

Children in the Workforce

Published: 12 Jan 2014

Newspaper Section: Spectrum

While cycling through the outskirts of Bangkok recently, I passed a construction crew working very early on a holiday morning. What piqued my interest was the apparent youth of some of the workers.

Though in this case I was probably wrong in my age estimation, child labor remains a concern throughout the region. A number of the corporations use a business model that manufactures their products in developing nations to take advantage of the low wages. Unfortunately, in these nations child labor laws are often weak or there is a lack of enforcement.

In September of last year, the International Labor Organization, of which Thailand is a founding member, issued a report revealing the results of labor surveys in selected areas in Thailand. The particular focus was the shrimp and seafood processing industries, and child labor was found to be a problem. The same has been said about workers on fishing boats. So are there child labor laws in Thailand?

Employment of children is regulated by the Labour Protections Act B.E. 2541 (1998) (the Act) and associated Ministerial Notifications. Section 44 of the Act states that no employer can employ a child who is under 15 years of age, and the penalty for breach is up to 1 year imprisonment and/or a maximum fine of 200,000 baht for each violation.

Children aged 16 and 17 are able to be employed according to the Act, but there are specific mandates that an employer must adhere to if any of his/her employees are under the age of 18. First, the provincial labor inspector must be notified of the employment of the child within 15 days of the child commencing his work, and again be notified within 7 days of the termination of the child's employment.

Children are entitled to twice the break-time of adults. For every 4 hours worked, a child is to have an uninterrupted rest period of not less than 1 hour. It is also illegal for an employer to require that a child work overtime or on holidays. The employer must pay the child directly (as opposed to giving it to the parent or guardian of the child). This, in theory, may be to prevent parents from "selling" their children into forced labor.

An employer is also prohibited from causing a child employee under the age of 18 to work between 22:00 hours and 06:00 hours except when written permission has been granted by the Director-General of the Department of Labor Protection. However, if that child is an actor in a motion picture or play, the child is allowed to work without permission being required.

There are certain exceptions to the prohibition against employing children who are under 15 years of age. For example, in the agricultural industry children who are 13 years or older may be employed with the consent of their parents, but only if school is not in session or classes are over for the day, and if the work will not be hazardous to the child's health or be detrimental to the child's development.

As common sense would dictate, children are prohibited from working in factory jobs that could be considered dangerous for the child such as metalworking, operating heavy machinery, working on scaffolding higher than 10 meters above the ground, or handling hazardous, poisonous, or toxic materials. Children under the age of 18 are also prohibited from working in the following specific types of establishments:

- Abattoirs
- Gambling houses
- "Entertainment places" pursuant to the Entertainment Places Act, such as certain massage parlors, bath houses, and bars or restaurants with hostesses.

Finally, in order to promote the development and education of children under the age of 18 who are already employed, the Act specifies that they may take leave to attend training sessions, seminars, or other events that are held by educational institutions or governments and the employer is to pay the basic salary of the child for up to 30 days per year.

Work is not necessarily a bad thing for children if it the right sort of work, at the right time of day and in the right quantity. It can teach personal responsibility, promote self-esteem, develop skills and permit children to contribute to their families. However, in developing countries the work opportunities afforded to children often meet few of these criteria. By regulating the conditions in which children under the age of 18 can work, the Thai government is helping to ensure the safety and fair treatment of the next generation.

Angus Mitchell (angus.mitchell@dfdl.com)
Matthew Christensen (matthew.c@dfdl.com)
Ponpun Krataykhwan (Ponpun@dfdl.com)



Source: <http://www.bangkokpost.com/news/investigation/389141/children-in-the-workforce>