

**Child labour book series:
Corporate social responsibility
for farmers, No. 1.**



UNDERSTANDING THE CONCEPT OF CHILD LABOUR



**International
Programme on
the Elimination
of Child Labour
(IPEC)**

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Understanding the concept of child labour

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of Child Labour (IPEC)**

International Labour Organization (ILO)

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Table of contents

Introduction 1

The meaning of child labour 2

 What is child labour? 2

 How is child labour different from child work? 4

 Push and pull factors 5

Key elements: The concept of child labour 6

 Minimum age of employment and child labour 6

 Minimum age for assignment in agriculture 7

 Conditions of work: Convention No. 182 on Worst Forms of Child Labour 7

 Child Labour deprives the child an opportunity for education 9

Conclusion 11

INTRODUCTION

Eliminating Child Labour in Tobacco Growing (ECLT) Foundation is an initiative by the tobacco corporate sector launched in Geneva in 2002 (office was officially opened in 2001) to address child labour in commercial agriculture. The Foundation believes that needs of each country are unique, needing the full engagement, participation and pro activeness of local populations. The foundation promotes rights of children to schooling, family life, security, safety and healthy upbringing. The ECLT works in close partnership with key national actors such as government, employers associations, trade union, tobacco growers, community, civil society and the corporate sector to comprehensively and sustainably address child labour in agriculture.

In principle, the ECLT supports the ILO Conventions which prohibit hazardous work for children under the minimum age of employment and therefore advocates against use of child labour in hazardous commercial agriculture, particularly the use of machinery and agrochemicals by children in tobacco farming or activities that hamper school enrolment, attendance, performance and retention. The approach emphasized by the foundation is multi sectoral due to the complex and multi dimensional nature of the child labour problem and therefore common strategies include prevention, withdrawal, protection, capacity building and improving livelihood of communities. The foundation has supported activities such as integration of child labourers into formal education or skills training, strengthening education infrastructure, support to non formal education, income generation grants to families and youths, improving access to markets, provision of basic health services, strengthening agricultural methods and increasing awareness.

Tanzania begun taking action against child labour in 1994 when a Memorandum of Understanding was signed between the ILO and the Government of Tanzania aiming to tackle the child labour problem. ILO International Programme on the Elimination of Child Labour (IPEC) which begun in 1995 supported the implementation of activities that targeted capacity building, direct action (prevention, withdrawal and protection), provision of educational opportunities and improving livelihoods. Although specific interventions to eliminate child labour in tobacco agriculture begun when the nation identified commercial agriculture as one of the worst forms of child labour sectors and therefore needing immediate interventions, the national and international commitment to take action against hazardous child labour in agriculture had begun through international conventions. The ECLT Foundation is supporting the production of the booklet through the project called "Towards sustainable action for prevention and elimination of child labour in tobacco farming in Urambo district, Tanzania."

This booklet is one in a set of three booklets that aims at educating stakeholders about the problem of child labour, the national policies, legislation and strategies and the specific hazards of engagement of children in tobacco farming. Readers are encouraged to read the full set in order to get a full understanding of the problem and interventions at both a national and global levels.

THE MEANING OF CHILD LABOUR

From studies carried out by the ILO and its social partners through the International Programme on the Elimination of Child Labour (IPEC), there is evidence that the number of working children is increasing and that child labour and in particular of hazardous and exploitative nature is becoming rampant. This makes it necessary for all actors to collaborate and take action to address child labour. As a starting point, it is important to understand the concept of child labour and what makes children work.

What is child labour?

Children are a key part of any nation; however, their engagement in economic activities is often limited due to their ability, age and circumstances (attending school). Children are therefore engaged in a number of economic activities ranging from prostitution, agriculture, fishing, street vending, stone crashing, industrial work, construction, mining and other sectors. Engagement in these economic activities is child labour. In other words, child labour is defined as work performed by children under 18 years of age which is exploitative, hazardous or inappropriate for the age and which is detrimental to their schooling or social, mental, spiritual and moral development (Country Report 2000/2001 Integrated Labour Force and Child Labour Survey).

This does not mean that children should not work, as part of the normal socialization process, children work, but under conditions of close supervision, conditions that are not hazardous or damaging to the child, non exploitative conditions and in conditions that allow them to attend schooling, play, socialize and develop. The term child labour is defined as work that deprives a child of their childhood, opportunities for growth and learning, loss of potential and dignity. It is basically harmful to the growth of the child.

Essentially, the concept of child labour embodies the following elements:



(i) Work done by a child:

According to international conventions, regional agreements and national laws, a child is a person below the age of 18 years. Usually, the age of employment is set at an age where children are expected to have completed primary education. As it will be seen in the next section, the age of employment can be below the age of 18 years as long as the condition of work are conducive to the growth and development of the child.

(ii) Hazardous/Harmful:

Work is considered harmful if it causes harm/damage to the development of the child intellectually, psychologically, asexually, emotionally, physically and mentally. Hazards embody elements of the work load, hours of work, working conditions (working tools etc) and the age at which the child is employed.

(iii) Deprives the child an opportunity for education:

A child works in circumstances that either limit or completely denies them access to education; that work is considered harmful. Education is said to be a key strategy for unleashing the potential in children, by availing them the opportunity to learn and eventually break the poverty cycle. Education is emphasized in different forums as will be seen in the next section.

(iv) It is illegal/an offence punishable by law:

Under ordinary circumstances, governments will enact laws that stipulate the minimum age of employment for people. The legislation will state the minimum age for employment, work that is considered hazardous, it will provide a hazardous list. All actors are expected to enforce the law by not engaging in such practices and also by setting strategies and mechanisms that will support the implementation of the laws.

How is child labour different from child work?

Child work/chores	Child labour	Key differences
Part of socialization. All children have to learn to work	Children work as a means of meeting household income, or meeting their own basic needs/educational needs (forced to work for pay in kind or in cash)	While child work is ordinary work that a child does as part of the socialization process; child labour entails a push and pull factor, circumstances that force children to become child labourers
It is not harmful	It is likely to cause physical, psychological, emotional, emotional and other kinds of harm to a child.	A child's physical, emotional, intellectual, psychological and emotional development depends on an environment that does not interfere with that process. child labour interferes by negatively impacting on the growth process
It is not exploitative. Children produce	It is exploitative; children produce more within a short time for little or not pay. Some adults prefer children to adults because children are cheaper, faster, more obedient and nimble	A child working in a home environment is often given chores that allows them to have time to play, go to school, do their homework and rest. A child who is employed to work does not have time for school or if they attend school, they have no time for homework, no time to rest and no time to play.
Conditions in which children work are safe and promote the healthy development of the child	Children work in conditions that are not safe, they do not use protective gears, are exposed to harmful substances, work long hours, are verbally abused	Because working at home does not habitually involve use of harmful substances or dangerous equipment the kind of chores that children will do are not likely to harm them. Employed children on the other hand are frequently forced to work without protective gears, are exposed to harmful substances, are exposed to dangerous tools/machinery
Child has time for school, play, socialization and rest	Child does not have time for school/limited time for school, no/little time to play	Unless employment is mixed with school, working children in most cases do not have time for school or only have limited time. Many drop out because employment may involve long hours and many days, some continuously running up to four months of the year. Chores on the other hand are done after school, or just before school and there is a balance between work and school demands.

Push and pull factors

Poverty is the largest push factor. Working children repeatedly come from poor families. They often work to supplement family income. This is why child labour is linked to poverty and poverty reduction. It is essential for all stakeholders to understand that in order to effectively address the problem of child labour it is critical to address issues of poverty reduction as well. It is also important to understand that child labour and poverty are interdependent, in that children who remain in child labour are likely to be poor and their children are likely to be poor. Child labour can pass from one generation to another if action to address it is not taken.

The existence of opportunities to employ children, particularly in agriculture make children as well as their parents look for opportunities to earn extra income for the family or to meet some of the basic needs. For example, tobacco farming is a labour intensive crop that requires labourers. Farmers who grow tobacco have over the years employed children because children are easier to control and because they pay them less than adults. These practices make the elimination of child labour difficult as tobacco farmers are ready to employ children and less willing to employ adults.

There is also widespread belief that it is the responsibility of children to work to supplement family income and help the family meet some of the needs associated with schooling. This belief often compromises the need for the child to develop and reach their potential. It is critical to make a clear distinction between work that a child does as part of their social development process and work that deprives the child of the opportunities to develop.

SUMMARY

The problem of child labour is complex and the strategies for addressing the problem are intended to engage the public in visualizing the complex nature of the problem and the impact of the engaging children in economic activities that in the end are detrimental to the development of the child. In light of this fact, all key stakeholders have a critical role in implementing this strategy. However, because the major push factor is often household poverty and thus child labour is a strategy to address the challenges of poverty, it is vital to connect the strategy to poverty reduction policies and strategies.

KEY ELEMENTS: THE CONCEPT OF CHILD LABOUR

Minimum age of employment and child labour

A child is defined by the Convention on the Rights of the Child of 1989, ILO Convention No. 182 on the Worst Forms of Child Labour (1999), ILO Convention No. 138 on Minimum Age of Employment 138 (1973) and African Charter on Welfare of the Child, all define a child to be a person under the age of 18 years.

Convention No. 138: Note that not all work is restricted for children less than 18 years of age. Every nation is obliged to stipulate the age at which a young person is legally allowed to be employed. It is often the age at which a child will have completed basic education. In Tanzania, the minimum age of employment is 14 years for light work. Convention No. 138 categorizes the age at which a child can be employed; the convention states as follows:

Age	Condition	Recommendation from Conventions	Status in Tanzania
13 - 15 years	Light work – Work which will not harm the health or development of the child	Minimum age of employment should not be less than 15 years	Minimum age of employment is 14 years for light work
15 -18 Years	Work that will not limit/hinder them from attending school Allowed to do light work under conditions that are not hazardous, exploitative and promotes the development of the child. Different countries have a minimum age for employment	Children of 16 years can work in hazardous conditions only under strict conditions	All children below the age of 18 years are not allowed to work in hazardous conditions.

Measures to ensure age of children is acceptable for work include registering all children at birth (thus all children will have birth certificates); all employer are required to register all their employees (including their age).

Minimum age for assignment in agriculture

ILO Convention No. 184 on Safety and Health in Agriculture (2001), states that minimum age of work in agriculture should not be less than 18 years. Tanzania has not ratified this Convention.



The Convention states that an allowable 16 years of age as the employment age is allowed only where appropriate training is given and where the safety and health of young workers are fully protected. However, this is an exception to the general rule which states that children below 18 years should not be engaged in hazardous work. A *hazard* is anything with a potential to do harm.

SUMMARY

The age of a child is important in determining the type of work a child should undertake. The only exception is only when work is hazardous or unconditional, in which case, no child under the age of 18 years should be engaged in hazardous work unless the working conditions are improved and made conducive for children to work in.

Conditions of work: Convention No. 182 on Worst Forms of Child Labour

Convention No. 182 on worst forms of child labour (1999) and its Recommendation No. 190 state that work that is considered dangerous for a child below the age of 18 years is as follows:



- Exposes children to physical, psychological or sexual abuse.
- Work that is done underground, under water, at dangerous heights or in confined spaces.
- Work done with dangerous machinery tools or involves manual handling or transport of heavy loads.
- Work done in an unhealthy environments which may expose children to hazardous substances, agents or processes or to temperatures, noise levels or vibrations damaging to their health.
- Work done under particularly difficult conditions such as work for long hours or during the night or work where the child is confined to the premises of the employer.

Worst forms of child labour are categorized into two groups, the **unconditional worst forms**, these are the types of child labour that cannot under any circumstance be tolerated, for example child prostitution, recruitment of children in armed conflict, engaging children in illicit activities (e.g. sale of drugs) and forced labour. These economic activities are often illegal.

MAIN ELEMENTS IN CONVENTION No. 182

- Covers children below the age of 18 years
- Requires immediate and effective measures for the prohibition and elimination
- Includes slavery, forced labour, sale and trafficking of children, forced recruitment of children in armed conflict, use of children in prostitution, pornography, illicit activities, and hazardous work
- Requires penal sanctions
- Requires monitoring systems
- Requires criteria for determining hazardous work

The second category is work that by its nature is legal, but the working **conditions are hazardous**. In contrast with unconditional worst forms of child labour, the working conditions can be improved and older



children (above the legal working age) can be employed. Improving working conditions means removing all the elements that make that work hazardous. Due to this, hazardous forms of child labour must be stipulated in national legislation and conditions that make the work hazardous must also be made clear. However, Convention No. 138 and Recommendation No. 146 stipulate that where states have made entrance in hazardous work lower than the age of 18 years, it must progressively raise it.

Where children are employed in hazardous sectors – where the hazards are removed, the government must be able to do the following:

- Supervise and safeguard the conditions in which children work, even if it is for vocational training
- Provision of fair remuneration and its protection
- Strict limitation of hours spent at work – allowable hours should enable the child attend vocational training
- 12 hours night rest and resting in all holidays and weekends
- Annual holiday with pay of at least four weeks
- Social security coverage (including medical and other applicable social security schemes)
- Assurance of adequate standards of occupational health and safety during all hours of work

SUMMARY

Basically, while Convention No. 138 stipulates on categories of ages of children and the allowable ages for employment, Convention No. 182 lays the basic fundamentals and restrictions for the employment of children in certain sectors. It provides that children should not as a matter of principle be allowed to work in conditions that are unacceptable or hazardous. If on the other hand a national government has set a legal age for employment, that includes employment in sectors considered hazardous, then strict conditions of supervision and minimum acceptable working conditions must be set

HAZARDOUS WORK INCLUDES WORK THAT INVOLVES

- Exposure to abuse (physical, emotional, sexual, verbal, psychological)
- Work that is conducted underground or under water
- Work done at heights or in confined spaces
- Work that involves using dangerous equipment or tools
- Work that is carried out in unhealthy environment or involves hazardous substances
- Working in excessive hours, transporting heavy loads or having to work at night
- Likely to jeopardize the health, safety or morals of young persons

Child Labour deprives the child an opportunity for education



Recommendation No. 148 of Convention No. 138 makes it conditional for governments to have strategies and systems in place in order to ensure the effective and successful implementation of the convention. Among other things, such as the legal system, the Convention has urged national governments to have effective education systems in place.

The international agreements and commitments emphasize access to compulsory education because many working children often do not get the opportunity to attend school and therefore improving access to education is a strategy to reduce child labour and at the same time, it increases the chances for children to a better future. However the quality of education provided is critical for children to stay in school. A training study undertaken in Urambo (2008) indicates that a majority of the children work between 3 -6 hours in tobacco farms followed by a significant number that works between 7 -10 hours.

Studies have revealed that children who work for a significant number of hours and days are likely to drop out of school, get lower marks/grades and have irregular attendance. Often some of the children who have dropped out cannot go back to lower grades because of their age, as a result, there is lower confidence among. In such cases alternatives such as complementary basic education is provided. The Figure below shows the number of children that have not attended primary education (Training needs assessment In Urambo District, 2008).

It is also important for children to get the education support needed for them to continue with education. Many of the working children work in order to get educational and other basic needs, but this objective is often defeated because they are not able to fully take advantage of the education opportunities because of the number of hours spent working in the farms to get those needs. For example, the training needs assessment done in Urambo in 2008 reveals that a significant number of children work to get money to buy school needs.

At the same time, in order to compensate for the loss of child's labour at household level, parents of working children are assisted with grants or credit that they can use to engage in income generation.

THREE KEY INTERNATIONAL AGREEMENTS THAT LINK CHILD LABOUR TO EDUCATION

ILO Minimum Age Convention No. 138 and Recommendation No. 146 (1973)

The Convention states that all children of school going age should be in school and no child of school going age should be employed.

It also calls national governments to set the minimum age at 16 years.

The Convention on the Rights of the Child (CRC) 1989

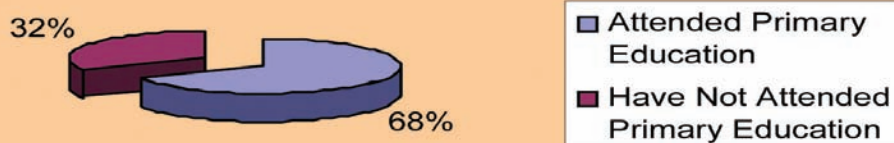
This is the first comprehensive treaty on rights of children. The convention addresses education for children in the following ways:

- guaranteeing children the right to be protected from economic exploitation;
- obliging governments to regulate and enforce minimum age, hours and conditions of employment;
- guarantees a child right to free primary education;
- directs the child's education to a wide range of skills and knowledge beyond numeracy and literacy.

UNESCO World Declaration on Education for All (1990)

Created a framework for providing education to all children that committed governments to meet the basic learning needs of all children, youth and adults and recognized that basic education can also be informal.

CHILDREN THAT DO NOT ATTEND PRIMARY SCHOOL



SUMMARY

One of the most effective strategies for elimination of child labour is improving access to education and retention of children in schools. Education provides opportunities for children to expand their knowledge and their chances of further educational advancement and eventually safer working conditions and better incomes. However, different actors play a critical role in ensuring that children attend schools, including parents, employers and school systems.

CONCLUSION



The concept of child labour is multi dimensional; its causes are related to poverty. However, these push and pull factors can be addressed to reduce impact on the child. The following issues are imperative to understand about the concept:

- ❖ The concept is also not homogeneous across different countries. Each country is required to stipulate the minimum age of employment in line with the convention and with the objective or progressively raising it as required under the convention.
- ❖ In principle, children should work as a means of socializing and learning about responsibilities. However, parents and employers must take caution to ensure that in doing work/chores, children are not exploited, abused or denied their basic rights, including right to play, learn, socialize and get basic needs. These rights are often legalized in national laws and must at all times be respected and adhered to.
- ❖ Worst forms of child labour are unconditional, in that they cannot be tolerated by our communities and all key stakeholders must take all action possible to eliminate the unconditional worst forms of child labour.
- ❖ Hazardous forms of child labour, which also fall under the worst forms of child labour cannot be tolerated and steps must be taken to ensure that children are not engaged in hazardous child labour. However, if steps are taken to remove the hazards from the work, young people who have reached the age of employment can be employed. In order for this to happen, national government must ensure that at all times, workplaces are closely monitored and that children are continuously protected from harm.
- ❖ Education is a key strategy in the elimination of child labour. National governments must strive to ensure that all children of school going age are attending school and that there are educational opportunities for older children that have completed primary school, particularly vocational education. In order for national governments to be successful in carrying this out, all stakeholders must be involved in supporting this cause. Education should be formal, but where the context requires informal or alternative models of education for children and adults alike, these must be sought, as long as the national education standards are met.

ILO
International Programme on the
Elimination of Child Labour (IPEC)

ILO Area office for Kenya, Somalia, Tanzania and Uganda
Kazi House, plot no 75/25 Maktaba Street
P.O Box 9212 Dar es Salaam, Tanzania
Tel: +255 22 2196700
Fax: +255 22 2126627
Email: daressalaam@ilo.org
Website: <http://www.ilo.org/daressalaam>

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