



Action Collaboration Transformation



SUMMARY MYANMAR GUIDELINE ON FREEDOM OF ASSOCIATION (FOA)

The Myanmar FOA Guideline and further information material are available for download at <https://actonlivingwages.com/myanmar-foa-guideline/>

1. Right to Freedom of Association

- ✓ No worker shall be subject to discrimination, disciplinary action or dismissal by reason of forming a trade union, participating in trade union activities or being a trade union representative or member.
- ✓ Management should engage in social dialogue with trade unions that are in the process of registration.

2. Process for Joint Meetings Between Management and Trade Unions

- ✓ In factories with trade unions, management will meet every two weeks with a minimum of 3 trade union representatives to facilitate constructive social dialogue. Either party may request additional ad-hoc meetings to address urgent concerns.
- ✓ Trade union representatives will be considered on duty and compensated as defined in paragraph 10 of the FOA Guideline while participating in joint meetings with management.

3. Release and Facilities for Trade Union Activities

- ✓ Management shall release the members of the trade union executive committee from their work duties for a combined total of 8 days (64 hours) per month to carry out trade union activities during which they will be considered on duty as defined in Paragraph 10 of the FOA Guideline. The trade union executive committee will decide how to allocate the 8 days among the trade executive committee members.
- ✓ Management should provide appropriate facilities such as meeting space and a trade union notice board for trade union representatives and provide access to the workplace for trade union federations with members in the factory.

4. Dismissal Procedure

- ✓ Workers can only be dismissed or be subject to disciplinary action with evidence, on the basis of applicable laws and regulations.
- ✓ Workers will not be subject to dismissal on the basis of trade union membership, holding office or having participated in trade union activities.
- ✓ Management should consult with trade union or in the absence of a trade union with WCC worker representatives prior to disciplinary action or dismissal. The right to make final decisions rests with management.

5. Collective Bargaining Mechanism and Negotiation Process

- ✓ A section addressing the collective bargaining mechanism and negotiation process will be developed in the future and, once established, will become an integral part of the FOA Guideline.
- ✓ Where there are trade unions in a factory, negotiations over wages and conditions of employment and work should take place in good faith with a view to reaching a collective agreement, balancing workers stated needs and those of the employer. There should be compliance with any agreement reached.

6. Strikes, Lock-outs and Picketing

- ✓ Trade unions and management should try to resolve any dispute in good faith and only use strike and lock-out when all efforts at negotiation have failed.
- ✓ Nobody shall force workers who are not participating in the strike to go on strike or obstruct their regular work in any way using physical violence or threats against management and workers who choose to continue to work. This prohibition does not extend to firmly but peacefully inciting other workers to keep away from the workplace.
- ✓ Nobody shall use physical violence or threats against workers peacefully exercising their right to strike.
- ✓ Management has the right to deduct salary for days of strike.

7. Standards of Conduct for Management and Trade Unions

- ✓ Both trade union members and management have an obligation of good faith and respect towards each other.
- ✓ All workers, including trade union members and their representatives, have to comply with the law¹, the employment contract and the workplace rules (including providing prior notice to the employer in case of leaving or not coming to the workplace during working hours).
- ✓ Management and workers should not behave in a manner that is bullying, intimidating, obstructive or undermines the confidence and trust of each other and other people in the workplace.

8. Support to Factory Business Activities

- ✓ In factories with a trade union, management and trade union representatives should hold regular consultations on how to jointly achieve successful business development and a mutually respectful working relationship between workers and management on the shop floor.

9. Dispute Resolution Mechanism

- ✓ All conflicts that may arise in the implementation of this Guideline will be subject to a dispute resolution procedure, which once established, will automatically become an integral part of the Guideline. A Framework Dispute Resolution Mechanism has been agreed.² Questions on the FOA Guideline and how to raise complaints can be sent to info@foaguideline.com.

10. Implementation and Monitoring

- ✓ Management shall post all relevant information on related rules, regulations, and the FOA Guideline on the factory notice board in local language and will bring the content of the Guideline to the attention of all management personnel.
- ✓ This summary of the Guideline will be posted on a notice board for the attention of all workers.

FOR QUESTIONS ON THE FOA GUIDELINE PLEASE CONTACT info@foaguideline.org

¹ To the extent that the law is in line with International Labour Standards.

² Download the Mechanism at <https://actonlivingwages.com/myanmar-foa-guideline/>