

Challenges for the worker's health field in the cotemporary context: immigrant work and child labor

Desafio para o Campo Saúde do Trabalhador no Contexto Contemporâneo: trabalho imigrante e trabalho infantil

Desafíos para el ámbito de la salud del trabajador em el contexto contemporáneo: trabajo inmigrante y trabajo infantil

RESUMO

Objetivo: A proposta deste artigo é apresentar a realidade vivenciada em uma cidade de grande porte sobre trabalho infantil e trabalho imigrante, de acordo com a visão sensível de três pessoas que possuem íntimo contato com os temas. Método: A metodologia escolhida foi o relato de experiência, sendo expostas informações sobre experiências vivenciadas nas referidas áreas, de modo contextualizado e com aporte teórico. Resultados: Foi possível identificar diversas situações que envolviam direta e indiretamente, os imigrantes, crianças e adolescentes em situação de trabalho. Dentre elas, chama à atenção as condições precárias de trabalho nas quais estavam inseridos os imigrantes e, a inserção de crianças e adolescentes em atividades laborais diversas. Conclusão: Considera-se necessário e urgente, esforços coletivos (governo, trabalhadores, empregadores e sociedade civil) para eliminação do trabalho infantil e a adoção de ações e políticas voltadas ao trabalhador imigrante para a erradicação da exploração de mão de obra dessa população.

DESCRITORES: Trabalho infantil; Migração Humana; Vigilância em saúde do trabalhador.

ABSTRACT

Objective: The purpose of this article is to present the reality experienced in a large city about child labor and immigrant labor, according to the sensitive view of three people who have intimate contact with the themes. Method: The methodology chosen was the experience report, exposing information about experiences lived in the referred areas, in a contextualized way and with theoretical support. Results: It was possible to identify several situations that directly and indirectly involved immigrants, children and adolescents in a work situation. Among them, attention is drawn to the precarious working conditions in which immigrants were inserted, and the insertion of children and adolescents in various work activities. Conclusion: It is considered necessary and urgent, collective efforts (government, workers, employers and civil society) to eliminate child labor and the adoption of actions and policies aimed at immigrant workers to eradicate the exploitation of labor in this population.

DESCRIPTORS: Child labor; Human migration; Occupational health surveillance.

RESUMEN

Objetivo: El propósito de este artículo es presentar la realidad vivida en una gran ciudad sobre el trabajo infantil y el trabajo inmigrante, según la mirada sensible de tres personas que tienen contacto íntimo con los temas. Método: La metodología elegida fue el relato de experiencia, exponiendo información sobre experiencias vividas en los referidos espacios, de forma contextualizada y con sustento teórico. Resultados: Fue posible identificar varias situaciones que involucran directa e indirectamente a inmigrantes, niños y adolescentes en una situación laboral. Entre ellos, se llama la atención sobre las precarias condiciones laborales en las que se insertaron los inmigrantes, y la inserción de niños, niñas y adolescentes en diversas actividades laborales. Conclusión: Se considera necesario y urgente el esfuerzo colectivo (gobierno, trabajadores, empresarios y sociedad civil) para erradicar el trabajo infantil y la adopción de acciones y políticas dirigidas a los trabajadores inmigrantes para erradicar la explotación laboral en esta población.

DESCRIPTORES: Trabajo infantil; Migración Humana; Vigilancia de la salud ocupacional.

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INTRODUCTION

The experience report presented here sought to contextualize two distinct realities at first, but which are related to each other: "child labor" and "migrant labor". An attempt was made to contextualize such themes in Brazil, and the public policies that support and guarantee the fundamental rights of children and adolescents and international migrants, as well as the working conditions of migrants in Brazil and specifically in the municipality studied, through experience reports and material in the public domain.

Usually, the motivations to migrate are linked to economic problems, persecution, violence, misery and hunger, among others, which puts the life of the migrant and his family at risk. ¹ Thus, in relation to work, in general, it is observed that migrants seek subsistence in the first moment, and not a way to explore their creative and work capacities, mainly due to lack of opportunities, documentation (especially those from forced migration) and/or xenophobia.

In the country of destination, it is difficult for migrants to immediately access the right to social security and decent working conditions. In addition, it should be noted that in Brazil, working conditions have been put on the agenda, due to recent labor reforms. In this regard, Pochmann ² states that the precariousness of work is a Brazilian reality that has been intense while unemployment, outsourcing processes,

the expansion of the service sector, neoliberal and labor reforms, accentuated inequalities in the world of work, with lack of social and labor protection in the class that lives off their work. ²

With regard to health in Brazil, immigrants and refugees have access to the Unified Health System (SUS) throughout the Brazilian territory, which shows a great advance in inclusion processes. ³ There are also positive reports, such as hiring migrants of different nationalities as community health agents (CHA) in certain municipalities in the country, as is the case of the pioneering spirit of São Paulo. However, other examples are still present, such as xenophobia, violence and racism, within health services. It is also worth mentioning the difficulty of proving address to register in health units, the language and culture of migrants, which makes it difficult not only to access, but also to meet and monitor the demands of this population.

In this way, it is essential that Brazil exerts inclusive sanitary and political efforts with the admission of migrants in the health systems, in order to provide living conditions, favorable work and health, as well as ensuring that health policies grant prevention and safety to the population residing in the country. ⁴

An alarming fact is the reality of child labor, present since ancient times, in which, regarding minors, children were not considered subjects of law before the State, but compared to servants of the paternal

family authority. ⁵

For thousands of years, children were considered inferior to adults. It was only in the second half of the 19th century that changes occurred in the definition of "child" and in the conception of child protection, due to the advent of Child Protection Societies and expressions in the legal field such as 'child protection', 'Children's rights' and later, with Non-Governmental Organizations (NGOs) for the protection of children.

The occurrence of child labor is multifaceted and encompasses several angles, with several economic, educational, cultural and political factors for its maintenance and result, which has effects on the full development of children and adolescents. ⁶ Despite the present legal protection and the articulation of the system of guarantees of rights through its various bodies, children and adolescents still have their rights violated.

The child, when categorized as a refugee or immigrant, is more vulnerable, since in addition to the migratory category, he is faced with his situation as a young human being who needs specific protection at the international, regional and national levels.

With regard to labor standards for migrant children, there are guidelines in the international field that attest to their rights. Although there are no specifically such norms in Brazil, migrant children and adolescents have rights guaranteed through the Child and Adolescent Statute

(ECA - Estatuto da Criança e do Adolescente) and the Migration Law, which reaches all migrants.⁷

In this way, it is observed that, when it comes to the rights and guarantees of children and adolescents, for the most part, the laws and conventions created in addition to the Program for the Eradication of Child Labor cooperate with public policies for the prevention and eradication of child labor, however, in practice they are insufficient and deserve attention and specific actions capable of identifying grounded responses in terms of public policies.

Thus, this manuscript aimed to portray the reality of migrant work and child labor as contemporary challenges to be faced by the SUS in the Worker's Health field.

In this way, we bring forward the following question: What do civil society, public agents and social organizations understand and how do they act in relation to migrant labor and child labor? Armed with these questions, the exchanged experiences and knowledge on the subject guided the writing of this article.

METHODS

This study describes an experience report, lived by the authors in their work practice, which portrays the reality of a large city in the state of Minas Gerais.

The experience presented here comes from a social event held in the municipality, in the period of one day and which involved several institutions, public agents and participants from civil society.

During the event, it was possible to identify several situations that directly and indirectly involved migrants, children and adolescents in a work situation. Among them, it draws attention to the precarious working conditions in which migrants were inserted, and the insertion of children and adolescents in various work activities.

There were exchanges of experiences and hearing reports from participants, arising from informal contacts undertaken during the event.

Contacts were made especially with members of a Non-Governmental Orga-

nization (NGO) that serves the migrant population of the municipality and region, with a public agent linked to a government institution and with a Haitian immigrant, who has been in Brazil since October 2017 and is currently working in the health sector of the municipality.

As for ethical issues, the points presented here are based on free and public testimonials, the result of public social action. Therefore, the reports presented here safeguard the confidentiality issues of the participants and institutions involved in that event, in accordance with ethical standards as per resolutions of the National Health Council.

Thus, the points that guided this experience report and their relationship with theoretical assumptions are presented below.

EXPERIENCE REPORT RESULTS

From the reports obtained and the experiences shared between the actors involved in the municipality in question, this experience report brings to light two realities encountered: "migrant work" and "child labor".

Regarding government public policies aimed specifically at migrants, the actors involved in this report claim to know Convention No. 97 of the International Labor Organization (ILO), which states that immigrants must receive equal treatment to nationals. However, they are unanimous in stating that in practice this premise is not effective and that international migrants are unaware of the Convention and their rights, especially labor and social security. This statement is corroborated by the Regional Labor Court of the 4th Region when it states that immigrants "are unaware of the functioning of Brazilian Justice and do not know that they are guaranteed the same labor rights guaranteed to Brazilians".⁸

It was unanimous among social actors that most migrants leave their country of origin in search of better working conditions, but that when they arrive in Brazil,

on several occasions, they do not find job vacancies, which leads them to informality, known as the underground economy in Brazil.⁹ However, the reports of the public agent and the member of the NGO disagree when it comes to informality. The first indicates that most migrants are involved in informal work, while the second believes that those would be in the formal market.

Another phenomenon pointed out is that, even in the formal labor market, migrants end up exposed to irregular work situations, as evidenced by the report of the Haitian, who was the victim of an attempt to exploit the workload in her work environment, in addition to experiencing numerous similar situations and others even more precarious.

When it comes to labor complaints received, it was possible to identify from the reports that the main irregularities found were: degrading conditions in the work environment (safety, sanitary and hygienic conditions), exhausting working hours and lack of Personal Protective Equipment (PPE) and Collective Protection Equipment (CPE).

As for the Brazilian health policy, all actors agree that it is the only public policy that really has universal coverage of care, but they claim that migrants are unaware of the actions of comprehensive care for Worker's Health, understanding it only in the health x disease process, in its curative nature.

They believe that migrants are unaware of any legal provision, including the National Occupational Safety and Health Policy (PNSST) given by Decree No. 7.602, of November 7th, 2011, and the National Policy on Workers' and Workers' Health (PNSTT - Política Nacional de Saúde do Trabalhador e da Trabalhadora) published by Ordinance No. 1,823, of August 23rd, 2012.

It should also be noted that one of the actors signaled the difficulties faced by international migrants in accessing health-care, due to the language barrier, although the SUS is a universal policy. Santos and Medeiros reinforce that the immigrant has several difficulties in accessing the SUS, es-

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pecially in the lack of equity and communication.¹⁰

This report could be confirmed by the Haitian woman's account of the difficulty of the unknown language experienced by her when she arrived in Brazil and currently, in her experience, as a health worker and translator of the Portuguese language for Haitians who do not speak Portuguese, in consultations, operative groups and exams. Added to this is Haiti's cultural trait of non-prevention of injuries or complications, especially prenatal care, which differs from the character of comprehensive health care advocated in Brazil.

Regarding child labor, according to the notes of the public agent involved in this experience report, in Uberlândia/MG, the condition of child labor has worsened since the beginning of the pandemic. He points out that with the loss of income during the pandemic, families were placed in a vulnerable situation and the consequence of this was the increase in cases of child labor. And yet, he believes that there is underreporting, since society still cannot see what child labor is and, therefore, does not denounce this occurrence. Furthermore, people do not recognize drug trafficking carried out by children and adolescents as child labor.

In addition, speeches were made about the risk of minimizing the problems generated by child labor, "romanticizing" this problem, with the bias that work ennobles children and adolescents.

Finally, there was a debate about the existence of a relationship between migrant work and child labor. The public agent in question denoted that when considering the legal aspects, these are different themes and/or phenomena and that he does not believe there is a directly proportional relationship between the number of immigrants and children and adolescents in child labor.

Regarding this relationship, the NGO volunteer heard in this report recalls that since 2020 the city has received indigenous Venezuelans from the Warao ethnic group and that culturally, children go with their parents to strategic points in the cities to

ask for money, which represents a concern, since it violates the Child and Adolescent Statute in Brazil. And she questions whether in the future they will learn to sell candies and other goods at traffic lights, which is a type of child labor.

DISCUSSION

For better understanding, the two themes will be treated separately, as follows.

MIGRANT LABOR

Bringing up this experience report raises, first of all, contextualizing the phenomenon of migrations in contemporary times. It is known that Brazil has been a country of attraction and reception of migrants since the 1980s, adding, therefore, the entry of a large contingent of immigrants and refugees. The refugee migration condition is one of the oldest on the planet. From 2011 to 2019, 1,085,673 migrants were registered in Brazil.¹¹

Despite the considerable number of migrants arriving in Brazil, it is observed that only recently has the government been concerned with their care, in order to insert them into the social dynamics. In addition, the omission in the direction of migration policies in the country is historic, given that the foreigner statute existing until the year 2017 dated from 1980 and brought in its scope the molds of national security.

When it comes to the labor market, relations are even more fragile. It is important to point out that, although there are several reasons/motivations for migrating, migrations are motivated not only by individual decisions, but driven by changes in the organization of production, which accompany movements in search of work and labor.

The reports of the public agent and the member of the NGO disagree regarding the employment relationship of migrants. To resolve any doubts, despite the scarce production on these workers in the informal market, it appropriates the studies of Oliveira and Oliveira, who, using the 2010 Demographic Census, state that "informal workers are more present"¹²; and Silva e

Silveira, in which "the reduction of formalized and stable employment contracts is emphasized, to the detriment of the growing number of informal workers, flexible employment contracts, which do not guarantee labor and social security rights [...]".¹³

As for the difficulties of access to health faced by international migrants, due to the language barrier, it corroborates the authors: "Although universal, with regard to migrants, access to health is not always possible, either because of the barrier of the language of origin, or because of the cultural issue and even fear, when it comes to undocumented people".¹⁴ In relation to culture, the authors' citation reinforces the cultural difference in care in the country of origin, for example, in the report by the Haitian about Haiti, in relation to the culture of non-prevention of injuries or complications, especially prenatal care.

Finally, in relation to the work of immigrants and refugees, with regard to access to health and attention to Worker's Health, it is considered that Brazil was not prepared to meet the demands of the migrant population and is taking slow steps towards access and guaranteeing the rights of migrants.¹⁵ Despite the existing legal framework and the current legislation approved, such as the new Migration Law of 2017, much still needs to be articulated for the implementation of effective and efficient public policies.

CHILD LABOR

Child labor can be defined as any form of work carried out by children and adolescents below the minimum age allowed, in accordance with the legislation of each country. In Brazil, work is prohibited for those who have not yet turned 16, as a general rule. When performed as an apprentice, it is allowed from the age of 14. If it is night work, dangerous, unhealthy or activities on the list of worst forms of child labor - TIP, the prohibition extends to incomplete 18 years.¹¹

Statistically, according to the National Household Sample Survey - PNAD of

IBGE, for the year 2019, 1,768 million children and adolescents aged 5 to 17 years work throughout the national territory, which represents 4,6% of the population (38.3 million) in this age group.

Regarding the condition of child labor, authors reinforce that “despite the advances in recent decades in the legal apparatus for the protection of children and adolescents in Brazil and social mobilization in the face of child labor, there are still important gaps in dealing with this, which constitutes a relevant social problem, especially in developing countries.”⁵

Another point that emerged is that Brazil has a commitment to eradicate child labor, anchored in international norms and conventions, as well as national ones, such as the National Plan for the Eradication of Child Labor.

On the risk of romanticizing the issue of child labor and the need to eradicate it, the National Forum for the Prevention and Eradication of Child Labor (FNPETI

- Fórum Nacional de Prevenção e Erradicação do Trabalho Infantil) states that “child labor is recognized as one of the most harmful forms of exploitation for the full development of human beings. Its effects leave marks that often become irreversible and last into adulthood”.

Regarding the existence of some relationship between immigrant work and child labor, some authors point to the occurrence of child labor on a larger scale among migrant children and adolescents. These affirm that children of recent migrants are more likely to work, due to their parents' disadvantage in the labor market, and also attribute the fact to the cultural element of some tribes, since work is a fundamental process for the child's development. So the authors¹⁰ conclude that children of migrants study less and work more.

The statements presented here and contextualized by theoretical assumptions reflect the urgency of further analysis and empirical studies on the topics presented.

In any case, it is evident that local events with the participation of different actors in society occupy a prominent place for discussions and exchange of knowledge.

CONCLUSION

This report presented the experience lived by the authors who, from a social event, raised the discussion about child labor and migrant labor in a large city.

It is concluded that public policies alone are ineffective in guaranteeing the rights of children and adolescents in situations of child labor, and in relation to the work of immigrants and refugees in precarious and/or exploitative conditions.

Given the above, studies in this area are of great importance, considering it necessary and urgent for collective efforts (government, workers, employers and civil society) for the elimination of child labor and the adoption of actions and policies aimed at migrant workers to eradicate the exploita-

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