



Child Labour Legal Guide - Singapore

Key Laws and Regulations

- **Employment Act, “EA” – specifically Part VIII;**
- **Employment of Children and Young Persons Regulations, “ECYPR”**

We also reference below the Children and Young Persons Act.

Summary

Although persons under the age of 18 can enter into contracts for service, no contract of service will be enforceable against them unless it is for their benefit.

The pertinent limit is that no child who is below the age of 13 years shall be employed in any occupation.

The definitions and regulations for children and young-persons are set out below; divided by industrial and non-industrial settings.

It is prohibited to employ a child under 14 years of age in an industrial or non-industrial undertaking except for light work or in family undertakings. Section 11 of ECYPR states that no child or young person shall be employed in any occupation or in any place or under working conditions injurious or likely to be injurious to the health of that child or young person.

For those under the age of 16, unsuitable work includes –

- Where work conditions cause or may cause injury;
- Servicing or attending to moving machinery;
- Being near live electrical apparatus that is not effectively insulated;
- Underground work.

Persons aged 16 or above may undertake hazardous work.

Further provisions to note outside the EA and ECYPR include –

- Section 11 of the Children and Young Persons Act, persons under 16 years of age shall not take part in public entertainment which is: (a) of an immoral nature; (b) dangerous to their life or prejudicial to their health, physical fitness and kind treatment; or (c) without the consent of the parent or guardian.

How is business affected?

Definitions of children and young persons

Singapore's minimum working age is 13 years of age.

Children are defined as persons who have not completed their 15th year of age. Young persons are persons who have completed their 15th year of age, but who have not completed their 16th year of age (s. 67A, Employment Act).

Type of work

Children and young persons are limited in the type of work they can do in industrial settings (e.g. construction, transportation and manufacturing) and non-industrial settings.

See the exception below with respect to children and young persons employed by the Ministry of Education ("**MOE**") or Institute of Technical Education, Singapore ("**ITE**") established under the Institute of Technical Education Act).

The below table summarises the conditions, firstly for non-industrial settings, and then for industrial settings –

Age group	Work in a non-industrial setting	Work in an industrial setting
Children aged 13 to less than 15 years	Yes, for light duties only	No, unless working with family members. (Section 68(2), EA)
Young persons aged 15 to less than 16 years	Yes	Yes, but employers must notify MOM and submit a medical report (see below)

Therefore children can only work in an industrial setting if they are working with family members.
If you employ a young person to work in an industrial setting:

You need to	Work in a non-industrial setting
Notify the Commissioner for Labour	Within 30 days of starting work

The Notice to the Commissioner for Labour is available as a Schedule to the ECYPR.

A young person employed in an industrial undertaking must be examined by a registered medical practitioner and certified to be medically fit (Regulation 4, ECYPR).

Industrial undertakings as defined in the EA are: public and private undertakings and any branch thereof and includes particularly –

- Mines, quarries and other works for the extraction of minerals from the earth;
- Undertakings in which articles are manufactured, assembled, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed, including undertakings engaged in shipbuilding, or in the generation, transformation or transmission of electricity or motive power of any kind;
- Undertakings engaged in constructional work; and
- Undertakings engaged in the transport of passengers or goods by road, rail, sea, inland waterway or air, including the handling of goods at docks, quays, wharves, warehouses or airports;

The Minister (of Manpower) can also increase and specify industrial undertakings by notifying in the Gazette any industrial undertaking for which no young person shall be employed (s. 69 EA).

Exceptions for Ministry of Education or Institute of Technical Education approved-employment, i.e. vocational training.

Under Section 72 of EA, the regulations above do not apply to i) children and young persons in work approved and supervised by MOE or ITE and carried on in any technical, vocational, or industrial training school or institute; ii) or the employment of young persons under any apprenticeship programme approved and supervised by ITE.

Further Restrictions

MOM describe unsuitable work for those under 16. For those under the age of 16, unsuitable work includes –

- A. Where work conditions cause or may cause injury;
- B. Servicing or attending to moving machinery.
 - No child or young person shall be employed in any service involving the management of or attendance on machinery in motion without the written approval of the Commissioner for Labour (such approval shall only be granted if the Commissioner is satisfied that the child or young person is employed under a scheme of training approved by MOE or ITE).
- C. Being near live electrical apparatus that is not effectively insulated.
 - No child or young person may provide any service involving the management of or attendance on or proximity to any live electrical apparatus not effectively insulated.
- D. Underground work.
 - No child or young person may be employed in any underground work.

Manual Labour Work

If you are employing children and young persons as workmen doing manual labour:

- A. They cannot work at night, between 11pm and 6am the next day.
- B. They cannot work on their rest days without permission from the Commissioner for Labour.
- C. Children (aged 13 to less than 15 years) must not work:
 - More than 3 hours without a 30-minute break.
 - More than 6 hours in a day, including time at school.

- D. Young persons (aged 15 to less than 16 years) must not work:
 - More than 4 hours without a 30-minute break.
 - More than 7 hours in a day, including time at school.
- E. These hour restrictions do not apply for MOE or ITE-approved internships or apprenticeships.

Employment on Vessel

No child can be employed as a workman on vessel unless the vessel is under the personal charge of the parent of the child (or the child is employed under an approved apprenticeship scheme (see above on exception with respect to children engaged in work supervised by MOE or ITE).

Salary

Minimum Rates of Salary

The Commissioner for Labour is entitled to apply to the Minister of Manpower for an inquiry into the salaries of children or young persons employed in any industry. The Minister may then order that minimum rates of salary be paid to children or young persons in such industry or type of employment.

Other Legislation and Provisions

Section 11 of the Children and Young Persons Act, persons under 16 years of age shall not take part in public entertainment which is: (a) of an immoral nature; (b) dangerous to their life or prejudicial to their health, physical fitness and kind treatment; or (c) without the consent of the parent or guardian.

Expectations

Please outline any specific expectations or requirements that businesses need to fulfil in order to be compliant with local child labour laws. For example, do they need to report on the age of the workers in their factories?

Employers must notify the Commissioner for Labour if a young person is working in **an industrial setting**

- Employer submit an application online to Ministry of Manpower using a CorpPass account
- He or she will be required to submit details of the young person, such as his or her name and national identity number ("NRIC"), sex, date of birth, job title, salary, job description and hours of work per day, and a medical certificate certifying the young person's fitness
- This application will be within 30 days of employment and include a medical certificate.

For children and young persons doing manual labour

- They cannot work on their rest days without permission from the Commissioner for Labour.

Employment under injurious conditions

- There does not appear to be a positive obligation to report on whether the conditions of any place of occupation are injurious or likely to be injurious to the health of a child or young person
- However, if a complaint is made that a child or young person has been made to work in such conditions, the employer would need to submit a medical certificate to prove otherwise.

Minimum rates of salary

- Employers should check with the Ministry of Manpower if there any specific orders on the minimum rates of salary to be paid to children or young persons which apply to the employing company's industry/area of employment. It appears this power has not yet been exercised.

Penalties

Explain what happens if someone is found to be breaking the child labour laws. As the audience for this is business people, consider what could happen to a company if they were found to be breaking the law (e.g. fines/ prosecutions).

Contravention of any employment laws stated in EA or ECYPR relation to child labour will result in the employer potentially facing a fine of SGD\$5000 and/or imprisonment not exceeding two (2) years. However, if the child suffers serious injury or death resulting from such breach of the laws, the employer will face both a fine SGD\$5000 and imprisonment not exceeding two (2) years.

For breach of minimum prescribed salaries to be paid to children or young persons, the employer may face a fine not exceeding SGD\$5000 and/or imprisonment not exceeding six (6) months and for a second or subsequent offence to a fine not exceeding SGD\$10,000 and/or imprisonment not exceeding two (2) years.

For a contravention of public entertainment under the Children and Young Persons Act, offence conviction could lead to a fine not exceeding SGD\$2,000 or to imprisonment for a term not exceeding 12 months or both, or cancellation of suspension of a licence under the Public Entertainments Act if the convicted person is a holder of such licence.

Notable prosecutions

Any lawsuits or prosecutions that demonstrate this law being utilized, particularly lawsuits related to the private sector.

There appears to be no reported cases to the Ministry of Manpower in at least the past [10] years.

Useful links

- Ministry of Manpower, Singapore, <https://www.mom.gov.sg/employment-practices/young-persons-and-children> [Accessed 11/01/2021]
- Singapore Employment Act, <https://sso.agc.gov.sg/Act/EmA1968#P1VIII->
- Singapore Employment (Children and Young Persons) Regulations, <https://sso.agc.gov.sg/SL/EmA1968-RG1?DocDate=20000430&ValidDate=20041001>

* This research has been conducted by Hogan Lovells Lee & Lee, Singapore, and verified by a Singapore admitted lawyer, though the above does not constitute legal advice.



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