Children’s work and stopping ‘child labour’

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Work is usually central to the lives of children with street connections, and some of this work can be harmful to them. Child labour is, therefore, a problem for interventions to support these young people. To ensure that intervention supports children rather than further damages their limited opportunities, we need a clear understanding of the benefits and harm conferred by work in their lives. My presentation focuses on confusion that frequently arises in discourse about ‘child labour’.

Some years ago I was studying schools on certain tea estates in Zimbabwe. Pupils attended school and out of school hours they worked under contract on the estates to earn their school expenses and quite a bit besides. They were paid at the same rates as were adults, but life was hard, and there was need for improvement in conditions; nevertheless, some young people chose these schools because of the quality of schooling they offered, and many had no other chance of schooling; many went through these schools, and sometimes on to university and professional careers. When international tea buyers insisted that the estates do not employ children under the age of 15, this meant that some children had to wait until they were 15 before they could start secondary school—not something beneficial to them and not the intended result of the policy, but one that should have been predicted.

In our book, Rights and Wrongs of Children’s Work (Bourdillon et al. 2011, 190–192), we describe how an international campaign to stop children being involved in stitching footballs damaged a home industry in Sialkot, Pakistan. There was no evidence that children were harmed by this work, in which they helped their families in a home industry; but they

1 This version of the paper takes into account points raised in discussion following the presentation and during the course of the workshop.
did learn a useful craft through stitching footballs out of school hours. There was clear evidence, however, that many poor families—including the children—suffered from the measures taken to ensure that no children were involved in the production of footballs.

Elsewhere in the book (1–5, 181–190), we also described situations in Morocco and Bangladesh where young people (in the latter case tens of thousands of them) were thrown out of work and had their livelihoods damaged when people in other countries threatened to boycott the textile goods they were being paid to produce.

I think of a young Indian boy I met at an international meeting of working children. He had left his impoverished mother to seek a livelihood on the streets of Delhi. At first he scavenged for rags. Then he learned how to make tea and earned a living selling it—an improvement on picking rags. His day was hard: a tea round early in the morning; then school; then the afternoon tea round; then time to do homework at a study centre; finally sleep before another long day. He earned his keep and could go home on holidays with presents for his mother. When India introduced a law to prohibit this kind of child labour, some people acclaimed this law as a step forwards for children’s rights; but it was estimated that half a million children were summarily put out of work and few received serious support. The boy commented sadly, ‘I don’t know what I will do when I get back [to Delhi] with this new law; perhaps I can find a job at night where I will not be seen.’ Support for the boy would have been helpful, but forcing him into illegal and more exploitative work was not what he needed.

Earlier this year, a colleague from Bangalore, also in India, described how a group of young children come into her office, shivering with fear, and pleading, ‘Don’t let those people find us.’ Those people were members of a non-governmental organisation going around in vans and ‘rescuing’ child labourers.

I have selected these examples because in them the evidence of damage caused by stopping child labour is especially clear. They are not, however, particularly unusual; rather, they illustrate a wide range of situations in which attempts to protect children end up damaging their opportunities and their livelihoods. Some child labour is so harmful that it needs urgent attention; it is surely right to try to stop such harm. But something is going wrong when attempts to protect children from harm end up traumatising them and damaging their lives in this way. We know about the wrongs of poverty and gross inequality, but what is going wrong in the area of children’s work?
Two meanings of ‘child labour’

One significant problem is confusion over what the term ‘child labour’ means. There are two very different meanings in widespread use, which are often confused—sometimes deliberately so, and this confusion is behind some of the problems I have mentioned.

One meaning for the term ‘child labour’ is work that is in some way harmful to children, whether because of the nature of the work, or the hours of work (especially when they hinder other forms of learning), or the way children are treated at work, or the compulsion behind it. This is work that interferes with children’s development, often referred to as ‘worst forms of child labour’. We all agree that such worst forms need urgent attention—sometimes this means stopping the children from being engaged in the work they are doing; and sometimes conditions can be changed to make the work benign and even beneficial (changing conditions can be a more constructive way of bringing an end to harmful work—to child labour child labour in this sense). So one meaning for the term ‘child labour’ is ‘harmful work’.

The second meaning for the term ‘child labour’ is work that contravenes international or national standards on a minimum age for employment. The principal basis for these standards is the Convention on the Minimum Age for Employment (number 138), passed by the International Labour Organisation (ILO) in 1973. This Convention is not about stopping specifically harmful work; it is about excluding children from labour-force work below a certain age, whether or not this work is shown to be harmful and irrespective of conditions of work.\(^2\)

Legislation based on these minimum-age standards fails to protect children from harmful work because some harmful work lies outside employment: several studies have pointed out that unpaid work in the home can be exploitative and harmful—sometimes more so than paid employment, and that often children see paid work as preferable (for example, Nieuwenhuys

\(^2\) One motive appears to be to reserve such work of older people. It is not so many years since the ILO was trying to ‘protect’ women by reserving certain jobs for men: Convention 89 (1948), for example, restricted women from certain types of night work allowed to men; in the 1970s and 1980s, there was debate between those who advocated special protection for women against those who advocated equal opportunity. The 1990 Protocol for Convention 89 allowed flexibility without abrogating the earlier Convention. Perhaps it is time to recognise the discrimination against children resulting from Convention 138.
2000). Further, minimum-age standards fail to protect children above the specified age from harmful work. An effect of focussing on age rather than harm is that children are removed from bad working conditions, only to return to the same bad conditions a few years later. A recent study of 59 countries by economist Eric Edmonds showed that legislation based on minimum-age standards has made very little difference to children’s employment or to schooling (Edmonds and Shrestha 2012). Another recent study has argued that bans in India on child labour in the 1980s sometimes drove children into illegitimate work, which was less well paid, resulting in children doing more work to meet family needs (Bharadwaj et al. 2013). The cases I cited at the beginning of this talk illustrate how concern about the age of child workers, rather than about the nature and conditions of their work and their situation, can damage their lives and their opportunities.

The failure of minimum-age standards to protect children is one reason why in 1999, the ILO agreed on Convention 182 against the ‘Worst Forms of Child Labour’, which received immediate and widespread support. Since this convention now prohibits all work that is harmful to children in any way, continued enforcement of the Minimum Age Convention adds only prohibition on work that is not harmful.

People often assume that even if minimum-age legislation does not offer full protection against exploitation, it offers some protection by keeping young people out of work. This would be a valid argument if there were only risk and no benefits in economic work below the set minimum age. Although people often assume that underage work is harmful and it is a matter of children’s right to be prevented from doing it, I have come across no evidence that this is generally the case; I wish now to point out that there can be considerable benefits for children in work prohibited by minimum-age standards, and that there is a positive place for work—even economic work—in children’s lives.

Work in children’s lives

There is a growing recognition that, as a concession to the reality of some children’s lives, ‘child labour’ might be tolerated when it is necessary for survival, as in situations of extreme poverty or in such institutions as child-headed households. In such cases, the benefits of earning clearly outweigh any harm. I argue, however, that if ‘child labour’ is defined as harmful work, net harm should not be tolerated even for these children; when children need
income for survival, work that is not harmful should be found for them. Work that has net benefits for children should be encouraged rather than merely tolerated.

Certainly children in desperate need should not be stopped from earning; but others can also improve their lives and opportunities with extra income. We should be looking beyond survival to improving the quality of life for children and their families. I shall point to other benefits brought to children by their work. A focus on necessity and survival fails to take into account this range of benefits, of which they are deprived by preventing them from working.

Let me first remind you that work is a fundamental human activity, and the right to work is enshrined in article 23 of the 1948 Universal Declaration of Human Rights. Work is central to the way society knits together, and to people’s social status and identity. Children are human—evolved social animals with brains that are hard-wired to imitate and participate in the activities of people around them, including many kinds of work. A recent report from Ethiopia (Pankhurst et al. In preparation), for example, points out that children and their families see social and psychological benefits in children’s work and these are at least as important as material benefits. In particular, the work that children undertake from a young age, both unpaid in the home and for income, is embedded in the relations between families and their children—the commitment of children to their families and the commitment of families to their children.

We find children imitating adults playfully at first and then acquiring competence. An important learning mechanism for many things, including life skills and social skills, is through observing what others are doing, imitating them, and acquiring competence through practice (Rogoff et al. 2014; Rogoff 1991). This is how children learn the skills of housekeeping and child care in many societies; this is how young people learn agriculture and animal husbandry all over the world (including high-income societies), and how they acquire an interest in food production. The problem for parents in agricultural societies is often not so much persuading children to take part as how to include children without damage to crops (e.g. Polak 2012). Children also learn many classroom skills by practicing them. Through work, in which other people are able to depend on what a child does, the child is able to experience and learn responsibility—a key feature in social relations.

With respect to children on city streets and markets, several studies have shown how urban children learn entrepreneurial skills by selling small items, sometimes under the supervision of adults (Invernizzi 2003; Sharp 1996, 37-38). One well-known study found
mathematical skills that Brazilian child street vendors acquired through their work to be better developed and more useful than those that children were learning in school (Nunes et al. 1993). A recent study in Peru showed trading children acquiring language skills that could serve for upward mobility more effectively than classroom skills (Aufseeser 2014; 2012, 261; see also Huberman 2012). Street work can develop skills that result in a trajectory towards improved livelihoods. All this learning depends on the work having economic value.

So imitating the work of adults and participating in it is an important part of learning and growing up. Children can be frustrated and alienated by being excluded from community activities, and it is not evident that they should be denied the right to work. In particular, there is growing evidence that children benefit psychologically as well as materially when they are able proudly to contribute to solving their own problems and those of their families (Wachs 2011; Boyden and Mann 2005). When children have had a rough life and have worked to improve their situation, it is cruel to denigrate their work as something bad, and to deprive them of the chance of making such contribution. A young girl from West Africa complained at an international meeting on child labour: ‘Do you realise how you insult me by talking about abolishing the work that I do?’ She had been a child domestic worker from the age of 8, and was proud of her work, which benefited herself and her family. So when we stop children from working, there is risk involved: we have to be careful about depriving them of opportunities for benefit.

Once we acknowledge the wide range of benefits that children derive from work, we can understand the extent of damage that can result from stopping child labour. The cases I cited at the beginning of this presentation often cause surprise, not because they are particularly unusual, but rather because people are blinkered by assumptions that work (and especially economic work) is harmful to, and inappropriate for, children.

Moreover, when we decide to interfere in the lives of others, we need to be careful that we understand their situation, that we know what we are doing, and that our interference does not make a bad situation even worse. This is particularly important when we are dealing with children who are already disadvantaged in some way, such as working children who are using their initiative to overcome the disadvantages of poverty. While we all want to bring an end to work that is harmful to children, campaigns to stop child labour do not always take this care to ensure that children’s lives are improved rather than further damaged by their intervention.
Work and school

People often assume that work deprives children of school and claim that this justifies establishing a minimum age for employment related to the age of compulsory schooling. Sometimes, work does hinder schooling, and when work deprives children of schooling, it is clearly harmful. But sometimes, as I have pointed out, work makes school possible—even below the minimum age for employment. In the vast majority of cases, working children combine work with school, and wish to continue to do so. So what does research tell us about the relationship between work and school? It is widely agreed that full-time work is not fully compatible with schooling. It is not easy to define ‘full-time’, but a widely accepted rule of thumb is 30 hours a week. This applies whether we are talking about employment or domestic work in the home. On the other hand, it is widely accepted that up to ten hours a week of other work does not interfere with schoolwork and may even enhance it.³

Between these extremes, the effects of work on schooling is disputed, and depends on the conditions and circumstances of work, the conditions of schooling, and the aptitudes of the young people. I draw attention to a long-term study in Minnesota, USA, which described how some adolescents involved in intensive work were getting poor grades in school, but the study also noticed that the poor grades came before the work, and that work sometimes provided relief from tensions at school and home (Mortimer 2003, 56, 76, 192-199; Call 1996). When school systems fail children who fail to learn well or even drop out, work is often the result rather than the cause of poor school performance and attendance.

Some children drop out of school because schools are inaccessible, or the teaching is so poor as to be useless, school offers little guarantee of later employment, or the children have found school in some way abusive; in such cases the possibility of work is especially important as an alternative activity. Ali Khan’s study (2007, 182–188) of children stitching footballs in Pakistan pointed out that conditions in classrooms were sometimes much worse than working conditions; and that many children who stitched footballs ‘showed confidence,

³ The ILO guide to statisticians (2008) uses one hour in the reference week as criterion for work; consequently as little as one hour of economic activity is classified as ‘child labour’—to be abolished—when performed by someone below the age allowed for ‘light work’ (two years below the standard minimum age). This bears no relation to evidence on what is harmful to children.
self-esteem, and a sense of responsibility and purpose that was absent from their non-working, school-going counterparts’. Think of schools available to poor children: classes of 60 children are not unusual. However hard they try, some children end up in the bottom 20. These are often regarded as failures and are humiliated in school; and they have little chance of using school to get a well-paid white-collar job at the end. These need outside activities to develop self-esteem and social and livelihood skills. One such activity is part-time work, which (as many North American and European children know) can be beneficial even when it is illegal.

*Young Lives* is a long-term study based in Oxford University, which has been following two cohorts of children in four countries for around 12 years now. One of the findings is that improved school attendance does not necessarily result in improved numeracy and literacy. Although it is possible for children with disadvantaged backgrounds to catch up, this is not the general pattern. The strongest predictor of the development of cognitive skills in adolescence remains economic status and literacy in the home background, notwithstanding attempts to make education universal (Georgiadis and Hermida 2014; see also other essays in Boyden and Bourdillon 2014).

Children’s contributions of work become particularly important when families are struggling to provide children with enough to eat. Malnutrition inhibits cognitive development, and it does not do much good having young children going to school when they do not have enough to eat. Older children often contribute to essentials for themselves and for younger siblings.

When necessary work conflicts with school, this is sometimes because the demands of work do not allow appropriate time for school. But it may also be that a rigid school system does not allow time for necessary work (Orkin 2011). Children find it easier to combine work and school when school hours allow time for work before or after school. Schools might also take account of seasonal demands for children’s work in timing their vacations. Teachers can be tolerant of children’s temporary or occasional absence due to demands of work.

A prohibition on employment below the age of compulsory schooling does not, therefore, necessarily benefit children and such a prohibition cannot legitimately be considered a right of children.
Minimum-age standards

Two further arguments have been raised in defence of minimum-age standards. One is that in a capitalist system, the profit motive often overrides other considerations and results in the exploitation of workers, particularly the most vulnerable workers such as children, who consequently need protection from such risk. Augendra Bhukuth (2008, 385) has stated the argument thus: ‘There is widespread agreement that paying wages exposes children to exploitation…’ Certainly vulnerable people like children have a right to protection from exploitation; but the question is how such protection can be achieved. Refusing to pay wages is clearly more exploitative than paying for work done. When people are afraid of the stigma of employing child labour, they are pressured to devalue children’s work, denigrating their contributions as ‘help’ and not worthy of payment (see, for example, the treatment of children volunteering to help their schools during vacation time in California in Orellana 2001). Besides, when children are not allowed to work legally, they frequently lose access to the best jobs and are pressured into illegal and more exploitative work. Universal minimum-age standards thus often contribute to exploitation rather than prevent it.

A second and related argument is that enforcing minimum-age standards provide a means of addressing large businesses and demanding their social responsibility. The argument is that ‘campaigns to end child labour are critical for making visible one of the least visible sectors of the global labour force’ (Levine 2013, 109). This argument is also faulty. As Susan Levine goes on to point out, a focus on minimum-age standards can divert attention from where the problems really lie. When work is harmful in any way, it is not relevant whether or not the children are in employment; nor is it relevant whether the children are above or below any specific age. Insisting on a minimum age for employment does little against socially irresponsible employers who generally treat their workers badly; indeed, conformity to minimum-age standards creates an illusion of social responsibility while no attention is paid to conditions of work or the needs of children. These standards do, however, deny younger children the best jobs with the most responsible employers, who might wish to help children with opportunities to work and earn in benign part-time or holiday jobs, but who cannot afford the stigma attached to employing child labour. Again in practice, campaigns against child labour thus often push children into more exploitative work situations. To draw attention to the abuse of children in work, it would be more constructive to have a campaign that focussed on the abuse rather than on keeping children out of work—such preventive tactics may themselves be abusive.
Notwithstanding widespread assumptions that minimum-age standards are a matter of child rights, my argument indicates that they offer little benefit to children and rather infringe on their rights to the material and developmental benefits of work. The ILO Minimum Age Convention was passed before child rights had become a mainstream discourse. Moreover it was passed with little attention to the ILO’s own data and the reports it had commissioned (see Dahlén 2007, 281–283). Support for this approach appears to be based on collective assumptions rather than on evidence of outcomes for children—perhaps some kind of ‘group think’ among the child protection community.

There is no minimum age at which young people become connected to city streets (some are born on them), and such connection invariably demands economic activity. There is no minimum age for these children usefully to contribute to their own and their families’ livelihood. So there can be no sense in paying attention to a minimum age of employment or economic work when we are trying to support young people on the streets. We need to be thankful on behalf of working children that laws based on such standards often remain unenforced.

**Protecting working children**

In practice, campaigns against child labour draw attention to the most harmful kinds of work in their pictures and advertising. This is the way to get public sympathy and funding. But it is difficult to assess whether specific work is harmful to the children concerned: for this, you have to know what alternatives are realistically available to them. It is no good stopping children from work that may be harmful if that only drives them into something worse. When the whole family, including children, are involved in responding to poverty and obtaining food, you do not help by preventing the children from earning money. Having more food often outweighs the risk of harm. If you do not want these children to undertake particular types of work, you have to deal with their poverty.

It is much easier to check on age than on harm; and so after defining or describing ‘child labour’ as work that harms children, campaign implementation often resorts to the simple criterion of age and employment, thus keeping young people out of the best jobs and even

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4 And indeed, notwithstanding article 32, 2(a) of the UNCRC.
stopping them from earning. For example, the ILO/IPEC website\(^5\) describes ‘child labour’ as work that is in various ways harmful, with no mention of minimum age for employment. A link to the handbook for labour inspectors states that ‘Minimum Age Convention, 1973 (No. 138) continues to be the fundamental international standard on child labour’ (International Labour Office 2003, 8). It can hardly be surprising that this mismatch between justification and implementation frequently works against the best interests of children.

Further, these campaigns attack the kind of work available to poor children, and rarely bother with the kinds of jobs privileged children take on. I have never come across a suggestion that you should not watch a film or advertisement in which children are employed; or never read a newspaper delivered by a child; or use a firm that exploits unpaid ‘interns’. Why should it be so bad to buy a football or a shirt stitched by a child? How can it be wrong to buy cocoa from a family farm in which the children help and learn how to manage their family crop?

So rather than campaigning to stop ‘child labour’, it would be more constructive to focus on bringing an end to harmful work—or better on bringing an end to harm in children’s work. It would be more constructive towards improving the lives of disadvantaged children to focus on protecting working children—in various ways:

- Empower them to look after their own interests.
- Protect their dignity and self-esteem by treating them with respect, listening to them, finding about their aspirations and what they are trying to do with their lives, respecting their reasons for deciding to work.
- Protect them from physical and psychological harm, paying attention to conditions and hours of work, its appropriateness to their age and competence, the way they are treated at work; but also talking respectfully about their work.

\(^5\) http://www.ilo.org/ipec/facts/lang--en/index.htm (accessed 25 November 2014). Another example is the policy document agreed by UNICEF, Save the Children International, and UN Global compact on *Children’s Rights and Business Principles* (UNICEF et al. 2012). The glossary on p.7 describes ‘child labour’ in terms of harmful work; but the implementation (a) of principle 2 (p.19), is about removing children below a certain age from workplaces, while (b) goes on to discuss harm to young workers.
• Protect their right to education, making sure they have time for, and access to, appropriate and quality schooling.

• Protect them from hunger and poverty, supporting their own efforts to deal with these where this is possible.

• Protect them from arbitrary and unjust dismissal (rather than instigating such dismissal).

• And, I am afraid, we need to protect them from those who—often with the best intentions—are ignorantly set on destroying their livelihoods and their self-respect.

So we should rather focus on improving educational opportunities and reducing poverty than simply on stopping children from working. Programmes to stop children from engaging in harmful work should (but often fail to) ensure that the children’s lives are thereby improved. A programme that results in reducing the number of children working in factories should not be deemed successful (as the ILO does in the case of Bangladeshi child textile workers) if the children end up worse off as a result.

Virtually all of us would like a world in which no children are involved in work that damages them physically or psychologically, or work that hinders or prevents their schooling, or work that in any way inhibits their development. We would also like no children to be pressured to live and work on dangerous city streets. The problem of child labour for children connected to the streets is not how to stop them from working, but how to ensure that they benefit from, rather than being harmed by, the work they do. The difficult questions are: how do we assess and balance benefits and harm in work? And how, without further disruption to the lives of disadvantaged children, do we move from the real world the children live in towards this ideal world we would like to see?

References


