

**Labour and Society: The Maintenance of Family Economies and the Marketplace  
(A General Overview on Child Labour in Asia, Transnational Care Work, Work-  
Family Reconciliation and Agriculture Work)**

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**Introduction**

The economies of many developing countries in Asia and in pre-industrial Europe were primarily based on family economies. In this regard, the individual household was the fundamental unit of economic production. Within this unit, most of the necessities of life were produced by members of the family. These family economies were regarded as sustenance economies. In this environment, there was no place for individuals living outside of a family. However, crisis in global economies affects different countries in different ways. The worst impacts of the current crisis seen in the second half of 2009 until 2010 are especially in terms of economic recession, loss of income, loss of jobs, displacement of migrants, and mass deportation. Available jobs in home countries may be scarce. Fueled by the lack of sufficient opportunity in home countries, many men, women and children in many developing countries are placed in a situation where there really was no alternative, socially or economically, to living within a family. Children find themselves in the labour force at an early age while their parents (or either one of them) would be in a foreign country, taking up suitable jobs in sectors such as transnational care work, production and agriculture.

**A. Child Labour in Asia**

Factors contributing to child labour in Asia include parental poverty, migration, parental unemployment and underemployment. Many parents from poverty stricken countries in Asia perceive their children as young persons, if not as 'adults' at an early stage.

Across Asian countries such as India, Pakistan, Nepal and Sri Lanka, to name a few, children are often seen as 'adults' because of their abilities of performing physical work for long hours. Physical work may come in the form of hazardous work such as in brick manufacturing, stone quarrying, construction, bonded labour in agriculture, transportation and production. Others 'not so hazardous work' are most notably in the areas of domestic labour and labour in informal economy. Malaysia ratified the ILO Convention on the worst forms of child labour in 2000. In Asia, 70 per cent of children workers are engaged primarily in agriculture sector. Most of them are working as informal labourers helping out their family members or parents in plantation. They are often not paid wages due to their informal involvement in contributing to their family income.

Limiting the types of work that children workers can do is one method to reduce their involvement in the labour market. In Malaysia, under the Children and Young Persons

(Employment) Act, 1966, no child can be engaged in any employment except under the circumstances such as:

- (i) doing light work in any undertaking carried out by his family;
- (ii) employment in any public entertainment in accordance with the terms of a licence granted for that purpose under the Act; and
- (iii) employment of a work approved by the Federal Government and employment in an apprenticeship contract approved by the Director-General of Labour.

In Malaysia, a child or a young person is permitted in any period of 7 consecutive days to work for not more than 6 days.<sup>2</sup> A child can only work a maximum of 3 consecutive hours with a rest of 30 minutes. Not more than 6 hours per day, or in the case of a child who is also attending school, the total number of hours will be 7 hours including the hours he spent attending school. A child is not permitted to work between the hours of 8 o'clock in the evening and 7 o'clock in the morning. However, this does not apply to any child engaged in employment in any public entertainment<sup>3</sup>.

Parents play a vital role in determining whether to let their child(ren) to work or otherwise. Parents who are unable to meet the minimum sustainable income tend to let their child(ren) to gain employment. Working children supplement their parents income. Apart from that, working children contribute to the labour force which consisted of both children and adults. A high-wage situation for adults will bring the effect of parents not wanting their child(ren) to work. In contrast, parents from poor countries prefer to encourage their child(ren) to enter the workforce when they are offered low adult wage particularly in jobs which require low-skilled work force.

Prospect of employment of children is high due to their easy going attitude of either 'take it or leave it' when it comes to the appropriate amount of wages. Wages often determines the employability of a child. Labour and the prospect of child employment are subject to the same market forces. Government interference in determining the minimum wage for child worker is important to reduce the dependency on child labour. As wage for children rises, firms and companies will want to hire adults rather than children or in the alternative, using more machinery in production. The higher the wage for child, the less interested are firms and companies to employ children.

In Malaysia, the Young Persons (Employment) Act, 1966, is silent as to the minimum wages payable to children and young persons. However, should a representation be made to the Minister of Human Resources complaining about wages being unreasonable, the Minister may institute an enquiry and subsequently direct that the employer to pay certain minimum amount as basic wages.<sup>4</sup>

Vital statistics shows that 61 per cent of some 250 million children workers between the ages of 5 and 14 live in Asia whereas 32 per cent in Africa and the remaining 7 per cent

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<sup>2</sup> The Children and Young Persons (Employment) Act, 1966 (Act No.40 of 1966), s.4

<sup>3</sup> The Children and Young Persons (Employment) Act, 1966 (Act No.40 of 1966), s.5(1)(a)

<sup>4</sup> The Children and Young Persons (Employment) Act, 1966 (Act No.40 of 1966), (s.8(1)(2) & (3).

in Latin America. Of the 250 million children, approximately 60 million are aged between 5 and 11 years and are involved in hazardous work.

It can be safely said that setting an age limit for children workers will regulate children's employability especially in hazardous work which expose them to working under extreme temperatures, hazardous agrochemicals and unsafe machinery. Considering the vulnerability of these children to be exposed to unsafe working conditions and to ensure that they spend more time in school, governments around the world can attempt to limit children workers in child labour by limiting the minimum age limit for a child to be employed. Currently, the legal minimum age limits differ from country to country, for example, the Phillipines at 14 whereas Hong Kong at 15. The ILO conventions set out the minimum age limit at 15 years. In 1997, the Malaysian government ratified ILO Convention No. 138 on minimum age. Such is the case in Malaysia. However, such is not the case in Indonesia. In Indonesia, the Ministry of Manpower Regulation, No. PER-01/MEN/1987 legalizes the employment of children under the age of 14, especially those who wanted to contribute to the income of their families.

## **B. Transnational Care Work**

Many workers from developing countries are involved in transnational care work in search of greener pastures and promising labour markets. In developing countries stricken by poverty, women 'abandon' their own children and elderly parents to care for children and elderly across borders. Thus, the outsourcing of care labour creates a global care chain".<sup>5</sup> Most of them were 'forced out' due to the lack of promising jobs, declining economy and harsh political condition apart from concern for their households back home.

In Asia, the majority of migrant workers are economic migrants. Women Migrant Domestic Workers (MDWs) from Asia (mostly women migrants from Sri Lanka, Bangladesh, India, Indonesia, Philippines, Thailand, Nepal, Laos) are now estimated to be more than two million.<sup>6</sup> Asian MDWs, working as care providers not only make positive contribution to their host country's economy. At times, these foreign transnational care workers regulate labour markets. Bauder "suggests that the international migration of workers is necessary for the survival of industrialized economies...[It] turns the conventional view of international migration on its head: it investigates how migration regulates labor markets, rather than labor markets shaping migration flows."<sup>7</sup> Movement of people from labour-sending countries such as the Phillipines and Indonesia for transnational care transcends international migration.

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<sup>5</sup> Nicola Yeates. 2005. *Global Care Chains: A Critical Introduction in Global Migration perspectives*, No.44 September.

<sup>6</sup> see Asian Migrant Domestic Workers Alliance (ADWA), Conference Declarations (2007 and 2008).

<sup>7</sup> Bauder, Harald. *Labor Movement: How Migration Regulates Labor Markets*. Oxford University Press, 1st edition, February 2006, English, 288 pages, ISBN-10: 0195180887, ISBN-13: 978-0195180886.

Transnational care network turns household care to become a global householding, commercialized and traded in the same way as other commodity or labour.

However, an overdependence on foreign labour can contribute to instability in national economic. At the macro level, revenue are said to be lost in terms of remittances to home country. MDWs channeled remittance to not only their family members but also to their communities back home. For example, millions of dollars were sent by Mexican hometown association to fund projects in their communities of origin.<sup>8</sup> Illegal foreign care workers also form part of the bulk of illegal foreign workers who escape paying levy for working legally in a country. At the micro level, foreign labour is not only seen as potential economic threats but also pose a threat to national security for their involvement in industrial espionage and industrial disputes.

On another note, foreign care workers are often more susceptible to vulnerability, including to physical/sexual abuses, gender-based violence and discrimination. Cries over widespread abuses, non-payment of wages, arbitrary arrests, unlawful detention, torture, deportation are a common phenomenon. Violators are recruiters, employers and “loan sharks”. Insufficiency of legal protection in Asia exposed them to gross human rights violations committed by some ASEAN member countries. The sufficiency of protection covered under international human rights instruments aim at protecting migrants’ rights apart from UN and ILO conventions also become questionable.

The ASEAN Declaration On The Protection And Promotion Of The Rights Of Migrant Workers (“the Declaration”) offers little protection to migrant workers.<sup>9</sup> The title sounds very convincing but a deeper consideration of the said Declaration itself reveals little protection and promotion of rights restrictively to documented migrant workers alone. Sadly, undocumented migrant workers mostly from Myanmar, Southern Thailand and Southern Philippines are not covered when the Declaration stated: “Nothing in the present Declaration shall be interpreted as implying the regularization of the situation of migrant workers who are undocumented”. The Declaration is also subject to the laws, regulations and policies of the respective ASEAN member countries.

### **C. Work-Family Reconciliation**

Policies on work/family reconciliation policies unequivocally promote not only women's employment but extend to childcare provision that permit labour market exit in order to care for children. Such policies have increasingly become part of employment policy adopted by the European Union. Informal employment including self-employment provides at least half of total employment in all regions of the developing world. Unfortunately, attempts to reduce hours in developing countries have been unsuccessful for various reasons. One of such reason is that workers work long hours simply to make ends meet. Laws and policies on working time have a limited influence on actual working hours in developing economies, especially in terms of maximum weekly hours, overtime

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<sup>8</sup> see Article: “Can Migrants Save the Global Economy?” at <http://www.theepochtimes.com/n2/content/view/27162>; retrieved on 22 February 2010.

<sup>9</sup> The 12<sup>th</sup> ASEAN Summit on 13 January 2007 in Cebu, Philippines attended by the Heads of State and Government of the Association of Southeast Asian Nations (ASEAN).

payments, and their effect on hours worked in informal employment. The promotion of part-time work and flexi-hour work and telecommuting (which is the process of working from outside of the office with the use of virtual private networks via internet service) are part of as a work-family measure is an important issue in this regard. However, the flexibility to combine paid labour with non-market work is one reason why informal work is so favoured by women.

It is unfortunate that many employers, in order to avoid accountability to ensure work-family reconciliation prefer to engage in flexible short term contracts and contract for service that leave migrant workers and local workers more susceptible to any downturn in the global market.

#### **D. Agriculture Work**

In many countries in Asia, agricultural work becomes the primary economic activity. Rural women take on an increasing share of household. Women began to take on the lead as productive labourers within this family economy at the age of six or seven (sometimes earlier). In agricultural communities, this meant, usually, light farm labour. In many parts of Asia which economy depended largely on the agricultural sector, women's labour was considerably less valued compared to men. Globally, children involvement in agriculture work form 70 per cent out of some 250 million children between the ages of 5 and 14.<sup>10</sup>

In Bangladesh, apart from agriculture, rural production activities include post-harvesting, cow fattening and milking, goat farming, backyard poultry rearing, horticulture, food processing, cane and bamboo works, silk reeling, handloom weaving, garment making, fishnet making, coir production and handicrafts. A significant number of rural women, particularly from extremely poor landless households, also engage in economic needs of the family. In Bhutan, agriculture is the primary economic activity. Rural women engage in main economic activities and are main workers of supplementary activities with some differences among the locations. In Indonesia, women represent the mainstay of rural households, providing family as well as farm labour. Agriculture accounts for the highest share of rural employment, with some 63 women working in agriculture per 100 men.

In Malaysia, local men and women alike are employed in sectors of agriculture, forestry, livestock and fishing. Women are most extensively involved in field crops (working on estates and smallholdings) such as rubber, cocoa, coconut, coffee, tea and other diversified short term cash crops cultivation and mixed farming. Very few are directly involved in oil palms, except to work as labourers for weeding. The demand for labour in the agriculture sector is expected to contract by 1.2 per cent per annum.<sup>11</sup> The reason behind this is due to greater utilization of modern technology. There is also concern on the need to draw a balance between economic and security interests. The plantation sector

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<sup>10</sup> See "Child Labour" at <http://www.un.org/cyberschoolbus/briefing/labour/labour.pdf> ; retrieved on 22 February 2010.

<sup>11</sup> Ninth Malaysian Plan 2006-2010, published by the Economic Planning Unit, Prime Minister's Department, Putrajaya. 2006.

attracts foreign workers especially from Indonesia. However, employers in this sector are not less keen in employing Indonesian foreign workers due to their spate of involvement in industrial disputes.<sup>12</sup>

## **Conclusion**

The maintenance of family economies is closely connected with the market economies. It is a major factor in determining the well-being of men and women (as parents) and children in terms of stability of family life. The life of any member of a family, in general, is oriented around the economy of the household. Nevertheless, the current economies offer working opportunities to all members of a family although even if men, women and children were paid less than sustenance wages. However, a review of the labour legislations is essential in promoting work family reconciliation, judicious employment of children in hazardous works and unsuitable foreign workers in transnational care and agricultural work.

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<sup>12</sup> B.O.Samuel and M.Y.Cheng. 2005. *Economic Crises In Malaysia., Causes, Implications & Policy Prescriptions*, Pelanduk Publications.