

Barbados: legal and policy perspectives on child labour pre and post Covid-19

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POLICY

- ▶ Barbados has always promoted and enforced the importance of educating our youth throughout our years of independence recognising the link between poverty and exploitation and the path to reduction in these areas is education.
- ▶ Corner stone of our education policy
- ▶ Making it free and accessible to all
- ▶ compulsory
- ▶ Rationale:
- ▶ Is to develop the country socially and economically
- ▶ Protect our youth from modern day slavery -human trafficking
- ▶ Ensure we create productive contributors to society-pay taxes
- ▶ Allow upward mobility in the economic classes
- ▶ Means to an end-i.e. to protect our children one of the most vulnerable groups in society

POLICY

- ▶ To ensure every child has the right and access to free education up to the age of 16.
- ▶ To have infrastructure-resources to ensure they are protected from exploitation and any method that would affect their academic and vocational development
- ▶ That their work life commences at an age set by government and in tune with the ILO conventions

International Labour Organization

- ▶ Ethos lies in children being given every opportunity to enjoy childhood.
- ▶ To be allowed to develop physically, mentally and emotionally with high moral standards and live in conditions conducive to positive growth whilst preparing themselves for the necessary skills for work

ILO CONVENTIONS

- ▶ the Minimum Age Convention 1973 (C138);
- ▶ the Minimum Age Recommendation 1973 (R146)
- ▶ the Worst Forms of Child Labour Convention 1999 (C182)
- ▶ the Worst Forms of Child Labour Recommendation 1999 (R190)
- ▶ Medical Examination of Young Persons Convention C 77

Our legislation

- ▶ We have put laws in place to prevent child labour
- ▶ (i) The Education Act, Cap. 41
- ▶ (ii) The Occupational Training Act, Cap. 42
- ▶ (iii) The Liquor Licences Act, Cap. 182
- ▶ (iv) The Old Metal Dealers Act, Cap. 183 (Section 10(i)(c))
- ▶ (v) The Health & Safety at Work Act 2004 (proposed)
- ▶ (vi) The Prevention of Cruelty to Children Act

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- ▶ vii) The Young Persons Protection Act, Cap. 193
 - ▶ (viii) The Child Care Board Act, Cap. 381
 - ▶ (ix) The Employment (Miscellaneous Provisions) Act, Cap. 346
 - ▶ (x) The Reformatory and Industry Schools Act, Cap. 169.
 - ▶ (xi) The Labour Department Act, Cap. 23
 - ▶ (xii) Trafficking in Persons Prevention Act

C138 - Minimum Age Convention, 1973 (No. 138)

- ▶ Art 2
- ▶ Each Member for which this Convention is in force undertakes to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons.
- ▶ Art 2(3)
- ▶ Minimum age not less than ending age of compulsory school attendance

Art 3

- ▶ 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.
- ▶ ART 5 (3)
- ▶ . The provisions of the Convention shall be applicable as a minimum to the following: mining and quarrying; manufacturing; construction; electricity, gas and water; sanitary services; transport, storage and communication; and plantations and other agricultural undertakings mainly producing for commercial purposes, but excluding family and small-scale holdings producing for local consumption and not regularly employing hired workers

Art 6

- ▶ This Convention does not apply to work done by children and young persons in schools for general, vocational or technical education or in other training institutions, or to work done by persons at least 14 years of age in undertakings, where such work is carried out in accordance with conditions prescribed by the competent authority, after consultation with the organisations of employers and workers concerned, where such exist, and is an integral part of--
- ▶ (a) a course of education or training for which a school or training institution is primarily responsible;
- ▶ (b) a programme of training mainly or entirely in an undertaking, which programme has been approved by the competent authority; or
- ▶ (c) a programme of guidance or orientation designed to facilitate the choice of an occupation or of a line of training.

Art 9-COMPLIANCE & ENFORCEMENT

- ▶ All necessary measures, including the provision of appropriate penalties, shall be taken by the competent authority to ensure the effective enforcement of the provisions of this Convention.
- ▶ 2. National laws or regulations or the competent authority shall define the persons responsible for compliance with the provisions giving effect to the Convention.
- ▶ 2 (b)) the progressive extension of other economic and social measures to alleviate poverty wherever it exists and to ensure family living standards and income which are such as to make it unnecessary to have recourse to the economic activity of children;

enforcement

- ▶ Stakeholders
- ▶ Attendance officers
- ▶ Inspectors
- ▶ Police
- ▶ Child Care Board
- ▶ Probation
- ▶ Officers of the Court

RECOMMENDATION MINIMUM AGE R-2 & 3

- ▶ 3. Particular account should as necessary be taken of the needs of children and young persons who do not have families or do not live with their own families and of migrant children and young persons who live and travel with their families. Measures taken to that end should include the provision of fellowships and vocational training.
- ▶ 4. Full-time attendance at school or participation in approved vocational orientation or training programmes should be required and effectively ensured up to an age at least equal to that specified for admission to employment in accordance with Article 2 of the Minimum Age Convention, 1973.

C182 - Worst Forms of Child Labour Convention, 1999

- ▶ For the purposes of this Convention, the term **the worst forms of child labour** comprises:
- ▶ (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- ▶ (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- ▶ (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- ▶ (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children

Education Act

- ▶ Compulsory age for school attendance-5-16 years
- ▶ Sec 41
- ▶ Duty of parent to ensure child attends school
- ▶ Sec 42
- ▶ Exemptions from compulsory school attendance
- ▶ Home school
- ▶ Disability preventing attendance
- ▶ Religious observation

Sec 43 (4) Attendance Officers

- ▶ Attendance officer integral in the compliance of children attending school whilst of compulsory age
- ▶ they have the following powers:
- ▶ powers of entry onto premises such as a business who appears to have employed a child below age of 16 years
- ▶ to stop and question children who appear to be of compulsory school age who are not at school during school hours
- ▶ power to take the child to its home or school.
- ▶ to give a warning in writing to the parent of a truant child outlining the legal consequences in their non compliance and a written instruction to send the child to school immediately

Offence

- ▶ 61. (1) Where a child of compulsory school age,
- ▶ (a) being a registered pupil at a school, fails to attend regularly at the school; or
- ▶ (b) not being a registered pupil at a school, does not, in a manner satisfactory to the Minister, receive full-time education suitable to his age and ability, the parent of the child is guilty of an offence and is liable on summary conviction to a fine of \$50.

The Occupational Training Act, Cap. 42

- ▶ Sec 14-Person 16 years and over who completed his or her compulsory education can enter contract of apprenticeship
- ▶ If a minor parent permission needed (minor not defined)
- ▶ Sec 15 apprentice to produce medical certificate showing he or she is fit for the work
- ▶ C77 & C78 compliance
- ▶ Support Education Act

Appointment of Inspectors

- ▶ Sec 30 the National Training Board may appoint inspectors for the purposes of ensuring compliance with the Act. This is required for compliance with Article 8(1) of C138 and R46, para 1
- ▶ Enforcement

Safety and Health at Work Act

- ▶ Young Person between age of 16 and under 18
- ▶ Sec 67 (a) (3)) where factory doctor advised Minister of Labour of young persons who are or are about to be employed in work which may cause risk of injury to their health;
- ▶ he may make regulations specifying the arrangements to be made for the medical supervision of those employees or young persons, as the case may be, or any class thereof.

- ▶ Sec 70 no young person shall be admitted to employment in a factory for a period exceeding 2 weeks unless after a medical examination he has been found fit for the work he is employed to do. Medical fees not paid by young person
- ▶ 5) Where a young person is employed in continuous employment, he shall be medically examined at intervals of not more than one year or at such shorter intervals as the factory doctor carrying out the medical examination instructs
- ▶ expenses not paid by young person or their family C77 and C78

Sec 72

- ▶ Chief Labour OFFICER (CLO) CAN INSPECT THOSE CERTIFICATES
- ▶ Sec 72 Inspector who determines type of work injurious to young person's health report matter to CLO who will issue written instruction to factory occupier that work be discontinued
- ▶ Factory Occupier can obtain two medical certificates from two factory doctors appointed by CLO to contrary allowing young person to continue employment.

The Employment (Miscellaneous Provisions) Act, Cap. 346

- ▶ Child-person not attained 16 years
- ▶ Young person-age 16-18
- ▶ industrial undertaking" includes
- ▶ (a) any mine, quarry and other work respecting the extraction of minerals from the earth; C 138 Art 3
- ▶ (b) any undertaking in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed, including an undertaking engaged in ship-building or in the generation, transformation or transmission of electricity or motive power of any kind;

- ▶ PART III Employment of young persons
- ▶ Sec 7. For the purposes of this Part-
- ▶ “ industrial undertaking ” includes, in addition to those industrial undertakings set out in the definition “ industrial undertaking ” in section 2, any undertaking engaged in the transportation of passengers or goods by road or rail, including the handling of goods at docks, quays, wharves, warehouses or airports; night ” means the period commencing at 6.00 p.m. of one day and ending at 7.00 a.m. of the following day.

- ▶ 8. (1) Except as set out in this Part, no young person shall be employed in any industrial undertaking during the night or in any work that by its nature or the circumstances under which it is done is likely to cause injury to his health, safety or morals. Art 3 C 78
- ▶ (2) For the purposes of apprenticeship or vocational training in a specified industry or undertaking that is required to be carried on continuously, the Minister may, after consultation with the workers ' and employers ' organisations concerned, authorise the employment, during the night, of young persons.
- ▶ Sec 14 prohibits employment of young person of compulsory school age during school hours

- ▶ (3) Where the Minister authorises the employment of a young person pursuant to subsection (2), that young person shall be granted a period for rest of at least thirteen consecutive hours between two periods of work.
- ▶ Medical Examination of Young Persons (Industry) Convention 1946 (C77)

PUNISHMENT

- ▶ Punishment
- ▶ Summarily conviction fine maximum \$1000 and or imprisonment not exceeding 12 months
- ▶ Parents who permit child to work in contravention of the Act either via forged birth certificate or false representation fine maximum\$100.00 and /or imprisonment not exceeding 3 months
- ▶ Continuing offence fine maximum \$250 for each day

YOUNG PERSONS PROTECTION ACT Cap 193

- ▶ An Act to prevent the removal of young persons from this Island for forced labour in foreign countries.
- ▶ Any person who takes or induces or parent who consents to such removal is guilty of an offence
- ▶ Punishment fine \$408.00 or 12 months
- ▶ Child who willingly agrees to be removed
- ▶ Fine \$48.00 OR 5 years imprisonment

PROTECTION OF CHILDREN ACT

- ▶ An Act to provide for the protection of children from exploitation by preventing the making of indecent photographs of them and matters related thereto.
- ▶ Sec 3 any person who takes or permits to be taken a photograph, shows or distribute ,have in his possession a nude or indecent photograph of a child
- ▶ Person who publishes or causes to be published any advertisement likely to be understood as conveying that the advertiser distributes or shows
- ▶ is guilty of an offence
- ▶ Child is a person under 18 years

PUNISHMENT

- ▶ Sec 9- indictment imprisonment for 5 years
- ▶ Summary two years conviction

Sustainable Development Goals

- ▶ Goal 8: decent work and economic growth
- ▶ Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels
- ▶ End abuse, exploitation, trafficking ,all forms of violence against and torture of children

POST COVID-19

- ▶ THE ILO and our laws have put mechanism in place to protect our young people from exploitation
- ▶ Covid-19 pandemic has affected the economies of the world negatively
- ▶ Let us look at two effects:
- ▶ unemployment
- ▶ Lost of jobs-impacting on families ability to be self efficient
- ▶ Poverty is a likelihood with poverty possibility of children working under 16 years
- ▶ Being exploited -pornography

Second concern

- ▶ Education
- ▶ We boast of our literacy rate
- ▶ COVID has transformed school into a virtual world- computers needed to participate
- ▶ Children are home alone, unsupervised
- ▶ Not logging in for classes

Solutions

- ▶ Extending social security payments
- ▶ Providing moneys for severance
- ▶ Retooling/retraining our adult population
- ▶ Assistance to vulnerable families
- ▶ We returning to being our brothers keeper

Solutions-Education

- ▶ Flexi hours for parents to be home
- ▶ Attendance officers to check school registers
- ▶ Attendance officers to work closely with police-attendance officers can not enter homes without permission. They should visit on weekends when an adult is likely to be home
- ▶ Attendance officers to work in pairs-female and male
- ▶ Corporate and government providing laptop for students

Publicize Laws on social media

- ▶ Animation
- ▶ Drama
- ▶ Discussion
- ▶ Knowing consequences can deter criminal activity

Laws

- ▶ Increase the fines
- ▶ Redefine attendance at school

SDG 8 & 16

- ▶ STILL ON TRACK WE HAVE A VISION

QUESTIONS



Become the village again-protect our children

