. 13:51;
- Recruiting of Workers Act, Chap. 88:01;
- Sexual Offences Act 1986 as amended;
- Trade Unions Act, Chap. 88:02.

The conclusions and the recommendations took into consideration some of the good practices identified in the review of child labour laws of the other Caribbean countries, which were included in this project.

1.3 Structure

The study commences with a description of the requirements of the ILO Conventions on child labour and an outline of the socio-economic context within which the problem of child labour is addressed. It then proceeds with the actual review of the laws of Trinidad and Tobago that seek to comply with the various obligations of the Conventions.

In terms of organization, the core obligations of ILO Convention No. 138 are discussed before those relating to ILO Convention No. 182. For convenience, the issue of hazardous work, common to both Conventions, is discussed within the context of ILO Convention No. 138. Other issues that are common to both Conventions such as enforcement, investigation and inspection, prevention, and institutional arrangements are discussed after the substantive issues are addressed.

The study is organized into the following broad sections:

- (i) the Convention Framework;
- (ii) the Socio-economic Background;
- (iii) Review of the Legal, Policy and Institutional Framework
 - (a) policy;
 - (b) minimum age;
 - (c) hazardous work;
 - (d) unconditional worst forms;
 - (e) enforcement;
 - (f) investigation and inspection;
 - (g) prevention;
 - (h) institutional arrangements;
- (iv) Conclusions and recommendations.

1.4 Issues

Some central issues considered were:

- (i) Should the development of a comprehensive policy framework for the elimination of child labour be a pre-condition for law reform and if so, what should be the major elements of such a policy?
- (ii) Should law reform, if required, be limited to amendments of existing laws or a consolidation of the laws, or should it embrace a new comprehensive law dealing specifically with child labour?
- (iii) Could law reform be effective without the mainstreaming of child labour issues within all relevant institutions and without a reorientation of the society's cultural norms and institutional strengthening?
- (iv) What institutional arrangements are required to support the monitoring and enforcement of child labour laws?

2. Convention Framework

2.1 Background

This chapter briefly describes the requirements of ILO Conventions No. 138 and No.182 and their related Recommendations, and examines their legal implications for Trinidad and Tobago.

The ILO Conventions No. 138 and No. 182 seek to protect children from work that is detrimental to their mental, physical, moral, social and educational development. ILO Convention No. 138 was adopted in 1973, 26 years earlier than the adoption of ILO Convention No. 182. It requires member States to establish a *general minimum age* for admission to employment or work. It replaces and consolidates a number of Conventions dating from 1919 on the minimum age for admission to employment in various sectors and workplaces. In the words of its Preamble, “*the time has come to establish a general instrument on the subject, which would gradually replace the existing ones applicable to limited economic sectors, with a view to achieving the total abolition of child labour*”.

ILO Convention No. 182 seeks to complement and enhance ILO Convention No. 138 by addressing the need for the *immediate prohibition and elimination of the worst forms of child labour as a priority* for national and international action. It addresses concerns that are wider than labour market issues; and includes all economic activities of children, whether classified traditionally within the labour market context or not. It also has both a national and international focus in its scope and implementation, including activities such as trafficking in children and commercial sex activities.

2.2 Definition of Child Labour

It is important to stress that these Conventions do not prohibit all forms of work by children. Indeed, the social and moral development of children requires that the value of work be instilled at a reasonable age. Such work must however be compatible with the welfare of the child and a distinction must be made between legitimate child work and prohibited child labour.

Child labour is work carried out to the manifest detriment and endangerment of the child, in violation of the rights of the child, international law as defined in the ILO Conventions and national law of the particular country, in this case, Trinidad and Tobago. It is defined as “*both paid and unpaid work and activities that are mentally, physically, socially or morally dangerous and harmful to children. It is work that deprives them of opportunities for schooling or that requires them to assume the multiple burdens of schooling and work at home and in other workplaces; and work that enslaves them and separates them from their family.*”¹

¹ Haspels, Nelien & Jankanish, Michele (Editors) (2000): *Action Against Child Labour*. Geneva, International Labour Office, page 4.

The author has found in the course of this study that the distinction between legitimate child work and child labour was not always clearly understood by all officials and stakeholders in Trinidad and Tobago and the rest of the Caribbean region. Those officials who attended seminars on child labour organized by the ILO Subregional Office for the Caribbean had a good understanding of the meaning of the term '*child labour*' and the requirements of the Convention. In contrast, those officials who did not benefit from such orientation and training did not demonstrate an accurate understanding of the term child labour, even though their work may be connected with some aspect of the rights of children. The lack of a proper understanding by officials about the Convention creates difficulties for their monitoring and implementation of the provisions of the Convention.

2.3 ILO Convention No. 138

2.3.1 Primary Objectives

The primary objectives of the Convention is to ensure that member States:

- pursue a national policy designed to ensure the effective abolition of child labour;
- establish by law a minimum age for admission to employment or work within its territory and on means of transport registered in its territory;
- prohibit the employment of young persons under 18 years of age in work or activities that is likely to jeopardize their safety, health or moral development.

2.3.2 Child Labour Policy

Guidelines regarding the policy on child labour are contained in ILO Recommendation No. 146. These guidelines call for high priority to be given to planning for and meeting the needs of children and youth in national development policies and programmes, and to the progressive extension of the inter-related measures necessary to provide the best possible conditions of physical and mental growth for children and young persons.

Elimination of the causes of child labour is a major policy concern. In this regard, special attention and effective measures are required in the areas of employment policy, poverty alleviation, social security, child welfare and education.

2.3.3 Minimum Age for Employment

ILO Convention No. 138 provides that member States must determine a general minimum age for admission to employment. While the Convention permits certain exceptions, its general objective is that the minimum age should be applicable to all sectors of the economy. This age should not be lower than the compulsory age for the completion of basic education and in any case not less than 15 years. The general minimum age is to be determined at the time of ratification of the Convention.

The Convention also enjoins member States 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. ILO Recommendation No. 146 provides that the minimum age should be fixed at the same level for all sectors of economic activity and the objective should be to raise it progressively to 16 years.

The Convention provides some flexibility for countries whose economy and educational facilities are insufficiently developed to specify, after appropriate consultations with the social partners, a minimum age of 14 years.

2.3.4 Exception for Light Work

Article 7 of ILO Convention No. 138 allows a younger minimum age for light work. Light work may be undertaken by children two years younger than the declared minimum age for admission to general employment.

Light work is considered to be work which is “*not likely to be harmful to the health or development of young persons and not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received.*”² However, light work has to be properly regulated. The activities, number of hours and other conditions in which such work may be permitted must be determined by the competent authority, after consultation with the social partners.

ILO Recommendation No. 146 elaborates on the conditions in which light work may be permitted. It states that special attention should be given to:

- (a) the provision of fair remuneration and its protection, bearing in mind the principle of equal pay for equal work;
- (b) the strict limitation of the hours spent at work in a day and in a week, and the prohibition of overtime, so as to allow enough time for education and training (including the time needed for homework), for rest during the day and for leisure activities;
- (c) the granting, without possibility of exception save in genuine emergency, of a minimum consecutive period of 12 hours’ night rest, and of customary weekly rest days;
- (d) the granting of an annual holiday with pay of at least four weeks and, in any case, not shorter than that granted to adults;
- (e) coverage by social security schemes, including employment injury, medical care and sickness benefit schemes, whatever the conditions of employment or work may be;
- (f) the maintenance of satisfactory standards of safety and health and appropriate instruction and supervision.

² ILO Convention No. 138, Article 7.

2.3.5 Exception for Artistic Performances

There is also an exception for artistic performances by children under the minimum age for admission to employment. Exceptions from the minimum age can be granted:

- after consultation with the social partners;
- by permits in individual cases which must limit the number of hours that can be worked and specify the conditions.

2.3.6 Hazardous Work

Both ILO Conventions No. 138 and No. 182 proscribe hazardous work for young persons under the age of 18 years. They prohibit “*any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardize their health, safety or moral development.*”³ ILO Convention No. 182 characterizes hazardous work as a worst form of child labour.

Both Conventions provide a standard procedure by which hazardous work may be determined, that is, by national laws or by the competent authority, after consultation with the organizations of employers and workers concerned. ILO Convention No. 182 stipulates further that relevant international standards should be taken into consideration. It also calls for the list of hazardous work to be periodically examined and revised.

ILO Recommendation No. 190 provides some guidelines in determining hazardous work. It specifies that consideration should be given 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; and
- 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.

ILO Convention No. 138 and ILO Recommendation No. 190 exceptionally allow young persons over 16 years of age to undertake hazardous work in certain conditions under specified protective mechanisms. Article 3 (3) provides that national laws or regulations or the competent authority may, after consultation with the organizations of employers and workers concerned, authorize 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.

³ ILO Convention No. 138, Article 3(1) & ILO Convention No. 183, Article 39d)

ILO Convention No. 138 also provides for employers to maintain a *register of employees under the age of 18* with information on their date of birth and date of appointment and date of termination of appointment. This register should be open to inspection by the competent authority.

2.3.7 Exclusions

ILO Convention No. 138 provides several flexibility provisions. Apart from the exception for light work and artistic performances, it permits, after consultation with the organizations of employers and workers concerned, *the exclusion of limited categories of work for which special and substantial problems may arise*. However, work that is likely to jeopardize the health, safety or morals of young persons may not be excluded. Moreover, States must review excluded categories on an ongoing basis and make progress towards eliminating the special and substantial problems, which make broad application difficult.

This flexibility provision applies to developing countries. Article 5 provides that a country whose economy and administrative facilities are insufficiently developed may initially limit the scope of application of the Convention to certain branches of economic activity or types of enterprises. The following sectors, however, are excluded from exemption:

- mining and quarrying;
- manufacturing;
- construction;
- electricity, gas and water;
- sanitary services;
- transport, storage and communication;
- plantations and other agricultural undertakings mainly producing for commercial purposes.

Countries limiting application initially are still to report on child work in excluded categories and on their progress towards achieving broader coverage of the requirements of the Convention. This Article could only be invoked at the time of ratification.

The Convention in Article 6 also excludes work done by children and young persons in schools for *general, vocational or technical education or in other training institutions, or work done by persons at least 14 years of age* in undertakings, where such work is carried out in accordance with conditions prescribed by the competent authority, after consultation with the organizations of employers and workers concerned, where such exist, and is an integral part of:

- a) a course of education or training for which a school or training institution is primarily responsible;
- b) a programme of training mainly or entirely in an undertaking, which programme has been approved by the competent authority; or

- c) a programme of guidance or orientation designed to facilitate the choice of an occupation or a line of training.

2.4 ILO Convention No. 182

This Convention targets the worst forms of child labour. In addition to provisions on hazardous work similar to ILO Convention No.138 already mentioned, ILO Convention No.182 addresses certain ***unconditional worst forms of child labour***, which comprise:

- (i) *slavery and all practices similar to slavery including forced labour, serfdom and bonded labour, the involvement of children in wars and armed conflict;*
- (ii) *prostitution and pornographic performances and other forms of commercial sexual activity; and*
- (iii) *illicit activities such as the production and distribution of illegal drugs.*

Member States are required to take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency. It also specifies the kinds of measures that member States must take in the implementation of the Convention. In designing these measures, States are required to take into account *the importance of education in eliminating child labour and take effective and time-bound measures to:*

- a) *prevent the engagement of children in the worst forms of child labour;*
- b) *provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration;*
- c) *ensure access to free basic education and, wherever possible and appropriate, vocational training for all children removed from the worst forms of child labour;*
- d) *identify and reach out to children at special risk; and*
- e) *take account of the special situation of girls.*

Because of the potential cross-border character of the unconditional worst forms of child labour, ILO Convention No. 182, unlike ILO Convention No. 138, specifically calls for international cooperation in eradicating the causes of the worst forms of child labour and in the implementation of the Convention.

2.5 Enforcement

Both Conventions require member States to take all measures necessary for the effective enforcement of the provisions of the Convention. This involves the provision of appropriate penalties. In addition, the national laws or regulations or the competent authority must:

- (i) define the persons responsible for compliance with the enabling laws; and
- (ii) prescribe the registers or other documents which have to be kept and made available by the employer.

2.6 Legal Status of Convention

Having ratified ILO Conventions No. 138 on 3rd September 2004 and No. 182 on 23rd April 2003, Trinidad and Tobago has an obligation under international law and under the Constitution of the ILO to ensure that its laws comply fully with these Conventions within one year of ratification.

A fundamental principle of international law enshrined in Article 26 of the Vienna Convention on the Law of Treaties, ratified by the Government of Trinidad and Tobago, is that *every treaty in force is binding upon the parties to it and must be performed by them in good faith*. Article 27 prevents a party from invoking its internal law as justification for its failure to perform a treaty.

This principle is also enshrined in the Constitution of the International Labour Organization. Article 5 imposes an undertaking on each member State to bring, within one year from ratification of an ILO Convention, the Convention before the authorities within whose competence the matter lies for the enactment of legislation or other action.

Within the jurisprudence of Trinidad and Tobago, unlike Suriname, ratified treaties are not considered to be directly applicable without enabling legislation. Therefore where there is an inconsistency between national law and the provision of an ILO Convention, which Trinidad and Tobago has ratified, *the Government of Trinidad and Tobago has one year from ratification to enact enabling or amending legislation to ensure compliance with the ILO Convention*.

It should be noted here that, while ILO Conventions are considered to be binding in international law on States which have ratified them, ILO Recommendations are of persuasive authority only. They are however considered to be soft law, which should serve as guides to the implementation of the Conventions and should be generally observed.

3. Socio-economic Background of Child Labour

Trinidad and Tobago is a middle-income developing country. It is well placed in the UNDP Human Development Index (54th in the 2004 Index), which measures achievements in terms of life expectancy, educational attainment and adjusted real income. The economy has enjoyed steady growth over the last decade driven by increased capital investment, production and prices in the energy sector.

Unemployment is estimated at 10.2%⁴. Poverty is estimated at 21% of the population⁵. However, the incidence of unemployment and poverty is much higher for the age group fifteen to nineteen years. The World Bank Youth and Policy publication stated that the incidence of unemployment and poverty rate for young persons (fifteen to nineteen years) is about thirty percent. This poverty is combined with unhealthy family relationships and changing family structures which place those youths at serious risk. Of major concern is the fact that economic growth is not leading to lower poverty rates.

There is free primary and secondary education. The gross enrolment rates are high (97.7% for primary schools and 96% for secondary schools for the year 2003)⁶. The drop out rates according to the Ministry of Education is miniscule. There are conflicting reports about the dropout rates. According to data from the Ministry of Education the drop out rate for the school year 2002 to 2003 was 0.9% for secondary schools and 0.16% for primary schools. However, the UNDP's National Human Development Report, 2000, states as follows:

“at the secondary level, significant numbers of students for whom school places have been provided drop out of the system. The figures indicate that, depending on the county of residence, between 47.8% and 63.6% of the related population is outside the formal system. Significantly, the research indicates that by the end of the second form of secondary education 28.2% of children from low-income homes have dropped out.”

The Rapid Assessment of Child Labour in Trinidad and Tobago makes the point that these dropouts create a pool from which child labour can be sourced. These children who have not received full education are obvious targets for the worst forms of child labour.

The Ministry of Education has introduced programmes to assist students in difficult circumstances to remain in the school system. There is the School Nutrition Programme responsible for providing meals to 10,200 needy secondary school students three days per week and 64,300 primary school students and 2,000 pre-school students, five days per week. Free textbooks and transportation are organized for these needy children. In addition, some schools have their own in-house programmes, independent of the Ministry of Education, to assist needy children with meals and textbooks.

⁴ IMF Article IV Consultation Report 2004

⁵ World Bank (1995): *Trinidad and Tobago: Poverty and Unemployment in an Oil-Based Economy*. World Bank, Report No.14382-TR.

⁶ Planning Division, Ministry of Education

There is universal accessibility of the health care system in Trinidad and Tobago. There is a comprehensive health care system with programmes for health promotion, primary, secondary, tertiary and emergency care, mental health, geriatric care and rehabilitation services. The health care system has been under some stresses recently with the emigration of trained personnel, mainly nurses to the United States and the United Kingdom. However, the Government has within recent times recruited nurses from abroad and has increased the intake of student nurses to relieve the problem of critical shortages.

The Rapid Assessment of Child Labour in Trinidad and Tobago found that the four worst forms of child labour studied, namely scavenging, agriculture, domestic work and prostitution and pornography existed in Trinidad. According to the Assessment, the push factors that drove children into these activities were poverty, physical abuse, sexual abuse, delinquent fathers, single parent households and poor parenting practices. The pull factors included the potential incomes that could assist either the child labourers or their families and the opportunity to be their own boss.

All of the child labourers, except those victims of commercial sex exploitation, worked long hours on a daily basis. Domestic child workers worked the longest for the least remuneration. Most of the child workers had left school with only a primary education and would like to return to improve their education. The authors of the Rapid Assessment concluded that in addition to low incomes, the lack of social services, health and legal systems exacerbated the problem of child labour. ***It is therefore important that strategies for the prevention of child labour should focus not only on expanding employment opportunities for adults and young persons, poverty alleviation, social security, education and welfare of children, but also on health, legal system, family life issues and moral and spiritual values.***

4. A Review of the Policy, Legal and Institutional Framework on Child Labour

Trinidad and Tobago was not a founding member State of either ILO Convention No. 138 or No. 182. It ratified ILO Convention No. 182 on the 23rd April 2003 and Convention No. 138 on the 3rd September 2004. In accordance with the ILO Constitution, the Government of Trinidad and Tobago is obliged to take measures, within one year from ratification of these Conventions, to ensure that its laws comply with the requirements of these Conventions.

4.1 Policy

As indicated in the previous Chapter, ILO Convention No. 138 attaches fundamental importance to the need for a national policy on child labour. The *first article* of the Convention imposes an obligation upon member States to pursue a national policy designed to ensure the effective abolition of child labour.

While ILO Recommendation No. 146 specifies the scope of such policy, it is submitted that the subsequent adoption of ILO Convention No. 182 requires further policy elaboration to incorporate that Convention's specific concerns. It is also important that, while the policy must reflect the requirements of the Conventions on child labour, it must also be country specific and take into consideration the socio-economic situation of Trinidad and Tobago. Moreover, it must be conceptualized as a part of a broader policy framework for the protection and development of the rights of children, regardless of whether they are labour connected.

From a legal perspective, a *policy should determine the scope and administration of the law on child labour. Law should be consistent with policy but the ambit of policy is wider than the law.* Laws may indicate what conduct should be proscribed, the penalties for violations, the competence and powers of institutions and prescribed persons, and the procedures for enforcement. *Policy addresses legal as well as broader issues of strategies, action plans, institutions and resources. Ideally, policy should precede legislation.*

Unfortunately, although Trinidad and Tobago has national policies in areas connected with child labour, such as education, childcare protection, welfare, social security, labour administration and other social development, there is no coherent explicit policy on child labour. What exist are related policies that were formulated without any specific reference to the ILO Conventions on child labour.

The Ministry of Labour, Small and Micro Enterprise Development has initiated action to remedy the policy deficiency and has recently convened a *Cabinet-appointed National Committee on Child Labour* whose task is *to make recommendations for a policy and a*

national plan of action on child labour. This Committee has as its members the following agencies:

- Ministry of Labour and Small and Micro Enterprise Development;
- Ministry of Education;
- Ministry of Social Development;
- Ministry of Health;
- Ministry of Sport and Youth Affairs;
- Social Work Department of the University of the West Indies (St. Augustine Campus);
- Families in Action;
- Youth Council;
- Credo Foundation;
- Employers' Consultative Association; and
- National Trade Union Congress.

Trinidad and Tobago shares the good practice of Guyana in having on the Committee a membership that is broader than Government officials and includes non-governmental organizations engaged in the welfare of children. It has not gone as far as Belize in securing the shared commitment of the Prime Minister and the Leader of the Opposition, through a Memorandum of Understanding, to the establishment of policies for the abolition of child labour.

It is important that the policies are formulated within a broader policy, administrative and institutional context that seeks to connect all programmes and institutions promoting the protection of the rights of the child. In addition, child labour policy should provide the framework within which all institutions approach their individual and collective tasks of seeking to abolish child labour. It should also facilitate an integrated and coordinated approach by all agencies in the implementation of their work programmes. Each agency will identify the connection of their work with the work of other agencies. Moreover, a policy framework will also serve to guide the administration of the laws on child labour.

It is submitted that a national policy on child labour should be specific to the socio-economic conditions of Trinidad and Tobago and contain the following elements:

- a definition of national objectives regarding child labour;
- a connection between these policy objectives and overall policies on families and children and national development policy;
- the national social, economic and legal background;
- a description of the nature, extent of and context, including causes, of the problem;
- information gathering and information sharing;
- identification of priority target groups;
- assessing hazardous work;
- resource capacity required;

- description of the main programme areas and types of interventions, including strategies required for the prevention, removal and reintegration of children engaged in child labour activities with indicator, goals and budgetary allocations;
- identification of short-term, medium-term and long-term action plans;
- designation of the institutional actors, their roles and functions;
- role of tripartite consultations and social dialogue;
- role of broader community consultation;
- legal framework to eliminate child labour and provide redress for child victims;
- the administrative framework for ensuring the effective and coordinated implementation;
- education and advocacy;
- training of child labour inspectors;
- enforcement principles;
- effective review and monitoring mechanisms;
- regional and international cooperation.

The ILO publication entitled *Action Against Child Labour* recommends the following steps in adopting a national policy:

- (i) collection of reliable data and information through surveys and other methods of assessing the child labour problem;
- (ii) a forum for government, employers' and workers' organizations and NGOs to reflect on the strengths and weaknesses of existing policies and programmes;
- (iii) identification of priority target groups in the programmes of action;
- (iv) identification of main programme areas and types of interventions in the programmes of action;
- (v) adoption of the national policy and programme of action geared towards the elimination of the worst forms of child labour.

It is recommended that the Committee be given all the support required to complete its draft policy on child labour as efficiently as possible.

In terms of programmes, the role of education is universally recognized as an important solution to the elimination of child labour. However, improvements in the education system are not enough because, as the Hunte and Lewis Report indicated, child labour is also linked to poverty, physical abuse, sexual abuse, single parent households, delinquent fathers and poor parental skills. Intervention in education needs to be accompanied by interventions in the labour markets and by social protection measures, such as family support services, if programmes are to be effective and successful.

Interventions must also aim at empowering the poor. According to the ILO publication entitled *Action Against Child Labour*, interventions must also include a strong and effective labour inspectorate; an independent and competent judicial system; and the provision of income-earning opportunities for the poor through employment creation and poverty alleviation schemes; small enterprise development; minimum wage systems and social safety nets for the most needy.

Trinidad and Tobago may also wish to undertake a cost benefit analysis of the interventions required to eliminate child labour. In this regard, the 2004 ILO/IPEC study entitled *Investing in Every Child: an Economic Study of the Costs and Benefits of Child Labour* provides an interesting methodology for such study. The study estimated the costs of:

- (i) building new schools, training and hiring new teachers, supplying additional educational materials;
- (ii) administering the income transfer programme to defray the cost to households of transferring children from work to school;
- (iii) achieving the urgent elimination of the worst forms of child labour and addressing the needs of special populations; and
- (iv) the value of child labour foregone.

In terms of benefits, the study identified:

- (i) improved productivity and earning capacity associated with greater education; and
- (ii) reduced illnesses and injuries due to the elimination of the worst forms of child labour

Putting together these two analyses—net economic benefits and public sector costs—the study demonstrated that a protracted period, approximately fifteen years, of net costs is followed by an even longer period of still larger net benefits. Indeed, the costs are complete after 20 years, but the benefits continue for as many as 40 years past that point. The study advocates that the child labour elimination programme be placed on the table in discussions over debt relief and development assistance.

4.2 Legal Framework

4.2.1 Minimum Age for Employment

As noted earlier, ILO Convention No. 138 requires member States to determine a general minimum age for admission to all types of employment. This age should not be lower than the compulsory age for the completion of basic education and in any case not less than 15 years. The general minimum age is to be determined at the time of ratification of the Convention.

Trinidad and Tobago, after consultation with the representative organizations of employers and workers, has determined a minimum age for admission to employment or work at age 16, which is consistent with its economic development and educational facilities. However, the legal compulsory age for the completion of schooling in Trinidad and Tobago is still 12 years although there is free universal access up to secondary schooling.

Section 76 (1) of the Education Act (Chapter 39:01) sets the compulsory age for the completion of education at twelve years. However, Section 76 (2) empowers the

Minister of Education to raise or lower the limit of the compulsory school age by Order, subject to affirmative resolution of Parliament within sixty days of the making of the Order.

An Order made by the Minister of Education to raise the compulsory age for the completion of schooling from twelve years to sixteen years was necessary on or before 3rd September 2005 in order to ensure compliance with ILO Convention No. 138.

Currently, as the law stands, there are minimum ages for admission to employment in an industrial undertaking, on board of a vessel, night work and other types of employment. The law is set out not in any Labour Act or Employment Act or in an Employment of Young Persons and Children Act, like the other Caribbean countries. Rather, the law in Trinidad and Tobago is set out in the Children Act, the Factories Act and the Shipping Act.

The minimum age for admission to work is set out in Part V of the Children Act (Chapter 46:01), which was enacted in 1925. Section 91 (1) sets the minimum age for admission to *employment in a public or private industrial undertaking at fourteen years*. The definition of industrial undertaking is similar to that of Barbados and includes:

- a) mines, quarries and other works for the extraction of minerals from the earth;
- b) industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed, including shipbuilding, and the generation, transformation, and transmission of electricity and motive power of any kind;
- c) construction, reconstruction, maintenance, repair, alteration or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gaswork, waterwork, or other work of construction, as well as the preparation for or laying the foundations of any such work or structure;
- d) transport of passengers or goods by road or rail or inland waterway, including the handling of goods at docks, quays, wharves, and warehouses, but excluding transport by hand.

Section 43 of the Factories Act Chapter 30 No.2, enacted in 1948, also prohibits the employment of a child (persons under fourteen years) in a factory or in any business, trade or process, ancillary to the business of a factory.

Section 91 (2) provides an exception for work done by any child under the age of fourteen years who is under order of detention in a certified Industrial School or certified Orphanage or who is receiving instruction in manual labour in any school supervised by public authority.

By virtue of Section 93 (1), the minimum age for admission to *employment on vessels* is also *fourteen years*, except where only members of the same family are employed. It should be noted here that a vessel excludes ships of war. This provision, although not expressly repealed, has been overtaken by the Shipping Act, No. 24 of 1987 which

specifies a minimum age of sixteen years for admission to employment and eighteen years in respect of certain functions.

With respect to all other undertakings (except industrial undertakings and vessels), the minimum age for admission to employment is twelve years. Section 94 of the Children Act provides that a child under the age of twelve shall not be employed. The age of twelve years for the admission to work and employment is not only inconsistent with Trinidad and Tobago's obligations under the ILO Convention No. 138 but is an unacceptable anachronism.

It should also be noted that although a child from the age of twelve years could enter the workforce in a non-industrial undertaking, he cannot by virtue of Section 22 of the Trade Unions Act, Chap.88:02 join a trade union until he reaches the age of sixteen years.

In order to comply with its obligations under ILO Convention No. 138 relating to the minimum age for admission to employment, the Government of Trinidad and Tobago will have to amend Sections 91, 93 and 94 to provide that the minimum age for admission to employment or work for all undertakings be sixteen years.

4.2.2 Light Work

It should be noted here that ILO Convention No. 138 makes provision for a lower minimum age for light work. Light work may be undertaken by children two years younger than the declared minimum age for admission to general employment. Light work is work which is "*not likely to be harmful to the health or development of young persons and not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received.*" However, the activities, number of hours and other conditions in which such work may be permitted must be determined by the competent authority.

The Government of Trinidad and Tobago did not make any declaration regarding light work on its ratification of ILO Convention No. 138. It should be noted that the Recruiting of Workers Act, Chap.88:10 enacted in 1938 provides in Section 5 that as a general principle that persons under the age of eighteen years shall not be recruited for overseas employment. This same section provides that the Minister of Labour, Small and Micro Enterprise Development may, by regulations, permit persons under that age but above the age of 14 years to be recruited with the consent of their parents or guardians for employment in Trinidad and Tobago for light work, subject to such conditions as he may prescribe.

This Act also provides additional safeguards. The recruited workers must be brought before a magistrate and be medically examined.

The age of fourteen years for admission to employment with the consent of the parents or guardians of children for light work seems consistent with Article 7 of the Convention, subject to the requirement that light work should not be harmful to their health or development and should not prejudice their attendance at school. The Recruitment of Workers Act may have to be amended to provide strict limitations of the hours spent at work in a day and in a week, the prohibition of overtime and a minimum consecutive rest period of twelve hours' night rest in order to fulfill the requirements of the ILO Convention on light work.

4.2.3 Artistic Performances

There is no legislative provision or policy in Trinidad and Tobago regarding the engagement of children in artistic performances. There are instances of artistic performances by children under sixteen (16) years in Trinidad and Tobago, especially during the carnival season, which takes place during the school term. The official from the Ministry of Education who was interviewed could not point to any policy of the Ministry of Education with respect to artistic performances by school children.

The Government of Trinidad and Tobago may wish to consider adopting laws similar to those of the Bahamas on artistic performances of children under 16 years in order to comply with the ILO Convention No. 138. In the Bahamas no child may be engaged in artistic performances unless the Minister of Labour, after appropriate consultations with the representative organizations of workers and employers, gives a permit.

4.2.4 Hazardous work

Both ILO Conventions No. 138 and No. 182 prohibit the engagement of young persons under the age of 18 years to undertake hazardous work. As indicated earlier, hazardous work is defined as any type of employment or work which, by its nature or the circumstances in which it is carried out, is likely to jeopardize their health, safety or moral development. ILO Convention No. 182 characterizes hazardous work as a worst form of child labour.

In Trinidad and Tobago, the Factories Act, Chap. 30 No.2 in Section 42 seeks to protect the employment of young persons in factories. It provides that a young person (between fourteen and eighteen years) shall be employed in a factory otherwise than in accordance with any regulations or orders which may be made by the Governor in Council. Section 32 provides that a young person shall not be required to lift, carry or move any load so heavy as to be likely to cause injury to him.

There is a new Occupational Safety and Health Act of 2004, which is enacted by Parliament but yet to enter into force. The Act applies to all industrial establishments, which is expansively defined to include factories as well as shops, offices, places of work or other premises except premises occupied for residential purposes only. The term

“premises” includes any vehicles, vessels, installations on land, subterranean or offshore, or any tent or movable structure. Its applicability to young persons (defined as any persons between the ages of fourteen years and eighteen years) extends to paid or unpaid work and duties that may be ancillary to the operations of the industrial establishment such as running errands or delivering goods.

It should be noted here that, upon ratification of ILO Convention No. 138, Trinidad and Tobago had declared a minimum age of sixteen years for admission to employment or work. Therefore the definition of young persons to include persons from the age of fourteen to eighteen is inconsistent with Trinidad and Tobago’s obligations under ILO Convention No. 138. The Government of Trinidad and Tobago may wish to enact an appropriate amendment to the definition of the term “young persons” in Section 4 of the Occupational Safety and Health Act 2004 to mean a child over the age of sixteen years and under the age of eighteen years.

Section 6 imposes a general duty on employers to ensure, so far as is reasonably practicable, the safety, health and welfare at work of all employees. In this regard, the employer has a duty to provide a safe environment, safe working procedures and adequate and suitable protective gear and the provision of such information, instruction, training and supervision to ensure the safety and health at work of his employees. Moreover, the employer has a duty under Section 25G to make an assessment of the risks to the safety and health of his employees to which they are exposed whilst they are at work for the purpose of identifying the measures he needs to take to comply with his statutory duties. He also has a duty under Section 25k to ensure that his employees are provided with such health surveillance as is appropriate having regard to the risks to their safety and health which are identified in the risk assessment. In addition, he is required to keep a record of the health surveillance.

With respect to young persons, Section 22 of the Occupational Safety and Health Act provides that in every industrial establishment, no young person (aged fourteen to eighteen years) shall work at a machine which may pose any risks to the health or safety of the user unless he has been fully instructed as to the dangers arising in connection with its operation and he has received sufficient training in work at the machine or is under adequate supervision by a person who has special knowledge and experience in the operation of the machine.

It should be noted here that ILO Convention No. 138 Article 3 prohibits the engagement of young persons in any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardize the health, safety or morals except where the national laws or regulations or the competent authority authorize employment or work from the age of sixteen 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. *The Occupational Safety and Health Act imposes an obligation upon the employer to do his own risk assessment regarding hazardous work. It limits the prohibition against the employment of young persons to dangerous machines. This*

restriction on the employment of young persons does not fully meet the requirements of the ILO Convention No. 138 and No. 182 regarding hazardous work. The scope of the prohibition of hazardous work is not limited to machines but to any type of hazardous employment or work.

Part IX of the Occupational Safety and Health Act of 2004 deals specifically with the employment of young persons. It imposes a duty on employers to ensure that young persons have a medical certified for work in that industrial establishment. There are regulations with respect to the hours of work and the duty to maintain a register of young persons, consistent with the requirements of ILO Conventions No. 138 and No. 182. Section 54 provides that no young person shall be employed between the hours of 10:00 p.m. and 7:00 a.m.; young persons must have a period of twelve consecutive hours of rest; and no young person shall be required to work more than forty-eight hours in any week.

One of the deficiencies of the Occupational Safety and Health Act 2004 is that it does not specifically address the issue of moral hazards at workplaces. It addresses some welfare concerns but these are limited to physical facilities such as adequate drinking water, sanitary conveniences, washing facilities, first aid appliances, canteens, restrooms and lunchrooms. It does not address risks to psychological and sexual abuse at the workplace. In this regard, it should be recalled that the ILO definition of hazardous work includes threats to the morals of young person at work.

In addition, Part V of the Children Act, which deals with restrictions on employment of young persons, does not prohibit employment of children in work that is likely to jeopardize their morals. The Liquor Licences Act prohibits the sale of alcoholic beverages to children under eighteen years but, unlike Barbados legislation, is silent on the issue of employment of young persons. The Government may wish to amend the Children Act to prohibit the employment of young persons in work, the nature of which or the circumstances in which it is carried out, is likely to harm their safety, health or moral development.

4.2.5 Exclusions

The Convention includes several flexibility provisions. Apart from the exception for light work, it permits the exclusion of limited categories of work for which special and substantial problems arise. The procedure requires the Government to consult with the social partners in its determination of excluded categories. However, work that is likely to jeopardize the health, safety or morals of young persons may not be excluded. Moreover, States must review excluded categories on an ongoing basis and make progress towards eliminating the special and substantial problems, which make broad application difficult.

Trinidad and Tobago has made no express declaration on the ratification of ILO Convention No. 138 regarding limitation of the scope of the Convention.

4.3 Unconditional Worst Forms of Child Labour

ILO Convention No. 182 requires member States to eliminate the worst forms of child labour, which are defined as:

- 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 recruitment of children in armed conflict;
- the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs;
- work, which by its nature or the circumstances in which it is carried out, is likely to harm the safety, health or morals of children.

The legislation should in all cases:

- prohibit the worst forms of child labour;
- provide for the determination and periodic revision of the types of hazardous child labour, either directly or by mandating a competent authority to do so;
- establish measures aimed at eliminating the worst forms of child labour;
- apply measures addressing the performance of the worst forms of child labour;
- identify the special needs of certain groups of children who are particularly at risk;
- establish effective implementation and enforcement measures.

4.3.1 All forms of slavery or practices similar to slavery

The Constitution of Trinidad and Tobago under Section 4 recognizes and declares certain fundamental human rights and freedoms including the right of the individual to life, liberty, security of the person and enjoyment of property; the right of the individual to respect for his private and family life; freedom of movement; and freedom of association and assembly. Thus the act of slavery or practices similar to slavery offends against the Constitution of Trinidad and Tobago.

In addition, slavery and practices similar to slavery may be considered to constitute the offence of cruelty to children. Section 3(1) of the Children Act provides that if any person over the age of eighteen years, who has the custody, charge, or care of any child or young person, willfully assaults, ill-treats, neglects, abandons, or exposes the child or young person, or causes or procures the child or young person to be assaulted, ill-treated, neglected, abandoned, or exposed, in a manner likely to cause the child or young person unnecessary suffering or injury to his health is liable on conviction on indictment to a fine of ten thousand dollars and/or to imprisonment for two years.

Slavery and practices similar to slavery may also involve the offence of child stealing. Section 54 of the Offences Against the Person Act, Chap. 11:08 provides that any person

who unlawfully, either by force or fraud takes away any child from his parent or guardian commits an offence of child stealing punishable with five years imprisonment.

4.3.2 Sale and trafficking of children

There exists no specific legislation on child trafficking in Trinidad and Tobago. The Offences Against the Person Act, Chap.11:08 provides for the child stealing in respect of children under the age of sixteen years, which has already been explained above.

The Government may wish to consider introducing comprehensive legislation on the sale and trafficking of children similar to the Bill in Guyana. Guyana's Bill makes the recruitment, transportation, transfer, harbouring, or receipt of any child, or the giving of payments or benefits to obtain the consent of a person having control of a child for the purpose of exploitation an offence of trafficking in persons. The purpose of the trafficking is not limited to sexual exploitation. It includes keeping a person in slavery or subjecting the person to practices similar to slavery; compelling a person to provide forced labour or services; keeping a person in servitude and engaging in any form of sexual exploitation such as pimping, pandering, procuring, profiting from prostitution, maintaining a brothel and child pornography. A child for the purposes of this bill is someone under the age of 18 years. The Bill also provides that consent or past sexual behaviour of the victim is not a defence and is irrelevant to the prosecution. The offence of trafficking in persons is an extraditable one.

4.3.3 Debt bondage, serfdom, forced and compulsory labour

The concept of debt bondage, serfdom, forced or compulsory labour offends against Section 4 of the Constitution of Trinidad and Tobago, which entrenches certain fundamental human rights and freedoms of the individual outlined above.

4.3.4 Compulsory recruitment of children in armed conflict

There is no compulsory recruitment of children in armed conflict in Trinidad and Tobago. Section 19 of the Defence Act, Chap. 14:01 provides for voluntary recruitment of persons to the Defence Force. Young persons between the ages of sixteen and eighteen years may only be recruited with the written consent of his parent or guardian or in the absence of any parent or guardian.

4.3.5 Use, procuring or offering a child for prostitution, pornography or pornographic performances

The law provides offences for the use, procuring or offering a child for prostitution, pornography or pornographic performances. These provisions can be found in the Children Act, Chap. 46:01 as amended, the Sexual Offences Act of 1986 and the Summary Offences Act, Chap. 11:02.

The Children Act, Chap.46:01 as amended by the Children (Amendment) Act No. 19 of 1994 provides as follows:

- 7(1) *if any person having the custody, charge or care of a child or young person between the ages of four and eighteen allows that child or young person to reside in or frequent a brothel, he is liable, on conviction on indictment or summarily, to a fine of one thousand dollars, or alternatively, or in default of payment of such fine, or in addition thereto, to imprisonment for six months;*
- 8(1) *if any person having the custody, charge, or care of a child or young person under the age of sixteen years causes or encourages the seduction or prostitution or unlawful carnal knowledge of that child or young person, he is liable on conviction on indictment, to imprisonment for four years.*
- 9(1) *where it is shown to the satisfaction of a Magistrate, on the complaint of any person, that a child or young person under the age of eighteen years is, with the knowledge of her parent or guardian, exposed to the risk of seduction or prostitution or of being unlawfully carnally known or living a life of prostitution, the Magistrate may adjudge her parent or guardian to enter into recognizance to exercise due care and supervision in respect of that child or young person.*

The Sexual Offences Act, No. 27 of 1986 provides for the offence of procuring another for prostitution but it makes no specific provision in relation to children.

S.17 a person who-

(a) procures another for prostitution, whether or not the person procured is already a prostitute, either in Trinidad and Tobago, is guilty of an offence and is liable on conviction on indictment to imprisonment for ten years.

Section 21 of the Sexual Offences Act holds liable a person who being the owner, occupier or manager of the premises; or having control of premises or assisting in the management or control of the premises, induces or knowingly suffers a minor under sixteen years of age to resort to or to be in or upon the premises for the purpose of having sexual intercourse with any other person.

The Summary Offences Act, Chap. 11:02 makes pornography and pornographic performances an offence. However, there is no specific provision in that legislation relating to the issue of child pornography. Section 51 states that any person who, during the presentation or performance of any stage play, concert or dramatic or musical entertainment, or any other form of entertainment whatsoever is indecently attired or performs any lewd or suggestive dancing or actions commits an offence.

It is recommended that specific legislation be enacted to make the use, procuring or offering a child under the age of 18 years for prostitution, pornography or pornographic performances an offence.

4.3.6 Use, procuring or offering a child for illicit activities, production and trafficking of drugs

The Accessories and Abettors Act, Chap. 10:02, Section 1 provides that any person who aids, abets, counsels or procures the commission of any indictable offence may be indicted, tried and punished as a principal offender. There is a Dangerous Drug Act, No. 38 of 1991. However it contains no specific offence relating to the use, procuring or offering a child for the production or trafficking of drugs.

The Government of Trinidad and Tobago may wish to consider amending its Dangerous Drugs Act to include a provision similar to Section 22 of the Barbados Dangerous Drug Act, which states that:

it shall be unlawful for any person to knowingly and intentionally-

- (a) employ, hire, use, persuade, entice or coerce a child or a young person to contravene any provision of this Act;
- (b) employ, hire, use, persuade, induce, entice or coerce a child or young person to assist in avoiding detection or apprehension for any offence under this Act;
- (c) receive a controlled drug from a child or young person in contravention of any provision of this Act.

According to Section 2 of the Act, “child” means a person under 14, and “young person” is reached 14 and under 18 years of age.

Further, according to Section 21(1) it is unlawful for a person to have a controlled drug in his possession in or within a radius of one hundred yards of any school premises. For the purposes of this Act, the expression “controlled drug” means any narcotic drugs, or any psychotropic substances listed in Part I and Part II of the First Schedule, and any listed substances in Part III of the First Schedule of this Act.

4.4 Enforcement

ILO Convention No. 138 provides that all necessary measures must be taken by member States to ensure the effective enforcement of the provisions of the Convention. Minimum age provisions should be enforced through sanctions. The legislation should:

- provide for penalties and other necessary measures for violations of child labour provisions (Article 9 (1));
- ensure that the law provides for sanctions for all persons responsible for under-age employment (e.g. employers, parents, guardians, etc.)
- ensure that sanctions are sufficiently deterrent;
- diversify sanctions between criminal, civil and administrative sanctions;
- diversify sanctions as a function of the seriousness of the offence, e.g. heavier sanctions for the employment of children in hazardous than in non-hazardous work, heavier sanctions for repeat offenders;
- facilitate the access of children to legal remedies, e.g. by ensuring that children can join trade unions as soon as they are admitted to work, or by guaranteeing

- legal standing for trade unions (or other civil society organizations concerned with child labour) to represent children in law;
- ensure that laws do not subject children themselves to penalties for engaging in under-age work even if it is illegal.

There are legal sanctions in Trinidad and Tobago on employers and others responsible for child labour violations. The Children Act Section 94 (2) states that any person who employs a child under the age of twelve years is guilty of an offence. Any parent or guardian of a child under the age of twelve years who conduces to the commission of the alleged offence by willful default or by habitually neglecting to exercise due care is also guilty of an offence by virtue of Section 94 (3). In addition, by virtue of Section 94 (4) where the offence of taking a child is committed by an agent or workman of the employer, the agent or workman is guilty of an offence as if he were the employer.

Section 94 (5) provides that where a child under the age of twelve is taken into employment on the production, by or with the privity of the parent or guardian, of a false or forged certificate, or on the false representation by his parent or guardian that the child is not under the age of twelve, the parent or guardian is guilty of an offence. The penalty for these offences is a fine of one hundred dollars for a first conviction and a fine of four hundred dollars for a second and every other conviction.

With respect to the offences under the Occupational Safety and Health Act, liability may be imposed upon any competent person, employer, occupier or owner of premises if it is proved that he failed to take reasonable steps to prevent the commission of the offence. The Court has powers to impose a fine of ten thousand dollars and order the employer, occupier or owner to take such steps as may be specified for remedying the matters in respect of which the offence occurred. In addition, by virtue of Section 87, the parent of the young person employed in contravention of the Act may be liable to a fine of five thousand dollars unless it appears to the Court that the contravention occurred without the consent, connivance, or willful default of the parent.

The laws provide an effective coverage of sanctions. However, the Government of Trinidad and Tobago may wish to review the quantum of fines under the Children Act to bring them in line with the deterrent principle mentioned in the ILO Conventions.

With respect to membership in trade unions, Section 22 of the Trade Unions Act, Chap. 88:02 provides that a person may join a trade union from the age of sixteen years. Since Trinidad and Tobago has declared a minimum age of sixteen years for admission to employment or work, its law on minimum age for membership in trade unions is consistent with its treaty obligation. However, it should be noted that Trinidad and Tobago has not yet enacted legislation to make the minimum age for employment to be sixteen years and it is urged to proceed with expedition to do so.

4.5 Investigation and inspection

Investigation

In order to properly enforce child labour laws and create effective programmes aimed at the elimination of child labour, instances of child labour and the circumstances surrounding such labour first have to be identified. The Conventions provide for the identification of occurrences of child labour by:

- a legal requirement for a systemic review of the national child labour situation, including the collection of detailed information and statistical data on the nature and extent of child labour, including information on:
 - the sex of child workers, their age, occupation, branch of economic activity, status in employment, school attendance and geographic location;
 - violations of national provisions for the prohibition and elimination of the worst forms of child labour; and
- ensuring that NGOs, trade unions, religious institutions, charitable organizations and other concerned groups play a role in the investigation of child labour.

In Trinidad and Tobago, there is no legislation mandating a systemic review of the national child labour situation. The lack of legislation is generally not an impediment to the review of child labour situation. Policy or administrative arrangements could be made even in the absence of legislation for such a review. However, in Trinidad and Tobago there has been no systematic review.

It is recommended that a legal duty should be imposed on the Minister of Labour to have systemic reviews of the child labour situation in Trinidad and Tobago.

Once the existence of child labour is established, compliance with minimum age legislation should be actively pursued. Inspection services normally carry out this function, and a legal mandate is important to ensure that their work is bolstered by the necessary authority and carried out equitably. In providing for such a mandate, the legislation could:

- establish a framework for the operation of labour inspection setting out certain necessary entitlements, including training to detect abuses in the employment of children and young persons and to correct such abuses, adequate transportation in order to inspect rural areas, etc;
- ensure that labour inspection services have the power to secure the enforcement of legal provisions relating to the employment of children and young persons;
- ensure that the mandate of the labour inspection services extends to all workplaces where child labour actually exists;
- establish the role of inspectors in supplying information and advice on effective means of complying with child labour provisions and securing their enforcement;
- mandate a gender balance within the labour inspection services;
- ensure that labour administration services (including labour inspection services) work in close cooperation with the services responsible for the education, training, welfare and guidance of children and young persons;

- provide that the labour inspection services have a duty to respond to alleged violations reported by trade unions or any other public organizations which, in the discharge of their functions, are liable to obtain critical information on violations of the provisions relating to child labour.

In Trinidad and Tobago, the duties of the Labour Inspectors are to:

- (a) ensure that the laws in force concerning conditions of employment and the protection of employees in their occupations are fully applied;
- (b) give technical information and advice whenever necessary to employers and employees as to the most effective means of complying with the said laws;
- (c) indicate in their inspection reports difficulties or abuses not specifically covered by existing laws;
- (d) visit places of employment and to institute enquiries for the purpose of performing the duties set forth above;
- (e) establish statistical data in the course of their enquiries.

The Labour Inspectors have the power to enter, inspect and examine at all reasonable times by day and night any premises or place liable to inspection, when he has reasonable cause to believe to be liable to inspection. He may require the employer to provide documents and information to show that all laws are complied with.

4.6 Preventive and Remedial Measures

Article 7 of ILO Convention No. 182 requires member States to take effective and time-bound measures to:

- (a) prevent the engagement of children in the worst forms of child labour;
- (b) provide the necessary and direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration;
- (c) ensure access to free basic education, and wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labour;
- (d) identify and reach out to children at special risk; and
- (e) take into account the special situation of girls.

The Convention calls upon member States to take into account the importance of education in the elimination of child labour. It is generally recognized that education is one of the key solutions in the prevention and elimination of child labour. Children with no access to education have no alternative but to seek employment often in jobs that are exploitative and dangerous. The Rapid Assessment of Child Labour in Trinidad and Tobago made the observation that most child workers interviewed only obtained primary education. In addition, the child workers, except for those involved in commercial sex activities, worked long hours for very low wages. Other factors identified as being responsible for child labour in Trinidad and Tobago were poverty, physical abuse, sexual abuse, delinquent fathers, single parent households and poor parenting practices.

Trinidad and Tobago provides for free access to education up to age 16 years. Girls have equal access to public schools and school enrolment rates for girls compares favourably with boys. However the Education Act, Chap. 39:01 Section 76 provides a compulsory school age of between six and twelve years, with the Minister of Education having the power to raise the upper limit by Order.

According to the report of the 2000 Multiple Indicator Cluster Survey, 89.3 percent of children of primary school age in Trinidad and Tobago were attending primary school. This represents a significant number of children of compulsory school age outside of the school system and prone to be engaged in child labour.

At the secondary level, the UNDP's National Human Development Report, 2000 estimated that significant numbers of students for whom school places had been provided had dropped out of the system. The figures indicated that, depending on the county of residence, between 47.8 and 63.6 percent of the related population was outside the formal system. According to that report, most of the dropouts come from the low-income homes.

The Children Act imposes certain legal duties on parents and guardians which have the effect of preventing child labour. Parents and guardians have a primary duty to provide adequate food clothing, medical aid and lodging for their children. Under Section 3 (1) failure to provide these amenities may result in liability to fine and/or imprisonment for the offence of child neglect. In addition, under Section 5, parents and guardians may be penalized for causing, procuring or allowing their children to be in any street, premises or any other place for the purposes of begging or receiving alms, whether for any performance or not. Parents and guardians may also be liable under Section 7 for allowing their children to be in brothels.

In terms of removal of children from the worst forms of child labour, under the Children Act Section 11 a police constable or any person authorized by a Magistrate may take to a place of safety any child or young person in respect of whom certain offences under the Act has been or there is reason to believe has been committed. A place of safety is defined as the Children's Authority (yet to be established), any Police Station, or any hospital, surgery, or any other suitable place, the occupier of which is willing temporarily to receive the child.

There are also penalties under Section 94 for persons responsible, including employer, agent or neglectful parent for the employment of underage children.

In addition, the Children's Authority Act No. 64 of 2000 provides for the establishment of a Children's Authority whose powers include the removal of children who are exposed to moral danger, ill-treatment or neglect in a manner likely to cause suffering or injury to the child's health. The Children's Authority may assume by virtue of the Act temporary parental responsibilities of any child taken into its care. Upon application to the Family Court, an order may be made directing that the child be sent to a residence, or committed to a fit person or foster care or freed for adoption.

In addition, there are certified Industrial Schools and Orphanages which are legally bound to house, clothe and feed children in need of care. Children are required to leave the orphanages at the age of sixteen and the industrial schools at the age of eighteen years. There are also nongovernmental organizations such as Credo, which receives subventions from Government to cater for street children.

4.7 Institutional Framework

The provisions relating to the worst forms of child labour are administered by a number of state agencies. The National Family Services Division is responsible for monitoring groups and homes in communities that offer protection of children in need. This Division also conducts and coordinates training workshops for managers and caregivers of various children's homes. It also collects national information and data reflecting the present situation of families and encourages the incorporation of family programmes into national development strategies as integral and effective components. It has responsibility for monitoring the care and safety of children housed at Government institutions and at homes managed by private persons and organizations. It investigates children at risk and seeks to have them rehabilitated.

The Ministry of Social Development has responsibility for establishing the Children's Authority and is developing a plan of action for children and sensitization on the rights of children. It also has responsibility for the development of a Central Registry for monitoring the status of children in need of special protection. The Ministry is also undertaking a project on children in need of special protection monitoring system. This system involves the establishment of a computerized database to monitor the status of children in especially difficult circumstances. Data will be collected from Government agencies and non governmental organizations. It is anticipated that the National Family Services Division will be succeeded by the Children's Authority.

In addition, the Ministry of Community Development has a programme of relief whereby the poor are provided with meals and training at Transformation and Development Centres. In addition, welfare grants are given by the Government to needy families.

The Ministry of Education has responsibility for the provision of early childhood education, primary education, secondary education and further and tertiary education. It has embarked upon a Secondary Education Modernization Programme which seeks to achieve universal secondary education. The Youth Training and Employment Partnership Programme (YTEPP) Limited, a government agency, has programmes providing training and supervised work experience for school leavers and unemployed youth from 15 years in a variety of areas including auto maintenance and repair, beauty culture, metal design and fabrication, food preparation, garment construction, and secretarial and business support.

The Ministry of Labour, Small and Micro Enterprise Development is the competent authority and has lead responsibility for enforcing legislation relating to the minimum age for employment and work and hazardous work.

The Ministry of Sports and Youth Affairs has a Youth Division, which provides a number of programmes including the skills training in vocational skills and entrepreneurial development activities.

The Central Statistics Office is responsible for collecting and collating data on the situation of children. Data on the situation of children is collected through traditional means such as the National Census and the Survey of Living Conditions. Together with the Family Services Division, two databases namely the Child Indicator Monitoring System and the Children in Need of Special Protection Monitoring System are about to be established.

In the areas of unconditional worst forms of child labour, because they are traditionally considered to be crimes, they are enforced by the Trinidad and Tobago Police Service. In addition, the Family Services Division to be succeeded by the Children's Authority is the lead agency for the protection of children from the worst forms of child labour. The Family Services Division, while it does not focus specifically on child labour, provides support to ensure that there is no need for children to seek employment. They administer a welfare system for children in need. It also plays an educational role as far as promulgating the rights of the child in society.

Traditionally these agencies pursued their mandates without coordination within a child labour context. There is now greater cooperation and coordination among them and a new focus on child labour in their approach.

5. Conclusions and Recommendations

Status of Convention

Trinidad and Tobago has recently ratified both ILO Conventions No. 138 and No. 182. An obligation of ratification is that the Government of Trinidad and Tobago must ensure that its laws comply fully with the requirements of the Convention and that all measures are in place for the implementation of the Convention.

Policy

ILO Convention No. 138 requires Trinidad and Tobago to have a policy for the elimination and prevention of child labour. Unfortunately, although Trinidad and Tobago has sound national policies in areas connected with child labour, such as education, childcare protection, welfare, social security, labour administration and other social development, there is no coherent explicit policy on child labour. What exist are related policies that were formulated without any specific reference to the Convention on child labour.

It is important that child labour policy provides the framework within which all institutions approach their individual and collective tasks of seeking to abolish child labour. It should also facilitate an integrated and coordinated approach by all agencies in the implementation of their work programmes. Each agency will identify the connection of their work with the work of other agencies. Moreover, a policy framework will also serve to guide the administration of the laws on child labour.

It is also important that the national policy be formulated in a coherent and coordinated manner. This will ensure that all aspects of child labour, including legislation, education, labour market policies, social security, health, welfare and social development are properly addressed and coordinated. In this connection, child labour policy must provide the framework within which all institutions approach their individual and collective tasks of seeking to abolish child labour. It should also facilitate an integrated and coordinated approach by all agencies in the implementation of their work programmes. Each agency will identify the connection of their work with the work of other agencies. Moreover, a policy framework will also serve to guide the administration of the laws on child labour.

It is recommended that the National Steering Committee on Child Labour be given all the support required to complete its draft policy on child labour as efficiently as possible. The Committee may consider the following steps in adopting a national policy:

- (a) collection of reliable data and information through surveys and other method of assessing the child labour problem;

- (b) a forum for government, employers' and workers' organizations and NGOs to reflect on the strengths and weaknesses of existing policies and programmes;
- (c) identification of priority target groups in the programmes of action;
- (d) identification of main programme areas and types of interventions in the programmes of action;
- (e) adoption of the national policy and programme of action geared towards the elimination of the worst forms of child labour.

Minimum Age for Employment

An Order has to be made by the Minister of Education to raise the compulsory age for the completion of schooling from twelve years to sixteen years. This was necessary on or before 3rd September 2005 in order to ensure compliance with ILO Convention No. 138.

The Government of Trinidad and Tobago will also have to amend Sections 91, 93 and 94 to provide that the minimum age for admission to employment or work for all undertakings is sixteen years.

Light Work

The Government of Trinidad and Tobago did not make any declaration on ratification of ILO Convention No.138 regarding any exception from the minimum age for light work. However, the Recruitment of Workers Act permits the recruitment of persons from age 14 to undertake light work. The age of fourteen years for admission to employment with the consent of the parents or guardians of children for light work seems consistent with Article 7 of the Convention, subject to the requirement that light work should not be harmful to their health or development and should not prejudice their attendance at school. However, the Recruitment of Workers Act may have to be amended to provide strict limitations of the hours spent at work in a day and in a week, the prohibition of overtime and a minimum consecutive rest period of twelve hours' night rest in order to fulfill the requirements of the ILO Convention on light work.

In addition, Trinidad and Tobago may wish to consider the good practice of the Commonwealth of Bahamas which has limited the applicability of a lower minimum age for light work to a very limited set of four activities. Moreover, these exceptions are applicable for a limited duration of five years from 2001 and will expire in the year 2006.

In addition, Trinidad and Tobago may also consider the adoption of a legal provision, similar to the Bahamas, on the prohibition of employment during school hours. The Bahamas law prohibits the employment during school hours of all children and young persons attending school, regardless of whether they are of compulsory school age.

Artistic Performances

There is no legislative provision or policy in Trinidad and Tobago to give effect to the requirements of ILO Convention No. 138 regarding the engagement of children in artistic performances. Trinidad and Tobago may wish to consider an amendment to the Employment (Miscellaneous Provisions) Amendment Act to allow for the person seeking to engage the services of the child performer to obtain a permit from the relevant authority after consultation with the representative organizations of workers and employers, and impose such conditions to ensure that the welfare of the child is guaranteed similar to what obtains in the Bahamas.

Hazardous Work

While employers have a legal duty to provide a safe place of work, there is no specific legislative provision, which declares hazardous work for children and young persons as a worst form of labour. Employers have a duty to do a risk assessment and declare their list of own hazardous activities.

Part 1X of the Occupational Safety and Health Act of 2004 deals specifically with the employment of young persons. It imposes a duty on employers to ensure that young persons have a medical certificate of fitness for work in that industrial establishment. There are regulations with respect to the hours of work and the duty to maintain a register of young persons, consistent with the requirements of ILO Conventions No. 138 and No. 182. Section 54 provides that no young person shall be employed between the hours of 10:00 p.m. and 7:00 a.m.; young persons must have a period of twelve consecutive hours of rest; and no young person shall be required to work more than forty-eight hours in any week.

One of the deficiencies of the Occupational Safety and Health Act 2004 is that it does not specifically address the issue of moral hazards at workplaces. It addresses some welfare concerns but these are limited to physical facilities such as adequate drinking water, sanitary conveniences, washing facilities, first aid appliances, canteens, restrooms and lunchrooms. It does not address risks to psychological and sexual abuse at the workplace. In this regard, it should be recalled that the ILO definition of hazardous work includes threats to the morals of young persons at work.

In addition, Part V of the Children Act, which deals with restrictions on employment of young persons, does not prohibit employment of children in work that is likely to jeopardize their morals. The Liquor Licences Act prohibits the sale of alcoholic beverages to children under eighteen years but, unlike Barbados legislation, is silent on the issue of employment of young persons. The Government may wish to amend the Children Act to prohibit the employment of young persons in work the nature of which or the circumstances in which it is carried out is likely to harm their safety, health or moral development.

Unconditional Worst Forms of Child Labour

There are laws in Trinidad and Tobago, which outlaw most activities involved in the worst forms of child labour. However, these laws are not characterized as child labour but as criminal offences and there are some deficiencies and gap. There is no specific offence of child trafficking, and the upper age limit for some offences under the Offences against the Persons Act and the Sexual Offences Act is below the age of 18 years. Trinidad and Tobago may wish to consider drafting legislation The Government may wish to consider introducing comprehensive legislation on the sale and trafficking of children similar to the Bill in Guyana. Guyana's Bill makes the recruitment, transportation, transfer, harbouring, or receipt of any child, or the giving of payments or benefits to obtain the consent of a person having control of a child for the purpose of exploitation an offence of trafficking in persons. The purpose of the trafficking is not limited to sexual exploitation. It includes keeping a person in slavery or subjecting the person to practices similar to slavery; compelling a person to provide forced labour or services; keeping a person in servitude and engaging in any form of sexual exploitation such as pimping, pandering, procuring, profiting from prostitution, maintaining a brothel and child pornography. A child for the purposes of this bill is someone under the age of 18 years. The Bill also provides that consent or past sexual behaviour of the victim is not a defence and is irrelevant to the prosecution. The offence of trafficking in persons is an extraditable one.

Institutional Arrangements

There is the need to strengthen the monitoring of child labour in Trinidad and Tobago. There is also no legal requirement for the monitoring of child labour in Trinidad and Tobago. It is recommended that consideration be given to have systemic reviews of the child labour situation in Trinidad and Tobago.

Summary conclusions

- (a) There is need for a comprehensive policy framework to guide law reform on the issue of child labour.
- (b) The gaps in Trinidad and Tobago's laws relating to the requirements of ILO Convention No. 138 could be remedied by a process of amendments to the Children Act, Factories Act and the Occupational Safety and Health Act to replace the Factories Act.
- (c) With respect to ILO Convention No. 182, there should be a specific law relating to the worst forms of child labour so that a special focus and awareness could be given on the need to protect children.
- (d) Child labour issues need to be mainstreamed in all institutions that deal with the protection of children.
- (e) Administrative and institutional mechanisms should be developed for the cohesive and coordinated monitoring and enforcement of laws relating to child labour.

References

- Ferguson, Judith (Editor). 1997 *The Law Relating to Children in Barbados, Jamaica, Guyana and Trinidad & Tobago*
- Government of Trinidad and Tobago. 2003 *Second Periodic Report of the Republic of Trinidad and Tobago: Convention on the Rights of the Child*
- Haspels, Nelien & Jankanish, Michele. 2000 *Action Against Child Labour*. ILO
- Hunte, Desmond & Lewis, Cheryl. 2002 *The Situation of Children in Landfills and other Worst Forms of Child Labour(Trinidad): A Rapid Assessment ILO Subregional Office for the Caribbean*
- ILO Convention No. 138. 1973 *Convention Concerning Minimum Age for Admission to Employment*
- ILO Convention No. 182. 1999 *Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour*
- ILO Recommendation No.146. 1973 *Recommendation Concerning Minimum Age for Admission to Employment*
- ILO Recommendation No. 190 1999 *Recommendation Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour*
- ILO. 1997 *Technical Paper: Legislation and Enforcement International Conference on Child Labour, Oslo, Norway*
- ILO. 2002 *Combating Child Labour: a Handbook for Labour Inspectors*
- ILO. 2001 *Substantive Provisions of Labour Legislation: The Effective Abolition of Child Labour*
- United Nations Development Programme. 2004 *Regional Report on the Achievement of the Millennium Development Goals in the Caribbean Community*
- United Nations Development Programme. 2005 *Human Development Report 2004*
- United Nations. 2000 *Country Profiles on the Situation of Youth*
- World Bank. 2005 *A Time to Choose: Caribbean Development in the 21st Century*
- World Bank. 2003 *Caribbean Youth Development Issues & Policy Directions*

Yeboah, Yaa & Panford, Frank. 2003 *Time-Bound Programme Manual for Action Planning - Eliminating the Worst Forms of Child Labour under Time-Bound Programmes: Guidelines for Strengthening Legislation, Enforcement and Overall Legal Framework* ILO/IPEC

The laws reviewed were:

- The Constitutions;
- Children Acts;
- Births and Deaths Registration Acts;
- Education Acts;
- Labour Acts;
- Employment Acts;
- Defence Acts;
- Factories Acts;
- Occupational Safety and Health Acts;
- Criminal Law Acts;
- Dangerous Drugs Acts;
- Industrial Training Acts;
- Minimum Wages Acts;
- National Insurance Acts;
- Probation of Offenders Acts;
- Recruiting of Workers Acts;
- Sexual Offences Acts;
- Trade Unions Acts.

APPENDIX I

Summary of Good Practices in Countries Studied

Policy on Child Labour

- (i) The Steering Committee to consider the development of a policy for the prevention and elimination of child labour is appointed by Cabinet. (*Guyana, Trinidad and Tobago*)
- (ii) The Steering Committee is a sub-Committee of the National Committee on Families and Children or with direct links to such a Committee. (*Belize*)
- (iii) The policies for the prevention and elimination of child labour are considered within a broader policy, administrative and institutional context that seeks to connect all programmes and institutions promoting the protection of the rights of the child. (*Belize*)
- (iv) The Prime Minister and the Leader of the Opposition sign a MOU establishing a bipartisan Working Group to build consensus on a National Plan of Action for Children and Adolescents. (*Belize*)

Minimum Age for Employment

- (i) The minimum statutory age declared for admission to work is sixteen years. (*Barbados*)
- (ii) The minimum age for admission to work is consistent with the human development standard of the country. (*Barbados*)
- (iii) One basic minimum age is applicable to all sectors and occupations, without any exception. (*Guyana*)
- (iv) The minimum age for admission to employment is consistent with the compulsory age for completion of schooling. (*Barbados, Guyana*)

Compulsory Age for Completion of School

- (i) All children shall attend school up to the age of 16 years. (*Bahamas, Barbados*)

Light work

- (i) Light work is limited to four activities. (*Bahamas*)
- (ii) Light work is permissible for a period of five years only. (*Bahamas*)

Working Hours

- (i) No child attending school, whether of compulsory school age or not, shall work during school hours. (*Barbados, Bahamas*)
- (ii) No young person shall work from 6:00 p.m. to 7:00 a.m. (*Barbados*)
- (iii) A young person may work outside school hours under the following conditions –
 - (a) in a school day, for not more than three hours;
 - (b) in a school week, for not more than twenty-four hours;
 - (c) in a non-school day, for not more than eight hours;
 - (d) in a non-school week, for not more than forty hours. (*Bahamas*)

Artistic Performances

- (i) No child may be engaged in artistic performances unless the competent authority, after appropriate consultations with the representative organizations of workers and employers, gives a permit under terms and conditions that takes into consideration the welfare of the child. (*Bahamas*)

Hazardous Work

- (i) No young person under the age of 18 years shall be engaged in any type of employment or work, by its nature or the circumstances in which it is carried out, is likely to jeopardize their health, safety or moral development. (*All countries*)
- (ii) The Minister of Labour shall, after appropriate consultations with the representative organizations of workers and employers, determine the list of hazardous work and activities. (*All countries*)
- (iii) No person under the age of 18 years shall be employed in connection with the sale or supply of intoxicating liquor on any premises in respect of which a retail member's club or proprietary club licence is granted. (*Barbados*)
- (iv) No person under the age of 18 years shall be wholly or mainly employed in serving intoxicating liquor on any premises in respect of which a restaurant or hotel licence is granted. (*Bahamas*)

- (v) All employers shall maintain a register of workers under eighteen years. Any employer in an industrial undertaking or ship who refuses to maintain a register of young persons employed with them is guilty of an offence. (*All countries*)
- (vi) No young person may be admitted to employment except in occupations approved by Labour Officers as not being injurious to the moral or physical development of the young person. (*Belize*)
- (vii) No young person shall be required to work between the hours of 6:00 p.m. and 7:00 a.m. (*Barbados*)
- (viii) No young person shall be admitted to employment in a factory for a period exceeding 2 weeks unless after a medical examination he has been found fit for the work he is employed to do. (*Barbados*)

All forms of slavery or practices similar to slavery

- (i) The Constitution prohibits all forms of slavery or practices similar to slavery. (*All countries*)
- (ii) In addition to constitutional protection, there is the criminal offence of taking away a child under eighteen years from his parent or guardian: Any person who unlawfully, either by force or fraud takes away any child from his parent or guardian, commits an offence of child stealing. (*All countries*)
- (iii) Criminal offence of ill-treatment of child under eighteen years: Any person over the age of eighteen years, who has custody, charge or care of any child or young person, willfully assaults, ill-treats, neglects, abandons, or exposes the child or young person, or causes or procures the child or young person to be assaulted, ill-treated, neglected, abandoned or exposed in a manner likely to cause the child or young person unnecessary suffering or injury to health commits an offence. (*All countries*)

Sale and trafficking of children

- (i) The Combating Trafficking in Persons Bill provides for the offence of trafficking in children. Clause 3(1) provides that whoever engages in or conspires to engage in or attempts to engage in, or assists another person to engage in or organizes or directs other persons to engage in trafficking in persons, shall:
 - (a) be sentenced to any term of years or life imprisonment;
 - (b) be subject to forfeiture of property; and
 - (c) be ordered to pay full restitution to the trafficked person. (*Guyana*)

Clause 3(2) provides that the recruitment, transportation, transfer, harbouring, or receipt of any child, or the giving of payments or benefits to obtain the consent of a person having control of a child for the purpose of exploitation shall constitute trafficking in persons. The purpose of the trafficking is not limited to sexual exploitation. It includes keeping a person in slavery or subjecting the person to practices similar to slavery; compelling a person to provide forced labour or services; keeping a person in servitude and engaging in any form of sexual exploitation such as pimping, pandering, procuring, profiting from prostitution, maintaining a brothel and child pornography. A child for the purposes of this bill is someone under the age of 18 years.

The Bill in Clause 9 provides that consent or past sexual behaviour of the victim is not a defence and is irrelevant to the prosecution. The offence of trafficking in persons is an extraditable one. In addition, assistance is provided in the Bill to allow non-national victims to remain in Guyana for the duration of the prosecution.

Special provision is made for the evidence of victims who are children. Clause 25 provides that special programmes should be developed to accommodate child witnesses including:

- (i) testimony of minor conducted outside court setting by video;
- (ii) all testimony and court proceedings take place with parent, legal guardian or foster parent present;
- (iii) whenever safe and possible, children should be reunited with family members either in country of origin or destination;
- (iv) special mental and physical medical care tailored to the child's needs;
- (v) child victims of trafficking should be guaranteed education.

Debt bondage, serfdom, forced and compulsory labour

- (i) Protection under both the Constitution and Employment Law Act against debt bondage, serfdom, forced and compulsory labour. (*All countries*)

Recruitment of children in armed conflict

- (i) Protection under the Defence Act against compulsory recruitment.
- (ii) Prohibition under the Defence Act of recruitment under the age of eighteen years. (*Bahamas*)

Use, procuring or offering a child for illicit activities

- (i) Protection for children under Dangerous Drug Act:

it shall be unlawful for any person to knowingly and intentionally-

- (a) employ, hire, use, persuade, entice or coerce a child or a young person to contravene any provision of this Act;
- (b) employ, hire, use, persuade, induce, entice or coerce a child or young person to assist in avoiding detection or apprehension for any offence under this Act;
- (c) receive a controlled drug from a child or young person in contravention of any provision of this Act. (*All countries*)

Measures to Prevent Child Labour

- (i) Where a parent of a child or guardian or a person having custody of a child by willful default or neglect fails to exercise due care over such child or conduces to the offence of taking a child into employment contrary to this Act, is guilty of an offence and liable on summary conviction to a fine not exceeding one hundred dollars or imprisonment for a term not exceeding three months or both. (*Trinidad and Tobago*)
- (ii) Education Act places a duty on School Attendance Officers to ensure that the parents are complying with their duty to secure education for their children. School Attendance Officers shall investigate the family circumstances and assist with counselling where necessary or make referrals to other social service agencies, which could facilitate the child's return to school. (*Barbados*)
- (iii) The Minister of Education shall prohibit or restrict the employment of children under the age of sixteen years who are registered at a state-maintained school where the child's employment is prejudicial to his health or otherwise renders him or her unfit to obtain the full benefit of an education. (*Bahamas*)

Enforcement

- (i) The labour inspectors have the power to enter, inspect and examine at all reasonable times, by day and night, any premises or place liable to inspection, when he has reasonable cause to believe to be liable to inspection. He may require the employer to provide documents and information to show that all laws are complied with. (*All countries*)
- (ii) Where, on information of a member of the Police Force, the Port Manager or the Chief Labour Officer, it appears to any Justice of the Peace that there is reasonable cause to believe that a child is employed in any place contrary to the Act, such Justice of the Peace may authorize any member of the Police Force to enter that place at any reasonable time within forty-eight hours and examine such place and any person therein concerning the employment of any child therein. Any person who assaults, obstructs or intimidates, uses indecent, abusive or insulting language; interferes with, hinders or refuses to admit; or by any gratuity,

bribe, promise or other inducement prevents or attempts to prevent from entering such place and examining that person therein a member of the Police Force is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or imprisonment for a term not exceeding twelve months or both. (*Barbados*)

- (iii) Restrictions on the disclosure of information obtained by the Labour Officer in an inspection are only limited to commercial or manufacturing secrets. (*Guyana*)

Appendix II

Questionnaire on Child Labour

A. POLICY

- (i) Is there a national policy on child labour? When was it established? Who was the lead agency advocating for the policy? Which agencies participated in its formulation? What were the concerns of the various agencies?
- (ii) What factors led to the policy? How important was the ILO Conventions 138 and 182 to the formulation of the policy? How important was the United Nations Convention on the Rights of the Child?
- (iii) Is there a minimum age for admission to employment? Does the minimum working age coincide with compulsory age for completion of education?
- (iv) Does the policy seek to raise progressively the minimum age for admission to employment to the standard set by the Convention No. 138 (age of completion of compulsory schooling not less than 15)?
- (v) Does the policy prohibit and seek to eliminate the worst forms of child labour? Does it set out clear stages for the elimination of the worst forms of child labour? Does it have short-term, medium-term and long-term goals?
- (vi) Does the policy define hazardous work (likely to jeopardize the health, safety or morals of young persons less than 18 years)? Does it identify vulnerable groups or types of work likely to harm the health, safety and morals of children? Does it take special account of the special situation of girls and other children at special risk? Was there consultation with social partners?
- (vii) Has any special authority been granted to allow persons from 16 years to do hazardous work under special protective measures? Under what conditions?
- (viii) Does the policy exclude or exempt any categories of employment or work from its application? Has there been consultation with the social partners in this regard?
- (ix) Has the policy addressed the issue of light work for students under the minimum working age? Has the State determined the activities in which such employment or work may be permitted?

- (x) Does the policy identify the competent authority(ies) for its implementation? Could you identify the agencies and their role in the implementation of the policy?
- (xi) What policies are in place for the prevention of child labour? What social and economic programmes are in place to remedy the causes of child labour?
- (xii) What policies are on place for the removal and rehabilitation of child workers?
- (xiii) Does the policy provide for a system of monitoring evaluation and review? If yes, what agencies are involved? What information and data are collected?
- (xiv) Does the policy provide for international cooperation and assistance?
- (xv) What policy reforms in education, labour market, social security, health, welfare and social development are required to eliminate and prevent child labour?

B. LEGISLATION

- (i) Is there legislation abolishing or regulating child labour and in particular the worst forms of child labour? If so, what laws?
- (ii) Is there a minimum age for all types of work? Does the legislation coincide with the completion age of compulsory education?
- (iii) Is there legislation on the minimum age for hazardous work?
- (iv) Does the legislation define hazardous occupations? If so, how?
- (v) To what extent has account being taken of Paragraphs 3 and 4 of ILO Recommendation 190 in determining such types of work?
- (vi) Are there any exemptions or restrictions from the application of laws on child labour? If so, please elaborate?
- (vii) Has legislative or other action taken to prohibit and eliminate:
 - (a) all forms of slavery and similar practices of children;
 - (b) the sale and trafficking of children;
 - (c) child debt bondage and serfdom;
 - (d) forced or compulsory child labour;

- (e) the forced recruitment of children for armed conflict;
 - (f) the use of children for prostitution;
 - (g) the use of children for child pornography;
 - (h) the use of children in illegal activities, especially drug production and trafficking?
- (viii) Does the law provide for penalties and other measures for violations of child labour provisions? Does the law ensure that sanctions are provided for all persons responsible for under-age employment (e.g. employers, parents, guardians etc.)?
- (ix) Are the sanctions considered to be sufficiently deterrent? If not, what reforms are considered? Are sanctions diversified between criminal, civil and administrative? Are sanctions diversified as a function of the seriousness of the offence, e.g. heavier sanctions for employment of children in hazardous than in non-hazardous work, heavier penalties for repeat offenders?
- (x) Does the law facilitate the access of children to legal remedies, e.g. by ensuring that children can join trade unions as soon as they are admitted to work?
- (xi) Does the law provide satisfactory conditions for the employment of young persons such as, fair remuneration and its protection; limitation of hours at work; prohibition of overtime; minimum rest periods; minimum annual holidays; satisfactory standards of health and safety; appropriate instruction and supervision; social security schemes; periodic medical examinations?
- (xii) Does the law subject children themselves to penalties for engaging in under-age work?
- (xiii) Does the legislation provide for a system of review of the national child labour situation, including the collection of detailed information and statistical data on the nature and extent of child labour?
- (xiv) Does the legislation establish a framework for the operation of labour inspection in child labour?
- (xv) What are the powers of the labour inspector or any other official to secure the enforcement of legal provisions relating to the employment of children and young person?
- (xvi) Does the legislation ensure that the mandate of the labour inspection services extends to all workplaces where child labour actually exists? If not, what restrictions apply?

- (xvii) Are labour inspectors required by law to supply information on child labour to any other agency involved in child protection?
- (xviii) Does the legislation provide for labour administration services to work in close cooperation with the services responsible for education, training, welfare and guidance of children and young persons?
- (xix) Does the legislation impose a duty upon labour inspection services or other national institutions to investigate reports of alleged violations? Does the law establish any special complaints procedures? Does the law provide for the protection from discrimination and reprisals of those who expose violations of child labour?
- (xx) Does the law provide for an effective system of birth registration?
- (xxi) Does the law require employers to keep and make available documents indicating the names and ages of all workers under 18 years of age?
- (xxii) What is the burden of proof with respect to the actual age of a child in the case of violations of child labour laws? Are there penal sanctions or other sanctions to enforce the laws on the worst forms of child labour?
- (xxiii) Does the law provide for free legal aid to be given to victims of child abuse? Does the law protect the privacy of victims of child labour?
- (xxiv) Is there legislation, which institute social and economic measures to alleviate poverty, such as minimum wages?
- (xxv) Does the law provide for social security and family welfare measures aimed at ensuring child maintenance, including payments to unemployed parents with children, low cost community health and education?
- (xxvi) Is there legislation, which provides for equal pay for work of equal value for young persons and adults?
- (xxvii) Is there legislation, which provides an obligation on employers to protect children from hazardous work?
- (xxviii) Does the law ensure that basic education is free for all and in particular for those who have been removed from situations of child labour?
- (xxix) Does the law provide for the determination and periodic revision of the types of hazardous child labour?

- (xxx) What laws prohibit the sale and trafficking of children; debt bondage and serfdom; forced and compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; or other forms or practices similar to slavery or forced or compulsory labour?
- (xxxii) What laws prohibit child prostitution and pornography?
- (xxxiii) What laws prohibit the use of children for other illicit purposes such as the production and trafficking of drugs; the trafficking of other goods; gambling operations; begging; stealing; other organized criminal activities

C. PROGRAMMES

- (i) Are there programmes of action to identify and denounce the worst forms of child labour? Has the State designed and started to implement programmes of action to eliminate the worst forms of child labour? Is it tackled on all fronts (economic, educational, social and cultural)? Have the social partners been consulted? Have the views of other stakeholders been taken into account? What NGOs are involved?
- (ii) What measures is the State taking to eliminate the worst forms of child labour? Are priorities identified? Are the vulnerable groups identified? Are the measures effective? Is the problem of child labour confronted in a holistic manner?
- (iii) Has the State identified the places and activities where the worst forms of child labour are likely to occur? Were the social partners consulted? Is this list of types of hazardous work likely to be revised periodically?
- (iv) Are effective and time-bound measures being taken to:
 - i. prevent the engagement of children in the worst forms of child labour;
 - ii. provide direct assistance to remove children from the worst forms of child labour;
 - iii. provide direct assistance for the rehabilitation and social integration of the children concerned;
 - iv. ensure access to free basic education and to vocational training for such children;
 - v. identify and reach out to children at special risk;
 - vi. take into account the special needs of girls?

- (v) What programmes are there for sensitizing public opinion and mobilizing public support on child labour?
- (vi) What awareness-raising programmes on child labour are targeted to labour inspectors, police officers, employers, trade unions, teachers and social workers?
- (vii) What socio-economic programmes are intended to remedy the causes of child labour;
- (viii) What programmes are in place for social security and family welfare of children at risk?
- (ix) Are adequate financial and human resources provided to eliminate and prevent child labour? What more could be done?

D. ADMINISTRATION AND ENFORCEMENT

- (i) Has the State designated the competent authority responsible for the implementation of the Convention?
- (ii) Has a national mechanism been established to monitor the implementation of national provisions for the prohibition and elimination of the worst forms of legislation?
- (iii) What are the institutions that administer the laws, policies and programmes relating to child labour? Are their roles and authority clearly defined? Are the institutions adequately resourced to implement the programmes?
- (iv) Are labour inspectors trained to detect abuses in the employment or work of children and young people and to correct such abuses? Do they work in close cooperation with the services responsible for the education, training, welfare and guidance of children and young persons?
- (v) Is special attention paid to the enforcement of provisions concerning employment in hazardous types of employment or work and to the prevention of the employment of children and young persons during school hours?
- (vi) Is there a balance between advisory, enforcement and supervisory functions?
- (vii) Are detailed information and statistical data on the nature and extent of child labour being compiled and kept up to date to serve as a basis for determining priorities for national action? Are the data disaggregated by sex, age group, occupation, branch of economic activity, status in employment, school attendance and geographical location. Is there an effective system of birth registration?

- (viii) Is the information at (v) communicated to the ILO on a regular basis?
- (ix) Has the country submitted any declaration to the ILO on the minimum working age?
- (x) What educational/advocacy programmes are implemented for child labour?
- (xi) What alliance has been established to tackle child labour? Who are involved? What training is provided to these organizations to deal with child abuse?
- (xii) What policies are being promoted by employers' and trade unions' organizations to address child labour? What programmes of action are there to sensitize parents to the problems of child labour?
- (xiii) What enforcement devices are available? Are there penal or other sanctions to enforce child labour laws? What are the penalties? Are the sanctions being applied?
- (xiv) Are employers required to keep a register of employees under the age of 18 for inspection by labour inspectors? How do labour inspectors monitor children working in the streets, in outside stalls, in public places, in itinerant occupations or in other circumstances, which make the checking of employers' records impracticable?
- (xv) Has there been any landmark court decision on child labour?
- (xvi) Is the State cooperating with other countries to give effect to the provisions of the Convention?
- (xvii) Has the State provided its status report on child labour to the ILO?
- (xviii) Does the Annual Labour Administration Report give information on child labour?