

Liberia Child Labor Manual and Rapid Reference Cards

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Lawyers Without Borders

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Child Labour: Hazardous Work Rapid Reference Card™ • Liberia

ILO CONVENTION NO. 182 ON THE WORST FORMS OF CHILD LABOUR (1999)

ABOUT THE CONVENTION

Adopted by: International Labour Organization (ILO)

Full name: Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour

Effective: 19 November 2000 **Ratified by Liberia:** 02 June 2003

DEFINITION OF TERMS

“Child” means any person **under the age of 18** 2

“Worst Forms of Child Labour” (WFCL) include:

- All forms of **slavery** and similar practices, such as child trafficking, debt bondage, compulsory labour, and forced recruitment of children into armed conflict 3(a)
- Using, procuring, or offering a child for **prostitution**, or for producing **pornography** or similar performances 3(b)
- Using, procuring, or offering a child for **illicit activities**, particularly the production or trafficking of **drugs** 3(c)
- Work likely to harm the **health, safety, or morals** of children. 3(d)

WORST FORMS OF CHILD LABOUR

The types of work likely to harm the health, safety, or morals of children shall be determined by national laws or competent authority, taking relevant international standards into consideration 4(1)

- The list of these types of work shall be periodically examined and revised as necessary 4(3)

In ratifying ILO C182, Liberia has committed to taking measures to:

- **Prevent WFCL** 7(2)(a)
- **Remove** children from WFCL and provide for their **rehabilitation** and social integration 7(2)(b)
- Ensure **free education** and, when possible, vocational training for children removed from WFCL 7(2)(c)
- Identify and reach out to **special risk** children 7(2)(d)
- Consider the special situation of **girls** 7(2)(e)

ILO RECOMMENDATION NO. 190 ON THE WORST FORMS OF CHILD LABOUR (1999)

ABOUT THE RECOMMENDATION

This Recommendation is intended to supplement the provisions of Convention No. 182 (see above), to which Liberia is a party.

HAZARDOUS WORK

In determining WFCL, consideration should be given to work:

- That exposes children to physical, psychological, or sexual **abuse** 3(a)
- Done **underground, underwater**, at dangerous heights, or in **confined** spaces 3(b)
- Involving dangerous **machinery, equipment, and tools**, or the manual handling or transport of **heavy loads** 3(c)
- In an **unhealthy environment**, e.g. those that may expose children to hazardous substances or processes, or to temperatures, noise levels, or vibrations damaging to their health 3(d)
- Under particularly **difficult conditions**, e.g. long hours, night work, or unreasonable confinement 3(e)

For these hazardous types, national laws may authorize work from the **age of 16 if health, safety, and morals are protected, and specific instruction or training is provided** 4

IMPLEMENTATION

The following WFCL should be deemed criminal offenses:

- All forms of **slavery** or practices similar to slavery 12(a)
- Involving a child in **prostitution** or **pornography** 12(b)
- Involving a child in **illicit activities**, particularly drug production or trafficking 12(c)

Member states should **prosecute and register** those involved in the offenses listed above 11

National laws or the competent authority should determine the **persons to be held responsible** in case of noncompliance with national provisions against WFCL 10

Member states should ensure that **penalties are applied** for violations of national provisions against WFCL, e.g. special supervision of enterprises that have used WFCL and, in cases of persistent violation, temporary or permanent revoking of permits to operate 13-14

HAZARDS COMMON TO MANY SECTORS

- Long hours
- Sharp objects
- Prolonged outside exposure
- Strong or toxic chemicals
- Heavy loads
- Dusty environment
- Isolation
- Exposure to loud noises or vibrations
- Exposure to sexual abuse or exploitation

Citation numbers within a section refer to articles of the document discussed under that section.

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SECTORS AND ACTIVITIES HIGHLY SUSCEPTIBLE TO HAZARDOUS CHILD LABOR

SERVICES

17.4% of working children aged 5-14 in Liberia work in the service sector

Specific activities:

- **Domestic work**
- **Work in commercial services**, e.g. entertainment or dining
- **Street work**, e.g. vending, begging, hawking goods

Hazardous tasks in these areas include:

- **Household chores and maintenance** involving sharp equipment or tools, and/or toxic chemicals
- **Cleaning** with strong or toxic chemicals
- **Cooking** with sharp blades, hot pans, stoves, or other appliances inappropriate for the age or strength of the child
- **Gardening**
- **Use of a lawnmower, tractor or related appliance or vehicle**
- **Gathering fuel, water, or groceries**
- **Scavenging**
- **Garbage collection**
- **Street trading or begging**
- **Work in restaurants** involving dishwashing, cleaning floors or scrubbing toilets
- **Work in lewd shows, cabarets, dance halls, bath houses, massage clinics or escort services**
- **Entertainment**, such as bartending, massaging, dancing and / or waiting tables in establishments serving alcohol
- **Dealing or taking bets in casinos**

INDUSTRY

4.2% of working children aged 5-14 in Liberia work in the industry sector

Specific activities include:

- Mining for **diamonds** and **gold**
- Cutting and crushing **stone**
- **Construction**

Hazardous tasks in these industries include:

- **Tunnelling**
- **Digging or hand-picking ore, slabs, rock, or sand**,
- **Crushing and amalgamating, sieving, washing, and sorting stone**
- **Removing waste or water from mines**
- **Selling goods and services to miners**
- **Mineral extraction and quarrying**
- **Lead extraction**

INDUSTRY CONT.

- **Painting**
- **Work with earth movers**
- **Work with nail pistons**
- **Welding**
- **Engineering**
- **Freezing materials**
- **Drilling**
- **Construction, demolition or excavation**
- **Carpentry**
- **Drilling**
- **Maintenance of machinery used for any of the above.**

AGRICULTURE

78.4% of working children aged 5-14 in Liberia work in the agricultural sector

Specific activities include:

- Production of **rubber**
- Production of **charcoal**
- **Farming** activities, e.g. production of cocoa, coffee, or cassava and / or the slaughter of animals

Hazardous tasks in these industries include:

- **Carrying heavy loads** unsuitable to the child's age and / or physical development
- **Weeding and harvesting**
- **Caring for and/or slaughtering farm animals**
- **Hunting wildlife**
- **Herding cattle**
- **The processing and preservation of fish and meat products**
- **Work in any way connected to fishing**, including deep-sea fishing and diving to chase fish into nets.
- **Handling, mixing, or spraying agrochemicals**, including pesticides, herbicides and insecticides
- **Climbing trees**, e.g. to trim the trees, to pick fruit or to collect latex from rubber trees
- **Using sharp or motorized farm tools**
- **Driving tractors or other farm machinery**
- **Tilling soil**
- **Work involving woodworking machines**, circular saws, guillotine saws, files, grinders or mixers
- **The installation, excavation, cleaning, or repair of a well**
- **The preservation of food or other perishables by freezing**
- **Adding chemicals to masticated rubber**
- **Vulcanizing rubber at high temperatures**
- **Arduous outdoor work** involving heavy lifting, pulling, pushing or any other type of related labor

Sources: ILO International Programme on the Elimination of Child Labour, "Children in hazardous work: What we know, what we need to do" (2011); United States Department of Labor, "2015 Findings on the Worst Forms of Child Labor"

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INTERNATIONAL EXAMPLES OF HAZARDOUS WORK REGULATION FOR CHILDREN

HOURS REGULATION

Education

USA: Workers under the age of 16 must have hours confined to periods that will not interfere with their schooling*Fair Labor Standards Act 29 U.S.C. §203(1)*

Norway: Children who are under 15 years of age or are attending compulsory education shall not work between 20:00 and 06:00 *Working Environment Act §11-3(2)*

Health / Wellbeing

Norway: Workers between 15 and 18 years of age who are not attending compulsory education shall have an off-duty period of at least 8 hours, including the time between 23:00 and 06:00 *Working Environment Act §11-3(2)*

Liberia: A child who has not yet attained the age of 16 years may not be employed for more than 7 hours in any day, or for more than 42 hours in any working week... *Decent Work Act § 21(5)*

India: No child shall be permitted to work between 19:00 and 08:00, to work overtime, or to work in an establishment on a day when she or he has already been working in another establishment*Act No. 61 of 1986, §7*

MINIMUM AGE

Education

Ghana: Minimum age for a child to do light work is 13 years. Light work is defined as work that is not likely to be harmful to the child's health or development and that does not affect her or his capacity to benefit from school work*Act 560, §90*

Sierra Leone: Minimum age for a child to begin an apprenticeship is the later of 15 years or completion of basic education *The Child Rights Act, §135*

Health / Wellbeing

China: Recruitment of workers under the age of 16 is illegal, under penalty of a fine per child worker per month of employment, repatriation of child workers at employer's expense, and possible revocation of business license.*Regulations Banning Child Labour, Art. 2*

Ghana: Minimum age for hazardous work is 18 years. Work is defined as hazardous when it poses a danger to the health, safety, or morals of a person*Act 560, §91(1-2)*

LIMITATIONS ON TYPES OF BUSINESS

Vulnerability to Sexual Exploitation

Liberia: Children are prohibited from work that exposes them to physical, psychological or sexual abuse.*Decent Work Act § 21(4)*

Ghana: Hazardous work includes work in places where a person may be exposed to immoral behaviour, e.g. bars, hotels, or places of entertainment.*Act 560, §91(3)(f)*

Korea: Entertainment establishments are prohibited from hiring persons less than 19 years of age*Juvenile Protection Act, Art. 5, 24, 50*

Exposure to Dangerous Substances

Liberia: Children are prohibited from work that exposes them to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health*Decent Work Act § 21(4)*

Ghana: Hazardous work includes industries where chemicals are produced or used*Act 560, §91(3)(d)*

Nepal: No one may engage a child in the sale, distribution, or smuggling of intoxicating substances*Rules 2062, Sch. 1€*

Cote D'Ivoire: Children may not work with agricultural chemicals, veterinary products, septic tanks, or household refuse*Arrêté n° 2017-017, Art. 7*

Dangerous Environments

Cote D'Ivoire: Children may not work in forging, dyeing, construction, or leather tanning*Arrêté n° 2017-017, Art. 7*

Ghana: Hazardous work includes going to sea, mining, and quarrying*Act 560, §91(3)(a-b)*

LIMITATIONS ON TYPES OF WORK

Dangerous Environments

Costa Rica: Work in which a minor is responsible for his / her own safety or the safety of others is prohibited*Childhood and Adolescence Code, Art. 94*

Nepal: No child may work underground, underwater, or at excessive height.*Rules 2062, Sch. 1E*

Jordan: Work in dusty, noisy, or extremely hot or cold environments is forbidden*Labor Code No. 8 of 1996*

Dangerous Tools or Heavy Loads

USA: Minors are prohibited from operating power-driven machines*29 CFR Part 570, Subpart E*

Liberia: No child may work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads.*Decent Work Act § 21(4)*

Ghana: Hazardous work includes portage of heavy loads.*Act 560, §91(3)(c)*

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ILO CONVENTION 138 ON MINIMUM AGE

MINIMUM AGE FOR LIGHT WORK

Notwithstanding the general minimum age for employment, Member States may permit persons 13 to 15 years of age to engage in "light work".....7(1)

Less developed nations may adopt regulations permitting persons 12 to 14 years of age to engage in light work.....7(4)

LIGHT WORK

Light work is work that:

- Is not likely to be harmful to a child's health or development; and.....7(1)(a)
- Does not prejudice the child's attendance at school or participation in vocational training programs.....7(1)(b)

DECENT WORK ACT

Children at least **13 years of age** may perform light work

- For up to 2 hours per day
- For no more than 14 hours per week

Light work is work that:

- Is not likely to be harmful to a child's health safety, moral or material welfare or development; and
- Will not prejudice the child's attendance at school or their capacity to benefit from instruction.....
.....Decent Work Act (2015) 21.3

INTERNATIONAL EXAMPLES OF PERMISSIBLE LIGHT WORK BY SECTOR

LIGHT DOMESTIC WORK

Guinea: Apprenticeships as a kitchen boy, kitchen assistant, errand boy, babysitter.....*Elimination of Child Labor, Protection of Children and Young Persons Art. 419*

UK: Domestic work in hotels and other establishments offering accommodation, babysitting.....
.....*Guidance on the Employment of Children at 7, 18*

AGRICULTURAL WORK

Democratic Republic of the Congo: Harvesting grain, leaves (vegetables) and fruits except bananas and coconuts unless the harvesting is done on the ground; manual deseeding of fruits and grains; sorting vegetables; preparing a nursery; caring for small and barnyard animals.....
.....*Ministerial Order No. 12 of 2008*

Ivory Coast: Measure, sort, dry, collect, plant, cut strip, harvest, fruits, vegetables, grains, and firewood.....
.....*Order No. 2017-016 MEPS/CAB of June 2, 2017 Art. 2*

COMMERCIAL SETTING

Democratic Republic of the Congo: Selling newspapers and peddling that does not include transporting heavy merchandise; surveillance practiced by orderly bellboys, doormen, and day guards.....
.....*Ministerial Order No. 12 of 2008*

Ivory Coast: Selling products in shops (except alcohol); arrange light goods in store aisles (except flammable goods); waiting or cleaning tables (except alcohol); washing dishes.....*Order No. 2017-016 MEPS/CAB of June 2, 2017 Art. 2*

UK: Delivery of newspapers, shop work including shelf stacking, hairdressing salons, office work or work in a restaurant or café (provided work is not done a kitchen).....
.....*Guidance on the Employment of Children at 7*

OTHER WORK

Democratic Republic of the Congo: Basketwork.....
.....*Ministerial Order No. 12 of 2008*

Ivory Coast: Ginning and spinning.....
.....*Order No. 2017-016 MEPS/CAB of June 2, 2017 Art. 2*

India: Assisting family in non-hazardous work after school hours or during school breaks.....*Child Labour Prohibition and Regulation Amendment Act of 2016 Sec. 5*

Sources: The Department for Children, Schools and Families (UK), "Guidance on the Employment of Children" (2009).

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Minimum Age for Employment: International and Domestic Law Rapid Reference Card™ • Liberia

MINIMUM AGE REGULATION

Liberia's minimum age for employment is 15 years.....DWA § 21.2

ILO Convention No.138

- Liberia has not ratified the ILO's Convention No. 138 on Minimum Age ("C138")
- C138 provides that less developed nations may initially establish a minimum working age of 15, and that they should aim to raise this to 16 years.....I-R II(7)
- Member States must establish the same minimum age for employment in all sectors.....I-R II(6)

EXCEPTIONS TO THE CONVENTION

- C138 provides that certain exceptions may be made for participation in artistic performances or limited categories of employment in which special and substantial application problems arise.....I-C 4
- Persons 13 to 15 years of age may be engaged in "light work", which is work that is not likely to be harmful to their health or development and not likely to prejudice their school attendance or participation in certain vocational orientation or training programs.....I-C 7(1)

SCOPE OF THE CONVENTION

- C138 does not apply to work done by: children in training institutions for general, vocational or technical education....I-C 6
- **Despite any exception, ILO C138 shall be applicable at a minimum to:** mining and quarrying; manufacturing; construction; electricity, gas and water; sanitary services; transport, storage and communication; plantations and certain specified agricultural undertakings.....I-C 5(3)

CONDITIONS OF EMPLOYMENT

C138 provides that special attention should be given to:

Fair Remuneration

- All women and men are entitled to equal remuneration, which means remuneration established without discrimination based on sex, for work of equal or comparable value.....DWA, § 2.5

Limitations and Restrictions of Working Hours:

- Under 16 years of age: no employment for more than 7 hours in any day, or more than 42 hours in any working week.....DWA, § 21.5

Rest Periods

- One or more daily rest periods totalling at least one hour. Prohibited to work over four consecutive hours.....DWA, § 21.5
- One daily rest period of at least twelve consecutive hours between ending and recommencing work.....DWA, § 17.9
- Weekly rest period of at least 36 consecutive hours which unless otherwise agreed in writing, shall include Sunday.....DWA, § 17.10

Annual holiday

- Children shall be entitled to the same annual leave as adults and to a further period of annual leave equivalent to the number of working days in one week.....DWA, § 21.5

Social Security Coverage

- Ten days paid sick leave for every year (accumulative throughout service) at same remuneration they would have received had they worked on that day....DWA, § 19.2
- Three single days of paid sick leave in any period of twelve month's service with their employer, without the requirement to establish that they were unwell and for that reason unable to attend for work.....DWA, § 19.3

(cont'd on next page)

WORK AGES UNDER C138

	Ordinary Work	Light Work	Hazardous Work
General rule or less than the age of completion of compulsory schooling	15 years	13 years	18 (16 provided that young persons are fully protected and have been given adequate training)
Developing Countries	14 years	12 years	18 (16 provided that such young persons are fully protected and have been given adequate training)

KEY:

I-C refers to ILO Convention No. 138 On The Minimum Age For Admission To Employment

I-R refers to ILO Recommendation No. 146 Concerning Minimum Age For Admission to Employment (1973)

L-DWA refers to Liberia's Decent Work Act (2015)

Minimum Age for Employment: International and Domestic Law Rapid Reference Card™ • Liberia

CONDITIONS OF EMPLOYMENT (CONT'D)

Liability for medical treatment

- Employer shall be liable for the payment of the reasonable expenses of medical treatment for any employee's work-related injury.....DWA, § 31.6

Duty of employer to formulate safety and health policy

- Duty of every employer or self-employed person to develop, as appropriate in consultation with employees, and with such other persons as the employer considers necessary, a policy relating to occupational safety and health.....DWA, § 25.2(a)
- The policy shall enable effective cooperation between the employer and the workers in promoting and developing measures to ensure the workers' safety and health and the organization and arrangements for the time being in force for carrying out that policy.....DWA, § 25.2(b)
- The policy shall provide adequate mechanisms for reviewing the effectiveness of the measures or the redesigning of the said policy, whenever appropriate.....DWA, § 25.2

HAZARDOUS EMPLOYMENT

- Minimum age for employment likely to jeopardize the health, safety or morals of young persons ("**hazardous employment**") shall not be less than **18 years** I-C 3(1)
- Such employment **may be permitted at age 16** where the health, safety and morals of young persons are protected and adequate instruction/training is provided I-C 3(3)
- Such types of employment shall be determined by national laws, regulations or competent authority.....I-C 3(2)
- If minimum age for hazardous employment is below 18 years, immediate steps should be taken to raise it to 18.....I-R III(9)
- C138 provides that, in applying Art. 3 of C138, international labor standards should be considered, and the list should be regularly re-examined and updated if necessary.....I-R III(10)

Definition of 'Child'

A child is a person under the age of 18..... DWA, § 1(4)(c)

Where a minimum age is not immediately fixed, one should still be established for types of work that are hazardous I-R III(11)

Types of work that are prohibited for children

The following types of work are prohibited for children:

- Work that exposes children to physical, psychological or sexual abuse.....DWA, § 21.4(a)(i)

(cont'd)

HAZARDOUS EMPLOYMENT (CONT'D)

- Work underground, under water, at dangerous heights or in confined spaces.....DWA, § 21.4(a)(ii)
- Dangerous machinery, equipment and tools, or involving the manual handling or transport of heavy loads....DWA, § 21.4(a)(iii)
- Work in an unhealthy environment which may, for example,
- Work that exposes children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health.....DWA, § 21.4(a)(iv)
- Particularly difficult conditions such as work for long hours or during the night, or work where the child is unreasonably confined to the premises of the employer.....DWA, § 21.4(a)(v)

The Minister shall make regulations:

- Specifying further the types of work that may be prohibited to children under this section;DWA, § 21.4(b)(i)
- Identifying hazardous processes, temperatures, noise levels, or vibrations damaging to children's health.....DWA, § 21.4(b)(ii)

ENFORCEMENT

C138 provides that necessary measures shall be taken to ensure the enforcement of the Convention..... I-C 9(1)

Special attention should be given to:

- Enforcement of provisions on hazardous types of work; and
- Prevention of employment of children during hours when instruction is available, in so far as education or training is compulsory I-R V(15)

Member States should strengthen as necessary labour inspection and related services, for instance through special training of inspectors..... I-R V(14)(1)(a)

Member States shall prescribe the registers that shall be made available by the employer, which shall contain the names and ages/dates of birth, certified wherever possible, of persons who employees who are under 18 years of age..... I-C 9(3)

For verification of ages, Member States should:

- Maintain an effective system of birth registration,
- Require employers to keep and make available relevant records, and
- Issue licenses to children working in situations where checking employer records is impracticable..... I-R V(16)

An employer must:

- Keep a register of all employed children, which shall clearly show their names, ages and dates of birth, duly certified wherever possible..... DWA, § 21.5 (d)
- Keep the records throughout the employment of any child, and for a period of 5 years following the termination of their employment DWA, § 21.5 (e)

KEY:

I-C refers to ILO Convention No. 138 On The Minimum Age For Admission To Employment

I-R refers to ILO Recommendation No. 146 Concerning Minimum Age For Admission to Employment (1973)

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