



ILO

Briefing Notes

DECENT WORK IN ARGENTINA



International
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I. Preventing and eradicating child labour is a priority to achieve the Decent Work goal

Some children work: they go together with their parents during the harvest and they classify crops; they move from one province to another in the sugarcane harvest season; they tend to animals at home, collect water and lumber, gather hardboard; juggle at traffic lights; care for the elderly; very often girls remain in charge of their younger siblings.

In the most extreme cases, some children are subjected to the worst forms of child labour (work related to illicit activities) or hazardous child labour, that is to say, work that jeopardizes their physical, mental or moral well-being (ILO).¹

In Argentina, all forms of child labour are banned by law and, although employers' and workers' organizations as well as the Government at the national, provincial and local levels make great efforts to progressively eradicate it, its incidence is still believed to be high. Since it is a complex problem, the most efficient interventions are those that address several dimensions at the same time: schooling, health care, access to social protection, labour market regulation, effective application of regulations and cultural practices.

Considering that the prevention and eradication child labour is both a global goal as well as a national priority to achieve Decent Work,² this briefing note aims at providing the current status of the problem in Argentina and at identifying some of the pending challenges for public policies in the immediate future.

Global Reports and Hemispheric Agenda on Decent Work for Latin America

The last three ILO global reports on child labour³ highlight significant progress in the fight against this scourge worldwide. Nonetheless, the last report presented at The Hague meeting in 2010 shows that, although there continues to be a decreasing trend, there has also been a slow down in the pace of child labour reduction since 2006. In absolute terms, 215 million girls and boys are still victims of this problem.

The elimination of child labour is essential for achieving several of the millennium development goals established by the international community, such as poverty reduction, primary schooling, expansion of secondary school enrollment, and building of decent work paths. Furthermore, the eradication of child labour is one of the objectives of the Millennium Development Goals agreed upon between the UN and the Argentine Government in 2003.

The ILO Hemispheric Agenda on Decent Work⁴, adopted in 2006 by government, employer and worker representatives on the occasion of the 16th ILO Regional American Meeting, proposed the objective of progressively eliminating child labour and established the following goals for the region: a) eliminating the worst forms of child labour by 2015, and b) fully eliminating child labour by 2020.

These goals, besides representing a political commitment of governments and employers' and workers' organizations, allow a breakdown into technical objectives. Thus, it is possible to monitor their degree of fulfillment. For instance, Central American countries like Panama or the Dominican Republic developed Road Maps, through tripartite consultations, that set forth six dimensions to be considered to achieve the Hemispheric Agenda Goals: social policies and the fight against poverty; education; health; regulatory and legal framework; social perception and mobilization; and knowledge generation and follow-up.

1. For additional information please refer to: <http://www.ilo.org/public/spanish/standards/relm/ilc/ilc87/com-chic.htm>

2. Argentina endorsed the Millennium Development Goals (MDGs) in 2003 and, among them, the eradication of child labour is a goal within the objective of promoting decent work. For additional information please see: www.politicassociales.gob.ar/odm

3. Document can be found at: http://www.ilo.org/global/publications/ilo-bookstore/order-online/books/WCMS_PUBL_9221124169_EN/lang--en/index.htm

<http://www.ilo.org/ipec/Campaignandadvocacy/GlobalChildLabourConference/lang--en/index.htm>

<http://www.ilo.org/ipec/Campaignandadvocacy/GlobalChildLabourConference/lang--en/index.htm>

4. Document can be found at: http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---webdev/documents/publication/wcms_071488.pdf

II. Child labour in Argentina: regulatory progress and important data

As regards regulations, progress must be placed into the context of legislative advances related to the comprehensive protection of children achieved in the last three decades. Evidence thereof is the ratification of the Convention on the Rights of the Child in 1990, and its subsequent incorporation into the National Constitution of 1994. On the other hand, Argentina ratified Convention No.138 on the minimum age for admission to employment⁵, adopted by Law No. 24.650, in 1996; and Convention No. 182 on the worst forms of child labour,⁶ adopted by Law No. 25.255, in 2001, although the country has not yet approved the list of hazardous work as foreseen in the latter Convention.

Besides establishing the pertinent rights, Law No. 26.061 on the Comprehensive Protection of the Rights of Girls, Boys and Adolescents enacted in 2005, regulates the System for Comprehensive Protection of the Rights of Girls, Boys and Adolescents and creates the National Secretariat for Children, Adolescents and the Family; the Federal Council for Children, Adolescents and the Family and the Ombudsperson for the Rights of Boys, Girls and Adolescents. Likewise, Law No. 26.390 was passed in 2008, providing for a progressive increase in the minimum age of admission to employment; in 2010 it was increased to the age of 16. Recently bills were presented for imposing criminal sanctions on those hiring girls and boys.

With regard to the so-called “worst forms of child labour”, Law No. 26.364, on the Prevention and Sanction of Trafficking in Persons and Assistance to Victims, was enacted in 2008, which allowed the adjustment of national legislation to the UN Convention against Transnational Organized Crime.

Although progress made in the legal fields has been essential, it is necessary to have a set of policies and actions that promote effective compliance, so that the rules can go beyond a merely regulatory framework.

When consulting available quantitative information, according to the Survey on the Activities of Girls, Boys and Adolescents (EANNA) carried out in 2004⁷, it can be noted that 6.5% of children from 5 to 13 worked in market-oriented activities during the week under study. With regard to other activities, 4.1% carried out self-consumption actions and 6.1% did domestic work for 10 weekly hours or more. Among adolescents between the ages of 14-17, 20.1% worked during the week of reference in market-oriented activities, while 6.6% in production for self-consumption and 11.4% in intensive domestic work (15 hours or more).

In all cases, a greater percentage of child labour is found in the rural environment. Furthermore, the prevailing kind of labour among girls, boys and adolescents is the assistance they render to their parents or other family members in their work, which accounts for six out of ten children and four out of ten adolescents.

A strong link appears between child labour and the level of education of their mothers. According to EANNA, over 16% of children between the ages of 5 and 13 working in urban areas, have mothers who never attended an educational establishment or did not complete primary education, while in the case of children who do not work, such percentage amounts to 10.5%. In rural areas, 63.8% of the working children have mothers who never attended school or who did not complete their primary education, while that percentage was 42.1% for non working children.

Measuring hazardous and the worst forms of child labour is a very complex task, given their relationship with criminal activities, such as the commercial sexual exploitation of children. Nonetheless, in 2004,

Global figures on child labour

The latest global estimates (ILO, 2010) indicate that most of the working girls and boys between the ages of 5 and 14 live mainly in Sub-Saharan Africa (28.4%); secondly, in Asia and the Pacific (14.8%) and, finally, in Latin America and the Caribbean (9%).⁸

Although child labour is decreasing in Latin America and the Caribbean, no generalizations can be made as appears in the report prepared by ILO, UNICEF and the WB based on statistics from 27 countries. According to this report, only in eight out of 11 countries in the region has the percentage of children working in an economically productive activity decreased⁹ (ILO-UNICEF-WB, 2010).

Within the economic sectors with the highest concentration of working children and adolescents between the ages of 5 and 17, agriculture (60%), services (25.6%) and industry (7%) are among the most significant areas. It is important to underscore that agriculture is considered one of the three most hazardous sectors, together with construction and mining, and that most activities carried out by boys and girls in the agricultural sector are framed within the so-called worst forms of child labour, whose eradication is a priority as established in ILO Convention No. 182.

With regard to the status of employment, most girls, boys and adolescents between the ages of five and 17 are non remunerated family workers (67.5%), followed by salaried workers (21.4%) and the self-employed (5%).

5. Document can be found at: <http://www.ilo.org/ilolex/cgi-lex/convds.pl?C138>

6. Document can be found at: <http://www.ilo.org/public/spanish/standards/relm/ilc/ilc87/com-chic.htm>

7. The Survey on the Activities of Girls, Boys and Adolescents was a joint initiative of the Ministry of Labour, Employment and Social Security, the National Institute of Statistics and Censuses –INDEC- and ILO. “Infancia y adolescencia: trabajo y otras actividades económicas. Primera encuesta. Análisis de los resultados en cuatro subregiones de la Argentina”, ILO-INDEC-MTESS, 2006. Please see document at: http://www.oit.org.ar/documentos/eanna_2006_simpoc_ar.pdf

8. “Accelerating action against child labour”, Global report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, 2010

9. “Joining Forces Against Child Labour”, Inter-Agency Report for The Hague Global Child Labour Conference 2010,

Argentina developed an indicator on hazardousness or risks related to the workplace, according to which the most exposed group are girls and boys between the ages of 5 and 13. Within this age group, one out of four working children carries out activities in the street or in means of transport (28.8%), and just over half of them work in these places or in a household that is not their own. Adolescents between the ages of 14 and 17 work in places classified as more protected.

III. Specific measures for eradicating child labour in Argentina

Actions to prevent and eradicate child labour in Argentina have been carried out through a series of public and private institutions. Within the public environment, the National Commission for Eradicating Child Labour (CONAETI) –made up of national ministries, employers' and workers' organizations and the Episcopate- has established the public policy framework, and has addressed the problem comprehensively, from a national standpoint, through the National Plan to Prevent and Eradicate Child Labour (2006-2010)¹⁰ and the National Plan to Prevent and Eradicate Child Labour and Protect Adolescent Work (2011-2015).¹¹ CONAETI has promoted –together with the Federal Labour Council (CFT)- the establishment of complex institutional machinery based on the creation of Provincial Committees for Eradicating Child Labour (COPRETI), which nowadays operate to a greater or lesser degree, in 23 out of the 24 country jurisdictions. These provincial committees carry out an important social dialogue exercise, and have ensured coordination between local, provincial and national resources. The fact that the provincial committees are close to local problems allows the adjustment of responses to child labour issues to each territorial reality.

It is worth highlighting progress achieved in the inter-ministerial articulation on issues related to work, health and education, since these are core aspects of child labour prevention and eradication. In this regard, in June 2007 an Agreement was signed between CONAETI, the Ministry of Labour, Employment and Social Security (MTEySS), the Ministry of Education and the Federal Labour Council based on which the educational retention policies of the Ministry of Education were coordinated with training and employment programmes of the Employment Secretariat –MTEySS-, using the list of working girls and boys identified by labour inspectors.

Actions of the MTEySS are also essential as far as child labour inspection is concerned; indeed, in 2011, the CFT adopted "Minimum Standards for addressing Child and Adolescent Labour through Work-related Inspections", setting the bases for coordinated work in the struggle against child labour and the protection of adolescent work in

Argentina. That same year, MTEySS formalized the Coordination Office for Child Labour Prevention and Adolescent Work Protection, within the Under-Secretariat for Labour Oversight and Social Security, Labour Secretariat.

In the field of education, teachers' participation is increasing. They play an essential role in identifying child labour as well as in transforming cultural guidelines. An example thereof is the Programme on Building a Future with Decent Work launched in Argentina in 2004, with the purpose of including in secondary school curricula the concept of Decent Work and Fundamental Labour Rights and Principles. This project –coordinated by the Ministry of Education and MTEySS, with the support of the ILO Office in Argentina- is mainly targeted to secondary school students, educators and parents. Within this framework, training modules for secondary school teachers were developed using the distance learning platform Explora, as well as booklets and modules to work on the concept of Decent Work in classrooms.¹²

Likewise, coordination with the health sector is of utmost importance given its power to identify cases of child labour. Health workers are the ones who –at primary health care centers and hospitals- treat girls, boys and adolescents who have suffered work-related accidents, injuries and intoxications. Notification of health problems in children and adolescents is one of the issues on these ministries' agendas, which is reflected in the fact that, for the first time in Argentina, child labour appears as a risk factor in medical records at hospitals. Within this spirit, an agreement was signed in 2011 between MTEySS, the Ministry of Health and CONAETI.¹³

Another health institution that performs an important role for eradicating child labour is the Argentine Pediatric Society which, among its different activities, signed an agreement with MTEySS and CONAETI in 2009 to work in a coordinated manner on generating and exchanging information, and on promoting awareness-raising campaigns. Furthermore, in 2010 it included for the first time a specific module on child labour in the National Programme on Pediatric Updates (PRONAP).

On the other hand, the implementation of the Universal Child Allowance (AUH)¹⁴ in November 2009 entails an advance in public policies and is expected to have a positive impact on health, school retention and reinsertion. Moreover, a higher family income can help reduce the number of mothers in precarious jobs, in which they usually undertake risks together with their children.

Finally, several studies on child labour in Argentina during the last decade¹⁵ reflect a growing interest of the academic community in the characteristics of child labour, as well as a clear demand of provincial governments and social players, who require additional knowledge

10. For additional information please see: <http://www.trabajo.gov.ar/conaeti/actividades/files/PlanNacCONAETI.pdf>

11. For additional information please see: <http://www.trabajo.gov.ar/left/estadisticas/otia/politicas/verPolitica.asp?id=54>

12. For additional information please see: <http://explora.educ.ar/noticias/nueva-propuesta-de-formacion-explora/>

13. For additional information please see: <http://www.trabajo.gov.ar/left/estadisticas/otia/normativa/verNormativa.asp?id=65>

14. The programme includes a monetary transfer that holds parents responsible for fulfilling requirements in health and education for girls, boys and adolescents under 18 (save for the disabled, in which case there is no age limit), to help families in the informal economy, domestic workers and the unemployed. In 2011, the programme was extended to pregnant women as from the third month of pregnancy.

15. Recent Publications can be consulted on the web site of OTIA (Child and Adolescent Labour Observatory): <http://www.trabajo.gov.ar/left/estadisticas/otia/centroDoc/index.asp>

on the problem so as to guide decision-making. In this case, the initiative of the Child and Adolescent Labour Observatory of MTEySS has been a key element, since it provides technical assistance for the quick development of studies and baselines, producing reliable and accurate information on the different modalities of child labour, while collaborating in the creation and strengthening of regional observatories.

Other relevant instances are public-private partnerships. In this regard, in 2007, the business sector created together with CONAETI, a Business Network Against Child Labour, one of whose priorities is the elimination of child labour in the value chain. Child labour takes place mainly through the participation of children in activities carried out by their parents. Therefore, it is worth underscoring the efforts of the Business Network to guide its actions towards activities that are a part of the value chain, so that children do not participate in any segment of production.

On the other hand, there is the Global Compact, an initiative launched by the United Nations globally in 2000 and in Argentina in 2004, with the purpose of having companies support universal values and principles in Human Rights, Labour Rights –including the eradication of child labour– and the Environment.

Finally, it is worth underscoring the many public-private partnership experiences to provide appropriate support to girls and boys so that their parents can work during the harvest season. When such initiatives take place at the local level, they are reinforced even further since they provide solutions to eradicate specific problems.

IV. Eradicating child labour is a pending challenge

Although education, health, conditioned monetary transfers (as the Universal Child Allowance) and awareness-raising are important actions, these initiatives on their own are not enough. Eradication of child labour calls for the coordination of efforts and initiatives in all its dimensions. Actions must be comprehensive and bring together social protection elements to diminish family vulnerability. Teachers must become involved, as well as the health teams that must link damages or injuries with labour activities, and be aware of the local resources available for child care referral. It is also necessary to consider decent work opportunities for youth and children's parents, to strengthen child and adolescent labour inspection, and to contemplate community mobilization based on dialogue and knowledge of local activities involving children.

Furthermore, social dialogue is a true condition so that COPRETI's can become the local reference point for the topic, and be viewed by citizens as a tripartite environment in the quest for responses and solutions.

The employer sector, through initiatives such as the Business Network against Child Labour and the Argentine Global Compact Network, has found a forum for learning and synergy, leading to reinforce corporate social responsibility actions, within a framework of respect for Fundamental Principles and Rights at Work. On the other hand, trade union organizations have a huge potential to strengthen and train trade union leaders for the inclusion of clauses on child labour in Trade Union Co-responsibility Agreements, for discussing forms of payment and their link to child labour –as happens in piece work– and for joining daily actions to promote decent work with the efforts of eradicating child labour and protecting that of adolescents.

COPRETI's composition has meant significant progress. The priority must now be to continue reinforcing it from the central level, apart from fostering horizontal cooperation.

With regard to hazardous child labour –as already stated– Argentina ratified Convention No. 182 on the worst forms of child labour, although the approval of the list of hazardous work in the country is still pending. Moreover, outlining such a list will be essential to design specific policies and programmes for the eradication of this kind of work.

Finally, there is still the need to carry out a periodic, systematic survey and monitoring of child labour at the national level. Becoming aware of actual, updated information can lead to evaluating the impact of actions implemented, besides providing greater power to any initiative aimed at definitively preventing and eradicating child labour.

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