

NATIONAL LEGISLATION ON HAZARDOUS CHILD LABOUR

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

SRI LANKA

RATIFICATIONS

Convention No. 138 29 May 1992

Convention No. 182 08 May 2001

- 1) *Country Overview*
- 2) *Hazardous Occupations Regulations No. 1667/41 of 2010*

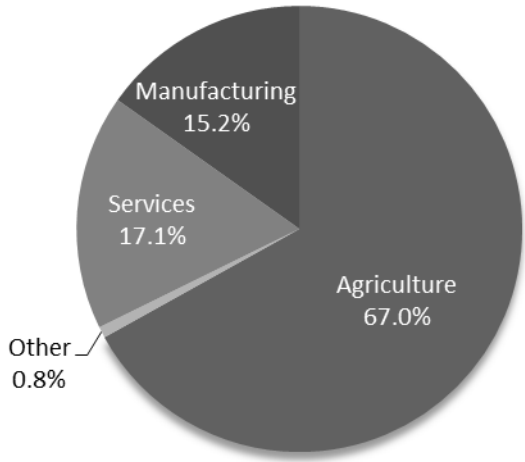
Original Language: English – [Full Original Text \(📄 on line\)](#) – ILO Summary.

List establishing hazardous occupations prohibited for children under 18 years. REGULATIONS made by the Minister of Labour Relations and Productivity Improvement under section 31 read with section 20A of the Employment of Women, Young Persons and Children Act, No. 47 of 1956, in accordance with the guidelines specified in section 20A of that Act. Gazetted in August 20, 2010. Establishes a list of hazardous occupations.

- 3) *CEACR, 2013 Observation, Convention No. 182; 2013 Observation, Convention No. 138*
- 4) *CRC, Concluding Observations of the Committee on the Rights of the Child, Oct. 2010*

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Country Overview

International Conventions and selected Laws on child labour and education		Working children by sector, aged 5-14 years
C138, Minimum Age	✓	 <p>A pie chart illustrating the distribution of working children aged 5-14 years across different sectors. The largest segment is Agriculture at 67.0%, followed by Services at 17.1%, Manufacturing at 15.2%, and Other at 0.8%.</p>
C182, Worst Forms of Child Labour	✓	
CRC	✓	
General Minimum age for admission to employment	14	
Minimum Age for Hazardous Work	18	
Compulsory Education Age	14	
List of hazardous work (*)	Yes	
Free Public Education	Yes	
<p>(*) The list of hazardous work includes: Any type of work involving operations in the manufacture of textiles ; activities relating to the manufacture of garments ; Any type of work involving the manufacture or use of pesticides; the harvesting of tobacco; the manufacture, transport or sale of tobacco products; the manufacture, handling, transport or disposal, of hazardous chemicals; Any type of work involving the lifting, carrying or moving of any load over 8 kgs</p>		

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Hazardous Occupations Regulations No. 1667/41 of 2010

Original language

English

Abstract

List establishing hazardous occupations.

Text of legal provisions

REGULATIONS

1. These regulations may be cited as "the Hazardous Occupations Regulations No. 1667/41 of 2010".

2. No person shall employ a person under eighteen years of age in any following occupation :

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- (i) Any type of work involving the slaughter of animals or the cutting or chopping of the flesh of animals;
- (ii) Any type of work involving the manufacture or use of pesticides;
- (iii) Any type of work involving the production, transport or sale of alcohol;
- (iv) Any type of work involving the harvesting of tobacco;
- (v) Any type of work involving the manufacture, transport or sale of tobacco products;
- (vi) Any type of work involving the use of handling of lead, zinc, asbestos, cement, mercury, chromium, nickel or cadmium;
- (vii) Any type of work in a club, liquor bar or casino;
- (viii) Any type of work involving the manufacture, transport or sale of explosives;
- (ix) Any type of work involving the cleaning or repair of machinery in motion;
- (x) Any type of work involving fishing in deep waters;
- (xi) Any type of work within a Port or Harbour;
- (xii) Any type of work involving mining, quarrying or work underground;

- (xiii) Any type of work involving the transportation of passengers or heavy goods;
- (xiv) Any type of work involving diving;
- (xv) Any type of work involving the smelting of metals;
- (xvi) Any type of work involving the screening of sand for glass manufacture;
- (xvii) Any type of work involving the melting or cutting of glass;
- (xviii) Any type of work connected with armed conflict;
- (xix) Any type of work involving the manufacture, handling, transport or disposal, of hazardous chemicals;
- (xx) Any type of work involving the use or handling of radioactive materials;
- (xxi) Any type of work in any location where height is above 1.5 metres (each side) and any safety measures are not provided;
- (xxii) Any type of work involving the collection or disposal of garbage or sewage or the scavenging of garbage;
- (xxiii) Any type of work connected with the tanning of leather;
- (xxiv) Any type of work involving the collection, splitting chopping or logging of wood in a forest;
- (xxv) Any type of work involving the felling of trees;
- (xxvi) Any type of work involving the lifting, carrying or moving of any load over 8 kgs. in weight in the case of males, and over 5 kgs. in weight in the case of females, for distances exceeding 50 metres and for continuous periods exceeding 10 minutes in duration without an interval of at least 3 minutes, and for an aggregate period (inclusive of intervals) exceeding 4 hours in a day;
- (xxvii) Any type of work involving the mining of minerals;
- (xxviii) Any type of work involving tree climbing;
- (xxix) Any type of work involving the manufacture of brass articles;
- (xxx) Any type of work involving the manufacture or sale of fireworks;
- (xxxi) Any type of work involving the serving of alcohol in hotels, restaurants or eating houses;
- (xxxii) Any type of work involving the carrying of stones to, or from a stone crusher;
- (xxxiii) Any type of work near or around a stone crusher;
- (xxxiv) Any type of work involving sand mining;
- (xxxv) Any type of work involving loading or unloading of sand to, or from, a vehicle or vessel;
- (xxxvi) Any type of work involving the accompanying of tourists whether as guides or otherwise;
- (xxxvii) Any type of work at a lime stone kiln;
- (xxxviii) Any type of work involving the painting or colour washing of buildings;
- (xxxix) Any type of work involving the following operations in the manufacture of textiles:-

- (a) yarn making;
- (b) carding;
- (c) spinning;
- (d) weaving;
- (e) melting of wax;
- (f) mixing with dyes;

- (g) putting in moulds;
- (h) working with hydro extracting machines;

- (xl) Any type of work in a foundry or metal grinding shop;
- (xli) Any type of work near, or around a kiln for the manufacture of bricks or tiles;
- (xlii) Any type of work involving the production of rubber sheets by the chemical treatment of latex;
- (xliii) Any type of work involving the providing of security for persons or property;
- (xliv) Any type of work involving the packing, loading or unloading of glass or glassware;
- (xlv) Any type of work involving the cutting or carrying of stones;
- (xlvi) Any type of work involving leveling, ramping or tarring, for the purposes of road construction or land reclamation;
- (xlvii) Any type of work involving the harvesting, packing, loading or transport of salt ;
- (xlviii) Any type of work between 8.00 p.m. in the night and 6.00 a.m. in the morning;
- (xlix) Any type of work on a vessel operating in inland or maritime waters;

(l) Any type of work involving acrobatic performances, other dangerous physical performances or handling of animals;

(li) Any of the following activities relating to the manufacture of garments :-

- (a) stacking;
- (b) straight knife or band knife cutting;
- (c) finishing, pressing and ironing.

3. In these regulations, unless the context otherwise requires —

"bar" includes a karaoke bar;

"casino" means any premises on which a game (including but not limited to baccarat, punto banco, big six, black jack, boule, chemin de fer, chuck-a-luck, crown and anchor, faro, faro bank, hazard, poker dice, pontoon, American or French roulette and wheel of fortune) is played for a state;

"club" means a club licensed under the Licensing of Clubs Law, No. 17 of 1975;

"explosives" has the same meaning as in the Explosives Act, No. 21 of 1956;

"forest" has the same meaning as in the Forest Ordinance;

"hazardous chemical" means —

- (a) any matter, whether liquid, solid or gaseous, the discharge, emission or deposit of which, into the environment, is prohibited by the National Environmental Act, No. 47 of 1980 or by regulations made under section 32 of that Act; or
- (b) any fuel, the use of which is prohibited by the National Environmental Act, No. 47 of 1980 or by regulations made under section 32 of that Act;

"pesticides" has the same meaning as in the Control of Pesticides Act, No. 33 of 1980;

"port" means a specified port within the meaning of the Sri Lanka Ports Authority Act, No. 51 of 1979;

"radioactive material" has the same meaning as in the Atomic Energy Authority Act, No. 19 of 1969;

"tobacco product" includes beedi, beedi tobacco, cigar, cigarette and pipe tobacco;

"vessel" includes a ship or boat, of any nature whatsoever, engaged in navigation, in maritime or inland waters, whether publicly or privately owned.

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COMMITTEE OF EXPERTS ON THE APPLICATION OF CONVENTIONS AND RECOMMENDATIONS (CEACR) - Worst Forms of Child Labour Convention, 1999 (No.182) - Minimum Age Convention, 1973 (No. 138)

➤ 2013 Observation, Convention No. 182

- **Article 3 clause (d) and article 4 (1) - Worst forms of child labour. Hazardous work**

The Committee previously requested the Government to provide information on the application in practice of section 20A of the Employment of Women, Young Persons, and Children Act of 2006, which prohibits the employment of children under the age of 18 years in any hazardous occupation.

The Committee notes the Government's statement that around 65,000 labour inspections are carried out annually and no incidents of hazardous work by children have been detected in the formal economy. The Committee notes, however, that, according to the findings of the Child Activity Survey 2009, out of the total child population of 107,259 reported to be in child labour, 63,916 children (1.5 per cent) between the ages of 5–17 years are engaged in hazardous work. The incidence of hazardous forms of child labour is highest in the manufacturing industries followed by the service and agricultural industries.

Noting that a large number of children under the age of 18 years are involved in hazardous work in Sri Lanka, the Committee urges the Government to take immediate and effective measures to ensure their protection from hazardous work, including in the informal economy. It also requests the Government to provide information on the measures taken in this regard and on the results achieved.

➤ 2013 Observation, Convention No. 138

- **Article 2(2) of the Convention - Raising the minimum age for admission to employment or work.**

The Committee previously noted the Government's information that the Ministry of Labour Relations and Foreign Employment was considering the possibility of extending the age for admission to employment to 16 years and that steps were being taken to consult the relevant organizations/parties concerned. The Committee requested the Government to indicate whether any amendments raising the minimum age for employment to 16 years had been made.

The Committee notes the Government's statement that amendments in this regard have been submitted to the Attorney-General for approval, which will thereupon be submitted to the Parliament for adoption.

The Committee expresses its firm hope that the amendments with regard to raising the minimum age for admission to employment to 16 years will be adopted in the near future. In this regard, the Committee would like to draw the Government's attention to the provisions of Article 2(2) of the Convention, which provides that any Member having ratified this Convention may subsequently notify the Director-General of the International Labour Office, by a new declaration, that it has raised the minimum age that it had previously specified. The Committee would be grateful if the Government would consider the possibility of sending a declaration of this nature to the Office, in case any amendments to the national legislation raising the minimum age for admission to employment or work to 16 years have been made.

- **Article 2 (3). Compulsory education.**

The Committee previously noted the Government's information that the Ministry of Education had taken steps to submit a Bill to the Parliament in respect of extending compulsory schooling up to 16 years of age.

The Committee notes the Government's information that the Cabinet of Ministers have approved the memorandum submitted by the Ministry of Education on raising the upper age limit of compulsory education from 14 years to 16 years. The Government further indicates that the amendments in this regard have been submitted to the Attorney-General for approval.

The Committee expresses the firm hope that the Government will take the necessary measures to ensure that the amendments with regard to extending compulsory education up to 16 years will be adopted in the near future. It requests the Government to provide information on any progress made in this

regard, as well as to supply a copy, once it has been adopted.

- **Part V of the report form. Application of the Convention in practice.**

The Committee notes that, according to the findings of the Child Activity Survey of 2008–09 conducted by the Department of Census and Statistics, 2.5 per cent of the total child population aged between 5 and 17 years are involved in child labour, of which 1.5 per cent are engaged in hazardous work. About 80.8 per cent of the working children are engaged in unpaid family work; 66.3 per cent are engaged in elementary occupations such as street and mobile vendors, domestic helpers, mining, construction, manufacturing, transport and related work; while 61 per cent are engaged in the agricultural sector. The survey report further indicates that the average work time by children aged 5–17 years is 13.3 hours per week.

The Committee notes the Government's statement that the Department of Labour (DoL) is making every effort to enforce the law against child labour and that no incidence of child labour has been observed in the formal economy. In 2012, the DoL received 186 complaints on child labour in the informal economy of which four cases have been filed with the magistrate courts, while in the other cases legal action was impossible due to lack of evidence. The Committee further notes the Government's information that one of its districts, "Rathnapura", is envisaged to become a Child Labour Free Zone by 2015, and that the Government is trying to expand this concept into other districts as well. According to the Government's report, the main aspect of this concept is that it has the support of all government programmes related to education, vocational training, poverty alleviation and other social welfare schemes, as well as support of the private sector and the non-governmental organizations, in eliminating child labour. The Committee notes, however, the comments made by the NTUF that the number of cases of employment of children are much more than indicated by the Government as most of the children are employed as domestic workers where outsiders have no access.

The Committee encourages the Government to take the necessary measures within the framework of its attempt to expand the Child Labour Free Zone concept to all of its districts by 2016, to ensure the application of the Convention to all branches of economic activity, including the informal economy. In this regard, the Committee requests the Government to take effective measures to strengthen the capacity and expand the reach of the labour inspectorate to better monitor children working in the informal economy, including domestic workers. The Committee also requests the Government to continue providing information on the manner in which the Convention is applied in practice, including information from the labour inspectorate on the number and nature of contraventions reported, violations detected and penalties applied.

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COMMITTEE ON THE RIGHTS OF THE CHILD Concluding observations 19 October 2010

➤ Education, including vocational training and guidance

62. The Committee commends the State party for the significant progress achieved over the years in the areas of school enrolment, literacy and gender equality. The Committee also welcomes the adoption of the Education Sector Development Framework and Programme (2006-2010), which focuses mainly on improving equity in access to education and the quality of education, and the National Policy on Early Childhood Care and Education adopted in 2005. Nevertheless, the Committee is concerned that:

- (a) Despite the need for school infrastructure, especially in conflict-affected areas where schooling has been disrupted for thousands of displaced children, public investment in education is at a relatively modest level and lower than the South Asian average;
- (b) Significant disparities in accessing education persist between provinces, affecting, in particular, the Uva, Northern, North Central and Eastern provinces and the most vulnerable and marginalized children;
- (c) School fees continue to be charged despite the constitutional guarantee of free education, introducing discrimination against children from poor families and facilitating corruption in school admissions;
- (d) The National Policy on Early Childhood Care and Education is not funded or implemented, leaving most early childhood development programmes in private hands;
- (e) One out of five children drop out of school before completing the compulsory nine-year cycle and that a high level of absenteeism and repetition persists, due mainly to the low quality of education, especially in the most remote areas where unqualified teachers continue to work;

- (f) Children have few opportunities to be involved in decision-making in educational settings;
- (g) Insufficient efforts have been made to include human rights and peace education in the school curricula.

➤ **Economic exploitation, including child labour**

65. The Committee expresses concern that considerable numbers of children are economically active; a quarter of them are not attending school or any other educational institutions. The Committee also expresses concern that most of the working children reside in rural areas and 60 per cent of them work as agricultural workers. The Committee is also concerned at the absence of legislation implementing the prohibition of the 49 occupations considered to be hazardous by the State party. It further reiterates its concern as to the situation of children used as domestic servants, who remain unprotected in spite of their high vulnerability to abuse and violence.

66. The Committee also urges the State party to take more active measures to prevent children from being economically exploited, and in particular to establish a strong component of the labour inspectorate responsible for monitoring child labour cases. The Committee also calls upon the State party to adopt and implement legislation prohibiting the employment of children in hazardous work. The Committee further urges the State party to ensure that those who economically exploit children and abuse domestic workers are duly brought to justice.