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## **An Account of Children's Employment in Songwe District Council**

**Grace Magilla<sup>1</sup> & Oscar W. Tefurukwa<sup>2</sup>**



<sup>1</sup>Tanzania Institute of Accountancy, Mwanza Campus, Tanzania. Phone: +255692118151

Email [gracemagilla63@gmail.com](mailto:gracemagilla63@gmail.com),

<sup>2</sup>School of Public Administration and Management, Mzumbe University, Morogoro Tanzania. Email:

[otefurukwa@mzumbe.ac.tz](mailto:otefurukwa@mzumbe.ac.tz)/[oscartefurukwa@gmail.com](mailto:oscartefurukwa@gmail.com).Phone +255 767478293

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### ***Abstract***

*In Tanzania, there are several initiatives to establish a framework for safeguarding children's employment. The recent one is launching the Employment and Labour Relation Act (general) regulations of 2017 that specify conditions under which children may be employed. Despite such provisions, millions of children in Tanzania are employed in, for instance, artisanal and small-scale mining and other economic activities. Additionally, extant studies are yet to exhaust examining the implementation of the General Regulation 2017. Thus, this study used the implementation of the Employment and Labour Relations Act (general) regulations of 2017 to analyse children's employment in small-scale mining in the Songwe District Council. The study employed a qualitative approach. Seventeen respondents were interviewed and participated in focused group discussions derived from purposive and convenient sampling techniques. Findings show that irrespective of child labour provisions under the Employment and Labour Relation Act (general) regulations of 2017, children did not have resting time; they worked beyond the time given; they lifted too heavy objects; they were not paid wages as stipulated and worked without specified contracts. Drawing from the findings, the government needs to continuously monitor and guarantee the Act's provisions to ensure they are fully enforced in protecting the life and dignity of young Tanzanians working throughout the country. Additionally, communities need to be educated to enhance the Act's enforcement. Further artisanal and small-scale mining studies may employ more data collection sources to transcend this study's theoretical generalisation to the generalisation of findings.*

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## 1. Introduction

The world is concerned with the welfare of children, specifically the child labour. Child labour refers to any work children perform that exploits their childhood, denies them latent self-respect, and eventually endangers their physical, moral and psychological well-being (ILO-IPEC, 2013). The United Nations (U.N.) has devised several mechanisms to safeguard children in many dimensions, such as their rights to health and education. United Nations Children's Fund (UNICEF, 2021), through joint programming with the United Nations Population Fund (UNFPA), UNICEF provided prevention and care interventions to 7.6 million adolescent girls at risk of child marriage. Also, UNICEF supported curriculum reform and strengthened the enabling environment for improved governance, especially in Early Childhood Education (ECE), girls' education and teacher training (UNICEF, 2021). Despite all these efforts, the exploitation of children through any form of work continues to deprive children of their childhood, interfere with their ability to attend school regularly and interfere with their mental, physical, social, and moral well-being.

One of the sectors with the prevalence of child labour is artisanal and small-scale mining. While many people are unaware of the significant contribution of artisanal and small-scale mining, the ILO section summarises that "child labour in mining is most commonly found in artisanal and small-scale mining (ASM). Even if produced in small quantities at a mine site, cumulatively, the quantity of minerals coming from ASM is significant: ASM accounts for about 20 per cent of the global gold supply, 80 per cent of the global sapphire supply and 20 per cent of the global diamond supply, 26 per cent of global tantalum production and 25 per cent of tin. It is also a major source of employment: some 40 million people work in ASM — a number that has doubled in recent years — as compared with 7 million in industrial mining" (ILO, 2019, p. 1)<sup>1</sup>. These features are prevalent in most African countries. For instance, according to ILO (2019), in Burkina Faso and Niger, 30-50 per cent of the gold mine workforce comprises children. Most of the children are under the age of 15. Some of the children undergo forced labour conditions. Furthermore, ILO illustrates that in 2015, Ghana, Western, Central, and Ashanti regions had about 20 per cent of child artisanal and gold miners.

According to ILO (2022), 4.2 million children aged 5–17 in Tanzania, or about 29 per cent of this age group, are victims of child labour. This percentage has remained relatively unchanged over the past decade. Additionally, the Demographic and Health Survey-DHS (2010) found that 1,805,000 children were not attending school due to engaging in child labour. Edmonds (2019) emphasised that the increasing number of children involved in child labour negatively impacts the country's economy. These children are also at risk of dangerous situations like explosions, rock falls, and tunnel collapses. Moreover, they are exposed to hazardous conditions such as breathing dust-filled air and toxic gases, carrying large sacks of gold ore, and mercury intoxication during gold amalgamation (Metta *et al.*, 2023, p. 1).

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<sup>1</sup> [https://www.ilo.org/manila/publications/WCMS\\_720743/lang--en/index.htm](https://www.ilo.org/manila/publications/WCMS_720743/lang--en/index.htm)

The situation was similar in Mali, the Democratic Republic of Congo and other African countries (ILO, 2019). While cumulatively, the contribution of child labour in artisanal and small-scale mining output in the world market (i.e., diamond, sapphire, tantalum, cobalt, and gold) is significant (ILO, 2019), its consequences are detrimental to children's health and safety (Boheri, 2016; ILO, 2019). Children are exposed to hazardous environments during mines' extracting, transporting and processing (Gatsinzi & Hilson, 2022). The impact of inadequate ventilation suffocates children and may result in immediate and long-term effects of respiratory diseases (Metta *et al.*, 2023). The compound adverse effects of child labour are social, economic, and environmental costs, as well as poor health and safety in developing countries (Njieassam, 2022).

In Tanzania, the Child Development Policy 2008 strongly prohibits any form of child labour, such as domestic work, mines, plantations, and fishery. However, the Employment and Labour Relations Act (general) regulations of 2017 provide categorical conditions under which children can be employed. For instance, a child can be employed in *light work*, which is not listed as hazardous work for children according to the Employment and Labour Relations Act (general) regulations ELRA Act 4(2) -2017 (URT, 2017). This provision guides employers to engage children in work without undermining their physical or psychosocial well-being. Furthermore, the Act Part II section 3(1) states, "No person shall employ or cause to be employed a child under the age of fourteen." Section 3(2) adds, "Without prejudice to the provisions of subpart A of Part II of the Act, a child of fourteen of age and above may be employed to perform *light work* which is not listed in the list of hazardous works for children in a manner set out in the first schedule to these regulations" (URT, 2017). Section 4(2) of the Act states, "A child of fourteen years and above who is on leave, has completed his studies or is not in school for any justifiable reason may be employed to work in an establishment for not more than six hours per day."

Extant studies on children's employment (i.e., Metta *et al.*, 2023; Komba, 2020; Mushi, 2020; Mgaya & Mkwawa, 2018; Malisa & Mushi, 2018; Makala, 2018; Makandi, 2017; Abdallah, 2014) shed light on the children employment in Tanzania without reflecting on the Employment and Labour Relations Act (general) regulations of 2017. Even the study by ECLT (2021) that focused on child labour at Songwe District Council's ambition was to identify the worst forms of child labour. A few studies (i.e., Metta *et al.*, 2013; Buhari, 2017) used theories to explain the causes, effects and ecological theory for cultural issues. Contrary to the extant studies, the current study focused on conditions of employing children under the Employment and Labour Relations Act (general) regulations of 2017. Effective employment of the policy depends on the arrangement of institutions: organisations, policy, laws, rules and regulations that can guide a child of fourteen of age and above to be employed to perform light work, which is not on the list of hazardous works (URT, 2019, p. 15). Therefore, this study assessed the implementation of the Act. Specifically, the study examined how artisanal and small-scale mine owners implement the Employment and Labour Relations Act (general) regulations of 2017 in employing children and the challenges encountered in Songwe District Council. It is essential to understand the implementation of the Act and the challenges encountered in protecting children from hazardous work as it informs practitioners, policymakers, and an array of authority bodies about proper future measures. In the

subsequent sections of the literature review, we present a theoretical framework guide that guides the discussion of findings. Lastly, we conclude and provide recommendations for policy improvement and future research.

## 2.0 Theoretical Framework

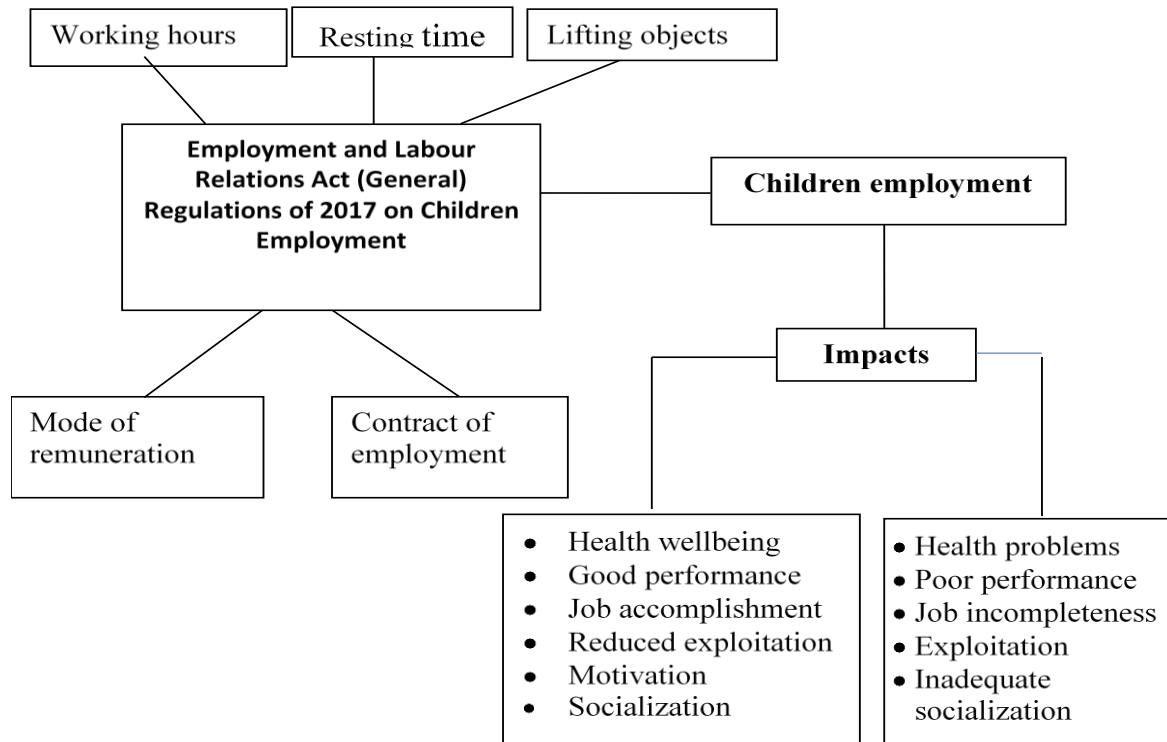
Child employment in Tanzania can be assessed and discussed through an institutional framework. Hence, as we further exemplify, the study employed institutional theory to analyse the subject matter. John Meyer and Brian Rowan introduced Institutional theory in the late 1970s. The theory contends that regulatory mechanisms that regulate and shape people's behaviour and facilitate the activities undertaken by the organisation, which may include laws, policies, guidelines, procedures, and principles, are necessary for an organisation's survival and well-being with a better link to its goals and objectives (Wukich, Neuman, & Fogarty, 2023). The notion is clear that without the ability to develop a broad capacity of understanding and a method of making its employees aware of what is intended to be implemented in the organisation (cognitive) (Tefurukwa, 2023), an organisation cannot adhere to changes or shift from worse to better conditions (Meyer & Rowan, 1977). For an organisation to thrive and ultimately gain a competitive edge, it must also adhere to a culture in which all organisation members are drawn (Wukich et al., 2023). This will bring the desired behaviours, values, traits, and performance indicators. Finally, the theory seeks to explain organisational communication in terms of shared pre-existing rules, beliefs, and norms in the external environment of organisations (Meyer, 1970). The assumptions of Institutional Theory are regulations (rules, regulations, policies), normative (norms, values, and beliefs) and cognitive (level of awareness that involves education, skills, and attitude). Others include formal rules, laws, incentives, governance systems, protocol standards, and procedures (Wukich et al., 2023). Rules, regulations, and policies have been used in this study to clarify these artisanal and small-scale mining in Songwe District Council. The objective is to determine whether these following different rules, regulations and policies on the issues of children's protection rights. Children are advised to follow different rules and regulations to protect them from harmful and exploitative societal things.

The emphasis of the normative pillar is given to normative rules that incorporate prescriptive, evaluative and mandatory dimensions into social life (Carungu, Di Pietra, & Molinari, 2021). Norms define how something should be done; they define a valid way of achieving different intended results (Tefurukwa, 2019; Marecel & Tefurukwa, 2023.). Different societies in the community have different norms, values, and beliefs. The cognitive pillar reflects people's cognitive structure and social knowledge in a country or region (Tefurukwa, 2019; 2023). The cognitive elements of institutions are shared conceptions that shape the nature of reality and the framework through which the meaning is made (Carungu et al., 2023). The cognitive pillar has played a significant role in this study since a researcher wanted to know how artisanal and small-scale mining in Songwe District Council is implementing the Employment and Labour Relations Act (general) regulations of 2017.

The current study has used Institutional Theory because the study intends to assess the implementation of the Employment and Labour Relations Act (general) regulations of 2017 on children's employment in artisanal and small-scale mining in Songwe District Council. Therefore,

the researcher aimed to assess its implementation, taking into consideration that, in Tanzania's context, there are already several laws enacted addressing the employment of children and the prohibition of children's employment in working environments to both private and public organisations; these the Child Act of 2009, Child Development Policy of 2008, Education Act 353 and Employment and Labour Relations Act (general) regulations of 2017. (URT, 2017). The study articulates the same vein with the practices of Institutional Theory, which provides regulatory frameworks, norms and cognition that are all used to shape actors, follower behaviours, culture, practices, and the provision of education, skills, and awareness in the organisation exercise. With the use of Institutional Theory, the specific objective of this study was to capture data on the implementation of the Employment and Labour Relations Act (general) regulations of 2017 provisions. The law provision to be investigated or addressed in the specific objectives is conditions allowed to employ a child, prohibition of child labour, time for rest, hours of work, lifting of objects, keeping of register by the employer, and mode of remuneration as stipulated under part II "Prohibition of child labour" sect 3,4,5,6,7,8,9 and 10 of the Employment and Labour Relations Act (general) regulations of 2017 (URT, 2017, pp. 4-8). In this study, child employment is perceived in Figure 2.1, where each component is unpacked below.

Figure 2.1 Conceptual framework



Source: Literature Review, 2023

### **3.1 Resting Time**

The Employment and Labour Relations Act (general) regulations-2017-part II section 5 stipulates that a minor may engage in work for a maximum of three consecutive hours without at least an hour of rest (URT, 2017). Ensuring that children take periodic breaks during work is imperative, as it yields numerous benefits, including enhancement of their overall health and productivity, maintenance of sustained performance throughout the workday, rejuvenation of their cognitive faculties, promotion of physical well-being, stress reduction, and improvement in social interaction with peers. Figure 2.1 underscores that insufficient rest duration for minors can lead to a myriad of adverse consequences, such as obesity, mental and emotional strain, heightened vulnerability to workplace mishaps, diminished academic performance, increased stress and sensory overload, amplified emotional and behavioural challenges, and limitations in participating in social activities with peers. Thus, children must afford adequate rest periods to promote their well-being.

### **3.2 Working Hours**

As per the Employment and Labour Relations Act (general) regulations of 2017 Part II Section 4, the employment of a child is allowed for a maximum of six hours daily (URT, 2017). The regulation of children's working hours has significant benefits, including enhancing their chances for quality education, ensuring their safety, and protecting their physical and mental well-being, thus preventing exploitation. However, prolonged working hours for children have inherent drawbacks, such as risks to physical health, disruption of their educational pursuits, and adverse emotional and psychological effects. Additionally, long-term health consequences and violations of their rights are potential social detriments.

### **3.3 Lifting of Objects**

As delineated in Part II, Section 7 of the Employment and Labour Relations Act (General) Regulations of 2017, individuals aged between fourteen and sixteen are restricted from transporting loads exceeding 15 kilograms, while those aged sixteen and above are prohibited from carrying loads exceeding 20 kilograms (URT, 2017). The bestowal of heavy loads upon children can exacerbate extant health issues, as they are burdened with loads beyond their physical capacities. Furthermore, hoisting substantial objects predisposes children to an augmented vulnerability to obesity, spinal injuries, and exposure to hazards. Children, by nature, are predisposed to assume heavy burdens. Hence, it is imperative to bear in mind the necessity of assigning lighter loads to children, thereby effectively preserving their well-being.

### **3.4 Mode of Remuneration**

According to Part II Section 9 of the Employment and Labour Relations Act (general) regulations of 2017, while paying a child, the employer must adhere to the wage rates periodically set by the minister (URT, 2017). Because they depend on the money paid, children who receive reasonable



compensation may fulfil their various needs. They can also continue working at their jobs because they are encouraged by receiving reasonable compensation. Provide enough compensation to avoid friction at work and high labour turnover since employees who are dissatisfied with their pay may decide to leave and seek employment elsewhere. Because these children are working to improve the sustainability of their lives, it is essential to consider the issue of remuneration.

#### **4.5 Contract of Employment**

According to Part II, Section 10 of the Employment and Labour Relations Act (general) regulations of 2017, a child hired under these regulations must receive a copy of the contract before starting work (URT, 2017). An employment contract is crucial because it may contain workplace health and safety clauses. This is crucial for children since they may be more susceptible to specific risks or unsafe circumstances. Additionally, it aids in legal protection for both children and employers. The contract details the children's employees' duties and expectations and improves legal compliance by adhering to the laws regulating child employment. Additionally, having an employment contract facilitates the resolution of disputes. Inadequate employment contracts can have several adverse effects, including insufficient protection, increased legal conflicts, insufficient protection, and insufficient accountability. An employment contract is essential for preventing potential conflicts at work.

### **3.0 Methods**

The study aimed to assess the implementation of the Employment and Labour Relations Act (general) regulations of 2017 in employing children in artisanal and small-scale mining in Songwe District Council and examine the challenges encountered.

#### **3.1 Qualitative Approach**

The study employed a qualitative approach whereby interviews and focused group discussions were used to collect data. The approach used to obtain the innermost thoughts, feelings, and perceptions regarding the problem of children working in small-scale mining in Songwe District Council. Unlike interviews, focus group discussions provided agreed opinions on the child employment phenomenon.

#### **3.2 Area of Study, Sample Size and Data Collection Techniques**

According to the ELCT (2017) report, one of the areas with the worst and most rampant child labour was Songwe District Council. The current study focused on the same area to examine child labour under the new Act. Data were collected from owners of these small-scale mine plants, Mining Officers, Ward Executive Officers, Community Development Officers, and coordinators of these small-scale mining plants. Through purpose sampling, directors of these small-scale mine plants, Mining Officers, Ward Executive Officers, Community Development Officers, and owners of these small-scale mine plants were the participants in this study. These were envisaged to have rich experiences in child employment at the council and could provide rich data. The study's sample size involved (5) interviewees who provided unique information concerning the

implementation of the Act. Additionally, for triangulation purposes, due to the nature of artisanal and small-scale mining areas, two groups of six people each were involved in a focus group discussion on the subject matter, as indicated in Table 3.1. A Focus Group discussion guide enriched data by providing deep explanations and descriptions about the subject matter, as revealed in the findings and discussion in Section 4.

**Table 3.1 Sampling and Sample Size**

<b>S/n</b>	<b>Targeted Population</b>	<b>Sample Size</b>	<b>Sampling Techniques</b>
<b>1.</b>	Director of the Vatrishing plant	1	Purposive sampling
<b>2.</b>	Owner of Sasso plant	1	Purposive sampling
<b>3.</b>	Mining officer	1	Purposive sampling
<b>4.</b>	Ward executive officer	1	Purposive sampling
<b>5.</b>	Community development officer	1	Purposive sampling
<b>6.</b>	Group A	6	Convenient sampling
<b>7.</b>	Group B	6	Convenient sampling
	<b>Total</b>	<b>17</b>	

**Source:** Researcher, 2023

### 3.4 Data Analysis

Thematic analysis was used to better understand the data from participants' experiences and generate fresh ideas for further studies. All FGDs and interviews were recorded, transcribed and translated from Kiswahili to English. All transcribed responses were later transformed into Microsoft Word format. Editing was done to get accurate responses—the next step involved grouping the coded segments into broader themes (see Section 3.1- 3.5). Themes emerged as common patterns, ideas, or topics from the data. The data analysis process was iterative, involving continuous refinement of codes and themes as more data were analysed. The findings were presented in section four, followed by a discussion through making interpretations of the themes.

### 3.5 Ethical Considerations

The researchers addressed all aspects of conducting and documenting the research data. They obtained authorisation from all pertinent authorities for data collection. Informants and respondents were invited to participate willingly in the study and from whom informed consent was sought. Participants were informed of their rights to withdraw without any consequences. Confidentiality was observed as much as possible through the use of codes to present the findings;



however, complete anonymity could not be assured, as some respondents could be identified based on the nature of the findings.

## 4.0 Results and Discussions

The study looked at the enforcement of the 2017 Employment and Labour Relations Act regulations concerning the employment of children in small-scale mining in Songwe District Council. The research findings are grounded in interviews and focus group discussions about the Act's implementation, particularly on rest and work schedules, lifting weights, payment methods, and employment terms and conditions.

### 4.1 An hour for rest

One of the requirements of the Act which employers of children must respect is time for rest. Therefore, the assessment covered the time for rest for children working more than three consecutive hours. Regarding this condition, one of the respondents at the Vatrishing mining plant had this view:

The children working at this establishment do not adhere to designated rest periods. Instead, the allocation of rest for these children is contingent upon their supervisors and completing their assigned tasks. If a child surpasses the allotted time for task completion, an extension in their departure time ensues. Conversely, expedient completion of assigned duties grants the child an early opportunity for rest (Interview, respondent C1: 07th June 2023).

In another interview, the respondent from the Sasso plant had the following response:

The children are engaged in continuous work from morning until evening, with designated break times for lunch and departure to their respective homes. The children must not rest during working hours as our institution needs to attain its objectives. Consequently, children are only permitted to rest after completing their assigned tasks (Interview, respondent S1, 8th June 2023).

The data gathered from interviews and focus group discussions (FGDs) at artisanal and small-scale mine "A" revealed

that The rest period for children employed at these mines is contingent upon their work completion pace. A structured timetable for the children's rest intervals needs to be improved, and taking breaks during working hours is perceived as detrimental to meeting production goals, resulting in the children not being compensated for

incomplete tasks. Consequently, children are permitted to rest only upon fulfilling their assigned responsibilities. They may take a break if they complete their duties on schedule (FGD's: 09th June 2023).

This study indicates a need for the management to comply with the Child Act at artisanal and small-scale mining in Songwe District Council. The findings reveal a violation of the Law of the Child Act of 2009, which particularly contravenes the provision in Part II Section 5, which dictates, "A child shall not work for more than three consecutive hours without at least one hour of rest" (URT, 2017, p. 5). The lack of rest periods for children during work is likely to engender mental and health issues in the child (URT, 2017). While the Law of the Child Act of Tanzania recognises children's right to work (URT, 2019), the Employment and Labour Relations Act regulation of 2017 unequivocally states that children cannot labour for prolonged durations without respite (URT, 2017).

Children engaged in employment may operate within various sectors and under different forms of supervision, with resting periods potentially providing opportunities for interaction and sharing experiences (Sanchez, 2020). While not fully rejuvenating, observing a rest period every three hours of consecutive work can replenish energy and cognitive resources, significantly mitigating fatigue and health issues associated with cardiovascular diseases (URT, 2017). Similarly, Njieassam's (2023) research demonstrates that in Uganda, child labour without scheduled rest violates human rights and poses risks to children's well-being. The identified reasons for the lack of enforcement of regulations in artisanal and small-scale mining in Uganda (Njieassam, 2023), Nigeria (Kempe, 2016) and Tanzania (Metta *et al.*, 2023) include low levels of statutory compliance with child labour protection laws (Kempe, 2016). According to the theoretical framework utilised in this study (Figure 2.1), the findings underscore deficiencies in enforcing the Act and all associated laws, rules, and regulations designed to safeguard the rights and welfare of children. According to the Institutional Theory, the lack of designated rest periods during work durations contradicts standard practice.

#### **4.2 Hours of work**

From interviews and FGDs, the study findings shed light on how employers' children in artisanal and small-scale mining in Songwe District Council observed the condition of overtime, or working

between 8p.m and 6 a.m. as stipulated in the Act Part II, section 4-6 (URT,2017: 5). Drawing from the interviews, one of the respondents had this to say,

The mining facility has established specific entry times that all personnel must adhere to. The designated work hours span from 6:30 a.m. to 5:00 p.m., encompassing the participation of minors employed within the prearranged timeframe. This amounts to a nearly 10-hour daily schedule (Interview, respondent C1, 07<sup>th</sup> June 2023).

The response was almost the same from another respondent regarding hours of work for employed children labouring in artisanal and small-scale mining in Songwe District Council, as one of them added:

Working time in this plant varies from 9 to 10 hours. If children start working, the time they take to accomplish their work determines the time to leave. However, casual labourers can only stay on the plant campus for those who finish their work in the evening. In short, children engaged in artisanal and small-scale mining leave after completing work (Interview, respondent S1, 08th June 2023).

Triangulating sources of data from the FGDs on matters about child labouring in artisanal and small-scale mining, informants had the following opinions:

These children typically come early, before or at 7:00 a.m. They leave the workplace at 5:00 p.m. Therefore, they are working more than 9 per day. For sure, we respect and value the lives of our young men in the sense that we are not here to violate the rights of our children. We sometimes think of giving break time for these children to rest, but we are influenced by the parents and guardians who send these children to our places, claiming that we should let them work to get money to take care of their families. Therefore, they keep working. So, we pay them according to the finished assigned tasks (FGDs, 09th June 2023).

The observations from the extracts draw from the findings that we infer, indicating that employed children worked more than the prescribed duration of 10 hours without resting. The working environments were designed for regular adults only. The longer the employed children worked in artisanal and small-scale mining, the more all the parties *benefitted* from the child labour. The practice is detrimental to the health and safety of employed children (Njieassam, (2023). The current findings echo the extant findings from studies such as Buhori (2016) and Meta et al. (2023) in Tanzania; Njieassam (2023) in Uganda; Jonah and Abebe (2019) in Ghana and Lawson (2021) in DRC, indicating that hours of work were not observed.

Similarly, a lack of compliance was observed in other variables such as rest time (Njieassam, 2023), lifting (Jonah & Abebe, 2019) and carrying objects equivalent to the employed children's capacity (Meta *et al.*, 2023). Due to gross negligence in observing the period for work elsewhere, Ben (2016) asserts that children should work for 4 hours per day before or after 4 p.m. In the same line, Webbink (2018) opines that children should work at most 4 hours per day before a.m. or after 4 p.m. According to Makala (2018), a child should only work for two hours each day at the most. Makala adds that no work may be done during the school day and that it is only permitted to work after school until seven o'clock in the evening. Despite the moral suggestions derived from previous studies, according to the Institution Theory (Meyer&Rowan,1970), negligence from institutions responsible for enforcing rules and regulations about child labour results in impaired Employment and Labour Relations Act (general) regulation of the 2017 (URT, 2017). In this case, enforcement agents should make the Act operational to safeguard the children working in hazardous environments (Meyer & Rowan,1970). Studies (i.e., Njieassam, 2023; Metta *et al.*, 2023; Buhori, 2016) indicate that unfavourable hours of work subject employed children beyond their mental and physical bodies can withstand. The solution is to observe the Act (URT, 2017-part II, pp. 5), which stipulates that employers must employ children within the framework.

### 4.3 Lifting of objects

According to the Act, part II section 7(a), children between the ages of fourteen and sixteen are not allowed to carry any burden weighing more than 15 kilograms. A child older than sixteen may carry no burden weighing over 20 kilograms. When a child is subjected to the conditions outlined in sub-regulation (1), Section 7(2) specifies that the employer has the duty of demonstrating that the load or items do not exceed the child's capacity (URT, 2017:5: section 7; 1-3). In the light of the Act, one of the interviews asserted,

In these artisanal and small-scale mining, the issue of lifting objects is complex. We do not have a scale to measure the loads, so these children may carry a load of any kilogram because we do not have a scale to measure, but if it is heavy, these children do not carry it (Interview, respondent S1, 08th June 2023).

In the same discussion, another respondent also had his observation on the matter of lifting the objects by these children;

Nothing had been protected like children in this plant; children usually wear gloves, boots, and masks to protect them from dangerous environments like injuries and

chemicals which could affect their health. Therefore, the plant uses the equipment on the side of the lifting objects to protect these children from dangerous accidents (Interview, respondent C1, 07<sup>th</sup> June 2023).

Apart from the interview method, researchers also had a focused group discussion "B", whereby respondents had the following opinions;

Lifting objects for children in artisanal and small-scale mining is an issue. The employed children carry loads of any weight. We do not have a scale to measure weights. However, if the load is too big, we do not give it to the children. So, it depends on the perceived weight of the load itself when we see it (FDGs, 09<sup>th</sup> June 2023).

Discussing the same phenomena, FGD "A" observed the trend in employed children lifting and carrying various objects over height and distance. Their views converge towards the following response:

Children have been carrying any given load without considering quantity or volume. However, we are not excessively damaging them as all objects they carry are average for their ages. However, we have no scale measurement to determine the specific weight for them to carry (FDGs, 09<sup>th</sup> June 2023).

Drawing from the findings, we infer that the employers needed a scientific procedure to prove that the weight of the objects lifted or carried did not surpass the capacity of the employed children. Previous findings indicate worse practices in artisanal and small-scale mining in Tanzania. The ILO's (2002) study revealed that the North Mara Gold, where employed children were drilling and digging deep, unstable pits, crushed stoned and transported load from excavation or drilling centres while crawling with heavy loads (ibid). Metta et al. (2023) reveal that children carry a large load of gold ores and crush and grind them. The Human Rights Watch report (2013) showed that employed children in Tanzania in artisanal and small-scale mining suffered long-term health consequences due to dust, mercury and carrying heavy loads. All these put employed children's health, safety and moral development at risk of harming their physical, mental and social well-being (Metta *et al.*, 2023). Heavy load causes wrist, spinal, and musculoskeletal issues (URT,2017). A study by Mushi *et al.* (2020) reveals that children are exposed to risk when they carry heavy objects, and the risk factors are attributed to things such as the weight of the load, the size and shape of the load, the distance the load must be carried, and the time the load must be carried. Njieassam (2023) observed that employed children would continue to lift and carry heavy loads because implementing the laws, rules and regulations to safeguard employed children is

ineffective. For instance, while all children up to 13 years old in Uganda were compelled to go to school, some worked illegally, and the laws were silent on children working in informal sectors such as artisanal and small-scale mining (ibid). Likewise, in Tanzania, the employment of children is allowed in the framework given. However, employed children in artisanal and small-scale mining carry and lift objects beyond the suggested limits of weights. All this is according to the postulation of the Institutional Theory. Specified rules and regulations in the Act of 2017 provide the framework that safeguards children, and these rules and regulations must be enforced to realise the intended outcome.

#### **4.4 Mode of remuneration**

According to the Employment and Labour Relations Act (general) regulations of 2017, part II section 9 states, “in remunerating a child, the employer shall comply with wage rates set by the Minister from time to time.” In line with the Act, one of the interviewees had the following observation;

The whole issue of payment methods for these children is always made piecemeal of their work. Also, their payments are made promptly; most employed children are paid immediately after finishing the assigned task (Interview, respondent C1, 07th June 2023).

Under the same discussion, one of the respondents had the following rejoinder regarding the mode of remuneration;

There is no similar payment scale for employed children in the Sasso mining plant. The payment method is usually based on the work done. A large amount of work determines a large amount of payment, and vice versa. In other words, the more work is done, the more money the child receives after work (Interview, respondent S1, and 08th June 2023).

In addition to the above responses, Focus Group Discussion "B" on matters about time remuneration revealed the following:

The payment method is usually made immediately after the task for the employed child is finished. It is because we do not have contracts with these children. After all, they do not work continuously at our plant. They are irregular workers, mainly daily workers. Therefore, the child's attendance and accomplished work determine the money earned daily (FDGs, 09<sup>th</sup> June 2023).



From the results, we infer that payment modes were not according to the Act. The nature of children's employment in artisanal and small-scale mining, instead of the Act, dictated the mode of payment. To a great extent, the mode of payment would be a loophole for exploitation. According to the Institution Theory, employment norms suggest paying for the labour and enforcing pressure on those responsible to abide by the force rules and regulations as per the Act (Meyer & Rowan, 1970). It is common knowledge that people are expected to receive payments after work, and it is a moral obligation to pay someone's labour rendered to accomplish a task.

According to Mgaya (2018), children's compensation should be equivalent to the work done. Paying children should primarily depend on the tasks they were asked to complete (ibid). Tasks determine how much money should be paid to children and how it should be paid. Concerning the mode of payment, Komba (2020) notes that how children are paid is crucial because it enables them to meet their various needs and, in some cases, to survive with their families. As Bunn (2019) argues, the manner of compensation enables children to begin learning the worth of money and understanding its significance. It also enables children to begin working in many fields to earn money that would improve their lives. He continues by saying that a decent compensation method encourages children to keep performing the tasks given to them successfully. Furthermore, as Lakshmi (2017) observes, not paying children after working is a potential source of conflict, encourages children to engage in unhealthy activities, and results in an inability to meet their essential clothing, food, and shelter (ibid). The findings reveal a violation of the Employment and Labour Relations Act (general) regulations of 2017 Part II Section 4(3), which prohibits requiring or allowing children to work in any establishment for more than three hours per day while in school.

#### **4.5 Contract of Employment**

Contract of employment is mandatory before the commencement of child employment (URT, 2017, part II, 9-10) (1-2). The Act comprehensively wants employers to adhere fully to the legal framework of the employment contract in Tanzania. In this study, the enforcement of the contract of employment was first examined through interviews and FGDs, and one of the responses at the Vatrishing plant was as follows:

Children have no contract for the service they provide. They are all casual labourers whose absence from work does not affect the contract. It is a daily operation

contract in which either their presence or absence does not affect the contract (Interview, respondent C1, 07th June 2023).

Further investigation through an interview with another respondent from Sasso Plant generated the following opinion:

As we all know, the government has been strictly prohibiting child employment. We do not design contracts with them as we face the consequences from the government, like being arrested, paying fines, and imprisonment (Interview, respondent S1, 8th June 2023).

The FGDs at both plants had similar views when addressing issues concerning employment contracts at artisanal and small-scale mining, as shown in the following extract,

Employed children in this area do not have any permanent contract. It is just daily work, and payments are made at the end of the work. Employers are just business owners. However, they pay and employ children with special conditions (FDGs, 09<sup>th</sup> June 2023).

From the above responses, we infer that employed children worked without written contracts. However, a mere contract existed as long as there were agreements concerning the work and its payments between the children and the artisanal and small-scale mining owner. In this context, working children were just regarded as casual labourers. This contradicts the Act 2017, whereby a contract was mandatory for children working 3-6 hours daily under specified conditions. Somehow, the children did not know what they were going through, such as exploitation and hazardous environment, which negatively could affect their performance, health and safety.

Extant studies shed light on this phenomenon. For example, Wondimu (2022) shows that it is the right of the children to have a copy that reveals work terms and conditions. The benefits of the contract include but are not limited to improving the children's job security, helping them understand their roles and obligations, and aiding in resolving any conflicts that may arise at work. Additionally, as Admassu (2015) observes, the employment contract lays the foundation for improved communication between the employer and employee. A study by Hassan (2017) in Ghana reported similar findings, revealing that the implementation of the contract was low, but it was supposed to be more robust. Findings in a study by Makala (2018) indicated that children's rights needed to be more adhered to when hired in different jobs. Rainey (2023) reiterates and shows that even in the United States of America, the number of children working without terms and conditions was growing, irrespective of the brand and nature of the company. According to

the Institutional Theory, there were no contracts for work because of the negligence of the norms and cognitive pillars (Meyer & Rowan, 1970). The consequences were child employment malpractices in artisanal and small-scale mining in Songwe District Council.

## 6.0 Conclusion

The study assessed the employment of children in artisanal and small-scale mining in Songwe District Council within the framework of the Employment and Labour Relations Act (general) regulations of 2017 by using rest time, lifting objects, employment contracts and mode of payments. While not fully rejuvenating, observing a rest period every three hours of consecutive work can replenish energy and cognitive resources, significantly mitigating fatigue and health issues associated with cardiovascular diseases due to deficiencies in enforcing the Act and all associated laws, rules, and regulations designed to safeguard the rights and welfare of children. The study also indicates that unfavourable hours of work subject employed children beyond their mental and physical bodies can withstand. They worked during schooling time longer than expected.

Employed artisanal and small-scale mining children to carry and lift objects beyond the 15 kg suggested limits. Additionally, they carry heavy objects, and the risk factors are attributed to things such as the weight of the load, the size and shape of the load, the distance the load must be carried, and the time the load must be carried. Employed children's health, safety and moral development were at risk of harming their physical, mental and social well-being due to inadequate enforcement of the Act.

The mode of payment also undermined the children employed in artisanal and small-scale mining. Children wanted to continue working as the time spent on the work resulted in more money. Underpaying and not timely paying them could further subject children to unhealth activities. Lack of or inadequate contracts could exacerbate this due to lack of or inadequate enforcement of rules and regulations. Specifically, the children working in artisanal and small-scale mining in Songwe District Council were subjected to harsh working conditions due to lack of or inadequate enforcement of the Employment and Labour Relations Act (general) regulations of 2017. It was child labour.

## 7.0 Recommendation

Drawing from the discussion of the findings, children are working in unfavourable conditions that attract exploitation and endangered health status. Hence, the government needs to review the Act to accommodate artisanal and small-scale mining practices that continue to undermine the rights of employed children. Good policies do not depend only on the formulation but also on the implementation. The practical part can start by educating all stakeholders involved, including children, parents, and artisanal and small-scale mining owners, about policies, laws, rules, and regulations concerning child labour and employment in Tanzania. Hence, better coordination and strategies are required to ensure that owners of various projects, institutions, and organisations, particularly private institutions, comply with the Employment and Labour Relations Act (general) regulations of 2017.

## 0.8 Limitations and Areas for Further Studies

This study employed institutional theory, interviews, and FGDs to collect data to assess child employment in artisanal and small-scale mining at Songwe District Council. Future studies can re-examine a similar aspect by extending data sources, methods, and small-scale mining from other regions to generate the findings.

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