





**GLOBAL
SHEPHERDS
- A SURVEY ON
CHILD LABOUR**

Global Shepherds Berhad



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HOW THE CONVENTION WORKS

CONVENTION ON THE RIGHTS OF THE CHILD

... **“child labour”** is often defined as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development.

- ILO, *International Programme on the Elimination of Child Labour*

Background of Survey

Sabah hosts the highest number of non-Malaysian citizens (27.7%), predominantly the Indonesian and Filipino migrants in comparison to other states. This may probably be due to Sabah being one of the largest palm oil producing states in Malaysia, as well as the proximity of the two countries to Sabah. Unlike in Peninsular Malaysia, Sabah is unique given the fact that migrant workers have been allowed to bring their family members to live with them. This arrangement is not stated in the local work ordinance (Sabah Labor Ordinance) but more in the work contract between the local employer and the foreign worker.

From a historical perspective, there is a long and complex migration record of many Indonesians and Filipinos into Sabah. Consequently, the state faces long-standing issues relate to stateless children, children of Filipino’s refugees, and undocumented migrant children (Ismail 2008; Jalihah & Hussin 2010; Dzurizah & Jalihah 2013; Abdul Aziz et al. 2017).

Existing studies indicate tens of thousands of Indonesian, Filipino and stateless children working “informally” and/or assisting their parents undertaking oil palm related activities (Abdul Aziz et al. 2017; Earthworm Foundation 2019; Wahab 2019). Some children are allegedly involved in undertaking hazardous and heavy activities without appropriate protective equipment and social protection (Puder 2019; Solidar 2019). While some of these activities have immediate health implications to children, others will harm children's physical and mental development in the longer term. ¹

Global Shepherds in Keningau

Global Shepherds Berhad (GSB) began its programme on Community-based Child Protections & Safeguarding in Keningau in early 2020. In the years prior to 2020, programmes that included “Keeping Me Safe”, a personal safety programme targetted at children, and Family Building activities, were run as outreach programmes in Keningau and Kota Kinabalu.

Using the same programme formats, the team opened its first office in Keningau as part of a funding project under UNICEF. The goal of the project was to develop a deeper

¹*Migrant workers in Sabah, East Malaysia: The importance of legislation and policy to uphold equity on sexual and reproductive health and rights* - Helen Benedict Lasimbang, Wen Ting Tong, Wah Yun Low

commitment in the community towards child safeguarding through active participation in Child Protection Committees.

The programme are run in the learning centres for children set up by migrant committees. Some of these learning centres are self-funded and a large majority known as Community Learning Centres (CLCs) were established by the Indonesian government.

The focus for the community-based programme is to establish in each learning centre a committee for child safeguarding, and these committees to comprise parents, teachers, children, local authorities and stakeholders. Subsequently, the team set up one committee which include several learning centres to collectively look into the issues of child protection for the whole migrant community in Keningau.



Child Protection Committee – team activity

Location of Survey

District of Keningau is located in the Interior Division of Sabah and is the largest district in the Upper Interior. It is the fifth-largest town and one of the oldest in Sabah. The district is located at latitude and longitude at 5 20' 0 U - 116 10' 0 T. Keningau is bordered by Ranau and Tambunan Districts on the North, Nabawan and Tenom on the South, Tongod on the East and Papar on the West of Sabah.

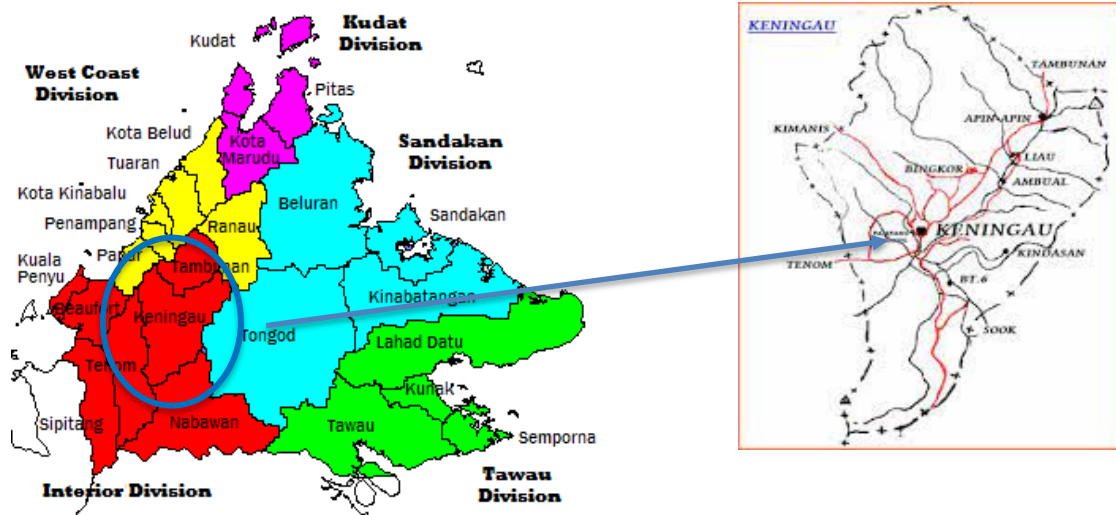


Figure 1: Map of Sabah

In 2010, Keningau's population was estimated at 134,234. Of the total, 90% are Dusuns and Muruts, 8% are Chinese (of whom most are proportionally divided into Hakkas and Taishanese); the balance is divided between other indigenous Sabahans and immigrants (regular and irregular) from the Philippines and Indonesia. The latter group forms a disproportionately large part of the population of Keningau as many of these immigrants enter Malaysia to seek employment in the many agro-farms, factories and plantations in the district. The economy in Keningau depends on agriculture, plantations, lumber factories, small enterprises, and tourism which has contributed to the progress and employment opportunities to its people.

This survey was conducted to find out if there exists elements of Child Labour among the migrant community in Keningau district and to get feedback from the migrant children aged 10 to 17 years old about their knowledge on Child Labour.

Methodology

The questionnaires survey was put in a google form format and the link was sent out to seven (7) targeted learning centres (school) which were ALC Hope, CLC Java Etania, CLC Budi Luhur 01 Biah, CLC Budi Luhur 02 Asbon, CLC Budi Luhur Bingkor, CLC Pasir Putih and CLC Good Samaritan.

The link to the google forms were sent via whatsapps to their students. The information (especially the stories) was extracted from the interviews between the teachers and the students/ parents / guardians. For those respondents who could not access the link, individual calls were made to each student by the GSB staff and the information filled directly into the google form. For many of the students this method was used due to the bad internet connection in various places in Keningau.

Note: ALC – Alternative Learning Centre; CLC – Community Learning Centre

Results and Interviews

a. Background of The Respondents

Respondents were migrant students from the learning centres located in the Keningau area. Many followed their families across borders and across districts in Sabah, wherever there were opportunities to work for the parent, the main breadwinner. Many of the children may have been born in Malaysia.

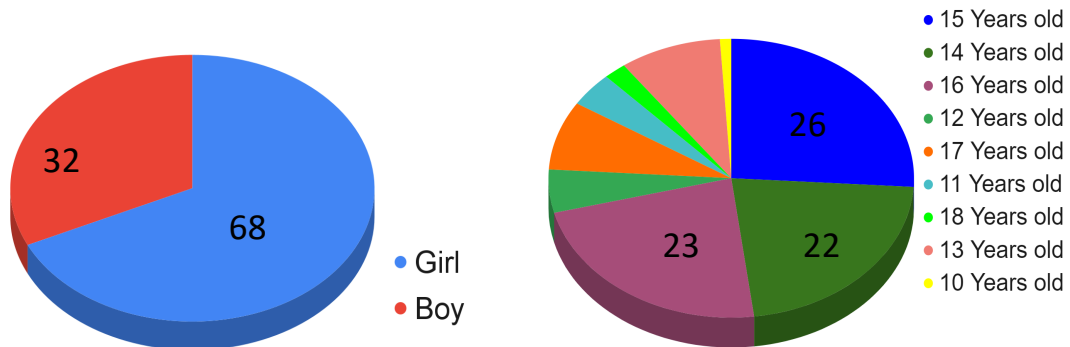


Figure 2

Figure 3

As presented in Figure 2, a total of 100 respondents contributed in this survey. It was observed that majority of the respondents that participated in this survey were girls (68 pax). Most of the children were from the older age group, i.e. age group from 14 to 17 years old (79 pax) and the rest belong to 10 - 13 years old age group (20 pax). There was one exception, an 18 years old respondent who was still part of the school. Most respondents were Indonesians (51 pax). The rest were of Filipino (26 pax) origin and 23 respondents were undocumented / stateless children. The children who were not documented / stateless may be either of Malaysian or migrant origin.

A breakdown of the respondents by school is as follows.

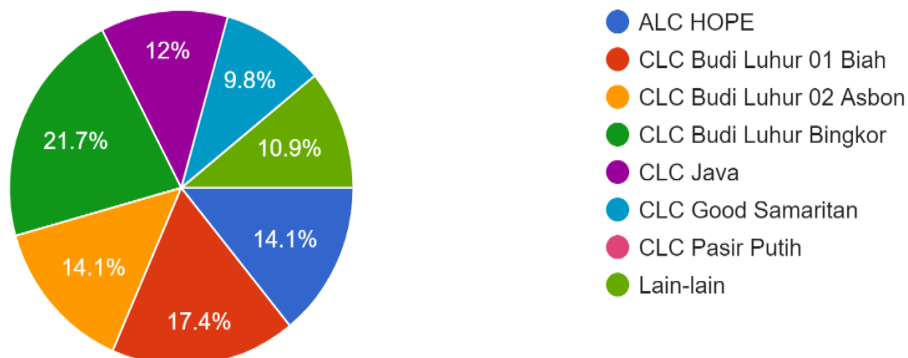


Figure 4 shows the total percentage of students per school who participated in this survey

Below are pictures of four schools who participated.



CLC Budi Luhur 01 Biah



CLC Budi Luhur Bingkor



CLC Budi Luhur 02 Asbon



ALC HOPE

b. Number of Respondents Still in School in 2021

There was a total of 92% students who remained registered in school. Regrettably, eight students had dropped out during the duration of this survey. It is noted that the drop out was still a lower than expected figure as there was a perception that many students would have left to work or return to Indonesia.

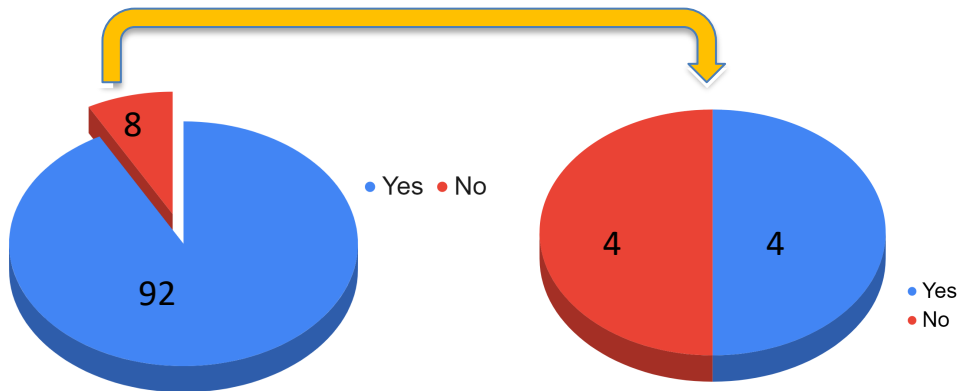


Figure 5

Figure 6

Of the eight students who had dropped out of school, six were girls and two were boys. We had not at the time of survey determined if this was a gender issue. It is however noted that this may also be due to the higher percentage of girls who responded to this survey.

Figure 6 shows of the eight respondents who had dropped out, four had started working.

c. Number of Respondents who were in school and working part time

In response to the question on working the following was revealed. Of the 92 respondents who replied to this question, 68 students who were still in school in 2021, had past experience working in various sectors.

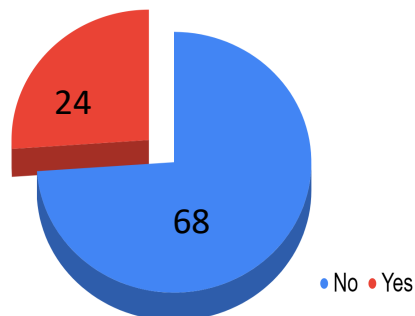


Figure 7

The main reasons for working that was given by the students were that “they wanted to help their families financially” and to earn extra pocket money for themselves. Some of the students said they worked because they wanted to experience the hardships experienced by their parents and to have a deeper appreciation of their parents.

When asked if they were forced or coerced into working by their parents, most of them answered there was no coercion from any party, as they made their own choices. It would seem that some students felt compelled to work due to financial difficulties within their families.

d. Employment Sector of Respondents

This section asked the respondents in which sectors did they work with. There were 28 respondents to this question.

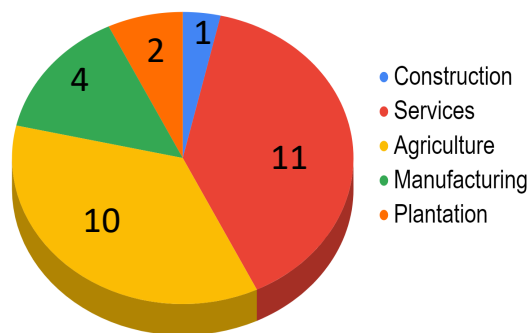


Figure 8

Figure 8 shows the types of employment sectors that the respondents worked in. Of the 28 respondents who worked, 11 were in the services sector such as restaurants, car wash, supermarkets, night markets and homes (domestic work). Respondents who worked in the agriculture sector total ten, four worked in the manufacturing sector, two worked in the plantation sector and one worked in the construction sector.

Most of the students working in the service sector said it was easier for younger students to find jobs in this sector. As for the ten students who worked in agriculture sector, they said they helped their parents during their school holidays only. These may be in the farms or the plantations.

Examples of workplace available to students in the district of Keningau.



Picture on the left shows an area of oil palm and rubber plantations in one of the villages in Keningau.

Picture on the right shows the lumber factory & workers' housing.



e. Experience While Working

Under this section the students were asked about their experiences while working. Some said the rest time was not enough, some felt tired due to lack of sleep because work started as early as dawn at 5 am to 9 am, some said they felt they were victims of “gossip”. Other worked under the scorching heat of the sun, and some experience verbal abuse from their employers. Still, there were some students who said they did not have any problems at work.

The children were placed in situations where workplace conditions were not conducive to their general wellbeing. Some workplaces were unsafe or unsuitable for children.

f. Knowledge About Child Labour

The students were asked about their understanding of the term Child Labour. Below are the results, showing 64 out of 100 students who were not aware of the term and definition of Child Labour.

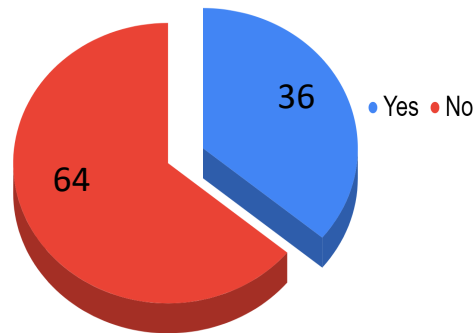


Figure 9

The 36 students who had heard of the term child labour did not know or fully understand the definition of child labour. The students were unaware of their rights, did not see the exploitative nature of some of the work practices nor were they aware of safety requirements.

The organisation identifies this as a gap within the communities that needs to be addressed. Thus, this has created an opportunity to make further inroads into community engagement on rights and safety for children.

Stories from The Child Worker

The following are three stories from the children. Names have been changed to protect the identity and privacy of the children.

Abdul

This story about Abdul was told by one of the teachers. Abdul, a 16 year old boy is the youngest of five siblings. Abdul started working part time during weekends and school holidays at the age of 13 years old. He worked in one of the lumber factories in Keningau.

Abdul felt he was also responsible in helping his family financially, and used some of his wages to cover his school expenses. His work includes moving and stacking the processed wood. When he was 14 years old his finger was badly cut by the rough edges of the woods but compensation was never provided by the employer.

Despite that, he continued to work part time. During the Covid19 pandemic, Abdul was forced to work full time when his eldest brother, who was working in another part of Sabah could not return home to give money to the family. Fortunately, Abdul still continued his studies by attending online classes. Working in a lumber factory has exposed Abdul to many serious hazards. Without him realising it, his health had been affected. During the survey, the team found out that Abdul has never heard about child labor.

Mohd Syukri

We were informed by one of the teachers about a 15 years old Indonesian boy who is working in rubber and oil palm plantations. His name is Mohd Syukri and he has been helping his parents since he was 13 years old.

Mohd Syukri starts work as early at 7am and finishes at 12 noon. The work involves harvesting of ripe fruits, pruning of oil palms, applying fertiliser to the palms, spraying herbicides, weeding, etc. He claimed that he didn't have any issue or problem with his work nor his employer. He was not fully aware of the hazards that he was exposed to and the long-term effects to his physical health.

For instance, palm fruit bunches are made up of thousands of small fruits and can weigh between 15 and 25 kilograms. There are long term effects on the physiology of children who are required to lift heavy loads on a daily basis.

Siti Sarah

Siti Sarah is about 14 years old. She was born to an Indonesian father and Filipino mother. When Siti Sara was very young, her mother left the family and returned to the Philippines. Thereafter, there was no further news or contact from her.

Siti Sarah has been working since she was 12 years old to help her ailing father and to pay her school fee. Her work experience includes selling fried chicken wings at night markets from 3pm to 9pm; and when she is not working at night markets, she will be working during the weekends as a waitress in the restaurant for long hours, starting as early as 7am and ending at 5pm.



Loki

Loki is an undocumented 15 years old Filipino boy He had no choice but to quit school when he was only 14 years old. Due to his young age, he is only able to work as a general worker at a car wash centre.

He has big desires to continue school but he had to stop schooling due to his family financial constraints.

Fortunately, he still maintains contact with his school and the teachers there continue to allow him to participate in the school activities / programs.

Sherrie

Sherrie began working full time as a shop assistant at the age of 15. She said that her early education started when she was 14 years old but only lasted a year. Her father then asked her to work at his place of employment. She told the interviewer that she appreciates the help from the teachers at the learning centre and expressed her interest in joining any activities/ programs from the Global Shepherds team

Poverty is the main reason children in the migrant communities are being put to work, many expressed that they do it “voluntarily” for their families. Some of them said they chose to work and were not forced by their families. Many families who are undocumented do not have access to social services in Malaysia. They pay more for health facilities and do not have access to free formal education that local Malaysians have.

Conclusion

Malaysia's position on child labour is very clear and the country expressed its commitment against child labour. This position was taken with the ratification of two ILO Fundamental Conventions on child labour: Convention 138, called Minimum Age Convention, and Convention 182 on Eliminating the Worst Forms of Child Labour.

Malaysia also has legislations that are related to the employment of children as follows.

1. The Children and Young Persons (Employment)(Amendment) Act 2019 prohibits the employment of children below the age of 15, but makes exceptions for light work as defined in the legislation. Workers are eligible for full time employment at the age of 15. But there are certain protective regulations covering young workers aged 15 to 17.
2. For Sabah, special provisions relating to the employment of Children and Young persons is embodied in the Sabah Labour Ordinance Chapter 67. These ordinances are yet to be updated to reflect the amendments in the Children and Young Persons (Employment)(Amendment) Act 2019.

Sabah however, has challenges that requires more political will to overcome. As mentioned on the first page of this survey report, "migrant workers are allowed to bring their family members under special permit for dependents, including spouse and children, to live together with them". However, the children are not allowed access to formal schooling, pay exorbitant fees for healthcare and lack access to social support systems. There are also risk of the children being arrested and sent to detention centres. As shared by the children during this survey, many feel that they also must contribute to the wellbeing of the families by engaging in part time work or in some cases full time work when parents fall ill.

As a country that has developed substantially, economically and socially, Malaysia is still far behind in ensuring that child labour is eliminated. This can only be done when the country implements its laws and regulations; and in doing so recognise that all children regardless of their status, have rights as stated in the UN Convention for the Rights of the Child (CRC). The same convention that was ratified by the country in 1995.

Within the communities there also exist ignorance of the laws of the country as well as the rights of children under the laws. This was apparent from the results of the survey conducted with the children of migrant community in Keningau.

Call to Action

The GSB team continue to intervene and have designed programmes to raise awareness in the migrant communities on the rights of the children. The programmes include the importance of child safeguarding, understanding the right of the child and, arising from this survey, the effects of sending children to work instead of school. The programme also highlights how child labour also contribute to early marriages, especially for girls who are in the workplace.

In addition to the above, the organisation also stress on the importance of birth registration in the communities as the lack of identity documents excludes children from access to education, healthcare and social services.

There is a need to raise awareness in the communities, especially amongst the children about their rights and also to empower them to be more vocal and self-advocate.



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