

Labour Market Profile Myanmar – 2021/2022



This profile provides a comprehensive overview of the labour market's structure, development, and challenges.

*Danish Trade Union
Development Agency*



ULANDSSEKRETARIATET – DTDA
DANISH TRADE UNION DEVELOPMENT AGENCY

PREFACE

Danish Trade Union Development Agency (DTDA) is the development organisation of the Danish trade union movement. This agency was established in 1987 by the two largest Danish confederations – the Danish Federation of Trade Unions (Danish acronym: LO) and the Danish Confederation of Professionals (Danish acronym: FTF). These confederations merged to become the Danish Trade Union Confederation (Danish acronym: FH) in January 2019. Besides, formerly known as LO/FTF Council was replaced by DTDA.

The work of DTDA is in line with the global Decent Work Agenda (DWA) based on its pillars: creating decent jobs, guaranteeing rights at work, extending social protection, and promoting social dialogue. The overall development objective is to eradicate poverty and support the development of just and democratic societies by promoting the DWA.

DTDA collaborates with trade union organisations in Africa, Asia, Latin America, and the Middle East. The programmes' immediate objective is to assist the partner organisations in becoming change agents in their own national and regional labour market context, capable of achieving tangible improvements in the national DWA conditions and achieving the labour-related Sustainable Development Goals (SDGs).

The Labour Market Profile (LMP) format provides a comprehensive overview of the labour market's structure, development, and challenges. In the framework of DWA and SDGs, LMPs follow several central indicators addressing labour market development aspects, especially the unionism evolution, social dialogue and bi-/tri-partite mechanisms, policy development, and legal reforms status vis-à-vis ILO conventions and labour standards, among others.

Primary sources of data and information for LMPs are:

- As part of programme implementation and monitoring, national partner organisations

provide general information on the labour market's developments and specific data on central indicators applied in a unique data collection tool.

- National statistical institutions and international databanks are used as a source for collection of general (statistical) data and information such as ILOSTAT and NATLEX, World Bank Open Data, ITUC Survey of Violations of Trade Union Rights, the U.S. Department of State, as well as other internationally recognised labour-related global indexes.'
- Academia and media sources (e.g., Labour Start, national news, among others) are furthermore used in the available research on labour market issues.

The profile is regularly updated. The current version covers the period from 2021 to 2022. Labour Market Profiles for more than 30 countries are available on DTDA's website:

<https://www.ulandssekretariatet.dk/>.

DTDA prepared the Labour Market Profile in collaboration with support from the Confederation of Trade Unions of Myanmar (CTUM). If any comments arise to the profile, please contact Mr Kasper Andersen (kan@dttda.dk) from DTDA.

The frontpage photo taken on March 12, 2021, protesters hold up the three-finger salute and placards with the image of detained Myanmar civilian leader Aung San Suu Kyi while using their mobile torches during a demonstration against the military coup in Yangon. Photo by STR / AFP.

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INTRODUCTION

The military seized full control of Myanmar on February 1, after arresting members of parliament and the state counsellor Aung San Suu Kyi. The military claimed that it took power due to electoral fraud in November 2020, when the National League for Democracy (NLD) won a landslide election that further consolidated its majority in parliament. The day after peaceful pro-democracy protests broke out all over the country as millions took to the streets to show their discontent. As the pro-democracy protests led by the Civil Disobedience Movement (CDM) a self-organised movement composed of civil society, students, the trade union movement among others grew larger, the military has increasingly clamped down on protesters, killing thousands of people and detaining even more. Human rights groups have documented the widespread use of torture and degrading treatment of prisoners. As a response to the coup, the Myanmar trade union movement represented by the Confederation of Trade Unions of Myanmar (CTUM) withdrew all dialogue and cooperation with the military illegitimate government, while CTUM affiliated federations organised strikes.

The international response to the coup was mixed but the European Union, the United States, the United Kingdom, and others called for the reinstatement of the elected parliament while introducing targeted sanctions on individuals and enterprises connected to the military regime. Many

international companies are leaving Myanmar and especially western textile brands have cancelled or not put in new orders to Myanmar's textile and garment factories due to the human rights situation and reputational risks. The coup has severe consequences for the country's economy. The International Monetary Fund estimates that Myanmar's GDP shrank by 18% in 2021, while the Kyat exchange rate is in free fall, the relatively high inflation, rising food prices, and an acute cash shortage have plunged the population into economic desperation, while the ILO estimates that 2.2 million jobs have been lost in the two first quarters of 2021.

Meanwhile, the disillusioned young protesters are joining the ranks of Myanmar's ethnically based militias to join the armed struggle against the regime as the military is cracking down on peaceful protesters. And the military has been building up forces in the countryside to initiate a campaign against the areas outside their control, and civil war might be drawing closer.

This situation means that the information presented in the present Labour Market Profile may be outdated as the economic and political panorama is changing rapidly. Developing and updating the future editions of the Labour Market Profile will be challenging as valid information will be scarce in the future.

EXECUTIVE SUMMARY

Myanmar's long-standing high pro-poor economic growth plummeted in 2020 as an impact of the global Covid-19 pandemic. Further, it tumbled in 2021, powered by a coup d'état on February 1, led by the military regime. These circumstances brought massive job losses, halting wage increases and haunted by weak social protection coverage, pushing some of the otherwise risen middle-class to balance on the poverty line.

The labour-related laws progressed during the 2010s; some of the most recent significant new legislation is the Occupational Safety and Health Law from 2019. The labour legal framework remains flawed to the international standards. Free Trade Agreements' labour clauses are not utilised effectively in Myanmar, not to mention central trade agreements are in limbo in the aftermath of the political turmoil in 2021.

Social dialogue evolved during the 2010s at the national level and a novel international ACT initiative from 2019 that aims to achieve living wages for workers through collective bargaining at the industry level linked to purchasing practices. Although collective bargaining agreements started to emerge rapidly at the end of the 2010s, benefitting export-oriented firms, they got delayed in 2020 due to the impact of the Covid-19 pandemic. Unrest at workplaces and disputes in factories have been on the rise in recent years. Although employers and trade unions are becoming more involved in multi-level processes for resolving disputes, the scope is challenged by the widespread informal micro and small enterprises.

The trade union movement resurrected at the beginning of the 2010s, and the number of trade unions and members multiplied. The trade union density of employment reached 1.2% in 2018, relatively low compared to neighbouring countries. Equally important, the country tumbled to the bottom on the Global Rights Index in 2021 due to deteriorated industrial relations: the military regime

is crushing unionism, and the trade union movement cannot recognise this new command as a social partner. These factors hindered unionism and industrial relations.

The ageing population creates mounting pressure on the public finances. Slow urbanisation growth is reflected in only slight shifts in the employment structure concentrated in low-productivity jobs and the stark gender gap. The unemployment rate was meagre at 1.8% in 2020 but was shadowed by the widespread informal employment, just as 40% of the workforce are economically inactive.

Myanmar fuelled an unbalanced net migration for decades. Personal remittances are a significant part of the economy, and the flow got disrupted in 2020, putting many families losing their income. Internal displacement and a new wave of Myanmar refugees accelerated in recent years caused by clashes between militant groups and the military. Many refugees are protected in camps, and others stay outside to find some income.

During the 2010s, the education system delivered impressive enrolment rates at lower school levels but slower at higher education levels. The high drop-out rates continue to test the workforce's development, not to mention only a few firms offering formal training programmes. The difficult period since 2020 slowed down the education reform's tempo just as a massive group of students have difficulties completing their curriculum.

Myanmar demonstrated improvements in the social protection's legislation and policy framework during the 2010s. However, the population still has very weak coverages, e.g., just 6.3% is protected by at least one social protection benefit, and the proportion of older persons receiving a pension reached 15% in 2020. The country is contested to get substantial coverage of the poor and the vulnerable population by 2030 to achieve the specific Sustainable Development Goals.

The table below provides an overview of key labour market indicators' status in the Decent Work Agenda framework.

On Page v, the second table presents an overview of the current value and targets of the Sustainable Development Goals' indicators concerning labour market issues.

Status of key labour market indicators in the framework of the Decent Work Agenda (DWA) in Myanmar

Creating decent jobs	
Policy reforms addressing creation of decent employment.	Myanmar is broadly covered by central labour-related policies (i.e., employment, skills development, minimum wage, productivity/competitiveness, and industrial). As an impact of the Covid-19 pandemic since 2020, the government launched insurance for salaried workers and implementing the Covid-19 Economic Relief Plan. The draft Myanmar Economic Resilience and Reform Plan (MERRP) was stalled in 2021.
ILO standard setting on improvement of status of workers from the informal economy.	National forums dealing with informal economy workers are not present but policies addressing the status of informal economy workers is in progress.
Guaranteeing rights at work	
Growth in CTUM trade union members.	CTUM's members grew by 62% from 2014 to 2019, peaking of 70,000 organised workers, but it fell by -7.3% from 2019 to 2020 caused the economic downturn.
Violations of trade union rights.	Ranking 5+ out of 5+ (5+ is worst) in 2021. *
New labour laws/decrees in 2019 and 2020.	Occupational Safety and Health Law 2019 is that first legally established health and safety standards in accordance with international and regional standards. Amended Dispute Settlement Law 2019 prohibits actions that interfere with production or affects the welfare of other workers while a settlement is being negotiated, which trade unions considered as detrimental for workers to exercise the right to take mass actions while settlements are being negotiated. Child Rights Law 2019 sets the minimum age of marriage (18 years) and minimum age of employment (14 years). Industrial Zone Law 2020 aims to promote industrialisation, create job opportunities through the establishment of industrial zones, attract foreign investment and increase the value of products based on domestic raw materials.
Partner organisations with minimum 30% women representation in decision-making bodies.	Yes, 34% in CTUM in 2020. Besides, 24% of youth (men/women below 30 years of age) in leadership positions and decision-making bodies in the organization.
Extending social protection	
Percentage of total population covered by Health Social Protection.	2.3% in 2019.
Workers from the informal economy have access to national social security schemes.	Informal economy workers have access to basic medical and sickness benefits, but only through public health facilities.
Promoting social dialogue	
Trade union density of total employment (%)	2.1% in 2018.
Cooperation in labour-employer relations.	N/a
Number of Collective Bargaining Agreements (CBAs).	CTUM registered 952 CBAs in 2019 but dropped to 17 agreements with enterprises in garment sector in 2020 due to the economic downturn.
Workers' coverage of Collective Bargaining Agreements to employees.	N/a.
Bi-/tri- partite agreements concluded in recent years.	Several activities on bipartite and tripartite stakeholders on migrant workers' rights and privatization issues in 2019. However, no bi-/tri-partite Memorandum of Understandings, pacts/charters, and joint guidelines or codes of good conduct were registered in 2019/2020.
* While the legislation may spell out certain rights, workers have effectively no access to these rights and are therefore exposed to autocratic regimes and unfair labour practices and linked to dysfunctional institutions because of internal conflict and/or military occupation. Sources: DTDA, Myanmar: data-collection tool 2019/2020 and own calculations on trade union membership growth, trade union density, and ratio of informal workers affiliated to social security to vulnerable employment.	

Status of key Sustainable Development Goals in labour market related issues in Myanmar

Indicators	Value	Year	SDG Targets
1.1.1: Working poverty rate (percentage of employed living below US\$1.9 PPP).	1.1%	2019	By 2030, eradicate extreme poverty for all people everywhere, currently measured as people living on less than US\$1.9 a day.
1.3.1: The population effectively covered by a social protection system, including social protection floors.	6.3% *	2019	Implement nationally appropriate social protection systems and measures for all, including floors, and by 2030 achieve substantial coverage of the poor and the vulnerable.
5.5.2: Proportion of women in senior and middle management positions (%)	34%	2019	Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic, and public life.
5.5.2: Proportion of women in managerial positions (%)	36%	2019	
8.2.1: Annual growth rate of output per worker (GDP constant 2011 international \$ in PPP).	4.6%	2019	Sustain per capita economic growth in accordance with national circumstances and, in particular, at least 7 per cent gross domestic product growth per annum in the least developed countries.
8.3.1: Proportion of informal employment in non-agriculture employment.	80%	2019	Promote development-oriented policies that support productive activities, decent job creation, entrepreneurship, creativity, and innovation, and encourage the formalisation and growth of micro-, small- and medium-sized enterprises, through access to financial services.
Women	86%	2019	
Men	75%	2019	
8.5.1: Average hourly earnings of women and men employees.	US\$ 0.75	2019	By 2030, achieve full and productive employment and decent work for all women and men, including young people and persons with disabilities, and equal pay for work of equal value.
Women	US\$ 0.72	2019	
Men	US\$ 0.78	2019	
8.5.2: Unemployment rate (Total, 15+)	1.8%	2020	
8.5.2: Women, 15+	0.6%	2019	
8.5.2: Women, 15-24 years	1.6%	2019	
8.5.2: Men, 15+	0.4%	2019	
8.5.2: Men, 15-24 years	1.4%	2019	
8.6.1: Proportion of youth (15-24 years) not in education, employment, or training).	15%	2019	By 2030, substantially reduce the proportion of youth not in employment, education, or training.
8.7.1: Proportion and number of children aged 5-17 years engaged in economic activity (Total).	5.0	2017	Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025, end child labour in all its forms.
8.8.1: Non-fatal occupational injuries per 100,000 workers.	11.8	2019	Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment.
8.8.1: Fatal occupational injuries per 100,000 workers.	3.2	2019	
8.8.2: Level of national compliance with labour rights (freedom of association and collective bargaining)	-	-	The exact measurement method and scoring for this indicator needs to be developed.
9.2.2: Manufacturing employment as a proportion of total employment.	10.5	2019	Promote inclusive and sustainable industrialisation and, by 2030, significantly raise industry's share of employment and gross domestic product, in line with national circumstances, and double its share in least developed countries.
10.4.1: Labour income share as a percent of GDP.	44%	2019	Adopt policies, especially fiscal, wage and social protection policies, and progressively achieve greater equality.

* Population covered by at least one social protection benefit (see more in the Social Protection section Table 13).

Source: ILO, Key Indicators of the Labour Market (KILM); Myanmar Labour Force Survey 2017.

COUNTRY MAP



Source: United Nations' Department of Field Support, Myanmar.

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ECONOMIC PERFORMANCE

Since 2011, Myanmar's government introduced a series of political and economic reforms directed towards liberalisation to integrate into global economies after a long military era. However, the military continued to influence politics which is intertwined with complex parliamentary politics. This situation is echoed in the fragile democratisation process. As a reflection, the military seized political control on February 1, 2021, following a general election which Ms Aung San Suu Kyi's National League for Democracy (NLD) party won by a landslide. The coup took place as a new session of parliament was set to open and declared a year-long state of emergency. It triggered a series of protests, known as the Spring Revolution, where approximately 1,000 protesters and bystanders have been killed by military or police forces and more than 4,000 people detained.

Other difficulties in Myanmar are related to the crisis that erupted in 2017 with conflicts to various ethnic minorities pushing an exodus of around 800,000 Rohingya people (see more in the Migration sub-section). Climate change is also challenging the development: Myanmar is one of the world's most disaster-prone countries, exposed to multiple hazards, including floods, cyclones, earthquakes, landslides, and droughts.¹

The country is a lower-middle-income economy with a projected US\$1,527 Gross Domestic Product (GDP) per capita in 2020, projected to drop at US\$1,246 in 2021; not to mention significantly lower than Bangladesh (US\$1,998), India (US\$1,965), and Laos (US\$2,626).

Myanmar's economy experienced rapid economic growth during the last two decades but witnessed deceleration after the elected civilian government in 2016. The economic growth was driven mainly by solid industrial performance, particularly in garment manufacturing and a slight upsurge in the service sector. The government struggled in recent years on several fronts, such as clarification of the economic vision, the weak influx of foreign direct investments, and some limbo in managing public administration to implement policies and programmes.

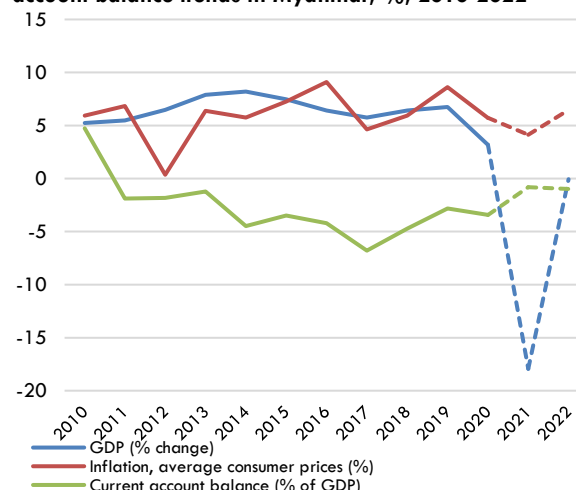
Myanmar's GDP change started to drop in 2020 due to the Covid-19 pandemic but pressed further down to a projected -18% in 2021. This outlook pushes an upsurge in government expenditure and mounting debt. Inflation in consumer prices also grew since 2017, peaking at 8.6% in 2019, hollowing out workers' income purchasing power. The inflation rate is expected to drop to 4.1% in 2021. Like most developing countries, the leading cause of inflation in Myanmar is the national budget deficits (see Table 1 and Figure 1).

Table 1: Myanmar's key economic data, projections, 2019-2022

Values	2019	2020	2021	2022
GDP (current, billion, US\$)	68.8bn	81.3bn	66.7bn	63.1bn
GDP per capita (current, US\$)	1,302	1,527	1,246	1,170
Total investment (% of GDP)	32%	32%	32%	32%
Gross national savings (% of GDP)	30%	29%	32%	31%
General government total expenditure (% of GDP)	20%	22%	22%	22%
General government gross debt (% of GDP)	39%	39%	58%	64%

Sources: International Monetary Fund, World Economic Outlook Database, October 2021.

Figure 1: Gross domestic product, inflation, and current account balance trends in Myanmar, %, 2010-2022

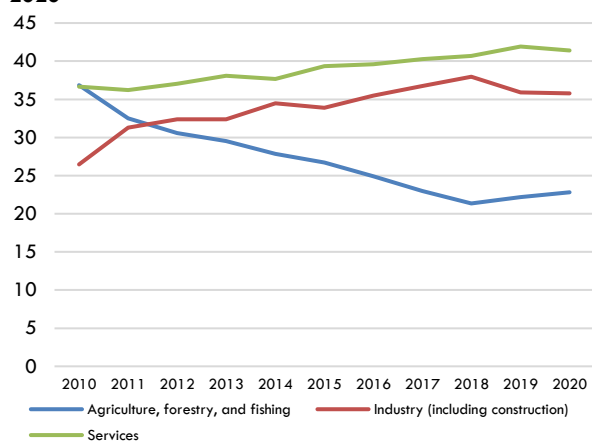


Sources: International Monetary Fund, World Economic Outlook Database, October 2021.

Figure 2 illustrates sectoral economic shifts in the country. The agricultural sector's value-added dropped significantly during the 2010s but rebounded since 2019. In contrast, the industry sector's value-added grew steady until it fell from 2019. The service sector has the highest value-

added of GDP and slowly rising. Part of these changes are linked to weak shifts of the employment structure (see more in the Workforce section). Foreign direct investment into the manufacturing sector has grown significantly driven by low wages, zero-tax policies and new special economic zones, and preferential trade arrangements such as the EU's Generalized System of Preferences (GSP) scheme (see more in the Trade Agreements sub-section).

Figure 2: Aggregate sectoral value-added, % of GDP, 2010-2020



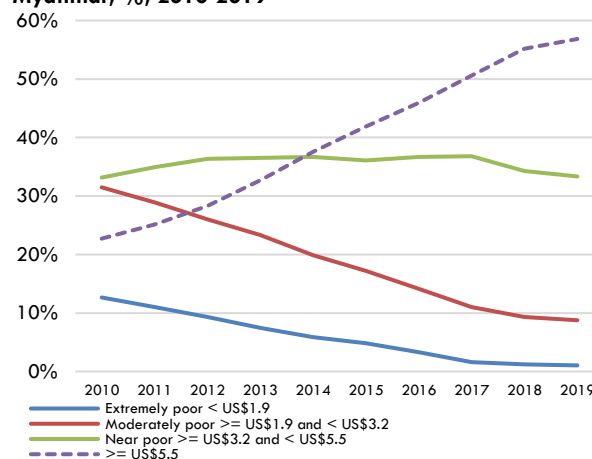
Source: World Bank, World Development Indicators.

The informal economy continues to be widespread, and the economy is haunted by corruption linked to high-ranking officers and crony companies. Business regulations are cumbersome. Regarding the complex bureaucratic procedures, the Doing Business Index ranked Myanmar 165th out of 190 countries (1st is best) in 2020. Out of ten indicators, the country's best rank was dealing with construction permits (46), getting credit (48) and starting a business (70). Other scales were very poor, e.g., dealing with enforcing contracts (187), getting credit (181), and resolving insolvency (164). See more details in Appendix Table 18.

The Human Development Index (HDI) places the country as medium human development at 147th out of 189 (1 is best) in 2020. Inequality in the distribution of family income (Gini-index) dropped from 38 in 2015 to 31 in 2017 (i.e., 0 represents perfect equality, while an index of 100 represents high inequality).²

Among Myanmar's employed population, estimations of aggregated working poor (<US\$3.1 per day) fell from 44% in 2010 to 10% in 2019. The near-poor and the middle-class groups increased, reaching 33% and 57% in 2019, respectively (Figure 3). This trend reinforces the fact that economic growth was pro-poor. Myanmar's broader poverty headcount ratio at the national poverty line measured a drop from 48% to 25% of the population between 2005 and 2017, which was in line with Bangladesh (24%) but higher than China (0.6%), India (22%), Laos (18%), Thailand (9.9%) based on the latest data. In Myanmar, improvements in social welfare since 2011 aided the poverty reduction just on the margin (see more in the Social Protection section).

Figure 3: Projections of employment by economic class in Myanmar, %, 2010-2019



Note: Data exclude the economically inactive population, covering 40% of the population (aged 15+) (see more in the Unemployment sub-section). The value is measured at Purchasing Power Parity (PPP).

Sources: ILO, Key Indicators of the Labour Market (KILM).

Despite the impressive poverty reduction in Myanmar during the 2010s, the political turmoil and the Covid-19 pandemic impact could push up to 12 million people into poverty. Studies found nearly half of Myanmar's population could end living below the national poverty line by early 2022, a level of impoverishment not seen in the country since 2005. Without rapid corrective actions on economic, social, political, and human rights protection policies, these scenarios will put Myanmar's efforts to achieve the Sustainable Development Goals by 2030 well out of reach.³

Special Economic Zones (SEZs)

The Special Economic Zone (SEZ) Law was approved in 2014, followed by the Industrial Zone Law in 2020. The new law aims to promote industrialisation, create job opportunities by establishing industrial zones, attract foreign investment and increase the value of products based on domestic raw materials.

Under the SEZ Law, the government-appointed labour inspectors and established zonal tripartite committees are responsible for setting wage levels and monitoring local and foreign labour.⁴ The law requires 75% of the skilled workforce employed in zonal firms to be local after four years of commercial operations. SEZ Law does not fully conform to international laws and standards to protect labour rights. The legislation does not establish clear procedures and lines of responsibility and accountability. This situation has contributed to labour rights violations, and abuses in Myanmar's SEZ sites including worker do not have rights to organise freely.⁵ ILO's Committee on the Application of Standards raised concerns about procedures for dispute settlement within the SEZs. They argued it was cumbersome because no process had been established for parties in a dispute to notify the Management Committee to mediate.⁶

The country is still in its nascent stage of promoting these SEZs: one is operating, Thilawa SEZ, and two others, Dawei SEZ and Kyuak Phyu SEZ, are under development. Accelerated foreign direct investments through new special economic zones have begun in recent years, creating triangle win situations for domestic industries, investors, and the government. The government appointed a labour inspector for each zone and established zonal tripartite committees responsible for setting wage levels and monitoring local and foreign labour ratios.

Thilawa SEZ demonstrated considerable progress. Since May 2016, 13 factories have begun commercial operations and created close to 2,200 jobs apart from the thousands of construction-related jobs in the zone.⁷ In 2018, a total of 113

projects were approved. Of these companies, around three out of four are in the manufacturing sector. This SEZ has provided over 20,000 jobs to workers, including over 9,000 permanent workers at factories. It is tentatively expected to provide some 200,000 jobs by 2030. Over 90 foreign-owned firms and 13 foreign-Myanmar joint ventures have been set up in the special economic zone since its opening in 2015.⁸

Italian-Thai Development Plc. (ITD) worked as the Dawei SEZ project contractor with a grant of 60 years concession. The agreement ran into problems. In December 2020, the government terminated the involvement of the consortium led by ITD. The notification claimed the consortium had failed to make concession fee payments and had not complied with certain conditions before commencing operations under its concession agreements.⁹

In 2019, the government launched geological surveys for the Kyuak Phyu SEZ project. Once the seaport and SEZ are in operation, thousands of employments are expected for local workers.

The frequency of worker unrest and strikes around Yangon's industrial zones increased significantly in 2020. Besides, one of the direct consequences of Covid-19 was a decline in job security among the garment workers. It resulted in both a temporary and permanent loss of jobs: at least 10% of workers among Myanmar's garment factories lost their jobs.¹⁰

LABOUR LEGISLATION

In June 2021, the International Labour Organisation (ILO) registered Myanmar's legal labour-related framework covering 118 laws/decrees.¹¹ There is no core law that sets the basis for employment relationships. Instead, it is knitted in a complex legal framework challenging employers' and workers' awareness of its scope. Several laws are still from the colonial time, but a series of major legal reforms of the labour market were launched during the 2010s (see also Appendix Table 15):

- Leave and Holidays Act (1951) as amended 2014.
- Factories Act (1951) as amended 2016.
- Income Tax Law (1974) as amended by Union Tax Law 2016.
- Labour Organisation Law from 2011.
- Social Security Law from 2012.
- Settlement of Labour Dispute Law from 2012 as amended 2014 and 2019.
- Employment and Skill Development Law from 2013.
- Minimum Wage Law from 2013.
- Payment of Wages Law from 2016.
- Shops and Establishment Law from 2016.
- Occupational Safety and Health Law from 2019.

This legal fragmentation of labour issues by sector (e.g., factories, shops, mines) or by theme (e.g., wages, leave and holidays) has created gaps, particularly side-lining workers in agricultural, construction and fisheries at sector-specific laws. In addition, since the coup on February 1, 2021, organisations listed several legal changes that were introduced by the military junta that subverted existing protections in the legal system. It has challenged several international obligations, by the same token there are no trade union rights without political freedom:¹²

- Arbitrarily suspended sections of the Law Protecting the Privacy and Security of Citizens (2017), removing basic protections, including the right to be free from arbitrary detention and the right to be free of warrantless surveillance and search and seizure.
- Amended the Penal Code to create new offences and expand existing offences to target those speaking critically of the coup and the military and those encouraging others to support the “Civil Disobedience Movement.”
- Amended the Ward and Tract Administration Law to reinstate the requirement to report overnight guests.
- Amended the Code of Criminal Procedure to make the new and revised offences non-bailable and subject to warrantless arrest.

- Amended the Electronic Transactions Law to prevent the free flow of information and criminalise the dissemination of information through cyberspace, including expression critical of the coup or the acts of the junta.

The status of central labour-related laws is summarised below.

Constitution

The Republic of Myanmar Constitution of 2008 can be seen as the first move towards a re-democratisation of the country after the military regime since 1962. The constitution includes several sections that are related to the labour market: i) the Union shall enact necessary laws to protect the rights of workers; ii) citizens shall enjoy equal opportunity in carrying out occupation; and iii) the Union prohibits forced labour except for hard labour as a punishment for crime duly convicted and duties assigned by the Union in accord with the law in the interest of the public.

Several drafted amended 2008 constitution versions were promoted but not approved. For example, in January 2018, the government proposed new reforms of the constitution that included justice for all recognising minorities under a federal system. The proposal did not mention the specific treatment of the Rohingya Muslim minority population that has been forcedly displaced. Besides, the military *coup d'état* in February 2021 reflected the risks of removing democratically elected members of the country's ruling party.

Labour Organisation Law (LOL)

The LOL from 2011 protects workers' rights and enables them to organise free and independent labour organisations. Workers only have the right to join a labour organisation according to their relevant activity.¹³ The law provides unions' right to represent workers, to negotiate and bargain collectively with employers. Still, it does not explicitly outline the terms to send representatives to a conciliation body or conciliation tribunal. The law also permits labour federations and confederations to affiliate with international organisations. It also protects the right to strike in

most sectors, with a majority vote by workers, permission from the relevant labour federations, and detailed information and three days' advance notice provided to the employer and the relevant conciliation body.¹⁴

This legislation is not entirely in line with the international Freedom of Association and Protection of the Right to Organise (C087) and several features undermining the rights. For example, a basic labour organisation must have a minimum of 30 workers to register as a trade union official. They must have the support of at least 10% of the workers in the relevant activity. In the case of federations, the number goes up to 20%. Workers demand these numbers to be reduced and the adoption of a more flexible trade union structure.¹⁵ The law is not guaranteeing that workers will not suffer from retaliation or anti-union discrimination. Despite these features, the law can still be regarded as a significant step in improving social dialogue and creating a legal framework for the establishment and operation of trade unions.

Several amendments and new articles of the LOL are in progress. Recommendation from the ILO's Direct Contact Mission (DCM) to Myanmar in October 2018 and several observations from CTUM raised concerns about the draft bill. Significant differences between the parliament's houses and the government and a deteriorated trust between social partners negatively affected the draft bill's approval.

Settlement of Labour Dispute Law (SLDL)

The SLDL from 2012 created a multi-tiered labour dispute resolution system aiming to improve the environment at the workplace level. Workers, individually or collectively, can participate and negotiate their terms of employment. The law gives workers an active voice and legal protection on the collective agreements undertaken with employers. It sets the rules of relationships and agreements that employers and employees must take. The SLDL does not cover the public sector, construction, agriculture, and informal workers.

The law was amended several times; the latest was in 2019, focusing on prohibiting actions that interfere with production or affect the welfare of other workers while a settlement is being negotiated. The trade union movement considers this provision detrimental for workers to exercise the right to take mass actions while settlements are being negotiated.¹⁶ Implementing the regulations for the law remain in draft.

The SLDL is still a relatively new system. Since the informal economy is widespread and most enterprises operate with less than 30 workers create a deep void between those covered by the mediation and arbitration system and those that are not. The regulations' application often lacks awareness or incentives, not to mention the bureaucratic processes are lengthy and cumbersome. It makes many workers facing obstacles to resolving grievances.¹⁷ It is worthwhile to mention that cases suggest that the system has a bias favouring employers.

Ward and Village Tract Administration Act

In March 2012, the Ward and Village Tract Administration Act was launched. This law prohibits all forms of forced or compulsory labour and punishes persons who impose forced labour on others in Myanmar. Forced labour refers to situations in which persons are coerced to work using violence or intimidation or by subtler means such as accumulated debt, retention of identity papers or threats of denunciation to immigration authorities.¹⁸ However, the law is not effectively enforced in practice by the government.

Employment and Skill Development Law (ESDL)

The ESDL from 2013 formed a Central Body responsible for formulating policies on job creation, the reduction of unemployment and the promotion of skill development among workers. Provisions allow foreigners to set up training schools or skills assessment entities. The law's framework was launched in September 2015. The employers and the workers must execute written employment contracts (ECs): enterprises employing more than five workers must sign ECs with the employees.

Social Security Law

The Social Security Law from 2012 is part of the broader labour law reform and is the central piece of legislation offering social security benefits in Myanmar. This law is not fully implemented (see more in the Social Protection section).

Occupational Safety and Health Law (OSHL)

The OSHL from 2019 was the first legally established health and safety standards by international and regional standards in the country. The regulations apply to both domestic and foreign companies, joint ventures, government departments and organisations. It includes the hospitality, extractive, transport, construction, retail, services, and manufacturing industries (see more in the Social Protection section).

Observations on labour legislation

The International Trade Union Confederation (ITUC) listed several observations of the national legislation concerning the international standards of the right to organize, the right to collective bargaining, and the right to strike. Some of the primary considerations are summarised below:¹⁹

- The right to freedom of association is recognised by law but strictly regulated.
- The labour law prohibits anti-union discrimination but does not provide adequate means of protection against it.
- Prior authorisation or approval by authorities required for the establishment of a union.
- Excessive representativity or a minimum number of members as are necessary for the establishment of a union.
- Single trade union system imposed by law and order banning or limiting organizing at a certain level (enterprise, industry, sector, regional, and national).
- Restrictions on workers' right to join the trade union of their choosing imposed by law (obligation to join a trade union of a certain level, e.g., enterprise, industry, and sector, regional and national).

- Administrative authorities' power to unilaterally dissolve, suspend or de-register trade union organizations.
- Imposition of fixed and unreasonable procedural requirements (e.g., short time limits for reaching an agreement).
- Excessive representativity or a minimum number of members required to hold a lawful strike.
- Undermining of the recourse to strike actions or their effectiveness, i.e., Labour Organisation Law provides that strike is not conforming with the date, place, time, period, the number of participants and manner as obtained permission in advance may be declared illegal.

The government has only partially enforced applicable labour laws due to authorities lack of resources and shadowed by the widespread informal economy.

Ratified ILO Conventions

International principles and rights at work are enumerated in the International Labour Organisation's (ILO) conventions. Myanmar ratified 25 conventions: 19 of them are in force, two denounced, and four instruments abrogated. The latest ratified conventions were the Minimum Age Convention (C138) in June 2020, Seafarers' Identity Documents Convention (C185) in January 2018, and Maritime Labour Convention (MLC, 2006) in May 2016.

Appendix Table 16 shows that Myanmar ratified four out of eight fundamental conventions and no Governance Conventions. The country also ratified 21 Technical Conventions, and three are Up-To-Date and actively promoted.

In recent years, the independent ILO body, known as the Committee of Experts on the Application of Conventions and Recommendations (CEACR), focused on Myanmar's status on the Freedom of Association and Protection of the Right to Organise Convention (C087), where they regretted the absence of progress concerning the long-awaited legal framework in which workers and employers may freely exercise their rights under the

convention. CEACR also paid attention to the Forced Labour Convention (C029), dealing with improving the relevant legislative texts, particularly the Village Act and the Towns Act; no more forced or compulsory labour be imposed by the authorities, and the penalties are imposed strictly enforced.

It is worthwhile to mention that ILO's Governing Body decision in March 2021, regarding the situation in Myanmar, the Credentials Committee considered that it could not presently proceed to accredit delegates for Myanmar. However, the Committee remains seized of this matter. It may reconvene if the Credentials Committee of the General Assembly decides on this matter before the close of the current session of the Conference, i.e., December 11, 2021.²⁰

Trade Agreements

Myanmar is strategically located in South Asia, giving access to participate in regional supply chains by increasing trade and investment linkages. The country is a member of various multilateral organisations such as the World Trade Organization (WTO), the Association of Southeast Asian Nations (ASEAN), and the Bay of Bengal Initiative for Multi-Sectorial Technical and Economic Cooperation (BIMSTEC). Myanmar has further bilateral trade agreements with many countries in the Asian region and benefits from several other Generalised System of Preferences (GSP) schemes such as Australia, Belarus, the European Union (EU), Japan, New Zealand, Norway, the Russian Federation, Switzerland, Turkey, the United States.

Many trade agreements are with provisions going far beyond tariff reductions, particularly in areas of regulatory coordination such as intellectual property rights (IPR) protection, investments, and labour standards. Generally, studies' empirical results for the four measures of labour conditions (i.e., mean real monthly earnings, mean weekly work hours per employee, fatal occupational injury rate, and the number of the ILO's Core Conventions ratified) found no evidence for possible pro-labour-condition effects of regional trade agreements labour clauses overall.²¹ Another survey on the use

of Free Trade Agreements (FTAs) in Myanmar revealed that they were not effectively utilised. Concerning perceptions of firms' use of FTAs were often unfamiliar with its terms and did not realise a Certificate of Origin as a form of FTA. Most firms assumed that FTAs only benefit the importers, not the exporters. Some manufacturing exporters even viewed FTAs as a kind of trade barrier.²² Other studies illustrated that five FTAs in Myanmar did not have any labour provisions, i.e., any standard addressing labour relations or minimum working terms or conditions, mechanisms for monitoring or promoting compliance, and/or a framework for cooperation.²³ It is worth mentioning that several other preferential trade agreements positively affect investments, trade and employment, especially in a labour-intensive sector such as manufacturing.

The EU and Myanmar launched negotiations for an investment protection agreement in 2013, but in the aftermath of the Rohingya humanitarian crisis in 2017, it generated uncertainties on the initiative. This crisis further created tensions between ASEAN members: Relations between Myanmar and its Muslim-majority neighbours, Malaysia and Indonesia, have been anxious and could undermine unity within the ASEAN.²⁴ In October 2018, the trade union movement raised their worries of the EU's GSP withdrawing, which could hardly hit the workers from the garment industry.²⁵ In 2019, the European Commission launched a procedure to withdraw tariff preferences granted under the Everything temporarily But Arms (EBA) arrangement over concerns related to severe human and labour rights violations in Myanmar. Although restarting the relations at the beginning of 2020, the European Union considered imposing sanctions on Myanmar in February 2021, targeting businesses owned by the army. Still, the bloc ruled out any curtailing of its trade preferences for the country.

In November 2016, the United States government reinstated Myanmar's GSP trade benefit to recognise the progress that the government had made in protecting workers rights. GSP allows developing countries exporters to pay less or no duties to their exports, giving them access to

markets and contributing to their economic growth.²⁶ However, in March 2021, the U.S. suspended all engagement with Myanmar under the trade and investment agreement signed between the two countries in response to the escalating violence in the country.

SOCIAL PARTNERS

Social partners are central to promote the realisation of core labour rights and social justice for workers by protecting freedom of association and collective bargaining in bi- and tripartite functions. These partners usually represent government institutions, trade unions, and employers' organisations.

Government

Myanmar's government is divided into 24 ministries. The newly elected government in November 2020 and its cabinet was thoroughly reshuffled by the military junta back in charge in February 2021.

Some of the central ministries linked to the development of the labour market are especially the Ministry of Labour, Immigration and Population (MoLIP). Its main functions are ensuring workers enjoy rights and protections granted under the various labour and immigration laws; providing social services for the workers; promoting higher productivity of labour; participating in national tripartite cooperation and international labour affairs; and registering and collecting data of the population in line with the national policy systematically.

The Ministry of Health and Sports' (MoHS) main objectives are to enable every citizen to attain full life expectancy, enjoy the longevity of life, and ensure that every citizen is free from diseases. MoHS adopted several strategies: widespread dissemination of health information and education to reach the rural areas; enhancing disease prevention activities; and providing effective treatment of prevailing diseases. The ministry managing healthcare projects. It is also actively coordinating with development partners, external

review committees, health care organisations through ethnic organisations providing health care.

The Ministry of Education (MoE) manages the education structure divided into administration structure and academic structure. The National Education Committee lays down policies and administrative guidance on education. This committee facilitates the development of an education system, which is compatible with the nation's traditional, cultural and social values and will keep up with the economic and political aspirations of the country.

The Ministry of Social Welfare, Relief and Resettlement (MSWRR) administers Myanmar's social welfare, social relief, and resettlement affairs. Welfare is a type of government support intended to ensure that members of a society can meet basic human needs such as food and shelter. The ministry's Department of Social Welfare (DSW) is the focal agency for providing public services and assistance to vulnerable groups. DSW collaborates with several other public institutions, particularly the MoE, the MoHS, and the Ministry of the Union Government (see more in the Social Protection section).

Generally, the governance system has been deeply challenged by the double crisis of Covid and the coup in 2021, pushing Myanmar to the brink. It is not only due to the public spending strains, but also widespread protests driving thousands of healthcare and education workers walking out, leading to a collapse in the systems.

Trade unions

In the aftermath of social unrest and a military junta coup in 1988, trade union organisations became illegal in Myanmar. Leaders were arrested or forced into exile, and it was not until 2011 that trade unions became legal again. After the Labour Organisations Law approval in 2011, trade union leaders and organisers were allowed to return to the country. This law marked a significant improvement of the decent work situation in

Myanmar and caused the organising of workers to be reinitiated.

Re-legalising unionism in 2011 prompted a fast creation of basic labour organisations, and affiliate members were on the rise: The former increased by 134% from 2013 to 2018, the latter at around 50% in the same period (see more in Table 2). These essentially workplace-level unions include small-holder farmers that are registered as unions. The manufacturing, transport, and construction sectors also have a significant representation of unions. The trade union density of employment increased from 0.8% in 2015 to 1.2% in 2018, illustrating the membership rate pace superseded the employment rate. However, Myanmar's trade union density stays low in comparison with other Asian countries.²⁷ This relatively low trade union density is not only in the aftermath of prohibited unionism in the 1990s and 2000s but also haunted by workers' lack of awareness concerning unionism and workers' rights. A survey revealed that just around 4.1% of workers were aware of the right to organise.²⁸

Table 2: Status of trade unions in Myanmar, 2018

Indicator	Value
Number of basic labour organisations	2,761
Township labour organisations	146
Region or state labour organisations	22
Number of trade union federations	8
Total members of trade unions	300,000
Membership growth from 2015 to 2018	50 %
Women share in membership	35 % *
Affiliated organised workers from the informal economy	79% *
Trade union density of employment	1.2%
Trade union density growth from 2015 to 2018	0.4 p.p. **

* Data cover only CTUM from 2020. ** Percentage point (p.p.).

Sources: CTUM; Data SRO Asia, Myanmar: data-collection tool, 2019 / 2020 - own calculations on trade union density based on ILO KILM's employment projections.

The trade union movement stands in a consolidation stage. Still, it has been challenged by several critical issues such as obtaining registration, workers facing retaliation for legitimate union activity, and existing dispute resolution procedures not proving effective in labour laws' remedying violations. For

example, the freedom of association is violated through a series of restrictions towards the eligibility of executive committees in trade unions. The Labour Organisations Law requires certain aspects that match the worker's profile to be elected for the Executive Committee. Requirements, such as being a Myanmar legal resident for at least five years of being an employee in the relevant trade or activity with at least six months' service, impose a barrier to the freedom of election of their representatives. Unions have restrictions on using their funds, limiting their judgement on how the funds may be spent (revisit the Observations on Labour Legislation sub-section).²⁹

The upsurge in unionism in the 2010s got stalled in 2020 caused by the economic impact of the Covid-19 pandemic and additionally political turmoil initiated in 2021. First, two waves of Covid-19 in 2020 and a new wave in July 2021 negatively affected many jobs. Labour regulations were sidelined, e.g., employers are required to consult with the factory's Workplace Coordinating Committee (WCC) but rarely occur, and factory operators often bypassed negotiation with the trade union.³⁰ In addition, data from CTUM show that the economic downturn triggered a significant loss in membership from 2019 to 2020 (see ahead).

Second, in the aftermath of the 'Spring Revolution' in 2021, the police charged trade union leaders and putting mounting pressure on the trade union movement concerning security issues. Protest from public sectors led to job dismissals, and other strategic industries received warnings from the military regime. In February 2021, sixteen professional associations, listed as NGOs, not as trade unions, were declared illegal. In March 2021, eighteen trade unions published a joined call for extending nationwide work-stoppage to protect the democracy's values. In April 2021, at least 200,000 workers from Myanmar's textile industry lost their jobs since February 1, 2021. Several international companies, such as Bestseller and H&M, reinitiated sending orders in June 2021, but others did not. Arrest orders were sent to CTUM's board members in June 2021. Generally, many unions cannot operate since many leaders have

been arrested or are in hiding after arrest warrants were issued.³¹

The status of the leading trade union organisations is summarised below.

Confederation of Trade Unions of Myanmar (CTUM)

In just six months after establishing the CTUM (previously FTUB) office in Yangon, 130 unions were affiliated with around 18,000 members in 2011. The number of member organisations multiplied, reaching 763 in 2018. In 2020, CTUM represented eleven federations with close to 65,000 members. From 2011 to 2019, the organisation's membership rate increased by 289%, but it dropped by 7.3% from 2019 to 2020 due to the Covid-19 pandemic economic impact.

Agriculture and Farmers Organisation has the highest share of CTUM's affiliated members at 43% in 2020, followed by Transport Workers Federation (25%) and Industrial Workers Federation (21%). At least one out of three (35%) of total membership is a woman; mainly are concentrated in Industrial Workers Federation with a share of 89%. Around four out of five (79%) members are affiliated organised workers from the informal economy linked to the agricultural, transportation, construction, aquaculture, and mine worker's federations. Data further show that women share one out of three members, and around four out of five members are affiliated organised workers from the informal economy. See more details in Appendix Table 17.

As a result of the 2021 coup d'état, CTUM called for comprehensive economic sanctions against the country, and for the international community to isolate the military regime. The CTUM is part of the 16-member Labour Alliance, representing the entire labour movement in the country.

Agriculture and Farmers Federation of Myanmar (Food Allied Workers) (AFFM-IUF)

The AFFM-IUF was established in 2011 following a breakaway from the Agriculture and Farmers Organizations in CTUM, which officially has the same name. It was not until May 2015 the AFFM-

IUF became a recognised trade union centre. The federation represents agricultural and plantation workers and farmers. In 2018, it registered around 41,723 members in 12 division/states.³² The AFFM-IUF has close relations with trade union movements worldwide, but it is not affiliated with any global union confederation. Recently, the AFFM-IUF was split into two fractions due to internal disagreements.

Myanmar Industries Craft and Services-Trade Unions Federation (MICS-TUsF)

The MICS-TUsF registered around 9,000 members in 2018.³³ The organisation has 12 unions and approximately 2,000 members in the garment industry; more than 90% are women. MICS is not yet affiliated with any global union confederation.

Employers' Organisations

In 2020, employers constituted around 2.5% of Myanmar's total employment, which is lower than Bangladesh (5.4%), in line with Thailand (2.5%) but slightly higher than China (2.1%) and India (2.0%), and significantly higher than Laos (0.4%) (see in Figure 7 ahead).

The government listed 26 basic employer organisations, one township employer organization and one employer federation formed under the LOL in 2018.³⁴ A survey revealed that only around 2.4% of employers were aware of rights given in becoming a member of a employers' organisation.³⁵

In the aftermath of the political coup in February 2021, the media detected that Myanmar's businesses environment was divided over how to respond. Western business groups, namely American, British, Italian, French, and other European chambers of commerce, rejected the regime's invitation to meet on March 4, 2021. In contrast, major Asian business groups such as the Thai, Hong Kong, Japanese, and Chinese did not release statements of concern.³⁶

The status of the leading trade union organisations is summarised below.

The Union of Myanmar Federation of Chambers of Commerce and Industry (UMFCCI)

The country's leading business organisation is the UMFCCI. This union comprises 16 regional and national Chambers of Commerce and Industry, nine Border-area chambers and 75 affiliated associations. The number of member companies increased from close to 22,000 in 2014 to about 70,000 in 2020.³⁷ Among UMFCCI's members, the Myanmar Garment Manufacturers Association (MGMA) and the Mandalay Regional Chamber of Commerce and Industry are the country's most significant regional business associations.

The organisation's services span arranging business delegations, trade fairs, seminars, small and medium enterprises (SME) training courses, and policy advocacy on behalf of the private sector. They also act as a bridge between the state and the private sector to lead the Myanmar business community into a globalised economy and cooperate with the state in economic and social activities.³⁸

Initially, UMFCCI played a limited role in tripartite social dialogue and development of the structural relations. In 2016, the federation established an Employer Organisation Department to assist member associations on labour and employment issues through advisory services, training, research, and policy advocacy. In 2018, UMFCCI further established an Industrial Relations Committee, reflecting their willingness to strengthen industrial relations.

The UMFCCI is a member of the International Chamber of Commerce and the ASEAN Chamber of Commerce and Industry. The International Financial Corporation (IFC) has handed over the Myanmar Business Forum (MBF) secretariat to UMFCCI since July 2017. The UMFCCI supports the public-private dialogue. The organisation is also a member of the Greater Mekong Sub-Region Business Forum (GMS-BF) and the International Organisation of Employers (IOE).

UMFCCI entered an uncertain phase when the new military junta took power in February 2021. To

some extent, the federation participated in meetings with the junta, such as the 27th ASEAN Economic Ministers' Retreat Meeting online on March 2, 2021. UMFCCI also met the junta two days after the coup and was forced to shut down its office after being shamed for pressuring employees to return to work; an accusation it denied. The internet, such as Facebook posts, called on the public to shame and boycott UMFCCI leaders and their businesses.³⁹

SOCIAL DIALOGUE

Social dialogue encompasses all types of negotiation, consultation, or exchange of information between representatives of social partners on common interest issues relating to economic and social policy. It can be informal or institutionalised, and often it is a combination of the two. It can take place at the national, regional or enterprise level.⁴⁰

Myanmar has not ratified ILO's Tripartite Consultation Convention (C144) or the Collective Bargaining Convention (C154). The Labour Code recognises the right to collective bargaining. Myanmar organised employers and workers are represented in many essential forums, including the International Labour Conference (ILC).

The social dialogue took new steps towards a more balanced and democratic tripartite power structure in Myanmar's labour market during the 2010s. The Settlement of Labour Dispute Law opened for industrial relations' improvements among stakeholders. It remains at the infant stage, and fragile for political turmoil, not to mention trust and confidence are frail that influence relations between UMFCCI and main trade unions. At the company level, social dialogue is still basically non-existing even though legislation holds provisions for establishing workplace coordination committees. More instances of conflict between employers and employees were detected. It is worthwhile to mention that unrest at workplaces and disputes in factories were on the rise in recent years, undermining collective bargaining. In addition, the enterprises' landscape is dominated by informal

micro-enterprises in the private sector that dilutes the application of institutionalised industrial relations in practice (see more in the Workforce section).

Myanmar has no legal framework or policies in practising collective bargaining agreements (CBAs). The low trade union density challenges the movement's bargaining power, and weak cooperation in labour-employer relations further complicates CBAs application. Although CBAs remain at their early stage, institutions, like CTUM, are developing their own culture of negotiation practices, which employers gradually recognise. In 2018, at least 64 agreements were concluded by several employers and local unions in the garment industry. Often collective agreements received the help of the relevant conciliation body. In 2019, CTUM registered 952 CBAs, but it dropped to 17 new contracts with enterprises in the garment sector in 2020 due to the economic downturn.

The trade union movement raised concerns on social dialogue procedure in the tripartite mechanisms in recent years. They pointed out that the draft Labour Law Bill lacked consultations, barriers to freedom of association in the proposed-amended Labour Organisation Law, and proposed law failing workers on leave and holiday clauses. Nevertheless, a novel ACT initiative from 2019, which is an agreement between 20 global brands and IndustriALL Global Union in pursuit of living wages for workers in textile and garment supply chains, aims to achieve living wages for workers through collective bargaining at industry level linked to purchasing practices. Collective bargaining at industry level means that workers within a country can negotiate their wages under the same conditions, regardless of the factory they work in, and the retailers and brands they produce for. Linking to purchasing practices means that payment of the negotiated wage is supported and enabled by the terms of contracts with global brands and retailers. ACT is the first global commitment on living wages in the sector that provides a framework through which all relevant actors, including brands and retailers, trade unions, manufacturers, and

governments can exercise their responsibility and role in achieving living wages.⁴¹

Central tripartite institutions

In Myanmar, numerous consultation bodies are set to promote social dialogue and often meet regularly. The status of the central institutions is summarised below.

National Tripartite Dialogue Forum (NTDF)

The NTDF was established in 2015. This forum aims at meeting quarterly, and two technical working groups come together frequently to negotiate specific issues related to labour market reforms. Debates in NTDF dealt with the tri-partite process for developing a standard employment contract template, leading to the new Employment Contract Template in 2018.

The social dialogue's ambience turned problematic in 2019 following discussions of the labour law reform process. Trade unions representation decided to suspend their participation in all tri-partite forums and mechanisms. Trade unions found that the government and the parliament failed to consider the workers' views and perspectives by international labour standards when presenting draft bills. Social partners found solutions for restarting the trade unions' participation in the tri-partite dialogue.

The latest 17th NTDF was launched through video conferencing on September 12, 2020. The forum aimed to work together to find ways to prevent the spread of the Covid-19 pandemic in factories and ensure workers' safety. Although the discussions focused on Yangon's labour-intensive region, the recommendations should apply to factories, workplaces, and industrial zones across the country.

National Committee for Designating Minimum Wages

The minimum wage should be revised every two years in this national committee. The committee comprises representatives from the concerned government ministries, employers, workers, and economic experts. The latest minimum wage

adjustment was in February 2017 based on the institution's recommendations to ascertain the changing living costs. In 2020, the social dialogue was opted for a delay owing to Covid-19 (see more in the Working Conditions section).

Dispute settlement

The Settlement of Labour Dispute Law (SLDL) from 2012 provides a tripartite framework for settling individual and collective labour disputes through conciliation and arbitration at the enterprise, township, regional, and national levels. The law has some restrictions on the principle of free and voluntary bargaining, i.e., the local parties must reach an agreement within five days; after that, the dispute is submitted to a procedure of conciliation and/or arbitration.

Employers and trade unions are actively involved in multi-level processes for resolving disputes: Workplaces Coordinating Committee (WCC), Township Conciliation Body (TCB), Arbitration Body (AB) (region/state), and Arbitration Council (AC). For example, the dispute settlement mechanisms were reported to function in the Yangon region, with a 30% reduction in labour disputes in the Financial Year 2017-18. The drop in disputes was an impressive result, given this region was responsible for 85% of national labour disputes.⁴²

In June 2018, the government issued a directive order that sets individual dismissal cases settled at a competence court. It is most likely to lead to severe mounting unresolved dispute cases. Besides, cases no longer define complaints as "individual" or "collective," but as "rights-based" or "benefits-based." A "rights-based" dispute includes violations of labour laws, whereas a "benefits-based" dispute pertains to working conditions set by the collective agreement, contract, or position. The type of dispute determines the settlement procedure. "Rights-based" disputes do not go through a conciliation process or an arbitration proceeding but go directly to court proceedings. The amended law has no requirements for good faith bargaining and permits worker welfare committees to negotiate disputes, even in workplaces where unions

exist. The amended law significantly increases fines for labour violations, eliminating prison terms as punishment for violations, for example, an employer who fails to meet the relevant health and safety obligations can be subject to a term of imprisonment for up to a maximum of three months, or a fine of between 1 million up to a maximum of 5 million Kyats, or both. Trade unions reported that formal dispute settlement and court procedures were not effective at enforcing labour laws. Workers resorted to engaging in campaigns with international brands to pressure factories to reinstate workers or resolve disputes.⁴³

TRADE UNION RIGHTS VIOLATIONS

Myanmar's ranking on ITUC's Global Rights Index worsened from 4 in 2018-2020 to category 5+ (5+ is worst) in 2021, i.e., no guarantee of rights, due to the breakdown of the rule of law.⁴⁴ This low-ranking links to a severe violation of the right to free speech and assembly related to violent suppression of popular dissent. Demonstrations faced brutality by the state's forces, who resorted to lethal force and mass arrests. People killed in weeks of unrest has risen to at least 550 at the beginning of 2021, while hundreds more have been wounded and over 2,700 arrested, charged, or already sentenced.⁴⁵ In addition, planned laws like the cyber law open to place the entire population under surveillance and eliminate freedom of speech.

From 2019 to the start of 2021, ITUC listed a series of cases of trade union rights' violations dealing with union-busting at sporting goods company; fought two mass dismissal cases; Management at Bagan Hotel River View uses Covid-19 crisis to attack trade union rights; union leaders prosecuted for organising a peaceful protest in March 2020; 15,000 workers protest against Arbitration Council decision denying reinstatement to striking workers in 2020; workers injured during a picket; trade union leaders charged for organising a strike; strikers attacked at handbag factory; prison sentence for union leaders for organising protest; violence and arrests during a strike by workers at Hotel Tharabar Gate; more workers dismissed at garment factory following protests; and union

members unlawfully terminated in Yangon knitting factory.⁴⁶

ILO's complaints procedures registered 13 freedom of association cases: one case is active and confidential, two cases are listed as a follow-up, and ten are closed.⁴⁷ The active case deals with grave allegations of numerous attacks by the military authorities against trade unionists, workers and civil servants who are calling for the return to civilian rule following the coup d'état in Myanmar on February 1, 2021. For example, allegations pointed out that the police and military conducted door-to-door searches for trade unionists at their dormitories and hostels in Yangon. Acts of harassment and intimidation have primarily targeted young female workers working in private industries living far away from their families in the rural areas.⁴⁸ Generally, the frequency of worker unrest and strikes around Yangon's industrial zones increased significantly back in 2020, and the looming crisis in the industrial zones has further deepened during the Covid-19 pandemic as workers faced widespread dismissals and union-busting tactics by their employers.

Myanmar has not ratified ILO's Abolition of Forced Labour Convention (C105). Although the constitution from 2008 prohibits forced labour, trafficking, or enslavement, it permits forced labour in the case of punishment for a crime. The Global Slavery Index ranks Myanmar as 18 out of 167 countries (1 is worst) (7 out of 28 Asian countries) with an estimated prevalence at 11 victims per 1,000 population in 2018.⁴⁹ The National Complaints Mechanism (NCM) became operational in 2020, dealing with complaints related to forced labour. The cooperation of both employers and workers is required in implementing the NCM.

In 2019, Gambia brought a case against Myanmar before the International Court of Justice, alleging violations of the Genocide Convention. In January 2020, the court unanimously ordered Myanmar to prevent genocide against the Rohingya and preserve evidence of atrocities as Gambia's case proceeds.⁵⁰

WORKING CONDITIONS

The 2013 Minimum Wages Act sets every worker to have the right to enjoy the minimum wage without discrimination based on sex. The revised Minimum Wage Law from 2018 applies to enterprises with ten or more employees, i.e., small or family-run enterprises with less than ten workers are exempt from paying the minimum wage unless this level of remuneration is mutually agreed upon between employer and employee.⁵¹ A large majority of enterprises (94%) are micro or small, pointing out the relatively low scope of workers receiving the minimum wage (see more in the Workforce section).

The minimum wage was raised by 33% from 3,600 kyats per day (US\$3.1) in September 2015, which was the country's first national minimum wage, to 4,800 kyats (US\$3.5) in March 2018 (see Table 3). The minimum wage applies to workers across all sectors. Myanmar's monthly minimum wage is significantly higher than Bangladesh (US\$18) and India (US\$53) but lower than China (US\$217), Laos (US\$127), and Thailand (US\$220). The relatively low wages in Myanmar have been a root of conflict between employers and workers.⁵²

Table 3: Status of minimum wage and earnings in Myanmar

	Kyats	US\$
Minimum wage (2018-current)	115,200	79
Mean nominal monthly earnings of employees (2019)	209,712	138
Men	220,752	145
Women	198,659	131

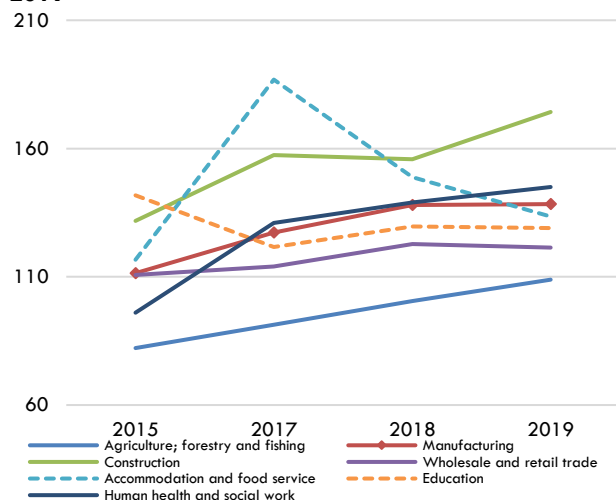
Source: WageIndicator.org and ILOSTAT.

Some estimations suggested an annualised real minimum wage growth at 1.6% during the 2010s, at the medium level in Asia and the Pacific countries.⁵³ In recent years, rising commodity prices and living costs inflation punctured real wage hikes. Besides, employers often misused the minimum wage rate, e.g., other benefits, such as transportation money, overtime pay, and bonuses, are decreased on the paycheck.

Mean nominal earnings of employees recorded a hike of 67% from 2015 to 2019. There is an earnings gender gap at 10% on average favouring

men. Several central sectoral earnings rose, especially in the agricultural, construction, and human health and social work sectors. Earnings in the manufacturing sector also increasing but got stalled after 2018, not to mention there is a narrow wage gender gap in this sector at 2%. The accommodation and food services sectors and the education sector experienced downturns (see more details in Figure 4).⁵⁴

Figure 4: Mean nominal monthly earnings of employees by selected economic activity, US\$, 2015-2019



Source: Myanmar Labour Force Surveys.

The ongoing political turmoil complicates the socioeconomic impact of the Covid-19 pandemic, reducing wages and incomes, particularly from small businesses, and access to food, basic services, and social protection.

Labour regulations are respected in the public sector while they are frequently violated in the private sector. The widespread informal economy is marred by not complying the business and labour regulations such as the minimum wage and the income tax. The impressive reduction of working poor supports the growing formal employees' group that is more likely to apply these regulations (see more in the Workforce section).

Working hours vary depending on the sector of employment. The public sector prescribed a five-day, 35-hour workweek; the private sector paid another working system for a maximum six-day, 44-hour workweek. For the state-owned factories,

employees must work from 44 to 48 hours during the week. In practice, employed persons worked 52 hours a week, on average. Only 19% work less than 40 hours, while more than 50% of employed persons work for at least 50 hours per week at their primary job.⁵⁵ Employment without written contracts in private enterprises in the manufacturing sector often seems to be the norm. Workers might work for 13 days non-stop if choosing to work on the rest day and earn double for the worked hour. Many sectors experience very high employee turnover rates of up to 50% per year at the company level.

Table 4: Status of Working Conditions in Myanmar

Fixed-term contracts prohibited for permanent tasks	No
Maximum length of a single fixed-term contract (months)	No limit
Standard workday	8 hours
Premium for night work (% of hourly pay)	0 %
Premium for work overtime work (% of hourly pay)	100 %
Paid annual leave (average for working days with 1, 5 and 10 years of tenure, in working days)	10
Minimum length of maternity leave	98
Receive 100% of wages on maternity leave	No
Five fully paid days of sick leave a year	Yes
Unemployment protection after one year of employment	No

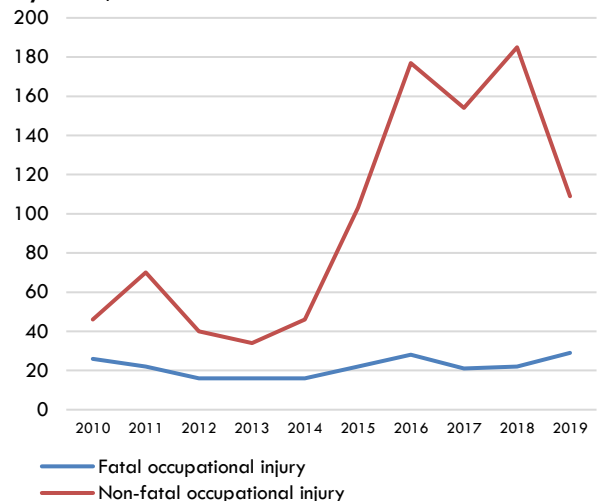
Source: World Bank, *Doing Business, Labor Market Regulation in Myanmar*.

Myanmar's government lack resources to supervise working conditions across all sectors, including weak enforcement of labour inspection. In 2017, there were 205 labour inspectors from the Factories and General Labour Laws Inspection Department (i.e., 105 from OSH inspectors (factory inspectors) and 100 from general labour law inspectors, including senior inspectors). The number of labour inspectors only increased by two additional inspectors from 2014. It further equalled one inspector (including occupational safety and health inspectors) per 117,000 employed in the workforce (or 43,000 among employees) in 2017. In contrast, the ILO recommends one inspector per 40,000 workers in less developed countries.⁵⁶

Cases of fatal occupational injury listed by the labour inspectorate records were below 30, but it was on the rise among non-fatal occupational injuries during the 2010s (Figure 5). Comparing these relatively low figures were at 3.2 and 11.8

per 100,000 workers in 2019, respectively, were significantly lower than like Thailand at 5.5 and 805 per 100,000 workers (see more in the SDG table, Indicator 8.8.1, page v).

Figure 5: Cases of fatal and non-fatal occupational injury in Myanmar, 2010-2019



Source: Myanmar's Labour Inspectorate Records.

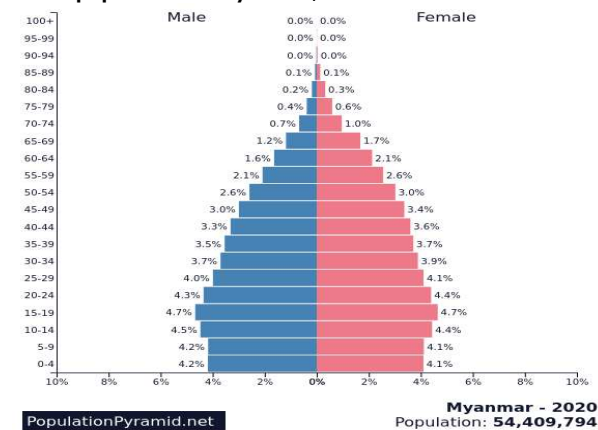
Myanmar's relatively low fatal/nonfatal occupational injury figures are underestimated based on the widespread informal economy and weak labour inspectoral system. Nevertheless, the labour authorities began inspecting factories, workshops and workplaces starting from June 2020 for checking whether they were adhering to regulations and recommendations of the Ministry of Health and Sports to prevent Covid-19. Those that passed the inspections were allowed to reopen.

WORKFORCE

Myanmar's population growth demonstrated a declining trend from 2.0%, on average, in the 1980s to 0.7% in the 2010s, reaching 54.4 million people in 2020. The fertility rate (births per woman) fell from 4.3 on average in the 1980s to 2.2 in the 2010s. The life expectancy rate increased significantly from 55 years to 65 in the same period. Around 43% of the population are below 25 years old; 67% are of working age (15-64) (see more in Figure 6). Myanmar faces the looming challenge of an ageing population like Asian economies, mounting financial pressure on

social protection such as health and eldercare pensions.

Figure 6: Population pyramid based on the age-sex structure of the population in Myanmar, 2020



Source: PopulationPyramid.net, Myanmar.

Projections suggested that Myanmar's employment-to-population ratio stood at around 60% in 2019, falling to 56% in 2020. The country's women employment-to-population ratio has a significantly lower proportion than men compared to the South-Eastern Asia average. Myanmar's relatively high youth employment-to-population ratio is linked to the lower school enrolment rates than the region's average (Table 5 and see more in the Education section).

Table 5: Estimations of employment-to-population ratio in Myanmar and South-Eastern Asia, Age and sex distribution, 2019

Sex	Age	Myanmar	South-Eastern Asia
Total	Total 15+	60%	66%
	Youth 15-24	45%	42%
Men	Total 15+	76%	77%
	Youth 15-24	51%	48%
Women	Total 15+	46%	55%
	Youth 15-24	39%	36%

Source: ILO, Key Indicators of the Labour Market (KILM).

Imputed observations in Myanmar's employment status suggested small changes. The employees' group increased from 31% in 2010 to 35% in 2019, at a medium level compared to the neighbouring countries. Myanmar's employers stood at approximately 2.5%. Own-account workers increased from 35% to 38%, and contributing

family workers dropped by six percentage points, reaching 25% in 2019. These two latter segments are in 'vulnerable employment', i.e., they are less likely to have formal work arrangements and are more likely to lack decent working conditions adequate (see more in Table 7).

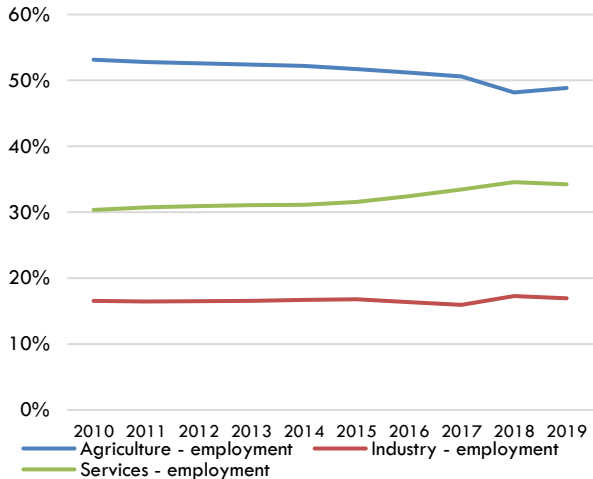
Figure 7: Projections of status in employment in Myanmar and neighbouring countries, %, 2019



Note: The presented data are based on imputed observations and subject to uncertainty; it should only be used as proxy indicator.
 Source: ILO, Key Indicators of the Labour Market (KILM).

Figure 8 shows around one out of two workers was in the agricultural sector in 2019, experiencing a declining trend. The industry sector's share is not evolving, standing at 17% during the last decade. Employment in the service sector is on the rise. Supporting the shift in the employment structure is detected in the sectoral aggregate GDP value-added (revisit Figure 2).

Figure 8: Employment aggregate sector in Myanmar, %, 2010-2019

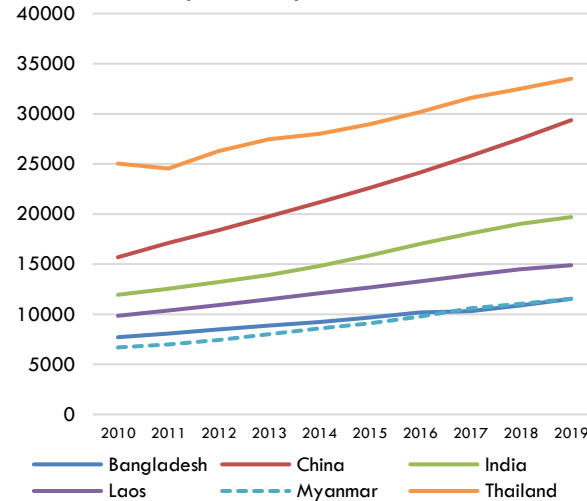


Source: ILO, Key Indicators of the Labour Market (KILM).

Myanmar's latest Living Conditions Survey from 2017 shows that employment is the industry sector is mainly in urban zones (25%) but also present in rural areas (13%), dominated by manufacturing and construction. Public administration covers just 1% of the total employment and the education, health, and social work sector at 3.3%. Besides, women's employment share is relatively high in the manufacturing sector (11%), the wholesale and retail trade sector (20%), and the education, health, social work sector (5.2%). See more details in Appendix Table 19.

Shifts in Myanmar's employment and GDP value-added structures are reflected in increasing labour productivity but remains low compared to the neighbouring countries (Figure 9). Labour productivity plummeted by -4.0% in 2020 caused an economic negative impact of the Covid-19 pandemic. It is most likely to further drop in 2021 due to the alarming Covid-19 pandemic upsurge and political turmoil in 2021.

Figure 9: Projections of Myanmar and neighbouring countries' labour productivity trend, 2010-2019



Note: This measure of labour productivity is calculated using data on GDP (in constant 2011 international dollars in PPP). The presented data are based on imputed observations and subject to uncertainty; it should only be used as proxy indicator.
 Source: ILO, Key Indicators of the Labour Market (KILM).

Another aspect of the labour market's landscape is that most enterprises (94%) are micro or small, often operating in the informal economy; 4.9% are medium-sized, and just 0.5% are large enterprises.⁵⁷ Estimations suggest that small and medium enterprises are responsible for around

80% of the total employment.⁵⁸ Most informal enterprises lack access to finance, cumbersome business regulations, and a fragile investment climate (revisit Appendix Table 18). Moreover, the Covid-19 pandemic led to temporary business closures, especially in Yangon Region and Mandalay Region in 2020. ILO estimated nearly 20 million Myanmarese workers in the industries at medium to high risk of economic disruption in the country. Half of these workers were based in agriculture, suffering a notable decline in exports primarily due to supply chain disruptions with China.⁵⁹

Unemployment

Myanmar's latest Living Conditions Survey from 2017 registered the unemployment rate at 2.2%.⁶⁰ ILO's modelled estimations suggested this rate fell at the end of the 2010s. However, an estimated 6.9 million to 7.3 million jobs were disrupted during 2020 because of the Covid-19 pandemic and containment measures.⁶¹ The unemployment rate is projected at 1.8% in 2020. The unemployment gender gaps are minor. Overall, Myanmar's unemployment rates are lower than the regional average (see more details in Table 6 and Figure 10).

In Myanmar, unemployment is mainly an urban phenomenon for youth and is concentrated among workers with intermediate and advanced levels of education. Subsistence farming is occupied during planting and harvesting but not engaged full-time during the entire year, creating some "disguised unemployment." In addition, unemployment is statistically a part of the employed population. In Myanmar, around 40% of the working-age population was projected as economically inactive persons in 2019, excluded from the employment segment.

Around four out of five workers operate in the informal economy with weak linkage to unemployment insurance schemes. Since the formal sector is not providing sufficient new jobs, most workers are pushed to generate some income through causal informal activities, often by lower hours, to survive.

The aggregate measure of the labour underutilisation rate was also lower than the regional average, 3.4% and 8.4%, respectively, in 2019. Labour underutilisation refers to a mismatch between labour supply and demand, leading to an unmet need for employment among the population.

Table 6: The unemployment rate in Myanmar and South-Eastern Asia (SEA), by sex and age, %, 2019

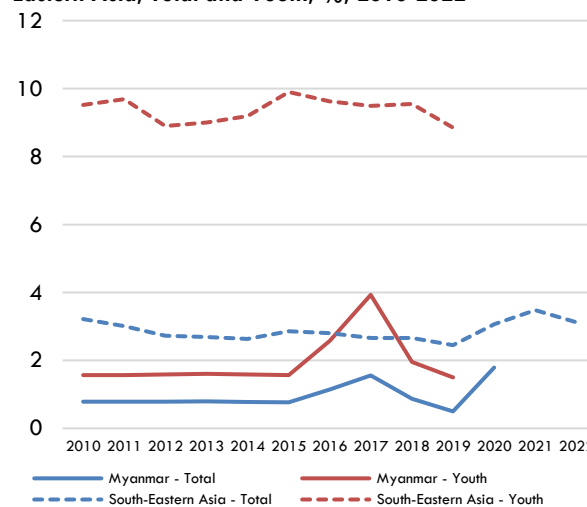
Type	Gender	Myanmar	SEA
Unemployment	Total	0.5%	2.5%
	Men	0.4%	2.5%
	Women	0.6%	2.4%
Youth Unemployment	Total	1.5%	8.9%
	Men	1.4%	8.8%
	Women	1.6%	9.0%
Composite rate of labour underutilisation *	Total	3.4%	8.4%
	Men	4.1%	8.0%
	Women	3.8%	9.0%

* The share of the extended labour force that are in unemployment, time-related underemployment, or the potential labour force.

Note: unemployment rates based on ILO modelled estimates.

Source: ILO, Key Indicators of the Labour Market (KILM).

Figure 10: Unemployment trends in Myanmar and South-Eastern Asia, Total and Youth, %, 2010-2022



Source: ILO, Key Indicators of the Labour Market (KILM).

The so-called 'gig' economy – a market, where organisations can hire an independent worker to do a short-termed job – is on the rise in Myanmar as companies turn more cautious when hiring, by the same token some workers seek for such more flexible work conditions as well as thriving in the country's expanding start-up community. In the aftermath of the Covid-19 pandemic and political coup in 2021, the 'gig' economy is a route of generate some income to survive for many workers.

Migration

Around 20% of Myanmar's population were internal migrants. Many move to improve their job opportunities and income diversification, higher earnings, social aspirations, to follow their family members, for marriage, for education or shock responses such as conflicts. Especially, young people are attracted to move from rural areas to urban zones driven by the manufacturing and construction sectors. There is also considerable rural-to-rural movement, especially for seasonal agricultural work and mining.

Amid the mounting impact of poverty, the current political unrest and economic crisis, coupled with the rapidly spreading third wave of Covid-19 in 2021, hit the country hard. *Internally displaced persons* (IDPs) increased in the southeast of Myanmar, reached approximately 211,000 people at the beginning of 2021. This amount includes 176,900 IDPs in South-Eastern Myanmar and Shan (South). Ceasefires between the Myanmar Armed Forces (MAF) and local defence groups in Kayah State and Chin State have allowed some IDPs to return to their homes. The Covid-19 pandemic and resulting travel restrictions have hampered already limited humanitarian access. The country is also highly prone to natural disasters that lead to massive displacement.

Myanmar's urbanisation rate grew slowly from 29% in 2010 to 31% in 2020. The neighbouring countries experience higher tempos, reaching Bangladesh (37%), China (64%), Laos (36%), and Thailand (51%).⁶² It furthermore supports the fact of weak sectoral and status employment shifts in Myanmar.

Myanmar's out-migration flow is significant in the Greater Mekong sub-region. The government estimate that 4.25 million Myanmar nationals are living abroad equals 7.9% of the population. Up to 70% of migrants living abroad are based in Thailand, followed by Malaysia (15%), China (4.6%), Singapore (3.9%), and the USA (1.9%).

Myanmar's net migration flow gradually became more unbalance during the 2000s, started towards

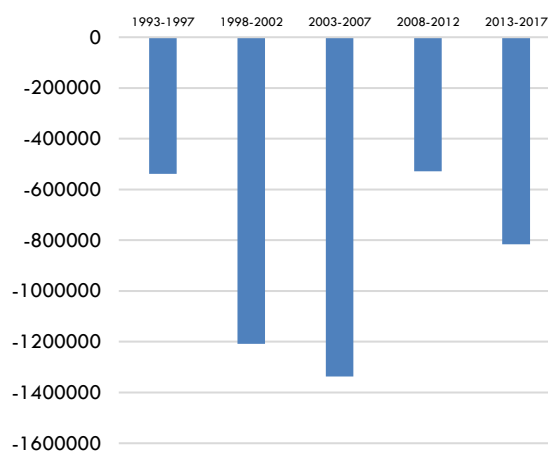
more balanced at the beginning of the 2010s but plummeted again at the end of the decade (see details in Table 7 and Figure 11). The unbalanced net migration sticks to internal conflicts such as between the government and militant groups, job-seeking with higher wages in neighbouring countries, and environmental migration due to natural disasters. In 2019, there were approximately 76,000 immigrants living in Myanmar.⁶³

Table 7: Status of net migration flow, personal remittances, and refugee population in Myanmar

Theme	Value
Net migration rate per 1,000 population	-3.05 (2020)
	-2.05 (2015)
	-5.37 (2010)
Personal remittance (received), % of GDP (2016-2020 av.)	3.5 %
Refugee population (2020)	980,000

Source: World Bank, World Development Indicators; KNOEMA, Myanmar - Net migration rate; and UNHCR, Operational Data Portal.

Figure 11: Net migration trend to average population in Myanmar, 1993-2017



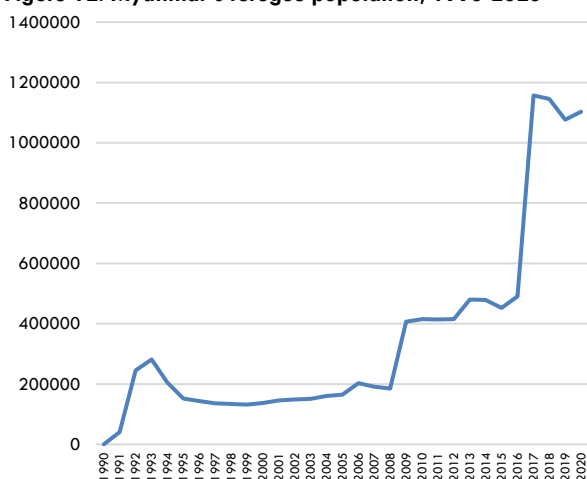
Source: World Bank, World Development Indicators.

An increasing number of migrant workers from Myanmar are using official channels, either through licenced overseas employment agencies or bilateral national arrangements. The processes' costs and time and insufficient assurances of its conditions keep most using irregular channels.⁶⁴ For example, around 600,000 workers were issued temporary passports and documents in Thailand, while about 2.7 million stayed undocumented Myanmar workers.⁶⁵ Irregular channels created a market for

smugglers and informal brokers, using dangerous jungle or sea routes.

Myanmar’s relative high refugee population began at the beginning of the 1990s, with a new wave at the end of the 2000s and accelerated in 2017. This situation links to conflicts with several ethnic armed groups in Myanmar, engaged in decades-long clashes with the government, leading to prolonged internal displacement and refugees and asylum seekers to neighbouring countries. For example, more than 800,000 Rohingya in Myanmar have been refused nationality under the 1982 citizenship law and their freedom of movement, religion, and education severely curtailed. Conflicts accelerated in 2017 between a militant group, known as the Arakan Rohingya Salvation Army (ARSA), and the military that declared ARSA a terrorist organisation. This ethnic group was by far the largest and fastest refugee influx into Bangladesh. Since then, around 800,000 Rohingya – including more than 400,000 children – have fled into Cox’s Bazar district, the resulting Kutupalong refugee camp became the largest and most densely refugee camp in the world. Although many Myanmar refugees living in camps, a large share live outside camps, often near areas that have income generation opportunities such as construction or orchards sites.⁶⁶

Figure 12: Myanmar’s refugee population, 1990-2020



Source: World Bank, World Development Indicators.

Migration is entangled in the broad labour legal framework. Myanmar’s Labour Migration Policy attempts to simplifying regular channels that allow

people to seek work abroad, ensuring basic rights for migrants and reducing transaction costs associated with migration, among others. The country also signed a series of agreements to improve the migrations flows, including the Memorandum of Understanding (MoU) with Thailand in 2003, renewed in June 2016 for further five years; MoU with the Republic of Korea in 2007, renewed every two years; and Memorandum of Cooperation signed on the technical intern training programme with Japan in April 2018. The Overseas Employment Supervisory Committee was established in 2011 to review, coordinate, and supervise the existing procedures on dispatching Myanmar workers abroad.⁶⁷

The migration flows got disrupted during 2020/2021 as an impact of the global Covid-19 pandemic. A study found that a combination of factors motivated migrant workers’ return in Asia countries, including the fear of a worsening Covid-19 situation, job losses or expected job losses, or expiration of work permits. For example, from March to June 2020, around 136,000 migrant workers re-entered Myanmar from Thailand, China, and Laos. Not all returnees were due to pandemic-related job losses: for example, 50% of men migrant workers and 42% of women migrant workers reported having lost their jobs due to Covid-19.

Personal remittances accounted for around 3.5% of GDP on average from 2016 to 2020, helping boost the economy, and only slightly lower than the South Asia average at 3.9%. A large majority of remittances come from Western countries like the U.S. and Australia. Most migrant workers use irregular channels to send remittances. The global economic downturn triggered by the Covid-19 pandemic most likely battered the personal remittances flow since many migrated workers lost their income. In addition, closures of official networks such as Western Union during the height of the political turmoil in 2021 further affected the inflow of remittances.

Informal Economy

The informal economy is widespread in Myanmar, sticking to poverty. Its magnitude is among the largest globally but with a falling trend: The informal economy's size dropped from 64% in 1991 to 51% of GDP in 2015. It ended in line, on average, with Thailand (51%) but hovered above Bangladesh (34%), China (15%), and Laos (30%).⁶⁸ Informal employed in non-agricultural employment fell from 82% in 2015 to 78% in 2017. This latter indicator was most likely continuing to fall in the margin. However, the economic downturn since 2020 cost many formal jobs, forcing many to enter the informal economy to generate income as a survivor strategy. These phenomena even caused workers in the informal economy to dramatically be losing daily incomes facing existential difficulty due to weak coverage on social safety nets.

Moreover, informal payments to public officials declined significantly from 27% in 2014 to 17% of firms in 2016, hinting at an improvement of reducing payments to "get things done" about customs, taxes, licenses, regulations, services, and the like (see Table 8).

Table 8: Status of Myanmar's informal economy, latest data

Indicators	Per cent
The informal economy's share of GDP (2015)	51%
Informal employed in non-agricultural employment (2017)	78%
Informal payments to public officials (% of firms) (2016) *	17%

* Informal payments to public officials are the percentage of firms expected to make informal payments to public officials to "get things done" regarding customs, taxes, licenses, regulations, services, and the like.

Sources: IMF, *Shadow Economies Around the World: What Did We Learn Over the Last 20 Years?*, IMF Working Paper, January 2018; CEIC, *Informal Employment: % of Total Non-Agricultural Employment*; and World Bank, *World Development Indicators*.

In Myanmar's manufacturing sector, private enterprises are haunted by informality, measured as employment without a written contract is the norm. Generally, only 13% of employees operate with a written contract and 56% with an oral contract; one out of three (33%) is not aware of the type of contract.⁶⁹ In addition, firms' wage and

productivity levels indicates that informal firms have lower performance than formal firms: median labour productivity for informal firms is about 65% of micro firms' level.⁷⁰ The informal firms' monthly sales (turnover) level is about 75% of micro firms and less than 5% for medium and large firms.⁷¹

Depicted in the Doing Business Index (Appendix Table 18), the business regulations are cumbersome in Myanmar, reducing firms' incentives to formalise their operations, often due to a general lack of awareness. This environment further challenges industrial relations, organising workers, performing with collective bargaining through social dialogue. National forums dealing with informal economy workers and specific policies addressing the status of informal economy workers are not present in Myanmar.⁷²

Informal workers are not paying income taxes. The government launched to reduce the tax rates for undeclared income scheme in October 2019, part of the Tax Law, slashing prevailing 15-30% tax rates to as low as 3%. The law's impact is too early to assess, considering the effect of the Covid-19 pandemic and a year-long state of emergency in 2021. The widespread informal economy further keeps most workers in vulnerable employment with weak social protection: just 5.3% of the population is covered by social insurance programmes, and 8.5% of employed are covered in the event of a work injury (see Table 13 ahead).

Women are less active in the formal sector than men. The former often find more opportunities for occupations in the informal economy, including as domestic workers. This situation makes many women more vulnerable to discrimination, marginalisation, human rights, and physical and sexual abuse.⁷³ Many women located in the informal economy aspire to daily rest periods of at least one-hour, paid holidays, having their privacy respected, transparent, and fair terms of employment, to be protected from oppressive practices.⁷⁴

Child Labour

Around 26% of Myanmar's population is 0-14 years old. This segment's growth lost its pace,

outlined in the Population Pyramid above (revisit Figure 6). The country ratified ILO's two conventions on effective abolition of child labour, C138 (ratified in 2020) and C182 (see Appendix Table 16). The labour law framework prohibits the worst forms of child labour. The new Child Rights Law from 2019 defined a child as anyone under 18 years and guaranteed the fundamental and unconditional right to register at birth. Birth registration is the child's first right and a steppingstone to enjoying other rights such as the right to health, education, and social protection. The law also establishes the minimum age of marriage (18 years) and minimum age of employment (14 years) in certain sectors, including shops and factories; the law establishes special provisions for "youth employment" for those older than 14. There is, however, no minimum age for work for all sectors in which children were employed, including agriculture and informal work. Some sector-specific laws identify activities that are prohibited for children younger than 18. The legislation prohibits employees younger than 16 from working in a hazardous environment, and the government prepared a hazardous worklist. In practice, the government did not effectively enforce the law.⁷⁵

Myanmar's child labour rate fell by 2.8 percentage points from 2015 to 2017, reaching 6.5% (623,000 children) in 2017, in line with the Asia and the Pacific average.⁷⁶ The statistical term 'child labour' is defined as work that deprives children of their childhood, potential, and dignity, harmful to physical and mental development.⁷⁷

Hazardous work could harm children's physical, mental or moral development and it remains prevalent in the country (see more details in Table 9). The reduction in the child labour rate is linked to a sharp decrease in the recruitment of children by the Myanmar military for use in armed combat and a high upsurge in school enrolment at all levels (see more in the Education section).

Table 9: Status of child labour in Myanmar and Asia & the Pacific

Country/ Region	Type	Rate
Myanmar (2017)	Children in employment	6.5%
	Child labour	5.0%
	Hazardous work	4.9%
Asia & the Pacific (2020)	Children in employment	-
	Child labour	5.6%
	Hazardous work	2.6%

Note: Children in employment: unpaid family workers are people who work without pay in a market-oriented establishment operated by a related person living in the same household. Child labour: work that is mentally, physically, socially, or morally dangerous and harmful to children; and interferes with their schooling. Hazardous work: children in dangerous and unhealthy conditions that can lead to a child being killed, injured, or made ill because of poor safety and health standards or employment conditions.

Sources: Myanmar Labour Force Survey 2017; ILO and UNICEF, Global estimates 2020, trends and the road forward, 2021.

Key sectors where Myanmar's child labour occurs are agricultural (61%), manufacture (12%) and wholesales & retail trade (11%). Generally, children operate in the informal economy and are side-lined of labour regulations.

Myanmar improved from 3rd highest risk globally (1 is worst) in 2018 Child Labour Index to 27th in 2019. The index shows that the country has increased their enforcement capabilities and commitments towards fighting child labour but has also experienced fewer reported violations.⁷⁸ It suggests that the country is moving ahead to achieve the SDG of eradicating child labour. However, the economic downturn and complications in the education system since 2020 are most likely to stall the reduction of the child labour rate or even fuel an upsurge.

Gender

Myanmar ratified the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). The constitution from 2008 guarantees all persons' equal rights and equal legal protection and no discrimination against any Myanmar citizen by gender. The 2013 Minimum Wages Act requires employers to treat their men and woman employees equally, imploring them not to discriminate. The government released the National Strategic Plan

for the Advancement of Women 2013-2022 (NSPAW) to create fairness and equal rights for women in employment, credit, resources, assets, and economic benefits. There is no national legislation on sexual harassment of women in the workplace.

Despite these legal provisions, traditional cultural stereotypes linked to gender inequality and discrimination test women's role in labour. For example, women seeking job opportunities in non-traditional sectors often reach gender discrimination. Many women carry the 'double-burden', i.e., women's workload weighing on employment along with unpaid care and domestic responsibilities; only a few men have housework. The patriarchal ethos brings many families discouraging daughters and wives from becoming entrepreneurs, and many women have mobility restrictions due to security issues.⁷⁹ In addition, women frequently are discouraged from participating in decision-making processes and entering leadership positions.⁸⁰ Traditional cultural stereotypes are more present in rural areas and among specific ethnic groups.

Another aspect of the gender inequalities in Myanmar is reflected in the wage gender gap. Studies of manufacturing enterprises found that women employees in the same occupation and firms as men receive wages that are 23% lower on average. Another analysis concluded that in the garment, textile, and footwear industries – within which most women workers are employed – men earn 7% more than women on average (see more in SDG table, Indicator 8.5.1, page v). Greater gender pay disparities are evident in other sectors, wherein men's adjusted earnings are roughly 20% higher than women. Wage inequality means that women have fewer opportunities than men to accumulate savings and assets invested in starting a business.⁸¹

Table 10 displays Myanmar's gender gaps in employment structures. There are significantly fewer women in employment than men. Both sexes are in 'vulnerable employment', visualised in unskilled labourers, traders, artisans, or subsistence farming. Women's 'double-burden' further keep

many in informal part-time activities linked to time constraints from domestic chores. Nevertheless, the agricultural and manufacturing sectors are more gendered: half of the women's employment is in the agricultural sector, and around 84% of the garments industry's workers are women (Appendix Table 19). It is worthwhile to mention that the economic downturn in 2020/2021 negatively affected these two mentioned sectors linked to exports and where women's employment is more affected than men.

Table 10: Estimation of workforce key indicators gender gaps in Myanmar, 2019

	Men	Women	Men/women ratio gap, percentage point (p.p.)
Employment	75%	46%	+29 p.p.
Unemployment	0.4%	0.6%	-0.2 p.p.
Employees	35%	35%	0 p.p.
Employers	3.4%	1.1%	+2.3 p.p.
Vulnerable employment *	62%	64%	-2.0 p.p.

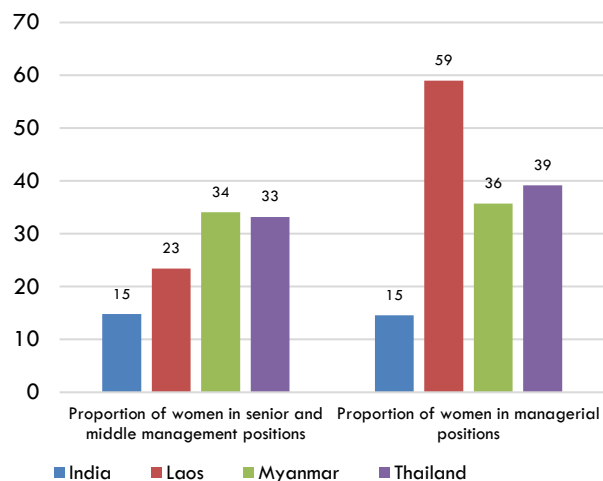
* Aggregated of own-account workers and contributing family workers.
 Source: ILO, Key Indicators of the Labour Market (KILM).

The global Gender Inequality Index (GII) reflects the scope of gender disparities, ranking Myanmar 118 out of 162 countries (1 is best) in 2019. This low-medium ranking is mainly due to the relatively high maternal mortality ratio, low share of parliament seats, and the significant gender gap in the labour force participation rate. On the other hand, Myanmar women score better than men concerning population with at least some secondary education.⁸² The other Global Gender Gap Index (GGGI) 2021 ranks Myanmar 109 out of 156 countries (1 is best). The country scores at the top regarding health and survival (1), medium-level at economic participation and opportunity (93), low-medium at educational attainment (109), and political empowerment (120).⁸³

Myanmar has a relatively high women's share in senior/middle management compared to the neighbouring countries but slightly lower concerning women in managerial position, except India with the lowest rates (Figure 13). Another issue is that women's firm ownership is typically listed as

‘dependent’ on the land title, so women-led SMEs have trouble accessing finance in the absence of a land title. According to the 2017 Labour Force Survey, Myanmar’s women managers earn significantly more than men with a gap at approximately 23%.⁸⁴

Figure 13: Myanmar and neighbouring countries women’s share in senior/middle management and managerial positions, %, 2019



Source: ILO, Key Indicators of the Labour Market (KILM).

Youth

Myanmar’s youth (15-24 years old) represent 17% of the population and around 45% of the employment; 30% of the youth live in urban areas.

The national parliament passed the Myanmar National Youth Policy in November 2017 and launched by the State Counsellor in January 2018. There is a residual lagging trust among youth towards the government and vice versa, and the youth policy supports engaging youth to unlock young peoples’ views and gain confidence in how young people perceive the authorities. The government further recently launched the National Youth Policy Strategic Plan 2020-2024. Its impact is too early to assess, considering the effects of the Covid-19 pandemic and political turmoil in 2021.

The Ministry of Labour, Employment and Social Security implements a series of initiatives for youth employment: establishing 77 Labour Exchange Offices in regions and states; supporting with mobile teams; promoting vocational training centres

(Yangon, Mandalay and Patheingyi); Force Survey (2015-2016) included youth statistics; and pre-departure training/pre-employment training programmes jointly implemented for working locally and abroad, among others. According to the ministry, some of the youth’s challenges on the labour market concern that many lack work match with their skills and education; holding temporary jobs creating job insecurity; weaknesses of advanced technologies; and could not meet the skill needs of industries.⁸⁵

Few youths have no education (5.5%), but only 17% have high school and above; one out of two (50%) youth has left school without completing middle school. In the transition from school to work, many youth face complications: only one out of two (50%) youth can transition to stable and satisfying jobs; around 20% are in transition, and 30% have not yet started to transition.⁸⁶ Many young people struggle to find work that matches their skills and education in the formal sector, particularly in the industry sector. It has questioned the education system’s capacity to improve youths’ insertion in the labour market, and their ability to engage in entrepreneurial initiatives is particularly acute. It is worthwhile to mention that Myanmar’s youth employment-to-population ratio dropped by 14 percentage points at the end of the 2010s, linked the school enrolment rate on the rise (see more in the Education section).

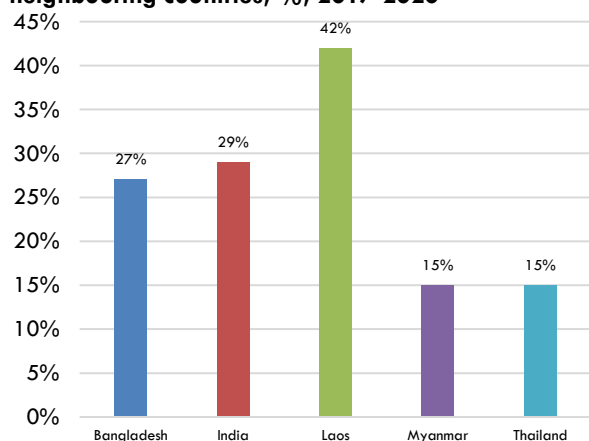
Although the youth unemployment rate was relatively low at 1.5% in 2019, this group still lacks access to quality education, often migrating for better opportunities. A study in Yangon and Mandalay found that young people have particularly high volunteer participation rates, irrespective of gender and ethnicity. Many young people are driven by a strong sense of altruism to spend their time constructively and give back to their communities. Health and education are the two most popular sectors in which young people volunteered.⁸⁷

Generally, the youth got hit harder by the economic downturn in 2020/2021. For example, young people face a more adverse scenario for their

opportunities for educational continuity and entry into the labour market. It will affect their social and labour inclusion trajectories, especially among those belonging to the low-income segment.

Considering the insufficient job creation in the formal sector and cultural aspects make many youths become discouraged and withdraw from employment, becoming economically inactive on the labour market. An overview of this phenomenon in Myanmar is illustrated in the NEET rate (i.e., those not in employment, education, or training), estimating at 15% in 2019. Data reveal that the NEET rate dropped by 3.7 percentage points in the period from 2015 to 2019. The rate sticks to a stark gender gap: 9.0% for men and 20% for women.⁸⁸ However, adjusting the women's NEET rate with household work brings the rate down to a lower level than men's.⁸⁹ Another aspect is that Myanmar's NEET rate is in line to Thailand (15%) and considerably lower than Bangladesh (27%), India (29%), and Laos (42%) (Figure 14). The specific SDG goal targeting 2030 to reduce the NEET rate substantially appears to be in the right direction in Myanmar (see more in SDG Table, Indicator 8.6.1, Page v). However, the negative economic downturn triggered by the Covid-19 pandemic and political turmoil in 2021 will likely stall the progress.

Figure 14: The NEET rate in Myanmar and neighbouring countries, %, 2017-2020



Note: NEET rate is the proportion of youth not in employment, education, or training. China's NEET rate was not available.

Source: ILO, Key Indicators of the Labour Market (KILM).

EDUCATION

Since 2011, the government has implementing ambitious reforms to create a better education system. The National Education Sector Plan (NESP) 2016-2021 is linked to the National Education Law from 2014 (with Amendment 2015). Starting in the 2017/18 academic year, the country adopted the K-12 structure (i.e., primary, lower secondary and upper secondary), extending schooling by two years. Education is directed to be free. Initiatives attempt to improve access to education and the conditions that will keep children in school. As part of the ongoing education reforms, teachers are required to undertake training to familiarise themselves with new curricula and teaching methodology.⁹⁰ In December 2019, Education Colleges across Myanmar initiated the next phase in teacher education reforms based on a new four-year teaching degree curriculum. The reforms' improvements got stalled since 2020 due to the impact of Covid-19 and political turmoil in 2021.

Government expenditure on education rose significantly from 0.8% in 2011 to 1.9% of GDP in 2018/2019 but continues significantly lower than the East Asia & Pacific (excluding high income) average at 4.5% of GDP. Myanmar's government launched a 5% tax on mobile phones directed to the education sector.⁹¹

Myanmar's literacy rate for the population 15+ fell from 90% in 2000 to 76% in 2016, reaching in line with Bangladesh (75%) and India (74%) but significantly lower than China (97%) and Thailand (94%). Myanmar's relatively low literacy rate is reflected in 30% of children who passed school matriculation exams in 2015/2016, caught by the poor quality of education. This situation triggered the mentioned curricula and teaching methodology reform. Myanmar's Labour Force Survey data revealed that at least one out of ten (12%) total employment by education had less than basic education. Around 36% of employment have basic education; at intermediate and advanced levels, both were at 14%, respectively. These data had minor gender gaps. It is worthwhile to mention that a quarter of employment did not state their education level (Table 11).

Table 11: Employment by education, age 15+, % of employment distribution in Myanmar, 2019

	Less than basic	Basic	Inter-mediate	Advanced	Level not stated
Total	12%	36%	14%	14%	24%
Men	11%	37%	15%	13%	24%
Women	14%	35%	14%	14%	24%

Source: ILO, Key Indicators of the Labour Market (KILM).

A positive impact of the education reforms during the 2010s are reflected in at least two aspects. First, youth's (15-24 years old) employment by education achieved better results than the 15+ segment; for example, youth employment by education segment represented 'less than basic' education at 7%. Second, the country also succeeded in a substantial hike in school enrolment at all levels (Figure 15).

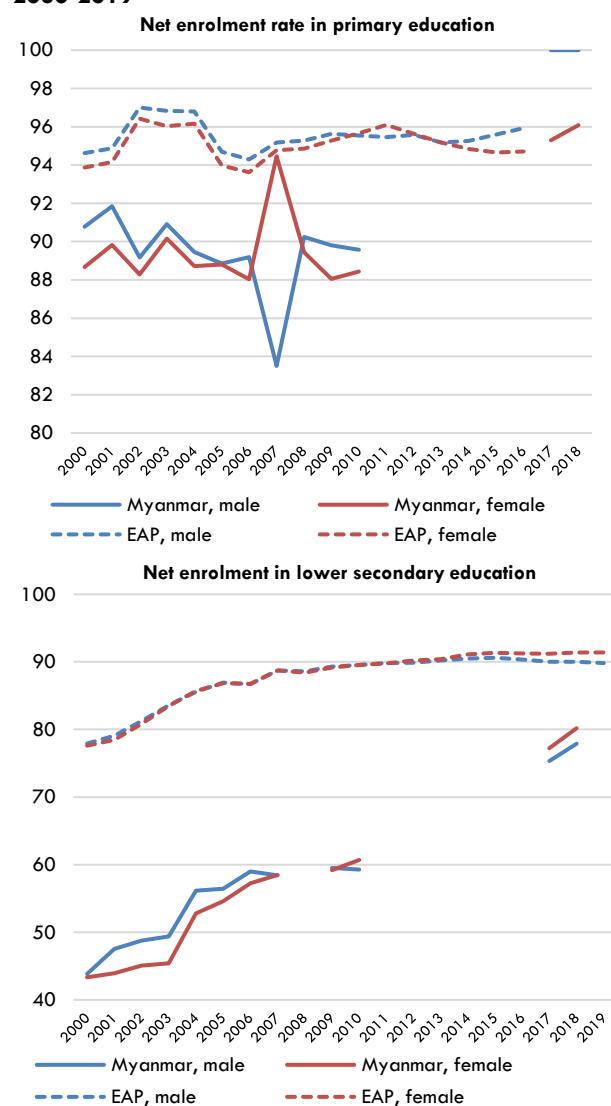
At the primary education level, males reached the net enrolment rate fully at the end of the 2010s. Females are getting closer but still not completely. Myanmar's rates superseded the East Asia & Pacific (excluding high income) averages in the margin (Figure 15). Despite Myanmar's increase in the net enrolment in primary education, the 2014 census showed that nearly one in five children aged 6–10 was out of school. Many enrolled but dropped out or never attended education. Besides, Myanmar has around 141,000 children aged 3–17 in conflict-affected areas of Rakhine, Kachin and the northern Shan States who are most at risk of remaining out of school and unable to access learning opportunities.⁹²

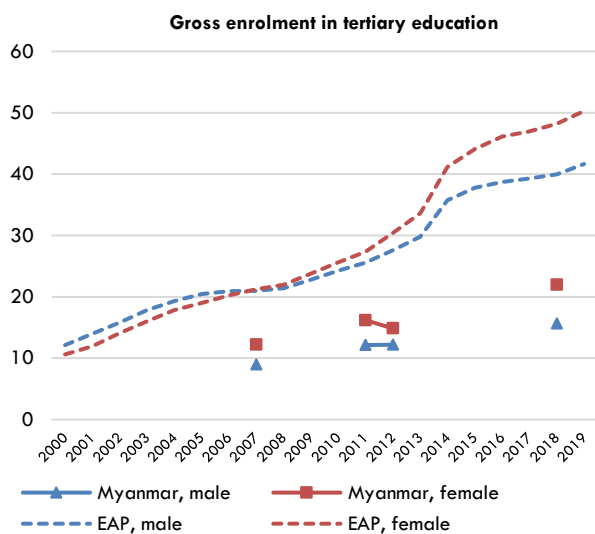
Although drop-out rates remain high during the transition from primary to secondary education, the total net enrolment in lower secondary education levels grew significantly from 60% in 2010 to 79% in 2018, with a slight gender gap favouring females. At this level, Myanmar's rates stay significantly below the regional average but moving steadily to curb the disparity (Figure 15).

The gross enrolment in tertiary education rate has only a modest expansion in Myanmar. The gap between Myanmarese females and males is widening, getting more women than men educated at this level just as losing the grasp to the regional averages upsurge (Figure 15). Students' enrolment

in universities remain limited: only those who pass the matriculation exam at the very top of their class (usually the top 30%) were accepted.⁹³ Also, military leaders' fear of student-led uprisings introduced closures or relocation of universities outside the cities, strict control of curricula, and the shortening of the academic year.

Figure 15: Enrolment in primary, low secondary and tertiary education in Myanmar and East Asia & Pacific (EAP) (excluding high income), %, male and female, 2000-2019





Note: Net enrolment is the ratio of children of official school age, who are enrolled in school to the population of the corresponding official school age. Gross enrolment is the ratio of total enrolment, regardless of age, to the population of the corresponding official school age. Gross primary enrolment is therefore sometimes higher than 100 %.

Source: World Bank, Education Statistics.

The Covid-19 pandemic brought abrupt and unforeseen challenges to follow the education plan. One of the responses to tackle the crisis, the government closed schools in 2020. Lessons were given via educational TV and radio and were not compulsory. For many children in some regions, it turned out difficult to have access to these programmes. It has also complicated many children to complete the curriculum, not to mention stalling ongoing education reforms.

Schools were expected to reopen in the 2021 school year and continue the planned reforms. But the political turmoil initiated in February 2021 further complicated the education system's ambience. Among others, the participation of over 300,000 teachers and education department personnel in the Civil Disobedience Movement (CDM) were striking. It costed the lives of CDM teachers, and students' houses were and many detained by the military. The junta-led State Administration Council (SAC) announced the reopening of final-year, master's, and PhD courses on May 5, 2021. The turnout was minimal. The government reopened all basic education schools on June 1, 2021. A new wave of the Covid-19 pandemic compelled the SAS to temporarily close all basic education schools, including private schools

and Buddhist monastic schools, during July 2021.⁹⁴ Overall, the pandemic is expected to have a long-lasting negative impact on the education sector, risking that the government spending on education may be reduced just as student dropout and the number of out-of-school children are highly likely to increase, as many students and teachers alike have limited exposure to distance learning.⁹⁵

Vocational Training

Myanmar's Technical Vocational Education and Training (TVET) system is connected to the National Education Law, the Employment and Skills Development Law, and the NESP 2016-2021. A draft TVET Law focuses on improving the private sector's involvement in skills development and set the TVET system by international standards, among others. Currently, the bill is under the review of the Union Attorney General Office.

The Ministry of Labour, Employment and Social Security has established the National Skill Standard Authority (NSSA) to develop skills standards for 175 technical occupations with remarkable speed. The format is used for the standards is a common and internationally recognised format.⁹⁶ Generally, the current TVET system is highly fragmented tied among 15 ministries. Non-formal TVET programmes are also provided by private institutes and other unregulated informal training offered by companies and Non-Government Organisations (NGOs). Hundreds of courses opened by private service providers and NGOs often focusing on work-based learning and community development projects.⁹⁷

Public secondary vocational education is offered at the upper secondary level for two years of schooling. Concerning graduates from secondary vocational education either seek work or advanced to further education in technical institutions as the post-secondary non-tertiary level for three years. Afterwards, they can continue at a tertiary level high-level engineering course for six years.

The formal TVET sector represented 108 technical and vocational institutes integrated into the Ministry

of Education. The main TVET institutions under the ministry's Department of Technical Vocational Education and Training (DTVET) represent 35 Government Technical High Schools at the upper secondary level and 22 Government Technical Institutes and three Government Technical Colleges for the post-secondary diploma level.⁹⁸

The demand for vocational training has accelerated since 2011 to create new jobs in the export sector. However, the share of all students in formal upper secondary education enrolled in vocational programmes is very low at 0.7% in 2018, compared to Bangladesh (8.6%), China (40%), India (2.6%), Laos (2.1%), and Thailand (23%). Myanmar's relatively low share in this indicator concerns that most TVET programmes are undertaken by ministries other than the Ministry of Education, which are considered non-formal TVET programmes. Besides, Myanmar's women share of vocational pupils is extremely low at 0.2%. Government expenditure on secondary and post-secondary non-tertiary vocational education fell from 0.06% of GDP in 2018 to 0.03% in 2019, similarly to Laos (0.03%) but significantly lower than India (0.4%).

Table 12: Myanmar's vocational training status

Indicators	Value
Share of all students in upper secondary education enrolled in vocational programmes (2018)	0.7 % *
Share of women in secondary education, vocational pupils (2018)	0.2 %
Government expenditure on secondary and post-secondary non-tertiary vocational education (% of GDP) (2019)	0.03 %

* A percentage of the total number of students enrolled in all programmes (vocational and general) at the upper secondary level.
 Sources: World Bank, Education Statistics.

Myanmar's TVET system has been criticised as supply-driven instead of demand-driven. Stakeholders like entrepreneurs, business associations, and chambers of commerce argue that the regular TVET curriculum was developed without their involvement.⁹⁹ A Business Survey from 2015 identified that many firms were facing difficulties hiring skilled workers; more than half of the

respondents argued that employees spend nothing on training. Few firms preferred to cooperate with private vocational institutes and business/industry associations rather than public institutes.¹⁰⁰ Other data show that Myanmar's firms offering formal training programmes were down to 5.9% of their permanent, full-time employees in 2016. It was significantly lower than the neighbouring countries latest data available: Bangladesh (22%), China (79%), India (36%), Laos (29%), and Thailand (18%).¹⁰¹ Formal firms continue being a small group compared to the widespread informal micro-and small enterprises.

Another concern surfacing during dialogue among workers and employers in Myanmar is the TVET's attainment. Around 40% of students in the first year of their TVET studies could not proceed to the second year due to examination failure or dropping out. Generally, skill shortage, mismatch of education, and labour market demands remain critical issues. Even though non-formal TVET programmes play a central role to improve the population's employability, data showed that only 0.7% of the working-age population had undergone training, and just 2% had experienced any such activity during a lifetime.¹⁰²

The government launched a series of TVET measures connected with key social protection elements that are currently being rolled out, aiming at in-kind transfers for trainees and increasing enrolment at government technical high schools.

The demand for digital services – such as mobile cellular, internet, mobile and other digital payments – is increasing worldwide. At the education level, the country leapt forward in ICT in teacher education reforms during the 2010s and to improve ICT infrastructure and e-learning centres through policies and project initiatives. However, budget limitations, technical barriers, and lack of management technology integration slowed down e-learning.¹⁰³

Myanmar has experienced a fast-growing application for these aspects during the 2010s. For example, individuals using the internet increased

from 0.3% in 2010 to 24% of the population in 2017. This hike was partly a result of reforms in the mobile communications services in 2014, which significantly lowered SIM cards' cost, leading to an almost double-fold increase in mobile phone subscribers from 2014 to 2015. In this internet user indicator, the country now supersedes Bangladesh (18%) and India (20%), becoming close to Laos (26%) but with a deep gap to China (54%) and Thailand (67%). Myanmar's demands for mobile cellular subscriptions also exploded from 1.2 in 2010 to 114 per 100 people in 2018.

SOCIAL PROTECTION

The Social Security Law from 2012 is part of the broader labour law reform. This law widened several social security coverages: i) the cash benefits (sickness, maternity and work injury) received at higher levels; ii) the medical care scheme opened the possibility to contract medical facilities outside of the Social Security Board (SSB) facilities; and iii) the mandatory registration could be extended progressively to smaller enterprises (with at least five workers) along with a voluntary registration is made possible for the sectors not covered by mandatory registration, mostly in rural areas. Nevertheless, Myanmar has not ratified ILO's up-to-date social security conventions (Social Security Convention (C102), Employment Injury Benefits (C121), Invalidity, Old-Age and Survivors' Benefits (C128), Medical Care and Sickness Benefits (C130), Unemployment Benefits (C168), and Maternity Protection Convention (C183)).

Various ministries implement social assistance benefits and services, mainly the Ministry of Social Welfare, Relief and Resettlement and the Ministry of Labour, Employment and Social Security. Several laws, policies, and strategies beyond MoLES's mandate also provide social protection entitlements.

One of the leading social protection initiatives launched by the government in recent years has been the innovative National Social Protection Strategic Plan (NSPSP) from 2014. This plan endorses the principles of universality, life cycle and integrated approaches, not to mention outlines the

eight flagship programmes that the government is prioritising in implementation: i) Maternal and Child Cash Transfer (Cash allowance for pregnant women and children to age two); ii) Child Allowance (cash allowance for children ages 3-15); iii) School Feeding; iv) Disability Grant (allowance for people with disabilities); v) Public Employment and Technical and Vocational Education Training (TVET), vi) Social Pensions; vii) inclusive Self-Help Groups (ISHGs), and viii) Integrated Social Protection Services. The plan's implementation was somewhat side-lined to the Social Security Law, reducing the flagship programmes' scope.

In practice, social protection schemes do not cover workers from the informal economy under the law. However, the expansion of mandatory registration to micro and small enterprises and voluntary certification for sectors not covered by the mandatory registration, provide room for a progressive extension of social security provisions to the informal economy. The law needs being amended to include social security for the informal economy, legally and mandatory. The government published the first Costed Medium Term Social Protection Sector Plan in 2019, gearing to operationally scale up NSPSP's commitments by delivering the flagship programmes along with improving its coordination (see ahead).¹⁰⁴

Several aspects haunt the low social protection coverages: A series of small-scale assistance programmes and many emergencies relief programmes have been scattered and fragmented. Most families rely primarily on themselves and their informal networks when facing disastrous events or dealing with their multiple vulnerabilities in everyday life.¹⁰⁵ The limitations of the state budget and the ministries' underdeveloped service delivery, especially in rural areas, challenge social protection coverage. For example, in 2020, around one million pensioners receive pension and retirement gratuities covering about 4% of total government spending and 15% of taxable income. These factors expose the massive challenges to reach the SDG's social protection goal concerning, by 2030, achieve substantial coverage of the poor

and the vulnerable (see more in SDG Table, Indicator 1.3.1, Page v).

Social protection benefits are available to a small but growing formal sector and administered by the Social Security Board (SSB). Table 13 shows that just around 6% of the population are covered by at least one social protection benefit, and older persons receiving a pension's proportion reached 15% in 2020. In addition, coverage of social insurance programmes is down to 5.3% of the population, reaching mainly the richest quintile (10%) and few among the poorest quintile (1.6%) (see more details in Table 13).

Table 13: Proportion of population covered by social protection systems in Myanmar, %, latest year

Indicator	Coverage
People covered by Health Social Protection, % of population (2019)	2.5%
Population covered by at least one social protection benefit (2020)	6.3%
Proportion of older persons receiving a pension (2020)	15%
Persons with severe disabilities collecting disability social protection benefits (2020)	11%
Unemployed receiving unemployment benefits (2020)	0%
Mothers with newborns receiving maternity benefits (2019)	1.6%
Employed covered in the event of work injury (2020)	8.5%
Children/households receiving child/family cash benefits (2020)	2.1%
Poor persons covered by social protection systems (2018)	0.8%
Vulnerable persons covered by social assistance (2020)	1.1%
Coverage of social insurance programmes, % of population (2017)	5.3%

Source: ILO, Key Indicators of the Labour Market (KILM); World Bank, World Development Indicators; DTDA, data collection tool 2019: Myanmar.

Myanmar's health expenditures increased from 2.1% of GDP on average in the 2000s to 3.8% in the 2010s, even superseding the regional average. Similarly, the health expenditure per capita was on the rise during the 2010s and reached the US\$44 per capita threshold since 2014 defined by the High-Level Task Force on Innovative International Financing for Health Systems (HLTF) but not yet superseding the regional average.¹⁰⁶ Besides,

social contributions grew slowly from 0.1% in 2013 to 0.8% of revenue since 2018 (Table 14). This rate remains low compared to China (38%) and Thailand (5.3%) but significantly higher than the regional average.

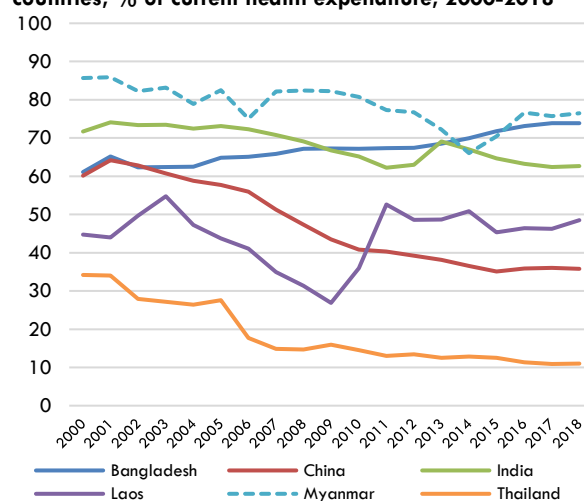
Table 14: Status of expenditure on health and social contribution in Myanmar and South Asia (SA), 2010-2018 average

Service	Myanmar	South Asia
Total health expenditure, % of GDP, 2010-2018 average	3.8 %	3.4 %
Current health expenditure per capita, US\$ current, 2010-2018 average	US\$ 45	US\$ 53
Social contributions*, % of revenue, 2019	0.8%	0.1%

* Social contributions include social security contributions by employees, employers, and self-employed individuals, and other contributions whose source cannot be determined. They also include actual or imputed contributions to social insurance schemes operated by governments.
Source: World Bank, World Development Indicators.

Myanmar's National Health Plan (2017-2021) provides the most basic and essential health care for all Myanmar citizens and is driven by a roadmap towards Universal Health Coverage (UHC). Figure 16 depicts Myanmar's share of healthcare expenditure financed by private households' out-of-pocket payments fell only slightly during the last two decades, linked by somewhat low health expenditure per capita. The out-of-pocket health payments reached 76% in 2018, which continued significantly higher than the neighbouring countries.

Figure 16: Out-of-pocket expenditure as a percentage of total expenditure on health in Myanmar and neighbouring countries, % of current health expenditure, 2000-2018



Note: Out of pocket expenditure is any direct outlay by households, including gratuities and in-kind payments, to health practitioners and

suppliers of pharmaceuticals, therapeutic appliances, and other goods and services whose primary intent is to contribute to the restoration or enhancement of the health status of individuals or population groups. It is a part of private health expenditure.

Source: World Bank, World Development Indicators.

Health services have been on the rise in Myanmar, reflected in several health improvements: The maternal mortality rate fell from 340 in 2000 to 250 deaths per 100,000 live births in 2017, but it continued significantly higher than the other five neighbouring countries' rates; the infant mortality rate dropped from 65 in 2000 to 36 deaths per 1,000 live births in 2019.

At the end of 2015, the Ministry of Social Welfare, Relief and Resettlement started to support senior citizens aged 90 and above with the Social Pension (SP). Initially, the scheme provided for a 25,000 kyats (US\$22) monthly stipend for citizens over 90. Due to funding shortages, the authorities scaled back the amount to 18,000 kyats (US\$15) per month in 2015, covering around 30,000 seniors.¹⁰⁷ The coverage increased to over 50,000 seniors applied for SP on the 2017/18 fiscal year. The eligibility age for senior citizens got adjusted to all people above 85 years of age in 2018, along with the monthly stipend further lowered to 10,000 kyats (US\$7.3) per month. The ministry's budget request for the FY 2018/19 covered 140,000 senior citizens. According to the 2014 census, around 231,000 senior citizens were 85 years old and above, suggesting SP's coverage at >60%.¹⁰⁸ The government targets to reducing the senior citizens aged to 80+. The ministry further promoted pension funding reforms in 2020 fuelled by a rising number of pensioners with longer life expectancies: The share of older people (aged 60+) is anticipated to increase from about 10% in 2020 to nearly 19% by 2050.

The Social Security Law provides for paid maternity leave of 14 weeks and paternity leave of 15 days. These costs are to be covered by employers unless the worker in question contributes to the country's Social Security Fund. The implementation of the maternity leave regulations is not well-enforced in practice. Only workers who pay voluntary contributions and are employed in formal businesses

with five or more employees receive maternity benefits from the social security scheme.

Unemployment insurance is located among inactive social security schemes. Covid-19 highlighted the need for Myanmar to implement an unemployment protection scheme, although fiscal space constraints will require a contributory scheme first to be established.

The global Covid-19 pandemic surged in 2020. Myanmar's government launched a series of emergency social protection measures to alleviate pressure on workers, including sickness cash benefits for insured workers who had to quarantine and providing free medical treatment for dismissed workers in some sectors. Work-from-home policies were especially in place in the Yangon Region. The Social Security Board pay 40% of the salary to insured workers through a family assistance fund, by the Social Security Law. Insured workers included in the Stay-at-Home order and worked at the private factories and businesses as of September 23, 2020, are entitled to this benefit.

The government announced travel restrictions (including quarantine requirements, suspension of visa issuances and international flights), closure of several land borders and bans on mass public gatherings. Restrictions on visa issuances and international passenger flights have also been extended to January 31, 2021.

A National Central Committee on Prevention, Control and Treatment was established in 2019. It coordinates the authorities' response. A second committee, the Control and Emergency Response Committee on Covid-19, was set up on March 30, 2020, to help with stricter administrative measures to control the spread of the virus, including quarantining migrant workers from neighbouring countries. The Myanmar government launched the Covid-19 Economic Relief Plan (CERP), consisting of seven goals, ten strategies, 36 action plans and 76 actions covering a range of emergency fiscal and monetary measures. The CERP seeks to mitigate the inevitable economic impact posed by Covid-19 while establishing a foundation to facilitate Myanmar's rapid economic recovery.

Regarding the revenue measures, the government implemented several features: i) exemptions and subsidies of household electricity charges; ii) deferment of income and commercial tax payments due in the second, third, and fourth quarters of FY2019/20 to January 31, 2021; iii) exemption of the 2% advance income tax on exports in FY2019/20 and first quarter of FY2020/21; iv) waiver of specific goods tax, customs duty and commercial tax on critical medical supplies and products related to the prevention, control and treatment of Covid-19; and v) exemption of fees for renewal license of hotels and tourism businesses for one year up to end of March 2021 and reduced customs duties for businesses operating with the Myanmar Automated Cargo Clearance System.

Concerning expenditure measures, the government also hurred several parts: i) medical spending – purchasing the necessary medicines, medical equipment and related items for hospital upgrade and spending on building and renovation works (US\$195 million); ii) household support – in-kind and cash transfers to the most vulnerable population through April-September 2020 and 4th round cash transfer in November-December 2020 (US\$294 million); and iii) spending programs to

support rural and agriculture sectors (US\$68 million).

This emergency has challenged SSB's financial sustainability, which could negatively affect the regular contributory schemes. The government also provided wage subsidies for workers in factories who had been ordered to close temporarily.¹⁰⁹

Additionally, the government drafted the Myanmar Economic Resilience and Reform Plan (MERRP) in 2020 to extend economic recovery and relief efforts. The media argued that this plan did not reach the worst-hit vulnerable communities and small enterprises by Covid-19. Besides, the plan was stalled since the military seized control in February 2021.

A new wave of the ongoing Covid-19 pandemic accelerated again in 2021, cases and deaths soared in July 2021. It is worthwhile to mention that the combination of civil unrest, the military's seizure of medical facilities and equipment, the collapse of the economy, and the isolation of the country have led to a humanitarian catastrophe.

APPENDIX: ADDITIONAL DATA

Table 15: List of approved labour related legislations in Myanmar, 2014-2020

Year / Theme	Law/decree
2014	
General provisions.	Counter-Terrorism Law, 2014 (23/2014)
	National Human Rights Commission Law, 2014 (21/2014)
	Media Law, 2014 (12/2014)
	Myanmar Special Economic Zones Law, 2014 (1/2014)
Freedom of association, collective bargaining and industrial relations.	Registration of Organizations Law (Pyidaungsu Hluttaw Law No. 31/2014)
	Settlement of Labour Disputes Amendment Law, 2014 (40/2014)
	Law amending the Right to Peaceful Assembly and Peaceful Procession Law, 2011 (26/2014)
Education, vocational guidance and training.	National Education Law, 2014 (41/2014)
2015	
General provisions.	Second Amendment of the Law Relating to the Pyidaungsu Hluttaw [Assembly of the Union] (Pyidaungsu Hluttaw Law No. 63/2015)
	Law on the Practice of Monogamy (Pyidaungsu Hluttaw Law No. 54/2015).
	Buddhist Women Special Marriage Law (Pyidaungsu Hluttaw Law No. 50/2015).
	Law amending the Constitution of the Republic of the Union of Myanmar, 2015 (45/2015)
	Law Amending the Referendum Law for the Approval of the Draft Constitution of the Republic of the Union of Myanmar, 2008 (36/2015)
	Small and Medium Business Development Law, 2015 (23/2015)
Equality of opportunity and treatment.	Buddhist Women Special Marriage Law (Pyidaungsu Hluttaw Law No. 50/2015)
Employment policy, promotion of employment and employment services.	The Rights of Persons with Disabilities Law, 2015 (30/2015)
Education, vocational guidance and training.	National Education Amendment Law, 2015 (38/2015)
Occupational safety and health.	Boiler Law, 2015 (39/2015)
Social security (general standards).	Law Repealing the Pensions Act (Pyidaungsu Hluttaw Law No. 59/2015)
Indigenous and tribal peoples.	Indigenous Persons' Rights Protection Law, 2015 (8/2015)
Specific categories of workers.	Shops and Establishments Law (2015).
2016	
General provisions.	Shops and Establishments Law (2016) (Pyidaungsu Hluttaw Law No. 18/2016).
	Law Amending the Code of Criminal Procedure (Pyidaungsu Hluttaw Law No. 16/2016)
	Law Amending the Penal Code (Pyidaungsu Hluttaw Law No. 6/2016)
Conditions of employment.	Payment of Wages Law (2016) (Pyidaungsu Hluttaw Law No. 17/2016)
Occupational safety and health.	Pesticide Law (Pyidaungsu Hluttaw Law No. 14/2016)
	Law Amending the Factories Act 1951 (Pyidaungsu Hluttaw Law No. 12/2016)
Freedom of association, collective bargaining and industrial relations.	Peaceful Assembly and Peaceful Procession Law (Pyidaungsu Hluttaw Law No 38 of 2016).
Social security (general standards).	Senior Citizens Law (Pyidaungsu Hluttaw Law No 44 of 2016).
2017	
General provisions.	Myanmar Companies Law, 2017 (2017, Union No. 29).
2018	
Elimination of child labour, protection of children and young persons / Maternity protection.	Maternity and Child Care Law (Pyidaungsu Hluttaw Law No 34 of 2018).
Specific categories of workers.	Protection of the Farmer Rights and Enhancement of their Benefits Amendment Law (Pyidaungsu Hluttaw Law No 36 of 2018).
2019	
General provisions.	Penal Code Amendment Law (Pyidaungsu Hluttaw Law No 10 of 2019).

Elimination of child labour, protection of children and young persons.	The Child Rights Law, 2019 (Pyidaungsu Hluttaw Law No. 22/2019) the 7th Waning Day of Waso, 1381 ME (23rd July 2019).
Occupational safety and health.	Occupational Safety and Health Law, 2019 (Pyidaungsu Hluttaw Law No 8 of 2019).
2020	
-	Industrial Zone Law, 2020.
2021	
-	-

Source: ILO, NATLEX, Country Profile, Basic Laws, Myanmar; DTDA SRO Asia, Myanmar data-collection tool, 2020.

Table 16: Ratified ILO Conventions in Myanmar, June 2021

Subject and/or right	Convention	Ratification date
Fundamental Conventions		
Freedom of association and collective bargaining	C087 - Freedom of Association and Protection of the Right to Organise, 1948	1955
	C098 - Right to Organise and Collective Bargaining Convention, 1949	Not ratified
Elimination of all forms of forced labour	C029 - Forced Labour Convention, 1930	1955
	C105 - Abolition of Forced Labour Convention, 1957	Not ratified
Effective abolition of child labour	C138 - Minimum Age Convention, 1973 *	2020
	C182 - Worst Forms of Child Labour Convention, 1999	2013
Elimination of discrimination in employment	C100 - Equal Remuneration Convention, 1951	Not ratified
	C111 - Discrimination (Employment and Occupation) Convention, 1958	Not ratified
Governance Conventions		
Labour inspection	C081 - Labour Inspection Convention, 1947	Not ratified
	C129 - Labour Inspection (Agriculture) Convention, 1969	Not ratified
Employment policy	C122 - Employment Policy Convention, 1964	Not ratified
Tripartism	C144 - Tripartite Consultation (International Labour Standards) Convention, 1976	Not ratified
Technical Conventions (up-to-date)		
Working time	C014 - Weekly Rest (Industry) Convention, 1921	1923
Seafarers	C185 - Seafarers' Identity Documents Convention (Revised), 2003	2018
	MLC, 2006 - Maritime Labour Convention, 2006 **	2016

* Minimum age specified: 14 years. The scope of the Convention is limited to industry or to the economic activities set forth in article 5, paragraph 3.

** The government has specified the following branches of social security: medical care; sickness benefit and employment injury benefit. Besides, MLC 2006 with amendments of 2014, 2016, and 2018 are in force.

Source: ILO, NORMLEX, Myanmar.

Table 17: Status of CTUM's affiliated federations, 2020

Affiliated organisations	Membership	Share of affiliated members	Share of women	Share of affiliated organised workers from the informal economy
Agriculture and Farmers Organisations	27,796	43%	31%	100%
Industrial Workers Organisations	12,611	19%	89%	-
Transport Workers Organisations	16,195	25%	3%	100%
Construction and Wood Workers Organisations	2,039	3.1%	25%	100%
Mining Workers Organisations	3,850	5.9%	29%	100%
Food Workers Organisations	492	0.8%	19%	100%
Energy Workers Organisations	340	0.5%	13%	-
Aquaculture Workers Organisations	714	1.1%	9%	100%
Service Workers Organisations	187	0.3%	58%	-
Media Workers Organisations	62	0.1%	0%	-
Education Workers Organisations	597	0.9%	82%	-
Total	64,883	100%	35%	100%

Source: CTUM; DTDA's SRO Asia, data-collection tool, 2020.

Table 18: Ease of Doing Business in Myanmar, 2020

Topics	Value
Overall	165
Starting a Business	70
Dealing with Construction Permits	46
Getting Electricity	148
Registering Property	125
Getting Credit	181
Protecting Minority Investors	176
Paying Taxes	129
Trading Across Borders	168
Enforcing Contracts	187
Resolving Insolvency	164

Note: Doing Business 2020 indicators are ranking from 1 (top) to 190 (bottom) among countries.

Source: World Bank, Ease of Doing Business 2020 in Myanmar.

Table 19: Employment by economic activity in Myanmar, by residential area and gender, %, 2017

	Total	Urban	Rural	Women	Men
Agriculture, forestry, fishing	51%	10%	67%	50%	53%
Industry	17%	25%	13%	13%	20%
Mining	0.8%	0.6%	0.8%	0.2%	1.2%
Manufacturing	9.4%	15%	7.2%	11%	7.8%
Utilities	0.1%	0.3%	0.1%	0.1%	0.2%
Construction	6.3%	9.2%	5.3%	1.4%	11%
Services	32%	65%	20%	37%	28%
Wholesale and retail trade	14%	28%	9.1%	20%	9.5%
Transportation, food service, information	7.0%	14%	4.2%	4.6%	9.1%
Financial and professional services	1.0%	2.9%	0.3%	1.0%	1.0%
Public administration	1.0%	2.7%	0.4%	0.7%	1.2%
Education, health, social work	3.3%	6.1%	2.2%	5.2%	1.6%
Other	5.4%	11%	3.4%	5.5%	5.2%

Source: Myanmar 2017 MLCS.

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