FROM THE RICE PADDY TO THE INDUSTRIAL PARK:

Working conditions and forced labour in Myanmar's rapidly shifting labour market

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AUTHORED BY:

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Disclaimer: This study was produced with financial support from Australia, Canada, the European Union, Ireland, New Zealand, Norway, Switzerland, the United Kingdom and the United States of America. The views expressed herein should not be taken to reflect the official opinion of the Livelihoods and Food Security Fund donors.

FOREWORD

Workers in Myanmar have long experienced poor conditions because of the lack of adequate labour protection. Decades of neglect under authoritarian rule and isolation from the international community have led to a framework of labour laws and policies that were out of date, contradictory and ineffective. This left many workers without access to basic labour rights, including the freedom to join labour organizations, protection from forced and child labour, and prevention of discrimination at the workplace.

The broad-ranging political and economic liberalisation process that was initiated in 2010 included extensive efforts to reform Myanmar's labour legislation. Among the substantial improvements that made were the introduction of a minimum wage, legalization of labour organizations, establishment of processes for dispute resolution, adopting higher standards for occupational safety and health and expansion of coverage by social security.

Until recently, however, government and private sector sensitivities about research related to working conditions meant that few rigorous large-scale studies were undertaken to determine the impact of the legislative changes on workers. Ten years after the reforms began, this survey of more than 2,400 workers by the Livelihoods and Food Security Fund (LIFT) aims to fill the knowledge gap by assessing how effective the improved labour governance framework has been in ensuring decent working conditions. In particular, it represents the first major study of the prevalence of forced labour in Myanmar since 2015.

Strengthening the evidence base is key to accurately identifying the priority interventions needed to improve working conditions in Myanmar. This study assesses the practical experiences of workers in relation to freedom of association, wage protection, equal treatment of women, access to justice and other key labour rights concerns that have been under-researched to date. Through its analysis, the study finds that although advances have been made in increasing workers' rights in these areas, major gaps in labour protection remain for a large share of workers within Myanmar's labour market.

Although the study provides a valuable baseline measurement of the working conditions that existed beforehand, its findings are not able to analyse the effects of the coup d'état that took place on 1 February 2021. Indications are that the return to military rule has already begun to roll back many of the hard-fought gains made in expanding labour protection during recent years. The impact of the political situation on workers in Myanmar must continue to be monitored closely by the international community, with decisive actions taken to ensure that fundamental labour rights are safeguarded from abuse.

I want to extend my deepest gratitude to the workers who were interviewed for this study for sharing their experiences. Without their insights, this report would not have been possible.

Andrew Kirkwood
Director and Representative
United Nations Office for Project Services Myanmar

ACKNOWLEDGEMENTS

This report was prepared by Benjamin Harkins, Thet Hnin Aye and Tin Hlaing Min from the Livelihoods and Food Security (LIFT) Fund and Daniel Lindgren, Boonsita Ravisopitying and Shawn Kelley from Rapid Asia.

We are very grateful to the workers and representatives from the government, civil society, trade unions and development partners who agreed to be interviewed for sharing their insights and experiences with us for this study.

Significant contributions were made by several parties during the design, fieldwork, analysis and report preparation. The LIFT Fund and Rapid Asia would particularly like to thank several individuals and organisations who provided important inputs to this research study: Jenna Holliday, Elena Shih, Anna Olsen, Rebecca Napier-Moore, Borislav Gerasimov, Suzanne Tym.

We would also like to thank the Ministry of Labour, Immigration and Population, who provided invaluable data from Myanmar's Labour Force Survey to inform the analysis and supported the data collection in the research sites.

The research team would also like to acknowledge the excellent work of the data collection team in Myanmar from Zen Research, who completed the fieldwork in hard-to-reach areas and under challenging circumstances during the COVID-19 pandemic.

We are grateful to the governments of the United Kingdom, the European Union, Switzerland, Australia, the United States of America, Canada, New Zealand, Norway and Ireland, who funded this research. Their ongoing commitment to supporting the Decent Work and Labour Mobility programme at the LIFT Fund is greatly appreciated.

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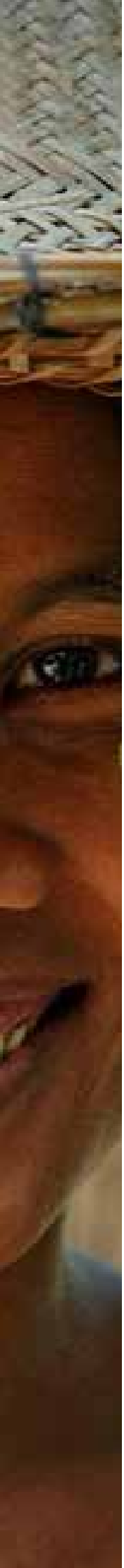
ABBREVIATIONS

AGRI	agriculture
ASEAN	Association of Southeast Asian Nations
CAPI	computer-assisted personal interviewing
CARE	Cooperative for Assistance and Relief Everywhere
CERP	COVID-19 Economic Relief Plan
CONS	construction
COVID-19	Coronavirus Disease 2019
DW	domestic work
ESOMAR	European Society for Opinion and Market Research
FGWM	Federation of General Workers Myanmar
FISH	fishing
GPS	Global Positioning System
HOS	hospitality
ICLS	International Conference of Labour Statisticians
ID	identification document
ILO	International Labour Organization
ISCO	International Standard Classification of Occupations
LIFT	Livelihoods and Food Security Fund
LFS	labour force survey
LGBTQI	lesbian, gay, bisexual, transgender, queer, and intersex
MAF	manufacturing
MIN	mining
MMK	Myanmar kyat
MOU	Memorandum of Understanding
NGO	non-governmental organisation
SEZ	special economic zone
SSB	Social Security Board
UN-Habitat	United Nations Human Settlements Programme
UNCDF	United Nations Capital Development Fund
UNOPS	United Nations Office for Project Services
US$	United States Dollar
WHO	World Health Organization

EXECUTIVE SUMMARY

My employer is always late in paying my salary and does not give me the full amount he owes me when he does. He said he would pay me once every ten days, but he has not paid me for more than two months. I don't have any money saved, so I asked for my salary. But he only paid me about 50,000 kyat (US$36). He told me that I have to work more and that I will be fired if I don't do it. When my employer wants 20 bags of betel nuts, he makes me work through the night to finish.

-Female agricultural worker in Kawthaung



INTRODUCTION

Myanmar's transition towards a more open and market-oriented economy is creating major structural changes in employment for Myanmar's labour force. The shift from agricultural livelihoods in rural areas to wage employment in the service and manufacturing sectors in cities is increasing, driven by expanding foreign direct investment and international trade. Myanmar's economic growth has brought with it improved prospects for workers to find better remunerated work within the labour market, including for a growing number of workers who are pursuing employment abroad.

However, the rapid changes to the nature of employment have also brought significant challenges in ensuring conditions of decent work. Decades of military rule and isolation from the international community have contributed to a labour governance framework that is outdated, contradictory and vague. Limitations remain in the capacity of stakeholders to ensure labour rights are provided, as well as awareness of these rights among the workforce. There are deeply entrenched obstacles to achieving respect for diversity and institutionalising principles of non-discrimination. Establishing harmonious social dialogue and industrial relations continues to be restricted through suppression and exclusion from labour organising, requiring a whole new culture of engagement, negotiation and compromise.

For many years, attention to issues of forced labour in Myanmar was focused on abuses committed by military and government officials. The practice of exacting forced labour from civilians was supported by British colonial laws that had not been repealed after independence. More recently, research has documented the emergence of conditions of forced labour among workers employed in various industries within the private sector. With the opening of Myanmar's economy to international markets, labour-intensive industries producing goods for export have expanded dramatically. Business models which maintain competitiveness through keeping labour and production costs as low as possible have contributed to labour abuses within these firms. Moreover, lack of labour rights protection in the informal sector has led to exploitation of workers producing goods and services for the domestic market.

In response to these dramatic labour market changes, the Livelihoods and Food Security (LIFT) Fund has expanded its programming outside the scope of its traditional rural and agrarian focus for 2019–2023. The Decent Work and Labour Mobility Programme has been established as one of four core thematic areas for LIFT, with the goal of expanding opportunities for decent work for women and men migrants and other vulnerable workers. To provide a zero measurement for assessing impact, a survey of working conditions and the prevalence of forced labour was conducted in LIFT target areas.

RESEARCH APPROACH

The primary aim of this study was to obtain a better understanding of working conditions in Myanmar's labour market, including the scale and characteristics of forced labour, to provide an evidence base to inform interventions and measure progress towards decent work. The research began with an initial desk review, examining the knowledge base on working conditions and forced labour. During June-August 2020, primary data was collected through a survey with workers in low-skilled employment (in the hospitality, manufacturing, agriculture, domestic work, fishing, construction and mining sectors), semi-structured interviews with workers who were identified as potential cases of forced labour, and in-depth interviews with key stakeholders.[1]

The face-to-face survey was completed with 2,410 workers (41 per cent women) to examine working conditions and forced labour across six target states and regions (Yangon, Kachin, Northern Shan, Kayin, Tanintharyi and Rakhine). The sampling frame for the research was provided by the most recent data available in the Myanmar Labour Force Survey. Sex and sectoral quotas were applied to ensure an accurate representation of women and men in each industry. A total of 36 semi-structured extension interviews were carried out with selected workers to better understand forced labour situations from the perspective of workers. In addition, key informant interviews were conducted with 12 stakeholders holding in-depth knowledge about conditions in specific sectors and locations.

Data was collected utilising a mixture of multi-stage random sampling for survey participants and purposive sampling for in-depth and key informant interviews, with attention paid to inclusion of marginalised groups within the respondent population (particularly ethnic minorities and people with disabilities). The field sites covered all villages and wards in the target townships for the LIFT Decent Work and Labour Mobility programme in the six selected states and regions. A full analysis was conducted for each of the data sources separately, and then the data was triangulated to help ensure the credibility and validity of the results. The analysis was then reviewed by stakeholders and subject matter experts to produce the final report.

RESEARCH FINDINGS

Recruitment practices

Recruitment practices were found to be largely characterised by informality. More than half of the workers surveyed found jobs by word of mouth from friends and family members (52 per cent). Nearly all of the remaining workers interviewed secured their employment through direct hire by employers (47 per cent). No respondents to the survey reported having used government agencies or employment agencies to find work and only a small number of workers (1 per cent) were recruited through a labour broker (pwe sar in Myanmar language). The lack of well-functioning labour market information systems and the high importance placed on personal relationships within Myanmar means that the majority of jobs in the industries investigated are filled based upon social connections rather than competencies and credentials.

1 The term 'low-skilled work' is used for this study in the absence of a more widely accepted alternative that better recognizes the significant level of skill required to perform these types of jobs effectively.

Despite the lack of prohibition, payment of recruitment fees to obtain work was found to be fairly unusual in the labour market – likely due to the small number of intermediaries involved in domestic recruitment. Only about 5 per cent of workers said they had paid recruitment-related fees. These expenses were most commonly paid by workers in the manufacturing (9 per cent) and hospitality (7 per cent) sectors, often in the form of a small sum of cash or in-kind support. The median amount paid in recruitment fees in these cases was not excessive at MMK 11,000 (US$8), though some workers did report paying considerably higher amounts (up to a maximum of MMK 500,000) (US$355), putting them into debt. Where they involved large sums of money, these debts likely created a power imbalance within the employment relationship.

Reaching agreement on an employment contract is a key measure for ensuring that workers and employers have a shared understanding of the terms of employment, which can be used to maintain accountability for the rights and obligations of both parties. Without a written contract, workers may have difficulty pursuing legal redress for any abusive recruitment and employment practices they experience. In Myanmar, the Employment and Skills Development Law (2013) requires that workers must sign a contract with their employer within 30 days of being employed. In practice, however, it was found that the vast majority of workers do not receive a written contract (94 per cent) and either reach a verbal agreement with their employer (65 per cent) or work without any contractual basis whatsoever (29 per cent). Nearly all low-skilled work is performed under conditions that are largely at the discretion of employers rather than established through a formal contractual arrangement.

Employment contracts do not always provide an accurate portrayal of the wages and working conditions that workers can expect in practice. They may be required to pay more in fees than are specified, be assigned to a job different from that which is described in the contract, or find themselves faced with a different rate of pay and benefits. Overall, the vast majority of workers said that their job was the same or better than was promised during recruitment (91 per cent). However, a significant portion of respondents (8 per cent) reported that the actual conditions of their employment were worse than expected. The dangers involved (32 per cent), sector of work (30 per cent), duties (27 per cent), wages (26 per cent) and work hours (25 per cent) were the most commonly worse aspects.

Workers who signed an employment contract were more much likely to say the job was not as promised (21 per cent) than workers with a verbal agreement (5 per cent) and those with no contract (11 per cent). This points to the central importance of written contracts in ensuring that workers are aware that their working conditions are not in compliance with the terms discussed prior to employment. However, it also suggests that having a written contract does not prevent workers from experiencing deceptive recruitment in the absence of accessible and effective complaint mechanisms.

Working conditions

The average wage received for low-skilled work was MMK 8,300 (US$6) per day. Examining the differences by sector of employment, workers in the hospitality sector were paid the highest amounts, receiving MMK 11,200 (US$8). The greater earnings can be largely attributed to the efforts made during data collection to survey sex workers within the hospitality sector (approximately one-third of the sectoral sample), who typically earn significantly higher amounts than other livelihood options would provide. On the other end of the earnings spectrum, domestic workers received just MMK 4,600 (US$3) per day. Traditionally, domestic work has been done by homemakers or poor relatives in Myanmar, usually women. Due to the devaluing of jobs considered to be 'women's work', domestic work has not been considered 'real work' and has consequently not been paid equitably with other forms of employment.

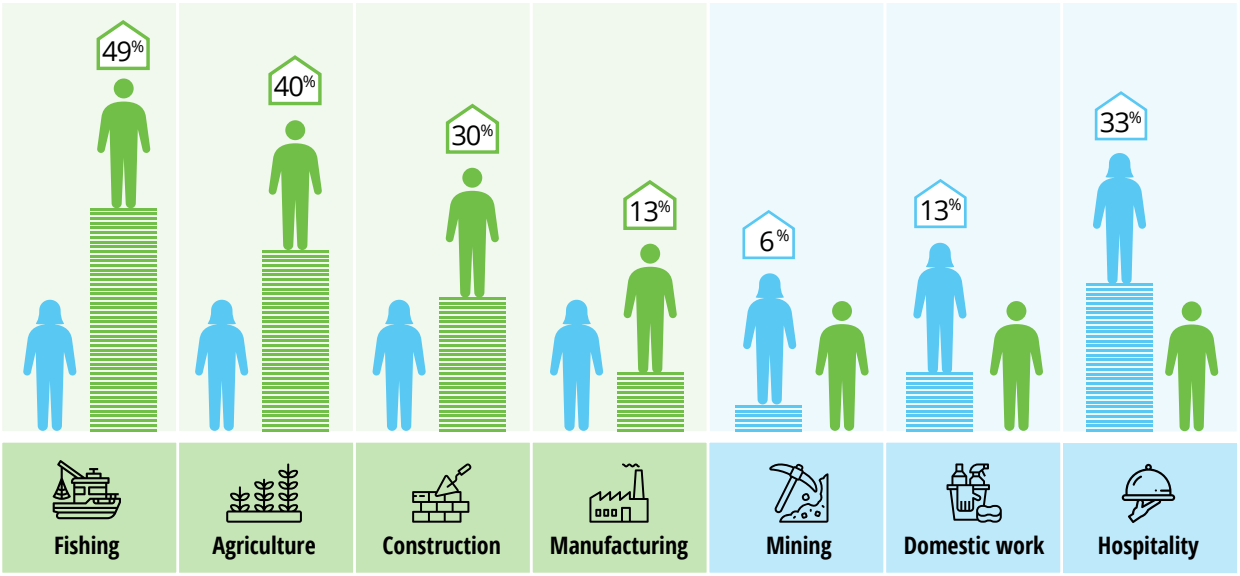
The largest share of workers were paid a daily wage (41 per cent) or a monthly salary (34 per cent), and a smaller portion were remunerated based upon a piece rate only (23 per cent). While greater formalisation of employment, including payment of regular wages, is typically considered desirable to expand labour rights and reduce inequality, research suggests that well-contextualised approaches are needed to avoid potentially negative impacts. In Myanmar, where the construction industry has not been fully mechanised, the workforce is largely employed informally – comprised primarily of casual day labourers. Many of these construction workers are migrant families, with women working alongside their spouses. Where more formal employment arrangements have been adopted, it has in some cases led to women losing the opportunity to obtain employment on construction sites.

Myanmar introduced its first minimum wage requirements in 2015 and stipulated that a new rate will be set every two years. Despite the relatively recent enactment of the Minimum Wages Act (2013), compliance with the basic wage was found to be relatively high within the survey. Three out of four workers received at least the minimum wage of MMK 4,800 (US$3) or more per day. In particular, a large majority of workers in construction (90 per cent), hospitality (86 per cent), fishing (80 per cent) and manufacturing (75 per cent) earned the minimum wage or more. However, domestic workers (40 per cent) and agricultural workers (58 per cent) were substantially less likely to be paid the minimum wage. In practice, most workers in the domestic work and agricultural sectors are not covered by the minimum wage, as small businesses with less than ten employees do not need to comply with the Act. Moreover, many workers argue that the minimum wage rate is still far from a living wage and needs to be doubled to support a family of four.

Women workers consistently receive lower pay than men across all sectors of employment. The most recent labour force survey suggests that the gap is largest in agricultural work (45 per cent) and somewhat smaller in services (27 per cent) and industry (21 per cent), though nonetheless substantial. Although far from unique to Myanmar, the challenges of occupational segregation of women in informal and lower-paid employment, the 'motherhood penalty' which arises when women leave the workforce for a significant period of time to bear and raise children, as well as problems with discriminatory treatment by employers based upon gender are some of the key factors contributing to this entrenched discrepancy in wages. In addition, Myanmar has yet to ratify any of the key international labour standards related to equality and non-discrimination within its labour governance framework, which has limited the legal measures available to address the problem.

In the aggregate, the survey findings identified a gender wage gap of only one per cent between women and men. However, the overall results can be considered somewhat less meaningful as they are skewed by the substantial number of women sex workers interviewed within the hospitality sector, who are recognised as earning significantly higher average incomes. Controlling the analysis for this potential bias by excluding hospitality workers, the overall wage gap found in the survey between women and men across other low-skilled industries was nearly 25 per cent, which is roughly in-line with the findings of other surveys. The wage differential between men and women was greatest in fishing (49 per cent), agriculture (40 per cent) and construction work (30 per cent).

FIGURE 1. WAGE GAP BETWEEN MEN AND WOMEN BY SECTOR OF WORK

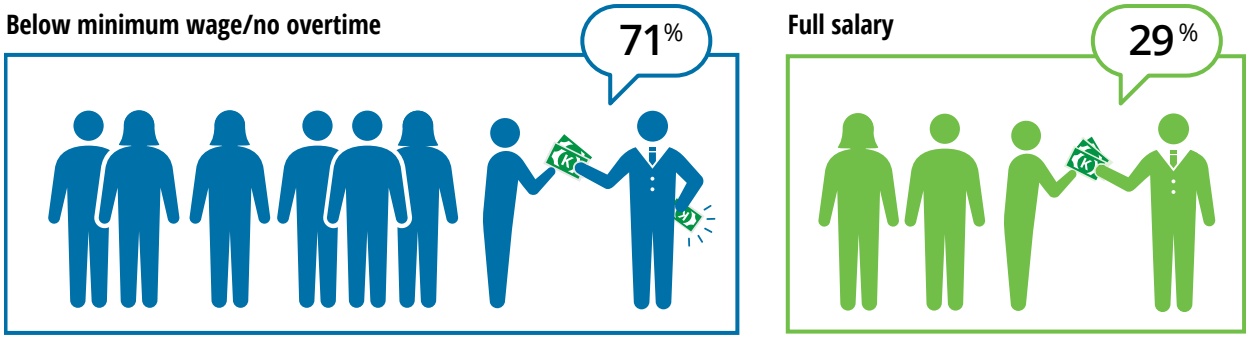


To assess the proportion of the 'working poor' population, a well-contextualised metric was needed. The World Bank has recently developed an additional poverty line at a higher threshold of US$3.20 per day, reflecting the average national poverty thresholds in lower middle-income countries (which includes Myanmar). While the metric still has significant flaws, the introduction of a poverty line that increases in value as a country gets richer can be considered an improvement. It recognises that poverty is a deeply social and relative experience that cannot be detached from the societal context of the individual. Analysis of average daily wages against this benchmark shows that more women (23 per cent) remain below the international poverty line than men (16 per cent). The findings reflect the larger concentration of women employed in very low-wage jobs than men, as well as the need to apply better contextualized poverty lines to gauge the extent of poverty among the working poor.

Wage deductions are an important factor to consider in assessing the income of workers in Myanmar, as it is common for a portion of their income to be retained by employers. Wage deductions were most commonly experienced by workers in the manufacturing sector (50 per cent), which has more formalised payment systems in place and a larger share of workers enrolled in social security than the other sectors of work surveyed. Among workers who were charged salary deductions, the average amount was MMK 20,200 (US$14), which is equal to approximately 12 per cent of monthly wages. Examining the reasons for deductions, the most frequent purpose was contributions to the Social Security Board (46 per cent), which is required for all workers enrolled in the scheme in the amount of two per cent of total monthly wages. Deductions for absences from work (34 per cent), penalties (20 per cent) and food (11 per cent) were also regular reasons for withholding a portion of wages.

The denial of remuneration or benefits to a worker for whom they are owed or entitled is sometimes referred to as 'wage theft'. To obtain an estimate of the average income lost through two common types of wage theft, an analysis was conducted of workers who were paid below the minimum wage or who did not receive overtime pay. Among the 25 per cent of workers who reported earning less than the minimum wage, their average daily wage was MMK 3,534 (US$2.50). Taking the difference with the minimum wage of MMK 4,800 (US$3.40), the average amount lost to wage theft by these workers was MMK 1,266 (US$0.90) per day. An even larger group of workers experienced wage theft in the form of not receiving overtime pay, representing two-thirds of those surveyed (66 per cent). On average, these respondents worked 8.6 hours per day, representing non-payment of overtime in the amount of MMK 1,092 (US$0.80). The findings indicate that wage theft may in fact, be the norm for low-skilled workers, as only 29 per cent of workers did not report being underpaid in some form.

FIGURE 2. PREVALENCE OF WAGE THEFT



Due to the relatively low wages available in significant parts of the country, many workers regularly borrow money to cover their basic living expenses, with employers one possible source of loans. In other more sector-specific cases, advance payments are made by employers to secure a sufficient workforce for the upcoming season. While these arrangements are mutually agreed upon, many workers have few other financial options and accepting the advance on wages can restrict their mobility – tying workers to their employers until the debts are repaid. Overall, it was found that 14 per cent of workers had taken loans or advances on their pay from their employers. The average debt amount was MMK 130,300 (US$93); equal to about three weeks of wages for the average worker in the survey. While not insurmountable debts, more than 30 individuals surveyed reported considerably higher debts of between MMK 500,000–2,000,000 (US$355–1,420). With this amount of wages to be repaid in arrears, the choices of the workers involved were likely limited by the size of the debts they were required to service and in the worst cases, could amount to debt bondage.

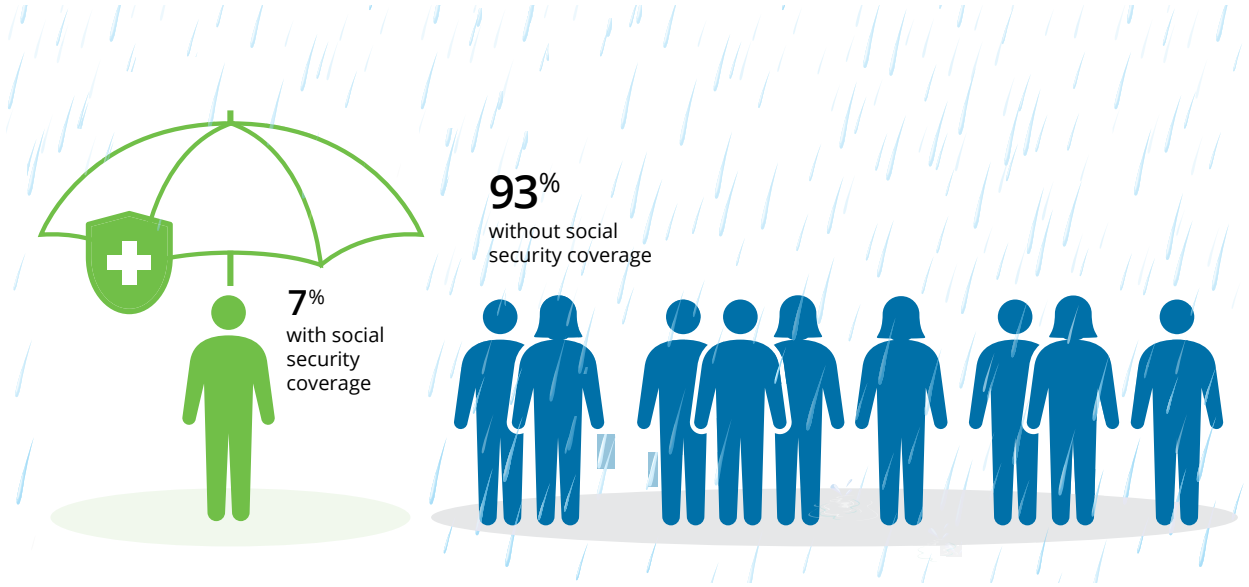
Survey respondents worked an average of 8.4 hours per day and 6 days per week, amounting to more than the full-time workweek of 44 hours specified in the Factories Act (1951) or the 48-hour week stipulated in the Shops and Establishments Act (1951). Workers in fishing (9.8 hours) and manufacturing (9.2 hours) worked the longest average number of hours per day, while hospitality workers were found to have the shortest schedules (7.4 hours). Problems with ensuring sufficient rest have long been highlighted as a major challenge globally within the fishing sector due to the arduous and sometimes excessive work hours when fishing grounds are reached. Research has also shown that the laws on working hours are routinely violated in the garment sector, with workers commonly reporting working 11 to 15 hours per day without sufficient breaks.

Workers are entitled to receive paid holidays, annual leave, casual leave, sick leave and maternity/paternity leave under the Leave and Holidays Act (1951). In addition, overtime wages should be paid to workers under the Factories Act (1951) and the Shops and Establishments Act (1951). Among the workers surveyed, the most common entitlements provided were unpaid leave (37 per cent), overtime pay (34 per cent) and paid sick leave (29 per cent). Notably, nearly one in five workers reported having no leave entitlements whatsoever (19 per cent), and only 3 per cent of women were eligible for paid maternity leave. The findings point to systemic problems in ensuring compliance with the leave and overtime entitlements stipulated for workers in many industries within Myanmar.

To assess the practical gap in payment of overtime wage rates across sectors, an analysis was conducted of the share of workers who reported they were required to work overtime versus those that were actually paid for it. Overall, 37 per cent of workers were required to work overtime and only 8 per cent of workers were paid for overtime, suggesting that 29 per cent of respondents had no choice but to complete unpaid work beyond their normal working hours. In several sectors, an even smaller share of workers were paid for the overtime that was required of them. Nearly half of domestic workers (47 per cent) were required to work overtime and only 3 per cent were paid for it. Similarly, 45 per cent of fishing workers were required to work overtime, while only 3 per cent of this group were paid overtime. A commonality between these two groups of workers is the lack of separation between their homes and workplaces, creating a situation where they are essentially considered to always be on-call to work.

There are two main government social security schemes in Myanmar: (1) the civil servant pension scheme for the public sector; and (2) the social security scheme for the private sector. They provide benefits for healthcare, sickness, families and employment injuries. Nevertheless, substantial structural gaps in coverage remain in social protection coverage as informal sector workers are excluded from compulsory registration. Overall, only 7 per cent of workers reported coverage by the social security scheme. These workers were almost entirely employed in manufacturing jobs in Yangon's industrial zones. No workers in Kachin and Rakhine States and only 1–2 per cent of workers in Kayin, Tanintharyi and Shan were registered for social security benefits. The findings suggest that there is considerable work remaining to extend the sectoral and geographic scope of social security coverage.

FIGURE 3. SOCIAL SECURITY COVERAGE



Workplace accidents have a high social and economic cost and take a particularly heavy toll on workers in developing countries such as Myanmar because of its high concentration of employment in hazardous primary and extractive industries, such as agriculture, fishing and mining. A total of 4 per cent of workers experienced an injury at the workplace that required medical attention during the last 12 months. Accidents were most common among workers in mining (9 per cent), fishing (8 per cent) and construction (7 per cent) and lowest among domestic workers (2 per cent) and hospitality workers (3 per cent). Among those who experienced injuries at work, only 23 per cent received paid sick leave to enable them to convalesce after their accidents. The findings indicate that more investment in workplace safety and expanded coverage by social protection schemes and leave entitlements are needed to help workers avoid and recover from workplace injuries.

Although it is a common practice in Myanmar, there is currently no legal framework to regulate the living conditions of workers in employer-provided housing. Among the 652 workers living in employer-provided housing (27 per cent), a total of 14 per cent identified their living conditions to be substandard. Workers in fishing (51 per cent) and agriculture (44 per cent) were much more likely to state that their conditions were substandard. The most frequently cited concerns about living conditions among those who lived in employer-provided housing were having inadequate toilet facilities (45 per cent) and communal bathing facilities (45 per cent). Notably, however, substandard living conditions were actually found to be more common among those who lived in housing they had obtained on their own, underscoring the reality that many workers have little choice but to live in poor-quality housing because they cannot afford decent living conditions with the wages they are paid.

Forced labour

Forced labour is a violation of fundamental principles and rights at work and is illegal under Myanmar's laws. The 2008 Constitution states that forced labour is prohibited except as a punishment for persons convicted of crimes or for labour required in states of emergency. Several instruments within the national legal framework provide sanctions for the use of forced labour, including the Penal Code, Ward and Village Tract Administration Law and the Anti-Trafficking in Persons Law. However, due to the structural vulnerability of poor and marginalised populations, a substantial number of forced labour cases continue to be identified.

To assess the prevalence of forced labour within empirical research studies, the ILO adopted new guidelines for measurement in 2018. The methodology focuses on evaluating the two elements of 'involuntary work' and 'threat or menace of penalty' for each survey respondent. A list of indicators for each of the two elements of forced labour was provided by the ILO, which was later adapted for the context of Myanmar during the development of the survey tools. A case of forced labour was identified if both of these conditions were present within the same reference period of employment.

Nearly two-thirds of the workers surveyed experienced at least one indicator of involuntary work (63 per cent) in the 12-month period prior to the survey. The most common indications of involuntariness were dangerous working conditions (32 per cent), working for very low wages (25 per cent), degrading living conditions in employer-provided housing (16 per cent) and the job being different to what was agreed upon (11 per cent). The findings suggest that a wide range of abusive employment situations are occurring without the free and informed consent of workers. However, not having a choice but to accept very poor working and living conditions appears to be the most common overarching explanation for involuntary work, pointing to the limited labour market opportunities available.

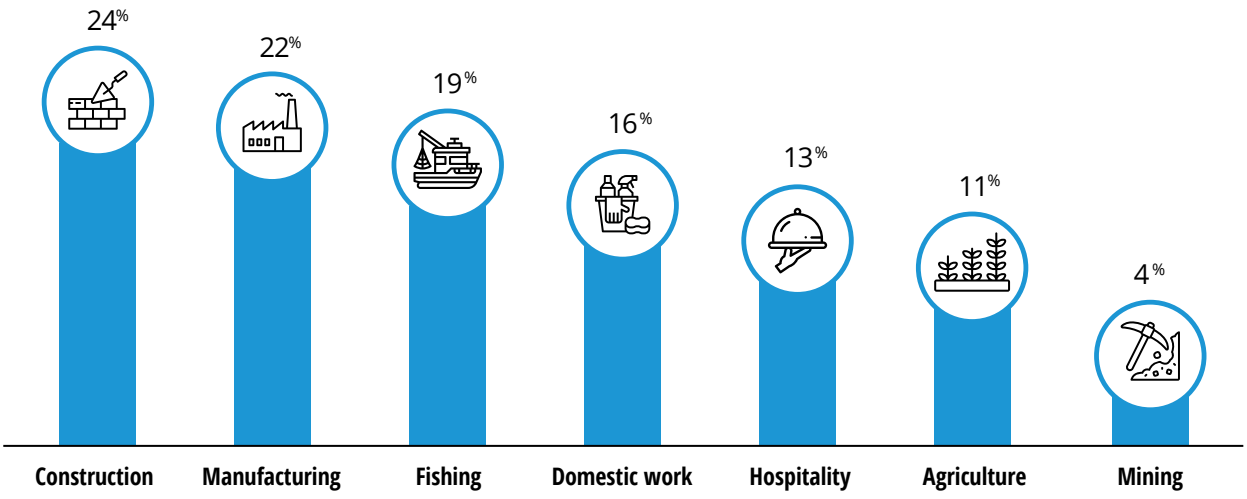
Indications of a threat or menace of penalty were reported by 19 per cent of workers. The most common forms were harassment or strong verbal abuse (10 per cent), not being allowed to leave the workplace (6 per cent) and being under constant surveillance (5 per cent). All of these forms of penalty can be considered very direct means for restricting the freedom of workers, leaving little doubt of the intention of employers to coerce them within the workplace. More severe forms of threat or menace

of penalty were found to be less widespread, including not being permitted to eat (2 per cent), sexual abuse (2 per cent) and physical violence (2 per cent). However, given the high sensitivity of these responses, there is reason to consider that they may have been under-reported within the survey.

The overall prevalence of forced labour was found to be 16 per cent, representing 386 out of the 2,410 workers interviewed. That one out of every six workers in low-skilled employment is in a situation of forced labour must be considered an unsettlingly high rate for the states and sectors surveyed. Examining the underlying data, the vast majority of workers who reported facing the possibility of punishment for leaving were also found to be working against their will. This points to the likelihood that there is a greater problem with unacceptably poor conditions than with actively coercive employment practices in Myanmar's labour market.

Workers in the construction (24 per cent), manufacturing (22 per cent) and fishing industries (19 per cent) were the most likely to be trapped in situations of forced labour. These sectors represent labour-intensive forms of work that are not adequately regulated or provided with comprehensive labour and social protections, providing fertile environments for coercive employment practices to take hold. Identification of the manufacturing sector can be considered a somewhat surprising result given the heavier regulation and international attention paid to improving working conditions for garment workers. However, research has emphasised the problems remaining with excessive working hours, sexual harassment, restriction of movement, suppression of labour organising and other abuses.

FIGURE 4. FORCED LABOUR BY SECTOR OF WORK



Analysing geographic hotspots for labour exploitation, Yangon (23 per cent), Tanintharyi (20 per cent) and Rakhine (16 per cent) were identified as having the highest concentration of workers in forced labour situations. The linkage with high-risk sectors for abuse such as construction, manufacturing and fishing is a likely contributing factor to these results. A much smaller share of forced labour cases were found in Kayin (6 per cent), Shan (4 per cent) and Kachin (4 per cent), suggesting that the impact of conflict on forced labour in Myanmar may be more heterogeneous than has previously been assumed, particularly in relation to employment in the private sector.

Child workers were found to be at a higher risk of forced labour than adults, with the prevalence among workers aged 14–17 years higher than for those 18 years or older (23 vs 16 per cent). Much of the research on the worst forms of child labour in Myanmar has focused on children forcibly recruited into military service in conflict areas and less so within private industry. There are currently no large-scale surveys available examining the extent of forced labour among children, though there are an estimated 360,000 child labourers in Myanmar, most of whom are engaged in hazardous work.

Assessing specific employment practices that may contribute to forced labour, the most prominent finding of the study was that the prevalence of forced labour was more than twice as high among workers who paid a recruitment fee (34 per cent) than among workers that did not (15 per cent). This echoes the conclusions of the global evidence base, which clearly demonstrates that being charged recruitment fees significantly increases the risk to workers of experiencing forced labour and human trafficking. Workers who were indebted to their employers (26 per cent) were also more frequently in situations of forced labour than those who were not (16 per cent). In addition, workers who had no choice about working overtime (19 per cent) were slightly more likely to experience forced labour compared with those who could decide on their own (14 per cent). Finally, workers without identification documents (19 per cent) were also somewhat more commonly found to be in forced labour conditions than those with documentation (15 per cent).

Logistic regression analysis was carried out to determine which factors are associated with greater vulnerability to forced labour. This methodology was used to generate odds ratios, which indicate how many times more likely a respondent was to be in a situation of forced labour if they possessed a particular demographic characteristic or undertook a specific practice versus those who did not. Workers who had paid a recruitment fee (2.9 times), were employed in Yangon (2.7 times) or whose livelihoods had been adversely affected by COVID-19 (2.7 times) were the most likely to experience situations of forced labour. In addition, workers employed in the construction sector (1.8 times), child workers (1.6 times), workers with no identification cards (1.3 times) and workers with debt to their employer (1.1 times) were also more commonly in forced labour. No significant relationship with the likelihood of forced labour was found in relation to sex, education, ethnicity or contractual status.

Impact of COVID-19 on workers

Although Myanmar was one of the few countries not to fall into a full-blown recession during COVID-19, it has experienced a severe economic slowdown and a dramatic increase in poverty. To address the socio-economic fallout, the Government developed an ambitious COVID-19 Economic Relief Plan (CERP), which provided immediate response measures and laid out a path for financial recovery. As part of the actions outlined, the CERP sought to ease the impact on workers through extending the benefits provided by the Social Security Board. It also promised cash for work initiatives to build community infrastructure for those who had lost their jobs. However, concerns were raised that the government's financial support for vulnerable workers was not adequate, particularly in terms of substantive action to provide social protection for unemployed workers and the informal sector.

The most common forms of government support received by workers were food rations (38 per cent) and public health information (30 per cent). Very few workers received other types of support, including hygiene items (5 per cent), cash transfers (3 per cent), medical examinations (2 per cent) or medical care (2 per cent). As the eligibility requirements for the cash transfers were essentially the same as for the food rations provided by the Government, the very low proportion of workers who received them represents a significant concern. The myriad challenges faced during the distribution of cash payments have been widely reported in the media as substantial capacity limitations in its social protection systems led to heavy reliance on local authorities to manage the process.

The most widely reported impact of COVID-19 on workers was the loss of income. The survey found that nearly three-quarters of low-skilled workers (73 per cent) reported some reduction in income during COVID-19, while (43 per cent) lost their jobs entirely. Overall, the average amount of wages lost was MMK 157,000 (US$111) during the prior month. Approximately one-third of workers reported that their entire month of wages was forfeited (34 per cent), with workers in hospitality (42 per cent), manufacturing (38 per cent) and construction (38 per cent) the most likely to have lost their whole

income. In manufacturing, the situation is not likely to improve in the near-term as the pandemic continues to disrupt global markets and factories wait to rehire laid-off workers until orders resume.

Although a substantial pay gap was already present prior to the pandemic, the survey results show that the wages of women workers have been more adversely affected by COVID-19 than men's wages. The share of income lost due to COVID-19 was greater for women in most of the major sectors where they are employed, including agriculture, manufacturing and domestic work. Women employed in domestic work were the most negatively affected by COVID-19, having lost more than two-thirds of their incomes and already receiving the lowest average wages among workers surveyed before the pandemic. The disproportionate impact of the pandemic on women workers has been identified as a major issue of global concern, as there is a risk of reversing many of the gains made by women in achieving greater equality within the world of work in recent decades.

Remittances are an important source of income for migrants' households and their communities in Myanmar. Research has demonstrated that they are particularly critical to strengthening the financial resilience of women and rural populations. However, the outbreak of COVID-19 has had an acutely negative effect on remittance flows, both from migrants working abroad and in other areas within the country. Nearly three-quarters of the workers surveyed (74 per cent) who had been sending remittances before COVID-19 said that they had reduced the amounts they were remitting during the pandemic. Hospitality workers (79 per cent) and manufacturing workers (78 per cent) were the most likely to report they were remitting less money, while domestic workers were the least likely to reduce their remittances (46 per cent). The heavy loss of income faced by hospitality and manufacturing workers appears to have taken a particularly heavy toll on domestic remittances.

Access to assistance

Among the workers determined to be in situations of forced labour, the vast majority (81 per cent) did not seek any form of assistance. The most frequent reasons for not registering complaints were not feeling the problem was severe enough (31 per cent), preferring to resolve the abuse on their own (28 per cent), fear of retaliation for making a complaint (12 per cent) and not knowing where to seek assistance (11 per cent). The findings suggest that most workers are reluctant to seek assistance no matter how abusive their employment situations may be. There is a critical need for awareness raising on labour rights to encourage more workers to voice grievances when faced with violations.

FIGURE 5. ACCESS TO REDRESS FOR FORCED LABOUR

For those workers in forced labour who did seek assistance (19 per cent), the majority reached out informally to family or friends (12 per cent). Importantly, no workers sought assistance from the labour authorities who are mandated to handle these cases or even simply their local police department. This suggests a major gap in awareness and trust in government authorities to provide effective assistance in cases of labour abuse. In the end, just 10 per cent of the workers experiencing forced labour reported that the problem was resolved based on their efforts to seek redress.

Previously outlawed for over half a century, trade unions were only recently legalised under the Labour Organizations Law (2011). According to the most recent available data, there are now some 2,876 registered unions at the workplace, township, state and regional levels. In addition, union-level trade union federations and confederations, labour rights organisations and informal worker associations have also greatly expanded in recent years to support networking and build worker power. Overall, however, the trade union density rate in Myanmar remains low in comparison to other countries, representing just one per cent of the labour force.

Major obstacles to registering labour organisations continue to deny many workers their right to freedom of association. In addition, joining a worker organisation continues to carry significant personal risk in Myanmar. It has been widely documented that labour leaders face discriminatory treatment by employers in regards to their working conditions, wages and job security. Trade union activity in many industrial zones and Special Economic Zones has encountered fierce resistance and suppression from employers and police. Consequently, many workers are intimidated by the potential consequences of participating in trade unions or worker associations, despite their rights to do so.

Worker organising was found to be very limited in the survey. Only 6 per cent of workers reported joining a worker organisation. Unsurprisingly, manufacturing workers were by far the most commonly organised (21 per cent) due to the greater formalisation of their employment. Women workers were more likely to be a member of a worker organisation than men (10 vs 3 per cent), which is likely because of the higher share of female workers employed in the garment industry. Although only a small portion of workers were members of a worker organisation, nearly one-quarter expressed their wish to join (23 per cent), indicating a strong demand among workers to become more organized. Notably, the desire to join a worker organisation was nearly as strong in sectors that are not traditionally organised, including among domestic workers and fishers.

CONCLUSION

Working conditions in Myanmar's labour market faced decades of neglect under authoritarian governments, contributing to a laissez-faire system where employers unilaterally set the terms of employment for their workers and labour rights were neither adequately established under law nor enforced in practice. At the same time, under-development caused by isolation from the international community and a regime of strict economic sanctions meant that there were insufficient job opportunities available domestically and the majority of the labour force was employed in low productivity agricultural work. At this nexus of poor labour governance and high rates of poverty was a labour market that was unable to produce conditions of decent work for most workers.

Since a wide-ranging political and economic liberalisation process was initiated in 2010, intensive efforts at reforming Myanmar's outdated labour legislation have been made. Important improvements related to the minimum wage, freedom of association, dispute resolution, occupational safety and health, social security and other key elements of labour law have been enacted. However, many challenges still remain in ensuring that the laws are in line with international labour standards and implemented effectively, requiring further advocacy and capacity building for the actors involved.

Moreover, with such a wide array of new policy and legislative instruments being promulgated, there has been a lack of coherence within the government's actions for promoting decent work, requiring more coordination and dialogue between the key stakeholders involved.

Ten years after these major reforms began, the findings of this survey of workers employed in low-skilled occupations provide an important litmus test for assessing how effective Myanmar's nascent advances in labour governance have been in protecting the labour rights of workers and improving working conditions. Supplementing the official data collected by the Department of Labour's national labour force survey, the results provide an independent assessment of the practical conditions experienced by workers within Myanmar's labour market. Importantly, the survey examines issues of non-compliance with the stipulations of labour laws, including those related to forced labour, freedom of association, wage protection, access to redress and other key labour rights concerns that have rarely been the subject of large-scale research studies in the country to date.

Despite the clear progress that has been achieved, the survey highlights that many gaps remain in achieving decent working conditions in Myanmar. The recruitment process for most workers was found to be largely informal. Wage protections were improving in some respects but still severely lacking in a number of key areas needed to expand social justice. Working conditions were often in non-compliance with Myanmar's legal framework or otherwise deficient. Indications of the two elements of forced labour, 'involuntary work' and 'threat or menace of penalty', were widely reported by survey respondents and the overall prevalence of forced labour among low-skilled workers surveyed was alarmingly high. Although some improvements were apparent, access to assistance for workers experiencing labour abuses or in need of other support was found to have significant limitations in reach and effectiveness. Finally, many workers continue to experience considerable practical restrictions on freedom of association and collective bargaining.

In conclusion, the findings suggest that although some advances have been made in increasing workers' rights and addressing decent work deficits in Myanmar's labour market, the changes are still at an incipient and fragile stage of development. Authoritarian tendencies continue to haunt the development and implementation of improved labour governance within the country and many workers remain excluded from full coverage by labour and social protections. Expanding the scope of fundamental labour rights must be the cornerstone for building a stronger foundation for decent work. The path to achieving sustainable and inclusive economic growth must be firmly rooted in a labour market that provides fair wages and working conditions, allows for freedom of association and the right to collective bargaining, and does not permit forced and child labour or discrimination in respect to employment for all workers in Myanmar.

1 INTRODUCTION

> Currently, I have a loan to pay off to my employer. Because my pay is low, I usually have to take an advance to cover my expenses and later my employer deducts this from my salary. This cycle seems to keep repeating over and over again.
>
> *-Female domestic worker in Yangon*

1.1 WORKING CONDITIONS IN MYANMAR

Myanmar's transition towards a more open and market-oriented economy is creating major structural changes in employment for Myanmar's labour force. The shift from agricultural livelihoods in rural areas to wage employment in the service and manufacturing sectors in cities is increasing, driven by expanding foreign direct investment and international trade. Myanmar's economic growth has brought with it improved prospects for workers to find better remunerated work within the labour market, including for a growing number of workers who are pursuing employment abroad.

However, the rapid changes to the nature of employment in Myanmar have also brought significant challenges in ensuring conditions of decent work. Decades of military rule and isolation from the international community have contributed to a labour governance framework that is outdated, contradictory and vague. Limitations remain in the capacity of stakeholders to ensure labour rights are provided, as well as awareness of these rights among the workforce. There are deeply entrenched obstacles to achieving respect for diversity and institutionalising principles of non-discrimination. Establishing harmonious social dialogue and industrial relations continues to be restricted through suppression and exclusion from labour organising, requiring a whole new culture of engagement, negotiation and compromise.[2]

Myanmar's labour market remains dominated by a large informal sector, with approximately 84 per cent of all persons employed without formal work arrangements.[3] Despite significant improvements in workers' rights in Myanmar in recent years, these workers continue to lack basic labour and social protections. For example, domestic workers in Myanmar are currently excluded from most protections at work, including the right to the minimum wage, overtime pay, weekly days off, holidays, maternity leave, social security and protections against violence and harassment.[4] The gaps, lack of clarity and inconsistencies within the current framework of labour laws leaves these workers and their employers unsure of their rights and responsibilities. Even among those workers who are entitled to protections, few are fully aware of their rights, leaving them vulnerable to exploitation.[5]

One of the most significant challenges to the establishment of fundamental labour rights protection in Myanmar is the practical realisation of freedom of association for workers. For five decades, the formation of independent trade unions and worker organisations

2 International Labour Organization, *Decent Work Diagnostic Report: Myanmar's Progress and Challenges*, Yangon, 2018.

3 Ministry of Labour, Immigration and Population, *Myanmar Annual Labor Force Survey – 2019, First Semi-Annual Report (January to March 2019)*, Ministry of Labour, Immigration and Population, Department of Labour, Nay Pyi Taw, 2020, 6.

4 Working Group on Legal Protection of Domestic Workers. *The Legal Gap Analysis of Myanmar National Laws and International Standards for Domestic Work*. International Labour Organization, Yangon, 2019.

5 Bernhardt, Thomas, S Kanay De and Mi Win Thida, *Myanmar labour issues from the perspective of enterprises: Findings from a survey of food processing and garment manufacturing enterprises*, International Labour Organization, Myanmar Center for Economic and Social Development, Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, International Development Research Center, Geneva, 2017, 27.

was prohibited by law.[6] While the passing of the Labour Organization Law in 2011 was a key development in improving labour market governance in Myanmar, there remain significant barriers to registering labour unions. These include restrictions on cross-sectoral unions, the requirement that unions have a minimum of 30 workers in each workplace, ineligibility of workers for trade union membership due to lack of documentation and union busting through the discriminatory dismissal of trade unionists by employers.[7] Though the number of registered labour organisations has increased dramatically in recent years, trade union density in Myanmar remains relatively low compared to other Asian countries – only about 1 per cent of Myanmar's workers are formally organised.[8]

Collective bargaining is still at a nascent stage of development in Myanmar and there is not yet a system of rules and regulations to support the process. Workers must resort to strikes to assert their labour rights largely because the normal channels for negotiation with employers are non-existent or dysfunctional. Furthermore, suppression of collective worker action by employers and police, in some cases violently, has frequently prevented collective bargaining from taking place. Most of the agreements that have been reached are the result of dispute resolution processes in the cut-make-pack garment sector.[9] However, their scope has been largely factory-based to date and therefore has not led to more transformative sectoral improvements in working conditions.

In addition, the Settlement of Labour Disputes Law (2012) was enacted to further safeguard the rights of workers by establishing a tiered system for dispute settlements between workers, labour organisations and employers. However, its effectiveness has been hindered by perceptions of a pro-employer bias at national level, as well as limitations in capacity and enforcement locally.[10] For these reasons, many workers are reluctant to pursue formal hearings with the relevant Township Conciliation Body or Regional and National Arbitration Bodies for cases that cannot be settled within their workplaces.

With Myanmar's economy opening to international markets, labour-intensive industries producing goods for export have expanded dramatically. The gradual liberalisation of its economy has drawn the attention of multinational corporations seeking low-cost production hubs, such as H&M, Zara, Primark, Guess, Adidas, C&A, Ellesse and K-World. To attract this foreign investment and facilitate cross-border trade, the Myanmar government has developed several investor and business-friendly Special Economic Zones, creating an abundance of low-paying jobs that have exerted downward pressure on the wages of Myanmar's workers.[11]

The manufacturing sector has proven particularly dynamic, including the burgeoning garment, footwear and textile industry. The sector employs more than 700,000 workers (about 80 per cent of whom are women), who are primarily migrants from poor rural areas of Myanmar where there are few non-farm job opportunities. However, the garment industry has continued to base its competitiveness with other production bases in Asia largely by leveraging Myanmar's large supply

6 Institute for Human Rights and Business, Myanmar Centre for Responsible Business and Danish Institute for Human Rights, *Sector Wide Impact Assessment of Limestone, Gold and Tin Mining in Myanmar*, Yangon, 2018, 146.

7 International Labour Organization, *Decent Work Diagnostic Report: Myanmar's Progress and Challenges*, Yangon, 2018, 25.

8 Danish Trade Union Development Agency, *Myanmar Labour Market Profile 2019*, Copenhagen, 2019, 1.

9 International Labour Organization, *Decent Work Diagnostic Report*, 26–30.

10 Dennis Arnold and Stephen Campbell, 'Labour Regime Transformation in Myanmar: Constitutive Processes of Contestation', *Development and Change*, 48(4), June 2017, 8.

11 Kyoko Kusakabe and Carli Melo, *Jobs in SEZs: Migrant garment factory workers in the Mekong region*, Asian Institute of Technology and Mekong Migration Network, Pathum Thani, September 2019, 1.

of youthful workers and keeping wages and operating expenses as low as possible rather than expanding the range and quality of products and services it offers.[12]

As Myanmar's economy rapidly expands, skills development has become an essential need for enabling the country to maintain its growth trajectory. Strengthening the skills of the workforce is critical for improving labour productivity and helping the country find entry into higher value-added sectors. This will enable Myanmar to diversify its economy, moving from heavy reliance on extractive industries and labour-intensive manufacturing towards a model driven by the quality of its human resources. However, Myanmar is only now emerging from several decades of underinvestment in technical and vocational education and training, which has inhibited its growth potential. The proportion of the working age population that has undergone any vocational training during their lifetime is just 2 per cent.[13] In addition, the skills training that has been provided to workers has not been sufficiently market-oriented or inclusive of soft skills and job matching services to support employability. This has had a disproportionate impact on women workers, who face difficulties escaping from entrenched occupational segregation and remain concentrated in low-wage jobs.[14]

The heavily-gendered division of labour poses a particular obstacle for women's empowerment in Myanmar. Women are disproportionately responsible for performing unpaid household and care work, with the resulting time poverty limiting their ability to participate in the labour force. Women's remunerated work is concentrated in lower paid forms of employment, largely due to discriminatory social norms that restrict their options to jobs considered 'appropriate' for women. Work in the garment industry has been an important source of income for many women in Myanmar but it has also been associated with sexual harassment, gender pay gaps and poor working conditions.[15] As women are assumed to have 'nimble fingers', they are thought to be more effective as workers in detailed manual labour jobs, such as sewing machine operators. In addition, some employers consider women to be more obedient and easier to control than men in factory settings, and Myanmar's labour laws do not currently prohibit sexual harassment within the workplace.[16]

In addition, with the opening of the economy and concurrent economic growth, workers face increased occupational safety and health risks. The Occupational Safety and Health Law 2019 was recently enacted to better regulate conditions but will require extensive training to address low levels of compliance that leave many workers in hazardous conditions. Moreover, there is a lack of sufficient access to social protection for these workers if they experience workplace injuries, including medical care and financial compensation, which means they may have to return to work when they are not physically fit to do so.[17]

12 International Labour Organization, *Decent Work Diagnostic Report*, 37–38.

13 Ministry of Labour, Immigration and Population, *Myanmar labour force, child labour and school to work transition survey 2015*, Nay Pyi Taw, 2015, 10.

14 Ibid., 42–43.

15 Kusakabe and Melo, *Jobs in SEZs*, 12.

16 International Labour Organization, *Weaving Gender: Challenges and opportunities for the Myanmar garment industry*, Yangon, 2019.

17 Ibid., 46.

1.2 FORCED LABOUR IN MYANMAR

For many years, attention to issues of forced labour in Myanmar was focused on abuses committed by military and government officials. The practice of exacting forced labour from civilians was supported by British colonial laws that had not been repealed after independence. The laws permitting the use of forced labour by authorities were finally replaced with the Ward or Village Tract Administration Law in 2012. Nonetheless, the Report of the *Independent International Fact-Finding Mission on Myanmar* in September 2018 shows that the use of forced labour by the military persists, particularly in Kachin, Shan and Rakhine States.[18]

More recently, research has documented the emergence of conditions of forced labour among workers employed in various industries within the private sector.[19] With the opening of Myanmar's economy to international markets, labour intensive industries producing goods for export have expanded dramatically. Business models which maintain competitiveness through keeping labour and production costs as low as possible have contributed to labour rights abuses within these firms. Moreover, lack of labour rights protection in the informal sector has led to exploitation of workers producing goods and services for the domestic market. Prior research has found the highest prevalence of forced labour in the domestic work, fishing, trade, food service, mining, forestry and manufacturing sectors.[20]

The lack of a regulatory apparatus capable of regulating working conditions in the rapidly growing manufacturing sector is an important contributing factor to labour exploitation. The Department of Labour does not have sufficient capacity or human resources to adequately identify and inspect high-risk factories, which contributes to a lack of compliance with labour laws. In addition, many workers in these factories are unaware of their labour rights and face obstacles to lodging complaints if they do not receive the legal minimum wage, overtime pay, rest breaks, time off or other entitlements. Freedom of association is also limited, with relatively few factory workers organised into unions to bargain collectively for improved wages and conditions.

An inadequate governance framework to manage its immense labour migration flows also creates vulnerabilities to forced labour for Myanmar migrant workers. Although there have been improvements in recent years, the Government has traditionally viewed international labour migration as a problem to be solved rather than a process which can bring significant social and economic benefits to the country. Migrants leaving the country were commonly viewed as traitorous for not staying to contribute to Myanmar's development and faced penalties for returning to the country without legal documentation under the Immigration Act (Emergency Provisions) (1947). The legal and institutional structures necessary to support labour migration governance remain underdeveloped and currently have limited effect in ensuring safe migration experiences. As a result, migration is often a considerable gamble for migrant workers and their families, with many experiencing abusive practices during their recruitment and employment.[21]

Workers in some labour-intensive industries are recruited by unregulated brokers who charge a fee for their services, including within the fishing sector. Although they provide a necessary service, unscrupulous brokers may make false promises about the wages and working conditions on offer or

18 United Nations, *Independent International Fact-Finding Mission on Myanmar*, Geneva, 2018.

19 International Labour Organization, *Internal Labour Migration in Myanmar: Building an evidence-base on patterns in migration, human trafficking and forced labour*, Yangon, Myanmar, 2015.

20 Ibid.

21 Benjamin Harkins, Daniel Lindgren and Tarinee Suravoranon, *Risks and rewards: Outcomes of labour migration in South-East Asia*, International Labour Organization and International Organization for Migration, Bangkok, 2017.

make advance payments to cover expenses.[22] This debt is subsequently transferred to the employer, effectively binding the worker to their new job until the debt has been repaid.[23] These forms of debt bondage leave workers highly vulnerable to exploitative employment practices.[24] Debt-based coercion is often combined with other measures to prevent workers from leaving their employment, including confiscation of identification documents and even physical abuse.[25]

Myanmar ratified the Forced Labour Convention, 1930 (No. 29) in 1955. However, the government did not comply with its obligations under the convention for many years and faced restrictions in technical cooperation with the ILO except for the purpose of combating forced labour from 1999-2012. The ILO has been the key international organisation engaged in the elimination of forced labour in Myanmar, signing an agreement with the Government in 2002 and appointing a Liaison Officer specifically for that purpose.

Although the adoption of a number of different legal instruments was required to provide the necessary prohibitions and penalties against the use of forced labour, the legal framework in Myanmar is now considered to be generally in line with international labour standards.[26] The 2008 Constitution states that forced labour is illegal except as a punishment for persons convicted of crimes or in relation to labour required in a state of emergency. In addition, several laws describe the sanctions to be applied for the use of forced labour, including the Penal Code, the Ward and Village Tract Administration Law and the Anti-Trafficking in Persons Law,[27] reflecting the growing influence of international organisations and actors in shaping the relevant legislation.

In 2007, the Myanmar Government entered into an agreement with the ILO to implement a Forced Labour Complaint Mechanism that provides an official channel for receiving and resolving grievances.[28] Although the restrictions against cooperation with the Myanmar government were lowered in 2012, cases of forced labour continue to be reported.[29] In 2019 alone, the ILO received 64 complaints that met the definition of forced labour, the majority of which related to underage recruitment. Even though the situation has shown some improvement in recent years, the prevalence of forced labour in Myanmar has remained concerning.[30]

The Government and the ILO signed an MOU for a new Action Plan on the elimination of all forms of forced labour in 2018. The Action Plan focuses on four key priorities: (1) continued operation of the complaints mechanism; (2) training and awareness-raising on forced labour including for Government officials; (3) capacity building to end forced labour at regional and state levels; and

22 Belton, Ben, Melissa Marschke and Peter Vandergeest, 'Fisheries development, labour and working conditions on Myanmar's marine resource frontier', *Journal of Rural Studies*, vol. 69, no. 4, July 2019, pp. 204–213, 210.

23 Ibid.

24 International Labour Organization, *Internal Labour Migration in Myanmar, Building an evidence-base on patterns in migration, human trafficking and forced labour*, Yangon, 2015, 6.

25 United States Department of State, *Trafficking in Persons Report 2020: Burma*, Office to Monitor and Combat Trafficking in Persons, Washington, D.C., June 2020.

26 Note: Article 359 of the constitution continues to permit the imposition of "duties assigned by the Union in accordance with the law in the interest of the public", which the ILO supervisory bodies have urged the Government to amend as it exceeds the scope of the exceptions in the Forced Labour Convention (No. 29).

27 International Labour Organization, *ILO Guide to Myanmar Labour Law*, Yangon, 2017, 46.

28 International Labour Organization, *Individual Case (CAS) - Discussion: 2010*, Publication: 99th ILC session (2010), ILO NORMLEX Information System on International Labour Standards, undated.

29 United States Department of State, *2020 Trafficking in Persons Report: Burma*.

30 International Labour Organization, Progress report on the follow-up to the resolution concerning remaining measures on the subject of Myanmar adopted by the Conference at its 102nd Session, ILO Governing Body 338th Session, Geneva, 25 September 2020, 9.

(4) mobilisation of tripartite partners for the prevention of forced labour in the private sector.[31] The intention is to eventually replace the ILO Forced Labour Complaint Mechanism with a national complaint mechanism. Until such time as the national mechanism is put into place and operationalized, complaints received by the ILO are being submitted to the High-Level Working Group for necessary action.[32] To date, however, limitations in the rule of law in Myanmar continue to pose a major obstacle to effectively responding to cases of forced labour.

1.3 IMPACT OF COVID-19 ON MYANMAR'S LABOUR FORCE

The COVID-19 pandemic has had a devastating socio-economic impact on Myanmar's labour force. At the end of June 2020, the Ministry of Labour, Immigration and Population estimated that 250,000 workers had lost their jobs during the crisis, either in the formal sector or among migrants returning from abroad.[33] However, considering the stronger impact of the second wave which started in September, and that the vast majority of Myanmar's labour force is informally employed, there is good reason to believe that the real scale of the job losses is now much higher and more painful. Informal workers represent one of the lowest income and least protected segments of the labour force. Moreover, they are ineligible for most forms of assistance – including social security coverage.

Internal migrants employed in the critically important garment industry have been particularly adversely affected. The US$4.6 billion garment sector is the largest export industry in Myanmar and has faced a substantial slowdown as a result of supply chain disruptions with China and the cancellation of orders from major markets. It has been reported by the Myanmar Garment Manufacturers Association that garment factories have experienced a 75 per cent decline in orders and more factory closures are expected.[34] This shuttering of businesses disproportionately harms the livelihoods of women due to the highly feminized nature of employment in garment factories.

Before the pandemic, the peri-urban areas where internal migrants live were already some of Myanmar's most vulnerable communities. The loss of income coupled with a lack of savings, hygiene supplies, personal protective equipment and knowledge regarding COVID-19 has threatened the welfare of these workers, as well as the families they support in communities of origin. It has also raised concerns about harmful coping strategies. Rapid assessments suggest that many households in Yangon's informal settlements are taking on unsustainable levels of debt to support themselves and purchase food.[35] The loss of income may drive more migrants into precarious and exploitative forms of work, and there have been reports of increases in gender-based violence by legal assistance service providers.[36]

The COVID-19 pandemic has also had a dramatic effect on Myanmar's 4.25 million international migrants, with nearly 187,000 returning through official border crossings and relief flights as of

31 International Labour Organization, Committee of Experts observation on Myanmar's application of ILO Convention No. 29 concerning forced labour, 2019.

32 International Labour Organization, *Progress report on the follow-up to the resolution concerning remaining measures on the subject of Myanmar adopted by the Conference at its 102nd Session*, Geneva, 2019.

33 Zaw Zaw Htwe, 'Quarter of a Million Myanmar Workers Left Jobless Due to COVID-19', *The Irrawaddy*, June 2020.

34 Myo Pa Pa San, 'Myanmar Garment Factories Report 75% Fall in Orders Amid COVID-19', *The Irrawaddy*, September 2020.

35 UN-Habitat, *Rapid Assessment of Informal Settlements in Yangon*, Yangon, 2020.

36 CARE, *Rapid Gender Analysis of COVID-19 in Myanmar*. Yangon, 2020.

the end of October.[37] These returns, coupled with loss of employment in destination countries, have substantially reduced the amount of remittances sent to Myanmar, the majority of which support women living in rural and ethnic minority areas.[38] It has also exacerbated deeply entrenched problems with labour exploitation. Even under normal circumstances, charging illegal recruitment fees, contract substitution, wage theft and other abuses against migrants are common. With severe restrictions on mobility in place during COVID-19, working conditions for migrant workers have become even more precarious and abuses have proliferated.[39]

1.4 LIFT DECENT WORK AND LABOUR MOBILITY PROGRAMME

The Livelihoods and Food Security Fund (LIFT) is a multi-donor fund that was first established in 2009 to respond to the aftermath of Cyclone Nargis. Its aim is to strengthen the resilience and sustainable livelihoods of poor households by helping people to reach their full economic potential. This is achieved through increasing incomes, improving the nutrition of women and children, and decreasing vulnerabilities to adverse shocks and stresses.

LIFT is a significant actor in Myanmar's development. To date, over 14.5 million people in 82 per cent of Myanmar's townships have benefitted from LIFT's programmes. From January 2019, LIFT has been guided by a new five-year strategy that puts 'leaving no one behind' at the centre and will in particular focus on social inclusion and cohesion, increased support to areas affected by conflict, bringing displaced people into LIFT's development programmes and working with Government at all levels on targeted policies that achieve gains in these areas. LIFT has received funding from altogether 16 international donors since it was established. The current donors are the United Kingdom, the European Union, Switzerland, Australia, the United States of America, Canada, New Zealand, Norway and Ireland.

Within its refreshed strategy for 2019–2023, LIFT has expanded its programming outside the scope of its traditional rural and agrarian focus. The Decent Work and Labour Mobility Programme has been established as one of four core thematic areas. The programme strategy is based on the achievement of three main outcomes: (1) Strengthened policies and legislation on labour and social protection, migration governance, anti-trafficking and skills development; (2) enhanced knowledge and capacity of stakeholders to support decent work, labour mobility and anti-trafficking; and (3) increased access to information, training and support services for women and men migrants and other vulnerable workers.

To assess the programme's impact, an up-to-date assessment of working conditions and the prevalence of forced labour within LIFT target areas was needed. The LIFT Fund and Rapid Asia conducted a survey of workers employed in a range of low-skilled jobs across six states and regions. The findings will be used to shape the development of interventions for the LIFT Decent Work and Labour Mobility programme, as well as disseminated to implementing partners and other key stakeholders to build the knowledge base on working conditions and forced labour in Myanmar.

37 International Organization for Migration, *COVID-19 Response: Situation Report 12*, Yangon, 2020.

38 Robin Gravesteijn, Paul Luchtenberg, and Benjamin Harkins, *Impact of COVID-19 on Myanmar's Migrants and Remittances*, Bangkok, UNCDF and LIFT Fund, 2020.

39 International Labour Organization, *Experiences of ASEAN migrant workers during COVID-19: Rights at work, migration and quarantine during the pandemic, and re-migration plans*, Bangkok, 2020.

2 RESEARCH APPROACH

When I had to take leave for three days, they threatened to dismiss me from work. I am afraid of losing the wages they owe me if I get fired, so I won't ask for leave again.

-Male construction worker in Kayin

2.1 RESEARCH QUESTIONS

The primary aims of this study were to obtain a better understanding of working conditions in Myanmar, including the scale and characteristics of forced labour, to provide an evidence base to inform interventions and measure progress towards decent work. The research findings will be presented to stakeholders for the purpose of collaboratively developing and implementing a rigorous and robust response to the challenge of poor working conditions and forced labour in the country.

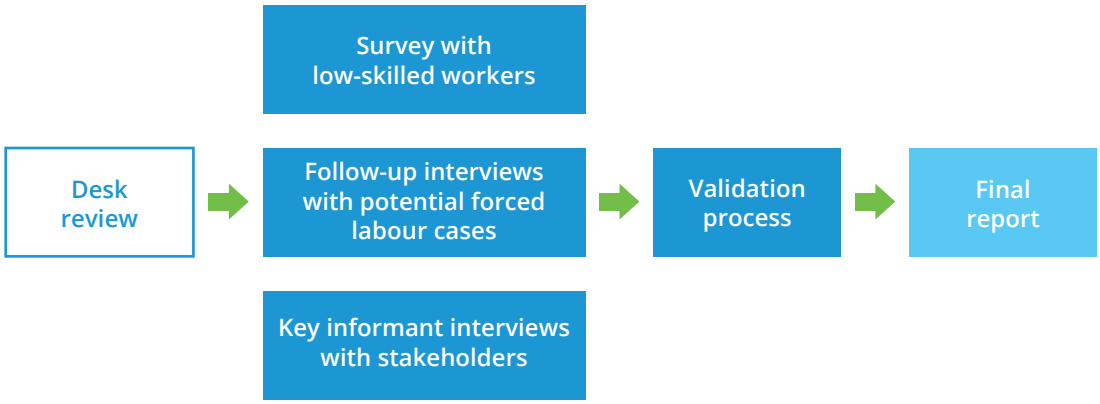
The main areas of inquiry for the research are provided below by thematic area. For all questions, group-specific differences were also examined (based upon gender, sector of work, location, ethnicity, disability status, migration status and other demographic criteria).

1. What is the overall labour market situation in the target areas?
2. What are the employment practices and working conditions in the target areas?
3. What is the prevalence of forced labour occurring in the target areas?
4. What is the profile of workers trapped in situations of forced labour?
5. What factors contribute to greater vulnerability to forced labour?
6. What has been the impact of COVID-19 on low skilled workers?
7. What access do workers have to complaint mechanisms, support services and membership in worker organizations?

2.2 RESEARCH METHODOLOGY

The research began with an initial desk review, examining the knowledge base on working conditions and forced labour in Myanmar. During June–August 2020, primary data was collected through a survey with workers in low-skilled employment (in the hospitality, manufacturing, agriculture, domestic work, fishing, construction and mining sectors), semi-structured interviews with workers who were identified as potential cases of forced labour, and in-depth interviews with key stakeholders. The survey design sequence is outlined in *Figure 6* below.

FIGURE 6. DATA COLLECTION PROCESS



Three target groups were determined for which a survey questionnaire and interview guides were developed: (1) Workers in targeted employment sectors; (2) workers who showed indications of forced labour; and (3) key informants from stakeholder groups. A full analysis was conducted for each of the three target groups separately and then the data was triangulated to help ensure the credibility and validity of the results. The analysis was then reviewed by stakeholders and subject matter experts to produce the final report.

Desk review

The desk reviews helped to identify key existing literature and data sources relating to working conditions in Myanmar's labour market, paying particular attention to evidence of forced labour across different sectors of work.

Survey of workers in low-skilled employment

The survey collected data from women and men workers aged 14–60 years in 118 target villages and wards for the LIFT Decent Work and Labour Mobility programme, located in Yangon, Kachin, Northern Shan, Kayin, Tanintharyi and Rakhine states and regions. The survey topics covered worker profiles, recruitment practices, working conditions, forced labour experiences, the impact of COVID-19 and access to support services. All interviews were conducted in local languages and participants were compensated for their time in the form of household necessities.

Follow-up in-depth interviews with potential forced labour cases

Follow-up interviews were conducted with selected workers to capture more insight into possible situations of forced labour across different sectors and to develop qualitative case studies. The completed interviews were reviewed online to identify potential forced labour cases. Interview IDs were then relayed back to the field team, who re-established contact with the worker and sought their consent to conduct extension interviews.

Key informant interviews with stakeholders

Key informant interviews were conducted mostly virtually due to the COVID-19 pandemic. A list of representatives from government, trade unions, civil society, United Nations agencies and academia was developed covering all six of the targeted states and regions, as well as the sectors of work being investigated by the study. The interviews were then recorded and transcribed for further analysis.

2.2.1 Research Sample

The face-to-face survey was completed with 2,410 workers in low-skilled employment to examine working conditions and forced labour in the six target regions. The sampling frame for the research was provided by the most recent data available in the 2018 Myanmar Labour Force Survey (LFS). Sex and sectoral quotas were applied to ensure an accurate representation of women and men in each industry.

A total of 36 semi-structured extension interviews were carried out with selected workers to better understand forced labour conditions from the perspective of workers and humanize the quantitative findings of the research. In addition, 12 key informant interviews were conducted with stakeholders holding in-depth knowledge about working conditions and labour exploitation in specific sectors and locations.

The data was collected utilizing a mixture of multi-stage random sampling for survey participants and purposive sampling for in-depth and key informant interviews, with attention paid to inclusion of marginalized groups within the respondent population (particularly ethnic minorities and people

with disabilities). The field sites covered all villages and wards in the target townships for the LIFT Decent Work and Labour Mobility programme in the six selected states and regions. The probability proportional to size sampling method was used to select 118 villages and wards randomly from the list. Approximately twenty interviews were conducted in each village and ward to achieve a total sample of 2,410 (see *Table 1*).

TABLE 1. SURVEY SAMPLE BY LOCATION AND SEX (n=2,410)

REGION	TOWNSHIP	MEN	WOMEN	TOTAL
Yangon	Hlaing Thar Yar	308	209	517
	Dagon Seikkan	70	22	92
	Shwe Pyi Thar	126	68	194
Kachin	Hpakant	221	102	323
Shan	Lashio	224	101	325
Kayin	Kyain Seikgyi	218	102	320
Tanintharyi	Myeik	141	59	200
	Kawthaung	79	40	119
Rakhine	Toungup	71	29	100
	Ramree	55	25	80
	Sittwe	96	44	140
Total		**1,609**	**801**	**2,410**

The sectors of work researched included agriculture, fishing, manufacturing, construction, mining, hospitality and domestic work. Data from the 2018 LFS was used to weight the sample based on sector and sex. However, some adjustments to the LFS data had to be made. First, the standard industry classification codes used in the LFS do not specify hospitality workers and domestic workers as separate categories of work but are instead incorporated as part of other types of service work. The weighting scheme consequently had to be based on the broader industry categories (i.e., agriculture, industry and services). Second, since the survey focused on working conditions for low-skilled work, many professional service categories in the LFS were not considered to be relevant. Hence, to avoid an over-representation of service work, professional service categories were not included in the weighting scheme.[40] The final weighting of the data sample is provided in *Table 2* below.

40 Excluded service categories included information and communication, financial and insurance activities, real estate activities, professional, technical, administrative, public administration and defense, education, human health and social work activities, and activities of extraterritorial.

TABLE 2. WEIGHTING OF THE SAMPLE BY REGION, SECTOR AND SEX (n=2,410)

REGION	SECTOR	MALE SAMPLE UNWEIGHTED (n)	FEMALE SAMPLE UNWEIGHTED (n)	MALE SAMPLE WEIGHTED (wn)	FEMALE SAMPLE WEIGHTED (wn)
Yangon	Industry	357	44	208	195
	Services	147	255	436	275
Kachin	Industry	213	9	33	9
	Services	8	93	46	44
Shan	Industry	155	50	62	46
	Services	69	51	157	168
Kayin	Agriculture	95	55	78	49
	Industry	123	47	23	12
Tanintharyi	Agriculture	190	50	82	25
	Industry	30	49	27	14
Rakhine	Agriculture	157	63	213	123
	Industry	65	35	53	29
Total		**1,609**	**801**	**1,418**	**989**

2.2.2 Measuring Forced Labour

The ILO guidelines for measuring forced labour were applied by the study to derive an estimate of the prevalence of forced labour.[41] The guidelines make use of the definition provided in the Forced Labour Convention, 1930 (No. 29), which states that forced labour means: "All work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily."

To operationalize the ILO definition of forced labour in a quantitative survey, the elements of forced labour were divided into two dimensions:

1. 'Involuntary work' refers to any work taking place without the free and informed consent of the worker; and
2. 'Threat or menace of penalty' is the means of coercion used to impose work on a worker against his or her will.

In order to be identified as a case of forced labour, a worker needs to be subject to both involuntary work and threat or menace of penalty within the same reference period of employment. To measure these two elements, a set of contextualized indicators were developed that were pre-tested and found to be relevant to the range of low-skilled work performed in Myanmar. To increase the consistency of responses, survey aids such as pictures showing specific examples of substandard living and work conditions in Myanmar were used. In addition, some of the indicator responses were validated against relevant data obtained from other questions within the survey, such as wages received, to reduce their subjectivity.

41 International Labour Organization, *Guidelines concerning the measurement of forced labour*, ICLS/20/2018/Guidelines 20th International Conference of Labour Statisticians, Geneva, 2018.

2.2.3 Data Quality Assurance

Standards for sub-contracting

The company recruited for data collection is a member of the European Society for Opinion and Market Research (ESOMAR). By agreeing to the ESOMAR code, member organizations demonstrate their commitment to uphold a set of stringent ethical and professional principles in carrying out research.

Development of research instruments

The survey questionnaire and interview guides were developed by Rapid Asia and LIFT. After the tools had been agreed upon, they were translated, scripted and pre-tested. Translations were carried out by experienced translators and rechecked by LIFT staff. The results of the pre-test were used to make final adjustments and corrections to the instruments before undertaking data collection.

Enumerator training

Due to travel restrictions during COVID-19, the enumerator training had to be carried out online. All interviewers were provided with instruction on forced labour issues, the research objectives, sampling procedures, detailed question-by-question training on the research instruments, use of show cards, quality control procedures and ethical protocols. Interviewers also participated in role-plays and interviewed actual respondents to help familiarize them with the research tools before commencing fieldwork. To ensure privacy and avoid potential interference from employers, a special effort was made to ensure that enumerators conducted interviews away from the workplace.

Computer-assisted personal interviewing (CAPI)

Data collection was completed using computer-assisted personal interviewing (CAPI) to avoid human error and allow for real-time monitoring of data quality. The CAPI system used was Survey Solutions developed by the World Bank Group. A test link was set up so that the survey data could undergo testing and ensure that it was free from errors. Interim data were also examined as a validity check before commencing the full launch of the survey.

Quality assurance checks

To ensure data quality, all completed interviews underwent a number of checks before being accepted as approved interviews.

- Validation of 20–30 per cent of all interviews by each interviewer. The validation was completed through direct monitoring of fieldwork, collection of GPS data, and call-backs to respondents to verify the data.
- Rapid Asia checked all completed interviews online for consistency and completeness. This was done throughout the fieldwork, and if mistakes were found, the interview was sent back to the interviewer to be redone.
- The final data file was reviewed to ensure ratio data in connection with wages, deductions, remittances and other financial amounts were checked for outliers.
- Additional data testing procedures were run to ensure the data was clean, consistent and free from outliers.

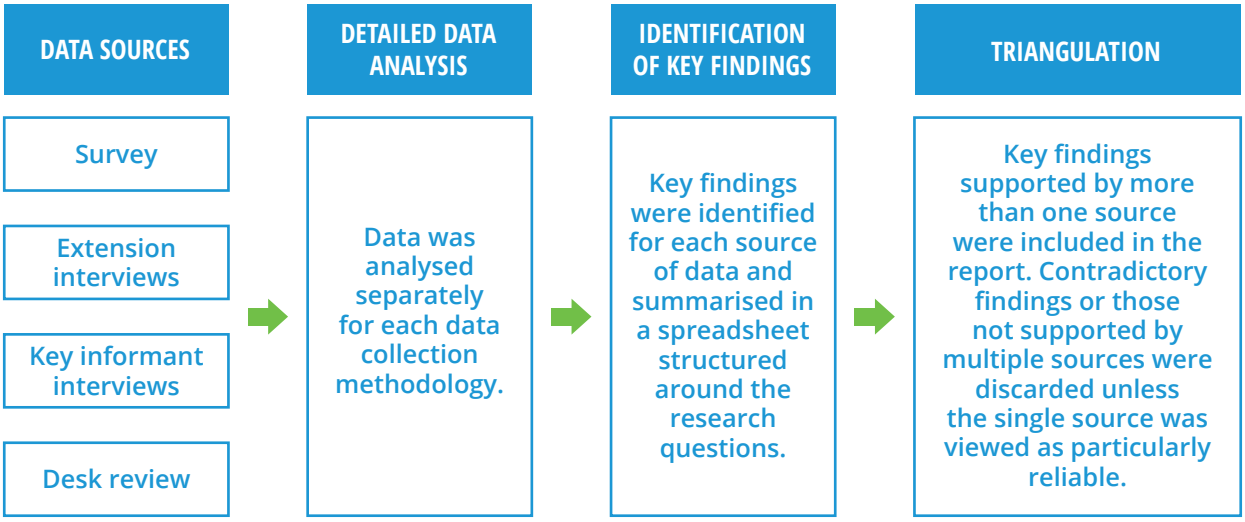
Data triangulation

Triangulation was applied to obtain greater assurance of the validity of the research findings and a broader range of perspectives. In this study, the multi-level combination method was applied.[42] Data from the desk review, extension interviews, key informant interviews and survey were analysed separately so that key findings could be identified. These findings were then sorted by the research questions. Finally, the data was triangulated by examining the key findings across the different

42 USAID, *Conducting mixed-method evaluations*, Technical Note, Washington, D.C., June 2013.

information sources and selecting for inclusion of those findings supported by more than one source. The detailed triangulation process is illustrated in *Figure 7*.

FIGURE 7. TRIANGULATION PROCESS



2.2.4 Gender mainstreaming

Gender concerns were addressed throughout the process of conducting the study. Some of the key measures included recruitment of a gender expert for the research team, targeting of highly-gendered sectors of work and disaggregation of data to support gender analysis of the results. *Table 3* below provides the detailed steps taken to ensure gender was thoroughly mainstreamed in the study's approach.

TABLE 3. MEASURES FOR GENDER MAINSTREAMING

STAGE	MEASURES FOR GENDER MAINSTREAMING
Research design and procurement	• Respondents in highly-gendered sectors of work targeted in eligibility criteria (such as women in domestic work and men in fishing work). • Inclusion of gender-specific issues within research instruments (such as maternity benefits, gender-based violence and sexual harassment). • Gender mainstreaming and expertise included in criteria for assessing the quality of proposals.
Formation of project team	• Gender expert recruited. • Women and men enumerators were recruited (70 per cent women) and training was provided on gender issues.
Data collection	• Gender lens applied in the review of literature and statistics. • Sex quotas applied in sampling. • Sample weighted based on sex distribution within the labour force. • Inclusion of key informants specializing in gender issues in interviews.
Data analysis	• Disaggregation of data from women and men respondents to support gender analysis of the results (where significant differences were found). • Sectoral analysis of differences between highly-gendered sectors of work and between women and men within the same sectors. • Recommendations developed to promote gender equality and empowerment of women.

2.3 RESEARCH ETHICAL GUIDELINES

Rapid Asia and Zen Research in Myanmar are both members of ESOMAR and are thus obliged to follow well-established international best practices for professional conduct in data collection and data management. The guidelines, standards and code of conduct under ESOMAR cover the following:

1. Ensuring that those involved with collecting data are independent and act with integrity and honesty when interacting with all target groups and stakeholders.
2. Ensuring that all participants in the survey understand the purpose, objectives, and the intended use of survey findings.
3. Being sensitive to social and cultural norms and gender roles during interactions with participants and their families.
4. Respecting the rights and welfare of participants by ensuring informed consent and rights to anonymity and confidentiality before the interview, that consent is freely volunteered, and that they can withdraw at any time without any negative consequence.
5. Limiting storage of any personal data to a maximum of six months and keeping it secured to avoid unauthorized access by any third party.

In addition, data collection and analysis for the study adhered to more rigorous ethical guidelines for data privacy and security developed for research with persons affected by labour exploitation, gender-based violence and sexual harassment. In particular, same sex interviewers were used, information and assistance were provided when abuses were indicated and efforts were made to conduct the interviews as privately as possible.

2.4 RESEARCH LIMITATIONS

The survey was designed to be representative of LIFT target areas and should not be considered nationally representative of low-skilled workers in Myanmar. However, it is closely representative of the working conditions for this population within the respective sectors and states surveyed. To ensure this, the data was weighted to reflect the distribution of workers according to the most recent LFS data in Myanmar, conducted in 2018. The weighting scheme was based on the broader industrial sectors of agriculture, industry and services, within which the seven survey sub-sectors were included.

The weighting scheme also took the distribution of workers by sex into account. The initial sampling plan was based on union-level data from the 2014 LFS. More detailed LFS data from 2018 was made available by the Ministry of Labour, Immigration and Population after the fieldwork had been completed. As a result, the sex distribution of the labour force in the six regions covered by the survey was found to be somewhat different from the national average, with significantly more women workers. Since less than 5 per cent of the overall sample had to be more heavily weighted to correct this issue, it was decided that weighting the data was a better alternative than a skewed overall sample.

Measuring forced labour indicators requires asking a number of very sensitive questions. It is possible that some respondents wished to avoid sharing particular experiences they have had in order to protect themselves from possible retaliation. To minimise the potential for a response bias, respondents were interviewed in locations that offered privacy and which were removed from their workplaces. In addition, the questions relating to forced labour were only shown to the respondents, affording them the opportunity to answer more freely without verbally stating sensitive information.

A more fundamental issue with the methodology applied for measuring the prevalence of forced labour is the questions raised by making a binary separation between free and forced labour. In the real world, there is no easy opposition to be found between these poles and research has suggested

that conceptualizing working conditions as falling on a continuum may be more realistic.[43] In a developing country like Myanmar, all but the very wealthy are to some extent compelled to work to meet their basic needs, and many people have very limited options for earning money. Though this study applied the ILO methodology for measuring forced labour to obtain a quantitative figure for forced labour, it situates them within a broader examination of working conditions to show that they are part of this spectrum of circumstances and should not be viewed separately as exceptional cases.

An ILO survey conducted in 2015 to assess the prevalence of forced labour in Myanmar among internal migrants did not include the sex sector but recommended that it should be considered in further research on the subject. However, because of the criminalization and social stigma associated with sex work in Myanmar, it was decided that direct questions to select sex worker respondents within the survey questionnaire would not be ethical or effective. Instead, efforts were made to interview some respondents in entertainment areas and they were asked if they worked in the 'hospitality sector', as well as a follow-up question regarding their venue of work. While this did not support explicit identification of sex workers, the data from these two questions, coupled with the findings on their wages and working conditions, strongly suggests that a large share (approximately one-third) of the hospitality workers interviewed were employed in the sex industry.

Shortly after the fieldwork had started, the Government of Myanmar announced travel bans to some of the target townships due to the escalating COVID-19 situation. Restrictions were also imposed by the government on fieldwork in several non-government controlled areas, particularly in Kayin State. In addition, the Government required that questions about ethnic armed organizations as employers and inclusion of Rohingya as an option for ethnicity be removed from the survey before providing approval to proceed with the data collection. In both cases, however, respondents had the opportunity to select 'other' as their response and specify their employers and ethnic identities.

Due to flooding in Tanaing Township in Kachin, additional interviews had to be carried out in the Hpakant Township in Kachin, reducing the total number of villages and wards from 120 to 118. It also proved challenging to fill the set quotas for fishing workers and mining workers in some areas. Based on these unforeseen circumstances, the sampling plan was altered slightly by replacing some of the selected target villages and shifting some of the sectoral quotas to regions where workers could be found more easily. However, to preserve the integrity of the sample, all replacement villages were selected within the programme target areas and quotas across sectors were maintained.

Many topics in the survey questionnaire sought additional detail through follow-up questions. In some cases, however, only a small number of workers were able to answer the more specific questions, resulting in small sample sizes (e.g., use of brokers). This meant that the analysis of sub-groups was not always possible because the resulting sample bases were too small to hold statistical validity.

Finally, it should be noted that the research study was conducted prior to the coup d'état that took place in Myanmar on 1 February 2021. The findings do not assess the impact that this event has had on working conditions within its labour market. Follow-up research will undoubtedly be necessary to analyse the dramatic changes that have taken place since the military junta seized power.

43 Klara Skrivankova, *Between decent work and forced labour: examining the continuum of exploitation*, Joseph Rowntree Foundation, York, 2010.

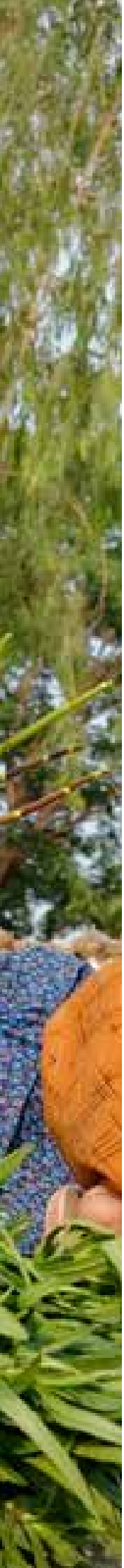
2.5 RESEARCH KEY TERMS AND CONCEPTS

Recruitment	The advertising, information dissemination, selection, transport, placement into employment and – for migrant workers – return to the country of origin where applicable (ILO General Principles and Operational Guidelines for Fair Recruitment).
Employment	All persons of working age who, during a short reference period, were engaged in any activity to produce goods or provide services for pay or profit (Resolution concerning statistics of work, employment and labour underutilization at 19th International Conference of Labour Statisticians).
Working conditions	Working conditions cover a broad range of topics and issues, from working time (hours of work, rest periods, and work schedules) to remuneration, as well as the physical conditions and mental demands that exist in the workplace.
Forced labour	All work or service which is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily (Forced Labour Convention, 1930 (No. 29)).
Child labour	Work that deprives children (any person under 18) of their childhood, their potential and their dignity, and that is harmful to physical and mental development. It refers to work that is mentally, physically, socially or morally dangerous and harmful to children; and/or interferes with their schooling by depriving them of the opportunity to attend school, obliging them to leave school prematurely, or requiring them to attempt to combine school attendance with excessively long and heavy work (International Programme on the Elimination of Child Labour).
Low-skilled work (ISCO Skill level 1)	Occupations that typically involve the performance of routine physical or manual tasks. They may require the use of hand-held tools, such as shovels, or simple electrical equipment, such as vacuum cleaners. They involve tasks such as cleaning; digging; lifting and carrying materials by hand; sorting, storing or assembling goods by hand (sometimes in the context of mechanized operations); operating non-motorized vehicles; and picking fruit or vegetables (International Standard Classification of Occupations, 2012).
Informal sector	All economic activities by workers and economic units that are – in law or in practice – not covered or insufficiently covered by formal arrangements (Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204)).
Domestic work	(a) domestic work means work performed in or for a household or households; (b) any person engaged in domestic work within an employment relationship is a domestic worker; (c) a person who performs domestic work only occasionally or sporadically and not on an occupational basis is not a domestic worker (Domestic Workers Convention, 2011 (No. 189)).
Sex work	Female, male and transgender adults aged over 18 years who sell consensual sexual services in return for cash or payment in kind, and who may sell sex formally or informally, regularly or occasionally (World Health Organization and UNAIDS, 2011).
Recruitment agency	Any natural or legal person, independent of the public authorities, which provides one or more of the following labour market services: (a) services for matching offers of and applications for employment, without the private employment agency becoming a party to the employment relationships [that] may arise therefrom; (b) services consisting of employing workers with a view to making them available to a third party, who may be a natural or legal person (referred to as a 'user enterprise'), which assigns their tasks and supervises the execution of these tasks; or (c) other services relating to job seeking, determined by the competent authority after consulting the most representative employers' and workers' organizations, such as the provision of information, that do not set out to match specific offers of and applications for employment (Private Employment Agencies Convention, 1997 (No. 181)).
Broker	Any natural or legal person not licensed by the State to provide one or more of the labour market services mentioned in the 'recruitment agency' definition above. This term includes both individual brokers and social networks that offer services with or without remuneration.

3 WORKER PROFILE

The actual tasks that have been assigned to me are different from what I agreed to when I came to work on this rubber farm. I normally have to work from 7 p.m. until the next afternoon at 11 a.m. Occasionally, I even have to carry out additional tasks outside of these working hours. On days like that, I do not get much sleep at all. I am worn out physically and mentally, which has negatively affected my health. It also harms my family as we cannot spend much time together or enjoy each other's company.

-Female agricultural worker in Kayin



3.1 SECTOR OF WORK

A total of 2,410 workers were interviewed in seven sectors of work (see *Table 4*). After weighting the overall sample, the largest share of respondents worked in hospitality (35 per cent), while a smaller proportion were employed in manufacturing (17 per cent), agriculture (13 per cent), domestic work (12 per cent), fishing (11 per cent), construction (10 per cent) and mining (2 per cent). Although the sample provides a good representation of the work sectors for low-skilled employment in the states and regions covered, it should be noted that Myanmar's labour force overall remains dominated by agricultural employment. Agriculture remains the most common broad industry of employment in Myanmar, employing about half of the country's labour force.[44]

Men represented a greater share (59 per cent) of respondents than women (41 per cent), particularly in the fishing, construction, mining and hospitality sectors. Conversely, women constituted more than half of the sample in domestic work, agriculture and manufacturing. The overall gender balance of respondents to the survey is closely in line with that among Myanmar's workers as a whole. Women's overall labour force participation remains relatively low in Myanmar in comparison to men (49 vs 76 per cent).[45] Restrictive gender norms continue to limit women's engagement in paid employment, as well as narrow their options to work considered culturally suitable (e.g., nursing, teaching, sewing, beauty, hospitality or domestic work).

Roughly one-third of the respondents were youths between the ages of 14–24 years (37 per cent). In addition, 6 per cent of respondents were children below the age of 18 and are considered to be working children but not necessarily engaged in child labour.[46] Notably, nearly one of five domestic workers interviewed were below 18 years old. The lack of a legal minimum age for employment of domestic workers and the need to develop special conditions for their employment if they are under the age of 18 have been highlighted as gaps remaining in Myanmar's legal framework.[47]

Most respondents had not completed a basic education (82 per cent), though only 8 per cent reported having completed no formal education at all. Sectors of work most closely correlated with having finished a basic education were hospitality, mining and manufacturing. Meanwhile, the majority of workers in agriculture, fishing, domestic work and construction had no schooling or had completed primary school education only. Due to decades of neglect, Myanmar's educational system is weak in a number of critical areas, including gaps in accessibility, poor physical infrastructure, limited human resource capacity and an outdated pedagogical approach. There has been an increase in investment since the country's democratization process began but these are likely to require a significant period of time before major improvements are observed.[48]

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44 Ministry of Labour, Immigration and Population, *Myanmar Annual Labor Force Survey – 2019, First Semi-Annual Report* (January to March 2019), Ministry of Labour, Immigration and Population, Department of Labour, Nay Pyi Taw, June 2020, 10.

45 Ibid., 6.

46 The legal framework on child labour is fragmented in Myanmar, though the minimum working age has been set at 14 years of age. Determining child labour requires a more detailed assessment of the age, type of work performed, working hours and remuneration of working children, which were not feasible within the survey.

47 Working Group on Legal Protection of Domestic Workers. *The Legal Gap Analysis of Myanmar National Laws and International Standards for Domestic Work*, International Labour Organization, Yangon, 2019, 8.

48 Rita Tharaphi, 'Recovery of Education System in Myanmar', *Journal of Public Administration Studies*, 4(2), 2019, 72.

One-quarter of the respondents held no identity documents (25 per cent), which is closely in line with the findings of the most recent population census conducted in 2014 at 27 per cent.[49] A prominent finding was that a much larger share of domestic workers (45 per cent) reported having no documentation than other workers. The nature of domestic work in private households means that it often does not require legal documentation to secure employment. However, the lack of required documents can be a major obstacle to obtaining employment in the formal sector, as well as realizing the other basic rights of citizenship in Myanmar.[50]

Persons with disabilities represented 11 per cent of the overall sample and were a larger share of the workers interviewed in agriculture (19 per cent) in comparison to other sectors. Cognitive impairments (5 per cent) and vision impairments (4 per cent) were the most common types of disability reported in the survey. In Myanmar as a whole, only about 5 per cent of the labour force report having some type of disability, while the rate of disability for those outside of the labour force is 18 per cent.[51] This discrepancy demonstrates that disability can be a substantial barrier to labour force participation for many workers within the country.

TABLE 4. WORKER DEMOGRAPHICS BY SECTOR (%)

DEMOGRAPHIC GROUP	TOTAL n=2,410 wn=2,410	AGRI n=300 wn=304	FISH n=310 wn=268	MAF n=553 wn=414	CONS n=402 wn=243	MIN n=222 wn=56	HOS n=423 wn=841	DW n=200 wn=285
SEX								
Men	59	40	94	42	80	71	63	39
Women	41	60	6	59	20	29	37	62
AGE								
14-17 years	6	3	3	8	5	2	2	19
18-24 years	31	20	16	50	28	29	40	7
25-34 years	33	21	25	28	33	29	44	27
35-44 years	17	28	26	10	21	26	11	22
45-60 years	14	28	30	5	14	15	3	25
STATE OR REGION								
Yangon	46	-	-	67	51	-	51	100
Kachin	6	-	-	4	-	48	11	-
Northern Shan	18	-	-	13	11	52	39	-
Kayin	7	28	16	6	4	-	-	-
Tanintharyi	6	16	23	10	-	-	-	-
Rakhine	17	56	62	-	34	-	-	-

49 Department of Population, *The 2014 Myanmar Population and Housing Census*, Nay Pyi Taw, 2015, 2.

50 Justice Base, *A Legal Guide to Citizenship and Identity Documents in Myanmar*, London, 2018, 1.

51 Ministry of Labour, Immigration and Population, *Myanmar labour force, child labour and school to work transition survey 2015*, Nay Pyi Taw, 2015.

TABLE 4. (CONT.)

DEMOGRAPHIC GROUP	TOTAL n=2,410 wn=2,410	AGRI n=300 wn=304	FISH n=310 wn=268	MAF n=553 wn=414	CONS n=402 wn=243	MIN n=222 wn=56	HOS n=423 wn=841	DW n=200 wn=285
EDUCATION								
Never attended school	8	12	13	5	8	13	6	11
Primary school (grade 1-5)	41	66	60	39	52	38	20	51
Middle school (grade 6-9)	33	17	22	41	29	30	40	31
High school (grade 10-11)	18	6	5	15	11	20	34	7
RELIGION								
Buddhist	94	91	92	94	91	82	98	96
Christian	2	2	1	4	1	18	2	2
Islam	3	7	6	2	7	-	< 1	2
Hindu	< 1	-	< 1	-	-	-	< 1	-
ETHNICITY								
Bamar	67	31	25	84	57	61	82	89
Ethnic minority	33	69	75	16	43	39	18	11
IDENTIFICATION DOCUMENTS								
Citizenship Scrutiny Card	72	78	84	70	73	71	74	48
Other documents	4	3	2	10	4	4	1	8
None	25	19	15	26	23	25	24	45
DISABILITY								
Disabled	11	19	12	8	8	9	8	14
Non-disabled	90	81	88	92	92	91	92	86
MIGRATION STATUS								
Internal migrants	43	15	4	51	36	56	60	48
Non-migrants	57	85	96	49	64	44	40	52

3.2 INTERNAL MIGRATION

According to the last national census in 2014, there are 9.39 million internal migrants in Myanmar.[52] Internal migrants are generally young women and men who relocate for better job opportunities in areas of the country with stronger labour market demand. They come primarily from poor rural households and seek to improve the livelihoods and welfare of themselves and their family members through migration for low-skilled work in cities.[53] The remittances they send home are an important contributor to financial resilience in many rural areas, helping to smoothen and diversify otherwise unstable household income.[54]

A substantial share of the workers interviewed were migrant workers (43 per cent) who migrated from another state or region of the country (see *Figure 8*). The largest portion of internal migrant workers migrated from Ayeyarwady Delta Region (40 per cent) to fill jobs in neighbouring Yangon. Smaller but significant flows of workers also took place from Bago (13 per cent), Yangon (12 per cent) and Mandalay (11 per cent).

The largest quantity of internal migrant workers were found to be employed in hospitality (60 per cent), mining (56 per cent) and manufacturing work (51 per cent). Fishing and agriculture had the lowest portion of internal migrant workers at 4 per cent and 15 per cent, respectively. Though this follows the overall trend in Myanmar of workers leaving the primary sector for work in services and manufacturing, it also highlights the specific draw of employment in mining for migrants in Kachin and Northern Shan States, which can be lucrative but also highly dangerous and physically demanding work. A recent landslide at a Hpakant jade mine in July 2020 killed at least 172 migrant prospectors and was only one of the dozens of deadly landslides to occur in recent years.[55]

In terms of destination areas, internal migrants constituted the largest share of respondents in Kachin (78 per cent) and Northern Shan (66 per cent), as well as more than half of the respondents in Yangon (57 per cent). The States with the smallest share of in-migration were Rakhine (3 per cent), Tanintharyi (16 per cent) and Kayin (29 per cent). The findings suggest that internal migration patterns continue to be heavily influenced by the relative labour shortages for low-skilled work in destination areas.

52 Ministry of Labour, Immigration and Population, *The Union Report: Census Report Volume 2*, Nay Pyi Taw, 2015.

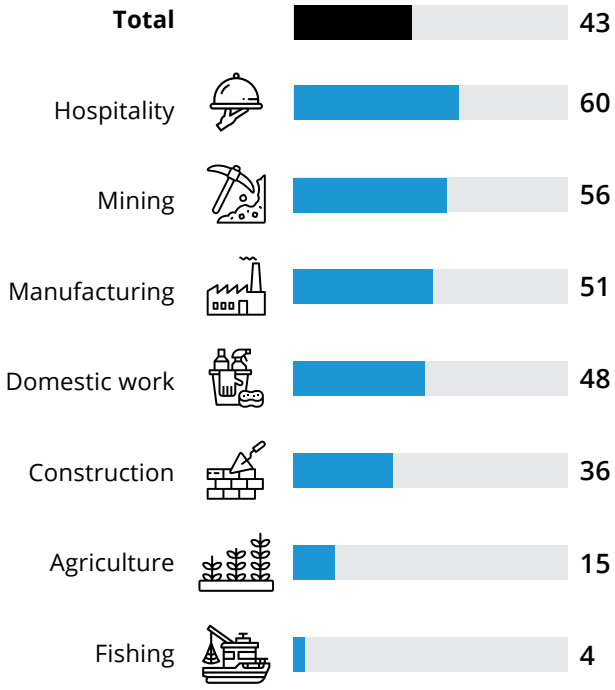
53 Priya Deshingkar, Julie Litchfield and Wen-Ching Ting, *Capitalising Human Mobility for Poverty Alleviation* and *Inclusive Development in Myanmar*, International Organization for Migration, Yangon, 2019, XIII.

54 World Bank Group, *A Country on the Move: Domestic migration in two regions of Myanmar*, The World Bank Myanmar, Yangon, 2016.

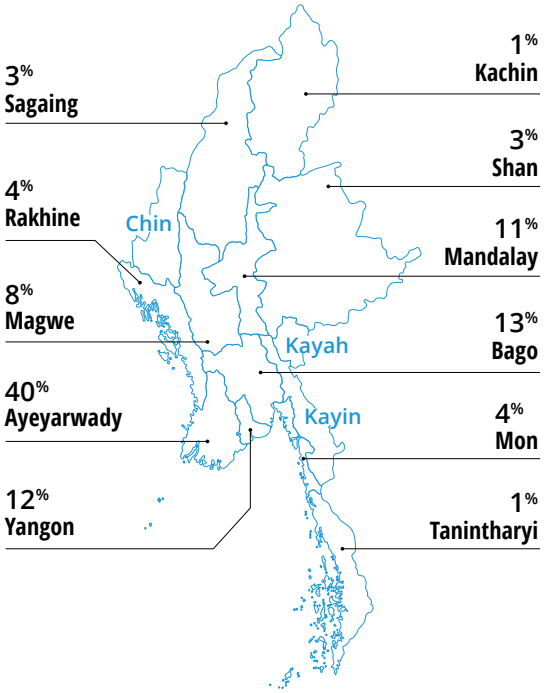
55 Nan Lwin, 'Efforts to Fix Myanmar's Deadly Jade Mine Issue Face Obstacles', *The Irrawaddy*, 9 July 2020.

FIGURE 8. INTERNAL MIGRANTS BY SECTOR AND STATE/REGION OF ORIGIN

Migration by sector (%) (wn=2,410)



Migration by origin (%) (wn=1,031)



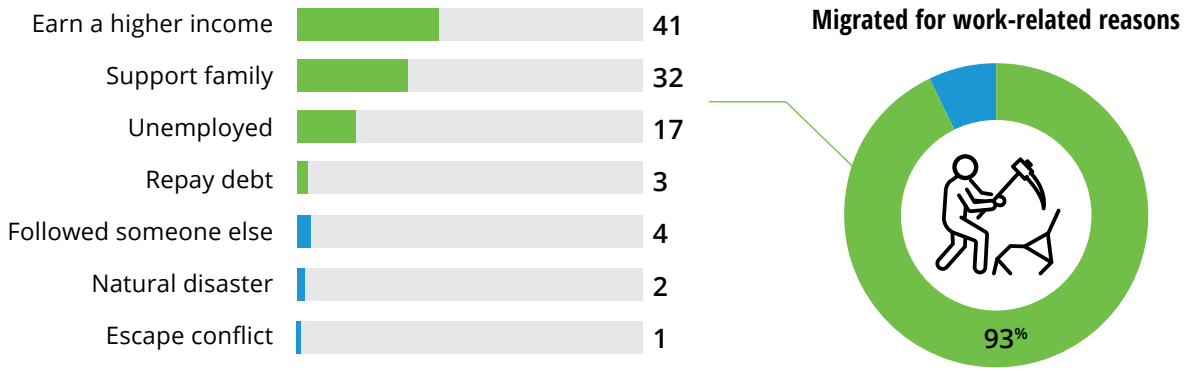
3.1.1 Motivations for migrating

The vast majority of internal migrants interviewed were motivated to migrate for livelihood reasons (93 per cent), relocating to earn a higher income, support family, find work or pay off a debt (see *Figure 9*). A much small portion of respondents migrated internally because of other motivations, including following someone (4 per cent), because of natural disasters (2 per cent) or to escape conflict (1 per cent).

Although the overarching reason for migration among both women and men internal migrants was work-related, migration decisions are complex and can seldom be simplified entirely to a single motivating factor. In-depth qualitative research in Myanmar suggests that internal migration can be driven by a range of interlinking economic, social and environmental factors, including rural poverty, lack of viable employment opportunities, wage differences between origin and destination, aspirations for a modern lifestyle, chronic indebtedness, climate change and conflict.[56]

56 Deshingkar, Litchfield and Ting, *Capitalising Human Mobility for Poverty Alleviation and Inclusive Development in Myanmar*, XIII.

FIGURE 9. REASON FOR MIGRATING (wn=1,031) (%)



BOX 1. THE CHALLENGE OF RAPID URBANISATION IN MYANMAR

Urbanisation has proven to be both a critical and complex aspect of the development process in many countries around the world. The shift from employment in agriculture to higher productivity work in manufacturing and services, and the corresponding shift from a rural to an urban economy, is an important driver of economic growth in most countries. Yet Urbanisation brings with it significant challenges in integrating newly arrived migrants, particularly in terms of providing decent work opportunities, access to nutritious food, safe and affordable housing, hygienic environments and quality public services. As a result, many migrants are vulnerable to labour exploitation and experience poor health and nutritional outcomes.

Overall, Myanmar's population continues to reside primarily in rural areas. However, with the large-scale movement of internal migrants out of agricultural areas and into rapidly expanding cities like Yangon and Mandalay, approximately 30 per cent of the population are now living in urban locations. Population models have suggested that some of Myanmar's larger cities could double in size by 2030. This internal migration is driven primarily by the pull factor of employment in peri-urban industrial zones but also by push factors such as climate change and armed conflict. Myanmar has the highest economic vulnerability to climate change of all South East Asian countries. The predicted rise in temperature in Myanmar is anticipated to have major impacts on agricultural production, food security and economic livelihoods in rural and coastal areas.

Internal migration toward urban centres in Myanmar is a phenomenon dating back to the establishment of the first industrial zones in the 1990s in Hlaing Thar Yar, Shwe Pyi Thar and Dagon Myo Thit townships of Yangon. The Government's policy to improve transportation networks led to increased spatial integration of rural people into urban areas by reducing travel time and the costs involved. In addition, a Government operation in the early 1990s resettled upwards of 500,000 squatters to the industrial zones to clear out slums in Yangon's inner city. Myanmar's burgeoning garment industry in these areas is also linked to a history of market liberalisation policies during this era. As private firms were authorised to engage in external trade, a thriving export-oriented manufacturing sector was established until it was quashed by the imposition of trade sanctions in the early 2000s. As a result, most of Myanmar's labour-intensive export-oriented industries remain highly concentrated in a small number of peri-urban industrial areas to this day.

BOX 1. (CONT.)

For migrant workers themselves, pursuing employment opportunities in peri-urban areas often entails significant risk. Many itinerant workers experience poor labour market outcomes, including difficulty finding regular employment, and end up working informally as day labourers. Finding work in a factory requires a national registration card, police clearance and a labour exchange office recommendation letter, official documentation which many rural migrants struggle to acquire. Training in basic sewing skills is also required by garment factories, which adds to the cost and time required for workers to find employment. Many take out loans at exorbitant rates from money lenders to pay for their migration to the city or continued living expenses, putting them deeply into debt if they are unable to find work quickly.

Source: LIFT Peri-Urban Programme Framework (2020).

4

RECRUITMENT PRACTICES

I was suddenly transferred to another mining site and did not know what job I would have to do there. I was also given tasks that were not included in our agreement. I am not sure whether they paid my friend to find workers to send there but I do know that I was not paid the wages I expected. Also, he didn't tell me about the dangerous conditions. We were also watched by the supervisors all the time and they kept our ID cards. We were not even allowed to talk on the phone.

-Male miner in Hpakant

4.1 RECRUITMENT PROCESS

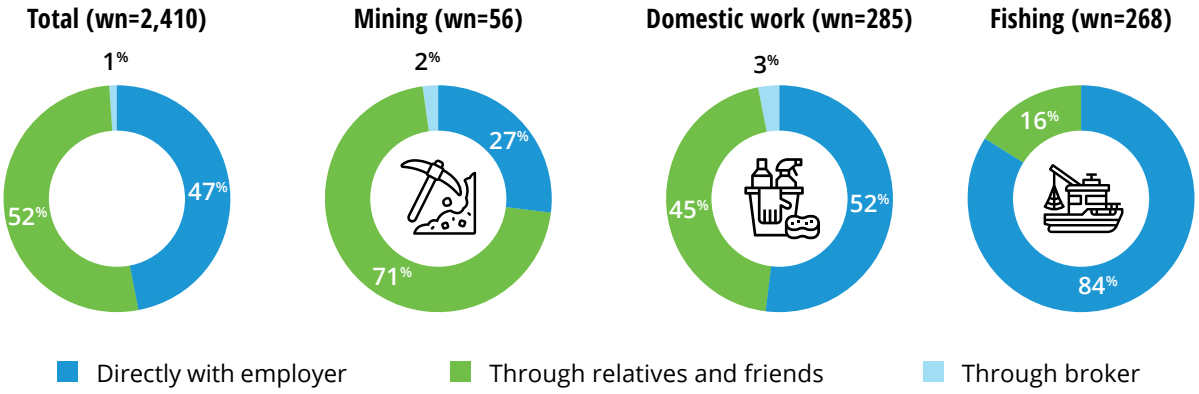
Recruitment practices were found to be largely characterized by informality. As depicted in *Figure 10*, more than half of the workers surveyed found jobs by word of mouth from friends and family members (52 per cent). Nearly all of the remaining workers interviewed secured their employment through direct hire by employers (47 per cent), often simply through approaching an employer with a vacancy announcement posted at the workplace. The lack of well-functioning labour market information systems and the high importance placed on personal relationships within Myanmar means that the majority of jobs in the industries investigated are filled based upon social connections rather than competencies and credentials.

No respondents to the survey reported having used government agencies or employment agencies to find work and only a small number of workers (1 per cent) were recruited through a labour broker (pwe sar in Myanmar language). This demonstrates that the recruitment sector remains underdeveloped in the domestic labour market in Myanmar. Most workers are able to find jobs without the assistance of formal employment services. While reducing the costs involved, the lack of such services may also detract from labour market efficiency. Moreover, among the 37 workers who did use a broker, only 5 per cent were certain they were licensed to provide recruitment services by the Department of Labour, suggesting the services they provide are largely unregulated.

There were some significant differences by sector, with four out of five workers in the fishing (84 per cent) and agricultural (79 per cent) sectors recruited directly by their employer, and nearly half of domestic workers (53 per cent). Mining (75 per cent) and hospitality (71 per cent) were the sectors where using the help of friends and family members to find work was most common. Domestic workers (3 per cent) and hospitality workers (2 per cent) had the greatest likelihood of using a broker during the recruitment process.

For internal migrant workers, the data strongly reveals the importance of social networks in providing assistance with finding jobs. A large majority of migrants (71 per cent) found their work through relatives and friends, and a much smaller portion (27 per cent) were recruited directly by their employer. Given the many challenges involved with integrating into destination areas, it appears that many migrants make efforts to identify jobs through their social circles before making the journey. The findings point to the critical importance of these social networks in supporting safer migration experiences.

FIGURE 10. RECRUITMENT CHANNEL USED BY SECTOR (%)



4.2 RECRUITMENT FEES

The Private Employment Agencies Convention, 1997 (No. 181) stipulates that the costs of recruitment should not be borne by workers. As they are providing a service to their employers, the international standard is that workers should not be directly charged an opportunity cost. To date, however, the Myanmar Government has not yet ratified the Private Employment Agencies Convention and has not indicated that it is making any preparations to do so.

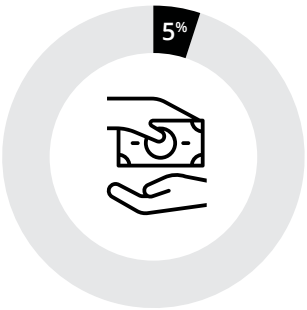
Given the large amounts of money involved and the regular complaints of abuse by migrant workers, most efforts to improve the regulation of recruitment agencies in Myanmar have been in relation to international migration. The Ministry of Labour, Immigration and Population has drafted an amendment to the Law Relating to Overseas Employment, which has been under review for several years. Adopted back in 1999, largely before more formalized labour migration had begun to take place in Myanmar, the regulations are significantly outdated and lack sufficient rules to guide practical implementation. An amendment is urgently needed to align the Law with international labour standards and strengthen protection of migrant workers' rights during recruitment.

Despite the lack of prohibition, payment of recruitment fees to obtain work was found to be fairly unusual in Myanmar's labour market – likely due to the small number of intermediaries involved in domestic recruitment. *Figure 11* shows that only about 5 per cent of workers said they had paid recruitment-related fees. These expenses were most commonly paid by workers in the manufacturing (9 per cent) and hospitality (7 per cent) sectors, often in the form of a small sum of cash or in-kind support. In particular, in-depth interviews with sex workers suggested that it was not uncommon to have to pay a fee for the opportunity to work in a particular venue, which in some cases involved sizable amounts of money.

The median amount paid in recruitment fees in these cases was not excessive at MMK 11,000 (US$8), though some workers did report paying considerably higher amounts (up to a maximum of MMK 500,000) (US$355), potentially putting them into debt. Most workers were able to cover the cost from their own savings (78 per cent), while a much smaller number took a loan from their employer or recruiter (14 per cent) to pay for the expense. Where they involved larger sums of money, these debts likely created a power imbalance within the employment relationship, as discussed in more length later in section 5.7.

FIGURE 11. PAID RECRUITMENT FEES BY SECTOR AND AVERAGE AMOUNT

Paid a recruitment fee (wn=2,410)



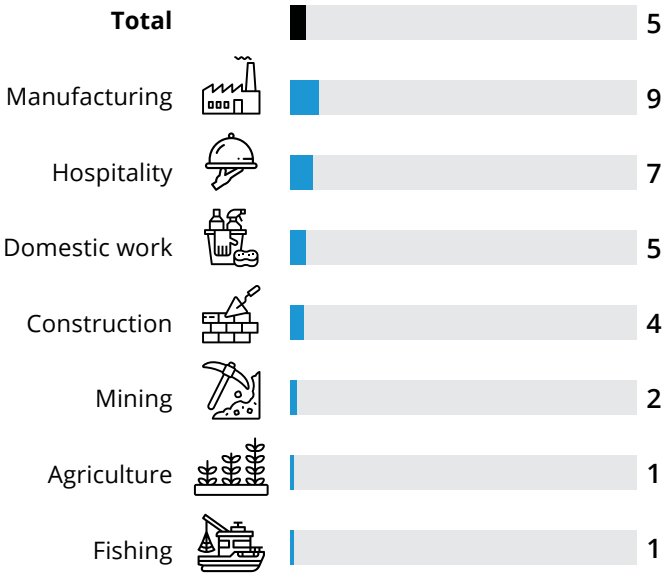
Average fee (MMK)

26,000

Median fee (MMK)

11,000

Paid a recruitment fee by sector (wn=2,410) (%)



4.3 EMPLOYMENT CONTRACTS

Reaching agreement on an employment contract is a key measure for ensuring that workers and employers have a shared understanding of the terms of employment, which can be used to maintain accountability for the rights and obligations of both parties. Without a written contract, workers may have difficulty pursuing legal redress for any abusive recruitment and employment practices they experience. In Myanmar, the Employment and Skills Development Law (2013) requires that workers must sign a contract with their employer within 30 days of being employed. It is considered good practice for the contract provisions to be discussed between the two parties and signed before starting work.[57]

In practice, however, it was found that the vast majority of workers do not receive a written contract (94 per cent) and either reach a verbal agreement with their employer (65 per cent) or work without any contractual basis whatsoever (29 per cent) (see *Figure 12*). This finding closely matches those of a large-scale ILO survey of internal migrant workers in Myanmar conducted in 2015, which found that only 7 per cent of the respondents had a written contract with their employer.[58] Nearly all low-skilled work is performed under conditions that are largely at the discretion of employers rather than established through a formal contractual arrangement.

Written contracts were found to be almost exclusive to workers employed in the manufacturing sector, which is likely due to the greater formalization of factory employment and more regular workplace inspections conducted by government authorities and auditing firms. Almost one-third of factory workers (32 per cent) had a written contract, while they were negligible among workers in all other industries. The majority of workers in agriculture (93 per cent), fishing (91 per cent), mining

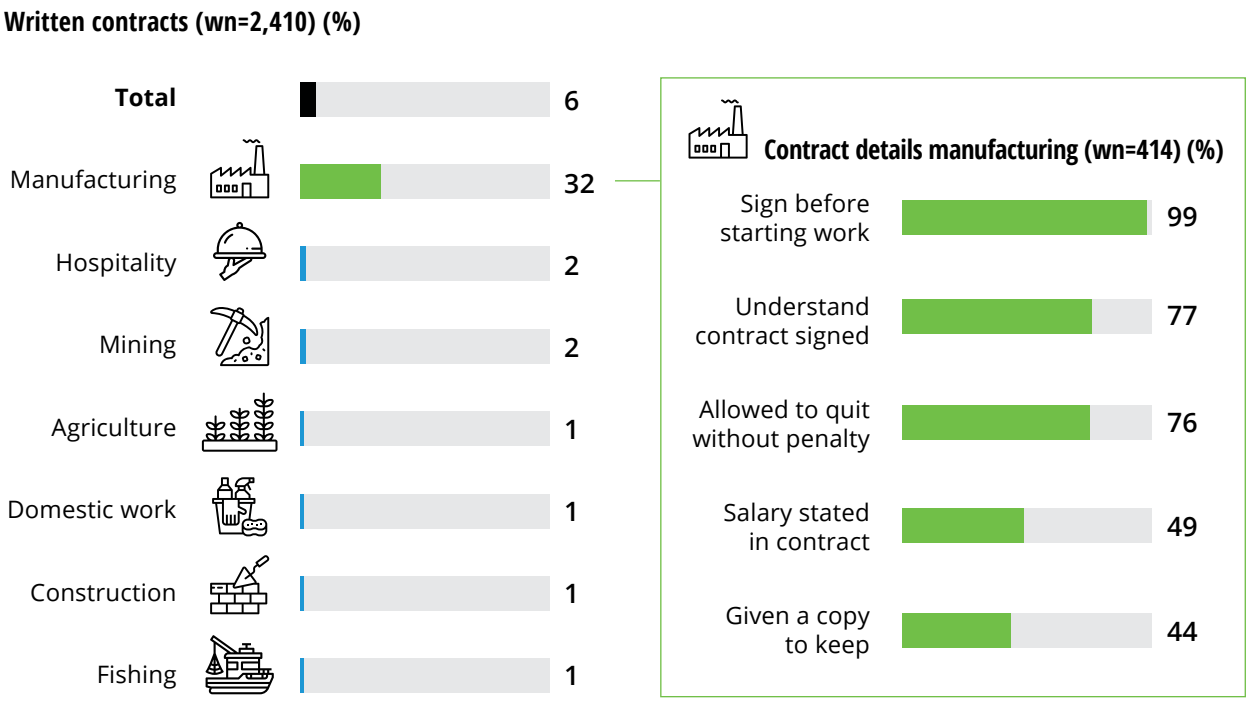
57 International Labour Organization, *ILO Guide to Myanmar Labour Law*, 9.

58 International Labour Organization, *Internal Labour Migration in Myanmar*, 43.

(75 per cent), construction (67 per cent), hospitality (56 per cent) and domestic work (54 per cent) all had verbal agreements with their employers. Domestic workers (45 per cent) and hospitality workers (43 per cent) were the most likely to state they had no agreement of any kind on the terms of their employment.

Notably, a larger portion of women (42 per cent) in manufacturing work had a written contract than men (17 per cent), which likely speaks to the significant international attention paid to the highly feminized workforce in the garment sector. However, it is less clear that the provision of these contracts improved accountability of employers for workplace standards and appears to often be little more than a checkbox exercise. Examining the details of the written contracts, nearly all had been signed before starting their employment (99 per cent) and were well-understood by the majority of the workers agreeing to them (77 per cent). But less than half of the factory workers who received contracts said they were given a copy to keep (44 per cent) or that their wages were stated in the agreement (49 per cent), the latter of which is required under the Employment and Skills Development Law (2013).

FIGURE 12. EMPLOYMENT CONTRACTS BY SECTOR



4.4 CONTRACT SUBSTITUTION

To prevent exploitation of workers through deceptive recruitment practices, the ILO General Principles and Operational Guidelines for Fair Recruitment state that: "The terms and conditions of a worker's employment should be specified in an appropriate, verifiable and easily understandable manner, and preferably through written contracts in accordance with national laws, regulations and applicable collective agreements. They should be clear and transparent, and should inform the workers of the location, requirements and tasks of the job for which they are being recruited."[59]

Unfortunately, employment contracts may not always provide an accurate portrayal of the wages and working conditions that workers can expect in practice. They may be required to pay more in fees than are specified; be assigned to a job different from that which is described in the contract; or find themselves faced with a different rate of pay and benefits.[60] Although contract substitution is a particularly significant concern for international migrant workers because their contracts are typically signed prior to deployment and they may face substantial difficulties in returning if the terms are not fulfilled – similar concerns can also be found in domestic recruitment in Myanmar.

Overall, the vast majority of workers said that their job was the same or better than was promised during recruitment (91 per cent) (see *Figure 13*). However, a notable portion of respondents (8 per cent) reported that the actual conditions of their employment were worse than expected. Although this represents a relatively small portion of the workers interviewed, contract substitution is a very serious labour rights violation that is considered to be an indicator of forced labour in some cases.[61] The most common aspects that were worse than expected were the danger of the job (32 per cent), sector of work (30 per cent), duties (27 per cent), wages (26 per cent) and work hours required (25 per cent).

Examining sectoral differences, the highest share of workers reporting contract substitution was in the manufacturing industry (12 per cent). It was also the sector where the most significant gender differences were found, as women were more likely to experience deceptive contracting practices than men (16 vs 6 per cent). The higher prevalence of contract substitution among women factory workers is a serious concern that suggests gendered patterns of inequitable treatment within the industry. Despite the large number of women it employs, previous studies of the garment sector in Myanmar have exposed common views of women being 'inferior bearers of labour' due to the undervaluing of their work within the industry.[62]

Workers who signed an employment contract were much more likely to say the job was worse than promised (21 per cent) than workers with a verbal agreement (5 per cent) and those with no contract (11 per cent). This points to the central importance of written contracts in ensuring that workers are aware that their working conditions are not in compliance with the terms discussed prior to employment. However, it also suggests that having a written contract alone does not actually prevent workers from experiencing deceptive recruitment practices in the absence of accessible and effective complaint mechanisms.

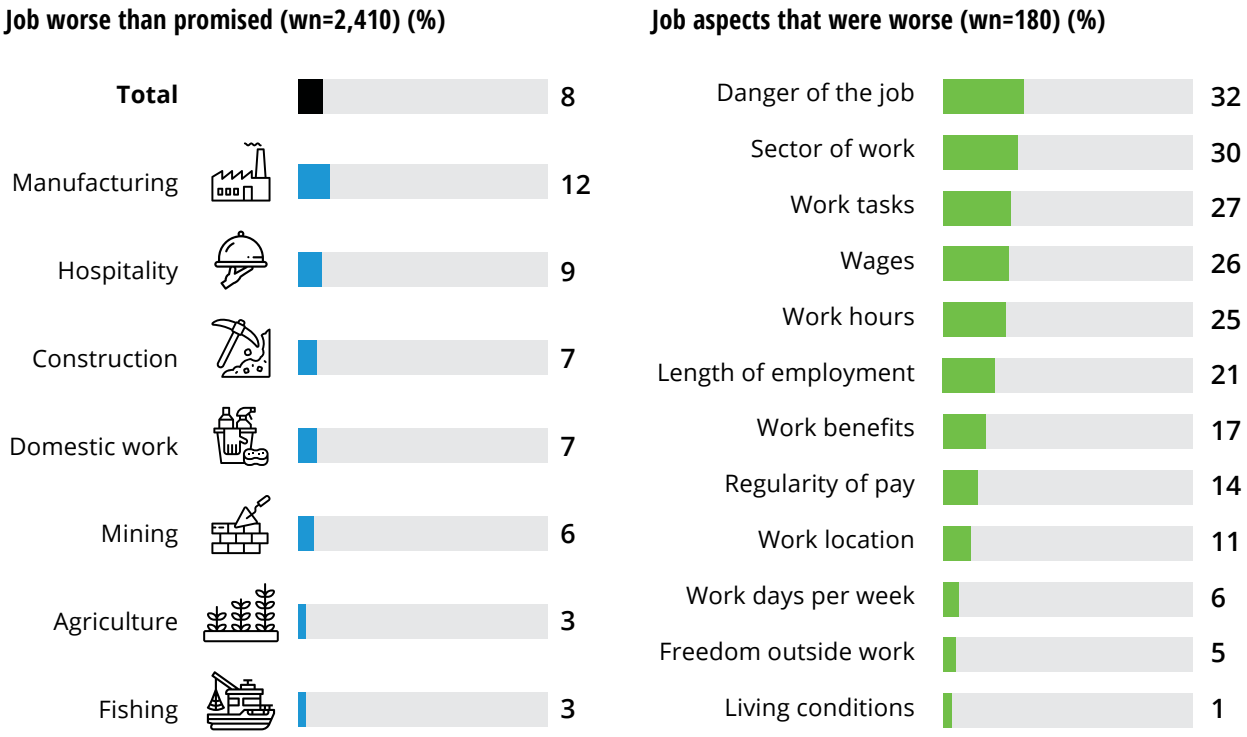
59 International Labour Organization, *General principles and operational guidelines for fair recruitment*, Geneva, 2016.

60 Harkins, et al., *Risks and rewards: Outcomes of labour migration in South-East Asia*, 32.

61 International Labour Organization, *Indicators of Forced Labour*, Geneva, 2012.

62 *Kusakabe and Melo*, 5.

FIGURE 13. CONTRACT SUBSTITUTION BY SECTOR AND TYPE



BOX 2. "THE WORK I HAVE TO DO IS DIFFERENT FROM WHAT I AGREED TO WITH THE FARMER"

In my job, the work I have to do is different from what I agreed to with the farmer. I have to work from the evening until late morning the next day harvesting rubber. Sometimes, I even have to do extra work during my free time without pay. On such days, I do not get enough sleep.

Another thing that bothers me is having to work for another employer without my consent. If there are not enough workers available, we have to go to work on other farms too. Also, the amount of money deducted from my salary to pay off the advance I received is more than what I was given.

I have experienced similar abuses on other farms where I worked and it usually takes up to eight months to get out of the situation. There is really nowhere to go to get help for these kinds of problems. I just have to put up with the job until the contract has been terminated or completed. I am not aware of anything the government is doing to stop these kinds of abuses in our country. It would be better if we had the support of a trade union so we could report the situation and request legal aid.

I think that contracts between workers and employers should be written down rather than just agreed in words. They should have the work and the salary clearly stated and allow workers to leave their jobs if the situation is not acceptable to them. Also, If the wages provided by employers are unfair, we should be able to hold them responsible for compensating us with the correct amount.

This case study illustrates that in the absence of employment contracts and effective means for workers to voice grievances if the terms are not honored by employers, many workers are highly vulnerable to contract substitution. Workers in informal sectors such as agriculture, fishing and domestic work are particularly likely to face these types of abuses due to the lack of formal employment contracts and labour rights protections, as well as reduced access to support from worker organizations and complaint mechanisms to denounce abuses.

5 WORKING CONDITIONS

I work on the street because the owner used to take half of my earnings when I worked in a brothel and I had no chance to refuse customers when I was too tired. Sometimes the police or drunk guys don't pay me enough or abuse me when I have to work alone. I also had my money stolen a few times and sometimes have to sleep with the police for free to avoid being arrested. Those are my working conditions but I still prefer it to working for someone else, and it allows me more time to take care of my children.

-Female sex worker in Lashio

5.1 WAGES

The average wage received for low-skilled work was MMK 8,300 (US$6) per day (see *Table 5*). Examining the differences by sector of employment, workers in the hospitality sector were paid the highest amounts, receiving MMK 11,200 (US$8). The greater earnings can be largely attributed to the efforts made during data collection to survey sex workers within the hospitality sector (approximately one-third of the sectoral sample), who typically earn significantly higher amounts than other livelihood options would provide.[63] On the other end of the earnings spectrum, domestic workers received just MMK 4,600 (US$3) per day. Traditionally, domestic work has been done by homemakers or poor relatives in Myanmar, usually women. Due to the devaluing of jobs considered to be 'women's work', domestic work has not been considered 'real work' and has consequently not been paid equitably with other forms of employment.[64]

The largest share of workers were paid a daily wage (41 per cent) or a monthly salary (34 per cent), and a smaller portion were remunerated based upon a piece rate only (23 per cent). Day labour was most common in construction (92 per cent), agriculture (62 per cent), fishing (55 per cent) and domestic work (54 per cent). In the manufacturing sector, more than two-thirds of workers (69 per cent) were paid a monthly salary due to the significant formalization of employment within the industry. The portion of workers who received a fixed monthly salary was also comparatively high in domestic work (41 per cent) and hospitality (40 per cent).

While greater formalization of employment, including payment of regular wages, is typically considered desirable to expand labour rights and reduce inequality, research suggests that well-contextualized approaches are needed to avoid potentially negative impacts.[65] In Myanmar, where the construction industry has not been fully mechanized, the construction workforce is largely employed informally – comprised primarily of casual day labourers. Many of these construction workers are internal migrant families, with women working alongside their husbands. Where more formal employment arrangements have been adopted, it has in some cases led to women losing the opportunity to obtain employment on construction sites.[66]

63 Esther Saville and Eleanor Brown, *Living on the Edge – Sex Workers' Lives in Myanmar: A Participatory Ethnographic Evaluation and Research (PEER) Project*, CARE, Yangon, 2015, 7.

64 International Labour Organization, *Legal Protection of Domestic Work in Myanmar: What does the Public Think?*, Yangon, 2019, 1.

65 Naw Seng, 'Hard labour for migrant workers on the Yangon circle line', *Frontier Myanmar*, 31 December 2019.

66 Women in Informal Employment: Globalizing and Organizing, 'Rethinking Formalization', Manchester, 2021.

TABLE 5. AVERAGE WAGE AND PAYMENT TYPE BY SECTOR

WAGES	TOTAL wn=2,410	AGRI wn=304	FISH wn=268	MAF wn=414	CONS wn=243	MIN wn=56	HOS wn=841	DW wn=285
AVERAGE DAILY WAGE (MMK)								
Amount	8,300	6,500	7,450	7,100	7,900	7,300	11,200	4,600
TYPE OF WAGE (%)								
Fixed daily rate	41	62	55	22	92	34	19	54
Fixed monthly salary	34	4	15	69	3	23	40	41
Piece rate only	23	31	28	8	6	43	37	5
Fixed salary + piece rate	2	3	3	1	-	-	5	< 1

5.2 MINIMUM WAGE

Myanmar introduced its first minimum wage requirements in 2015 and stipulated that a new rate will be set every two years. In May 2018, the legal minimum wage in Myanmar was raised to MMK 4,800 (US$3.40) per day.[67] Although this represented a significant increase from the previous rate of MMK 3,600 (US$2.50) per day, the minimum wage is only applicable in the formal sector. Moreover, many workers argue that the rate is still far from a living wage and needs to be doubled to support a family of four.[68] The national tripartite minimum wage committee did not reach agreement on an increase during 2020 due to the COVID-19 pandemic, which has taken money out of the pockets of many low-income workers whose earnings were already reduced by stringent disease containment measures.

Myanmar's large supply of young workers who can be employed at low wage rates has long been viewed as a key source for maintaining the country's economic competitiveness, particularly for export-oriented garment manufacturing.[69] Global clothing retailers reportedly consider Myanmar the next potential production base in the low-end garment industry supply chain in Asia because of its cheaper labour and production costs than China, Thailand, Cambodia, and Indonesia. However, this model of growth has raised concerns about creating a race to the bottom on wages with other developing countries in Asia. Improving the prospects for Myanmar's manufacturing sector in the long-term will require better working conditions, upskilling the labour force and improving the coverage and enforcement of wage protections, including minimum wage rules.[70]

Despite the relatively recent enactment of the Minimum Wages Act (2013), compliance with the basic wage was found to be relatively high within the survey. As depicted in *Figure 14*, three out of four workers received at least the minimum wage of MMK 4,800 (US$3.40) or more per day. In particular, a large majority of workers in construction (90 per cent), hospitality (86 per cent), fishing (80 per cent) and manufacturing (75 per cent) earned the base wage or more. However, domestic workers (40 per

67 Rory Mungoven, 'Minimum wage a step forward for democracy and sustainable development', International Labour Organization, Yangon, 25 May 2018.

68 Zaw Zaw Htwe, 'Thousands of Myanmar Workers Demand Higher Minimum Wage', *The Irrawaddy*, 20 January 2020.

69 Zaw Oo, Aung Myo Min, S. Kanady, Min Zar Ni Lin, Hanh Nguyen, and Samu Ngwenya., 'Effects of Minimum Wage on Manufacturing Workers and Firms in Myanmar: Initial Evidence and Policy Implications', in *Job Prospects for Youth, Low-skilled and Women Workers in the Greater Mekong Subregion*, edited by Vathana Roth, Greater Mekong Subregion Research Network, Phnom Penh, January 2019.

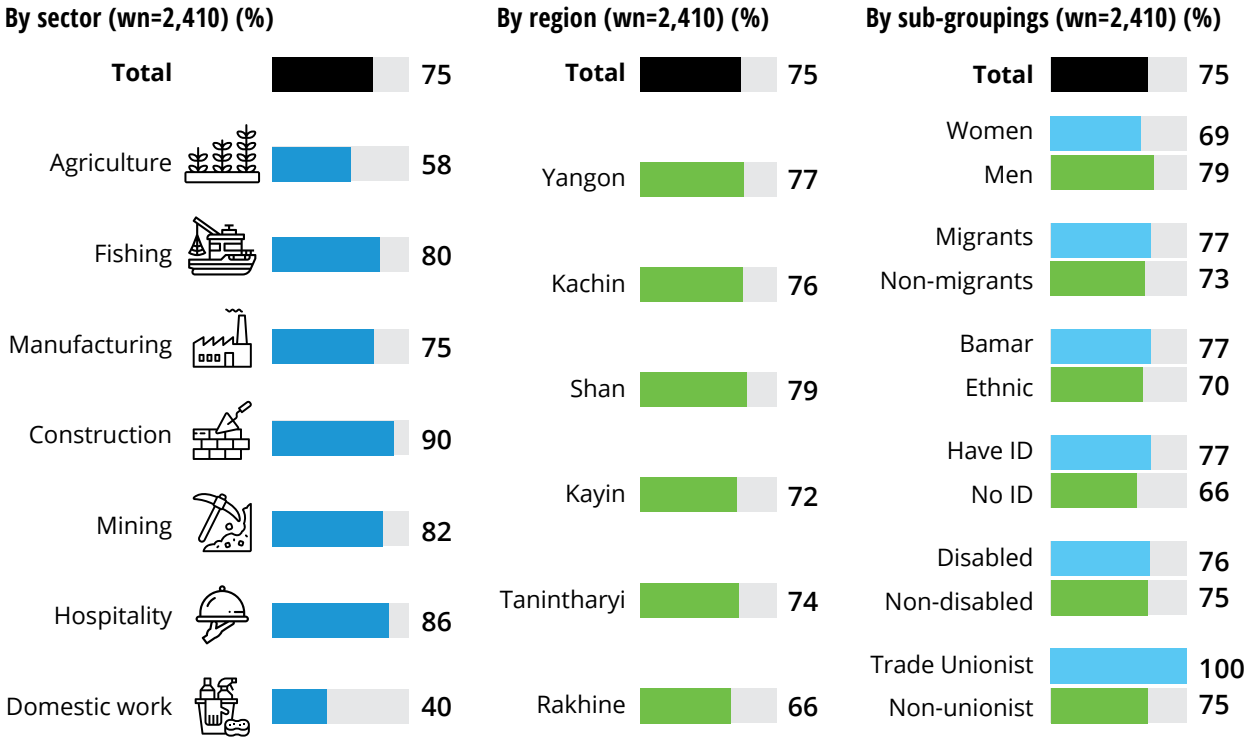
70 Phu Huynh, *Employment and wages in Myanmar's nascent garment sector*, International Labour Organization, Bangkok, 2016.

cent) and agricultural workers (58 per cent) were substantially less likely to be paid the minimum wage. In practice, most workers in the domestic work and agricultural sectors are not covered by the minimum wage in Myanmar, as small businesses with less than ten employees do not need to comply with the Act. Although the interpretation of the law is not entirely clear for domestic workers, the understanding among most employers is that they are exempt from paying the minimum wage.[71]

Probing additional differences between sub-groups of workers, more men (79 per cent) were paid the minimum wage compared with women (69 per cent), which likely reflects the greater informality of women's employment in Myanmar. Geographically, Rakhine State (66 per cent) and Kayin State (72 per cent) had the lowest portion of workers who were paid the legal minimum wage. By ethnicity, a slightly higher percentage of Bamar workers (77 per cent) were paid the minimum wage compared with workers of other ethnic groups (70 per cent). Those workers who held identification documents were also more likely (77 per cent) to receive the minimum wage than those who did not (66 per cent). Lastly, although the sample size was relatively small, all trade unionists (100 per cent) were able to receive the minimum wage, compared to three-quarters of non-union workers (75 per cent).

Although the Minimum Wages Act (2013) stipulates that labour inspectors are required to inspect workplaces to ensure compliance with the minimum wage, the findings suggest significantly uneven enforcement of the law. Research has shown that employers decide on whether to follow wage regulations largely by balancing the expected costs of the mandated wage against those of non-compliance.[72] However, the likelihood of facing substantial financial penalties is low in Myanmar due to the limitations in staffing and resources of the inspectorate to fulfil its mandate.

FIGURE 14. MINIMUM WAGE BY SECTOR AND OTHER SUB-GROUPINGS



71 Working Group on Legal Protection of Domestic Workers, *The Legal Gap Analysis of Myanmar National Laws and International Standards for Domestic Work*, International Labour Organization, Yangon, 2019, 3-4.

72 Brishen Rogers, 'Toward Third-Party Liability for Wage Theft', *Berkeley Journal of Employment and Labor Law*, Vol. 31(1), 2010, 19.

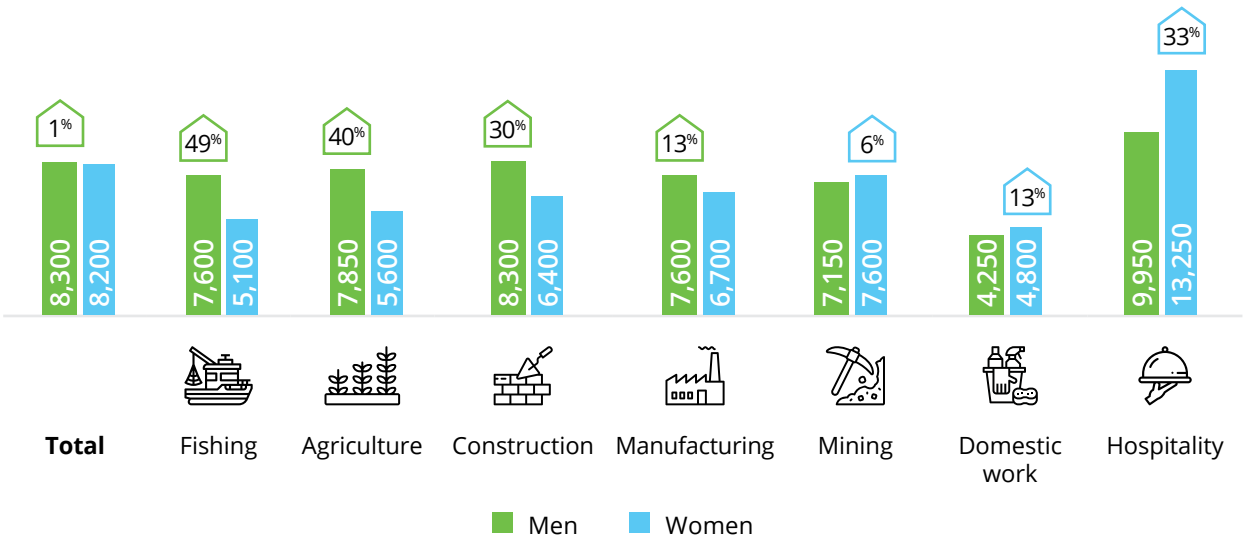
5.3 GENDER WAGE GAP

Women workers consistently receive lower pay than men across all sectors of employment in Myanmar. The most recent labour force survey suggests that the gap is largest in agricultural work (45 per cent) and somewhat smaller in services (27 per cent) and industry (21 per cent), though nonetheless substantial.[73] Although far from unique to Myanmar, the challenges of occupational segregation of women in informal and lower-paid employment, the 'motherhood penalty' which arises when women leave the workforce for a significant period of time to raise children, as well as problems with discriminatory treatment by employers based upon gender are some of the key factors contributing to this entrenched discrepancy in wages.[74] In addition, Myanmar has yet to ratify any of the key international labour standards related to equality and non-discrimination within its labour governance framework, which has limited the legal measures available to address the problem.

In the aggregate, the survey findings identified a gender wage gap of only 1 per cent between women and men (see *Figure 15*). However, the overall results can be considered somewhat less meaningful as they are skewed by the substantial number of women sex workers interviewed within the hospitality sector, who are recognized as earning significantly higher average incomes. Controlling the analysis for this potential bias by excluding hospitality workers, the overall wage gap found in the survey between women and men across other low-skilled industries was nearly 25 per cent, which is roughly in line with the findings of other surveys.

The wage differential between men and women was greatest in fishing (49 per cent), agriculture (40 per cent) and construction work (30 per cent). Conversely, women were found to earn more than men in hospitality work (33 per cent), domestic work (13 per cent) and mining (6 per cent). Putting aside the major outlier in the results for the hospitality sector, which has already been explained, it is unclear whether domestic work and mining genuinely provide more opportunity for gender parity in pay. It should be taken into consideration that a relatively small number of women were found to be working in the mining sector and domestic work was the lowest paid type of work for both women and men, indicating equality in underpayment only.

FIGURE 15. GENDER WAGE GAP BY SECTOR (wn=2,410) (MMK)



73 Ministry of Labour, Immigration and Population, Myanmar Annual Labor Force Survey – 2019, *First Semi-Annual Report (January to March 2019)*, Ministry of Labour, Immigration and Population, Department of Labour, Nay Pyi Taw, June 2020.

74 International Labour Organization, *Global Wage Report 2018/19: What lies behind gender pay gaps*, Geneva, 2018, xvi-xx.

BOX 3. "I WOULD SAY I HAVE BAD EXPERIENCES WITH CLIENTS 10 OUT OF 100 TIMES"

I work as a sex worker in Yangon. Before COVID-19, my work started at 4 p.m. and finished in the morning but now I work from 6 p.m. until around 10 p.m. I normally earn between 80,000 to 100,000 kyat (US$57-71) per day. I have been working in the sex industry my entire life. It's not always perfect but no job is.

I would say I have bad experiences with clients 10 out of 100 times. Sometimes, my boss arranges for me to work but does not tell me beforehand. Clients have also beaten me before and often use offensive language with me when they are not satisfied. The police are actually the worst clients, as they have hurt me and stolen my phone, accessories and money during visits. They usually don't want to pay and threaten me if I complain, so I've had to work for free with police many times.

That is one of the biggest problems with being a sex worker. I have nowhere to go to for assistance, even if I am in a lot of pain. If I make an official complaint, I know I will be put in jail. The debts I have to pay off also add to my stress. I need to pay 40,000 kyat (US$28) per day and the lenders always bother me to pay them back their money.

I don't really have any major problems with my employer and prefer to work at an entertainment venue rather than on my own because it's safer. I had a previous experience of trafficking many years ago at a KTV in China but now I can quit anytime if I want to. My employer doesn't prevent me from leaving.

This story illustrates why conflation of sex work and human trafficking ignores the fact that working in the sex industry is a rational decision for many individuals. Sex work can provide the opportunity to earn much higher wages than are available in other low-skilled sectors of work. However, criminalization of sex work under the Suppression of Prostitution Act (1949) increases the vulnerability of sex workers to various forms of extortion and maltreatment in their day-to-day work. Ending the draconian criminal penalties applied to sex workers by decriminalizing sex work and recognizing it as a form of work protected by labour laws is essential for ensuring they are able to pursue their livelihoods free from regular harassment and abuse.

5.4 WAGES BELOW THE POVERTY LINE

In Myanmar, the share of the population living below the national poverty line has halved from 48.2 per cent in 2005 to 24.8 per cent in 2017.[75] This is a very laudable achievement in poverty reduction, raising the standard of living for millions of the country's most disadvantaged people. However, much of the population remains vulnerable to falling into destitution, particularly in the face of unanticipated economic shocks as have come about during the COVID-19 pandemic. In addition, poverty has become more concentrated in certain states and regions of the country, as well as among the rural population, who make up an overwhelming majority of the nation's poor (87 per cent).[76]

To examine differences in poverty between countries, the international poverty line has been set at US$1.90 per day since 2015 (equivalent to roughly MMK 2,500). Though it is useful to establish a comparator, this benchmark has been widely criticized as being far too low and insufficient to meet the food, shelter, clothing and other basic needs for survival. Moreover, the international poverty line has been acknowledged as somewhat arbitrary and heavily influenced by specific political priorities

75 Myanmar Central Statistical Organization, World Bank Group and United Nations Development Programme, *Myanmar Living Conditions Survey 2017: Poverty Report*, Nay Pyi Taw and Yangon, June 2018, viii.

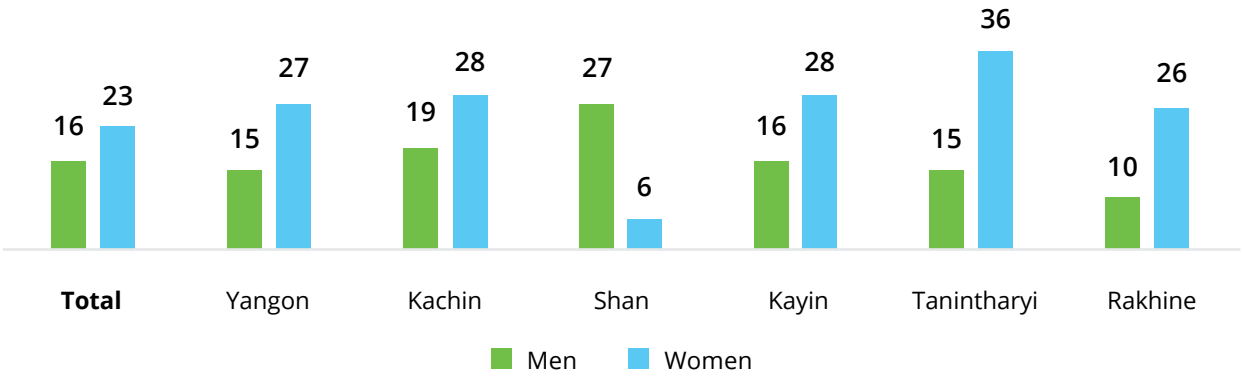
76 Ibid., xi.

and agendas. The threshold is set based upon an average of national poverty lines from some of the poorest countries in the world but does not fully take into account the context of the individual, their specific needs or the intra-household distribution of resources. In particular, it overlooks the reality that women and children nearly always bear the disproportionate impact of poverty.[77]

To assess the proportion of the 'working poor' population within Myanmar, a better contextualized metric was needed. The World Bank has recently developed an additional poverty line at a higher threshold of US$3.20 per day, reflecting the average national poverty thresholds in lower middle-income countries (which includes Myanmar). While the metric still has significant flaws, the introduction of a poverty line that increases in value as a country gets richer can be considered an improvement. It recognizes that poverty is a deeply social and relative experience that cannot be detached from the societal context of the individual.[78]

Analysing their average daily wages against this benchmark, *Figure 16* shows that more women (23 per cent) remain below the international poverty line than men (16 per cent). The greatest concentration of poverty for women workers was in Tanintharyi (36 per cent), whereas it was highest for men in Shan State (27 per cent). Women were more likely to have wages below the poverty line in all states and regions except in Shan. The findings speak to the larger concentration of women who are employed in very low-wage jobs than men, as well as the need to apply better contextualized poverty lines to gauge the extent of poverty among the working poor in Myanmar.

FIGURE 16. WAGES BELOW THE POVERTY LINE FOR LOWER-MIDDLE INCOME COUNTRIES BY GENDER AND STATE (wn=2,410) (%)



5.5 WAGE DEDUCTIONS

Wage deductions are an important factor to consider in assessing the income of workers in Myanmar as it is common for a portion of their income to be retained by employers to cover their contribution to social security, service debts and cover various expenses incurred. A broad list of deductions are lawful under Myanmar's labour laws, though they are not permitted to exceed 50 per cent of the wages due during a pay period. No punitive fines are allowable until workers have had the opportunity to defend themselves against the penalty and complaints against unfair deductions

77 Dhiraj Sharma, *Why the World Bank is taking a wide-angle view of poverty*, Brookings Institution, Washington, D.C., 14 November 2018.

78 Ibid.

can be made under the Settlement of Labour Disputes Law (2012).[79] In practice, however, wage deductions are often made without prior discussion and workers may face considerable difficulties seeking redress in these cases.

As shown in *Figure 17*, wage deductions were most commonly experienced by workers in the manufacturing sector (50 per cent), which has more formalized payment systems in place and a larger share of workers enrolled in social security than the other sectors of work surveyed. They were found to be much less prevalent among domestic workers (3 per cent), agricultural workers (4 per cent), construction workers (5 per cent) and mining workers (7 per cent); at least partly as result of a much smaller number of these workers receiving their wages in the form of monthly salaries. Women were more likely to experience wage deductions (23 per cent) than men (13 per cent), which is likely due to higher levels of employment within the garment industry.

Among workers who were charged salary deductions, the average amount was MMK 20,200 (US$14), which is equal to approximately 12 per cent of monthly wages. The deductions were highest for workers in hospitality (MMK 38,600) (US$27) and fishing (MMK 25,800) (US$18) and were substantially lower among manufacturing workers (MMK 7,250) (US$5). It is a common practice for employers to make substantial deductions to the wages of sex workers, particularly for those who work in entertainment venues. The venue owner, manager and even service staff may take a cut of their earnings, often amounting to a large proportion of their income from clients, without clear information provided as to what the deductions are for.[80]

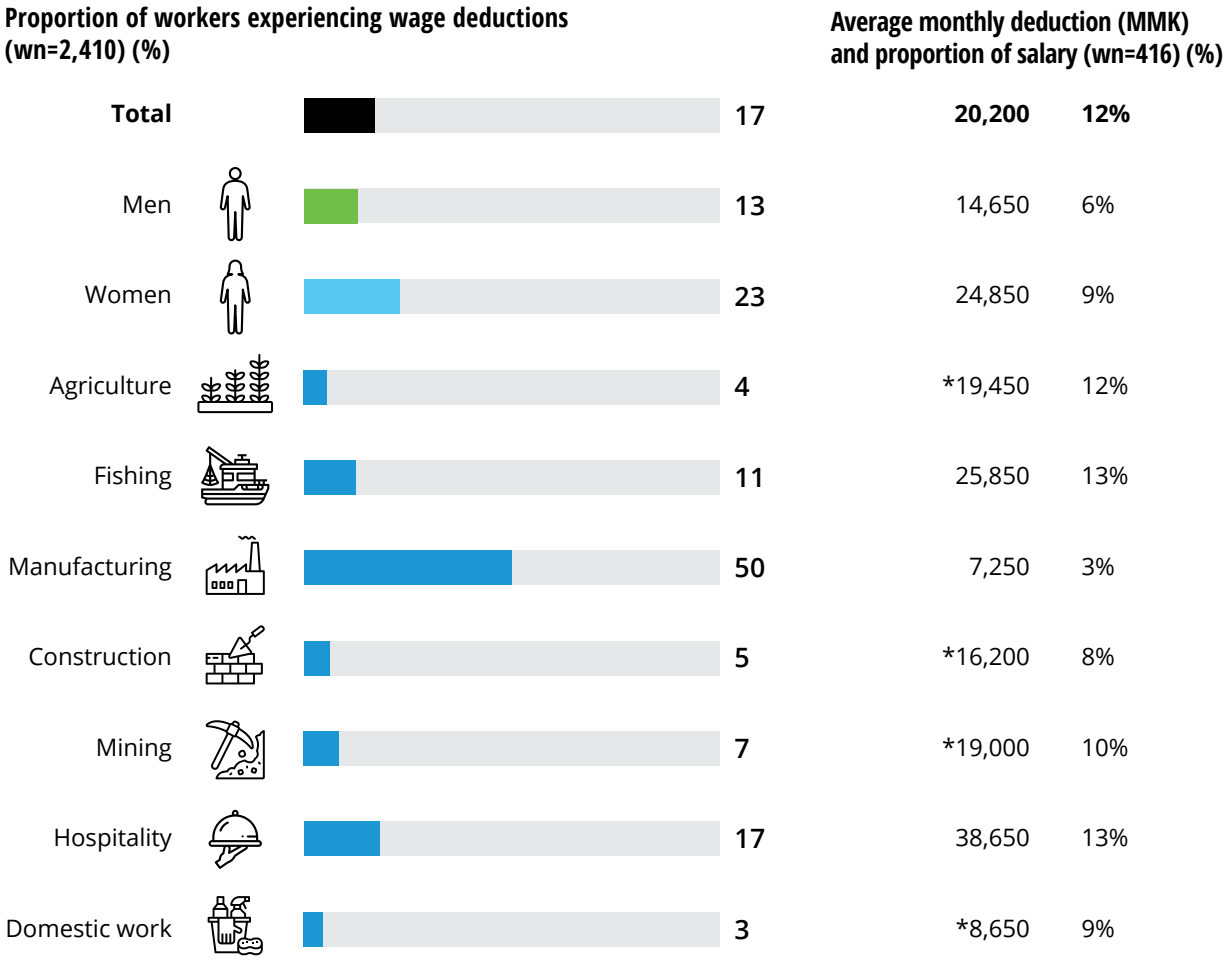
Examining the reasons for wage deductions, the most frequent purpose was for contributions to the Social Security Board (46 per cent), which is required for all workers enrolled in the scheme in the amount of two per cent of total monthly wages. Deductions for absences from work (34 per cent), penalties (20 per cent) and food (11 per cent) were also regular reasons for withholding a portion of wages. The lack of paid-time off is a particular challenge in Myanmar, with adherence to workplace rules on annual leave, casual leave and sick leave in the Leave and Holidays Act (1951) often not fully respected.

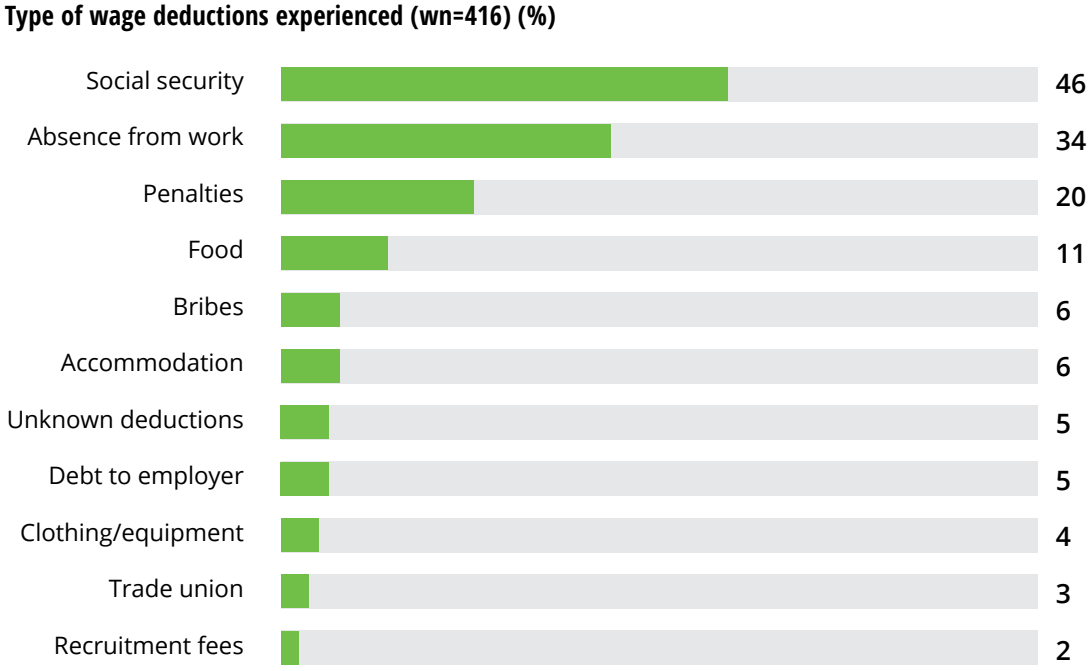
> **"When I had to take three days of leave because I was ill, two days of wages were deducted from my salary.**
>
> - Domestic worker in Yangon

79 International Labour Organization, *ILO Guide to Myanmar Labour Law*, 16-17.

80 Saville and Brown, *Living on the Edge*, 30-31.

FIGURE 17. WAGE DEDUCTIONS BY SECTOR, AVERAGE AMOUNT AND TYPE





**Note: small sample base*

BOX 4. "EVEN WHEN I GO TO THE TOILET, THEY DEDUCT 1,000 OR 1,500 KYAT AS A PENALTY"

I work on a construction site, lifting and carrying loads at Bayint Naung wholesale market. I usually start work at 8 a.m. I mix the cement solution, take and assemble the bricks, pour cement over the layouts, carry steel pipe and rope, and then bend the pipe in the afternoon. By around 5 p.m., we start cleaning the site and finish up for the day.

What bothers me is that the wages are different from what we agreed when I took the job. Although we stop construction work at 5 p.m., we have to continue cleaning the site until 6 p.m. and I do not get any overtime pay for this. Also, my wages are always deducted for very minor things. Even when I go to the toilet, they deduct 1,000 or 1,500 kyat (US$0.70-1.00) as a penalty. The total penalty for the whole month usually adds up over 10,000 kyat (US$7), which is more than a day's wages for me.

The crew leader also does not tell us when we are going to get our wages. I am afraid of losing the rest of my pay, which is why I can't just quit. Last time when I had to take leave for three days, they threatened to dismiss me without paying my wages.

I also worry about my safety and health here because we don't have any protective equipment. Sometimes, we are required to go to work in very high places without a safety harness. I'm also always breathing in dust, and having to hear the loud noise of the saw.

I often get scolded when I make mistakes or work a little slower. It is not harsh abuse but it makes me feel ashamed in front of my colleagues. Sometimes, I have also been physically abused for mistakes. The crew leader and contractor are always trying to control us.

This case study demonstrates that workers in situations of forced labour may experience a range of minor abuses that add up to a situation of coercion when taken as a whole. Although penalizing a worker for a bathroom break is not indicative of unfree labour on its own, a series of small and routine abuses may ultimately limit a workers' ability to leave their employment.

5.6 WAGE THEFT

Although there is no internationally accepted definition of the concept of wage theft, it can be conceived as including a number of different labour rights abuses related to the denial of remuneration or benefits for a worker to whom they are owed or entitled.[81] Such abuses can take a variety of forms, including withholding wages entirely, not paying workers the legal minimum wage or overtime pay, not providing social protection benefits, making illegal wage deductions or misclassifying work (e.g. as a contractor) so as to avoid paying higher wages or benefits.[82]

To obtain an estimate of the average amount lost to workers through two particularly common types of wage theft, an analysis was conducted of workers who were paid below the minimum wage or who did not receive overtime pay. It must be considered a crude estimate in that it does not assess the possibility that individual workers may be exempted from these wage protections by the relevant provisions of the Minimum Wage Act (2013), Factories Act (1951) or Shops and Establishments Act (1951).

81 Benjamin Harkins, 'Base Motives: The case for an increased focus on wage theft against migrant workers', *Anti-Trafficking Review*, Issue 15, September 2020, 45.

82 Ken LaMance, 'What Is Wage Theft?', *LegalMatch*, San Francisco, Calif, August 2020.

Among the 25 per cent of workers who reported earning less than the minimum wage, their average daily wage was MMK 3,534 (US$2.50) (see *Table 6*). Taking the difference with the minimum wage of MMK 4,800 (US$3.40) (A-B=C), the average amount lost to wage theft by these workers was MMK 1,266 (US$0.90) per day. The average underpayment was highest for domestic workers (MMK 1,718) (US$1.20) and lowest for construction workers (MMK 734) (US$0.50). The limitations to the applicability of the minimum wage should be noted in interpreting these findings, as it is not typically enforced for workers in informal sector employment (including domestic workers, agricultural workers, fishers and others).

An even larger group of workers experienced wage theft in the form of not receiving overtime pay, representing two-thirds of those surveyed (66 per cent). On average, these respondents worked 8.6 hours per day, representing 0.6 hours per day of unpaid overtime. Wage theft was calculated by multiplying overtime worked by double the average hourly rate (A*B=C), in line with the provisions for overtime pay stipulated in the Factories Act. Across all sectors, the average amount of wage theft for non-payment of overtime was MMK 1,092 (US$0.80) per day. Fishers lost the largest sum (MMK 3,159 (US$2.20) per day) due to the long hours they worked, whereas hospitality workers were not found to lose any amount.

TABLE 6. AMOUNT LOST TO WAGE THEFT THROUGH UNDERPAYMENT AND LACK OF OVERTIME PAY BY SECTOR

MINIMUM WAGE THEFT	TOTAL wn=609	AGRI wn=128	FISH wn=55	MAF wn=102	CONS wn=25*	MIN wn=10*	HOS wn=119	DW wn=170
(A) Average wage (MMK)	3,534	3,922	3,639	3,700	4,066	3,516	3,459	3,082
(B) Minimum wage (MMK)	4,800	4,800	4,800	4,800	4,800	4,800	4,800	4,800
(C) Wage theft per day (MMK)	1,266	878	1,161	1,100	734	1,284	1,341	1,718

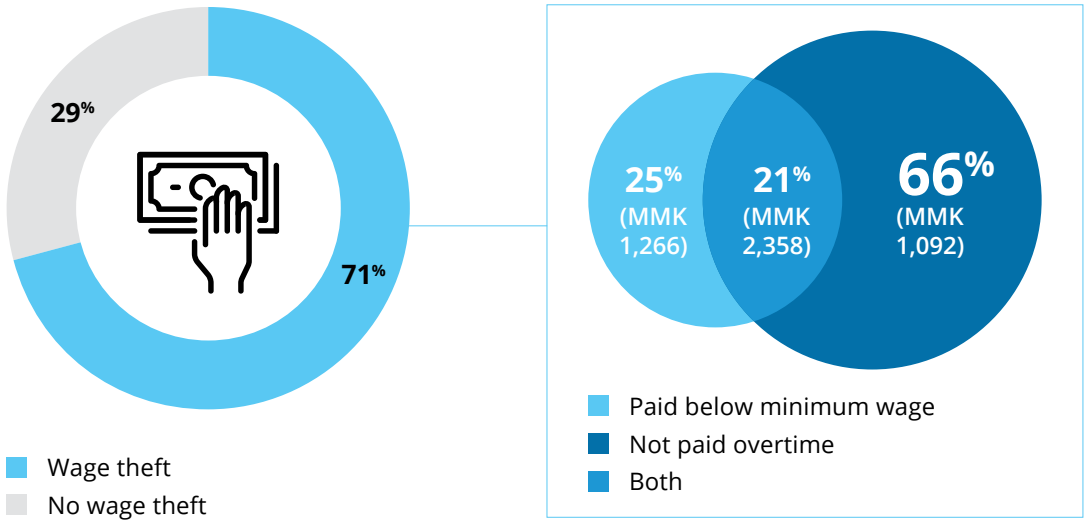
**Note: small sample base*

OVERTIME WAGE THEFT	TOTAL wn=1,596	AGRI wn=279	FISH wn=257	MAF wn=145	CONS wn=146	MIN wn=51	HOS wn=474	DW wn=244
(A) Overtime (hours)	0.6	0.5	1.7	1.0	0.7	0.7	-	0.5
(B) Overtime wage (MMK)	1,820	1,574	1,858	1,515	1,822	1,826	2,387	1,134
(C) Wage theft per day (MMK)	1,092	787	3,159	1,515	1,275	1,278	-	567

As depicted in *Figure 18*, nearly three out of four workers experienced some form of wage theft (71 per cent). The two types of wage violations (i.e., not paying the minimum wage and overtime pay) were often found to be overlapping among workers, suggesting that lack of compliance with one form of wage protection can be indicative of a broader pattern of abuse. Among the 25 per cent of respondents who were paid below the minimum wage and 66 per cent who were not paid overtime, 21 per cent experienced both forms of abuse. For these workers, the average wages lost amounted to MMK 2,358 (US$1.70) per day, which is nearly half their daily wages for a minimum wage worker. The findings indicate that wage theft may in fact be the norm for low-skilled workers in Myanmar, as only 29 per cent of workers did not report being underpaid in some form.

A key factor enabling widespread wage theft in Myanmar is inadequate enforcement and complaint mechanisms to secure compliance among employers. With little to no likelihood of facing significant repercussions for violating the relevant labour laws, employers are able to underpay their workers with near impunity. There is also a lack of clarity within the legal framework on whether wage protections such as the minimum wage and overtime pay apply to certain sectors (e.g., domestic work), as well as insufficient awareness among workers of their rights or how to file grievances. The overall impact on working conditions is substantial, contributing to artificially low wages in a number of industries and greater segmentation within the labour market between formal and informal sector workers.

FIGURE 18. PREVALENCE OF WAGE THEFT BY TYPE AND AMOUNT LOST (wn=2,410)



5.7 DEBT TO EMPLOYER

Due to the relatively low wages available in significant parts of the country, many workers in Myanmar must regularly borrow money to cover their basic living expenses, with employers one possible source of loans. In other more sector-specific cases, advance payments are made by employers to secure a sufficient workforce for the upcoming season. It is a well-established system for poor and landless villagers in rural areas to take wage advances, in cash or in kind (e.g., sacks of rice), to tide them over during the lean season in exchange for a promise of future work in agriculture or fishing enterprises. However, the power imbalance created by these debts to their employers can lead to exploitative working conditions as workers are not free to leave their employment.[83]

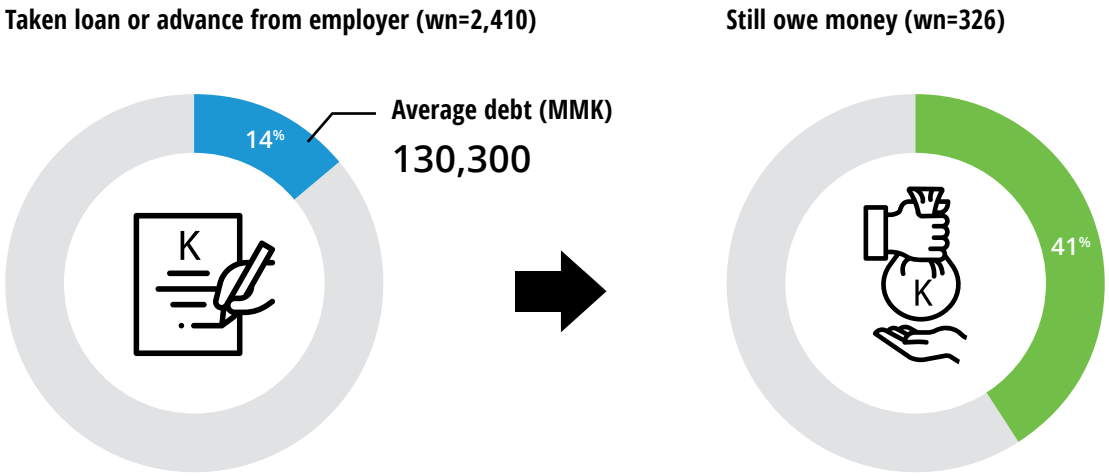
For example, advances are commonly paid to fishers to support their households during the rainy season when fishing work is scarce, while ensuring that boat owners will have enough workers available to crew their vessels during the coming fishing season. Similarly, fishers working for long periods of time in offshore and raft fisheries are provided with advance payments to cover their family's needs while they are away. While these arrangements are mutually agreed upon, many workers have few other financial options and accepting the advance on wages can restrict their mobility – tying workers to their employers until the debts are repaid.[84]

83 Deshingkar et al., 27.
84 Belton et al., 7.

Overall, it was found that 14 per cent of workers had taken loans or advances on their pay from their employers (see *Figure 19*). Fishers were the most likely to take money from their employers (20 per cent), followed by miners (18 per cent). The average debt amount was MMK 130,300 (US$93), which is equal to about three weeks of wages for the average worker in the survey. While not insurmountable debts, more than 30 individuals surveyed reported considerably higher debts of between MMK 500,000–2,000,000 (US$355–1,420). With this amount of wages to be repaid in arrears, the choices of the workers involved were likely restricted by the size of the debts they were required to service and in the worst cases could amount to debt bondage.

Nearly two out of five workers (41 per cent) who were indebted to their employers reported that they still owed money at the time of the survey. On average, workers expected that it would take them an additional three months to fully pay back the amounts borrowed, with most workers (64 per cent) doing so through deductions from their salaries. Fishers and agricultural workers anticipated the longest delays in getting out of debt, expecting approximately four months to pay the money back.

FIGURE 19. DEBT TO EMPLOYERS AND REPAYMENT OUTCOMES



5.8 WORKING HOURS

Working hours in Myanmar are regulated by the Factories Act (1951) and the Shops and Establishments Act (1951), though a significant share of employment sectors are excluded from coverage. Under both laws, employers cannot require employees to work more than eight hours in a day.[85] However, research has shown that these laws are routinely violated, with workers commonly reporting working 11 to 15 hours per day without sufficient breaks, particularly in the garment sector. Significant numbers of factory workers have reported being unable to refuse to work overtime even in excess of the legal limit of 16 hours per week.[86]

85 International Labour Organization, *Internal Labour Migration in Myanmar*, 12.

86 Action Labor Rights, *Under Pressure: A Study of Labour Conditions in Garment Factories in Myanmar which are Wholly Korean Owned or in a Joint Venture with Korean Companies*, Yangon, 2016, 4.

Table 7 shows that survey respondents worked an average of 8.4 hours per day and 6 days per week, amounting to more than the full-time workweek of 44 hours specified in the Factories Act or the 48-hour week stipulated in the Shops and Establishments Act. Workers in fishing (9.8 hours) and manufacturing (9.2 hours) worked the longest average number of hours per day, while hospitality workers were found to have the shortest schedules (7.4 hours). Problems with ensuring sufficient rest have long been highlighted as a major challenge globally within the fishing sector due to the arduous and sometimes excessive work hours when fishing grounds are reached.[87]

Although the survey found that working hours were long, nearly two-thirds of workers said they were not employed full-time (64 per cent). The largest group reported being employed part-time (37 per cent), followed by full-time workers (36 per cent), daily workers (17 per cent) and seasonal workers (10 per cent). This suggests that low-skilled workers in Myanmar are commonly working a full-time equivalent schedule or more but in many cases piece together their employment from various casual and non-standard forms of work.[88]

There were significant differences in work schedules between the sectors of employment researched. In manufacturing (81 per cent), mining (61 per cent) and domestic work (43 per cent), the largest portion of workers were employed full-time. Hospitality workers were most commonly employed part-time (58 per cent), and the agricultural (42 per cent) and fishing sectors (38 per cent) had the highest prevalence of seasonal work. In the construction industry, day labour was the predominant form of employment (42 per cent). As noted above, casualization of employment is a prominent feature of Myanmar's labour market, which can have a negative impact on the job security, earnings, working hours, occupational safety and health, social protection, ability to organize and other basic labour rights of workers.

TABLE 7. WORKING HOURS AND SCHEDULE BY SECTOR

WORKING HOURS/ SCHEDULE	TOTAL wn=2,410	AGRI wn=304	FISH wn=268	MAF wn=414	CONS wn=243	MIN wn=56	HOS wn=841	DW wn=285
WORKING SCHEDULE (%)								
Full-time	36	6	5	81	24	61	34	43
Part-time	37	24	38	11	33	21	58	27
Seasonal	10	42	38	1	2	5	< 1	-
Daily work	17	28	19	6	42	13	8	29
WORKING DAYS PER WEEK (DAYS)								
Average days	6.0	5.5	5.6	6.1	5.8	6.7	6.2	5.9
WORKING HOURS PER DAY (HOURS)								
Work hours	8.4	8.5	9.8	9.2	8.7	8.7	7.4	8.5
Rest hours	1.3	1.4	1.6	1.1	1.3	1.8	1.3	1.4

87 International Labour Organization, *Caught at sea: forced labour and trafficking in fisheries*, Geneva, 2013, 7.

88 International Labour Organization, *Non-standard employment around the world: Understanding challenges, shaping prospects*, Geneva, 2016, xxiii.

5.9 LEAVE AND OVERTIME ENTITLEMENTS

Workers are entitled to receive paid holidays, annual leave, casual leave, sick leave and maternity/paternity leave under the Leave and Holidays Act (1951), with the exception of domestic workers, those employed in small family businesses and most government staff. In addition, overtime wages should be paid to workers under the Factories Act (1951) and the Shops and Establishments Act (1951), though the rates to be applied in the latter have not been fully elaborated.[89]

The ability to access these entitlements is still very limited workers for many workers in Myanmar. In particular, studies have shown that overtime work is frequently not compensated at twice the normal rate in Myanmar's industrial zones.[90] In addition, it has been documented that only a small number of factory workers report being able to take the paid leave they are entitled to, including sick leave, maternity leave and casual leave.[91] The availability of such entitlements in less formalized employment sectors is generally understood to be even lower.

Among the workers surveyed, the most common entitlements found were unpaid leave (37 per cent), overtime pay (34 per cent) and paid sick leave (29 per cent) (see *Table 8*). Notably, nearly one in five workers reported having no leave entitlements whatsoever (19 per cent) and only 3 per cent of women were eligible for paid maternity leave. The scope of entitlements was greatest in manufacturing (2.6) due to the more closely regulated conditions and were considerably lower in other sectors which are less so, particularly in fishing (1.1) and agricultural work (1.2). The findings point to systemic problems in ensuring compliance with the leave and overtime entitlements stipulated for workers in many industries within Myanmar. In particular, women factory workers often have to quit their jobs to give birth due to the lack of maternity leave, and many are never able to return to work because of inadequate access to childcare services.[92]

TABLE 8. LEAVE AND OVERTIME ENTITLEMENTS BY SECTOR (%)

ENTITLEMENTS	TOTAL wn=2,410	AGRI wn=304	FISH wn=268	MAF wn=414	CONS wn=243	MIN wn=56	HOS wn=841	DW wn=285
Paid holidays or annual leave	7	6	5	22	1	2	3	7
Paid sick leave	29	21	19	44	13	46	30	34
One-day off per week	21	8	2	59	14	7	20	7
Overtime pay	34	8	4	65	40	9	44	14
Paid maternity leave	3	2	-	16	-	2	-	-
Leave for official business	3	5	2	7	3	4	2	2
Unpaid leave	37	48	56	38	56	32	21	38
None	19	26	24	7	16	27	20	26
Average # of entitlements	1.5	1.2	1.1	2.6	1.4	1.3	1.4	1.3

89 International Labour Organization, *ILO Guide to Myanmar Labour Law*, 20.
90 Kusakabe and Melo, *Jobs in SEZs*, 16.
91 Action Labor Rights, *Under Pressure*, 4.
92 Kusakabe and Melo, *Jobs in SEZs*, 84.

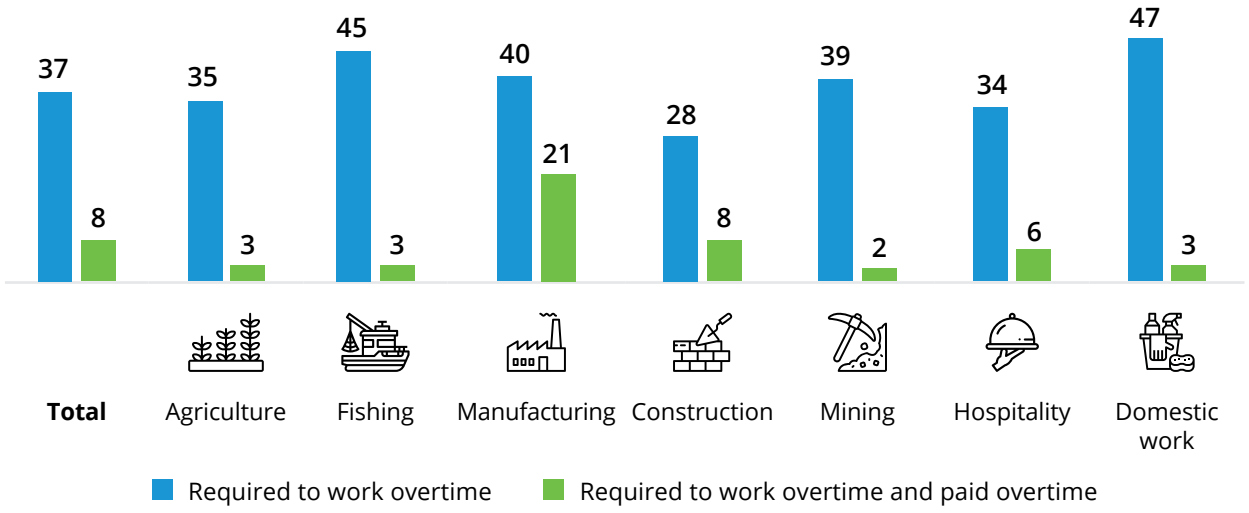
5.10 PAYMENT FOR OVERTIME WORK

Significant problems with unpaid overtime have been documented as a major challenge in the garment industry because of its complex compensation systems, as well as lack of compliance. In many cases, this occurs because workers are required to complete production targets before earning any overtime pay. If they cannot complete their targets within eight hours, garment workers have to continue working without pay until they do. In addition, the time spent by workers listening to required management announcements and cleaning their workplaces is not typically included within the calculation of overtime pay.[93]

To assess the practical gap in payment of overtime wage rates across sectors, an analysis was conducted of the share of workers who reported they were required to work overtime versus those that were actually paid for it. Overall, 37 per cent of workers were required to work overtime and only 8 per cent of workers were paid for overtime (see *Figure 20*), suggesting that 29 per cent of respondents had no choice but to complete unpaid work beyond their normal working hours.

In several sectors, an even smaller share of workers were paid for the overtime that was required of them. Nearly half of domestic workers (47 per cent) were required to work overtime and only 3 per cent were paid for it. Similarly, 45 per cent of fishing workers were required to work overtime, while only 3 per cent of this group were paid overtime. A commonality between these two groups of workers is the lack of physical separation between their homes and workplaces, creating a situation where they are considered to be always on-call to work by employers. The highest portions of workers who were paid for required overtime work were found in manufacturing, where 40 per cent were required to work overtime and 21 per cent were paid for the extra time.

FIGURE 20. REQUIRED TO WORK OVERTIME VS PAID OVERTIME (wn=2,410) (%)



93 Martje Theuws and Pauline Overeem, *The Myanmar Dilemma: Can the garment industry deliver decent jobs for workers in Myanmar?*, Centre for Research on Mutlinational Corporations, Action Labor Rights and Labour Rights Defenders and Promoters, Amsterdam, 2017, 78-79.

5.11 REGULARITY OF PAY

Wage payment practices that deviate from the standards stipulated in law – such as delay or irregularity – may in some cases reflect sectoral specificities, such as the need to sell the catch on a fishing vessel before paying wages. Nonetheless, they can amount to forced labour when other types of abuse are present because withholding of payment restricts the ability of workers to leave their employment until the remuneration due is received. With this in mind, wages should be paid regularly and directly to workers; they should be paid in legal tender, and 'in-kind' payments should only be partial.[94]

In Myanmar, workers must be paid their wages at least monthly, in accordance with the Payment of Wages Act (1936). However, because of the immense scale of informal employment within the labour market, many workers are in fact paid much more frequently as their employment is not guaranteed to continue. As shown in *Table 9*, the most frequent payment schedule for workers was to receive their wages on a daily basis, representing nearly half of all workers surveyed (45 per cent). Monthly payment of wages was also found to be common among respondents (40 per cent).

There were very stark differences found in the regularity of pay between industries. Nearly three-quarters of manufacturing workers were paid a monthly salary (74 per cent), as were half of hospitality workers (50 per cent) and a significant portion of mining workers (39 per cent). The majority of workers in construction (71 per cent), domestic work (56 per cent) and agriculture (55 per cent), as well as the largest portion of fishing workers (35 per cent), were paid a daily wage. Substantial numbers of mining workers (20 per cent), agricultural workers (17 per cent) and fishers (10 per cent) reported not receiving their pay until the end of the season. Though this may have been arranged through prior agreement, paying wages at the end of the season is not in compliance with the stipulations of the Payment of Wages Act and may not provide a sufficiently regular cash flow for workers.

TABLE 9. PAYMENT FREQUENCY BY SECTOR (%)

FREQUENCY	TOTAL wn=2,410	AGRI wn=304	FISH wn=268	MAF wn=414	CONS wn=243	MIN wn=56	HOS wn=841	DW wn=285
Daily	45	55	35	19	71	25	47	56
Weekly	8	12	28	4	17	4	1	1
Bi-weekly	4	6	10	2	5	13	2	< 1
Monthly	40	10	17	74	5	39	50	42
End of season	4	17	10	1	2	20	-	1

94 International Labour Organization, *Checkpoints for Companies – Eliminating and Preventing Forced Labour*, Geneva, 2016, 10.

5.12 SOCIAL SECURITY COVERAGE

There are two main government social security schemes in Myanmar: (1) the civil servant pension scheme for the public sector; and (2) the social security scheme for the private sector. They provide benefits for healthcare, sickness, families and employment injuries but do not yet offer unemployment and old-age benefits. Substantial progress has been made in expanding the scope of coverage for workers in Myanmar in recent years. The Social Security Board (SSB) scheme increased its membership from 700,000 workers in 2014 to 1.4 million workers in 2020.[95]

Nevertheless, substantial structural gaps in coverage remain in social protection coverage. Informal sector workers are excluded from compulsory registration, and while the Social Security Law (2012) provides for voluntary enrolment, just 1,511 workers have become members so far due to the high costs involved. There are substantial challenges to filling these gaps in coverage, including limitations in fiscal space, lack of clear and inclusive statutory requirements, obstacles to eligible workers registering and accessing their benefits, problems with legal compliance and other operational challenges.[96]

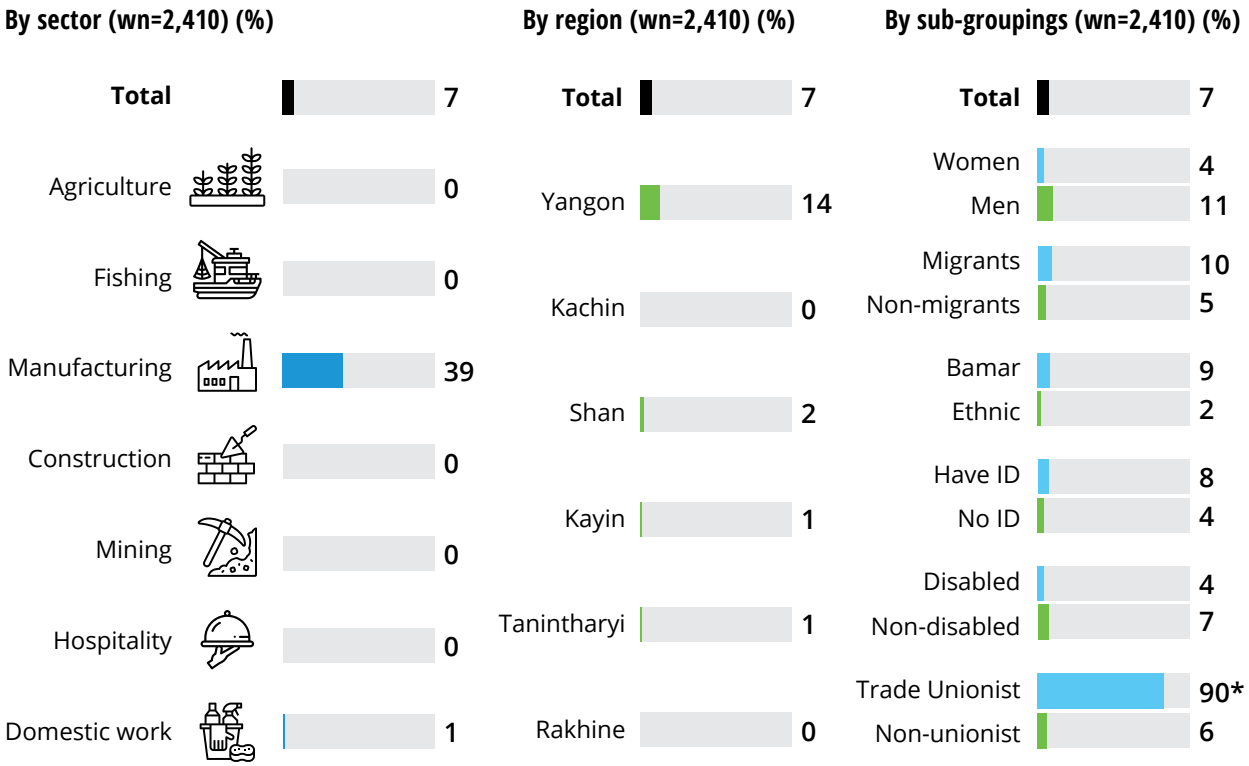
As depicted in *Figure 21*, the vast majority of workers are not enrolled in social security benefits. Overall, only 7 per cent of workers reported coverage by the social security scheme. These workers were almost entirely employed in manufacturing jobs in Yangon's industrial zones. No workers in Kachin and Rakhine, and only 1–2 per cent of workers in Kayin, Tanintharyi and Shan, were registered for social security benefits. Likewise, only a handful of workers outside of the manufacturing sector were registered with the Social Security Board. The findings suggest that there is considerable work remaining to extend the sectoral and geographic scope of coverage by the social security scheme.

Examining gender differences in coverage, more women were enrolled in social security (11 per cent) than men (4 per cent), likely related to the larger proportion of women employed in Yangon's garment sector. Social security was also more common for Bamar workers (9 per cent) than for ethnic minorities (2 per cent), which is likely because the scheme's enrolment remains largely concentrated in Yangon rather than in ethnic minority areas in the country's periphery. Finally, it was notable that 90 per cent of trade unionists had social security coverage, though they constituted only a very small fraction of the workers surveyed.

95 Marius Olivier, *Extending the scope of social security to internal migrants in the informal economy: an analysis for Myanmar*, International Labour Organization, Yangon, 2020, 2-3.

96 Ibid, 2.

FIGURE 21. SOCIAL SECURITY COVERAGE BY SECTOR AND OTHER SUB-GROUPINGS



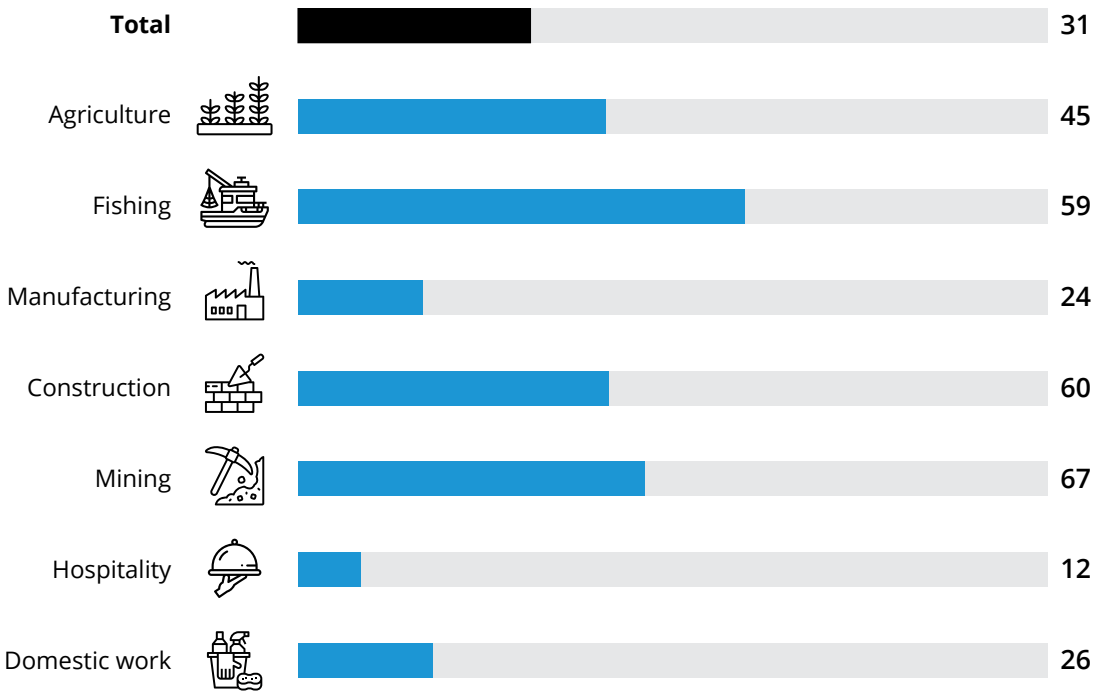
**Note: small sample base*

5.13 WORKPLACE CONDITIONS

Workers in all sectors were asked about their workplace conditions to assess occupational safety and health standards (see *Figure 22*). Myanmar has recently taken a major step forward in regulating these conditions by consolidating and expanding the relevant legislative framework through the Occupational Safety and Health Law (2019). However, as the stipulations of the new law are likely to be unfamiliar to most workers, it was considered more practical to use show card pictures to provide objective examples of substandard workplace conditions as a benchmark. Workers were then asked whether their conditions were better, the same or worse than those depicted, with the same or worse responses considered to be substandard workplaces.

Among all workers interviewed, approximately one-third of respondents stated that their workplace conditions were substandard (31 per cent). However, the share of workers with poor conditions was substantially higher in mining (67 per cent), construction (60 per cent), fishing (59 per cent) and agriculture (45 per cent). Relatively fewer respondents reported substandard workplace conditions in hospitality (12 per cent), manufacturing (24 per cent) and domestic work (26 per cent). The findings show that work performed in primary industries and the construction sector require particular attention to ensure that workers have acceptable workplace conditions.

FIGURE 22. SUBSTANDARD WORKPLACE CONDITIONS BY SECTOR (wn=2,410) (%)



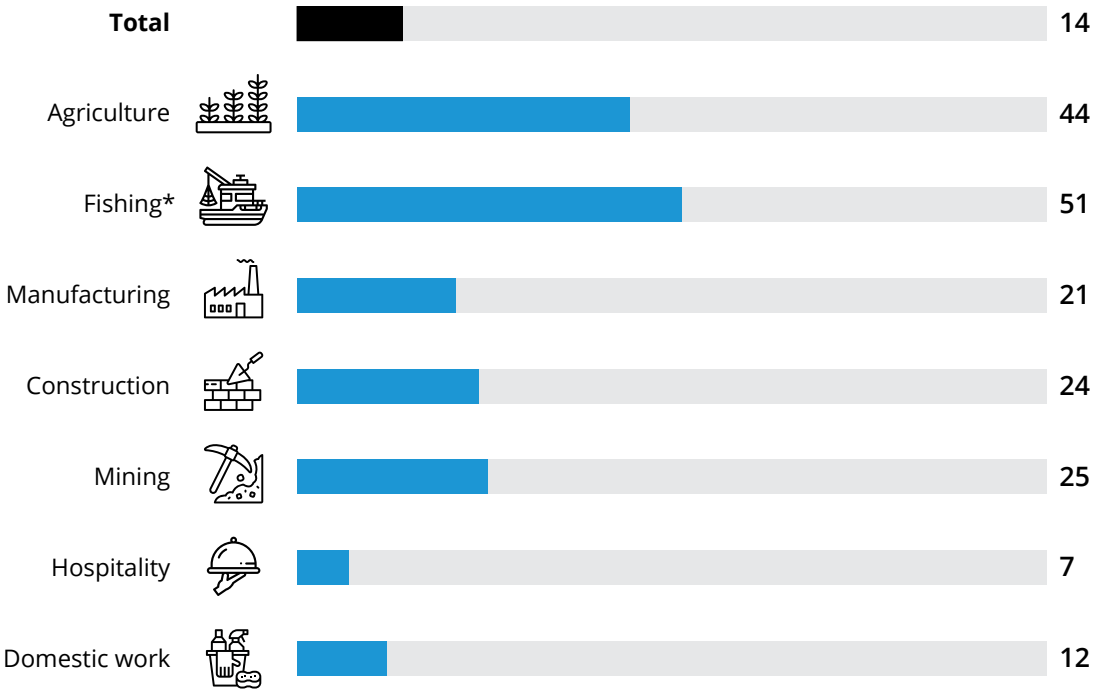
5.14 LIVING CONDITIONS

Although it is a common practice in Myanmar, there is currently no legal framework to regulate the living conditions of workers in employer-provided housing. Particularly for workers employed in remote rural areas, under-developed peri-urban areas, private households (e.g., domestic workers) or on fishing vessels, there is a need to ensure certain basic standards are upheld. The ILO Workers' Housing Recommendation, 1961 (No. 115) advises that where employers provide housing, adequate and decent accommodation and a suitable living environment for workers should be maintained. Sector-specific housing standards for domestic workers are also outlined in the ILO Domestic Workers Convention, 2011 (No. 189).

As with workplace conditions, show card pictures were used to depict examples of substandard living conditions in order to assess whether workers were provided with better, the same or worse housing by their employers (see *Figure 23*). Among the 652 workers living in employer-provided housing (27 per cent), a total of 14 per cent identified their living conditions to be substandard. Workers in fishing (51 per cent) and agriculture (44 per cent) were much more likely to state that their conditions were substandard. Hospitality workers (7 per cent) and domestic workers (12 per cent) less frequently considered their housing to be below standard.

The most frequently cited concerns about living conditions among those who lived in employer-provided housing were having inadequate toilet facilities (45 per cent) and communal bathing facilities (45 per cent). Workers also commonly complained of dirty living spaces (27 per cent), cramped living spaces (25 per cent) and lack of clean water (24 per cent). Notably, however, substandard living conditions were actually found to be more common among those who lived in housing they had obtained on their own, underscoring the reality that many workers have little choice but to live in poor-quality housing because they cannot afford decent living conditions with the wages they are paid.

FIGURE 23. SUBSTANDARD LIVING CONDITIONS IN EMPLOYER-PROVIDED HOUSING BY SECTOR (wn=652) (%)



**Note: small sample base*

5.15 WORKPLACE INJURIES

Workplace accidents have a high social and economic cost and take a particularly heavy toll on workers in developing countries such as Myanmar because of its high concentration of employment in hazardous primary and extractive industries, such as agriculture, fishing and mining.[97] The financial risks involved with an injury currently fall primarily on workers due to limitations in the legal framework and implementation of social protection schemes. Even after injuries requiring hospitalization, many workers are not provided with paid leave for treatment and recovery. In addition, only a small portion of the country's labour force is covered by the relevant social protection schemes, leaving the vast majority of workers vulnerable to a long-term loss of income from work-related accidents and illness.

Compensation for workplace injury and illness in Myanmar is provided for under the Social Security Law (2012 and the Workmen's Compensation Act (1923). For those enrolled in the social security scheme, employers are required to pay for medical treatment and workers are also entitled to receive cash benefits if they are unable to work. Workmen's compensation is an employer's liability scheme which is intended to cover workers not enrolled in the social security scheme.[98] In practice, however, these employment injury benefits are not available to most workers because of the exclusion of informal sector workers from compulsory enrolment in social security, as well as

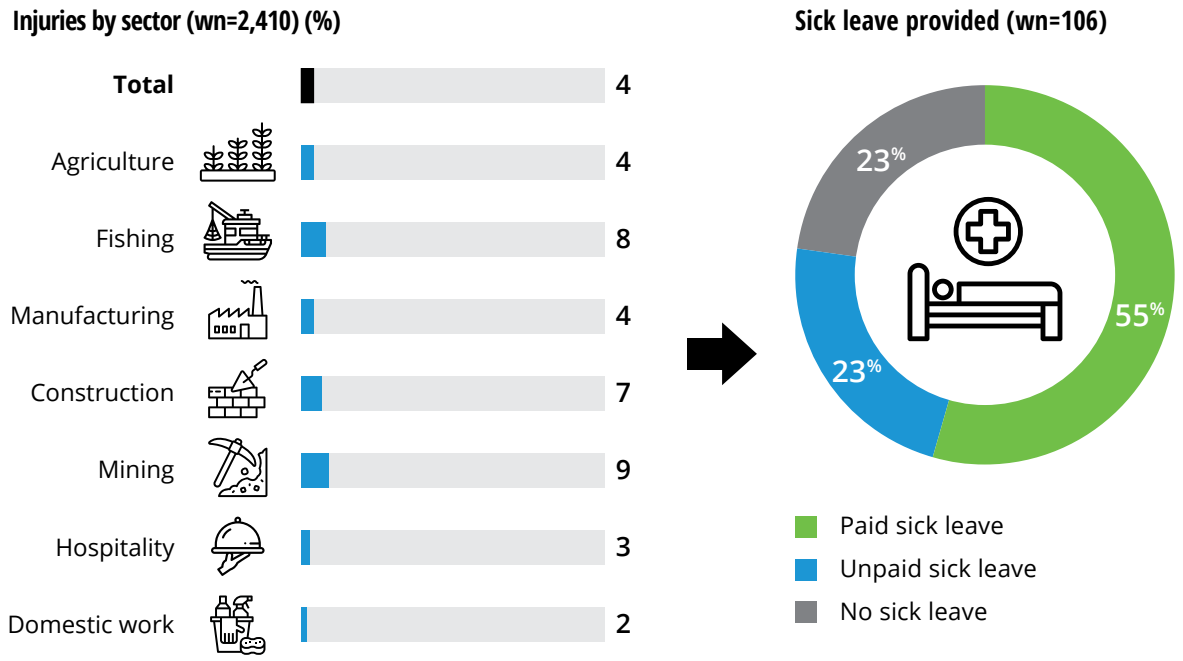
97 World Health Organization, *Global Strategy on Occupational Health for All: The way to health at work*, Recommendation of the Second Meeting of the WHO Collaborating Centres in Occupational Health, Geneva, 1995, 2.

98 International Labour Organization, *ILO Guide to Myanmar Labour Law*, 26.

exemption of agricultural workers from coverage by the Workmen's Compensation Act.[99] The gap in liability is further extended by problems with lack of compliance by employers attempting to avoid financial responsibility.

As shown in *Figure 24*, a total of 4 per cent of workers experienced an injury at the workplace that required medical attention during the last 12 months. Accidents were most common among workers in mining (9 per cent), fishing (8 per cent) and construction (7 per cent) and lowest among domestic workers (2 per cent) and hospitality workers (3 per cent). Many workers in Myanmar have little choice but to take substantial risks in their work partly because of lack proper training, equipment and infrastructure to do their jobs safely. Among those who experienced injuries at work, only 23 per cent received paid sick leave to enable them to convalesce after their accidents. The findings indicate that more investment in workplace safety and expanded coverage by social protection schemes and leave entitlements are needed to help workers avoid and recover from workplace injuries in Myanmar.

FIGURE 24. INJURIES AT WORK BY SECTOR AND PROVISION OF SICK LEAVE



5.15.1 Risk Exposure and Workplace Injuries

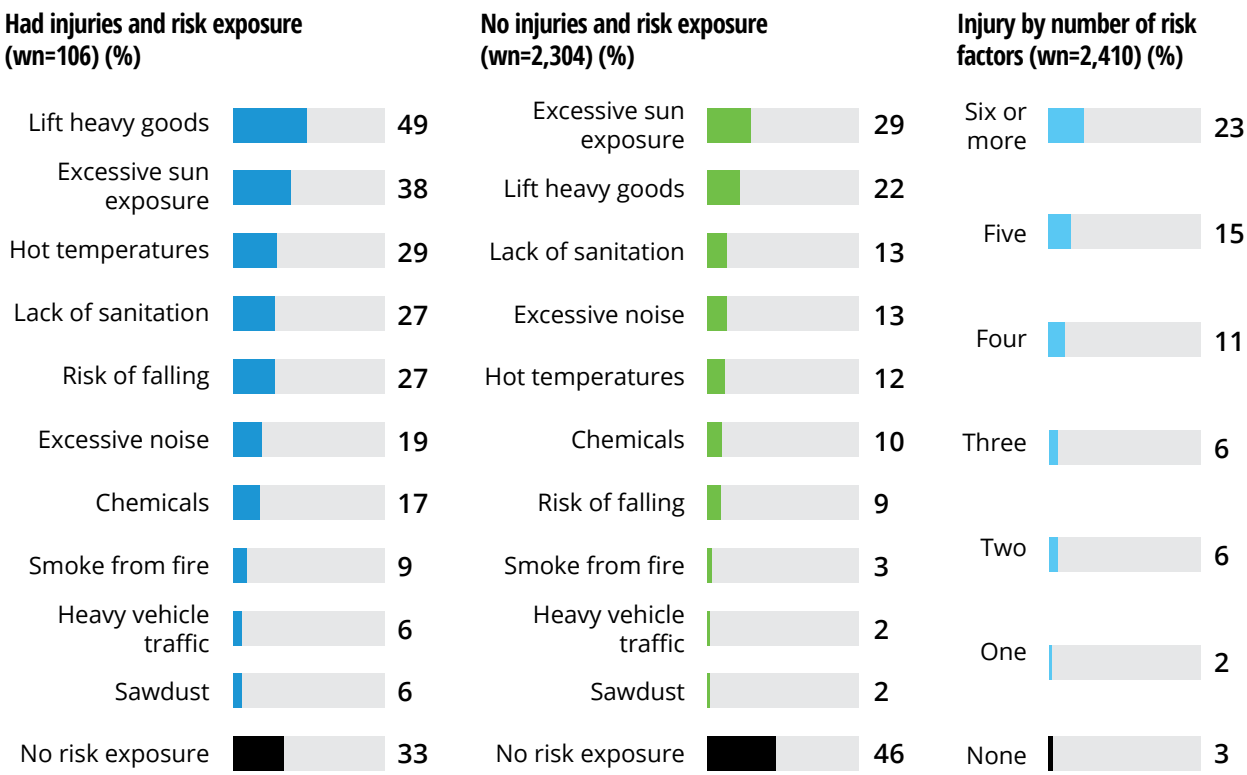
In general, there was a strong correlation found between exposure to risk and injuries (see *Figure 25*). Among those workers who had experienced injuries, the most common risks included lifting heavy objects (49 per cent), excessive sun exposure (38 per cent), hot temperatures (29 per cent), lack of sanitation (27 per cent) and risk of falling (27 per cent). In contrast, risk exposure amongst workers who did not experience any injury was found to be much lower, and nearly half (46 per cent) reported they had not been exposed to any risks at work.

99 Marius Olivier, *Extending the scope of social security*, 20.

To explore the relationship between risk exposure and injuries further, the number of risk factors experienced was analysed to determine if they increase the likelihood of workplace injuries. Among workers who had no exposure to risk, only 3 per cent had experienced an injury. For workers who were exposed to six or more risk factors, nearly one-quarter (23 per cent) had been injured. A clear trend of increased incidence of injury can be identified as the number of occupational risks rise for workers.

Both risk exposure and injury were typically higher for men than for women, likely due to differences in the nature of the work performed, as well as social norms that require men to take greater risks in the workplace. Among men, more than three out of five (61 per cent) were exposed to some form of occupational risk, whereas 45 per cent of women reported risk exposure. In terms of accidents, a total of 6 per cent of men had suffered an injury that required medical attention in the last 12 months, compared with 2 per cent of women workers.

FIGURE 25. RISK EXPOSURE AND INJURIES AT WORK



BOX 5. "IF THE FIELD OWNER WANTS YOU TO WORK, YOU REALLY HAVE NO CHOICE"

I work on a large rubber plantation with a group of other workers in Kayin State. I didn't know that the working hours would be so long until I started the job but it's not uncommon – if the field owner wants you to work, you really have no choice.

We only get one day off from work every 15 days. As I have to work all night long, I often feel fatigued, dizzy and have a weak immune system. But if I take sick leave too often, I know the employer will fire me and I will not get paid for the work I have done.

The place we stay is very damp and has a lot of termites. It's just a basic hut in the rubber field. I have to walk a long distance from where we stay just to get access to clean water and electricity. Sometimes, it gets flooded and I cannot sleep at all. We also face problems with mosquitos and venomous snakes. A *mwebwe* (Eastern Russell's Viper) bit one of my colleagues not long ago and he became very ill.

I am exhausted from working too much, which has worsened my health and caused me to have injuries because of fatigue. It has also taken a toll on my family life because I am too tired to enjoy our time together.

There is no really solution for improving this situation, so I just put up with it. Because I took an advance on my wages at the beginning of the season, I cannot leave until I have worked it off. Although my employer cannot prevent me from leaving to work somewhere else, he can spread negative rumors to the other employers, which would make it difficult for me to get another job.

This case study shows why agriculture is considered one of the most hazardous sectors of work globally. Many agricultural workers are exposed to poor health, safety and environmental conditions during their employment. Moreover, agriculture work in Myanmar is almost always regarded as informal employment and lacks adequate coverage by labour and social protections. The regulations that do apply to the industry are weakly enforced due to the often remote rural locations, inadequate labour inspection, limited awareness of labour rights among workers and employers, low-levels of labour organizing and other constraining factors.

6 FORCED LABOUR

The captain did not tell me how dangerous fishing work is and now he won't let me quit this job, threatening or beating me whenever I tell him I want to leave and saying he won't give me my wages.

-Male fisher in Rakhine State

Forced labour is a violation of fundamental principles and rights at work and is illegal under Myanmar's laws. Myanmar ratified the Forced Labour Convention, 1930 (No. 29) in 1955, which establishes the definition of forced labour as "All work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily." The 2008 Constitution stipulates that forced labour is prohibited except as a punishment for persons convicted of crimes or for labour required in states of emergency. Several instruments within the national legal framework provide sanctions for the use of forced labour, including the Penal Code, Ward and Village Tract Administration Law and the Anti-Trafficking in Persons Law.[100]

However, due to the structural vulnerability of poor and marginalised populations, a substantial number of forced labour cases continue to be identified. Recent reports show that the use of forced labour remains a significant problem within Myanmar, taking a number of different forms such as underage recruitment into the military and armed ethnic groups, forced portering (particularly in conflict areas) and forced labour within public and private sector enterprises.[101]

Because of the highly sensitive nature of the issue, no large-scale national surveys of forced labour have been undertaken in Myanmar since an ILO survey was conducted in 2015 among internal migrant workers. As part of its assessment of working conditions, this research helps with filling the knowledge gap on forced labour within the private sector. Through obtaining a measure of prevalence via application of the ILO's survey guidelines on forced labour, examining the profile and risk factors for workers and documenting individual case studies, the study contributes to an updated and expanded evidence base on forced labour in Myanmar.

The development of robust statistical measures for forced labour (as well as the closely related concepts of human trafficking and modern slavery) is a relatively recent undertaking and remains a rapidly evolving field of research.[102] To further standardize the concept and approaches, the 19th International Conference of Labour Statisticians (ICLS) passed a resolution in 2013 concerning the formation of an expert working group to discuss and develop international guidelines on measurement of forced labour. These guidelines were presented and endorsed by the 20th session of the ICLS in October 2018 but have yet to be widely operationalized.

Although this research applied the ILO guidelines for measuring forced labour to obtain a quantitative figure for forced labour, reflection on contemporary debates about whether making a binary separation between 'free' and 'forced' labour accurately captures the complexities involved lead to some adaptations in approach. The research was conducted as an integrated study of working conditions in recognition that forced labour falls within the spectrum of conditions experienced by workers and should not

100 International Labour Organization, *ILO Guide to Myanmar Labour Law*, 46.

101 International Labour Organization, *Application of International Labour Standards 2020, Report of the Committee of Experts on the Application of Conventions and Recommendations*, Geneva, 2020, 217-218.

102 Ronald Weitzer, 'New Directions in Research on Human Trafficking', *The Annals of the American Academy of Political and Social Science*, 653(1), 2014, 6–24; Andrew Guth, Robyn Anderson, Kasey Kinnard and Hang Tran, 'Proper Methodology and Methods of Collecting and Analyzing Slavery Data: An examination of the Global Slavery Index', *Social Inclusion*, 2(4), 14–22; Daniel Mugge, '40.3 million slaves? Four reasons to question the new Global Estimates of Modern Slavery', *Beyond Trafficking and Slavery*, 2017.

be viewed as being an exceptional phenomenon. Moreover, application of qualitative methods added nuance and humanized the understanding of forced labour within Myanmar's labour market produced through the structured survey.

6.1 CONCEPTUAL FRAMEWORK FOR MEASURING FORCED LABOUR

To assess the prevalence of forced labour within empirical research studies, the ILO adopted new guidelines for measurement in 2018. The methodology focuses on evaluating the two elements of 'involuntary work' and 'threat or menace of penalty' for each survey respondent. For the purpose of applying this methodology, the term involuntary work refers to "any work taking place without the free and informed consent of the worker". Threat or menace of penalty refers to "any means of coercion used to impose work on a worker against his or her will".[103]

A set of indicators was used to determine whether each of the two elements of forced labour are present. The general list of indicators for involuntary work and threat or menace of penalty developed by the ILO is provided in the table below, which was later adapted for the context of Myanmar's labour market during the development of the research survey tools (see *Table 10*).

TABLE 10. INDICATORS OF INVOLUNTARY WORK AND THREAT OR MENACE OF PENALTY

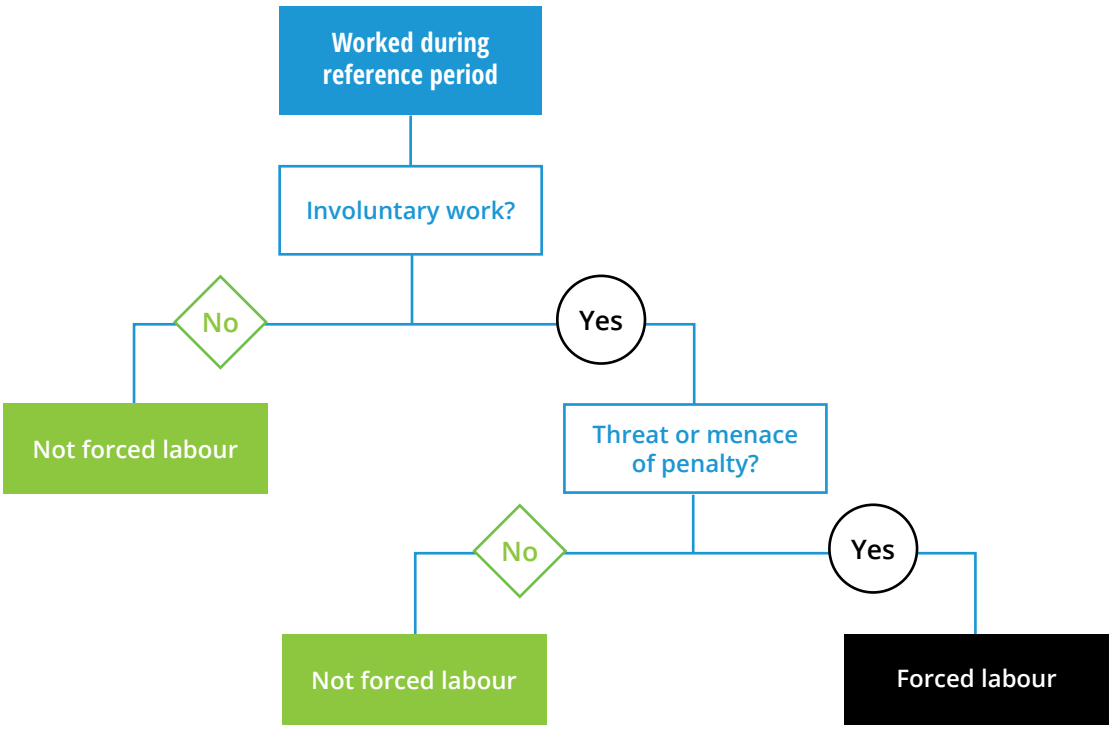
INVOLUNTARY WORK	THREAT OR MENACE OF PENALTY
• unfree recruitment at birth or through transaction such as slavery or bonded labour; • situations in which the worker must perform a different job from that specified during recruitment without his or her consent; • abusive requirements for overtime or on-call work that were not previously agreed with the employer; • work in hazardous conditions to which the worker has not consented, with or without protective equipment; • work with substandard or no wages; work under degrading living conditions linked to the job; • work for other employers than agreed; work with a substantive change in job tasks than agreed; • work for longer period of time than agreed; and • work with no or limited freedom to terminate work contract.	• threats or violence against workers or workers' relatives; • restrictions on workers' movement; • debt bondage or manipulation of debt; • withholding of wages or other promised benefits; • withholding of valuable documents (such as identity documents or residence permits); and • abuse of workers' vulnerability through denial of rights or privileges, threats of dismissal or deportation.

Source: International Labour Organization (2018).

103 International Labour Organization, *Guidelines concerning the measurement of forced labour*, 6.

A case of forced labour was identified if both of these conditions were present within the same reference period (see *Figure 26*). Therefore, workers who were found to have been working against their will or under the menace of penalty were not determined to be in forced labour without indications that both elements occurred within a single employment experience.

FIGURE 26. THE CONCEPTUAL FRAMEWORK FOR FORCED LABOUR



6.2 INVOLUNTARY WORK

As presented in *Figure 27*, nearly two-thirds of the workers surveyed experienced at least one indicator of involuntary work (63 per cent) in the 12-month period prior to the survey. The most common indications of involuntariness were dangerous working conditions (32 per cent), working for very low wages (25 per cent), degrading living conditions in employer-provided housing (16 per cent) and the job being different to what was agreed upon (11 per cent). The findings suggest that a wide range of abusive employment situations are occurring without the free and informed consent of workers. However, not having a choice but to accept very poor working and living conditions appears to be the most common overarching explanation for involuntary work, pointing to the limited labour market opportunities available to many workers in Myanmar.

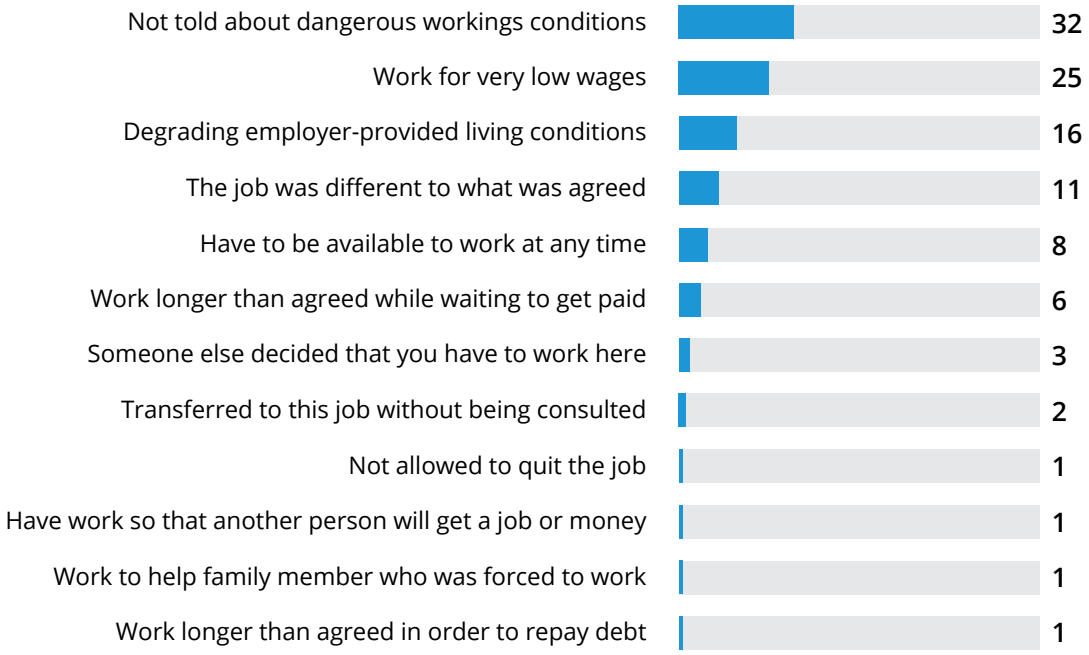
More than one-quarter (27 per cent) of workers showed compounding indications of involuntary work, meaning they experienced two or more abusive conditions at their jobs. This likely reflects the complex and inter-related labour rights violations that are often found in cases of forced labour. It attests to the need for comprehensive responses that seek to broadly change the environment in which forced labour arises rather than limiting the focus of interventions to the most severe cases of labour abuse.[104]

104 International Labour Organization, *Ending forced labour by 2030: A review of policies and programmes*, Geneva, 2018, 42.

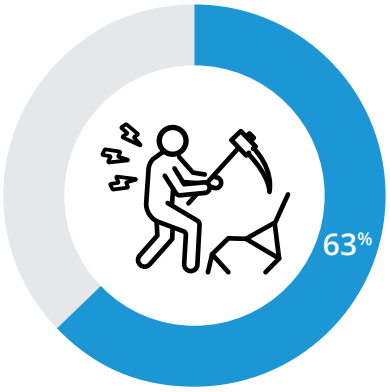
Although the portion of workers showing indications of involuntary work is troublingly high, the findings were rigorously confirmed via the survey methodology. To reduce the subjectivity of the indicator results for involuntary work, several additional measures were applied during the interviews. Responses on 'working for very low wages' were validated against the minimum wage in Myanmar (MMK 4,800) (US$3.40) and those respondents who exceeded this threshold were removed. In addition, show card pictures of 'dangerous working conditions' and 'degrading living conditions' were used to ensure a consistent standard was applied.

FIGURE 27. INDICATORS OF INVOLUNTARY WORK

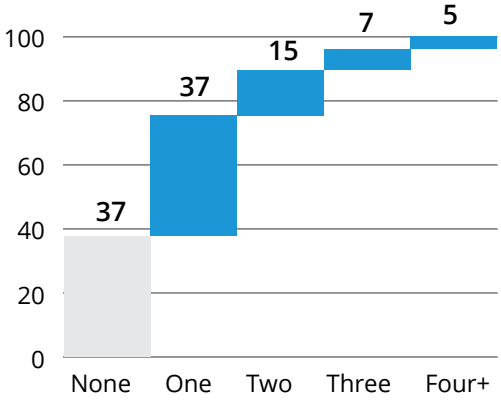
Indicators of involuntary work (wn=2,410) (%)



Total involuntary work (wn=2,410)



Number of indicators of involuntary work (wn=2,410) (%)



6.3 THREAT OR MENACE OF PENALTY

Indications of a threat or menace of penalty were reported by 19 per cent of workers (see *Figure 28*). The most common forms were harassment or strong verbal abuse (10 per cent), not being allowed to leave the workplace (6 per cent) and being under constant surveillance (5 per cent). All of these forms of penalty can be considered very direct means for restricting the freedom of workers, leaving little doubt of the intention of employers to coerce them within the workplace.

It should be noted that within the survey questionnaire, 'harassment or strong verbal abuse' was used to refer specifically to behaviours and practices that cause harm. According to the ILO Violence and Harassment Convention, 2019 (No. 190), "violence and harassment in the world of work refers to a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment".

More severe forms of threat or menace of penalty were found to be less widespread, including not being permitted to eat (2 per cent), sexual abuse (2 per cent) and physical violence (2 per cent). However, given the high sensitivity of these responses, there is reason to consider that they may have been under-reported within the survey results. The findings also suggest a common lack of awareness about what is lawful treatment within an employment relationship as other data within the survey showed that abuses such as withholding of wages were more prevalent (see *Chapter 5*).

BOX 6. "I WAS PUT UNDER WATCH AND HAD MY PHONE AND MY ID CARD TAKEN AWAY FROM ME"

I worked in the mining industry in Kachin State. My job was mostly to collect and physically carry out rocks. I started in the morning around 5 a.m. and worked until 5 p.m. in the evening. Sometimes, my boss would make me work overtime beyond those hours even though I didn't want to.

The working conditions were rough. I agreed to work for two months and then to return home. But after I started working, I was not allowed to leave the job. They blackmailed me and said that if I quit, I will not get paid and that they will send me to be recruited as a soldier. They talked rudely with me and I had to put up with it so that I could get paid. Also, I was put under watch and had my phone and my ID card taken away from me.

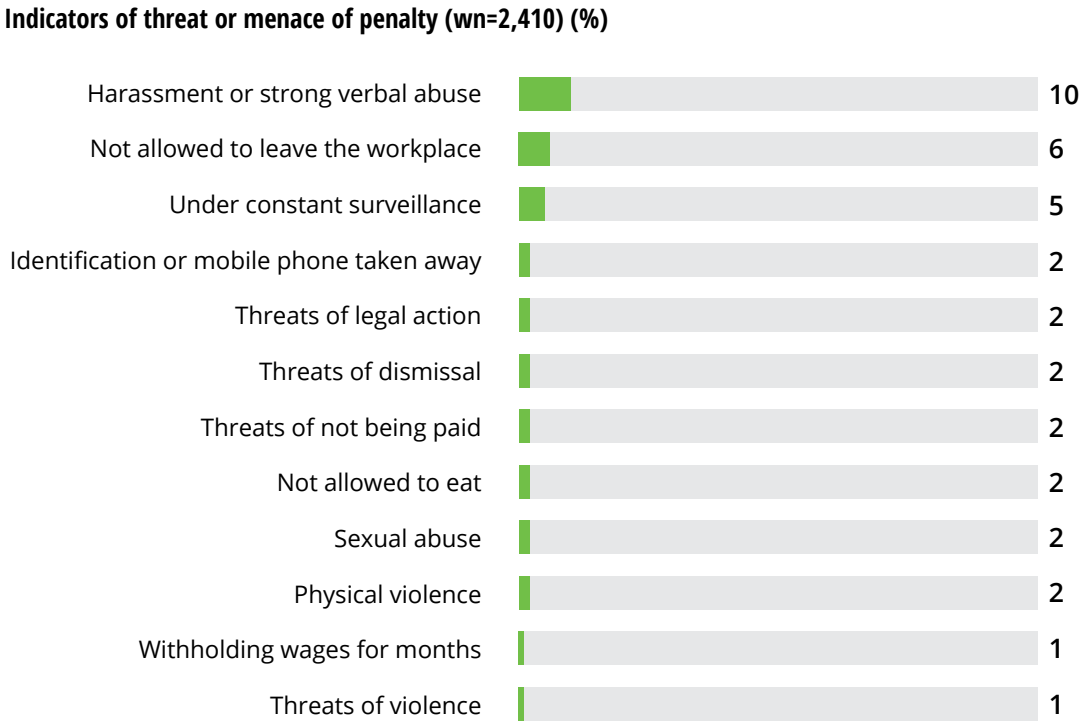
Before I started this job, it was agreed that I would get paid 2.5 lakhs every month (250,000 kyat) (US$178). However, I did not get paid on a monthly basis and only received 2.5 lakhs after two months. During four months of working there, I only received 5 lakhs. Now, I have to catch eels to make a living because of COVID-19.

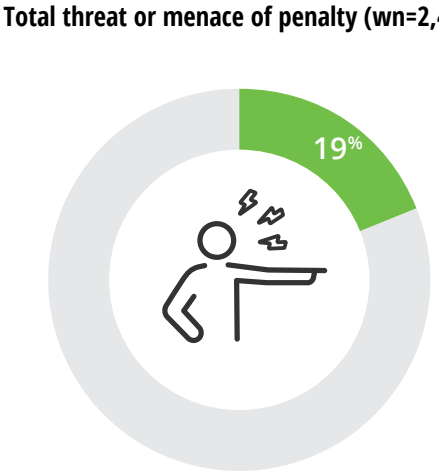
Even the location of where we worked was not as promised. The employer tricked me and convinced me that we would be working near the city, where there is mobile phone access and I could return home when I wanted. In reality, none of that was true. But there was no way for me to inform anyone about my problems because I had no phone. There was no one who could help me out, so I had to go through this on my own.

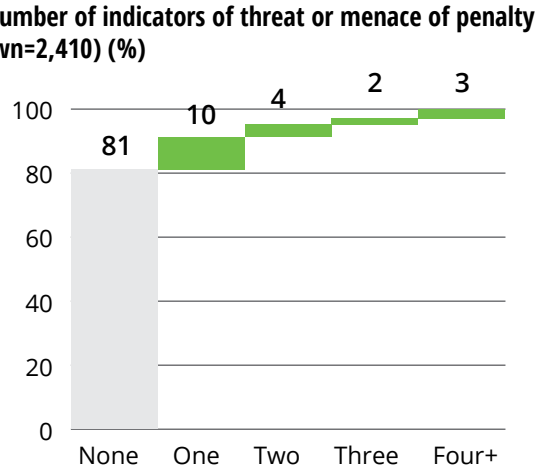
They would not allow me to pass through the mine gate when I wished to return back home. For four months, I kept telling them I wanted to leave. The boss only allowed me to because they had to shut down for COVID-19.

As revealed in this case study, the identification of workers trapped in situations of forced labour is often made more difficult by isolated work locations. Unscrupulous employers making use of forced labour have a strong incentive to retain their workforce and avoid sanctions. Therefore, they may choose to operate in remote and inaccessible worksites. Moreover, the nature of the work in certain industries (e.g., mining, agriculture or fishing) often involves hard-to-reach locations that may increase the likelihood of abuse.

FIGURE 28. INDICATORS OF THREAT OR MENACE OF PENALTY





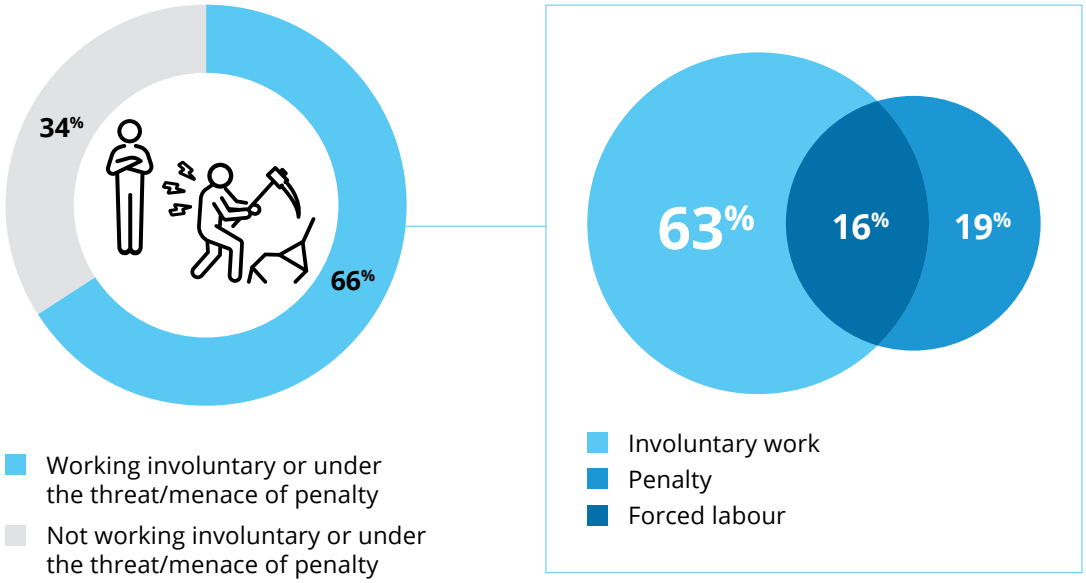


6.4 PREVALENCE OF FORCED LABOUR

The overall prevalence of forced labour was found to be 16 per cent, representing 386 out of the 2,410 low-skilled workers interviewed (see *Figure 29*). Nearly two-thirds of respondents (66 per cent) experienced at least one form of involuntary work or the threat or menace of penalty. The vast majority of workers who reported facing the possibility of punishment for leaving their jobs were also found to experience some type of work that was imposed against their free will. This points to the likelihood that there is a greater problem with unacceptably poor conditions than with actively coercive employment practices in Myanmar's labour market.

The finding that one out of every six workers in low-skilled employment is in a situation of forced labour must be considered an unsettlingly high prevalence rate. However, it is important to recognize what this overall figure for the prevalence of forced labour does and does not represent. As explained previously in the limitations section, the survey was designed to be representative of populations in the target areas for the LIFT Fund and should not be considered nationally representative of low-skilled workers in Myanmar. However, it is closely representative of the prevalence of forced labour among workers within the respective states and sectors surveyed and the data was weighted with this purpose in mind.

FIGURE 29. ESTIMATED PREVALENCE OF FORCED LABOUR (wn=2,410)



6.5 PROFILE OF WORKERS IN FORCED LABOUR

More important than the overall prevalence are the specific findings about which demographic groups and locations are most impacted by forced labour and what external factors contributed to a greater likelihood. After identifying cases of forced labour within the survey results, a wide range of relationships with various personal and practical characteristics were explored through bi-variate analysis to determine which sub-groups were more at risk.

Workers in the construction (24 per cent), manufacturing (22 per cent) and fishing industries (19 per cent) were the most likely to be trapped in situations of forced labour (see *Figure 30*). All of these sectors represent labour-intensive forms of work that are not adequately regulated or provided with comprehensive labour and social protections, providing fertile environments for coercive employment practices to take hold. Identification of the manufacturing sector can be considered a somewhat surprising result given the heavier regulation and international attention paid to improving working conditions for garment workers. However, studies have emphasized the problems remaining with excessive working hours, sexual harassment, restriction of movement, suppression of labour organizing and other abuses.[105]

105 Action Labor Rights, *Under Pressure*, 4-5.

Just 4 per cent of workers in the mining industry were found to be employed under conditions of forced labour, though nearly three out of four (75 per cent) reported at least one indicator of working against their will – most commonly related to dangerous working conditions. Relatively little research has so far been conducted on working conditions in the mining sector in Myanmar, partially because of the difficulty in accessing miners in non-government controlled areas where many of the worksites are located. However, previous studies have highlighted the industry as largely operating within a vacuum of government regulatory oversight, leading to hazardous working conditions, wages below the legal minimum, poor living conditions and restriction of movement.[106]

Analysing geographic hotspots for labour exploitation, Yangon (23 per cent), Tanintharyi (20 per cent) and Rakhine (16 per cent) were identified as having the highest concentration of workers in forced labour situations. The linkage with high-risk sectors for abuse such as construction, manufacturing and fishing is a likely contributing factor to these results. Much smaller shares of forced labour were found in Kayin (6 per cent), Shan (4 per cent) and Kachin (4 per cent), suggesting that the impact of conflict on forced labour in Myanmar may be more heterogeneous than has previously been assumed, particularly in relation to employment in the private sector.

Child workers were found to be at a higher risk of forced labour than adults, with the prevalence among workers aged 14–17 years higher than for those 18 years or older (23 vs 16 per cent). Much of the research on the worst forms of child labour in Myanmar has focused on children forcibly recruited into military service in conflict areas and less so within private industry. There are currently no large-scale surveys available specifically examining the extent of forced labour among children. Nevertheless, according to the most recent Labour Force Survey completed in 2019, there are an estimated 360,000 child labourers in Myanmar, among whom most are engaged in hazardous forms of work.[107]

Assessing specific employment practices that may contribute to forced labour, the most prominent finding of the study was that the prevalence of forced labour was more than twice as high among workers who paid a recruitment fee (34 per cent) than among workers that did not (15 per cent). This echoes the conclusions of the global evidence base, which clearly demonstrates that being charged recruitment fees significantly increases the risk to workers of experiencing forced labour and human trafficking.[108]

Some additional circumstances were found to be possible contributing factors to a heightened risk of forced labour. Workers who were indebted to their employers (26 per cent) were more frequently in situations of forced labour than those who were not (16 per cent). Workers who had no choice about working overtime (19 per cent) were also slightly more likely to experience forced labour compared with those who could decide on their own (14 per cent). Finally, workers without identification documents (19 per cent) were also somewhat more commonly found to be in forced labour conditions than those with documentation (15 per cent).

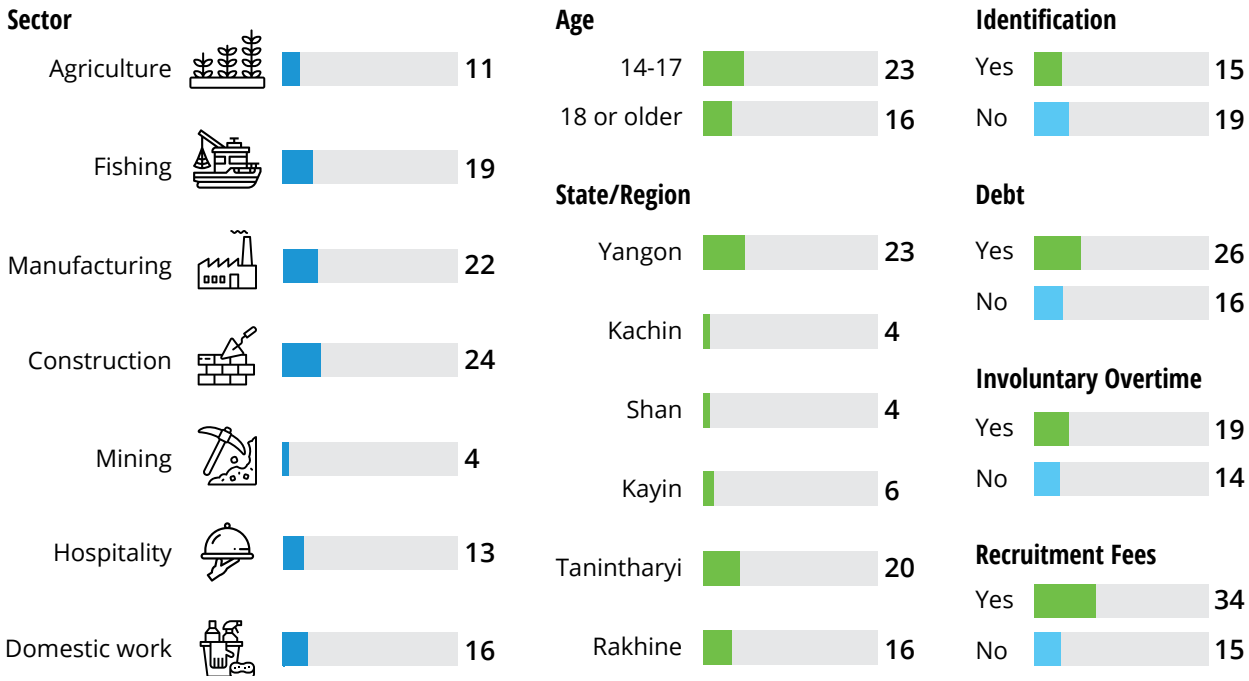
106 Institute for Human Rights and Business, Myanmar Centre for Responsible Business and Danish Institute for Human Rights, *Sector Wide Impact Assessment*, 154-166

107 Ministry of Labour, Immigration and Population, *Myanmar Annual Labor Force Survey*, 2019, 25.

108 International Labour Organization, *Findings from the global comparative study on the definition of recruitment fees and related costs*, Geneva, 2018, 1.

There was no significant relationship found between forced labour and the sex, ethnicity, religion or migration status of workers. Notably, however, the research was unable to interview Rohingya workers and other respondents from ethnic minority groups living within internal displacement camps because of government restrictions on access. Moreover, some of these factors may be important in shaping the typology of forced labour experienced by workers even if not found to substantively affect the likelihood of its occurrence.

FIGURE 30. FORCED LABOUR BY SECTOR AND OTHER SUB-GROUPINGS (wn=2,410) (%)



BOX 7. COMPARISON OF KEY FINDINGS WITH THE ILO SURVEY OF FORCED LABOUR

A comparison of findings between the results of this survey and previous research on the subject of forced labour is useful in building the larger knowledge base and assessing whether any longitudinal changes can be identified. The ILO conducted the last large-scale quantitative survey assessing the prevalence of forced labour in Myanmar in 2015. The study collected data on internal migrant workers, gathering a sample of 7,295 respondents (34 per cent women).

There are some important differences in methodology that should be considered in making head-to-head comparisons between the two studies. The target population for the ILO survey was explicitly internal migrant workers, whereas they represented only 43 per cent of those surveyed for this study. The ILO employed a purposive (non-probability) sampling method (referred to as 'snowball sampling'), while this research applied a multi-stage random sampling approach. The ILO research covered all 14 states and regions of Myanmar, while the current survey focused on 6 states and regions that are specific target areas for the LIFT Fund. There was no clear sampling frame in the ILO survey, whereas this survey made use of the data from the Labour Force Survey in 2018 for this purpose and weighted the findings accordingly. In addition, the ILO research applied an earlier iteration of the methodology for measuring forced, while this survey made use of the approach outlined in the updated ILO guidelines from 2018. Nonetheless, there are enough similarities between the two studies to make some qualified comparisons.

Overall, the ILO study estimated that 26 per cent of respondents were working in situations of forced labour. In comparison, the finding of 16 per cent forced labour prevalence found in this study could be interpreted as a significant decline, though the focus on a potentially more vulnerable population (i.e., internal migrant workers) and other differences suggests a comparison of the aggregate findings may not have much validity. Even if the suggestion that some progress has been made is accepted in broad terms, the current findings that approximately 1 in 6 workers in low-skilled jobs are employed in situations of forced labour still represents a disturbingly high prevalence of abuse.

Examining the results by sector, the findings from the ILO study on internal migrants were typically higher but roughly in line with the findings of this survey in terms of identifying high-risk industries. The ILO found that the portion of internal migrant workers in a situation of forced labour was highest in fishing (39 per cent), mining (32 per cent) and manufacturing (27 per cent). The current survey found that workers in construction (24 per cent), manufacturing (22 per cent) and fishing work (19 per cent) were the most likely to be in forced labour. These specific comparisons by sector are more likely to be demonstrative of a meaningful decline in forced labour. However, the discrepancies between the two surveys, with the ILO survey identifying mining as a high-risk sector and this survey highlighting construction, suggest the specificities of each of the surveys should still be carefully considered in interpreting these results.

Both studies found that child workers are more vulnerable to forced labour than adults. The ILO study on internal migrant workers found higher rates of forced labour among respondents under 18 years of age (34 per cent) in comparison with 26 per cent for adults. While the prevalence of forced labour was lower for workers below 18 years of age in this survey (23 per cent), it was likewise found to be higher than for adults (16 per cent).

BOX 7. (CONT.)

In terms of practices that contribute to an increased risk of forced labour, the ILO study found that internal migrants who paid a recruitment fee to obtain their job were six times more likely to be in a situation of forced labour than those who did not pay a fee. While only a small number of workers paid recruitment fees in this survey (5 per cent), those who did pay such fees were nearly three times as likely to end up in forced labour. Both studies also found that debt to an employer is associated with a higher rate of forced labour.

Though the substantial differences between the two studies suggest that comparative analysis should be limited to inferences rather than detailed conclusions, some general analytical points can be made. Forced labour is a considerable challenge in several low-skilled sectors of work, among which fishing and manufacturing have repeatedly been found to have a high prevalence of abuse. The findings also indicate that child workers continue to be at higher risk of forced labour than adults. Finally, payment of recruitment fees and indebtedness to employers are practices that can increase the risk of forced labour for workers.

Source: Internal Labour Migration in Myanmar: Building an evidence-base on patterns in migration, human trafficking and forced labour (2015).

6.6 FACTORS ASSOCIATED WITH A HIGHER RISK OF FORCED LABOUR

Logistic regression analysis was carried out to determine which factors are associated with greater vulnerability to forced labour. This methodology was used to generate odds ratios, which indicate how many times more likely a respondent was to be in a situation of forced labour if they possessed a particular demographic characteristic or undertook a specific practice versus those who did not. The analysis shows correlation rather than causation with forced labour and the directional relationship between forced labour and the factors analysed cannot be assessed. However, it is useful for identifying potential issues of concern and informing the targeting for programmatic interventions.

A wide range of different factors were explored to identify significant relationships. To facilitate this, the survey data for each factor was restructured so that it could be analysed as a dichotomous variable. The output of the logistic regression analysis, represented by odds ratios, provides a value that is greater than one if the factor is significant. *Table 11* shows the twelve factors that were included in the final version of the regression analysis, which are presented either because a significant relationship was found or because they are generally considered to be important factors.

Three contributing factors were particularly closely associated with an increased risk of forced labour among low-skilled workers in Myanmar. Workers who had paid a recruitment fee (2.9 times), were employed in Yangon (2.7 times) or whose livelihoods had been adversely affected by COVID-19 (2.7 times) were the most likely to experience situations of forced labour. In addition, workers employed in the construction sector (1.8 times), child workers (1.6 times), workers with no identification cards (1.3 times) and workers with debt to their employer (1.1 times) were also more commonly found to be in forced labour. No significant relationship with the likelihood of forced labour was found in relation to sex, education, ethnicity or contractual status.

Although it is important to emphasize that forced labour has been a considerable problem in Myanmar for decades prior to the outbreak and the causes are primarily structural, the potential impact of the COVID-19 pandemic on increasing its prevalence should not be discounted. The severe loss of livelihoods experienced by many workers in Myanmar has been well-documented by official data and research studies.[109] Stringent COVID-19 restrictions have placed more households at risk of falling into poverty. With limited savings, many poor households are being forced to turn to risky and unsustainable coping mechanisms, and indebtedness has increased.[110] The need to service this debt and the reduced safe employment opportunities available within the labour market may leave some workers with few options but to pursue exploitative forms of work.

TABLE 11. RISK FACTORS FOR FORCED LABOUR (wn=2,410)

RISK FACTOR	DICHOTOMOUS GROUPS	ODDS RATIO FOR FORCED LABOUR
Paid recruitment fee	Yes or No	2.915 (Yes)
Work in Yangon	Yes or No	2.738 (Yes)
Livelihood impacted by COVID-19*	Yes or No	2.676 (Yes)
Work in construction	Yes or No	1.760 (Yes)
Age	Child or Adult	1.574 (Child)
ID card	Have ID or No ID	1.279 (No ID)
Have debt	Yes or No	1.115 (Yes)
Sex	Woman or Man	Not significant
Education	Primary or Higher	Not significant
Employment contract	Had contract or No contract	Not significant
Ethnicity	Bamar or Ethnic minority	Not significant

**Loss of job, unable to work or loss of income due to COVID-19.*

109 World Bank, *Myanmar Economic Monitor December 2020: Coping with COVID-19*, Yangon, 2020.
110 Ibid., 13-15.

BOX 8. "SOMETIMES, I DO NOT GET PAID FOR THREE OR FOUR MONTHS, OR JUST A LITTLE BIT OF MONEY FOR BETEL"

I work on a fishing boat in Rakhine State. My job is to catch the fish, carry the buckets of fish to the land and then dry them. We normally work at sea for two or three days at a time to catch enough fish. During the fishing trips, I usually have to work for 24-hours straight and can only take a break for two hours to sleep, so I get extremely tired from the work.

I've been employed on this boat for about a year. The boat owner doesn't treat me well. He curses at me and has even beaten me when I make mistakes. But we are poor and if I don't do this job my family would starve. We can really only do fishing work here because the job opportunities are very limited.

I have experienced times when the boat owner has forced me to do work that I don't want to do. He also tries to control me by not giving me my wages. Sometimes, I do not get paid for three or four months, or just a little bit of money for betel. He threatens me whenever I tell him I want to leave that he won't give me my wages.

Also, the wages are quite low. I take home only 4,000 kyat (US$2.80) per day. Even when we are able to collect the required weight of fish, the buyer often reduces the price he will pay for them. This makes the boat owner angry with us even though we have no control over it. I hope the price of fish will get better in the future so we can get paid more.

I would like to ask service providers to reach out to fishers here more often and do surveys to observe the situation on the ground for us. This is the first time that anyone has been taken an interest in my working situation here. I think most people are not aware of how difficult it is to work in the fishing industry.

This case study shows that wage-related abuses are a particularly common means for coercing fishers to work under poor conditions. Through paying them very low wages, withholding payment entirely or threats of forfeiture of pay upon leaving, many workers are manipulated into continuing to work in exploitative situations for long periods of time. In particular, the accrual of debt this entails may make it difficult for fishers to consider seeking employment elsewhere.

7

IMPACT OF COVID-19 ON WORKERS

Due to COVID-19, the factory made some workers redundant and I was laid off. In fact, they wanted to fire me even before that. They cannot accept that I try to help the workers resolve their problems, so they used COVID-19 as an excuse to fire me.

-Male manufacturing worker in Yangon

In response to the declaration of a global pandemic on 13 March 2020, the Government of Myanmar created the National Central Committee to contain the spread of the COVID-19 virus. For the initial six months of the outbreak, infections and deaths remained very low, and Myanmar's response to the COVID-19 pandemic was considered highly successful from a public health perspective. The World Health Organization praised national efforts on disease surveillance, contact tracing, informational campaigns, quarantine requirements and suspension of public gatherings.[111] However, a sudden resurgence of infections starting in Rakhine State in September 2020 led to a much more severe second wave of COVID-19 in Myanmar.[112]

Although Myanmar was one of the few countries not to fall into a full-blown recession during COVID-19, it has experienced a severe economic slowdown and a dramatic increase in poverty.[113] To address the socio-economic fallout, the Government of Myanmar developed an ambitious COVID-19 Economic Relief Plan (CERP), which provided immediate response measures and laid out a path for financial recovery. As part of the actions outlined, the CERP sought to ease the impact on workers through extending the benefits provided by the Social Security Board for its membership. It also promised cash for work initiatives to build community infrastructure for those who had lost their jobs. However, concerns were raised that the government's financial support for vulnerable workers was not adequate, particularly in terms of more substantive action to provide social protection for workers who had become unemployed and to the informal sector.[114]

7.1 PREVENTION OF COVID-19 IN THE WORKPLACE

Preventative measures by the Government to protect workers from contracting COVID-19 were particularly focused on the manufacturing industry, including temporary closure of factories and conducting health inspections to ensure that new safety guidelines were being followed. The inspections of these businesses required that they provide proper handwashing facilities, social distancing, temperature checks and information on COVID-19 to workers.[115] However, many other sectors were provided with limited information on how to protect their staff and/or were unable to follow the guidelines due to resource constraints. In some cases, this led to workers simply being laid off as a blunt safety measure, particularly for domestic workers employed in private households.

111 Kyaw Phyo Tha, 'WHO Country Chief Urges Myanmar to Sustain 'Amazing' COVID-19 Response', *The Irrawaddy*, 1 July 2020.

112 It should be noted that the quantitative data for the survey was collected during July-August 2020 before the second wave of COVID-19 impacted Myanmar.

113 Xinshen Diao, Nilar Aung, Wuit Yi Lwin, Phoo Pye Zone, Khin Maung Nyunt, and James Thurlow, *Assessing the impacts of COVID-19 on Myanmar's economy: A Social Accounting Matrix (SAM) multiplier approach*, International Food Policy Research Institute, Washington, D.C, May 2020, 3.

114 Benjamin Harkins, 'Better Protection of Myanmar Workers' Rights Needed Amid COVID-19', *The Irrawaddy*, 5 September 2020.

115 Zaw Zaw Htwe, 'More than 1,800 Yangon Factories to Reopen After Passing Myanmar's COVID-19 Tests', *The Irrawaddy*, 29 April 2020.

As shown in *Table 12*, the most common precautions taken to protect workers from becoming infected by COVID-19 were installing handwashing facilities (39 per cent), providing masks (36 per cent), offering hand sanitizer (24 per cent) and disseminating information (16 per cent). Social distancing (7 per cent), working from home (4 per cent) and shorter or flexible working hours (3 per cent) were much less frequent preventative responses. These measures may have been considered more difficult or too expensive to implement by employers given the nature of the work performed in labour-intensive industries. In particular, global data has shown that the livelihoods of workers in low-skilled jobs have been negatively affected by COVID-19 to a much greater extent than workers in high-skilled occupations (managers, professionals and technicians), partially due to the inability to telework.[116]

Manufacturing workers reported the highest average number of preventative measures were taken at their workplaces (2.3), while fishers (0.4), agricultural workers (0.5) and miners (0.7) benefitted from the fewest precautions. The large numbers of employees working closely together within indoor factory settings likely explains the heightened attention paid to preventing the spread of COVID-19, as well as the more stringent government regulations discussed above. However, the considerable economic importance of export-oriented manufacturing firms in Myanmar was also a likely consideration for its prioritization.

TABLE 12. PREVENTATIVE MEASURES IN THE WORKPLACE BY SECTOR (%)

PREVENTATIVE MEASURES	TOTAL wn=2,410	AGRI wn=304	FISH wn=268	MAF wn=414	CONS wn=243	MIN wn=56	HOS wn=841	DW wn=285
Preventative information	16	13	12	32	18	2	13	9
Social distancing in workplace	7	4	1	25	9	-	3	4
Hand washing facilities installed	39	14	11	65	34	20	42	54
Hand sanitizer provided	24	4	2	39	15	14	36	19
Masks provided	36	7	8	63	30	31	41	45
Work from home	4	1	-	3	1	-	6	5
Shorter or flexible work hours	3	2	2	6	2	-	2	1
Average number of measures	1.3	0.5	0.4	2.3	1.1	0.7	1.4	1.4

116 International Labour Organization, *ILO Monitor: COVID-19 and the world of work, Seventh edition*, Geneva, 2021, 18.

7.2 GOVERNMENT SUPPORT FOR WORKERS DURING COVID-19

As part of the CERP, the Myanmar government implemented a number of assistance programmes either directly or indirectly intended to support workers. The benefits provided by the Social Security Board were extended for those who were unable to work due to quarantine, illness and temporary factory closures. Cash for work initiatives for labour-intensive community infrastructure projects were established in rural areas to support returning migrants and other workers who had lost their livelihoods. In-kind assistance in the form of emergency food rations was provided across the country to vulnerable households that did not have regular income. In addition, several rounds of cash transfers in the amount of MMK 20,000 (US$14) were also provided to low-income households.[117]

As shown in Table 13, the most common forms of government support received by workers were food rations (38 per cent) and public health information (30 per cent). Very few workers received other types of support, including hygiene items (5 per cent), cash transfers (3 per cent), medical examinations (2 per cent) or medical care (2 per cent). As the eligibility requirements for the cash transfers were essentially the same as for the food rations provided by the Government, the very low proportion of workers who received them represents a significant concern. The myriad challenges faced during the distribution of these cash payments have been widely reported in the media as Myanmar has substantial capacity limitations in its social protection systems and had to rely heavily on local authorities from the General Administration Division to manage the process, contributing to major discrepancies in the beneficiaries reached.[118]

Assessing the differences by sex, women workers were more likely to receive food rations (46 per cent) than men (32 per cent) but slightly less likely to be provided with public health information (26 per cent vs 32 per cent). As with the Government's cash transfer programme, the distribution of food rations was implemented by the General Administration Division authorities in each ward or village. The rigid and unclear eligibility criteria which focused on occupation and asset ownership, combined with insufficient rations to distribute, led many local authorities to apply their own personal judgement to identify which households were most in need.[119] This may be a part of the explanation for why a greater share of women workers received food rations, though poverty is more concentrated among women in Myanmar and they are often responsible for preparing food for their households.

Only a small difference was found in the support provided to workers with incomes below the poverty line (for lower middle-income countries) than those above it. The largest variance was found in the food rations provided, which were received by 43 per cent of poor workers in comparison to 36 per cent of non-poor workers. A recently completed survey by the World Bank found that although the food rations did reach 19 per cent of households from the bottom welfare quintile, they were also provided to 14 per cent of households from the top quintile despite the programme being targeted for the most vulnerable.[120]

117 Emanuele Brancati, Paul Minoletti, Aung Hein, and Guillem Riambau, *Coping with COVID-19: Protecting lives, employment, and incomes in Myanmar*, International Growth Centre, 2020, 25-47.

118 Zarni Htun, 'Aung San Suu Kyi Vows to Sort Out COVID-19 Relief Snags For Myanmar's Poor', *Radio Free Asia*, 17 November 2020.

119 Brancati et al., *Coping with COVID-19: Protecting lives, employment, and incomes in Myanmar*, 29-30.

120 The World Bank, *Myanmar COVID-19 Monitoring, Household Survey Results Round 2*, Yangon, 2020.

TABLE 13. GOVERNMENT SUPPORT DURING COVID-19 BY SEX AND POVERTY STATUS (%)

COVID-19 SUPPORT	TOTAL wn=2,410	MEN wn=1,419	WOMEN wn=991	BELOW POVERTY LINE wn=453	ABOVE POVERTY LINE wn=1,957
Cash	3	3	4	4	3
Medical examination	3	3	2	1	3
Medical care	2	2	2	3	2
Food rations	38	32	46	43	36
Public health information	30	32	26	29	30
Hygiene items	5	4	6	7	4
None	43	46	38	38	44

7.3 IMPACT OF COVID-19 ON INCOME

Due to strict control measures, the impact of COVID-19 on the income of many workers in Myanmar was evident long before there was a significant rise in the number of infections. A nationwide lockdown was imposed in early April ahead of the Thingyan water festival to prevent the spread of the virus by celebrants returning home for the holiday. During the initial two-week lockdown, national GDP decreased by 41 per cent in comparison with a COVID-free scenario during the same period from the previous year.[121]

With the lockdown measures initially coinciding with the beginning of the annual school holiday, the impact on education was initially not as severe in Myanmar as in many other parts of the world.[122] However, school closures due to the prolonged pandemic have affected millions of students and are expected to disproportionately affect the most vulnerable youth, exacerbating educational inequalities. The school closures have also led to an increase in unpaid care and domestic work – which are predominantly the responsibility of women in Myanmar.[123] The situation has put the already low labour force participation of women at risk of further decline.

The most widely reported impact of COVID-19 on workers was the loss of income. The survey found that nearly three-quarters of low-skilled workers (73 per cent) reported some reduction in income during COVID-19, while (43 per cent) lost their jobs entirely. This has raised serious concerns about an increase in negative coping strategies among low-income workers. Desperate for cash, many households are turning to informal moneylenders for high-interest loans as microfinance companies were forced to cut back on credit and most bank loans continue to be out of reach.[124]

121 Diao, et al., *Assessing the impacts of COVID-19 on Myanmar's economy*, 7.

122 Isabel Lambrecht, Kristi Mahrt, Catherine Ragasa, Michael Wang, Hnin Ei Win, and Khin Zin Win, *A gender-transformative response to COVID-19 in Myanmar*, International Food Policy Research Institute, Washington, D.C. January 2020, 5.

123 Peninah Kimiri, et al., *CARE Rapid Gender Analysis Myanmar – Rakhine State*, CARE Australia, 14.

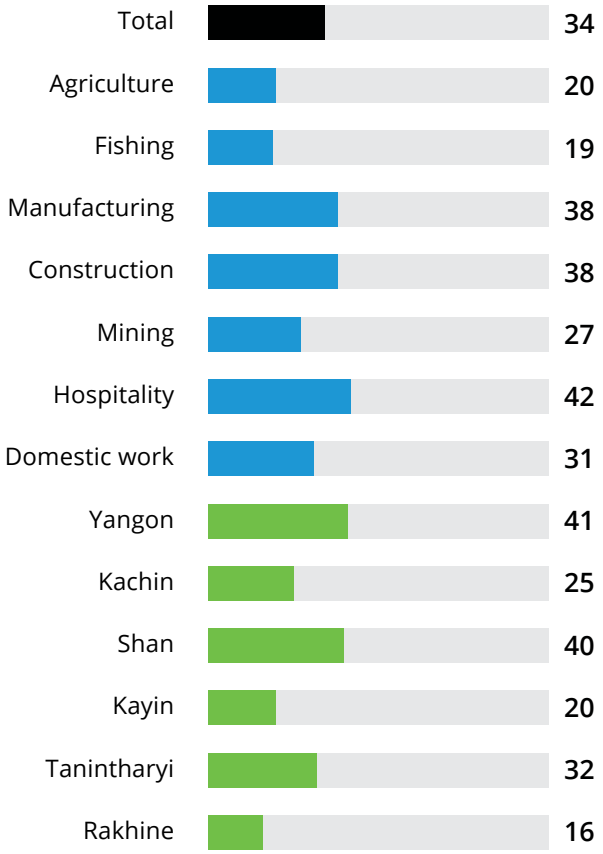
124 Ye Mon, 'COVID-19 pushes rural Myanmar towards moneylenders', *Frontier Myanmar*, 18 June 2020.

Follow-up questions were asked to determine in more detail how much income workers lost during the last month (See *Figure 31*). As the survey data was collected in July–August 2020, the findings can be interpreted as reflecting the June-July 2020 period. Overall, the average amount of wages lost was MMK 157,000 (US$112). By state and region, the share of wages lost in Yangon (66 per cent) and Shan (53 per cent) was highest, whereas the losses were lowest in Kachin (34 per cent) and Rakhine States (35 per cent).

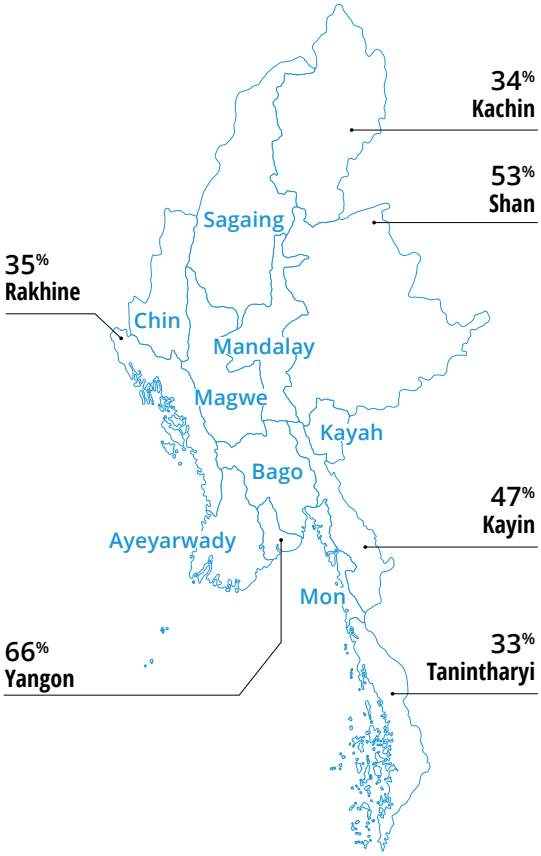
Approximately one-third of workers reported that their entire month of wages was forfeited (34 per cent), with workers in hospitality (42 per cent), manufacturing (38 per cent) and construction (38 per cent) the most likely to have lost their whole income. Other research studies confirm that the livelihoods of workers in these three sectors were some of the most severely impacted by COVID-19 in Myanmar.[125] In manufacturing, the situation is not likely to improve in the near-term as the pandemic continues to heavily impact global supply chains and most factories will not rehire laid off workers until orders from major markets resume. This has precipitated the large-scale return of internal migrants to their communities of origin in rural areas.

FIGURE 31. IMPACT OF COVID-19 ON INCOME LAST MONTH BY SECTOR AND REGION

Lost entire wage by sector and state/region (wn=2,410) (%)



Proportion of income loss by state/region (wn=2,410)



125 World Bank, *Myanmar Economic Monitor December 2020: Coping with COVID-19*, 22-23.

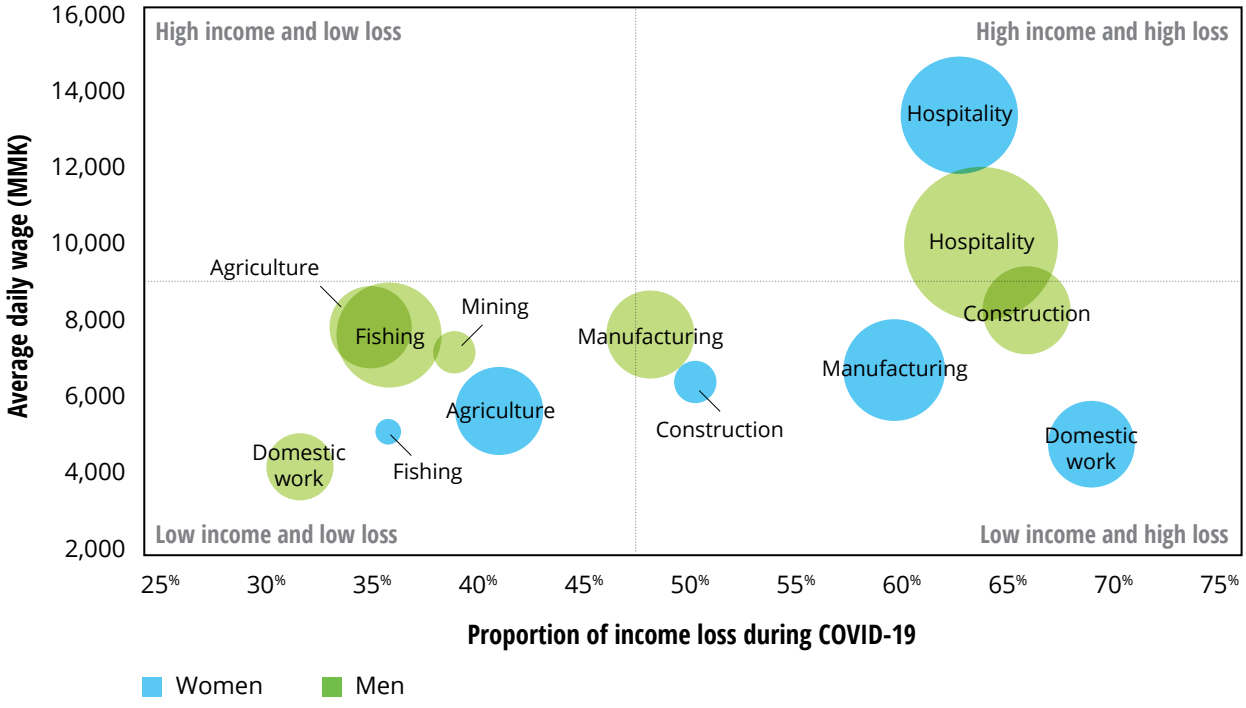
7.3.1 Impact of COVID-19 on the Gender Wage Gap

Although a substantial pay gap was already present prior to the pandemic, the survey results show that the wages of women workers have been more adversely affected by COVID-19 than men's wages. The analysis in the bubble chart below visualizes the relationship between average wages and the proportion of income lost due to COVID-19 (see *Figure 32*). The size of each bubble represents the relative number of workers surveyed in each sector by sex.

The share of income lost due to COVID-19 was greater for women in most of the major sectors where they are employed, including agriculture, manufacturing and domestic work. Only in the construction industry were men found to be faring substantially worse as a result of COVID-19 but it should be taken into account that a relatively small proportion of women are employed in construction work in Myanmar.

Women employed in domestic work were the most negatively affected by COVID-19, having lost more than two-thirds of their incomes and already receiving the lowest average wages among workers surveyed before the pandemic. The disproportionate impact of the pandemic on women workers has been identified as a major issue of global concern by the International Labour Organization, as there is a risk of reversing many of the gains made by women in achieving greater equality within the world of work in recent decades.[126]

FIGURE 32. IMPACT OF COVID-19 ON INCOME LAST MONTH BY SEX AND SECTOR (wn=2,410)



126 International Labour Organization, *ILO Monitor: COVID-19 and the world of work. Fifth edition. Updated estimates and analysis*, 30 June 2020, 1.

BOX 9. "THE OWNER WENT BACK TO CHINA WHEN COVID-19 STARTED, SO WE DID NOT GET OUR SALARIES"

I work as a sewing machine operator in the garment industry in Yangon. I always worked hard to do everything my supervisor asked at the factory, whether it was cutting, sewing, folding or packing the garments. I used to work from 8:00 a.m. to 6:30 p.m. and received overtime pay for the extra hours.

But since COVID-19 started, the factory only offers work paid by the day instead of a regular monthly salary like before. The amount of work we get seems to depend on their whims and feelings that day. There are thousands of jobless people in our area and not enough work, so they can do whatever they want.

The situation has made it very difficult to earn a living. Now that the factory offers only daily work, they also stopped paying overtime. We only get 6,000 kyat (US$4.30) per day no matter how long we work. The workload each day seems to have doubled compared to before.

There are a lot more problems at work during COVID-19 but as we are only daily workers, there is really no way to complain about anything or we won't get more work. My husband also can't find a full-time job. Before COVID-19, he worked at the factory from Monday to Saturday. Now, he usually works only two days per week.

The owner went back to China when COVID-19 started, so we did not get our salaries and the factory temporarily shut down. We were not sure if they were genuinely forced to close or not. The workers from another Chinese factory had requested their boss to raise their daily pay so that factory owner used COVID-19 as an excuse to shut down his factory entirely and did not pay their wages before returning to China.

Right now, we just want the factory owner to respect our basic rights as workers. Whenever we voice our concerns, they take disciplinary action against us or try to intimidate us. The owner even fired some workers after giving them only half of a month's salary.

COVID-19 has had a profoundly negative impact on the wages and working conditions of garment workers, most of whom are young women migrants from poor rural areas who have few other livelihood options. Faced with reduced jobs opportunities and earnings due to a decline in orders from major markets, many women workers are increasingly vulnerable to abusive labour practices, including misclassification of employment status, wage theft, union busting and dismissal without severance pay.

7.4 IMPACT OF COVID-19 ON REMITTANCES

Remittances are an important source of income for migrant households and their communities in Myanmar. Research by UNCDF and the LIFT Fund has demonstrated that they are particularly critical to strengthening the financial resilience of women and rural populations.[127] However, the outbreak of COVID-19 has had an acutely negative effect on remittance flows, both from migrants working abroad and in other areas within Myanmar. It is currently uncertain when remittances will return to pre-COVID-19 levels, which will continue to cause hardship and deprivation among many poor households.[128]

127 Gravesteijn, et al, *Impact of COVID-19 on Myanmar's Migrants and Remittances*, 4.

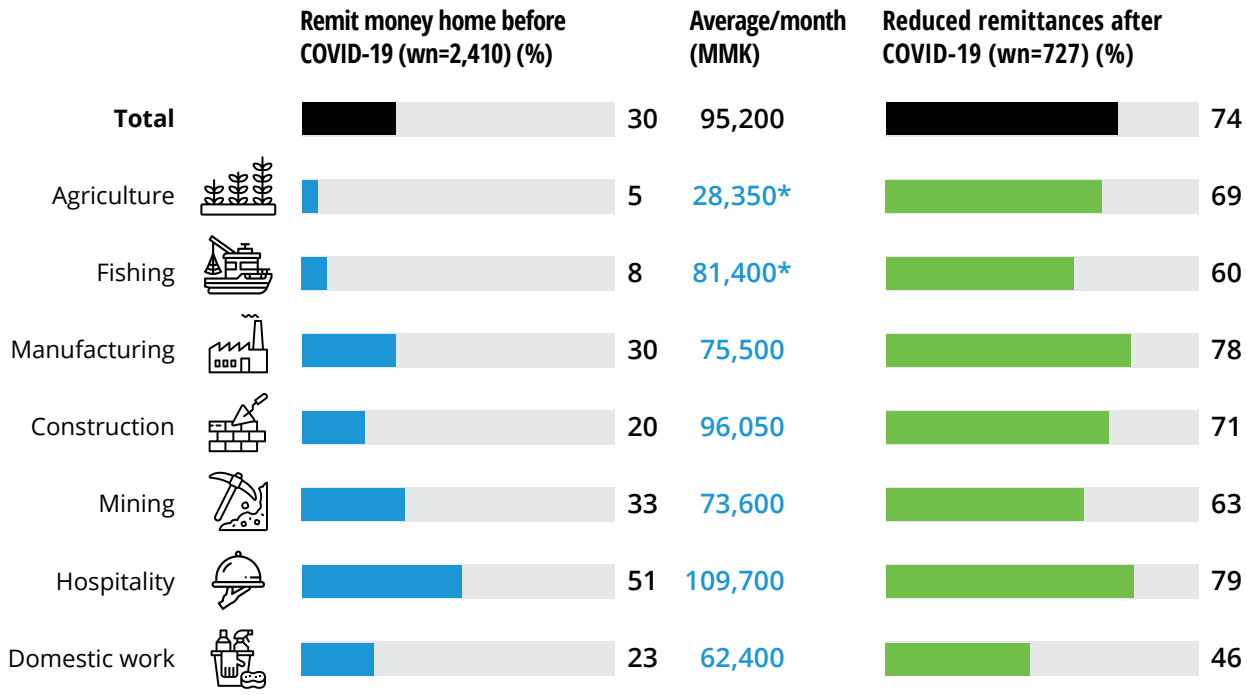
128 World Bank, *Myanmar Economic Monitor December 2020: Coping with COVID-19*, 63.

As displayed in *Figure 33*, nearly one-third of workers (30 per cent) said they remitted money home on a regular basis prior to the pandemic. There was a marked difference across sectors in the portion of workers who sent money home, ranging from more than half of those in hospitality (51 per cent) to just 5 per cent in agriculture and 8 per cent in fishing. Central to understanding this finding is that hospitality workers were much more likely to be migrants than the agricultural workers or fishers surveyed. However, limited access to remittance channels and lower financial literacy may also be contributing factors to the discrepancy.

The average monthly remittance amounts sent was MMK 95,200 (US$68) but there was again substantial variance between sectors of employment. Agricultural workers sent the smallest amounts per month (MMK 28,350) (US$20), while hospitality workers had the largest monthly remittances (MMK 109,700) (US$78). The substantial differences in income between the two sectors are likely a major determinant of the widely divergent remittance amounts that workers were able to send home.

After COVID-19, the remittances sent home by workers declined precipitously. Nearly three-quarters of the workers surveyed (74 per cent) who had been sending remittances before COVID-19 said that they had reduced the amounts they were remitting during the pandemic. Hospitality workers (79 per cent) and manufacturing workers (78 per cent) were the most likely to report they were remitting less money, while domestic workers were the least likely to reduce their remittances (46 per cent). The heavy loss of income faced by hospitality and manufacturing workers appears to have taken a particularly heavy toll on domestic remittances during the survey period.

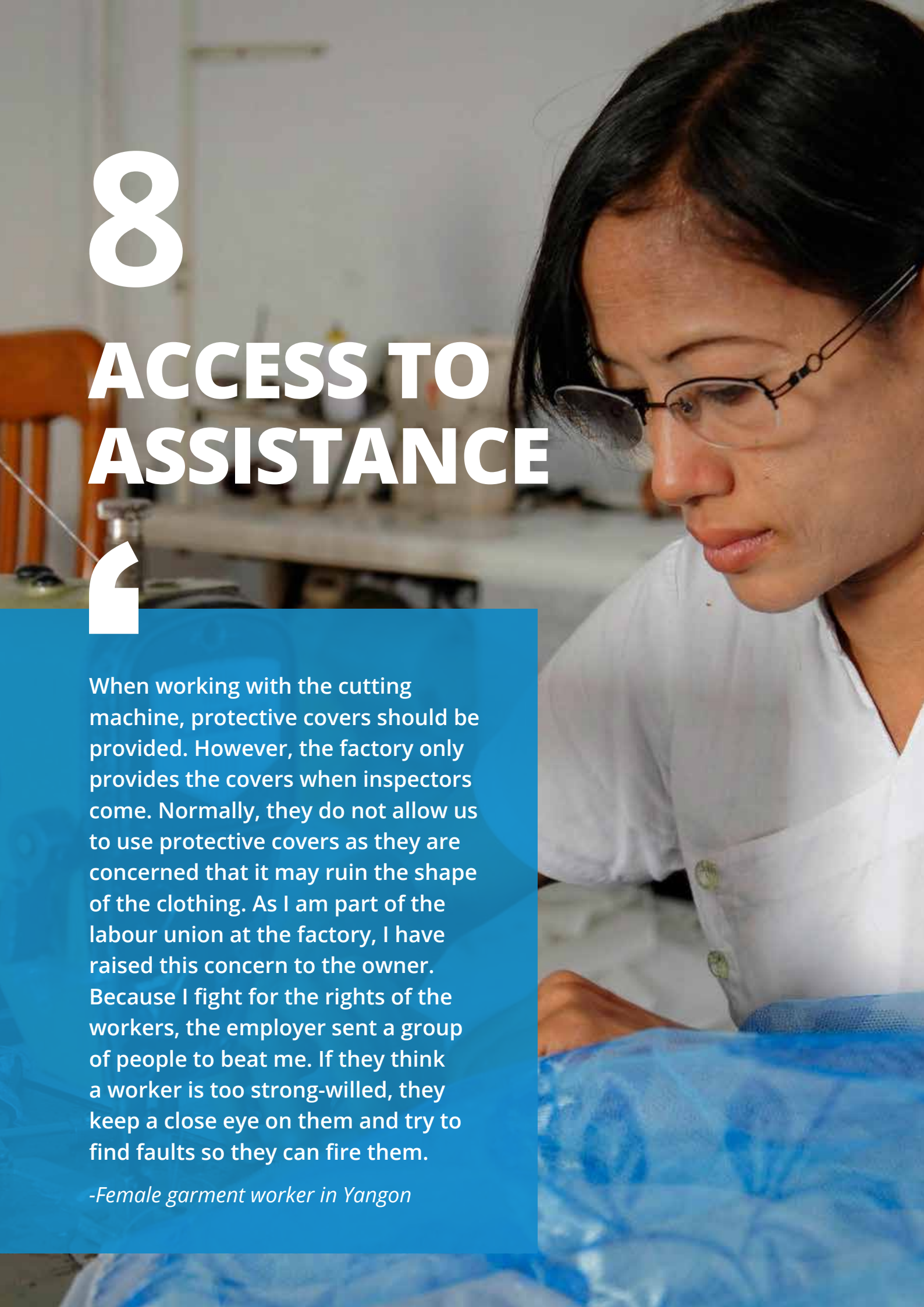
FIGURE 33. REMITTANCES BEFORE AND AFTER COVID-19 BY SECTOR



**Note: small sample base*

8

ACCESS TO ASSISTANCE



When working with the cutting machine, protective covers should be provided. However, the factory only provides the covers when inspectors come. Normally, they do not allow us to use protective covers as they are concerned that it may ruin the shape of the clothing. As I am part of the labour union at the factory, I have raised this concern to the owner. Because I fight for the rights of the workers, the employer sent a group of people to beat me. If they think a worker is too strong-willed, they keep a close eye on them and try to find faults so they can fire them.

-Female garment worker in Yangon

8.1 ACCESS TO REDRESS

In 2007, the Supplementary Understanding on the Elimination of Forced Labour was signed by the Government of Myanmar and the ILO. As a result of this agreement, the Forced Labour Complaints Mechanism was established, which offers an official channel through which residents of Myanmar can voice their grievances related to coercive labour practices.[129] While the agreement was extended each year, its expiry in 2018 means that complaints from workers are now submitted to the High-Level Working Group until a national complaints mechanism has been developed.[130]

For less severe labour rights violations, the process of lodging a formal complaint is often time-consuming, complex and difficult for workers to navigate on their own.[131] Disputes within companies of more than 30 workers can be addressed initially by Workplace Coordinating Committees. If no satisfactory resolution is reached, the worker can bring the dispute to the Township Conciliation Body and then to a court of law.[132] However, this tiered system of complaints has proven largely inadequate in providing access to justice for abuse of workers' rights. Few employers offer formal grievance mechanisms, refusing to accept responsibility for responding to complaints.[133] In addition, workers have expressed their reluctance to lodge grievances due to fear of employer retaliation or the expectation that doing so would be futile due to the long and complicated process involved.[134] There are also no specialized government services to assist with cases of gender-based violence and sexual harassment within the workplace.[135]

Among the 386 workers determined to be in situations of forced labour within the survey, the vast majority (81 per cent) did not seek any form of assistance (see *Figure 29*). The most frequent reasons for not registering complaints were not feeling the problem was severe enough (31 per cent), preferring to resolve the abuse on their own (28 per cent), fear of retaliation for making a complaint (12 per cent) and not knowing where to seek assistance (11 per cent). The findings suggest that most workers are reluctant to seek assistance no matter how abusive their employment situations may be. There is a critical need for more awareness-raising on labour rights among workers to encourage them to voice grievances when faced with violations. Key to addressing a larger share of abuses is that workers clearly understand when they have experienced a violation of their rights and are able to come forward to lodge a complaint.

129 International Labour Organization, *Internal Labour Migration in Myanmar*, 13.

130 International Labour Organization, *Progress report on the follow-up to the resolution concerning remaining measures on the subject of Myanmar adopted by the Conference at its 102nd Session*, 1.

131 Martje Theuws and Pauline Overeem, *The Myanmar Dilemma: Can the garment industry deliver decent jobs for workers in Myanmar?*, Centre for Research on Multinational Corporations, Action Labor Rights and Labour Rights Defenders and Promoters, Amsterdam, August 2017, 8-15.

132 International Labour Organization, *Internal Labour Migration in Myanmar*, 12.

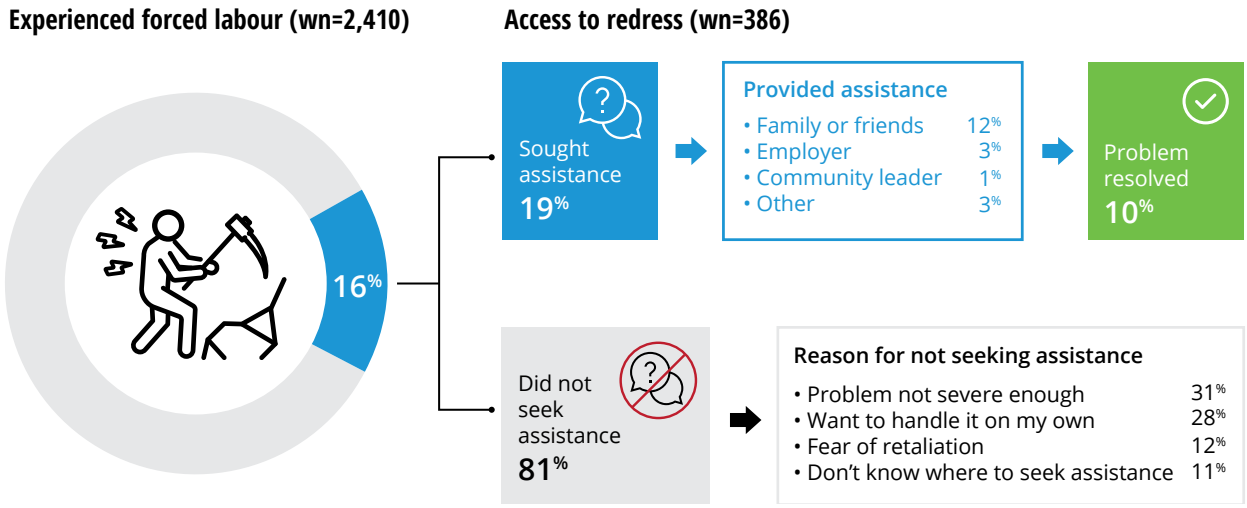
133 Institute for Human Rights and Business, Myanmar Centre for Responsible Business and Danish Institute for Human Rights, *Sector Wide Impact Assessment*,121.

134 International Labour Organization, *Internal Labour Migration in Myanmar*, 4.

135 Avocats Sans Frontières, 'Tackling gender based violence in Myanmar: a pro bono lawyer's perspective', Brussels, 28 March 2018.

For those workers in forced labour who did seek assistance (19 per cent), the majority reached out informally to family or friends (12 per cent). Importantly, no workers sought assistance from the labour authorities who are mandated to handle these cases or even simply their local police department. This suggests a major gap in awareness and trust in government authorities to provide effective assistance in cases of labour abuse. In the end, just 10 per cent of the workers experiencing forced labour reported that the problem was resolved based on their efforts to seek redress.

FIGURE 34. ACCESS TO REDRESS IN CASES OF FORCED LABOUR



BOX 10. "I'M SCARED OF WHAT MY EMPLOYER WILL DO IF I MAKE A COMPLAINT"

I am from Kayin State and work as a domestic worker in Yangon. I do all of the housework, as well as the grocery shopping and cooking. One of my neighbours helped me to get this job by recommending me to my employer. What I didn't know at the time is that my employer would take advantage of me and treat me badly.

My employer allows me to stay at their home but it's a very difficult living situation. The housing they provide to me is terrible – it's cramped, dirty and smells bad. I feel uncomfortable staying there and am not happy because I have no personal space.

One of the worst parts of my work is that I get yelled at regularly by the family. When I don't do things the way they expect them to be done, they insult me. They also make me feel ashamed when I ask to take leave and often won't let me go. When other relatives or friends come to their home, my employer verbally abuses me in front of them too. I can't endure this treatment so sometimes I try to hide in the kitchen to avoid them. I have not reported this abuse to anyone because I'm scared of what my employer will do if I make a complaint. I don't know how to make them stop.

I also feel very tired, both physically and mentally from my job. There are 12 family members at the house and I am expected to take care of all of their needs, so I am completely exhausted. I have been doing this job for ten years now but I am still poorly paid. I really wish that I could leave but I cannot quit now because I will have no place to live. Also, my husband is very ill and my daughter must go to school, so I have taken out advances from my employer to pay for their expenses and must pay them back before I leave.

The experiences shared in this case study speak to the undervaluing and abuse that many domestic workers are forced to endure during their employment in Yangon. The isolated nature of their work, combined with the lack of adequate labour rights protection, means that their working conditions are largely at the discretion of their employers rather than stipulated by law. There are few options available for domestic workers to seek assistance if they receive unfair or abusive treatment, particularly if they wish to remain employed.

8.2 ACCESS TO SUPPORT SERVICES

The public services provided to workers in Myanmar are limited and often ineffectual after decades of under-investment during authoritarian rule. As there is a dearth of useful information or assistance available from official sources, most workers continue to rely heavily upon informal support from friends and family for all but required government procedures.[136] In recent years, the Livelihoods and Food Security Fund has worked closely with key stakeholders from government, trade unions and civil society to expand worker access to critical information, training and support services. For example, numerous service centres have been set up in Yangon, Bago, Tanintharyi, Kayin, Mon, Kachin, Shan, Chin to provide essential services to migrants and other vulnerable populations of workers.

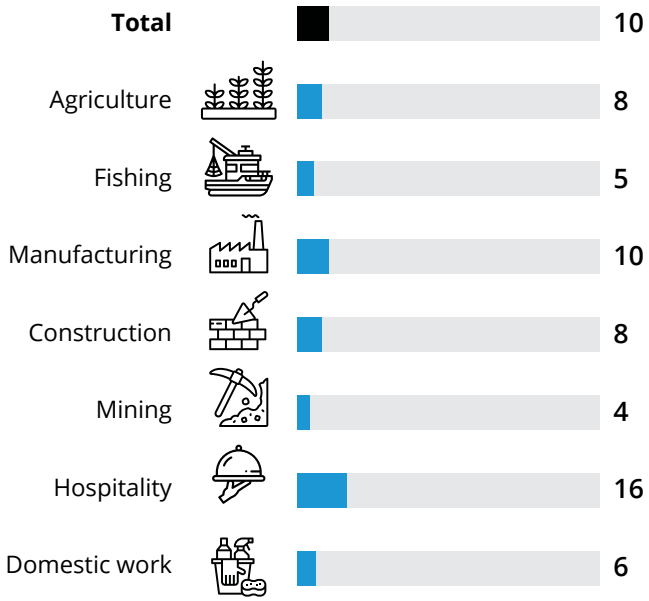
Overall, worker access to support services remains low. Just 10 per cent of respondents said they had received services in the last 12 months (see *Figure 35*), which were most commonly awareness-raising on labour rights (4 per cent) or vocational training (3 per cent). By sector, hospitality workers

136 Aung Hein, Paul Minoletti, Aung Thet Paing, Ni Lei Win, and Benjamin Harkins, *Safe migration knowledge, attitudes and practices in Myanmar*, International Labour Organization, Bangkok, 2015, 18.

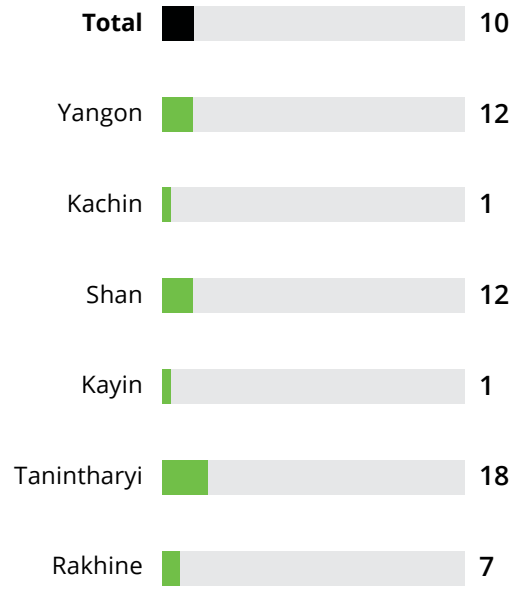
(16 per cent) and manufacturing workers were more likely to have received services. Conversely, workers in mining (4 per cent) and fishing (5 per cent) were particularly disadvantaged in terms of access to support. Likewise, workers in Kachin (1 per cent) and Kayin State (1 per cent) were the least likely to utilize services among the states and regions surveyed. The findings suggest that efforts to increase workers' access to support services remain nascent and require further investment to expand coverage for hard-to-reach sectors and locations, as well as the quality of the services delivered.

FIGURE 35. SUPPORT SERVICES ACCESSED IN THE LAST 12 MONTHS

Services by sector (wn=2,410) (%)



Services by state/region (wn=2,410) (%)



Type of services accessed (wn=2,410) (%)

SUPPORT SERVICES	TOTAL
Migration information	2
Awareness raising on labour rights	4
Legal assistance	1
Vocational training	3
Soft skills training	1
Job placement support	2
Shelter	2
Financial literacy training	1
None	90

8.2.1 Access to Support Services for Workers in Forced Labor

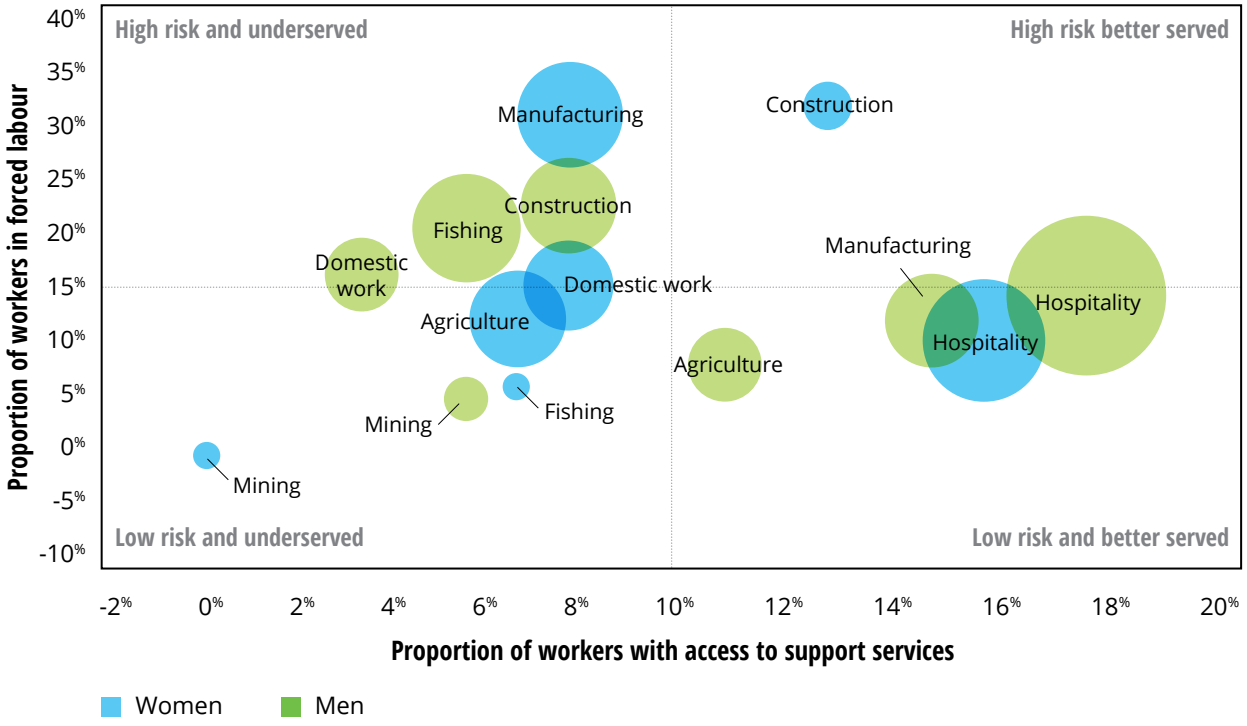
A key feature of vulnerability to forced labour is the isolation of workers from their communities and mechanisms for accessing assistance. Workers may not know where they are, the worksite may be far from population centres, and there may be no forms of transportation available. In other cases, workers may be isolated within populated areas by being kept behind closed doors or having their mobile phones, or other means of communication confiscated to prevent them from having contact with their families and seeking help.[137]

The bubble chart below depicts the relationship between the proportion of workers in forced labour and the proportion of workers with access to support services (see *Figure 36*). The chart adds an additional layer of complexity to the analysis by examining the differences in vulnerability and access to services by both sector and sex. The size of each bubble represents the relative number of workers surveyed in each sector by sex.

The results show that women workers were more vulnerable than men to forced labour in manufacturing, construction and agricultural work. Conversely, men were more likely than women to experience forced labour in the fishing and mining industries, though very few women were found to be employed within either of these two sectors of work.

The data also shows that women manufacturing workers, men in construction and fishing work, and both women and men domestic workers were at heightened risk of forced labour and were relatively underserved in terms of access to assistance. Greater nuance in targeting of support services, taking into consideration differences in vulnerability and access by sector and sex, would help to ensure that isolation from essential assistance is reduced for those workers most in need.

FIGURE 36. ACCESS TO SUPPORT SERVICES FOR WORKERS IN FORCED LABOUR BY SECTOR AND SEX (wn=2,410)



137 International Labour Organization, *ILO Indicators of Forced Labour*, Geneva, 2012, 11.

8.3 MEMBERSHIP IN WORKER ORGANIZATIONS

Previously outlawed for over half a century, trade unions were only recently legalized in Myanmar under the Labour Organizations Law (2011).[138] According to the most recent available data, there are now some 2,876 registered unions at the workplace, township, state and regional levels. In addition, union-level trade union federations and confederations, labour rights organizations and informal associations have also greatly expanded in recent years to support networking and build worker power.[139] Overall, however, the trade union density rate in Myanmar remains quite low in comparison to other countries, representing just one per cent of the labour force.[140] Major obstacles to registering labour organizations continue to deny many workers their right to freedom of association.

In addition, joining a worker organization continues to carry significant personal risk in Myanmar. It has been widely documented that labour leaders face discriminatory treatment by employers in regards to their working conditions, wages and job security.[141] Trade union activity in many of Myanmar's industrial zones and Special Economic Zones has encountered fierce resistance and suppression from some employers.[142] Consequently, many workers are intimidated by the potential consequences of participating in trade unions or worker associations, despite their legal right to do so.[143]

Labour rights organizations and informal worker associations are an increasingly important part of the institutional landscape in Myanmar, which often focus on activities such as establishing networks, conducting advocacy and providing direct services to workers. Typically registered as civil society organizations, they have some important operational advantages in comparison with trade unions, particularly in Myanmar where the legal framework governing trade union activities is highly restrictive. Situated outside the constituencies and regulations of formal trade unions, labour rights organizations and workers associations are able to reach vulnerable workers in the informal sector that are not traditionally organized and provide services that respond directly to their immediate needs. However, they also operate outside of the legally established system of industrial relations and are not recognized as having the right to bargain collectively on behalf of their membership.[144]

Worker organizing was found to be very limited in the survey results. Only 6 per cent of workers reported that they had joined a worker organization, as shown in *Figure 37*. Unsurprisingly, manufacturing workers were by far the most commonly organized (21 per cent) due to the greater formalization of their employment. Women workers were more likely to be a member of a worker organization than men (10 vs 3 per cent), which is likely because of the higher share of female workers employed in the garment industry.

Although only a small portion of workers were members of a worker organization, nearly one-quarter expressed their wish to join (23 per cent), indicating a strong demand among workers to become more organized. Manufacturing workers (35 per cent) and construction workers (28 per cent) were the most likely to state an interest in becoming members of an organization. Notably, however, the desire to join a worker organization was nearly as strong in sectors that are not

138 Theuws and Overeem, *The Myanmar Dilemma*, 8.

139 Ye Yint Khant Maung, 'A New Way for Workers' Rights Beyond the Legal Framework: The All Burma Federation of Trade Unions', *Tea Circle Oxford*, 14 October 2020.

140 Danish Trade Union Development Agency, *Myanmar Labour Market Profile 2019*, 1.

141 Action Labor Rights, *Under Pressure*, 4.

142 Kusakabe and Melo, *Jobs in SEZs*, p. 22.

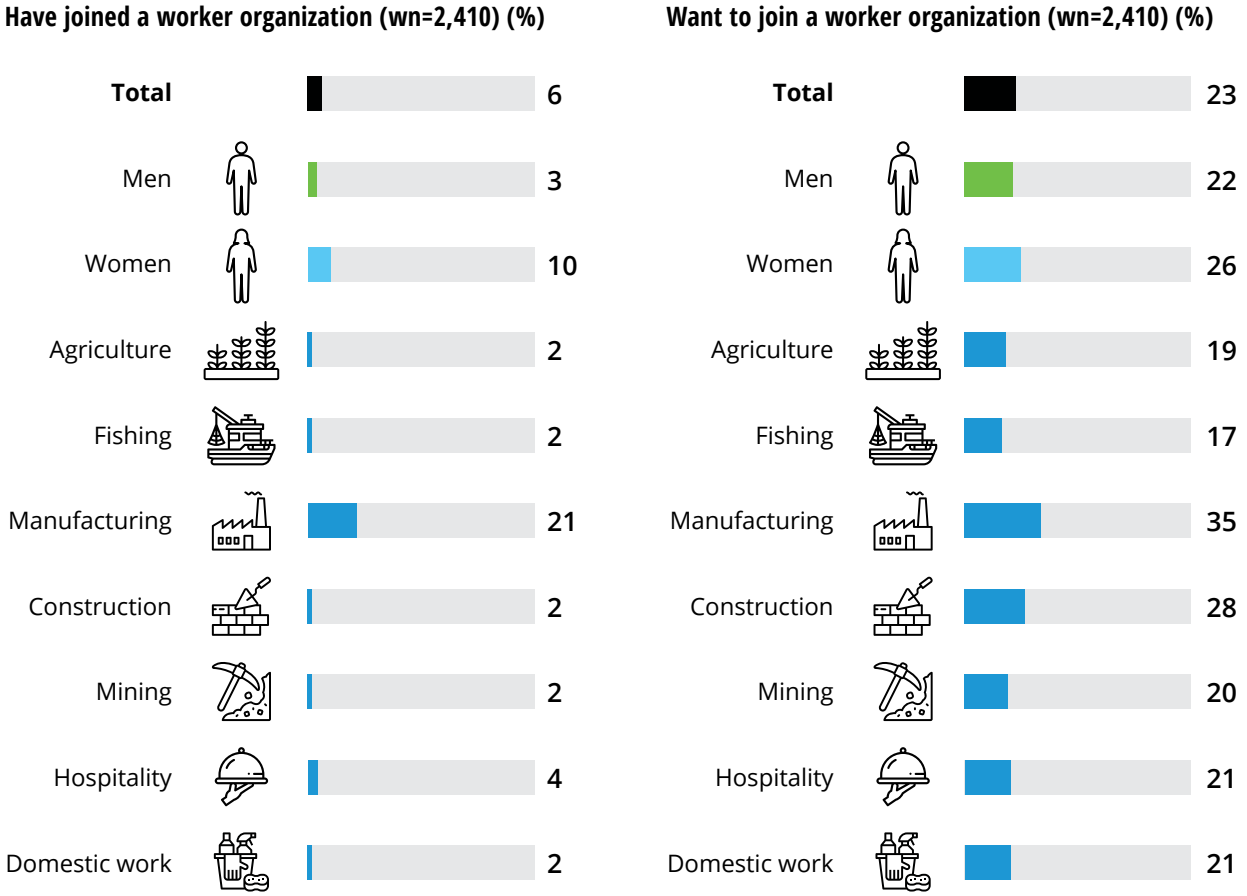
143 Harkins, et al., *Risks and rewards: Outcomes of labour migration in South-East Asia*, 62.

144 Michele Ford, 'Precarious workers need Asia's unions', OpenDemocracy, 22 October 2019.

traditionally organized, including among domestic workers and fishers. Women workers (26 per cent) more commonly wanted to join a worker organization than men (22 per cent).

As labour organizing is a critical strategy for protecting workers from labour abuses, the research results point to a major need to continue building up the reach and capacity of worker organizations in Myanmar. Research has shown that forced labour is almost always linked to restrictions on workers' ability to exercise their rights to organize and bargain collectively. Where these fundamental labour rights are denied to workers, they are unable to raise a collective voice, defend their interests or positively influence their conditions of work, leaving them more vulnerable to exploitation and abuse.[145]

FIGURE 37. MEMBERSHIP IN WORKER ORGANIZATIONS BY SEX AND SECTOR



TYPE OF ORGANIZATION JOINED	%
Welfare committee	2
Women's group	1
Worker association	1
Trade union	1
Other	>1

145 International Labour Organization, *Ending forced labour by 2030: A review of policies and programmes*, 9.

BOX 11. UNION BUSTING AT AMBERSTONE FACTORY DURING COVID-19

Amberstone Factory, located in Hlaing Thar Yar Township of Yangon, is one of the main suppliers of the Primark and Guess brands. It has employed up to 800 workers in its operations. In April 2020, workers at the factory organized a labour union, with the assistance of the Federation of General Workers Myanmar (FGWM). The union helped them obtain payment of one month of wages that they were due, plus seniority bonuses ranging from 10,000–20,000 kyat (US$7–14). Fair and timely payment of promised bonuses has been a long-standing demand of the factory workers.

After receiving their pay in June 2020, a worker in the factory asked her supervisor why she received a smaller bonus than other workers with less experience. The supervisor replied that this information was none of her business and that, "You should know your place. In the factory labour union you may be a leader. But in the workplace, you are just another worker." She then proceeded to physically threaten the worker with a pair of scissors. Following this encounter, the workers initiated a strike demanding the supervisor be dismissed. Instead, 28 executive committee members of the Amberstone labour union were fired. The workers were only reinstated after complaining about the situation to Primark through assistance from FGWM.

In September 2020, 270 Amberstone Factory workers were dismissed with short notice. The factory management stated that this was a necessary reduction in its workforce because of cancellation of orders during the COVID-19 pandemic. Notably, however, the vast majority of the workers dismissed were members of the factory labour union. The workers refused to accept compensation for being laid off and instead demanded that they be reinstated to work at the factory. However, the majority were not able to survive without a regular source of income during COVID-19 and had to seek employment elsewhere or return to their homes in rural areas. The 56 remaining workers have continued to demand reinstatement with full compensation as soon as possible.

More recently, workers have attempted to contact Guess in response to labour abuses but have received only limited replies. To stifle such attempts by workers to effectively organize, factories have gone to great lengths to ensure that workers are not aware of the brands they are producing garment for. Factory management has arranged to make sure that the logos are added to the final products later on by non-unionized workers, including by sewing them on at another factory entirely. This effort is a direct attempt to limit any direct contact between workers and the brands whose supply chains they are employed in. Moreover, they are in direct opposition to the principles of ethical supply chain management espoused by multinational corporations in their statements under the California Transparency Act, the UK Modern Slavery Act, the Australia Modern Slavery Act and other relevant legislation.

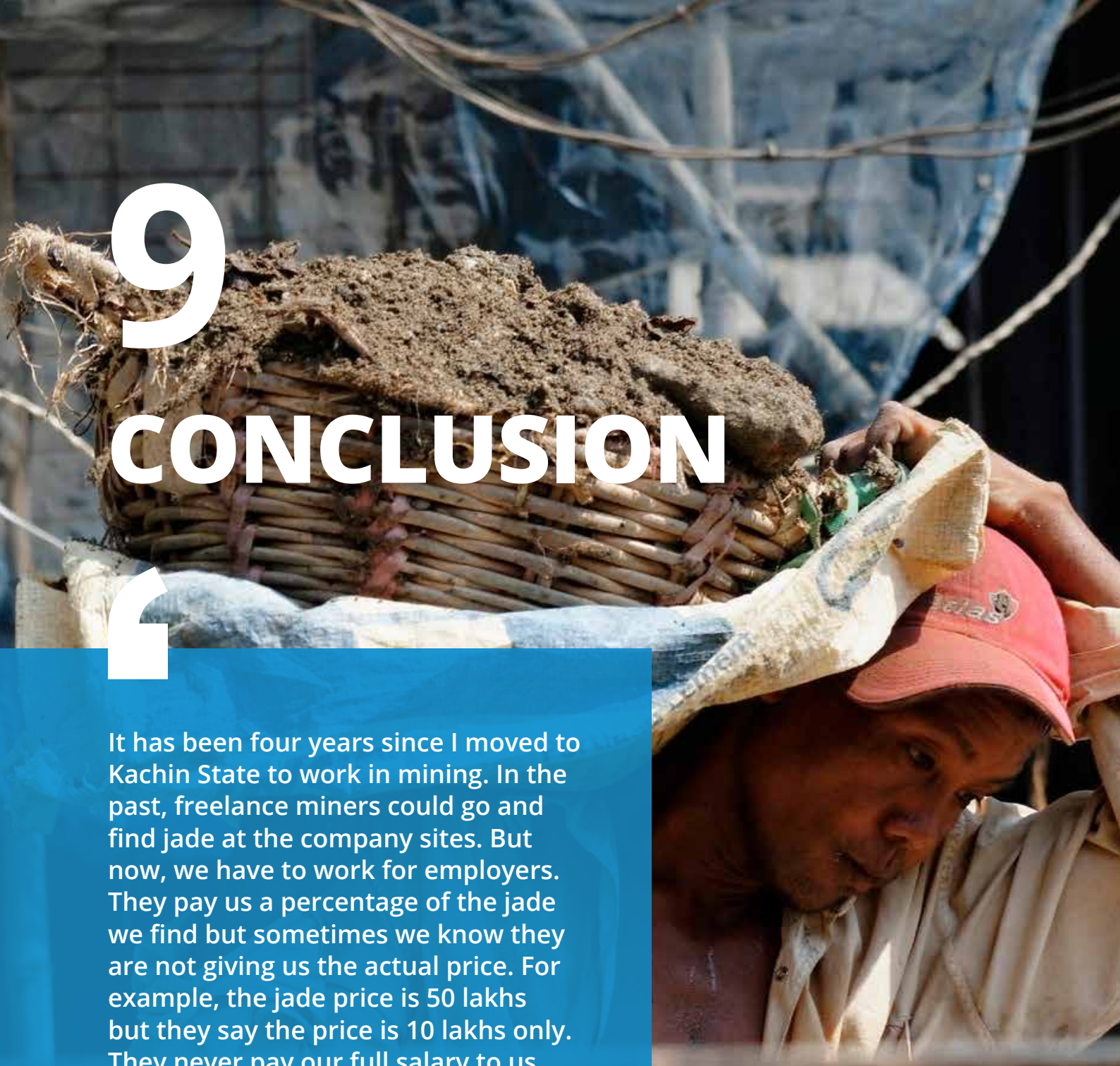
Since before the pandemic, workers in Myanmar were demanding stronger measures to protect their rights to freedom of association inside factories. Although the basic mechanisms to ensure these rights are provided under Myanmar's labour laws, they have been severely tested during COVID-19.

BOX 11. (CONT.)

The ongoing labor struggles in the garment sector have been further compounded by widespread abuses during the pandemic. Amberstone Factory represents just one case among many where suppression of trade union activism has been carried out under the guise of a COVID-19 economic downturn. Workers are now facing unprecedented levels of union busting inside factories, discrimination against trade unionists applying for new jobs, and inability to make use of dispute resolution mechanisms to ameliorate abuses. There have also been reports of physical assaults by paid thugs who have sought to intimidate workers through the use of violence. As illustrated in this case study, it is important to recognize that COVID-19 has not only presented severe challenges to the health, safety and livelihoods of garment workers in Myanmar but also their fundamental rights to organize and bargain collectively for better working conditions.

Source: Myanmar Garment Workers Organizing in the Era of Supply Chain Transparency: COVID-19 Challenges in Context (Forthcoming)

9 CONCLUSION



It has been four years since I moved to Kachin State to work in mining. In the past, freelance miners could go and find jade at the company sites. But now, we have to work for employers. They pay us a percentage of the jade we find but sometimes we know they are not giving us the actual price. For example, the jade price is 50 lakhs but they say the price is 10 lakhs only. They never pay our full salary to us. Sometimes, we have to wait for many months to get our pay. My employer also agreed to pay me for holidays but actually, we don't get any holidays. At the mining site, they always watch us and treat us like we are untrustworthy. Sometimes, we face natural disasters like landslides. They never explained this to me before and it is very dangerous.

-Male miner in Hpakant

Working conditions in Myanmar's labour market faced decades of neglect under authoritarian governments, contributing to a laissez-faire system where employers unilaterally set the terms of employment for their workers and labour rights were neither adequately established under law or enforced in practice. At the same time, underdevelopment caused by isolation from the international community and a regime of strict economic sanctions meant that there were insufficient job opportunities available domestically and the majority of the labour force was employed in low productivity agricultural work. At this nexus of poor labour governance and high rates of poverty was a labour market that was unable to produce conditions of decent work for most of Myanmar's workers.

Since a wide-ranging political and economic liberalization process was initiated in 2010, intensive efforts at reforming Myanmar's outdated labour legislation have been made. Important improvements related to the minimum wage, freedom of association, dispute resolution, occupational safety and health, social security and other key elements of labour law have been enacted. However, many challenges still remain in ensuring that the laws are in line with international labour standards and implemented effectively, requiring further advocacy and capacity building for the actors involved. Moreover, with such a wide array of new policy and legislative instruments being promulgated, there has been a lack of coherence within the government's actions for promoting decent work, requiring more coordination and dialogue between the key stakeholders involved.

Ten years after these major reforms began, the findings of this survey of workers employed in low-skilled occupations provide an important litmus test for assessing how effective Myanmar's nascent advances in labour governance have been in protecting the labour rights of workers and improving working conditions. Supplementing the official data collected by the Department of Labour's national labour force survey, the results provide an independent assessment of the practical conditions experienced by workers within Myanmar's labour market. Importantly, the survey examines issues of non-compliance with the stipulations of labour laws, including those related to forced labour, freedom of association, wage protection, access to redress and other key labour rights concerns that have rarely been the subject of large-scale research studies in the country to date.

Despite the clear progress that has been achieved, the survey highlights that many gaps remain in achieving decent working conditions in Myanmar. The recruitment process for most workers was found to be largely characterized by its informality. Because of the lack of effective labour market information systems and the emphasis placed on personal relationships in business and employment relations, most jobs are filled based on social ties rather than competencies and credentials. In addition, although not in contravention to Myanmar's regulatory framework, some workers are required to pay fees to brokers in order to obtain employment opportunities, which may place them in debt. Moreover, despite stipulations requiring the signing of an employment contract under law, it was found that the vast majority of workers do not receive a written employment agreement. Some workers also reported experiencing contract substitution, particularly in relation to the hazards, type of work, duties, wages and work hours that their jobs entail.

Wage protections were likewise found to be improving in some respects but still severely lacking in a number of areas needed to support greater social justice. Due to the devaluing of jobs considered to be 'women's work', domestic workers were found to

be paid inequitably with other sectors and in many cases earned less than the legal minimum wage. In addition, a considerable gender wage gap was identified across several industries, pointing to lingering problems with the segregation of women into lower paid employment and discriminatory treatment based upon their gender. Wage theft in the form of not paying the legal minimum wage or overtime pay was determined to be widespread, enabled by lack of awareness of wage protections among workers and inadequate enforcement and complaint mechanisms. Furthermore, a significant portion of workers were found to have borrowed money from their employers, with some individuals having taken out loans large enough to constitute debt bondage.

Several other aspects of working conditions were shown to be in non-compliance with Myanmar's legal framework or otherwise deficient. Workers were routinely required to work more than an 8-hour day or full-time workweek and were not paid overtime wage rates. In addition, systemic problems were identified with employers not providing the leave entitlements stipulated under law, with a significant portion receiving no paid or unpaid leave whatsoever. Moreover, the vast majority of workers in Myanmar are not entitled to receive social security benefits due to the informality of their employment, with very few workers outside of the manufacturing sector enrolled in the Social Security Board scheme. It was also found that a large portion of workers in mining, construction, fishing and agricultural work had substandard workplace conditions, placing their safety and health at risk and contributing to increased accidents and injuries. Likewise, the living standards in employer provided housing were unregulated and often unacceptable, particularly in terms of inadequate toilets and communal bathing facilities.

Indications of the two elements of forced labour, 'involuntary work' and 'threat or menace of penalty', were widely reported by the survey respondents. The majority of workers were found to have experienced at least one indicator of involuntary work in the prior 12-month period, with dangerous working conditions, working for very low wages, degrading living conditions and the job being different to what was agreed upon the most common. Indications of a threat or menace of penalty were reported by a smaller portion of workers but were still disturbingly common, most frequently in the form of harassment or strong verbal abuse, not being allowed to leave the workplace and being under constant surveillance. Bringing the two elements together, the overall prevalence of forced labour among low-skilled workers surveyed was found to be 16 per cent. The abuse of these workers most commonly related to unacceptably poor working and living conditions rather than actively coercive and deceptive employment practices.

Examining the profile of those trapped in conditions of forced labour, workers in the construction, manufacturing and fishing industries were the most vulnerable. Yangon, Tanintharyi and Rakhine were identified as having the highest geographic concentration of workers in forced labour situations. In addition, child workers were found to be at a higher risk of forced labour than adults. Assessing employment practices associated with forced labour, the prevalence was much higher among workers who paid a recruitment fee. Moreover, workers who were indebted to their employers were more frequently in situations of forced labour than those who were not. Workers who had no choice about working overtime were also slightly more likely to experience forced labour, as were workers who did not possess identification documents.

The severe impact of the COVID-19 pandemic on workers was clearly evidenced in the research findings, as well as the positives and negatives of the response programmes implemented. The most common precautions taken to protect workers from becoming infected were installing handwashing facilities, providing masks and hand sanitizer, and offering preventative information. However, few broader structural changes to work rules and processes were made. Manufacturing workers benefitted from the most preventative action, while workers in other industries received

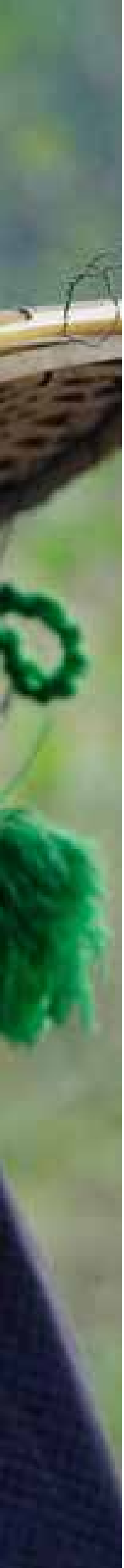
much less attention. Food rations and public health information were the most regular forms of government support received by workers. Very few respondents had received cash transfers from the government regardless of their incomes, suggesting significant problems with the management of the distribution process. Loss of a substantial share of income and being laid off from work were both very common among workers, with particularly high losses of income in Yangon Region and Shan State. The pandemic also raised concerns about an increased gender wage gap, as women employed in domestic work were the most likely to lose the majority of their incomes and already received the lowest average wages. The outbreak of COVID-19 also had an acutely negative effect on remittance flows as the majority of migrant workers had to reduce the amounts of money they sent home to their families.

Although some improvements were apparent, access to assistance for workers experiencing labour abuses or in need of other support was found to have significant limitations in reach and effectiveness. As there is often a dearth of useful information or assistance available from official sources, many workers continue to rely heavily upon informal support from their social networks. Among the workers determined to be in situations of forced labour, the vast majority did not seek any form of assistance. The majority of those who did seek help reached out to friends and family rather than labour authorities or the police, suggesting a major gap in awareness and trust in government services. In the end, very few workers experiencing forced labour were able to obtain satisfactory redress for their grievances. In addition, access to broader support services for workers was very low, with awareness raising on labour rights and vocational training received by a just handful of workers.

Freedom of association and collective bargaining are no longer prohibited for workers but still face considerable practical restrictions in Myanmar. There are substantial barriers to registering labour organizations, as well major risks for workers who choose to exercise their rights to organize because of discriminatory treatment by employers. In addition, there are as of yet no legal rules and regulations to guide the process for reaching collective bargaining agreements. Although membership in worker organizations was found to be growing in Myanmar, it is still very limited in relation to the interest among workers in joining a trade union. Women in the garment industry were the most commonly organized segment of the labour force, largely due to the greater formalization of manufacturing work. As labour organizing is fundamental to protecting workers from labour rights abuses, the findings indicate a major need to continue expanding the reach and capacity of worker organizations in Myanmar.

In conclusion, the findings suggest that although some progress has been made in increasing workers' rights and addressing decent work deficits in Myanmar's labour market, the changes are still at an incipient and fragile stage of development. Authoritarian tendencies continue to haunt the development and implementation of improved labour governance within the country and many workers remain excluded from full coverage by labour and social protections. Expanding the scope of fundamental labour rights must be the cornerstone for building a stronger foundation for decent work. The path to achieving sustainable and inclusive economic growth must be firmly rooted in a labour market that provides fair wages and working conditions, allows for freedom of association and the right to collective bargaining, and does not permit forced and child labour or discrimination in respect to employment for all workers in Myanmar.

10 RECOMMENDATIONS



1. **Strengthen freedom of association and collective bargaining.** The right to join a trade union to bargain for better wages and working conditions in Myanmar still faces numerous restrictions. The requirements outlined in the Labor Organization Law (2011) currently limit the formation of many unions, and regulations to guide the process for reaching collective bargaining agreements have yet to be established. In addition, labour organizing has faced severe intimidation and suppression by some employers and police, including physical threats, violence, arrest, targeted dismissals and blacklisting of trade unionists. For workers outside of the manufacturing sector in Yangon, there remain few opportunities to participate in worker organizations, particularly for informal sector workers. To increase the realization of the fundamental right to freedom of association and collective bargaining, the Labour Organization Law should be amended, rules for collective bargaining should be developed, suppression of trade union activity prosecuted and remediated, and the capacity of worker organizations enhanced.

2. **Extend labour rights protection to women and men in all sectors of work.** To ensure that workers receive fair wages and working conditions, the coverage of labour rights protection should be extended to all employment sectors, including domestic work, agricultural work, fishing work and sex work. The exclusion of informal sector workers – who are disproportionately women – from a range of statutory protections of their labour rights increases their vulnerability to exploitation and abuse. Amendment of the relevant labour laws and/or adoption of secondary legislation for specific sectors, as well as improved enforcement to expand employer compliance, should be carried out to enable more inclusive coverage by labour protection. To inform the necessary changes, consultation of civil society and labour organizations must be institutionalized in the process of legislative development.

3. **Progressively expand social protection coverage, including for workers in the informal sector.** The Government of Myanmar has made significant achievements in the development of the social protection system since the enactment of the Social Security Law (2012), providing workers with benefits for sickness, maternity, work injury or death. However, the vast majority of workers are not enrolled in the Social Security Board scheme, leaving millions of households vulnerable to the shocks and stresses associated with a loss of income. In particular, workers in the informal sector are not eligible to participate in the contributory scheme, which excludes some of the lowest income and least protected workers in Myanmar's labour market. Pilot schemes should be developed in targeted sectors and geographic locations to establish a pathway for the incremental roll-out of universal coverage, expanding existing contributory and non-contributory coverage modalities, while also increasing the scope of benefits available to members and progressively expanding government subsidies.

4. **Increase the minimum wage in Myanmar to ensure a living wage.** Recently established minimum wage protections under the Minimum Wage Act (2013) for workers are at risk in Myanmar because of the COVID-19 pandemic. Myanmar introduced its first minimum wage requirements in 2015 and stipulated that a new rate will be set every two years. The last increase to the minimum wage of MMK 4,800 (US$3.40) was made in May 2018 but the National Tripartite Minimum Wage Committee has been unable to agree on an increase because of COVID-19. The delay takes money out of the pockets of low-income workers and ignores their widespread concerns that the current minimum wage rate is far below a living wage. The Minimum Wage Committee should make a significant increase to the minimum wage rate as soon as possible to help ensure that more of Myanmar's workers are prevented from falling into poverty.

5. **Reduce the gender wage gap by prohibiting discriminatory employment practices towards women.** Women continue to receive inequitable wages both in sectors of work that employ women and men, as well as based upon their occupational segregation in low-wage employment. They are disproportionately employed in jobs that are not fully covered by wage protections in Myanmar, such as domestic work, agriculture and other types of informal employment. In addition, there is currently no national legal framework to prevent discriminatory treatment by employers based upon their gender or other personal characteristics. In line with the articles of the Equal Remuneration Convention, 1951 (No. 100) and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), legislation should be enacted and fully implemented to guarantee that women, ethnic minorities, religious minorities, people with disabilities, LGBTQI and other workers commonly facing discrimination receive equal pay for work of equal value.

6. **Ensure that civil society and labour organizations are actively engaged in the process of institutionalizing the ILO forced labour complaint mechanism.** Access to grievance mechanisms for workers in situations of forced labour still faces substantial limitations in Myanmar. The ILO-managed forced labour complaint mechanism has been an important means for assistance to workers since it was established in 2007. It is critically important that the institutionalization of the complaint mechanism with local actors includes a central role for civil society and labour organizations to support the identification, protection and provision of remedies for workers in forced labour conditions. Given the long history of government-supported forced labour in Myanmar, the national complaint mechanism must include local organizations who have established trusting relationships with vulnerable populations of workers within its constituency.

7. **Strengthen workers' access to justice for labour rights violations.** The process for seeking redress for labour rights violations under the Settlement of Labour Disputes Law (2012) in Myanmar remains too time-consuming, legalistic and intimidating for many workers, as well as being perceived by some as biased in favour of employers. As a result, most do not pursue complaints when faced with abuse or only do so through informal assistance from friends and family members. Reforming the system of dispute resolution in Myanmar to allow for faster, simpler and more impartial hearing of grievances is needed to provide adequate remedies to workers and act as a deterrent against repeat offences by employers. This should include the expansion of free legal assistance by civil society and labour organizations to help workers to navigate the complaint process, as well as strong measures to prevent any form of retaliation against workers for making complaints.

8. **Prevent and remediate wage theft against vulnerable workers.** Labour rights abuses in the form of paying wages below the legal minimum wage, not providing overtime pay and illegal wage deductions are widespread in Myanmar and require more specific attention. The legal framework for wage protection needs to be strengthened through amendment of the Payment of Wages Act (1936), Factory Act (1951) and Shops and Establishments Act (1951) to ensure more robust prevention and enforcement measures are in place. In addition, access to satisfactory remedies for wage-related abuses should be increased in the form of recovery of unpaid wages and financial compensation.

9. **Establish legally binding agreements between garment brands and the workers within their supply chains in Myanmar.** More responsible business practices by the private sector have been widely emphasized in recent years as a potential force for change in improving working conditions within global supply chains. In response, auditing of supply chains, certification regimes and enactment of legislation requiring corporate disclosures of sourcing have increased. However, there is limited evidence to suggest that voluntary measures are effective in improving conditions for workers on the ground. As an alternative to traditional corporate social responsibility initiatives, worker-driven social responsibility through legally binding agreements between workers and corporate buyers to ensure decent working conditions has shown promise. Particularly given the proliferation of unethical business practices during COVID-19, multinational corporations sourcing their products from Myanmar's garment sector should adopt such agreements with worker organizations, including H&M, Zara, Primark, Guess, Adidas, C&A, Ellesse and K-World.

10. **Expand access to up-to-date and accurate information on labour rights and safe migration through civil society and labour organizations.** Awareness among workers and potential migrants about their rights under labour laws and how to migrate safely remains very low in Myanmar. Increasing the availability of credible information through trusted local civil society and labour organizations, working in partnership with labour authorities, is a proven strategy for expanding the reach and quality of information provided. Particular attention should be paid to increasing the availability of information in areas that are currently under-served by the Government, including conflict-affected areas, peri-urban areas and communities of origin for migrants in ethnic-minority areas.

11. **Eliminate worker-paid recruitment fees.** While a relatively small portion of workers pay recruitment fees to obtain their employment, the debt acquired by some workers substantially increases their vulnerability to abuse and exploitation. Moreover, excessive recruitment fees and charging fees for non-existent jobs are common forms of abuse against migrant workers seeking employment abroad. In line with the international labour standards outlined in the Private Employment Agencies Convention, 1997 (No. 181), Myanmar should enact legislation that prohibits workers from being charged directly or indirectly, in whole or in part, any fees or costs during the recruitment process.

12. **Decriminalize sex work and increase protection of sex workers' labour rights.** The first step in preventing the widespread labour abuses and violence endured by sex workers in Myanmar should be decriminalizing sex work. Recognizing sex workers as rights holders would reduce their vulnerability and enable them to receive labour and social protection as workers. By repealing the Suppression of Prostitution Act (1949) that severely criminalizes the livelihoods of sex workers, labour protection can be extended to provide them with coverage. Sex workers should play a central role in the legislative reforms in Myanmar, ensuring that their voices are heard on the changes needed through a participatory consultative process.

13. **Ratify key international labour standards to strengthen the national legal framework.** The four remaining fundamental conventions that have yet to be ratified (C98, C100, C105 and C111) should be adopted as soon as possible to ensure that a basic floor of labour rights protections is in place in Myanmar. In addition, development of labour governance within the country would benefit greatly from the adoption of C97, C143, C181, C188, C189 and P29, prioritizing improved protection for workers migrating abroad or employed in the fishing and domestic work sectors, who are particularly vulnerable to exploitation and abuse.

14. **Improve implementation of occupational safety and health standards to reduce workplace accidents.** Workplace accidents are common in Myanmar, particularly in industries such as agriculture, construction, fishing and mining, where occupational safety and health practices frequently fall short of legal standards. Although the recently adopted Occupational Safety and Health Law (2019) represents an important legislative development, effective implementation will require extensive training to address low levels of compliance that leave many workers in hazardous conditions. In addition, expansion of medical coverage and increased access to compensation for workers who are injured on the job and unable to work is necessary to prevent them from falling into destitution after experiencing an accident.

15. **Develop standard employment contracts for sectors of work that are high-risk for abuse.** Although required by the Employment and Skills Development Law (2013), many workers in Myanmar do not currently receive written employment agreements upon starting work. Developing standard contracts on a sectoral basis that include the required terms and conditions would help to ensure broader adoption of such agreements, particularly targeting sectors such as construction, domestic work and fishing where abuses are more common. Working closely with employers and employer associations in their development, as well as including them in labour inspection checklists, would help to support greater uptake and monitoring of compliance.

16. **Increase the staffing, resources and capacity of the labour inspectorate to ensure effective enforcement of labour laws.** The effectiveness of labour inspection in Myanmar is currently hindered by an insufficient number of inspectors, inadequate financial resources and limited capacity to fulfil its mandate. Strengthening enforcement of labour laws will require the establishment of a stronger system of labour inspection, including the extension of inspection coverage to hard-to-reach sectors such as fishing, agriculture and mining. This should include the development of specialized labour inspection tools and procedures for the identification of violations in high-risk sectors, and data collection and analysis to inform strategic targeting, management and planning for inspections.

17. **Develop and enforce legal standards for the living conditions of workers in employer-provided housing.** It is a common practice for workers in Myanmar to live in employer-provided housing facilities. However, these accommodations frequently provide substandard living conditions and are not currently regulated under Myanmar's legal framework. Particularly for workers employed in remote rural areas, peri-urban areas, private households or on-board fishing vessels, basic living standards should be established by law and monitored as part of labour inspections, in line with the standards in the Workers' Housing Recommendation, 1961 (No. 115).

18. **Expand access and quality of skills development training for women and other marginalized workers.** The proportion of workers who have benefitted from skills development training is extremely limited in Myanmar. Strengthening the vocational skills of poor and marginalized workers is critical to improving their prospects for obtaining higher wages and more formalized employment arrangements within the labour market. However, there are currently significant challenges to provision of high-quality training, including limitations in market relevance, outdated pedagogical approaches and lack of complementary job matching support. Expanding access and quality of skills development training is critical to enabling women, youth, migrants, displaced persons, people with disabilities and other disadvantaged workers to obtain decent work opportunities.

REFERENCES

Action Labor Rights, *Under Pressure: A Study of Labour Conditions in Garment Factories in Myanmar which are Wholly Korean Owned or in a Joint Venture with Korean Companies*, Yangon, Myanmar, March 2016.

Arnold, Dennis and Stephen Campbell. 'Labour Regime Transformation in Myanmar: Constitutive Processes of Contestation', *Development and Change* 48(4), June 2017.

Avocats Sans Frontières, 'Tackling gender-based violence in Myanmar: a pro bono lawyer's perspective', Brussels, 28 March 2018 <https://www.asf.be/blog/2018/03/28/tackling-gender-based-violence-in-myanmar-a-pro-bono-lawyers-perspective/> accessed 22 November 2020.

Belton, Ben, Melissa Marschke, and Peter Vandergeest, 'Fisheries development, labour and working conditions on Myanmar's marine resource frontier', *Journal of Rural Studies*, vol. 69, no. 4, July 2019.

Bernhardt, Thomas, S Kanay De, and Mi Win Thida, *Myanmar labour issues from the perspective of enterprises: Findings from a survey of food processing and garment manufacturing enterprises*, International Labour Organization, Myanmar Center for Economic and Social Development, Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, International Development Research Center, Geneva, 2017.

Brancati, Emanuele, Paul Minoletti, Aung Hein, and Guillem Riambau., *Coping with COVID-19: Protecting lives, employment, and incomes in Myanmar*, International Growth Centre, 2020.

CARE, *Rapid Gender Analysis of COVID-19 in Myanmar*. Yangon, 2020.

Committee on the Application of Standards, *Sixth sitting, Discussion of individual cases – Draft Paper*, International Labour Conference, 108th Session, Committee on the Application of Standards, Geneva, June 2019.

Danish Trade Union Development Agency, *Myanmar Labour Market Profile 2019*, Copenhagen, 2019.

Department of Population, *The 2014 Myanmar Population and Housing Census*, Nay Pyi Taw, 2015.

Deshingkar, Priya, Julie Litchfield and Wen-Ching Ting, *Capitalising Human Mobility for Poverty Alleviation and Inclusive Development in Myanmar (CHIME)*, International Organization for Migration, Yangon, 2019.

Diao, Xinshen, Nilar Aung, Wuit Yi Lwin, Phoo Pye Zone, Khin Maung Nyunt, and James Thurlow, *Assessing the impacts of COVID-19 on Myanmar's economy: A Social Accounting Matrix (SAM) multiplier approach*, International Food Policy Research Institute, Washington, D.C, May 2020.

Ford, Michele, 'Precarious workers need Asia's unions', *Open Democracy*, 22 October 2019 <https://www.opendemocracy.net/en/beyond-trafficking-and-slavery/informal-workers-an-untapped-asset-for-asias-unions/> accessed 23 November 2020.

Gravesteijn, Robin, Paul Luchtenberg, and Benjamin Harkins, *Impact of COVID-19 on Myanmar's Migrants and Remittances*, Bangkok, UNCDF and LIFT Fund, 2020.

Guth, Andrew, Robyn Anderson, Kasey Kinnard, and Hang Tran, 'Proper Methodology and Methods of Collecting and Analyzing Slavery Data: An examination of the Global Slavery Index', *Social Inclusion*, 2(4).

Harkins, Benjamin, 'Base Motives: The case for an increased focus on wage theft against migrant workers', *Anti-Trafficking Review*, Issue 15, September 2020.

Harkins, Benjamin, 'Better Protection of Myanmar Workers' Rights Needed Amid COVID-19', *The Irrawaddy*, 5 September 2020, <https://www.irrawaddy.com/opinion/guest-column/better-protection-myanmar-workers-rights-needed-amid-covid-19.html> accessed 29 September 2020.

Harkins, Benjamin, Daniel Lindgren and Tarinee Suravoranon, *Risks and rewards: Outcomes of labour migration in South-East Asia*, International Labour Organization and International Organization for Migration, Bangkok, 2017.

Hein, Aung, Paul Minoletti, Aung Thet Paing, Ni Lei Win, and Benjamin Harkins, *Safe migration knowledge, attitudes and practices in Myanmar*, International Labour Organization, Bangkok, 2015.

Htun, Zarni, 'Aung San Suu Kyi Vows to Sort Out COVID-19 Relief Snags for Myanmar's Poor', *Radio Free Asia*, 17 November 2020, <https://www.rfa.org/english/news/myanmar/relief-snags-11172020200328.html> accessed 18 February 2021.

Htwe, Zaw Zaw, *'Quarter of a Million Myanmar Workers Left Jobless Due to COVID-19', The Irrawaddy*, Yangon, June 2020, <https://www.irrawaddy.com/news/burma/quarter-million-myanmar-workers-left-jobless-due-covid-19.html> accessed 10 January 2021.

Htwe, Zaw Zaw, 'More than 1,800 Yangon Factories to Reopen After Passing Myanmar's COVID-19 Tests', *The Irrawaddy*, 29 April 2020, <https://www.irrawaddy.com/news/burma/1800-yangon-factories-reopen-passing-myanmars-covid-19-tests.html> accessed 16 February 2021.

Htwe, Zaw Zaw, 'Thousands of Myanmar Workers Demand Higher Minimum Wage', *The Irrawaddy*, 20 January 2020, <https://www.irrawaddy.com/news/burma/thousands-myanmar-workers-demand-higher-minimum-wage.html> accessed 29 January 2021.

Huynh, Phu, *Employment and wages in Myanmar's nascent garment sector*, International Labour Organization, Bangkok, 2016.

Institute for Human Rights and Business, Myanmar Centre for Responsible Business and Danish Institute for Human Rights, *Sector Wide Impact Assessment of Limestone, Gold and Tin Mining in Myanmar*, Yangon, 2018.

International Labour Organization, *ILO Monitor: COVID-19 and the world of work, Seventh edition*, Geneva, 2021, <https://www.ilo.org/global/topics/coronavirus/impacts-and-responses/WCMS_767028/lang--en/index.htm> accessed 19 February 2021.

International Labour Organization, *ILO Monitor: COVID-19 and the world of work. Fifth edition. Updated estimates and analysis*, 30 June 2020 <https://www.ilo.org/global/topics/coronavirus/impacts-and-responses/WCMS_749399/lang--en/index.htm> accessed 30 September 2020.

International Labour Organization, Progress report on the follow-up to the resolution concerning remaining measures on the subject of Myanmar adopted by the Conference at its 102nd Session (2013), ILO Governing Body 338th Session, Geneva, 25 September 2020.

International Labour Organization, *Experiences of ASEAN migrant workers during COVID-19: Rights at work, migration and quarantine during the pandemic, and re-migration plans*, Bangkok, 2020.

International Labour Organization, *Application of International Labour Standards 2020, Report of the Committee of Experts on the Application of Conventions and Recommendations*, Geneva, 2020.

International Labour Organization, *C190 – Violence and Harassment Convention, 2019 (No. 190)* ILO NORMLEX Information System on International Labour Standards, June 2019, <https://www.ilo.org/dyn/normlex/en/f?p=normlexpub:12100:0::no::p12100_ilo_code:c190> accessed 29 September 2020.

International Labour Organization, *Weaving Gender: Challenges and opportunities for the Myanmar garment industry*, Yangon, January 2019.

International Labour Organization, *General principles and operational guidelines for fair recruitment and definition of recruitment fees and related costs*, Geneva, 2019, <https://www.ilo.org/global/topics/fair-recruitment/WCMS_536755> accessed 26 September 2020.

International Labour Organization, *Legal Protection of Domestic Work in Myanmar: What does the Public Think?*, Yangon, 2019.

International Labour Organization, *Guidelines concerning the measurement of forced labour*, 20th International Conference of Labour Statisticians, Geneva, 2018, <https://www.ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/meetingdocument/wcms_648619.pdf> accessed 26 September 2020.

International Labour Organization, *Findings from the global comparative study on the definition of recruitment fees and related costs*, Geneva, 2018, <https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/meetingdocument/wcms_646693.pdf> accessed 19 February 2021.

International Labour Organization, *Decent Work Diagnostic Report: Myanmar's Progress and Challenges*, Yangon, 2018.

International Labour Organization, *Global Wage Report 2018/19: What lies behind gender pay gaps*, Geneva, 2018.

International Labour Organization, *Ending forced labour by 2030: A review of policies and programmes*, Geneva, 2018.

International Labour Organization, *ILO Guide to Myanmar Labour Law*, Yangon, 2017.

International Labour Organization, *Checkpoints for Companies – Eliminating and Preventing Forced Labour*, Geneva, 2016. <https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_456961.pdf> accessed 14 February 2021.

International Labour Organization, *Non-standard employment around the world: Understanding challenges, shaping prospects*, Geneva, 2016.

International Labour Organization, *Internal Labour Migration in Myanmar: Building an evidence-base on patterns in migration, human trafficking and forced labour*, Yangon, 2015.

International Labour Organization, *Caught at Sea: Forced Labour and Trafficking in Fisheries*, Geneva, 2013.

International Labour Organization, *Indicators of Forced Labour*, Geneva, 2012, <https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_203832.pdf> accessed 8 January 2021.

International Labour Organization, *Individual Case (CAS) - Discussion: 2010*, 99th ILC session (2010), ILO NORMLEX Information System on International Labour Standards, <https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMHOS_ID:2556445> accessed 29 September 2020.

International Organization for Migration, *COVID-19 Response: Situation Report 12*, Yangon, 2020.

Justice Base, *A Legal Guide to Citizenship and Identity Documents in Myanmar*, London, 2018.

Kimiri, Peninah, Jordan Hoffmann and Christina Haneef, *CARE Rapid Gender Analysis Myanmar – Rakhine State*, CARE Australia, Canberra, 4 August 2020.

Kusakabe, Kyoko, and Carli Melo, *Jobs in SEZs: Migrant garment factory workers in the Mekong region*, Asian Institute of Technology and Mekong Migration Network, Pathum Thani, September 2019.

LaMance, Ken, 'What Is Wage Theft?', *LegalMatch*, San Francisco, August 2020 <https://www.*legalmatch*.com/law-library/article/what-is-wage-theft.html> accessed 29 September 2020.

Lambrecht, Isabel, Kristi Mahrt, Catherine Ragasa, Michael Wang, Hnin Ei Win, and Khin Zin Win, *A gender-transformative response to COVID-19 in Myanmar*, International Food Policy Research Institute, Washington, D.C. January 2020.

Livelihoods and Food Security Fund, *LIFT Peri-Urban Programme Framework*, Yangon, June 2020, <https://www.lift-fund.org/en/lift-peri-urban-programme-framework-2020> accessed 20 January 2021.

Lwin, Nan, 'Efforts to Fix Myanmar's Deadly Jade Mine Issue Face Obstacles', *The Irrawaddy*, 9 July 2020, <https://www.irrawaddy.com/news/burma/efforts-fix-myanmars-deadly-jade-mine-issue-face-obstacles.html> accessed 30 January 2021.

Maung, Ye Yint Khant, 'A New Way for Workers' Rights Beyond the Legal Framework: The All Burma Federation of Trade Unions', *Tea Circle Oxford*, 14 October 2020<https://teacircleoxford.com/2019/10/14/a-new-way-for-workers-rights-beyond-the-legal-framework-the-all-burma-federation-of-trade-unions/> accessed 21 November 2020.

Ministry of Labour, Immigration and Population, *Myanmar labour force, child labour and school to work transition survey 2015*, Ministry of Labour, Immigration and Population, Department of Labour, Nay Pyi Taw, 2015.

Ministry of Labour, Immigration and Population, *Myanmar Annual Labor Force Survey – 2019, First Semi-Annual Report (January to March 2019)*, Ministry of Labour, Immigration and Population, Department of Labour, Nay Pyi Taw, June 2020.

Mon, Ye, 'COVID-19 pushes rural Myanmar towards moneylenders', *Frontier Myanmar*, 18 June 2020 <https://www.frontiermyanmar.net/en/covid-19-pushes-rural-myanmar-towards-moneylenders/> accessed 5 October 2020.

Mugge, Daniel, '40.3 million slaves? Four reasons to question the new Global Estimates of Modern Slavery', *Beyond Trafficking and Slavery*, 2017. <https://www.opendemocracy.net/en/beyond-trafficking-and-slavery/403-million-slaves-four-reasons-to-question-new-global-estimates-of-moder/> accessed 15 February 2021.

Mungoven, Rory, 'Minimum wage a step forward for democracy and sustainable development', International Labour Organization, Yangon, 25 May 2018 <https://www.ilo.org/yangon/press/WCMS_630131/lang--en/index.htm> accessed 26 September 2020.

Myanmar Central Statistical Organization, World Bank Group and United Nations Development Programme, *Myanmar Living Conditions Survey 2017: Poverty Repor*t, Nay Pyi Taw and Yangon, June 2018.

Olivier, Marius, *Extending the scope of social security to internal migrants in the informal economy: An analysis for Myanmar*, International Labour Organization, Yangon, 2020.

Oo, Zaw, Aung Myo Min, S. Kanady, Min Zar Ni Lin, Hanh Nguyen, and Samu Ngwenya, 'Effects of Minimum Wage on Manufacturing Workers and Firms in Myanmar: Initial Evidence and Policy Implications', in *Job Prospects for Youth, Low-skilled and Women Workers in the Greater Mekong Subregion*, edited by Vathana Roth, Greater Mekong Subregion Research Network, Phnom Penh, January 2019, <https://cdri.org.kh/wp-content/uploads/04-GMSnet.pdf> accessed 5 October 2020.

Rogers, Brishen, 'Toward Third-Party Liability for Wage Theft', *Berkeley Journal of Employment and Labor Law*, Vol. 31, Issue 1, 2010.

San, Myo Pa Pa, 'Myanmar Garment Factories Report 75% Fall in Orders Amid COVID-19', *The Irrawaddy*, 1 September 2020, <https://www.irrawaddy.com/specials/myanmar-covid-19/myanmar-garment-factories-report-75-fall-orders-amid-covid-19.html> accessed 19 January 2021.

Saville, Esther, and Eleanor Brown, *Living on the Edge – Sex Workers' Lives in Myanmar: A Participatory Ethnographic Evaluation and Research (PEER) Project*, CARE, Yangon, 2015.

Seng, Naw, 'Hard labour for migrant workers on the Yangon circle line', *Frontier Myanmar*, 31 December 2019, <https://www.frontiermyanmar.net/en/hard-labour-for-migrant-workers-on-the-yangon-circle-line/> accessed 29 January 2021.

Sharma, Dhiraj, 'Why the World Bank is taking a wide-angle view of poverty', Brookings Institution, Washington, D.C., 14 November 2018, <https://www.brookings.edu/blog/future-development/2018/11/14/why-the-world-bank-is-taking-a-wide-angle-view-of-poverty/> accessed September 27.

Shih, Elena, YeYint Maunt, Hnin Wut Yee, and Katherine Chin, *Myanmar Garment Workers Organizing in the Era of Supply Chain Transparency: COVID-19 Challenges in Context*, Livelihoods and Food Security Fund, Yangon, Forthcoming.

Skrivankova, Klara, *Between decent work and forced labour: examining the continuum of exploitation*, Joseph Rowntree Foundation, York, 2010.

Tha, Kyaw Phyo, 'WHO Country Chief Urges Myanmar to Sustain 'Amazing' COVID-19 Response', *The Irrawaddy*, 1 July 2020, <https://www.irrawaddy.com/in-person/country-chief-urges-myanmar-sustain-amazing-covid-19-response.html> accessed 19 February 2021.

Tharaphi, Rita, 'Recovery of Education System in Myanmar', *Journal of Public Administration Studies*, 4(2), 2019.

Theuws, Martje, and Pauline Overeem, *The Myanmar Dilemma: Can the garment industry deliver decent jobs for workers in Myanmar?*, Centre for Research on Mutlinational Corporations, Action Labor Rights and Labour Rights Defenders and Promoters, Amsterdam, August 2017.

UN-Habitat, *Rapid Assessment of Informal Settlements in Yangon*, Yangon, 2020.

United Nations, *Independent International Fact-Finding Mission on Myanmar*, Geneva, 2018.

United States Agency for International Development, *Conducting mixed-method evaluations*, Technical Note, Washington, D.C., June 2013.

United States Department of State, *Trafficking in Persons Report 2020: Burma*, Office to Monitor and Combat Trafficking in Persons, Washington, D.C, June 2020.

Weitzer, Ronald, 'New Directions in Research on Human Trafficking', *The Annals of the American Academy of Political and Social Science*, vol. 653, issue 1, 2014.

Working Group on Legal Protection of Domestic Workers, *The Legal Gap Analysis of Myanmar National Laws and International Standards for Domestic Work*, International Labour Organization, Yangon, 2019.

World Bank, *A Country on the Move: Domestic migration in two regions of Myanmar*, Yangon, 2016, <https://www.lift-fund.org/sites/lift-fund.org/files/publication/Internal%20Migration%20FINAL%20ENG.pdf> accessed 26 September 2020.

World Bank, *Myanmar COVID-19 Monitoring: Household Survey Results Round 2*, Yangon, 2020.

World Bank, *Myanmar Economic Monitor December 2020: Coping with COVID-19*, Yangon, 2020.

World Health Organization, *Global Strategy on Occupational Health for All: The way to health at work*, Recommendation of the Second Meeting of the WHO Collaborating Centres in Occupational Health, 11–14 October, 1994, Geneva, 1995.

World Health Organization and UNAIDS, *Technical Guidance for Global Fund HIV Proposals Round 11 Key Populations: Sex workers*, Geneva, 2011, <http://www.unaids.org/sites/default/files/sub_landing/files/20110909_Technical_Guidance_Sex_Workers_en.pdf> accessed 16 February 2021.

Women in Informal Employment: Globalizing and Organizing, 'Rethinking Formalization', Manchester, no date, <https://www.wiego.org/rethinking-formalization> accessed 29 January 2021.

APPENDIX 1. SURVEY QUESTIONNAIRE

LABOUR/COVID-19 SURVEY **[June 2020]** **Version: FINAL**

Name of Respondent	**Address**
Date of Interview *(Time begin and time ended)*	**Name of Interviewer**

INFORMED CONSENT

Thank you for agreeing to talk with me today. I'd like to introduce myself – I am (**NAME**) from (**ORGANISATION**).

We are conducting a study of labour conditions and the impact of COVID-19. It would be very helpful if you could share information about your most recent work experience. There are no right or wrong answers, so please give us your honest opinion. Any information collected from you will be kept strictly confidential. We will **not** use your name, address or any other personal information by which you could be identified. Your participation in the interview is voluntary and you can withdraw at any time.

- Do you have further questions about this survey? **CLARIFY AND CONFIRM UNDERSTANDING**
- Do you understand and give your consent to be interviewed for the study? **IF YES CONTINUE**

Screening and labour market situation

S1. Record state

Yangon	1	**QUOTA = 800**
Kachin	2	**QUOTA = 320**
Norther Shan	3	**QUOTA = 320**
Kayin	4	**QUOTA = 320**
Tanintharyi	5	**QUOTA = 320**
Rakhine	6	**QUOTA = 320**

S2. Record township

Hlaing Thar Yar (Hlinethaya)	1	Kyain Seikgyi (Kyarinseikkyi)	7
Dagon Seikkan	2	Myeik	8
Shwe Pyi Thar (Shwepyitha)	3	Kawthaung (Kawthoung)	9
Hpakan (Phakant)	4	Toungup (Taungup)	10
Tanai (Tanaing)	5	Ramree (Yanbye)	11
Lashio	6	Sittwe (Sittway)	12

S3. Record village

S4. Record callback number

First visit	1
First callback	2
Second callback	3
Third callback	4

S5. Record sex

Male	1	**QUOTA = 1600**
Female	2	**QUOTA = 800**

S6. How old are you? (Single)

S6a	**Record exact age**		
S6b	Below 14 years	1	**STOP**
	14 – 17 years	2	**ASK S7**
	18 – 24 years	3	**GO TO S8**
	25 - 29 years	4	
	30 - 34 years	5	
	35 – 39 years	6	
	40 – 44 years	7	
	45 – 60 years	8	
	Over 60	9	**STOP**

S7. Are you working with your parent or guardian?

Yes	1
No	2

SHOW CARD 1

S8. What is your current level of education? (Single)

Never attended school	1	CONTINUE
Primary school grade 1-5	2	
Middle school grade 6-9	3	
High school grade 10-11	4	
Vocational education	5	
Diploma, University or higher education	6	STOP

S9. During the last 12 months, did you do any paid or unpaid work, not including household work for your family? (Single)

Yes	1	CONTINUE
No	2	STOP

SHOW CARD 2

S10. Who is your current employer? (Single)

Self-employed or own farm	1	STOP
Private firm or individual	2	CONTINUE
Government or military	3	
NGO	4	
Other (**specify**)	5	

SHOW CARD 3

S11. In which sector do you currently work? (Single)

Agriculture	1		QUOTA = 320
Fishing	2		QUOTA = 320
Manufacturing	3		QUOTA = 627
Construction	4		QUOTA = 307
Mining	5		QUOTA = 213
Hospitality	6	ASK S12	QUOTA = 413
Domestic work	7		QUOTA = 200
Other (**specify**)	8		STOP

S12. What kind of venue did you work in? (Single)

Bar	1
Karaoke	2
Massage	3
Night club	4
Hotel	5
Freelance	6
Other (**specify**)	7

SHOW CARD 4

S13. Which of the following best describes the type of work you are doing? (Single)

Low-skilled work: Performance of simple manual work. May require physical strength. Work tasks could be cleaning; digging; lifting and carrying materials; sorting or assembling goods by hand. Limited basic education required.	1	**CONTINUE**
Semi-skilled work: Performance of tasks such as operating machinery and electronic equipment; driving vehicles; maintenance and repair; read safety instruction and make written records. Basic education required or vocational training	2	**STOP**
High-skilled work: Performance of complex tasks that require an extensive technical and procedural knowledge in a specialized field. Vocational training and job experience are essential	3	

Recruitment

R1. Did you migrate from another State or Division to take this job? (Single)

Yes	1	**ASK R2-R3**
No	2	**GO TO R4**

R2. Which State or Division did you migrate from? (Single)

Ayeyawady Division	1	Mandalay State	8
Bago Division	2	Mon State	9
Chin State	3	Rakhine State	10
Kachin State	4	Sagaing Division	11
Kayah State	5	Shan State	12
Kayin State	6	Tanintharyi Division	13
Magway Division	7	Yangon Division	14

SHOW CARD 5

R3. What was the main reason you decide to migrate here for work? (Single)

Escaping conflict	1
To repay debt	2
Natural disaster	3
Someone took my land	4
Followed someone else here	5
Was unemployed	6
To support family	7
To earn a higher income	8
Other (**specify**)	9

SHOW CARD 6

R4. How did you get your current job? (Single)

Through a recruitment agency	1	**ASK R5**
Through a government agency	2	
Through a broker	3	
Directly with employer (on my own)	4	**GO TO R6**
Through relatives or friends	5	
Relocated from another work site	6	
Other (**specify**)	7	

R5. Did the person recruiting you have a license?

Yes	1
No	2
Don't know	3

R6. Did you have to pay any fees in order to secure your current job?

Yes	1	**ASK R7-9**
No	2	**GO TO R10**

R7. How much did you pay?

	Kyat
Don't remember	99

SHOW CARD 7

R8. What did the fees cover? (Multiple)

Recruitment services	1
Travel	2
Housing	3
Medical exam	4
Training	5
Legal documents	6
Payment to authorities	7
Other (**specify**)	8

SHOW CARD 8

R9. How did you pay for the fees? (Single)

Own savings	1	**ASK R10**
Sold or pawned assets	2	
Loan from relatives or friends	3	**GO TO R11**
Loan from Bank	4	
Loan from money lender	5	
Loan from recruiter	6	
Loan from employer	7	

R10. Since starting work, have you borrowed money or taken an advance from your employer? (Single)

Yes, advance	1	**ASK R11-12**
Yes, loans	2	
No	3	**GO TO W1**

R11. How much did you borrow?

	Kyat
Don't remember	99

R12. How do you repay your debt including recruitment fees, loan or advance from employer? (Single)

Pay cash	1
Deduct from salary	2
Take out advance on salary to pay	3
Other (**specify**)	4

R13. Do you still owe money?

Yes	1	**ASK R14**
No, paid back already	2	**GO TO W1**

R14. How many more months will it take to repay all your debt?

	Month
Don't remember	99

Work conditions

W1. Do you recall signing a work contract for your current work or was it a verbal agreement?

Written contract	1	**ASK W2**
Verbal agreement	2	**GO TO W3**
None	3	

W2.

		Yes	**No**	**Don't know**
A	Did you sign the contract before starting work?	1	2	
B	Were you given a copy to keep?	1	2	
C	Does the contract state your salary?	1	2	3
D	Does your contract allow you to quit without penalty?	1	2	3
E	Did you understand the contract you signed?	1	2	

W3. When you started this work, was the job worse, as promised or better? (Single)

Worse	1	**ASK W4**
As promised	2	**GO TO W5**
Better	3	
Don't know	4	

SHOW CARD 9

W4. What aspects of the work were worse? (Multiple)

Sector of work	1
Wages	2
Work hours / Overtime required	3
Regularity of pay	4
Work location	5
Work days per week	6
Length of employment	7
Safety/danger of the job	8
Housing and living conditions	9
Work tasks	10
Benefits (e.g. leave, medical care, etc.)	11
Freedom outside of work	12
Other (**specify**)	13

W5. Do you have full time or part time employment, seasonal or on a contract basis? (Single)

Full time	1
Part time	2
Seasonal	3
Temporary, daily work	4

W6. How many days per week do you normally work? (Single)

1	2	3	4	5	6	7	**Days per week**

W7. Do you have a choice about working overtime?

Yes	1
No, it is required	2

W8. How many hours per day do you normally work including overtime?

	Hours per day

W9. How many hours of break time do you have per day?

	Hours per day

W10. Do you get overtime pay when working more than 8 hours per day or more than 48 hours per week? (Single)

Yes	1
No	2
Sometimes	3

SHOW CARD 10

W11. How is your wage determined? (Single)

Fixed daily salary	1
Fixed monthly salary	2
Piece rate only	3
Fixed salary and piece rate	4
Other (**specify**)	5

SHOW CARD 11

W12. How often do you get paid? (Single)

Daily	1
Weekly	2
Every 2 weeks	3
Monthly	4
At the end of the season	5
Other (**specify**)	6

W13. How much money are you normally paid from your employer each month including overtime? (IF NONE WRITE '0')

W13a	Total salary (Net take home)	**Kyat**
W13b	Last month, how much extra did you get for overtime?	**Kyat**

W14. Are you normally paid in cash or by bank transfer?

Paid in cash	1
Transfer to bank account	2

SHOW CARD 12

W15. What deductions are made from your wages, if any? (Multiple)

Social security	1	ASK W16
Trade union dues	2	
Recruitment fees	3	
Payment for other debt (not advance)	4	
Accommodation	5	
Food	6	
Clothing and safety/work equipment	7	
Penalties	8	
Absence from work	9	
Deductions are made but don't know for what	10	
Other (**specify**)	11	
None	12	GO TO W17

W16. How much is deducted each month?

	Kyat

SHOW CARD 13

W17. Which of the following do you get in your current job? (Multiple)

Paid holidays or annual leave	1
Paid sick leave	2
One-day off per week	3
Overtime pay	4
Paid maternity leave (women only)	5
Leave for official business-like voting	6
Can only take unpaid leave	7
None	8

SHOW CARD 14

W18. Are you enrolled in any government or private sector benefit scheme? (Multiple)

Social security	1
Private health insurance	2
Education or training programme	3
Other specify	4
No	5

SHOW CARD 15

W19. Have you been exposed to any of the following at work? (Multiple)

Chemicals such as pesticides, dyes etc.	1
Heavy vehicle traffic	2
Prolonged high temperature	3
Risk of falling from heights	4
Lifting heavy goods	5
Smoke from fire	6
Saw dust	7
Excessive noise	8
Lack of clean water or sanitation	9
Excessive sun exposure	10
None	11
Other (**specify**)	12

W20. Have you had an injury at work that required medical attention in the past 12 months?

Yes	1
No	2

W21. Did you take leave to deal with your injury?

Yes, paid sick leave	1
Yes, unpaid sick leave	2
No	3

SHOW CARD 16

W22. Since the Coronavirus outbreak, have you received any support from the Myanmar Government? (Multiple)

Cash	1
Housing	2
Medical examination	3
Medical care	4
Transportation	5
Food items	6
Public health information	7
Hygiene products	8
Other (**specify**)	9
None	10

SHOW CARD 17

W23. What precautions have you taken to protect yourself and others from the virus? (Multiple)

Washing hands with soap more regularly	1
Avoid large gatherings	2
Use hand sanitizer more regularly	3
Wear facemask when in public	4
Observe social distancing	5
Use public transport less often	6
Working from home	7
Self-quarantine	8
None	9

SHOW CARD 18

W24. What precautions have been taken in your work place? (Multiple)

Information on how to protect myself and others	1
Social distancing in work place	2
Hand washing facilities installed	3
Hand sanitizer provided	4
Masks provided	5
Working from home	6
Shorter or flexible work hours	7
None	8

SHOW CARD 19

W25. How has the coronavirus affected you and your family? (Multiple)

Family member quarantined	1	
Loss of job	2	ASK W26
Unable to work	3	
Loss of income	4	
Food shortage	5	
Children unable to attend school	6	
Increased stress/conflict	7	
Other (**specify**)	8	
None	9	

W26. How much income did you lose last month?

W27. In three-months' time, do you think the situation will be worse, no change, or better? (Single)

Worse	1
No change	2
Better	3

SPECIFIC QUESTIONS ON PROBLEMS AT WORK

SHOW CARD PICTURE 20

F1a. Look at these pictures of different work places, would you say your work place is worse, about the same or better in terms of being clean and healthy? (Single)

Worse	1	ASK F2
About the same	2	
Better	3	GO TO F3

SHOW CARD PICTURE 21

F1b. Look at these pictures of different living quarters, would you say your living quarters are worse, about the same or better in terms of being clean, spacious and safe? (Single)

Worse	1	ASK F2
About the same	2	
Better	3	GO TO F3

SHOW CARD 22

F2. What concerns do you have about your living quarters? (Multiple)

Risk of violence or abuse	1
Sexual harassment	2
Lack of privacy	3
Isolated or remote location	4
Not enough living space	5
No clean water supply	6
Inadequate toilet facilities	7
Only communal bathing facilities available	8
Unsanitary conditions (e.g. dirty, garbage lying around)	9
Too expensive	10
Other (**specify**)	11
None	12

F3. Is your housing provided by your employer?

Yes	1
No	2

SHOW CARD 23

F4a. This question is for you alone and I can't see the answers. Which of the following have you ever experienced in the past 12 months in your current job or during recruitment for this job? Just select the numbers here on the tablet. You can select more than one. (Multiple)

Someone else decided that you should work here	1	ASK F4b
You were placed or transferred to this job without being consulted	2	
The job was different to what was agreed	3	
You have to be available to work at any time, day and night	4	
Work conditions are dangerous and you were not told about this	5	
You have to work for a very low wages or are not paid at all	6	
You live in very poor living conditions	7	
Work longer than agreed while waiting to get paid	8	
You have to work longer than agreed in order to repay debt to your employer	9	
You have to work to help another family member who was forced to work by an employer	10	
You have to work so that another person will get a job or receive money	11	
You are not allowed to quit your job	12	
None	13	ASK F4c

SHOW CARD 24

F4b. Again, I can't see the answers. In relation to those experiences you just selected, did your recruiter, work leader, manager or employer do any of the following to you? Just select the numbers here on the tablet.

SHOW CARD 24

F4c. Again, I can't see the answers. In this job, did your recruiter, work leader, manager or employer do any of the following? Just select the numbers here on the tablet. (Multiple)

Physical violence (hitting, kicking, suffocating)	1
Sexual abuse (kissing, touching, asked to undress, forced sex)	2
Harassment, humiliation or strong verbal abuse	3
Threats of violence to you or your family	4
Not being allowed to eat	5
Not allowed to leave the workplace, go where you want during free time	6
Being under constant surveillance	7
Threats of not getting paid or financial penalties	8
Withholding your salary for several months	9
Threat of being dismissed from work	10
Threatened of legal action	11
Employer took away your identify documents or mobile phone	12
You found out you owe your employer money you did not know about	13
Locked in, either in your work place or where you live	14
None	15

Support services and complaint mechanism

IF NONE IN BOTH F4a and F4b GO TO C6a

C1. Did this happen before or after March this year?

Before	1
After	2

C2. Did you go to anyone for assistance with your problem(s)?

Yes	1	**GO TO C4**
No	2	**ASK C3**

SHOW CARD 25

C3. Why didn't you seek help? (Single)

Distrust Government authorities	1	GO TO C6a
Fear retaliation for complaining	2	
Want to handle it on my own	3	
Not a serious enough problem	4	
Don't believe anyone can help	5	
Don't know where to seek assistance	6	
Other (specify)	7	

SHOW CARD 26

C4. Who did you go to? (Single)

Friends or family	1
Employer or manager	2
Recruitment agency	3
Broker	4
Community leader	5
Government authorities	6
Police	7
NGO or UN agency	8
Trade union or worker association	9
Other	10
None	11

C5. Were they able to help you to resolve your problem? (Single)

Yes	1
Somewhat	2
No	3

SHOW CARD 27

C6a. Have you joined any trade union or association? (Multiple)

Trade union	1
Worker association	2
Women's group	3
Welfare committee	4
Other	5
No	6

SHOW CARD 27

C6b. Do you want to join any trade union or association? (Multiple)

Trade union	1
Worker association	2
Women's group	3
Welfare committee	4
Other	5
No	6

SHOW CARD 28

C7. What information or support services have you received in the past 12 months, if any? (Multiple)

Migration information or services	1
Awareness raising on labour rights, gender-based violence and sexual harassment	2
Legal assistance related to your employment	3
Vocational or business training	4
Life or soft skills training	5
Job placement support or apprenticeship	6
Shelter or other support services for human trafficking	7
Financial literacy training	8
Other (**specify**)	9
None	10

C8. Do you send money home to your family?

Yes	1	**ASK C9-11**
No	2	**GO TO C12**

SHOW CARD 29

C9. What channel do you normally use to send money home? (Single)

Bank	1
Money transfer organisation (e.g. Western Union, MoneyGram, Wave, Wing, etc.)	2
Hundi or broker system	3
Hand carry by myself	4
Hand carry by family or friend	5
Other	6

C10. How many times per year do you send money home? (Single)

IF EVERY MONTH CIRCLE 12, IF EVERY SECOND MONTH CIRCLE 6

1	2	3	4	5	6	7	8	9	10	11	12

C11. How much do you normally send each time? (MUST BE =< W13a)

WRITE IN AMOUNT, IF NONE WRITE '0'	Kyat

C12 Since the Corona virus outbreak, do you send less money home, or no change? (Single)

Less	1
No change	2
More	3

DEMOGRAPHICS

SHOW CARD 30

D1. Which of the following media do you own? (Multiple)

Television	1
Radio	2
Newspaper	3
Internet	4
None	5

SHOW CARD 31

D2. Which of the following media do you regularly watch, listen to or read? (Multiple)

Television	1
Radio	2
Newspaper	3
Internet	4
None	5
Smart phone	6
Regular mobile phone	7
None	8

D3. What is your marital status? (Select one)

Single	1
Married	2
Divorced	3
Widowed	4

D4. What is your ethnicity? (Single)

Shan	1
Dawei	2
Mon	3
Bamar	4
Chin	5
Rakhine	6
Kayin	7
Lahu	8
Akhar	9
Miro	10
Other (**specify**)	11

D5. What is your religion? (Single)

Buddist	1
Christian	2
Islam	3
Hindu	4
Other	5

D6. In which State or Division are you born? (Single)

Ayeyawady Division	1	Mandalay State	8
Bago Division	2	Mon State	9
Chin State	3	Rakhine State	10
Kachin State	4	Sagaing Division	11
Kayah State	5	Shan State	12
Kayin State	6	Tanintharyi Division	13
Magway Division	7	Yangon Division	14

SHOW CARD 32

D7. Do you have any difficulty with any of the following? (Multiple)

Walking or going up stairs	1
Seeing, even if wearing glasses	2
Hearing, even if using a hearing aid	3
Remembering or concentrating	4
Communicating in your native language	5
Washing or dressing	6
None	7

SHOW CARD PICTURE 33

D8. Which of the following documents do you have? (Multiple)

Citizenship scrutiny card (CSC or pink card)	1
Associate citizenship scrutiny card (ACSC or blue card)	2
Naturalized citizenship scrutiny card (NCSC or green card)	3
National Registration Card (NRC or three-fold card)	4
Nationality Verification Card (NVC)	5
Foreign Registration Certificate (FRC)	6
Labour Card	7
None	8

D10. In case I have missed anything and need to contact you, what is the mobile number I can reach you on? DO A MISSED CALL TO CONFIRM

Name	
Phone	

D11. You have been selected for an extension interview and we would like to ask you just a few more questions? Do you agree to participate?

Yes	1	SELECT FOR POSSIBLE EXTENSION INTERVIEW	IF F4a<12 AND IF F4b/c<14
No	2	THANK YOU FOR YOUR TIME	

FROM THE RICE PADDY TO THE INDUSTRIAL PARK:

Working conditions and forced labour in Myanmar's rapidly shifting labour market

During the last decade, Myanmar's transition towards a more open and market-oriented economy has contributed to a major structural transformation in employment for its labour force. However, the rapid changes to the nature of employment have also brought significant challenges in ensuring conditions of decent work.

This survey of more than 2,400 workers by the Livelihoods and Food Security Fund (LIFT) provides an assessment of working conditions and forced labour across several key economic sectors. The study finds that although advances have been made in increasing workers' rights in some areas, major gaps in labour protection remain for a large share of workers within Myanmar's labour market.

LIFT

Livelihoods and Food Security Fund

UKaid · European Union · Swiss Agency for Development and Cooperation SDC · Australian Aid · USAID · Canada · New Zealand Foreign Affairs & Trade Aid Programme · Irish Aid Rialtas na hÉireann Government of Ireland · Norwegian Ministry of Foreign Affairs

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