

# Effective abolition of child labour

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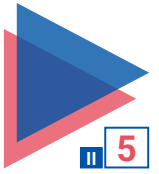
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## Key selected international labour standards

- C138** the Minimum Age Convention, 1973 (No. 138)
- R146** the Minimum Age Recommendation, 1973 (No. 146)
- C182** the Worst Forms of Child Labour Convention, 1999 (No. 182)
- R190** the Worst Forms of Child Labour Recommendation, 1999 (No. 190)
- C189** the Domestic Workers Convention, 2011 (No. 189)
- R201** the Domestic Workers Recommendation, 2011 (No. 201)
- R204** the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204)



# Introduction

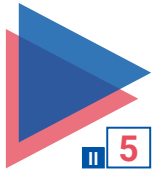
Not all work done by children should be classified as child labour that is to be targeted for elimination. Children's or adolescents' participation in work that does not affect their health and personal development or interfere with their schooling, is generally regarded as being something positive. This includes activities such as helping their parents around the home, assisting in a family business or earning pocket money outside school hours and during school holidays. These kinds of activities contribute to children's development and to the welfare of their families; they provide them with skills and experience, and help to prepare them to be productive members of society during their adult life.

The term "child labour" is often defined as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. It refers to work that:

- ▶ is mentally, physically, socially or morally dangerous and harmful to children; and/or
- ▶ interferes with their schooling by: depriving them of the opportunity to attend school; obliging them to leave school prematurely; or requiring them to attempt to combine school attendance with excessively long and heavy work.

The worst forms of child labour involve children being enslaved, separated from their families, exposed to serious hazards and illnesses and/or left to fend for themselves on the streets of large cities – often at a very early age.

Whether or not particular forms of "work" can be called "child labour" depends on the child's age, the type and hours of work performed, the conditions under which it is performed and the objectives pursued by individual countries. The answer varies from country to country, as well as among sectors within countries.



### Child Labour: a concern in 1919

In 1919 at the first ILC the ILO adopted the first international treaty on child labour: the Minimum Age (Industry) Convention, 1919 (No. 5) which prohibited the work of children below 14 years of age in industrial establishments.

## Guidance from International Labour Standards

Child labour has been a concern since the time of the creation of the ILO in 1919. Article 427 of the 1919 Versailles Treaty under which the ILO's constitution was drawn up, makes very specific reference to child labour: "the abolition of child labour and the imposition of such limitations on the labour of young persons shall permit the continuation of their education and assure their proper physical development".

In 1973, the ILO took a more concrete step and adopted the Minimum Age for Admission to Employment Convention, 1973 (No. 138). This Convention stipulates that States should progressively raise the minimum age to a level consistent with the fullest physical and mental development of young people. It establishes 15 years as the general minimum age for admission to employment or work.

Convention No. 138 requires the minimum age for admission to employment or work not to be less than the age of completion of compulsory education. This is also the age when children are considered to have acquired a basic level of education and considered old enough for a productive and fulfilling work life.

Fixing the minimum age for admission to employment or work is a basic obligation of ratifying member states, and the Convention establishes three categories for this:

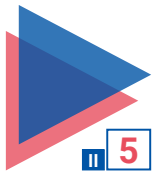
- 1.** The minimum age should not be less than the age of completing compulsory schooling, and in no event less than 15 years of age. Countries whose economy and educational facilities are insufficiently developed may initially fix the age for admission to employment or work at 14 years.
- 2.** A higher minimum age of 18 years is set for hazardous work, i.e. any type of employment or work “which by its nature or the circumstances in which it is carried out is likely to jeopardize the health, safety or morals of young persons”. It is left to the individual countries to determine which these are, after consultation with employers’ and workers’ organizations. The Recommendation gives guidance on the criteria that should be applied in determining what hazardous work is.
- 3.** A lower minimum age for light work, i.e. work which is not likely to be harmful to children’s health or development or 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 may be set at 13. For a country that initially sets a minimum age of 14, the minimum age for light work may be set at 12<sup>1</sup>.

Whereas the establishment of the first two categories is mandatory, the third regarding light work is optional: Article 7.1 specifies : “National laws or regulations may permit the employment or work of persons 13 to 15 years of age”.

The Convention applies to all sectors of economic activity, whether or not children are employed for wages. It is a flexible instrument allowing for progressive improvement, and most importantly, for developing economies (i.e. whose educational and economic systems are not yet fully developed) to set lower ages for employment. Exceptions

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**1** Combating child labour: A handbook for labour inspectors  
[https://www.ilo.org/ipecc/Informationresources/WCMS\\_IPEC\\_PUB\\_2619/lang-en/index.htm](https://www.ilo.org/ipecc/Informationresources/WCMS_IPEC_PUB_2619/lang-en/index.htm)



are allowed for certain sectors (e.g. non-commercial agriculture in developing countries), for limited categories of work, for education and training, and for artistic performances.

Convention No. 138 provides a definition of hazardous work to be prohibited for children.

Hazardous child labour or hazardous work is any type of employment or 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.

Convention No. 138 sets 18 years as the minimum age for hazardous work. This is because a child, defined in international law as a person under 18, is considered to be still developing mentally and physically, and are also considered more vulnerable than adults to workplace hazards, requiring protection from any type of work that is likely to jeopardize their health, safety or morals. An example of this is night work, which interferes with children's sleep and may make them more prone to suffer accidents on the job. Mining, construction, and commercial agriculture, for instance, are among the types of employment or work to be considered hazardous by their nature.

Recommendation No. 190 which accompanies Convention No. 182 on the Worst Forms of Child Labour (see below) provides further guidance on determining the types of work to be considered as hazardous as well as to identify where they may exist.

As part of the efforts member States need to make, Recommendation No. 146 which accompanies Convention No. 138, stresses that national policies and plans should provide for:

- ▶ poverty alleviation and the promotion of decent jobs for adults, so that parents do not need to resort to their children's labour;
- ▶ free and compulsory education and provision of vocational training;
- ▶ extension of social security and systems for birth registration;
- ▶ appropriate facilities for the protection of children, and adolescents who work.

Recommendation No. 146 also stresses that to achieve the elimination of child labour, laws setting minimum age for admission to employment or work should be embedded in such comprehensive policy responses.

The ILO Minimum Age Convention, 1973 (No. 138), and accompanying Recommendation (No. 146) provide the framework for national law to prescribe a minimum age for admission to employment or work. In some contexts, it is recognized that the effective abolition of all child labour is a long term objective which can be difficult to reach in the absence of economic and social development.

In 1999, was adopted ILO Worst Forms of Child Labour Convention (No. 182) and its accompanying Recommendation (No. 190), as a result of a consensus at the global level that action was needed against certain forms of child labour – the worst forms - as a matter of urgency.

Convention No. 1999) 182) on the worst forms of child labour complements Convention No. 1973) 138) on the minimum age by identifying the worst forms of child labour to be targeted for immediate action.

### **The worst forms of child labour**

Whilst child labour takes many different forms, a priority is to eliminate without delay the worst forms of child labour as defined by Article 3 of ILO Convention No. 182:

- ▶ 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.





Convention No. 182 outlines a tripartite process leading to the identification of hazardous work to be prohibited for children whereas Recommendation No. 190 stipulates that particular consideration should be given to:

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

The worst forms of child labour are to be prohibited without condition for all children under the age of 18 years. The Convention outlines the various measures Member States are required to take as a matter of urgency.

## **Child Labour in Domestic Work and the Domestic Workers Convention, 2011 (No. 189)**

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The ILO's two fundamental Conventions on child labour also provide the framework for ending child labour in domestic work.

In 2011 the ILO's International Labour Conference adopted Convention No. 189 and Recommendation No. 201 concerning decent work for domestic workers. The adoption of these instruments was an important milestone in terms of ensuring that domestic workers are workers, and have rights like other workers. It recognizes their fundamental rights, requires Members to take measures that protect domestic workers against all forms of abuse, harassment and violence, and sets minimum standards of protection for domestic workers of all ages.

The ILO's Domestic Workers Convention, 2011 (No. 189) defines "domestic work" as work performed in or for a household or households and further defines the "domestic worker" as any person engaged in domestic work within an employment relationship.

The term "domestic work" covers a wide range of tasks and services that vary from country to country and that can be different depending on the age, gender, ethnic background and migration status of the workers concerned, as well as the cultural and economic context in which they work. This means that a definition of domestic work and the workers involved on the basis only of the tasks being performed, risks being perpetually incomplete. Rather, Convention No. 189 draws on the common and distinctive characteristic that domestic workers are employed by, and provides services for, third party private households<sup>2</sup>.

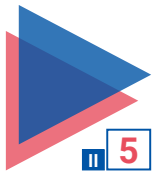
Consistent with Convention No. 138 and Convention No. 182, Convention No. 189 requires each State to set a minimum age for domestic workers that should not be lower than the legal working age for workers generally. Domestic work performed by child workers below the legal minimum working age is child labour and should be eliminated.

As regards child domestic workers below 18 years of age but above the legal minimum working age (referred to here as "young domestic workers"), their special needs (including compulsory education and training opportunities) should be addressed and protected, and they should be provided with decent work conditions in line with the Convention. Convention No. 189's broad definitions of domestic work and domestic workers affirm and ensure that all domestic workers, whatever their tasks, whoever their direct employer might be, and regardless of their working-time arrangements and number of employers, are "workers" and have the right to labour and social protection like other workers<sup>3</sup>.

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**2** Ending child labour in domestic work and protecting young workers from abusive working conditions, ILO 2013; Practical Guide to Ending Child Labour and Protecting Young Workers in Domestic Work, ILO, 2018 ([https://www.ilo.org/ipec/Informationresources/WCMS\\_IPEC\\_PUB\\_30476/lang--en/index.htm](https://www.ilo.org/ipec/Informationresources/WCMS_IPEC_PUB_30476/lang--en/index.htm)).

**3** Ending child labour in domestic work and protecting young workers from abusive working conditions, ILO 2013; Practical Guide to Ending Child Labour and Protecting Young Workers in Domestic Work, ILO, 2018 ([https://www.ilo.org/ipec/Informationresources/WCMS\\_IPEC\\_PUB\\_30476/lang--en/index.htm](https://www.ilo.org/ipec/Informationresources/WCMS_IPEC_PUB_30476/lang--en/index.htm)).



## **R204 - the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204)**

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Half of the global labour force and more than 90 percent of small and medium enterprises worldwide are working and operating in conditions of informality. The Transition from the Informal to the Formal Economy Recommendation (No. 204) is the first international labour standard to focus on the informal economy in its entirety, and diversity, and to point clearly in the direction of transition to the formal economy as the means for realizing decent work for all and for achieving inclusive development.

The Recommendation No. 204, of universal relevance, acknowledges the broad diversity of situations of informality including specific national contexts and priorities for the transition to the formal economy and provides practical guidance to address these priorities. It clearly defines a broad and detailed scope of application to all workers and economic units - including enterprises, entrepreneurs and households - in the informal economy. Such informal work may be found in all economic sectors and in public and private spheres.

As the risk of child labour is heightened in the informal economy where workers are likely to be denied their fundamental rights at work, notably children, women, migrant workers and indigenous Peoples this instrument is of particular importance.

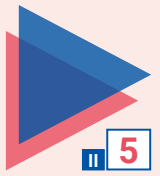
Recommendation No. 204 recognizes that most people enter the informal economy not by choice but as a consequence of a lack of opportunities in the formal economy. It clearly establishes the need to preserve and improve existing livelihoods, as well as the entrepreneurial potential, skills and creativity of those operating in the informal economy, in the process of transition to the formal economy.

Recommendations No. 204 under its Article 16 invites member States to take measures to achieve decent work and to respect, promote and realize the fundamental principles and rights at work for those in the informal economy, namely:

- (a)** freedom of association and the effective recognition of the right to collective bargaining;
- (b)** the elimination of all forms of forced or compulsory labour;

- (c) the effective abolition of child labour; and
- (d) the elimination of discrimination in respect of employment and occupation

Most child labour takes place in the informal economy within the family unit where many children in child labour work as contributing family labourers. If child labour is to be effectively tackled, it is imperative that the adult members of their families, i.e. those of legal working age, be provided with decent work alternatives.



# Sample session 1:

## Analysis of a Child Labour Situation



### OBJECTIVES

- Participants will consider the causes of child labour in their country differentiating, how they may impact differently according to gender as well as the relevant legislation and policies of the country.



### SETTING

- Participants are divided into several groups.
- Each group will consider the questions below.
- They will be provided with the necessary materials (pens paper, flip chart etc).
- Certain key findings from the latest global or national estimates on child labour disaggregated according to sex can be made available to each group.



### DURATION

- A total of 40 minutes will be allocated for the discussion.
- Each group will be given 5 minutes to share their findings followed by discussion and wrap up in plenary.



## TASK

The group is asked to consider the following:

1. Discuss the main causes of child labour in your country
2. Indicate which causes may affect one sex more than the other, and how
3. Rank the causes in order of importance starting with the most important
4. What does the legislation of your country say about child labour
5. Identify any major public policies or programmes that seek to tackle child labour in your country



## TIPS FOR TRAINERS:

- 📌 Invite each group to designate a note taker, moderator for the discussion and spokesperson to present the results in plenary;
- 📌 Gender based preferences and stereotypes lead to different life experiences of girls and boys at work and at school;
- 📌 The different societal and familial roles prescribed for boys and girls steer them towards different sectors and occupations; they may also impact their educational outcomes differently;
- 📌 In defining measures to address child labour it is important to consider the gender related determinants which may affect girls and boys pathways into the world of work;
- 📌 According to the latest ILO Global Estimates on Child Labour girls are disproportionately affected by domestic chores; do existing public policies or programmes to address child labour or to promote universal education take this into consideration
- 📌 Recall that the Convention does not only call for action against discrimination but requires promotional action towards equal opportunity and treatment at work.

# Sample session 2:

## Identifying hazards children could face in work environments



### OBJECTIVE

- 📌 To gain more insight into approaches to eliminating child labour.



### SETTING

- 📌 Participants are invited to consider the hazards that children are likely to face if they are expected to do the types work adults normally do.
- 📌 Materials to be provided - a flip chart for each group, pen & paper, a list of typical jobs that adults undertake according to the local industries and the definitions of child labour and hazardous work.



### DURATION

60 minutes:

- 📌 30 minutes for working in groups on the topics assigned to them
- 📌 10 minutes for each group to present their end product and
- 📌 10 minutes for further discussions.



## TASK

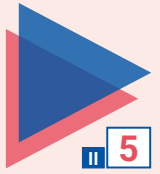
1. The group is provided with a list of jobs adults do.
2. Their task will be to go through this list and decide if these types of work are harmful to children and why. They need to consider the physical, mental and moral harm these types of work can cause for children.
3. The list of jobs normally done by adults can consist of work in:
  - *mines,*
  - *agriculture,*
  - *collecting garbage,*
  - *construction,*
  - *manufacturing (furniture, garments, shoes etc.)*
  - *auto workshops*
  - *domestic work*
4. The list can include other types of work or can be changed to reflect the local industries.



## TIPS FOR TRAINERS:

- 📌 Invite each group to designate a note taker, moderator for the discussion and spokesperson to present the results in plenary;
- 📌 It is possible that not all the members of the group will be familiar with the types of jobs that adults do in some of the sectors represented in the list. Thus it may be necessary for the trainer to gather information regarding the types of tasks or processes in which adults are typically engaged and to provide guidance to the group members to consider the likely hazards for children;
- 📌 If time permits ask each group to think about possible hazards unique to jobs in other sectors;
- 📌 Remind participants that under ILO Convention 182 many member States have adopted a list of hazardous occupations, tasks and processes prohibited to children





that have been drawn up collaboratively by governments, workers and employers organizations in order to approach child labour in an inform and systematic manner.

- 📌 There is a potential to link this exercise with other subject areas covered in previous modules, such as fair recruitment, decent working conditions, working time, fair remuneration, social security.
- 📌 Consult and make available the texts of relevant international labour standards.

## Further references

- ▶ ILO Convention No. 138 at a glance (ILO, 2018)  
<https://www.ilo.org/ipecinfo/product/download.do?type=document&id=30215>
- ▶ ILO Convention No. 182 at a glance (ILO, 2018)  
<https://www.ilo.org/ipecinfo/product/download.do?type=document&id=30296>
- ▶ Global Estimates of Child Labour: Results and Trends, 2016-2012 (ILO, 2017)  
[https://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/publication/wcms\\_575499.pdf](https://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/publication/wcms_575499.pdf)
- ▶ Ending child labour by 2025: a review of policies and programmes (ILO, 2018)  
[https://www.ilo.org/ipec/Informationresources/WCMS\\_653987/lang--en/index.htm](https://www.ilo.org/ipec/Informationresources/WCMS_653987/lang--en/index.htm)
- ▶ Ending child labour, forced labour and human trafficking in global supply chains (ILO, 2019)  
[https://www.ilo.org/ipec/Informationresources/WCMS\\_716930/lang--en/index.htm](https://www.ilo.org/ipec/Informationresources/WCMS_716930/lang--en/index.htm)
- ▶ Children in hazardous work: What we know, what we need to do (2011)  
[https://www.ilo.org/ipec/Informationresources/WCMS\\_156475/lang--en/index.htm](https://www.ilo.org/ipec/Informationresources/WCMS_156475/lang--en/index.htm)
- ▶ Good practices on the elimination of child labour in Central Asia (ILO, 2014)  
<http://www.ilo.org/ipecinfo/product/download.do?type=document&id=26545>
- ▶ The tripartite process of determining hazardous child labour - Guide for facilitators (ILO, 2012)  
<http://www.ilo.org/ipecinfo/product/download.do?type=document&id=20435>
- ▶ Combating child labour: a handbook for labour inspectors (ILO, 2002)  
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