



Labor Rights Challenges in Private and Small Enterprises in Yangon, Myanmar

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1. Introduction

Despite significant improvement in recent years in Myanmar's legal framework for workers' protection, there are still several challenges to overcome. During World War II, under the occupation of the Japanese fascist regime, the Labour Union was banned in Myanmar but re-established after the end of the war with the foundation of Trade Union Congress of Burma (TUCB). The Trade Union Movement flourished in Burma throughout the period of Prime Minister U Nu's rule in the 1950's until the caretaker government from 1958 to 1969 when Prime Minister U Nu handed power to the army to repress any disorder. With politicians banned from leadership positions and military officials filling those positions instead, the situation of labour unions deteriorated over this period and the leadership was purged. After the promulgation of Myanmar's Labour Organization Law in 2011, more than 500 labour unions have been registered in the country. The law requires applications for union registration to be examined by the Township Registrar and approved by the Chief Registrar. There are five levels of labour organizations with at least thirty members, which are the township level, region or state level, federation level, and confederation level. While the law provides provisions for safeguarding workers or union members such as non-termination (employers may not terminate employees) or freedom to join a union (employees cannot be forced to join a union), arrests of union leaders or individuals/groups fighting for workers' rights still continue.

Even after the ban on workers' rights that lasted for decades, changes to the labour law that occurred during former President U Thein Sein's government were limited in terms of allowing labor unions to organize, to assemble peacefully, and to make claims for rights. The rights of workers and unions are constantly violated. For example, leaders of unions or workers organizations have been arrested for participating in demonstrations calling for minimum wages. Lack of knowledge about workers' rights and weakness in law enforcement on the part of government and employers contribute to the violation of rights faced by workers in Myanmar.

Eliminating or at the least decreasing the challenges faced by marginalized people is one of the utmost priorities during the country's transition period. The discrimination against marginalized groups by not addressing their issues and challenges, coupled with the lack of mechanisms to counter it, has been a key factor in Myanmar's political and civil conflicts. Under President U Thein Sein's government, besides establishing laws related to workers, minimum wages, Factory Act and amendments to existing laws, one of the most significant events that marked Myanmar's reforms in labor law was when the Ministry of Labor Employment and Social Security published the minimum wages on August 28, 2015, with Notification No. 2/2015 of the National Committee for Stipulation of Minimum Wages and went into effect the following month. An intense workers' revolution from the factories emerged following the minimum wage notification, which also alerted other workers to the situation where workers were forced to work with low wages or below the minimum wage.

This report gathered information about the experiences and challenges of workers working in private enterprise companies in Yangon, Myanmar. It draws upon this information to present ideas about the best ways to develop and build strong mechanisms to enhance the labor structure and to promote the workers' rights. It looks in detail at workers' everyday challenges in the workplace and highlights how their rights are violated by employers. The report captures the views of Myanmar's labour leaders. The results presented here are intended to be used as guidance for promoting human rights as well as protecting workers' rights.

2. Research purpose and methodology

This project was carried out with the support of SHAPE-SEA. It aimed to capture the views and challenges faced in the workplace by workers at small enterprises. The present report provides a detailed record of their challenges and violation of workers' rights by employers. The report builds on the everyday lives and challenges of the workers within the framework of existing national labour laws. The research fieldwork took place in Yangon, Myanmar and face-face interviews were conducted from September 2015 to November 2015 by two researchers. The research methodology was planned before the data collection. Ethical and safety measures were also carefully planned for the participants as well as the research team prior to fieldwork.

Yangon is one of the main destinations for many people from various parts of the country to come and work. The participants of the research comprised of workers from private companies based in Yangon such as import and export companies, information technology (IT) companies, banks, restaurants, and publishing companies. The gender balance of participants selected was purposive, with twelve women and eight men, and their age group is between 19 to 40 years. The educational backgrounds and employment positions of the participants differed from one another.

Informed consent was obtained from the participants before conducting the interviews. The information provided to the participants includes the purpose of the interview and their right to discontinue the interview anytime during the process of participating in the research. Most of the participants requested for the researchers to not use any tools for recording information during the interviews. Despite the confidentiality of the research, they feared the reactions from their employers and felt safer to be interviewed without evidence of their participation. Whereas most participants remained highly cautious during the interview, only a few of them participated freely and without fear.

Based on the experiences of the pilot interview conducted in August 2015, the research team had developed questionnaires and a different approach for interviews. The pilot interviews informed the research team that participants were more likely to participate willingly and openly through obtaining informed consent rather than through a normal conversation approach. When initiating normal conversations as an interview approach was tested, participants were not willing to answer the questions. However, approaching for interviews through obtaining informed consent seemed to encourage participants' willingness to participate in the interview. Therefore, the research team decided to use the second approach of obtaining informed consent instead of the first conversational approach. In contrast, informed consent approach was not useful during the military regime due to security concerns for the participants. However, in the present time, people seemed to be more open and flexible to answering questions from researchers, media and others.

3. Forced labor in International Laws: definitions, elements, and measurement and tools

Labor rights are universal human rights. After World War II, a number of conventions were adopted to protect and promote human rights. One of the most famous documents ever compiled was the Universal Declaration of Human Rights (UDHR), a non-binding but an influential document for the modern era. Article 4 of UDHR prohibits slavery and servitude. It also provides the right to work, allowing everyone to work on a job chosen by them and without coercion. Legally binding human rights

documents followed the UDHR, such as the International Convention on Civil and Political Rights (ICCPR), the International Convention on Social, Economic and Cultural Rights (ICESCR), the Convention Against Discrimination of Women (CEDAW) and Convention on the Rights of the Child (CRC), which have directly or indirectly addressed the prohibition of forced labor and slavery.

Understanding the definition of ‘forced labour’ will therefore help to identify its elements and what it constitutes. The internationally and commonly accepted definition is found in the International Labour Organization’s (ILO) Convention No. 29 (1930). According to ILO Convention No. 29, forced labour is “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered him voluntarily”. Furthermore, according to ILO, the two conditions to prove the existence of forced labor are a) the worker does not offer him/herself for the work, and b) the use of penalty or threat by an employer or a third party for the worker to remain at the work place. This research adopted the operational definition designed by ILO that defined ‘forced labour’ as follows:

a work for which a person has not offered him or herself voluntarily (concept of “involuntariness”) and which is performed under the menace of any penalty (concept of “coercion”) applied by an employer or a third party to the worker. The coercion may take place during the worker’s recruitment process to force him or her to accept the job or, once the person is working, to force him/her to do tasks which were not part of what was agreed at the time of recruitment or to prevent him/her from leaving the job.

The concept of “forced labor” is conceptualized in the context of the employer-employee relationship, thus making it applicable to all workers regardless of their status, gender and age at employment.

3.1 Unfree recruitment

Unfree recruitment implies both forced and deceptive recruitment. Forced recruitment refers to instances in which constraints are applied by the employer or a third party to force a person to work for a particular employer against their will and not necessarily due to difficult economic circumstances. On the other hand, deceptive recruitment is when a person is recruited by the employer using false promises or assurances about the work. In the case of deceptive recruitment, a person is recruited involuntarily, because had the person been aware of all the facts, chances are they would not have accepted the job. This research aimed to examine the nature of recruitment process in order to identify whether or not unfree recruitment (forced or deceptive) was involved in employing workers in Myanmar. The research team analyzed the written documents of the companies related to their rules and regulations of recruitment, as well as the details of the processes that workers underwent starting from how the workers applied for their jobs. Recruitment of workers takes place through direct information received from the companies or through a third party. One of the ways the research tried to uncover deceptive recruitment is by asking the participants if their present salary is same as promised during recruitment.

3.2 Work and life under duress

Work and life under duress cover adverse working or living conditions imposed on a worker. It refers to an excessive volume of work or duties assigned to a worker that cannot reasonably be expected from a person. It also includes situations in which degrading living conditions or limitations on freedom are imposed on a worker by the employer. In the case of Myanmar, the practice of human rights in employment in the public as well as the private sector is still rare owing to decades of military rule, even though the language of human rights is now relatively visible in the country’s legal framework. The

embedded practices by which subordinates are not supposed to question their superiors in any circumstances or the impossibility to refuse any tasks assigned by their superior are still prevalent. Working overtime without pay or superiors' assigning work to subordinates on holidays is still occurring.

3.3 Impossibility of leaving an employer

Impossibility of leaving an employer is a situation in which a worker wants to leave the job but is unable to do so because it involves a penalty or risk to the worker. The deliberate retention of wages or worker's documents in order to keep the workers under the same employers is considered as 'forced labor'. Thus, the research identifies and investigates the push and pulls factors of interviewees working at different companies in Yangon. ILO's extended details of the definition of forced labour and its elements outline the point of reference for analysis in this research. The details clarify the meanings of the terms such as 'all work or service', 'any person', 'menace of any penalty', and 'voluntary'. Below are the meanings of the terms:

All work or service: This includes all types of work, service and employment regardless of their industry and any sector encompassing both formal and informal employment.

Any person: This refers to adults as well as children regardless of their nationality and whether or not the worker is a national of the country where the forced labour occurred.

Menace of any penalty: It refers to criminal sanctions as well as various forms of coercion such as threats, violence, and the retention of identity documents, confinement, or non-payment of wages. The penalty may also take the form of a loss of rights or privileges.

Voluntary: This refers to workers' consent to enter into employment and to their freedom to leave the employment at any time, with reasonable notice in accordance with national law or collective agreements.

In essence, persons are in a forced labour situation if they enter work or service against their freedom of choice and cannot leave the work without penalty or the threat of penalty. Besides physical punishments or constraints, the penalty can also consist of losing rights or privileges.

Based on the details above, it is important to note that "all work or service" includes every sector of employment, be it company or industry and formal or informal employment. For the purpose of conceptualization, the implication of the definitions is carefully examined. To understand workers' conditions at private enterprises, companies' compliance to human rights standards and ILO Convention on forced labour was examined wherein their recruitment process was analyzed and documents were reviewed to examine workers' entitlement to labour rights within the companies' respective systems.

ILO's definition of forced labour is provided in the 2012 amendment of the Ward or Village Tract Administration Law, which states "...to exact or forcibly take another person's labour or service, which was not offered by their own will, under threat of punishment or by affecting their interests...", as consistent with the organization's definition.

3.4 Elements of forced labor

In order to understand the practice of 'force labour', it is important to identify the elements and attributes of it. The definition of forced labour adopted in this research implies at least ten points which will be considered as its indicators. A useful source to understand these indicators are found in Verite's study, *Research on Indicators of Forced Labor in the Supply Chain of Shrimp in Bangladesh*, a research project that was undertaken from 2008-11. This research will analyze if there is any presence of menace of penalty and lack of consent or involuntariness. In doing so, it also investigates the elements of the menace of penalty like threat or incidence of physical, psychological and sexual violence, withholding of wages, termination, worse working conditions, social humiliation, isolation and legal punishment; and the elements of lack of consent or involuntariness such as threat or incidence of debt bondage, restricted freedom of movement, withholding of wages and deception.

3.5 Forced labor measurement and tools

Since there is no accurate measurement for human rights, the indicators for human rights violations in companies to identify the attributes of labor rights violations are developed based on the above definition and also found in the Verite report. Identifying the attributes of labour rights violation will help in capturing a broader picture of the presence of such violations. In investigating challenges and problems faced by workers, this research does not presume the existence of forced labour in the companies since there has been no report of labour abuse. Most of the reports of human rights abuse have come from industries. For this reason, the development of indicators to understand 'forced labour' is important for this research.

4. Results

4.1 Zero knowledge on workers' rights

In Myanmar, many documented human rights workplace abuses were actions of the military government, for example forced labor in tea plantations, forced portage and forced labour in constructing Military bases. Whereas, because of the bureaucratic nature of working in companies, there are only a few documented events about human rights abuses in this sector. In addition to documenting the situation of workers' rights in companies, this research seeks to understand how human rights are protected and promoted in companies.

All workers participating in this research admitted to having no knowledge about their rights. Most of them were positive about their experiences of working at private companies and expressed having faith in their employers and a sense of belonging as a 'working family member' to their companies. Before the in-depth questions were asked, the respondents answered that the workplace was positive and they worked in a safe and healthy environment.

Despite few expectations about employment benefits such as allowances and non-working hours to develop their personal interests, workers viewed their working environment as enjoyable and found no problems. However, they admitted that without prior knowledge about workers' rights they were unable to understand their basic rights including fundamental working allowances related to working hours, overtime payment and so forth. One of the research respondents stated 'We do not know that there is a set of working hours in the law. We are told to work from our boss'.

Most respondents in this research doubt that they are well protected by the laws. They are unsure and unclear of ways to seek advice and protection regarding workplace violations, and their problems. Some

workers even noted that there is a persistent need to check the employment contracts whether or not the rights of employees are fully incorporated and implemented. In addition, they also expressed dissatisfaction over how employers practice against the laws and avoid respecting the dignity of workers.

The research revealed that lack of awareness about labour rights led most of the workers interviewed to feel happy about their employment and workplace, and employer's treatment towards workers, which otherwise would be considered as unfair. This makes it difficult for the workers to demand their basic rights as it is beyond their capacity. It is found that more than half of participants were not allowed to take annual leave and were forced to work on government holidays by their employers. Besides the non-recognition of payment for extra-working hours, "extra working hours" was understood as a result of a reduction in worker's pace during normal working hours. Because of this perception, they do not consider payment for extra working hours.

The research respondents were asked whether they understand labor unions and wish to join. Most of them did not know about labor unions and perceived it as some 'odd' organization that attempts to go against the government of Myanmar. They fear that becoming a union member might block their working opportunities and considered it better to refrain from involving in such. Respondents who were recently working at companies thought that their employers would terminate them if they join any labor unions. Since the workers interviewed did not see any violation at their workplace, they were of the opinion that labor unions might not be useful for them and that they needed no support from them. Of all the respondents, only a few were interested in the current minimum wage issue, an issue which has been a burning topic in the country recently. They suggested the need to raise the issue, and that workers should be united and their rights protected.

4.2 Employment contract and agreement, and its violations

The new Employment and Skills Development Law, 2013 that came into force on 30th November 2013 states that a work contract must be signed within the first 30 days of employment. The law also requires submitting a copy of the contract to one of the 77 Labour Exchange offices for approval, the failure of which will face an imprisonment up to 3 or 6 months, fine or both. With inadequate manpower to review all the contracts, the concern is raised whether the government will take the role to review the process of contract approval. A research conducted by the Labour Rights Group found that only 40% workers signed employment contracts, and moreover the workers were unsure of the contents of the contract and never received a copy from their employers. The compulsory standard employment contract introduced by the Labour Ministry of Myanmar on 31st August 2015 was widely criticized for its lack of consultation with trade unions and business groups (Action Labour Rights, p. 22). Issues of concerns were also highlighted in regards to the language in which the contract should be written, the proper explanation of the clauses and meanings of the contract to the workers, and the workers' entitlement to receive a copy of their contracts.

The findings of this research show similar issues where the workers interviewed did not enter into proper contracts with their employers, as both the parties believe that entering into a contract will become a problem when they need to end the employment. More than half of the respondents were working without a contract but with a few mutual agreements made between them that covered aspects of compensation, penalty fees, and give and take punishment. Most of the contracts focus only on facts to be provided by the employees to their employers and neglected the rights of workers. The workers

interviewed acknowledged that the employment contract in some companies are fair to both parties; however, the shortcoming lies in the failure to execute the contract after signing. In Myanmar, contracts are more representative of a partial document containing mostly demands to be fulfilled by the employees and which are neither made nor agreed upon before any authorities of the Ministry of Labour in accordance with the law. Some contracts include workers to be employed for at least 3 years consecutively and in cases otherwise, the worker would pay the penalty amount asked by the company. Due to such terms in employment contracts, in addition to dissatisfaction over the employer's failure to execute employees' compensation included in contracts, workers feel unsafe and insecure to enter into contract with their employer.

One of the research respondents said, "Finally we found out that we were cheated. We thought we will get more chances if we work with them, so we signed on the contract. Finally, they did not do anything, and if we reminded them, they do something bad to us to quit the job". On the one hand, the fear of losing jobs refrain workers from reminding their employers about the compensation payable to workers as mentioned in the contracts. On the other hand, the research revealed that employers were concerned about entering into contracts with employees because of the instability in the working tenure of the employees as they tend to move frequently from one job to another.

In one of the interviews, an employer said, "It is impossible to make a contract with them because it is useless. They want to move jobs very often, we sometimes spend a lot of money for providing trainings, and some companies help workers to learn English or so, but they quit after all. All wasted!"

Mutual agreements were found to be weak. Employers assumed that ordinary workers showed fewer interests in promoting their efforts at work and there were no improvements. Additionally, the movement of workers from one company to another was extremely high. In this regard, an employer noted two points; firstly, low salaries or no improvements at workplace can be a reason behind workers' changing jobs frequently, and secondly, because of severe economic circumstances where most workers need to earn more in order to meet their daily expenses, they are unable to show interest and seek improvements in work.

4.3 Standard working hours and its practice

Similar to ILO standards, in accordance to the Factories Act, 1951, the Myanmar government has set standard working duration of 8 hours per day, 44 hours per week and with some variations by other laws, such as 35 hours per week for government employees, 40 hours per week for underground mining workers and 48 hours per week for shop and service workers. The law requires a 30-minute break to be given after five consecutive working hours, which is counted as a part of working hours. According to the law, overtime payment is double the normal wage. It is mandatory to officially observe government holidays and those who work on government holidays are entitled to receive payment.

However, all the workers interviewed for this research responded that they were required to work for extra hours almost daily without overtime pay. Most of them admitted to not know that they were entitled to overtime pay until the question was asked to them. They believed that the cause of working overtime is because of their low working capacity.

A 20-years old respondent working at a furniture factory stated, "Our boss always says that we need to work overtime because we are not working hard".

Though few workers among the respondents were aware of overtime pay, they choose not to claim for overtime pay as they feared risking their jobs and continued their employment with no or less demands from employers. Research conducted in 2016 reported that more than 62 percent of their participants were unable to refuse working extra hours as they were being threatened with loss of job promotion and end of year bonuses. Since the introduction of Minimum Wages in September 2015, factory employers have stopped asking workers to work for extra hours as it would require them to pay the workers for overtime. The minimum wage standard has not been effective for the workers working at small enterprises as employers have failed to implement a minimum wage.

4.4 Labour laws: leaves, hours and wages

Since the early period of industrialization, extensive working hours have been continuously fought by the labour movement for its negative effects on workers' health and other aspects of their lives, e.g. one of the constant demands of workers has been the reduction of working hours. The standard numbers of working hours have changed from time to time, such as the official working hours per day for workers during the early industrialization period, which was from 14 to 16 hours and which later was reduced to 11 to 12 and then 9-10 hours per day. Because of social and labor movements, the ILO set a standard for working hours as 8 hours per day. However, in a developing country like Myanmar, the debate of setting a standard and implementation of working hours is still relevant. In Myanmar, workers in general and particularly those working in the private sector continue to struggle to benefit from standard working hours in the workplace. With the formation of a new government in 2010, a number of laws have been introduced in Myanmar to promote labor rights in the country. It was noted by William D. Greenlee, Jr, a partner at DFDL Myanmar, that most of the employment and labour laws of the past is no longer relevant today, which includes laws regarding working hours, wages and leave.

According to the Leave and Holiday Act Myanmar, 1951 amended in 2006, workers are entitled to a) full-paid 14 public holidays, b) full-paid 10 consecutive days of annual leave after 12 months of work with 20 working days in each month, c) full-paid 6 days of casual leave each year, which shall be used maximum for 3 days at a time, and d) full-paid 30 days of sick leave for employees completed 6 months of employment and unpaid for employees less than 6 months of employment, but in both cases, it is compulsory to provide medical certificate to avail sick leave.

Under the Social Security Act Myanmar, 1954, female workers are entitled to a maternity leave of six weeks before and after the expected date of delivery, provided that the worker (women) has contributed 26 weeks in employment before the maternity benefit can be applied. To mention, a draft of the new Social Security Act that was recently proposed incorporates changes regarding maternity leaves such as a) the requirement of a minimum one-year service and six-month contribution to the social insurance, b) 14 weeks of maternity leave and another four weeks of child care in the case of the twin delivery, c) 8-week adoption leave for adopting a child under one year old, and d) 15-day parental leave to care for an infant delivered by an insured partner (Park, 2014).

The 1949 Minimum Wage Act was replaced by a new minimum wage law passed in March 2013. However, before the new law was passed, in 2012 the Ministry of Labor set up a temporal minimum wage of 56,000 Kyat per month, after serious disputes in garment factories. Regarding the method of wage payment, the Payment of Wages Act, 1936 specifies that payment should be made in cash on a regular payday, and allows legal action against delayed payment or un-agreeable deduction in the wage

(Park, 2014). While the new law seeks to help workers mass accessing their daily minimum wages, it is believed that there are still many workers who are paid a less amount.

4.5 Challenges faced by workers

The research participants reported to have experienced some forms of discriminations, abuses and violations of labour rights and human rights at their workplaces. First of all, a huge percentage of workers in Myanmar are still not aware of labour rights. Secondly, access to information is a challenge for any ordinary workers, both in terms of physical accessibility as well as in understanding the meaning of the information. In the case of workers in Myanmar, a third party or an organization is required to introduce and educate the workers about existing laws related to labour rights, including interpretation of the meanings in a language that the workers can easily understand, without which it will continue to remain impossible for the workers to claim their rights and/or fight against labour rights violations. Workers in small enterprises are comparatively more in need of such intervention. Often than not, workers also tend to focus on earning a regular income regardless of violations at workplace due to their economic circumstances as well as the general environment about the treatments towards workers.

Most workers interviewed in this research either knew little or not at all about labour rights, such as working hours, minimum wage, full-paid holidays, social security cards and maternity leave. Through this research, it has come to light that working hours may differ from one company to another in Yangon. While working hours for government officials is 8 hours per day, employers, mainly in private sectors, commonly do not follow the standard working hours stipulated by the law. One of the participants working at a fabric shop in Yangon expressed dissatisfaction over working hours and salary stating that “every day the staffs must arrive at 8 a.m. and go back home around 9 p.m. we cannot go anywhere for our personal things”. There are several negative effects of long working hours on workers, for example, it prevents workers from learning or exploring new things and more importantly, it reduces workers overall growth and development in life.

Since most of the research participants work at small enterprises such as departmental stores, printing houses and restaurants, the granting of leave to them is solely decided by their employers. A 22 year old respondent working at a furniture company said, “There is no day-off for us. Every day is a working day and if we want to take a day-off, the boss charged money for our absence”.

In another interview, respondents working as sales promoters at jewelry shops in Yangon recollected having been slapped in their faces by their employers. However, the workers decided to not report or speak against the violation since their families relied on them for survival.

One of the reasons why employers tend to ignore workers’ rights is because most employers assume that workers have less knowledge about their rights. This assumption is more or less true as in this research most of the workers interviewed have zero knowledge about workers’ rights, let alone knowing how and where to report violations of their rights. One of the respondents, a 22 year old man working at a sales company said, “No one can help us to solve this problem. If we are not OK with our boss, we will be jobless. We have to bear whatever bad to us is done by our bosses. Only the workers who can survive without a job can quit the job. For us it is hard to do so”.

Likewise, more than half of the employers participated in this research hold the belief that workers are required to work overtime because of their low productivity during working hours and it is unreasonable to pay for overtime work.

The research also found that workers were forced to work for 7 days a week without any holiday. A 24-years old male working at a furniture company said, “Salary is very less and my boss deducts 10% of my salary if I take any sick leave”. Furthermore, the worker said, “We dare not even take a day leave, if we do, they shout and they treat us very badly. We are afraid that we will be fired.” In addition, the study also revealed that Buddhist workers working under Islamic employers were not allowed to take government’s official holidays, which are normally considered as special Buddhist holidays.

With no prior knowledge about overtime pay, participants in this research were confused when posed with questions about overtime pay. They asked the researchers to explain to them about overtime pay. Similarly, the research also revealed workers’ lack of awareness about social security cards. Some participants were informed about a deduction in their salaries and did not know the reasons for it. Few workers among the participants who knew about social security card did not know how to use it or how the social security card works for them. They did not receive social security cards yet, but the deduction in their salaries occurs every month.

In such a context, a team leader is understood as someone (employee/worker) who help in solving problems related to dealing with customers and not someone who negotiates issues between employers and employees. From this perspective, the act of demanding workers’ rights becomes risky for the employees or for the individual who demands his or her rights. One of the research respondents narrated an event where his friend was forced to terminate from the job because he demanded his rights.

In Myanmar, a common method utilized by employers is by finding problems in workers and forcing them to quit the job by themselves. This way the employers also manage to avoid paying employees their salaries of two months. A respondent of the research, who is a maintenance engineer, was forced to leave his job after being constantly blamed for petty reasons because he demanded for benefits mentioned in the employment contract. He said, “They were watching my movements on CCTV. If I stand for long, they complained. If I do something, they complained. Finally I am so depressed, and I quit the job”

The fear of communicating with labour unions is high among the workers in Myanmar. Workers will not contact labour unions unless there is a serious problem. One of the reasons for this fear is the workers’ employment risks associated with communicating with labour unions. Besides, the workers also either have limited knowledge about labour unions or did not know about labour unions at all as in the case of participants in this research. The awareness trainings about labour rights provided to the workers in Myanmar is inadequate

5. Conclusion and recommendations

Myanmar’s new government, commenced on 1st April 2016 with U Htin Kyaw as the ninth president, officially announced its promise to resolve the country’s urgent issues within the first 100 days of the new government, which was named as ‘100-day’ plans. Among the plans are recognizing the rights of workers including their holidays and minimum wages. The new government’s initial steps promote the

rights of the workers which may be well-protected in the future. The research team believes that the findings of this research can facilitate as a supportive document for further research.

As the findings of this research showed a severe lack of workers' awareness about labour rights and their basic rights to be claimed from their employers, it is of utmost importance to provide them awareness trainings by relevant local and international organizations. Strengthening the capacity of the workers through awareness trainings will fill the knowledge gap as well as assist in their empowerment where workers may begin to realize the benefits of labour unions and be encouraged to join labour unions. Another important aspect is the existing legal framework and mechanisms for labour rights protection. Despite having a labour law in place, it is found that there is no strong mechanism to monitor whether or not the existing laws are actually protecting the workers. The research result suggests that workers are not well-protected by the existing labour laws in the country. This report strongly recommends the government of Myanmar to ensure implementation of the existing laws and to follow up with by-laws and regulations to implement the laws. In addition, it is important for employers to stay updated with the government's announcements of new laws and related subjects.

The research findings suggest the need for relevant government ministries, CSOs and international labor organizations to providing awareness trainings to workers and also awareness trainings over mass media. Furthermore, mechanisms for protecting against labour rights violations should also oversee and ensure implementation of laws passed in the society. It is imperative for the members of Parliaments to monitor workers' rights violations in their respective state and regions. Among all, one of the main suggestions drawn from the research findings is the need for the workers to actively raise voices about their rights violations.

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