

Chapter Three –

Child labour risks

Most young workers enjoy positive experiences at work, and under the right conditions many gain educational, social and economic benefits. However, the literature demonstrates that there can be associated child labour risks. These may exist in different forms and be more prevalent in developing countries, but they are also experienced in developed nations.²¹ Even in jurisdictions with child employment laws and compulsory schooling, many children under the minimum school age work, and child labour issues have been identified.²²

This chapter considers risk areas identified in the literature, while acknowledging that industrial relations and education systems vary greatly across these jurisdictions. This review will help to determine whether similar issues have arisen within the Queensland context, which has a comparatively strong general industrial relations system.

3.1 International research

Despite the potential benefits of work, Victoria's 2001 summary of the international literature over the past two decades, indicates that the benefits of work for children are mixed.²³ It found:

- mixed effects on enhanced self reliance and work orientation through work
- a tendency to do less schoolwork and leave school earlier, particularly for younger children and more intense work
- high stress jobs, limited skill enhancement and work with other teenagers resulting in increased chances of delinquent behaviour, and
- employment is not always associated with a smoother transition to adult work.

A 1998 United Kingdom parliamentary review and union and university research projects conducted around the same time provided broad scale evidence of child labour matters including:

- between 1 and 1.5 million children aged 10 to 16 were working
- between two-thirds and three-quarters of this group are employed illegally (in terms of the hours or type of work), and nearly one-half were involved in accidents at work in any year²⁴
- education can suffer if children work excessive hours,²⁵ and
- in Britain, a child aged 13 or 14 could work up to 20 hours a week, which in addition to school and home work, can mean over 60 hours a week.²⁶

A 2000 review of literature and survey data in the United States concluded that some 154,000 minors there were employed illegally (working excessive hours or in hazardous occupations), in an average week.²⁷ The authors, Kruse and Mahony concluded that the high numbers are of concern, given the literature which demonstrates that children suffer negative effects from working excessive hours or in unsafe conditions, and the potential negative effects on study.²⁸

²¹ Australian Human Rights and Equal Opportunity Commission. (2003). Retrieved March 26, 2004 from <http://www.humanrights.gov.au>

²² Dorman, P. (2001). *Child labor in the developed economies*. Geneva: International Labor Organization.

²³ Industrial Relations Victoria. (2001). *Children at work: Issues paper*. Melbourne: Author, p. 15. This was largely based upon UK and US research.

²⁴ GMB. (1999). *UK school children at work*. Retrieved July 11, 2003, from www.gmb.org.uk/docs/pdfs/school/childwork.pdf

²⁵ O'Donnell, C., & White, L. (1998). *Invisible hands: Child employment in North Tyneside*. UK: The University of Paisley.

²⁶ GMB. (1999). *UK school children at work*. Retrieved July 11, 2003, from www.gmb.org.uk/docs/pdfs/school/childwork.pdf

²⁷ Kruse, D. L. & Mahony, D. (2000). Illegal child labor in the United States: Prevalence and characteristics. *Industrial and labor relations review*, 54 (1)

²⁸ See Department of Labor. (2000). *Report on the youth labor force*. Washington: Author, National Institute of Occupational Safety and Health Child Labor Working Team (1997). *Special hazard review: Child labor research needs*. Cincinnati: Author, and National Research Council. (1998). *Protecting youth at work: Health, safety and development of working children and adolescents in the United States*. Washington: National Academy Press.



One of the seminal international studies in this field, *When teenagers work*,²⁹ from the United States, found the benefits from children working were connected to the following factors:

- where there is an opportunity to develop skills, knowledge and habits which are valuable for the transition from school to work
- where they are treated as responsible people with some autonomy and decision-making authority
- where it is an economic necessity to family or community involved, and
- where the work brings them into contact with adults who care about their development and foster meaningful inter-generational relationships.

The authors concluded that due to changes in the youth labour market, and the fact that many teenagers work in an area they are not likely to work in as adults, these conditions are now less apparent, and assumptions about the inherently positive effects of work may no longer be true.³⁰

More recently a 2003 survey in New Zealand of 4,864 young workers aged 10 - 17 found:³¹

- 4% of children under 16 working between 10pm and 6am
- 35% worked without adult supervision
- children's work involving heavy lifting and dangerous machinery (1 in 4 reported accidents), and
- children working without contracts, low union membership and low pay and underpayments.³²

3.2 Australian Research

The 2001 Victorian review identified the following potential risks for younger workers:³³

- physical risks to safety, including specific high risk areas such as door-to-door sales
- less awareness of rights and how to voice concerns, combined with low union membership
- psychological risks in juggling competing demands of school and work, and
- a common distinction between adult's and children's jobs - with lower pay and conditions for children.

Two specific risk categories for children and young people at work concern the issue of 'light' work and a child's right to an education, and secondly, their particular health and safety needs and risk factors.³⁴ These categories will be used throughout the paper to help classify the potential risks faced by children and young people in the workplace.

²⁹ Greenberger, E. & Steinberg, L. (1986). *When teenagers work: The psychological and social costs of adolescent employment*. New York: Basic Books. Cited in Industrial Relations Victoria. (2001). *Children at work: Issues paper*. Melbourne: Author, p.14.

³⁰ Greenberger, E. & Steinberg, L. (1986). *When teenagers work: The psychological and social costs of adolescent employment*. New York: Basic Books, pp. 88-89.

³¹ Caritas. (2003). *Protecting children at work*. Wellington: Author.

³² 1 in 4 working students received less than \$5/hour, and 1 in 10 young workers aged 16 to 17 received less than the minimum youth rate of \$6.80 per hour.

³³ Industrial Relations Victoria. (2001). *Children at work: Issues paper*. Melbourne: Industrial Relations Victoria, pp. 15-16.

³⁴ The International Labour Organisation Convention 138 on the minimum age for child employment (although not ratified in Australia), provides a framework for discussing these two key issues throughout this paper.



Issue 1. Light work, minimum age and maximum hours (including the type of work and the right to an education).

An Australian Council of Educational Research (ACER) review in 2001 concluded that children working longer hours from younger ages while at school negatively impacts on school completion and going on to post-school education.³⁵ For example a study of 3,000 students found Year 11 students who worked more than 10 hours a week were slightly less likely to finish Year 12 and achieved lower results than non-workers.³⁶ The ACER review found specifically that working for more than five hours a week in Year 9 negatively impacts upon school retention and performance, and the risk increases the more hours worked.

Such results are important, as there are links between early school leaving and difficulties engaging in further study or full time work later in life.³⁷ The type of work school leavers do must also be considered. Gaining a Year 12 certificate and post-graduate tertiary qualification increases the likelihood of entering what is known as standard (such as permanent full-time), employment. Queensland research has shown that casual work which supports study may help to obtain standard employment. However, if it interferes with study, leading to early school leaving, it can impact negatively on attaining standard employment later.³⁸

A 2004 Job Watch study of 599 young Victorian fast food workers found the following results:³⁹

- 23% were not paid for attending staff meetings and/or training
- 53% had worked longer than eight hours in a shift and 32% longer than 11 hours, and
- 24% did not receive a 30 minute meal break after working for five hours continuously.

A 2001 national survey of young casual workers found a strong lack of knowledge about rights, conditions and pay rates, issues around unpaid overtime, and concerns with the provision of written information, pay slips and training.⁴⁰

³⁵ Vickers, M., Lamb, S., & Hinkley, J. (2003). *Student workers in high school and beyond*. Melbourne: ACER.

³⁶ Robinson, (1999). *The effects of part-time work on school students*. Melbourne: ACER. Industrial Relations Victoria. (2001). And see *Children at work: Issues paper*. Melbourne: Author, p. 25.

³⁷ Dusseldorp Skills Forum. (2002). *How young people are faring: Key indicators 2002*. Ultimo: Author.

³⁸ Green, C., Loon, A., & Mangan, J. (2000). *Youth labour markets, education and employment destinations: Results from the Queensland survey of youth*. Brisbane: Department of Employment and Training, pp. 5 & 14.

³⁹ Job Watch. (2004). *Fast food industry: A research study of the experiences and problems of young workers*. Melbourne: Author. This involved 278 outlets (which included a majority from major national fast food chains), located across 146 suburbs in metropolitan and rural/regional Victoria (85.7% aged between 15 and 18).

⁴⁰ Australian Young Christian Workers. (2001). *Don't bother coming in today: Casual work, casual nature*. Granville: Author (24% in Brisbane and 76% were aged between 15 and 17).

Issue 2. Health, safety and wellbeing

The National Occupational Health and Safety Commission (NOHSC), has identified potential risks to children and young people's health and safety at work due to inexperience, more limited training opportunities, and varying developmental needs and capacities.⁴¹ The NOHSC also collects data on workplace compensation claims which indicate that children are being injured, and even dying at work.⁴²

While many young people enjoy safe and positive working experiences in most of the following areas, there have also been some specific risks identified:

- **The shift to casual and part time work** – despite the flexibility and opportunities of such work, this also involves some risks such as workers being less likely to receive training, including training in occupational health and safety (OHS), and less likely to have job specific knowledge and experience, or be aware of OHS risks. In addition, temporary workers needs may not fit existing protective policies, and they may have less power to protect themselves.⁴³
- **Fast food** - the 2004 Job Watch survey found that 19% percent of respondents experienced some form of discrimination, 46% said they suffered an injury or illness at the workplace (24% did not report this to someone in the workplace) and 35% experienced workplace violence or bullying in the workplace (68% did not report this to someone in the workplace).⁴⁴
- **Health and safety on farms** - despite the many benefits children gain from their experiences on farms and the contribution to the family income, farms can be potentially dangerous environments. Studies overseas and in Australia suggest that farm children are over-represented in both fatal and non-fatal work related accidents.⁴⁵ The issues in this area are complex, as farms are often not only a place of work, but also the family home.
- **Outworkers** - outworkers are engaged for someone else's calling or business, in a private residence, usually in the textile, clothing or footwear industries. The 1996 Senate Inquiry into outworking noted the negative effects on children under 15 in terms of their health, education and wellbeing.⁴⁶
- **Film, television, theatre, modelling and photography** - this work can have many positive developmental benefits for children. However these industries employ children and young people across all age groups, and work can involve irregular and long working hours, exposure to adult themes and potential harm.

⁴¹ National Occupational Health and Safety Commission. (2004). *Student work placement: An occupational health and safety guide for employers*. Canberra: Author.

⁴² National Occupational Health and Safety Commission. (2001 and 2002). *National data set for compensation-based statistics*. Canberra: Author. Excluding commuting, there were 10 fatalities in 2000/01 (including workers aged 15, 17 and 19 in Queensland), and 6 fatalities in 2001/02 (including a child aged 15 in Queensland). Injury figures may be under-represented as children often do not report and are sometimes not classified as employees (such as on farms).

⁴³ Quinlan, M. (1998). *The job market for young workers and OHS*. Retrieved May 20, 2004, from http://www.ohs.labor.net.au/youthsafe/news/19980616_quinlan.html. See also the Australian Industrial Relations Commission. (1998). *Junior rates inquiry*. Canberra: Author, p. 6-7.

⁴⁴ Job Watch. (2004). *Fast food industry: A research study of the experiences and problems of young workers*. Melbourne: Author.

⁴⁵ Quinlan, M. (1998). *The job market for young workers and occupational health and safety*. Retrieved August 1, 2003, from http://www.ohs.labor.net.au/youthsafe/news/19980616_quinlan.html and Human Rights Watch. (2001). *Human Rights Watch report 2001*. Retrieved September 2, 2003, from www.hrw.org/wr2k1/children/child5.html notes agricultural work as the most hazardous for children.

⁴⁶ Senate Economic Reference Committee. (1996). *Outworkers in the garment industry*. Canberra: AGPS. While estimates vary markedly, the Textile, Clothing and Footwear Union (TCFU), believes that children are involved in such work. The Textile Clothing and Footwear Union, Victorian Branch (2002). *Submission to the Senate Employment Workplace Relations and Education Legislation Committee Inquiry into provisions of the Workplace Relations Amendment Bill 2002*. Melbourne: Author, p. 5.

3.3 Potential risks in Queensland

The issues identified above, together with specific complaints raised in Queensland (described below) provide guidance on possible areas of risk for young workers. This review is seeking community feedback to identify any child labour issues in Queensland which require further attention.

Issue 1. Light work, minimum age and maximum hours

This review has explored the types of complaints being made to Young Workers Advisory Service (YWAS) in Queensland by young workers themselves. The Commission identified the following key issues raised by 200 young people under 18 who contacted the service in 2002-2003:⁴⁷

- dismissal/redundancy (24%)
- general employment conditions (21%)
- remuneration (16%), and
- harassment/bullying (16%). YWAS has emphasised concerns for younger workers who are faced with issues of workplace bullying, harassment and discrimination.⁴⁸

Other potential risk areas YWAS has identified as affecting young workers include:

- no minimum age for child employment, or limits on hours or types of work for children. In 2003 YWAS consulted over 1,000 students in Years 11 and 12. At almost every school, there were students who regularly worked more than 30 hours a week.
- some younger employees being offered more work than is beneficial to their schooling, and workers having hours cut once they turn 18
- parents of children as young as 11 calling to inquire about working conditions for their children
- children aged 15 working as late as 1.00am on school nights, and
- a lack of knowledge from young callers about their rights and avenues of redress.⁴⁹

These complaints are not representative of the experience of all young workers, and many of these issues also affect adults. However, young workers may be less experienced and empowered to identify and respond to such issues. Younger workers may also be more seriously affected by such issues due to their anatomical, physiological and psychological characteristics.⁵⁰

⁴⁷ Young Workers Advisory Service. (2003). *Unpublished data*.

⁴⁸ Young Workers Advisory Service. (2003). *Annual Report 2002-03*. Brisbane: Author, p. 9. See also Young Workers Advisory Service. (2004). *Brief to Youth Policy Committee*. Unpublished manuscript. For example:

- *A young person (16), in her first job after leaving school was repeatedly offered money for sex by her employer. She made it clear this behaviour was not wanted, was unfairly dismissed and underpaid.*
- *A child aged 13 working for a restaurant was asked to wear a tighter t-shirt and a certain shade of lipstick to look older, and was subjected to sexual comments regularly.*

⁴⁹ Young Workers Advisory Service. (2003). *Annual report 2002-03*. Brisbane: Author, p. 9. Concerns have also been raised that unfair dismissal laws are only accessible after 12 months of continuous and regular employment, and there is a 21 day time limit for accessing the Industrial Relations Commission.

⁵⁰ Bequele, A. (1998). Keynote address. *Paper presented at the Annual Federation of Soroptomist International*. Bournemouth: International Labour Office.



One goal of this review is to determine whether these issues are being experienced by other young workers. As a first step towards this process, the Commission's student survey found that areas such as hours, ages and the impact on school may warrant further investigation. For example the surveys found:⁵¹

- 72% of students worked
- 17% generally worked for more than 13 hrs a week, and 10% over 17 hours a week
- 29% reported having felt tired at school from work
- 54% had felt stressed from combining work and study, and
- 53% started work under 15 and 7% were 11 or under.

Issue 2. Health, safety and wellbeing

Workplace compensation data indicate that some children and young people are being injured in the workplace.⁵² The Commission's student survey found that 25 percent of the young workers under 18 reported having been injured at work.⁵³ A 1999 audit of the fast food industry was prompted by young workers' frequent involvement in serious safety incidents. The audit found a need for more effective instruction, training and supervision to respond to specific risks for young workers,⁵⁴ such as their relative inexperience and lack of understanding of risks.⁵⁵

Consistent with the issues identified in other jurisdictions it is important to review the following areas:

- **Door to Door Sales** – concerns have been raised about adult supervision and pay rates, and the lack of protection for business sales compared to charitable collections.
- **Farms** - despite encouraging decreases in deaths on farms and collaborative educational campaigns, a 2000 study found that Queensland had a high number of work related deaths on farms for children aged 15 and under.⁵⁶
- **Outworkers** - complaints have been received by the Commission for Children and Young People, about outworkers' conditions, however evidence of the existence of this problem in Queensland is not clear. It is hoped feedback from this review may help us gain a better understanding of this issue.⁵⁷
- **Film, television, theatre, modelling and photography** - the Commission has received complaints and inquiries from the community and the production industry seeking guidance in this area. Concerns about inappropriate modelling, photographs and clothing requirements for young people have also recently been raised in the community.



⁵¹ Commission for Children and Young People and Child Guardian. (2003). *Student surveys regarding child labour*. Unpublished raw data.

⁵² Queensland Employee Injury Database. (2003). *Employee injury for young workers 19 and under for 2002/2003*. Brisbane: Office of Economic Statistics and Research.

⁵³ Commission for Children and Young People and Child Guardian. (2003). *Student surveys regarding child labour*. Unpublished raw data.

⁵⁴ Workplace Health and Safety Queensland, Department of Industrial Relations. (1999). *Fast food industry audit report*. Brisbane: Author.

⁵⁵ Workplace Health and Safety. (2000). *A teachers guide to the training resource kit*. Brisbane: Author.

⁵⁶ Ferguson, K. (2000). *Final report of the farm safety survey*. Brisbane: Workplace Health and Safety, Department of Industrial Relations.

⁵⁷ The Queensland branch of the TCFU have also previously identified some instances, see Retschlag, C. (1998, August 19). Children 'slaves' in fashion factories. *The Courier Mail*, p. 1.

- **Adult entertainment, pornography and prostitution** - protection from work in pornography and indecent employment (for example topless waitressing and stripping), for children under 16 is covered in a number of provisions in legislation.⁵⁸ However there is less clear protection for children and young people aged 16 to 18, and activities in non-licensed premises. Furthermore, there is no law which clearly sets the standard specifically for children and young people regarding sexually-exploitative employment. Concerns have also been raised through Kids Help Line on the issue of illegal employment and prostitution.⁵⁹ The Government wants to identify whether children are being exploited in such areas, and if so, consider options to provide the best possible protections for all young workers.⁶⁰

These areas give some guidance about possible risk areas for review. The question below and the attached survey asks for your feedback about any child labour issues you are aware of in Queensland.

Consultation Question 2 – child labour

Do you know about any child labour issues existing in Queensland, and what the priorities are for protecting young workers? For example you may wish to comment about:

- light work, minimum ages and maximum hours for young workers
- specific issues for different groups of children, for example:
 - Aboriginal and/or Torres Strait Islander children
 - children from diverse cultural and linguistic backgrounds
 - children with a disability
 - different age groups, or
 - children working on family farms or businesses
- the health, safety and wellbeing of children in specific industries
- adult entertainment, prostitution, pornography and exploitative work
- film, television, theatre and modelling
- balancing work, study, leisure and family responsibilities, or
- general conditions and rights at work.

In summary, it appears that light, safe work which does not interfere with education can be beneficial for children, while work for long hours by younger children can impact on schooling. There are also specific risks for young workers in terms of exploitation, health and safety. These findings, combined with the fact that a growing number of students are working, raise the question of how to ensure the best possible protections for young workers. The final chapter of this paper discusses a range of protective models, including the existing protections in Queensland.

⁵⁸ *Classification of Films Act 1991, Classification of Publications Act 1991, the Criminal Code, Liquor Act 1992.*

⁵⁹ Kids Help Line (2003). *Employment and financial issues for children and young people*. Brisbane: Author. Similar concerns have been raised previously in Queensland around the potential issue of homeless young people being involved in opportunistic prostitution. A good summary is provided by Davies, A. (2001). *Sex exchange behaviour among disadvantaged and homeless young people*. Brisbane: Department of Families.

⁶⁰ The Crime and Misconduct Commission (Qld) is also currently reviewing the area of adult entertainment. The investigation will cover issues concerning children and young people under 18 working in the industry.