

Research Article

DESCRIPTIVE STUDY ON THE CONDITIONS OF WORK AND WAGE FOR CHILDREN AND ADOLESCENTS

***Katayoun Rahvari and Seyed Mohammad Hashemi**

Department of Public & International Law, College of Law and Political Science, Tehran Science and Research Branch, Islamic Azad University, Tehran, Iran

**Author for correspondence*

ABSTRACT

One of the most important issues about working in children and adolescents is their wages and as it is clear the wages for children are very low in comparison to adult in the world. So, there are special debates regarding this issue. In the present study, the researchers try to investigate the condition of work and wages for children in the world and some countries such as India and china and they have been used special articles that were related to working conditions of work is payment of wage.

Keywords: *Wage, Children and Adolescents, Labor Laws, Difficult Condition*

INTRODUCTION

Convention No. 138 has been approved in 1973, concerning the minimum age for employment and in article 8 to determine working conditions specified the necessary except in cases where children are not allowed to do certain things, The emphasis seems to have been the general term "working conditions" can also be inferred wages need to determine the appropriate conditions.

Article 8: "1 - the competent authority can attach exceptions to the prohibition in Article 12 of this Convention after consultation with the organizations of employers and workers concerned - if they exist - the licenses that will be issued in special cases, (such as participation in the arts).

Licenses to be issued in this way must be limited to certain hours, and working conditions. "(Convention No. 138, Convention concerning Minimum Age for Employment, Translator: Movafaghian)

Recommendation 146 Concerning Minimum Age for Employment

In the Recommendation of mentioned Protocol (Recommendation No. 146 supervisor on the minimum age for admission to employment) in part (a) at the fourth paragraph of establishing a fair wage commensurate with the work performed and the prohibition of discrimination in this context, emphasis is placed on child labor. "Providing fair wages and support the principle of given equal pay for equal work. »(Recommendation No. 146 on the minimum age for admission to employment recommendation supervisor, translator: Movafaghian, p 279)

Child Rights Convention

In article 32 of the approved child rights convention in 1989, member states stressed on supporting children against economic exploitation and, they are also addressed determination of appropriate regulations regarding working conditions. In addition, article 36 of the convention, states parties will support children against all forms of exploitation, which endangers the child's each aspects of welfare. In fact, it seems not to set appropriate pay or pay little or no pay, are all aspects of economic exploitation of children and adolescents. And the determination of appropriate regulations to provide for positive action in order to determine the wages of this group of workers is considered favorable conditions of work.

Europe Social Charter (revised) Act 1996

Europe's Social Charter (revised) in accordance with paragraph 5 of article 7 of the 1996 Strasbourg convention parties are committed to teen workers and students are entitled to receive adequate remuneration and other benefits recognized (Ideh *et al.*, 2010). It is explained that a number of international instruments such as the Convention No. 52 and Recommendation No. 47, 93, 98 and... In connection with the use of paid vacation have been approved and Noting that the right of workers to discuss wages are enjoying the vacation possibilities.

Research Article

In some areas of coastal special and economic zones such as, Fujian, Guangdong, Zhejiang, Sichuan and Hubei has been reported that there are four to five million working children under the age of 16 years. In addition, there are children under 12 years of working in Wenzhou in some areas of Guangdong Hainan in exchange for working 10 to 14 hour day to get the half amount paid adult (Ibid).

And, children and adolescence also drag others into forced labor in China, which in itself is very strange and unfortunate, school students are compulsory to produce cracker by teachers. They promise to the children to pay in exchange for each firecracker loud a 20 fan (Fen) or 2 cents, in fact is paid a fan of 3 or 3/0 cents (Ibid, p.2).

However, all of us are aware of the dangers of explosives materials and that's simply because of money interests, children and adolescents forced to do hard labor by teachers during school it is a great surprise.

Also according to reporters in China is found 12-year-old child sleep only 2 or 3 hours a day and only get \$ 10 a month for 15 hours a day (Ibid). The children working in a factory located in Shangzei was forced to work 12 hours a day and have not paid for a period of 6 months. ("Child workers' wage withheld for up to a year", 2007)

Another anomaly behavior when working with children and young people in China is done to keep them and refused to pay his meager for a long time and sometimes even for a year. Many factory owners located nearby Hebei province refused payment of child labor during the whole year and just provide basic utilities, food and place. This is justified by the factory owners stated that child labor is very immature than those who can manage their finances and these children spend all their rights at once and immediately. The manager of a suitcase manufacturing factory in Baigou also stated that "the basic wage of 400 Yuan and a reward per person and the overpayment is for good work. We will pay all wages at the end of the year. They are teenagers and if we give them all wages they spend it once. Usually, if they want to buy something immediately receive part of their wages "(Ibid). However, the above explanation seems to be more of an excuse not to pay wages kids, later owned factories could get more revenue and profit. Moreover, as the researchers have already mentioned, one of the problems in this age group are considered wages paid to receive part or all of their parents.

In the same regard, an official of the local government office in Bijou claims that many parents of working child request that factory owners paid wages directly to the parents of child in all of last year (Ibid).

However, according to legislation approved in China, none of the above functions are legal, because appropriate treatment and support for children and young adults affirmed these rules and it looks also demonstrated ratification and accession to relevant international treaties, including the convention on the rights of the child and convention 138.

Article 49 of the constitution known as the republic of China government to protect children and prohibit the abuse of them. The 18-year-old is considered mature in China, according to Article 2 of the "Child Protection Act", as a citizen, child who is younger than 18 years (Zhang, 2007).

So when it comes to addressing child labor in China to work for children and adolescents, it is under 18 years. The minimum age to work in this country is 16 years. According to Article 15 of the Labor Law, an employer is prohibited from employing children less than 16 years (Ibid).

Furthermore, according to article 46 of the labor law in China dated 5 July 1994; it is on the basis of the principle of equal pay for equal work and according to part of article 48 state systems ensures minimum wages. Wages paid to workers by the employed units must not be lower than the local minimum wage according to article 49, the minimum wage should be set and revised standards refer to the following factors:

- (1) The minimum cost of living for a worker and family member (s) that are supported by them, (2) the average level of wages in general (3) production work (4) employment status, and (5) different levels of economic development between regions. Also, in accordance with article 50, the wages shall be paid monthly to the common fund to pay the workers, and not without reason, that rate is dropped or delayed payment (China Labor Act, 1994).

Research Article

In this law, supervise and inspect the articles 85 to 88 and they have been pointed out the department of business administration at the country level government departments (states) and in accordance with the laws of duty and surveillance laws, has responsibility for rules and regulations in the employment department and have the power to stop any act that violates the rules and regulations and inspectors to perform his general duties are benefit the right to enter the employment department for review and inspection on the implementation of laws and regulations work and inspect the work of the sites. Of course you should perform a task displayed his identification and impartially enforce the law and be loyal to them.

The relevant departments of the people's government at the level of departments (states) in the framework of their duties and responsibilities to enforce the laws are monitoring rules and regulations by hiring units. In addition, the unions take steps to do safeguard the rights and interests of workers at various levels in compliance with the law and supervise the enforcement of labor laws or rules and regulations on the hiring units. Also, any organization or any person regulations have the right to expose and condemn any act to be made in contravention with the laws, rules (Ibid.).

However, due to the abnormal conditions of these rules seem to not have much of the administrative burden and according to the condition being kept secret and confidential matters most to them by the government and oppressive conditions may not exist daring to disclose information to any person or organization.

However, the rules seem to be extended to children and adolescents, however, despite the protection of child labor laws and regulations in this country to be introduced as a fundamental problem of illegal employment of children less than 16 years of abundant that the sample were mentioned above.

In all cases above, child labor is not only illegal but also is worse discordant and inconsistent with paying adults or not paying or paying less than minimum wage and their wages exploitation is fueled while emphasis the protection of children and avoiding incorrect behavior with them. That seems to weak regulations and a lack of appropriate sanctions assurance and inspections are a result of the mentioned problems.

In addition to endorsing the child labor laws and regulations are never acceptable in this country and that the country of India has not been announced formally legal minimum age for admission to employment in connection with convention 138. Consequently, given the above considerations shows that working children in the country have been common and unfortunately, these laws are actually disrespectful and in this respect the situation in India is comparable to China.

This ensures that the factories, industries and employers often take advantage of the gaps and points up the weakness of the law and in most cases they support and introduce the minimum legal age for employment of children below 14 years as a member of the family. The rule is an exception to the minimum age for domestic industries and activities. Moreover, in rural areas and villages, as well as strategies for law enforcement is very little, or not seen at all and almost all of the criminal acts and punish violators of the law can be said that it is inadequate or generally there is not.

It should be noted that the federal child labor (Prohibition and Regulation) Act 1986 be amended in 2006 and Based on this Act the employment of children below 14 years in industries and activities even that are not dangerous, such as restaurants, hotels, as well as domestic are banned (Bhasin, "Labor and employment laws of India).

It should be noted that India has joined the Child Rights Convention. "Considering that pursuant to Article 79 of the Labor Law is known prohibits employment of persons less than 15 years, we also need to avoid continue the employment of such individuals, like wages and benefits for their work do not during the designated competent authorities, to resolve disputes in the Act and these individuals are not referred to the competent courts for adjudication."(Set of question and answer of the department of monitoring and regulating labor relations).

"According to some, the idea of being supportive is aspects of labor law that is against the delay in addressing the rights of these people. Due to the ease of access to the diagnosis board and resolution of

Research Article

labor law dispute, and being away of the Justice formalities is in favor of child labor that issues raised in the dispute settlement boards, and they do demand justice (Parastesh, 75-1374). But it seems in response to the belief that individuals can be cited Article 157 of the labor law that any dispute between employer and employee based on the person or intern that cannot be solved through compromise the board of solving detection and resolution knows be handle and resolved and given to arrive the order. Because the person under 15 years of labor law principle is not recognized as workers, therefore, they do not have jurisdiction detection and conflict resolution board and it is mentioned in the jurisdiction of other authorities. We had a double injustice inflicted upon children if exclude them of wages and benefits under the pretext that the children under 15 years are not worker, because the negative consequences of illegal employment of child labor should be plagued by employers not the children. But in the end, we have noted that according to Article 188 that waive the labor law, workers, family workshops, including provisions, unfortunately, this possibility is strengthened that the offending employers are denied under the fictitious family workshop at least legislative support of this group of workers. Furthermore, Article 191 of the Law of the small yards in less than ten people have been excluded from the scope of work rules that the Apply of any breach of these children will facilitate the workshops because many of these workers have a small number of workers.

RESULTS AND DISCUSSION

Through the illegality of child labor under 15 years in hiding, these acts often take place in the informal economy and consequently of detailed data is not available and also the labor law has been banned, discrimination in the field of payment of wages on the basis of age and enforcement are also included for violators and that the use of children in employment under the legal age is not meant to exclude revolve of their wages and benefits because otherwise it is a double injustice upon them and they must understand the consequences of illegal employment to employers. Because it is a double injustice upon them, and employers should be aware the consequences of their illegal employment. It also appears that labor law violations against these groups of workers are likely to increase according to material 188 and 191 but besides the lack of specific rules for children, also some factors adds to the problems such as lack of proper monitoring systems, including the shortage of inspectors, unqualified inspectors and lack of funding and adequate facilities coupled with the inefficiency of the labor dispute resolution bodies and clandestine nature of child labor.

Totally, it should be noted that the relevant provisions of the country in question does not have much administrative burden and as well as laws and regulations are observed not only in the recruitment of minors is observed but also they are exploited with poor and little pay. There is also weak laws, and employers industry to further exploit the gaps and cracks in them, especially it will encourage in areas where there is less supervision. Therefore, governments should act up to enact laws and regulations and has established sufficient guarantees communications along with surveillance systems and an efficient inspection and create the conditions that abusers would not dare and allow violation of the law itself. It is also necessary given the circumstances of each country's social, cultural, political, economic. It should be to correct the abnormal structures, for example, the appropriate economic measures to combat poverty, cultural reform and from the elimination of discrimination class system and its various aspects, appropriate training regime and free and Mandatory for kids and their families and thereby enhance their knowledge, especially all families can be effective in preventing this phenomenon.

REFERENCES

- Azer A (1993).** Training and welfare of working children in Shubra El Kheima, Cario: National Center for Social and Criminological Research and the International Labor Organization.
- Bhasin L (2011).** Labor and employment laws of India. Available: www.unpan1.un.org/intradoc/groups/public/.../apcity/unpanO29043.pdf (2011/12/08).
- Child labor in India (2011).** Available: <http://www.childlabor.in/child-labour-in-india.htm> [Accessed: 2011/12/04].

Research Article

Child Right (No Date). Children pay high price for cheap labor, Available at: <http://www.unicef.org/pon95/chil0016.html>. [Accessed: 2011/12/04].

China Labor Bulletin (No Date). Child workers' wage withheld for up to a year. Available: <http://www.clb.org.hk/en/node/46878> [Accessed: 2011/12/07].

Convention No. 138 (2000). Convention concerning Minimum Age for Employment, translated by N. Movafaghian. *Social Issues* 3 273-267.

Dadgar S (2011). The central opening for children ", taken from the website of the Society for Protection of Child Labor. Available: <http://apcl.org.ir/news.htm> [Accessed: 2011/12/30].

Grau M (2012). Child slave labor in China. Available: <http://ihscslnews.org/view-article.php?id=57>.

Human Rights Watch (2001). Egypt: Cotton co-ops violate child labor laws.

Human Rights Watch (2010). Fields of peril, child labor in US agriculture,

Human Rights Watch (No Date). Available: <http://www.hrw.org>

Iedeh A, Keravzesh K and Allen (2010). *Economic, Social and Cultural Rights* (Article Excerpt to attach documents), Translation Department, led by Ardeshir Arjomand, first edition, (Tehran: Majd).

ILO (1996). ILO survey quantify child labor in Ghana, India, Indonesia and Senegal, Geneva.

Iraqis SI (1987). *The International Labor Rights* (Tehran: Tehran University Press).

Iraqis SI (2005). *The evolution of International Law*, 1th edition (Tehran: Institute of Labor and Social Security).

Iraqis SI (2008). *Law of Working (1)*, 10th edition (Tehran: SAMT publication).

National Institute for Occupational Safety and Health (N10SH). Center for Disease Control: Young Worker Safety and Health.

Norden D (2006). Companies and child labour in India. *ECCR Bulletin* 60.

Parastesh R (2009). Case law and the concept of worker. Master's thesis in public law, Faculty of Law and Political Sciences, Tehran University.

Recommendation No. 146 on the Minimum Age for Admission to Employment Recommendation Observer (2001). Translated by N. Movafaghian (2001). *Social Issues*, 3, 280-276.

Sam Gis B (2012). An eighth weight employment on shoulder of child labor", taken from the site Tabnak. Available: <http://www.tabnak.ir/fa/news/...>[Accessed: 2012/01/12].

The Child Labour (Prohibition and Regulation) Act (1986). Available: <http://www.vakilno1.com/bareacts/childlabouract/s2.htm> [Accessed: 2012/01/1]

Tucker L (1997). Child slave in modern India: The bonded labor problem. *Human Rights Quarterly* 19 572-629.

Vikram P (2001). *Underage and unprotected: Child Labor in Egypt's Cotton Fields*, E[Middle East/North Africa],13, 1.

Zhang L (2007). Children's Rights: China, Law Library of Congress, Available: <http://www.lac.gov/law/help/child-rights/china.php> [Accessed: 2010/06/18].