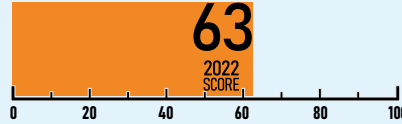




Myanmar



63 2020 SCORE

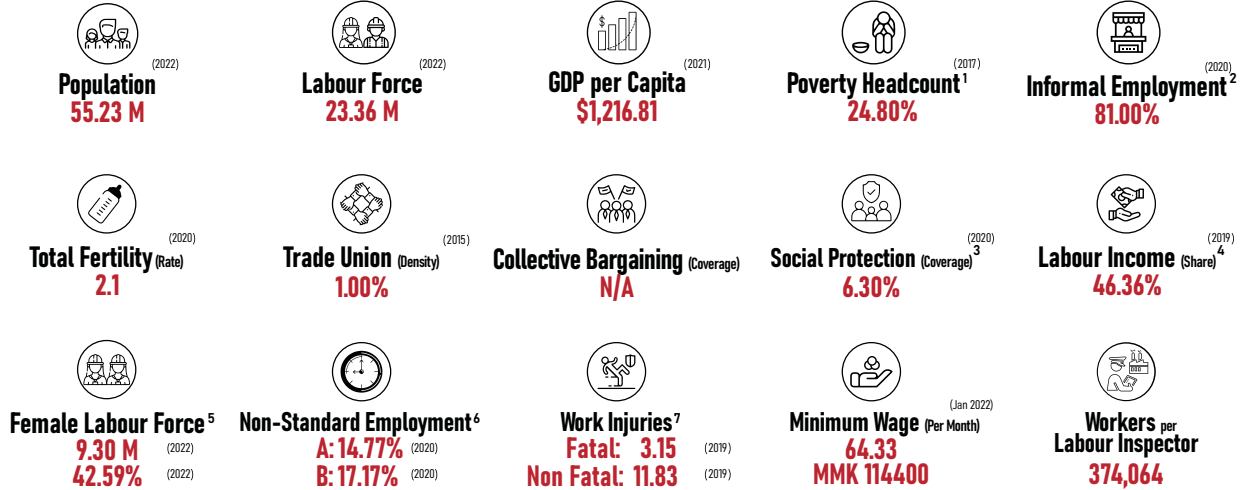
South East Asia

Lower-middle income

Limited Access to Decent Work

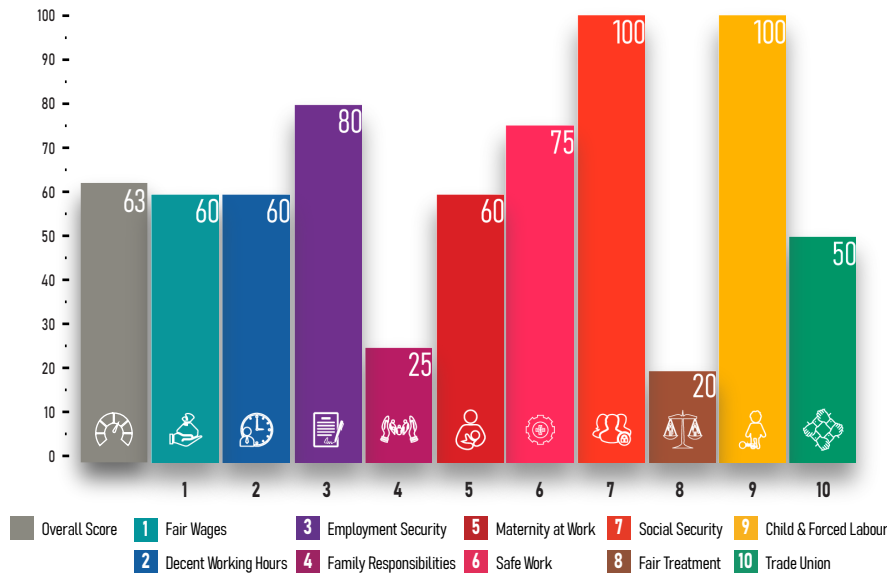


Contextual Indicators



Sources: World Bank
International Labour Organization
WageIndicator Minimum Wages and Living Wages Database
M=Million

Legislative Performance Indicators



Introduction

The Labour Rights Index 2022 (LRI 2022) is a de-jure index covering 135 economies and structured around the working lifespan of a worker. In total, 46 questions or evaluation criteria are scored across 10 indicators. The overall score is calculated by taking the average of each indicator, with 100 being the highest possible score. The Index uses a rating system, ranging from "Total Lack of Decent Work" to "Decent Work". The Labour Rights Index aims at an active contribution to the Sustainable Development Goals, by providing necessary (complementary) insights into de jure provisions on issues covered in particular by SDG8 (Decent Jobs), SDG 5 (Gender Equality), SDG 10 (Reduced Inequalities) and SDG 16 (Strong Institutions). The Index is based on national labour legislation, applicable on 1 January 2022. The Index does not take into account COVID-19 related labour market measures in its scoring.

Myanmar's overall score is 63 out of 100. The overall score for Myanmar is lower than the regional average observed across South East Asia (62.33). Within the South East Asia region, the highest score is observed for Viet Nam (95).

¹ Proportion of population living below the national poverty line (%), as measured under SDG 1.2.1

² Share of informal employment in total employment (%), as measured under SDG 8.3.1

³ Proportion of the country population covered by social protection floors, as measured under SDG 1.3.1

⁴ Labour income (income of employees + partly income of the self-employed) as a percentage of GDP, as measured under SDG 10.4.1

⁵ The female labour force is shown in absolute number along with the female labour force participation rate

⁶ Non-Standard Employment has been defined as Part-Time Employment (A) and Temporary Employment (B)

⁷ Rate of fatal and non-fatal injuries per 100,000 workers, as measured under SDG 8.8.1

The country rating is based on the overall score of 0-100, with the following coding:

(90.5-100) Decent Work | (80.5-90) Approaching Decent Work | (70.5-80) Reasonable Access to Decent Work | (60.5-70) Limited Access to Decent Work | (50.5-60) Basic Access to Decent Work | (0-50) Total Lack of Decent Work

LABOUR RIGHTS INDEX 2022

	Question ⁹	Answer	Legal Basis	Trend ¹²
1. Fair Wages	Does the law prescribe minimum wage rates in the country?	No	Minimum Wage Law (No. 7 of 2013)	●
	Does the law require regular payment of wages?	Yes	§16 of the Shops and Establishments Act, 2016; §01-10 of the Payment of Wages Law, 2016	●
	Does the law require overtime compensation be at least 125% of the regular hourly rate?	Yes	§11-12 & 17 of the Shops and Establishments Act, 2016; §59, 62, 64 & 73 of the Factories Act, 1951	●
	Does the law require additional compensation for working on a weekly rest day?	Yes	§8 of the Factories Act, 1951	●
2. Decent Working Hours	Does the law require additional compensation for night work?	No	§7-8 of the Shops and Establishments Act, 2016	●
	Does the law stipulate general working hours as 48 hours or lower?	Yes	§11-12 & 17 of the Shops and Establishments Act, 2016; §59, 62, 64 & 73 of the Factories Act, 1951	●
	Does the law restrict maximum working hours including overtime to 56 hours per week?	No	§11-12 & 17 of the Shops and Establishments Act, 2016; §59, 62, 64 & 73 of the Factories Act, 1951	●
	Does the law require a weekly rest of at least 24 hours?	Yes	§15 of the Shops and Establishments Act, 2016; §60 of the Factories Act, 1951; §5-6 of the Leave and Holiday Act 1951	●
3. Employment Security	Does the law require a weekly rest of at least 24 hours?	Yes	§3 of the Leave and Holiday Act 1951; Notification No 01/2007 dated 16 February 2007	●
	Does the law require at least three working weeks of paid annual leave?	No	§4 of the Leave and Holiday Act 1951	●
	Does the law require written employment contracts or at least written employment particulars?	Yes	§5 & 38 of the Employment and Skill Development Law, 2013; Notification 01/2015	●
	Does the law restrict the hiring of fixed-term contract workers?	No	No applicable legal provisions could be located	●
4. Family Responsibilities	Does the law limit the length of probation period including renewals to a maximum of 3 months?	Yes	Employment Contract Template, 2017	●
	Does the law require a 30-day notice before contract termination?	Yes	§5 of the Employment and Skill Development Law, 2013; §44 of the Labour Organization Law 2011	●
	Does the law require severance pay at the rate of at least 2 weeks of wages for every year of service?	Yes	Notification no. 84/2015	●
	Does the law require parental leave for parents?	No	No applicable legal provisions could be located	●
5. Maternity at Work	Does the law require at least one week of paid paternity leave for fathers?	Yes	§28(a & b) of the Social Security Law 2012	●
	Does the law require flexible work arrangements for workers with family responsibilities?	No	No applicable legal provisions could be located	●
	Does the law require paid nursing breaks?	No	No applicable legal provisions could be located	●
	Does the law prohibit inquiring about pregnancy during recruitment?	No	No applicable legal prohibitions could be located	●
6. Safe Work	Does the law require paid maternity leave of at least 14 weeks?	Yes	§25(c & d) of the Social Security Law 2012	●
	Does the law require cash maternity benefit be at least 67% of a worker's former wage?	Yes	§26 & 27 of the Social Security Law 2012	●
	Does the law require maternity benefit be paid through contributory social insurance or universal benefits system?	Yes	§26 & 27 of the Social Security Law 2012	●
	Does the law protect workers from dismissals during or on account of pregnancy?	No	§66 of the Social Security Law 2012	●
7. Social Security	Does the law require provision of free personal protective equipment to workers from employer?	Yes	§26(e) and 30(a) of the Occupational Safety and Health Law 2019; §37 of the Factories Act, 1951	●
	Does the law require the employer to train workers on health and safety issues?	No	§40 of the Factories Act, 1951; §26 30(a) of the Occupational Safety and Health Law 2019	●
	Does the law restrict work that is prejudicial to the health of the mother or the child?	Yes	§29(c) of the Occupational Safety and Health Law 2019	●
	Does the law provide for employment injury benefit?	Yes	§30 & 55-59 & 62 of the Social Security Law 2012; §3 & 11 of the Workmen's Compensation Act 1923	●
8. Fair Treatment	Does the law provide for an old age pension?	Yes	§32 & 35 of the Social Security Law 2012	●
	Does the law provide for a dependants/survivors' pension?	Yes	§36 of the Social Security Law 2012	●
	Does the law provide for unemployment benefit?	Yes	§37-40 of the Social Security Law 2012	●
	Does the law require paid sick leave for the first 6 months of sickness?	Yes	§6 of the Leave and Holidays Act 1951; §22 & 23 of the Social Security Law 2012	●
9. Child and Forced Labour	Does the law provide for invalidity benefit?	Yes	§32 & 33 of the Social Security Law 2012	●
	Does the law require equal remuneration for work of equal value?	No	§305 of the Constitution, 2008	●
	Does the law prohibit sexual harassment in employment?	No	§354 & 509 of the Penal Code 1961	●
	Does the law prohibit discrimination in employment matters? ¹⁰	No	§347- 348 & 352 of the Constitution, 2008; §35-36 of the PWD Law, 2015 (30/2015)	●
10. Trade Union	Does the law allow women to do the same jobs as men?	No	§93 of the Ministry of Mines Notification No. 125 of 1996; §29 of the Factories Act, 1951	●
	Does the law guarantee basic labour protections for gig economy workers?	Yes	Social Security Law 2012; ISSA Country Profile for Myanmar	●
	Does the law prohibit employment of children?	Yes	§13-14, Shops and Estab. Act, 2016; §75-83, Factories Act 1951; §48(b), Child Rights Law, 2019	●
	Does the law set employment entry age equal to or higher than the compulsory schooling age?	Yes	Section 48(b) of the Child Rights Law, 2019; Section 4(j) of the National Education Law, 2014	●
11. Trade Union	Does the law prohibit the employment of children in hazardous work under the age of 18 years?	Yes	§13-14 of the Shops and Establishments Act 2016; §3, 48(a), 103(a)(3) of the Child Rights Law, 2019;	●
	Does the law prohibit forced labour?	Yes	§3(t) and 103(a)(2), Child Rights Law 2019; §3 & 24, Anti-Trafficking in Persons Law, 2005	●
	Does the law allow workers to form and join unions of their own choice?	No	§354(c), Constitution 2008; §2(h), 09-11, 29 & 44(d), Labour Organisation Law 2011; CEAC, C87, Obs. 2021	●
	Does the law allow workers to bargain collectively with employers through their representative unions?	Yes	§2 & 5 of the Settlement of Labour Disputes Law 2012; §31 of the Labour Organisation Law, 2011	●
	Does the law provide for the right to strike?	No	§2(g) & 38-50, Labour Organization Law 2011; §42, Settlement of Labour Disputes Law 2012; USDOS CRHRP 2021	●
	Does the law prohibit employers from terminating employment contracts of striking workers?	Yes	§44 of the Labour Organization Law 2011	●

Covid 19 and Labour Market in Myanmar*

Total Covid Cases	0.61 Million
Total Covid Deaths	19,434
Partial Vaccinated	64.0%
Fully Vaccinated	51.0%

Wage Subsidies	✘
Social Security Contributions (deferrals/waivers)	✔
Paid Sick Leave	✔
Add. Unemployment Benefits	✘

Protection from Dismissals	✘
Telework/flexible work	✘
Improved Health Access	✔
Training (activation measures)	✘

⁹ The Index has 10 indicators and 46 evaluation criteria or questions.

¹⁰ The prohibited grounds for discrimination are "race, colour, sex, religion, political opinion, national extraction or social origin, age, disability and trade union membership". A score of 1 is assigned only if a country has prohibited discrimination on at least 7 of the above 10 grounds.

¹¹ A country's score on LRI's Trade Union indicator must also be read together SDG indicator 8.8.2 which measures the level of national compliance with labour rights (freedom of association and collective bargaining) based on ILO textual sources and national legislation. It has a range from 0 to 10, with 0 being the best possible score (indicating higher levels of compliance with FACB rights) and 10 the worst (indicating lower levels of compliance with FACB rights). No score is available for the Myanmar on SDG 8.8.2

The Index uses Observations/Direct Requests from ILO CEACR and the US Department of State's Country Reports on Human Rights Practices (US DOS CRHRP) to measure a country's compliance on the Trade Union indicator.

¹² In order to measure the trend in country's legislative performance over the last edition of the Labour Rights Index (2020), the legislative table indicates improvement or worsening of labour rights in country through the following colours.

- Score increase
- Score decrease
- Score adjustment
- No change