

The real magnitude of child labor in the Philippines: The need to address the undercount in official statistics

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Abstract. The Philippines has excluded nearly 660 thousand children from the official count of children engaged in child labor estimated at 2.1 million children in 2011. This arose from an operational definition by the Philippine Statistics Authority (PSA) of child labor that is restricted to hazardous work which includes work in hazardous conditions or work involving restricted hours such as night work or excessive work hours of more than 20 hours a week for children below 15 years old and more than 40 hours a week for children between 15 to 17 years old. This paper estimates that child labor is increased by 20 percentage points (from 63% to 83%) when child labor includes work that is not appropriate for the child's age (i.e., the minimum age of 12 years old for admission to employment and permissible light work not exceeding 14 hours a week performed by children aged 12 to 14), work interfering with the child's education and unsupervised child work by a parent or guardian for children below 15 years old. The following characteristics of children are likely to be missed out from the count of child labor that considers only hazardous work: young children below 15 years old, girls, urban residents, sari-sari store retail trade workers and poultry and livestock workers, shops and market sales workers, vendors, and trade workers. Where policy decisions are largely data-driven and evidence-based, the undercount could gravely affect national and local budget allocations for child labor and poverty programs and undermine efforts to reach every Filipino child engage in child labor for proper intervention in human capital development.

Keywords: hazardous child labor, hidden child labor

1. Introduction

The Philippine government made a reinforced commitment to end child labor in line with the Sustainable Development Goal Target 8.7 of eliminating child labor in all its forms by 2025. However, the achievement of a "child labor free Philippines" is hampered by several factors including a restrictive definition adopted by the Philippine Statistics Authority that limits child labor to hazardous work, leaving out many children engaged in economic activities that are considered by Philippine law and international labor standards to be harmful to a child's health, and intellectual, emotional, and social development. The undercount would lower the trajectories with respect to the required level of decline in child labor and underestimate the required time to achieve the goal of a child-labor-free Philippines. Where policy decisions are largely data-driven and evidence-based, the under-enumeration could gravely affect national and local budget allocations for child labor and poverty programs and undermine efforts to reach every Filipino child engage in child labor for proper intervention in human capital development.

Not all work done by children is considered child labor defined as work that is prejudicial to the children's physical, mental, moral, social, and intellectual development (ILO,).

There are age-appropriate child activities under healthy and secure environments that is conducive to a child's learning and development and provide children with the skills that prepare them to be responsible and productive members of society. For instance, work that constitutes an integral part of an academic or training program prescribed by competent authorities is not considered child labor.

The Philippines has ratified all the principal international legal instruments for protecting children from child labor¹ as follows: (a) ILO Convention No. 138 (C138) which sets the minimum age for admission to employment; (b) ILO Convention No. 182 (C182) which defines the worst forms of child labor; and (c) the United Nations Convention on the Rights of the Child (UNCRC) which advocates for children's right to be protected from work that harms their "health or physical, mental, spiritual, moral or social development".

Child labor is in violation of the rights of Filipino children enshrined in the Philippine Constitution. Section 3(2) of Article XV of the Philippine Constitution declares that the State shall provide special protection to children from "all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development". This is also highlighted in Section 2 of Republic Act 9231, otherwise known as the "Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act", which mandates the State to ensure the protection and rehabilitation of "children gravely threatened or endangered by the circumstances which affect or will affect their survival and normal development in which they have no control", and to exert every effort "to promote the welfare of children and enhance their opportunities for a useful and happy life".

Child labor reinforces poverty which is a principal determinant of child labor. With the tradeoff between time for study and work, child labor is likely to reduce human capital formation and leads to lower earnings in adult life which may compel them to send their offspring into child labor to augment the family income (Galli, 2001; Harper, Marcus, and Moore, 2003; Heady, 2003). Hence, child labor perpetuates the vicious cycle of poverty across generations.

This paper provides evidence of the magnitude of uncounted Filipino child labor as defined by both Philippine laws and two ILO conventions ratified by the Philippines, namely, ILO C138 on the minimum age for admission to employment and ILO C182 which defines child labor including its worst forms. A more accurate measure of the extent and nature of child labor is crucial in the design, implementation and monitoring of data-driven policies and programs aimed at eliminating child labor and breaking the vicious cycle of poverty across generations. The underestimation of the magnitude of child labor can lead to prejudicious inequality that deprives children who were excluded from the official count of their full physical, emotional, and intellectual development and jeopardizes their potential and productivity in adulthood.

¹ In addition to ILO C138 and C182, and the UNCRC, the Philippines also ratified ILO Convention No. 150 which calls for the abolition of forced labor and the following related instruments: the UNCRC Optional Protocol on the Involvement of Children in Armed Conflict; and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.

The paper is organized as follows: Section 2 discusses the definition of child labor as operationalized by the Philippines Statistics Authority (PSA) and explains why this definition does not fully capture the extent of child labor by national legislation and international labor standards. In particular, the PSA definition of child labor did not include other illegal forms of child work under Republic Act (RA) 9231² (Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act) such as activities that are inimical to a child's education, or work done by children below 15 years old that is not appropriate to their age as prescribed by ILO C138. Section 3 estimates the real magnitude of child labor in the country and discusses the demographic and work characteristics of child labor. Section 4 examines policy gaps including the exemption of work supervised by a guardian or parent for children below 15 years old, and section 5 presents the conclusion and recommendations for policy and data collection.

2. Definition of child labor by national legislation and international standards

Under Philippine laws, a child refers to any person under 18 years of age (Section 3(a) of Republic Act 7610³). "Work" refers to any economic activity a person does for pay in cash or in kind, or for profit, or without pay on a family farm or family enterprise (Bureau of Labor and Employment Statistics and National Statistics Office, 2011).

A child is considered employed if he/she has worked for "at least an hour on any day during a seven-day reference period". This section discusses three alternative definitions of child labor.

2.1 The PSA definition of child labor

The PSA definition of child labor is limited to hazardous work⁴ that includes:

- (a) work in hazardous conditions or that which is likely to harm the health, safety, or morals of children such as activities associated with hazards that can create

² RA 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 Republic Act No. 7610, As Amended, Otherwise Known as the "Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act".

³ RA 7610: An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, Providing Penalties for its Violation, and for other Purposes.

⁴ ILO Recommendation 190 that accompanies ILO Convention 182 on the Worst Forms of Child Labour refers to hazardous work as including work: (a) which exposes children to physical, psychological, or sexual abuse; (b) underground, under water, at dangerous heights or in confined spaces; (c) involving dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads; (d) in an unhealthy environment which may, for example, expose children to hazardous substances, agents, or processes, or to temperatures, noise levels, or vibrations damaging to their health; (e) under particularly difficult conditions such as work for long hours or during the night or where the child is unreasonably confined to the premises of the employer.

unsafe and unhealthy working environment (Section 12-D (4) of RA 7610 as amended by Section 3 of RA 9231)⁵.

- (b) nighttime work between eight o'clock in the evening and six o'clock in the morning the following day for children below 15 years old and between ten o'clock in the evening and six o'clock in the morning the following day for children aged 15 to 17 years old (Section 12-A (3) and Section 12-A (4) of RA 7610 as amended by Section 3 of RA 9231).
- (c) work involving long hours of more than twenty hours a week or more than four hours a day for children below 15 years old and more than forty hours a week or more than eight hours a day for children aged 15 to 17 years old (Section 12-A (1) and Section 12-A (2) of RA 7610 as amended by Section 3 of RA 9231).

2.2 The definition of child labor according to international labor standards set by ILO C138 and ILO C182

By ratifying ILO C138 (Minimum Age Convention 1973) and ILO C182 (Worst Forms of Child Labour Convention, 1999), the Philippines commits to conforming its national laws with the Conventions' fundamental provisions. Specifically, ILO C138 stipulates that the minimum age for admission to employment "shall not be less than the age of completion of compulsory schooling" although light work may be permitted for children at least 13 years old (or at least 12 years of age for insufficiently developed economies). This means that children below 12 years old who worked for at least an hour in the reference week is engaged in child labor. Light work is defined as work that is not deleterious to a child's health and development and does not prejudice their school attendance or vocational training or "their capacity to benefit from the instruction received" (Article 7, par. 1). The maximum permissible work hours for children 12 to 14 years old is 14 hours a week, based on ILO Convention No. 33 (Minimum Age for Non-Industrial Employment) that sets the maximum duration of work hours for light work to "two hours per day, on either school days or holidays" (Article 3, par. 1(c)).

⁵ Work in hazardous conditions refers to work that has any one of the following characteristics (Section 12-D (4) of RA 7610 as amended by Section 3 of RA 9231): (a) Debases, degrades or demeans the intrinsic worth and dignity of a child as a human being; (b) Exposes the child to physical, emotional or sexual abuse, or is found to be highly stressful psychologically or may prejudice morals; (c) Is performed underground, underwater or at dangerous heights; (d) Involves the use of dangerous machinery, equipment and tools such as power-driven or explosive power-actuated tools; (e) Exposes the child to physical danger such as, but not limited to the dangerous feats of balancing, physical strength or contortion, or which requires the manual transport of heavy loads; (f) Is performed in an unhealthy environment exposing the child to hazardous working conditions, elements, substances, co-agents or processes involving ionizing, radiation, fire, flammable substances, noxious components and the like, or to extreme temperatures, noise levels, or vibrations; (g) Is performed under particularly difficult conditions; (h) Exposes the child to biological agents such as bacteria, fungi, viruses, protozoans, nematodes and other parasites; and (i) Involves the manufacture or handling of explosives and other pyrotechnic products.

The existing national legal framework has fallen short from full compliance of the Minimum Age Convention by providing an exception to the minimum age requirement for parent/guardian- supervised child work in family-owned business or farms, where Filipino child labor is largely concentrated. Equally important is the enforcement of existing child labor legislations which remains an enormous challenge as most child labor occur in small-scale family-operated enterprises in farms and retail trade or in private households which are largely outside the coverage of labor inspection. If Philippine child labor laws are to conform with the ILO C138, then all economic work undertaken by children below 12 years old should be prohibited, and only “light work” that is not harmful to the child’s development or not exceeding 14 hours a week may be permitted for children between the ages 12 and 14.

2.3 The definition of child labor by RA 7610 as amended by RA 9231

Apart from hazardous work, RA 7610 as amended by RA 9231, also includes other forms of child economic activities as child labor in accordance with ILO C182, as follows:

- (a) work that interferes with the compulsory education of children (Section 4 of RA 9231); and
- (b) work by children below 15 years of age, except in any of the following types of employment that is covered by a work permit issued by the Department of Labor and Employment (Section 2 of RA 9231): (1) work that is directly under the sole responsibility of their parents or legal guardian and where only members of family are employed; and (2) work in essential public entertainment or information.

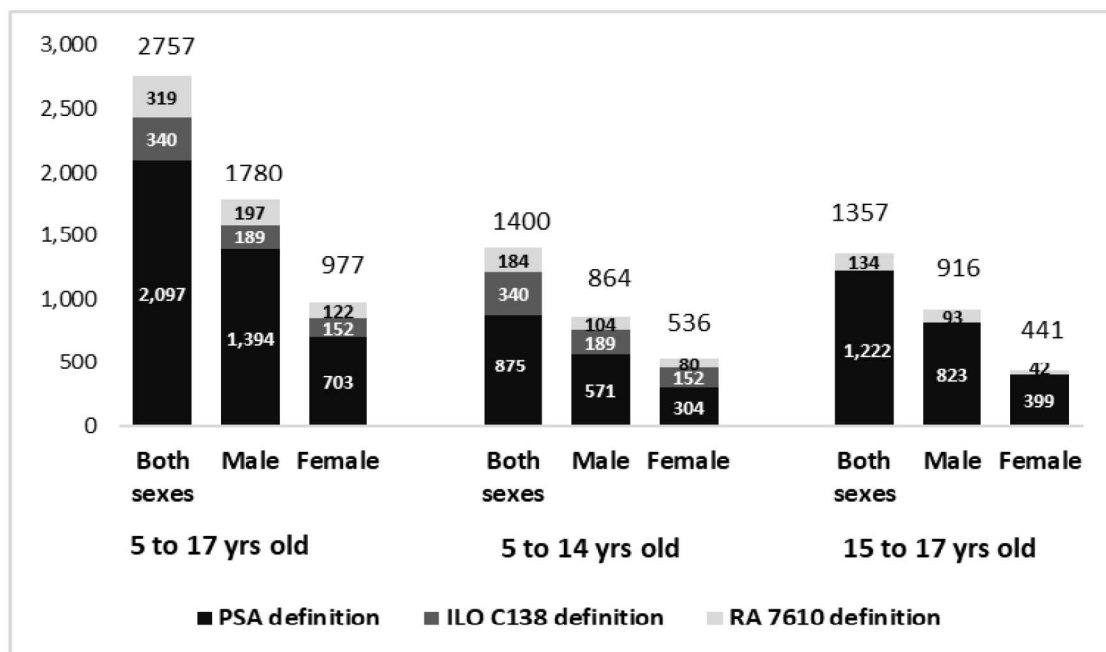
To operationalize interference of child work with compulsory education, the following criteria is used:

- Main reason for dropping out from school is work-related such as to engage in paid or self-employment to augment family income or to help in family-operated farm or business; or
- The answer to the question: “What is the effect of your work on your schooling?” is any of the following: a) low grades; b) absenteeism; c) tardiness; and/or
- The problem of low grades or lack of interest in schooling is identified by the parent with respect to their working children.

3. The real magnitude of Filipino child labor

Nearly 660 thousand children were excluded from the official count of children engaged in child labor. The official estimate of the number of Filipino children in child labor from the Philippine Statistics Authority (PSA) was 2.1 million children based on the Survey on Children in 2011, where child labor was operationalized as hazardous work. There are two types of hazardous work, namely, (a) work in hazardous conditions (e.g., work in unhealthy environments that expose children to hazardous substances, agents, and processes); and (b) work involving restricted hours (e.g., nighttime work) or excessive work hours of more than 20 hours a week for children below 15 years old and more than 40 hours a week for children between 15 and 17 years old. From the PSA definition of child labor that includes only hazardous work, the size of Filipino child labor increased by 340,270 children (or by 10.3 percentage points from 63.3 percent of working children in child labor to 73.6 percent) if the coverage of child labor is expanded to align with the ILO C138 minimum age of 12 years old for admission to employment and work exceeding 14 hours a week for children between the ages of 12 and 14 (Figure 1). The uncounted child labor is increased further to 659,112 children from the PSA definition (or an increase by 19.9 percentage points) if on top of the ILO C138 definition, the RA 9231 definition of child labor is applied which includes work that interferes with the child's education and unsupervised child work by a parent or guardian for children below 15 years old. This translates to a total of 2.76 million children in child labor in 2011, of which half (50.1 percent or 1.4 million) were performed by children between 5 and 14 years old and the other half or 1.36 million undertaken by children in the ages between 15 and 17 years old.

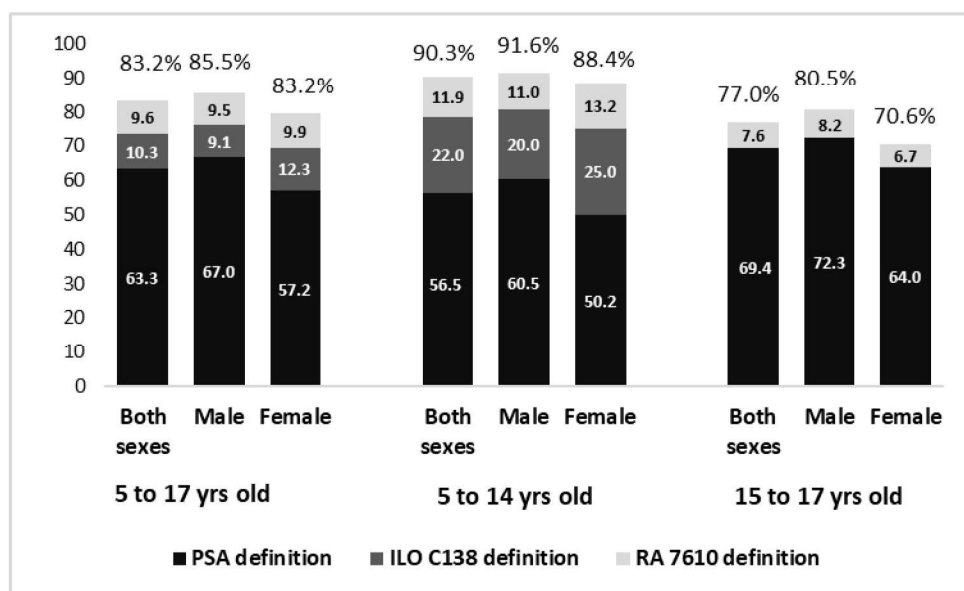
Figure 1. Number (in thousand) of working Filipino children in child labor by age and sex



Source: 2011 Survey of Children, Philippine Statistics Authority; Author's calculations

A vast majority of working Filipino children should not have been permitted to work. About 83% of working children aged 5 to 17 were engaged in child labor that includes not only hazardous work, but also work that is not appropriate for a child's age as defined by international standards, work that interferes with a child's education, and work by younger children not directly supervised by their parent or guardian. This represents an increase of about 20 percentage points from the 63% child labor incidence rate using the PSA definition of child labor that is limited to hazardous work. This means that 20 percent of working children were left out in the count for child labor. Almost all (90 percent) work done by children between 5 to 14 years old and 77 percent of work by children between the ages of 15 and 17 were rendered as child labor. The older children aged 15 to 17 were more likely exposed to hazardous work. The percent of working children engaged in hazardous work was 69 percent for working children aged 15 to 17 years old and 57 percent for working children between 5 and 14 years old. The increase in percentage points of child labor incidence rate from the base PSA definition is higher for younger children (5 to 14 years old) than older children (i.e., increase by 33.9 percentage points versus 7.6 percentage points). Of the 33-percentage point increase in child labor for younger children, 22 percentage points was attributed to work that is not permissible or appropriate for their age, and 11-percentage points was due to work that adversely affects education or unsupervised by a parent or guardian as required by law.

Figure 2. Percent of working children engaged in child labor by age and sex



Source: 2011 Survey of Children, Philippine Statistics Authority; Author's calculations

4. Characteristics of child labor and permissible child work

Boys are disproportionately affected by child labor. Workers in child labor are predominantly boys which represented 59% of total child labor and 67% of hazardous

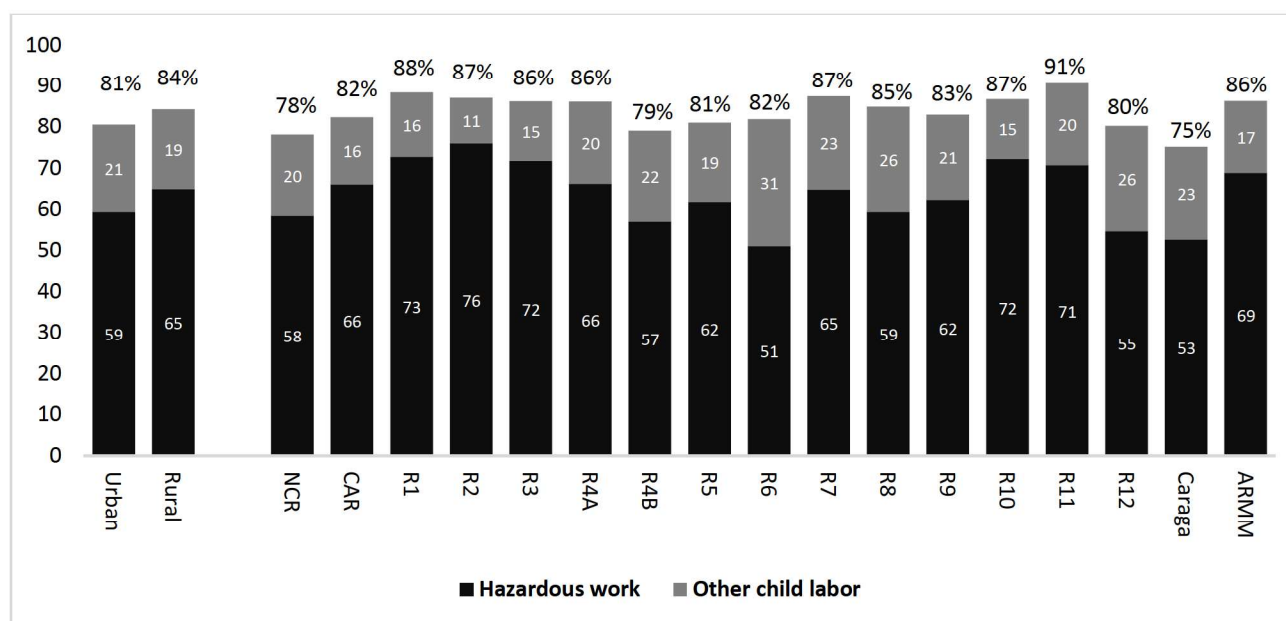
child labor. This translates to 1.8 million boys in child labor, of which 1.4 million were engaged in hazardous child labor. The corresponding figures for girls were 976,632 engaged in child labor of which 703,188 were in hazardous work. Girls were more likely than boys to engage in work with excessive or nocturnal hours, particularly among those in the older ages of 15 to 17 years old working as domestic helpers or in retail trade. Boys were more likely than girls to be working in hazardous conditions as laborers in the agriculture, mining, and construction industries. For other types of child labor, boys were more adversely affected by work that interferes with schooling while there is about equal share of boys and girls who were involved in work that was not appropriate for their age.

The uncounted child labor resulted in higher relative increases in child labor for girls than for boys, with the incidence rate of child labor for girls increasing by 22.2 percent (273,444 working girls) that includes the ILO C138 and RA 7610 definition of considering as child labor those work that interferes with a child's education and work by younger children that is unsupervised by a parent or guardian or not appropriate for their age. The corresponding increase in child labor for boys were 18.5 percent (385,668 working boys). The increase was higher among younger children, a 31-percentage increase in child labor incidence rate for boys and 38-percentage points increase for girls, reducing the male-female gender gap in child labor incidence rate by 7-percentage points for younger children below 15 years old.

Hazardous child labor is a rural phenomenon, while urban areas are more likely to engage younger children below 15 years old in work that is unsupervised by a parent or work that is not appropriate for their age. About 65% of child labor in rural areas compared with 59% for urban areas were engaged in hazardous work. The increase in child labor incidence rate due to the inclusion of other types of child labor was larger in urban than rural areas (21 percentage points vs. 19 percentage points) leading in a lower urban-rural gap in child labor incidence rate.

Some regions suffer more than others from a very high incidence rate of child labor of at least 85%. At the forefront is Region 11 (Davao) with 91% of working children engaged in child labor, and of which 71% were in hazardous work, followed by Region 1 (Ilocos) which has 88% of working children in child labor and 73% who were in hazardous work (Figure 3). The other regions with at least 86% of child labor incidence rate, of which at least 72 percent were in hazardous work include Region 10 (Northern Mindanao), Region 2 (Cagayan Valley) and Region 3 (Central Luzon). Other regions with above average incidence rates of child labor and hazardous work include the regions of Region 7 (Central Visayas), Region 4A (CALABAZON) and the Cordillera Autonomous Region, as well as the poorest region of the Autonomous Region of Muslim Mindanao. The regions which exhibited the largest increases (at least 21 percentage points increase) due to inclusion of other types of child labor include Region 6 (Western Visayas) which increased its child labor incidence rate by 31-percentage points, Region 12 (Soccsksargen), Region 8 (Eastern Visayas), Caraga, Region 7 (Central Visayas), Region 4B (Mimaropa) and Region 9 (Western Mindanao).

Figure 3. Percent of working children engaged in child labor by region and urban/rural residence



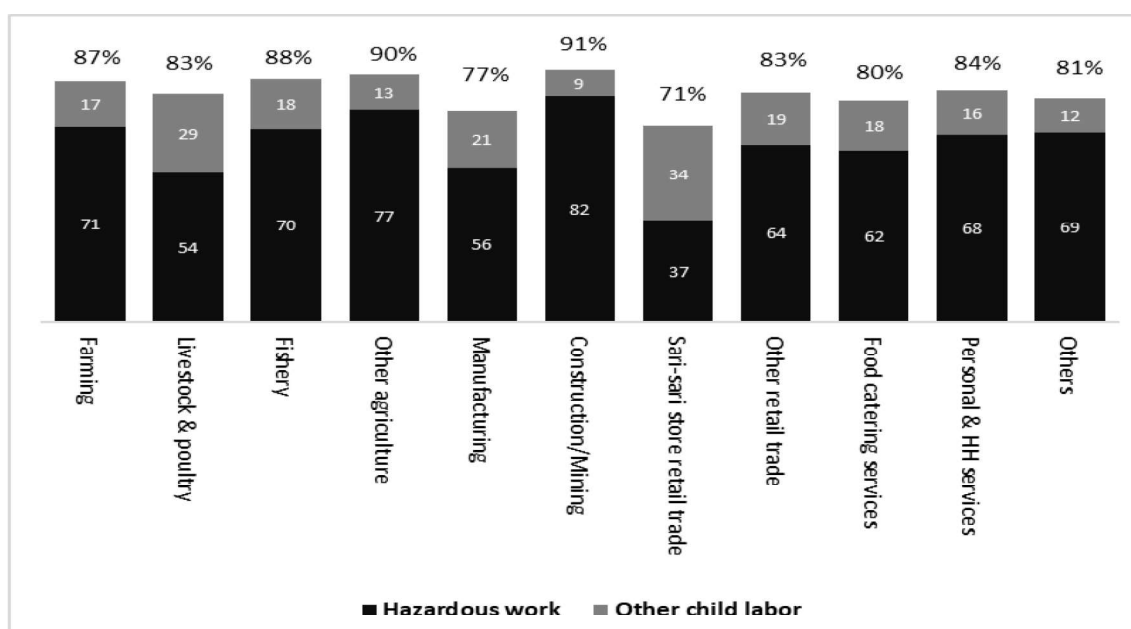
Source: 2011 Survey of Children, Philippine Statistics Authority; Author's calculations

The most harmful industries for children to work in are mining and construction, agriculture industries, and personal and household services. About 91% of children working in mining and construction were engaged in child labor, of which 82% were hazardous work (Figure 4). The incidence rates of child labor were 88%, 87%, 83% and 90% respectively for fishery, farming, livestock and poultry, and other agriculture industries, which jointly accounted for 55% of total child labor (Figure 5). At least 70% of child work in farming, fishery and other agriculture were considered hazardous work. The incidence rate of child labor was 83%-84% for personal and household services and retail trade (excluding sari-sari store retail trade), of which more than 64% were hazardous work. These industries accounted for 15% of total child labor. The largest increase in child labor that includes other types of child labor include “sari-sari” (convenience) store retail trade at 34-percentage points, and livestock and poultry industries at 29-percentage points. Child labor in “sari-sari” which are typically small family-owned retail businesses operated from a front room of the owner’s home accounted for 13% of total child labor.

Occupation patterns reflect industry patterns of child labor where agricultural and industry sector laborers, and domestic helpers have the highest incidence rate of both child labor and hazardous work. At least 86% of children working as agricultural laborers in farms, forestry and fishing were engaged in child labor, of which about 70% were hazardous work. Agricultural laborers comprised more than half (53%) of total child labor. The incidence rate of child labor was also very high (at least 85%) for laborers in the industry sector, domestic helpers, and vendors. The largest increase at 30-

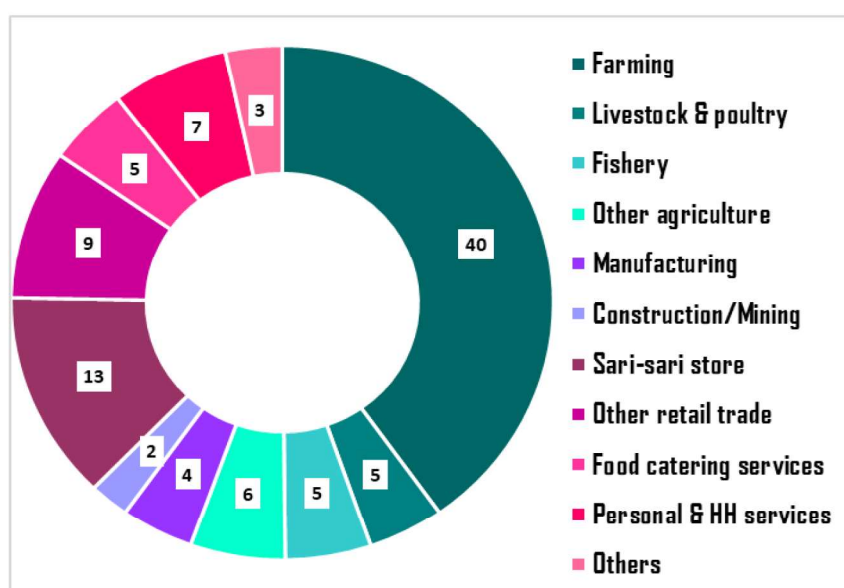
percentage points due to the inclusion of other types of child labor apart from hazardous work was in shops/market sales occupations which accounted for 17% of total child labor. Vendors and trade workers also have large increases by 23-24 percentage points with the inclusion of other types of child workers.

Figure 4. Percent of working children engaged in child labor by industry



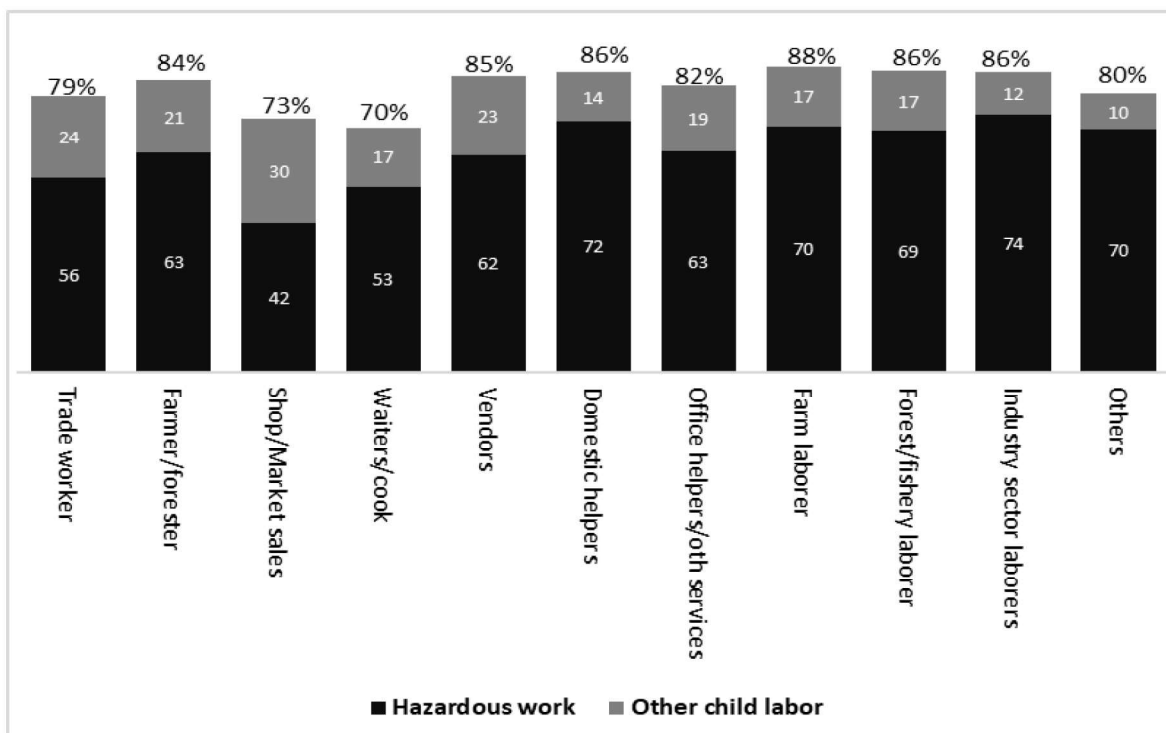
Source: 2011 Survey of Children, Philippine Statistics Authority; Author's calculations

Figure 5. Percent share to total child labor by industry



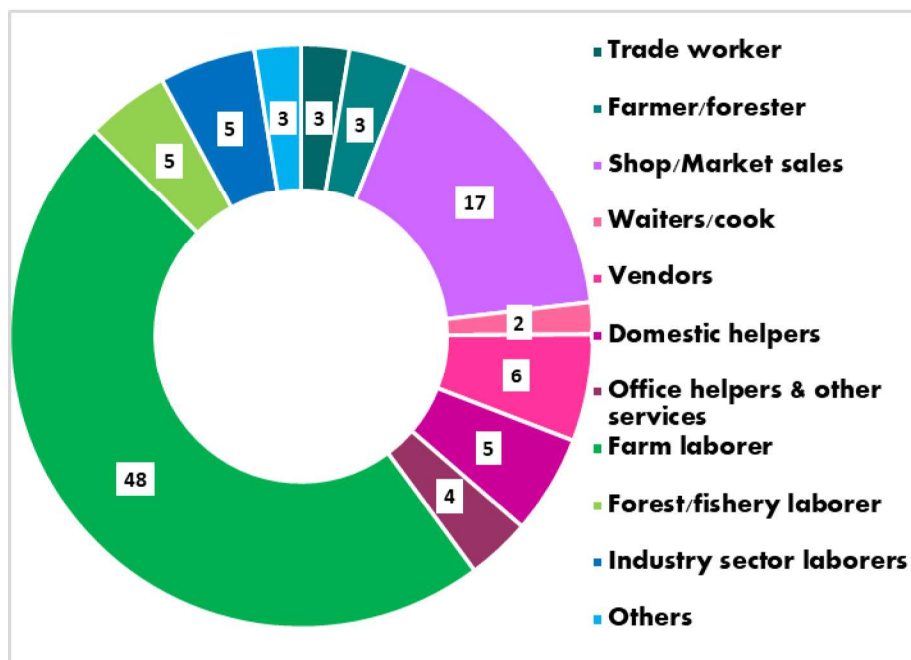
Source: 2011 Survey of Children, Philippine Statistics Authority; Author's calculations

Figure 6. Percent of working children engaged in child labor by occupation



Source: 2011 Survey of Children, Philippine Statistics Authority; Author's calculations

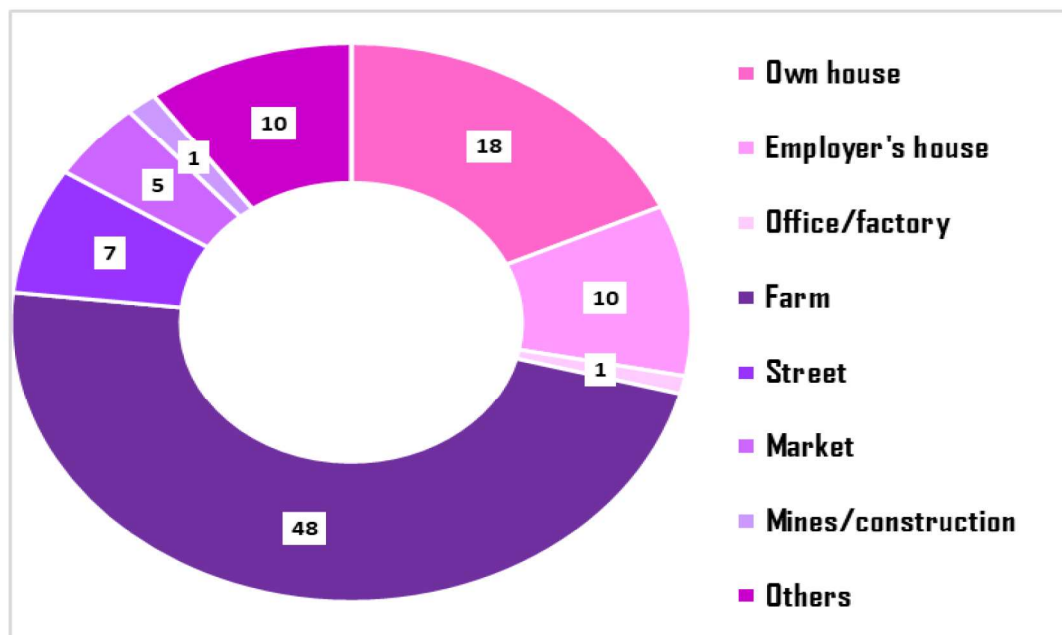
Figure 7. Percent of working children engaged in child labor by occupation



Source: 2011 Survey of Children, Philippine Statistics Authority; Author's calculations

Majority of child labor are in family-owned enterprises and household-based production activities that are largely outside the coverage of labor inspection. The great majority of child labor took place in private homes and own family-operated farms and businesses that are beyond the scope of labor inspection which is largely limited to the formal sector private establishments (Section 2, Rule V of Department of Labor and Employment Department Order No. 183-17). Close to half (48%) of child labor occurred in farms and 28% were in private homes (either the children's own home or their employer's home). Another 7 percent of child labor took place in the streets, 5 percent occurred in markets, while only about 2% of child labor were in factories, offices, and mine and construction sites (Figure 8).

Figure 8. Percent of working children engaged in child labor by place of work



Source: 2011 Survey of Children, Philippine Statistics Authority; Author's calculations

Children should not be permitted to work in the streets and mine and construction sites as 93%-94% of child work in these workplaces were considered child labor, and 72% to 82% were hazardous work. Farms, which are outside labor inspection coverage, also have a very high incidence rate of child labor at 88% of which 71% were hazardous work. Child work in own houses exhibited the largest increase in child labor due to the inclusion of child labor other-than-hazardous work (Figure 9).

Figure 9. Percent of working children engaged in child labor by place of work

