



The role of Trade Unions in Eliminating Child Labour in Agriculture

Paper for the National Conference in Eliminating Child Labour in Agriculture in Malawi

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1.0 INTRODUCTION

The Malawi Congress of Trade Unions (MCTU) solemn obligation is to further promote and protect the rights and , among its members and citizens of Malawi, a full employment and the raising of standards of living; policies in regard to wages and earnings, hours and conditions of work calculated to ensure a just share of the fruits of progress to all, and a minimum living wage to all employed and in need of protection; the effective recognition of the right to collective bargaining, the cooperation of management and labour in the continuous improvement of productive efficiency, and collaborations of workers and employers in the preparation of social and economic measures.

In a bid to showcase best practices in areas of child labour a national conference on child labour has been planned for September 2012 in Lilongwe, Malawi. The Conference is organized by the Ministry of Labour, in close collaboration with the ILO and ECLT Foundation and many other key stakeholders in the fight against child labour under the larger aim '**End Child Labour in Agriculture, Our children, our future**' the conference objectives amongst others are:

- to achieve rapidly universal ratification of ILO Conventions Nos. 138 and 182;
- to deliver the commitment to take immediate and effective measures to end the worst forms of child labour as a matter of urgency; and
- To agree on significantly intensified efforts to reach the 2016 goal laid down in the National Action Plan on Child Labour.

Our submission is that combating child labour requires an integrated approach based on both Convention 138 and Convention 182. When only or mainly addressing the worst forms of child labour, which C182 is dealing with, the problem tends to shift from one group of children to another group. As the ITUC states in its press release in reaction to the report, the number of child labourers *not* working in the worst forms has gone up with more than 15 million.

In Malawi, the issue of child labour originates from our cultural and traditional practices with regard to grooming of future leaders (socialization). However it has been negatively influenced by levels of poverty amongst the households, high unemployment rates, urbanization, migration, limited public resources, poor access to quality education that is relevant to labour market demands, inability to monitor labour market legislation, globalizations and pressures for transformation of work towards higher skilled labour that pose profound challenges to all

developing countries like Malawi. The impact of HIV and AIDS has greatly also contributed to high numbers of child labour practices in Malawi¹. MCTU also had realized that the vulnerable groups were in the informal sector and in agriculture where wages were also low and declining (ILO, 1999).

So expanding the human capacities of rural people by providing education, health care, nutrition, water and sanitation, building up rural economic infrastructures, addressing inequalities in the distribution of productive assets-redistribution of land and reallocation of finance to meet the needs of the poor borrowers, in particular the women, can be a better way of addressing child labour in Malawi.

2.0 MCTU POLICY DIRECTION ON CHILD LABOUR

During the early 1990's there was a general outcry that Malawi was rampantly using children as source of labour, but there was lack of evidence to prove that indeed child labour was a problem in Malawi. In a drive to raise awareness on the issue of child labour, Malawi Congress of Trade Unions (MCTU) engaged employers (through Tobacco Association of Malawi (TAMA)) in the tobacco growing sector and the tea sector through Tea Association of Malawi (TEAM). Rapid assessments on the context of child labour in Malawi were conducted and the initial findings showed that child labour is a challenge for Malawi. In order to have a clear mandate; MCTU passed a resolution during its congress of 1999 that **child labour was a trade union issue and that a structure be established on child labour interventions at Motel Paradise in Blantyre²**. As such a child labour committee was formed within MCTU Secretariat to oversee the MCTU activities on child labour.

3.0 TRADE UNIONS' ROLES IN COMBATING CHILD LABOR IN MALAWI

To deal with the problem from inside, MCTU made it clear that it had to embark on organizing workers in the tobacco industry by forming workers organization called **Tobacco Tenants and Allied Worker Union of Malawi (TOTAWUM)**. This was in response to the outcry by the Catholic Priests of Nkhotakota about the hardships experienced by tenants ("**mwana wa nzako ndiwako yemwe, ukachenjera manja udyā naye**"- **[your friend's child is equally yours. It**

¹ The Smoking Business (tobacco tenants in Malawi by Liv Torres(ed)-Fafo (Institute for Applied Science) report 339 and Centre for Social Research of University of Malawi, pp89 & 93.

² MCTU congress resolutions of 1999 refer.

only requires ability to associate with him/her to your benefits/advantage). This formation of the trade union was possible because MCTU was actively engaged in consultation with tobacco growers (landlords) under the umbrella organization of Tobacco Association of Malawi (TAMA). A memorandum of understanding (MOU) was signed in 1999 between MCTU , TOTAWUM and TAMA facilitated by Ministry of Labor. The MOU eased access into tobacco estates to verify incidences of child labour and organize tenants into a trade union.

Having stated the policy direction of MCTU on child labour, resource mobilization was embarked through the International Confederation of Free Trade Unions –African Region (ICFTU-Afro), now called International Trade Union Confederation-African Region (ITUC-Afro). There were general sensitization meetings in the workplaces. Due to the complexity of the child labour problems, training and education activities were conducted nationally and regionally in the sub-Sahara Africa.

Following the general sensitization on the child labour; Malawi case was so unique as the policy decision maker did not agree that there was child labour in Malawi. To bring evidence to convince the employers and government, MCTU embarked on the research agenda where **Tobacco tenants in Malawi (The Smoking Business)** report³ was produced supported by a video documentary on **tobacco tenants in Malawi** with technical support from the International Union for the Food Processing Federation (IUF) and the international labour organization (ILO). There was also a pilot project in the tea sector that also confirmed that there was prevalence of child labour practices (FAFO report 2003).

This led to the involvement of MCTU in the Southern Africa Development Community (SADC) regional project on child labour that aimed at influencing governments, including Malawi on the ratification of the core conventions. This was a project by the Commonwealth Trade Union Council (CTUC) in collaboration with Southern Africa Trade Union Coordinating Council (SATUCC) where MCTU is a member. The project had a regional dimension that offered an opportunity for sharing and exchange of information in the SADC countries and best practices in lobbying governments to ratify core conventions⁴ including convention 182 on worst forms of

³ Refer to FAFO report the Smoking Business report of 2000 and Video tape documentary

⁴ Malawi has ratified 29 ILO Conventions, including all eight Fundamental Conventions: Forced Labour Convention, 1930 (No. 29); Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); Right to Organise and Collective Bargaining Convention, 1949 (No. 98); Equal Remuneration Convention, 1951 (No. 100); Abolition of Forced Labour Convention, 1957 (No. 105); Discrimination (Employment and Occupation) Convention, 1958 (No. 111); Minimum Age Convention, 1973 (No. 138); and Worst Forms of Child Labour Convention, 1999 (No. 182). Ratification of these conventions commits Malawi to observing the principles of equal opportunity and equal treatment in laws, policies and programmes, including those concerning people with disabilities.

child labour. This brought in regional and national workshops that imparted the knowledge on how to use ILO convention in the fight against child labour. The regional project was complimented by the ILO-SAMAT through the development of **Trade Unions and Child Labor Tool Kit**⁵. These resource books articulated strategies that can be used by trade unions in the fight against child labour, most of which MCTU had adopted for its road map.

The kit alone may not have given a greater impact, but MCTU started to solicit support from the UN agencies and in 2000 support was secured from United nations Children Fund – UNICEF that enabled MCTU to conduct sensitization meetings in eleven districts of Malawi thereafter district child labour committees (DCLC)⁶ were formed. As the structures setting was progressing, **MCTU co-signed an MOU between government of Malawi (GOM) and ILO** on the introduction of an in country child labour programme called the Commercial Agriculture Child Project (COMAGRI). This programme also supported MCTU in its interventions on child labour. Advocacy and campaigns were conducted in the tobacco and tea growing districts of Kasungu, Mzimba, Thyolo and Mangochi.

In the same year of 2000, there was a regional conference where delegation of workers, government, and employers attended. The conference was hosted by ILO where best practices were shared amongst the conference participants. Upon returning home, the team that attended was convinced to institutionalize the child labour interventions hence the Association for Elimination of Child Labor (AECL) was registered under a Trustees Incorporation Act. In this regard, MCTU played a very active role and has since been one of the key implementing partners together with its affiliate TOAWUM (Tobacco and Allied Workers Union). The AECL implemented its programme activities from March 2003 – December 2007 in Nkhotakota, T/A Mwanambo and T/A Mwadzama. In all the interventions MCTU and TOAWUM lead implementing partners at national and local level respectively. It's worth mentioning that TAMA played a key role in representing tobacco growers together with Agricultural Research and Extension Trust (ARET). This demonstrated comparative advantages on the capacities of each organization in the fight against child labor.

While the lobby and advocacy continued on the ratification of core labor standards, MCTU participated in a number of the Tripartite Labor Advisory Council meetings where decisions were

⁵ The toolkit subscribes to the MCTU publicity on child labour – news cut of May 10, 2000.

⁶ The current DCLC that are operational were/are works of MCTU with funding from UNICEF in 2003.

made to ratify all the core labour conventions that saw Malawi ratifying the C182 and C138 in November 1999 which were of greater importance to the fight against child labor. Immediately after the ratification of core labour standards, a good number of policy documents were drafted and passed into law such as the Employment Act 2000, the Labor Relations Act 1996, The Occupational and Safety Health Act 1997, the drafting of the Tenant Labor Bill, Code of Conduct on child labor, Draft National Policy on Child Labor (NPCL), National Action Plan on Child Labor (NAPCL), Employment (Prohibition Of Hazardous Work For Children) Order 2012, Malawi-Decent Work Country Programme, draft Employment and Labour Policy and the over arching Malawi Growth Development Strategy (MGDS). The processes were in a bid to domesticate the provisions of the international labour standards. In all this work, MCTU has been actively taking part and all these strive to contribute towards the elimination of child labour in Malawi. While Malawi has made strides in the policy frameworks, implementation is another haunting aspect as resources have not been that adequate to effectively make a meaningful impact on the fight against child labour in Malawi.

In 2008, MCTU jointly secured funding with Centre for Youth and Children Affairs (CEYCA) on child labour project called Coalition against Child Labour in Malawi (CACLAM) Project which has been implemented in Kasungu and Mchinji districts funded by HIVOS. The project was building upon the past experiences that there was need for close collaboration between actors on child labour and child rights organizations in Malawi. It was an advocacy project that aimed at further raising awareness on workers' and child rights while offering direct support to re-integrated child labourers. The project had components on training, education and creation of community anti-child labour committees (CCLCs) and area anti-child labour committee (ACCLC) that are at local level complementing the efforts of district anti-child labour committees (DCLCs). The project is still on-going and has been strengthened with another project by MCTU on mobilizing law enforcement agents, trade unions and trades associations in Mulanje, Kasungu, Lilongwe and Mzimba funded by ILO-Malawi office.

4.0 BEST PRACTICES

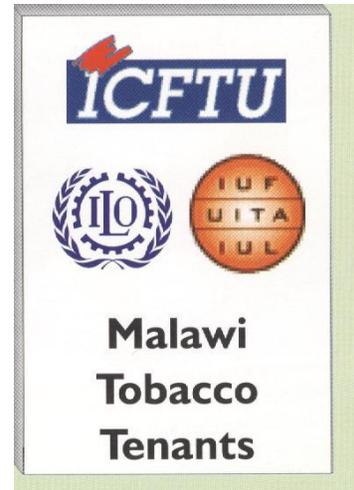
As demonstrated above through the roles of MCTU in fighting against child labour it is summarized that:-

- **MCTU built broad alliances and institutional analysis was very fundamental in acknowledging and fighting against child labour.**
 - MCTU had joined forces with regional national centres on the fight against child through the SATUCC/CTUC on the ratification of core conventions, this included the Zambia, Zimbabwe, Tanzania, Botswana, Namibia, South Africa Swaziland and Lesotho
 - MCTU learnt that organized workers provide best way to fight against child labour, although it has never been argued that where there are organized workers there is no child labour.
 - MCTU has also partnered with CEYCA, a local NGO in the fight against child labour in Malawi, a project that promotes loose partnership, a spirit of working together in Kasungu and Mchinji among key players in the impact district Called Coalition Against Child Labour in Malawi (CACLAM) including Targeting National Relief and Development (TANARD), Salvation Army, Mudzi Wathu Community Radio, ILO, Plan Malawi and DCLCs. There also joint partnerships with AECL's project implementation.
 - MCTU is an active member of the child labour network.
 - MCTU is a member to a taskforce on enactment of Tenancy Labour Bill 2010.

- **Helping develop and implementation of national policies on child labour**
 - MCTU actively participated in the development of the ILO training kit on trade union action against child labour.
 - The MCTU also participated in the formulation of code of conduct, labour legislation after the ratification of core labour standards including the tenancy labour bill, national action plan on child labour, drafting of the national child labour policy, formulation on the list of hazardous work
 - MCTU is a party to decent work agenda country programme where among many interventions child labour elimination is a priority.
 - MCTU is fully engaged on the formulation of employment and labour policy in Malawi

- **MCTU had strengthened existing organizations and setting up institutional mechanisms**
 - MCTU instituted a child labour committee in its ranks comprising of affiliates and youthful workers were also part of the committee
 - MCTU had formed DCLCs in the eleven districts but also continued to form community anti-child labour committees (CCLC) and area anti child labour committees (ACCLs) in the project impact areas.
 - Both the DCLCs and CCLCs were trained
 - Child labour monitors have been trained and supported with bicycles to enable them conduct their work against child labour.
 - Labour inspections have been supported by the CACLAM project
 - Follow-up visits have been conducted regularly.
 - Supporting regular meetings of policy advisory board and board meetings.
 - Contributing to the discussions of the child labour network.

- **MCTU enhanced creating awareness on the problem national wide, in communities and at workplaces**
 - Joint social mobilization campaigns have been conducted with MCTU's partners – this was not limited to project staff only but included the policy advisory board members both from MCTU and CEYCA.
 - MCTU and CEYCA have conducted annual participatory review meetings together with the DCLCs and CCLCs.
 - Training and education has been imparted on child labour national wide.
 - MCTU has conducted a radio programme on solidarity since its inception in 1995, and child labour committee members within MCTU had child labour talks on air and it continues to be on air.
 - MCTU printed T-shirts and brochures on child labour which were used during open day events such as the child labour campaigns.



- **MCTU supported and promoted the development and application of protective legislation**
 - Labor inspection support (refer above)
 - Enhancing the child labour monitoring system at local level by creating CCLCs and DCLCs
 - Awareness raising meetings by the CCLCs
 - Identification and reporting of child labour cases
 - Mobilizing the law enforcement agencies, trade unions and the informal trade association.

- **Supporting direct action with child labourers by providing alternatives to children and parents**
 - Provision of school fees to the withdrawn and re-integrated child labourers (Kasungu)
 - Provision of teaching and learning materials such as school uniform, textbooks, exercise books to the child labourers
 - Provision of foot and net balls to schools and sporting kits – Tadwe school
 - Provision of livelihood – goat rearing initiative (Nkhotakota project) for proteins and commercial purposes.
 - Construction of a school block, teachers houses and latrines and borehole – Tadwe school child labour project (in Nkhotakota) and the CCLCs contributions towards the teachers’ houses in Mchinji and latrines

- **MCTU and its partners replicated and expound in supporting projects in the programmes of partners**
 - MCTU and its affiliate TOAWUM first played the leading role in the project implementation in Nkhotakota to a small impact area of seven group village heads in T/A Mwansambo in Nkhota-kota, then expanded the project to the whole of T/A Mwansambo then further extended the project to T/A Mwadzama. This is also where Red Cross was implementing programmes on Community Child Based Care (CCBC) where nutritional support was being provided to orphans and vulnerable children and where Malawi Social Action Fund (MASAF) supported income generating activities (maize mills) and paraffin pumps sales.
 - Similarly the MCTU/CEYCA project has been implemented in Kasungu and Mchinji respectively has started in a small impact area scaled up to a larger impact area. This project too is building on the past experiences gained from other projects, in fact enhancing close loose collaborations with other partners on the ground.

- **And mainstreaming of child labour issues in socio-economic policies, programmes and budgets.**
 - Since 1999 child labour congress resolution to set a structure, MCTU has continuously worked tirelessly on child labour elimination.
 - MCTU has worked project with different partners such as SATUCC/CTUC, ILO-SAMAT, ILOIPEC-Country projects, Ministry of labour-(GoM), Human Rights Consultative Committee, UNICEF, HIVOS, Lo-Norway in fund raising mainstreaming of the child labour issues through training and education, organizing and drafting and formulation of policy documents such as the Malawi Growth Development Strategy and Malawi-Decent Work Agenda Country Programme

5.0 LESSONS LEARNT

- The projects have increased the level of participation for the community in the target areas in the fight against child labour

- The projects enhanced the resource capacity at institution level for effective project delivery.

- Through the projects implementation, in both districts, it was learnt that different projects complimented each other. For example in Mchinji Salvation Army and the department of social welfare and ministry of education had their projects on withdrawals and rehabilitation, violence against a girl child and construction of school blocks and teachers' houses. Child protection officer of Kapiri in T/A Dambe rescued a girl child from early marriages while Salvation Army withdrew many children from T/A Mkanda and T/A Dambe.
- Both districts of Mchinji and Kasungu pose as the highly affected districts with child labour as evidenced by the coming in of many actors. In Kasungu for example received full project funding from Plan Malawi International to cover part of the district that did not have similar project before. ILOIPEC support to national action plan had also introduced a project another impact area of T/A Kaomba and Santhe where child labour free zones and multipurpose learning centre are being introduced. Similarly in Mchinji, Child Labour Elimination: Actions for Real Change (CLEAR) project was also introduced with funding from Elimination of Child Labour in Tobacco Growing Foundation (ECLT Foundation).
- Chiefs are very instrumental in the fight against child labour. Their commitment went a long way as evidenced in the impact areas. This equally applies to the commitment of District Labour Officers in making regular inspections and persecution of perpetrators of child labour practices.
- making aware the community comprising employers, workers, children, parents and other relevant stakeholders in the targeted areas of child labour practices as a social, legal and human rights problem;
- actively involving the community in the targeted areas in the fight against child labour;
- reducing the number of children who drop out from school in the selected areas
- Linking vulnerable family households in the targeted areas to other service providers that can help such targeted household to be economically empowered.
- The projects offered an awareness and sensitization of communities on child labour as a social, legal and human rights problem. Most of stakeholders articulated very well the activities of MCTU programmes are carrying out in the communities.

- Four best practices shared these were preventive approach, counseling dynamics, Gule Wankulu door by door campaign, Child labour data has been collected on household level by sex and age for the impact areas and school enrolment is available, wages and conditions of services of direct labourers and tenants have improved, some landlords are offering K200 per day.
- Traditional leaders creating social protection through a bursary for the 16 needy pupils in the district for example in T/A Mwansambo.

6.0 MCTU STAND ON CHILD LABOUR IN MALAWI

1. The last few years both child labour conventions have been ratified by an unprecedented number of ILO member states. While C138 has now been ratified by 155 countries, C182 has been ratified by 171 countries. With a very large majority of all nations now having ratified both conventions, this should logically lead to a more comprehensive approach and programming of the ILO against child labour which is based on both Conventions. The ILO should therefore translate the international commitment of its member states into national policies and action plans. Actions focused on the worst forms of child labour should take place in the broader framework of National Action Plans for the elimination of all forms of child labour in line with Conventions 138 and 182.
2. The examples of MCTU roles and contributions towards combating child labour, but also the experiences of our partners in Malawi, strongly indicate that it is much more effective to systematically address all forms of child labour that keep children out of (formal full-time) education and/or threatens their physical and mental health, than to focus on the elimination of the worst forms of child labour only. Many worst forms of child labour can only or more effectively be addressed if there is broader 'supporting environment'. Banning the 'worst forms', without having one group of exploited children replacing another, is therefore best achieved within a broader strategy which, by including social mobilization, creates and enforces a social norm that all children should be in school instead of work and follows this up by really creating access to education for all.
3. The ILO Global Report (2006) rightly states that 'perhaps the greatest progress has been made in recognizing the link between child labour elimination and Education for All (EFA). As all children have the right to education it would therefore be logical to focus on all forms of child labour that prevent children from benefiting from full-time education. A strategy based on both Conventions is needed for that. An important argument needs to be added here. The minimum age for employment according to ILO Convention 138 is 15 year

(developing countries can choose 14). Millennium Development Goal 2 (MDG 2) is stating that by 2015 all children should have access to at least four years of education. Therefore it is expected that many children leave school when they are 10 or 11 and enter the labour market much too young of age where they compete with adults. This definitely undermines the implementation of C138. A strong focus on its mandate regarding C138 as part of its global action plan and international advocacy by the ILO to extend MDG 2 to at least 8 years of education would therefore be required.

4. The eradication of child labour is, as also the Global Report 2006 stated, closely linked to the implementation of other ILO Conventions (in particular the fundamental labour rights) and other employment-related policies which can be summarized as 'decent work'. Experiences of governments, NGOs and unions in our country prove that child labour undermines the employment, bargaining position, wages and working conditions of adults. By organizing workers (especially in the informal sector) and social mobilization it is possible to tackle all forms of child labour. In sectors or regions where child labour is banned, the result is a better bargaining position of adults resulting in improved labour conditions and more decent employment.
5. Focusing mainly on the worst forms of child labour sends the wrong signal to companies and NGOs that also for them it is enough if they deal with the worst forms of child labour only, including in their supply chain. It is not enough because it would violate Convention 138 that has been ratified by 155 countries and is part of the fundamental labour rights.
6. Another argument that supports a comprehensive approach to tackling child labour can be seen in the figures presented in the 2006 report. It is positive that there is a decrease in the number of child labourers (from 245.5 million to 217.7 million). Closer look into the figures shows that there has been significant decrease in the worst forms of child labour (from 170.5 million in 2000 to 126.3 million in 2004). At the same time we see an alarming rise of other forms of child labour from 75 million in 2000 to 91.4 million in 2004. An explanation for this is not given in the report. A further analysis, also into the unknown number of children presently not counted as child labour as they work at home, is required.
7. Finally: we do of course recognize that the ILO and other key stakeholders on child labour pursue the goal of the effective abolition of all forms of child labour. However focusing so strongly on the elimination of the worst forms by 2016, means that strategies targeting all forms will receive much less attention. The risk is that the efforts to reach this 'short-term'

goal are not only less effective than it could be, but also jeopardizes reaching the goal to eradicate all forms of child labour⁷.

7.0 CONCLUSION

The convention on the rights of a child states that in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration. The CRC also provides that any child protection and care is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures⁸. This equally applies to member states.

⁷ Position statements 1 to 7 are as per background note for the May 10th and 11th 2010 Global Child Labour Conference that took place The Hague, The Netherlands.

⁸ CRC article 3 refers.