

Women's actions through the FPAR

- Through the Labour FPAR, Solidarity Trade Union Myanmar (STUM) has worked to:
- Increase the knowledge and awareness of women factory workers' labour rights
- Organise women factory workers to demand their labour rights, in particular leave rights
- Build capacity through labour law and union trainings in the Arrewaddy, Mandalay and Yangon regions in Myanmar.

FPAR findings demonstrate the adverse impact of the lack of leave days on women factory workers, particularly on workers' health. Going forward, STUM will continue to campaign for women factory workers' right to leave days through capacity building of workers, through advocacy and by establishing a dialogue with members of parliament, other civil society organisations and fellow women's rights activists.

Recommendations

To the government of Myanmar:

- **Ensure that companies grant women factory workers the right to general leave as stipulated in the 1951 Leave and Holidays Act.**
- **Amend the Leaves and Holidays Act of 1951¹¹ to officially institute one day of menstrual leave per month for women workers.**
- **Guarantee women workers the right to organise and collective bargaining without threats of dismissal or any other reprisals.**
- **Engage and consult with workers in order to achieve inclusive and participatory labour laws and policy reform.**

To the private companies:

- **Comply with national labour laws and regulations as well as adhere to international labour standards and recommendations as set by the International Labour Organisation (ILO).**

¹¹ The Leave and Holidays Act of 1951, which was amended in 2014 includes casual leave, medical leave and earned leave as well as public holidays. See <https://www.ilo.org/dyn/natlex/docs/MONOGRAPH/88687/101520/F678144852/MMR88687.pdf>

About the Solidarity Trade Union Myanmar

Solidarity Trade Union Myanmar or STUM, is a federation formed by several local trade unions in 2016. STUM works with both employers and employees in order to bring about Decent Work and fair working conditions for workers across various sectors. The organisation particularly focuses on increasing women's participation and leadership positions within trade unions, as this is key to advance women's labour rights.

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APWLD, a regional feminist and women's rights organisation with 252 members in 27 countries in Asia and the Pacific. This FPAR is part of APWLD's Labour Programme. APWLD worked with and supported 11 partner organisations from nine countries to conduct FPAR on women's labour rights in Asia and the Pacific between 2017 and 2019.

Organising women factory workers in Myanmar to demand their labour rights

Solidarity of Trade Union Myanmar (STUM)
MYANMAR

The situation of women factory workers in Myanmar

Since Myanmar opened up to economic investment with the lifting of economic sanctions in 2016, the country rapidly became a major sourcing site for the garment industry due to the supply of cheap labour and favourable import and export tariffs.¹ Although a budding industry, in comparison to other garment-producing countries in the region, the garment industry in Myanmar is steadily growing and in 2018, generated more than 4.55 trillion kyat (USD3 billion). The garment industry employs more than 400,000 workers out of which more than 90 per cent are women.² Some of the foreign companies that the factories supply to include H&M, C&A and Muji.³ Yet, women factory workers face continuous labour rights violations, unacceptable working conditions and below-subsistence wages.

STUM's Feminist Participatory Action Research (FPAR)

STUM led a Feminist Participatory Action Research (FPAR) to investigate the situations and problems that women factory workers face in the Arrewaddy, Mandalay and Yangon regions in Myanmar. One of the primary labour rights violations that STUM's FPAR has centered on is the lack of general leave. For instance, women factory workers in the garment sector in Myanmar are regularly denied maternity leave.⁴ Out of 4,350 STUM union members, 301 members from 15 factories participated in the FPAR initiatives. The data was collected through interviews, focus group discussions (FGDs), consultations and capacity building workshops. 194 women workers participated in FGDs and 107 were individually interviewed. STUM found that there was a significant difference between the working conditions of unionised and non-unionised workers in the factories. Non-unionised workers were generally not aware of the work that trade unions engage in nor of their labour rights, whilst many unionised workers were actively working to demand their rights under Myanmar law.

¹ Theuws, M. & Overeem, P. (2017). The Myanmar Dilemma: Can the garment industry deliver decent jobs for workers in Myanmar? Retrieved from: <https://www.somo.nl/wp-content/uploads/2017/02/170731-The-Myanmar-Dilemma-update-web-1.pdf>

² ILO. (2019). Weaving Gender Challenges and Opportunities for the Myanmar Garment Industry Findings from a gender-equality assessment in selected factories. Retrieved from: https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-yangon/documents/publication/wcms_672751.pdf

³ Theuws, M. & Overeem, P. (2017). The Myanmar Dilemma: Can the garment industry deliver decent jobs for workers in Myanmar? Retrieved from: <https://www.somo.nl/wp-content/uploads/2017/02/170731-The-Myanmar-Dilemma-update-web-1.pdf>

⁴ ILO. (2019). Weaving Gender Challenges and Opportunities for the Myanmar Garment Industry Findings from a gender-equality assessment in selected factories. Retrieved from: https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-yangon/documents/publication/wcms_672751.pdf

FPAR FINDINGS: THE WORKING CONDITIONS OF WOMEN FACTORY WORKERS IN MYANMAR

Denial of leave and unlawful wage deductions

Under the 1951 Leave and Holidays Act, all workers are entitled to 10 days of annual leave, six days of casual leave, 30 days of sick leave and 14 weeks of maternity leave.⁵ In spite of this law, many women factory workers report that they are continuously denied the leave days that they are lawfully entitled to. FPAR findings show that a majority of the women factory workers need to take menstrual leave. According to the law, employers presented with a medical certificate demonstrating a woman worker's inability to work during menstruation should make necessary arrangements for them.⁶ In reality, women workers are routinely denied menstruation leave. In fact, individual interviews with 107 women factory workers reveal that 82 per cent of women workers are prohibited by their employers from taking any kind of leave. In some cases, employers have issued wage deductions whenever a worker has taken a sick leave. Other workers have even been terminated for taking or requesting leave. In extreme cases, women workers who have been forced to work despite being ill or injured have suffered from health-related problems that have ended in hospitalisation and even fatality.

5 Theuws, M. & Overeem, P. (2017). The Myanmar Dilemma: Can the garment industry deliver decent jobs for workers in Myanmar? Retrieved from: <https://www.somo.nl/wp-content/uploads/2017/02/170731-The-Myanmar-Dilemma-update-web-1.pdf>

6 ILO. (2017). ILO Guide to Myanmar Labour Law. Retrieved from: https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-yangon/documents/publication/wcms_577563.pdf

Gender-based discrimination and violations of women's sexual and reproductive health and rights

Women factory workers face various kinds of gender-based discrimination to different degrees at the factories. Many women workers face verbal abuse by supervisors as well as sexual harassment by male coworkers. Moreover, FPAR findings point to a systemic discrimination against women workers, with factories denying pregnant women employment and/or not extending pregnant workers the 14 weeks of maternity leave that they are lawfully entitled to. This is a direct violation of women workers' sexual and reproductive health and rights (SRHR) and can lead to detrimental consequences in terms of workers' health and wellbeing.

Presently, most trade unions in Myanmar are male-dominated. It is crucial that women take up leadership positions within trade unions so that they can put forward, and advocate for the particular needs and demands that women workers have.

Union busting

For more than 50 years under military rule, workers in Myanmar were denied the right to organise and collective bargaining, and prohibited from forming independent trade unions and from going on strikes. In 2011, Myanmar enacted the Labour Organisation Law which legally gave workers the right to organise and form labour unions.⁷ Despite the development of this law, FPAR findings show that factories are actively engaging in union busting and unlawful termination. Many women workers shared that employers were singling out union members and leaders by preventing them from using their leave rights to join union activities and even terminating them without legitimate cause. Not only are factory employers violating the rights of women workers, their conduct has negative ripple effects as non-unionised workers in turn hesitate to join trade unions out of fear of losing their jobs.

7 Chau, T. (2017). Overview of new Myanmar labour law guide. Myanmar Times, 2 October. Retrieved from: <https://www.mmtimes.com/news/overview-new-myanmar-labour-law-guide.html>

Minimum wage is insufficient to cover basic needs

For years, labour unions have demanded that workers' minimum wage be raised from 3,600 kyat (USD2.30) to 5,600 kyat (USD 3.6) per day. In 2018, the minimum wage in Myanmar was raised to 4,800 kyat (USD 3) a day. Despite the increase in the minimum wage, critics have pointed out that companies are increasing production targets while lowering production bonuses. This means that workers might not only have to work harder but also longer hours, which could go unpaid.⁸ In other words, whilst existing regulations on overtime pay is not enforced by factories, the increase in minimum wage may not be as significant in practice as on paper. Furthermore, while a majority of the women factory workers confirm that they receive a minimum wage, this salary is still not enough to sustain themselves and their families. In fact, workers are forced to take loans in order to make ends meet. In turn, lenders exploit the fact that workers depend on external loans in addition to the minimum wage, by lending money at an exceedingly high interest rate. When workers are unable to provide for themselves and their families whilst simultaneously getting trapped in debt, the national minimum wage is not enough. Women workers in Myanmar need to be accorded a Living Wage, i.e. a wage that can support a family to live in dignity.⁹

8 Theuws, M. & Overeem, P. (2018). Higher minimum wage in Myanmar bad news for workers? Retrieved from: <https://www.somo.nl/higher-minimum-wage-in-myanmar-bad-news-for-workers/>

9 Asia Pacific Forum on Women, Law and Development (2019). Decent Work and Living Wage Briefer. Retrieved from: <http://apwld.org/wp-content/uploads/2015/04/DECENT-WORK-LIVING-WAGE-BRIEFER.pdf>

Lack of social protection

According to national law, all companies that employ more than five workers must register with the Social Security Township Office. Workers employed in the private sector should be covered by a contributory social security scheme that supports workers in the case of pregnancy, illness, work injury or death¹⁰. Despite the fact that it is mandatory for all permanent and temporary workers to register under this fund, individual interviews show that 34.5 per cent of workers not only lacked awareness of their right to social security, they were also not provided with a social security card by their employers. A social security card is necessary in order for workers to, for instance, access social security clinics.

10 Under The Social Security Law (Pyidaungsu Hluttaw Law No. 15 of 2012), a company must withhold 2% of workers' monthly wages, where they should contribute 3% of the workers' monthly wages to the social security fund. See: <https://www.mol.gov.mm/en/wp-content/uploads/2016/10/Social-Security-Law-2012-E.pdf>

