

## Employment and employee benefits in Myanmar: overview

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### SCOPE OF EMPLOYMENT REGULATION

#### 1. Do the main laws that regulate the employment relationship apply to:

- Foreign nationals working in your jurisdiction?
- Nationals of your jurisdiction working abroad?

#### Laws applicable to foreign nationals

Foreign nationals working in Myanmar are currently covered under the same labour laws as Myanmar citizens. There are no specific provisions covering foreign nationals working in Myanmar. Similarly, Myanmar employment laws apply equally to all employees working within the country, including those working for foreign-owned companies. However, employees transferred or seconded to Myanmar for short durations under a subsisting foreign employment contract must ensure that Myanmar labour laws are complied with during their time spent working in Myanmar.

#### Laws applicable to nationals working abroad

The Law Relating to Overseas Employment 1999 provides that all Myanmar citizens, except seamen and government servants, must register with the Directorate of Labour.

If Myanmar employees are sent to work outside Myanmar by their employer (for example, on an intra-office scheme), their welfare and employment conditions are governed by Myanmar labour law, unless the employment contract states otherwise.

### EMPLOYMENT STATUS

#### 2. Does the law distinguish between different categories of worker? If so, what are the material differences in entitlement to statutory employment rights and are there any maximum time periods for which each category of worker can be engaged?

#### Categories of worker

There are no defined categories of workers. Certain laws differentiate on the basis of workplace, such as the Factories Act 1951. However, in practice, the main labour laws apply to all workers regardless of the type of work they are engaged in. Self-employment is not specifically defined in Myanmar and is only relevant from a tax liability perspective.

Local labour laws do not explicitly differentiate between independent contractors and employees, and parties are free to define their engagement status in their contracts. In practice, the labour authorities in Myanmar are generally employee-friendly. Despite this, when assessing whether two parties have an employer-employee relationship or a service engagement, the following factors can be considered:

- Degree of control, for example, the level of autonomy held by the person carrying out the work, use of an organisation's email and name cards, or ownership of equipment and materials.
- Profits or losses, that is, the opportunity to make a profit or the exposure to a risk of loss.
- Duration, such as the length and nature of the engagement.
- Benefits, for example, entitlement to statutory benefits such as social security.

#### Entitlement to statutory employment rights

All employees in Myanmar are entitled to the same set of statutory employment rights, such as paid leave entitlement, overtime payment, and severance payment. Local labour laws do not provide for statutory benefits for independent contractors.

#### Time periods

Since 2015, the Ministry of Labour, Immigration and Population (then known as the Ministry of Labour, Employment and Social Security) has required all employers in Myanmar to use an official employment contract form when entering into employment agreements with their employees.

The official employment contract form requires a fixed term to be stated, with an option to renew the contract. In practice, the township labour offices, which administer the registration of these forms, stipulate a maximum period of two years for each employment contract. A new version of the official employment contract form was published in August 2017. Most township labour offices in Yangon have retained the practice of only allowing each employment contract to last for a maximum of two years.

### RECRUITMENT

#### 3. Are any grants or incentives available for employing people? Does any information/paperwork need to be filed with the authorities or given to new employees when employing people?

#### Grants or incentives

There are no specific grants and incentives available for employing people. Employees are insured under a social security fund established under the Social Security Law 2012 and are eligible for welfare benefits under that law.

#### Filings

Employment contracts must be prepared according to the official employment contract form issued by the Ministry of Labour, Immigration and Population and signed within 30 days from appointment, except where the employee is on probation or training is a pre-condition to such appointment. The employment contracts must be approved by the respective township labour offices, and

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must be registered with them in accordance with the Employment and Skills Development Law 2013.

Employers must also register their employees with the Social Security Board and local tax authorities.

## BACKGROUND CHECKS

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### 4. Are there any restrictions or prohibitions on carrying out background checks in relation to applicants?

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There are currently no restrictions on carrying out background checks in relation to applicants. Normally, an employer would require applicants to support their job applications with a ward recommendation certificate issued by the ward administration office in charge of the applicant's residential zone and police recommendation letter on the applicants' domicile status and criminal record, if any. An employer is also allowed to engage a third party to carry out these background checks on behalf of the employer.

## PERMISSION TO WORK

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### 5. What prior approvals do foreign nationals require to work in your country?

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Generally, foreign employees can work in Myanmar under a business visa. In accordance with the Registration of Foreigners Act 1940 and the Registration of Foreigners Rules 1948, foreigners wishing to remain in Myanmar for more than 90 days must also apply for a foreigner's registration certificate. However, this requirement is not always strictly adhered to in practice. There is also a stay permit available for application, which is compulsory for foreign employees working with entities registered with the Myanmar Investment Commission.

#### Visa

##### Procedure for obtaining approval.

- For a 70-day single entry business visa, an application must be made to the Myanmar embassy in the applicant's country. The Ministry of Labour, Immigration and Population (MLIP) also allows foreign nationals to apply for a 70-day single entry business e-visa online at <http://www.evisa.moip.gov.mm/index.aspx>.
- Foreign employees who have obtained at least two 70-day single entry business visas can apply at the Myanmar embassy for a multiple-entry visa valid for three months, six months or a year. Applications for renewals can be made to the Directorate of Investment and Company Administration. **Cost.** The official fees are as follows:
  - single entry business visa.** USD\$50, valid for 70 days.
  - multiple entry business visa.** US\$200, valid for three months; US\$400, valid for six months; and US\$600, valid for one year.

**Time frame.** This depends on the Myanmar embassy in the applicant's country, and may range between one to five days.

**Sanctions.** Those without a valid visa will be denied entry into the country. Under the Burma Immigration Emergency Provisions Act 1947, an individual who enters, attempts to enter, or overstays in Myanmar in contravention of the visa requirements can be imprisoned for between six months and five years, or fined MMK1,500, or both. The same penalty applies to any party who assists, or attempts to assist in the prohibited act above.

#### Foreigner's Registration Certificate

##### Procedure for obtaining approval.

Applications should be submitted to the Foreigners Affairs Department of the MLIP. The application process is cumbersome, as apart from the documents required for the application of a business visa, this process also requires a recommendation letter from the ministry related to the employer's nature of business, depending on the company registration, in addition to other paperwork.

Foreign registration certificate holders are expected to report their entry and exit into the country to the immigration department and pay a fee (about US\$6) for every re-entry.

**Sanctions.** Under the Registration of Foreigners Act 1940, any person who contravenes, or attempts to contravene, or fails to comply with these requirements can be imprisoned for up to three years, or fined, or both. However, the provisions of the law are rarely enforced in practice.

## RESTRICTIONS ON MANAGERS AND DIRECTORS

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### 6. Are there any restrictions on who can be a manager or company director?

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#### Age restrictions

Any person who is over 18 years old can be a manager. To become a company director, the person must hold at least one share.

#### Nationality restrictions

There are no specific restrictions on a manager's nationality. However, foreign citizens are not allowed to become a director of a Myanmar citizen-owned company.

## REGULATION OF THE EMPLOYMENT RELATIONSHIP

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### 7. How is the employment relationship governed and regulated?

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#### Written employment contract

A written employment contract must be made in accordance with the Employment and Skill Development Law 2013 within 30 days from the appointment of an employee. The employment contract must be written in both Burmese and English.

Section 5(b) of the Employment and Skill Development Law 2013 lists mandatory provisions that must be included in the employment contract, with standard clauses including remuneration, termination, duration, and social security benefits. The mandatory employment contract form issued by the Ministry of Labour, Immigration and Population (MLIP) must be used by all employers, unless an exemption is obtained.

Under section 38 of the Employment and Skill Development Law 2013, an employer who fails to sign an employment agreement with its employee can be sentenced to imprisonment for up to six months, a fine, or both. Further, employment contracts which are not registered with the labour department may be declared void.

#### Implied terms

There are no specific implied terms. The contents of the mandatory employment contract template issued by the MLIP cannot be changed without prior government approval from the Directorate of Labour.

#### Collective agreements

There are no specific collective agreements. Nonetheless, collective agreements are made with the relevant conciliation body and both employer and employees must abide by or carry out activities in accordance with the agreement.

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## 8. What are the main points to consider if an employer wants to unilaterally change the terms and conditions of employment?

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The terms and conditions of employment cannot be unilaterally changed by the employer. The employer and employee must negotiate the desired changes and obtain approval from the Ministry of Labour, Immigration and Population (MLIP).

## MINIMUM WAGE

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### 9. Is there a national (or regional) minimum wage?

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The national minimum wage is fixed by the National Minimum Wage Committee in accordance with its powers under the Minimum Wages Act 2013. The minimum wage was raised from MMK3,600 per day to MMK4,800 per day (MMK600 per hour) from 14 May, 2018. There is no salary cap in Myanmar. Under the Payment of Wages Act 2016, employers are required to pay employees according to a fixed wage period which must not exceed one month, by cash, cheque or bank transfer.

## RESTRICTIONS ON WORKING TIME

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### 10. Are there restrictions on working hours? Can an employee opt out on either an individual or collective basis?

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#### Working hours

Working hours are normally set at eight hours a day or 44 hours a week, according to the nature of the work. Weekly working hours must not exceed 48 hours. The stipulated working hours for specific industries are:

- Shops, companies, trading centres, service enterprises, and places of entertainment: eight hours a day, 48 hours a week, and overtime working hours must not exceed 12 hours a week.
- Factories: 44 hours a week, and not more than 48 hours a week for specific purposes. Overtime work can be granted through prior approval under the Factories and General Labour Laws Inspection Department.
- Oilfields and mines: 44 hours a week.

Mandatory overtime payments must be paid for every hour/day worked beyond the prescribed limits.

#### Rest breaks

The prescribed minimum rest period is 30 minutes after four hours of work under the Shops and Establishment Law 1951, and 30 minutes after five hours of work under the Factories Act 1951.

#### Shift workers

Working hours and rest breaks for shift workers must be approved by the Directorate of Labour and Factories and General Labour Laws Inspection Department. The Factories Act 1951 states that shift systems cannot be arranged such that more than one relay of employees is engaged in work of the same kind at the same time.

## HOLIDAY ENTITLEMENT

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### 11. Is there a minimum paid holiday entitlement?

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#### Minimum paid holiday entitlement

The Leave and Holidays Act 1951 mandates a minimum one day off with pay per week, and 10 days of earned leave a year. Employees

are also entitled to six days of paid casual leave per year. There is no statutory unpaid holiday entitlement, but employers are expected to provide employees with unpaid time off to attend to funeral matters if all paid leave entitlement has been exhausted.

#### Public holidays

Every employee must be granted all official public holidays, amounting to about 24 days in a calendar year. However, there is no statutory obligation to provide an alternative holiday when a public holiday coincides with a weekly off day.

## ILLNESS AND INJURY OF EMPLOYEES

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### 12. What rights do employees have to time off in the case of illness or injury? Are they entitled to sick pay during this time off? Can an employer recover any of the cost from the government?

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#### Entitlement to paid time off

Myanmar law allows up to 30 days paid leave to every employee for medical treatment. An application for medical leave must be supported by a medical certificate from a certified medical officer, doctor, or any other certified medical practitioner. Under the Social Security Law 2012, employees are also entitled to medical treatment and cash benefits for injuries and illnesses. Medical treatment can be taken for up to 26 weeks starting from the date of treatment. Employees not covered by the social security programmes can also rely on the Workmen's Compensation Act 1923.

#### Entitlement to unpaid time off

There is no legal provision giving employees unpaid time off. An employer can allow its employee to apply for unpaid leave.

#### Recovery of sick pay from the state

The employer cannot recover such costs from the government. Social security benefits however, are derived directly from the social security fund (see *Question 29*).

## STATUTORY RIGHTS OF PARENTS AND CARERS

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### 13. What are the statutory rights of employees who are:

- **Parents (including maternity, paternity, surrogacy, adoption and parental rights, where applicable)?**
  - **Carers (including those of disabled children and adult dependants)?**
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#### Maternity rights

Every employed mother, whether or not covered by the Social Security Law 2012, is entitled to paid maternity leave of six weeks before delivery and eight weeks after delivery. Mothers covered under the Social Security Law 2012 have the right to take another four weeks' leave after the statutory maternity leave for child care if it is a twin delivery. The Act also provides for leave of up to a maximum of six weeks in cases of miscarriage, provided the miscarriage was not caused by a termination, which is illegal in Myanmar.

#### Paternity rights

A male employee covered under the Social Security Law 2012 is entitled to 15 days of paid paternity leave for infant care after delivery.

#### Surrogacy rights

There is no specific provision for surrogacy rights in Myanmar.

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## Adoption rights

An employee is eligible for up to eight weeks of paid childcare leave under the Social Security Law 2012 when adopting a child under one year of age.

## Parental rights

See *Maternity Rights and Paternity Rights* above.

## Carers' rights

There is no specific provision for carers' rights in Myanmar. Where emergency care is required for dependants, an employee can use his/her medical leave or casual leave entitlements.

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## CONTINUOUS PERIODS OF EMPLOYMENT

**14. Does a period of continuous employment create any statutory rights for employees? If an employee is transferred to a new entity, does that employee retain their period of continuous employment? If so, on what type of transfer?**

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### Statutory rights created

An employee's period of continuous employment with an employer determines the amount of severance payable if he/she is made redundant by the employer.

### Consequences of a transfer of employee

Where an employee is transferred to a new affiliated entity at the request of the existing employing entity, the entities can agree to consider the periods of employment as one continuous period, subject to the approval of the Ministry of Labour, Immigration and Population (MLIP).

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## FIXED TERM, PART-TIME AND AGENCY WORKERS

**15. To what extent are temporary and agency workers entitled to the same rights and benefits as permanent employees? To what extent are part-time workers entitled to the same rights and benefits as full-time workers?**

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### Temporary workers

All employees, including temporary workers, agency workers, and part-time workers, have the same rights under Myanmar law. There are no relevant qualifying periods for employers/workers unless there is a probation period. The position or status of workers/employees depends on the employment contract for that type of employment. To terminate a fixed-term contract, the employer must give one-month's prior notice and pay a severance payment. The termination process and liabilities of a fixed-term contract is the same as for the termination of other employment (see *Question 19*).

An employment contract must clearly mention the job position of the employee/worker, and can only be amended with the approval of the relevant labour authorities. All employees must be treated equally, regardless of the nature of their employment. Within a group of companies, under the inter-company arrangement, part-time and agency workers can have a contract with a principal or can be employed and paid by another member of the group.

### Temporary, agency and part-time workers

There are no specific provisions governing temporary workers, agency workers and part-time workers. They are categorised as "employees" or "workers" under the relevant labour laws.

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## DATA PROTECTION

**16. Are there any requirements protecting employee privacy or personal data? If so, what are an employer's obligations?**

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### Employees' data protection rights

There are no specific legal provisions governing employees' privacy and personal data protection rights. The Ministry of Labour, Immigration and Population's mandatory employment contract form contains non-disclosure and confidentiality obligations of the employee. The Competition Law 2015 also contains general provisions on non-disclosure and confidentiality.

### Employers' data protection obligations

There are no specific legal provisions requiring employers to protect employee privacy and personal data.

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## DISCRIMINATION AND HARASSMENT

**17. What protection do employees have from discrimination or harassment, and on what grounds?**

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### Protection from discrimination

The Minimum Wages Act 2012 states that employees are entitled to the minimum wage stipulated irrespective of gender. The law also requires employers to treat their male and female employees equally and not to discriminate. Under the Ministry of Labour, Immigration and Population's mandatory employment contract forms, employers must not discriminate or allow unequal treatment of employees on the basis of being a member of a union, or based on factors of race, religion, gender, or age.

### Protection from harassment

There is no specific legal provision providing protection from harassment.

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## WHISTLEBLOWERS

**18. Do whistleblowers have any protection?**

There is no specific legal provision providing protection for whistleblowers.

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## TERMINATION OF EMPLOYMENT

**19. What rights do employees have when their employment contract is terminated?**

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### Notice periods

One month's notice is required, as per the Ministry of Labour, Immigration and Population's (MLIP's) mandatory employment contract form.

### Severance payments

The severance payment rates stipulated by the MLIP are as follows:

- Six months to one year of service: one-half of monthly salary.
- One to two years of service: one month's salary.
- Two to three years of service: one and a half months' salary.
- Three to four years of service: three months' salary.
- Four to six years of service: four months' salary.
- Six to eight years of service: five months' salary.

- Eight to ten years of service: six months' salary.
- Ten to 20 years of service: eight months' salary.
- 20 to 25 years of service salary: ten months' salary.
- Over 25 years: 13 months' salary.

### Procedural requirements for dismissal

Before dismissing an employee for an act of misconduct without payment of any severance, the employer must have provided three warnings (one verbal warning and two written warnings) to the employee. The employee can be dismissed only after a further violation is made within 12 months of the third warning. For acts considered as acts of gross misconduct, such as theft, gambling or using narcotic drugs, an employer can dismiss the employee immediately without any severance payment.

The local township labour office must be notified after the dismissal of the employee.

## 20. What protection do employees have against dismissal? Are there any specific categories of protected employees?

### Protection against dismissal

Generally, an employee cannot be dismissed without severance payment unless he or she commits an act of gross misconduct, or commits a further act of ordinary misconduct within 12 months after three warnings have been given by the employer (see *Question 19*).

### Protected employees

There are no specific categories of protected employees

## REDUNDANCY/LAYOFF

## 21. How are redundancies/layoffs defined, and what rules apply on redundancies/layoffs? Are there special rules relating to collective redundancies?

### Definition of redundancy/layoff

There are no specific provisions covering redundancies/layoffs in the enacted labour laws.

### Procedural requirements

There are no specific provisions covering redundancies/layoffs in the enacted labour laws. Employees must be provided with at least one month's notice (see *Questions 15 and 19*) and applicable severance payment.

### Redundancy/layoff pay

The standard severance payment determined according to the length of service must be provided to the employee (see *Question 19*).

### Collective redundancies

There are no specific provisions covering collective redundancies in the enacted labour laws.

## EMPLOYEE REPRESENTATION AND CONSULTATION

## 22. Are employees entitled to management representation (such as on the board of directors) or to be consulted about issues that affect them? What does consultation require? Is employee consultation or consent required for

## major transactions (such as acquisitions, disposals or joint ventures)?

### Management representation

There are no specific provisions for management representation for employees in the Labour Organisation Law 2011 or the Settlement of Labour Disputes Law 2012. However, under the Settlement of Labour Disputes Law 2012, a workplace coordinating committee comprising two representatives of the employer and two representatives of the employees should be established in every workplace that has more than 30 employees. The workplace coordinating committee is the platform of first instance to hear individual disputes, and it also conducts negotiations on collective dispute matters, for example, conditions of employment and employee welfare.

### Consultation

There is no legal obligation for the employer to consult union representatives before making management decisions.

### Major transactions

There is no legal obligation for the employer to consult union representatives before engaging in major transactions. In practice, the Ministry of Labour, Immigration and Population and township labour offices require employers to explain major transactions to affected employees.

## 23. What remedies are available if an employer fails to comply with its consultation duties? Can employees take action to prevent any proposals going ahead?

### Remedies

There are no remedies provided by law for a failure to consult employees.

### Employee action

Employees can act through the workplace coordinating committee, or a labour organisation or by filing a complaint with the Ministry of Labour, Immigration and Population.

## CONSEQUENCES OF A BUSINESS TRANSFER

## 24. Is there any statutory protection of employees on a business transfer?

### Automatic transfer of employees

There is no automatic transfer of employees under the law. The employer must discuss any transfer with employees and determine whether they wish to be transferred or to end their contractual agreement.

### Protection against dismissal

If the new employer is unable to accommodate staff in the new entity, and intends to dismiss or lay off staff, he or she is liable to pay the usual severance pay (see *Question 19*).

### Harmonisation of employment terms

There is no legal provision requiring the harmonisation of employment terms with existing employees.

## EMPLOYER AND PARENT COMPANY LIABILITY

## 25. Are there any circumstances in which:

- An employer can be liable for the acts of its employees?

- **A parent company can be liable for the acts of a subsidiary company's employees?**

### Employer liability

Employers are vicariously responsible for the acts of their employees, except to the extent their employees act outside the scope of their employment.

### Parent company liability

Liability depends on the act of the employee and the management's knowledge of it.

## EMPLOYER INSOLVENCY

### 26. What rights do employees have on the insolvency of their employer? Is there a state fund which guarantees repayment of certain employment debts?

#### Employee rights on insolvency

Employees can claim from the employer their arrears/dues in wages. In case of insolvency, the government may order the employer to sell assets to pay the due wages of employees.

#### State guarantee fund

There is no state guarantee fund.

## HEALTH AND SAFETY OBLIGATIONS

### 27. What are an employer's obligations regarding the health and safety of its employees?

Employers must comply with occupational health and safety obligations provided under relevant laws, such as the Factories Act 1951 (as amended in 2016), and the Shop and Establishments Act 1951 (as amended in 2016). The statutes contain various provisions on occupational health and safety matters, such as fire and building safety, sanitation, dangerous substances, first aid, the reporting and investigation of workplace accidents and diseases and so on. The government is currently considering enacting a new Occupational Safety and Health Law, which is expected to improve and integrate the provisions currently enshrined in separate laws.

## TAXATION OF EMPLOYMENT INCOME

### 28. What is the basis of taxation of employment income for:

- **Foreign nationals working in your jurisdiction?**
- **Nationals of your jurisdiction working abroad?**

#### Foreign nationals

All individuals who receive income from sources in Myanmar must pay tax on that income, regardless of nationality. Any foreign national who resides in Myanmar for more than 183 days in a year is considered to be a resident foreigner, and his/her taxable income is calculated based on all income received within and outside of Myanmar. Foreign nationals who are non-resident foreigners must pay income tax on income received within Myanmar only. Salary, is defined as including wages, annuities, pension, gratuities, fees, commissions, or perquisites received in lieu of or in addition to any salary and wages, and taxable under the Income Tax Law 1974 (as amended in 2011).

#### Nationals working abroad

Myanmar nationals working abroad are eligible for an income tax exemption on salary, and must pay a 10% income tax on other income earned abroad

### 29. What is the rate of taxation on employment income? Are any social security contributions or similar taxes levied on employers and/or employees?

#### Rate of taxation on employment income

Resident individuals, regardless of nationality, are subject to the following progressive rates, after the deduction of any applicable exemption and income tax relief (except income received from property) under the Union Taxation Law 2017:

- MMK1 to MMK2 million: 0%.
- MMK2,000,001 to MMK5 million: 5%.
- MMK5,000,001 to MMK10 million: 10%.
- MMK10,000,001 to MMK20 million: 15%.
- MMK20,000,001 to MMK30 million: 20%.
- MMK30,000,001 and above: 25%.

The tax reliefs below are available:

- Personal basic allowance: 20% of income, capped at MMK10 million
- Co-resident parent relief: MMK1 million per parent
- Registered spouse relief: MMK1 million
- Child relief: MMK500,000 per child

Individuals with an annual income below MMK4.8 million are exempted from paying income tax.

#### Social security contributions

Under the Social Security Law 2012, an employer must withhold 2% of an employee's total monthly wages and contribute 3% of the employee's monthly wages to the social security fund. The total social security contribution is currently capped at MMK15,000 (MMK9,000 from the employer; MMK6,000 from the employee), based on a salary cap of MMK300,000.

## BONUSES

### 30. Is it common to reward employees through contractual or discretionary bonuses? Are there restrictions or guidelines on what bonuses can be awarded, whether generally or in particular sectors?

It is common to reward employees through discretionary bonuses. For sales staff, some employers may also introduce contractual bonuses in the form of sales commission. All such bonuses are optional and can be provided as an added benefit by the employer. There are no statutory restrictions or guidelines.

## INTELLECTUAL PROPERTY (IP)

### 31. If employees create IP rights in the course of their employment, who owns the rights?

This depends on the agreement between the employer and the employee. There are currently no enacted IP laws which provide statutory default positions on the ownership of IP rights created during the course of employment, but the copyright bill, industrial design bill, and patents bill currently being considered by the Myanmar Parliament designate the employer as the default rights owner.

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## RESTRAINT OF TRADE

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**32. Is it possible to restrict an employee's activities during employment and after termination? If so, in what circumstances can this be done? Must an employer continue to pay the former employee while they are subject to post-employment restrictive covenants?**

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### Restriction of activities

Clauses which restrict the activities of an employee during employment are possible, subject to the approval of the township labour office which reviews all employment agreements (see *Question 3*). The labour officer will determine if the type of restricted activities are deemed reasonable before approving such clauses. Generally, prohibiting employees from participating in another venture which is in competition with the employer's business during their term of employment are allowed.

### Post-employment restrictive covenants

Section 27 of the Contracts Act 1872 states that agreements which restrain individuals from exercising a lawful profession, trade, or business of any kind are, to that extent, void. However, in practice, provisions which are reasonable in scope in terms of territory and duration are permitted. Post-contractual terms should be carefully drafted to avoid being held void, and the inclusion of such terms are subject to the approval of the labour office.

## RELOCATION OF EMPLOYEES

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**33. Can employers include mobility clauses in employment contracts, or take any other measures, to ensure that employees are obliged to relocate?**

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Mobility clauses are subject to the express approval of the township labour officers in charge, but are generally allowed. There are no fixed guidelines on the requirements, but the labour office can expect employers to include provisions guaranteeing relocation assistance to the employees.

## PROPOSALS FOR REFORM

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**34. Are there any proposals to reform employment law in your jurisdiction?**

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There are ongoing talks to amend the Labor Organization Law 2011 and the Settlement of Labour Disputes Law 2012, as well as a proposal to enact a new Occupational Safety and Health Law and a Foreign Workers Law.

In 2016, the Ministry of Labour, Immigration and Population published a draft Foreign Workers Law, which sought to introduce a work permit system, among many other requirements, applicable only to foreign nationals working in Myanmar. The draft law, which received a lot of attention from business communities nationwide, has yet to be submitted to the parliament.

## ONLINE RESOURCES

### Official Website of Ministry of Labour, Immigration and Population

W [www.mol.gov.mm/en/laws-and-regulations/](http://www.mol.gov.mm/en/laws-and-regulations/)

**Description.** Official website of the Ministry of Labour, Immigration and Population which provides laws related to employment in Burmese and English, as well as official announcements and directives regarding labour matters in Myanmar.

### Official Website of Ministry of Information

W [www.moi.gov.mm/?q=tags/laws](http://www.moi.gov.mm/?q=tags/laws)

**Description.** Official website of the Ministry of Information which provides newly-enacted laws in the Myanmar language.

### Official Website of the Myanmar Parliament

W [www.pyidaungsu.hluttaw.mm/enactment](http://www.pyidaungsu.hluttaw.mm/enactment)

**Description.** Official website of the Myanmar Parliament which provides new laws and parliamentary bills in the Myanmar language.

### Official Website of Directorate of Investment and Company Administration

W [www.dica.gov.mm/en/policy-law](http://www.dica.gov.mm/en/policy-law)

**Description.** Official website of the Directorate of Investment and Company Administration which contains official English-language versions of certain laws.

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