



CHILD LABOUR

IN

JAMAICA

SASHA DEER-GORDON
DIRECTOR, CHILD LABOUR UNIT

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STRUCTURE OF THE PRESENTATION

- ❖ Introduction: Myths
- ❖ Definitions: Child Labour, Child Work & Hazardous Work
- ❖ International Standards & ILO Conventions re: Child Labour
- ❖ Tenets of International Convention
- ❖ Jamaica's Legal Framework
- ❖ Highlights of the Findings of Jamaica Youth Activity Survey 2016
- ❖ MLSS' Roles and Responsibilities
- ❖ The Way Forward



INTRODUCTION: MYTHS

- ❖ I worked as a child - child labour does not do any harm;
- ❖ Most child labourers are almost adults anyway, so it is ok;
- ❖ Child labour is an inevitable consequence of growth and development;
- ❖ Child labourers work only in sweatshops;
- ❖ All businesses that use child labour should be shut down immediately;
- ❖ The work that child labourers do is not very hard --- so it is okay.

WHAT IS CHILD LABOUR?

Child Labour is any legal or illegal activity that is mentally, physically, socially or morally dangerous and harmful to children and interferes with their schooling by:

- ❖ Depriving them of the opportunity to attend school;
- ❖ Obliging them to leave school prematurely;
- ❖ Requiring them to attempt to combine school attendance with excessively long and heavy work.

WHAT IS CHILD LABOUR...CONT'D?

In addition, Child Labour also:

- ❖ Violates children's fundamental rights as human beings;
- ❖ Is dangerous, threatening and exhausts their strength, damages their bodies and takes advantage of their young age;
- ❖ Harms their growing up or robs them of this period of their life called "childhood";
- ❖ Is harmful to a child's health and development and must be prevented and eliminated.

HAZARDOUS WORK

Section 33 (3)(a) of the Child Care and Protection Act, 2004, addresses Prohibited Employment.



- Any work that is likely to be hazardous or to interfere with the child's education or to be harmful to the child's health or physical, mental, spiritual or social development;

- Night work or in an industrial undertaking.



PROPOSED HAZARDOUS LIST

These are some of the occupations identified as hazardous work for a child.

- Fisherman
- Fish Scaler
- Pest Control Technician
- Fumigator & Other Pest & Weed Controller
- Pet Groomer
- Chemical Products, Plant & Machine Operators
- Collector, Scrap Metal
- Welding Technician
- Massage Therapist
- Spa Technician

CHILD WORK

Child Work is:

- ❖ Helping parents care for the home and family for short periods during the day (not during school hours);
- ❖ Teenagers working for a few hours before or after school;
- ❖ Work during holidays to earn pocket money.

International Standards & ILO Conventions Re: Child Labour

Child labour and children's right to education are directly and indirectly connected to many international standards and initiatives. Key elements of the international framework include:

- ❖ The Universal Declaration on Human Rights - 1948;
- ❖ The UN Convention on the Rights of the Child - 1989;
- ❖ ILO Conventions - Minimum Age For Admission to Employment C138 (1973) & Worst Forms of Child Labour C182 (1999);
- ❖ ILO Convention Declaration on the Fundamental Principles and Rights at Work;
- ❖ Sustainable Development Goals.

SOME TENETS OF THE MINIMUM AGE CONVENTION (C138)

	Minimum Age at which children can start work	Possible exceptions for developing countries
Hazardous work Any work which is likely to jeopardise children's physical, mental or moral health, safety or morals should not be done by anyone under the age of 18.	18 (16 under strict conditions)	18 (16 under strict conditions)
Basic Minimum Age The minimum age for work should not be below the age for finishing compulsory schooling, which is generally 15.	15	14
Light Work Children between the ages of 13 and 15 years old may do light work, as long as it does not threaten their health and safety, or hinder their education or vocational orientation and training.	13-15	12-14



SOME TENETS OF THE WORST FORMS OF CHILD LABOUR (C182)

Article 3 of C182, states that the term “worst forms of child labour” comprises:

- ❖ All forms of slavery, or practices to slavery such as the sale and trafficking of children, debt bondage and serfdom and forced and compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- ❖ The use, procurement or offering of a child for prostitution, for production of pornography or for pornographic performances;
- ❖ The use, procurement or offering of a child for illicit activities, in particular for production and trafficking of drugs as defined in relevant international treaties;
- ❖ Work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

DEBT BONDAGE

- ❖ This is also known as **debt slavery** or **bonded labour**. It is a person's pledge of labour or services as security for the repayment for a debt or other obligation, where there is no hope of actually repaying the debt. The services required to repay the debt may be undefined, and the services' duration may be undefined. Debt bondage can be passed on from generation to generation.

SERFDOM

- ❖ Serfs (slaves) who occupied a plot of land were required to work for the Master who owned that land. In return they were entitled to protection, justice, and the right to cultivate certain fields on the farm to maintain their own subsistence;
- ❖ Serfs were often required not only to work on the Lord's fields, but also in his mines and forests and labour to maintain roads.



UNITED NATIONS CONVENTION ON THE RIGHTS OF A CHILD (UNCRC)

The following Articles of the UNCRC addresses child labour:

- ❖ Article 11 (Kidnapping);
- ❖ Article 32 (Child labour);
- ❖ Article 33 (Drug Abuse);
- ❖ Article 34 (Sexual exploitation);
- ❖ Article 35 (Abduction, sale and trafficking);
- ❖ Article 36 (Other forms of exploitation).

UNITED NATIONS CONVENTION ON THE RIGHTS OF A CHILD (UNCRC)

Article 11 (Kidnapping)

- ❖ Governments should take steps to stop children being taken out of their own country illegally. This article is particularly concerned with parental abductions. The Convention's Optional Protocol on sale of children, child prostitution and child pornography has a provision that concerns abduction for financial gain.

Article 32 (Child Labour)

- ❖ The Government should protect children from work that is dangerous or might harm their health or their education. While the Convention protects children from harmful and exploitative work, there is nothing in it that prohibits parent from expecting children to help out at home in ways that are safe and appropriate to their age.

UNITED NATIONS CONVENTION ON THE RIGHTS OF A CHILD (UNCRC)

Article 32 Cont'd

- ❖ If children help out in the family farm or businesses, the tasks they do must be safe and suited to their level of development and comply with national labour laws. Children's work should not jeopardise any of their own rights, including the right to education, or the right to relaxation and play.

Article 33 (Drug Abuse)

- ❖ Governments should use all means possible to protect children from the use of harmful drugs and from being used in the drug trade.



UNITED NATIONS CONVENTION ON THE RIGHTS OF A CHILD (UNCRC)

Article 34 (Sexual exploitation)

- ❖ Governments should protect children from all forms of sexual exploitation and abuse. This provision in the Convention is augmented by the Optional Protocol on the sale of children, child prostitution and child pornography.

Article 35 (Abduction, sale and trafficking)

- ❖ The Governments should take all measures possible to make sure that children are not abducted, sold or trafficked. This provision in the Convention is augmented by the Optional Protocol on the sale of children, child prostitution and child pornography.

Article 36 (Other forms of exploitation)

- ❖ Children should be protected from any activity that takes advantage of them or could harm their welfare and development.

JAMAICA'S LEGAL FRAMEWORK FOR COMBATING CHILD LABOUR

Ratification of:

- ❖ UN Convention on the Rights of the Child, May 14, 1991;
- ❖ Conventions: Minimum Age For Admission to Employment (C138) & Worst Forms of Child Labour (C182), October 13, 2003.

Legislation:

- ❖ Offences Against the Persons Act (Amendments), 1864
- ❖ Child Care and Protection Act, 2004
- ❖ Sexual Offences Act, 2009
- ❖ Child Pornography Prevention Act, 2010
- ❖ Cyber Crimes Act, 2010
- ❖ Charter of Fundamental Rights & Freedoms (Constitutional Amendment) Act, 2011
- ❖ Trafficking In Persons (Punishment, Suppression & Punishment) Act, 2007.

JAMAICA'S LEGAL FRAMEWORK FOR COMBATING CHILD LABOUR

On March 25, 2004, the Child Care and Protection Act was passed into law. This is a core piece of local legislation that was established on a rights-based framework which addresses not only child labour, but all matters that pertain to the abuse, neglect, abandonment and ill treatment of children.

The main purposes of the CCPA are as follows:

- ❖ To make sure that adults consider the views and best interest of children;
- ❖ To put in place new organisations, such as the Children's Registry and Office of the Children's Advocate to monitor the care and protection of children;
- ❖ To provide special help to children who are in need of care and protection; and
- ❖ To make sure that all children are protected from abuse or neglect.

JAMAICA'S LEGAL FRAMEWORK FOR COMBATING CHILD LABOUR

- ◉ All the Protocols mentioned above define a child as a person under the age of 18 years.
- ❖ Section 34 of the Child Care and Protection Act, 2004, restricts employment of a child over thirteen (13) and under fifteen (15) years, except in prescribed occupations.
- ❖ Prescribed occupations are to be set by the Minister, but may only consist of light work suitable for a child under fifteen (15) years. The Minister must also prescribe the number of hours to be worked and other conditions of employment.

JAMAICA'S LEGAL FRAMEWORK FOR COMBATING CHILD LABOUR

Conditions for Light Work

AGE	CONDITIONS
5 - 12 Years	Work, not for economic activity, (Child Work)
13 - 14 Years	Light work, maximum fourteen (14) hours per week; Can be admitted to work with supervision.
15 Years	Formal age for admittance to work
16 Years and over	Can be admitted to do some hazardous work with training and supervision.

LIGHT WORK LIST (PRELIMINARY)

The preliminary list of light work includes:

- ❖ Housework;
- ❖ Simple hair braiding tasks (less than 2 hours/day);
- ❖ Clerical office work, may include occasional typing for a maximum of two (2) hours per day;
- ❖ Shelling peas and beans;
- ❖ Courier Clerk;
- ❖ Store Clerk/Sales Assistant;
- ❖ Supermarket checkout baggers;
- ❖ Home chores:
 - ❖ Tending docile farm animals (chicken, sheep, etc);
 - ❖ Tending vegetable garden;
- ❖ In-home babysitting of a child 9 months or older (babysitter should be 15 years or older).

OFFENCES AND PENALTIES UNDER THE CCPA, 2004

- ❖ The penalty for employing a child contrary to the conditions stated, is a maximum of J\$500,000, or six months imprisonment with hard labour;
- ❖ It is an offence for a child to be used for an indecent or immoral purpose and to knowingly rent or allow one's premises to be used for these purposes.
 - ❖ The penalty for this offence is a maximum of J\$1M fine or one year imprisonment, and revocation of the operating licence.
- ❖ **Under Section 40**, the offender faces a maximum of J\$250,000 fine or three months imprisonment (unless it can be proven that s/he was unaware of the child's age).

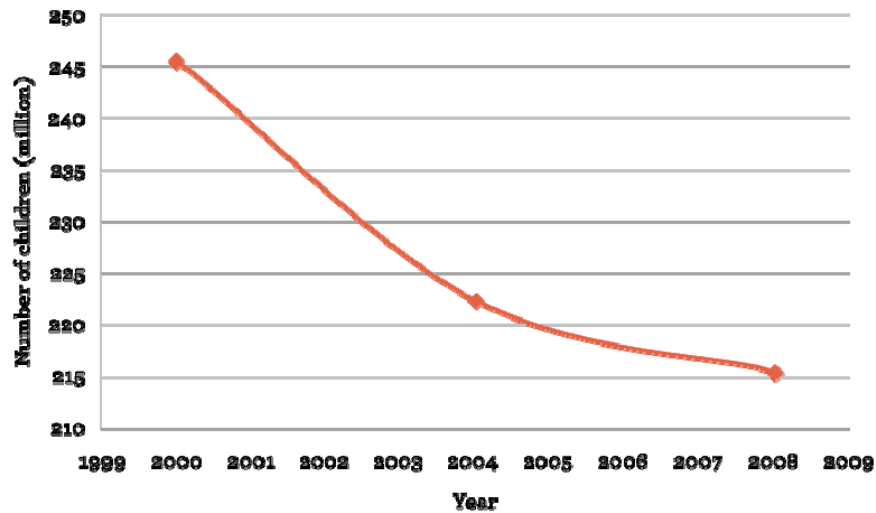
GLOBAL ESTIMATES REPORT

The 2012-2016 Global Estimates Report published in 2017 revealed the following:

- ⦿ 152 million were engaged in child labour;
- ⦿ Approximately 73 million were engaged in hazardous work;
- ⦿ 11 million in Latin America and the Caribbean;
- ⦿ 6,553 engaged in the hazardous work, i.e. 61 per cent.

MAJOR HIGHLIGHTS FROM JAMAICA YOUTH ACTIVITY SURVEY 2016

**Global trends in child labour
(age group 5-17)**



FINDINGS FROM THE JAMAICA YOUTH ACTIVITY SURVEY 2016

- ◉ Study was conducted by the Statistical Institute of Jamaica with technical assistance from the ILO and funded by the US Department of Labour (USDOL);
- ◉ Conducted in households, islandwide;
- ◉ Members from 8,820 households participated;
- ◉ Targeted children aged 5-17 years, estimated base on the 2011 Population and Housing Census.

FINDINGS FROM THE JAMAICA YOUTH ACTIVITY SURVEY 2016

- ◉ 657,697 children aged 5-17 years in Jamaica; i.e. 604,423 non-working & 53,274 working.
- ◉ Approximately, 97.5 per cent of the children population are attending school;
- ◉ Approximately one (1) have never attended school;
- ◉ Children in rural area are twice likely to be engaged in child labour.

FINDINGS FROM THE JAMAICA YOUTH ACTIVITY SURVEY 2016

- ◉ Of the 53,274 working children 37,965 (5.8%) were engaged in child labour.
- ◉ Of the 37,965 child labourers, 26,053 (4%) performed hazardous work, i.e, 19,291 boys & 6,762 girls.
- ◉ Remaining 11,912 engaged in other forms of child labour.

FINDINGS FROM THE JAMAICA YOUTH ACTIVITY SURVEY 2016

Child Labour by Age Group:

- ◉ 5-12 years -18,402 (Child Care & Protection Act, 2004)
- ◉ 13-14 years - 5,992
- ◉ 15 - 17 years - 13,571



FINDINGS FROM THE JAMAICA YOUTH ACTIVITY SURVEY 2016

Breakdown of hazardous work by Industry & Occupation (9,372):

- ◉ Designated hazardous Industries (5,350)
 - Agriculture/Fisheries,
 - Wholesale/retail trade,
 - Private households, etc
- ◉ Designated hazardous Occupations (2,126)
 - Sales/Service occupations,
 - Skilled occupations,
 - Elementary occupations, etc;

FINDINGS FROM THE JAMAICA YOUTH ACTIVITY SURVEY 2016

Hazardous Work by Type:

- ◉ Working in unhealthy environment - 15,362
- ◉ Handling heavy loads - 10,153
- ◉ Long hours of work - 2,119; i.e. >40 hours
- ◉ Operating heaving machinery or dangerous equipment - 704

CONSTRAINTS OF THE JYAS, 2016

- ◉ Small Sample Size;
- ◉ Data not disaggregated by Parish;
- ◉ Survey was concentrated in households, so street children and other areas were not captured;
- ◉ Data was captured in 2016, however report was published in 2018.

MLSS' ROLES AND RESPONSIBILITIES

Upon inspection and/or investigation the MLSS' Officers are required to:

- ❖ Ensure that the form is properly completed;
- ❖ Report the case to the Child Labour Unit and submit a copy of the completed form, immediately;
- ❖ The Director, Child Labour Unit reports the case to the CPFSA for them to investigate;
- ❖ Liaise with the CPFSA to ascertain the status;

MLSS' ROLES... CONT'D

- ❖ If necessary, refer the case to the Social Security Division to receive social assistance;
- ❖ The Director, CLU dialogues with the Ministry of Education, to ensure that the child is re-integrated in the school system.



THE WAY FORWARD

- ⦿ Review of existing legislation, i.e. OSH and other labour legislation;
- ⦿ Finalize the National Policy on Child Labour;
- ⦿ Review the National Action Plan on Child Labour;
- ⦿ Development of a database that will track and monitor the progress of child labourers;
- ⦿ Implementation of the Risk Identification Model;
- ⦿ Extensive public education sessions;
- ⦿ A more collaborative and integrated approach with MDAs, NGOs, etc.



OPEN BOOK -
Represents
education,
i.e. children
are to remain
in school

Clearly
stating the
stance
Jamaica
takes with
the issue
of child
labour.

Shield casing -
protection for
our children

Black, Green
& Gold, the
colours of the
Jamaican Flag

Ministry of Labour & Social Security
Child Labour Unit



JOIN IN THE CAMPAIGN....



**JAMAICA SAYS NO TO CHILD
LABOUR!!**



CALL: 1-888-PROTECT
776-8328

For More Information:
Ministry of Labour and Social Security
Child Labour Unit
1F North Street
Kingston
922-9500 - 14



www.mlss.gov.jm

THANK YOU!!

