THE ARTISTIC CHILD WORK IN THE BRAZILIAN LABOR LAW: INTEGRATIVE REVIEW

O TRABALHO INFANTIL ARTÍSTICO À LUZ DA LEGISLAÇÃO TRABALHISTA BRASILEIRA: REVISÃO INTEGRATIVA

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ABSTRACT
Objective: to analyze the national scientific production on the influences from the artistic child labour with children and adolescents. Method: it is an integrative review, held in the databases LILACS and SciELO and from question << Which are the influences of the artistic child labor on children and adolescents? >> during the period from 2003-2013. 19 articles were selected and three analytical categories: 1) Child labor and the effective labor legislation; 2) Influences of the exploitation of the artistic work in the lives of children and adolescents; 3) strategies to combat child labor. Results: the damage caused to the children arising from work, gaps in labor legislation for children and adolescents and the lack of accountability of government agencies in compliance with laws are highlighted. Conclusion: children's artistic work is a practice accepted by the society, silent on the requirement of structural transformations that make possible the freedom of children and adolescents living conditions for a proper development, as the law guarantee. Descriptors: Work of minors; Labor Legislation; Child Neglect.

RESUMO
Objetivo: analisar a produção científica nacional sobre as influências oriundas do trabalho infantil artístico com crianças e adolescentes. Método: revisão integrativa, realizada nas bases de dados LILACS e BDENF e na SciELO a partir da questão << Quais as influências do trabalho infantil artístico sobre as crianças e os adolescentes?>> no período de 2003-2013. Foram selecionados 19 artigos e três categorias analíticas: 1) Trabalho infantil e a legislação trabalhista vigente; 2) Influências da exploração do trabalho artístico na vida de crianças e adolescentes; 3) Estratégias para combater o trabalho infantil. Resultados: destacam-se os danos ocasionados às crianças decorrentes do trabalho, lacunas na legislação trabalhista infantilo-juvenil e a falta de responsabilidade dos órgãos públicos no cumprimento das leis. Conclusão: trabalho infantil artístico é uma prática aceita pela sociedade, omissa na exigência de transformações estruturais que viabilizem a liberdade das crianças e adolescentes virem as condições para um desenvolvimento adequado, conforme lhes garante a lei. Descritores: Trabalho de Menores; Legislação Trabalhista; Negligência Infantil.

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INTRODUCTION

Worldwide, child labor has increased in numbers from the Industrial Revolution, when entire families were required to work extensively, including, children were subjected to precarious security situations. This contributed to the high prevalence of occupational diseases, occupational accidents and death.1,2

It is considered child labor any work performed by children and adolescents under the age of 16 years old, with the lucrative purpose or not, in economic activities and/or survival. The only exception to this concept is the work done as an apprentice, from 14 years old, as established by the Brazilian law. It is noteworthy that the term juvenile work also covers the age group between 16 and 18 years old, when exercised in precarious conditions. For the purposes of inclusion the individual with up to 12 years old and the teenager between 12 and 18 years old also were considered as a child.3

Brazil is internationally known for being a country with high rates of child exploitation. This is an old phenomenon, known since the beginning of colonization, when black children and indigenous people were required to work in domestic activities or agriculture assisting their relatives.4,5

In the world, the fight for the rights of children and adolescents has acquired recognition due to the activities of international organizations, such as the United Nations (UN), the United Nations Children's Fund (UNICEF) and the International Labor Organization (ILO). Since the end of the World War II, these institutions work for acceptance and recognition of the rights of the child, working great efforts to ensure that such rights are ratified by the constitutions of every country on the planet.6

Different researches in the social economy area present child labor as being normal due to the low socio-economic condition of the population. Such a statement shows the complexity of the issue, since the low socioeconomic condition is not enough to clarify the reasons for the existence of the early work in Brazil. Undeniably, there are other factors related to the subject, such as, for example, the public insufficient and inadequate educational system, cultural traditions, the socio-economic standard, the lack or even compliance of the legislation and supervision and the types of family arrangements.7,8

Worldwide, more than 246 million children between 5 and 17 years old, are involved in labor activities. Of this total, approximately 70%, or 171 million children work in situations or health risk conditions, about 73 million of them are under the age of 10 years old.9 However, in these statistics, children who work in large complex formed by the media are not in this number, because this is a specific data and neglected. It is evidenced thus the failure of public authorities and the society in monitor and act on behalf of the rights of children and adolescents exposed by the media.

Generally speaking, child labor is commonly associated with situations in which children are observed in strenuous activities carried out in homes or in farming. However, when it is work developed by actors and junior models, the criticisms are practically irrelevant. Although the society is against other types of child labor activities, it is compliant before programs in which there is active participation of children. This occurs because of gaps in labor legislation which provides for the rights of children and adolescents and allows the complex media, in particular television, exploring child labor as a form of entertainment of the audience.

The situation is even worse, in these cases, because the child does not have the autonomy to decide what activities should be developed in their day-to-day work. As noted, the most common reasons of the involvement of children in these activities are the dreams of their parents, the promises of success and fast money10, all this at the expense of the welfare of the child, in the moment that they should dedicate to their studies and the development of friendly games.

On television, in magazines and other media children are, in general, well dressed, laughing showing health and happiness. Everything looks magical, but little is known of the pressures for the work done by them. For example, by having to memorize a text to play certain role or repeat poses for pictures, until getting the expected result. It is also added another negative factor to the process of child labor: the unpreparedness of most adults to deal with the peculiarities and needs of each child.10

In this context, it is asked: what are the gaps in labor legislation and the Statute of the Child and Adolescent (ECA) of Brazil? Why institutions responsible for enforcing the laws allow children the stressful activities in the media? Such questions are based on the principle that there is no difference between child labor exploited by the media and by other types of non-market activities.

Therefore, the present study aims to:
Analyze the scientific literature about the influences from the artistic child labor with children and adolescents.

**METHOD**

This is a descriptive study, integrative review type that suggests to analyze various aspects of a theme, contributing to future more structured researches. For this study the following research question was elaborated «Which are the influences of the artistic child labor on children and teenagers?»

Bibliographic search was carried out in the period from May to June 2012, in databases: Latin American literature and Caribbean (LILACS), Database of Nursing (BDENF) and Scientific Electronic Library Online-SciELO. Health Sciences key words (DeCS) used for data collection “child labor” and “adolescents labor” were combined, by the Boolean connector “AND”, with the descriptor “minors labor” and their respective key words in Spanish and English languages. Random search also was conducted, since the studies found did not respond to the question of the study, then, the descriptor artistic child labor were used and the keywords: work by minors, labor law and neglect to the child.

The criteria for selection and inclusion of the studies were: articles that were in the database or in SciELO, in Portuguese, English or Spanish, with abstracts available, and cover child labor as a main theme. Furthermore, it was established the timeframe of 2003-2013 to the publications. Studies with one year of publication less than 2003 and duplicates were excluded.

The analysis of studies occurred through readings, extracting them the content and most relevant recommendations indicated with respect to child labor and the Brazilian legislation. The studies that are in this review were evaluated according to the following parameters: database/virtual library, the scientific area, study objective, the journal and the year that formed the basis for the construction of the following categories of analysis: 1) child labor and effective legislation; 2) Influences of the exploitation of the artistic work in the lives of children and adolescents; 3) strategies to combat child labor. In the discussion all articles selected were included, articulating them with the categories of analysis.

During the analysis of the material, it was sought to highlight the types of child labor and the damage caused by them, the role of Brazilian legislation and the responsibility of government agencies in compliance with the legal provisions.

**RESULTS**

Initially 488 studies were found, however the specific theme of the children's artistic work was not found in the foundations consulted journals and virtual library. In an attempt to find articles that cover this particular type of child labor, it was necessary to carry out random search, four documents were chosen, two journals, a dissertation and a book. In according to the work of children and youth in general, 393 (79.6%) articles in Portuguese were found, 58 (11.7%) in English and 37 (7.5%) in Spanish. However, after the selection of studies, only 15 articles were selected from the 19 studies used in this review, in which four were found on random search, and all published in the Portuguese language. Of these, 13 (68.4%) studies were found in SciELO, only 1 (5.3%) on LILACS and in 1 (5.3%) BDENF 4 (21%) randomly, in studies that dealt with child artistic labor.

Because it is a comprehensive thematic, the study of child labor adds several areas of knowledge, including Psychology, Economics and Administration, noted in this research, presenting each one with 4 (26.6%) articles, 53.3% of the studies addressed; moreover, also articles in the social sciences were found with 3 (20%); economic, social and political and health Sciences with 2 in each area (13.3%), totaling 26.7% of the studies.

Figure 1 presents the synthesis of studies of this review in which are variables/authors, database and virtual library, year of publication, language and journal:
Child labor and legislation

In the society, generally speaking, child labor criticized is the one identified as exploitation of physical labor and it can be considered degrading to children and adolescents. Unlike this, activities considered "within the law" may occur such as those carried out with the aid of the parents, or under the supervision of public and private entities, when they do not interfere in school education, recreation and home of the child/adolescent. However it is necessary to establish the difference between sporadic participation of child/adolescent in distraction and discovery activities, and those compatible obligations, for example, working in the artistic area.

It is common to see children and adolescents daily or weekly reporting in the television media. In these cases, it is surprising the fact that entities of the child and adolescent protection does not consider such activities as exploitation of child labor, since they need to memorize texts, to work, to meet goals, timetables and contracts and, almost always, are remunerated, and could even be obliged to carry out activities that they do not like. 10

The main difference in child exploitation work in the artistic area in relation to those requiring greater physical effort is that such activities are not stigmatized and in optics of society, the rights of children and adolescents would be enshrined. The law nº 9,615, March 24, 1998 protects children and youth engaged in occupational activity, as the artistic work,
since by establishing special schedules for the development of children’s activities, and at the same time requiring the attendance at school, with prohibition of work for children under 14 years old.8

It is imperative to note that the laws are not always enforced and there is no efficient supervision to ensure respect for the rights of children and adolescents. Therefore, new discussions become necessary about the legal aspects of child labor, since the dynamism of artistic and communicational field has contributed to the creation of unforeseen situations in the law or requiring new interpretations of the legal text.11

With regard to the child labor in the media, one of the ways of neglecting the rights of children and adolescents is to involve them in a dream world, started by parents’ fantasy and admiration by society because, in some cases, the desire of the child to be in the media is, in essence, a movement to conquer and keep the love of parents. At this stage of growth and development, child/adolescent seeking from them the model for the formation of their personality and thus will establish patterns of behavior and value systems, whose benchmark are the parents or guardians. For these, therefore, it is necessary to impose restrictions on the behavior of the child stimulation, being fully responsible for the work with economic purposes, since the children are considered minors under Brazilian law, in addition to not being prepared to face the growing environment around them, usual in mercantile relations.10

In the age group of apprentice, labor and social security rights are assured, and provided for financial aid. In cases of adolescents in family scheme of work, or when technical school student assisted in governmental or non-governmental entity, it is forbidden the work done from 5 am until next day at 5 am; it is forbidden also the unhealthy work and drudgery, held in locations that are harmful to the formation and the physical, psychic, social and moral of children and adolescents.3

From the activities identified as harmful to children and adolescents, are those that have a higher index in the national territory, such as: culture of sugarcane, logging services, services in sawmills, furniture industry, sial, services culture in coal yard in ceramic factories and potteries. In this list, it is also included activities in refrigerators, excavations, the manufacture of fireworks, under construction, in the collection and selection of garbage and spraying pesticides.12

**Influences of exploration of the artistic work in the lives of children and adolescents**

For children and adolescents, the artistic career can even be fun, since everything is new, the salary is usually satisfactory for the parents, there are sponsorships of clothing stores and even scholarships to the best schools are offered. On the other hand, it is necessary that the child/teenager make time for recordings, for the preparation of daily work, which requires, for example, to have to repeat the same scene or photo countless times to achieve the expected result. Besides the possibility of the schedule being extended increasingly, make increasing workday.10

Another requirement that makes the daily life of the artist child/adolescent more difficult is the fact that the studies must be reconciled with the work and often it is a matter for the child/teenager artist assume household expenses, mainly because, in some cases, part of their salary is used to supplement the family income, since, generally, the adult in charge leaves the job to accompany the child. That, in part, comes from provisions of the legislation, because the children/adolescents can only do some artistic work accompanied by a legal guardian.10

As literature shows, the precarious child ticket in an area dominated by the logic of the commodification of culture, profit-oriented, makes that this child be exposed to situations only which can be understood and resolved with the maturity of adulthood. The main loss arising out of that relationship-childhood/youth with backstage/film sets- it is the one of playful space, once the child should have fun, play and express themselves freely, and instead of working and worrying about all the problems and benefits of being fame, or even of failure.11

The fact of the child stop using spaces involving toys and games13, inhibits their yearnings, the expressions of their wishes and interests, and prevents them from understanding the affective, cognitive and relations of communication that are made possible by playing. Without forgetting that, combined with these factors, the physical exhaustion may cause poor school performance, with the worsening of the difficulty of learning.1

Another aspect to be considered is that the early work may result in child/adolescent a negative self-image. Being a subject to the possibility of humiliations, devaluation and reduction of future prospects, the child/adolescent is more available to the
exploitation of adults. As a result, at some point, they may have need to seek something that brings relief to their anxieties, not being rare demand for alcohol and other drugs; it is also quite likely that, in adulthood, all these negative experiences can resonate in a way that they deny the values (economic, cultural, social and religious) required for life in society.10

The main problems to be faced by children/adolescents who work in the media are, therefore, of psychological nature, since it is to expose the individual problems developing who have not yet learned to deal with interpersonal relationships, and they already have to live with the interpretation of a character. Many children/adolescents fear to grow and, with it, believe that will no longer have the right to a life of celebrity, fame, pictures, autographs, sponsorships, among other things of childhood/adolescence; the result is, well, the people who are getting increasingly stressed.10

Given this, the best way to avoid risks arising from early artistic activity is to strengthen children and adolescents, through the education received at home and by the continued support of the family. Ideally, when such situations arise, it is the profession does not become part of the routine of children/adolescents, but to be only a sporadic activity so they also have fun and learn from the experiences of work. Otherwise, it is configured the exploitation of child labor, and, in this case, there is no distinction between a boy and a girl, that wears out in cutting sugar cane, and that who takes pictures or performs in concerts or in television studios.14

♦ Strategies to combat the child labor

The use of the work in childhood or adolescence is considered child exploitation and should be terminated because it configures the negligence of the one in charge and a type of abuse. Given the level of poverty that plagues the country, unfortunately, child labor is present in countless Brazilian families, with "justifications" to naturalize early insertion in the world of work and the consequent child exploitation.15 If the exploitation occurs with a child/teenager who needs to work, because the family is very poor and need that income to survive, the State has to provide structural and systemic changes that lead to permanent social inclusion of family, if not, there is no social program that can overcome the problems arising from class societies, as is the case of capitalism, in which the working class is out of equal division of the riches produced by them, and not allow the child/adolescent be impaired in their growth and development.16,17

The responsibility to detect the actions of risk for exploitation of child labor is not only of Governments, but of the entire civil society, because children and adolescents that are exploited probably will be the troubled adults of tomorrow. With this, the number of unemployed and unqualified for the job market only tends to increase, if consistent and effective measures are not taken in relation to the eradication of child labor in the country.18

Health professionals also have important role in detecting risk activities for child labor, although, in many situations, these professionals cannot see a problem, not only because the labor activity of children and youth is considered, in some contexts, as a "solution" to the problem of social misery19, but because these professionals have not been taken to have critical consciousness about the problem in its formation. However, by the basic health care to children and adolescents, through the anamnesis and consultation, it can be observed evidence of exploitation of child labor in both the physical and psychological aspects. By identifying these signs, it should be notified and inform the Juvenile Services of the locality where the child/adolescent resides, for forwarding appropriate solutions.18

Due to the serious situation of violation of the rights of children and adolescents, the municipalities were invited to act in a manner more forceful in combating juvenile work.17 So, it is increasing the number of programs to improve the quality of life in this segment, such as Pro-Young, or PETI (Program of eradication of child labor) and the First Job Program, with actions aimed at eradicating child labor, to improve the nutritional conditions, frequency and school performance, with consequent reduction of repetition, avoidance and reduction in the number of children and adolescents who are today working in precarious conditions.18-20

With all these programs, they do not meet the artistic child labor situations, since the wages of junior artists can increase in large proportion family income, no matter the family be placed in some of the programs of family income, previously cited.

Regardless of their nature, child labor-artistic or manual-is an attack on the health of people exposed. It is important that the laws governing the rights of children and adolescents are magazines, so that fight and punish different forms of exploitation of child
labor not laid down in legal texts, that have emerged in recent years as a result of new processes of commodification of life, in particular in the context of the culture industry of entertainment.

CONCLUSION

The artistic child labor is a socially accepted practice, and as a contribution to that, it is a theme that has poor visibility and discussion, perhaps because, in the media, children/adolescents are generally believed to be well remunerated and did not appear tired or unhappiness. Despite the growing interest of capitalist logic with the leisure industry, the gap in labor legislation of childhood and adolescence in force emphasizes that, in the case of labor activity of the child/adolescent, the law should not interfere with the routine of these, but there must be the company of a parent or legal guardian and their rights must be preserved.

Another relevant factor is the one involving the education of the child since they will be exposed to society and its culture, having to deal with the situations that disrupt even the adults, such as: Fame and lack of routine. Not always the parents responsibility to educate care about the future of the child and that interferes directly in psychological attention constant in the life of a child involved in these matters. The exploitation of child labor, regardless of type, change the habits of children/adolescents and make that their childhood/adolescence years stay in the background, with consequent disregard to their rights and negative effects on personal training.

Every child/adolescent is a citizen and, consequently, a being of law, which should take advantage of all phases of growth and development of free form, playing, dreaming, creating, laughing and studying. So, they have chances of reaching adulthood without stop living all phases that build so emancipated, physically and emotionally.

The society is still silent on the requirement of structural transformations that definitely the liberty of children and adolescents live normal conditions for proper human development. It must be denounced this posture of disinterest and act responsibly, allowing children/adolescents to be free, as they guaranteed by the law so they can exercise their status as citizens. Combat, through supervision, all forms of child labor, withdrawing children from activity and by facilitating their access to school.

REFERENCES


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