

June 5, 2018

Plenary Speech by Khine Khine Nwe, Employers' Delegate of
Myanmar on June 5, 2018

Thank you Madam President for the floor. Greetings from Myanmar Federation of Chamber of Commerce and Industry.

The Employers of Myanmar wish to achieve a robust and stable Industrial Peace in the country with improved labor market governance. We applauded the GB's decision at 332nd session on reporting of forced labor cases, no longer be required for Myanmar. It is a valid proof of well-coordinated and co-operated inclusive work of all concerned institutions and constituents. We thank ILO for the tireless and endless effort and support provided.

Since May 2015, Myanmar employers actively participate in National Tripartite Dialogue Forum, which is in its early fourth year of progressive tripartite engagement of constituents, covering Decent Work Country Program, Programs on Labor Law Reform, Communication Strategy, and Child Labor Eradication. The DWCP (2018-2021) has successfully been drafted and agreed upon by tripartite bodies on January this year, during the 9th NTDF. I am proud to say that it is going to be signed in the very near future.

It is of great importance for Myanmar Employers to prioritize the reform of existing Labor Organization Law (2011), which limits the establishment as well as rights of Employers Organizations. Settlement of Labor Dispute Law is equally

important as a priority law for reform, because of the shortcomings in the current dispute resolution system both in law and practice. As much as we, the tripartite constituents, value the culture of tripartite dialogue, the employers, would like to call on all stakeholders to acknowledge the outcomes from the process.

We fully support GB's stand on Labor Law Reform process through effective tripartite dialogue to promote freedom of association and in line with international labor standards. Needless to say, It is equally important that the implementation of the laws to be improved and appropriate enforcement of the laws occurs in practice. We know that ILO has shared advice with tripartite partners in Myanmar that prison sentences are not conducive to good industrial relations and should not be included in the law for minor or administrative labor law violations. It is very discouraging for the private sector to see other social partners fail to heed this advice. This will damage industrial relations in the long run, and be a barrier in building trust among tripartite constituents.

We also note that the implementation of industrial action on the ground is sometimes inconsistent with the law and international standards. Often, unions on strike will blockade businesses and not allow management or other workers to enter or leave the business. This has led to numerous violent confrontations. Enforcement of relevant laws here has been wholly insufficient and in the long run, is detrimental to building peaceful industrial relations.

Since Myanmar Foreign Investment Law has drawn attention from international businesses to invest in Myanmar, it is crucial that all of the other laws are clear and easily understandable by all nationals. In general, some laws are outdated and irrelevant to the modern private sector. These laws need to be relevant to the businesses of the 21st Century, not limited to the businesses of 5 to 6 decades back. There is a need to make sure that there is coherence among the stipulated laws.

We are grateful that after several rounds of stakeholder fora, ILO Myanmar gained a better understanding of the state of businesses in the country, has agreed, extracted salient points of notable labor laws and published “ILO Guide to Myanmar Labor Law” in 5 languages, Myanmar, English, Korean, Chinese and Japanese in 2017-2018, which has been most helpful for the private sector.

Myanmar has progressed with National Action Plan on the Elimination of Child Labor with key activities and strategies; basic data collection, increase awareness, improve access to quality education and vocational education, updated and coherent legal and regulatory framework with implementation and enforcement, provide support to children withdrawn from worst form of labor practice and improve livelihood opportunities for children and families, all targeted to be realized by 2023. Congrats to tripartite work of ministries concerned, workers and employers and to ILO for the guidance.

We cooperated with Ministry of Industry, at recent, over 40,000 SMEs and SMIs registered among hundreds of thousands exist, employing workers, approximately ten times of the enterprises. Formalization of non-formal sector is in the interest of employers which we believe, provides both businesses and workers, protection of the laws.

With the initiative of ACTEMP, Myanmar Chamber has conducted Women in Business Survey early this year. The survey extracted from HR policies and practice showed that the most significant barrier was the view that women had more family responsibilities than men, and the most in-demand supportive or corrective measure was assigning for women managers, more responsibilities.

In labor intensive garment, shoe and bag industry, over 90% employed are women. There are profound evidence of basic sewing workers upgraded to lower/upper middle management and even to top management, regardless of their level of education. In support of women at work, it is suggested that another set of survey to be conducted, collecting data on how many of them have worked their way up, how, and what assistance to be provided, to facilitate the process. This can be used as showcase to encourage all women at work.

Being the employers from a country, that is under 2 stages of transition, we are traveling a roller coaster journey in the search of industrial peace. If, and if all the statements that I have made today, comes to realization, which is the unavoidable duty and responsibility of tripartite constituents,

together with constructive support of other stakeholders, I am confident, the time is not that far to achieve what we all are after.

Please - “FROM LONG AWAITING INDUSTRIAL PEACE TO LONG LIVE INDUSTRIAL PEACE”; for us, for the World of Work. I thank you.

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