

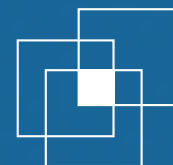


International
Labour
Organization



Gouvernement
of Jamaica

CHILD LABOUR HANDBOOK FOR PROFESSIONALS



International Programme on the Elimination of Child Labour
ILO Decent Work Team and Office for the Caribbean

CHILD LABOUR HANDBOOK FOR PROFESSIONALS

**International Programme on the Elimination of Child Labour
ILO Decent Work Team and Office for the Caribbean
International Labour Organization**

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HEART Trust/NTA Jamaica 4H Clubs	The Child Development Agency
Jamaica Council on Persons With Disabilities	The Office of the Children's Advocate
Jamaica Foundation for Lifelong Learning	The Office of the Children's Registry
Jamaica Constabulary Force	The Poor Relief Department
Ministry of Labour and Social Security	The Social Development Commission
Ministry of Health	The Jamaica Employers Federation
Ministry of Youth and Culture	The Hugh Lawson Shearer Institute of Trade Union Education
Ministry of Education	The Joint Confederation of Trade Unions
National Association of Parish Development Committees	YMCA

Abbreviations

CCPA	Child Care and Protection Act
CDA	Child Development Agency
CISOCA	Centre for the Investigation of Sexual Offences and Child Abuse
ILO	International Labour Organization
IPEC	International Programme for the Elimination of Child Labour
MLSS	Ministry of Labour and Social Security
OCA	Office of the Children's Advocate
OCR	Office of the Children's Registry
STATIN	Statistical Institute of Jamaica
TACKLE	Tackling Child Labour through Education
UNCRC	United Nations Conventions on the Rights of the Child
UNICEF	United Nations Children's Fund

Introduction

The purpose of the handbook is to provide guidelines for professionals who may/will encounter instances of child labour in the course of their work. Against the background of law, international convention and research findings, the handbook is intended to assist with prioritizing and taking effective action to address child labour situations, always conducting such activities in the best interest of the children.

In general, the handbook has been written for professionals who have direct responsibility for the care and protection of children in Jamaica. Such professionals include, but are not limited to, the following:

- Health Workers
- Social Workers
- Children's Officers
- Police Officers
- Judges in Children's, Family and other Courts of the island
- Attorneys at Law
- Teachers
- Guidance Counsellors
- Factory Inspectors
- Trade Union Representatives
- Public and Private Sector Workers

The contents of the handbook have been derived from the deliberations of three regional stakeholder consultations held in December 2011, and buttressed by the Implementation Handbook for Professionals of the Child Care and Protection Act 2004, along with international and local literature.

This handbook is not a substitute for legal advice. Users who require such advice may consult the Office of the Children's Advocate or the Child Development Agency for legal advice. Additionally, copies of the relevant laws are available for purchase at Jamaica Printing Services 1992 Limited, 77 Duke Street Kingston, or may be downloaded from the website of the Ministry of Justice.

Out of consideration for the work demands of the relevant stakeholders, the handbook has been conveniently divided into five sections, with the contents presented in a format that facilitates access. For quick and easy reference, definitions of key terms have been placed in boxes in each section.

Section 1 provides some insight into definitional criteria, the history, the causes and the effects of child labour. It also looks at child labour from the global and national perspectives.

Section 2 presents international conventions and Jamaican laws that serve to guide the practice of responding to and preventing child labour.

Section 3 presents a framework for identifying the signs of child labour, and can be used to guide professionals in determining areas for strengthening their own knowledge on the topic. Approaches to responding to child labour and options to child labour are also included.

Section 4 presents the direct services that comprise the current child labour response system.

Section 5 allows for the professionals to engage in critical self reflection about child labour in order to enhance individual and team effectiveness. This section may be copied and used for training purposes.

Section 1

1.1 What is child labour?

The ILO defines child labour as “work that deprives children of their childhood, their potential and their dignity and that is harmful to physical and mental development.” There are four basic definitional criteria for what is called child labour. These are: (1) the age of the child; (2) the type of work that is being done by the child; (3) the hours that the child is required to do the work; and (4) the conditions under which the work is carried out.

The ILO Convention No. 138 addresses the minimum age for employment and under this Convention, children at 13 years of age may be employed to do light work. At age fifteen, they may be employed to do ordinary work and at age eighteen, hazardous work.

Under Jamaican law, the legal age for employment is thirteen years. (CCPA (2004) Section 33) Children over that age may be employed to do work under certain conditions, under supervision and proper monitoring. Such conditions will be outlined further in Section 2 of this handbook.

With regard to the general protection of children, the United Nations Children’s Fund (UNICEF) advocates for combating child labour, as each State Party to the UNCRC is enjoined to take steps to address the problem. (See Appendix 2).

The term child labour is best defined by looking at the consequences of any kind of paid or unpaid work in which a child, who is under the minimum age of employment, is engaged, and which is harmful to his/her health and development. This means that irrespective of a child’s age, any work that: (a) is not safe; (b) is meant to be done by an adult; and (c) is likely to cause a child physical or psychological harm, would be fitting definitional criteria. Therefore, in order to recognize child labour, it is helpful to specify: (1) how demanding the work is and (2) the number of hours that are required to do it.

Unfortunately, much of child labour is in the informal sector, therefore many child labourers are hidden from the protection of Jamaica’s labour laws. In addition, some work done by children is not deemed to be child labour as it is expected/condoned by tradition, family and community.

There are two forms of child labour that must be clearly understood by professionals whose work puts them in contact with children. These are: (1) hazardous labour and (2) the worst forms of child labour. These have received the focused attention of international human rights conventions as well as the laws of Jamaica.

Hazardous work

Hazardous work is work that is likely to harm a child’s physical, mental or moral health and may endanger a child’s life. It is one of the worst forms of child labour and includes the following:

Minimum age for types of work:

- Light work - 13 years
- Ordinary work - 15 years
- Hazardous work - 18 years

A child is anyone under the age of eighteen years.

State Party is a country that has consented to abide by the terms of the convention.

- Forms of abuse (exposure to violence / sexual abuse)
- Working with dangerous equipment / machinery or heavy loads
- Long hours of work
- Night work
- Working underground, under water or at dangerous heights
- Working in confined spaces
- Working in unhealthy environments with exposure to dust, smoke, noise, toxic chemicals, vibration

The worst forms of child labour

The Worst Forms of Child Labour is detailed in Article 3 of the ILO Convention No. 182. (See Appendix 4) This includes:

- Child Slavery
- Serfdom
- Forced work
- Trafficking or sale
- Anything that is harmful to a child's health, safety or morals

Child slavery: includes debt bondage, child trafficking, sale of children, forced labour, compulsory or forced recruitment for use in armed conflict.

Serfdom: slavery where the slave is bound to his/her owner's land and is transferred with it to a new owner.

1.2 What is *not* child labour?

Not all work done by children is child labour. It is acceptable for children to be doing some work, as long as there are no harmful effects to their health and development from it and it does not affect their schooling. Between age thirteen and below fifteen years it is legally permissible for children to be in work that is: (a) authorized; (b) is done under supervision; and (c) is properly monitored.

Child labour is therefore not:

- Work that does not interrupt a child's schooling and education. Such work must not interfere with time to play and to rest as these are essential for healthy growth and development.
- Age-appropriate chores/tasks done in the home that: (a) encourage the development of a sense of responsibility as a member of the household; (b) contribute to learning skills for life; and (c) foster positive interpersonal relationships. Examples of such chores/tasks are light household chores that are done to help parents and share in the family duties, but which do not put the child's health, education, rights or dignity at risk.
- Work that contributes to the wholesome development of children.
- Work that is done in schools for the sole purpose of technical and vocational education and training.

1.3 The history of child labour

The phenomenon of child labour has always existed as children of the poor participated in work to contribute to the family's as well as to their own survival. This was not always seen in a negative light,

but was in reality an expression of poverty. With the advent of the industrial era, the use of machines began to make work more efficient and operating machines did not require adult strength. Children presented as a new source of the kind of labour that was needed. Further, it was cheaper to hire children to do work that would have formerly been done by adults. Desperate life circumstances, low socio-economic status coupled with their inherent vulnerability as children, make them exploitable.

1.4 What are the causes of child labour?

- **Poverty** – has been shown to be the leading cause of Child Abuse. It is rationalized as the response of poor households to difficult economic situations. Against this background, a child's earnings are used to boost the income of a household, out of need as well as out of obligation.
- **Cultural and family traditions** – that consider children working to be an important aspect of their growth and maturing process.
- **Child abuse** – children trying to escape abusive home environments may subject themselves to any kind of work in order to survive. Child abuse may also express itself in adults forcing children to do the type of work that has a negative impact on their welfare and development.
- **Absence of family support** – orphaned and abandoned children and those with disabilities, who may have little or no family support.
- **Impaired parenting** – some parents may not be able to cope with the responsibilities of raising children while some may be ignorant of the risks to health and development.
- **Perceived suitability of children to certain kinds of work** – children's fingers are small. It is therefore thought that they are suited to doing fine detailed work such as weaving carpets, or using small blades to reform the grooves in tyres.
- **Misuse of power** – control and authority in a context where children may be seen as the property of their parents.
- **Migration** – in some families, this option may be chosen as the route to a better quality of life. However, migration can disrupt family life as children may be left without proper supervision or adequate material support.
- **Social inequality** – in some families of low socio-economic standing, it is an accepted practice for children to work in order to support themselves and provide for themselves things such as school books and supplies.

1.5 The global child labour situation

The Global Report on Child Labour, compiled by the International Labour Organization (ILO) in May 2002, revealed that across the world two hundred and fifty million (250,000,000) poor children, between the ages of five and seventeen years, were involved in child labour. Those children were working in agriculture, domestic work and mining; all of which are unsuited to children, as such work is considered hazardous to their health, disrupts their schooling and offers few opportunities for progress and the attainment of good life chances.

With increased attention being given to this important social issue, the number of child labourers had decreased by 2010, when the reported estimate of children who were engaged in hazardous work was one hundred and fifteen million (115,000,000). Of that number, fifty-three million (53,000,000) were children under the age of 15 years, and therefore were in need of urgent intervention to remove them from such harmful circumstances. Over eight million (8,000,000) of those children were in various forms

of forced labour such as slavery and debt bondage, and some were victims of child trafficking. Children were also being used in criminal activities such as prostitution and child pornography, and some were being recruited into armed conflict.

1.6 The Jamaican child labour situation

In the efforts to address the problem of child labour in Jamaica, a National Survey of Street and Working Children was conducted in 2000 through the Child Support Unit in the Ministry of Health. The findings yielded a conservative estimate of approximately six thousand, five hundred (6,500) child labourers across the island. The reasons for their engagement in child labour were attributed to the following factors:

- 75 percent as a consequence of urban and rural poverty;
- 18 percent as a consequence of abuse and neglect;
- 5 percent as a consequence of conditions of state of education/child care facilities;
- 2 percent as a consequence of peer pressure.

Two years later, in 2002, further research was done through the Statistical Institute of Jamaica (STATIN) in order to gather more information concerning this demographic. This later study revealed more than twice the originally estimated number of child labourers in the country, as there were approximately sixteen thousand (16,000) children engaged in some form of economic activity. Of that number, seven thousand (7,000) were found to be engaged in hazardous work such as prostitution, child slavery and the production of child pornography.

Debt bondage is a form of slavery in which persons are tricked or trapped into labour, which is demanded as a means of repaying a debt.

Hazardous work: any work that is likely to jeopardize children's physical, mental or moral health, safety or morals, and that should not be done by anyone who is under the age of 18 years.

1.7 Why child labour is unacceptable

- Child labour is a health problem - it can damage children's bodies and the results of such damage may not be evident until decades later. Work that is meant to be done by adults is unsafe for children as their growing bodies are significantly different in physical strength and capacity. In general, a child's muscles are not sufficiently developed for work until about the age of thirteen years. At the earlier stages of their growth and development, their muscles "contain large amounts of water", and are therefore "tender and immature" (Kober, 1996). It is stressful and therefore affects their physical and mental health negatively. Young children also lack the maturity for work that is meant for adults.
- Child labour is an economic problem - it deprives children of education and training opportunities, and reduces their chances in life and their chances of getting out of poverty. Children may not get the chance to advance and develop careers and can therefore become trapped in a life of poverty and a cycle of child exploitation as their children may not be given options to do better than they would have done.
- Child labour is an education problem - it is a barrier to schooling and limits children's life chances with regard to finding and remaining in decent work, given that it keeps such children as uneducated/under educated individuals with limited

Decent work is work that supports human dignity, freedom, peace, and family stability. It results in economic growth.

employability when they reach adulthood.

- Child labour is a legal problem - it is a process of employing children who, according to law, are underage.
- Child labour is an ethical problem - it is an exploitive process that deprives children of their childhood, their potential and their dignity, and is harmful to their physical and mental development. There are people who intentionally use the labour of children to enrich themselves and others.

1.8 The impact and consequences of child labour

The tables that follow summarize the impact and consequences of child labour.

Table 1: How Child Labour can hurt children's bodies

Part of the body	How child labour can hurt children's bodies
Skin	Children have thinner skin than adults, so toxic substances are more easily absorbed through this, the largest organ of the body. They also have a smaller skin surface through which they lose fluid and become dehydrated more easily than adults.
Blood and tissues	Because children have relatively lower body weight than adults, and their organs are developing, toxic chemicals are more likely to accumulate in greater concentrations in their blood and tissues.
Bones, joints and muscles	In adolescence, children's skeletons are growing at a fast rate. Therefore, heavy lifting and repetitive movements can cause spinal injuries, deformities, disabilities and stunted growth.
Lungs	Children breathe faster and more deeply than adults therefore they can inhale more dust and germs from the air. Their faster breathing can also cause them to lose excessive amounts of fluid from the lungs and hence they can become dehydrated in this way.
Endocrine system	The endocrine system which plays a key role in growth and development, can be disrupted by chemicals. In children, this system is still developing so it is less able to neutralize hazardous substances in their bodies.
Enzyme system	Children use more energy when growing and so are at a higher risk from taking into the body, poisonous compounds that have not been neutralized by this system.
Sleep	Children require more sleep than adults for proper development.
Hearing	Children are not able to tolerate the same levels of noise as adults; therefore exposure to noise makes them susceptible to noise-induced hearing loss.
Regulating the body temperature	This system in children is less-developed and therefore makes them more sensitive to heat and cold.

Source: Adapted from IPEC: Children in hazardous work: What we know, what we need to do, page 13. Geneva, ILO, 2011.

Table 2: Common domestic tasks, hazards and potential consequences

Tasks	Hazards	Injuries and potential health consequences
Cooking, cleaning, ironing and other household chores	Sharp blades, hot pans, stoves and other tools in poor repair, toxic chemicals.	Cuts, burns, respiratory diseases, skin rashes and other allergies; stress injuries to joints, tendons, ligaments, nerves, and spinal injuries from repeated exertions - e.g. lifting, pulling, pushing - that exceed the capacity of children's bodies.
Gardening	Sharp objects, heavy loads, hot weather, stinging insects, toxic pesticides and fertilizers.	Cuts, back and other muscle pain, heat stroke, sunburn, dehydration, insect and animal bites.
Gathering fuel, water, groceries	Heavy loads, traffic and other urban hazards, walking long distances.	Back and other muscle pain, injury from traffic accidents or urban violence, harassment.
All tasks out of public view	Inadequate food and shelter, long hours of work, no privacy, verbal and sexual abuse, humiliating or degrading treatment.	Exhaustion, hunger, depression, behavioral disorders, suicidal tendencies, bruises, burns and other injuries from abuse.
All tasks when working alone	Isolation, separation from family and peers.	Disrupted psychological, social and intellectual development.

Source: Adapted from IPEC: *Children in hazardous work: What we know, what we need to do*. Geneva, ILO, 2011.

Table 3: Common tasks in manufacturing, hazards and potential consequences

Tasks	Hazards	Injuries and potential health consequences
Working with fabric: dyeing, embroidery, cleaning	Harmful dyes, awkward postures, repetitive movements, sharp tools, close work.	Finger deformities, premature arthritis, muscle pain, loss of vision, damage to skin and nails, breathing, industrial lung diseases caused from inhaling dust from fabrics.
Working with leather: removing hair from animal skins, cleaning, sewing, tanning	Harmful dyes, solvents and other chemical fumes, sharp tools.	Chemical poisoning, lung damage, asthma, bronchitis, skin rashes, bladder cancer, and disease carried by animals such as cows.
Shoe manufacturing and repair	Dangerous solvents, adhesives, and other chemicals, sharp tools.	Cancers of the nose, nasal sinuses, larynx, lung and gall bladder; blood and skin disorders, nerve impairment, and problems of the bones and muscles.
Jewelry-making, stonework, woodwork	Awkward postures, repetitive movements, close work, dust, sharp tools.	Finger deformities and premature arthritis, neck, shoulder and other muscle discomfort, loss of vision; lung diseases - e.g. asthma, bronchitis, silicosis, tuberculosis - from inhaling fine particles of chemicals, lead poisoning.

Source: Adapted from IPEC: *Children in hazardous work: What we know, what we need to do*, page 31. Geneva, ILO, 2011.

Table 4: Common tasks in mining and quarrying, hazards and potential consequences

Tasks	Hazards	Injuries and potential health consequences
Digging or picking rocks, slabs or sand	Explosives, drilling equipment, faulty supports, dust, dampness.	Injury from explosions, silicosis and related respiratory diseases, nausea, exhaustion.
Crushing, sieving, washing and sorting	Heavy tools, heavy loads, repetitive movements, dangerous heights, open holes, falling objects, moving vehicles, noise, dust.	Joint and bone deformities, blistered hands and feet, lacerations, back and muscle injury, head trauma, noise- induced hearing loss, and breathing difficulties.
Transporting materials by carrying or pushing in carts	Heavy loads, repetitive movements, chemical and biological hazards, dust.	Stress injuries to joints, tendons, ligaments, nerves and spine from repeated exertions that exceed the capacity of children's bodies. Genito-urinary disorders and fatigue, immune system deficiency.
Cooking and cleaning for adults	Physical and verbal abuse, unsafe stoves, explosive fuels.	Injury from beatings, behavioural disorders.
Mining and quarrying in general	Remote locations, lawless atmosphere, poor sanitation, contaminated drinking water, inadequate nutrition, recruitment into sex trade, gambling, drugs, alcohol.	Death from lack of medical treatment, behavioral disorders, addiction, sexually transmitted infections, pregnancy, stunted growth, diarrhoea, mosquito borne diseases.

Source: Adapted from IPEC: *Children in hazardous work: What we know, what we need to do*, page 34. Geneva, ILO, 2011.

Table 5: Common street work tasks, hazards and potential consequences

Tasks	Hazards	Injuries and potential health consequences
Portering and transport	Heavy loads, long hours, unsanitary conditions, poor access to food, long distance from home, violence, exposure to alcohol, cigarettes, drugs, adult language and situations, sexual exploitation.	Musculo-skeletal problems, lacerations and blistering, diarrhea and other bacterial and viral illnesses, nutritional deficiencies, depression, addiction, psychological harm, sexually transmitted infections.
Outdoor shops e.g. garages, scrap metal yards	Toxic fumes and liquids, acid from batteries, slippery floors, sharp objects, heavy and dangerous machinery, loud noises.	Respiratory diseases, nausea, burn, injury from falls, cuts and scrapes, exhaustion, skin rashes, hearing loss.
Garbage collection	Sharp objects, contaminated objects, moving traffic, vehicle exhaust, bending under heavy loads, long hours, street crime, extreme weather.	Infectious diseases e.g. tetanus, joint and bone deformities, blistered hands and feet, muscle injury, breathing problems, dehydration, injury or death from moving vehicles.
Street corner services e.g. food sales	Street crime, harmful chemicals, vehicle exhaust, hot surfaces, long hours, extreme weather	Assault injuries, breathing problems from chemical vehicle exhaust, exhaustion.
General working in the street environment	Exposure to violence, crime, illegal drugs, tobacco, alcohol and sex.	Physical and mental harm, addiction.

Source: Adapted from IPEC: *Children in hazardous work: What we know, what we need to do*, pp. 17-28. Geneva, ILO, 2011.

1.9 Cultural perceptions of childhood and child labour

In Jamaica, as in some cultures, it is the norm for children to do some work. Most of the tasks involved are assigned according to gender and the roles each gender is being raised to assume. Male children are therefore given what is seen as “men’s work” which is usually more strenuous and take place outdoors, while females work indoors doing “women’s work”.

Child labour is seen as a way of life, especially in agricultural communities where children provide the extra hands to work in the fields, helping with reaping and selling the produce. In this context, it is not unusual for school attendance to fall during crop seasons, or on Fridays.

Children are significantly different from adults in how they make meanings of events in their lives and how they generally understand their world. On the other hand, adults tend to have a perspective of children where they are not typically seen as having neither a valid point of view nor an entitlement to having a say in the decisions about their lives. Instead, obedience and showing good manners to their elders are very highly valued.

Section 2

Legislation and Conventions pertaining to child labour in Jamaica

Jamaica has taken important steps to address the social problem of child labour and has demonstrated its commitment to the welfare of the nation's children in the following two significant ways:

- (i) Ratifying international conventions which are binding upon the State to act in partnership in terms of laws, public policy and practice.
- (ii) Enacting legislation that protects the best interests of children.

2.1 International Conventions pertaining to child labour

As a member of the ILO since independence in 1962, Jamaica has ratified twenty-five conventions. Among these are Conventions No. 182 and No. 138 on October 13th 2003. (See Appendix 2 and Appendix 5). In May 1991 Jamaica ratified the United Nations Convention on the Rights of the Child. A brief discussion of these follows.

2.1.1 ILO Convention No. 182: Worst Forms of Child Labour

Convention No. 182 is aimed at eliminating child labour in its worst forms over the long term, and serves to fortify existing labour-related principles and laws dating as far back as 1930.

By ratifying this convention, Jamaica commits to taking effective measures to make child labour illegal, and to eliminating its worst forms from the country. These worst forms of child labour are described in Article 3 of this Convention (Appendix 4), and summarized as follows:

- Providing free basic education;
- Removing children who are involved in such work and providing for their healing and integration/re-integration into society;
- Addressing the needs of families in poverty;
- Pursuing continued economic growth.

“All forms of slavery or practices that are similar to it such as the sale and trafficking of children, debt bondage, and serfdom and forced or compulsory recruitment for use in armed conflict.

The use, procuring or offering of a child for prostitution for the production of pornography and trafficking of drugs as defined in the relevant international treaties.”

Source: Article 3, ILO Convention No. 182.

2.1.2 ILO Convention No. 138 on the minimum age for admission to employment

At the 58th session of the ILO in June 1973, ILO Convention No. 138 established the Minimum Age at which a child can legally enter employment; which Jamaica later ratified on October 13th 2003. This convention requires member states of the ILO, to specify in law, a minimum age for the admission of children to employment. By consensus, this age must not be less than the age at which they finish their compulsory education; which for Jamaica, as in several other ILO state partners, is 15 years. As a main principle however, Convention No. 138 allows for possible exceptions in developing countries and allows a lowering of the basic minimum age for entering employment, to the age of 14 years. Other exceptions made for developing countries pertain to hazardous work and light work. Wherein, under strict conditions, children may be permitted, with supervision, to do work considered hazardous at age sixteen, and children between 12 and 14 years may do light work.

Light work is work that does not pose any threat to a child's health and safety or get in the way of his/her education or vocational orientation and training.

It is important to note that Article 3 of this convention also calls for the periodic examination of types of employment. This is a means of remaining current, since work environments adapt and change over time. Having adopted proposals pertaining to the minimum age for employment, ILO Recommendation No. 146 was publicized to supplement Convention No. 138. The focus of this recommendation is that member states will commit to planning for solutions and to do this at the level of national development. In this regard, Recommendation No. 146 calls for: (a) an emphasis on the needs of children and youth and (b) commitment to full employment and taking "measures to promote employment-oriented development in rural and urban areas."

2.1.3 The UN Convention on the Rights of the Child

In May 1991, Jamaica ratified an international human rights convention for children called the United Nations Convention on the Rights of the Child (UNCRC). It calls for a global recognition of children's rights to survival, protection, development and participation.

Several articles pertain to child labour in its various forms, and Article 32 unmistakably refers to this issue:

"1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

- (a) Provide for a minimum age or minimum ages for admission to employment;***
- (b) Provide for appropriate regulation of the hours and conditions of employment;***
- (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article."***

Source: Office of the United Nations High Commission for Human Rights Convention of the Rights of the Child. Available at: www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx.

2.2 Jamaican laws that serve the best interest of the child

Jamaica has enacted several laws that serve the best interest of children in Jamaica. Note those that have been identified below.

Maternity Leave Act (1979) – In view of the fact that the age of entering employment is 15 years and the age of consent to sex is 16 years which include the last two years of childhood, this law grants 12 weeks of maternity leave for females, who are in employment continuously for “not less than 52 weeks from the date that this leave begins.”

Minimum Wage Act (1974) – Under this law, persons in different categories of employment may be paid a minimum amount. In addition, the Act also relates to the number of hours and the conditions of employment with regard to the minimum rates of wages.

Women (Employment of) Act (1942) – This law addresses the total number of hours of employment during the day or night. With the exception of special types of employment, this should not exceed 10 hours in a day.

Employment (Equal pay for men and women) Act (1975) – Under this law, where men and women with similar qualification, effort, skill and responsibility are doing a similar kind and quantity of work, they should receive equal pay.

Child Care and Protection Act (2004) – This law allowed for the provisions for establishing the Office of the Children’s Registry as well as the Office of the Children’s Advocate which are specialized agencies to strengthen the country’s child protection system. Other key aspects of this law are presented in the box below.

Under this law, persons have a duty to prevent child labour and should report such instances to the relevant authorities, namely, the Office of the Children’s Registry, the police, the Child Development Agency or to Labour Inspectors. A diagram of the reporting mechanism for monitoring child labour is presented in Appendix 1.

A child who is under 13 years of age may not be employed to do any kind of work. Children between 13 to 15 years old must not be employed to do work between the hours of 10 p.m. and 5 a.m. Work done by children of that age should be work that is not harmful to their health or development. Children of the age of employment must not be employed in mines, construction, and manufacturing or in the transporting of goods or passengers. A permit must be obtained from the Ministry of Labour for a child to engage in appropriate artistic performances.

A child may not be employed in a nightclub and may not sell intoxicating liquor or tobacco products in any establishment.

The penalties for breaking this law include a maximum fine of \$500,000 Jamaican dollars, or a maximum of six months imprisonment with hard labour.

Source: CCPA 2004 Implementation Handbook for Professionals, pp. 14-15 and 53.

Child Pornography (Prevention) Act (2009) – In this law, pornography refers to any visual representation of a child, or a person who is shown as such, engaging or being engaged in sexual activity, and using any kind of media to record and distribute this material. Producing, possessing, distributing, exporting or importing child pornography is punishable by a fine and imprisonment of up to 20 years.

Jamaican Cyber Crime Act (2009) – The internet has become an important, all-perading feature of modern technology. While it has many benefits for development by improving the flow of information and making daily life easier by way of email, transacting business and electronic shopping, there are also unintended consequences such as cyber crime. The commission of cyber crimes requires access to the internet and a computer. This legislation allows law enforcement officials to investigate and prosecute for cyber crimes. The penalties for breaking this law are fines between two to five million Jamaican dollars (\$2- 5 million) and imprisonment for between 2 to 10 years.

Cyber crime: the use of electronic data to commit crimes such as identity theft, credit card fraud and hate crimes.

Trafficking in Persons Act (2007) – Popularly referred to as TIP, this law was enacted to prevent human trafficking, protect the victims and prosecute the perpetrators of this form of modern day slavery. Under this law, no one may hire, transport, transfer, harbour or receive a person from within Jamaica or from another country into Jamaica, without that person's well-informed consent.

Charter of Rights (2010) – Under this law, the Jamaican State has an obligation to collectively uphold and promote respect for the human rights and freedoms of all persons in Jamaica. The Parliament of the land may not pass any law which repeals or disregard people's fundamental rights.

Sexual Offences Act (2009) – In Jamaica, the age of consent to sexual intercourse is 16 years; Part 3 of this law seeks to protect children under this age from various kinds of sexual crimes and indecent assault. Even where a child under 16 is alleged to have consented to sex this is considered illegal. Abduction, inducing or encouraging the violation of a child less than 16 years is punishable under this law.

Education Act (1965) – This law ensures statutory education from the pre-primary through to the secondary level. Schooling is compulsory at the primary level and is tuition-free at government-run schools to the age of 15 or 16 years, depending on the age that a child enters the first form of high school.

Maintenance Act (2005) – Under this law, each parent is obliged to provide wide- ranging support, within a stable environment, for their unmarried child until he/she attains the age of eighteen years.

Where that child has a permanent physical or intellectual disability, lifelong parental care is required. Where a child is engaged in continuing education or training, parental support should continue up to the age of twenty-three (23) years.

In the event of the death or disability of a child's parents, the grandparents are obliged to assume caring for that child, provided that they are capable of doing so.

2.3 The policy framework

The National Plan of Action on child labour

In 1992 the ILO instituted a global programme of technical cooperation to enhance child labour prevention activities. This Plan of Action is geared towards attaining the ultimate eradication of child labour. The ILO International Programme on the Elimination of Child Labour (IPEC) commenced work in Jamaica in 2002 with the appointment of a Steering Committee, and the establishment of the Child Labour Unit in the Ministry of Labour and Social Security.

Section 3

3.1 Recognizing child labour

Child labour may not always be easy to identify. Some work that children do may not seem like child labour and not all work done by children is child labour. A helpful rule of thumb therefore is to pay attention to the impact and consequences of the kind of work in which a child is engaged, in order to make a determination as to whether what you observe is child labour or not.

Table 6 below provides a checklist as a guide to recognizing child labour.

Table 6: Child labour indicator checklist			
Indicators of child labour	Yes	No	Not sure
Is the child less than 13 years old?			
If the child is between 13- 15 years of age, is he/she working under prescribed conditions that have been established by law?			
If the child is between 13- 15 years of age, is he/she working during the hours of 10 p.m. and 5 a.m.?			
Does the work exceed the permissible number of hours for the child's age?			
Is the child doing work that is mentally, physically, socially or morally harmful to him/her?			
Does the work prevent the child from attending school?			
Is the child obliged to leave school prematurely to do work?			
Is the child engaged in any economic activity or work that is an obstacle to the completion of his/her education?			
Does the child have to try to combine school attendance with extremely heavy work and long hours of working?			
Is the child habitually late for school because of involvement in "chores"?			
Does the child have to work to get what he/she needs?			
Is the child not attending school regularly?			
Is the nature of the work causing the child to be ill physically, mentally or emotionally?			
Does the child's work require him/her to handle dangerous tools?			
Does work prevent the child from getting enough rest and sleep?			
Is the child working in an establishment that sells intoxicating liquor and tobacco products?			
Is the child employed in a night club?			
Is the child being forced to do work?			
Is a parent/guardian giving/sending girls to adults for work of any kind?			

Table 6: Child labour indicator checklist

Indicators of child labour	Yes	No	Not sure
Is a parent/guardian receiving monetary or other benefits as payment for the work in which the child is engaged?			
Does the work expose the child to being sexually abused?			
If the child is in a correctional centre and allowed to work, is he/she engaged in hazardous work?			
If the child is in a correctional centre and allowed to work, is he/she doing work that is harmful to his/her development?			
If the child is performing in artistic activities, has a permit been granted by the Ministry of Labour for this purpose?			

3.2 Responding to child labour

It is important to know and to make known that child labour cannot put an end to poverty. The solution lies in educating children and improving their quality of life, that of their families as well as their communities. Parents should have information about the social service agencies from which they can seek assistance in preventing child labour.

3.2.1 Child-centeredness

- In order to ensure that the actions that are taken are child-centered and in the best interest of the child, attention must be paid to the views and concerns of children. Children must be made aware of their rights to protection from all forms of child labour and the responsibilities that they have for pursuing their education.

3.2.2 Review of legislation and policies

- Life is dynamic so over time, new knowledge may emerge to inform better approaches to dealing with the problem of child labour. An important aspect of the response to child labour should therefore be the periodic review of relevant legislation and policies in order to keep in step with improved approaches to reducing and ultimately eliminating child labour.
- Legislation should be reviewed periodically and the necessary changes made to deal with changing situations that arise in the world of work.
- The National Plan of Action should set realistic goals in relation to the elimination of child labour, or the proper management of labour in which children are involved.
- Relevant agencies should conduct self-evaluation exercises in order to monitor their achievement of goals with regard to reducing child labour.
- Measurable indicators and statistics must be established to guide evidence-based approach to child labour.

3.2.3 Public education

- Public education should begin with parents. Parents must be clear in their understanding of the difference between child labour and appropriate work/chores for a child. Reader-friendly material must be created that clearly identify the differences between appropriate and inappropriate work for different ages.
- Involve representatives of Parent Teachers' Associations and faith-based organizations in initiatives to prevent child labour, and to inform parents and communities about risk factors for child trafficking and child slavery.
- Inform the public about the existence and roles and functions of relevant agencies/bodies that are involved in the elimination of child labour.
- Sensitize the public with regard to the Child Care and Protection Act, and the issue of child labour, using mass media, community fora, professional bodies and parent-teacher groups.

Public education should include:

- Information about what is reportable as child labour;
- Methods of preventing the onset of child labour situations;
- The addition of child labour to the subjects for study in schools;
- Equipping guidance counsellors in schools to intervene in detected cases of child labour, particularly as indicated by unexplained and prolonged absences of children from school;
- The education of parents, children and the public to understand the impact of child labour on the child, as well as the legal implications of child labour, in view of the mandatory requirements of the Child Care and Protection Act; and
- Collaboration between community and parent-teacher groups on the sensitization of parents about child labour.

3.2.4 Professional training and development

- The professional roles of persons with responsibility for the safety and welfare of children, such as labour inspectors and the police, must be clearly defined.

3.2.5 Human resources

- Aim to increase the pool of guidance counsellors so that there is at least one in each school.
- Equip guidance counsellors and field officers with relevant information concerning programmes through which families in trouble can access help to avoid or withdraw from situations of child labour.
- Strengthen the cadre of Occupational Safety and Health Inspectors with investigative skills necessary to detect children in situations of hazardous and the worst forms of child labour.

3.2.6 Monitoring and evaluation

- Support employment for parents in doing decent work.
- Pay attention to the reasons why children work.

- Align child labour eradication goals with goals for national development.
- Use Parish Development committees to feed data into, and strengthen the work of the Child Labour Unit as the national body.
- Educate employers about the negative as well as the positive aspect of children working.
- Check workplaces that any children that are employed are at the legally permissible age for work.
- Establish a framework for monitoring the risks and solutions for child labour.
- Monitor sectors that are likely to have child labourers, as well as those that are not likely to because the latter may be a source of hidden work by children.

3.2.7 Options to child labour

- Income-generating programmes/activities for parents.
- Age-appropriate work for children that teach valuable life skills, and do not pose risks to their health, development and morals.
- Promotion of participation in service clubs for children e.g., 4H clubs, Scouts and Girl Guides.
- Facilitation of consistent engagement in extra- curricular activities.
- Encouragement of children's independence through education.
- Ensuring equitable provision of social protection benefits.
- Accessibility of resource provisions in communities.

Section 4

4.1 Services to address child labour

Professionals are obligated by law and conventions, to be alert to signs of this crime, and to make reports to one of the following social service agencies:

Child Labour Unit MLSS – This unit was established in 2002 as an outcome of the work of a national steering committee on the prevention and elimination of child labour in Jamaica. The unit is responsible for administering the International Programme for the Elimination of child Labour (IPEC).

Office of the Children's Registry (OCR) – This is a specialized agency based on the provision of the Child Care and Protection Act 2004. It is responsible for receiving reports of known or suspected cases of child abuse, neglect. Reports are assessed and referred to the CDA for investigation. The identities of the reporting persons are protected. A case number is assigned to each case for the purpose of identification, so that a reporter may be able to follow the progress and outcome of the investigations.

Child Development Agency (CDA) – This is an executive agency that is mandated to respond to children who are in need of care and protection. Investigations carried out by the officers of this agency can result in a child being placed in some form of protective placement, such as residential child care or foster care facility. In such facilities, efforts are made to reintegrate the children with their biological families over time. The agency regulates places of safety and children's homes across the island.

Office of the Children's Advocate (OCA) – This also is a specialized agency based on the provision of the Child Care and Protection Act 2004. Its role is to review laws, policies and services provided for children by the government. It also represents children who are affected by or involved in legal proceedings and where a child's rights have been breached by a relevant authority. The agency is involved in multiple areas that pertain to the best interest of the child, including public education and facilitating regular participation of children and other stakeholders.

Centre for the Investigation of Sexual Offences and Child Abuse (CISOCA) – This is an arm of the country's law enforcement system. It is involved in investigation and prosecution of child labour offences.

Guidance and Counseling Unit in the Ministry of Education – This unit is responsible for supporting the optimal functioning of children in the school environment through attention given by school guidance counselors.

4.2 What protecting children from child labour in Jamaica should mean

- Adopting a zero-tolerance approach to child labour.
- Having knowledge about the risks that are involved in different types of work.
- Understanding that child labourers are not to be punished but helped to regain their childhood.
- Ensuring that the health, safety and education needs of children are monitored and addressed.
- Designing an intense public education programme about what comprises child labour, and its negative impact and consequences.
- Trade Union representatives asserting both the rights of workers and the rights of children to be protected from child labour.

- Attacking the causes of child labour at the level of macro-economic policy.
- Reaching out to children in child labour situations, as well as those at risk.
- Establishing sustainable social programmes that can assist parents to better provide for their children.
- Strengthening the capacity of agencies in terms of human and material resources.
- Enforcing the legal penalties for the worst forms of child labour.
- Enhancing the responsiveness of the justice system.
- Vigilance of the Parliament to the incidence and prevalence of child labour.
- Ensuring that there is a high level of public awareness about available poverty alleviation and social welfare services, and that parents/guardians are helped and encouraged to access these.

Section 5

5.1 Self-evaluation checklist

Cases of child labour can evoke powerful emotions. It is therefore important that professionals be aware of, and seek to understand their own beliefs and response patterns to this issue. This section is geared towards encouraging self reflection that can lead to professionals becoming more effective in ameliorating the child labour situations they encounter and promoting individual professional growth. It presents points for reflection, and can be useful for work team reflections and group sessions.

The following points for reflection are presented:

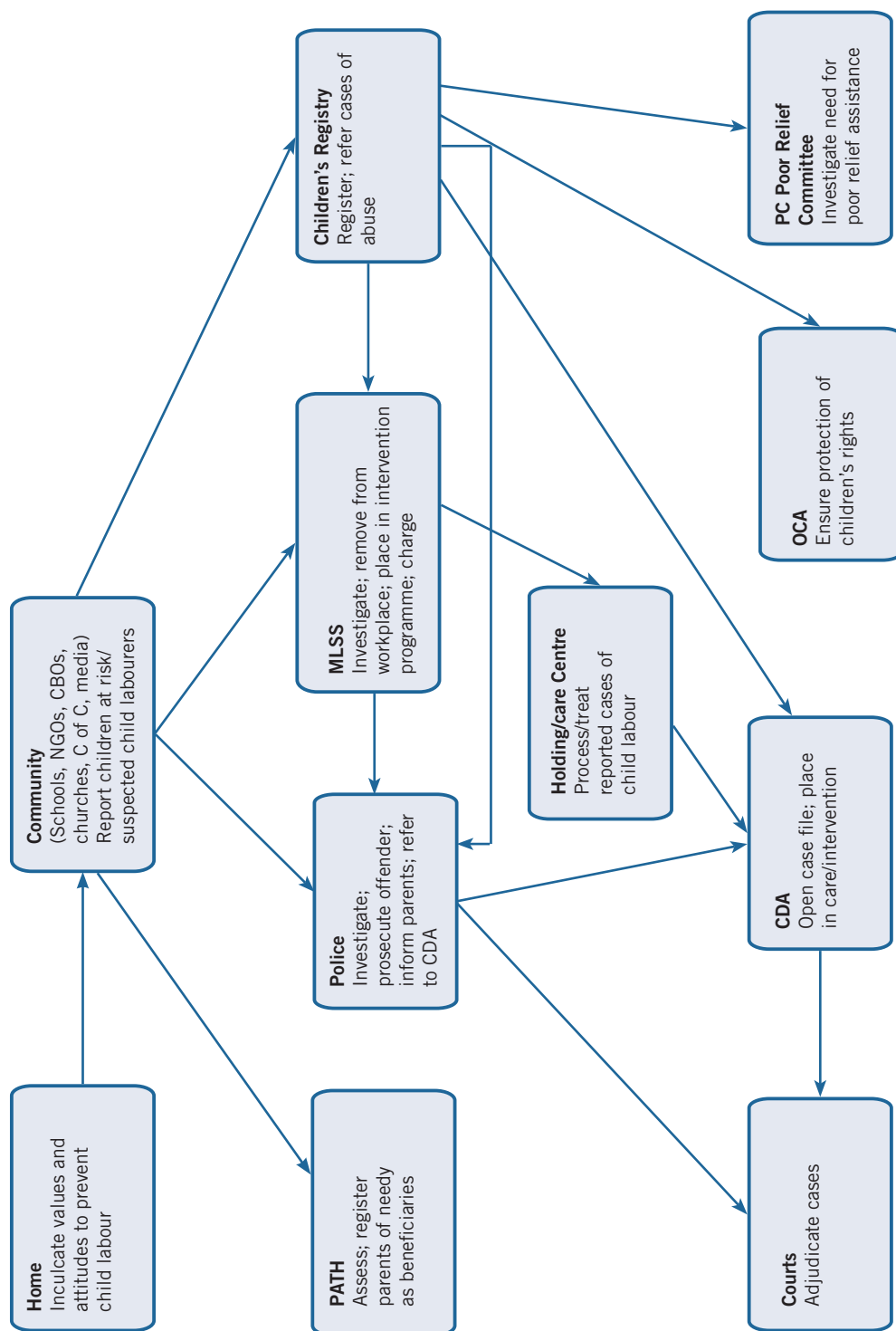
- To what extent does child labour matter to me?
- Do I acknowledge any conflict between my personal and professional values about child labour?
- What guides my professional conduct in dealing with child labour?
- Do I have some tolerance for child labour?
- Do I differentiate between child work and child labour?
- What kinds of child work do I consider acceptable?
- What stand am I prepared to take against child labour?
- What do I think is the best solution to correct the problem of child labour?
- What is my best message about child labour to children, parents, community groups and professional groups?
- Would I knowingly buy goods that have been produced with child labour?
- Where can I get further advice on child labour?
- Who can I contact if I become aware that a child is involved in hazardous work?

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Appendixes

Appendix 1. Child Labour Monitoring Matrix



Appendix 2. ILO Convention No. 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labour

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 87th Session on 1 June 1999, and

Considering the need to adopt new instruments for the prohibition and elimination of the worst forms of child labour, as the main priority for national and international action, including international cooperation and assistance, to complement the Convention and the Recommendation concerning Minimum Age for Admission to Employment, 1973, which remain fundamental instruments on child labour, and

Considering that the effective elimination of the worst forms of child labour requires immediate and comprehensive action, taking into account the importance of free basic education and the need to remove the children concerned from all such work and to provide for their rehabilitation and social integration while addressing the needs of their families, and

Recalling the resolution concerning the elimination of child labour adopted by the International Labour Conference at its 83rd Session in 1996, and

Recognizing that child labour is to a great extent caused by poverty and that the long-term solution lies in sustained economic growth leading to social progress, in particular poverty alleviation and universal education, and

Recalling the Convention on the Rights of the Child adopted by the United Nations General Assembly on 20 November 1989, and

Recalling the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, adopted by the International Labour Conference at its 86th Session in 1998, and

Recalling that some of the worst forms of child labour are covered by other international instruments, in particular the Forced Labour Convention, 1930, and the United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956, and

Having decided upon the adoption of certain proposals with regard to child labour, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention; adopts this seventeenth day of June of the year one thousand nine hundred and ninety-nine the following Convention, which may be cited as the Worst Forms of Child Labour Convention, 1999.

Article 1

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.

Article 2

For the purposes of this Convention, the term “child” shall apply to all persons under the age of 18.

Article 3

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.

Article 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.

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

3. 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.

Article 5

Each Member shall, after consultation with employers' and workers' organizations, establish or designate appropriate mechanisms to monitor the implementation of the provisions giving effect to this Convention.

Article 6

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

2. 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.

Article 7

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

2. Each Member shall, taking into account the importance of education in eliminating child labour, take effective and time-bound measures to:

(a) prevent the engagement of children in the worst forms of child labour;

(b) provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration;

(c) ensure access to free basic education, and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labour;

(d) identify and reach out to children at special risk; and

(e) take account of the special situation of girls.

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

Article 8

Members shall take appropriate steps to assist one another in giving effect to the provisions of this Convention through enhanced international cooperation and/or assistance including support for social and economic development, poverty eradication programmes and universal education.

Article 9

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 10

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General of the International Labour Office.

2. It shall come into force 12 months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member 12 months after the date on which its ratification has been registered.

Article 11

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 12

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and acts of denunciation communicated by the Members of the Organization.

2. When notifying the Members of the Organization of the registration of the second ratification, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention shall come into force.

Article 13

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations, for registration in accordance with Article 102 of the Charter of the United Nations, full particulars of all ratifications and acts of denunciation registered by the Director-General in accordance with the provisions of the preceding Articles.

Article 14

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 15

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:

(a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 11 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 16

The English and French versions of the text of this Convention are equally authoritative.

Appendix 3. Excerpt from “A World Fit for Children”

Text extrated from the UNICEF’s document *A World Fit for Children*, Item 44 - General protection section, page 41. For the full reference of the document please see References section.

Combating child labour

33. Take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency. Provide for the rehabilitation and social integration of children removed from the worst forms of child labour by, inter alia, ensuring access to free basic education and, whenever possible and appropriate, vocational training.

34. Take appropriate steps to assist one another in the elimination of the worst forms of child labour through enhanced international cooperation and/or assistance, including support for social and economic development, poverty eradication programmes and universal education.

35. Elaborate and implement strategies to protect children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education or to be harmful to the child’s health or physical, mental, spiritual, moral or social development.

36. In this context, protect children from all forms of economic exploitation by mobilizing national partnerships and international cooperation, and improve the conditions of children by, inter alia, providing working children with free basic education and vocational training, and integration into the education system in every way possible, and encourage support for social and economic policies aimed at poverty eradication and at providing families, particularly women, with employment and income-generating opportunities.

37. Promote international cooperation to assist developing countries upon request in addressing child labour and its root causes, inter alia, through social and economic policies aimed at poverty eradication, while stressing that labour standards should not be used for protectionist trade purposes.

38. Strengthen the collection and analysis of data on child labour.

39. Mainstream action relating to child labour into national poverty eradication and development efforts, especially in policies and programmes in the areas of health, education, employment and social protection.

Elimination of trafficking and sexual exploitation of children

40. Take concerted national and international action as a matter of urgency to end the sale of children and their organs, sexual exploitation and abuse, including the use of children for pornography, prostitution and paedophilia, and to combat existing markets.

41. Raise awareness of the illegality and harmful consequences of sexual exploitation and abuse, including through the Internet, and trafficking in children.

42. Enlist the support of the private sector, including the tourism industry and the media, for a campaign against sexual exploitation of and trafficking in children.

43. Identify and address the underlying causes and the root factors, including external factors, leading to sexual exploitation of and trafficking in children and implement preventive strategies against sexual exploitation of and trafficking in children.

44. Ensure the safety, protection and security of victims of trafficking and sexual exploitation and provide assistance and services to facilitate their recovery and social reintegration.

45. Take necessary action, at all levels, as appropriate, to criminalize and penalize effectively, in conformity with all relevant and applicable international instruments, all forms of sexual exploitation and sexual abuse of children, including within the family or for commercial purposes, child prostitution, paedophilia, child pornography, child sex tourism, trafficking, the sale of children and their organs, engagement in forced child labour and any other form of exploitation, while ensuring that, in the treatment by the criminal justice system of children who are victims, the best interests of the child shall be a primary consideration.

46. Monitor and share information regionally and internationally across borders trafficking of children; strengthen the capacity of border and law enforcement officials to stop trafficking and provide or strengthen training for them to respect the dignity, human rights and fundamental freedoms of all those, particularly women and children, who are victims of trafficking.

47. Take necessary measures, including through enhanced cooperation between Governments, intergovernmental organizations, the private sector and nongovernmental organizations to combat the criminal use of information technologies, including the Internet, for purposes of the sale of children, for child prostitution, child pornography, child sex tourism, paedophilia and other forms of violence and abuse against children and adolescents.

Appendix 4. ILO Convention No. 182 on the worst forms of child labour – Article 3

Whilst child labour takes many different forms, a priority is to eliminate without delay the worst forms of child labour as defined by Article 3 of ILO Convention No. 182:

- 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;
- 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 its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.
- labour that jeopardizes the physical, mental or moral well-being of a child, either because of its nature or because of the conditions in which it is carried out, is known as “hazardous work”.

Guidance for governments on some hazardous child labour activities which should be prohibited is given in the accompanying ILO Recommendation No. 190 concerning the Prohibition and Immediate Action for the Elimination Worst Forms of Child Labour 1999:

3. In determining the types of work referred to under Article 3(d) of the Convention, and in identifying where they exist, consideration should be given, inter alia, to:

- work which exposes children to physical, psychological or sexual abuse;
- work underground, under water, at dangerous heights or in confined spaces;
- work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads;
- 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 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.

Appendix 5. ILO Convention No. 138 on the minimum age for admission to employment

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-eighth Session on 6 June 1973, and

Having decided upon the adoption of certain proposals with regard to minimum age for admission to employment, which is the fourth item on the agenda of the session, and

Noting the terms of the Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention, 1921, the Minimum Age (Trimmers and Stokers) Convention, 1921, the Minimum Age (Non-Industrial Employment) Convention, 1932, the Minimum Age (Sea) Convention (Revised), 1936, the Minimum Age (Industry) Convention (Revised), 1937, the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, the Minimum Age (Fishermen) Convention, 1959, and the Minimum Age (Underground Work) Convention, 1965, and

Considering that the time has come to establish a general instrument on the subject, which would gradually replace the existing ones applicable to limited economic sectors, with a view to achieving the total abolition of child labour, and

Having determined that these proposals shall take the form of an international Convention, adopts this twenty-sixth day of June of the year one thousand nine hundred and seventy-three the following Convention, which may be cited as the Minimum Age Convention, 1973:

Article 1

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.

Article 2

1. Each Member which ratifies this Convention shall specify, in a declaration appended to its ratification, a minimum age for admission to employment or work within its territory and on means of transport registered in its territory; subject to Articles 4 to 8 of this Convention, no one under that age shall be admitted to employment or work in any occupation.

2. Each Member which has ratified this Convention may subsequently notify the Director-General of the International Labour Office, by further declarations, that it specifies a minimum age higher than that previously specified.

3. The minimum age specified in pursuance of paragraph 1 of this Article shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years.

4. Notwithstanding the provisions of paragraph 3 of this Article, a Member whose economy and educational facilities are insufficiently developed may, after consultation with the organisations of employers and workers concerned, where such exist, initially specify a minimum age of 14 years.

5. Each Member which has specified a minimum age of 14 years in pursuance of the provisions of the preceding paragraph shall include in its reports on the application of this Convention submitted under article 22 of the Constitution of the International Labour Organization a statement:

(a) that its reason for doing so subsists; or

(b) that it renounces its right to avail itself of the provisions in question as from a stated date.

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 jeopardize 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 or regulations or by the competent authority, after consultation with the organisations of employers and workers concerned, where such exist.
3. Notwithstanding the provisions of paragraph 1 of this Article, national laws or regulations or the competent authority may, after consultation with the organisations of employers and workers concerned, where such exist, authorize employment or work as from the age of 16 years on condition that the health, safety and morals of the young persons concerned are fully protected and that the young persons have received adequate specific instruction or vocational training in the relevant branch of activity.

Article 4

1. In so far as necessary, the competent authority, after consultation with the organisations of employers and workers concerned, where such exist, may exclude from the application of this Convention limited categories of employment or work in respect of which special and substantial problems of application arise.
2. Each Member which ratifies this Convention shall list in its first report on the application of the Convention submitted under Article 22 of the Constitution of the International Labour Organization any categories which may have been excluded in pursuance of paragraph 1 of this Article, giving the reasons for such exclusion, and shall state in subsequent reports the position of its law and practice in respect of the categories excluded and the extent to which effect has been given or is proposed to be given to the Convention in respect of such categories.
3. Employment or work covered by Article 3 of this Convention shall not be excluded from the application of the Convention in pursuance of this Article.

Article 5

1. A Member whose economy and administrative facilities are insufficiently developed may, after consultation with the organisations of employers and workers concerned, where such exist, initially limit the scope of application of this Convention.
2. Each Member which avails itself of the provisions of paragraph 1 of this Article shall specify, in a declaration appended to its ratification, the branches of economic activity or types of undertakings to which it will apply the provisions of the Convention.
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.
4. Any Member which has limited the scope of application of this Convention in pursuance of this Article:
 - (a) shall indicate in its reports under Article 22 of the Constitution of the International Labour Organization the general position as regards the employment or work of young persons and children in the branches of activity which are excluded from the scope of application of this Convention and any progress which may have been made towards wider application of the provisions of the Convention;
 - (b) may at any time formally extend the scope of application by a declaration addressed to the Director-General of the International Labour Office.

Article 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.

Article 7

1. National laws or regulations may permit the employment or work of persons 13 to 15 years of age on light work which is:

- (a) not likely to be harmful to their health or development; and
- (b) not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received.

2. National laws or regulations may also permit the employment or work of persons who are at least 15 years of age but have not yet completed their compulsory schooling on work which meets the requirements set forth in sub-paragraphs (a) and (b) of paragraph 1 of this Article.

3. The competent authority shall determine the activities in which employment or work may be permitted under paragraphs 1 and 2 of this Article and shall prescribe the number of hours during which and the conditions in which such employment or work may be undertaken.

4. Notwithstanding the provisions of paragraphs 1 and 2 of this Article, a Member which has availed itself of the provisions of paragraph 4 of Article 2 may, for as long as it continues to do so, substitute the ages 12 and 14 for the ages 13 and 15 in paragraph 1 and the age 14 for the age 15 in paragraph 2 of this Article.

Article 8

1. After consultation with the organisations of employers and workers concerned, where such exist, the competent authority may, by permits granted in individual cases, allow exceptions to the prohibition of employment or work provided for in Article 2 of this Convention, for such purposes as participation in artistic performances.

2. Permits so granted shall limit the number of hours during which and prescribe the conditions in which employment or work is allowed.

Article 9

1. 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.

3. National laws or regulations or the competent authority shall prescribe the registers or other documents which shall be kept and made available by the employer; such registers or documents shall

contain the names and ages or dates of birth, duly certified wherever possible, of persons whom he employs or who work for him and who are less than 18 years of age.

Article 10

1. This Convention revises, on the terms set forth in this Article, the Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention, 1921, the Minimum Age (Trimmers and Stokers) Convention, 1921, the Minimum Age (Non-Industrial Employment) Convention, 1932, the Minimum Age (Sea) Convention (Revised), 1936, the Minimum Age (Industry) Convention (Revised), 1937, the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, the Minimum Age (Fishermen) Convention, 1959, and the Minimum Age (Underground Work) Convention, 1965.

2. The coming into force of this Convention shall not close the Minimum Age (Sea) Convention (Revised), 1936, the Minimum Age (Industry) Convention (Revised), 1937, the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, the Minimum Age (Fishermen) Convention, 1959, or the Minimum Age (Underground Work) Convention, 1965, to further ratification.

3. The Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention, 1921, and the Minimum Age (Trimmers and Stokers) Convention, 1921, shall be closed to further ratification when all the parties thereto have consented to such closing by ratification of this Convention or by a declaration communicated to the Director-General of the International Labour Office.

4. When the obligations of this Convention are accepted:

(a) by a Member which is a party to the Minimum Age (Industry) Convention (Revised), 1937, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention, this shall ipso jure involve the immediate denunciation of that Convention,

(b) in respect of non-industrial employment as defined in the Minimum Age (Non-Industrial Employment) Convention, 1932, by a Member which is a party to that Convention, this shall ipso jure involve the immediate denunciation of that Convention,

(c) in respect of non-industrial employment as defined in the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, by a Member which is a party to that Convention, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention, this shall ipso jure involve the immediate denunciation of that Convention,

(d) in respect of maritime employment, by a Member which is a party to the Minimum Age (Sea) Convention (Revised), 1936, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention or the Member specifies that Article 3 of this Convention applies to maritime employment, this shall ipso jure involve the immediate denunciation of that Convention,

(e) in respect of employment in maritime fishing, by a Member which is a party to the Minimum Age (Fishermen) Convention, 1959, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention or the Member specifies that Article 3 of this Convention applies to employment in maritime fishing, this shall ipso jure involve the immediate denunciation of that Convention,

(f) by a Member which is a party to the Minimum Age (Underground Work) Convention, 1965, and a minimum age of not less than the age specified in pursuance of that Convention is specified in pursuance of Article 2 of this Convention or the Member specifies that such an age applies to employment underground in mines in virtue of Article 3 of this Convention, this shall ipso jure involve the immediate denunciation of that Convention, if and when this Convention shall have come into force.

5. Acceptance of the obligations of this Convention:

(a) shall involve the denunciation of the Minimum Age (Industry) Convention, 1919, in accordance with Article 12 thereof,

(b) in respect of agriculture shall involve the denunciation of the Minimum Age (Agriculture) Convention, 1921, in accordance with Article 9 thereof,

(c) in respect of maritime employment shall involve the denunciation of the Minimum Age (Sea) Convention, 1920, in accordance with Article 10 thereof, and of the Minimum Age (Trimmers and Stokers) Convention, 1921, in accordance with Article 12 thereof, if and when this Convention shall have come into force.

Article 11

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 12

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratifications has been registered.

Article 13

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 14

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and denunciations communicated to him by the Members of the Organization.

2. When notifying the Members of the Organization of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention will come into force.

Article 15

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 16

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 17

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:

(a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 13 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 18

The English and French versions of the text of this Convention are equally authoritative.

Appendix 6. Direct services – Agency contact list

Office of the Children’s Registry

12 Carlton Crescent
Kingston 10

Telephone: 1-888-PROTECT (776-8328);
876- 908-2132; 618-5888; 631-8933;
631-8908; 878-2882
Fax: 908-2579

Email: ocrjamaica@yahoo.com
Email: report@ocr.gov.jm
Website: <http://www.ocr.gov.jm>

Child Development Agency

Duke Street
Kingston

Telephone: 876-948-7206; 948-7067; 924-9401
Fax: 924-9401

Email: <http://www.cda.gov.jm>
Website: <http://www.info@cda.gov.jm>

Office of the Children’s Advocate

Air Jamaica Building
72 Harbour Street
Kingston

Telephone: 967-3225; 948-1293; 948-3771;
967-5890
Fax: 922-6785

Email: <http://www.ocajamaica.com>

Centre for the Investigation of Sexual Offences and Child Abuse (CISOCA)

Ruthven Road
Kingston 10

Telephone: 926-7310; 926-4070
Email: cisoca@jcf.gov.jm

Child Labour Unit

Ministry of Labour and Social Security Air Jamaica
Building
72 Harbour Street

Telephone: 948-0098

Email: clumlss@yahoo.com
mls_esop@cwjamaica.com

IPEC/TACKLE

Ministry of Labour and Social Security
1F North Street
Kingston

Telephone: 968-8165; 349-3166

Ministry of Justice

NCB South Tower
2 Oxford Road
Kingston 5

Telephone: 906-4923 or 906-6005
Fax: 906-1712

Email: customerservice@moj.gov.jm
Website: [Http://www.moj.gov.jm](http://www.moj.gov.jm)

Jamaica Information Service

58A Half Way Tree Road
Kingston 10

Telephone: 926-3590 – 8 or 926-3740-6
Fax: 929-6727

Email: jis@jis.gov.jm
Website: www.jis.gov.jm



Child Labour Handbook for Professionals

What do children need? In short, they need to be valued, nurtured and to have their childhood protected. Therefore, factors that make them vulnerable to the dangers of child labour require continual vigilance and, where these are detected, there must be sensitive and timely intervention that consistently seek those outcomes that are in their best interest.

This handbook on child labour provides a convenient signpost for building awareness about those work activities that are disadvantageous for the healthy development of children, and in particular, children who are at risk and in danger of child labour in its worst forms.

Irrespective of differing practice orientations and philosophies, the sections in the handbook will be helpful to the range of professionals, who work with children and families. From job orientation, to recurrent training and quality assurance, It will enable them to identify and interpret the signs of child labour, and in so doing, guide them in intervening effectively.

Because child labour interferes with children's schooling, it threatens the ultimate quality of a country's workforce. In this regard, this handbook can guide business organizations in doing better monitoring and supervision of their hiring processes, protect adult workers and for trade unions to better support the rights to decent work and contribute to alleviating poverty in families.

Within the framework of the law it will help to focus attention on reportable conditions of child labour and in so doing, contribute to the body of evidence that can assist in shaping public policy.



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The TACKLE Project responds to the "Resolution on the rights of children, particularly child soldiers", adopted on 15 October 2003 by the African Caribbean Pacific (ACP) Group of States and the European Union (EU).

International Programme on the Elimination
of Child Labour (IPEC)

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