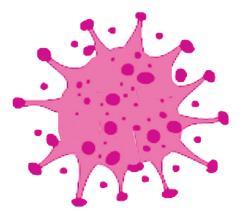
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### I. Acknowledgments

This report reflects the situation of workers in the nine month time period between the (attempted) coup on February 1 and October 2021, including the third wave of the COVID-19 pandemic in Myanmar. Since February 1, Myanmar has been suffering the consequences of the military coup and many unions and labor leaders have been arrested, while it has been nearly impossible for labor unions to organize safely. Additionally, the third wave of the COVID-19 pandemic has played a significant role in the livelihoods of workers. Therefore, this report explores the situation of labor in Myanmar and the negative consequences of the military coup and the COVID-19 pandemic.

Appreciation goes to the individual workers, union leaders, and the labor groups who responded to surveys during the difficult time of pandemic, and the staff and volunteers of FLAG. Likewise, special thanks go to the OLOF PALME International Centre (OPC) for funding the report. Finally, appreciation goes to Sayar Tin Maung Htwe (Researcher) for authoring this report from beginning to end and Alex James for English editing.

### **II.** Acronyms

ABFTU = All Burma Federation of Trade Unions ALR = Action Labour Rights CCTV = Closed-circuit television CMP = Cut-make-package CSOs = Civil Society Organizations



Freedom and Labor Activists Group (FLAG)

- CTUM =Confederation of Trade Unions in Myanmar
- EC = Employment Contract
- FGWUM = The Federation of General Workers Union-Myanmar
- EU = European Union
- FGD = Focus Group Discussion
- ILO = International Labour Organization
- KII = Key Informant Interviews
- LGBT = Lesbian, Gay, Bisexual and Transgender
- LIFT= Livelihoods and Food Security Fund
- MOHS = Ministry of Health and Sports
- NLD = National League for Democracy
- OT = Over Time
- QC = Quality Control
- STUM = Solidarity Trade Union of Myanmar
- WCC = Workplace Coordinating Committee(s)

### **III. Executive Summary**

On February 1, 2021, the military arbitrarily staged a coup in an attempt to take political power in Myanmar. Labor groups have actively participated in demonstrations against the military coup, and there has been an increasing number of arrests and prosecutions against the non-violent movement and those making labor rights demands. Furthermore, the COVID-19 pandemic third wave has had a huge impact on the livelihoods of workers in Myanmar. Therefore, this report shows the situation of hardship during both the time of the COVID-19 pandemic and the military coup.





## The Life of Workers under the Coup



In order to explain the labor situation during the COVID-19 third wave and the coup, this report was compiled from data collected from workers, especially those arrested and imprisoned workers, migrant workers, and union leaders from townships where most of the industrial zones are located, i.e. Yangon and Irrawaddy Regions. A total of 330 workers and activists were interviewed including six Key Informants Interviews and 14 Focus Group Discussions, along with case studies. This report was developed and published by FLAG in order to reflect the current situation of the workforce, workers' perception on the political crisis, and how they survived during the difficult time of the COVID-19 third wave in Myanmar.

### **IV. Introduction**

Since 2010, with the transition to democracy in Myanmar, job opportunities for Myanmar workers and opportunities for international investors skyrocketed. Wages and salaries as well as demands for better working hours and labor rights have also grown. People have moved from the rural life of the village to the industrialized cities.

Many industrial zones are growing. Examples include Hlaingtharyar Industrial Zone, Shwepyithar Industrial Zone, Thardukan Industrial Zone, Insein Industrial Zone, Shwepaukkan Industrial Zone, and South Dagon Industrial Zone among others in Yangon and in other cities.

Since the February 1 coup, however, Myanmar politics took a turn for the worse. On February 6, led by 3,000 labors, Yangon raised the sprits of revolution, and this led to the nonviolent movement in Myanmar. However, many labor leaders have been arbitrarily arrested and detained, while some have even been killed. Many unions leaders fled from towns and some even fled to Thailand to ensure their safety. Some still stay in Myanmar and hide from arrests. Unions have been busted and employers oppress workers using the threat of the military. Hlaingtharyar, South Dagon, North Dagon and



Shwepyithar Townships are the main townships that have been under military control and where a significant number of killings and arrests have taken place during the coup.

Additionally, the third wave of the COVID-19 pandemic has affected industrial production. Under unsafe conditions, workers still have to work. While some investors withdraw or factories shut down, their rights under labor laws are vanishing. Many workers have been laid off without compensation and due to the difficulties of cash withdrawal from their banks, their salaries are not paid on time. Employers have exploited the labor force through all means possible. Therefore, FLAG decided to conduct research on the current situation of workers and their hardship under the coup and COVID 19 pandemic.



Research interview in workplace (Credit: FLAG)

### V. Research Methodology

The FLAG Team designed quantitative and qualitative research methods to develop this research paper. 311 workers were interviewed as part of a quantitative survey as well as 20 leaders, activists and CSO staff. To construct these questions, the researcher prepared and edited them through pre-consultation with the relevant workers and labor unions.





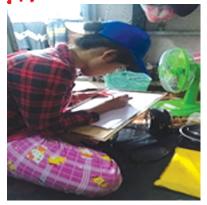


Focus group discussions were conducted four times with labor leaders, women workers, and labor activists from various townships, and key informant interviews were conducted with leaders of trade unions, civil society organizations, lawyers, and activists who are currently working on labor issues. The field research was conducted between October 21 and November 30, 2021. In accordance with COVID-19 protocols information was collected in a variety of possible ways, including personal interviews, telephone interviews, surveys, among other methods. The resulting data was compiled into an Excel file and converted into quantitative indicators. The dataset was grouped into relevant clusters and linked to focus group discussions and key information interview responses and expanded into relevant sections. This research paper was then written during December 2021.

The main purpose of the research is to understand the social and economic status of the workers who have struggled during the third wave of Covid and the coup. All stakeholders should be able to understand the actual situation of workers and develop better and more effective assistance for workers and civil society organizations, local and foreign factory owners, trade unions, labor federations and allied civil society organizations. Furthermore, the international community should subsequently commit to providing the necessary technical assistance and effective support.

There were many difficulties in interviewing the workers because this research was conducted during the time of the coup. The researchers struggled to have access to informants for KIIs and FGDs due to this chaotic and important time, especially in those sensitive situations for federations and trade unions. The assessment training on the research process and how to conduct the focus groups and surveys effectively was conducted virtually in October 2021, and the data collection period started in November. The political situation and the pandemic situation were consistently in flux.





Conducting a survey with a worker (Credit: FLAG)

Due to the limited resources available, interviews were restricted to only 311 workers. Therefore, all the industrial zones of townships in Yangon Region and Irrawaddy Region could not be fully covered. Interviewees were planned to be interviewed in as safe a place as possible. Due to the coup and space constraints, most of the interviews were conducted only in private homes, union offices and dormitories. In selecting the factories to be interviewed, this was based on the factory's relation with FLAG, as well as which factories and industrial zones are the most affected. Therefore, it was difficult be more inclusive by finding workers from other affected factories.



### VI. Demography of the Participant

Figure 1: Gender ratio in survey.

A total of 311 participants responded to the survey of this study. The majority of the participants were women workers - 89% - and the proportion of participant male workers was 11%. Among them, over half of the participants were in the age group of 20-25, and a significant number were from the age group of 26-30. A smaller proportion of participants were under 20 years old and over 30 years old.

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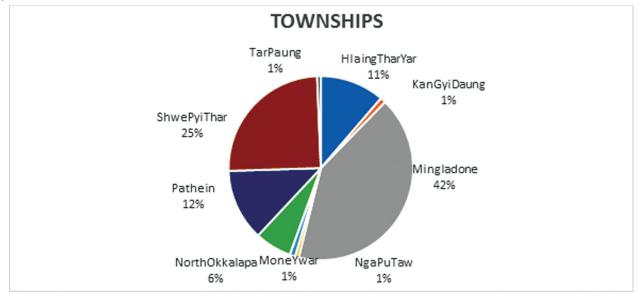


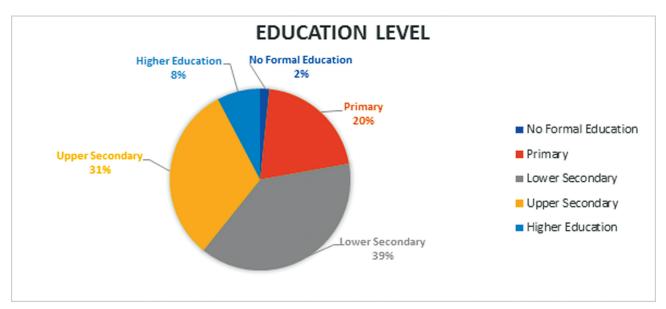
Figure 3: Townships surveyed

The data was collected from different factories of townships in Yangon and Irrawaddy Region. These 10 townships are Mingladon, North Okkalapa, Shwepyithar and Hlaingtharyar in Yangon Region as well as Bu Ta Lin, Kan Gyi Daung, Mone Ywar, Nga Pu Taw, Pathein, Shwe Laung and Tar Paung in Irrawaddy Region. Nearly half of the participants worked in Mingladon, from 12 different factories. The respondents who participated in this study came from a total of 45 factories from these 10 townships.





In terms of the highest completed education level of the respondent workers from this study, it was a mixed group, ranging from primary to higher education. One third of the respondent workers had finished upper secondary level of education, and 20% completed primary education level. There were some who did not have any formal schooling and some who attained higher education.



#### Figure 4: Education levels



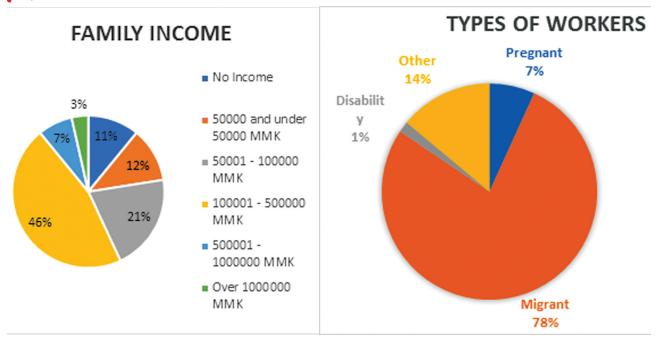


Figure 5: Income of participants in survey

Figure 6: Social status in survey

As can be seen in the above diagram, the majority of the workers are internal migrants and 46% of the respondent workers reported a family income of 100,001 - 500,000 Kyat. There was a small number of pregnant and disabled workers who participated in the study too. There was only a small percentage of respondent workers who reported over 1,000,000 Kyat in family income.





Regarding the religion of the respondent workers, as illustrated, the majority (over 90%) believe in Buddhism and there was a small percentage who believe in Christianity or Islam. Moreover, for ethnicity, nearly 90% are Bamar while a smaller proportion of participants belong to Kayin, Rakhine and other ethnic groups.

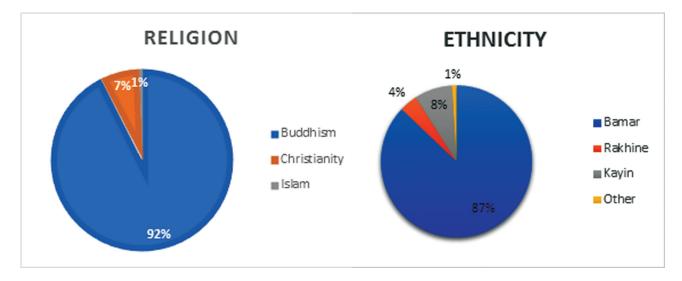
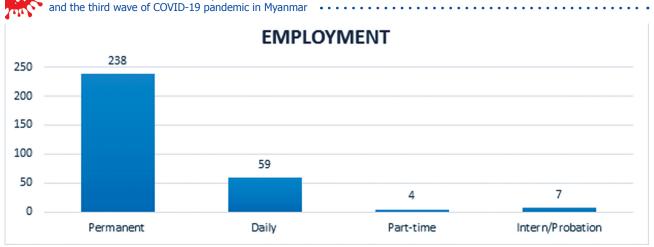


Figure 7: Religion Figure 8: Ethnicity



The Life of Workers under the Coup



#### Figure 9: Employment status

Among over 300 respondent workers, the majority were permanent workers and the rest were daily workers. Some are on a probation period while there were a few who were part-time workers.

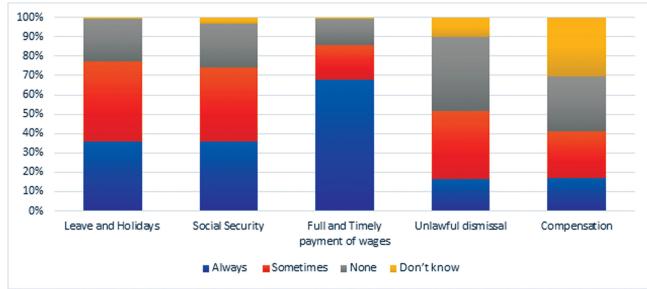
### VII. Findings

Abuses of labor and human rights have become more common in most garment factories. Temporary factory closures, job losses, lack of compliance with current legal requirements in terms of pay, and increased pressure on apparel standard rates for workers are all examples of infractions. Workers are frequently discriminated against and harassed in the workplace when they refuse overtime. Sometimes they are forced to work this overtime without pay if they do not complete additional work targets during their normal work hours.





Workers are currently suffering greatly from labor rights violations and are not adequately protected by the law. In addition to the high number of violations, there is political turmoil, the COVID-19 pandemic, the closure of government offices, lower wages, and a scarcity of jobs. They face various reprimands as a result of the rising range of exploitation, which is due to higher pressure. People are living in poverty because of the low pay.



### 7.1 Labor Rights Violations

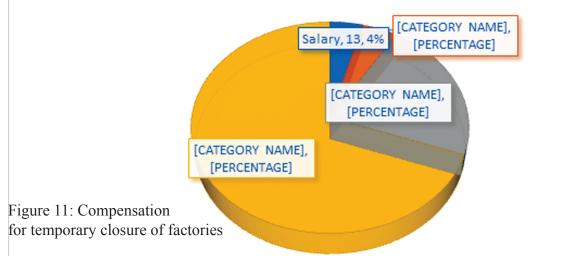
Figure 10: Labor rights situation





The respondent workers were asked about labor rights such as leave and holidays, social security, payment, dismissal and compensation. To illustrate, over half of the respondents reported that unlawful dismissal related to participation in union work or involvement in worker mobilization occurred. Social security and compensation were reported as being paid sometimes but not regularly according to participants. There were also over 20% who reported that there was no leave or holidays.

### COMPENSATION FOR TEMPORARY CLOSURE



There were cases of temporary closure of the factories. When asked about compensation for temporary closure by the employers, there were some participants who answered that support such as bonuses, transportation, and dinner allowance paid for working nights or past 6pm were provided. However, only 5% reported that social security and salary were being provided if the factory temporary closed.







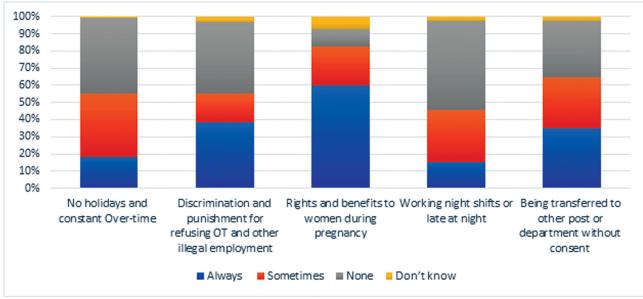


Figure 12: Labor right abuses

There were labor right violations issues such as being transferred to another post or department without consent, working night shifts, no maternity leave, discrimination and punishment for not taking over-time, illegal employment practices, no closure on public holidays and constant over-time. 30% of participants reported being transferred to another post or department without consent. Over 40% of respondent workers reported having to work night shifts or late at night. Over half reported discrimination and punishment for refusing over-time and other illegal employment practices.





Union meeting (Credit: FLAG)

In some factories, employers have formed yellow unions, which are designed to pretend that workers' rights are being protected. Yellow unions have existed since the formation of labor unions, and since then there have been disputes and some yellow unions later were dissolved. One of the main reasons for the creation of these yellow unions is that employers do not want to agree to the workers' demands in full. Therefore, they create parallel unions to avoid unions organized by workers. Employees are sometimes fired for no good reason. As a result of this unfair treatment of workers, labor unions by the workers and of the workers were formed to ensure that workers' demands and justice were upheld. After the labor unions have been formed, employers' unions have offered workers an increase in wages if they join their union and they have tried to instigate conflicts between workers by claiming that they would be given opportunities. Therefore, the trade unions ensure more rights to workers who are members of the union by increasing salaries and preventing unfair and discriminatory treatment on non-members as well.







## The Life of Workers under the Coup



In the case of labor rights violations, factory managers, who were in direct contact with the workers, was found to be the most abusive and oppressive. Under the current COVID-19 situation and the coup, workers' salaries have been delayed. Salaries are only credited to the bank card, making it difficult to withdraw at ATMs. Due to COVID-19 illness, many workers took a break from work until the condition stabilized yet there were cases that workers were not re-employed when returning to work. Workers face difficulties such as being forced to work and relocating to unskilled lines. There are unilateral rules issued by employers who do not negotiate labor rules with the union. Despite accidents occurring at the workplace, the employer does not send workers to the hospital, but they are sent home by factory-run ferry cars. In some factories, employers fired workers more than three months after they were arrested.

Factory managers increasingly violated labor rights. Excessive target hours were set without having full manpower. Therefore, when workers took time off, the rest of the workforce are forced to continue working to their original target without replacement workers being provided. During the third COVID-19 wave, workers were suspended and compensated, and contracts were signed for rehire. However, when the situation stabilized, previous employees were not rehired and only new employees were hired.

After the coup, workers were immediately fired if any problems arose within the factory, without being issued any previous warning. The General Manager, HR Manager, or Admin Manager ignored violations that were being reported, such as forcing workers to work without overtime pay, giving no sick leave, firing workers who took sick leave, harassment of workers and being made to work all night. Workers were forced to leave without pay and forced to resign if they fell ill. In the past, during the Thingyan festival, bonuses were being paid but now are no longer paid. There are cuts for







no apparent reason and late payment of salary. Workers who took part in protests against the coup were given reduced wages, informed on to the military council and threatened. Workers in the yellow union formed by the Supervisor, Leader, Head Supervisor, or Employers were forced to sign warnings in the factory for political reasons. Furthermore, Burmese managers oppress Burmese workers more than foreign workers.

At UNIFA Handbag Myanmar factory, a Chinese-owned factory contracted to the Primark brand operating on Seikanthar Road in Hlaingtharyar Township, two workers were fired for violating factory rules for removing their masks near the factory entrance. In some townships, even if they are wearing a mask while walking, workers can still be inspected and fined by military council soldiers. The violations of employer-employee rights are on the rise in the industrial sector with the political instability.

After the coup, arbitration tribunals became biased and the rule of law waned, with employers violating labor laws and harassing workers. The arbitration tribunals are bribed by employers, and their decisions on cases are usually against the worker, violating labor law. Currently, employer-employee disputes are being resolved within the factories. After the coup, the labor department became more corrupt and workers lost confidence in their decisions. Instead, workers have begun to comply with some of the employers 'demands, and the workers' rights were compromised. Even labor unions, which are for workers, have become corrupt and have been recruited by their employers to pave the way for them to break the law. Workers are beginning to feel that the law is only on paper. Due to the scarcity of job opportunities, they have to avoid confrontation with their employers and make compromises in the face of their demands. Employers and the Ministry of Labor are less willing to resolve disputes as before, and it is harder for workers to file complaints. Workers have long seen arbitration tribunals as a tool for the employers' side to use.







After the military coup, employers stopped complying with the laws that covered workers, and when employers oppressed unions, all union members lost their labor rights. The main problem is that employers do not follow the laws.

With the help of the military council, the inhumane employers also oppress and harass workers. There are more cases of forced labor, labor exploitation, dismissals and the factories closing without going through the proper procedures as proscribed by law in the case of shutting down. Not only are workers' rights being explicitly violated, but also the military-affiliated labor ministry officials are working together with the employers.







### 7.2 Labor Unions

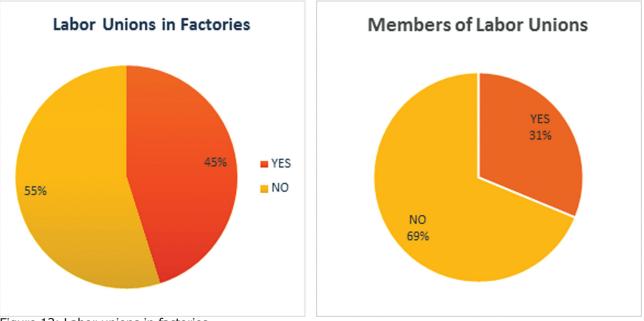


Figure 13: Labor unions in factories Figure 14: Members of Labor union

As illustrated in the above charts, over half of the respondent workers reported that they have no labor union in their factories. For those who answered that they have a labor union in their factories, only 31% reported that they were a member of a labor union.







Labor Unions Issues 100% 90% 80% 70% 60% 50% 40% 30% 20% 10% 0% Violent crackdowns on Obstructions to Disruption to the Non recognizing Unions freedom of association the Union's Strike Action collective action under union law ■ A lot ■ A few ■ None





Regarding labor issues in the factories of the respondents, there were violent crackdowns on the strike actions of the labor unions and there were cases of non-recognition of labor unions in their factories as well. Likewise, there were also some cases of obstruction of collective action of the labor unions, collective action that is permitted under the 2012 Labor Organization Law and the Settlement of Labor Dispute Law, while there are also restrictions to the freedom of association.

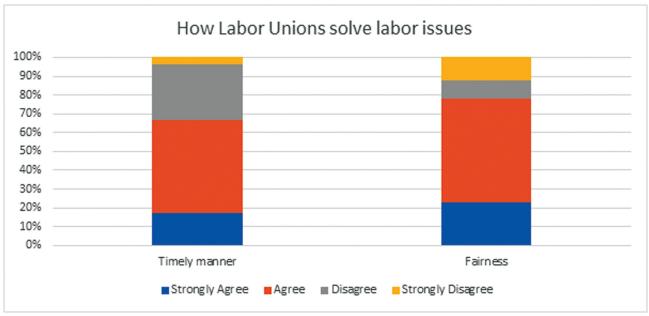


Figure 16: How labor unions solve labor issues for members.



# The Life of Workers under the Coup

Regarding how labor unions handle labor issues, there were two main areas being asked, whether it is resolved in timely manner and whether the outcome is fair. Over half of the respondent workers agreed that labor issues were solved in a timely manner and with fairness.

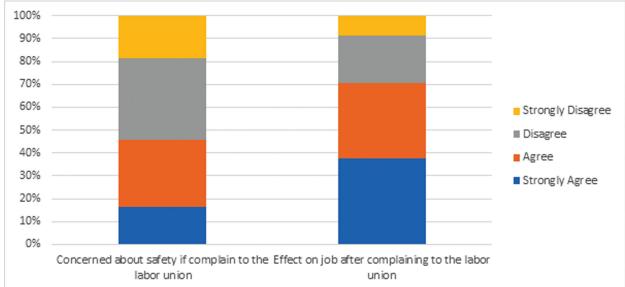


Figure 17: Perception of workers on unions

There were issues around safety and negative consequences if labor issue complaints were reported to labor unions as most of the employers and managers disliked such complaints. There were some participants that were concerned and worried that there could be negative consequences to their on-going employment.





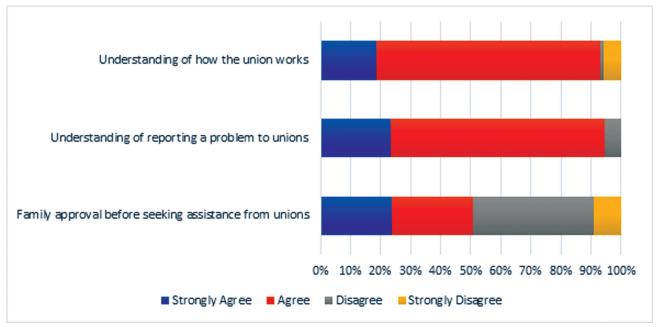


Figure 18: Workers' understanding of unions

Over 90% of the respondent workers understood how a labor union works and how to report labor issues to the labor union in their factories.









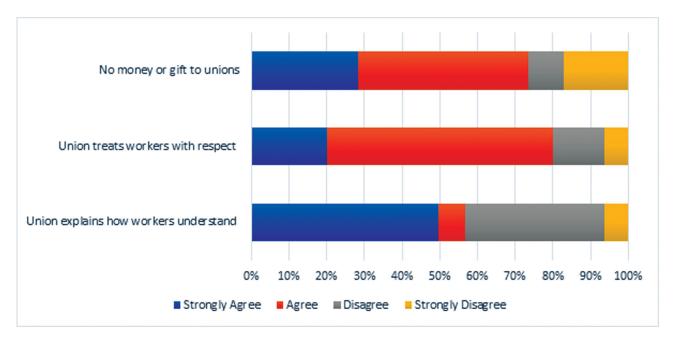


Figure 19: Relationship between unions and workers

Over 55% of the respondent workers understood the information provided to them about workers' rights by the union. Furthermore, 80% agreed that labor unions treat workers with respect, and 72% understand that it is unnecessary to provide money or gifts to labor unions.





Union capacity building workshop (Credit: FLAG)

According to the workers, without the union, the rights of the workers will be even more violated. Having a labor union does not mean that workers can fully rely on them or that workers' rights shall fully prevail. However, having unions is better for their rights and gives them the chance to demand better working conditions.









Union capacity building (Credit: FLAG)

Most labor unions were formed at a time when labor rights were being violated, and the union's funds were collected monthly from each worker to address the difficulties of workers. Currently, the COVID-19 pandemic and the military council coup have closed factories and made it harder for workers to earn a living and raise funds to help those in need. The current situation of labor unions is that funds are running low and they are facing a difficult situation. The COVID-19 pandemic and the military coup have forced unions to suspend fundraising and provide subsidies to workers who are struggling to make ends meet.



Union strike (Credit: FLAG)





It is very difficult to sustain labor unions and to mobilize new members to join them. After the coup by the military council, efforts were made to keep the union strong despite the difficulties, and so far, they have continued to operate without disintegrating. Even if there is a union representing the workers, the labor law is being violated and without the union, there will be a lot of corruption. The labor unions do not accept the coup and have done their best to take part in anti-military activities such as writing anti-government messages online, photo campaigns and boycotts.

In the previous COVID-19 wave, many factory workers became sick and the union negotiated for longer sick leave. The labor unions helped them return to their homes and assisted them in obtaining community health support when they returned home. They also helped to avoid the risk of temporary layoffs by the employers due to illness.

After the military coup, unions were no longer able to speak as freely as they used to, but for workers it is safer with unions. The labor unions have opened up the rights and interests of workers and helped them a lot. When the unions were not there, workers had to endure even more oppression by their employers.

Even factories with unions have difficulties to solve, while factories without unions means it is more difficult to solve these labor issues. No action has been taken against factories, and workers were threatened with the military if they organized mass protests. Employers were oppressing workers with all kinds of scare tactics. In the past, there were negotiations based on requests. Even if the demands were not achieved fully, about half of them would be achieved, but now the workers have lost their legal rights and are forced to resign, even if they do not want to work over-time. In the past, unions were called upon to negotiate. Now, however, the employers are not recognizing the unions and labor rights are being violated whether workers are members of a labor union or not.





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### 7.3 Labor Disputes

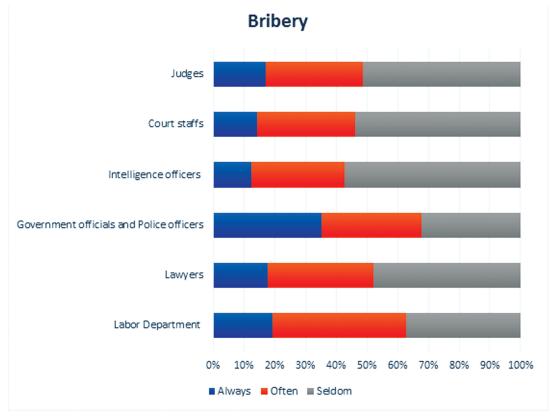


Figure 20: Bribery for labor related issues







When it comes to dealing with labor disputes, there were bribery and corruption cases involving judges, court staff, intelligence officials, government officials and police officers, lawyers and labor department officials. Although workers know about this corruption and mistreatment, the chance to respond to these issues is not possible in the current situation. Almost 70% of the respondent workers reported that there was often bribery to government officials and police officers. Over half of the respondents reported that there was bribery involving lawyers and over 60% reported bribery involving labor department officials. Almost 50% of participants reported bribery involving judges, court staff and intelligence officials.



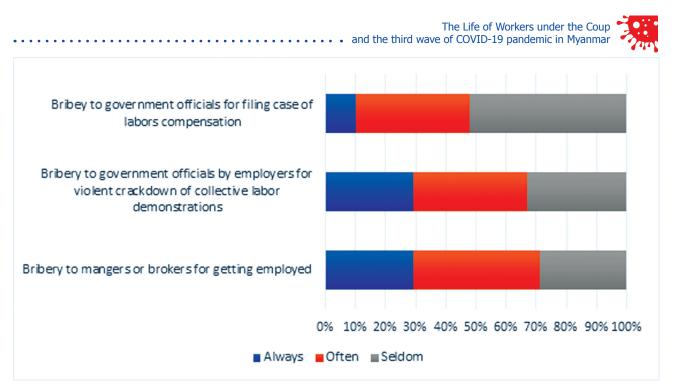


Figure 21: Bribery issues

Bribery often occurs in the case of filing cases of workers' compensation, and in the case of employers violently cracking down on collective action, as reported by nearly 70% of respondents. In addition, over 70% of respondents reported that bribery often happened in the case of managers and brokers attaining employment in factories.



# People who supported in resolving disputes

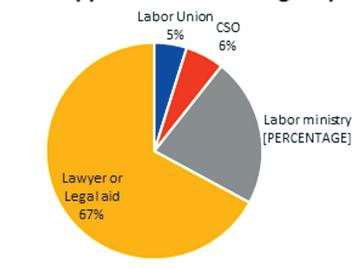


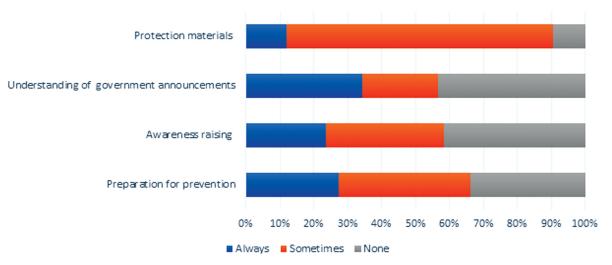
Figure 22: People who supported resolving disputes

There were actors who supported resolving disputes, namely lawyers or legal aid agencies, the government, labor unions and CSOs. Among them, lawyers and legal aid support amounted to around 67%, followed by the current labor ministry of SAC which was 22%. Furthermore, there was also a small proportion of respondents who mentioned CSOs and labor unions provided support - 6% and 5% respectively.





#### 7.4 Working Conditions During the Third Wave of the COVID-19 Pandemic



#### Figure 23: COVID prevention in workplace

The impact of the COVID-19 pandemic is another major factor that makes workers' lives difficult. In terms of workplace safety and COVID-19 precautionary measures, only around a quarter reported that there was always preparation for prevention and awareness raising, while only about 12% of participants reported that there was always personal protective equipment such as masks, soap and gloves provided in the workplace. The majority (80%) reported that the workplace provided personal protection equipment only sometimes.









Strike during COVID pandemic (Credit: FLAG)





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## Labor rights violations during COVID



Figure 24: Labor rights violations during COVID

There were cases of labor rights violations such as non-payment for over-time, night duty, reducing salary while employees have COVID, and some other problems such as no provision of pay for sick days, whether for either COVID infections or other illnesses. There were also barriers to get employ-



ment back as well if workers were assumed to be COVID patients or suspected patients. About 85% of respondent workers reported that there was no payment for over-time after the coup. Over 60% of participants agreed that there was at least sometimes night duty during COVID, and over half reported that salaries were cut if employees contract COVID and are unable to work, or even worse, immediately fired. The majority agreed that there was never compensation paid for sick days or if the factory was closed due to COVID prevention measures. Half of the respondent workers mentioned that there were always barriers to get employment back during COVID. Nearly 40% of the participants reported that there were restrictions on collective action during COVID.

Before the coup, there were hopes that the NLD government would procure the COVID-19 vaccine but these expectations were shattered as soon as the military took over. When the COVID-19 third wave came, one of the worst aspects was that it was during the rainy season and the seasonal flu made the illness worse. The spread was wide because people were forced to work at the workplace without receiving medical treatment for the virus.

During the previous NLD government, employers used to provide hand sanitizer and ointment during the COVID-19 pandemic. Soap and masks were provided, but after the coup, employers violated the COVID-19 rules and there was no longer enough hand sanitizer and soap in front of the factory. During the COVID-19 outbreak, workers were suspended and paid less than half of their wages, making life more difficult for them. If workers return to work from their homes after being on temporarily leave or due to factory closures, they are required to provide a letter to their employers stating that they have tested negative for COVID to get their job back in the factory. If not, they will be laid off. To get a COVID test costs money and most workers could not provide these documents during the time of the coup and the third wave of COVID.







During the COVID-19 period, it was very difficult to apply for a job, and unemployment increased, affecting livelihoods. Applying for a job requires a COVID-19 certificate and a letter of recommendation, which costs up to 20,000 kyats per letter, and some offices do not provide these. CSOs, in collaboration with their unions, provide education, support for pregnant women, and liaise with unemployed workers.



Workers during COVID 19 (Credit: FLAG)



Freedom and Labor Activists Group (FLAG)





During the COVID-19 period, factories were closed for a long time and even in reopened factories, workers did not receive full payment, rendering them unsure if they could pay for basic necessities of food or shelter. Despite strong support from trade unions, funding is now dwindling. Some employers provide one-time use masks but most of the time, workers must buy their own mask for daily use. Social Security funding for COVID-19 is no longer available after the coup. During the COVID-19 period, senior workers were fired and daily-wage workers were hired. During the temporary closure of the factory, workers have not been paid in full.

During the COVID-19 outbreak, unions did much to help workers. There were assisting sick workers with long leave; distributing COVID-19 vaccines directly to factory workers through their unions; identifying if factories did not comply with COVID-19 disease prevention regulations, and providing COVID-19 prevention training. Employers forced workers to take on overtime through the night, giving the reason of COVID-19. Workers had to work until midnight but did not dare to go out at night due to the political crisis. The working hours are typically from 8:30am to 4:30pm. In the third wave of COVID-19, only 75% of the minimum wage is paid and OT is no longer compensated for.

During the third wave of COVID-19, factories were open for a limited number of days and workers did not receive full pay. There were also pay cuts; if workers take a day off, they were fined three days' wages and other benefits such as monthly bonus or annual pay raise were deducted. If workers were ill, they were not allowed to go to work and were sent home. In one example, on his way home from the factory after taking overtime, a male worker was arrested and sentenced to one month in prison. The Ministry of Labor ordered some factories to close due to the COVID-19 outbreak, while others were not. CSOs also provided support for a small number of workers but not for all workers. During the COVID-19 outbreak, workers were barred from working in other factories during the tem-



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porary closure. Those who went to work in other factories were fired without compensation.

During the third wave of COVID-19, a union leader was threatened by his Chinese employer with the sack if he took sick leave. In terms of leave of absence, it is mandatory for full-time workers to be able to take their annual leave, but during the time of the coup, all leave is barred. Payments are made later than usual due to difficulties in depositing and withdrawing money at banks. The factories do not provide the exact Covid-19 Positive Contact List. Hand soap is available only in the morning and no longer in the evening. Workers were concerned that the failure to comply with the warnings of health workers can lead to the risk of infection.

When labor unions were strong, the first and second waves of COVID passed without too many difficulties because there was no denying that employers had been pressured to provide health care protections for workers during those times. The employer told every employee that the banks were only allowing factory owners to withdraw 3,000,000 Kyat per month so they requested that they wait for their payment. However, the workers did not trust their employers and there was unrest between workers and employers.

Recently, most of the workers are struggling to make ends meet, especially during the COVID-19 period, and especially women and unemployed mothers. Women are now feeling insecure and worried that they will be arrested and beaten. Pregnant women were seen with significant workloads despite them being almost at their due date. Women workers are more likely to face verbal harassment by supervisors and managers and thus become emotionally traumatized, while sometimes they face the threat of being taken to the police or soldiers if they take part in any demonstrations or cause unrest in the workplace. The coup has left many women workers out of work, and some of them have turned







to sex work to make ends meet. Some workers return to their hometowns to work as market sellers, farmers, or casual laborers, while others work part-time to make ends meet.

The most common difficulty most workers face is regarding working hours. In particular, the requested number of garments can only be made by taking overtime. However, they are forced to finish during the eight working hours. The factory transportation is overcrowded and even women had to go to the back of the vehicle. Some pregnant women at work have resigned without knowing that they can take maternity leave under labor law. During the COVID-19 outbreak and after the coup, it was difficult for women to travel due to late working hours. The female workers feel insecure. For women who have lost their jobs due to factory closures, it is difficult to find a new job. In the aftermath of the coup, troops were stationed in the Pathein Industrial Zone, and women workers at the factory were subjected to ridicule. Unfair demands for standards in the workplace have led to a lack of time to use the toilet and led to urinary tract infections and constipation.

In the past, payment was enough, but now workers receive no more than 4,800 Kyat for their daily wage and workers have to work for 120,000 Kyat per month instead of getting a basic salary of 140,000 Kyat or more as they did in the past. Workers have difficulty even to pay their accommodation fees and are kicked out by their landlord. There were workers who had to sleep on the streets which was problematic for their health, while they couldn't even afford medicine.

Case Study: Difficulties faced by Ma Hlaing Aye

"Since the COVID-19 pandemic, I have had many hardships in my life. I have three family members and mine is the only income for the whole family's expenses. My income was only 200,000 Kyat per





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month and I was also one of the workers being quarantined because of a close contact with a COV-ID-19 patient in the factory. Then I had to rest for 14 days. On such days off, there is no support for the factory staff, and it is very difficult to make a living at that time. Shopping on the street is not allowed. The rest of my family and I were in trouble because there was no one to deliver food from outside. At the end of the month, we received only 100,000 Kyat in basic salary. For those 14 days, our employer did not support us and our salaries were deducted. That month was very difficult for me. There is not enough money to pay for food and other expenses, let alone accommodation fees and electricity meter fees. There were more debts. I have heart disease. From the day that COVID-19 was first diagnosed in Myanmar, the workplace was not working smoothly. The factory also violated the rights related to the law.

In addition to violating workers' rights, there was also a deterioration in the rights that had already been achieved. As a result, our current income has not increased. It has actually decreased. My family was away and back in my hometown village. My father, mother and brother were suffering from COVID. My father passed away and my mother was in the hospital when my brother called me and told me. I was at work and it was very difficult to travel at that time. My mother continued to receive treatment at the hospital. My older brother also contracted COVID, but I could not take leave from work to care for my parents. I then phoned my brother, who was far away, and asked for his help. If my brother did not come, our family would die because then I also contracted COVID and I was lying in bed with heart problems as well. The health department could not be contacted during this outbreak, and I did not get any help from anyone and could not enter the workplace at that time. As a result, my salary was very low and my debts increased. Our basic salary was so low that we did not have enough to live on. Other fees like accommodation and meter prices have risen sharply, and inflation has made it difficult for our family to survive. The salaries of garment workers in the indus-



trial zone are not enough for the family. Families with similar incomes from women are not enough at the moment, so those were the hardships of my life."

Workers have to pay social welfare from their wages every month. If a worker goes to the social welfare clinic, the patient will not even be seen let alone be given medicine.

It is obvious that the one-day medical leave is being paid just for show. It is impossible to get more than three days leave. Employers do not like to give workers long leave. This is harsh for workers and if workers do not feel better after three days, they can be admitted to the hospital and dismissed from the job.







#### 7.5 Arrests of Labor Union Leaders and Labor Rights Activists

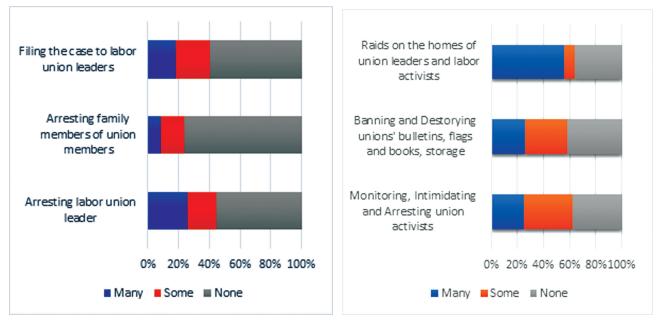


Figure 25: Arrests of Labor Union Leaders and Labor Rights Activists

Workers reported instances of arrests and cases being filed against union leaders and labor rights activists, raiding of union's offices, as well as arresting family members of union members and leaders. Around 25% of participants mentioned that there were many incidents of arrests of labor unions leaders. Over 60% reported that there were many cases of raids on the homes of labor union leaders and



labor activists. About 60% reported that there were incidents of banning and destroying labor union's bulletins, banners and books, and monitoring, intimidating, and arresting labor activists. Over 60% believe that union leaders and activists are under surveillance and can be arrested anytime.

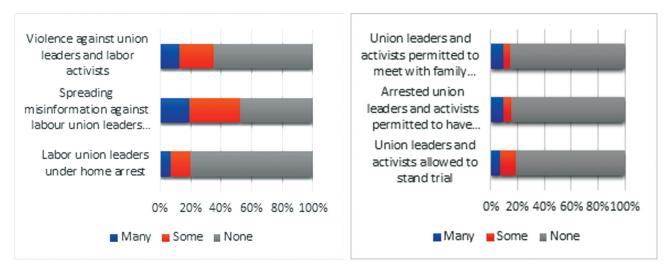


Figure 26 and 27: Violence against Labor Union Leaders and Labor Rights Activists

As a result of the coup, some union members were arrested, while many union leaders and activists were arrested and are now unable to provide any assistance due to low union funds. Some unions have been suspended due to the COVID-19 pandemic and political unrest. If there is a labor union, problems and labor rights issues between employers and workers are discussed and there are also meetings with the brands. The labor unions also need to be working labor unions, and in the absence of such unions, workers will face the power of employers.







After the coup, the Huabo Times factory deliberately cracked down on two union members. A bomb exploded inside the factory around 8 am on Friday, June 11, 2021. In this case, the factory provided the names of two union members to the local police station. Pwint Lin Aung from Union 2 was arrested by the police at around 11 pm after the bombing. On Saturday, June 12, Ma Thu Zar Htwe from Union 2 and Ma Chit Po Po Htwe were taken to the police station from the factory. On Wednesday, June 16, members of Union 2, namely, Ma Wityi Htun, Ma May Phuu Thu, Ma Phyu Hnin Hlaing, Ma Pwint Wah Myo, Ma Kay Thwe Moe, Ma Yin Yin Aung, Ma Mya Sandar Htwe, Ko Aung Ko Thet, and Ko Nay Phyo Wai were taken to the police station and interrogated. Those incidents indicate that the intention was to crack down on members of the labor union. Ko Naing Win Sam, who was president of Union 2 was also fired without reason. Even though the related labor dispute tribunal and labor departments urged the factory to rehire him, the factory did not agree. During the bombing incident, there were around 1,700 workers and from this number 20 members of labor unions and 15 other workers were interrogated. Based on that incident, it can be concluded that the factories were intentionally destroying labor unions. After workers were interrogated, some of the members of the labor unions were scared and resigned from their job. This all happened after the coup. While there was no labor union, workers' rights were severely violated and they were discriminated against. With the advent of labor unions, opportunities have opened for workers.

All workers can do is inform family members of arrested union leaders and encourage these family members. The employers wanted to fire the union leaders and there were others who were not rehired when they returned to work. Employers sent information about union leaders who were unable to return to work to other factory owners. This information included allegations of being activists and of unions supporting the Civil Disobedience Movement, participating in politics, as well as information



on those who were arrested on charges of recruiting workers to take part in protests. Therefore, the arrested activists and union leaders have been jailed on political charges. The arrested union leaders were not allowed to see their families. The arrested union leaders were severely beaten in prison and both men and women were reportedly sexually abused.

Union leaders were arrested while they were resolving disputes inside the factory. For example, activists and union leaders from Hlaingtharyar Township were arrested. Most of the workers went on strike in protest against the military coup. There were union leaders at the factory in Pathein Industrial Zone who were arrested under Section 505. If the military council did not find the person they were looking to arrest, family members were beaten and interrogated. The former offices of unions were closed and relocated to a safer location. Torture and beatings have reportedly been carried out during the arrests and interrogations.

There were cases of workers facing the threat of soldiers if they were active. Union leaders who took part in the protests have not yet been able to return to work. When the workers went on strike, the employers had them monitored and photographed. The employers used that information and threatened that they would give that information to the military. As a result, the offices of labor unions located outside the factory have been shut down and their leaders and members fired by employers. There was a bomb explosion case at Huabo factory, and the union leaders were interrogated by the military. Subsequently, some of the members left the union because of those kinds of incidents. After the bomb blast, guards patrolled the area, and female workers were body-searched and even had to open their food box and eat in front of them. There were cases of harassment by the military against women workers. Workers were also not allowed to use their phone during working hours and had to go to work early to have time for inspection. Both male and female workers' bodies were searched.







## 7.6 Livelihoods and Rights of Female Workers

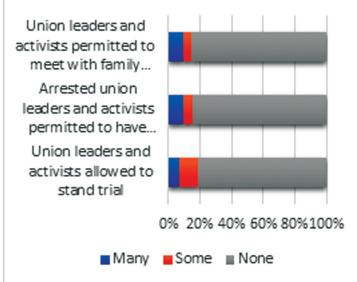


Figure 28: Major violations against female workers

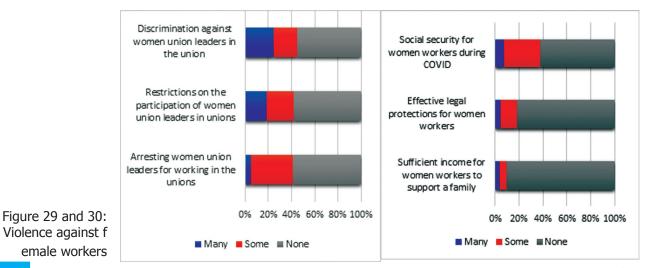
There was more discrimination against female workers in the workplace compared with male workers. Over 40% of the respondent workers reported cases of sexual harassment in the workplace, especially after coup, and there were difficulties for female workers to get employed. Over half of the respondent workers also mentioned that there were pay deductions for female workers, while another 50% of participants noted many cases of low wages occurring for female workers during the coup and after the third wave of COVID.







Lodgings of female workers (Credit: FLAG)









There was also discrimination against women union leaders in the labor unions, with over 40% of participants reporting that this occurred. There were some restrictions on the participation of women union leaders in the labor unions with around 20% of respondents reporting that there were many such restrictions. It was also noted by around 40% of respondent workers that there were cases of women union leaders being arrested for working in the unions. Many of the respondents mentioned that there was no social security, effective legal protections or sufficient income for female workers during COVID.

## 7.7 Livelihoods and Rights of Migrant Workers

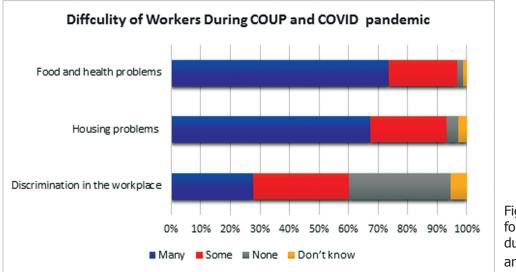


Figure 31: Difficulties for migrant workers during the coup and COVID pandemic





There were barriers and difficulties for migrant workers to work in the urban environment. Migrant workers encounter problems related to food, health, housing, and also discrimination in the workplace. The majority of the respondents agreed that there were many food, health and housing problems. One third of the respondents reported discrimination problems in the workplace.

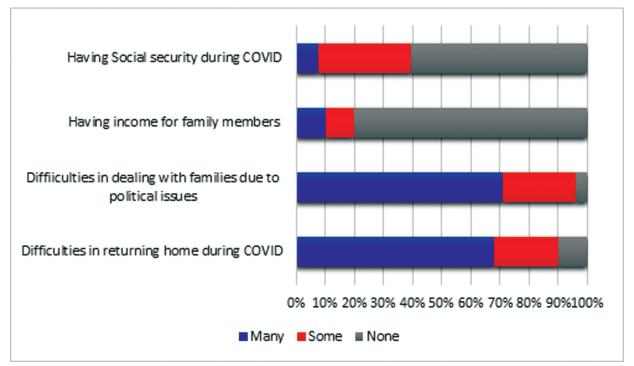
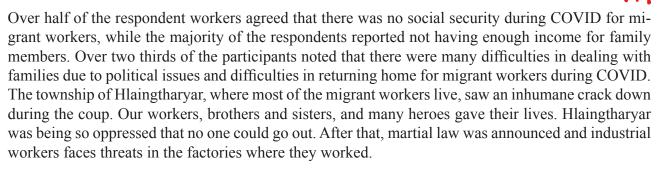
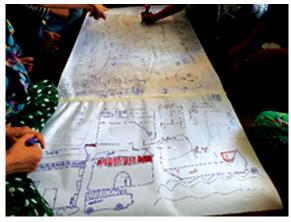


Figure 32: Social welfare for migrant workers







Workshop for migrant workers on how to arrive in Yangon (Credit: FLAG)







Migrant workers have a hard time finding a place to live. Prices in markets have been increasing at a higher rate than wages. It is impossible for workers to send money back to their families and workers are not permitted to take leave to go back to their hometown during COVID. Even when workers returned, workers were asked for a medical certificate to prove that they did not have COVID. Workers were forced to take 10 days off work. During the COVID time, workers were not allowed to come to work. The country was divided with strict township by township boundaries, so traveling from place to place during the COVID period was a challenge.

Workers from Rakhine and other areas are finding it difficult to make ends meet due to the high cost of accommodation, insecurity, and reduced salaries. During COVID, it is difficult to get home from work. In some cases, workers may be accepted by the workplace only with a certificate of being COVID-free. Workers can't send money back to their family, and most of the workers live with worries and troubles. After the coup, many migrants lost their livelihoods. One migrant worker stated, "I cannot transfer money because I cannot communicate with my family".

Due to the lack of a money transfer system during the coup, it is difficult to get cash for expenses. Workers have to pay a certain percentage to get cash when transferring money from their bank. Parents do not know how to use the technology.

Because of the military coup, migrant workers are not safe. Workers feel insecure and are concerned about the employers who take advantage of the coup to oppress and get workers arrested. During the military coup, members of the military council have been searching for and arresting labor activists, union members and labor leaders, jailing them on various charges. There are difficulties in renting a







dormitory for migrant workers and jobs are unstable. However, only low-pay work in the factory is a solution for them to survive.

Since the coup, jobs are scarce and the rise of the commodity prices has affected livelihoods. The third wave of COVID-19 was a particularly difficult time for migrant workers. As before, without overtime payment, the workers' income is low. This issue is a paradox for Myanmar's workforce. Many workers mainly rely on overtime due to low payment and employers take advantage of this by making them work more than standard working hours. For example, if workers do not take overtime work, other benefits such as bonuses and pay raises are cut, while sometimes, if workers refuse overtime they can be laid off. COVID-19 illnesses have led to pay cuts and the rise of commodity prices has led to families being unable to support themselves and struggling to make ends meet. Workers who moved to Pathein from Kangyidaung when work was temporarily suspended are currently unemployed. They have no money to pay for room rental while looking for a job. People in the community avoid workers who need a letter of recommendation from the health department and stay away when they are sick. Due to the military coup, migrant workers are not safe. They also suffer from psychological abuse, such as the feeling of being arrested at any time, or the oppression of businessmen who are taking advantage of the coup. During the COVID-19 pandemic, factories were closed and people had to return home to take casual work, and face rising living costs and low labor costs. When the factories reopened and people returned to work, they were subjected to a COVID-19 medical checkup on the way, as well as the military checkpoints.







#### 7.8 Perspective of workers on the political crisis

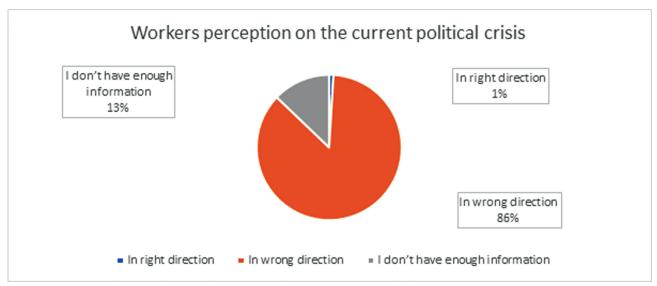


Figure 33: Workers perception on current political crisis

When the respondent workers were asked about their perception on the current political crisis, the majority (86%) thought that it was going in the wrong direction and the rest could not answer as they did not have enough information.







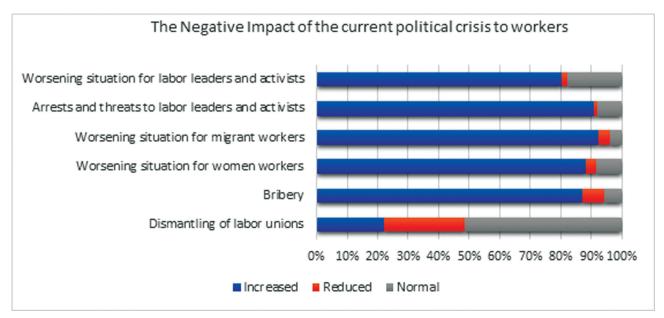
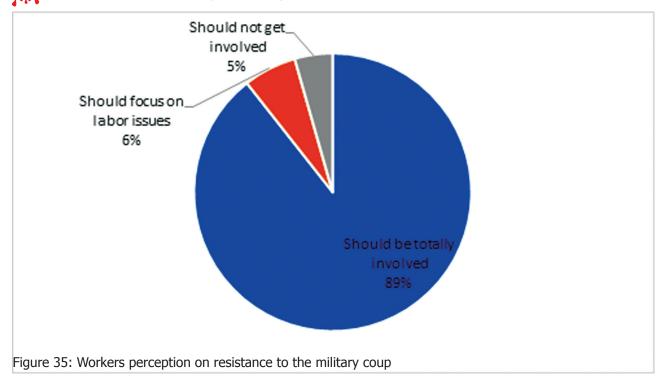


Figure 34: Negative impact of the current political crisis on workers

The current political crisis has had a negative impact on labor issues. The negative consequences, especially on female workers, migrant workers and labor unions' leaders and labor rights activists have increased. A majority (90%) of participants reported that arrests and threats to labor union leaders and labor rights activists have increased.





The respondent workers in this study were asked about their perception of the participation of labor unions in the current political crisis. A large proportion of the participants - 89% - reported that labor unions should be totally involved in the current political crisis. Only a small percentage of respondents mentioned that labor unions should not get involved – 3% - in the current political crisis and 6%







stated that unions should focus on labor issues only. This finding demonstrates that the majority of workers are determined to move forward and become involved in the current political situation and believe that the coup is having a direct, negative impact on workers' rights and livelihoods.

Ko Thet Hnin Aung, general secretary of the Federation of Labor Unions of Burma in South Dagon Township, was arrested on June 14 during a raid by the military council. At the Natural Clay Tile factory in Hmawbi Thandada Village, owned and managed by U Maung Maung Gyi, workers were arrested for assisting in labor rights violations cases of workers who were abused. Looking back at the February 1 military coup, more workers have been out of work due to factories not following procedures for closure as proscribed by law. Violations of employer-employee rights are on the rise in the industrial sector, alongside political instability.

In the current political climate of the coup, being the leader of a union is dangerous as the military would see the unions taking a leading role in demonstrations and interpret this as posing a threat to their power-grab. Therefore, there are serious challenges for union members and supporters even though some leaders and unions did not become involved in anti-coup demonstrations. The labor unions did not accept the coup and distrusted the organs of the military council such as the Ministry of Labor and social welfare and industrial management committees. After the coup, employers and workers negotiated legal rights to participate in anti-coup protests. Thousands of workers took part in the revolution before the factories were temporarily shut down. After the coup, labor rights were increasingly neglected due to a lack of respect for labor rights. The military coup was totally unacceptable to the unions. During the time of the coup, there is a lot of discrimination and injustice happening to workers and union leaders. One of the workers stated, "We believe that the National Unity Government will be able to bring democracy." So we shall move forward to engage with the elected







government, not illegal military coup. The labor unions also participated in the anti-military campaigns such as photo campaigns and boycotting military products. Many workers from the Pathein factory took part in protests against the coup. Initially, there were street protests, but now there are online protests. Many unions joined the Labor Alliance networks that are against the military and are solidly behind the NUG government.

Union members and workers who lived in the area where bomb blasts or gunshots occurred were questioned by the military or new township administrators. In the current labor market, there are fewer opportunities than before. At present, unions are unable to openly promote labor rights because of the military council. The current military council is creating instability and disorder. They arrest workers and people as they are thought of as threats to them. The labor unions have been calling the military council a "dehumanized group" and "The murderers." When the coup took place, the people and workers suffered many troubles, and each labor case in the offices of the military council lasted at least three months.

Workers have to report their names as part of the guest list of temporary lodgers that is submitted to ward administrators every week. Workers have to pay 1,000 Kyat for the list book as well as 500 Kyat per week to have their names on the book. This is used as permission to stay with approval of the ward administrators. If workers do not put go through the process of putting themselves on the guest list, they are urged to by the hostel owners. If they are not on the guest list, hostel owners ask workers to deal with issues on their own if something bad happens such as arrest if they haven't informed ward administrators of their stay or suspected anti-military activities, and are forced to leave the hostel. The village ward office also inspects the hostel owners' filing of guest lists, threatening them with arrest and pressuring them. Therefore this list is a tool to control the workers staying in dormitories and monitoring the movement of workers. When workers go to the labor office to complain, they are rep-





rimanded and their case is neglected. On the way to work, the police inspect motorcycles and demand money without reason, especially workers who need to travel between work and home. Under the current military dictatorship, the labor office is no longer on the side of the workers, and the workers are suffering from not only human rights abuses but also a general daily unsafe environment at both the workplace and on the way to work.

After the coup, the unions joined the strike, which lasted for more than three months. The workers participated in the actions against the coup as they felt that their votes during the election were being disrespected, and the conditions of the workers' livelihoods and the union's rights movement were collapsing. The NUG as well as the people's elected representatives, are fully supported by the people and the labor unions. Workers resisted the coup, and therefore workers' livelihoods are tightening, arrests are increasing, and revolutionary movements are no longer as visible as they once were. Some union leaders are trying to avoid being arrested.

The political perception of workers on the current political crisis is that workers are tired of the coup, the instability and political turmoil. Many workers feel hopelessness in the current situation. "Many of the workers are struggling, but they are still fighting and being where they need to be, even though they are starving," stated Ma Moe Moe Sandar Myint of the Federation of Garment Workers Myanmar, "In other words, we the workers need to protect each other more than before and must move forward to fight injustice." Ko Thurein Aung of Action Labor Rights also expressed "Workers support the National Unity Government and we will do our best to continue to support the NUG. We all know that the coup is a violation of human rights and democracy, especially to our votes and the hopes of workers."





Workers want employers to fully respect workers' rights without taking advantage of the political instability. Workers want the labor law to prevail. Factory owners can only require a standard eight working hours. Workers would also like to ask the factory owners and managers to show compassion to the workers and to treat them as human beings.

The current disputes are no longer reported to the Department of Labor but are linked to the brands. Workers would like to see an investigation into compliance with labor laws. Workers should be involved in politics as much as possible to achieve democracy in Myanmar which will thus make the life of workers become easier. The labor unions do not want to cooperate with the government departments under the military council. Now, unions are making as many demands as they can. Campaigning and advocacy will help all departments in their understanding, and to reduce abuse and harm.

## VIII. Conclusion and Recommendations

Workers are the most unique human resources in the country. The role of workers is also critical for the country's output, and the expansion of the economy shapes excellent political systems. We feel that the workers see that the country's democracy is deteriorating, and that the inability to address these challenges has resulted in the current scenario.

Simultaneously, efforts must be made to prevent the present workforce from collapsing. If employers and employees become interdependent, each side is more likely to be effective. There needs to be a realization that impinging on workers' rights now will damage the trust between employers and workers for the future. In spite of Myanmar's economic woes and even the present political instability, respecting labor rights creates more productive factories and serves the interests of both sides. We







note that trade unions face significant difficulties and obstacles in the current political environment. However, labor unions are a source of democracy that will continue to exist in order to defend workers from experiencing breaches of the law, discrimination, and workplace exploitation. Labor will only be able to establish historic unions in the future if it stands steady in the face of such a political crisis. In the long-term, therefore, workers and unions are the best defense of democracy and welfare of the workforce

We are thankful for all partners in the international community who are assisting in the country's political, social, and economic crises, and to workers who strongly support democracy and human rights, and we urge them to keep up the good work.

Based on the results of this study, we make the following recommendations.

#### 8.1 **Recommendations to the National Unity Government** and Relevant Ministries

1. To continue reporting to the international community on issues of human rights abuses against workers in Myanmar;

2. To clearly present policies for the effective protection for workers;

3. To explore clear processes to take action against employers who are committing serious violations of workers' rights and investment laws;

4 To maintain diplomatic links with the ILO and international investors for labor issues and human trafficking;

5. To arrange protection for Myanmar migrant workers;

6. To develop programs to provide up-to-date information about migrant labor, along with job opportunities abroad:





7. Make efforts to address social insecurity of workers, providing comfort and support through social media, preventing viral infections, and to open accessible clinics for workers.

#### 8.2 Recommendations to Factory Owners, Employers and Managers

- 1. To recognize the role of labor unions and always implement good employer-employee relations;
- 2. Demonstrate respect for rights, values, and ethics;
- 3. To implement and respect the outcomes of collective bargaining agreements (CBA) with trade unions;
- 4. To provide protection against sexual harassment in the workplace, codified in Employment Contracts (EC);
- 5. Prevent any forced labor or unlawful encroachment or reduction of basic labor rights according to international labor standards;
- 6. To implement comprehensive workplace security and safety measures;
- 7. To ensure that workers receive full and timely social security benefits;
- 8. To respect workers' rights to freedom of expression, assembly, and peaceful protest.

# 8.3 Recommendations to International Companies that work together with Myanmar factories

1. To protect the rights of workers in accordance with Myanmar labor Laws, international standards and laws, and relevant codes of conduct;





The Life of Workers under the Coup • • • • • • • • • • and the third wave of COVID-19 pandemic in Myanmar



- 2. To act promptly and responsibly in resolving labor rights violations in full cooperation with labor unions and labor groups;
- 3. To ensure accountability to workers throughout the entire supply chain;
- 4. To raise awareness of domestic labor laws and international standards, ethics, and codes of conduct of the relevant brands to the workers in the factories being sourced from;
- 5. To immediately end partnerships with suppliers that break Myanmar labor laws, violate international standards and codes of conduct, and blacklist them;
- 6. To reconsider investing in Myanmar and to potentially divest if the human rights situation worsens.

## 8.4 Recommendations to the International Community

- 1. To monitor investors from their own countries and whether investments in Myanmar follow international laws and conduct due diligence;
- 2. To establish grievance mechanisms at the embassies of the countries concerned to allow workers to file their own complaints about the cases of labor rights violations by investors in the workplace;
- 3. To urge companies investing in Myanmar to comply with labor laws and resolve grievances in accordance with the law;
- 4. To review special trade privileges granted to Myanmar such as the EU's Generalised System of Preferences;
- 5. International trade unions and labor partners must collaborate to condemn employers who violate labor rights;





- 6. To provide humanitarian assistance to workers who lost their jobs in the aftermath of the coup and the COVID 19 pandemic;
- 7. To support non-violent resistance activities of workers against the military coup;
- 8. To create job opportunities and to focus on the welfare of Myanmar workers

#### 8.5 Recommendations to Individual Workers and Labor Unions

- 1. To address possible labor rights violations in the workplace;
- 2. To build solidarity in the workplace by peer-to-peer cooperation to unite against the bloodshed of oppression;
- 3. Continue to learn and share information on labor rights laws;
- 4. To support the revival of democracy in Myanmar in the face of current difficulties for a better future;
- 5. To strengthen the existing unions;
- 6. To build the unity of labor by founding unions in factories that do not yet have a union;
- 7. To protect and promote the rights and interests of the entire workforce;
- 8. To protect and promote workers' rights according to the law;
- 9. To continuously educate and train workers;
- 10. To cooperate with workers to respond to any injustice;
- 11. To amplify the voice and situation of workers in the country and abroad;
- 12. To continue to develop policies and strategies that are relevant to the situation on the ground to protect the workforce;
- 13. To continue education and training for workers and to provide protection from violations of legal standards;





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- 14 To identify access to social security and humanitarian assistance for workers and take relevant action;
- 15. To provide comprehensive protection for workers in all sectors;
- 16. To continue to take the lead in overthrowing the dictatorship;
- 17 To resolve the grievances of workers in the country and abroad by coordinating with the responsible employers, the international community and labor unions;
- 18. To explore new job opportunities;
- 19. To find ways for the survival of labor unions;
- 20. To make efforts internationally to address the rights of workers and violations of labor rights in collaboration with the International Labor Organization (ILO) and international unions.

## **IX.** Appendix

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