



CHILD PROTECTION POLICY IMPLEMENTATION MANUAL

Malaysia

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Introduction

All children, wherever they live and whatever their circumstances, have the right to be protected, nurtured and free from all forms of violence, abuse, neglect, maltreatment and exploitation as set out in the [Convention on the Rights of the Child \(CRC\)](#). Demonstrating its commitment to addressing the welfare and driving respect for children's rights in Malaysia's palm oil industry, Wilmar International introduced its [Child Protection Policy](#) in 2017. The policy sets out Wilmar's commitment to protecting all children in its operations and supply chains. All Wilmar suppliers and contractors are also expected to commit and adhere to the policy.

To guide and support Wilmar's suppliers and contractors in adhering to the Child Protection Policy, Wilmar developed this Child Protection Implementation Manual to address child protection, and to establish best practices by building corresponding policies, procedures and remedial actions. This manual's main objective is to support Wilmar's suppliers and contractors in implementing child protection, but with hopes that it will be adopted by other companies to promote adoption of child protection principles and practices in the agriculture industry.

Wilmar's Child Protection Policy is based on the principles of the Convention on the Rights of the Child (CRC) and provides a comprehensive framework for the protection, provision for and participation of all children without discrimination to ensure their survival and development.



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What is child protection and why is it important for your business?

Child protection is the protection of children from violence, exploitation, abuse and neglect. Child protection is important for businesses that come into direct and indirect contact with children. Establishing child protection policies and procedures can help to create 'child safe' businesses that can prevent and respond to instances of intentional and unintentional harm to children.

With policies and practices geared toward the prevention of harm, children will feel safe, respected and listened to. When children are safeguarded, families are more secure and children are better able to develop. This is important for companies that have employees and their families living on-site, as child protection can stabilise the workforce, and create a safe and pleasant working atmosphere. Furthermore, a proactive approach to protecting the welfare of children will minimise legal and reputational risks and supply chain disruption while building stakeholder trust and sustainable business.

The updated Roundtable on Sustainable Palm Oil (RSPO) Principles and Criteria now require members to have a formal child protection policy, a documented process for evidence of age, and training for company staff on child protection¹. Therefore, adopting a solid policy and approach to child protection has the added benefit of supporting compliance with the RSPO certification scheme.

What are children's rights?

The [Children's Rights and Business Principles](#) state that all businesses have a responsibility to respect and support the rights of children. Children's rights are fundamental entitlements. Special protection must be given to all children to ensure the realization of their happy, healthy development without fear of harm, discrimination or exploitation.

Children's rights are enshrined in several international treaties, of which the Convention on the Rights of the Child (CRC) is most important and authoritative. The CRC covers a range of rights including civil rights, family, health, welfare, education, leisure, play and culture. Importantly, the CRC sets out the principles that "In all actions concerning children, the best interests of the child shall be the primary consideration."

Children's rights are also outlined in:

- International Labour Organization (ILO) Convention No. 138 on Minimum Age
- ILO Convention No. 182 on Worst Forms of Child Labour
- Convention on the Elimination of Discrimination against Women (CEDAW)
- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICMW)
- Optional Protocol to the CRC on the sale of children, child prostitution and child pornography
- RSPO Guidance on Child Rights for Palm Oil Producers
- All applicable national laws and regional directives

¹ RSPO Principles & Criteria (P&C) 2018, criterion 6.4

About this Manual

The manual is intended to help the following business entities who come into contact with children in oil palm communities, to understand the steps they need to take to safeguard children and to ensure respect for children's rights.

- All Wilmar operations worldwide, including those of our subsidiaries
- All third-party suppliers

Adhering to Wilmar's Child Protection Policy is mandatory for all Wilmar employees, suppliers and contractors and this manual is particularly relevant for the protection of children who use Wilmar's managed services (including schools, childcare facilities, clinics and transportation).

This manual demonstrates how Wilmar and its suppliers will meet its legal obligations and reassure employees, suppliers, contractors and the general public on what Wilmar and its suppliers are expected to do to respect children's rights. To this end, the manual aims to:

- Raise awareness of the most salient child protection issues prevalent in Malaysia's oil palm industry
- Give a voice to any concerns through established procedures
- Ensure that all reports of abuse or potential abuse are dealt with in a serious and effective manner, keeping the best interest of the child as paramount
- Put in place an efficient monitoring system to track progress

Provide appropriate training to employees, suppliers and contractors on the implementation of the Child Protection Policy

Wilmar's Child Protection Policy shall be referred to as "the Policy" throughout the document.



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How to Use this Manual

The manual is designed to provide a basic understanding of child protection in the context of Malaysia's oil palm industry, and to provide guidance on identifying and mitigating risks to children. The manual is divided into three sections:

Section I starts with a background on children's rights and child protection issues in Malaysia's oil palm industry and defines important concepts.

Section II sets out a 6-step approach to the implementation of Wilmar's Child Protection Policy on a day-to day basis.

Section III provides an in-depth overview of child labour, how it can be addressed according to best practice and guidance on how to develop a child labour remediation plan.

Definitions

Child: person under the age of 18²

Children's Rights: a subset of human rights with particular attention to the special protection and needs of minors³

Child Protection: the protection of children from violence, exploitation, abuse and neglect⁴

Child Labour: work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development⁵

Sexual Exploitation: the sexual exploitation of children is defined as abusing or taking advantage of a child for personal gain, by involving them in sex work or sexual activity⁶

² UNICEF, [The Convention on the Rights of the Child: The Children's Version](#)

³ UNICEF, [Child rights and why they matter](#)

⁴ [UNICEF, Child Protection](#)

⁵ ILO, [What is child labour?](#)

⁶ [UNICEF webpage on Child Protection: Violence against children](#)

Section I: The Situation of Children in Malaysia

Malaysia is the second largest producer and oil palm exporter in the world and is home to 32.7 million people, of whom 9.13 million are children⁷. Since Malaysia ratified the Convention on the Rights of the Child (CRC) in 1995, considerable progress has been achieved, for example, in enhancing access to education, primary healthcare services, reducing maternal and child mortality and communicable diseases, and achieving near universal access to safe water, sanitation and hygiene.⁸

According to the 2022 UNICEF Country Programme Document for Malaysia, in 2020 enrolment rates for Malaysian children in primary, lower secondary and upper secondary education had reached 98.2 per cent, 95.3 per cent and 87.6 per cent, respectively⁹. However, the same report also stated that children in Malaysia are exposed to violence, abuse, neglect and exploitation across a range of settings. Malaysia recorded 1,705 sexual abuse cases in 2018, 1,865 in 2019 and 1,373 in the first nine months of 2020¹⁰.

The COVID-19 pandemic has had negative effects on the mental health of children, parental stress, higher food insecurity, disruption of access to healthcare, domestic violence, including violence against children¹¹. Extended school closure due to COVID-19 pandemic have aggravated educational disparities.

Child poverty rates are generally higher in rural areas such as Sabah and are associated with gender and educational background of parents and caregivers¹². These children are at risk of child labour, early marriages, sexual exploitation, violence and abuse. Poverty and deprivation in Malaysia have been identified as a drivers of child labour, child marriage and poor health and nutrition outcomes¹³.

Children in Malaysia's Oil Palm Sector

The oil palm industry plays a large role in supporting family livelihoods in rural parts of Malaysia, with positive benefits generated for workers and their children. However, child labour remains a major concern for the sector.

Challenges persist for children of oil palm workers, particularly children with uncertain and/or vulnerable legal status (migrant children); indigenous children; and children who live in remote areas in Peninsular Malaysia, Sabah and Sarawak.

The issue is compounded by the industry's heavy reliance on foreign labour in the context of local labour shortages. Unlike in Peninsular Malaysia, there is known presence of foreign workers' children living with their parents who work in oil palm estates and mills in Sabah and Sarawak. Indonesian and Filipino children are often observed to migrate with their parents (legally and irregularly), while some children of foreign workers were born in these places.

⁷ Department of Statistics Malaysia, [Press Release: Children Statistics, Malaysia, 2021](#)

⁸ UNICEF, [Issues affecting children in Malaysia](#)

⁹ UNICEF, [Country Programme Document-Malaysia \(2022\)](#)

¹⁰ *ibid*

¹¹ *ibid*

¹² *ibid*

¹³ UNICEF, [Situation of Women and Children in Malaysia, 2020](#)

Although official data on the situation is difficult to collect due to the size and remoteness of many plantations, the Indonesian consulate in Sabah has estimated that there are at least 60,000 Indonesian children living around plantation areas across Sabah¹⁴. Humana Child Aid Society estimates that there are 40 children per 1,000 hectares of plantation¹⁵ which do not include children of workers from the Philippines.

These children face challenges in accessing mainstream schools and essential basic healthcare services including immunisation. Given the large population of Indonesian migrants on the plantations and their children, the Indonesian government signed an agreement with Malaysia in 2006 to ensure these children can obtain quality primary education. This has resulted in the establishment of Community Learning Centres (CLC)s for Indonesian migrant children in Sabah and Sarawak. These children have the option to return to Indonesia to continue their secondary education.

There are also children who have limited or no options for secondary education, mainly after the completion of their primary schooling at Alternative Learning Centres (ALC).

Challenges also exist in relation to birth registration, which can limit children's access to education, healthcare and social protection services. Many workers and their families live in company-provided accommodation that is often located within the plantation sites. Due to the remoteness of some plantations, parents may struggle to register the births of their children. Like local children in rural areas, many immigrant children lack legal identity documents.

Poverty can also put children in plantations at risk of child labour. Children may be mobilised by their parents to help increase work productivity.

Furthermore, limited maternity protections can increase the risks to female workers and subsequently their children of exposure to toxic chemicals, which can have devastating impacts on child health.

Given the intersectionality of child protection risks, companies should link other policies and practices to address concerns regarding children. For example, initiatives and policies at company or estate level, such as programmes covering women's interest and rights, education and health need to be cognizant of impacts to children.

Wilmar's Women's Charter¹⁶ and Human Rights Framework¹⁷ also include specific elements linked to child protection.

Further reading

- [TFT, Children in the Plantations of Sabah: Stakeholder Consultation Workshop Report, 2017](#)
- [UNICEF, Case Study: Migration and Protection Risks Child Labour and other protection risks of Migrant children living on palm oil plantations in Sabah, Malaysia, 2023](#)

¹⁴ UNICEF, [Mapping Alternative Learning Centre in Malaysia](#)

¹⁵ *ibid*

¹⁶ [Wilmar Women Charter, 2019](#)

¹⁷ [Wilmar Human Rights Framework, 2019](#)

Malaysia's Legal Framework on the Protection of Children

Malaysia is a signatory to a number of international human right treaties that obligate the government to enact laws and policies to protect and fulfil children's rights. The government ratified the CRC in February 1995, and has adopted a number of other instruments including the Optional Protocol on the involvement of children in armed conflict, the Optional Protocol on the sale of children, child prostitution and child pornography, the ILO Fundamental Conventions on Minimum Age (No.138) and Worst Forms of Child Labour (No.182).

Since ratifying these important treaties, Malaysia has made progress in adapting their provisions into national laws. Malaysia has enacted the Child Act 2001 to protect children who have been abused, neglected or abandoned by their parents or guardians as well as for children in conflict with the law. Under the Education Act 1996, a parent who violates the requirements for compulsory basic education is guilty of an offense that can result in a fine or jail time. The Sexual Offences against Children Act 2017 is to criminalise offense of grooming, among other sexual offences. Children and women who are victims of domestic violence are protected by the Domestic Violence Act 1994 (Act 521). The Anti-Trafficking in Persons & Anti-Smuggling of Migrants Act 2007 prosecute offenders, and provide protection of victims including women and children.

In Peninsular Malaysia, Sabah and Sarawak, the matter of children and young persons at work is legislated under the Children and Young Persons (Employment) (Amendment) Act 2019, Sabah Labour Ordinance (CAP.67) and Sarawak Labour Ordinance (CAP 76) respectively.

The Children and Young Persons (Employment) (Amendment) Act 2019 prohibits the employment of children in Peninsular Malaysia below the age of 15, but makes exceptions for light work (as defined in the legislations) in a family enterprise, work in public entertainment, apprenticeships and work undertaken in vocational training institutes, for those between 13 and 14 years old.

There are certain protective regulations covering young workers aged 15 to 17¹⁸, with restrictions on hours of work; and prohibition of jobs where there are physical, chemical hazards, or that are by nature hazardous.

Any matters concerning employment of children and young persons in Sabah and Sarawak are subject to Part XI of the Sabah Labour Ordinance (CAP 67) and Sarawak Labour Ordinance (CAP 76). Similar to Children and Young Persons (Employment) (Amendment) Act 2019, young persons (15-17 years old) are allowed for employment suitable to their capacity but subject to protective regulations covering young workers aged 15 to 17. Similarly, there is no hazardous work allowed for all children and young persons in Sabah and Sarawak. However, there is no further definition of "hazardous work" provided by the Sabah and Sarawak Labour Ordinances.

As of the time of writing, the Sabah and Sarawak Labour Ordinances are yet to be updated to reflect the amendments made to the Children and Young Persons (Employment) (Amendment) Act 2019.

¹⁸ [Law of Malaysia: Children and Young Persons \(Employment\) \(Amendment\) Act 2019](#)

Child Protection Risks in Malaysia's Oil Palm Industry

In order to protect the interests and wellbeing of children within all operations, both inside and outside of the workplace, in workers' communities and employer-provided facilities, the following key principles should be adopted:

- Every child has the right to be protected from abuse and exploitation, recognising that the best interests of the child should prevail in any decision-making regarding their rights. The company should take responsibility to meet its obligations regarding duty of care towards children and take action if a child or young person is at risk or is actually harmed.
- To ensure that its own operations, those of suppliers and contractors adhere to and comply with the Policy, and seek to align their respective procedures with the principles and approaches as set out in the Policy.
- Recognise the potential risks and impacts of its operations and those of its suppliers and contractors on the rights of children, and will do all it can to reduce or mitigate these impacts.
- Ensure that employees, workers, suppliers and contractors are properly trained and communicated related to the Policy as a key part of its responsible recruitment process.

The principles above apply to a range of child protection issues covered in Wilmar's Child Protection Policy. A selection of important issues is covered below, including child labour, violence against children and sexual exploitation, welfare of children living with working parents, access to education, road safety and birth registration.



Child Labour

Child labour is one of the key child protection concerns in the palm oil sector. As defined by the ILO Minimum Age Convention (No. 138) and Worst Forms of Child Labour Convention (No. 182), child labour is work that is harmful to children's mental, physical, social or moral development.

Wilmar has a zero-tolerance policy on child labour as set out in its **No Child Labour Clause**, which is applicable to all employment practices in Wilmar's operations, as well as its suppliers and contractors.

For more on child labour and Wilmar's approach to addressing child labour, see Section III.

Violence against Children

Violence against children in homes, schools and communities is prevalent in Malaysia. Physical abuse at home, verbal abuse and physical fights are common. Teachers often use corporal punishment to discipline children. Bullying appears to be quite widespread in Malaysia and is an issue of concern to adolescents. A UNICEF study on bullying showed that 16.2 per cent of adolescents reported having been bullied, with higher rates among males (18.7 per cent) than females (13.7 per cent)¹⁹. Malaysian school students had encountered cyberbullying or had been cyberbullied before²⁰.

According to UNICEF, both boys and girls are affected by child marriage in Malaysia, but the impact on girls is greater. 90% of children who were married in 2018 were girls²¹.

Sexual Exploitation of Children

The sexual exploitation of children is defined as abusing or taking advantage of a child for personal gain, gratification or profit resulting in inhumane and harmful treatment of the child (including accessing sexual images on the internet)²². Sexual exploitation and abuse can also involve forcing, or grooming a child to take part in sexual activities, whether or not the child is aware of what is happening. This may include non-contact activities, such as involving a vulnerable person in looking at, or in the production of sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet). Sexual abuse can be carried out by adults or other children.

Sexual exploitation is illegal, constitutes gross misconduct and grounds for disciplinary action and prosecution. Wilmar recognises that protecting children from harm is everyone's responsibility and that it has an obligation to put in place reasonable measures to ensure, as far as possible, the safety and wellbeing of children in the communities in which they live. This applies to all persons who come into direct contact with children such as caretakers, teachers/ educators, bus drivers, management, and any personnel who live alongside children in plantation communities.

Wilmar and its suppliers should respond to all forms of child exploitation and child abuse swiftly and appropriately from when these are made known. Suppliers and contractors should develop an approach to protect children from sexual exploitation and abuse through mandatory vetting of all employees and the provision of training on the prevention of exploitation and abuse developed with

¹⁹ UNICEF, [Situation Analysis of Women and Children in Malaysia](#)

²⁰ *ibid*

²¹ UNICEF, [Child Marriage in Malaysia](#)

²² [Save the Children Resource Centre](#)

child rights experts / organisations. In addition, suppliers must cooperate with investigations teams and law enforcement officials when child victims and witnesses are involved.

RAISING AWARENESS ON SEXUAL HARRASSMENT, VIOLENCE AND ABUSE AGAINST WOMEN AND CHILDREN

Since 2019, Wilmar's Women Working Group have organised awareness workshops on sexual harassment and abuse against women and girls in our plantations. To date, approximately 1,461 women and girls have benefitted from this initiative.

The objectives of the workshop are to:

- Raise awareness that sexual harassment can happen to anyone and anywhere (e.g. home, online, public transport, public spaces or areas, etc.)
- Raise awareness on the many forms of sexual harassment i.e. Verbal, Gestural, Psychological, Visual, Physical and Online
- Raise awareness on child sexual exploitation
- Raise awareness on what can be done if they, or a person they know, is sexually harassed and / or abused

In 2021 Wilmar partnered with Women's Aid Organisation (WAO), a Malaysian NGO that provides counselling and crisis support to women and children who experience abuse, to organise training workshops on Gender-based Violence (GBV) for Wilmar's plantation workers and management team in Malaysia. The workshop was organised to create a better understanding and awareness of GBV and to equip Wilmar's staff and workers with the required knowledge and skills to identify and manage GBV incidents, while providing the necessary care and support for those affected.

The workshop encompassed topics such as Sexual Harassment, Domestic Violence, Rape and Sexual Violence, Child Sexual Abuse as well as Psychological First Aid. Some of the basics covered included definitions and examples of sexual harassment or sexual abuse incidents, which is crucial to ensure the understanding of the rights of women and children in the plantation sector.

The workshop is aligned with [Wilmar's Sexual Harassment, Violence, Abuse & Reproductive Policy](#). The principles of the policy dictate that investigations must be conducted promptly and thoroughly when complaints are lodged. If the charge of sexual harassment, violence and abuse, or infringement of reproductive rights is substantiated, Wilmar will act fairly and justly in imposing an appropriate sanction, up to discharge from the company. Overall, the workshop has created a trusted space for open dialogue where workers can voice concerns directly with Wilmar management and identify possible solutions to the issues raised.

Subsequent to the GBV workshop, Wilmar introduced the "Sentuhan Selamat, Tidak Selamat" (Good Touch Bad Touch) initiative through its Women Working Groups (WoW) throughout their Malaysian estates. The programme was conducted to equip children from 5 years old onwards to better identify potential signs of sexual abuse or exploitation by being able to differentiate what is inappropriate, and, what is a safe versus unsafe touch. The programme enabled children to inform their parents or teachers if they encounter such situations. It taught children how to report such incidents and what they should do if such a situation happens.

Cognisant of the sensitive topic, engagement with parents of the children in Wilmar's schools was first carried out to ensure that they were aware of the programme before its commencement. Members of Women's Committee Steering Group (WCSG) who participated in the training carried out the programme by using methods more appropriate for children like songs, quizzes and attractively designed materials. The programme was carried out in local languages and dialects to allow the children to understand and be able to participate in the programme more effectively.

This initiative is one example of how Wilmar has been implementing [Wilmar's Child Protection Policy](#) which was introduced in 2017.

What Can Companies Do?

- Ensure that Violence against Children and prohibition of sexual violence is clearly stated in all relevant policies, and that these policies are clearly communicated to all contractors, suppliers, staff and workers.
- Put in place a vetting process when hiring employees, especially those who have direct contact with children. A vetting process can include the following:
 - Approach the Department of Social Welfare (JKM) to request for a screening to be conducted on individual working with children. This is to ensure that places such as creche, kindergarten, alternative learning centres and community learning centres are safe for children.
 - Check employment history including an assessment of reference checks and/or disciplinary proceedings instigated as a result of malpractice.
 - Issue code of conduct/child protection policy to prospective employees and require commitment and signature upon commencement of employment.

Socialise to contractors and suppliers on the importance of putting in place a vetting process when hiring employees and workers.

- Develop guidelines on how children can report these cases, how staff assigned to these cases are to respond to child victims, and how to work with third-party organisations.
- Where issues have been identified, companies should put child victims first & engage qualified child rights experts & organisations
 - Prioritise the safety and security of child victims and put their needs first when providing assistance.
- Strengthen victim assistance by working with law enforcement agencies
- Only share sensitive information related to sexual exploitation and abuse of children involving employees with law enforcement officials and the appropriate internal senior functions.
- Conduct awareness/training programs together with child rights experts or organisations on Child Sexual Exploitation, Violence and Abuse.

Welfare of Children Living with Working parents

Companies should ensure the welfare and wellbeing of children who live with their working parents, and for families that use supplier managed services (e.g. schools, childcare, clinics and transportation). This also extends to children living in worker housing and recreational facilities.

Wilmar expects suppliers to work toward strengthening education and health care systems in oil palm communities as well as ensuring that childcare is easily accessible and suits parent's working patterns. This is imperative to build resilient communities around the plantations which will ultimately result in a stronger workforce and more productive plantations.

Promoting gender equality also produces the "double dividend" of benefitting both women and children and is pivotal to the health and development of families, communities and nations. If women are able to achieve economic self-sufficiency and to be protected from violence and discrimination, this will also impact positively on the lives of children.

TRAINING VISITS TO ESTABLISHED CHILD CARE CENTRES AND NURSERIES

Initially, Wilmar crèche employees were provided with only basic training. Through continuous feedback from employees and external parties, Wilmar and the Women Working Group (WoW) saw the urgency of focusing on the learning needs of children and detailed safety requirements, as well as equipping caregivers with the right knowledge.

In 2018, Wilmar conducted in-depth training on the Child Protection Policy (CPP) for its crèche caretakers and nannies with a primary focus on child safety and handling. A series of meetings was held with WoW to define and introduce the role of a dedicated crèche sub-committee, which allows for easier reporting to the management on crèche-related issues and to facilitate regular updates on crèche matters and child welfare.

In August 2018, selected Wilmar crèche workers visited two established nurseries and kindergartens in Kota Kinabalu, Sabah, Malaysia to learn more about best childcare practices. They also learned more about meal plans, safety and health checks. Following their visit, crèche workers understood the need to introduce educational, play-based activities for children. They had also learned effective communication methods.

The objectives of the visit were:

- To better understand the importance of, and to manage, the crèches' cleanliness and the safety of the children
- To gain knowledge, ideas and skills on improving childcare in the crèches

To date, the WoW continues to monitor crèches and improve the facilities through regular interactions with the crèche sub-committees, parents and with the estate management.

What Can Companies Do:

- Provide basic medical facilities on operating units for workers and their families
- Provide support to children to be immunised according to the Malaysian National Immunisation Programme
- Conduct safety and health checks for diseases that are common amongst children are periodically carried out by plantation health/medical officers

- Provide free or affordable childcare services to working parents in plantations by setting up facilities such as daycares and schools
- Provide sufficient number of caretakers/teachers are allocated for the number of children in these facilities
- Provide training to all caretakers/teachers on [child safeguarding principles and child rights issues](#)
- Provide training to all caretakers/teachers on child development, the learning needs of children and best childcare practices
- Provide basic programme in crèches /schools covering topics such as nutritional plans and learning plans
- Provide age-appropriate resources (such as toys for play-based education)
- Provide clean and safe breastfeeding facilities in crèches and nurseries such as a separate room with an icebox/fridge and comfortable seats for mothers to breastfeed
- Provide safe play areas for children, for example, playgrounds, basketball courts, etc.

Access to Education

One significant protection risk for children in plantations is their ability to access education. The majority of children in the oil palm industry are living in rural areas which tend to experience higher poverty rates. Although government primary schools do not charge fees for Malaysian students, there are still families that cannot afford to put a child through school (e.g. having to pay the costs for food, uniforms, books and transportation)²³. Residing in rural areas also mean that there may be instances where government schools are located too far away from plantation communities for children to easily attend. Limited educational facilities and childcare facilities (i.e. crèches) in or around plantations have caused some parents to bring their children to work in plantations. This further increases the risk of children assisting their parents in their work.

Migrant children face additional challenges as they are unable to access mainstream education and must rely on learning centres for their education. Some learning centres are located far from their housing areas, and parents (workers) are reluctant to send their children to these learning centres.

In respecting the right to education, Wilmar expects suppliers and contractors to provide all children of its staff the best possible opportunities to access primary and secondary schooling. Access to education is critical in ensuring and enabling other rights, such as health and adequate standard of living. While there is no legal obligation to provide schools, Wilmar recognises that education can unleash a child's potential and be a powerful deterrent to child labour.

Provision of educational opportunities fill a critical service gap where operations are remote and where schools are located far from communities. Transport to schools is often provided in such cases. Oftentimes, parents do not see the value of education and this can be a key barrier to children realising their right to education.

Where schools are run or funded by companies, responsible recruitment practices should be instated (e.g. vetting / police background checks) to ensure safety and suitability prior to working directly with children.

²³ UNICEF, [Children Out of School. Malaysia: The Sabah Context](#)

Impact of COVID-19 on Childrens' Access to Education

The outbreak of the COVID-19 pandemic and the ensuing Movement Control Orders (MCOs) and lockdowns have had a significant impact on children's ability to access education, particularly those in rural areas. The ability for children to learn via e-learning or online classes is limited, primarily due to a lack the lack of necessary equipment²⁴.

SECURING ACCESS TO EDUCATION DURING THE COVID-19 PANDEMIC

As the COVID-19 pandemic has caused schools across the globe to close and lessons to move online, this has affected more than 9,000 children of school going age who live in our estates in Indonesia, Ghana, Malaysia, and Nigeria, where online connectivity can be challenging even at the best of times.

In Malaysia, to help maintain education in Wilmar's oil palm estates in Sabah and Sarawak, the company adopted the following guidelines during school closures in the Covid-19 pandemic period:

- Schools will remain shut and no classroom learning shall resume until government ruling or order is received
- We work with schools and teachers on developing new SOPs for when school lessons resume. Wilmar will assist with the provision of disinfectants, hand sanitisers, and PPE
- We assist teachers to facilitate access to homework, worksheets, and reading materials by printing it out at our office or by providing readily available activity books
- Learning materials are distributed to children in our estates through an "internal homework posting system", where teachers, members of our women committees / women working groups, and our estate staff delivered worksheets and homework to the children, before then collecting these worksheets and handing them over to the teachers for checking
- We maintain open communications with teachers to help monitor the situation and providing assistance where we can, such as with homework checks and evaluations, as well as providing supplies and other help needed
- Where online or televised/radio programmes are in place, we will work with the teacher to help ensure maximum usage
- During the CLC exam period, the children had to take these exams where they could get a phone signal (which was the plantation blocks on the highest hill). We arranged make-shift covered seats and tables, so the children will not need to resort to taking their exams on the ground.

To ensure that education continues to be accessible to children living in our estates during this period of school closures in the Covid-19 pandemic, coordination between the teachers and management is important. We organise regular meetings with teachers to find out what kind of suitable material can be provided for the children, and how best we can monitor progress of the children.

²⁴ UNICEF, [Covid 19: A Child Rights' Crisis](#)

PROTECTING CHILDREN FROM COVID-19

In February 2022, Wilmar collaborated with the respective district Health Departments in the states of Sabah and Sarawak under the Covid-19 National Immunisation Programme for Children (PICKids). The vaccination uptake for children was low in Malaysia nationwide, with Sabah being listed as having one of the lowest uptake rates at 21.8 per cent as of March 2022, potentially due to the state's large rural population.

Wilmar arranged for walk-in vaccination facilities along with transportation being provided for nearby communities in Sabah and Sarawak to be able to get COVID-19 vaccines for children where we operate. This provided accessibility for the rural communities, including children, to be protected against COVID-19 and has helped to mitigate the negative impact of COVID-19 on children in rural areas.

The children's vaccination programme was organised in collaboration with local district health authorities and was open to the larger community near Wilmar's plantations. In Sabah, the vaccination drive enabled about 1,900 children between the ages of 5 and 11 to be vaccinated, in addition to 840 children living in Wilmar's plantations. Meanwhile in Sarawak, approximately 260 children were vaccinated from the surrounding communities, including 28 children living in Wilmar's plantations.

Besides the vaccination programmes, Wilmar continues to implement other standard operating procedures (SOPs) in creches and schools, such as regular hygiene routines which include frequent hand-washing and maintaining social distancing. This has helped to keep the children living in plantations healthy and safe. Based on Wilmar's annual child safety assessment, these additional hygiene practices were some of the contributing factors that reduced incidences of child illnesses in Wilmar's plantation since 2020. Wilmar continues to collaborate with local governments, NGOs and other parties to improve the well-being of children in its plantations as well as in surrounding communities.

What Can Companies Do ?

- Develop a register of workers' children living in the plantation to monitor their age and schooling status
- Work with parents to understand the barriers that their children face in accessing education, including household poverty, hidden costs such as tuition fees, books and uniforms that may be unaffordable for the family, as well as transportation options and costs for getting to and from schools, ALC, and CLCs
- Help parents understand the value of education by connecting them to opportunities including potential scholarships or social support programmes such as childcare, transport, buddy systems, clubs, activities and hobbies
- Collaborate with registered third-party organisations, the Consulate General of the Republic of Indonesia and/or other relevant parties in Malaysia to set up ALCs and CLCs in areas where children do not have access to schools or other learning facilities

- Institute responsible recruitment practices when hiring teachers/ and care workers to ensure the safety of children
- Collaborate with local NGOs and /or local universities to improve teacher training and enhance the quality of education
- Provide transportation for workers' children attending primary and secondary schools.
- Provide scholarships to children in oil palm communities. Even if free tuition is offered, parents can use scholarship funds for school uniforms and books, for example.

Road Safety

Protecting the safety and wellbeing of children extends beyond operations to include children living in communities. Where there are large vehicles moving through work sites, the safety of children must be taken seriously. This is to prevent any potential road incidents and fatalities. In order to reduce such risks, it is important to increase awareness of moving vehicles on plantation sites to improve the safety and protection of children from potential road traffic injuries. Working with local civil society organisations or service providers could promote the road safety education of children and adolescents, therefore improving local awareness of simple safety and traffic rules for children.

What Can Companies Do ?

- Work with relevant civil society organisations to provide training to communities on road safety education to increase awareness
- Put in place safety measures, such as speed limits and display of adequate and visible traffic safety signs in areas with children
- Provide training to drivers and operators of large moving vehicles to adhere to road safety rules
- Put in place a rule against allowing children and unlicensed adolescents to drive on company premises
- Provide socialisation to children regarding self-protection for road safety
- Work with ALCs and CLCs to incorporate road safety training into their curriculums
- Put in place safety measure of parking of heavy vehicles to avoid parking within the vicinity of workers' housing areas or children's play area, including playgrounds
- Provide safe school vehicles by avoiding overcrowded vehicles

CHILD SAFETY AND PREVENTION OF ACCIDENTS

Wilmar has conducted annual child safety assessments since 2018. The focus on child safety and accident prevention involving children in our estates has been effective, with a reduction in incidents from 2018 to 2019. Measures that have contributed to this are:

1. Creating Safer Environments for Children

Road related incidents were the biggest threats to children on our estates. Wilmar has implemented safety measures to mitigate vehicles transporting heavy equipment, including gates, speed bumps and pedestrian paths around residential areas, crèches, and schools. Trucks and heavy equipment must be placed in designated parking areas away from residents and children.

For other risks we have also filled unused open ponds and erected warning signs around open bodies of water

2. Educating Caretakers and Children

Wilmar provided training to schools, parents and children on safety around plantations— especially in relation to food handling, fire, natural disasters, and haze. Furthermore, we educated students at Wilmar-owned schools on sexual harassment issues.

3. Protecting the health of children and families

Wilmar implemented an immunisation programme for children at our Sabahmas Estate and worm prevention medication was offered to children at our Kiabau estate. We also provided families of all employees with face masks as protection from haze pollution.

Birth Registration

In Malaysia, all births can be registered in any National Registration Department (NRD) office or known as Jabatan Pendaftaran Negara (JPN). Malaysian citizens are issued with a “green” birth certificate while non-citizens receive a “red” birth certificate. Malaysian citizens are also issued with an Identity Card (IC) by the NRD at birth as part of their birth registration, which is then converted into an adult IC when they reach the age of 12 years old. The IC is a key identity document for Malaysians.

Difficulty in obtaining birth registration or ICs contributes to children at risk. The term ‘undocumented’ can apply to both Malaysian citizens and non-citizens without legal identity documentation.

There are several reasons why children lack proper documentation. Among them are:

- a) Children from rural communities (such as plantation communities or indigenous people) often face obstacles such as lack of transportation and high costs of travelling to the NRD
- b) Lack of awareness in these communities on the importance of registering their child’s birth or obtaining ICs
- c) Children born of traditional or customary marriages, children of single mothers and those born out of wedlock are also less likely to have their births registered with the NRD

Migrant children in particular face multiple forms of discrimination that may deter them from obtaining birth registration. For example:

- a) Migrant workers without legal status in Malaysia are more likely to not register for birth certificates for their children due to fear of arrest and detention
- b) Similarly, couples of mixed marriages (between citizens and non-citizens) where one partner is a foreigner without legal status often do not apply for birth registration due to fear of the law, even though by law children of any status are allowed to register.

Lack of birth registration can have wide-ranging impacts as without birth certificates, children are denied access to education, healthcare, justice and other basic social services.²⁵

Companies can play a vital role in supporting birth registration by providing logistical support including transport to birth registration centres, paid leave for the purpose of registering childbirth, and assistance to workers to understand birth registration requirements.



What Can Companies Do ?

- Provide transportation to birth registration centres and offer assistance to cover partial or full costs of registration.
- Provide paid leave for the purpose of registering childbirth.
- Provide assistance to workers who have difficulties understanding birth registration and explain documentation requirements to workers.
- For Malaysian children, work with local authorities to encourage registration efforts in workers' communities
- For migrant children, work regularly with the relevant consulate to send mobile consular services to register children in oil palm plantations who may be unable to easily access birth registration services.

Migrant children need to have birth certificates as well as valid passports to legalise their stay in plantation estates. Therefore, companies can play an important role not just in providing support in obtaining birth registration, but also in helping to “regularise”²⁶

²⁵ UNICEF, [Birth Registration: Right From the Start](#)

Household Safety in Plantation Communities

Households in plantation communities may sometimes be unsafe for children, particularly if they are not protected from contact with work equipment (such as harvesting tools stored at or near the home).

Safety hazards could include latent exposure to chemicals on personal protective equipment (PPE) that may be brought home, or accidents caused by sharp or heavy work tools left around or near houses/ play areas, as well as spread of disease and infection from a sick parent to a child. In addition, plantation workers may be unaware of the importance of sanitation, hygiene, nutrition for the health and wellbeing of their children.

The outbreak of the COVID-19 pandemic has further highlighted that proper Water, Sanitation and Hygiene (WASH) are crucial to human health and well-being. There is therefore a need to identify and address WASH risks on oil palm sites to safeguard against the spread of communicable diseases.

What Can Companies Do ?

- If specific storage areas are not able to be provided for workers to store their tools, provide training on how to safely maintain and store their work equipment at home, including ensuring that the PPE and work tools are cleaned properly and kept out of reach of children
- Provide basic health and first aid training to parents, including information on how to avoid the spread of disease through handwashing, avoiding physical contact when infectious, and when to seek medical advice. Training should also include guidance on how to protect the health of children during forest fires and haze (e.g., caused by slash-and-burn) with face masks
- Provide workers with basic training on the principles of good nutrition, including hygienic food preparation and balanced dietary requirements that include fresh fruit and vegetables and limited processed/ packaged food
- Include housing as part of buildings assessed and audited for hazards and ensure housing design and maintenance accommodate safety concerns around fire safety
- Work with teachers and parents to ensure that children receive safety training (such as briefings on the unsafe and “no-go” areas within plantations, warnings not to play with equipment and play on tractors)

²⁶ also referred to by the Malaysian Immigration Department as “recalibrate”, which is the process of legalising the status of undocumented workers) oil palm workers and their families on an annual basis by ensuring their passports are valid.

Section II: Put in Place Policies and Procedures to Protect Children

Child protection is everyone's responsibility. Wilmar requires its business operations, its suppliers, and its contractors to address potential and actual risks to children's safety and ensure that children are protected from violence, exploitation and violations of their rights. This applies not only to a company's operations in working hours, but also to any facility owned or operated by a company.

All of Wilmar's suppliers and contractors are required to adhere to Wilmar's Child Protection Policy. The following section has been based on [UNICEF's Child Safeguarding Toolkit for Business \(2018\)](#), which outlines six practical steps that companies should take to protect and safeguard children in their operations and supply chains.



1. Conduct a child protection risk assessment

In order to understand how business activities, employees or representatives pose risks to children, it is essential to conduct a risk assessment. A risk assessment can take the form of either a standalone self-assessment or integrated in an existing risk management or impact assessment process. Such assessments are an important first step in determining the level of risk through engagement of company employees, suppliers, and contractors with children. In Wilmar's own operations, a child specific risk assessment and review is conducted annually. It is not compulsory for companies to conduct a risk assessment annually, as long as there is a clear way to review the risks at regular and defined intervals and how to mitigate them.

HOW TO CONDUCT A CHILD PROTECTION RISK ASSESSMENT

i. Identify and map all the opportunities for direct or indirect contact with children

Examples of direct contact and potential risks include:

- Interacting with children living in or nearby plantation communities, either off-hours or during the course of regular job duties (e.g. bus drivers for the school bus service who are employed by the company)
- Providing care for a child, as part of regular job duties or a dedicated childcare role (e.g. creche workers who are employed by the company)

Examples of indirect contact and potential risks include:

- Communicating with children through online platforms (e.g., an employee sends a message to a child through social media)
- Having access to children's data or images / videos of children (e.g., a company has private information on workers' children and shares this with a third party without their consent)

ii. For each direct and indirect contact opportunity identified above, the following questions should be answered:

- What is the type of activity and where does this contact occur?
- Who is involved in this activity?
- What is the frequency of this engagement with children and / or young people?
- Does contact with children and / or young people require or allow employees or representatives to be alone with children? If so, how?
- What are the potential risks to children and / or young people due to that contact?

By answering the above questions, businesses will be able to identify where there is engagement between children and its employees.

iii. Engage with external child protection experts to conduct the assessment

Working with qualified child rights / child protection professionals and experts can help businesses to increase their awareness of all the ways in which their actions and facilities impact children by building a fuller picture of how companies cause and contribute to risks. Qualified experts can also ensure safe and meaningful participation of children in the assessment.

With this in mind, civil society organisations can guide businesses to put policies and standards in place that protect working and other children in and around their facilities; raise and monitor safety and protection concerns expressed by children and members of the community; help businesses enforce laws and policies that protect children from abuse and exploitation; and provide advocacy expertise and training to assist companies and children alike in advancing children's right to be protected from all forms of violence and exploitation.

2. Conduct a Gap Analysis of Existing Policies and Practices

Conducting a gap analysis to map internal policies and processes in place can enable a business to understand the extent to which child protection has been integrated into its risk assessment and management processes.

HOW TO CONDUCT A GAP ANALYSIS OF POLICIES AND PRACTICES

i. Review current legal and regulatory statutes

This should include a benchmark of legislation related to child protection and abuse and how existing policies and practices meet Malaysia's national legal frameworks.

ii. Understand legal requirements for the protection of children in Malaysia and assess management practices that go beyond legal compliance

This should include a review of:

- Existing policies and practices across the company to determine where considerations related to child protection are already stated or where they could and should be added
- Any guidance for high risk positions (for example, employees who are in direct contact with children)
- Policies and codes of conduct applicable to any business relationships and how these are communicated to employees and suppliers alike.

Gap Analysis Checklist

- Is there a governance structure to address and manage child protection within the company?
- Is child protection covered in its own standalone policy or integrated in other company codes of conduct?
- Is there a policy on responsible recruitment where vetting / background checks are carried out on existing and prospective employees / associates?
- Does the company make provisions for training of employees and suppliers on child protection, especially those who come into direct and indirect contact with children?
- Are there existing channels for the receipt of complaints / concerns on potential exploitation or abuse of children?
- Is there a point person who is trained and able to deal with child protection issues?

3. Develop a policy commitment

A policy commitment is a statement that sets out a business's responsibility to respect rights, including children's rights, as described in the [UN Guiding Principles on Business and Human Rights](#). A child protection policy should be approved at the senior level of the business, informed by relevant internal or external expertise and embedded across all departments and areas of operation. It should clarify the business's expectations of employees, suppliers and others directly linked to its operations. It should be communicated internally and externally, and ideally be publicly available.

HOW TO DEVELOP A CHILD PROTECTION POLICY

- Statement of commitment: Outline why child protection is important for the company and how it will meet its responsibilities
- Identification of Risks: Describe the risks related to child protection and the ways in which the company interacts with children. This does not have to be indicated in the policy, but is a helpful step in developing a policy that addresses key concerns
- Definitions of key terms and concepts: Provide a glossary of terms aligned with the legal framework (e.g. the definition of and age range of child worker)
- Scope of Commitment: Define who the policy applies to. For example, employees, suppliers and persons who routinely or indirectly interact with children.
- Statement of duty of care: Describe the duty of care and legal obligations that your company will adhere to in order to prevent and protect children from exploitation and abuse, such as child labour. Include detail on how the policy will be enforced and the consequences for any breaches (e.g. fines, penalties, termination / suspension of contracts with suppliers).
- Governance structure: Provide detail on the individual(s) and / or function(s) within the company that have ultimate responsibility for the implementation of the policy, including any senior officials who have oversight. This does not have to be directly captured in the policy but should at least be defined in the procedures or internal operational documentation.
- Reporting structure: Describe the process for internal and external stakeholders to raise concerns regarding the safety and security of children.
- Executive sign-off: Provide assurance that the policy has been approved and endorsed by the most senior officials in the company, for example, the CEO or Chairperson of the Board

For an example of a child protection policy, see [Wilmar's Child Protection Policy](#).

4. Develop an Implementation Plan

An implementation plan details how to operationalise a Child Protection Policy. It should be led from the top and from the bottom: senior leadership should be onboard, and all staff need to be aware and invested in the success of the policy. The implementation plan should also describe how the policy will be embedded in the company, through existing management systems and processes like recruitment and hiring.

HOW TO DEVELOP A CHILD PROTECTION POLICY IMPLEMENTATION PLAN

i. Establish a Governance Structure for Child Protection

Governance structures should include allocation of dedicated staff resources in the organisation with child protection responsibilities and an appropriate level of knowledge. Child protection should also be added to the mandate of the chief risk officer or risk council of the company, as appropriate.

A network of child protection representatives should be established so that there is a minimum of one at each site of operation; they can report directly to the child protection lead at HQ and provide visibility on child protection issues across the organisation. These responsibilities could be in addition to the individuals' regular day job (e.g. creche worker).

ii. Open to external partnerships with local child protection experts to increase line-of-sight on child protection issues

These partnerships could help the company to resolve some of the more complex issues that may arise and provide referral services for children who have been harmed.

iii. Embed the policy within the company's existing management systems

The human resources department has a particularly important role to play. The company's commitment to child protection should be communicated to all staff and to potential recruits through the following channels:

- Continuous training: Staff member(s) with access to children should be given specific training on child protection, as per the company's policy . This should include regular refresher sessions as needed and specialised training, where relevant
- Job advertisements: Include a link to the company's child protection policy in the advertisement, if the advertised position involves direct contact with children
- Application forms and self-disclosure: Require applicants who will be in direct contact with children to disclose any prior convictions related to arrest or criminal prosecution.
- Interviews: Test the applicant's knowledge and commitment to child protection through interview questions.
- References and background checks: Use these to ensure that applicants have no prior criminal record.
- Induction: Train all new applicants in the child protection policy.
- Monitoring and appraisal: Consider using performance indicators for individual performance that relate to the successful implementation of the child protection policy.

Policies and procedures that support this Child Protection Policy must also include the following, at a minimum: dangerous areas must be off-limits and clearly marked, with safety barriers; corporate facilities must not be used to abuse, exploit or otherwise harm children; staff must remain vigilant about the presence of children on and around company premises; and young workers must be protected from hazards. Companies must also make clear that violence, abuse and exploitation are never tolerated in the course of business activities.

iv. Conduct internal awareness raising within the company

All staff should be trained on the Child Protection Policy, the relevance of child protection to the company, their responsibilities for child protection, how to spot child protection risks, and how to safely report a child protection issue.

5. Establish a Reporting Structure

A reporting structure should be in place to receive and respond to reports regarding a child's wellbeing. This process may already build on existing human resources policies regarding whistleblowing and grievance mechanism to handle any complaints from employees, suppliers or contractors. While this may build on existing reporting structures, a standalone structure may be designed to process claims that are solely related to child protection issues. It would then be important to liaise with external agencies including local authorities and child rights experts or NGOs that can advise on how to appropriately deal with these matters, including advice and referrals.

In all actions impacting children, the best interest of children 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 and grow in an environment that is favorable to his / her mental and physical development is prioritised. This should always ensure the appropriate level of confidentiality, fairness and transparency of processes are always exercised.

CHILD PROTECTION REPORTING CHECKLIST

- The organisation has established a set of principles for these reports, including guarantee of non-reprisal against reporting staff; anonymity; safety; confidentiality; and fairness.
- The organisation has respected the child's right to privacy and does not disclose any information of data relating to the child without prior knowledge and consent.
- The organisation has assigned an individual who is responsible for receiving and resolving these reports.
- The organisation has a clear and transparent procedure for dealing with a report.

Further reading:

- [UNICEF, Child Safeguarding Toolkit for Business, \(May 2018\)](#)
- [RSPO, Child Rights Guidance for Palm Oil Producers, \(December 2020\)](#)

6. Provide Guidance for Employees on how to Take Action

These are concrete actions that should be taken when concerns about a child's safety and wellbeing are raised. The concern can be dealt with via the company's whistleblowing policy or reporting structure so that employees and any stakeholders can report any potential concerns. It is important to note that the lead person responsible for child protection should not determine whether abuse or misconduct has taken place or not. It is their responsibility, however, to report any potential concerns to the relevant law enforcement bodies / authorities.

EMPLOYEE ACTION CHECKLIST

- Ensure that all employees understand the role and responsibilities of the designated child protection lead, know how to contact him / her and any deputies in place
- Have a contact sheet with details of local authorities, law enforcement agencies, such as the police, social services etc. and relevant NGOs with child protection expertise
- A delegated child protection committee should include individuals who support the child protection lead and advise on best course of action for any potential incidents should they arise
- Develop a standard incident form to record any details of concerns raised and a system for securing this confidentially

Further reading:

[UNICEF, Child Safeguarding Toolkit for Business, \(May 2018\)](#)

Section III: Implementing Child Labour Remedial Action Guidelines

The Situation of Child Labour in Malaysia's Palm Oil Industry

As stated in Section I, child labour has long been a key concern in the oil palm industry. A [report published in 2018](#) by Malaysia's Ministry of Plantation Industries and Commodities (MPIC) indicates the presence of child labour in the oil palm sector, with an estimated 33,600 child aged 5-17 years old found to be engaged in child labour.²⁷ and they (58.8%) were mostly found in Sabah²⁸.

Consultations with oil plantation companies in Sabah have also found that children and young persons were involved in a number of plantation activities on both commercial plantations and smallholder estates.²⁹ Among the activities listed were collecting loose fruits, harvesting and manuring, slashing, spraying, fresh fruit bunch (FFB) loading, stacking palm fronds and filling poly bags and weeding at nurseries.

Children working in the oil palm sector face several hazards to their health and safety. These hazards include but are not limited to injuries from handling sharp tools, poisoning and long-term health effects from pesticide exposure, musculoskeletal injuries from repetitive and forceful movements, and lifting and carrying heavy or awkward loads, high levels of sun exposure which can result in skin cancer and heat exhaustion, and long working hours which can cause fatigue.³⁰

Child labour can also negatively impact a child's social and educational development, as they are more likely to perform poorly and drop out of the education that they can access. Children engaged in child labour are also frequently deprived from developing healthy relationships with their peers, leading to emotional problems such as isolation, depression and aggression.³¹

There are several factors which contribute to the prevalence of child labour. One primary driver of child labour in the oil palm sector is poverty. Children may be used to help increase the work productivity of their parents. Parents also lack the awareness about child labour. The lack of educational facilities and childcare facilities (i.e. crèche) in or around plantations; and the geographical remoteness and locality of plantations encourages children into work. Labour shortage, coupled with high turnover rate or worker abscondment also put children at risk of being mobilised as workers.

What is Child Labour?

The term '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. It refers to work that:

- is mentally, physically, socially or morally dangerous and harmful to children; and
- interferes with their schooling by depriving them of the opportunity to attend school; obliging them to leave school prematurely; or requiring them to attempt to combine school attendance with excessively long and heavy work.

²⁷ Ministry of Plantations and Commodities, [The Employment Survey in Oil Palm Plantations, Malaysia 2018](#)

²⁸ *ibid*

²⁹ Earthworm Foundation, [Children in the Plantations of Sabah: Stakeholder Consultation Workshop Report](#)

³⁰ ILO, [International Programme on the Elimination of Child Labour. Safety and Health Fact Sheet. Hazardous Child Labour in Agriculture: Oil Palm](#)

³¹ ILO, [Assessing psychosocial hazards and impact of child labour](#)

Wilmar's 'No Child Labour' Clause

Wilmar recognises the minimum age for full employment as 18 years old. Noting the ILO Minimum Age Convention, 1973 (No. 138) defining 15 years old as the minimum age of work, where local regulations allow the employment of young persons between the ages of 15 to 17 years old.

Any person who are of legal working age but below 18 years old are considered as 'young workers' and may participate in non-hazardous work under the supervision of an adult. The work must not negatively impact the young worker's health, safety, personal development, education, and right to play.

Wilmar will only allow 'young workers' where the local minimum school age is between 15 years old, and where there is local regulation requiring specific consideration and controls for appropriate safeguards for young persons, which includes but not limited to, limited working hours, no work at night, no heavy work, and safe work. Development of specific guidelines are required for this allocation. In any event, Wilmar will comply with the safeguards in ILO Convention 182 against the worst forms of child labour.

MALAYSIA'S LAWS ON CHILD LABOUR

Malaysia has laws and policies against child labour. The government ratified major international treaties on child labour, including ILO Conventions No.138 on Minimum Age of Employment, No.182 on the Worst Form of Child Labour.

In Peninsular Malaysia, 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 legislations) in a family enterprise, work in public entertainment, apprenticeships and work undertaken in vocational training institutes. Young persons aged between 15 to 17 years old are allowed for employment suitable to their capacity. There are certain protective regulations covering young workers aged 15 to 17.

The Children and Young Persons (Employment) (Amendment) Act 2019 also prohibits hazardous occupations and activities under 18, including jobs with physical hazards, chemical hazards, or that are by nature hazardous.

Any matters concerning employment of children and young persons in Sabah and Sarawak are subject to Part XI of the Sabah Labour Ordinance (Cap 67) and Sarawak Labour Ordinance (Cap 76). Similar to Children and Young Persons (Employment) (Amendment) Act 2019, young persons (15-17 years old) are allowed for employment suitable to his capacity but subject to protective regulations covering young workers aged 15 to 17. Similarly, there is no hazardous work allowed for all children and young persons in Sabah and Sarawak. However, there is no further definition on "hazardous work" provided by the Sabah and Sarawak Labour Ordinances.

The Sabah Labour Ordinance (CAP 67) and Sarawak Labour Ordinance (Cap 76) have yet to adopt the Children and Young Persons Act (Amendment) 2019 as part of their laws relating to labour at the time of writing

Policies and Procedures to Prevent Child Labour

The best way to address child labour is to prevent it. As a starting point, all Wilmar staff, suppliers and contractors need to ensure that children are not working in their facilities or operations. This section sets out guidance for suppliers and contractors on how to identify child labour risks and prevent them.

1. Define Hiring Policies & Procedures: Implement a policy on minimum age for employment to ensure that the company does not hire children below the minimum age or in conditions of child labour.

The policy can be a stand-alone commitment or integrated into existing policies governing recruitment and human resources management. To ensure compliance, employees should be offered training on the policy and held accountable for its implementation.

2. Verify the Age of Employees: Age verification procedures are important to ensure that the company does not inadvertently hire children. Without proof of age, the company cannot decide if the work is suitable for the worker. Sometimes, adolescents may present false identification in order to obtain employment, so this step is a critical safeguard to preventing child labour. Age verification procedures can include but are not limited to:

- Reviewing the personnel records to identify whether there are child workers
- Developing and communicating the company's policy for prohibition of child labour
- Putting in place a requirement that all workers to show proof of ID during recruitment
- Establishing human resources record keeping procedures

Reliable techniques to verify workers' ages include:

- a) For Malaysian citizens, requesting forms of identification such as
 - i. A Malaysian identity card (IC)
 - ii. Birth certificate
 - iii. Passport
- b) For Indonesian citizens, requesting forms of identification such as:
 - i. Indonesian passport
 - ii. Social pass or work permit which they may have used to enter Malaysia
 - iii. "Surat Bukti Pencatatan" (SBPK) issued by the Indonesian consulate in Sabah
 - iv. Birth certificate issued by Jabatan Pendaftaran Negara (JPN) in Malaysia (which will be red for non-Malaysian citizens)
 - v. "Kad klinik" or cards issued by government or private clinics to migrant worker parents after having given birth or during maternal check-ups during the pregnancy
 - vi. End of compulsory schooling certificate for those above minimum age
 - vii. School enrolment certificate for those engaged in light work
- c) For Filipino citizens, requesting forms of identification such as:

- i. Philippines passport
- ii. IMM13 pass (pass issued by the Malaysian government to Filipino refugees)
- iii. Birth certificate issued by Jabatan Pendaftaran Negara (JPN) in Malaysia (which will be red for non-Malaysian citizens)
- iv. “Kad klinik” or cards issued by government or private clinics to migrant worker parents after having given birth or during maternal check-ups during the pregnancy
- v. End of compulsory schooling certificate for those above minimum age
- vi. School enrolment certificate for those in light work

For (a) to (c), where there are no documents to verify, alternative forms of verification should be used. In this case, interviews with applicants who appear below the minimum legal age of employment should be conducted, with targeted questions to the applicant’s family members and guardians to assess if the applicant is above the minimum age of employment. It should be noted that the interviewer should take care to be diplomatic when asking questions on sensitive issues such as documentation, as this may be an uncomfortable issue for many migrant workers.

3. Carry out a Workplace Assessment: Identifying hazardous work in the company – work that should never be carried out by children – is an important step towards preventing child labour.

Carry out a workplace assessment to identify hazards and determine which forms of work are hazardous and should be prohibited for children. This can be achieved through observation and by consulting staff, workers, workers’ representatives, labour inspectors and other relevant stakeholders.

As mentioned above, while young workers above the minimum age for work are allowed to take on non-hazardous work under strict conditions, they have the right to be protected from any type of work or employment which is likely to jeopardise their health, safety or morals. Young workers should be treated according to the law, including measures to avoid hazardous jobs and provision of decent working conditions

CHILD MARRIAGE AND CHILD LABOUR

The Ministry of Women, Community and Development estimated at least 1,500 children marry every year³².

There can sometimes be a misconception that married persons under the age of 18 should be treated as adults in recruitment or hiring. However, international and national laws do not make an exception for child labour on the basis of marriage.

Wilmar also does not recognise an exception based on marriage. Young workers aged between 15-18 can only be employed under strict conditions, as stipulated in Wilmar’s No Child Labour clause and consistent with ILO safeguards.

³² UNICEF, [Advocacy Brief: Towards Ending Child Marriage in Malaysia](#)

Remedial Action Guidelines

This section sets out the operational principles and procedures on how to treat instances of child labour when it cannot be prevented. These procedures apply to Wilmar's operations and all its suppliers and contractors. Though this guidance does not set out how to tackle the root causes of child labour, it seeks to guide remediation on a case-by-case basis while dealing with some of the most common challenges.

WHAT IS A CHILD LABOUR REMEDIATION PLAN?

A Child Labour Remediation Plan is a set of operational procedures to guide the company's response to establish the long-term best interest of the child once instances of child labour are identified. Qualified organisations or a third-party service provider can be engaged in the development of the remediation plan. Necessary budgets should be allocated to ensure the remediation plan runs smoothly. The remediation plan should be personalised and may or may not conclude when the child reaches the minimum working age.

If child labour is found, it is imperative to act swiftly to find a solution. It should be considered given the specific circumstances of each child or group of children, such as age, gender, level of maturity, vulnerability, race or ethnicity, the social and cultural context, among other factors.

Additionally, where it has been found that there are young workers involved in hazardous work, the remediation proposal should include a discussion with the child's parents or guardians on assigning young workers to undertake non-hazardous work with adult supervision.

Wilmar is committed to working with its suppliers in situations where child labour have been found, to develop and implement systems to correct such violations and to build systems aimed at reducing child labour on a systematic basis.

Where appropriate, Wilmar will provide technical assistance to help suppliers with known violations to address specific issues; and provide technical assistance on broader labour issues that underlie child / forced labour (e.g., workplace cooperation, health and safety, working conditions).

For child violations i.e. harassment and abuse, child protection procedures should apply, which includes reporting the case to the authority through formal channels. Corrective actions has to be implemented and to develop a remediation action plan, covering the following actions:

Identify Potential Child Labourers

If workers are suspected to be underage, it is strongly advised to not approach them directly in the first instance. Their IDs should be checked as part of a routine document check process and any facts should be established by interviewing people close to the suspected underage worker.

The age and identity of the child should be clarified upon review and verification of age and identity documents. Note that, if children do not have identity documents, it will be more difficult to ascertain actual age. If the identity and age of the child cannot be determined, the following actions should be taken:

- Communicate or meet with parents or guardians if they can be located
- If ID checks are inconclusive, contact local labour authorities to validate identification

- Assess age through other documents, such as school certificates

Identifying the age of the child is important as this will determine the most appropriate approach in the remediation plan.

- Furthermore, companies should verify with schools in the plantation area to see if the child is registered there – and if he/she is, whether the rate of school attendance has been high (i.e., whether or not the child has been attending school).
- In the case of migrant children, companies can verify with ALCs or CLCs.

Remove the Child from Work Immediately

Children should be immediately removed from work and placed in a safe environment. The reasons for discontinuing work should be clearly explained to children in the presence of trained experts or qualified individuals or organisations with experience working in child welfare. The legal requirements and Wilmar's Child Protection Policy should be explained to the child, as should their ability to be employed once they reach the appropriate minimum age.

Actions to Avoid

It is very important that the company does not:

- Expel any of the suspected or confirmed child laborers
- Threaten the children or their families or hamper the progress of investigation and remediation
- Conceal or falsify any information and documentation

Although children should be removed from work, it is important not to expel their family members from employment. Keeping their family members in employment increases the likelihood of a sustainable remediation plan.

Develop a Remediation Plan that Accounts for the Best Interests of the Child

It is vital to listen and respond to the views of the child and his / her parents or guardians when determining options for remediation and measures to be put in place. Their agreement should be sought to participate in the remediation programme, maintaining awareness of situations which may present risks and manage these.

It is also important to determine the best approach for the child's age. Older children above the minimum school leaving age could be assisted with accessing vocational training and entering age-appropriate work, while younger children should be supported with re-entering school.

The remediation plan should be agreed upon (signed) by both the company and the affected party in order to formalise the obligations embodied in the plan.

- **Assemble a remediation team to deal with child labour and children's welfare**

Qualified individuals and organisations that may be engaged in developing the plan include local NGOs, members of women welfare committees, children welfare officers, government officials, health professionals, education professionals, social workers or other knowledgeable individuals. The team must maintain a commitment to keeping the best interest of the child in mind.

A list of organizations with expertise in certain child welfare matters that may be relevant can be found in Annex 2. Therefore, it is important to map and prioritise stakeholders to coordinate efforts in addressing the issue. Once the stakeholders are identified, roles and responsibilities of each stakeholder should be defined while establishing how the remediation programme will be funded.

- **Investigate the situation of the child, including needs, circumstances, and aspirations of the child**

The investigation should incorporate dialogue with the child and parents to understand his / her views and desires. If relevant, it is important to understand why the child stopped attending school and entered the workforce, and any obstacles that might exist to re-entering education.

If the child has expressed that he / she does not want to go to school, it is important to understand the child's reasons. Some children may experience bullying or abuse in school. In the case of migrant children, they may face obstacles with enrolment and understanding local languages. Understanding the reasons behind absenteeism can ensure that the child is able to access educational opportunities that suits his / her specific needs.

It is important that interpreters/translators who speak the same dialect that the child speaks are used during the interviews. This is to ensure that the child fully understands all the questions asked, and that the child's wishes are properly understood and taken into account.

In addition, interviews should be gender-sensitive – for example, in cases involving a female child, female interviewers/interpreters/translators should be used to ensure that the child feels comfortable in answering questions and expressing concerns.

- **Define and implement an appropriate remediation plan**

Ensuring the best interests of the child must be the first priority for any remediation plan.

If the child is to be supported in returning to education, a school or training facility should be identified appropriate to the child's age and needs. If the child is approaching the minimum age of employment, professional / vocational training could be offered if they choose to return to age-appropriate work.

Where migrant children have been found working, companies can work with the relevant consulate to identify an appropriate CLC or ALC for the children to enter. Companies can also support and facilitate the children's return to their home countries. For local children, companies can facilitate their registration in national schools.

Appropriate accommodation should be arranged for the child, particularly if the child is living without his / her parents. If the child lives away from home, with or without their families, it is imperative to assess educational facilities both in the child's main residence and in the host territory.

The supplier may agree to re-hire the child when he / she reaches the legal working age, should the child desire to re-enter employment. This step could provide the child with an important incentive to finish education, rather than searching for work elsewhere.

It is also important to obtain signed agreements from the child's parents or guardians, setting out the elements or stages of the remediation plan and the duties of each party, including agreement on what remediation costs will be funded by the company, for example this may include education costs, travel costs or stipend until the child reaches the minimum working age or finishes the agreed education course.

Parents and children should always be consulted, and their consent obtained for any remediation plan before implementation. In cases where parents have sent their child away from home to work, this process of persuasion may be difficult, and it is particularly important to ensure that parents are confident that the family's income will not be reduced by participating in the remediation plan.

Monitor Implementation of the Remediation Plan and Provide Ongoing Support to the Child.

Successful remediation is dependent on ongoing monitoring to ensure that the child remains in school and that the programme is adjusted to meet the child's changing needs.

A monitoring report should be developed and distributed to stakeholders to be kept informed of progress to encourage accountability. Monitoring may include the following elements:

- Monitoring of the child's progress at school (if applicable)
- Collaboration with parents or child welfare officials to conduct regular home and school/ alternative learning centre/community learning centre visits
- Regular payment of stipend, school fees and any other expenses

The monitoring findings should then be used to strengthen the remediation programme.

- Partnerships and collaboration

Working with external stakeholders, such as workers' unions or service providers in oil palm communities could further strengthen education systems and health care systems, while working to ensure that childcare provision works for working parents, for example, ensuring that it is provided for in a place that is easily accessible and suits their working patterns. More resilient communities around the work sites will result in a stronger workforce and more resilient and productive plantations. Where possible, Wilmar can assist with including supplier companies in external partnerships and collaborations that Wilmar is part of.

A list of potential organisations that companies can consider for partnerships and collaboration in addressing issues on children in plantations can be found in Annex 2.

It is also important to invest in greater awareness and understanding of the issues affecting children on plantations as well as establish / increase collaboration with industry associations to learn from best practices and formulate solutions.

- Root causes of child labour

While working to develop long-term solutions, it is essential to understand the drivers behind child labour, taking into consideration the child's circumstances, economic background, and family life. With the support of appropriate specialists who are familiar with the local contexts and issues, remediation programmes and monitoring will have to consider the drivers as a measure to

prevent the child from entering work again. Specialist support may be needed to gain a greater understanding of the wider context and circumstances.

Further reading

- [ILO-IOE, Child Labour Guidance Tool for Business, 2015](#)
- [ILO, Checkpoints for Companies: Eliminating and Preventing Child Labour, 2016](#)
- [ILO, Age Verification: Protection for Unregistered Children from Child Labour, 2016](#)
- [ILO Helpdesk, Q&As on Business and Child Labour](#)

ANNEX I – Standalone Illustrated Guidance for Implementing Child Protection in Estates

BECAUSE OF THEIR AGE & VULNERABILITY, CHILDREN ARE NOT ALLOWED TO WORK.



WHAT IS NOT ALLOWED?



DIRECT HIRING OF CHILDREN



CHILDREN WORKING WITH OR HELPING PARENTS

1. IDENTIFY CHILDREN AT RISK

A Collate

A LIST OF POTENTIALLY AFFECTED CHILDREN



B Clarify

AGE & IDENTITY OF CHILD



2. REMOVE THE CHILD FROM WORK IMMEDIATELY

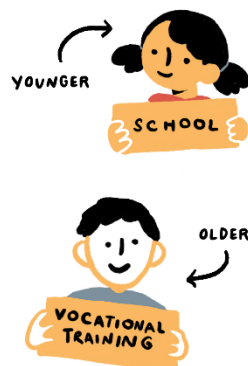
A Place

THE CHILD IN A SAFE ENVIRONMENT



B Transfer

CHILDREN INTO SCHOOL



C Ensure

THE COMPANY DOES NOT:



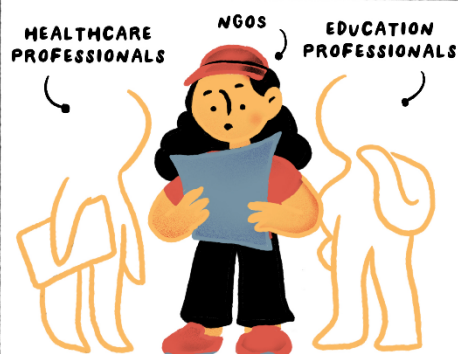
3. DEVELOP A PLAN THAT ENSURES THE CHILD'S WELLBEING

LISTEN AND RESPOND TO THE VIEWS OF THE CHILD TO ENSURE THAT THE CHILD'S BEST INTERESTS ARE CENTRAL TO THE PLAN.

IN ADDITION:



A ASSEMBLE A REMEDIATION TEAM



B INVESTIGATE THE SITUATION OF THE CHILD



C DEFINE AND IMPLEMENT THE PLAN, OBTAINING SIGNED AGREEMENTS FROM THE CHILD'S GUARDIANS.

INCLUDE:

- STAGES OF PLAN
- DUTIES OF EACH PARTY



D REACH AN AGREEMENT ON HOW REMEDIATION COSTS WILL BE FUNDED



4. MONITOR THE PLAN & PROVIDE ONGOING SUPPORT

Successful Remediation

& MONITORING INCLUDES:



CHECK UP ON THE
CHILD'S PROGRESS
AT SCHOOL



ADJUST
PROGRAMMING TO
MEET CHILD'S
CHANGING NEEDS



CONDUCT
REGULAR HOME
AND SCHOOL VISITS



PROVIDE REGULAR
PAYMENT OF
STIPENDS, SCHOOL
FEES AND ANY
OTHER EXPENSES

DEVELOP & DISTRIBUTE
MONITORING REPORT TO
STAKEHOLDERS TO ENCOURAGE
ACCOUNTABILITY.

SUCCESSFUL REMEDIATION SHOULD BE SUPPORTED BY:



CREATING PARTNERSHIPS
WITH NGOS



ADDRESSING THE ROOT CAUSES
OF CHILD LABOUR

Annex 2: List of Service Providers

Below is a table showing some of the different organizations listed in [Earthworm Foundation's Directory of Services for Vulnerable Children in Sabah](#), as well as the types of services they provide:

Types of Services	Name of Service provider/NGO
Education (primary level)	<ul style="list-style-type: none"> • Humana Child Aid Society Sabah (HCASS), via Alternative Learning Centres (ALCs) • Etania Schools • The Indonesian Consulate in Sabah, via Community Learning Centres (CLCs) • Stairway to Hope • Borneo Komrad
Education (lower secondary level)	<ul style="list-style-type: none"> • Etania Schools • The Indonesian Consulate in Sabah, via Community Learning Centres (CLCs) • Stairway to Hope
Community engagement	<ul style="list-style-type: none"> • Pusat ASASI – runs programs such as youth empowerment and a community paralegal network – which addresses legal issues such as undocumented people and child rights – and also offers consultancy services • PACOS Trust – empowers indigenous communities through community engagement programmes and networking • Global Shepherds Berhad – empowers communities on child safeguarding programmes.
Birth registration	<ul style="list-style-type: none"> • Global Shepherds Berhad - assist migrant children from Indonesian communities to access Indonesian nationality through the Indonesian Consulate in Sabah • Development of Human Resources for Rural Areas, Malaysia – provide birth registration intervention, legal advice and technical assistance on matters concerning citizenship and other legal identity documents for children)
Vocational training	Tonibung (Friends of Village Development) - offer skills oriented and vocational training for youth in rural areas
Support services (psychosocial counselling / safe spaces)	<ul style="list-style-type: none"> • Global Shepherds Berhad – organises counselling services, manages cases of gender-based violence for women and children. • Sabah Women's Action Resource Group (SAWO) - provides support services for women and children in need including counselling and legal support

Legal aid	<ul style="list-style-type: none"> • Sabah Law Society – provide legal aid and advice on matters concerning birth registration, violence against women and children, and issues of child labour and other forms of child exploitation • Advocates for Non- Discrimination and Access to Knowledge (ANAK) - provide legal assistance and advice on issues such as citizenship, vaccination, and other child-related issues.
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