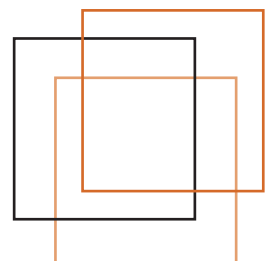




International
Labour
Organization



Combating child labour in Myanmar
A course for Employers' Organizations
Supplemental Information



Combating child labour in Myanmar
A course for Employers' Organizations

Supplemental Information

Copyright © International Labour Organization 2018

First published 2018

Publications of the International Labour Office enjoy copyright under Protocol 2 of the Universal Copyright Convention. Nevertheless, short excerpts from them may be reproduced without authorization, on condition that the source is indicated. For rights of reproduction or translation, application should be made to ILO Publications (Rights and Licensing), International Labour Office, CH-1211 Geneva 22, Switzerland, or by email: rights@ilo.org. The International Labour Office welcomes such applications.

Libraries, institutions and other users registered with a reproduction rights organization may make copies in accordance with the licences issued to them for this purpose. Visit www.ifrro.org to find the reproduction rights organization in your country.

FUNDAMENTALS

Combating child labour in Myanmar: Training Package on Child Labour for Employers Organizations / International Labour Office, Fundamental Principles and Rights at Work Branch (FUNDAMENTALS) - Yangon: ILO, 2018.

ISBN: 978-92-2-130199-8 (Print); 978-92-2-130224-7 (Web pdf)

International Labour Office; ILO Fundamental Principles and Rights at Work Branch

Also available in Burmese: (ကလေးလုပ်သားတိုက်ဖျက်ရေး၊ အလုပ်ရှင်အဖွဲ့အစည်းများအတွက် ကလေးအလုပ်သမားဆိုင်ရာ သင်ရိုး) ISBN 978-92-2-830844-0 (Print); 978-92-2-830845-7 (Web pdf), Yangon, 2018

ILO Cataloguing in Publication Data

Acknowledgements

This publication was elaborated by Philip Hunter for FUNDAMENTALS and coordinated by Selim Benaissa from ILO Yangon Office. Comments, supports and contributions were provided by Bharati Pflug, Saw Hsar Kaw Baw, Hnin Wuit Yee and U Aung Htun.

Funding for this ILO publication was provided by the United States Department of Labor under the framework of the Project "Myanmar Programme on the Elimination of Child Labour (My-PEC)" (MMR/13/10/USA), under cooperative agreement number IL-25263-14-75-K.

This publication does not necessarily reflect the views or policies of the United States Department of Labor, nor does mention of trade names, commercial products, or organizations imply endorsement by the United States Government. 100 per cent of the total costs of the project is financed with federal funds, for a total of 6,000,000 dollars with the extension of the project.

The designations employed in ILO publications, which are in conformity with United Nations practice, and the presentation of material therein do not imply the expression of any opinion whatsoever on the part of the International Labour Office concerning the legal status of any country, area or territory or of its authorities, or concerning the delimitation of its frontiers.

The responsibility for opinions expressed in signed articles, studies and other contributions rests solely with their authors, and publication does not constitute an endorsement by the International Labour Office of the opinions expressed in them.

Reference to names of firms and commercial products and processes does not imply their endorsement by the International Labour Office, and any failure to mention a particular firm, commercial product or process is not a sign of disapproval.

ILO publications and digital products can be obtained through major booksellers and digital distribution platforms, or ordered directly from ilo@turpin-distribution.com. For more information, visit our website: www.ilo.org/publns or contact ilopubs@ilo.org.

Visit our website: www.ilo.org/childlabour

This document is only available in PDF version.

Photocomposed by Julie Sobkowicz Brown, Yangon, Myanmar.

Table of Contents

| | |
|--|----|
| Key | iv |
| Introduction | 1 |
| Session 1: Defining & Understanding Child Labour | 3 |
| What is Child Labour? | 4 |
| Key International Standards | 8 |
| Myanmar legal provisions for child labour and young workers | 14 |
| Session 2: Understanding Global & National Estimates of Child Labour | 17 |
| The Regional Picture | 18 |
| Child Labour and Gender..... | 19 |
| Sectoral Distribution of Child Labour | 20 |
| Myanmar Labour Force Survey 2015 | 20 |
| Session 3: Causes & Consequences of Child Labour | 25 |
| Causes of child labour | 26 |
| How does work affect the development of a child? | 28 |
| The consequences of hazardous work | 29 |
| Myanmar context | 33 |
| Session 4: Employers..... | 37 |
| Business Case for Employer Engagement | 38 |
| Three immediate actions: hiring, hazards and hours (3 H's) | 40 |
| Risk Assessment | 41 |
| Using workplace safety and health committees | 45 |
| Collective bargaining..... | 46 |
| Promoting youth employment..... | 48 |
| References..... | 49 |

KEY:

RESOURCE



KEY MESSAGE



EXERCISE



HANDOUT



Q&A



Introduction

Child Labour is a global issue associated with, among other things, widespread poverty, lack of education, economic development and basic human rights. Worldwide, about one-tenth of the total child population, approximately 168 million children aged 5-17 years, were involved in child Labour in 2012, according to the Global Child Labour Trends 2008-2012 report of the ILO's International Program on the Elimination of Child Labour. The Asia-Pacific region has the most child labourers aged 5-17 (77.7 million) among the different regions.

In Myanmar, more than 1 million children are engaged in child labour, with more than half of them in hazardous work. Child workers aged 15-17 years constitute 75 per cent of all working children, with 54 per cent boys and 46 per cent girls, according to the 2015 Labour Force Survey-Child Labour-School-to-Work-Transition Survey (LFS-CL-STWTS).

The promotion of the ratification and implementation of ILO fundamental Conventions on child labour (i.e. ILO Conventions 138 and 182) is a high priority for the International Labour Organization. The Government of the Republic of the Union of Myanmar ratified ILO C182 on December 2013 as a starting point for addressing the issues covered by those standards.

Given the extent of the practice in Myanmar, coherent, efficient and concrete action is required from all stakeholders. Since the ratification of the Convention, the Government, Workers and Employers' Organizations and Civil Society have shown growing commitment to address the issue and actions are taking place, such as the development of a National Action Plan on Child Labour.

The universal approach of States to protecting working children has been to define the type of work that a child can do depending on the child's age. It is generally believed that certain types of work carried out even at a young age can contribute positively to a child's development and pose no harm. At the other extreme, however, is work that is inherently harmful to children and thus should be the subject of stricter regulation.

In accordance with the Minimum Age for Employment Convention (No. 138) and the Worst Forms of Child Labour Convention (No. 182), the legislative response against child labour should have four main elements (ILO and IPU, 2002):

- ▶ clear legal definitions of the minimum age below which children should not be engaged in particular types of work;
- ▶ clear definitions of the hazards to which no child under 18 should be exposed;
- ▶ laws that ban unacceptable practices such as forced and bonded labour, the sale and trafficking of children, and the use and procurement of children for prostitution, pornography and illicit activities; and

- ▶ penalties for practising, encouraging or conniving in such situations and activities.

There is a risk that policy and laws, even when targeted at child workers in general, might exclude certain forms of child labour (e.g. child domestic workers). This can happen when laws or policies name certain sectors of economic activity in which child labour is prohibited while leaving out other sectors where the problem may be just as significant. Legal provisions are sometimes so specifically or narrowly drafted as to exclude from the regulation significant areas where child labour exists (IPEC, 2007:16-20). Convention No. 138 allows countries to make exclusions as long as certain basic industries are covered.¹

This document provides supplemental information about child labour, ILO global estimates, international standards and key roles and actions for specific stakeholders for course facilitators. You are encouraged to review this material prior to implementing the course; it should be used alongside the facilitator's guide and other course materials.

¹ For instance, while commercial agriculture is one of the sectors that must be covered, an exception may be made for "family and small-scale holdings producing for local consumption and not regularly employing hired workers".

Session 1:

Defining & Understanding Child Labour

What is Child Labour?

Child labour refers to work that is mentally, physically, socially or morally dangerous and harmful to children; and interferes with their schooling by:

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

Child labour is, first of all, work performed by a child under the minimum legal age for work or employment as defined by national legislation in accordance with ILO Convention 138. The Convention sets a general minimum age of not less than the end of compulsory education and at least 15 years for admission to employment but it allows countries to set a lower minimum age.²

Secondly, child labour refers to work performed by a child below the age of 18 in hazardous or slavery-like conditions, in which case it constitutes a worst form of child labour, as defined by ILO Convention 182. Hazardous work includes activities that are likely to harm the health, safety or morals of children because of the nature of the activity or because of the conditions in which it is carried out. Hazardous work and other worst forms of child labour are further explained in the section below.

Different forms of child labour

Millions of children around the world are doing work that is hazardous, abusive and exploitative. They are commonly found:

- ▶ In industry, doing dangerous work, such as glassmaking, construction and carpet-weaving.
- ▶ In agriculture, performing heavy work and exposed to many hazards associated with the introduction of modern machinery and chemicals.

What kind of work should children never do?

- ▶ Work that violates children's fundamental rights as human beings;
- ▶ Work that is dangerous or threatening, that exhausts their strength, damages their bodies and takes advantage of their young age;
- ▶ Work that harms their growing up or robs them of their childhood; and
- ▶ Work that prevents them from going to school and gaining basic skills and knowledge for their growth and future.

² The Convention allows some flexibility for developing countries to set initially a lower minimum age, at 14 years, where their economies or educational facilities are insufficiently developed. With the possibility for "light work" of setting a minimum age at the age of 12 or 13, depending on the level of the general minimum age at 14 or 15/16 years.

- ▶ At home, looking after younger siblings, or helping in family farms or businesses, to the extent that this becomes their main and only activity.
- ▶ In outright slavery, or in labour arrangements that are tantamount to it, such as bonded labour and child prostitution.
- ▶ In domestic service, carrying out arduous work under conditions of isolation, working excessively long hours and being subjected to physical and sexual abuse.

Child labour which is harmful to a child's health and development must be prevented and eliminated. Certain forms of child labour, however, put children in extreme danger and therefore must be abolished as a matter of urgency.

What is acceptable and unacceptable work?

It is necessary to clarify what is **not** meant by the term **child labour**. Children's or adolescents' participation in work that does not negatively 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 care for the home and the family, assisting in a family business or earning pocket money outside school hours and during school holidays. It contributes to children's development and to the welfare of their families; it provides them with skills and experience, and helps to prepare them to be useful and productive members of society during their adult life. These activities should not be equated with **child labour**.

In fact, not all work is harmful to children. Doing chores for the family for a couple hours a day can help children gain skills, self-confidence, and a sense of responsibility, but the nature of the tasks or chores must be carefully chosen to fit the age and strength of the child and must not be hazardous.

The term "work" encompasses most 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 excludes chores undertaken in the child's own home which does not interfere with the child's education, safety and development, but includes work performed by domestic workers.

Economic activity covers all market production and certain types of non-market production (principally the production of goods and services for own use). It includes forms of work in both the formal and informal economies; inside and outside family settings; work for pay or profit (in cash or in kind, part-time or full-time), or as a domestic worker outside the child's own household for an employer (with or without pay).

If a participant asks: "Is it okay for children to do household chores?"
You can say: "Yes, children of all ages can do household chores, but it is important that they do this work for only a short time and do not carry heavy loads or in any other way jeopardize their health or schooling."

Working in the formal and informal economy

Classifying children by sector or trade says little about the relationship between the children and the persons (clients, employers or members of the family) who, in one form or another, employ them. For example, in the agricultural sector, which includes everything from multinational agri-businesses to family units, the working children may be permanent, seasonal, pieceworkers, slaves, or family workers. In the informal economy, which includes a vast range of traditional, unstructured, family, artisanal, and generally unregistered businesses, children may be found as paid workers, apprentices, unpaid workers without contracts, domestic servants, home workers or subcontractors. In the formal sector, which includes private, semi-public or state enterprises of varying sizes, children may be employed as permanent workers, seasonal or daily workers, apprentices with or without contracts, and children who are on the premises with a parent and may be asked to help.

Another way of categorizing child labour is by their visibility. Whether the work is hidden behind walls or out in the open has important implications for how easily child labourers can be found. And whether they work alone or in groups will be a significant factor in how the situation can be addressed. The table below shows how children can be grouped in this way. Child labour is often hidden from view. The real extent of the problem may be invisible to policy and decision-makers since much of the work children do is considered to be "helping out" and is seldom recognized in official statistics. It is often only the head of the household who is registered as working, especially in cases of migrant workers and their families.

TABLE 1: CATEGORIZING CHILD LABOUR SITUATIONS: VISIBLE, INVISIBLE, CONCENTRATED AND DISPERSED

| | Visible | Invisible |
|--------------|--|---|
| Concentrated | <p>Child labour that is concentrated and visible includes children who work in one place, are easily observed, and can be approached from outside</p> <ul style="list-style-type: none"> • Seamstresses, tailors, soccer ball stitchers, metal workers, woodworkers (and their helpers in open shops). • Bakers, confectioners, cooks (and helpers) preparing food for passers-by. • Workers in small repair shops, e.g. automobile repair. • Service workers in congested areas, e.g. shoe shiners, car washers, car watchers. • Supermarket helpers, vendors, porters, cleaners, cashiers in markets. • Stone and brick breakers on road and building construction sites. • Plantation workers (sugar cane, coffee, vegetables), either alone or with their families. • In family production or harvesting for either domestic or export use. • Agricultural, fish processing. | <p>Children in these situations work together or near each other, but cannot be seen or are largely inaccessible to outsiders.</p> <ul style="list-style-type: none"> • Brick kiln workers, quarry workers. • Carpenters, helpers and carriers at construction sites. • Factory workers or helpers producing pottery, glass, metal products, plastic goods, jewellery etc. • Factory workers processing food products. • Traditional carpet and textile weavers whether in groups of households or small workshops. • Cheroot makers. • Workers in match, explosive and firework factories. • Miners of coal and minerals. • Work on factory ships or on fishing fleets or fishing platforms. |
| Dispersed | <p>These children work alone and are, or may appear to be, self-employed.</p> <ul style="list-style-type: none"> • These children work alone and are, or may appear to be, self-employed. • Delivery boys, messengers, and errand-runners. • Providing services or goods on the street, e.g. shoe-shiners, flower-sellers. • Hotel, restaurant, café workers who serve customers, wash dishes, clean the premises. • Entertainers and dancers who may move around with a troupe, camel jockeys, circus performers. • Professional beggars. | <p>These are the children that are hardest to reach; they work in remote areas, isolated and powerless.</p> <ul style="list-style-type: none"> • Domestic servants. • Children working in family-based industries, such as craftwork. • Children who assist with subsistence hunting, gathering, fishing and agriculture. • Children involved in stealing, picking pockets, smuggling, the drug industry or pornography. • Sexually exploited children. • Children held under conditions of slavery or bondage. |

| Visible | Invisible |
|---|---|
| <ul style="list-style-type: none"> • Helpers on long distance transport (buses, cargo steamers, passenger boats). • Children who guard fields against birds, monkeys, thieves. • Herders and those engaged in livestock care, milking, and fodder-gathering. | <ul style="list-style-type: none"> • Children recruited into armed groups or providing services in conditions of armed conflict. |

Key International Standards

Conventions are international treaties which are open to ratification by ILO member States. When a State ratifies a Convention, it is obliged to bring national legislation and practice into line with the provisions of the Convention, and report to international supervisory bodies on the steps it has taken to respect its new obligations.

ILO Convention on the Minimum Age for Employment, 1973 (No. 138)

It requires countries to establish a minimum age for employment not less than the age of completion of 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.

The Convention also defines "hazardous work" as "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". It further specifies that such types of work or employment should only be permissible to workers of at least 18 years of age. As prescribed by the Convention hazardous work has to be determined by the country through consultations with workers and employers' organizations.

Convention 138 also leaves open the possibility that national legislations may permit individuals over 13 years of age and less than 15 years of age to carry out so-called "light" work, as long as this does not affect their school attendance. However, a country that has initially specified a general minimum age of 14 years may substitute the ages 12 and 14 for the ages 13 and 15.

Convention 138 applies to all sectors of economic activity, whether or not the children are employed for wages. It is a flexible instrument allowing for progressive improvement, and most importantly, for developing countries (i.e. those whose educational and economic systems are not yet fully developed) to set lower ages for employment to start with. Exceptions 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.

However, Convention 138 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 (...) and is an integral part of:

1. A course of education or training for which a school or training institution is primarily responsible;
2. A programme of training mainly or entirely in an undertaking, which programme has been approved by the competent authority; or
3. A programme of guidance or orientation designed to facilitate the choice of an occupation or of a line of training."

TABLE 2: THE MINIMUM AGE FOR EMPLOYMENT OR WORK

| | The minimum age at which children can start work | Possible exceptions for developing countries |
|---|---|---|
| Hazardous work Any work which is likely to jeopardize children's physical, mental or moral health, safety or morals should not be done by anyone under the age of 18 years old. | 18 years (16 years under strict adult supervision and protective equipment is provided) | 18 years (16 years under strict adult supervision and protective equipment is provided) |
| Basic minimum age The minimum age for work should not be below the age for finishing compulsory schooling, which is generally 15 years old. | 15 years | 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 |

Recommendation 146 on Minimum Age for Employment, 1973

ILO Recommendations are not for ratification, but are frequently found by governments, national parliaments, employers' and workers' organizations and other interested groups to be a useful checklist of actions that may be taken to give effect to the obligations entered into by ratification of a Convention.

Recommendation No. 146 Emphasizes:

1. Strengthening labour inspection and related services by, for example, providing special training for inspectors on detecting abuses in the employment or work of children and young persons and on correcting such abuses;
2. Strengthening government services for the improvement of training offered in enterprises;
3. Placing emphasis on the role which can be played by inspectors in supplying information and advice on effective means of complying with relevant provisions of the law and in securing enforcement of the law;
4. Coordinating labour inspection and inspection of training to provide economic efficiency;
1. Having the labour administration services work in close cooperation with the services responsible for the education, training, welfare and guidance of children and young persons.

UN Convention on the Rights of the Child, 1989

The UN Convention on the Rights of the Child (CRC) was adopted in November 1989. Children, like adults, are entitled to basic human rights. But because of their special needs and vulnerability, children's rights need to be addressed with particular care and attention. The United Nations Convention on the Rights of the Child was drawn up in order to enforce and safeguard children's rights. These rights include:

1. *Survival rights*

All children have the right to life and to meeting their most basic needs, including food, shelter and access to health care.

2. *Development rights*

All children have the right to develop properly, without hindrance. They have the right to education, play, freedom of thought, religion and conscience and all other rights that will allow them to develop to their fullest potential.

3. *Protection rights*

All children have the right to be protected from all forms of abuse, neglect and exploitation.

4. *Participation rights*

All children have the right to take an active role in their community and nation, including freedom of expression, to be members of a group, etc.

The convention also focuses on specific areas that are relevant to child labour:

▶ ***Child labour***

Children should be protected from exploitation and any work that endangers them in any way or stops them from getting an education.

▶ ***Education***

All children have the right to receive primary school education. Secondary school education should be promoted and encouraged.

Article 1 defines a 'child' as a person below the age of 18, unless the laws of a particular country sets a lower legal age for adulthood. The Committee on the Rights of the Child, the monitoring body for the convention, has encouraged States to review the age of majority if it is set below 18 and to increase the level of protection for all children under 18.

Article 32 specifies 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.

It calls for states parties to take legislative, administrative, social and educational measures such as:

- a. Provide for a minimum age or minimum ages for admission to employment;
- b. Provide for appropriate regulation of the hours and conditions of employment;
- c. Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Other relevant articles include:

- ▶ Article 33, requiring measures to prevent the use of children in illicit production and trafficking of drugs;
- ▶ Article 34, requiring protection against sexual exploitation;
- ▶ Article 35, requiring prevention of abduction, sale and trafficking of children for any purpose;
- ▶ Article 36, requiring protection against all other forms of exploitation prejudicial to any aspects of the child's welfare;
- ▶ Article 28, confirming a child's right to education; and
- ▶ Article 39, providing for measures to promote the physical and psychological recovery and social integration of child victims.

Optional Protocols to the Convention on the Rights of the Child

Two optional protocols, adopted in May 2000, also deal with some of the worst forms of child labour. They relate respectively to:

1. The Involvement of Children in Armed Conflict;
2. The Sale of Children, Child Prostitution and Child Pornography.

ILO Convention on Worst Forms of Child Labour, 1999 (No. 182)

The Worst Forms of Child Labour Convention calls for the immediate prohibition of the worst forms of child labour by enacting laws, regulations and standards. Secondly, it requires ratifying States to take urgent and effective measures to eliminate these worst forms through programmes of action. It applies to all children under the age of 18, but calls for special attention to girls.

Article 4 defines the worst forms of child labour as:

1. 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. (slavery)
2. The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances. (sexual exploitation)
3. The use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in relevant treaties. (illicit activities)
4. Work, which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or safety or morals of children. (hazardous work)

The first three categories are likely to be illegal and the responsibility primarily of police authorities. Labour inspectors are going to be particularly concerned with the last category, although as part of a larger team and more comprehensive approach, they have a role to play with all.

The convention itself does not define what hazardous work includes, leaving this instead to ratifying countries to do in the form a "hazardous work list". But the ILO's Worst Forms of Child Labour Recommendation, 1999 (No. 190), the non-binding guidelines that accompany Convention No. 182, gives some indication as to what work should be prohibited. It urges member States to consider:

- ▶ Work that exposes children to physical, emotional or sexual abuse;
- ▶ Work underground, under water, at dangerous heights or in confined spaces;
- ▶ Work with dangerous machinery, equipment and tools, or that 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; and

- ▶ Work under particularly difficult conditions such as work for long hours or during the night or work that does not allow for the possibility of returning home each day.

It is not possible to point to a specific sector or occupation and declare it to be a “worst form”. Even where children do not suffer the worst forms of abuse cited above, many are forced to work without sufficient rest, in cramped spaces, with poor lighting, seated on the bare ground, using tools that are too big for them, without adequate drinking water or toilets, and – particularly damaging to their future – no chance to go to school. Even the many millions of children who work in traditional agriculture as part of the family unit are exposed to risk from a wide variety of hazards.

ILO Recommendation on Worst Forms of Child Labour, 1999 (No. 190) provides further practical guidance regarding measures for eliminating the worst forms of child labour, such as the determination for hazardous work or the design and implementation of national programme of actions.

ILO Convention concerning Decent Work for Domestic Workers, 2011 (No. 189)

A historic milestone that addresses a serious deficit and inequality in the protection of workers’ fundamental rights, Convention No. 189 affirms 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.

Consistent with Convention 138 and Convention 182, each State is required 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, 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 Convention No. 189.

International Instruments

- ▶ Convention on the Minimum Age for Employment, 1973 (No. 138)
- ▶ Convention on Worst Forms of Child Labour, 1999 (No. 182)
- ▶ Convention concerning Decent Work for Domestic Workers, 2011 (No. 189)
- ▶ Recommendation on Minimum Age for Employment, 1973 (No. 146)
- ▶ UN Convention on the Rights of the Child, 1989

Myanmar legal provisions for child labour and young workers

In Myanmar, legal provision on child labour are fragmented in different pieces of legislations, and are not fully compliant with the key International Standards on Child Labour, respectively ILO Conventions 138 (Minimum Age), ILO Convention 182 (Worst Forms of Child Labour), ILO Conventions 189 (Domestic Work) and United Nation Child Rights Conventions (UNCRC).

The main legislation covering child labour are:

- ▶ Child Law (1993)
- ▶ Factories Act (1951) amended in 2016
- ▶ Shops and Establishments Act (1951) amended in 2016
- ▶ Leave and Holidays Act (1951) amended in 2016
- ▶ Payment of Wages Act (1936) amended in 2016
- ▶ Oilfield (Labour and Welfare) Act (1951)

Age Restriction:

The Child Law states that children have the right to engage voluntarily in work allowed by law, including the special rights provided in respect of hours of employment, rest, and leisure.

However, under the labour laws, no one under 14 years old may be employed, and all workers under 18 years old ('young workers' or 'young people') may only work if a certificate of fitness for work is granted by a certifying surgeon/medical practitioner and if the certificate is kept in the custody of the manager of the factory.

Young workers must have a fitness certificate for work while working and employers must keep a register of all young workers (under 18 years old) in the enterprise

Medical Requirements:

Young people (under 18 years old) who wish to work must be examined by a certifying surgeon. The doctor may issue a certificate of fitness if she/he is satisfied that the young person is at least 14 years old and is capable of production/factory work.

The certificate is valid for 12 months and the doctor can limit the types of work the young person may do. A medical doctor who refuses to issue (or reissue) a certificate of fitness must state in writing the reasons for refusal. Fees for a certificate of fitness are paid by the employer, not the worker or parents.

Limits and Prohibitions on Work Done by Children

Wages of children shall not be deducted just like adult workers, except for the unearned or unauthorized absence from work (e.g. annual leave, sick leave, or other entitlements). Additionally, wages of children under 16 years shall not be deducted as fines.

Workers under fifteen years old are entitled to 14 days of consecutive earned annual leave as opposed to 10 days for older workers.

In factories, no children between 14 and 16 years old may work more than four hours in any day (five hours maximum if breaks are included). They may not work between 6 p.m. and 6 a.m.

No child shall be required to work in the worst forms of labour including in hazardous conditions, conditions harmful to his/her health, conditions deterring his/her education and in a workplace wherein he/she would be exploited. They shall not be assigned to work in the same area as a cotton opener, unless the feed end of the machinery is separated from the delivery end by a partition.

Workers under 18 years old may not use dangerous machinery unless they have received sufficient training or are supervised by experts. They may not lift, carry, or move any load heavy enough to cause injury.

In shops and establishments, working hours for children between 14 and 16 years old shall be no more than four hours (five hours maximum if breaks are included). They are not allowed to work between 6 p.m. and 6 a.m. They shall not work overtime hours.

Among the persons between 16 and 18 years old, those who have completed the relevant vocational trainings, who know and abide by the directives relating to the occupational safety and health, and those who are certified by the registered medical practitioner, shall be allowed to work in the trades which are safe and which do not affect the development and moral of such persons. Workers under 18 years old shall not be required or allowed to perform the prescribed dangerous work or in the dangerous workplace.

TABLE 3: LEGAL FRAMEWORK IN MYANMAR

| Legal framework in force | Minimum age |
|---------------------------------------|--|
| Factories Act (1951) | 14 yrs certificate of fitness required if a child under 16 is to be employed |
| Oilfields (Labour & Welfare) Act 1951 | 13 yrs certificate of fitness required if a child under 15 is to be employed |
| Shops & Establishment Act (1951) | 14 yrs certificate of fitness required if a child under 16 is to be employed |

Session 2:

Understanding Global & National Estimates of Child Labour

The latest ILO estimates indicate that 152 million children – 64 million girls and 88 million boys – are in child labour globally, accounting for almost one in ten of all children worldwide. Seventy-one per cent of children in child labour work in the agricultural sector and 69 per cent work within their own family unit. Nearly half of all those in child labour – 73 million children in absolute terms – are in hazardous work that directly endangers their health, safety, and moral development. Children in employment, a broader measure comprising both child labour and permitted forms of employment, involving children of legal working age, number 218 million.

The Regional Picture

Africa ranks highest both in the percentage of children in child labour – one-fifth – and the absolute number of children in child labour – 72 million. Asia and the Pacific ranks second highest in both these measures – 7 per cent of all children, 62 million in absolute terms, are in child labour in this region. The Africa and the Asia and the Pacific regions together account for almost nine out of every ten children in child labour worldwide. The remaining child labour population is divided among the Americas (11 million), Europe and Central Asia (6 million), and the Arab States (1 million). In terms of incidence, 5 per cent of children are in child labour in the Americas, 4 per cent in Europe and Central Asia, and 3 per cent in the Arab States. The regional rankings for hazardous work are broadly similar.

TABLE 4: CHILDREN IN EMPLOYMENT, CHILD LABOUR AND HAZARDOUS WORK BY REGION, 5 – 17-YEAR AGE GROUP, 2016

| Region | Children in Child Labour | | Hazardous Work | |
|-------------------------|--------------------------|------|----------------|-----|
| | ('000) | % | ('000) | % |
| World (5-17 years) | 151,622 | 9.6 | 72,525 | 4.6 |
| Africa | 72,113 | 19.6 | 31,538 | 8.6 |
| Arab States | 1,162 | 2.9 | 616 | 1.5 |
| Asia and the Pacific | 62,077 | 7.4 | 28,469 | 3.4 |
| Americas | 10,735 | 5.3 | 6,553 | 3.2 |
| Europe and Central Asia | 5,534 | 4.1 | 5,349 | 4.0 |

Child Labour and Age

The age breakdown of children in child labour indicates that 48 per cent of all those in child labour are in the 5–11 years age bracket, 28 per cent are aged 12–14 years, and 25 per cent fall into the 15–17 years age range. Younger children constitute a smaller but still substantial share of total

children in hazardous work. A quarter of all children in hazardous work group – 19 million children in absolute terms – are aged 5-11 years. While there are no possible exceptions for hazardous work – all children must be protected from hazardous child labour – the group of very young children facing hazardous work conditions directly endangering their health, safety, and moral development is of special concern.

TABLE 5: CHILDREN IN EMPLOYMENT, CHILD LABOUR AND HAZARDOUS WORK BY AGE GROUP, 2016

| Age group | Children in Child Labour | | Hazardous Work | |
|---------------|--------------------------|------|----------------|------|
| | ('000) | % | ('000) | % |
| 5 – 11 years | 72,585 | 8.3 | 19,020 | 2.2 |
| 12 – 14 years | 41,887 | 11.7 | 16,355 | 4.6 |
| 15 – 17 years | 37,149 | 10.5 | 37,149 | 10.5 |

Child Labour and Gender

There are 23 million more boys than girls in child labour and 17 million more boys than girls in hazardous work. Seen from a different perspective, boys account for 58 per cent of all children in child labour and 62 per cent of all children in hazardous work. The gender gap increases with age. The difference in child labour incidence is less than one percentage point for 5–11 year-olds, rising to three percentage points for 12–14 year-olds and to five percentage points for 15–17 year olds. But it is possible that these figures understate girls' work relative to that of boys. As pointed out in previous global reports, girls may be more present in less visible and therefore under-reported forms of child labour such as domestic service in private households. In addition, girls are much more likely to perform household chores in their own homes, a form of work that is not included in the child labour estimates. It is also worth noting that the decline in child labour among girls was only half that among boys during the 2012 to 2016 period, meaning that the gender gap in child labour has narrowed. A similar pattern prevailed for hazardous work.

TABLE 6: CHILDREN IN EMPLOYMENT, CHILD LABOUR AND HAZARDOUS WORK BY SEX, 5 – 17-YEAR AGE GROUP, 2016

| Sex | Children in Child Labour | | Hazardous Work | |
|-------|--------------------------|------|----------------|-----|
| | ('000) | % | ('000) | % |
| Boys | 87,521 | 10.7 | 44,774 | 5.5 |
| Girls | 64,100 | 8.4 | 27,751 | 3.6 |

Sectoral Distribution of Child Labour

Agriculture is the most important sector for child labour by a considerable margin, accounting for 71 per cent of all those in child labour and for 108 million children in absolute terms. Child labour in agriculture relates primarily to subsistence and commercial farming and livestock herding, but the agricultural sector also extends to fishing, forestry, and aquaculture. Most of children's agricultural work is unpaid and takes place within the family unit. It is also often hazardous in its nature and in the circumstances in which it is carried out. The relative importance of agriculture rose significantly from 2012, when the sector accounted for 59 per cent of all child labour, a change likely reflecting the shift in the regional distribution of the child labour population towards Africa, where agricultural child labour predominates. Children in child labour in the services and industry sectors number 26 million and 18 million, respectively. While least important in numerical terms, the industry sector is where children face the greatest risk of encountering hazards – three quarters of children working in this sector are in hazardous work. It is also worth noting that both services and industry in the informal urban economy are likely to become more relevant in some regions in the future in the face of forces such as climate change displacing families from their farms and into cities.

TABLE 7: SECTORAL DISTRIBUTION OF CHILD LABOUR, NUMBER AND PERCENTAGE SHARE, 5 – 17 YEARS AGE GROUP, 2016

| Sector | ('000) | % share |
|-------------|---------|---------|
| Agriculture | 107,543 | 70.9 |
| Industry | 18,007 | 11.9 |
| Services | 26,072 | 17.2 |

Myanmar Labour Force Survey 2015

The Ministry of Labour, Employment and Social Security and the Central Statistical Organisation of Myanmar conducted a labour force survey in March 2015, with the financial and technical support of the ILO. The survey covered 23,425 households across the country. The main objective of the survey was to collect the latest information on the size, structure, distribution and characteristics of the labour force, employment, unemployment and other economic characteristics of the population as well as aspects related to child labour and the transition from school to work.

The estimated population of Myanmar is 48 million people. 72 per cent of the population live in rural

areas and 28 per cent in urban areas. The working age population of the country is estimated at 33.9 million, of which women constitute 54 per cent and men 46 per cent. Of this total, the number in employment totals 21.8 million, with the main occupations in Myanmar being skilled agriculture, forestry and fishing; elementary occupations; service and sales; and craft and related trades. More information about labour force characteristics can be found in the Executive Summary of the survey itself.

According to the 2015 survey report, 10.5% of the total child population of just over 12 million children in Myanmar – or 1,278,909 children and young people below 18 years – work. Of those 1,125,661 – or 9.3% of the child population- are in child labour. Just over half of the child labourers – 616,815 or 5.1% of the child population – are trapped in hazardous work likely to harm their physical, mental or moral development. The survey does not provide estimates on the number of children trapped in the other forms of WFCL.³

Both boys and girls work, with boys more likely to be in economic activity than girls (at 11.3% of boys and 9.8% of girls respectively). This may be due to the fact that boys do indeed work more than girls, but it may also reflect a situation where girls are more likely to be in hidden forms of child labour, not captured in the survey (e.g. commercial sexual exploitation).

The 2015 survey findings show much greater disparity when it comes to age groups. The work participation rate increases sharply with age. Whereas only 1.7% of the 5-11 year olds work, 22.7% of the 12-14 years old work and a staggering 75.6% of those between the ages of 15-17 years work. Girls seem to be more likely to work in the younger age brackets and boys more likely to work in the older age brackets.

The age break-down for working children correlates with the education statistics in the survey. School attendance decreases significantly for both girls and boys in with age. 88.9% of the 5-11 year olds attend school. The figure drops to 79.8% for the 12-14 year olds and all the way down to 47.7% - or less than half – of the 15-17 year olds, indicating that a very substantial number of children leave school at the point of transition to secondary level. For all age groups, girls have marginally higher school attendance rates than boys. This correlates with the picture that boys are more likely than girls to work full time.

It is worth noting also that the 2015 survey found that children, and especially the 12-14 years age group, tend to work very long hours. Thus 25.8% of the 12-14 years old and 24.3% of the 15-17 years old worked 60 hours or more. Most of the children in the two age brackets (35.3% and 33.3% respectively) worked 50-59 hours per week. This would further strengthen the correlation between school drop-out and work, as long hours in and by themselves would preclude school attendance.

³ Estimating the number of children in WFCL is usually not possible in household survey for methodological reasons.

Overall, 60.7% per cent of children work in agriculture forestry and fisheries, followed by manufacturing and then wholesale and retail (including motor vehicle repair). Together, these three sectors account for over 80% of the working children. A very small number of children work in mining and quarrying and in electricity, gas and water supply. It is slightly more common for children to work in construction, accommodation and food services, transportation, administrative and support services, domestic services and in other services.

A number of these sectors are associated with hazardous work, e.g. agriculture, forestry and fisheries and mining and quarrying, where child labourer can be exposed to hazards that includes: exposure to dust and fumes, dangerous tools, extreme heat or cold, pesticides, and chemicals. In addition, some of the service sectors, such as domestic work and hospitality, are often characterised by hazardous and unhealthy environments (e.g. isolation or exposure to substance use/abuse) that may pose risks to children psychological or moral development.

TABLE 8: KEY ESTIMATES OF WORKING CHILDREN, CHILD LABOUR AND HAZARDOUS CHILD LABOUR

| | Total | Boys | Girls |
|--|------------|-----------|-----------|
| Child Population | 12,146,463 | 6,010,459 | 6,136,004 |
| Working Children | 1,278,909 | 676,208 | 602,701 |
| Child Labour | 1,125,661 | 601,471 | 524,190 |
| Hazardous Child Labour | 616,815 | 337,318 | 279,498 |
| Child Labour (not in hazardous work) | 508,846 | 264,153 | 244,693 |
| Proportion of working children | 10.5 | 11.3 | 9.8 |
| Proportion of child labour | 9.3 | 10.0 | 8.5 |
| Proportion of hazardous child labour | 5.1 | 5.6 | 4.6 |
| Proportion of child labour (not in hazardous work) | 4.2 | 4.4 | 4.0 |

Myanmar Labour Force Survey 2017 (Quarterly Report, first quarter January-March 2017)

The Ministry of Labour, Immigration and Population and the Central Statistical Organisation of Myanmar, with the technical support of the ILO, conducted a quarterly labour force survey for first quarter of 2017 (January- March, 2017). Expecting quarterly labour force survey will be conducted after a couple of years. It is intended to collect labour market information during high and low seasons. At the second round of 2017 (Q2) was conducted during September- November. Considering cost, time and manpower resources the targeted sample size in terms of First Stage Units (FSUs) has

been determined as 780 Enumeration areas (EAs) per each round. In each EA 18 households will be selected for survey. As such, the total expected number of households to be surveyed will be about 14040 for each round. This is smaller than the 2015 LFS that had 24,000. The annual labour force survey report will use data from both rounds.

According to the 2017 first quarterly survey report, 5.0 percent or 623 thousands out of a total of 12,410 thousands, children age 5-17, are into child labour. 5.7 percent of all boys and 4.4 percent of all girls employed as child labour. In absolute terms, these are 349,605 and 273,247. Rural children (5.3 percent), amongst them boys (6.3 percent) more disposed towards child labour, compared to urban children (4.1 percent) and urban boys (4.5 percent). The percentage of children who are working but are not necessarily child labour is also higher in rural areas, both for boys and girls.

Out of the 623 thousands children into child labour, 608 thousands are exposed to the perils of hazardous work. In terms of boys and girls, there are 343 thousands and 265 thousands. Expectedly, an overwhelmingly large proportion of the children engaged in hazardous work are from 15-17 age group.

TABLE 9: KEY ESTIMATES OF WORKING CHILDREN, CHILD LABOUR AND HAZARDOUS CHILD LABOUR (2017)

| | Boys | Girls | Total |
|--------------------------------------|-------|-------|--------|
| Total Child Population (000) | 6,157 | 6,253 | 12,410 |
| Working Children (000) | 448 | 357 | 805 |
| Child Labour (000) | 350 | 273 | 623 |
| Hazardous Child Labour (000) | 343 | 265 | 608 |
| Proportion of working children | 7.3 | 5.7 | 6.5 |
| Proportion of child labour | 5.7 | 4.4 | 5.0 |
| Proportion of hazardous child labour | 5.6 | 4.2 | 4.9 |

Session 3:
Causes & Consequences of Child Labour

Causes of child labour

Child labour is a symptom of widespread poverty and inequality in society. It is also a cause of poverty, and in this context, becomes self-perpetuating. Poverty is deep-rooted and natural disasters, human conflict (war and civil strife), illiteracy, powerlessness and the lack of viable options further exacerbate the deprivations confronting poor parents who feel compelled to put a child to work.

Poverty, however, is not the only factor in child labour and cannot explain all types of employment and servitude. The reasons for child labour are many and the causes vary from country to country and from one economic sector to another. However, several common causes exist, as detailed below:

Poverty

A powerful determinant of child labour is poverty. Poor families may send their children to work or ask them to work in the family business or on the family farm because the family needs the extra money or work effort that children provide. Large numbers of children work as unpaid workers on family farms or in family stores that depend on family labour to survive economically. For some families, child labour provides the only means of generating sufficient income to ensure at least partial schooling for their children in areas where basic education is not free. It is now widely acknowledged that child labour cannot be tackled in isolation from the problem of poverty.

Poverty is undoubtedly a key cause of child labour. However, child labour itself is also a cause of poverty. Because child labourers generally come from poor families, the fact that they are prevented from obtaining an education means that poverty passes from one generation to the next. Child labour reproduces the cycle of poverty. Thus, efforts to reduce child labour must endeavour to break the cycle of poverty by helping children to stay in school so that they, in turn, can gain better employment and be in a better position to support the schooling of their own children.

Low cost of child labour

In many cases, working children represent a plentiful source of cheap labour. The prevalence of child labour in some sectors undermines decent work for adults, as it maintains a cycle where household income for both self-employed workers and waged workers is insufficient to meet their economic needs.

Lack of decent schooling

Many areas lack quality education for all. This may include, among other things: an absence of schools; schools of variable quality; lack of accessible education for children; poor/variable rates of school attendance; low standards of educational performance and achievement; poor rates of pay for teachers; and/or problems of retaining teachers in remote rural areas.

The lack of universal, free, compulsory, quality primary education poses various problems. Parents find it difficult to send their children to school if they must pay tuition and other fees (such as the provision of uniforms and school textbooks). If parents cannot afford these costs, children stay away from school and often end up working for the family or others. Where basic education is not free, child labour may be the only way for some families to generate enough income to ensure at least partial schooling for their children.

Lack of controls in smaller workplaces

Child labour is much less common in large enterprises. In small, often unregistered enterprises, child labour is more prevalent. Labour inspectors rarely visit such workplaces and there is little trade union involvement. Child labour can flourish in such conditions as child workers are not organized and are more easily exploited.

Absence of workers' organizations

The incidence of child labour is greatest where trade unions are weak or do not exist. Trade unions are often not found in small-scale enterprises, or in what is termed the "informal economy", where it can be difficult for workers to organize.

Health and social protection

The state of health of key income-earners in the family and the lack of adequate social protection can have an important influence on whether to send a child out to work. If parents are sick, children are forced to become breadwinners. The death of one or both parents can produce a similar result.

Cultural or family traditions

In some societies, children working alongside adults is considered an essential element of child socialization. Furthermore, certain traditional trades or professions require extended periods of apprenticeship. In the same way, participation of children in the mobility of adults (for example, in the West and Central African sub-region), either by travelling with their parents or by being placed in the household of members of the extended family for study or apprentice-ship, is a widespread traditional practice.

Families may place great importance on children following in their parents' footsteps. This tradition may also reinforce prevailing social biases: girls imitate their mothers and boys their fathers and grandfathers. If a family has a tradition of engagement in a hazardous occupation, there is a great likelihood that the children of that family will enter the same line of work.

“Nimble fingers” argument

There is a common misconception that children are more able to perform certain tasks than adults. This idea is based on the “nimble fingers” argument in which children are thought to be better at activities such as carpet-making because their fingers are more nimble than those of adults. However, this theory has been proven false in detailed sector studies, including those related to Indian carpet-making.

Lack, or non-enforcement, of regulations and laws

Weak or non-existent labour laws and non-enforcement where laws do exist greatly facilitate the use of child labour. For example, 75 per cent of the world’s poor live in rural areas where labour standards are often low, and where over 60 per cent of all child labour is found. Huge numbers of self-employed and waged rural workers contend with poor labour conditions. Decent work deficits typically include: lack of freedom of association and collective bargaining; underemployment; low wages; poor occupational safety and health standards and general working conditions; gender inequality; long hours of work; poor working time arrangements; lack of social protection; poor housing; discrimination; and weak social dialogue. Compared to those working in other economic sectors, many rural/agricultural workers are inadequately protected by national labour law.

Discrimination

Discrimination on the grounds of sex, race, social origin, caste, ethnicity or any other grounds is another factor that has led to the persistence of child labour around the world.

Distress migration

It has been observed that due to poverty, lack of employment or earning opportunities, and other reasons, many families migrate from rural to urban areas. When the economic dream does not materialize after migration, these families become even more vulnerable in an alien urban environment and their survival is threatened again. Thus, for these families their children’s earnings become a necessity. Such rural–urban migration can thereby contribute to the growth of child labour.

How does work affect the development of a child?

Childhood provides us with important opportunities to learn from the world around us. We develop skills that enable us to become social beings and participate fully in family and community life. This early period of life is critical in determining our future existence. Child labourers miss out on much of this precious time. Their work gets in the way of childhood activities and becomes an obstacle to their physical, emotional and social development.

Physical development

Child labourers are far more vulnerable than adults because their bodies are still growing and are not yet fully formed. They experience poor physical health because the work that they do exposes them to the risk of injury and illness. These effects can be both immediate, like a burn or a cut, or can have consequences that last a lifetime, like suffering from a respiratory disease or catching AIDS.

Emotional development

Child labourers frequently work in environments that are exploitative, dangerous, degrading and isolating. They often suffer ill-treatment, abuse and neglect at the hands of their employers. Children may, as a consequence, find it very difficult to form attachments and feelings for others. They have problems interacting and cooperating with others and attaining a real sense of identity and belonging. They often lack confidence and experience feelings of low self-esteem.

Social development

Children who work do not have the opportunity to participate in activities that are a crucial part of growing up, such as playing, going to school and socializing with their peers. They do not obtain the basic level of education that is needed to cope in life. Nor do they get the opportunity to interact with others and actively participate in and enjoy life. These activities are abandoned in favour of work and children are consequently pushed into adulthood before they are ready, doing work that requires an adult level of maturity. Child labour is an obstacle to children's development and future prospects. All children, regardless of race or social and economic status, are entitled to enjoy their childhood years and to grow up fully and naturally. All have the right to love, education and protection. Knowing and understanding these rights is the first step in preventing child labour and providing children with education so that their future can be a better one.

The consequences of hazardous work

A hazard is anything with the potential to do harm. A risk is the likelihood of potential harm from that hazard actually occurring. Consider common workplace hazards: an object (knife blade, tall ladder), a solvent (benzene), a material (asbestos), an energy source (electricity), a physical environment (wet floor), a psychological environment (intimidation), a task (welding), a general practice (tobacco growing), a condition of work (excessive hours). The potential harm from some of these hazards is obvious, such as cuts from blades and blindness from welding. Other times, the hazards are obscured or take a long time to be felt. For example, many young farm workers don't know that when they harvest wet tobacco leaves they will be absorbing nicotine through their skin. A 16-year-old shoe-maker may not know that the glue he uses contains benzene or that it can lead to leukaemia and death by age 30. The dangers associated with psychosocial hazards are known

least of all. Stress, long hours, fast-paced work, isolation, intimidation – to name a few – can all cause interior wounds, wounds that are not quick to heal.

First, it is helpful to distinguish between hazard and risk in assessing the seriousness of a situation and in deciding what should take priority. There is a tendency for most people to think of hazards and risks in terms of adults. The risks are very different for children – a fact which needs to be continually emphasized.

- ▶ **A hazard is anything that can cause harm**, e.g. chemicals, electricity, working from ladders.
- ▶ **Risk is the chance, whether big or small, of such harm actually occurring** due to this hazard.

A risk is the likelihood of potential harm from that hazard being realized. For example, the hazard associated with power-driven agricultural machinery might be getting trapped or entangled by moving parts. The risk will be high if guards are not fitted and workers are in close proximity to the machine. If, however, the machine is properly guarded, regularly maintained and repaired by competent staff, then the risk will be low.

What kind of hazards are child workers exposed to?

The hazards to which working children and youth can be exposed may be of several different kinds. It helps to use a standard framework for thinking about this in order to not to miss any of them. The field of occupational health uses these categories:

- ▶ **Biological hazards:** dangerous animals and insects, poisonous or sharp plants, bacteria, parasites or viruses (HIV, hepatitis).
- ▶ **Chemical hazards:** toxic gases, liquids (solvents, cleaners), metals (asbestos, mercury, silica, lead) fumes (vehicle exhaust, glues), agro-chemicals (pesticides, herbicides and insecticides), explosives.
- ▶ **Ergonomic hazards:** work that requires lifting, carrying or moving heavy loads, repetitive or forceful movements, or work postures that are awkward or which must be held for a long period of time.
- ▶ **Physical hazards:** extreme temperatures (hot or cold), noise, vibrations, or radiation.
- ▶ **Psychological hazards:** Stress, intimidation, monotonous work, lack of control or choice, insecurity, harassment, abuse (sexual or physical violence), heavy sense of responsibility.
- ▶ **Social hazards:** isolation from peers and family, association with drugs or adult behaviour.
- ▶ **Other physical risks:** risk of falling, being struck by objects, being caught in or between objects, being cut or burned.
- ▶ **Working conditions:** long working hours, night work or work in isolation, an obligation to commute to work through high crime areas or at night.

Challenges in understanding children's risks

Why have research and policies on hazardous work of children been lagging behind? It may be because many people assume that children don't work or that the work they do is not so dangerous.

Or perhaps they feel that it is not necessary to know about the effects of work on children's health, but simply to concentrate on getting younger children out of work.

What is important to remember – and hardest to judge – is that a child in hazardous work is not subject to just one risk factor, but usually to several. Hazardous work often (but not always) occurs along with poverty. When she is malnourished and carries heavy loads, she is exhausted and her risk of illness increases. When he is growing rapidly and working for hours in the hot sun, his risk of injury increases. In addition, the child who is scolded for lack of attention or beaten for a mistake pushes herself or himself even harder ... and the risk of an accident increases even more.

Child labourers are at even greater risk from workplace hazards than adult workers for the reasons given below.

Skin

- ▶ A child has 2.5 times more skin per body weight than an adult, which, along with thinner skin, can result in greater absorption of toxins.

Respiratory system

- ▶ A child breathes more deeply and frequently than an adult and thus can take in more hazardous substances.

Brain

- ▶ Maturation can be hindered by exposure to toxic substances. Metals are retained in the brain more readily in childhood and absorption is greater.

Energy requirements

- ▶ Because they are growing, children have a high energy consumption which can result in greater exposure to toxins.

Fluid requirements

- ▶ Children are more likely to dehydrate as they lose more water (per weight) than adults through the lungs and skin and their kidneys are less able to concentrate urine.

Sleep requirements

- ▶ 10- to 18-year-olds require about 9.5 hours of sleep a night for proper development.

Temperature

- ▶ Children experience increased sensitivity to heat and cold, as their sweat glands and thermo-regulatory systems are not fully developed.

Physical strain/repetitive movements

- ▶ Physical strain, especially combined with repetitive movements, on growing bones and joints can cause stunting, spinal injury and other life-long deformities and disabilities.

Cognitive and behavioural development

- ▶ Younger children have a weaker capacity to recognize and assess potential safety and health risks and make decisions about them

Other risk factors

Other factors that increase levels of risk for children include:

- ▶ lack of work experience – children are unable to make informed judgements;
- ▶ a desire to perform well – children are willing to go the “extra mile” without realizing the risks;
- ▶ learning unsafe health and safety behaviour from adults;
- ▶ lack of safety or health training;
- ▶ inadequate, even harsh, supervision; and
- ▶ lack of power in terms of organization and rights

TABLE 10: POTENTIAL OUTCOMES OF HAZARDS FACED BY CHILD LABOURERS BY SECTOR

| Occupation/sector | Hazards/risks | Possible safety and health outcomes |
|------------------------------|--|---|
| Agriculture | Working with heavy, dangerous and often mobile machinery (e.g. being run over by a tractor); exposure to toxic pesticides and fertilizers; animals; exposure to organic crop and animal dusts; lifting heavy and awkward loads, often over long distances; exposure to extreme temperatures; poor hygiene and sanitary conditions. | Injuries from machinery, including amputations; chemical poisoning (chronic and acute); injuries from livestock; diseases such as asthma and bronchitis; back pain and other muscular problems in shoulders, legs etc.; cuts and other bodily injuries. |
| Fishing (sea and freshwater) | Drowning due to falling overboard or being trapped in nets while diving; injuries from hooks, rope, cables, nets; exposure to sun and extreme temperatures; heavy loads; long hours/periods at sea; poor hygiene; deep diving; wounds from fish. | Fatal accidents; musculoskeletal injuries; bone deformation; wounds and blistering to hands from fish hooks, nets; puncture wounds from fish spikes, etc.; decompression illness and ear injuries from diving. |

| Occupation/sector | Hazards/risks | Possible safety and health outcomes |
|----------------------------------|--|---|
| Mining (underground and surface) | Tunnel collapses; rock falls; explosives; heavy loads; suffocation; strenuous work; poisoning from mercury; diseases such as silicosis; harsh and psychologically risky environment. | Death or severe injury from tunnel collapse or explosives; musculoskeletal injuries; bone deformation; suffocation; exhaustion; mercury poisoning. |
| Construction | Falls from heights; falling objects; heavy loads; digging/shovelling; sharp tools; cement dust, etc.; metalwork; breaking stones/rocks; noise. | Injuries from falls or being struck by falling objects; musculoskeletal problems; blistering of hands and skin; cuts and wounds to skin; respiratory problems due to dust. |
| Brick-making | Exposure to silicate, lead and carbon monoxide; lifting heavy and awkward loads; burns from ovens; long hours; exposure to solar radiation. | Burns from ovens; poisoning (acute and chronic); musculoskeletal problems; dermatitis. |
| Carpet weaving | Inhalation of wool dust contaminated with fungal spores; poor work posture (squatting); poor lighting; poor ventilation; hazardous chemicals (pesticides). | Respiratory diseases, such as asthma; musculoskeletal problems; eye strain and defective vision at premature age; chemical poisoning; aggravation of non-occupational diseases |
| Tannery | Exposure to corrosive and toxic chemicals – lime, chrome, etc.; strenuous work; heavy loads; skin problems; bacterial contamination of the hides. | Dermatitis from handling hides and corrosive chemicals; musculoskeletal injuries; exhaustion; chemical poisoning. |
| Scavenging | Cuts and wounds; infectious diseases; dermatitis and fungal infection; poor hygiene conditions; rodents. | Tetanus; other infectious diseases; infected cuts and wounds; chemical poisoning; food poisoning; burns (from build-up of methane gas and explosion). |
| Domestic work | Long working hours; physical and sexual abuse by the employer and family members; strenuous and demeaning tasks; isolation from family and society; confinement to the workplace. | Physical injury and psychological trauma as a result of harassment and abuse; emotional distress due to poor living and working conditions and confinement to the workplace, ill-treatment by the employer and isolation from the family. |

Myanmar context

Child labour in Myanmar is caused by a multitude of factors. The first - and most commonly cited - root cause of child labour in Myanmar is poverty. Poverty may be understood as "simple" income poverty - families with insufficient resources to manage without resorting to child labour. But poverty also manifests itself as vulnerability to economic shock, which leaves a household with extra expenses and/or decreased income, triggering the need to withdraw children from school to work full time.

Conflict and natural disaster, and especially typhoons and flooding, as significant economic shocks, leading to child labour.

A response to poverty in Myanmar is migration, both internally between rural and urban areas and into neighbouring countries, especially Thailand. While this may indeed create more resilience in the household through remittances, partners stressed that some of the rural out-migration areas face severe labour shortages, notably during agricultural peak seasons, and therefore communities resort to child labour to, for example, bring in the harvest.

Moreover, migration is considered a viable option also by young people in rural areas who drop out of school to migrate to urban areas in search of jobs – migration is seen as a way not just to cope but also to increase opportunities⁴. With limited education, they often end up in poorly paid and hazardous work not commensurate with their age or drop out of school to migrate at young age, ending up, for example, in tea shops. There seems to be some linkages between the tradition for migration and child trafficking in Myanmar, hence leading not only to school drop-out but to a very real risk of being trapped in WFCL.

These patterns are underpinned by cultural traditions and beliefs. The 2015 KAP survey, supported by the ILO MyPEC project, documents how both children and parents see it as a child's obligation to support their parents. In practical terms, this means that children – and especially the oldest child in a family – is expected to leave school in favour of work, if the family is under pressure financially, in order to be considered "a good son/daughter".

Cultural norms also lead to employers considering the employment of children from poor families a "good deed". The rationale is, that if the employer does not give the child a job, the family will be poverty stricken. Such beliefs are fuelled also by lack of awareness and information on the risks that child labour poses to the individual child and to the nation (in terms of the future impact on national development by poor health and education among a substantial number of grown-up child labourers).

The 2015 KAP survey documented in detail that limited awareness and information on risks lead families to choose short term economic gains over long term investments in education. This is also related to the deficiencies in the education system in Myanmar. Poor quality education more often than not is perceived as irrelevant by children and parents and this weighs in when families make decisions on whether to send their children to work or to school.

In general, limited access to quality education does appear to be a cause of child labour in Myanmar. School drop-out and labour participation rates increase substantially at the point when students transition to secondary school. Secondary school places are not as easily accessible as primary school places, especially not in rural areas where secondary school infrastructure is very limited and

⁴ https://www.scribd.com/document/322117512/QSEM-5-English-LOW-RES-FINAL-pdf#fullscreen&from_embed

student may have to go into boarding school to continue education. This drives up costs substantially and may lead families and children to decide that work is preferable – especially when combined with the emotional and social uncertainties of leaving home to pursue education and with the general distrust of the education system that is a result of the education policies during military rule.

Generally, parents and children do not see that education leads to jobs and therefore, education is not valued very highly in many families.

While not perhaps a direct root cause of child labour in Myanmar, limited capacity among key partner agencies contributes to perpetuating child labour. For example, limited capacity to enforce legislation through labour inspection and police work means that beliefs among employers, which foster child labour, remain unaddressed in many cases. Moreover, people who prey on children for the WFCL, such as trafficking in children, face less risks of being caught and punished if law enforcement capacity is low.

Session 4:
Employers

Business Case for Employer Engagement

There are at least four main reasons why employers should reduce and eliminate child labour. These reasons rest not only on ethical imperatives but also on factors that make good business sense.

Reason One: Complying with the law

It's illegal

The first reason to stop child labour is that in most countries it is against the law. An enterprise should abide by child labour laws just as it should comply with other legal requirements as set down by the government under which it operates. Failure to obey the law can bring penalties and other state sanctions. By complying, the enterprise becomes an honest corporate citizen that need not engage in costly and wasteful avoidance strategies such as hiding workers from labour inspectors. The enterprise can deal in an honest and forthright manner with government officials, and participate without fear in any enterprise support or promotion activities that the government may operate. Such support can be especially helpful for small and medium enterprises. Abiding by the law, in the case of child labour or other aspects of labour laws, allows an enterprise to establish an open and "cooperative" relationship with government instead of a closed and "confrontational" one.

Reason Two: Expanding market access

Foreign buyers looking for suppliers free of child labour

Increasingly, the buying public is becoming aware of child labour through the activities of non-governmental organizations, lobby groups and the media. International buyers and brands wish to meet accepted international labour standard. These buyers seek producers in developing countries that are certified as being free of child labour and that have worked hard to ensure that child labour is not used by the suppliers they source from.

Each year international buyers "turn over" a large number of their suppliers, that is, they eliminate suppliers that are not meeting a range of standards, including labour standards. Enterprises that wish to maintain or expand their range of buyers thus need to ensure that child labour is not used.

Builds the reputation of a sector

Thus, the elimination of child labour is good for individual businesses in poor countries. But in addition, it is good for entire sectors. Sectors can build a reputation for being child-labour free, and that reputation becomes known to buyers who are then more willing to place orders. Those businesses that produce directly for export or operate further down an export-related supply chain are finding increasingly that child labour denies them access to new market opportunities and may ultimately cause their businesses to fail.

Inhibits development of a productive workforce

While the pressure to eliminate child labour is coming from international buyers, active social organizations in some developing countries are increasing the level of vigilance on businesses that supply only the domestic market.

Reason Three: Improving productivity

Short-term savings vs. medium and long-term costs

Enterprises often hire children because they think that it improves their profitability. This is usually a short-term perspective, however. Child labour detracts from long-term enterprise success because it inhibits the development of a trained and productive workforce of adult workers.

Children have short attention spans, less appreciation of quality control and less capacity to use machinery efficiently. They are not as strong physically as adults. Furthermore, they can easily be injured by heavy equipment or difficult tasks which, in turn, increases costs related to the recruitment and training of new workers.

Local companies too

Some businesses, notably smaller ones engaged in the informal sector, can easily calculate the direct cost savings of employing children at low wages instead of adults at higher wages (including the minimum wage). It is, however, much more difficult to calculate the full and long-term costs – the real costs – of engaging children who produce at lower levels of productivity and are often injured.

Reason Four: Ethics – Doing the right thing

Building a better economy

An enterprise owner can also reflect on the impact that his/her business has on society, both in an economic sense and in a social or ethical sense. The owner contributes to the economy by employing him/herself, by generating output and by employing others. The owner can also contribute to society by making hiring decisions that allow children to get an education. In turn, these children will earn more in the future, will be part of a more educated workforce and will contribute to a more productive economy.

It's the right thing to do

But the decision to avoid hiring children does not need to be based strictly on the future economic benefits it brings to children and society. Sparing children the misery of hard and hazardous work is desirable in itself. It allows children, immediately and as children, to have a happier life (if they live

in households with an adequate income). In such a situation, not hiring child labour is simply the right thing to do.

Three immediate actions: hiring, hazards and hours (3 H's)

Immediately laying off children can be harmful to them and to the welfare of their families. There are, however, some immediate actions that can be taken by a business that can reduce the problem of child labour without adversely affecting the children. This is the 3 H's approach: a stop to under-age hiring, removing children from tasks where the risks from hazards are high and reducing hours to the legal level

In some businesses where the incidence of child labour is low, these actions may allow for the total elimination of child labour, including the problem associated with workers below 18 but above the minimum age of work. In other businesses, unfortunately, these three actions will not eliminate the problem of child labour. The 3 H's approach can, however, be the first immediate step of a larger strategy.

Immediate Action 1: End the practice of hiring children

Your business can immediately stop the hiring of children. This will ensure that you are not adding to the problem. This is not a freeze on hiring (which is temporary) but a permanent ban. It can be put into effect through a firm policy implemented by those in charge of the hiring process. The main concern is verifying the age of job applicants. Once the hiring ban is in place, the business can then consider what can be done with children that it hired before the ban was imposed. Part of that strategy may be found in the following two immediate actions.

Immediate Action 2: Eliminate hazardous child labour

Children should not be working in conditions in which the risks from hazards are high. 'Hazardous' child labour is defined in the ILO's Worst Forms of Child Labour Recommendation (R. 190) as work involving: exposure to physical, psychological or sexual abuse; work underground, under water, at dangerous heights or in confined spaces; exposure to dangerous machinery, equipment or tools; the handling of heavy loads; exposure to unhealthy environments (substances, agents, processes, temperatures, noise, vibrations); and work under difficult conditions, including for long hours, at night or being unreasonably confined to the premises of the employer.

In many countries, hazardous child labour will be defined in national legislation or through social dialogue involving workers' and employers' organizations and government. Where a list of hazardous activities does not exist, the enterprise can consult the ILO, medical personnel or health and safety experts.

There are two ways to eliminate hazardous child labour:

- ▶ Reduce the risk from hazards by improving workplace safety and health; and
- ▶ Remove adolescents from tasks and environments that are deemed hazardous for adolescents but not for adults (i.e. heavy loads, night work, heavy machinery).

In the first situation, an adolescent would continue working in the same workspace and at the same tasks, but the environment and tasks would now be low-risk. In the second situation, an adolescent would be reassigned to different tasks and/or a different environment in which the work is more suitable to his or her development.

This is an immediate action but it requires ongoing vigilance to ensure that children do not gradually shift back into high-risk activities or situations. For example, an owner or a senior manager might send clear instructions to his or her subordinates on this issue and children may be removed from high-risk work. However, these subordinates may be under pressure to meet production quotas and might be tempted to revert to the practice of placing children in such conditions. Thus, senior management needs to ensure that this one-off immediate action is monitored and verified from time to time.

Immediate Action 3: Reduce the hours for children under the minimum age

In many countries, national legislation allows children to do light work of a limited duration each week. Such work is permitted under Art. 7 of the ILO's Minimum Age Convention (C. 138). The nature of what constitutes 'light work' is, however, difficult to define and is most often not spelled out in legislation. Nonetheless, children can often do some work while also attending school on a regular basis. Thus, the third immediate action involves ensuring that children do not work more than the weekly maximum as prescribed by law. If there are workers below the legal age who work part time, the action would be to reduce their hours so that they do not exceed the legal limit. In some cases, reducing the hours may be enough to allow the children the time to go to school and do homework. This action can be useful in cases where parents 'employ' their own children.

There is, however, one important requirement here: while the hours may be reduced, the income should not, if possible. This will ensure that the child continues to take home the same amount of money to support him or herself and the family. And, it will decrease the likelihood that s/he will have to work somewhere else instead of going to school.

Risk Assessment

A key tool for addressing the circumstances under which hazardous work is carried out and for devising safe solutions is the workplace safety and health risk assessment carried out by the employer' organisations in cooperation with the work-force.

Risk assessment is a self-help tool that allows enterprises – small, medium and large – to take action themselves to remedy health and safety problems, with the participation of the workforce, and to come up with practical and cost-effective solutions. The aim is to prevent and reduce fatal accidents, injuries and ill health at work.

There are no set definitions but a safety and health risk assessment is essentially a careful examination by an employer, in cooperation with her/his workforce, of any aspect of the business that could cause harm to people (whether arising from work activities or from other factors, e.g. the layout of the premises). A careful evaluation of the extent of the risks involved follows, taking into account existing safety and health measures that are already in place, and deciding what more needs to be done to protect those at risk. Risk assessment can be carried out by small to medium-sized enterprises (SMEs) in the same way as by larger companies. Using risk assessment to tackle their daily safety and health problems prevents companies, especially SMEs, from having to rely on external experts, consultants or officials to apprise them of any problems and determine the solutions (though, of course, advice and help may be sought from such persons).

Risk assessment: A five-step process

- Step 1. Identifying hazards and those at risk.
- Step 2. Evaluating and prioritizing risks.
- Step 3. Deciding on action to prevent or control the risks.
- Step 4. Taking action – putting in place the preventive and control measures through a prioritization plan (it is most likely that all the problems cannot be resolved immediately).
- Step 5. Monitoring, reviewing and updating

In terms of prioritizing hazards in terms of their risks to health and safety it can be useful to assess each hazard on a scale from 1 to 5 from the minor to the most serious, and then do the same, assessing the risk on a similar scale of 1 to 5. Multiplying the two figures will indicate that those issues with the highest figures should receive priority attention in terms of prevention because they have both a significant potential for harm and a reasonable likelihood or risk of such harm occurring. This is made easier and more effective by having good practical guidelines, basic training, and whenever necessary, the advice of technical or medical experts. For instance, it is obviously dangerous for staircases to be blocked with flammable materials (packaging, broken furniture, etc.) or for fire exits to be locked, as has too often been the case in publicized disasters. High, open sided platforms or staircases without guardrails are hazards obvious to anyone, as are unguarded moving machine parts, non-insulated electric wires, etc. Members of Employers' organisations can identify hazards by simply imagining themselves to be working there for eight, ten or more hours. They see the children in cramped working positions with inadequate seating, inadequate lighting and subject to dust,

dangerous fumes, unpleasant smells, etc. It does not require scientific training to know that such conditions are potentially hazardous.

There are three factors to think about to help decide whether the risk is high or not.

- ▶ What is the worst result? Is it a broken finger? Somebody suffering permanent lung damage or being killed?
- ▶ How likely is it to happen? How often is the job done? How close do people get to the hazard? How likely is it that something can go wrong?
- ▶ How many people could be hurt if things go wrong?

Sources of risk

The workers' organizations will look for several categories of hazard e.g. biological, physical, chemical, ergonomic, psychological and general working conditions and environment. In a specific area or workplace, the members of workers' organisations will be watching for young workers, establishing if they are subjected to any of these hazards and then assessing the degree of risk to which they are exposed. The following list is indicative, not comprehensive, as there are other much more sophisticated hazards associated with a major industrial plant or with the specialized hazards found in industries such as mining or fishing.

Examples of risks for adults and children

Hazards specific to different economic sectors and industries

Harmful substances

Flammable and/or explosive materials, pesticides, fungicides and fertilizers, paints, varnishes and solvents, acids and asbestos. They may have acute or chronic, toxic or biological effects, may be irritants or asphyxiants and may cause sensitization, allergies or skin problems.

Dangerous processes and equipment

- ▶ Welding, grinding, polishing machinery;
- ▶ Heating and drying systems or cold rooms, and pressure vessels with excessive temperatures;
- ▶ Heating systems and pressure vessels with excessive temperatures;
- ▶ Silos, tanks and other storage vessels that can cause entrapment;
- ▶ Electrical and power-driven machinery.

Conditions that create physical strain

- ▶ Awkward positions: bending over or kneeling or prolonged standing. Seating may be cramped;

- ▶ Lifting and carrying heavy loads.

Conditions that create psychological strain

- ▶ Excessive pace of work, or monotonous and repetitive work, visual constraints;
- ▶ Sexual harassment (overt or innuendo);
- ▶ Threats, insecurity, intimidation, beatings.

Situations where personal protection is inadequate

- ▶ Clothing, footwear or equipment that is designed for adults may be quite unsuitable for children so no protection can be offered;
- ▶ Lack of drinking water, water for washing, toilet facilities or space to change or keep clothing, leading to intestinal infections, skin problems, etc.;
- ▶ Little or inadequate or erroneous information on possible work hazards, inadequate training and safety advice regarding machinery, materials, or processes;
- ▶ No occupational safety and health committee or workers' representatives, no first aid or someone trained to administer it; those injured at work cannot receive immediate adequate treatment;
- ▶ No doctor or nurse, excessive distance to the nearest hospital or health care centre, lack of health insurance or coverage for cost of care.

Situations where conditions of work are poor

- ▶ Night work with lack of adequate rest leading to lack of concentration, accidents and injuries;
- ▶ Risk of fire (due to poor storage and use of flammable substances, lack of fire alarms and fire drills, lack of functioning fire extinguishers, blocked or locked escape routes and fire exits);
- ▶ Lack of freedom to leave or to object (situations of confinement, slavery, etc.).

Hazards specific to certain industries:

Construction, mining and fishing

- ▶ Working underground, underwater, or in confined spaces with the risk of becoming trapped;
- ▶ Scaffolding, ladders, working platforms, staircases and stairwells which can become insecure or unstable;
- ▶ Working at dangerous heights, e.g. on roofs;
- ▶ Trenches, holes and excavations which can cave in.

Manufacturing industries involving machinery, vehicles and electrical tools

- ▶ Hand tools that are too large, badly designed or defective;
- ▶ Hazardous machinery with rotating parts, which run together into a nip, which have an intake between a belt and pulley, which are designed to cut or saw or which have a trapping point;
- ▶ Tractors, all sorts of vehicles, hoists and lifts. Serious hazards are also associated with the setting, cleaning and maintenance and repair of plant and machinery.

Agriculture

- ▶ Heavy machines, dangerous tools, the carrying of heavy loads, repetitive movements, monotonous work, exposure to herbicides, fertilizers and insecticides are all potential hazards that can place a heavy burden on the health and safety of workers, especially children.

Using workplace safety and health committees

In enterprises, the industrial relations machinery usually involves various types of management–worker committees. One type of workplace committee which could be of use in combating hazardous child labour is the joint employer/management–worker committee on occupational safety and health (OSH).

The ILO defines a workplace safety and health committee as “a committee with representation of workers’ safety and health representatives and employers’ representatives established and functioning at organization level according to national laws, regulations and practice”. In many countries, the establishment of such OSH committees is a legal requirement (such as Angola, Austria, Estonia, France, Greece, Ireland, Kenya, Lithuania, Norway, Romania, South Africa, Tanzania, Uganda and the United Kingdom).

A joint OSH committee is a way for employers and workers to act cooperatively on a problem-solving basis to improve and maintain health and safety conditions, including addressing hazardous child labour both in the enterprise itself and, where relevant, throughout the enterprise’s supply chain.

Functions of joint safety and health committees include:

- ▶ Investigating injury and ill-health reports and relevant trends;
- ▶ Receiving reports of internal inspections/checks, as well as reports from labour inspectors;
- ▶ Ensuring liaison with the local labour inspector or local labour officer;
- ▶ Developing risk assessment procedures;
- ▶ Determining the type of occupational health and safety services that are to be provided;

- ▶ Reviewing health and safety information, training and communication with workers;
- ▶ Developing new policies and safe systems of working;
- ▶ Developing policies to ensure that contractors and sub-contractors working for the employer/company follow the correct health and safety procedures;
- ▶ Developing policies to ensure that the employer/company prevents the use of child labour at any point along the company's supply chain;
- ▶ Developing policies to link into the local communities, and to ensure that hazardous company operations, e.g. pesticide spraying, do not harm local residents or pollute soil and water
- ▶ Developing environmental policies;
- ▶ Checking on the implementation of the OSH elements of collective bargaining agreements;
- ▶ Discussing work changes, new plans for buildings, equipment and processes with a view to implementing risk-prevention measures.

There is usually a threshold for the number of workers that an enterprise can employ before an OSH committee has to be established – typically anywhere from 20 to 50 workers and above, depending on the national legislation – so many small enterprises would not have enough workers to justify an OSH committee.

However, the OSH committees in larger enterprises could help employers and workers in the smaller enterprises to tackle hazardous child labour. The employer and worker representatives on the larger enterprise's OSH committee could help to raise the awareness of, and train, employers and workers in the small enterprises, and enable them to refrain from using children in hazardous work. In many countries, it is already standard practice for larger enterprises to help SMEs with technical issues such as improving safety and health standards. This practice is all the more prevalent if the SMEs are supplying produce or products to the larger enterprise (e.g. smallholder farmers supplying crops such as sugar and tea under contract to an agricultural plantation for processing in that plantation's mill or factory).

In the workplace, the safety and health of adult workers and young (child) workers are inextricably linked. You cannot adequately protect the safety and health of children employed as young workers unless you adequately protect the safety and health of adult workers in the same workplace. The dust particle or pesticide droplet that may harm the child worker may also harm the adult worker, and vice versa.

Collective bargaining

Another important tool which can be used to address hazardous child labour is the collective bargaining agreement (CBA). Collective bargaining covers all negotiations which take place between

an employer, a group of employers or one or more employers' organizations on the one hand, and one or more workers' organizations, on the other, for:

- ▶ Determining working conditions and terms of employment; and/or
- ▶ Regulating relations between employers and workers; and/or
- ▶ Regulating relations between employers or their organizations and a workers' organization or workers' organizations.

Child labour is now one of the issues often negotiated on and included in CBAs, providing an area of common ground on which employers and workers can build. However, in 2000, ILO ACTRAV observed that, "Collective bargaining has perhaps been overlooked as a means of fighting against child labour".

Furthermore, collective bargaining is often weak in sectors where child labour is found, such as agriculture. ILO ACTRAV observes that:

"Because of the large number of small undertakings and the fact that they are widely scattered, the agricultural sector has always been a sticking point when it comes to trade union and collective bargaining rights. Moreover, the genuine employer can be hard to identify when the agricultural undertakings are part of a global supply operating all over the world. A lot of rural workers are independent or else temporary or seasonal workers. It also often happens that the labour legislation does not apply to this sector or includes special provisions that are less favourable than in the industrial sector. There are many such factors that account for the poor coverage of agricultural workers by collective agreements even though in some countries – Canada, Romania, South Africa and Uruguay – there has been some progress in this area in recent years, both in law and practice."

Examples of CBA agreements which include clauses on action against child labour are given below.

In 2006, the management and trade unions on the Gumaro Tea Development Plantations in Ethiopia decided to work together to eliminate hazardous child labour. In concluding a new collective bargaining agreement, a total of nine sub-articles directly related to the issue of child labour were included in the agreement. In the sub-articles of the CBA, the company and the union agreed to:

- ▶ Work jointly to eliminate hazardous child labour from the enterprise;
- ▶ Conduct a study to find out the cause of the problem;
- ▶ Eliminate child labour and consider possible solutions together with the community leaders;
- ▶ Ensure that the steps taken by the government, trade unions and employers, are brought into effect to solve the problem of child labour.

Promoting youth employment

One of the challenges for employers and trade unions in respect of hazardous child labour is how to promote youth employment for children who are of the minimum legal age for employment in their country (14–15 upwards according to national legislation). Under ILO Convention No. 182, no child (i.e., person under 18 years of age) shall work in hazardous child labour. However, if workplace safety and health conditions can be sufficiently improved to guarantee children in the 14/15 to 17-year age bracket “decent conditions of work”, including proper training for them on safety and health at work, then there is no reason why, in most jobs, these children should not remain at work, productively employed and earning wages. By sufficiently improving workplace safety and health conditions, the child ceases to be a “child labourer” and becomes classed as a “young worker”.

The only exception to this scenario is small-scale artisanal mining – surface and underground – which has been judged by the ILO’s governments, employers’ and workers’ organizations to be so hazardous that no child under 18 should work in this sector under any circumstances.

References

- ▶ Labour Inspection: what it is and what it does. A guide for workers –ILO 2010
http://www.ilo.org/labadmin/info/inst/WCMS_141403/lang--en/index.htm
- ▶ Skills and livelihoods training – A guide for partners in child labour projects:
http://www.ilo.org/ipec/Informationresources/WCMS_IPEC_PUB_23995/lang--en/index.htm.
- ▶ Implementing the Roadmap for Achieving the Elimination of the Worst Forms of Child Labour by 2016: Training guide for policy makers – ILO (2013)
http://www.ilo.org/ipec/Informationresources/WCMS_202336/lang--en/index.htm
- ▶ Employers and Workers Handbook on Hazardous Child Labour – ILO (2011)
http://www.ilo.org/actrav/info/pubs/WCMS_164573/lang--en/index.htm
- ▶ The ILO-Inter Parliamentary Union (IPU) Handbook on Child Labour for Parliamentarians:
http://www.ilo.org/wcmsp5/groups/public/---dgreports/---exrel/documents/publication/wcms_172685.pdf
- ▶ Converging against child labour – A training manual for trade unions, ILO June 2013.
http://www.ilo.org/ipec/Informationresources/WCMS_IPEC_PUB_22796/lang--en/index.htm
- ▶ The joint IOE- ILO (2010) Toolkit that provides employers with concrete and practical guidance in addressing the problem of child labour within their workplaces and supply chains.
 - o http://www.ilo.org/asia/whatwedo/publications/WCMS_117863/lang--en/index.htm
 - o http://www.ilo.org/asia/whatwedo/publications/WCMS_117865/lang--en/index.htm
 - o http://www.ilo.org/asia/whatwedo/publications/WCMS_117866/lang--en/index.htm
- ▶ Business and the fight against child labour - Experience from India, Brazil and South Africa – ILO (2013)
http://www.ilo.org/ipec/Informationresources/WCMS_IPEC_PUB_23484/lang--en/index.htm
- ▶ Modern policy and legislative responses to child labour, ILO-IPEC, 2007
<http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=8192>
- ▶ Practical Guide to Child Labour Reporting, ILO-IPEC, 2006
http://www.ilo.org/yangon/whatwedo/publications/WCMS_231640/lang--en/index.htm
- ▶ Step by Step Guide to Determining Hazardous Child Labour, ILO-IPEC, 2006
<http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=5544>
- ▶ Child labour: an information kit for teachers, educators and their organizations – ILO (2003)
http://www.ilo.org/ipec/Informationresources/WCMS_IPEC_PUB_2039/lang--en/index.htm
- ▶ Combating child Labour through education: A resource kit for policy-makers and practionners – ILO (2009)
<http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=9690>
- ▶ The tripartite process of determining hazardous child labour - Guide for facilitators – ILO (2012)
http://www.ilo.org/ipec/Informationresources/WCMS_195334/lang--en/index.htm
- ▶ Knowledge, attitudes and practices (KAP) study on child labour in Yangon, Ayeyarwady Region and Mon State. ILO (2016)
http://www.ilo.org/ipec/Informationresources/WCMS_IPEC_PUB_27675/lang--en/index.htm


- ▶ Executive summary report on Myanmar labour force, child labour and school to work transition survey. ILO (2016)
http://www.ilo.org/yanmar/whatwedo/publications/WCMS_516117/lang--en/index.htm
- ▶ Rapid Assessment on Child Labour in Hlaing Thar Yar Industrial Zone. Yangon, Myanmar. ILO (2015).
http://www.ilo.org/ipec/Informationresources/WCMS_IPEC_PUB_27439/lang--en/index.htm
- ▶ Agricultural Sub-Sector Child Labour Surveys. Children working in the cultivation and processing of Inland Fishing Stocks, Sugarcane, and Beans and Pulses in Myanmar, ILO (2015)
http://www.ilo.org/ipec/Informationresources/WCMS_IPEC_PUB_29335/lang--en/index.htm
- ▶ Background Report for the National Action Plan on child labour in Myanmar - An overview of issues to be considered in the development of the NAP, ILO (2017)
http://www.ilo.org/ipec/Informationresources/WCMS_IPEC_PUB_29337/lang--en/index.htm
- ▶ A legal review of national laws and regulations related to child labour in Myanmar in light of international laws and standards - Executive Summary. ILO (2015)
http://www.ilo.org/ipec/Informationresources/WCMS_IPEC_PUB_27437/lang--en/index.htm

Fundamental Principles and Rights at Work
Branch (FUNDAMENTALS)

International Labour Organization
4 route des Morillons
CH-1211 Geneva 22 – Switzerland
Tel.: +41 (0) 22 799 61 11
Fax: +41 (0) 22 798 86 95

fundamentals@ilo.org

www.ilo.org/childlabour

 @ILO_Childlabour

ILO Yangon Office

No. 1 Kanbae (Thitsar) Road
Yankin Township
Yangon – Myanmar
Tel: +(951) 233 65 39
Fax: +(951) 233 65 82

yangon@ilo.org

www.ilo.org/yangon

ISBN 978-92-2-130199-8



9 789221 301998