

# **BREAKING DOWN THE WALL OF SILENCE**

## **how to combat child labour**

• Brazil: half a million children work more than 49 hours per week. • U.K.: farms – work accidents: 1 in 5 were children under 15. • India: 16.3 million working children – about 5 % of the labour force. • U.S.A.: 800,000 children under age survive by harvesting crops with their families across America – no childcare despite pesticides. • Africa and Middle-East: 16 million children economically active.



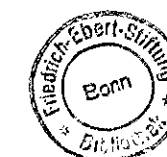
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BREAKING DOWN THE WALL OF SILENCE

HOW TO COMBAT CHILD LABOUR

INTERNATIONAL  
CONFEDERATION  
OF FREE TRADE UNIONS

Rue Montagne aux Herbes Potagères, 37-41  
1000 Brussels  
Belgium



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## CHILD LABOUR

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## BREAKING DOWN THE WALL OF SILENCE

### AN ICFTU REPORT ON CHILD LABOUR

#### Introduction

They can be seen in the dusty streets of India, Colombia or Nigeria, running errands, polishing shoes and selling newspapers and magazines. In Pakistan and Morocco, their nimble fingers have been responsible for the rapid growth of the national carpet industries. In Thailand, they leave their native villages in search of jobs and end up risking moral and physical abuse in the streets of Bangkok. In public and private agricultural enterprises in industrialised countries, a young labour force is also at work.

Children can be seen working all over the world. They work in underground mines. They are sold into domestic service. They labour in pesticide-soaked fields, work in small industrial workshops, sweat it out in textile mills..... The list of jobs they do is endless. The hours they put in are long, their wages either non-existent or unbelievably low.

Yet, the number of children working in the Third World - as well as in many parts of the industrialised world - is not expected to go down in the near future unless stern remedial action - both short- and long-term - is taken. Recession and poverty will continue to compel parents to send younger and younger children to look for jobs to feed their families. And employers looking for ways of making quick money will continue to employ them, despite national legislation which almost everywhere in the world has made the employment of children below a certain age - varying from 12 to 16 - illegal.

But the scandal of exploitation of child labour must be brought to an end. Child workers who are between 5 and 12 years old not only take up jobs which could be performed by adults and lead to a general reduction of adult wages. They also cause serious damage to Third World societies and economies. Family life is disrupted. Children are forced to abandon childhood prematurely and to adopt adult attitudes before they are mentally - and physically - ready to do so.

Even more seriously, by beginning work too early - before they have acquired the necessary training and strength - child workers destroy their chances of becoming energetic, healthy and skilful adult workers. Children who begin to work too early often find themselves without jobs as adults. They are often too unhealthy, tired or unskilled to succeed in the world of adult workers.

Such a situation has, of course, very serious consequences on the economic development plans of Third World nations. No developing country hoping to build up a modern economy can achieve its full potential economic growth without an energetic and healthy work force. Skilled labour is another important factor. But, children who begin work too early do not acquire the necessary skills to make modern Third World economies work. This can make the implementation of Third World development plans difficult, if not impossible.

Experience shows that new economic conditions have a direct impact on a society's development and therefore on its social structures. A major factor is the family's attitude to its children.

In Western Europe, industrial development, which gradually absorbed the subsistence economy, was also conducive to the organisation of workers in trade unions. It was a key factor in speeding up the elimination of child labour. The pioneering task undertaken by the trade unions in the field of workers' education contributed greatly to the achievement of this goal.

Therefore, the International Labour Organisation (ILO) looked at the question for the first time as early as 1919. A minimum age Convention for industrial work was adopted, fixing the minimum age for admission to employment at 14 years. A number of other Conventions and Recommendations have been adopted by the ILO since then, setting minimum ages for children's work in other sectors. The most recent ILO Convention (No. 138) fixes the minimum age for children's employment at 15 (see appendix III).

Today, the impact of the economic crisis all over the world has given a new dimension to the problem of child labour in both developed and developing countries. The implications are sharper and overwhelming. It is the ICFTU's great concern to ensure that the ILO Convention and Recommendation become efficient tools and that effective measures are developed for their enforcement.

A number of countries have ratified the ILO Conventions, but others set lower standards for the admission of children to employment. In any case, even where the ILO standards have been accepted, enforcement of the minimum age requirements can be a serious problem. Employers, parents and indeed the children themselves are reluctant to reveal details about the number of children at work, their wages, the hours they put in. A veritable wall of silence surrounds the problem, making enforcement of child labour laws a very difficult task.

Labour laws and regulations alone cannot change the situation of child workers. While international and national legislation is necessary, long-term measures designed to root out poverty are essential if the problem is to be tackled. Better education, health and vocational training facilities are needed to prevent children from flooding the labour market.

While it is true that the abolition of child labour must remain the long-term goal of all people and institutions, short-term measures must be implemented to stop the most serious forms of exploitation of children: the "sweatshop" system, bondservice and prostitution. Efforts must also be made to improve the conditions of working children as regards payment, working hours, holidays, rest periods, etc.

No single institution or government can fight the problem on its own. As trade unions, we have more than ever an active role to play in informing and alerting public opinion about the problem, and in pressing for government action to combat child labour.

## CHAPTER I. SCOPE OF PROBLEM: A question of millions

1.1 Accurate figures about the number of children at work are extremely difficult to obtain - not only because the definition of "childhood", "work" and "labour" can vary from society to society, but also because employers, parents - and in some cases even children - are reluctant to supply information which could be used to suppress the illegal employment of children.\*

1.2 Estimates drawn up by the International Labour Organisation indicate, however, that there are about 50 to 55 million children under 15 currently working throughout the world. This represents about 11 per cent of the world's child population aged 10 to 14. But even ILO experts recognise that these estimates "may be on the conservative side". Figures cited in various places go as high as 145 million and are seen as "more realistic" by most specialists.

1.3 The problem is, of course, that children under 15 are not included in statistics on the working population in some countries. The same is often the case for children who work while attending school. Furthermore, government figures supplied to the ILO cover only children in regular employment; those who work occasionally - often the most numerous group - are not included. As the ILO Director-General points out in his report\*\* "These difficulties are accentuated by the fact that most children who work do so in the informal and traditional sectors where the instruments for statistical collection and labour inspection are either non-existent or poorly developed". As already pointed out, given the fact that child labour is prohibited in most countries, people also tend to keep quiet about it.

### Still a problem in industrial countries

1.4 Child labour is far from having completely disappeared in the advanced industrial countries. In fact, it has been increasing as a consequence of the present world economic crisis. In the nineteenth century, with the development of an industrial society, it became commonplace for children to work in factories, especially textile mills, from 6 years onwards; in abysmal working conditions involving a daily 14-hour stint and with almost no protection against accidents. Even as recently as the beginning of the twentieth century, children were still being employed in coal mines and in large agricultural enterprises, or were kept busy at home on work sent out to them by manufacturers. However, as a result of trade union pressure, economic and legal progress was achieved. Improved working conditions for workers and better living conditions for their families brought about stronger interest in the education and the physical and mental development of their children as well as concern for their future.

1.5 The results of recent studies and investigations in Southern Europe, published over the past 4 years, reveal that the exploitation of children has not been eliminated. It is still prevalent or fairly widespread in many places. Economically active children can be found in the United Kingdom, the United States, France, Austria and Switzerland, as well as

\* All Work and No Play. (A TUC Resource book)

\*\* ILO 1983, Director-General's report to the 69th Session of the General Conference

Greece, Italy, Spain and Portugal. Although the problem is far less acute in the developed world than in the developing countries, it can be assessed as a major social effect of the present economic situation.

A major Third World problem: why children work

1.6 It is a recognised fact that in a subsistence economy, the social and economic conditions of families are at the poverty level. The social structure under these conditions features a population largely settled in rural areas where households depend on subsistence farming, on occupations in the primary economic sector and on handicrafts. They have to meet their immediate practical needs and so produce what they consume. In such societies, the work of children is based on a division of labour and taken for granted as part of family life. According to the IFBWW\*, reporting on the situation in Latin America, children generally see their role as workers in a positive light, mainly because they are earning money which, however little, can help relieve some of their financial problems. Sometimes, work acts as a substitute for recreational activities, in which they are totally lacking.

1.7 In terms of activity rates, ILO estimates for 1980 indicate that in the more developed countries only 1.4 per cent of the 10 to 14 age group were economically active; for the developing countries, the corresponding figure was 13.6 per cent. There are, of course, wide variations among the different regions and among countries within each region. As Table 1 shows, the number of children in the national workforce was 20 per cent in India, 25 per cent in Thailand, 28.1 per cent in Mozambique, 29.9 per cent in Tanzania, etc. One reason for the large number of working children in the Third World is also that children under 15 make up between 40 to 50 per cent of the total population in many developing countries.

1.8 Most employers exploit the children by paying them lower wages and making them work longer hours than they would adult workers, who are more capable of protecting their interests. This situation gives rise to the seeming paradox that where underemployment is greatest, child labour is also liable to be most prevalent. As a recent United Nations Economic and Social Council report on child labour\*\* points out, "here we are confronted by one of the true vicious circles of underdevelopment: it would seem that underemployment ought to exclude children from the job market. However, in order to eke out a barely sufficient family income, they actually throng on to the job market, which is already disorganised, and upset it further."

1.9 Child labour in the Third World is linked to levels of illiteracy, school enrolment and nutrition. The countries that have the highest illiteracy rates and the greatest backwardness in school enrolment, are in general those which suffer from malnutrition and have the greatest child labour problems. There are some countries, however, such as Mexico, Colombia and Thailand that have largely succeeded in eradicating illiteracy and improving their nutritional situation, but remain confronted by the problem of child labour. Specialists rightly tend to emphasise the relationship between family and child as well as school and child labour. They say that a child not in school is drawn towards some kind of occupation - and that

the more profitable it is, the more it will please both child and family. It confirms that education alone cannot be a substitute for economic and social reforms. However, it must be emphasised that compulsory education for children up to the age of 15 and 16 remains an essential factor in combating child labour.

CHAPTER II. MAJOR FORMS OF CHILD WORK

Developed Countries

2.1 In developed countries, one example being Portugal, the overwhelming majority of children who work do so in agriculture, in family or non-family undertakings, during the school holidays and outside school hours, but above all at harvest and sowing time, on a wide range of jobs which may at times be heavy and dangerous. The minority who work in urban areas are employed in the sales or distribution sector (delivering papers, milk, etc.), in hotels and restaurants, especially in hotel resorts and during the school holidays, and in some light and occasional jobs such as baby sitting.

Child Labour in the Third World

2.2 In the ILO report on Child Labour\* about 5 forms of child participation in economic activities are identified. These include:

domestic work: children in most societies perform such household chores as cleaning, cooking and child-care. The intensity of their involvement varies among societies depending on their technological development and also among socio-economic classes. Domestic work in general is characterised by a marked sexual division of labour. There is a disproportionate number of girls engaged in such activities and, even where there may be male participation, girls tend to carry a disproportionate share of the work burden. Child participation in household chores can also begin at a very early age. In Bangladesh, for instance, the ILO points out that children begin to perform household and more directly productive tasks by the age of 6 and assume additional responsibilities as they mature physically. By the age of 11, boys will have begun participation in all but a few agricultural operations and girls, by the age of 10, will have participated more or less actively in food processing and preparation activities. Similar examples of early involvement in domestic activities of varying intensity are reported elsewhere in Asia, Africa and Latin America;

non-domestic but non-monetary work: this covers such activities as farm work, fuel and water collection and hunting. Child labour in agriculture is very frequent in the Third World where children either work with their parents on the family plot or for a third party. In the first case, however, they are unpaid and start off their working lives on the family holding by carrying out light tasks such as looking after animals, collecting firewood and fodder and drawing water; later, they learn how to sow and reap.

\* ILO Director-General's Report 1983

\* International Federation of Building and Woodworkers (Latin America)  
\*\* UN ECOSOC Special Report, 1981, Abdelwahab Bouhdiba

Village studies conducted in Africa and Asia show that child participation in such productive but non-domestic tasks can begin very early. Boys of 10 to 12 were reported to be performing such tasks for nearly 7 hours a day; those between 13 and 15 worked longer hours, putting in as much time as older persons, or even more in farming and farm-related activities. Non-domestic, non-monetary activities can also be important in the urban sector where many families engaged in trade and services as well as in artisanal manufacturing rely on children to run errands and to guard and market goods. By performing such tasks, children can complement adult activities and relieve adults for other directly productive activities.

2.3 Children performing household and non-domestic tasks in the family environment are, of course, less likely to be exploited than those carrying out the same activities in return for wages outside the family group. In the first case, the child remains integrated in a social context that is, in principle, protective. It is, according to some experts, apprenticeship for adulthood, a factor in social integration and reaching maturity. There can, however, be abuses, especially when adults in the group go to work in neighbouring fields and rely on women and children to look after their own land and animals. In such case, "the working conditions are those of the environment, neither better nor worse.... the children share the hardship and the poverty that are the lot of the majority in the countryside."\*

Tied or bonded labour: children working in the agriculture sector are not always surrounded by their families and "usually illegal, tied or bonded labour epitomises the most exploitative features of child labour in agrarian societies".\*\* Children can be hired on a permanent basis for a wage paid to their fathers, or as part of the family's rent. In some cases, they are given to landlords in settlement of debts or, quite simply, sold by families hoping to have one mouth less to feed.

2.4 Young girls are also put out to work, fictitiously adopted, or purely and simply sold as servants and maids in many parts of the Third World. It is all too well known that "for a pittance, sometimes even for no wage at all, they have to perform all domestic duties and carry out the whims of those in whose houses they have been placed, working throughout the day and sometimes for a good part of the night".\*\*\*

Wage employment: children can be found working in almost all sectors under various types of employment relationships - on a piece-rate or time-rate basis, as regular or casual workers, in jobs that may or may not involve training, legally or clandestinely, along with or at the expense of their schooling. Many work as apprentices with little or no pay, sometimes over an extended period of time and not infrequently as a cheap form of disguised wage labour. A number of Third World children, especially in Asia, are employed in so-called "sweatshops", usually consisting of one or two tiny dark rooms where there is barely enough light or ventilation for work to continue. Children ranging from 8 to 15 years are made to work in such surroundings for a pittance. They work long hours and are exposed

\* ECOSOC Report - see note page 5

\*\* ILO Director-General's Report - see note page 7

\*\*\* ECOSOC Report - see note page 5

regularly to hazardous and dangerous substances. Accidents are routinely concealed by employers who usually make some sort of private arrangement with the children's parents for financial compensation. Child labour in modern enterprises can be less dramatic. More particularly, in the developed countries, but also in a few instances in the Third World, children can work within the limits laid down by the law as regards hours of work and other conditions of employment, payment and social services. But, such instances are rare, existing in general only when a shortage of adult labour necessitates recourse to child labour. ECOSOC states that controlled work by children of this kind has been reported from Morocco, Italy, and South-East Asia.

Marginal work: these activities can vary in nature and intensity and may be regular or of a short-term nature. They include selling newspapers, shoeshining, washing cars, collecting garbage, etc. These tasks are carried out by children on their own account because of family pressure to earn a living or in the case of children in the industrialised countries, to earn some "pocket money". They are also performed by the child for third parties. In the second case, the money earned by the child is given to a gang leader, or boss. Other forms of child activity include theft, prostitution and other socially undesirable or illegal activities. Child prostitution is rampant in South-East Asia and Latin America - and alarmingly widespread in Europe and the United States.

### CHAPTER III. SECTORAL DISTRIBUTION OF CHILD WORKERS

3.1 The sectoral distribution of child workers depends on the structure of the economy and the associated distribution of employment opportunities.

Mainly in the rural areas: in most developing countries and in many developed countries as well, child workers are found mainly in the rural areas. In the Philippines and India, for example, the ILO reports as many as 87 per cent of the working children aged 10 to 14 were working in rural areas. Similarly, in Greece a little over 54 per cent of child workers were reported as engaged in agriculture and related activities. As we have seen, children working in the rural areas fall into two categories, those working on land owned by their parents, or caring for family animals and those employed in plantations or other forms of commercial agriculture. While the first group is protected to some extent by their families, children working on modern farms and plantations are exposed to the same, or perhaps even greater, risks than child workers in industries. In various recent studies, it is pointed out that these children are exposed to "not only heat, dust and strain caused by stopping and lifting, but also injury from machinery such as harvesters, threshers, reapers and tractors..... agricultural poisons are an additional danger".\* Moreover, minimum age regulations have made little progress in agriculture and the permitted legal age is hard to determine.

Work in urban centres: child workers in urban centres are an important part of the workforce in a number of developing countries.

\* Child Workers Today, James Challis and David Elliman



The ILO stresses that it should not be assumed that only the older children - between the ages of 10 and 14 - participate in urban economic activities. In many developing countries, much younger children can also be an important part of the workforce. For example, an inquiry carried out among some child workers in India revealed that 24.7% of the children had begun work between the ages of 6 and 9, 48.4% between 10 and 12, and 26.9% between 13 and 15. Similar evidence from other countries indicates a significant participation of children under 10 in economic activities. The employment of children in heavy industry, especially in dangerous or excessive work, is often prohibited by national legislation, but such prohibitions are not always effective. Children commonly work in the construction industry in Asia, Latin America, the Middle East and Southern Europe. The IFBWW\* reported on the situation in Latin America in the light of information gathered by its affiliates. In Colombia, for example, "despite laws regulating child labour, it is quite usual to find children of 8 to 10 years of age doing work unsuited to their age, especially in the construction industry, where children are seen manufacturing and transporting bricks manually, which can cause physical defects and bone deformities. These children have to work more than 12 hours a day in sub-human conditions". They stressed that it could be said that children are not protected by the state, despite the existence of legislation which stipulates the conditions for child labour.

3.2 The proportion of children employed in light industry is also significant - especially in textiles, clothing manufacture, food processing, canning and confectionery. These jobs often come under the heading of "family undertakings" which tend to be exempted from legislation. Children under economic pressure also tend to lie about their age - and employers are even less forthcoming. This makes it very hard to verify age in countries with a limited administrative system.

3.3 Children are also employed in small workshops, cottage industries and handicraft undertakings throughout the Third World. The work they do includes weaving, spinning, sewing, embroidery, metalwork, leather work, woodwork, making pottery and carpets, clothing, shoes, toys, buttons, baskets and fireworks. Sometimes these children work for their parents and learn a family trade. In other cases they work as "helpers" or "apprentices". In both cases, however, lighting, ventilation and sanitary conditions are generally poor and inadequate inspection makes abuses easy to get away with. The situation is currently under survey by the ITGLWF\*\* and its affiliated organisations. The matter was raised at their Third World Congress (Vienna, October 1980), as regards working conditions and the observance of the ILO Labour Standards, with particular reference to footwear, leather and allied trades, as well as in the clothing industry.

3.4 Most of the children engaged in street trades are very young and often lack a home or even a family. An increasing number of them are working for themselves. Others are exploited by adults. Mention must be made of the many children who are deliberately maimed so that they can be used, regularly and systematically, as beggars, or who are sent out to engage in petty theft. And then there are all the other cases of young children wandering the streets at night, vulnerable and exposed to the most sordid forms of physical abuse.

\* See note page 5

\*\* International Textile, Garment and Leather Workers' Federation

3.5 Particular reference must also be made to the situation of very young girls who, like most female workers, especially in Latin America, the Middle East and Asia, are virtually sold into domestic service - although the practice can be disguised as "adoption". This is more flagrant in the urban areas since it improves their chances of entering the labour market.

3.6 Because of the infinite range of activities child labour covers, one has to make a distinction between conventional and unconventional labour. Migration from the rural to the urban areas has accelerated with the growth of industrial urban-based production, while a parallel growth in urban adult unemployment has had to be faced. As a consequence, increased child labour becomes a feature of urban-based activities, with greater opportunities for abusive employment practices.

#### CHAPTER IV. WORKING CONDITIONS AND ENVIRONMENT

4.1 Child labour is based on exploitation. Child workers are unable to defend themselves and are at the mercy of the adults who employ them, whether in rural or urban areas, in agriculture or industry. Generally speaking, children working in family undertakings, be it in agriculture, manufacturing, commerce or handicrafts, are less exploited than wage-earning children. The stress, fatigue and harmful effects to which they are exposed are at least partly compensated in most cases by the personal attention and affection which parents can give them during both work and rest periods.

4.2 Wage-earning children, on the other hand, are usually employed in tasks or under conditions that jeopardise their physical and mental well-being. Child workers are paid extremely low wages, and are denied the chance to play, learn and enjoy childhood. Ill-treatment is frequent, including corporal punishment, abuses of all kinds, humiliation and frustration. Children taken on as apprentices generally learn very little because they are kept busy running errands or carrying out disagreeable or difficult tasks which often have little connection with the job to which, in theory, they have been apprenticed. The tasks given to children are generally monotonous and repetitive in nature; although they can be light, they are still ill-suited to the child's physical and mental capabilities.

4.3 There is no doubt that it is in the urban areas that child workers are treated the worst, exploited the most and undergo the greatest privations, especially in manufacturing industry. Very frequently, child workers have to work under difficult conditions, stifling heat, poor lighting, noise, damp and unhygienic surroundings, and in an atmosphere contaminated by dust or gases. These conditions are particularly predominant where sub-contractors employed by TNCs make use of child labour, often with the connivance of the authorities. Free trade unions have therefore a priority task in working out more effective development policies with a view to raising the purchasing power of families.

#### Hours of Work

4.4 Numerous reports indicate that children in many work settings, both in agriculture and industry, work for long and, not infrequently, excessive hours. In a number of African countries, children between the ages of 7 and 15 are found intensively involved in farm work, especially during the busiest farming season. A recent study of a Bangladesh village noted that

girls between 13 and 15 did seven hours a day of domestic work, boys between 10 and 12 also did nearly seven hours of "productive" work and those between 13 and 15 did nearly nine hours of work per day. This was equal to, and in some cases even higher, than the amount of time older persons and adults devoted to farming and farm-related activities. The situation in the industrial sector is comparable. In the Philippines, for example, in 1976, over 57% of the children between the ages of 10 and 14 employed in non-agricultural industries worked for 40 hours or more per week. A recent study of Indian factories employing children, reveals that, in 44 cases out of 50, daily working hours of children varied between 6 to 8 hours, as against the four and a half hours prescribed under the Factories' Act, 1948. In Brazil\*, the official working day of 8 hours is often disregarded, and nearly half a million children between 10 and 14 years of age work more than 49 hours per week. Some wage-earning children are permitted to take work breaks at fixed intervals during the working day. Others are not allowed to do so. Girls in domestic service work especially long hours since they must be available at all times. The working week for most child workers is seven days. In most developing countries children do not have the benefit of the annual paid holidays that are laid down by law for adult workers carrying out the same job. Night work is not uncommon, especially in small workshops, service establishments such as restaurants and cafés and in street trades. Working time is also one of the main areas of abuse in the employment of children and young persons in industrialised countries. Among the most frequent violations of child labour laws is the working of hours in excess of the number permitted or at night beyond the times permitted.

#### Remuneration

4.5 The fact that child workers can be paid low wages - or sometimes no wages at all - is one of the main reasons why children are employed in the first place, especially in small enterprises, the informal sector and agriculture. Children who work in the family undertaking usually receive no payment for their work, since the family income is considered to be one indivisible whole. This is equally true when the family as a whole carries out agricultural work for a third party: the children take part in the work and the head of the family receives the total sum earned. When children are wage earners, they are almost always paid much less than adults doing the same job - and much less than they should be, given the value of the work done. A still more flagrant example is that of supposed apprentices who are in fact working rather than learning and are not being paid for it. Some children working in small enterprises are remunerated for piece work. This places undue strain on children who cannot produce as much as adult workers for obvious reasons. Some child workers in the service sector live by tips alone. The income of child street traders can also be very irregular, depending on the location of their pitch, the nature of goods on sale, the time of the month, etc. Children might also be forced to give a large percentage of their earnings to a third party. Children are paid extremely modest wages in commercial agricultural undertakings - in some cases, they are paid nothing at all because for many parents the fact that a child is housed and fed outside the home, even though he or she contributes nothing to the family budget, at least relieves part of the financial pressure.

\* ILO, see note page 7

#### Occupational risks

4.6 Children have no awareness of dangers and child workers invariably face serious threats to their lives and health by having to perform hazardous jobs in unsafe working environments - in both the agricultural and the industrial sectors. These children are not in a position to judge the degree to which they are accident-prone, due to their state of physical resistance or of nervous tension. They have no choice about having to work in uncomfortable positions which give them aches and pains, or having to breathe harmful products. ILO comments on this matter indicate that self-employed children who have an accident or fall ill do not qualify for any form of social protection. Wage-earners are not protected either, since in the vast majority of cases, they work illegally. In agriculture, which can be one of the most hazardous sectors for safety and health, child workers are exposed to dangerous machinery, constant physical effort and contact with chemical products such as fertilisers and pesticides. Children working in agriculture are particularly at risk from endemic and parasitic diseases, diseases of the respiratory tract, dermatosis and fatal accidents. In construction, where children are often used for fetching, carrying and similar tasks, they are vulnerable to falls, to injuries from falling objects, to damage from the lifting of heavy weights and other types of accidents. Their lack of training and experience in handling tools, their short span of concentration, the use of unguarded machinery, the unsafe use of electricity, the shortage of gloves, goggles and other protective equipment and the insalubrious state of workplaces resulting from dust, fumes, lack of hygiene, poor lighting and inadequate ventilation are all potential sources of accidents and diseases. Such dangers are compounded by fatigue due to excessive hours of work, under-nutrition and the physical weakness of children.

4.7 Further, it is mentioned that children may be required to undertake:

- (i) more hazardous tasks than adults (for example creeping under moving parts of machinery to collect dust, working in confined spaces to which they have easier access - such as under the chassis of motor vehicles, etc.);
- (ii) "dirty work" such as cleaning with solvents, cleaning sewers, etc.;
- (iii) certain types of home work involving exposure to toxic substances (for example gluing leather and footwear products).

#### Physical abuse and psychological problems

4.8 In addition to these sources of occupational hazards, children in some work situations are exposed to physical and mental abuse. This may take several forms, but perhaps the worst kind involves separation from parents, isolation sometimes amounting to virtual imprisonment and physical cruelty. This is the case of children who are traded, sold or employed as domestic servants. Such child workers may be subjected to harsh practices, such as beating or starvation. There are also other kinds of deprivation from which child labourers suffer, including the absence of clear and written contractual agreements, the dearth of feeding programmes and health care facilities and the lack of insurance and social security. The ILO

points out that the negative effects of all these, together or separately, on the physical and mental development of the working child can be far-reaching and often irreversible.

4.9 The strengthening of labour inspectorates is of major importance to reducing child labour. Their role and responsibilities in the field of working conditions and environment should be increased with greater social impact geared towards the responsibilities of parents.

#### CHAPTER V. CONSEQUENCES OF CHILD LABOUR

5.1 Child workers normally suffer from the physical, educational and intellectual points of view. When children perform stultifying, precarious and insignificant work from any early age, their chances of acquiring any real qualifications for skilled work are practically nil. This can become a severe handicap, preventing the child from getting a better job and higher pay and effectively putting an end to any hopes of social advancement. The ILO study on "Children at Work" cautions that "it is very likely that a man who has been at work from an early age will spend his life at the bottom of the social ladder, performing routine, unskilled jobs, when he is not out of work altogether". As we shall see later, child labour has serious consequences on the employment situation of developing countries. It brings down wages and keeps adults in a highly insecure employment position. Often the employment of children can lead to adult unemployment.

##### Physical repercussions of child labour

5.2 Many of the jobs that children do are harmful for their physical development. The ILO reports that children's "growing bodies suffer continually from the effects of fatigue, over-exertion, lack of hygiene" and such working conditions as excessive heat, continuous contact with dust, poisonous gases, etc. This can lead to frequent skin problems, bronchitis, tuberculosis and so on.

5.3 An experiment carried out recently in Japan on young workers and students clearly shows the effects of child labour on the physical development of children. The experiment showed that until they reached the age of 12 there was no difference in height between the children in the two groups (i.e. students and young workers). However, those who began to work before they were 14 years old were subsequently found, on average, to be about 4cm shorter than the students who had not entered working life until after they were 18 years old.

5.4 Fatal accidents or accidents that result in deformities also seem to be more frequent among child workers. Although statistics on occupational accidents are difficult to find, especially in developing countries, information obtained in industrialised countries proves that the incidence of work accidents among child workers can be very high. According to one study, between 1969 and 1972, out of 517 people killed on British farms, 105 - that is over one-in-five - were children under 15.

5.5 Experts point out that the vulnerability of children is increased by the high incidence of malnutrition and undernourishment. Moreover, children - such as those who work in carpet-making factories - are sometimes forced to sit in awkward positions which can lead to bone deformities. In many

electronics factories girls working for 12 to 14 hours a day on joining extremely fine wires suffer damage to eyesight within five to eight years. Excessive noise can lead to permanent hearing loss, the carrying of heavy loads to back pains, etc. These physical repercussions of child labour are, of course, carried over into adult life and make for disease-prone adult workers.

##### Effects on education and intellectual development

5.6 Child participation in labour force activity clearly reduces the potential for schooling and educational development. Of course, children from poor families do not have much access to education in any case, but their chances of benefiting from schooling diminish even further when they work. Nor do children - even so-called "apprentices" - really learn any remunerative or satisfying skills. Children therefore find themselves in unskilled, low-paid, unpleasant and unsafe work situations and permanently disadvantaged in the labour market. It must be borne in mind that children are sensitive to injustice and may have a feeling of frustration when confronted with their inability to do what others do. It has an impact on the development of their personality and may affect their behaviour and personal relationships. Under the combined effect of additional factors, individual cases tend to link up into marginal groups, leading to increased disparities within societies.

##### Effects on unemployment and poverty

5.7 Child labour has several consequences for unemployment and poverty. From the point of view of the household, it can be considered as a means of improving incomes or at least of somewhat restraining deterioration in incomes. As stressed in the study in Sivakasi\*, the problem of child labour is an important element of economic and social life in many developing countries. Further, it is stated, "It has existed in one form or another in all historical times, what is, however, new is its perception as a social problem all over the world, which has become a characteristic feature of welfare consciousness in modern times."

5.8 But, child labour has very adverse effects on the levels of adult unemployment, which are often raised by the participation of children. The employment of children may also help to maintain low wages for the labour force as a whole since, as cheap labour, they can be substituted for adults. Therefore, taken globally, child employment reduces the total income share of working households - whatever its impact on individual family incomes - and aggravates income inequality within society.

5.9 Child labour also leads to the destruction of family life. Parents and the family have a primary role of protection between the infant, the young individual and society. They are no longer in a position to fulfil this role when they encourage their children to work because it is useful in view of the low economic level of the household. The exploitation of the children's labour capacity often makes them an accomplice of the employer. It is also an indication that there is very little interest in

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\* Working conditions of children employed in unorganised sectors.  
A study in Sivakasi, Centre for Social Research, Madras, 1984

providing the children with opportunities for a brighter future through schooling and economic and social progress. When children are regarded as assets to their family, it is their economic value which prevails. Such view favour larger families, as in most agrarian societies. This demographic explosion in turn leads to poverty.

#### CHAPTER VI. SOME ASPECTS OF CHILD LABOUR IN DEVELOPING COUNTRIES

6.1 As we have seen, child labour occurs in all parts of the world. It is more frequent in the Third World, but there are working children in the industrialised countries. Below, we look at some of the countries where child workers form a particularly important part of the labour force.

##### Asia

6.2 a) India: There are at least 16.5 million child workers in India, out of a total of 230 million children. Sumanta Banerjee points out in his report on "Child Labour in India"\* that "these children, whose ages range from 5 to 14 years, work both in rural and urban areas in various capacities. They are employed on farms and in factories, in fishing and hunting, in forestry and on plantations; they make bidis (a cheap indigenous form of cigarettes), baskets and bangles; they polish shoes, hawk newspapers and sell vegetables; they are used as aides to weavers, mechanics and traditional craftsmen; they work as domestic servants in urban middle class or rich homes and as child minders in their own homes". Although the minimum age laid down by various Indian laws ranges from 12 to 16, individual surveys reveal the employment of children at as low an age as six. This information can be completed by the authoritative study on "Child Labour in Sivakasi"\*\*. This report covers Sivakasi town and the entire "Match Unit Belt" in Tamil Nadu (Ramathapmam district) which has remained amongst the states in India with a high rate of poverty.

b) Pakistan, Bangladesh and Sri Lanka: ILO estimates put the number of child workers in Pakistan at 1 1/3 million, with almost three-quarters of this total employed in the agricultural sector. But this estimate is rather conservative and seems to ignore children working in the carpet industry. The pattern of employment is very similar to India, with children starting to work at an early age on land cultivated by their parents. The other main areas of employment for children in Pakistan have been factories, shops, workshops and eating houses. Child workers in the Pakistani carpet industry (about 1.5 million) have made Pakistan a major carpet exporter in recent years. Experts estimate that Pakistan earns about 44 million dollars or more yearly from its export of carpets. About 3 million children are economically active in Bangladesh. In Sri Lanka, although there are no precise ILO figures, a number of children are known to work on plantations.

c) Hong Kong: A census taken in 1971 showed that there were almost 36,000 children under fifteen at work, with almost 12,500 employed in the textiles sector. Overall, almost 29,600 children were working in industry, often under very poor conditions. A report on child labour in Hong Kong published by the Anti-Slavery Society\*\*\* notes that fire exits and

\* Anti-Slavery Society - Child Labour series, Report No. 2, 1979

\*\* See note page 16

\*\*\* Child Labour series, Report No. 2, 1979

ventilation ducts in factories are commonly obscured by employers. Factory fires and fatalities in these fires have increased as has the number of workers injured in industrial accidents, especially in the textile and garment industries. Hours of work are believed to be the longest in Asia, with the 1971 census showing that 11% of the workforce regularly worked more than 75 hours per week and that some 13,792 worked over 105 hours. The Anti-Slavery Society report stresses that "most of the classic factors causing child labour persist in Hong Kong". These include: low family income, inadequate social security, insufficient and unenforced secondary education up to the legal minimum age for work, non-deterrent sentences on employers convicted of offences against labour regulations and an under-staffed labour inspectorate, whose task is made more difficult by all the preceding factors.

d) Malaysia: A recent report on child labour in West Malaysia drawn up by the Anti-Slavery Society points out that 9.5% of all boys and 5.5% of the girls between the ages of 10 and 14 belonged to the labour force. Child labour is particularly prevalent in the urban areas where children make up an essential part of the workforce in the catering and small-scale industries. In the sector of small-scale industry and commerce, children make up at least a third of the workforce. The study stresses that "in practice the children are ill-protected by the legislation covering their hours and conditions of work and, despite being recognised as part of the workforce, they are precluded from joining trade unions as the minimum age for membership is sixteen".

e) Thailand: In 1979, the Bangkok Bank disclosed that 3.5 million children and young people between the ages of 11 and 16 were working. In addition to the incidence of child labour in the rural areas common to many developing countries, the light industries and service sector of Bangkok is the recruitment by massage parlours of young girls, in some cases only 12-15 years old, in the poor North and North-Eastern provinces as "masseuses" and prostitutes. As stated by the Anti-Slavery Society in 1980, "an important contributing factor in the exploitation of child labour in Thailand is the role of the employment agencies which provide a link between working children and their employers..... Parents part with their children when paid a lump sum representing either advance salaries for two months (500 Baht), or a year's advance (4,000), on the understanding that the child must work for a year without pay." If the contract is not fulfilled the parents are forced to pay a fine. Children often lose touch with their parents and become in effect bonded labourers and slaves.

f) Other countries: Child labour is also frequent in other Asian countries, including the Philippines, Iran and Indonesia.

##### Latin America

6.3 Incomplete statistics put the number of child workers in Brazil at about 3 million; Mexico, 477,000; Colombia, 487,000; Argentina, 188,000 and Bolivia, 255,000. The evidence shows that most of these children are employed in small marginal factories, in construction work\*, in domestic service or agriculture. Many children in Central and South America can be found working on plantations. Below we take a brief look at the situation of child workers in Colombia and Argentina.

\* See note page 3

a) Colombia: The Anti-Slavery Society puts the number of economically active children in Colombia at 3 million (which is far greater than estimates published by the ILO). The number of working children is on the increase in the country, with the greatest increase being registered in the rural areas where five out of ten children work. Children are found working in a range of economic activities, including industry, mining, domestic work, street vending, collecting refuse and such arduous manual labour as brick-laying and working in the quarries and gravel pits. The Anti-Slavery Society's report stresses that the "movements of rural populations to the city and the breakdown of the family unit are crucial factors in looking at the employment of children. A significant proportion of the children are from families which have been abandoned by one or both of their parents. The children are then faced not only with destitution but also with exploitation by their employers from which they have no protection."

b) Argentina: Children are employed in the cultivation of tobacco and in other plantations - tea, soya and so on. In the urban centres, domestic service is the most common occupation for women of all ages, followed by street trading for the younger girls. Boys carry out a wide range of activities which may be grouped into four main categories: helping their parents in small businesses; street trading; various service activities and, as they grow older, work in productive establishments in the formal sector.

#### Africa and the Middle East

6.4 Statistics on child labour in Africa and the Middle East are difficult to come by, but there is general evidence indicating that about 16 million children are economically active in both regions. It would appear that the main areas of child employment are agriculture, industry, domestic service and street trades. A detailed report on the employment of children in Morocco's carpet industry has been drawn up by the Anti-Slavery Society. Below are the main points made by the study.

Morocco: Child workers have an important place in the country's rapidly growing carpet industry. In 28 factories/workshops visited by the Society, at least one-third of the employees were under 12, sometimes as many as three-fifths. These children were often only 8, 9 or 10 years old. Hours of work were long: two factories visited worked a 72-hour week; five worked 60 to 64 hours a week. Half of those for which information was obtained exceeded the 48-hour legal maximum for a week's work for adults. Wages were meagre, with so-called apprentices earning nothing. An annual holiday with pay - laid down by the law - was almost totally unknown. In many of the factories visited the children looked undernourished and overworked, continues the report. While most factories and workshops had lavatories and running water, working conditions were often poor: bad lighting, absence or excess of air, crowded rooms. On a less industrialised scale, a few of the small rug-making workshops provided an agreeable contrast. Although employing young girls, they nevertheless provided pleasant surroundings and a more friendly atmosphere than the large factories where several hundred girls would be under the strict control of older women or male overseers. In most cases, the children are not employed directly by the factory owners, but work for an intermediary - a "maalema" (craftswoman/supervisor) - who is herself paid on a piecework

basis and, in turn, pays her workers as she sees fit. The report points out that "the maalema has every interest in squeezing the maximum amount of work out of her charges, to whom she pays the minimum possible rate. She has absolute control over these children and can recruit and discharge them as she likes".

#### Southern Europe

6.5 Children in active economic employment can be found in Turkey (conservative ILO estimates put the number at 1.1 million), Spain (142,000)\* Italy (114,000), Portugal (90,000) and Greece (73,000). Another case study - among others:

With an estimated half million working children, Italy has the highest number of child workers among countries in the European Community. Children work in all sectors of the economy: within industry they take part in the production of leather goods, textiles and garments, electrical fittings and spare parts for motor cars; in the agricultural sector, children pick tomatoes, make packing cases, tend sheep and goats and even hire themselves out as scarecrows; they can also be found working behind bars, in pizza houses and in restaurants. Few of these children are recognised or mentioned in the official labour force statistics. Many work illegally as part of the growing black labour market and enter employment before the minimum legal ages for admission to employment. The incidence is highest in the commercial and industrial centres of the South. In Naples, the Italian Confederation of Trade Unions\*\* has estimated that there are 50,000 children working out of a city population of just over one million, with 100,000 children working in the region as a whole. There are also substantial pockets of child labour in the northern cities, especially in areas of high immigration from the southern regions. The Society points out that as in so many countries, child labour in Italy goes hand in hand with high adult unemployment, with a schooling system which discriminates against the underprivileged and with inadequately implemented labour laws.

#### Child labour under Apartheid

6.6 The Apartheid system is basically one of exploitation of the black population. Children, the group least able to defend itself, are the subject of the greatest exploitation.

- Although according to the Children's Act and labour regulations, South African children under the age of 16 are not allowed to work, this protection is violated in the case of black children.
- African children work in urban areas in shops, as domestic servants, gardeners and newspaper sellers, and in other jobs for which they receive hardly any wages.
- Many African children are forcibly separated from their families in urban areas.

\* Anti-Slavery Society - Child Labour series Report No. 3  
re: Union General de Trabajadores, estimates in 1979 of 174,000  
\*\* Confederazione Italiana Sindacati Lavoratori



- In the bantustans most children between the ages of 10 and 15 do not attend school. Instead, they work on the land and do domestic chores.
- Some 650,000 African children between the ages of 10 and 15 work on white-owned farms. Often these children are forced to work against their will and there is evidence that they suffer brutal punishment, often resulting in death or permanent disability.
- African children as young as seven and eight years old are often forced to work on farms.
- Black children below the age of 16 are often flogged.
- On some sugar plantations, Indian children are paid 50 cents in wages for a nine-hour day.

## CHAPTER VII. POLICIES ON CHILD LABOUR : LEGISLATION

### International action

7.1 The ILO has adopted a two-pronged approach to the problem posed by working children: its main objective remains the eventual elimination of child labour. But, until this goal can be achieved, the ILO is committed to improving the conditions under which children work. The ILO is convinced that in the long run, the progressive elimination of child labour requires a general improvement of living standards, a reinforcement of the educational infrastructure and, perhaps most basically, a greater consciousness of the need for change. In the short run, the protection of working children requires practical measures that can improve their working and living conditions. It is now over 60 years since the International Labour Conference adopted the Minimum Age (Industry) Convention, 1919 (No.5) - the first in a long line of such Conventions - which fixed a minimum age of 14 for admission to employment in industry. It is 12 years since the adoption of the more comprehensive Minimum Age Convention, 1973 (No.138), a general instrument aimed at the total abolition of child labour. The ILO points out, however, that although the progress made towards the elimination of child labour by countries having ratified the Conventions has been in many ways impressive, the situation remains "disquieting". Below are the broad outlines of the different international Conventions and Recommendations aimed at gradually abolishing child labour.

a) Declaration of the Rights of the Child: This Declaration was unanimously adopted by the General Assembly of the United Nations in 1959. The Declaration - which is not binding - acknowledges that while children's rights are not really different from those of the adult, children need special safeguards, including legal protection. The principle particularly relevant to child labour is No.9, which stresses that children should be protected against all forms of neglect, cruelty and exploitation. They should not be the subject of traffic in any form nor be admitted to employment before an appropriate minimum age; they should in no case be caused or permitted to engage in any occupation or employment which would prejudice their health or education, or interfere with their physical, mental or moral development.

b) ILO Conventions: A major part of the ILO's work for the abolition of child labour and the protection of the well-being of children has been the adoption by the International Labour Conference of a series of Conventions and Recommendations dealing with the employment or work of children and young persons, starting with the instruments adopted in 1919. The first of these Conventions (No.5), as we noted above, fixed a minimum age of 14 for employment in industry. The ILO subsequently adopted various other Conventions and Recommendations fixing minimum age standards for admission to employment in various occupations - sea, agriculture, trimmers and stokers, non-industrial employment, coal mines, fishermen, underground work, etc. The more recent of these Conventions contain higher norms than earlier ones, reflecting the feeling that international labour standards should progressively promote improved standards for workers.

7.2 The efforts of the ILO to abolish child labour took on a new dimension with the adoption, in 1973, of a new general Convention concerning Minimum Age for Admission to Employment (No.138). As stated in the preamble, the aim of this instrument is to gradually replace the existing Conventions applicable to limited economic sectors "with a view to achieving the total abolition of child labour". States which ratify Convention No. 138 are required to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission or work to a level consistent with the fullest physical and mental development of young persons. The minimum age for employment is set at not less than "the age of completion of compulsory schooling and, in any case, not less than 15 years". The minimum age for work dangerous to health, safety or morals, is eighteen or sixteen in special cases (when a country's economy and educational facilities are insufficiently developed). Developing countries are allowed to limit the scope of application of the Convention initially, provided certain types of heavy or dangerous work are not excluded. Ratifying countries may allow children aged at least 14 years to work in carefully controlled training or educational establishments, and children of between 13 and 15 years (or 12 to 14 years in the Third World) to work at light tasks which do not harm their health or development and do not prejudice their schooling. In addition, the International Labour Conference has adopted Recommendation No.146 to supplement the Minimum Age Convention. This Recommendation invites states to give high priority to planning for and meeting the needs of children and youth in national development policies and programmes. It recommends that members take as their objective the progressive raising to 16 years of the minimum age for admission to employment or work in all sectors of economic activity. Countries in which the minimum age for admission to hazardous work is still below 18 years should take immediate steps to raise it to that level. Convention No.138 and Recommendation No.146 are currently the most widely used texts\*. Unfortunately, only 33 countries have ratified Convention 138. (See Appendix V for list of ratifications).

### National measures

7.3 As we have seen, the most recent ILO standards on child labour fix the minimum age for admission to employment at 15 years and recommend, with various provisos that this be gradually raised to 16 years. However, at the national level the minimum age has been fixed by law at anything

\* See Appendix I, II, III, IV

from 12 to 16 years, depending on the country. In other words, in some countries children who work from the age of 12 or 13 are not breaking the law. Their work is not clandestine and no legal objection can be made to it. Industry is the most widely covered and strictly regulated category of employment in most countries and national legislation fixing a minimum age in this sector is frequently found all over the world. But this minimum age can be as low as 12 or 13 in some countries. Nor does this national legislation apply evenly; in many countries, specific industries, or small factories or family undertakings are excluded from legislation. National laws covering non-industrial employment (commerce, shops, banks, hospitals, hotels and restaurants) tend to be more permissive than those covering industrial work. The minimum age for this work is often lower than 14 and exceptions for light work are also common. In some countries, light work is permitted for children under 12.

7.4 The sector in which minimum age laws have made least headway is agriculture\*. In most countries, the employment of children in agriculture is hardly regulated at all and when such laws do exist they are frequently qualified by exceptions of various kinds. The ILO stresses that one area in which improvement could be made is the coverage of national legislation. A large number of countries have adopted legislation that applies only to persons who are working under a contract of employment. However, this fails to regulate the conditions of work of many persons in the country who are economically active and is particularly ineffective in relation to the kinds of work in which a significant proportion of child workers are engaged. There are also many countries that exclude certain categories of employment from the application of legislation. For example, domestic work is quite often excluded. In many cases, this is because the application of legislation in such sectors can be difficult, if not impossible.

7.5 The Convention requires that the age of admission to work be no less than the age of completion of compulsory schooling and the Recommendation calls for the effective provision of compulsory education or training up to the minimum age. Although a number of countries do comply with these objectives, others have problems because their educational infrastructure is not sufficiently developed to provide facilities for all children to attend school.

7.6 The enforcement of existing laws prohibiting the employment of children can also be a major problem, especially in the Third World because of poverty, traditional attitudes and the difficulty of replacing child labour by adult labour. Enforcement is especially difficult in the rural areas and in family undertakings.

#### Possible improvements in national legislation

7.7 The ILO recommends, as we have seen, that the minimum age for admission to employment should not be less than 15 years, except in countries whose educational facilities and economy require a minimum age of 14 years. Although some exceptions are possible, depending on the nature of the work involved, this objective should be met by all countries. National legislation should also cover as many sectors as possible. Special attention should be paid to such sectors as mining and quarrying,

\* See Appendix IV

manufacturing, construction, electricity, gas and water, sanitary services, transport, storage and communication, plantations and other agricultural undertakings producing for commercial purposes. National policy-makers should also focus on conditions of work for children, especially, as the total abolition of child labour may be unattainable in the short term. The ILO stresses that special efforts should be made to ensure that children are not employed under conditions involving the use of dangerous substances, the lifting of heavy weights and underground work. Special attention should also be paid to the provision of fair remuneration and its protection, the strict limitation of daily and weekly working hours and the prohibition of overtime, the granting of a minimum consecutive period of 12 hours night rest and of customary weekly rest days, the granting of an annual holiday with pay of at least four weeks and, in any case, not shorter than that granted to adults, coverage by social security schemes, including employment injury, medical care and sickness benefit schemes and the maintenance of satisfactory standards of safety and health.

7.8 In order to facilitate enforcement, public authorities should be asked to maintain an effective system of birth registration and employers should be required to keep registers with the names and ages of all employed children and young persons. Young people and children who work in the streets should be licensed. Such measures may not appear to match up to the humanitarian concerns of free trade unions. However, in view of the great many children and young people who work in streets because they have no family roots, are abandoned or have to submit themselves to unacceptable conditions of work, some kind of official identification or licence can help to keep track of their whereabouts as well as to provide a minimum of supervision and to act as a sort of safety net.

7.9 One of the ILO suggestions makes the point that each country should adopt measures designed to afford genuine protection to child workers. They could provide for tax reductions, subsidies or other types of bonuses for employers who show that they are improving the working conditions of the children they employ. But it is clear that before such measures can be undertaken, countries must face up to reality and recognise "implicitly that illegal child labour does exist". The study cautions that "children constitute a labour force outside the law..... they make up a submissive and defenceless labour force with no possibility of negotiating their conditions of work, with no trade union to defend them". These problems also affect children who work legally - that is in countries where the minimum age for employment is fixed by law at a very low level (12 or 13 years). In short, says the ILO, "the great social advances secured by adult workers do not in fact apply to working children, who are exploited as if those advances had never been won". It is the responsibility of adult workers who are organised to ensure that, whenever possible, social provisions which are secured or negotiated are applicable to working children involved in the same trade.

#### CHAPTER VIII. POLICIES ON CHILD LABOUR : ECONOMIC AND SOCIAL MEASURES

8.1 Although international Conventions and guidelines, and national laws, are a very important part of the struggle against child labour, very little can be achieved unless economic and social measures designed to fight poverty - the main reason that children go out to work - are also implemented. The ICFTU and its affiliates are well aware that "child labour is rooted in poverty; the progressive elimination of unacceptable labour

by those too young to undertake it requires a general improvement in the economies of the countries concerned. In this context, the impact of policies or measures which may not be specifically addressed to children but which try to bear on the causes of poverty and inequality can have a significant and even decisive impact on the incidence and extent of child labour". The ILO stresses that such policies may include agrarian reforms, employment creation schemes, greater access by the poor to improved technologies, informal sector promotion policies, creation of co-operatives and social security programmes. "These and similar measures can lead to broad-based growth, a more egalitarian structure of asset and income distribution and, consequently, a reduction in the incidence of child labour", reports the ILO Director-General.

8.2 The ICFTU's view is that the extension and application of universal compulsory education and the provision of training and apprenticeship schemes must be taken into account when planning development projects. The proportion of working children, out of school within the labour force available, must be reckoned with so as to provide opportunities for skill acquisition and later employment.

8.3 Pending the improvement of economic conditions to a point where child labour will no longer be necessary or profitable, efforts must be made to regulate and humanise child work. Guidelines which concern governments and employers for such action are provided by the ILO.

8.4 One promising area of action for the effective reduction of child labour lies in the greater emancipation of women. Children are often forced to perform tasks that adult women, because they are excluded from participation in non-domestic activities, cannot perform. Once women start working outside their homes, the need for children to engage in such activities as street trading, purchasing and carrying food and marketing, is reduced.

8.5 Organised women workers and labourers have proved already through various initiatives of a practical daily approach, that they can initiate effective measures to modify economic conditions with a view to improving the household income levels, along with implementing social progress to the benefit of their children. This is namely the case in India. Both the INTUC\* women's committee and the Self-Employed Women's Association (SEWA) are engaged in studies and projects whose great achievements are already there for all to see.

8.6 There is a surprising degree of ignorance about the existence and consequences of child labour both in the developing and, to an extent, in the industrialised countries. Child work is often accepted as part of the "natural state of things" and the rights and requirements of children are not fully appreciated. A systematic approach to the subject should be required as part of educational programmes for workers, in order to develop greater awareness of the need to improve the existing situation and broaden the horizons of the parents regarding their responsibilities towards the generations to come.

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\* Indian National Trade Union Congress

## CHAPTER IX. ICFTU TRADE UNION POLICY

### Need for sustained and coherent trade union action

9.1 The ICFTU's policies on general economic and social development are motivating our trade union action. This aims at speeding up the elimination of child labour. But, in the short term, all efforts should focus on working out a coherent approach to reducing exploitation of child labour. It means also that sustained trade union action is required on a number of fronts.

9.2 At international level, the work done in the ILO on establishing the international standards regarding working conditions is fundamental. Convention No. 138 fixing the minimum age for admission to employment is one of them. Therefore, it is indispensable to ensure at national level that each government ratifies the Conventions while incorporating the required provisions into national legislation. This is too often overlooked. Each year, the ILO General Conference should be considered as an official reminder to all participants that ratification of Conventions is a justification of their participation in the Conference.

9.3 The spade work at national level for implementation of the legislation must include a regular check of all violations of rules prohibiting the use of child labour, while at the same time it should make full use of all measures providing protection and assistance to child workers, so as to regulate their working conditions. Adult workers must realise that unless they take action themselves against child labour, their own earnings and working conditions will be at risk. From their membership of trade unions they draw the means and the strength to take the practical steps and initiate projects paving the way towards the elimination of child labour.

9.4 Combating the exploitation of children is a major priority for the ICFTU and its affiliated organisations. The importance of such systematic action to change the shameful working conditions of children wherever they exist - in small workshops, small factories, street trades and agriculture - was underlined in a circular sent to all affiliated organisations and the International Trade Secretariats by the ICFTU General Secretary in January 1979. The letter puts the emphasis on effective monitoring by trade unions of all national programmes designed to eliminate child labour. ICFTU affiliates were instructed to "ensure the supervision of the effective application of ILO standards on child labour, particularly with regard to minimum age, working hours, security and hygiene measures, morality and remuneration".

9.5 The importance of a competent labour inspectorate was also emphasised by the ICFTU General Secretary who requested that "stress must be laid on the mission of the labour inspectorate and the strengthening of its means of action in order to adapt them to the range of its responsibilities". The free trade union organisations were asked to set up watchdog committees and social action groups to publicise and take action on irregularities and discriminatory practices on which the labour inspectorate has not yet acted. The ICFTU General Secretary stressed that at the level of development plans and employment campaigns, it is the trade unions' responsibility to formulate proposals to eliminate



abuses and guarantee children the satisfaction of basic human needs: medical care and nursing; education and training. The ICFTU Executive Board took the issue a step further at its meeting in Brussels in May 1979 when it adopted a "Resolution on the International Year of the Child". The Resolution recognised and stressed children's "particular needs" and emphasises that "in order to avoid jeopardising their future, children who are put to work at a very early age must benefit from protective measures to guard against any subsequent damage to their physical, intellectual and moral development".

9.6 The Executive Board Resolution condemned the exploitation of child labour and the "shameful conditions" which prevail in most cases. The need for urgent government action to ratify and implement the ILO Conventions on minimum age (No.138), Recommendation No.146 and the Recommendation 124 on underground work was also stressed. Governments were also asked to elaborate consistent policies in the economic and social field aimed at observing ILO standards in the fields of employment, labour inspection, safety and hygiene and human resource development, "in order to ensure that protective legislation for child workers is effectively implemented in all industrial sectors". Finally, the Resolution urged free trade unions to "strengthen ILO machinery in order to effectively supervise the consistent implementation of ILO standards".

9.7 The ICFTU's Twelfth World Congress held in Madrid in November 1979 adopted a Resolution on the international year of the child which called on all affiliated organisations to "strengthen their action at national level in order to obtain the ratification and consequently the application of the provisions of Convention 138 on minimum age and Recommendations No.146 and 124 respectively, on minimum age and minimum age for underground work". Once again, the emphasis was on the "effective functioning of labour inspection in all sectors, in order to supervise the application of the prohibition of child labour and to guarantee the necessary moral and physical protection to children who still work; and to ensure that this action also promotes the development of children's welfare and the extension of compulsory education".

9.8 The Resolution called on the ICFTU's Executive Board to "keep a close watch on government decisions with regard to the employment and prohibition of child labour". Since then, the ICFTU has looked at the social, economic and human problems caused by child labour at a number of its meetings. Co-operation with the Anti-Slavery Society has been extended. The ICFTU has also participated in UNESCO discussions on compulsory education and in 1981 presented the ILO Conference with a review of the application of the Minimum Age Convention. As we shall see later, the ICFTU has also endeavoured to assist affiliates in Third World countries to set up small-scale training and education projects designed to reduce child labour.

9.9 In July 1981, a report on the "Exploitation of Child Labour" was drawn up for the United Nations Economic and Social Council's (ECOSOC) Commission on human rights and has brought about the official recognition of facts which can no longer be ignored in regard to the implications affecting the existence of our societies. The report - from which we have quoted extensively - surveys the scale and nature of the problem and suggests that a global campaign be launched to end the exploitation of child labour. The U.N. Sub-commission invited the ICFTU and other

organisations to comment on the report. The ICFTU's comments give a clear indication of its policy, thinking and action as regards the situation of the child worker in the Third World - and elsewhere:

Child labour distances children from society rather than integrating them. In certain cultural environments, a child's participation in the economic life of its community is an important aspect of its education within the pattern of traditional values. This is not the problem considered in the above report. The point is the exploitation of children who are less than 15 years old. Child labour destroys family life and, by forcing a child to start behaving like an adult before he or she is ready to do so, prevents children from fulfilling their potential, and practically robs them of their childhood.

The main motive for using child workers is financial. Children's pay is often half or even one-third of already inadequate adult rates that prevail in the Third World.

Lack of up-to-date statistics and information on child labour. Both ECOSOC and the ICFTU point out that unions do not receive information on the employment of children from the authorities or the employers. Moreover, parents and child workers themselves can be reluctant to provide information on wages.

The ICFTU agrees with the ECOSOC report's statement about the link between child labour and unemployment and the "seeming paradox that where unemployment is greatest, child labour is also liable to be most prevalent".

9.10 Link between child labour and education: the ICFTU believes that educational facilities for children and adults are "part and parcel of a coherent approach to combat exploitation of child labour". Child labour makes children "less employable" as adults. The ICFTU points out that children's work frequently keeps them away from vocational qualifications and seldom brings them back on the normal job market. The ICFTU also shares the ECOSOC report's concern that "the international competitiveness of some of the goods produced by the Third World is achieved largely at the price of the exploitation of the labour of their children".

9.11 Role of trade unions. The ICFTU has indicated its firm conviction that the attainment of basic trade union objectives can help eliminate child labour. The ICFTU further stresses that unions should be involved in ensuring a legally arranged wage relationship between the child worker and the employer, not least because of their implications for social security benefits. But children should not be victimised as a result of trade union intervention. The emphasis in fighting the exploitation of children should be on what ECOSOC describes as the "most sickening" forms of exploitation: the sweat-shop systems, bond service, "maids of all work" in virtual bond service and prostitution. Need for urgent action. The ICFTU agrees that child labour is a complex phenomenon that will not vanish overnight, but insists that it would be unrealistic to await an overall solution to the general problems of the developing countries so that the problem of exploitation of child labour can be dealt with. It stresses that long-term measures ought not

to rule out short-term action. As the ICFTU sees it, this is the only realistic approach but it implies "urgent action at all levels and in all circles".

9.12 Improvements in apprenticeship systems. The need for improvements in the systems of apprenticeship, often seen as merely a form of underpaid labour, is stressed by both ECOSOC and the ICFTU which insists that this "should be a genuine period of gradual training and learning processes". Unsatisfactory application of ILO standards on minimum age for work. The ICFTU stresses that a number of ILO instruments for protecting children, setting minimum work ages, etc. are inadequately implemented by governments and are not retained by them as permanent guidelines. It is here that unions can play an important role by pressing governments and public opinion for action and bringing deficiencies in legislation into the open.

9.13 Strengthening of labour inspection. The strengthening of labour inspection as a general measure is a long-standing demand put forward by the ICFTU, which also stresses that an international training programme for inspectors specialising in child labour would be very welcome. The role and functions of these specialised inspectors would make them key agents to set up networks for child welfare and protection in close co-operation with teacher, health services and social workers at local and regional levels, in addition to their working relations with police forces.

9.14 Support for a global five-year strategy to combat child labour. ECOSOC's proposal for a five-year global strategy to tackle the different problems posed by child labour are backed by the ICFTU which emphasises that decisive steps in fighting the exploitation of children can only be taken through co-operation with free trade unions. The ECOSOC strategy calls for the following:

- the involvement of media;
- appeals to states that have not yet ratified or implemented the appropriate ILO standards;
- an international training programme for inspectors specialising in child labour;
- research programmes, possible involving the United Nations' University;
- activities to make families more aware of their responsibilities;
- examination, perhaps with the involvement of UNESCO, of the relationship between school, apprenticeship and child labour;
- "energetic repressive action" against the worst abuses, such as the various forms of serfdom and bond service, child prostitution and child pornography and the employment of under-age housemaids in servile conditions;
- "essential" involvement of trade unions.

#### Trade Union Involvement in Follow-Up Measures

9.15 No-one can deny that trade unions have a key role to play in fighting the exploitation of child workers and in trying to regulate and humanise child work where its elimination can only be realistically achieved through long-term action. In addition, their active role is fundamental in the following areas:

Unions' aims of obtaining jobs and increased wages for working people will, where achieved, reduce the likelihood that poverty-stricken parents will put their children to work. We have seen that child labour is closely linked to poverty and underdevelopment - and adult unemployment. A family where the father - and/or mother - earns a decent wage is less likely to send children out to work than families where adults find it difficult to find employment.

Unions' insistence on the regulation of working conditions, including a minimum working age, is also of obvious relevance. The ICFTU and its affiliates were instrumental in bringing about a series of ILO Conventions on child labour and have sought to ensure their implementation. The emphasis in coming years should be on the updating of national legislation in the light of prevailing conditions and changes and in keeping with ILO Convention 138. A number of countries still use international texts on minimum age drawn up at least 50 years earlier in order to justify keeping their national standards on this so low. Moreover, national legislation should be extended to include all children and young people in a country. It should not be limited to only some categories of young workers, as is the case in some countries.

9.16 Trade unions have also to stress their role in ensuring that children's schooling is not interfered with by beginning work too early. Legislation requiring compulsory school attendance is not sufficient. Solutions must be provided through an active social policy. Special action is required to define the kind of activities that fall under the heading of "light work" and the minimum age for such work. Unions also have a part to play in protecting young workers from dangerous work by teaching them how to prevent accidents. As part of the apprenticeship and the training, the know-how of experienced adult workers in handling implements, machines, chemicals, etc. should be integrated into the working relationships of the adults and the young persons at the working place. Unions should also make a clear distinction between the work expected from an adult worker and the work to be performed by young persons under clear-cut criteria with safeguarding measures for their health, physical and mental development.

9.17 Unions must, wherever possible, assist the authorities in implementing regulations on child labour, but must be given the relevant information. Heavy penalties should be imposed on employers who repeatedly break the regulations. Unions should be on the look-out for instances of child labour in factories, should report such cases to labour inspectorates, and should ensure that follow-up action against offending employers is taken.

9.18 National affiliates should report to the ICFTU any cases of multinational companies exploiting children so that international publicity and possible trade union action can be directed against the companies concerned. The ICFTU may request unions in the home country of the company to take the matter up with management.

9.19 Many large retail stores in the industrial countries are selling goods, especially clothing, which are produced by sub-contractors in both industrial and developing countries that are using child labour. Unions, through their ITs and in co-operation with the ICFTU, set up a network of information exchanges to enable pressure to be put on such big stores - many of which have well-known brand names - to take action to comply with

international standards. Such pressure should aim to ensure that sub-contractors' use of child labour is either eliminated or strictly controlled. For example, unions should insist that such sub-contractors fully observe minimum age laws, provide adequate pay and safe conditions of work and participate in training and education schemes.

9.20 As regards follow-up action and, among other measures, the ICFTU could call on national centres to press for prohibitive fines and jail sentences against employers who systematically exploit children, particularly in manufacturing industries. However, a purely regulatory approach to the elimination of child labour will not work on its own. Development programmes, employment creation for adults and proper education are also essential. Trade union action aimed at eliminating child labour cannot focus on the implementation of legislation alone. While it is true that governments must be persuaded to ratify the existing international Conventions and Recommendations on the minimum age for employment, trade unions must see to it that such national legislation is backed up by sustained efforts to raise living standards in developing countries.

9.21 As the ILO Director-General points out, "in this context, the impact of policies or measures which may not be specifically addressed to children but which do try to bear on the causes of poverty and inequality can have a significant and even decisive impact on the incidence and extent of child labour". Such policies may include agrarian reforms, employment creation schemes, greater access by the poor to improved technologies, informal sector promotion policies, creation of co-operatives and social security programmes. These and similar measures can lead to broad-based growth, a more egalitarian structure of asset and income distribution and, consequently, a reduction in the incidence of child labour.

9.22 Another set of policies which can have a bearing on the incidence and extent of child labour relates to education, training and apprenticeship. The extension and application of universal compulsory education and the provision of training and apprenticeship schemes adapted to the needs of the given environment can have a significant impact on child labour because they would not only reduce the number of children out of school, but also provide opportunities for skill acquisition and later employment.

9.23 Pending the improvement of economic conditions to the point where it will no longer be necessary or profitable for children to work, trade unions must try and complement long-term employment and development policies with progressive measures aimed at regulating and humanising child work. This will ensure that children are provided with some protection against conditions that jeopardise their normal physical and mental development, deny them educational and skill development and block their lifetime opportunities. Such measures include the adoption and enforcement of protective labour laws, the implementation of improvements at the work site and the provision of welfare facilities. Trade union training and workers' education should also highlight the danger of child labour and develop policies to counteract and eliminate the practice. In other words, a balanced approach which takes both legislation and wider employment-creation and poverty-eradication schemes into account stands a better chance of being successful in eliminating child labour than a purely legislative approach.

re Para. 1.1  
1.5

## ALL WORK AND NO PLAY

### CHILD LABOUR TODAY

A TUC Resource book - 1985

This book aims:

1. to explode the myths of child labour by exposing the facts of children's work at home and overseas;
2. to analyse the causes of child labour;
3. to examine the most effective ways of combating child labour;
4. to explore the rights of children.

#### A Case Study: Child Workers on British Farms

... Within farming communities worldwide children's work is viewed as a natural part of the rural way of life.

But despite some downward trend in the number of farm accidents, agriculture still remains a very dangerous industry. Between 1969 and 1972, 517 people were killed on British farms. Alarming 105 of these deaths were children. By 1976 the number of deaths per year had been reduced to 108 and 31 respectively, by 1982 to 69 and 13 and by 1983 to 65 and five.

But as the Health and Safety Commission Report for 1983 outlines, this should not be a cause for complacency.

The report welcomed the reduction in deaths in 1983 but reminded readers that these still represented five tragedies. Two of the children were at work at the time of their deaths. One of these was a farmer's son, aged 15, who became entangled in a baler. The other, aged 14, was killed when his clothing became caught in an egg conveyor.

Children under school age are not counted in the breakdown of fatalities and injuries according to employment. So deductions have to be made, e.g. the highest concentration of child deaths are in the summer months and on week-days, so it can be deduced that children are 'helping' with harvesting.

Many of the deaths are caused by tractors overturning. The Agricultural and Allied Workers National Trade Group of the TGWU has campaigned for years to have the age at which children can drive tractors raised from 13 to 17. Employers have resisted all arguments.

As can be seen in other industries, inadequate inspection is at the root of this problem. Factory inspection staff levels have been declining since 1979. In agriculture the problem is particularly acute because many of the inspection staff have no experience in agriculture.

It is when children are not under parental supervision that accidents are most likely to occur. And it is with casual forms of labour recruitment that exploitation is most common.....

## II

re Para. 1.6

.....No child under the age of 15 ought to be employed on a building site. To lower, for a time, the minimum age in developing countries to 14 might be necessary. But there is not such a thing as the human employment of children in construction. The same applies to wood manufacture and forestry. These industries are dangerous enough in themselves. To expose children to their many hazards is totally irresponsible. Construction may not be a major sector of child employment. But the photo of the young boy or girl bearing a heavy load of bricks has become the symbol of exploitation at its worst.....

J. Löfblad  
General Secretary  
International Federation of Building and  
Woodworkers

69th Session ILO General Conference 1983

## III

re Para. 2.2

..... The educational situation of children, particularly in the developing countries, is, to say the least, most disturbing. Furthermore, it may be necessary to bear in mind that the mere provision of schooling is no guarantee against the exploitation of children. Indeed, in some cases it may even contribute to it. In a number of countries legislation only prohibits employment of children during school hours, thus obviously permitting their employment outside school hours.....

V.S. Mathur  
ICFTU Representative

69th Session ILO General Conference 1983

re Para. 5.7

..... The number of child workers in India under the age of 14 years ranges from a staggering 10 million to 30 million. The total child population (under 14 years) was 230 million in 1971, constituting 42.02% of the total population, and 10.7 million out of them were gainfully employed. A statement in 'Times of India' 2 April 1981 quoting the figures from National Sample Survey data, cited that there are 16.3 million working children in India and that children constitute about 5% of the total labour force. The survey also adds that child labour in Tamil Nadu topped all States closely followed by Assam. "A sizeable number of children in Tamil Nadu were employed in match and fire work industry. Out of the 50 units covered by the survey in the manufacturing sector, 20 related to match and fire works". The survey estimated that a total number of 40,000 to 50,000 children below the age of 15 years were working in Sivakasi and surrounding areas.\* There are also a large number of children forced into unregulated categories of employment like domestic labour and hawking.

An unrecorded number of children are also employed in workshops and cottage and small industries. The characteristics of this Informal Unorganised Sector make it eminently easy to abuse child labour. Enterprises in this sector mostly use indigenous technology and are relatively labour-intensive where workers' skills can be acquired outside the formal schooling system. Statistics of children employed in organised industries reveals that employment of children is almost non-existent in organised industries. It persists in varying degrees in the unorganised industries, such as small plantations, restaurants, hotels, cotton ginning, weaving, carpet making, brick kilns, handicrafts, matches and road building.....

\* "The Hindu" dt. 13 June 1982

The Child Labour in Sivakasi

Study sponsored by the Ministry of Social Welfare  
undertaken by the Centre of Social Research, Madras 1984

re Para. 7.5

.... We are not stunned because of our lack of awareness of this evil phenomenon, for many of the 5 1/2 million teachers whom we represent are facing the destructive effects of child labour almost every day. Rather, we are shocked because the analysis provided in the Report, as well as the statistics presented, offer an even gloomier picture of the situation than we had already feared.

Although we can generally concur with the analysis of the problem, we are frankly not fully satisfied with the conclusions drawn by the Director-General. Before going into those conclusions, however, I wish to draw your attention to a kind of child labour which has not been recognised as such in the Report but which, in our view, because of its insidious and perverse character and our moral obligation to do whatever is necessary to eradicate it, should not be left unmentioned. What I am speaking of here is the involvement of children in military activities, conflicts, in warfare, in both regular armies and guerilla movements. Although one can argue as to whether pursuit of such activities can be considered as labour in the sense of economic exploitation, it is beyond any doubt that children's involvement in warfare has a direct connection with economic exploitation. The step from child labour to more damaging activities, such as the use of military arms, is, under certain circumstances, not of necessity a quantum leap.

A child fully involved in the labour process is treated to all intents and purposes as an adult. It follows then that he or she can also be involved in grown-up activities, such as war - easy reasoning for some but with devastating effects....

.... Moreover, even the more innocent categories of child labour, such as labour carried out together with and under the guidance of parents, can easily lead to tied or bonded labour. We should not forget that parents are not always the best guarantee for the safety and well-being of their children.

A child formally or informally participating in the labour process is undoubtedly lacking an elementary education. Yet education itself aims at making both the child and his or her society economically stronger in order to make superfluous even the slightest need for child labour. Even when there are not enough schools in a certain area, this absolutely cannot be a motive or excuse for tolerating child labour. On the contrary, where child labour is allowed, it is even more difficult to establish schools and to get children to attend classes. The Director-General is quite right when he states that education in those areas is not only a problem of lack of financial resources but also of lack of interest on the part of parents and children themselves.

We hold the view that each and every form of child labour is undesirable and that protection against such practices should be guaranteed by national legislation.....

Mr Van Leeuwen  
Representative of the International Federation of Free  
Teachers' Unions - 69th Session ILO General Conference, 1983

re Para 7.9

.... To achieve a civilized approach to the problem of child labour, the role of government is decisive, but the workers and employers in every nation must be involved in these efforts to achieve the necessary rules and regulations to control the employment of child labour.

Therefore, it is essential to prevent the illegal and uncontrolled use of child labour to undermine these fair labour standards obtained by the trade unions after many years of struggle and negotiations with employers.

We cannot permit the more horrible perspective of the establishment of a permanent army of child labour which would undermine fair labour standards.....

I. Brown  
US Workers' Delegate to the  
ILO General Conference, 69th Session 1983  
Director AFL-CIO's Department of International Affairs

re Para 9.11

United Farm Workers of America  
AFL-CIO Food and Justice

Editorial February 1985

Child abuse is getting a lot of attention. But child labour - a form of child abuse - is still common in California, Arizona, Texas and throughout the nation.

Some 800,000 underaged children survive by harvesting crops with their families across America. Malnutrition among migrant kids is 10 times higher than the national rate; farm worker babies suffer 25% higher infant mortality and some are born deformed because of toxic pesticides carelessly sprayed in the fields. Kids as young as six years old have voted in state-conducted union election since they qualified as workers. "Without them we couldn't survive", one migrant parent admitted.

Many growers say children are in the fields because their parents want them to work. Some well-meaning people think the answer is better education and more social programmes. We disagree!

Where farm workers enjoy the protections of UFW contracts we have succeeded in nearly eliminating this vile abuse. These workers earn enough so they don't have to migrate anymore with their children; their kids go to school and they can afford to live in decent homes instead of rancid farm labour camps.

But only about 20% of California farm workers enjoy these protections. For the rest, poverty and abuse are daily facts of life. We in the UFW are working to change that.

re Para 9.15  
9.17

#### A Study Case from Sweden

.....The labour of individuals under age is regulated in Sweden in a number of laws, such as the Working Environment Act, the Working Hours Act and the Act on Protection against Radioactivity. In addition, the Swedish government has issued a special announcement on the labour of individuals under age.

The Working Environment Act prescribes that a person under age must not be engaged for work before the calendar year in which he reaches the age of sixteen. There is also a corresponding stipulation in the Act on Protection against Radioactivity. Concerning the Working Environment Act, it is possible to make exceptions for light work, in order to enable school children to work during their holidays.

To control that persons under age are not subject to hazards in their work, there are also stipulations in the two above-mentioned laws on medical examination.

To prevent the risks of particularly dangerous works, the National Safety and Health Board has made a special notice concerning the labour of individuals under age. This notice contains a list of works not allowed for persons under age, unless special conditions have been stated. Some examples from this list are labour underground in mines and labour in ports.

Completely prohibited is, e.g. work under water and work with cancerogene substances.

Some employers have taken undue advantage of the fact that school children want to work in their holidays. This has happened particularly in the service sectors, such as the hotel and restaurant trade and in commerce, and then specially in holiday resorts.

To remedy this, LO Sweden has carried out outgoing activities, called "Trade Unions in Summerland", together with the Swedish Hotel and Restaurant Workers' Union, the Swedish Commercial Employees Union and the Swedish Social Democratic Youth. It has been very much appreciated and resulted in correct wages as well as working hours.

Corresponding activities were also made during the winter season in winter sport centres. When incorrect working hours have been observed, it has been reported to the Labour Inspectorate.

Our problems in Sweden are not, in principle, the exploitation of children in working life, but rather the difficulties in finding, in a modern society, suitable and sufficient jobs for those who leave the general school of at least nine years.....

Bo Tengberg  
Swedish Trade Union Confederation - LO



re Para 9.15  
9.17

## New Zealand

### A Study Case of Trade Union Initiatives

Where the employment is formal, the trade union movement has endeavoured to secure a measure of protection and where this has not been achieved, unions have informally taken up grievances on behalf of children.

In the last few years we have negotiated "Codes of Practice" covering employment conditions and safety requirements for young people involved in the delivery of newspapers and milk. Initiatives for similar Codes of Practice in other related areas (such as rag and plastic bag collection, delivery of advertising material, etc.) have met with some success, but not on a widespread basis. Children working as cleaners and in shops, etc. have existing award coverage under the same provisions as apply to adults (but in some cases subject to "youth rates").

#### What are youth rates?

Youth rates in awards and agreements have been an ongoing problem area for the trade union movement in New Zealand. Many awards contain youth rates for workers in the 15-18 age group (with some awards taking youth rates as high as 25 years of age). Whilst this age group strictly falls outside the "child labour" area (i.e. under 15), it should not go without mention in the context of this exercise.

Youth rates originally were put into awards as "training rates". Unions have pursued the elimination of "youth rates" from awards and have achieved varying levels of success in restricting their application or replacing them with the "training" concept (with appropriate safeguards) if not eliminating youth rates altogether.

Immediate outstanding areas of concern for the trade union movement are:

- the need to raise and improve conditions for young workers under existing Codes of Practice in the milk and newspaper delivery areas;
- the need to secure some protection for young people in other types of delivery (advertising pamphlets etc.);
- the full application to young people of the principle of equal remuneration for work of equal value.

- 29 -

9.24 Trade unions have a key role to play in putting constant pressure for change and improvements in the general labour conditions on governments, employers and the general public which, to a large extent, remains ignorant of the problems created by child labour. Trade union campaigns in developing countries should make it clear that child labour not only harms the child who is forced to work prematurely, but damages society and family life and has a lasting impact on entire generations to come. A major role for trade unions is to urge governments to set up welfare programmes and improve conditions at the workplace. One way of achieving this would be to include provisions on the prevention of child labour, or the protection of child workers, in collective agreements signed between unions and employers.

9.25 Another aspect of the trade unions' role in alleviating the pressure on children to work, lies in involving women in non-domestic economic activity. In some restricted societies where women are confined and secluded, children become the logical outlets for performing tasks that women are not allowed to engage in - street trading, purchasing and marketing, etc. A fuller participation by women in society would free children from these duties and help transform a pattern where children are channelled into a narrow range of occupations and activities from an early age.

9.26 The importance of effective labour inspection has already been stressed. Trade unions must keep pressing for the creation and effective functioning of labour inspection in all sectors, in order to supervise the application of the ban on child labour and to guarantee the moral and physical protection of children who still work.

9.27 Trade union action aimed at eliminating child labour, however, takes into account the special needs of children in developing nations, where adult unemployment and poverty often force children to look for jobs to feed their families. Lack of proper educational facilities is another problem that forces children to work. ICFTU affiliates in a number of developing nations have started to tackle the problem by providing working children with opportunities to develop skills. Small-scale projects which provide vocational training for children have been successfully undertaken in Malaysia, South India, Bombay and Latin America. They ensure that child workers actually acquire skills and training while they earn money to feed their families - and that once grown up, they will find well-paid jobs with chances of promotion. Some unions have also provided scholarships for children of workers.

9.28 It is clear that decisive steps to eliminate child labour can be taken only through strong co-operation among free trade unions. Unions have a role to play in informing the public of violations of international Conventions - and national legislation - on this subject, in pressing for changes in government rules regarding the use of child labour, in working to improve the lot of children who are forced to work to support their families and the like. Such union action is necessary not only because the illegal and uncontrolled use of child labour will undermine the standards achieved by adult workers - and reduce adult wages - but because child workers become gradually unemployable as adults because of illness or because they lack proper vocational training. In the long term this can delay or even prevent the economic development of Third World nations.

Priorities for action by trade unions and the ILO

9.29 The priorities drawn up by the ILO Director-General's report on child labour coincide with the ICFTU's action to combat child labour in the following respects:

- the review of existing legal standards on minimum age for admission to employment or work, with the aim of identifying any significant gaps in coverage and, where possible, adopting laws or regulations for some or all of the sectors concerned;
- the adoption and strict enforcement of laws or regulations prohibiting the employment or work of children in hazardous activities;
- the promotion of occupational safety and health and the improvement of the physical environment at the workplace in sectors where children are known to be engaged;
- the regulation and improvement of other conditions of work of children, especially in respect of hours of work, night work, weekly rest and holidays;
- the regulation of levels and methods of remuneration and the protection of wages;
- the strengthening of labour inspection and other enforcement measures for the regulation of child labour;
- the provision of welfare facilities and services for children at or near the workplace;
- the expansion of educational facilities to permit the extension or more effective implementation of compulsory education;
- the introduction of schemes by which children who are obliged to work can combine remunerative activity with education or training;
- the encouragement of action by employers and governments, as well as organisations to promote child welfare;
- the exposure of particularly abusive or exploitative practices;
- the dissemination of information designed to create greater public awareness of the adverse effects of child labour.

Wider government action where trade unions can play a role

9.30 a) Emphasis on rural development: We have stressed that the long-term solution to the problem of child labour lies in ameliorating the conditions of poverty which breed the problem of child labour. Much of the poverty is manifest in the rural areas where the bulk of the population of developing countries live. Development strategies have often concentrated on urban development projects, ignoring the very real needs of villagers. This neglect of rural problems has speeded up the migration of poor rural families to the already crowded urban centres where jobs in industry are hard to find.

This failure of urban industries to absorb the bulk of the rural migrants perpetuates the circle of poverty and forces children on to the labour market in order to contribute to the survival of the family. The recent shift towards rural development programmes by international aid organisations such as the World Bank, the European Community and national governments, can be encouraged by trade unions, because in the long term they will slow down the rural exodus which currently characterises the Third World.

9.31 b) International and bilateral aid programmes should also be designed to improve the educational, health and employment facilities available in the rural areas in the developing countries. Efforts by inter-governmental organisations to set up projects where children can learn new skills while working can also be backed by trade unions. Such vocational training schemes are being implemented by organisations such as the ILO and UNESCO.

9.32 c) In recent years, a number of international organisations including the EC, have looked at the possibility of using trade agreements and aid programmes as a lever to influence countries to take action against the use of child labour. For example, aid programmes and trade preferences could be used to assist and encourage developing countries to take measures with the objective of fully observing specified basic ILO standards.

9.33 Trade union leaders can influence international development experts in all these areas - by calling for more rural development projects, pushing for vocational training schemes and asking aid organisations to link their aid to the application of standards in developing countries.

Trade Union Projects

9.34 A vocational training project aimed at providing young girls and boys in the Greater Bombay area with occupational skills and knowledge has been implemented by the Central Women Workers' Committee of the INTUC with the financial assistance of the ICFTU. The aim of the project is to assist young girls and boys to develop occupational competence by actually performing tasks and learning skills which are relevant to them within their specific living conditions and available resources. The Committee in charge of the project has decided to concentrate on urban slums where almost 40 per cent of the population of Bombay currently lives. Most of these slums have no basic amenities such as water, toilets, electricity or any other services. Slum dwellers, including women and children, provide cheap labour utilised for the selling of vegetables and fruit, cleaning garbage and working in small-scale enterprises, hotels and so on.

9.35 Children in slums form the most vulnerable group. They are seen as earning members of the family and are pressed into taking up jobs at a very early age. Some of them are forced to leave school - and practically never re-enter the formal educational system. Because they lack formal skills, they are given jobs which require little technical knowledge. This prevents them from ever succeeding in improving their status in society or the job market. Given these problems, the Committee in charge of the project decided to emphasise "non-formal education", i.e. the teaching of skills which children could use to make a living and cope with their environment.



9.36 The technique has, to date, been used on five "target groups" in different parts of Greater Bombay.

- Target group 1: this group included about 25 girls who worked in small-scale industries, ready-made garment factories and in private homes as domestic help. During initial contacts with the trade union, the young girls stressed that they had been forced to go out to work to provide for their families and that they were particularly interested in acquiring useful vocational training. Most of the girls showed a special interest in organising a "screen-printing course" which they said had great scope for the future. The course was attended by 25 girls. Later, 20 girls were selected for an advanced course on "textile printing". The Committee has plans to set up a small workshop where the girls can devote more time to practical experience.
- Target group 2: the Committee has also organised an "Assistant Wireman's" course for children working in small restaurants, small-scale industrial units and tea stalls.
- Target groups 3 and 4: in another large Bombay slum, the INTUC Committee has started sewing classes for girls. This has been followed up by a wider-ranging "handicrafts training class" attended by between 35 to 40 girls.
- Target group 5: another sewing class has been organised by the Committee in a Bombay slum where children work as rag-pickers, in small restaurants and small-scale industrial units.

9.37 The Committee suggests that such vocational training programmes could be associated with literacy classes for children who have never been to school and require some basic education before they start any skill acquisition programmes.

9.38 "The Aage Chalo Project" of the SEWA Rural Wing, India\*, which has worked out a scheme in a systematic way, can claim a concrete achievement combining child welfare with services to working mothers as well as creating a self-employed sector, giving women an occupational situation with good economic prospects.

9.39 Affiliates of the International Federation of Plantation, Agricultural and Allied Workers (IFPAAW) have focused on education for rural and plantation children in a number of developing countries.

- In Malaysia, the National Union of Plantation Workers has provided scholarships for children of plantation workers and has supported its own vocational training institute, the Negri Agro-Industrial Training Complex.
- The IFPAAW has been active in securing scholarships for plantation workers' children in Asia with the active support of the ICFTU and the Netherlands Trade Union Confederation (FNV).

- In South India, the IFPAAW has assisted the Nilgiris District Estate Workers' Union to set up a vocational training institute in carpentry, electricity and tailoring training, which is now under the umbrella of the Tom S. Bavin Trust. Priority is given to members' children and children of the lowest income group.
- In Latin America, efforts have been made to train young people, especially young women, in tailoring and handicrafts while giving them a basic understanding of the role of the rural workers' organisation. Small co-operative ventures have employed these girls in self-employment schemes. These are backed by the Union, which has the expertise needed to ensure the success of these small projects.
- Also in Latin America, the IFPAAW has conducted special services training courses for rural workers, who learn such skills as fish-raising, home garden cultivation and animal husbandry. As most of the skills are imparted to women - and because they lead to an improvement of the socio-economic conditions of entire families - such projects free children from economic strains.

#### Conclusions

9.40 The progressive elimination of child labour is now a universally accepted goal. But the fight against child labour must be conducted on a number of fronts: international Conventions drawn up by the ILO must be translated into enforceable national legislation. Long-term measures designed to eradicate poverty, which is the main reason for child labour; must be complemented by short-term action aimed at making immediate changes in the environment in which children work. Rural development programmes must go hand in hand with projects aimed at making life easier for children living in Third World slums.

9.41 Trade unions are involved in pursuing such action on all fronts. They have been in the forefront of ILO efforts to set a minimum age for admission to employment and work. They have lobbied governments to ratify the Conventions and to enforce them in different sectors of their economies. They have pushed for the setting up of effective labour inspectorates and they have tried, through publicity campaigns, newspaper articles and seminars, to draw national and international attention to the situation of child workers, both in developing and in industrialised countries. Trade unions also have a key role to play in influencing governments to change their development priorities. Efforts must be made to promote rural development. It has been shown that the massive exodus of villagers to cities often pushes young children into work.

9.42 Trade unions, through concerted action, must break the wall of silence that surrounds these issues, whether it be in their relations with governments so as to encourage them to spend more money on developing their education, health and vocational training facilities, or whether it be in alerting public opinion, which is still largely ignorant about the dangers of child labour and the damage it can cause to family life - and to entire societies and economies.

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\* ITGLWF, See note page 8

9.43 ICFTU affiliates have launched practical initiatives to improve the conditions under which child workers often labour. They will continue to do so. The struggle against the exploitation of children promises to be a long and difficult one, but it is the ICFTU's determination that free trade unions all over the world will pave the way for the eventual abolition of child labour.

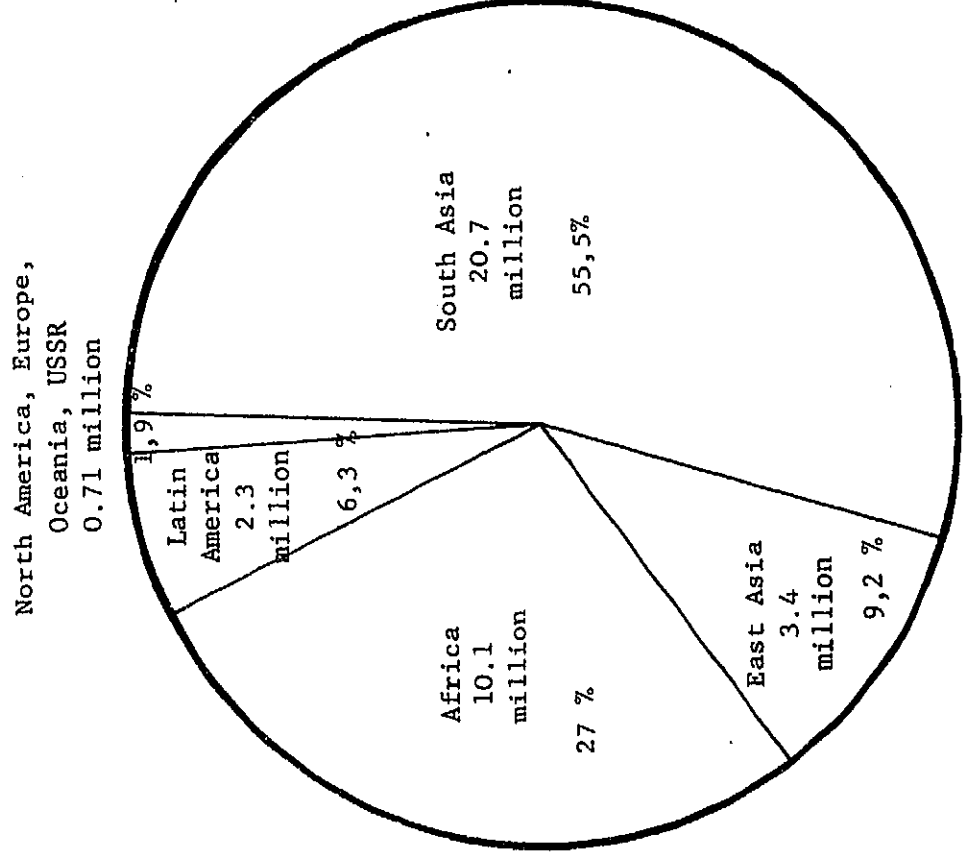
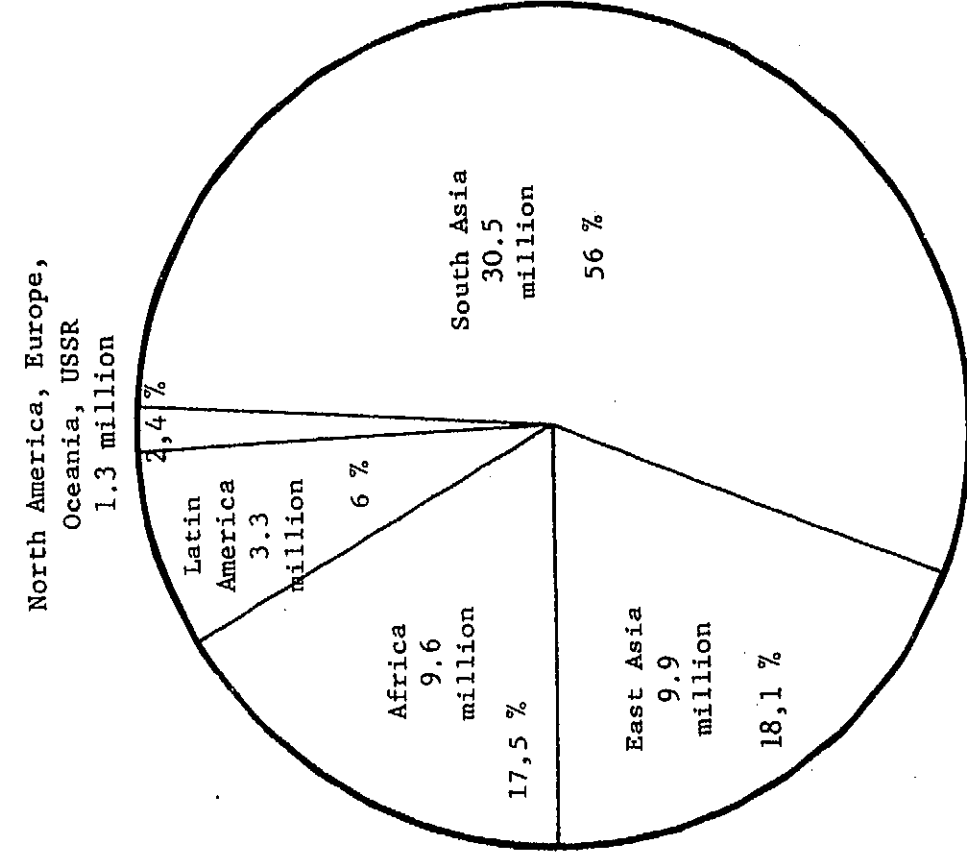
TABLE 1

Number and percentage of boys and girls aged 10-14 in the labour force, selected countries, 1971

	BOYS		GIRLS		TOTAL	
	In the labour force Number (in thousands)	Percentage	In the labour force Number (in thousands)	Percentage	In the labour force Number (in thousands)	Percentage
United States	221	2.1	106	1.1	327	1.6
China	5,397	12.2	4,128	9.6	9,525	10.9
Sweden	2	0.6	1	0.3	3	0.4
Italy	70	3.1	44	2.0	114	2.6
Hungary	2	0.6	4	1.3	6	1.0
Egypt	426	18.2	101	4.5	597	11.5
Mozambique	220	41.8	77	14.5	297	28.1
Tanzania	334	35.9	223	23.9	557	29.9
Brazil	1,054	15.8	382	5.8	1,436	10.8
Peru	44	4.6	40	4.3	84	4.5
Mexico	390	10.0	91	2.4	481	6.3
India	7,620	19.4	7,537	20.7	15,157	20.0
Indonesia	1,425	16.5	1,048	12.5	2,473	14.5
Thailand	623	23.0	730	27.7	1,353	25.4

Table 2

Number of children under 15 in the labour force,  
world regions, 1975 and 2000  
(in millions)



1975

Total labour force under 15

2000

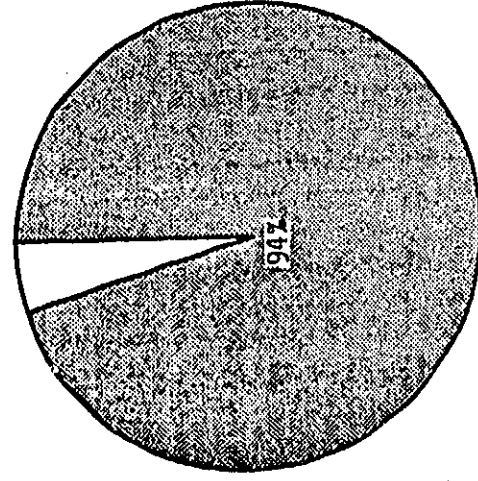
Total labour force under 15

Source: Population Reference Bureau.

Table 3

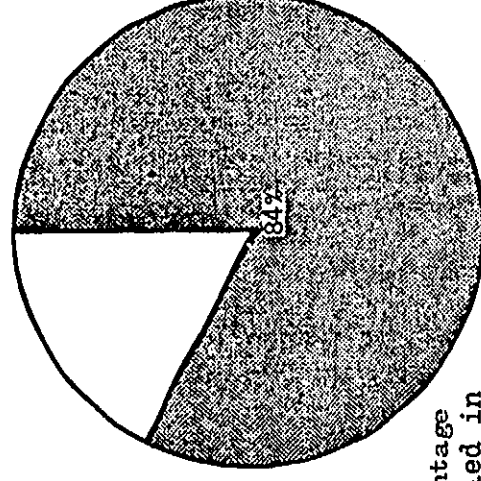
Percentage of children aged 6-11 and 12-17 enrolled in school,  
developed and developing countries, 1975

Primary school  
ages 6-11

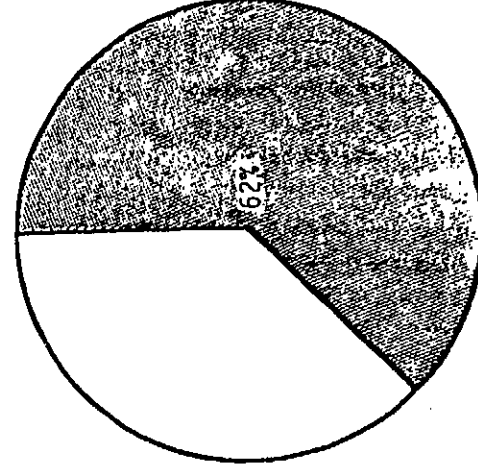


Developed  
countries

Secondary school  
ages 12-17

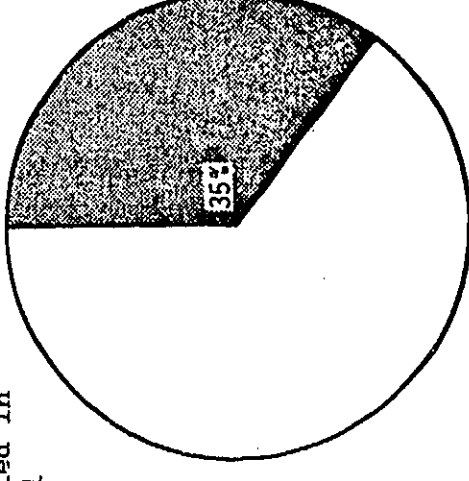


Percentage  
enrolled in  
school



Developing  
countries

Percentage not  
enrolled in  
school



Source: Population Reference Bureau.

## INTERNATIONAL LABOUR CONFERENCE

Convention 138CONVENTION CONCERNING MINIMUM AGE  
FOR ADMISSION TO EMPLOYMENT

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-eighth Session on 6 June 1973, and

Having decided upon the adoption of certain proposals with regard to minimum age for admission to employment, which is the fourth item on the agenda of the Session, and

Noting the terms of the Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention, 1921, the Minimum Age (Trimmers and Stokers) Convention, 1921, the Minimum Age (Non-Industrial Employment) Convention, 1932, the Minimum Age (Sea) Convention (Revised) 1936, the Minimum Age (Industry) Convention (Revised), 1937, the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, the Minimum Age (Fishermen) Convention, 1959 and the Minimum Age (Underground Work) Convention, 1965, and

Considering that the time has come to establish a general instrument on the subject, which would gradually replace the existing ones applicable to limited economic sectors, with a view to achieving the total abolition of child labour, and

Having determined that this instrument shall take the form of an international Convention,

adopts this twenty-sixth day of June of the year one thousand nine hundred and seventy-three the following Convention, which may be cited as the Minimum Age Convention, 1973:

Article 1

Each member for which this Convention is in force undertakes to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons.

Article 2

1. Each member which ratifies this Convention shall specify, in a declaration appended to its ratification, a minimum age for admission to employment or work within its territory and on means of transport registered in its territory; subject to Articles 4-8 of this Convention, no one under that age shall be admitted to employment or work in any occupation.

2. Each Member which has ratified this Convention may subsequently notify the Director-General of the International Labour Office, by further declarations, that it specifies a minimum age higher than that previously specified.

3. The minimum age specified in pursuance of paragraph 1 of this Article shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years.

4. Notwithstanding the provisions of paragraph 3 of this Article, a member whose economy and educational facilities are insufficiently developed may, after consultation with the organisations of employers and workers concerned, where such exist, initially specify a minimum age of 14 years.

5. Each member who has specified a minimum age of 14 years in pursuance of the provisions of the preceding paragraph shall include in its reports on the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation, a statement,

- (a) that its reason for doing so subsists; or
- (b) that it renounces its right to avail itself of the provisions in question as from a stated date.

Article 3

1. The minimum age for admission to 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, shall not be less than 18 years.

2. The types of employment or work to which paragraph 1 of this Article applies shall be determined by national laws or regulations or by the competent authority, after consultation with the organisations of employers and workers concerned, where such exist.

3. Notwithstanding the provisions of paragraph 1 of this Article, national laws or regulations or the competent authority may, after consultation with the organisations of employers and workers concerned, where such exist, authorise employment or work as from the age of 16 years on condition that the health, safety and morals of the young persons concerned are fully protected and that the young persons have received adequate specific instruction or vocational training in the relevant branch of activity.

Article 4

1. In so far as necessary, the competent authority after consultation with the organisations of employers and workers concerned, where such exist, may exclude from the application of this Convention limited categories of employment or work in respect of which special and substantial problems of application arise.

2. Each member who ratifies this Convention shall list in its first report on the application of the Convention submitted under Article 22 of the Constitution of the International Labour Organisation any categories which may have been excluded in pursuance of paragraph 1 of this Article, giving the reasons for such exclusion, and shall state in subsequent reports the position of its law and practice in respect of the categories excluded and the extent to which effect has been given or is proposed to be given to the Convention in respect of such categories.

3. Employment or work covered by Article 3 of this Convention shall not be excluded from the application of the Convention in pursuance of this Article.

#### Article 5

1. A member whose economy and administrative facilities are insufficiently developed may, after consultation with the organisations of employers and workers concerned where such exist, initially limit the scope of application of this Convention.

2. Each member who avails himself of the provisions of paragraph 1 of this Article shall specify, in a declaration appended to his ratification, the branches of economic activity or types of undertakings to which he will apply the provisions of the Convention.

3. The provisions of the Convention shall be applicable as a minimum to the following; mining and quarrying; manufacturing; construction; electricity, gas and water; sanitary services; transport, storage and communication; and plantations and other agricultural undertakings, mainly producing for commercial purposes but excluding family and small-scale holdings producing for local consumption and not regularly employing hired workers.

4. Any member who has limited the scope of application of this Convention in pursuance of this Article,

(a) shall indicate in its report under Article 22 of the Constitution of International Labour Organisation, the general position as regards the employment or work of young persons and children in the branches of activity who are excluded from the scope of application of this Convention, and any progress which may have been made towards wider application of the provisions of the Convention;

(b) may, at any time, formally extend the scope of application by a declaration addressed to the Director-General of the International Labour Office.

#### Article 6

This Convention does not apply to work done by children and young persons in schools for general, vocational or technical education or in any 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 after consultation with the organisations of employers and workers concerned, where such exist, and is an integral part of,

- (a) a course of education or training for which a school or training institution is primarily responsible;
- (b) a programme of training mainly or entirely in an undertaking, which programme has been approved by the competent authority; or
- (c) a programme of guidance or orientation designed to facilitate the choice of an occupation or of a line of training.

#### Article 7

1. National laws or regulations may permit the employment or work of persons of 13 to 15 years of age on light work, which is,

- (a) not likely to be harmful to their health or development; and
- (b) not such as to prejudice their attendance at school their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received.

2. National laws or regulations may also permit the employment or work of persons who are at least 15 years of age but have not yet completed their compulsory schooling, on work which meets the requirements set forth in subparagraphs (a) and (b) of paragraph 1 of this Article.

3. The competent authority shall determine the activities in which employment or work may be permitted under paragraphs 1 and 2 of this Article, and shall prescribe the number of hours during which - and the conditions in which - such employment or work may be undertaken.

4. Notwithstanding the provisions of paragraphs 1 and 2 of this Article, a member who has availed himself of the provisions of paragraph 4 of Article 2 may, for as long as it continues to do so, substitute the ages of 12 and 14 for the ages 13 and 15 in paragraph 1, and the age of 14 for the age of 15 in paragraph 2 of this Article.

#### Article 8

1. After consultation with the organisations of employers and workers concerned, where such exist, the competent authority may by permits granted in individual cases allow exceptions to the prohibition of employment or work provided for in Article 2 of this Convention, for such purposes as participation in artistic performances.

2. Permits so granted shall limit the number of hours during which, and prescribe the conditions in which employment or work is allowed.

#### Article 9

1. All necessary measures, including the provision of appropriate penalties, shall be taken by the competent authority to ensure the effective enforcement of the provisions of this Convention.

2. National laws or regulations or the competent authority shall define the persons responsible for compliance with the provisions giving effect to the Convention.

3. National laws or regulations or the competent authority shall prescribe the registers or other documents which shall be kept and made available by the employer; such registers or documents shall contain the names and ages or dates of birth, duly certified wherever possible, of persons whom he employs or who work for him, and who are less than 18 years of age.

#### Article 10

1. This Convention revises, on the terms set forth in this Article, the Minimum Age (Industry) Convention, 1919; the Minimum Age (Sea) Convention, 1920; the Minimum Age (Agriculture) Convention, 1921; the Minimum Age (Trimmers and Stokers) Convention, 1921; the Minimum Age (Non-Industrial Employment) Convention, 1932; the Minimum Age (Sea) Convention (Revised), 1936; the Minimum Age (Industry) Convention (Revised), 1937; the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937; the Minimum Age (Fishermen) Convention, 1959; and the Minimum Age (Underground work) Convention, 1965.
2. The coming into force of this Convention shall not close the Minimum Age (Sea) Convention (Revised), 1936; the Minimum Age (Industry) Convention (Revised), 1957; the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937; the Minimum Age (Fishermen) Convention, 1959, or the Minimum Age (Underground Work) Convention, 1965, to further ratification.
3. The Minimum Age (Industry) Convention, 1919; the Minimum Age (Sea) Convention, 1920; the Minimum Age (Agriculture) Convention 1921, and the Minimum Age (Trimmers and Stokers) Convention, 1921, shall be closed to further ratification when all the parties thereto have consented to such closing by ratification of this Convention or by a declaration communicated to the Director-General of the International Labour Office.
4. When the obligations of this Convention are accepted,
  - (a) by a member who is a party to the Minimum Age (Industry) Convention (Revised), 1937, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention, this shall ipso jure involve the immediate denunciation of that Convention;
  - (b) in respect of non-industrial employment, as defined in the Minimum Age (Non-Industrial Employment) Convention, 1932, by a member who is a party to that Convention; this shall ipso jure involve the immediate denunciation of that Convention;
  - (c) in respect of non-industrial employment, as defined in the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, by a member who is a party to that Convention, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention; this shall ipso jure involve the immediate denunciation of that Convention;
  - (d) in respect of maritime employment, by a member who is a party to the Minimum Age (Sea) Convention (Revised), 1936, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention, or the member specifies that Article 3 of this Convention applies to maritime employment; this shall ipso jure involve the immediate denunciation of that Convention;
  - (e) in respect of employment in maritime fishing by a member who is a party to the Minimum Age (Fishermen) Convention, 1959, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention, or the member specifies that Article 3 of this Convention applies to employment in maritime fishing; this shall ipso jure involve the immediate denunciation of that Convention.

- (f) by a member who is a party to the Minimum Age (Underground Work) Convention, 1965, and a minimum age of not less than the age specified in pursuance of that Convention is specified in pursuance of Article 2 of this Convention, or the member specifies that such an age applies to employment underground in mines in virtue of Article 3 of this Convention; this shall ipso jure involve the immediate denunciation of that Convention,  
if and when this Convention shall have come into force.
5. Acceptance of the obligations of this Convention,
  - (a) shall involve the denunciation of the Minimum Age (Industry) Convention, 1919, in accordance with Article 12 thereof;
  - (b) in respect of agriculture shall involve the denunciation of the Minimum Age (Agriculture) Convention, 1921, in accordance with Article 9 thereof;
  - (c) in respect of maritime employment shall involve the denunciation of the Minimum Age (Sea) Convention, 1920, in accordance with Article 10 thereof, and of the Minimum Age (Trimmers and Stokers) Convention, 1921, in accordance with Article 12 thereof,  
if and when this Convention shall have come into force.

#### Article 11

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

#### Article 12

1. This Convention shall be binding only upon those members of the International Labour Organisation whose ratifications have been registered with the Director-General.
2. It shall come into force 12 months after the date on which the ratifications of two members have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any member 12 months after the date on which its ratification has been registered.

#### Article 13

1. A member who has ratified this Convention may denounce it after the expiration of 10 years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.
2. Each member who has ratified this Convention and who does not, within the year following the expiration of the period of 10 years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of 10 years and, thereafter, may denounce this Convention at the expiration of each period of 10 years under the terms provided for in this Article.

Article 14

1. The Director-General of the International Labour Office shall notify all members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the members of the Organisation.
2. When notifying the members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the members of the Organisation to the date upon which the Convention will come into force.

Article 15

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 16

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the Agenda of the Conference the question of its revision in whole or in part.

Article 17

1. Should the Conference adopt a new Convention revising this Convention, in whole or in part, then unless the new Convention otherwise provides,
  - (a) the ratification by a member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 13 above, if and when the new revising Convention shall have come into force;
  - (b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the members.
2. This Convention shall in any case remain in force in its actual form and content for those members who have ratified it but have not ratified the revising Convention.

Article 18

The English and French versions of the text of this Convention are equally authoritative.

APPENDIX II

INTERNATIONAL LABOUR CONFERENCE

Recommendation 146

RECOMMENDATION CONCERNING MINIMUM AGE FOR  
ADMISSION TO EMPLOYMENT

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its fifty-eighth session on 6 June 1973, and

Recognising that the effective abolition of child labour and the progressive raising of the minimum age for admission to employment constitute only one aspect of the protection and advancement of children and young persons, and

Noting the concern of the whole United Nations system with such protection and advancement, and

Having adopted the Minimum Age Convention, 1973, and

Desirous to define further certain elements of policy which are the concern of the International Labour Organisation, and

Having decided upon the adoption of certain proposals regarding minimum age for admission to employment, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Minimum Age Convention, 1973,

adopts this twenty-sixth day of June of the year one thousand nine hundred and seventy-three the following Recommendations, which may be cited as the Minimum Age Recommendation, 1973:

I. NATIONAL POLICY

1. To ensure the success of the national policy provided for in Article 1 of the Minimum Age Convention, 1973, high priority should be given to planning for and meeting the needs of children and youth in national development policies and programmes and to the progressive extension of the inter-related measures necessary to provide the best possible conditions of physical and mental growth for children and young persons.
2. In this connection special attention should be given to such areas of planning and policy as the following:
  - (a) firm national commitment to full employment, in accordance with the Employment Policy Convention and Recommendation, 1964, and the taking of measures designed to promote employment-oriented development in rural and urban areas;



(b) the progressive extension of other economic and social measures to alleviate poverty wherever it exists and to ensure family living standards and income which are such as to make it unnecessary to have recourse to the economic activity of children;

(c) the development and progressive extension, without any discrimination, of social security and family welfare measures aimed at ensuring child maintenance, including children's allowances;

(d) the development and progressive extension of adequate facilities for education and vocational orientation and training appropriate in form and content to the needs of the children and young persons concerned;

(e) the development and progressive extension of appropriate facilities for the protection and welfare of children and young persons, including employed young persons, and for the promotion of their development.

3. Particular account should as necessary be taken of the needs of children and young persons who do not have families or do not live with their own families and of migrant children and young persons who live and travel with their families. Measures taken to that end should include the provision of fellowships and vocational training.

4. Full-time attendance at school or participation in approved vocational orientation or training programmes should be required and effectively ensured up to an age at least equal to that specified for admission to employment in accordance with Article 2 of the Minimum Age Convention, 1973.

5. (1) Consideration should be given to measures such as preparatory training, not involving hazards, for types of employment or work in respect of which the minimum age prescribed in accordance with Article 3 of the Minimum Age Convention, 1973, is higher than the age of completion of compulsory full-time schooling.

(2) Analogous measures should be envisaged where the professional exigencies of a particular occupation include a minimum age for admission which is higher than the age of completion of compulsory full-time schooling.

## II. MINIMUM AGE

6. The minimum age should be fixed at the same level for all sectors of economic activity.

7. (1) Members should take as their objective the progressive raising of the minimum age for admission to employment or work specified in pursuance of Article 2 of the Minimum Age Convention 1973.

(2) Where the minimum age for employment or work covered by Article 2 of the Minimum Age Convention, 1973, is still below 15 years, urgent steps should be taken to raise it to that level.

8. Where it is not immediately feasible to fix a minimum age for all employment in agriculture and in related activities in rural areas, a minimum age should be fixed at least for employment on plantations and in the other agricultural undertakings referred to in Article 5, paragraph 3, of the Minimum Age Convention, 1973.

## III. HAZARDOUS EMPLOYMENT OR WORK

9. Where the minimum age for admission to types of employment or work which are likely to jeopardise the health, safety or morals of young persons is still below 18 years, immediate steps should be taken to raise it to that level.

10. (1) In determining the types of employment or work to which Article 3 of the Minimum Age Convention, 1973, applies, full account should be taken of relevant international labour standards, such as those concerning dangerous substances, agents or processes (including ionizing radiations), the lifting of heavy weights and underground work.

(2) The list of the types of employment or work in question should be re-examined periodically and revised as necessary, particularly in the light of advancing scientific and technological knowledge.

11. Where, by reference to Article 5 of the Minimum Age Convention, 1973, a minimum age is not immediately fixed for certain branches of economic activity or types of undertakings, appropriate minimum age provisions should be made applicable therein to types of employment or work presenting hazards for young persons.

## IV. CONDITIONS OF EMPLOYMENT

12. (1) Measures should be taken to ensure that the conditions in which children and young persons under the age of 18 years are employed or work reach and are maintained at a satisfactory standard. These conditions should be supervised closely.

(2) Measures should likewise be taken to safeguard and supervise the conditions in which children and young persons undergo vocational orientation and training within undertakings, training institutions and schools for vocational or technical education and to formulate standards for their protection and development.

13. (1) In connection with the application of the preceding paragraph, as well as in giving effect to Article 7, paragraph 3, of the Minimum Age Convention, 1973, special attention should be given to:

(a) the provision of fair remuneration and its protection, bearing in mind the principle of equal pay for equal work;

(b) the strict limitation of the hours spent at work in a day and in a week, and the prohibition of overtime, so as to allow enough time for education and training (including the time needed for homework related thereto), for rest during the day and for leisure activities;



(c) the granting, without possibility of exception save in genuine emergency, of a minimum consecutive period of 12 hours night rest and of customary weekly rest days;

(d) the granting of an annual holiday with pay of at least four weeks and in any case not shorter than that granted to adults;

(e) coverage by social security schemes, including employment injury, medical care and sickness benefit schemes, whatever the conditions of employment or work may be;

(f) the maintenance of satisfactory standards of safety and health and appropriate instruction and supervision.

(2) Sub-paragraph (1) of this paragraph applies to young seafarers insofar as they are not covered in respect of the matters dealt with therein by international labour Conventions or Recommendations specifically concerned with maritime employment.

#### V. ENFORCEMENT

14. (1) Measures to ensure the effective application of the Minimum Age Convention, 1973, and of this Recommendation should include:

(a) the strengthening as necessary of labour inspection and related services, for instance by the special training of inspectors to detect abuses in the employment or work of children and young persons and to correct such abuses; and

(b) the strengthening of services for the improvement and inspection of training in undertakings.

(2) Emphasis should be placed on the role which can be played by inspectors in supplying information and advice on effective means of complying with relevant provisions as well as in securing their enforcement.

(3) Labour inspection and inspection of training in undertakings should be closely co-ordinated to provide the greatest economic efficiency and, generally, the labour administration services should work in close co-operation with the services responsible for the education, training, welfare and guidance of children and young persons.

15. Special attention should be paid:

(a) to the enforcement of provisions concerning employment in hazardous types of employment or work; and

(b) insofar as education or training is compulsory, to the prevention of the employment or work of children and young persons during the hours when instruction is available.

16. The following measures should be taken to facilitate the verification of ages:

(a) the public authorities should maintain an effective system of birth registration, which should include the issue of birth certificates;

(b) employers should be required to keep and to make available to the competent authority registers or other documents indicating the names and ages or dates of birth, duly certified wherever possible, not only of children and young persons employed by them but also of those receiving vocational orientation or training in their undertakings;

(c) children and young persons working in the streets, in outside stalls, in public places, in itinerant occupations or in other circumstances which make the checking of employers' records impracticable should be issued licences or other documents indicating their eligibility for such work.

APPENDIX III

CONVENTION No. 10

Convention concerning the Age for Admission of Children  
to Employment in Agriculture\*

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Third Session on 25 October 1921, and

Having decided upon the adoption of certain proposals with regard to the employment of children in agriculture during compulsory school hours, which is included in the third item of the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts the following Convention, which may be cited as the Minimum Age (Agriculture) Convention, 1921, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation:

Article 1

Children under the age of fourteen years may not be employed or work in any public or private agricultural undertaking, or in any branch thereof, save outside the hours fixed for school attendance. If they are employed outside the hours of school attendance, the employment shall not be such as to prejudice their attendance at school.

Article 2

For purposes of practical vocational instruction the periods and the hours of school attendance may be so arranged as to permit the employment of children on light agricultural work and in particular on light work connected with the harvest, provided that such employment shall not reduce the total annual period of school attendance to less than eight months.

Article 3

The provisions of Article 1 shall not apply to work done by children in technical schools, provided that such work is approved and supervised by public authority.

Article 4: Ratifications: standard final provision:

Article 5: Entry into force immediately following ratification by two Members. Thereafter, entry into force for other Members on the date on which their ratification is registered

\*Date of coming into force: 31 August 1923. The Convention was revised in 1973 by Convention No. 138

C.10

Minimum Age (Agriculture) 1921

Article 6: Notification of ratifications to Members: standard final provision.

Article 7: Ratifying States to bring the provisions of the Convention into operation not later than 1 January 1924.

Article 8: Application to non-metropolitan territories in accordance with article 35 of the Constitution.

Article 9: Denunciation: as paragraph 1 of the standard final provision.

Article 10: Examination of revision: standard final provision.

Article 11: Authoritative texts: standard final provision.

APPENDIX IV

Minimum age for admission to employment (1973)

Convention No. 138

ILO

Recommendation No. 146

- General instrument

National policy

aiming at  
total abolition of child labour

ARTICLE I

- effective abolition

- Needs of children and young persons

- raise the minimum age for admission to employment to a level consistent with the fullest physical and mental development of young persons

- national full employment policy accompanied by measures for:

- (i) alleviating poverty to make recourse to the economic activity of children unnecessary
- (ii) ensuring social security and family welfare
- (iii) creating facilities for education and vocational orientation and training catering for the needs of children and young persons
- (iv) providing appropriate facilities for the protection and welfare of children and young persons (including employed young persons)
- (v) full-time school attendance or vocational or training programmes up to the minimum age for employment
- (vi) accident prevention education

ARTICLE II

- minimum age for admission

to employment or work  
(subject to Articles 4 and 8)

- minimum age at same level

for all sectors of economic activity

- not less than age of completing compulsory schooling or less than 15 years

- objective 16 years  
if still below 15 years (in stages)

- special cases:

exceptions: DCs minimum 14 years  
then workers/employers'  
consultations + reports

- (i) agriculture and related activities in rural areas
- (ii) 15 years for plantations and other agricultural undertakings

ARTICLE III

type of employment or work

- (i) types of employment endangering health, safety or morals (minimum age 18) determined by national laws or competent authorities (after employers/workers' consultations)
- (ii) exception: employment from the age of 16 authorised after employers/workers' consultations provided young persons protected and adequately trained

ARTICLE IV

(i) restriction of application

(after employers/workers' consultations)  
exclusion of certain categories causing special and substantial problems of application

(ii) Article 22 - 1st report on application giving reasons for exclusion under para.1 then position of law and practice regarding these categories and extent of implementation

(iii) work covered by Article III included in application

hazardous employment or work

- (i) raise minimum age to 18 years
- (ii) determining types of employment and relevant international labour standards
- (iii) regular revision of list of types of employment (re scientific progress)
- (iv) minimum age provisions applicable for types of employment presenting hazards

conditions of employment

- (i) close supervision of standard of conditions of persons under the age of 18 years
- (ii) measures for guaranteeing and supervising the conditions of vocational guidance and training and formulating standards for protection
- (iii) re para. 3 Article VII Convention
  - (a) provision of fair remuneration and its protection
  - (b) strict limitation of daily and weekly working hours  
prohibition of overtime (time for education, training, homework, rest and leisure)
  - (c) ensuring night rest (minimum 12 consecutive hours) and customary weekly rest days
  - (d) annual paid holiday of at least 4 weeks (not less than that granted to adults)
  - (e) coverage by social security schemes (employment injury, industrial diseases, medical care and sickness benefit schemes)
  - (f) standards of safety and health (including appropriate training)\*

\* Re application to young seafarers if not covered by specific instruments

ARTICLE V

Progress

- (i) DCs with insufficiently developed economy and administrative facilities: widening scope of application by stages (after consultation with employers and workers)
- (ii) specification in declaration appended to ratification
- (iii) minimum criteria for scope of application
- (iv) Article 22 - reports on situation in branches of activity excluded from scope of application  
  
progress towards wider application of provisions
- (v) extension of scope of application at any time

Enforcement

- (i) strengthening of labour inspection and related services (specially trained inspectors).
- (ii) vocational training inspection in undertakings
- (iii) importance of role of inspection (information and advice on effective means of application) and enforcing provisions
- (iv) Co-ordination of labour inspection and supervision of vocational training (economic efficiency); co-operation of labour administration with other services
- (v) special attention to hazardous types of employment or work; prevention of employment during hours when education or training available
- (vi) measures for checking ages
  - (a) effective system of birth registration (including the issue of birth certificates)
  - (b) employers should keep registers for inspection giving birth dates, including of those receiving vocational guidance or training in their undertakings
  - (c) issue of licences or other documents indicating authorisation

ARTICLE VI

Scope of application

- those not covered by general education, vocational and technical training in institutions
- aged at least 14 in accordance with criteria and conditions

ARTICLE VII

- determined by national laws:

- (a) light work for those aged 13 to 15 under certain conditions
- (b) national laws may permit employment or work of those aged 15 who have not completed compulsory schooling
- (c) flexibility: 12 and 14 years may be substituted for 13 and 15, and 14 for 15 if notified.

ARTICLE VIII

- exceptions to Article 2 allowed for artistic performances after consultation of employers/workers
- permits shall limit duration and prescribe conditions

ARTICLE IX

- (i) necessary measures (including appropriate penalties) by competent authorities to ensure effective enforcement of provisions
- (ii) national laws or authorities shall define persons responsible for implementing provisions
- (iii) national laws to prescribe documents for inspection.

ARTICLE X

- (1) revision of previous conventions for other sectors
- (2) this Convention does not close minimum age conventions (industry, sea, non-industrial employment, fishermen and underground work) to further ratification
- (3) minimum age conventions (industry, sea, agriculture, trimmers and stokers) closed to further ratification when all Member States have consented

- either by ratifying this Convention
- or by declaration to Director-General
- criteria and conditions for denunciation of earlier conventions for various sectors

ARTICLE XI

Formal ratification

ARTICLE XII

Registration and coming into force

ARTICLE XIII

Conditions for denunciation of this Convention

ARTICLE XIV

Notification of registration

(i) of all ratifications and denunciations

(ii) of 2nd ratification for date of coming into force

ARTICLE XV

ILO Director-General shall communicate ratifications and denunciations to United Nations Secretary-General for registration.

ARTICLE XVI

ILO Governing Body submits report to General Conference on working of Convention and examines desirability of placing its whole or partial revision on agenda of Conference.

ARTICLE XVII

Conditions for:

- denunciation of this Convention
- this Convention remaining in force

ARTICLE XVIII

French and English versions authoritative.

APPENDIX V

Ratification and Implementation of the Minimum Age Convention - 1973 - in the world

<u>Member States</u>	<u>Convention No.138</u>
Algeria	X
Antigua and Barbuda	X
Bulgaria	X
Byelorussian SSR	X
Costa Rica	X
Cuba	X
Dominica	X
Finland	X
German Democratic Republic	X
Germany, Federal Republic of	X
Guinea Equatorial	X
Honduras	X
Iraq	X
Ireland	X
Israel	X
Italy	X
Kenya	X
Libyan Arab Jamahiriya	X
Luxembourg	X
Netherlands	X
Nicaragua	X
Niger	X
Norway	X
Poland	X
Romania	X
Rwanda	X
Spain	X
Togo	X
Ukranian SSR	X
USSR	X
Uruguay	X
Yugoslavia	X
Zambia	X

Source: International Labour Organisation (1985)

APPENDIX VI

INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS

EXECUTIVE BOARD

Brussels, 9 - 11 May 1979

RESOLUTION ON THE  
INTERNATIONAL YEAR OF THE CHILD

The ICFTU Executive Board, meeting in Brussels from 9 to 11 May 1979,

REFERRING to the Resolution adopted by the United Nations General Secretary proclaiming 1979 International Year of the Child,

STRESSES the free trade union movement's support for the achievement of the objectives of this action, which mainly aims at promoting children's welfare;

THEREFORE CALLS FOR the recognition and stressing of children's particular needs in special national actions undertaken this year to benefit children, giving priority to the most under-privileged children and those who work;

CONSIDERS THAT in order to avoid jeopardising their future, children who are put to work at a very early age must benefit from protective measures to guard against any subsequent damage to their physical, intellectual and moral development;

CONDEMNS the exploitation of child labour which still persists in a large part of the world, and the shameful conditions which prevail in most cases;

STRESSES the urgent need to see governments take adequate priority measures with a view to ratifying and implementing ILO Conventions, particularly the Minimum Age Convention (No.138) which was adopted in 1973, as well as Recommendation No.146 which completed that Convention and the Minimum Age (Under-ground Work) Recommendation, 1965 (No.124);

REAFFIRMS the need for governments to elaborate consistent policies in the economic and social field aiming at observing ILO standards in the fields of employment, labour inspection, safety and hygiene and human resources development, in order to ensure that protective legislation for child workers is effectively implemented in all industrial sectors;

URGES the free trade unions to express the firm intention to strengthen ILO machinery in order to effectively supervise the consistent implementation of ILO standards;

APPEALS to all affiliated organisations to back up their action on employment with measures aiming at abolishing the exploitation of child labour.

APPENDIX VII

INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS

TWELFTH WORLD CONGRESS

Madrid, 19 - 23 November 1979

RESOLUTION ON THE  
INTERNATIONAL YEAR OF THE CHILD

The 12th World Congress of the ICFTU, meeting in Madrid from 19 to 23 November 1979,

RECALLING Resolution 31/169 adopted by the United Nations General Assembly proclaiming 1979 the International Year of the Child, the general objectives of which are to promote children's welfare, to draw attention to their special needs and to promote action at national level for their benefit, in particular for the most underprivileged and those who work;

NOTES the initiatives and actions taken to this end, at the national level, by its affiliated organisations, both individually and in co-operation with the governmental authorities concerned;

CONSIDERING that, since its establishment, the International Labour Organisation has sought to eliminate child labour and to protect children;

REFERRING to the "Resolution concerning the International Year of the Child and the progressive elimination of child labour and transitional measures" adopted by the 65th Session of the International Labour Conference on the initiative of the ICFTU;

OBSERVING that child labour, which subsists in numerous parts of the world, constitutes a violation of Convention No. 138 and of Recommendation No. 146 on minimum age (1973);

URGES affiliated organisations to strengthen their action at national level in order to obtain the ratification and consequently the application of the provisions of Convention No. 138 and Recommendations Nos. 146 and 124 respectively, on minimum age (1973) and minimum age (underground work) (1965);

ALSO URGES affiliated organisations to pursue systematic action aiming at the creation and effective functioning of labour inspection in all sectors, in order to supervise the application of the prohibition of child labour and to guarantee the necessary moral and physical protection to children who still work; and to ensure that this action also promotes the development of children's welfare and the extension of compulsory education;

EMPHASISES the priority which the free trade union organisations attach to social objectives in the development process of all countries;

.../...



REQUESTS the Executive Board to keep a close watch on government decisions with regard to the employment and prohibition of child labour;

INSTRUCTS the ICFTU to co-ordinate the actions to be taken in this regard particularly when the matter is examined in 1981 by the International Labour Conference within the framework of the procedure laid down under Article 19 of the ILO Constitution.

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## BREAKING DOWN THE WALL OF SILENCE

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Children can be seen at work all over the world. The list of jobs they do is endless.

Breaking Down The Wall of Silence is a report by the International Confederation of Free Trade Unions, which represents some 82 million workers on all five continents. With concrete examples, this study demonstrates the sheer scope of the child labour problem. It describes the appalling conditions under which so many children have to work. It examines the consequences of child labour both for the children themselves and for society at large. And it asks the big question : What is being done about it ?

The international free trade union movement is pushing for worldwide standards and national measures that can protect children against exploitation and abuse. But that is only half the battle. Once adopted, the measures have to be put into effect.

Breaking Down The Wall of Silence is part of the ICFTU's fight to secure decent conditions for all workers and their families. This report is a valuable instrument for all those who are engaged in that struggle.