



International
Labour
Office

Eliminating hazardous child labour step by step

Countries ratifying Convention No.182 need to:

- make a list of hazardous work prohibited to children under 18 in consultation with workers and employers
- identify where hazardous work is found
- put the list into law and action!

Here are some suggestions on how to do this...

The worst forms of child labour (WFCL) comprise:

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

Convention No.182 Article 3

HAZARDOUS CHILD LABOUR

Convention No. 182 calls on ratifying states to “take immediate and effective measures to prohibit and eliminate all the worst forms of child labour.” What are these worst forms?

Article 3 spells out the “unconditional worst forms” (points a, b, and c), but leaves the definition of hazardous work (point d) to the countries themselves to determine.

Article 4 requires each country to prepare its own list of what constitutes hazardous work. Because economies, industries, customs, and production processes differ from place to place, the types of hazardous work in which children are engaged will differ as well, as will the best ways of addressing the problem.

This guide offers suggestions on the process of making this list. This process of identifying hazardous child work is critically important. Without the hazardous work list it is difficult to know where and on what to concentrate action to eliminate the worst forms of child labour. The process takes some time and should not be short-changed. All the more reason for those ratified countries that have not yet begun this process to get started without delay.

What countries must do about hazardous child work:

Article 1 ...
Article 2 ...
Article 3 ...

Article 4 The types of 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...

Convention No.182 Article 4

WHAT YOU MUST DO

HOW YOU CAN DO IT

WHY IT'S IMPORTANT

Six steps for determining hazardous child labour

1

Create a structure

- Determine who will manage the process
- Involve employers and workers and others with special expertise

2

Get existing and new information

- Review international standards
- Take stock of current laws and regulations
- Gather information on risks, hazards and locations

3

Compile the list of hazardous occupations prohibited to children under 18 years of age

- Identify criteria for selecting items for the list
- Determine hazardous occupations, activities and conditions
- Decide how to protect youth who are old enough to work legally

4

Formalize the list

- Consult the social partners
- Have the “competent authority” give the list legal force

5

Promote and use the list

- Use the list for awareness raising
- Set a timetable for action

6

Review the list periodically

- Update the list and laws

1

Create a structure

Determine who will manage the process

The Minister of Labour or other authority usually initiates the process by designating a person or group to oversee it. This might be the head of an institute or department, an existing tripartite committee, a special study group, a safety and health committee, or an entirely new body established for this purpose. It is extremely important that this body or individual:

- has or is given an official mandate,
- has the right experience to not only prepare the list, but to get consensus on it and also to design it so it can be an enforceable legal instrument.

Involve employers and workers plus others with special expertise

Identifying hazards will require special expertise. Consider what experience or perspectives may be helpful in preparing and finalizing the list. The Convention requires that there be tripartite consultation **before the final determination is made**, but it makes sense to involve employers' and workers' representatives from the very beginning. Their knowledge and viewpoints are crucial to reaching a conclusion that will be widely supported.

Some suggestions for additional participants:

- occupational health & safety specialists or institutions, paediatricians
- representatives from the labour ministry, health ministry and education ministry
- labour inspectors
- children, parents, affected communities
- non-governmental organizations concerned with children

A balance of men and women on the body helps to ensure that gender differences are given attention.

2

Get existing and new information

Review relevant international standards

Examine the text of the ILO child labour Conventions (particularly Conventions Nos. 138 and 182) and their accompanying Recommendations to get a sense of what is needed. If a country has ratified C.138 or other relevant standards, it may have already gathered a great deal of the information needed for implementing C.182.

Review the laws. Are there already lists?

Many countries have existing laws that contain prohibitions regarding work for children or young workers. Review these provisions and lists of hazardous sectors if there are any. Remember that references to children performing hazardous work may be scattered in different places in the legislation.

Some suggestions of where to look:

- occupational health and safety laws
- minimum age legislation
- child rights and welfare regulations
- national policies on children
- general labour law

Existing laws and regulations that contain a list of hazardous work for children will provide a good starting place. However, since existing lists are seldom comprehensive or up to date, the first task is to review them to see where the gaps are.

Gather information on risks, hazards, and locations

Whether using an existing list(s) or drafting a new "working list" from scratch, pull together information on:

1. the likely hazards in each economic sector

Many occupations have some tasks or situations that are hazardous. For example, in agriculture, weeding an hour a day may not pose risks, but weeding just after pesticide application does. Some hazards are obvious—they can cause physical injury. But others that cause emotional or psychological harm are much less visible. Furthermore, certain tasks that are safe for adults may be hazardous for children because children are more physically and emotionally vulnerable.

To find the likely hazards in a particular occupation, look for studies that universities, research institutes, NGOs or others may have undertaken.

Some suggestions of what to look for:

■ Accident hazards

Is there risk of falling, being struck by objects, being caught in or between objects, being cut or burned?

■ Biological hazards

Are there dangerous animals and insects, poisonous or sharp plants, risks of exposure to bacteria, parasites or viruses?

■ Chemical hazards

Are there dangerous gases, liquids or solids (vehicle exhaust, glues), agro-chemicals (pesticides, herbicides, insecticides), explosives or flammable materials?

■ Ergonomic hazards

Are the workplaces badly designed? Does the work require lifting or carrying or moving heavy loads, repetitive or forceful movements, or awkward work postures?

■ Physical hazards

Are there extreme temperatures, noise, vibrations, or radiation?

■ Psycho-social hazards

Is there stress, hard or monotonous work, lack of control or choice, insecurity, harassment, or abuse (sexual or violence)?

■ Working condition hazards

Are there long working hours, night work or work in isolation?

2. the effects that these hazards are likely to have on children

Some effects may be immediate, but others will show up only years later. Occupational health, safety, or medical experts can be very helpful in assessing these. Also, since the effects of occupational hazards are universal, research done in other countries can be helpful.

If a work practice is dangerous in one country, it will be dangerous everywhere. Interventions are often also universal—if a preventive measure in one country has shown that it protects workers, this intervention might be suitable elsewhere.

Where the risks or hazards are not clear or where local examples would be helpful for advocacy campaigns, conduct a few specialized studies. These do not need to be expensive.

Research guidelines exist for many occupational sectors that can speed up the work.

Studies should be action oriented, focused specifically on gathering what is needed for the list or for programme design later on. Consider involving local groups in conducting and analysing the studies so that knowledge about hazardous child labour is developed broadly and not just limited to specialized institutes.

3. the locations where hazards tend to be concentrated

Is an occupation located primarily in a rural or urban area? In which provinces does it tend to predominate? Are patterns shifting? By mapping where each form of hazardous child labour on the list exists, additional items may come to light.

Some suggestions for gathering additional information:

■ Ask medical professionals to watch for evidence of previous or present work-related health conditions in children.

■ Include questions on hazardous child labour in routine national statistical surveys, such as labour force surveys, household expenditure surveys, even the census.

■ If other research projects are underway in a relevant occupational sector, add on a component that studies the risks and health of child workers.

3

Compile the list

While there is no specific format for the list, it should be:

■ comprehensive

Try to be as exhaustive as possible. Remember that some occupations may be specific to a certain geographic area (e.g. livestock herding) or hidden behind closed doors.

■ consistent with other international labour standards

Consider ILO Conventions on safety and health, agriculture and other specific industries, and especially Convention No.138 on the minimum age for employment.

■ practical

The items in the list should not have so much detail that they become too difficult for labour inspectors and others to detect or measure. On the other hand, some specifications are necessary and the list needs to be sufficiently precise to guide implementation and enforcement.

Identify criteria for selecting items for the list

Laying out a set of criteria will help in showing where to look and setting priorities, but keep in mind that the aim is to ensure that no child is performing hazardous work.

Some suggestions on possible criteria:

- **seriousness** – the impact the risks have on children's health or development
- **magnitude** – the number of children affected in an industry or situation
- **visibility** – how easily seen or accessed the child workers are
- **likelihood** – how likely it is that the child will encounter a specific risk
- **exposure** – how long the situation continues, the quantity or concentration of the hazard
- **correctability** – how feasible it will be to improve the problem

Determine specific items to be included

It is not particularly helpful if the list is confined to just a few broad sectors (e.g. agriculture) or occupations (e.g. factory worker). Sectors should be identified, but within each sector or occupation, the list should identify the following:

1. those activities that are by their nature hazardous for children

- a) work which exposes children to physical, psychological or sexual abuse;
- b) work underground, under water, at dangerous heights or in confined spaces;
- c) work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads.

Recommendation No. 190, Paragraph 3

2. those conditions which can make any type of work hazardous for children

- a) work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health; and
- b) 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.

Recommendation No. 190, Paragraph 3

Remember, the hazards to which girls are often exposed at work are not necessarily the same as those for boys. Be sure to consider gender when determining work hazards.

Decide how to protect youth who are old enough to work legally

No young person below age 18 should be exposed to work hazards. For youth above the minimum working age, rescue from hazardous work may mean the removal of hazards from the workplace and/or strict regulation of working conditions (no night work, no excessive hours, etc.). This is especially important in situations where there are no immediate alternatives.

4 Formalize the list

Consult social partners

Even if there are workers' and employers' organizations on the committee, it is a good idea to have a special meeting or conference to agree on the list. Such a meeting can serve to demonstrate that the C.182 requirement regarding consultation with the social partners has been met.

Have the "competent authority" give the list legal force

The list may gain legal force in different ways depending on the existing national legislative framework. Either the legislature can adopt a new law, or some other "competent authority" can give the list legal force by issuing a regulation, decree or ministerial directive. This "competent authority", referred to in Article 4 of the Convention, can come from the executive branch, a ministry or another national institution, for example.

Some forms of hazardous work may require very specific and technical descriptions. These technical specifications (e.g. exposure levels) need not be included in the final list of hazardous forms of work, but it is important to formulate them, for example in the form of a ministerial notification.

5 Promote and use the list

Use the list for awareness raising

Facts and figures about hazardous work are a potent tool for generating public concern. Even more important, parents and employers need to be informed of the risks to which they may be unwittingly exposing children. Hopefully, raising awareness will lead to stopping both practices done out of ignorance as well as those undertaken with approval of parents and employers. Effective implementation also requires training. The list of hazardous child work will be an important addition to the training of labour inspectors, teachers, health care professionals, etc.

Develop a plan and timetable for action

Like all worst forms of child labour, hazardous work must be eliminated "as a matter of urgency" by undertaking immediate and effective measures. This means creating a plan of action. Some things can be done right away which will have immediate effect. Others will involve the design and implementation of complex programmes that will achieve results over a period of time. The key is that elimination must be viewed as urgent, meaning that the chosen timeframe represents the shortest one possible for achieving the goals of the Convention. Since hazardous work done by children is strongly linked to poverty, measures to combat it should be linked to efforts to alleviate poverty and promote universal education.

In short, a plan of action should identify priorities and lay out when and how the activities prohibited in the list are to be enforced, the children are to be withdrawn and rehabilitated, and public opinion is to be mobilized against children performing hazardous work.

6 Review the list periodically

The list of the types of work determined under Paragraph 1 of this Article shall be periodically examined and revised as necessary, in consultation with the organizations of employers and workers concerned.

Convention No. 182, Article 4

Review the list periodically

Once the list has been finalized and has legal force, it will be necessary to periodically review and, if necessary, revise it in order to ensure that it still responds to the actual situation in the country and is in line with scientific and technological developments. It may be desirable to prohibit a hitherto permissible activity on the basis of new scientific evidence. Similarly, new hazardous forms of child labour may arise following changes in the economy which were not foreseen when the list was originally drawn up. Workers and employers may have new experience or concerns to share.

Update the list and laws

The review process should essentially follow the same steps outlined in this brochure, in particular those concerning the collection of data and the consultation with occupational safety experts, the social partners, and other resource persons.

“Eliminating hazardous child labour step by step”

offers practical advice for countries that have ratified Convention No. 182.

Other topics in this series include:

- “Technical Notes on Definitional Issues under C.182 and C.138”
- “Examples from Ratified Countries”

In addition, ILO-IPEC offers a wide array of guidelines, research and statistics on hazardous labour and can advise on how to tap into an international network of experts on child labour and occupational health and safety. Standards specialists in IPEC or ILO regional offices can provide information and assistance on legal issues associated with implementing C.182.

For further information contact the Hazardous Child Labour Unit or the IPEC legal advisors at:

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