




International
Labour
Organization

THEMATIC BROCHURE SERIES

CHILD LABOUR

**COMBATING THE WORST FORMS OF
CHILD LABOUR IN SHRIMP AND SEAFOOD
PROCESSING AREAS OF THAILAND**

THA/10/50/USA

 **CHILD LABOUR** refers to work that is mentally, physically, or morally dangerous or harmful to children. It interferes with their schooling by depriving them of the opportunity to attend school, obliging them to leave prematurely or combining school attendance with excessively long and/or heavy work.

In its most extreme or worst forms, child labour involves trafficking and enslavement of children, separated from their families, forced to work, exposed to serious hazards and illnesses and/or left to fend for themselves on the streets of large cities – often at a very early age.

“*Child labour*” is generally defined as work that is prohibited for children of certain age groups. It is work performed by children who are under the minimum age legally specified for that kind of work, or work which, because of its detrimental nature or conditions under which it is carried out, is considered unacceptable for children and is prohibited¹.

The ILO's most recent global estimate provides that there are 215 million children still trapped in child labour. The number of children in hazardous work, often used as a proxy for measuring the extent of the worst forms of child labour, is 115 million worldwide².

The use of child labour is against basic principles of international labour standards and other international human rights instruments. It is also against ethical business practices, and it can draw negative attention to individual businesses as well as entire industry sectors as consumers are increasingly concerned about the conditions in which the products they purchase are produced.

The ILO-IPEC study (2012) on child labour conducted in four seafood producing provinces established that the child labour prevalence rate among children aged 5-17 years was 9.9%. In Samut Sakhon, one of the biggest seafood industry hubs in Thailand, the child labour prevalence rate was 12.7%. The

¹ ILO: *Tackling Child Labour: From Commitment to Action*, 2012, p4

² ILO, *Accelerating Action against Child Labour* report, 2012, p5

survey has indicated to the need for improved protection of young workers as many children were found performing hazardous work.

OVERVIEW OF INTERNATIONAL STANDARDS

Two of the ILO's fundamental conventions, that is Convention No.138 concerning Minimum Age for Admission to Employment and Convention No.182 concerning the Immediate Prohibition and Elimination of the Worst Forms of Child Labour deal with child labour, as presented below along with the UN Convention on the Rights of the Child.

ILO MINIMUM AGE CONVENTION, 1973 (No. 138)	ILO WORST FORMS OF CHILD LABOUR CONVENTION, 1999 (No. 182)	UN CONVENTION ON THE RIGHTS OF THE CHILD, 1990
<ul style="list-style-type: none"> ✓ Calls for abolition of child labour ✓ Establishes 15 years of age as the minimum age for employment in most situations ✓ Establishes 18 years of age as the minimum Age for employment in work which is likely to jeopardise the health, safety or morals of young persons ✓ Allows light work for children aged 13 to 15 years if the work does not threaten their health and safety, or hinder their education or vocational orientation and training 	<ul style="list-style-type: none"> ✓ Defines the worst forms of child labour as the following: <ul style="list-style-type: none"> (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. ✓ Each Member State shall design and implement programmes of action to eliminate as a priority the worst forms of child labour 	<ul style="list-style-type: none"> ✓ States have a responsibility to take all available measures to make sure children's rights are respected, protected and fulfilled ✓ All children have the right to a primary education, which should be free. ✓ The government shall recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, ✓ The government should take legislative, administrative, social and educational measures to ensure the implementation of the convention.

OVERVIEW OF NATIONAL LEGISLATION

By ratifying the ILO *Minimum Age Convention, 1973* (No. 138)³ and the *Worst Forms of Child Labour Convention, 1999* (No. 182)⁴, as well as the UN *Convention on the Rights of the Child*⁵, the Royal Government of Thailand demonstrated its commitment to address child labour in the country, placing high priority on eliminating its worst forms.

Minimum age. In Thailand, the minimum age for admission to employment is 15 years of age⁶. Children aged 12-15 years are permitted to engage in work during school vacation, work, that is not hazardous and light work in agriculture, provided that they receive parental permission. Children under 16 years of age should not be employed on a fishing boat, however, the age limit is set at 15 years in case if a parent or guardian is also working on the same boat⁷.

Prohibition of hazardous work for children. The Labour Protection Act and subsequent Ministerial Regulations define the occupations and conditions of work which are prohibited for children, and these are summarised in the table on the following page.

³ Thailand ratified ILO Convention No.138 in 2004

⁴ Thailand ratified ILO Convention No.182 in 2001

⁵ Thailand ratified UBN CRC in 1992

⁶ Labour Protection Act, B.E. 2541

⁷ Ministerial Regulation No.10 concerning Labour Protection in the Agricultural Sector, 2005

**LABOUR PROTECTION ACT (No.2) B.E. 2551:
EMPLOYEES AGED BELOW 18 YEARS ARE PROHIBITED TO PERFORM HAZARDOUS WORK⁸:**

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| <ul style="list-style-type: none"> ✓ Smelting, blowing, vesting, rolling and stamping of metals <p>Work connected with:</p> <ul style="list-style-type: none"> ✓ abnormal and potentially hazardous levels of temperature, vibration, noise and light ✓ hazardous chemicals ✓ microorganisms ✓ poisonous materials, explosives, inflammable materials ✓ Driving or controlling of forklifts or cranes | <ul style="list-style-type: none"> ✓ Work underground, under water, in a cave, in a tunnel or a shaft in a mountain ✓ Work which uses electric or motorized saws ✓ Cleaning machinery or engines whilst the machinery or engines are in operation ✓ Work on a scaffold more than ten metres from the ground ✓ Other work as prescribed in ministerial regulations |
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Children under the age of eighteen years are also not permitted to work in a slaughterhouse, a gambling establishment, a recreation place in accordance with the law governing recreation places, any other place as prescribed in the Ministry regulations⁹. Currently, the Department of Labour Protection and Welfare is working on further expanding the list of hazardous work prohibited for children under the age of 18 years.

Prohibition of other worst forms of child labour. The Constitution of Thailand prohibits forced labour. Use of children under the age of 18 years in armed conflict is prohibited¹⁰, and those who use children for armed conflict are subject to prosecution under the Penal Code and Child Protection Act. Penalties for sexual exploitation of children are established under the Penal Code. All forms of trafficking in persons, including trafficking for the purpose of forced labour and sexual exploitation are prohibited¹¹. The Child Protection Act

⁸ Labour Protection Act, B.E. 2541

⁹ Labour Protection Act (No.2), B.E. 2541 (2008)

¹⁰ Military Service Act

¹¹ Anti-Trafficking in Persons Act

prohibits the involvement of children in work that may cause them physical or mental harm or hinder their development, and prohibits the use of children in begging, criminal acts or any other exploitative activity. The prohibition of the use, procuring or offering of a child less than 18 years of age for the production and trafficking of drugs, however, has not been explicitly prohibited under the national legislation, as noted by the ILO's Committee of Experts¹².

Protection of young workers. Young workers, especially those aged 15-17 years are considered vulnerable even if they are not engaged in hazardous work. Therefore, the Labour Protection legislation provides protection for young workers to guarantee their safety and security and the opportunity to further their development. These protections include:

- Requirements for recording and notification by an employer to a labour inspector on recruitment and termination of employment of a young worker aged below 18 years (but above 15 years) and the working conditions;
- Prescription of rest periods and prohibition of working during night time, overtime and during holidays;
- Prohibition of payment of the young worker's wage to another person;
- Prohibition of demanding or accepting a deposit from a young worker;
- Protection of the payment of wage to a young employee by prohibiting deductions;
- Provision of the right to participate in meetings and training or take leave for other activities which are organised by educational, state or private sector upon presentation of reasons for taking leave and relevant documentary evidence to the employer, and the employer should pay the wage to the young employee in an amount equal to the wage of working days throughout the entire leave period, which should not exceed thirty days in a year.

¹² ILO Committee of Experts on Application of Conventions and Recommendations (CEACR), Observation, 2012