



Definition & Legal Background – Child Labour

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

Child labour is not used and promoted. The company must take 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.

- [EF Respect for Workers Principle, Principle 3](#)

DEFINITION & LEGAL BACKGROUND

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

The [Children and Young Person \(Employment\)\(Amendment\) Act 2019](#) prohibits the employment of children below the age of 15 years, 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 proactive 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 Labour Ordinance](#) 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 2019)	Sabah Labour Ordinance	Sarawak Labour Ordinance
Geographical applicability	Peninsular Malaysia	Sabah	Sarawak
Ages for:			
(a) Children	(a) Children – less than 15 years old (b) Young persons – 15 to 17 years old		



(b) Young persons	<i>*Note: No difference between Children and Young Persons (Employment) Act (Amended 2019), Sabah and Sarawak Labour Ordinances.</i>
Further clarification on employment according to ages and employment prohibition	<p>Children (14 years old and below) are allowed in light work, including work carried out by their family. No child engaged in any employment shall be required or permitted to work:</p> <ul style="list-style-type: none">• More than 6 hours in a day or if the child is attending school, for a period which together with the time he spends attending school, exceeds 7 hours;• More than 3 consecutive hours without a period of rest of at least 30 minutes;• On any day without having had a period of not less than 14 consecutive hours free from work;• Between 8pm and 7am (except public entertainment, which needs permission from MoHR). <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 7 hours per day or if the young person is attending school, for a period which together with the time he spends attending school, exceeds 8 hours;• More than 4 consecutive hours without a period of rest of at least 30 minutes;• On any day without having had a period of not less than 12 consecutive hours free from work;• Between 8pm and 6am (not applicable to young persons engaged in employment in an agricultural undertaking, public entertainment and on any vessel). <p><i>*Note: No difference between Children and Young Persons (Employment) Act (Amended 2019), Sabah and Sarawak Labour Ordinances.</i></p>

Source: *Children and Young Persons (Employment) Act (Amended 2019), Sabah and Sarawak Labour Ordinances.*

Enhanced definitions of “hazardous work” under the Children and Young Persons Act (Amendment 2019) – 4th schedule.

Aspect	Enhanced definitions – “Hazardous work”
Work related to machines, installation and other equipment.	1. Machinery (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;



	<ul style="list-style-type: none">(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;(d) High pressure vessels. <p>2. Heavy-duty machines such as tractors, rock breakers, graders, asphalt mixers, piling machine and agriculture machinery.</p> <p>3. Installations such as pressure pipes, electricity, firefighting systems and electricity transmission lines.</p>
<p>Work conducted in a hazardous environment.</p>	<p>1. 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



	<p>(l) Manual handling work that may pose high risk such as lifting, lowering, pushing, pulling, carrying or moving a load.</p> <p>2. Work that is exposed to chemical hazards, such as:</p> <p>(a) Work in relation to production, processing, handling, storage, transport, removal, disposal or treatment of hazardous chemicals as defined in Occupational Safety and Health (Classification, Labelling and Safety Data Sheet of Hazardous Chemicals Regulations 2013).</p> <p>(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> <p>3. Work that is exposed to biological hazards such as working in an environment that relates to germs, bacteria, viruses, fungi, parasites and other biological agents – works in clinical laboratories, slaughter house, meat processing place and silo or storage for storing crops.</p>
<p>Work of a certain hazardous nature and condition.</p>	<p>These include:</p> <p>(a) Construction work including construction of buildings, bridges, roads, or irrigation projects;</p> <p>(b) Work in the timber industry such as cutting, transporting and unloading trees;</p> <p>(c) Work offshore such as working on a petroleum platform; and</p> <p>(d) Work above or near water where the risk of drowning exists such as lifeguard, fishing activities and work in a water treatment plant.</p>



Others	<p>Employment in which children or young persons shall not be required, permitted to be or engaged in:</p> <ol style="list-style-type: none">1. All kind of employment that make use of, procure, or offer children or young persons for prostitution.2. All kind of employment as social escorts, hostesses and any other related activities.3. All kind of employment that require children or young persons to involve in the production or trade of alcoholic beverages.4. All kind of employment related to gambling and lotteries activities.5. All kind of employment that make use of, procure, or offer children or young persons for any kind of job related to pornography.6. All kind of employment that require children or young persons to work in any activities related to massage services or reflexology services.7. All kind of employment that make use of, procure, or involve children or young persons for the production and trade of drugs, narcotics, psychotropic substances and other addictive substances which are prohibited under any written law in operation.
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Source: *Children and Young Persons (Employment) Act (Amended 2019)*.

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