Seminar on Improving Organization's Labour Management System to Strengthen Trade Cooperation Among ASEAN Community

The Republic of the Union Of Myanmar
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Study on labour statistics

- population: 59.78 million
- annual growth rate: 1.1 percent
- working age population: 36.94 million (61.79 percent of the total population)
- total labour force: 30.49 million
- agricultural sector: 64.5 percent
- industrial sector: 14 percent
- services sector: 21.5 percent
Labour management structure

- Ministry of Labour
- Department of Labour
- Social Security Board
- Factories and General Labour Laws Inspection Department
- Labour Relations Department
Department of Labour

- It provides manpower supply services to industries and establishments in public, cooperative and private sectors through its network of 77 Labour officers in Labour Exchange Offices.

- Job seekers who completed 18 years of age may register with any of those Labour Exchange Office.

- For those who are under 18 years cannot seek employment or will not be employed by the employers.
The Social Security Board

- One of the important organs of the Ministry of Labour.

- The Main objective is to provide social care for insured workers in case of incapacity to work due to sickness, maternity, employment injury or death.
The Factories and General Labour Laws Inspection Department

• Labour Inspection Agency.
• It is a service organization to make inspection work relating to occupational safety, health and working conditions and enforcing the provisions of existing labour laws in the industrial undertaking.
• There are altogether 86 labour inspectors.
The Labour Relations Department

- Responsible for systematic and effective settlement of labour dispute to maintain industrial peace and harmony between employers and workers.
Prevalence of Labour Laws

• In Myanmar, a number of labour laws have been enacted to ensure the legitimate rights of workers reflecting those of International Labour Standards adopted by the ILO.
Existing labour laws

• The Employment and Training Act, 1950
• The Employment Restriction Act, 1959
• The Employment Statistics Act, 1948
• The Workmen's Compensation Act, 1923
• The Social Security Act, 1954
• The Factories Act, 1951
Existing labour laws

- The Leave and Holidays Act, 1951
- The Shop and Establishments Act, 1951
- The Payment of Wages Act, 1936
- The Minimum Wages Act, 1949
- The Law relating to Overseas Employment, 1999
- The Labour Organization Law, 2011
- The Settlement of Labour Dispute Law, 2012
Major Achievements in recent year

• The Labour Organization Law has been enacted on 11 October 2011

• It aims to protect the rights of the workers, to have good relations among the workers or between the employer and the worker and to enable to form and carry out the labour organizations systematically and independently.

• The Rules of this law has also been issued on 29 February 2012, and the Trade Unions Act, 1926 is repealed.
Labour organizations

- At present, there are 39 basic labour organizations, one labour federation and 10 employer organizations have been formed under this law.

- They have the right to carry out freely in drawing up their constitution and rules, in electing their representatives, in organizing their administration and activities or in formulating their programmes.
Labour organizations

• They also have the right to negotiate and settle with the employer if the workers are unable to obtain and enjoy the rights contained in the labour laws and to submit demands to the employer and claim in accord with the relevant law if the agreement cannot be reached.
Labour organizations

- The labour organization has the right to demand the relevant employer to re-appoint a worker if such worker is dismissed by the employer and if there is cause to believe that the reason of such dismissal were based on labour organization membership or activities, or were not in conformity with the labour laws.
Labour organizations

• They also have the right to send representatives to the Conciliation Body in settling a dispute between the employer and worker.
• Similarly, they have the right to send representatives to the Conciliation Tribunals formed with the representatives from the various levels of labour organizations.
Labour organizations

• The representatives of the labour organization also have the right to participate and discuss in consultation with the government, the employer and the complaining workers in respect of workers' rights or interests contained in labour laws and in solving the collective bargaining of the workers in accord with the labour laws.

• Moreover, the respective labour organization has the right to establish the fund separately.
The settlement of Labour Dispute Law has been enacted on 28 March 2012 and rules of this law also issued on 26 April 2012.

For safeguarding the right of workers or having good relationship between employer and workers and making peaceful workplace or obtaining the rights fairly and quickly by settling dispute of employer and worker justly.
Various levels of Conciliation Bodies

• Under the settlement of Labour Dispute Law, the various levels of Conciliation Bodies shall be formed as follows:

• in any trade in which more than 30 workers are employed, the employer, with the view to negotiate and concluding collective agreement, shall form the Workplace Coordinating Committee.
Various levels of Conciliation Bodies

• the Region or State Government shall form the Conciliation Body in the townships within the Region or State
• to determine the type of dispute whether it is individual or collective dispute which is complained or received and conciliate within the stipulated period in accord with the stipulations so as to settle the dispute.
Various levels of Conciliation Bodies

• the Ministry shall, with the approval of the Union Government, form the Dispute Settlement Arbitration Body in the Region or State.

• the Ministry shall, with the approval of the Union Government, form the Dispute Settlement Arbitration Council for hearing the accepted disputes and cause to decide.
Reviewing existing labour laws

- The existing labour laws are now under reviewing and redrafting to be developed in line with the democratic system.
New Social Security Law

• The new Social Security Law has been drafted.
• It will provide more social protection
• including the rights of medical care, cash benefit, free medical care after retirement, family assistance, superannuation pension benefit and unemployment benefit, invalidity benefit, employment injury benefit, funeral benefit, survivor's benefit and benefits of social security housing project
• It will be enacted very soon.
Problems and challenges

• Lack of capacity and know-how of labour officials and labour inspectors.

• Need to promote social dialogue at various levels, at the workplace, enterprise, industry as well as national society.

• Need to promote transparency among stakeholders.

• There is a need for more awareness, and training for officials, employers and workers' organizations on the process of negotiation and collective bargaining.
Suggestion

• Capacity building for labour officers, labour inspectors, employers and workers.
• Thank you for kind attention