

## **SOPHISTICATED WORK DONE BY CHILDREN: IS CHILD LABOUR: AN OVERVIEW OF CHILDREN WORKING IN INDUSTRIES**

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### **ABSTRACT**

Child labour is a universal phenomenon in rural and urban areas. Working of the children in entertainment or sports industries is also a part of the same platform. Although, there is lot of sophistication and polished behavior in the later case since all appears to be glamorous in the eyes of the parent and the employer. Still the existence of such a practice calls for attention. This paper presents an overview of children in the entertainment industry their nature of work, restrictions on children working, obligations for parents and employers and the laws and regulations combating the same. It presents the data provided by the secondary sources of data.

**KEYWORDS:** Child, Work, Labour

### **INTRODUCTION**

Slowly and subtly, child labour is becoming an integral part of our everyday life, even without us realizing it. If you look at the post-Independence period till date, you will notice the prevalence of a high incidence of child labour during late 1980s With around half the population below the poverty line, low economic growth, and inadequate legislation to address the issue of child labour, engagement of children as labour in hazardous or non-hazardous work is growing day by day.<sup>1</sup>

The other side of the coin which does not appear as injurious apparently but still shows the same effects as poor children. The children working in entertainment industry are not considered child labourers directly as the status of parents are attached with them. For the sake of recognition and prestige of parents they expose their children to the work sphere at a very small age. These children are equally exploited and pressurized not only by the parents but also the employers. There are various acts and regulations related to the children working in the entertainment industry. This paper would attempt to focus on the same.

In the competitive world a new type of working children has come into existence but in the literature it is not considered as child labour. Scholars namely Hobbs, Mckechnie and Lavallette (1999) has written about the new form of working children who are engaged in entertainment industries cinema modeling circus and sports etc as a category of child labourers. These children are engaged in these fields due to pressure from the parents for prestige, popularly and media attention. In entertainment industry children are employees as singer's dancer's musicians, stage performers, and cinema and television workers. Hobbs, Mckechnie and Lavallette (1999) point out that children working in these industries have an early access to cigarettes, alcohol or drugs. In cinema children have always worked and entertained people.

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<sup>1</sup>Srivastava, Alok (2011) Television shows – Child labour in a new form?  
[http://www.cmsindia.org/mediacoverage/vidura\\_july.pdf](http://www.cmsindia.org/mediacoverage/vidura_july.pdf)

These scholars pointed out that children are employees in modeling, television and advertisement and sports. They display themselves as toys. Girls are primarily employed in advertisement for posing in sexually suggestive ways. This to a large extent affects their social and emotional development. These children are also victims of occupational health hazards such as mental stress and behavioral disorders. In addition they are victims of sexual and moral abuse. They are deprived of normal childhood pleasures.<sup>2</sup>

## LITERATURE REVIEW

In India, television has created an army of parents eager to push their children into the limelight, to jump onto the fame bandwagon. There are opportunities galore. A producer friend told us he was exhausted dealing with aggressive parents pushing their kids at him for his TV show. They didn't care anymore if the child missed school, fell behind academically, missed exams even. Apparently all those things can be shoved on the back burner because that one elusive shot at stardom could lead to instant fame, greater glory and a fabulous income on the small screen.<sup>3</sup>

The broad application of the term 'work', applies equally to the entertainment and sports industry. Work in the entertainment industry involves performance work, for example acting, appearing in promotional events, dancing, doing voice-overs, modelling, including photographic modelling, playing a musical instrument or singing. Work supporting the entertainment industry such as working front of house or backstage is not considered work.

Children who are involved in sports engage themselves in manufacturing of sports equipment and clothing. E.g. Jalandhar sports factory. Some are employees as performers in spectator sports. Children engaged in both fields face problems of child abuses. In the former case they are poorly paid and working conditions are unhealthy. In the latter case sports enterprises seek talented young people, who can potentially perform successfully in future. For instance young athletes are encouraged to concentrate on a single activity too early in life and have a contract with the employers, but no security is provided to them. Sports such as swimming and gymnastics have opened the children to international participation e.g. Olympic games.

Children also have to undergo rigorous training for the sake of their parents who want to register their child's name in record books such as Limca book of records. Children in the sphere of sports are engaged as jockeys in camel races. These races being very risky seriously injure children.

## RESTRICTIONS ON CHILDREN WORKING

Work in the entertainment industry is deliberately excluded from some of the general restrictions applying to minimum age and hours. Where the entertainment industry has been exempted, separate provisions (including hours) have been created. For instance no minimum age applies to children working in entertainment, however to ensure the protection of young children greater supervisory conditions are stipulated for children working in entertainment.

Two sets of restricted hours are prescribed for school-aged or young children working in the entertainment industry. These hours are categorised into permitted hours in recorded entertainment and permitted hours in live entertainment. Permitted hours for work in live entertainment are more restricted than those in recorded entertainment.

<sup>2</sup> Hobbs, S Jim McKechnie, J & Lavalette, M. (1999) Child Labor: A world history companion ABC-CLIO publishers

<sup>3</sup> Thekaekara, M.M (1997) Child labour of a different kind

The hours during which work may be performed for recorded and live entertainment including the maximum working hours per day and the maximum number of working days in a week are prescribed for a number of age groupings.

Child employment laws prohibit the employment of children in adult entertainment and related activities by prohibiting the employment of children while they are nude or partially nude. Under certain circumstances, children under 12 months of age may be exempt from these prohibitions.

**Table 1: Permitted Working Hours for School-Aged or Young Children Working in Recorded Entertainment**

Age	Hours during Which School-Aged or Young Child May Work	Maximum Working Hours a Day	Maximum Number of Days of Work in the Previous 7 Days
Under 3 years	6am to 6pm	4	3
At least 3 years but under 8 years	6am to 11pm	6	4
At least 8 years but under 16 years*	6am to 11pm	8	5

**Table 2: Permitted Working Hours for School-Aged or Young Children Working in Live Entertainment**

Age	Hours during Which School-Aged or Young Child May Work	Maximum Working Hours a Day	Maximum Number of Days of Work in the Previous 7 Days
Under 2 years	9am to 6pm	4	1
At least 2 years but under 6 years	9am to 6pm	4	3
At least 6 years but under 10 years	9am to 10pm	4	4
At least 10 years but under 12 years	9am to 11pm	6	4
At least 12 years but under 16 years*	9am to 11pm	8	4

**Notes:** Children who have completed year 10 are not school-aged children whatever their age, and their working hours are not limited by this schedule.

## OBLIGATIONS FOR PARENTS

Parents are also required to play their part. The act makes it illegal for an employer to employ a school-aged child until they have obtained a Parent's Consent Form. The form must be signed by the child's parent and include information for the employer about the hours when the child is required to be at school. A new form must be completed when those hours change. The Parent's Consent Form must be kept by the employer.

### Parent's Obligations

If you are a parent:

- You must be present if it is your baby that is employed.
- You must provide a Parent's Consent Form to your child's employer before employment can occur.
- You must inform your child's employer if their school hours change. You must do this by filling out a new Parent's Consent Form and giving it to your child's employer within 14 days of the hours changing.

## Employer's Obligations

Employer obligations have been developed to cater for the unique needs of the entertainment industry. For instance, specific employer obligations including, but not limited to, collection and travel arrangements, the provision of accommodation, food and drink, and provision of amenities also apply when employing children in the entertainment industry. These employer obligations apply in addition to the obligations developed for all industries.

Due to the unique requirements of the entertainment industry some employer obligations have been developed to ensure appropriate protection is afforded children of school age or younger, including babies working in this industry.

The requirements include:

- Prohibition on inappropriate roles and situations
- Prohibition on nudity and sexually provocative clothing
- Restrictions on work performed by babies
- Employer's duty about collection of child and travel home
- Employer's duty to provide food and drink
- Employer's duty to protect from extremes of climate
- Employer's duty about facilities for dressing and undressing
- Employer's duty to provide recreation materials and rest facilities
- Employer's duty about unfitness for work and infectious disease
- Employer's duty about presence of parent
- Employer's duty to provide accommodation
- Employer's duty to engage teacher
- Employer's duty about ability to contact a parent
- Employer's duty to safeguard children while they are at work

## Authority to Work

A school-aged or young child must obtain parental consent before starting work. The Parent's Consent Form specifies details such as the employer's name and the hours the child is required to be at school.

If a school-aged child does not have a parent or if the child is living independently from his/her parent, the child can apply to the Director-General of the Department of Employment and Industrial Relations for an Application for Special Circumstances Certificate. This certificate authorises the child to work when not required to attend school.

An employer commits an offence if they require or permit a school-aged or young child to work unless they have a Parent's Consent Form or a Special Circumstances Certificate.

An employer also commits an offence if they require or permit a school-aged or young child to perform work when the child is required to attend school as stated in the Parent's Consent Form or Special Circumstances Certificate.

### **Offences**

The Regulation has broken entertainment industry activities into the two categories of live and recorded entertainment.

Live entertainment includes:

Theatre; musical theatre; opera; circus entertainment; fashion parades; performances in a shopping centres and promotional events.

### **Recorded Entertainment Includes**

Film or a similar production; television; advertising; radio; photographic modelling; performances recorded only for use in subsequent entertainment or a subsequent exhibition; any other entertainment that is not live entertainment.

The following work restrictions apply only to the work of school-aged and young children. In both of the industries under study

### **Age Restrictions**

No minimum age is imposed on children working in the entertainment industry. However employers employing younger children have additional 'care' obligations.

### **Maximum Hours of Work**

There are two sets of hours prescribed for school-aged or young children working in the entertainment industry. There are separate hours prescribed for recorded entertainment and for live entertainment.

The Act and Regulation outline offences and penalties for employers who do not comply with the law. Enforcement of the child employment laws will be carried out by inspectors who will monitor compliance and investigate and deal with alleged contraventions.

There are various legislative measures taken to safeguard the children working in entertainment industries. The performances by children are governed by The Children and Young Persons Acts 1933 and 1963, and the Children (Performances) Regulations 1968. Followed by the Children (Performances) (Amendment) Regulations 2000.

These notes give general information only about the age of children in performance; licensing regulations and performance restrictions: The age of the child aged 13 and over may be licensed for any type of performance / activity.

Absence from school will require authorization from the Head Teacher to enable any pupil to undertake employment in accordance with a license. Attendance at rehearsals or auditions that require absence from school can only take place within the currency of a license.

The license for the performance has to be applied by the person responsible for the production in which the child will take part. The license application is made twenty-one days before the first date of performance.

The legislation that deals with 'Children in Entertainment' is:

- The Children and Young Persons Act 1933
- The Children and Young Persons Act 1963
- The Children (Performances) Regulations 1968
- The Children (Protection at Work) Regulations 1998
- The Children (Performances) (Amendment) Regulations 2000

The legislation requires that all children, from babies until they cease to be of compulsory school age, be licensed by the Local Education Authority in which they live, to take part in a performance on stage or in a broadcast.

A license will not be granted unless the Local Education Authority is satisfied that the child is fit to take part in a performance, that his/her education will not suffer and that proper supervision has been made to secure the child's health, comfort and kind treatment. The child performing the activity should be fit and sound in health.

A child may not take part in a performance or rehearsal on more than five days in any period of seven days. Hours differ to those permitted for stage performances compared to those in relation to broadcast or recorded performances.

### **Stage Performances**

Earliest and latest times:

- 10.00am – 10.00pm if aged under thirteen years
- 10.00am – 10.30pm if aged thirteen years and over.

The latest time may be extended by half an hour but not on more than eight evenings in four consecutive weeks and even then not on more than three evenings in any one week.

A child may only work one shift per day, unless the shift was interrupted once to enable the child to attend school. In effect, for the purposes of determining the total number of hours worked, all of the time the child is at work is counted with the exception of the one hour break the child is required to take as stipulated previously.

The legislation protects children from being required to perform work that may be harmful to their health or safety, or their physical, mental, moral or social development. These laws also ensure that work does not interfere with children's schooling.

To achieve these objectives the Act and Regulation set minimum ages for work, limit the hours of work of school-aged and young children and place obligations on employers who employ children.

A child is entitled to a minimum one hour break under the following circumstances: by 1pm if the child started work before 10am that day; or after the fifth consecutive hour of work, if they have not already had the one hour break referred to above.

There is a need for 10 minute break, 12 hour break between shifts

A child may not work for more than four hours on a day the child is required to attend school for at least 3 hours. A child may not work later than 9pm in recorded entertainment if the child must attend school the following morning. During a seven day must not exceed 40 hours?

Sports, film and ad industries are not covered Child Labour (Prohibition and Regulation) Act 1986 to protect children. It is assumed that wealthy or middle class parents are more responsible than the poor. Parents would not allow their children to be harmed. It is also found difficult to measure mental and spiritual damages or injure to the child's spirit and soul.

### **Other Restrictions on Work Performed by Children**

(1) An employer must not require or permit a child to do work prescribed under a regulation, unless—(a) the child is at least the age prescribed under the regulation to do the work; or(b) it is work the child is permitted to do under the regulation. (c) An employer must not require or permit a child to work unless.

The government's approval to a complete ban on child labour involving minors aged below 14 years may sound the death knell for child artistes in the entertainment industry. Violation could attract a maximum punishment of three years and fine of up to `50,000. No exception has been made for child actors in television shows and films.

### **CONCLUSIONS**

Thus stressing on the condition of children in the sector of entertainment and Hobbs McKechnie and Lavalette (1999) point out those children who work are not fully mature in terms of psychological and biological growth so they are more susceptible to health hazards as compared to adults. Amelioration should be tried effectively in the sector of entertainment and sports because the reality of child labour is complicated. It becomes complicated in India because of the perception of the parents and their aspirations towards their children. India needs to wake up to the fact that child labour extends to the fast lane used by Indian high society too. We must look to the west here, to implement new laws safeguarding rich kids from their avaricious parents.

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