



MYANMAR

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**Statement by Mr. Kyaw Moe Tun,
Permanent Representative of the Republic of the Union of Myanmar
at the 335th Session of the Governing Body of the ILO
Agenda Item: Institutional Sessions-12
(28 March, 2019)**

Madam Chair,

- My delegation would like to commend your leadership in the Governing Body since your assumption of office as Chair of this GB. We assure you of our full cooperation with you in discharging your responsibilities.
- Myanmar associates itself with the ASEAN joint statement to be delivered by Thailand, Australia and Japan.
- My delegation would like to express our thanks to the International Labour Office for the report on Myanmar, which appears in the GB document No. GB.335/INS/12. The report widely covers the tangible progress that has been achieved in Myanmar in the area of promotion and protection of labour rights.
- The current democratically elected civilian government has been transforming Myanmar from authoritarian to a democratic federal union since it took office in March 2016. As a result of reforming public institutions and strengthening the rule of law to create a fair and just society, significant progress has been made in many areas including the promotion and protection of labour rights. These positive developments will be reinforced by on-going implementation of the Myanmar Sustainable development Plan – MSDP (2018-2030) which is in accord with the Sustainable Development Goals including SDG 8.

Madam Chair,

- We firmly believe that through policy change, legislative reform and many awareness raising and training activities, we can change the behaviour of individuals and organizations including those from the government sector, and can develop further meaningful tripartite culture in a country.
- That is why the current government has been encouraging to intensify the process of labour law reforms, strengthen the culture of tripartite social dialogue and educate and train people who are mostly involved in the promotion and protection of labour rights in close cooperation with the ILO.

Madam Chair,

- One of the most significant progresses Myanmar has made over the past year is on the Decent Work Agenda. The first ever Decent Work Country Programme (2018-2021) for Myanmar was signed between the Government of Myanmar and the ILO in September, 2018. Let me take this opportunity to thank the ILO in particular the Director-General, Deputy Director-General Greg Vines and Liaison Officer Rory Mungoven for their active role in successful signing of the DWCP and its implementation process.
- Myanmar is strongly committed to the elimination of forced labour. As one of the big steps to contribute to the elimination of forced labour, the Government transferred the General Administration Department, which is responsible for many issues relating to forced labour, from the military-designated Ministry of Home Affairs to the civilian Ministry of the Office of the Union Government.
- Since the expiration of the Complaint Mechanism for elimination of forced labour in December 2018, Myanmar has been closely cooperating with the ILO to continue implementing the elimination of forced labour under the newly signed DWCP by developing the Action Plan for the establishment of National Complaints Mechanism. Therefore, a workshop was held in cooperation with the ILO to learn good practices of other countries on 17 and 18 January 2019.

- The government has recently developed the draft new action plan in close cooperation with the ILO. It is in a process of finalizing the draft. The action plan is time-bound.
- The New Action includes (4) priorities, namely, Institutionalization of national forced labour complaints mechanism, Training and Awareness Raising on Forced Labour, Capacity building to end forced labour and mobilization of tripartite partners for prevention of forced labour in the private sector.
- In addition to what the ILO said regarding the Action Plan, I would like to reiterate that wide-range consultation with the social partners will be made and ILO will be involved in designing the national mechanism.
- The Ministry of Labour, Immigration and Population will be focal ministry in the Complaints Mechanism.

Madam Chair,

- We have achieved many tangible developments but we are still facing many challenges in our efforts to promote and protect the labour rights, mainly because of the lack of awareness. Therefore, we continue to conduct more training and awareness raising courses including trainings of trainers.
- Another challenge we are facing is fulfilling our reporting obligations for the Conventions Myanmar is a state party to. We have strong desire to become a state party to more ILO conventions including core conventions. In order to sign more conventions, we have to consider our ability to fulfill new reporting obligations. This is the area where we are in real need of capacity building.
- Training and awareness raising are essential not only for capacity building but also for confidence building to improve the relations between the tripartite partners. We are aware of the concerns expressed by our social partners and the ILO on the need of promoting relations among the tripartite partners. We are of the view that strengthening understanding among the tripartite partners is vital important for the better relation. In this regard, we would like to call on the ILO to provide specific training courses for each group of tripartite partners.

Madam Chair,

- We share the concerns, raised shortcomings on some laws. Myanmar has been making reforms on laws including a number of key labour laws. The draft Law on Occupational Safety and Health, developed in

accordance with the international standards and recommendations of workers' organizations, employers' organizations, was approved by the Parliament on 8 March, 2019.

- Myanmar invited a Direct Contacts Mission from 1 to 4 October 2018. During the visit, the Mission met with Government, Parliament and social partners and recognized their commitment of building a climate for full respect of the freedom of association framework legislation.
- Discussion on the amending Labour Organization Law (to be renamed the “Workers and Employers Organisation Law”) is taking place among the tripartite partners. It was also discussed by the tripartite representatives at the 9th Technical Working Group on Labour Law Reform (TWG-LLR), held on 13 December 2018.
- With respect to the Settlement of Labour Disputes Law, various amendments have been adopted by the two houses of Parliament and are now being discussed at the joint bills committee of the Parliament (Hluttaw). In order to address the workers' opinion on the amendments, the members of the Parliament met and discussed with the representatives of the workers' organizations.
- Moreover, in order to protect truly the democratic rights including labour rights of the people, a joint parliamentary committee has been recently formed to amend the undemocratic provisions of the 2008 constitution and its work has already begun. It is our firm belief that the setting up of democratic norms will have positive impacts on all other reforms including the labour law reforms.
- In this regard, I would like to reaffirm that the Government upholds the right to peaceful assembly by trade union in accordance with the existing laws. We believe that the role of people including trade unions is important for the government's efforts for achieving the goal of building a democratic federal union.

Madam Chair,

- The culture of tripartite social dialogue has grown stronger at the national level. The National Tripartite Dialogue Forum (NTDF) established in 2014 meet three times a year and discussions, decisions and adoptions concerning the labour affairs including the law reforms are made.
- The Government has been making efforts to be more proactive to prevent the disputes between the workers' organizations and the

employers, particularly during the early stages of registration. (As an effort to facilitate registration process, the Ministry of Labour, Immigration and Population responded the complaints of the workers' associations for the registration requirements by circulating new directives to all township labour registrars and workers' organizations to clarify the registration requirements.)

- As a result, the number of registered labour organizations at different levels is growing. There are 2761 basic labour organizations, 146 township labour organizations, 22 state/regional organizations, eight labour federations and one confederation at the end of 2018.

Madam Chair,

- Now let me turn to the role of responsible investment, main contributor to the creation of decent work in Myanmar. The Government is promoting responsible investment with careful consideration of environment and social governance. In order to make the investment sector more systematic, it sets up a new ministry of Investment and Foreign Economic Relations in November 2018. Myanmar Investment Commission permits to invest only to those investors who can demonstrate that their application meets five responsible criteria, including job creation and social welfare.

Madam Chair,

- The largest percentage of FDI in 2017-2018 flowed into non-extractive and employment-intensive manufacturing sector benefiting numerous workers throughout the country. Therefore, there is no doubt that the increase of FDI and privileges for trade directly benefit workers and pull them out of poverty by enhancing manufacturing sector which creates a lot of decent jobs for our people. In this light, we would like to request all the investor countries to assist the Government's efforts to increase decent work for workers by taking into account of their welfare.

Madam Chair,

- Because of all the developments in labour sector over the past years, we really appreciate the genuine cooperation and constructive engagement of the ILO. At this juncture of democratic transformation, we need to deepen our cooperation with the ILO, based on mutual understanding and trust, for promotion and protection of labour rights.

- We will continue close cooperation with the ILO in our efforts for promotion and protection of labour rights. We sincerely hope that the ILO can maintain its constructive approach and genuine cooperation with Myanmar for the benefit of people in particular our workers.

Madam Chair,

- In conclusion, I would like to express our sincere appreciations to all the countries that supported our endeavours for promoting the rights of labour and social justice.
- We do recognize that like many countries, we have challenges despite tangible progress. However, we are resolute to overcome our remaining challenges.
- Taking these significant development and close cooperation with ILO, it is time to normalize the relations between Myanmar and the ILO by transforming the current Liaison Office to the Country Office in Myanmar. Therefore, this topic should no longer be at the agenda of the Governing Body.
- In this regard, the Governing Body is requested to consider recommending this topic to be removed from its agenda item at the upcoming 108th International Labour Conference by taking advantage of the opportune time of the 100th anniversary of the establishment of the ILO as recognition of the fruitful result of our long-standing cooperation with ILO.
- Let me conclude by thanking Liaison Officer Rory Mungoven for his hard work and valuable contribution to the development of labour sector in Myanmar.
- I thank you.
