

## Q & A ON CHILD LABOR

### **Q: What is the current child labor situation in the Philippines?**

**A:** Preliminary results of the 2011 Survey on Children (SOC) by the National Statistics Office placed the estimated number of children population 5-17 years old at 29.019 million. Of this number, nearly one-fifth (18.9% or 5.492 million) were at work even for one hour during the past 12 months, mostly in agriculture and service sectors. Of those working, **3.028 million** were in child labor conditions.

*Under R.A. 9231 (An Act Providing for the Elimination of the Worst Forms of Child Labor and Affording Stronger Protection for the Working Child, Amending for this Purpose RA 7610, as Amended, Otherwise Known as the "Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act"), **child labor** refers to any work or economic activity performed by a child that subjects him/her to any form of exploitation or is harmful to his/her health and safety, or physical, mental or psychosocial development.*

*ILO defines hazardous child labor, meanwhile, as **employment in industries and occupations designated as hazardous.***

This is the first time that the Philippines utilized the ILO framework for statistical identification of working children (children in employment), child labor and hazardous child labor.

### **Q: Under what conditions can a child (or person below 18 years old) work, BUT not be considered a child laborer?**

**A:** A working child is not always a child laborer.

RA 9231 provides that DOLE shall issue a work permit to the following:

- A child below 15 years old working directly under the responsibility of his/her parents or guardian or where only family members of the child are employed
- A child below 15 years old in public entertainment or information (ads, commercials) where his/her participation is essential

**Minimum employable age is 15.** Thus, a child who is aged 15 to below 18, may be employed, provided that the activity to be performed is not hazardous, not exploitative or not harmful to his/her health and safety or physical, mental or psychosocial development. No permit or certificate of employment for those above 15 is required.

A child who performs work in his/her own household, family farm or business undertaking, provided that the work is light, the working hours are not long thus allowing for normal development, schooling, enough sleep and occasional play, is not a **child laborer**.

**Q: What is the status of the DOLE Child Labor Prevention and Elimination Program?**

**A:** The DOLE **Child Labor Prevention and Elimination Program**, an integral part of the Philippine Program Against Child Labor, has the following components: 1) Sagip Batang Manggagawa; 2) Kabuhayan para Sa Magulang ng Batang Manggagawa; 3) Project Angel Tree; and the 4) Campaign for Child Labor-Free Barangays.

The **Sagip Batang Manggagawa (SBM)** is an inter-agency quick action mechanism which aims to respond to cases of child labor in extremely abject conditions. It employs an inter-agency quick action team composed of the DOLE, PNP, CIDG or PNP and DSWD for detecting, monitoring and rescuing child laborers in hazardous and exploitative working conditions.

For the period 1993 to 1<sup>st</sup> Semester 2012, the SBM Quick Action Teams in various regions have removed a total of **3,136** child laborers.

SBM STATISTICAL REPORT 1993 - 1<sup>st</sup> Semester 2012

<b>YEAR</b>	<b>NO. OF CHILD LABORERS RESCUED</b>
1993	20
1994	45
1995	64
1996	97
1997	96
1998	311
1999	139
2000	132
2001	201
2002	363
2003	406
2004	240
2005	151
2006	218
2007	144
2008	84
2009	79
2010	132
2011	125
1 <sup>st</sup> Sem 2012	89
<b>TOTAL</b>	<b>3,136</b>

***Kabuhayan para Sa Magulang ng Batang Manggagawa.*** – The **KaSaMa Project** contributes to the prevention and elimination of child labor by providing families of child laborers access to decent livelihood opportunities for enhanced income. Since its launch in 2008 until 1<sup>st</sup> Semester of 2012, the DOLE has released a total of PhP 7,831,125.70 wherein a total of 970 parents of 995 child laborers and children-at-risk benefitted.

***Project Angel Tree*** has an array of social services that range from food, clothing, educational assistance and even work and training opportunities, that are granted or made available by sponsors or benefactors (“angels”) to child laborers and their families. From 2006 to 1<sup>st</sup> Semester 2012, the project has benefitted 30,327 child laborers, including children-at-risk of becoming child laborers.

The DOLE launched on 18 May 2012 the ***Campaign for Child Labor-Free Barangays.*** The transformational campaign towards a child labor-free Philippines will start in 2012 with 88 barangays pre-identified by the 16 DOLE Regional Offices.

**Q: What are some indicators of a child labor-free barangay?**

**A:**

1. No child below 15 years of age works, unless in the two(2) exceptions under RA 9231
2. No child below 18 years of age is engaged in the worst forms of child labor as specified in RA 9231
3. Working children 15 to below 18 years of age work within the allowable hours of work and are paid the prescribed wages
4. All children of school-age are attending formal school or alternative learning sessions
5. Parents have economic activity to support the needs of their children
6. Presence of functional Barangay Council for the Protection of Children which monitors any incidence of child labor
7. Reports on incidence of child labor are immediately acted upon
8. Local ordinances or resolutions to address child labor concerns are implemented
9. Child labor concerns are included in the local development plan

**Q: How many child laborers have been prevented/removed thru the interagency Philippine Program Against Child Labor?**

**A:** As recorded, the DOLE and its program partners have prevented/removed a total of **135,161 child laborers** with the following breakdown:

<i>Sagip Batang Manggagawa</i> (1993 – June 2012)	-	3,136
ILO-IPEC Support Project to the Philippine Time Bound Program or PTBP (2002-2007)	-	40,549
ABK (Phases 1 & 2)	-	53,444
Eliminating Child Labor in the Tobacco Industry ECLTI Project in Region I (Phases 1 & 2)	-	286
Project Angel Tree (2006 – June 2012)	-	30,327
KaSaMa Project (2008-June 2012)	-	995
TUCP (2006)	-	259
Visayan Forum	-	2,500
ERDA	-	3,980
	<b>Total</b>	<b>135,161</b>

**Q: What forms of educational assistance are provided to rescued child laborers and to working children who are trying to help their families, so they will be prevented from being in child labor?**

**A:** Educational assistance in the form of school supplies, school uniforms and tuition fees were provided to a total of 19,791 child laborers from 2006 to 1<sup>st</sup> semester 2012 through the assistance of UNICEF, LGUs, private sector and other program partners.

These children beneficiaries used to be engaged in pyrotechnics production, scavenging, vending, commercial sexual exploitation, mining and quarrying, pottery making, agriculture, domestic work and other service works.

**Q: What measures have been taken by the DOLE to prevent and eliminate all forms of child labor?**

**A:** The DOLE, with assistance from the program partners, addresses the issue of child labor using **different approaches** depending upon the situation children are in. The three main strategies are: Prevention, Protection, Removal and Reintegration.

Children in the worst forms of child labor, such as those in commercial sexual exploitation, are removed immediately by the Quick Action Team (QAT) of the **Sagip Batang Manggagawa**. The DOLE plans and coordinates this rescue, recovery and reintegration SBM mechanism. The NBI, PNP or CIDG conducts surveillance and rescue operations. Upon rescue, children are taken into custody by the DSWD thru the local social welfare officer for counseling or debriefing and integration to their families or communities.

The DOLE handles the administrative aspect, such as the **payment of unpaid benefits** due them as workers and, later on, also provides **livelihood assistance** to the child's parents and older family members.

**Educational assistance** is provided to rescued child laborers as well as other identified working children in other forms of child labor, through referral to the DepEd for possible enrolment and to sponsors such as the private sector and NGOs for scholarship, tuition fee assistance and school supplies.

The DOLE Field Offices partner with the LGUs in holding **advocacy campaign** to combat child labor. As a result, some LGUs, including the Barangay Council for the Protection of Children, have passed Ordinances on child protection.

**Q: In most cases, children work because they want to have additional income to help meet the basic needs of the family? How does DOLE address this situation?**

**A:** Children under age 15 working in family undertakings, or in other arrangements with parent's consent are also considered laborers, if work is unsupervised by parents/legal guardian or such work interferes with schooling and normal development. DOLE has a **KaSaMa** project or **Kabuhayan para Sa Magulang ng Batang Manggagawa**, that provides livelihood skills training to parents or to other adult family members, so they will have income, be able to send their children to school regularly and not send the children to work. Financial assistance for the training-cum-production is granted through LGUs or NGOs that are DOLE-accredited. DOLE and its program partners at the local level hold information dissemination and orientation activities about the prohibitions on child labor under the law (RA 9231) as well as the services the government provides to prevent child labor. DOLE also refers to the concerned partner

agencies the child labor victims who need legal, health and psychological services.

**Q: How can the number of working children, especially those in hazardous industries, be possibly reduced?**

**A:** Children 15 to below 18 years old may be employed, provided that work is light, supervised and not hazardous. Work should not interfere with normal development. No permit or certification is needed. The DOLE labor inspectorate program looks into compliance of private establishments with labor standards, including RA 9231 on the elimination of the worst forms of child labor.

Hazardous industries and activities are prioritized for inspection. The DOLE labor inspectors provide technical advice on how the unsafe work condition can be corrected. Children found or are reported to be in hazardous activities or conditions in establishments are immediately removed through the DOLE enforcement mechanism, if not the Sagip Batang Manggagawa quick action team.

Employers found violating RA 9231 are held liable. The Regional Director may order the permanent closure of establishments if violations resulted in child's death, insanity or serious physical injury or if the child is prostituted. Since the passage of RA 9231 in Dec. 2003, the DOLE has **issued permanent closure order to 30 establishments** found employing **123 children** for prostitution or obscene or lewd shows.

**Q: What are the administrative sanctions of DOLE against erring establishments?**

**A:** The DOLE administrative sanctions under RA 9231 are the following:

1. Immediate and PERMANENT CLOSURE of establishments if:
  - a) violation resulted in the death, insanity or serious physical injury of a child
  - b) employing a child for prostitution or obscene or lewd shows
2. Immediate and TEMPORARY CLOSURE of the establishment if there is imminent danger to life and limb of the child

In both cases, the employer is required to shoulder the following:

- a) Transportation cost of the child from place of work to DSWD-accredited halfway houses
- b) Total actual cost of medical management, recovery and reintegration of the child; and
- c) Child's funeral expenses in case of death

If any establishment is found to have violated any of the provisions of RA 9231 more than 3 times although not resulting in death, insanity or injury of the child, CLOSURE is effected.

**Q: What is the status of DOLE's implementation of RA 9321?**

**A.** Since the passage of RA 9231 in 2003 and issuance by the DOLE of its Rules and Regulations in 2004, the DOLE has undertaken Policy Advocacy and Enforcement.

The continuing advocacy reached various groups, such as concerned government agencies, LGUs including barangays, workers' groups, employers' groups, NGOs, faith-based organizations, academe, parent-teachers-community organizations, even child laborers and their families. The advocacy campaigns have influenced some LGUs to pass ordinances to address the child labor issue in their respective communities.

As of 1<sup>st</sup> Semester of 2012, the DOLE has issued permanent closure orders to 30 establishments (22 in NCR, 6 in Region 7, 1 in Region 8 and 1 in Region 6) for engaging 123 minors in lewd and obscene shows in violation of RA 9231.

The DOLE issued Department Circular No.3, series of 2009 on *Guidelines on the Procedure for Closure of Business, Firm or Establishment under Republic Act No. 9231* to guide the DOLE Regional Offices on the procedure for closure of establishments found employing children in exploitative and hazardous work conditions on the basis of the said law.

The Circular strengthens DOLE's mandate under RA 9231 in closing establishments found violating the law.

In the succeeding year, Department Circular No. 2, series of 2010 adopting the *Manual on the Conduct of Inspection, Rescue and Enforcement Proceedings in Child Labor Cases* was issued.

The Manual builds on the combined experiences and lessons learned by the DOLE Regional Offices in carrying out the provisions of RA 9231 and related laws. It provides a clear procedure for DOLE implementers in the performance of their duties and functions as provided under RA 9231, thus, paves the way for speedy resolution on reported child labor cases.

The Bureau of Workers with Special Concerns, with assistance from UNICEF, has trained 84 DOLE personnel on the use of the said Manual. In addition, DOLE Regional Offices II, III, IV-A, V, VI, VII and VIII conducted similar orientation for their own personnel from their regional and field offices.