

COMPARATIVELY CHILD LABOR LEGISLATION IN
MALAYSIA AND AUSTRALIA AFFECTING
EDUCATION POLICY

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BY

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requirement for the degree of

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DECLARATION

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LISTS OF ABBREVIATION

ACARA	Australian Curriculum, Assessment and Reporting Authority
ACECQA	Australian Children's Education and Care Quality Authority
AGD	Age, Gender, and Diversity
AITSL	Australian Institute for Teaching and School Leadership
DLR	Doctrinal Legal Research
ILO	International Labor Organization
JAKIM	Department of Islamic Development Malaysia
KPLB	Ministry of Rural and Regional Development
MOE	Ministry of Education
MOHE	Ministry of Higher Education
MOHR	Ministry of Human Resources
MQA	Malaysian Qualifications Agency
NGOs	Non-governmental organizations
OECD	Organization for Economic Cooperation and Development
UNICEF	United Nations Children's Fund

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PREFACE

In the final year of my Bachelor of International Business (HONOURS) at the Universiti Tunku Abdul Rahman (UTAR), it gives me great pleasure to complete the UKMZ3016 Research Project, titled Comparatively Child Labor Legislation in Malaysia and Australia Affects Education Policy. This final-year project represents the culmination of extensive qualitative research that delves into the intricate nexus between child labor legislation and its profound impact on education policy in Malaysia and Australia. Undertaking a comparative analysis of these two nations, this study aims to illuminate the multifaceted relationship between legal frameworks surrounding child labor and their implications for educational directives.

The impetus behind this qualitative exploration emerged from the pressing need to understand the complexities inherent in the interface of child labor legislation and education policies. The comparative analysis between Malaysia and Australia offers a comprehensive view of the challenges, correlations, and potential solutions to address the prevalence of child labor and its ramifications on access to education. Through meticulous research methodologies, including in-depth interviews and doctrinal legal research (DLR), this study endeavors to contribute valuable insights to the discourse surrounding child labor laws and educational reform in these nations.

ABSTRACT

This qualitative research project focuses on comparing child labor legislation in Malaysia and Australia and its influence on education policy within these respective nations. The study relies on interviews conducted with three specialists well-versed in legislation and policy, aiming to gather professional insights and firsthand knowledge. The primary data collected from these interviews will be analyzed using thematic analysis, a robust qualitative research method. Through this analysis, the study aims to identify recurring themes and patterns within the qualitative data, providing a deeper understanding of the intricate relationship between child labor legislation and its impact on educational policies in Malaysia and Australia. This research aims to contribute to the discourse on child labor, legislative efficacy, and education policies by providing valuable insights gleaned from expert perspectives and rigorous thematic analysis of qualitative data.

CHAPTER 1: RESEARCH OVERVIEW

1.0 Introduction

The chapter provides an overview and context for the research study being conducted. It typically outlines the research background, research problem, research objectives, research questions, research significance, and the chapter summary within the research.

1.1 Research background

1.1.1 Child Labor

Child labor is frequently regarded as a kind of child abuse, since children are deprived of their happiness. Child labor is one of our society's most challenging issues. Children were valuable since the salary was low, there was less to resist, and they were easy to obey. Socioeconomic inequities and a lack of access to education are among the factors that worsen child labor. Exploitation of children is widespread in developing countries to varying degrees, as stated by Cockburn (2001), who discovered that poverty restrictions and financial opportunities play essential considerations in deciding whether to deliver children the possibility of education. The lower cost of child labor has become a role of the country's economy and industry development (Radfar, etl., 2018). During the pandemic, the global economic was shown in a dilemma caused by the family income shortage pushing children into hazardous work environments.

1.1.2 Effects of poverty on education in Malaysia and Australia

The Organization for Economic Cooperation and Development (OECD) defines poverty as living on half the median household income. According to this criterion, it is evident that the global community still has a considerable distance to go in terms of eradicating poverty. Based on OECD (2023) stated that the poverty rate of Australia in 2020 or the latest available data figure estimated is 12.6%. Malaysia raised absolute poverty from 5.6% to 8.4% in 2020 (Department of Statistics, 2021). Malaysia is a developing country where larger family sizes in rural areas decrease the probability of educational engagement and development, indirectly increasing employment. In addition, it concerns the state's socioeconomic, cultural, social expenditure, and demographic transition (Grootaert & Kanbur, 1995). Australia has the highest poverty rate among the wealthy countries. Poverty results in a lack of educational resources, and consequently child labor contributes to the development of a country. Furthermore, it has become a kind of rivalry with formal employees as well as the wages are declining.

1.1.3 Child labor legislation in Malaysia and Australia

Child labor laws are legal regulations designed to impose limitations and restrictions on the employment of individuals who are minors. Child labor legislation in Malaysia is primarily governed by the Employment Act 1955 and the Children and Young Persons (Employment) Act 1966. These acts aim to protect children from exploitation in the workforce and specific rules for their employment, including the minimum age of employment, prohibited occupations, working hours, night work, and hazardous work.

Otherwise, Australia is overseen at both the federal and state levels. The Fair Work Act 2009 is the primary federal legislation governing child labor, while individual states and territories also have their own regulations. For instance, New South Wales as Child Protection (Prohibited Employment) Act 1998 sets out provisions to protect children from certain forms of employment that may be harmful or unsuitable for their age group. It outlines specific prohibited employment for children and restrictions on working hours and conditions for young workers. Child Employment Act 2006 governs the employment of children in Queensland, providing guidelines on aspects related to child labor. It aims to safeguard children's welfare while allowing them to participate in appropriate work activities. Also, Child Employment Act 2003 regulates the employment of children in Victoria ensuring their employment does not interfere with their education, health, or wellbeing. It sets out rules for permitted hours of work, rest breaks, and conditions for young workers.

1.1.4 Education policy in Malaysia and Australia affecting child labor

Education policy in Malaysia focuses on providing access to quality education for all children, emphasizing compulsory education for a certain age group to prevent them from engaging in child labor. Compulsory education policy requires children to attend school from 6 to 12 years to keep children in school and prevent entering the workforce at any early age. Malaysia offers alternative programs (part-time programme) to reach marginalized communities and prevent them from engaging in child labor due to poverty or lack of opportunities. Vocational and technical education provides for older children to gain skills and knowledge useful in employment without exploiting labor practices.

Otherwise, Australia's education policy is similarly aligned with child labor legislation aiming to protect children's rights, health, and educational opportunities. Regarding the education policy, the compulsory age is around 5 to 16, depending on the state and territory. In addition, the policy takes an

integrated approach to address child labor. It works in conjunction with child labor legislation to ensure that young workers are protected. The government collaborates with various stakeholders, engaging the support services provided to vulnerable children and their families to prevent child labor due to economic hardship.

1.2 Research Problem

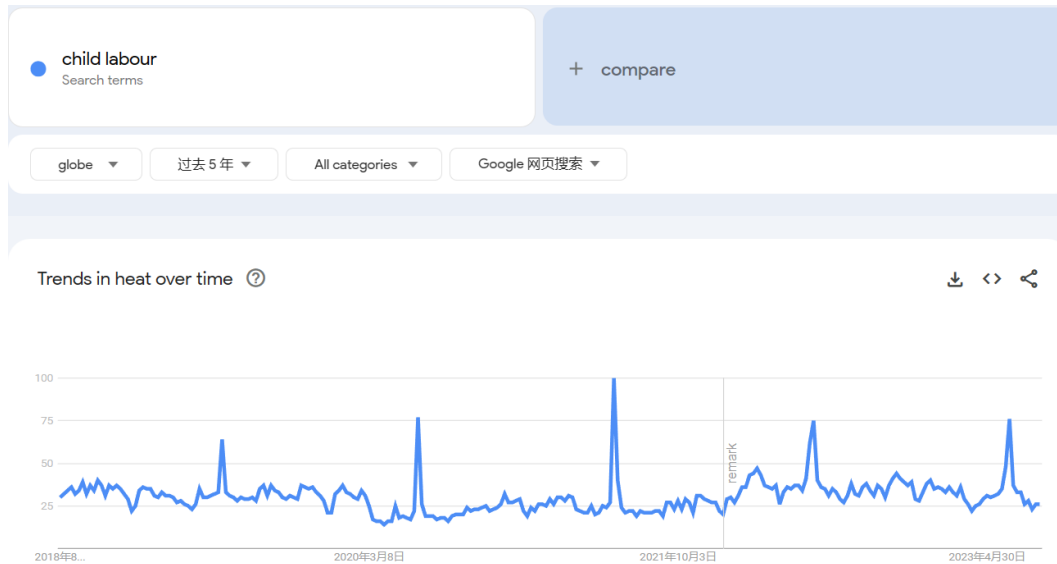
International organization has acknowledged the child labor issue required concern by global. The interplay between child labor regulations and educational strategies, highlighting potential similarities and differences between Malaysia and Australia. While there have been some efforts to address this issue, the existing research is limited, and there is a lack of comprehensive reports specifically addressing the relationship between child labor laws and education policies in these countries. To address this gap, the study will involve a thorough analysis of the legal frameworks related to child labor and education in Malaysia and Australia, followed by a comparative examination to identify key insights and potential areas for improvement.

1.2.1 Trend of Child labor

After the pandemic lockdown year of 2020, child labor saw a significant variation; it peaked at a rate of 100 compared to the preceding several years refer to Figure 1.1. The external factors such as global economic inflation has contributed to changes in poverty rates and social inequalities in both Malaysia and Australia. The factor has impacted poverty alleviation efforts

and influenced the need for policy adjustments to address economic inequalities.

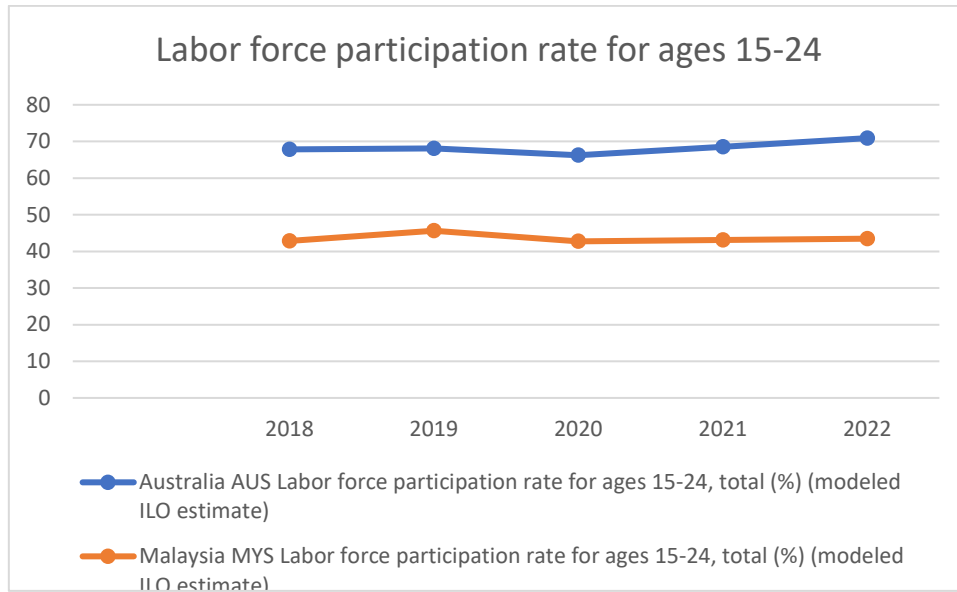
Figure 1.1: Trend of Child labor from 2018 to 2023



Adapted from: Child Labour, (2023). Google Trends. Google.

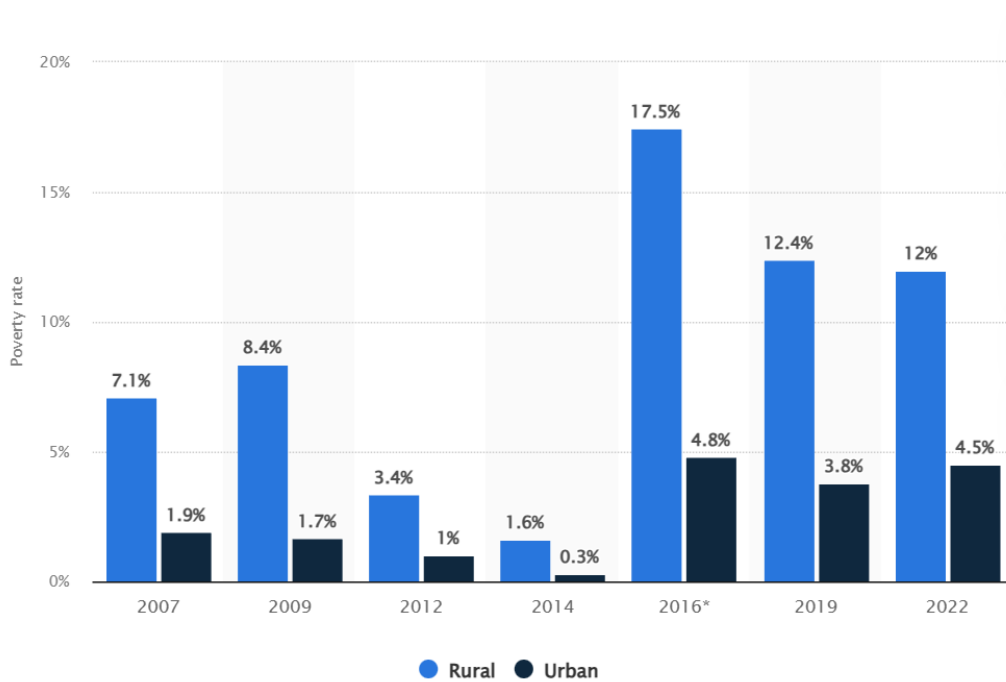
Malaysia and Australia both have a diversified socioeconomic environment with various degrees of development, industrialization, and cultural heritage (Sefa Awaworyi Churchill & Smyth, 2020). Even though Australia has a higher required age than Malaysia in terms of educational regulations, Australia nevertheless has a higher labor force participation rate for those between the ages of 15 and 24 (Figure 1.2). Meanwhile, Australia is a developed country that must reduce poverty owing to economic inequities. Also, Malaysia's poverty rate in rural and urban areas (Figure 1.3) has been steadily increasing since its peak in 2016 and stable in recent years. As a result, Malaysia has incremented economic inflation. Thus, study the impact of poverty on child labor trends and education and aims to provide insights into how legal frameworks and policies can be improved to effectively address child labor and promote education policy.

Figure 1.2 Labor force participation rate of Australia and Malaysia from 2018 to 2022



Adapted from: World Development Indicators (2023). The World Bank.
International Labour Organization.

Figure 1.3 Poverty rate of rural and urban areas in Malaysia from 2007 to 2022



Adapted from: Statista Research Department. (2023, July). Poverty rate of rural and urban areas in Malaysia from 2007 to 2022. Statista.

Although Malaysia has always implemented the child labor legislation according to International Labour Organization forces however, the poverty gap remains wide. Many of child labor uninteresting attending school even provided various alternative program the underlying cost is considerable, and pursuing higher education costs an enormous amount of money as mention from the New Straits Times. Therefore, the government should concentrate on decrease costly educational programs. The Australian's labor force participation between 15 to 24 was from 2019 to 2022, 66.23% increasing to 70.89% forces the poverty drivering child labor. In accordance to Battams et al., (2021) study that children and young people often spend the costly of household poverty in Australia. Especially affects the educational. In the society, the cost of failing talent loss to alleviate poverty is incalculable.

1.2.2 Previous Study on Causes Child Labor

United Nations Children's Fund (UNICEF, 2019) has pointed out that poverty and limited access to education are key drivers of child labor in Malaysia, particularly in areas with high poverty rates, especially rural regions. Similarly, in Australia, the cycle of intergenerational poverty, characterized by growing up in financially disadvantaged families, has far-reaching consequences. It results in lower educational attainment among residents, which in turn affects their mental well-being, work performance, and overall life satisfaction. This childhood poverty not only leads to insufficiency during youth but also increases the likelihood of experiencing poverty in adulthood, thus highlighting the perpetuating cycle of economic hardship (Vera-Toscano & Wilkins, 2020). This shared factor of poverty affecting both Malaysia and Australia contributes to the issue of child labor. Despite being a global concern addressed by the International Labour

Organization, a comparative study of child labor legislation and education policy frameworks between the two countries has yet to be conducted.

1.3 Research Objectives

The research objectives of this study are :

- i. To determine the legislation of child labor in Malaysia affecting education policy
- ii. To determine the legislation of child labor in Australia affecting education policy
- iii. To recommend improving the law and legislation of child labor in Malaysia affecting education policy

1.4 Research Question

The general study involve in the research is :

What is the comparatively child labor legislation in Malaysia and Australia affecting education policy?

The specific study questions are:

- a. How does the implementation of legislation child labor in Malaysia affecting education policy?
- b. How does the implementation of legislation child labor in Australia affecting education policy?
- c. What are the addition for the legislation to child labor in Malaysia affecting education policy?

1.5 Research Significance

This research holds significant importance for several reasons. Firstly, it addresses a critical social issue that affects the education of children in Malaysia and Australia-child labor. By examining the interplay between child labor legislation and education policy in both countries, this study contributes to a deeper understanding of the factors driving child labor and the measures in place to prevent it. The research offers a comparative analysis of Malaysia and Australia, which have different socioeconomic contexts and legislative frameworks.

Understanding the similarities and differences in approach to child labor and education policy can provide valuable insights for policymakers, advocacy groups, and international labor organization working to combat child labor globally. The research will advance the Ministry of Human Resources (MOHR), Ministry of Education (MOE), enforcing and evaluating the legislation's effectiveness.

Otherwise, the Department of Employment, Skills, Small and Family Business, Education, Skills and Employment, and the Fair Work Ombudsman are Australia's core sectors involved in child labor regulations. The Fair Work Ombudsman is the agency that plays a critical role in ensuring that employers comply with child labor legislation.

1.6 Chapter Summary

In conclusion, this chapter provided a brief introduction background about child labor and education policy. The research objective and questions are designed to determine the relationship between child labor legislation and education policy.

CHAPTER 2: LITERATURE REVIEW

2.0 Introduction

The outlines of this chapter delve into a comprehensive exploration of child labor legislation, with a focus on Malaysia and Australia. Our aim is to gain a nuanced understanding of the historical context, legal frameworks, and existing programs aimed at combatting child labor, all while considering the vital role of social dialogue and partnerships with parents, communities, and the private sector.

2.1 Definitions of Child Labor

Child labor is a multifaceted issue that spans a wide spectrum of work carried out by children. It is characterized by activities that deprive children of their childhood, potential, and dignity, often exposing them to physical, mental, social, or moral risks. These activities can either jeopardize their well-being or hinder their education by preventing school attendance, forcing them to leave school prematurely, or requiring them to strike an unhealthy balance between work and schooling (International Labour Organization, 2020). It is crucial to note that child labor can also exist within family-based agricultural activities, where children may face inherent dangers (Abdullah et al., 2022). While legal definitions provide a framework, the battle against child labor extends beyond statutes. It necessitates an ongoing dialogue involving government bodies, civil society organizations, parents, and communities.

The historical roots of child labor can be traced back to the Industrial Revolution, which led to the exploitation of children in the workforce. The United Kingdom's

early enactment of child labor laws in 1802 marked the beginning of international legislative efforts to safeguard children's well-being. Subsequently, many countries followed suit, recognizing the need to safeguard the health and well-being of their young population. In 1973, the International Labor Organization (ILO) played a pivotal role by setting a minimum working age. These early efforts set the stage for the eventual inclusion of child labor as a central component of the Millennium Development Goals, with the aim of its complete eradication by 2015 (Ibrahim et al., 2019). It is worth noting that child labor persists in some sectors, such as the palm oil industry in Malaysia, where approximately 33,000 children are involved (McDowell & Mason, 2020).

Moreover, social dialogue addresses child labor by promoting cooperation, good governance, and the effective development of anti-child labor policies. It is central to the ILO's mission, fostering consensus and democratic participation. This dialogue significantly impacts child labor legislation and education policy by providing a platform for the government, employers, and workers to tackle child labor issues collaboratively. Through these dialogues, stakeholders can create and implement policies that prioritize child welfare, enhance working conditions, and improve access to quality education, contributing to eliminating child labor and promoting inclusive education systems. For example, in Malaysia, social dialogue involving government, employers, and workers has led to the creation of policies like the National Action Plan on Child Labor, while Australia's ongoing social dialogue strengthens child labor legislation like the Fair Work Act, involving educational institutions, businesses, and communities actively.

2.2 History of Efforts Done for Child Labor Legislation in Malaysia

After gaining independence, Malaysia embarked on the development of labor laws, with significant attention given to addressing child labor. The Employment Act of 1955 was a milestone piece of legislation, and it was complemented by the Children

and Young Person Employment Act of 1966, which set minimum working ages, limited working hours, and identified types of work prohibited for children. Malaysia's membership in the International Labour Organization (ILO) since 1957 played a crucial role, leading to the ratification of several ILO conventions related to child labor. These included Convention No. 138 on the Minimum Age for Admission to Employment and Convention No. 182 on the Worst Forms of Child Labor. In 1992, Malaysia introduced the National Child Policy, aimed at promoting children's rights and welfare, with a particular focus on eradicating child labor. A significant milestone was achieved in 2019 when the ILO, in collaboration with the Ministry of Human Resources (MOHR), launched the National Action Plan on Child Labor, reaffirming Malaysia's commitment to combating child labor through comprehensive legal measures (International Labour Organization, 2020b).

One notable aspect of child labor in Malaysia is its diverse ethnic composition. Table 2.1 (Kamal, 2015) reveals that child laborers in Malaysia come from various ethnic backgrounds, with the Malay ethnic group accounting for the majority at 65.7 percent. This diversity underscores the need to address child labor comprehensively, taking into account the cultural and social factors contributing to its prevalence among different ethnic communities. The historical journey to combat child labor is intrinsically linked with the nation's socio-cultural diversity. A holistic approach to legislation, incorporating input from various ethnic communities and civil society organizations, has been pivotal. However, addressing ethnic disparities in child labor participation requires sustained social dialogue and collaboration with communities (International Labour Organization, 2023). Additionally, partnering with industries, particularly those with high child labor risks like agriculture industry, is imperative. Businesses must adhere to ethical standards and collaborate with the government to eliminate child labor from their operations.

Table 2.1: Ethnicity of Child Labor in Malaysia

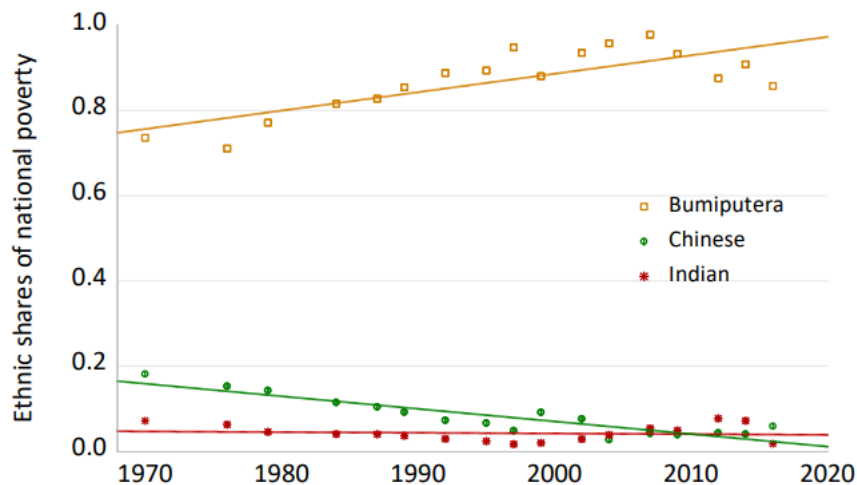
	Frequency	Percentage (%)
Malay	366	65.7

Indian	45	8.1
Chinese	64	11.5
Others	82	14.7

Source: Critical Analysis on the Children and Young Person Employment Act 1966 and the Education Act 1996 in Relation to Causes and Effect of Child Labour in Malaysia (Kamal, 2015).

Additionally, despite a reduction in overall poverty rates, there are persistent economic challenges within the Bumiputera community, emphasizing the importance of targeted policies. Malaysia's commitment to international labor standards, marked by the ratification of ILO conventions, has strengthened its legal frameworks and enforcement mechanisms. Nevertheless, challenges persist, particularly in addressing ethnic disparities in child labor participation (Figure 2.2).

Figure 2.2 Ethnic share of poverty from 1970 to 2020



Adapted from: Ravallion, M. (2019). Ethnic Inequality and Poverty in Malaysia Since 1969.

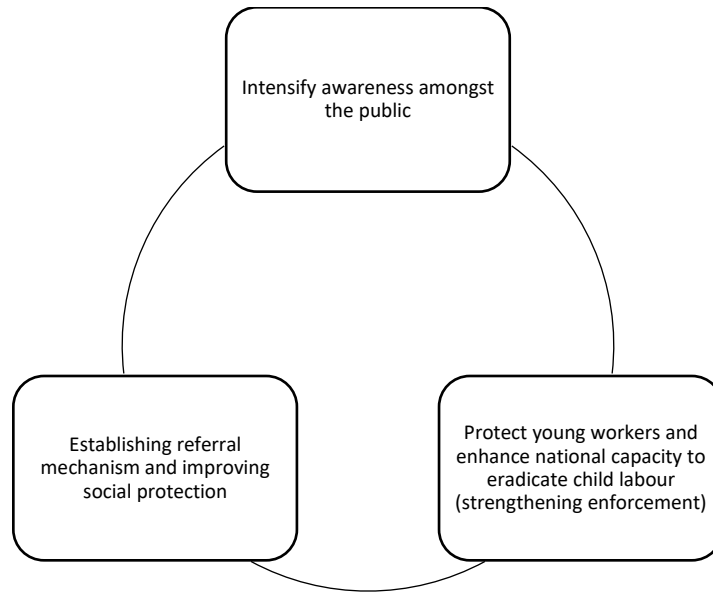
2.3 Child Labor Legislation affecting Education Policy in Malaysia for the Past 10 Years

Over the past decade, child labor legislation in Malaysia has played a pivotal role in shaping education policies, but this transformation is most effective when it's part of a larger social dialogue. These policies reflect the nation's commitment to ensuring that children have access to education while also safeguarding their rights and well-being, particularly in the context of labor. The Education Act of 1996 has been a cornerstone in this regard, as it mandates compulsory education for children aged 6 to 12, is a cornerstone of this effort. However, this legislation is most effective when seen as part of a broader social dialogue involving stakeholders such as parents, teachers, and local communities.

Furthermore, Malaysia's adherence to international labor standards, particularly the ratification of ILO Convention No. 182 on the Worst Forms of Child Labor in 2000, underscores the government's dedication to eradicating child labor.

Consequently, education policies have been formulated to create an environment that enables children to attend school without being hindered by exploitative work. The National Education Blueprint (2013-2025) is a testament to Malaysia's commitment to enhancing educational opportunities and addressing disparities in access and achievement. This blueprint aligns with the overarching goal of keeping children in school and out of the labor force. Malaysia's proactive approach includes awareness campaigns and initiatives such as the National Action Plan on Child Labor (Figure 2.3), should be seen as a collaborative effort involving all sectors of society.

Figure 2.3 National Action Plan on Child Labour in Malaysia



Source: International Labour Organization. (2020b, June 25). ILO, UNICEF urge Malaysia to tackle child labour issue. Ilo.org.

2.4 History of Efforts Done for Child Labor Legislation in Australia

Australia has a rich history of addressing child labor, with significant legislative developments dating back to the late 19th century. During this period, there was a surge in child labor, particularly in industries such as mining, construction, agriculture, pastoral work, commerce, and transportation (Table 2.4). To combat this issue, Australia introduced the Factory and Shops Acts, which imposed limitations on the working hours and conditions for children. A landmark moment in the development of child labor laws in Australia was the Harvester Judgment of 1907, in which the High Court of Australia declared that workers' wages, including those of children, should provide a basic standard of living. It was a result of robust social dialogue and legal proceedings. To maintain these standards in the modern era, Australia needs continued engagement with communities and industries.

Legislative advancements are most effective when they are accompanied by ongoing dialogues with businesses, trade unions, and the broader public.

In 2006, the Fair Work Act replaced earlier workplace relations legislation and included provisions related to child employment. This historical progression highlights Australia's commitment to safeguarding the rights of child workers and modernizing workplace relations to better protect them (Table 2.4).

Table 2.4: Child and Adolescent Participant in Key Industries: Queensland 1891, 1901

Total workforce	1891	1901
Mining	11,627	16,375
Industrial (Building)	47,184	51,716
Agricultural and Pastoral	67,992	68,323
Commerce and Transport	20,386	34,694

Source: Bowden, B. (2009, August). Re-considering The Use of Child Labour: Why Nineteenth Century Australia was Different to other Modernizing Nations.

2.5 Child Labor Legislation Affecting Education Policy in Australia for the Past 10 Years

In the past decade, child labor legislation in Australia has significantly influenced education policies, strongly emphasizing preserving children's access to education while preventing their exploitation in the workforce. The Education and Training Reform Act 2006 (Victoria) includes provisions to ensure that young people aged 15 and under cannot be employed during school hours without specific exemptions, thereby safeguarding their access to education.

Australia's recent child labor legislation is a testament to its dedication to protecting children's rights. However, this commitment is solidified when complemented by

partnerships with parents, communities, and the private sector. Legislation, such as the Fair Work Act 2009, should be considered part of a broader strategy involving educational institutions, businesses, and local communities. Ensuring that children of compulsory school age do not engage in work during school hours requires a collaborative approach.

Additionally, the Education and Care Services National Law (2010) underscores the significance of educational opportunities for children, especially those of preschool age, ensuring their participation in work does not hinder their access to quality education. The Fair Work Amendment (Protecting Vulnerable Workers) Act 2017 further strengthens penalties for employers who exploit vulnerable workers, including children. This underscores the importance of protecting children's educational prospects.

2.6 Government Agencies Involved in Education Programs in Malaysia and Australia

Malaysia and Australia have a complex internet of government agencies responsible for education programs. These agencies play a pivotal role, and their effectiveness is heightened when they engage in ongoing social dialogue. This dialogue should encompass government bodies, parents, communities, and private sector representatives.

In Malaysia, various agencies, such as the Ministry of Education (MOE), Ministry of Higher Education (MOHE), Department of Islamic Development Malaysia (JAKIM), Ministry of Rural and Regional Development (KPLB), Malaysian Examination Board, and Malaysian Qualifications Agency (MQA), work collaboratively to create an inclusive education system. These agencies play a crucial role in shaping policies, implementing educational initiatives, and ensuring children have access to quality education.

Australia has a multifaceted system of government agencies responsible for education. The Australian Government Department of Education, Skills and

Employment, along with its state and territory counterparts, oversees education policies and programs. Additionally, agencies such as the Australian Curriculum, Assessment and Reporting Authority (ACARA) and the Australian Children's Education and Care Quality Authority (ACECQA) play pivotal roles in maintaining educational standards and quality across the country. They need to work in coordination with schools, parents, and the private sector to ensure quality education and child protection.

By weaving social dialogue and partnerships into the fabric of child labor legislation and education policy, Malaysia and Australia can create more robust, sustainable solutions. Collaboration among all stakeholders is not just desirable; it is essential for achieving the shared goal of eradicating child labor while ensuring every child's right to education is protected.

2.7 Chapter Summary

In conclusion, this chapter has provided a comprehensive exploration of child labor legislation, tracing its historical roots and evolution in Malaysia and Australia. It has emphasized the vital role of ongoing social dialogue and inclusive partnerships with parents, communities, and the private sector, underscoring the importance of collaborative efforts in eradicating child labor and ensuring every child's right to education is upheld.

CHAPTER 3: METHODOLOGY

3.0 Introduction

The systematic and structured approach used in conducting research study. In this chapter encompasses the research design, sampling design, and data analysis method.

3.1 Research Design

The research design aims to determine the effectiveness of comparing child labour legislation for affecting education policy in Malaysia and Australia. Ensuring a comprehensive and flexible framework that guides the study of data collection and analysis. It involves the selection of research methods, data sources, and strategies for exploring complex and context-specific phenomena.

3.1.1 Qualitative Method

In-depth interviews to delve into complex social phenomena and gain deeper insights. In the study of comparing child labor legislation in Malaysia and Australia and its impact on education policy, conducting interviews with experts in the field of law can provide nuanced perspectives and expert opinions, enriching the understanding of the intricate interplay between legal legislation and education policy.

3.1.2 Doctrinal Legal Research

In the context of qualitative research, Doctrinal Legal Research (DLR) involves a comprehensive examination and analysis of established legal materials, including statutes, case law, and legal literature. This approach aims to interpret and synthesize legal principles, doctrines, and concepts to gain a profound understanding of legal concepts and issues. DLR is characterized by a structured procedure, often considering historical contexts, and it primarily focuses on legal sources (P. Ishwara Bhat, 2020). This study compares the child labor legislation in Malaysia and Australia affecting education policy. Thus, Doctrinal Legal research applies to this research.

3.2 Sampling Design

Sampling design outlines the procedures for determining the sample in a subset representing the target population, sampling frame, technique, and size to ensure the validity and reliability of research findings.

3.2.1 Target Population

Since the study applies qualitative research, the target population refers to the group of individuals or entities that this research aims to conclude about.

This study determines the experts who possess knowledge in the field of legislation and policy. Thus, these experts are selected for interviews to gather valuable insights into the child labor legislation in Malaysia and Australia affecting education policy.

3.2.2 Sampling Frame

The sampling frame is the list or source from which potential experts are identified and selected for interviews. In this study, the sampling frame are academic institutions and non-government agencies in Malaysia that provide access to expert in the background of legislation and policies aspect.

3.2.3 Sampling Technique

The sampling technique outlines the method to select the experts from the sampling frame. Given conducting the in-depth interviews, non-probability sampling, known as Purposive sampling, is used when making decisions by exercising competent judgement (Black, 2010). Purposive sampling technique appropriate. This approach involves targeting individuals based on their expertise and experience, ensuring that they provide reliable and valuable insights.

3.2.4 Sampling Size

The sampling size represents the number of participants to interview. The size should be sufficient to achieve the data saturation mean as it collects similar responses and themes from interviewees, indicating that they have gathered comprehensive information. The sampling size consists of four experts in the research. The experts aim to obtain a comprehensive understanding of the subject matter and ensure the data collected is sufficiently rich and representative to achieve the lowest of error.

3.3 Data Collection Method

Data collection refers to the systematic technique used to gather information, observations, or facts for research and analysis purposes. It involves the structured approach employed to collect data from interviews with the aim of generating empirical evidence for research inquires.

3.3.1 Primary Data

The interview is a vital data-collecting method in qualitative research due to it provides direct citations from informants and is a straightforward means of gathering data about interviewees' opinions and experiences (Muzari et al., 2022). As a research instrument, it is created with structured interviews designed to elicit the interviewees' thoughts, opinions, and feelings about comparative child labor legislation in Malaysia and Australia affecting education policy. It allows the interviewer to ask similar questions for each participant in the exact measurement, ensuring the knowledge is reliable and accurate.

3.4 Data Analysis

Thematic analysis stands as a robust qualitative research method meticulously employed in this study. It systematically entails the identification, analysis, and interpretation of recurring patterns or themes within the qualitative data. These emergent themes encapsulate meaningful insights, concepts, or ideas from the data corpus, facilitating an in-depth exploration and comprehension of the underlying phenomena (Lochmiller, 2021). By harnessing thematic analysis, it has unearthed and elucidated significant thematic patterns inherent in the interview data. This process, in turn, illuminates the intricate relationship between child labor legislation and education policy in Malaysia and Australia.

This analytical approach requires a meticulous examination of the qualitative data, primarily derived from interview transcripts, to unearth recurrent themes or patterns. Importantly, these themes do not stem from preconceived notions, but rather organically manifest from the data itself. Researchers systematically engage in coding, categorization, and data interpretation to unravel these salient themes. Thematic analysis boasts a flexible and iterative nature, permitting a profound exploration of the data's content. In the context of this study, thematic analysis serves as the ideal conduit to capture the rich perspectives, experiences, and opinions of experts within the realm of legislation and policy. It empowers to delve deeply into the research topic, providing nuanced insights.

The relevance of thematic analysis to this research is paramount. It offers a structured yet adaptable approach to distilling meaning from the collected qualitative data. Through this method, the study distills the key insights proffered by experts concerning the intricate interplay between child labor legislation and education policy in Malaysia and Australia. The identification and analysis of themes enable to draw robust conclusions, uncover discernible trends, and construct a comprehensive narrative that effectively juxtaposes both the legal and experiential dimensions of our research. Thematic analysis, in synergy with other integral research components, allows for furnishing a holistic panorama of how child labor

legislation profoundly influences education policy in these two nations. Ultimately, this methodological approach contributes substantively to a profound understanding of this critical issue.

3.5 Chapter Summary

In this chapter, the research design, sampling design, and data collection method for the comparative study of child labor legislation in Malaysia and Australia affecting education policy have been meticulously outlined. The qualitative approach, incorporating in-depth interviews and Doctrinal Legal Research (DLR), is chosen to gain comprehensive insights. The sampling design, including the target population, frame, technique, and size, is well-defined, and the use of purposive sampling is justified. The data collection method, primarily relying on primary data through structured interviews, is well-structured for gathering reliable and rich information.

CHAPTER 4: DATA ANALYSIS

4.0 Introduction

The chapter covers the responses of interview session conducted from the targeted interviewees in order to the research objectives. Beginning of this chapter includes the research questions, responses, and the respondents' profile.

4.1 Interviewees Questions, and Responses

Question

- | |
|--|
| <ol style="list-style-type: none">1. How would you describe the current state of child labor and its impact on children's access to education? |
|--|

<p><i>Ms Lee Sim Kuen</i></p>

<p>i. NEW YORK/GENEVA, 10 June 2021 – The number of children in child labour has risen to 160 million worldwide – an increase of 8.4 million children in the last four years – with millions more at risk due to the impacts of COVID-19, according to a new report by the International Labour Organization (ILO) and UNICEF.</p>
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<p>Source: https://www.worldvision.org/child-protection-news-stories/child-labor-facts#:~:text=In%202020%2C%2063%20million%20girls,likely%20to%20work%20than%20girls</p>
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ii. Nearly two-thirds of 10-year-olds are estimated to be unable to read and understand a simple text. Without urgent action, this global learning crisis will become a generational catastrophe. Education systems are failing our children.

- Education systems were already failing our children even before the pandemic. COVID-19 exacerbated this learning crisis and children in almost every country have fallen behind in their learning. We need a global effort to tackle the learning crisis head on. Together, we can help every child gain basic reading and maths skills and unlock their potential.

Source: https://www.unicef.org/learning-crisis?gclid=Cj0KCQiAgqGrBhDtARIsAM5s0_n1wDoQf8QmMK9_HECdYexNcf0VRTT9aTocezIfTBDskBiJtKb3JcgaAgjTEALw_wcB

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- 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 worst forms of child labor. The Government of Malaysia has also passed legislations to regulate child labor in the country.
- Therefore, The Children and Young Persons (Employment) Act 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 .
- Source: <https://toolsfortransformation.net/wp-content/uploads/2017/03/DefinitionLegalBackgroundChild-Labour.pdf>

2. Could you please briefly explain the major components of child labor legislation in Malaysia and Australia affecting education policies?

Ms Lee Sim Kuen

- Malaysia - The Malaysian government has ratified both ILO Conventions on child labour (No. 138 on Minimum Age and No. 182 on Worst Forms of Child Labour). The minimum age for full time employment is 15 years, and children aged 15-17 are protected from hazardous work. Also consider the Malaysian Child Act 2001 (Act 611) which is the country's legislation for the protection, care and rehabilitation of children. This Act incorporates the core principles of non-discrimination, best interests of the child, the right to life, survival, and development as well as respect for the views of the child.
- Legal Framework in Malaysia - Malaysia has a legislative, administrative and policy framework to cater for the protection and needs of children and the promotion of their physical, mental, intellectual, and emotional development. Consider the Malaysian Federal Constitution which sets out the basic human rights standards, which also extend to...
- Australia's Child employment laws prioritise education by setting limits on work hours during school days and ensuring that work does not interfere with a child's compulsory education. Employers should be careful not to roster a child during school hours and be considerate of their educational commitments outside of work.

Source: <https://erstrategies.com.au/child-employment-laws/>

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- In Malaysia, such employment is governed by the Children and Young Persons (Employment) Act[1] ('the Act'). Specifically, Section 2(1) of the Act lays down 3 elements that an employer needs to fulfill before a child or young person can be employed.

Children	Young Person
1. Must be at least 15 years of age[2].	1. Must be at least 19 years of age[3].

<p>2. He cannot be employed in any hazardous works[4].</p>	<p align="center">-</p>
<p>3. He cannot be employed under any circumstances save for those employment specified in Section 2 (2) of the Act, namely:</p> <p>i. Employment involving light work that he is able to perform in his family-run businesses[5];</p> <p>ii. Employment in the public entertainment industry; however, subject to the terms and conditions of the license granted by the Act[6];</p> <p>iii. Perform work approved or sponsored by Federal Government/ State Government and carried on in any school, training institution/ training vessel[7]; or</p> <p>iv. Employment as an apprentice under an apprenticeship contract approved by Director-General[8].</p>	<p>3. He cannot be employed under any circumstances save for those employment specified in Section 2 (3) of the Act, namely:</p> <p>i. Any employment mentioned above, and in relation to the first exception above, he can be employed regardless of whether or not it is his family-run business[9];</p> <p>ii. Employment as a domestic servant[10];</p> <p>iii. Working in any office, shops, godowns, factories, worships, stores, boarding houses, theatres, cinemas, clubs or associations[11];</p> <p>iv. Employment in any industrial sector suitable to his capacity[12]; or</p> <p>v. Employment on any vessel under the personal charge of his parents and guardians[13].</p>
<p>Otherwise, Working hours and rest period of children</p> <p>i. Cannot work between 8 pm and 7 am unless they are employed in the public entertainment industries[14].</p> <p>ii. Cannot work for more than 3 consecutive hours without at least 30 minutes of rest[16], 6 hours a day[18].</p> <p>iii. If he is attending school, the combined time he spends in school and employment must not exceed 7 hours[20]. Also, Must have 14 consecutive hours free from work before re-commencing his work[22].</p>	

Working hours and rest period of Young Person

- i. Cannot work between 8 pm and 6 am unless they are employed in the public entertainment industries[15], more than 4 consecutive hours without at least 30 minutes of rest[17], as well as more than 7 hours a day, unless the young person is an apprentice under Section 2 (2)(d), in which case he cannot work for more than 8 hours a day[19].
- ii. Especially, If he is attending school, the combined time he spends in school and employment must not exceed 8 hours[21]. Other than that Must have 14 consecutive hours free from work before re-commencing his work[23].
 - Other terms and condition including 1. Employment of a female young person, Definition of hazardous work, Further prohibitions, and Penalties for contravening the provisions of the Act, etc.

Source: <https://fareezlaw.com/employment-law/employment-of-children-and-young-person/>

- iv. Could you discuss about the Malaysia education policy challenges implemented relevant to child labor legislation?

Ms Lee Sim Kuen

- Main challenges of inclusive child education are the lack of infrastructure and resources. Another challenge is the lack of awareness among teachers and school administrators about the needs of students with disabilities.

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- LETTER | Regaining Malaysia's humanity and child rights, In Malaysia has many children who are currently denied basic education. A child without access to education is imprisoned in a life-time poverty trap - a tragedy for children and our shame as a nation.

- All children, whether migrant, refugee, stateless, of a different nationality or disabled, must be provided access to primary and secondary education. Yet, Malaysia's "Zero Reject Policy" is viewed by the Ministry of Education and education officers on the ground as only applicable to Malaysians.
- Children should not be treated as adults and must be protected, the Convention on the Rights of the Child defines a child as "every human being below the age of 18 years".
- Including The Children and Young Persons (Employment) Act 1966 (Act 350) defines a child as a person under 14 years of age, permitting those aged 15 and above to work with some conditions.
- Children aged 12 and above are admitted to adult wards and cared for by health professionals who are not trained in looking after children.
- Older children and adolescents are sometimes incarcerated in adult prisons and brought to court handcuffed, along with adult inmates.
- Migrant/refugee children are held in detention, often in sub-optimal conditions; many are separated from their parents.
- Also, many children, especially in Sabah and Sarawak, remain stateless with no access to health, education or a meaningful future. Some of these children are born into families that have lived in Malaysia for generations but have no official documents. These children are not supported by government services and their poverty is not addressed as they are not recognised as Malaysians.

Source: <https://m.malaysiakini.com/letters/652713>

- v. Is there any legislation implemented in Malaysia in the past and currently that you can share about it on this research topic?

Ms Lee Sim Kuen

- Employers in Malaysia must comply with employment and labour laws when hiring, managing, and terminating employees, including obtaining foreign quota approval for foreign employees, providing

leave entitlements, setting working hours, registering with the Employees Provident Fund, drafting employment contracts, and providing severance payments. Refer to: <https://malaysia.acclime.com/guides/employment-law/>

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- According to New Straits Times (2018), KUALA LUMPUR: Repeat offenders who hire children aged below 15 can now be jailed up to five years, following amendment to the Children and Young Persons (Employment) Act 1966 (Act 350). The jail term is increased from maximum one year to not exceeding two years (for first offenders), and repeat offenders face increased jail sentence from maximum three years to five years. For Sabah and Sarawak, the provision of Act 350 is provided under the Labour Ordinance (Sabah Cap. 67) and Labour Ordinance (Sarawak Cap. 76) which is enforced by the Sabah Human Resources Department and Sarawak Human Resources Department respectively.
- Kulasegaran noted that the amendment to the Act also provides that children and young persons were not allowed to be involved in dangerous work such as handling machinery, jobs that expose them to dangerous chemicals, extreme temperatures, and loud noises. The amended Act also states that children aged 15 but below 18 are categorised as young persons.
- Employers are also barred from employing children and young persons in the selling of alcohol, jobs related to gambling and lottery, massage and reflexology service, prostitution or as social escorts. However, Act 350 is only applicable in Peninsular Malaysia and enforced by the Peninsular Malaysia Human Resource Department. The maximum five-year custodial sentence was among amendments to the Act, with the maximum fine increased to RM50,000, and repeat offenders face maximum fine of RM100,000. The Bill to amend the Act was passed unanimously at the Dewan Rakyat today after it was debated by 19 members of Parliament and had three readings.

- Source: <https://www.nst.com.my/news/nation/2018/10/422203/heavier-penalties-those-who-exploit-child-labour>

vi. Is there any effective measure to combat child labor and affecting education policy in Malaysia and Australia?

Ms Lee Sim Kuen

- In Malaysia, Teachers and school leaders, Ministry Transformation, system structure. Malaysia education blueprint, 2013 2025: preschool to post-secondary education. Kementerian Pendidikan Malaysia.
- Source:
https://www.ilo.org/dyn/youthpol/en/equest.fileutils.dochandle?p_uploaded_file_id=406#:~:text=They%20include%3A%20ensuring%20universal%20enrolment,countries%20in%20international%20assessments%20like
- In Australia, to strengthen performance and support students from disadvantaged backgrounds and Aboriginal and Torres Strait Islander students, Australia has made investments in early childhood education and care, with a National Early Childhood Development Strategy (2009) and has defined completion objectives for VET and ways to strengthen apprenticeships to develop the skills of students from socio-economically disadvantaged backgrounds.
- Through its schools' policy, Students First (2014), the Australian Government targets the following four key policy areas: 1) developing a sound national curriculum; 2) improving the quality of teaching; 3) expanding principals' autonomy; and 4) engaging parents and the wider community in how their school is run.
- The Australian Institute for Teaching and School Leadership (AITSL) (2010) aims to promote excellence in teaching and school leadership. The AITSL develops nationally agreed policies and provides

resources to support educators to become expert practitioners and drive excellence in teaching and school leadership.

- Australia is also implementing several policies aiming at improving the quality of teaching at different points during a teaching career. It introduced a national approach to the Accreditation of Initial Teacher Education Programmes (2013) to ensure the quality of programmes across the country. Recent policy direction seeks to build on this with the establishment of the Teacher Education Ministerial Advisory Group (2014) to look at ways to better prepare new teachers. The Australian Charter for the Professional Learning of Teachers and School Leaders (2013) aims to promote improvement throughout teaching careers. Additionally, the Australian Professional Standards for Teachers (2013) provide guidance for the quality of teaching across three domains (Professional Knowledge, Professional Practice and Professional Engagement) and four career stages (Graduate, Proficient, Highly Accomplished and Lead).
- Through the National Agreement for Skills and Workplace Development (NASWD, 2009) and the National Partnership Agreement on Skills Reform (NP, 2012), the objective is to improve access to training and participation in the labour market. Under the NP, all jurisdictions are required to implement key reforms so that at any age, an unqualified working Australian is able to access a training place subsidised by the government in order to pass at least the first Certificate III qualification. All jurisdictions are also required to support the expansion of the Commonwealth's income-contingent loan policy that helps reduce tuition costs. The Australian Government provides funding to state and territory training systems through funding associated with these agreements.
- In tertiary education, Australia has introduced the Upholding Quality – Quality Indicators for Learning and Teaching measure (2014). Additionally, to promote internationalisation at the tertiary level and increase collaboration in the region, Australia is piloting the New

Colombo Plan (2013), which provides funding for Australian students to study or intern in the Indo-Pacific region.

- Refer to <https://www.oecd.org/education/highlightsaustralia.htm>
- ILO • Combating child labour through education.
- Source:
https://mail.google.com/mail/u/1?ui=2&ik=5b896f5f0b&attid=0.2&permmsgid=msg-f:1783990757322361513&th=18c202244cc78aa9&view=att&disp=inline&realattid=f_lpl5d9ss1

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- The law must be looked into in such a way that children must be (recognised) as children. They need to go to school. School must be the first priority.

- Meanwhile, there needs to be more support for children from lower-income families, especially the ones who have fallen behind in their studies after missing out on online lessons for two years.
- It should be one of Putrajaya's focuses for Budget 2023.
- Support could come in the form of food allowances for children and free transportation for those living far away from their schools. Remedial or extra classes could also be offered to students struggling to cope with the "lost time."
- Should there still be a need for children to work and assist their families, it must only be allowed for fixed hours after school. They also need to be paid accordingly, without discrimination or exploitation.

Source: <https://www.astroawani.com/berita-malaysia/child-labour-national-action-plan-needed-protect-our-children-says-expert-366101?amp=1>

vii. What strategies or policies have been put in Malaysia to address the root causes of child labor, particularly in relation to poverty and improvement to education policy?

Ms Lee Sim Kuen

Refer to Question 5 answer.

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- National Action Plan for Child Labour to emphasising the importance of ensuring all children had equal access to education, regardless of who they are.
- Otherwise as mentioned at previous Question 5 answer.
- Source: <https://www.astroawani.com/berita-malaysia/child-labour-national-action-plan-needed-protect-our-children-says-expert-366101?amp=1>

viii. Are there any specific industries or sectors where child labor is more prevalent? How does legislation and education policy target these industries to ensure children's rights are protected?

Ms Lee Sim Kuen

- According to the International Labour Organization (ILO), agriculture is where the worst and most common forms of child labor are found. Coffee plantations employ children to pick beans in Colombia, Tanzania, Kenya, Uganda, Mexico, Nicaragua, Dominican Republic, Honduras, Panama, El Salvador, Guinea, and Ivory Coast –
- Source: <https://www.dw.com/en/industries-that-rely-on-child-labor/g-41431614#:~:text=According%20to%20the%20International%20Labour,%2C%20Guinea%2C%20and%20Ivory%20Coast>
- The UN Convention on the Rights of the Child.
- Core principles include: the child's survival and development, best interests of the child, non-discrimination, children's participation.

- Sphere, Minimum Standards for Child Protection in Humanitarian Action, and its core principles and standards for child protection work (see the diagram below).
- Rights-based approaches, including age, gender, and diversity mainstreaming (AGD).
- Full integration of child protection.
- The Interagency Guiding Principles on Unaccompanied and Separated Children
- Source: [https://emergency.unhcr.org/protection/persons-risk/child-protection#:~:text=Core%20principles%20include%3A%20the%20child's,\(see%20the%20diagram%20below\)](https://emergency.unhcr.org/protection/persons-risk/child-protection#:~:text=Core%20principles%20include%3A%20the%20child's,(see%20the%20diagram%20below))

Dr. Angelina Anne Fernandez

Refer to Question 5 answer has mentioned.

- ix. Are there any collaboration and coordination among different stakeholders, such as government agencies, NGOs, and international organizations, in addressing child labor and promoting education for Malaysia and Australia?

Ms Lee Sim Kuen

- For Malaysia, PARTNER WITH PARENTS, COMMUNITY, AND PRIVATE SECTOR AT SCALE.
- Equip every parent to support their child's learning through a parent engagement toolkit and online access to their child's in-school progress.
- Invite every PIBG to provide input on contextualisation of curriculum and teacher quality from 2016.
- Expand Trust School model to 500 schools by 2025 by including alumni groups and NGOs as potential sponsors.

- Source:
https://www.ilo.org/dyn/youthpol/en/equest.fileutils.dochandle?p_uploaded_file_id=406#:~:text=They%20include%3A%20ensuring%20universal%20enrolment,countries%20in%20international%20assessments%20like
- For Australia – Source:
<https://mneguidelines.oecd.org/Ending-child-labour-forced-labour-and-human-trafficking-in-global-supply-chains.pdf>
AND Source:
<https://www.dfat.gov.au/sites/default/files/foundation-role-of-key-stakeholders-aid-effectiveness-principles.pdf>

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- International Labour Organization (ILO) and UNICEF highlight the need to act urgently to avoid a rise in the incidence of child labour as a result of increased poverty and children dropping out of school due to COVID-19.
- The UN has declared 2021 the International Year for the Elimination of Child Labour. This provides an opportunity for all governments, international and regional organizations, workers' organizations, employer and business membership organizations, civil society organizations, academic institutions and other relevant stakeholders and networks to join efforts to tackle child labour on the road to 2025, the date set by SDG Target 8.7 to end child labour in all its forms.
- In November 2019, Malaysia also expressed interest to become an Alliance 8.7 Pathfinder Country. Alliance 8.7 is a global partnership focusing on accelerating actions toward achieving SDG Target 8.7, scaling up solutions that work, driving innovation, and leveraging and maximizing the impact of resources to eradicate forced labour, modern slavery, human trafficking and child labour.
- Source: https://www.ilo.org/asia/media-centre/news/WCMS_749128/lang--en/index.htm

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- x. From your perspective, what improvements or changes need to be made to child labor legislation and education policies to better address the challenges faced by working children and to enhance access to quality education?

Ms Lee Sim Kuen

- Awareness-raising, Education, Peer Education, Advocacy, Vocational Education and Skills Training, and Child Labor Monitoring
- Source: <https://winrock.org/wp-content/uploads/2016/04/winrockenglish.pdf>
- Review of Tasmanian Child Labour Laws
- Source: <https://winrock.org/wp-content/uploads/2016/04/winrockenglish.pdf>

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Child Labour and Remediation Policy - AIMFLEX Berhad,

1. REMEDIATION PROCEDURES:

STEP ONE: If suspect that workers in a factory may be underage, check their ID as part of a routine document check process without raising the alarm.

STEP TWO: if confirm the child is underage or if ID checks are inconclusive, you should take the following action:

- Remove the child from all work immediately. Preventing the continuation of work and report to your immediate superior.
- Ensure the child is in a safe place.
- Obtain contact details of child and parents/guardian, and wherever possible, the home address.
- Talk to the child to ensure they understand what is happening and why. Listen to them to understand their needs. Explain the possible remediation options and other measures to be put in place. Ensure they agree to participate in the remediation procedures.
- Inform the Human Resource Department.

STEP THREE: Human Resource Department shall take the following actions:

- Arrange payment of a stipend to the child both during the exploratory phase and throughout the whole remediation procedures. The stipend should be equivalent to the amount the child was earning whilst employed, or at least local minimum wage standard, whichever is higher. The stipend should be paid in monthly, rather than as a lump sum.
- Contact the parents/guardians to ensure that they understand and agree with what is happening and to explain the ongoing provision of stipend, food, and accommodation. If necessary, identify the education programme and educate the parents about the benefits of schooling/vocational training.
- With younger children, the strong involvement of parents/guardians is particularly important. In cases where parents have sent their child to work, this process of persuasion may be difficult. If necessary, advise the parents to identify other family members to replace for the child to work.
- Review all the personnel records at the workplace to identify whether there are any other child workers.

2. DUTY TO INFORM & NOTIFY THE MANAGEMENT

All employees in the Group have a continuous responsibility for identifying and reporting the child labour situation to the Management. If an employee is aware of the existence of child labour situation but chooses to remain silent, this is consider as committing a misconduct. In such a situation, the Group reserved the right to take disciplinary action against the Employee.

Source: <https://www.aimflex.com.my/assets/files/Child-LabourandRemediationPolicy20220527.pdf>

4.2 Interviewees Biography

Name	Miss. Lee Sim Kuen	Dr. Angelina Anne Fernandez
Designation	Specialist I	Assistant Professor
Qualification	Miss Sim Kuen Lee, Specialist, Advocate & Solicitor (Retired), CLP (Malaya), Bachelor of Arts in Combined Studies (Modular Law), London Metropolitan University, London, United Kingdom	Doctor of Philosophy, Universiti Kebangsaan Malaysia Master of Laws, Universiti Kebangsaan Malaysia Bachelor of Laws (Hons), Universiti Kebangsaan Malaysia
Professional Qualification	Miss Sim Kuen LEE was formerly a Managing Partner of a law firm, Messrs. Iqbal Hakim Sia & Voo, Kuala Lumpur. An Advocate & Solicitor (now retired), Certificate in Legal Practice, University Malaya, Bachelor of Arts in Combined Studies (major in Law), The London Metropolitan University, London, United Kingdom. Over 23 years of law practice and commercial/corporate industry experience.	-
Area of Expertise	Cross Border Transactions Securities and Capital Markets Business and Corporate Services Corporate and Offshore Banking Real Estate Law Company Law Company Secretarial Work Listing Companies on Bursa Malaysia Commercial Litigation General Legal Matters -	Food law, cyber law, medical law, labour law, child law
Profiles	-	Google Scholar:

		https://scholar.google.com/citations?hl=en&user=41vejw0AAAAJ Orcid https://orcid.org/0000-0002-5453-0109
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4.3 Conclusion

In a nutshell, the chapter revolves around the results based on the interview questions and answers conducted through qualitative research. Therefore, the comprehensive and analytical abilities of the researcher are vital in order to understand the interviewees' insights and perspectives.

CHAPTER 5: DISCUSSION, LIMITATIONS, AND CONCLUSIONS

5.0 Introduction

This chapter discusses the findings of the previous responses, the limitations of this research, and recommendations for future research as well as conclusions with this study.

5.1 Discussions of Major Findings

The relationship between child labor legislation and education policy emerges as a major driver in defining the socioeconomic landscape of countries like Malaysia and Australia. While both nations have similar legal frameworks in place to regulate child labor, implementation at the state and territorial levels sometimes creates subtle differences. Notably, the underlying cause forcing children into the labour field is typically poverty, compelling parents to choose their children's economic survival over their children's education.

As proven by previous study chapters, the presence of the most terrible kinds of child labor, notably in industries like Malaysia's palm oil industry or coffee plantations throughout the world in places like Colombia, Tanzania, and Kenya, highlights the cruel realities of exploitative working circumstances. Within these industries, the convergence of low wages, long working hours, and poor safety measures maintain a cycle of labor exploitation, denying children access to education.

The findings include the rural area poverty gap in Malaysia and the circle of intergeneration poverty in Australia to address the core causes of poverty in order to properly implement education programmes in combination with child labor restrictions. The interdependence between poverty levels, inadequate infrastructure for education, and the prevalence of child labour emphasises the need for wide socioeconomic reforms. Raising living standards and strengthening social safety nets appear as critical solutions for easing the economic constraints that force children to work at an early age.

For both countries, creating an atmosphere favourable to children's educational pursuits involves collaborative work towards the government providing poverty alleviation measures and education resource enhancement. To protect children's rights, child labor constraints must go beyond mere legal documents and be effectively enforced and implemented. This requires a coordinated strategy combining policymakers, social welfare agencies, and educational institutions to guarantee the implementation of labor exploitation protection measures.

In summary, the convergence of child labor legislation and education policy clarifies the complex link that exists between poverty, labor exploitation, and access to education. Addressing these linked challenges is critical to building a culture that protects children from exploitation, promotes educational possibilities, and frees them from the responsibilities of poverty-driven labour practices.

5.2 Limitations of the Study

The time-consuming procedure of obtaining professionals well-versed in the specifics of Malaysian and Australian child labor legislation and education policy was a major barrier to carrying out this research. The time and effort required to identify these specialists slowed the study's progress, restricting access to comprehensive insights essential for a complete understanding of the issue. The lack of specialists skilled in this particular junction limits the study's capacity to gather varied perspectives, constrained by the provision of a complete analysis.

During the interviews, facing professionals who were unfamiliar with key areas of the interview questions provided a big challenge. This required more time spent locating and communicating with relevant specialists, which slowed the study process. Furthermore, the study's depth and breadth were challenged by a lack of easily accessible information and data for a full assessment of the effect of child labor legislation on education policy in both countries. The absence of data impacted the research's earlier phases, restricting the complete analysis necessary to establish major parallels and contrasts between Malaysia and Australia.

Furthermore, the lack of extensive statistical data directly comparing the effects of both nations' child labor legislation on education policy constituted a considerable difficulty. The lack of particular data prevented the inclusion of multiple perspectives and actual experiences, limiting the study's depth.

As a result of these challenges, the study was unable to provide an extensive investigation of the complicated interplay between child labor legislation and education policy in Malaysia and Australia. Highlighting these limits highlights the important need for more research to address these gaps and improve the comprehension of this significant socioeconomic issue.

5.3 Recommendations for Future Research

Several strategic methods might be useful in strengthening future research endeavours to gain a deep understanding of the complicated relationship between child labour legislation and education policy in Malaysia and Australia. Given the importance of opinions from legal experts and specialists, it is critical to have longer interview sessions to provide an expanded exploration of their thoughts.

Extending the duration of interview sessions may act as a catalyst for eliciting deeper and more complex perspectives from participants. Furthermore, interviewers must be meticulously prepared, with complete awareness of the unique features of child labor legislation and education policy in Malaysia and Australia. This

strategic approach is meant to inspire more in-depth talks by offering a forum for the investigation of various viewpoints that would otherwise go unexplored in shorter interactions.

Furthermore, an ongoing engagement strategy that includes post-interview follow-ups and periodic tracking of legislation changes and shifting viewpoints is critical. This proactive method not only allows researchers to record developing perspectives but also guarantees that researchers are aware of any changes or shifts in child labour laws and educational programmes. This persistent monitoring contributes to an improved comprehension of the complicated interaction between child labor legislation and education policy in Malaysia and Australia.

Moreover, there are a few recommendations to improve child labor legislation and education policies, including child labor awareness-raising, children's education, peer education, advocacy for child rights, vocational education and skills training, as well child labor monitoring.

These recommendations seek to strengthen future research projects by offering more in-depth knowledge of how child labor legislation connects with education policy in various socio-cultural circumstances. By employing these tactics, future research initiatives can provide useful insights that will be critical in building better-informed policies and frameworks, protecting children's rights, and encouraging children's educational well-being in both Malaysia and Australia.

5.4 Chapter Summary

Despite the significant challenges experienced in comprehending the complicated relationship between child labor legislation and education policies in Malaysia and Australia, the study findings express an aspect of hope for the future in combating child labor. Collaboration and cooperation among government agencies, non-governmental organizations (NGOs), and international organizations play a critical role in alleviating the condition of child laborers. Taking advantage of these

relationships is a revolutionary opportunity for both countries to develop more strong and effective laws. Such a law would not only encourage an educational environment but would also serve as a safeguard for children's fundamental rights.

The complementary effect of stakeholders (parents, teachers, NGOs, government agencies) created by this cooperation has the potential to stimulate the implementation of education policies that not only reduce child labor but also promote educational reform. Malaysia and Australia may pave the path for more effective legislation that resonates favorably within education policy by pooling their efforts and resources. This proactive position is crucial in leading the way toward a future where children are protected from further exploitation and abuse provided with the skills they require for a better life by way of enforcement of implementation of policies in educational reforms.

In summary, dealing with the complications and challenges involved in the interaction between child labor legislation and education policy stakeholders need solid dedication, coordinated efforts, and a diverse strategy. For instant, diverse stakeholders include Government Authorities and Policy Makers, Legal Experts and Advocacy Groups, Educators and School Administrators, Parents and Guardians, Child Welfare Organizations and NGOs. They must be included to develop a comprehensive approach that not only address the nuances of child labor laws but also prioritize access to quality education for all children. Only by persistent dedication and inclusive collaboration can better, a more equitable future for children be realized, crossing global boundaries and paving the road for worldwide transformation in the future.

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Appendices

Appendix A: Interview Questions

1. How would you describe the current state of child labor and its impact on children's access to education?
2. Could you please briefly explain the major components of child labor legislation in Malaysia and Australia affecting education policies?
3. Could you discuss about the Malaysia education policy challenges implemented relevant to child labor legislation?
4. Is there any legislation implemented in Malaysia in the past and currently that you can share about it on this research topic?
5. Is there any effective measure to combat child labor and affecting education policy in Malaysia and Australia?
6. What strategies or policies have been put in Malaysia to address the root causes of child labor, particularly in relation to poverty and improvement to education policy?
7. Are there any specific industries or sectors where child labor is more prevalent? How does legislation and education policy target these industries to ensure children's rights are protected?
8. Are there any collaboration and coordination among different stakeholders, such as government agencies, NGOs, and international organizations, in addressing child labor and promoting education for Malaysia and Australia?
9. From your perspective, what improvements or changes need to be made to child labor legislation and education policies to better address the challenges faced by working children and to enhance access to quality education?

Appendix B: Interview Answers

Question

- xi. How would you describe the current state of child labor and its impact on children's access to education?

Ms Lee Sim Kuen

i. NEW YORK/GENEVA, 10 June 2021 – The number of children in child labour has risen to 160 million worldwide – an increase of 8.4 million children in the last four years – with millions more at risk due to the impacts of COVID-19, according to a new report by the International Labour Organization (ILO) and UNICEF.

Source: <https://www.worldvision.org/child-protection-news-stories/child-labor-facts#:~:text=In%202020%2C%2063%20million%20girls,likely%20to%20work%20than%20girls>

ii. Nearly two-thirds of 10-year-olds are estimated to be unable to read and understand a simple text. Without urgent action, this global learning crisis will become a generational catastrophe. Education systems are failing our children.

- Education systems were already failing our children even before the pandemic. COVID-19 exacerbated this learning crisis and children in almost every country have fallen behind in their learning. We need a global effort to tackle the learning crisis head on. Together, we can help every child gain basic reading and maths skills and unlock their potential.

Source: https://www.unicef.org/learning-crisis?gclid=Cj0KCQiAgqGrBhDtARIsAM5s0_n1wDoQf8QmMK9_HECdYexNCf0VRTT9aTocezIfTBDskBiJtKb3JcgaAgjTEALw_wcB

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- 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 worst forms of child labor. The Government of Malaysia has also passed legislations to regulate child labor in the country.
- Therefore, The Children and Young Persons (Employment) Act 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 .
- Source: <https://toolsfortransformation.net/wp-content/uploads/2017/03/DefinitionLegalBackgroundChild-Labour.pdf>

xii. Could you please briefly explain the major components of child labor legislation in Malaysia and Australia affecting education policies?

Ms Lee Sim Kuen

- Malaysia - The Malaysian government has ratified both ILO Conventions on child labour (No. 138 on Minimum Age and No. 182 on Worst Forms of Child Labour). The minimum age for full time employment is 15 years, and children aged 15-17 are protected from hazardous work. Also consider the Malaysian Child Act 2001 (Act 611) which is the country's legislation for the protection, care and rehabilitation of children. This Act incorporates the core principles of non-discrimination, best interests of the child, the right to life, survival, and development as well as respect for the views of the child.
- Legal Framework in Malaysia - Malaysia has a legislative, administrative and policy framework to cater for the protection and needs of children and the promotion of their physical, mental, intellectual, and emotional

development. Consider the Malaysian Federal Constitution which sets out the basic human rights standards, which also extend to...

- Australia’s Child employment laws prioritise education by setting limits on work hours during school days and ensuring that work does not interfere with a child’s compulsory education. Employers should be careful not to roster a child during school hours and be considerate of their educational commitments outside of work.

Source: <https://erstrategies.com.au/child-employment-laws/>

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- In Malaysia, such employment is governed by the Children and Young Persons (Employment) Act[1] (‘the Act’). Specifically, Section 2(1) of the Act lays down 3 elements that an employer needs to fulfill before a child or young person can be employed.

Children	Young Person
1. Must be at least 15 years of age[2].	1. Must be at least 19 years of age[3].
2. He cannot be employed in any hazardous works[4].	-
3. He cannot be employed under any circumstances save for those employment specified in Section 2 (2) of the Act, namely: i. Employment involving light work that he is able to perform in his family-run businesses[5]; ii. Employment in the public	3. He cannot be employed under any circumstances save for those employment specified in Section 2 (3) of the Act, namely: i. Any employment mentioned above, and in relation to the first exception above, he can be employed regardless of whether or not it is his family-run

<p>entertainment industry; however, subject to the terms and conditions of the license granted by the Act[6];</p> <p>iii. Perform work approved or sponsored by Federal Government/ State Government and carried on in any school, training institution/ training vessel[7]; or</p> <p>iv. Employment as an apprentice under an apprenticeship contract approved by Director-General[8].</p>	<p>business[9];</p> <p>ii. Employment as a domestic servant[10];</p> <p>iii. Working in any office, shops, godowns, factories, worships, stores, boarding houses, theatres, cinemas, clubs or associations[11];</p> <p>iv. Employment in any industrial sector suitable to his capacity[12]; or</p> <p>v. Employment on any vessel under the personal charge of his parents and guardians[13].</p>
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Otherwise, Working hours and rest period of **children**

- i. Cannot work between 8 pm and 7 am unless they are employed in the public entertainment industries[14].
- ii. Cannot work for more than 3 consecutive hours without at least 30 minutes of rest[16], 6 hours a day[18].
- iii. If he is attending school, the combined time he spends in school and employment must not exceed 7 hours[20]. Also, Must have 14 consecutive hours free from work before re-commencing his work[22].

Working hours and rest period of **Young Person**

- iii. Cannot work between 8 pm and 6 am unless they are employed in the public entertainment industries[15], more than 4 consecutive hours without at least 30 minutes of rest[17], as well as more than 7 hours a day, unless the young person is an apprentice under Section 2 (2)(d), in which case he cannot work for more than 8 hours a day[19].
- iv. Especially, If he is attending school, the combined time he spends in school and employment must not exceed 8 hours[21]. Other than that Must have 14 consecutive hours free from work before re-commencing his work[23].

- Other terms and condition including 1. Employment of a female young person, Definition of hazardous work, Further prohibitions, and Penalties for contravening the provisions of the Act, etc.

Source: <https://fareezlaw.com/employment-law/employment-of-children-and-young-person/>

xiii. Could you discuss about the Malaysia education policy challenges implemented relevant to child labor legislation?

Ms Lee Sim Kuen

- Main challenges of inclusive child education are the lack of infrastructure and resources. Another challenge is the lack of awareness among teachers and school administrators about the needs of students with disabilities.

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- LETTER | Regaining Malaysia's humanity and child rights, In Malaysia has many children who are currently denied basic education. A child without access to education is imprisoned in a life-time poverty trap - a tragedy for children and our shame as a nation.
- All children, whether migrant, refugee, stateless, of a different nationality or disabled, must be provided access to primary and secondary education. Yet, Malaysia's "Zero Reject Policy" is viewed by the Ministry of Education and education officers on the ground as only applicable to Malaysians.
- Children should not be treated as adults and must be protected, the Convention on the Rights of the Child defines a child as "every human being below the age of 18 years".
- Including The Children and Young Persons (Employment) Act 1966 (Act 350) defines a child as a person under 14 years of age, permitting those aged 15 and above to work with some conditions.

- Children aged 12 and above are admitted to adult wards and cared for by health professionals who are not trained in looking after children.
- Older children and adolescents are sometimes incarcerated in adult prisons and brought to court handcuffed, along with adult inmates.
- Migrant/refugee children are held in detention, often in sub-optimal conditions; many are separated from their parents.
- Also, many children, especially in Sabah and Sarawak, remain stateless with no access to health, education or a meaningful future. Some of these children are born into families that have lived in Malaysia for generations but have no official documents. These children are not supported by government services and their poverty is not addressed as they are not recognised as Malaysians.

Source: <https://m.malaysiakini.com/letters/652713>

- xiv. Is there any legislation implemented in Malaysia in the past and currently that you can share about it on this research topic?

Ms Lee Sim Kuen

- Employers in Malaysia must comply with employment and labour laws when hiring, managing, and terminating employees, including obtaining foreign quota approval for foreign employees, providing leave entitlements, setting working hours, registering with the Employees Provident Fund, drafting employment contracts, and providing severance payments. Refer to: <https://malaysia.acclime.com/guides/employment-law/>

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- According to New Straits Times (2018), KUALA LUMPUR: Repeat offenders who hire children aged below 15 can now be jailed up to five years, following amendment to the Children and Young Persons (Employment) Act 1966 (Act 350). The jail term is increased from maximum one year to not

exceeding two years (for first offenders), and repeat offenders face increased jail sentence from maximum three years to five years. For Sabah and Sarawak, the provision of Act 350 is provided under the Labour Ordinance (Sabah Cap. 67) and Labour Ordinance (Sarawak Cap. 76) which is enforced by the Sabah Human Resources Department and Sarawak Human Resources Department respectively.

- Kulasegaran noted that the amendment to the Act also provides that children and young persons were not allowed to be involved in dangerous work such as handling machinery, jobs that expose them to dangerous chemicals, extreme temperatures, and loud noises. The amended Act also states that children aged 15 but below 18 are categorised as young persons.

- Employers are also barred from employing children and young persons in the selling of alcohol, jobs related to gambling and lottery, massage and reflexology service, prostitution or as social escorts. However, Act 350 is only applicable in Peninsular Malaysia and enforced by the Peninsular Malaysia Human Resource Department. The maximum five-year custodial sentence was among amendments to the Act, with the maximum fine increased to RM50,000, and repeat offenders face maximum fine of RM100,000. The Bill to amend the Act was passed unanimously at the Dewan Rakyat today after it was debated by 19 members of Parliament and had three readings.

- Source: <https://www.nst.com.my/news/nation/2018/10/422203/heavier-penalties-those-who-exploit-child-labour>

xv. Is there any effective measure to combat child labor and affecting education policy in Malaysia and Australia?

Ms Lee Sim Kuen

- In Malaysia, Teachers and school leaders, Ministry Transformation, system structure. Malaysia education blueprint, 2013 2025: preschool to post-secondary education. Kementerian Pendidikan Malaysia.
- Source:
https://www.ilo.org/dyn/youthpol/en/equest.fileutils.dochandle?p_uploaded_file_id=406#:~:text=They%20include%3A%20ensuring%20universal%20enrolment,countries%20in%20international%20assessments%20like
- In Australia, to strengthen performance and support students from disadvantaged backgrounds and Aboriginal and Torres Strait Islander students, Australia has made investments in early childhood education and care, with a National Early Childhood Development Strategy (2009) and has defined completion objectives for VET and ways to strengthen apprenticeships to develop the skills of students from socio-economically disadvantaged backgrounds.
- Through its schools' policy, Students First (2014), the Australian Government targets the following four key policy areas: 1) developing a sound national curriculum; 2) improving the quality of teaching; 3) expanding principals' autonomy; and 4) engaging parents and the wider community in how their school is run.
- The Australian Institute for Teaching and School Leadership (AITSL) (2010) aims to promote excellence in teaching and school leadership. The AITSL develops nationally agreed policies and provides resources to support educators to become expert practitioners and drive excellence in teaching and school leadership.
- Australia is also implementing several policies aiming at improving the quality of teaching at different points during a teaching career. It introduced a national approach to the Accreditation of Initial Teacher Education Programmes (2013) to ensure the quality of programmes across the country. Recent policy direction seeks to build on this with the establishment of the Teacher Education Ministerial Advisory Group (2014) to look at ways to better prepare new teachers. The Australian Charter for the Professional Learning of Teachers and

School Leaders (2013) aims to promote improvement throughout teaching careers. Additionally, the Australian Professional Standards for Teachers (2013) provide guidance for the quality of teaching across three domains (Professional Knowledge, Professional Practice and Professional Engagement) and four career stages (Graduate, Proficient, Highly Accomplished and Lead).

- Through the National Agreement for Skills and Workplace Development (NASWD, 2009) and the National Partnership Agreement on Skills Reform (NP, 2012), the objective is to improve access to training and participation in the labour market. Under the NP, all jurisdictions are required to implement key reforms so that at any age, an unqualified working Australian is able to access a training place subsidised by the government in order to pass at least the first Certificate III qualification. All jurisdictions are also required to support the expansion of the Commonwealth's income-contingent loan policy that helps reduce tuition costs. The Australian Government provides funding to state and territory training systems through funding associated with these agreements.
- In tertiary education, Australia has introduced the Upholding Quality – Quality Indicators for Learning and Teaching measure (2014). Additionally, to promote internationalisation at the tertiary level and increase collaboration in the region, Australia is piloting the New Colombo Plan (2013), which provides funding for Australian students to study or intern in the Indo-Pacific region.
- Refer to <https://www.oecd.org/education/highlightsaustralia.htm>
- ILO • Combating child labour through education.
- Source:
https://mail.google.com/mail/u/1?ui=2&ik=5b896f5f0b&attid=0.2&permmsgid=msg-f:1783990757322361513&th=18c202244cc78aa9&view=att&disp=inline&realattid=f_lp15d9ss1

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- The law must be looked into in such a way that children must be (recognised) as children. They need to go to school. School must be the first priority.
 - Meanwhile, there needs to be more support for children from lower-income families, especially the ones who have fallen behind in their studies after missing out on online lessons for two years.
 - It should be one of Putrajaya's focuses for Budget 2023.
 - Support could come in the form of food allowances for children and free transportation for those living far away from their schools. Remedial or extra classes could also be offered to students struggling to cope with the "lost time.
 - Should there still be a need for children to work and assist their families, it must only be allowed for fixed hours after school. They also need to be paid accordingly, without discrimination or exploitation.

Source: <https://www.astroawani.com/berita-malaysia/child-labour-national-action-plan-needed-protect-our-children-says-expert-366101?amp=1>

- xvi. What strategies or policies have been put in Malaysia to address the root causes of child labor, particularly in relation to poverty and improvement to education policy?

Ms Lee Sim Kuen

Refer to Question 5 answer.

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- National Action Plan for Child Labour to emphasising the importance of ensuring all children had equal access to education, regardless of who they are.
- Otherwise as mentioned at previous Question 5 answer.

- Source: <https://www.astroawani.com/berita-malaysia/child-labour-national-action-plan-needed-protect-our-children-says-expert-366101?amp=1>

xvii. Are there any specific industries or sectors where child labor is more prevalent? How does legislation and education policy target these industries to ensure children's rights are protected?

Ms Lee Sim Kuen

- According to the International Labour Organization (ILO), agriculture is where the worst and most common forms of child labor are found. Coffee plantations employ children to pick beans in Colombia, Tanzania, Kenya, Uganda, Mexico, Nicaragua, Dominican Republic, Honduras, Panama, El Salvador, Guinea, and Ivory Coast –
- Source: <https://www.dw.com/en/industries-that-rely-on-child-labor/g-41431614#:~:text=According%20to%20the%20International%20Labour,%2C%20Guinea%2C%20and%20Ivory%20Coast>
- The UN Convention on the Rights of the Child.
- Core principles include: the child's survival and development, best interests of the child, non-discrimination, children's participation.
- Sphere, Minimum Standards for Child Protection in Humanitarian Action, and its core principles and standards for child protection work (see the diagram below).
- Rights-based approaches, including age, gender, and diversity mainstreaming (AGD).
- Full integration of child protection.
- The Interagency Guiding Principles on Unaccompanied and Separated Children
- Source: [https://emergency.unhcr.org/protection/persons-risk/child-protection#:~:text=Core%20principles%20include%3A%20the%20child's,\(see%20the%20diagram%20below\)](https://emergency.unhcr.org/protection/persons-risk/child-protection#:~:text=Core%20principles%20include%3A%20the%20child's,(see%20the%20diagram%20below))

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Refer to Question 5 answer has mentioned.

xviii. Are there any collaboration and coordination among different stakeholders, such as government agencies, NGOs, and international organizations, in addressing child labor and promoting education for Malaysia and Australia?

Ms Lee Sim Kuen

- For Malaysia, PARTNER WITH PARENTS, COMMUNITY, AND PRIVATE SECTOR AT SCALE.
- Equip every parent to support their child's learning through a parent engagement toolkit and online access to their child's in-school progress.
- Invite every PIBG to provide input on contextualisation of curriculum and teacher quality from 2016.
- Expand Trust School model to 500 schools by 2025 by including alumni groups and NGOs as potential sponsors.
- Source:
https://www.ilo.org/dyn/youthpol/en/equest.fileutils.dochandle?p_uploaded_file_id=406#:~:text=They%20include%3A%20ensuring%20universal%20enrolment,countries%20in%20international%20assessments%20like
- For Australia – Source:
<https://mneguidelines.oecd.org/Ending-child-labour-forced-labour-and-human-trafficking-in-global-supply-chains.pdf>
AND Source:
<https://www.dfat.gov.au/sites/default/files/foundation-role-of-key-stakeholders-aid-effectiveness-principles.pdf>

Dr. Angelina Anne Fernandez

- International Labour Organization (ILO) and UNICEF highlight the need to act urgently to avoid a rise in the incidence of child labour as a result of increased poverty and children dropping out of school due to COVID-19.
- The UN has declared 2021 the International Year for the Elimination of Child Labour. This provides an opportunity for all governments, international and regional organizations, workers' organizations, employer and business membership organizations, civil society organizations, academic institutions and other relevant stakeholders and networks to join efforts to tackle child labour on the road to 2025, the date set by SDG Target 8.7 to end child labour in all its forms.
- In November 2019, Malaysia also expressed interest to become an Alliance 8.7 Pathfinder Country. Alliance 8.7 is a global partnership focusing on accelerating actions toward achieving SDG Target 8.7, scaling up solutions that work, driving innovation, and leveraging and maximizing the impact of resources to eradicate forced labour, modern slavery, human trafficking and child labour.
- Source: https://www.ilo.org/asia/media-centre/news/WCMS_749128/lang--en/index.htm

xix. From your perspective, what improvements or changes need to be made to child labor legislation and education policies to better address the challenges faced by working children and to enhance access to quality education?

Ms Lee Sim Kuen

- Awareness-raising, Education, Peer Education, Advocacy, Vocational Education and Skills Training, and Child Labor Monitoring
- Source: <https://winrock.org/wp-content/uploads/2016/04/winrockenglish.pdf>
- Review of Tasmanian Child Labour Laws

- Source: <https://winrock.org/wp-content/uploads/2016/04/winrockenglish.pdf>

Dr. Angelina Anne Fernandez

Child Labour and Remediation Policy - AIMFLEX Berhad,

1. REMEDIATION PROCEDURES:

STEP ONE: If suspect that workers in a factory may be underage, check their ID as part of a routine document check process without raising the alarm.

STEP TWO: if confirm the child is underage or if ID checks are inconclusive, you should take the following action:

- Remove the child from all work immediately. Preventing the continuation of work and report to your immediate superior.
- Ensure the child is in a safe place.
- Obtain contact details of child and parents/guardian, and wherever possible, the home address.
- Talk to the child to ensure they understand what is happening and why. Listen to them to understand their needs. Explain the possible remediation options and other measures to be put in place. Ensure they agree to participate in the remediation procedures.
- Inform the Human Resource Department.

STEP THREE: Human Resource Department shall take the following actions:

- Arrange payment of a stipend to the child both during the exploratory phase and throughout the whole remediation procedures. The stipend should be equivalent to the amount the child was earning whilst employed, or at least local minimum wage standard, whichever is higher. The stipend should be paid in monthly, rather than as a lump sum.
- Contact the parents/guardians to ensure that they understand and agree with what is happening and to explain the ongoing provision of stipend, food, and accommodation. If necessary, identify the education programme and educate the parents about the benefits of schooling/vocational training.

- With younger children, the strong involvement of parents/guardians is particularly important. In cases where parents have sent their child to work, this process of persuasion may be difficult. If necessary, advise the parents to identify other family members to replace for the child to work.
- Review all the personnel records at the workplace to identify whether there are any other child workers.

2. DUTY TO INFORM & NOTIFY THE MANAGEMENT

All employees in the Group have a continuous responsibility for identifying and reporting the child labour situation to the Management. If an employee is aware of the existence of child labour situation but chooses to remain silent, this is consider as committing a misconduct. In such a situation, the Group reserved the right to take disciplinary action against the Employee.

Source: <https://www.aimflex.com.my/assets/files/Child-LabourandRemediationPolicy20220527.pdf>

Appendix C: Ms. Lee Sim Kuen PDPA Consent Form

PERSONAL DATA PROTECTION NOTICE

Please be informed that in accordance with Personal Data Protection Act 2010 (“PDPA”) which came into force on 15 November 2013, Universiti Tunku Abdul Rahman (“UTAR”) is hereby bound to make notice and require consent in relation to collection, recording, storage, usage and retention of personal information.

1. Personal data refers to any information which may directly or indirectly identify a person which could include sensitive personal data and expression of opinion. Among others it includes:
 - a) Name
 - b) Identity card
 - c) Place of Birth
 - d) Address
 - e) Education History
 - f) Employment History
 - g) Medical History
 - h) Blood type
 - i) Race
 - j) Religion
 - k) Photo
 - l) Personal Information and Associated Research Data
2. The purposes for which your personal data may be used are inclusive but not limited to:
 - a) For assessment of any application to UTAR
 - b) For processing any benefits and services
 - c) For communication purposes
 - d) For advertorial and news
 - e) For general administration and record purposes
 - f) For enhancing the value of education
 - g) For educational and related purposes consequential to UTAR
 - h) For replying any responds to complaints and enquiries
 - i) For the purpose of our corporate governance
 - j) For the purposes of conducting research/ collaboration
3. Your personal data may be transferred and/or disclosed to third party and/or UTAR collaborative partners including but not limited to the respective and appointed outsourcing agents for purpose of fulfilling our obligations to you in respect of the purposes and all such other purposes that are related to the purposes and also in providing integrated services, maintaining and storing records. Your data may be shared when required by laws and when disclosure is necessary to comply with applicable laws.
4. Any personal information retained by UTAR shall be destroyed and/or deleted in accordance with our retention policy applicable for us in the event such information is no longer required.

5. UTAR is committed in ensuring the confidentiality, protection, security and accuracy of your personal information made available to us and it has been our ongoing strict policy to ensure that your personal information is accurate, complete, not misleading and updated. UTAR would also ensure that your personal data shall not be used for political and commercial purposes.

Consent:

6. By submitting or providing your personal data to UTAR, you had consented and agreed for your personal data to be used in accordance to the terms and conditions in the Notice and our relevant policy.
7. If you do not consent or subsequently withdraw your consent to the processing and disclosure of your personal data, UTAR will not be able to fulfill our obligations or to contact you or to assist you in respect of the purposes and/or for any other purposes related to the purpose.
8. You may access and update your personal data by writing to us at_____.

Acknowledgment of Notice

[] I have been notified and that I hereby understood, consented and agreed per UTAR above notice.

[] I disagree, my personal data will not be processed.

sklee

.....
Name: Miss Sim Kuen Lee

Date: 08.12.2023

