

CHILDREN’S RIGHTS AT WORK

A Quick Guide to Conditions of Work and Employment Laws Related to Child Labour and Child Protection in Agriculture Setting in Malaysia

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Agriculture

Sabah, Malaysia
2024 Version



The legal minimum age
to work is **15**



Child: A person under the age of 18 years (Child Act 2001)



Young person/worker: A young person is someone who is between the age of 15 and 17 (Sabah Labour Ordinance)



Compulsory education: Six years of compulsory primary school education, which may be completed within five to seven years (Education Act 1966)

Type of Work	Children aged 13-14	Young workers aged 15-17	Adult workers aged 18 and above
Light Work ^[1]	✓ Max. 6h/day, or 7h/day with school and work hours combined	✓ Max. 7h/day, or 8h/day with school and work hours combined	✓ Max. 10h/day (incl. rest hours), 45h/week
Non-hazardous Work ^[2]	✗	✓ Max. 7h/day, or 8h/day with school and work hours combined	✓
Hazardous Work ^[3]	✗	✗	✓
Night Work ^[4]	✗	✗	✓
Overtime	✗	✗	✓

[1] Light Work: Labour Ordinance of Sabah, Amendment Act 2024 defines light work as work 1) that is not likely to be harmful to their health, mental or physical capacity or; 2) work that is not likely to prejudice their attendance at school that includes any place which teaches any religion, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received.

[2] Non-hazardous Work: This refers to normal work that can be done by children aged 15 to 17. The list of employment in which children can be engaged is specified in Article 72 of the Labour Ordinance of Sabah, Amendment Act 2024.

[3] Hazardous Work: ILO defines this as "work which, by its nature or circumstances in which it is carried out, is likely to jeopardise the health, safety or morals of children". It should not be done by anyone under 18. A list of hazardous work is provided in the Labour Ordinance of Sabah Amendment Act 2024, in the Third Schedule.

[4] Nightwork: Labour Ordinance of Sabah, Amendment Act 2024 prohibits children aged below 18 from working between 6 p.m. and 7 a.m. However, it sets an exception for young workers engaged in agriculture undertakings. The Centre strongly suggests families follow ILO standards and do not arrange night work for children under 18.

II. RESTRICTIONS ON EMPLOYMENT OF WORKERS UNDER 18



According to the Labour Ordinance of Sabah, Amendment Act 2024, no child under 15 years old shall be required or permitted to:

- Work between the hours of 6 p.m. and 7 a.m.
- Work for more than three consecutive hours without a period of rest of at least 30 minutes
- Work for more than six hours in a day or, if the child is attending school, for a period which, together with the time he or she spends attending school, exceeds seven hours
- Commence work on any day without having had a period of not less than 14 consecutive hours free from work

No child under 15 should be engaged in employment that is detrimental to the child's interests.

A child aged 13-14 may be engaged in:

- Light work suitable for his/her capacity in any undertaking carried on by his/her family
- Employment requiring him/her to perform work approved or sponsored by the Federal Government or the government of any State and carried on in any school, training institution or training vessel
- Employment as an apprentice under a written apprenticeship contract



According to the Labour Ordinance of Sabah, Amendment Act 2024., no young workers aged 15-17 shall be required or permitted to:

- Work between the hours of 6 p.m. and 7 a.m. (except for young workers engaged in agriculture undertakings)
- Work for more than four consecutive hours without a period of rest of at least 30 minutes
- Work for more than seven hours in a day or, if the young worker is attending school, for a period which, together with the time he or she spends attending school, exceeds eight hours
- Commence work on any day without having had a period of not less than 12 consecutive hours free from work

A young worker (age 15 to 17) can be engaged in the following:

- Any employment mentioned for children aged 13-14 and suitable to his/her capacity (whether or not the undertaking is family-owned)
- Employment in any office, shop, godown, factory, workshop, store, boarding house, etc.
- Employment in an industrial undertaking suitable to his/her capacity

III. WAGES, LEAVES AND HOLIDAYS

Minimum Wage

Per Month	Daily wage1*	Daily wage 2*	Daily wage 3*	Hourly
/	Six days	Five days	Four days	/
RM1,500	RM57.69	RM69.23	RM86.54	RM7.21

**Daily wage differs from number of days per week*












The Minimum Wage Order gazetted by the Malaysian government provides that the minimum monthly wage of employees is RM1,500, effective May 1, 2022.

Overtime Payment

"Overtime" means the number of hours of work carried out in excess of the normal hours per day and includes, if any, work carried out after the spread over a period of 10 hours.

Overtime on working day:	Overtime on rest day	Overtime on paid public holiday
In the case of an employee employed on a monthly, weekly, daily, hourly, or other similar pay rate, be paid two days' wages at the ordinary rate of pay.	<p>For daily and piece rates, hourly paid: A daily rate of pay or on piece rates, the ordinary rate of pay shall be calculated by dividing the total wages earned by such employee during the preceding wage period (excluding any payment made under an approved incentive payment scheme or for work done on any rest day, any gazetted public holiday granted by the employer under the contract of service or any day substituted for the gazetted public holiday) by the actual number of days the employee had worked during that wage period.</p> <p>For monthly paid: The monthly rate of pay and the ordinary rate per day shall be calculated according to the following formula: monthly rate of pay divided by 26.</p>	<p>Monthly, weekly, daily, hourly paid: For any overtime work carried out by an employee over the normal hours of work on a paid public holiday, the employee shall be paid at a rate not less than three times his hourly rate.</p> <p>Piece rate paid: No less than three times the ordinary rate per piece.</p>

III. WAGES, LEAVES AND HOLIDAYS (CONTINUED)

Type	Holidays & Leave
Rest Periods	<div><div></div>One rest day per week</div> <div><div></div>Young workers (15-17 years old) must have a rest of at least 30 minutes after four consecutive working hours</div> <div><div></div>Young workers are not allowed to work for more than seven hours in any one day or, if the young person is attending school, for a period which together with the time he spends attending school, exceeds eight hours</div> <div><div></div>Child workers (13-14 years old) must have a rest of at least 30 minutes after three consecutive working hours. They must have had a period of no less than 14 consecutive hours free from work, before commencing work on any day</div> <div><div></div>Child workers are not allowed to work for more than six hours in a day or, if the child is attending school, for a period which together with the time he spends attending school, exceeds seven hours</div>
Public holidays	<div><div></div>Every employee shall be entitled to a paid holiday at his ordinary pay rate on the following days in any calendar year: <div><div>(i) <i>National Day;</i></div><div><div>(ii) <i>Birthday of the Yang di-Pertuan Agong;</i></div><div><div>(iii) <i>Birthday of the Ruler or the Yang di-Pertua Negeri, of the State, or the Federal Territory Day, depending on where the employee wholly or mainly works;</i></div><div><div>(iv) <i>The Labour Day;</i></div><div><div>(v) <i>Malaysia Day; and</i></div></div></div></div><div><div></div>All employees are entitled to 15 gazette public holidays</div><div><div></div>If the holidays fall on a rest day, the next working day will be a paid holiday instead</div></div></div></div>
Annual leave	<div><div></div>An employee shall be entitled to paid annual leave of: <div><div>a) <i>Eight days for every twelve months of continuous service with the same employer if that employer has employed him/her for a period of less than two years;</i></div><div><div>b) <i>Twelve days for every 12 months of continuous service with the same employer if that employer has employed him/her for a period of two years or more but less than five years; and</i></div><div><div>c) <i>Sixteen days for every 12 months of continuous service with the same employer if that employer has employed him/her for a period of five years or more</i></div></div></div></div></div>
Sick leave	<div><div></div>If no hospitalisation is necessary, 14 days in the aggregate in each calendar year if the employee has been employed for less than two years (18 days for working for the employer between two to five years, 22 days for working more than five years)</div> <div><div></div>60 days in the aggregate in each calendar year if hospitalisation is necessary, as may be certified by such registered medical practitioner or medical officer</div>

VI. SOCIAL SAFETY NETWORK

Mandatory social protection contributions for private sector workers:

- The Employees' Provident Fund (EPF), a social security institution formed according to the Laws of Malaysia under the Employees Provident Fund Act 1991 (Act 452), manages the compulsory savings plan and retirement planning for private sector workers in Malaysia. An employer must pay EPF contributions for any person (Malaysian, Permanent Residents, Non-Malaysians) they have engaged in work under a Contract of Service or Apprenticeship, including part-time, temporary, and probationary employees. The EPF contribution consists of a 13% employer's share and an 11% employee's share
- SOCSO (Social Security Organisation), as per the Employee's Social Security Act 1969, requires all private companies in Malaysia to register with SOCSO. All employees are eligible to be registered, regardless of age. Contributions payable by employers (1.75%) and employees (0.5% of monthly wages) cover the Employment Injury and Invalidity schemes. Contributions to the Employment Insurance System (EIS) are set at 0.4%, with 0.2% paid by the employer and 0.2% from the employee's monthly salary

III. WAGES, LEAVES AND HOLIDAYS (CONTINUED)

Type	Holidays & Leave
Rest Periods	<ul style="list-style-type: none">One rest day per weekYoung workers (15-17 years old) must have a rest of at least 30 minutes after four consecutive working hoursYoung workers are not allowed to work for more than seven hours in any one day or, if the young person is attending school, for a period which together with the time he spends attending school, exceeds eight hoursChild workers (13-14 years old) must have a rest of at least 30 minutes after three consecutive working hours. They must have had a period of no less than 14 consecutive hours free from work, before commencing work on any dayChild workers are not allowed to work for more than six hours in a day or, if the child is attending school, for a period which together with the time he spends attending school, exceeds seven hours
Public holidays	<ul style="list-style-type: none">Every employee shall be entitled to a paid holiday at his ordinary pay rate on the following days in any calendar year:<ul style="list-style-type: none">(i) National Day;(ii) Birthday of the Yang di-Pertuan Agong;(iii) Birthday of the Ruler or the Yang di-Pertua Negeri, of the State, or the Federal Territory Day, depending on where the employee wholly or mainly works;(iv) The Labour Day;(v) Malaysia Day; andAll employees are entitled to 15 gazette public holidaysIf the holidays fall on a rest day, the next working day will be a paid holiday instead
Annual leave	<ul style="list-style-type: none">An employee shall be entitled to paid annual leave of:<ul style="list-style-type: none">a) Eight days for every twelve months of continuous service with the same employer if that employer has employed him/her for a period of less than two years;b) Twelve days for every 12 months of continuous service with the same employer if that employer has employed him/her for a period of two years or more but less than five years; andc) Sixteen days for every 12 months of continuous service with the same employer if that employer has employed him/her for a period of five years or more
Sick leave	<ul style="list-style-type: none">If no hospitalisation is necessary, 14 days in the aggregate in each calendar year if the employee has been employed for less than two years (18 days for working for the employer between two to five years, 22 days for working more than five years)60 days in the aggregate in each calendar year if hospitalisation is necessary, as may be certified by such registered medical practitioner or medical officer

VIII. RESOURCES



Key Malaysia Government Policies on Child Labour and Child Protection:

- [Minimum wage order 2020](#)
- [Labour Ordinance 1950 - Sabah Law](#)
- [Labour Ordinance 2005](#)
- [Labour Ordinance \(Amendment\) 2024](#)
- [The Occupational Safety and Health Act 1994 or the Electricity Supply Act](#)
- [1990 Malaysia Employment \(Amendment\) Bill 2021](#)
- [Child Act 2001](#)
- [Employee Provident Fund Act 1991, EPF](#)
- [Employees' Social Security Act 1969](#)



For More Information and Support:

- [The Centre's Website](#)
- [ILO Website](#)
- [ILO Convention No. 138 on the Minimum Age for Admission to Employment and Work](#)
- [ILO Occupational Health and Safety Malaysia](#)
- [Department of Labour Peninsular Malaysia](#)