

WORLD DAY AGAINST CHILD LABOUR

Category: Commercial Law, Dispute Resolution
written by PPM Attorneys | June 12, 2017



In light of *World Day Against Child Labour 2017*, we have highlighted the labour laws with respect to children.

Firstly, child labour is not legal in South Africa. However, children can't use this as an excuse to get out of doing the dishes. Not all work by children is deemed to be child labour, for example, reasonable household chores are "child work" but it does not affect a child's welfare. Therefore, the term "work" is not limited to economic activities (e.g. where children are paid) but also includes household chores. It would only be deemed illegal and a criminal offence if such work is exploitative; hazardous; inappropriate for their age; or detrimental to their development. This is because legislation has been enacted to protect the rights of children.

The Constitution

Section 28(e) of the Constitution provides that every child has the right to be protected from exploitative labour practices.

The Basic Conditions of Employment Act (BCEA)

In terms of the BCEA, it is a criminal offence to employ a child under the age of 15 years. The exception to this stipulates that a child who is 15 years or younger may be employed in the performing arts with a valid permit from the Department of Labour.

Chapter 6 of the BCEA provides for the prohibition of employment of children and forced labour. Children under 18 have a right to be protected from work that is exploitative, hazardous, and inappropriate for their age, detrimental to their schooling or detrimental to their social, physical, mental, spiritual or moral development.

Children aged between 15 and 18 years may not be employed to do work inappropriate to their age or work that places them at risk, for example, working in a mine.

The Children's Act 38 of 2005 ("the Children's Act")

In terms of the Children's Act, a person may not use, procure or offer a child for slavery or similar

practices; employ a child of purposes of commercial sexual exploitation; traffic children; and use a child for the commission of crimes.

Child labour is cheap labour and while reduced costs are always attractive, this is not the way to cut costs. Child labour significantly impacts on a child's quality of life and development, and this is wholly unacceptable. If you are aware of child labour practises, you need to report it to the Department of Labour because children belong on the playground, not in the workforce.