



Definition & Legal Background – child labour

The rights, best interests and wellbeing of children and young people are protected.

Child labour is not used; the company takes appropriate measures to prevent the use of such labour. There is visibility of family work and appropriate measures are in place to safeguard the wellbeing and best interests of children. Where young workers are engaged or employed appropriate measures are taken to safeguard them.

- EF Respect of Workers Principles, Principle 3

DEFINITION & LEGAL BACKGROUND

In Malaysia, despite legislation, child labor is still an important issue to resolve especially in agriculture and the informal labour sector. Malaysia has ratified the UN Convention on the Rights of the Child and the International Labour Organisation Convention (ILO) no. 182 on eliminating the worst forms of child labor. The Government of Malaysia has also passed legislations to regulate child labor in the country.

The Children and Young Persons (Employment) (Amendment) Act 2019 prohibits the employment of children below the age of 15, but makes exceptions for light work (as defined in the legislations) in a family enterprise, work in public entertainment, apprenticeships and work undertaken in vocational training institutes.

Workers are eligible for full-time employment at the age of **15**. But there are certain protective regulations covering young workers aged **15** to **17**.

For Sabah & Sarawak, the matter of children and young persons at work is legislated under the Sabah and Sarawak Labour Ordinance respectively. These Ordinances are yet to be updated to reflect the amendments in the Children and Young Persons (Employment) (Amendment) Act 2019.

Below is the summary table for the employment terms between a child and a young person and summary definition of hazardous work and light work.



Act/Ordinance & differences	Children and Young Persons (Employment) Act (Amended 2018)	Sabah Labour Ordinance	Sarawak Labour Ordinance
Geographical applicability.	Peninsular Malaysia	Sabah	Sarawak
Ages for: (a) Children (b) Young persons	Children – less than 15 years old. Young persons – 15 to 17 years old. *Note: No difference between CY, Sabah and Sarawak Labour Ordinances.		
Further clarification on employment according to ages and employment prohibition.	<p>Young persons (15-17 years old) are allowed for employment suitable to their capacity. They must not be engaged to work:</p> <ul style="list-style-type: none"> • More than 6 days a week. • More than 7 hours per day or if attending school, more than 8 hours, including school hours. • More than 4 consecutive hours without a rest of at least 30 minutes. • Between 8pm and 6am (except agricultural undertaking, public entertainment and any vessel). <p>Children (13-14 years old) are allowed in light work, including work carried out by their family. They must not be engaged to work:</p> <ul style="list-style-type: none"> • More than 6 days a week. • More than 6 hours/day or, if attending school, >7 hours, including school hours. 	<p>Young persons (15-17 years old) are allowed for employment suitable to his capacity. They must not be engaged to work:</p> <ul style="list-style-type: none"> • More than 6 days a week. • More than 7 hours per day or if attending school, more than 8 hours, including school hours. • More than 4 consecutive hours without a rest of at least 30 minutes. • Between 8pm and 6am (except agricultural undertaking, public entertainment and any vessel). <p>Children (14 years old and below) are allowed in light work, including work carried out by their family. They must not be engaged to work:</p> <ul style="list-style-type: none"> • More than 6 days a week. • More than 6 hours per day or if attending school, >7 hours, including school hours. • More than 3 consecutive hours without a rest of at least 30 minutes. • Between 8pm and 7am (except public entertainment, which needs permission from MOHR). 	



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Source: Report on background study on strengthening national action to address child labour in Malaysia by ILO & MoHR, 2019

Enhanced definitions of "hazardous work" under the Children and Young Persons Act (Amendment 2018) – 4th schedule.

Aspect	Enhanced definitions – "Hazardous work"
<p>Work related to machines, installations and other equipment.</p>	<ol style="list-style-type: none"> 1. Machinery, which includes: <ol style="list-style-type: none"> (a) Any machine tools or production machines which can pose high risk such as drilling machines, grinding machines, cutting machines, lathes machines, scraping machines, power press machines, knitting machines, weaving machines, packaging machines and bottling machines; (b) Steam boilers or internal combustion engines such as diesel engines, turbines and engines for generating electricity; (c) Hoisting and loading machines such as lifts, hoists, cranes, escalators, conveyor 2. Heavy-duty machines such as tractors, rock breakers, graders, asphalt mixers, piling machine and agriculture machinery.



	<p>3. Installations such as pressure pipes, electricity, firefighting systems and electricity transmission lines.</p>
<p>Work conducted in a hazardous environment.</p>	<p>Work that is exposed to physical hazards, such as:</p> <ul style="list-style-type: none">(a) Underground work, underwater or in a confined space such as a well or a tunnel;(b) Working at height which can lead to serious bodily injury;(c) Working environment which involves electricity with high voltage power lines;(d) Working in a caisson with limited ventilation;(e) Work that uses electric welding machines or gas welding machines;(f) Work in an environment with extreme temperature and moisture or high-speed wind;(g) Work in an environment with noise or vibration where intensity exceeds the permissible exposure limits;(h) Work to handle, store, use and transport radioactive substances;(i) Work that produces ionizing radiation or work in an environment with ionizing radiation;(j) Work in a dusty environment that is detrimental to health;(k) Work which may lead to electrocution, fire or explosion; or(l) Manual handling work that may pose high risk such as lifting, lowering, pushing, pulling, carrying or moving a load.
<p>Work conducted in hazardous environment.</p>	<p>1. Work that is exposed to chemical hazards, such as:</p> <ul style="list-style-type: none">(a) Work in relation to production, processing, handling, storage, transport, removal, disposal or treatment of hazardous chemicals as defined in OSH (Classification, Labelling and Safety Data Sheet of Hazardous Chemicals Regulations 2013).(b) Work in relation to production, processing, handling, storage, transport, removal, disposal or treatment of pesticides and schedule waste as defined in the Pesticides Act 1974 [Act 149] and the Environmental Quality (Scheduled Wastes) Regulations 2005. <p>2. Work that is exposed to biological hazards - work in an environment that relates to germs, bacteria, viruses, fungi, parasites and other biological agents.</p>



Work of a certain hazardous nature and condition.	These include: (a) Construction work including construction of buildings, bridges, roads, or irrigation projects; (b) Work in the timber industry such as cutting, transporting and unloading trees; (c) Work offshore such as working on a petroleum platform; and (d) Work above or near water where the risk of drowning exists such as lifeguard, fishing activities and work in a water treatment plant.
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Source: Children and Young Persons (Employment) Act - (Amendment 2018) (4th Schedule).

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