

## **Chapter Six**

### **Conclusion**

#### **6.1 Findings of Study**

There are three main objectives in this study. First, this study tried to show that poverty is not the root cause of child labour in the Malaysian Chinese community. Instead some social and cultural factors are more important causes. Second, to find out the impact of child work on children. Finally, to examine the influence of culture on the effectiveness of the present child labour law and to suggest reforms to the law in the light of the findings of this study.

It was found that although Balakong New Village is a prosperous community, child labour is still rather wide spread in this community. The rapid and on going development surrounding this community does not seem to eliminate child labour in this community, instead it has created numerous work opportunities for children. Many children are found working in factories and small workshops. This shows that industrialisation will not eliminate child labour. Child workers who previously work in the agricultural sector may have simply gone to work in the factories.

This study discovered that child workers normally come from families who are relatively poorer but who are by no means poor in the absolute sense. Their families may be "relatively " poor but this does not prove that poverty is the cause of the child labour for several reasons. First, it is difficult to explain why there are families with similar economic status, who do not send children to work. Second,

this study show that child work is not a necessity for the families to survive because the income of children is not needed for the families to survive. Third, most of the families of the child workers are not living in poverty as indicated by their demographic and family characteristics. Many child workers' families are well above the poverty line and most of the child workers spend their earning for themselves, on things like entertainment.

Some social and cultural factors may be better explanation of children's participation in work activities in Balakong New Village. Here we see the influence of the interplay between some social and cultural factors. Firstly, poor academic performance and juvenile delinquency are probably the main determinants of full-time child work because they cause children to drop out of school. Many children in Balakong New Village are poor in Bahasa Malaysia. This in turn affected their interest and confidence in other subjects as they are taught in Bahasa Malaysia and consequently they drop out of school. Others are expelled or suspended from school for disciplinary problems. Many of the full-time child workers are involved in gang activities like fights, gambling, and probably drugs as well. Besides, their expensive life style, for example they like to go to Karaoke lounge and Disco, does not allow them to stay as students. On the other hand the Chinese culture put strong emphasis on diligence, therefore many parents expect their children to get a job if they are not going to school.

Secondly, the mode of production of the parents is the main reason of part-time family work. It is the nature of hawking business that it would not make good business sense to hire workers, for this reason many parents ask their children to

help them in their work. In the cottage industry, work often becomes a kind of family activity. When one member of the family contracted work from a factory other members of the family, including children will work on it together. Helping parents or relatives is often seen by the Chinese as a way to express children' s *Xiao* and diligence.

Thirdly, the children' s own value system is also an important determinant of their participation in work activities. Very often, children are not asked to work, but volunteer to work. Many of them go to work because they know that there is an opportunity to earn some easy money. This is especially true of the part-time non-family child workers. Peer influence is also an important factor for some children to participate in work activities. Children in Balakong New Village normally get their job through their friends, and often a group of them work together. The children' s behaviour reflects the Chinese' s value on material wealth.

Fourthly, parental attitudes towards children' s work, education, moral development and future achievement can often decide whether children participate in work activities. There are not many parents who disagree with child work. Often working is seen as a good alternative to schooling, when children show no interest in schooling. On the other hand, participating in work activities is seen as a form of socialisation to make children more diligent and disciplined. Some parents even believe that children are obliged to help their parents in their parents' work. Parental expectation of children' s achievement and level of education also have an important influence on whether children work or not. Normally, parents who have a higher or clearer expectation would not allow or send their children to work because

they want their children to concentrate on their studies and get into the university, as they see this as the first step to success. While the parents of the working children often take a more liberal position to let their children decide for themselves. It is more likely for the children of these liberal parents to perform poorer in school or to become delinquent and subsequently drop out of school while other children take this liberty to do some part-time work to earn some money. The influence of the Chinese value on diligence, *Xiao*, education and material wealth and the interplay between them and other social factors, are clearly the root cause of child labour in Balakong New Village. The difference between the parents of working and non-working children is on which value to give a higher priority.

Finally, the physical and social environments of Balakong New Village encourage the practice of child labour. Inadequate facilities for healthy activities make children turn to unhealthy activities like going to video game centres, Karaoke lounge, disco, gambling and so on. These activities make children delinquent and drop out of school as a consequence. The industries surrounding the village has also created a great demand for child workers. The lack of unfavourable public opinion and governmental sanctions against child labour allow the practice to persist.

Turning to the impact of child work on child workers, it is found that many children are working under detrimental conditions. Many of the child workers are required to work for long hours and for many days in a week. However, many of them are well paid for their hard work. Nevertheless, the work conditions of part-time child workers are normally better than the full-time child workers' work conditions. Besides, many of the full-time child workers are required to perform

hazardous tasks as alluded to earlier. It must be pointed out that contrary to common believe the family child workers, especially the full-time family child workers are often also required to perform hazardous tasks and work under poorer conditions.

Physical injuries during work are not very frequent but when it happens it can be very serious. Child work has also affected the education of many child workers, though this may not be the case for all. For the good student, the work experience may be a good additional training. For the school dropouts, it is a reasonable alternative to schooling as they can learn some useful skill. But for the average students it is an added burden that they may not be able to cope with. However, the majority of the child workers are happy with working and their work, however a few child workers are not happy with their work or work environment, or are simply unhappy to work. Nevertheless, the most worrying impact of child work is that there seem to be a dialectical relationship between child labour and juvenile delinquency. Many children become more delinquent after they begin to work, although their parents are hoping that work will instill some discipline in them somehow. In the long run, lack of schooling may bring some setbacks in these child workers' lives, in particular it makes it hard for them to build their career. A few lucky child workers may be able to make a reasonable living but most of them live in low self-esteem for years. This is likely to happen to many full-time child workers in this study as in a very short span of their working lives, many child workers have at least changed their occupations once. This is especially bad for the full-time child workers as it hinders their opportunity to acquire enough skills in an occupation and subsequently affect their future career development.

The present Malaysian law that claims to protect children at work is not effective at all. Although the labour standard the Act sets is already very low compared with the standards set by international instruments, yet violation of the Act is still very widespread. The ineffectiveness of the present law can be due to a few reasons. Poor enforcement, inherent weaknesses of the law and lack of awareness are important reasons. However, the fundamental reason is that the law is unable to convince its subject that the law is necessary and beneficial. Social realities such as the weaknesses in our education system and juvenile delinquency induce many people to believe that it is necessary for children to work, although they are aware that child work can be dangerous. On the other hand, child work is viewed as an important means to socialise children. It is seen as a means to make children more diligent and more filial.

In conclusion this study shows that in Balakong New Village and possibly in other Malaysian Chinese community as well, poverty is actually not the most important cause of child labour. Instead, social and cultural factors are more important causes. Although child work may have some positive impact on children, the negative impact of child work should not be taken lightly. The present law claims to protect children at work, but it is in fact hardly effective. The ineffectiveness of the law is to a great extent due to the actual cause of child labour, i.e. social and cultural factors, which the law does not take into consideration.

## 6.2 Policy Implications of the Study

The extent of child labour, its impact on children and the ineffectiveness of the Children and Young Persons (Employment) Act 1966, strongly suggest the need to consider alternative approach to regulate the practice. Before we go into concrete recommendations, a few principles for effective child labour law which emerge from this study should be pointed out.

An over generalised legal policy trying to control all forms of child labour under one policy should be avoided. We have seen in chapter two that child labour can take many forms. Standing (1982: 614) put it very interestingly that:

“One factor impeding that is a tendency to over-generalise. Thus, sweeping moralistic denunciation of all forms of child work risk being manipulated by apologists to retain child labour as a means of accumulation or as a means of preserving a set of social relations of production. So the first principle of those wishing to assess State policies critically is to distinguish between forms of child activity that should be subjected to de-mystification, exposed as exploitative and oppressive, and those that are, if not acceptable, at least functional and partly beneficial to the children and families directly involved, given the socio-economic circumstances of the community in question. Its is too simple and too easily subject to counter attack to condemn child work per se. ”

Standing argues Convention No. 138 is an obvious example of an over generalised instrument. However, the International Labour Organisation claims that it does not forbid all forms of child work, for example work within the family circle should be allowed, it only seeks to forbid child work that demand high mental and physical effort that children do not normally possess. (Bouhdiba, 1982: 33) However, in the long run the International Labour Organisation still wishes to abolish child labour internationally.

This study shows that the International Labour Organisation's effort to identify types of child work or child work in different sectors of the economy that is harmful or hazardous to children, than to prohibit or regulate them, is very important but inadequate. Often the negative impact of child work may be unrelated to the nature and condition of child work. Besides, this study also shows that family work which is regarded as acceptable by the International Labour Organisation can be as detrimental (or even more detrimental) as non-family work. It is interesting that often all forms of child work have both positive and negative impact on children, the difference is in the degree of each.

We must also realise that "law by itself is only one component of a large set of policy instruments and usually cannot and is not used by itself" (Dror, Undated: 2). For example if those who drop out of school are not allowed to work, they would have to stay idle. Many Chinese will find this unacceptable. To them child labour may be evil but staying idle is a greater evil for children, as it may encourage them to be lazy, which is against the Chinese culture. In order to solve the problem a package of policy instruments that take into consideration various possible causes of the problem and consequences of intervention must be designed carefully.

A policy dealing with the root of the problem is more effective than a simple prohibition, although a simple prohibition would be more effective than the present law. We have seen that many full-time child workers go to work because they drop out of school due to poor performance or because of disciplinary problems. If they are not allowed to work this problem of child labour may simply transform into

other forms of social problems. Therefore, a more effective way of controlling full-time child labour is to reform the education system to help the weaker students and to prevent children from becoming delinquent. The Education Ministry's plan to set up remedial classes for weak pupils in the primary schools (New Straits Times, 3<sup>rd</sup> Sept 1998) and to work out a new curriculum to help weak secondary students (New Straits Times, 4<sup>th</sup> Sept 1998) are long over due. Besides the recent decision to allow those who sit for the PMR (Penilaian Menengah Rendah) to be promoted to form 4 regardless of their result and the low achievers will be eligible for a place in vocational schools, should be welcomed (New Straits Times, 31<sup>st</sup> Dec 1998).

We must also be very careful with the message that the law and other policy instruments are sending to the public. We have seen above that the effectiveness of the law can be influenced by public perception of the law. This is an important consideration if the law or other policy instruments are to be effective. For example, the international instruments often emphasise the rights of children. When this is communicated to the Chinese, it is difficult for them to understand its significance or to accept it. The Chinese are normally paternalistic and pragmatic. Besides, the concept of "individual rights" is of minimum importance in Chinese culture, especially in the parent-child relationship. When we tell them that their children have a right not to work and a right to play, many may probably resist the idea. However, if they are told that their children need to receive more education, and this is good for their children's future achievement in their career, and it is their responsibility as parents to see that their children receive enough education, they are more likely to agree. This is because in the Chinese culture, parent-child relationship

is governed by the concept "*Xiao*". *Xiao* places a responsibility on parents to produce children that glorify their ancestors; and being educated or successful is a way of glorifying the ancestors. This is evidenced in many interviews with the parents. They often agree or disagree with child labour on the count of their children's education<sup>20</sup> and career.

Finally, the enforcement agency must be suitable. It is clear in this study that child labour is not purely a labour problem. Child labour is a complex social and cultural problem. Its impact goes far beyond economic losses; they include social, educational, moral, psychological (self-esteem) and physical impact on children. The Labour Department is clearly not a suitable agency to enforce the law. A better agency to deal with this complex problem is probably the Welfare Department because child labour should be seen as a form of social rather than labour problem.

### 6.3 Recommendations

After considering some principles of effective policy making on child labour, it is time to make some concrete recommendations. The writer is aware that the following recommendations will not solve all the problems caused by child labour, however it is hoped that they will at least be much more effective as compared to the present policy in Malaysia. Some international instruments should be adopted, if appropriate. The principles discussed above will be followed if it is possible.

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<sup>20</sup> As was indicated in chapter four, child work is often seen as a way to educate children. On the other hand, it is the responsibility of parents to ensure their children's wellbeing.

### 6.3.1 Legal Policy

It is recommended that the law should concentrate on preventing full-time child work. Full-time child work causes the most problems, yet it is the easiest to control.

The simplest way to control full-time child work is to prevent children from dropping out of school. Compulsory education up to Form three should be introduced as recommended by the International Labour Organisation's Convention No. 138, together with some reforms in the education system. If children are kept in school, naturally there will not be full-time child worker. Besides, compulsory education will be relatively easier to enforce, as at present enrolment in primary school is good at least for the Chinese. Once the children are enrolled they should not be allowed to drop out.

Part-time child workers should be protected against exploitative or harmful child work as a form of child abuse. Child abuse has already gained enough publicity and recognition in our society as a social problem. Defining certain types of child labour as child abuse has the advantage of ensuring that measures against child labour are more effective. Therefore, besides its coercive function, the law also performs an educational function. However, what kind of child work should be defined as child abuse should be studied more carefully. Nevertheless, when there is work accident involving a child, the person whom the child works for should be made liable for the accident and must be deemed as having committed an offence. No employment contract is needed. Since the person whom the child work for is, to some extent, in control of the child's work, he should be liable for any damage

done to the child. The emphasis should be on the parents and the employers' responsibility to the child, rather than the rights of the child.

### 6.3.2 Education

Compulsory education will not be effective if it is not coupled with a reform to the education system. The current Malaysian education system gives too much emphasis on good students and allows weak students to drop out easily. More attention should be devoted to the weak students. This emphasis is in line with the Vision 2020, to create a developed and a caring society. In a developed nation we need a large skilled labour force which need to be trained. Besides, concern for the people' s educational need is an important feature of a caring society, as education is an important means to ensure a person' s welfare in a modern society.

It is recommended that vocational education should be introduced earlier, immediately after children finish primary school. In the present system many weak students have to drop out of school before they are given an opportunity to opt for vocational education. The school authority should co-operate with the industry, to send students to work in the industry as part of their course. This arrangement may help to reduce cost of running vocational education and make courses more practical. However, how this new system should work is beyond the scope of this study. More in-depth study is needed to design a workable system.

The Education Department should also conduct serious study on how to deal with delinquent students. Expulsion and suspension from school will not solve the problem but exacerbate it.

### 6.3.3 Raising Awareness

We have seen the importance of parental attitudes as a determinant of child work. Attitudes are difficult to change by force, although some element of force is necessary. Besides enforcing the new laws, there should also be some programmes to raise awareness about the negative impact of child work and the importance of education and good parenting. The writer believes raising awareness is very important to reduce the problems of child labour because as shown in chapter three, parents who are more educated are less likely to send or allow their children to work. Since they are more aware of the potential negative impact of child work, they are less keen to send or allow their children to work, unless they are sure that their children are doing work that is beneficial.

Child work should not be condemned per se. Instead parents and the public should be educated about the physical capacity and development of children in simple terms, so that children are not required to do work that is harmful to them. The public should be informed about the law clearly so that there is no misunderstanding that all forms of child work are illegal, because as this study has shown, this misunderstanding can further condemn some child workers who are already exploited. For example it may deny them their rightful fringe benefits and legal right to take action against their employers when accident happens at work.

The public should be encouraged to report cases of abuse. This can be done by including the negative impact of child labour together in the campaign against child abuse. Child abuse has gained much publicity in this country and is more accepted by the society as a social problem.