



**THE TRIPARTITE PROCESS  
OF DETERMINING  
HAZARDOUS CHILD LABOUR**

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**Guide for facilitators**

**STEP BY STEP**

Eliminating hazardous child labour

International Programme on the Elimination of Child Labour (IPEC)

International Labour Organization (ILO)

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## Foreword

Hazardous work is one of the four ‘worst forms of child labour’. It is also the largest, by far, and accounts for many thousands of young lives cut short or damaged to such an extent that they can never reach their full potential. In 2010, over 100 million children, age 5–17, were still caught in hazardous child labour.

The Guide has been developed to aid countries in taking a key step toward protecting young people from hazardous work by determining what work is to be prohibited due to the danger it poses to their physical, psychological, or moral health... commonly called, the “hazardous child labour list”.

Our objective in preparing the Guide is to help countries improve the quality and thoroughness of the Tripartite Consultations which are called for in the ILO child labour Convention No. 138 on the minimum age for admission to employment (1973) and the ILO child labour Convention No. 182 on the worst forms of child labour (1999). Consultation between Governments, workers’ representatives, and employers is a cornerstone of the process of determining hazardous child labour.

The importance of the Tripartite Consultations stems from the fact that they offer Governments and their social partners (workers’ and employers’ organizations) an opportunity to look at the issue of child labour from various angles and to decide among themselves what will be considered as hazardous work and what, for example in the case of older children, should be left open for youth employment. These are practical decisions, but they also have important implications for policy. The quality of the Tripartite Consultation determines the quality of the list, and thereby, the quality of ensuing actions to eliminate child labour and protect employed youth.

The list is not simply an arcane legal document, nor a technical hurdle on the way to application of the Conventions; it is a comprehensive policy tool, and for this reason, employers’ and workers’ views are crucial to its development. It will be used to prioritize interventions, to frame advocacy on children’s and even adult workers’ rights, and to engage a wide range of stakeholders in addressing the worst forms of child labour.

It is my hope that, with the aid of this Guide, ILO Member States will feel better equipped to deal with the challenge of hazardous child labour and will make a renewed effort to end this worst form of child labour in the shortest possible time.

Constance Thomas  
Director,  
International Programme on  
the Elimination of Child Labour  
(IPEC)

## Excerpts from the ILO child labour Conventions

### **ILO Convention on the worst forms of child labour, 1999 (No. 182)**

#### **Article 4**

The types of work referred to under Article 3(d) shall be determined by national laws or regulations or by the Competent Authority, after consultation with the organizations of employers and workers concerned, taking into consideration relevant international standards, in particular Paragraphs 3 and 4 of the Worst Forms of Child Labour Recommendation, 1999.

The Competent Authority, after consultation with the organizations of employers and workers concerned, shall identify where the types of work so determined exist.

The list of the types of work determined under paragraph 1 of this Article shall be periodically examined and revised as necessary, in consultation with the organizations of employers and workers concerned.

### **ILO Convention on the minimum age for admission to employment, 1973 (No. 138)**

#### **Article 3**

1. The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of young persons shall not be less than 18 years.

2. The types of employment or work to which paragraph 1 of this Article applies shall be determined by national laws, regulations or by the Competent Authority, after consultation with the organisations of employers and workers concerned, where such exist.

## Introduction

When countries ratify the ILO Conventions on the worst forms of child labour and on the minimum age for admission to employment, they commit themselves to identifying which types of work and working conditions are to be prohibited to persons below 18 years of age. Although it may take various forms, for the sake of simplicity, this is often called the “hazardous child labour list”.

This list is important both for its content and for the process by which it is developed. Its content is important because, once enacted into law, it forms the basis for a wide range of actions – advocacy, education policy, research, services, resource allocation, policies, and enforcement – that can protect children and youth from exploitation at work.

The process is important because formulating the list offers a unique and important opportunity for social dialogue and for the launching of a nationally-owned process for addressing child labour. This is because a crucial element written into the two child labour Conventions is the requirement for Tripartite Consultation, which enables employers, workers’ organizations and the Government to all sit together to examine the questions of “what work is hazardous?”; “where is it found?”; and “which should have priority for action?”.

This Guide is designed for the Government unit tasked with organizing and facilitating the Tripartite Consultations that will result in either a new or a revised list of hazardous child labour for the country. Its purpose is to:

1. Provide instructions on how to plan and conduct the process.
2. Ensure that consultation with the tripartite constituents is carried out in a way that is consistent with Conventions No. 138 and No. 182.
3. Provide practical and easy access to reference materials that will assist the tripartite members of the Consultation in their deliberations.

This Guide is part of the series, “Step by Step - Eliminating hazardous child labour” that comprises:

- a brochure outlining the six steps for determining the hazardous child labour list (2003);
- a serie of factsheets on technical points (2004);
- a pamphlet of country examples (2005);
- a CD containing the hazardous child labour lists from over 100 countries (2006).

## Structure of the Guide

This Guide has three main sections:

**Section I: The principles behind the process**, describes the larger context of international law, policy, and standards within which the process for determination of hazardous child labour takes place. It explains the nature and importance of the hazardous child labour list (HCL list). This section is intended as background information for the organizers of the determination process.

**Section II: Determination step by step**, takes the organizer/facilitator step by step through the process of determining hazardous child labour, and in particular, setting up and conducting the Tripartite Consultations. The steps and the modules that they contain are based on requirements embedded in ILO Conventions No. 138 and No. 182. Most, but not all, of the determination process takes place in a workshop setting.

Each step is introduced with a description of the:

- objective;
- overview of the task; and
- outputs expected.

Most steps contain two modules corresponding to the different topics being dealt with in that step. Depending on the time and preferences of the group, some modules can be combined, while others will require more than one workshop session. The modules have the same structure, containing:

- content (background information) in the form of questions and answers;
- exercises for conveying this information;
- examples from other countries;
- key terms with definitions; and
- references.

**Section III: Reference list of hazardous child labour**, is a reference list of hazardous work of children. Items in this list are arranged according to the risk categories outlined in the ILO Recommendation No. 190 on the worst forms of child labour (1999) and are drawn from the hazardous child labour lists of many different countries. Inclusion of an item is not, in any way, a recommendation by the ILO that a country should include this item in its list or that the content or wording is preferred over others. Rather, these are offered as examples to stimulate participants' thinking about possible items to include in their own lists, and to show the various ways that particular types of child labour can be described.

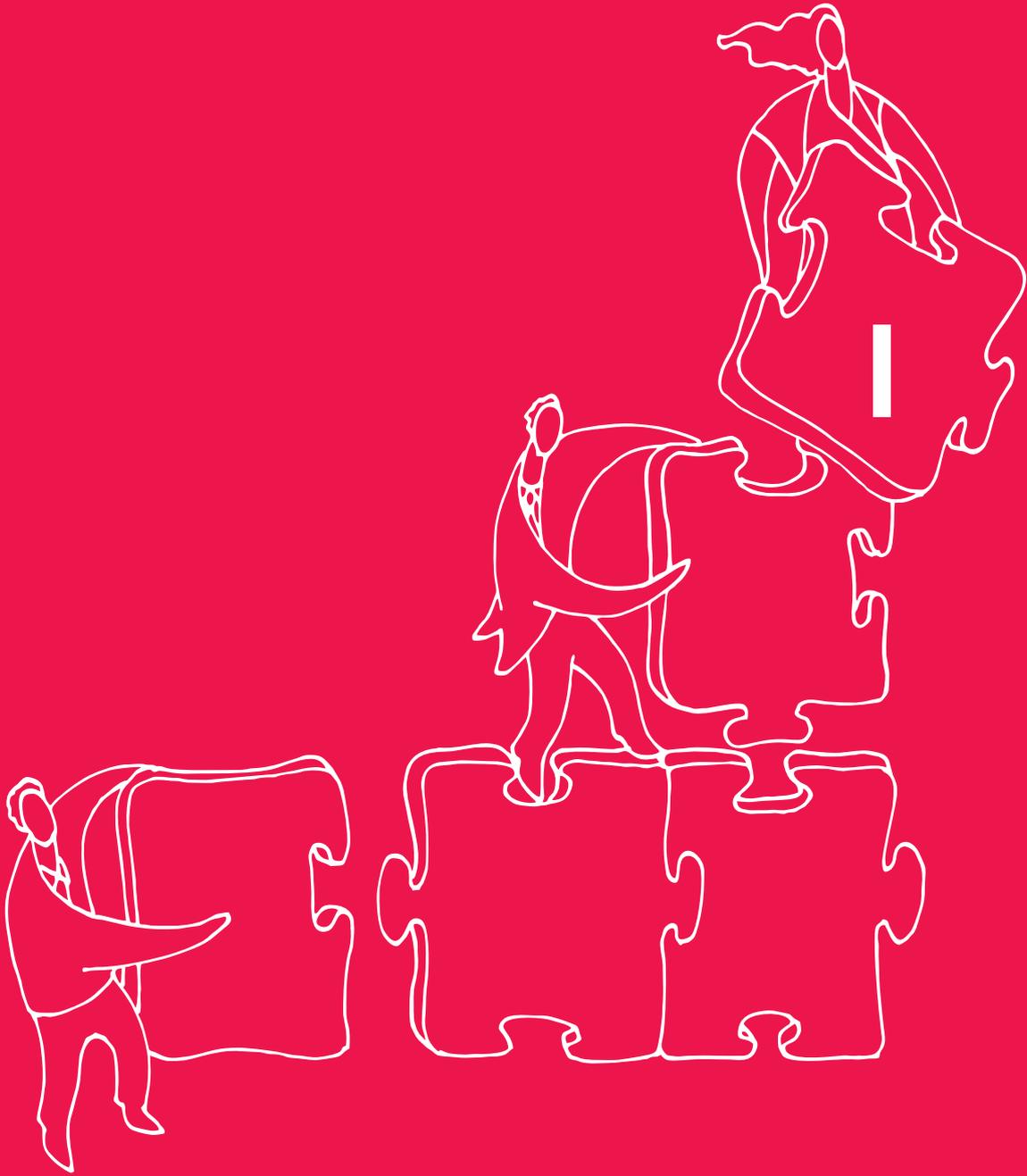
The procedure outlined in the Guide is drawn from what a number of countries have found to be successful. However, this is by no means obligatory or the only way that the Tripartite Consultations can take place. Countries are encouraged to adapt the recommendations to their own situation while maintaining the key prescriptions contained in the ILO child labour Conventions.

# Eliminating hazardous child labour

## Structure of the Tripartite Consultation Process

	Subjects	Format	Time	Outputs
<b>Step 1</b>				
<b>Module 1</b>	Organizing the determination process	Internal process	1–2 mtgs	<b>Consultation checklist</b>
<b>Module 2</b>	Introduction to the Tripartite Consultation	Tripartite Consultation workshop	2 hrs	
<b>Step 2</b>				
<b>Module 3</b>	Finding out about work that children do in the country	Tripartite Consultation workshop	4 hrs with Homework	<b>List of occupations and tasks (intermediate output)</b>
<b>Module 4</b>	Finding out about work-related health risks	Tripartite Consultation workshop		<b>List of occupational risks (intermediate output)</b>
<b>Step 3</b>				
<b>Module 5</b>	Identifying types of work for prohibition	Tripartite Consultation workshop	3 hrs	<b>Hazardous child labour list</b>
<b>Module 6</b>	Identifying types of work for youth employment	Tripartite Consultation workshop	1 hr	<b>List of acceptable work for youth</b>
<b>Module 7</b>	Locating where hazardous work exists	Tripartite Consultation workshop	1 hr	<b>Map of hazardous child labour</b>
<b>Step 4</b>				
<b>Module 8</b>	Formalizing the list	Internal process	Official act	<b>Law, regulation or order on prohibited work</b>
<b>Module 9</b>	Enforcing the new list	Tripartite Consultation workshop	2 hrs	<b>Administrative directive to labour inspectors</b>
<b>Step 5</b>				
<b>Module 10</b>	Priority-setting	Tripartite Consultation workshop	3 hrs	<b>Actionable priorities</b>
<b>Module 11</b>	Planning for use of the list	Tripartite Consultation workshop		<b>Elements for inclusion in comprehensive plan</b>
<b>Step 6</b>				
<b>Module 12</b>	Scheduling follow-up	Internal process	1 hr	
<b>Module 13</b>	Drafting the report	Internal process	1–2 weeks	<b>Report of the determination process</b>

 = Carried out in workshop format



**Section I**  
**The principles behind the process**



## Section I. The principles behind the process

### Pursuing social justice through tripartite cooperation

#### Tripartism and child labour

The Tripartite Consultation Process for determining hazardous child labour is rooted in the fundamental tenets of the International Labour Organization (ILO) and is a reflection of its long history and commitment to social justice through cooperation between workers, employers, and Governments.

Participants in the peace conference in Versailles that followed the end of the First World War were convinced that lasting and universal peace could not be obtained in a world where exploitation of the workforce went unchecked. To promote social justice and protect the rights of workers, they decided to form an international organization where Governments, employers, and workers would together decide on the rules of the game in the world of work.

Through the years, the ILO has remained true to this goal of promoting social justice as it was expressed in the original Constitution of 1919 and reaffirmed in the 1944 Declaration of Philadelphia when the ILO became part of the newly formed United Nations. These describe, in ringing tones, the rationale for the ILO:

*“Whereas universal and lasting peace can be established only if it is based upon social justice; and whereas conditions of labour exist involving such injustice hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled; and an improvement of those conditions is urgently required; as, for example, by the regulation of the hours of work including the establishment of a maximum working day and week, the regulation of the labour supply, the prevention of unemployment, the provision of an adequate living wage, the protection of the worker against sickness, disease and injury arising out of his employment, **the protection of children, young persons and women**, provision for old age and injury, protection of the interests of workers when employed in countries other than their own, recognition of the principle of equal remuneration for work of equal value, recognition of the principle of freedom of association, the organization of vocational and technical education and other measures; and whereas also the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries... ” (Emphasis added).*

Since then, the ILO has provided the world with international law in the field of labour. These laws or ‘labour standards’ are known as Conventions. The Conventions are developed through a multi-year process of information-gathering, analysis, and discussion among the bodies representing workers, employers and Governments. If they can reach agreement, a Convention may then be adopted at the International Labour Conference (ILC) which is held each year in Geneva. Each ILO member State – today over 185 countries – sends a delegation of four to the ILC: two government delegates, one employer delegate, and one worker delegate.

All ILO bodies and ILO meetings must have the same tripartite composition.

The ILO promotes tripartite cooperation as the most effective way of solving issues in the world of work at the national level as well as in the individual workplace. ILO Convention No. 87 on freedom of association (1948), stipulates that employers and workers have the right to form, rule, and run their respective organizations. This holds true for all workers, youth as well as adults.

## ILO's Fundamental Principles

The 1995 Social Summit in Copenhagen proposed to sharpen the ILO's focus on its core values by naming several Conventions as "Core Conventions". This was codified by the International Labour Conference (ILC) in 1998 when it adopted the **ILO Declaration on Fundamental Principles and Rights at Work**. Even if a country has not ratified one of these core Conventions, it is obliged to respect, promote and realize in good faith the principles and rights relating to them. These fundamental principles are:

- freedom of association and the right to collective bargaining;
- the elimination of all forms of forced or compulsory labour;
- the effective abolition of child labour;
- the elimination of discrimination in respect of employment and occupation.

The ILO combines this strong value base with an agenda for social and economic development in the form of the **decent work** concept, launched in 1999. This is carried out at the country level in the form of "Decent Work Country Programmes" by which the constituents of each member State – governments, and employers' and workers' organizations – set the priorities and determine how best to respond to the challenges of globalization.

*"The primary goal of the ILO today is to promote opportunities for women and men to obtain decent and productive work, in conditions of freedom, equity, security and human dignity."*

*Juan Somavia, ILO Director-General, 1999.*

Faced with the unprecedented global financial crisis of 2008, the ILO's constituents feared that the crisis would erode the core labour standards, and that employment would recover much slower than the financial systems. The ILC therefore adopted the **ILO Declaration on Social Justice for a Fair Globalization** in 2008, binding all ILO members to pursuing policies based on four strategic objectives:

- promoting and realizing standards, fundamental principles and rights at work;
- creating greater opportunities for women and men to secure decent employment and income;
- enhancing the coverage and effectiveness of social protection for all; and
- strengthening tripartism and social dialogue.

The **Global Jobs Pact** was also created which, building upon the Decent Work Agenda, proposed measures and policies to:

- retain women and men in employment;

- sustain enterprises, especially small, medium and micro enterprises;
- support job creation;
- promote investment in employment-intensive sectors, including green jobs;
- facilitate rapid re-entry into employment;
- address wage deflation;
- protect persons and families affected by the crisis through social protection systems; and
- equip the workforce with the skills needed for today and tomorrow.

## Conventions and Standards

### Child labour Conventions

Elimination of child labour is included within the Fundamental Principles and Rights at Work. Conventions No. 138 on the minimum age for admission to employment and No. 182 on the worst forms of child labour are the most comprehensive of the child labour Conventions and the ones most ratified by the member States. Yet there are about a dozen other Conventions relevant to child labour or minimum age, some dating back to the origin of the ILO itself. This is an indication of the importance that society has always attached to the protection of children, its most vulnerable workers.

Both Convention No. 138 and Convention No. 182 have similar language in many respects, but the minimum age Convention has flexible requirements for those countries whose social and economic structures are still being developed. Whereas, as its name implies, the ILO Convention on the worst forms of child labour requires that all countries place priority on and take urgent action with regard to certain forms of child labour deemed particularly serious.

# Eliminating hazardous child labour

The sections in Convention No. 182 which refer to the hazardous child labour list (HCL list) are the following Articles:

*“The types of work referred to under Article 3(d) shall be determined by national laws or regulations or by the Competent Authority, after consultation with the organizations of employers and workers concerned, taking into consideration relevant international standards, in particular Paragraphs 3 and 4 of the Worst Forms of Child Labour Recommendation, 1999.*

*The Competent Authority, after consultation with the organizations of employers and workers concerned, shall identify where the types of work so determined exist.*

*The list of the types of work determined under paragraph 1 of this Article shall be periodically examined and revised as necessary, in consultation with the organizations of employers and workers concerned.”*

The child labour Conventions, like many others, have “Recommendations” attached to them. Recommendations provide additional guidance to the countries ratifying the Convention on how it can be implemented. These are non-binding, that is, they do not have the same force of law as the Conventions. But in the case of Recommendation No. 149 accompanying Convention No. 138, and Recommendation No. 190 which accompanies Convention No. 182, they have a special weight because the texts of the Conventions specifically refer to them. The provisions of Recommendation No. 190 are perhaps the most useful of all in the Determination Process, and because of this, they are referred to throughout this publication. This Recommendation describes characteristics of the types of work that can harm the child worker’s health, safety, or morals in Article 3, as follows:

- “ (a) Work which exposes children to physical, psychological or sexual abuse;
- (b) work underground, under water, at dangerous heights or in confined spaces;
- (c) work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads;
- (d) work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health;
- (e) work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer.”

### **The ILO Occupational Health and Sectoral Conventions**

Another set of ILO Conventions – those dealing with occupational safety and health (OSH) – are also important when considering what to include in a hazardous child labour list. These include the ILO Convention No. 155 on occupational safety and health Convention (1981) and its Promotional framework No. 187 (2006). The Convention No. 184 on safety and health in agriculture (2001) is one which tripartite committees will want to keep in mind when examining activities in the areas of agriculture, fishing, and forestry.

In addition to agriculture, there are clauses pertaining to the protection of young workers and prevention of child labour in other sector-related Conventions, such as the recently adopted Convention No. 1896 on domestic workers (2011), or the Convention No. 188 on work in fishing (2007), or the older ones on mining (Convention No. 176 on safety and health in mines (1995)), and construction (Convention No. 167 on safety and health in construction (1988)).

### **Other United Nations standards**

In addition to the ILO, there are other United Nations agencies which establish standards and official guidelines that countries must take into account. Chief among these is the United Nations Convention on the Rights of the Child (CRC) which has almost universal ratification. The CRC asserts that a child (a person under 18) has the right to be protected from:

*“work that is unacceptable because the children involved are too young and should be at school, or because even though they have attained the minimum age for admission to employment, the work that they do is unsuitable for a person below the age of 18.”<sup>1</sup>*

The General Assembly of the World Health Organization (WHO) also produces guidelines through a process similar to that for the adoption of ILO Conventions. The “Child Injury Statement”, adopted in 2011 in the 64<sup>th</sup> World Health Assembly, acknowledged child labour as a source of injuries to children particularly in low- and middle-income countries. It urges member States:

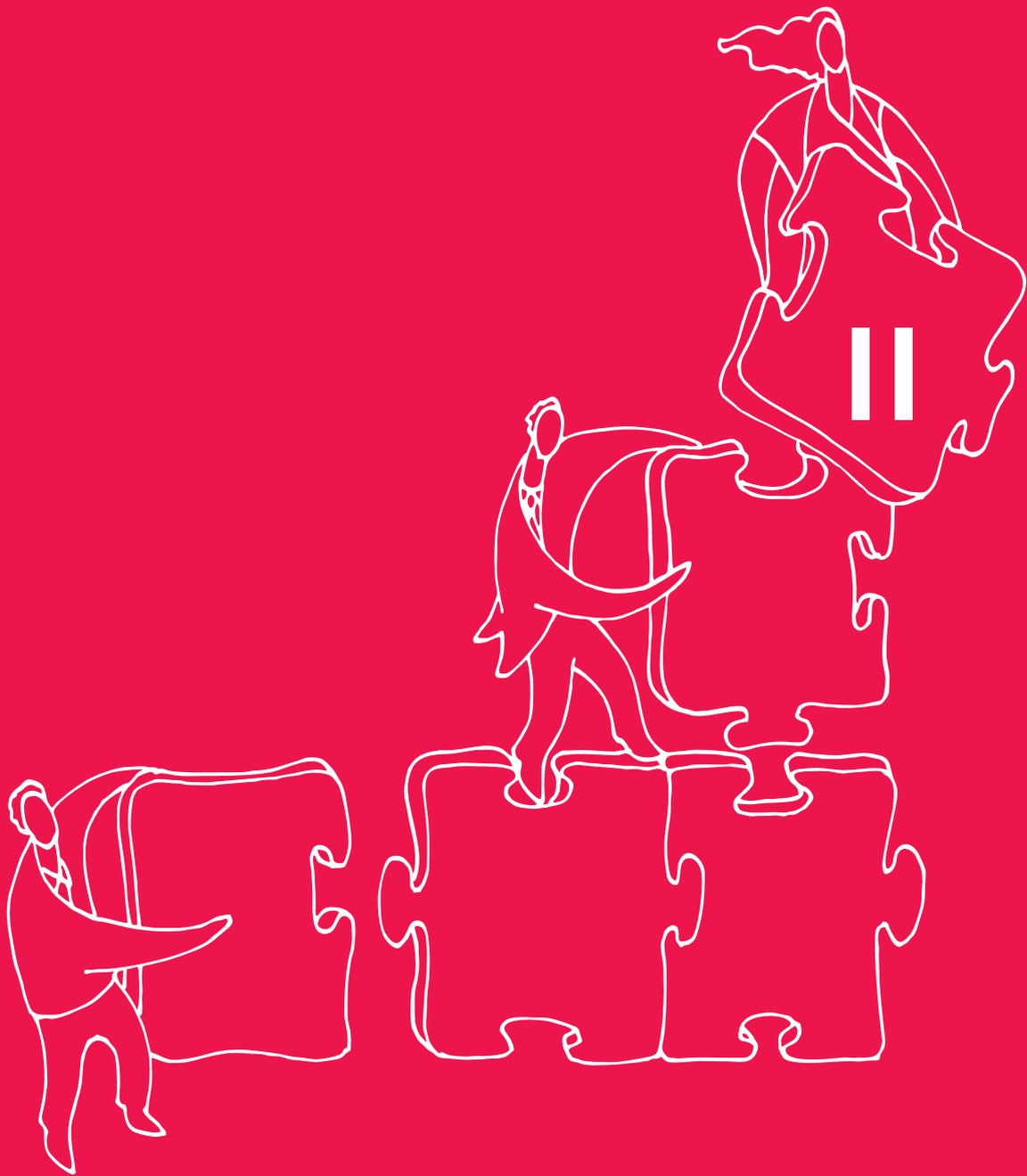
*“(7) to develop and implement a multi-sectoral policy and plan of action where necessary, that contain realistic targets for child injury prevention, and include **promotion of standards and codes on prevention of child labour, on legal adolescent employment**, product safety, school and play spaces, construction regulations and laws, as either a stand-alone policy or plan, or incorporated within the national child health policy or plan;*

*(11) to raise awareness and health literacy, in particular on child safety among parents, children, employers and relevant professional groups, about risk factors for child injury ... **including workplace hazards**, ... and lack of child supervision and protection of children.” (Emphasis added)*

These several international standards and guidelines add weight to the simple fact that children, drawn into work for whatever reason, need and deserve protection.

<sup>1</sup> Report of the UN Secretary-General on the Status of the Convention of Rights of the Child, A/64/172 of 27 July 2009.





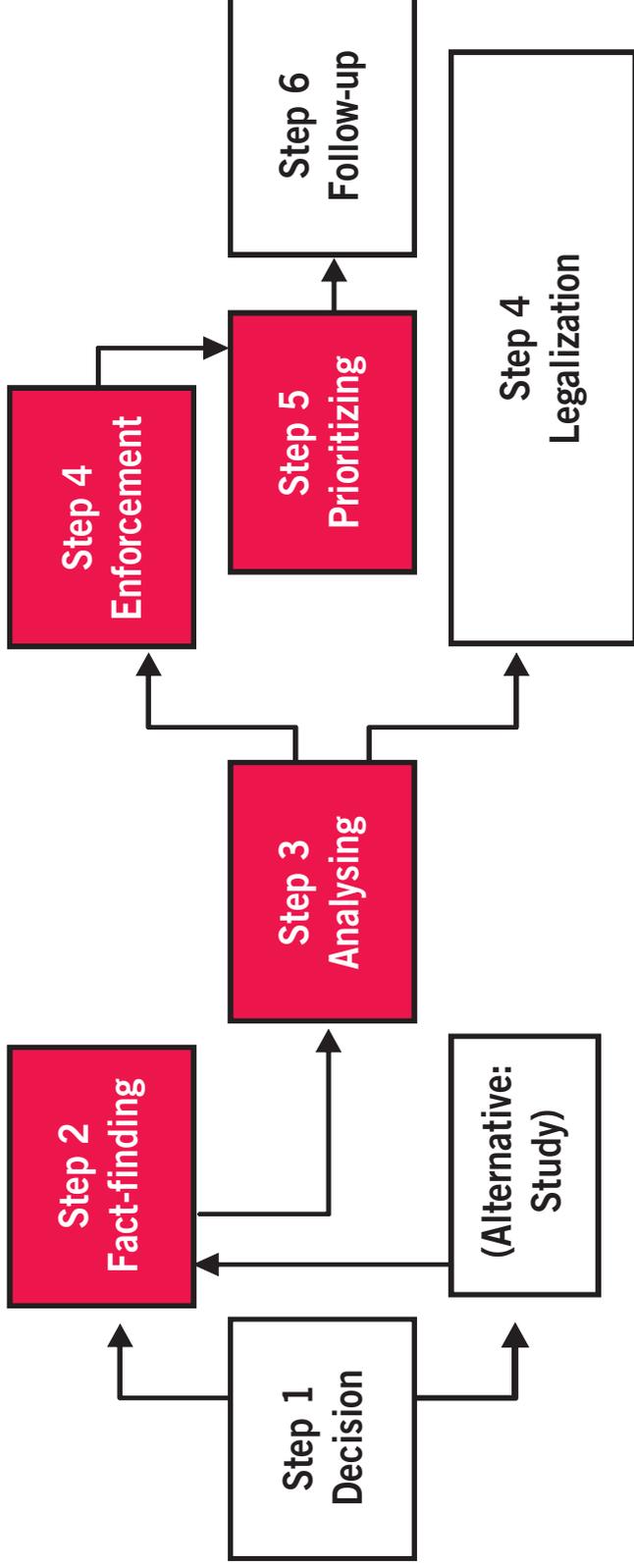
## Section II

### Determination step by step

The following sections describe how a country may go about the Determination Process to protect its children from abusive work and to promote safe youth employment opportunities.

# Flowchart of the Tripartite Consultation Process

## CHILDREN SAFE FROM HAZARDOUS WORK



 = Carried out in workshop format

## STEP

**CREATE A STRUCTURE****OVERVIEW OF STEP 1**

**OBJECTIVE:** To organize and launch the Tripartite Consultation.

**CONTENT:** Step 1 is broken into two modules:

- **MODULE 1.** Deciding on the process  
Internal discussion of the Government in order to decide to develop/revise list.
  - **Content**  
A review of what the process entails and why it is important
  - **Exercices**  
Activity 1: Produce a briefing sheet for decision-makers  
Activity 2: Form a committee and a plan
  - **Examples**
  - **Terms and concepts**
  - **Timeframe**
    1. Short review of process in determining hazardous child labour (15 minutes)
    2. Question and answers (45 minutes)
    3. Planning Committee formed; meets to develop plan (60 minutes)

 **Output for Module 1: Checklist of activities for the Tripartite Consultation**

- **MODULE 2. Basic facts**  
Introductory session of the Tripartite Consultation
  - **Exercices**  
Activity 1. Knowledge pre-test  
Activity 2. Debate  
Activity 3. Presentation on child labour  
Activity 4. Discussion on the determination process
  - **Terms and concepts**
  - **Timeframe**
    1. Knowledge pre-test (10 minutes)
    2. Debate (30 minutes)
    3. Presentation on child labour (60 minutes)
    4. Discussion on the determination process (30 minutes)

### MODULE 1. DECIDING ON THE PROCESS

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**Module 1 is a decision-making meeting or meetings, internal to the Government.**

**The purpose of this module is to come to a decision about whether to develop/revise the hazardous child labour list, and then to work out some of the details for how the Tripartite Consultations will be conducted.**

**This module has an expected output: a Checklist of activities for the Tripartite Consultation, a checklist of actions needed to carry out the Tripartite Consultation.**

Following is information that will be needed in Module 1 and Module 2.

See the end of the Module for some of the key terms and concepts relevant to this topic.



## CONTENT

When the hazardous child labour list is to be first discussed by the relevant authorities, it is always good to have a review – however brief – of what the process entails and why it is important. Following are some the questions that might be asked and possible ways to respond:

### *What is the starting point for determining hazardous work?*

The standard way is for the Government, upon ratification of either ILO Convention No. 138 or No. 182, to establish a plan for its “application.” This includes creating a list of work that will be prohibited to all children, even those of working age. The ministry of labour will want to review the elements of the ratified Convention as well as any comments or recommendations made to the country from the ILO Committee of Experts that pertain to child labour. It can then decide how it will address each of these elements or comments in light of its own structure and needs.

Even if a country has not yet ratified the Conventions, it is a good idea to initiate the process of determining hazardous child labour anyway. Virtually all countries now have laws related to the nature of work that children may or may not do. The Determination Process as outlined in the Conventions provides a structured way of reviewing these laws and updating them, thus contributing to the ultimate goal, which is the elimination of hazardous child labour.

### *Why is the list needed?*

The requirement to establish a hazardous child labour list is part of the international law and policy which was described in Section I, and which therefore becomes the platform and foundation for all subsequent work.

The Determination Process is required because while protection is important for adult workers, it is doubly so for youth. Young people are more likely to be injured at work than their seniors because of their inexperience and tendency to take risks. Moreover, the effects can be more damaging as their bodies and minds are still developing throughout the late teens. And the results – such as amputation or chronic illness – have a longer term impact simply because they take place earlier in life than for adults. Thus, children of all ages need special laws to protect them from exposure to tasks, conditions, machinery, or chemicals that will threaten their growth and development. These are situations which constitute child labour.

On the other hand, protection must not be so excessive that when children reach the minimum age for employment (usually set between 14 and 16), employment becomes impossible. This is the age which corresponds to the end of secondary schooling and most youth want and/or need to find jobs to support themselves, assist their families, or pay for further education. Parents also encourage their adolescent children to find work in the belief that this will give them a chance to develop the skills they will need to become competent and productive citizens. However, without a determination of what is legal and suitable for children of employment age to do, many employers are reluctant to hire them, particularly those who produce for the international market.

### ***Is determination of hazardous work a national process?***

Although this Guide generally speaks of the process as being undertaken at the national level, it can very well be carried out at the subnational level also. Starting at the state or provincial level may, in fact, be preferable in the case of a country with a federal system where labour law has been delegated to the state or province; in the case of a very large country, or one where the ecology or linguistic/ethnic groups vary substantially from one place to another. Alternatively, the process could be undertaken first at the national level and then subsequently replicated at the subnational level for the purpose of refining or adapting the national provisions to local conditions.

### ***Why must there be a special tripartite procedure to develop the list?***

While the Government necessarily leads the process of determining hazardous child labour, the representative bodies of workers and employers need to be involved because they are expected to be familiar with the needs and perspectives of the parties they represent. By sitting together at the same table, they can work out solutions or compromises that are more likely to be practical and adopted by their constituents than if either were to be there alone or if they were not present at all.

### ***Who initiates the process?***

The Government takes the lead by naming a person or unit to oversee the Determination Process. This is usually someone or some unit within the Ministry of Labour and is referred to as the 'Competent Authority'. Because determination of child labour is an obligation on the Government as a ratifying State, it cannot delegate this vital function to an outside body.

Extensive experience shows that, if this is not set in motion by the Government at the appropriate level<sup>1</sup>, there is risk that the work will not result in adoption of the necessary legislation to give the list force of law. Although it may be tempting for a project, donor, or non-governmental organization to try to 'jump-start' the process by hiring a consultant to research hazardous labour and produce a list, this often takes longer in the end because the relevant authorities do not benefit from the discussions that take place, and because it may be seen to be external and therefore it does not lead to ready enactment of the official list.

### ***Who manages the Tripartite Consultations?***

Some governments choose a staff member, others engage an outside consultant, and others delegate the task to a partner agency which will either hire or select someone to facilitate the workshops. The important consideration is that it is the Government which makes this choice.

It is recommended that the facilitator or organizer be a government official. This person should have a good grounding on child labour, as well as be familiar with the national economic and social situation of the country. But if the choice is to have a person from outside the Government (for example a project manager) as the lead, a counterpart facilitator from within the Government should be selected to accompany the process. This will help to ensure official ownership of the process, and the necessary commitment for carrying it through to the end, and instituting the results into law.

<sup>1</sup> Note that, in the case of a province or state, this would be the Competent Authority within the province or state.

### ***How large should the Committee be?***

Most tripartite committees have an average of **10–12** core participants. This insures that the key stakeholders are included, but is still small enough for easy discussion. However, there is no rule; it depends entirely on what the country feels is best. Also, the size of the committee may well fluctuate when additional resource persons or other stakeholders are invited for specific parts of the discussion.

### ***Who participates in the consultations?***

In determining the hazardous child labour list, Convention No. 182 and Convention No. 138 require the relevant governmental, workers', and employers' representative bodies to be involved. The most common way of doing this is by creating a tripartite committee or using an existing one if it can be adapted to this purpose. Many countries already have a national committee for children, child protection, youth employment, or child labour which includes all the relevant stakeholders. Rather than creating another one, the Government may choose to use this committee, assuming that it has the required tripartite constituents.

Following is a list of agencies or individuals with special expertise who could assist with the Consultation; note that they are not all technical specialists. The viewpoints of child workers and of adults who do hazardous work (e.g. mining) or of work that commonly involves children (e.g. domestic service) are very useful in these discussions.

#### **Government participants**

In almost all cases, the labour ministry is the convening body but several of its constituent departments should also be included:

- the child labour unit;
- the labour inspectorate;
- statistics department;
- occupational safety and health division.

Two other really crucial ministries or agencies are:

- education;
- social welfare.

Depending on the structure of the Government and the profile of child labour in the country, these are also good to include:

- agriculture (or all ministries in sectors where child labour is commonly found);
- planning;
- justice (and/or police);
- health;
- youth/children's affairs;
- inter-ministerial bodies for child welfare or youth employment.

### **Employer participants**

The Government will first consult with national employers' federations as to who should represent the employers on the consultative body. The federation may suggest including additional employer groups, such as:

- an association representing small businesses or chamber of commerce;
- an association representing specific industries or sectors;
- an exporters' association or possibly a representative of buyers.

### **Worker participants**

The Government will first consult with the national trade union Centre or Federation as to who or which union will represent them. Depending on the issue, they may nominate a sectoral union (for example a mining union) or a person with responsibility for vulnerable workers. Union safety representatives have much to contribute as they are specially trained on workplace health and safety.

### **Other participants**

Most governments include representatives from the following groups and organizations that have special expertise or experience to offer. These include:

- health experts (e.g. occupational safety and health specialists and institutes, public health professionals, pediatricians, psychiatrists, and adolescent development specialists);
- civil society organizations (e.g. parents' associations, community organizations, NGOs concerned with children);
- religious leaders;
- child workers, representatives of youth groups, youth advocates;
- parents of child workers;
- academics who have conducted studies on child labour or child health;
- representatives of other international agencies, e.g. WHO, UNICEF.

***Do the social partners need to be present for all sessions?***

Technically no, the child labour Conventions' requirement is that the social partners be consulted at some point in the process. But practically, yes, because their perspectives are crucial in arriving at a list that is implementable.

***How long does the Determination Process last?***

It can vary from a few sessions of intensive work to several months of information-gathering, workshops and meetings. The participants should realize at the outset that the process will require some time, and cannot be tossed off in a day or two. Some countries spend over a year or more in discussion. In large part, the duration of the Consultation will depend on:

- whether this is a new list or revision of an existing list;
- the familiarity of the various participants with child labour and the way it is manifested in this country, in other words, do the participants have some direct experience with working children and children caught in the worst forms of child labour? If not, the process will take longer;
- the practicalities of cost, location, and participants' time available;
- the resources allocated;
- whether technical assistance is available or not; and
- political will to keep moving the process forward.

The first three steps in the process and the last two steps, are, on average, handled in 4–6 sessions of about 3 hours each. It is the fourth step – formalization – where the process often becomes bogged down.

However long the process, it is helpful to draft a schedule at the beginning so that participants can make the necessary time commitments and plan how to move with efficiency through all steps of the process.

***What form should the consultation take?***

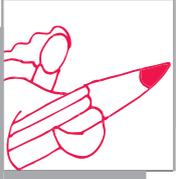
In order for the process to be as efficient as possible, the Competent Authority and Facilitator will need to decide on how the process will be structured. This will depend on what is appropriate and adequate for the country. Is it difficult to organize workshops? To gather different stakeholders? Is it better to keep the process centralized at the national level, or to have a series of consultations in different parts of the country? Some of the options which countries have chosen are:

1. Establishing a tripartite committee with a fixed membership that continues throughout the entire process. The committee meets initially for an intensive workshop (possibly residential), followed by meetings at regular intervals until the work is completed.
2. A group of specialists prepare a background paper which is then considered by the different stakeholder groups (governmental ministries, employers, workers, civil society) who will give their feedback on the draft. A final tripartite workshop is organized to examine the proposed list, revise and validate it.

3. A decentralized approach is preferred by some large or federal countries which have delegated to their provinces or states the right to legislate on labour issues. In such cases, there are two options:
  - a. Tripartite Consultations may be undertaken at the state/provincial level first to inform state-level legislation, and then a national consultation is undertaken to establish a national list.
  - b. This order can be reversed, with the national level process being undertaken first, followed by the local or regional ones.

### ***Why not use the list from another country as a model?***

In the past, a number of newly-emerging States simply copied from each other or from colonial legislation. As a result, their lists were not geared to their own conditions and they were not used as a basis for policy or action. A multi-stakeholder participatory approach is needed for ownership and effective adoption of the list.



## EXERCISES

### Activity 1: Produce a briefing sheet for decision-makers

As an aid for those attending the initial meetings, both as a reminder for themselves and to share with other decision-makers who are not in attendance, it is helpful to have a one-page handout that gives an overview of key points. It also helps to prepare ahead of time the main arguments for either establishing a new list or updating an existing one. Often, when pressed with other urgent issues, management will question whether this process is really necessary at this time.

Critical points to include in the Briefing Sheet are:

- ***The date of the current law on child labour.*** If the law is more than a few years old, it is time to consider an update.
- ***The length, detail and comprehensiveness of the current laws.*** If they leave out important sectors of work or if they are so general that they offer little guidance, it is time to consider the Determination Process.
- ***Comments to the Government from the ILO Committee of Experts*** on the Application of Standards and Recommendations. If the Committee has remarked on the country's lack of application of Convention No. 138 or Convention No. 182, this makes the case for undertaking the determination as soon as possible.

### Activity 2. Form a committee and a plan

Once the decision to proceed has been made, it is advisable to select a Planning Committee, including some of those present but other interested parties as well. The task of the Planning Committee will be to work out all the details – who, where, when, and how – the Tripartite Consultation will proceed.

The people attending the Planning Committee meeting will need to have a brief overview (30 minutes) of what is involved in the Tripartite Consultation and the Determination Process overall. Consider:

- making a PowerPoint presentation following the questions listed in the Content section above;
- handing out copies of the 8-page *Step by Step* brochure as a reference.

The Planning Committee will find its work easier if it develops a checklist. This will help in scheduling the Tripartite Consultations and in assigning responsibilities. Here is an example:

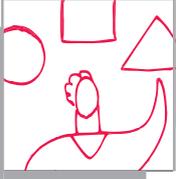
# Eliminating hazardous child labour

## STEP 1



### Output for Module 1: Checklist of activities for the Tripartite Consultation

Task	Time	Responsible	Done	Comment
Inclusion of HCL list process in annual workplan	By 15/12	Director CLU	✓	Workplan item approved by Minister
Prepare budget estimate	1/3	Finance Dept		
Memo to Minister permission to allocate funds	7/3	Director CLU		
Facilitator selected	15/4	Personnel Dpt	✓	CVs reviewed; staff
List of potential participants drawn up	1 /5	Facilitator		
Social Partners invited to nominate participants	1/5	??		Discuss with Federations
1 <sup>st</sup> workshop (orientation)	7/6			
.....				



## EXAMPLES

### Sri Lanka

When starting the process, Sri Lanka already had in place a committee that was regularly used to providing advice on child labour matters called the “National Steering Committee (NSC) for the International Programme on the Elimination of Child Labour”. In addition to representatives from workers’ and employers’ organizations and representatives from the Ministry of Employment and Labour, this Committee was composed of:

- representatives from the ministries of Justice, Women, Education, as well as the Women and Children’s Affairs Division and the National Child Protection Authority;
- staff from IPEC and UNICEF;
- academic institutions; and
- NGOs active in the field of child labour.

To draft the list of hazardous occupations and determine the types of child labour likely to harm the health, safety, or morals of children, the NSC appointed a **Technical Subcommittee**.

### Viet Nam

In its revision process, Viet Nam involved the following:

- Bureau for Safe Work of the Ministry of Labour, Invalids and Social Affairs (MOLISA) including the Department for Legal Affairs, Bureau for Employment, and Bureau for Child Protection and Care;
- Labour Inspectorate;
- Institute for Labour Science and Social Affairs (ILSSA);
- Ministry of Health including Bureau for Environmental Management, Department for Preventive Medicine;
- Institute for Occupational and Environmental Health;
- Viet Nam Association of Occupational Health;
- Ministry of Justice;
- General Statistics Office;
- Workers’ and Employers’ Organizations;
- Relevant research institutions; and
- Provincial Departments of Labour, Invalids and Social Affairs.

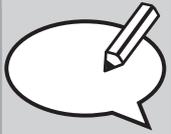
### **Pakistan**

In order to involve stakeholders from the start, a series of consultative workshops were organized in each Province. And then a National Tripartite Workshop in the capital was organized. After each Provincial Workshop, a list of hazardous occupations and processes was formulated that was pertinent to the specific situation of the Province in question. The National Consultative workshop was then held to discuss the Provincial lists and formulate a national one. As a result, all the provinces and other stakeholders were able to reach consensus on a list of 29 hazardous occupations and processes that would be prohibited to children under the age of 18.

### **Ghana**

Assembling and organizing the tripartite group took time. Getting the right people “takes a lot of pushing” for officials to understand how important the tripartite consultation is. Note that there are also workers’ organizations in the informal economy, e.g. those of small farmers.

It is also important to plan well the participation of children. Include youth groups in the consultation, but it must be the youth themselves, not just those who advocate for them.



## TERMS AND CONCEPTS

### Social partners

The term ‘social partners’ refers to employers’ and workers’ organizations engaged in dialogue with the Government in determining social and labour policies.

- When they are included from the beginning and participate throughout the whole Determination Process, workers’ and employers’ representatives are able to truly fulfil their role and potential of being “partners” with the Government in establishing and implementing policy. They are not simply there in a token role to lend legitimacy to a process or to ‘rubber stamp’ a document.

### Tripartism

‘Tripartism’ and ‘Tripartite Consultation’ refers to the importance of having equal participation of governments, employers’ organizations, and workers’ associations in bodies both inside the ILO as well as at the national, local, and enterprise level.

- The ILO Conventions explicitly refer to, and require Tripartite Consultation in many actions against child labour, not only in the determination of hazardous child labour lists.
- Tripartism is politically and legally necessary, but also makes sense in practice. When people are disengaged, uninvolved, or even excluded from a decision-making process they are less likely to commit to or even support the decisions that have been made. Tripartism is a way to ensure all sides have a say.

### Tripartite “plus”

It refers to inclusion of civil society organizations and other stakeholders in the process. Tripartite “plus” is not an official concept, but it is frequently used.

### Hazardous child labour

Hazardous work is a shorthand term for any work which endangers children or puts them at physical, psychological, social, or moral risk.<sup>2</sup>

- Hazardous work is one of the four categories of the worst forms of child labour (WFCL) defined in Convention No. 182 but also covered by Convention No. 138.
- Every country that ratifies either Convention No. 138 or Convention No. 182 has an obligation to develop a list of work that is to be prohibited for children under 18 years of age. This list of work that is likely to jeopardize the health, safety, or morals of children is called the “hazardous child labour list” (HCL list).
- The obligation is the same under both ILO Conventions No. 138 and No. 182. However, Convention No. 182 is explicit in underlining subsequent measures, such as a direct programme of action.

<sup>2</sup> ILO Convention No. 138 (Article 3) and Convention No. 182 (Article 3(d)).

# Eliminating hazardous child labour

## STEP 1

- The national law needs to include a general prohibition of hazardous work for persons under 18 and it is to this law that the hazardous child labour list is attached.

**NOTE TO FACILITATOR:** *Because many people do not realize that hazardous work is a worst forms of child labour, this needs to be emphasized.*

## MODULE 2. BASIC FACTS

Module 2 is the first or introductory session of the Tripartite Consultation. It may be combined with Module 3.

All tripartite partners should attend, as well as all other units, agencies, and individuals who will be participating subsequently. This is because the purpose of this Module is to establish a common floor of understanding about child labour and the determination process. It will not be easy for someone to assist constructively in a later session without having this background.

Module 2 does not have a specific output.



## EXERCISES

### Activity 1. Knowledge pre-test

To get an idea of the level of pre-existing knowledge of the participants, so that the facilitator knows how to adjust the content to their needs, it is very helpful to conduct a pre-test. The pre-test should be:

- simple, requiring only 5 minutes to fill out;
- aimed at finding out the level of knowledge of the group as a whole, not of any one individual (therefore names are not necessary);
- repeated at the end of the series of sessions to assess what will need further reinforcement.

**Here is a sample questionnaire:**

1. Convention No. 138 says that children should not do any work until they are 14 years old. Right \_\_\_\_ Wrong \_\_\_\_ Correction:\_\_\_\_\_
2. There are 4 categories in the “worst forms of child labour”: slavery, begging, prostitution, and military. Right \_\_\_\_ Wrong \_\_\_\_ Correction:\_\_\_\_\_
3. The most dangerous occupation for children is agriculture. Right \_\_\_\_ Wrong \_\_\_\_ Correction:\_\_\_\_\_
4. Age 15 is the best time for children to start learning vocational skills. Right \_\_\_\_ Wrong \_\_\_\_ Correction:\_\_\_\_\_
5. In general, children have fewer workplace accidents because they do lighter work. Right \_\_\_\_ Wrong \_\_\_\_ Correction:\_\_\_\_\_
6. Labour inspectors do not have the legal right to inspect home-based workshops or workers. Right \_\_\_\_ Wrong \_\_\_\_ Correction:\_\_\_\_\_
7. To join a trade union, a person must be at least 18 years of age. Right \_\_\_\_ Wrong \_\_\_\_ Correction:\_\_\_\_\_
8. In our country, a child must be in school until age 13 (end of primary school). Right \_\_\_\_ Wrong \_\_\_\_ Correction:\_\_\_\_\_
9. Overall, progress is being made. The number of children in hazardous work is going down. Right \_\_\_\_ Wrong \_\_\_\_ Correction:\_\_\_\_\_
10. Community members do not have the legal right to report on or interfere in incidents of child labour. Right \_\_\_\_ Wrong \_\_\_\_ Correction:\_\_\_\_\_
11. Children working in others’ homes as servants are not really child labour if they are going to school. Right \_\_\_\_ Wrong \_\_\_\_ Correction:\_\_\_\_\_
12. After completing primary school, it is better for girls to work and gain some practical skills given the current state of secondary schools in our country at this time. Right \_\_\_\_ Wrong \_\_\_\_ Correction:\_\_\_\_\_
13. Children are not really part of my agency’s area of responsibility. Right \_\_\_\_ Wrong \_\_\_\_ Correction:\_\_\_\_\_
14. Child labour is an issue that interests me personally. Right \_\_\_\_ Wrong \_\_\_\_ Correction:\_\_\_\_\_

### Activity 2. Debate

A fun way to open the Tripartite Consultation is to engage the participants in a debate. Although the overt purpose is as an ice-breaker (giving participants a chance to get used to sharing their views), there is an underlying purpose to this exercise: it is intended to elicit participants' views about child labour and the feasibility of its eradication.

The topic of the debate is: 'Work is good for children!'<sup>3</sup> This is the way it is done:

- Observing the participants as they come into the room, select four who appear keen and engaged, asking them if they would be part of the debate teams. Select two who are of a more quiet nature, and ask them if they would be recorders.
- All six should come to the front of the room where two flipcharts are set up for the two recorders, and two tables are set up for the two opposing debate teams. A third chair (empty) is placed at each table.
- Draw straws or assign which team will take which position. If possible, team members should be assigned to argue the opposite position from that which they are likely to personally hold, e.g. someone from the Child Labour Unit would be assigned to the pro-work team.
- After allowing the teams a few minutes to confer separately to select their opening arguments, the debate is launched. The debating teams alternate in making points and refuting while the recorders capture the key points – one taking down the arguments in favor of child work, the other noting negatives.
- After the first 2–3 rounds, the audience is invited to assist one team or the other either by rising and speaking from where they sit, or (preferably) physically coming up front to sit in the vacant chair of the team they are supporting. After they make their point or two, they return to their original seats, leaving the chair open for someone else.
- Stop the debate after 15 minutes or when it slows, whichever comes first. Congratulate the teams for having the longest list of points, the most creative arguments, the best spirit, etc., and explain that what they have produced will be used in a later session for designing informational materials to reach different audiences.

The debate is intended to illustrate the fact that not all economic activities of children are “child labour” (i.e., targeted for elimination). Some work is definitely acceptable. The task is to differentiate acceptable from unacceptable work.

Although the definition of child labour and other concepts may seem obvious, there are many different perceptions and even some misconceptions. It pays to spend some time at the start of the Tripartite Consultation reviewing the key terms that will be used frequently throughout the consultations and ensuring that everyone in the room has the same understanding. Two activities toward this end are:

- Ask someone among the participants to volunteer a definition for each of the concepts listed below in the “Terms and Concepts” section (e.g., child, hazardous, etc.). Other group members are asked to confirm or correct the definitions. Follow up with questions to stimulate discussion. This exercise can often be quite lively.

<sup>3</sup> Note: The term “work” is intentional here. In other words, the debate is not about whether abusive and exploitative child labour is good or not – no one would dispute that – but on the positive aspects of work.

- Prepare and provide a one-page handout listing the key terms and their definitions.

### Activity 3. Presentation on child labour

One cannot assume that everyone has the same understanding about child labour or is even aware that child labour exists. For example, senior officials may have been recently transferred to the department, a substitute may be sent just for one meeting, and in any case, reviewing the facts provides an opportunity for all to ask questions.

Depending upon the group's familiarity with the issues surrounding child labour, this section can be short (20 minute overview), or, it can be a session in itself (2–3 hours). The latter is recommended.

1. *What is hazardous child labour?*

*Reference:* Draw on information provided in **Section I** of the Guide.

The questions that are highlighted below suggest categories of information that the facilitator/organizing unit can prepare and present. The aim is to provide a brief overview rather than to produce an elaborate report which requires time and money. Gather information that is easily at hand.

2. *What international child labour standards (Conventions) has the country ratified?*

This includes not only both Conventions No. 138 and No. 182, but also the Convention on the Rights of the Child.

3. *Is there a known gap in legislation?*

This includes, for example, outdated child labour laws, or a gap between minimum age for employment and school leaving age.

4. *How serious is the child labour problem in our country?*

This includes any statistics on child labour that are available, such as from child labour surveys.

5. *Is there forced labour or are there instances of children being trafficked for labour here?*

This includes information on bonded labour and informal debt relationships, as well as slavery.

6. *Do working children go to school?*

This includes information about the literacy levels and school completion rates from both primary and secondary levels.

7. *Are existing child labour laws being enforced?*

This includes information about the number and responsibilities of the labour inspectors and agricultural inspectors.

8. *Who is responsible for child labour?*

This includes information about a child labour unit, if any exists, as well as child labour focal points within other ministries and agencies.

9. *What are public attitudes toward child labour here?*

This includes general awareness of child labour, and whether there is concern in different relevant areas.

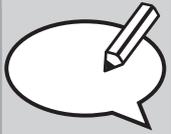
### Activity 4. Discussion of the Determination Process

This activity will help both the organizers and the participants manage their expectations. The participants need to have a good understanding of what they are expected to do, the number of meetings they need to attend, and how much of time commitment they will need to make. The organizers need to know what and who they can count on to finalize the process. If there are likely to be problems in carrying out the process, it is good to know now so that the issues can be addressed.

1. Make a presentation on the “six steps” involved in the determination process. Hand out copies of the back page of the Guide, and/or the *Six Steps* brochure. Reference: Module 1, the *Content* and *Terms and Concepts* portions
2. Present the plan for the Tripartite Consultation sessions. Explain the schedule and composition of the Tripartite Committee. Reference: the Consultation checklist developed in Module 1.
3. Hold a group brainstorming and discussion, asking:
  - a) Are there any additional elements that should be included in the plan for the Consultation?
  - b) Who else should participate in the Consultations?
  - c) How should the meetings be handled? Where should they take place?
  - d) What is the preferred length and timing of the meetings? How frequently should they be scheduled?

**NOTE TO FACILITATOR:** Recommendation No. 190 is explicit that the work be done “taking into consideration the views of the children directly affected by the worst forms of child labour”. A good discussion question is: “How shall we obtain children’s input?”

- Discuss with agency representatives whether each is at a level, and has sufficient authority to make recommendations and/or decisions on behalf of the organization or body that they represent, and if not, how this should be handled.
- Try to get a commitment from each party that they are indeed willing to be part of the whole process and will be able to commit the time needed to finish it.



## TERMS AND CONCEPTS

### Child

**A child is an individual under the age of 18 years.**

- This is based upon the 1989 United Nations Convention on the Rights of the Child and on ILO Convention No. 182.

**NOTE TO FACILITATOR:** *Because many people think of a child as only a person of school-age, you need to emphasize the fact that a person is technically a child until s/he is 18 years old.*

**If they ask you:** *“In our culture, a person is no longer a child once she reaches puberty.”*

**You can say:** *“Traditionally, different societies had different definitions of childhood – some very young, some quite old. But now, with the change toward a modern industrial society where children need to go to school to prepare for a changing world, these different cultural definitions of childhood no longer serve us very well. Instead, international law<sup>4</sup> – accepted by virtually every country in the world – agrees that a person under the age of 18 is called a ‘child’ and therefore deserves special protection. There are good reasons for this. Children are still in a state of physical and mental development up until the late teens and they do not have the full legal rights of an adult.”*

### Youth

**Youth generally refers to the age group, 15–24.** However, it is often used in a non-technical way to mean young persons, adolescents, or teenagers.

### Child labour

**Child labour is work by children under the minimum age for employment** as set by national law.

- The ILO Minimum Age Convention, 1973 (No. 138) sets 15 years of age as the minimum age but allows for countries which are still in the process of development to set this as 14 years of age temporarily.
- Not all work done by children is child labour. Only that work which may affect their health, safety, morals, or which might interfere with their schooling is ‘child labour’.

### Child work

**A non-technical term for economic activities of children.** This is used sometimes as a generic term to refer to all economic activities of children or to differentiate activities which are acceptable (i.e., not child labour) from non-acceptable activities (i.e., child labour). Since this term does not translate well in other languages its use is discouraged.

<sup>4</sup> The United Nations Convention on the Rights of the Child (CRC).

### Chores

**A non-technical term for light tasks within the child's own household.** Doing chores for the family for a couple hours a day can help children gain skills, self-confidence, and a sense of responsibility, but the nature of the tasks or chores must be carefully chosen to fit the age and strength of the child and must not be hazardous.

- Determining what is acceptable in terms of chores or light work must be discussed locally as ILO Conventions do not spell this out. They stipulate that the work or chores should not affect schooling or health. ILO Minimum Age Recommendation No. 146 says: “*work that is acceptable and does not affect (the child's) health and personal development or interfere with schooling... such as helping parents at home, assisting in a family business or earning pocket money outside school hours and during school holidays*”.

### Worst forms of child labour

**The worst forms of child labour (WFCL) are four categories of work outlined in ILO Convention No. 182 that are unacceptable for children under any circumstances and which have been targeted as requiring urgent action.** The first three of these (a, b, and c) are not subject to national determination, but must be prohibited and eliminated without further discussion. This means that they are not included in the hazardous list, whereas the fourth (d) is included in the hazardous list and the items are subject to national determination. Hazardous work is a “worst form of child labour.”

- [A]ll forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;*
- 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 as defined in the relevant international treaties;*
- work which, by the nature of the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.*<sup>5</sup>

### Definition versus Determination

“**Defined**” means that the type of work is already prohibited. “**Determined**” means that the work still needs to be prohibited. These terms are used to distinguish between the categories of child work which are not open to national determination (the three types of unacceptable work listed above in paragraphs a, b, and c) and those which require national determination (the fourth type of unacceptable work (paragraph d).

<sup>5</sup> ILO Convention No. 182 (Article 3(a)(b)(c)(d)).

***Light work***

**Light work refers to activities that will have no negative impact on school or health.** These activities are allowed for young children only under very strict conditions. Article 7 of ILO Convention No. 138 on the Minimum Age of Admission to Work allows national laws or regulations to permit children from age 13 (exceptionally from age 12) to do work which is:

- e) not likely to be harmful to their health or development; and
- f) 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.

The last sentence is important because it acknowledges that children must have enough time to do their homework and to have adequate sleep and leisure, otherwise they will not be able to “benefit” from their schooling. Recent research confirms that more than two hours of work or less than eight hours of sleep have an observable effect on children’s capacity to learn in school.



## STEP



## COLLECT INFORMATION

### OVERVIEW OF STEP 2

**Objective:**

Participants have the necessary information for determining the work to be prohibited to children under 18: what types of work children do, the risks involved in this work, and where this work is located.

**Procedure:** This step will likely require two sessions to complete as homework is involved. Alternative (less preferred): a consultant may be hired to gather the necessary background information, preparing a verbal or written summary report that is then discussed by the tripartite committee.

**Module 3. Finding out about child labour in the country**

Small group discussions on sources of information (30 minutes)

Homework: Gathering the assigned information (1-2 weeks)

Large group discussion on types of work, characteristics (3 hours)

**INTERMEDIATE OUTPUT: List of occupations and tasks in which children work**

**Module 4. Finding out about work-related health risks and injuries**

Presentation: Vulnerability of children to occupational injuries / illnesses (60 minutes)

Group work: Identifying health hazards (45 minutes)

Group work: Body mapping (15 minutes)

**INTERMEDIATE OUTPUT: List of occupational risks to children and youth**

## MODULE 3. FINDING INFORMATION ON CHILD LABOUR

Module 3 generally requires two workshop sessions. The first session of this module is often combined with the previous one, Module 2.

Tripartite partners should attend, as well as technical specialists, particularly:

- *government sectoral ministries, especially agriculture;*
- *child workers, parents of child workers, adult workers;*
- *employers and union members in occupations where children work.*

Module 3 has an intermediate output: the first section of the *Hazardous child labour Worksheet* on the work that children do.

In this module, the participants examine the existing data about child labour in the country. They will draw on written materials, direct observations, and interviews with working children and their employers. This module will give participants a good sense of the breadth and depth of what is already known about child labour in this country. They will put this information into a chart called, the *Hazardous child labour Worksheet*; this chart will be used extensively in later sessions.



## CONTENT

### *Isn't it better to conduct a study for this step?*

This is true; an alternative way of carrying out this step, and one that many countries use, is to engage a consultant or organization (e.g., trade union) to conduct a study of child labour, where it is found, and its characteristics.

This approach may be recommended in countries where there has been no previous work on child labour, or alternatively, in a country which is so advanced in its work on child labour that the updating of the list involves only a few highly technical questions.

In most countries there is sufficient information already available that having the fact-finding exercises of Step 3 conducted by the participants themselves, actually helps them in coming to an agreement on the items to be included on the list. They will then have a far more direct understanding of the gaps and needs than if they were merely to be presented within a report.

### *Where can general information about child labour be found?*

- Newspapers and magazine articles
- Videos, documentaries
- Child labour project reports and studies
- Rapid assessments conducted by child labour or child protection projects
- Reports by departments of labour, labour inspection
- Reports of international agencies (ILO, UNICEF)

### *Where can data on the numbers of working children be found?*

- National child labour statistical surveys
- National labour force surveys, national household surveys on children and nutrition
- Records of Conditional Cash Transfers or other poverty alleviation programmes

### ***What laws and lists of prohibited child labour already exist?***

Types of work in which children under the age of 18 years are not allowed to work may be listed in one place in the labour law, but they may also be spread out over different pieces of legislation and regulations. Some suggestions on where to look for such provisions are:

- The Constitution; in many countries, the Constitution contains articles on the rights of children and how their rights might be protected. This may include prohibitions on specific sectors of hazardous employment
- Child labour laws, regulations, and ordinances
- Forced and bonded labour laws
- Occupational safety and health laws and regulations
- Minimum age legislation
- Child rights and welfare regulations
- National policies on children, on youth employment, on child labour
- Laws on dangerous substances (e.g., pesticides, radiation, chemicals, etc.)
- Laws on noise limits, often found in municipal or local ordinances
- Sectoral laws (e.g., maritime employment, agriculture, factories, mines. etc.)
- Education and school attendance policies and laws



## EXERCISES

### Activity 1. Facts about child labour

This exercise involves homework. As collecting information takes time, it is generally not possible to handle this activity in just one session. If gathering information about child labour was the only purpose, it could just as well be done by a staff member or consultant or a student enlisted for the purpose. But when members of the committee set out to gather information themselves, even if it ends up being incomplete, it can be an awareness-raising experience for them, giving them a direct sense of how easy or difficult it is to find the information, and where the gaps are.

- Divide the participants into four small groups according to interest:
  1. **Statistical information:** How many children work.
  2. **Locational information:** Where child labourers are likely to be found.
  3. **Legal information:** What legal instruments on child labour already exist.
  4. **Occupational information:** What work are children doing.
- Have each group make a list of information that it agrees would be important to know in the category assigned to it and that would be important for preparing the list.
- Have each group list where it will seek information to get a good understanding of the state of knowledge available in its category.
- Have the group members assign themselves pieces of information or sources of information they will consult and bring back to the next meeting. Everyone should have an assignment. (It is important to provide sufficient time for the gathering of information and observations, e.g., two weeks. If the period is too long, there will be a tendency to put off the homework.)

### Sample chart for Statistics Group

Questions	Probable source	Responsible
What is the total number of children who work?		
How many are in the WFCL?		
What proportion of families is poor?		
How many children are out of school?		

- In the next meeting, the teams report back what they have been able to find out. Consider allowing the small groups to meet separately at the beginning of the next session so they can pool the information they have been able to retrieve and prepare a presentation. They may wish to make a group report, selecting one as a spokesperson; or they may wish to make short individual presentations.
- One person may be selected to record on a flipchart or computer the information gaps identified by the groups. This will be used then for planning exercises in Step 5.

#### Activity 2. Observation

The purpose of this exercise is not data-gathering, per se, but rather sensitization. Although officials may have seen child workers from time to time, often they have not had direct contact with them. This activity offers a chance to directly observe child workers and to learn something about their lives and work. Experience shows that this activity informs and influences later discussions.

Although this exercise can be done individually by each participant alone or with a partner, it is preferably done as a group. It requires that there is an area of visible child labour nearby. (The Facilitator will need to assess this ahead of time.) A market area is often a good choice, also an agricultural area if this is a season when children are engaged in planting or harvesting, or an area with small manufacturing and repair shops.

- In teams of two, the participants find and interview, with due tact and sensitivity:
  - a child labourer;
  - the child's employer, if there is one.

The aim is to put oneself in the other's shoes and to understand – without any criticism or condemnation – how s/he sees the work and its importance. For the child, one wants to see what s/he is doing and why. For the employer, one wants to know the advantages and disadvantages of employing younger persons.

- At the next session, those who have done the observations should have an opportunity to speak about their experiences. If time is short, each could mention one thing s/he learned as a result of the observation or interview.

**Activity 3. Making a list of work that children do**

This exercise is fundamental to all subsequent work. It draws on the information gathered in Activity 1 and the insights gained from Activity 2. Refer to the following “Terms and Concepts” section for the necessary definitions.

To stimulate discussion, this exercise can be carried out as one large group. One or more person(s) is designated to record information in the front of the group in a way that is visible to all, such as on a white or blackboard, computer with overhead projector, flipchart, or poster sheets. The participants call out items to be listed in the following categories:

- A. All occupational **sectors/industries** in which children might possibly be working.
- B. Within each industrial sector, the **occupations** in which children might be working.
- C. Within each occupation, all of the **tasks** or activities which children perform.
- D. For each task, the **tools, equipment and chemicals** which children might work with or be exposed to.
- E. For each task, the **conditions** in which it is carried out.

**The result might look like this:**

A.	B.	C.	D.	E.
Sector	Occupation	Tasks/Activity	Tools	Conditions
Agriculture	deep sea fishing	diving to set net	hooks	weather no training
		blasting reef	dynamite	
	aquaculture	harvesting algae	knife	working w/ family
		hauling shells	baskets	
	cotton	weeding	hoe	no formal contract
		killing insects	sprayer, pesticide	
Services	domestic	washing dishes	soap	working alone
		cleaning floors	cleaners	
	tea boy	preparing tea	gas stove	working on street
		serving clients	tray, bicycle	
	auto repair	changing tires	jack	unpaid apprentice
		cleaning up rags	solvents	
Industry	carpets	weaving	loom	at home
		cleaning	broom	
		sewing		

An additional step which the group can take is to circle or highlight in red those tasks, tools, and conditions which are obviously dangerous.

# Eliminating hazardous child labour

Frequently, in going through this exercise, the participants will find that they need to know more about, for example, what children do in repair shops. Or they want to know the content of pesticides and fertilizers currently being sold and used in this country. Build in time for this additional information-gathering as it will bear fruit later on in terms of knowledge, interest, and commitment.

**NOTE TO FACILITATOR:** Be sure that the list does not contain any occupations which:

- do not exist in the country; or
- do not possibly have children under 18 working in them (e.g. truck drivers, professors, or X-ray technicians; or
- are already contained in the types of work listed in categories a, b, or c of Article 4, Convention No. 182, sometimes called the “unconditional” worst forms of child labour.



## EXAMPLE

### Sri Lanka

In Sri Lanka, a hazardous child labour list was already established under the main child labour law, the “Employment of Women, Young Persons and Children Act”. A regulation, outlining a list of hazardous occupations for children (up to 14 years of age) had been issued in the past, but was repealed in 2000 when a minimum age of 14 years for admission to employment was established. Although outdated, it was useful to draw on this material, and then see from the more recent standards, experiences, and scientific data what would be added. The Technical Committee studied and examined the laws in force in Sri Lanka relating to children and child labour in particular, other laws such as the Penal Code, the “Explosives Act”, the “Poisons, Opium and Dangerous Drugs Ordinance”, and the “Mines and Mineral Law”.

### Lebanon

To update the labour law, a technical subcommittee of the National Steering Committee on Child Labour invited a professor of occupational health and safety at the University to prepare a study of:

- the risks and hazards related to occupations by economic sector categorized by its chemical, physical, biological, mechanical, psychological and other effects;
- risks that afflict children and might result in long term health effects; and involved *inter alia*:
- surveying district labour and health and safety inspectors about their experiences and knowledge of child labour in their districts.



## TERMS AND CONCEPTS

### **Sector**

The term “sector” is used in a colloquial way to refer to a major part of a country’s economy. Statistics are usually reported according to three economic sectors: agriculture, services, and manufacturing.

### **Industry**

An industry is often spoken of as a sub-component of a sector, such as the fishing industry or the forest products industry within agriculture.

### **Occupation**

“Occupations” are types of work or professions. For example, within the construction industry, there are bricklayers, carpenters, plumbers, etc.

### **Task**

A task is a discrete activity within an occupation. Using the example from construction, shovelling sand and gravel is a task of the bricklayer.



## REFERENCES

- IPEC: *Eliminating hazardous child labour: Step by Step*. Step 2 (Geneva, ILO, 2003). Available at: [www.ilo.org/ipecinfo/product/viewProduct.do?productId=1660](http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=1660)
- ILO: Child Labour Conventions No. 138 (1973) and No. 182 (1999) and accompanying Recommendations. Available at: [www.ilo.org/ipec/facts/ILOconventionsonchildlabour/lang--en/index.htm](http://www.ilo.org/ipec/facts/ILOconventionsonchildlabour/lang--en/index.htm)

## MODULE 4. FINDING INFORMATION ON RISKS AND HEALTH IMPACTS

This module is conducted in workshop format as part of the Tripartite Consultations.

In addition to the employers' and workers' representatives, it will benefit from having resource people with health expertise, such as:

- *Occupational Safety and Health specialists*
- *Trade union Worker Safety Reps*
- *Child psychologists and paediatricians*

Module 4 has an intermediate output: health data in the *Hazardous child labour Worksheet*

This module provides the basis for assessing which types and conditions of children's work will be prohibited for those under 18 years of age. Hazardous work cannot be acceptable for children because of basic biology. Children are not simply smaller adults, they are physically and mentally different; and regardless of cultural perceptions or social construct, the transition to biological adulthood extends past puberty well into the late teen years. This is the foundation for the argument against hazardous child labour [...] the rationale for why it is classed as a "worst form of child labour [that] requires immediate and comprehensive action."<sup>1</sup>

Many in the group may hesitate at this stage feeling that they do not have the necessary knowledge to participate in the discussion. Although it is definitely helpful to have resource people with occupational safety training attending this session, these exercises can be done by anyone, much of the work is common sense.

<sup>1</sup> Preamble, ILO Convention No. 182.



## CONTENT

### *Is it necessary to conduct a study of child workers' health?*

No, generally speaking, enough information is already available in the literature that will enable the participants to make decisions about which tasks and conditions are hazardous for children. Special studies are time-consuming, expensive, and the numbers of children with overt, obvious health problems will be quite low. Some of the most serious health problems show up only years later.

The situations where it may be useful to conduct special research are where:

- there is an unusual local form of child labour for which the health effects are not known;
- data from a large survey exist (e.g. a Labour Force Survey) but have not been analysed;
- there is scepticism among public or policy-makers that child labour can be harmful – in this case a study may prove useful for providing local examples for advocacy purposes; and
- an existing list is being revised and there may be need for more specialized information.

### *Where do you find national statistics on working children's health?*

In general, statistics on the occupational injuries and illnesses of children are very scarce. Only a few countries have been collecting information on children below 15 years of age. Nonetheless, it pays to look at:

- Labour Force Survey (LFS) reports if they have accident results that are broken down by age group, e.g., 15–17 years of age;
- surveys of child labour (ILO) or child protection (UNICEF) or other household surveys (World Bank) that have included questions on health and on occupation;
- local hospital and clinic records, especially in locations where there are working children;
- data about adult occupational injuries for adults to get an idea of the profile of health impacts common in the country;
- occupational safety and health studies and reports.

### *What kind of hazards are child workers exposed to?*

The hazards to which working children and youth can be exposed may be of several different kinds. It helps to use a standard framework for thinking about this in order to not to miss any of them. The field of occupational health uses these categories:

**Biological hazards:** dangerous animals and insects, poisonous or sharp plants, bacteria, parasites or viruses (HIV, hepatitis).

**Chemical hazards:** toxic gases, liquids (solvents, cleaners), metals (asbestos, mercury, silica, lead) fumes (vehicle exhaust, glues), agro-chemicals (pesticides, herbicides and insecticides), explosives.

**Ergonomic hazards:** work that requires lifting, carrying or moving heavy loads, repetitive or forceful movements, or work postures that are awkward or which must be held for a long period of time.

**Physical hazards:** extreme temperatures (hot or cold), noise, vibrations, or radiation.

**Psychological hazards:** Stress, intimidation, monotonous work, lack of control or choice, insecurity, harassment, abuse (sexual or physical violence), heavy sense of responsibility.

**Social hazards:** isolation from peers and family, association with drugs or adult behaviour.

**Other physical risks:** risk of falling, being struck by objects, being caught in or between objects, being cut or burned.

**Working conditions:** long working hours, night work or work in isolation, an obligation to commute to work through high crime areas or at night.

### ***Why are children so vulnerable to workplace dangers?***

Many people assume that the work children do is not particularly dangerous. Others assume that it is not necessary to know about the effects of work on children's health, but simply to concentrate on getting them out of work (for those below age 15) or finding them work if they are above that age. But in fact, until their late teen years, children are more vulnerable to workplace dangers than are adults, because they:

- have thinner skin, so toxic substances are more easily absorbed;
- breathe faster and more deeply, so can inhale more airborne pathogens and dusts;
- dehydrate more easily due to their larger skin surface and faster breathing;
- absorb and retain heavy metals (lead, mercury) in the brain more easily which can disrupt the endocrine system that plays a key role in growth and development, retarding intellectual development, and affecting the whole nervous system;
- use more energy in growing and so are at higher risk from ingested toxins;
- require more sleep and rest for proper development;
- have less-developed thermoregulatory systems rendering them more sensitive to heat and cold.

It is important to remember that a child in hazardous work is not subject to just one risk factor, but usually to several. Hazardous work often (but not always) occurs along with poverty. When a child is malnourished *and* carries heavy loads, s/he becomes exhausted and her or his risk of illness increases. When s/he is growing rapidly *and* working for hours in the hot sun, her or his risk of back injury increases. In addition, when children are scolded for lack of attention or beaten for a mistake at work, they may push themselves even harder ... and the risk of an accident increases even more.

### ***Do girls have different risks than boys?***

Boys outnumber girls in hazardous work across all age groups.<sup>2</sup>

- Over 60 per cent of children in hazardous work are boys, in both the 12–14 and 15–17 years age groups.
- For girls, the numbers have been declining over the last few years, most likely because of the increased emphasis given to girls in education and child labour programmes.

Girls, however, are concentrated in certain sectors (e.g., domestic work) and traditionally may be expected to do heavy household chores (hauling water and wood) that could have significant health effects.

### ***Can adult occupational health standards can be used for children?***

Adult standards can give an indication of what is hazardous, but while they take into account health and safety risks they do not deal with developmental risks. Also there is as yet too little research on children of the effects of many substances and situations. Without such studies it is not possible to say, for example, that a child can tolerate 10 per cent of what an adult can.

However, there are some general rules:

- if something is dangerous for an adult, such as radiation or asbestos, it is obviously so for children;
- if “threshold limit values” (TLVs) have been set for adults, this is a clue that the work involves something that is too dangerous for persons under 18 years who are still developing physically and mentally;
- if public environmental standards are available, they can also give an indication as they are designed to cover children as well as adults.

<sup>2</sup> The following figures are taken from: IPEC: *Children in hazardous work: What we know. What we need to do* (Geneva, ILO, 2011) Available at: [www.ilo.org/ipcc/Informationresources/WCMS\\_156475/lang-en/index.htm](http://www.ilo.org/ipcc/Informationresources/WCMS_156475/lang-en/index.htm).



## EXERCISE

### Activity 1. Hazard mapping

Materials needed: 4–5 large sheets of paper

This is a good warm-up exercise and helps the participants visualize the range of risks to which child labourers may be exposed.

- Ask the group to divide into 4–5 smaller groups. Each group should pick an occupation they are familiar with. For example, rice growing, domestic service, automobile painting.
- Ask each group to draw the “workplace” of the occupation they have chosen on a large sheet of paper. In the case of agriculture, this will be fields, with perhaps a village alongside. In the case of manufacturing, it might be a factory, and so on.
- On this “map”, use symbols or sketches to identify the different hazards to which a person under 18 might be exposed.
- Give each group about 10–15 minutes to prepare their drawing.
- Have groups display, present and discuss their workplace sketch.

### Activity 2. Body mapping

After locating the hazards in the workplace, the next step is to consider the health impacts of those various hazards. It is important for participants to become accustomed to drawing the connections between hazards and health impacts. (Use the same small groups for this exercise).

- Have each group draw a large outline of the human body on a flip chart or large sheet of paper.
- Taking each of the hazards they have found in the sector they have just analysed, have them make an “X” on the body map to show the areas of the body which they believe are affected by this work.
- Returning to the large group, collectively draw conclusions about the nature of the injuries, illnesses, and other problems associated with the children’s work.

# Eliminating hazardous child labour

## STEP 2

### Activity 3. Health hazards and risks.

This is the second critical step toward creating the actual list. It involves adding additional columns to the *Hazardous child labour Worksheet* to incorporate two new sets of information:

- the presumed dangers;
- the possible result those dangers might have on a child's health and well-being.

The activity can be done in plenary but it may be preferable for the group to divide into small groups, each taking a different industry as it provides an opportunity for all to participate. Use common sense in filling in the chart. It can later be refined using the material in the reference packet (e.g., Child Labour Hazard Tables) or a resource person in Step 3.

A	B	C	D	E	F	G
	Occupation	Tasks/Activity			Risks/Hazards	Health Impacts
	deep sea fishing	diving to set net			getting caught in net	ear drum puncture drowning
		blasting reef			explosion	amputation
	aquaculture	harvesting algae			cuts	infection, chill
		hauling shells			heavy weight	musculoskeletal
	cotton	weeding			exposure	colds, heat stroke
		spraying pesticides			org. phosphates	cancer
	domestic	washing dishes			isolation	social adjustment
		cleaning floors			long hours	chronic fatigue
	tea boy	preparing tea			boiling water	burns
		serving clients			harassment	damaged self-concept
	auto repair	changing tires			jack collapse	crushed, bruises
		cleaning grease			fumes	nerve damage
	carpets	weaving			awk. posture	musculoskeletal
		cleaning up			dusts	respiratory problems
	T shirts	sewing sleeves			repetitive moves	

**Activity 4: Gender/Social analysis**

This activity continues the work on the *Hazardous child labour Worksheet*. It begins the process of assessing the activities, this time in light of any potential differences due to sex or social characteristics.

The groups divide again into sector-based working groups. They will discuss the following topics among themselves, filling in the “H” column in the *Hazardous child labour Worksheet* as to the nature of the selective impact on this group.

1. **Gender** is the first issue they will discuss:
  - a. Which occupations and tasks are more likely to be done by boys; which are more likely to be done by girls?
  - b. Is this changing?
  - c. Within each occupation, is there any difference in whether girls are more exposed to the hazards associated with that occupation than are boys? Or that boys are more exposed than girls?
  - d. Within each occupation, are there any differences in how seriously either girls or boys might be affected?
2. **Social characteristics** (ethnic, racial, economic, transient or local, immigrant or citizen, family relationships or background, etc.) are some of the issues the groups will look at in the second discussion.
  - a. Are there some socio-economic groups which tend to cluster in one type of work or another?
  - b. Within one occupation, are there certain tasks – perhaps more dangerous – which are relegated to a specific group?
  - c. Is one group likely to be at greater risk than the majority?

The *Hazardous child labour Worksheet* will begin to look like this (some columns omitted to save space):

C. Tasks	F. Hazards	G. Health impacts	H. Selective impacts		
			For girls	For boys	Social groups



## REFERENCES

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## STEP

**COMPILE THE LIST****OVERVIEW OF STEP 3**

**Objective:** A draft list is assembled, then organized according to selected criteria.

**Recommended procedure:** This step is undertaken in the Tripartite Consultative workshop and requires the presence of all official participants. Multiple sessions may be needed.

**Module 5: Work lists**

Group Discussion: Criteria for selection (30 minutes)

 **OUTPUT: LIST OF HAZARDOUS CHILD LABOUR****Module 6: child labour vs. youth employment**

Group work: Identifying hazards, risks, and health outcomes (60 minutes)

Report back Q & A (15 minutes)

Group discussion

 **OUTPUT: LIST OF ACCEPTABLE WORK FOR YOUTH****Module 7: Locating hazardous work**

Exercise

 **OUTPUT: MAP OF HAZARDOUS CHILD LABOUR**

**Convention No. 182 Art. 4 (1)** *The types of work referred to under Article 3(d) shall be determined by national laws or regulations or by the Competent Authority, after consultation with the organizations of employers and workers concerned, taking into consideration relevant international standards, in particular Paragraphs 3 and 4 of the Worst Forms of Child Labour Recommendation, 1999 (No.190).*

## Module 5. Drafting the list



### CONTENT

#### *What kinds of criteria are good/not good to use for the list?*

The most common criteria are the seriousness of the risk to a child's health and development and how likely it is that the child will fall prey to this risk. Although a risk may be very serious, it also may be exceedingly rare. Some propose that one of the criteria should be whether it is possible to inspect or monitor the occupation for child labour, or whether it is possible to measure the risk to the children. This is not recommended as the resulting list might not include some very dangerous occupations for which judicial action may need to be taken at some time in the future.

#### *How detailed should the list be?*

It is advised to aim for as comprehensive a list as possible, particularly at the initial stages. Key points:

- While the items in the list should not have so much detail that they become too difficult for labour inspectors and others to detect or measure without special equipment, trying to limit the number of items just in order to keep the list short does not make it more practical.
- Remember that some occupations may be specific to a certain geographic area (e.g., livestock herding) or hidden behind closed doors.

#### **NOTE TO FACILITATOR:**

**If they ask you:** *Isn't it better to have a short list that focuses on obvious hazards and the most serious health threats rather than an exhaustive one that inspectors don't have time for or the expertise to judge?"*

**You can say:** *"Even if a situation is relatively rare, if a child is found in a dangerous work situation and there is no law that mentions this form of work as being prohibited, there is little legal recourse."*

### ***How do you identify items to be included on the list?***

Recommendation No. 190 that accompanies Convention No. 182 provides useful guidance on what could be included. The items can be: (a) tasks which hazardous, and (b) situations which are hazardous.

It is not particularly helpful if the list is confined to just a few broad sectors (e.g., agriculture) or occupations (e.g., factory workers). Sectors should be identified, but within each sector or occupation, the list should identify the following:

1. **Those activities that are by their nature hazardous for children, including:**
  - 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.
2. **Those conditions which can make any type of work hazardous for children**
  - a) 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
  - b) 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.

Lists will vary with the economy and labour market, geography, and cultural traditions. For example, an island country might put “deep-sea fishing” in its list whereas a landlocked country would not.

#### **NOTE TO FACILITATOR:**

***If they ask you:*** “Is it okay for children to do household chores?”

***You can say:*** “Yes, children of all ages can do household chores, but it is important that they do this work for only a short time of the day and do not carry heavy loads or in any other way jeopardize their health or schooling.”

Other clues as to what is dangerous for young people are adult limits: if it is hazardous for adults, it is definitely off-limits for youth. Adult limits (called threshold limit values or TLVs) are not sufficient to indicate what is safe for youth because adolescents have the added risk of being in a rapid stage of development.

Research and guidelines from other countries can also be helpful. If the work is dangerous in one country, it will likely be dangerous in other countries as well.

### **What is the precautionary principle and why is it useful?**

The “precautionary principle” is used extensively in the health field, for example by the World Health Organization, as a way of making decisions in the face of many unknowns. Basically, this principle holds that absence of information does not mean absence of impact or consequently absence of the need for action. It involves incorporating what you do not know into what you do know. It is useful in dealing with the occupational health risks to children because we know we cannot wait forever for solid information before taking action. Key points:

- If there is no information about the risks to adults, this does not mean that the situation is safe for them or for children.
- If there **is** information about the risks to adults, it gives a clue as to what may also be of risk to children. However, risks to children will **always be greater** than for adults.
- There must be anticipation of and efforts toward acquisition of new information.
- Because science is constantly gathering new information, guidelines also need to be flexible, not cut in stone.

**NOTE TO FACILITATOR:** *It is important to stress that it is not necessary to have scientific proof that a situation is hazardous. If there is strong suspicion that the situation is not safe for a child, then one should invoke the ‘precautionary principle’ and take appropriate action. The legal definition included in Convention No. 182 is that the work is “likely to” cause harm or negative consequences.*

Reasons to be cautious:

- First, health consequences are not always immediate; the results of exposure to a risk may become evident only years later, often when it is too late to take remedial measures; cancer is an example of this.
- Second, it is not always easy to draw a clear connection between the occupational risk and a particular health condition. For example, a child worker may be coughing, but is it the result of the dust in the workplace, or exposure to cold temperatures on the way to and from work, or a case of tuberculosis? It may not be easy to prove causality in a scientific manner, but action is needed.

**NOTE TO FACILITATOR:** *Some countries have been unwilling to add a type of work to the hazardous list if scientific evidence is lacking. But Convention No. 182’s wording is that it should be included if harm is “likely” to occur.*



## EXERCISES

For these activities, it is desirable to have an occupational health and safety specialist as a resource person. A labour inspector would also be a good choice as many have been trained on risk assessments and can explain the different terms. Many trade unions also have worker safety representatives with good experience in this area.

Have the resource person lead a Q&A about the meaning of the different *terms*: “hazard”, “risk”, “risk management”, etc.

**NOTE TO FACILITATOR:** Encourage the resource person to avoid technical language or to otherwise make the participants feel as if this is solely the province of specialists.

### Activity 1. Selecting the criteria

From the possible criteria that were listed above in the Content section, have the group decide which they wish to use for their list.

Possible criteria might be:

- Seriousness – how serious would be the impact on a child’s health or on their physical, mental, or social development?
- Magnitude – are there many children involved in this industry or situation?
- Visibility – how easily can the child workers be seen or reached?
- Likelihood – is it likely that a child will be hurt in this industry or situation?
- Exposure – how long or how often is the child exposed to the industry or situation? How concentrated is the hazard?
- Correctability – would it be possible to reduce the risks?
- If several criteria are chosen, it is helpful to rank them in order of importance to the participants. For example:

Priority	Criterion
1.	Life threatening or causing permanent damage
2.	Most children involved
3.	Located in the capital city
4.	Etc.

### Activity 2: Hazard analysis

**Materials needed:** Copies of the *Hazardous child labour Worksheet* for each participant.

The next activity takes the criteria that were developed in Activity 1 and assesses the list in relation to these various criteria.

1. Taking “likelihood” as a trial example, have the group discuss each health impact in terms of how likely it is that a child would encounter it, and be injured or made sick as a result. Use the following scale:

# Eliminating hazardous child labour

- (5) Frequent—Is expected to occur in most circumstances
- (4) Probable—Will probably occur in most circumstances
- (3) Occasional—Might occur at some time
- (2) Remote—Unlikely to occur
- (1) Improbable—Will occur only in exceptional circumstances

They then fill in the “I” column in the *Hazardous child labour Worksheet*

C Tasks	D	E	F HAzards	G Impacts	I Criteria		
					Likelihood	Seriousness	Other

## STEP 3

2. Taking a second example, “seriousness”, give each a rating for what the consequences of this activity might be for the health of the child, using the following scale:
  - (1) Negligible  
Self treatment or simple First Aid; no loss of work or school time
  - (2) Marginal  
Medical treatment required; one day or less of work or school time lost
  - (3) Medium  
Hospitalization; loss of work or school for a considerable period
  - (4) Critical  
Extensive injuries; long term or permanent loss of capability
  - (5) Catastrophic  
Death
3. The group can then take each of its remaining criteria, following the same model. The scale should have “5” as the most deleterious to the child, with “1” having the least effect.

### Output for Module 5:

#### Proposed list of work and working conditions for prohibition

## MODULE 6. YOUNGER AND OLDER CHILDREN

The challenge is to optimize opportunities for children to work who are above the legal age for employment while still protecting them from hazardous tasks and conditions. This is a fine line, and there lies the importance of having a separate module on this subject.



### CONTENT

#### *Should the list be categorized by age?*

Much of the controversy about which items should be included in the list stems from the fact that people have different images of children in mind when they are discussing it. No child below 18 should do hazardous work; but what is hazardous for a 9-year-old, a 14-year-old and a 17-year-old is very different due to their developmental stages. While some countries with strong workplace protection systems (e.g., onsite trade union health and safety representatives) have chosen to break down the older age group into separate categories (e.g., 15–16, 17–18 years) and to designate acceptable (or unacceptable) work for each, this is very difficult for most countries to manage in practice.

Some countries, when they are preparing and discussing their hazardous list and the hazards and risks associated with various types of work, find it desirable to develop at the same time a list of “light work” as defined in Article 3 of Convention No. 138, for children in the age category 13 (or 12) to 15 years. The United States, for example, allows occasional baby-sitting and newspaper distribution for children of this age.

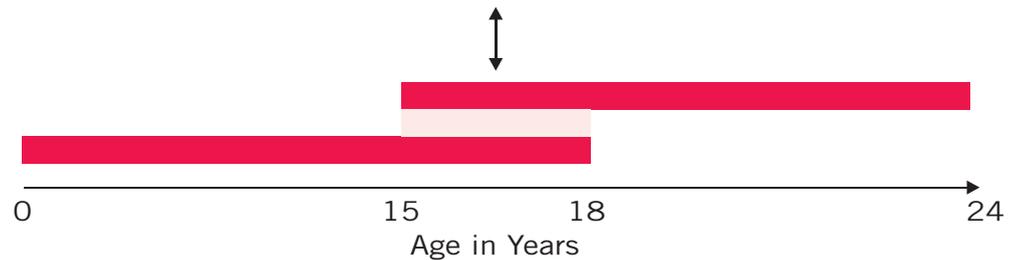
Both of these special categorizing exercises should not be allowed to confuse the fact that any work that is hazardous is not allowable for children under 18 years of age.

## Why are adolescents special?

Adolescents are at the hinge between childhood and adulthood. If they are between 15 and 18 years (sometimes 14 or 16, because national laws vary), they can be either child labour or legally employed youth, depending upon whether the work they do and the conditions in which they work are hazardous. Neither adults nor school-age children, all too often adolescents fall between the cracks.

## Hazardous Child Labour and Youth Employment

*Safe and healthy youth employment is desirable for children legally old enough to work, but if they do "hazardous work" it is considered a "worst form of child labour" by ILO Convention No. 182*



## How do you protect youth who are old enough to work legally?

*The standard risk management procedure for adults has five measures that are undertaken in the following order:*

1. **Eliminating the hazard.** The risk of being burned is reduced when the employer takes away the old unmarked bottles of acid on the shelf and disposes of them properly.
2. **Substituting a less hazardous process or product.** The risk of being poisoned by farm chemicals is reduced when organic farming methods are substituted for toxic pesticides.
3. **Using safer technology and equipment.** The risk of straining muscles can be reduced by using a wheelbarrow or hand cart to carry heavy loads.
4. **Improved workplace organization and worker training.** The risk of tripping can be reduced by better organization of the workplace. The risk of a young person inadvertently getting a hand caught in a machine can be reduced by careful supervision and training on how to properly use the machine.
5. **Personal protective equipment (PPE).** The risk of injury can be reduced by wearing special clothing such as a mask when welding, or a respirator when working around dust or fumes.

In the case of children, however, the standard risk management or control hierarchy needs to be adapted:

- For youth under 18, only measures 1, 2, and 3 are appropriate. While all five of the above “adult” steps are sensible, much depends on how thoroughly or consistently they are carried out, and this cannot be guaranteed in situations where most children work. In other words, safe youth employment (under 18) requires that s/he be separated from the dangerous substance, machine, or circumstance in such a way that s/he cannot come in contact with it.

- For youth in a vocational training course or supervised apprenticeship, measure 4 can be added. This is because the child is presumably under close supervision.
- Measure 5 (PPEs), however, is not an acceptable way of reducing risks for youth. There are several reasons: PPEs are designed for adults not children, young people tend to take them off because they do not fit properly; PPEs are seldom available in informal work settings; PPEs do not get rid of, or minimize the hazard itself and put the burden of protection entirely on the young worker who may not have the experience or judgement to use it properly. A rule of thumb is: if the work situation calls for PPEs, it is a signal that it is too dangerous for children under 18.

### ***What is the main way of reducing hazardous work of youth?***

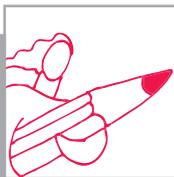
A large percentage of children are classified as doing hazardous work simply because they are working too many hours or at night. Thus, one way that countries have chosen to protect youth of working age is to include in the hazardous list prohibitions against:

- overtime work (e.g., more than 8 hours on a weekend or vacation day);
- night work or travel to and from work at night; and
- limited work hours (e.g., no more than 2 hours per day) during the week if the child is still attending school.

### ***How do we handle weights and hours?***

There are obviously no international norms on how much weight a girl or boy of 16 can carry without being injured because physique varies widely throughout the world. But this is a question which the Tripartite Consultation should consider taking up. A number of countries have used a percentage of the child's body weight as the guide.

Similarly, although new research is providing more insight into the number of hours of sleep that children of working age may need (upwards of 9 hours), this does not translate directly into the number of hours that the child may work. A number of other factors need to be taken into consideration as well, for example the number of hours spent doing household chores, doing homework, and dedicated to leisure.



## EXERCISES

### Activity 1. Triage the list

Materials needed: Copies of the *Hazardous child labour Worksheet* for each person.

This is an activity which can take place either in a plenary or in small groups. If the latter, then there will need to be time reserved for reporting back.

Colour-coding is often used as a simple way of sensitizing people to varying levels of risk, but also a way of analysing a large body of information. Rapidly going down the *Hazardous child labour Worksheet*, ask the group to colour code each item in this fashion:

- Green – No particular risks for youth of working age
- Yellow – Has some risks or conditions of concern
- Red – High concern from one standpoint or another

The majority of items should be in yellow category.

If a computer is being used, the items should then be re-distributed according to colour. This shows in a dramatic way how the work is clustered, but also how even within one occupation, there can be some tasks which are red (zero tolerance) and some which can be improved.

B. Occupation	C. Tasks/Activities/Conditions
T-shirt sewing	Sewing sleeves
	Snipping threads
Tea boy	Boiling water
	Bringing tea to clients
Carpet weaving	Cleaning up
	Weaving
Auto repair	Changing tires
	Cleaning rags
Domestic service	Washing dishes
	Cleaning floors
Crop agriculture	Cotton production
Crop agriculture	Pesticide spraying
Deep sea Fishing	Diving to set nets

Those types of work or working conditions which are coded red, that is, can be labelled as “below the red line” (also sometimes referred to as: ‘the worst of the worst’, ‘off-limits’, or ‘zero tolerance’) will automatically now be placed on the hazardous work list. These are situations which are absolutely too dangerous for youth to work in under any circumstances.

The challenge is now to decide what to do about all the yellow ones in the middle.

### **Activity 2. Making space for safe youth employment**

The aim of this exercise is to see which activities can be moved from the yellow category into the green category. In other words, the risks can be managed, and the child’s exposure to the hazards that have been identified can be reduced to such a degree that they no longer pose a substantive threat to her/his health or well-being. These types of work, then, might not be placed on the hazardous list and in that case would be opportunities for safe youth employment.

At the international level, there are no fixed rules about how risk assessments for young workers should be undertaken (although there may be a national law on the subject). However, there are two principles which should always be borne in mind when assessing whether risks can be sufficiently reduced to enable safe youth employment:

1. All relevant hazards and risks associated with this work need to be examined (e.g., do not overlook tasks, such as cleaning or hauling away waste, that might take place on the side or outside of normal working hours).
2. When a risk is identified, ask whether it can be reduced by using measures one, two, or three in the hierarchy of controls.

# Eliminating hazardous child labour

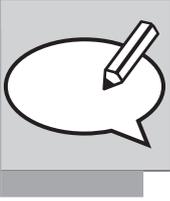
It is in this discussion that the *Hazardous child labour Worksheet* is finished and the complete list of hazardous work begins to take shape.

A	B	C	D	E	F	G	H	I		
								Criteria		
								Likely	Serious	Risk reduction possible
		diving set nets						2	5	no
		blasting reef						2	5	no
		harvest halgae						4	1	yes
		hauling shells						3	2	maybe
		weeding						2	2	yes
		insect control						3	5	no
		washing dishes						2	3	yes
		cleaning floors						1	2	yes
		preparing tea						4	1	maybe
		serving clients						3	1	yes
		changing tires						2	4	maybe
		cleaning rags						2	3	maybe
		weaving						2	2	yes
		cleaning up						2	2	yes
		sewing sleeves						1	1	
		snip thread								

STEP 3

When the Worksheet is finished, add up the total score for all items in the last column. This gives an indication of the concern that the participants have with regard to each activity.

A. Sector/ industry	B. Occupation	C. Tasks/ Activity	D. Tools/ chemicals	E. Conditions	F. Risks/ Hazards	G. Health impacts	H. Selective Impacts	I. Criteria			Total score
								Likely	Serious	R.R.?	
Agriculture	deep sea fishing	diving for nets	hooks	weather no training	caught in net	ear drum puncture drowning	migrants	2	5	no	7
		blasting reef	dynamite		explosion	amputation		2	5	no	7
	aquaculture	harvest algae	knife	working w/ family	cuts	infection, chill	girls	4	1	yes	5
		hauling shells	baskets		heavy weight	musculoskeletal		3	2	maybe	5
	cotton production	weeding	hoe	no formal contract	exposure	cold/heat stroke		2	2	yes	4
		insect control	sprayer, pesticide		Org-phosphates	cancer		3	5	no	8
Services	domestic service	washing dishes	soap	working alone	isolation	social adjustment	young girls	2	3	maybe	5
		cleaning floors	cleaners		long hours	chronic fatigue		1	2	maybe	3
	tea boy	preparing tea	gas stove	working on street	boiling water	burns	boys	4	1	maybe	5
		servicing clients	tray, bicycle		sex. harassmnt	self-concept		3	1	yes	4
	auto repair	changing tires	jack	unpaid apprentice	jack collapse	crushed, bruises		2	4	yes	6
		cleaning rags	solvents		fumes	nerve damage	boys	2	3	yes	5
stry	carpets	weaving	loom	at home	awkard posture	musculoskeletal					
		cleaning up			dusts						



## TERMS AND CONCEPTS

### **Hazard**

A hazard is anything with the potential to do harm.

- For example, a hazard is associated with power-driven agricultural machinery because a person might become trapped or entangled by the moving parts.

### **Risk**

A risk is the likelihood that harm will actually result from that hazard.

- In the case of the agricultural machinery, the risk may be high if there are no guards on the machine, if workers are working close to it, and if they are not well-trained.

**NOTE TO FACILITATOR:** *There is a tendency for most people to think of hazards and risks in terms of adults. The risks are very different for children – a fact which needs to be continually emphasized.*

### **Risk assessment**

Technical definition: “Risk assessment is an evaluation of the likelihood of undesired events occurring and of harm or damage being caused by the nature of the work, place of work, or related to the work a child is engaged in, together with value judgments concerning its significance”

Risk assessments are routinely carried out by occupational health and safety specialists to determine the hazards in a particular workplace, and the risks to which the workers are exposed. Some risks, however, are common sense and obvious to anyone. In other cases, training can help others, employers for example, to learn how to identify workplace risks.

### **Risk management**

Risks can seldom be completely eliminated; however, many can be diminished to such an extent that the worker is comparatively safe.

## **Output for Module 6:**

**Types of work suitable for youth employment**

## MODULE 7. LOCATING HAZARDOUS WORK

*“The Competent Authority, after consultation with the organizations of employers and workers concerned, shall identify where the types of work so determined exist.”*

*Convention No. 182, Art. 4(2)*

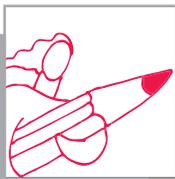


### CONTENT

Once the types of hazardous work have been identified, the next step is to locate where these types of work exist in the country.

Not infrequently hazardous work is concentrated in certain areas. For example, mining and forestry would be probably in remote areas, scavenging and rag-picking on the edge of large cities, while plantations would be present in still another area.

This is a necessary step to draw a clearer picture of the situation, so that focused measures can be taken in order to eliminate these hazardous forms of child labour.



## EXERCISES

### Activity 1. Mapping

This technique helps group members begin to see clusters and concentrations of hazardous child labour which will later aid in designing activities to address these forms. This activity lends itself well to a whole group discussion. A large map of the country (or province, state, or other unit) can be placed on the wall (or drawn on a white board, if no map is available). Ask the following guide questions:

- Are there any areas where different types of child work are concentrated?
- What factors account for concentration in these areas?
- Which types of work are uniformly spread throughout?
- Which are primarily urban; which are rural?
- Which involve travel, transport or trade outside the country (i.e. in a supply chain)?

In the discussion, draw attention to the fact that it is already possible to identify entry points for action, for example, places where certain forms are concentrated, or where child labour occurs within a particular industry or ethnic group.

## STEP



## FORMALIZE THE LIST

### OVERVIEW OF STEP 4

#### Objective: Agreeing on

- (a) the form (law, executive order, regulation) by which the list will be given legal force
- (b) the timeline and process for formalization, and
- (c) the means by which it will be enforced

**Recommended Procedure: Separate internal meeting** or session in the Tripartite Consultations.

There are two modules in this Step.

#### Module 8: Process of formalization

Presentation 1: “Identifying the Competent Authority” (30 minutes)

Special conditions

Discussion: Explanation of Special conditions (30 minutes)

**OUTPUT: Law, regulation or administrative order**

#### Module 9: Strengthening enforcement

Discussion: Enforcement in specific situations

**OUTPUT: Labour Administration directive concerning surveillance of informal economy workplaces for hazardous child labour.**

*“The types of work referred to under Article 3(d) shall be determined by national laws or regulations or by the Competent Authority, after consultation with the organizations of employers and workers concerned.”*

*ILO Convention, 1999 (No. 182), Art.4 (1)*

*“Where the minimum age for admission to types of employment or work which are likely to jeopardise the health, safety or morals of young persons is still below 18 years, immediate steps should be taken to raise it to that level.”*

*ILO Recommendation, 1973 (No. 146), III (9)  
(Emphasis added)*

## MODULE 8. PROCESS OF FORMALIZATION

Module 8 may be undertaken either within or outside the Tripartite Consultations. It may be combined with Module 9.

Tripartite partners should attend as their input is valuable in deciding what form legalization should take. Other participants to include are:

- *legal specialists or lawyers.*

The output of Module 8 is the major output of the determination process.

*“Each Member shall designate the competent authority responsible for the implementation of the provisions giving effect to this Convention.”*

*Convention No. 182, Article 7(3)*



## CONTENT

### *What is the procedure for formalizing the list?*

The list may gain legal force in different ways depending on the existing national legislative framework. Options include:

1. The legislature can adopt a new law.
2. An ordinance or regulation can be adopted.
3. The “Competent Authority” can issue a decree, ministerial directive, or notification.

### *Who or what is the “Competent Authority”?*

Hazardous work should be determined by a person or a body – a council or committee – that carries an official mandate so that the types of work so determined become prohibited in the legal sense.

- In general, it depends on the law in the country in question. In some cases, the law may just say “The Minister or Secretary responsible for labour is responsible for the determination of hazardous work to be prohibited to children below 18 years of age”. In this case, the Minister or the Secretary is the “Competent Authority”.
- In other cases, it may not be a Minister, but a body such as a council or a committee in charge of child labour issues or of occupational safety and health.

### *Are there exceptions that may be considered before formalization?*

#### **Age 16 exclusion**

Both Conventions No. 138 and No. 182 forbid all hazardous work for children under the age of 18. However, on an exceptional basis – and only with tripartite agreement – Convention No. 138, plus the non-binding Recommendation No. 190 that accompanies Convention No. 182, allow for children to be employed in work that is hazardous from the age of 16. They stipulate that this can only be considered on the condition that the children’s health, safety and morals are fully protected and that they have received adequate specific instruction or vocational training in the relevant branch of activity.

These conditions are not easy to meet and even harder to enforce. Therefore countries are not encouraged to attempt this exclusion and very few have, in fact, gone through the process of getting tripartite approval in order to avail themselves of this exception. So, unless there has been a tripartite consultation on this matter, and unless there is an adequate and robust system of surveillance in place to ensure that young people’s safety is not put in jeopardy, all countries are advised to adhere to the general rule that hazardous work is prohibited below the age of 18.

## **Artistic performances**

Article 8 of Convention No. 138 allows children under the minimum age to perform artistically but allows this only after the following are in place:

- an individual permit has been issued;
- the employers and workers have been consulted;
- the number of hours is limited; and
- the conditions of work are defined.

## **Training and apprenticeships**

Training is not an excuse to expose children to hazardous work. A child in vocational training has the right to the same protection as others. The Competent Authority as well as workers' and employers' representatives prescribe the conditions of these establishments and are responsible for ensuring their safety. As to age, Article 6 of Convention No. 138 does not impose a minimum age on children who are learning work skills in an educational environment (a general school, vocational training centre or technical institution). However, if they are learning on-the-job or as apprentices outside a training institution, they must be at least 14 years of age.

## **Light work**

Light work is, by definition, work that is not hazardous in any way to a child's health or likely to interfere with her/his education. Therefore, the concept of light work cannot be considered for an exception to the age 18 rule.

## ***What are the challenges involved in formalization?***

The formalization of a list is often the most difficult part. Indeed, a number of countries have ended up taking years to move from a draft list to a legal document. The impediments are often more imagined than real, as formalization need not require a lengthy legislative hearing nor entail budget allocations. However, unless specific measures are put in place to move the draft smoothly from the validation workshop to achievement of legal status, the hazardous list may remain on stand-by for years.

### *How can formalization of the list be speeded up?*

One way to avoid this stalemate is for the participants in the Tripartite Consultation to develop a clear action plan leading to formalization.

- The plan should assign roles to determine who is going to be responsible for various steps in the process of formalization.
- Parties who may potentially raise objections to inclusion in the list of one industry or another should be identified, and the Social Partners or others among the participants in the consultation should assign themselves to discuss the new list with these parties so that they better understand the rationale.
- As formalization is a political action, it also helps to prepare the ground by providing officials with a background report on the Determination Process, including the scientific evidence supporting the inclusion of the various items, the background research, studies and results used to draft the list.
- Finally, the hazardous list itself should be carefully prepared so that there are no delays in adjusting it to conform to specific legal requirements.



## EXAMPLES

### **Sri Lanka**

The Minister of Employment and Labour is empowered to prohibit “absolutely the employment of children in any specified occupation” and can prescribe “the age below which children are not to be employed”, this effectively means that the Minister is the “Competent Authority” as stated in Convention No. 182.

Once the draft report on hazardous work had been finalized by the Consultants in consultation with the members of the Technical Committee, it was presented to the National Steering Committee. After agreement, it was presented to the National Labour Advisory Council, a tripartite body that advises on various labour issues and is chaired by the Minister of Employment and Labour. The Parliament approved the list and the Minister issued a regulation and had it published in the Official Gazette.



## EXERCISES

### Activity 1: Group discussion about formalization

A simple discussion should suffice for deciding on the process by which the list will be given the force of law. Some questions to start off the discussion could be:

- What/who is the “Competent Authority” in this country?
- What is the easiest way to gain legal recognition for the list?
- How are you going to introduce the HCL list into legislation?
- What is the best legislative avenue? For example, labour law, regulation or Ministerial Decree?

Discuss the steps needed specifically in this country in light of the specific national, provincial, or state legislative processes needed to give the list its legal force.

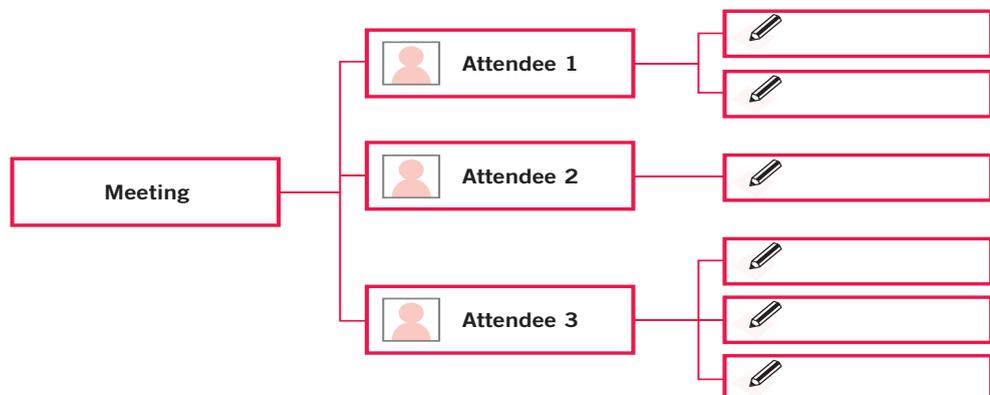
### Activity 2: Blasting through the bottlenecks!

This is a key activity and should not be short-changed. It will help avoid expensive delays in finalizing the list.

- Prepare a flip chart in front of the group with three columns. In the left column ask participants to call out all the factors that might hinder the hazardous list from being finalized relatively quickly. Use additional sheets as needed.
- Then, in the middle column beside each bottleneck, identify at least one way in which this bottleneck can be removed or reduced.
- In the right column, ask participants to assign themselves to addressing at least one of the bottlenecks. Be sure that there is a plan for dealing with each potential bottleneck. Note: the action may be very small, but everyone should be able to commit to taking some action.

Alternatively ...

- The Facilitator can prepare a chart like this, and then provide a copy for each participant.





## REFERENCES

Technical Sheet No. 3 – The “Competent Authority” in Article 4 of Convention No. 182

### **Output for Module 8:**

**List of hazardous work legalized by the Competent Authority**

## MODULE 9. STRENGTHENING ENFORCEMENT

Module 9 is an important part of the Tripartite Consultation. It may be combined with earlier modules.

All tripartite partners should attend. Particularly important to include in this module are the following resource persons:

- *labour inspectors;*
- *labour administration management;*
- *police, border authorities, and specialized response units.*

Module 9 has a concrete output in the form of a directive regarding enforcement of the hazardous child labour list.

*“Special attention should be paid—*

*(a)*

*to the enforcement of provisions concerning employment in hazardous types of employment or work; [...]*”

*Recommendation No. 190, Paragraph 15*

*“Each Member shall take all necessary measures to ensure the effective ... enforcement of the provisions giving effect to this Convention including the provision and application of penal sanctions or, as appropriate, other sanctions.”*

*Convention No. 182, Article 7, paragraph 1*



## CONTENT

### *Who is responsible for enforcement of the child labour list?*

Whereas enforcement of law and prosecution of those who employ children in the worst forms of child labour other than hazardous work is a responsibility shared with police and border authorities, it is labour inspectors who are the ones tasked with enforcing labour-related laws. Labour inspection is an institution essential for good governance as well as for achieving specific objectives, such as protecting young workers' rights and the effective abolition of child labour, and providing information to workers and employers about their rights and responsibilities. It has a pivotal role to play in the development of mechanisms for solving complex issues in the world of work, but an adequate regulatory framework must underpin it in order to do so. The hazardous list is part of this regulatory framework.

An essential precondition for law enforcement, however, is the identification of children in hazardous occupations and situations. This requires a combined effort by social workers, health care professionals, members of civil society, and many others.

### *How can the list be enforced in the informal economy?*

In almost all countries there are insufficient labour inspectors to fully cover even all registered (formal sector) establishments, let alone those in the informal economy. Nonetheless, workplace inspection is so crucial that some means of surveillance must be designed and put into place for all types of work where children may be found. It is not acceptable to say that a particular sector will be ignored because it is too difficult to reach. Often it is the children in these hard-to-reach environments who are the most at risk.

The informal economy was included among labour inspectors' responsibilities in a Resolution adopted at the 100<sup>th</sup> session (2011) of the International Labour Conference, which is responsible for setting international standards in the world of work. It affirmed the urgent need:

*"[T]o expand [labour inspection's] coverage to all workers in an increasingly diverse global workforce, including workers in extended global supply chains, export processing zones, the informal economy and workers in a disguised employment relationship ..."*<sup>10</sup>

One of the mechanisms that has been developed to assist the labour inspectorate in surveillance of hard-to-reach places is the "child labour monitoring system" (CLMS). The CLMS consists of trained teams of community volunteers who "keep an eye on" areas where child labour tends to occur, reporting their findings to a specially designated local committee under the direction of the local government unit or labour inspectorate.

<sup>10</sup> ILO: *Resolution concerning labour administration and labour inspection*, Preamble. (Geneva, ILO, 2011). Available at: [www.ilo.org/labadmin/events/WCMS\\_158683/lang--en/index.htm](http://www.ilo.org/labadmin/events/WCMS_158683/lang--en/index.htm).





## EXERCISE

### Activity 1. SWOT analysis for strengthening enforcement

With the aim of identifying which areas most need attention in order to provide for enforcement of the provisions of the new hazardous list, the group should consider a Strengths-Weaknesses-Opportunities-Threats (SWOT) analysis. One way to do this is by preparing a simple chart:

	INTERNAL	EXTERNAL
POSITIVE	STRENGTHS	OPPORTUNITIES
NEGATIVE	WEAKNESSES	THREATS

In this exercise, the participants examine internal barriers to effective enforcement of labour law, as well external ones.

### Activity 2. Agreeing on an enforcement plan

This may require more time and additional consultations in order to finalize, but unless there is a plan, formalized in an agency directive, it is unlikely that the hazardous list will have the necessary strength to make an impact.

The discussion requires input from senior labour administration staff as well as from labour inspectors. Questions for consideration or discussion.

1. How many labour inspectors are currently on staff?
2. What geographical areas do they cover / not cover?
3. What constraints does the inspectorate face (e.g., transport)?
4. How are establishments selected for inspection? Are they limited to registered enterprises or do they include informal workplaces?
5. Are Export Processing Zones (EPZs), independent subcontractors, and other supply chain producers covered by the inspectorate?
6. Are plantation agricultural enterprises, family farms, and agricultural operations covered by the inspectorate?
7. Are family-based enterprises and domestic labour covered? Are there specific laws excluding their coverage?
8. Is there precedent for having adjunct staff in the inspectorate to augment the team of regular inspectors?

# Eliminating hazardous child labour

Based on this assessment of the existing enforcement capability, develop at least four actions that can be taken relatively quickly to enable improved coverage of the areas where hazardous child labour is concentrated.

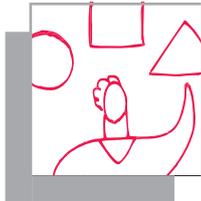
1.....

2.....

3.....

4.....

Discuss how these four improvements can be made concrete, for example, a memo to all labour inspectors, a budget allocation, etc.



## EXAMPLE

### Lebanon

A survey of provincial labour inspectors was carried out. The objectives of the study were to:

1. List the occupations/sectors where children were working.
2. Assess if the inspectors are aware of any children working in dangerous occupations.
3. Solicit inspectors' opinion on trends in child labour in Lebanon.
4. Solicit recommendations and suggestions from inspectors.

A questionnaire was developed in collaboration with the ILO, the Child Labour Unit of the Ministry of Labour, and specialists in occupational health and safety from the Ministry of Labour. The questionnaire was distributed to all inspectors in Lebanon through the relevant departments at the Ministry of Labour, through the OHS inspectors during their periodic visits to the governorates under their jurisdiction, and at a training workshop for assistant inspectors. Data collection took 6 months. The responses were anonymous.

In this way, the inspectors collaborated in the preparation of the list so that when it eventually comes to implementation, they will understand its value and are better prepared to put it into action.

### Output for Module 9:

**Directive regarding enforcement of the hazardous child labour list**

STEP



## PRIORITIZE AND PLAN

### OVERVIEW OF STEP 5

**Objective:** Agreeing on a forward plan for a few specific priorities.

**Recommended Procedure:** Tripartite Consultation with all members present.

**Module 10: Prioritizing**

Report back and discussion (60 minutes)

**OUTPUT: SHORT LIST OF PRIORITIES**

**Module 11: Planning**

**OUTPUT: ELEMENTS FOR PLAN OF ACTION**

*“Each Member shall design and implement programmes of action to eliminate as a priority the worst forms of child labour.”*

*Convention No. 182, Art.6(1)*

*“Such programmes of action shall be designed and implemented in consultation with relevant government institutions and employers’ and workers’ organizations, taking into consideration the views of other concerned groups as appropriate.”*

*Convention No. 182, Art.6(2)*

*“Each Member which ratifies this Convention shall take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency.”*

*Convention No. 182, Art.1*

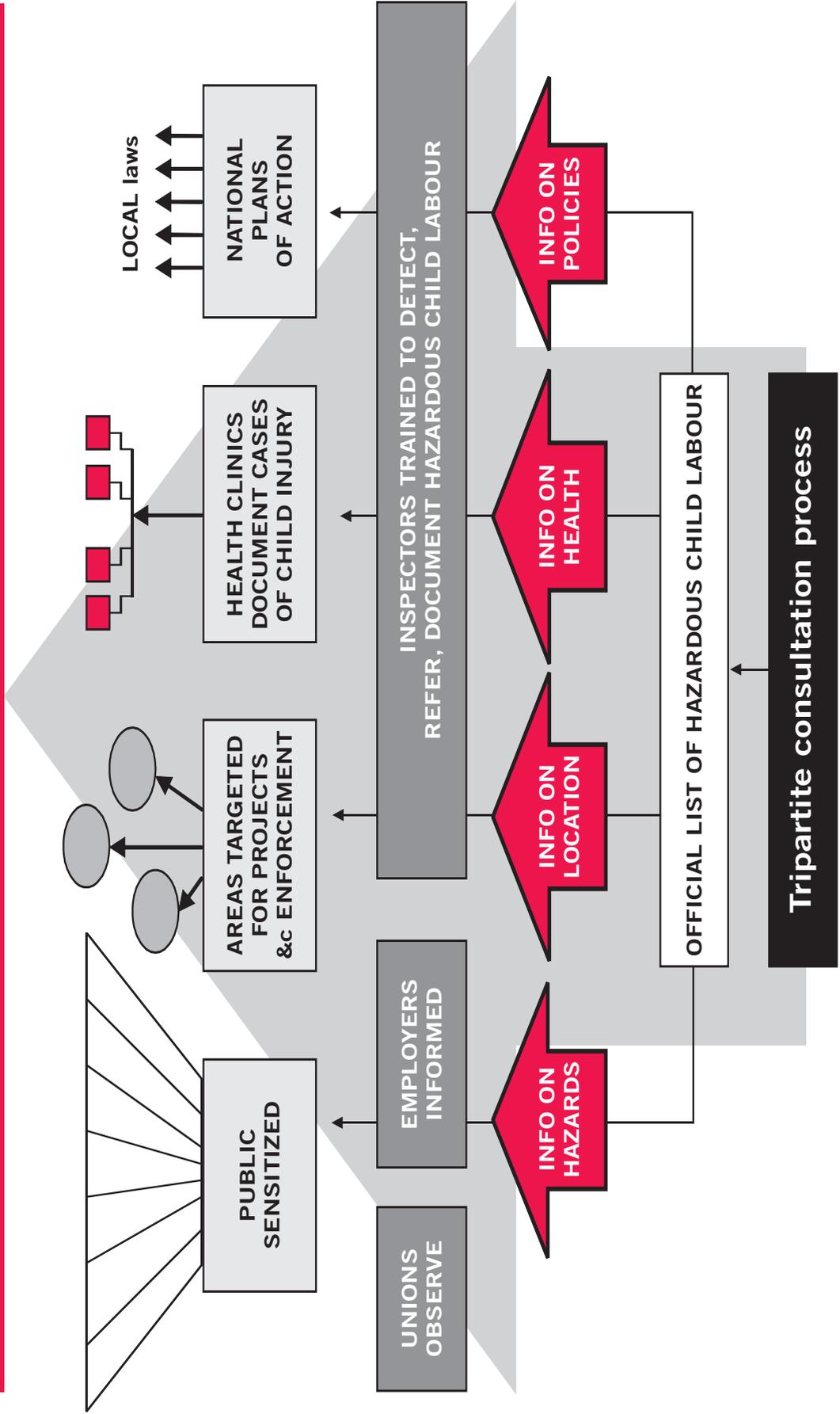
**“A child in danger** is a child that cannot wait.”

**Kofi A. Annan**

**Former Secretary-General of the U.N.**

STEP 5

CHILDREN SAFE FROM HAZARDOUS WORK



## Module 10. Prioritizing

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Module 10 is conducted as part of the Tripartite Consultation. It may be combined with Modules 11 and 12.

All tripartite partners should attend, as well as all other units, agencies, and individuals who are involved in implementation of child protection or child labour regulations.

Module 10 has a concrete output in the form of a set of priority items from the list.



## CONTENT

### *Why prioritize?*

The hazardous list is more than just provisions in a law. It is the foundation stone for policies and interventions and should be vigorously used as such. While the overall aim of the ILO's child labour Conventions is to work toward the elimination of all child labour, the interventions right now need to focus on removing from danger those children who are at greatest risk.

- Prioritizing does not mean making two lists. Rather, it means selecting items from the hazardous child labour list on which action can or should begin immediately.

### *Why discuss action at this stage?*

The Tripartite Consultation Process is an ideal forum for preparing for action because Article 1, which calls on countries to treat the worst forms of child labour “as a matter of urgency,” urges that this action be designed and implemented in consultation with government, employers’ and workers’ organizations.

Programmes of action may take different forms such as sensitizing the public to the problem, removal of young children from the workplace and providing them with education and other help they need, protecting from workplace risks those children who are over the minimum age for employment, providing alternative income for their families, etc.

### *What is the basis for prioritization?*

The recommendation from other countries which have produced lists is to prioritize in line with the prevalence of children working in the sector. Even though a type of hazardous child labour may be very serious, it may also be very rare, or virtually impossible – given present resources – to do anything about it. However, the basis for establishing a set of “actionable” items is a matter for the Tripartite Consultation to decide.

A good option to consider is a phased approach. This takes the pressure off the need to quickly select the “right” priorities. Tackling items on the hazardous list by increments allows successes to be appreciated and failures to be used to re-adjust the approach and priorities.



## EXERCISES

The group may choose to promote and use the list in its entirety, or they may select certain items which are especially urgent, or actions which can start immediately. These priorities might also form the target groups for a project or special programme.

- Decision 1: Do we require a selection of actionable items for training or project planning?
- Decision 2: Who will this be prepared for?
- Decision 3: What criteria will we use to select the key items?

### Output for Module 10

Short list of priority items for action

## MODULE 11. PLANNING

**Module 11 may be carried out by a special group or as part of the Tripartite Consultation. It may be combined with Module 12.**

**Module 11 has a concrete output: Elements for a comprehensive plan of action on worst forms of child labour or child protection.**

Removing young children (school age) and protecting adolescents (legal working age) from being involved in hazardous work requires short-, medium- and long-term strategies. Determining the list of work to be prohibited (the hazardous work list), establishing sanctions, and then putting in place an effective system of monitoring and inspection has a powerful long-term deterrent effect when regulations are enforced.

Regulations by themselves are not enough; they need to be followed up with advocacy. By aiming to change social attitudes about children's hazardous work – by raising awareness of the risks of working in hazardous activities or conditions – they can have not only a short-term impact, but also a long-term effect by mobilizing society against the practice.



## CONTENT

### *How should the hazardous work list be used?*

Both the whole list, and those items which have been prioritized for action can be used immediately in the following ways:

- For training child labour partners and designing advocacy materials so that they are consistent with each other and contain the same message and priorities (priority list).
- For training labour inspectors, lawyers and judiciary, government officials at local and national level, and parliamentary representatives (whole list).
- For developing project objectives, which is especially important when several donors or implementing agencies are working on child labour, perhaps in different sectors or areas of the country. The list ensures that the objectives reflect the government's views on hazardous child labour (priority list).
- As the basis for labour inspectors' worksite visits, particularly in informal workplaces and enterprises and in child labour monitoring (whole list).
- As the basis for surveys and research, the indicators of which must reflect what the country has established as hazardous (priority list).

### *How does the list fit within overall child labour planning?*

The list is one part – an essential part — of a comprehensive approach to the elimination of child labour. The table below shows critical elements of such a comprehensive approach and the actions that may be taken within each.

In this, the hazardous child labour list is part of the “enabling environment” section which is the underlying framework of law, policy and public understanding on which direct action for children is based.

# Eliminating hazardous child labour

<b>The enabling environment</b>
Ratification of ILO Conventions Nos. 138, 182, 184, 150, 81, and 129
Establishment of a National Action Plan on child labour linked to or coherent with similar plans on child protection, youth employment, and labour inspection
Mainstreaming key elements in national economic frameworks (e.g., PRSPs, MDG monitoring)
Strengthening the social protection framework, including income support, insurance and medical care
Strengthening the social dialogue framework to promote organization of young workers and their representation in collective bargaining situations
Updating and promoting the list of hazardous work to be prohibited to those under 18 years and enacting it into law
Promoting an education policy and education system that emphasizes accessibility and quality
<b>Preventing engagement of younger children in child labour</b>
Ensuring that all children enter, attend, and complete school up to the minimum age of employment
Providing added support for children transitioning between primary and secondary school, and for those in danger of dropping out
Providing remedial literacy and numeracy education and second-chance education programmes for out-of-school youth
Encouraging sports and youth clubs to fill non-school time
Adding a 'work preparation' component to school curricula to raise awareness of children about work life, risks, rights and responsibilities
Raising awareness of parents about the deleterious effects of hazardous work on children's health and life potential
Assisting employers and businesses in adopting rigorous age-screening procedures
For children below minimum age, removing them from work and supporting their recovery and (re)insertion in school
<b>Protecting older children in or at risk of hazardous work</b>
Offering comprehensive packages of training and services to facilitate the transition from school to decent work (skills and vocational training, apprenticeships, job counselling, enterprise development, financing)
Raising awareness among employers of productivity gains to be achieved through improvement in working conditions to a level that is safe for young people to work
Establishing joint worker-employer safety committees, safety representatives and connections to workers' organizations to provide support for young people in the work environment
Ensuring regular inspection of enterprises regarding workplace conditions and adherence to minimum age restrictions
Establishing community-based systems, linked to the labour inspectorate, for monitoring farms and other family-based work environments
Training front-line health-care providers to detect and document occupational injuries and illnesses of children



## EXERCISES

The purpose of the Tripartite Consultations is not to develop a new National Action Plan, but it is important for the participants to consider how the new list, once formally adopted in law, will be used to inform action. These recommendations may go into the report of the Consultations so that they provide a reference point for others.

### Activity 1. Assess the country's status *vis-à-vis* action

A plan of action should identify priorities and lay out when and how the activities prohibited in the list are to be enforced, the children are to be withdrawn and rehabilitated, and public opinion is to be mobilized against children performing hazardous work.

There may already be a National Action Plan on child labour, or for protection of children in general, or for youth employment. Wherever possible, it makes sense to use these existing plans and to examine the new hazardous child labour list in light of their provisions.

Assess where the country stands now in relation to its plans and programmes on hazardous child labour. Use the rating **High, Medium, Low** where:

- **High** = good budget and resources available for enforcement, identified enforcement units, legislation is clear and strongly enforced, penalties are properly administered and act as a deterrent, good monitoring of figures/statistics that are available to the public and published regularly, a mechanism for outreach and public information is in place and reaches most citizens.
- **Medium** = some budget allocated for enforcement, a number of units responsible for enforcement but not linked up/disjointed, legislation not clear, penalties not acting as a suitable deterrent, low monitoring of statistics, some advocacy is done.
- **Low** = no or very little budget allocated for enforcement, only small number of people allocated for enforcement, none or limited legislation, no health education or advocacy.

Facts and figures about hazardous work are a potent tool for informing the public about the hazardous child labour list and generating concern and readiness to act.

## Activity 2. Discussion on critical elements for action

This exercise briefly reviews information discussed earlier, and asks the participants to propose at least one immediate action that could be taken with respect to putting the list into operation. A suggestion for such an action is given under each topic.

### **What can be done to prevent younger children from engaging in hazardous work?**

Children's right to education is a human right, but it is also crucial for economic and social development. If children work, and especially if they work long hours or in hazardous conditions, it prevents their being in or benefiting to the full extent from education. Identifying and addressing the reasons why children are not in education – cost, access, and quality – is the single most important step required to tackle hazardous child labour.

#### **Possible immediate action:**

**Mapping schools in relation to concentrations of hazardous child work.** With the assistance of community groups, local government units and especially teachers, the barriers that are preventing children in these areas from attending school can be assessed. Often a local solution can be found to provide at least stop-gap measures to get the children at high risk of hazardous work back into school while improvements are made in the education system overall.

### **What can be done right away to protect older children from hazardous work?**

Children can legally work from the minimum age of employment, generally 15 years of age, though in some cases 14 or 16 years. Against the background of the major global problem of youth unemployment, it is in the interests of all to ensure that when children have reached the minimum age, and when they have completed their education, that they are able to enter the workforce.

All workers require protection of their safety and health and it is a duty of employers to ensure that appropriate standards are established and maintained. However, young workers require additional protection. There is clear evidence that they are more likely to suffer accidents or illnesses as a result of their work. It is because of this that laws restrict young people from taking high-risk jobs – the work that is laid out in the “hazardous child labour lists” – or require that they receive extra training and be closely supervised.

Regular inspection of places where children are likely to work, including home-based and informal economy workplaces (e.g., subcontractors, domestic service, street-based trades), is absolutely crucial for ensuring that they are not exposed to hazardous working conditions. Monitoring by the community, worker representatives, or businesses is increasingly common; however, it is important that these entities work do not work independently, but under the umbrella of or in close conjunction with the labour inspectorate.

Parents, employers, and children themselves need to be aware that young workers are especially vulnerable to workplace risks, that some hazards are invisible (psychological) and that there may be severe long-term effects from hazardous work. Awareness-raising can start in school, and can be especially effective if carried out by employers' associations.

**Immediate action:**

**Regulation of work hours.** Children must not work at night or overtime. A large proportion of hazardous child labour is classified as such simply because of the excessive hours. Therefore, a first step to reduce rates of hazardous child labour is to ensure that labour laws are clear on maximum hours and times of work for children. A vigorous campaign should then be undertaken to ensure that the working hours of children of working age are maintained at a safe level. This will require both awareness-raising and consistent monitoring, but it can be done.

**Steps to create the proper policy environment**

How can you ensure that there is inter-ministerial coordination? Is there any national framework that cuts across jurisdictions (education, labour, health, industrial sectors, etc.)?

The roots of most child labour are in poverty and lack of access to quality education. The key to tackling child labour is to address these root causes. By providing adults with opportunities for decent work and ensuring social protection for the vulnerable, individuals and communities can begin to work their way out of poverty. This in turn will mean they are less dependent on the work of children.

**Immediate action:**

**Promoting the hazardous work list.** This Guide has explained the importance of the process of establishing the list, but for the list to be effective, it needs to be widely available and incorporated into the workplans of potential users. Labour inspectors are critically important, as are health-care personnel, local officials, parents and the general public; this way they can be the "eyes and ears". Because some of the most dangerous types of children's work are concentrated in specific occupations and tasks, focusing attention on these pockets could go a long way toward generating the momentum needed to make progress.

**Steps to protect youth working in the informal sectors**

How can children who are working legally (above minimum age) in the informal economy be monitored and protected?

It is a big challenge to identify and address hazardous work and working conditions in places where the law doesn't seem to reach. The enterprises of the informal economy are usually unregistered, do not have a formal organizational structure, are family owned, have small scale operations, use labour intensive and adapted technologies, rely on local resources, etc. This is where working children – especially those in developing countries – tend to be concentrated.

Strategies aimed at improving the working conditions of adolescent workers include various types of protective measures:

- hours of work can be reduced;
- work at night, or travel to and from work at night, can be prohibited;
- workplace policies against harassment can be established and enforced;
- adolescents can be barred from using dangerous substances, tools or equipment;
- adequate rest periods can be provided.

When working conditions cannot be improved, an adolescent needs to be withdrawn and provided with a decent work alternative or some type of education, such as skills training or further schooling. Not infrequently, adolescents withdrawn from exploitative situations may need a range of social services: emergency shelter, medical care, psychosocial counselling, legal support, family tracing and assessment, post-reintegration follow-up, etc. Strategies to address adolescents in the workplace at risk of hazardous work could include the following:

- Expanding access and completion of formal schooling (including back-to-school programmes) so that youth do not enter the labour market below minimum working age. Alternative pathways, such as providing pre-vocational training, are critical to keep adolescents in structured learning programmes.
- Training and awareness-raising on OSH is essential for employers and their young workers, and master craftsmen and their apprentices. But training is not enough, young workers must also have adequate and consistent supervision.
- Implementing monitoring mechanisms. Trade unions, business associations, chambers of commerce, community organizations, social protection agencies – when properly trained and linked with the labour inspectorate – can monitor minimum age guidelines, the safety of the workplace, and the work of apprentices.

### Activity 3. Preparing a dissemination plan

To decide which of the various media to use, it is important to know which would be open to being a channel for child labour issues, and who their main readers, listeners, viewers, or audiences are.

1. In one column, on a flipchart or sheet of paper, list the main parties who have legal responsibility with regard to the hazardous list. These would include, for example, labour inspectors, as well as:

- Parliamentarians
- Government ministries and specific departments and divisions within these ministries
- Local government units, particularly those where child labour is rampant

Are there others?

Those who also need to be informed are:

- Safety and health professionals
- Parents
- Teachers
- Employers and workers in industries where there is child labour
- Health care professionals
- NGOs active in the care of children
- International agencies (UNICEF, IOM)

2. In a second column, list at least two preferred ways of reaching them. Discuss the costs and feasibility of using these media to promote the list.

The hazardous child labour list will be an important addition to the training of labour inspectors, teachers, health care professionals, safety and health professionals, youth development experts, etc. The normal training courses for these groups often focus on adult workers, therefore special effort may be needed to sensitize them to the needs of children, both above and below working age.

Questions to guide the discussion might include:

- Where do the children usually live, work, congregate, etc.
- Are there any groups that might have literacy issues? How can you make sure they know about the lists?
- How much will it cost to promote the lists?
- If people want to find out more information, where could they go?
- If they want to report a case of child labour, where can they go? Do they know who to contact and the process to follow?

3. Go back to the flipcharts used in Module 2 that list the points for and against child work that were made in the debate. Use these as clues as to what arguments to make in advocacy materials.



## EXAMPLES:

### The Netherlands

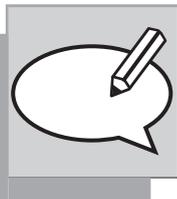
The Netherlands had established a programme of action focusing on prevention, awareness-raising and enforcement of the law against the worst forms of child labour, including hazardous work.

Several actions have been taken in order to raise awareness such as:

- a free information package on the rules of work was made for schools;
- a brochure has been published in different languages for the general public on the rules concerning work by children, as well as another that specifically focused on those who employ or wish to employ children;
- the Ministry of Social Affairs and Employment, in close cooperation with the youth organizations of two major Dutch trade unions, has opened an internet web site for children where they are informed on all sorts of labour-related issues (<http://www.jongerenloket.szw.nl>);
- a special brochure on holiday work has been published for the many children that work during the holiday season.

### Lebanon

Three workshops were organized in major areas of the country (Beirut, Tripoli, Saida) to get input from workers' organizations, industrialists, NGOs involved in social work and serving different populations, and others. All workshops lasted for 3–4 hours. The first part of the meeting presented a comprehensive definition of health and an overview of where children work in Lebanon and the potential of their exposure to hazards. The second part of the meeting presented the principles that guided the preparation of the list. The challenges to setting standards for allowable exposures or for measures to control the exposure of children to work hazards were discussed.



## TERMS AND CONCEPTS

### Media

Communication media are now in a wide range of formats – internet podcasts, cell phone messages, billboards, newspapers, magazines, television (international, national, local), radio (international, national, local, narrowcast), music, and other performance arts. All media can be a strong force for change.

### Advocacy

Awareness-raising and advocacy is a means of helping individuals and groups to know what they need to do to contribute effectively.

**Output for Module 11:**

**Elements for a comprehensive plan of action**

## STEP



## REVISE PERIODICALLY

### OVERVIEW OF STEP 6

#### Objective: Creating a 'living list'

This step is generally combined with the previous one, with a person or unit designated to follow up after the Tripartite Consultation has been completed. There are two modules in this step, part of which might be internal meetings (the revision schedule), but the rest is carried out in the Tripartite Consultation workshop.

#### Administrative procedures

**Post-test:** (15 minutes)

Group discussion of correct answers (15 minutes)

**Evaluation** (15 minutes)

**Module 12:** Requirements and rationale for revision

Plenary discussion: "Review of the process" (60 minutes)

#### Module 13: Report

Plenary discussion: elements for the report (30 minutes)

(Follow-up: Writing and submitting the report by designated person/unit)

### OUTPUT: DOCUMENTATION OF THE DETERMINATION PROCESS

*"The list of the types of work determined under paragraph 1 of this Article shall be periodically examined and revised as necessary, in consultation with the organizations of employers and workers concerned."*

*Convention No. 182 Art. 4(3).*

This Step involves two relatively short activities, therefore it can be combined with the previous one. Because it is the final part of the Tripartite Consultation, it includes the post-test and the evaluation of the Tripartite Consultation.

## MODULE 12. REVISITING THE LIST



### CONTENT

#### *Why does the list need to be revised?*

The types of work in which children are engaged change along with changes in the economy or social attitudes.

- An economic downturn, for example, may see more children doing odd jobs to help the family or out scavenging in the trash. A shift from simply producing for the local market to supplying international buyers can create new jobs in the supply chain, with many of these taking place behind closed doors in the home. New occupations, such as call centres, and new chemicals or equipment becoming available on the market can alter the safety and legality of children's work. Technical evolutions, introduction of new production processes, or the development of new dangerous substances are challenges which need to be taken into account in the law.
- The lists may also need to be re-evaluated in the wake of new international standards (e.g., the new Convention on domestic work). New research findings on the health consequences on children of certain types of work or the way the work is conducted may lead to recommendations for additional prohibitions and action.
- A positive side-effect of the list determination/revision process, as noted in the beginning, is that it enables governments, workers and employers to work together on a common activity. It provides an opportunity to review and revise priorities for action.

#### *How often should the list be revised?*

Given the speed of change, particularly the uptake of chemical pesticides and powered machinery by small farmers throughout the developing world, a country may wish to consider a review-and-revision process every three to five years or sooner if the situation warrants.

The revising process should essentially follow the same steps outlined in this Guide, in particular those concerning the collection of data and how to prepare the list, based on the consultation with occupational safety experts, social partners, and other resource persons.



## EXERCISES

### Activity 1. Post-test

The Post-test allows for the Facilitator and the sponsoring unit to identify any points which may not have been fully understood and which may need reinforcement in the future. Again, it is not important to know the name of the person, but only to gauge the understanding of the group as a whole.

- Hand out exactly the same form as was used in the Pre-test
- As soon as all the papers have been gathered, go through the questions one by one to present the correct answers. This review serves as reinforcement to points made in earlier sessions.
- After the session, tabulate the answers to see (a) the questions which were correctly and incorrectly answered, and (b) the overall total of correct answers compared with the Pre-test.

### Activity 2. Plan for the next review session

Many omit this activity, but experience shows that even a brief discussion will help to anchor the idea that the Tripartite Consultation to determine hazardous work is not a 'one time' thing. These points might serve as discussion starters:

- Are there any types of child work that we have left aside to address in future? (these might be controversial topics on which no agreement could be reached, or certain forms within a complex industry, such as agriculture, that might be temporarily set aside).
- Are there any types of work which are emerging in the country about which little is known as of yet? One example might be mining of rare elements needed for electronics.
- Are there types of work which occur only episodically or during times of crisis? An example of this might be a volcanic eruption which generates new forms of work, such as collecting volcanic ash or fabricating souvenirs.

Based on this assessment, explore whether the group may wish to set up a tentative date to meet again

## MODULE 13. REPORTING ON THE DETERMINATION PROCESS

Very few countries routinely document the process that they have gone through to establish their hazardous list. This is unfortunate because the reports that are available have proven useful for other countries as models when determining their own lists, or when the country concerned revises its list some years hence.

More importantly, each ratifying State is obligated to report to the ILO Governing Body every two years on its progress in application of the child labour Conventions it has ratified. The process of list revision is a topic that the Committee of Experts, in reviewing these reports, will pay attention to. Therefore, if the Tripartite Consultation has been well-documented during the process, it will be easy to prepare this portion of the report.

Examples of the questions/requests that might be expected from the Committee of Experts if they are not already documented in the report:

1. Have consultations been held with the organizations of employers and workers on the determination of hazardous types of work? Which organizations have been consulted? Indicate when and how the consultations were held and other relevant details.
2. Have the types of work prohibited for young persons under 18 been re-examined and revised? Provide details of such reviews, and on the consultations held. Please indicate how the list of the types of work determined has been periodically examined. Please provide any revised list.
3. Please indicate the types of work determined in accordance with Article 4 paragraph 1 (Convention No. 138). Please communicate the relevant text.
4. Please indicate the measures taken to identify where the types of work so determined exist.



**EXERCISES**

**Activity 1. Group discussion: Preparing a rough draft of the Report**

It is easy to sketch an outline of the report when the process has just been completed and all the Consultation members are still present. This has a double purpose: a) it helps to ensure that a report of the Consultation will actually get drafted; and b) it provides a means for conducting an evaluation of the Tripartite Consultation at the same time. Questions to ask the group include:

- What were the main steps that we went through in this process?
- Who were the participants? Who was missing that should have been included?
- Were the Social Partners adequately involved? If not, why not?
- What were the main activities that moved us forward in constructing the list?
- Which ones were unnecessary, too complicated, too simple, etc.
- Identify a person to finalize the draft report.
- Identify to whom and when it will be sent for review.

**Evaluation**

Please rate each module on a scale of 1 to 5, with 1 being the minimum, 5 the maximum and 3 average, by putting **an X in the square** corresponding to the number. If you have no opinion, please leave it blank.

<b>PART A GENERAL</b>	1	2	3	4	5
<b>Objectives</b>					
1. To what extent did the Consultation achieve its aim?					
<b>Contents</b>					
2. Given your level of prior knowledge, how appropriate was the content of the presentations and discussions?					
3. Was the time devoted to each subject appropriate?					
4. Were the subjects dealt with in the appropriate depth?					
5. Did the Consultation address the issues you felt were important and necessary to discuss?					
<b>Materials</b>					
6. How appropriate was the content of this Guide?					
<b>Methods</b>					
7. Were the various activities appropriate and helpful?					
<b>Participants</b>					
8. Was the composition of the group appropriate?					
<b>Organization</b>					
9. Would you say that the Consultation was well organized?					

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## PART B INDIVIDUAL MODULES

Please rate each of the modules in terms of: (a) relevance of the contents to your work, and (b) effectiveness of the methods used.

Content					Modules	Methods				
1	2	3	4	5		1	2	3	4	5
					1. Deciding on the determination process					
					2. Basic facts					
					3. Finding information on child labour					
					4. Finding information on risks and health impacts					
					5. Drafting the list					
					6. Considering older children					
					7. Locating hazardous work					
					8. Process of formalization					
					9. Strengthening enforcement					
					10. Prioritizing					
					11. Planning					
					12. Revising the List					
					13. Reporting on the determination process					

How satisfied are you with the Tripartite Consultation and the determination process overall? Please provide suggestions (overleaf) on how it could be improved.

### Summary

Creating hazardous child labour lists is a commitment made by a country when it ratifies Convention No. 138 and/or Convention No. 182. This training programme is designed to help those who are facilitating the Consultations in creating these lists.

Please provide us your feedback on how useful the programme is together with your own ideas for changes to make it even more effective including any ideas you have for discussion points to help participants through the process.

**Checklist of important actions and outputs which should have been completed:**

\_\_\_\_\_ **Has a comprehensive list of hazardous occupations and working conditions in which children are engaged been drafted?**

Yes/No There are no types of work on the list that are at the industry level (e.g., except perhaps underground mining or fireworks manufacture)

Yes/No All types of work are largely at the “task” level (possible exceptions might be such industries as underground mining)

Yes/No The conditions of work on the list are not so wide as to exclude simple tasks (for example, by putting ‘work in port areas’ on the list it would make it delivery of tea or lunches to the area off-limits as well).

\_\_\_\_\_ **Has a list of acceptable work for adolescents been drafted?**

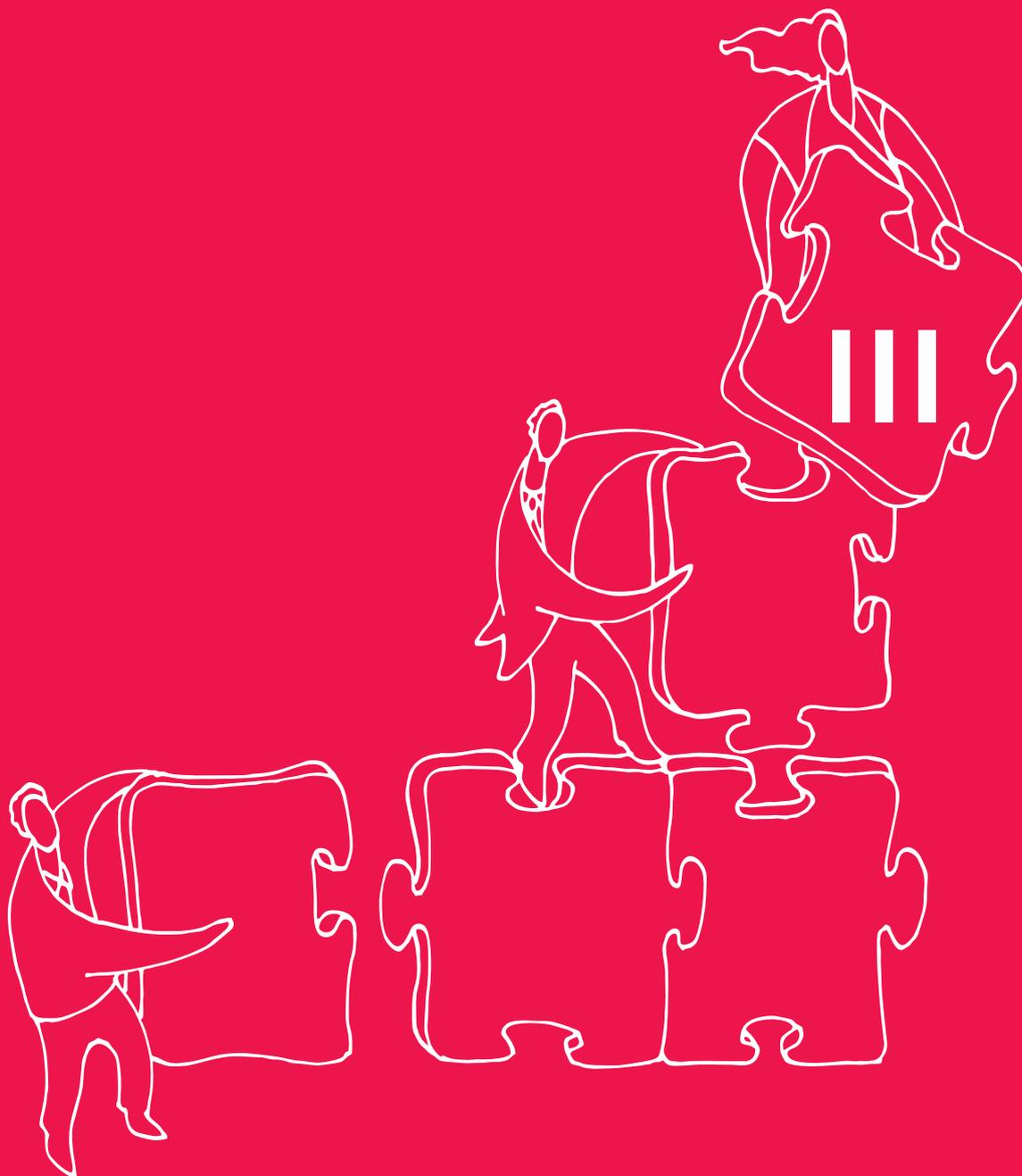
\_\_\_\_\_ **Has the list been given legal weight through a law or order?**

\_\_\_\_\_ **Has a map of hazardous child labour been drawn?**

\_\_\_\_\_ **Has the plan and/or recommendations for enforcement been cemented with a memo or advisory from management?**

\_\_\_\_\_ **Has a report been written documenting the process of determination and the extent of tripartite participation in the consultations?**





## Section III

### Reference list of hazardous child labour

The following comprehensive list has been compiled from national lists of prohibited work. It is provided as a reference and as an illustration of the range of types of work which might be included in their lists and the various wordings they have used to describe the prohibited work. The examples are organized according to the categories in ILO Recommendation No. 190, Article II, Paragraphs 3 (a), (b), (c), (d), and (e).

Inclusion or reference in this chart to any item in any national legislation does not prejudice comments that may be made by the ILO supervisory bodies on the same legislation.



**R.190, § 3(A)****WORK WHICH EXPOSES CHILDREN TO PHYSICAL, PSYCHOLOGICAL OR SEXUAL ABUSE****WORK IN ENTERTAINMENT WITH EXPOSURE TO PSYCHOLOGICAL AND SEXUAL ABUSE**

- Work in amusement and entertainment businesses (“Fuzoku-Eigyō” in Japanese) of various types including several types specifically addressing sexual interest, such as “public baths” with special individual spaces, striptease, sex shops, telephone dating, etc. including the prevention of acts that would hinder healthy development of children, Work for waiting at a banquet; work of special service trade for pleasure; work in a premise serving alcoholic beverages; acrobatic performance; performance of songs or other arts for entertainment in the street, engage in jobs involving meeting with guests or dancing with guests. It also prohibits employment of persons under 18 years of age to attend guests from 10 pm until sunrise.

*(Japan, 2003: Act No. 55 on Control and Proper Operations of Amusement and Entertainment Businesses as modified on 30 May 2003, Section 12, 22, 31)*

- Establishments harmful to juveniles (and from where they are, therefore, banned from working or accessing) including: Restaurants prescribed by the Presidential Decree from among the restaurants under the Food Sanitation Act, such as entertainment bars and *dallan* (merry making bars); Song practice and video show establishments; Dance teaching establishments and dance establishments; Speculative business establishments; Business with such principal purposes as intermediating the mutual telephone conversations between unspecified persons by equipping itself with telecommunications facilities; Business defined harmful to juveniles if they are given access to or employed therein, such as the business of manufacturing, producing, and distributing media materials harmful to juveniles and materials harmful to juveniles [...], and decadent massage, exposure of sexual organs and other similar acts might be done; business in which alcoholic drinks, songs, dances and other entertainment services are provided mainly for adults; business of manufacturing, producing and distributing the media materials and drugs harmful to juveniles.

*(Republic of Korea, 1997: Juvenile Protection Act No.5297 (7 March), section 24)*

- Work in entertainment such as bartender, masseurs, dancer, and as waiters in nightclubs, and places where alcoholic beverages are served such as cocktail lounges.

- Work related to gambling such as dealers, croupiers, bookies and bet takers.

*(Cambodia, 2004: Prakas on the Prohibition of Hazardous Child Labour, Ministry of Social Affairs, Labour, Vocational Training and Youth Rehabilitation, 28 April, Item 2)*

- Work in a gambling place; a recreation place in accordance with the law governing recreation places.

*(Thailand, 2008: Labour Protection Act B.E. 2541, section 12)*

- Work in any dance hall, billiard saloon, mahjong, tin kau or gambling establishment; or any premises or places at which any fixed odds betting or pari-mutuel betting, cash sweep or lottery is organized or conducted; in any place of public entertainment except in with a stage performance the net profits (if any) of which are devoted to purposes other than the private gain or profit of the promoters of the performance.

*(Hong Kong 2006, Employment of Children Regulations, Schedule Cap 57B, sections 5 and 6)*

- Work in lewd shows (strip teasers, burlesque dancers, and the like), cabarets, bars (KTV, karaoke bars), dance halls, bath houses and massage clinics, escort service; gambling halls and places; work in discotheques, work in video arcades.

*(Philippines, 1999: Department Order No 4, section 1)*

- Young persons not to be employed in: sex shops, pornographic cinemas, strip show centres, go-go dancing, peep-shows; manufacturing or projection of pornographic materials; advertisement; and cashier in casinos and manipulation of money.

*(Austria, 1998: Order on the Prohibition and Limitation of work by young persons, section 2)*

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- Work in night clubs, discotheques, and other places where alcoholic beverages are available, work related to gambling, casinos etc., manipulation of dangerous and harmful substances; as well as employment of young persons in any performances (public performances, movies, theatre, commercials, radio, television, publications, undermining their morality or dignity).

*(Panama, Executive Decree No.19 of 12 June 2006 approving the list of hazardous work of children)*

- Jobs as a model for promoting alcoholic drinks, drugs to arouse sexual desire and/or cigarettes.

*(Indonesia, 2003: The Decision of the Minister of Manpower and Transmigration of the Republic of Indonesia, Number KEP. 235/MEN/2003 of 31 October 2003, Attachments C-)*

- Work in cinema, mini cinema and cyber clubs.

*(Pakistan 2009, Draft Employment and Service Conditions Act (Schedules Part I and II)*

- Tourism related occupation: tourism, housing, motel, hotel, casino, restaurant, bar, pub, resort, skiing, gliding, water rafting, cable car complex, pony trekking, trekking, mountaineering, hot air ballooning, parasailing, golf course, polo, horse riding, etc.

*(Nepal, 2000: Child Labour (Prohibition and Regulation) Act, No.14, section 3(2))*

- Prohibit the employment of a young person under 18 in various places where tourists are accommodated including for example, bar, nightclub, discotheque or similar place of entertainment, gaming-house or casino (Section 22(3)).

*(Seychelles, 1995: Employment Act, 1995, Employment (Amendment) Act, 1999, section 22(3))*

- Work in places serving alcohol or with gambling; Serving in nightclubs, guesthouses, hotels, and restaurants; and parents prohibited from "allowing children to use or provide services in nightclubs, guesthouses, hotels, and gambling places" and "allowing children to enter their restaurants that serve alcoholic drinks, beer, or other intoxicating drinks".

*(Lao People's Democratic Republic, 2006: Amended Labour Act, section 41; 2006: The Protection of the Rights and Interests of Children Act, sections 48 and 49)*

- Work in places licensed to sell alcoholic beverages; Work in places licensed to sell tobacco products; Work where they are faced with special danger unless they work with adults or persons who have reached the age of 18. This provision applies to work in kiosks, video-stores, fast-food outlets, gas stations and other similar places.

*(Iceland, 1999: Regulation regarding the work of children and adolescents 1999 (No. 426/1999, Article 13)*

- Work in public baths, wine industry and its compounds, alcohol and alcoholic drinks production.

*(Syria, 2001: Order No. 183 (based on Section 124(c) of the Labour Code)*

- Production and consumption of alcohol and tobacco, work in bath and saunas, (...) and work in hotels and night clubs.

*(Poland, 2004: Ordinance of the Council of Ministers of Poland on the list of jobs prohibited to young persons and conditions of employment on some of these jobs, Annex 1)*

## SPECIFIC WORK WITH EXPOSURE TO PSYCHOSOCIAL ABUSE (PSYCHOLOGICAL AND/OR SEXUAL)

- A child shall not be recruited into any of the branches of the **armed forces** of The Gambia or other security agencies. The Government or any other relevant agency or body shall ensure that no child is directly involved in any military operations or hostilities. Carrying of heavy loads.

*(Gambia, 2005: Children's Act: Heading F – Other Forms of Exploitation and Recruitment in the Armed Forces and other Security Agencies: Article 59 (1) and (2))*

- It shall be unlawful for any person to recruit, transport or adopt a child (persons below 18 years or who is over 18 but unable to protect and take care of himself/herself) to engage in armed activities in the Philippines or abroad. Children shall not be recruited to become members of the Armed Forces of the Philippines or its civilian units or other armed groups, nor be allowed to take part in the fighting, or used as guides, couriers, or spies." Children shall not be recruited or employed by government forces to perform or engage in activities necessary to and in direct connection with an armed conflict as soldier, guide, courier or in a similar capacity which would result in his being identified as an active member of an organised group that is hostile to the government forces.

*(Philippines, 2003: Republic Act No. 9208 (Anti-Trafficking in Persons Act), section 4(b); 1992: Republic Act No. 7610 (Special Protection of children Against Abuse, Exploitation and Discrimination Act), section 22(b); 1930: Revised Penal Code of the Philippines, section 278)*

- Work that is harmful to the young person, such as involving a young person in sexual activities that are indecent, in addition to activities that could expose a young person to extreme psychological pressure such as forced labour, slavery or bondage; e.g., street hawkers, work in courts of law, reformatories or prisons, street begging or caring for the mentally disturbed; housework.

*(Lebanon, 1999: Decree No 700 (25 May) prohibiting employment of young persons under the age of 16 or 17 in occupations that are hazardous by nature or which endanger life, health or morals, Table 1)*

- Working at prisons and mental hospitals.

*(Republic of Korea, 1997: Enforcement Decree of the Labour Standards Act, section 37 (Table 2))*

- Work in hospitals and clinics for the mentally ill.

*(Israel, 1995 Youth Employment Regulations (Prohibited Jobs and Restricted Jobs) 5756 – 1995 Addendum (Regulation 1), Part 4, 3)*

- Working in health care or related facilities in circumstances where there is likely exposure to addictive drugs. Work in circumstances in which it is reasonably foreseeable that the child will be exposed to physical, psychological or sexual abuse.

*(South Africa, 2010 S10 (j) (n), S11 (1) (xiii) Regulations on Hazardous Work by Children in South Africa 2010)*

- Domestic work (cleaning, cooking, washing, child minding). Markets, hawking, street vending, begging, scavenging.

*(Uganda, 2011: The Employment (Employment of Children) Regulations, First Schedule)*

- Handling and transport of deceased persons; Slaughterhouse work; Treatment of psychiatric patients and supervisions of psychologically or socially disturbed persons, and other similar work.

*(Finland, 2006: Decree on the Protection of Young Workers No. 475/ 2006)*

- Work involving the handling of human corpses.

*(Lao PDR, 2006: Amended Labour Act, section 41)*

- Work directly related to the provision of funeral services, except for wreath making, preparation of mourning ribbons and similar work; Work in pathology-anatomy departments, morgues and vivariums; Work in places in which the artificial breeding and mating of animals is performed; Work related to the slaughter of animals and poultry and cutting of carcasses; related to the capture and destruction of stray dogs and cats; caring for animals that have contracted infectious diseases and work related thereto; work in which training materials are made from animals (mice, rats, guinea pigs); Work directly related to the care and supervision of infected persons and mentally ill persons (also in hospitals); work in anaesthesia, resuscitation and intensive care departments (wards).

*(Latvia, 2002: Cabinet Regulation No.206 (28 May), annex 1)*

- All scavenging including hospital waste.

*(Pakistan 2009, Draft Employment and Service Conditions Act,)*

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- No child shall engage or be employed in street trading. Any work related to garbage collection disposal conservancy scavenging, child domestic work, street trading, working at call centres and telemarketing.  
*(Sri Lanka 2010, Hazardous occupations regulations)*
- Working in prisons, operating on dead bodies, preparing dead bodies for coffin, burying and exhuming graves.  
*(Viet Nam, 1995: Interministerial Order No.9 TT/LB)*
- Begging or scavenging, collecting waste from garbage or waste dumps  
*(South Africa, 2010 S9 Regulations on Hazardous Work by Children in South Africa)*
- Street trading  
*(Sri Lanka 2010, Hazardous occupations regulations)*
- Jobs where the salary is paid on commission and on a bonus system  
*(Turkey, 2004: Regulations on the Fundamentals and Principles of the Employment of Children and Young Workers, Appendix 3)*

## WORK WITH EXPOSURE TO PHYSICAL ABUSE

- Work in menageries with fierce or poisonous animals as well as leading and attending to bulls and stallions.  
*(Italy, 1999: Legislative Decree No. 345 of 4 August 1999 – Implementation of Directive 94/33/EC on the Protection of Young People at Work, Article 15, Annex II, (3))*
- Work with dangerous, fierce or poisonous animals, Animal slaughtering on an industrial scale.  
*(Ireland, 1998: Safety, Health and Welfare at Work (Children and Young Persons) Regulations 1998, Schedule – Part II, 3)*
- Work in dangerous sports such as jockeys, horse-trainers and martial arts instructors or at shooting ranges'.  
*(Cambodia, 2004 PRAKAS on the Prohibition of Hazardous Child Labour – Ministry of Social Affairs, Labor, Vocational Training and Youth Rehabilitation – 28 April 2004: Item 2: Article 34)*
- Bee keeping.  
*(Greece, 2003: Decree No.130621/2003 – Second Issue No. 875 (No. F09318/4641) of 2 July 2003: Article 2 – Prohibition – A)*
- No jockey under 18 years of age will be allowed to take part in camel races in the Sultanate of Oman.  
*(Oman, 2005: Regulations on holding and organizing camel races in the Sultanate of Oman, issued by the Oman Equestrian and Camel Federation (7 August))*
- Children shall not perform any dangerous feat of balancing, physical strength, or contortion; or any person who being an acrobat, gymnast, rope-walker, diver, wild-animal tamer or circus manager employ children under 16 years of age in such exhibitions; or induce a child under 16 years of age to abandon his/her home for the purpose of engaging in any of the callings mentioned above.  
*(Philippines, 2003: Republic Act No. 9208 (Anti-Trafficking in Persons Act), section 4(b); 1992: Republic Act No. 7610, Special Protection of children Against Abuse, Exploitation and Discrimination Act, section 22(b); 1930: Revised Penal Code of the Philippines, section 278)*
- Circus performances, No person under the age of 16 shall take part in any public performance in which his life is or limbs are endangered. No child shall be trained to take part in performances of a dangerous nature.  
*(Sri Lanka, 2010, Hazardous occupations regulations)*
- Young persons shall not be exposed to physical strain which could in the short or long term be harmful to their health and development, and unnecessary physical strain and inadvisable work, positions and movements shall be avoided; Young persons shall not participate in the transport of money...; Young persons shall not be employed in work which in general involves a certain risk of violence, unless the young person works with a person who is over 18 years of age.  
*(Denmark, 1996: Order 516 of the Ministry of Labour respecting work by young persons, Chapter 3(replaced by Executive Order 239 of 6 April 2005) Section 12)*
- Jobs in the transport or revenue or money.  
*(Turkey, 2004: Regulations on the Fundamentals and Principles of the Employment of Children and Young Workers, Appendix 3 Federal Law No. 15)*

## R.190, § 3(B) WORK UNDERGROUND, UNDER WATER, AT DANGEROUS HEIGHTS OR IN CONFINED SPACES

### UNDERGROUND WORK

- Work in mining and quarrying.  
*(Gambia, 2005: Children's Act; Heading D – Exploitative Labour, Article 44 (3) (b))*
- Gem mining; sand mining.  
*(Sri Lanka 2010, Hazardous occupations regulations)*
- All occupations in or about any coal mine are prohibited for children between 16-18.  
*(USA, 29 U.S.C. § 203(l))*
- All work relating to mineral extraction and stone quarrying.  
*(Bahrain, 1976: Ministerial Order No.6 on hazardous industries and occupations, and which jeopardize the health of young persons, Section 1)*
- Work in the installation, excavation or construction of a well, cesspool or tunnel, the repair or cleaning of these, as well as work inside a sewage pipe network (...)  
*(Israel, 1995 Youth Employment Regulations (Prohibited Jobs and Restricted Jobs) 5756 – 1995 Addendum (Regulation 1), Part 1: Mechanical Factors, 3 and Part) 2)*
- Work in sewers and digging tunnels.  
*(Ethiopia, 2003 Labour Proclamation, Section 89 (4))*
- Demolition works, Work in ditches deeper than 2 metres. Excavation works.  
*(Greece, Decree No. 130621/2003 - Second issue No. 875 (No. F09318/4641) of 2 July 2003 Section 2, § 50)*
- Work in: quarries and the asphalt industry, petroleum and natural extraction.  
*(Kuwait, 2004: Ministerial Order No. 149, section 1, which repeals Order No. 18 of 1973)*

### UNDERWATER WORK

- Employment (...) as a diver; as a fisher for pearl shell or any sea products other than fish.  
*(Papua New Guinea, 1978: The Employment Act, Section 1)*
- Work in a hyperbaric atmosphere (example: pressure chambers or diving).  
*(Norway, 1998: Order no.554 (Work by Children and Young Persons), Regulation under the Working Environment Act, Section 13)*
- Any work connected with the act of fishing, deep-sea fishing, diving to chase fish to nets.  
*(Sri Lanka, 2010, Hazardous occupations regulations)*
- Underwater works performed in diving suits or with the aid of breathing apparatus.  
*(Greece, Decree No. 130621/2003 - Second issue No. 875 (No. F09318/4641) of 2 July 2003 Section 2, §50)*

## WORK AT DANGEROUS HEIGHTS

- Any work at unguarded heights above two meters; tree climbing.  
*(Sri Lanka, 2010, Hazardous occupations regulations)*
- No person may require or permit a child worker to work in an elevated position (more than 2 metres from the floor or ground) unless the work is performed under the supervision of a competent adult employee or by the employer and those fall protection measures which are reasonably practicable, and which comply with or exceed the requirements of the Construction Regulations are provided; to work at a height of more than 5 metres above the floor or ground.  
*(South Africa, 2010: S5, 7, 8, 9 Regulations on Hazardous Work by Children in South Africa)*
- Works on sloping roofs; assembly and disassembly of roofs.  
*(Greece, Decree No. 130621/2003 - Second issue No. 875 (No. F09318/4641) of 2 July 2003 Section 2, §51)*
- Occupations requiring climbing of poles or antennas exceeding five metres in height which could cause accidents'.  
*(Kuwait, 2004: Ministerial Order No. 149, section 1, which repeals Order No. 18 of 1973)*
- To work in any outside window cleaning at more than 3 metres above ground level.  
*(Hong Kong 2006, Employment of Children Regulations, Schedule Cap57B, section 8)*

## WORK IN CONFINED SPACES

- Working in places lacking oxygen.  
*(Viet Nam, 1995: Interministerial Order No.9 TT/LB (13 April), B(2))*

## WORK WITH EXPOSURE TO NOISE AND VIBRATIONS

- Work where the noise levels to which the employee is exposed continuously is in excess of 85 decibels (A) for eight working hours a day.  
*(Thailand, 1998: Ministerial Regulation No.6 B.E.2541, 1(b, d))*
- Noisy Environments: No person may require or permit a child worker to perform any work involving an exposure to a noise level in excess of 80DB unless the child is supplied with hearing protection that complies with regulations.  
*(South Africa, 2010: S5, 7, 8, 9 Regulations on Hazardous Work by Children in South Africa)*
- Work in environment with excessive noise.  
*(Lao PDR, 2006: Amended Labour Act, section 41)*
- Works, in the process of which the young person is exposed: To noise of a level higher than 85 db(A). The rate of 85 dB(A) is deemed to be the average equivalent value of 40 hours of employment per week. Also, to a noise of a level higher than 140 dB, even momentarily.  
*(Greece, Decree No. 130621/2003 - Second issue No. 875 (No. F09318/4641) of 2 July 2003 Section 2, §)*
- Work with exposure to jolts, extreme vibrations or excessive noise.  
*(Switzerland, 2007, Ordinance on Hazardous work for Young people by the Federal Economic Department, Section 1 d) 4))*

## WORK WITH EXPOSURE TO TEMPERATURES

- Working in freezing activities and manufacture of ice.  
*(Qatar, 2005: Ministerial Decision No.15 (implementing Labour Law No.14 of 2004))*
- Work performed in a cold storage in the production of preservation of food by freezing.  
*(Thailand, 2008, Labour Protection Act)*
- **Cold Environments:** Working in an environment below an actual dry-bulb temperature specified unless the child is supplied with suitable protective warm clothing; 0C where the work involves repeated entry into or presence for more than two minutes in such environment; 6C where the work involves repeated entry into or presence for more than one hour in such an environment. Suitable protective clothing means the items specified in Regulations.  
**Hot Environments:** Performing hard manual labour where the time weighted average (WBGT) index determined over a period of one hour exceeds 30 unless the child – is acclimatised to such working environment before he is required to be permitted to work in such environment, has water breaks every 15 minutes and is cognisant of the need to drink at least 150ml of liquid every break and the employer provides the child with the necessary liquids.  
*(South Africa, 2010: S5, 7, 8, 9 Regulations on Hazardous Work by Children in South Africa)*
- Work in difficult micro-climate of the work environment hot, cold and changing.  
*(Poland, 2004, Ordinance of the Council of Ministers of Poland on the list of jobs prohibited to young persons)*
- Work involving risk to health from extreme heat or cold or wet.  
*(Germany, 2003: Law on the protection of working youth (referred to as Youth Workers Protection Act – of 12 April 1976, as amended through the Law of December 2003: Article 22 (4))*
- Work in places where the temperature deviates from the upper and lower limits of 4°C–40°C.  
*(Israel, 1995 Youth Employment Regulations (Prohibited Jobs and Restricted Jobs) 5756 – 1995 Addendum (Regulation 1), Part 1: Mechanical & Other Factors, 3 and Part 2 Physical Factors, 3)*

**R.190, § 3(C)****WORK WITH DANGEROUS MACHINERY, EQUIPMENT AND TOOLS, OR WHICH INVOLVES THE MANUAL HANDLING OR TRANSPORT OF HEAVY LOADS****DANGEROUS MACHINERY**

- Driving motor vehicles and driving, operating, maintaining or cleaning machinery or equipment that is motorized and moving, namely: tractors and agricultural machinery, machinery for rolling, forging and cutting metals, bread-making machinery such as mixers and dough cylinders, slicing machines, woodworking machines, circular saws, guillotine saws, files, grinders, cutters and mixers, equipment in paper factories, cranes or similar machinery.  
*(Brazil, 2008, Decree No. 6481 regulating articles of the Convention 182)*
- Work in engineering and metal working sectors, work as a welder and metal worker, work in shipbuilding and ship repair yards, work related to construction and repair of aircrafts, electrical, radio and electronic engineering work, production of building materials, pottery, porcelain, faience, glass and glassware, paper production, light industry, knitted goods production.  
*(Georgia, 1988: LR Interdepartmental Order of 27 April 1988, Article 4)*
- No person shall be employed as a driver of a crane or winch, whether driven by mechanical power or otherwise, or to attend to cargo falls on winch ends or winch bodies who is under the age of 18 and who has not been certified by a competent person to be qualified to perform such work and such certificate attached to or entered in the general register; No person shall be employed to give signals to a driver of a crane or winch, who is under the age of 18 and who has not received sufficient training and has not been fully instructed as to the dangers arising in connection with the use of the machine in operation; A young person or woman shall not be allowed to clean or oil any dangerous part of any machinery while the machinery is in motion by the aid of mechanical power; A young person or woman shall not be allowed to clean or oil any part of the machine if the cleaning or oiling thereof would expose him or her to risk of injury from any moving part of that machine or of any adjacent machinery; No young person shall work at any machine . . . unless he has been fully instructed as to the dangers arising in connection with the machine and the precautions to be observed and has received sufficient training in work at the machine or is under adequate supervision by a person who has thorough knowledge and experience of the machine.  
*(Guyana, 1977 Factories Act Part IV, Section 32 (1) & (2), 1975 Factories (Safety) Regulations, Part II, Section 8 (1) & (2) and 9 (1))*
- Working with any dangerous machine involving action of cutting, grinding, rolling pressing, crushing, etc., prohibits young persons cleaning any dangerous part of a machinery or plant while the machinery is in motion by the aid of mechanical power; and cleaning any mill-gearing or machinery while it is in motion for the purpose of propelling any part of the machinery; operating or giving signals to the driver of a hoist; operating or giving signals to the operator of a mechanical equipment; operating a crane or a power-driven lifting appliance and giving signals to the driver of any lifting appliance; using cartridge-operated fixing tool, working on a suspended working platform, operating a load shifting machine, performing gas welding and flame cutting work, operating specified machines, such as power presses, including hydraulic and pneumatic presses; loose knife punching machines; milling machines, other than those used in tool-room operation; dough brakes; dough mixers; hydro-extractors; calendars; washing machines; garment presses; paper baling presses; guillotines; hand fed platen printing machines; hand fed embossing machines, cleaning plant when a dangerous part of the plant is in motion.  
*(Hong Kong 2006, Employment of Children Regulations )*
- Machine, pneumatic or hydraulic equipment, tractors and motor driven equipment, motor driven lifting equipment and conveyor belts, control maintenance and repair of machines and equipment, hand tools that vibrate, risk of high voltage shocks, welding and burning, prohibits children under the age of 15 to be employed in a vessel.  
*(Iceland, 1999: Regulation regarding the work of children and adolescents 1999 (No. 426/1999, Appendix 1A, 1) – 7))*
- The handling, operation or maintenance of moving machinery.  
*(Kuwait, 2004: Ministerial Order No. 149, section 1, which repeals Order No. 18 of 1973)*
- Metallurgical production: Production and transmission of electrical and thermal energy (energy economy); Mechanic engineering and metalworking; Shipbuilding and ship-repairing; Building and repair of aircrafts; Production of electric

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goods; Radio and electronic production; Logging; Wood-working production; Production of cellulose, paper, paperboard and their goods; Textile production; Food processing; Printing production; Transport.

*(Kyrgyzstan, 2001: Decree No. 314 of 2 July 2001)*

- Work with certain types of cranes and lifting and stacking trucks, Work with earth movers, Work with nail pistols, Work with liquid jet equipment with a working pressure equal to or exceeding 250 bar.  
*(Norway, 1998: Order no.554 (Work by Children and Young Persons), Regulation under the Working Environment Act, Section 13)*
- Work with lathes, shaping, slatting and milling machines, platen machine and gelating cutting machines, every-wheel or tool grinding machine, operation of hoist, operation of band saw or circular saw, in blow loom of textile mills, ner cotton openers, combined openers, sketchers, lap machines, hard waste breakers, and carding machine, and welding plant, Surgical instrument manufacturing specially in vendor workshops; Transport of passengers, goods or mails by railway; cinder picking, cleaning of an ash pit or building operation in the railway premises; work in a catering establishment at a railway station, involving the movement of vendor or any other employee of the establishment from one platform to another or into or out of a moving train; work relating to the construction of a railway station or with any other work where such work is done in close proximity to or between the railway lines; a port authority within the limits of any port.  
*(Pakistan, 2009 Draft Employment)*
- Work with dangerous machinery, equipment and tools, or which involves manual handling or transport of heavy loads, such as in: logging, construction, quarrying, operating agricultural machinery in mechanized farming, metal work and welding, driving or operating heavy equipment such as pay loaders, backhoes, bulldozers, cranes, pile driving equipment, trailers, road rollers, tractor lifting appliances, scaffold winches, hoists, excavators and loading machines, operating or setting motor-driven machines such as saws, presses and wood-working machines, operating power driven tools such as drills and jack hammers, stevedoring, working in airport hangars, working in warehouses, working in docks.  
*(Philippines, 1999: Department Order No. 4, section 3(3))*
- No children shall be employed in the lubrication, cleaning, controlling and repair of moving machiner (Gender related. No children of feminine sex aged less than 16 years old shall work with sewing machines with a treadle).  
*(Senegal, 2003, Ministerial Order n° 3750 MFPTEOP-DTSS en date du 6 juin 2003 section 11 and 22)*
- A child worker may not use any power-driven machinery or power tool or any cutting or grinding equipment unless a risk assessment conducted in terms of the regulations has determined that its use is safe and without significant risk for the child.  
*(South Africa, 2010 Regulations on Hazardous Work by Children in South Africa S19)*
- Work involving high-voltage electrical hazards, Work the pace of which is determined by machinery and involving payment by results.  
*(Ireland, 1998: Safety, Health and Welfare at Work (Children and Young Persons) Regulations 1998, Schedule – Part II, 8, 9)*
- Agriculture: children under 13 years are prohibited from riding on vehicles and machines including tractors, trailers, etc.  
*(UK, 1998: Prevention of Children in Agriculture Regulations)*

## WORK INVOLVING THE HANDLING OR TRANSPORT OF HEAVY LOADS

- Work in the transport of passengers and goods by road, railway, air and sea and in docksides and warehouses involving heavy weight lifting, pulling or pushing or any other related type of labour.  
*(Eritrea, 2001: Proclamation N. 118/2001, The Labour Proclamation of Eritrea, Article 69(1) (a) – (d)*
- To carry any load which is unreasonable heavy having regard to their age and physical development (...).  
*(Hong Kong 2006, Employment of Children Regulations)*
- No person may require or permit a child worker to perform any work that involves lifting an object that weighs more than the lesser of either 15kgs or 20% of the child's body weight. A child worker who lifts objects weighing more than 7.5 kgs as part of their work may not be required or permitted to lift such an object more than once per minute. A child worker who lifts objects weighing more than 5kgs may not be required or permitted to do so continuously for longer than 2 hours. A child worker shall be regarded as lifting a weight continuously unless they do not lift such a weight for a period of at least 30 minutes.  
*(South Africa, 2010 S6 Regulations on Hazardous Work by Children in South Africa)*

- Work directly related to continuous carrying or moving of heavy loads if it exceeds 10kg (for boys) and 4kg (for girls).  
(Latvia, 2002: Cabinet Regulation No.206 (28 May), annex 1)

- Lifting or pushing of heavy good, if weight exceeds limits in table below:

Type	Weights allowed	Weights lifted with bars	Weights pushed on one- or two-wheeled barrows
Males	10 kg	300 kg	Not for young persons
Females	7 kg	150 kg	Not for young persons

(Egypt, Minister of Manpower & Migration Decree No. 188 of 2003, n°37)

- With lifting, transportation, loading or unloading of weights, when performed rarely, more than 20 pounds for males and greater than 15 pounds for females, and more than 11 pounds for males and greater than 7 pounds for females, when performed frequently.

(Brazil, decree no. 6481 of 12 June 2008, no. 80)

- Any type of work involving the lifting, carrying or moving of any loads over 8 kgs in weight in the case of males, 5 kgs in the case of female.

(Sri Lanka, 2010, Hazardous occupations regulations)

- In manual transport of loads, in the case of females and children, we observed the following maximum limits: boys up to 16 years old: 35 pounds; girls up to 18 years old: 20 pounds; boys from 16 to 18 years old: 50 pounds; girls from 18 to 21 years old: 25 pounds; girls from 21 years old or more: 50 pounds.

(Ecuador, Article 139 of Labour Code, 27 May 1997)

- Children are prohibited to carry, drag or push, as much inside as outside the workplace, loads exceeding the following weight:

1° — Carry of cargo freight	
Boys from 15 to 16 years old	15 kilogrammes
Boys from 16 to 18 years old	20 kilogrammes
Girls from 15 to 16 years old	8 kilogrammes
Girls from 16 to 18 years old	10 kilogrammes
2° — Transport on wheelbarrow	
Boys of 15 -16 or 17 years old	40 kilogrammes
Girls of 15-16 or 17 years old	25 kilogrammes
3° — Transport by trolleys circulation on railroad, including vehicles up to 600kg	
4° — Transport on 3 or 4 wheeled vehicles	
Boys of 15, 16 or 17 years old	60 kilogrammes
Girls less than 16 years old	35 kilogrammes
Girls less than 17 or 18 years old	60 kilogrammes

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5° — Transport on handcarts	
Boys of 15, 16 or 17 years old	130 kilogrammes
6° — Transport on delivery tricycle	
boys of 15 or 16 years old	50 kilogrammes
boys of 17 or 18 years old	75 kilogrammes

**Means of transport mentioned on number 3, 5 and 6 are prohibited to girls.**

**Transport on two-wheeled trolley are prohibited to girls and boys.**

*(Senegal, Interministerial Decree n° 3750 MFPTEOP-DTSS date 6 June 2003, determining hazardous work prohibited to children and young persons, section 6)*

*France, Togo, Benin, Niger, Mali and Madagascar have the same wording*

**R.190, § 3(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****WORK WITH EXPOSURE TO BIOLOGICAL SUBSTANCES**

- Exposure to hazardous substances: Work with experimental types of cancer research or work taking place on the same premises as such research work, Work on premises where micro organisms are used which belong to safety classes 3 and 4 under the Provisions on Biological Substances (AFS 1997:12 – appended to the report in Swedish), Work entailing a risk of contact with human blood which is presumably infected.  
*(Sweden, 1996: Provisions of the Work Environment Authority on Minors at Work, Annex 2)*
- Taking care of a patient with a contagious disease, cleaning of a patient's utensils and clothing in a medical establishment, and collection, transportation or disposal of rubbish or waste in a medical establishment.  
*(Thailand, 2008, Labour Protection Act)*
- Direct exposure to chemicals, work in contact with anaesthetics in emergency recovery, in centres for intravenous infusion establishments, in health stations using short waves and ultra sounds in treatment or taking part in suppressing epidemics, work in electromagnetic fields,  
*(Viet Nam, 1995: Interministerial Order No.9 TT/LB)*
- Works with medical preparations, bacteriological and biological agents and materials (not mentioned specifically in legislation – check).  
*(Georgia, 1988: LR Interdepartmental Order of 27 April 1988, Article 3)*
- The manufacturing and processing of substances that are easily ignited; Heating boilers and supervising of boiler or steam-generating machines, Work with devices emitting laser radiation, Training, including preparatory work, ancillary work, the eddying of leathers and all work involving contact with hides, even if not related to tanning; Work in hospital wards in which there is a risk of becoming infected with a contagious disease; Work in microbiological laboratories; Work with cadavers and the transport thereof , Work in slaughterhouses.  
*(Israel, 1995 Youth Employment Regulations (Prohibited Jobs and Restricted Jobs) 5756 – 1995 Addendum (Regulation 1)*
- Work in public toilets; Work directly related to the processing, storage, production and marketing of narcotic substances and plants containing narcotic substances; Work directly related to the care and supervision of infected persons and mentally ill persons (also in hospitals); work in anaesthesia, resuscitation and intensive care departments (wards); Work directly related to processing and preserving of meat and meat products; Work directly related to processing and preserving of fish and products thereof.  
*(Latvia, 2002: Cabinet Regulation No. 206 (28 May), annex 1)*
- Working with Substances: the handling of substances included in the list of occupational diseases caused by toxic mineral substances, fossil fuels, plastics, pesticides and other substances.  
*(Tunisia, 1995: Order of 10 January of the Ministers of Public Health and Social Services)*
- Opening, scotching, carding and cleansing of textile fibres, vegetable and animal horsehair, feathers and hair, sorting and chopping waste rags and paper.  
*(Italy, 1999: Legislative Decree No. 345 of 4 August 1999 – Implementation of Directive 94/33/EC on the Protection of Young People at Work, Article 15, 31)*

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- Work with wild or poisonous animals, Work involving industrial slaughtering of animals.

*(Norway, 1998: Order no.554 (Work by Children and Young Persons), Regulation under the Working Environment Act Section 13. 1998: Regulations concerning Work by Children and Young People (No. 551), section 12)*

## WORK WITH EXPOSURE TO CHEMICAL AGENTS AND RADIATION

- Works with exposure to chemical agents harmful to health as designated by a phrase R in accordance with Ordinance on chemical products of 18 May 2005: substances with irreversible effects (R39); substances causing a sensitization by inhalation (R 42); substances causing a sensitization by skin contact (R43); substances causing cancer (R40, R45); substances causing hereditary genetic impairments (R46); substances causing serious effects on health in case of prolonged exposure (R48); substances affecting fertility (R60); substances that may cause harmful effects to the child during a pregnancy (R61).

*(Switzerland, 2007, Ordinance on Hazardous work for Young people by the Federal Economic Department , Section 1 (f))*

- Work that can cause death or direct physical injury because of its nature, the substance used or sediments resulting from it or because of the harm caused by handling or storage of corrosive, inflammable or explosive material; e.g., the disposal of dust from furnaces, the aluminium industry, manufacture and manual processing of explosives, production of matches; work in tanneries and in the production, transformation and conveying of electricity, maritime work (storing, sorting, stackers), textile factories, carpet factories, ice factories, demolition, transport/public vehicles, crystal and glass manufacturing, motor-operated machines cleaning or repair; work with substances that cause toxicity due to use, handling, exposure to its dust, fumes or the fumes of its contents; work with firemen and gas leak saving teams, operate lifting machines, diggers or in public works; bakeries – work near fires; abattoirs; manufacture of fertilisers; work in industrial furnaces.

*(Lebanon, 1999: Decree No 700 (25 May) prohibiting employment of young persons under the age of 16 or 17 in occupations that are hazardous by nature or which endanger life, health or morals, Table 1)*

- Spice grinding, bangles, glass furnaces, tobacco processing and manufacturing, Bidi-making, Carpet weaving, Cement manufacture, including bagging of cement, Cloth printing, dyeing and weaving, Manufacture of matches, explosives and fire-works, Mica-cutting and sploting, Shell as manufacture, Soap manufacture, Training, Wool-cleaning, Building and construction industry, Manufacture of slate pencils, Manufacture of products from agate, Manufacturing processes using toxic metals and substances such as lead, mercury, manganese, chromium, cadmium, benzene, pesticides and asbestos, manufacturing, manipulation or contact with lead, chemicals (including carbonates, chromates, chlorates, oxides, sodium, zinc, magnesium, ammonia, sulphurous, sulphuric, boric, phosphoric, cynogen compounds as well as explosives), rubber, chromium, cellulose solution spraying, sand blasting, sodium and potassium-bichromates, petrol, gas- generating plant. Section 3 specifically prohibits certain operations for children and adolescents which include; manufacture or recovery of carbonates, chromates, chlorates, oxides, sodium, zinc, magnesium, ammonia, sulphurous, sulphuric, boric, phosphoric and such other chemicals; Cynogen compounds; a wet process for the extraction of metals or where electric energy is used; the manufacture of explosives; melting and blowing glass; handling wool, hair bristles, hides and skins, fertilizers; vitreous enamelling; mixing and grinding ceramic materials; process involving inhalation of tobacco; and such other processes that the Chief Inspector may prescribe by an order.

*(Pakistan 2009, Draft Employment and Service Conditions Act (Schedules Part I and II) )*

- Work involving harmful exposure to agents which are toxic, carcinogenic or cause heritable genetic toxic or carcinogenic or cause heritable genetic damage, or harm to the unborn child or which in any other way cause chronic human health effects; Work involving harmful exposure to radiation.

*(Cyprus, 2001: Protection of young persons at work law No. 48(I), Article 20 (3)*

- Working with asbestos and carrying out any cleaning in connection with work with asbestos; work or process involving the handling or transport of any unsealed radioactive substance; employment in any radiation work. In a hairdressing salon; Prohibition from working in dangerous trades such as Boiler chipping, the manufacture of glass from basic raw materials, manufacturing processes involving the use of arsenic, lead, manganese, mercury, phosphorus, or any compound of any of them, Vermillion manufacture, Chromium plating, The machining or grinding of celluloid or magnesium, or of any article wholly or partly made of celluloid or magnesium in any manufacturing process. The manufacture of hydrochloric, nitric or sulphuric acids; Handling or delivery of dangerous goods.

*(Hong Kong 2006, Employment of Children Regulation)*

- Work related to the production, processing or transportation of drugs or pharmaceutical products.

*(Cambodia, 2004 PRAKAS on the Prohibition of Hazardous Child Labour – Ministry of Social Affairs, Labor, Vocational Training and Youth Rehabilitation – 28 April 2004: Item 2: Article 38)*

- Chemical production: Petrochemical production; Microbiological production; Production of medicaments, medical, bacterial and biological products and materials. Institutions of public health, socio-medical expertise, veterinary institutions, medical scientific and research and educational institutions, production of bacterial and virus products and pharmacy.

*(Kyrgyzstan, 2001: Decree No. 314 of 2 July 2001).*

- Work relating to manufacturing cigarette, bidi, weaving and dyeing carpet, clearing wool, weaving, washing, coloring and imprinting cloth, processing leather, manufacturing and packing of cement, manufacturing and sale, distribution, of match, explosives and other fire goods, manufacturing of beer, wine and other drinking goods, manufacture of soap, bitumen production, pulp and paper production, slate, pencil manufacturing, manufacturing of pesticide, production of lubricating oil, collection of waste procession and electroplating, photo processing, rubber, synthetic, plastic, lead, mercury.

*(Nepal, 2000: Child Labour (Prohibition and Regulation) Act, No.14, section 3(2))*

- The handling of dangerous materials or products, such as painting jobs, that involve the use of toxic chemicals with a high lead concentration, work involving paint which contains the use of basic lead carbonate, lead sulphate, aluminium sulphate and any other products which contains these pigments, noxious exposure to toxic or cancerous agents, exposure to radiation, noxious exposure to certain biological and chemical agents

*(Romania, 2002: General Norm of Labour Protection, Ordinance of the Ministry of Labour and Social Solidarity (No.508/2002) and Ministry of Health and Family (No.933/2002))*

- Manufacturing tin and products containing more than 10% lead; Coating mirrors with mercury, Coal making from animal bones except for the process of identifying bones for burning.

*(Yemen, 1996: Ministerial Order No. 40)*

- An employer shall not employ persons under 18 full years of age in work involving the handling of poisons, powerful drugs or other injurious substances, or explosives, combustible or inflammable substances, in places where dust, power, harmful gas, or radiation is generated or places of high temperatures and pressures, or other places which are dangerous or injurious to safety, health, or welfare.

*(Japan, 1995: Labour Standards Law: Law No. 49 of 7 April 1947 as amended through Law No. 107 of 9 June; Article 62 (2))*

- Works in relation with electric energy; manipulation of explosives or flammable material, work with exposure to radioactivity.

*(Panama, 2006, Executive Decree approving the list of hazardous work of children))*

- Involves the risk of hazardous radiation; substances that are toxic, poisonous, corrosive or explosive.

*(Iceland, 1999: Regulation regarding the work of children and adolescents 1999 \ (No. 426/1999, Appendix 2, 1) (a) – (d))*

- Any work connected with ionizing radiation: working in laboratories handling radioactive material for diagnostic purposes, X-ray equipment in the hospitals and industries

*(Sri Lanka, 2010, Hazardous occupations regulations)*

## R.190, § 3(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

### NIGHT WORK

- A person shall not engage a child in night work (between 8pm – 6am).  
*(Gambia, 2005: Children's Act: Heading D- Exploitative Labour: Article 42 (1) & (2))*
- (1) For minors employed in industrial labour, the time period between 7 in the evening and 7 in the morning of the next day shall be considered night work; (2) For minors employed outside industry, the time period between 8 in the evening and 6 in the morning of the next day shall be considered night work; (3) Night work for minors shall be prohibited unless such work is urgently needed due to force majeure.  
*(Croatia, 1995: Labour Act No.758/95, Section 54)*
- Street trading during night hours.  
*(Papua New Guinea, 1961: The Child Welfare Act, section 80)*
- Night Work – exceptions exclude those expected to be at school the following day. If work is permitted between 6pm and 11pm it must be in a restaurant, cinema, theatre or shop where there is adequate adult supervision or the work is baby-sitting or child minding. Any person who requires or permits a child worker to work after 6pm must at the end of the shift provide him/her with safe transport home, at no cost to the child, parent or care giver.  
*(South Africa BCEA Regulations 2010),*

### LONG HOURS / FAST-PACED WORK

- Work prohibited if exceeding 6 hours a day and 36 hours a week.  
*(Costa Rica, article 7 Ley No. 8922 denominada "Prohibición del Trabajo Peligroso e Insalubre para Personas Adolescentes Trabajadoras" del 25 Marzo 2011)*
- Children who are 15 years and above who have completed their education and do not attend school may work up to six hours a day and not exceed forty-five hours per week.  
*(Uganda, No.10, The Employment (Employment of children) Regulations, 2011)*
- Tasks in which young age or lack of experience can cause unreasonable strain or which involve considerable responsibility for personal safety or the safety of others or considerable financial responsibility, or which involve accident risks that young persons are unable to identify or avoid because they may not be able to take sufficient account of safety of factors or do not have enough training or experience; Work where the pace of work is determined by a machine (employee gets paid by units).  
*(Finland, 2006, Decree on the Protection of Young Workers No. 475/ 2006)*

- Prohibition of piecework: 'piece-work, work similar to piece-work, achievement-based premium-work and other work, with which by an increased work speed a higher payment can be obtained like for instance work, for the entitled payment is based on work (personality) evaluation procedures, statistical procedures, methods of data collection, minimum time procedures or similar payment identification methods as well for workflow with prescribed work speed. This prohibition does not apply to young people who are employed as home-workers.

*(Austria, 1998, Order on the Prohibition and limitation of work by young persons, No. 436/1998.)*

- Work where payment is linked to the pace of work.

*(Slovenia 2003, Rules on the Protection of health at work of children, adolescents and young people; Article 5(d))*

- Work the pace of which is determined by machinery and involving payment by results.

*(Malta, 2000, Occupational Health and Safety (Promotion) Act, 1994; Protection of Young Persons at Work Places Regulation)*

## WORK IN ISOLATION

- Working alone if there is a clear risk of accident or violence; Tasks in which young age or lack of experience can cause unreasonable strain or which involve considerable responsibility for personal safety or the safety of others or considerable financial responsibility, or which involve accident risks that young persons are unable to identify or avoid because they may not be able to take sufficient account of safety of factors or do not have enough training or experience.

*(Finland, Social Affairs and Health Decree on the list of examples of jobs that are dangerous for young workers 19.3.2007/302)*

- Jobs in isolated and remote sites. Inside a locked workplace or building, in offshore fishing activities or fishing in deep pelagic waters.

*(Indonesia, 2003: The Decision of the Minister of Manpower and Transmigration of the Republic of Indonesia, Number KEP. 235/MEN/2003 of 31 October 2003, Attachments C – (1) – (5))*

- Minors are not allowed to be employed in remote areas that are distant from urban centres.

*(Yemen, 1995 Labour Act as amended by Act No. 25 of 1997)*

- Work where the child is unreasonably confined to the premises of the employer.

*(Philippines, 1999: Department Order No. 4, section 3(5))*

- Where the young person is unreasonably confined to the premises of the employer.

*(Iraq, 2004: Amendment to the Labour Code Law NO, 71 of 1987 Part VI- Chapter II as amended by Chapter II Article 91.2 (d))*

# Eliminating hazardous child labour

## Examples of items in the hazardous child labour lists (by types of hazards)

### Injury hazards

Construction, renovation, repair, and the demolition of any edifice

*(Bahrain, 1976: Ministerial Order No.6 on hazardous industries and occupations, and which jeopardize the health of young persons, Section 1)*

Using industrial or agricultural instruments or tools liable to cause perforation or cuts, without protection to prevent risk

*(Brazil, decree no. 6481 of 12 June 2008, no. 80)*

Work carried out on a ladder or scaffold

*(Cambodia, 2004: PRAKAS on the Prohibition of Hazardous Child Labour – Ministry of Social Affairs, Labor, Vocational Training and Youth Rehabilitation – 28 April 2004)*

Work involving a risk of structural collapse

*(Cyprus, 2001: Protection of young persons at work law No. 48(I), Article 20 (3))*

Fast running machines, work speed is determined by machines, high voltage shocks, threat of collapsing of building/structure, explosive nature of material, work with wild animals

*(Iceland, 1999: Regulation regarding the work of children and adolescents 1999 \ (No. 426/1999)*

Accident, injuries, cuts, contact with sharp objects, awkward postures, heat burns, acid burns, eye/limb injuries, fatalities, injuries through explosions

*(Sri Lanka, 2010, Hazardous occupations regulations)*

Handling fire and hot objects; handling sharp instruments; work resulting in loss of hearing, cuts and wounds, long term health problems, respiratory diseases

*(Uganda, No.10, The Employment (Employment of children) Regulations, 2011)*

Work which entails a risk of collapse of a structure or landslide

*(Norway, 1998: Order no.554 (Work by Children and Young Persons), Regulation under the Working Environment Act, Section 12 & 13)*

### Biological hazards

Cancer-producing materials, corrosive material, lead, asbestos manipulation

*(Austria, 1998 Order on the Prohibition and Limitation of work by young persons Article 3 (1) 1. (a) –(g))*

Handling of objects used by patients that have not previously been sterilized; work in stables or sties, with deficient conditions of hygiene

*(Brazil, decree no. 6481 of 12 June 2008, no. 80)*

The selection and use of rags or old clothes. The selection of used clothes which have not been disinfected; research work on cancer or infectious diseases

*(Cyprus, 2001: Protection of young persons at work law No. 48(I), Article 20 (3))*

Substances that can cause cancer, may cause hereditary damage, may reduce fertility, may cause permanent damage to health, may cause allergic reaction when inhaled, danger if used for long periods of time, may damage foetus, cause localized irritation, may cause allergic reaction upon contact with skin, damaging radiation that can impact health, lack of oxygen

*(Iceland, 1999: Regulation regarding the work of children and adolescents 1999 \ (No. 426/1999)*

Direct exposure to radiation or to dangerous communicable diseases; direct exposure to vapour [or] smoke which is dangerous to health

*(Lao PDR, 2006: Amended Labour Act, section 41)*

Toxic or risky plants picking

*(Madagascar, Decree N° 2007-563 du 3 juillet 2007 on child labour)*

Infection, exposure to biological agents

*(Sri Lanka 2010, Hazardous occupations regulations)*

Employment in research for cancer or infectious diseases; item 15: Employment involving obvious risk of contact with human blood which may be considered with great probability as a conveyor of microbes

*(Greece, Official Government Gazette of the Hellenic Republic No. 130621 of 2003; Operations, works and activities in which minors are prohibited from being employed; Article 2(A), item 14)*

Work in the care of people in intensive care, infectious diseases wards, casualty, work with harmful waste, and work where there is a substantial risk of contact with blood or infected material of a person where there is a risk of infection

*(Slovenia, Rules on the Protection of health at work of children, adolescents and young people, 2003; Article 5(C))*

## Chemical hazards

Work in furnaces for ore smelting, with hazardous substances, their refining or production; Types of work or occupations where mercury or its compounds are used; Glass melting and forming; Paints manufactured with organic solvents and hazardous substances; Processing, preparing or storing of ashes containing lead and the extraction of silver from lead; Zinc manufacture, or manufacture of any other compound containing lead; Manufacture of lead oxide, yellow lead oxide, lead dioxide, lead carbonates, orange lead oxide and lead sulphates and chromates as well as lead bars; Exposure to petroleum or petroleum-containing products; Glue manufacture; Plastic manufacture from plastic residues and their incineration; Textile bleaching and dyeing; Processing and preparation, sawing or spraying of agricultural pesticides

*(Egypt, Minister of Manpower & Migration Decree No. 188 of 2003, Organizing Child Labour, terms and Conditions for their Employment and Types of Work, Occupations and Industries where their Employment is prohibited by age)*

Industrial paint work with the use of ceruse, lead sulphate, and any other product containing those agents

*(Democratic Republic of the Congo, Ministerial Order 12/CAB.MIN/TPS/045/08 of 8 August 2008)*

Substances and preparations classified as irritant (Xi) and with one or more of the following risk phrases: highly flammable

*(Ireland, 1998: Safety, Health and Welfare at Work (Children and Young Persons) Regulations 1998, Schedule – Part I, 1-3)*

Handling or applying agricultural or veterinary chemicals, including cleaning equipment, decontamination, disposal or return of empty receptacles; work where there is a risk of contact with organic or non-organic solvents, diesel oil, acids or other products derived from mineral oils

*(Brazil, decree no. 6481 of 12 June 2008, no. 80)*

Work involving exposure to fumes, dust, gas and other ambient substances likely to cause harm to the respiratory system

*(Cambodia, 2004: PRAKAS on the Prohibition of Hazardous Child Labour – Ministry of Social Affairs, Labor, Vocational Training and Youth Rehabilitation – 28 April 2004)*

Work which may involve a risk of choking in an oxygen-poor atmosphere

*(Denmark, 1996: Order 516 of the Ministry of Labour respecting work by young persons, Chapter 3 (replaced by Executive Order 239 of 6 April 2005))*

Substances and preparations classified as harmful and with one or more of the following risk phrases: danger of very serious irreversible effects, possible risk of irreversible effects, may cause sensitization by inhalation, may cause sensitization by skin contact, may cause cancer, may cause heritable genetic damage, danger of serious damage to health by prolonged exposure, may impair fertility, may cause harm to the unborn child. Lead and compounds thereof, in as much as the agents in question are absorbable by the human organisms; Asbestos

*(Ireland, 1998: Safety, Health and Welfare at Work (Children and Young Persons) Regulations 1998, Schedule – Part I, 1-3)*

Direct exposure to dangerous chemicals, such as explosives

*(Lao PDR, 2006: Amended Labour Act, section 41)*

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Exposure to grease and cleaning oils, inhaling dust or toxic substances, absorption of chemicals through skin, poisoning, exposure to lead, inhalation of metal fumes, exposure to radiation, inhalation of pesticides  
(Sri Lanka 2010, Hazardous occupations regulations)

*Exposure to chemicals; exposure to smoke; work resulting in poisoning, long term health problems, respiratory disease*  
(Uganda, The Employment (Employment of children) Regulations, 2011)

## Ergonomic hazards

Awkward postures, repetitive movements, prolonged sitting/standing  
(Sri Lanka, 2010, Hazardous occupations regulations)

Work assigned as common work and obliging the worker to assume an unnatural posture (e.g. ironing) or to keep parts of his or her body at an unnatural posture for a long period of time (e.g. keeping hands above the level of the shoulders); works entailing the risk of articles falling over the place where a young person works  
(Cyprus, 2001: Protection of young persons at work law No.48(I), Article 20 (3))

Loading and unloading of freight in docks, piers, ports and depots  
(Egypt, Minister of Manpower & Migration Decree No. 188 of 2003, Organizing Child Labour, terms and Conditions for their Employment and Types of Work, Occupations and Industries where their Employment is prohibited by age)

Work in continuously loading goods for more than six times per hour and each time loading more than 20 kilograms  
(China, Provisions on Special Protection for juvenile Workers, Circular of the Ministry of Labour, Article 3(14))

Work in confined spaces  
(Brazil, decree no. 6481 of 12 June 2008, no. 80)

## Physical hazards

Sunburn  
(Australia, Children and Young People at Workplaces Guide (Undated in the ILO Documents))

Substances and preparations classified as harmful and with one or more of the following risk phrases: danger of very serious irreversible effects, possible risk of irreversible effects, may cause sensitization by inhalation, may cause sensitization by skin contact, may cause cancer, may cause heritable genetic damage, danger of serious damage to health by prolonged exposure, may impair fertility, may cause harm to the unborn child. Lead and compounds thereof, in as much as the agents in question are absorbable by the human organisms; Asbestos  
(Ireland, 1998: Safety, Health and Welfare at Work (Children and Young Persons) Regulations 1998, Schedule – Part I, 1-3)

Physical strain, inhalation of substances, infections, cuts, drowning, falling from moving vehicles, exposure to cold water, glare, high/low temperatures affecting body, direct exposure to excessive sunlight or radiation, inadequate sleep, electric shocks  
No person [...] shall take part in any public performance in which his life is or limbs are endangered.  
(Sri Lanka, 2010, Hazardous occupations regulations)

*Work resulting in loss of hearing, poisoning, cuts and wounds, long-term health problems, respiratory diseases.*  
(Uganda, No. 10, The Employment (Employment of children) Regulations, 2011)

## Psychosocial hazards

Early introduction to habit of tobacco addiction, addiction to alcohol, long hours of work, stress, bullying, violence, verbal abuse

*(Sri Lanka, 2010, Hazardous occupations regulations)*

Work with lewd shows (strip teasers, burlesque dancers, and the like), cabarets, bars (KTV, karaoke bars), dance halls

*(Philippines, Department Order No. 04 of 1999; Hazardous work and activities to person below 18 years of age; Section 3, item)*

Work in place for dancing, Thai or Malaysian dancing with or without female partners; work in places with food, liquor, tea, or other beverage services, and with services of prostitutes, sleeping facilities, or massage

*(Thailand, Notification of the Minister of Interior, Description of work and working place for young persons; Clause 5)*

To entertain clients in several types of businesses specifically addressing sexual interest such as “public bath”, strip tease, sex-shops, telephone dating, etc.

*(Japan, Act No. 55 on Control and Proper Operation of Amusement and Entertainment Businesses (last modified: 30 May 2003); Section 22(2), Section 28(11)(2), and section 31-3(2))*

It is prohibited to use children (below the age of 18 years) in the production and distribution of obscene materials

*(Estonia, Child Protection Act, 1992; Section 50(2))*

Children under the age of 18 years shall not be employed in the manufacture of alcoholic drinks, alcohol and assimilated substances; manufacture of tobacco, water-pipe tobacco, cigarettes or product testing

*(Egypt, Minister of Manpower and Migration Decree No. 118 of 2003, Organising Child Labour, Terms and Conditions for their Employment and Types of Work, Occupations and Industries where their Employment is prohibited by Age: Article 1; item 7, 42)*

Work in gambling place

*(San Marino, Employment Commission Resolution of 25 October 2002)*

Care of psychiatric patients, and attendance on psychologically or socially disturbed persons, and other similar works

*(Finland, Social Affairs and Health Decree on the list of examples of jobs that are dangerous for young workers 19.3.2007/302)*

Operating on dead body, preparing dead body for coffin, burying and exhuming graves

*(Viet Nam, Inter-Ministerial Order No. 9TT/LB of 13 April 1995, Stipulating harmful working conditions and list of occupations in which employment of young workers is prohibited; (C), Appendix; item 70)*

Work in abattoirs or slaughterhouses

*(Philippines, Department Order No. 04 of 1999; Hazardous work and activities to person below 18 years of age; item 4)*

Slaughtering of cattle, pigs and fowl and removing hair from the cattle heads and hoofs; processing of animal intestine; animal blood excretion, etc.

*(Mongolia, Order of the Minister for Health and Social Welfare Establishing the lists of the jobs prohibited to Women and Minors (No. A/204 of 1999); Appendix 2(twelve)(c))*

In the collection and processing of garbage

*(Nepal, Child Labour (Prohibition and Regulation) Act No. 14 of 2000; Section 3(2), Schedule)*

# Eliminating hazardous child labour

## Working conditions hazards

Sudden shifts in weather; walking long distances (resulting in fatigue); isolation from family  
*(Uganda, No.10, The Employment (Employment of children) Regulations, 2011)*

In a remote place isolated from inhabited areas  
*(Yemen, Presidential Legislative Order to promulgate the Labour Code, Act No. 5 of 1995; Section 49(2))*

Night work (between 8pm – 6am)  
*(Gambia, 2005: Children's Act: Heading D- Exploitative Labour: Article 42 (1) & (2))*

Work where payment is linked to the pace of work  
*(Slovenia, Rules on the Protection of health at work of children, adolescents and young people, 2003; Article 5(d))*

## REFERENCES

The main texts that this process draws from and helps to illuminate are:

- IPEC: *Eliminating hazardous child labour step by step*, (sometimes called for short “the Steps Brochure”)
- ILO: Conventions No. 138 and No. 182 on child labour and accompanying Recommendations. Available at:
- IPEC: *Hazardous child labour and ILO Convention No. 182 - Technical notes*. (Geneva, ILO, 2004):
  - No. 1: Defining versus Determining hazardous child labour
  - No. 2: Convention No. 182 and Hazardous Child Labour
  - No. 3: The “Competent Authority” in Article 4 of Convention No. 182
  - No. 4: “Consultation” Requirements under Convention No. 182

Available at: [www.ilo.org/ipecinfor/product/viewProduct.do?productId=11158](http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=11158).

**Facilitators are strongly encouraged to have read through all of the key reference materials and familiarized themselves with the concepts they contain.**

### **Additional support material**

#### **Background information on the country and child labour**

- National laws relevant to child labour and youth employment.
- Any research studies or statistical surveys which have been conducted on child labour or youth employment in the country.
- Articles from local newspapers and magazines related to the issue.
- Video clips (from news programmes) or films related to the issue.

#### **General legislative process on child labour**

- *Modern policy and legislative responses to child labour* (IPEC, 2007). Available at: [www.ilo.org/ipecinfor/product/viewProduct.do?productId=8192](http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=8192).
- *Step by step: Examples of how countries determine hazardous child labour* (IPEC, 2006). Available at: [www.ilo.org/ipecinfor/product/viewProduct.do?productId=1659](http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=1659).
- *Sistematización de los procesos nacionales para la determinación del trabajo infantil peligroso, República Dominicana, Guatemala, Panamá, Nicaragua, Costa Rica y Honduras. Documento síntesis*. (IPEC, 2008). In Spanish. Available at: [www.ilo.org/ipecinfor/product/viewProduct.do?productId=9550](http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=9550).

#### **References to identify specific hazards**

- *Training resource pack on the elimination of hazardous child labour in agriculture* (IPEC, 2005). Available at: [www.ilo.org/ipecinfor/product/viewProduct.do?productId=1759](http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=1759).
- Compendium of occupational hazards by factor and sector (IPEC, Forthcoming).



