



**Country Presentation
on
Improvement of Policy on Occupational Safety and Health-
From Policy Development to Implementation Measures-**

**Tokyo , Japan
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Factories and General Labour Laws Inspection
Department
Myanmar**

Country information

Official Name	The Republic of the Union of Myanmar
Capital	Nay Pyi Taw (Established since 2005)
Head of State	U Thein Sein, President of the Republic of the Union of Myanmar
Area	676,552 sq km (261,218 sq mi)
Coastline	2,832 km
Highest Point	Hkakabo Razi to 5,881 m (19,295 ft) above sea level
Population	51,419,420 (2014 census)
Population Density	76/km ² (196.8/sq mi)
Geography	Generally divided into three parts; Eastern Hill Region, Central Valley Region and Western Hill Region

Climate

Tropical weather with Three Seasons;
Summer Season **March to May**
Raining Season **June to October**
Cold Season **November to February**

Time

GMT + 6:30 Hours

Currency

Myanmar Kyat (MMK.)

Natural Resources

Natural Gas, Petroleum , Gold , Jade, Ruby and other Gemstones,
Copper ,Tin , Antimony ,Lead, Zinc, Silver
Teak and other Timber

Major Crops

Rice, Pulses and Beans , Sesame , Maize , Rubber , Fruits &
Vegetables

GDP

MMK 45,209.641 Billion (2012-2013)

GDP Growth Rate

7.6 % (2012-2013)

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1. Overview of Myanmar OSH System

National OSH Policy

In Section 24 of Constitution 2008

“The Union shall enact necessary laws to protect the rights of workers”.

Government Agencies on OSH

- ❖ Factories and General Labour Laws Inspection Department ,
Ministry of Labour , Employment and Social Security
- ❖ Boiler and Electrical Inspection Agency
Ministry of Industry
- ❖ Department of Public Work
Ministry of Construction
- ❖ Occupational Health Division
Ministry of Health
- ❖ Mine Department
Ministry of Mine
- ❖ Myanmar Industrial Crops Development Enterprise
Ministry of Agriculture and Irrigation
- ❖ City Development Committees

The Existing OSH Legislations

- (1) Factories Act, 1951*
- (2) Oilfields (Labour and welfare) Act, 1951*
- (3) Boiler Laws , 1984*
- (4) Electricity Laws , 1984 , amended 1990*
- (5) Myanmar Mines Law,1994*
- (6) Pesticide Law, 1990*
- (7) Municipal Act ,1922 & City Development law ,1990*



2. Functions of Factories and General Labour Laws Inspection Department



Ministerial Structure

**Ministry of Labour,
Employment and Social
Security**

Office of the Minister

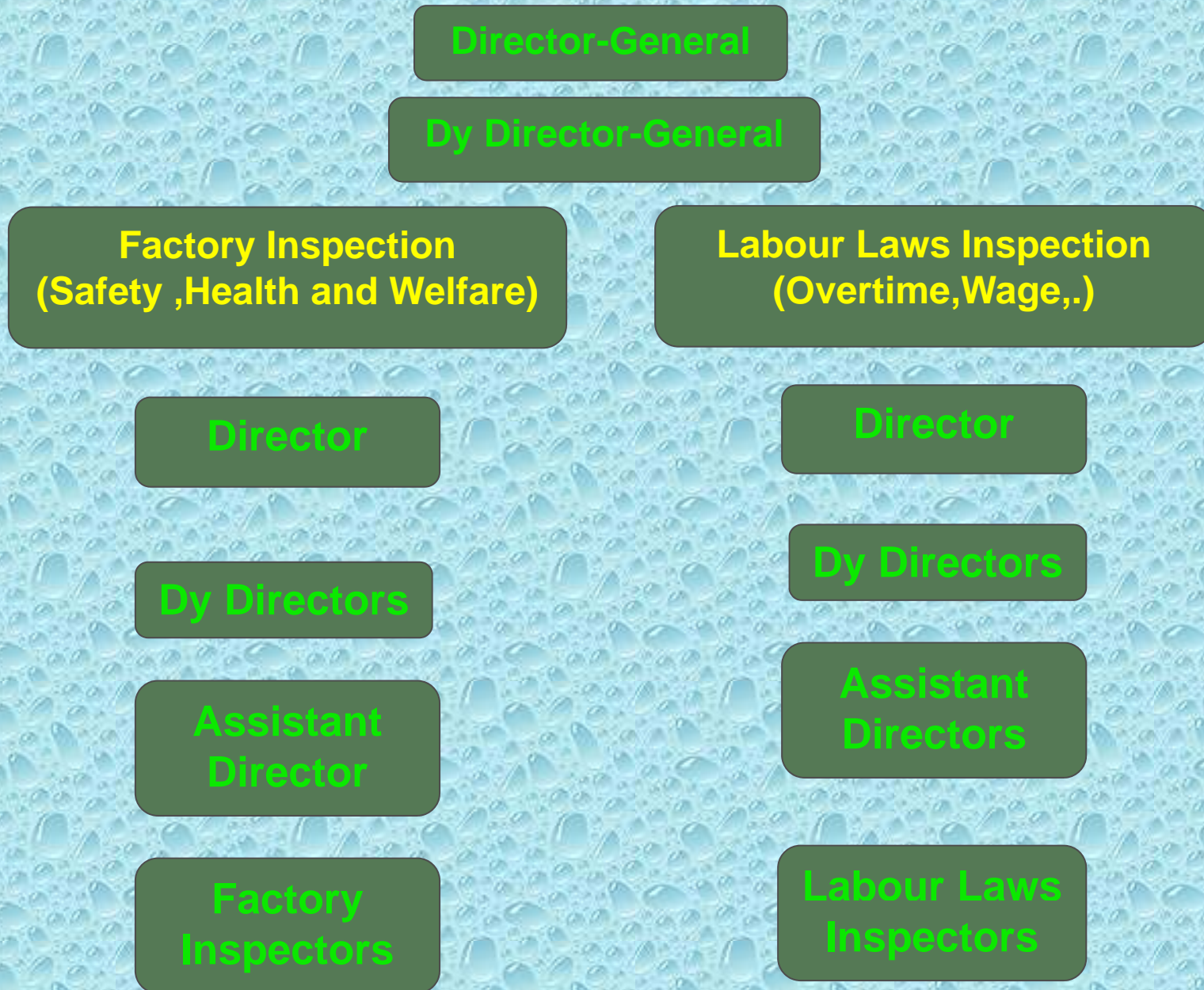
Department of Labour

**Factories and General
Labour Laws
Inspection Department**

**Department of Labour
Relations**

Social Security Board

The Organizational Structure of FGLLID



Objectives of FGLLID

- ❑ To enhance the productivity of labour by ensuring workers to enjoy their legal rights regularly and fully under the existing labour laws.
- ❑ To enforce OSH inspection



Factories and General Labour Laws Inspection Department

Objective

To To enhance the productivity of labour by ensuring workers to enjoy their legal rights regularly and fully under the existing labour laws

Functions and activities

- Inspection
- Accident Investigation
- Conducting Training and Awareness Raising
- Implementation of OSHMS
- Work Environment Measurement
- Cooperation with regional and international OSH organization

The Structure of FGLLID

The Inspectors of FGLLID

Previous		New	
Structure	Appointed	Structure	Appointed
90	69	326	162



OSH Inspection

Manpower

162 Inspectors

**Inspection
type**

General OSH Inspection

**Inspections
targeted**

**25 Factories (Covered by FA)
15 Small Establishments/Enterpries
(Not Covered by FA)**

Main Activities on OSH

Inspection

Accident Investigation

Conducting Trainings on OSH

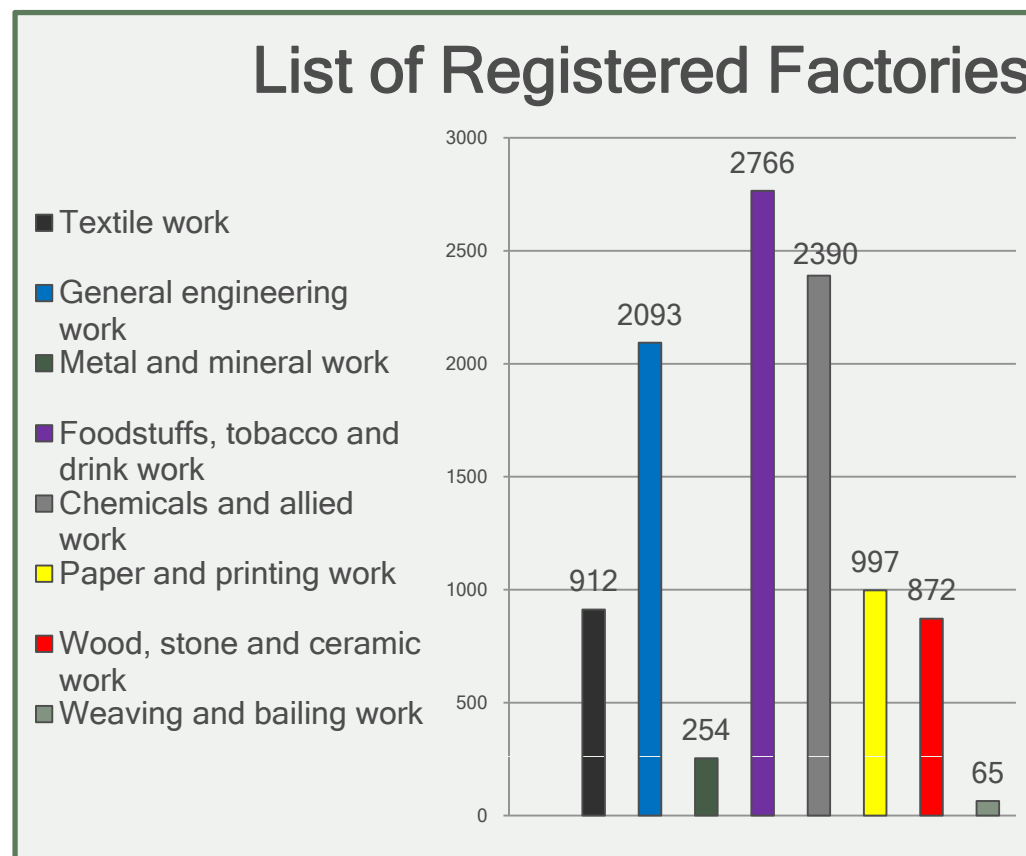
Awareness Raising on OSH



3. Accidents Statistics

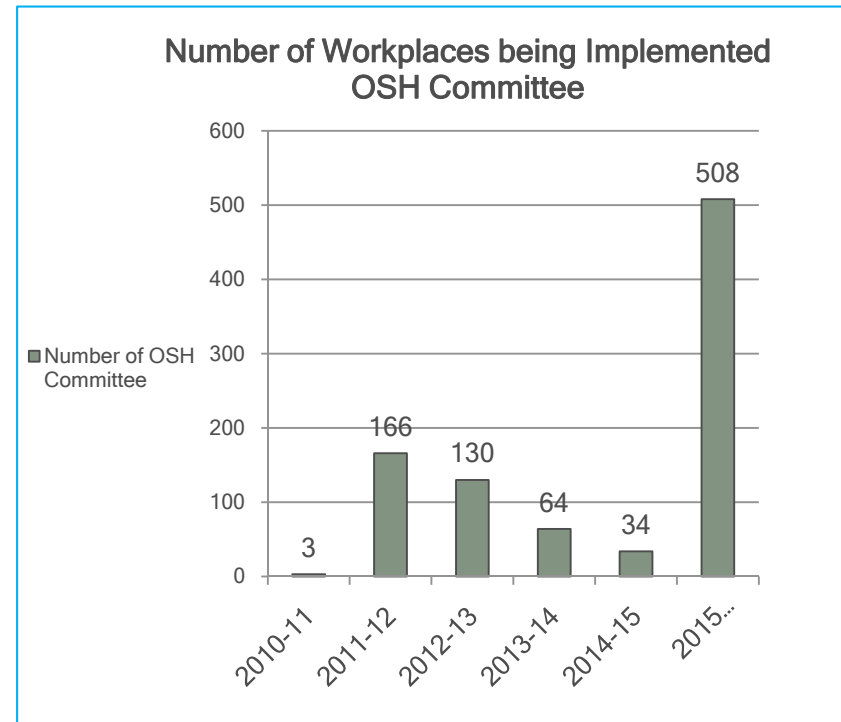
List of Registered Factories

Trade	Factory
Textile work	912
General engineering work	2093
Metal and mineral work	254
Foodstuffs, tobacco and drink work	2766
Chemicals and allied work	2390
Paper and printing work	997
Wood, stone and ceramic work	872
Weaving and bailing work	65
Miscellaneous work	2102
Total	12451



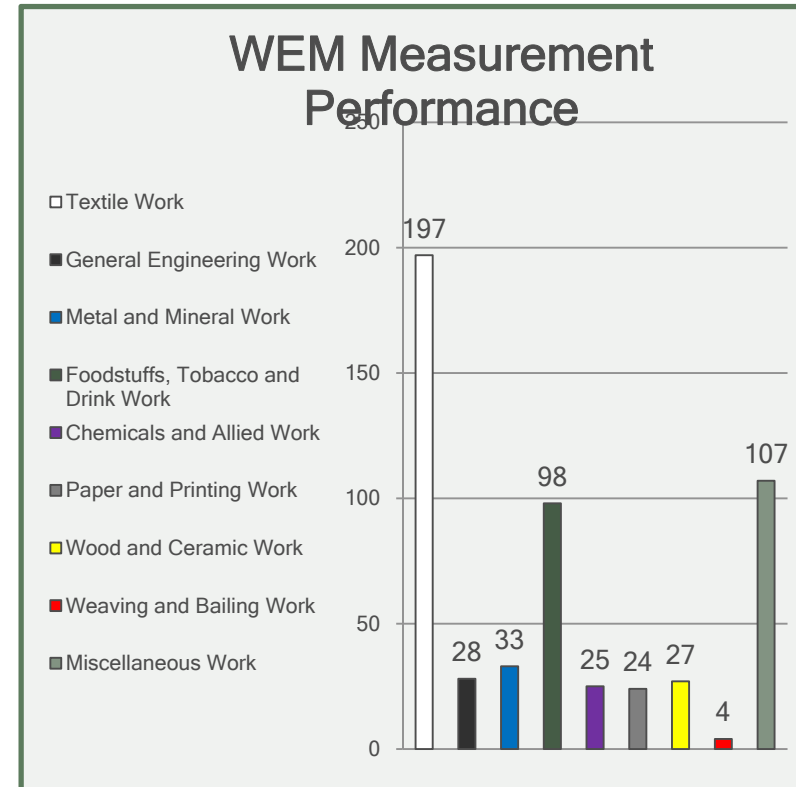
Number of Workplaces being Implemented OSH Committee

Fiscal year	Number of OSH committee
2010-11	3
2011-12	166
2012-13	130
2013-14	64
2014-15	34
2015 up to September	508
Total	905



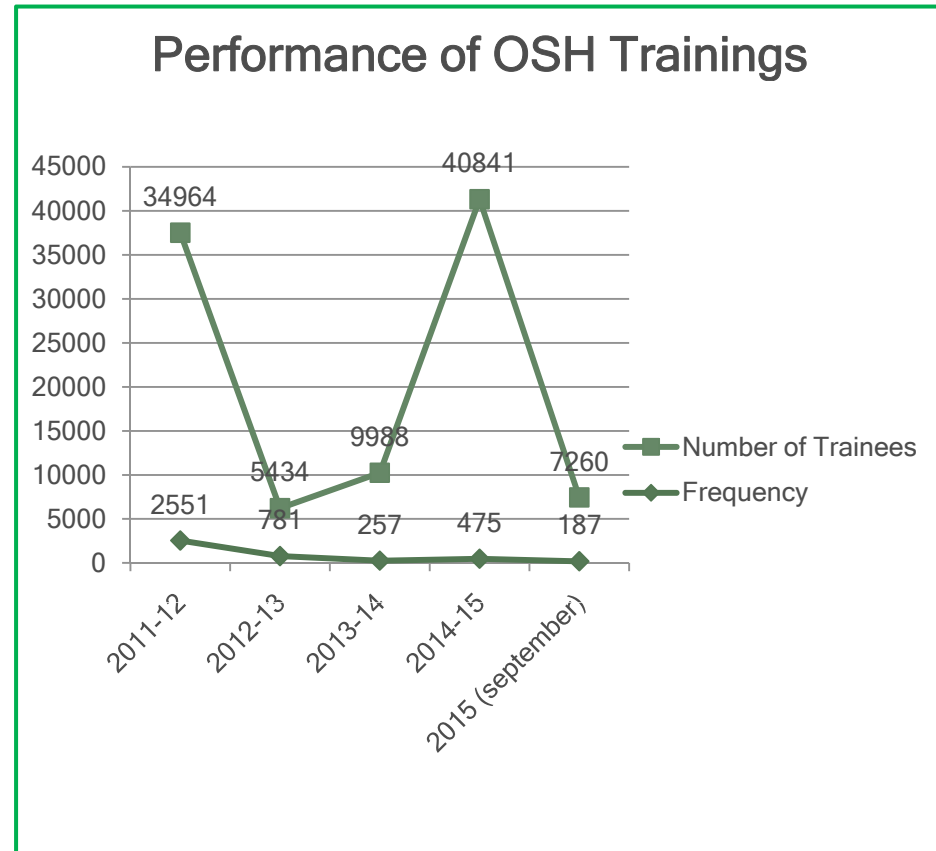
WEM Measurement Performance

Trade	WEM Measurement
Textile work	197
General engineering work	28
Metal and mineral work	33
Foodstuffs, tobacco and drink work	98
Chemicals and allied work	25
Paper and printing work	24
Wood, stone and ceramic work	27
Weaving and bailing work	4
Miscellaneous work	107
Total	543



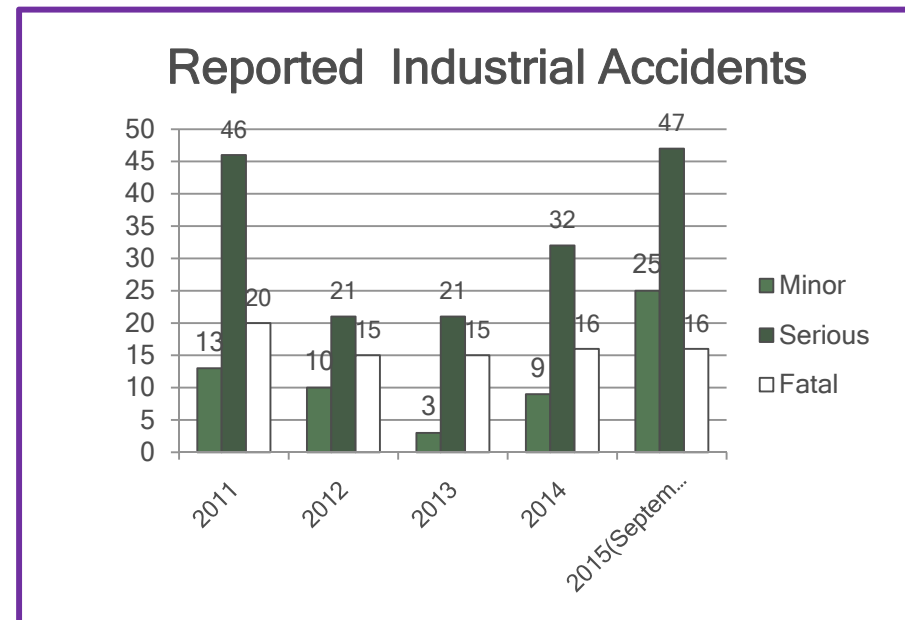
OSH Training Performance

Year	Frequency	Trainees
2011-12	2551	34964
2012-13	781	5434
2013-14	257	9988
2014-15	475	40841
2015 up to September	187	7260
Total	4251	98487



Reported Accident Statistics

Year	Accident			Total
	Minor	Serious	Fatal	
2011	13	46	20	79
2012	10	21	15	46
2013	3	21	15	39
2014	9	32	16	57
2015 up to September	24	46	16	86



Accident Classification by Trade (2015 upto september)

Trade	M	F	Total
Textile	8	-	8
General Engineering	20	-	20
Mineral and Metal	7	-	7
Food, Drink , Tobacco and foodstuffs	13	3	16
Chemical and Allied Industry	4	1	5
Paper and Printing	2	-	2
Process Relating to Wood, Stone and Glass	28	6	34
Ginning and Press	1	-	1
Miscellaneous	4	2	6
Total	87	12	99 (86 cases)

Employment Injury, workers' Compensation and Insurance System in Myanmar

The employer shall report to the relevant township social security office immediately if a serious employment accident occurs to his insured worker. There shall not be any delay without sufficient cause to report as such.

A team of officers and other staff who inspect the establishments, if it is found out the employment injury, death, and contracting disease, shall report to the relevant township social security office in accord with the stipulations.

Employment Injury and Insurance System

Reporting and Inquiring into Employment Injury

- a. The employer shall inform to the relevant Township Social Security Office immediately if an insured worker gets serious employment injury, including fatal case. Moreover, it shall be informed at the same time to the relevant Township or District FGLLID Office within 72 hours, within 24 hours for fatal case, in the prescribed form.
- b. The OSH inspector and the officer-in-charge of the Township Social Security Office shall, when it is informed by the employer according to sub-rule (a) or he or she knows about the occurrence of occupational accident, go down to the relevant establishment to inspect , find root cause and can decide that it is the employment injury or not.

Employment Injury and Insurance System

The employer shall, if the employment injuries or occupational diseases occur due to his failure to ensure the necessary arrangements or protection measures for the occupational safety and health of workers, incur the cash and other benefits for which the insured persons have the right to enjoy.

Employment Injury and Insurance System

Rehabilitation and arrangements for workers

- (a) The Social Security Board shall, in coordination with the Social Welfare Department or other departments or organizations, carry out re-training of skills relating to work and rehabilitation so as to make the disabled insured person who lost bodily organ due to employment injury, integrate into the community and so as to enable to work easily by re-training.
- (b) The employer shall create job opportunities in his/her establishment so as to make the disabled persons work and transact easily.
- (c) The insured persons who obtained cash benefit shall not refuse to participate in those processes without sufficient cause.

Employment Injury and Insurance System

Conversion into the permanent disability benefit

- a. When the insured person is stopped the medical treatment as the injury is cured and terminated the temporary disability benefit before 12 months is complete, and if permanent impairment in capability to work or loss of bodily organ occur, he has the right to convert and enjoy into permanent disability benefit.
- b. The insured person has the right to enjoy by converting to the permanent disability after terminating the benefit relating to the temporary disability, if it is proved that he is suffering permanent disability according to the medical certificate while he is enjoying the temporary disability for 12 months period.
- c. If the insured person cannot continue to work after the completion of 12 months from the commencing day of temporary disability benefit because of the employment injury, he has the right to terminate the temporary disability benefit and enjoy the permanent disability benefit by converting to it.
- d. The date of termination of benefit relating to the temporary disability shall be decided by the doctor recognized by the Social Security Board.

Employment Injury and Insurance System

Evaluation of loss of earning capacity

The medical examination board under Social Security Board shall, by notification, determine the percentage of loss of earning capacity because of the employment injury.

Employment Injury and Insurance System

Examining and approving on the death due to employment injury

The medical examination board shall examine and decide, as may be necessary, whether or not it is caused by the employment injury. If it is necessary, the remark of the Factories and General Labour Laws Inspection Department shall be obtained;

Employment Injury, Insurance System and Registration

The Social Security Board shall manage, in accord with the stipulation, the employment injury benefit insurance system in order to avoid from giving the employment injury benefit by the employer in lump sum and to enable the worker to enjoy the following benefits:

- (a) medical treatment;
- (b) temporary disability benefit;
- (c) permanent disability benefit;
- (d) survivors' benefit for decease owing to occupation.

Employment Injury, Insurance System and Registration

- The employer shall effect insurance by registering at the relevant township social security office in order to get employment injury benefit by the workers applied to provisions of compulsory registration for employment injury benefit insurance system contained in section 45 and by paying contribution to employment injury benefit fund in accord with the stipulations.
- The employers may effect insurance by registering voluntarily for the workers who are not applied to provisions of compulsory registration for employment injury benefit insurance system and by paying stipulated contribution to employment injury benefit insurance fund.
- When registering to effect insurance for employment injury benefit under sub-sections (a) and (b), the worker shall submit medical certificate.

Contribution for Employment Injury Insurance System

As regards employer's contribution to employment injury benefit fund for the worker's entitlement to employment injury benefit under section 47, rates of contribution shall be determined according to worker's remuneration and degree of possibility of occupational hazard, by the Ministry of Labour, by notification, in co-ordination with the Social Security Board, with the approval of the Union Government.

The employer:

- (a) shall pay contribution monthly to Employment Injury Benefit Fund at the rates stipulated under section 50. Moreover, he shall also bear the expenses for paying as such;
- (b) shall pay defaulting fee stipulated under section 88, in addition to the contribution if fails to contribute after effecting insurance for employment injury benefit.

Contribution Rates

Sr no	Insurance System	Contribution rate		
		Employer	Employee	Total
1	Health and Social Care Insurance System	2%	2%	4%
2	Employment Injury insurance system	1%	0%	1%
3	Invalidity Benefit, Superannuation Pension Benefit and Survivors' Benefit Insurance System	3%	3%	6%
4	Unemployment Benefit Insurance System	1%	1%	2%
5	Other (Housing)	-	25%	25%

The Right to Take Medical Care and Other Benefits Regarding Employment Injury

- The insured has the right, if the employment injury occurs, to take medical care in accord with the stipulations and to enjoy other benefits contained in this chapter.
- The types of diseases caused by occupation contained in sub-section (a) shall be as specified by the rules and regulations.

Temporary Disability Benefit

- The insured who suffers reduction or cessation of earnings by reason of incapable to work of employment injury, free medical treatment in addition to temporary disability benefit of 70 per cent of average wage within four months prior to occupational accident shall be entitled to enjoy commencing from the date of incapacity for work, to a maximum of 12 months under medical certificate.
 - a. The temporary disability benefit under section 55, shall be terminated from the date on which the insured becomes capable for work again within 12 months.
 - b. If an insured continues to be incapable to work after the expiration of 12 months period of temporary disability benefit, it shall be converted to enjoy permanent disability benefit.
 - c. The insured while enjoying temporary disability benefit for 12 months due to occupational accident, and excepted that it be permanent disability by medical certificate, terminate the temporary disability benefit and is converted to enjoy the permanent disability benefit.

Permanent Disability Benefit

- The person who suffers loss of capacity for work is entitled to permanent disability benefit calculated based upon 70 per cent of average wage of a month contained in section 57, with percentage of loss of capacity for work, as specified hereunder:
 - in case of loss of capacity for work is 20 per cent and under, the right to enjoy monthly cash benefit entitled to such person for five years in lump sum;
 - loss of capacity for work is from over 20 per cent to 75 per cent, the right to enjoy monthly cash benefit entitled to such person for seven years in installment or in lump sum according to the desire of that person;
 - loss of capacity for work is over 75 per cent, the right to enjoy monthly cash benefit entitled to such person for nine years in installment, or in lump sum, or in monthly installment until death according to the desire of that person;

Permanent Disability Benefit (continued)

- if the medical certificate is submitted that permanently disabled person contained in sub-section (c) requires the constant attendance of another person, the right to enjoy the supplement of 10 per cent of his benefit in installment, or in lump sum, or in monthly installment until death according to the desire of that person in addition to the benefit contained in sub-section (c).
- The proportion of permanent partial disability benefit and permanent total disability benefit shall be proportionate to the loss of capacity for work contracted by employment injury.
- If an insured who obtained the permanent partial disability benefit suffers another employment injury, his percentage of loss of capacity for work shall be stipulated afresh taking into consideration to his former stipulated percentage of loss of capacity for work. The combined percentage of loss of capacity for work shall not exceed valued percentage of his overall loss of capacity for work. For the afresh stipulation as such, due cash benefit is entitled to obtain for added percentage of loss of capacity for work in accord with the stipulations.

Survivors' Benefit for Occupational Decease

- When the insured is deceased of employment injury:
 - a. a person nominated by the insured shall be entitled to enjoy survivors' benefit as follows in installment or in lump sum, according to the desire of that person, based on contribution period according to the average wage within four months before that insured is deceased:
 - i. if it is contributed 60 months and under, 30 times of an average wage for a month;
 - ii. if it is contributed over 60 months to 120 months and under, 50 times of an average wage for a month;
 - iii. if it is contributed over 120 months to 240 months and under, 60 times of an average wage for a month;
 - iv. if it is contributed over 240 months, 80 times of an average wage for a month;

Survivors' Benefit for Occupational Decease (continued)

- b. if there is no nominated person contained in sub-section (a), persons who have depended upon the earnings of that insured shall enjoy the survivors' benefit in the following order contained in sub-section (a), in installment or in lump sum according to the desire of that person in accord with the stipulations:
 - i. wife or husband of the deceased;
 - ii. if there is no wife or husband of the deceased, children of that person;
 - iii. if there is no wife, husband and children of the deceased, mother and father of that person.

Compensation for non-insured workers

For non-insured workers who are not covered by the Social Security Scheme, the Workmen's Compensation Act , 1923 places liability of compensation in case of work related accidents on the individual employer. It deals with personal injuries in the course of employment and also with occupational diseases.



4. Current Initiatives and OSH Challenges

Working Environment Measurement

To be a safe and healthy workplace, Working Environment Factors such as Ventilation, Heat Stress, Noise , Illumination , Dust, Fumes and Organic Vapor Emission need to be improved.

So FGLLID conducts working environment measurements(WEM) and issues necessary instructions and provide technical advices .

So far 543 workplaces could be conducted for WEM and this process is still on.



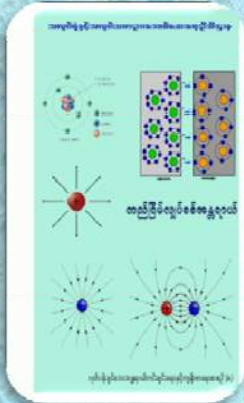
Conducting Working Environment Measurement at Workplaces.



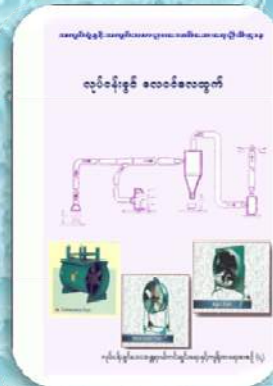
Implementation of OSH -MS at Enterprise Level

Even though there have no laws/ regulations on OSH - MS , FGLLID has been cooperating with responsible persons from enterprises to apply OSH- MS at workplaces by voluntary basis.

So far 905 of enterprises have already implemented OSH- MS and the process is still going on.



OSH Educational Booklets





OSH Awareness Seminar and Exhibition Photos



Challenges

- ❖ **No OSH expert**
- ❖ **Budget Constraint**
- ❖ **Lack of cooperation & coordination among the OSH responsible agencies and occupiers.**
- ❖ **Out-dated the existing legislation on OSH**
- ❖ **Lack of activities the existing industrial hygiene laboratory.**



Kyay Zu Tin Par Tal

THANK YOU !