



Myanmar Labour Law FAQs for workers

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Understanding labour laws may not be an easy task. Myanmar workers often ask the ILO about their rights at work, or where and to whom to present their grievances to when they think those rights have been broken. The ILO has collected some of the most frequently asked questions received, and seeks to provide general guidance. However, before you do anything, the ILO recommends you first seek advice from a labour organization or township labour office if you think your rights have been broken.

Q1. What is the legal age to work in Myanmar?

Q2. And what type of work can children and young workers below the age of 18 legally do?

First of all, under Myanmar laws, there are different types and nature of work which can be legally allowed for children of different ages. Please see the table below.

Sectors/ workplaces	Minimum age for admission to employment or work, and requirements and conditions	Types or conditions of work NOT allowed for young/adolescent workers
<p>In factories (manufacturing, processing, energy, publishing, etc.)*</p>	<p>A young/adolescent worker who is 14 or 15 years may be allowed to work in any factory if –</p> <p>(a) a certificate of fitness granted under section 77 is kept in the custody of the manager of the factory; and</p> <p>(b) the young/adolescent worker carries, while s/he is at work, a token referring to the certificate of fitness</p> <p>Young/adolescent workers aged 14 and 15 years can work 4 hours a day, except between 6 p.m. and 6 a.m.</p>	<p>No children below 14 years are allowed to work in factories.</p> <p>Employment of young persons under 18 years is prohibited for work with dangerous machinery.</p> <p>Employment of “young/adolescent workers” between 14 and 15 years is prohibited:</p> <ul style="list-style-type: none"> - in any part of a factory in which a cotton opener is at work. - in the “worst forms of labour including in

Sectors/ workplaces	Minimum age for admission to employment or work, and requirements and conditions	Types or conditions of work NOT allowed for young/adolescent workers
	<p>Young/adolescent workers aged 16 and 17 years, who have completed the relevant vocational trainings, who are certified as medically fit for work, are allowed to work in trades which are safe and which do not affect the development and morals of such persons.</p>	<p>hazardous conditions, conditions harmful to his/her health, conditions deterring his/her education and in such a way his/her moral and dignity would be affected”</p> <p>Young/adolescent workers aged 14 and 15 years are not allowed to do night work between 6 p.m. and 6 a.m.</p>
<p>Shops and establishments (wholesale or retail, banking, travel agency, hotels, private clinics, private education institution, entertainment places, etc)*</p>	<p>A young/adolescent worker above 14 years is allowed to work, but for no more than 4 hours a day.</p> <p>Young persons between 16 and 18 years who have: completed the relevant vocational trainings; know and abide by the directives relating to the occupational safety and health; and are certified by the registered medical practitioner to be fit for work, are allowed to work in the trades which are safe and do not affect their development and morals</p>	<p>No person under the age of 14 shall be required or permitted to be employed in a shop or establishment.</p> <p>No person below the age of 16 shall be required to work overtime in excess of normal working hours or night work, between 6 p.m. and 6 a.m.</p> <p>No persons under 18 years are allowed to perform dangerous work or required to work in dangerous workplaces</p>

Note *: Please see “Appendix 1” of the *ILO Guide to Myanmar Labour Law 2017* (page 51 of [English edition](#); page 52 of [Myanmar edition](#)) which clearly provides which sectors or workplaces are covered or NOT covered by what laws.

Q3. I often see children working in teashops and restaurants in my city, I don’t feel that is right. Is that legal? How and to whom can I report this?

Currently, Myanmar's labour laws are not holistic and they do not specifically regulate the employment or work of children in the sectors or workplace other than factories or shops and establishments listed above.

The Child Law allows children below 16 years to lawfully engage in voluntary work. But it also states, that those children should enjoy special rights provided in respect of: hours of

employment; rest; and leisure. In this respect, the Government of Myanmar is currently finalizing the **List of Hazardous Work**, which should be prohibited for all children under the age of 18 years. The list is expected to prohibit those conditions or nature of work that children perform in teashops and restaurants, which are considered: harmful to their safety; health; and children's morals.

In terms of reporting the child labour cases to the authorities, the Ministry of Labour, Immigration and Population (MOLIP) is the principal authority to enforce labour laws, specifically the Factory General Labour Laws Inspection Department (FGLLID). Every township has a township labour office, so please contact the respective township labour offices.

Alternatively, incidences of suspected child labour can also be reported to the following authorities and partners:

- Ministry of Social Welfare Relief and Resettlement (Department of Social Welfare); and
- Workers Organizations/Trade Unions

Finally, if “worst forms of child labour” are suspected, the police may be authorized to investigate the cases. Under Myanmar's labour laws, incidences of child labour, which are punishable under the criminal laws, are as follows:

- Forced or compulsory labour, including forced recruitment of children for use in armed conflict (Section 27(A) of the Ward or Village Tract Administration Law of 2012);
- Sale of children (Section 372 of the Penal Code);
- Trafficking in children (Section 24 of the Anti-Trafficking in Persons Law of 2005);
- Use of children for prostitution (Section 372 and 373 of the Penal Code); and
- Use of children in the business of alcohol and urging, inducing or abetting a child to gamble (Section 65 of the Child Law)

Q4. I have been dismissed from my work with no justification or notice. How and to whom can I report this?

You may report this to the Township Labour Office. In every township, there is a Township Labour Office, and an officer from the Department of Labour is in charge of advising and receiving complaints on matter related to dismissal.

Q.5 I work between 10 and 12 hours a day. Is that legal?

If the total daily working hours do not exceed 8 hours and your rest hours are 2 hours (making a total of 10 hours), it is legal.

It is also legal if the hours worked beyond 8 hours are considered and paid as overtime. However, overtime work must be within the legal limit of no more than 3 hours worked per day from Monday to Friday for workers not engaged in continuous work in a factory and 5 hours for a Saturday. In shops and establishments, the legal limit for overtime is 12 hours per week (or 16 hours in exceptional cases).

Q.6 After how many hours of work do we consider the extra work as over time?

In factories, for workers who do not engage in continuous work, overtime hours are hours above 8 hours per day or 44 hours per week. For adult male workers in a factory who are engaged in continuous work, overtime hours are hours above 48 hours per week.

In shops and establishments, overtime hours are hours above 8 hours per day or 48 hours per week.

Q.7. Which formula shall my employer use to pay me overtime compensation?

Regarding overtime (OT) calculation, according to the Factories Act, the OT compensation for daily wage workers should be double the ordinary wage rate (not including allowances). And the Directive (Standing Order) provides for the OT calculation formula as follows: (daily wage x 6 days / 44 hours) x 2.

According to FGLLID, “if a worker is being paid the minimum wage rate (i.e. base wage), the OT calculation should be (2 x daily wage/8 hours); but if a worker is receiving more than the minimum wage rate, the calculation should be in accordance with the formula that is provided in their Standing Order” (meaning: (daily wage x 6 days) x 2).

Ministry of Labour is currently drafting the Payment of Wages Rules, and it is expected to include the OT calculation formula.

Q.8 My employer doesn't pay me overtime. How and to whom can I report this?

The labour inspector from the Factories and General Labour Laws and Inspection Department (FGLLID) can receive complaints regarding overtime. These complaints should be in writing. In some townships, there are no labour inspectors, in which case, you may contact labour inspectors at the region/state labour offices.

Q9. How many days off per month am I entitled to?

All workers covered under the Leave and Holidays Act are entitled to **one paid weekly day of rest**, and it is called weekly rest days. For factories, the weekly rest day should be a Sunday. Shops and establishments may select which day of the week on which they will observe the weekly rest day.

Q.10 My employer physically attacks me. How and to whom can I report this?

Physical assault can be reported to the relevant township police officer and the matter may be handled as a criminal offence. A victim could also file a case at civil court to claim compensation for the damage caused by such physical attacks.

At the same time, workers can always choose to pursue more peaceful resolutions, either through Workplace Coordinating Committee or any other workplace grievance mechanisms. This may be the case if the physical assaults are minor and/or the victim's intention is for the employer to simply stop the assaults so that the victim can remain in her/his job.

Q.11 I'm paid half of my salary, and I will only get the other half at the end of my contract. If I decide to leave my job, I will lose what my employer owes me. Is that legal? How and to whom can I report this?

This case should be complained to the inspector of Factories and General Labour Labour Inspection Department (FGLLID) in writing. In some townships where there is no FGLLID officer, you may complain to the region/state labour office. But such a complaint **should be filed within 6 months** of the date of receiving half of the salary.

Q.12 My employer hasn't paid my salary for the past 2 months. How and to whom can I report this?

The complaint can be filed with the inspector of FGLLID, in writing and **should be filed within 6 months**.

Q.13 My co-workers are organizing a strike, but I am afraid to lose my job if I join them. Is striking legal? If my employer threatens to dismiss those who join the strike, how and to whom can I report this?

Strikes can be conducted legally, in accordance with the rules and regulations provided under the Labour Organisation Law and Settlement of Labour Dispute Law (see page 42 of the [Labour Law Guide in English](#)). In the case of legal strikes, employers are clearly prohibited by law from threatening to dismiss those workers who join the strikes.

Workers have the right to freely decide whether to join a strike or not. Workers who do not wish to join a strike should not be forced to do so, and the striking workers should not prevent them from continuing to work.

Q.14 I'm paid below the minimum wage of 4,800 Kyats per day, how and to whom can I report this?

In every township, there is a Township Labour Office, and an officer from the Department of Labour is in charge of receiving complaints on the non-payment of minimum wages. The minimum wage rate may not always apply to small and family-run business employing less than 10 workers.

Q.15 When I got sick and I couldn't go to work, my employer deducted from my salary the days I stayed at home. Is that legal? How and to whom can I report this?

If there is unused medical leave, the worker should be entitled to medical leave. In such case, salary deductions are violation of the law and shall be reported to the inspector of FGLLID. But if there is no medical leave balance left, it will be deducted from salary.

Medical leave entitlements (paid) are up to 30 days per year (upon a medical certificate), which a worker will earn after working for at least 6 months with the same employer. Unused medical leave is lost at the end of the year. Workers who have worked with the same employer for less than 6 months may take unpaid medical leave.

Q.16 Should my employer pay for my medical expenses if I get hurt at work? How does that work (practically)?

The township labour officer is normally performing the functions as township commissioner for compensation, so the complaint should go directly to the township labour officer.

Q.17 My employer made me work during a Sunday or a public holiday. Is that legal? If yes, should my employer pay me more? How and to whom can I report this?

As stated above, a Sunday is a weekly rest day for factories, but shops and establishments may choose any day of the week to observe a weekly rest day.

Before requiring work on a Sunday, the employer must notify both the Labour Inspectorate and its workers of its intention to impose a workday, and of the day which it will replace the lost rest day with.

Depending on the nature or condition of business, such as hospitality industry, or during busy production times, workers may be requested to work on a public holiday. In that case, an employer must pay overtime compensation. If the employer doesn't pay overtime compensation, the complaint should be reported to the inspector of FGLLID.

Q.18 I left my job and I had unused leave. Should my employer pay for it?

It depends on the employment contract and it should be clearly agreed by the employers and workers beforehand.

Q.19 I'm on a temporary assignment. Am I entitled to any days off?

Yes, you should be entitled to days off in proportion to the length of your assignment.

Q.20 I'm pregnant. What happens when I deliver my baby? Am I entitled to paid leave?

Workers covered under the Leave and Holiday Act are entitled to 6 weeks of paid maternity leave before birth and 8 weeks of paid maternity leave after birth (and 4 additional weeks in

the case of multiple births). Workers who are registered with the Social Security Board (workers working in companies with 5 workers or more or workers who pay voluntary contributions) will receive maternity benefits from the social security scheme.

Additionally, pregnant workers who have worked at least 1 year and paid at least 6 months of contribution to the social security scheme are entitled to:

- 70% of one year's average wages during maternity leave
- A lump sum bonus equivalent to 50% (for a single child), 75% (for twins), or 100% (triples or more) of the average monthly wage upon delivery.

Q.21 I have just had a baby, and my employer told me to come back to work after a week. Is that legal? How and to whom can I report this?

As provided in the answer above, workers covered under the Leave and Holiday Act are entitled to 8 weeks of paid maternity leave after birth. If the employer forces the worker to come back to work, the worker may complain to the inspector of FGLLID.

Q.22 At my workplace, we want to form a trade union. How does that work?

With limited exceptions, every worker has the right to form or join a trade union, and the right to resign from a trade union, if they so choose. This includes daily wage earners, temporary workers, apprentices and trainees, migrant workers, agricultural workers, teachers, other government employees and workers in civilian production operations owned by the Myanmar Economic Cooperation. The only exceptions are the Defence Service personnel, police, and members of armed organisations under the Defence Services.

Basic Labour Organizations may be formed by a minimum of 30 workers in a workplace (factory, workshop, establishment, construction business, transportation business, service business, or other vocation work).

If there are less than 30 workers in a particular workplace as listed above, workers may form a basic labour organization together with workers from another workplace within that sector and region. In such a case, 10% of all of the workers in workplaces seeking to form a basic labour organization together must vote in favour of the organization. Votes are collected by signature.

All trade unions must be registered with the Ministry of Labour. Basic labour organizations must submit constitutions and letters from founding members to the township registrar. You can find registration forms in the Labour Organization Rules of 2012.