

*Convenience translation - for further  
information, please contact  
info@pwplegal.com*



POLASTRI WINT & PARTNERS  
LEGAL & TAX ADVISORS

**Government of the Republic of the Union of Myanmar  
The Ministry of Labour, Employment and Social Security**

**Notification No. 64/2013**

**5<sup>th</sup> Waxing of Waso 1375 M.E**

**12<sup>th</sup> July 2013**

In exercising the power conferred under sub-section (a) of section 36 Minimum Wages Law, the Ministry of Labour, Employment and Social Security enacts the following rules with the consent of the Union Government.

**Chapter 1**

**Title and Definition**

1. These Rules shall be called the Minimum Wages Rules.
2. The expressions contained in these rules shall have the meanings contained in the Minimum Wages Law 2013 is given hereunder. Moreover, the following expressions shall have the meanings as stated:
  - (a) **The law** means the Minimum Wages Law 2013;
  - (b) **The Minimum Wages for Labour Scrutinizing Working Committee for the Commerce, Production and Service** means the minimum wage scrutinizing working committee formed by the National Committee to carry out for minimum wage fixing and reviewing for the employees who are working in the commerce, production and service business;
  - (c) **The Minimum Wages for Labour Scrutinizing Working Committee for the Agriculture and Livestock** means the minimum wage scrutinizing working committee formed by the National Committee to carry out for minimum wage fixing and reviewing for the employees who are working in the Agriculture and Livestock business;
  - (d) **Working Committees** mean the other working committees formed by the National Committee under the law of section 5 sub-section (i) and the Minimum Wages for Labour Scrutinizing Working Committee for the Commerce, Production and Service and the Minimum Wages for labour scrutinizing working Committee for the Agriculture and Livestock;

*Convenience translation - for further information, please contact info@pwplegal.com*



POLASTRI WINT & PARTNERS  
LEGAL & TAX ADVISORS

- (e) **The Tripartite Representative** means the representative consisting of the government representative, the employer representative and the employee representative.

## Chapter 2

### Forming the National Committee and duties and responsibilities

3. The Ministry shall submit the list of the names of representatives and personnel from the following department, organizations to the president to form and reform the national committee:
  - (a) The representatives of the relevant government department and organizations, who should be assigned duty;
  - (b) The employee representatives of the commerce, production and service organization;
  - (c) The employer representatives of the commerce, production and service organization;
  - (d) The employee representatives of the Agriculture and Livestock Organization;
  - (e) The employer representatives of the Agriculture and Livestock Organization;
  - (f) The other person or persons who are equitable experts in the matters relating to the fixing of the wage.
4. In submitting to the president in accord with the rules 3:
  - (a) The number of employee representative and the employer representative shall be equal;
  - (b) If the president asks for the list of the names of the representatives, the same shall be submitted again.
5. According to the rule 3, the proposed and submitted by the Ministry:
  - (a) in connection with the fixing of the minimum wage, the representatives of the employee and employer may be the persons who perform for the benefit of its organization or for the benefit of the employee or employer;
  - (b) the experts should be well experienced in the relevant works and the persons who are equitable between the employee and the employer.
6. The National Committee:
  - (a) shall form the relevant Union Territory Committee, Region or State Committee comprising of the Government representatives from the list of the name submitted by the relevant Union Territory Council, Region and State Government, Employee Organization or

*Convenience translation - for further information, please contact info@pwplegal.com*



POLASTRI WINT & PARTNERS  
LEGAL & TAX ADVISORS

- Employees' representatives, Employer Organization or Employers' Representatives, well experienced and equitable experts out of the list of the names submitted by the relevant Union Territory Council;
- (b) shall be equally appointed for the number of employee representative and the employer representative;
  - (c) shall be specified for the Chairman and Secretary at the same time in accord with the sub-rule (a). If necessary, Vice-Chairman and Joint-Secretary shall be specified;
  - (d) shall be reformed or substituted any member for the Union Territory Committee, Region or State Committee, which are already formed, if necessary.
7. Relating to fixing of the minimum wage rate and reviewing and amending that rate, regular meeting of the national committee shall be held twice in a year. If necessary, special meeting may be held. In so doing:
- (a) all the members of the National Committee shall be invited;
  - (b) in every meeting, the Chairman of the National Committee shall act as the Chairman. If the Chairman cannot attend the meeting the Vice-Chairman shall act as the Chairman;
  - (c) the meeting is quorum if more than half of the members attend;
  - (d) if any important decision has to be passed, two thirds members of the committee shall attend;
  - (e) the meeting decision shall be decided by more than half of all the attendee's votes;
  - (f) relating to any matter, supporting means by secret voting, standing or raising the hand shall be used.
8. (a) if the operation of the factory is ceased due to the natural disaster, the Union Territory Committee, Region or State Committee shall be scrutinized and submitted to the National Committee.
- (c) in accord with the sub-rule (a), after considering the particulars scrutinized and submitted by the Union Territory Committee, Region or State Committee, the National Committee shall specify the wage and salary of the employees during the regularly unoperational time of the factory.

*Convenience translation - for further information, please contact info@pwplegal.com*



POLASTRI WINT & PARTNERS  
LEGAL & TAX ADVISORS

### **Chapter 3**

#### **Forming of the Union Territory Committee, Region Committee or State Committee**

9. The relevant Union Territory Council, Region or State Government shall submit the list of the name of the representatives of government department, organizations, the representatives of employee and employer, the personnel who are equitable experts in fixing of the wages in forming Union Territory Committee, Region or State Committees to the National Committee.
10. The National Committee shall form the Union Territory Committee, Region or State Committee with the representatives submitted in accord with rule 9 as follows:
  - (a) Member of Council assigned by the Union Territory Council or the Minister of Labour of the relevant Region or State; Chairman
  - (b) The person who is assigned by the relevant Union Territory Council and the relevant Region or State Government; Vice-Chairman
  - (c) Five representatives of the relevant Government Department and Organizations; Members
  - (d) Five employee representatives of Commerce, production and service, agriculture and livestock business organizations; Members
  - (e) Five employer representatives of Commerce, production and service, agriculture and livestock business organizations; Members
  - (f) Two personnel equitable experts in fixing wages; Members
  - (g) Head of the relevant Region or State labour directorate of the Region or State, who is assigned by the relevant Union Territory Council; Secretary
  - (h) Head of the relevant Region or State factory and employee judicial inspection department of the relevant Region or State, who is assigned by the relevant Union Territory Council. Joint Secretary

### **Chapter 4**

#### **Forming the Committee for the Minimum Wage and its duties and responsibilities**

11. The National Committee may form the following working committee in order to fix the Minimum Wages, to carry out effectively for reviewing in accord with the type of work and to support the duties and responsibilities of the National Committee:

*Convenience translation - for further information, please contact info@pwplegal.com*



POLASTRI WINT & PARTNERS  
LEGAL & TAX ADVISORS

- (a) Commerce, Production and Service, scrutinizing Minimum Wage for Employee Working Committee;
  - (b) Agriculture and Livestock scrutinizing Minimum Wage for Employee Working Committee;
  - (c) Research and Advisory Minimum Wage Working Committee;
  - (d) Other necessary Working Committees.
12. The National Committee shall form Commerce, Production and Service, Employee Minimum Wage scrutinizing Working Committee comprising of Government Department and Organization representatives, Employee and Employer representatives of Commerce, Production and Service Organizations among the Committee Members.
  13. The Working Committee formed in accord with rule 12, shall submit the opinion and remark to the National Committee after scrutinizing, relating to the advice for fixing of Minimum Wage for the employees who are working in Commerce, Production and Service at Union Territory Committee, Region or State Committees.
  14. The National Committee shall form the Minimum Wage scrutinizing Working Committee for agriculture and livestock employees, comprising of Government Department Organization Representatives, Employer and Employee representatives of agriculture and livestock organization among the committee members.
  15. The Working Committee formed in accord with rule 14, shall submit the opinion and remark to the National Committee after scrutinizing, relating to the advice for fixing of Minimum Wage for the employees who are working in agriculture and livestock at Union Territory Committee, Region or State Committees.
  16. The National Committee shall form the Minimum Wage Research and Advisory Working Committee comprising of experts and intellectuals in Minimum Wage in accord with the type of work.
  17. The working committee formed under rule 16:
    - (a) shall submit the advice for Minimum Wage Rates which should be fixed or revised to the National Committee for collection of the statistical analysis on the facts to be based, doing the research, studying the method to collect the Minimum Wage, in relating to the fixing of Minimum Wage in accord with the type of work or regionally;
    - (b) shall attend to discuss and advise in the regular meeting and special meetings of the National Committee.

*Convenience translation - for further information, please contact info@pwplegal.com*



POLASTRI WINT & PARTNERS  
LEGAL & TAX ADVISORS

18. The Minimum Wage Working Committee shall perform the ground inspection, collecting the statistical analysis to the Union Territory, Region or State, as necessary.

## **Chapter 5**

### **Relevant Types of Works**

19. The National Committee shall issue notification relating to the types of works which involve more than five employees in commerce, production and service, agriculture and livestock, in respect of minimum wage stipulations for the whole country or union territory or relevant region or state.
20. In fixing after issuing the notification under rules 19, the following types of work shall be stipulated in connection with the commerce, production and service:
- (a) cotton fibre and textiles;
  - (b) factory, workshop and general engineering works;
  - (c) metal, minerals and gem works;
  - (d) food stuffs works;
  - (e) chemical and associated materials works;
  - (f) paper and printing works;
  - (g) timber and wood based industry works;
  - (h) porcelain, earthenware, glaze ware and brick baking;
  - (i) personal goods industries;
  - (j) electrical and associated materials works;
  - (k) telecommunication and information technologies works;
  - (l) fishing and marine products related works;
  - (m) general commerce and services works;
  - (n) shops, trading facilities and public entertainment facilities;
  - (o) transportation works;
  - (p) stevedoring works;
  - (q) hotel and tourism related services;
  - (r) other commerce, production and service notified by the national committee from time to time.

*Convenience translation - for further information, please contact info@pwplegal.com*



POLASTRI WINT & PARTNERS  
LEGAL & TAX ADVISORS

21. In fixing after issuing the notification under rule 19, the following types of works can be stipulated relating to the agriculture and livestock:
- (a) farm land, garden, perennial agriculture and related works;
  - (b) land and marine animal husbandry, poultry farming, apiculture and related works;
  - (c) other agriculture and livestock and related works stipulated with notification by the national committee from time to time.

## **Chapter 6**

### **Fundamental facts relating to the fixing of the Minimum Wage**

22. The National Committee shall scrutinize manipulate and consider research finding upon the fundamentals and based on the facts stipulated under chapter 5, section-7 of the law, in the fixing and the reviewing the minimum wage or submitting the advice and opinion and remarks by the minimum wage working committees or reviewing, advising and reconsidering made by the union territory committee, region or state committees.
23. The following facts shall be scrutinized and manipulated in addition to the stipulation under chapter 5, section-7 of the law relating to the minimum wage fixing, reviewing:
- (a) consumer index;
  - (b) commodity price and services;
  - (c) inflation rate;
  - (d) requirements to invest the industries in the rural area;
  - (e) production cost and other expenses;
  - (f) productivity of the employees;
  - (g) wage paying status of the employer;
  - (h) state socio-economic conditions;
  - (i) other specified facts made by the Ministry in line with the changing condition with the consent of the Union Government from time to time.

## **Chapter 7**

### **Submitting the advice to fix the Minimum Wage**

24. In accord with the guidance laid down by the National Committee, the union territory, the region or state committee:

*Convenience translation - for further information, please contact info@pwplegal.com*



POLASTRI WINT & PARTNERS  
LEGAL & TAX ADVISORS

- (a) shall scrutinize and manipulate current economic, social status and facts to be based after collecting the statistical analysis minimum once in a year in fixing the minimum wage;
  - (b) shall submit the advice for the rate to be specified to the National Committee after studying the facts to be based and included to be considered, relating to commerce, production and service, agriculture and livestock in accord with the types or region-wise or the matter relating to the minimum wage fixing;
  - (c) shall submit the advices to be included for the fixing of minimum wage for any job of working hour one hour, one day, one week, one month, other part time after scrutinizing and studying in accord with the work skill and work safety in submitting under sub-rule(b);
  - (d) shall submit the advice to the national committee the minimum wage revised rate to be specified to review and amend if the fixed minimum wage is not in compliance after scrutinizing at least once in two years in line with the changing condition in respect of the relevant commerce, production and service, agriculture and livestock or region-wise or separating upon work skill and work safety, in connection with the notification for the fixed minimum wage.
25. If there is reasonable objection upon the minimum wage rate proposed by the National Committee, shall resubmit the minimum wage rate to be fixed after negotiating with the said protester or the organization and the representatives of Union Territory, the relevant Region or State.
26. The Minimum Wage Rate to be fixed for the employees shall be submitted the proposals and advices to the Union Territory Committee, the relevant Region and State Committee in the Commerce, production and service organization or agriculture and livestock organization or business-wise or region-wise.
27. Union Territory Committee, Region or State Committee, under rule 26 shall submit to the National Committee with the opinion and remarks after scrutinizing relating to the minimum wage revised rate advised by the commerce, the production and service organization or agriculture and livestock organization.
28. In relating to fixing the minimum wage for the employees of Special Economic Zones established in the Region or State:
- (a) the relevant Special Economic Zone Management Committee shall advise and submit to the National Committee for the proposed minimum wage rate to be fixed in accord with the types of investment after negotiating with the relevant Region or State Committee;



*Convenience translation - for further information, please contact info@pwplegal.com*



POLASTRI WINT & PARTNERS  
LEGAL & TAX ADVISORS

- (b) the National Committee shall fix with the approval of the Union Government after executing in accord with the stipulations under this rule relating to the minimum wage fixing for the advice under sub-rule (a).
29. In relating to the minimum wage rate for the employees of the Special Economic Zone, the relevant Special Economic Management Committee in accord with the changing condition, shall advise and submit to the National Committee for the minimum wage rate to be revised and amended if it is not in compliance, after negotiating with the relevant Region or State Committee scrutinizing at least once in two years.

## **Chapter 8**

### **Fixing the minimum wage**

30. The National Committee:
- (a) shall scrutinize and manipulate after collecting the statistical analysis and planning the arrangement of national level policy, doing research, relating to the facts to be based for fixing the minimum wage;
  - (b) shall guide the union territory, region and state committees in accord with the national level policy laid down relating to the submitting of the advices after doing research and studying and scrutinizing the statistical analysis depending on the current socio economic conditions for fixing the minimum wage.
31. The National Committee and the Working Committees shall mainly consider the following particulars upon the advices of union territory committee, region or state committees in respect of fixing the minimum wage:
- (a) after segregating and scrutinizing in accord with region, types of business, employment skill and work site safety;
  - (b) complaints and difficult problems lodged regarding the minimum wage.
32. The Committee for Commerce, production and service for the employee minimum wage scrutinizing work shall submit opinion and remarks to the National Committee for the minimum wage rates which should be fixed job-wise, region-wise, after scrutinizing and manipulating with the statistical analysis on the facts to be based with the research work regarding fixing of the minimum wage for the employee in the commerce, production and service which contained in the advice submitted by the Union Territory Committee, Region and State Committee.

*Convenience translation - for further information, please contact info@pwplegal.com*



POLASTRI WINT & PARTNERS  
LEGAL & TAX ADVISORS

33. The Committee for agriculture and livestock for the employee minimum wage scrutinizing work shall submit opinion and remarks to the National Committee for the minimum wage rates which should be fixed job-wise, region-wise, after scrutinizing and manipulating with the statistical analysis on the facts to be based with the research work regarding fixing of the minimum wage for the employee in the agriculture and livestock which contained in the advice submitted by the Union Territory Committee, Region and State Committee.
34. The National Committee:
- (a) shall issue the notification at least 60 days in advance for the proposed minimum wage rates for the public awareness and objection if any, minimum wage for the whole country or union territory or region or state in accord with the types of commerce, production and service, agriculture and livestock, regarding the fixing of the minimum wage, special economic zone management committee after negotiating with the relevant region or state committee and studying and scrutinizing the opinion and remarks of the advices submitted, advice of the union territory, region or state committee.
  - (b) in issuing notification under sub-rule (a) the directorate shall be assigned to advertise in the gazette and newspaper or the awareness given in accord with the stipulations to the relevant organizations, employer and employees.
35. The Directorate:
- (a) shall advertise according to the assignment in the gazette and the newspaper the proposed minimum wage rate for the awareness of the public and announce at least 60 days in advance for the objection if any;
  - (b) according to the sub-rule (a), shall perform for the awareness of the employer and employees the relevant commerce, production and service organizations, agriculture and livestock organizations. Moreover, shall instruct the relevant employers for the awareness of the employees the proposed minimum wage rate in the relevant work sites, announcing, distributing pamphlets.
36. The National Committee:
- (a) after announcing to the public and completing 60 days, if there is no objection the relevant minimum wage rate shall be prescribed with the approval of the union government;

*Convenience translation - for further information, please contact info@pwplegal.com*



POLASTRI WINT & PARTNERS  
LEGAL & TAX ADVISORS

- (b) shall assign the directorate to announce the notification in the gazette and the newspaper the prescribed minimum wage rate for the awareness of the public under sub-rule (a).
37. In connection with the proposed minimum wage rate announced for the awareness of the public under rule 36, the protester or the organization which wants to protest or the person who wants to propose to amend or the organization which wants to propose to amend shall submit to the union territory committee, the relevant region or state committee within two weeks after filling in the attached form and the copy shall be sent to the National Committee and the directorate.
38. The Union Territory Committee, the relevant region or state committee may decide whether it is necessary to do site inspection regarding the proposed minimum wage rate, submitted under rule 37. If it is required to do site inspection:
- (a) the person who wants to protest or amend in accord with the rule 37, shall be arranged to fix the date, time and place for the inspection and shall collect the necessary data;
  - (b) the data and the supporting documents acquired under sub-rule (a) shall be recorded and compiled;
  - (c) the said data shall be completed within 30 days from the protested day or to amend proposed day;
  - (d) the protester or the person who proposed to amend may perform personally or by representative in doing the site inspection.
39. The Union Territory Committee, the relevant region or state committee shall submit to the National Committee attached with the case file and evidence documents after studying and scrutinizing the proposed amendment and the site inspection finding under rule 38 or the objection submitted under rule 37, regarding the proposed minimum wage rate.
40. The National Committee:
- (a) shall prescribe with the approval of the union government the minimum wage rate for the employees after scrutinizing by tripartite representatives the submitting of the protester or the objected organization or the proposed person for amending or the proposed organization for amending or the case file submitted by union territory committee, the relevant region or state committee under rule 39 and the evidence documents, investigations, inspections and proposed rate for the proposed matter to be amended or to be objected after announcing for the awareness of the public within 60 days;
  - (b) shall assign the directorate to announce the notification for the awareness of the public the minimum wage rate prescribed under sub rule (a) in the gazette and the newspaper.

*Convenience translation - for further information, please contact info@pwplegal.com*



POLASTRI WINT & PARTNERS  
LEGAL & TAX ADVISORS

41. The National Committee:

- (a) regarding the prescribed minimum wage rate, according to the changing conditions, shall revise and confirm from time to time with the approval of the union government, the advices for the employees of the special economic zone, submitted after negotiation by the relevant special economic zone management committee's the relevant region or state, or the advices on reviewing of the union territory, the region or state committee or the advices of the relevant departments and organizations or the opinion and remarks of the working committees upon the said advises, after considering the prescribed minimum wage rate at least once in two years;
- (b) shall assign the directorate to announce the notification in the gazette and the newspaper the minimum wage rate which is amended for the continuous confirmation under sub rule (a) for the awareness of the public from time to time;
- (c) in fixing the minimum wage after reviewing and amending, for the joint venture business with the foreigner or for the foreign investment business or the citizen employees who are working in the said businesses shall be entitled to enjoy the minimum wage similar to the foreign employees depending on the skill;
- (d) In fixing the minimum wage after announcing the notification, relating to the wage, salary or the remuneration or leave, holiday, any benefit entitled to enjoy for the employees shall not be affected.

42. For the notification of the minimum wage announced under this rule, the directorate:

- (a) shall inform to the special economic zone management committees of the union territory committee, region and state committee to announce in the gazette and the newspaper for the awareness of the public;
- (b) shall inform the employers of the relevant commerce, production and service organization, agriculture and livestock organizations to perform under rule 35, sub rule (b) for the awareness of the employees of the commerce, production and service, agriculture and livestock.

*Convenience translation - for further information, please contact info@pwplegal.com*

## **Chapter 9**

### **The power and obligations of the employers**

43. The employer:

- (a) shall increase the remuneration depending on the skill, to promote the productivity and the employment skill of the employees;
- (b) shall perform in accord with the factory act 1951, leave and holiday act 1951 under section 13 (b) at the law for the list, schedule and document, remunerations;
- (c) when the employees are not able to work due to ill health, injury at work site:
  - (i) if they are under premium paid insurance to the health and social care fund, the insurance under health and social security care 2012, or
  - (ii) if they are not entitled to enjoy social security law 2012, they must be arranged to enjoy the leave and holiday act 1951.
- (d) in the event of family or parents funeral affairs, his entitled remuneration should not be deducted and shall be arranged to enjoy according to leave and holiday act 1951;
- (e) before fixing of the minimum wage by the National Committee under this rule, if his remuneration is less than the prescribed amount, he should be paid up to the full amount;
- (f) part time, hourly job employees shall be paid the prescribed minimum wage for the working hours;
- (g) for the salary employees one day day-off shall be allowed in a week. If he has to work on the off day, overtime wage shall be paid in accord with the existing law;
- (h) if the employee has to work less than the prescribed working hour and if it is not due to his will or he has to stop the work due to the shortage of work from the employer, he shall be entitled to enjoy the remuneration as if he has to work full time;
- (i) the prescribed minimum wage shall be paid without discrimination of the male or female;
- (j) although he has the obligation to pay the minimum wage in cash, separate entitlement, benefit in accord with the stipulation shall be given due to the employee's will, majority of the employees' will, collective consent, in cash or partial in cash or prevailing regional rate or regional tradition;
- (k) overtime work shall be allowed according to the law after negotiation with the employees;
- (l) the employee who is not capable to fulfill the standard norm or production norm prescribed in accord with the factory, workshop, department, shall be trained to be skillful in the

*Convenience translation - for further information, please contact info@pwplegal.com*



POLASTRI WINT & PARTNERS  
LEGAL & TAX ADVISORS

probation period. If necessary, the relevant factory, workshop, departments under this law shall be paid for not less than 50% of the remuneration within three months. In the probation period 75% of the remuneration shall be paid.

## **Chapter 10**

### **The power and obligations of the employees**

44. The employees:

- (a) shall perform to fulfill the productivity in accord with the employment grade of skill;
- (b) shall be responsible to continue to serve the duty in accord with the employment grade of skill, if sent by the employer to attend the skill training;
- (c) unable to work due to ill health, injury at work site:
  - (i) if they are under premium paid insurance to the health and social care fund, the insurance under health and social security care 2012, or
  - (ii) if they are not entitled to enjoy social security law 2012, he is entitled to enjoy the leave and holiday act 1951.
- (d) in the event of family or parents funeral affairs, his entitled remuneration should not be deducted and shall be entitled to enjoy according to leave and holiday act 1951;
- (e) salary earner, wages earner, piece rate employees are entitled to enjoy allowed leave and public holidays;
- (f) if the remuneration given to the skillful and competent employee is more than the minimum wage, the said remuneration shall be continued to be confirmed;
- (g) if employment agreement, any other contract, the accepted remuneration is less than the minimum wage the said employment agreement or the prescribed remuneration contained in the agreement shall be repealed.

## **Chapter 11**

### **Miscellaneous**

45. The Directorate:

- (a) shall ask for the employer to pay the accrued remuneration within 30 days if the union territory committee, region and state committee decide to pay the minimum wage under section 19 of the law;

*Convenience translation - for further  
information, please contact  
info@pwplegal.com*



POLASTRI WINT & PARTNERS  
LEGAL & TAX ADVISORS

- (b) if the employer pays the accrued remuneration according to the asking, the said money shall be paid to the employee.
46. The directorate shall assign any inspection officer to prosecute the employer at the relevant court with the consent of the union territory committee, region or state committee, if the employer fails to pay the minimum wage within the specified time although the directorates ask under rule 45.
47. The inspection officer may sue the employer who fails to pay the minimum wage at the relevant court according to the duty assigned by the directorate. If the employee does not receive the entitled remuneration and other allowance fully under section 16 of the law, the civil prosecution for the entitlement of the remuneration shall not be affected.
48. Regarding the matter under rule 45, 46, 47, Special Economic Zone management committee shall follow the guidance of the National Committee.

U Maung Myint

Union Minister

Ministry of Labour, Employment and Social Security