

UNDERSTANDING & IDENTIFYING CHILD LABOUR IN SOUTH AFRICA

LABOUR POLICY AND INDUSTRIAL RELATIONS (LP&IR)

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employment & labour

Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA



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Statistics on Child Labour



- 160 million children, 63 million girls and 97 million boys are engaged in child labour worldwide, with the majority in the African continent.
- The agriculture sector accounts for 70% of children in child labour.
- In South Africa, the incidence of child labour is relatively low compared to other African countries.
- The SAYP indicate that about 2,2 million of the 14,4 million children aged (7-17) years were engaged in economic activities in 2019.
- There was a decline in the number of children who were involved in child labour from 779,000 in 2010 to 577,000 in 2015 and to 571,000 in 2019.
- Compared to other population groups, black African children were more likely to be involved in Child labour.



**What does
this picture say
to you?**









Structure of the Presentation

- ❑ What Child Labour is and what it is not?
- ❑ What work is acceptable for children?
- ❑ What are the worst forms of child labour?
- ❑ What factors drive children into child labour?
- ❑ International labour standards on the elimination of child labour
- ❑ Legislative Framework



Definition of Child Labour



- ❑ Child Labour is defined as work by children under 18 years which is exploitative, hazardous or otherwise inappropriate for the child's age, detrimental to their schooling or their physical, social, mental or moral development.

- ❑ The term “*work*” is not limited to work in paid employment but includes chores or household activities in a child's household where such work is exploitative, hazardous, interferes with their ability to attend regular schooling or is harmful to their physical, mental, social or moral development.

Child work and Child labour



Not all work by children is child labour

Acceptable types of work in excess become child labour

Hallmark of child labour is:

- the child's age
- its harmful effect on the child: the nature of work & the circumstances
- its interference with basic child rights, like education

Questions to determine if the work is acceptable or not

- Would this work take from much time and prevent the child from going to school?
- Would this work make the child too tired to go to school or do is/her homework?
- Would the child still have time to play and participate in social/family activities?
- How does the child feel emotionally while doing the work? Is the work unsafe?
- Does the work involve using or being around chemicals, machinery, sharp tools?
- Is any part of the work illegal?

Activity 1: Is it child labour?



Case	Yes	No
<p>Mosi is 12 years old and has not completed compulsory education yet.</p> <p>He has been helping out his mother on her farm every once in a while, but since she got sick he started working there every day from early morning until late at night. He is not sure if he'll ever be able to go back to school.</p>	<p>Mosi is in child labour.</p> <p>Although he might be allowed to do light work, this cannot in any case prevent him from attending school.</p>	
<p>Irene is 10 years old and lives on a house on the edge of a forest.</p> <p>She helps her parents gathering fruits and berries and collecting medicinal herbs for one of two hours from time to time. She has understood how to recognize plants and learned their uses. She attends the village school regularly.</p>		<p>Irene is not in child labour.</p> <p>Although she is helping her parents in farming, this work does not hinder her education, nor does it pose any risks to her health and development.</p>

What are the worst forms of child labour?



Hazardous work

- Dangerous tools & equipment, Chemicals e.g. pesticides

All forms of slavery and other similar practices

- Child trafficking, Debt bondage, Forced labour

Commercial sexual exploitation of children

- Prostitution, Production of pornography, arranged marriages

Use of children for illicit activities

- Production of drugs, Burglary, Theft, Car hijacking, House breaking

Definitions

All regarding *work* by children under 18 years

Increased seriousness

Child work

- work that is **not** bad for a child's health, schooling or development
- E.g: reasonable household chores that do not affect schooling.

Child labour

- work by a child that is exploitative, hazardous, inappropriate for the child's age
- detrimental to the child's schooling;
- detrimental to the child's social, physical, mental, spiritual or moral development.

■ Worst Forms of Child Labour

- Commercial sexual exploitation of children
- Children used by adults to commit crime
- Child trafficking
- Very hazardous work.

What are the drivers of child labour?



Push factors	Pull factors
<p>Poverty/low income Families may find it difficult to maintain their basic needs and to achieve their livelihoods.</p>	<p>Docility Employers might prefer children as workers</p>
<p>Lack of access to quality education Parents may skip long-term investment and look for short term solutions.</p>	<p>Housing Children may only be allowed to stay in farms if they work</p>
<p>Limited access to decent work opportunities If youth cannot find decent work, they are more likely to accept any employment</p>	<p>Price Low productivity/low margins might cause child labour</p>
<p>Debt Less access to financial & insurance markets</p>	<p>Labour supply Peak times might increase child labour</p>
<p>Limited understanding of child labour Understanding of child labour= less child labour</p>	<p>Quotas Pressure to meet targets</p>
<p>Cultural and social norms Deeply ingrained cultural norms can cause child labour</p>	<p>Size Children's size might make them vulnerable to child labour</p>

Activity 2

Child Labour is defined as work that is	<ul style="list-style-type: none">a) Too long(demands many hours)b) Performed by children who are too youngc) Hazardousd) All of the above
How many children in the world are in child labour?	<ul style="list-style-type: none">a) 178 millionb) 160 millionc) 152 million
Child labour is most prevalent in low-income countries.	<ul style="list-style-type: none">a) Trueb) False
Of Children in child labour, what percentage work in agriculture?	<ul style="list-style-type: none">a) 20%b) 50%c) 70%
All work done by children should be classified as child labour that is to be targeted for elimination?	<ul style="list-style-type: none">a) Trueb) False
Which of the following is NOT one of the worst forms of child labour?	<ul style="list-style-type: none">a) Sexual exploitationb) Household choresc) Drug traffickingd) Slavery

GUIDANCE FROM INTERNATIONAL LABOUR STANDARDS



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Ratified Conventions

International/Regional Standard	Condition
ILO Minimum Age Convention No. 138 Recommendation No. 146	<ul style="list-style-type: none">• Establish a minimum age for admission to employment or work.• To pursue national policy to ensure effective abolition of child labour.
ILO Worst Forms of Child Labour Convention No. 182 Recommendation No. 190	<ul style="list-style-type: none">• Requires Member States to take immediate, effective, and time-bound measures to eliminate the worst forms of child labour as a matter of urgency.
UN Convention on the Rights of the Child	<ul style="list-style-type: none">• Provides that every child has a right to be protected from economic exploitation and from work that is likely to be hazardous.
African Charter on the Rights & welfare of the Child	<ul style="list-style-type: none">• Supports other instruments by stating that governments should promote dissemination of information about hazards of child labour.
SADC Code of Conduct on Child Labour	<ul style="list-style-type: none">• Provides guidelines for Member States on combatting Child Labour.

The Constitution

Sec 28: Children under 18 must be protected from malnutrition, abuse, degradation and performing work or providing services that are not appropriate for the child's age and place at risk the child's education, health, well-being or development.

Basic Conditions of Employment Act

Sec 43: Prohibits work for children under 15 or the minimum school-leaving age

Provides that no person may require/permit a child to perform any work/service that is inappropriate for persons of that age or that places at risk the child's well-being, education, physical or mental health, or spiritual, moral or social development.

Regulations on Hazardous Work

Sec 44: Protects the health and safety of child workers who are lawfully entitled to work and prohibits categories of work which child workers may not perform.

Minimum age of work

Access to nutrition, health & education services

Prohibition of piece work/task work

Night work

Prohibited work

Risk Assessment

Children In Performing Arts (CIPA)

Sectoral Determination 10 allows children under 15 years old to be employed in advertising, artistic and cultural performances, but carefully regulates such participation through a permit system.

Contract of employment, Payment of remuneration, Deductions

Hours of work

Rest periods

Thank You...



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