

WORKSHOP ON SAFETY AND LABOUR ISSUES IN THE MYANMAR TELECOMS SECTOR

Inya Lake Hotel, Yangon 7 October 2016

Myanmar Centre for Responsible Business (MCRB), with the support of mobile operators Telenor and Ooredoo and the participation of the Factories and General Labour Laws Inspection Department (FGLLID) of the Ministry of Labour, Immigration and Population (MOLIP), facilitated a peer-to-peer workshop on 7 October 2016 for mobile network operators and tier 1 and tier 2 subcontractors, and consultants. This meeting, which followed on from MCRB's ICT Sector Wide Impact Assessment (SWIA) published in October 2015, was intended to be a forum for companies to exchange experience and best practice in addressing health and safety, labour, land and community issues ('offline human rights') in the rollout of Myanmar's telecoms network.

The workshop was attended by 45 participants from the three main mobile operators Telenor, Ooredoo and KSGM/MPT, main tower construction companies Irrawaddy Green Towers (IGT), Apollo Towers, Edotco and their sub-contractors (fibre laying companies, equipment providers, and construction companies). It was the first such networking opportunity for many participants.

Vicky Bowman, Director MCRB, presented the main findings around labour, health safety and community engagement from field work carried out for the SWIA between November 2014 and February 2015, recognising that a lot had changed in network rollout since then.

U Kyaw Kyaw Htun (Deputy Director, FGLLID) gave a speech on behalf of his Director-General U Win Shein, welcoming the discussion on workplace safety and health in the telecoms sector. He gave an overview on the current status of Occupational Health and Safety (OHS) regulation and evolving OHS Law, highlighting that:

- The current OHS system is fragmented. FGLLID works under the mandate of two laws: 1951 Factories Act (amended 2016) and the 2016 Shops and Establishment Act which do not cover the construction, agriculture, mining and health sectors, and shares responsibility under those laws with other ministries e.g. Ministry of Industry, Fire Services Department.
- The Labour Inspectorate currently has about 100 recently trained factory inspectors out of which about 70 are field inspectors. They are seeking to 'innovate in inspection strategies' and develop well qualified and experienced and managers at national, regional, state, district and township levels.
- The new OHS law, drawn up after studying laws in Malaysia and Korea, is currently with the Union Attorney-General's Office. It will create a bipartite system where employers and employees take ownership of the OSH and the government oversee this process. The first step will be to create a national Occupational Safety and Health Council to coordinate the parties. This will facilitate tripartite discussion

and adoption of OSH policies. Workplace Safety and Health Committees will be formed with the equal number of employer and employee representatives to implement those policies, with a workplace safety and health officer to give technical support to employer and employee representatives.

The Q&A discussion covered accident reporting and the need for more effective enforcement of regulations on reporting, and simpler templates for reporting workplace accidents.

Participants were polled on their key concerns around safety. The majority identified lack of HSE awareness of their Myanmar workforce.

Health and Safety

Paul Radge (National Quality Manager, Irrawaddy Green Towers) and Thein Htaik Win (QHSE Department, Ericsson) presented experiences with health and safety challenges in Myanmar (see [presentations](#)). Discussion highlights included:

- Lack of safety and incident **statistics** and generally poor accident **documentation**, which is hindering progress in addressing safety risks. However statistics can encourage retrospectivity. Preventive training is needed
- The need for a **hands-on approach to safety/'toolbox' training**: physically showing how things should be done and equipment used.
- The **"Right to Stop"** (if workers feel that a job is too dangerous) is an important step by some companies but difficult to implement with Myanmar top-down culture. Furthermore workers have no little of danger, so they do not recognise risky situation. Continuous training is needed on all levels.
- Some companies **suspend** sub-contractors infringing safety rules and will only rehire them if they undertake training, and improve safety as shown by audit.
- To collect information on **land mine risk**, companies work with local communities and demining NGOs (NB not currently active). The last credible mapping of the mined areas was carried out in 2014. Tower construction is less of a risk as they are constructed in populated areas; fibre laying is higher risk as more remote fibr4 is much more complicated and pass through remote areas which are more likely to be mined. Some operators have a **designated safety officer**, who is responsible for liaising with the armed forces and ethnic armed groups.
- **Preparatory work and research** are essential, as are monitoring, responding, signage, traffic management and constant reporting of field work so each step is visible
- Better/more government **guidelines, standards and procedures** regarding safety issues would be welcome, provided they have been developed in consultation with company practitioners.

Company-Community Engagement and Grievance Mechanisms

Kyaw Kyaw Myo (Head of Community Outreach, Telenor) and Ines Debelsunce (Security and Community Outreach Officer, Apollo Towers) presented on experiences and challenges (see presentations).

Discussion focused on:

- Villagers commonly complained about fears of tower ‘**radiation**’. Reasons for this could be lack of awareness of real risks (a book by well-known writer Chit San Win raised fears); and jealousy about compensation for tower site rental. In border areas, there was some suspicion that sellers of Thailand SIM Cards wanted to discourage Myanmar network establishment. Although companies - including site-hunters – can seek to allay fears with explanations of research and risks, the language can be too specialised; government leaflets are better and operators have printed those out for use in engagement (although they could be better written)
- Other complaints concern **not being on the grid**, and **noise of diesel generators**. There are some possible solutions to this (hybrid batteries and shut-off at night)
- More complaints come from areas close to the urban centers (e.g. Bago has the highest percentage). Residents there are more educated and social media savvy
- An increasing number of communities are demanding ‘**CSR**’ i.e. **donations**, road building, contributions to electricity fund as a price for tower construction. Some of these demands are unreasonable. Companies should work together on this and adopt a consistent approach.
- Complaint/**grievance** channels were varied. Social media (Facebook) is not favoured as misinformation can be easily spread
- Where PTD wishes to make **field visits** to investigate complaints, it should give companies adequate warning to enable them to plan realistically;

Labour Issues

Natsu Nogami (Legal Advisor, ILO) presented on ‘Myanmar labour laws and reform plans’ (see presentation), and drew attention to their forthcoming labour law guide. Discussion centred on:

- **overtime work limits**. International law is not clear on overtime; countries tend to set their own limits and fixed rates. According to the Myanmar Factory Act and Directives, it is limited to 3 hours overtime per day Monday to Friday, 5 hours on Saturday, but not more than 12 hours per week (16 hours for shops and establishments). The Law also covers one day paid leave, but it does not specify if it has to be on a Sunday;
- Uneven understanding of laws among business, for example the legal requirement (Dispute Settlement Law) for all enterprises with over 30 workers to form a **Workplace Coordinating Committee**
- Definitions of “**hazardous work**” which differ for adults and children. The first national hazardous work list for under 18s has been developed with stakeholders and will be reviewed under the new OHS law or Child Law.
- Problems of bonded labour in the supply chain, where local sub-contractors use indebted workers (found in MCRB’s SWIA field work)
- The role of the Myanmar Business Forum, and the Employer Services Office of the Union of Myanmar Federation of Chambers of Commerce and Industry if companies want to input into labour law reform, and provision of free and paid services.