

Malaysia children may work up to seventeen-hour days on rubber plantations. Is this a potentially detrimental labour practice? Several factors need to be considered. First, the time involved. In this example, few objective observers would argue that seventeen hour days are not excessive and are detrimental to a child's development. But even if the work hours were significantly shorter, such labour could still be detrimental. Specifically, the age of the worker is as important as is the precise nature of the work involved. Heavy labour for small children may well be exploitative in nature. This leads to the possibility of subdividing the category on the basis of age. For example, for the youngest children, perhaps under twelve, anything beyond domestic chores could be considered candidates of detrimental labour practices. For slightly older children, in the twelve-fifteen group, the question of work in a location that removes a child from his or her social support network arises. In both cases, there is a need to consider child labour in more specific terms than currently addressed by ILO Convention 138.

Yet the degree to which specific work conditions is undesirable is subjective and often contextually defined (such as the general level of economic development or a family's need for a child's income to provide for basic necessities). Indeed, certain high paying jobs performed by children in either developed or developing countries, such as acting or modelling, could in specific circumstances have adverse effects on the child workers. The element of subjectivity is a reason that the ILO Convention on Minimum age is unacceptable to many countries. It is considered a blunt and often inappropriate instrument. The age of a child worker should not in itself suggest that a work experience is detrimental to the child. This points to a need for an international consensus on specific conditions of work and employment that would be considered not only exploitative but also potentially detrimental, a not insignificant task, but a necessary one if the negative elements of child labour are to be effectively addressed.

Positive Labour. As with the yellow category, what types of work and the specific conditions of the work needed to be considered a positive labour experience are debatable. The intent of the category is to recognize work experiences that would enhance a child's development. Such work could be physically, mentally or spiritually rewarding. An important element to consider is health and safety factors. A child may be unaware of health or safety risks involved in a specific type of work. If a child is put at risk, even if the child is unaware of the risk, such work could not be considered beneficial for the child. The principle of choice is relevant here. Positive work experiences are most likely to occur when a child understands the nature of the work to be performed, and can accept or reject the work without suffering adverse