



PHILIPPINES 2000



Administrative Order No. 70
Series of 2003

SUBJECT: **Guidelines in the Implementation of Social Welfare Services for Children Victims/Survivors of Child Labor**

I. Introduction:

Efforts have been made by the government in combating the multi-faceted problem of child labor. The DSWD and the network of social partners of the National Program Against Child Labor, an inter-agency program that serves as the comprehensive response to child labor in the Philippines, are united in harnessing the collective action of individuals and organizations for eliminating the worst forms of child labor and transforming the lives of child laborers, their families and communities, towards their sense of self worth and development. Programs and services have been and are continuously provided to the child labor survivors, their families and communities.

These guidelines are designed to provide the Department and its implementers of social welfare services in the management of child labor cases. It provides a framework for understanding child labor and the management of cases. It defines the Department's role in working with a multi-disciplinary implementation team composed of government and non-government organizations. It outlines, among others, the programs, services, and strategies in the management of child labor cases and ensures a systematic operation of data management of child labor cases of the Department.

II. Rationale:

Global estimates, as of April 2002, provide that there are 210.8 million working children under the age group 5-14 years old and 140.9 million under the age group 15-17 years old.

The Philippine Child Labor situation from the 2001 statistics of the National Statistics Office on working children reveal that 4 million out of 25 million children have to work, that is 1 out of 6 children work.

Children work as a form of socialization also parents view work as a training of children to value labor. Some children may decide to work because of the internalized family expectations that everyone must contribute to the family income. Sometimes, children work to support their educational aspirations because their families cannot afford to send them to school. Also, peer influence may start the interest of the children to work. These, among others, contribute to the existence of child labor.

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Child labor does not refer to all types of children's work. It pertains particularly to efforts of children to earn a livelihood, whether regular or irregular for themselves, for their families or for others. It is seen to be most problematic when the production of goods and services by children benefit the employer or adults more than themselves and the children's personal development are prejudiced and their rights violated.

According to the Report on the 1997 Amsterdam Child Labor Conference, a number of studies on exploitative child labor reveal that children are exposed to safety and health hazards which affect their psychological, emotional, and intellectual development. Their physical and social development are also impaired. These safety and health hazards stem from the nature of work involved in or from poor working conditions such as exposure to hazards, chemical and biological elements as well as serious injuries and illnesses. Children are more affected by work hazards because of their anatomical and physiological characteristics which are different from adults. Also there is lack of awareness on precautions to be taken both on the part of the children and employers. Furthermore, children are more vulnerable to psychological abuse especially children in prostitution, street children and child domestic workers.

For better understanding of child labor and its worst forms, please refer to Appendix A.

III. Legal Bases:

A. United Nations Convention on the Rights of the Child

The Convention on the Rights of the Child was ratified by the Philippine Government in 1990.

Article 32: Children have the right "to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health, physical, mental, spiritual or social development".

B. ILO Convention 138 –Minimum Age for Admission to Employment

The Philippines ratified ILO Convention 138 on 4 June 1998.

The Convention aims to effectively abolish child labor by setting a minimum age for admission to employment or work, which shall not be less than the age of completion of compulsory schooling.

The minimum age to be specified in conformity with the Convention shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years.

The minimum age shall not be less than 18 years or 16 years under certain conditions – for any type of employment or work which is likely to jeopardize the health, safety or morals of young persons.

C. ILO Convention 182 – Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor.

The Philippines ratified this Convention on 28 November 2000.

The Convention lists four categories of worst forms of child labor which require immediate elimination:

- a) All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- b) The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- c) The use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; and
- d) Work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

D. 1987 Philippine Constitution

Ensures the right of children to assistance and protection from neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development.

E. Labor Code of the Philippines

Regulates the employment of children by mandating employers to guarantee the provision of a non-hazardous environment and non-deleterious working conditions for child workers, where they will not be exposed to any risk which will constitute an imminent danger to their safety and health. Likewise, the Labor Code allows children under 18 years of age to be employed as household helpers, provided that their employer gives them opportunity for at least an elementary education, the cost of which shall be part of the helper's compensation, unless otherwise stipulated.

F. The Child and Youth Welfare Code (PD 603) and Labor Code of the Philippines.

Article 107 of PD 603 adopts the provisions of Article 139 of the Labor Code which states that no child below 15 years of age shall be employed, except when he works directly under the sole responsibility of his parents or guardian and his employment does not in any way interfere with his schooling.

- G. RA 7610 – An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination.

Section 2 provides for special protection to children from all forms of abuse, neglect, cruelty, exploitation and discrimination and other conditions prejudicial to their development.

- H. RA 7658 – An Act Prohibiting the Employment of Children Below 15 Years of Age in Public and Private Undertakings, Amending for this Purposes Section 12, Article VIII of RA 7610.

Provides that children below 15 years of age should not be employed except: a) when a child works directly under the sole responsibility of his parents or legal guardian and where only members of the employer's family are employed; or b) where a child's employment or participation in public entertainment or information is essential.

- I. Child 21 – Philippine National Strategic Framework for Plan Development for Children (2000-2025)

Child 21 is the strategic framework for planning programs and interventions that promote and safeguard the rights of Filipino children in envisions to achieve quality of life of Filipino children by 2025. It uses the rights-based and life stages/cycle approach.

- J. DO 4, Series of 1999, Department of Labor and Employment Hazardous Work and Activities of Persons Below 18 Years of Age

Provides list of prohibited work and activities to persons below 18 years of age which is consistent with ILO Convention 182 and its accompanying Recommendation 19):

1. Work which exposes children to physical, psychological or sexual abuse;
2. Work underground, under water, at dangerous heights or at unguarded heights of two meters and above, or in confined places;
3. Work with dangerous machinery equipment and tools, or which involves manual handling or transport of heavy loads;
4. Work in an unhealthy environment which may expose children to hazardous processes, to temperatures, noise levels or vibrations damaging to their health, to toxic, corrosive, poisonous, noxious, explosive, flammable and combustible substance or composites, to harmful biological agents, or to other dangerous chemicals including pharmaceuticals.
5. Work under particularly difficult conditions such as work for long hours or during the night, or work where the child is unreasonably confined to the premises of the employer.

IV. Program Description:

The social welfare services for children victims/survivors of child labor is an array of services, which may either be residential-based or community based. It has three phases: 1) the prevention, 2) reporting and rescue, and 3) recovery, healing, and reintegration of child laborers.

It provides for the different activities and strategies that the social worker and the multidisciplinary team may undertake to respond to the different situations of every child laborer or to families whose children are vulnerable to child labor.

V. Objectives of the Program:

General Objectives:

To improve the life situations of children victims/ survivors of child labor and their families and those who are vulnerable to child labor.

Specific Objectives:

1. To prevent vulnerable children and their families from experiencing child labor situations.
2. To remove the child from hazardous situations and provide for him/her a safe environment where his/her basic needs are appropriately provided.
3. To provide bio-psycho-social, legal and livelihood interventions to ensure adequate functioning and performance of roles of child labor victims/survivors and members of their families.
4. To ensure that child labor victims/survivors are protected from harmful effects of child labor situations and that they fully enjoy their rights.

VI. DSWD Social Welfare Services for Children Victims/Survivors of Child Labor:

A. Prevention

The DSWD Field Office shall closely work with the LGU, the rest of the multi-disciplinary team members and other government and non-government agencies in advocating against child labor through the conduct of, but not limited to, the following advocacy activities:

- Celebration of the World Day Against Child Labor every 12th of June
- Organization and strengthening of the Local Councils for the Protection of Children

- Integration of anti-child labor messages in the implementation of Parent Effectiveness Service, Day Care Service, CIDSS, KALAHÍ and CIDSS – KALAHÍ projects, SEA-K and other projects.
- Act as resource person to fora, local television, radio and print materials
- Advocacy activities to enterprises, companies, hotels, brothels, etc.
- Documentation of best practices
- Development and dissemination of information materials preferably using the regional dialects.

Further, the programs and services related to skills training and provision of financial/capital assistance such as Self-Employment Assistance shall be provided to the families of children who are vulnerable to child labor.

B. Reporting and Rescue

The Department through the Crisis Intervention Units (CIU) in the Central and Field Offices shall accept reports and referrals in writing, telephone calls or personal contacts from any individual, groups or organizations. The CIU shall refer such reports within 24 hours to the operations team of the Sang Batang Manggagawa led by the DOLE for immediate and appropriate action.

The social worker of the CIU shall not be part of the actual rescue operation of the team. The social worker may, however, be part of the planning for the rescue operations to ensure that after the rescue and/or the appropriate filing of charges, the children victims shall be provided appropriate assistance by the Department. The social worker in this instance shall inform the concerned center where the child will be temporarily sheltered. In cases of medical emergencies, the CIU social worker shall immediately proceed to the hospital where the child was referred and provide appropriate assistance.

C. Recovery/Healing and Reintegration

1. Residential Care Services

The child shall remain under the protective custody of the Department shall be conducted the appropriate bio-psychosocial assessment and interventions. The social worker in charge of the case in the center shall coordinate with a multidisciplinary team in the center and with other government and non-government agencies as well. The team may be composed of the following: medical officer, psychologist, houseparent, teacher, lawyer and other disciplines as deemed needed in the management of the child's case. The social worker shall coordinate with the LGU social worker in informing the

parent/s, guardians or relatives and in assessing the parental capabilities insuring the child's safety and development. Appropriate programs, services and interventions shall be provided taking into consideration the child's unique/individual needs. This will include, the following, among others:

- Basic services such as food, clothing, shelter and other personal effects.
- Medical/dental services.
- Psychological/psychiatric services.
- Formal or non-formal educational services.
- Skills enhancement and livelihood activities.
- Legal services.
- Recreational services.
- Spiritual enhancement activities.

The specific social service interventions/activities that the social worker provides include, the following, among others:

- Orientation on the child's stay in the center.
- Counseling geared towards the expression of thoughts and feelings on the abusive/exploitative working conditions.
- Preparation of the child on the filing of complaint against the perpetrator/s.
- Preparation of the child as a witness in court.
- Facilitation of communication or visits of child's family/relatives.
- Conduct life skills activities/sessions with the child/ren.
- Facilitation of eventual return of the child to the family/relative and community.

For further services, interventions and case management, please refer to Administrative Order No. 148, series of 2002, otherwise known as Guidelines in the Management of Residential Care Services. For cases referred to non-government agencies (NGOs), the social worker from the regional office shall closely coordinate with the NGO for appropriate case management.

2. Community Based Services

In cases where the child is staying with a family in the community, appropriate interventions shall be readily accorded through the Department social worker in the community in coordination with the LGU social worker, and the rest of the members of the multidisciplinary team.

Similar to the management of case in the residential care services, a thorough biopsychosocial assessment shall be conducted to the child and his/her family. Appropriate assistance shall be provided

to the family, e.g. counseling, family therapy, livelihood assistance, etc. to ensure that the child does not go back to work, is re-integrated in school and that recreation or play is enjoyed by the child.

For a schematic presentation of the program flow, please refer to the attached Appendix B.

VII. Inter-agency Cooperation and Collaboration:

The **Sagip Batang Manggagawa (SBM)** is an inter-agency Quick Action Program on handling of exploitative/hazardous child labor cases. The role of the Department as indicated in the Memorandum of Understanding duly signed includes the provision of appropriate physical, psychosocial and medical assistance to victims to ensure their protection and rehabilitation towards normal development. The Department shall give attention to meet the children's basic needs and, when necessary, shall ensure that the child laborers are given temporary shelter through its housing facilities.

The Department shall be responsible for notifying the parents or guardians of the children of their whereabouts and shall inform them of the requirements and procedures relative to the return of the child to their custody. It shall be responsible for committing the child to an appropriate child caring institution when necessary. Further, the Department's crisis intervention units shall serve as the 24 hours Quick Action Team (QAT) network centers which shall receive reports of exploitative/hazardous child labor and will refer such reports to the operation team led by DOLE, for immediate appropriate action/ response.

The roles of the different agencies involved in the Sagip Batang Manggagawa include, among others, the following:

- A. The **Department of Labor and Employment** is the lead and overall coordinator of activities under the QAT like standards setting, particularly in the improvement of conditions of work of children; banning of child employment in hazardous occupations; and enforcement of laws, standards and policies.
- B. The **Department of Health** is responsible for the provision of appropriate medical and other related services for the child labor victims.
- C. The **Department of Education** shall provide special educational assistance to the rescued child laborers.
- D. The **Philippine Information Agency** provides technical assistance in the conduct of information, education and communication efforts focusing on activities aimed at strengthening the system for banning employment of children in hazardous and/or exploitative working conditions.
- E. The **Department of Justice** renders legal assistance to child laborers. It shall give priority to the preliminary investigation of complaints filed or inquest cases referred by the NBI and the PNP JIS.

- F. The law enforcement agencies such as the **National Bureau of Investigation**, the **Department of Interior and Local Government**, through the **Philippine National Police** provide assistance to the alleged child labor victims through investigation, conduct of search and rescue operations, apprehension of erring employers or recruitment agencies, and others instrumental to the victimization of the children.
- G. The **Department of Interior and Local Government** develops and strengthens the capabilities of the LGUs for effective detection, monitoring, and response to reported child labor cases.
- H. The **Commission on Human Rights** provides assistance to child labor victims in terms of investigation of human rights violations against children.
- I. The **Trade Union Congress of the Philippines** and other NGOs or peoples organizations strengthen advocacy efforts with NGO partners and within their ranks for the conduct of surveillance and detection activities both in formal and informal work situations.

VIII. Institutional Arrangements:

- A. DSWD Central Office
 1. The **National Operations Office (NOO)** shall conduct regular quarterly monitoring and or provision of technical assistance in program implementation of the Field Offices. It shall coordinate with the inter-agency task forces i.e. Sagip Batang Manggagawa as it pertains to the national implementation of the program.
 2. The **Programs and Projects Bureau (PPB)** is responsible for the development and enrichment of the program and services and the specific strategies and techniques that the implementers shall employ.
 3. The **Policy, Plans and Information Bureau** through the Synchronized Planning and Programming Information System is responsible for the management of statistical reports of the Field Offices. The report shall include the following disaggregations: sex, city/municipality, district, form of labor, i.e. prostitution, quarrying, domestic work, deep sea fishing, agriculture, etc. and the services provided.
 4. The **Social Welfare Institute and Development Bureau** in coordination with PPB and NOO shall develop and continuously enrich a training manual on the comprehensive social protection program for victims/survivors of child labor. The team shall train the implementers in Field Offices to include the local government unit and the non-government organization social workers.

B. DSWD Field Offices

- The Field Offices shall implement the program. It shall maintain close coordination with the local Sagip Batang Manggagawa team to ensure effective implementation of the program.


IX. Budgetary Requirements:

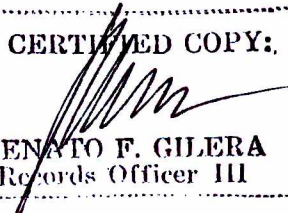
Funding for the implementation of the program has been and shall continue to be within the protective services funds.

X. Effectivity:

These guidelines shall take effect immediately and revokes issuances inconsistent herewith.

Issued in Quezon City, this 4th day of Aug., 2003.


CORAZON JULIANO N. SOLIMAN
Secretary
Department of Social Welfare and Development

A CERTIFIED COPY:

RENATO F. GILERA
Records Officer III

Understanding Child Labor and Its Worst Forms vs Child Work

Child Labor refers to any work performed by a child that subjects the child to economic exploitation, or that is likely to be hazardous for the child or that interferes with the child's education, or that is harmful to the child's health or physical, mental, spiritual, moral or social development.

The activity of, by or with a child is considered **child labor** when:

- Work burdens the child; too heavy for the child's age and capabilities
- Child works unsupervised or supervised by abusive adults
- Very long hours of work; child has limited or no time for school, play or rest
- Workplace poses hazards to child's health and life
- Child is subjected to psychological, verbal, or physical/sexual abuse
- Child is forced by circumstances or by coercive individuals to work
- Limited or no positive rewards for the child
- Child's work is excluded from legislation, social security and benefits
- Child's work is utilized for exploitative subversive or clandestine operations, or disguised illegal activities.

The activity of, by or with a child is considered **child work** when:

- Work is appropriate to child's age and mental capabilities
- Supervised by responsible and caring adults
- Limited hours of work; does not hinder the child from going to school playing, or resting
- Workplace is kept safe and child friendly, does not pose hazards to health and life of the child
- Child's physical, emotional and mental well-being are nourished eventually the work environment.
- Child works voluntarily to participate in the family responsibility of maintaining the household.
- Child is justly compensated materially and psychologically
- Child's work is regulated by law or governed by family/community norms and values
- Child work serves as vehicle for social advancement and improvement in child's quality of life.

The program against child labor is not limited to the worst forms. It encompasses all forms of abusive and exploitative conditions of children at work. For purposes of information and understanding, the identified worst forms of child labor are but not limited to the following:

- Children in prostitution
- Children in agriculture
- Children in mining or quarrying
- Children in deep sea fishing
- Children in pyrotechnics
- Children in domestic work

SOCIAL WELFARE SERVICE FOR VICTIMS/SURVIVORS OF CHILD LABOR

Flowchart

