Guest Editorial

A DISCUSSION OF HAZARDOUS CHILD LABOR

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Child labor has been a fundamental concern within the international community for almost a century—and significantly longer at the country level. Driven by a desire to protect those who often are the most vulnerable from deplorable and extreme working conditions, both the national and international communities have sought to implement laws and standards to regulate child labor. The protection of child workers has provided the impetus behind which many of the first labor laws were formed.[1] The international community has sought to regulate child labor by defining what constitutes hazardous working conditions through evolving legislative measures.

In terms of the International Labour Organization's (ILO) Convention 182,[2] it is useful to understand hazardous work from several perspectives: historical, developmental, and workplace exposure. There is a surprising similarity between how hazardous work has been defined historically and in contemporary discussions. Regrettably, there has been little integration of issues related to child development, education, and public health in order to gain a greater depth of understanding of child labor. This failure is easy to understand given the difficulties inherent in developing policies that integrate education and public health with the workplace.

HISTORICAL CONTEXT OF THE ILO'S CONVENTION 182

Some of the first ILO conventions, often referred to as the minimum age conventions, illustrate the significant early international steps taken toward addressing child labor and its potential hazards. While the initial international labor laws surrounding child labor targeted the age of the child and the sector of industry involved, they did not explicitly articulate that one industry was necessarily more hazardous or dangerous than another. The ILO did, however, implicitly assert through its direct attention to age and industry categories that children's development played a crucial role in their ability to perform or be exposed to certain tasks.

Children younger than a designated age, and acting within a proscribed industry, exposed themselves to hazards if not properly regulated by such criteria. ILO Convention No. 5, which came into force on June 13, 1921, stated, "Children under the age of fourteen shall not be employed or work in any public or private undertaking."[2] Convention No. 6 prohibited children younger than the age of 18 from working during the night unless the "nature of the process [was] required to be carried on continuously day and night."[2] And Conventions No. 7, 10, 15, 33, and 59 specifically attempted to establish the minimum age for children working in the fishing and agricultural industries as trimmers and stokers and as non-industrial workers.[2] Of special note, these minimum age standards could be adjusted to younger threshold ages if a particular country could show economic hardship or necessity.[3]

Interestingly, the only direct reference to workplace hazards in these minimum age conventions may be found in ILO Recommendation No. 4 of October 29, 1919. Recommendation 4 sought to protect women and children from lead poisoning. The General Conference to this recommendation stated that "in view of the danger involved to the function of maternity and to the physical development of children," these populations should not be exposed to lead unless definite environmental conditions and regulations are met.[2] Such conditions included: clean workrooms and tools, ventilation to remove dust and fumes, use of protective clothing, and periodic medical examinations for those exposed to lead.[2]

The next major development in child labor legislation did not occur until 1973 with the introduction of ILO Convention No. 138. This convention was intended to serve as the most comprehensive child labor convention to date, as it superceded its industry-specific predecessors.[4] Convention No. 138 attempted to unambiguously state what was implied in the previously enacted minimum age conventions. The age of the child worker was to correspond to a "level consistent with the fullest physical and mental development" of the young person and the minimum age of employment was to be no younger than 15 years of age.[2]

Hazardous employment became work that was "likely to jeopardize the health, safety or morals of young persons."[2] State parties were charged with identifying which types of employment fell within this definition. Hazardous work could not be performed by those younger than 18 years of age. Exceptions to the minimum age requirement could be obtained if state parties found such exclusions "necessary."[2] In which case, states were permitted to lower the minimum age to 16 "on condition that the health, safety and morals of the young person concerned [were] fully protected and that the young persons [had] received adequate specific instruction or vocational training in the relevant branch of activity."[2] Again, minimum age requirements were relaxed to 14 years of age for those Member States that proved economic hardship.[2]

Additionally, ILO Convention No. 138 is significant in that it introduced a bold new strategy to combat child labor: complete abolition. Convention No. 138, therefore, becomes a paradoxical instrument in that the types of "labor" or "work" to be abolished are never defined.[5] Any work, however benign, undertaken by a child could become prohibited work. However, Article 7, Section 1(a) of Convention No. 138 complicates matters by permitting national laws or regulations to allow "light work which is not likely to be harmful to [the] health or development" of the children involved.[2] Children from 13–15 years of age fall within this

category of permissive work. Because "work" is never defined, it is impossible to ascertain which types of work are deemed acceptable or inherently unhealthy.

The convention and recommendation on the Worst Forms of Child Labor, Convention No. 182 and Recommendation No. 190, are the most contemporary examples of what defines hazardous and dangerous working conditions for child laborers. Adopted on June 17, 1999, this convention sought to prioritize the most extreme and egregious forms of child labor exploitation and to "complement existing instruments."[6] Under this convention, also known as the Child Labor Treaty, ratifying nations must take effective and immediate action to prohibit and eliminate the worst forms of child labor, and such action shall take priority over other forms of child labor regulation. Measures relating to girls were included to recognize the "special situations" of this population. Moreover, nations were directed to implement a monitoring system and take all necessary steps to ensure that an effective enforcement system is in place. Rehabilitation and social integration programs also were to be established while the needs of at-risk children were identified and addressed.[2]

The 87th Committee on Child Labor, the final major entity involved in the formation of this treaty, grappled with the language of the instrument.[2] In particular, they struggled with the forms of labor that were to encompass the "worst forms" and "hazardous" categories of child labor.[2] Opinions differed dramatically from one country to another on what should or should not constitute hazardous child labor conditions. Within the proposed draft language, the worst forms of hazardous work comprised four key areas:

> (i) all forms of slavery and practices similar to slavery, such as the sale and trafficking of children, forced or compulsory labour, debt bondage and serfdom; (ii) the use, procurement or offering of a child for prostitution, production of pornography or pornographic performances; (iii) the use, procurement or offering of a child for illicit activities, in particular for the production and trafficking of drugs; and (iv) work which, by its nature or the circumstances in which it was carried out, was likely to jeopardize the health, safety or morals of children.[7]

Note, the initial definition did not include child soldiers. The inclusion of child soldier was a heavily contested area of debate; however, the Committee ultimately decided to include this class of children within the worst forms definition.[7]

A broader, more detailed definition of hazardous child labor emerges through Recommendation 190, a non-binding supplement to Convention No. 182.[2] Drawing from previously adopted ILO conventions pertaining to adult environmental working conditions, Recommendation 190 borrows similar standards as particularly specified in Convention No. 120, adopted in 1964, outlining "hygienic" working environments.[2] Children, through the inclusion of these measures, are allowed some degree of comparable protection as that afforded to adults. It does not, however, provide for the unique and varying needs of child laborers in contrast with their adult counterparts. Nor does it provide concrete provisional standards in that a ratifying nation is asked merely to "consider" this criteria when defining hazardous child labor conditions.[2]

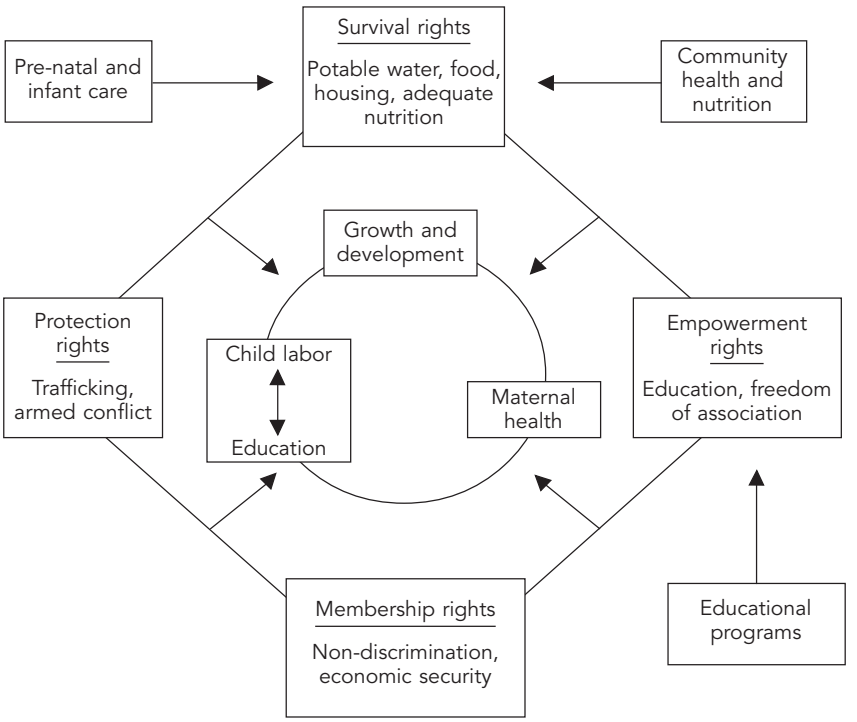
CHILD LABOR AND PUBLIC HEALTH

This issue of *Public Health Reports* is intended to help place hazardous child labor in a rights-oriented public health context. An example of how this might take place using the 1989 Convention on the Rights of the Child is shown in the Figure.

Viewed from a rights-oriented model, child labor is part of a cycle entailing lack of education, impaired maternal health, and impaired growth and development.[8] The well-being of children stems directly from their right to protection, survival, membership within society, and empowerment—as well as the protection of women.

Public health remains central to most of the problems of survival for the majority of the world's people. Although the international community has been engaged in the elimination of nutritional deficiencies, implementing access to potable water, and improving maternal health for many decades, these issues continue to be problematic. Nutritional

Figure. Relationship between child labor, survival, and child rights



deficiencies remain commonplace, and each year more than 500,000 women die secondary to pregnancy-related problems and many times that number are adversely affected by their pregnancy and childbirth. There is no doubt that investment in the education of girls provides significant returns to society in terms of health and poverty reduction.[9,10]

The relationship between these problems and education, intellectual development, and child labor is complex, and studies are difficult to interpret. Regardless, where the physiologic development of the brain and nervous system is impaired, it is clear that intellectual development and educational attainment may be impaired. Where mothers die or become impaired, children are less likely to attend school.

This becomes an intergenerational problem that is best approached through comprehensive community-based public health. Citing UNICEF (2004), "Ensuring the best start to life means investing in health care, nutrition, water, sanitation, and education for young children and their mothers."[11] UNICEF notes the particular importance of education for girls in assuring the welfare of future generations.

The health problems related to failures in public health are compounded for people in communities and work places adversely affected by toxic exposures. Articles in this issue address the potential impact of hazardous work secondary to exposure to substances such as lead, solvents, and pesticides.

In addition, there is discussion among concerned communities regarding the lack of adequate data on the numbers of children who work and the types of work in which they are engaged.[12] Regrettably, these data limitations also have limited our ability to find research in many areas. However, where there is an absence of data on children, data from adult workers leave little doubt about the harmful nature of exposures to substances such as mercury, silica, asbestos, carbon monoxide, pesticides, or infectious diseases. The latter may include illnesses such as silico-tuberculosis secondary to dust exposures in regions where tuberculosis is endemic, tetanus or parasitic diseases due to work in garbage dumps, or HIV/AIDS as a result of sexual exploitation. Perhaps the absence of a discussion on the development of infectious diseases is the greatest gap found in this issue of *Public Health Reports*. Apart from HIV/AIDS, the editor D.L.P. knows of no studies that have evaluated the impact of infectious diseases on young workers.

Given the large amounts of research that have been conducted on adult workers, it is surprising how little has been done on young workers. It is also surprising that there have been so few attempts to clearly enumerate the number of working children. This is all the more surprising given the long history of attempts to regulate child labor at both the national and international levels.[13] The problem of controlling child labor also is rooted in a general ambivalence in deciding how much work is good for children and when.[14]

CONCLUSIONS

The ILO's historical efforts to clearly and adequately define hazardous child labor through international labor legislation have been significant. However, nations are largely left to their own devices when formulating national standards and threshold requirements surrounding hazardous work, behaviors, and environments. Therefore, while enormous strides have been made in an effort to adequately protect child laborers from dangerous and hazardous working conditions, uniformity and consistency remain a yet unattained achievement within the international labor community.

The difficulties inherent in limiting the economic exploitation of children might be better understood in terms of a rights-oriented public health model. Such a model helps policy makers place child labor in the context of growth and development and limits the likelihood that child labor will be viewed as purely an issue of economic development, education, or labor regulation. A public health model also helps to assure that regulators consider the special burden placed on children and that worksite exposures of all types are considered in the context of growth and development.

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