



International  
Labour  
Office

# Trade Unions and Child Labour

**A TOOL FOR ACTION**





Trade Unions  
and Child Labour

A TOOL FOR ACTION

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# Foreword

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This manual is the result of several years of ACTRAV's efforts in support of trade unions working to eradicate all forms of child labour. The scourge of child labour remains a challenge today. Even though we have made progress in the recent past, there are still some 168 million children in child labour across the world. This is not acceptable. We have to renew our efforts in this fight against the exploitation of the weakest in society.

Trade unions have always been engaged in this fight against child labour. Through successive programmes, ACTRAV has provided technical and financial support to these unions. This manual draws on a number of lessons learnt from several years of ACTRAV's engagement in this area of work. The manual therefore focuses on the added value of trade unions in the fight against child labour. Hence, unlike other guides in the past, it places an emphasis on ways of engagement in the fight against child labour which best suits trade unions.

Strategic areas where trade unions have a natural disposition to make a difference to the global effort to fight child labour identified in this manual include, influencing national socio-economic policies through engagement with governments; using organising strategies and collective bargaining as a means of tackling child labour; using the ILO supervisory system to effect change in national laws and practices dealing with child labour; and participation in national and international campaigns against child labour. The manual also provides unions with an up-to-date understanding of what child labour is today and the need for an official trade union policy to tackle it.

Another important novelty of this manual is that it presents a wide array of examples of concrete trade union actions to tackle child labour. These examples in the manual are not presented as models for all unions to follow. Rather, they are in the manual firstly to indicate that it is possible for unions to engage in the fight against child labour. Secondly, they are here as examples to inspire other unions to develop their own country-specific actions against child labour.

ACTRAV expresses its appreciation to all those who have contributed to the development of this manual. Particular thanks go to Ms Nora Wintour who drafted the manual and to colleagues in ACTRAV and IPEC who provided comments on successive drafts. We are confident that this manual will be a useful tool for trade unions in their engagement in the fight against child labour.

Maria Helena Andre  
Director  
Bureau for Workers' Activities (ACTRAV)



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# Introduction

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*“School is the only legitimate place for children. ILO ACTRAV is working with trade unions around the world to promote decent work for adults and free, compulsory, quality education for children.”*

The eradication of child labour is a necessary step on the path to decent work for all and for sustainable development. It requires political will at the national and global levels, implementation of all ILO conventions (particularly Conventions 138 and 182), investment in education and universal social protection, as well as decent work for adults. Trade unions have a vital role to play in bringing about these changes.

The eradication of child labour has been a key objective of trade unions since the earliest days of the trade union movement. In many countries, it has been pressure from trade unions that has contributed to the introduction and the progressive increase in the minimum age for employment aimed at addressing child labour. This demand has been linked to universal provision of education as a right to all children.

Today, following the adoption of a set of international instruments on the rights of the child, children and adolescents are viewed as rights-holders. That means they have the right to count on the support of their family and society during their formative years. Culturally, there has been a clear shift in perception and children’s early entry into the labour market is increasingly viewed as a violation of their rights.

Child labour is about the denial of a child’s right to education. It is about the exploitation of the most vulnerable, disadvantaged and marginalised in society. Child labour is not children performing 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 and learn responsibility. Child labour is work which contravenes national and international standards concerning the work of children. It is work that kills the human resources of a nation and undermines its future development.

Effective elimination of child labour requires global responses that address inequalities, both within and between States. It requires decent work for adults, access to free, compulsory, quality basic education for all, and effective poverty reduction strategies, which provide social protection to the most vulnerable households. Employment strategies which ensure that parents and young persons of legal working age have the possibility of decent work are a key factor in tackling poverty and child labour. Adults who are in

decent employment and enjoy a fair income are far less likely to send their children to work. Trade unions cannot do this alone but are vital partners in ensuring that sustainable strategies are put in place.

The adoption of the ILO Convention 182 in 1999 on the Worst Forms of Child Labour was an indication that renewed commitment to the abolition of child labour from the ILO constituents. Over the last 20 years, there has been determined and extensive work to address child labour issues, both in formal and informal enterprises. Unions have participated in programmes to reduce child labour, and have taken part in different national programmes and global campaigns. Despite progress over the last decade, a formidable challenge remains. It is clear that the global economic crisis is pushing families back into poverty and threatens to limit progress which has been made in reducing child labour and extending access to education.

It is governments and the international community which must take the lead in the policy responses and resources. However, trade unions have a key role in influencing and supporting programmes to end child labour. This manual, therefore, is intended to support trade unions in their work on child labour. It provides an overview of the different policies and strategies which trade unions can actively support, and many examples of how unions are contributing to positive changes. Above all, it seeks to illustrate how trade unions today are reaching out beyond the formal economy to those farms, work places, households and, indeed, illicit and dangerous activities where child labour still occurs.

There are no easy solutions. Decent work is a dream for too many households, throughout the world. The global economy, which has fuelled climate change, income inequalities, migration for work and out-sourcing -combined with the financial and economic crisis-, has created formidable challenges. However, the right to education for all children is now clearly recognised. Unions can help ensure child labour remains high on national and international agendas and contribute in a wide range of ways to achieving the goal that every child receives a quality education. In so doing, unions can reach out to unorganised sectors and strengthen their own influence, by creating new voice and visibility at national and international level.

# 1. What is child labour?

## 1.1 What is child labour?

Child labour is employment or work carried out by a child below the minimum legal working age set by a country in accordance with ILO Convention 138 (generally 14 or 15 years with possible exceptions for light work from the ages of 12 or 13); or any work undertaken by a child below the age of 18 that constitutes a worst form of child labour as defined by ILO Convention 182. This includes work or economic activities which are likely to harm the health, safety or morals of children.

Children in hazardous work account for the overwhelming majority of those in the worst forms of child labour. However, worst forms of child labour also include children in commercial sexual exploitation, child soldiers, and children in illicit activities and children in slavery.



Child labour includes economic activities carried out by children, whether paid or unpaid, in the formal or informal economy, for a few hours or full time, casual or regular, legal or illegal. It also includes work performed by child domestic workers.<sup>1</sup>

It excludes chores undertaken in their own home, or other light work for a few hours, which does not interfere with the child's education, safety, and development. This is referred to as children in employment.<sup>2</sup>

### 1.1.1 The Legal Framework

There is a clear legal framework at international level prohibiting child labour which has been ratified by the vast majority of States. There are three main international Conventions which seek to protect children from child labour and ensure their access to education and other fundamental rights. They provide the legal definitions of child labour and provide the legal basis for national and international actions against it.

- **ILO Convention on Minimum Age for Employment, 1973 (No. 138)** sets standards for the minimum age of employment. The Convention requires countries to establish a minimum age for employment not less than the age of finishing compulsory education, and which in any case, should not be less than 15 years. However, a country, whose economy and educational facilities are insufficiently developed, may initially specify a minimum age of 14 years. National laws may also permit the employment of 13-15 year olds in light work which is neither prejudicial to school attendance, nor harmful to a child's health or development. The ages 12-13 can apply for light work in countries that specify a minimum age of 14.

### 1.1.2 ILO Minimum Age of Employment Criteria

	General	Possible for developing countries
General Minimum Age The minimum age for work should not be below the age for finishing compulsory schooling	15 years or more	14 years
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 years	12 years
Hazardous Work Any work which is likely to jeopardise children's physical, mental or moral health, should not be undertaken by anyone under the age of 18 years.	18 years (16 years under certain strict conditions)	18 years (16 years under certain strict conditions)

**Source:** IPEC: Mainstreaming child labour concerns in education sector plans and programmes. Geneva, ILO, 2011.

<sup>1</sup> See ACT/EMP & ACTRAV Employers' and Workers' Handbook on Hazardous Child Labour 2011

<sup>2</sup> See p.16 "Marking progress against child labour", Global estimates and trends 2000-2012 IPEC/ILO 2013 Geneva

- **UN Convention on the Rights of the Child, 1989 (CRC)** specifies in Article 32 that children have the right to be protected 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. There is almost universal ratification of the CRC. Optional protocols to the UN Convention on the Rights of the Child refer to the protection of children in armed conflict and on the sale of children, child prostitution and child pornography.
- **ILO Convention on Worst Forms of Child Labour, 1999 (No. 182)** applies to all persons under the age of 18 and calls for the prohibition and elimination of the worst forms of child labour as a matter of urgency. Children in the worst forms of child labour must be removed or rehabilitated and have access to free basic education or vocational training. The ratification rate has been the fastest ever in the history of the ILO. It took only two years to reach 100 ratifications and three more years to get to 150.

### 1.1.3 What is the definition of the worst forms of child labour?

ILO Convention No 182, Article 3 states:

The term the “worst forms of child labour” comprises:

- 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;*
- The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;*
- 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;*
- 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 (referred to as hazardous child labour);*

Under Article 4, governments are required to draw up and apply a legally-binding list of hazardous child labour after consultation with the organizations of employers and workers concerned. The list of the types of work determined as hazardous should be periodically examined and revised as necessary, again in consultation with the organizations of employers and workers concerned.

## 1.1.4 Regional and National Provisions on the Rights of the Child

There are a number of regional instruments and national provisions concerning the rights of the child. For example, the African Charter on the Rights and Welfare of the Child was adopted in 1990 by the former Organization of African Unity (OAU), now the African Union, and came into force in 1999. Often referred to as the Children's Charter, it is modelled on the UN Convention of the Rights of the Child, and at the same time, seeks to address the challenges posed by African customs and traditional practices, which can give rise to situations of abuse. The Charter thus specifically prohibits child marriage, use of children as beggars and the recruitment of children in armed conflicts, and includes a specific reference to the informal economy.

A child is defined as a person less than 18 years of age. Article 11 calls on State parties to provide free and compulsory basic education (primary education and lower secondary) and to encourage the development of upper secondary education. Article 15 provides that every child will be protected from economic exploitation, in both the formal and informal sectors and having regard to the ILO's instruments, provide through legislation for protection, minimum ages for admission to employment.

By May 2013, the Charter had been ratified by 41 out of 54 African States. A Committee of Experts was established in 2001 to oversee the reporting obligations of State Parties. The Committee has an investigative power as well. A civil society organization forum was founded in 2009 and it now has 440 members. The Regional Charter provides additional arguments to support trade unions in their work to eliminate child labour. Trade unions can also register for observer status as a civil society organization, which opens many opportunities for networking on child labour issues.<sup>3</sup>

There are other regional and sub-regional bodies that include commitments on the right to education and the elimination of child labour. Most national constitutions provide guarantees to protect the welfare of children and recognise their right to education. Trade unions can refer to these commitments in their advocacy work.

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<sup>3</sup> For more information see: "Advancing Children's Rights - A Guide for Civil Society Organisations on how to engage with the African Committee of Experts on the Rights and Welfare of the Child" published by Save the Children, Sweden, Pretoria, 2009 and the civil society organization forum website at [www.csoforum.info](http://www.csoforum.info)

## 1.2 What are the causes of child labour?

### 1.2.1 Household Poverty

Household poverty is the main underlying cause of child labour, whether as a result of low family income, bad harvests, the absence, sickness or death of adults or because of family debt. The overwhelming majority of those involved in child labour are unpaid family workers.

Children work because their families are poor, and because their families lack productive assets, such as skills, jobs, credit or land. Sometimes the effective choice is between work and starvation. When households are so poor that the earnings of a child are needed for survival, the quality of education will not influence decisions to keep children in work. Children of poor families may also work in order to have a reserve fund to cope in bad times, because of poor harvests, illness or loss of work by other earners. In more extreme situations, children are forced to work to pay for family debts. Fertility, poverty and child labour are often inter-linked. The younger children of large families are more likely to work and not attend school. They are also themselves likely to have children at a young age, so perpetuating the cycle of poverty. In such situations, the only successful strategies to get children to school is through poverty reduction, including investing in basic services, such as drinking water and sanitation, electricity and roads and the introduction of social protection.



## 1.2.2 Lack of Decent Work for adults

The other critical cause of child labour is the lack of decent work opportunities for adults. This situation often leads families to work in survival activities in the informal economy. In worse circumstances, families are forced to work in slave-like conditions. The provision of decent work opportunities for all adults guarantees decent working conditions and livelihoods for adults and their families. Therefore, addressing decent work deficits like poor working conditions, low wages, lack of social protection, violations of freedom of association and the right to collective bargaining, all contribute to tackling the root causes of child labour. So trade union engagement with governments and international agencies to ensure that economic growth strategies lead to the creation of decent work for all, contributes to the eradication of child labour. Jobless growth or growth strategies that increase inequalities contribute to unemployment of adults and therefore to child labour. Understanding the link between socio-economic policies particularly, economic growth strategies and the creation of decent jobs, is an essential element in the fight to eradicate all forms of child labour.

## 1.2.3 Other causes of child labour

Exploitative employers deliberately and unscrupulously recruit child labourers because they can be paid less, make fewer demands than adult workers and will not join trade unions. Governments fail in their duty to enforce employment laws and regulations, particularly in the informal economy and in rural areas, so employers can recruit child labourers with impunity. Poor and under-resourced systems of labour inspection and the lack of trade union representation, particularly in smaller enterprises and the informal economy, only compound this situation.

The costs of education can prove too high, whether the direct costs of school fees, or because of indirect costs, such as shoes, uniforms, materials, transport, meals and other costs, including the loss of earnings of the child. In addition, access to education can be difficult because of distance from home, lack of birth registration or proof of residence in the case of migrant workers. In some cases, children may face discrimination (on grounds of gender, race, ethnicity, caste, religion, migrant status, HIV/AIDS status and disability).

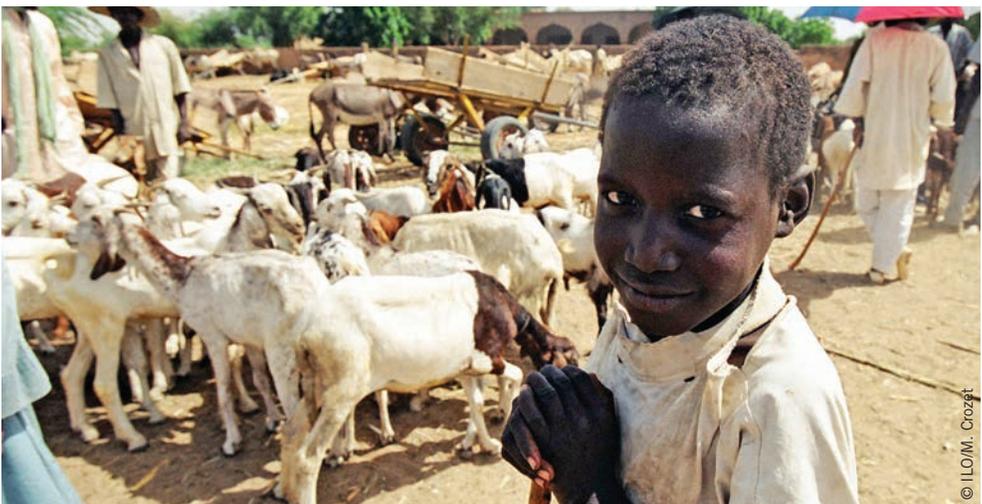
The quality of the education can be poor, with teacher absenteeism or poor skills, which are often a consequence of inadequate conditions of service for teachers and low status. Parents therefore consider that the investment in education will not necessarily improve employment opportunities. Also if there are no skilled jobs opportunities available for young people, parents may not see the value of the investment in education.

### 1.2.4 The girl child

Girls are more vulnerable than boys and they represent 54% of the out-of-school population. Girls work in the household, agricultural work and home-based work is often vital for survival although their work is largely invisible and unvalued. Families often give preference to a son's education. There are also other considerations which mean parents prefer not to send their girl child to school: distance to school which puts their security at risk, lack of female teachers; concerns about the curriculum, or lack of separate sanitation facilities. Girls may be required to carry out household chores and find it hard to combine schooling and domestic duties. Early marriage and teenage pregnancies are other impediments.

### 1.2.5 Children at particular risk of child labour and exclusion from school

There are some groups of children which are particularly at risk of becoming child labourers. These are groups which it is particularly hard for trade unions to organise. They include children in rural areas and poor urban areas, where schools are distant, and transport and other public services are poor. Other groups include: minority populations, such as lower castes, indigenous and tribal peoples, pastoral communities or Roma populations; children affected by disability, HIV and AIDs, and AIDS orphans; children of migrant workers' families; children who are trafficked for purposes of labour, bonded child labourers or commercial sexual exploitation; and child domestic workers. Children in areas affected by natural disasters, or in conflict or post-conflict affected areas are at risk because of high levels of unemployment, including among skilled adults, which can discourage parents from sending their children to school. Often there has also been a breakdown in the school system as well.



## 1.3 What are the consequences of child labour?

Child labour is a violation of the fundamental right to health and education and to the enjoyment of a childhood. It is ethically wrong. It destroys children's physical and mental health and their chances of a better future, as they have been denied education and will suffer throughout their life from poor employment opportunities.

Child labour only perpetuates the cycle of household poverty, particularly in rural areas. Child labour is a key barrier to accessing education and the vast majority of out-of-school children are indeed working. There are clear economic consequences as child labour perpetuates an unskilled work force and low productivity. There are also social consequences as workers become vulnerable to abusive situations and possess limited life skills. Further, the existence of an easily exploitable pool of cheap labour contributes to keeping wages very low, and below the level of a living wage in some instances. Child labour undermines the capacity of trade unions to negotiate for better pay and conditions and contributes to adult unemployment, particularly among young workers.

In this way, decent work deficits contribute to child labour. Child labour is most prevalent in situations of poverty, parental illiteracy, and workplaces where working conditions are poor or exploitative and where there are no unions present. Experiences of abuse or violence in childhood are often repeated through a vicious cycle of deprivation when a child becomes an adult.

## 1.4 Prevalence of child labour

**11% of total child population is engaged in child labour**

**There are 168 million child labourers worldwide.**

**There are still 85 million children in hazardous work.<sup>4</sup>**

The above figures are taken from the most recent ILO statistical estimates. However, the true extent of child labour may never be known. Many forms of child labour remain hidden from official statistics. Specifically, it is hard to obtain accurate data on the numbers of children in unpaid family labour, in agricultural work, domestic work and in forced labour, or as child soldiers, commercial sexual exploitation or in other criminal activities. Both employers and parents can be very evasive.

<sup>4</sup> Marking progress against child labour" Global estimates and trends 2000-2012 IPEC/ILO 2013 Geneva

### 1.4.1 Trends in the prevalence of child labour 2000-2012

According to the ILO, 11% of all children worldwide were child labourers, down from 13.6% in 2008. Since 2000, there has been a major decline in the numbers of child labourers, with an overall estimated drop of 78 million. Progress was most pronounced in the decline in numbers of younger children in child labour. Although it was feared the global financial crisis would impact negatively on the incidence of child labour, IPEC statistics indicate otherwise, with the highest pace of decline in child labour in the last 4 years (2008-2012).

TABLE 1

Children in employment, child labour and hazardous work, 5-17 years age group, 2000-2012

		Children in employment		Child labour		Hazardous work	
		('000)	%	('000)	%	('000)	%
World	2000	351,900	23.0	245,500	16.0	170,500	11.1
	2004	322,729	20.6	222,294	14.2	128,381	8.2
	2008	305,669	19.3	215,209	13.6	115,314	7.3
	<b>2012</b>	<b>264,427</b>	<b>16.7</b>	<b>167,956</b>	<b>10.6</b>	<b>83,344</b>	<b>5.4</b>

Source: p. 3 "Marking progress against child labour", Global estimates and trends 2000-2012 IPEC/ILO 2013 Geneva

### 1.4.2 Regional prevalence of child labour

The largest number of child labourers are found in the Asia Pacific region (77 million), followed by sub-Saharan Africa (59 million) and Latin America and the Caribbean (10 million). The incidence of child labour is highest in sub-Saharan Africa, where 21% of all children are child labourers, or one in five children, compared to 9% in Asia Pacific and Latin America and the Caribbean. Sub-Saharan Africa accounts for 35% of all child labourers in the world.

#### Regional estimates of child labour 2008-2012 (5-17 years old)

TABLE 2

Children in employment, child labour and hazardous work by region, 5-17 years age group, 2008 and 2012

Region		Children population	Children in employment		Child labour		Hazardous work	
		('000)	('000)	%	('000)	%	('000)	%
Asia and the Pacific	2008	853,895	174,460	20.4	113,607	13.3	48,164	5.6
	<b>2012</b>	<b>835,334</b>	<b>129,358</b>	<b>15.5</b>	<b>77,723</b>	<b>9.3</b>	<b>33,860</b>	<b>4.1</b>
Latin America and the Caribbean	2008	141,043	18,851	13.4	14,145	10.0	9,436	6.7
	<b>2012</b>	<b>142,693</b>	<b>17,843</b>	<b>12.5</b>	<b>12,505</b>	<b>8.8</b>	<b>9,638</b>	<b>6.8</b>
Sub-Saharan Africa	2008	257,108	84,229	32.8	65,064	25.3	38,736	15.1
	<b>2012</b>	<b>275,397</b>	<b>83,570</b>	<b>30.3</b>	<b>59,031</b>	<b>21.4</b>	<b>28,767</b>	<b>10.4</b>

Source: p. 5 idem

### 1.4.3 Main economic sectors where child labour found

The vast majority of child labour is found in agriculture, where 59% of child labourers aged 5-17 are found. 32% work in services and 7% in industry. Since 2008, there has been an increase in the incidence of child labour in the urban informal economy. While addressing child labour in agriculture must remain a key priority, trade unions should usefully give more attention to organising in the urban informal economy as well.

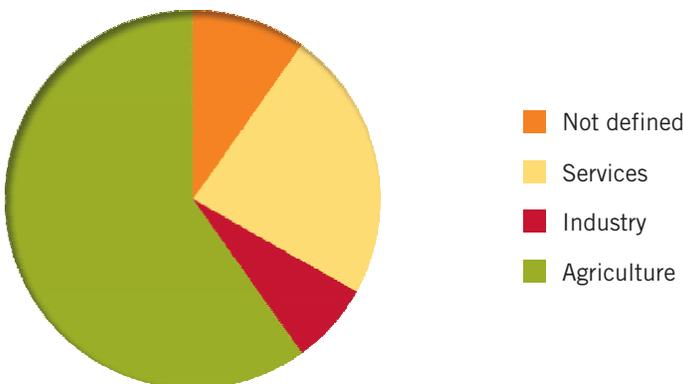
68% of child labourers are unpaid family workers and 23% are employed in a paid activity. 8% of child labourers are classified as self-employed.<sup>5</sup>

Gender roles, age, birth order, and cultural norms determine the kinds of work performed and the hours of work, as well as who works and who goes to school.

In agriculture, much child labour is invisible as most children work as unpaid family workers in dispersed small-scale farms or rural enterprises. In the context of family farming and other rural family enterprises, some participation of children in non-hazardous activities does not necessarily constitute child labour. However, when work interferes with schooling and damages health and personal development, it does constitute child labour.

FIGURE 1

Child Labour: distribution by economic activity (5-17 years)



Most national surveys do not yet take into account domestic chores, failing to capture the “double-burden” of girls in combining domestic work with other forms of labour.

<sup>5</sup> p. 23 “Marking progress against child labour”, Global estimates and trends 2000-2012 IPEC/ILO 2013 Geneva



### 1.4.4 Child domestic workers

As a consequence of the discussion leading to the adoption of ILO Convention 189 on domestic workers in 2011, there have been a number of studies to estimate the numbers of persons employed in domestic work globally. The ILO estimates that at least 17.2 million children between the ages of 5-17 years were engaged in domestic work outside their home in 2012. Girls far outnumber boys.

### 1.4.5 Hazardous Work

The number of girls and boys in hazardous child labour has decreased significantly since 2000. There are now 85 million children in hazardous work compared to 171 million in 2000. The Global Child Labour Conference held in The Hague, Netherlands, in 2010, adopted the Roadmap for Achieving the Elimination of the Worst Forms of Child Labour by 2016. An ILO report in 2011 stated that progress in reducing hazardous child labour has been uneven, neither fast enough nor comprehensive enough to reach the 2016 goal.<sup>6</sup>

Regionally, Asia and the Pacific have the largest number of children in hazardous child labour. However, the largest proportion of children in hazardous work relative to the overall number of children in the region is in sub-Saharan Africa.

ILO estimates there are 5.5 million child labourers in forced labour, whether in commercial sexual exploitation, in forced labour for labour exploitation or for forced labour organised by the State.<sup>7</sup>

<sup>6</sup> p.47 ILO: Children in hazardous work: A review of knowledge and policy challenges, IPEC, 2011, Geneva

<sup>7</sup> p. 1 ILO 2012 Global estimate of forced labour- Executive Summary, IPEC, 2012, Geneva

## KEY MESSAGES

- School is the only legitimate place for children.
- Children should be at school – not at work.
- Child labour is incompatible with the right to education.
- Trade unions promote free, compulsory, quality, relevant, education for all.
- There is a clear link between the incidence of child labour, the number of out-of-school children and poverty levels.

## DISCUSSION POINTS



- Are there specific economic sectors and geographic areas where child labour is most prevalent in your country?
- What is the extent and quality of education provisions in the areas where child labour is most prevalent? Do you see any linkages?
- Do you consider that girls are more disadvantaged than boys in terms of access to schooling? If so, why do you think that is so?
- Has your government ratified key international commitments recognising the human right to education?
- Is there a need to improve national legislation concerning the minimum age of employment or to extend the end of the current system of compulsory education? Or is there a need to harmonise the legislation so that the minimum age of employment coincides with the end of compulsory schooling? If so, what amendments would you propose and why?
- In what kinds of hazardous work are children employed in your country? How could information concerning hazardous child labour be improved?
- Do you think the numbers of child labourers in your country is declining, and if so, why do you think it is happening?
- Make a list of the reasons why child labour has a negative effect on trade union organising and access to decent work and well-being for all?

## 2. Trade union policies and actions to eliminate child labour

### 2.1 Why is child labour a trade union issue?

Ending child labour has always been a concern for the trade union movement and its members. Throughout the world, trade unions are active and influential partners in a wide range of initiatives designed to work towards the inter-connected goals of the elimination of child labour, the achievement of Education for All and poverty eradication. This section provides an overview of the policies trade unions have adopted and types of actions with which they can engage.

Child labour is a violation of fundamental human rights and cuts to the heart of the trade union agenda to promote equality and social justice. It impacts on the opportunities for decent work for adults as child labour provides a cheap



and exploited alternative, which perpetuates the cycle of household poverty. The existence of child labour undermines the capacity of trade unions to organize the workplace and weakens the bargaining power of trade unions. Child labour also impacts on the health and skills of the future workforce.

For these reasons, unions have been at the forefront of the fight against child labour and of the campaign for international standards on the minimum age for employment linked to the completion of compulsory education since the late 19<sup>th</sup> Century.

### WHY IS CHILD LABOUR A TRADE UNION ISSUE?

- Child labour is a violation of fundamental human rights;
- Child labour means a loss of jobs for adults;
- Children provide cheap substitute labour;
- Child labour can weaken the bargaining power of unions;
- Child labourers will be less healthy in their adult working life;
- Child labour brings an increase in societal and individual violence and insecurity;
- Where unions are present, child labour is absent;
- Child labour perpetuates poverty;
- A child's right to education is non-negotiable.

## 2.2 Adopting a trade union policy on child labour

All trade unions, including in developed countries where child labour hardly exists, should adopt a clear strategic objective to contribute to the total elimination of child labour. In countries where child labour exists, this objective can be viewed as a cross-cutting issue, which should be integrated into the overall union plan of activities, in particular in relation to organising and collective bargaining goals and in targeted recruitment strategies, among for example, migrant workers. It also needs to be addressed in existing social dialogue bodies. There is sometime a tendency to view work on child labour as not “core business”, an additional task, or another “donor-driven” project. Such positions should be actively discouraged. Child labour erodes the legitimacy of trade unions, weakens their bargaining power and depresses wages, working conditions and access to jobs for adults. It is thus central to union building and social justice strategies.

The first step for any trade union is to adopt a clear and comprehensive policy and action plan, based on the fullest consultation possible with members. It is advisable that these general policy positions should be

## 2. Trade union policies and actions to eliminate child labour

consistent across the national trade union movement. The policies can highlight the reasons why trade unions should support programmes to eliminate child labour and achieve education for all, as part of an overall strategy to promote decent work through organising and collective bargaining, provide employment, particularly for young people, and to call for basic social protection floors, employment guarantee schemes and quality public services.

Trade unions should also review how they can participate in existing national programmes, coalitions or campaigns and what might be the areas where the union has special expertise or skills to contribute. It is also important to consider what domestic resources might be available to support work on child labour.

### Model: Trade Union Child Labour Policy

#### **A trade union policy on child labour could contain the following points:**

1. The trade union is opposed to all forms of child labour. The fight against child labour is integral to the union's overall strategy to achieve social justice.
2. Every child has the right to free, compulsory and quality education in accordance with international Conventions.
3. The minimum age for work should be in conformity with ILO Convention 138.
4. The government should allocate at least 6% of GDP and 20% of its national budget to education.
5. The trade union will engage with the government to set time-bound targets for the total elimination of child labour in the country.

## 2.3 National Policies on Child Labour

Over the last decades, there has been renewed commitment by national trade union centres, both in developed and developing countries, to work towards the elimination of child labour. Most national trade union centres have now adopted a policy or resolution on the elimination of child labour and have followed up with on-going commitments in a wide-range of areas.

### 2.3.1 The Zambia Congress of Trade Unions National Policy on Child Labour 2009

The Zambia Congress of Trade Unions carried out an extensive consultation process with its members, leaders, other national stakeholders when drawing up its National Policy on Child Labour. During the drafting process, other African trade union centres, including the Central Organization of Trade Unions (COTU), Kenya, and the National Organization of Trade Unions (NOTU), Uganda were consulted. The policy was then adopted by the General Council and a public launch was arranged to give it maximum publicity.

The 25 page policy includes a mission statement, situation analysis on the major causes of child labour in Zambia, with a particular emphasis on the impact of HIV and AIDS, an analysis of the sectors where child labour is most prevalent (informal trade, agriculture and fishing, small-scale mining, manufacturing, hospitality and transport) and an action plan at local, national and international level. It concludes with a section on monitoring and evaluation.

The purpose of the policy is to empower the ZCTU to continue advocating for adoption and adherence to appropriate legislation and practices concerning child labour in the country.

“At local level, ZCTU through its affiliates shall engage in the following:-

- investigation of cases and establishing appropriate facts and data at local level, thus acting as a watchdog in bringing child labour to light.
- publicising and sensitising on the various forms of child labour;
- forming the basis for collective bargaining that shall ensure that collective agreements are committed to promoting human rights, reducing cases of child labour and working towards its elimination;
- monitoring the implementation of agreements by ensuring that codes of conduct are being adhered to by all stakeholders;
- promoting and raising awareness about child labour through workers’ education and public information activities;
- carrying out campaigns, public education and consumer action that will press for law enforcement against child labour;



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- facilitating mobilisation of resources forming alliances both within and outside the labour movements, ZCTU will equally press for improved child protection measures and advocating children's rights to education;
- facilitating liaison with the ILO Committee of Experts on cases of the worst forms of child labour and abuse and with the United Nation's Committee on the Rights of the Child."<sup>8</sup>

### 2.4 International Policy Resolutions on Child Labour

International trade union organizations have adopted clear policy resolutions on child labour, calling on affiliates to increase their work to eliminate child labour and to urge States and the international community to meet their commitments in relation to child labour and education for all. In June 2010, the ITUC committed to developing an action plan with specific strategies for the informal economy and domestic work. The IUF focus is on multinational corporations and their supply chains in agriculture. The 2011 Education International World Congress noted that the Education for All goals will not be achieved without the elimination of all forms of child labour.

#### 2.4.1 ITUC 2<sup>nd</sup> World Congress Vancouver June 2010

##### The International Trade Union Confederation:

- condemns as intolerable the fact that over 200 million children are at work instead of at school and reaffirms the ITUC's commitment to the historic mission of the trade union movement to eliminate exploitation of children and to achieve universally accessible, free quality education;
- underlines that child labour is acutely harmful to the physical and mental well-being of children and perpetuates the cycles of poverty, deprivation and underdevelopment of the societies in which it occurs.

Congress agreed to

- (1) develop a specific ITUC action plan for the eradication of child labour and the ratification and implementation of ILO Conventions 138 and 182, in full cooperation with IPEC and with other committed organizations, with specific strategies for the informal economy and domestic work;
- (2) Disseminate examples of good practice in the elimination of child labour, including the establishment of child labour free zones as part of a strategy to attain the full elimination of child labour and to provide education for all;

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<sup>8</sup> Excerpts from pp 7-8, "National Policy on Child Labour" Zambia Congress of Trade Unions, 2009

## 2.4.2 26<sup>th</sup> World Congress May 2012

### International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF)

- Notes with concern that agriculture remains the biggest user (60%) of child labour, with 132 million girls and boys aged 5 to 14 working, often doing work that is hazardous to their health and/or interferes with their education;
- Expresses further concern that while much of this child labour is on family farms, 1 in 5 of these children are employed and that many products produced by children are used in supply chains of TNCs and supermarkets;
- Welcomes targets set by the ILO and agreed by many national governments to eliminate worst forms of child labour by 2016;

*IUF 26th World Congress therefore resolves:*

- To call on the IUF and affiliates to increase activities to ensure that TNCs in IUF sectors commit to and work on elimination of child labour in their supply chains;
- To call on the IUF to lobby the ILO and other relevant UN agencies to increase commitment to and action on elimination of child labour in agriculture, in particular to ensure that child labour in agriculture is specifically addressed in the Brazil 2013 conference;....

## 2.4.3 Education International (EI)

Education International has a long-time commitment, since the adoption of a resolution on child labour in 1995, to work for the elimination of all forms of child labour in line with the definitions of ILO Convention 138 and to advocate for the need to ensure that all children worldwide have access to free, compulsory, quality public education. Their position is that the Education for All goals will not be reached while only focusing on the worst forms of child labour.

### EI 6th World Congress July 2011

The Congress calls on member organizations to:

- Adopt specific policies and a programme of action on child labour as well as support for unions in developing countries wanting to address the topic;
- Campaign for adequate resources to allow for an expansion of public education, including quality early childhood services, schools, transitional and special education and vocational training to ensure access to education for all;

- Develop specific strategies for girls and women which take also into consideration the specific social and economic benefits countries have from educated mothers;
- Promote quality teacher training and in-service development to enable teachers to meet the diverse and special needs of children, particularly the most disadvantaged, those at highest risk of becoming child labourers (children in conflict zones, regions with HIV/AIDS prevalence, ethnic minorities etc.) and those who have been child labourers;

### 2.5 What actions are unions taking?

Today, unions are linking actions on child labour to overall union policies and organising work. The elimination of child labour forms part of a broader agenda related to decent work and employment policies, and poverty eradication, through provision of basic social protection and the formalisation of the informal economy. Access to quality basic education and skills training for young people underpins this agenda.

Unions are therefore operating on various fronts:

- (1) **Organising, collective bargaining and social dialogue:** organising in sectors where child labour occurs, enforcement of minimum wages, social dialogue with employers on child labour;
- (2) **Campaigns and advocacy work:** campaigns on child labour in global supply chains, advocacy for education for all; awareness-raising with parents and communities;
- (3) **Legal engagement:** the ratification of international legal standards and transposition into national law and practice;
- (4) **Policies and actions:** employment strategies which promote decent work for adults, basic social protection floors and quality public services for all; policies to formalise the informal economy and free, compulsory, quality education for all; inclusive rural development policies.
- (5) **Targeted interventions:** withdrawal of children from employment, creation of child labour free zones;

## Types of actions unions are taking:

### 1. Develop and disseminate trade union policy

- adoption of union policies through Congress resolutions ;
- adoption of strategic plans, or plans of action on child labour;

### 2. Influence national policy

- labour market strategies based on decent work; minimum wage/living wage policies;
- free, quality, compulsory education for all;
- universal social protection floors;
- quality public services, including decent work conditions for education, health and social workers;
- conditional cash transfers for low-income families

### 3. Strengthen freedom of association and collective bargaining

- effective collective bargaining to ensure decent work for adults;
- right to organise and bargain collectively for excluded sectors, such as agricultural workers, domestic workers;
- measures to promote the organization and formalisation of informal economy workers;
- clauses on the prohibition of child labour in collective agreements;

### 4. Social dialogue

- ensuring application in practice of minimum wages;
- negotiations to eliminate use of piece-rate or task based systems of pay;
- agreements with employers' associations on elimination of child labour;
- tripartite sectoral agreements on elimination of child labour;
- participation in formulation of list of hazardous work forbidden to children under the age of 18;

### 5. Legal advocacy at national level

- where necessary, reforms to minimum age of employment legislation or education acts;
- ensure justice systems enforce legal sanctions against perpetrators of child labour;
- strengthening labour inspection systems, particularly in the informal economy;

### 6. Participation in national coalitions and mobilisations

- participating in national action plans to eradicate child labour;
- participating in national education for all campaigns;

### 7. Targeted interventions

- multi-stakeholder action to eliminate child labour in supply chains
- ensuring effective take up of employment guarantee schemes;
- ensuring effective take up of social protection schemes, like conditional cash transfers;
- investigative research or missions linked to media exposure;
- removal of children from employment; creation of child labour free zones;

### 8. Legal advocacy at international level

- use of regular supervisory mechanisms of ILO;
- use of annual reports under the Declaration on Fundamental Principles and Rights at Work;
- use of ILO's 1977 Tripartite Declaration on Multinational Enterprises;
- use of Global Framework Agreements;
- use of EU preferential trade agreements and OECD Code on Multinationals;
- use of UN Framework on Business and Human Rights and UN Global Compact;

### 9. Global campaigns

- International days/weeks of action;
- Targeted campaigns linking use of child labour in global supply chains;
- Participation in international programmes;

### 10. Monitoring and evaluation

- monitoring of government commitments , action plans and resource accountability;
- monitoring of union action plans and achievements;
- evaluation in order to identify successful strategies which can be replicated.

## 2.6 Conclusions

There is a wide variety of opportunities for trade unions to engage on advocacy and action to address child labour, at local, national and international level. From carrying out local awareness projects, or targeted interventions, to extending the scope of labour laws and collective bargaining to advocating for national policies to create an enabling environment, trade unions can engage on child labour issues, depending on their membership and resources available. The next sections explore in more detail the kinds of actions trade unions are undertaking and provide examples drawn from national experiences across the world.

### KEY MESSAGES

- **Unions at local or national level should adopt policies to support the eradication of child labour, recognising the link with the provision of free compulsory, quality education for all.**

### DISCUSSION POINTS



- In your view, why is child labour a trade union issue?
- What arguments could you use to convince others that your trade union give priority to working to eliminate child labour?
- Does your union have a policy on child labour? If not, what do you think should be the main points in such a policy?
- How can you link your union's organising goals with work to eliminate child labour? What might be the added value of this approach?
- Review the chart of the types of action which unions are taking. Then make a list of the actions that your union is currently carrying out or which you think would be relevant in the future?
- Why do you think it is important to take into account the situation of the girl child in any strategy?

# 3. Influencing National Socio-Economic Policies

## 3.1 Introduction

This section provides some guidance and examples of the work that trade union centres and sectoral trade unions are carrying out to end child labour by influencing national social and economic policies. Access to quality education for all and the abolition of school fees and all other costs is the single most effective measure. However, education provision must be combined with other measure to create decent work opportunities for adults. Strengthening existing labour legislation enforcement mechanisms and poverty alleviation measures, including quality public services and universal social protection are necessary as well. An integrated package of national laws, policies and well-resourced programmes can lead to a major reduction in the incidence of child labour.



## BRAZIL: COORDINATED ACTION SIGNIFICANTLY REDUCES CHILD LABOUR

Brazil provides a good example of how political will and coordinated action can bring about significant results. In Brazil, child labour declined by 67% from 2000-2012, while at global level, the rate was 36%. Brazil is an example of what political will and determined action can achieve.

Brazil has adopted an inclusive development model, which recognises that an end to child labour will depend on opportunities for employment and income-generation for adults. Inclusive development is based on the premise that sustainable development must be accompanied by an increase in formal employment, a fair minimum wage policy, the strengthening of family agriculture and incentives for small businesses. It should be accompanied by strategies to achieve industrial innovation, in order to build a knowledge economy, and support for food and energy producers.

This development model also recognises that priority support must be given to the poorest and most vulnerable. The programme “Brazil without Misery” (Brasil sem Miséria), provides a robust network of social protection whereby families living in extreme poverty are entitled to a minimum per capita income. It is currently supporting 22 million Brazilians and in the two years from 2011-2012, child labour has decreased by 15% as a result of the extension of this programme. Recognising that education is fundamental to breaking the poverty cycle, the income support scheme is linked to mandatory, regular attendance at school, where there is a rigorous follow-up and control. Brazil has largely achieved universal access to basic education and is now giving priority to expanding early childhood education through crèches and pre-school provisions, including with financial incentives for the poorest families. The education system also encourages adolescents to continue their education through the expansion of technical courses with clear employment paths, as well as better access to tertiary education, with a quota system for disadvantaged groups.

Brazil is also determined to eradicate the commercial sexual exploitation of children and has adopted legislation on sexual crimes. Police are trained to identify, close-down and punish networks of commercial sexual exploitation of children, child trafficking and internet pornography.

The 2011 National Plan for the Prevention and Eradication of Child Labour and Protection of Adolescent Workers is the outcome of the coordination of all sectors, government, workers, employers and civil society. It relies on a strong system of labour inspection, and the active participation of the legislature, the judiciary and the Ministry of Labour.

It is vital to continue to support policies which increase employment opportunities. Since the financial crisis of 2008, the message from Brazil has been clear. The crisis will not be solved through reducing income of workers, reducing formal employment, restricting trade union freedoms, nor through the erosion of social policies. The effects of such policies will be felt most acutely by children and young people, precisely those whom should receive the most protection. On the contrary, policies geared towards employment creation are vital. Brazil has also suffered from the consequences of the crisis, but at the same time it has been able to generate new employment opportunities in the formal economy, estimated at 4.7 million new jobs since January 2011<sup>9</sup>.

<sup>9</sup> <http://childlabour2013.org/discurso-da-presidenta-da-republica-dilma-rousseff-na-abertura/?lang=pt-br>

## 3.2 Universal access to quality education

According to UNICEF, based on current trends and levels of investment, there will still be 56 million children of primary school age out of school in 2015. Out of 33 countries with a high prevalence of child labour, 28 also have a high percentage of children out of school. Equally, most out-of-school children are found in Sub-Saharan Africa and West Asia, which are the regions with the lowest education investment and enrolment rates.

There is a clear link between progress on the reduction of child labour and achieving universal access to education. This inter-dependence is recognised in the ILO Conventions on the minimum age of employment. There exists a broad range of international commitments and programmes concerning the right to education which unions can refer to in their policy work.

Millennium Development Goal 2 on universal primary education states sought to ensure that by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling.

Millennium Development Goal 3 referred to the elimination of all gender inequalities in primary and secondary education, with a goal initially set for 2005.

The Millennium Development Goals have been criticised for only setting quantitative goals for primary education focusing on access for all. However, it is now widely recognised that the achievement of universal access depends on the ability to achieve a quality education. This is because the quality of education directly impacts on decisions by parents whether to send children to school, how long they stay in school and how regularly they attend. Many child labourers attend school irregularly, either part-time or on a seasonal basis, or are required to work after school every day.

Education International has argued that the post-2015 development agenda must clearly recognise the human right to education and that a quality education needs to be transformative, geared towards social and environmental justice, the democratisation of power structures, the promotion of equality and non-discrimination, and respect for human rights and fundamental freedoms.<sup>10</sup> The 2030 Agenda for Sustainable Development, which was adopted by the UN General Assembly in September 2015 to replace the Millennium Development Goals, meets many of the demands of trade unions when it comes to education. Below is the Education Goal and its Targets:

<sup>10</sup> "The human right to education in the post-2015 development agenda", Civil Society Joint Statement to UN General Assembly, September 2013

## **GOAL 4. ENSURE INCLUSIVE AND EQUITABLE QUALITY EDUCATION AND PROMOTE LIFELONG LEARNING OPPORTUNITIES FOR ALL**

- 4.1 By 2030, ensure that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes
- 4.2 By 2030, ensure that all girls and boys have access to quality early childhood development, care and pre-primary education so that they are ready for primary education
- 4.3 By 2030, ensure equal access for all women and men to affordable and quality technical, vocational and tertiary education, including university
- 4.4 By 2030, substantially increase the number of youth and adults who have relevant skills, including technical and vocational skills, for employment, decent jobs and entrepreneurship
- 4.5 By 2030, eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples and children in vulnerable situations
- 4.6 By 2030, ensure that all youth and a substantial proportion of adults, both men and women, achieve literacy and numeracy
- 4.7 By 2030, ensure that all learners acquire the knowledge and skills needed to promote sustainable development, including, among others, through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship and appreciation of cultural diversity and of culture's contribution to sustainable development
- 4.a Build and upgrade education facilities that are child, disability and gender sensitive and provide safe, non-violent, inclusive and effective learning environments for all
- 4.b By 2020, substantially expand globally the number of scholarships available to developing countries, in particular least developed countries, small island developing States and African countries, for enrolment in higher education, including vocational training and information and communications technology, technical, engineering and scientific programmes, in developed countries and other developing countries
- 4.c By 2030, substantially increase the supply of qualified teachers, including through international cooperation for teacher training in developing countries, especially least developed countries and small island developing States

### **3.2.1 Education for All (EFA)**

The World Conference on Education for All held in Jomtien, Thailand, in 1990, made a commitment to provide basic education as a development priority. Basic education refers to early childhood education, primary and lower secondary education as well as adult literacy. This was reaffirmed at the World Education Forum in Dakar, Senegal, in April 2000, which broadened the agenda and also introduced the concept of “quality education”. The Dakar Framework for Action sets out 6 main goals, which constitute the “Education for All” agenda and which are designed to meet the learning needs of all children, youth and adults by 2015.

#### Summary of Indicators for monitoring free, compulsory, universal, quality education<sup>11</sup>

EDUCATION FOR ALL	INDICATORS FOR MONITORING
Free	<ul style="list-style-type: none"> <li>■ abolition of school fees</li> <li>■ free at the point of access</li> <li>■ Social Protection Floors (basic health care, guaranteed minimum income, pensions for old age, disability and survivors)</li> <li>■ Conditional Cash Transfer programmes</li> </ul>
Compulsory	<ul style="list-style-type: none"> <li>■ functioning system of birth registration</li> <li>■ functioning school inspectorate and judicial sanctions</li> <li>■ functioning labour inspectorate and judicial sanctions</li> <li>■ free school transport system</li> </ul>
Universal	<ul style="list-style-type: none"> <li>■ sufficient numbers of schools within accessible distances</li> <li>■ specific attention to needs of girl child</li> <li>■ special provisions for vulnerable groups, such as indigenous peoples, discriminated castes, children with disabilities, or living with HIV and AIDs,</li> <li>■ specific outreach strategies for children with migrant status or in zones of conflict</li> </ul>
Quality	<ul style="list-style-type: none"> <li>■ qualified teachers in sufficient numbers</li> <li>■ decent conditions of service</li> <li>■ respect for freedom of association and the effective right to collective bargaining for all education workers</li> <li>■ functioning school governance system</li> <li>■ adequate teaching materials and resources</li> <li>■ relevant curriculum</li> <li>■ rights-based education so children can reach their full potential children treated with dignity and respect</li> </ul>

<sup>11</sup> Source: "Child labour and education for all", a trade union manual ILO ACTRAV/Education International, forthcoming.

### 3.2.2 What proportion of national income should your government spend on education?

Globally, there is still a wide disparity between countries. The numbers of years of basic education may vary between 7 and 12 years. In 2010, 90.7% of primary age students worldwide were enrolled in school. The rate has improved since 2000 (84.5%), but little progress has been made since 2008.<sup>12</sup> UNESCO's Education for All Global Action Plan calls on government to devote at least 6% of Gross National Income to education. The EFA Global Partnership for Education has established a bench mark standard of a maximum of 40 pupils to a class. The Global Campaign for Education has called for governments in poor countries to put 20% of their national budget into education, of which half should be earmarked for primary education.

It is clear that with sufficient political will at both international and national level, it is possible to make major advances. Trade unions are crucial to the creation of this necessary political will so as to ensure the required levels of investment in basic education. There are many arguments that can be used to support your positions.

### 3.2.3 The economic arguments for education – particularly girls' education

In the current global economic downturn, it is more important than ever that the union movement can put forward the economic arguments for investing in education. It is clear that failure to invest in universal, free and compulsory education holds back economic growth. Girls' education is particularly beneficial, as it impacts on female fertility rates and infant, child and maternal mortality rates. In sub-Saharan Africa and in South and West Asia, child marriage affects one in eight girls; one in seven gives birth by the age of 17. Education can empower girls to have a say over their life choices — by giving them the confidence to speak up for their rights, and to demand the opportunity to continue their studies and delay maternity. Education also protects against HIV and AIDS, increases women's labour force participation and earnings, and their ability to organise trade unions in the workplace.

- An ILO/IPEC study in 2003 suggested that the benefits of eliminating child labour and providing universal basic education outweigh the costs by a ratio of 6.7 to 1.<sup>13</sup>
- The same study estimated that with universal education for children to the age of 14, each child would benefit from 11 per cent more income for every extra year of schooling; One study in 2010 from 50 countries

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<sup>12</sup> World Bank Education Statistics

<sup>13</sup> See "Investing in every child—an economic study of the costs and benefits of eliminating child labour" IPEC 2003



suggests that every extra year of schooling can increase average annual GDP by 0.37%;

- Completing just four years of basic education makes a farmer an average of 8.7% more productive.
- An adult who has completed primary education is likely to earn 50% more than an adult who has never been to school;
- A single year of primary school increases the wages people earn later in life by 5-15% for boys and even more for girls;

## 3.3 Employment and Labour Protection policies

Unscrupulous and exploitative employers profit from child labour. They deliberately recruit children as they can pay them less and the children are unlikely to complain or contact a trade union. Children also work alongside their parents, in harvests, stone-breaking, mining and other activities, where payment is on a piece-rate system. Because the rates are so low, all family members are required to work to meet basic needs. Some children, particularly from migrant families, work as bonded labour, to pay off family debts. There are increasing numbers of children who are “self-employed”, in urban areas, eking out survival strategies, in street vending, carrying loads in markets, domestic work, or other informal activities. The great majority are unpaid and work from a very early age, in family subsistence farming.

### 3.3.1 Employment creation development strategies

Unemployment and under-employment in the formal economy and the deterioration in the profit margins of family agriculture are the core underpinning problems which lead to child labour. Development models which give priority to employment creation in the formal economy, combined with skills and vocational training programmes, are an essential element in the elimination of child labour. As trade unions advocate for employment-intensive growth strategies and decent work opportunities for all, and engage with governments and International Financial Institutions for more and better jobs, they are advocating for an economic environment to eliminate child labour.

Decent Work is a concept formulated by the ILO. It focuses on four strategic pillars: employment, rights at work, social protection and social dialogue

Adults, who are in decent employment and enjoy a decent income, are far less likely to send their children to work. Employment strategies which ensure that parents and young persons of legal working age have the possibility of decent work are a key factor in tackling poverty and child labour. Hence governments that give priority to employment strategies, decent wages, including minimum wage policies, and other social protection measures are effectively addressing child labour.

Policies to provide skills training and employment opportunities for young people are also crucial in order to break the cycle of low income and poverty. Giving opportunities to young people of working age from poor families to make the transition to decent work through second-chance basic education and relevant vocational training programmes also reduces the incidence of child labour.

Other key areas are support to family agriculture and small businesses so that household income levels are increased and become more stable, thus improving food security and giving families in rural areas the opportunity to invest in the education of their children.

### 3.3.2 The role of minimum wages in reducing poverty and therefore child labour

The current crisis of unemployment in the formal economy and the increasing numbers of working poor have created situations of high vulnerability. Minimum wage policies ensure a basic income and are an effective social policy. They benefit the extended family, including the poorest members in rural areas. They also impact on wage levels in the informal economy as they are used as a benchmark for setting pay levels, so they increase wages for those at the poorest levels. Minimum wages are also a tool to promote

equality as it is often women, migrant workers, racial or ethnic minorities, and young people, who are at the bottom of the wage scale and will thus benefit from the introduction of a minimum wage. Minimum wages also stimulate local economies by creating internal demand. They also impact on levels of investment in subsistence farming, with purchase of new machinery, improved seeds and other items, as a consequence of remittances of wages from urban workers who benefit from the minimum wage.

#### 3.3.3 Ensuring application in practice of minimum wages

While minimum wages have been shown to be an important poverty reduction instrument, however, there are often problems regarding the wage-fixing machinery, as minimum wages are not adjusted in line with the rising cost of living. In addition, some employers seek to evade their obligations, even in the formal sector, by non-payment of wages, forcing workers to accept wages below the minimum level, or through the use of fixed-term contracts, casual jobs or service contracts.

Wages in sectors where child labour is common, such as agriculture and domestic work, brick-making and stone quarries, are low, often below the national minimum wage. Therefore as trade unions tackle problems associated with the application of ILO standards on wages<sup>14</sup> such as: non-payment or deferred payment of wages; non-respect of periodic adjustments of minimum wage rates; the lack of adequate sanctions to deter abuse of the minimum wage system; and the lack of statistics and data on workers covered by minimum wages, they are also addressing some of the root causes of child labour.

#### CASE STUDY: USING MINIMUM WAGES ACT (1949) IN INDIA TO ADDRESS CHILD LABOUR

In India, trade unions working in the ILO's INDUS child labour project used the Minimum Wages Act, 1948 as a tool to address child labour. They argued that minimum wages enhance the capacity of adult workers to send their children to school, particularly in the unorganised sectors, where wages are often very low. "Trade unions can raise the issue of implementation of minimum wages to adult workers with the labour inspection authorities. They can also file claims directly before the labour department, claiming the difference of wages payable as per law and the actual wages paid. Trade unions can thus gain confidence of the adult workers, as their action would result in direct benefit to them."<sup>16</sup>

<sup>14</sup> The ILO Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99); Protection of Wages Convention, 1949 (No. 95); Minimum Wage-Fixing Machinery Convention, 1928 (No. 26); Minimum Wage Fixing Convention, 1970 (No. 131)

<sup>15</sup> p.27 Handbook on child labour for trade unions, ILO INDUS child labour project, 2006, ILO, New Delhi,



### 3.3.4 Formalising the informal economy

Today, in those sectors where there is a strong trade union presence, there is little or no child labour. Conversely, those sectors where the work force is weakly organised or not organised, particularly in rural areas and in the informal economy, child labour is prevalent. Hence one of the keys to tackling child labour is supporting the organization and representation of informal economy workers. In recent years, trade unions have made significant progress in organising workers in the informal economy and in precarious forms of work in the sub-contracting chain. Many trade unions have developed new strategies to extend appropriate services to them. Such work is complementary and essential to the elimination of child labour and the achievement of education for all.

### 3.3.5 Public employment schemes and their impact on child labour

Public employment schemes can have a significant impact on the incidence of child labour. In 2013, there were programmes in operation in Ethiopia, Ghana, India, Kenya and South Africa. In India, under the terms of the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA), the government provides at least 100 days of paid employment annually to every household, in which adult members agree to undertake unskilled manual work. The scheme was first established as a pilot in 2005 and launched as a national programme in 2008. Worksites are also meant to provide child care schemes so that older children are not required to take over child and household duties from the parents at work.

Unions have successfully used the scheme to lobby for much needed employment for workers and at the same time to organise them. It is

estimated that over 30,000 workers have been recruited into trade unions. In this way, family income is enhanced, the risks of child labour are diminished and with increased membership, the unions benefit from strengthened influence and voice.

#### **Trade unions act as a “watch dog” to cut red tape and get the scheme working**

*“The MGNREGA has helped stem the mass exodus from rural areas to the bigger cities. It is the Government’s flagship programme, and the single largest workfare programme in the world. It has raised the hopes of millions of people and by giving priority to women workers, it promotes equality. And it has also provided a big opportunity for Building and Woodworkers International (BWI) affiliates to reach out to a large workforce in rural areas.*

*Because it is a national government scheme, it is fraught with layers of red tape, resulting in registration delays or refusals and corrupt practices. However, at several locations, with the presence of trade unions as a “watch dog”, the implementation has improved. Unions have helped workers with registering and getting the job cards and thereby accessing employment. Most of the work available is in the BWI sectors, such as improving rural connectivity, renovation of water bodies, new irrigation facilities and so on. As the union helps get the job card, the worker also realises that by becoming a trade union member, his or her rights will be safe guarded and further employment secured. By the beginning of 2013, the union calculates they have recruited more than 30,000 workers using the MGNREGA. So the scheme is working well on many fronts, and is supporting India’s economic, social and environmental development.”*

*R. C. Khuntia, President, INBFCWF, India*

### **3.3.6 Enforcing national legislation and inspection systems on child labour**

A functioning labour inspection system is a vital component of an effective monitoring and enforcement mechanism to ensure compliance with legislation on the minimum age of employment. Labour inspection systems are notoriously under-resourced and can suffer from a number of political and administrative constraints. Trade unions, through their work place representatives, can act as a watch dog and help develop targeted actions, particularly in areas of unregulated work and where child labour is prevalent. Trade unions can contribute as strategic partners in shaping the priorities and activities of the labour inspectorates through sound cooperation.<sup>16</sup> A mix of both preventive methods and effective and dissuasive sanctions is required.

There are two ILO Conventions on labour inspection: Convention 81 (1947) on labour inspection and Convention 129 (1969) on labour inspection in agriculture. Convention 129 is particularly relevant given the high incidence of child labour in rural areas. It provides detailed guidance on setting up an effective system of inspection in agriculture, covering both commercial farming and where States so decide, family undertakings. The inspection

<sup>16</sup> See Report V Labour Administration and Labour Inspection ILO Conference 100th Session 2011 p.viii

system covers the enforcement of legal provisions relating to hours, wages, weekly rest and holidays, safety, health and welfare, the employment of women, children and young persons.

In many countries, it may be necessary to provide capacity –building to the labour inspectors, police forces and immigration officials on strategies to identify and prevent child labour and about existing social protection networks and support systems. It may also be necessary to strengthen the exchange of information and cooperation between labour inspectors, school enforcement officers and immigration officials to eliminate child labour and child trafficking.

Trade unions can call for improved enforcement of legal sanctions against employers of child labour, including along supply chains, and strengthening labour inspection systems, particularly in areas where child labour is found. In some countries, special child labour units have been established as part of the labour inspectorate. They aim to work in collaboration with other government agencies concerned with child rights. Particular attention needs to be given to strengthening labour inspection in rural areas.

#### CHECKLIST:

In reviewing national laws, some of the key issues for consideration are:

- Is the legislation in accordance with ILO Minimum Age Convention 138 and ILO Convention on the Worst Forms of Child Labour 182?
- Are the legal ages for compulsory education and employment harmonised?
- Has the government established a list of the types of work that are likely to harm the health, safety or morals of children as required under ILO Convention 182? Have unions been consulted, as required by ILO Convention 182?
- Has the government put on record any plans for improvements in the current situation?
- How can trade unions contribute to strengthening the current system of labour inspection?

#### MONITORING THE APPLICATION OF LABOUR LAWS IN GUJARAT COTTON FARMS

Cotton is the main cash crop for many local farmers in Gujarat state. Cotton production is very intensive and numerous families migrate to work on the farms, taking their children with them. Child labourers in this sector are very young and work from 14 to 18 hours per day. The problem in India is in part due to ineffective legislation. For example, any child above 14 years of age can work in agriculture as it is classified as a “non-hazardous” sector. This legislation should be amended, as it is clear that many tasks in this sector are threatening the safety and health of children. In India, there are three specific good practices that help address child labour in agriculture:

1. Our organization attempts to monitor working conditions where possible. We also hold negotiations with farmers that employ children by informing them of local laws and emphasizing that this practice is harmful for children and immoral.
2. The Right to Education Act was recently passed in India and is a very significant legal instrument for fighting child labour. This Act will help ensure that children can attend schools rather than work in the fields and will be a key tool for Gujarat state in ending child labour.
3. Child Protection Committees were created in all of the villages where our organization is active. These committees monitor the well-being of children and help ensure their basic rights are looked after, including health and education.

**IUF Delegate from India at the Partnership Side Event on Child labour in Agriculture IUF 26<sup>th</sup> World Congress 16 May 2012**

## 3.4 Universal Social Protection and Quality Public Services

Over the last two decades, and as part of the debate on a fair globalisation, there has been renewed interest in social protection floors, as a means to address acute poverty and inequality in low-income countries. Social protection floors have a particular impact on workers in the informal economy, where the majority of child labour is found.

Social security is recognised as a fundamental right in Article 22 of the Universal Declaration of Human Rights “Everyone, as a member of society, has the right to social security” and Article 25 identifies the “right to security in the event of unemployment, sickness, disability, widowhood, old age, or other lack of livelihood in circumstances beyond his control,” and is a core element of ILO’s own mandate. The ILO Convention 102 17 sets out minimum standards for contributory schemes for medical care, sickness and injury benefit, unemployment benefit, retirement benefits, family allowance, maternity benefits and survivors’ benefit. However, its application in practice has been largely restricted to the developed economies. For 80% of the global population, basic social security is still a far cry from their daily realities.

<sup>17</sup> ILO Convention 102 on Social Security (Minimum Standards) 1952

The concept of a basic social security floor differs from the ILO Convention in that it consists of a set of guaranteed services and social transfers defined as a right and not part of a contributory scheme. There is growing interest in developing such systems.

Social protection floors should comprise at least the following basic social security guarantees:

- (a) access to a nationally defined set of goods and services, constituting essential health care, and maternity care, that meets the criteria of availability, accessibility, acceptability and quality;
- (b) basic income security for children, at least at a nationally defined minimum level, providing access to nutrition, education, care and any other necessary goods and services;
- (c) basic income security, at least at a nationally defined minimum level, for persons in active age who are unable to earn sufficient income, in particular in cases of sickness, unemployment, maternity and disability; and
- (d) basic income security, at least at a nationally defined minimum level, for older persons.<sup>18</sup>

While social protection floors are primarily a government responsibility, the social partners, and particularly unions, should have a significant role in the design and management of such systems to ensure transparency, good governance and sustainability. Over the last decade, a number of countries in Africa, Latin America and Asia have introduced basic social protection floors with dramatic results in addressing poverty and exclusion, particularly for informal economy workers.

There have been a number of studies that prove that such programmes are affordable for low-income countries, and could cost as little as 5% of GDP, particularly given positive returns in terms of economic growth, enhanced productivity and improved education, health and nutritional indicators.

A basic social protection floor has an important impact on the incidence of child labour and on the school enrolment rates. Recent introductions of a basic social security floor in Tanzania, Zambia and Mozambique have had positive results in increasing school enrolment. Latin America is the region which has made greatest progress on reducing child labour over the past 10 years and has taken the most decisive measures to develop its social protection systems. If the right to social protection can be realised, combined with the provision of basic services, including water and sanitation, it will act as the gateway to education for all and the elimination of child labour.

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<sup>18</sup> Source: For full text of ILO Recommendation 202 (2012), see [http://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100\\_ILO\\_CODE:R202](http://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100_ILO_CODE:R202)

#### KEY POINTS FROM THE R202 (2012) NATIONAL SOCIAL PROTECTION FLOORS

Social protection floors are nationally defined sets of basic social security guarantees which secure protection aimed at preventing or alleviating poverty, vulnerability and social exclusion.

Recognizing the overall and primary responsibility of the State in giving effect to this Recommendation, Members should apply the following principles:

- (a) universality of protection, based on social solidarity;
- (b) entitlement to benefits prescribed by national law;
- (c) adequacy and predictability of benefits;
- (d) non-discrimination, gender equality and responsiveness to special needs;
- (e) social inclusion, including of persons in the informal economy;
- (f) respect for the rights and dignity of people covered by the social security guarantees;
- (g) progressive realization, including by setting targets and time frames;
- (h) solidarity in financing while seeking to achieve an optimal balance between the responsibilities and interests among those who finance and benefit from social security schemes;
- (i) consideration of diversity of methods and approaches, including of financing mechanisms and delivery systems;
- (j) transparent, accountable and sound financial management and administration;
- (k) financial, fiscal and economic sustainability with due regard to social justice and equity;
- (l) coherence with social, economic and employment policies;
- (m) coherence across institutions responsible for delivery of social protection;
- (n) high-quality public services that enhance the delivery of social security systems;
- (o) efficiency and accessibility of complaint and appeal procedures;
- (p) regular monitoring of implementation, and periodic evaluation;
- (q) full respect for collective bargaining and freedom of association for all workers;
- (r) tripartite participation with representative organizations of employers and workers, as well as consultation with other relevant, representative organizations of persons concerned.<sup>20</sup>

Trade unions have an important role in:

- (a) Promoting the introduction of universal social protection schemes, developing the arguments for their affordability and creating the necessary political will;
- (b) Opposing policies which promote the privatisation of existing social protection schemes;

<sup>19</sup> p.60 World Report on Child Labour "Economic vulnerability, social protection and the fight against child labour" ILO 2013

- (c) Promoting policies designed to establish basic social protection systems and calling for their vertical and horizontal extension;
- (d) Promoting quality public services for all;

### CHECKLIST: PROMOTING SOCIAL PROTECTION FLOORS USING ILO RECOMMENDATION 202

- Review existing provisions and beneficiary groups
- How could the current system be extended both horizontally to provide universal protection and vertically to improve the level of provisions?
- How do you envisage such universal protection could be funded?
- How could the governance of social protection systems be strengthened?

### 3.4.1 Impact of cash transfer schemes on the incidence of child labour

While universal social protection measures are preferable to means-tested systems, targeted provisions can complement them. Cash and in-kind transfer programmes are increasingly used as a poverty alleviation measure, particularly in Latin America (for example in Nicaragua, Mexico, Honduras, Ecuador, Colombia, Brazil, Chile, Uruguay). Some programmes are conditional on school attendance, medical check-ups or vaccination programmes. Other programmes also include school meals programme or a take-home rations scheme. In addition, some programmes are linked to grants for productive investments, either at community level or for individual families. However, it appears that linking cash transfers with income-generating activities can be counter-productive as the children may then be required to engage in the new work. There are also challenges concerning the administration of such schemes, particularly in remote rural areas.

#### ECUADOR: THE IMPACT OF CASH TRANSFER SCHEMES ON CHILD LABOUR

The *Bono de Desarrollo Humano* (human development grant) in Ecuador provides means-tested income transfers to the poorest families in Ecuador. A study conducted in 2012 found that children aged 11 to 16 years who came from households that benefited from the scheme were 8% less likely to engage in child labour.<sup>21</sup>

Evidence overwhelmingly suggests all these measures are effective tools in reducing the incidence of child labour, if not eliminating it altogether.

<sup>20</sup> p. 29 World Report on Child Labour “Economic vulnerabilities, social protection and the fight against child labour”, ILO 2013, Geneva.

## 3.5 Conclusions

This section has reviewed a range of national economic and social policies and programmes that can create the necessary enabling environment to effectively eliminate child labour. Trade union engagement in policy issues with their governments to ensure the provision of quality public services, adequate social protection, the creation of more decent jobs, living minimum wages, effective labour inspection systems, and so on, all contribute to end child labour. Trade unions are called to continue to promote such policies in their national tripartite organs of social dialogue. Through their core work of organising and collective bargaining, trade unions can also create awareness among members and negotiate with employers to ensure effective prohibition of child labour in enterprises, sub-contractors and suppliers. In conclusion, trade union activism to improve the working and living conditions of adult workers, contributes to the elimination of child labour.

### KEY MESSAGES

- **Unions fight to end child labour through effective engagement with governments and employers to ensure decent work for all.**
- **Failure to invest in universal, free, and compulsory education holds back economic growth.**
- **Improving income and wages for waged workers and many self-employed workers will in the long term reduce child labour by ensuring that these groups have the economic means to support their families and ensure their access to education.**
- **Trade unions have an important role as advocates of universal social protection, both in calling for their adoption and supporting their effective implementation.**

## DISCUSSION POINTS



- How does your engagement with the government and employers to ensure decent work for all, contribute to ending child labour?
- UNESCO recommends that at least 6% of GDP be invested in education. In your view, is that sufficient in the context of your country? What proposals could you put forward to increase the education budget and what arguments could you make to support the proposal?
- How is the ILO Decent Work agenda implemented in your country? Are there ways in which the programme can be strengthened or incorporate child labour concerns more effectively?
- Are there ways in which your union could work together with the national labour inspectorate to help improve prevention and enforcement of the minimum age of employment?
- Has your trade union adopted policies or programmes to address the needs of least protected workers, such as workers in the informal economy, migrant workers, disabled workers, indigenous workers, or sub-contracted workers where the incidence of child labour is high?
- What policies do you think your government could adopt which would promote the “formalisation of the informal economy” in your country?
- What are the arguments in favour of a universal basic social protection floor? Has your union adopted policies on this issue? What measures would be necessary to make a basic social protection floor a reality in your country?
- If a cash transfer scheme or employment guarantee scheme is already in place in your country, how do you think the trade unions could help make it more effective? Consider what measures might be required to ensure that women and girl children are not adversely affected?

## 4. Using freedom of association and collective bargaining to end child labour

### 4.1 Freedom of association and the effective right to organise

One of the central platforms of the early labour movement was the need for free, compulsory education, funded by the State and linked to legislation to prohibit child labour. Today, in those sectors where there is a strong trade union presence, there is little or no child labour. Conversely, in those sectors where the work force is weakly organised or not organised, particularly in rural areas and in the informal economy, child labour is most prevalent. In some countries, some sectors of the labour market, in particular agricultural workers, migrant



workers and domestic workers are still excluded from the labour laws. Hence one of the keys to tackling child labour is strengthening the right to freedom of association of all workers, whether employees or self-employed. Particular emphasis needs to be given to supporting the organization and representation of rural workers, agricultural workers and self-employed subsistence farmers, migrant workers and informal economy workers in urban areas, all of which are the sectors where child labour is most prevalent.

Trade unions have made significant progress in organising workers in precarious forms of work in the sub-contracting chain, where migrant workers are often employed. Many trade unions have also developed strategies to organise workers in rural areas and in the informal economy and to extend appropriate services to them. Such work is essential to the elimination of child labour and the achievement of education for all. Unions need to reach out to those areas of the labour market where child labour remains prevalent in order to organise and create an effective presence.<sup>22</sup>

#### **4.1.1 Extending freedom of association to rural workers and informal economy workers**

ILO Convention 141 on Rural Workers' Organizations (1975) confirms that all rural workers, whether wage-earners or self-employed, have the right to establish and join organizations of their own choice. The Convention states that governments should facilitate the "establishment and growth of strong and independent organizations of rural workers, so that they can contribute to improving employment opportunities and general conditions of work and life in rural areas, as well as increasing national income and achieving a better distribution thereof."<sup>23</sup>

Levels of organization remain low, particularly among the smaller rural producers, or subsistence farmers, where child labour is most prevalent. However, cooperative forms of organization can prove an appropriate mechanism, and there are examples of trade unions actively supporting their formation. As cooperatives can increase productivity and access to credit, markets and new technologies, they enhance rural incomes and reduce the incidence of child labour. Even with limited capital, informal economy workers can form cooperatives, as requirements for registration are minimal. In this way, informal work can be transformed into legally protected work, which, in turn, can enhance incomes and reduce the use of child labour range.<sup>24</sup>

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<sup>22</sup> p.56 "Ending child labour in domestic work and protecting young workers from abusive working conditions" ILO/IPEC Geneva, ILO, 2013

<sup>23</sup> Articles 4-6, ILO Convention 141 Rural Workers' Organizations (1975)

<sup>24</sup> ILO Promotion of Cooperatives Recommendation, 2002 (Rec 193) Para 9 and "Cooperatives for People-Centred Rural Development" Rural Policy Brief, ILO June 2011

### AFRICAN TRADE UNIONS ORGANISE INFORMAL ECONOMY WORKERS THROUGH COOPERATIVES

The SYNDICOOP and COOPAfrica projects were joint initiatives between the International Cooperative Alliance, the ITUC and the ILO to strengthen organising strategies among informal economy workers and to improve employment opportunities, income and working conditions, in nine African countries. The programme was implemented over the period 2004-2010. The project increased awareness of the role of trade unions and the benefits of collective representation among informal economy workers. National governments are committed to continuing to support these initiatives. A handbook for trade unions and cooperatives about organising workers in the informal economy was produced.<sup>25</sup>

Over the last two decades, there has also been a significant growth in autonomous membership based organizations of informal economy workers, predominantly women workers, often with multiple disadvantages, based on ethnicity or migrant status. Organizations of home-based workers, domestic workers, street and market vendors and other sections of the urban poor, such as waste-pickers have been established and have received support from the trade unions and other organizations. Some have opted to register as trade unions, others as cooperatives, while others remain as associations or loose networks.

*'Democratic, independent, membership-based organizations of wage workers, own-account workers, self-employed persons or employers in the informal economy are sometimes not allowed to operate under local or national legislation and are often unrecognized and excluded from or under-represented in social dialogue institutions and processes. Without organization and representation, those in the informal economy generally do not have access to a range of other rights at work... Women and youth, who make up the bulk of workers in the informal economy, are especially without representation and voice.'*

**Resolution "Concerning Decent Work and the Informal Economy",  
International Labour Conference, 90<sup>th</sup> session, Geneva 2002**

#### 4.1.2 Trade union strategies to organise informal economy workers

Trade union strategies to organise the informal economy are important to organise the unorganised. However, they are also very important to eliminate child labour because it is so prevalent in the informal economy. Many national trade union centres have revised their Constitutions so that informal economy workers and their associations can become members and have developed strategies to extend appropriate services to these workers. They are seeking

<sup>25</sup> Smith, Stirling, Let's organize! A SYNDICOOP handbook for trade unions and cooperatives about organizing workers in the informal economy; Joint publication of the ILO, ICA and the ICFTU

to identify the key categories of informal economy workers to organise, how best to establish an entry point and what services would be relevant. They are also developing collaborative alliances with existing organizations of informal workers at national and global level. Trade unions have contributed with their legitimacy and influence to negotiations with national and local authorities.

### **GHANA: ORGANISING INFORMAL ECONOMY WORKERS**

In Ghana, the Trade Union Congress (GTUC) established a policy whereby it encouraged its sector-based member unions to include informal economy workers. Unions were also encouraged to review their constitution and structures so that they could mainstream informal economy members into their activities, whether as part of their unions directly or as independent affiliates. It then set up an informal economy desk that can coordinate and assist the work of GTUC and its unions in organising and servicing the informal economy. Unions identify and train contact persons amongst workers in the association or groups targeted for recruitment.

The following are some approaches for organising informal economy workers:

- autonomous initiatives to develop membership-based organizations of specific groups of informal economy workers, often with a predominantly female workforce such as homeworkers, domestic workers or street vendors;
- trade union initiatives to establish unions of informal or self-employed workers, either by sector or across sectors;
- trade union initiatives to extend membership and collective bargaining of a sectoral union with its main base in the formal sector to informal and self-employed workers;
- provision of services, such as skills training programmes, or occupational health and safety training as an entry point;
- initiatives to extend social security and health insurance to informal economy workers;
- trade union organising through global supply chains in partnership with NGOs, consumer organizations, and other membership based organizations;
- partnerships between trade unions and organizations of informal economy workers to develop common negotiating platforms with local authorities or governments;
- integrated initiatives combining advocacy on legal reform, organising and campaigning to ensure equality of treatment and non-discrimination of contract and agency workers;
- tripartism and social dialogue on the informal economy.



### 4.2 Collective bargaining and its impact on child labour

When unions organise and negotiate for decent working conditions and decent jobs, it has an impact on the incidence of child labour and school enrolment rates. If workers are paid fairly, they will be able to afford to send their children to school as they do not need to rely on the additional income for household survival, and they can afford the direct or indirect costs of schooling. If workers benefit from social protections, such as health and accident insurances, in times of difficulty, they will not need to take children out of school. If women enjoy equality at the workplace, it will be easier for women heads of household to afford the costs of sending children to school. In this sense, collective bargaining creates the enabling environment to effectively address child labour. Collective bargaining is one of the main trade union strategies to tackle child labour. It is most effective when it is combined with lobbying or advocacy work at national level and where possible, linked to global campaigns.

#### 4.2.1 Clauses on the elimination of child labour in collective bargaining

Most collective bargaining agreements in developing country context refer to the elimination of child labour. Trade unions negotiate clauses to eliminate the use of child labour, not only in the main enterprise but also its use by contractors, sub-contractors or suppliers.

Clauses which reduce the incentive to employ children include:

- the introduction of minimum wages, based on a living wage, which reduces the incentive to employ children;
- the abolition of the piece-rate or task system and its replacement with an hourly or daily wage system; rates for piece work are often so low that in practice children's participation is necessary to achieve sufficient income for the family's needs.

### POINTS TO CONSIDER WHEN NEGOTIATING WITH EMPLOYERS

- National centres can adopt a Child Labour Clause or industry model agreement, which all affiliates are requested to seek to negotiate.
- Is it best to include the issue in the main collective contract or negotiate a separate agreement on child labour? Take into account that a collective agreement is time-bound and a general agreement can be valid until the parties wish to review it.
- The standards in the agreement at the least should reflect those in ILO Convention No. 138 and No. 182.
- Seek to negotiate at the broadest level possible.
- You can seek to negotiate support mechanisms, or provision of schools in the communities where children have been removed from work.
- You can seek to negotiate with the employer or the employers' association to agree a joint policy commitment and plan of action.

## 4.2.2 What should be in a collective bargaining agreement on child labour issues?

The child labour issues to be negotiated depend on the level at which collective bargaining takes place and the nature of the employment situation. Although national employment legislation may stipulate the minimum employment age, some collective agreements, particularly in economic sectors like agriculture where child labour is common, reaffirm the law as a joint commitment between employers and workers.

Some possibilities include:

### Direct employment

- A clause to stipulate that the enterprise will not employ any person below the minimum age set in national legislation, or if that age is below the ILO standard, seek to negotiate a higher minimum age.

### Indirect employment (i.e. suppliers, subcontractors)

- A clause to stipulate that the enterprise will insert a clause in all contracts with its suppliers or subcontractors that they will not use child labour

### Monitoring mechanisms- trade union involvement

- A clause to establish a sustainable monitoring system with union involvement, particularly because the union will not necessarily have members in the workforce of the suppliers and subcontractors who would be able to play a watchdog function

### Support and rehabilitation mechanisms

- A clause whereby the employer agrees to support or provide schooling for workers' children, especially in remote areas, such as mining and plantations, where public schools are not available or easily accessible;
- A clause whereby the employer commits to ensure the re-integration of child labourers into school or vocational training and provide additional support to families or the community

### 4.2.3 Examples of collective bargaining agreements in agriculture in Africa

Here are some examples of collective agreements in commercial farming enterprises in Africa:

- Agreement between Kakira Sugar Works and the National Union of Plantation and Agricultural Workers (NUPAW-U) Clause 22: a) "No person under the age of 18 shall be employed by the company and employees shall not be allowed to bring their children who are under the same age to the estate to work their tasks."
- Agreement between Gumaro Tea Development Plantation management and trade union in Ethiopia when a new collective bargaining agreement was signed in 2002, whereby it was agreed "to work jointly to eliminate hazardous child labour from the enterprise and child labour generally, by considering possible solutions together."
- Agreement between the Ghanaian Oil Palm Development Company and the General Agricultural Workers Union of Ghana (GAWU) when the collective bargaining agreement committed management and union to work together to eliminate child labour in and around the plantations. In addition, the individual farmers formed a labour cooperative to assist each other during peak periods of work. The agreement states that:

*"The management is committed to the eradication of child labour in and around the plantations, and within the country as a whole. The management shall, in conjunction with the Union, take necessary action to ensure that child labour is absent from within and around the plantation."*<sup>26</sup>

<sup>26</sup> ILO: Tackling hazardous child labour in agriculture: Guidance on policy and practice. Guidebook 4: Initiatives to tackle hazardous child labour in agriculture (Geneva, IPEC, 2006), Section 2.1, p. 16.

## COTU KENYA RAPID ASSESSMENT STUDY: INCLUSION OF CHILD LABOUR ISSUES IN COLLECTIVE BARGAINING AGREEMENTS 2010

COTU commissioned a rapid assessment report in 2010 and found that the number of collective bargaining agreements (CBAs) negotiated and registered by the trade unions increased from 275 in 2005 to 324 agreements in 2009. The number of workers covered by the CBAs also increased from 59,445 to 83,907 persons over the same period.

There were three CBAs with specific clauses on child labour, negotiated by the Kenya Plantation and Agricultural Workers Union (KPAWU). These CBAs were agreed between the union and Kenya Tea Growers Association (Kericho/Sotik Branch), Kenchic Limited and Njoro Canning Factory. While the last two companies cover the issue under a specific Child Labour Clause, the KTGA/KPAWU agreement covers it under Employment Policy. In all the instances, the clauses prohibit employers from engaging anybody who is below the age of 18 years.

As a result of this survey, it was agreed that future ILO/COTU (K) activities on child labour at workplaces should focus on:

- (a) Facilitating employers and workers through their trade unions to develop and implement workplace child labour policies, including integrating relevant provisions of the policies in CBAs;
- (b) Encouraging and making follow-up with trade unions on the need to integrate child labour issues in their CBAs;
- (c) Sensitising workers and employers on the general status of child labour in the country, possible impacts and the need for taking more concrete and integrated measures to combat the problem.



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### 4.2.4 Examples of Agreements with employers' associations on the elimination of child labour

Unions, sometimes in association with civil society organizations or with the Global Union Federations, have entered into national cooperation agreements focusing on child labour or forced labour with the employers' associations. These agreements include establishing monitoring mechanisms and are often accompanied with the implementation of development programmes. These agreements can also call for further government action.

#### BRICK KILN MANUFACTURERS OF INDIA MEMORANDUM OF UNDERSTANDING

The All India Brick and Tiles Manufacturers Federation (AIBTMF) and the Building and Wood Workers International (BWI) signed a memorandum of understanding in 2008 stating that:

- They agree to work together on joint campaigns for promoting educational facilities for children in and around brick kiln work sites through government programmes.
- Child labour and forced labour will not be permitted at brick kilns.
- There will be no discrimination in employment between local and migrant workers. The workers shall be paid the minimum wages as stipulated by the Government.
- They agree to form a joint coordination committee to resolve issues of concern.

*"The Brick Kiln Unions have set up workers' committees, which act as a first contact point between the Union and workers at the grass-root level. These committees normally take shape after rounds of rights awareness and campaign meetings carried out by the Unions at the worksite. In addition to defending workers' rights, these committees are also expected to ensure that no child labour is used at the worksite and that there is speedy grievance redressal procedure. The Bhatia Mazdoor Sabha (BMS-Punjab) negotiated a 30% wage increase in 2012, signing an agreement with the State brick kiln owners' association. The incidence of child labour decreases as family income improves."*

**Rajeev Sharma, Building and Wood Workers International**

## 4.3 Social dialogue on hazardous work

Under the terms of ILO Convention 182, governments are required to draw up and apply a list of hazardous activities and sectors which are hazardous, and where children under 18 are prohibited from working. In consultation with their members, workplace representatives and occupational health and safety committees, trade unions can help identify dangerous activities and sectors to be included in the national list. Trade unions can also help to disseminate information and raise awareness about the list and help ensure its effective implementation.

If a national list of hazardous work for children has not been drawn up, the union could seek to work with the employer or employers' association to carry out a risk assessment and compile a company or industry-wide list.

### 4.3.1 Trade union involvement in compiling national lists on hazardous child labour

Trade unions have been key players in lobbying governments to establish a national list of hazardous child labour and have participated in compiling the lists. In Mongolia, in September 2008, the national list of hazardous child labour was amended following consultations with ministries, with workers' and employers' organizations – principally, the Mongolian Employers' Federation (MONEF) and the Confederation of Mongolian Trade Unions (CMTU) and NGOs. The new list covers work carried out in the formal and informal economies, identifies hazardous conditions prohibited for children in herding, prohibits the employment of children in night clubs and body massage establishments and identifies workplace conditions hazardous for children.

In Chile, in September 2009, within the framework of Chile's National Decent Work Programme, the *Confederación de la Producción y del Comercio* (employers), the *Central Unitaria de Trabajadores* (workers) and the Ministry of Labour approved the list of hazardous child labour for persons below 18 years of age. In Mali, activities undertaken by the social partners included the revision of the national list of hazardous work with the participation of the national employers' council (CNPM) and the two national trade union centres, the National Workers' Union of Mali (UNTM) and the Workers' Trade Union Confederation of Mali (CSTM).<sup>27</sup>

A specific clause on hazardous child labour could include:

- No work which is likely to jeopardise a child's physical, mental or moral health, will be undertaken by anyone under the age of 18 years. This prohibition applies equally to the direct enterprise workforce, and to the workforce of contractors, sub-contractors and suppliers.
- The employer undertakes to display prominently the national list of hazardous work for children under the age of 18 years and any updates.
- The enterprise health and safety committee is responsible for monitoring that the above clauses are implemented and carrying out the functions of an inspection team where necessary.
- Union representatives have inspection rights and the right to request information from sub-contractors and suppliers.

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<sup>27</sup> See "The Social Partners and IPEC: Action against child labour", 2008-2009. Supplementary report to the IPEC International Steering Committee, March 2010 (Geneva, ILO IPEC) for other examples

### KEY MESSAGE ON HAZARDOUS CHILD LABOUR

**Message 1:** Employers' organizations and trade unions must continue to strengthen social dialogue and action on the elimination of child labour, especially hazardous child labour.

**Message 2:** The role of employers' organizations and trade unions in the development, implementation, and periodic revision of national lists of hazardous child labour must be strengthened.

**Message 3:** Combating hazardous child labour means making workplaces safer and healthier for all workers - young and adult.

**Message 4:** Ensure that clauses, including hazardous child labour, are included in collective bargaining agreements.

**Message 5:** Make greater use of joint employer-worker safety and health committees, and of workplace safety and health risk assessment, to combat child labour in their own enterprise, and/or to help small producers in the enterprise's supply chain to stop the hiring of child labour.

**Source:** Employers' and Workers' Handbook on hazardous child labour. ILO ACT/EMP and ILO ACTRAV, Geneva, 2011.

## 4.4 Global Framework Agreements

The ILO estimates there are 65,000 multinational corporations (MNCs) employing 90 million people or 1 out of 20 of the global workforce. They are also indirectly responsible for millions of jobs through global sourcing, where child labour is likely to occur.

Multinational corporations sign Global Framework Agreements (GFAs) with Global Union Federations. There are currently slightly over 100 GFAs in existence and the numbers are increasing quite rapidly. This is because GFAs are a response to industrial relations in the global economy. The global unions keep a register of all existing Global Framework agreements,<sup>28</sup> so it is possible to check whether a company operating in your country has signed up and to view the texts of the agreements.

The MNCs commit themselves to respect workers' rights based on the principles of the fundamental ILO Conventions. In addition, the company also agrees to provide decent wages and working conditions as well as a safe and healthy working environment. In most cases, they contain a complaint and/or monitoring system and cover suppliers and subcontractors as well.

GFAs are qualitatively different from codes of conduct as they are the outcome of negotiations with international union representatives and constitute a formal recognition of a partnership at the global level to protect trade union rights and encourage social dialogue and collective bargaining.

<sup>28</sup> [www.global-unions.org/framework-agreements.html](http://www.global-unions.org/framework-agreements.html)

They complement and reinforce but do not substitute for collective agreements at the national or local level.

GFAs can assist trade unions to get recognition and bargaining rights and to start a social dialogue with the company, its subcontractors and suppliers. However, the success of any global company agreement will depend on the strength of the unions at the national level.

The use of child labour in supply chains is a particularly sensitive issue. Global unions are increasingly cooperating in strategic alliances to expose abusive practices in supply chains, and to work towards more ethical and sustainable systems.<sup>29</sup> The GFAs are an important entry point for unions to engage with employers at national and global level.

### **Clauses on the minimum age of employment are included in all the GFAs**

Below are some examples of clauses concerning child labour in GFAs:

#### **CHIQUITA BRAND**

In June 2001, the Chiquita brand of bananas renewed its agreement between IUF and the Latin American Coordinating Committee of Banana Workers' Unions (COLSIBA). Chiquita reaffirmed its commitment to the core ILO labour Conventions, including ILO Conventions Nos. 138 and 182. Chiquita also stated that it will require its suppliers, contract growers and joint venture partners to provide reasonable evidence that they respect national legislation and minimum labour standards.

#### **FRANCE TELECOM**

The UNI –France Telecom GFA was signed in 2006, when France Telecom employed 200,000 workers worldwide. The GFA agreement affirms their support for fundamental human rights. It states:

##### **“Prohibition of child labour”**

The France Telecom Group shall not as set out in ILO Convention No 138 and 182 on the minimum working age use children under the age where compulsory school ends in any country concerned or in any case before the age of 15. The commitment of suppliers and service providers to this policy is a selection criterion.”

Children are often found in markets in developing countries selling pre-paid phone recharge cards. This is an issue that can be taken up through the GFA monitoring group. The ILO and UNI have conducted research on the issue in Cameroon and Uganda.

<sup>29</sup> See “Global unions’ supply chain cooperation gains pace” 13 June 2013 <http://mail.uniglobalunion.org>

### LAFARGE GROUP

Lafarge is a leading MNC in building materials, particularly cement and aggregates. It employs 65,000 workers in 64 countries. It signed an agreement with the BWI and IndustriALL in May 2013.

“Lafarge commits itself to comply with the International Labour Organization (ILO) Declaration on Fundamental Principles and Rights at Work, the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, the Global Compact and also the Organization for Economic Cooperation and Development Guidelines for Multinational Enterprises, and recognises the UN guiding principles on business and human rights related to fundamental social and labour rights and principles.

#### **No use of child labour:**

It is prohibited to use child labour in any form whatsoever: only workers above the age of 15 years, or over the compulsory school-leaving age if higher, shall be employed (ILO Convention 138). In view of their age, children under the age of 18 shall not perform 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 (ILO Convention 182). Lafarge commits itself to respect the provisions of ILO Convention 182.

#### **Employment relationship and sub-contractors:**

Lafarge requires from its suppliers and subcontractors to respect the law and statutory regulations, as well as the fundamental human rights mentioned in the present agreement. Lafarge also requires from its suppliers and subcontractors to give their workers oral and written information regarding their working conditions.

#### **Implementation and Follow-up:**

A reference group consisting of representatives of the Lafarge management and of the signatory international federations will meet at least once a year, or whenever necessary, to follow up and review the implementation of this agreement. An observer seat will be allocated to the European Works Council’s Secretary during the annual meeting of the reference group.”

## 4.5. Conclusions

This section has examined the fundamental role of freedom of association and collective bargaining in order to address child labour, both in formal and informal workplaces. Trade unions can work with, or put pressure on, employers to prohibit child labour, in both direct and indirect employment situations, through sub-contracting and supply chains. It has reviewed the role of trade unions in supporting the organization of rural workers and informal economy workers, through membership –based organizations or cooperatives, as an essential step in the elimination of child labour in family agriculture and the informal economy. It also reviews the role of collective bargaining in relation to hazardous child labour. In addition, the GFAs constitute negotiated agreements, which can assist trade unions to get recognition and bargaining rights and to start a process of social dialogue with the company, its sub-contractors and suppliers. The number of GFAs is increasing rapidly and will provide new opportunities for trade unions to engage from a stronger position with MNCs on child labour in supply chains.



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### KEY MESSAGES

- The effective extension of freedom of association to those sectors where child labour is common provides the economic, political and social means to end child labour.

### DISCUSSION POINTS



- How do you think unions can develop strategies to organise in sectors where there is a high incidence of child labour? Think about the situation of rural workers, migrant workers, domestic workers, artisanal mineworkers and other informal economy workers.
- How do you think collective bargaining can support work to eliminate child labour?
- Do you think it could be possible to sign a Memorandum of Understanding with the employers' associations in any sectors in your country where there is a high incidence of child labour? What might be required to make it happen? Who might be your allies?
- Has your country developed a national list of hazardous work? If so, how useful a tool does it seem? Are there ways in which your union can use the national list in collective bargaining to eliminate the use of child labour in hazardous work?
- Review the list of GFAs ([www.global-unions.org/framework-agreements.html](http://www.global-unions.org/framework-agreements.html)) and consider whether there is a risk of child labour being employed directly or through sub-contractors or suppliers in your country? If so, can you compile evidence and bring this information to the attention of the signatory Global Union(s)?

# 5. Using ILO Supervisory Mechanisms related to child labour

## 5.1 Introduction

The ILO supervisory system provides effective mechanisms to put pressure on governments to respect their international commitments and carry out monitoring of progress. Where national legislation, policy and programmes are clearly failing, government action can be examined by the supervisory mechanisms, or indeed at the International Labour Conference. Trade unions have an important role in providing evidence and highlighting areas where the government needs to make legislative reforms, improve policies and programmes and strengthen inspection systems. ILO Conventions represent minimum standards. Ratification does not affect any law or collective agreement which provides for more favourable conditions.



## 5.2 Ratification of ILO Conventions 138 on Minimum Age of Employment and Convention 182 on Worst Forms of Child Labour

There is almost universal ratification of Convention 182, on the worst forms of child labour. However, there are still a few countries<sup>30</sup> that have not ratified Convention 138 on the minimum age of employment. These are countries with a significant proportion of the world's children. In those cases, trade unions should still be advocating for ratification as part of their campaign strategies. Ratification is important because it means governments must review their national legislation and practice to make sure they are in conformity with the Convention and it allows for international scrutiny of the government's actions to give effect to the provisions of the Convention. India is one of the countries which have not yet ratified the two child labour Conventions and the trade unions there are carrying out a campaign to call for ratification.

### INDIA: RATIFICATION CAMPAIGN FOR THE CORE ILO CONVENTIONS ON CHILD LABOUR AND ON FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING

ILO-ACTRAV has worked closely with the nine Indian trade union centres to develop an Action Programme for the ratification and implementation of ILO labour standards. As part of this wider programme, the Hind Mazdoor Sabha national trade union centre is coordinating a project to intensify trade union activity calling for ratification of the core ILO Conventions on child labour and on freedom of association and collective bargaining. HMS has created a group to develop and implement the campaign strategy, which includes workers' education sessions, national and State level rallies, tripartite meetings, and the publication and dissemination of relevant materials. Finally, the project includes an organising campaign among domestic workers in Tamil Nadu and Karnataka in order to fight child labour in domestic work.

## 5.3 Reporting on the Application of Ratified Conventions

Governments must submit reports to the ILO on each ratified Convention on a regular basis, according to the list prepared by the Governing Body. Triennial reports<sup>31</sup> are requested for the 12 fundamental and governance Conventions, which include the child labour Conventions (Conventions 138 and 182). These reports are referred to as "Article 22 reports", as the obligation to report is laid down in Article 22 of the ILO Constitution. Trade unions are entitled to

<sup>30</sup> For up-dated information see <http://www.ilo.org/dyn/normlex>

<sup>31</sup> The reporting cycle was extended from every two to every three years as from March 2012.

receive copies of these reports and to comment on them. Alternatively, trade unions can send to the ILO their own report assessing how their government is giving effect to the ratified convention in both law and in practice.

### WHAT SHOULD A GOVERNMENT REPORT ON THE CHILD LABOUR CONVENTIONS CONTAIN?

When the government submits its report on the child labour Conventions, it should use the form approved by the ILO Governing Body. The form sets out substantive provisions of the Convention, information on which has to be supplied. It includes specific questions to assist in the preparation of the report, typically as follows:

**Laws and regulations** - all relevant legislation on minimum age of employment;

**Permitted exclusions** - for example, concerning age of entry into employment;

**Implementation of the Convention:** detailed information concerning implementation of each article;

**Effect of ratification:** Constitutional provisions giving the Conventions the force of law and other measures;

**Responses to comments by supervisory bodies:** actions taken by the government in response to comments from the supervisory bodies and requests to supply information;

**Enforcement:** information concerning authorities responsible for administration and law enforcement;

**Judicial or administrative decisions:** copies of a summary of relevant decisions.

Under Article 23 of the ILO Constitution, the government must at the least send copies of the reports it submits to the ILO to the representative workers' organizations and employers. Governments are encouraged to invite comments prior to finalising the reports. If the government has ratified ILO Convention 144 on Tripartite Consultation, it is required to consult the social partners prior to finalising the report. In turn, workers' organizations can make comments on the report, either by sending them to the government or directly to the ILO office. When the ILO office receives comments, it acknowledges receipt and forwards them to the government, for a response. Trade unions may also send observations on ratified Conventions directly to the ILO office.

## 5.4 Declaration on Fundamental Principles and Rights at Work

The ILO Declaration of Fundamental Principles and Rights at Work (1998) recognises that all states, by virtue of their membership in the ILO, have an obligation to respect the fundamental rights which are the subject of the core Conventions - even if they themselves have not ratified a particular Convention. Paragraph 1(c) of the Declaration calls for "the effective abolition



of child labour”. As part of the follow-up procedures Governments which have not ratified one or more of the core Conventions must also submit a report on the situation in their country, and to re-examine obstacles to ratification. Employers’ and workers’ organizations are invited to provide their comments, either to the government or directly to the ILO.

### 5.5 The role of the Committee of Experts and Conference Committee

The Committee of Experts on the Application of Conventions and Recommendations and the Conference Committee on the Application of Standards are responsible for the regular supervision of governments’ obligations with respect to the Conventions. The Committee of Experts meets once a year and compiles a general report of the Committee’s work and individual observations on the application of ratified Conventions<sup>32</sup>. Where there are concerns about the application of the Conventions, the ILO Committee of Experts on the Application of Conventions and Recommendations can request a detailed report from the government.<sup>33</sup>

<sup>32</sup> known as Reports Part and Part 11, submitted as Report 111 (Part 1 A) to the subsequent session of the International Labour Conference.

<sup>33</sup> The Committee of Experts requests detailed reports by means of a footnote in an observation or direct request and the Conference Committee when adopting its conclusions.

In 2013, the Committee of Experts examined 30 countries relating to the application of Convention 138 and 36 countries relating to the application of Convention 182. The Conference Committee considers individual cases, where the government is invited to respond to the report of the Committee of Expert or provide additional information and where workers and employers' delegates also comment. The Conference Committee then draws up a set of agreed conclusions. Every year, some cases relating to the child labour Conventions, are discussed by the Conference Committee.

### **ILO Committee of Experts comments on child labour<sup>35</sup>**

Below are a few comments from the ILO Committee of Experts 2013 report on child labour in agriculture and domestic work in selected countries. The value of these comments is that they provide practical recommendations for action and can be then used to support advocacy work by trade unions and child labour campaigns at national level.

#### **Mozambique: inadequate legal protection for children**

The Committee notes that in Mozambique the labour laws provide for a minimum age of entry into employment of 15 years while the age for compulsory schooling is 6-13 years. This situation leaves children in a vulnerable situation and “opens the door for the economic exploitation of children”. It indicates a recent survey estimated that 25% of children in rural areas are engaged in child labour, particularly in commercial cotton, tobacco and tea plantations and on family farms. The Committee strongly encourages the Government to raise the age of compulsory schooling and offers technical assistance on developing a proposed draft regulation on rural work.

#### **Nigeria: child labour in agriculture and domestic work**

The Committee notes that the Labour Act allows for the employment of children under the age of 12 years in agriculture and domestic work. It cites a report from UNICEF which estimates 15 million children under the age of 14 years work in Nigeria, mainly in the informal economy and in domestic work. They are often engaged in hazardous work, such as exposure to pesticides on cocoa plantations. The Committee requests the Government to provide information on the measures taken or envisaged to ensure that children under 15 years old are not admitted to work in agriculture and domestic work and expresses the firm hope that the Government will adopt the Occupational Safety and Health Bill, which contains a list of types of hazardous work prohibited to young people under the age of 18 years in the near future.

#### **Malawi: child labour in commercial tobacco farming**

The Committee notes the considerable number of children under the age of 14 years engaged in economic activity and urges the Government to “redouble its efforts to ensure the progressive abolition of child labour”. It urges the Government to adopt the Tenancy Labour Bill, which establishes a minimum age for employment in the tobacco sector and provides for frequent labour inspections on the tobacco estates.



<sup>34</sup> Mozambique p. 364; Nigeria p. 381 and Malawi p. 343 in Committee of Experts Report on the Application of Conventions and Recommendations Report to the Conference 102nd Session 2013 (Report III (Part 1A))

### **Russian Federation: trafficking of children<sup>35</sup>**

The Committee notes a report submitted by the ITUC concerning the incidence of trafficking of children both within the Russian Federation and abroad for purposes of child prostitution. Furthermore, according to a report from the UN Special Rapporteur on the sale of children, child prostitution and child pornography, the Russian Federation is a destination country for children of 13-18 years old from Ukraine, who are put to work in street vending, domestic work, agricultural work and child prostitution. The Committee requested the government to take immediate measures to ensure child traffickers are prosecuted and to provide detailed information on the numbers of prosecutions, convictions and the penalties imposed.

### **Guatemala: inadequate labour inspection system concerning child labour<sup>36</sup>**

The Committee noted a 2011 study indicating that 13.4% of children between 7-14 years old were engaged in economic activity. However, it noted with concern that according to the 2011 report of the labour inspectorate, only two children under age of 14 had been identified as engaged in work it therefore urged the government to take practical measures to strengthen the labour inspectorate and provide information on statistics of children in employment under 14 years of age, as well as reports from inspection services and information on numbers of violations reported and sanctions imposed.

There are also general surveys on specific topics agreed by the Governing Body and analysing the situation of the application of a Convention in all member countries, whether they have ratified the Convention or not. The last general report on child labour was published in 2010 as part of the follow-up to the Declaration on Fundamental Principles and Rights.<sup>37</sup>

### **Find out more about ILO Standards and Supervisory Mechanisms**

See the NORMLEX Database of International Labour Standards which is a trilingual database containing ILO Conventions and Recommendations, ratification information, comments of the Committee of Experts and the Committee on Freedom of Association, representations, complaints, interpretations, General Surveys, and numerous related documents.

<http://www.ilo.org/dyn/normlex/en>

If you wish to raise an issue of non-compliance of a ratified Convention (No 138 or 182), it is recommended you discuss it with the ILO and the national or international organization to which you are affiliated.

<sup>35</sup> p. 388 idem

<sup>36</sup> p.308 idem

<sup>37</sup> See "Accelerating action against child labour" Report of the Director General, International Labour Conference, 99th Session 2010

## CASE STUDY: UZBEKISTAN AND FORCED CHILD LABOUR IN THE COTTON INDUSTRY

Over the last decade, the issue of State-organised forced child labour in the cotton industry in Uzbekistan has been a major concern of the Council of the Trade Unions Confederation of Uzbekistan, the international trade union movement and human rights organizations. Because of international pressure, Uzbekistan ratified ILO C. 182 on the elimination of the worst forms of labour in 2008 and C. 138 on the minimum age of employment in 2009. It also developed a national list of worst forms of child labour, under which terms persons under the age of 18 were prohibited from working in cotton picking or watering. The Government also established a National Action Plan on Child Labour in 2008.

However, there still remained a vast disparity between the legal commitments and the practice on the ground. An international monitoring group was sent to observe the cotton harvest in 2009 and witnessed the forced engagement of hundreds of thousands of school children, some as young as 9 or 10, working in the harvest for periods up to 3 months at the specific demand of the government, which sends quotas to the provincial governments which were then distributed down to the schools. A further monitoring mission was sent by UNICEF in 2011 and found that children were still working in the harvest although there were fewer under-age children and more students between 16-18 years old. The issue was also taken up in a variety of other UN forum, with the OECD national contact points, under the review of the EU-Uzbekistan Partnership and Cooperation Agreement and there has been a call to repeal Uzbekistan's EU preferential tariff agreement.

The ITUC has brought the issue of forced child labour in Uzbekistan to the attention of the ILO Committee of Experts on the Application of Conventions since 2008. It was also examined in the ILO Conference Committee on the Application of Standards on a number of occasions.

The Education International representative stated at the 2013 Conference Committee:

“State-sponsored forced labour remained serious, systematic and continuous. Children, mostly aged between 15-17 years but some as young as 10, were forced to pick cotton under threat of punishment, including expulsion from school. Teachers were forced to pick cotton and supervise the quotas. Conservative figures estimated that up to half a million, middle and high school students were involved in the 2012 cotton harvest.

The Conference Committee requested the Government to accept a high-level monitoring mission during the 2013 cotton harvest. The conclusions were noted in a special paragraph which means that it could be considered for a possible Commission of Inquiry. Following the ILO Conference, the government agreed to a joint ILO-Uzbek monitoring mission during the 2013 harvest and an extensive monitoring programme was set up, which covered over 400 farms. While 53 cases of children between 16 and 17 were identified, it was clear that the systematic use of forced child labour had ended. ILO and the government have now agreed a decent work country programme, which includes a child labour component.

This case demonstrates how the combination of trade union pressure and the work of the ILO supervisory system can have a significant impact.

## 5.6 Conclusions

This section has outlined the main ILO reporting and supervisory mechanisms. Trade unions are encouraged to participate in the regular reporting process and provide information on shortcomings of the law and the practice in their country. The ILO supervisory mechanisms offer an opportunity to review the application of the law and the practice of the child labour Conventions. The work of the Committee of Experts and Conference Committee is most valuable when trade unions provide information for the consideration of the ILO. Once the findings and recommendations have been published, trade unions can disseminate them widely at national level and call on the government to fully implement the proposed measures within a clear time-frame.

### KEY MESSAGES

- **Trade unions should use the ILO supervisory system as a means to eradicate child labour**
- **ILO ACTRAV staff are available to provide advice if your trade union wishes to send observations on the application of Conventions 138 or 182 to the Committee of Experts.**

### DISCUSSION POINTS

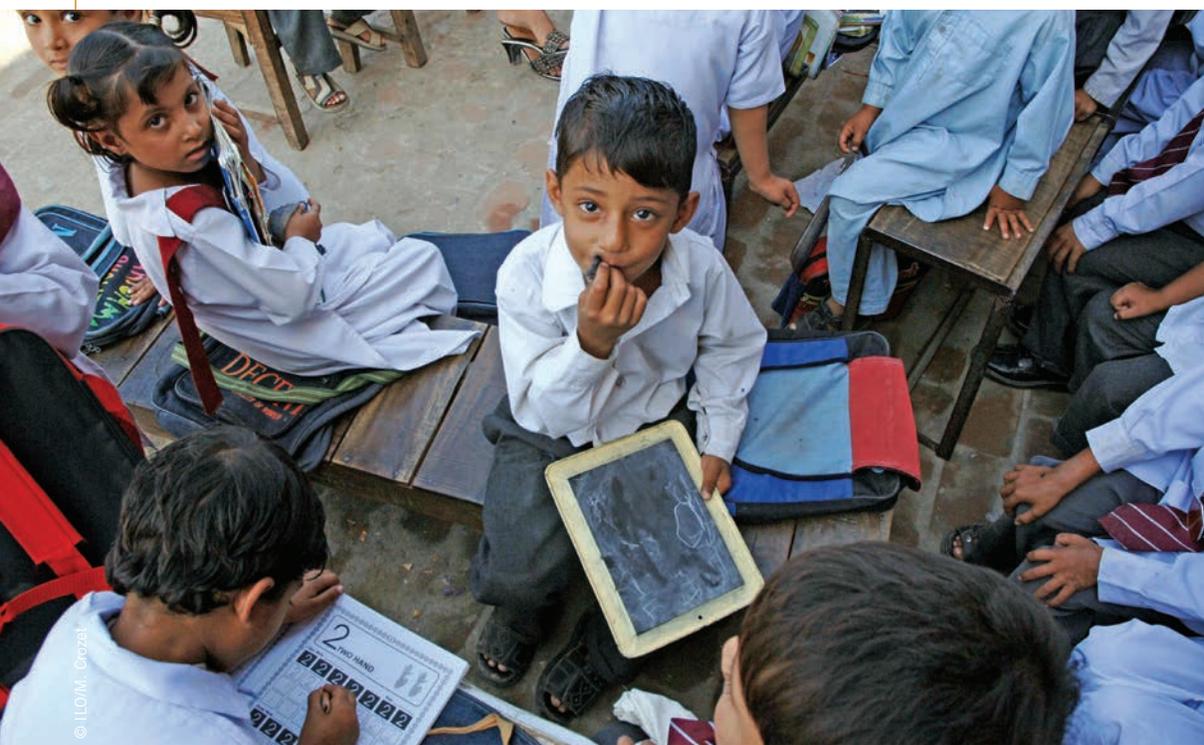


- ➔ Unless your country has not ratified the ILO Conventions on child labour, review the Article 22 reporting schedule reproduced in this section and identify in what year, your government will be requested to report on their implementation. Review the structure of the report and discuss in what ways you could contribute to the report. Does your government consult with the trade unions before compiling reports? Or would it be more appropriate to submit information through the trade union centre directly to the ILO office?
- ➔ Has the application of the ILO Conventions on child labour in your country been examined recently by the ILO Committee of Experts? If so, how do you think the unions and other civil society organizations can make use of the findings and recommendations? Are there opportunities to strengthen social dialogue with the government and employers as a consequence?
- ➔ If your country has not been examined recently with regard to the ILO Conventions on child labour, consider whether you think it could be useful to bring the situation to the attention of the Committee of Experts. Review what steps would be necessary to achieve this. Remember that ILO office is available for advice and technical assistance.

## 6. Participation in national programmes and campaigns to end child labour

### 6.1 Introduction

Trade unions can both partner with serious government initiatives to eliminate child labour and/or work in coalition with other trade unions, NGOs, or research institutions with the shared goal of ending child labour. It is important to identify the different government programmes that exist and consider how effective they are and in what ways trade unions could support and strengthen them. There may well be a national coalition on child labour already in place in your country, or a Global March against Child Labour Coordination Committee or a Global Campaign for Education member. Trade unions have also taken part in targeted initiatives to address child labour, among “hard-to-reach groups”, such as among domestic workers, indigenous peoples, or the commercial sexual exploitation of children. Some examples are provided here as they could perhaps provide inspiration for other contexts.



## 6.2 Participation of trade unions in national action plans to eliminate child labour

Following the ratification of ILO Convention 182 by Senegal in June 2000, a trade union committee for the elimination of child labour was set up by three trade union centres (CNTS, CSA and UNSAS). In 2007, four other trade union centres joined the committee (CNTS/FC, FGTS/B, UDTs, UTS), which has helped strengthen the unity of action of the trade union movement. The Committee has adopted a charter, which regulates internal procedures and decision-making, based on the principles of equality and autonomy. Work on child labour has also been integrated into the strategic plans of the trade union centres. The Committee is working with the Minister of Labour, at both national and regional level, implementing a project to withdraw child labourers, reinsert them in schools, as well as providing literacy and vocational training programmes. The trade union committee is also an active pressure group, calling on the government to strengthen its commitments and actions on the elimination of child labour.

## 6.3 Partnering with government programmes on quality public education for all

Below is an example of trade union participation in a wider civil society coalition with government, to ensure quality public education for all.

### CASE STUDY: THE NATIONAL CONFEDERATION OF EDUCATION WORKERS (CNTE) OF BRAZIL

The CNTE is part of various government and civil society coalitions, which work towards the elimination of child labour. It carried out surveys, sometimes in cooperation with the ILO, to identify the incidence of child labour and to train teachers, using the union's own training materials, about how to address child labour issues in the school and the community.

The CNTE has also campaigned for access to quality education for all. In 2007, the Brazilian government set up a new Fund (FUNDEB) to guarantee public funding from early childhood until middle school. In 2009, a further step was taken with the Constitutional amendment which made education compulsory between the ages of 4-17 years with the provision of free, public education. The proportion of GDP earmarked for education rose from 3.9% in 2001 to 5.1% in 2010.



CNTE is currently engaged in discussions concerning the new 10-year National Education Plan. Among the objectives are to guarantee adequate public funding for the education system for children from 4-17 years old, together with provisions for those children and adults who did not access education at the appropriate age. The plan also calls for the provision of sufficient nurseries to meet the demand, and programmes to increase the numbers of 15-17 years old in secondary education, which is only 50% of the age group currently. Another key demand is to reach equivalence between the average salaries of teachers and other professionals because at the moment a teacher earns about 40% less than other professions with similar levels of training.

*Juçura Vieira, National Confederation of Education Workers*

## 6.4 Participation of trade unions in national rural development programmes

The International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers (IUF) supports rural development strategies aimed at reducing poverty, improving rural livelihoods and mainstreaming child labour concerns into agricultural policy making. At national level, many agricultural and plantation workers unions are also working with other partners to support integrated and sustainable rural development projects to address child labour.

### MUTUAL-AID GROUPS IN KYRGYZSTAN

In Kyrgyzstan, the Agricultural Workers Union played an important ‘cementing’ role in a project to eliminate child labour in the tobacco industry in Osh and Jalalabad Provinces, which was implemented from 2005-2012. The project commenced with awareness-raising programmes in the villages, with teacher and health workers, and children themselves. The farmers, most of whom worked small plots of land, were then encouraged to form mutual-aid groups of 8-10 families in order to access loans with favourable interest rates. The loans were managed by the Foundation for the Elimination of Child Labour in Tobacco (ECLT). The loans were given to the mutual-aid group, not individually, and the main condition was that the group agreed not to use child labour. While there was no sanction if families did take their children to work with them, they could not access credit the next year. In this way, the groups developed community solidarity and where necessary, adults would help each other during the harvest. From 2010-2012, over 900 families benefited from the loan scheme and over 3000 children were withdrawn from work in the tobacco fields and enrolled at school. Many of the families were able to improve their economic situation and diversify their crops, and the union-led mutual-aid groups have been able to make savings for new investments to improve productivity.<sup>39</sup>

<sup>38</sup> Interview with Kirill Buketov, IUF, on September 18th 2013. For more information, see <http://www.eclt.org/site/completed-projects/kyrgyzstan/>

### 6.5 Targeted initiatives to address specific groups of child labourers

Some of the more successful interventions by trade unions have involved targeted initiatives in particularly vulnerable sectors, including domestic workers, migrant workers and their families, indigenous peoples and children in commercial sexual exploitation. Below, there are a few illustrative case studies of trade union participation in targeted interventions.

#### 6.5.1 Child domestic workers

It is estimated that there are over 11.2 million child domestic workers, in the age group 5-14 years old, representing 7.8% of all children in economic activity of that age group.<sup>39</sup> The great majority are girls, excluded from education and in situations of high dependence on their employer, and vulnerable to physical, psychological and sexual abuse. Worldwide, only 10% of all domestic workers are covered by government labour legislation to the same extent as other workers and more than 25% are excluded from national labour legislation altogether.<sup>40</sup> As the sector becomes more regulated, it is anticipated that there will be an impact on the incidence of child domestic workers and young workers in abusive situations.

In Uruguay, domestic workers and a coalition of unions collaborated to achieve a historic, national, sector-wide collective agreement in 2006 for domestic workers, known as Law 18.065. The law provides equal labour rights for domestic workers as for other workers, as well as the right to collective bargaining. Domestic workers have access to free legal advice, education grants and the government has organised training courses on labour rights and social security provision for both workers and employers. In 2011, five years later, 60,000 domestic workers had been registered with the social security system, giving them the right to accident and disability compensation and pensions in old age, representing about 60% of the estimated numbers of domestic workers. As the sector becomes more regulated, it is anticipated that there will be an impact on the incidence of child domestic workers and young workers. The collective agreement, signed between the League of Housewives (*Liga de Amas de Casa*) and the United Trade Union of Domestic Workers (*Sindicato Único de Trabajadoras Domésticas*), sets wages and other conditions of employment for the period 2013-2015.

<sup>39</sup> [http://www.ilo.org/ipecc/informationresources/WCMS\\_IPEC\\_PUB\\_23235/lang--en/index.htm](http://www.ilo.org/ipecc/informationresources/WCMS_IPEC_PUB_23235/lang--en/index.htm)

<sup>40</sup> p.43Idem "Ending child labour in domestic work and protecting young workers from abusive working conditions" ILO/IPEC Geneva, ILO, 2013

## CASE STUDY: CHILD DOMESTIC WORKERS AND PARTICIPATORY RURAL DEVELOPMENT IN TANZANIA

The Conservation, Hotels, Domestic and Allied Workers Union (CHODAWU), an IUF affiliate, has been working at the community level in several provinces which are leading catchment and recipient areas of domestic child workers. These include Singida, Iringa and Dar-es-Salaam, the latter being the major recipient region.

**Participatory Approach:** CHODAWU employed a participatory approach, involving parents and families, district, ward and village government leaders, religious leaders, teachers and local NGOs and CBOs. They all took part in an initial mapping to identify child domestic workers or those who might be at risk. The activities included the formation of child labour committees, establishing registers in each village for children withdrawn or at risk of child labour, formation of by-laws to protect children subjected to child labour, and identification of alternatives for the withdrawn children. Home and school visits were undertaken. Ward and village leaders helped identify children out of school in collaboration with teachers, using the school registers.

As part of an ILO-IPEC project in Tanzania, CHODAWU was able to withdraw and prevent more than 8,500 children from entering domestic work in conditions of child labour. Direct support for uniforms, fees and other educational needs were provided to the poorest families, and for orphans and disabled children.

A significant output of the programme was establishing a tripartite minimum wage board for domestic workers. A CHODAWU representative is a member of the board.

*Vicky Kanyoka, International Domestic Workers Network-IUF Regional Coordinator, Africa*

### 6.5.2 Child labour in markets

The Dordoi Union of Commercial Workers has been active in improving the lives of the many child labourers in the main market. Dordoi market is a large wholesale and retail market, with some thousands of self-employed traders in Bishkek, Kyrgyzstan. Many migrant families come to Dordoi in search of work and leave the children in the market to try and make some money while they go in search of work. Other children are homeless and live in the vicinity of the market. The union began by identifying the most hazardous and abusive situations where young children were being made to carry very heavy loads. They agreed that children could only do light work, such as picking up rubbish and collecting paper. A group of adults were given special uniforms as designated heavy load carriers. In that way, it was easier to monitor what was happening. The union then collected funds to pay for a teacher to come to the market 3 days a week and a doctor came to give the children check-ups. They also provided food for a meal during school hours. In this way, the children were given some education and support.<sup>41</sup>

<sup>41</sup> Interview with Kirill Buketov, IUF, September 18th 2013

## 6. Participation in national programmes and campaigns to end child labour



### 6.5.3 Child labour among Indigenous and Tribal Peoples

Indigenous and tribal peoples are among the most excluded and marginalised, and schools can be both remote and offer inappropriate curriculum. In addition, the influence of cultural factors on the persistence of child labour is particularly significant among indigenous and tribal peoples, where work is regarded as a method of transmitting traditional knowledge and beliefs. The challenge is both to respect the right to preserve traditional knowledge and the rights of children and to develop policies and education systems in full consultation with indigenous peoples. Many indigenous and tribal peoples are migrant workers, in seasonal agricultural work, who take their families with them, as payment is often on a piece rate system.

#### CASE STUDY: SUNTRACS AND THE NETWORK OF INFORMAL ECONOMY TRADE UNIONS OF CENTRAL AMERICA AND THE DOMINICAN REPUBLIC

SUNTRACS is a construction workers' union in Panama with outreach work among informal economy workers. It forms part of the Network of Informal Economy Trade Unions of Central America and the Dominican Republic (RED SEICAP). In September 2010, SUNTRACS launched a new awareness-raising campaign in Panama in the indigenous territory or comarca of Ngäbe-Buglé. The territory has a population of slightly over 150,000 and in recent decades, subsistence agriculture has suffered from severe soil exhaustion. Only 18% of children continue education after 6th grade and there is a high incidence of child labour. Most families are engaged in subsistence farming, which they supplement by migrating to other regions to carry out paid agricultural work in coffee and sugar harvests and in forestry projects. Often children are taken out of school for two or three months as the whole family migrates to work. The SUNTRACS campaign combined awareness-raising activities with parents as well as training on basic labour rights for the migrant workers. SUNTRACS is working in partnership with local government authorities, as well as the civil society organizations, including environmental groups, university and secondary school students and neighbourhood associations.<sup>43</sup>

<sup>42</sup> See Noticias, 4 de septiembre 2010 [www.frenadesonoticias.org](http://www.frenadesonoticias.org)

## 6.5.4 Migrant workers and their families

Trade unions are cooperating across borders to tackle child labour and migrant workers. In 2006, the Agricultural Workers Union of Kazakhstan (AWU) and the Kyrgyz Agricultural Workers Union, Kyrgyzstan signed a bilateral cooperation agreement to protect Kyrgyz migrant agricultural workers employed in tobacco growing in Kazakhstan. Based in the Shilik region of Almaty, the Kyrgyzstan union representative is also responsible for encouraging the parents and employers not to use child labour by informing them about the negative effect of tobacco on children's health, and in assisting migrants' children to get access to local education.<sup>43</sup>

### CASE STUDY: MIGRANT WORKERS AND THEIR FAMILIES IN THE HAZELNUT HARVESTS IN TURKEY

StopChildLabour and the Dutch trade union FNV Bondgenoten have taken up the issue of the situation of seasonal workers and their children in the hazelnut harvests in Turkey, following on from a Dutch TV documentary in September 2010. They conducted an investigative mission in September 2011.<sup>45</sup> The mission found children from as young as 10 years, the sons and daughters of seasonal workers, were employed for up to 11 hours a day. The younger children were taken out of school in order to accompany their families. The Turkish teachers' trade union *Eğitim Sen* reported that hundreds of children are absent from school for up to three months every year. The seasonal workers are hired by labour contractors, most of whom are not registered, leading to abuse. The wages, particularly those paid to Kurdish seasonal workers, were very low and contributed to the incidence of child labour.

Turkey produces almost 75% of the hazelnuts traded on the world market, the majority intended for EU markets. They are also used in brand names such as Nutella and Mars. The Federation of Dutch Food Industries and 10 food companies, including Nestle and Kraft, were contacted as they sourced hazelnuts from Turkey. StopChildLabour also raised the issue with Dutch and European politicians and questions were raised in the European Parliament. The issue is particularly sensitive in the light of the negotiations on Turkey's accession to the EU.

The Turkish government has acknowledged the problem. StopChildLabour developed an action plan for companies to combat child labour in the supply chain. The companies, in their majority, responded expressing their principled opposition to child labour and willingness to take action. Nestle commissioned the Fair Labour Association to carry out an assessment of the hazelnut supply chain.<sup>46</sup> The team visited 26 farms and reported widespread abuses, including lack of employment records, pay discrimination and underage labour. The report also confirmed the existence of poor management practices in the supply chain and lack of engagement on the part of international buyers.

There have been a number of multi-stakeholder initiatives to address the issue. In 2013, the Dutch government and CAOBISSCO (Chocolate, Biscuits and Confectionery of Europe) began cooperation projects with the ILO and the Government of Turkey to map the chain of hazelnut harvesting and to tackle the circumstances that lead to child labour.

<sup>43</sup> For more information see "June 2007 World Day Against Labour " ; <http://www.iuf.org/wdacl/2007/06/>

<sup>44</sup> "Child labour and the Hazelnut Harvest in Turkey" Report on Fact-finding Mission to Turkey 5-9 September 2011 FNV Bondgenoten and StopChildLabour

<sup>45</sup> Fair Labour Association Assessment of the Hazelnut Supply Chain and Hazelnut Harvest in Turkey, March 2012

### 6.5.5 Child trafficking and commercial sexual exploitation

Many trade unions have focused on the issue of the commercial sexual exploitation and trafficking of children as an issue of acute concern to its members. The extent of these practices is hard to document statistically. At national level, there are both trade union centres and sectoral unions which have participated in programmes designed to identify and withdraw children who have been trafficked or are in situations of commercial sexual exploitation.

#### CASE STUDY: TRANSPORT WORKERS UNION TRAINED AS CHILD TRAFFICKER MONITORS

The Transport Workers' Union in Burkina Faso (SNTRAV-B) has played a crucial role in monitoring key transit areas in the country and establishing a system to intercept children being trafficked. Many children frequent the transit stations, looking for odd jobs or food, and can often fall victim to traffickers.

Drivers and other workers were unaware that child trafficking was taking place and previously had not been suspicious of children travelling with adults who were clearly not related to them. Once members understood the trafficking process and the intentions of traffickers, support for the project was overwhelming. The union worked closely with a coalition of child rights organizations in Burkina Faso, COBUFADE, which had experience of working with children and providing them with support services. The two main objectives of the joint effort were to create public awareness and understanding; and to prevent the occurrence of child trafficking through social vigilance.

COBUFADE trained a group of SNTRAV-B members in a range of skills, including:

- child trafficking and how to recognise it, i.e. identification of victims;
- how to talk in a non-threatening way to people travelling with children to assess whether or not a child is indeed being trafficked;
- how to interact with the police and build effective relations with law enforcement officials and bodies.

The two organizations worked together to produce a range of social mobilization materials, with the union providing insights into the types of materials that would be useful for transport workers. Awareness-raising formed the central core of the joint activities, which included organising a “caravan” which travelled to 26 areas where child trafficking was prevalent. They also put up billboards in the transit stations along the major transport routes.

The system resulted in the identification and prosecution of child traffickers. Importantly, the project has also put in place a referral system to look after victims of trafficking, including providing accommodation for them. Children are then escorted home and/or put in contact with appropriate social, health, education and counselling services provided by the government and non-governmental organizations.<sup>47</sup>

<sup>46</sup> For more information pp44-48 Lutrena Project: Trade Union Manual on Child Labour ILO/IPEC 2009

## CASE STUDY: BRAZIL TRADE UNION CENTRE SUPPORTS GOVERNMENT INITIATIVE

The trade union centre in Brazil, United Workers' Centre (CUT) is part of the network of civil society organizations which is working with the National Industry Social Service Council (SESI) to put an end to the trafficking and commercial sexual exploitation of children. While there is not yet a clear picture of the numbers of children involved, commercial sexual exploitation of children was identified in all the cities where a new project, called *ViraVida* (Changing Lives) was implemented. During the first phase of the project in 2008, 440 teenagers from cities in the North East of Brazil were rescued and provided with a range of support services, over a period of 10-12 months, including psycho-social support, basic and vocational education and financial support. Apart from SESI, other government institutions are involved, together with the ILO. The CUT and its affiliates are contributing by promoting information about the project and developing contacts with socially responsible companies, prepared to provide employment for the children when they complete their rehabilitation programme and become adults.<sup>48</sup>



<sup>47</sup> For more information see: "Project ViraVida" posted on ITUC-CSI blog "Forced Labour and Trafficking" 11.03.2010 [www.ituc-csi/best-practices](http://www.ituc-csi/best-practices)

## 6.6 Conclusions

Taking into account their own organising base, strategic priorities and the national situation, unions should identify those goals and actions which can best support their organising priorities and have the most impact. Working with serious government initiatives and in partnership with other civil society organizations, on a common objective to end child labour, brings the added advantage of a strong and united voice at the national level. In engaging in such coalitions, trade unions should choose their allies carefully to avoid being recuperated. A clear understanding of the objectives of the coalition is needed and unions have to be convinced that their partners share their strong commitment to eradicate child labour in the country. The case studies enumerated above, show that it is not only possible to engage in such broad coalitions but that it is also a useful and effective means to ensure an end to all forms of child labour.

### DISCUSSION POINTS



- Are there any current government programmes to address child labour which your union could usefully become involved? What would be needed to make this happen?
- Are there any existing national civil society alliances or campaigns on child labour where your union could become a member? Do you think participation in such an alliance could benefit your unions' organising goals?
- Do you think your work should focus on a particular sector or geographic area? List your reasons.
- Why is it important to take into account the situation of the girl child in any project strategy?
- When reading the case studies in this section, do you think any similar projects could be implemented in your country? Which case studies seem most relevant, and why?

# 7. Joining International Campaigns against child labour

## 7.1 Introduction

International networks have become powerful advocates for education for all and the elimination of child labour and have developed dynamic campaigns using social activism. These campaigns play a vital role in keeping child labour high on the international agenda and ensuring there is no back-tracking on commitments as a consequence of the global financial crisis. Many of the campaign materials they have developed are relevant and useful for trade unions.

There are a number of inter-governmental and international non-governmental coalitions designed to act as policy and advocacy forums and to coordinate



joint actions and facilitate exchange of good practice. It is important that trade unions active in child labour issues keep informed of the main commitments of the international community and participate as far as possible in national sections of the existing global coalitions at national level.

Trade unions are founding members of the main civil society coalition, the Global March against Child Labour, and trade unions are well represented on the Board. Trade unions are also members of the Global Campaign for Education, the major civil society campaign group supporting the goal of “Education for All”.

### 7.2 Global March against Child Labour

The Global March Against Child Labour (GMCL)<sup>48</sup> is a civil society movement to mobilize worldwide efforts to protect and promote the rights of all children, especially the right to receive a free, meaningful education and to be free from economic exploitation and from performing any work that is likely to be harmful to the child’s physical, mental, spiritual, moral or social development. Founded in 1998, it organised a highly successful global march against child labour, which culminated at the ILO June Conference during the first discussion on what became the ILO Convention 182.

The partners of the Global March now form a network of over 2000 organizations in 140 countries working to eliminate child labour, promote education for all and to address poverty alleviation. Partners include trade unions and civil society organizations.

The GMCL is particularly active in denouncing the use of child labour in global supply chains. It posts information about child labour in supply chains, based on an annual survey by the financial risk company, Maplecroft. It has also welcomed the adoption of the California Transparency in Supply Chains Act of 2010, which requires large retail sellers and manufacturers doing business in California to be transparent in their efforts to eradicate human trafficking and slavery (including child labour) from their supply chains.<sup>49</sup>

An International Conference on Child Labour in Agriculture was held in July 2012, which was an opportunity to strengthen collaborative advocacy and programmes with trade unions. The conference noted that agriculture is a sector where only limited progress has been made to address child labour and there are significant decent work deficits. The Conference adopted a comprehensive framework for action and called for strengthened cooperation

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<sup>48</sup> For more information on the GMCL consult their website: <http://www.globalmarch.org/>

<sup>49</sup> <http://www.globalmarch.org/content/76-countries-rank-high-child-labour-violations>

with the global union federations, the IUF and EI. The Conference declaration stated:

“Trade unions act as a first line of defence against child labour and abusive labour practices in businesses, workplaces and communities. They represent a critical force in the fight to end exploitation of children by ensuring that adults earn decent wages, thus allowing them to send their children to school and young workers have decent conditions of work.”<sup>50</sup>

Among other points, the Conference called on trade unions, in particular the IUF and its affiliates to:

- increase efforts to ensure that multinational corporations in IUF sectors commit to and work on elimination of child labour in their supply chains;
- negotiate for better childcare provision both public and in the workplace;
- work for improved occupational safety and health and for the ratification and implementation of the ILO Convention 184 on safety and health in agriculture and support the use of innovative outreach programmes e.g. roving safety representatives to address child labour in rural communities;
- advocate for a properly resourced labour inspection in agriculture.

## 7.3 The Global Campaign for Education

The Global Campaign for Education (GCE) is the major international civil society movement on education for all. It is made up of national education coalitions in over 100 countries, comprising child rights groups, international charities and teacher unions.<sup>51</sup> It seeks to hold governments to account to deliver the right of everyone to a free, quality public education and the EFA goals generally. It was founded in October 1999, with the aim to ensure that the World Education Forum in Dakar in 2000 would result in lasting commitments by governments to implement the Education for All goals. Education International is a member of the Executive Board.

The GCE calls for:

- Free and compulsory, quality public basic education for all children, for at least eight years;
- Increased provision of quality early childhood education and care;
- The eradication of adult illiteracy and a second chance to learn for youth and adults who miss out on formal schooling;

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<sup>50</sup> <http://cms.iuf.org/?q=node/1875> Global March Against Child labour International Conference on Child Labour in Agriculture Washing D.C. USA July28-30 2012 Framework for Action

<sup>51</sup> The list of national members is available on the Global Campaign for education website: <http://www.campaignforeducation.org/en/>

- An end to child labour; democratic participation of, and accountability to, civil society, including teachers and their unions, in education decision-making at all levels;
- Reform of International Monetary Fund and World Bank policies to ensure they support rather than undermine free, quality, public basic education;
- Fair and regular salaries for teachers, properly equipped classrooms and a supply of quality textbooks;
- Inclusive and non-discriminatory provision of services for all;
- The mobilisation of political will and new resources in support of national education plans to realise the EFA goals, including public expenditure of at least 6% of GNP and substantially increased aid and debt relief for the poorest countries.

### 7.4 GCE National Education Coalitions

GCE works brings together concerned parties, such as teachers' unions, NGO's, parents' groups and community organizations, to function as National Education Coalitions. National Education Coalitions can provide first-hand knowledge and evidence and input to education sector planning, monitor policies and practice at the local level, press for increased spending on education, and ensuring education budgets are spent well and that money reaches intended target.

#### 7.4.1 The GCE Campaign Priorities

At its 4<sup>th</sup> General Assembly in February 2011, the GCE agreed to continue its priority campaign for improved financing for education, with a particular focus on domestic sources of financing, through improved and progressive taxation systems, campaigning against corporate tax evasion and capital flight, and advocating for transparent decision-making within national Ministries of Finance and the effective use of funds to reach intended beneficiaries. The GCE also agreed to campaign against IMF imposed macro-economic policies which limit the scope of States to meet their obligations to provide universal primary education.

The GCE has also taken a strong position on the issue of teaching shortages and terms of conditions of service of teachers. The General Assembly noted that the acute shortage of qualified educators, coupled with high levels of teacher attrition, is one of the biggest hurdles to reaching EFA goals.

It stated that, according to the latest UIS (UNESCO Institute for Statistics) figures, 9.1 million teachers need to be recruited to reach UPE by 2015 and expressed its serious concern about the recruitment of unqualified, volunteer, contract or "para"-teachers and its impact on educational quality.

## 7.4.2 The Global Trade Union Alliance to Combat Forced Labour and Trafficking

The Global Trade Union Alliance to Combat Forced Labour and Trafficking is led by the International Trade Union Confederation (ITUC). It promotes decent work for all and, specifically, geographical and institutional commitment and cooperation to eradicate forced labour and human trafficking. The ITUC is building a network of unionists committed to the eradication of forced labour and human trafficking and linking the network to organizations, employers, institutions and authorities that share this objective.<sup>52</sup>

## 7.4.3 StopChildLabour

StopChildLabour is an international campaign coordinated by HIVOS, in the Netherlands. The campaign supports organizations in Asia, Africa and Latin America who work on the principle that ‘no child should work; every child must be in school’. In Europe, the campaign works with consumers, companies, governments and trade unions. In doing so, the campaign works towards increasing and strengthening so called ‘Child Labour Free Zones’. In the Netherlands, the teachers’ union, AoB, and FNV International Department are active members.

In April 2013, the child labour conference, in Uganda, adopted the Kampala Declaration “Working towards Child Labour Free Zones”. The Declaration, which was signed by the ITUC, IUF and EI, recognises the important role of trade unions, particularly in organising informal economy workers. It stated:

“Joint and complementary action is needed by governments, NGOs, trade unions and other groups who are implementing child labour programmes or campaigning to ensure that all children of ‘school-going age’ are entering school at the proper age and to keep them in school until they are at least 15 (or a higher legally defined minimum age for work or 14 in the relevant countries as per ILO Convention 138).

Trade unions shall where possible extend their work to the informal economy through organizing and social mobilisation, as well as by co-operating with other local and national stakeholders thereby contributing to creating Child Labour Free Zones.”<sup>53</sup>

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<sup>52</sup> For more information see: [forcedlabour@ituc-csi.org](mailto:forcedlabour@ituc-csi.org)

<sup>53</sup> Kampala Declaration, 19 April 2013, “Working towards Child Labour Free Zones”, for full text see: [www.stopchildlabour.org](http://www.stopchildlabour.org)



## 7.5 Multilateral governmental initiatives

### 7.5.1 Global Partnership for Education<sup>54</sup> (previously EFA Fast Track Initiative)

Since 2002, the EFA Fast Track Initiative was created as a global financing mechanism for developing countries and donors to coordinate work to achieve universal primary education. The EFA Fast Track Initiative was seen as a compact between the donor community and developing countries. Countries were required to develop a comprehensive education sector plan, which were then reviewed by donors and civil society.

It was renamed the Global Partnership for Education in September 2011 following a restructuring and in recognition of its expanded role. It currently comprises 46 developing countries and 30 donor organizations, at bilateral, regional and international level, development banks, civil society organizations and teacher organizations. Education International is on the Board of Directors.

Since 2003, the Partnership has helped put 19 million more children into school, supported the construction of over 30,000 classrooms and trained over 337,000 teachers. It estimates that there are still 67 million children out of school at primary level, and 71 million out of school in lower secondary education.

<sup>54</sup> For more information on the Global Partnership on Education see : [www.globalpartnership.org](http://www.globalpartnership.org)

## ROAD MAP FOR ACHIEVING THE ELIMINATION OF THE WORST FORMS OF CHILD LABOUR BY 2016

The first global government initiated conference on child labour was held in 1997 in Oslo, prior to the adoption of the ILO Convention 182 in 1999. A second global conference, held in May 2010, was convened by the Ministry of Social Affairs and Employment of the Netherlands, in cooperation with the ILO. The outcome document known as the The Hague Roadmap aimed at substantially increasing global efforts to eliminate the worst forms of child labour by 2016 and to give direction to national and international policies and programmes. The conference was attended by 80 countries and counts as one of the most high-level conferences on child labour in the last decade.

A follow-up conference took place in Brazil in October 2013. The conference reviewed progress and provided a platform for an exchange of experiences and strategies. The government of Brazil has been a key player in promoting collaborative exchange, with a particular emphasis on integrated strategies and South-South cooperation.

The conference discussion focused on five main areas:

- Social protection for children and their families;
- Expansion of mandatory, full-time and high-quality education, trying to reach all adolescents under the minimum age for admission to employment and work;
- Strengthening the legislation and inspection systems through effective enforcement and sufficiently dissuasive legal sanctions against perpetrators of child labour;
- Labour and employment policies that provide additional protection for children and decent work opportunities for adult workers.
- Strengthening international cooperation, South-South cooperation and triangular cooperation in the elimination of child labour, with a particular focus on Least Developed Countries and countries in conflict affected or post-conflict situations.

The outcome document, known as the Brasilia Declaration (October 10 2013), includes the following articles:

*4. We also acknowledge that measures to promote decent work and full and productive employment for adults are essential, so that families are enabled to eliminate their dependence on the income generated by child labour. In addition, measures are needed to extend and improve access to free, compulsory and quality education for all children, as well as for the progressive universalization of social protection, in line with inter alia the ILO Convention 102, concerning minimum standards of social security, and ILO Recommendation 202, concerning national social protection floors.*

*5. We advocate for an integrated, coherent and effective use of public services and policies in the fields of labour, education, agriculture, health, vocational training and social protection as a means for building capacity and empowerment, so that all children, including those in rural areas, complete compulsory education as well as training without engaging in child labour.*

*6. We stress that education, health and social workers should be entitled to decent working conditions and relevant initial and continuous training, and that related policies should be developed with workers' organizations through social dialogue.*

*7. We recognize that strengthening these public services and policies is key for the sustained eradication of child labour, in particular its worst forms by 2016, as well as for sustainable development.*

*8. We urge governments to ensure access to justice to children affected by child labour, guarantee their right to education and provide rehabilitation programs, as a means to promote and protect their wellbeing and dignity and fulfil their rights, with focus on children who are particularly exposed to the worst forms of child labour due to discrimination in any form.*

### 7.6. Key international dates: Opportunities for Action

There are a number of key dates in the international calendar when unions can join with UN agencies, governments, employers and other civil society groups to review progress on international and national commitments and to highlight specific issues at national level related to child labour.

#### 7.6.1 World Day against Child Labour June 12th

Since 2002, the International Labour Organization has marked June 12 as World Day against Child Labour to focus attention on the urgent need to eradicate child labour. It is a day to remember the children and to commemorate those who work to bring about a world without child labour. According to the ILO, it is a day for employers, governments, and workers' groups, and civil society to renew their mandates to make a world where parents work and children go to school. Every year, the ILO identifies a specific theme for the commemoration.

→ **How to get involved:** if your union is interested in participating: you can contact ACTRAV and the local IPEC office for advice and support or contact [ipecc@ilo.org](mailto:ipecc@ilo.org) or your national trade union centre or global union federation office to review plans with them. The International Union of Food Workers (IUF) and Education International are particularly active.

#### 7.6.2 Decent Work Day October 7th

Since 2008 the ITUC has been organising the World Day for Decent Work (WDDW) on 7 October. This is a day for mobilisation all over the world: one day when all the trade unions in the world stand up for decent work. Decent work must be at the centre of government actions to bring back economic growth and build a new global economy that puts people first. Decent work, as a concept and an agenda was introduced and initially promoted by the ILO in 1999.

- ➔ **How to get involved:** the ITUC has an inter-active web-portal where unions can review what others are doing and post information about their own events.

### 7.6.3 Global Campaign for Education Action Week – Third Week of April

Every year GCE organises an Action Week in which thousands of educational groups, organizations, and unions run campaigns in over 100 countries, to make sure that their governments are taking serious action to meet their international commitments. This is a key opportunity for trade unions to cooperate with other civil society organizations to keep education goals in the public eye.

- ➔ **How to get involved:** The GCE has posters, campaign ideas and educational materials available on their website : <http://globalactionweek.org/>

## 7.7 Conclusions

This section provides some information on the main global coalitions and international days of action where trade unions are active participants. Working through global coalitions can reinforce national actions and when organised through a participatory process, can be an empowering experience for union members and attract media coverage and political attention.



### KEY MESSAGES

- **The key to successful campaigns is sustained and coordinated advocacy at both national and international level, combined with national mobilisation, where trade unions work in alliance with other civil society organizations**

### DISCUSSION POINTS



- In your opinion, what is the value of taking part in a global coalition? What are the advantages and disadvantages?
- Do you know if the Global Coalition for Education is active in your country? If not, could you consider working to create a national education coalition? What would it require and who would you contact?
- What is the added value of taking part in an international day of action? Consider how you can take advantage of the international linkages and media attention to support your work at national level. What kinds of action could you undertake? What would be most effective in drawing attention to the issue of child labour?
- What is the value of South –South cooperation between trade unions? Do you think your union could benefit from an exchange or partnership with unions working on child labour issues in other countries or regions? If so what criteria would you develop to select a potential partner and what would be the terms of reference for the exchange?
- When there are major international conferences on the right to education or on ending child labour, consider what actions your union might take. For example, writing a position paper or calling for a meeting with the Ministry of Labour or Social Protection.

## 8. Where to go for more information and ideas

### 8.1 Data Sources on Child Labour

#### ILO Global Reports

Since 2002, every four years the ILO has produced a Global Report assessing progress in tackling child labour. The report provides information on child labour by world regions as well as information on important developments.

#### SIMPOC Surveys

The Statistical Information and Monitoring Programme on Child Labour (SIMPOC) is managed by IPEC with technical assistance from the ILO's Bureau of Statistics. Since 1998, SIMPOC has collaborated with national



statistical services and Ministries of Labour to develop a data collection system and better statistics on child labour. Some 60 countries have been assisted in carrying out national surveys. The standard questionnaire asks about household decision-making concerning the schooling of children and also includes questions to children (5-17) about their school attendance, attainment and impact of work on these. Consult: <http://www.ilo.org/ipec/ChildlabourstatisticsSIMPOC>

### **The World Bank's Living Standards Measurement Study**

These are detailed household surveys which look at economic issues, including employment as well expenditure on health and education. There have been 90 country studies so far. Consult: [www.worldbank.org/lsms](http://www.worldbank.org/lsms)

### **UNICEF Multiple Indicator Cluster Survey (MICS)**

These are household surveys to monitor the situation of children and women which also contain information on the incidence of child labour. Consult: [http://www.unicef.org/statistics/index\\_24302.html](http://www.unicef.org/statistics/index_24302.html)

### **Understanding Child Labour**

The Understanding Children's Work (UCW) programme is an inter-agency research cooperation initiative involving the International Labour Organization (ILO), UNICEF and the World Bank. Consult: <http://www.ucw-project.org/>

## 8.2 Data Sources on Education for All

### **The World Bank Education Statistics**

This web-based facility provides a comprehensive set of data and analysis of trends on the main issues in education. It also provides country profiles, which include enrolment and drop-out rates at different levels of education and figures for Public expenditure on education as a percentage of GDP ; and Public expenditure on education as a percentage of total government expenditure. Consult: [www.worldbank.org/education/edstats](http://www.worldbank.org/education/edstats)

### **UNESCO Statistics**

The UNESCO Institute for Statistics also provides comprehensive statistics on education. The Deprivation and Marginalisation Index provides statistics on how long children are spending in school and who is getting left behind. Consult: <http://stats.uis.unesco.org>

## 8.3 Other Resources

-  Education International/IPEC 2011, “Warning! Children in Hazardous Work” A resource for teachers and educators: 12 June 2011 World Day against child labour (Brussels)
-  FNVBondgenoten & StopChildLabour 2011 “Child Labour and the hazel nut harvest in Turkey” Report on the Fact-Finding Mission to Turkey, 5-9 September 2011
-  Global Campaign for Education 2010: Making education a reality 1Goal,
-  III Global Conference on Child Labour, Brasilia, Brazil, October 8-10, 2013 Base Document Government of Brazil n.d.
-  Global March Against Child Labour International Conference on Child labour in Agriculture, Washington D. C. USA July 28-30, 2012 Framework of Action
-  International Labour Office (ILO) 2000 ACTRAV Trade Unions and Child Labour, Series of 7 booklets as part of the ILO/ACTRAV project, *Developing National and International Trade Union Strategies to Combat Child Labour* (INT/96/M06/NOR), sponsored by the Government of Norway, 2000 (Geneva)
-  --. 2002 Fyfe A. ACTRAV Bitter Harvest: Child Labour in Agriculture January 2002 (Geneva)
-  --. 2004 IPEC “Investing in every child-an economic study of the costs and benefits of eliminating child labour” 2004 (Geneva)
-  --.2006 IPEC “Tackling hazardous child labour in agriculture: Guidance on policy and practice 2006 (Geneva)
-  --. 2007 Fyfe A. IPEC The Worldwide Movement against Child Labour: Progress and Future Directions 2007 (Geneva)
-  --. 2007 IPEC Consolidated good practices in education and child labour 2007 (Geneva)
-  --ACTEMP and International Organization of Employers. 2007 Eliminating Child Labour: Guides for Employers 2007, (Geneva)
-  --. 2008 Allais F. B. & Hagemann F. IPEC/SIMPOC Child labour and education: Evidence from SIMPOC surveys Working Paper June 2008 (Geneva)
-  --. 2008 “Combating Forced Labour: A Handbook for Employers and Business” Special Action Programme to Combat Forced Labour 2008 (Geneva)

## 8. Where to go for more information and ideas

-  --. 2008 “Can low-income countries afford basic social security?” Social Security Policy Briefings, Paper No 3, Social Security Department, 2008 (Geneva)
-  --. 2009 IPEC “Combating child labour through education: a resource kit for policy-makers and practitioners: a user guide” 2009 (Geneva)
-  --. 2009 Akpokavie C. International Institute for Labour Studies “Tripartism, social dialogue and democracy” ILO Century Project, 2009 (Geneva)
-  --. 2010 IPEC The International Programme on the Elimination of Child Labour (IPEC) What it is and what it does 2010 (Geneva)
-  --. 2010 “Accelerating action against child labour”: Report 1(b) ILO Global Report on child labour, International Labour Conference, 99th Session Geneva, 2010 (Geneva)
-  --.2010 “The Social Partners and IPEC”: Action against Child Labour 2008-2009 Supplementary Report to the IPEC International Steering Committee 2010 (Geneva)
-  -- .2011 Report V International Labour Conference 100th Session :Labour administration and labour inspection 2011 (Geneva)
-  --. 2011 ACTRAV “The ILO MNE’s Declaration: What is in it for workers?” 2011 (Geneva)
-  --. 2011 TRAVAIL Global and regional estimates of domestic workers (Domestic Work Policy Brief No 4) Conditions of Work and Employment Programme, 2011 (Geneva)
-  --. 2011 ACTEMP/ACTRAV Employers’ and Workers’ Handbook on Hazardous Child Labour, Bureau for Employers’ Activities and Bureau for Workers’ Activities, 2011 (Geneva)
-  --. 2011 IPEC: Mainstreaming child labour concerns in education sector plans and programmes, 2011 (Geneva)
-  --.2012, International Labour Standards Department, “Handbook of procedures relating to international labour Conventions and Recommendations”, Revised edition, 2012 (Geneva)
-  --. 2013 World Report on Child Labour “Economic vulnerability, social protection and the fight against child labour” ,ILO, 2013 (Geneva)
-  --. 2013 Committee of Experts Report on the Application of Conventions and Recommendations Report to the Conference 102nd Session 2013 (Report III (Part 1A) 2013 (Geneva)

-  --.2013 Information and Reports on the Application of Conventions and Recommendations, Report of the Committee on the Application of Standards Provisional Record 16 102nd Session (Part 2) 2013 (Geneva)
-  --.2013 IPEC: Ending child labour in domestic work and protecting young workers from abusive working conditions 2013 (Geneva)
-  --.2013 Implementing the Roadmap for achieving the elimination of the Worst Forms of Child Labour, Training Guide for Facilitators 2013, (Geneva)
-  --. 2013 TRAVAIL Global Wage Report 2012/2013:Wages and equitable growth 2013 (Geneva)
-  International Trade Union Confederation (ITUC) 2011 “Labour Standards in World Bank Group Lending: Lessons Learned and Next Steps” ITUC Report November 2011 (Brussels)
-  --. 2012 : “The United Nations “Protect, Respect , Remedy” Framework for Business and Human Rights - Briefing Note for Trade Unionists May 2012 (Brussels)
-  Organization for Economic Cooperation and Development (OECD) 2011 Guidelines for Multinational Enterprises 2011 Edition OECD Publishing (Paris)
-  UNDP 2011 The Millennium Development Goals Report 2011 (New York)
-  UNESCO/ILO 1966 Recommendation on the Status of Teachers 1966
-  UNESCO/UNICEF 2008 Education for All Global Monitoring Report: Education for All by 2015: Will we make It? A mid-term review 2008 (Paris)
-  UNICEF /UN Global Compact/Save the Children 2012 Children’s Rights and Business Principles 2012 (New York)
-  FAO/IFAD/ILO. 2010 Gender and Rural Employment Policy Brief #7: Breaking the rural poverty cycle: Getting girls and boys out of work and into school 2010 (Rome)

## 8.4 Contact details:

### 8.4.1 International Labour Organization

#### **ILO**

Route des Morillons 4  
CH-1211 Genève 22  
Switzerland  
[www.ilo.org](http://www.ilo.org)

#### **Director General's Office**

[cabinet@ilo.org](mailto:cabinet@ilo.org)

#### **Bureau for Workers' Activities (ACTRAV)**

[actrav@ilo.org](mailto:actrav@ilo.org)

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

[ipecc@ilo.org](mailto:ipecc@ilo.org)

#### **ILOLEX Database of International Standards**

[www.ilo.org/normlex](http://www.ilo.org/normlex)

### 8.4.2 Global Unions

#### **Building and Wood Workers' International**

54 route des Acacias  
CH-1227 Carouge GE  
Switzerland  
Tel.: + 41 22 827 37 77  
Fax: + 41 22 827 37 70  
Email: [info@bwint.org](mailto:info@bwint.org)  
[www.bwint.org](http://www.bwint.org)

#### **Council of Global Unions**

International Trade Union House  
5, Boulevard du Roi Albert II  
1210 Brussels, Belgium  
[www.global-unions.org](http://www.global-unions.org)

#### **Education International**

5 boulevard du Roi Albert II  
B-1210 Brussels, Belgium  
Tel: +32-2 224 06 11  
Fax: 32-2 224 06 06  
E-mail: [headoffice@ei-ie.org](mailto:headoffice@ei-ie.org)  
<http://www.ei-ie.org/>

#### **International Federation of Actors**

Rue Joseph II 40, B/04  
1000 Brussels,  
Belgium  
Tel: +32 (0)2 235 0865  
Tel: +32 (0)2 234 5653  
Fax: +32 (0)2 235 0870  
E-mail: [office@fia-actors.com](mailto:office@fia-actors.com)  
[www.fia-actors.com](http://www.fia-actors.com)

#### **International Federation of Musicians**

21 bis, rue Victor Massé,  
F-75009, Paris  
France  
Tel.: +33 0 145 263 123  
Fax: +33 0 145 263 157  
E-mail: [office@fim-musicians.com](mailto:office@fim-musicians.com)  
[www.fim-musicians.com](http://www.fim-musicians.com)

**Union Network International -  
UNI**

8-10 avenue Reverdil, CH - 1260  
Nyon,  
Switzerland  
Tel: +41 22 365 2100  
Fax: +41 22 365 2121  
Email: [contact@uniglobalunion.org](mailto:contact@uniglobalunion.org)  
<http://www.uniglobalunion.org/>

**International Federation of  
Journalists**

International Press Center  
Résidence Palace, Block C  
155 Rue de la Loi,  
B1040 Brussels  
Belgium  
Tel: +32 2 235 2200  
Fax: +32 2 235 2219  
E-mail: [ifj@ifj.org](mailto:ifj@ifj.org)  
[www.ifj.org](http://www.ifj.org)

**IndustriALL Global Union**

54 bis, route des Acacias,  
Case Postale 1516  
1227 Geneva, Switzerland  
Tel: +41 22 308 5050  
Email: [info@industriall-union.org](mailto:info@industriall-union.org)  
<http://www.industriall-union.org/>

**International Trade Union  
Confederation**

Boulevard du Roi Albert 11, Bte 1  
1210 Brussels, Belgium  
Phone: +32 (0)2 224 0211  
Fax: +32 (0)2 201 5815  
E-mail: [info@ituc-csi.org](mailto:info@ituc-csi.org)  
[www.ituc-csi.org](http://www.ituc-csi.org)

**International Transport Workers'  
Federation**

ITF House  
49-60 Borough Road, London,  
SE1 1DR  
United Kingdom  
Tel: +44 (0) 20 7403 2733  
Fax: +44 (0) 20 7357 7871  
Email: [mail@itf.org.uk](mailto:mail@itf.org.uk)  
[www.itfglobal.org](http://www.itfglobal.org)

**International Union of Food,  
Agricultural, Hotel, Restaurant,  
Catering, Tobacco and Allied  
Workers' Associations (IUF)**

8 Rampe du Pont Rouge  
Petit Lancy, CH-1213 Geneva,  
Switzerland  
Tel: +41 22 793 22 33  
Fax: +41 22 793 22 38  
E-mail [iuf@iuf.org](mailto:iuf@iuf.org)  
[www.iuf.org](http://www.iuf.org)

**Public Services International**

BP 9, 01211  
Fereny-Voltaire Cedex,  
France  
Tel: +33 (0)450 40 64 64  
Fax: +33 (0)450 40 73 20  
E-mail: [psi@world-psi.org](mailto:psi@world-psi.org)  
[www.world-psi.org](http://www.world-psi.org)

**Trade Union Advisory Committee  
to the OECD**

15, rue Lapperouse  
75016 Paris  
France  
Tel: +33 (0) 1 55 37 37 37  
Fax: +33 (0) 1 47 54 98 28  
E-mail: [tuac@tuac.org](mailto:tuac@tuac.org)  
[www.tuac.org](http://www.tuac.org)

## C138 - Minimum Age Convention, 1973 (No. 138)

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### Convention concerning Minimum Age for Admission to Employment

#### Preamble

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-eighth Session on 6 June 1973, and

Having decided upon the adoption of certain proposals with regard to minimum age for admission to employment, which is the fourth item on the agenda of the session, and

Noting the terms of the Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention, 1921, the Minimum Age (Trimmers and Stokers) Convention, 1921, the Minimum Age (Non-Industrial Employment) Convention, 1932, the Minimum Age (Sea) Convention (Revised), 1936, the Minimum Age (Industry) Convention (Revised), 1937, the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, the Minimum Age (Fishermen) Convention, 1959, and the Minimum Age (Underground Work) Convention, 1965, and

Considering that the time has come to establish a general instrument on the subject, which would gradually replace the existing ones applicable to limited economic sectors, with a view to achieving the total abolition of child labour, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-sixth day of June of the year one thousand nine hundred and seventy-three the following Convention, which may be cited as the Minimum Age Convention, 1973:

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#### Article 1

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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.

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## Article 2

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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.

1. 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.
2. 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.
3. Notwithstanding the provisions of paragraph 3 of this Article, a Member whose economy and educational facilities are insufficiently developed may, after consultation with the organisations of employers and workers concerned, where such exist, initially specify a minimum age of 14 years.
4. 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 Organisation 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.

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## Article 3

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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 organisations 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 organisations 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.

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#### **Article 4**

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1. In so far as necessary, the competent authority, after consultation with the organisations 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 Organisation 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.

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#### **Article 5**

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1. A Member whose economy and administrative facilities are insufficiently developed may, after consultation with the organisations 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 Organisation 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.

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### **Article 6**

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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 organisations 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.

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### **Article 7**

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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.

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### **Article 8**

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1. After consultation with the organisations 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.

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### **Article 9**

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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.

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### **Article 10**

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1. This Convention revises, on the terms set forth in this Article, the Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention, 1921, the Minimum Age (Trimmers and Stokers) Convention, 1921, the

Minimum Age (Non-Industrial Employment) Convention, 1932, the Minimum Age (Sea) Convention (Revised), 1936, the Minimum Age (Industry) Convention (Revised), 1937, the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, the Minimum Age (Fishermen) Convention, 1959, and the Minimum Age (Underground Work) Convention, 1965.

2. The coming into force of this Convention shall not close the Minimum Age (Sea) Convention (Revised), 1936, the Minimum Age (Industry) Convention (Revised), 1937, the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, the Minimum Age (Fishermen) Convention, 1959, or the Minimum Age (Underground Work) Convention, 1965, to further ratification.
3. The Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention, 1921, and the Minimum Age (Trimmers and Stokers) Convention, 1921, shall be closed to further ratification when all the parties thereto have consented to such closing by ratification of this Convention or by a declaration communicated to the Director-General of the International Labour Office.
4. When the obligations of this Convention are accepted--
  - (a) by a Member which is a party to the Minimum Age (Industry) Convention (Revised), 1937, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention, this shall ipso jure involve the immediate denunciation of that Convention,
  - (b) in respect of non-industrial employment as defined in the Minimum Age (Non-Industrial Employment) Convention, 1932, by a Member which is a party to that Convention, this shall ipso jure involve the immediate denunciation of that Convention,
  - (c) in respect of non-industrial employment as defined in the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, by a Member which is a party to that Convention, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention, this shall ipso jure involve the immediate denunciation of that Convention,
  - (d) in respect of maritime employment, by a Member which is a party to the Minimum Age (Sea) Convention (Revised), 1936, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention or the Member specifies that Article 3 of this Convention applies to maritime employment, this shall ipso jure involve the immediate denunciation of that Convention,

- (e) in respect of employment in maritime fishing, by a Member which is a party to the Minimum Age (Fishermen) Convention, 1959, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention or the Member specifies that Article 3 of this Convention applies to employment in maritime fishing, this shall ipso jure involve the immediate denunciation of that Convention,
- (f) by a Member which is a party to the Minimum Age (Underground Work) Convention, 1965, and a minimum age of not less than the age specified in pursuance of that Convention is specified in pursuance of Article 2 of this Convention or the Member specifies that such an age applies to employment underground in mines in virtue of Article 3 of this Convention, this shall ipso jure involve the immediate denunciation of that Convention,

if and when this Convention shall have come into force.

5. Acceptance of the obligations of this Convention--

- (a) shall involve the denunciation of the Minimum Age (Industry) Convention, 1919, in accordance with Article 12 thereof,
- (b) in respect of agriculture shall involve the denunciation of the Minimum Age (Agriculture) Convention, 1921, in accordance with Article 9 thereof,
- (c) in respect of maritime employment shall involve the denunciation of the Minimum Age (Sea) Convention, 1920, in accordance with Article 10 thereof, and of the Minimum Age (Trimmers and Stokers) Convention, 1921, in accordance with Article 12 thereof,

if and when this Convention shall have come into force.

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**Article 11**

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The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

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**Article 12**

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1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.
2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratifications has been registered.

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### **Article 13**

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1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.
2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

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### **Article 14**

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1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.
2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

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### **Article 15**

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The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

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### **Article 16**

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At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

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**Article 17**

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1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:
  - (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 13 above, if and when the new revising Convention shall have come into force;
  - (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.
2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

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**Article 18**

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The English and French versions of the text of this Convention are equally authoritative.

## **C182 - Worst Forms of Child Labour Convention, 1999 (No. 182)**

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### **Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour**

#### **Preamble**

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 87th Session on 1 June 1999, and

Considering the need to adopt new instruments for the prohibition and elimination of the worst forms of child labour, as the main priority for national and international action, including international cooperation and assistance, to complement the Convention and the Recommendation concerning Minimum Age for Admission to Employment, 1973, which remain fundamental instruments on child labour, and

Considering that the effective elimination of the worst forms of child labour requires immediate and comprehensive action, taking into account the importance of free basic education and the need to remove the children concerned from all such work and to provide for their rehabilitation and social integration while addressing the needs of their families, and

Recalling the resolution concerning the elimination of child labour adopted by the International Labour Conference at its 83rd Session in 1996, and

Recognizing that child labour is to a great extent caused by poverty and that the long-term solution lies in sustained economic growth leading to social progress, in particular poverty alleviation and universal education, and

Recalling the Convention on the Rights of the Child adopted by the United Nations General Assembly on 20 November 1989, and

Recalling the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, adopted by the International Labour Conference at its 86th Session in 1998, and

Recalling that some of the worst forms of child labour are covered by other international instruments, in particular the Forced Labour Convention, 1930, and the United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956, and

Having decided upon the adoption of certain proposals with regard to child labour, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention;

adopts this seventeenth day of June of the year one thousand nine hundred and ninety-nine the following Convention, which may be cited as the Worst Forms of Child Labour Convention, 1999.

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### **Article 1**

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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.

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### **Article 2**

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For the purposes of this Convention, the term child shall apply to all persons under the age of 18.

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### **Article 3**

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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.

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### **Article 4**

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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.

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### **Article 5**

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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.

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### **Article 6**

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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.

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### **Article 7**

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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.

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### **Article 8**

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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.

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### **Article 9**

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The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

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### **Article 10**

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1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General of the International Labour Office.
2. It shall come into force 12 months after the date on which the ratifications of two Members have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member 12 months after the date on which its ratification has been registered.

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### **Article 11**

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1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.
2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

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### **Article 12**

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1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and acts of denunciation communicated by the Members of the Organization.

2. When notifying the Members of the Organization of the registration of the second ratification, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention shall come into force.

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### **Article 13**

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The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations, for registration in accordance with article 102 of the Charter of the United Nations, full particulars of all ratifications and acts of denunciation registered by the Director-General in accordance with the provisions of the preceding Articles.

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### **Article 14**

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At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

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### **Article 15**

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1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides --
  - (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 11 above, if and when the new revising Convention shall have come into force;
  - (b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.
2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

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### **Article 16**

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The English and French versions of the text of this Convention are equally authoritative.