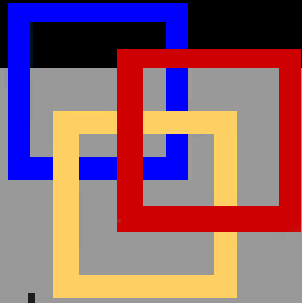


International
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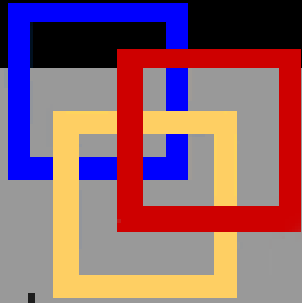
**Introduction
to the International Labour
Standards (ILS) System
and the
ILO Child Labour Conventions**

**Deepa Rishikesh
Rome, April 2010**



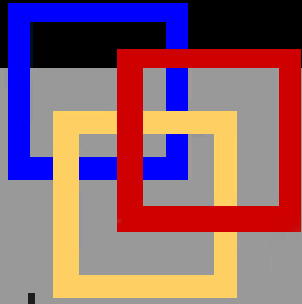
ILO's fundamental conventions on child labour

- **Minimum Age Convention, 1973 (No. 138)**
- **Worst Forms of Child Labour Convention, 1999 (No. 182)**



Convention No. 138

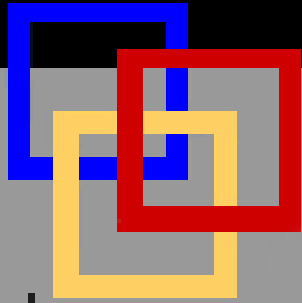
- Adopted in 1973
- Consolidates and revises earlier sectoral minimum age instruments
- Ratified by 155 countries
 - Recommendation No. 146 concerning Minimum Age for Admission to Employment (1973)



Adoption of a national policy Article 1

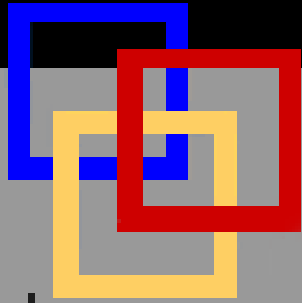
Each Member for which this Convention is in force undertakes:

- 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



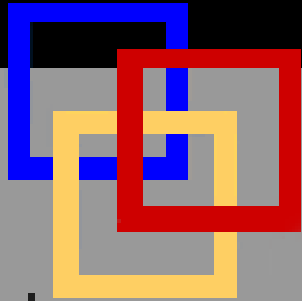
Minimum ages for admission to employment or work

- Convention No. 138 establishes various minimum ages, depending on the types of the employment or work performed.



Minimum ages for admission to employment or work

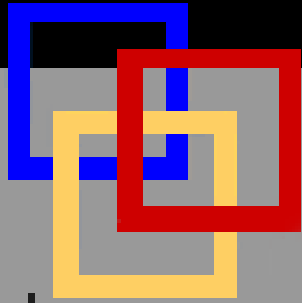
- General minimum age - **mandatory**
- Higher minimum age for hazardous work - **mandatory**
- Lower minimum age for light work - **optional**



Scope of application of the Convention Article 2, paragraph 1

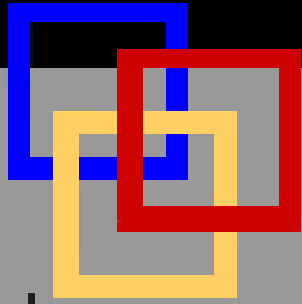
- The Convention applies to any type of employment or work and covers all economic sectors

Ex: work with formal or informal contracts, self-employed workers, work in family undertakings



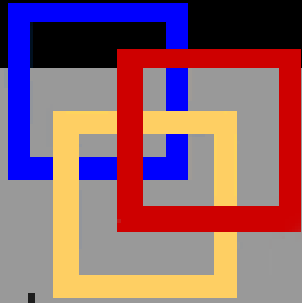
General minimum age
Article 2, paragraph 1

- Each Member State which ratifies Convention No. 138 shall specify, in a declaration appended to its ratification, a general minimum age for admission to employment or work within its territory and on means of transport registered in its territory.



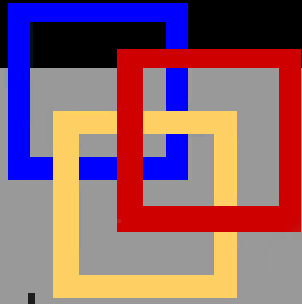
General minimum age Article 2

- Not less than the age of completion of compulsory schooling and, in no case, **not less than 15 years**
- Where the economy and educational facilities are insufficiently developed, the minimum age shall **not be less than 14 years**
 - 50 countries that have ratified the Convention have specified the lower minimum age of 14 years



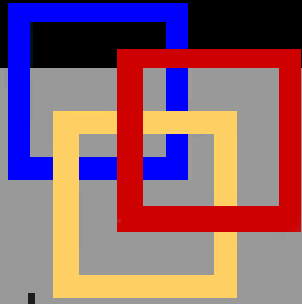
General minimum age

- The general minimum age for admission to employment or work may subsequently be raised.



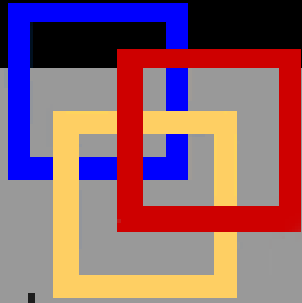
Hazardous work Article 3

- 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.
- The minimum age for admission shall **not be less than 18 years.**
- These types of hazardous work shall be determined by the competent authority, after consultation with the organizations of employers and workers concerned



Hazardous work Article 3

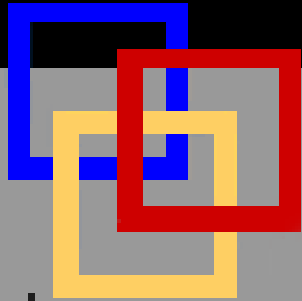
- The employment of young persons **as from the age of 16 years** may be authorized, after consultation with the organisations of employers and workers concerned, on condition that:
 - ▶ their health, safety and morals are fully protected; and
 - ▶ they have received adequate specific instruction or vocational training in the relevant branch of activity.



Light work Article 7, paragraph 1

General minimum age for light work:

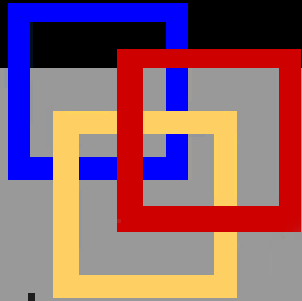
- National laws or regulations may permit the employment or work of persons **13 to 15 years** of age on light work which is:
 - ▶ not likely to be harmful to their health or development; and
 - ▶ not such as to prejudice their **attendance** at school, their **participation** in vocational orientation or training programmes or their **capacity to benefit** from the instruction received.



Light work
Article 7, paragraph 4

Exception to the general minimum age for light work:

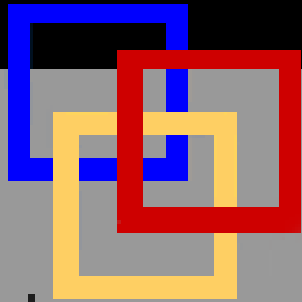
- A Member State which has initially specified a general minimum age of 14 years may permit the employment or work of persons **12 to 14 years** of age on light work



Light work Article 7, paragraph 3

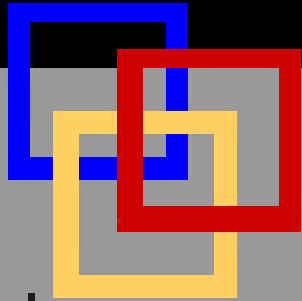
Determination of light work activities

- The competent national authority has to determine the types of light work and prescribe the hours of work and conditions



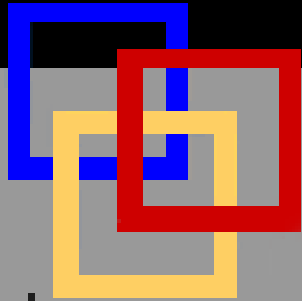
Minimum ages

	General rules	Where the economy and educational facilities are insufficiently developed
General minimum age (Article 2)	Not less than the end of compulsory schooling, 15 years or more	Initially not less than 14 years
Light work (Article 7)	13 years	12 years
Dangerous work (Article 3)	18 years (16 years under certain conditions)	NO EXCEPTION



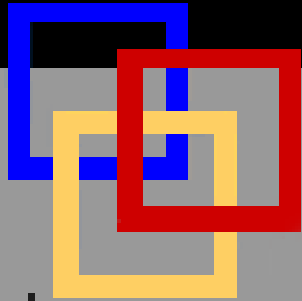
Convention No. 182

- Adopted in 1999
- Ratified by 172 countries
 - Recommendation No. 190 concerning the prohibition and immediate action for the elimination of the worst forms of child labour (1999)



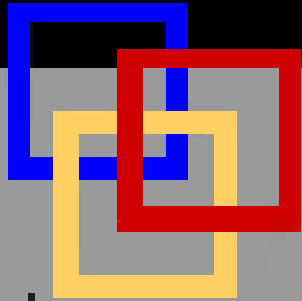
Relationship between C. 138 and 182

- C. 182 and R. 190 on worst forms of child labour supplement C. 138 and R. 146 on minimum age
- C. 182 and 138 have same objective, but use different means:
 - C. 138 (Article 1):
 - obligation to adopt national policy designed to ensure the effective abolition of child labour, and to raise *progressively* the minimum age
 - C. 182 (Article 1):
 - Obligation to take *immediate* and effective measures to secure the prohibition and elimination of the worst forms of child labour *as a matter of urgency*.
 - Unlike C. 182, C. 138 does not require that measures be taken to abolish child labour within a specific timeframe



Immediate and effective measures Article 1

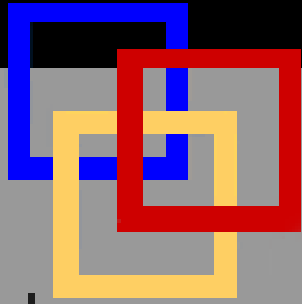
- Each Member State which ratifies the Convention shall take **IMMEDIATE** and **EFFECTIVE** measures to secure the prohibition and elimination of the worst forms of child labour as a matter of **URGENCY**.



Definition of a child Article 2

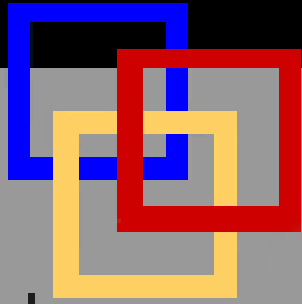
- For the purposes of the Convention, the term **child** shall apply to :

all persons – boys and girls - under the age of 18.



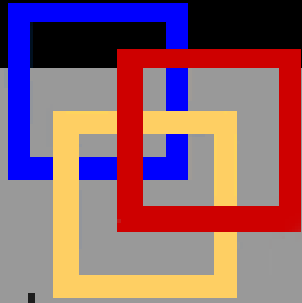
Worst forms of child labour Article 3

- (a) All forms of slavery or practices similar to slavery, such as:
- ▶ the sale and trafficking of children,
 - ▶ debt bondage and serfdom and
 - ▶ forced or compulsory labour,
 - ▶ including forced or compulsory recruitment of children for use in armed conflict;



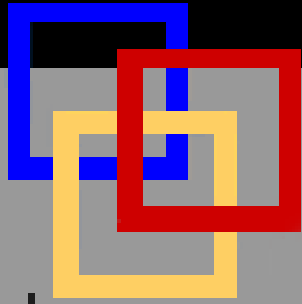
Worst forms of child labour

- (b) the use, procuring or offering of a child for **prostitution**, for the **production of pornography** or for **pornographic performances**;



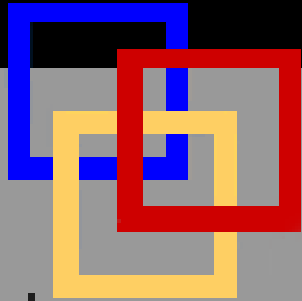
Worst forms of child labour

- (c) the use, procuring or offering of a child for **illicit activities**, in particular for the production and trafficking of drugs as defined in the relevant international treaties;



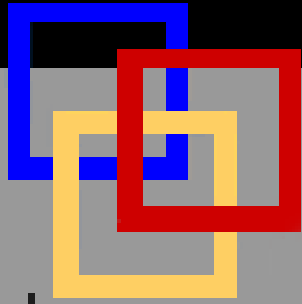
Worst forms of child labour

- (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children – **hazardous work**.



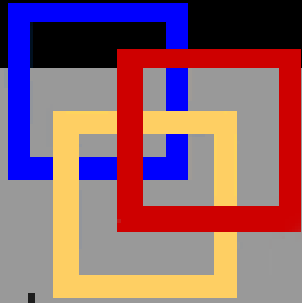
Determination of the types of hazardous work
Article 4

- As for Convention No. 182, the types of hazardous work shall be **determined** by **national laws** or **regulations** or by the **competent authority**, after consultation with the organizations of employers and workers concerned
 - taking into consideration relevant international standards, in particular Paragraphs 3 and 4 of R.190



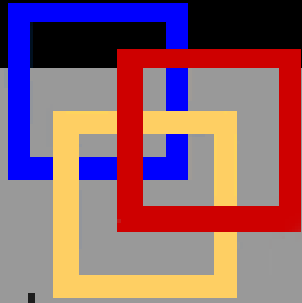
Examples of the types of hazardous work

- ▶ work which exposes children to physical, psychological or sexual abuse;
- ▶ work underground, under water, at dangerous heights or in confined spaces;
- ▶ work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads;
- ▶ work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health;
- ▶ work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer.



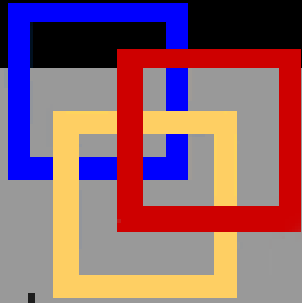
Programmes of action Article 6

- Each Member State shall **design** and **implement programmes of action** to eliminate as a priority the **worst forms of child labour**:
 - ▶ in consultation with relevant government institutions and employers' and workers' organizations;
 - ▶ taking into consideration the views of other concerned groups
- Ex: the views of the **children, their families** and, as appropriate, **other concerned groups committed to the aims of the Convention, such as NGOs**



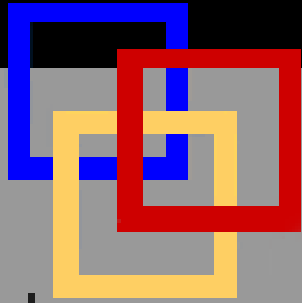
**Enforcement of the Convention
Article 7, paragraph 1**

- Each Member State shall take all necessary measures to ensure the effective implementation and enforcement of the provisions giving effect to this Convention including the **provision** and **application of penal sanctions** or, as appropriate, other sanctions.



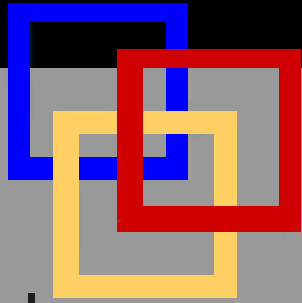
Effective and time-bound measures Article 7, paragraph 2

- Each Member shall, **taking into account the importance of education in eliminating child labour**, take effective and time-bound measures to:
 - ▶ a) **prevent** the engagement of children in the WFCL;
 - ▶ b) **provide** the necessary and **appropriate direct assistance** for the **removal** of children from the WFCL and for their **rehabilitation** and social integration;
 - ▶ c) **ensure access to free basic education**, and, wherever possible and appropriate, **vocational training**, for all children removed from the WFCL;
 - ▶ d) **identify and reach out to children at special risk**; and
 - ▶ e) **take account of the special situation of girls**.



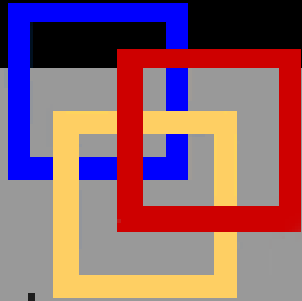
Governments

- Identify WFCL
- Adopt legislation prohibiting the WFCL
- Hold consultations with relevant government institutions and employers' and workers' organizations and other concerned groups on APs
- Design and implement APs
- Provide the necessary and appropriate direct assistance for the removal of children from the WFCL and for their rehabilitation and social integration
- Set up monitoring mechanisms
- Revise international cooperation policy



Workers' and Employers' Organizations

- Help identifying hazardous work
- Identify where the types of work so determined exist
- Periodically examined and revised as necessary the list of such work
- Design and implement APs
- Set up monitoring mechanisms



International Labour Standards



How to contact us:

International Labour Office

International Labour Standards
Department

<http://www.ilo.org/standards>