



The Role of Ilo To Combat Child Labour

Anurag Tyagi Dr. S. S. Chauhan
 Research Scholar
 Venkateshwara University

ABSTRACT

The protection of children from work and at work is one of the basic principles of the International Labour Organization. From its very beginning the ILO called in the Preamble to its Constitution for the protection of children and young persons. Acting on this injunction the International Labour Conference adopted the first of 11 Conventions on minimum age for employment at its First Session in 1919, along with the first of these Conventions on night work by young persons. Instruments have also been adopted for the regulation of conditions of work of young persons, and several Conventions and Recommendations which deal primarily with other subjects contain provisions concerning minimum age, in particular for dangerous or unhealthy work. Does this mean that the earlier instruments on this subject are no longer valid? Not at all. Countries which still cannot ratify a general instrument on minimum age for employment or work will still find it valuable to ratify and apply the earlier instruments on this subject.

INTRODUCTION:

It is important to emphasize the meaning of the term “employment or work” used in Convention No. 138. This has been a frequent source of misunderstanding even for those governments which have ratified the instrument. It is clear from the Conference discussions that these words mean that the Convention covers all economic activities regardless of the formal employment status of young persons [1]. In examining reports submitted by countries which have ratified the Convention, the Committee of Experts has had to point out that the coverage of the legislation of several countries is not the same as that of the Convention. In these countries the relevant legislation is applicable only to labour relations in which the young worker works for payment and under contract to another person, and in each case the Committee has asked the government to indicate what provisions exist to ensure that young persons under the minimum age cannot be admitted to employment or work, even in the absence of an employment relationship. In carrying out the General Survey, the Committee found that the legislation of only a minority of countries covers both employment and work in the sense of the convention [2]. Formulations of the legislation differ from country to country, but the common factor is that many young persons who do not work under a contract of employment simply are not covered by the legislation. They, therefore, have no protection in regard to the minimum age at which they may work, nor on such basic matters as wages, hours of work and social security benefits. The most conspicuous lack of coverage in such cases is that children or young persons who are “self-employed”, that is who do not work for wages, are not covered by the legislation. In cases where the legislation covers only contracts of employment, the coverage would seem to be even more limited, since not all work performed for wages is necessarily under a contract of employment especially where the national legislation covers only written contracts of employment [3]. In addition work by children in family undertakings would often not be covered whether or not there was a specific provision in the legislation excluding it, as work of this kind by children is usually not carried out within an employment relationship. Finally, so-called “home work”, in which piece work is performed at home and the product sold to a distributor would not be covered.

INTERNATIONAL AND NATIONAL LEGISLATION:

This question of the kind of work covered by the Convention is one of the most difficult task faced by governments trying to regulate child labour. This is particularly so when there is a large “informal” sector of the economy which falls outside the effective control of the labour authorities [4].

However, a closer look at the national legislation of Members of the ILO shows that there are many cases in which sectors of the economy are in fact not covered by the legislation, so that the Convention would not be ratified unless some exceptions of this kind were allowed. The exceptions encountered most frequently relate to agriculture, where a number of States either have no legislation regulating work, or have no provisions on minimum age for employment or work in the legislation that do not apply, or have other exceptions. The same situation applies in some countries also in relation to manufacturing or to the maritime sector [5]. One kind of exception found in a number of cases is that undertaking below a certain size are excluded from the application of the legislation, with the result that there is no regulation of the employment of children or young persons in these undertakings.

It should be mentioned that federal States have particular difficulty in adopting consistent standards in all parts of their territories with regard to minimum age and connected subjects, particularly when the constituent states or provinces have significant regulatory power in respect of labour and education.

LAW AND CHILD LABOR:

While national minimum ages may be adopted for some sectors over which the federal government maintains regulatory power (e.g. merchant shipping) in other sectors the minimum age and how it is fixed may vary considerably [6].

Fixing a single minimum age for admission to employment or work does not always meet the needs of a national economy or of the young persons themselves. For this reason Convention No. 138 provides for admission to light work at a lower age, and for admission to dangerous work at a higher age, than that otherwise applicable [7].

There is no explicit definition of “light work” in the Convention, except the requirements in paragraph 1 of Article 7 that it must not be likely to harm the health or development of young persons.

Nearly half the countries examined in carrying out the survey by the ILO had made no provision for light work as such under the generally applicable minimum age. This does not mean, however, that no one under the basic minimum age is allowed to work [8].

Countries which have adopted provisions on light work have set ages of between 10 and 15 years for stated kinds of light work.

CAUSES OF CHILD LABOUR:

Clearly, the principal cause of child labour is poverty, which drives even young children to seek some extra income, however small, to supplement the family budget. The other side of the coin, of course, is that in order to satisfy immediate vital needs, it is necessary to forgo satisfying some or all of the children's needs in respect of education, recreation and even, in a great many cases, health [9].

Entrenched tradition is another cause of child labour in less developed countries : even where there is no compelling necessity, it is felt that from a very early age a child should not expect to be fully supported by others but should make a contribution to the family's finances. In consequence a great many children see nothing abnormal in missing school and starting work as soon as possible. This can be attributed in part to the ignorance of their parents who are unaware of the harmful effects of work at too early an age who imagine that their children are learning a useful trade and who frequently do not see the point of them attending school anyway .

Another cause is the lack of schools and an adequate recreational infrastructure. Because of this, many parents try to find an occupation for their children to keep them from idleness and vagrancy .

Often there are other causes such as the tensions and uncertainties which frequently reign in the home and are engendered or aggravated by poverty; mention should also be made of migration particularly to urban centres, which can lead to economic instability and insecurity [10] .

THE CONSEQUENCES OF CHILD LABOR:

In general parents try to place their children in work which will help to eke out the family income. Sometimes, however, the children go to live with their employer. This is the case, for example, with young girls who are handed over by their families for “adoption” as subordinate members (i.e. domestic servants) of the employer's household, in various parts of Africa, Latin America and Asia, as well as in southern Europe, it is fairly common for parents to give up one or more of their children from the age of 8 or 9 particularly for work as farmhands or shepherds—receiving in return a small loan or payment in cash or kind and renouncing custody of the children and the exercise of parental authority, many of these children work in semi-slavery state [11] .

The sectors employing children vary from one country to another but child labour is commonest in agriculture, followed by services—largely in street trades—and, in third place, industry . When they are not working for their own account they are usually employed in small undertakings in the informal sector which are not always officially registered and rarely comply with the legal requirements or regulations respecting social security, safety and health, etc. .

In agriculture they usually start by minding animals, collecting firewood and fodder, and fetching water, taking on more strenuous tasks as they get older.

CONCLUSION:

Children work in a wide variety of street trades : as shoe-shine boys, car minders, messengers, sellers of magazines, food, sweets, flowers, lottery tickets, etc. They may also become involved in various sorts of illicit trading, prostitution or begging. Off the streets the boys very often work as waiters in cafes and restaurants, page boys or barbers, and the girls as hotel maids or domestic servants. Children who work in industry and artisanal undertakings mainly perform auxiliary tasks, although they also participate directly in production. This is the case, for example, with bakeries, match and cigarette factories, foodstuffs industries, textiles, clothing and leather, potteries shoe manufacture, toys and fireworks, glassworks (particularly in south and south-east Asia), hand-made carpets (throughout a wide geographical area extending from north-west Africa to south Asia), construction and so on. In some countries there are children working in almost all industries performing the same tasks as adults.

REFERENCES:

1. K. D. Gangrade, *Dimensions of Social Work in India* (1976), Marwah Publications, New Delhi, pp. 45-46.
2. Sethuraman, S. V. *The Urban Informal Sector : Concept, Measurement and Policy*, *International Labour Review*, 114, July-August, 1976, pp. 69-81.
3. Lee Swepston, “Child Labour; Its Regulation by ILO Standards and National Legislation.” *International Labour Review*, Vol. 121, No. 5, September-October 1982, p. 272.
4. Source : Gerry Rodgers and Guy Standing, *The Economic Role of Children in Low Income Countries* (Geneva, ILO, 1979) *Population and Labour Policies Programme, Working paper No. 81*, p. 18.
5. *Census of India, 1971, Series 1—India, Paper 3 of 1972, Economic Characteristics of Population (Selected Tables)*, pp. 2-73.
6. *Times of India, (Delhi)*, Sept. 7, 1981, p. 7.
7. *Indian Express, (Chandigarh)*, Nov. 1926, 1985, p. 5.
8. *The Tribune (Chandigarh)*, June 2, 1985, p. 14.
9. *Indian Express (Chandigarh)*, August 27, 1985, p.8
10. Terrace H. Hull, *Perspective and Methods in the Study of Children's Work* (Geneva, ILO, 1979), p. 2.
11. Lee Swepston, “Child Labour; Its Regulation by ILO Standards and National Legislation.” *Op. Cit.*, p. 276.