

Definition

Not all work done by children should be classified as child labour. According to the ILO, Child Labour refers to work that deprives children (any person under 18) of their childhood, their potential and their dignity, and that is harmful to their physical and/or mental development. It refers to work that is mentally, or morally dangerous and harmful to children; and/or interferes with their schooling by:

- **depriving them of the opportunity to attend school**
- **obliging them to leave school prematurely**
- **requiring them to attempt to combine school attendance with excessively long and heavy work.**

In its most extreme forms, child labour involves children being enslaved, separated from their families, exposed to serious hazards and illnesses and/or left to fend for themselves on the streets of large cities – often at a very early age. Whether or not particular forms of “work” can be called “child labour” depends on the child’s age, the type and hours of work performed, the conditions under which it is performed and the objectives pursued by individual countries. The answer varies from country to country, as well as among sectors within countries.



A multi-stakeholders response

To fight Child labour, the stakeholders need to adopt a holistic approach, in order to tackle the diverse causes of this phenomenon. That is why child labour requires a cross disciplinary response, involving all relevant actors (Government, Employers and Workers organizations, and civil society). It is essential to include the fight against child labour at the heart of all concerns in all national development plans and programs, particularly those focused on poverty reduction and education reform, as well as in all decisions relating to the allocation and regular commitment of budgetary resources.



Child labour has a very high human cost and seriously hinders the national development in favor of a poverty reduction, not only for the children but for the whole population. Child labour generates an uneducated and low skills workforce, which may impact the country competitiveness.



What is Child Labour?



Child Labour is illegal!

There is no specific law about child labour in Myanmar and the main laws related directly to child labour are the Shops and Establishments Act, the Factories Act (both 1951), the Child Law (1993) and the Education Law (2014). While the Shop and Establishment Act and Factories Act prohibit children under 13 to work, they do not cover children working in other sectors such as agriculture and the informal economy, where the vast majority of child labour is believed to exist. Both of these two laws do not comply with the minimum age principles (14 years old) laid down in ILO "fundamental" Conventions on child labour (ILO C.138 and C.182).

Relevant Labour Laws (Factories and Shop and Establishment Act) were reviewed and amended the minimum age for work to (14) years.



International conventions

In December 2013, Myanmar ratified ILO Convention No. 182 on the worst forms of child labour which sets the elimination of the worst forms of child labour as defined by Article 3 of this Convention as an immediate priority:

- a** all forms of slavery or practices similar to slavery (including sale and trafficking and forced or compulsory recruitment of children for use in armed conflict)
- b** the use, of a child for prostitution or pornographic performances
- c** the use of a child for illicit activities, in particular for the production and trafficking of drugs
- d** Work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children, also called hazardous work.

The ILO Convention No. 138 concerning Minimum Age for Admission to Employment specifies that minimum age for work should not be below the age for finishing compulsory schooling, which is generally 15. There are possible exceptions for developing countries, where the minimum legal age of employment can be 14.



Myanmar ratified the UN Convention on the Rights of the Child (UNCRC) in 1991. Article 32 of this Convention stipulates that:

“States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development”.

Hazardous child labour

Hazardous child labour is work in dangerous or unhealthy situations that could result in a child being killed, or injured and/or made ill as a consequence of poor safety and health standards and working arrangements. Some injuries or illnesses may result in permanent disability. Often health problems caused by working as a child labourer may not develop until the child is an adult.

ILO Convention 182 requires Myanmar to develop and publish a list of hazardous work prohibited for all children below 18, through consultations between Government Workers and Employers Organizations, as well as other stakeholders. ILO Recommendation No. 190 recommends the following activities being included in the list:

- 1 work which exposes children to physical, psychological or sexual abuse
- 2 work underground, under water, at dangerous heights or in confined spaces
- 3 work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads
- 4 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
- 5 work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer

Drawing the list is only the first step and should be followed by its dissemination and implementation of its requirements.

