

Combating child labour

A handbook for labour inspectors

International Programme on the Elimination of Child Labour (IPEC)

InFocus Programme on Safety and Health at Work and the Environment (SafeWork)

International Association of Labour Inspection (IALI)

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Preface

Labour inspectors have traditionally been key partners in eliminating child labour. Today, their role takes on added dimensions and importance with the introduction of new legal instruments, such as Convention No. 182 on the worst forms of child labour, and technical tools, such as this Handbook for labour inspectors, which make it possible to identify, prioritise and more effectively address the more hazardous child labour situations.

This Handbook will be a most useful instrument for labour inspectors in that it provides an overview of what their role can be with respect to child labour, and shows how to focus in on the problem, not only in the urban factory or establishment, but the informal sector workshops, rural communities and fields as well.

It equips labour inspectors to detect and deal with situations which are not in conformity with international labour standards or national legislation on child labour and labour inspection. It also operationalizes, for the area of child labour, the directions given in the ILO Convention No. 81 on labour inspection – one of the most widely ratified ILO Conventions – the application of which is being pursued on a priority basis. It indicates how an efficient public agency, the labour inspectorate, can ensure professional monitoring and analysis, and equitable enforcement of the law, not only with sanctions but also with good advice and assistance. Also, it points at the complementarity of action between labour inspectors and their colleagues from the ministries of education, social services, and health, and calls for a team approach along with employers, workers, teachers and the community to reduce and eventually eliminate child labour.

This Handbook complements most usefully another ILO publication, “Children at Work: Health and Safety Risks” by Valentina Forastieri which shows how damaging exposure and hazards are for the health of children at work and how to detect these hazards and risks at the worksite.

In addition to these publications, a host of other activities is currently being undertaken by the ILO to help governments and employers’ and workers’ organizations to take effective action to combat child labour, especially through its International Programme on the Elimination of Child Labour (IPEC). On the safety and health aspects, there is close cooperation between the IPEC and SafeWork programmes of the ILO with a view to reaping maximum benefit from the expertise of both (of which this publication is an example). Specialized knowledge and guidelines are being produced for the various activities and occupations in which children are employed. Networks of technical agencies and institutes are being set up in all regions of the world. These initiatives are being carried out, as a matter of urgency over the next two years, so as to create products for immediate use by the large number of countries – well over one hundred in each case – which have ratified ILO child labour Conventions No. 138 and 182.

Instead of working long days, it is in the best interests of children to be in school and engaged in the right activities to prepare them for a decent adult working life. Even if it will take time for this to be achieved fully, it is unacceptable and intolerable that children's future lives should be put at risk by unsafe and unhealthy conditions at work. Toward this end, IPEC and SafeWork are pleased to offer "Combating Child Labour: A Handbook for Labour Inspectors" as a useful instrument for policy-makers and practitioners alike.

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The Handbook was prepared for the International Programme on the Elimination of Child Labour (IPEC) by J.D.G. Hammer, C.B., former Deputy Director-General of the Health and Safety Executive, United Kingdom, and long-time president of the International Association of Labour Inspection (IALI). This work was undertaken under the direction of IPEC's technical unit on hazardous child labour headed by Susan Gunn, in close cooperation with Wolfgang von Richthofen, Senior Labour Inspection Specialist, of ILO's InFocus Programme on SafeWork. It draws heavily on the "Sourcebook for Labour Inspector Training", prepared by Jean-Maurice Derrien (formerly of ILO's Labour Administration Branch) as revised by G. Thijs and L. Heron, ILO-EASMAT. It also makes extensive use of papers by Mr. von Richthofen and others listed in the select bibliography at Appendix 1, in particular, ILO Labour Administration Branch Document No. 56 "New Prevention Strategies for Labour Inspection" and the two reports for and of the International Tripartite Meeting on Labour Inspection and Child Labour held in September 1999. Special appreciation is extended to Mary Hall for editing and production assistance.

Established by the ILO in 1992, IPEC is a programme within the ILO which works for the progressive elimination of child labour world-wide, with particular emphasis on eradicating, as rapidly as possible, the worst forms such as slavery, forced labour, trafficking, debt bondage, serfdom, prostitution, children in armed conflict, and various forms of hazardous and exploitative work. IPEC offers technical assistance to countries to encourage policy and legislative reform and to put in place concrete measures to enable them to eliminate child labour, with a priority on the worst forms. It conducts international and national campaigns to change social attitudes and promote ratification and effective implementation of ILO child labour Conventions. IPEC carries out basic and applied research, analysis and project evaluations, and is also a global clearing house for child labour information and legal expertise. Through country-based action and "Time-bound Programmes" IPEC assists countries to formulate comprehensive national policies and programmes to eliminate the worst forms of child labour within a defined period of time.

The indispensable basis for ILO-IPEC action is the political will and commitment of individual governments to address child labour, and to create effective alliances with employers' and workers' organizations, non-governmental organizations (NGOs) and other social bodies to implement specific activities. Since IPEC's inception, programmes in more than sixty countries have removed hundreds of thousands of children from workplaces and significantly raised general awareness of the scourge of child labour worldwide.

Introduction

This handbook provides those working in the field of labour inspection with basic information to understand and take action against children's work that is dangerous, exploitative, and compromises their future. For inspectors in the field, it offers suggestions on how to assess abuse and risk, how to evaluate a particular situation holistically, and how to work towards action-oriented decisions. It contains advice on the training process and on elements to include in a training programme. Finally, it describes tools that labour inspectors may find useful in assessing child labour problems.

The handbook is organized into four major sections. The first outlines some of the basic facts about child labour; particularly the hazardous forms which are the matters of greatest concern to labour inspectors, and presents the ILO Conventions on child labour and on labour inspection that constitute the international legal framework for child labour action. The second section, consisting of two parts, reviews on the one hand the challenges with which the labour inspectorate must contend at both national and local levels, and on the other hand two new approaches to these problems which might offer a new way for labour inspectorates to address the problem of child labour. In line with these, the next section describes in more detail how these approaches might be put into practice. Starting with the pre-conditions or necessary foundation to be put into place (Chapter 5), then the elements of the inspection activities themselves (Chapter 6), and finally the follow-up that will be required to ensure that the situation of identified child workers is definitely improved (Chapter 7), these sections offer a simple "before, during and after" map which labour inspectors might find useful. The fourth and final part describes possible elements of a training programme that would prepare inspectors and their partners to undertake this type of approach.

The handbook, and the approaches it proposes, recognize and builds upon the long history of labour inspectors' concern with the problem of hazardous child labour. In 1802, the British Parliament passed an "Act to preserve the morals of apprentices". Their definition of "morals" included what today would be termed occupational safety, health and welfare matters, and the "apprentices" were in fact just child workers in different trades, most notoriously in mining, textiles, chimney sweeping, etc. Enforcement of this initial child labour-protection legislation was entrusted to committees of respected men. Since compliance was entirely voluntary, however, this monitoring proved ineffective. Consequently, in 1833, four factory inspectors were appointed to His Majesty's Government to control excessively long working hours of children and young persons. The birth of labour inspection is thus historically linked to the felt need to effectively control and combat the worst abuses of children in the world of work and to safeguard their health.

This link between labour inspection on the one hand, and child labour on the other, is further underlined by the fact that at the very first International Labour Conference of the ILO in 1919 (the year of its creation), new international standards were adopted by the community of ILO Members on both labour inspection *and* child labour protection: Convention No. 5, prohibiting work done by children of less than 14 years of age in industrial undertakings; and Recommendation No. 5, urging member States to set up national systems of labour inspection. This close interrelationship found further expression in subsequent ILO standard-setting work. Thus, both the fundamental ILO Conventions combating child labour (C.138 and C.182), and their accompanying Recommendations (R.146 and R.190) include provisions on enforcement by inspection systems; and likewise, both ILO Labour Inspection Convention, No. 81 covering industry, commerce, mining and transport, and Convention No. 129, covering all manner of agricultural activities, refer to the principal duty of labour inspectors to secure the enforcement of legal provisions relating to the employment of children and young persons.

Together these two factors – the long history of association between child labour and labour inspection, and the several ILO instruments dealing with these topics – have provided us with a very solid social and legal foundation. Labour inspectorates are now faced with a choice of what to build on this base. Considering their limited numbers and shrinking budgets, they may think it wise to take a conservative approach and limit their attention to standard targets – primarily the urban enterprise. Alternatively, they may capitalize upon the growing public concern about working children to expand their arena of action to new targets, such as the vast and unregulated informal sector, and to employ new concepts, such as *child labour monitoring or the culture of prevention*. The seriousness of the child labour situation, particularly of those caught in the worst forms, argues for the second choice. But this is only likely to be feasible if labour inspectorates join with other, non-traditional partners to develop integrated approaches and thereby extend their reach.

In the following pages, readers will find the basic facts about child labour and the new currents in thinking about labour inspection that should aid inspectors in choosing which path to take.

Section I. Facts about child labour

Chapter 1. The scope and nature of child labour

1.1 *Child work and child labour*

In some societies, the integration of children into social and working life may be so gradual that it is not possible to separate the phases. Others demarcate childhood from adulthood either by fulfilment of certain social rites and obligations, or by age. It is age that international instruments generally use to define a child; they accord the rights and protection of a child for those under age 18 (the UN Convention on the rights of the child, and the ILO Worst Forms of Child Labour Convention No. 182), and set the minimum age of 15 for employment (ILO Minimum Age Convention, 1973 (No. 138)).

Not all work is harmful to children. From a young age, many children help around the home, run errands, or assist their parents in the family farm or business. As they get older they take on light jobs or learn valuable traditional trades. In this way, children acquire the skills and attitudes they will need as future workers and useful members of the community. Light work, carefully monitored, can be an essential part of children's socialization and development process, where they learn to take responsibility, and gain pride in their own accomplishments. Work of this kind is not without risk, but it is not what is generally meant by child labour.

Child labour is classified as children's work which is of such a nature or intensity that it is detrimental to their schooling or harmful to their health and development. The concern is with children who are denied their childhood and a future, who work at too young an age, who work long hours for low wages, who work under conditions harmful to their health and to their physical and mental development, who are separated from their families, or who are deprived of education. Such child labour can create irreversible damage to the child and is in violation of international law and usually, national legislation.

1.2 *The scale of the problem*

According to ILO estimates, about 250 million children between the ages of 5 and 14 are working, mostly in developing countries. Almost half (some 120 million) work full-time, every day, all year round. *Some 50-60 million are between 5 and 11 years old.* Available data suggest that more boys than girls are economically active, but girls who are engaged in household tasks and sibling childcare may not be accounted for in these statistics. Working in the early childhood years may indeed have a more significant impact on girls, reinforcing gender discrimination and resulting in a denial of education and other opportunities.

1.3 *The causes of child labour*

Child labour is basically a symptom of the underlying problem of widespread poverty and inequality in society. It is also a *cause* of poverty, and in this context it becomes self-perpetuating. Poverty is deep-rooted and natural calamities, man-made disasters (war and civil strife), illiteracy, powerlessness and the lack of viable options further exacerbate the deprivations confronting poor parents who feel compelled to put a child to work. Poverty is not, however, the only factor in child labour and cannot justify all types of employment and servitude.

Hard-pressed parents may not feel that the long-term returns of education outweigh the short-term economic gain and skills acquired through child work. Education for poor children may be costly, inaccessible, of low quality or seen as irrelevant. Many families depend on a girl's labour at home to enable the adults to work outside.

Children may decide to work, knowing that their family needs the income, or through the influence of their friends and peers to join them on the streets or elsewhere.

There is a market demand for child labour since children are generally docile, obedient, hired at cheaper rates than adults, and dispensed with easily if labour demands fluctuate. They incur no long-term investment on the part of industry in terms of insurance or social security and low paid child labour may be perceived as a significant element for industries wishing to maintain a competitive edge in national and international markets. Children are unprotected, powerless and silent as far as their rights as workers are concerned. Children are often preferred in industries that are labour intensive, function with rudimentary technology and require laborious/repetitive work for long hours. Although largely disproved, the myth persists that in certain industries, such as carpet-making or flower-picking, children are needed because of the dexterity of their small fingers. *Child labour persists because the laws that **do** exist are not strictly enforced and because social and political commitment is weak.*

1.4 Worst forms of child labour

There are four types of child labour that the international community¹ has declared to be particularly heinous: **slavery, sexual exploitation, illicit activities, and hazardous work**. The first three categories are likely to be illegal and the responsibility primarily of police authorities. Labour inspectors are going to be particularly concerned with the last category, although as part of a larger team and more comprehensive approach, they have a role to play with all.

A large number of children work in extremely hazardous occupations or dangerous conditions such as construction, mining, quarrying and undersea fishing. Some are trapped in virtual slavery, bought and sold for the debts of their parents. They are trafficked across national borders, and commercial sexual exploitation of children is on the rise. The employment of very young children is a particularly alarming problem. The younger the children, the more vulnerable they are to hazards at the workplace and to economic exploitation. *ILO surveys show that in some areas up to 20 per cent of child workers are under the age of 10.* The situation of young girls deserves particular attention because of the nature of their work and the conditions under which they work. For example, work that is hidden from public view, such as domestic service (a major sector of girls' employment) may keep them isolated from other children and exposed to violence and sexual abuse. Children doing piecework in the home are often expected to work long hours in order to gain even minimal pay. Few get a chance to play.

It is not easy to point to a particular sector or occupation and declare it to be a "worst form". Even where children do not suffer the worst forms of abuse cited above, many are forced to work without sufficient rest, in cramped spaces, with poor lighting, seated on the bare ground, using tools that are too big for them, without adequate drinking water or toilets, and – particularly damaging to their future – no chance to go to school. Even the many millions of children who work in traditional agriculture as part of the family unit are exposed to risk from a wide variety of hazards.

¹ Through ILO Conventions Nos. 138, and 182.

1.5 *Types of employment relationship*

Classifying children by sector or trade says little about the relationship between the children and the persons (clients, employers or members of the family) who, in one form or another, employ them. Thus, in the immensely diverse agricultural sector, which includes everything from multinational agri-businesses to family units, the child workers may be permanent, seasonal, pieceworkers, slaves, or family workers.

In the informal sector, which includes a vast range of traditional, unstructured, family, artisanal, and generally unregistered businesses, children may be found as paid workers, “apprentices”, unpaid workers without contracts, domestic servants, home workers or subcontractors.

In the formal sector, which includes private, semi-public or state enterprises of varying sizes, children may be employed as permanent workers, seasonal or daily workers, apprentices with or without contracts, and children who are on the premises with a parent and may be asked to help.

Lastly there are sectors on the margins of society which consist of illegal or quasi-illegal activities, where children may get a cut of the profits, be paid in kind, or have an informal “contract” with a supplier or manager.

These classifications can help to evaluate the constraints upon children arising out of their employment relationship and to establish priorities for action by taking account of the pressure suffered by children as a result of their legal or economic dependence. Classifying and understanding the precise employment status of the child is also important in unravelling the legal fictions commonly invoked to deny the existence of the employment of child labour. It is thus important for labour inspectors to be capable of identifying the precise employment status of working children whom they encounter during their inspection visits so that they can take the action which is appropriate to the specific situation.

Another way of categorizing child labour is by their visibility. Whether the work is hidden behind walls or out in the open has important implications for how easily child labourers can be found. And whether they work alone or in groups will be a significant factor in how the situation can be addressed. (The following table shows how children are grouped in this way.)

Child labour situations

	Visible	Invisible
Concentrated	<p><i>Child labour which is concentrated and visible includes children who work in one place, are easily observed, and can be approached from outside.</i></p> <ul style="list-style-type: none"> • Seamstresses, tailors, soccer ball stitchers, metal workers, woodworkers (and their helpers in open shops). • Bakers, confectioners, cooks (and their helpers) preparing food for passers-by. • Workers in small repair shops, e.g. automobile repair. • Service workers in congested areas, e.g. shoe shiners, car washers, car watchers. • Supermarket helpers, vendors, porters, cleaners, cashiers in markets. • Stone and brick breakers on road and building construction sites. • Plantation workers (sugar cane, coffee, vegetables), either alone or with their families. • In family production or harvesting for either domestic or export use. • Agricultural processing, fish processing. 	<p><i>Children in these situations work together or near each other, but cannot be seen or are inaccessible to outsiders.</i></p> <ul style="list-style-type: none"> • Brick kiln workers, quarry workers. • Carpenters, helpers and carriers at construction sites. • Factory workers or helpers producing pottery, glass, metal products, plastic goods, jewelry etc. • Factory workers processing food products. • Traditional carpet and textile weavers whether in groups of households or small workshops. • Cigarette makers. • Workers in match, explosive and firework factories. • Miners of coal and minerals. • Work on factory ships or on fishing fleets or fishing platforms.
Dispersed	<p><i>These children work alone and are, or may appear to be, self-employed.</i></p> <ul style="list-style-type: none"> • Delivery boys, messengers, and errand-runners. • Providing services or goods on the street, e.g. shoe-shiners, flower-sellers. • Hotel, restaurant, café workers who serve customers, wash dishes, clean the premises. • Entertainers and dancers who may move around with a troupe, camel jockeys, circus performers. • Professional beggars. • Helpers on long distance transport (buses, cargo steamers, passenger boats). • Children who guard fields against birds, monkeys, thieves. • Herders and those engaged in livestock care, milking, and fodder-gathering. 	<p><i>These are the children most unknown and hardest to reach; they work in remote areas, isolated and powerless.</i></p> <ul style="list-style-type: none"> • Domestic servants. • Children working in family-based industries, such as craftwork. • Children who assist with subsistence hunting, gathering, fishing and agriculture. • Children involved in stealing, picking pockets, smuggling, the drug industry or pornography. • Sexually exploited children. • Children held under conditions of slavery or bondage. • Children recruited into armed groups or providing services in conditions of armed conflict.

Chapter 2. International and national law

2.1 *Historical trends in child labour law and policy*

Child labour only began to be seriously questioned when industrialization and urbanization fundamentally changed children's working relationships and multiplied the dangers. Although some governments began to intervene in the nineteenth century to protect children from the worst excesses of the factory system and the most dangerous activities, the major change came when governments' commitment to education increased as part of their development into modern nations. Even then, the move against child labour was not without challenge. Major arguments against it were that education would make poor children unsuitable for the mundane work that society required, that child labour was necessary for the welfare of poor families... as well as for certain industries if they were to remain competitive, that child labour laws would be impossible to enforce because of the number of enterprises involved, that numerous tasks could only be done by children, and finally that it was not the role of the state to interfere with parental wishes concerning what was best for their children.

Developing countries today are clearly in a different economic situation from industrializing countries in the nineteenth century; however, this historical experience may be valuable to them in that it demonstrates two important lessons: (a) the importance of governments taking a lead role to eliminate child labour by providing protective legislation along with universal, free basic education, and *effectively enforcing both labour and education-related regulations*; and (b) the necessity for awareness-raising to bring about changes in the social climate, such as the recognition of children's rights, and understanding of the long-term health impacts of early labour, which enables new laws to be enacted and accepted. Labour inspectors have played an important role in both of these – enforcing regulations, and public awareness-raising especially among employers and workers.

Although several ILO Conventions and Recommendations on child labour and labour inspection date from the beginning of the ILO itself, the minimum age standards for work in various sectors were regarded as a rather technical topic of employment conditions rather than a major social problem. Beginning in the 1970s, there was a growing conviction among the ILO's constituent Members that:

- Childhood is a period of life which should be dedicated, not to work, but to education and development.
- Child labour, by its nature or because of the conditions in which it is undertaken, often jeopardizes children's chances of becoming productive adults, able to take their place in the community.
- Child labour can jeopardize a country's present reputation and long-term productivity by denying education to the future workforce.
- Child labour is not inevitable and progress towards its reduction and even its elimination is possible when the political will to fight it exists.

As a result, in 1973, a major new child labour Convention was adopted: the Minimum Age Convention (No. 138). It required member States to design and apply national policies to ensure the effective abolition of all forms of child labour and set minimum ages for employment. This has, however, proved to be a difficult task, meeting much resistance from vested commercial interests, market pressures, moral indifference and traditional cultural attitudes.

To assist countries in overcoming these obstacles, in 1992 the ILO launched the International Programme on the Elimination of Child Labour (IPEC). IPEC provided a range of technical and policy assistance to countries which were taking steps to address child labour. IPEC's experience of the gross exploitation and abuse of children in certain activities led to the idea of prioritizing child labour action, concentrating first on the worst forms of child labour while pursuing the wider, longer-term aim of reducing child labour in all its forms.

This, and the growing awareness of children's rights in the 1990s, culminated in 1999 in the unanimous adoption by the ILO of Convention No. 182 on the worst forms of child labour. It has had a large number of ratifications in a record amount of time, and has stimulated ratification of Convention No. 138 as well. Gradually, member States are bringing their national legislation into accord with the provisions of these Conventions.

2.2 Convention No. 138 and Recommendation No. 146

The Minimum Age Convention, 1973 (No. 138) continues to be the fundamental international standard on child labour which requires ratifying states to: "undertake 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". Recommendation No. 146 provides guidance on a wide range of necessary measures to be taken to achieve this. The Convention applies to all sectors of economic activity, whether or not the children are employed for wages. It is a flexible instrument allowing for progressive improvement, and most importantly, for developing countries (i.e. whose educational and economic systems are not yet fully developed) to set lower ages for employment to start with. Exceptions are allowed for certain sectors (e.g. non-commercial agriculture in developing countries), for limited categories of work, for education and training, and for artistic performances.

Fixing the minimum age for admission to employment is a basic obligation of ratifying member States, and the Convention establishes three categories for this:

- (1) The minimum age should not be less than the age of completing compulsory schooling, and in no event less than 15 years of age. Countries whose economy and educational facilities are insufficiently developed may initially fix the age of admission to employment at 14.
- (2) A higher minimum age of 18 is set for hazardous work "which by its nature or the circumstances in which it is carried out is likely to jeopardize the health, safety or morals of young persons". It is left to the individual countries to determine which these are, after consultation with employers' and workers' organizations. The Recommendation gives guidance on the criteria that should be applied in determining what hazardous work is.
- (3) A lower minimum age for light work, i.e. work which is not likely to be harmful to children's health or development or to prejudice their attendance at school may be set at 13. For a country that initially sets a minimum age of 14, the minimum age for light work may be set at 12.

Minimum age in accordance with Convention No. 138

General minimum age	Light work	Hazardous work
For most countries:		
15 years or more ¹	13 years	18 years ²
For countries whose economy and educational facilities are insufficiently developed:		
14 years	12 years	18 years

Recommendation No. 146 provides guidance on enforcement measures and addresses some of the specific issues that child labour raises for inspection services (see box).

Recommendation No. 146**Emphasizes:**

- strengthening labour inspection and related services by, for example, providing special training for inspectors on detecting abuses in the employment or work of children and young persons and on correcting such abuses;
- strengthening government services for the improvement of training offered in enterprises;
- placing emphasis on the role which can be played by inspectors in supplying information and advice on effective means of complying with relevant provisions of the law and in securing enforcement of the law;
- coordinating labour inspection and inspection of training to provide economic efficiency;
- having the labour administration services work in close cooperation with the services responsible for the education, training, welfare and guidance of children and young persons.

Labour inspection should give special attention to:

- The enforcement of provisions concerning hazardous types of employment or work.
- The prevention of work during the hours when instruction is available where education or training is compulsory.
- Taking measures to facilitate the verification of ages, such as:
 - (1) maintaining an effective system of birth registration, including issuance of birth certificates;
 - (2) requiring employers to keep and make available to the competent authority registers or other documents which give the names and ages or dates of birth of children and young people who are employed and who receive vocational orientation or training in their enterprises;
 - (3) issuing licences or other documents to children and young persons who work in the streets, in outside stalls, in public places, in itinerant occupations or in other circumstances which make checking employers' records impracticable and which indicate the eligibility to work.

¹ But not less than school-leaving age.

² 16 years under strict conditions – if the health, safety and morals of the young persons are fully protected, and if they receive adequate instruction or vocational training in the relevant branch or activity.

2.3 **Convention No. 182 and Recommendation No. 190**

The Worst Forms of Child Labour Convention, 1999 (No. 182) calls for immediate prohibition of the worst forms of child labour by enacting laws, regulations and standards. Secondly, it requires ratifying States to take urgent and effective measures to eliminate these worst forms through programmes of action. It applies to all children under the age of 18, but calls for special attention to girls. It covers four major categories:

Convention No. 182

- 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.
- The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances.
- The use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in relevant treaties.
- Work, which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or safety or morals of children.

Of particular concern to inspectorates is that the Convention calls on ratifying States to set up mechanisms to monitor implementation of the new laws that have been set up regarding the worst forms of child labour, and allows for effective enforcement, including penal or other sanctions.

The Recommendation suggests several measures that could make such enforcement effective, such as the provision of appropriate training for the government officials concerned, especially labour inspectors and law enforcement officials.

Recommendation No. 190

Design and implementation of national programmes of action which aim at:

- identification and denunciation of the worst forms of child labour;
- preventive action and the removal from work, rehabilitation and social integration of the children concerned through measures that address their educational, physical and psychological needs;
- giving special attention to younger children; girls; hidden work in which girls are at special risk; children with special vulnerabilities or special needs;
- identifying and working with communities where children are at risk;
- raising awareness and mobilizing society.

Determination of the types of work that are hazardous

Various measures for the elimination of hazardous and other worst forms of child labour, including:

- compilation of data;
- establishment of monitoring mechanisms to ensure effective implementation;
- designation of certain of the worst forms of child labour as criminal offences;
- effective enforcement measures.

2.4 Labour Inspection Conventions

The authority of any labour inspectorate derives from national law that should reflect the provisions of ILO Labour Inspection Convention, 1947 (No. 81) [and Protocol of 1995] and Labour Inspection (Agriculture) Convention, 1969 (No. 129). Convention No. 81, the basic instrument on labour inspection, targets the enforcement of laws relating to conditions of work and the protection of workers in industrial (and, conditionally, commercial) workplaces. It sees regulation of employment of children and young persons *as one of the principal functions* of any system of labour inspection. Convention No. 129 applies to agricultural undertakings with salaried employees or apprentices, and, subject to a declaration by the ratifying member State, to tenants, sharecroppers, members of cooperatives or even the family of the operator, thus in effect also to what is generally known as the “informal sector”.

These standards provide an indispensable and universal framework for the status and functioning of labour inspection. As such they are a source of strength and authority within a country – particularly for the inspection system, the inspectors and the clients they are to serve – and are a valuable tool in the context of abolishing child labour. Convention No. 81³ has been ratified by over 130 ILO Member States, and was designated some years ago by the ILO Governing Body to rank among the ten most important Conventions of the organization. Indeed an explicit link between child labour and labour inspection is established in Article 3(a), which includes among the primary functions of the system of labour inspection “to secure the enforcement of the legal provisions relating to conditions of work and the protection of workers while engaged in their work, such as provisions relating to hours, wages, safety, health and welfare, *the employment of children and young persons*, and other concerned matters, in so far as such provisions are enforceable by labour inspectors”. The ILO regularly monitors Conventions like these. First, ratifying States must submit reports⁴ on the action they have taken to carry out the provisions of Conventions they have ratified.⁵ The ILO “Committee of Experts on the Application of Conventions and Recommendations” reviews the reports, information on the country’s legislation, and any comments made by employers and workers.

If the Committee finds that the obligations under the Convention are not being fulfilled, it may request further information or publish an observation in its report urging that shortcomings be dealt with. The report is published and submitted to the annual International Labour Conference where it is discussed by a tripartite committee comprising members from the three groups - Governments, Employers and Workers. Some cases are also selected for discussion so as to draw special attention to the issues being raised.

³ The Protocol to Convention No. 81 reaffirms the principles of the basic standard and promotes its application to “non-commercial services” (essentially public administration, public utilities, local authorities, but also the armed services, police, etc.), while at the same time providing flexibility to ensure that legitimate concerns (such as national security and the proper functioning of the executive) do not stand in the way of applying the Convention to that sector.

⁴ In the case of Conventions Nos. 138 and 182 this interval is every two years.

⁵ The mechanism being described relates to countries that have ratified the Convention in question. With the recent ILO Declaration on Fundamental Principles and Rights at Work, information is also gathered from those countries that have not yet ratified the relevant fundamental Conventions (including Conventions Nos. 138 and 182).

ILO Convention No. 81

Benchmarks for effective labour inspection:

- Labour inspection should be organized as a system (Article 1) applying to all workplaces in respect of which legal provisions relating to conditions of work and the protection of workers are enforceable (Article 2).
- It should cover a basic set of functions, such as hours of work, wages, safety, health and welfare, the employment of children and young persons, and other connected matters (Article 3.1).
- Inspectors should supply information and advice to employers and workers on how to comply with the law, and alert the competent authorities on any defects or abuses not covered by existing legal provisions (Article 3.1).
- Labour inspection should be placed under the supervision and control of a central authority (Article 4.1).
- Effective cooperation with other government services and private institutions (NGOs) engaged in labour protection, as well as with employers and workers and their organizations must be promoted (Article 5).
- Inspectors must be public officials assured of stability of employment and independent of changes of government and improper external influences (Article 6).
- They must be recruited with sole regard to their qualifications and adequately trained for the performance of their duties (Article 7).
- Their number must be sufficient to secure the effective discharge of these duties in regard to inter alia the number, nature, size and situation of workplaces, the number of workers employed, and the number and complexity of the legal provisions to be enforced (Article 10).
- They must be properly equipped with local offices and transport facilities (Article 11).
- They must be provided with proper credentials and properly empowered (Articles 12 and 13).
- Workplaces must be inspected as often and as thoroughly as is necessary to ensure the effective application of relevant legal provisions (Article 16).
- Adequate penalties for violations of legal provisions enforceable by labour inspectors and for obstructing labour inspectors in the performance of their duties must be provided for by national laws and regulations and effectively enforced (Article 18).

If a country persists in not observing a Convention it has ratified, the country's employers, workers or even another government can have the matter re-examined. In extreme cases, a country can face suspension from the ILO, and possibly from the wider international community. Such procedures, and the involvement of employers and workers along with governments in the supervisory system, give ILO standards a unique strength (more general instruments such as the UN Convention on the Rights of the Child (CRC) have no such mechanism).

Section II. Challenges and responses

Chapter 3. Current challenges to effective child labour inspection

The barriers to effective compliance with international standards can be many, including political, legal, economic, structural and cultural factors, and they can appear at any level – from national to the field. Without being unduly pessimistic it is helpful to frankly recognize these constraints at the outset and take them into account when building an improved system.

3.1 *Lack of clear legislation*

Too often, after an ILO child labour Convention has been ratified, the incorporation of its provisions into policy may be very slow. If the national laws are not revised, or new and more effective legislation adopted, labour inspectors have nothing to enforce. In many countries, the necessary legislation was enacted only after a long struggle by groups of citizens who denounced the exploitation of children by unscrupulous employers. Promoted by public opinion and adopted by policy-makers, labour legislation accompanied by inspection¹ made it possible to decrease the number of children at work and abolish the most scandalous situations.

In other countries, however, and in particular those which became independent in the second half of the twentieth century, legislation on child labour was grafted onto a fragile economy and implanted in a society which had not incorporated the underlying concepts of the international Conventions and treaties designed to protect children. In this context, there is the danger that labour inspectors' actions and arguments will not be seen as part of a national initiative and they will have to individually justify their actions in the face of local practice and prejudice. Labour policy and legislation is not the only legal framework that is needed. Registration of births, necessary to prove age, may not exist or not be followed. There may also not be adequate legislation on compulsory education to provide alternatives for the children removed from work. Lastly, employers in many parts of the world may choose not to know, or more often actually do not know the law or the extent and seriousness of the risks to the health and safety or morals of the children who work for them.

The job of understanding, explaining and ultimately enforcing the law becomes difficult and at times virtually impossible if there are gaps in the law, varying minimum ages, confusing and different (or the absence of) definitions of hazardous and non-hazardous work (or of acceptable light work), or out-dated and excessively complex regulations spread through fragmented and sometimes inconsistent laws.

3.2 *Lack of political will*

In addition to the lack of political will as evidenced in the failure to ratify, or, if ratified, fully to implement international conventions, a major obstacle to good labour inspection is the lack of financial support. In some developing countries, the whole labour administration system receives less than 1 per cent of the national budget and sometimes a

¹ In combination with other measures such as compulsory school attendance, raising living standards in a context of economic development, and reducing inequalities.

mere 0.1 per cent, with the labour inspection services, in turn, receiving only a fraction of that. But the cost to the state of poor labour protection, in the form of accidents, illnesses, absenteeism, abusive exploitation, industrial conflict and the like is often in excess of 5 per cent of total gross domestic product. And there is considerable evidence that an effective and efficient labour inspection system can significantly reduce these losses. In many industrialized countries in the last 10 years strong political support for labour inspection and commitment to high standards has made a measurable difference in the performance of their labour inspectorates and a reduction in economic and social loss at both national and at enterprise level. The cost to the state of child labour – in the case of children whose adult work years are shortened by disease, or whose productivity is grossly curtailed due to lack of education – is almost incalculable.

The most tangible evidence of political commitment is expressed in terms of adequate pay and other conditions of employment to attract, train and gainfully employ inspectors who are competent and independent, as well as providing the equipment they need, such as transport and running costs, to carry out their duties. Labour inspectors in the field are regularly adversely affected by organizational deficiencies such as lack of training, lack of transport, lack of information and guidance, lack of clear programmes and priorities and a lack of support when dealing with the particularly sensitive and intractable problem of child labour. They must also be adequately paid so that they are not open to bribery/unethical behaviour, which sadly affects the public services in some countries. Whether well resourced or not, an inspectorate must be well led and well managed. Too often, neither clear national inspection and enforcement policies, nor well-planned and properly executed national and regional inspection programmes are in place. If technical and administrative support for inspectors in the field is inadequate, they will feel isolated and will perform poorly.

Labour inspectors sometimes feel they have little control over the political and social environment in which they operate. It is hard for them to single out child labour abuse in workplaces where other labour regulations are being ignored. It is frustrating when, on the one hand, they are asked to enforce the rules while, on the other hand, the underlying message is not to disrupt the economy. Inspectors' status needs to be substantial enough to enable them to deal with the pressures they encounter because of the threat they appear to represent to important economic interests. Political will should translate into support for inspectors when they meet resistance and defiance. It involves, as well, recognition and respect from the higher political levels as well as from the community. Lack of political will inevitably undermines their morale and their confidence, as well as weakening their determination to withstand pressures.

3.3 *Fragmented labour inspection*

Unfortunately in many countries there is no single inspectorate mandated to deal with all aspects of child labour. The labour inspectorate may be responsible for identifying child labour as well as overseeing general employment conditions, rates of pay, overtime and the resolution of disputes between workers and employers. Factory inspectors or occupational health and safety inspectors who generally operate in the formal sector will give attention to the mechanical, chemical, and ergonomic hazards in the worksite. Like labour inspectors, they are usually few in number considering the need, and their inspections do not bring them into contact with those children at greatest risk. In central and eastern Europe there is a continuing division between inspectorates responsible for occupational safety and those responsible for occupational hygiene, which makes it difficult for employers to adopt a systematic, integrated, prioritized, management approach to occupational health and safety.

If labour inspectorates are fragmented and effective arrangements for cooperation and coordination are absent at the top (and/or lower levels), local labour inspectors may have

no contact with those responsible for parallel or particular aspects of child labour. For example, they may have no connection with police authorities who are combating illicit activities such as prostitution, pornography or drug trafficking, or with occupational health and safety inspectors who are investigating hazards. Without appropriate arrangements for coordination or information sharing, there can be rivalry and competition, duplication of work, and waste of scarce resources, or more often, each authority leaving the problem to the other. And yet labour inspectors with their wide responsibilities and geographical coverage could so usefully be the eyes of the authorities and other stakeholders, for instance the police, telling them of suspected illicit activities and, if unable to deal with particular health and safety issues themselves, drawing the attention of occupational health and safety inspectors to deal with particularly complex or serious cases of hazardous employment of children.

The real solution however is the creation of a single inspectorate responsible for all aspects of labour protection with the ability to call on specialists in each field. In the meantime ministers and senior officers should ensure that there is the closest practical cooperation between existing bodies at every level.

3.4 Lack of access to the informal economy

One very practical problem is finding and gaining access to the type of workplaces where child labour most commonly occurs – the unregulated side of the economy. If labour inspection activities are planned solely on the basis of the official register of businesses, they will cover only a fraction of the establishments in the country, and certainly none of the informal sector. And it is not often that any significant number of child workers will be found in these officially registered businesses, at least in industrializing countries. In some countries inspectors visit only registered, established, large or medium-sized, and in many cases, exclusively urban formal sector enterprises. Limited resources may inhibit inspectors from carrying out their advisory and enforcement functions in small businesses in the informal sector, but also tradition plays a part as well. To track down cases of child labour, inspectors would need to get out into the community and extend their actions to new areas. They might encounter roadblocks in the form of laws which bar them from small workshops with less than five employees or, as in the case of domestic service, “invisible” workplaces such as the child’s own or somebody else’s home, since in many countries, the law provides that when workers live and work on the same premises, the occupier’s permission is required before those premises may be entered. They may also fear that, in these unknown settings, they will be threatened and even suffer physical violence.

In addition, there are practical problems of identifying shifting workplaces in the informal sector (e.g. the street). Remote places of employment are particularly challenging and some, such as offshore fishing platforms, are almost inaccessible.

In the informal economy, complex and diffuse employment arrangements can complicate enforcement, as it is not always clear who is to be held accountable when it is not the owner of the business but middlemen who recruit and pay the children, sometimes clandestinely. Even formal sector companies may rely on complicated informal sector supply and sub-contracting chains that make it difficult to identify employer-employee relationships.

3.5 Cultural issues

Action against child labour may also encounter cultural obstacles. Abolishing child labour may be seen as a luxury reserved for those to whom life offers other alternatives. People may feel that because they belong to a certain social category, ethnic class, caste or

religious group they have no other options. Child labour may not be seen as an alarming phenomenon in this society. Rather, being idle and a social parasite are greater causes for worry as they may contribute to misconduct and delinquency and are contrary to the values of solidarity within the community.

Parents may themselves have worked from a very young age, not having been to school, and may see this as part of a tradition, in which the children of poor families have always worked for their survival and that of the family. They may have no experience of families which escaped this economic constraint. Traditionally too it may have been that only some of the children were able to go to school and to succeed. Whilst awaiting the success of the eldest son or the most intelligent child, the other children had to work to contribute to his or her education.

Society may see work by children as a normal stage in the process of growing up. Hard work when young may be considered as the best form of education and preparation for community life. Even abusive conditions may be tolerated as a way of teaching children the “realities of life” in which they must learn to respect power and authority and their place in the social hierarchy.

A common problem for inspectors is that child workers themselves often strongly resist any efforts to remove them from work. The work provides them with an income, however small, and sometimes the chance to get some minimal training, which, in the face of inadequate schooling followed by unemployment, may well appear preferable. Work also gives children a sense of being grown up. They are proud that they are able to help their families and support the schooling for a younger sister or brother. Indeed child workers may not therefore see themselves as victims but as assuming responsibility and earning the respect of their family, themselves and their community. If not gifted at school, they might see themselves as inferior if it were not that work conferred a status of its own.

In most cultures, housework performed by young girls, the assistance provided by children in the fields, or running a small shop is not considered to be real work. Children are often considered to be the property of the family with only the parents in a position to decide whether they have to work, go to school or stay at home. Nobody but the parents or those to whom they delegate their authority is entitled to interfere with them or their future. Inspectors have therefore also to counter a large number of cultural beliefs and attitudes.

There is also a lack of understanding of the inspector’s role, suspicion of him or her as a prying outsider and fear that if their children are found to be illegally employed, the parents themselves will suffer punishment.

3.6 Economic issues

Poverty was noted earlier as one of the key causes of child labour along with other economic factors such as the perceived cost advantages of using child labour. The labour inspectorate is confronted with the reality of this face to face on the ground. Inspectors see the poverty, the economic powerlessness of the prime producers or service providers and the lack of any trade union presence in many sectors, and they are acutely aware of the economic consequences for the family of removing children from work in certain circumstances. This is very different from prosecuting a large corporation for violations of laws protecting adult workers.

There is, in fact, a vicious circle of under-development and child labour. Economic under-development is associated with low productivity which in turn results in low living standards, low incomes and inadequate food, education, training, housing, hygiene, sanitation and health care. These conditions reduce the capacity to work and contribute to fatigue, premature ageing, accidents, disease, and absenteeism. These in turn lead to

reduced income, indebtedness and increased poverty. There is then increasing pressure for the employment of children which results in low school attendance rates, low levels of general and vocational education, low wages and continuing lack of adequate food, housing and health care. The consequential low capacity to work and to consume completes the circle of economic under-development. This is the cycle that inspectors see, not as economic theory, but in the lives of real people. Traditionally, inspectors have been asked to intervene at one point only in the circle without being able to influence the prior conditions or ameliorate the consequential damage. With the new “culture of prevention” approach described below, this sense of powerlessness can change.

Employers often argue that child labour is necessary to enable them to remain competitive within their own country or internationally. Those industries with a world-wide export market are susceptible to pressure from public opinion or consumer groups, but compliance by purely domestic industries and services is much more difficult to achieve and requires special approaches. In either case, although the threat of sanctions or boycotting products made with child labour seems to be a way of achieving compliance by employers, it has several drawbacks: it can drive the children into more dangerous or degrading forms of work or even less visible and more exploitative workplaces, and secondly the effect may be short-lived because the attitudes of employers, families and young employees about child labour have not been changed. They will also be ineffective if fines are low, the judicial system not supportive, or if the inspectors themselves perceive no alternatives for parents in extreme poverty who need to put their children to work in order to feed the family. Strict enforcement alone – except in the case of evident life-threatening hazards – is unlikely to be successful in the longer term without additional measures that make it cost-effective for the family to release the child from work.

Chapter 4. Promising new approaches

Several new and creative ideas are evolving to cope with the challenges described above. Two will be discussed here: the shift toward a culture of prevention, and the concept of child labour monitoring. But these are only a start; the challenge is for those involved in the field of inspection to design and test additional measures for reaching the goal of eradicating the worst forms of child labour.

4.1 Creating a “culture of prevention”

Prevention of injury, ill health, unfair employment practices or industrial conflict has long been an important element in many ILO Conventions. Today, the ultimate objective is larger: *to develop a “culture of prevention” in the world of work*, as a means of enabling working people to lead long, productive and healthy lives, and at the same time reducing the growing cost to individuals, enterprises and society of a wide range of untoward incidents and occurrences. Quite simply, a culture of prevention aims toward having all work places in compliance with agreed standards, such that employers and workers regard this as the norm as well as a social responsibility. Beyond that, a *culture of prevention* requires commitment to continual improvement so that the costs and benefits of prevention become increasingly clear not only to employers and workers, but to governments and the general public. The relevance of this concept to child labour is obvious. By preventing abuse of workers in their youth, society gains a more productive work force, and a new generation grows up that is healthier and better equipped for changing times.

With a *culture of prevention* – i.e. stopping the problem before it starts – the advisory role and services of the inspectorate gain greater prominence and importance. From small workshops and family enterprises to large companies, interest and demand are growing for advice on how to address occupational safety and health problems in a cost-efficient manner. The increasing emphasis on “prevention” as a complementary approach to “enforcement” has been building since the early 1990s. The driving force behind this change of orientation is the realization that in order to meet major changes in the world of work, labour inspectorates must broaden their compliance techniques. Inspectors face two sets of challenges. One stems from rapid and complex technological change, accompanied by fragmentation of the labour market with changing patterns of employment, and changing views of the role of the state. The second comes from broader pressures on public administration everywhere to reduce expenditure, to ensure more efficient administration, to decentralize, to outsource, to market, even to privatize services. Inspectorates are therefore faced with the need to do more with fewer resources. The result is that labour inspectorates must improve their productivity, increase their efficiency and develop new policies, strategies and intervention methods. In particular, it is increasingly apparent that with changing patterns of employment and inevitably limited resources, labour inspectorates can never hope to compel the whole of industry, commerce, agriculture, and the public sector into compliance by “police methods”.

Even compliance with minimum standards is probably insufficient to make the best standards more desirable or achievable. A case can be made for persuading enterprises and departments to work to high standards of protection as a matter of self-interest in that higher standards frequently mean increased equity efficiency, cost-savings, and an improved public image as well as a sense of personal pride and morality. Working with employers, trade unions and the technical, medical, and scientific communities to develop a consensus on standards of protection saves resources and eases the process of compliance.

Prevention is not just a matter between an inspector and an individual enterprise. The key to all preventive action lies in the increasingly close relationship between labour

inspectorates, employer organizations and industry groups, and trade unions, as well as technical, scientific and medical experts. These collaborations result in agreement on standards and action programmes which, when overseen by labour inspectorates on the ground, increasingly expose those enterprises which have not participated in or accepted the agreements, or which seek short-term profit by cutting corners. Such cooperation allows the labour inspectorate to economize and concentrate its enforcement resources on compelling defiant enterprises or industries to comply, while at the same time reassuring compliant employers that they will not suffer competitive disadvantage when abiding by the law.

As industrial and commercial sectors and individual enterprises increasingly adopt preventive policies, the labour inspectorate becomes part of the process of facilitating change and “building-in” prevention, rather than engaging simply in its traditional inspection and enforcement activities. Greater emphasis is now placed on the development of labour protection policies at the workplace, and on prevention rather than cure. It is invariably less costly to prevent damage than to have to compensate for it. In one sense this can make the work of inspectors more difficult and complex because they must have knowledge of the business operations of the enterprise, the social relations within it, its structures and procedures. The purpose of inspection is no longer limited to just promoting or enforcing compliance with the law. Under the preventive approach, inspectorates acquire legitimacy through their competence, efficiency, technical knowledge and commitment. *A preventive approach to labour inspection requires the inspector to be first an adviser, and an enforcer only if advice is not accepted.*

The preventive approach changes the relationship between inspector and those s/he is addressing in three main ways: first, the inspectors deal more with top management; second, they advise management rather than do management’s job (e.g. management will be responsible for attending to specific safety and health, or employment irregularities); and third, they are better trained to have a good understanding of the management process and labour relations, and hence under a preventive approach, can rely on their knowledge and persuasiveness as individuals, rather than on the power conferred by their position. In the context of child labour this change of emphasis will be seen to be particularly significant.

4.2 Organizing child labour monitoring systems

The second new approach, which is coming to be known as “*child labour monitoring*”, creates an integrated system, which includes the labour inspectorate plus others appropriate for the situation, in an ongoing process of: (1) identifying child labour and tracking the children to verify that they are removed from danger and have satisfactory alternatives; and (2) determining whether child labour trends in specific sectors or areas are going up or down. It recognizes the fact that the labour inspectorates in many countries are very weak and poorly organized due to lack of political support; and that, even for well-organized and smoothly operating labour inspectorates; there are not enough inspectors to adequately cover all establishments, both formal and informal sectors, urban and rural locations. Thus, the idea behind *child labour monitoring* is to intensify and expand observation of child labour by enlisting additional partners.

The concept of *child labour monitoring* grew out of a series of IPEC-assisted projects which have been underway for several years in the garment manufacturing sector (Bangladesh), carpet, soccer ball, and surgical instrument sectors (Pakistan), the fishing and footwear industries in Indonesia and the Philippines, and the coffee and agricultural sectors (Central America). Alarmed that child workers – once removed from these industries – were not only returning to work but sometimes going to work in other sectors less visible and more dangerous, the projects saw the need for a more comprehensive system of identification, inspection, tracking, and verification. They saw the need to

monitor more than just the workplaces; the “social protection” activities (school, other alternatives for children removed from work) needed to be included as well. And they saw the need to monitor more than just the target sector; inclining them toward an **area-based** approach. The projects developed monitoring systems, therefore, that enlisted new partners to identify child workers, ascertain the degree of risk, verify that they have been fully removed from work and involved in education or other suitable alternatives. In other words, they shifted the focus from the industry to the child. These *child labour monitoring systems* were required to be particularly robust because of intense international interest/controversy and scrutiny in some of these industries.

Thus, *child labour monitoring* builds on the traditional role and function of the labour inspectorate, but expands it into a system that can respond to labour situations which were, for all practical purposes, previously out of reach. The key here is the word “system”. The system incorporates and assigns a monitoring role to new parties based on their differing capacities to **access** and to **assess** child labour. Community-level officials and parent associations can observe children in small workshops and informal sector enterprises of all kinds simply by virtue of the fact that they are in the locality where this occurs. Enforcement officers, such as police and border guards, can observe children being brought across the frontier or children found in the shadows of the crime world. Agricultural extension workers have access to children working in the vast and widely dispersed farming sector. Perhaps most importantly, teachers and health workers can document when children are not present in school or if they appear fatigued. Together, partners such as these offer new hands and eyes to the official inspectorate, complementing labour inspectors’ traditional access to larger, formal sector enterprises.

The bottom line is that, for a *child labour monitoring* system to be effective from an organizational point of view, it must be built on foundations that are already in place and which are going to be there for some time to come. And it must be grounded in those who have the official mandate from society to ensure that workers are protected. The labour inspectorate is central from both these perspectives.

For *child labour monitoring* to function as a system, it requires a number of tools and conditions to be in place. The first requirement and the basis of a monitoring programme is usually a plan which identifies and lays out the responsibilities of the partners who will participate in the monitoring, their degree of authority, and what type of compensation (e.g. recognition) they will receive for these added duties. Depending on the level of the discussions, this plan might be compiled in the context of a national, provincial, or local child labour meeting.

A second element is to define linkages among the various inspectorates and enforcement authorities – school truancy officials, safety and health officers, environmental health officers, factory inspectors, etc. Since all of these inspectors are thinly spread, their time must be used to best effect. It is therefore vital that when one visits a remote location, (or any worksite, for that matter) s/he is empowered and able to deal with *every* aspect of the abuse, exploitation and risk to which children are exposed. This is not only necessary but also possible in practice, and produces significantly better results. In some countries there is already such an integrated inspectorate; in those where there is not, then in the interim, ministers and senior officers should ensure that there is at least close and practical cooperation among units, from headquarters level to the field.

Another building block of the *child labour monitoring* system is a set of tools – a database, for example – that allows children at high risk or the establishments that hire them, to be tracked over a period of time. The projects have experimented with systems of cataloguing information that range from state-of-the-art (and quite expensive) to simple paper-and-pencil recording systems. The most feasible from a number of points of view appears to be an internet-based database with pre-established forms which inspectors and

others can access from wherever they are. Information gathered during monitoring visits is recorded in such databases so that it can be updated easily and shared by labour inspectors and other relevant partners.

Additional elements have been found useful in certain circumstances. For example, where an industry is relatively cohesive or covers only a particular area (e.g. shoe manufacturing, coastal fishing), the standard approach is to seek cooperation of at least the majority of employers or individual operators and sign a memorandum or letter of agreement with them. These agreements may be more easily implemented if those signing are the government (representing at least the education and labour authorities), the employers (or their organization), and official representatives of the local communities concerned. In addition, trade unions¹ and non-governmental organizations (NGOs) would be involved where they will be active in supporting the agreement (e.g. with services). These agreements reflect the parties' political will to act against child labour and therefore, their successful application depends essentially on voluntary participation and compliance. However, a combination of positive incentives and public awareness-raising can go a long way toward encouraging this compliance even where particular workshop owners, parents, or officials are not willing to cooperate. Even though monitoring or participating in a *child labour monitoring* scheme is initially a voluntary operation, it becomes more "involuntary" when the employers (and other parties) have agreed to such monitoring. Thus, one can see *child labour monitoring* as verification of a social agreement with and between employers, communities, parents, manufacturers, and operators that the agreement is being observed.

¹ Internationally, trade unions are committed to the elimination of child labour through their participation in the Governing Body of the ILO and international steering committees and meetings. They have inputs to the design of monitoring systems and other initiatives to combat child labour. International trade unions have been vocal in questioning the purchasing policies of companies and other bodies sourcing goods from places where child labour is exploited.

At national levels, with their organizations and practical experience, trade unions have an important contribution to make not only to defining what work is particularly hazardous to the health, safety or morals of children but also to drafting relevant codes of practice. Where there are active local branches they are able to identify which forms of child labour are prevalent and where, to contribute very directly to the monitoring process, as well as affording practical help to any sector-based programme. By their participation in child labour campaigns, trade unions are at the same time furthering the employment of adults at more realistic wages under improved working conditions. Working together to combat child labour has also been found to promote cooperation among trade unions separated by political divisions.

Generally speaking, in sectors and enterprises where trade unions are strong and well-organized, there are little or no worst forms of child labour. Strengthening, supporting and working with trade unions is therefore essential for labour inspectors in general and for any action to combat child labour in particular.

Section III. The inspection process

Chapter 5. Creating a foundation

This chapter describes prerequisites for an effective child labour inspection and monitoring system. These are fundamental to making the *preventive* approach effective, and they also help to address many of the obstinate challenges, outlined above, which labour inspectors face in trying to do a good job. The overall aim of these preparations is to create an environment conducive to child labour monitoring and inspection. Although it is not the responsibility of the inspectorate to put all these elements in place, inspectors and their partners need to be clear on what is needed and insist that those who do hold the responsibility carry through on their obligation so that the inspectors can do their own job properly.

5.1 *Ensuring an adequate legal and administrative base*

5.1.1 Reforming national child labour law and policy

First and foremost, there must be an appropriate policy framework, consistent with the basic ILO Conventions Nos. 182, 138 and 81. This requires consultation at the national level with social partners and other stakeholders to produce a clear, coherent and consistent set of policies on labour protection, labour inspection, and enforcement, as well as a mandate and defined role for labour inspectors in combating child labour. This set of policies map and provide a legal base for labour inspection.

Political commitment is best demonstrated by a national policy directed toward abolishing child labour. Such a policy makes it clear that child labour is a priority on the national agenda. It sets out clear stages for elimination of the worst forms as a priority, commits the government to working with employers, workers, and other stakeholders to identify and target any such worst forms of child labour for action, and then to work with these actors to reduce the employment of children, while protecting the child, improving conditions of employment, and providing education and training opportunities.

Strengthening the inspection of children's working conditions is only possible if a rational distinction is made between "hazardous" and "non-hazardous work", or in other words, between work that only a person over 18 years may do, and work that is allowable for a child aged 15 years. Convention No. 182 specifically requires governments or competent authorities to define work which is likely to harm the health, safety or morals of children, and to do so in consultation with employers' and workers' organizations. Such a listing – which should be developed based on an understanding of children's developmental needs, their need for protection from abuse and exploitation, and the particular risks to which they are prone – will guide inspectors in determining whether a child worker must be removed immediately or gradually, or protected through workplace improvements.

Having a clear age limit below which no child may work facilitates inspection and standard setting. Whilst some countries prohibit work during school hours, it is important to ensure that they also have compulsory (preferably free) education and that the minimum ages coincide for child labour and school completion. These compulsory education laws must also ensure that low-income families are not charged school fees and that all children have equitable access to schools.

For labour inspection to be effective, the law and administrative regulations must be clear. Many countries have streamlined their laws, repealing contradictory, overlapping, or out-dated standards and making the remaining legislation easily understandable and more “user-friendly”. Some countries have achieved this by passing legislation which states the overall objectives to be achieved (such as, “the protection of all working people against hazards to their health or safety” or, “the protection of children at work”) and supplementing this with clearly written regulations, codes of practice, and guidelines. Whatever the legal tradition, the overall *objective must be to make the law comprehensive, consistent with international obligations, and understandable both to those whom it affects and those who have been trying to enforce it.* To facilitate this, codes of practice and guidelines can be illustrated visually.

5.1.2 Establishing an inspection policy regarding child labour

The authority of labour inspectors must be clearly defined and be unambiguous in relation to child labour. Besides confirming the general principle that labour inspectors may freely undertake inspections at any time of the day or night (Article 12 of ILO Convention No. 81), these regulations should specify any sectors or areas where this power may be limited. This is important not only as a guide to the inspectors but also for the sake of others (government departments, employers’ and workers’ organizations, non-governmental organizations, families, and communities) that have a role to play in monitoring and securing the rights of children, so that they all understand the role of the labour inspectorate and utilize it effectively.

The policy should outline what, in the medium and long term, is feasible to achieve given the country or area’s social, employment, economic and technological situation, and in the short term what strategies it should adopt to respond to political initiatives, stated national priorities, new international standards or the expressed concerns of employers and workers. The development of an effective labour inspection policy requires technical expertise, knowledge of the industrial and commercial market, knowledge of labour administration and inspection operations, political awareness and the ability to negotiate and secure agreement. In relation to child labour, a labour inspectorate should seriously consider including these elements in its policy:

- emphasizing prevention as the main aim and developing prevention-oriented methods of intervention;
- integrating with *child labour monitoring systems*;
- ensuring a good balance between advisory, enforcement and supervisory functions;
- within the advisory function, giving particular attention to motivating and convincing the disparate interests and stakeholders to cooperate in the progressive elimination of child labour;
- encouraging complementary inputs, such as birth registration and school attendance records, information services, use of the media, voluntary compliance programmes and codes of practice;
- collaborating with other organizations and authorities, particularly the school inspectorate, social service agencies, and others in the educational and skills training field; and
- creating clear positions regarding child labour in general, the worst forms of child labour in particular, and on the use of legal sanctions.

5.1.3 Clarifying the policy on enforcement

Most inspectorates have at their disposal a range of enforcement devices. These include: verbal advice and written confirmation, follow-up visits, formal enforcement notices requiring specific changes to be accomplished within a specified time, administrative fines, prohibition or stop notices, and prosecution or reference to the public prosecutor. But the inspection of child labour is not a simple matter of compliance or non-compliance, with non-compliance automatically being sanctioned. Some particularly dangerous aspects of child employment (for instance, where the child is at immediate risk) will of course call for immediate enforcement action, as it would if an adult were involved. In other circumstances, a more considered, more deliberate, more multi-disciplinary approach will be called for. In such circumstances, the advisory/facilitating role needs to be used, that can be developed into a clearly more enforcement-oriented approach if necessary. It must be remembered that the goal is *compliance* and inspectors must be competent to use their discretion as to how this can be best achieved at a *sustainable* level.

5.1.4 Clarifying the management and use of discretion

Inspectors in most labour inspectorates have a considerable degree of discretion in deciding precisely what action to take in particular circumstances. The limits of such discretion are set by the inspectorate management which provides guidance on how it should be exercised, and it is in the exercise of that discretion and in particular the ability to see the totality of the situation and understand the implications of alternative courses of action, that the skill of the labour inspector lies. The managers of labour inspectorates have a heavy responsibility in managing and guiding the exercise of discretion, since one of the important considerations in this context is the need to balance inspectors' autonomy and initiative with overall demands for uniform and equitable enforcement of the law. No inspection department can have a staff of agents covering all the fields within its competence. But every inspector must have sufficient knowledge to understand and assess the nature of a problem, to call in specialists when needed, and to coordinate the interventions of other parties in the inspection and monitoring process.

5.2 **Information-gathering, information-sharing**

Accurate information about the child labour situation and the worst forms in particular, is essential for *generating a common base of understanding* among all stakeholders. Data-gathering is seldom a single operation, but a series of studies for different purposes and using different techniques, some of which are quite simple. For example, stakeholders can begin to be aware of the problem simply by seeing films or doing a personal reconnaissance (walking through an area and observing children at work). But a rapid assessment, mapping exercise, baseline survey, and/or national study will be necessary to provide detailed data for planning and subsequent monitoring.

Labour inspectors have found it extremely fruitful to participate as interviewers in the gathering of data in such surveys. Through this, they gain a deeper understanding of the issues than they could in any other way, they become familiar with areas and sectors to which they may have had no exposure before, and they gain experience in interviewing children and employers. In analysing the results, the inspectors as well as other stakeholders gradually build a consensus as to the nature of the problem and the preferred ways of addressing it. In other words, they develop a holistic view of the problem.

Mapping and/or profiling studies are particularly useful for identifying the locations and sectors in which child workers are clustered. These studies help to identify the target groups and may gather basic information about the children and the sectors they work in. Location is especially important for migrant children whose homes and workplaces may be far apart.

Another initial data-gathering process – frequently overlooked – concerns service agency information. This will include:

- educational services (primary schools, non-formal education, vocational training);
- social service agencies including health, welfare, shelters, and counselling facilities;
- income enhancement programmes for adults (micro-credit, training schemes);
- courts and legal structures.

These provide labour inspectors with information they will need to make referrals for identified child workers.

5.3 Planning and setting priorities

Planning involves:

- reviewing the information gathered on the scale and general location of child workers, the workplaces, and the available services;
- deciding on the end goals;
- setting realistic intermediate objectives;
- preparing strategies and tactics for achieving those objectives within specific time frames; and
- deciding how progress is to be measured and achievement evaluated.

An inspection plan or programme with clear priorities is vital to any new initiative against child labour for four main reasons. Firstly, because the problems of child labour and of non-compliance with laws is so large, often long-established, and widespread, inspectors can easily feel disheartened at the size of the task and perplexed as to where to start. Secondly, those who employ children must be brought to accept the need for change – but this is more likely to happen if the inspectors are seen to target the obviously worst examples, i.e. those trades or particular employers with particular hazardous conditions and exploitative practices. Thirdly, targeting a sector or geographical area shows that the inspectorate is determined, creates its own momentum and perhaps, above all, reassures employers that their competitors are being treated in the same way and will not have a competitive advantage over them. Employers therefore are more willing to comply. Fourthly, targeting enables the inspectorate to concentrate always limited resources on sectors or areas where there are good data about the location and nature of child labour, and where there is the possibility of education for those removed from employment and/or practical initiatives to reduce poverty.

A national or regional plan would layout the strategies for inspection and monitoring. Together with potential partners, the inspectorate would:

- identify which sectors of employment or geographical areas would be the focus;
- determine whether all workplaces would be covered or a concentration on specific types, whether urban or rural, registered and unregistered, visible or invisible;
- decide whether all forms of child labour would be considered or there would be a focus on the situations which are most abusive or most hazardous to children and young persons;

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- decide whether and how there will be attention to improving the working conditions of young persons who are legally employed;
 - identify and gather data on child labour and on children working in illegal occupations that can help to guide future interventions;
 - clarify the inspectors' advisory/facilitating role;
 - decide how to cooperate with other partners, including inspection and enforcement bodies such as the police and/or education authorities.

Thereafter, the inspection programme should be realistically matched to the resources available. Time should be allowed to investigate accidents or complaints, as they may constitute valuable sources of information, but such "reactive" inspection must be managed so that it does not detract from the time available for preventive, pro-active inspection.

Priorities in the inspection and enforcement plan might be set according to:

- age and sex, protecting the youngest children and especially young girls who tend to be more exposed to discrimination;
- the degree of hazard in the work, taking into account the age and sex of the children, the natural environment, the working environment, the work performed and conditions of work;
- the likelihood of exposure to violence, forced labour, slavery, bondage, prostitution, armed groups, physical and moral violence;

In the case of agriculture, the plan may distinguish between the employment of children in commercial plantations who come in contact with pesticides, pick fruit from high trees, or work in an aggressive environment without any legal protection or educational, medical or social services; and those children who work in informal agricultural settings, such as on the family farm, where they have a recognized role, acquire practical experience and are adequately supervised. A distinction may also be made between children who are employed as domestic servants and exposed to beatings and sexual violence, and those who work within the context of their family where, although they may not be free from pressure and sometimes violence, the family environment does provide them with some protection from abuse.

Plans in which responsibilities and priorities have been carefully thought out beforehand, increase the efficiency with which monitoring can be done. Many gaps and duplications can be avoided when partners clarify their different roles and establish written agreements.

5.4 Preparing for new roles: A new vision

For some inspectorates and inspectors a new or renewed emphasis on combating child labour will be a challenge. It will demand increased care and sensitivity in the way in which they operate so that their actions do not unintentionally result in worsening the child's situation. Inspection will involve ingenuity and persuasiveness as well as determination. In short, their role will be to use their knowledge, their insights, their powers to exercise such legal, technical, social and moral pressures as to end the exploitation of children and ultimately to do their part in creating a culture of non-acceptance of child labour.

Chapter 6. Conducting inspections

This chapter sets out the key elements involved in the actual inspection of a child labour situation. These elements can serve as a sort of “checklist” – either to be covered in a training programme, or as a refresher on the day-to-day work of the modern inspector. Experienced inspectors are familiar with the different types of inspection for adults; this section discusses the relevance of each of these in relation to child labour.

During an inspection, inspectors or monitors check, and then re-check on a periodic basis, whether child workers are present, the occupational safety and health situation in the workplace (which determines the age threshold for younger workers), and gather information that might signal the need for changes in policy.

Before looking at the key elements of the inspection visit, it is useful to consider whether such visits should be announced or unannounced. This is a perennial question of considerable consequence. There are only two rules: first that an inspectorate should never only use one or the other technique, and secondly, that inspectors should generally be free to use either approach, but within the frame of a defined national inspection/enforcement policy. The announced inspection can also be productive in that a competent employer will likely undertake some preliminary review of working conditions and do work in advance of the visit to avoid criticism. The inspector can then assume that everything that is not rectified is due to ignorance or incompetence and can give appropriate advice. It is also useful to give notice if one wants to speak to a particular manager or official of the company. The disadvantage is, however, that dangerous machines and hazardous processes can be temporarily stopped and, in the case of child labour, the children warned not to attend or chased off the premises. If therefore, the inspector wishes to see an enterprise or activity as it is normally undertaken, it is usually preferable to visit unannounced, although s/he should be aware of being detained in the office whilst matters are rectified, processes stopped or children sent out. Indeed in some industries (e.g. construction sites) employers may have elaborate warning systems and it will then be necessary to call upon the help of the police to close off exits, etc. Whilst this method is useful when the objective is to identify violations, sanction them and send children home, it is doubtful whether it actually prevents the return of the children to the workplace (or their drifting into even worse situations) and whether it really promotes the employment of adult workers in their place. Demonstrations of force of this type can be effective, provided that they form part of a programme for the integration of children into protected workshops or vocational training which allow them to continue to earn their living. If not, the process will have to be repeated for as long as the children have no realistic alternative other than to work or to suffer more extreme poverty.

6.1 *Making initial contact*

The first visit to a worksite where children are working is likely to involve primarily observing the sort of work performed, safety and health conditions, hours and wages, and the employment relationship. After having made their presence known to the management or his/her representative and shown their credentials, inspectors will wish to speak to children about their work, and also obtain the views of other workers. The inspector will also gather information on the enterprise and its workers, especially those under 18 years, entering them in a record. Individual child records will include such data as:

- personal information (age, schooling, home, activity of the child, and of the parents);
- location of the work site (whether home, fields, workshop, or factory);
- working conditions (terms of work, as well as health and safety situation);

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- the action being taken (removal or protection; referral to education and/or service provider).

Unless the child workers are exposed to hazards that are likely to jeopardize their lives or health (mental or physical), it would be counter-productive to threaten sanctions during a first visit. Instead, the inspector would take the “preventive” approach and seek to **inform** the employer of the hazards that early work poses to children, **advise** him/her of the law and the measures required by the law, and **convince** him/her that complying with these will be in her/his own best interests (and certainly those of the child) in the long run.

If convinced that the recommendations are not unreasonable, are indeed inevitable, if s/he is given time to make the necessary adjustments, the employer is more likely to continue complying – whether withdrawing the child workers or improving the working conditions – while those forced by legal action can easily allow conditions to revert. If it is not a situation involving one of the “worst forms of child labour”, inspectors are often able to suggest relatively simple, low cost means of protecting adolescent workers, such as reducing hazards, making the work easier and therefore more efficient, shortening hours or increasing breaks which may well not reduce output, and negotiating arrangements for children to be released for education. The more the inspection and monitoring programme is coordinated with or involves other agencies in the locality, the more likely are employers to respond positively.

Case example

The labour inspectorate received information through neighbours, rumour and complaints from parents and children, that boys and girls between 11 and 14 years of age were employed under deplorable health conditions in a printing works; that they were exposed to dust, noise and fumes from heated glue; that they worked standing up for at least 48-hours a week; and were paid wages which were very much lower than the minimum rates. Before visiting the enterprise the inspector (hardly likely that more than one would go) sought to supplement available information by talking discreetly with neighbours, parents and trade unionists.

During the visit the manager of the enterprise claimed he only employed around 15 young persons over 15 years of age, all of whom were covered by a proper apprenticeship contract. During the inspection of the work place and discussions with the children, the information gathered prior to the visit enabled the inspector to persuade the manager of the enterprise to admit that he in fact employed around 30 young persons, including 10 who were under 15 years of age and could not be described as apprentices. Once this had been admitted it became possible to begin discussing a programme of school attendance for some of them and real apprenticeship for others and to talk about improving the safety and health and conditions of work of all the workers, both adults and children.

6.2 *Interviewing child workers*

In interviewing working children, it is important to remember that it is not the child who is violating the law; rather, it is the child’s employer. The inspector should see her/himself as asking a favour from the child, not the other way around, and the child must therefore be looked upon as a partner exploring a particular situation. In this way the child can perhaps see the benefits of participating in the interview rather than it being the inspector who “demands” cooperation and may intimidate the child labourer. If the child agrees to an interview, he/she is asked to recount aspects of her or his experience – both in the work environment and outside. In that the inspector is asking the child’s help in understanding the situation, the interviewer has to be sensitive to the child’s emotional state, aware of the consequences of the questioning and must respect the child’s right to speak or to keep silent. For satisfactory results, the interviewer should also create the right physical and psychological climate. The physical climate may be unhelpful with a noisy machine nearby, people moving around, a child sitting on the floor with the interviewer standing and so on. Ideally, therefore, an interview should take place out of sight and earshot of superiors, or even peers if they appear unfriendly. But the advantages of setting the interview while the child is working or within the workplace has to be weighed against

its disadvantages and the feasibility of making any choice. It must also be kept in mind that if the child is kept off the job for too long, this may subsequently entail sanctions by the boss, unless the intention is clearly to take the child out of the workplace straight away.

The psychological climate will be determined by whether conditions are such as to make the child feel comfortable and safe, or suspicious and anxious about being scolded, judged, ridiculed, subsequently victimized by the boss, or reported to the authorities. The child may appear neutral with no clear positive or negative feelings, or distant and uncaring, or friendly and warm, welcoming and willing to talk, or hostile and uncooperative. The interviewer should therefore try to choose a convenient time during a break or lunch hour, remembering that time away from work will otherwise affect the child's output and therefore cost the child money. Whatever the child's reaction, the interviewer must try to create a non-threatening atmosphere, adopt an empathetic and caring approach and encourage the child to talk by asking open questions. Most of all, inspectors must genuinely *listen* to what the child is saying, but should also know when to stop if the child's memories and experiences are too intense or painful. Closed questions simply requiring the answer "yes" or "no" are sometimes necessary, but an open question is better because it enables the child to describe or explain, comment on or justify a view. If the interviewer cannot obtain an answer to a key question even after rephrasing it, it is sometimes better to return to the issue later on. It is also important to realize that, like all interviewees, the child may be adjusting his/her answers to please the interviewer or out of fear that what they reveal will be used against him or her. The interviewer should therefore be sensitive to these unseen and unexpressed elements. Questions can also be validated by asking the same thing in different ways at different times during the interview. For example "Are you happy working here?" could be asked at different times to:

- Do you think that you will continue doing this job for very long? Why do you think so?
- How do people here treat you? Are they nice and kind? How do they show it? Are you happy with how they treat you?
- Please tell me the happiest moment you can remember since the time you started working here.
- Tell me about any fun that you have had here.

It is important to understand the situation from the child's point of view. Working children, just like all other workers, may be seen as having a progression of needs and aspirations:

- basic physiological needs such as food, drink, sleep, rest, shelter, hygiene and comfort;
- need for security to be protected against physical, social and economic problems, danger and fear;
- need to belong and be accepted in society as a member of a family, at work and with a need for human relations and the ability to express oneself;
- need for esteem, to be recognized, appreciated, respected and valued, within one's competence and limits; and
- need to achieve, to fulfil oneself, to be creative whether in technical, intellectual or artistic terms.

Income from child labour may sometimes only just be sufficient to satisfy basic physiological needs without even assuring freedom from danger in the workplace or fear from being reprimanded, beaten or assaulted. The long working hours found in industry, agriculture, construction, commerce and domestic service allow children no time to play, to rest, be free and spontaneous or act without constraint. Furthermore, working children are torn between the economic and parental pressure to work and the desire and need to learn. Having constantly to find a compromise between these two demands on their time, they may resolve the tension by giving up school. Work is then perceived as a constraint, which will influence their attitude toward work for the whole of their adult lives. There is further conflict within the life of the family where, on the one hand, working children are expected to fulfil the role of adults by earning money, performing tasks, contributing to the economic life of their families and, on the other hand, remaining as children, obedient to their parents and masters, accepting that they are not paid as much as adults and being subjected to teaching methods which take no account of their work experience. As both children and workers, they have to develop their personality and their relationship with the world on the basis of a contradiction, which is bound to have adverse psychological and social effects.

Aware of the contrast between the aspirational needs of children and the devastating impact of premature work on the child and its family, labour inspectors will be better able to appreciate the motivation of children, the reactions that they receive from their interventions, and be motivated to do their utmost to mitigate such exploitation and promote entry into education and training which will serve children's higher needs.

6.3 Assessment of occupational health and safety (OSH) risks

Since the hazards to which working children are exposed are so serious, inspectors and monitoring teams need to have at least a basic understanding of how to assess risk. There are a number of instruments or guidelines on how to identify and assess hazardous occupations and situations for adults, but those for children are still not well-known. Children are not just small adults. They are particularly vulnerable from a developmental point of view – physical, psychological and social.

First, it is helpful to distinguish between hazard and risk in assessing the seriousness of a situation and in deciding what should take priority.

- **A hazard is anything that can cause harm**, e.g. chemicals, electricity, working from ladders.
- **Risk is the chance, whether big or small, of such harm actually occurring** due to this hazard.

For example, a can of chemical solvent high up on a shelf is a hazard if the solvent is toxic or flammable, but entails very little risk (especially for child workers). The risk increases when it is taken down and poured into a bucket as harmful vapour is given off and there is a danger of spillage. The chance of harm, that is the risk, is then high. To help decide whether the risk is high, inspectors should think about:

- What is the worst result? Is it a broken finger? Somebody suffering permanent lung damage or being killed?
- How likely is it to happen? How often is the job done? How close do people get to the hazard? How likely is it that something can go wrong?
- How many people could be hurt if things go wrong?

In terms of prioritizing hazards in terms of their risks to health and safety it can be useful to assess each hazard on a scale from 1 to 5 from the minor to the most serious, and then do the same, assessing the risk on a similar scale of 1 to 5. Multiplying the two figures will indicate that those issues with the highest figures should receive priority attention in terms of prevention because they have both a significant potential for harm and also a reasonable likelihood or risk of such harm occurring.

Assessment of the hazards in the working environment does require special skills, particularly in more complex situations. However, it is sometimes made out to be more mysterious and complicated than it is, and in many cases, requires no more than the systematic and imaginative application of common sense. This is made easier and more effective by having good practical guidelines, basic training, and whenever necessary, the advice of technical or medical experts. For instance, it is obviously dangerous for staircases to be blocked with flammable materials (packaging, broken furniture, etc.) or for fire exits to be locked, as has too often been the case in publicized disasters. High, open-sided platforms or staircases without guardrails are hazards obvious to anyone, as are unguarded moving machine parts, non-insulated electric wires, etc. Inspectors can identify hazards by simply imagining themselves to be working there for eight, ten or more hours. They see the children in cramped working positions with inadequate seating, inadequate lighting and subject to dust, dangerous fumes, unpleasant smells, etc. It does not require scientific training to know that such conditions are potentially hazardous.

There are, however, many hazards where specialist knowledge or the advice of experts is essential. These include explosive, flammable, toxic or other chemicals, solvents which have deleterious side-effects, electrical hazards, and the hazards of specialized industries such as mining. Specialist knowledge is also required in formulating certain precautions and preventive measures.

Even in these cases, the inspector can learn a great deal by asking questions. “Do you know ...?” “What happens if ...?” “How do you deal with ...?” “When did you last ...?” “Who checks ...?” This will reveal whether the employer knows the risks of the materials, machinery, chemicals, and natural hazards in the establishment to children who are unskilled, inclined to take risks, and unprotected. And whilst the inspector or team may not always know what the correct answer should be, it will often be possible to judge whether the employer is being honest or evasive and whether the answer sounds unlikely or convincing. The answers often suggest the next question. Most importantly, every official inspector must be empowered to take appropriate action where there are evident risks to the safety or health of children or others.

6.3.1 Sources of risk

The inspector will look for several categories of hazard e.g. biological, physical, chemical, ergonomic, psychological and general working conditions and environment. In a specific area or workplace the inspector will be watching for young workers, establishing if they are subjected to any of these hazards and then assessing the degree of risk to which they are exposed. The following list is indicative, not comprehensive, as there are other much more sophisticated hazards associated with a major industrial plant or with the specialized hazards found in industries such as mining or fishing.

(a) Potential hazards at work

- (1) Biological hazards include exposure to bacteria, parasites, viruses, dangerous animals, insects and plants.
- (2) Physical hazards include exposure to extreme heat or cold, noise, vibration and radiation.

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- (3) Chemical hazards include exposure to toxic substances such as solvents, flammable or explosive substances and agro-chemicals e.g. pesticides, herbicides and fungicides.
 - (4) Ergonomic hazards include carrying heavy loads, fast or repetitive movements, badly designed workplaces resulting in awkward working positions, etc.
 - (5) Psychological hazards include isolation, threats, overwork, the lack of control or choice, abuse and harassment (sexual or otherwise).
 - (6) Working conditions involving long hours, night-work, low pay or lack of adequate contracts.
 - (7) Working environment involving work underground, underwater, at dangerous heights or in confined spaces, or working in places that are badly maintained, unsafe because of dangerous machinery, equipment or tools.

(b) Special risks to children

Children and young people are particularly vulnerable to risks because they are physically immature, weaker than adults and can be more sensitive to toxic substances. In addition they:

- tend to react differently (less rationally) to imminent danger such as fire;
- lack life experience, knowledge of risks and appropriate reactions;
- are almost always untrained or inadequately trained in safety matters;
- tire sooner with attention lapses resulting in vulnerability to injury;
- require closer supervision which is often not given;
- are subject to bullying (physical, sexual, etc.) and exploitation because they are easily intimidated and therefore more compliant; and
- are regularly given work to do that is too difficult or too dangerous for them; are given dirty work that adults do not wish to do.

Inspectors should always remember that what is hazardous to adults is invariably even more hazardous to children.

6.4 Closing discussions

As in any inspection visit it is vital that there is a full closing discussion with the key people, especially the manager or director of the enterprise, and any worker representatives, shop stewards, members of safety councils, or similar bodies. Even with children, a short final word to share with them some of what was found, what action the inspector has proposed or intends to take, and to reassure them that they will not suffer as a result, would be useful. To the employer, the visiting inspector will present her/his understandings regarding economic performance, financial constraints, individual relations, and accidents in addition to matters of employment, and solicit feedback. Such interchange is of value as it may give clues to whether conditions can be expected to improve or why children have been employed. And it is a means of cross-checking statistics and data from other sources, such as the manager's records. In the informal

sector, small enterprises and family businesses there is usually only one person, the owner, who controls everything and in her or his absence, little will be achieved.

In any case, it is usually important to agree or specify priorities for action for otherwise the employer is likely to do what is easy and cheap rather than what is most important.

Following the discussion, the inspector/team prepares a summary report to give information about:

- the enterprise itself, its ownership, address, name of manager, telephone, street and portal, etc;
- the workers, particularly the ages of children employed, the nature of employment (seasonal, daily, intermittent, etc.), and the tasks they undertake;
- the working environment;
- hours of work (distinguishing, if necessary, between age groups) together with a note of any night work done, rest periods, etc;
- remuneration, whether on a time or piecework basis, for public holidays, from tips, and the nature of any benefits in kind such as meals, accommodation, transport, clothing, etc; and
- any information on accidents or incidents, particularly if children were involved, and illnesses, etc. (as a possible indicator of occupational diseases).

Examples of risks for adults and children

(a) Hazards specific to different economic sectors and industries

Harmful substances:

flammable and/or explosive materials, pesticides, fungicides and fertilizers, paints, varnishes and solvents, acids and asbestos. They may have acute or chronic, toxic or biological effects, may be irritants or asphyxiants and may cause sensitization, allergies or skin problems.

Dangerous processes and equipment:

- welding, grinding, polishing machinery;
- heating and drying systems or cold rooms, and pressure vessels with excessive temperatures;
- heating systems and pressure vessels with excessive temperatures;
- silos, tanks and other storage vessels that can cause entrapment;
- electrical and power-driven machinery.

Conditions that create physical strain:

- awkward positions: bending over or kneeling or prolonged standing. Seating may be cramped;
- lifting and carrying heavy loads;

Conditions that create psychological strain:

- excessive pace of work, or monotonous and repetitive work, visual constraints;
- sexual harassment (overt or innuendo);
- threats, insecurity, intimidation, beatings.

Situations where personal protection is inadequate:

- clothing, footwear or equipment that is designed for adults may be quite unsuitable for children so no protection can be offered;

- lack of drinking water, water for washing, toilet facilities or space to change or keep clothing, leading to intestinal infections, skin problems, etc.;
- little or inadequate or erroneous information on possible work hazards, inadequate training and safety advice regarding machinery, materials, or processes;
- no occupational safety and health committee or workers' representatives, no first aid or someone trained to administer it; those injured at work cannot receive immediate adequate treatment;
- no doctor or nurse, excessive distance to the nearest hospital or health care centre, lack of health insurance or coverage for cost of care.

Situations where conditions of work are poor:

- night work with lack of adequate rest leading to lack of concentration, accidents and injuries;
- risk of fire (due to poor storage and use of flammable substances, lack of fire alarms and fire drills, lack of functioning fire extinguishers, blocked or locked escape routes and fire exits);
- lack of freedom to leave or to object (situations of confinement, slavery, etc.).

(b) Hazards specific to certain industries:

Construction, mining and fishing industries:

- working underground, underwater, or in confined spaces with the risk of becoming trapped;
- scaffolding, ladders, working platforms, staircases and stairwells which can become insecure or unstable;
- working at dangerous heights, e.g. on roofs;
- trenches, holes and excavations which can cave in.

Manufacturing industries involving machinery, vehicles and electrical tools:

- hand tools that are too large, badly designed or defective;
- hazardous machinery with rotating parts, which run together into a nip, which have an intake between a belt and pulley, which are designed to cut or saw or which have a trapping point;
- tractors, all sorts of vehicles, hoists and lifts. Serious hazards are also associated with the setting, cleaning and maintenance and repair of plant and machinery.

Agriculture:

heavy machines, dangerous tools, the carrying of heavy loads, repetitive movements, monotonous work, exposure to herbicides, fertilizers and insecticides are all potential hazards that can place a heavy burden on the health and safety of workers, especially children.

Chapter 7. Taking follow-up action

Labour Inspectors operate at the point where law, technology and economic reality meet. There are a range of possible actions: removal of the child workers, removal of the hazards (in the case of older children), referral of the children to school or other suitable alternative, referral of the families for assistance, legal action against the employer, etc. The first step, however, is to look at the situation from various points of view in a logical, and systematic manner. This process involves evaluation of the child workers' situation in general and the risks to their health and safety in particular, gathering input for negotiation, identifying options for action, assessing these options in terms of their social, political and economic implications, and finally making a decision and taking action.

7.1 Analysing

It is not always immediately evident what the “right” action is. Most problematic is the choice of whether, in the case of hazardous child labour, the child is to be removed from the situation, or whether the situation requires he/she remains, but that the hazard be removed.¹ The inspector/team carries out the analysis by reflecting on a series of questions. Is the particular child labour situation:

- one which is really the concern of police authorities (e.g. children involved in drug trafficking, prostitution and other illegal activities)?
- also hazardous to adults employed?
- clearly liable to harm the health, safety or morals of the children? If so, how?
- one which because of the immediacy or degree of hazard calls for the immediate closure of the worksite, or machine, or removal of the child from work for her/his own protection?
- one which (even if strictly speaking illegal and/or undesirable) could be ameliorated in the short term by additional precautions, improved work environment, shorter hours, etc?
- one which could be undertaken by older children given adequate training and supervision?
- one where, if removed from employment, the children would drift back or disappear into less visible and more exploitative, possibly hazardous, illegal types of work?
- covered by national inspection enforcement policies?
- included in the current inspection programme?
- covered by any child labour programme or project of the government, NGOs or others?
- one to which trade unions would give support for inspectorate action?

¹ The latter is true, for example, in fireworks production where the child is working in the home with explosive materials. Obviously the child cannot be removed from her own home, but the hazard (inserting gunpowder) can be removed from the premises to a controlled area.

To prepare themselves for negotiation with the employer, the inspectors will also have to analyse the following questions:

- What is the precise employment status of the working children?
- Is it clear who actually employs them?
- Is such employment against the law?
- Has the employer previously been warned not to employ children?
- Are there child labour projects or social services applicable to these children?
- Is the community involved in monitoring?
- Is the employer cooperative, indifferent or hostile?
- Is lack of cooperation due to deliberate exploitation, fear of unfair competition or rather, lack of information?
- Would it be possible to bring equal pressure to bear on local or sectoral competitors?
- Are there any educational or vocational training facilities in the vicinity?
- Is it possible to try to negotiate partial release of the children for education or training?
- Are there any possible concessions, which would persuade the employer to make a long-term commitment to stop employing children (e.g. more time to comply, or removing the youngest children, or excluding children from certain processes first)?
- If family poverty is the driving force behind child labour, is there any form of social support for the families?
- Are stipends or other financial compensation available for children who stop working and go to school?
- Can the education and/or social welfare authorities provide assistance?
- Is the employer bluffing when threatening to close the factory if forced to replace children by adults or to pay statutory rates? (Probably.)

At this point, the inspector/team will have arrived at a series of options, ranging from the harshest to the relatively mild. Each option will have arguments for and against, advantages and disadvantages, and of course there will be uncertainties.

This is usually the stage at which it is good to speak with colleagues, as well as other partners and stakeholders (trade union representatives, NGOs, etc). Discussion and argument will often reveal other options, other disadvantages and benefits, and sometimes possible compromises – all of which will be useful during future negotiations. Particularly serious or unusual situations will have to be reported to senior levels for advice, guidance and possibly final decision. Such reports also provide important material for case studies when used in future training programmes, and create a body of information which can be used by managers to guide future decisions and ensure a broad consistency of approach.

With the range of options having been identified, the next step is to assess the feasibility of alternative lines of action, whether to take a hard enforcement line, to seek

compliance through persuasion, or to adopt an advisory/facilitating role. These questions might be helpful:

(a) Economic considerations:

- If the enterprise were to be closed, would it be an unsupportable loss to the community?
- Can the employer be persuaded to invest in improved conditions of work to protect the children or to finance their schooling?
- Is family poverty so severe that child labour is essential to provide food?
- What has been the economic impact of similar measures taken elsewhere?

(b) Cultural considerations:

- Does the local community accept the legal and ethical case against child labour and does it understand the reasons for changing attitudes and social tradition?
- If not, will there be insuperable non-cooperation from parents and children, and collusion with employers in ensuring that the employment of children continues?
- In that case, should any action be better preceded by public awareness-raising, media campaigns, and personal approaches to explain the concern, change local society's perception of child labour, gain its trust and build confidence?

(c) The children's considerations: How can children themselves best be convinced that going to work at an early age is not good for them?

- Do they see it as inevitable?
- Do they feel a sense of economic responsibility for the family?
- Is it providing money in the short-term but reducing their longer-term life chances?
- Is it the only way to prepare to take over the family farm, business, or special skill?
- Is it considered the prerogative of parents to decide?
- Is work considered necessary to legitimize children's place in society?
- Does it particularly discriminate against girls?

(d) Political considerations: At more senior levels, inspectorate managers will have to consider:

- whether the proposed action reflects the current political will and national policy;
- if not, whether there are sectors of public opinion, which will speak up in support of decisive action against child labour;
- whether the government is more likely to be swayed by the objections and arguments of employers;

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- whether ministers may bring pressures to bear upon the inspectorate to back down;
 - whether the mere taking of action, even if it is over-ruled or lost, is of longer-term value in raising awareness, enrolling support for the elimination of child labour and influencing political thinking;
 - whether successful or not, if the argument and publicity resulting from action can be used to promote coherent legislation, establish clear standards of health and safety, provide clear definitions of work hazardous to children and ensure limitations on working time;
 - whether an agreement (memorandum of understanding, joint statement, etc) can be reached with a donor, ILO-IPEC, or another body to stimulate, possibly fund or institute a national committee to combat child labour.

The decision on what actions to take will now be one which, as far as possible, takes account of the evaluated situation with all its advantages, disadvantages and uncertainties, and which has been tested against its feasibility in economic, social, cultural and political terms.

7.2 *Negotiating a solution*

Labour inspectors sometimes simply enforce the law in a mechanistic way. Most, however, understand that to be effective, they need to explain the law, to explain why action needs to be taken and to invite cooperation by pointing out the benefits of compliance, with other ways to convince, persuade, and stimulate the employer into sustainable compliance. They will attempt to come to an agreement, by working out a time schedule for rectifying irregularities and progressively removing children from work. Of course, inspectors will not always find this easy or be immediately successful but the process of negotiation gives both sides a chance to achieve their objectives to a mutually acceptable level, provided it follows criteria established in the enforcement policy.

The negotiation should start with the most serious issues. If the labour inspector simply calls on the employer to take corrective measures on all the points which are contrary to the law, without any priority on the basis of the seriousness of the violations, their urgency or the number of persons exposed to the hazard, s/he in fact abdicates the decision on what the employer should tackle first. Faced with such a list the employer will simply select those matters which cost least and make the least trouble, whilst ignoring more serious violations.

In order to embark on negotiations there must be a willingness to do so. There must be potential areas of common ground or where concessions can be made. Both parties must have the authority to adjust their positions and each must have been able to prepare and know what they wish to achieve. How the negotiation proceeds will depend on whether the inspector and the employer are already well known to one another, how strongly the employer feels about her or his position, the strength of the inspector's own legal and practical position, and the importance of reaching an agreement. It is often best to start by identifying problems, agreeing on points where agreement can be found, if possible making some small concessions, but above all being flexible.

However, if the negotiation is adversarial, and the employer does not wish to cooperate, the inspector has to state the position, and indicate the consequences of failure to meet the requirements. One can make some concessions which are not vital but which will prevent the other party completely losing face. It is always wise to avoid getting emotional, but important to stress the consequences for the other party of failure to reach

agreement. Trying to enhance mutual respect and adopt a shared problem-solving approach may be successful, but the inspector may have to accept that no cooperative approach is possible.

The inspector must always remember that he/she must not permit serious non-compliance if that disadvantages cooperative employers who do comply. The above illustrates that training for social skills development, in particular negotiation skills, is central to any labour inspection training programme. Other skills which it may be useful to cover in the course of such a programme could include conflict management, communication skills, and the use of the media.

7.3 Removal and rehabilitation

It is not the responsibility of the inspectors or monitors, themselves, to provide follow-up facilities for child workers being removed from work, but there must be a referral or link made with programmes and agencies which can do so. And, generally it is not enough to simply refer the children to school or social services but rather to follow them to verify if they have accessed the services they were referred to and that they are participating. Otherwise, they may simply be shifting to another line of work. Similarly, in the case of legal action, the cases need to be tracked to see if action is being taken. If citations, once made, are not prosecuted nor penalties imposed, there is little incentive for employers to take action.

The ultimate goal must always be kept in mind: that the child should be better off as a result of being removed, rehabilitated, or prevented from working. Monitoring does not make that judgment, but it provides the information that enables others to do so.

Rehabilitation activities include:

- health care and psychological support or counselling, particularly for those who have been exposed to traumatic situations;
- legal aid and protection for children threatened with reprisals;
- non-formal or basic education to bring older children up to grade level so that they can successfully enter or re-enter regular schools;
- facilitating entry directly to regular schools for younger children, including provision of school supplies, and occasionally stipends, subsidies, or scholarships to offset costs of schooling;
- vocational training for older children;
- income substitution programmes for those in extreme poverty, for whom loss of income could mean lack of food or other basic necessities for themselves or the family.

Alongside these direct services for child workers, there are activities which are indirect but equally important in supporting the rehabilitation of the child worker. These are:

- measures to improve the quality, accessibility, and availability of schools since, in many cases, children are drawn to work because the schools do not offer much promise;
- sensitizing parents, the children themselves, and other members of the community about the specific hazards of early work;

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- income support schemes for families of child workers, such as micro-credit and savings mobilization.

In some selected countries, a new approach known as “Time-bound Programmes” provide a national framework which ensures that essential support services such as those listed above are in place – especially for children subjected to the worst forms of child labour – and form a coherent whole, backed by appropriate policies.

7.4 Protection and improvement of working conditions

For young people and adolescents who are working legally, there must be ongoing monitoring of their situation to ensure that they are being protected and that there are neither hazards present nor situations that would impede their education if they are still in school. In the case where a child has reached the legal working age, the reduction or elimination of hazards from the workplace is one of the important tasks in which labour inspectors can assist. Sometimes, simple solutions can drastically reduce the exposure of young workers to hazards. The improvement of working conditions can also be important as a transitional measure towards the complete elimination of child labour. Labour inspectors can advise company owners and employers about how to make the workplace safer and less hazardous. The collaboration with local governments, trade unions and occupational health and safety institutions and experts can be very effective in this area of work.

On both a local as well as a national scale, it has proven useful to invite the cooperation of trade unions in monitoring such situations.

7.5 Enforcement

Most inspectorates have at their disposal a range of sanctions varying from verbal warning through written advice, formal improvement notices requiring action (with follow-up visits), possibly administrative fines, prohibition or stop notices closing down a process, plant or enterprise, legal action, such as prosecution or reference to the public prosecutor.

Whatever the outcome of the enforcement action, the labour inspectorate will wish to learn any lessons for the future, exploit any success and, as is often possible, even exploit apparent failure. The inspectorate will therefore wish to consider:

- taking up the case with local employers or the relevant sectoral employer bodies with a view to establishing an agreed programme for the elimination of child labour and the improvement of working conditions;
- inviting closer practical cooperation with the trade unions;
- establishing closer links and more coordinated policies at higher level with educational and social protection authorities;
- ensuring maximum publicity for successful outcomes;
- monitoring the situation to ensure no reversion occurs as part of the ongoing child labour monitoring programme; and
- bringing to the notice of the competent authority defects or abuses not specifically covered by existing legal provisions, as required by Article 3(c) of ILO Convention No. 81.

Section IV. Training for child labour inspection

Chapter 8. The training process

This chapter suggests ways to train labour inspectors about the processes discussed above. How the training is done will, of course, vary according to local circumstances, the extent of the inspectors' prior experience, the number of officials to be trained and the time and resources available, but certain characteristics are commonly present and certain techniques can be applied in most circumstances.

In brief, the objective of the training process is to ensure that the inspectors have the background information they need on the nature of child labour, and on the relevant legal provisions and national policies and on how to find and deal with child labour in a way that serves the best interests of the child. The training should provide an opportunity to discuss ways in which inspection in relation to child labour differs from inspection in other fields, and to enable inspectors to evaluate what they learn and observe and to decide upon appropriate measures. Above all, the training should sensitize inspectors to a new field of concern, create the right attitude and motivate them to act with energy and determination.

8.1 *The labour inspector as key player*

Labour inspectors are key players in combating child labour, for it is the inspector who has the unique power to access workplaces freely and without hindrance at any time of the day or night; to negotiate improvements in working conditions and compliance with regulations with employers; to report and take decisive action on violations; to involve other authorities such as education and social welfare; and, where necessary, to proceed to sanction and take or initiate legal proceedings with the authority of his office and the law behind him. However, it is the inspector's inner conviction that his or her role is critical to the elimination of child labour that will provide a sense of urgency in energetically working towards this goal. At the same time inspectors must understand that the task is not always straightforward. Where the hazards to which the children are exposed are unacceptable for adults, the course of action is clear. For if a particular situation is already hazardous for an adult worker, it is always and invariably even more hazardous for children and juveniles. But even if conditions are improved, the type of work may still be unacceptably hazardous, indeed illegal, for children. It is when stopping the child's income threatens its survival or that of its family that the inspector has to make difficult decisions, may have to negotiate and solicit the support and advice of his or her superiors, as well as look for the cooperation of any social welfare and educational authorities.

8.2 *Training for a new role*

Whilst some, mostly industrialized countries have comprehensive training and in-service training programmes for labour inspectors, many are rudimentary and sporadic or, more likely not available at all. There may be some training on new regulations and procedures, but no on-going programme or entitlement. Inspectors, therefore, tend to develop their own way of coping with work and with the pressures for increased efficiency and productivity. Bureaucratic practices may discourage innovation and the questioning of established responses and procedures. Some inspectors develop a regulatory mind-set and see their role as purely law enforcement, indeed "punitive"; and they forget that the objective of their work is to improve the quality of working conditions and the working environment.

Individual inspectors are influenced not only by the culture of the organization with its norms of behaviour and accepted ethics, but also by the wider governmental and social milieu. In tackling child labour, the technology may not always be complex but the economic reality of a child's relationship with family and working life regularly is. In addition to training regarding content, inspectors should also be provided with the opportunity of enhancing their communication skills as the ability to problem-solve and negotiate successfully should be an integral part of a labour inspector's toolkit.

8.3 Implications for labour inspectorates

In view of the variations in inspectors' knowledge, experience and cultural background, it is necessary to start with an analysis of their training needs. This is not always regarded as important but the fact is that training must start by taking stock of the competencies available in the inspectorate. These must then be compared with the competencies necessary to effectively implement a clear, coherent and consistent inspection and monitoring of child labour policy. The gap between available and required competency levels must then be closed through appropriate training. Of course no one can be forced to learn, so the trainer must appreciate that the learners bring their own experiences, biases and prejudices, beliefs, values and personalities to the learning situation.

Because such mind-sets sometimes express themselves through cynicism or negativity, it is often necessary to "unfreeze" these attitudes in order to create the receptive confidence necessary to enable the learner to face the complexities of child labour. Crucial to this process is the use of new and participatory training methods, as far as possible avoiding formal lectures and tedious discussions of laws and regulations. Interest-grabbing training techniques, such as field projects and role-playing, can draw the learners toward seeing problems from different angles and discovering a range of alternative solutions. Advocating for children takes sensitivity, a sense of urgency and commitment. These cannot be learnt simply through intellectual appreciation but through empathy with what labouring children suffer.

8.4 Stages in a training programme

A good training programme would ideally involve four 5-day modules, each separated by two to three months' practical work back in the field. Module 1 would involve *watching and learning*, gaining the necessary background information by observing child workers in different situations. Module 2 would use these experiences in *understanding and assessing* why children work and prioritising specific sectors or localities. Module 3 would then involve examining possible solutions from the view of their pertinence, feasibility and coherence and then *taking action*. In practice, the length of the course will have to depend on local circumstances, but the idea of splitting the course with one or more periods of practical work in the field is good. Module 4 would include training with four key elements, i.e. motivation, communication and information; negotiating skills; problem resolution; decision-making and reporting skills.

There is always a temptation for inspectors to jump to conclusions and to act without going through the process of observing and considering what actions are appropriate to address effectively the concerns indicated. During the training process therefore the learners should not proceed from the first stage, (information gathering, watching and listening), to the second, (evaluating working conditions), without having learned how to assess hazards, conditions of work and types of employment. Similarly, before deciding upon priority areas for action they must decide on what are the highest risks and which are the most pernicious conditions of work. The constant temptation is to propose ready-made

solutions too early in the process before the most vulnerable categories of children have been correctly identified and appropriate methods of intervention decided.

8.5 Learning as experienced, not taught

Many believe that learning is more meaningful if it is experienced rather than taught, with both trainers and learners having a stake in the learning process and taking active roles in determining its success. The learners are not mere bystanders in the learning process, but to a large extent determine how much they will get out of it. They *own* what they learn when they make discoveries in the course of the activities. Some things simply cannot be taught through a lecture or discussion; for instance commitment to the cause of children does not simply happen by hearing someone talk about it. Experiential learning enables learners to build such commitment as well as to come to terms with any reservations they may have about the issue. Experiential training methods include:

- participating as interviewers and data-gatherers in research, surveys, and studies on child labour, such as preparing baselines for future projects;
- preparing and presenting photo exhibits on working conditions and working children, and/or what they have done during their fieldwork;
- viewing films on child labour;
- signing a learning contract or a pledge of commitment;
- holding group sessions in which problems are analysed and solutions discussed with others who might have met the same difficulty;
- reinforcement of learning by trainers who highlight key learning points and link them to actual situations where new skills could be used;
- role play to create real feeling and personal understanding;
- workshops allowing the free exploration of ideas and where participants can express their thoughts, fears and concerns as well as cooperating and collaborating with other members;
- group presentations/reports in which participants take turns in reporting on discussion points from their group workshops, which provides them practice in communication skills; and
- fieldwork sessions, which are possibly the most valuable exercises, in which a joint team observes incidents of child labour.

8.6 Keys to successful training

Successful training results do not happen by chance but require careful preparation, observation of how the training is going and corrective action when necessary. Some crucial factors include:

- keeping the size of the trainee groups small, at best 12-15 participants;
- being aware of the background, experience, etc. of the learners and drawing on this during the discussions;

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- encouraging participants to explore new ways of looking at labour inspection. As has been stated repeatedly, working on child labour requires rather different approaches than straightforward regulatory enforcement;
 - helping participants to assess their own knowledge, attitudes and skills in the light of what they have learnt. Participants should be willing to question their own values and current practices as well as those of the inspectorate as a whole;
 - making child advocacy part of labour inspection;
 - ensuring that the necessary institutional changes and support occur. The inspectorate management must take account of the additional and different duties of the trained inspectors and be able to appraise inspectors' performance accurately in relation to the child protection aspect of their work;
 - following-up the training so that the inspectorate sustains the interest and commitment of those who have been trained; and
 - retraining participants periodically, as well as providing them with specialist training as necessary (i.e. on particular hazards).

8.7 What labour inspectors must know about child labour

Overview of the problem

Labour inspectors need to know the latest facts and figures about the child labour problem in the areas they serve. This information should include the scale of the problem, the nature of child labour in terms of the sectors and employment relationships, and analysis of the worst forms of child labour. Finding out this information can be an important learning experience in itself. It can also provide links with other stakeholders and potential partners that may become crucial in future stages of work.

ILO Conventions and Recommendations

The ILO instruments described in Chapter 2 will be important references and grounding for all subsequent work.

National legislation, government policy and enforcement structures

Inspectors need to be thoroughly familiar with the national legislation dealing with child labour. In addition, they need to have some understanding of legislation on education, social protection of children, and children's rights. They should be aware of broad government policy on child labour, the sectors or geographical areas that have been prioritized for action, and the nature and extent of political commitment. It is important to know the responsibilities of and relationships with other inspectorates (e.g. school inspectorates, occupational health and safety inspectorates), as well as the procedures for cooperation or agency agreements with any other enforcement bodies.

Collaboration with other government departments and NGOs

Inspectors need to know about the policies, priorities, and structures of the social welfare and educational authorities. Most importantly, they need to know about the support programmes for children removed from work – those run by NGOs, governments, religious groups or others. For example, there may be special schools, non-formal education, vocational education, or skills training for children and economic assistance

programmes for parents. In short, inspectors should understand that, except in situations of extreme hazard, which call for immediate action, the process of removing children from work should always be linked to some process of rehabilitation (education, training, etc.).

Cooperation with employer's organizations and trade unions

Inspectors must understand the fundamental role of organized employers and trade unions in any concerted effort to combat child labour. They must know about national plans on child labour if they exist. There may be a national steering committee with government, employer and trade union and other representatives of civil society. Awareness of and participation in such arrangements at national level will also enable them to negotiate more effectively with local employers and local trade unions. During future planning about child labour action, the inspectorate will want to be actively involved – sharing what they know about child labour and identifying how they can work collaboratively with social partner responsibilities and other agencies and NGOs.

Changes needed when addressing child labour

It will be important for inspectors to know how the policies and practices of the inspectorate may change if there is increased emphasis on child labour. For example, child labour-related activities almost always require a change in the standard enforcement methods, because it is not enough to cite employers and enforce compliance (i.e. remove child workers from the premises), but there must be assurance that those removed from such employment do not – either through poverty and/or lack of educational opportunities – return to work, or be forced to work in more dangerous circumstances elsewhere. Inspectors should know how such new priorities relate to existing programmes or plans of work, and the extent to which they will be integrated into the overall inspection programme.

Sources of inspectors' influence

A useful way of thinking about the authority of inspectors (that is, their ability to influence others) is to see it as exercised in four different but related forms, namely “position power”, “technical power”, “person power” and “attitudinal power”.

Inspectors' *position power* is conferred by the labour law and regulations, giving them rights to enter workplaces, carry out examinations, tests and enquiries, interview employers and workers, and take steps to remedy defects which they have reasonable cause to believe are a threat to workers' safety and health. Special provisions must regulate inspectors' access to places where child domestic workers are employed or where children work in private homes. Such powers are important but are not sufficient in themselves to ensure compliance with the law.

Technical power derives from the inspectors' detailed knowledge of the law and regulations and their ability to advise employers on how to comply, their technical knowledge in specialized areas, and their ability to analyse work processes and identify problems. Besides knowing the measures that have to be taken to protect workers in general and working children in particular, they must be able to maintain records, collect statistics, analyse data and write reports.

Person power includes the ability to relate to other people, to motivate and persuade people, to gain the confidence and cooperation of others and to avoid and resolve conflict situations. It derives from the inspector's personality and ability to use his/her position and knowledge persuasively and from their knowledge of human relations.

Attitudinal power involves achieving a suitable balance between position power, technical power and person power and then having the determination and commitment to carry through the job. It means addressing all the parties concerned with an equal degree of empathy and understanding, but remaining independent and impartial and ultimately being, decisive and confident.

These are the essential skills of the effective inspector. The complexities and sensitivities of child labour make it particularly important to achieve this balance and ensure the effectiveness of the inspection process.

8.8 Evaluation

No training programme is complete without evaluation of its effectiveness. This should be done both during the workshops and after the programme. While the workshop is going on trainers should meet regularly to assess how the day went in terms of activity, insights shared, outcomes, learning processes, problems encountered and solutions applied. Did the training activities contribute to the achievement of training objectives? What has to be done next day to improve matters? At the conclusion of the training programme, lessons learned and gaps identified should be carefully recorded to guide the next round of training. Evaluation is a valuable learning experience for the trainers themselves.

Finally, efforts should be made to assess the impact of the training on the learners by observing them at work. The inspectors should be using the skills they were taught: diagnosing hazards when they conduct their inspections, interviewing children better, planning inspection visits more effectively, and negotiating more persuasively.

Appendix 1

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Appendix 2

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I. Introduction

Following a proposal by an Informal Ministerial Meeting on Child Labour held during the International Labour Conference (1996), the Governing Body decided that a *Meeting of Experts on Labour Inspection and Child Labour* should be convened. This Meeting was held in Geneva, in September 1999. It was convened for experts on labour inspection and child labour to share ideas and experience on: the role of labour inspectors in combating child labour; best practices and approaches; *and to formulate recommendations for future national and international action*. The need to develop successful means to end the exploitative practices of child labour – which was the objective of the Meeting - was and is high on the international agenda.

The Declaration on Fundamental Principles and Rights at Work and its Follow-up, adopted in 1998, places an obligation on all member States to respect, promote and realize, among other objectives, the effective abolition of child labour; and the Minimum Age Convention, 1973 (No. 138), now increasingly ratified, remains a fundamental instrument on child labour. *These instruments promote comprehensive interventions to strengthen law enforcement and labour inspection*. The latter has a key role to play in designating hazardous activities, identifying workplaces where they exist, and tackling the very difficult question of obtaining access to the informal sector, rural areas; private homes, and small home-based industries where child labour occurs, as well as taking account of the situation of girls and other vulnerable groups.

Following are the two sets of recommendations adopted unanimously by the High-level Tripartite Meeting of Experts, and contained in its formal report (MELICL/1999/D.7) to the ILO's Governing Body.

II. Recommendations: Action at national level

- A. Governments, in close collaboration with employers' and workers' organizations, should create, promote and ensure a political environment and policy framework within the context of national labour and social policies, which fully underscores the importance of abolishing child labour. Ministries of labour have a special responsibility in this regard. It is only with strong political commitment that the labour inspectorate of a member State can play a leading, indeed any, role in the eradication of child labour, and particularly its worst forms. Therefore:
 - (1) Members should observe the Declaration on Fundamental Principles and Rights at Work and its Follow-up, 1998, whereby all member States have an obligation, based on the fact that they are a Member of the Organization, to respect, to promote and to realize the principles of all core labour standards including the effective abolition of child labour.
 - (2) Members should ratify ILO Conventions on child labour, particularly the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182), and on labour inspection, particularly the Labour Inspection Convention, 1947 (No. 81), and the Protocol of 1995 to the Labour Inspection Convention, 1947, the Labour Inspection (Agriculture) Convention, 1969 (No. 129), and the Labour Administration Convention, 1978 (No. 150). Furthermore, they should take the complementary ILO Recommendations (Nos. 20, 81, 82, 133, 146, 158 and 190) into consideration when formulating their policy framework.
 - (3) Members should establish a comprehensive national policy on labour inspection as well as a coherent and consistent enforcement policy that should include a clear policy on labour inspection of child labour and related issues.

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- (4) Members should establish comprehensive, clear bodies of legislation on child labour and labour inspection to give full expression to the policy framework, and strengthen the authority of the labour inspectorate in relation to supervising compliance with child labour legislation. Legislation on child labour and legislation on labour inspection should cover all kinds of formal and informal employment or work arrangements.
 - (5) Political commitment should include allocating a sufficient budget necessary to maintain and operate an effective labour inspection system to ensure that it can contribute to improving working conditions and eradicating child labour. In addition, adequate resources should be allocated for the rehabilitation and social integration for children removed from child labour.
- B. Labour inspection should, if possible, go beyond the minimum standards contained in Article 3 of Convention No. 81 (and Article 6 of Convention No. 129), and take a more proactive, prevention-oriented role. Labour inspectors should not only identify children working in illegal conditions during an inspection, remove them from the workplace where appropriate, and prohibit the employer from continuing to employ them, but should also play an advisory role and facilitate measures to complement any supervisory action.
 - C. Labour inspection should actively participate in the national determination under Article 4 of the Worst Forms of Child Labour Convention, 1999 (No. 182) of the exact list of hazardous work to be prohibited for children under 18 years of age and to be eliminated as a matter of urgency.
 - D. Labour inspection systems should be functional, professional and effective, operate within efficient structures, and comprise an adequate number of properly trained, equipped and motivated inspectors. A professional labour inspection system should use the available resources in an economical and systematic way, inter alia, by means of prioritizing, proper planning and programming of all the activities that it has to perform by law. Such a system should be based on the framework of a larger labour administration system, headed by highly competent managers and strongly supported by the responsible political authorities.
 - E. Inspectors should be well informed, independent and well trained also in child labour issues. Familiarity with child labour issues and sensitivity to the situation of children who are working, particularly in hazardous work, are essential if labour inspectors are to contribute successfully to abolishing child labour.
 - F. In dealing with child labour, the labour inspectorate should plan and programme its inspection activities in such a way that every establishment liable to inspection, and where child labour is known to occur or may be expected, is inspected with reasonable frequency, and should react speedily to complaints.
 - (1) Inspections should contribute to the gathering of information on the nature and extent of child labour, disaggregated, as far as possible, in the manner suggested in Paragraph 5(2) of the Worst Forms of Child Labour Recommendation, 1999 (No. 190).
 - (2) Such information should be stored in a database reflecting the situation at the enterprise level, and in a workplace information management system and made accessible for planning, monitoring, research, etc.
 - (3) The information should be used as a management tool by the labour administration to target its work on child labour, particularly the worst forms of child labour.
 - (4) The information should contribute to building a national database on child labour and be used to develop publications on child labour, for example on the actual child labour situation at the national level and could be used to develop policies by the ministry of labour or for advocacy and awareness-raising purposes.
 - (5) The information gathered should be communicated to the International Labour Office in a suitable form, for instance in the context of reports under article 22 of the Constitution.
 - G. To eradicate child labour, a comprehensive set of measures must be taken that require the collaboration of other actors. First, it should be ensured that labour inspectors work closely with

other departments of labour administration. Furthermore, the labour administration services should work in close cooperation with services responsible for health, education, training, welfare and guidance of children and young persons.

- H. Good active working relationships should be sought with employers' and workers' organizations at all levels and other concerned groups such as NGOs, as these are often well placed to identify instances of abuse and to support children once they have been removed from work.
- I. Labour inspectors responsible for child labour should also be competent and be given specialist support to be able to ensure the enforcement of provisions concerning hazardous types of work. This requires training of labour inspectors to successfully detect hazardous work agents, processes and working conditions.
- J. Labour inspectors must be empowered to use improvement notices, stop notices, prohibition notices as well as their powers of inspection and prosecution to target the worst forms of child labour. Sanctions should be available as a powerful tool and all necessary measures should be taken to ensure that the authority of the labour inspectorate is supported by the police and judiciary system.
- K. Labour inspectors should be protected in their capacity as agents of the government and should be provided with police protection where danger or threat of bodily harm is evident. In addition, they should be indemnified against legal actions arising from the due exercise of their professional duties.
- L. Labour administration services should develop innovative activities to target the informal sector, for example, awareness-raising in the community, contributing to the education of employers, cooperatives, producer organizations and trade unions, forming working relationships with workers' and employers' organizations, NGOs, faith-based organizations and women's groups. The policy should also include methods to educate children and their parents about the existing dangers and occupational consequences of child labour. Innovative mechanisms should be developed to reach illiterate populations.
- M. Labour inspection should have adequate organizational structures conducive to the effective supervision and prevention of child labour.
- N. Inspection services should be strengthened by ensuring adequate conditions of work for inspectors at least in line with the standards laid down in the relevant ILO instruments, in particular Article 6(1) of Convention No. 81 and Article 8(1) of Convention No. 129. All efforts must be made to ensure a balanced inspectorate in terms of race, gender, ethnicity, religion and geography and give due regard to in-service training.
- O. A comprehensive national enforcement policy for labour inspection should include clear policy instructions on labour inspection and child labour, which should:
 - (1) emphasize prevention as a main aim and develop prevention-oriented methods of intervention;
 - (2) address the need to balance advisory and supervisory elements, unannounced inspections and the considered use of sanctions;
 - (3) address the use of complementary measures such as birth registration and school attendance records, information services, use of media, voluntary compliance programmes and codes of practice, memoranda of understanding, credible monitoring systems, where necessary, in collaboration with other actors.
- P. The policy should include methods aimed at persuading, influencing and stimulating employers of children to comply with the law on a sustainable basis.

III. Recommendations: Future ILO action

In order to give effect to the principles and rights contained in the 1998 Declaration on Fundamental Principles and Rights at Work and its Follow-up, the ILO as the constitutionally

mandated and competent international body that sets and deals with international labour standards and promotes fundamental rights at work, should:

- (1) Vigorously promote the ratification and full application of ILO Conventions on labour inspection and child labour and acceptance of their accompanying Recommendations, particularly the Labour Inspection Convention, 1947 (No. 81), and the Protocol of 1995 to the Labour Inspection Convention, 1947, the Labour Inspection (Agriculture) Convention, 1969 (No. 129), the Labour Administration Convention, 1978 (No. 150), the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182).
- (2) Support, in full respect of tripartism, the activities of member States to eliminate child labour through technical cooperation undertaken by its International Programme on the Elimination of Child Labour (IPEC), including continuing support for sustainable projects and credible systems of monitoring and verification.
- (3) Continue to develop and strengthen member States' labour administration and, in particular, labour inspection systems through increased advisory and technical cooperation services, aimed, inter alia, at enhancing the authority, status, freedom from interference, employment rights and conditions of service of labour inspectors.
- (4) Support inter-agency cooperation for enforcement and follow-up, and enhance interdepartmental cooperation in the ILO both at headquarters and in the field, including the strengthening of labour administration expertise in the multidisciplinary teams (MDTs).
- (5) Provide technical assistance to Members' labour inspectorates to combat child labour, including:
 - (a) technical assistance, at regional and national levels, for policy development and, where necessary, legislative and organizational reform;
 - (b) training on ILO Conventions, mainly on the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182), and related Recommendations, emphasizing the criteria defining the worst forms of child labour and hazardous child labour in Convention No. 182 and Recommendation No. 190;
 - (c) training on enforcement of child labour legislation including ways to target the worst forms of child labour as a priority;
 - (d) development of, and instruction in, the use of training modules on labour inspection in general, and inspection of child labour in particular.
- (6) Continue, through IPEC, together with governments, employers' and workers' organizations, NGOs, and international organizations such as UNICEF, to establish and implement sector-wide programmes that include monitoring of the child labour situation and working with rehabilitation programmes, including the dissemination through ILO publications of best practices in monitoring and verification systems.
- (7) Further its work in developing cooperation in the United Nations system and with multilateral agencies on the basis of the Declaration, taking into account the need for international policies which support the effective elimination of child labour and the strengthening of the labour inspectorates.

Appendix 3

Tripartite Meeting of Experts from the African Region on the role of labour inspection in combating child labour ARLAC, Harare, 17 – 21 September 2001 Executive Summary

I. Introduction

The goal of the meeting was to define, within the normative framework of relevant international labour standards, African solutions for African problems, to ensure the long-term elimination of the worst forms of child labour in Africa through effective co-ordinated action.

The objectives of the meeting were to develop;

- awareness, concern and enthusiasm to work together on the worst forms of child labour (WFCL);
- African and other models of monitoring examined at the meeting;
- a network of African resource persons to support local monitoring efforts;
- regional input into global knowledge about monitoring and combating WFCL.

The meeting consisted of tripartite members: representatives of government, employers' and workers' organizations, with one NGO, Save the Children, as an observer. Tripartite experts and participants were represented from seven countries, Egypt, Nigeria, South Africa, Zimbabwe, Namibia, Ethiopia and Kenya. ILO/IPEC resource persons from Uganda, Zambia, Cote d'Ivoire, Costa Rica, Tanzania, the Netherlands and the UK were also invited to share their experiences of monitoring models.

II. Recommendations

The Tripartite Meeting of Experts unanimously adopted the following set of recommendations:

Noting that:

Members should observe the Declaration on Fundamental Principles and Rights at Work and its follow-up, 1998, whereby all member States have an obligation, based on the fact that they are Members of the Organization, to respect, to promote and to realise the principles of all fundamental standards including the effective abolition of child labour;

Members should ratify the fundamental ILO Conventions including those on child labour, particularly the Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182); the relevant Conventions on labour inspection, particularly the Labour Inspection Convention, 1947 (No.81) and its Protocol of 1995, the Labour Inspection (Agriculture) Convention (No. 129) and the Labour Administration Convention, 1978 (No. 150); and the Conventions on occupational safety and health, particularly the Occupational Safety and Health Convention, 1981 (No. 155) and the Safety and Health in Agriculture Convention, 2001 (No. 184). Furthermore they should take their complementary ILO Recommendations (Nos. 20, 81, 82, 133, 146, 158, 164, 190 and 192) into consideration when formulating their policy framework; and that universal basic education, social dialogue, decent work and respect for fundamental principles and rights at work are prerequisites for the elimination of child labour;

Considering in African member States;

- the magnitude of the problem of child labour, of which Africa has the highest global incidence;
- the HIV/AIDS pandemic, which has exacerbated the existing problems of child labour and child destitution;
- the ratification by many African countries of ILO child labour Conventions 138 and 182; and adoption of the Declaration on Fundamental Principles and Rights at Work;
- that the International Programme on the Elimination of Child Labour is the pre-eminent instrument designated by the international community to lead the struggle against child labour;
- the severity of the problem, particularly in commercial and small-scale agriculture, the urban informal sector and domestic labour;
- that the statutory responsibility for child labour monitoring lies with labour inspection services, which, due to lack of resources and other severe constraints, cannot adequately cover all sectors where child labour exists;
- that there is growing experience of good practice in monitoring both in- and outside Africa, involving trade unions, employers, various government agencies, voluntary social initiatives, NGOs and CBOs;
- that some countries, having ratified the Conventions, are now already developing collaborative processes, undertaking activities to eliminate child labour, with a particular emphasis on the worst forms, including data collection, legislative reform and the development of national action plans;
- that in order to ensure effective implementation there is the need to develop monitoring systems which enable constituents of the ILO at national level to evaluate progress towards the elimination of child labour, with priority given to the worst forms.

The ILO African Regional Tripartite Meeting of Experts on the role of labour inspection in combating child labour, held in Harare, 17-21 September 2001, taking into account the recommendations of the previous International Tripartite Meeting of Experts on labour inspection and child labour (Geneva, September 1999), has adopted the following recommendations:

- (1) Members should recognize the central role of government, particularly labour inspection services, in the development of policy and the implementation of the fundamental standards relating to child labour;
- (2) Members should ensure that national legislation is in place for combating child labour, particularly its worst forms, both in the formal and informal economy and, where necessary, amend legislation to ensure universal coverage;
- (3) Members should ensure adequate resourcing and capacity building of labour inspection services to carry out effectively all functions related to monitoring of child labour;
- (4) Members should, therefore, strengthen their labour inspection services, develop functional inspection systems and policies, provide these systems with adequate resources and fully meet their obligations under ILO Conventions 81 and 129, on labour inspection in industry and commerce, and in agriculture respectively;
- (5) Members should, in particular, ensure that their labour inspection services re-orient their programmes and activities towards prevention and proactive, rather than solely reactive intervention methods;

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- (6) Members should ensure, in full respect for tripartism, that labour inspection services and the social partners should play key roles in the development of National Plans of Action and in the design and implementation of IPEC programmes and projects;
 - (7) Members should ensure that national child labour committees establish working groups, led by labour inspection services, including the constituents, and where appropriate, other concerned groups, to develop and test models of child labour monitoring;
 - (8) Members should develop multi-disciplinary and integrated approaches to monitoring which build upon the comparative advantages and complementary competencies of the different actors, including the labour inspection services, workers and employers organizations, voluntary social initiatives, NGOs and CBOs;
 - (9) Members, in particular through labour inspection services, should establish and strengthen links with voluntary social initiatives, such as the Ethical Trading Initiative, and explore opportunities for closer collaboration with labour inspection services in child labour monitoring;
 - (10) Members should ensure that strategies, including monitoring priorities, are based on high quality national data on the nature and extent of child labour disaggregated, as far as possible, in the manner suggested in paragraph 5(2) of the Worst forms of Child Labour Recommendation 1999, (No 190);
 - (11) Members should ensure that monitoring systems are closely linked to social protection systems to ensure that children removed from the worst forms of child labour are ensured access to free basic education and, wherever possible and appropriate, vocational training, so that they are not further marginalized or driven into more unacceptable forms of work;
 - (12) Members should ensure that activities to support child labour monitoring systems are mainstreamed within national development plans to ensure sustainable financing for labour inspection services and complementarity with other sector programmes;
 - (13) Members should continuously pursue the goal of compulsory universal basic education as the most cost-effective strategy of combating child labour and solicit from international development partners support including debt relief;
 - (14) Labour inspection services should mainstream child labour monitoring into their core functions, programmes and activities, in line with Article 3, paragraph 1 of Convention 81 and Article 6, paragraph 1 of Convention 129;
 - (15) Labour inspection services should establish or strengthen mechanisms to co-ordinate action to combat child labour, in particular its worst forms, including co-ordination mechanisms that involve the social partners and where appropriate other key stakeholders, including voluntary social initiatives;
 - (16) Labour inspection services should recognize and involve intermediaries for monitoring child labour, in particular trade unions and employers organizations, local authorities, agricultural extension officers, community based organizations, NGOs, voluntary social initiatives, co-operatives, producer organizations and faith-based groups to extend the coverage and effectiveness of monitoring mechanisms, including for those at special risk and taking account of the special situation of girls;
 - (17) Labour inspection services should recognise the central importance of women's empowerment groups in the fight against child labour;
 - (18) Labour inspection services should strengthen support for intermediaries through awareness raising, education, advisory services and thus ensure the efficiency of monitoring methods and credibility of results;

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- (19) To ensure effectiveness and sustainability of their monitoring programmes to combat child labour, in particular its worst forms, labour inspection services, should interview working children and develop suitable methods for this purpose;
 - (20) Labour inspection services should develop innovative and effective methods of age verification building on existing good practice and Members should support such approaches;
 - (21) Labour inspection services, in consultation with the most representative national employers and workers organizations and, where appropriate, with other concerned groups, should develop a specific enforcement policy to deal effectively with child labour, in particular its worst forms;
 - (22) Labour inspection services should develop a specific clear and consistent enforcement policy to deal effectively with extremely hazardous forms of child labour, addressing in particular issues of when to stop work with immediate effect, and to remove children from workplaces;
 - (23) Labour inspection services should pay particular attention to issues of gender sensitivity and linguistic diversity in their monitoring strategies, including addressing the needs of the most vulnerable children;
 - (24) Labour inspection services should take account of the ILO Code of Practice on HIV/AIDS in the World of Work, which emphasizes the important role of such services: the effects of the HIV/AIDS pandemic on the child labour problem and on children engaged in child labour; and, in developing good practice in monitoring, pay particular attention to the needs of children and families affected by HIV/AIDS;
 - (25) Labour inspection services should develop objectively measurable impact indicators to assess the effectiveness of child labour monitoring systems;
 - (26) Labour inspection services should further strengthen regional and international co-operation in child labour monitoring, for instance through the International Association of Labour Inspection (IALI);
 - (27) Employers should seek to strengthen their commitment to the elimination of child labour, inter-alia by supporting social dialogue and the role of labour inspection, by ending all new recruitment of child labour, and by contributing to procedures and programmes to ensure the transition of children from work and into basic education or appropriate vocational training;
 - (28) The ILO should support development of guidelines on:
 - procedures to withdraw children from work;
 - effective strategies for remediation; and
 - benchmarking of competencies and best-practice in child labour monitoring;
 - (29) The ILO should increase its technical assistance and capacity-building support to all constituents to enable them to support the work of labour inspection services and monitoring. The international community should support these efforts through multilateral and bilateral assistance;
 - (30) The African Regional Labour Administration Centre (ARLAC), supported by IPEC and other partners in its institutional capacity development, be designated as the regional institution for English-speaking Africa to co-ordinate work on child labour monitoring – including the promotion of social dialogue and tripartism in this context, research, training, advisory and information services for governments, employers, trade unions and other concerned groups, to strengthen networks for better information sharing and dissemination of best practice;
 - (31) Inter-alia ARLAC could also co-ordinate the development of an integrated African guidebook on labour inspection and child labour.