

**MYANMAR (2000-2017)<sup>1</sup>**

**FREEDOM OF ASSOCIATION AND THE EFFECTIVE RECOGNITION OF THE RIGHT TO COLLECTIVE BARGAINING**

<b>REPORTING</b>	<b>Fulfillment of Government's reporting obligations</b>	<b>YES</b> , except for the 2000 and 2001 Annual Reviews (ARs). No change report for the 2006 and 2007 ARs.	
	<b>Involvement of Employers' and Workers' organizations in the reporting process</b>	<b>YES</b> , according to the Government: Involvement of the Union of Myanmar Federation of Chambers of Commerce and Industry (UMFCCI) (the most representative employers' organization), and workers organisations such as: the Confederation of Trade Unions of Myanmar (CTUM) [formerly known as the Federation of Trade Union of Myanmar (FTUM) and the Federation of Trade Unions – Burma (FTUB)], the Workers' Welfare Associations and the Ceramic Industrial Labour Organization (CILO), the Myanmar Trade Union Federation (MTUF), and the Agriculture and Farmers Federation of Myanmar (AFFM).	
<b>OBSERVATIONS BY THE SOCIAL PARTNERS</b>	<b>Employers' organizations</b>	<b>2015 AR:</b> Observations by the UMFCCI. <b>2014 AR:</b> Observations by the UMFCCI. <b>2013 AR:</b> Observations by the UMFCCI. <b>2012 AR:</b> Observations by the UMFCCI. <b>2011 AR:</b> Observations by the UMFCCI. <b>2008 AR:</b> Observations by the UMFCCI.	
	<b>Workers' organizations</b>	<b>2016 AR:</b> Observations by the CTUM. <b>2015 AR:</b> Observations by the CTUM. Observations by the MTUF. <b>2014 AR:</b> Observations by the FTUM and the most representative workers' organizations. <b>2013 AR:</b> Observations by the CILO. <b>2007 AR:</b> Observations by the International Confederation of Free Trade Unions (ICFTU). <b>2002 AR:</b> Observations by the ICFTU. <b>2001 AR:</b> Observations by the ICFTU. <b>2000 AR:</b> Observations by the ICFTU.	
<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>Ratification</b>	<b>Ratification status</b>	<b>Myanmar ratified in 1955 of the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) (C.87). However, it has not yet ratified the Right to Organize and Collective Bargaining Convention, 1949 (No. 98) (C.98).</b>
		<b>Ratification intention</b>	<b>To be considered in appropriate time for C.98 (since 2009).</b> <b>2016 AR:</b> CTUM indicated that the new Government will ratify C.98. <b>2014-2015 ARs:</b> According to the Government: Myanmar is in the process of studying the alignment of its national laws to the requirements of the Convention, and hence ratification would be considered at an appropriate time in the future.

<sup>1</sup> Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: governments' reports, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention or possible cases that have been submitted to the ILO Committee on Freedom of Association, please see: <http://webfusion.ilo.org/public/db/standards/normes/libsynd>.

		<p>UMFCCI reiterated its support for the ratification of C.98 but emphasized that ratification alone is not sufficient and building capacity for implementation is important.</p> <p>CTUM supports the ratification of C.98 and lobbies the Government to move ahead with ratification.</p> <p>MTUF expressed its support for the ratification of C.98.</p> <p><b>2014 AR:</b> The Government reiterated that ratification of C.98 would be considered at the appropriate time.</p> <p>The UMFCCI reiterated its full support for the ratification of C.98.</p> <p>The FTUM expressed its support for the ratification of C.98 and regarded it as an important instrument to backup C.87.</p> <p><b>2013 AR:</b> The Government reported that the ratification of C.98 would be considered at the appropriate time.</p> <p>The UMFCCI expressed its full support for the ratification of C.98 and mentioned that the PR was already implemented in domestic laws.</p> <p>The CILO expressed its support for the ratification of C.98 and underlined its positive effects on working conditions.</p> <p><b>2012 AR:</b> According to the Government: Ratification of C.98 will be considered in appropriate time to do so.</p> <p>The UMFCCI reiterated its support for the ratification of C.98 by Myanmar.</p> <p><b>2010-2011 ARs:</b> According to the Government: The new Constitution was adopted by the referendum held in May 2008, and the ILO should cooperate with Myanmar for the ratification of all ILO fundamental Conventions. Ratification of C.98 would be considered in appropriate time to do so.</p> <p><b>2008 AR:</b> The Government indicated that it would consider the ratification of C.98 once the new Constitution is promulgated.</p> <p>The UMFCCI supports the ratification of C.98.</p> <p><b>2001 AR:</b> According to the Government: C.98 has been submitted to the competent authorities for review.</p> <p>Based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001): The Government intended to ratify C.98.</p>
	<p><b>Recognition of the principle and right (prospect(s), means of action, main legal provisions)</b></p>	<p><b>Constitution</b></p> <p><b>2015 AR:</b> According to the Government: Article 354 of the State Constitution 2008 provides the rights of the citizens including freedom of expression, peaceful assembly, and freedom of association. Article 96, chapter IV, of the Constitution stipulates that the legislative body shall enact respective laws including the law relating to the labour organization.</p> <p><b>2010-2012 ARs:</b> According to the Government: The new State Constitution has been ratified by referendum in May 2008, Article 354 of the Constitution provides the rights of the citizens including freedom of expression, assemble</p>

		<p>peacefully, and freedom of association. Article 96, chapter IV, of the Constitution stipulates that the legislative body shall enact respective laws including the law relating to the labour organization.</p> <p><b>2004 AR:</b> According to the Government: The Constitution is in the drafting stage.</p>
		<p><b>Policy, legislation and/or regulations</b></p> <ul style="list-style-type: none"> <li>• <b>Legislation</b></li> </ul> <p><b>2015 ARs:</b> According to the Government: Under the Labour Organization Law which is enacted on 11th October 2011, 1676 basic worker’s organizations, 80 township workers’ organizations, 6 states/Regional workers’ organizations, 7 workers’ Federations, one worker confederation, 28 basic employer’s organizations, one township employers’ organization, one federation, and a total of 1800 Workers and Employers Organizations have been formed up to date. The Settlement of Labour Dispute Law was enacted on 28th March 2012 and its rules were issued on 26th April 2012. The amendment Law of the Settlement of Labour Dispute Law was enacted on 30th September 2014. The new Social Security Law was enacted in 31st August, 2012, and its rules were issued in 2nd April 2014. Employment and Skill Development Law has been enacted on 30th August 2013. The Minimum Wage Law was enacted on 22 March 2013 and its rules were also issued on 12 July 2013. Workmen’s Compensation Act, 1923, Employment Statistics Act, 1948 and Employment Restriction Act, 1959 are in the process of being amended. The Law Relating to Oversea Employment, 1999 is being withdrawn for renewal. The Aliens Workers Bill is still being drafted for enactment.</p> <p><b>2014 AR:</b> According to the Government: A new minimum wage law has been established following consultations with the most representative employers’ and workers’ organizations and other stakeholders. Furthermore, a settlement of labour dispute law is currently being formulated in cooperation with the social partners and the ILO.</p> <p><b>2013 AR:</b> According to the Government: Freedom of association is guaranteed in the Chapter VIII of Constitution. New laws have been adopted in 2011 and 2012 in relation to the principle and right (PR): (i) The Labour Organization Law (Law No. 7/2011); (ii) The Settlement of Labour Dispute Law (Law No. 5/2012), and; (iii) The Law on the Right of Peaceful Assembly and Peaceful Procession, Dec/2011.</p> <p>According to the CILO: The Labour Organization Law (Law No. 7/2011) and the Settlement of Labour Dispute Law (Law No. 5/2012) were adopted in 2011 and 2012 respectively, bringing implications on the right to collective bargaining. Following these legal changes, small groups of workers have started to organize themselves, as the Labour Organization Law provides the right for a minimum of 30 workers in the same workplace to form an</p>

			<p>organization and collectively bring forward demands. However, the Labour Organization Law only provides the right to form an organization and to have workers' representatives, but does not provide the workers' representatives with the necessary conditions for representation, such as protection against dismissals by the employer due to absence during representational activities.</p>
			<p><b>2012 AR:</b> According to the Government: Draft legislation of the Labour Organization Law was completed on 30 June 2011. The Law was discussed in detail with the ILO Consultation Team in July 2011. After consultation, the Law was amended based on the experts' advice, followed by submission to the Union Cabinet and then shared again with the ILO on confidential basis. The Legislative drafting committee has submitted the draft Labour Organization Law to <i>Pyithu Hluttaw</i> and the <i>Hluttaw</i> representatives for thorough discussion. The Labour Organization Law shall then be enacted in accordance with the Democratic System.</p> <p><b>2005 AR:</b> According to the Government: In the public sector, workers' rights are stressed in the fundamental rules, orders and directives. Workers in the private sector have their rights protected by the labour laws.</p> <p><b>2002 AR:</b> According to the Government: Labour laws were being reviewed in the light of social and economic changes. This labour law reform will take into account the provisions of the State Constitution, which is in a drafting stage, as well as the comments and observations made by the Committee of Experts on the Application of Conventions and Recommendations and the Conference Committee on the Application of Standards.</p>
		<b>Main legal provisions</b>	(i) The new State Constitution, Chapter VIII; (ii) the Labour Code; (iii) the Labour Organization Law (law no. 7/2011); (iv) the Settlement of Labour Dispute Law (Law No. 5/2012); (v) the Law relating to the Right of Peaceful Assembly and Peaceful Procession (Dec/2011); (vi) the Fundamental Rules; (vii)Orders; and (viii) Directives.
		<b>Judicial decisions</b>	<b>NIL.</b>
	<b>Exercise of the principle and right</b>	<b>At national level (enterprise, sector/ industry, national)</b>	<p><b>For Employers</b></p> <p><b>2015 AR:</b> Disputes between workers and employers are systematically settled by the Workplace Coordinating Committee, the Conciliation Body, the Dispute Settlement Arbitration Body and the Dispute Settlement Arbitration Council according to the Settlement of Labour Dispute Law, 2012.</p>

				<p><b>2011-2012 ARs:</b> According to the Government: Government authorization is not required to conclude collective agreements. The right to collective bargaining can be exercised by all categories of employers. Disputes between workers and employers are systematically settled by tripartite mechanism including workers and employers concerned or their representatives before the Township Workers' Supervisory Committee.</p> <p><b>2003 AR:</b> According to the Government: No government authorization/approval is required to conclude collective agreements. The right to collective bargaining can be exercised by all categories of employers.</p>
			<p><b>For Workers</b></p>	<p><b>2015 AR:</b> Disputes between workers and employers are systematically settled by the Workplace Coordinating Committee, the Conciliation Body, the Dispute Settlement Arbitration Body and the Dispute Settlement Arbitration Council according to the Settlement of Labour Dispute Law, 2012.</p> <p><b>2011-2012 ARs:</b> According to the Government: Government authorization is not required to conclude collective agreements. The right to collective bargaining can be exercised by all categories of employers. Disputes arising between workers and employers are systematically settled by tripartite mechanisms, including the workers and employers concerned or their representatives before the Township Workers' Supervisory Committee. The tripartite consultation in Myanmar is practiced through the election of 10 to 50 workers' delegates by the workers from concerned factories, followed by negotiations directly with the employer before the government representative</p>

			<p>in order to reach conclusions.</p> <p><b>2004 AR:</b> According to the Government: Workers have the right to bargain individually or collectively for their rights within the existing Workers' Welfare Associations. Workers of factories and establishments have also the right to bargain collectively.</p> <p><b>2003 AR:</b> No government authorization/approval is required to conclude collective agreements. The right to collective bargaining cannot be exercised in the public service. However, the principle and right (PR) can be exercised at the enterprise level.</p>	
			<p><b>Special attention to particular situations</b></p>	<p><b>2015 AR:</b> According to the Government: The proposed rate of minimum wage was issued on 29 June 2015 for the public awareness and the minimum wage will be issued by the national Committee very soon.</p> <p><b>2013 AR:</b> According to the CILO: Special attention is given to increase the low wage levels in the country.</p> <p><b>2003 AR:</b> According to the Government: Special attention is given to women and specific categories of persons.</p>
			<p><b>Information/ Data collection and dissemination</b></p>	<p><b>2017 AR:</b> The Government reported that up until September 2017, a total of 2677 employers' and labour organizations comprised of 2477 basic labour organizations, 141 township labour organizations, 21 State/Region labour organization, 8 labour federations, 27 basic employers' organizations, one township employers' organization and one employers' federation, have been formed systematically and independently under the Labour Organization Law, 2011.</p> <p><b>2015 AR:</b> According to the Government: Currently, 1676 basic worker's organizations, 80 township workers' organizations, 6</p>

			<p>states/Regional workers' organizations, 7 workers' Federations, one Myanmar Labour confederation, 28 basic employer's organizations, one township employers' organization, one employer federation, a total of 1800 Workers and Employers Organizations have been organized under the Labour Organization Law. 476 disputes between workers and employers have been settled, and 5,972 workers were granted important financial compensations (885,421,453 kyat) in these processes. Moreover, there have been 23 compensation cases and as a result 29 workers have benefited from important compensations (46,000,290 Kyat) in those cases in 2015.</p> <p><b>2013 AR:</b> According to the Government: 196 workers' organizations, one workers' federation, 12 employers' organizations and one employers' federation have been created under the Labour Organization Law as of 21 August 2012.</p> <p><b>2012 AR:</b> According to the Government: 672 disputes between workers and employers have been settled, and 3912 workers were granted important financial compensations in these processes. Moreover, there have been 24 compensation cases and 24 workers have benefited from important compensations (16,11 million Kyat (approximately US\$ 2,474,000 as at 01/02/2012) in those cases in 2010.</p> <p><b>2011 AR:</b> According to the Government: In 2009, several cases have reached agreement through negotiation and conciliation, with a total of compensation of Kyat 409,47 millions (i.e., about US\$ 6,390 millions – official rate).</p> <p><b>2010 AR:</b> According to the Government: From January to August 2009, numerous cases have reached agreement through</p>
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			<p>negotiation and conciliation, with a total compensation amounting to 7.551.920 Kyat.</p> <p><b>2008 AR:</b> According to the Government: From January to July 2007, several cases have reached agreement through negotiation and conciliation, with a total compensation amounting to Kyat 69,376819 (about US\$ 50,500 as of October 2007).</p> <p><b>2004 AR:</b> According to the Government: From July 2002 to July 2003, the Township-Level Workers' Supervisory Committees heard and settled 305 cases concerning workers' rights that were either collectively or individually bargained for by the workers.</p>
	<p><b>Monitoring, enforcement and sanctions mechanisms</b></p>	<p><b>At international level</b></p>	<p><b>NIL.</b></p> <p><b>2015 AR:</b> According to the Government: Law enforcement carried out through the township Registrar, Chief Registrar, Workplace Coordinating Committee, Conciliation Body, Dispute Settlement Arbitration Body and Dispute Settlement Arbitration Council.</p> <p><b>2013 AR:</b> According to the Government: Law enforcement is operated through conciliation, arbitration and judicial decisions.</p> <p><b>2010-2012 ARs:</b> According to the Government: The Township Level Workers' Supervisory Committees ensure workers' rights by means of conciliation and negotiations with the parties concerned. Between January 2006 and July 2009, the Supervisory Committees successfully settled 1,444 cases. And from January to August 2009, numerous cases have reached agreement through negotiation and conciliation, with a total compensation to workers amounting to 7551920 Kyat (1, 160,000 US\$ as at 02/02/2012). Additional monitoring and enforcement mechanisms include: the Township Trade Dispute Committees; the State/Regional Trade Dispute Appeal Committees; the Central Trade Dispute Committee, and the Township Workmen Compensation Scrutiny Committees.</p> <p><b>2008 AR:</b> According to the Government: From January to July 2007, several cases have reached agreement through negotiation and conciliation. The compensation to the workers amounted to 69376819 Kyat.</p> <p><b>2005 AR:</b> According to the Government: Inspection/monitoring mechanisms and capacity building of responsible government officials have been implemented. Legal reform and special institutional machinery are envisaged. In instances where the PR has not been respected, grievances can be submitted to the Ministry of Labour and to competent courts if no solution is found.</p> <p><b>2004-2005 ARs:</b> According to the Government: The Township Level Workers' Supervisory Committees ensure workers' rights by means of conciliation and negotiations with the parties concerned within the juridical confines of the 1929 Trade Disputes Act, the conciliation handbook, directives and rules. Between January 2000 and January 2003, the Supervisory Committees successfully settled 1,069 cases.</p>



		<p><b>2004 AR:</b> The Government indicated that it had assumed responsibility for ensuring the settlement and attainment of workers' rights.</p>
	<p><b>Involvement of the social partners</b></p>	<p><b>2015 AR:</b> According to the Government: UMFCCI, CTUM, AFFM, MTUF and other workers' and employers' organizations under the labour Organization Law are involved.</p> <p><b>2014 AR:</b> According to the Government, the UMFCCI and the FTUM and other workers' organizations: Social dialogue and collective bargaining practices are being developed since 2012.</p> <p><b>2013 AR:</b> According to the Government: Workers' and employers' organizations are included in tripartite activities by means of social dialogue, collective bargaining and dispute resolution. Workers' and employers' representatives have participated in the 101<sup>st</sup> International Labour Conference.</p> <p><b>2012 AR:</b> According to the Government: Disputes arising between workers and employers are systematically settled by tripartite mechanisms that include the workers and employers concerned or their representatives. Disputes are settled before a government representative. The tripartite consultation in Myanmar is practiced through the election of 10 to 50 workers' delegates by the workers from concerned factories, followed by negotiations directly with the employer before the government representative in order to reach conclusions.</p>
	<p><b>Promotional activities</b></p>	<p><b>2015 AR:</b> According to the Government: 42 bipartite workshops concerning C.87 have been conducted for employers and workers in 2015.</p> <p><b>2014 AR:</b> According to the Government: Bipartite and tripartite promotional activities on collective bargaining have been undertaken throughout the country, in cooperation with the UMFCCI, the FTUM, ITUC and other employers' and workers' organizations. Moreover, a tripartite delegation has participated in the ILO/TURIN Pre-Conference Course on International Labour Standards held in May-June 2013 where issues concerning the PR were addressed.</p> <p><b>2013 AR:</b> According to the Government: Promotional activities on freedom of association have been undertaken in cooperation with ILO, with a particular focus on industrial relations management, social dialogue, collective bargaining and dispute resolution. A workshop on "Industrial Relations: Experiences from Asia and Europe" was held in June 2012 in cooperation with the Ministry of Labour and Friedrich Ebert Stiftung (FES).</p> <p>According to the CILO: The CILO had been conducting various promotional activities to support the implementation of the new legislation which provides for basic workers' rights. The CILO is trying to establish a minimum wage through collective bargaining practices and the promotion of national minimum wage legislation.</p> <p><b>2008 AR:</b> According to the UMFCCI: the General Secretary of the industry's association organizes and promotes skill training seminars for workers.</p>
	<p><b>Special initiatives/Progress</b></p>	<p><b>2017 AR:</b> The Government stated that to implement the Decent Work Agenda, the National Tripartite Body (NTB) was formed in September 2016 with a total of 27 representatives, composed of 9 representatives from government, 9 from employers and 9 from workers. Under the National Tripartite Body, three Technical Working Groups such as the Labour Law Reform Technical Working Group (LLR-TWG), the Decent Work Country Programme Technical Working Group (DWCP-TWG) and the Communication Strategy Technical Working Group (CS-TWG) were also formed. The Decent Work Country Programme-Technical Working Group held meetings for 5 times and the Decent Work Country Programme (DWCP) 2018-2021 was drafted and discussed by holding</p>

		<p>consultation workshops with the representatives of government, employers and workers.</p> <p><b>2015 AR:</b> According to the Government: A Stakeholders’ Forum on Labour Law Reform was conducted on 18-19 May 2015 in Yangon in cooperation with United States, Japan, Denmark and the International Labour Organization (ILO). The Stakeholder Forum (SF) was intended to complement and strengthen domestic tripartite consultations and existing labour-related initiatives, provide international support for Myanmar’s labour reforms, and foster collaboration among international and domestic stakeholders. Ultimately, this engagement was intended to contribute towards constructive industrial relations and progressive improvement of worker rights and working conditions as Myanmar’s economy integrates in the global economy.</p> <p><b>2014 AR:</b> According to the Government: A settlement of labour dispute law is being formulated in cooperation with the social partners and the ILO.</p> <p><b>2013 AR:</b> According to the Government: The Government indicated that existing labour laws were currently being amended or redrafted with a view to bringing them in line with the democratic system. In this regard, new laws have been adopted in 2011 and 2012 in relation to the principle and right (PR): (i) The Labour Organization Law (Law No. 7/2011); (ii) The Settlement of Labour Dispute Law (Law No. 5/2012), and; (iii) The Law on the Right of Peaceful Assembly and Peaceful Procession, Dec/2011. The ILO has provided assistance through a project on freedom of association that supports the implementation of the Labour Organization Law.</p> <p>According to the CILO: Workers have gained substantial new rights through the legal changes in 2011 and 2012. Furthermore, some employers are starting to recognize workers’ organizations as their counterparts in collective bargaining. The CILO indicated that it had signed an agreement to ensure workers’ representation at company level. The agreement provides the right for two workers’ and two employers’ representatives to bargain collectively. If an agreement cannot be reached at company level, procedures have been put in place for it to proceed at district level and ultimately at national level.</p> <p><b>2012 AR:</b> According to the Government: Progress has been made with the draft Labour Organizations Law, which was completed on 30 June 2011.</p> <p><b>2008 AR:</b> The Government indicated that trade unions were created, especially in Yangon Division, which is under the supervision of the supervisory Committee of the Industrial Zones. Accordingly, workers’ organizations in eleven sectors have been formed in the industrial zones of Yangon Division and more workers’ organizations will be formed in other states and Divisions. Subsequently, these initial workers’ organizations will eventually form a union. It also added that the first level trade unions would be launched along with the new Constitution and the Labour Code.</p> <p><b>2003 AR:</b> According to the Government: The establishment in 2001 of the Myanmar Overseas Seafarers’ Association.</p>	
<p><b>CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT</b></p>	<p><b>According to the social partners</b></p>	<p><b>Employers’ organizations</b></p>	<p><b>2014–2015 ARs:</b> According to the UMFCCI: There is a lack of awareness on the legal provisions concerning social dialogue in the country. Moreover, the fact that the country is still in transition in all sectors constrains the pace of progress in the ratification of the Convention.</p> <p><b>2008-2011 ARs:</b> According to the UMFCCI, the economic conjuncture is very fragile due to the economic embargos and sanctions placed on Myanmar by several western countries.</p>
		<p><b>Workers’ organizations</b></p>	<p><b>2016 AR:</b> CTUM indicated that there are no challenges but understanding is needed with the</p>

		<p>new Government and Parliament on the way forward.</p> <p><b>2015 AR:</b> According to MTUF: existing poor economic conditions pose challenges that undermine the ratification of C.98.</p> <p><b>2014 AR:</b> According to the FTUM: There is a lack of awareness on the legal provisions concerning social dialogue in the country.</p> <p><b>2013 AR:</b> According to the CILO: Since the right to collective bargaining has been non-existing over the last 50 years, serious challenges remain in ensuring the implementation of the provisions of C.98 in Myanmar. Despite the adoption of a new legislation, the persistence of social norms and employment culture remains a challenge to the realization of the PR in Myanmar. While some employers are starting to recognize workers' organizations as their counterparts, many others are not willing to participate in collective bargaining. Furthermore, the CILO mentioned that although the two new laws (law no. 7/2011 and law no. 5/2012) provide substantial improvements in terms of workers' rights, the Labour Organization Law is problematic when it comes to leave of absence for workers' representatives that may be dismissed afterwards. Challenges are also related to the economic situation and low wage levels in Myanmar, with high unemployment rates, especially for the youth, which put further strain on the labour market and hampers development. The desperate economic situation of many workers had led to strikes in May 2012, with the workers joining forces trying to reach an increase in wage levels and realize the right to collective bargaining. During these strikes a number of workers have been subjected to violence and dismissals. Therefore, despite legal changes and the fact that some employers have started to recognize the role of workers' organizations and collective bargaining, individual agreements are still the norm.</p> <p><b>2007 AR:</b> The ICFTU raised the following additional challenges: (i) It is difficult to have a clear idea of the legal system in force; (ii) only one single trade union system exists; (iii) the current legislation does not recognize the principle of freedom of association; (iv) the independent Federation of Trade Unions-Myanmar (FTUM) is still obliged to operate clandestinely.</p> <p><b>2006 AR:</b> According to the ICFTU: (i) Legislation is obscure in Myanmar and any legal institutions can be overruled by military decrees or by the action of any powerful officials; (ii) restrictions are imposed under the 1929 Trade Disputes Act (amended in 1966), which appears to define the means of resolving industrial disputes; (iii) while negotiations are under way under the chairmanship of the Township Level Workers' Supervision Committees, the workers are to continue to work as not to affect production and no demonstrations are allowed either inside or</p>
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		<p>outside the factory; (iv) the independent Federation of Trade Unions-Myanmar (FTUM) monitors among others the denial of collective bargaining rights in industrial sectors, which it communicates to the ILO and to the international labour movement. The FTUM members caught doing so incur the death penalty.</p> <p><b>2000-2002 ARs:</b> According to the ICFTU: (i) there is no legal framework to protect collective bargaining; (ii) abuse of workers' rights is rampant, especially in export-oriented industries.</p>
	<p><b>According to the Government</b></p>	<p><b>2015 AR:</b> There is lack of awareness and capacity on the PR in the public and private sectors.</p> <p><b>2014 AR:</b> There is a lack of awareness on the legal provisions concerning social dialogue in the country.</p> <p><b>2007 AR:</b> In response to the ICFTU's observations, the Government made the following comments: (i) authorities have been set up to conciliate workers' and employers' disputes; (ii) some trade unionists have to function clandestinely because they transgress the law; (iii) the FTUM does not operate in the country, it is an unlawful association as mentioned in the Declaration of the Ministry of Home Affairs notification No. 3/2005.</p>
<p><b>TECHNICAL COOPERATION</b></p>	<p><b>Request</b></p>	<p><b>2016 AR:</b> According to CTUM, the Labour Law is being amended with the help of ILO.</p> <p><b>2015 AR:</b> According to the Government, UMFCCI, CTUM and MTUF: there is a need for ILO technical cooperation to build up their capacities.</p> <p><b>2014 AR:</b> According to the Government, the UMFCCI and the FTUM: There is a need for ILO technical cooperation to build up tripartite capacity on the PR.</p> <p>The FTUM further requested specific assistance in trade union education.</p> <p><b>2013 AR:</b> The Government requested the ILO to provide comprehensive training courses on the PR for tripartite partners and other relevant stakeholders.</p> <p>The CILO requested for ILO technical cooperation in (i) strengthening workers' organizations through capacity building in all areas related to the FPRW. For the right to collective bargaining to be realized, (ii) workers and workers' representatives need to be sensitized on the content of the FPRW and on the new labour legislation which had been passed in 2011 and 2012. Furthermore, (iii) public awareness raising campaigns are essential in contributing to the creation of an open society where workers are aware of their rights. There is a need for (iv) vocational training for workers, especially for the female dominated textile industry where the salaries are particularly low in relation to living expenses, and where there is a challenging situation related to migrant workers and victims of trafficking. High unemployment rates are putting further strain on the labour market and hampers development. In this regard, the CILO requested for (v) support in order for the sanctions to be lifted so as to ease the economic situation. The CILO also expressed a wish for the ILO to (vi) support the Government in its democratic transition, to boost the economic development and bring new investment to the country. This will, in its turn, improve the situation for workers and the realization of C.98.</p> <p><b>2012 AR:</b> The Government reiterated the request it made under the previous review (2011 AR).</p> <p>The UMFCCI requested ILO's support for capacity building of employers, in particular in training of trainers (TOT) on the fundamental principles and rights at work.</p>

		<p><b>2011 AR:</b> According to the Government: ILO technical cooperation is requested to strengthen the capacity of the government and the employers' and workers' organizations in promoting and realizing the PR.</p> <p><b>2008 AR:</b> The UMFCCI indicated that ILO technical assistance is needed in order to better train the workers in Myanmar.</p> <p><b>2005 AR:</b> According to the Government: There is a need for ILO technical cooperation to facilitate the realization of the PR in Myanmar, in particular in assessing difficulties and their implication for realizing the PR.</p>
	<b>Offer</b>	ILO, NGO (Friedrich Ebert Foundation).
<b>EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS</b>	<p><b>2003 AR:</b> In light of requests by Myanmar for ILO cooperation in assessing the difficulties and implications for realizing the principle and right, the ILO Declaration Expert-Advisers (IDEAs) called upon the Governing Body to request that high-level contacts be made straight away between the Office and two or three countries not yet served by ILO technical projects in this field (cf. paragraph 74 of the 2003 AR Introduction – ILO: GB.286/4).</p>	
<b>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</b>	<p><b>2015 AR:</b> At its March 2014 Session, the Governing Body invited the Director-General to: (a) take into account its guidance on key issues and priorities with regard to assisting member States in their efforts to respect, promote and realize fundamental principles and rights at work; and (b) take account of this goal in the Office's resource mobilization initiatives.</p> <p><b>2013 AR:</b> At its November 2012 Session, the Governing Body requested the Director-General to take full account of the ILO Plan of Action on Fundamental Principles and Rights at Work (2012-2016) and allocate the necessary resources for its implementation. This plan of action is anchored in the universal nature of the fundamental principles and rights at work (FPRW), their inseparable, interrelated and mutually reinforcing qualities and the reaffirmation of their particular importance, both as human rights and enabling conditions. It reflects an integrated approach, which addresses both the linkages among the categories of FPRW and between them, and the other ILO strategic objectives in order to enhance their synergy, efficiency and impact. In this regard, freedom of association and the effective recognition of the right to collective bargaining are particularly emphasized as enabling rights for the achievement of all these strategic objectives.</p> <p><b>2011 AR:</b> At its March 2010 Session, the Governing Body decided that the recurrent item on the agenda of the 101<sup>st</sup> Session (2012) of the International Labour Conference should address the ILO strategic objective of promoting and realizing fundamental principles and rights.</p> <p><b>2009 AR:</b> During its March 2009 Session, the Governing Body included the review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work on the agenda of the 99<sup>th</sup> Session (2010) of the International Labour Conference.</p>	
<b>INTERNATIONAL LABOUR CONFERENCE RESOLUTION</b>	<p><b>2013 AR:</b> In June 2012, following the recurrent item discussion on fundamental principles and rights at work, under the ILO declaration on Social Justice for a Fair Globalization, 2008 and the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, 1998, the International Labour Conference adopted the Resolution concerning the recurrent discussion on fundamental principles and rights at work. This resolution includes a framework for action for the effective and universal respect, promotion and realization of the FPRW for the period 2012-16. It calls for the Director- General to prepare a plan of action incorporating the priorities laid out in this framework for action for the consideration of the Governing Body at its 316<sup>th</sup> Session in November 2012.</p> <p><b>2011 AR:</b> Following a tripartite debate at the Committee on the 1998 Declaration, the 99<sup>th</sup> Session (2010) of the International Labour Conference adopted a Resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work on 15 June 2010. The text appended to this Resolution supersedes the Annex to the ILO Declaration on Fundamental Principles and Rights at Work, and is entitled "Annex to the 1998 Declaration (Revised)". In particular, the Resolution "[notes] the progress achieved by Members in respecting, promoting and realizing fundamental principles and rights at work and the need to support this progress by maintaining a follow-up procedure. For further information, see pages 3-5 of the following link: <a href="http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_143164.pdf">http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_143164.pdf</a>.</p>	