

Children, young people and work: guidance for clients

Key points to be followed:

- >> Follow minimum age for employment of young persons in national legislation, and keep records of dates of birth verified by official documentation
- >> Check the activities carried out by young workers
- >> Young people must not be employed in hazardous work, which should normally be defined in national legislation, and will likely include most tasks in construction work and several in agriculture
- >> Any under-18s have their work assessed and monitored for safety risks, and their hours monitored

This information is intended to assist clients of the European Bank for Reconstruction and Development (EBRD) in their capacity as employers.

EBRD wishes to ensure that the working conditions in the projects that it finances are in compliance with national labour laws and health and safety regulations and international good practice in these areas. The EBRD's requirements are summarised in its Performance Requirement (PR 2) on labour and working conditions. The specific provisions on child labour are stated below.

PR2.8 – Child labour

The client will comply with all relevant national laws related to the employment of minors. In any event, the client will not employ children in a manner that is economically exploitative, or is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development. Young people below the age of 18 years will not be employed in hazardous work and all work of persons under the age of 18 shall be subject to an appropriate risk assessment.

1. What is child labour?

Child labour refers to work that is mentally, physically, socially or morally dangerous and harmful to children, and interferes with their schooling.

What is "acceptable children's work"?

Not all work carried out by children is classified as child labour. Children's work can be acceptable where it does not affect their physical or personal development and does not interfere in any way with their schooling. Typically this includes work around the home, in a family business or for pocket money. However, the idea of "acceptable children's work" should be treated with caution, as it risks obscuring harmful forms of child labour.

2. How to recognise child labour

Age

The table below sets out the minimum age requirements under ILO Convention No. 138 – which is the basis for PR2.8 – on the Minimum Age for Admission to Employment and Work. All EBRD countries of operation have ratified both ILO Conventions on child labour – C138 and C182.

Type of work	Description	Minimum age
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Hazardous work	Children under 18 must not carry out hazardous work. (See 'Activity' below for a description of hazardous work.)	18
Basic minimum age	Children must have reached the minimum age for employment as set by national law. This is usually the age for finishing compulsory schooling.	15-16 (set in national law)
Light work	National laws may permit children aged 13 or 14 years to engage in 'light work' outside school hours or during school holidays, as long as it does not affect their development or schooling. Parental consent may be required for this sort of work where it happens outside the home.	13-14 (set in national law)

Activity

Hazardous forms of child labour refers to work that is likely to harm the health, safety or morals of children or that exposes them to physical, sexual or psychological abuse. It must not be undertaken by anyone aged under 18.

Hazardous work includes exposure to toxic chemicals, carrying heavy loads, working at heights or in confined spaces and using dangerous equipment or tools. National laws often prohibit hazardous forms of child labour and may set out a list of proscribed jobs for under-18s.

Workers under 18 shall not be required to work long hours, overtime or during the night. Long hours or nights shifts are considered to be harmful to children and are likely to affect school attendance. National legislation often sets daily or weekly limits on working hours for children and young workers and may prohibit overtime and night work.

Special focus: children's work in agriculture

Although children's work in agriculture is not always child labour, agriculture is one of the most dangerous sectors for workers of all ages. Children working in agriculture may be exposed to toxic pesticides without proper protective equipment and be asked to undertake demanding work over long hours and in poor conditions; under international law and EBRD PR 2 this would be considered 'hazardous work' and therefore may not be undertaken by children under 18.

There is an exemption from the minimum age requirements under ILO Convention 138 for family and small-scale holdings, but this only applies to small-holdings that produce for local consumption only and do not regularly hire workers. The exemption *does not apply to agricultural undertakings – or whatever scale – that are involved in export or commercial production.*

3. Employer safeguards against child labour

There are a number of practical steps an EBRD client can take to ensure that it has the appropriate policies and procedures in place to comply with EBRD PR2.8.

- Check what the minimum age for employment is according to national legislation
- Set up a procedure to ensure that all workers are above the minimum legal age of employment at the time of hiring (eg asking for identity documents to check birth date and retaining copies)

- If your company hires workers aged under 18:
 - Keep a register of all workers under 18, at least in compliance with national age documentation legislation
 - Make sure that workers under 18 are not exposed to verbal or physical abuse in the workplace
 - Make sure that workers under 18 are not required to work in hazardous conditions, such as jobs that involve hazardous substances, dangerous equipment or heavy lifting
 - Check to see whether national legislation sets out a list of prohibited jobs for under 18s
 - Do not permit overtime or night work for young workers
 - Carry out a risk assessment for work carried out by workers aged under 18
 - Check what national legislation says about working hours for workers under 18 (eg reduced hours, overtime, night work). At a minimum, ensure that young workers have at least 12 hours of rest each day and one day off work per week
- Ensure that workers aged 13-15 are only doing light work outside school hours in accordance with national legislation or working in a government-approved training program