



National Federation of Employers
in Agriculture and Food Industry
of the Republic of Moldova

CODE

OF CONDUCT

FOR
EMPLOYERS
ON
ELIMINATION
OF THE WORST
FORMS OF

CHILD LABOUR

IN AGRICULTURE
AND FOOD
INDUSTRY



International
Labour
Office





The National Federation of Employers in Agriculture
and the Food Industry from the Republic of Moldova

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WORST FORMS OF CHILD LABOUR IN AGRICULTURE AND THE FOOD
INDUSTRY

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This Code of Conduct for Employers on Elimination of the Worst Forms of Child Labour in Agriculture and Food Industry has been drafted by the National Federation of Employers in Agriculture and Food Industry from the Republic of Moldova with support of the Bureau for Employers Activities (ACT/EMP) of the International Labour Office in the framework of the project “Combating Child Labour in the Commercial Agriculture in Moldova” implemented with financial support of the Government of Norway.

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1. PREAMBLE



“Child labour” is work that harms a child’s wellbeing and hinders his or her education, development and future livelihood. Many employers may think that because child labour is readily available and “cheap”, it can bring immediate economic benefits. Yet the consequences are negative for all: children, employers, parents, communities and the state.

This is the main reason why the National Federation of Employers in Agriculture and Food Industry from the Republic of Moldova (FNPAIA) has drafted this *Code of Conduct for Employers on the Elimination of the Worst Forms of Child Labour in Agriculture and the Food Industry*.

The Code is a result of an initiative at the national level promoted by the FNPAIA with involvement of social partners. The aim of the Code is to promote a supportive environment for the elimination of the worst forms of child labour in agriculture and food industry in the Republic of Moldova.

This Code offers guidelines to employers on elimination of child labour in agriculture and food industry. At the same time, the Code can serve as an encouragement for governmental institutions, workers, organisations, parents, tutors, children and communities to get involved in activities on combating child labour.

The Code is a self commitment and it is inspired from the national legislation and international conventions ratified by the Republic of Moldova. Individual and corporate entities that fully accept the principles promoted by the Code are encouraged to adhere to this Code of Conduct.

The participative process which preceded the adoption of this Code of Conduct

The Code of Conduct for Employers on the Elimination of the Worst Forms of Child Labour in Agriculture and the Food Industry was drafted based on the proposals made by the representatives of the FNPAIA member-associations. These proposals were the echo of the sensitising campaign on combating the worst forms of child labour, which was conducted by the FNPAIA in 2006.

Further on, the draft was discussed and improved with ideas, suggestions and valuable contributions made by the agricultural entrepreneurs during the 15 round tables, which were organised for this purpose in April and May 2007 in Anenii Noi, Bălți, Cahul, Căușeni, Comrat, Criuleni, Edineț, Florești, Hâncești, Orhei, Strășeni, Ștefan Vodă, Soroca, Taraclia and Ungheni.

The final version of the *Code of Conduct for Employers on the Elimination of the Worst Forms of Child Labour in Agriculture and the Food Industry* was approved on 19 December 2007 by the Council meeting of the National Federation of Employers in Agriculture and Food Industry.

2. THE OBJECTIVE OF THE CODE



The objective of this Code of Conduct is:

- 1) To offer exact definitions of the main terms used in the context of child labour in agriculture in Moldova.
- 2) To enhance employers to eliminate the worst forms of child labour in agriculture and the food industry.

This Code of Conduct does not regulate every situation which may arise. It is aimed at creating a general framework for the agricultural entrepreneurs-members of the FNPAIA to combat child labour.

3. DEFINITIONS



Child:

A person is considered a child from the moment of birth up to reaching the age of 18 years old.

The worst forms of child labour:

For the purpose of this Code of Conduct, the term “the worst forms of child labour” shall be used. Under this Code of Conduct “the worst forms of child labour” shall comprise 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, abuses and exploits the child and deprives the child of an education.

The worst forms of child labour include, but are not limited to the following **hard, hazardous or harmful work**:

- Work with hazardous equipment and tools
- Manual handling and transportation of heavy loads
- Work with harmful substances
- Work under high temperature
- Work in noisy environment which influences child’s health
- Work during night
- Forced labour
- Physical or psychological abuse at work

The list is inexhaustive and there are different workplaces, which pose potential hazards for children. Therefore, the employer should make an assessment of hazards and risks at the workplace at his/her enterprise and take measures to avoid children being used at such places.

Employer – in the framework of this Code of Conduct the term *employer* means an individual or corporate entity, who hires people to work against recompense.

4. FUNDAMENTAL COMMITMENTS

The first responsibility of employer is to operate within the law of the country. The respect of all legal provisions of the main national laws relevant to employment of minors is essential in preventing, combating and eliminating the worst forms of child labour.

4. 1. Minimal Employment Age

The Employer shall not hire persons under the age of 15 years old.

The Employer can conclude individual work contracts with a minor aged 15 provided that there is the written consent of child's parents or legal representatives and that such work does not prejudice child's health, development, education and career training.

Under no circumstances should children be involved in work which is hazardous or work which impedes his/her education, or can damage physical, intellectual, spiritual and social development of the child, inclusively.

The Employer:

a) shall not use children at works prohibited under the Collective Agreement (national level) on the elimination of the worst forms of child labour signed in 2007 by the Government

of the Republic of Moldova, Employers' and Workers' Organisations. (*Attachment 1*)

b) shall not use children at works having an environment with dangerous substances (chemical and biological) and where hazardous production factors exist (noise, vibration, electromagnetic, ultraviolet, infrared, radioactive and other radiation) exceeding the concentration limit or the limited level.

c) shall not accept children at works specified in the *Nomenclature of Industries, Professions and Works with Hard and Hazardous conditions proscribed to children under 18 years old*, approved under the Decision No. 562 of 07.09.1993 of the Government of the Republic of Moldova. (*Attachment 2*) at manual handling and transportation of heavy loads, according to the *Nomenclature of industries, professions and works with hard and hazardous conditions proscribed to minors under 18 years old*.

4. 2. Duration of work per day

The Employer shall respect for employees under 16 years old a duration of work per day up to five (5) hours.

The Employer shall respect for employees between 16 and 18 years old a duration of work per day up to seven (7) hours.

4. 3. Duration of work per week

The Employer shall set a reduced duration of work per week:

- a) 24 hours for employees aged 15 and 16 years old.
- b) 35 hours for employees aged between 16 and 18 years old.

4. 4. Work during night, days-off and official holidays

The Employer shall withdraw from night work – between 22.00 and 6.00 – the employees under 18 years old, pregnant women, mothers who are on postnatal leave, mothers with children under 3 years old, including those persons for whom night work is not allowed under a medical certificate.

The Employer shall not involve the employees under 18 years old, pregnant women, mothers who are on postnatal leave, mothers with children under 3 years old to work during days-off and official holidays.

4.5. Other commitments

Payment for work

The Employer shall pay to employees under 18 years old working per time unit, taking into account the reduced duration of work per day.

The Employer shall pay to employees under 18 years old working based on agreed tariffs as established for adult employees.

The Employer shall pay for the work of school children and students under 18 years old who worked after lessons, in the amount of hours worked or under agreement.

Annual vacation

The Employer is obligated to provide to employees under 18 years old an annual vacation for the first year of work, before 6 months worked, based on a submitted written request.

The Employer is obligated to offer to employees under 18 years old, additional paid annual vacation of at least 4 calendar days.

Redundancies

The Employer shall offer additional guarantees for minors in case of redundancies. Accordingly, layoff of minors under 18 years old, except cases when the company is liquidated, is allowed only upon written agreement of the territorial employment agency and the territorial agency for minors, following the general provisions on layoffs stipulated by the Labour Code.

Medical examinations

The Employer can hire minors under 18 years old only with a prior medical examination. Further on, the young employees will undertake such medical examination twice per year until they have reached the age of 18.

The Employer shall cover costs for these medical examinations.

The Social environment

The Employer:

- shall create a safe and healthy working environment for employees under 18 years old.
- shall not permit forced work of children.
- shall avoid using obscene words and gestures against or in presence of employees under 18 years old.
- shall not discriminate the young employees on such reasons as race, nationality, ethnic origin, language, religion, social status, including those affected with HIV/AIDS, or on sex, or expressed opinion.
- shall protect the employees under 18 years old against exploitation and physical and sexual abuse.

The Employer who does not respect the law provisions on employment of minors shall be liable under administrative or penal measures.

5. REFERENCES



The Code of Conduct for Employers on the Elimination of the Worst Forms of Child Labour in Agriculture and the Food Industry resumes the most principal references on employment of minors which are part of the national legislation and international conventions. Those persons and organisations which will use this Code in their day-to-day practices are encouraged to refer to the following documents:

The Constitution of the Republic of Moldova, the Labour Code of the Republic of Moldova, the Penal Code of the Republic of Moldova, the Code of Administrative Infringements, Law of the Republic of Moldova on the Rights of the Child; as well as the U.N. Convention on the Rights of the Child, the ILO Convention No. 138 (1973) on the Minimum Age, ILO Convention No. 182 (1999) on the Worst Forms of the Worst Forms of Child Labour and Immediate Action on its elimination, ILO Convention No. 184 (2001) on Safety and Health in Agriculture.

6. IMPLEMENTATION & MONITORING

The present *Code of Conduct on the Elimination of the Worst Forms of Child Labour in Agriculture and the Food Industry* is a policy document. The FNPAIA will communicate it to members by organising a promotional campaign through its network of Change Agents.

The FNPAIA will set up a Special Committee with an Monitoring Team, consisting of representatives from each FNPAIA member-association. The Committee will be responsible for monitoring on how member-entrepreneurs comply with this Code by means of spot checks carried out by the Monitoring Team.

Should the Monitoring Team find out that an employer uses the worst forms of child labour, it will require that such employer undertakes immediate measures to rectify the situation based on the best interest of the child. The Monitoring Team will not demand the employer to immediately remove the child without considering the future of the child. The employer will find a satisfactory solution, taking into account child's age, social situation, education. All measures will be aimed at improving, not worsening the situation of the child. The Monitoring Team will insist that the employer does not involve children in future in the worst forms of child labour.

7. FINAL PROVISIONS



The FNPAIA seeks close cooperation with social partners, national and international agencies to assist those children who are withdrawn from the child labour as a result of our policy to ban the use of the worst forms of child labour in agriculture and the food industry in the Republic of Moldova.

Attachment 1.

Types of work prohibited for children

Section 1

Work involving exposure to task-related risk factors

1. Work involving exposure to:
 - a) Heavy continuous work; or over exertion.
 - b) Forceful movements or awkward working postures.

2. Work involving stress:
 - a) fast working rhythms;
 - b) sudden and difficult/complex decision making
 - c) repetitive actions;
 - d) monotonous work.

3. Loading/unloading work.
4. Work rates which are dictated by the speed of machinery, and remunerated on a piece work basis.
5. Animal slaughtering.

Section 2

Work involving risk factors, related to the means of production

Work involving exposure to mechanical risk factors

6. Work involving exposure to dangerous motion/movements:
 - a) Functioning parts of technical equipment:
 - moving machine parts;
 - leakages or liquids;
 - moving vehicles;

 - b) self-starting or self-stopping motion of technical equipment or liquids;

 - c) motion as a result of gravitation:
 - slips;
 - rolling;
 - rolling on wheels;
 - overturning;
 - free fall;

- free leakage;
- overflow;
- crumbling, collapse;
- sinking etc.;

d) Motion as a result of propulsion:

- objects or particles projection;
- deviation from the normal trajectory;
- balance;
- recoil;
- excessive shocks;
- jet;
- eruption.

7. Work involving dangerous surfaces/shapes:

- a) sharp;
- b) cutting;
- c) slippery;
- d) abrasive;
- e) adhesive.

8. Pressure recipients.

9. Work involving exposure to excessive vibration of technical equipment.

Work involving exposure to thermal risk factors

- 10. Exposure to high temperature objects or surfaces (above 40C).
- 11. Exposure to low temperature objects or surfaces (under 5C).
- 12. Exposure to flames.

Work involving exposure to electrical risk factors

- 13. Work involving exposure to electricity:
 - a) direct contact;
 - b) indirect contact;
 - c) step voltage.

Work involving exposure to chemical risk factors

- 14. Toxic substances;
- 15. Corrosive substances;
- 16. Caustic substances;

17. Flammable substances;

18. Explosive substances.

19. Harmful substances, which can cause:

a) irreversible health effects;

b) sensitivity through inhalation;

c) sensitivity through skin contact;

d) cancer;

e) hereditary genetic changes;

f) in cases of long exposure, serious consequences on health;

g) reduction in fertility.

20. Work involving irritant substances which can cause:

a) sensitivity through inhalation;

b) sensitivity through skin contact.

21. Exposure to aromatic poly-cyclic hydrocarbons, found in smoke, coal tar or coal pitch.

22. Lead and its compounds.

23. Asbestos

Work involving exposure to biological risk factors

24. Exposure to micro-organisms:

a) bacteria;

b) viruses;

c) rickets;

d) spirochetes;

e) fungi;

f) protozoa.

25. Dangerous plants.

26. Wild and poisonous animals.

Section 3

Work involving risk factors related to the working environment

Work involving exposure to physical risk factors

27. Exposure to:

a) high air temperatures;

b) low air temperatures.

28. Exposure to:

- a) high levels of air humidity;
- b) low levels of air humidity.

29. Exposure to:

- a) high air pressure;
- b) low air pressure.

30. Exposure to water pressure (at depth).

31. Exposure to noise.

32. Exposure to ultrasounds.

33. Exposure to vibration.

34. Exposure to:

- a) low lighting level;
- b) shining;
- c) flaring.

35. Exposure to radiation:

a) electromagnetic:

- infrared;
- ultraviolet;
- microwaves;
- laser.

b) ionising:

- alfa;
- beta;
- gamma.

36. Exposure to electrostatic potential.

37. Exposure to pneumoconiosis-producing dust.

Work involving exposure to chemical risk factors

38. Exposure to:

- a) inflammables;
- b) explosives.

39. Exposure to vapours:

- c) inflammable;
- d) explosive.

40. Exposure to toxic aerosols.

41. Exposure to caustic aerosols.

42. Exposure to air suspension powder.

Work involving exposure to biological risk factors

43. Exposure to micro-organisms in the air:

- g) bacteria;
- h) viruses;
- i) rickets;
- j) spirochetes;
- k) fungi;
- l) protozoa.

Work involving other risk factors related to the environment

44. Underground work.

45. Aquatic work.

46. Under water work.

47. Work in marshes or marshy areas.

48. Outside work.

Attachment 2.

Nomenclature of Industries, Professions and Work with Hard and Hazardous conditions proscribed to persons under 18 years old (*extract*)

Agriculture

Horse-breeder, looking after reproductive stallions

Workers engaged in pest control in cereals

Glasshouse workers

Workers involved in harvesting, transportation and primary processing of tobacco

Workers involved in transportation, loading and unloading of toxic substances

Workers on livestock farms

Food industry

General occupations in the food industry

Workers involved in:

- coagulation, manufacture of pectin
- crystallization, manufacture of the raw material for tartaric acid
- decomposition of tartaric acid
- filtering, performing filtering of micella, production of raw material for tartaric acid, vegetable oils
- neutralisation, manufacture of tartaric acid
- manufacture of refined fats and oils
- processing of vegetable oils, spirits: distillation etc
- drying, manufacture of tartaric acid

Processing of lactose: Sifter, manufacture of trine, sifting of lactose

Pouring beer: Controller

Workers involved in manufacture of grain milling products

Manufacture of lactose: crystallizer

Cleaner of flexible packing material

Cook: food products and raw materials, manual handling of loads

Loading-unloading, production of mayonnaise, perfume, tartaric acid, furfural, including loading-unloading of baking cameras, frying ovens

Laminator: Raw materials and semi-finished products

Grinding machine operator

Husking machine operator

Machine operator: pouring-filling, production of perfume, production of steel

Machine operator dough-mixing machine

Pulper machine operator

Machine operator - milling equipment, processing of powdered sugar, cocoa, ammonium powder, manufacture of pectin

Miller: manufacture of the raw material for tartaric acid

Worker: diverse activities, production of yeast

Working with paraffin

Ice preparation

Preparation of food products and food raw materials, washing of raw materials for canning, washing of poultry and offal

Inspector on manufacture of food products: manufacture of beer in cellars, inspector of liquids in perfume production, manufacture of liqueurs and vodka

Serviceman on food industry equipment, manufacture of starch from wet corn

Decanter: unloading of containers, manufacture of milk, filling beer barrels, manufacture of mayonnaise and vinegar

Production of alcohol and non-alcoholic products

Worker/Operator - distillation and refining of alcohol, manufacture of pectin

Crushing installations operator

Malt -worker

Worker: direct work for production of wine, spirits, liquor, vodka and beer

Processing of wine wastes

Processing of must and juice

Processing of technological recipients and packing materials

Machine- setter for filtering surfaces

Barrel moving: pitcher

Production of bread and pasta

Baker directly working with ovens

Loader-unloader of food products

Polymer-worker, griddle and metallic forms

Worker: Preparing of dough, operating the movable dough-mixing machines with periodic functions and corvette with a volume over 330 litres

Food products Cutter

Production of confectioner

Raw pectin processing operator

Caramel-worker, manually dividing of pasta

Pectin extractor

Pectin coagulator

Glazing of caramel and dragee, manually loading and unloading of pasta

Mixing of halva, manual mixing

Production of starch and molasses

Extracting operator

Operator - sulphuric acid production

Operator – dextrin production

Operator for refining of starch

Operator for gluten sedimentation

Sugar production

Worker: processing of sugar loaves

Breaker up: sugar loaves

Cutter: refined sugar

Production of concentrated food

Operator/worker: processing and blending of vinegar

Worker: fermentation

Worker: spice processing worker

Worker: pulverization dryer

Worker: production of mixtures

Processing of tobacco and shag, fermentation

Worker: diverse professions, processing of tobacco, shag and fermentation

Production of ether oils

Worker: fermentation of ether oils raw materials

Production of perfumes and cosmetics

Worker: processing of perfume composition and solutions

Worker: manufacture of cosmetics and cosmetic powdery

Worker: boiling of cosmetic mass, production of crème with mercury precipitation

Processing of oils and fats

Worker

hydration

soap production

splitting of fats

catalysation

boiling of hydrogenated fat

lanolin

hydrogenationm

fat hydrogenation

roasting

preparation of detergent mixtures

preparation of solutions of colorants

regenerator

Milling and cereal industry, production of silo and combined forage

Worker

cereal processing

cereal production

milling industry

production of combined forage

sewing of flexible packing material

loading and unloading of cereals

milling

bucket excavator

silos

packing-stacking

tractor

thresher

Meat and dairy industry*Production of meat products*

Worker

mixer of minced meat

thermal processing of salami and sausages

manufacture of food fats

manufacture of technical products

manufacture of cords from intestines

gut work

manufacture of natural sausage skin

meat string work

manufacture of albumins

manufacture of clay and gelatin

manufacture of technical products

manufacture of lubricating oils

processing of wastes

processing of salami with protective coat

smelting of food fats

processing of by-products

Livestock sorter

Veterinarian

Butcher: meat products

Meat slaughter, manual loading

Processing of chicken and rabbit

Worker

mixing, preparation of feather mixtures

regeneration of wax

drying of egg pasta

breeding of poultry

metering of feathers

processing of feathers

processing of rabbits

processing of chickens

reparation of the feathers mixture

melange , manual handling

preparation of forage
feather, collector
sorting and grading of live chicken and rabbits
drying of feathers
drying of rabbit skins

Manufacturing of butter, cheese and other dairy products

Cheese smoking
Worker - mixing of melted cheese, work in non-mechanised sectors
Operator - polymer coat and paraffin application to cheese
Operator – preparation of milk powder
Operator - processing of fermented dairy products and dairy products for children
Operator – manufacture of lactose
Cheese maker
Defrosting of dairy products, manual work
Glaze cook
Ice-cream cook - manual work
Cook - preparation of butter, re-melting of fats in open vessels
Separator of milk and raw material in non-mechanised sectors
Cheese washer
Lactose dryer
Waferer for serving tunnel containers of semiautomatic cookers