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Terre des hommes

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# How to identify victims of child labour?

A Guide for Child Protection  
Professionals



This guide was developed by the team of Terre des hommes Moldova, in the framework of a joint initiative with the International Labour Organization, aiming to prevent and combat child labor.

**YES - to quality education!**  
**NO - to child labour!**

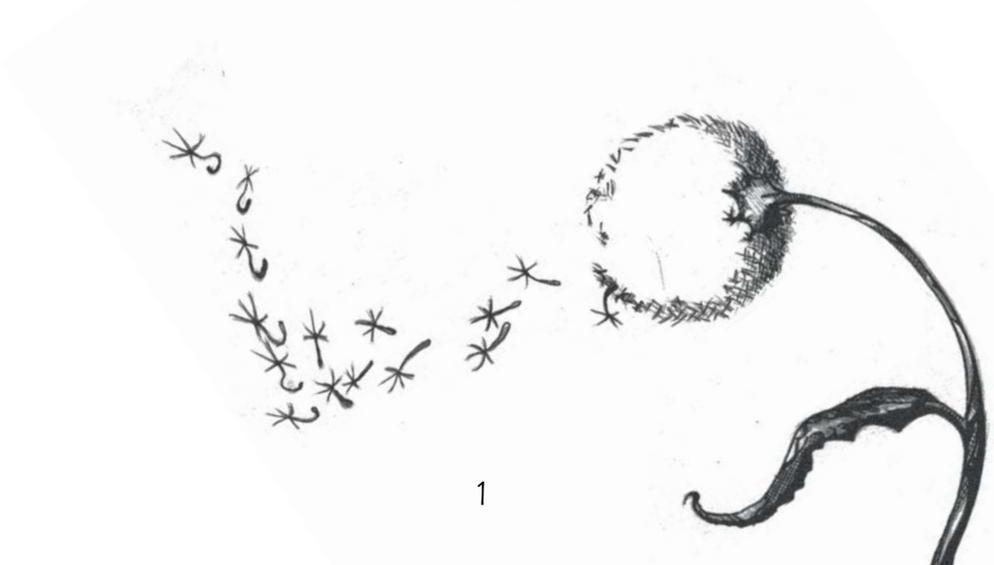
**This guide is distributed free of charge  
and can be found at:**

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# INTRODUCTION

Child labour (exploitation) in Moldova is a complex problem caused by poverty, but also by the traditionalist attitude towards the involvement of children in various works. Labour performed by children in their households, in reasonable conditions and under the supervision of relatives, is an integral part of the family life and the process of growth and development. Therefore, it can represent a beneficial experience for the child. However, sometimes there are cases when the workload is detrimental to the child's education or exceeds his powers. Such situations are qualified as cases of child labour.

In Moldova, child labour remains tolerated and accepted both by the society and professionals. The immediate consequences and especially the long term ones are unknown or ignored by parents. Even if professionals are aware of child labour cases and the intervention procedures, these cases remain anonymous.



# TYPES OF LABOUR

This tool is aimed primarily at child protection professionals such as social assistants/child protection specialists, police employees, teachers, educators, doctors, nurses, mayors, civil society etc. The instrument is based on national legislation and international provisions on combating all forms of violence, child labour, sexual exploitation and child trafficking and focuses on provisions of the Instructions on intersectoral cooperation mechanism for the identification, assessment, referral, assistance and monitoring of child victims and potential victims of violence, neglect, exploitation and trafficking.

Knowledge of general information that reflects the rights and needs of the child for a harmonious development, of the concept of child labour, the environment where the child labour occurs, the signs, the consequences and the risks faced by the child will allow for a better identification and intervention in cases of child labour in accordance with the laws in force.



**Child labour<sup>1</sup>** – work that by its nature or the circumstances in which it is performed is likely to harm the health, safety or morals of the child.

## There are three distinct forms of child labour:

### 1. Easy work (harmless)

Foresees activities that are considered as acceptable, which make children become more responsible and prepare them for adult life, provided that the work in question is:

- not harmful;
- not prejudicial to the health or child development;
- not contributing to the reduction of school attendance;
- not reducing participation in orientation and professional training programs;
- not reducing the opportunity to benefit from the obtained training.

### 2. Difficult work (dangerous - labour exploitation)

- which by its nature or its forms, produced and produces adverse effects on the safety, health (physical or mental) and moral development of the child;
- damage may also derive from excessive workload, the conditions in which it is performed, the intensity or duration;
- it can turn even a light/insignificant work into a harmful one.

<sup>1</sup>Decision nr. 270 from 08.04.2014 on approving Instructions on intersectoral cooperation mechanism for the identification, assessment, referral, assistance and monitoring of child victims and potential victims of violence, neglect, exploitation and trafficking.

### 3. Serious form of labour (severe labour exploitation)

represents all forms of slavery or similar practices:

- sale or trafficking of children;
- debt bondage and serfdom, also forced or compulsory labour;
- forced or compulsory recruitment of children for use in armed conflicts;
- use, recruitment or offering of a child for prostitution purposes;
- production of pornographic material or pornographic performances;
- use, recruitment or offering of a child for illicit activities, particularly for the production and trafficking of drugs as defined by the relevant international conventions.<sup>2</sup>

The following are the types of work that involve children most often and can be used as indicators to identify whether the child is a victim of labour exploitation<sup>3</sup> :

#### Work in own household

- Cleaning the house and the yard;
- Taking care of younger brothers and sisters;
- Working in the garden;
- Taking care of domestic animals;
- Cleaning the space where animals and birds are located;
- Cutting wood;
- Carrying water.

*Work conditions:*  
Social isolation, limited access to recreative activities.

#### Work in other persons' households

- Babysitting of children;
- Domestic serfdom;
- Work in the garden;
- Work in the yard.

*Work conditions:*  
based on the account of parents' debts, the compensation consists of groceries, clothes, food, alcohol.

#### Work in agriculture

- Field work: hoeing, planting seeds;
- Collecting the harvest;
- Work in greenhouses;
- Chemical processing of plants;
- Irrigation;
- Plant care;
- Using agricultural tools and equipment.

*Work conditions:*  
work in harmful weather conditions, contact with chemical substances.

#### Work at farms

- Grazing;
- Cleaning the stables, pens etc.;
- Milking cows, sheep, goats;
- Working in the sheepfold;
- Work at poultry farms;
- Feeding the animals.

*Work conditions:*  
work in unsanitary conditions, in contact with waste, chemical substances, etc.

<sup>2</sup>Collective agreement nr.8 of 12 July 2007 on the elimination of worst forms of child labour. Appendix "Types of works prohibited for children". Published in the Official Gazette nr.103-106BIS of 24.07.2007.

<sup>3</sup>In addition to this table, to be considered also the types of jobs stipulated in the collective agreement No. 8 of 12 July 2007 on the elimination of worst forms of child labour. Appendix "Types of works prohibited for children". Published in the Official Gazette nr.103-106BIS of 24.07.2007.

## Work in constructions

- Heavy loads lifting;
- Carrying heavy loads;
- Being at height;
- Using technical equipment and tools;
- Working with chemicals.

*Working conditions:*  
dangerous, without compliance to labour protection and security norms. Working at heights.

## Work in commerce

- Porter;
- The sale of goods or products.

*Working conditions:*  
work on the streets or in inappropriate indoor spaces.

## Work in industry

- Manufacturing of clothes;
- Manufacturing of handicrafts, accessories.

*Working conditions:*  
industrial equipment and tools inappropriate for their age.

## Street work

- Begging;
- Drug trafficking;
- Practicing child prostitution;
- The distribution of advertising flyers;
- Washing of cars.

*Working conditions:*  
work on the streets.

# INDICATORS FOR THE IDENTIFICATION OF VICTIMS OF CHILD LABOUR

Identifying cases of child labour is difficult, because the necessary data cannot be collected through a single visit to the place where there is a suspicion of such a case.

However, children send messages that signal the need for help that at the same time, they try to hide.



These messages can be observed both at the level of physical appearance, psycho-behavioural state, and the child's age, involvement in educational activities, handling or transporting heavy loads. Below are listed some indicators<sup>4</sup> that can help to better identify cases of labour exploitation child victims:

<sup>4</sup>The notion of "indicator" will be used – visible sign or child statement indicating that some of the fundamental children's needs are not satisfied and/or the child is a victim of labour exploitation.

# PHYSICAL INDICATORS

Body integrity, the level of physical development, health and hygiene of the child are undermined:



## Signs:

- Fracture;
- Burn;
- Cut;
- Scratches;
- Headaches;
- Physical underdevelopment;
- Itch;
- Pediculosis;
- Improper clothes/footwear for the season and/or age;
- Dirty clothes;
- Lack of body hygiene;
- Intoxication;
- Fatigue/physical exhaustion;
- Starvation;
- Tremor;
- Mental retardation;
- Mental illnesses;
- Intoxication with poisonous substances;
- Crippling as a result of accidents while working with dangerous tools and equipment or vehicles.

# PSYCHO-BEHAVIOURAL INDICATORS

Emotional state, intellectual development, behaviour and education of a child who has suffered from labour exploitation.



## Signs:

- School abandonment;
- Suicidal tendencies;
- Running away from home;
- Decrease in school performance;
- Fear of adults;
- Aggressiveness;
- Vagrancy;
- Nervousness;
- States of depression;
- Alcohol/drug consumption
- Sadness;
- Agitation;
- Anxiety;
- Despair;
- Lack of education/ integration in preschool institution;
- Unjustified absence from school/preschool institution; solation.

## Note:

Child labour impedes the educational process by:

- depriving children of the right to attend school;
- making children leave the school prematurely;
- forcing children to combine school attendance with heavy and excessively long work.

## CHILD AGE

According to the legal provisions<sup>5</sup> and age criteria, it is prohibited the work that exceeds the following time limit:



- Children aged 5-11 years who work even one hour per week<sup>6</sup>;
- Children aged 12-14 who work more than 13 hours per week;
- Children aged 15-16 years who work more than 24 hours per week;
- Children aged 17 years who work more than 35 hours a week<sup>7</sup>.
- Children performing unpaid household chores more than 27 hours a week<sup>8</sup>.

<sup>5</sup>Labour Code of the Republic of Moldova.

<sup>6</sup>Convention 138 on Minimum Age for Admission to Employment, adopted on 26.06.1973 in Geneva and ratified by the Parliament on 15.07.1999, article 2.3 of the Report III "Child labour statistics" presented at the 18th International Conference of Labour Statisticians (2008), paragraph 72, table 6.1., page 22.

<sup>7</sup>Labour Code of the Republic of Moldova, art. 96 (2).

<sup>8</sup>Report III "Child labour statistics" presented at the 18th International Conference of Labour Statisticians (2008).

## HANDLING OR TRANSPORT OF HEAVY LOADS

Maximum limits for the handling and transport of heavy loads (kg)<sup>9</sup>:

The duration of the manual carriage of heavy loads should not exceed 1/3 of the duration of the work shift, and the total weight of loads transported during the shift must not exceed:

- for people of both sexes aged 15 to 16 years - 175 kg;
- for people of both sexes aged 16 to 18 years - 350 kg.

<sup>9</sup>Government Decision No. 541 of 07.07.2014 on approval of the list of works with hard, harmful and / or dangerous conditions which are not allowed to persons aged up to 18 years and Maximum permissible norms allowed for people aged up to 18 years for manual lifting and transport of heavy loads.

People younger than 18 are not allowed to perform work related to manual lifting and carrying of heavy loads:

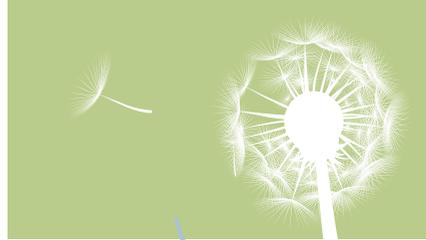
- for people of both sexes aged 15 to 16 years - **any weight**;
- for people of both sexes aged 16 to 18 years - **weights of 2 kg** (total weight of loads transported during a work shift must not exceed 700 kg);

People younger than 18 are prohibited from executing work that also includes lifting and transporting manually heavy loads:

- for people of both sexes aged 15 to 16 years - weights of more than 2 kg;
- for people of both sexes aged 16 to 18 years - weights of more than 4 kg.



REMEMBER:

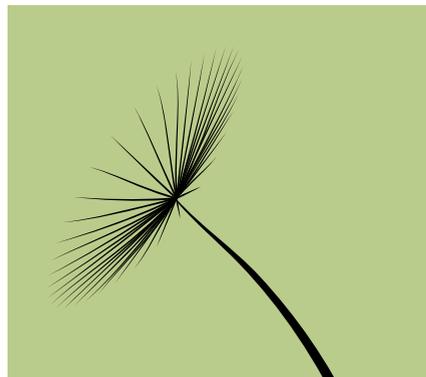


- **A victim of child labour can be identified by observing and analysing the changes in his/her behaviour compared to the conduct noticed previously.**
- **The presence of a single indicator does not necessarily mean that the child is a victim. Any of these indicators/signs can be found in any child at one time or another.**
- **When signs appear repeatedly or in combination, they should draw specialists' increased attention to the situation and make them consider the possibility of a child labour case.**

REMEMBER:

**Any member (signatory state to the Convention), taking into account the importance of education in eliminating child labour, must take effective measures to ensure children's access to free basic education and, whenever possible and appropriate, to the professional training of all children withdrawn from the worst forms of child labour in accordance with Article 7 of the Convention nr 182/1999 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.**

*Intervention in cases of child labour is done in accordance with the Instructions on intersectoral cooperation mechanism for the identification, assessment, referral, assistance and monitoring of child victims and potential victims of violence, neglect, exploitation and trafficking.*



Intersectoral cooperation  
mechanism  
for the assistance of  
child labour case

# INTERSECTORAL COOPERATION MECHANISM

**Additionally are informed:**

- The Police;
- The Prosecution Office;
- The emergency medical assistance service;
- The State Labour Inspectorate.<sup>11</sup>

The Local Guardianship Authority is informed within 24 hours.

**REFERRAL/  
SELF-REFERRAL**

**IDENTIFICATION OF CHILD  
LABOUR CASES<sup>10</sup>**

## ASSESSMENT OF THE CHILD'S SITUATION AND ASSISTANCE OF VICTIMS OF CHILD LABOUR<sup>12</sup>

**INITIAL ASSESSMENT**

The Local Guardianship Authority immediately orders the start of the initial assessment of the child's situation, to be performed by the case manager, indicating in the official order the experts due to participate in the process.  
The initial assessment is performed:  
1. immediately;  
2. within 24 hours.

During the initial assessment, **the protection interview with the child** is carried out, taking in consideration the child's age and level of maturity.

The information gathered during the initial assessment is forwarded to the case manager within 48 hours.

If the initial assessment of the child's situation shows that the child is subjected to violence, neglect, exploitation and/or trafficking, the Local Guardianship Authority orders the immediate registration of the case, opening the child's case file and starting the case management.  
**COMPLEX ASSESSMENT (within 10 days)  
DEVELOPING THE INDIVIDUAL CARE PLAN  
CASE ASSISTANCE**

If the child subjected to violence, neglect, exploitation and/or trafficking suffered trauma, then, at the request of the guardianship authorities, police and, where appropriate, of the child's legal representatives, the following procedures are to be performed:  
1. The forensic examination of the child;  
2. The legal psychiatric examination of the child;  
3. Write the Report on the psychological examination of the child.

The case manager, together with the specialists participating in the assessment/evaluation, prepares the individual care plan that contains the following actions:  
1) determination and prioritization of all relevant actions needed to be taken;  
2) distribution of duties among the multidisciplinary team members and social services providers;  
3) establishing reasonable timeframes for the completion of each action.  
Following the completion of the complex assessment of the case, the local guardianship authority carries out a series of actions in order to ensure the child's protective space:  
1) keeping the child in the family;  
2) reintegrating the child in the family;  
3) child's planned placement, or, where appropriate, keeping the child in planned placement.

Dismissal of the referral

1. The Local and Territorial Guardianship Authorities shall, by mutual agreement, take the decision on applying protective measures for the child;  
2. The emergency placement of the child.

**CASE MONITORING**

**CASE RE-ASSESSMENT**

**REVIEW OF THE INDIVIDUAL CARE PLAN**

**CASE CLOSURE**  
Dacă se înregistrează progrese durabile în dinamica cazului, managerul de caz încheie cazul și scoate de la evidență copilul în baza dispoziției autorității tutelare locale.

Referring the case to Social Services

<sup>10</sup> See page 16 for explanations on identifying cases of child labour.

<sup>11</sup> See page 17 for explanations on the responsibilities of the State Labour Inspectorate.

<sup>12</sup> See page 18 for explanations on assessing the child's situation and providing assistance.

## IDENTIFICATION OF CHILD LABOUR CASES

### REFERRAL

from the  
child / adult / specialist;

### SELF-REFERRAL

during a visit at home/  
places where a situation  
of labour exploitation is  
suspected, on the streets,  
in the media.

### Referral/self-referral is done when:

- certain signs are observed that indicate that the child is a victim or potential victim: unexplained body injuries, changes in the health, behaviour, emotional state;
- child labour cases are suspected or confirmed (e.g. when a child performs work that does not correspond to his/her age, as well as handling/transporting heavy loads etc.).

**The State Labour Inspectorate, through the labour inspector,** verifies the legal provisions with regard to:

- the individual employment contract and the collective employment contract;
- **the working time and the rest time;**
- **the remuneration;**
- **the labour standards;**
- the guarantees and compensation deriving from employment relationships;
- the work discipline;
- **the safety and health at the workplace;**
- **the peculiarities of labour regulation concerning certain categories of employees;**
- the material liability under labour legislation;
- filling in and keeping of the employment record book.

**The labour inspector draws up a written record of supervision, indicating** the essence of the committed infringement, the provisions of the violated legislative and other normative acts and orders the immediate compliance or, where appropriate, within a reasonable timeframe, of all parts involved.

If a case of child labour is confirmed, the labour inspector notifies the guardianship authority.

## ASSESSMENT OF THE CHILD'S SITUATION AND ASSISTANCE OF VICTIMS OF CHILD LABOUR

**WHO?** – the case manager and, if necessary, other professionals in health care, education, law enforcement are involved.

**In the process of assessment and assistance of the child, the following indicators of child well-being should be taken into account:**

### Care:

1. safe and protective living space (providing shelter, food, rest, hygiene, protection from danger);
2. affection given by parents/ extended family/trusted adults (manifested by comforting, embrace, support, encouragement, understanding, patience, tolerance);
3. to provide support to the child when he/she needs it (thus adults offer support, guidance, adequate supervision).

### Inclusion:

1. acceptance from the community where the child resides, from the family, educational institution;
2. support in overcoming social, educational, physical and economic inequalities.

### Health:

1. access to the highest possible standards of physical and mental health;
2. access to adequate health care;
3. support in the educational process, in order to make healthy and safe choices.

### Education:

1. access to education or professional training;
2. support by praise, encouragement and guidance through games, providing answers to questions in the process of facilitating the learning and developing their skills.

### Safety:

1. protection from violence, neglect, child labour in the family and community environment (kindergarten/ school, street).school, street).



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