

For T2/Estates and small growers



Malaysia Child Rights Action Hub

CHILD LABOUR PREVENTION AND REMEDIATION GUIDELINE

FOR MID-SIZE PALM ESTATES IN SABAH,
MALAYSIA

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THE CENTRE
FOR CHILD RIGHTS AND BUSINESS

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1. INTRODUCTION

1.1. WHY THIS GUIDELINE

Child labour is an important human rights issue and is an increasing priority in brands' sustainability approaches. As of 2024, around 138 million children worldwide were engaged in child labour, clearly showing why it is important to continue to address child labour in global supply chains.¹

Child labour and human rights risks in Malaysia's palm oil sector are severe, with statelessness, complex migration dynamics and lack of documentation among children of migrant workers further increasing vulnerability. For instance, the ILO has expressed concerns about children of migrants working in Malaysia's wider agricultural sector in Sabah, with an estimated 72,000 children thought to be in conditions of forced labour. In addition, UNESCO estimates that 12% of children of lower secondary education age and 37% of children of upper secondary education age are out of school, increasing their vulnerability to child labour.²

Additionally, this guideline recognises that women, men, and boys and girls experience these risks differently. In Sabah, child labour is often linked to:

- ❑ Women (or parent) workers lacking access to childcare, being forced to take their children with them to the plantations
- ❑ Girls involved in unpaid (and invisible) work, such as helping with domestic and childcare tasks, impacting their access to school
- ❑ Boys being involved in physically demanding (or hazardous) work
- ❑ Migrant and single-parent households

1.2. PURPOSE AND SCOPE

This guideline has been developed based on MSPO and RSPO guidelines as well as relevant Malaysian legislation³.

The purpose of this guideline is to support mid-size estates in the palm oil supply chain in Sabah, Malaysia to:

- ❑ Understand what child rights and child labour are
- ❑ Take practical actions to prevent child labour in supply chains
- ❑ Support and protect young workers
- ❑ Take the right actions in case child labour is suspected

This guideline will complement any buyer or brand policy that you are adhering to and will help you to:

- ❑ Protecting children from harm
- ❑ Comply with Malaysian law
- ❑ Meet MSPO requirements
- ❑ Meet buyer and customer expectations
- ❑ Reduce legal and reputational risks
- ❑ Demonstrate responsible business practices

¹ Data taken from ILO: <https://www.ilo.org/resource/other/2024-global-estimates-child-labour-figures#:~:text=246.0%20M,Geneva%20and%20New%20York%2C%202025>

² Data taken from UNICEF China: <https://www.unicef.cn/en/csr/malaysia>

³ MSPO and RSPO guidance: MSPO: Principle 4 of The Revised MSPO Standards MS2530:2022 – Responsible to Social, Health, Safety and Employment and RSPO: [\[ENG\] Version 4-0 \(Updated\) P&C 2024 19092025Msp](#)

When implementing this guideline, you should always ensure that prevention and remediation measures are fair, inclusive, and do not disadvantage any gender.

1.3. HOW TO USE THIS GUIDELINE

We recommend that you read through this Guideline to learn the basic concepts around child labour, and your responsibilities for tackling child labour in the palm oil supply chain. To support and facilitate your implementation of this guidance in your business operations, including in your supply chain and among your plantations and farmers, please refer to the steps recommended in this Guideline and also in the decision matrix below. The document also highlights ‘GOOD TO KNOW’ boxes, providing knowledge and resources to help you plan and design the implementation.

Table 1: Responsibility matrix

STAFF CATEGORY	RESPONSIBILITY
Estate Manager	Overall responsibility for prevention and remediation activities
HR Manager/Officer	Age verification protocol, young worker protection and employment documentation
Sustainability Officer	Monitoring compliance and reporting on child labour risks
Supervisor/Mandor	Field monitoring and risk identification

1.4. KEY DEFINITIONS

Table 2: Key definitions

TERM	DEFINITION
Child	Anyone under the age of 18 is considered a child.
Young workers	Children between the ages of 15 and 17 years old are defined as young workers. They are legally allowed to work but should be provided with some special protections at work to account for their vulnerable status as minors.
Child labour (general definition)	The International Labour Organisation (ILO) defines child labour as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. Child labour refers to one or more of the following: ☐ Work done by a child who is under the minimum age of admission to employment for the type of work concerned ☐ Work that interferes with compulsory education ☐ Work that is likely to jeopardise a child's health, safety or morals, known as hazardous work In Malaysia the minimum age for work is 15, but this comes with certain restrictions. See below.
Child labour in the palm oil sector in Sabah	Child labour in the palm oil sector in Sabah is defined as: ☐ Anyone employed who is below the legal minimum working age of 15 years old ☐ Anyone under the age of 18 doing hazardous work ☐ Children below the minimum age for light work (13 years old) engaged in work ☐ Children between 13-14 (light work age) working beyond legal standards ☐ Any children below 18 in a forced labour situation, e.g. forced or deceptive recruitment, working under threats
Non-hazardous work	Normal work that can be performed by children aged 15 to 17 years, excluding the hazardous work outlined in the Fourth or Fifth Schedule of the Children and Young Persons Employment Act 2019 Amendment A 15–17-year-old can work maximum seven hours per day, or eight hours per day school and work hours combined.
Hazardous work	The ILO defines hazardous work as “work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children” and it is considered one of the worst forms of child labour. No one under the age of 18 shall perform hazardous work, which also includes overtime or work performed at night between 20:00-07:00. Malaysia's Children and Young Persons (Employment) Act 2019 has defined a list of hazardous work that young workers are not allowed to do. In the palm oil sector this includes, but is not limited to, the following tasks: ☐ Spraying fertiliser and pesticides ☐ Harvesting palm oil fruits ☐ Slashing heavy palm fronds with a curvy blade ☐ Pushing heavy fruit loads ☐ Stacking heavy palm fronds ☐ Loading palm oil fruits on trucks ☐ Palm oil processing ☐ Driving tractors, trucks and motorbikes and operating machines
Light work	The Children and Young Persons Act (1966), sets forth what can be considered light work. Light work can be carried out by 13-14-year-olds for a maximum of six hours per day, or seven hours combined with school hours, or a maximum of seven hours per day or eight hours combined for work and school hours for 15-17-year-olds. In the palm oil sector, there is no suitable light work for 13-14-year-olds. Children this age can support a family-run business as long as it is not harmful. Working in agriculture is not allowed at that age, but children can help at estate offices by running errands or doing office work, including document filing and light cleaning without chemicals, providing that it does not interfere with schooling, rest or wellbeing.

1.5. GUIDING PRINCIPLES

Tackling human rights issues, including child labour, can be challenging and sensitive and needs to be done with care and empathy. Below is a list of key guiding principles that should guide all actions in relation to human rights and child rights.

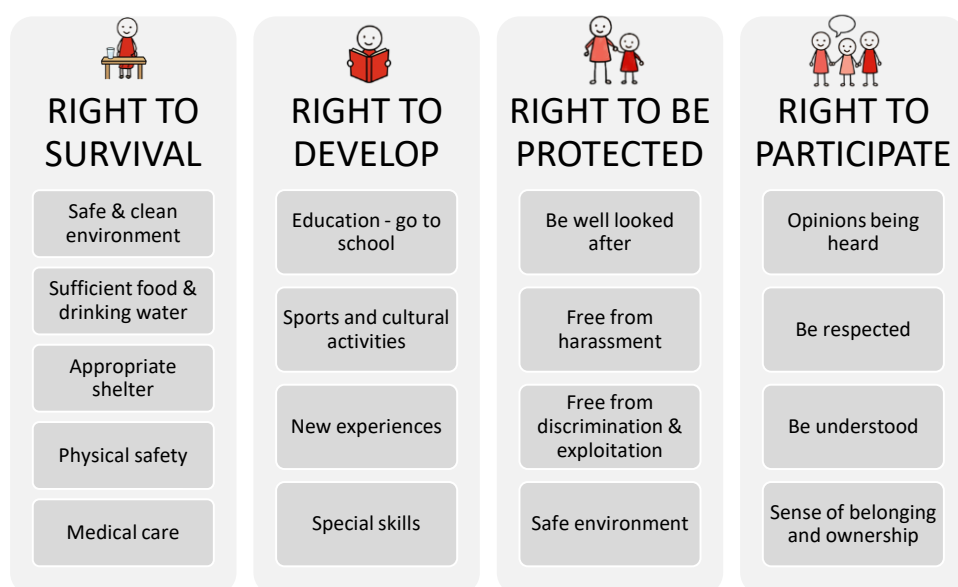
Table 3: Description of guiding principles

PRINCIPLE	DESCRIPTION
Prioritise the best interest of the child	In all actions impacting children, the best interest of the child should be the guiding principle. This means that during any decision-making process, the child's protection, preservation of well-being and right to live, grow and work in an environment that is favourable to their mental and physical development, is prioritised.
No harm	Always adopt a "do-no-harm" approach that is rooted in the best interest of the child. That means, actions taken should consider the broader context and whether they negatively impact children socially, financially or environmentally. If there is any reason to believe that certain actions or programmes make children worse off than before, the action should not be taken.
Continuous improvement	The steps described in this guideline aim to create a long-lasting system to protect children and their families from risks and challenges in the palm oil sector, rather than a quick fix solution. As such, it is important that adequate resources are allocated to sustainably implement the required systemic changes and to seek ways to systematically integrate all steps during operations when implementing this guideline.
Supply chain transparency	Aim for transparent and traceable supply chains all the way down to the small-holder farm level to ensure compliance and protection of children's rights at all stages of the supply chain. A lack of transparency and traceability does not exempt suppliers from their responsibility to work towards the elimination of child labour in their supply chain.
Stronger protection of rights	It is important to always comply with national, provincial, and local laws and regulations related to labour rights, gender equality, and child rights protection. Where legal protection at the national/provincial/local level is absent or weak, it is strongly recommended to refer to international and/or industry best practice guidelines, standards or principles such as the United Nations Guiding Principles on Business and Human Rights (UNGPs) and the ILO core conventions to identify appropriate measures for strengthening protection.
Confidentiality and privacy	Any data and information obtained from and related to the children and their families shall not be disclosed without their prior knowledge and informed consent. When handling information and communication related to children, always consider the children and their families' right to confidentiality and privacy. Access to information relating to children is strictly limited on a need-to-know basis. Only authorised personnel with a legitimate role in child protection, human resources, grievance handling, or remediation may access such information.

2. CHILDREN'S RIGHTS IN PALM OIL SECTOR IN MALAYSIA

The [United Nations Convention on the Rights of the Child](#) (UNCRC) defines a child as “every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier”. The Malaysia [Child Act of 2001](#) similarly defines children as being under 18 years old. Children and young people have the same general human rights as adults but also enjoy specific rights that recognise their special needs. The UNCRC outlines basic entitlements and freedoms that apply to all children without discrimination. All children have the following basic rights: (Figure 1)

Figure 1: Children's rights



In Malaysia's palm oil sector, children can face a range of risks to their rights and well-being:

- ☑ Children's right to protection:
 - Children start work too early or do dangerous jobs
 - Children face violence or abuse, including young girls who are forced into child marriages
- ☑ Children's right to education:
 - Plantations lack schools in surrounding communities, or there is no transportation to school
 - Stateless children or those without a birth certificate are denied education
- ☑ Children's right to health and safety:
 - Children have no access to appropriate and healthy food,
 - Children face safety concerns in the community, particularly girls or migrant children are most vulnerable

Upholding and supporting children's rights is a joint responsibility of the government, companies, parents, and communities.

3. CHILD LABOUR IN THE PALM OIL SECTOR IN MALAYSIA

Child labour is a reality in the palm oil sector in Sabah, Malaysia. Child labour often restricts children's access to their basic rights, such as education, play, rest and protection. The root causes for child labour are several, including poverty (palm oil farmers do not earn enough to cover their families' daily needs), difficulties in accessing public schools and education for children living on plantations due to long distances and lack of transportation, and strong dependence on migrant workers whose children often lack documentation and might not be allowed to attend local schools.

The national and local (Sabah) legislative frameworks set forth who can work and who cannot. Legal requirements apply equally to all genders, but risks differ. Girls may be hidden in unpaid or "helping" roles, and boys may be pushed into physical and hazardous field work.

It is important to understand that no child under 18 shall work in palm oil production. Young workers aged 15 to 17 may only undertake non-hazardous work and must be provided with appropriate supervision, safe working conditions, legal working hours, fair remuneration, and access to training and development opportunities

GOOD TO KNOW: WHO CAN AND CANNOT WORK IN MALAYSIA?			
TYPE OF WORK	CHILDREN AGED 13-14	YOUNG WORKERS AGED 15-17	ADULT WORKERS AGED 18 AND ABOVE
Light work	✓ Only when the tasks are age-appropriate and do not interfere with the child's education, rest, health or development	✓ max. 7 hours per day or 8 hours per day with school and work combined	✓ Maximum 45 hours per week (excluding overtime)
Non-hazardous work	✗	✓ max. 7 hours per day or 8 hours per day with school and work combined	
Hazardous work	✗	✗	✓
Night work*	✗	✗	✓
Overtime	✗	✗	✓

**Children under 15 are prohibited from working between 8 p.m. and 7 a.m. Young workers aged 15 to 17 are prohibited from working between 8 p.m. and 6 a.m.*

Based on the hazardous nature of palm oil production activities and in line with the Malaysia's Children and Young Persons (Employment) Act as well as The Centre's best practise guidance, children under the age of 15 should not participate in any palm oil production activities. They may only undertake age-appropriate household chores and caregiving responsibilities that do not interfere with their education, health, rest or development

Examples of non-hazardous activities that may be suitable for young workers aged 15–17

- Administrative and record-keeping tasks related to nursery operations, such as organising, counting and labelling seedlings
- Non-hazardous office support and housekeeping tasks, such as preparing beverages, sweeping office areas
- Light household and caregiving tasks, including helping parents, teachers or caregivers supervise and care for younger siblings or children

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4. CHILD LABOUR PREVENTION MEASURES

In this chapter, we will outline a few key steps for you to take to prevent child labour from happening in your own operations and in your supply chain.

4.1. DEVELOP A CLEAR CHILD LABOUR POLICY AND PROCEDURE

To help prevent child labour in your operations, it is recommended that you establish clear guidelines and make it clear to all parties who can and cannot work in your supply chain.

We suggest that you prepare the following guidance, which should form part of your management systems:

- ❑ Create a child labour policy which clearly states the minimum age of 15 years old for general work and 18 years old for hazardous work in the hiring policy, job announcements and during the recruitment process. If you do not have a child labour policy of your own, apply the standards specified in this Guideline.
- ❑ Create a child labour procedure which will explain in more detail the steps to take to prevent and remediate child labour in your supply chain.
- ❑ Communicate this Guideline to all your suppliers and their workers, including migrant workers, and make sure they understand the content (adapt the content to different languages if needed; Tagalog, Bengali, Nepali, etc.). Also, ensure that female workers receive and fully understand the guidelines, not only male workers or supervisors.

Your child labour policy should be in line with international standards, national legislations and that of your buyers, and should include:

- ❑ A firm commitment to contribute towards the mitigation and elimination of child labour and your expectations of suppliers, business partners and employees.
- ❑ The minimum age for general work (15) and hazardous work (18) for all employers in your and your business partners' supply chains, see *GOOD TO KNOW* about who can work in Malaysia above for guidance.
- ❑ Clauses on providing special protections for young workers aged 15 to 17 years old, which should specify their maximum working hours (seven or eight hours, depending on the situation), at least the minimum wage (as per national standards), working conditions and prohibition of arranging hazardous work for them. See *GOOD TO KNOW* about who can work in Malaysia above for guidance.
- ❑ The consequence of using child labour, which should include implementing corrective actions within the suggested timeline and following this Guideline. It should also include a commitment to engage where and whenever risks can be addressed and also outline situations where a responsible exit or disengagement will be considered.
- ❑ Prohibition of medical examinations as an age verification mechanism.

Your child labour procedure should at minimum include (further details on these are explained in the following chapters):

- ❑ How do you identify possible child labour situations or risks linked to your business? (Child labour risks and/or hotspots identification and monitoring procedures with lower tiers).
- ❑ How do you ensure no underage workers are working on your plantation or farm, processing plants? Recruitment procedure, including specific age verification methods and steps before, during, and after the hiring process, and the responsibilities of each level.
- ❑ How can you support and protect young workers (children in working age but under 18) to ensure they are not engaged in hazardous work? (Management procedure for young workers under 18 years old and a list of hazardous work at palm oil plantations).
- ❑ What do you do when child labour is found within your own operation or amongst your supply chain and business partners? (Child labour remediation protocol, with detailed steps, timeline and responsible person.)

- What structures do you have in place to support young workers, apprenticeships and traineeships within your company? (Young worker management) What channels can communities, workers, etc take to put forward a suggestion complained or grievance. (Grievance mechanism.)

You need to set aside adequate resources, both human and financial resources, to prepare, develop and disseminate these documents.

4.2. ASSESS YOUR BUSINESS PARTNERS ON CHILD LABOUR-RELATED MEASURES

When you select new business partners, you should:

- Take child labour and sustainability performance as a core criterion.
- Ensure that business partners apply the same rules for both men and women, boys and girls
- During the onboarding process with new business partners, clearly communicate this Guideline verbally and in writing and conduct child labour prevention training whenever resources are available, specifying the partners' role in cascading this Guideline and monitoring the implementation.
- Select those who do not accept child labour and have a clear understanding of child labour and its impact. Preference should be given to those with a more transparent supply chain.
- Suppliers are also encouraged to trade directly and on equal footing with known farmers, who accept no child labour.

Also, for this step, you need to set aside resources to assess your new business partners' performance, share this Guideline through training and other means, and disseminate your policy and procedures where relevant.

4.3. FAIR PAYMENT SYSTEMS AND RESPONSIBLE SOURCING PRACTICES

Poverty and economic insufficiency are among the main drivers of child labour. How you relate to your suppliers regarding purchasing practices is also an important factor in reducing child labour risks.

4.3.1. FAIR PAYMENT AND WAGES

All suppliers shall pay fair prices and, where applicable, wages to their employees and practice responsible purchasing practices in their supply chains, in order to reduce child labour risk. You should:

- Make sure that piece rate payments provide workers with the equivalent of a local minimum wage without working overtime
- In case your workers have a fixed wage, ensure that you pay your own workers at least the minimum wage in Malaysia (which is published by the [Ministry of Human Resources](#)), and strive to achieve a local living wage, with visible progress year by year.
- Where you do not have a direct ability to set wages or the level of the piece rate payment for workers, your suppliers and business partners should understand and be aware of adopting living wage payment standards. This should allow workers to receive wages or payments equivalent to at least the local statutory minimum wage. If such standards are hard to achieve, for example, at the farm level, awareness-raising activities should be prioritised and supported.
- Work towards increased transparency. Keep your supplier list up to date. Identify hotspots where workers on plantations and estates are paid less than the local minimum wage and regularly share the latest updates with buyers. Work collaboratively with lower tiers to discuss alternatives to the current piece-rate or wage system.
 - *Ensure that there are no gender differences in payments*
 - *Ensure that payment systems do not encourage families to involve their children at work*
 - *Pay special attention to female-headed households and female migrant workers as when women are underpaid, children, especially girls, are often pushed into work*

A helpful resource on living income [Guiding Steps towards Living Income in the Supply Chain](#) was published by GIZ in 2020.

4.3.2. RESPONSIBLE SOURCING PRACTICES

All suppliers shall practice responsible purchasing in their supply chains and pay plantation workers a fair piece rate or wages.

To ensure that you adhere to responsible purchasing practices, it is suggested to:

- ☑ Pay prices equal to or above the prices set by the [government](#) or the price agreed in contracts with buyers
- ☑ Work towards increased transparency. Keep and regularly update the list of your suppliers and business partners
- ☑ Where possible and suitable, identify hotspots where workers' overall incomes are below the local poverty line and regularly update buyers with the latest information
- ☑ Ensure that there is no gender pay gap, female staff shall be paid the same as their male peers for the same kind of work

Make sure you budget and have human resources available for potential risk assessments and site visits to review the wage system and levels in lower tiers, identify risk hotspots, and identify potential initiatives that contribute to increased farmers' incomes.

4.4. IDENTIFY AND ASSESS CHILD LABOUR HOTSPOTS, STRIVE FOR FURTHER TRANSPARENCY

Knowing and understanding your supply chain and any risks related to human rights and child rights violations is a key step in preventing child labour from occurring.

Your responsibilities include, but are not limited to, the following activities:

- ☑ Conduct risk assessments on your plantation and analyse the child labour risk level, taking into account gender differences and recognising that girls and boys might face different child labour risks.
- ☑ Child labour risks tend to be higher in informal settings, try to create relationships also with informal partners, such as in smallholder settings
- ☑ Prioritise the child labour prevention activities and monitoring visits to "medium" and "high" risk communities, including informal settings.
- ☑ Share data and actions with buyers, other stakeholders and authorities when needed/if necessary.

For this step, you also need to set aside resources to visit plantations and farms to assess child labour risks, connect your team with local child protection organisations, and implement child labour prevention activities.

4.5. ORGANISE TRAINING ON CHILD RIGHTS AND CHILD LABOUR

All suppliers and local communities should be trained on child rights and child labour awareness. You may use the posters and materials provided in this toolkit.

You should ensure that women can also attend the training and carefully schedule them, taking, for example, childcare responsibilities into account.

4.6. ENSURING ROBUST HIRING PROCESSES

4.6.1. DIRECT RECRUITMENT

All employers in the palm oil supply chain shall use a standard recruitment process to prevent child labour, with extra care for migrant, temporary, and seasonal workers. The steps below can be shared with your suppliers.

1) Pre-recruitment

Ensure job announcements (verbal or written):

- ☑ State the minimum working age (usually 18)
- ☑ Use gender-neutral language
- ☑ Clearly describe job tasks and required skills
- ☑ Specify work permit or visit pass requirements for non-nationals
- ☑ Clearly state that a government-issued ID is required to apply

2) During recruitment

Always check original ID documents, even for daily, seasonal, or labour-provider workers.

Minimum checks for all applicants:

- ☑ Conduct an in-person interview
- ☑ Confirm name, photo, date of birth, and place of issuance
- ☑ Ensure the ID looks genuine (card condition matches issue date)
- ☑ Return original documents immediately after verification

By worker type:

- *Malaysian nationals: MyKad/MyPR – verify photo, DOB, and NRIC number*
- *Migrant workers: Passport and visa/work permit – verify photo and validity*
- *MyKAS holders: MyKAS card and a valid permit*

Additional requirements:

- *Cross-check documents even when recruitment is outsourced*
- *If documents are suspicious, verify with authorities or request alternatives*
- *If ID is missing, support workers to obtain proper documents*

3) After recruitment (ongoing)

For workers employed for more than 3 months, maintain an updated worker register including:

- ☑ Name, gender, year of birth
- ☑ Copy of ID and recent photo
- ☑ Written employment contract
- ☑ Legal status and work permit (for non-nationals)
- ☑ Housing details (if provided)

Contracts should clearly state the below, please also refer to the contract templates as part of this toolkit

- *Job duties and work location*
- *Working hours and pay rates (equal for all genders)*
- *Overtime, payment schedule, deductions, benefits*
- *Leave, medical coverage, maternity protection*
- *Termination notice period*

4.6.2. HIRING THROUGH LABOUR PROVIDERS

Require the labour provider to follow the recruitment process above. In addition, it is suggested that you also do random checks of workers' documentation.

4.6.3. AGE VERIFICATION FOR STATELESS WORKERS

Lack of nationality does not remove the employer's duty to prevent child labour. Where official IDs are missing, employers must use alternative, credible verification methods if age cannot be confirmed; do not employ the person in hazardous work.

1) Accept alternative identity documents

For stateless workers, accept non-citizenship documents that provide age information, including:

- ☑ MyKAS (issued by the National Registration Department to people born in Malaysia whose citizenship is undetermined; renewed every 5 years) [\[inst.com.my\]](http://inst.com.my)
- ☑ IMM13, community letters, refugee-related documents, or consular records (e.g. Indonesian birth certificates/passports for descendants of Indonesian nationals) [\[suhakam.org.my\]](http://suhakam.org.my)
- ☑ Birth notifications or late birth registrations, where available [\[dhrramalaysia.org.my\]](http://dhrramalaysia.org.my)

Always examine originals, check photo/identity alignment, and record document details.

2) Use community-based age verification (when IDs are missing)

When no formal ID exists, use triangulation:

- ☑ Written declarations from parents/guardians
- ☑ Community verification (village head, religious leader, school teacher)
- ☑ NGO or case-worker confirmation, familiar with the family
- ☑ School or clinic records (immunisation cards, enrolment lists)

Keep signed statements on file and document who verified the information.

3) Conduct structured age- assessment interviews

During in-person interviews:

- ☑ Ask consistent questions (e.g. date/place of birth, siblings' ages, schooling history)
- ☑ Cross-check answers with community or family statements
- ☑ Look for red flags (inconsistent timelines, coached answers)

If there is any doubt about age, do not hire for palm oil field work, which is hazardous under Malaysian law.

4) Register workers in Sabah systems (where applicable)

Use Sabah-specific mechanisms that support tracking and verification, such as Sabah Worker Portal / eNORES (pre-verification and worker records, including undocumented workers) [\[enores.itk...bah.gov.my\]](http://enores.itk...bah.gov.my), [\[sabahworkers.com\]](http://sabahworkers.com). These systems do not grant citizenship but help employers demonstrate due diligence.

5) Apply safeguards for young-looking workers

If a worker appears young or the age is uncertain:

- ☑ Do not assign hazardous tasks (harvesting, chemical handling, heavy machinery)
- ☑ Provide information on how to obtain documentation (NRD mobile units, consulates)

- ☑ Refer families to NGOs or legal aid for birth registration or MyKAS applications [\[nst.com.my\]](https://nst.com.my), [\[dhrramalaysia.org.my\]](https://dhrramalaysia.org.my)

6) Keep robust records

Maintain a confidential file including:

- ☑ All documents used (or explanation of absence)
- ☑ Community or guardian declarations
- ☑ Interview notes
- ☑ A clear decision record explaining why the worker was deemed over 18

GOOD TO KNOW: HAZARDOUS WORK AND MINIMUM AGE IN A JOB ANNOUNCEMENT

If the advertised position is hazardous (e.g. involves chemicals, hazardous procedures, handling dangerous machines or requiring overtime or work over night hours); the employer should indicate this and set the minimum working age to 18. For non-hazardous work, however, setting a minimum age of 18 may be discriminatory and should be avoided. Local laws should always be complied with.

GOOD TO KNOW: AGE VERIFICATION AND ID DOCUMENTS

When interviewing young applicants, age verification must not be based on social or cultural ideas of what an adolescent should look like, or how they should behave or respond to particular situations, as children's physical development can vary a lot. Behaviour also varies according to cultural backgrounds and expectations. It is essential that during the interview, the interviewer follow key child protection principles (See Appendix 1) when interacting with children.

Medical examinations are not an appropriate means of verifying age. Accuracy cannot be guaranteed, and an examination may cause a child unnecessary stress and violate their right to privacy. Therefore, these examinations should be performed only with the explicit agreement of the child and their guardians, by independent, licensed medical personnel, and only for the purpose of determining whether they are physically fit for the job.

Malaysia has a number of different identification documents:

- ☑ **Birth certificate:** Parents must register their newborn baby within 60 days to avoid later registration charges. Birth Certificates will be provided by the National Registration Department (NRD)
- ☑ **National Registration Identify Card (NRIC) (blue):** Compulsory for Malaysian citizens aged 12 and above. Known as MyKad, it has photo identification and fingerprint biometrics and is a validation and proof of citizenship, other than the birth certificate. The first six digits in the NRIC number are the person's date of birth, YYMMDD. The seventh and eighth digits refers to the place of birth, the ninth to 11th digit is a unique number, while the 12th digit represents the gender of the person (odd numbers for men and even numbers for women). MyKad holders can work without restrictions
- ☑ **MyKid (pink):** A chip-based identity card issued to children under 12. It does not include a photograph and thumbprint biometric data. For the registration of new births, MyKid will be processed during the birth registration application. Children born before 2003 do not have a MyKid
- ☑ **MyPR (red):** An identity card issued to residents of Malaysia with permanent resident status. MyPR holders can work without restrictions
- ☑ **MyKAS (green):** A temporary resident identity card issued under Regulation 5 (3) of the National Registration Regulations 1990. It has an expiry date indicated on it. It must be renewed every five years. It is issued to individuals born in Malaysia whose citizenship status cannot be determined. MyKAS holders are allowed to work under different permit restrictions, based on their specific immigration pass.

How to obtain a Birth Certificate

Parents must register their newborn baby within 60 days to avoid later registration charges. Birth Certificates will be provided by the National Registration Department (NRD). The birth certificate records key identification details including the individual's full name, date and place of birth, gender, and parentage. It serves as the primary proof of identity and citizenship at birth and is required for obtaining other official identification documents, such as the NRIC (MyKad)

4.7. MANAGE RISK FACTORS WITH LABOUR PROVIDERS AND SUPPLIERS

All businesses in the palm oil supply chain should pay attention to the child labour risks associated with labour providers, as well as your suppliers, subcontractors, and business partners. You are responsible for communicating the procedure below to your business partners and for monitoring its implementation. Where management loopholes or severe child labour risks are identified during recruitment, you are required to provide guidance on mitigating the risks and offer improvement suggestions.

When cooperating with labour providers and suppliers, you should:

- ❑ Ensure all stakeholders in the supply chain fully understand and communicate the Guideline in writing to their suppliers and business partners.
- ❑ If engaging labour providers, a written contract with all labour providers and documented oversight mechanisms must be in place.
- ❑ Verify age documents and interview workers, even when you have not directly hired them.
- ❑ Ensure workers receive a wage that is at a minimum in line with the agreed minimum wage, even after possible deduction of commissions for the labour providers, and that men and women receive equal pay for equal work.

GOOD TO KNOW: RECRUITMENT FEES

Recruitment fees or related costs refer to any fees or costs workers have had to pay to secure employment or placement, regardless of the manner, timing or location of their imposition or collection.

No recruitment fees or related costs should be charged to recruited workers and jobseekers. We strongly suggest to not engage workers through business partners or labour providers known to charge recruitment fees or impose any related costs to workers.

4.8. STRIVE TO OFFER SOLUTIONS TO TACKLE THE ROOT CAUSES OF CHILD LABOUR

While the causes of child labour are unique to each case, there are some root causes that can be tackled collectively, such as poverty and lack of access to childcare and education. Tackling root causes has long-term business benefits, as it contributes to eliminating child labour at its source. You are encouraged to work with your business partners on initiatives such as those below.

Some examples of solutions include:

- ☑ Pay living wages and avoid piece rate remuneration, supported by proper tracking of wages and hours worked
- ☑ Provide transport to schools in case they are located far away
- ☑ Promoting and providing access to quality childcare and afterschool care
- ☑ Providing decent working and living conditions for pregnant and breastfeeding workers
- ☑ Provide training on gender equality, recognising the burden of unpaid care work for women and how this increases child labour risks
- ☑ Provide technical upskilling training for plantation workers to diversify their income

Commented [KM4]: Establish systems and processes for wage and hour tracking that effectively manage pay and hours worked

Commented [LD5R4]: Noted, I just added to point #1

5. | PROTECTING YOUNG WORKERS |

Malaysian law respects young workers' (under 18) rights to work and rights at work. When young workers are hired, all employers should provide the necessary protection in compliance with the Child Act, the Children and Young Persons Employment Act, the Sabah Labour Ordinance, provisions from the Department of Occupational Safety and Health, and Social Security Protection for Foreign Workers. The section below explains preventative measures you should implement in your workplace to create a safe workplace for young workers that protects their rights.

As a supplier, you are responsible for communicating the procedure below to your business partners, including farmers, and for making significant efforts to monitor its implementation. Where management loopholes or severe child labour risks are identified during recruitment, you are required to provide guidance on mitigating the risks and offer improvement suggestions. Additionally, you should periodically assess whether the measures below are effective, for example, through worker surveys, plantation walkthroughs, and risk assessments.

How to create a non-discriminatory but safe workplace for young workers?

1) Hiring young workers

Robust age-verification systems are key. Once you have established, through the age verification process described in Chapter 4.6, that the applicant is of working age but under 18, **take the following steps:**

- ☑ Ensure the young worker receives at least the minimum wage, receives equal work for equal pay as adult workers (and ensure equal pay for equal work for male and female workers) and receives special protections related to safety and health, working hours, rest time and leave (see GOOD TO KNOW below).
- ☑ Ensure young workers have valid work agreements, just like other adult workers, and the young workers fully understand the terms and conditions of their work agreements.
- ☑ Maintain an up-to-date register of all young workers (under 18), including their age, date of birth, job title and assigned tasks. This register may be maintained separately or clearly identified within the general worker records.

GOOD TO KNOW: REST TIME FOR YOUNG WORKERS

Young workers are allowed the following rest periods:

- ☑ One full rest day per week
- ☑ Children aged 13 to 14 engaged in light work must have at least 30 minutes rest after working for three consecutive hours. They must have had a period of 14 consecutive hours free of work before starting work on any day
- ☑ Young workers aged 15 to 17 engaged in work must have at least 30 minutes rest after working for four consecutive hours. They must have had a period of 12 consecutive hours free of work before starting work on any day

Young workers are allowed the same leave as adults.

Commented [ML6]: Should we rephrase this chapter entirely to be aligned with the poster and less general? So its clear that no work, except those non hazardous we have shown in the poster can be done by YW. And 13-14 can only do very few tasks

Commented [LD7R6]: I think this is still valid. Practical application maybe there are challenges for some estates. Added some inputs below

2) Working hours

The employer should comply with the national law on maximum working hours for young workers, and ensure that young workers do not work overtime or at night. If the young worker is still in compulsory education, their work must not interfere with their school attendance nor the ability to study.

Young workers (15 to 17) in Sabah are allowed to work the following hours, with adequate rest and leave (see GOOD TO KNOW above):

- ☑ Maximum seven hours per day
- ☑ Maximum eight hours per day when combining school and work
- ☑ They are not allowed to work night shifts between 8 pm and 6 am
- ☑ They are not allowed to work overtime

3) Hazardous work

The Fourth Schedule of the [Children and Young Persons \(Employment\) Act](#) defines **the following list of hazardous work** (please refer to the schedule for the full list):

- ☑ Work related to machines (for example, boilers, drills, cranes, etc.), installations (for example related to electricity), and other equipment
- ☑ Work in hazardous environments
 - *Exposed to physical hazards such as underground, underwater, at heights, exposed to heat, dust or noise, etc.*
 - *Exposed to chemical hazards*
 - *Exposed to biological hazards such as germs or bacteria*
- ☑ Work of a hazardous nature, such as in construction, timber industry, work offshore, or above or near water

Young workers are prohibited from engaging in the following kinds of work:

- ☑ Work related to prostitution or pornography
- ☑ Work in the hostess, social escort, or massage industry
- ☑ Work related to alcoholic beverages
- ☑ Work related to gambling
- ☑ Work related to drugs or narcotics

Where young workers are employed, employers must ensure that they are only assigned to legally permitted, non-hazardous tasks and are protected in accordance with applicable laws and the measures described in this guideline.

4) On young workers' first day of work: Orientation and occupational safety & health (OSH) training

Where young workers are employed, they should receive an orientation and safety briefing before starting work. **This should cover:**

- ☑ Why safety matters and how to work safely
- ☑ A short walk-around to point out risks at the worksite
- ☑ How to use PPE and other safety measures
- ☑ How to raise concerns or complaints
- ☑ How to report hazards and what will happen after they're reported

Commented [ML8]: @Letchmi: this would only be applicable for nurseries then? Please adapt the text directly if you feel it needs to be changed.

Commented [LD9R8]: I think we can keep it generic because the guideline is also to prevent CL and the lower tiers (e.g. contractors, smallholders) with higher CL risk profile, if they hire young workers, these information is useful. Also, Malaysian law permits the employment of young workers aged 15–17 under certain conditions.

5) Ongoing protection during employment – keeping young workers safe

- ❑ Ensure that young workers are properly managed and that they are supervised and monitored properly, ensuring their safety and non-hazardous work
- ❑ Use name tags or uniforms so young workers can be easily identified at the workplace. Use the posters in this toolkit, which explain young workers' rights, and post them so everyone can see them
- ❑ Make sure clean drinking water, toilets, handwashing facilities, and soap are available at work (and in housing, if provided)
- ❑ Work with local authorities or community groups to help create a safe and supportive workplace

6) Management and supervision of young workers

Where young workers are employed, designate a responsible person (for example, an estate manager, assistant manager, supervisor or HR representative) who understands the legal restrictions and protections applicable to young workers. This person should periodically verify that young workers are only performing permitted tasks and that the required safeguards are being implemented.

7) Grievance mechanism, especially important for young workers

You should have a comprehensive, transparent grievance mechanism accessible to all workers. The mechanism should have a clear, step-by-step protocol for responding to grievances (i.e., from the initial grievance raised to the appointment of a responsible person, assessment of the grievance, and appropriate remediation of the grievance case).

Young workers should be trained on how to use this grievance mechanism, what type of grievances they can report and how to report them. The grievance mechanism should comprehensively respond to different types of grievances, such as suspected child labour cases, issues related to wages or working hours, cases of gender-based violence and sexual harassment, etc. The grievance mechanism should be gender-sensitive and not allow any instances of gender bias or discrimination. It should also be possible to leave a grievance in different languages, and also if you have difficulties reading and writing.

Commented [LD10]: suggesting more options e.g. personnel records, worker lists, identification tags or other appropriate methods.

Commented [LD11R10]: We have all the key conditions that is mandatory for YW protection e.g. no hazardous work. Adult supervision and monitoring maybe missing.

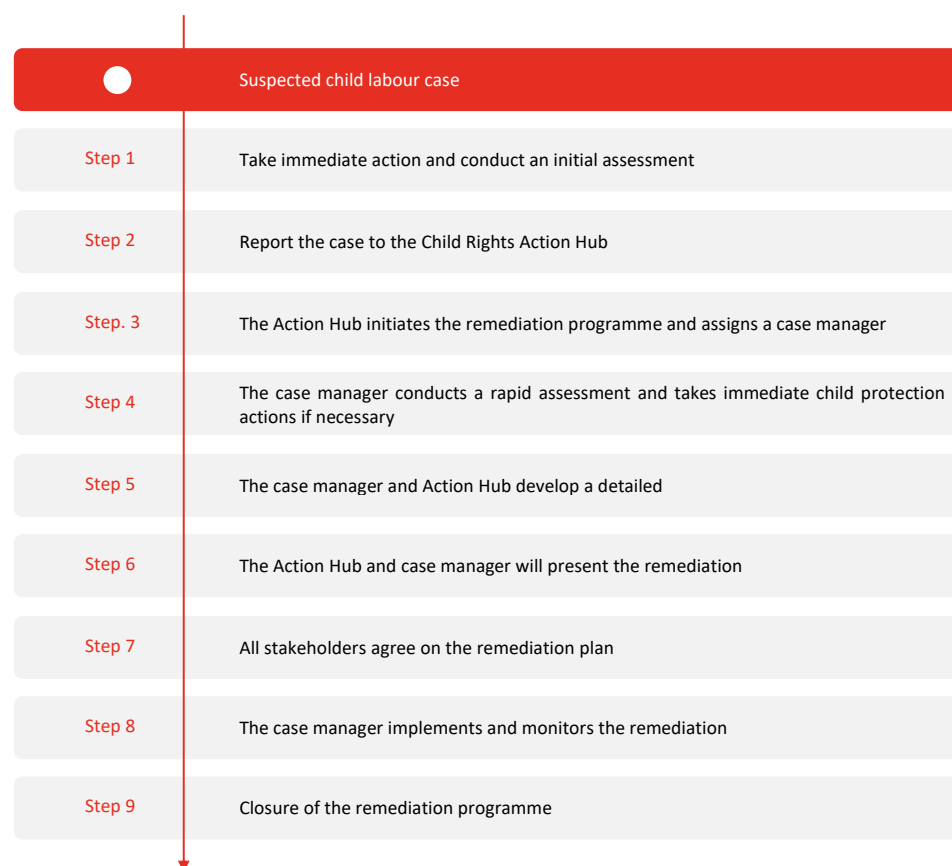
Commented [ML12R10]: Added plus the worker registry is mentioned above above

6. CHILD LABOUR REMEDIATION MEASURES

Child labour remediation refers to the process of removing children from a child labour situation and providing safe, adequate alternatives, such as reintegrating them into the education system or, if they are above the minimum age for work, providing a non-hazardous job opportunity.

To ensure a fair and independent remediation for the concerned child, you can engage [The Centre for Child Rights and Business' Child Rights Action Hub](#) in the remediation process and follow the following steps:

Figure 2: Overview of Child Labour Remediation Procedure



In response to different types of child labour cases, the following steps are suggested to be taken by suppliers or auditors who have identified the child labour case.

Commented [ML13]: Should we still suggest this? Or something else?

Commented [LD14R13]: Ines: okay

Commented [LD15R13]: Check hyperlink

6.1. WHEN A CHILD BELOW THE MINIMUM AGE FOR WORK IS FOUND WORKING AT THE PLANTATION

The person who identified the child/children shall:

- ❑ Assess if the work is hazardous: if it is, the child should be asked to stop working. Ensure this does not put the child's health and safety at risk and find a safe location for the child while you take the next steps and assess the situation. If the child is doing non-hazardous work, the child can continue their work while the initial assessment is underway.
- ❑ If the child's parents are nearby, ask them about the child's age and a document of proof. If available, ask the plantation owner/manager to give you the worker file of that child (including age documents and time records) and their working history.
- ❑ If the child is seemingly below the minimum working age and working time is beyond the allowed maximum, or if you have doubts about the correctness of the information, try to establish the approximate age by talking to the child. This talk should be done in a calm manner, offer information about yourself and ask open-ended, general questions to establish rapport (See Appendix for detailed questions). Listen to the child to understand their needs. Assure them that they have done nothing wrong and are not "in trouble" and kindly explain why they cannot be working. If the concerned child is a girl, it is often preferable for a woman to speak to them.
- ❑ Collect initial information about the child, filling in the notification form (See Appendix 4) and notify the Child Rights Action Hub: actionhubmy@childrights-business.org.
- ❑ Check whether there are any other underage children working or whether there are any young workers doing hazardous work.

6.2. WHEN A YOUNG WORKER IS ENGAGED IN HAZARDOUS WORK

The person who identified the young worker(s) shall:

- ❑ Immediately stop the young worker from performing any hazardous work and/or move them away from the source of the hazard to ensure their safety.
- ❑ Contact the young worker's parents or guardians to explain the situation.
- ❑ Arrange for a safe place for the young worker, such as a dormitory or nearby community centre.
- ❑ If appropriate work is available for young workers, discuss with the plantation's owner/management and the young worker the possibility of reassigning them to age-appropriate, non-hazardous work positions without reducing their wages.
- ❑ Communicate with the plantation to ensure the young worker is not fired, they and their family do not suffer any harassment, and that they are paid proper wages for their time worked.
- ❑ Gather information about the young worker, fill out the notification form (See Appendix 4) and notify the Child Rights Action Hub.

6.3. WHEN A CHILD IS PRESENT ON THE PLANTATION BUT IS NOT WORKING

If the child/children are not working but are present on the plantation due to parents lacking alternatives for childcare, **the person who identified the children shall:**

- ❑ Speak kindly to the parents (if they are present) and ensure that the child is not exposed to any hazards or do work which is not appropriate for his/her age. Find out the reason for the child being at the plantation (lack of childcare, out of school, etc.) and explain that it would be best to ensure that the child is in a safe place and not at the plantation and that you will help try to find a solution.
- ❑ Contact the child's parents/guardians if they are not with the child.
- ❑ Assess the alternatives for the child to be in a non-hazardous environment, e.g., a safe space nearby, such as a childcare centre, be with friends or relatives, at a community centre (under supervision) or at school while the parents are at work. An alternative is to arrange a simple resting area at the plantation, away from hazardous work situations, where the child/children, under adult supervision, can stay while the parents finish their work. Discuss and agree on the most feasible and safe option and help to arrange the next steps for the child. Notify the Child Rights Action Hub.

6.4. REMEDIATION ACTIVITIES FOR THE PLANTATION

The concerned plantation is advised to review its internal management system to identify gaps and implement improvement measures to prevent child labour cases from recurring. **Based on the gaps identified, remedial actions may include:**

- ❑ Child labour awareness training for key stakeholders (e.g. labour intermediaries, recruitment/HR personnel, etc.)
- ❑ Review of child labour policy and procedure
- ❑ Modify systematic management loopholes and refine procedures
- ❑ Child labour risk assessment and action planning

6.5. MULTI-LEVEL REMEDIATION APPROACH FOR CHILD RIGHTS VIOLATION

Child labour is difficult to tackle by yourself, particularly when it comes to root causes that are outside of a supplier's leverage. In these cases, it is beneficial to work with relevant stakeholders to develop remediation responses.

Some examples of multi-level remediation activities which are more long-term are:

- ❑ Implement youth development programmes to create safe job opportunities and vocational skills training for young workers
- ❑ Collaborate with third-party organisation(s) to organise child-friendly community programmes such as children's clubs, temporary childcare or education facilities to mitigate the risk of children working or accompanying parents to worksites
- ❑ Collaborate with NGOs and public education centres to organise income-generating training sessions for seasonal migrant workers and young workers
- ❑ Create and train Community Child Support Groups for villagers to support each other. Such a mutual support mechanism can ensure sufficient manpower for the required workload while also ensuring community-based childcare for villagers to support each other
- ❑ Support parents, especially mothers, to set up income-generating activities to diversify household income and compensate for the loss of the child's income
- ❑ Join initiatives to improve living and working conditions, including access to WASH facilities and that living areas are safe and appropriate for families

7. APPENDICES

Verifying child labour can be very challenging, especially when the smallholder farmers have limited or no record of the workforce or no official age documents (e.g. birth certificate) are available. If no document is available on site, an estimate of the children's ages and working history can be established through interviews with children, parents, and/or farm managers, using the sample interview questions in Appendix 1. If doubts still exist after the interviews and documents inspection, a third-party organisation like [The Centre for Child Rights and Business](#) can be consulted for further verification.

7.1. APPENDIX 1: HOW TO CONDUCT A CHILD-FRIENDLY INTERVIEW

Before and when conducting the interviews with the suspected children, **remember:**

- ☑ Only carry it out when there are serious doubts about the age of the children and only as a measure of last resort.
- ☑ Do it in a manner that is respectful, sensitive to the age and maturity of the children, and with the informed consent of the children concerned.
- ☑ The children's interests and rights should ALWAYS come first.
- ☑ Ask the children whether they want to appoint an adult to be present with them during the interview.
- ☑ Medical examinations for checking the age of the children are not appropriate, as they are inaccurate and cause unnecessary stress to the children.

To avoid negative impact on children (e.g. physically or psychologically), **please follow the principles below when interacting with children:**

- ☑ Do not harm any child
- ☑ Explain the purpose of the interview and its intended use
- ☑ Ask about "children's daily activities" rather than "working activities"
- ☑ Avoid questions, attitudes or comments that are judgmental, insensitive to cultural values, that place a child in danger or expose a child to humiliation
- ☑ No staging: Do not ask children to tell a story or take an action that is not part of their own history
- ☑ Pay attention to where and how the child is interviewed. Make sure the children are comfortable and able to participate without outside pressure
- ☑ Do not refer to "child labour" but rather to "children assisting/helping/participating in activities"

7.2. APPENDIX 2: QUESTIONS TO VERIFY AGE

Use the following example questions to cross-check the facts during an interview:

- ☐ Can you talk a bit about yourself? Where is your hometown? Do you like school? Why? Or why not? Do you have to send money back home?
- ☐ How many members are in your family? What are your parents' names?
- ☐ What are your parents doing? Where are they?
- ☐ Do you have siblings? Are they studying or working? How many years older/younger than you are your siblings?
- ☐ What is your birthday by day, month and year? So, in this case, how old are you?
- ☐ Do you have any siblings?
- ☐ When did you start school? Have you ever skipped a grade or been held back a grade?
- ☐ Which grade did you finish and when? Which grade are your siblings in? Or when did they finish school, and at what grade?
- ☐ Was this a school in your hometown? Where is it?
- ☐ Do you have friends from the same hometown/school here? Do you still keep in contact with your classmates? Which grade are your classmates in now, if some are still in school?
- ☐ *Is this your first job? Have you ever worked before? What kind of job have you done before? How long did you work for the last job?*

Keep in mind that if the child is a girl, it is preferred for a woman to speak to her and ask the above questions.

7.3. APPENDIX 3: QUESTIONS FOR SUSPECTED CHILD LABOUR

The individual who identified the child labour case can **use the following questions to collect general information about the child/children:**

- ☐ Hi, I'm XXX, I'm from XX, and I'm here to visit the plantation site and check the status of all workers. I notice you are working very hard here. What are you doing?
- ☐ Can you talk a bit about yourself? How old are you (and when is your birthday)? Where are you from? Do you like working here?
- ☐ How many members are in your family? What are your parents doing? Where are they? Who normally takes care of you?
- ☐ Do you have siblings? Are they studying or working?
- ☐ How long have you been working here (start date)?
- ☐ How much money do you earn for this work? Per day, per month or piece rate?
- ☐ Have you been working at this position the whole time? Or are you also doing some other tasks?
- ☐ Do you like school?
- ☐ Why are you working?
- ☐ Can you tell me your parents' names and phone number, and also your contact information, phone number or other ways to contact you? That will allow us to follow up if we have any other questions.

Keep in mind that if the child is a girl, it is preferred for a woman to speak to her and ask the above questions.

7.4. APPENDIX 4: NOTIFICATION FORM CHILD LABOUR

Name of the child	
ID number or birth certificate *Please attach a copy along with this form	
Date of birth	
Start date at the plantation/factory/mill	
Salary/allowance/pocket money	
Work position	
Current situation and location of the child	
Hometown or birthplace	
Phone number	
Other means to keep in touch (e.g. friend or sibling's phone number)	
Family status, including primary caretaker and location of legal guardians (e.g. parents)	
Name and contact number of legal guardians (e.g. parents)	
Main reason(s) why the child was employed	
Immediate actions/steps that have been taken by the company	
Other information collected during the interview and photo-taking (if applicable)	

7.5. APPENDIX 5: USEFUL CONTACTS FOR CHILD RIGHTS PROTECTION IN SABAH

This stakeholder mapping provides a reference list of relevant government agencies, service providers and organisations that may support companies in responding to cases involving children at risk, including referral pathways for protection, documentation, healthcare, psychosocial support and other assistance.

Acknowledgement / Source

The stakeholder mapping was provided by Global Shepherds and is included in this guideline with their permission. We gratefully acknowledge Global Shepherds for compiling and sharing this resource to support child protection and remediation efforts in Sabah.

Organisation/Department Name	Telephone Number
Keningau Hospital	+6087-313 000
Keningau Hospital Emergency Unit and One Stop Crisis Centre (OSSC) , Hospital Keningau	+6087-330 030
Duchess of Kent Hospital, Sandakan	+6089-248 600
Global Shepherds, Keningau	+6019-260 6397
Global Shepherds, Sandakan	+6012-321 1698
Hotline Global Shepherds, Kota Kinabalu	+6012-824 8090
Hotline Good Shepherd Services (GSS) – Support System etc	+6019-534 9044
Kawan Bah – Sokongan Emosi, Good Shepherd Services (YouthPREP Alamesra, Kota Kinabalu)	+6012-775 3020
Cathedral of St. Francis Xavier, Keningau	+6087-331 154
Church of St. Anthony, Tenom	+6087-735 516
Sabah Women's Action-Resource Group (SAWO)	+6088-269 291
Department of Social Welfare (Sabah), Child Protection Unit, Sabah	+6088-255 133 / +6088-255 134 / +6087-331 224
Human Rights Commission of Malaysia (SUHAKAM), Sabah Office	+6088-317 405
Department of Labour, Kota Kinabalu	+6088-236 171 / +6088-236 761
Department of Labour, Sandakan	+6089-668 341 / +6089-668 340
Department of Labour, Keningau	+6087-331 582
C.H.I.L.D (Caring and Helping Individuals Learn and Develop), Sabah	+6016-831 6952
ANAK (Advocates for Non-discrimination and Access to Knowledge), Sabah	+6014-370 1317
Borneo Komrad, Sabah	+6014-858 3380
Indonesia Learning Centre, Kota Kinabalu	+6088-492 600 / +6016-835 5465
Indonesian Consulate, Kota Kinabalu	+6088-219 110 / +6088-218 600
Philippine Embassy, Kuala Lumpur	+603-2148 4233 / +6017-304 3177
Sabah Law Society	+6088-232 662
Talian Kasih	15999 / +6019-261 5999

Note: The contact information provided is for reference purposes only and may be subject to change. Users are encouraged to verify the contact details and any updated information with the respective organisations before making a referral.

