

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

***THE ELIMINATION OF DISCRIMINATION IN RESPECT OF EMPLOYMENT AND OCCUPATION***

<b>REPORTING</b>	<b>Fulfilment of government's reporting obligations</b>	<b>YES</b> , since the start of the Annual Review (AR) in 2000. No change report under the 2007 AR.	
	<b>Involvement of employers' and workers' organizations in the reporting process</b>	<b>YES</b> , according to the Government: Involvement of the employers' organization, the Union of Myanmar Federation of Chamber of Commerce and Industry (UMFCCI), and workers organisations such as: the Confederation of Trade Unions of Myanmar (CTUM) [formerly know 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>2008 AR:</b> Observations by the UMFCCI.	
	<b>Workers' organizations</b>	<b>2015 AR:</b> Observations by the CTUM. Observations by the MTUF. <b>2014 AR:</b> Observations by the FTUM.	
<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>Ratification</b>	<b>Ratification status</b>	<b>Myanmar has ratified neither the Equal Remuneration Convention, 1951(No. 100) (C.100) nor the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111). However, it has ratified the United Nations Conventions on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1997.</b>
		<b>Ratification intention</b>	<b>Under consideration, since 2012, for both C.100 and C.111.</b> <b>2015 AR:</b> The Government indicated that Myanmar is in the process of studying the alignment of its national laws to the requirements of the Conventions, and hence ratification would be considered at an appropriate time in the future. UMFCCI reiterated its support for the ratification of C.100 and C.111, but emphasized that ratification alone is not sufficient and building capacity for implementation is important. CTUM supports the ratification of C.100 and C.111 and lobbies the Government to move ahead with ratification.

<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, please see: [www.ilo.org/ilolex](http://www.ilo.org/ilolex).

			<p>MTUF expressed its support for the ratification of C.100 and C.111, however emphasized that improvement of economic conditions in the country is necessary prior to ratification of the Conventions.</p> <p><b>2014 AR:</b> The Government reiterated the statement it made under the previous review.</p> <p>The UMFCCI and the FTUM indicated their full support for the ratification of C.100 and C.111</p> <p><b>2013 AR:</b> The Government stated that ratification of C.105 would be considered at the appropriate time.</p> <p>The UMFCCI indicated its full support for the ratification of C.100 and C.111 and mentioned that new laws were being discussed to create adequate institutional bodies to better enforce the PR in the country. It further indicated that the suspension of the international embargo would help foster better implementation of the international labour standards (ILS) in 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 in appropriate time.</p> <p><b>2008 AR:</b> The Government indicated that it would consider the ratification of C.100 and C.111 once the new Constitution is promulgated.</p>
	<p><b>Recognition of the principle and right (prospect(s), means of action, basic legal provisions)</b></p>	<p><b>Constitution</b></p>	<p><b>2010 AR:</b> The Government indicated that the new States Constitution was adopted in May 2008.</p> <p><b>2008 AR:</b> The Government indicated that it was currently reviewing the Constitution in order to include the principle and right (PR).</p>
		<p><b>Policy, legislation and/or regulations</b></p>	<ul style="list-style-type: none"> <li>• <b>Policy</b></li> </ul> <p><b>2015 AR:</b> According to the Government: There are Employment Policy and Labour Migration Policy.</p> <p><b>2002 AR:</b> According to the Government: There is a national policy concerning the PR.</p> <ul style="list-style-type: none"> <li>• <b>Legislation</b></li> </ul> <p>The “Law Defining the Fundamental Rights and Responsibilities of the People’s Workers” (1964) covers all workers who are using their physical or mental capacities in order to earn their living.</p> <p><b>2015 AR:</b> According to the Government: The Settlement of Labour Dispute Law was enacted on 28th March 2012 and its rules were issued on 26th April 2012. The new Social Security Law was enacted in 31st August, 2012. Its rules were issued in 2nd April 2014. The Employment and Skill Development Law was enacted on 30th August 2013. The Minimum Wage Law has was</p>

		<p>enacted on 22 March 2013 and its rules were issued on 12 July 2013.</p> <p>According to UMFCFI: Minimum wage law, social security law and skills development law have been enacted between early 2013 and early 2014.</p> <p><b>2013 AR:</b> The Government indicated that existing labour laws were currently being amended or redrafted as new ones in line with the democratic system.</p> <p><b>2011 AR:</b> According to the Government: The Employment and Training Act, 1950 is being amended to include the provisions of employment exchanges, employment contract, skill training, and skill recognition of workers to enhance discipline and efficiency.</p>
		<p><b>Basic legal provisions</b></p> <p><b>2015 AR:</b> Labour Organization Law 2011, The Settlement of Labour Dispute Law 2012, Social Security Law 2012, Employment and Skill Development Law 2013, Minimum Wage Law 2013, Employment Restriction Act 1959 , Employment Statistics Act 1948, Workmen’s Compensation Act 1923, The Law Relating to Overseas Employment Law 1999, Leave and Holidays Act 1951, Factories Act 1951, Payment of Wages Act 1936, Dock Workers (Regulation of Employment ) Act 1946, The Dock Labourers Act 1934, Shops and Establishments Act,1951.</p> <p>The 1964 “Law Defining the Fundamental Rights and Responsibilities of the People’s Workers”.</p>
		<p><b>Grounds of discrimination</b></p> <p><b>2015 AR:</b> According to the Government: The Constitution of the Republic of the Union of Myanmar (2008) provides that the Union shall guarantee any person to enjoy equal rights before the law and shall equally provide legal protection.</p> <p><b>2009 and 2011 ARs:</b> According to the Government: There is no discrimination either in employment and occupation or in any other field, and people have equal rights in economic, political, social, administration and judicial spheres in accordance with the laws.</p> <p><b>2008 AR:</b> According to the Government: There is no discrimination in respect of employment and occupation, in equal opportunity in race/colour, sex, religion, political opinion, national extraction and social origin.</p> <p><b>2004 AR:</b> According to the Government: Discrimination in respect of employment and occupation is prohibited on grounds of: race/colour; sex; religion; political opinion; national extraction; and social origin.</p>
		<p><b>Judicial decisions</b></p> <p><b>NIL.</b></p>
	<b>Exercise of the principle and right</b>	<p><b>Special attention to particular situations</b></p> <p><b>2002 AR and 2013 ARs:</b> According to the Government: Specific measures have been implemented to respect, promote and realize the</p>

			<p>PR for the following categories of workers: (i) all categories of workers in the public service; (ii) workers in establishments of a certain size; (iii) workers in particular types of employment; agricultural workers; (iv) workers engaged in domestic work; (v) workers in EPZs; (vi) women workers; (vii) migrant workers and (viii) workers in the informal economy.</p>
		<p><b>Information/ Data collection and dissemination</b></p>	<p><b>2015 AR:</b> According to the Government: The Ministry of Labour, Employment and Social Security, Department of Labour has conducted Labour Force, Child Labour and School-to-Work Transition Survey 2015. The data entry of the survey is in progress. Labour Force Survey Questionnaire included the household composition and characteristics and work and Labour Force Characteristics; Migration, Disability, Training, Occupational Safety and Health, Social security and Youth activity.</p> <p><b>2011 and 2013 ARs:</b> According to the Government: Statistics and information are collected on a regular basis. The Ministry of Labour has issued the Handbook on Human Resources Development Indicators in 2007 and 2009.</p> <p><b>2005 AR:</b> According to the Government: Statistics and information relevant to the PR are collected on a regular basis.</p>
	<p><b>Prevention/Monitoring, enforcement and/or sanction mechanisms</b></p>	<p><b>2015 AR:</b> According to the Government: Township and District Officers, Labour Inspectors, the Workplace Coordinating Committee, the Conciliation Body, the Dispute Settlement Arbitration Body and the Dispute Settlement Arbitration Council have been implementing to better enforcement of existing labour laws and PR in cooperation with tripartite partners.</p> <p><b>2011 AR:</b> According to the Government: The Department of Labour and Factories and the General Labour Laws Inspection Department have been strengthened to better enforce the application of the PR.</p> <p><b>2005 AR:</b> According to the Government: The PR is implemented through monitoring bodies.</p> <p><b>2003 AR:</b> According to the Government: In case of violation of the PR, sanctions include dismissal, fines, or imprisonment up to two years.</p>	
	<p><b>Involvement of the social partners</b></p>	<p><b>2015 AR:</b> According to the Government: UMFCCI, CTUM, MTUF, AFFM, and other employers' and workers' organizations have been involved:</p> <p><b>2011 AR:</b> According to the Government: The Government is planning to initiate a tripartite technical cooperation programme that includes the realization of the PR in the sector.</p>	
	<p><b>Promotional activities</b></p>	<p><b>Institutions to promote equality</b></p>	<p><b>2008 and 2013 ARs:</b> The National Women's Committee (NWC) was formed on 3 July 1996 and the focal point is the Ministry of Social Welfare Relief and Resettlement. Moreover, the Myanmar Women's Affairs Federation (MWAFF) was constituted on in December 2003 as an NGO. The Myanmar Women Entrepreneur Association was also established in February 1995.</p>

		<p><b>Other activities</b></p>	<p><b>2017 AR:</b> The Government reported that various workshops and meetings were organized with the support of ILO. These included Gender Equality and Women Empowerment training on 5-6 September 2017; National Preparatory Meeting for ASEAN Forum on Migrant Labour on 28 September 2017; National Preparatory Meeting on the Role of Countries of Origin on 29 September 2017; and a 2-day Workshop on Internal Migration and Legal Protection of Domestic Workers at Mandalay, Taunggyi, Patheingyi.</p> <p><b>2015 AR:</b> According to the Government: National Tripartite Dialogue Forum will be formed by 9 government representatives, 9 workers representatives and 9 employer representatives to achieve the overall goal of development through the promotion of Decent Work and the practice of social dialogue.</p> <p><b>2014 AR:</b> The Government indicated that a tripartite delegation of Myanmar had 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>2008 AR:</b> According to the Government: Activities were carried out within the NWC, namely developing protective measures for women and health, and HIV/AIDS. The NWC also attended the 8<sup>th</sup> Global Conference of Women Entrepreneurs, held in Bali in 2003. Finally, the ARCPPT-Asia Regional Cooperation to fight against trafficking was set up on 20December 2003.</p>
	<p><b>Special initiatives/Progress</b></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 with the global economy.</p> <p><b>2013 AR:</b> According to the Government: Most restrictions upon Myanmar adopted during the International Labour Conferences in 1999 and 2000 have been lifted. This has boosted cooperation between Myanmar and ILO. Existing labour laws are currently being amended or redrafted as new ones in line with the democratic system.</p> <p>According to the UMFCCI: Private companies are directly involved through their corporate social responsibility to better implement C.100 and C.111 by subscribing to a business charter to combat discrimination in the workplace including HIV/AIDS discrimination.</p> <p><b>2012 AR:</b> According to the Government: The Ministry of Labour is redrafting the Employment and Training Act, 1950, with a view to including the provisions of the PR.</p>
<p><b>CHALLENGES IN REALIZING THE</b></p>	<p><b>According to the social partners</b></p>	<p><b>Employers’ organizations</b></p>	<p><b>2015 AR:</b> According to UMFCCI: The country’s transition process in all sectors</p>

<b>PRINCIPLE AND RIGHT</b>		<p>constrains the pace of progress in the ratification of the Conventions.</p> <p><b>2008 AR:</b> According to the UMFCCI: The economic context is very fragile due to the embargos and economic sanctions placed on Myanmar by several Western countries.</p>
		<p><b>Workers' organizations</b></p> <p><b>2015 AR:</b> According to MTUF: Existing poor economic conditions pose challenges that undermine the ratification of the Conventions in the immediate future.</p>
	<b>According to the Government</b>	<p><b>2015 AR:</b> The Government indicated insufficient capacity and awareness of government staff and the private sector as an issue to be addressed.</p>
<b>TECHNICAL COOPERATION</b>	<b>Request</b>	<p><b>2017 AR:</b> The Government indicated that ILO will provide technical assistance for the drafting of a law relating to Overseas Employment, and for developing a National Plan of Action on Labour Migration (2018-2022), and for collecting data.</p> <p><b>2015 AR:</b> According to the Government, UMFCCI, FTUM and MTUF: There is a need for technical cooperation to consolidate awareness creation at different levels, and to strengthen tripartite technical capacities.</p> <p><b>2014 AR:</b> The Government, the UMFCCI and the FTUM requested the ILO to provide comprehensive training courses on the PR to tripartite partners and other relevant stakeholders.</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>According to the UMFCCI: There is a need for ILO technical cooperation to facilitate the realization of this PR in Myanmar, in particular in the following areas: (i) sharing of experiences across countries/regions; (ii) capacity building of responsible government institutions; (iii) training of other officials (police, judiciary, social workers, teachers), and; (iv) awareness-raising campaign and dissemination in local languages.</p> <p><b>2012 AR:</b> 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: Training courses should be provided by the ILO for the capacity building of the responsible governmental institutions (i.e., labour inspection and administration).</p>
	<b>Offer</b>	<p>UNICEF supporting the Women and Child Health Development Project and Prevention of HIV/AIDS, Prevention of Mothers to Child Transmission.</p>
<b>EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS</b>	<p><b>2008 AR:</b> The ILO Declaration Expert-Advisers (IDEAs) noted the intentions expressed by most governments, including the Government of Myanmar, to ratify or consider ratification of Conventions Nos100 and/or 111. They encouraged the governments to accelerate this process so as to make an important step forward towards universal ratification. Given that many countries have requested ILO technical cooperation in the ratification process (on the content of Conventions Nos. 100 and 111, labour law review, ratification process, etc.), the IDEAs requested the Office to strengthen its assistance in this regard (cf. paragraphs 66 and 67 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p><b>2005 AR:</b> The ILO Expert-Advisers noted that the regular supervisory system was closely following the national situation Myanmar concerning a variety of violations under different principles and rights, including this one (cf. paragraph 22 of the 2005 Annual Review Introduction – ILO: GB.292/4).</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>
<p><b>INTERNATIONAL LABOUR CONFERENCE RESOLUTION</b></p>	<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>