



THE LIFE STRUGGLES OF LABORS DURING THE COVID 19 EPIDEMIC

[THE CALL OF COVID]

THIS REPORT IS AN EXCERPTS FROM RESEARCH INTERVIEWS ON FACTORY WORKERS' EXPERIENCES DURING THE COVID 19 EPIDEMIC OF THE FACTORIES IN YANGON REGION THAT SUFFERED FROM APRIL TO OCTOBER 15, 2020.

THE CALL OF COVID

FUTURE LIGHT CENTER

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ACKNOWLEDGEMENT

This report reflects the plight of basic workers in a developing country like Myanmar during the Covid-19 period. The global Covid-19 epidemic is affecting hundreds of thousands of factory workers around the world. This report seeks to highlight the situation of arrests, dismissals, and the closure of factories without the official closure of employers, and the impact of trade unions during the COVID-19 period. We hope that the relevant authorities and organizations shall be aware of the situation on the ground and can make effective reforms.

Special thanks to individual workers, union leaders, Labour groups who responded to surveys during the epidemic, and the staff and volunteers at the Future Light Centre. Thanks also go to the Paung Ku for funding the report. Thanks also to Ko Jay Paing (MPA) for taking the photos for the report. Finally, special thanks to Ko Tin Maung Htwe (Researcher) for writing this report from beginning to end.

1. ABBREVIATIONS

ABFTU = All Burma Federation of Trade Unions ALR = Action Labour Rights

CCTV = Closed-circuit television

CMP = Cut-make-package

CSOs = Civil Society Organizations

CTUM = Confederation of Trade Unions in Myanmar

EC = Employment Contract

FGWUM = The Federation of Garment Workers Union-Myanmar

EU = European Union

FGD = Focused Group Discussion

ILO = International Labour Organization

KII = Key Informant Interviews

LGBT = Lesbian, Gay, Bisexual and Transgender

LIFT= Livelihoods and Food Security Fund

MOHS = Ministry of Health and Sports

NLD = National League for Democracy

OT = Over Time

QC = Quality Control

STUM = Solidarity Trade Union Of Myanmar

WCC = Workplace Coordinating Committee(s)

2. EXECUTIVE SUMMARY

By the time of Covid 19, the Myanmar government has launched an Economic Response Plan to address the country's economic woes. Efforts have been made to recoup social security benefits and mitigate the impact on workers who have faced shutdown of factories or stay in quarantine Centres. Despite efforts to establish policies and guidelines to prevent benefits of all, the ground situation during both first and second waves of Covid epidemic, the real lives of workers are not as comfortable as expected and there have been a number of arrests and prosecutions for making demands for Labour rights and wages. Most of the workers are from outside Yangon region, and hundreds of thousands of people work in factories under one roof and leaving others to fend for themselves rather than fear the virus, therefore, they have to ways to keep wages for survival.

In order to make the situation of workers 'voices visible during the six months from April to September 2020 during the Covid period, the report was compiled by workers especially the arrested and imprisoned workers, migrant workers, union leaders from townships where most of the industrial zones located in Yangon. A total of more than 150 Labour activists were interviewed. This report is compiled and published by Future Light Centre as a cornerstone for the development of Labour rights and national policies to reflect the current situation of the workforce.

Director

Daw Thet Thet Aung

3. INTRODUCTION

According to the World Bank report, Myanmar will have a population of over 54 million in 2020, of which more than 25 million will be able to work. There are 63 industrial zones, most of which are located in Yangon Region.¹ There are South Okkalapa industrial zone, Dagon Seike Kan industrial zone (1/2), South Dagon industrial zone (1/2/3), North Dagon industrial zone, North Okkalapa industrial zone, Shwe Paunk Kan industrial zone, Thakatha industrial zone, in Mingalardon township, Mingalardon industrial zone, Pyinmapin industrial zone, Yangon industrial zone, in Hlaing thayar township, Hlaing Thayar industrial zone (1/2/3/4/5/6/7) and Shwe Lanpan industrial zone, Shwe Pyay Tha industrial zone (1/2/3/4), Thilawa industrial zone and Mwabi industrial zone.

Yangon Region has a population of about 8 million and is home to most of the industrial zones, most of which are factory workers. In recent years², more and more people have come to live and work in Yangon in search of better employment opportunities and a better life in line with the development of industrial zones and to overcome the hardships of rural lives.

As Article 24 of the 2008 Constitution states that the State shall enact laws necessary to protect the rights of workers, and that the protection of workers' rights in Covid pandemic is now a constitutional obligation of the government. In accordance with the provisions Article 17 (a to f) of the Occupational Safety and Health Act 2019,³ government inspectors should also exercise their authority for occupational safety and health in accordance with the Code. In particular, 17 (a) the right to inspect and inquire about any workplace subject to this Law and to inspect and inquire at any time without a warrant and (c) The right to take photographs and videotapes of workplace conditions that may endanger occupational safety and health.⁴

In some cases, The lawsuits filed against workers for filming industrial situation to support evidence about the unprotected factory is violating workers' rights and indicate a lack of clear government action. In addition, related with Covid

¹World Bank 2020 <https://www.worldbank.org/en/country/myanmar/overview>

²Myanmar Industries Association 2020 <https://myanmarindustries.org/index.php/home-2/38-myanmar-industries/industrial-zones/239-industrial-zones-yangon>

³Constitution 2008 <https://www.president-office.gov.mm/en/sites/default/files/myanmarconstitution2008en.pdf>

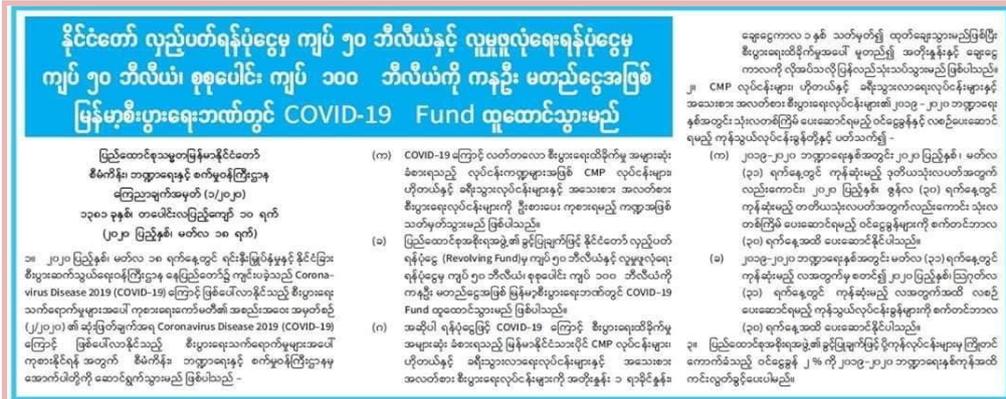


Figure 1; the government announced the establishment of the Covid-19 Fund On March

pandemic, the responsibilities of the employer in Chapter 8, Article 26 of this social security law shall be as follows: (B) The work environment must be measured and evaluated as necessary, C) Arrange for workers to be examined by a certified physician in accordance with the requirements for occupational disease, (D) based on the findings under sub-sections (a), (b) and (c), to make the workplace safe and healthy accordingly (E) Workers shall be provided with free and appropriate personal protective equipment and aids order by the Labour Department.

Currently, some industries are closing down due to the Covid 19 pandemic and there is a workforce reduction. Taking advantage of this opportunity, factory owners have tried dismissals are being carried out without consulting the WCC or any other unions in accordance with the law targeting union leaders without proper negotiation and workers have complained those phenomena to the Future Light Centre. Many Labour leaders who have gone on strike and protested against the employers' illegal actions have been arrested and prosecuted under the Peaceful demonstration act as well as the Disaster Prevention Act.

At the moment of second wave of Covid, in the worst-case scenario, Government subsidies have not been able to meet workers' demands but suffering ranging from food shortages to starvation. On the other hand, the country suffered losses the investment in industrial zones estimated at US \$ 5 billions during the Covid period. on May 8 2020,⁵ State counsellor Aung San Suu Kyi's meeting with

⁴ILO 2019 https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=108180&p_count=2&p_classification=14

⁵IFPRI 2020 https://images.agri-profocus.nl/upload/post/IFPRI_Assessing_the_Impacts_of_COVID-19_on_Myanmar_Economy1591933488.pdf

⁶Aung San Suu Kyi 2020 <https://www.statecounsellor.gov.mm/en/articles>

leaders of federations of Labour unions in Myanmar contained only guidelines for educating workers, but did not reflect the current state of working and living conditions on the ground.⁶ Therefore, it is important to note that government policies do not take into account the realities of workers rather than willingness of positive result. The state has a responsibility to ensure the rights of workers, health and safety in the workplace. But the real work is ineffective.

Employers are fleeing by factory closures to avoid compensation under the Labour law, and On the other hand, unions are being dismantled on the pretext of layoffs during the Covid period.

Workers seem to be facing difficulties due to the actions of some irresponsible local and foreign factory owners and on the other hand, Businesses in Myanmar are facing worries such as canceling orders, reducing supply of raw materials, and failing to recompense payment by international brands.

Under the Minimum Wage Law which was introduced in 2015, although the two-year wage increase was raised to 4,800 in 2018 and due in May 2020 to be amended, however, due to the current Covid epidemic, this wage amendment has not yet been revised yet. In addition, government has reimbursed only 40 per cent (1980 kyats per day) of the social security allowance⁷ for closed days by the Social Security Fund which started in 2012, however, it is not easy to survive through the current living cost in Yangon. According to Article 18 (b) of the Social Security Law of Myanmar, employers and employees must contribute to the social security fund, which is currently being reissued,⁸ but some factories do not have that social security fund. Therefore, it is necessary to take action against the employers who fail to pay in addition to the contribution fee according to the law.

Due to the government's weak system to deal with such a global epidemic, only similarity of disaster relief programs are being implemented during the Covid-19 period. Some workers have not yet been able to get a clear picture of the process of registration for Social Security and not yet clear how the monthly social security contributions paid by employers be made. Some workers have a social security contribution but they do not receive even 40 percent of their social security benefits yet. As a result, workers have now resorted the easy access to money such as high-interest loans, gambling, and so on and lead to domestic violence.

In the first wave, the international community praised Myanmar's resolutions, but in the second wave, the state's response was unsatisfactory. Now it is time to tackle the Kovic period effectively and to revive the economy, therefore, employers should be supported and workers should be conserved.

⁷Dezan Shira & Associates May 2018 <https://www.aseanbriefing.com/news/myanmars-daily-minimum-wage-increased-kyat-3600-kyat-4800/>

⁸he Social Security Law, 2012 <https://www.myanmargarments.org/overview-of-laws/>

အာမခံစနစ်များ နှင့် ထည့်ဝင်ကြေး			
အာမခံစနစ်များ	ထည့်ဝင်ကြေးနှုန်း(ခန့်မှန်း)		
	အလုပ်ရှင်	အလုပ်သမား	ပေါင်း
၀ ကုန်းမာရေးနှင့် လူမှုရေးစောင့်ရှောက်မှု အာမခံစနစ် (မမာမကုန်းမှု၊ မီးဖွားမှု၊ သေဆုံးမှု) +	၂%	၂%	၄%
၂ မိသားစုထောက်ပံ့မှုအာမခံစနစ် (ပညာသင်ထောက်ပံ့ကြေး၊ သဘာဝဘေးအန္တရာယ်)			
၃ အလုပ်လုပ်ကိုင်နိုင်စွမ်းပဋိပစ္စည်းသက်ကြွစေရန်နှင့် ကုန်ရစ်သူ အကျိုးခံစားခွင့် အာမခံစနစ်	၃%	၃%	၆%
၄ အလုပ်လက်မဲ့ အကျိုးခံစားခွင့် အာမခံစနစ်	၀%	၀%	၂%
၅ အခြားလူမှုမှုလုံခြုံရေးစနစ် (တိမ်ယာပိတ်ကိန်း)		၂၅%	
၆ အလုပ်တွင်ထိခိုက်မှုအကျိုးခံစားခွင့် အာမခံစနစ်	၀.၀%	၀	၀.၀%

Figure 2; Social security Insurance systems and forms of contribution

Therefore, our team thinks that some research and study need to be done for the Labour leaders and workers who were arrested during the Covid-19 outbreak and strikes and the workers who are in a difficult situation. The research report also aims to identify the plight of women, men and other key populations working in industrial zones in Yangon Region. ■



4. SUMMARY OF RESEARCH ACTIVITIES

The Future Light Centre Team has used quantitative and qualitative research methods to develop this research paper. Dismissals from various townships in Yangon Division More than 120 workers affected by the pay cut were interviewed using an assessment report containing more than 80 questionnaires that would assess the situation during Covid. An assessment report containing more than 80 questionnaires was used to evaluate the situation of more than 120 affected workers who were arrested, laid off, reduced their salaries and taken action in various townships in Yangon region. To construct these questions, the researcher prepared and edited them through pre-consultation with the relevant workers and Labour unions.

Focus group discussions were conducted four times with labour leaders, women workers, and labour activists from various townships, and interviewed leaders of trade unions, civil society organizations, lawyers and pro bono legal assistances who are currently working on labour issues as the Key Informants. The research period is from August 5 to September 23, 2020 and In accordance with the Covid instructions, information are collected in a variety of possible ways, including personal interviews, telephone interviews, surveys, and so on.

The resulting data is compiled into an Excel file and converted into quantitative indicators. The data set are grouped into relevant clusters and linked to FGD / KII qualitative responses and expanded into relevant sections. This research paper was then written during the first and second weeks of October 2020.

The main purpose of the research was to understand the social and economic status of the workers who struggled during the Covid period, The government and relevant ministries should be able to understand the actual situation of workers and develop better and more effective policies for workers and Civil society organizations, local and foreign owners, trade unions, Labour federation, and the international community shall committe to provide the necessary technical assistance and effective reforms. ■

5. LIMITATIONS

There were many difficulties in interviewing the workers because this research is being done on Covid pandemic time. The researchers found that struggle to access informants for KII and FGD due to a busy and important time, especially for those working in federation of Labour unions and trade unions. The assessment training was conducted in July, but the data collection period started only seven weeks between August and September 2020. Government Policies, political situation and the epidemic situation are changing over time, so after the input of research data, information has to be re-examined to reflect the real situation in the first week of October when the research is analysed.

Due to the limited funding available that restricted to interview only 120 workers, therefore, not all of the industrial zones of townships in Yangon Region could be fully covered. Interviewees were planned to be interviewed in as safe a place as possible, but due to Covid's time and space constraints, most of interviews were conducted only in private homes, union offices and dormitories. We could not reach to interview the workers at the Covid infected factory, suffered from Covid virus, from quarantine Centres and who currently being held in jails. In selecting the factories to be interviewed, the focus should be on the factories relation with the Future Light Centre, the most affected factories and industrial zones, therefore, it was difficult to find workers from other affected factories to be inclusive. ■

6. KEY FINDINGS

The first wave of Covid epidemic which began in April in Myanmar did not seriously affect workers due to the long Thingyan New Year holiday, however, Socio-economic impacts have been caused by the government's policy policy ambiguity, such as the uncertainty of opening and closing of factories and the deny of dormitories for the majority of workers. Unemployment also increased during the Covid period. Child Labour is on the raise. At the same time, the selected dismissal to union members is on the rise in most factories citing Labour reduction. Factories protesting workers' demands for higher wages and connecting with Labour disputes before Covid period were shut down by giving reason of happening Covid pandemic. There are some factories that run away from payment of compensation. Worst of all, PLA Myanmar garment workers are not being paid their three months' wages, and other factories are currently not paying Labour salaries.

During the Covid 19 outbreak, workers' rights were violated by employers who did not comply with existing Labour laws, such as unilateral order, uncompensated dismissals, and dismissal of union members. Even if workers go on strike due to time consuming, the inability of departments to report violations, the workers are being prosecuted for reasons such as crowds and disaster prevention.

Factories that want to overthrow the union are simply trying to break the rules by mainly on the pretext of Covid 19 pandemic. Workers are more likely to have mutual understanding of the problem in the Factories that really lack raw materials and difficult factories to operate the daily rotation

There is also the issue of mutual benefit between employers and workers, such as mutual understanding between employers and workers by agreeing the prioritizing recalls when reopen, possibility of mutually beneficial compensation or subsidies, the peaceful closure of reputable and trustworthy employers. Otherwise, there is no shortage of raw materials, but if the factories that are laying off workers are working with the intention of overthrowing the union, it makes the strike continue. The most common types of strikes are layoffs, Line appointments, pay cuts, overtime pay, and the non-payment of annual benefits to workers.



Figure 3 A worker in front of the ILO office

Workers protesting for wages and Labour rights have been arrested and fined under various laws, including the peaceful assembly law and Disaster Prevention Law.

During the Covid period, the townships where most of the workers lived were sued for not wearing masks under the Covid prevention Act. Instead of providing information and awareness, arrests are being made and taken to court. There is also a fine of 5,000 MMK kyat. In other townships, similar arrests and detentions have led to repression by the government and authorities to workers. Not all factories are open yet, and there are some factories that are temporarily closed without pay. In some cases, workers are even fired from their jobs when they found out they had even a common illness. There is no health care in factory, even decent protections are not provided enough.

In most factories, as a precautionary measure, the meal time is limited to one hour per serving to limited group. Therefore, it is inconvenient for those who have the last meal to eat late. In addition, previous tea breaks are no longer

allowed. Some factories have changed their daily pay wage employment from the previous monthly wage-based employment. As a result, deductions for bonuses and other benefits were introduced during Kovic tenure. There is no more extral time because of reduced wages. According to Section 5 (h) of the Minimum Wage Law, which is the minimum wage under the Labour Dispute Resolution Law, it is amended every two years on May 14, but it has not been done for more than two years to update. According to Section 5 (h) of the Minimum Wage Law, the minimum wage law should be amended every two years. It has been more than two years since May 14 2020, but so far no action has been taken. The current government and the current parliament do not find a fair way for workers.

There are no separate protection Centres for workers. There was a rule that a factory had to have one nurse, but even the lack of adequate medicine for basic health was exacerbated during the Kovic period. Some factories have large sub-factories and some have dormitories but those factory are not many in industry zones. if the virus is found with patients in the factory, he or she shall be kept in the factory dormitory, and if the virus is found in the ward, the dormitory in the ward is

Figure 4 Workers take a body temperature before entering a factory



lockdowned, but there is no certain support from the government or employers.

Therefore, if there is a union, there are donations. Especially those who come from outside Yangon renting hostels and dormitory in Yangon are facing huge trouble. Workers living in dormitories provided by factories are also being relocated from their factory dormitories to renting dormitories due to layoffs. Police have conducted a series of arrests and prosecutions to Workers who protested during the Covid period announced not to gather and protested in early April.

On the other hand, there are up to 10 infected factories in Yangon Region, but some are allowed to operate those infected factories due to compensation of Labour costs and economic conditions. Although the second wave of Covid has reemerged, factories have not been completely shut down. A statement issued by the Ministry of Health and Sports on September 20, CMP Factory Workshops will be closed from 24 September 2020 to 7 October 2020, however, The Ministry of Labour has not yet issued any specific regulations regarding the payment of salaries. Currently, some workers in some factories in Mingaladon, Dagon Seinkan, Ngwe Pan Lay, Shwepyithar, Shwelinban and Pyinmabin Industrial Zones in Yangon Region have been infected with Covid 19 virus.

For example, a worker at the Chan Yee Shoe Factory which employs more than 8,000 people in the Anawrahta Industrial Zone in Hlaing Tharyar Township was diagnosed with the virus and sprayed the factory with pesticides. Currently, the number of factory workers required to have a quarantine on infected workers is still being considered. About the number of suspiciously infected workers in factory are still under reviewed to bring Quarantine canters. Chan Yi Shoe Factory was the factory that patient No. 144 infected in the first Covid wave in Myanmar. Now, during the second wave of Covid, factories which certain infected Covid virus are popping up every day. Due to Up to six workers infected

©Tint Zaw Htun Sep 2020 <https://www.mmtimes.com/news/worker-yangon-factory-tests-positive-covid-19.html>

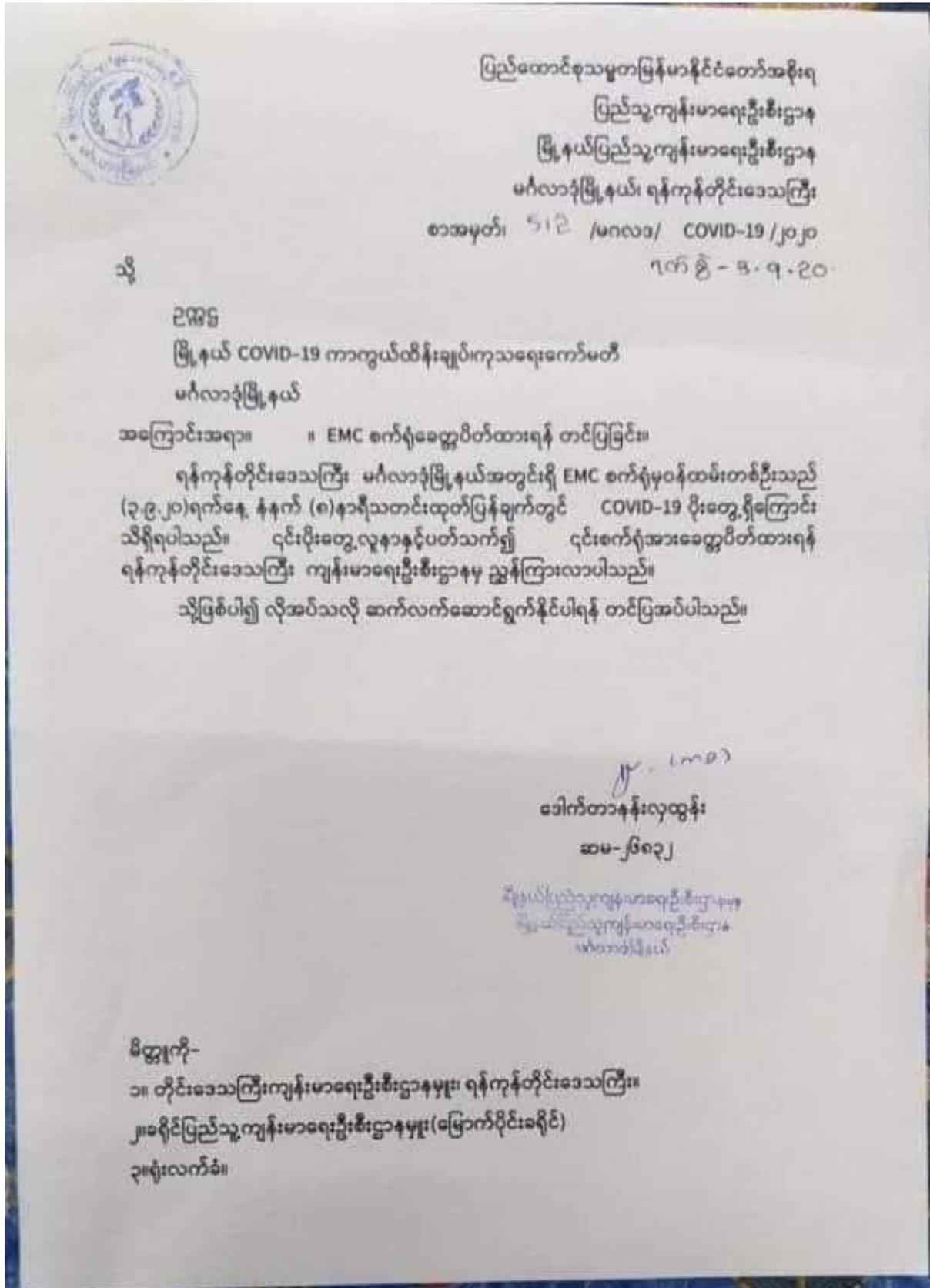


Figure 5 Government orders the closure of factory due to found of Covid virus on September 3 2020

with Covid-19 have been identified, Workers forced to close down The EMC bag factory in Mingaladon Industrial Zone and to provide medical care. At the time of writing report, Lives of workers are waiting for the government to act prevention matter.

. While the factories where the virus is found are reopened, the neighbours of dormitories of the workers' quarters say, "Did not go to the factory and found the virus", but when the workers replied them that it is impossible to get a job in another factory in this time, the neighbour stated "then do not return back here". These conversations are considered to be directly affecting the socio-economic status of the workers and can be considered as ineffective as the actions and controls of the government and the Social Welfare Department, the Ministry of Labour and local orders and mistaken of society response. However, as the Covid epidemic is spreading across the country, this report addresses ground needs and suggests that officials and the public be aware of the current situation of workers. The information contained in this report is a compilation of current worker experiences. ♦



6.1. Research Findings

In this section, the research findings are divided into six sections.

1. Policies
2. working situation
3. union
4. Conflict
5. Special Protected Workers
6. Current Workers and Family Life

120 workers were surveyed and other 20 leaders and stakeholders of unions and labour related associations were also FGD and KII interviewed therefore, total 140 consultations in the study.

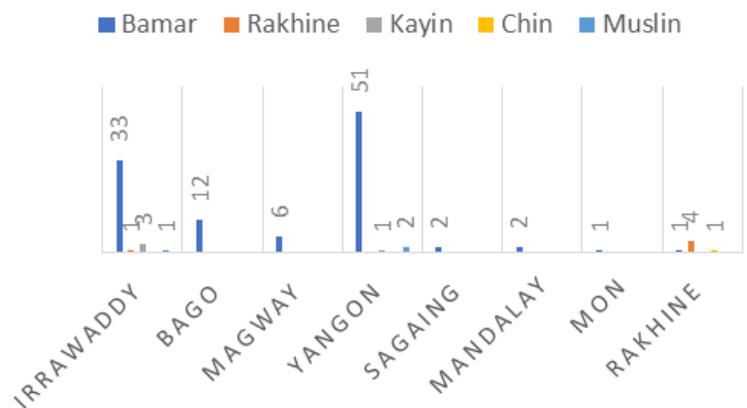
6.1 Demography

This study included 66% of female workers (79) and 34% of male workers (41) in survey. Most of them are ethnically Burma, Rakhine, Karen, Chin and Muslims and migrants from rural areas of Yangon, Irrawaddy, Bago, Magway, Sagaing, Mandalay regions, and Mon State and Rakhine States to various Yangon industrial zones.

Table 1
Percentage of respondents gender



TABLE 2
RESPONSE ETHNICITY AND ORIGINS

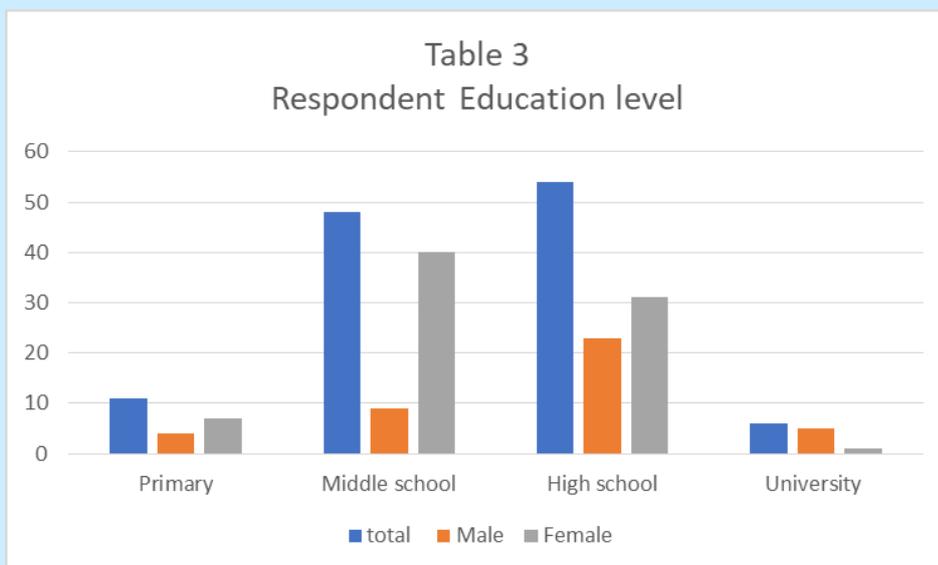


Most people speak Burmese as their common language. Other ethnologically Rakhine, Karen and Chin workers use their respective languages as their mother tongues.

These workers are working or worked as Line Super, Sewing operator, cutting, mechanic, Sales representatives, Line administration, Security, Quality Controller, Store keeper, Driver and helpers of twenty four factories of Hlaing Thar Yar, Shwe Pyi Thar, Mingaladon, South Dagon, North Dagon and Dagon Seikkan industrial zones. (List of factories and townships is attached). Most of the 113 people were employed as permanent employees with Employment contracts, including seven non-EC daily wage workers including five probation workers. Among them most of the respondents were women and between the ages of 20 and 30, of whom 56 were single, 60 were married and 4 were divorced.

In order to make research more effective in qualitative description, 14 labour activists and stakeholders of labour federation unions, factory Labour unions; Civil society organizations, Lawyer were discussed as focus groups and Six were interviewed as Key Informant Interviewers. Certain numbers of Pregnant women workers, homosexual workers, minority members and workers with disability were also inclusively interviewed.

Education levels of respondents varied and according to the current system of education in Myanmar, it is divided into primary, middle, high school and university levels. Some monastic education systems also put into this





category. In terms of education, most of them have completed high and secondary education, and a small percentage have just completed primary and some get university education. Most of the interviewees were currently employment due to Covid pandemic, and according to the data, those who had worked in factories for less than one year were mainly laid off. During the Covid period, union members were increasingly fired and according to interviews, non-union members were less likely to be fired, but more likely to be subject to labour rights violations. Here is the list of loss of labour rights -

- Reduced wages and compensation
- Closing factory doors and forcing workers to work more than before
- Termination of leave and Non-payment of wages
- No previous work privileges, Sunday work and non-overtime payment
- More discrimination at work
- Cautious monitoring through CCTV
- Union members lose equal rights and oppressed
- Subsidise payment Only 10 days off for Thingyan and do not support for other 15 days off of closure
- Continuing to collect 3,000 kyats per month without issuing a smart labour welfare card
- No medical leave

6.2. Thoughts on policies



Figure 6 Labour Office in Hlaingtharya Township

By the earlier announcement of the Ministry of Labour's Proclamation No. 196/2020 by referring Section 31 (b) 2 and Rule 136 (b) of the Social Security Law, government decided to pay 40% of worker basic salary of September 24 to October 7 for the temporary closure of factories of the townships in Yangon region.

During the Kovic period, government policies and statements made for citizens to follow were unclear and difficult for the public to understand comprehensively. In the early times, there were delays due to inability to deliver on time. Labour activists say there have been separate announcements for workers to be protected, but they have failed to carry out effective inspections of factories.

The restrictions are largescale, but not applied in every workplace in every factory. Understandings of policy of workers varies from township to township as there is no set rules that apply to all workers or only to workers from the relevant factory or township. As a special restriction, there are more restraint orders on infected factories. However, most workers feel that the government's operative protection measures are weak in the ground.

There were less protests in the second wave of Covid, and there were more protests in the first wave. In the first wave, issuing of no more than five person gathering in public and night curfew made it difficult for workers to return to work lately or return to work form overtime at night. As a result, the numbers of layoffs in some assigned 24-hour run shifts factories had increased. ■



Figure 7 Workers during the election campaign time

6.2.1 Local orders

The impact of workers due to local orders are because of a lack of communication between the local government and the union government, not clear instruction whether the factories will reopen or not, even when the factory reopens, workers can return from hometown or not, therefore, the factories are doing what they want to please with their interests. Moreover, due to the lack of clear guidelines on whether or not to obtain a health certificate of residency for returnees on 21 April after the long Thingyan holiday make Some were not allowed to return to their dormitories and some were forced to sleep on the streets.

After the Thingyan period, has to go to the quarantine place for 14 days when returning from their hometown to Yangon, one and not all the local or community administration could provide decent certificates whether the quarantine is set or not. The order to close or open the factories was issued lately and the dormitories

difficultly for those who have to go back from work lately or Over time at night.

Unions can no longer hold meetings until late at night after work

Declining factory sales have led to more layoffs

Due to government and local delayed orders, workers are forced to comply without decent preparation.

Arrests of protesters due to curfew orders

Those who returned to the countryside on holiday could not return to Yangon and become laid off

some inconveniences in getting a health certificate.

Due to local orders, Collective bargaining is no longer allowed for Unlawful dismissals and violations of labour rights

Suppressed to demonstrated strike

Fear of being arrested by local order if not wearing a mask and the factory does not provide decent masks

Roads are locked down and transportation is limited.

Ferries are no longer arranged by the employers for the reason local order along with Covid restrictions.

will only allow them to stay with the 14 days of quarantine certificates. Without those certificates, the dormitory will not accept them and some workers will have difficulty finding a place to live and stay. The second wave of recurrences of Covid started in Rakhine state , therefore, it has had a devastating effect on the community of Rakhine and Rakhine workers also were marginalized. While the 2020 general election has begun in the second wave of Covid, despite there has been a politicization campaign for Labour rights to vote for the majority of the workers, workers are currently facing more unfunctional instructions than definite policies. Workers were suffered by local order in Covid time ■

Figure 8; An worker under campaign posters for the election and Rakhine Minister candidates in Yangon at Hlaing Tharyar Township



6.2.2 Labour Policy

There are concerns for workers as well as employers related with Labour policy. There are diverse between those who want industries to run and those who want to shut down due to an infection. However, the lack of accurate information made the decision-making process more difficult. It is as if the work is being carried out without knowing the certainty due to the government information does not flow directly to government staffs currently managing at the grassroots level, employers, workers and trade unions. Since some information and orders are mainly reachable on social media, the requirements for compliance are ambiguous, and even there are some cases that the order issued one day can be revoked the next. Therefore, it is necessary to develop policies that can be followed for a certain period of long time.

Trade unions and civil society groups had been proposing to suspend the opening of factories since the beginning of January, once on March 31, to the relevant government and the prime minister of Yangon region. In early January, workers were laid off for shortage of raw materials. According to a directive issued by the Ministry of Health and Sports on 19 April, the Ministry of Labour, Immigration and Population has ordered the factories to open after the inspection, but there are many factories that have not been vetted yet and opened.

6.2.3. Social Security

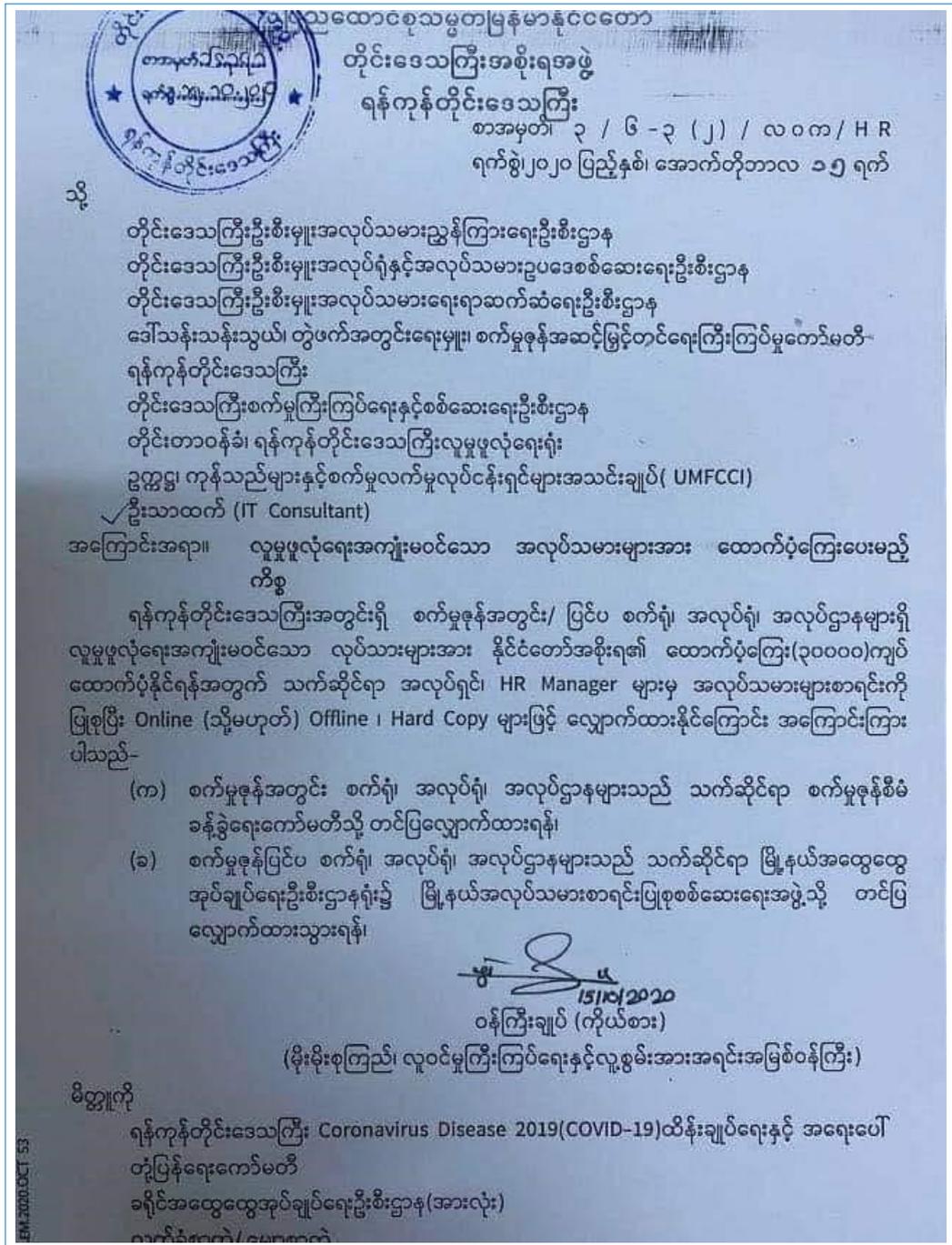
There are also some workers who do not have any social security benefits in Covid said a worker that they do not get the rice, oil, salt and 20,000 kyat per household for the poor by government because of workers are not entitled in the unemployment list. The European Union's providing cash assistance to benefits to those who have lost their jobs in (cutting, making and packaging (CMP) system) garment industries do not reach to all of the workers affected by Covid pandemic but just the union-affiliated workers and who

connections to intermediary agencies have received benefits.

During the Kovic period, government policies caused in wage cuts for workers, Lack of health protection, although government ordered them to stay-at-home home orders and 40 percent of social security salaries have been ordered, some had received only around 20,000 and some never received any support and but they need to go to work. In the first wave, for workers earning only 4,800 kyats a day, it is not

convenient to buy the masks which costed 500 to 800 kyat per one while the local authorities impose fines on those who do not wear masks while The lack of specific instructions for factories to have adequate masks, and the fact that make worker confused policy. During the Kovic period, the government's social security contributions were inadequate in practice, and workers still had difficulty making a living by only receiving social security benefits. ■

Figure 9: regional Administration’s Instruction to provide benefits to workers not covered by so cial security



6.2.4 Collective workers' demands

Trade unions have differences of opinion on Covid situation. Especially, in some township, factories where there union is strong, workers have the right to demand more rights while in other township factories where the union is weak, employers are using Covid to violate the law by ignoring workers' legal rights. Employers are seen as more favourable to the government due to concerns about investment. Filing complaints against employer violations are delayed in labour offices while the immediate arrest and prosecution by using the combination of the Disaster Relief Act and peaceful assembly law become the double whammy for workers.

currently is weak. Despite the reluctance to hold rallies and protests, there are situations where workers' grievances can be resolved by negotiating before the mass rallies, at the present time, government arrests to protect using disaster prevention laws appear government suppressing of workers' rights. During this pandemic, none of unions want to organize gathering and rally intentionally, but due to needs of survivals and employment, however, workers are being blamed and arrested for their protests without having proper solution and needs.

In the case of David La, he was prosecuted for causing of spreading of Covid virus by religious gathering, however, Prosecutions using the Natural Disaster Prevention Policy against workers who have not been dispersion of virus by the mass rallies are unreasonable lawsuits. The court mentioned that those lawsuits was filed in educational manner. Even though it was education period

before the final conclusion, the courts were forced to plead guilty to fines and felt that it was unfair to them.

Because No action has been taken legal prerogatives against employers' failures during the Covid period, workers want the issue to labour tribunal in accordance with the law. However, Workers face difficulty and no decent legal protection to bring lawsuits against employers by denying of government staffs in labour office as well as local courts refer back to labour tribunals.

While the Covid-19 outbreak, many domestic and overseas factories were closed and factories could not deliver on time for abroad orders due to shortage of supplies that lead many workers to get wage delay and laid off. In some factories, a 20% pay cut become problem for workers. An official letter was issued at the factory from September gradually but employers dare to threat that order of restraint shall be issued if the Covid-19 infection spreads again. many cases of blatant violations of Labour laws became through Covid 19 pandemic. Complaints to the relevant Labour office are not effective as well. ■

Figure 10 Workers waiting for ferry transport



6.3. Working conditions during the Covid-19 period

Factories operating during the Covid period were subject to health screenings and orders to provide anti-virus spraying, Hand sanitizer, and masks and unions also provided information through Zoom Meetings, viber and messenger groups. But these preparations are not enough at the factory on the ground. Masks hand sanitizer set is only shown during the inspection and is not taken care of the rest of the time. Even workers complain, there are no retaliation.

Factories issued Covid protection instructions certain level, but the factories were only prepared by the government when the government inspected Covid restrictions such as the 6-foot distance of working place, providing masks and hand sanitizer, however, in the long run it was not convenient and enough. Even though they are separated in the factory, when they take the ferry, it is crowded as usual. However, nobody does better way to take action effectively neither do the Ministry of Labour.

Figure 11 A Myanmar factory site



They complied Covid restriction orders with the issuance of guidelines by the State and after that no one took as sombre arrangements. There is no real action to prevent Covid prevention, mostly just for show. Union leaders mentioned that the cooperation between the Ministry of Health and the Ministry of Labour was also very threadbare. Workers point out that the government has allowed the reopening of factories that meet the regulations, but actually they have not fully complied with the regulations.

While worker mentioned to employers about lack of MOHS regulations in Factories, they replied that it is difficult to follow exactly

guidelines of MOHS. Toilets and dining halls are not properly maintained. Therefore, Workers also find it difficult to follow MOHS guideline. Working in a factory, they have to buy masks themselves. Later clothed masks are cheaper, more durable and washable that make worker become reachable to wear. The ferry was crowded as usual. There was photographic evidence to sue the employer for suppression and lack of guidelines of MOHS in the workplace but no action was taken. There iare no separate canters for workers to prevent infectious diseases. labour law mentioned that in each factory that requires a nurse, but it is not enforced on the ground.

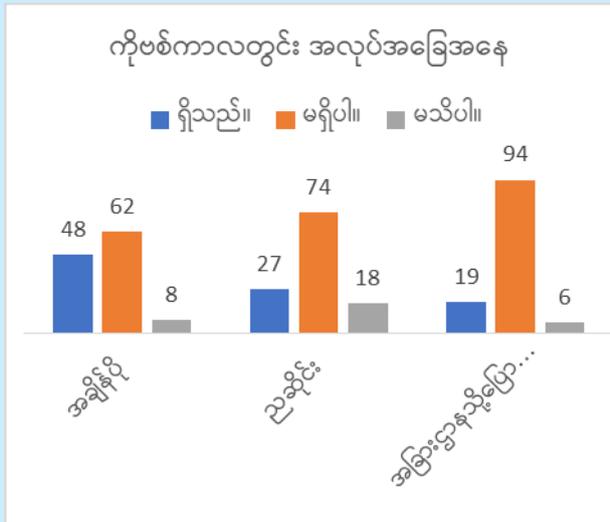


Table 5, working hours during Kovic period



Table 6, Overtime during Kovic period

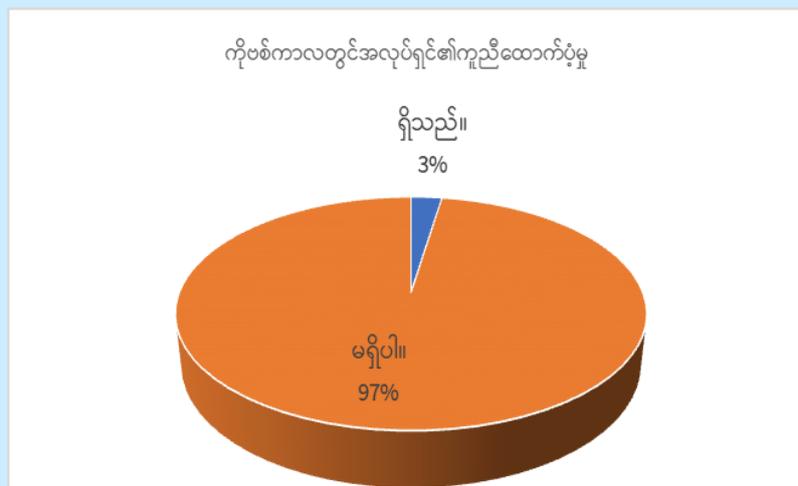


Table 7 Employer support

About 40 percent of respondents said that overtime in weekends is still as usual during the Covid period and late return for work, laid off of night shift or forced to reposition in factory. In some factories, workers are still considered to be working overtime due to Forty-eight percent of respondents said they were still working overtime, among them, 21 percent said they were working 15 to 29 hours a

week, and 21 percent were working more than 12 hours a week. When workers deny the overtime call, the employers conduct extra OT and benefits fee to the salary, Pay cuts, 5,000 deductions for absentee, 15,000 deductions for more than two day absentee, force to sign a warning letter, hourly deduction, laid off and threats of dismissal.

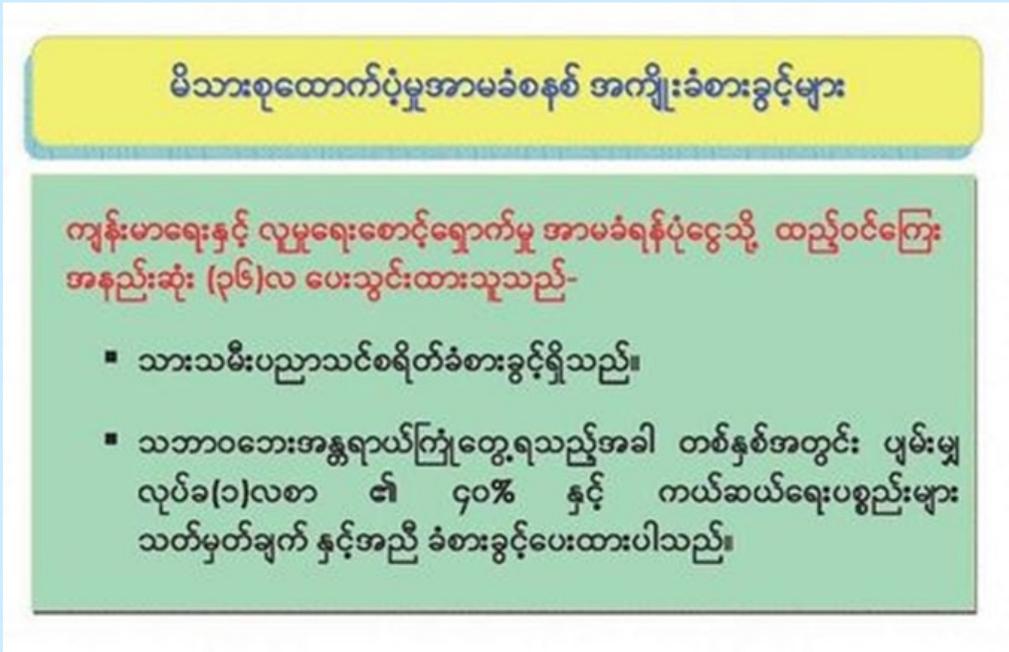


Figure 12 Family benefits under the social security system

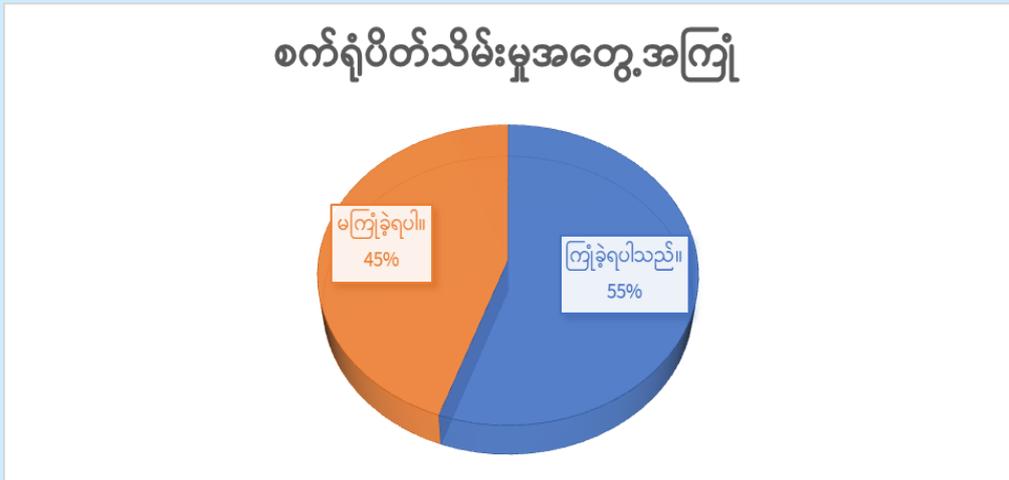


Table 8, Factory closure experience

During the Covid-19 period, 3 percentage of respondents replied that they access employers' contribution, DICE factory provided five bags of rice 50 ounces of oil, and in the first wave of the Chan Yi factory, the employer contributed 20 percent along with the government's social security contribution of 40 percent. The rest of the factories did not receive any support from their employers during the Covid period.

Fifty-five Percentage of those respondents said they were unemployed due to the closure of the factory. At present, the closure of the factory and the dismissal of the employer are being addressed as follows.

Suing an employer for not paying wages, The factory was cordoned off and protested, Negotiation between employer and workers, Giving up rights and wages, access minimum Compensation, Complaining to the

relevant government offices, Complaints have been lodged to the EU and higher authorities to get them back to work, Submission complaint letters to Yangon Chief Minister, Complaints to civil society organizations and federal labour unions, Complaining to the NLD party office, Lack of full compensation, Struggling to find work, Jobs were unavailable during the Covid period, workers were forced to live in poverty, Inability to pay hostel rent, Being evicted from the hostel, anxiety about being sued and arrest at any time and so on.

Return to work varies from factory to factory. However, according to the data, the estimate workers who coming back to work after April long holiday was roughly two-third of workers. Rest did not return to the area due to travel inconveniences and uncertainties about whether factories would reopen or not.

Respondents said that despite the Covid epidemic, the reason they wanted to return to work was because of struggling to make ends meet. "Some of them have been working in this factory since the beginning, so they want to work in the

Table 9; Barriers to re-employment

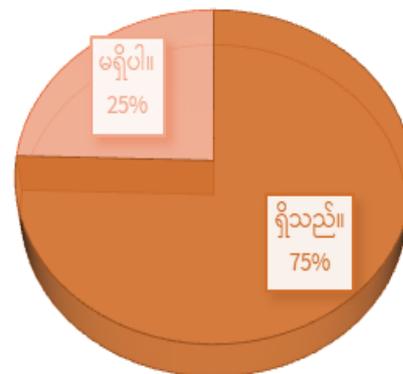
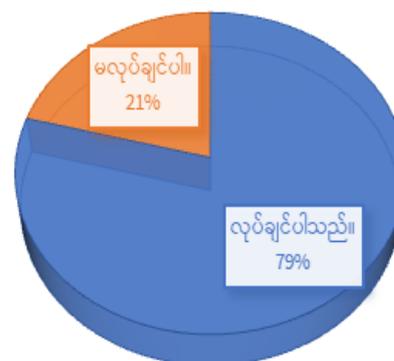


Table 10 The desire to return to work



same factory again. During the Covid period, it was impossible to find a job in the current position," a worker said. There are other reasons such as unable to work in large export factories, good salary, Familiar with the workplace and factory machinery, unacceptance the injustice of being fired, more convenient, uneasy to find good job, disadvantages of coming from the countryside, close to home, Convenient with colleagues, want to work in conversant work, continue to work to prevent future union members from doing the fires, acquainted experience in current factory, existence of the Union and WCC which can bring solutions, to reorganize the union, to claim damages for other. working for a long time, comfortable with the line leader and so on.

The difficulties encountered in returning to work from the rural area of origin after the Thingyan period include the difficulty of renting a car, the difficulty of obtaining a letter of health recommendation and some of the hostels not accepting them back.

Figure 13 Coordinating with protesting workers



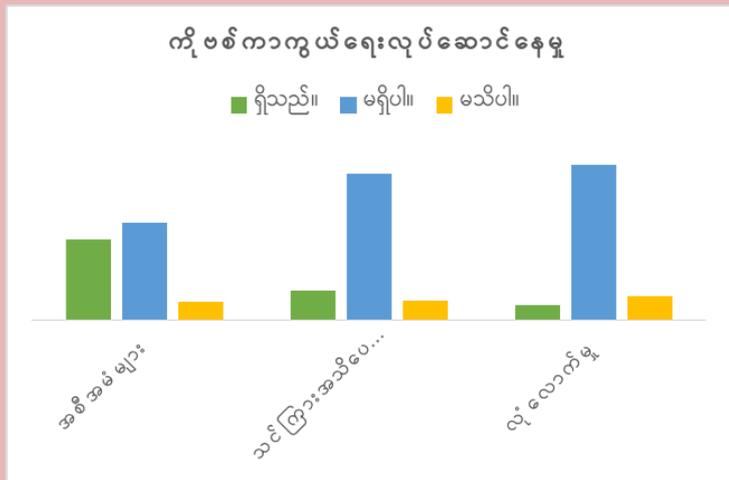


Table 11 Covid protection action inside the factory

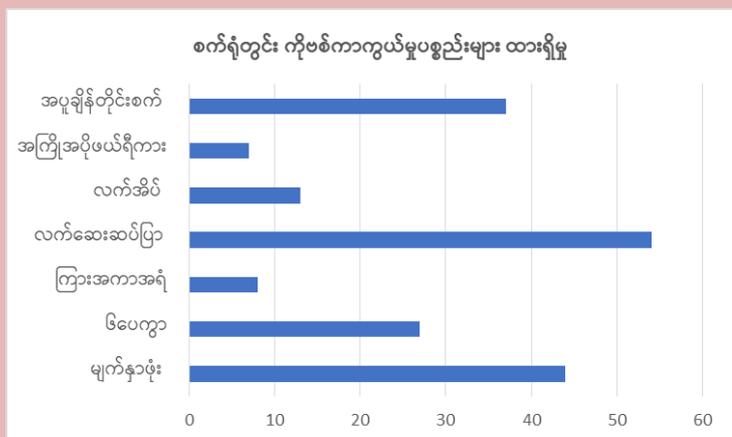


Table 12 Accessibility of Covid protection Inside the factory

In addition, when asked about the plans and training for Covid protection in the factories, whether there are any Covid protection devices.

About the factories which equipped with Covid protection, 37 respondents replied that there were accessible of more than 50 percent hand sanitizers, Thirty-seven accessed a thermometer and 45 respondents for masks. The responses numbers of barrier among workers and ferry arrangement is negligible.

Workers who answered that they have been trained or informed to protect Covid pandemic get that knowledge through line super, Government health workers, prerecording about Covid prevention, sharing at assembly, and informed UpToDate Covid infection.

Respondents who replied no protection against Kovic disease as follows:



- ◇ no decent Mask & Hand Gel sanitizers in the factory
- ◇ Non-compliance by employers, Working no far 6 feet apart each other
- ◇ Not even a foot apart during working
- ◇ Insufficient hand basins
- ◇ Mixing hand gels with plenty of water
- ◇ For More than 1,300 workers have only three fingerprint scanners and use thumb-prints for all
- ◇ Lack of barrier protection
- ◇ Insufficient medicine in the factory medicine box
- ◇ Factory officials did not respond to Covid' suggestions of Workers
- ◇ Almost 50 people on board per a ferry
- ◇ Hand-Gel sanitizers and Mask kept and showed only at the time of inspection and taken back when they return

In the workplace

- ⇒ Compulsory to take one day on and off work and not paid for the day off.
- ⇒ Some factories no longer have Over time
- ⇒ Tightening of disciplines
- ⇒ After collective bargaining, the factory was shut down until further notice
- ⇒ Lack of proper hand basins in factories
- ⇒ Working no far 3 to 6 feet apart and in meeting time, as crowds as usual
- ⇒ only two masks per month, and provided only two months
- ⇒ 6 feet away only the time of the government inspection
- ⇒ relocated or reposition to other factories
- ⇒ two to three meal times shifts, some get delayed lunch
- ⇒ ယခင်လို ကြား မုန့်စားချိန် မပေးတော့ခြင်း၊
- ⇒ reduced working hours impact reduced wages
- ⇒ Cutting male allowance in some factories
- ⇒ Many old workers of unions have been fired and new ones have been hired
- ⇒ Renewing employer-employee agreements without concerns of workers
- ⇒ asked to do the cleaning and not to open the factory
- ⇒ workers in protest assigned to hard works and those who returned were paid only half a day's wages
- ⇒ pregnancy women are forbit to come factory and subsequent dismissal
- ⇒ Ferries are not properly arranged
- ⇒ Due to the layoffs in the factories, the salary was good before Thingyan, but now the salary is lower and the annual bonus is no longer paid



Figure 15 receiving monthly salary and one month's severance pay

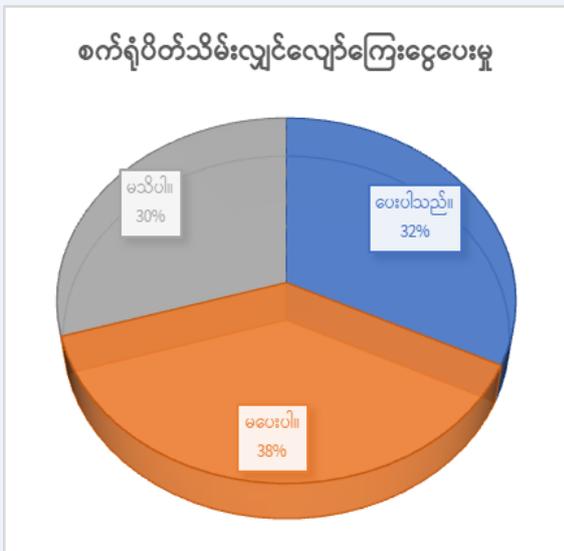


Table 13 Receipt of factory closure compensation

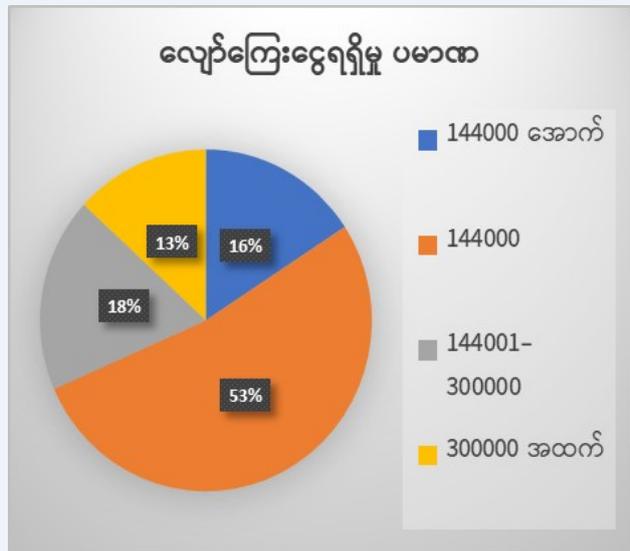


Table 14 Amount of compensation of respondent

During the Covid period, only 32 per cent of workers who were fired from factories were paid compensation, while The remaining 38% said they did not receive it and 30% said they did not know to get compensation. Therefore, we noticed that more than two-

thirds of workers were laid off without any compensation or benefits. More than half of the compensation was paid at a minimum wage of 144,000 kyats a month, and 16 percent received less than 100,000 kyats in compensation as charity supports. Only 21 percent get more than

the minimum wage or received compensation according to laws.

In addition, those who continue to work in factories are worried that their employers spread rumours of layoffs if they do not get the raw materials or protest and suffered from stress, Poor workplace conditions in the factory, buying masks themselves to work, the change of factory manager and reopening with a new name, annual salary raise deduction, No more surcharges, No pay for holidays, the lack of ferry and other Covid protection measures and also workers was forced to work harder than before.

Therefore, the workers want to get regular jobs in the workplace as before, even though it is the Covid period. To do so, workers want workers to be provided with direct support by social welfare at the factory. There are those who need to national ID care because they have difficulty to legal list for work, and there are those who do not have workers' social security because they do not have NRC card. They want a full basic salary, adequate mask, Hostel Assistance or cash to pay rent. For sued workers needs lawyers. Union leaders also need to be reinstated to protest the strike. There are essential to re-employ the protesting workers and union leaders. Workers would like to have enough mask, hand gel and hand soap in the factory. In order to do so, the authorities need to ensure that factories are more vigilant in Covid protection and Labour laws. Workers want to be hired as permanent employees because of denial of compensation when laid off. ■



6.3. Existence of Labour Union

Each basic labour organization may elect at least two workers' representatives (Article 3 of the Labour Dispute Resolution Law). Therefore, the number of workers' representatives on the Labour Coordinating Committee will vary depending on the number of Labour unions in the workplace. Article 4 of the Labour Dispute Resolution Law 2012 states that if all workers in the Labour Department are

members of the basic labour union, even though more than 50% of the total labour force is a member of that basic labour organization, the labour union will elect two workers' representatives to the Labour Coordinating Committee. However, during the COVID period, it is found that only union members were fired. The list of expelled union leaders has been blacklisted by employers, and informed to other



Image 16: Workers hand out hand sanitizers to workers at work

employers not to get employed. In terms of blacklists, if protesters are union members and they get blacklisted and have even been shown photos of themselves in other factories. It is learned that some photos of the protest workers were taken and distributed among the factory owners. A member of the union who came out to claim compensation said, "Some of our pictures are posted on whiteboards on staff matters."

As a result, more and more qualified union leaders are being lost during the COVID period, and unions are falling apart as fewer people dare to act as union leaders. As union-led protests continue to fail, there is a growing fear of membership and reliance on unions. The government and the employers are increasingly oppressive. The existence of unions is uncertain because the tribunal does not protect union members. As a result, trade unions disintegrated. There are also cases of deliberate

demolition. Some think it is a coincidence. However, there is evidence that the demolition was intentional.

The union workers dare not to speak out or protest as their fear of being fired. During the COVID period, jobs were scarce, and more and more people were subjected to oppression, as they had to return to the village by collecting their belongings when they lost their jobs. This report also protects their names from being identified.

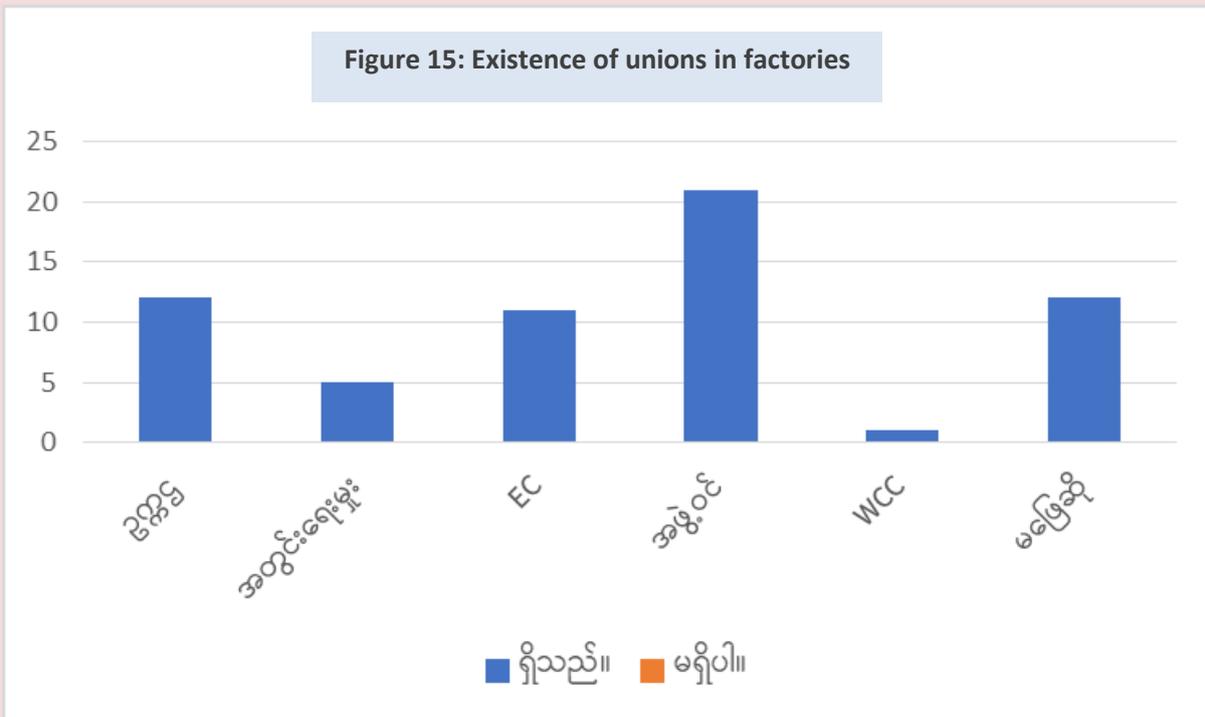
Union leaders face also threats and stabbings. Some employers also have workers beaten. However, the complaint was not effective.

During the COVID period, almost all the workers faced difficulties. Rights are increasingly being violated. For such situations, there have been layoffs of the union members and labour leaders who are now demanding

labour rights and rights are being oppressed by their employers. Workers have relied on the government for help, but few have sided with them.

The unions are doing their best to help with the relief effort. There have been sharing information with unions in collaboration with civil society; COVID protective equipment; community food donations; distribution of PPE uniforms, hand gels and masks. It is found that they are involved in matters such as spraying drugs. During the COVID period, some organizations collaborated to provide financial assistance, a small investment of 500,000 to 100,000 for small-scale tailoring who have lost their jobs, tailoring training and the supply of rice, oil and salt. There are cycling training. There were helping workers who want to start a small business by providing interest-free loans.

Save the Children and the EU also



provide funding. Some provide medical supplies; hand gel / mask support; Thone Pan Hla group provides support for pregnant women. For the needy workers, various labour organizations receive funding from the EU and LIFT to provide COVID awareness. However, the recipients are not all the workers from factories as it covered only to those who joined labour unions or organizations who work for Labour rights and those who have labour union in their factory. As it was arranged without the support by the Ministry of Labour, it was not that effective and inclusive as it was planned.

According to the government statement of less than 30 people were allowed to gather, the employer called for the General Administration Office and police department to arrest if more than 10 workers were gathered to protest.

Though the safety and security of the

workers had not been addressed, there also has been a crackdown in the workplace. Worker had been followed by someone hired by the employer, and photographs were taken at office meetings, most commonly at the Myanmar Royal Apollo. However, in the current situation, when there are not enough supporters, there are cases where labour workers are also included in the lawsuit. It is found that there were increasingly failing to take effective action by the authorities reported by the officials from other labour unions, including the relevant labour unions. At the same time, many factories did not provide the required benefits set during the COVID period.

Among the respondents, 61 said there was a union in the factory, and more than half of the factories had unions. Half of those who said they had a union and they were also in charge of the union, 30 percent were members and about 20 percent were non-members.

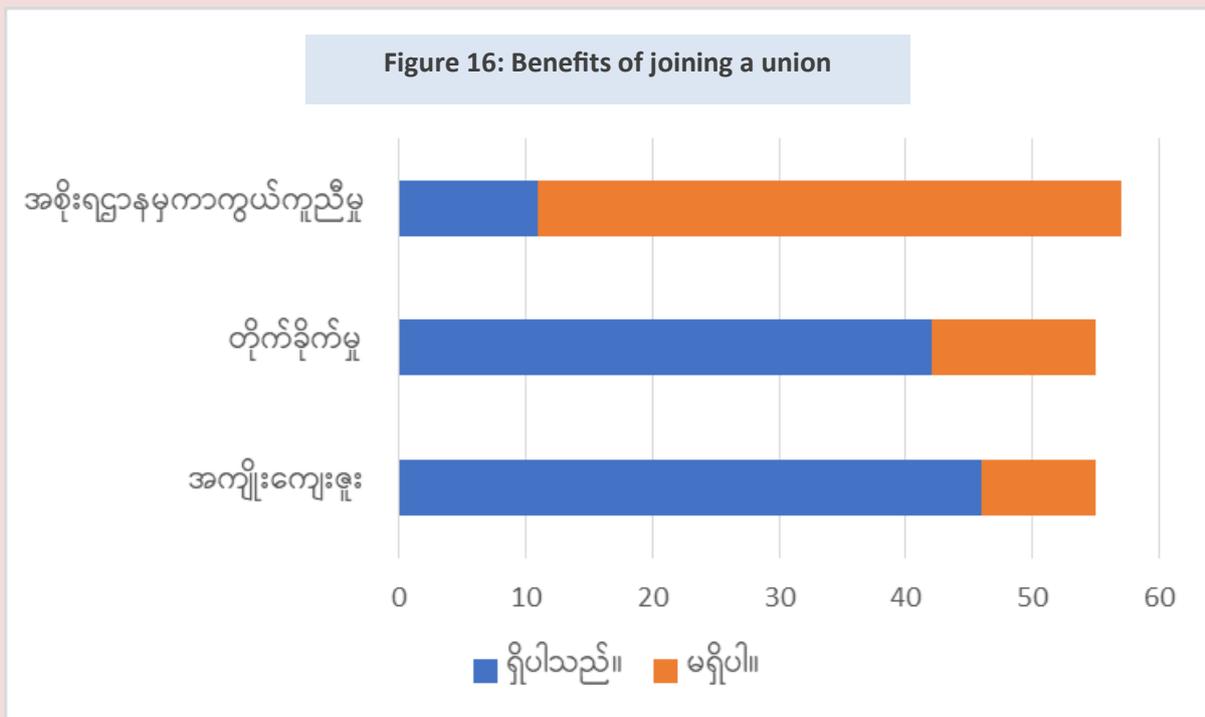




Image 17: Awareness raising of COVID-19 in the factory

The majority of the respondents said there were benefits to being a union member and on the other hand, they were significantly more likely to be attacked by their employers. About 80 percent of those who said there is no government protections for established labours unions and union members. Therefore, it can be assumed that there was a lack of cooperation between the government and unions and the mutual trust is considered low.

The following are some of the most common ways in which respondents describe the benefits of having a labour union:

- ◇ Claiming labours' right
- ◇ Arranging hand soap
- ◇ 8 days off per month and negotiation for salary cut-off
- ◇ EU subsidy
- ◇ Ferry inconveniences
- ◇ Union members pay 2000/3000 to imprisoned leaders
- ◇ Complaint of non-compliance by the factory with MOHS statements
- ◇ 30,000-kyat loan
- ◇ Arranging to get a job

- ◇ Support for pregnant women
- ◇ Distribution of rice, Distribution of masks
- ◇ Advocating not to ask workers do irrelevant work
- ◇ Arranging to get daily fee
- ◇ Helping in case of funeral
- ◇ Helping with medical leave and social security
- ◇ Full pay to daily workers
- ◇ Assisting in case of childbirth

But on the other hand, being a member of a union has other disadvantages for union members and more rules are being increased.

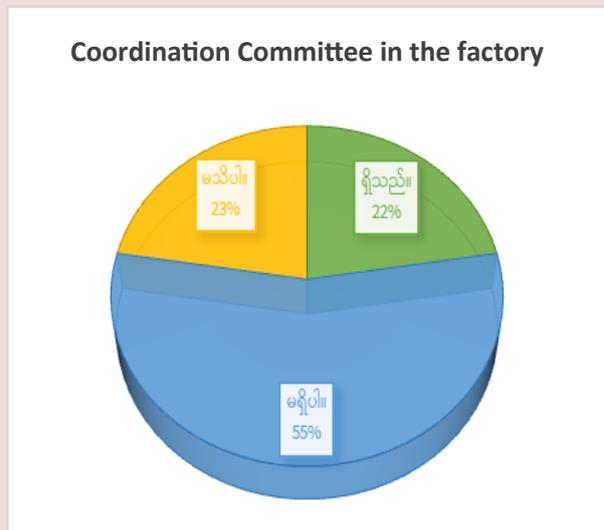
- * Encouraged to damage the relationship with All Super, Super
- * Abusive insults from a supervisor
- * Threatened to fire if not staying silent
- * The workers involved in the demands were not allowed to come to the factory
- * Frequent arguments with supervisors and point changes
- * Once a labour union is formed, it is threatened and attacked
- * Asking to standing all day without being asked to work
- * Giving pressure to ECs and attacks
- * Oppression
- * Not allowed to go out
- * Blacklisting and sending that list to other factories
- * Dismissal of union members by giving a reason of reduction
- * In order to be fired before the union is registered, the manager must follow up on who is joining the union
- * Always being monitored
- * No more overtime calls, Discrimination

THE LIFE STRUGGLES OF LABORS DURING THE COVID 19 EPIDEMIC

- * If being fired, it is arranged not to get a job at another factory
- * Reassigned to another Line
- * Forced confession for no apparent reason
- * Assigning more work to do (tailoring more clothes)
- * Always being blamed in the meeting
- * Being promoted and deliberately damaged the relationship among workers
- * Demanding more work to do
- * Prohibited from collection union contributions
- * Placed in hard-to-reach Points places
- * Persecution

The responses from the respondents who said they received government protections are as follow:

While forming a labour union, the worker who was elected as a chairman was fired without the employer’s notifying, it had been arranged to re-appoint that worker. There is also encouragement and engagement such as advocating for the right to freedom of association; providing 20,000 kyats, rice and oil by the community leader; negotiating by the government; negotiations for reinstatement and assurance of compliance, requesting directly to the employer to follow the rules and guidelines.



THE CALL OF COVID

During the COVID period, more than half of the respondents answered 58% of collective requests. Fifty-five percent said there was no coordinating committee in a factory without a union, and 23 percent said they did not know. With only 22 percent of respondents saying yes, the implementation of the directive to have a legal employer-employee coordination committee in factories was weak.

Therefore, when the factories which has no union and coordinating committee are asked how they deal with workplace problems, the responses are consulting with labour leaders and negotiating with the employer first and reporting direct complaints to departments; and protesting outside; settlement by collective demand of workers; super, leader group gathering workers and submitting to the employer; speaking through the manager and

also speaking through an interpreter, reporting difficulties to HR; and other organizations such as Fulture Light Centre; Action Labour Rights; CTUM STUM; We Generation; They responded that they also asked the unions and other labour organizations for help.

There are people who are legally helping labour issues. However, in the current COVID period, not all cases have been fully protected. Though, there are helpers and hired lawyers, but few are competent in labour law. Some lawyers find that they do not understand the labour law as much as most people who are working for Labour rights do. There are also arrangements such as hiring lawyers for arrested workers by labour organizations and bail release. Even if necessary, it is arranged to coordinate with the employer and the government.

Image 18: Workers going to work doing COVID



Currently, unions are not able to hold meetings. Fundraising has also been suspended. The arrested workers are supported by CSOs, Federations and political parties. Many of these groups provide assistance. Despite government assistance, the relevant ministries, departments do not provide direct assistance to workers.

Arrested workers are often re-employed by their employers under pressure from international aid groups through brands. For example, in the Burmese factory that the researcher had to accompany during the COVID period, the Korean Embassy and the international brand companies such as Zara, Mango, Adidas, Adidas, put pressure on the factory owner to re-employ seven of the Burmese union leaders, before re-appointing three of the seven workers were being compensated, and also re-appointing most of the 79 workers who are mostly union members. While the researcher was at the Korean embassy, it was found that the owner was more willing to negotiate with the Burmese government than the original embassy, and therefore, it could be assumed that the labour offices in Burma were favouring factory owners.

Currently, leaflets have been distributed by labour organizations since the first wave of COVID. There are factories that welcome workers and there are factories that are not welcoming and that are bothering the workers because the workers took the leaflets. There was some oppression by giving a reason of COVID-19. Although other organizations, such as political parties, have also provided workers assistance, but representatives from the ruling party have been unable to go beyond the party's framework and have been less cooperative with unions. Other parties are pursuing labour policies, but there is a lack of understanding of labour issues. There are very few political parties that work closely with labour unions. ■

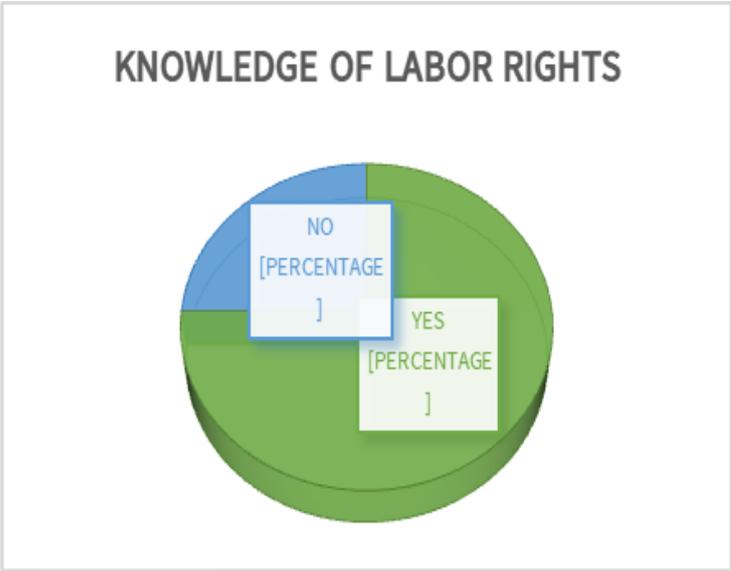


Figure 19: A pie-chart to show the percentage of workers who know about Labour Rights



Image 19: An image of Labours' demonstration during COVID-19

6.4. Facing civil charges

During COVID-19, workers are going on a demonstration in order to receive wage, to prevent unpaid or unfair dismissal and employee fleeing as well as to protest the government's delay in intervening in the factory auction.

While the factories are not complying with the guidelines of the Ministry of Health and Sports, only workers are being prosecuted for demanding to comply with the COVID preventive measures guidelines. Workers are being jailed overnight for that with the reason that their demonstration violated the rules during COVID-19. However, it is unfair to question whether only the workers are violating the rules of COVID_19 or not the employers.

In particular, there is no arrangement of social distancing to be 6 feet apart, and failure to provide hand-washing, hand sanitizers, etc. There is also no support to provide safe commute to and from their home to their work. It is found out that some infected workers and the factories have not been intervened by the government officials.

While the workers were being asked whether they know about Labour Rights, the majority of the participants (75%) acknowledged that they know about their rights. Those 75% percentage of participants elaborated what they know about Labour Rights as follow:

- Minimum wage
- Maternal leave
- Leave according to work experience
- Gazette holidays
- Medical leave
- Leave
- The decision to take over-time
- Service leave
- Annual benefit
- Social welfare fees
- 10 days paid leave per year
- Casual leave
- Funeral leave
- Salary and Benefit
- To have a Labour union in each factory
- To have Myanmar New Year (Thingyan) bonus
- Regular attendance fees
- Annual leave and benefit
- To have employment contract after 3-month probation
- To become a permanent staff after 3-month
- Freedom of speech
- 8-hour working hours a day
- No forced Labours
- Eligibility for severance pay
- Ferry arrangement during COVID-19
- To have employer-employee negotiation

While the wo
employers during COV

- ◆ Labours demonstration for factory shutdown, disputes over non-payment of severance pay and wages
- ◆ Irregular work operation
- ◆ Layoffs
- ◆ The employer and the employee are facing a lawsuit over the last salary, the employer does not pay according to the law
- ◆ Wage reduction
- ◆ Problems with dismissal
- ◆ Social Security has 11 days to pay, but receive only for 5 days
- ◆ No Thingyan bonus and over-time fees
- ◆ Receive payment for only 4 working days while working for 10 days during COVID-19
- ◆ No payment for 10-Thingyan holidays
- ◆ Dismiss if not wearing mask
- ◆ Reduction of manpower
- ◆ Dismissal of union members, mainly due to COVID
- ◆ Some factories have ferry inconveniences and some factories have no ferry arrangements at all
- ◆ The employer ran away
- ◆ Warning for no reason
- ◆ Call overtime continuously
- ◆ Taking leave in advance is not allowed
- ◆ No health insurance
- ◆ Dispute over employer's failure to provide adequate COVID protection

- ◆ Problems happened because of claiming salary
- ◆ The employer did not approve of the distribution of COVID protection information leaflets and planned to fire those persons
- ◆ Dismissal due to demands
- ◆ Dismissal due to forming Labour union
- ◆ Dismissal of workers with less than 3-month experience
- ◆ Disputes over dismissal and wage
- ◆ Threatened to be fired if workers return later than the deadline
- ◆ No overtime payment
- ◆ No employment contract for employees with more than one-year experience
- ◆ Arrest
- ◆ Deduction of daily wages for COVID close days
- ◆ In some factories, a manager posted a message on social media (Facebook) asking employees to sign a statement advocating for dismissal and charged with 66 (D)
- ◆ Collectively demanding overtime payment for overdue overtime working hours
- ◆ There are too many people in the dormitories.
- ◆ Mask and hand-gel, wash basins were requested but not provided
- ◆ Workers are not allowed to go back their home out of Yangon and they will be fired if they go back.
- ◆ Firing workers who late for work
- ◆ Working on public holidays
- ◆ Illegal acts

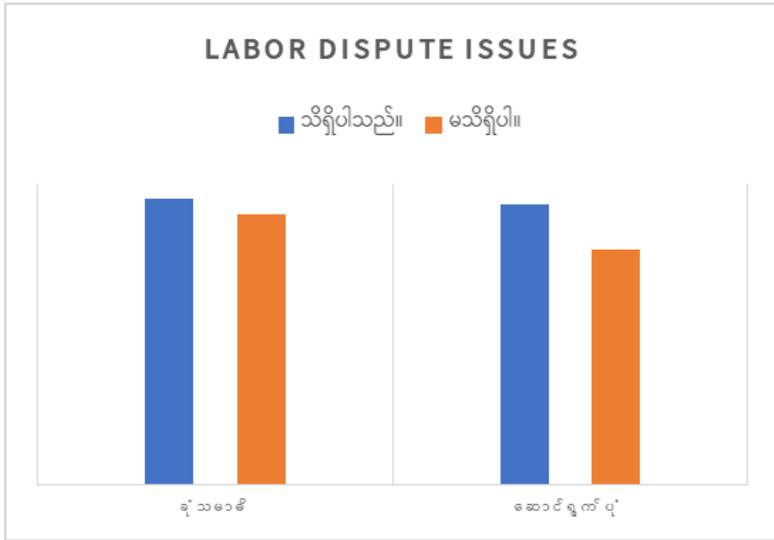


Figure 20: A bar graph to show the data of acknowledgement of Labour Dispute Issues

The participating workers were being asked if above rights are violated, and if they knew how to resolve Labour disputes, it is found that only half said they acknowledged, and the other half said they could resolve them through arbitration.

Image 20: Workers gathering to demand in front of Yagon region Hluttaw



MPA

As a result of those solutions:

- * Assisted permanent staff with more than one-year experience in signing EC contracts
- * Confirmed when to get compensation
- * More compensation due to negotiate with employer
- * Returned to work due to Factory Company Brand
- * Getting back to work and other benefits
- * Got supply of bean and oil
- * By the support and help of other organizations, it is managed to solve in a short time

There are also consequences of those solutions

- * Prosecution
- * Have to go to the appointments often and do not get paid during those and have difficulty finding another job
- * Dismissal
- * Blamed by others for closing the factory, even though it was done for the benefit of many

- * Hate speech
- * Only appointments are given
- * There are dismissals with compensation
- * No solution from the employer
- * Factory closure
- * Complaints were lodged with the relevant government offices, but to no avail
- * Lack of solution
- * Workers made an attempt to file a lawsuit but only the employer filed a lawsuit
- * Get unemployment
- * Discrimination among workers
- * Imprisonment
- * Unemployment of Labour leader
- * Being blacklisted
- * After being blacklisted and charged, those workers no longer apply for a job in any factory

According to Article 27 of the Occupational Safety and Health Law, the workers can complain if get fired; get demoted; and also have the right to complain without having to be relocated.

However, All Me Garment Factory in Hlaing Tharyar Township; complaints were filed in April for operating without permission at the Gallent Ocean Refrigeration plant, however, till now no action has been taken against the factory officials. An employee who photographed and the assistant who if from the

Generation Network been charged under Section 66 (d).

Workers have complained to the relevant government departments about the lack of pay in garment factories. However, those complaints are not being resolved and the union members who participated have been fired. Arbitration Even if the arbitral tribunal decides to grant workers' rights, employers will not be able to do so. It is found that non-compliance with the decisions of the Arbitration Council and weak compliance.

When workers have no choice but to collect their grievances, and gather and demands, administrative action is being taken under the Natural Disaster Prevention section and other sections on the grounds of crowds.

The employers closed the factory but did not close it in accordance with the law, leaving the workers without any legal benefits. Compensation only (for example, last salary + one-month salary); There are problems that cannot be negotiated even with a basic salary of 4,800 kyats. As a result, union members were fired. Moreover, workers who had difficulty returning from the countryside due to the COVID-19 restrictions were fired. Arrangements

are being made to prevent mass protests by using the card system to pay salaries.

Many of these inconveniences have led to a series of Labour disputes that have led to a series of lawsuits against workers under natural disaster protection clause. Therefore, it is assumed that not only can the courts and Labour offices fail to address workers' grievances fairly, but they also cause crowds.

The workers who are being sued are insured because they are insured sections, but they are still facing legal action. Getting a lawyer for them become a burden in the long run, and the law has been viewed as unfair to them.

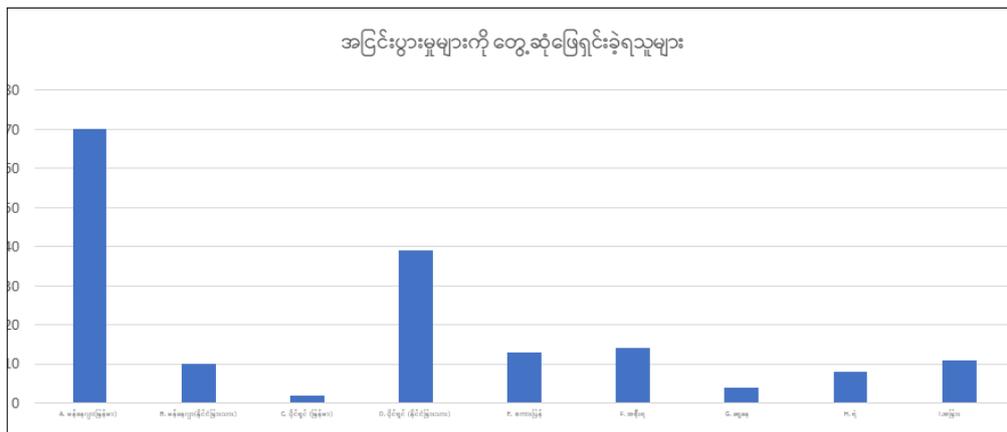


Figure 21: A bar graph to show the data of types of Employers' mediators in employer-employee disputes

The supportive persons for employers are the Myanmar national managers involved in resolving the disputes. The government and interpreters are also involved.

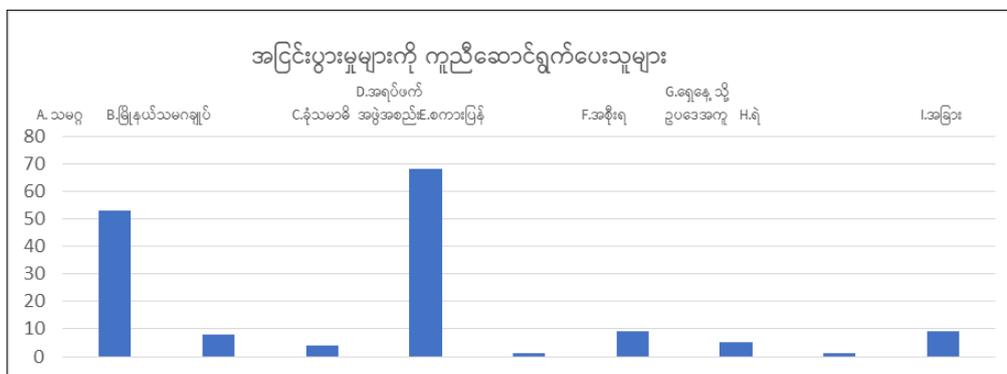


Figure 22: A bar graph to show the data of types of persons who provide support to the employers' side in employer-employee disputes

On the other hand, civil society organizations often provide assistance, and in factories where there is a union, the union is led by the union. It is found that there is limited to get arbitration, and the assistance of government departments and lawyers.

During COVID, workers were sued by their employers and government departments with the following charges:

- Department of Labour Relations sued workers under Section 15 of Disaster Prevention
- Being charged under sections 341, 353, 427 and 411
- The employer is suing under Section 47
- Prosecution of a local order violation (mob)
- Prosecution under section 30 (a), section 341
- Those who helped were sued under Section 188
- Defamation on social media under Article 66 (D)

As a result of these lawsuits, workers face many difficulties such as:

- Have to go the appointments and get no payment on those days
- Unable to find a new job
- Still facing a court case
- No appointment has been made yet
- Being imprisoned for one month
- Concerned for being arrested because of the charges
- Having difficulty finding food and shelter
- Labour leaders got sued

Employees of the Ministry of Labour have been barred from filing lawsuits against workers for violating their Labour rights during the COVID situations. The requests for compulsory action are accepted, but delays are being made and reluctant to comply with the law for the complaints of Labours according to the Labour rights. It is also found that workers are being fired before a claim can be resolved and while complaining to the relevant department about dismissal without compensation. The employer sues the complainant workers. Some factories have been shut down

and reopened with new workers. There is also a shortage of legal professionals (lawyers) who can specialize in Labour issues.

For example, in a factory with more than 700 workers, up to six appointments were made for workers to pay their wages, but the Ministry of Labour did not take any action for the absence of employer, however, workers are being warned unfairly if all of them did not show up at the appointments.

During the Blue Diamond factory incident in Dagon Seikkan Township, the Ministry of Labour and the employer filed a lawsuit against the protesting workers and sentenced them to imprisonment, and also union leaders are suffered intimidation and physical beatings.

At present, there are 12 cases between workers and employers in Dagon Seikkan Township alone, and they are facing unresolved issues. Some workers have filed lawsuits against their employers. There are also lawsuits filed by the Ministry of Labour. Workers are finding it difficult to pay for litigation; Due to the difficulty of obtaining legal services, some cases are no longer able to cope, and it is found that cases have been settled though workers tried for their legal rights and interests

During the COVID-19, the workers were being arrested as they gathered for demonstration and also in the protest camps. They were immediately charged and sentenced in court.

Access to legal protection does not guarantee full access to workers. This is because even the donor organizations themselves still need to be qualified, also need to have judicial experience; and have difficulty to recruit legal counsel; the lack of skilled Labour law enforcement. Therefore, it is not possible for

workers to have a fair judiciary.

It is also found there were new and unusual cases of prosecution. Previous lawsuits were usually filed by employers, but now Ministry of Labour officials are prosecuting workers using natural disaster prevention clauses. Instead of resolving the issues that can be resolved through negotiation, the employers should be encouraged to choose the course of litigation.

The study found that Labour law enforcement agencies lacked an understanding of Labour laws and a strong emphasis on human rights approaches, which reduced their ability to provide effective assistance to workers. Therefore, there is a need of lawyers who prioritize the protection of Labour rights.

Although there are legal aid groups assisting with human rights abuses, there is no separate legal aid group for Labour. Workers can not afford to hire a law firm too.

Workers were not paid at the Myanmar Royal Apollo plant in Shwepyithar Township as some collective demands of workers continued during the COVID situations and the employers run away. Therefore, workers gathered and demanded to the Yangon Region government office and the Chinese embassy. Therefore, officials eventually auctioned off the remaining materials at the factory and cleared the workers' wages. Workers receive only 60% of their wages.

The period during April 20 to 30 which were announced as public holidays, the police stormed a rally of workers demanding to get wage in Dagon Seikkan Township on May 4 and six Labour leaders were arrested. In addition, other workers were arrested by the police station under Section 341; There are also cases under Section 188.

Due to the lack of systematic training of the police, there has been an increase in the use of force against workers and using handcuffs. Therefore, there were concerns that they are being treated like criminals and that they are being oppressed. However, such violations do not occur in all townships. In some townships, officials from the Ministry of Labour have delayed and if the situation is tense due to non-negotiation by the factory owner, getting the

local police and administrators to resolve as much as possible. However, during the COVID situations, the number of cases of workers being sued increased whenever workers collectively demanded their grievances. There will be an increase in blatant violations of Labour laws by employers. ■

Image 21: Workers going home from the factory



6.5. Workers who need special Protection

6.5.1 Challenges

During COVID period, the majority of workers have to pay their own wages and salaries to survive on their own. Not only workers' rights are being violated, but other social issues as well. Most of them are migrants from rural areas, so they have to pay for accommodation. In addition to the daily costs,

other forms of discrimination are on the rise. Because the factories are outside the residential area, the workers in the factories which were reported to be infected were not accepted back by the dormitory and are required to show a health certificate. In Thardu Lake Village, Shwepyithar Township; the



communities have also barred workers for entering the area, and excluded from the community. Especially at the beginning of the second wave of COVID, which started in Rakhine State, as the second largest group of workers were the Rakhine people, those workers are getting racial discrimination.

There is some encouragement to have a conflict in the area with the protesters. Protesters from factories which simply by reports COVID infection have been suffering from being accused and discriminated. As a result, protestors had to cancel their protest. On the other hand, some workers are traumatized. Even the family members of those who have been arrested, are facing trial, and involved in the protests have been blamed. Hostels are becoming more cramped and demanding more dormitories fees, while some hostels are offering reduced rates.

During the COVID period, workers faced many job difficulties. There are difficulties in earning a living, and workers have to accept when the employer hires from day to day. There are people who have to work during COVID period to keep their jobs. Unemployment is on the rise and people are unable to support their families.

A union member from the Hlaing Thar Yar Industrial Zone said, "I have been fired for two months. I didn't get along with my spouse because I could not support back to my family. My parents were complaining that I am part of Labour Union and being one of the members

became the reason of being fired."

In the situation of the arrested workers and as they are breadwinner of their families, they were unable to support their spouse to return to their home villages. The workers have to collect money for donation to those workers in need.

It is difficult for workers who are facing lawsuits from outside while they are insured. Those workers have to struggle taking a new job in order to survive during the judiciary and also taking leave during weekdays withing seven to ten days to come to the appointments.

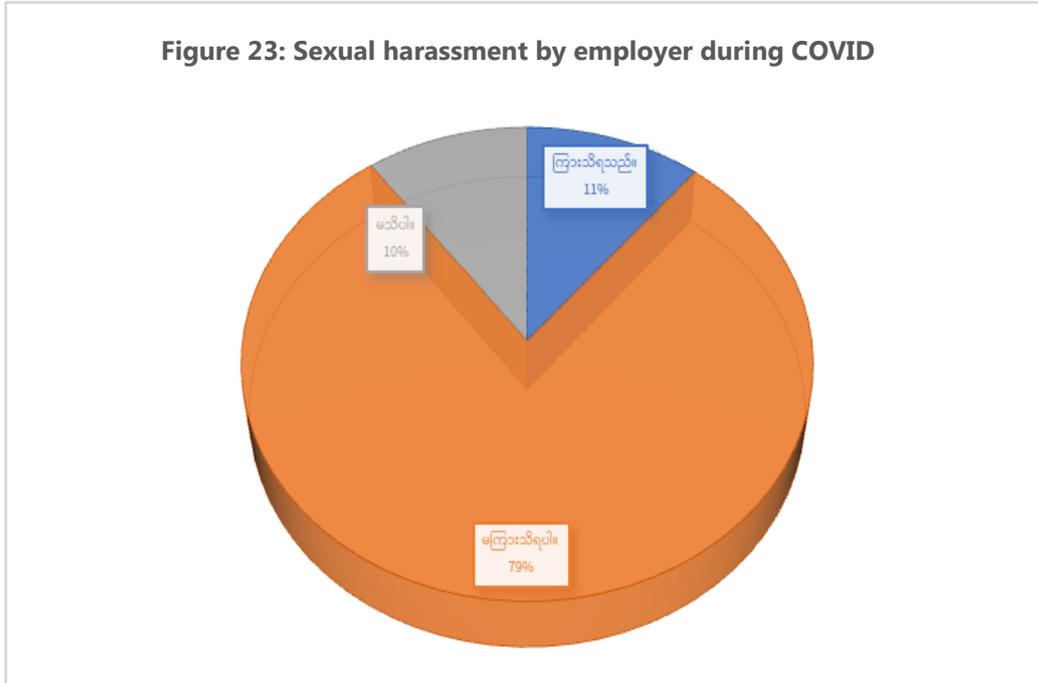
During the COVID period, it is said that the employers' oppression increased. Unnecessary job postings have been posted by saying that workers in the current workplace are not performing well and that they will be fired if they do not meet the required production standards and that they will be replaced.

The employers informed workers before hiring that they will accept only those who can follow the rules and regulations set by them and workers are not supposed to protest or demand.

Regarding with the 40 percent of social security which was supposed to be received during the first wave of COVID has not been confirmed. In the second wave, there are no specific instructions for the social security either. ■

6.5.1 Gender

Figure 23: Sexual harassment by employer during COVID



During the COVID situation, it is a matter of concern that the employers and authorities' sexual exploitation of women is as high as 11 percent. Particularly, managers often watch girls on CCTV; CCTV is installed directly outside the toilets. Physical touch; asking phone number. It is also said that a Filipino factory manager was seen squeezing a woman's breast. The manager seduced other girls by saying that they will not be being fired.

Most of the factory workers are women and are the direct victims. Women are more vulnerable to local health regulations. When returning from work late at night, the environment was quiet, and there were mistakenly complaints of misconduct to female workers. Even though they have solve it but it still can be degrading. Because of the additional policies in each township, there are also misunderstandings. There are cases such as it is not allowed to go out from the dormitory and

also it is not allowed to enter after going out. Of these, migrant women are increasingly struggling to make ends meet during the current COVID period and they could not go back their native towns too. Some couples experience domestic violence.

Among them, there are workers who started working in Yangon at a young age and started working legally at the age of 16 as helpers with low salary, but was not acknowledged the fact that it is allowed to work at the age of 18. Due to the lack of association with the Labour union, many are forced to work without retaliation for fear of being fired, even for sexual harassment. During COVID-19 period, if such threats increase, workers will be fired because they do not have a Labour card and there is no official Labour list. Due to the lack of an employment contract (EC), some workers have been fired without compensation. ■



Image 22: The Future Light Centre, a civil society organization that provides Labours assistance during the COVID period, provides financial assistance to the unemployed workers.

6.5.2 Dismissal of special protection groups

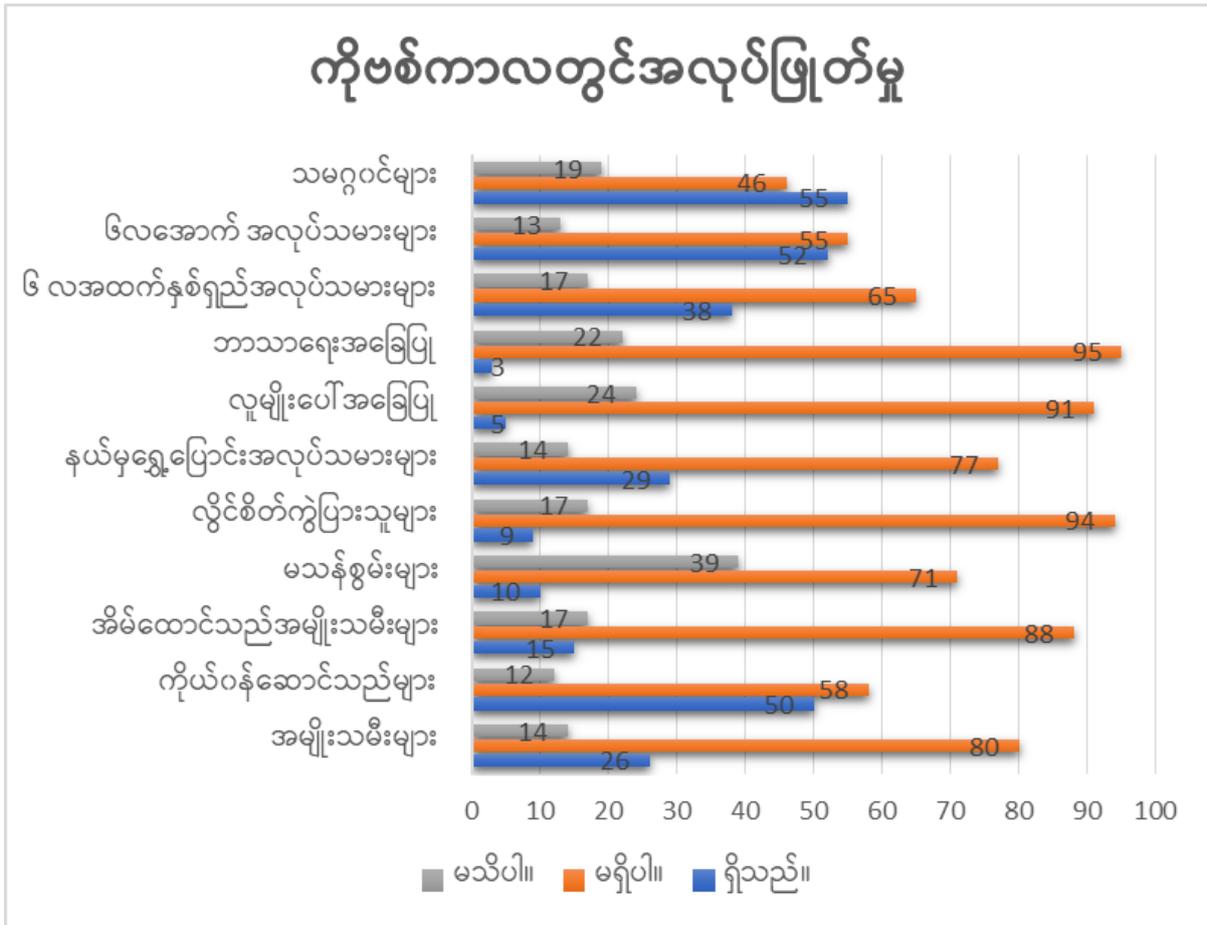


Figure 24: Dismissal of special protection groups during COVID

While the workers were being asked if there were any layoffs targeting special groups during the COVID period, they replied that the union members, workers under 6 months; and mainly for pregnant women were fired. Moreover, regarding with the groups of the married people, LGBT, migrant workers, disabilities and also based on religion, ethnicity, it is also found that they are affected. Due to the limited time and resources available for detailed research on these groups in this report, the further research is needed on these groups. However, the demands of the workers for the affected workers are as follows.

6.5.3 Workers' demands for workers who need special protection

While the workers were asked about the need to address current issues, the responses were as follow:

- To create jobs for workers who over the age of 30, as it is difficult to get back to work over the age of 30.
- The government should ensure that both employers and workers are not harmed.
- In terms of issuing an order, please make an appointment by issuing a date in advance.
- To prevent the arrest and detention of union members.
- To protect according to the law for expelling pregnant women.
- To provide legal protection and someone who will stand up for the workers during the appointment
- LGBT and middle-aged people to get back to work.
- Legal protection against dismissal of those with less than 3 months of service.
- To provide housing for migrant workers in times of natural disasters and epidemics.
- To prevent dismissal to only union members.
- To protect being blacklisted and prevent from not being accepted by other factories.
- To prevent from having salary cuts of Labour leaders for going to union meetings; To prevent not allowing to go to union meetings
- The respective department to resolve cases without delay.
- To protect the right to freedom of association and collective demands under the law.
- To provide effective health care to workers.
- To effectively address the rights violations under the employment contract
- Workers can only rely on trade unions and civil society organizations so that to help them stand firm.
- The government and employers should make it easier for workers to live in dormitories, as rents are too high in industrial zones.
- There was no work in COVID. The government to help workers who have no food or shelter.
- To supervise the signing of the employment contract Agreement in accordance with the law to prevent the oppression of daily workers



Covid 19 ကာလအတွင်း အလုပ်သမားများတွေ့ကြုံခံစားနေရသော ကိစ္စရပ်များနှင့် ကျန်းမာရေးနှင့်အားကစားဝန်ကြီးဌာန၏ အမိန့်အမှတ် ၁၀၇/၂၀၂၀ နှင့်စပ်လျဉ်းသော ထုတ်ပြန်ကြေငြာချက်

ကိုဗစ်ကပ်ရောဂါ ကာလအတွင်း အစိုးရနှင့် ဝန်ကြီးဌာနများ၏ အမိန့်ညွှန်ကြားချက်များသည် တိကျရှင်းလင်းမှု မရှိခြင်း၊ အများပြည်သူအားလုံး၏ စက်မှုလုပ်ငန်း၊ လက်တွေ့ပတ်ဝန်းကျင်အခြေအနေများနှင့် လိုက်လျောညီထွေမှု မရှိခြင်း နှင့် အခြေခံလူတန်းစားများနှင့် အလုပ်သမားထုအတွက်ထည့်သွင်း စဉ်းစားမှု အားနည်းခြင်း တို့ကြောင့် အခြေခံပြည်သူလူထုမှာ အခက်အခဲများစွာနှင့် ရင်ဆိုင်ကြုံတွေ့ခဲ့ကြရပြီဖြစ်သည်။ အလုပ်သမားထုအနေဖြင့်လည်း စက်မှုအလုပ်ရုံများမှ လုပ်သားအင်အားလျော့ချခြင်း၊ စက်ရုံပိတ်သိမ်းခြင်းများကြောင့် အလုပ်လက်မပြုသောရင်ဆိုင်ရခြင်း၊ အလုပ်ရှင်မှ ဥပဒေမဲ့ ထွက်ပြေးတိမ်းရှောင်မှုများကြောင့် လုပ်ငန်းစားများနှင့် ဥပဒေပိတ်စားခွင့်များ နှစ်ဆင့်ပိုမိုဖြစ်ပေါ်ခဲ့ခြင်း၊ ကိုဗစ်ကာလအတွင်းထိန်းချုပ်မှု လုပ်ဆောင်သည့် ဧပြီလပိတ်ရက်အတွက် လူမှုဖူလုံရေးထောက်ပံ့ငွေ ၆၀% ပေးမည်ဆိုသော်လည်း ၄၀% သာရရှိခြင်းနှင့် နောက်ကျမှ ထောက်ပံ့ငွေရရှိခြင်းကြောင့် အလုပ်သမားများ ဝင်ငွေလျော့ပါးခြင်းနှင့် စားဝတ်နေရေး အခက်အခဲများ ရင်ဆိုင်ရခြင်း၊ လူမှုဖူလုံရေးအာမခံခံနှင့် အကြိုမဝင်သော အလုပ်သမားများ အတွက်လည်း မည်သည့်စားခွင့်မျှမရရှိသဖြင့်အခက်အခဲများနှင့် ရင်ဆိုင်ကြုံတွေ့ရခြင်း၊ ခွဲခြားဆက်ဆံခံရခြင်းနှင့် လူမှုရေး တရားမျှတမှုကို မရရှိခြင်းဆိုသည့် အခြေအနေများကို ရင်ဆိုင်ကြုံတွေ့ခဲ့ကြရသည်။ ထို့ကြောင့် မိမိတို့ အလုပ်သမားအရေး လုပ်ရှားဆောင်ရွက်နေသော အစုအဖွဲ့များမှ အောက်ပါအချက်များအား အလေးအနက်ထားတောင်းဆို လိုက်ပါသည်။

၁။ အစိုးရနှင့် ဝန်ကြီးဌာနများမှ အမိန့်ညွှန်ကြားချက်များအား တိကျရှင်းလင်းစွာနှင့် အများပြည်သူ အလွယ်တကူ နားလည်စေနိုင်သော စကားရပ်များဖြင့် ထုတ်ပြန်ကြေငြာပေးရန်။

၂။ အမိန့်အမှတ် ၁၀၇/၂၀၂၀တွင် အလုပ်ပိတ်ရက်များအတွက် လုပ်ငန်းစားပေးချေမှု မပါရှိသောကြောင့် အလုပ်ရှင် နှင့် အလုပ်သမားများအကြား များစွာသော အငြင်းပွားမှုများဖြစ်ပေါ် ပြီး လုပ်ငန်းခွင်တည်ငြိမ်မှု ပျက်ယွင်းကာ လုပ်ငန်းခွင်ဆက်ဆံရေး ထိခိုက်ပျက်စီးမှု မိမိတို့ အလုပ်ပိတ်ရက်ပိတ်သည့်အခါ သို့ဖြစ်၍လုပ်ငန်းခွင်သို့ မသွားရောက်ရန် ကန့်သတ်ထားသည့်ကာလအတွက် အစိုးရအနေဖြင့် လူမှုဖူလုံရေးအကျိုးခံစားခွင့် ခံယူငွေ ၆၀% နှင့် အလုပ်ရှင် မှ ၄၀% ပေါင်းစပ်၍ အလုပ်သမားများအား အနည်းဆုံးလုပ်ငန်းစားအပြည့်ပေးချေရန်နှင့် လူမှုဖူလုံရေးအာမခံခံ အကျိုးခံစားခွင့်ခံယူငွေနှင့် အကြိုမဝင်သော်လည်း အလုပ်ရှင်မှ ထည့်ဝင်ခဲ့ခြင်း မရှိသော အလုပ်သမားများအတွက် အလုပ်ရှင်မှ လူမှုဖူလုံရေး ဥပဒေနှင့် အညီတာဝန်ယူဆောင်ရွက်ပေးရန်။



၃။ လူမှုဖူလုံရေးအာမခံခံအကျိုးခံစားခွင့်ခံယူငွေနှင့် အကျိုးမဝင်သော အလုပ်သမားများအတွက် အစိုးရ၏ သဘာဝဘေးအန္တရာယ် ကာကွယ်ရေး အရေးပေါ် ခံယူငွေ ၆၀%နှင့် အလုပ်ရှင်မှ ၄၀% ပေါင်းစပ်၍ အလုပ်သမား များအား အနည်းဆုံးလုပ်ငန်းစား အပြည့်ပေးရန်။

၄။ လုပ်ငန်းခွင်သွားရောက်ရန် ကန့်သတ်ကာလအတွက် လူမှုဖူလုံရေးမှ အလုပ်သမားများကို ပေးသည့် အကျိုးခံစားခွင့် ငွေကြေးအား အောက်တိုဘာလအတွက် ပေးချေသည့် လုပ်ငန်းစားတွင် တစ်ပါတည်းထည့်သွင်းပေးရန်။

၅။ လုပ်ငန်းခွင်သို့မသွားရောက်ရန် ကန့်သတ်ကာလသည် အလုပ်သမားများ၏ လုပ်ငန်းစား ထုတ်ယူရန် ရက်စွဲကို ကျော်လွန်နေသဖြင့် အလုပ်သမားများ စားဝတ်နေရေး အခက်အခဲများ မဖြစ်ပေါ်စေရန်အတွက် ဝန်ကြီးဌာန အနေဖြင့် စီမံဆောင်ရွက်ပေးရန်။

၆။ ကျန်းမာရေးနှင့် အားကစားဝန်ကြီးဌာန၏ လမ်းညွှန်ချက်များအားလိုက်နာဆောင်ရွက်မှု မရှိသော အလုပ်ရှင်များနှင့် ဥပဒေလုပ်ထိုးလုပ်နည်းများအား လေးစားလိုက်နာမှုမရှိဘဲ လုပ်သားခေးခွင့်ဖြင့်၊ စက်ရုံပိတ်သိမ်းခြင်းများအား ပြုလုပ်နေသော အလုပ်ရှင်များ၊ လုပ်ငန်းစားပေးချေမှုမရှိသော အလုပ်ရှင်များကို ပြတ်သားစွာအရေးယူပေးပါရန်။

သတင်းမီဒီယာများဆက်သွယ်ရန်

- ၁။ မြန်မာနိုင်ငံစက်မှု၊ လက်မှုနှင့်ဝန်ဆောင်မှု လုပ်ငန်းပေါင်းစုံ အလုပ်သမားသမဂ္ဂများအဖွဲ့အစည်း (MICS-TusF) ၀၉-၇၉၀၃၇၁၇၇၀
- ၂။ စာမာနိုင်ငံလုံးဆိုင်ရာ အလုပ်သမားသမဂ္ဂများအဖွဲ့အစည်း (ABFTU) ၀၉-၇၉၀၉၅၄၅၄၅၅
- ၃။ အလုပ်သမားအဖွဲ့အစည်းအဖွဲ့အစည်းပေးရေးအဖွဲ့ (LHEO) ၀၉-၉၅၄၃၀၃၃၉၆၀
- ၄။ အနာဂတ်အလင်းတန်းများစုံမှတ် (FLC) ၀၉-၇၉၅၃၆၀၂၉၉
- ၅။ Action Labour Right (ALR) ၀၉-၉၇၀၅၁၀၇၄၁
- ၆။ All Myanmar Trade Unions Network (AMTUN) ၀၉-၇၉၀၁၄၂၇၈၃
- ၇။ Agriculture Federation of Myanmar (AFM-IUF)
- ၈။ Association for Labour Development (ALD) ၀၉-၉၆၆၀၆၀၆၉၉
- ၉။ Federation of Garment Workers Myanmar (FGWM) ၀၉-၇၉၀၉၁၄၄၉၉
- ၁၀။ Freedom and Labour Action Group (FLAG) ၀၉-၉၅၄၃၀၃၃၉၆၀
- ၁၁။ Labour power Group (LPG) ၀၉-၇၉၀၄၄၀၇၆
- ၁၂။ We Generation Network (WGN) ၀၉-၇၉၀၁၄၂၇၈၃
- ၁၃။ ရောင်းခြင်ညှိုးအလုပ်သမားသမဂ္ဂများအဖွဲ့ (YCOWA) ၀၉-၄၂၈၀၄၈၇၂၇

Image 23: Labour unions for workers during the COVID period; Statement by supportive people who work for the best interest of workers

7. CONCLUSION AND RECOMMENDATIONS

The Future Light including the Labour Unions, supportive people who work for the interest of workers, also called on government officials to reduce the number of incidents during the COVID period. This report incorporates these requests as recommendations as appropriate to the current situation.

7.1 Recommendations to the government and relevant ministries

1. When the government and the ministries issue COVID directives, it should be issued in advance so that the public and the general public can prepare and its wording should be clear and simple to understand
2. 40% of social security benefits are not enough for workers. Therefore, the government should take legal action against employers who do not include social security benefits for those they are covered by social security, and also to provide 60% (the previous 40% and 20% increased) and another 40% by employers to cover for minimal wage during COVID period
3. Workers who are not covered by social security benefits should be paid a minimum wage (60% from the government's disaster prevention fund and 40% from their employers)
4. During the period of non-attendance, to provide social security benefits at the time with the last pay check and issue specific guidelines for inclusion and payment before the time limit.
5. Ministries should implement advance payment policies for employers, as well as support for workers to buy food at a reasonable price, if the emergency curfew exceeds the pay period.
6. Layoffs without complying with Labour law procedures; pay cuts; no salary payment; no social security contribution; closure of factories; factory owners fleeing; employers who engage in illegal activities, such as targeting unions, will be prosecuted under existing laws and to file lawsuits.
7. In addition, COVID-19 is a long-term issue and needs to be

systematically protective by the government. Therefore, the government should monitor the safety and health of workers in the factory, provide effective diagnostics, support needs, and back-up medical care in the factory in the event of an outbreak.

8. To effectively resolve disputes between the government and employers in accordance with the benefits of existing law.

9. The Ministry of Health and Sports is the main source of health announcements. The Industrial Zone Management Committees to cooperate on the announcements of relevant Ministries; also, to provide more information.

10. To develop more effective and inclusive policies that reflect the situation on the ground through dialogue involving all stakeholders (relevant government, employers, workers and civil society).

11. In order to prevent unwanted employer-employee disputes, the government should issue specific directives that address the issue of wage guidelines and protect the minimum wage as well as other benefits. (e.g., daily allowance, other allowance)

12. Employers and the government should fully support suspected workers who may be infected with the virus while in a dormitory or home quarantine. Although Civil society groups are doing their best to help, but only the government can come up with strong policies for recovery and establish clear guidelines for health care.

13. Employers also have concerns about paying for contracts. If the government really wants to control the investment, it must mediate in accordance with the law. In line with Labour rights, the government and the private sector should work together to improve Labour policies and strengthen investment

14. The government to establish a mechanism to formulate and negotiate the best policies to prevent human rights abuses and Labour rights violations that lead to sanctions.

15. To review and revise policies and procedures regarding the tribunal and develop policies to firmly protect the interests of workers

16. The Hluttaw representatives and the members of the Labour Committee also from townships with most industrial zones to regularly engage with Labour Unions ensure effective Labour policies in parliament. To accept suggestions and coordinate with government agencies to protect the interests of the workers who are the voters in their townships.

17. To ensure that the community does not discriminate against workers during COVID, To encourage and comfort, the government; Hluttaw Representative Civil society organizations; Labour Unions should work together on a large scale.

18. In the long term, if factories operates without stopping operations during the outbreak of COVID, to set specific guidelines on how to take action if non-compliance with inspection procedures for employers who do not follow the guidelines set by the Ministry of Health and Sports to take precautionary measures to prevent the spread of the virus

19. To provide physical and mental safety for workers. (Creating temporary jobs for currently unemployed workers and raising the morale of workers who suffers during the COVID period.)

20. According to the Article 17 of the Occupational Safety and Health Act 2019, the inspectors also need to exercise their authority for occupational safety and health in accordance with the Code. In particular, 17 (a) any office related to this Law shall be allowed to enter at any time without a warrant by showing the Inspector's ID card. The right to inspect and inquire; (C) workplace conditions that may endanger occupational safety and health; To take specific action on the right to photograph and videotape the process

21 Employers who fail to pay social security contributions shall be required to pay additional contributions in accordance with section 88 in addition to the contribution fee.

7.2 Recommendation to factory owners, employers and administrators

1. To make effective adjustments in the workplace to be Grade A in accordance with government guidelines to ensure the safety and security of workers during COVID
2. To raise awareness to prevent COVID-19
3. To provide daily protective equipment to workers during the COVID period, such as masks, hand soap and adequate supply of disposable gloves, etc.

4. According to ILO Rules 87 and 98, all workers to have access to Labour unions and Right to form; To comply with collective bargaining rights.
 5. To recognize the rights of independent Labour unions and Labour coordination committees to resolve issues such as Labour disputes and Labour reductions; To coordinate with Labour unions and the Workers Coordinating Committee (WCC) for temporary or permanent closure of factories.
 6. To provide safe transportation for workers in accordance with government directives during the COVID period
 7. To provide support and job security plans to the most vulnerable and most likely to be affected such as pregnant women, elderly workers; mothers with children, disabilities, LGBT, migrant workers
 8. Employers should work with union members and workplace coordination committees to ensure to provide legal assistance to workers at their factories who are currently infected with COVID-19 and in addition to providing humanitarian assistance,
 9. To ensure that union members are not deliberately targeted for layoffs, and work with union leaders and workplace coordination committees to ensure that workers are entitled to the benefits during the COVID period.
 10. During the current COVID period, employers to re-negotiate Labour lawsuits and to make decisions that are mutually beneficial and fair
 11. According to the Article 2 (i) of the Labour Dispute Resolution Law, it stipulates that when workers believe that working conditions will endanger workers, it is said that workers have the right to quit their jobs and leave the workplace. It is also important to take into account the employer's obligation to pay salaries during the current occupational safety period, and also the employer is required to pay salaries in the absence of production during the period of employment.
 12. According to the Article 27 of the Occupational Safety and Health Act 2019, an employer may not charge an employee with
 - (B) any unsafe or hazardous health issues;
 - (C) Carrying out the duties of the Occupational Safety and Health Committee;
 - (D) Occasional or occupational injury situation
- The above-mentioned conditions do not include dismissal or demotion for failure to continue working due to illness. Lawsuits must be dropped.

7.3 Recommendations to international companies (Brand) that are affiliated with factories

1. To establish a responsible and accountable working environment at all times to ensure that workers' rights are met in your affiliated factories.
2. To discuss the activities with the factory owners especially Labour rights in your affiliated factories during the COVID period; To participate in the process of the development of long-term and inclusive plans with Labour unions.
3. To coordinate to dismiss lawsuits against workers in factories currently affiliated with
4. In order to ensure access COVID protection in your affiliated factories, discuss and help support to workers and Labour Unions by providing protective equipment and related training about COVID prevention
5. To ensure legal wages and benefits to be paid at your affiliated factories; To participate in setting of Labour skill levels and, if necessary, coordinate and create a responsible working environment.

7.4 Recommendations to the international community

1. International embassies not only to protect the interests of your citizens, but also to strengthen friendship between two countries, your citizens should be encouraged to comply with international laws and regulations and also to understand and abide by Myanmar domestic investment law; social security laws, including Labour laws.
2. If there is a complaint from the Labour unions and civil society organizations about the Labour rights violations of your citizens, to respectfully discuss and coordinate fairly.
3. The factories currently open by your citizens are subject to a series of inspections to ensure compliance with COVID preventive measure guidelines by the government, To take warning actions, To provide support.

4. To meet and discuss with civil society organizations from time to time to co-operate to be safe, responsible and accountable sustainable long-term business plans for factories.
5. According to the Myanmar's current economy; to reduce tariff in international trade to improve Labour rights; To support your citizens who adhere to Labour rights; To award awards and take action against non-compliant employers
6. During the COVID period, providing assistance of between two governments, to include support for workers in factories

7.5 Recommendations to workers and unions

1. Workers and union members should consult with their employers to get the full coverage of COVID protection in their factory and if not being supplied, submit a request to the relevant government for inspection.
2. Workers and union members should be aware of the health risks of workers in their factories and to form a COVID emergency team to liaise with government health organizations to ensure timely access to assistance.
3. In order to ensure the safety and security of workers inside their factory, as well as the safety and security of workers outside the factory, communication with remote families; workers and union members should be liaise with Civil society organizations, NGOs, NGOs, NGOs for assistance
4. To unite and support their families of workers who have been detained and are facing trial and those who are serving their sentences.
5. Prepare legal protections and long-term plans to ensure uniform Labour Union and benefit Labour rights during the COVID period.

8. APPENDICES

8.1. Appendix 1 interviewed Factories

1. Town, factory and population

Field Researcher 1

Township	Factory Name	Size	Start Date	End Date
South Dagon	Eurogate	4		
	G.T.P	4		
	AD Furniture	4		
	Li Li Myat Oo	4		
	Dice Garment	4		
	Ni Ni Garment	4		
	Top Jane	4		
	ETEC	4		
	TOTAL	32		

Field Researcher 2

Township	Factory Name	Size	Start Date	End Date
Dagon Seikkan	Bright Berg	5		
	Blue Diamond	5		
	May Fair	2		
	Rain Wear House	3		
	KGG	5		
	Asia Dragon	5		
	Breeze Shirt	2		
	Premium Wool	1		
	TOTAL	28		

Field Researcher 3

Township	Factory Name	Size	Start Date	End Date
Shwe Pyi Thar	World Jin	2		
	WanXinda	3		
	Global Wealth	1		
	Myanmar Royal Apolo	6		
	Power Fashion	7		
	Samparoo	3		
	VIP 2	2		
	TOTAL	24		

Field Researcher 3

Township	Factory Name	Size	Start Date	End Date
Mingalardon	Hlawgar Park Security	5		
	Saw Bwar VT	1		
	Total	6		

Field Researcher 4

Township	Factory Name	Size	Start Date	End Date
Hlaing Tharyar	HanTar	11		
	Myanmar Panda Washing	5		
	Yang Clothing	4		
	Chan Yi	4		
	Union View	3		
	ကိုင်းချွန်း Garment	1		
	ALR (Labor Right Defender)	1		
	FGWM (Labor Right Defender)	1		
	TOTAL	30		



ရုပ်ပုံ ၂၄။ အနာဂတ်အလင်းတန်းဆိုမှတ်အဖွဲ့၏ ကိုဗစ်ကာလ အလုပ်သမားများအား အသိပညာနှင့် လက်သန့်ဆေးရည် ပေးအပ်ခြင်း

9. OBJECTIVES OF THE FUTURE LIGHT FOCUSING GROUP

Future Light Center was founded by some ex-political prisoners in December 2011 with the aim of

- Unconditional release of all political prisoners
- To rehabilitate ex-political prisoners and their families and for them to be actively involve in political reform processes
- Both the workers inside the country and migrants abroad engaging in various fields to not only get the rights under the laws and but also to enjoy the standardized international rights

Vision

- To build a peaceful society which meets the societal needs in align with the human rights standards

Mission

- To effectively prevent and address the loss of workers' rights
- To ensure the workers' rights are more aligned with international standards



10. REFERENCE LIST

10.1. Picture

Cover Photo, Area where Workers cleaning the hands designated to protect Covid-19 before entering the factory

Figure 1, the government announced the establishment of the Covid 19 Fund On March 18 2020.

Figure 2, Social security Insurance systems and forms of contribution

Figure 3, A worker in front of the ILO office

Figure 4, Workers take a body temperature before entering a factory

Figure 5, Government orders the closure of factory due to found of Covid virus on September 3 2020

Figure 6, Labour Office in Hlaingtharya Township

Figure 7, Workers during the election campaign time

Figure 8, An worker under campaign posters for the election and Rakhine Minister candidates in Yangon at Hlaing Tharyar Township

Figure 9, regional Administration's Instruction to provide benefits to workers not covered by social security

Figure 10, Workers waiting for ferry transport

Figure 11, A Myanmar factory site

Figure 12, Family benefits under the social security system

Figure 13, Coordinating with protesting workers

Figure 14, Handwashing basin of a factory protected by Covid

Figure 15, receiving monthly salary and one month's severance pay

Image 16: Workers hand out hand sanitizers to workers at work

Image 17: Awareness raising of COVID-19 in the factory

Image 18: Workers going to work doing COVID

Image 19: An image of Labours' demonstration during COVID-19

Image 20: Workers gathering to demand in front of Yagon region Hluttaw

Image 21: Workers going home from the factory

Image 22: The Future Light Centre, a civil society organization that provides Labours assistance during the COVID period, provides financial assistance to the unemployed workers.

Image 23: Labour unions for workers during the COVID period; Statement by supportive people who work for the best interest of workers

Image 24: Knowledge information and hand gel for worker by The Future Light Center in Covid-19 period.

10.2. Table

Table 1,Percentage of respondents gender

Table 2, Response ethnicity and origins

Table 3, Respondent Education level

Table 4, Respondents' work experience and current employment

Table 5, working hours during Kovic period

Table 6, Overtime during Kovic period

Table 7 Employer support

Table 8, Factory closure experience

Table 9 Barriers to re-employment

Table 10 The desire to return to work

Table 11 Covid protection action inside the factory

Table 12 Accessibility of Covid protection Inside the factory

Table 13 Receipt of factory closure compensation

Table 14 Amount of compensation of respondent

Table 15: Existence of unions in factories

Table 16: Benefits of joining a union

Table 17: Workers' collective demand during COVID

Figure 18: Coordination Committee in the factory

Table 19: A pie-chart to show the percentage of workers who know about Labour Rights

Table 20: A bar graph to show the data of acknowledgement of Labour Dispute Issues

Table 21: A bar graph to show the data of types of Employers' mediators in employer-employee disputes

Table 22: A bar graph to show the data of types of persons who provide support to the employers' side in employer-employee disputes

Table 23: Sexual harassment by employer during COVID

Table 24: Dismissal of special protection groups during COVID

10.3. Footnote

1. World Bank 2020 <https://www.worldbank.org/en/country/myanmar/overview>

2 Myanmar Industries Association 2020 <https://myanmarindustries.org/index.php/home-2/38-myanmar-industries/industrial-zones/239-industrial-zones-yangon>

3 Constitution 2008 <https://www.president-office.gov.mm/en/sites/default/files/myanmarconstitution2008en.pdf>

4 ILO 2019 https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=108180&p_count=2&p_classification=14

5 IFPRI 2020 https://images.agri-profocuse.nl/upload/post/IFPRI_Assessing_the_Impacts_of_COVID-19_on_Myanmar_Economy1591933488.pdf

6 Aung San Suu Kyi 2020 <https://www.statecounsellor.gov.mm/en/articles>

7 Dezan Shira & Associates May 2018 <https://www.aseanbriefing.com/news/myanmars-daily-minimum-wage-increased-kyat-3600-kyat-4800/>

8 The Social Security Law, 2012 <https://www.myanmargarments.org/overview-of-laws/>

9 Tint Zaw Htun Sep 2020 <https://www.mmtimes.com/news/worker-yangon-factory-tests-positive-covid-19.html>

