

The Low Pay Unit reports that many children are working for longer hours than they should, are employed in prohibited industries, or work outside the permitted times.

Two million working children need protection

Independence through work is an admirable aspiration for our children. But it is also our responsibility to ensure that their health and education do not suffer as a result, and that they are not treated as cheap labour.

The reality is that too many children in the UK are employed illegally, and are often exposed to physical danger. Among the two million children employed in the UK:

- **1.5 million, or 75%, are employed illegally;**
- **1 in 3 has been involved in an accident at work.**

Action must be taken to improve the situation if children in the UK are to experience a positive introduction to the world of work, and also to ensure that their education doesn't suffer.

Chris Pond MP, the former director of the Low Pay Unit and now MP for Gravesham, has proposed an Employment of Children Bill as a Private Member's Bill. The Bill, which has its second reading on Friday 13 February, will aim not only to create adequate regulations that will protect children from exploitation and physical danger, but also to ensure consistent enforcement of regulations throughout the country.

The Low Pay Unit has been concerned with the conditions of children's work in the UK for many years. It has highlighted the extent of exploitation of children as a source of cheap labour and campaigned for better health and safety protection and rights at work. A Department of Health spokesperson told a recent conference on child employment that it was the Unit's *Hidden Army* report that prompted it to take the issue more seriously.

Child employment in the UK is not just confined to paper boys and girls getting a bit of extra pocket money in the holidays and at weekends. *The Hidden Army* revealed that children were employed in nearly every form of work, and portrayed a disturbing picture of conditions.

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A vulnerable labour force

The present bye-laws regulating the employment of children and young people are not widely known, respected, or adequately enforced. This means that many children are working for longer hours than they should, are employed in prohibited industries, and often work outside the permitted times (i.e. before 7 a.m. and after 7 p.m.).

**A report by
Sarah Roche
of the Low
Pay Unit**

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Children who need to work are especially vulnerable, as they may not be in a position to pick and choose the type of employment they take. For children from poorer families it is crucial that their education does not suffer, as this is the main means by which they can escape poverty in later life.

The jobs children do

Children are employed in a wide range of jobs. The Low Pay Unit's report *The Hidden Army* shows that, while paper delivery is the largest single occupation for boys, it accounts for under a third of all young workers. Child employment is by no means a marginal activity, as young people work regularly in the following forms of employment:

Building sites	Hotels, restaurants
Cleaning	Pubs, off-licences
Farm work	Shops
Garages, petrol stations	Street markets
Hairdressing	

Only 25% work legally

Child employment is regulated in a number of respects — by age, type of job, number of hours per week and the times at which those hours are worked. It is governed by:

- national legislation;
- local authority bye-laws (which may be more stringent).

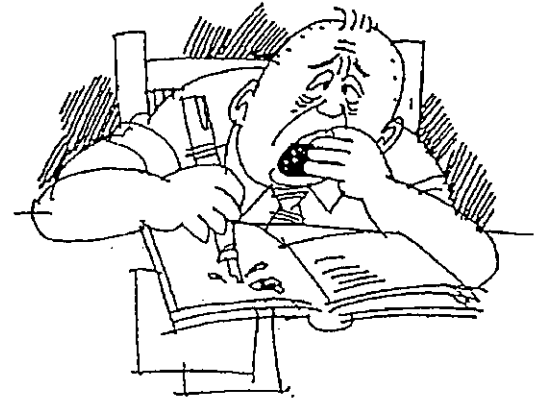
In addition, *all children of school age in employment should have a work permit issued by the local authority.*

The Hidden Army estimated that three quarters of all children's employment was illegal:

- a quarter of all children working during term time were under 13 and therefore *should not have been working at all*;
- of all the 1,100 infringements of the law recorded in the survey, one third were due to *prohibited forms of employment*;
- children were also commonly found to be *working too early or too late in the day*, accounting for half of the infringements (other than under-age working).

Health and safety

One of the main concerns about children's employment is the effects it might have on their health. The need for protection is undisputed. There are many health and safety regulations



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which prohibit children from lifting, carrying or moving anything so heavy that it could cause injury; driving or operating certain farm machinery; and cleaning or working with other machinery, chemicals or processes. There are also legal safeguards against the hazards children may be exposed to at work.

However, the level of risk suggested by employers' accident reports (confined to major events) does not correspond with the picture presented by the young people taking part in the *Hidden Army* survey.

- The 1993/4 official figures showed that 34 children suffered major or serious injuries at work in a one-year period, including one child who was killed.
- *The Hidden Army* reported that 35 per cent of the school children who were working (which means about 600,000) had had an accident at work over the previous year. Injuries included cuts and burns, road accidents, falls, broken bones and even assaults.

Nearly a third of these injuries (representing about 10% of the working children, or about 200,000) needed medical attention.

The risks facing children and young people at work are greater, as vulnerability to injury may be higher. Children and young people are not always experienced enough to assess risks at work, and may put themselves in more dangerous positions than necessary. Fatigue is a particular hazard, as young people tire more easily, affecting not only their well-being but also their concentration and thus their safety.

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The impact of employment on education

Children and young people today attend school for around 28 hours per week. In addition to this, older pupils are expected to undertake up to 15 hours of homework per week. If many children are also working an average of eight hours per week, they are at work for a total of around 50 hours. The average adult working week in the UK, including overtime, is 43.5 hours, and the recent EU Working Time Directive provides for a maximum working week for adults of 48 hours.

Working long hours in a job during the school term may have a detrimental effect on educational achievement, and some believe there is a link between child employment and absenteeism. Research has shown that long hours of employment outside school can lead to poor attendance and work in school.

Why we need to update regulation

In the UK the law regulating children's employment is still based on legislation passed in the 1920s and 1930s. It is out of line with many other European Union member states, most of which already have national legislation which meets the requirements of the new EU Directive on the Protection of Young People at Work.

The Children and Young Persons Act 1933 provides the main framework for the legislation. It provides that no child shall be employed:

- under the age of 13;
- during school hours or before 7 a.m. or after 7 p.m.;
- for more than two hours on a school day or more than two hours on any Sunday.

It also gives local authorities powers to make bye-laws that may increase that protection.

The legislation has led to a state of confusion and misunderstanding and is unsatisfactory for a number of reasons, including the following:

- there is no consistent approach among local authorities, and many are unaware of their powers;
- the present enforcement machinery has proved to be largely ineffective, and it is inadequately resourced, making it difficult to prosecute or penalise law-breakers;
- legislation was designed in the 1920s and 1930s when the economic structure and

attitudes to child welfare and education were radically different from today.

European standards

The European Union recognised the need to protect children at work and prevent their exploitation in its 1994 Directive on the Protection of Young People at Work. It aimed to set minimum standards across Europe in the employment of children with respect to hours, type of work and minimum legal working age. It requires:

- a 12-hour weekly limit of working hours for school age children, and for young people a maximum of 40 hours a week;
- night work between the hours of 10 p.m. and 6 a.m. or 11 p.m. and 7 a.m. to be prohibited.

However, the UK government of the time insisted on opt-outs which weakened protection, leaving children in this country little better off. Children aged 13–15 can be asked to work up to 17 hours a week, while young people aged 15–18 (not at school) have no limit on the hours they can be asked to work. There is no prohibition on night work.

The decision to opt out was based on the assertion that the employment of school age children in the UK is relatively limited and generally harmless, and existing laws provide sufficient protection against exploitation, health and safety risks, and educational disadvantage.

This opinion is contradicted by all the evidence.

The time for action

Action is now needed to improve protection of working children in the UK to ensure that the child's employment period is beneficial in terms of developing skills and a sense of responsibility and raising self esteem, without it being exploitative, causing injury, or affecting achievement at school.

The present government has indicated that it intends to take action to implement the EU Directive in the near future. However, because of the opt-outs, any legislation they propose will not include many of its major provisions.

Legislation is needed urgently to speed up the implementation process and to clarify and update the law to ensure more effective enforcement, in particular by harmonising the obligations of local authorities.

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The new Bill

Chris Pond's Bill has passed its first reading, and will have its second reading on 13 February 1998.

The objectives of the Bill are:

- to create adequate and enforceable regulations that will protect children from exploitation and physical danger;
- to consider the full implementation of the EU Directive without the previous government's opt-outs;
- to ensure a more effective application and consistent enforcement throughout the country.

Chris Pond and the Low Pay Unit have consulted a number of leading children's organisations, local authorities, employers and schoolchildren on the provisions of the Bill, which has now been published.

One of the main effects of the Bill, if it becomes law, will be *to impose uniform, nationwide restrictions on the use of child labour*.

A summary of the main provisions is shown in the box.

A golden opportunity

This is the first opportunity for many years for the issues around child employment to be debated on the wider stage and for the system of protection to be improved in a way that will ensure that children's early experiences of the world of work are positive. If you would be interested in obtaining further information about the issues surrounding child employment and our campaign, please contact The Low Pay Unit.

About the Low Pay Unit

An independent organisation established in 1974, The Low Pay Unit is the leading research, advice and campaigning body on the causes and effects of low pay in the UK.

THE MAIN PROVISIONS OF THE NEW BILL

A minimum working age of 13 (13-year-olds may only undertake certain types of work)

A working time of two hours a day and 12 hours a week during term-time

A working time of two hours on Sundays

No work before 7 a.m. or after 7 p.m.

A prohibition on certain types of work, in particular work involving harmful exposure to physical, biological or chemical agents

A mandatory requirement for work permits and a system enabling effective supervision and monitoring

A requirement for information and statements to be included in home-school agreements with a view to increasing awareness of the extent of child employment

Penalties for non-compliance

The aim is to impose uniform, nationwide restrictions on the use of child labour.

Sarah Roche is the Rights Officer at the Low Pay Unit, where she advises on employment rights, pay and benefits. She has recently been involved in consulting on and drafting the Employment of Children Bill, Chris Pond's Private Member's Bill. Sarah, a qualified solicitor, has worked as a litigation specialist, as a volunteer for the Citizen's Advice Bureau, and in the legal department of Liberty (formerly NCCL), where she dealt with a variety of issues including children's rights.

The Unit maintains its authoritative position through extensive research, tracking government policy and action, as well as working with local authorities, MPs, MEPs, trades unions, the voluntary sector and employers to tackle low pay, poor terms and conditions of employment, and social exclusion.

One of the main objectives of the 'Fair Play for Working Children' campaign is to bring about improved primary legislation regulating children's employment. In this context the Unit plans to make Chris Pond's Bill, and the government's plans to implement the EC Directive, the focus of its campaign over the next six months.

The Hidden Army: Children at work in the 1990s, by Chris Pond & Ann Searle, costs £6.00 from The Low Pay Unit, 27/29 Amwell Street, London EC1R 1UN, (0171 713 7616). Please make cheques payable to the Low Pay Unit.