



## MYANMAR LABOUR INITIATIVE

A partnership of the Governments of Myanmar, Denmark, Japan, the United States, European Union and the International Labour Organization

### Second Stakeholders Forum on Labour Law Reform and Institutional Capacity Building

Sedona Hotel, Yangon

29 – 30 September 2016

The objective of the Stakeholder Forum is to provide a venue for the Government of Myanmar, together with its employers and workers social partners, to engage with international investors, development partners and civil society representatives on its ongoing reform efforts; to review progress made on labour law reform and institutional capacity building; to provide guidance and recommendations for the development of a multi-year labour law reform and capacity building plan (labour law reform plan); and to foster constructive relationships among domestic and international stakeholders. This is the second Stakeholder Forum to be held under the *Initiative to Promote Fundamental Labour Rights and Practices in Myanmar* ([http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-yangon/documents/publication/wcms\\_319813.pdf](http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-yangon/documents/publication/wcms_319813.pdf) (English); and [http://www.ilo.org/yangon/whatwedo/publications/WCMS\\_525517/lang-en/index.htm](http://www.ilo.org/yangon/whatwedo/publications/WCMS_525517/lang-en/index.htm) (Myanmar) for more information).

Time	Topic	Session Objectives
<b>DAY 1, 29 September 2016</b>		
<b>8:30-9:00</b>	Registration	
<b>9:00-9:45</b>	Opening Session Welcome on behalf of Labour Rights Initiative Partners <ul style="list-style-type: none"> <li>Danish Minister for Employment, HE Mr Jorn Neergaard Larsen</li> </ul> Keynote Message <ul style="list-style-type: none"> <li>H.E. U Thein Swe, Union Minister, Ministry of Labour, Immigration and Population (MOLIP)</li> </ul> Statement on behalf of ILO <ul style="list-style-type: none"> <li>Deputy Director General, Mr Greg Vines</li> </ul> Opening remarks <ul style="list-style-type: none"> <li>EU Ambassador to Myanmar, HE Mr Roland Kobia</li> </ul>	



<b>9:50 – 10:00</b>	<b>PHOTO OPPORTUNITY</b>	
<b>10:00 – 10:30</b>	<b>COFFEE/TEA BREAK</b>	
<b>10:30-11:45</b>	<p>Session 1: Labour Law Reform</p> <p>Presentation by U Myo Aung, Permanent Secretary, Ministry of Labour, Immigration and Population (MOLIP) on Current Legislative Efforts and Medium-Term Strategy</p> <p>Presentation by Ms Natsu Nogami, Senior Legal Officer, ILO Yangon Office on Conceptual framework on labour law reform and institutional capacity building as agreed upon by the tripartite constituents at the 1<sup>st</sup> SF</p> <p>Presentation by U Kyaw Htwe, Chairperson of the Parliamentary Committee of Local and Overseas Employment on legislative priorities and view on the Labour Law reform process</p> <p>Discussant from stakeholders: international investor</p> <p>Open Discussion</p> <p>Moderator: Mr Koichi Harada, Labour Administration and Policy Advisor, Japan International Cooperation Agency (JICA)</p>	<p>The objectives of this session are to:</p> <ol style="list-style-type: none"> <li>(1) update on MOLIP’s current legislative efforts and immediate priorities on labour law legislation drafting and amendments and efforts to ratify additional international labour standards;</li> <li>(2) to revisit the conceptual framework (3 phases) to reconfirm commitment on the way forward in LLR, particularly a more balanced and inclusive process; clarification on the substance of the Labour Standards Act (LSA) as the centerpiece labour legislation and as the next step to be undertaken in the LLR, which will eventually lead into the adoption of a comprehensive, coherent and modern Labour Code;</li> <li>(3) to confirm the legislative priorities of the Parliament and to identify any technical or capacity needs, and highlight the importance of a balanced approach to the review of labour laws: and</li> <li>(4) to highlight perspectives and priorities of other stakeholders</li> </ol>
<b>11:45 – 13:00</b>	<p>Session 2: Social Partners’ (employers’ and workers’) Priorities on their respective experience to date in the Labour Law Reform Process, needs for capacity building</p>	<p>The objectives of this session are to:</p> <ol style="list-style-type: none"> <li>(1) share the current views of Myanmar social partners on the labour law reform process;</li> </ol>



	<p>and how to strengthen industrial relations and social dialogue.</p> <p>Speakers: U Myint Soe, Central Executive Committee, UMFCCL Daw Khaing Zar Aung, CTUM</p> <p>Discussants: Ms. Ronnie Goldberg, IOE New York Ms. Makbule Sahan, ITUC Brussels</p> <p>Open discussion</p> <p>Moderator: US Associate Deputy Undersecretary Eric Biel</p>	<p>(2) provide the opportunity for Myanmar social partners to share experiences in their participation in the labour law reform process, gaps and good practices to be replicated;</p> <p>(3) provide other participants (international investors) with the opportunity to share priorities, concerns, gaps and good lessons to learn from in the Myanmar context; and</p> <p>(4) gain information on the current needs of tripartite partners and labour market institutions in terms of capacity building and strengthening industrial relations and social dialogue</p>
<b>13:00 – 14:30</b>	<b>LUNCH BREAK</b>	
<b>14:30 – 17:00</b>	<p>Parallel Breakout Sessions</p> <p><b>(With coffee break from 1530-1600)</b></p>	<p>The parallel breakout sessions will be an opportunity for stakeholders to discuss key issues in greater depth.</p> <p>The overarching theme of the breakout sessions: “Myanmar labour market in transition: moving from Government intervention in the labour market to negotiation and dialogue between social partners to determine their terms and conditions of employment.”</p> <p>Each breakout session will have a moderator, a panel of speakers and a rapporteur. The moderator will be asked to present the overall session objectives, introduce the speakers and facilitate a participatory discussion among stakeholders.</p>



		<p>The speakers will be given a maximum of 7 minutes each to present their perspectives on the topic and will pose questions to the participants to stimulate discussion.</p> <p>The Government representative/moderator will make a final response to the issues raised in each session.</p>
<b>Breakout Session A</b>	<p><b>Labour Disputes</b></p> <p>Dispute Settlement: a success story and stepping stone for further dispute settlement institutionalization.</p> <p>Speakers:</p> <ol style="list-style-type: none"> <li>1. Arbitration council representative: TBD</li> <li>2. Workers' representative: Daw Khaing Zar Aung, Treasurer, CTUM U Aung Thu, Secretary-General, MICS-TUsF</li> <li>3. Employers representatives: Daw Me Me Aung, Employer Organization Dept, UMFCFI Ms. Danyel Thomson, AMCHAM</li> </ol> <p>Open Discussion</p> <p>Moderator and respondent: representative U Aung Htay Win, DDG, DOL, MOLIP</p>	<p>This session will be a discussion on the factors that have contributed to or exacerbated disputes, including the mandatory employment contract, dismissals in particular anti-union cases, the recent strikes, the strengths and weaknesses of the current dispute settlement mechanism, and the interventions that could improve the current industrial relations system.</p> <p>This session also will present good success stories on enterprise level collective bargaining, which is generally conducted during dispute settlement, and identify ways to promote and institutionalise sound bargaining techniques.</p>
<b>Breakout Session B</b>	<p><b>Employment Contract (Employment and Skills development law)</b></p> <p>Speakers:</p> <ol style="list-style-type: none"> <li>1. Workers representatives:</li> </ol>	<p>This session will be a discussion on the employment contract (EC). The proposed revision of the mandatory EC is outstanding and employers and workers are in discussion on the issues. The Government has agreed to amend the EC, but the substantive changes are still under consideration.</p>



	<p>Daw Phyo Sandar Soe, Assistant General-Secretary, CTUM  U Thet Hnin Aung, Central Executive Committee, MICS-TUsF</p> <p>2. Employers representative:  U Myint Soe, Central Executive Committee, UMFCCI  Mr. Alex Bohusch, British Chamber of Commerce Myanmar</p> <p>3. Mr Colin Fenwick, Chief, Labour Law Unit, ILO on comparative international experiences</p> <p>Open Discussion</p> <p>Moderator and respondent: U Myo Aung, Permanent Secretary and DG of DOL, MOLIP</p>	<p>The discussion on this issue will allow the parties concerned to express their views on the EC, its value, its enforcement nature, and the practicality of the EC when applied to different sectors.</p>
<p><b>Breakout session C</b></p>	<p><b>Occupational Safety and Health</b></p> <p>Speakers:</p> <ol style="list-style-type: none"> <li>1. The Parliamentarian U Aung Thein, Upper House</li> <li>2. Mr. Ockert Dupper, ILO Vision Zero Programme Manager</li> <li>3. Employers' representative:  U Thet Naing Oo, Deputy CEO, Employer Organization Department, UMFCCI  An international employer organization (TBD)</li> <li>4. Workers' representative:  U Min Min Law, OSH Committee member, CTUM  U Naing Thein Aung, Secretary for Organizing Dept, AFFM-IUF</li> </ol>	<p>OSH has been among the top priorities of the Myanmar tripartite constituents and wider stakeholders. This session will allow discussion on the new legal framework on OSH which clarifies the new roles and responsibilities of the relevant parties in ensuring safety and health in the fast developing and changing world of work in Myanmar.</p> <p>MOLIP and Parliamentary representatives will present on the new legal frameworks, focusing on the prospects and challenges. Social partners will present on their initiatives at the workplace level, keeping in mind the establishment of the workplace OSH committees under the new OSH Law.</p>



	Open discussion  Moderator and respondent: U Win Shein, DG of FGLLID, MOLIP	Achieving a safe and healthy working environment is mutually beneficiary for constituents and contributes to the promotion of a social dialogue culture and practice in Myanmar.
<b>DAY 2, 30 September 2016</b>		
<b>08:30 – 09:00</b>	Registration	
<b>09:00 – 09:45</b> (Plenary)	Welcome message on behalf of Labour Rights Initiative Partners, US Ambassador HE Mr Scott Marciel  Short presentations by stakeholders on interesting subjects / research / findings, etc  Moderator: US Special Representative for International Labour Affairs, Ms Sarah Fox	<ol style="list-style-type: none"> <li>1. Labour Force Survey 2015 by U Aung Htay Win, Deputy Director, Department of Labour, MOLIP</li> <li>2. Minimum wage research by U Zaw Oo, Executive Director, Center for Economic and Social Development</li> <li>3. Bilateral Consultative Dialogue Initiative by Mr. Jamie Davis, Country Program Director, Solidarity Center</li> </ol>
<b>09:45-10:30</b>	Report back from parallel sessions by moderators of three breakout sessions on Day One  Discussion  Moderator: Colin Fenwick, Chief, Labour Law Unit, ILO	This session will present a synthesis of the discussions, highlight important priorities and recommendations and stimulate discussions on the way forward.
<b>10:30 – 11:00</b>	<b>COFFEE/TEA BREAK</b>	
<b>11:00 – 12:00</b>	Presentation of Summary/Highlights of the Forum’s discussions and identified priorities by moderator	This session will be an opportunity to discuss the way forward on labour law reform and institutional capacity building.  Particular emphasis will be given to suggestions for institutionalising this dialogue going forward to continue to inform the labour law reform process and promote



	<p>Discussion on Way Forward on labour law reform and the development of a follow up mechanism.</p> <p>Moderator: ILO Liaison Officer, Rory Mungoven</p>	<p>cooperation among stakeholders, including between international and domestic stakeholders.</p> <p>Certain indicators to monitor progress may be developed.</p>
<b>12:00 – 13:00</b>	<p><b>Closing Session</b></p> <ol style="list-style-type: none"> <li>1. Representative of workers: U Maung Maung, President, CTUM</li> <li>2. Representative of employers: Dr. Maung Maung Lay, Vice-President, UMFCCI</li> <li>3. Representative of the Initiative Partners: Ms. Madelaine Tuininga, European Union</li> <li>4. Representative of the ILO (ILO Regional Director for Asia and Pacific, Ms Tomoko Nishimoto)</li> </ol> <p>H.E. U Thein Swe, Minister of Labour, Immigration and Population</p>	<p>The closing session will be an opportunity for key representatives to share their “take-aways” and follow up commitments from the Stakeholders Forum.</p>
<b>13:00</b>	<b>LUNCH</b>	