

THOUGHTS ON THE REGULATION OF CHILD LABOR IN AGRICULTURE

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ABSTRACT

This essay draws upon my own and related research to consider the challenge of child labor in agriculture: promoting children’s best interests while reducing the hazards to which they may be exposed. It is not a literature review but rather a policy-oriented commentary on the contexts of child agricultural work and global forces that are shaping them. In particular, I argue that removing children from all agricultural work is often not in their best interests. Instead, making the contexts of work safer and more compatible with gaining the skills provided by a decent schooling

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experience will often be more beneficial.

A case study involving comments on U.S. regulations on child labor in agriculture includes qualitative evidence showing that children have strong opinions, based on experience, about their own agricultural labor. They and their families are convinced that farm work is in the best interests of children, and they explain their reasoning. This leads to a discussion of risks of agricultural work and the difficulties of defining what is too hazardous for children, followed by a discussion of the challenges of measuring the effects of child work on child health.

The larger context of child agricultural labor involves global and national trends that will affect children in ways that are only partially predictable. Land consolidation in developing countries, especially sub-Saharan Africa, will move children out of family farm work; some small fraction of them will continue agricultural work but as employees instead of family workers. Others will join other youth, who find themselves unemployed or underemployed. This situation is exacerbated by the second trend: a youth bulge resulting in 15-29 year-olds making up an unusually high proportion of many developing country populations. A third global pattern, climate change, is likely to make matters worse, when drought pushes older children and youth to migrate in search of work.

The essay ends with a discussion about how to use various policy options to improve the well-being of child agricultural workers.

I. INTRODUCTION

Work has long been a part of many children's lives.¹ Global interconnectedness means that decisions made far away may affect details of children's daily lives, particularly those whose work brings them into global supply chains. It is appropriate, from a social justice perspective, that other participants and beneficiaries of global commercial networks are concerned about the well-being of such children. This essay draws upon my own and related research to consider the challenge of child labor in agriculture: promoting children's best interests while reducing the hazards to which they may be exposed. It is not a literature review but rather a policy-oriented commentary on the contexts of child agricultural work and global forces that are shaping them. In particular, I argue that removing children from all agricultural work is often not in their best interests. Instead, making the contexts of work safer and more compatible with gaining the skills provided by a decent schooling experience will often be more beneficial. While this paper does not provide all the elements of a formal argument – which would

¹ Following the United Nations Convention on the Rights of the Child, I use the word "child" to refer to a person under the age of 18.

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demand a much longer discussion of the evidence – it includes some provocative ideas that deserve attention. One of them is that adults should listen to children’s perspectives about their own agricultural labor.

II. THE FAMILY CONTEXT OF CHILDREN’S AGRICULTURAL WORK

The great majority of children who do agricultural labor do so in a family context of one kind or another.² Whether families are farming their own land or working for someone else matters a lot, both in legal terms and in practical terms. In most if not all countries, laws allow children to work in family enterprises to a greater extent than otherwise. The International Labor Organization (ILO) – the arm of the United Nations that drives international policy regarding issues related to work – points out that “the [agricultural] work that children perform is often invisible and unacknowledged.”³ Indeed, children’s work is often not obvious to outsiders, but even if it is not acknowledged by adults does not mean that it has no value to them, or to the children themselves. Farm families in the United States recently revealed their perspectives on child agricultural labor, as discussed below. The family context of much of children’s agricultural work world-wide also has implications for perceptions of risks of hazards, as well as for conceptual and measurement challenges related to hazards.

A. *What U.S. Farm Families Have to Say about Child Labor*

In 2011 the United States Department of Labor (DOL) published its intention to update many regulations affecting young agricultural workers, under its mandate to enforce the Fair Labor Standards Act of 1938 and its updates, the latest being in 1970.⁴ These proposed changes were posted on the internet, and comments were invited. Anyone with internet access could post a comment. In the end, over ten thousand comments (10,325) were posted in a 3-month period. Megan Roberts wrote a thesis on Americans’ responses to proposed changes in the DOL’s regulations pertaining to children’s work on farms. According to Roberts’ analysis of a 10% sample of the comments, the great majority (at least 66%) were written by farmers or people with direct connections to farms.⁵ All of the quotes that follow

² Eric V. Edmonds and Nina Pavcnik, *Child Labor in the Global Economy*, 19 JOURNAL OF ECONOMIC PERSPECTIVES 202, 199-220 (2005).

³ Int’l Programme on the Elimination of Child Labour (IPEC), *Child Labour in Agriculture: Farming*, INT’L LABOUR ORG. [ILO] (Jan. 31, 2012), http://www.ilo.org/ipec/areas/Agriculture/WCMS_172416/lang--en/index.htm.

⁴ Child Labor Regulations, Orders, and Statements of Interpretation: Violations-Civil Money Penalties, 76 Fed. Reg. 54836 (proposed Sept. 2, 2011).

⁵ Megan L. Roberts, *The Safety of Farm Children and Youth: Understanding Reactions*

come from Roberts' analysis or our joint presentation on a related topic.⁶

Almost 97% of the writers opposed the DOL's proposed changes. Many opposed them as a threat to a rural life-style involving close-knit families and communities where one generation teaches its skills, work ethic, and love of the farming life to the next:

"As a small livestock farmer living on a farm that has been in our family since 1852, I can tell you that farming is not an occupation. It is a calling. My parents passed on this calling to me when I was very young. One must truly love the farming lifestyle in order to answer this calling." -6856⁷

Many writers emphasized the training (53%) and work ethic and responsibility (53%) imparted by a farming life:

"These young people also benefit from the experience of being mentored on the proper animal husbandry skills needed to be a successful livestock producer." -3190

"I am proud to be raised as a farmer's daughter, I put it on my resume and every one of my past employers have looked at that and have hired me because of my work ethic that I received when I was younger." -0140

"Farmers believe that there is no better way to teach safety to the next generation of farmers than to begin working with children when they are most impressionable and reinforce those valuable lessons through supervised hands-on age appropriate activities and experiences." -10137

"If it wasn't for farmers a lot of people would not know how to work. A young person wants to work on a farm to learn basic knowledge of how to work. They learn what responsibility is and how to take care of livestock from the ground up." -0127

Anecdotally, it appears that the great majority of people currently farming in the United States grew up on a farm and learned the farming business over many years as they grew up. Farm kids have also supplied the

to Proposed DOL Regulatory Changes (Dec. 2012) (M.S. Thesis, University of Minnesota) (on file with University Digital Conservancy, University of Minnesota).

⁶ Deborah Levison and Megan L. Roberts, *Child Labor Regulations and the American Culture of Farm Work*, Presentation at The Childhood & Youth Studies Across the Disciplines IAS Research Collaborative Event (April 25, 2013) (video available at <http://ias.umn.edu/2013/04/25/levison-roberts/>).

⁷ Quotes are identified by the last four digits of the government document identification number. The comments are publicly available at: <http://www.regulations.gov/#!docketBrowser;rpp=25;po=0;dt=PS;D=WHD-2011-0001>.

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trades with apprentices familiar with using tools to fix a variety of mechanical devices.⁸

“Having worked for my father and others growing up, I have a basic understanding of row crop and livestock, electrical, plumbing, welding, money management, mechanics, and so much more. I am so thankful I grew up on a farm and was able to learn all that I did.” -0449

Ten percent of Roberts’ samples were identifiable as youth authors. In most of the child labor policy discussion and literature, children do not speak for themselves. It is important to hear what they have to say:

“My brothers and I [are] completely willing to help in any way shape or form with a smile on our faces and have since we were little, like most of the farm kids in our area. I started taking steers to the fair when I was eight years old, and it was the most rewarding experience I could’ve ever had.” -2461

“I am a 15 year old male that has currently been working at a Feedyard in eastern Colorado. With all the knowledge I have learned and experienced, it would be a disaster if it all went away! I am very involved in FFA and 4-H organizations and on the judging teams. As well, my family and I have a cow calf pair operation that I am very well involved in. My dad needs all the help he can get when he is at work and I take care of the livestock and help brand, castrate, calve, and tag all of our calves. If this [regulatory change] passes, not only will it affect me, but thousands of other kids that have the same passion for Agriculture as I do. Please don’t penalize my generation by not being able to have the same Agriculture experience as many generations before us did.” -7791

“I do not agree with this proposal because I will not have a job. I will not have money to support me because I need gas for my truck, groceries, and help support my brothers and sisters. I would not be able to work on my home farm or my bosses farm. I enjoy the farming industry and you will not find me working in a fast food restaurant. My lifes goal is to operate a farm and this proposal that you want to pass will not help me out with my future plans.” -5803

“The experiences learned on a farm are worth whatever risk we may have while working on it. I have learned how to stack hay,

⁸ Class interview with Jim Platner, Associate Director of the Center for Construction Research and Training (March 26, 2012).

milk, feed animals, drive farm machinery, fix things that are broken, and the benefits and rewards of hard work from living on the farm.” -5926 (15-year-old boy)

“Agriculture is so essential to our community and it would be unthinkable to take that away from the young adults not only in this community but all across the United States. Many kids would be devastated if we were prohibited from participating in agriculture activities. Not only do we like agriculture but this country needs us for agriculture.”-6422

Work that children do makes them actors in a community of people who recognize, value, and sometimes celebrate children’s roles on family farms.⁹ The fact that such work by farm children may be expected, required, and taken for granted does not negate its value. The converse is also sometime true: being an unproductive member of a farming community – especially in the poorest parts of the world – is likely to mean receiving less food and health care. This case study addressed children’s roles on U.S. farms, with modern technology and labor-saving devices; children’s contributions must be even more important in the absence of such aids.

B. Perspectives on Risk and Child Labor

In *Rights and Wrongs of Children’s Work*, my co-authors and I ask, “If the objective of policy is to promote children’s development, should not the contributions that work makes to development merit as much interest as the risks that undermine it?”¹⁰ We argue for a more balanced approach to thinking about hazards of child labor. Human children seem to learn most skills best when they are working together with other people on a common task. Psychologist Barbara Rogoff considers this the most important social mechanism of human cognitive development.¹¹ Having become proficient at one skill, children build upon it, sequentially learning more and more difficult – and sometimes more and more hazardous – skills. Just as learning to cross the road is a life skill that comes long before driving a vehicle, so children growing up with farm work master one (occasionally risky) skill before moving on to a larger challenge. While most parents would forbid a

⁹ In Minnesota, for example, counties choose “dairy princesses” from among girls growing up on dairy farms; these girls play a prominent role in the annual Minnesota State Fair, including teaching about the milk production process. See *Minnesota State Fair*, MIDWEST DAIRY ASSOCIATION, <http://www.midwestdairy.com/0p259/minnesota-state-fair/> (last visited Nov. 29, 2014).

¹⁰ MICHAEL BOURDILLON, DEBORAH LEVISON, WILLIAM MYERS & BEN WHITE, *RIGHTS AND WRONGS OF CHILDREN’S WORK* 88-108 (2010).

¹¹ See generally BARBARA ROGOFF, *APPRENTICESHIP IN THINKING: COGNITIVE DEVELOPMENT IN SOCIAL CONTEXT* (1991).

16-year-old from auto racing, learning to drive is a normal activity in many parts of the world, in spite of its many risks. Similarly, child labor laws are most compatible with child development if only the equivalents of auto racing are forbidden, with other risky activities being governed by reasonable rules. Of course, this works best if children are not forced, goaded or teased into undertaking farming activities that they consider too dangerous for their level of skills or strength.

A number of former child workers have been guest speakers in one of my classes – Child Human Rights: Work & Education. Many of these adults grew up on or around farms, and a striking sub-theme of their recollections was the following: when they were not working, what they did for fun or to “goof around” was often much more dangerous than what they did while working. U.S. statistics from 2009 showed that about 3200 youth had work-related injuries on farms, but about 12,700 had non-work related injuries on farms.¹² In another study, recreation and sports led to more injuries than work among 14- to 16-year olds in India, Peru and Vietnam; in Ethiopia work led to slightly more injuries (one percentage point more).¹³ Removing children from work is not equivalent to removing them from risky activities. It may, in fact, result in them spending more time in risky leisure activities.

“While we understand the dangers involved in agriculture, we also understand that there are more dangerous activities for our children such as riding in a car. . . We also understand letting our children be involved in sporting activities also involves a huge risk of injury. . . you can’t raise your child in a bubble.” -3533

Understanding work-related risks is very challenging for families, even in industrialized countries.¹⁴ Risks vary by job, by tasks, by worker, and by the worker’s current status (e.g, tired, worried, or otherwise distracted); the spectrum of risks may vary from minute-to-minute. American farming communities voiced a desire to supervise their children’s work and make decisions about risk on an ad hoc basis – informed by multiple factors – rather than being governed by detailed regulations. While I suspect that this feeling would be found among agricultural communities around the world, extreme poverty (among other things) leads some parents to require abusive

¹² Roberts, *supra* note 5, at 24.

¹³ Virginia Morrow, Inka Barnett and Daniel Vujcich, *Understanding the Causes and Consequences of Injuries to Adolescents Growing Up in Poverty in Ethiopia, Andhra Pradesh (India), Vietnam and Peru: A Mixed Method Study*, 29 HEALTH POLICY AND PLANNING 70 (Tbl. 2) (2013).

¹⁴ See generally PETER DORMAN, *MARKETS AND MORTALITY: ECONOMICS, DANGEROUS WORK, AND THE VALUE OF HUMAN LIFE* (1996) (For example, Peter Dorman explored danger and risks in jobs in the United States and found no comprehensive, reliable sources of information).

amounts and types of labor of their children¹⁵; it is this abuse that must be avoided, not all child work.

It is not possible, nor desirable, to regulate all risks out of children's lives. In the spirit of ILO Convention 182 on the Worst Forms of Child Labor, I encourage a focus on reducing risks that are most likely to lead to serious harms, while not regulating away the many benefits of child work, work conducted under reasonable conditions and for reasonable hours.

C. Measurement of Effects of Child Work on Health

How can families engaged in agriculture know which risks are most likely to lead to serious harms? Of course, their own and their community's experience provides them with a body of knowledge, but it is incomplete. Some of the risks of agricultural work have potentially high but unmeasured individual and social costs, which are incurred long after the work takes place. If exposure to farm chemicals leads to neurological disorders years later, for example, society may bear a large and very costly burden of supporting older people with dementia and other extremely disabling problems. For example, I hypothesize that the pesticides and herbicides that my grandfather used liberally on his farm led to Alzheimer's disease and Parkinson's disease in four of his six children – but such links are difficult or impossible to prove.

Children are thought to be more vulnerable than adults to chronic, long-term injuries from work hazards such as ergonomic stressors, chemical exposure, biological hazards (such as malaria or tetanus), and abusive practices, but actual evidence is limited.¹⁶ It makes sense to assume that this is indeed the case, even lacking much evidence, to avoid years of reduced health in the future. But how can families know what kinds of work have delayed and serious effects when even experts lack solid evidence on many dimensions of work-related hazards? This challenge may be one reason why ILO Convention 138 leaves a great amount of discretion to governments. Article 3(d) of the Convention refers very broadly to “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.”¹⁷ Figuring out these health hazards, and which jobs they occur in, is a challenge.

Studies of effects of work on child health are generally troubled by problems of methodology. As I have argued elsewhere, even experimental

¹⁵ See examples in Morrow et al., *supra* note 13, at 72.

¹⁶ David L. Parker, Anaclaudia G. Fassa and Thomas J. Scanlon, *Chapter 9: Understanding the Health Effects of Child Labour*, in *CHILD LABOUR: A PUBLIC HEALTH PERSPECTIVE* 103-121 (Anaclaudia G. Fassa, David L. Parker, Thomas J. Scanlon eds., 2010).

¹⁷ Int'l Labor Org., Convention concerning Minimum Age for Admission to Employment (No. 138), Art. 3 (June 19, 1976).

methods fail us when defining experimental and control groups cannot be done in a scientific manner. Those children who work, or who work more, or who work in particular industries, tend to be systematically different from children who do not do so.¹⁸ Moreover, “there is no clear point when an outcome changes from acute to chronic...False hazards rarely exist in isolation from each other, and many exposures result in both acute and chronic illness.”¹⁹

Still, it is helpful to have studies that can identify particular problems already known to be associated with a particular type of work, such as silicosis (from breathing silica dust while mining, for example) or Green Tobacco Syndrome (from working with tobacco plants). While these miss longer-term health problems, including musculo-skeletal disorders (e.g. from carrying heavy burdens) and neurological disorders (from exposure to pesticides and herbicides), they are an important first step to the kind of better understanding that must come from longitudinal studies.

III. THE LARGER CONTEXT OF CHILD AGRICULTURAL LABOR

The U.S. Department of Labor might have had more success in its proposed agricultural child labor revisions if it had focused on the most vulnerable of all such workers: children who are part of migrant and seasonal farmworker families. Because of labor law exemptions, even 12- and 13-year olds may work long hours in summer heat, doing hard physical labor, possibly even being directly sprayed by pesticides while working.²⁰ This raises a larger point: some families’ work contexts mean that they are much less able to protect children.

A. *Land consolidation*

Around the world, situations involving large landowners and industrial farms leave much less latitude for parental (or child) negotiation about appropriate roles and spaces for children. And there is a rapid global trend, most notable in low-income countries and especially sub-Saharan Africa, towards purchase and consolidation of agricultural land by corporations.²¹ This trend has multiple implications for children and youth. The first is that

¹⁸ Deborah Levison and Marta Murray-Close, *Challenges in Determining How Child Work Affects Child Health*, 120 PUBLIC HEALTH REPORTS 1-12 (2005).

¹⁹ Parker et al., *supra* note 16, at 110.

²⁰ U.S. GOV’T ACCOUNTABILITY OFFICE, GAO- HRD – 92 – 46, HIRED FARMWORKERS: HEALTH AND WELL-BEING AT RISK (1992); DORMAN, *supra* note 14, at 21.

²¹ Lorenzo Cotula, *The International Political Economy of the Global Land Rush: A Critical Appraisal of Trends, Scale, Geography and Drivers*, 39 JOURNAL OF PEASANT STUDIES 649-80 (2012).

many fewer people will have access to land, and therefore the numbers of child workers on farms will decrease. Second, where children and youth continue to be engaged in some aspect of agribusiness, parents will have less say about what they do and the conditions of their work. Thus, while the numbers of children in risky farmwork will decrease, those remaining may be more disadvantaged. Third, fewer children will grow up learning how to farm, acquiring knowledge from farmer parents. Finally, youth unemployment will be exacerbated.

B. Youth Bulge

The timing of this large-scale consolidation of land is unfortunate with respect to population trends. Many low-income countries are currently experiencing a “youth bulge” – a unique phenomenon resulting from the adoption of family planning measures and thus a fertility decline in recent decades. In many countries, today’s youth represent the last large birth cohort before the fertility decline – meaning that in many countries there are more youth alive today than ever before, and there will never again be such a large proportion of the population in the 15-24 or 15-29 year old category.²² While some countries – in East Asia for example – have been able to take advantage of the energy of their youth (the so-called “demographic dividend”), in most of today’s low-income countries, youth unemployment and underemployment is a huge problem. In the poorest countries, in sub-Saharan Africa for example, less unemployment is documented – youth cannot afford to wait around for a decent job – but there are high levels of underemployment. Agricultural productivity is typically very low; the greatest need is for more complementary inputs (fertilizer, water, etc.), not more labor. Research shows that unemployment and underemployment of unmarried young men can lead to greatly increased levels of crime and civil unrest.²³ Policies leading to mechanization of agricultural work should take this into account.

There is a very obvious connection between child labor and youth employment: those people who learn skills and make connections in the

²² Ragui Assaad and Deborah Levison, *Employment for Youth – A Growing Challenge for the Global Community*, Commissioned Paper for the United Nations’ High-Level Panel on Post-2015 UN MDG Development Agenda (May 2013). See also Ragui Assaad and Deborah Levison, *Employment for Youth – A Growing Challenge for the Global Community* (Minn. Population Ctr., Working Paper #2013-07).

²³ E.g., RICHARD P. CINCOTTA, ROBERT ENGELMAN, AND DANIELE ANASTASION, THE SECURITY DEMOGRAPHIC: POPULATION AND CIVIL CONFLICT AFTER THE COLD WAR, 42-49 (Population Action International ed. 2003). See also David N.F. Bell and David Blanchflower, *Youth Unemployment: Déjà Vu?* (Institute for the Study of Labor, Bonn, Discussion Paper Series, Working Paper No. 4705, 2010).

labor market as children are least likely to be unemployed as youth. It seems odd that one day it is illegal for a 15-year-old to do labor force work, yet the day he turns 16, work becomes not only legal but desirable. Bourdillon, White and Myers argue that the universal policy of excluding children from work solely because they are below a given age is unjustified.²⁴

C. *Climate Change*

The effects of climate change are as yet unknown, yet great shifts in weather patterns – and in the regularity of rainfall, in particular – are taking place in the world. Both drought and too much rain have serious implications for the agricultural sector. Drought, especially, will almost certainly lead to out-migration of workers, especially young workers, from the most-affected areas.²⁵ It is always harder to ensure that child workers are working in reasonable conditions when they are separated from adults who could intervene on their behalf. Yet environmental refugees generally have a great need to work, even under terrible conditions. The question that authorities should pose in each case is: what will happen to this child if she does not do this work? Will he be better off or worse off? When children's best interests cannot be protected, at the very least we should listen to their opinions regarding their least-bad options.

IV. POLICY: ALTERNATIVES TO WORST-FORMS AGRICULTURAL WORK

To focus on child well-being, it is necessary to re-orient the regulation of child labor in agriculture. To some extent, child labor is over-regulated, as when children are shut out of entire agricultural sectors. At the same time, it is important to keep children out of the “worst forms” kinds of work and keep hours from being abusively long, among other targets. I argue that our usual fall-back solutions for accomplishing this are not good enough.

A. *Keep Children in School*

Most people find it easy to focus on school as an alternative to child labor. Moreover, there are many reasons to endeavor to ensure that everyone is literate and numerate. As researchers have shown, the great majority of

²⁴ Michael Bourdillon, Ben White & William E. Myers, *Re-assessing Minimum-Age Standards for Children's Work*, 29 INTERNATIONAL JOURNAL OF SOCIOLOGY AND SOCIAL POLICY 106-117 (2009).

²⁵ Paulo Bastos, Matías Busso, & Sebastián Miller, *Adapting to Climate Change: Long-term Effects of Drought on Local Labor Markets* (Inter-American Dev. Bank Research Paper Series, Working Paper No. 466, 2013) (examining data from 1970-2010 for Brazil, finding that drought leads to out-migration, especially among younger cohorts).

child workers do attend school.²⁶ But school is a part-time activity, sometimes as few as 3 or 4 hours in a day, but more often 5 or 6 hours. And school in rural, low-income parts of the world is often not as people in developed countries may envision it. In many cases we should imagine 60 or 70 children in a hot classroom, waiting for their teacher to show up. Teachers are very frequently absent. Or, imagine children listening to the teacher recite and writing down notes that she herself copied from an earlier teacher's notes. In parts of sub-Saharan Africa, for example, many teachers are considered unqualified; this is especially true in rural areas. A study of eight sub-Saharan African countries showed that the percentage of primary school teachers considered qualified ranged from 38 to 90 percent in the different countries, but only 25 to 76 percent for lower secondary school teachers.²⁷ Teaching by rote is normal, as is beating children. For children, school is often a place of boredom and violence, to be escaped when possible.²⁸ When they decide to leave school, ideally children should be literate and numerate; when school is low quality, however, even five years of primary school is no guarantee of literacy.

Improving the quality of the educational experience would keep more rural children in school for more years, but the short duration of school days alone implies that we cannot look to schools as a way of keeping children out of harmful work. From the agricultural perspective, however, there is another fundamental problem with schools. Ben White asserts that "in most countries, formal schooling as currently practiced teaches young people not to want to be farmers."²⁹ There is a process of "deskilling" of rural young people "in which farming skills are neglected and farming itself downgraded as an occupation."³⁰ He ties this to a general "downgrading" of rural life, in part due to years of government neglect of basic rural infrastructure. So, children learn at a young age that manual labor is to be disdained and can be avoided with education, yet the formal schooling they are able to access does not lead to an adequate alternative set of skills.

B. Enforce Laws Aimed at Worst-Forms of Child Labor

Another standard solution is to rely on laws to get children out of worst-

²⁶ Edmonds and Pavcnik, *supra* note 2, at 206 (using data from 36 countries, they show that that most working children attend school).

²⁷ AIDAN MULKEEN, *TEACHERS IN ANGLOPHONE AFRICA: ISSUES IN TEACHER SUPPLY, TRAINING, AND MANAGEMENT* 18, Tbl. 1.4 (The World Bank ed. 2010).

²⁸ *See generally* CLIVE HARBER, *SCHOOLING AS VIOLENCE: HOW SCHOOLS HARM PUPILS AND SOCIETIES* (2004).

²⁹ Ben White, *Agriculture and the Generation Problem: Rural Youth, Employment and the Future of Farming*, 43 *IDS BULLETIN* 12, 9-19 (2012).

³⁰ *Id.* at 11.

forms types of work (or any work). But legislating children out of work is not the same as improving child well-being: there are too many cases where the use of laws has been destructive to children in the short- and medium-terms.³¹ Some child labor laws, instead of working as intended, actually drive child labor “underground” where it cannot be regulated at all. But this happens only when laws and regulations are publicized and enforced.

The enforcement of labor laws, including those about children, is rarely a priority for governments. Laws don’t enforce themselves. In the United States, youth authors wrote (about the proposed regulatory changes):

“Do you realize by passing this you will be ruining this country’s future? How exactly did you propose you’d make sure these regulations? Did you plan on having a daily visit to each farm in the country? Be a little hard to regulate all the farms at once don’t you think? If this passes it’s going to be like drugs. You can ban them but that doesn’t stop people from doing them.” -7102

“So illegal or not i know i will continue to work on my families farm enjoying my agricultural experiances and fufilling my dreams of owning my own farm someday!” -1730

In most countries (including the U.S.), labor inspectorates are understaffed and underfunded. For example, without vehicles and petrol, inspectors cannot leave central or regional offices to visit rural areas. Corruption is typically thought to be substantial, reducing the effectiveness of labor inspectors even more. To make laws and regulations viable, local engagement, discussed below, is essential.

C. *Target Children in High-Risk Agricultural Tasks*

While people working in the agriculture sector typically know who is doing what kinds of farm work in their geographic area, policy-makers and non-governmental organizations based in cities and larger towns are less likely to know these details. How can they find rural children at risk of, for example, exposure to dangerous farm chemicals? Some of my research focuses on the connection between the work that parents do and the work that their children do.³² In Brazil, we explored this connection for tobacco,

³¹ BOURDILLON ET AL., *supra* note 10 at 180-202.

³² *See generally*, Deborah S. DeGraff, Andrea R. Ferro, and Deborah Levison, In Harm’s Way: Children’s Work in Risky Occupations in Brazil (2014) (unpublished manuscript) (on file with author). *See also*, Deborah S. DeGraff, Andrea R. Ferro, and Deborah Levison, *Kids at Risk: Children’s Employment in Hazardous Occupations in Brazil*, ESTUD. ECON. VOL.44 NO.4 SÃO PAULO 685-721 (Oct.-Dec. 2014).

coffee, manioc and sugar cane production. While it is logical that children might have easiest access to work in which their parents are already engaged, there is almost no research about this in low-income countries. Not surprisingly, my co-authors and I found a strong correlation between children's and parents' types of work. While this can be explained (in a regression analysis) by the context, including rural residence, ownership of a family farm, and parents' levels of education, the correlation is useful for policy purposes.

The implications for policy are as follows: First, use national-level data to find the country's sectors with substantial numbers of child workers in potentially risky agricultural production. Then, target interventions in regions where the most problematic crops or livestock (from a child labor perspective) are produced. Interventions should engage with and educate adults working in these sectors about hazards for their children. But they should also work with employers and families to find safer niches for children and youth who will continue to work, especially in family enterprises. It is not realistic to expect compliance with top-down laws and agricultural safety regulations without getting local "buy-in." Sometimes fairly small changes to production processes can reduce risks substantially, but other times – for example, when they would come in contact with herbicides and pesticides – adults need to be convinced to find alternative, safer work for their children. At the same time, adults should be asked to consider creatively how to allow child workers to fit their safer work around their school schedules.

D. High-Level Policy

National and regional policy implications include inserting youth employment and agricultural skills as a priority in high-level discussions concerning land consolidation and systemic educational reform. Maintaining smallholders is an important component of providing access to land for people while they are still young. Without the prospective of land, youth have no reason to upgrade their agricultural skills; they will not inherit land until they are much older, if ever.

Agribusiness could and should play an important role, because improved agricultural productivity can relieve the poverty that drives unsafe work practices and overly-long and demanding work schedules of children and youth. Given the context of high youth underemployment and unemployment in low-income countries, projects aimed at improving productivity should be as labor-intensive as possible. This could also be encouraged by national and regional policies.

At the same time, labor ministries should continue to refine their lists of jobs and tasks falling under "Worst-Forms" restrictions, per ILO Convention

No. 182.³³ It is my belief that identifying broad sectors as off-limits is less effective than engaging rural experts (including farmers and children themselves) to identify specific jobs and tasks that should be forbidden to the youngest workers. Identification is only the first step in this process. Publicizing regulations will be most effective if it engages adults in conversations about child well-being. Training and funding labor inspectors to enforce regulations is a third essential element of moving child workers from more-hazardous to safer forms of farm work.

E. Local Engagement

Most activity needs to take place at the local and regional levels. Activities to improve the context of children's lives – including their work – involve engaging with local professionals such as labor inspectors, teachers, public health workers, and extension workers. These local professionals in turn will, with encouragement (and enough resources), engage with rural families and communities. Children and youth themselves should be full participants in such activities. Education about hazards, for example, must be combined with hands-on learning about alternative practices in order to be effective.

Corporations have resources and influence that smallholders do not have, and there are positive ways in which their philanthropic activities can affect local communities in low-income countries. Funding informal educational activities, whether related to literacy or farming skills, would be especially welcomed in remote rural locations that are part of the global supply chain.

Dr. David Parker, an occupational medicine doctor and child labor expert, and his collaborators have piloted mechanisms for reducing children's exposure to risks related to agricultural and other rural employment in Central America.³⁴ They argued that participatory training programs and materials directed at public health workers, educators, social workers, and labor inspectors, among others, would help professionals working in rural communities to understand, identify, and address situations involving potentially harmful child work. Interactive trainings would aim to identify ways participants could both educate and learn from child workers and their families, because successful community-level solutions typically

³³ Int'l Labor Org., Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182) (June 17, 1999).

³⁴ Assistance Summary, Municipal Workshops on Harm and Risks, Nicaragua (Feb. 20-25, 2006); MINISTERIO DEL TRABAJO DE NICARAGUA, COMISIÓN NACIONAL PARA LA ERRADICACIÓN PROGRESIVA DEL TRABAJO INFANTIL Y PROTECCIÓN DEL ADOLESCENTE TRABAJADOR (CNEPTI), SON INCONTABLES SUS RIESGOS Y DAÑOS: ANÁLISIS DE LA EXPLOTACIÓN INFANTIL ECONÓMICA Y LOS TRABAJOS PELIGROSOS (2006).

require collaboration. There are a lot of things that are not obvious without training. For example, work-related exposures may be exacerbated by coexisting community health problems, as when silicosis is complicated by tuberculosis, or when lead toxicity is worsened by iron deficiency anemia.

The American experience of 4-H provides another example of how to gain the trust of farmers.³⁵ 4-H is a youth organization now administered by the U.S. Department of Agriculture, but with over a century's experience of organizing youth around practical, hands-on learning.³⁶ Local clubs were set up to keep youth interested in agriculture and give them the latest agricultural skills. 4-H improved productivity in American smallholder agriculture not only as youth themselves became farmers, but by connecting youth to government Extension services, which in turn gave Extension workers access to their parents, the farmers. While this system cannot be simply transplanted to low-income countries, its strategies could be effective in another form, ideally one that validated children's work and improved their productivity in ways that also improved the quality of life for their families. Alternative forms of education might be attached to this kind of project, such as the Tea Schools in Zimbabwe, where plantations distant from village schools provided on-site education for youth who also worked part-time.³⁷

The Food and Agriculture Organization of the United Nations (FAO) administers one program of this kind. In 2003, the FAO started implementing the Junior Farmer Field and Life Schools (JFFLS), which it runs in a number of sub-Saharan African countries in collaboration with the ILO, the World Food Programme, and other partners. The JFFLS involve local teams, and most importantly facilitators, to teach agricultural and life-skills using hands-on methods:

"It uses a 'living classroom' approach in which the students observe the crops throughout the growing season with the help of a facilitator. Agricultural topics are linked to life skills so that when children talk about how to protect their plants from diseases they also learn how to protect themselves from diseases and other adverse conditions."³⁸

V. CONCLUSION

In conclusion, I argue that we cannot – and should not – eliminate all children's work in agriculture. Child and youth work maintains the stability

³⁵ Thanks to Bill Myers for this suggestion.

³⁶ 4-H, <http://www.4-h.org> (last visited November 26, 2014).

³⁷ EARNING A LIFE: WORKING CHILDREN IN ZIMBABWE, 147-171 (Michael Bourdillon, ed., 2000).

³⁸ FOOD AND AGRIC. ORG. OF THE U.N., LEAFLET FOR JUNIOR FARMER FIELD AND LIFE SCHOOLS, *available at* <ftp://ftp.fao.org/docrep/fao/012/i1208e/i1208e00.pdf>.

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of poor families, but more fundamentally, work is developmental for children, regardless of whether or not they become farmers as adults. Instead of “throwing out the baby with the bath water,” we need to concentrate on making the context of children’s work safer, eliminating the worst risks, and making education more accessible and more useful. Before making changes, it is important to listen to what parents and children engaged in agriculture have to say about them.