

**The National Federation of Employers in Agriculture
and Food Industry (FNPAIA)**

**BUILDING A DECENT FUTURE
FOR OUR CHILDREN
BY COMBATING CHILD LABOUR**

ADVOCACY MATERIALS FOR EMPLOYERS
ON CHILD LABOUR IN AGRICULTURE

Chişinău 2006

This brochure is published in the framework of the Project on Combating Child Labour in Agriculture in Moldova, implemented by the National Federation of Employers in Agriculture and Food Industry (FNPAIA) supported by the ILO Bureau for Employers' Activities (ACT/EMP) with funding from the Government of Norway. The implementation of the project started in January 2005, the FNPAIA designing practical activities aimed at the elimination of the worst forms of child labour in the agricultural sector of Moldova.

Building a decent future for our children by combating child labour

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„Business can be an influential and practical force for good. The contribution of business to society is multi-faceted – from creating employment and income, providing technical skills and social benefits, strengthening management, to bringing market-based solutions to pressing social and environmental problems, and upholding universal principles. Responsible businesses have proven to be a positive force in spurring development and improving human conditions“.

Shanghai Declaration, UN Global Compact Summit:
China 30 November – 1 December 2005 Shanghai, China

FOREWORD

Child labour is an issue that has increasingly come in the spotlight both at the international and national level. Child labour is however a complex issue, as work can, on the one hand, contribute to the development of children and allow them to develop skills and abilities, which can help them and their families later in life. But, on the other hand, if child labour prevents a child from going to school, or is harmful to his/her health and safety then it is destructive and needs to be eradicated.

Why „child labour" is so complex and why do opinions differ? How do we differentiate between „acceptable" and „unacceptable" work for children? Where is the limit? Should children work or they should not? What is the role of employers in the elimination of the worst forms of child labour?

This brochure will search for answers to these and other questions with the aim of helping employers to understand the concept of child labour and to develop strategies aimed at combating it.

The National Federation of Employers in Agriculture and Food Industry (FNPAIA), with support of the ILO Bureau for Employers' Activities (ACT/EMP) and funding from the Government of Norway is carrying out activities on combating child labour in the agricultural sector in Moldova.

The FNPAIA acknowledges its role in mobilizing its member-associations and sensitizing them on the importance of combating the worst forms of child labour. The FNPAIA itself is an active player in combating child labour in agriculture in Moldova but relies heavily on its members for their commitment and support. Being under the umbrella of the organization, members of the FNPAIA are able to use their connections with the social partners and lobby

interests in the agribusiness and they can also benefit from consultations in business-planning, accounting, legal and other matters related to their business, which are offered through FNPAIA's network of the member-associations. Services offered by the FNPAIA through its partnerships among agricultural entrepreneurs include for example access to modern agricultural production system and machinery.

Employers' interest in combating the worst forms of child labour is expressed by their business interests, which can be seriously affected by the phenomenon of child labour. The development of the enterprise depends on the capability of its employees to handle and use new technologies. Such capabilities can be acquired by having received quality education, while the impediment in child education can have no other long impact than against employers themselves.

VALERIU BULGARI,
FNPAIA Chairman

UNDERSTANDING CHILD LABOUR

Work plays an important role in any society. It is through work that wealth is created enabling people to expand their choices and improve their quality of life. Work also provides the individual with a feeling of pride, dignity and self-fulfilment, as well as skills and social contacts.

Unfortunately, work can also be perceived as an unpleasant task or obligation. It can even

be dangerous, illegal and degrading. Our concern is for the children who may be involved in such work or "child labour" that is harmful to their health, safety or morals, or may impede their education.

Employers should ask themselves: *What should our attitude to child labour be?*

There is only one answer: *childhood is a period of life, which should be dedicated to development and education, through work inclusively, but in no case should the child be exploited through work. As an employer, you should be guided by the principle:*



SCHOOL WORK

IS THE MOST USEFUL WORK FOR A CHILD!

Therefore, the elimination of child labour is an urgent objective. Globally, the International Labour Organization

(ILO) estimates that approximately 218 million of children work as child labourers. This phenomenon being registered in countries with developed economies, as well as in countries with transition economies. Moreover, child labour exists even in those countries where it has been officially declared as illegal. Child labour is often surrounded by a wall of silence and indifference. The ILO statistics show that every year approximately 22,000 children die in work accidents. Since its establishment, the ILO has focused its concerns on the legal regulation of issues related to the worst forms of child labour and has adopted conventions which set the minimum age of work in different activities, including agriculture.

HOW IS THE PHENOMENON OF CHILD LABOUR PERCEIVED IN MOLDOVA?

Low incomes, the lack of opportunities and inadequate enforcement of social policies have a negative impact on the fundamental rights of the child. The GDP level in Moldova continues to be one of the lowest among European countries. Approximately half of the population lives below the poverty line.

It is an undeniable fact that almost all children in villages carry out household work. The work conditions are usually not regulated, thus creating an opportune environment for children being in a high risk of exploitation and abuse by adults. Because of poverty and, quite frequently, the instability of families, it is known that children from rural areas are exposed to a high risk of abuse, negligence, exploitation, including involvement in the worst forms of labour.

In agriculture, most village children work in the fields and look after domestic animals. Most of them also work to repay the debts of their parents, to get at least some income for their family, or to cover their school costs – purchasing of books, notebooks, clothes and footwear. Many families think that sending their children to work is acceptable. They view child labour as child work, not hazardous, and as a way to learn a skill when there are no decent schools around and when they can't see many educational opportunities for their child. However, employers should be interested and be able to differentiate between economically active children and child labour, mainly because they have a business interest to eliminate child labour at their enterprise.

WHY ARE THE CHILDREN IN OUR COUNTRY INVOLVED IN CHILD LABOUR, PARTICULARLY IN AGRICULTURE?

Even if it is hard for us to recognise, the Republic of Moldova is characterised as having a poorly developed economy. Most of the population (over 60%) lives in villages. The main economic activity in rural areas is agriculture, which is very poorly developed and for the time being is not quite profitable, although it represents approximately 40% of the country's GDP.

Due to the inefficiency and non-profitability of agriculture, rural localities are characterised by a massive migration of villagers to the two centres of attraction: urban localities (especially Chisinau) and abroad. The main goal of the migrants is to find a job which would offer them a decent life and help support their families. Inevitably, this has led to a labour shortage in the

agricultural sector. Also, the lack of an active labour force in rural places is influenced by the ageing of the population, a high rate of mortality in the rural sector compared to the urban sector, and by a decreasing birth rate, registered during the last decade. All these circumstances are reasons for involving the elderly and children in the pool of the workforce. Involving children in labour is caused by two other factors: no qualification as such is required for farming, on one hand, and secondly, the pre-established attitudes of most people in rural areas, especially those who do not have higher or secondary education, mean that they not only tolerate children working in agriculture instead of being at school, but even encourage it. Usually they do not make a distinction line between "helping out" and involving children in hard and hazardous work.

WHO IS A CHILD?

According to the UN Convention on the Rights of the Child, ILO Convention on the Worst Forms of Child Labour, 1999 (No. 182), and Law No.338-XIII of 15 December 1994 of the Republic of Moldova on the Rights of the Child, **a child means every human being below the age of eighteen years.**

WHAT IS CHILD LABOUR AND WHAT IS NOT?

In this brochure we use the term „child labour” in the specific sense of work undertaken by a child that is banned by Moldovan legislation.

The legal age specified by the Labour Code of the Republic of Moldova and permitted for work is 16 years

old. The Code allows children aged 15 to work, but parent's consent should be given in writing. The adolescents between 16 and 18 years old should not work more than 35 hours per week, while those aged 15 should not work more than 24 hours per week. Thus, light work of a few hours per day, undertaken by a 13-year-old on a family farm or in a family business, would not be considered child labour.

At the international level, as defined by the ILO Minimum Age Convention (No. 138) **child labour is full-time work for those who have not yet reached their 15 years old**. However, light work of less than 14 hours per week, undertaken by those aged 13-14 is acceptable and would not be considered child labour.

The ILO Convention on the Worst Forms of Child Labour (No. 182) covers children under to the age of 18. The Convention relates to particular types of work that children should not undertake. This includes work that is **hazardous** in that it is likely to harm the health, safety or morals of children. These activities are enumerated in the Labour Code of Moldova and include:

- **working in hard, unhealthy and unsafe conditions**
- **working underground**
- **work, which prejudice the morals of children (gambling, during night, production and transport of alcohol and tobacco goods, drugs and toxic products)**
- **handling and transport of heavy loads**

These activities are prohibited to all children under 18. The specified list of works with hard, unhealthy and unsafe conditions is included in the Nomenclature of industries, professions and works with hard and hazardous conditions drafted by the Government. The list specifies also the types of works prohibited to children in agriculture.

EMPLOYERS' INTEREST IN COMBATING CHILD LABOUR

Employers should be interested in combating child labour. There are specific responsibilities in this regard, which should be taken into consideration as these can have an effect on the business:



WHAT ARE THE LEGISLATIVE RESPONSIBILITY?

Employers are directly responsible for respecting the labour legislation. Should the law be violated, the employer will undergo penalties as provided by law. It is the obligation of the employer to know the labour legislation better than the child's parents or tutors.

WHAT ARE THE ECONOMIC INTERESTS?

Why do employers use child labour? According to the Rapid Assessment survey carried out by the FNPAIA, the main reason is the lack of adult manpower in rural areas, explained by the high migration of people for better-paid jobs abroad. On the other hand, the limited access to modern technologies and agricultural machinery is also a reason for using child labour as the most available workforce.

Why employers should not employ children?

There are many reasons, the majority concerning

the economic interests of the employer:

- the reputation of the enterprise is affected, eventually risking boycott of production by consumers;
- amounts of money paid as penalties affect the financial situation of the enterprise;
- the work delivered by children negatively affects the quality of products, leading to low productivity,
- productivity will increase by using agricultural machinery instead, which is a double benefit taking into consideration the deficiency of manpower in agriculture.

The latter concerns members of the FNPAIA, as those who can have access to modern agricultural machinery under the contract of cooperation between the FNPAIA and the 2KR (2 Kennedy Round) Implementing Unit. It should be noted that only in 2005 a total number of 250 pieces of modern agricultural machinery was provided under special advantageous conditions to agricultural entrepreneurs who are members of the organisation.

EMPLOYERS' ETHICAL RESPONSIBILITY

The phenomenon of child labour is quite complex, being determined by many factors. Employers should acknowledge the seriousness of the impact of child labour on his/her development. **If you have children working at your enterprise or you are considering the option of employing children, you should know that you bear the social and moral responsibility for his/her health, education, development and his/her growing into a personality.**

In general, the most intensive season of work for children is spring, summer and beginning of autumn. Children,

who have abandoned school, are, in many cases, involved in child labour that is harmful to their health and future development. Education helps children, their families, and their communities to break the vicious cycle of poverty and social customs which perpetuate child labour.

Labour in agriculture affects regular school

attendance. According to the survey carried out by the FNPAIA in the period May-June 2005 on child labour in horticulture in rayons Orhei and Criuleni, the level of school attendance of children involved in agricultural work decreases on average by 10%–20% during the harvesting period. Every eighth child works on fruit/vegetables during school hours. The performance in school of children involved in agricultural work, especially in the worst forms of labour is poor, this also leading to inhibition, self-isolation and frustration of such children. Most of the children involved in agricultural work become very exhausted after a day's work and are not able to carry out other activities. Doing their homework, consequently, comes second and is done only „from time to time“

THE TOMORROW OF THE COUNTRY DEPENDS ON THE EDUCATION THE CHILD GETS TODAY!

The fact of **working in agriculture may mean they develop different chronic diseases**, such as hepatitis, rhinites, bronchitis, infections, fatigue, etc. Also, such children may suffer from headaches and backache, allergies, or can suffer traumas, bone fractures etc. It is

estimated that every tenth child involved in farming activities has suffered from either accidents or disease during work. In most cases it is boys who are most often traumatised; approximately every third child who got sick needed medical assistance, including surgical interventions.

The FNPAIA survey shows that most of children work under high temperatures, manually handle heavy loads, and approximately half of them work all day long. At the same time, almost every tenth child is exposed to dangerous substances and works in a noisy environment. Child labour also affects the dietary system; because of malnutrition the children become more vulnerable to disease. The difference between the energy consumed and calories eaten is a reason for their low immunity. The use of child labour has a negative impact on a child's sleep. It is estimated that children involved in agricultural works sleep less than 7 hours per day and wake up at 6 o'clock in the morning during summer.

EMPLOYERS ARE PART OF THE COMMUNITY

The survey carried out by the FNPAIA indicates the following main reasons for child labour in horticulture: children work alongside their parents (parents bring them to work) to help them complete the work in time; the difficult financial situation of the family; seasonal work (usually during autumn) organised even by the school management; the general attitudes of educating children through work. On the other hand, agricultural employers under the conditions of inadequate subventions, limited access to modern technologies and limited markets, including the

migration of the active population from rural localities, often use child labour to save financial resources and substitute the lack of labour force.

Therefore, poverty and the educational level in the family, on one hand, as well as the deplorable situation in agriculture on the other hand, are the main reasons for child labour in agriculture in Moldova.

Undoubtedly, employers are responsible for complying with the labour legislation and in the context of the issue under discussion it is important to remember that employers' main responsibility should be the success of their business, thus contributing to economic growth of the country. At the same time, we should acknowledge that poverty and the educational level in school institutions, especially in rural areas, lies within the primary competences of the Government. As members of employers' associations employers can get actively involved in the elimination of child labour in the area where they operate.

In general, there are cases in rural communities when agricultural entrepreneurs dedicate significant efforts to their community aimed at improving the living conditions of the villagers. Such practices need to be encouraged, as these have an effect on combating the root causes of child labour – poverty and poor education. At the same time it should be acknowledged by social actors, mainly by key governmental structures with competence to influence the business development, that the more prosperous the enterprise is, the more efforts will be dedicated by the employer to the community needs by contributing to the construction/repair of school and preschool institutions, or otherwise contributing with income generation programmes for large families and other socially-oriented activities.

Consequently,

- Employers are not responsible for alleviating poverty – the main cause of child labour,

HOWEVER, through their activities, the income and jobs they create, employers contribute to economic development and growth;

- Employers are not responsible and it is not in their mandate to take over responsibilities of the government as regards education and health,

HOWEVER, employers can contribute to sensitising the public about child labour;

- Employers can not be forced to make efforts aimed at changing the social attitudes which are conducive to child labour (educating children through work),

HOWEVER, they can exert a certain influence on parents and other members of their community.

EMPLOYERS IN COMBATING CHILD LABOUR: STRATEGIES AND STEP BY STEP ACTIONS

It is obvious and a proven fact that there is a close interdependence between poverty, education and child labour. Also, it is recognised that child labour is an obstacle for the child to get education, which leads to a decrease in the qualifications of the existing labour force. The cost paid for child labour is measured in those benefits which the child could eventually get for himself/herself, for the future



employer, for the country's economy, if s/he had the high qualifications got only through the education received in childhood. This is why the FNPAIA is opting for education for children: access to education is a child's right.

The option between school and work very much depends on the value education has in the family. In the Moldovan society, the social attitudes to child labour is more in favour of labour, being considered that a child's positive attitude to work can be developed through work only.

Some may say that it is impossible to change social attitudes; or efforts in this sense would have insignificant effect. We think that every human being

should act to his/her best efforts and we do believe that child labour can be eliminated.

Employers, as part of the society and as those who are the closest persons to the phenomenon, should undertake measures within limits of their mandate and design strategies and steps aimed at the elimination of child labour.

STRATEGY 1: Prevention

Prevention is the primary long-term aim. It means identifying children at potential risk, keeping them out of hazardous work and stopping them from becoming child labourers in the first place. To ensure that parents see schooling as the best option for their children, families need, among other things, income security and social benefits, like health insurance, to survive short and long-term crises.

STRATEGY 2: Withdrawal

The withdrawal and subsequent rehabilitation of children already carrying out hazardous work includes:

- identifying those children in hazardous work;
- removing them from workplaces; and
- getting them into school and/or skills training.

STRATEGY 3: Protection

The strategy of protection recognizes the reality that many children remain in the workplace in the short term whilst withdrawal strategies are pursued or because they have achieved the current minimum legal working age. These older children continue to be at risk and need to be protected. This may require improving occupational

safety and health (OSH) and working conditions and arrangements in the workplace. Strengthening risk management in the undertaking is considered to be a basis for these types of initiative.

STEP 1: Removing children from the work place.

Children who are under the minimum legal age should be in school. This is their main work. It is the direct obligation of the employer to ensure that the minor under 18 works according to the provisions of the law: in accordance with minimum age requirements, number of working hours per week as provided by the Labour Code, and to ensure that safety regulations are complied with.

Below there are several examples of actions taken by some employers:

- **Take measures for enrolling the child in school;**
- **Employ his/her parents;**
- **Offer income-generation projects;**
- **Refer the child to specialised organisations.**

No doubt, employers are obligated to ensure that all legal provisions are respected at their enterprise, even if the laws are not strictly enforced or there are no strict law enforcement and control mechanisms. This is the minimum objective which the employer should set for himself/herself. Of course, new questions arise and the employer should find solutions about how this objective should be pursued: what will be the consequences of removing children from that specific workplace? Will this aggravate the situation of the child? What will be the commercial consequences, the effect on expected profits?

First of all, employers should refuse to employ children who are under the legal working age, even in

situations when parents insist on it. Furthermore, it is recommended to not only reject parents' insistence as to employing their child, but to explain what would be the negative consequences of involving a child in labour.

„Don't make the situation of the child worse“

this is the main rule which needs to be respected before removing the minor from work. Firing a child „over night“ when s/he has no other alternatives, especially children from large families or families with a low social and financial situation, may lead to unexpected consequences: looking for other sources of income, the child may get entrapped in the informal economy, where conditions are more drastic, or may even find himself/herself trafficked.

Secondly, employers should contact the local public authorities which are required by law to register all cases of non-enrolment and take measures to place these children in school. Furthermore, employers are recommended to directly contact the school, which is usually the local school, to quickly re-integrate the child into school.

Thirdly, employers may offer assistance to the child's parents in getting legal employment and earning income for the family.

It is recommended to create at least one additional job to be able to prevent the involvement of the child in labour instead of attending school. Think of the famous proverb – preventive measures are always less expensive than treatment.

And last, if the case is so difficult and no alternatives have been found at local level, it is recommended to refer the child to specialised organisations. Such action means another saved life and dragged away from the indifference of the people around.

The agricultural entrepreneurs can always apply to the FNPAIA member-association in the respective region for legal assistance in dealing with the problem faced by them in this aspect.

STEP 2: Informative actions. The employer may influence the parents' decision on sending the minor to work. The primary task of employers is to disseminate among employers the information about child labour: the legislative provisions, risks related to supply and production risks, economic costs covered by employers as a result of penalties and the negative reputation. Through its network of regional associations, the National Federation of Employers in Agriculture and Food Industry will carry out activities within the ILO ACT/EMP project aimed at informing the employers about the problem of child labour.

It is expected that these actions will have a major effect on the reduction of the number of children involved in hard labour. At the same time, it would be wrong to neglect the role of parents in the prevalence of the phenomenon. In many cases, the parents are those who send the children to work, especially in large families, with low social and economic levels and in alcoholic families. The efficient cooperation within the FNPAIA network and active involvement of employers is an important part in getting a sustainable impact.

Every employer should apply individually all the control measures and adopt the relevant decision in each individual case.

STEP 3: Child labour monitoring schemes in agriculture and actions taken at community and national level. The FNPAIA is establishing schemes to monitor child labour in agriculture, which implies that every regional association, besides sensitising activities for employers, will participate in structures at community level (community committees, other structures), and the association itself will be available to act as a hot line. The main method to monitor child labour at the level of agricultural employers' organisation by drafting a sample employment contract, which would include the relevant provisions of the labour legislation on employment of persons under the age of 18 and which will assist in complying with the labour legislation. Monitoring implies not only the workplace/agricultural enterprise, but the child him/herself, aiming at creating communities without children involved in hard labour, communities which have eliminated the worst forms of child labour. Such monitoring implies that the information about children in the worst forms of child labour would be received not only from the workplace (agricultural enterprises under any legal form of organisation, individual farms), but including from the local school and other places. The Association, whenever it is made aware, in partnership with the local public authorities, existing NGOs, the church and other social actors will find solutions to place the child in school and to help the family.

STEP 4: Building alliances/partnerships. Building of partnerships is a necessary step aimed at co-ordination of activities between the organisations which are working on combating child labour for a higher impact of their efforts. Alliances are so important for the following reasons:

- The primary obligation of the agricultural enterprise/entrepreneur is to respect the labour legislation, while additional contributions are an act done within financial possibilities of the employer;
- The agricultural enterprise/entrepreneur cannot take over the responsibility of the specialised institutions (the school, mayor's office, department of education, department of social assistance)

Therefore entering partnerships, building of alliances at the **local level** implies the following: joining or establishing community committees, made up of the most important decision-makers and the most active persons of the respective locality (the secretary of the Mayor's office, teachers, social and medical workers, priests, district policeman etc.) and at the **national level**: co-operation with child protection NGOs, co-operation and participation in national structures mentioned above.

STEP 5: Policies on combating child labour. Policies are a voluntary initiative, are not imposed by law, but once adopted, these should be respected by all members of the organisation.

The policies of the organisation are drafted by its members. The policies on combating child labour speak about the capacity of the organisation and contribute to its good reputation.

Policies on combating child labour, these are not a simple formality, a commitment on paper, but imply concrete actions aimed at the elimination of child labour. Being a member of the employers' organisation the member-enterprise has much to gain, being under the umbrella of the organisation and making use of its reputation. At the same time, the enterprise will have to obey the requirements incorporated in the child labour elimination policies and adopted by the members of the employers' organisation.

Therefore, when drafting policies of the organisation, there are several issues which should be taken into consideration:

- The commitment should be realistic; behaviour means more than a declaration on paper;
- It is much more simple to make a declaration than take measures to put it into practice;
- Failure to respect the obligations can have a much greater negative effect than not adopting such policies at all.

THE NATIONAL LAWS REGULATING CHILD LABOUR

WHAT NATIONAL LAWS REGULATE THE WORK RELATIONS IN MOLDOVA?

Before going into national laws, which regulate labour of minors, it should be mentioned that the Republic of Moldova ratified the following ILO Conventions, which are related to child labour:

- ILO Convention no 138/1973 on the Minimum Age;
- ILO Convention no. 182/1999 on the Worst Forms of Child Labour;
- ILO Convention no. 184/2001 on Safety and Health in Agriculture.

Accordingly, the national legislation, in principle, is in line with the above-mentioned Conventions.

In our country, work is a right for each person, and not an obligation. **The Constitution** adopted on July 29, 1994 guarantees the right to work, to free choice of work, equitable and adequate work conditions for all. Working people have the right to work protection, including special measures regulating the work schedule of women and young people. Art.44 of the supreme law of the country prohibits forced labour. As regards child labour, Art.50 of the Constitution prohibits the



exploitation of minors, or using them in activities which can damage their health and morality or can jeopardize their health and normal development.

The Labour Code of March 28, 2003 regulates all individual and collective work relations, the control of how labour regulations are respected, the labour jurisdiction, as well as other work relations. According to Art.46, the minimum legal working age is 16 years old; under no condition is the employment of minors under the age of 15 permitted. Employment of children aged between 15 and 16 can be made upon written consent of parents/tutors. Other norms from this Code which regulate the work of children are:

- reduced number of hours worked per week by persons aged between 15 and 16–24 hours, and by those aged between 16 and 18–35 hours;
- the normal number of hours worked per day cannot exceed 5 hours for minors under 16 years old and 7 hours for those aged between 16 and 18;
- employment of minors under the age of 18 during night is prohibited;
- overtime work for minors under the age of 18 is prohibited.

The Labour Code contains a separate chapter on work of minors „Work of persons under 18" (Art. 253–257). According to the provisions of this chapter, the person under 18 shall be granted the following additional guarantees:

- **Shall be employed only after has undergone a medical examination, costs being covered by the employer;**

- Shall undergo annual medical examination until the minor has reached the age of 18;
- Shall undergo annual medical examination until the minor has reached the age of 18;
- Shall be entitled to a reduced number of hours worked;
- Shall not be allowed to work in hard, hazardous and/or unsafe conditions, and other works established by the Code;
- It is prohibited to send minors to work missions, with certain exceptions (audiovisual institutions, theatres, circuses, cinematographic, drama and concert organisations, professional sportsmen);
- Are given additional guarantees in case of dismissal.

The Law on Labour Inspection of May 10, 2001

stipulates that the Labour Inspectorate is the authority which can exert control of how the labour laws are respected. The inspectors have the right to free access during the day or night, without any advance notice to the employer, to the work places, production and business premises. If any violations are found, the Labour Inspection is entitled to apply, as provided by law, administrative sanctions, including penalties.

WHAT ARE THE NATIONAL LAWS ON CHILD PROTECTION?

The most important national laws on child protection in Moldova are:

- **The Law on the Rights of the Child**

- **The Family Code**

The Law on the Rights of the Child provides that the state shall undertake the responsibility and the guarantee to provide each child with a level of living adequate to his/her physical, intellectual, spiritual and social development, by providing support to parents and other tutors responsible for children's education and development.

The Family Code provides that parents should attend to the education of their child; the child has the right to development of his/her intellectual capacities, freedom of thinking and consciousness, to defend his/her dignity and honour. Also, the child should be guaranteed that his/her legal rights and interests are protected. If the legal rights and interests of the child are violated, including if parents fail to meet or if they inappropriately meet their obligations to up-bring, educate and train the child, or in case of abusive use of parental rights, the child reserves the right to appeal on his/her own to custodian authorities for protection of his/her legal rights and interests, and from the age of 14, to appeal to court. The parents have the obligation to ensure that the child attends school until s/he has reached the age of 16.

WHAT ARE THE SANCTIONS FOR EMPLOYERS IN CASE OF CHILDREN BEING FOUND IN CHILD LABOUR AT HIS OR HER ENTERPRISE?

There are a number of normative acts which set sanctions for violation of rights of the child, including involving children in the worst forms of child labour. These sanctions are provided by the **Penal Code** and the **Code on Administrative Infractions**.

The **Penal Code** contains provisions on the worst forms of child labour. Art. 168 of this Code provides for penal sanctions in case of forcing a person, including a child, to work against his/her will or for debt bondage, forcing to work through fraud, constraint, violence or threat of violence. In this case, the penal sanction shall be imprisonment up to three years and a penalty in the amount of 200–500 conventional units (1 conventional unit equalling 20 lei).

The **Code on Administrative Infractions** provides for a number of administrative sanctions, applied in case of any kind of child abuse. Art. 170/2 of the Code provides for administrative responsibility of the person who, by virtue of his/her abusive behaviour, insult and maltreatment, mental or physical abuse, has violated the legal rights and interests of the child.

Art. 41 of the Code states that if an official person has violated the labour legislation or any law on the work protection of minors, a penalty in the amount of 100–250 conventional units shall be applied. Art. 41/3 of the same Code provides a penalty up to 20 conventional units for involving of minors in work which jeopardizes their health or impedes the educational process, or prejudices their physical, intellectual, spiritual and social development.

WHAT ARE THE INSTITUTIONS RELATED TO PREVENTION AND COMBATING CHILD LABOUR?

The most important national institutions in Moldova, authorised with direct or indirect competencies in the field of preventing and combating child labour are:

- The National Steering Committee on Elimination of Child Labour (NSCECL);
- The National Committee on Protection of Child's Rights (CNPDC);
- The Ministry of Education, Youth and Sports (MEYS);
- The Social Investment Fund in Moldova (SIFM);
- The Labour Inspection (LI).

The NSCECL was established based on the Memorandum of Understanding signed in 2004 between the Government of Moldova and the ILO. The main responsibilities of the Committee in this field are to formulate policies aimed at the elimination of child labour and integrate the activities of the International Programme on Elimination of Child Labour into other national efforts on combating child labour.

The CNPDC is an inter-ministerial structure created in order to express and promote the state policy on protection of child interests based on the UN Convention on the rights of the child.

One of the ministerial objectives of the MEYS is the social and professional integration of young people, their education, combating juvenile delinquency and moral and civic guidance of the youth.

SIFM, as a self-directed department, was created by the Government with support provided by the World Bank, aimed at improving the living conditions of the population in rural communities. The objective of the Fund is to provide informational and financial support to project proposals submitted by rural communities in different areas, including financing of educational

programmes in the field of education and health protection of children.

In addition to national institutions, there are a number of international and non-governmental organisations competent in the field of preventing and combating child labour. Such organisations are the IPEC Project, "PROTECT-CEE", UNICEF and others.

The National Federation of Employers in Agriculture and Food Industry (FNPAIA) was founded on March 28, 2003, and represents employers from the agriculture and food processing industry. Since January 2005, the Federation has been implementing a project on combating child labour in the agricultural sector in Moldova. The programme is supported by the ILO Bureau for Employers' Activities (ACT/EMP) with funding from the Government of Norway.

THE NATIONAL FEDERATION OF EMPLOYERS
IN AGRICULTURE AND FOOD INDUSTRY (FNPAIA)



Date of foundation: 28 March, 2003

Date registered with the Ministry of Justice: May 7, 2003

Address: mun. Chisinau, bd. Stefan cel Mare si Sfint, 162, office 1306, 1309-1311, tel: (373 22) 21-06-58, 21-00-85, 21-01-66 (fax), e-mail: info@fnpaia.org, web-site: www.fnpaia.org

Date when became member of the National Confederation of Employers of Moldova: 14 May, 2003

Number of members: 17 employers' associations, including 15 regional associations of agricultural employers which include 2,316 large agricultural enterprises and 27,383 land owners farming 53% (808,460 ha) of agricultural lands of the Republic of Moldova, Employers' Association of Livestock Enterprises „Zoocarlap” and the Employers' Association of Crop Exporters.

Chairman of the FNPAIA: Valeriu Bulgari, who is Deputy Chairman of the National Confederation of Employers of Moldova

Deputy Chairpersons of the FNPAIA: Mihai Vronschih, Nicolae Grosu, Andrei Girlea

Executive Director: Alexandru Slusari

Mission: create favourable conditions for agricultural enterprises and represent their interests in relationships with the public authorities and workers' organisation.

Objectives:

- a) To represent, promote, support and protect economic rights and interests, including technical and legal rights of its members, provide informative support in relationship with the public authorities and sectoral workers' organisation;
- b) To participate, in co-operation with social partners in drafting of laws pertinent to agriculture and food industry;
- c) To perform activities aimed at adopting laws in the economy and social sphere, which would consolidate the private property as the main fundamentals of a market-based system, to extend and enforce it in practice;
- d) To participate in drafting and implementation of strategies and programmes aimed at developing the national economy and economic activities, development of policies in agriculture and food industry, which affect the activity of the entrepreneurs in this sphere;
- e) To develop the social dialogue with sectoral workers' organisation, as well as with workers' organisation at the national level, to carry negotiations related to the collective bargaining contract and intermediary counselling, to solve work

- disputes and conflicts, to carry other negotiations by creating joint commissions for this purpose;
- f) To support, according to the legislation, the full liberty of action when employers promote programmes of economic development of enterprises, ensuring a maximum efficiency of the economic activity;
 - g) To promote a loyal competition in the economic activity and in relationship between members, which would ensure equal conditions for all;
 - h) To organise and extend the exchange of information aimed at developing the collaboration and co-operation between members of the Federation;
 - i) To organise conferences, seminars, symposiums, exhibitions, competitions and other joint events of members of the Federation;
 - j) To co-operate with international employers' organisations;
 - k) To provide consultancy related to the training and employment of labour forces aimed at increasing the work productivity;
 - l) To carry out publishing activities.

The FNPAIA associations provide consulting and support for its members in:

- business planning
- accounting
- market research
- identifying potential business partners
- obtaining credits

- settling disputes, including through arbitration and mediation
- creating and strengthening of entrepreneur cooperatives;
- implementing of advanced technologies in agricultural production
- promoting a positive image of private entrepreneurs
- commercial advertising

Partners of the Federation in the tripartite social dialogue at sectoral level: Ministry of Agriculture and Food Industry and the National Federation of Sectoral Workers' Organisation „Agroindsind”.

Addresses of the FNPAIA regional member-associations:

1. • Edinagronord • MD 4601, Edineț, 37 Bucovinei Street
• e-mail: edinagronord@uap.md • fax (246) 2-56-29,
(246) 2-57-27; tel. (246) 2-59-29; • Nicolae Crețu –
chairman and executive director
2. • Bălți • MD 3100, mun. Bălți, 1 Independenței Street
• e-mail: balti@uap.md • fax (231) 2-05-12,
(231) 2 51 67, (231) 2-80-23; tel. (231) 2-40-73
• Mihai Vronschih – chairman and executive director
3. • Floragrosper • MD 5001, Florești, 63 Ștefan cel
Mare Street • e-mail: floragrosper@uap.md
• fax (250) 2-42-27; tel. (250) 2-24-61 • Ion Spînu –
chairman and executive director
4. • Teragronord • MD 3004, Soroca, 27A-5 Ștefan cel
Mare Street, • e-mail: teragronord@uap.md
• fax (230) 2-62-46, (230) 2-54-30; tel. (230) 2-40-45

• Alexei Florea – chairman, Maria Burlacu – executive director

5. • Uncalnis • MD 3600, Ungheni, 26 Barbu Lăutaru Street • e-mail: uncalnis@uap.md • tel. (236) 2-82-33, (236) 2-60-34, (236) 2-74-16 • Iurie Vrabie – chairman Vasile Popa – executive director

6. • AsProAgro • MD 3505, Orhei, 121 Vasile Lupu Street
• e-mail: asproagro@starnet.md • fax (235) 2-74-39,
(235) 2-06-45; tel. (235) 2-75-13 • Victor Negruță –
chairman and executive director

7. • Asintprod • MD 4801, Criuleni, 97, 31 August Street
• e-mail: asintprod@uap.md • fax (248) 2-00-88,
(248) 2-27-76; tel. (248) 2-19-50 • Anatol Stavilă –
chairman, Dumitru Simon – executive director

8. • Astagro • MD 3701, Strășeni, 32 M. Eminescu Street
• e-mail: astagro@uap.md • fax (237) 2-36-40;
tel. (237) 2-27-47 • Tudor Secrieru – chairman and
executive director

9. • Viitorul • MD 5301, Hîncești, 132, M.Hîncu Street
• e-mail: viitorul@uap.md • fax (269) 2-17-45,
(269) 2-58-12; tel. (269) 2-28-76 • Eugen Dănălache –
chairman, Valentin Dubceac – executive director

10. • Uniagro-Prim • MD 4201, Ștefan Voda, 1 Libertății
Street, office 15-16 • e-mail: uniagroprim@uap.md
• fax (242) 2-20-71; tel. (242) 2-23-86 • Ion Olifir –
chairman, Nicolae Ceban – executive director

11. • Agro-Căușeni • MD 4300, Căușeni, 31 M.
Eminescu Street office 4 • e-mail: agrocauseni@uap.md
• fax (243) 2-16-63, (243) 2-15-32; tel. (243) 2-41-57

• Sergiu Palanciuc – chairman, Nicolai Coroi – executive director

12. • AgroUnic Cahul • MD 3900, Cahul, 4 Ovidiu Street
• e-mail: agrounic@uap.md • fax (299) 2-16-02;
tel. (299) 2-97-13 • Ion Curjos – chairman, Gheorghe Vasilachi – executive director

13. • Tar-agro • MD 7400, Taraclia, 167 Lenin Street
• e-mail: taragro@uap.md • fax (0294) 2-52-50,
(0294) 2-55-83; tel. (0294) 2-30-34 • Chiril Darmancev
– chairman and executive director

14. • OG-Agro • MD 3801, Comrat 240 Lenin Street
• e-mail: ogagro@uap.md • fax (0298) 2-28-84;
tel. (0298) 2-25-68 • Valentin Banchin – chairman,
Dorin Rusu – executive director

15. • Centru-Prim-Agro • MD 6501, Anenii Noi, 4 Piata
31 August, office 203 • e-mail: aneniinoi@flash.ro
• fax (265) 2-49-43, (265) 2-28-50; tel. (265) 2-44-97
• Sergiu Calmîc – chairman and executive director.