

Working children in England and Wales: does anyone care about their rights?



Despite missing from the public debate, the rights and needs of children active in the labour market are in desperate need of reform. [Nuno Ferreira](#) outlines the shortcomings of the current framework, and explains how policymakers and academics could – and should – come to the rescue.

Judged by the level of political debate, public policy and academic literature, the work of children (under-18s) in England and Wales is neither of interest nor of concern. And yet the absence of this topic from the policy agenda is far from indicative of its lack of relevance or timeliness. In fact, figures from the [Labour Force Survey](#) suggest that about a third of young people aged 16-17 are active in the labour market. Many of these young people, and others even younger, work illegally for a range of reasons: because of the number of hours worked, their age, the type of work carried out, the time of day worked, or because they lack a work permit.

Indeed, in 2013, Nils Muižnieks – the Council of Europe’s Commissioner for Human Rights – reported on [children working long hours in the UK](#) as a consequence of the 2008 economic crisis. And in 2015, at a seminar held in Liverpool, several children of high school age spoke candidly about [practices of dubious legality](#) that they experienced at work, including low pay, informal work arrangements, deficient health and safety conditions, and sexist recruitment procedures, not to speak of detrimental effects to their education. More generally, we should be alarmed that [children who work](#) mainly carry out unskilled and manual labour, are poorly paid, acquire limited recognisable skills, jeopardise their educational attainment, sustain accidental injuries, may not be covered by insurance, are often burdened with [caring duties](#), and may even be [recruited by the military](#). So, what is being done to address these issues?

Can the law help us?

The current legal framework on child work in England and Wales is constituted by a fairly outdated and fragmented range of norms, which include disparate statutes. It is in Part II of the [Children and Young Persons Act 1933](#) that we find the most relevant rules applying to working children, including the protection of school attendance, working time limits, and the prohibition of night work. Although the minimum employment age is set at 16 – which corresponds to the [school leaving age](#) in England and Wales – from the age of 13 onwards children are allowed to carry out [light work](#). Sadly, this framework lays down the bare minimum rules to comply with the EU [Young Workers Directive](#), which was [not an ambitious instrument](#) to start with.

To make matters worse, the enforcement of this legal framework – including [issuing work permits](#) – falls on local authorities. Considering the limited scope for action and increasingly small budgets of local authorities, one is justified in asking whether their [resources and structure](#) are sufficient and appropriate for such a task. It is thus urgent to either effectively equip local authorities to deal with the enforcement of child work regulations (ideally allowing them to engage more with public campaigning, spot-checks and collaboration with schools), or to radically overhaul the enforcement of these regulations.

Unfortunately, help is unlikely to come from the other UK labour standards enforcement bodies. The 2015 [Tackling Exploitation in the Labour Market](#) public consultation and subsequent [government response](#) remained oblivious to the existence of issues affecting working children. The resulting legal reform – in the shape of the [Immigration Act 2016](#) (something [criticisable](#) in itself) – also brought about a renewed Gangmasters and Labour Abuse Authority, but a survey of the Authority’s [website](#) indicates that ‘children’ only come up in the context of modern slavery, forced labour and trafficking, thus again ignoring working children’s issues more broadly.

There is scope in this reform for supporting working children through a renewed focus on the fight against the widespread illegal practices that affect [apprentices’ wages](#). Yet, no actual measure or result in this regard has materialised so far. So, what else can we do?

Can policy-makers help us?

For some reason, issues affecting child workers are consistently off the radar of policymakers. It may be that raising children's work rights would not bring politicians any electoral advantage (children don't vote) or that the labour market ethos and protestant work ethic create the belief that the sooner children start to earn a living the better. The reality remains that, for British policymakers, child work only becomes problematic when discussing foreign affairs, as in the case of the 2017 [Human Rights and Business report](#). Another recent example of the side-lining of child work issues can be found in the 2017 [Taylor review of modern working practices](#), where there is not a single reference to child work in a 111-page report.

Rather than being concerned with ensuring that children only engage with the labour market legally and that they have access to professionally useful experiences, the current emphasis seems to be on integrating young people into the labour market, as illustrated by the 2016 [Employment Opportunities for Young People Inquiry](#). It may be that this approach is based on a preference for more relaxed work regulations and a wish to offer our children the benefits of greater involvement with the labour market, as [Fran Abrams](#) has argued. Yet, others – such as [Maggie Atkinson](#), ex-Children's Commissioner for England – undoubtedly believe that working on top of a demanding educational workload could be the 'last straw' for some youngsters.

I, for one, am a firm believer that it is entirely justifiable to retain and enhance a policy framework [thoroughly regulating children's access to and conditions in the labour market](#), on grounds related to children's rights and wellbeing, as well as a range of legal, social, economic and cultural factors. How can we achieve this?

Academia and researchers to the rescue?

In the face of such oblivion about the existence of working children amongst us and the issues that affect them, perhaps the best way forward is to invest more in producing a solid body of evidence to convince both local authorities and policymakers of the need for greater intervention. It appears that extensive research in this field stopped being carried out in the early 2000s, so there is an imperative need to collect more up-to-date empirical data. Ideally this would be allied with longitudinal empirical research on children's work experiences in England and Wales, to enhance our understanding of the medium- and long-term consequences of children engaging with the labour market.

Simultaneously, academics and researchers need to remain alert to the risk of the UK's departure from the EU translating into the further weakening of the legal framework available to working children, for example by doing away with the standards in the EU [Young Workers Directive](#). The much discussed use of [delegated powers](#) in the context of the 'Great Repeal Bill' are a very real threat to all workers in the UK, children included. Parliament and the Government need to be lobbied, not only to uphold, but to go beyond [European and international labour standards](#) affecting children. And how wonderful it would be if this could be done whilst bringing together all English and Welsh relevant regulations on child work under a single, clear, and concise statute, to offer legal certainty about the applicable legal framework to all stakeholders. One thing is certain: the current state of oblivion to the rights and needs of working children must not continue.

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