

## The New Union Movement in Myanmar

*by Ross Wilson*

The past year has seen the birth of a new union movement in Myanmar, after 50 years of brutal suppression of labour rights. More than 670 labour organisations have now been registered under the Labour Organisation Law, mostly small unions at enterprise level and concentrated in the agricultural, manufacturing and transport sectors, and with an estimated total membership of close to 200,000 workers.

Given the history of oppression and the continuing hostility from many employers, this is a remarkable achievement, and reflects the determination of workers to exercise their new rights to associate, organise and negotiate. Many of them are young factory workers struggling to improve their wages and conditions of employment which, for many, are at exploitative levels.

The International Labour Organisation (ILO) quickly developed a programme to promote and support the new freedom of association rights which includes an awareness raising campaign with education and advice for workers, government officials and employers. However, the core of the programme has been bi-partite training workshops for the leaders of the new unions and their employers.

The new union leaders have taken up the opportunity to learn with enthusiasm, from the first major workshop in July last year attended by almost 300 people. To date more than 2,000 people have attended ILO workshops, with the two key leaders from each union being provided with the opportunity to attend the two-day basic training workshop.

### **The first real steps as a national movement**

The new leaders took their first real steps as a national movement when they came together at the Labour Organisation Leaders' Forum in Yangon at the end of April. More than 363 registered labour organisations were represented, along with more than 100 related organisations, at this historic event organised by the ILO and the Friedrich Ebert Foundation (FES). It was the largest conference of elected worker representatives in more than 50 years.

Not surprisingly, there was some suspicion about hidden agendas and tension around the process for election of the Worker Delegate to the 2013 International Labour Conference. A substantial portion of the plenary sessions were spent debating and deciding the rules to govern the election of the Worker Delegate. It was, at times, a bruising debate which resulted in the Federation of Trade Unions of Myanmar (FTUM) delegation leaving at one point, but the conference delegates became increas-

ingly confident in this process of democratic decision making. Five of the six key rules for the election process were agreed by consensus with the issue of whether candidates had to be an existing member of a registered labour organisation going to a secret ballot of accredited delegates from registered labour organisations.

The ballot itself, conducted in the conference hall, was a moving process with many delegates participating in such a democratic vote for the first time in their lives. They decided decisively (220 to 101) that only members of registered labour organisations would be eligible to stand. A further secret ballot was held the following day to elect the Worker Delegate to the 2013 International Labour Conference.

In working together to make these key decisions by democratic process the new union leaders of Myanmar took their first steps as a national movement. This was undoubtedly the most valuable outcome of the conference. There is a long way to go in building a national union movement but the 2013 Forum delegates can feel proud that they agreed the ground rules for, and participated in, a democratic decision making process.

Only accredited delegates from registered labour organisations took part in the ballots, although leaders of other related organisations were able to take part in the debates. These included the Agriculture and Farmers Federation of Myanmar (AFFM), FTUM, the 88 Generation, the Labour Rights Defenders and Promoters Network (LRDP) and Action Labour Rights (ALR).

The election outcome gave some indication of the strength of the groupings within this nascent movement. AFFM president Daw Than Than Htay was elected Worker Delegate with 176 votes, followed by FTUM sponsored candidate U Than Swe with 110 votes, and the secretary of the University Teachers Union, Dr Sai Khaing Myo Tun, taking the second adviser position with 48 votes with support from a broader group of unions.

### **670 enterprise unions**

670 enterprise unions will not provide the workers of Myanmar with the collective strength they need to shift the political economy of Myanmar to a focus on Decent Work objectives. The ILO education workshops have encouraged the new union leaders to think critically and strategically

about how they might help to build a union movement which will do that. Overwhelmingly the feedback has been that they want recognition and respect from their employers for their role as the voice and negotiators for the workers they represent and they are keen to learn new knowledge and skills. The keen interest in the April Forum workshops on organising skills, collective bargaining and workplace health and safety was an example of this.

There is also some support among union leaders and employers for a development model which builds constructive dialogue, including collective bargaining, at enterprise, industry and national level between the new unions, business and (where appropriate) government. This would be a model for building value, profitability and workers' incomes as a common objective, with union participation in industry development programmes which are benchmarked to labour standards, skill development and skill-based pay systems.

The more likely scenario is that the new industrial relations system in Myanmar will drift towards a conflict model. The new law was greeted with a wave of strikes in the industrial estates around Yangon in 2012, and began to increase again earlier this year as factory workers, frustrated with their poor wages and working conditions and the lack of respect from their employers, exercised their right to strike.

At present most employers have been ignoring the new law and many of them have been actively hostile with a large number of workers being dismissed for labour organisation activity. The law has been found to be weak in providing legal protection against this sort of discrimination and, in particular, has no effective penalties against employers who have directly challenged the authority of the Arbitration Council by refusing to comply with its orders reinstating workers who have been unlawfully dismissed. Union leaders also complain that employers do not give them the recognition that the law requires and few genuinely engage in collective bargaining.

### **Workers Frustration and Anger**

Workers are becoming increasingly frustrated and angry. The risks have been highlighted by cases like the Taw Win Timber products case where the employer's refusal to comply with reinstatement orders provoked consequential action by workers and the arrest of young leaders of the labour organisation.

Despite the urgent need to strengthen the legal protection for workers and to introduce an enforceable good faith requirement to ensure collective bargaining can get some traction, the government has apparently decided to amend the law. In doing so it is effectively endorsing the status quo which is likely to move industrial relations towards the conflict model we have seen in other countries like Cambodia.

Myanmar workers deserve, and want, better than that. But it will require a deliberate strategy, actively supported by employers, workers, and their organisations, to build a modern

industrial relations system based on democratic industry/sector structures, which will lift the skills and pay of workers as an integral part of industry development.

To do that will be a major challenge. The ILO core labour standards, as a minimum, should be implemented in practice as well as in law and the ILO tripartite supervisory processes will continue to address that. The ILO will also be expanding its current Freedom of Association Project education and training work to support the development of social dialogue, including collective bargaining. But employer and worker organisations, both locally and internationally, will need to work together to ensure local employers and workers are provided with the opportunity to understand and support this industrial relations model. And the reality is that the current laws will need to be amended to actively support the formation of strong, democratic, well-resourced industry unions.

### **Debate and decide difficult issues democratically**

The experience of the past 18 months has shown that Myanmar workers are keen to learn about international labour rights and how they can assist workers to be involved, through democratic industry-based unions, in the development of their country. The April Leaders Forum demonstrated that they want to, and can, debate and decide difficult issues democratically.

The farmers' unions being mainly self-employed small farmers have particular issues, such as land security and modernising their farming practices, but it is important that greater understanding and unity is built between them and industrial unions.

A process of democratic discussion is needed so workers and their leaders can decide the model of industrial relations they prefer. And organisations like the AFFM, the FTUM, the LRDP and the 88 Generation locally, and the ITUC and Global Union Federations (GUF) internationally, can play a key role in jointly supporting such an initiative. The discussion should include a consideration of whether the government and employers will support law change and the respect for both the law and labour organisations necessary for the development of a Social Dialogue model.

The choices are clear enough. On the current trajectory in Myanmar the conflict model may win by default. Workers and employers should be given the information and the support from government and social partners so they can make democratic choices for a better future.

*Ross Wilson established the ILO Freedom of Association Project in Myanmar in 2012-2013, was president of the New Zealand Council of Trade Unions between 1999 and 2007, and is currently executive chair of the Unions Aotearoa International Development Trust (UnionAID).*