

## Employment and Skill Development Law

(Pyidaungsu Hluttaw Law No. 29/2013)

9<sup>th</sup> Wanning of Wargoung 1375 M.E

30<sup>th</sup> August 2013

The Pyidaungsu Hluttaw hereby enacts this Law.

### Chapter 1

#### Title and Definitions

1. (a) This Law shall be called **the Employment and Skill Development Law**.  
(b) This Law shall be in force 3 months after notification is announced.
2. The expressions contained in this law shall have the meanings given as under:
  - (a) **Employer** means the person who has the right to appoint the employee or the person who is delegated to appoint this employee in the Government department and Organization, the Co-operative society in which permanent or temporary employees of above the limited numbers are working, Private or Joint-venture business, any Organization, the Company.
  - (b) **Employee** means the person who works for remuneration of skill job, fairly skill job, non-skill job in the Government department and Organization, the Co-operative society, Private or Joint-Venture, any Organization, the Company. In this expression the apprentice is also included.
  - (c) **Industry and Service** means factory, one type or all types of workshops, one type work or all types' works, mill, branch workshop, branch work, branch workshop department and one type or all types of branch work department, which are situated in any location, stipulated by the Ministry of Labour, Employment and Social Security for the matters under this law.
  - (d) **Wage, Salary** mean in addition to normal wage, salary earned by working, overtime wage and allowance are included if overtime and allowance are entitled. In this expression the remuneration to cover the special expense due to the nature of the work is not included.

- (e) **Training** mean pre worksite training, on job training, skill training, high skill training, training related to employment transfer, which open for the employment seekers and employees to enhance their knowledge, technical ability and skill development.
- (f) **Training School** means the school founded and opened to give training for meeting the technical skill norm for the employment seekers and employees.
- (g) **Skill** mean the technical capability required to work in accord with the stipulations.
- (h) **Technical Skill Norm** means technical capability norm required to work in accord with the recognized or specified technical skill set up by the skill development body for all kinds of work under this law.
- (i) **Central Body** means technical skill development central body formed under this law.
- (j) **Registered Certificate** means the certificate issued to the training school and technical skill assessment departments by the technical skill development committee under this law.
- (k) **Technical Skill Assessment Department** means the department recognized and power is entrusted by the technical skill development committee, as it meets the specified norm.
- (l) **Technical Skill Certificate** means the certificate issued by the technical skill assessment department with the approval of technical skill development committee.
- (m) **Skill Employee** means the employee who receives the technical skill certificate issued by the technical skill assessment department with the approval of the technical skill development committee.
- (n) **Fund** means the technical skill development fund founded under this law.
- (o) **Put in fee** means the money paid to the technical skill development fund by the relevant employer under this law.
- (p) **The Ministry** means the ministry of employee, the employment and the social security.

## Chapter 2

### Seeking Employment and Employee

- 3. The Ministry shall arrange easy opportunities and jobs to assist in the job seeker to select job suitable to his age, capability, to get the job, to be stable in the job and to develop in the skill, to assist in the employer to get the suitable and compatible with the job.
- 4. (a) for any matter under section 3, the Ministry:
  - (1) shall set up employment and labour exchange office as necessary;

- (2) shall carry out the necessary arrangement to reveal the employment opportunities, to assist in the employment seeker and to assist in the employer to get the employee who is suitable and compatible with the employment, to open government employment and labour exchange office, to allow the local private employment agency companies which are providing free service to the employment seekers, and other means.
- (b) If the employment seeker refuse to accept the employment offered by the employment and labour exchange office giving the reason that regarding the said employment there is a dispute between the employee and employer, the remuneration earned by the other is more than the similar employment for him, he shall have the right to enjoy the other benefit and opportunities available in the said Labour Office.
- (c) In connection with the employment which is vacant at present and going to be vacant, the Ministry shall arrange to ask the employer for informing the vacant employment in his business to the relevant employment and labour exchange office in accord with the stipulations.

### **Chapter 3**

#### **Signing Employment Agreement**

5. (a) (1) If the employer has appointed the employee to work for an employment, the employment agreement shall be made within 30 days. But it shall not be related with government department and organization for a permanent employment.
- (2) If pre training period and probation period are stipulated before the appointment the said trainee shall not be related with the stipulation of sub-section (1).
- (b) The following particulars shall be included in the employment agreement:
- (1) the type of employment;
  - (2) the probation period;
  - (3) wage, salary;
  - (4) location of the employment;
  - (5) the term of the agreement;
  - (6) working hour;
  - (7) day off, holiday and leave;
  - (8) overtime;

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- (9) meal arrangement during the work hour;
  - (10) accommodation;
  - (11) medical treatment;
  - (12) ferry arrangement to worksite and travelling;
  - (13) regulations to be followed by the employees;
  - (14) if the employee is sent to attend the training, the limited time agreed by the employee to continue to work after attending the training;
  - (15) resigning and termination of service;
  - (16) termination of agreement;
  - (17) the obligations in accord with the stipulation of the agreement;
  - (18) the cancellation of employment agreement mutually made between employer and employee;
  - (19) other matters;
  - (20) specifying the regulation of the agreement, amending and supplementing;
  - (21) miscellaneous.
- (c) The worksite regulations contained in the employment agreement shall be in compliance with any existing law and the benefits of the employee shall not be less than those of the any existing law.
- (d) According to the employment agreement, the Ministry shall issue the notification for paying the stipulated compensation to the employee by the employer, if the work is completed earlier than the stipulated period or the whole work or any part of it have to be terminated due to unexpected condition or the work has to be terminated due to various conditions.
- (e) The employment agreement made under sub-section (a) shall be related with daily wage workers, piece rate workers who are appointed temporarily in the government department and organization.
- (f) The worksite regulations and benefits contained in the employment agreement mutually made between the employer and employee or among the employees shall be amended as necessary, in accord with the existing law.
- (g) The employer shall send a copy of the employment agreement made between the employer and employee, to the relevant employment and labour exchange office within the stipulated period and shall get the approval of it.

- (h) The employment agreement made before the enforcement of this law shall be confirmed up to the end of the term of the original agreement.

#### Chapter 4

### Forming Employment and Skill Development Teams and Their Duties and Responsibilities

6. The Union Government -
- (a) shall form the central body for employment and skill development consisting of the following personnel:
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|---|-----------|
| (1) The Union Minister<br>Union Ministry of Labour, Employment and Social Security    | Chairman  |
| (2) The Union Minister<br>The relevant Ministries                                     | Member    |
| (3) The City Mayor<br>Nay Pyi Taw, Yangon and Mandalay City Development<br>Committees | Member    |
| (4) The relevant Minister<br>Region or State Government                               | Member    |
| (5) Chairman<br>Union of Myanmar Federation of Chamber of Commerce<br>And Industry    | Member    |
| (6) Chairman<br>Union of Myanmar Labour Organizations                                 | Member    |
| (7) Chairman<br>Union of Myanmar Employers Organizations                              | Member    |
| (8) Deputy Minister<br>The Ministry of Union Labour, Employment and Social Security.  | Secretary |
- (b) Vice chairman and joint secretary shall be appointed in forming under sub-section (a).
7. The Central Body shall lay down the policies in respect of the following duties –
- (a) creating employment opportunities;
  - (b) reducing unemployed persons;
  - (c) promoting the disciplines and capability of the employees;

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- (d) promoting the skill development of the employees;
  - (e) forming employment and skill development teams and directing.
8. The Central body shall form the employment development team consisting of the following personnel with the approval of the Union Government –
- (a) The Deputy Minister Chairman  
Union Labour, Employment and Social security Ministry
  - (b) The Deputy Minister Member  
The relevant Union Ministries
  - (c) The Director General or Managing Director Member  
The relevant department or enterprise
  - (d) The representative Member  
Union of Myanmar Federation of Chamber of Commerce and Industry
  - (e) The representative Member  
Myanmar Labour Organizations
  - (f) The representative Member  
Myanmar Labour Organizations
  - (g) The representative Member  
Myanmar Employer Organizations
  - (h) Director General Secretary  
Labour Directorate
9. The duties and responsibilities of the employment development team are as follows:
- (a) creating employment opportunities in the country;
  - (b) acquiring the employment for those who want to work;
  - (c) reducing unemployed persons;
  - (d) promoting the discipline and capability of the workers.
10. (a) the central body shall form the skill development team consisting of the following personnel with the consent of the Union Government –
- (1) The Deputy minister Chairman  
The Union Ministry which is empowered by the Union Government
  - (2) Director General or Managing Director Member

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|--|-----------|
| The relevant Department or Enterprise                                  |           |
| (3) The Representative   | Member    |
| The Union of Myanmar Federation of Chamber of Commerce<br>And Industry |           |
| (4) The Chairman   | Member    |
| The Technical Organizations  |           |
| (5) The representative   | Member    |
| Myanmar Labour Organizations   |           |
| (6) The representative   | Member    |
| Myanmar Employer Organizations   |           |
| (7) Deputy Director General  | Secretary |
| The Labour Directorate   |           |
- (b) In forming under sub-section (a), the technical expert relating to the skill development for labour shall be appointed as member.

11. The duties and responsibilities of the skill development teams are as follows:
- (a) classification of employment skill norm, drawing and enacting;
  - (b) priority classification for the skill development of the employees and laying down the policies relating to the skill training;
  - (c) prescribing the arrangement relating to the skill assessment;
  - (d) issuing the registered certificate to the training school or skill assessment departments;
  - (e) laying down the arrangement relating to the issuing of skill assessment certificate;
  - (f) managing after forming the skill development fund for the employees;
  - (g) supervising the committees and sub-committees formed by it.
12. (a) the skill development team shall form the following committees to perform the duties –
- (1) The committee for skill norm to be specified and training;
  - (2) The committee for skill norm assessment and acknowledgement.
- (b) The skill development team shall form the sub-committees as necessary, under the committee of section 12 sub-sections (a).
13. In connection with the duties and powers of the respective committees formed under section 12 sub-sections (a) –
- (a) The committee for skill norm to be specified and training and the committee for skill norm assessment and acknowledgement shall draw after coordinating, the relevant establishment committee-wise and the work program.

- (b) The committee for skill norm to be specified and training shall perform the followings:
- (1) drawing the type of employment and true and correct skill norm after referring with the international norms;
  - (2) drawing the syllabus in accord with the skill norm, specifying the training norm;
  - (3) specifying the quality of the training instructor;
  - (4) specifying equipment, apparatus and teaching aid norm;
  - (5) training school registration and kind of training registration;
  - (6) coordinating for the technical skill development;
  - (7) after scrutinizing, submitting to the skill development team relating to the application for register certificate.
- (c) The committee for skill norm assessment and acknowledgement shall perform the followings:
- (1) specifying the assessment norm in accord with the employment skill norm to be specified;
  - (2) registration of skill assessment department and registration of skill assessment program;
  - (3) after scrutinizing, submitting to the skill development team relating to the application for the registered certificate;
  - (4) specifying assessment method, specifying quality control systems and duties for the assessors and quality warranty of the skill assessment department;
  - (5) technological coordination for the skill development;
  - (6) specifying the grade and arranging the competition for the employment skill development;
  - (7) issuing acknowledgement certificate as the outstanding person if he performs in the competition significantly.

## Chapter 5

### Employee Skill Development and Doing Training Program

14. The employer shall carry out the training program in accord with the work requirement in line with the policy of the skill development team to develop the skill relating to the employment for the workers who are proposed to appoint and working at present.



15. The Employer:
- (a) shall carry out the training for each work or compounding the work individually or group-wise by opening on-job training, training systematically at worksite, sending outside training and training by using information technology system, for arranging the training program to enhance the employment skill of the workers;
  - (b) appointing the youths of 16 years as apprentice, shall arrange the training for technology relating to the employment systematically in accord with the regulations prescribed by the skill development team.

## Chapter 6

### Registration and Founding of the Training School and Skill Assessment Departments

16. (a) The employer or the service provider shall apply through the relevant committees to the skill development team to acquire the registration certificate in accord with the stipulations.
- (b) The foreigner who comes and wants to open the training school or any skill assessment department, he shall apply through the relevant committees to the skill development team to acquire the registration certificate in accord with the existing laws.
17. The skill development team:
- (a) shall allow or refuse to issue the registration certificate after asking the relevant committees formed under section 12, to scrutinize whether it is in compliance with the stipulations or not, in connection with the application under section 16;
  - (b) shall issue the registration certificate to the applicant after paying for the registration fees in accord with the stipulated regulations, if it is permitted to issue it;
  - (c) shall allow to apply again within 30 days, if it is refused to issue the registration certificate.
18. The registered certificate holding training school and skill assessment departments shall apply through the relevant committee to the skill development team to extend the term of the registration in accord with the stipulations, if they want to continue the relevant work after expiring the term of the registration.
19. The skill development team shall have the right to cancel the registered certificate of the said training school or the skill assessment department, if it is found that they are not in compliance with the stipulations contained in the registered certificate.
20. The obligations of the registered training school are as follows:

- (a) Receiving the consent after drawing the following training program and submitting to the skill development team;
    - (1) the skill norm,
    - (2) the syllabus,
    - (3) the statement for the location of the training school, the building and apparatus,
    - (4) the name of the instructor and his qualification,
    - (5) the training period,
    - (6) the training system for using in the training, the training aids,
    - (7) the training certificate,
    - (8) the training fee,
    - (9) the other particulars prescribed by the committee for the skill norm to be specified and training.
  - (b) signing the agreement relating to the trainee and the training;
  - (c) maintaining the curriculum vitae of the trainees;
  - (d) submitting the report relating to the training to the skill development team within 15 days after completing the training;
  - (e) submitting to the skill development team minimum 30 days in advance before transferring, if the training school is required to transfer to another person who wants to open the training school;
  - (f) transferring the trainees with the remaining training expenses to any other work similar training school, if the training school is required to close.
21. The founder of the registered training school:
- (a) shall have the right to appoint the foreign experts and instructors who receive work permit issued by the relevant ministry. Their stay period shall be in accord with the existing law;
  - (b) shall have the right to import the teaching aids in accord with the existing laws;
22. The obligations of the registered skill assessment department are as follows:
- (a) Receiving the consent after submitting the following skill assessment program to the skill development team;
    - (1) the assessment program based on the recognized skill norm,
    - (2) the statement of the location of the department, the building and the apparatus,
    - (3) the names of the assessors and their qualification,

- (4) the assessment period,
  - (5) the assessment aids for using in the assessment department,
  - (6) the status of the questions to be assessed,
  - (7) the skill norm and method using in the assessment,
  - (8) the fees to be collected from the assessed persons,
  - (9) other particulars prescribed by the committee for skill assessment.
- (b) To acquire the recognized certificate, fixing of the stipulated regulations for the applicant whose skill to be assessed and assessment program to be specified;
  - (c) To maintain the curriculum vitae of the assessed persons;
  - (d) To submit the report to the skill development team within 15 days after skill assessment have been made;
  - (e) To issue recognized certificate to the persons who passed the skill assessment with the approval of the skill development team;
  - (f) To transfer the assessed persons with the remaining expense to other similar type of skill assessment department, if the skill assessment department is required to terminate;
  - (g) To submit to the skill development team minimum 30 days in advance before transferring the skill assessed persons to other skill assessment department.
23. The registered skill assessment department:
- (a) shall have the right to appoint the foreign experts and assessors who received the work permit issued by the relevant ministry. Their stay period shall be in accordance with the existing law;
  - (b) shall have the right to import the assessed aids in accord with the existing laws. Shall have the right to apply to the relevant skill assessment department to be assessed.

## **Chapter 7**

### **Conducting the skill competition**

24. The committee for skill assessment and recognition shall implement in accord with the stipulations to arise step by step skill competition for the skill development depending on the type of work. To carry out the research works through the results of skill competition.
25. The employee who received the skill recognized certificate is entitled to participate in the relevant skill competition held in the country and abroad.

## Chapter 8

### Founding and Using the Employee Skill Development Fund

26. Founding a fund for the skill development of the employees of industry and services business, the skill development team shall have the right to use for the following matters in accord with the stipulations:
- (a) training for the skill development and skill enhancement for the employees;
  - (b) training again for the required skill for the employees who are terminated from service due to any reason and want to change any other work;
  - (c) loan or support money for the matters under sub-section (a) and (b).
27. The skill development team shall form the Fund management committee comprising of the government, the employer and the employee representatives.
28. The duties and responsibilities of the fund management committee are as follows:
- (a) supervising the put in fees regularly to the fund;
  - (b) managing the fund with the consent of the skill development team;
  - (c) depositing the investing money out of the fund in any bank in accord with the financial regulations or buying and saving the debentures;
  - (d) receiving the donation with the approval of skill development committee if there is any donor;
  - (e) auditing to be received relating to putting in and using the fund.
29. The fund management committee shall have the right to use the fund for any of the following matter in accord with the regulation stipulated by the skill development team:
- (a) sending to any part time or full time training for the skill development of the employee, opening the training and supporting or giving loan to the employer who shall extend the training program;
  - (b) reissuing after scrutinizing in accord with the stipulations if asking to pay the expenses incurred relating to the training for the said employees;
  - (c) performing other matters stipulated by the skill development team;
30. (a) The employer of the industry and service business shall put in to the fund monthly as put in fees without fail for the total wages of the subordinates and the supervisors' salary for not less than 0.5%;
- (b) Put in money paid under sub-section (a) shall not be deducted from the wage and salary of the employees.

31. The skill development team:
  - (a) relating to the put in money which is to be paid to the fund by the employer under section 30, sub-section (a) shall specify based on the work sector, type of work, size of work and number of employees;
  - (b) shall have the right to exempt from putting into the fund if any employer can submit secure reason.
32. The skill development team shall supervise the training opened by the foreigner relating to the monetary matter in accord with the existing laws.
33. The skill development team shall form the advisory committee to acquire the advice relating to the management of the fund and using it.

## **Chapter 9**

### **Offence and Penalties**

34. If anyone is convicted of committing the imitation on skill recognized certificate, he shall be punished with imprisonment for not more than 7 years and with a fine.
35. If anyone is convicted of committing the conducting of employment exchange business without the permission of the ministry or receiving the fees from the employees, he shall be punished with imprisonment for not more than three years or with a fine or with both.
36. If anyone is convicted of violating any prohibition of the rules, regulations, by law, notification, order and directive under this law, he shall be punished with imprisonment for not more than one year or with a fine or with both.
37. If anyone is convicted of submitting the false statement or false saying knowing that it is not true, to any employment and labour exchange office or any representatives doing for the said office work to get the employment or employee, he shall be punished with imprisonment for not more than one year or with a fine or with both.
38. If any employer is convicted of committing any of the following matters, he shall be punished with imprisonment for not more than six months or with a fine or with both:
  - (a) failing to sign employment agreement under section 5, sub-section (a);
  - (b) failing to pay put in money under section 30, sub-section (a).
39. If anyone is convicted of violating any matters contained in the employment agreement, he shall be punished with imprisonment for not more than three months or with a fine or with both.

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## **Chapter 10**

### **Miscellaneous**

40. If the employer fails to pay back the loan from the fund within the specified period, the said loan shall be collected as the arrears of land revenue.
41. In implementing the stipulations under this law:
- (a) the ministry shall issue the necessary rules, regulations and by law with the consent of the Union Government;
  - (b) the ministry and the labour directorate shall issue the necessary notification, order, directive and the procedures.
42. Employment and Training Act, 1950 shall be repealed by this law.

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I hereby sign according to the Constitution of the Republic of the Union of Myanmar.

Sd. Thein Sein  
The President  
The Republic of the Union of Myanmar