

# ***Comprehensive Analysis of Chinese Child Labor Status quo with Assessment of Maneuverability***

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**Abstract:** According to the Fair Labor Standards Act (FLSA), child labor directly indicates work inequality. Mainstream opinions towards this issue argue that underage labor participation is detrimental to the educational development of child workers. Their indispensable vulnerability, especially in highly intensive workplaces, places a greater possibility for injuries, disabilities, and even casualties. The essay contrives points through close-up observation of the Chinese society and governmental system by examining multiple measurements, documents, and phenomena. Placing too much attention on economic development, the central government of China inevitably falls short of the experience of child labor regulations. Legal and regulatory documents pertinent to this topic are still at the phase of literal recognition, instead of solid and feasible clauses meticulously designed for employment management. Private sectors, along with the specialized institutions for underage prospective workers, have been cooperating to jointly suppress adolescents by misinterpreting child labor regulations. Additionally, labor education and internship receive heated debates throughout the years, for some companies are taking advantage of this policy to circumvent punishment for employing child laborers. Participants of the programs are forced to work overtime under hazardous conditions, with only the minimum wage income or a null return – several treaties for internship unilaterally deprive their rights for returns. Insufficient awareness of both the low-income parents and the overall society is probably to blame for forming and sustaining the operation of such a system.

**Keywords:** child labor, labor legislation, social stratification

## **1. Introduction**

Accompanied by the fast-paced development in the developing Asian region, the legally protected and inherent rights of the workers are often overlooked during economic boosts. Several countries that have undergone industrial reforms, South Korea for example, significantly improved the situation, whereas labor-intensive manufacturers like China still suffer from working inequality issues. The dilemma is often exacerbated by comprehensive reinforcements of relevant suppressions. Within the spectrum of labor inequality, the child labor problem continues to be a noticeable problem, given that this phenomenon gives rise to a series of social aftermaths, including detrimental harms to juveniles, the unequal assignment of social resources, and a considerable

impact on the educational structure. According to International Labour Office (ILO), participation rates of juveniles aged between 10 and 14 are respectively 22.0% in Africa, 7.9% in the Americas, and 15.3% in Asia, indicating that developing countries have a greater potential of suffering from child labor challenges. When including the family business child laborers working without income, the average working hour almost meets the half-time standard and well exceeded the market work definition [1]. Because of the fragility of immature workers, a harsh working environment is a major concern of the public, and ILO published a list of hazardous working conditions to address harmful employment, which takes up to two-fifths of adolescent labor participation between 15 and 17 years old [2]. Although in modern society technology has vastly evolved to reduce labor requirements and special worker demand, service industries and industries requiring smaller-sized workers (such as certain cleaning industries) still rely on the underaged population to operate.

To address the child labor issues, it is suggested to first resort to the definition of this term, for efforts made to locate and further pinpoint correlated cases are necessary. The World Bank (WB) roughly categorized child labor into two classes, respectively as follows:

- (1) Unpaid work in the household or the family farm/enterprise;
- (2) Paid work in the labor market [3].

The Fair Labor Standards Act (FLSA) provides an exemption to the first occasion of the child working under unhazardous working conditions: Minors under age 16 working in a business solely owned or operated by their parents or by persons standing in place of their parents, can work any time of day and for any number of hours. Most states agree on the legitimacy of family-bonded child labor works. Therefore, this essay mainly focuses on the contractual laboring activity operated by underaged workers, yet the sacrifice of educational opportunities caused by the first situation will be mentioned. To better assess the cases, the essay hereby further breaks down the second case into the subsequent situations (necessary interpretations are applied because original definitions lack mutual exclusivity):

- (1) Illegally contracted works that include child laborers (with salaries satisfying or falling below average level);
- (2) Unsalaries child laborers in production;

Besides the listed circumstances, the essay also discusses a third case, where the Chinese technical institutes assign forced internship tasks to the students. Such instances ostensibly are considered obligatory components of the educational process, but substantially the forcing behaviors have satisfied the definition of employing child laborers. Ergo, for elaborate examinations of the Chinese status quo, an additional clause for the previous categorization is adopted in this essay:

- (3) Other forms of labor participation meet the criteria of child labor.

Given all issues listed above, the essay is organized from legislative, contractual, and social angles, and further contrives solid recommendations suiting to Chinese economic environment using empirical and priori theories. The purpose of this essay is to specify existing yet unexposed and analyze the child labor problem in China. Based on the method of literature review, this paper also aims to contribute to the debate on child laborers by resorting to multiple perspectives.

## 2. Literature Reviews

Acknowledging the deficiency of empirical research and discussions on the Chinese child labor problem, this essay centers on multiple angles to study the causation. Present papers have reached several conclusions regarding the Chinese child labor issue, yet considering the scarcity of reliable

sources across the long timespan, solid reasoning may not be achieved solely based on limited resources.

However, resorting to existing legislations, regulations and third-party reports is conducive to the comprehension of the contemporary status quo. Quantitative investigations point out that as a developing country, China is not exempted from rampant employment of adolescent workers, with statistical records noting that 7.74% Chinese population between 10 to 15 years participating in labor production, averagely spending 6.75 hours working [4]. Given the facts, the Chinese legislature and government have officially established and further implemented several documents banning commercial activities involving underaged workers. As the 15th clause of the Labor Law of PRC announces, “No employment units shall be allowed to recruit juveniles under the age of 16.” Plus, the 94th clause reaffirms that several penalty codes shall be applied to the illegal employment of adolescent workers [5]. Besides paying attention to group under 16, the 61st and 62nd clauses of the Law of the PRC on the protection of minors extends the supervision of private sectors that recruit juveniles to protect citizens from 16 to 18 years old against hazardous working conditions [6]. Governmental regulations also echo the same idea of extirpating the problem. In 2002, the Chinese central government passed the Regulations on Prohibition of Child Labor, marking the establishment of detailed manuals and foundations for law enforcement over child labor behaviors [7]. The ministry of education clarified requirements for internships by releasing the Regulations on the Administration of Student Internship in Vocational Schools, greatly mitigating unequal employment with clause 16 subclause 6 emphasizing the elimination of agents in internships, yet the implementation started in 2016 and needs subsequent revisions [8].

### 3. Impacts of Child Labor

#### 3.1. Education

Adolescents ranging from 5 to 18 years in underdeveloped regions must face a tradeoff between accepting education and getting employed for a profit. The main obstacle to choosing between the two options, in most situations, is the emphasis on long-run investments for more decent jobs or quickly acquiring the returns in the short term. Nevertheless, in comparatively weaker regions, where household incomes fall below essential expenditures, committing child labor becomes a compulsory choice for most kids. As the major aftermath, reduced accessibility to educational institutions invariably poses a challenge towards opportunity-to-learn (OTL), hence threatening the equality of education. From a libertarian view, the criterion for equity is whether or not processes of selection are justified on the basis of desired candidate capability [9]. Getting blocked out of elementary educational systems because of financial milieu, as the sequel of child labor, should be defined as a violation of educational equity.

Macroeconomically, the younger generations are critical community builders in the future, while education quality remains to play a pivotal role in determining their future capabilities. Sacrificing educational opportunities directly causes potential development stagnation, consumptive downgrade, and severe social stratification.

School-for-age education (SAGE) examinations carried out in Ghana indicate that 91% of children participating in production activities alongside schooling fall below the average educational attainment, whereas by contrast, 77% of school-only students manage to surpass the average level, a Brazilian investigation theorized the causation for the weaker academic performance [10]. During short-term economic shocks, imaginably more harshly impacting families sourcing from child labor income because of the disadvantaged financial basis, children workers attending school may be withdrawn from schooling due to increased transportation and other fees. Discontinuity of education attendance both disrupts regular school schemes and imposes more

mental burdens [11]. Another inquiry in Brazil reveals a comparatively milder yet still present test score impact from household business participation [12]. These findings somehow contradict Senegalese research, but the conflict resolves in the context of over 17 hours of the working situation [9].

Chinese education system adopts a specially designed branch of institutions to train skillful workers, and therefore requires an independent and systematic analysis. In Chinese manufacturing centers, students of technical institutes are usually forced to sign contracts with a subject-related firm to receive obligatory internships before graduation. Though seemingly plausible considering the necessary skills for maneuvering equipment, such a mechanism fosters an industry utilizing underaged workers as cheap labor forces. Procedures for educational completions and exterior suppression indispensably lead to a series of problems, which need to be assessed accordingly.

### 3.2. Health Issues

As the direct victims of the child labor paradox, the minor population is not well developed to enter the legal adult labor market. The immaturity is reflected both on the physical level and mental levels. Left-behind Children (LBC) feature the major members of the child labor industry. With household financial income shortage, parent or parents in southwestern China seek working opportunities beyond provincial boundaries, consequently neglecting the monitoring of LBC health [13]. Examining the societal aspect, impairments towards the children result in future labor force decline and even potential instability.

Still undergoing physical development, child laborers are significantly harmed during industrial production. Heavy industries, equipped with facilities designed dedicatedly for grown-ups, augment the frailty of underaged workers. Globally (for 26 countries), the physical impairment rate in the construction industry was reported at 25.6% in 1998, followed by 18.1% in transport/ storage/ communications, and 15.9% in mining and quarrying businesses. Injuries and illnesses are also significant in the primary industry with a rate of 12.2%, specifically given that the labor participants rate of this division of sector is 70.4% of all children workers [14]. Social factors are also physically damaging the laborers. Resorting to the empirical research in Jordan, unnecessary physical abuse measures have been taken under age discrimination towards the group. Business owners tend to bully child employees by the excuse of “educating them”, which is indispensably illegal and immoral [15]. Other observations in India also yield similar conclusions. Mild diseases and injuries are also mentioned in the report [16]. To be underscored, because of spiritual immaturity, adolescent workers sometimes unconditionally trust employers and mentally justify their illegal measures [15]. Chinese cases are also worth mentioning. Along with the rocketing high economic growth, investigations in Guangdong starting from 2003 substantiate that 71.8% of private sectors have experienced workplace injuries, and 75.1% of manufacturing laborers reported injuries in the past year of work. Among the group, 4.5% were under 17 years old, many of whom were LBC [17]. After decades of swelling demand for laborers, the statistics experienced a rapid increase throughout these years.

Besides the concern over physical injuries or even casualties in hazardous working conditions, the insufficiency in mental development level is equally important and is often overlooked by impoverished societies. Endowed with sharp susceptibilities, children lack the capability of adapting to altered environments, not to mention the extra burdens placed onto the shoulders of child laborers [18]. Adolescents in the puberty stage may also suffer from growing aimlessness when confronting career choices, leading to the inability or inappropriacy of identity orientation. According to quantitative research, Chinese non-LBC report higher mental welfare and self-esteem, underlining that LBC laborers are relatively fragile facing exterior strikes [13,19]. However, due to

the cultural background and several other restraints, the public awareness level regarding LBC mental health is still highly inadequate. Secondary damage to the group is also present.

### **3.3. Limitations of Evaluations**

The phenomena presented above all generated conclusions from empirical, observational, and statistical evidence, but it is noteworthy that massive investigations are strikingly expensive [20]. Self-reported surveys may be an alternative approach to solving the problem, whereas hence the papers are underestimating the severeness of child labor, specifically for the surveys in China.

Understatements stem from two main factors: mental misperception of working equality and reluctance of reporting. The sense of inequality is only functioning when surrounding workers have salient privileges. When the staff in a sector or an entire economy all experience similar oppressions, most child laborers may fail to orient their dilemma. The other occasion mostly happens within more morally conservative states, China, for instance, where internal pressure and the external environment synthetically endogenize the problems, reducing self-reporting cases [2].

## **4. Specified Analysis of Chinese Child Labor**

Before discussing the barriers, hereby the essay underlines the necessity of restating the shortage of theorization while advocating increased academic efforts within this field.

### **4.1. Social Stratification and Unawareness**

China labor has never been thoroughly eliminated in China. On the overall social level, by contrast, low exposure to relevant cases internalizes expected supervision within the manufacturing industries. To this matter, free from exterior monitoring pressure, corruption, violence, and abuse, continue to breed in correlated sectors, bringing more mental and physical pressure to the child laborers. In the pursuit of eradicating inequal employment, how to effectively tackle existing systematic suppressions features the main difficulty, while heightening public awareness and attention should be treated as the long-term objective.

Social stratification in the Chinese employment system determines the social assignment of vocations and is self-reinforcing. China possesses the largest population among all states, thus constraining access to advanced educational institutions. An overwhelming number of working-class families must send their children to vocational schools for practical skill cultivation or directly into business. Failing to obtain higher level education, younger generations from the working class naturally become new blue-collars in the future community. Vocational school graduates are confronted by glass ceilings whenever trying to outrun stratified social role assignments. Adaptation to the employment structure unnoticeably instilled the adaptation toward the working status quo into people with comparatively weaker milieux, so child labor employment and homogenous variants, vocational internships, in particular, manage to be conserved.

Short-term economic shocks concurrently reduce the probability of social elevation. Undertaking crises, financially salient families may weather through the obstacles, while families with lower reserves easily go bankrupt. Viewing the contemporary economic instability, adults from inner China which temporarily holds an inferior economy, participate in inter-provincial projects for more abundant income. Historically, Chinese morality requires the younger generations to take on familial responsibility, conspicuously for male descendants. In times of financial adversities, juveniles aged between 16 and 18 years traditionally choose to give up educational opportunities and turn to labor participation. For youth under sixteen years old, the scale of Chinese child labor is also significantly augmenting economic development.



## 4.2. Legislation, Regulation, and Procedure

Chinese legislative process embodies democratic centralism, namely selecting delegates nationwide from various vocations, ethnic groups, and classes. The Constitution of the PRC and the Legislation Law of the PRC collectively determine that only limited governmental entities or organized divisions of the delegation have the right to initiate a draft act submission [21,22]. Featuring as a crucial component of the legislation process, reviewing procedures demands an in-depth comprehension of highly narrowed areas, yet contemporary congress members may fail to provide appropriate assessments. Although the National People's Congress (NPC) has reached out for assistance from professional institutions in the past decade, due to unawareness, legislations pertinent to the child labor problem are still frequently omitted during discussions. Chinese society is delighted to witness progress in the elimination of the narrowest illegal juvenile employment, but the public still notices the exigency of punishing inequal internships.

The key hindrance to legislation and regulation drafting lies in the coalition between vocational institutes and labor-intense private sectors. Mutually playing the role of stakeholders, the two sectors have formed a mechanism allowing quick strategic responses to legislation or regulation alternations, while corresponding legislative measures take considerable periods to finish. After the implementation of regulations for internship agents for cooperations in 2016, several industries managed to circumvent legal penalties by altering operational characters. Acknowledging that no intermediaries or non-contractual juvenile employments are available, companies are currently seeking the redefinition of labor participation. With several corporations accomplishing the transformation from internship cooperators to middle school labor education bases, labor course, an officially spotlighted integral part of the national curriculum, now provides ample workers for the industries ostensibly legally.

The porcelain business entails a substantial number of assembly workers in the packaging process. In spite of the fact that working skill proficiency is not compulsory for employees in the position, cramped environments and intense working schedules directly mean higher salaries. In Jiangsu, China, porcelain factories maintain informal connections with local middle schools to obtain a labor force between 12 to 16 years old, when principals of the educational institutions get privately bribed. Most of the time, school executives threaten the students with graduation terms. Under the suppressions, immature laborers must sometimes work without salaries, overlook educational attainment importance, and sacrifice warrants in hazardous working conditions—national labor curriculums, as educational affairs, are beyond regulatory boundaries. Corruption of local governments also benefits from the illegal labor-profit transaction by issuing licenses certificating firms as labor education centers.

## 5. Conclusion

By analyzing the status quo, causation, and cultural background, this essay provides the theorization of the child labor problem within China. Admittedly, a shortfall of relevant investigations brings difficulties in establishing statistical conclusions. From quantitative and empirical inquiries, however, the essay resorts to global investigations and prior approaches to get an insight into the issue.

China serves as a major industrial booster for international communication. Economic pricing for the labor force endows this nation with an incomparable advantage in marketing competitions, yet the effect is two-fold. A giant gap for laborers and growing waging fees have now forced companies to seek employees from a population outside legal groups. Hired by private sectors, underaged workers in China lack solid documentary guarantee from physical, and mental impairments and educational inequalities. Given the fact that most labor participation processes and

employment procedures are still at the very stage of development, extra abuses might be present in the industry system.

Major obstacles to be tackled are respectively the elevation of public awareness and the completion of existing policies. The Chinese government has taken solid steps towards the extirpation of the child labor problem, whereas the low efficiency of legislation revision causes a fatal flaw that allows companies illegally or immorally hire juveniles to circumvent punishments with the cooperation of educational institutions and bribery. Chinese harsh social stratification, posing lower-income families in disadvantageous stances during financial shocks, exacerbates the child labor severeness.

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