

Minimum Age Convention C-138

The Convention shall accept National laws and regulations and in consultation with the competent authorities which allows work for children between the ages of 13 and 15 if it does not interfere with the child's right to education, causes health or development problems. The State party can also substitute the ages of 12 and 14 to 13 and 15 in excluded occupations.

Article 8

1. After consultation with the organizations of employers and workers concerned, where such exist, the competent authority may, by permits granted in individual cases, allow exceptions to the prohibition of employment or work provided for in Article 2 of this Convention, for such purposes as participation in artistic performances.
2. Permits so granted shall limit the number of hours during which and prescribe the conditions in which employment or work is allowed.

The State Party in consultation with the competent authority can relax the provisions of the Convention in cases where the child is pursuing artistic endeavors. However, check on the work hours and conditions of employments shall be maintained.



Penalties

Article 9

1. All necessary measures, including the provision of appropriate penalties, shall be taken by the competent authority to ensure the effective enforcement of the provisions of this Convention.
2. National laws or regulations or the competent authority shall define the persons responsible for compliance with the provisions giving effect to the Convention.
3. National laws or regulations or the competent authority shall prescribe the registers or other documents which shall be kept and made available by the employer; such registers or documents shall contain the names and ages or dates of birth, duly certified wherever possible, of persons whom he employs or who work for him and who are less than 18 years of age.

Penalties shall be imposed for violating the Convention's provisions. National Laws or regulations or the competent authority shall appoint focal persons to monitor the implementation. Every employer should maintain a register giving complete profile of the child employed.

Recommendations for Elimination of Child Labor

- Government should conduct a major study to comprehend the magnitude of child labor in Pakistan and devise interventions that allow for the possibility of children being in school and not working.
- The minimum age of employment should be raised from 14 to 18 years.
- Government should bring its national policies in conformity with the ILO Conventions to progressively eliminate child labor.
- Establish vigilant committees to check violation of children's minimum age for employment.
- Government should impose hefty penalties on employers who are found violating the ILO Conventions.
- The category of child domestic labor should be included in the list of hazardous forms of child labor.
- Improve the quality of schooling by improving the standard of education so as to increase its value to children and parents.
- Household incomes may be enhanced through increasing adult wages, enforcing minimum wages, access to income generating programs, better employment opportunities in rural areas and easier access to social safety nets.

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Introduction

An estimated 246 million children are engaged in child labor worldwide. Of those, almost three-quarters (171 million) work in hazardous situations or conditions, such as working in mines, with chemicals and pesticides in agriculture or working with dangerous machinery. They are everywhere but still invisible, toiling as domestic servants in homes, laboring in workshops, hidden from view on farms. They are especially vulnerable to exploitation and abuse. They are deprived of adequate education, good health and basic freedoms.

Millions of children in the age group of five to 18 years are involved in child labor in Pakistan. Almost two-thirds work full time, majority being in agriculture. Those employed elsewhere work in varied conditions involved in a wide range of manufacturing processes, which are often hazardous and difficult to access. Children work in almost every economic sector, such as carpet weaving, tanneries, roadside restaurants and hotels, factories, brick kilns, bangle making and in clandestine factories, where they are forced to do dangerous work. Officially children make up about seven percent of the total workforce.

Pakistan Ratifies C-138

Convention on Minimum Age No 138 was adopted by International Labor Organization (ILO) on June 26, 1973 setting forth a larger framework for the longer-term objective of the effective abolition of child labor. Pakistan is the latest member to have ratified the Convention No 138 on July 6, 2006, becoming the 147th country to do so.

By ratifying the Convention, Pakistan has committed to take immediate action to reduce the number of child laborers and eventually eliminate child labor from Pakistan. The Convention binds Pakistan to pursue a national policy which will progressively raise the minimum age for employment or work to a level consistent with the fullest physical and mental development of young persons. According to the Convention the minimum age should be 15 years, or the age reached after completion of compulsory schooling. According to the Convention, the minimum age for work that is likely to jeopardize the health, safety or morals of young persons is 18.

Minimum Age Convention C-138

Article 1

Each Member for which this Convention is in force undertakes to pursue a national policy designed to ensure the effective abolition of child labor 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.

The State party that ratifies the Convention is obliged to design its national policy according to the Convention. The policy should manifest progressive increase in the minimum age for employment of children to ensure effective abolition of child labor.

Article 2

1. Each Member which ratifies this Convention shall specify, in a declaration appended to its ratification, a minimum age for admission to employment or work within its territory and on means of transport registered in its territory; subject to Articles 4 to 8 of this Convention, no one under that age shall be admitted to employment or work in any occupation.
2. Each Member which has ratified this Convention may subsequently notify the Director-General of the International Labor Office, by further declarations, that it specifies a minimum age higher than that previously specified.
3. The minimum age specified in pursuance of paragraph 1 of this Article shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years.
4. Notwithstanding the provisions of paragraph 3 of this Article, a Member whose economy and educational facilities are insufficiently developed may, after consultation with the organizations of employers and workers concerned, where such exist, initially specify a minimum age of 14 years.

The State Party shall indicate in the declaration the minimum age set by it which should not be less than 18 years for admission in work. It should not be harmful to the child's health, safety and moral and also indicate what will be the means of transport. It shall notify the Director General ILO through a declaration which shows a minimum age higher than the previous one. A child should not enter into work before completion of compulsory education or not less than (15 years). Children less than 14 years can enter into employment or work where the State Party's economy and educational facilities are under-developed.

5. Each Member which has specified a minimum age of 14 years in pursuance of the provisions of the preceding paragraph shall include in its reports on the application of this Convention submitted under article 22 of the Constitution of the International Labor Organization a statement:
 - (a) That its reason for doing so subsists; or
 - (b) That it renounces its right to avail itself of the provisions in question as from a stated date.

Each State Party who has specified a minimum age of 14 years because its economy and educational facilities are not developed shall include in their report on the application of this Convention the reasons for taking this decision.

Article 3

1. The minimum age for admission to any type of employment or 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 shall not be less than 18 years.



No child under 18 will be employed in any occupation which shall impact negatively on the child's health or morals.

2. The types of employment or work to which paragraph 1 of this Article applies shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned, where such exist.

State party's National Laws or regulations or the competent authority shall identify the types of employment or work which adversely effects the physical and mental development of the young person.

3. Notwithstanding the provisions of paragraph 1 of this Article, national laws or regulations or the competent authority may, after consultation with the organizations of employers and workers concerned, where such exist, authorize employment or work as from the age of 16 years on condition that the health, safety and morals of the young persons concerned are fully protected and that the young persons have received adequate specific instruction or vocational training in the relevant branch of activity.

The National laws, competent authorities and employers should through consultations decide on the occupations for children from the age of 16, where health, safety and morals of the young persons are fully protected and that they have received adequate specific instruction or vocational training in the relevant branch of activity.

Article 4

1. In so far as necessary, the competent authority, after consultation with the organizations of employers and workers concerned, where such exist, may exclude from the application of this Convention limited categories of employment or work in respect of which special and substantial problems of application arise.

After consultation the competent authorities, employers and workers can decide on the exclusion of those occupations for the children from the application of this Convention where the government finds it difficult to apply.

2. Each Member which ratifies this Convention shall list in its first report on the application of the Convention submitted under article 22 of the Constitution of the International Labor Organization any categories which may have been excluded in pursuance of paragraph 1 of this Article, giving the reasons for such exclusion, and shall state in subsequent reports the position of its law and practice in respect of the categories excluded and the extent to which effect has been given or is proposed to be given to the Convention in respect of such categories.

The State Party shall notify in its first report the list of occupations excluded and give reasons for its omission and in subsequent reports state the position of its laws and practice in respect to the employments excluded.

3. Employment or work covered by Article 3 of this Convention shall not be excluded from the application of the Convention in pursuance of this Article.

All those employments which effects child's health, safety and moral shall not be excluded from the application of the Convention.

Scope of Application

Article 5

1. A Member whose economy and administrative facilities are insufficiently developed may, after consultation with the organizations of employers and workers concerned, where such exist, initially limit the scope of application of this Convention.

Those countries where economic and administrative facilities are insufficiently developed can limit the scope of application of this Convention.

2. Each Member which avails itself of the provisions of paragraph 1 of this Article shall specify, in a declaration appended to its ratification, the branches of economic activity or types of undertakings to which it will apply the provisions of the Convention.

The State Party will specify in a declaration attached to its ratification, the list of occupations and economic activities where the Convention will be applied.

3. The provisions of the Convention shall be applicable as a minimum to the following: mining and quarrying; manufacturing; construction; electricity, gas and water; sanitary services; transport, storage and communication; and plantations and other agricultural undertakings mainly producing for commercial purposes, but excluding family and small-scale holdings producing for local consumption and not regularly employing hired workers.

4. Any Member which has limited the scope of application of this Convention in pursuance of this Article-

(a) shall indicate in its reports under Article 22 of the Constitution of the International Labor Organization the general position as regards the employment or work of young persons and children in the branches of activity which are excluded from the scope of application of this Convention and any progress which may have been made towards wider application of the provisions of the Convention;

(b) May at any time formally extend the scope of application by a declaration addressed to the Director-General of the International Labor Office.

Those State Parties who have limited the application of the Convention shall indicate in its report the situation of the young people who are working in the occupations excluded from the list given in the Convention and also indicate steps taken for wider application of the Convention. It can extend the application of the Convention after formally notifying Director-General of the International Labor Office.

Article 6

This Convention does not apply to work done by children and young persons in schools for general, vocational or technical education or in other training institutions, or to work done by persons at least 14 years of age in undertakings, where such work is carried out in accordance with conditions prescribed by the competent authority, after consultation with the

organizations of employers and workers concerned, where such exist, and is an integral part of:

- (a) A course of education or training for which a school or training institution is primarily responsible;
- (b) A program of training mainly or entirely in an undertaking, that has been approved by the competent authority; or
- (c) A program of guidance or orientation designed to facilitate the choice of an occupation or of a line of training.

This Convention does not apply to any employment of under 14 children, which is part of their educational activities, training or apprenticeship which would later help the child in the choice of occupation.

Article 7

1. National laws or regulations may permit the employment or work of persons 13 to 15 years of age on light work which is;

- (a) Not likely to be harmful to their health or development;
- (b) Not such as to prejudice their attendance at school, their participation in vocational orientation or training programs approved by the competent authority or their capacity to benefit from the instruction received.

2. National laws or regulations may also permit the employment or work of persons who are at least 15 years of age but have not yet completed their compulsory schooling on work which meets the requirements set forth in sub-paragraphs (a) and (b) of paragraph 1 of this Article.

3. The competent authority shall determine the activities in which employment or work may be permitted under paragraphs 1 and 2 of this Article and shall prescribe the number of hours during which and the conditions in which such employment or work may be undertaken.

4. Notwithstanding the provisions of paragraphs 1 and 2 of this Article, a Member which has availed itself of the provisions of paragraph 4 of Article 2 may, for as long as it continues to do so, substitute the ages 12 and 14 for the ages 13 and 15 in paragraph 1 and the age 14 for the age 15 in paragraph 2 of this Article.

