

Statement
by
H.E. Mr. Htin Lynn
Ambassador and Permanent Representative of Myanmar
at the Committee on the Application of Standards
(Myanmar: Convention No.87)
107th International Labour Conference
Geneva, 5 June 2018

Mr. Chairperson,
Distinguished Delegates,

1. The Government of Myanmar today has set priorities for the country and her people. Such priorities include Rule of law and improvement of the socio-economic life of the people, national reconciliation and peace, and amending the Constitution for building a democratic federal republic. Undoubtedly, this is not an easy task as we face various kinds of internal and external challenges. In dealing with these challenges, the government has adopted a path consistent with the needs and situation of the country while respecting the views and opinions of the international community bearing in mind our international responsibility.
2. Improving the socio-economic life of the people including our workers has always been high on our agenda. Labour law reform we are currently undertaking is well under way. We have introduced and developed a culture of tripartite dialogue successfully. Progress made include upgrading skills, formation of National Skills Standard Authority, opening of migrant resource centres and setting for the first time in history the minimum wages for our workers.
3. In close cooperation with the ILO, we are able to make considerable progress in eliminating practice of forced labour in the country. We are able to open a new chapter for the workers on their rights to associate and organize. Since the adoption of 2011 Labour Organization Law, many workers' and employers' organizations as well as 3 federations and one confederation are now in place and functioning in Myanmar.

Mr. Chairperson,

4. I would like to provide some clarifications in response to the requests made by the Committee on the Chapter on Rules and the corresponding Chapter on Offences and Penalties. **The 2016 Law relating to Peaceful Assembly and Peaceful Procession allows** wider democratic space for all Myanmar citizens

including workers in their exercise of freedom of association. It also allows citizens to assemble and process without prior permission. They can do so by providing a 48-hour notice to the relevant authority. Penalties for offences have also been reduced substantially. For example, duration of penalties for procession without notifying and its recurrence has been reduced.

5. At this juncture, we are developing directives, rules and regulations to implement the law in its letter and spirit. In the meantime, Article 26 of the law stipulates that rules, notifications, orders, directives and procedures issued under the 2011 Law may continue to apply in so far as they are not contrary to 2016 Law.
6. Let me turn to other aspects of labour law reform process in Myanmar. Reviewing and amending **the 2011 Labour Organization Law or the Settlement of Labour Dispute Law** are being carried out in close consultation and cooperation with all stakeholders including workers, employers, members of Parliaments and also with ILO expertise. In fact, the ILO legal expert has been involving in developing the draft text since the beginning.
7. We will continue to inform the Committee of the progress made by the government in labour law reform including **Law on Peaceful Assembly and Peaceful Procession, the Settlement of Labour Dispute Law and Labour Organization Law** and in future as well.
8. It is important to highlight that the 2011 Labour Organization Law, while in practice, has been under constant discussion and review as necessitated by circumstances and by all constituents. Outcomes of social partners discussion as well as comments, views and suggestions by labour federations, employer organizations, Union of Myanmar Federation of Chamber of Commerce and Industry and the ILO Senior Legal Officer were sought and taken into consideration in the review process.
9. The questions of **the 10 percent membership requirement** with the social partners concerned and the impact of **the pyramid structure** are also in our concentration. Requirements for **eligibility to trade union office set out in the Rules to the Labour Organization Law** pertaining to election of members of executive committee is to preserve local ownership, and to capture adequate and genuine representation of workers to a body which will be entrusted to promote and protect the interest of workers.

10. Disputes in the Special economic zones (SEZs) are settled under Chapter 16 Matters relating to Labour of 2014 Myanmar Special Economic Zone Law by respective management committees. A labour officer from the Ministry of Labour, Immigration and Population is attached to such committees and provides advice and guidelines in dispute settlement process. If no settlement has been reached within the Management Committee, such dispute shall be settled in pursuant to the 2012 Settlement of Labour Dispute Law, then referred in SEZ Law as the Trade Dispute Act.

Mr. Chairperson,

11. The right to Freedom of Association in Myanmar is still continued to be strengthened. With the political will of the government, close tripartite cooperation, technical assistance of the ILO and support by the international partners, I am confident that our workers would be able to enjoy their fundamental rights increasingly. I believe that such progress would effectively contribute to decent work and sustainable development for Myanmar.

Thank you, Mr. Chairperson.
