

# EMPLOYMENT OF CHILDREN AND YOUNG PERSONS

- Law does not prohibit children from being employed in Malaysia.
- The Children and Young Persons (Employment) Act 1966 sets out the rules and conditions for employing children and young persons.
- Like the Employment Act 1955, it is enforced by the Department of Labour and it is applicable to Peninsular Malaysia only.

# EMPLOYMENT OF CHILDREN AND YOUNG PERSONS

The Children and Young Persons (Employment) Act 1966 regulates the employment of children and young persons.

# Who is a 'child' and 'young person'?

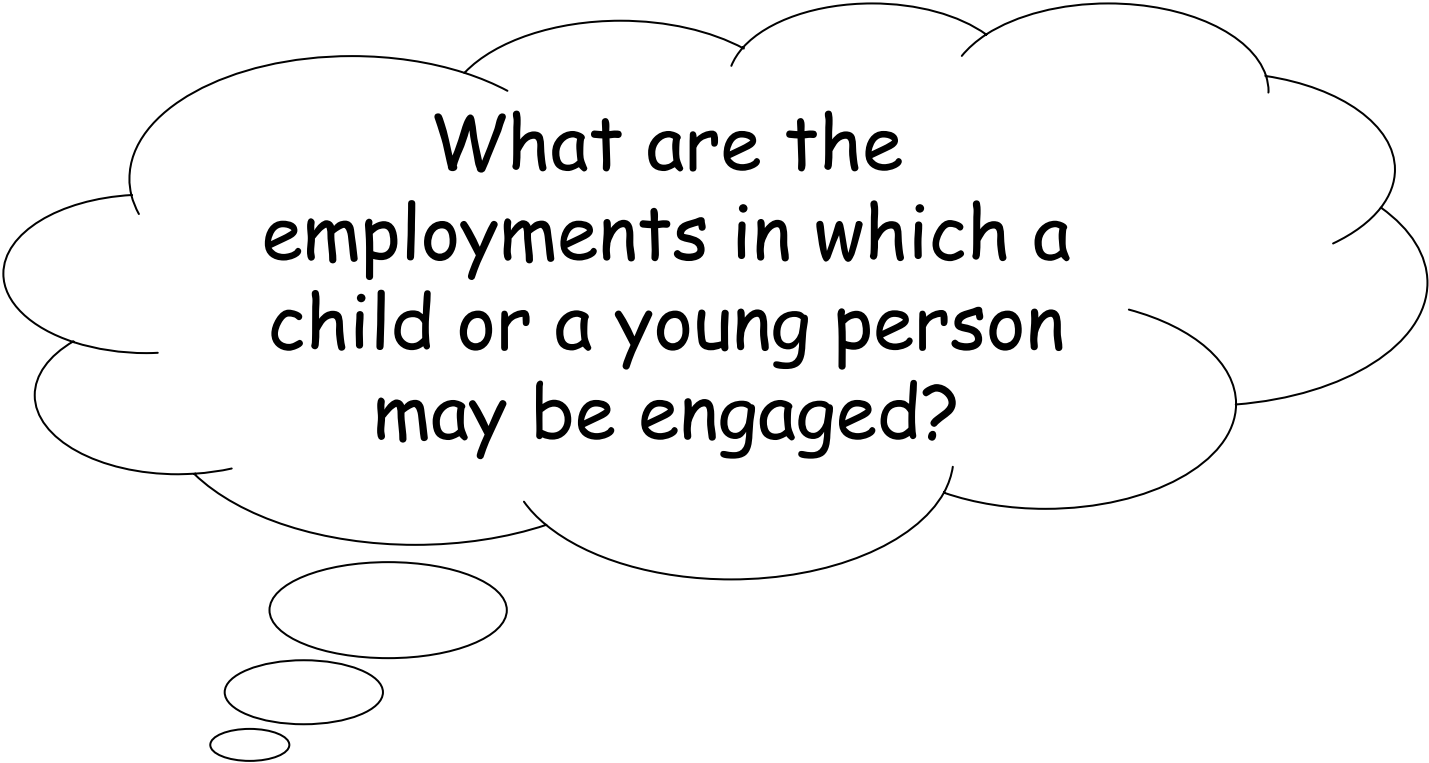
- For the purpose of employment, a child is defined as a person under the age of 14; a young person is between 14 and 16 years of age.



- Thus, once a worker attains the age of 16, he is considered adult for employment purpose.

(Section 1A)

# EMPLOYMENT OF CHILDREN



What are the employments in which a child or a young person may be engaged?

# EMPLOYMENT OF CHILDREN

CHILD

- A child may be engaged in the following employments:
  - Employment involving light work compatible with his capacity carried on by his family;
  - Employment as an apprentice under a written apprenticeship contract approved by the Director-General, with whom a copy of such contract has been filed;

# EMPLOYMENT OF CHILDREN

- Employment requiring him to perform work approved/ sponsored by the government in any school, training institution or training vessel; and
- In public entertainment (subject to the terms and conditions of licensing).

# EMPLOYMENT OF CHILDREN

## Young Persons

- A young person may be engaged in any of the employments:
  - Suitable to his capacity (whether or not the undertaking is carried on by his family, and other employments as mentioned above;
  - In any office, shop (including hotels, bars, restaurants and stalls), factory, workshop, store, boarding house, theatre, cinema, club or association;

# EMPLOYMENT OF CHILDREN

- In an industrial undertaking suitable to his capacity; and
- On any vessel under the personal charge of his parent or guardian.



# EMPLOYMENT OF CHILDREN

Female young persons shall not be employed in any hotels, bars, restaurants, boarding houses or clubs unless such establishments are under the control and management of her parent or guardian.



The prior approval of the Director-General of Labour need to be obtained otherwise.

# EMPLOYMENT OF CHILDREN

- The Minister, however, may by order prohibit any child or young person from engaging in any of the employments mentioned above, if he is of the opinion that such employment is detrimental to the interests of the child or young person.

(Section 2 and 3)

# EMPLOYMENT OF CHILDREN

What are the working hours of children and young persons under this Act?

# EMPLOYMENT OF CHILDREN

- Children may not work:
  - Between 8.00 pm and 7.00 am.
  - they must be given a rest of 30 minutes after 3 hours of works.
  - More than 6 hours per day.
  - No school-going child shall work more than 7 hours, inclusive of the hours at school.

# EMPLOYMENT OF CHILDREN

A young person:

- A young person may be employed in the same circumstances as children as described above and also in any light work in any office, shop, cinema, club, factory and so on.
- A young person is not permitted to work between 8.00 pm and 6.00 am and they are entitled to a rest of 30 minutes every 4 hours. They may not work more than 7 hours a day.

# EMPLOYMENT OF CHILDREN

- If the young person is attending school, he can not work more than eight hours, inclusive of the time he spends at school.
- He is to have at least 12 consecutive hours of rest, before commencing work in any one day.

(Section 5 and 6)

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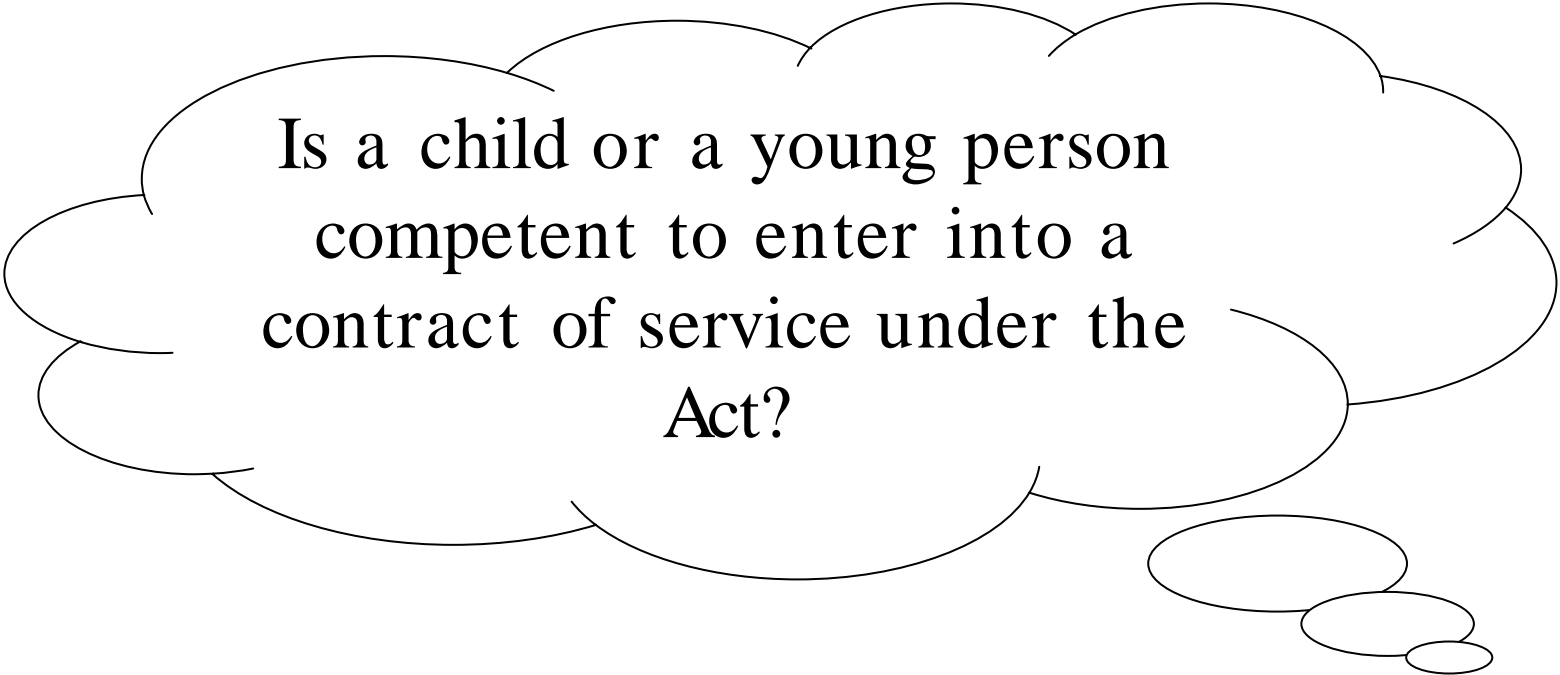
- By virtue of Section 7 of the Act, the employer must first procure a licence (with the prescribed restrictions and conditions) from the Director-General of Labour. The Director-General may also impose additional conditions from time to time as he deems fit.

# EMPLOYMENT OF CHILDREN AND YOUNG PERSONS

No such licence will be issued if in the opinion of the Director-General, the employment is dangerous to life, limb, health or morale.

Parents can appeal to the Minister if aggrieved by the decision within 14 days of the making of that decision.

# EMPLOYMENT OF CHILDREN AND YOUNG PERSONS



Is a child or a young person  
competent to enter into a  
contract of service under the  
Act?

# EMPLOYMENT OF CHILDREN AND YOUNG PERSONS

- Despite the Contract Act 1950, a child or a young person is competent to enter into a contract of service (but not as an employer). He may also sue as plaintiff.
- However, an employer could not recover damages or indemnity under Section 13 of the Employment Act 1955 from a child or a young person, for a breach of any contract of service.

(Section 13)

# APPLICATION OF THE EMPLOYMENT ACT 1955

- Section 16 of this Act clearly provides that the provisions of the Employment Act 1955 i.e. Section 8, 10, 11-29, 31-32, 37-44, 57, 61-92, 94, 97-99, 101 & 102 and any regulations made thereunder must be applied to the employment of a child or young person.

