

Tackling hazardous child labour in agriculture

Guidance on policy and practice



International
Labour
Organization

Background policy information



International
Programme on
the Elimination
of Child Labour

Tackling hazardous child labour in agriculture: Guidance on policy and practice

Guidebook 1

Background policy information



International Labour Organization
International Programme on the Elimination of Child Labour

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Guidance on policy and practice

Additional information on CDROM

The CD-ROM contains five IPEC Guidebooks:

Guidebook 1: *User guide, including background policy information*

Guidebook 2: *An overview of child labour in agriculture*

Guidebook 3: *Eliminating hazardous child labour in agriculture*

Guidebook 4: *Initiatives to tackle hazardous child labour in agriculture*

Guidebook 5: *Training resources for Guidebooks 1-4.*

To supplement the five Guidebooks, additional information on tackling hazardous child labour in agriculture is provided on the CD-ROM as follows:

■ **International Labour Organization (ILO) Conventions and their Recommendations**

- Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (No. 182); and Recommendation (No. 190).
- Convention concerning Minimum Age for Admission to Employment, 1973 (No. 138); and Recommendation (No. 146).
- Convention concerning Safety and Health in Agriculture, 2001 (No.184); and Recommendation (No.192).

■ **ILO International Programme on the Elimination of Child Labour: Publications**

- IPEC: *Training Resource Pack on Elimination of Hazardous Child Labour in Agriculture* (Geneva, ILO, 2005).
- IPEC. *Bolivia - Child labour in sugarcane* (ILO, Geneva), Rapid assessment, 2002.
- IPEC: *Ecuador - Child labour in flower plantations.* (ILO, Geneva), Rapid assessment, 2000.
- IPEC: *El Salvador - Child labour in sugarcane.* (ILO, Geneva), Rapid assessment, 2002.
- IPEC: *Tanzania - Children Working in Commercial Agriculture in Coffee.* (ILO, Geneva), Rapid assessment, 2002.
- IPEC: *Tanzania - Child Labour in the Horticulture Sector in Arumeru District.* (ILO, Geneva), Rapid assessment, 2002.

- IPEC: *Tanzania - Children Working in Commercial Agriculture in Tea*. (ILO, Geneva), Rapid assessment, 2002.
- IPEC: *Tanzania - Children Working in Commercial Agriculture in Tobacco*. (ILO, Geneva), Rapid assessment, 2001.

■ ILO Bureau for Employers' Activities (ACTEMP)

- *Rapid assessment on child labour in the horticultural sector in Moldova*. Moldovan National Federation of Employers in Agriculture and Food Industry (FNPAIA) and ILO ACTEMP, Chisnau, Moldova, 2005.
- *Rapid assessment survey report: Child labour in five commercial oil palm and rubber plantations in Ghana*. Ghana Employers' Association and ILO ACTEMP, 2005.

■ ILO Bureau for Workers' Activities (ACTRAV)

Bitter Harvest: Child labour in agriculture. ILO ACTRAV, Geneva, 2002.

■ ILO SAFEWORK/CIS

Links to *ILO Encyclopaedia on occupational safety & health*.

■ Internet connection

<http://www.ilo.org.childlabour>

Guidebook 1: Background policy information



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1. Introduction

1.1 The ILO's view on child labour

The International Labour Organization's goal with regard to child labour is the progressive elimination of all its forms worldwide. The worst forms of child labour, which include hazardous work, commercial sexual exploitation, trafficking of children and all forms of slavery, among others, should be abolished as a priority.

This guidebook and the four others of this series are based on the framework on child labour policy provided by the ILO Minimum Age Convention, 1973 (No. 138) and the ILO Worst Forms of Child Labour Convention, 1999, (No. 182). Both these conventions are explained in detail in this guidebook.

As mandated by its tripartite constituents - governments and employers' and workers' organizations - the ILO's immediate goal is the elimination of hazardous child labour (along with the other worst forms) in all occupational sectors. In agriculture, governments may make only limited exemptions - as per Article 16 of the ILO Convention on Safety and Health in Agriculture, 2001 (No. 184) - for what are termed "young workers".

1.2 The contents of this guidebook

Drawing from ILO Conventions and other relevant international standards, this guidebook defines the principal terms used in subsequent guidebooks that are essential to understanding child labour issues. Key articles of the ILO Conventions cited in the following definitions are provided in full in Appendices 1-3 of this guidebook.

2. Definitions of key terminology used in these guidebooks

2.1 Who is “a child”?

Article 2 of the ILO Worst Forms of Child Labour Convention, 1999 (No.182) states that “the term ‘child’ shall apply to all persons under the age of 18.” This is the definition that is followed in this Guidance on Policy and Practice.

2.2 What is “child labour”?

Child labour is work that harms children's well being and hinders their education, development and future livelihoods. Child labour is work which, by its nature and/or the way it is carried out, harms, abuses and exploits the child or deprives the child of an education.¹

2.3 What are “the worst forms of child labour”?

Whilst child labour of both boys and girls takes many different forms, the elimination of the worst forms of child labour as defined by Article 3 of ILO Convention No. 182 is a priority. These are:

- (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.**

2.4 What is “hazardous child labour”?

Subparagraph (d) of Article 3 cited above describes what is referred to as “hazardous child labour (HCL)”. HCL is work in dangerous or unhealthy conditions that could result in a child being killed, or injured (often permanently) and/or made ill (often permanently) as a consequence of poor safety and health standards and working arrangements.²

Note that “hazard” and “risk” are two terms that are used frequently in these guidebooks. A “hazard” is anything with the potential to do harm. A “risk” is the likelihood of potential harm from that hazard being realized. For example, the hazard associated with power-driven

agricultural machinery might be getting trapped or entangled by moving parts. The risk will be high if guards are not fitted and workers are in close proximity to the machine. If however, the machine is properly guarded, regularly maintained and repaired by competent staff, then the risk will be lower.

Advice for governments on some *hazardous child labour* activities which should be prohibited is given in the ILO Worst Forms of Child Labour Recommendation, 1999 (No 190), which accompanies Convention No. 182:

Paragraph 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:

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

Under Article 6 of Convention No. 182, governments are required to:

- design and implement programmes of action to eliminate as a priority the worst forms of child labour; and
- consult with relevant government institutions and employers' and workers' organizations, taking into consideration the views of other concerned groups as appropriate.
- Convention No. 182 calls for international cooperation and assistance for putting an immediate end to the worst forms of child labour through (i) priority action to determine which hazards bring work into the category of the worst forms; (ii) the establishment of monitoring mechanisms and the implementation of programmes of action; (iii) the adoption of measures for prevention, rehabilitation and reintegration; and (iv) particular attention to children at special risk and the situation of girls.

2.5 Children's rights with regard to work

All adults and children are entitled to certain rights by virtue of being human, and it is recognized that children have rights of their own.³ Children need to know their rights, including the right to work in a safe and healthful workplace environment where hazards have been identified, risks assessed and appropriate prevention or control measures put in place. This includes a right to know about the dangers and risks to their own health and safety and the consequences of working on their education and futures. They need to learn how to protect themselves and which laws exist specifically for their protection and whom they can turn to for help.⁴ Young workers should also have the right to refuse dangerous work tasks and conditions and should receive workers' compensation in the event of work injury or illness.

2.6 Other terminology associated with the use of the word “child”

As noted in Section 1.1, Convention No. 182 states that “the term ‘child’ shall apply to all persons under the age of 18”. However, there are other sub-categories, based upon age, which are relevant to action on child labour.

Young workers are female and male adolescents below age 18 who have attained the minimum legal age for admission to employment and are therefore legally authorised to work under certain conditions. The ILO Minimum Age Convention, 1973 (No.138) stipulates that ratifying States fix a minimum age for admission to employment or work. Under this Convention, the minimum age for employment or work should not be less than 15 years, but developing countries may fix it at 14. A number of countries have fixed it at 16.

This does *not* mean that young workers should be engaged in hazardous work. Efforts must be made to ensure that young workers are not automatically engaged in hazardous work. The Safety and Health in Agriculture Convention, 2001 (No. 184) makes specific reference to young workers and hazardous work which is consistent with the two child labour Conventions No. 138 and No.182. Article 16 of Convention No. 184 states:

The minimum age for assignment to work in agriculture which by its nature or the circumstances in which it is carried out is likely to harm the safety and health of young persons shall not be less than 18 years.

But, in Article 16(3):

National laws or regulations or the competent authority may, after consultation with the representative organizations of employers and workers concerned, authorise the performance of hazardous work as from 16 years of age on condition that appropriate prior training is given and the safety and health of the young workers are fully protected.

In general, girls and boys aged 13-15 are permitted to carry out “**light work**” under the ILO Minimum Age Convention No. 138. Article 7 states that:

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.

Article 7, Paragraph 4 of the same Convention allows developing countries to substitute the ages of 12 and 14 for 13 and 15 in Paragraph 1 above.

Clearly, the term “child labour” does *not* encompass all work performed by girls and boys under the age of 18. Child labour is *not* children doing small tasks around the house, nor is it children participating in work appropriate to their level of development and which allows them to acquire practical skills. Millions of young people legitimately undertake work, paid or unpaid, that is appropriate for their age and level of

maturity. By so doing, they learn to take responsibility, they gain skills, they add to their families' and their own well-being and income, and they contribute to their countries' economies.

2.7 The scope of agricultural activities covered by the term “agricultural sector”

Agriculture is a complex and heterogeneous economic sector comprised of a number of sub-sectors. It involves agricultural production methods that differ from country to country and between developed and developing countries. It ranges from highly industrialized, commercial production to traditional small-scale, subsistence farming. The distinction that has traditionally been drawn between these two types of farming is slowly eroding, however, with the increasing commercialization and industrialization of agriculture, especially in response to the promotion of export-orientated agriculture by governments and multinational enterprises.

“Agriculture” covers different types of farming activities, such as crop production, horticultural/fruit production, livestock raising, livestock-food preparation, forestry activities, fish farming, and insect raising. It also includes many other associated activities: the primary processing and packaging of agricultural and animal products, crop storage, pest management, irrigation, construction and domestic tasks (carrying of water, fuel-wood, etc.), as well as the use and maintenance of machinery, equipment, appliances, tools and agricultural installations. It can include any process, operation, transport or storage directly related to agricultural production. This should be considered as a working definition of agriculture and not exclusive.

3. Strategies for the elimination of child labour

IPEC's experience has shown that parents and families who are given a viable choice prefer to keep children out of the workplace. While the issue of child labour cannot be resolved overnight, one of the top priorities must be preventing and eliminating the participation of children in hazardous work. This is a complex task and will often involve government policies aimed at promoting adult employment, raising incomes and improving living standards. The simple removal of children from the workplace does not have a significant impact unless it is carried out in the context of a national policy that promotes the rights, welfare and sound development of children and encourages their participation in finding solutions to the problem of child labour.

IPEC's strategies for elimination of hazardous child labour can be classified under three general headings: prevention, withdrawal, and protection.

3.1 Prevention

Prevention is the primary long-term aim. It means identifying children at potential risk, keeping them out of hazardous work and stopping them from becoming child labourers in the first place. To ensure that parents see schooling as the best option for their children, families need, among other things, income security and social benefits, like health insurance, to survive short and long-term crises.

Investment in the prevention of child labour is the most cost-effective approach to ending child labour in the long run. Systems of prevention need to be carefully designed by the government or non-state agencies. Micro-insurance schemes organized by civil society groups at the local level are one example. These can be linked into larger structures, such as banks and credit schemes. The government can help by providing start-up funds, matching workers' contributions and developing supportive laws. Self-help groups can provide assistance through cooperatives, mutual benefit societies and so on, which are usually financed by beneficiary contributions.



Preventing child labour also goes hand in hand with promoting decent work for adults, one of the pillars of the ILO's Global Employment Agenda (see box 1).

Box 1: The seven pillars of the ILO Global Employment Agenda

The seven principles or "pillars" underlying the ILO's Global Employment Agenda are:

1. promoting decent work as a productive factor
2. building a new, pro-employment macroeconomic framework
3. promoting entrepreneurship and private investment
4. improving the productivity and opportunities of the working poor to provide decent work
5. ending discrimination in the labour market
6. promoting socially and environmentally sustainable growth
7. promoting employability and adaptability

Source: ILO: *Global Employment Agenda* (Geneva, 2003), Part II, p. 4.

3.2 Withdrawal

The withdrawal and subsequent rehabilitation of children already carrying out hazardous work includes:

- identifying those children in hazardous work;
- removing them from workplaces; and
- getting them into school and/or skills training.

Children in the worst forms of child labour need urgent action for rescue and rehabilitation. Measures to withdraw children from hazardous work include may rely on persuasion through dialogue with parents, children, employers or law enforcement authorities or radical "rescue" operations.

Community-based, integrated initiatives tailored to the specific needs of each target group, with close community participation, have proven to be the most effective solutions. Action to rescue child victims of the worst forms of labour should be accompanied by long-term holistic approaches to attack underlying family poverty, including the improvement in access to land, housing and economic opportunities.

3.3 Protection

IPEC's protection strategy recognizes the reality that many children remain in the workplace in the short term whilst withdrawal strategies are pursued or because they have achieved the current minimum legal working age in their country (14-17 years).

These older children continue to be at risk and need to be protected. This may require improving occupational safety and health (OSH) and working conditions and arrangements in the workplace. Strengthening risk management⁵ in the agricultural undertaking is considered to be a basis for these types of initiative (see Guidebook 3, Chapter 3, box 15).

An important instrument that policy-makers can use as part of their strategy to tackle hazardous child labour in agriculture is a legally-binding list of hazardous work activities and sectors that are prohibited for children. Countries that have ratified ILO Convention No.182 are obligated to do this under Article 4. In drawing up a national list, countries must also identify where such hazardous work is found and devise measures to implement the prohibitions or restrictions included in their list (see box 2). Because this list is critical to subsequent efforts to eliminate hazardous child labour, the Convention emphasizes the importance of a proper consultative process, especially with workers' and employers' organizations, in drawing up and implementing it.

In 2005, IPEC and ILO SafeWork jointly produced a law and practice report on hazardous child labour⁷ to help ILO's tripartite constituents with preparation of their national hazardous child labour list. The report identifies common elements in national lists of some 45 countries that have gone through the process. By way of guidance, it suggests a model list of elements that could be considered by countries either establishing a list for the first time or reviewing an existing list.

Box 2: National lists of hazardous child labour

The ILO recommends a six step process⁶ to draw up and implement the provisions of the list:

Step 1: Create a structure

- Determine how the government will manage the process
- Involve employers' organizations and trade unions, plus other bodies with specific expertise

Step 2: Collect existing and new information

- Review international standards
- Take stock of current laws and regulations
- Gather information on hazards, risk management, and locations

Step 3: Compile the list of hazardous work

- Identify criteria for selecting items for the list
- Determine hazardous occupations, activities, and conditions
- Decide how to protect children who are old enough to work legally because they have attained the minimum age for employment

Step 4: Give the list legal force

- The "competent authority" must ensure that the list has legal force and that its provisions can be enforced

Step 5: Promote and use the list

- Work out how to publicise and circulate the hazardous child labour list
- Promote awareness raising and training activities for stakeholder organizations in use of the list
- Set timetables for action

Step 6: Review and update the list periodically on a consultative basis

- Review and update the list and corresponding laws on a periodic basis
- Establish a government-coordinated, consultative mechanism or body to carry out this function

3.4 Children's participation

Recommendation 190 associated with ILO Convention No. 182 states: “The programmes of action referred to ... in the Convention should be designed and implemented ... in consultation ... taking into consideration the views of the children directly affected by the worst forms of child labour ...”. In other words, within the context of the work of IPEC, children constitute one of the stakeholder groups of its programmes and therefore are consulted as such. Children's participation in designing and implementing programmes affecting their occupational safety and health and well-being should be fully encouraged.

The international community is currently highlighting the need for greater and more meaningful child participation within the framework of a number of global initiatives, including Education For All, the elimination of child labour, HIV/AIDS, follow-up to the “World fit for children” initiative, and so on. It is important that means and methodologies are elaborated and improved to ensure that this significant group of stakeholders define their own ways of contributing to global efforts to help and support them in their development and fulfilment. The ILO fully endorses the need for meaningful child participation and IPEC has developed its own methodology for facilitating this through the SCREAM Stop Child Labour programme (www.ilo.org/scream), which is an interactive programme based on the use of the visual, literary and performing arts, the media and campaigning and community mobilization.⁸ In addition, IPEC is in the process of developing its own guidelines to enhance meaningful child participation in its programmes and activities.

Appendix 1:

ILO Minimum Age Convention, 1973 (No. 138) – Key articles

- 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 organizations 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 jeopardise the health, safety or morals of young persons shall not be less than 18 years.
 2. The types of employment or work to which paragraph 1 of this Article applies shall be determined by national laws or regulations or

by the competent authority, after consultation with the organizations 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 organizations of employers and workers concerned, where such exist, authorise employment or work as from the age of 16 years on condition that the health, safety and morals of the young persons concerned are fully protected and that the young persons have received adequate specific instruction or vocational training in the relevant branch of activity.

Article 4

1. In so far as necessary, the competent authority, after consultation with the organizations 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 organizations 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 organizations of employers and workers concerned, where such exist, and is an integral part of—

- (a) a course of education or training for which a school or training institution is primarily responsible;
- (b) a programme of training mainly or entirely in an undertaking, which programme has been approved by the competent authority; or
- (c) a programme of guidance or orientation designed to facilitate the choice of an occupation or 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 organizations 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.

Appendix 2:

ILO Worst Forms of Child Labour Convention, 1999 (No. 182) – Key articles

- 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.

Appendix 3:

ILO Safety and Health in Agriculture Convention, 2001 (No. 184) – Key articles

- Article 1** For the purpose of this Convention the term *agriculture* covers agricultural and forestry activities carried out in agricultural undertakings including crop production, forestry activities, animal husbandry and insect raising, the primary processing of agricultural and animal products by or on behalf of the operator of the undertaking as well as the use and maintenance of machinery, equipment, appliances, tools, and agricultural installations, including any process, storage, operation or transportation in an agricultural undertaking, which are directly related to agricultural production.
- Article 2** For the purpose of this Convention the term *agriculture* does not cover:
- (a) subsistence farming;
 - (b) industrial processes that use agricultural products as raw material and the related services; and
 - (c) the industrial exploitation of forests.
- Article 3**
1. The competent authority of a Member which ratifies the Convention, after consulting the representative organizations of employers and workers concerned:
 - (a) may exclude certain agricultural undertakings or limited categories of workers from the application of this Convention or certain provisions thereof, when special problems of a substantial nature arise; and
 - (b) shall, in the case of such exclusions, make plans to cover progressively all undertakings and all categories of workers.
 2. Each Member shall list, in the first report on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organization, any exclusions made in pursuance of paragraph 1(a) of this Article giving the reasons for such exclusion. In subsequent reports, it shall describe the measures taken with a view to extending progressively the provisions of the Convention to the workers concerned.

II. GENERAL PROVISIONS

- Article 4**
1. In the light of national conditions and practice and after consulting the representative organizations of employers and workers concerned, Members shall formulate, carry out and periodically review a coherent national policy on safety and health in agriculture. This policy shall have the aim of preventing accidents and injury to health arising out of, linked with, or occurring in the course of work, by eliminating, minimizing or controlling hazards in the agricultural working environment.
 2. To this end, national laws and regulations shall:
 - (a) designate the competent authority responsible for the implementation of the policy and for the enforcement of national laws and regulations on occupational safety and health in agriculture;
 - (b) specify the rights and duties of employers and workers with respect to occupational safety and health in agriculture; and
 - (c) establish mechanisms of inter-sectoral coordination among relevant authorities and bodies for the agricultural sector and define their functions and responsibilities, taking into account their complementarity and national conditions and practices.
 3. The designated competent authority shall provide for corrective measures and appropriate penalties in accordance with national laws and regulations, including, where appropriate, the suspension or restriction of those agricultural activities which pose an imminent risk to the safety and health of workers, until the conditions giving rise to the suspension or restriction have been corrected.

Article 5

1. Members shall ensure that an adequate and appropriate system of inspection for agricultural workplaces is in place and is provided with adequate means.
2. In accordance with national legislation, the competent authority may entrust certain inspection functions at the regional or local level, on an auxiliary basis, to appropriate government services, public institutions, or private institutions under government control, or may associate these services or institutions with the exercise of such functions.

III. PREVENTIVE AND PROTECTIVE MEASURES

GENERAL

- Article 6**
1. In so far as is compatible with national laws and regulations, the employer shall have a duty to ensure the safety and health of workers in every aspect related to the work.
 2. National laws and regulations or the competent authority shall provide that whenever in an agricultural workplace two or more employers undertake activities, or whenever one or more employers and one or more self-employed persons undertake activities, they shall cooperate in applying the safety and health requirements. Where appropriate, the competent authority shall prescribe general procedures for this collaboration.
- Article 7**
- In order to comply with the national policy referred to in Article 4 of the Convention, national laws and regulations or the competent authority shall provide, taking into account the size of the undertaking and the nature of its activity, that the employer shall:
- (a) carry out appropriate risk assessments in relation to the safety and health of workers and, on the basis of these results, adopt preventive and protective measures to ensure that under all conditions of their intended use, all agricultural activities, workplaces, machinery, equipment, chemicals, tools and processes under the control of the employer are safe and comply with prescribed safety and health standards;
 - (b) ensure that adequate and appropriate training and comprehensible instructions on safety and health and any necessary guidance or supervision are provided to workers in agriculture, including information on the hazards and risks associated with their work and the action to be taken for their protection, taking into account their level of education and differences in language; and
 - (c) take immediate steps to stop any operation where there is an imminent and serious danger to safety and health and to evacuate workers as appropriate.
- Article 8**
1. Workers in agriculture shall have the right:
 - (a) to be informed and consulted on safety and health matters including risks from new technologies;
 - (b) to participate in the application and review of safety and health measures and, in accordance with national law and practice, to select safety and health representatives and representatives in safety and health committees; and
 - (c) to remove themselves from danger resulting from their work activity when they have reasonable justification to believe there is an imminent and serious risk to their safety and health

and so inform their supervisor immediately. They shall not be placed at any disadvantage as a result of these actions.

2. Workers in agriculture and their representatives shall have the duty to comply with the prescribed safety and health measures and to cooperate with employers in order for the latter to comply with their own duties and responsibilities.
3. The procedures for the exercise of the rights and duties referred to in paragraphs 1 and 2 shall be established by national laws and regulations, the competent authority, collective agreements or other appropriate means.
4. Where the provisions of this Convention are implemented as provided for by paragraph 3, there shall be prior consultation with the representative organizations of employers and workers concerned.

MACHINERY SAFETY AND ERGONOMICS

- Article 9**
1. National laws and regulations or the competent authority shall prescribe that machinery, equipment, including personal protective equipment, appliances and hand tools used in agriculture comply with national or other recognized safety and health standards and be appropriately installed, maintained and safeguarded.
 2. The competent authority shall take measures to ensure that manufacturers, importers and suppliers comply with the standards referred to in paragraph 1 and provide adequate and appropriate information, including hazard warning signs, in the official language or languages of the user country, to the users and, on request, to the competent authority.
 3. Employers shall ensure that workers receive and understand the safety and health information supplied by manufacturers, importers and suppliers.

Notes

1. IPEC: *Every child counts: New global estimates on child labour*, (Geneva, ILO, 2002), p 23.
2. IPEC: *Training resource pack on elimination of hazardous child labour in agriculture* (Geneva, ILO, 2005).
3. IPEC and the Inter-parliamentary Union: *Eliminating the WFCL. Handbook for Parliamentarians No. 3*, (Geneva, ILO, 2002), p 29.
4. IPEC: *Action against child labour* (Geneva, ILO, 2000), p 150.
5. ILO: *Guidelines on occupational safety and health systems* (Geneva, 2001).
6. IPEC: *Eliminating hazardous child labour step by step* (Geneva, ILO, undated brochure).
7. IPEC and ILO SafeWork: *Law and Practice Report on the Health and Safety Aspects of ILO Convention No. 182 in Preparation for an ILO Tripartite Meeting of Experts on Hazardous Child Labour* (Geneva, ILO, 2005).
8. This resource material for SCREAM (Securing Children's Rights through Education, the Arts and the Media) is available from www.ilo.org/scream or by contacting ILO-IPEC directly.

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