### Case 3.2

# Myanmar Sincerece Co. Ltd (garment factory) workers’ case

Myanmar Sincerece employs 755 workers: 85 males and 670 females.

The management was met with several objections from the employees.

1. Initially the workers found that the management was setting unreasonable targets of production.   
     
   The management argued that at the time of the objection this was the high season for production because of the pending summer season on the export markets. The management acknowledged that there was a lot of work at the time but the workload would however decline in two months time to an extent where the workers would not have to work the ordinary daily worktime. That was the reason why the management could not keep the ordinary daily worktime. And the financial situation of the company did not allow to pay the necessary overtime on Sundays.
2. Secondly the workers found that the production line supervisors used impolite language.
3. Thirdly the management had started deducting skill bonus from the workers when the production targets were not met and because of the company’s financial situation.

**Considerations for the negotiations – both for the employer and employee**

1. It is common that a production has a high and a low season. How can the employer and employee take into consideration that there is a high and a low season, the company’s financial situation and still pay the relevant salary for the performed work hours in order to secure the company’s future? What could the compromises be?
2. Discuss the relevance of the behavior of both the employer and employees at the workplace. Is there a reason for – at some times – a harsh tone or is it just in general unacceptable? How should the parties handle the existence of an impolite tone at the workplace?
3. What could the reasons be for deducting skill bonus when the production targets are not met? Is it possible to do so? Under which circumstances (if any?) should the employees accept the dedection? What could a compromise consist of?

## SPECIAL INSTRUCTION to mediator

## DO NOT SHOW THIS INSTRUCTION TO OTHERS

You are playing the role of the **mediator** in this role play based on case 1.

When playing your role, you should try to bring into the conciliation the fact that a relevant piece of legislation (mention and explain it) limits the parties possibilities to reach an agreement. There is simply a piece of legislation which prevents the parties from agreeing on what they want, so the parties have to reach an agreement within this legal framework.