




Child labour laws

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OBJECTIVE


- The participants should be able to understand the child labour provisions under the Employment Relations Act 2007, Employment Relations (Administration) Regulation 2008.
- Use this knowledge to fight against any form of Child in the country.

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Application of ERA

All employers and workers in workplaces in Fiji (includes, Government entities, local authorities, statutory authorities Sugar Industry & Domestic workers)



Exception to members of Republic of Fiji Military Forces, Fiji Police Force & Fiji Corrections Services

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Introduction on Child Labour

- Employment Relations Act 2007 (ERA) promulgated by President of Fiji on 1/10/07 & with full implementation on 2/4/08
- ERA statutory framework promotes welfare & prosperity of all Fiji people by:
 - Setting Minimum labour standards fair to both workers & employers & build productive employment relationships
 - Prevents direct & indirect discrimination in employment on personal characteristics
 - It is in compliance with the international standard and international obligation

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What is child labour?

The term "child labour" is often defined as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. (ILO definition)

Who is a child?

A child is a person who is under the age of 18 years

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Not all work done by children is child labour!

- Participation in work that does not affect their health, personal development or interfere with their schooling.
- This includes activities such as helping their parents around the home, assisting in a family business or earning pocket money outside school hours and during school holidays.
- Provides them with skills and experience, and help prepare them to be productive members of society during their adult lives.

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Provisions of Children under ERA

- ERA aligned to ILO Conventions **138 & 182**
- Provisions under Part 10 of ERA (S. 90 to 99)
- Objects as follows:
 - Prohibits** work likely to harm the health, safety or morals of children
 - Establish** working age
 - Confer certain rights** on children & provide protection on vulnerability to exploitation

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Minimum Age for Employment

(ILO Convention 138)

- Minimum age of employment - 15 years
- 13 to 15 years can be engaged in light work or in workplace of members of same family, communal or religious groups are employed provided:
 - work is not harmful to health or development of child
 - work not to prejudice the child's attendance at school, participation in vocational orientation or training programs approved by competent authority or capacity of child to benefit from instruction received

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Rights of Children

- Child of 15 years or over can join trade union & vote in trade union elections
- Must not be employed in mines (underground)**
- Minister may issue order of restriction of employment or workplace injurious to health, hazardous or dangerous to the child.
- (attendance on machinery, hazardous substances, driving motor vehicles, heavy physical labour, care of children, security services)
- Child not to be employed against the wishes of parent or guardian**

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Hours of Work for Children

- Not more than 8 hours during daylight hours with a paid break of 30 minutes after 4 hours with 30 minutes paid lunch break**
- Not to be employed when required to attend school or period prejudices the child's educational participation**
- Subject to Order of Minister (prescribed conditions of employment) may work at night from 6 pm to 6 am only

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- Night employment – 30 minutes paid dinner break within 2 hours of starting work
- Employer to maintain separate register (personal & prescribed particulars) for children & must be produced for inspection on demand by Labour Inspectors
- Offences on any other breaches of Part 10 have the same penalty shown below

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- The child must be paid the minimum rates of pay as stated in the Wages Regulations
- Entitled to the following after 3 months continuous service with an employer:
 - 10 days sick leave
 - 3 days bereavement leave
 - 5 days Family Care Leave
 - The child must be paid all gazetted public holidays
 - 10 days a/leave after completion of 1 year work

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Conditions of Work for Children

Child not to be employed on

- Situation of direct hostilities
- Any work for which the child has little capacity
- Any work which is hazardous to the child's health, mental, spiritual or social development
- Environment which subjects the child to physical harm, psychological torture, any form of neglect, torture, cruel/inhuman/degrading treatment, does not foster the health, self-respect & dignity of child

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Prohibition of Worst forms of Child Labour (ILO Convention 182)

- All forms of labour slavery or practices similar to slavery
- Sale & trafficking of children
- Debt bondage
- Forced or compulsory labour
- Forced or compulsory recruitment of children in armed conflict

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Forced or Compulsory Labour is Worst Form of Child Labour



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- Use, procuring or offering of child for illicit activities
 - production & trafficking of drugs as defined in relevant international treaties
- Use, procuring or offering of child for prostitution, production of pornography, pornographic performances
- Any person who engages a child in such prohibited form of child labour commits an offence
- **(Penalty: Individual person - \$10,000 fine or 2 years imprisonment or both; Company/Corporation - \$50,000 fine)**

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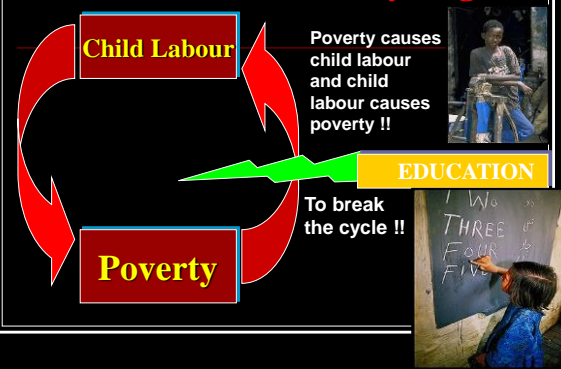
Powers of a Labour Officer/Inspector

Appointment – section 15 of ERP

- Powers of entry, inspection and examination
- Powers of production of workers or documents
- Powers to interview the employer or worker
- Powers to seek information from any other person
- Powers to conduct an inquiry from employer or agent
- Powers to institute legal proceedings on offences

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Causes of child labour: **Poverty/Neglect**



End of Presentation



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