



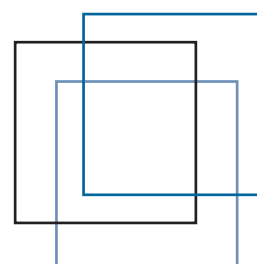
International
Labour
Organization



Combating child labour in Myanmar

A course for Labour Inspectors

Supplemental Information



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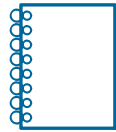
RESOURCE



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.

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.”

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).

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 washers. • 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;
5. 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 industry¹³ 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.

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

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

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 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 opportunities ⁴. 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:
Labour Inspectors

The state of the art of child labour inspection system in Myanmar

Myanmar formed a part of the British Empire until it became independent in 1948 and adopted a national constitution. The constitution contained a prohibition of forced labour.⁵ The constitution also provides that the state should 'care' for children –A study on the legal review of national laws and regulations related to child labour in Myanmar in light of international laws and standards ⁶ states that the 2014 Myanmar Population and Housing Census found a total of 23.7.1 per cent of children aged 10 to 17 years in labour force.

Child Labour Trends

Child labour on the ground is pervasive and takes different forms. Children are reported to work at an early age or in dangerous conditions in food-processing, street-vending, refuse-collecting and light-manufacturing industries, restaurants, teashops and family agricultural activities, as well as in large-scale development projects.

With respect to commercial sexual exploitation of children, a UNICEF Situation Analysis of Children in Myanmar (2012) conducted in three cities shows that 12 per cent of female workers were aged 10 to 14 years old and 33 per cent 15 to 19 and subject to verbal, physical and sexual abuse. With regard to trafficking, Myanmar appears to be a source country for men, women and children victims of forced labour. There is also recruitment and transport of women and girls from Myanmar across international borders for forced marriages and sex trafficking.

During the decades of armed conflict between the government and ethnic armed groups, children have been reported to be forcibly recruited by both the regular armed forces (the Tatmadaw) and the ethnic armed groups. The involvement and use of children in armed conflict, as child forced labourers, is therefore still a big challenge.

Child labour law reform process

The government of the Republic of the Union of Myanmar is currently undertaking an important labour law reform process both on child labour and other parts of labour law.

Many parts of the Myanmar legislation are remnants of British colonial rule. These include many other laws introduced by the British colonial administration. Most of the labour laws from colonial period have survived and been effective until recently.

⁵ Ludvig Becking The International Labour Organization and Myanmar 2006 Stockholm. Ibid

⁶ ILO, A legal review of national laws and regulations related to child labour in Myanmar in light of international laws and standards, Geneva 2015.

Currently, therefore the legal system is composed of a series of old laws from the colonial Indo-British legal system and the labour legislation is fragmented by sector (factories, shops, mines, oilfield etc.) or by theme (wages, leave and holidays etc.). A core piece of legislation regulating the basis of employment relationships does not currently exist in Myanmar.⁷

There are therefore gaps in application regarding some categories of workers, including children, who are either completely excluded from the legal protection or their rights only partially protected: e.g. for instance, domestic workers are specifically covered under certain laws such as the Minimum Wage Law, Payment of Wages Law, Labour Organization Law or Settlement of Labour Dispute Law, but they are not covered, either explicitly or implicitly, by other laws such as Employment and Skills Development Law or Leave and Holidays Act. This complexity of laws is also challenging in terms of clarity and accessibility for rights holders and duty bearers, workers and employers.

After independence in 1948, the country started to equip more labour laws such as Minimum Wage Act in 1949, Employment and Act in 1950, Factories Act in 1951, Leaves and Holiday Act in 1951, Shops and Establishments Act in 1951, and Social Security Act in 1954, etc. Currently, the government of the Republic of the Union of Myanmar is undertaking an important labour law reform process to modernise these old labour laws. For instance, the Workers' Compensation Act of 1923 was amended in 2005; new Social Security Law was enacted in 2012; new Employment and Skills Development Law was enacted in 2012; Payment of Wages Act of 1936 was amended in 2016; the Factories Act of 1951 and the Shops and Establishments Act of 1951 were both amended in 2016.

The Trade Union Act was one of the first laws to be repealed after the political reform in 2011 together with the Trade Disputes Act, which were replaced respectively by the Labour Organization Law in 2011 and the Settlement of Labour Dispute Law in 2012. The 2008 Constitution provided legal base for these changes.

The new Minimum Wage Law, passed in March 2013, replaced the 1949 Minimum Wage Act. The new law provides a framework for minimum wage determination: i.e. the National Minimum Wage Committee was formed in accordance with this Law and announced the very first minimum wage in June 2015 at 3,600 Kyats per working day (or 450 Kyat per hour).⁸ The National Minimum Wage Committee just completed the review of this first minimum wage and decided to increase the daily minimum wage from 3,600 to 4,800 Kyat (or 600 Kyat per hour) in March 2018.

⁷ Ibid

⁸ www.lawasia.asn.au/LWIN...

Labour Inspections and Child Labour

In Myanmar, the basic objective remains the setting up and the functioning of a labour inspection system, with the assistance of the social partners, along the lines and principles set out in the relevant ILO standards. ILO Convention C 81 has underlined the importance of child labour inspections in 1947. In recent years, the ILO, through its technical assistance, has contributed to ongoing labour law reform and the strengthening of both labour administration and labour inspection capacities for child labour. Already, there are glimpses of positive impact over time on improvements in working conditions and the promotion of workers' rights on economic development and growth. There are more than 2000 trade unions registered between 2013 and 2015 already and it is essential that labour inspection systems evolve a working partnership through cooperative relationships with social and judicial partners, and with universities and research centres in the fight against child labour.

Existing structure of labour inspectorate

The Ministry of Labour, Immigration and Population is a ministry in the Myanmar government responsible for the country's labour welfare and renders services to employers and workers and therefore it is an important ministry in the fight against child labour.

Departmental bodies:

- ▶ Department of Labour
- ▶ Social Security Board
- ▶ Central Inland Freight Handling Committee
- ▶ Factories and General Labour Laws Inspection Department
- ▶ Department of Labour Relations

Myanmar has currently 182 labour inspectors (106 labour law inspectors and 76 factory inspectors) covering the entire working population. Inspectors undertake some 50 inspections a month, far too many to ensure the quality of the inspection visit. Child labour inspections are handled by Factories and General Labour Laws Inspection Department.

In addition, inspections are also undertaken by the following departments:

- ▶ Ministry of Industry: Directorate of Industrial Supervision and Inspection
- ▶ Ministry of Natural Resources and Environmental Conservation: Department of Mine
- ▶ Ministry of Health and Sport: Department of Public Health
- ▶ Ministry of Construction
- ▶ Yangon City Development Committee
- ▶ Ministry of Agriculture Livestock and Irrigation

The Importance of the Child Labour Unit (CLU) in the Ministry of Labour, Immigration and Population

A unit like the CLU within the labour protection system in Myanmar could become an important coordination, communication and partner service entity in Myanmar when it comes to the elimination of child labour. The role accorded to the labour inspectors under ILO convention C 138, and Recommendation C 146 makes it a unique and key mechanism /partner for the successful coordination of the Child labour elimination policies particularly implementation, monitoring and evaluation.

The staff of CLU are expected to, amongst others, collect and collate reports from all partners on their initiatives against child labour, provide secretariat services to Ministry of Labour, Immigration and Population to ensure that the Ministry fulfils its mandate, coordinate partner interventions on a day-to-day basis, ensure that all partners know each other and communicate effectively across sectors and geographical areas. It will also provide support and advise on the mainstreaming and integration of child labour within government policies, programmes and budgets, raise awareness and liaise with partners in other sectors to ensure that child labour is reflected and in sync with wider developments.

At district level, the head of State /Division Labour inspectorate is expected to play the key coordination role and act as an extended arm of the CLU. He and other designated focal points need to maintain sufficient contact with CLU and provide adequate support to colleagues at district level.

For example, the CLU work plans and reports need to set targets on labour inspection that relate to the national goals and directions in the fight against child labour staff members must be familiar with data base use and management, though they are expected to play a role in collecting and disseminating data on child labour through the Ministry of Labour, Immigration and population and through other sources.

In the light of the national goals and aspirations the Labour inspectorate has to be provided with equipment, budget and training that will strengthen its ability to manage projects, report, mobilise resources etc. The strengthening CLU capacity cannot be done in isolation. It is important for the Ministry of Labour, Immigration and Population to carry out an extensive and in-depth capacity assessment with the Labour Inspectorate in relation to the role and functions of CLU, followed by a systematic, well thought-out capacity development and change-management programme.

Without increased attention to the CLU which should works closely with Labour inspectorate to coordinate the implementation and oversight of the Child labour elimination policies, the implementation will remain piece meal and fragmented and the child labour agenda will not be linked to other developments (notably within child protection in a wider sense) in any effective or efficient manner.v

It follows logically, therefore that other partners, including not least the social partners and the ILO, must come together to advocate for an enhanced role of the CLU and the Labour Inspectorate in so far as child labour is concerned. Advocacy for increased budgets for the CLU work must be based on solid evidence, including a realistic budget for the implementation of the C138 and Recommendation C 146 and for the costs of coordinating and overseeing the implementation.

Myanmar ratified ILO Convention 182 on the Worst Forms of Child Labour in December 2013, thereby taking the political commitment to undertake immediate action for the prohibition and elimination of the worst forms of child labour. It also ratified the ILO Convention No. 29 on forced labour and signed a Memorandum of Understanding with the ILO in 2012 with the objective to eliminate forced labour.⁹

The legal review of national laws and regulations related to child labour in Myanmar also notes Myanmar has not yet ratified the ILO Convention No. 138 on the Minimum Age. However, the government has committed to ratify the Convention. In the context of the ongoing labour law reform, it is relevant to assess the existing laws and any proposed bills in light of the provisions of ILO Convention No. 138 and provide recommendations to ensure future compliance.

Myanmar also ratified the United Nations' Convention on the Rights of the Child (CRC) in 1991. The government is therefore required to protect children from economic exploitation, any hazardous work or work that interferes with the child's education according to CRC Article 32. The CRC also requires the government to protect children from all forms of sexual exploitation and abuse including the exploitative use of children in prostitution and pornography (Article 34) and from forced or compulsory recruitment of children in armed conflict (Article 38).

Myanmar has also ratified the first Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in 2012. The ratification of the second Optional Protocol on the involvement of children in armed conflict is in the process of being signed.

Currently, the Amended (2016) Shops and Establishments Act (1951) excludes certain types of workplaces from the scope of its application, such as "roadside stalls". Similar exclusions can be found in the Amended (2016) Factories Act (1951), thereby impeding complete children legal protection. A solution would be to introduce a general prohibition of work to children and set a uniform minimum age for employment.

Under international law, a child is defined as a person - boy or girl - under 18 years of age (Article 1 CRC, Article 2 ILO Convention No. 182).

⁹ ILO, A legal review of national laws and regulations related to child labour in Myanmar in light of international laws and standards, Geneva 2015.

In Myanmar, there is no uniform definition of a child, which varies from one law to another. Under the Child Law (section 2) and the Anti-Trafficking Law (section 3), a distinction is made between a child who is a person under 16 and youth who is between 16 and 18. On the other hand, the current Amended Factories Act defines a child as a person under 16 (section 2). This creates a discrepancy and contradiction in the protection coverage as a child of 16 working in the factories would not be protected.¹⁰

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

Conducting inspections

Under Article 16 of Convention No. 81 and Article 21 of Convention No. 129, workplaces or enterprises liable to inspection shall be inspected as often and as thoroughly as is necessary to ensure the effective application of the relevant legal provisions. They must also have the necessary information on the enterprises and activities liable to inspection.

Under Article 12, paragraph 1, of Convention No. 81 and Article 16, paragraph 1, of Convention No. 129, labour inspectors provided with proper credentials shall be empowered: (a) to enter freely and without previous notice at any hour of the day or night any workplace liable to inspection; and (b) to enter by day any premises which they may have reasonable cause to believe to be liable to inspection. Article 16, paragraph 2, of Convention No. 129 adds that they shall not enter the private home of the operator of an agricultural undertaking except with the latter's consent or with a special authorization issued by the competent authority.

Before looking at the key elements of the inspection visit, it is useful to consider whether such visits should be announced or unannounced. The announced inspection can be productive in that a competent employer will likely undertake some preliminary review of working conditions and do work in advance and can give appropriate advice. It is also useful to give notice if one wants to speak to a particular manager or official of the company. The disadvantage of announced visits however, is that dangerous machines and hazardous processes can be temporarily stopped and, in the case of child labour, the children warned not to attend, hidden, or chased off the premises.

¹⁰ ILO, A legal review of national laws and regulations related to child labour in Myanmar in light of international laws and standards, Geneva 2015.

If therefore, the inspector wishes to see an enterprise or activity as it is normally undertaken, it is usually preferable to visit unannounced, although s/he should be aware of being detained in the office whilst matters are rectified, processes stopped or children sent out. Indeed, in some industries (e.g. construction sites) employers may have elaborate warning systems and it will then be necessary to call upon the help of the police to close off exits, etc. Whilst this method is useful when the objective is to identify violations, sanction them and send children home, it is doubtful whether it actually prevents the return of the children to the workplace (or their drifting into even worse situations) and whether it really promotes the employment of adult workers in their place.

What is the purpose of labour inspection services?

A system of labour inspection has three main functions: enforcing labour laws, providing information and advice to employers and workers, and identifying gaps in the law.

The three functions, noted above, are set out in the Labour Inspection Convention, 1947 (No. 81). Ratified by 145 ILO member States, Convention No. 81 calls on countries to establish a system of labour inspection in industry and commerce. It specifically mentions that the enforcement function covers employment of children and young persons (Art. 3.1 (a)).

The primary mission of any system of labour inspection is to ensure compliance with relevant labour laws meaning the set of national standards designed to protect all workers and, where appropriate, their families. Modern systems also cover the self-employed and the environment, from certain work-related hazards. The main purposes of labour inspection include the need to ensure that:

- ▶ Relevant labour legislation is respected in workplaces with a view to achieving decent employment and working conditions;
- ▶ Employers and workers get information and guidance about how to comply with legal requirements;
- ▶ Enterprises adopt adequate measures to ensure that work practices and environment do not put employees into safety and health risks; and
- ▶ Feedback information and lessons learnt from the practice are used as a means of developing legislation to improve the legal coverage taking into account new social, physical and psychological work

Visiting workplaces where children are working

The first visit to a worksite where children are working is likely to involve primarily observing the sort of work performed, safety and health conditions, hours and wages, and the employment relationship. After having made their presence known to the management or his/her representative and shown their credentials, inspectors will wish to speak to children about their work, and obtain the views of

other workers. The inspector will also gather information on the enterprise and its workers, especially those under 18 years, entering them in a record. Individual child records will include such data as:

- ▶ Personal information (age, schooling, home, activity of the child, and of the parents);
- ▶ Location of the work site (whether home, fields, workshop, or factory);
- ▶ Working conditions (terms of work, as well as health and safety situation);
- ▶ The action being taken (removal or protection; referral to education and/or service provider).

The role of labour inspectors

The principal role of labour inspectors is to promote compliance with relevant legislation, which in this case means complying with the law on the employment of children. This requires inspection of workplaces and assessing situations with a view to preventing child labour and taking appropriate action to ensure compliance with the law. It means examining employers' records as well as the conditions under which children (up to the age of 18) are working.

Unless the child workers are exposed to hazards that are likely to jeopardize their lives or health (mental or physical), it would be counter-productive to threaten sanctions during a first visit. Instead, the inspector would take the "preventive" approach and seek to inform the employer of the hazards that early work poses to children, advise him/her of the law and the measures required by the law, and convince him/her that complying with these will be in her/his own best interests (and certainly those of the child) in the long run.

If convinced that the recommendations are not unreasonable, are indeed inevitable, if s/he is given time to make the necessary adjustments, the employer is more likely to continue complying – whether withdrawing the child workers or improving the working conditions – while those forced by legal action can easily allow conditions to revert. If it is not a situation involving one of the "worst forms of child labour", inspectors are often able to suggest relatively simple, low cost means of protecting adolescent workers, such as reducing hazards, making the work easier and therefore more efficient, shortening hours or increasing breaks which may well not reduce output, and negotiating arrangements for children to be released for education. The more the inspection and monitoring programme is coordinated with or involves other agencies in the locality, the more likely are employers to respond positively.

Case example

The labour inspectorate received information through neighbours, rumour and complaints from parents and children, that boys and girls between 11 and 14 years of age were employed under deplorable health conditions in a printing works; that they were exposed to dust, noise and fumes from heated glue; that they worked standing up for at least 48-hours a week; and were paid wages which were very much lower than the minimum rates. Before visiting the enterprise, the inspector (hardly likely that more than one would go) sought to supplement available information by talking discreetly with neighbours, parents and trade unionists. During the visit, the manager of the enterprise claimed he only employed around 15 young persons over 15 years of age, all of whom were covered by a proper apprenticeship contract. During the inspection of the work place and discussions with the children, the information gathered prior to the visit enabled the inspector to persuade the manager of the enterprise to admit that he in fact employed around 30 young persons, including 10 who were under 15 years of age and could not be described as apprentices. Once this had been admitted it became possible to begin discussing a programme of school attendance for some of them and real apprenticeship for others and to talk about improving the safety and health and conditions of work of all the workers, both adults and children.

How is an inspection visit performed?

There are different types of visits:

- ▶ Routine visits: This is the normal type of visit. It is unexpected (no notice is given, except for special reasons) and ideally exhaustive, the aim being to inspect the whole of the installation and to check how far the legal provisions that apply are being observed.
- ▶ Visits by request: Labour inspectors are sometimes requested to visit a workplace to settle a problem concerning the application of a legal text, the prevention of a hazard, the exercise of trade union rights, or to give an opinion on the layout of a workshop or the planning of social services, or again to investigate a worker's complaint. In any case, the visit following a complaint should be performed in the same manner as a routine visit to observe the obligation of confidentiality.
- ▶ Emergency visit: This is the type of visit determined by events that require inspectors to be on the spot without delay (for example occupational accidents), which call for a prompt inquiry for both practical and legal reasons, or fires or explosions. In the event of an accident, inspectors may investigate the cause either to determine where the responsibilities lie or recommend measures to prevent a repetition of such events in the future. On their arrival at the workplace, the labour inspectors notify employers of their presence and show their identity badge and/or card to the employer or their representative. Whenever there are workers' representatives at the workplace, it is desirable for inspectors to meet them, observing any conditions laid down in the legislation. They may decide, for example, to inform workers or their representatives of their presence on arrival and see them later in a

room made available to them. Other contacts are often useful, especially with the enterprise's physician if there is one, with the safety and health specialist (inspectors can get one or other of them to accompany them on their visit) and with members of the safety and health committee. In certain cases, inspectors can arrange joint-visits with external specialists: medical inspectors, experts from approved bodies, and preventive supervisors from the social security service. Inspectors organise the visit and decide the details on their own; they decide whether it is to be a full visit or a visit with a narrowly defined aim. As a general rule, with a view to making full use of the time available and reducing costs, inspectors turn any visit into a full routine visit. Inspectors in this case, check all installations, especially those that present specific hazards, and the sanitary arrangements and the social services provided. At the end of the visit, inspectors must inform the employer of their observations, which they normally do in writing. Most legislation requires the enterprise to keep an inspection register in which the inspector's observations must be entered; if need be, they can be entered in condensed form, with an indication that further comments will be sent to the employer at a later time. Inspectors are empowered to make an official report, should they consider it necessary, on any violations observed. Inspectors revisit shortly after to verify the required measures have been taken. They may also ask the employer to bring proof to their office that their observations have been acted on, if the nature of the verification permits this procedure.

The dialogue between inspectors, heads of enterprises and workers or their representative allows inspectors to:

- ▶ Learn and to persuade,
- ▶ Point out the ways of achieving the desired result,
- ▶ Show the dangers of doing nothing in short, and
- ▶ Make an informed decision on the action to be taken.

Information-gathering, information-sharing

Accurate information about the child labour situation and the worst forms in particular, is essential for generating a common base of understanding among all stakeholders. Data-gathering is seldom a single operation, but a series of studies for different purposes and using different techniques, some of which are quite simple. For example, stakeholders can begin to be aware of the problem simply by seeing films or doing a personal reconnaissance (walking through an area and observing children at work). But a rapid assessment, mapping exercise, baseline survey, and/or national study will be necessary to provide detailed data for planning and subsequent monitoring. Labour inspectors have found it extremely fruitful to participate as interviewers in the gathering of data in such surveys. Through this, they gain a deeper understanding of the issues than they could in any other way, they become familiar with areas and sectors to which they may have had no exposure before,

and they gain experience in interviewing children and employers. In analysing the results, the inspectors as well as other stakeholders gradually build a consensus as to the nature of the problem and the preferred ways of addressing it. In other words, they develop a holistic view of the problem. Mapping and/or profiling studies are particularly useful for identifying the locations and sectors in which child workers are clustered. These studies help to identify the target groups and may gather basic information about the children and the sectors they work in.

Location is especially important for migrant children whose homes and workplaces may be far apart. Another initial data-gathering process – frequently overlooked – concerns service agency information. This will include:

- ▶ Educational services (primary schools, non-formal education, vocational training);
- ▶ Social service agencies including health, welfare, shelters, and counselling facilities;
- ▶ Income enhancement programmes for adults (micro-credit, training schemes);
- ▶ Courts and legal structures.

These provide labour inspectors with information they will need to make referrals for identified child workers.

The Labour Inspection Recommendation 1947 (No. 81) gives further details as to what information should be included in annual reports and contains further guidance for collaboration between inspectors, employers and workers, mainly in the area of safety and health.

Key questions

The first requirement is obviously to have reliable data available on the magnitude and nature of the child labour problem in the country, and particularly on the following questions:

1. Who are the working children and how many are there – nation-wide and in different regions?
2. How many of them are engaged in the worst forms of child labour?
3. How old are the children when they begin to work for the first time?
4. Why do they work?
5. In which sectors do they work?
6. What are their occupations?
7. What are their conditions of work, and what types of exploitation and abuse do they face?
8. What is known about the workplace diseases/harm they may suffer?
9. Do they also go to school – if not why not?
10. Who are their employers? Why do they employ children? How do they treat them?
11. How many children are employed on a full-time basis by their families – in family enterprises or in housekeeping activities?

12. Do children live away from their parents?
13. How do the parents feel about their children being at work rather than at school?
14. What do the children themselves think about their work, their families and their employers?

Interviewing child workers

When interviewing child workers, inspectors need to be very aware of the risk of intimidating them and of the importance of gaining their trust and cooperation rather than the opposite. In this context, it is important to remember that it is not the child worker who may be breaking the law but their employer. Such an approach is all the more important where inspectors are considering taking formal sanctions against the employer for contravening relevant legislation. In particular, inspectors will need to establish a child's age with some degree of certainty, which can be difficult to prove if there is no registration of birth. By building up trust and cooperation, child workers are more likely to help inspectors in pursuit of their goals and give them the information they require, for example concerning their age and their actual conditions of work.

If the child agrees to an interview, he/she is asked to recount aspects of her or his experience – both in the work environment and outside. The interviewer has to be sensitive to the child's emotional state, aware of the consequences of the questioning and respect the child's right to speak or to keep silent.

The inspector also has to be aware of the following points when interview.

- ▶ Create the right physical climate. The physical climate may be unhelpful with a noisy machine nearby, people moving around, a child sitting on the floor with the interviewer standing and so on. Ideally, therefore, an interview should take place out of sight and earshot of superiors, or even peers if they appear unfriendly. It must also be kept in mind that if the child is kept off the job for too long, this may subsequently entail sanctions by the boss.
- ▶ Create the right psychological climate. The psychological climate will be determined by whether conditions are such as to make the child feel comfortable and safe, or suspicious and anxious about being scolded, judged, ridiculed, subsequently victimized by the boss, or reported to the authorities. The child may appear neutral with no clear positive or negative feelings, or distant and uncaring, or friendly and warm, welcoming and willing to talk, or hostile and uncooperative.
- ▶ Create a non-threatening atmosphere, adopt an empathetic and caring approach and encourage the child to talk by asking open questions. Most of all, inspectors must genuinely listen to what the child is saying, but should also know when to stop if the child's memories and experiences are too intense or painful. Closed questions simply requiring the answer "yes" or "no" are sometimes necessary, but an open question is better because it enables the child to describe or explain, comment on or justify a view. It is also important to realize that,

like all interviewees, the child may be adjusting his/her answers to please the interviewer or out of fear that what they reveal will be used against him or her.

- ▶ Choose a convenient time during a break or lunch hour, remembering that time away from work will otherwise affect the child's output and therefore cost the child money.

If the interviewer cannot obtain an answer to a key question even after rephrasing it, it is sometimes better to return to the issue later. The interviewer should therefore be sensitive to these unseen and unexpressed elements. Questions can also be validated by asking the same thing in different ways at different times during the interview. For example, "Are you happy working here?" could be asked at different times to:

- ▶ Do you think that you will continue doing this job for very long? Why do you think so?
- ▶ How do people here treat you? Are they nice and kind? How do they show it? Are you happy with how they treat you?
- ▶ Please tell me the happiest moment you can remember since the time you started working here.
- ▶ Tell me about any fun that you have had here.

Assessment of occupational health and safety (OSH) risks

Since the hazards to which working children are exposed are so serious, inspectors and monitoring teams need to have at least a basic understanding of how to assess risk.

Role of inspectors

To prioritize 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.

For instance, it is 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. Inspectors 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.

For example, a can of chemical solvent high up on a shelf is a hazard if the solvent is toxic or flammable, but entails very little risk (especially for child workers). The risk increases when it is taken down and poured into a bucket as harmful vapour is given off and there is a danger of spillage. The chance of harm, that is the risk, is then high.

To help decide whether the risk is high, inspectors should think about:

- ▶ 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?

What will inspectors look for?

The inspector 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 inspector 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 industries:

- ▶ 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.

Special risks to children

Children and young people are particularly vulnerable to risks because they are physically immature, weaker than adults and can be more sensitive to toxic substances. In addition, they:

- ▶ Tend to react differently (less rationally) to imminent danger such as fire;
- ▶ Lack life experience, knowledge of risks and appropriate reactions;
- ▶ Are almost always untrained or inadequately trained in safety matters;
- ▶ Tire sooner with attention lapses resulting in vulnerability to injury;
- ▶ Require closer supervision which is often not given;
- ▶ Are subject to bullying (physical, sexual, etc.) and exploitation because they are
- ▶ Easily intimidated and therefore more compliant; and
- ▶ Are regularly given work to do that is too difficult or too dangerous for them;
- ▶ Are given dirty work that adults do not wish to do.

Inspectors should always remember that what is hazardous to adults is invariably even more hazardous to children. Speaking directly to children at a workplace can often provide valuable information about hazards and risks, previous injuries, or changes that have been made by the employer to hide hazardous conditions from the inspector.

Closing discussions

As in any inspection visit it is vital that there is a full closing discussion with the key people, especially the manager or director of the enterprise, and any worker representatives, shop stewards, members of safety councils, or similar bodies. Even with children, a short final word to share with them some of what was found, what action the inspector has proposed or intends to take, and to reassure them that they will not suffer as a result, would be useful. To the employer, the visiting inspector will present her/his understandings regarding economic performance, financial constraints, individual

relations, and accidents in addition to matters of employment, and solicit feedback. Such interchange is of value as it may give clues to whether conditions can be expected to improve or why children have been employed. And it is a means of cross-checking statistics and data from other sources, such as the manager's records. In the informal sector, small enterprises and family businesses there is usually only one person, the owner, who controls everything and in her or his absence, little will be achieved.

Following the discussion, the inspector/team prepares a summary report to give information about:

- ▶ The enterprise itself, its ownership, address, name of manager, telephone, street and postal, etc.;
- ▶ The workers, particularly the ages of children employed, the nature of employment (seasonal, daily, intermittent, etc.), and the tasks they undertake;
- ▶ The working environment;
- ▶ Hours of work (distinguishing, if necessary, between age groups) together with a note of any night work done, rest periods, etc.;
- ▶ Remuneration, whether on a time or piecework basis, for public holidays, from tips, and the nature of any benefits in kind such as meals, accommodation, transport, clothing, etc.; and
- ▶ Any information on accidents or incidents, particularly if children were involved, and illnesses, etc. (as a possible indicator of occupational diseases).

Most problematic is the choice of whether, in the case of hazardous child labour, the child is to be removed from the situation, or whether the situation requires he/she remains, but that the hazard be removed.

In any case, it is usually important to agree or specify priorities for action for otherwise the employer is likely to do what is easy and cheap rather than what is most important. To prepare themselves for negotiation with the employer, the inspectors will also have to analyse the following questions:

- ▶ What is the precise employment status of the working children?
- ▶ Is it clear who employs them?
- ▶ Is such employment against the law?
- ▶ Has the employer previously been warned not to employ children?
- ▶ Are there child labour projects or social services applicable to these children?
- ▶ Is the community involved in monitoring?
- ▶ Is the employer cooperative, indifferent or hostile?
- ▶ Is lack of cooperation due to deliberate exploitation, fear of unfair competition or rather, lack of information?
- ▶ Would it be possible to bring equal pressure to bear on local or sectoral competitors?

- ▶ Are there any educational or vocational training facilities in the vicinity?
- ▶ Is it possible to try to negotiate partial release of the children for education or training?
- ▶ Are there any possible concessions, which would persuade the employer to make a long-term commitment to stop employing children (e.g. more time to comply, or removing the youngest children, or excluding children from certain processes first)?
- ▶ If family poverty is the driving force behind child labour, is there any form of social support for the families?
- ▶ Are stipends or other financial compensation available for children who stop working and go to school?
- ▶ Can the education and/or social welfare authorities provide assistance?
- ▶ Is the employer bluffing when threatening to close the factory?

Organizing a child labour monitoring system

There are two approaches: the shift toward a culture of prevention, and the concept of child labour monitoring. But these are only a start; the challenge is for those involved in the field of inspection to design and test additional measures for reaching the goal of eradicating the worst forms of child labour.

Creating a “culture of prevention”

Prevention of injury, ill health, unfair employment practices or industrial conflict has long been an important element in many ILO conventions. Today, the ultimate objective is larger: to develop a “culture of prevention” in the world of work, as a means of enabling working people to lead long, productive and healthy lives, and at the same time reducing the growing cost to individuals, enterprises and society of a wide range of untoward incidents and occurrences. Quite simply, a culture of prevention aims toward having all work places in compliance with agreed standards, such that employers and workers regard this as the norm as well as a social responsibility. Beyond that, a culture of prevention requires commitment to continual improvement so that the costs and benefits of prevention become increasingly clear not only to employers and workers, but to governments and the general public. The relevance of this concept to child labour is obvious. By preventing abuse of workers in their youth, society gains a more productive work force, and a new generation grows up that is healthier and better equipped for changing times.

Greater emphasis is now placed on the development of labour protection policies at the workplace, and on prevention rather than cure. It is invariably less costly to prevent damage than to have to compensate for it. In one sense this can make the work of inspectors more difficult and complex because they must have knowledge of the business operations of the enterprise, the social relations within it, its structures and procedures. The purpose of inspection is no longer limited to just

promoting or enforcing compliance with the law. Under the preventive approach, inspectorates acquire legitimacy through their competence, efficiency, technical knowledge and commitment.

Role of inspectors

A preventive approach to labour inspection requires the inspector to be first an adviser, and an enforcer only if advice is not accepted. The preventive approach changes the relationship between inspector and those s/he is addressing in three main ways: first, the inspectors deal more with top management; second, they advise management rather than do management's job (e.g. management will be responsible for attending to specific safety and health, or employment irregularities); and third, they are better trained to have a good understanding of the management process and labour relations, and hence under a preventive approach, can rely on their knowledge and persuasiveness as individuals, rather than on the power conferred by their position. In the context of child labour this change of emphasis will be seen to be particularly significant.

Importance of building new alliances with stakeholders in the fight against child labour

Labour Inspection in combatting child labour could not be effective and efficient if it acts alone. In order to have an impact, broad cooperation and partnership should be established within the government, with the social partners and with all the key shareholders concerned. This part examines in a first instance the importance of building alliances with social partners on the role of labour inspections in dealing with child labour.

Key Stakeholders: Identification and Consultation

Child Labour inspection requires the efforts of a range of key stakeholders and intermediary organizations to be brought together and coordinated. Agreements need to be sought and obtained on what it means in practice and how it is suggested that it is carried forward.

This will involve consultation and liaison with bodies at the national level (e.g. government departments, employers and worker representatives, etc.), at regional or district level (e.g. local authorities, police and social services regionally) and at the local level in the community and workplace.¹¹

Labour Inspection and the Social Partners

Employers' and workers' organizations, the ILO's social partners, are singled out in the ILO' Global action plan on child labour as being central to an effective global campaign against child labour, and involving them more intensely and strategically is a priority of the ILO. In addition to their own

¹¹ ILO (2010): ITC-ILO Curriculum on "Building modern and effective labour inspection systems", Geneva.

initiatives, employers' and workers' organizations are strengthening social dialogue¹² on child labour; most recently with the launching of a joint campaign to combat hazardous child labour.¹³

Employers' Organizations

The effectiveness of labour inspection services is considerably enhanced if it is supported by the concerted action of employers and their representatives, and it is seen as providing services to employers. Employers' federations facilitate cooperation and dialogue.

In more and more countries, in addition to advice and information, inspectors provide training for employers' representatives or staff, for example, safety engineers or occupational nurses.

Increasingly, in the small enterprise sector, employees are offered training programmes that combine elements of business management and basic labour protection as a service by the inspectorate.¹⁴

Joint worker-employer bodies and child labour inspection

ILO Recommendation on Labour Inspection in Industry and Commerce No. 81 (1947) advocates the establishment of bodies enabling representatives of the labour inspectorate to engage in social dialogue with representatives or organisations of workers and employers. Very often, the establishment of bodies, such as joint committees, is provided for by legislation, and supplemented by collective agreements supervised by the inspectorate.¹⁵

Joint employer/management - worker committees on occupational safety and health (OSH) could be of particular use in combating hazardous child labour.¹⁶ 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".

Ways in which joint safety and health committees, which are usually found in larger enterprises, can combat hazardous child labour include:

- ▶ Ensuring that the enterprise prevents the use of child labour in workplaces and at any point along the enterprise's supply chain,
- ▶ Ensuring that contractors and sub-contractors working for the enterprise do not use child labour;

12 <http://www.ilo.org/public/english/dialogue/ifpdial/areas/social.htm>

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

14 Von Richthofen, W. Labour Inspection: A Guide to the Profession. ILO, Geneva, 2002,

15 Von Richthofen, W. Labour Inspection: A Guide to the Profession. ILO, Geneva, 2002., p 48.

16 Field labour inspection services in rural areas. ITC-ILO Curriculum on Building modern and effective labour inspection systems, ILO 2011. Module 15, Section 7.5, p. 48.

- ▶ Helping provide advice and assistance to local enterprises employing child labour to help them eliminate such practices; especially if these smaller enterprises are part of the larger enterprise's product supply chain;
- ▶ Promoting youth employment in enterprises;
- ▶ Helping combat hazardous child labour in the local community.

Labour inspectors interact and support the safety and health committees in a variety of ways which include:

- ▶ The establishment of OSH committees can be legally required by labour inspectorates in Estonia, France, Norway, Romania,¹⁷ South Africa,¹⁸ and Tanzania;¹⁹
- ▶ Following inspection visits, labour inspectors often report to the joint safety and health committee, and/or the worker safety and health representative, on the results of the inspection and the recommendations for improvements made to the employer;²⁰
- ▶ OSH labour inspectors help train committee members, e.g. Cyprus, Greece, Lithuania and Kenya.²¹

Making greater use of the labour inspection–workplace safety and health committee link to tackle child labour could be another “way forward” in the future, both in the enterprise itself, and in the enterprise's product supply chain.

Strategy for collaboration

For child labour monitoring to function as a system, we need to develop a plan which identifies and lays out the responsibilities of the partners who will participate in the monitoring, their degree of authority, and what type of compensation (e.g. recognition) they will receive for these added duties.

Depending on the level of the discussions, this plan might be compiled in the context of a national, provincial, or local child labour meeting.

17 Forms of employee involvement. European Working Conditions Observatory, 25 October 2010; http://www.eurofound.europa.eu/ewco/studies/tn0911028s/tn0911028s_3.htm

18 The South African Labour Guide; <http://www.labourguide.co.za/health-and-safety/the-establishment-of-health-and-safety-committees-for-the-workplace-645>

19 Tanzania: Occupational Health and Safety Act, 2003, Article 13(9).

20 Field labour inspection services in rural areas. ITC-ILO Curriculum on Building modern and effective labour inspection systems, ILO 2011. Module 15, Section 7.5, pp. 46-48.

21 Ibid.

A second element is to **define linkages among the various inspectorates** and enforcement authorities – school truancy officials, safety and health officers, environmental health officers, factory inspectors, etc.

Since all of these inspectors are thinly spread, their time must be used to best effect. It is therefore vital that when one visits a remote location, (or any worksite, for that matter) she /he is empowered and able to deal with every aspect of the abuse, exploitation and risk to which children are exposed. This is not only necessary but also possible in practice, and produces significantly better results. In some countries, there is already such an integrated inspectorate; in those where there is not, then in the interim, ministers and senior officers should ensure that there is at least close and practical cooperation among units, from headquarters level to the field.

Child labour monitoring

It recognizes the fact that the labour inspectorates in many countries are very weak and poorly organized due to lack of political support; and that, even for well-organized and smoothly operating labour inspectorates; there are not enough inspectors to adequately cover all establishments, both formal and informal sectors, urban and rural locations. Thus, the idea behind child labour monitoring is to intensify and expand observation of child labour by enlisting additional partners.

It is a procedure to eliminate child labour, primarily in the informal economy. It involves regularly repeated direct observations by trained local teams to identify child labourers and to determine risks to which they are exposed, referral of these children to school and services, and follow-up to see that the areas remain child labour-free.

CLM procedures consist of:

1. Direct observation of workplaces (farms, streets, home-based workshops) to identify child labourers and, in the case of children of legal working age, also to assess the tasks and working conditions to see if they are hazardous;
2. (a) Referral of cases of child labour to the labour inspectorate, the local government unit or police as appropriate, and
3. (b) Referral of the child to the appropriate service such as school, vocational training, psychological counselling, etc.
4. Recording the action taken for reporting purposes and follow-up.

CLM is almost exclusively used in relation to informal enterprises, including agriculture, but it has been used in the formal economy when increased surveillance of child labour is required, as in export-oriented production. It is carried out by local persons who have been selected and trained for the purpose, and who generally work as a team.

Child labour monitoring systems, however, face their own challenges in tackling child labour. Child labour monitors do not have:

1. The same legal authority as labour inspectors to enforce labour law provisions against child labour;
2. The legal right to enter workplaces, which is a unique labour inspector power provided for by the ILO Labour Inspection Convention No. 81,
3. The power to sanction employers for violating the law.

Consequently, child labour monitors are in a weaker legal position than labour inspectors when it comes to taking action to remedy situations of child labour.

Monitors are backed by a local committee – commonly composed of representatives from labour, education, and social welfare -- which oversees the referral of working children to services, such as schooling and/or family assistance, which fall within the jurisdictions of several different agencies. While monitoring takes place at the local level, the decision to establish a child labour monitoring system is generally taken at a higher level (national or state) by the labour ministry, often jointly with other concerned ministries. CLM information helps policy-makers know where the problem lies so they can plan targeted interventions.

Much of child labour occurs in unregistered workplaces or is intentionally hidden or clandestine. Domestic service, which frequently involves child labour takes place in the privacy of the home, as do traditional trades such as carpet-weaving. Resource constraints experienced by most labour administrations and labour inspectorates make it difficult to maintain enough qualified inspectors to cover formal economy establishments, let alone the home- and street-based businesses and services – often itinerant – that defy standard and regular forms of inspection. In addition, there are also legal constraints that impact LIs authority to inspect such work premises. In many cases, national law is either silent on Inspectors' authority to inspect such workplaces or expressly limits the Inspectors' right of entry to workplaces such as private homes or to workplaces employing workers below a minimum number. The difficulty in identifying workplaces where children are working and the legal hurdles in accessing these workplaces even when they are identified has made it difficult for LI to effectively enforce the law.

How can CLM be used?

1. A CLM system can be a practical way of initiating or reinforcing collaboration among a wide range of actors -- trade unions, employers' associations, key ministries (education, social welfare, labour), and civil society. All of these have unique roles to play in setting up the political and legal framework for CLM, deciding on its procedures, assigning structures for reporting, oversight and accountability, and making arrangements with the agencies to which

children will be referred. CLM, therefore, promotes integrated action and reduces duplication of services.

2. Since child labour is often a high-profile issue, CLM has been used to highlight the work of the labour inspectorate and its importance in sustaining and enforcing laws related to protection of children and decent work. Through training on child labour, CLM strengthens the capacity of the labour inspectors and provides them with additional eyes and ears on the types of work beyond registered establishments, for example, work in the streets, on farms, in isolated rural areas (forests, mines, grazing lands), in home-based workshops, and domestic service.
3. CLM is a way of reaching micro-enterprises, very small-scale employers, and self-employed youth and engaging them in dialogue that often contributes to a change in mind-set and behaviour. CLM is a non-threatening means of raising awareness and sensitizing employers about the special vulnerabilities of youth. Safe workplaces for children of legal working age are also safer for adult workers and more productive for the owner/employer.

The structural elements in CLM

Institutional framework

- ▶ National interagency bodies for authorization, oversight and reporting
- ▶ Local interagency committees for case review and referral

Local monitoring units

- ▶ the monitors, the "eyes" (respected community members, existing groups, retired teachers, or specially hired 'child labour monitors')
- ▶ the service providers (schools, vocational training centres, counsellors)

Information management system

- ▶ forms for inputting information about the child and the employer
- ▶ an electronic database or paper filing system
- ▶ persons to analyse and compile the information and prepare reports
- ▶ agreements on who receives the reports and follow-up actions to take

Labour inspectorates are crucial partners in CLM. However, since most child labour is found in the informal economy in areas that are not easily accessed by labour inspection, other partners must be enlisted to find and follow-up on children who are at risk of exploitative work. These include employers' and workers' organisations and other stakeholders that have access to home-based workshops, farms, fishing areas or even the shadowy world of illicit sectors.

Child labour monitors offer additional hands and eyes to official inspectorates, complementing labour inspectors' traditional access to larger, formal economy enterprises. Monitoring systems are designed to support labour inspectorates; they are not private, parallel systems.

Below is a summary of the legal authorities of labour inspectors and child labour monitors in a nutshell.²²

Summary: Legal authorities of labour inspectors and child labour monitors		
	Labour Inspector	Child Labour Monitors
Right of entry to workplaces without notice	Yes.	No, only with previously granted permission from the business owner.
Right to carry out inspections and investigations at the workplace;	Yes.	No, a Child Labour Monitor can only visit workplaces with previously granted permission from the business owner.
Power to remove children under the legal working age entirely from the workplace.	Yes.	No, a Child Labour Monitor can only report on and refer a case of illegal child employment to law enforcement or other authorities.
Power to require employers and employees to supply information relevant to an inspection or investigation;	Yes.	No.
Right to require the immediate stoppage of working activities in the case of serious health and safety risk. In some member States this serious risk must also be immediate – in others the serious risk may be delayed, as in the case of latent health effects	Yes.	No, a Child Labour Monitor can only refer a case to law enforcement authorities.
Right to examine records and reports relevant to health, safety and working conditions to apply, or to arrange the application of sanctions when these are deemed to be necessary.	Yes.	No.
Conclusion	Labour inspectors are law enforcers.	Child Labour Monitors are observers who refer cases of child labour to the labour inspectorate.

22 ILO-IPEC e-Learning tool on Child Labour for Labour Inspectors and Child Labour Monitors. 2014

Obligation of labour inspectors

Integrity, Independence and Impartiality: Inspectors are prohibited from having any direct or indirect interest in the undertakings under their supervision. In most countries, this prohibition is set out in the conditions of service of the civil servants and in special provisions. The status of public officials confers independence to labour inspectors, which must be complete in respect to both changes of government and improper external influences. The independence and impartiality of the inspectors are essential conditions if the two parties, employers and workers, are to have full confidence in their objectivity and neutrality when they are applying the law.

Inspectors must adopt the highest standards of professional integrity, including a set of values and principles that guide their actions including trustworthiness, honesty and courtesy. Their conditions of service should be such that they are protected from any kind of corruption. This implies a prohibition of accepting gifts or services from employers or workers. Integrity guarantees the credibility of public inspectors and their actions and decisions.

Professional secrecy: Inspectors may not reveal, even after leaving the service, any manufacturing or commercial secrets or working processes, which may come to their knowledge in the course of their duties. Inspectors are generally bound to secrecy because of their status as civil servants, in accordance with the legal provisions applicable to the civil service. This obligation is often included in the written undertaking that they must sign or the oath that they must swear on taking up their duties. They undertake to observe secrecy, not only for the period of their employment, but also for life. Normally, in the event of a breach of professional secrecy, inspectors are liable to disciplinary penalties in force in their public service, without prejudice to civil or penal penalties.

Confidentiality regarding the source of complaint: Inspectors must treat as confidential the source of any complaint and shall give no intimation to the employer or his representative that an inspection visit was made in consequence of the receipt of such a complaint. This obligation arises from the dual concern to protect workers who have made complaints and to render the inspector's work more effective. If this duty was not respected, workers would be reluctant to report infringements for fear of possible reprisals from employers.

Professionalism and competency: A high standard of professionalism is required in labour inspection. Employers and workers take advice and turn to labour inspectors only if the latter are perceived as a professional and competent body from which they can learn.

Inspectors' Duties

Inspectors' duties of providing information and advice to employers and workers include:

- ▶ Explaining the content of the law;

- ▶ Indicating whether legal requirements in a workplace are met or not; and
- ▶ Explaining what needs to be done to comply fully with the law.

Labour inspectors will:

- ▶ Answer any questions workers or their representatives may have related to working conditions, occupational safety and health, social security, and labour rights and obligations;
- ▶ Give information, courses or training to explain both the letter and the spirit of labour legislation, and to ensure that it is better understood, better accepted and, therefore, better applied;
- ▶ Receive complaints, investigate cases and issue any relevant sanctions;
- ▶ Receive requests from employers for technical information or action; and
- ▶ Maintain collaboration with trade union organisations, shop stewards or workers' representatives.

Powers of Labour Inspectors

Right of free entry into any workplace:

The first power of the inspector – without which there would obviously be little inspection-, is that of visiting enterprises.

Labour inspectors provided with proper credentials are empowered:

- ▶ To enter freely and without previous notice at any hour of the day or night any workplace liable to inspection; and
- ▶ To enter by day, any premises which they may have reasonable cause to believe to be liable to inspection.

On occasions, labour inspectors announce their visits in order to provide the employer time to get together any relevant information, alert managers and workers to the timing of the visit and arrange meetings to facilitate the inspector's visit. The disadvantages of announced visits include mainly window dressing, senior management being deliberately absent and documents being "missing". Employers and their representatives should facilitate the access of accredited inspectors to the workplaces in order for them to be able to conduct their duties efficiently.

Right to free investigation: Inspectors are authorized to carry out any examination, test or enquiry which they may consider necessary in order to ascertain that the legal provisions are being strictly observed. This implies the right to interrogate, alone or in the presence of witnesses, the employer or the staff, the right to require the production of any books, registers or other documents the maintenance of which is prescribed by national laws or regulations and the right to take samples for purposes of analysis. Employers should be open and ready to facilitate inspectors with all required

documentation that is required. Full cooperation from employers can lead to a constructive dialogue to find solutions to identified challenges or non-compliances.

Powers of injunction: Labour inspectors are empowered to take steps with a view to remedying defects observed in plant, layout or working methods which they may have reasonable cause to believe constitute a threat to the health or safety of the workers. With a view to “remedying defects observed”, the inspector can either draft an order allowing the employer a specified period in which to rectify matters or require immediate measures to be taken in the event of imminent danger. In some cases, injunctions may require employers to submit plans to the inspectorate, specifying how they will comply with them. Failing to follow the injunction leads to either administrative measures or/and sanctions, including in certain countries, arrest and possible prison sentences. In deciding whether to prosecute, inspectors take into account the seriousness of the offence and its consequences, and whether it is a case of recidivism. Inspectors’ professionalism confers margins of freedom and discretion to make the most appropriate decisions in relation to the action to be taken (warning, injunction or legal proceedings). Decisions taken by the inspector are generally subject to a right of appeal by the employer, to prevent or rectify possible abuses. Appeals procedures will vary from one country to another.

Ability that influence others

Labour inspectors are professional civil servants, and as such, they should be thoroughly competent and able to carry out their work in accordance with high technical standards. This implies good selection processes, high academic qualifications on entry into service and in-service training.

A useful way of thinking about the authority of inspectors (that is, their ability to influence others) is to see it as exercised in four different but related forms, namely “position”, “technical”, “person” and “attitudinal”.

Position: is conferred by the labour law and regulations, giving them rights to enter workplaces, carry out examinations, tests and enquiries, interview employers and workers, and take steps to remedy defects which they have reasonable cause to believe are a threat to workers’ safety and health. Special provisions must regulate inspectors’ access to places where child domestic workers are employed or where children work in private homes. Such powers are important but are not sufficient in themselves to ensure compliance with the law.

Technical: derives from the inspectors’ detailed knowledge of the law and regulations and their ability to advise employers on how to comply, their technical knowledge in specialized areas, and their ability to analyse work processes and identify problems. Besides knowing the measures that must be taken to protect workers in general and working children in particular, they must be able to maintain records, collect statistics, analyse data and write reports.

Person: includes the ability to relate to other people, to motivate and persuade people, to gain the confidence and cooperation of others and to avoid and resolve conflict situations. It derives from the inspector's personality and ability to use his/her position and knowledge persuasively and from their knowledge of human relations.

Attitudinal: involves achieving a suitable balance between position power, technical power and person power and then having the determination and commitment to carry through the job. It means addressing all the parties concerned with an equal degree of empathy and understanding, but remaining independent and impartial and ultimately being, decisive and confident. These are the essential skills of the effective inspector. The complexities and sensitivities of child labour make it particularly important to achieve this balance and ensure the effectiveness of the inspection process.

Current challenges to effective child labour inspection

The barriers to effective compliance with international standards can be many, including political, legal, economic, structural and cultural factors, and they can appear at any level – from national to the field.

Lack of clear legislation

Too often, after an ILO child labour Convention has been ratified, the incorporation of its provisions into policy may be very slow. If the national laws are not revised, or new and more effective legislation adopted, labour inspectors have nothing to enforce. In many countries, the necessary legislation was enacted only after a long struggle by groups of citizens who denounced the exploitation of children by unscrupulous employers. Promoted by public opinion and adopted by policy-makers, labour legislation accompanied by inspection made it possible to decrease the number of children at work and abolish the most scandalous situations. Labour policy and legislation is not the only legal framework that is needed. Registration of births, necessary to prove age, may not exist or not be followed. There may also not be adequate legislation on compulsory education to provide alternatives for the children removed from work. Lastly, employers in many parts of the world may choose not to know, or more often actually do not know the law or the extent and seriousness of the risks to the health and safety or morals of the children who work for them.

The job of understanding, explaining and ultimately enforcing the law becomes difficult and at times virtually impossible if there are gaps in the law, varying minimum ages, confusing and different (or the absence of) definitions of hazardous and non-hazardous work (or of acceptable light work), or out-dated and excessively complex regulations spread through fragmented and sometimes inconsistent laws.

Lack of political will

In addition to the lack of political will as evidenced in the failure to ratify, or, if ratified, fully to implement international conventions, a major obstacle to good labour inspection is the lack of financial support. In some developing countries, the whole labour administration system receives less than 1 per cent of the national budget. But the cost to the state of poor labour protection, in the form of accidents, illnesses, absenteeism, abusive exploitation, industrial conflict and the like is often in excess of 5 per cent of total gross domestic product. And there is considerable evidence that an effective and efficient labour inspection system can significantly reduce these losses. The cost to the state of child labour – in the case of children whose adult work years are shortened by disease, or whose productivity is grossly curtailed due to lack of education – is almost incalculable.

The most tangible evidence of political commitment is expressed in terms of adequate pay and other conditions of employment to attract, train and gainfully employ inspectors who are competent and independent, as well as providing the equipment they need, such as transport and running costs, to carry out their duties. Labour inspectors in the field are regularly adversely affected by organizational deficiencies such as lack of training, lack of transport, lack of information and guidance, lack of clear programmes and priorities and a lack of support when dealing with the particularly sensitive and intractable problem of child labour. They must also be adequately paid so that they are not open to bribery/unethical behaviour, which sadly affects the public services in some countries. If technical and administrative support for inspectors in the field is inadequate, they will feel isolated and will perform poorly. Labour inspectors sometimes feel they have little control over the political and social environment in which they operate. It is hard for them to single out child labour abuse in workplaces where other labour regulations are being ignored. It is frustrating when, on the one hand, they are asked to enforce the rules while, on the other hand, the underlying message is not to disrupt the economy. Inspectors' status needs to be substantial enough to enable them to deal with the pressures they encounter because of the threat they appear to represent to important economic interests. Political will should translate into support for inspectors when they meet resistance and defiance. It involves, as well, recognition and respect from the higher political levels as well as from the community. Lack of political will inevitably undermines their morale and their confidence, as well as weakening their determination to withstand pressures.

Fragmented labour inspection

The labour inspectorate may be responsible for identifying child labour as well as overseeing general employment conditions, rates of pay, overtime and the resolution of disputes between workers and employers. Factory inspectors or occupational health and safety inspectors who generally operate in the formal sector will give attention to the mechanical, chemical, and ergonomic hazards in the worksite. Like labour inspectors, they are usually few in number considering the need, and their inspections do not bring them into contact with those children at greatest risk. If labour inspectorates

are fragmented and effective arrangements for cooperation and coordination are absent at the top (and/or lower levels), local labour inspectors may have no contact with those responsible for parallel or particular aspects of child labour. For example, they may have no connection with police authorities who are combating illicit activities such as prostitution, pornography or drug trafficking, or with occupational health and safety inspectors who are investigating hazards. Without appropriate arrangements for coordination or information sharing, there can be rivalry and competition, duplication of work, and waste of scarce resources, or more often, each authority leaving the problem to the other. And yet labour inspectors with their wide responsibilities and geographical coverage could so usefully be the eyes of the authorities and other stakeholders, for instance the police, telling them of suspected illicit activities and, if unable to deal with particular health and safety issues themselves, drawing the attention of occupational health and safety inspectors to deal with particularly complex or serious cases of hazardous employment of children. In the meantime, ministers and senior officers should ensure that there is the closest practical cooperation between existing bodies at every level.

Lack of access to the informal economy

One very practical problem is finding and gaining access to the type of workplaces where child labour most commonly occurs – the unregulated side of the economy. If labour inspection activities are planned solely on the basis of the official register of businesses, they will cover only a fraction of the establishments in the country, and certainly none of the informal sector. And it is not often that any significant number of child workers will be found in these officially registered businesses, at least in industrializing countries. In some countries inspectors visit only registered, established, large or medium-sized, and in many cases, exclusively urban formal sector enterprises. Limited resources may inhibit inspectors from carrying out their advisory and enforcement functions in small businesses in the informal sector, but also tradition plays a part as well. To track down cases of child labour, inspectors would need to get out into the community and extend their actions to new areas. They might encounter roadblocks in the form of laws which bar them from small workshops with less than five employees or, as in the case of domestic service, “invisible” workplaces such as the child’s own or somebody else’s home, since in many countries, the law provides that when workers live and work on the same premises, the occupier’s permission is required before those premises may be entered. They may also fear that, in these unknown settings, they will be threatened and even suffer physical violence. In addition, there are practical problems of identifying shifting workplaces in the informal sector (e.g. the street). Remote places of employment are particularly challenging and some, such as offshore fishing platforms, are almost inaccessible. In the informal economy, complex and diffuse employment arrangements can complicate enforcement, as it is not always clear who is to be held accountable when it is not the owner of the business but middlemen who recruit and pay the children, sometimes clandestinely. Even formal sector companies may rely on complicated informal sector supply and sub-contracting chains that make it difficult to identify employer-employee relationships.

Cultural issues

Action against child labour may also encounter cultural obstacles. Abolishing child labour may be seen as a luxury reserved for those to whom life offers other alternatives. People may feel that because they belong to a certain social category, ethnic class, caste or religious group they have no other options. Child labour may not be seen as an alarming phenomenon in this society. Rather, being idle and a social parasite are greater causes for worry as they may contribute to misconduct and delinquency and are contrary to the values of solidarity within the community. Parents may themselves have worked from a very young age, not having been to school, and may see this as part of a tradition, in which the children of poor families have always worked for their survival and that of the family. They may have no experience of families which escaped this economic constraint. Traditionally too it may have been that only some of the children were able to go to school and to succeed. Whilst awaiting the success of the eldest son or the most intelligent child, the other children had to work to contribute to his or her education.

Society may see work by children as a normal stage in the process of growing up. Hard work when young may be considered as the best form of education and preparation for community life. Even abusive conditions may be tolerated as a way of teaching children the "realities of life" in which they must learn to respect power and authority and their place in the social hierarchy.

A common problem for inspectors is that child workers themselves often strongly resist any efforts to remove them from work. The work provides them with an income, however small, and sometimes the chance to get some minimal training, which, in the face of inadequate schooling followed by unemployment, may well appear preferable. Work also gives children a sense of being grown up. They are proud that they can help their families and support the schooling for a younger sister or brother. Indeed, child workers may not therefore see themselves as victims but as assuming responsibility and earning the respect of their family, themselves and their community. If not gifted at school, they might see themselves as inferior if it were not that work conferred a status of its own. In most cultures, housework performed by young girls, the assistance provided by children in the fields, or running a small shop is not considered to be real work. Children are often considered to be the property of the family with only the parents in a position to decide whether they have to work, go to school or stay at home. Nobody but the parents or those to whom they delegate their authority is entitled to interfere with them or their future. Inspectors have therefore also to counter a large number of cultural beliefs and attitudes. There is also a lack of understanding of the inspector's role, suspicion of him or her as a prying outsider and fear that if their children are found to be illegally employed, the parents themselves will suffer punishment.

Economic issues

Poverty was noted earlier as one of the key causes of child labour along with other economic factors such as the perceived cost advantages of using child labour. The labour inspectorate is confronted with the reality of this face to face on the ground. Inspectors see the poverty, the economic powerlessness of the prime producers or service providers and the lack of any trade union presence in many sectors, and they are acutely aware of the economic consequences for the family of removing children from work in certain circumstances. This is very different from prosecuting a large corporation for violations of laws protecting adult workers. There is, in fact, a vicious circle of under-development and child labour. Economic under-development is associated with low productivity which in turn results in low living standards, low incomes and inadequate food, education, training, housing, hygiene, sanitation and health care. These conditions reduce the capacity to work and contribute to fatigue, premature ageing, accidents, disease, and absenteeism. These in turn lead to reduced income, indebtedness and increased poverty. There is then increasing pressure for the employment of children which results in low school attendance rates, low levels of general and vocational education, low wages and continuing lack of adequate food, housing and health care. The consequential low capacity to work and to consume completes the circle of economic under-development. This is the cycle that inspectors see, not as economic theory, but in the lives of real people. Traditionally, inspectors have been asked to intervene at one point only in the circle without being able to influence the prior conditions or ameliorate the consequential damage. With the new "culture of prevention" approach described below, this sense of powerlessness can change. Employers often argue that child labour is necessary to enable them to remain competitive within their own country or internationally. Those industries with a worldwide export market are susceptible to pressure from public opinion or consumer groups, but compliance by purely domestic industries and services is much more difficult to achieve and requires special approaches. In either case, although the threat of sanctions or boycotting products made with child labour seems to be a way of achieving compliance by employers, it has several drawbacks: it can drive the children into more dangerous or degrading forms of work or even less visible and more exploitative workplaces, and secondly the effect may be short-lived because the attitudes of employers, families and young employees about child labour have not been changed. They will also be ineffective if fines are low, the judicial system not supportive, or if the inspectors themselves perceive no alternatives for parents in extreme poverty who need to put their children to work in order to feed the family. Strict enforcement alone – except in the case of evident life-threatening hazards – is unlikely to be successful in the longer term without additional measures that make it cost-effective for the family to release the child from work.

Characteristics of labour inspectorates that were successful in fighting child Labour

Based on the following good practices of labour inspections in combatting child labour, some common points can be identified, indicating some characteristics that could be replicated and adapted to other realities:

1. One fundamental aspect for improving inspection procedures is being able to count on reliable databases, suitable for an effective “intelligence” system for identifying which enterprises are to be inspected, as well as for collecting and systematizing information on completed inspections. The importance of relying on these sources of information stands out in all the good practices analysed. This is the case of the Brazil’s Federal System of Labour Inspection (SFIT), the Information System on Child Labour Hotspots (SITI), and the Slave Labour Monitoring System (SISACTE).*
2. Furthermore, in Brazil, the adaptation of the Special Group of Mobile Inspection model used in combating forced labour to the maritime sector, with the creation of the National Mobile Group for the harmonization of procedures in different Brazilian states, shows how certain tools or processes can be successful in other inspection areas, when implemented with the necessary modifications.
3. The coordination with stakeholders especially other government entities can significantly boost inspection results, especially in countries where resources are scarce and the number of inspectors may not be ideal. This is the case of the experiences in combating child labour, combating forced labour, and fishery inspection, just to cite a few examples.

*Source ILO (2010): ITC-ILO Curriculum on “Building modern and effective labour inspection systems”, Geneva

See ILO eLearning course on child labour: <http://www.ilo.org/ipec/Informationresources/elearning/lang--en/index.htm>.

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