



▶ Enabling social dialogue for sound industrial relations: Increasing garment workers' knowledge of the Myanmar labour law

Healthy social dialogue at the workplace depends on training workers and management representatives so they can constructively address issues that arise at the workplace and design adequate solutions. Between February 2018 and March 2020, the ILO-GIP has implemented two labour law training initiatives to increase garment workers' understanding of their rights and responsibilities under the Myanmar labour law.

The ILO Garment Industry Project (ILO-GIP) has collaborated with the Aung Myin Hmu (AMH) training center¹ to supplement its on-going training programme on technical skills² with the introduction of a 45-hour curriculum on industrial skills and labour law. The ILO-GIP curriculum forms part of a wider eight-week training course offered to workers seeking employment in the garment industry. As of March 2020, some 903 workers had taken part in the training. AMH will continue to deliver the ILO-GIP training going forward.

The ILO-GIP also developed and delivered a shorter two-hour training session on raising awareness of the Myanmar labour law. This is delivered to workers in the ILO-GIP participating factories. A video documenting this particular training initiative is available on the ILO-GIP website.³ As of 15 March 2020, some 2,189 workers (89 per cent of whom are women) had attended this training.

This case story is based on the contributions of eight female garment workers who participated in a two-hour labour law awareness-raising session, plus one male and six female garment workers who graduated from the AMH eight-week training programme.

“Labour law awareness-raising training has been conducted twice for our factory and 20 participants joined in each session. So, in total, 40 people have been trained and they have since helped spread the information to even more people. This training was provided during working hours, so it was easy for workers to attend. The more workers that can attend this training, the better it will be.”

¹ A LIFT funded consortium formed by Business Kind Myanmar and CARE International in Myanmar

² AMH offers training to the Myanmar garment industry. Among the many training services offered, AMH trains workers on technical skills such as such sewing machine operation, quality control, cutting, spreading, mechanical repair and maintenance, finishing/ironing and CAD/CAM.

³ https://www.ilo.org/yangon/projects/WCMS_568604/lang-en/index.htm



▶ Learning insights

Reflecting on the two-hour labour law awareness-raising sessions, workers explained that following the training, they now have a better understanding of the rules around different types of leave such as annual leave, casual leave, maternity leave and paternity leave.

“Recently a male worker whose wife is pregnant asked me about when he can take 15 days of paternity leave. I was able to explain to him that it cannot be taken before delivery of the baby. Because of ILO-GIP training, I understood about this type of leave and could answer his question accurately. I also knew from my training that if a worker delivers twin babies, she is entitled to extra leave.”

The workers said that in the past it had been more difficult to take casual leave and annual leave.

“But now we have learned that factories have to allow us to take leave if we can show that we are eligible to do so. We are able to negotiate to get our rights.”

Workers also shared what they had learned about the social security board (SSB) system. They said that although they had been paying their monthly contributions, prior to the training they did not understand the benefits of doing so, or the fact that these contributions are used to cover their salary during maternity leave or hospitalization.

“In the past, most of us didn't know the purpose of SSB fees. We just thought it was useless to pay for it as we do not go to the SSB clinic very often. After joining the training, I now understand why we have to pay a monthly contribution. I came to understand that SSB fees are used to provide a range of benefits for workers.”

► More learning insights

The training also touched upon the rights of employers. Workers explained how they learned that employers also had rights and that, for example, workers may not receive any indemnity if they are dismissed for gross misconduct.

"Workers are sometimes confused about what they are entitled to in the case of termination. After the training, we learned that if we are terminated, we can get only half of our monthly salary for one year or less of service. We shared this information with the other workers."

Some workers were surprised to learn that certain employee benefits were not required by law, but were instead provided at the discretion of their employer.

"We got to know about legal rights of workers and what is covered by the Myanmar labour law. For example, ferry bus arrangements and leave for distance education students are not included in legal rights but it can be allowed by the employers' good-will."

Workers also explained how the ILO-GIP training programme clarified the purpose of the Workplace Coordinating Committee (WCC) – a legally mandated committee comprised of elected workers/trade union representatives and management.

"Before the training, I didn't know where I could report or ask for help if there was a problem between my employer and an employee. Now I understand how to report it to the human resources department via the WCC. Moreover, we can even go to the township conciliation office to solve the problem if it cannot be resolved by the WCC."

Many of the workers who attended the longer 45-hour training programme shared similar insights as those who attended the shorter course. However, these workers added that they now also understand the calculation method of their basic salary. They said they are now aware that workers are entitled to at least MMK 3,600 a day during the probation period and MMK 4,800 once workers become permanent staff. In addition, they learned they should only own one SSB registration card. The ILO-GIP training programme clarified for them that there is no need for workers to reapply for an SSB card when a person moves from one factory to another.



Changes in attitudes and practices

The workers who attended Myanmar labour law training noted that communication between employers and workers had improved after the training and that, as a result of this, there was less conflict in their workplaces.

"When communication is better, productivity increases. Factories produce more. Although there were problems and conflicts in the factories in the past, these have reduced now."

Workers also said that knowing about the Myanmar labour law has increased their knowledge of their rights and given them the confidence they need to assert these rights.

"In the past, we kept silent. We were worried we might lose our jobs if we spoke out. Now we have become brave enough to speak out and claim our rights. We know we have the right to reply back if we are right."

On the other hand, workers are now more aware of their responsibilities and have gained more respect for their employers.

"My willingness to take responsibility has increased. If I would like to leave my job in the future, I now know I must let the management team know one month in advance. Before, I just left the job when I wanted to. Now I understand that my position needs to be filled when I leave. I can look at it from my employer's side and stay an additional month so they have time to recruit a new person."

By sharing their knowledge with other workers who have not attended training on labour law, participants can help their coworkers to secure their entitlements. This was confirmed by one participant who said she regularly shares what she has learned from the training other workers in her factory.

"When a new worker joins the factory, we share what we know and give them the do-s and don't-s so the new worker will understand the workplace."

However, some workers cautioned that simply learning about their labour rights is not always sufficient to ensure those rights are respected. One worker said it is still a challenge to be able to refuse overtime even though workers are entitled to do so according to the labour law.

"If we say to our supervisors that we cannot do overtime because we are sick, the supervisors still sometimes try to force us. They scold us and talk to us aggressively until we cannot refuse. This makes us stressed. We would like to learn how to solve those kinds of problems."



Perceived strengths of the project

- ▶ For both the 45-hour industrial skills and labour law training and the two-hour labour law awareness-raising sessions, the workers said the trainers had excellent teaching skills and the ability to make the trainees understand the topics clearly.
- ▶ For the 45-hour industrial skills and labour law training course, workers suggested to increase the emphasis on communication skills in the workplace. For example, they said they would welcome more training content on how to communicate with management and with their colleagues.
- ▶ The garment workers identified the importance of training and certification in terms of career progression. They explained that, "If a worker does not attend training at Aung Myin Hmu Training Center, he or she will be in the basic level when first joining a garment factory. The participants in this workshop who have attended this training can more easily obtain a skilled position with a higher level when they start work."
- ▶ Workers appreciated that the labour law training was delivered in the Myanmar language. They noted that most garment workers have only achieved middle school level. Because of this, if trainers speak in English, it can reduce their interest and/or ability to understand the information.

Perceived gaps in the project

- ▶ Delivering training to garment workers, especially if they are already employed, always requires a delicate balancing act between the imperative of production and the time investment needed to increase capacities. Scheduling time for workers to attend even the shorter two-hour labour law awareness-raising sessions presents an ongoing challenge for garment factories, despite the fact that workers found the sessions useful.
- ▶ In spite of the substantial investment of 45 hours in the industrial skills and labour law training programme, workers generally believe the training programme is still "too short". They expressed that "Learning 20 topics in 20 days makes it is hard to understand and memorize all the information provided in the training". Some trainees also

said they preferred to focus more on practical skills such as cutting and sewing during this training programme, rather than learning about more "academic" topics such as labour laws. While acknowledging that not every training topic will appeal equally to every learner, it may still be possible to increase the practical nature of the training on labour law. This outcome could be achieved by using scenario-based roleplays and other learning activities that seek to engage learners more actively in the topic.

- ▶ During the shorter two-hour labour law awareness raising sessions, some workers said they were unable to "understand all of the legal terms and concepts" that were discussed. While many legal terms and concepts may seem commonplace to trainers with a more advanced education and therefore not require further explanation, garment workers with a middle-school education may need additional support to achieve a consistent level of understanding.
- ▶ Garment workers from both training courses said they would like to learn more about the topic of casual leave as, according to them, many garment workers still struggle to take casual leave even in cases of emergency. Some workers also said they were still unable to refuse unwanted overtime. To support resolution of these issues, factory management may need to be targeted with further training and/or printed materials that clearly outline the rights of garment workers with respect to casual leave and overtime.



Looking to the future

Expanding access to training benefits

Both groups of participants expressed a desire for more training, both for themselves and for other workers in the garment sector. This suggests they can clearly see the benefits of participating.

“The participants of this workshop want more training from government cooperating with other organizations to improve the workers’ skills. If the skills of the workers improve, so will productivity.”

One worker who attended the 45-hour AMH training on industrial skills and labour law said the experience had a profound impact on her communication skills and self confidence.

“I did not dare to talk to strangers before joining the training. In the beginning, the training teachers introduced themselves and let us introduce ourselves to each other as well. I learned a lot about networking and communication. It gave me the confidence I needed to talk with other people when I first joined my factory. My communication became much better after the training.”

The workers pointed out that learning about labour laws and workers’ rights has helped to improve negotiations between workers and employers and has reduced conflict.

“Negotiations between employers and workers have become much smoother after learning about those rights because there is less risk of misunderstanding. Furthermore, the relationships and communication between them have improved.”

Resolving ongoing issues

Although workers acknowledged a better understanding of the role of the WCC in resolving workplace disputes, this case study has found there are still a number of unresolved issues. For example, some participants said that their applications for casual leave entitlements for sick leave and emergencies are still being routinely denied in their factories. Another participant claimed they are still not allowed to refuse overtime without incurring punitive behaviours from their supervisors. Garment workers therefore still need additional support from government and trade unions to help resolve these issues and to ensure their labour rights are better respected in the future.



“Improving labour relations for decent work and sustainable development in the Myanmar garment industry” project (ILO-GIP). The ILO-GIP aimed to reduce poverty and empower women in Myanmar by improving labour relations, social dialogue and gender equality in the garment industry. The project received funding from the Swedish International Development Cooperation Agency (Sida), H&M and Marks and Spencer. The project ran from July 2016 to May 2020. For more information, please visit <http://bit.ly/ilo-gip>