

Child labor

[Business](#), [Work](#)



Chapter 1 I. UNDERSTANDING CHILD LABOR " There is one dream that all Filipinos share: that our children may have a better life than we have had . . . there is one vision that is distinctly Filipino: the vision to make this country, our country, a nation for our children. " Jose W. Diokno II. WHAT IS CHILD LABOR? Before one can even begin to grasp the issue of child labor, its definition should first be examined to acquire a better understanding of the problem.

In the Philippines, a child is defined as a person below the age of emancipation which is 18 years. As soon as a person reaches 18 years of age, he/she is no longer considered a child and becomes automatically entitled to do all acts of civil life, such as contracting marriage or transacting business deals with corresponding legal effects. The term " child" recently acquired a new meaning upon the enactment of R. A. 7610 in 1992, otherwise known as the Child Protection Law.

The new law, which devotes an entire chapter on working children, expanded the definition of children to mean " persons below eighteen (18) years of age or those over but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition. " While there is a clear-cut definition of the term " child", the same cannot be said about " child labor" which has been defined and interpreted in many different ways.

Child labor, in its general sense, is the participation of children in a wide variety of work situations, on a more or less regular basis, to earn a

livelihood for them or for others. There is a need, however, to distinguish "child labor" from "child work". Not all types of child work are considered child labor. Child labor refers only to economic activities or "those activities which are socially useful and remunerable, requiring manual and/or intellectual effort, which result in the production of goods or performance of services." The Department of Labor and Employment, defines "child labor" as "the illegal employment of children below the age of fifteen (15), where they are not directly under the sole responsibility of their parents or legal guardian, or the latter employs other workers apart from their children, who are not members of their families, or their work endangers their life, safety, health and morals or impairs their normal development including schooling.

It also includes the situation of children below the age of eighteen (18) who are employed in hazardous occupations." ¹⁰ This definition was taken from the existing child labor statutes of the country and clearly pertains only to the work situations of children which under Philippine laws are considered illegal.

Accordingly, children above 15 years old but below 18 years of age who are employed in non-hazardous undertakings, and children below 15 years old who are employed in exclusive family undertakings where their safety, health, schooling and normal development are not impaired, are not considered as "child labor" under the law. In this paper, unless defined by the law presented, the term "child labor" shall be used in its strict sense as defined by the ILO-IPEC.

On the other hand, the terms " child worker" and " working children" shall be used in their general sense to refer to all children below 18 years old who are engaged in an economic activity on a more or less regular basis to earn a living for themselves, for their families, or for others, whether or not such children work in the formal (or informal) sector of the economy, and whether or not such children are legally (or illegally) employed Children living in the poorest households and in rural areas are most likely to be engaged in child labor. Those burdened with household chores are overwhelmingly girls.

Millions of girls who work as domestic servants are especially vulnerable to exploitation and abuse. Child labor often interferes with children's education. Ensuring that all children go to school and that their education is of good quality are keys to preventing child labor. UNICEF defines child labor as work that exceeds a minimum number of hours, depending on the age of a child and on the type of work. Such work is considered harmful to the child and should therefore be eliminated. Child labor involves at least one of the following characteristics:

- Violates a nation's minimum age laws
- Threatens children's physical, mental, or emotional well-being
- Involves intolerable abuse, such as child slavery, child trafficking, debt bondage, forced labor, or illicit activities
- Prevents children from going to school
- Uses children to undermine labor standards

III. Where does most child labor occur? [pic]

According to an online map, most it occurs mostly in African and Southern Asian territories. India has the highest number of child laborers. The country has the highest number of child laborers due to poverty and lack of support from the government of India which forced the minors to work for them to survive a day.

And IV. Why does Child Labor occur? There are a lot of economics that go into the thinking behind Child Labor. Most children that are forced to work are economically disadvantaged. Either their country as a whole is disadvantaged, or just their family. These conditions are very appealing to businesses. These businesses think that they can get cheap labor, and they are usually correct. Any business person could tell you that the cheaper something is to make, the bigger profit one can get. This leads some companies to exploit children. Children are at that stages in life where they are suppose to be protected.

They are suppose to be told what to do and are not capable of doing too much thinking for themselves. They are the hapless victims of big business and greed. Since children are at such a tender stage in their development they are very easy to control and they are also very helpless. Because of this helplessness, it is easy to extract work from them cheaply. This is the same reason that slave labor persisted in American history. In fact, Child Labor is a form of slave labor. Any form of slave labor is usually the cheapest way to produce something because little or nothing has to be paid to the workers.

The fact that children are easily controlled is just one reason why Child Labor occurs. Most cases of Child Labor occur in third world countries. Most of these countries have large numbers of children and fewer numbers of adults. Because of this disparity, children make up most of the labor force. V. JOB RESTRICTIONS 18 Years of Age Once a youth reaches 18 years of age, he or she is no longer subject to the federal youth employment and child labor law provisions. 16 and 17 Years of Age Sixteen- and 17-year-olds may be

employed for unlimited hours in any occupation other than those declared hazardous by the Secretary of Labor.

Examples of equipment declared hazardous in foodservice establishments include power-driven meat processing machines (meat slicers, saws, patty forming machines, grinders, or choppers), commercial mixers and certain power-driven bakery machines. 14 and 15 Years of Age During the school year, hours are limited to 3 hours a day and 18 hours a week. On days when there's no school and in the summer, working hours increase to 8 hours a day and 40 hours a week. There are limits on when children can work, too - no later than 7 p. m. during the school year and no later than 9 p. . between June 1 and Labor Day. Fourteen- and 15- year-olds may be employed in restaurants and quick-service establishments outside school hours in a variety of jobs for limited periods of time and under specified conditions. vi. Jobs Exemptions from Child Labor Law Regulations In general, children of any age are permitted to work for businesses entirely owned by their parents, except those under 16 may not be employed in mining or manufacturing and no one under 18 may be employed in any occupation the Secretary of Labor has declared to be hazardous.

Children employed as actors or performers in motion pictures or theatrical productions or in radio or television productions are exempt from Fair Labor Standards Act (FLSA) coverage. Therefore, FLSA rules regarding total allowable number of work hours in one day and allowable times of day to work do not apply. The Child Labor law prohibits the employment of minors in certain occupations and in working conditions that may be hazardous. In

addition, it contains the following restrictions. Minors 14 and 15 years of age may not be employed:

- During school hours;
- Between 7: 00 p. . and 7: 00 a. m. , if the next day is a school day;
- Between 9: 00 p. m. and 6: 00 a. m. ;
- Note: The U. S. Department of Labor does not allow a minor to work past 7: 00 p. m. from Labor Day to June

More than 3 hours a day on school days; • More than 18 hours a week during a school week; • More than 8 hours a day on non-school days; or • More than 40 hours a week during non-school weeks. Minors 16 and 17 years of age may not be employed: During those hours when the minor is required to attend classes; between the hours of 10: 00 p. m. and 6: 00 a. m. Sunday through Thursday evenings preceding a school day, except with parental or guardian consent. Then the minor may work until midnight no more than three nights Sunday through Thursday. Forms shall remain valid until the end of the school year in which it is submitted or until termination of employment, whichever shall occur first.

Break and Meal Period: The Fair Labor Standards Act (FLSA) does not require employees be given meal or rest breaks. However, if employers do offer short breaks (lasting about five to 20 minutes), federal law considers these short breaks time for which employees must be compensated.

Bona fide meal periods (typically lasting at least 30 minutes), serve a different purpose than short rest or snack breaks and, thus, are generally not time for which employees must be compensated. A minor must have a thirty (30) minute unpaid break or meal period if scheduled to work six (6) hours consecutively. Such breaks shall not be scheduled during or before the first hour of scheduled work activity. VII. Child labor can be found in nearly every industry Agriculture Nearly 70% of child labor occurs in agriculture, fishing,

hunting, and forestry. Children have been found harvesting:

- Bananas in Ecuador
- cotton in Egypt and Benin
- Cut flowers in Colombia
- Oranges in Brazil
- Cocoa in the Ivory Coast
- Tea in Argentina and Bangladesh
- Fruits and vegetables in the U. S.

Children in commercial agriculture can face long hours in extreme temperatures, health risks from pesticides, little or no pay, and inadequate food, water, and sanitation.

Manufacturing Many children are forced to work in unsafe and unhealthy working conditions for long hours making garments and toys, weaving carpets, stitching shoes or sports equipments, and hundreds of other tasks inappropriate for children.

About 15 million children are estimated to be directly involved in manufacturing goods for export, including:

- Carpets from India, Pakistan, Egypt
- Clothing sewn in Bangladesh.
- Footwear made in India and the Philippines
- Soccerballs sewn in Pakistan.
- Glass and bricks made in India.
- Fireworks made in China, the Dominican Republic, El Salvador, Guatemala, India, and Peru.
- Surgical instruments made in Pakistan.

Electroplate Worker Mining and Quarrying Child laborers suffer extremely high illness and injury rates in underground mines, opencast mines, and quarries.

Children as young as 6 or 7 years old break up rocks, and wash, sieve, and carry ore. Nine-year-olds work underground setting explosives and carrying loads. Children work in a range of mining operations, including:

- Gold in Colombia
- Charcoal in Brazil and El Salvador
- Chrome in Zimbabwe
- Diamonds in Cote d'Ivoire
- Emeralds in Colombia
- Coal in Mongolia

Domestic Service Many children, especially girls, work in domestic service,

sometimes starting as young as 5 or 6. This type of child labor is linked to child trafficking.

Domestic child laborers can be victims of physical, emotional, and sometimes sexual abuse. Throughout the world, thousands of children are working as domestic helpers, performing tasks such as cleaning, ironing, cooking, minding children and gardening. Hotels, Restaurants, and Retail

Some of the work of young people in this sector is considered legitimate, but there are indications of considerable abuse. Low pay is the norm, and in some tourist areas, children's work in hotels and restaurants is linked to prostitution. In at least one example, child hotel workers received such low pay that they had to take out loans from their employers; the terms of the interest and repayment often led to debt bondage. "Unconditional Worst Forms" of Child Labor 8. 4 million Children are involved in work that, under any circumstance, is considered unacceptable for children, including the sale and trafficking of children into debt bondage, serfdom, and forced labor. It includes the forced recruitment of children for armed conflict, commercial sexual exploitation, and illicit activities, such as producing and trafficking drugs. Child Prostitute Home Slavery

One bound in servitude as the property of a person or household, who is abjectly subservient to a specified person or influence: One who works extremely hard. House slaves usually lived better than field slaves. They usually had better food and were sometimes given the family's cast-off clothing. However, not all slave-owners took this view, Harriet Jacobs reports that her mistress " would station herself in the kitchen, and wait till it was

dished, and then spit in all the kettles and pans" to make sure that the slaves did not eat what was left over. Their living accommodation was also better than those of other slaves.

In some cases the slaves were treated like the slave-owners children. When this happened close bonds of affection and friendship usually developed. Even though it was illegal, some house slaves were educated by the women in the family. Trusted house slaves who had provided good service over a long period of time were sometimes promised their freedom when their master's died. However, there are many cases where this promise was not kept. Up to now, for poor families, there has been nothing remarkable about sending off their 7 – 15 year old children to live and work in someone else's house.

It has been a way to make the food stretch to feed everyone. These families couldn't afford the school costs anyway. Domestic slavery means eating leftovers or going hungry; no pay; and the promises of school never becoming real. VII. International Labor organization One out of six children in the world today is involved in child labor, doing work that is damaging to his or her mental, physical and emotional development. Child domestic labor refers to situations where children are engaged to perform domestic tasks in the home of a third party or employer that are exploitative.

Whenever such exploitation is extreme – and includes trafficking, slavery-like situations, or work that is hazardous and harmful to a child's physical or mental health – it is considered one of the worst forms of child labor. Almost without exception, children who are in domestic labor are victims of exploitation. They often leave their own family at a very early age to work in

the houses of others and are considered almost as ‘ possessions’ of the household. They are exploited economically: forced to work long hours with no time off and low or no wages. They generally have no social or legal protection.

The International Labor Organization estimates that 246 million children between the ages of 5 and 17 currently work (or about 15% of the world’s children, about 35% of children in Sub-Saharan Africa). Worldwide, more than 10 million children are employed in drug-trafficking, sex work, and other hazardous labor. What is the role of the ILO? The ILO’s leadership in keeping up the momentum for the elimination of child labor is critical. The situation calls for a reenergized global campaign against child labor. The tripartite ILO must be a central actor and a powerful advocate in the worldwide movement. We need to extend and reinforce coalitions.

Drawing on the ILO’s Decent Work Agenda, IPEC needs to continue to support our constituents to integrate child labor in national development agendas. The report calls for a shift of focus towards knowledge development, and evidence-based analysis of policies and dissemination. The ILO’s influence and added value will be linked to quality of insights and knowledge. Our comparative advantages are our standards, our constituents, our knowledge based on direct project intervention, as well as policy development, research and analysis. At the same time many countries still need ILO assistance to scale up their programs to achieve necessary impact.

International solidarity –including commitment of resources – will continue to be indispensable to allow the ILO’s International Program on the Elimination of Child Labor to support these efforts. But the ILO cannot do it alone. The report stresses the value of partnerships, such as those between UN agencies, south-south cooperation etc. VIII. Statistics in Child Labor Key Statistics

1. 246 million children are child laborers.
2. 73 million working children are less than 10 years old.
3. No country is immune: There are 2.5 million working children in the developed economies, and another 2.5 million in transition economies. . Every year, 22, 000 children die in work-related accidents.
5. The largest number of working children – 127 million – age 14 and under is in the Asia- Pacific region.
6. Sub-Saharan Africa has the largest proportion of working children: nearly one-third of children age 14 and under (48 million children).
7. Most children work in the informal sector, without legal or regulatory protection:
 - 70% in agriculture, commercial hunting and fishing or forestry;
 - 8% in manufacturing;
 - 8% in wholesale and retail trade, restaurants and hotels;
 - 7% in community, social and personal service, such as domestic work. .
8. 4 million Children are trapped in slavery, trafficking, debt bondage, prostitution, pornography and other illicit activities.
9. 1. 2 million Of these children have been trafficked.

IX. The State of Child Labor Today In 2006, the ILO’s second Global Report on Child Labor showed that significant progress was being made in the fight against child labor. Encouraged by the positive trend, the ILO established a visionary target – to eliminate child labor in its worst forms by 2016. Four years on, the third Global Report paints a different picture: child labor continues to decline, albeit at a slower pace.

The report warns that if countries carry on with business as usual the 2016 target will not be met. ILO Online spoke to Constance Thomas, Director of the ILO International Program on the Elimination of Child Labor (IPEC), about the state of child labor today. Chapter 2 I. Child Labor in Philippines The term Child Labor means illegally employing children who are less than 18 years of age in dangerous and life threatening activities. Poverty is the main reason due to which children under the age of 18 years are compelled to work in dangerous and life threatening conditions.

In Philippines there are about 2.06 million children who are forced to work in rock quarries, farms, industries, mines and on fishing boats. The consequences of Child Labor on an underage child can be numerous and crippling on his or her physical, mental and emotional state. It can seriously hamper the well being of a child who is supposed to get a sound education and nutrition to develop into a healthy adult. The percentage of young people in Philippines between the age of five and seventeen is about 33 percent of its total population which comes to about 22.4 million.

This is a large number considering that Philippines are a young nation. Between the ages of 5 to 7 years, one in every six children has to work to earn a living and help support his or her family. This astounding fact tells us that around sixteen percent of young children in Philippines are working. Child Labor is prevalent in mining, production, farming, and deep sea fishing industries. The most common industry where child labor is practiced in Philippines is Deep-sea fishing. An illegal method of fishing called Muro Ami

which is used frequently in Philippines is the most common form of Child labor prevalent today.

In this method the young child dives down to deep depths of the sea. He carries with him a rock or a pipe which he uses to beat the delicate corals so that the huge number of fishes living in them get startled and are driven into large nets waiting to catch them. Many a times these young children drown and lose their lives. The Muro-ami net is made up of an enormous bag and two wings that each stretches almost three-quarters of a kilometer. The work is extremely hazardous, with children diving without protective clothing or gear, except for home made wooden goggles. II.

Philippines' Projects and its aims FOR Child Labor Reducing the worst forms of child labor in the country is the goal of a new project of the Department of Labor and Employment (DoLE) and the International Labor Organization-International Program for the Elimination of Child Labor (ILO-IPEC). The new project, entitled Strengthening National Capacities to Support the Philippine Program against Child Labor's (PPACL) Vision of a Child Labor-Free Philippines, aims to contribute to the PPACL's goal to reduce the incidence of the worst forms of child labor (WFCL) by as much as 75 percent. From 2005 to 2008, the Gender Statistics on Labor and Employment (GSLE) posted a 7 percent downward trend in the number of children 5-17 years old who are economically active. But while the GSLE generates data on working children, there still seems to be a dearth in data on children who are in the worst forms of child labor," Labor and Employment Secretary Rosalinda Baldoz said. This concern of the Philippine Program Against Child Labor will now be

responded to with the conduct of a special survey on children, a new project of the Dole and the ILO-IPEC,” she added. The project will have four components – Knowledge Management; Effective Partnership; Area- Based Services in the provinces of Quezon, Masbate, Northern Samar and Bukidnon; and Sustainability. The four provinces were identified by the PPACL partners and the ILO-IPEC based on the same GSLE data which shows a concentration of working children in those areas. Manila Bulletin The alarming number of children engaged in labor as released by the National Statistics Office from the years 1995 to 2001 gave rise to a timely national policy study to review all the important studies available on child labor and assess key government policies affecting child labor in the Philippines. The paper provides an overview of the nature, extent and predominant forms of child labor in the country based on available data disaggregated by age, sex, geographic distribution, industry, and occupation.

Previously done literature about child labor is examined to identify determinants as to why children work despite low wages and poor working conditions and the possible consequences and implications socially and economically. A review of the international and national policies operating in the Philippines concerning child labor is conducted to identify best practices and replicable approaches as well as to assess the adequacy of policy responses in eliminating child labor. The paper ended with proposals and recommendations on what else needs to be done and an agenda for possible future researches. lil.

Child Labor in the main islands of the Philippines Luzon is the largest and most economically and politically important island in the Philippines. It is also the name for one of the three island groups in the country centered on the Island of Luzon, the other two being the Visayas and Mindanao. [pic] Chart which shows the no. of child laborers in the biggest cities in Luzon Quezon City has the largest number of Child laborers in Luzon, specifically in the area of Payatas. Many children are involved in child labor due to many children working in the dumpsite for them to earn money to get them through the day.

Second to Quezon City is Manila where underage children in piers as stevedore. Manila was followed by Baguio City. And the last is Makati City where the least number of child laborers were listed due to its good quality of economy in the said city. Visayas or Visayan Islands and locally known as Kabisay-an, is one of the three principal geographical divisions of the Philippines, along with Mindanao and Luzon. It consists of several islands, primarily surrounding the Visayan Sea. Its population is referred to as the Visayans.

The major islands of the Visayas are Panay, Negros, Cebu, Bohol, Leyte, and Samar. The region may also include the islands of Romblon and Masbate, whose population identify as Visayan. [pic] Chart which shows the no. of child laborers in Visayas The Visayas Island has many cases of child labor. Cebu has the largest number of Child Laborers due to 80% of domestic shipping located in Cebu. The island has the most domestic air and shipping

and cargo vessels in the Philippines. Stevedore is the most common job for minors. Others are being fisherman or farmer.

Mindanao is the second largest and easternmost island in the Philippines. It is also the name of one of the three island groups in the country, which consists of the island of Mindanao and smaller surrounding islands. The other two are Luzon and the Visayas. The island of Mindanao is called The Land of Promise. Mindanao is the only area of the Philippines with a significant Muslim presence. A guerrilla war is ongoing on the islands. In addition the crime rate on the island is the highest in the country overall. [pic] Chart which shows the no. of child laborers in Mindanao

Bukidnon has the largest number of child laborers because it has an agricultural economy, a major producer of rice, corn, sugar, coffee, rubber, pineapple, tomato, flowers, cassava, and other fruits and vegetables. Del Monte Philippines, Inc. (DMPI), is also located in this province and because of a big company like DMPI, many laborers are needed, that is why many minor Filipinos are involved because of series of job opportunities. IV. study of Child Labor in the Philippines Exploitation of child workers continues in the Philippines due to the inefficiency of the policies promulgated by the government to eradicate child labor.

For all children who are deprived of their rights. “ But even we have a responsibility too. Because while nobody is angered by their conditions or realizes the waste of a future that is being slowly squandered, they will remain in this world and they will cease to be children. ” A. Introduction All people were born with rights. Children are people too; so, children also have

rights. These rights are violated through child labor. Child labor is defined as, “ the employment of a child in a business or industry especially in violation of state or federal statutes prohibiting the employment of children under a specified age. Obviously, it has become a rigid social problem the world over, specifically in third world countries such as the Philippines where child labor is widespread. The authors of this paper will tackle the cases of child laborers, specifically in the city and in provinces of the Philippines. And as for it being one of the social problems existing in the country, does the Philippine government look for ways to manage or better yet, eradicate child labor? The paper focuses on this. It is a known fact that the disadvantages outnumber the advantages of child labor. The researchers present three points, so the reader could better view the advantages and the disadvantages of the said problem. The historical background could help the reader to understand more of child labor. The purpose of this study is to present the rapid growth or increase of child laborers in the Philippines. Another would be to discuss the effects of child labor to the family, economy, and to the self. Child labor is one of the many concerns in the Philippines and, most disturbingly, one of the most rampant problems we face.

In the endeavor to create an awareness of an already existing law that is evidently not properly implemented, child labor clearly falls within this category. Every child has the right to the most basic of necessities in life like a healthy environment, formal education, and most importantly, a loving family to come home to. Yet, poverty hinders the child to any of these things and forces labor in farming fields, mining shafts and peddling in the busy and dangerous streets of the country.

B. Child Labor Situation in the Philippines

The authorities on minors are one in the appraisal that child labor exists worldwide in astronomical figures.

No one knows exactly how many child workers exist in the world today because they are statistically hidden even in the modern sector. Moreover, many governments and employers deny that they exist. Nevertheless, the ILO Bureau of Statistics estimated that there were around 78.5 million economically active children between the ages of 5 and 14 for the year 1990, of whom 70.9 million were between the ages of 10 and 14. These figures, however, are grossly underestimated due to the lack of reliable statistical data on child labor at the national level.

Although child labor can be found in almost every country, it is more prevalent in developing countries, especially in the Asian Region. In the Philippines, which are reputed to have the worst poverty incidence among ASEAN countries, the phenomenon of child labor is prevalent and is still spreading. In a 1997 survey, the National Statistics Office (NSO) reveals that 3.7 million children from the ages 5-17 years participate in the country's labor force. These children are predominantly from rural households (67.1 percent), and almost half (49 percent) are between the ages 5-14. Since 1989, the incidence of child labor in the country has been steadily increasing at an average rate of 3.8 percent annually over a ten-year period. Another calculation places the number of working children between the ages of 5 and 14 years at 5 million, or 19 per cent of the total labor force. Of the 5 million working children in the Philippines between 5 and 14 years of age, about 3.9 million (or 77 per cent) live in rural and 1.1 million (23 percent) in urban

areas. " Working children may be found in diverse sectors of the Philippine economy.

Of the country's working children, 64% are in agriculture, 16. 4% are in sales, 9. 2% are in production work, and 8. 8% are in service trades. The major areas in the formal sector¹⁷ of the economy where children can be found working are the garments industry, wood-based industry and the food industry. Hiring of apprentices in these industries is common. The rest of the children are in the metal and mining industry. In the informal sector of the economy, the magnitude of working children is virtually unknown because many of the establishments are not registered with the proper government regulatory agencies.

Nevertheless, studies show that in this sector, children are mostly found in agriculture, in the garments and handicraft sectors working for subcontractors, in the street-vending trade, in illegal trade such as prostitution, and in domestic or bonded labor wherein children are pledged to landlords in payment of debt. Most of the country's working children are exposed to very poor working conditions. Children in agriculture are exposed to heavy loads, chemicals used for fertilizers and pesticides, and to natural elements such as rain, sun and strong winds. Those in fishing suffer from ruptured eardrums and shark attacks.

On board the fishing vessels, they have to endure congested, unsanitary conditions and poor food which often lead to illnesses. Factory child workers risk cuts and other injuries from accidents caused by modern machineries and from the lack of protective mechanisms such as gloves and masks.

Children in garment factories and in wood industries suffer from back strain, hand cramps, eye strain, headaches and allergies due to dust. Those in the pyrotechnics manufacturing run the additional risk of injury or death caused by the accidental explosion of their products.

Aside from the substandard working conditions suffered by children at work, they face exploitation by their employers in terms of long hours of work, insufficient rest periods and extremely low wages. On the average, children work from 4 to 6 hours a day, earn below P1, 000 per month, and are paid in " pakyaw" or piece rate. A significant number do not even get paid since their contribution to the total production efforts of their families are not recognized by employers. It is estimated that 55. 7% of the country's working children are unpaid family workers, 38. % are wage and salary workers, and 7. 1% work on their own account. Of the children in the informal sector who work on their own account, those involved in street trades suffer not only from sickness due to exposure to heat, rain, dust and fumes, but also from the risk of vehicular accidents and from frequent molestation and harassment by peers, adult syndicates and even law enforcers. In addition to these, the child scavengers suffer from tetanus infections, while those engaged in prostitution get constantly exposed to sexually transmitted diseases and maltreatment from sadistic customers.

Child labor also takes its toll on the education of the working children. Out of the 70% of the country's working children who are still able to go to school, half experience problems of high costs of education (28. 7%), distance (23. 8%), and difficulty in catching up with lessons (22. 1%). Working students

complain of low grades (41.4%), absenteeism (25.3%), and tardiness (26%). Working students tend to be chronic drop-outs. C. Strategies in addressing child labor problem Despite the government's prohibition on child labor since the 1920s, as embedded in Philippine laws, the problem continues to persist to this day.

Child labor is a major economic and societal problem that requires a far more vigorous stance from the government. Because child labor jeopardizes the children's potential to become productive adults, it undermines the government's economic and social development objectives for the country's future. More importantly, because the children have but one childhood to live, they cannot afford to wait. For the sake of the country and its children, something has to be done now. Exactly what is to be done and how it is to be done, however, are questions that have been constantly debated upon.

Admittedly, the perennial problem of child labor is one that cannot be solved overnight. Although poverty is not a worthy excuse for child labor, the fact remains that child labor is rooted in the economic structure of the country itself and in underdevelopment. Given the economic realities in many low-income countries, the objective of the abolition of child labor cannot be attained right away. " Child labor is embedded in poverty and it is through sustained increases in standards of living that it will be abolished. The ILO, in recognition of this fact, has adopted a " two-pronged approach" to the child labor problem. Its main objective remains the eventual elimination of child labor. However, until this goal can be achieved, commitment is given to improving the conditions under which children work. The government,

however, is still confronted with a nagging dilemma: Given its limited resources, the government cannot simply remove all illegally employed children from their current employment or work situations without a ready alternative for their survival.

On the other hand, given the other option of providing these children with protective work conditions, the government is faced with another predicament. How can it give protection to these children within their very workplaces when the law prohibits their employment in the first place? In the latter case, the government would be violating its own law. This enigma is one that does not have a definitive solution. Clearly, a careful and deliberate strategizing is required to determine the most viable and effective national action in controlling child labor and in eventually eliminating it.

Current actions to address the child labor problem evolved from a variety of special projects designed to address specific needs, to a national concerted program and plan of action to combat child labor. It was in the year 1986, right after the people's revolution, when projects for street children and child scavengers began to emerge. In 1988, the government, through the auspices of UNICEF, launched the " Breaking Ground for Community Action on Child Labor" project to identify and assist communities in regions with a high concentration of child labor.

Activities under the project focused on provision of basic health and education services to children, on provision of livelihood and entrepreneurial skills to children's parents, and on advocacy work to convince parents and employers to remove children from heavy or dangerous work. Significantly,

in 1989, the government promulgated the Philippine Plan of Action for children which set specific goals for children in especially difficult circumstances, among which is the banning of children from hazardous occupations/situations by 80% by the year 2000.

The year 1991 saw the creation of the National Child Labor Program Committee which expanded the original implementers of the project "Breaking Ground..." to involve 14 governmental and non-governmental agencies. In 1994, the Philippine government became a participating country in the ILO-International Program on the Elimination of Child Labor (ILO-IPEC) after which an agenda of action for attacking child labor in the Philippines was formulated by representatives of various government agencies, NGOs, employers' and workers' organizations, local government officials and academics from the different regions of the country.

The resulting agenda which was adopted by the Philippines, set out priority target groups for action, among which are victims of trafficking and bonded labor, children in home-based industries, children in mining and quarrying, and children trapped in prostitution. Priority areas of action for the IPEC program were also identified as follows: direct action on protection, removal and rehabilitation of children from dangerous occupations; awareness-raising; legislation and law enforcement; and capability building.

Today, the focus of actions in the country is on the elimination of risk to children rather than on ending their participation in all forms of work. Such approach is needed to accommodate the poverty element in child labor and allow the families flexibility in maintaining their essential survival

mechanisms while protecting the children involved. Thus, among the emerging strategies now being pursued by the government is the focusing of rescue efforts on the most exploitative forms of child labor or the high-risk children such as the very young (below age 12 or 13), those in hazardous working conditions, or those in bonded labor.

For the rest of the working children, however, until alternatives for survival are set in place, heightened efforts should be exerted to assure that they are in jobs that are not harmful to their health and physical and mental development, that they have opportunities for education and recreation, and that they receive the same conditions of employment and protection as ordinary workers in addition to their rights as children.

The protection of existing labor legislation, standards, as well as welfare schemes designed to protect workers' well-being, should be extended to them. To realize the foregoing objectives in the area of law enforcement, community groups and local government units have been mobilized to immediately respond to complaints of child abuse and exploitation and to assist the concerned children in obtaining redress for the violation of their rights.

Nevertheless, to assure them complete and adequate relief throughout the entire judicial process, the training of significant factors such as labor inspectors, prosecutors, judges, social workers and NGOs for a better comprehension of the laws and legal procedures on children, and for a deeper sensitization on children's rights still need to be intensified. The immediate measures required for the protection of child workers, as

suggested above, would be ineffective unless accompanied by schemes to address the root causes of child labor.

Thus, aside from existing social welfare services to needy families, income generating or community livelihood projects must be strengthened to increase the families' earning power. In like manner, educational programs that are free, relevant to the needs of the child workers and flexible enough to allow them enough time to carry on traditional but non-hazardous work should be made accessible to them.

As a preventive approach to the problem of child labor, activities aimed to educate the general public, policy-makers, employers, workers, families, and children themselves on the evils of child labor and to improve their understanding of the problem should, likewise, be intensified. In the area of legislation, the possibility of ratifying international conventions or of amending existing child labor laws to make them conform to international standards, as well as of enacting new laws which are realistic and enforceable, is sincerely being considered by the government.

The formulation of simplified rules and regulations to guide law enforcers and the general public in the correct interpretation and proper implementation of existing laws should, however, be fast tracked. Although a host of other strategies and activities to combat child labor are already being effected in the country, they are evidently inadequate when weighed against the magnitude of the problem.

Definitely, an enormous task still lies ahead for those willing to stake their time and efforts to save the country's children. The following chapters aim to assist all concerned government agencies, non-governmental organizations and other groups or individuals in their efforts to protect and promote the rights of child workers, by empowering them with knowledge on the laws and legal procedures involved in this complex issue of child labor.

D. Child Labor in the Philippines

Region in the Philippines	Urban	Rural	Total
Region 1	21, 992	90, 674	112, 666
Region 2	20, 856	109, 776	130, 632
Region 3	92, 511	92, 511	208, 718
Region 4	136, 846	209, 783	346, 629
Region 5	50, 976	197, 451	248, 427
Region 6	64, 855	158, 975	223, 830
Region 7	69, 649	153, 290	222, 939
Region 8	44, 845	182, 349	227, 194
Region 9	22, 577	100, 396	122, 973
Region 10	70, 029	95, 653	165, 682
Region 11	80, 483	144, 135	224, 618
Region 12	30, 588	115, 377	145, 965
Region 13	25, 351	78, 564	103, 915
(CARAGA)			
National Capital Region (NCR)	140, 865	-	140, 865
Cordillera Administrative Region (CAR)	6, 051	38, 145	44, 196
Autonomous Region of Muslim Mindanao (ARMM)	10, 788	61, 046	71, 834
TOTAL	889, 262	1, 851, 821	2, 741, 083

The tally above by the International Labor Organization simply shows that there is a proliferation of the problem on child labor in the Philippines.

V. REASONS WHY CHILDREN WORK

Child labor is rooted in poverty and the lack of economic opportunities. It is often a response by the household to the need to satisfy basic requirements. Children with unemployed parents or whose parents do not have social security must work to help in their family's struggle for survival. The satisfaction of these

children's basic needs in life takes precedence over their other needs such as education and recreation.

Children are also impelled to work from an early age because of the centuries-old tradition that the child must work through solidarity with the family group, so as to compensate as much as possible for the economic burden that he/she represents and to share in the maintenance of his/her family, which is usually a very large one. In the Philippines, families particularly value helpfulness and responsibility-sharing.

Philippine culture especially in rural areas, " considers child work as a phase of socialization where future roles are learned and working to share in the family is seen as training. The transmission of skills from parents and the evolution of proper attitudes to work are some of the considered social contributions of child labor. " Another reason why children work is the failures in the education system.

Many parents prefer to send their children out to work rather than to school, either because there is no school within a reasonable distance of the family home, or because they cannot do without the income the working child brings in, or because they cannot meet the costs of sending the child to school, or again because they cannot see what use schooling would be to him. Poor schooling has little credibility for many families since it does not promote economic improvement. For so long as developing countries cannot successfully maintain their commitment to a decent quality universal education, increased child participation in the labor market is to be

expected. Another major factor in the increase in the number of working children is the demand for child workers.

Employers know all too well the advantages of employing children. They represent a docile work force, which could be hired and replaced at a fraction of adult wages. They do not join labor unions and very seldom complain. Above all, employers who hire children gain a competitive advantage in both national and international markets due to the low wages they pay children. VI. THE LEGAL PROTECTION OF CHILD WORKERS Laws which restrict the employment of children sprung largely from social reform movements of the late nineteenth century. Although work had traditionally been seen as essential to a child's upbringing, the growth of industrialism gradually changed the nature of the work and attitudes toward it.

Children who were sent to meet the increasing demand for workers in factories suffered in economic terms and were no longer being trained in a vocation but typically learned only how to do small tasks. It was becoming apparent that work in factories was physically harmful to children who were being given the unhealthiest work. The increasing awareness of the abuse and exploitation accompanying child labor, thereupon, produced demands for reform. Pressure for child labor laws began to grow at the same time as pressure for compulsory education, and the two movements developed alongside in the years from 1830 to 1930. Act. No. 3071 In the Philippines, the concern for the plight of working children started as early as March 16, 1923, during the American Regime, when Act No. 071, " An Act to Regulate the Employment of Women and Children in Shops, Factories, Industrial,

Agricultural and Mercantile Establishments, and Other Place of Labor in the Philippine Islands, to Provide Penalties for Violations Hereof and for Other Purposes" was enacted into law. The Woman and Child Labor Section of the Inspection Division of the then Bureau of Labor, was assigned to enforce this Act in 1925. Act No. 3071 prohibited the employment of persons below certain ages, depending on the type of work or establishment involved. For example, the employment of persons in mines or in places where explosives are used or manufactured was prohibited for persons below 14 years of age. Work in connection with the preparation of any poisonous, noxious, explosive or infectious substance was prohibited for persons below 16 years of age. Act No. 071 also set the minimum age of employment at 16 years for the following types of work: operator of elevators; motorman or fireman; cleaning of machinery; underground work; work in billiard rooms, cockpits or other places where games are being played with stakes of money; work in dance halls, stadiums or race courses as ballerinas, boxers or jockeys; and sale of medicines and drugs in a pharmacy or for any work that may affect the health of the public. Work in bars was likewise prohibited for males less than 16 years of age and for females less than 18 years of age. In the case of other acts not specified in Act No. 3071, which involves serious danger to the life of the laborer, the minimum age of employment was set at 18 years.

Revised Penal Code In 1932, the Revised Penal Code (RPC), a codification of the country's penal laws, was enacted into law. The RPC, which remains in effect up to this day, contains several provisions prohibiting certain types of child work, such as " Exploitation of Child Labor" (Art. 273) and " Exploitation of Minors" (Art. 278). The former prohibits the retaining of a minor in one's

service against his/her will under the pretext of reimbursing a debt incurred by the minor's ascendants. The latter prohibits the employment of a minor less than 16 years of age as an acrobat, gymnast, diver, wild-animal tamer, and in other dangerous exhibitions.

Other provisions in the RPC relating to slavery, prostitution, corruption of minors, illegal detention and kidnapping of minors, are equally applicable to child workers depending on their particular situation. R. A. 679 In 1946, the Philippines proclaimed its independence from American Rule and became a Republic. Gradually, the existing laws enacted under the former regime were replaced by Republic Acts. Thus, on April 15, 1952, Act No. 3071 was repealed by Republic Act(R. A.) No. 679, " An Act to Regulate the Employment of Women and Children, to Provide Penalties for Violation Hereof, and for Other Purposes". The implementation of R. A. 679 was entrusted to the Women and Minors Division of the former Bureau of Labor Standards, in 1957. Under R. A. 79, children below 14 years of age may only be employed to perform light work which is not harmful to their health or normal development, and which is not such as to prejudice their attendance in school. Likewise, no child below 14 years of age may be employed on school days unless such child knows how to read and write. Nevertheless, these requisites need not be present for children below 14 years old employed in the following permissible instances: 1) Domestic work 2) Establishments in which only members of the family are employed, except employment which is harmful or dangerous. 3) Work done in vocational, technical or professional schools not intended for commercial profit.) Employment as gymnast, acrobat or circus performer, or in any dancing,

theatrical or musical exhibition. R. A. 679 It retained the previous age limit of 16 years set by Act No. 3071 for the following types of work: operator of elevators, motorman, or fireman; operator/cleaner of machinery; underground work; and work in billiard rooms, cockpits, other place where games are played with stakes of money, or in a bar, night club, dance hall, stadium or race track, as waiter, boxer or jockey. In addition, R. A. 679 prohibited the employment of persons below 16 years in the following types of work: work in mines, quarries, etc. ; undertakings in which articles are manufactured, transformed, altered, repaired, demolished, etc. undertakings engaged in shipbuilding or in the generation or transmission of electricity or motive power; undertakings engaged in building and civil engineering works; undertakings engaged in the transport of passengers or goods, or in the handling of goods at docks, wharves or airports, etc.. However, R. A. 679 raised to 18 years the previous age limit of 16 years, set by Act No. 3071 for work in any pharmacy for the preparation of drugs, and for work done in connection with the preparation of or involves contamination with any noxious, poisonous, infectious or explosive substances. Eighteen years remained the age limit for other types of work involving serious danger to the life or health of the employee. Of particular significance in R. A. 79 is the power of the Secretary of Labor to grant a special work permit for the employment of a child whose employment is otherwise prohibited, " whenever in his judgment, the economic necessity of the family to which such child belongs requires his assistance for increasing the family income". The conditions of work of children required by Act No. 3071 were reproduced in R. A. 679. However, the new law added a few more requirements such as

the " medical examination of children for fitness for employment" before actual employment and every 6 months thereafter or oftener, and the prohibition on night work, from 10: 00 p. m. to 6: 00 a. m. , of persons between 16 and 18 years of age. ILO Convention Nos. 59, 77 & 90

In the years 1953 and 1960, respectively, the Philippines ratified three international conventions adopted by the International Labor Organization (ILO), relating to child labor. These are: ILO Convention No. 59, " Minimum Age for Admission of Children to Industrial Employment"; ILO Convention No. 77, " Medical Examination for Fitness for Employment in Industry of Children and Young Persons; and ILO Convention No. 90, " Night Work of Young Persons Employed in Industry". The conventions ratified by member states create binding obligations upon them. ILO Convention No. 90, ratified by the country in May 1953, prohibits the employment of children in industry during night time.

The term night signifies a period of at least 12 consecutive hours which includes the interval between 10: 00 p. m. and 6: 00 a. m. for children below 16 years of age, and a period which includes the interval of at least 7 consecutive hours between 10: 00 p. m. and 7: 00 a. m. for children between 16 and 18 years old. ILO Convention No. 59, which the country ratified in May 1960, fixes the minimum age of employment for industry at 15 years but allows younger children to be employed in undertakings in which only members of the employer's family are employed, provided that such work are not dangerous to the life, health or morals of the children employed therein. ILO Convention No. 77, which the country ratified also in May 1960,

requires the medical examination of children as a pre-requisite to employment and their subsequent re-examinations therein. It also contains medical examination guidelines for different types of work for children. R. A. 2714 On June 18, 1960, R. A. 2714, " An Act to establish in the Department of Labor a Bureau to be known as Women and Minors Bureau" was passed into law. This Bureau replaced the former Women and Minors Division of the Bureau of Labor Standards and was tasked, among others, to administer and enforce the woman and child labor laws. The Bureau of Women and Minors was renamed Bureau of Women and Young Workers in 1987. R. A 2714 also prescribed the conditions of work of children.

The employer was required to provide proper seats for women and children, to allow them not less than 60 minutes for their noon meal, and to have in his establishment a duly certified copy of the birth certificates of each of his laborers below 18 years of age. Moreover, the written consent of the children's parents or guardians is a prerequisite to their employment. Children below 16 years of age may not be employed to work before 6: 00 a. m. or after 6: 00 p. m. and may not work for more than 7 hours daily or 42 hours weekly. The employment of persons below 14 years of age on school days was also prohibited, unless such children know how to read and write. The present state policies and legislation governing the protection and promotion of the rights of child workers still remain scattered among the different laws of the country.

This chapter attempts to present all these laws in a manner that will assist the reader in better understanding the legal protection available to the

country's child workers. P. D. 148 The failure of the successive administrations to cope with the economic crises that befell the country after the war, to arrest the increasing gross imbalances in societal structures, and to curb the rapid increase in population, led to the onslaught of poverty in the 1960s to the 1970s. This propelled the sudden upsurge in the number of children who began to work in order to augment their families' income. The resulting discontent stirred by the rampant graft and corruption in the government impelled the growth of student activism which forced the Marcos government to place the entire country under martial law in 1972.

The legislative body was abolished and the President's decrees partook of the nature of laws. During the Martial Law era, several Presidential Decrees (P. D. s) were issued resulting in the amendment of the child labor laws. On March 13, 1973, P. D. No. 148 amended R. A. 679, The Woman and Child Labor Law. P. D. 148 simplified the complex provisions of R. A. 679 which provided confusing age limits for different types of undertakings. Under the new law, P. D. 148, " no child below 14 years of age shall be employed by any employer, except where the child works directly under the sole responsibility of his parent or guardian, involving activities which are not hazardous in nature and which do not in any way interfere with his schooling. Under the same Act, " any person between 14 and 18 years of age may be employed in any non-hazardous undertaking. " Noticeably, this law repealed the previous exceptions to the minimum age of employment allowed by R. A. 679, such as light work, domestic work, work done in schools, work demanded by economic necessity, etc. , leaving only one type of exception as stated above. It is also worth noting that P. D. 148 contravened ILO

Convention No. 59 which fixes the minimum age of employment in industry at 15 years. Nevertheless, the conditions of work of children prescribed by R. A. 679 were not repealed by the new law. P. D. 442 - Labor Code After only one year from its enactment, P.

D. 148 was amended by the passage of P. D. 442, the Labor Code of the Philippines, on November 1, 1974. The Labor Code rose the minimum age of employment from 14 years to 15 years, thereby complying with the requirements of ILO Convention No. 59. Article 139 of the Labor Code prohibits the employment of a child below 15 years " except when he works directly under the sole responsibility of his parents or guardian, and his employment does not in any way interfere with his schooling". The Labor code retained the previous minimum age for hazardous undertakings at 18 years. It also added a minimum age requirement for apprentices, which is 14 years.

Unfortunately, the terms and conditions of employment of children, provided by R. A. 679, as amended by P. D. 148, were not reproduced in the Labor Code, thus creating a serious gap in the new law. P. D. 603 - Child and Youth Welfare Code On December 10, 1974, one month after the Labor Code was passed, P. D. 603 or the Child and Youth Welfare Code was enacted into law. The new law, which took effect on June 5, 1975, is a codification of different provisions for the well-being of all children. P. D. 603 permits the employment of children below 16 years of age for " light work which is not harmful to their safety, health or normal development and which is not prejudicial to their studies. This provision should, however, be read in

conjunction with the Labor Code which allows the employment of children below 15 years, only if under the direct and sole responsibility of their parents or guardian. The Child and Youth Welfare Code includes a host of other benefits for working children such as the duty of employers to submit reports and to keep a register of employed children, the right of working children to self-organization, welfare programs, etc. U. N. Convention on the Rights of the Child Despite the existing laws banning child labor, no serious efforts were exerted by the Marcos government and its predecessors to resolve the growing problem.

In 1986, after the people's revolution brought about the peaceful change of government, revelations about the abuses and exploitation suffered by the country's children started to unfold. At the same time, demands for reforms in government policies, legislation and programs affecting children gradually intensified. The new government responded by ratifying the United Nations Convention on the Rights of the Child (CRC) on July 26, 1990. The U. N. CRC entered into force as an international agreement on September 2, 1990. Unlike the ILO Conventions on child labor, the U. N. CRC does not provide a specific age limit for the employment of children, leaving it up to the ratifying countries to set their own policies on the matter.

Nevertheless, it directs the ratifying countries to protect the children from economic exploitation and from performing work which is hazardous or which is harmful to the child's health, education, and development. It further obliges countries to provide for a minimum age of employment, for regulation of the hours and conditions of employment of children, and for

proper penalties or sanctions against the violators of children's rights. R. A. 7610 - The Child Protection Law On June 17, 1992, to comply with the mandate of the U. N. CRC, the government enacted R. A. 7610, " An Act Providing for Stronger Deterrence and Special Protection against Child Abuse, Exploitation and Discrimination, Providing Penalties for Its Violation and For Other Purposes". Although, R. A. 610 was lauded for the innovative provisions it introduced for the protection of children in especially difficult circumstances, it was nevertheless severely criticized for its provisions on working children which abruptly changed the entire Philippine policy of prohibiting child labor. Article VIII, Section 12, of R. A. 7610 legalized the employment of all children below 15 years of age, provided only that the employer first secures a work permit from the Department of Labor and Employment and ensures the protection of the child. R. A. 7658 Upon pressure from the Department of Justice, non-governmental organizations, and international bodies such as the ILO and UNICEF, the Philippine Congress, realizing that Article VIII, Section 12, of R. A. 7610 is a flagrant violation of ILO Convention No. 59, enacted a new law to amend such section after only one year from its passage. R. A. 658, " An Act Prohibiting the Employment of Children below 15 Years of Age i