

PROSPERED Policy Databases - Child Labour Policy

INTRODUCTION

To assess changes in national policies over time and their effects on health outcomes, McGill University's PROSPERED team (called the MACHEquity project prior to 2017) collected longitudinal information dating back to 1995 on maternity leave, breastfeeding, child marriage and minimum wage policies in 121 countries that have been surveyed by either the Demographic and Health Surveys (DHS) or the Multiple Indicator Cluster Surveys (MICS) at least once between those dates.

Scope: Child labour variables for the years 1995 to 2012 are available for the 33 countries that have been surveyed by the Demographic and Health Surveys (DHS) that includes the child labour questionnaire at least once between these years.

Data Sources

Original national legislation was our preferred primary source of data; full-text copies of relevant legislation, in addition to information on amendments and repeals, were located mainly through the ILO's NATLEX. When full-text legislation was not available through NATLEX, researchers located laws through national government websites, the World Bank's Women, Business and the Law website the legislation library Lexadin, and the World Legal Information Institute. In some cases, hard copies of legislation were obtained from the McGill University library.

If primary sources were not available, secondary sources such as national reports on policies and laws to the UN and to official global and regional bodies were used instead, after a review of their reliability and of the consistency and comparability of their methodology across countries.

For the child labour database, the following secondary sources were consulted to clarify or complement information available through primary sources:

- Reports submitted by countries to the monitoring committees of the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), as well as additional reports detailing the committees' concluding observations.

Coding Process

Coding is the process by which an individual researcher takes a piece of information from legislation, policy, or any other source and translates it into a set of characteristics that can

be quantitatively analyzed. For each country, two researchers from our multilingual team coded data sources independently according to pre-defined coding rules and compared their results to ensure accuracy. Whenever coding required a judgment call by the coder, the rules underlying such decisions regarding complicated cases were systematically discussed, described in a coding manual and applied consistently across countries. Coding was conducted in the original language of the document by team members fluent in the language; when this was not possible, we used a version translated into one of the official UN languages.

Building of Longitudinal Databases

To code our databases, we first started with cross-sectional 2012 policy databases developed collaboratively by MACHEquity and the University of California, Los Angeles (UCLA) WORLD Policy Analysis Center (WORLD). Second, we reviewed the date of the sources used; when a national law used in the 2012 databases had been enacted before 1995 and had not been amended or repealed since, it was assumed that its provisions remained applicable from 1995 through 2012. The same text was therefore used to code all variables for that particular country between 1995 and 2012.

When a national law used to code the 2012 databases was enacted sometime between 1995 and 2014, the same text was used to code variables in the years after the law was enacted, and researchers then searched for the legislation that was in force in the preceding years. All variables between 1995 and that later law were coded using the original full-text prior legislation. The most current and in-force laws were always located first, and changes in legislation were thereafter traced back to 1995.

Limitations

Our databases focus on national policies and therefore do not capture subnational differences or policies based on collective agreements available to subgroups of employees. In addition, our databases record the existence of policies and not their level of implementation. To our knowledge, there is currently no global source providing historical data or comprehensive information on implementation of policies.

Although our team makes every effort to assure the accuracy of the data, we realize that mistakes are possible due to human error or data omissions while coding. If you find an error in our databases, we ask that you contact us to report it and provide any available documentation through which the error can be verified and corrected.

VARIABLE DESCRIPTIONS - MINIMUM AGE OF WORK

In all the variables below (XX refers to applicable year, i.e. 12=2012, 99= 1999 etc.)

Variable Name

minage_gen_leg_XX

Variable Description

Do national laws establish a minimum age for general work?

1 = Yes

2 = Yes with exceptions

3 = No

-9 = Unable to determine

Variable Name

minage_gen_age_XX

Variable Description

What is the minimum age for employment regardless of added requirements or exceptions lowering the general age of employment?

-9 = Unable to determine

99 = No specific age is given, i.e. there's no protection against labour.

If left blank when *minage_gen_leg* = No, minimum age for general work is not mentioned in the legislation but other types of work may be, such as hazardous work.

Note that while the ILO and other sources provide definitions for light and hazardous work, general employment is not as well defined. It is the age at which children can work that is not defined as light or hazardous. General employment may imply full-time work unless no age-specific protections from full-time work are provided. For that purpose, variables regarding age-specific regulations around hours of work must be examined in conjunction with the minimum ages to work.

Variable Name

minage_gen_parent_age_XX

Variable Description

What is the minimum age for employment when parental permission is taken into account?

-9 = Unable to determine

99 = No specific age is given, i.e. there's no protection against labour when parental permission is taken into consideration.

If left blank, no such exception is mentioned or allowed (i.e. same as *minage_gen_age*)

Variable Name

minage_gen_except_age_XX

Variable Description

What is the minimum age for employment when other exceptions are taken into account?

Exceptions that commonly come up in legislation that may lower the age of permissible minimum age for work are the following:

- Specific work such as agricultural
- Work with family members
- Generic based on minister/government approval or request
- If the law allows this exceptional age because it is assumed that there is no other way work can be performed due to the nature of work, or that such work is indispensable to company, child or family
- For temporary or seasonal work

-9 = Unable to determine

99 = No specific age is given, i.e. there's no protection against labour when these exceptions are taken into consideration.

Note that internships, work through vocational schools (vocational training), artistic or cultural work or sports are not considered as exceptions.

Variable Name

minage_light_leg_XX

Variable Description

Do national laws establish/mention a minimum age for light work?

1 = Yes

3 = No. This mostly commonly refers to cases where light work is simply not mentioned in the legislation. If this is the case, the following variable (*minage_light_age*) is left blank. In exceptional cases, the law does not establish a minimum age for light work, in theory allowing a child at any age to work in light work. If this is the case, the following variable (*minage_light_age*) is coded as 99. These cannot be treated as the same policy.

-9 = Unable to determine

Variable Name

minage_light_age_XX

Variable Description

What is the minimum age for light work without taking any exceptions/requirements into account?

-9 = Unable to determine

99 = No specific age is given, i.e. there's no protection against labour when these exceptions are taken into consideration.

If blank when *minage_light_age* = No, light work is simply not mentioned in the legislation.

“Light work” by definition is work that should not interfere with a child’s education, health and development. Often labour laws and policies allow for light work for children younger than the minimum age for full/time work. Some additional conditions upon light work such as light work only with family members were still coded as the minimum age for light work.

Note that internships, work through vocational schools (vocational training), artistic or cultural work or sports are not considered as light work.

VARIABLE DESCRIPTIONS - HOURS OF WORK

Variable Name

hrsprotec_leg_XX

Variable Description

Do national laws protect hours of work for young workers?

1 = Yes

3 = No. If this coded then all numeric fields of age group 1 are coded as -7

-9 = Unable to determine

See below for information on age groups and how to construct variables regarding protections around work hours.

Variable Name

schhrs_proh_1_XX

Variable Description

Are children between ages x and y are prohibited from working during school hours?

1 = Yes

2 = No

-7 = Not Applicable

-9 = Unable to determine

Ages x and y are constructed from the following variables: *minage_hrsprotec_1_XX* and *maxage_hrsprotec_1_XX* (see description and cautions at the end of this document).

The same variable can be constructed for up to 3 age brackets given in legislation by using these additional variables:

minage_hrsprotec_2_XX and *maxage_hrsprotec_2_XX*

minage_hrsprotec_3_XX and *maxage_hrsprotec_3_XX*

Variable Name

schweek_wrkhrs_1_XX

Variable Description

Maximum number of hours children between ages x and y are allowed to work in a school week.

This variable should be examined together with variable on maximum hours during a school day (*schday_wrkhrs*) because if the law in a country only specifies maximum hours during school week but not day, only this variable was coded. We did NOT calculate maximum daily hours based on weekly hours, as some countries may also specify both requirements separately.

Ages x and y are constructed from the following variables: *minage_hrsprotec_1_XX* and *maxage_hrsprotec_1_XX* (see cautions at the end of this document).

The same variable can be constructed for up to 3 age brackets given in legislation by using these additional variables:

minage_hrsprotec_2_XX and *maxage_hrsprotec_2_XX*

minage_hrsprotec_3_XX and *maxage_hrsprotec_3_XX*

99 = Not mentioned. The law does not specify maximum hours for this age group

-9 = Unable to determine

-7 = Not applicable. I.e. only in case there are no specific protections around work hours for any age group

Variable Name

schday_wrkhrs_1_XX

Variable Description

Maximum number of hours children between ages x and y are allowed to work on a school day.

This variable should be examined together with variable on maximum hours during a school week (*schweek_wrkhrs*) because if the law in a country only specifies maximum hours during school day but not week, only this variable was coded, we did NOT calculate maximum weekly hours based on daily hours, as some countries may also specify both requirements separately.

Ages x and y are constructed from the following variables: *minage_hrsprotec_1_XX* and *maxage_hrsprotec_1_XX* (see cautions at the end of this document)

The same variable can be constructed for up to 3 age brackets given in legislation by using these additional variables:

minage_hrsprotec_2_XX and *maxage_hrsprotec_2_XX*

minage_hrsprotec_3_XX and *maxage_hrsprotec_3_XX*

99 = Not mentioned. The law does not specify maximum hours for this age group.

-9 = Unable to determine

-7 = Not applicable. I.e. only in case there are no specific protections around work hours for any age group.

Variable Name

maxhrs_day_1_XX

Variable Description

Maximum number of hours children between ages x and y are allowed to work during the day.

This variable should be examined together with variable on maximum hours during a week (*maxhrs_week*) because if the law in a country only specifies maximum hours during the day but not week, only this variable was coded. We did NOT calculate maximum weekly hours based on daily hours, as some countries may also specify both requirements separately.

In some cases the law allows for different hours of work for a school day versus any other day.

Ages x and y are constructed from the following variables: *minage_hrsprotec_1_XX* and *maxage_hrsprotec_1_XX* (see cautions at the end of this document).

The same variable can be constructed for up to 3 age brackets given in legislation by using these additional variables:

minage_hrsprotec_2_XX and *maxage_hrsprotec_2_XX*

minage_hrsprotec_3_XX and *maxage_hrsprotec_3_XX*

99 = Not mentioned. The law does not specify maximum hours for this age group.

-9 = Unable to determine

-7 = Not applicable. I.e. only in case there are no specific protections around work hours for any age group.

Variable Name

maxhrs_week_1_XX

Variable Description

Maximum number of hours children between ages x and y are allowed to work in any week.

Ages x and y are constructed from the following variables: *minage_hrsprotec_1_XX* and *maxage_hrsprotec_1_XX* (see cautions at the end of this document)

The same variable can be constructed for up to 3 age brackets given in legislation by using these additional variables:

minage_hrsprotec_2_XX and *maxage_hrsprotec_2_XX*

minage_hrsprotec_3_XX and *maxage_hrsprotec_3_XX*

99 = Not mentioned. The law does not specify maximum hours for this age group

-9 = Unable to determine

-7 = Not applicable. I.e. only in case there are no specific protections around work hours for any age group

Variable Name

night_proh_1_XX

Variable Description

Are children between ages x and y protected from working at night?

1 = Yes

2 = No

-7 = Not Applicable

-9 = Unable to determine

Ages x and y are constructed from the following variables: *minage_hrsprotec_1_XX* and *maxage_hrsprotec_1_XX* (see cautions at the end of this document)

The same variable can be constructed for up to 3 age brackets given in legislation by using these additional variables:

minage_hrsprotec_2_XX and *maxage_hrsprotec_2_XX*

minage_hrsprotec_3_XX and *maxage_hrsprotec_3_XX*

Variable Name

overtime_proh_1_XX

Variable Description

Are children between ages x and y protected from working overtime?

1 = Yes

2 = No

-9 = Unable to determine

-7 = Not applicable

Ages x and y are constructed from the following variables: *minage_hrsprotec_1_XX* and *maxage_hrsprotec_1_XX* (see cautions at the end of this document).

The same variable can be constructed for up to 3 age brackets given in legislation by using these additional variables:

minage_hrsprotec_2_XX and *maxage_hrsprotec_2_XX*

minage_hrsprotec_3_XX and *maxage_hrsprotec_3_XX*

Variable Name

restweek_age_XX

restweek_hrs_XX

Variable Description

How many hours of rest per week are guaranteed to workers under age x?

restweek_hrs_XX shows the number of hours for weekly rest

restweek_age_XX shows the age limit to which the weekly rest hours apply, i.e. anyone under age X should be given this many hours of weekly rest

-7 = N/A There are no age specific protections, most likely same weekly rest policy applies to adults and young workers

-9 = Unable to determine

CONSTRUCTING AGE BRACKETS

Variable Name

minage_hrsprotec_1_XX

maxage_hrsprotec_1_XX

(*xx* refers to applicable year, i.e. 12=2012 99= 1999 etc,)

Variable Description

Minimum and maximum age respectively to construct an age bracket. “1” at the end corresponds to “1” at the end of all other variable labels regarding working hours. For example: *night_proh_1* means that specific variable applies to the age group constructed by *minage_hrsprotec_1* and *maxage_hrsprotec_1*.

If *minage_hrsprotec_1* = 99, it means that the law does not specify a minimum age regarding these protections. For example a bracket constructed as 99 to 18, means variables that fall within this bracket apply to everyone under 18 in theory, but see the caution below.

minage_hrsprotec_2_XX and *maxage_hrsprotec_2_XX*

minage_hrsprotec_3_XX and *maxage_hrsprotec_3_XX*

If different regulations exist for different age groups, another bracket needs to be constructed using these 4 additional variables.

Caution

Data on regulations around work hours for specific age brackets should not be analyzed independently of the minimum age protections. The ages entered in these variables do NOT take into account whether children can work at that age. For example, assume a country’s legislation states that children under the age of 16 may not work for more than 6 hours per day, but also specifies that children must be at least 14 to work. The minimum age of 14 to work is NOT recorded in the hours protection table (i.e. *minage_hrsprotec_1* is not necessarily 14) This method of coding better reflects how the legislation is worded and allows for more flexibility in examining types of work and exceptions.