



# LINCOLN LEGAL SERVICES (MYANMAR) LIMITED

*CONVENIENCE TRANSLATION - ACCURACY NOT GUARANTEED*

**The Government of the Republic of the Union of Myanmar**  
**Ministry of Labour, Immigration and Population**  
**Notification No. 68/2018**  
**12<sup>th</sup> Waxing Day of Kasone 1380,**  
**(26<sup>th</sup> April 2018)**

The Ministry of Labor, Immigration and Population has issued these Rules in accordance with the power conferred by section 38(a) of the Shops and Establishments Law 2016 with the consent of the Union Government.

**Chapter (1)**  
**Names and Definitions**

1. These Rules shall be called the Shops and Establishments Rules.
2. Expressions contained in these Rules shall have the same meaning as in the Shops and Establishments Law of 2016 and the expressions given hereunder shall have the following meanings -
  - (a) **“Law”** means the Shops and Establishments Law of 2016.
  - (b) **“Day”** or **“Date”** means a 24 hour period of time starting at midnight.
  - (c) **“Week”** means a 7 day period of time starting on Saturday midnight.
  - (d) **“Search form”** means form (11) according to these Rules which is used to confiscate records, evidence and other technological evidence specified in the law.
  - (e) **“Hazardous work”** means work that is specified as such by a notification of the ministry.
  - (f) **“Specified noise”** means the volume of noise which is specified as such by a notification of the ministry.
  - (g) **“Minimum wage”** means the net salary exclusive of expenses paid for work done during a month. However, overtime pay, living allowance and a bonus are not included in this term.
  - (h) **“Doctor in charge”** means a doctor registered according to a law in force.
  - (i) **“Form”** means a form according to these Rules.



# LINCOLN LEGAL SERVICES (MYANMAR) LIMITED

## Chapter (2)

### Notice to be made by the employer

3. The employer shall notify the inspection officer of the department within 10 days with form (1) with the following information and a copy of the license issued by the relevant department or committee when he starts a shop or establishment.
  - (a) Shop or establishment name, NRC, phone, fax and e-mail address;
  - (b) type of shop or establishment;
  - (c) employer's name, NRC, address, phone, fax and e-mail address;
  - (d) name of the manager or person in charge, NRC, address, phone, fax and e-mail address;
  - (e) number of employees;
  - (f) name of foreign employees, passport number, nationality, visa period and address.
4. The employer shall notify the inspection officer of the department within 10 days with form (2) with a copy of the license issued by the relevant department or committee when he moves, changes, expands or transfers a shop or establishment or changes employees.
5. The employer -
  - (a) Shall notify the inspection officer of the department 10 days in advance with form (3) with a copy of the license issued by the relevant department or committee if he wishes to temporarily or permanently close the shop or establishment.
  - (b) Shall notify the inspection officer of the department with form (1) together with a copy of the license issued by the relevant department or committee if he wishes to reopen the shop or establishment after temporary closure.

## Chapter (3)

### Sending a notice concerning the working hours

6. The employer shall conspicuously display a notice containing the working hours of employees working at the shop or establishment.
7. The employer shall notify the department with form (4) if the employees working at the shop or establishment are all working the same hours.



8. The employer shall notify the department with form (5) if the employees are to work in a shift or rotating system.

## **Chapter (4)**

### **Overtime and overtime pay**

9. Employees working at a shop or establishment shall be paid for overtime according to the Payment of Wages Rules if they work for more than 8 hours a day or more than 48 hours a week.
10. For the calculation of the daily rate of a worker who is paid a lump-sum, the payment for a week shall be divided by the number of days on which he actually worked.
11. The employer shall file the overtime payment record with the inspection officer with form (6) within 10 days from the date of payment.

## **Chapter (5)**

### **Permission for opening 24 hours**

12. Shops, establishments and public entertainments establishments that need to operate 24 hours because of their business character shall obtain permission with form (7) from the department 7 days in advance.
13. The inspection officer shall scrutinize the request filed in accordance with Rule (12) and may issue the permission with form (8).
14. Shops and establishments which have more than 15 employees, except shops, establishments and public entertainment establishments which need to operate 24 hours, may do overtime with the permission of the department.
15. The inspection officer may issue a single permission from the department to do overtime for a two months period maximum.

## **Chapter (6)**

### **Safety and hygiene at the workplace**

16. A business owner, manager or person in charge shall arrange for the safety and hygiene at the shop or establishment as well as for the employees as follows;-
  - (a) If the shop or establishment is located in a high-rise building and escalators are used, emergency ways and exits must be provided and a corresponding sign must be displayed.



- (b) Shall take necessary precautions to prevent a fire if there are flammable items.
- (c) Shall make arrangements so that the specified noise is not exceeded.
- (d) Shall employ enough employees in order to keep the floors, furniture, cooking areas, dishes, areas with drinking water and toilets clean and tidy.
- (e) Shall dispose waste systematically without harming the environment.
- (f) The employer shall arrange for the supply of adequate protection gear to protect the health of the employees if the work is done in an extremely hot or cold condition.
- (g) Shall supply a medical kit and required medicine.

## **Chapter (7)**

### **Retaining statistics, records and registrations**

17. The employer, manager or person in charge shall make the following records and registrations with the specified forms concerning the employees at the shop or establishment, and keep them at the shop or establishment for at least 12 months so the chief inspection officer or inspection officer can review them.
- (a) Copy of the notice filed by the employer;
  - (b) notice stating the working hours and period;
  - (c) permission to operate 24 hours due to the character of the business;
  - (d) attendance record, form (9);
  - (e) worker registration book;
  - (f) child labour registration book, form (10);
  - (g) overtime registration book;
  - (h) bonus payment record;
  - (i) wage payment record;
  - (j) leave record.



## LINCOLN LEGAL SERVICES (MYANMAR) LIMITED

### Chapter (8) Miscellaneous

18. If required, the inspection officer may confiscate the records, documents or technological evidence of the shop or establishment with an inspection form in front of two witnesses.
19. For matters that are relevant to the law and these rules, the department may issue required notifications, orders, directives and procedures with the consent of the Ministry of Labour, Immigration and Population.
20. The 1953 Shops and Establishments Rules are repealed by these rules.

TheinSwe  
Union Minister  
Government of the Republic of the Union of Myanmar  
Minister of Labor, Immigration and Population



# LINCOLN LEGAL SERVICES (MYANMAR) LIMITED

Form (1)

**Notice to be made by the employer**  
(Shops and Establishments Rule 3)

To  
Inspection Officer  
Factories and General Labour Law Inspection Department

.....

Subject: **Notice of the commencement of a shop/establishment**

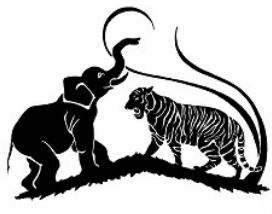
<ol style="list-style-type: none"> <li>1. Shop or establishment's name, address, phone, fax and e-mail address</li> <li>2. Shop or establishment type</li> <li>3. Employer's name, NRC no., address, phone, fax and e-mail address</li> <li>4. Name, NRC no., address, phone, fax and e-mail address of the manager or person in charge.</li> <li>5. Whether required to work 24 hours a day.</li> </ol>	
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6. Number of Myanmar citizen employees in the shop or establishment -

	Adult		Teenager (16-18)		Child (14-16)	
	Male	Female	Male	Female	Male	Female
Monthly pay						
Daily pay						
Lump sum						
Total						

7. Number of foreign employees in shop or establishment -

	Male	Female
Monthly pay		
Daily pay		



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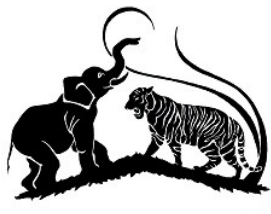
Lump sum		
Total		

Date:

Place:

Employer's signature

The employer shall complete this form and send it to the inspection officer.



# LINCOLN LEGAL SERVICES (MYANMAR) LIMITED

Form (2)

**Notice on the movement, change, expansion or transfer of a shop or establishment or the  
appointment or change of employees**  
(Shops and Establishments Rule 4)

To  
Inspection Officer  
Factories and General Labour Law Inspection Department

.....

**Subject: Notice on the movement, change, expansion or transfer of a shop or establishment or the  
appointment or change of employees**

1. The..... shop or establishment or public entertainment establishment at .....  
Region or State, ..... Township, ..... Street, ..... No. owned by U/Daw  
.....
  - (a) will move to ..... Region or State, ..... Township, ..... Street,  
..... No. with ..... male employees and ..... female employees, in total .....  
employees.
  - (b) will change to ..... business with ..... male employees and ..... female  
employees, in total ..... employees.
  - (c) will expand ..... business with ..... male employees and ..... female  
employees, in total ..... employees.
  - (d) the owner will change to U/Daw ..... from ..... (date).
  - (e) will appoint/change ..... male employees and ..... female employees, in total .....  
employees.

Note: To delete unnecessary words or sentences.

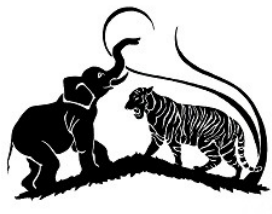
Signature .....

Employer's name .....

NRC no. ....

- 8 -





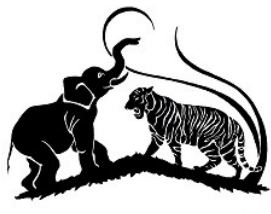
## LINCOLN LEGAL SERVICES (MYANMAR) LIMITED

Passport no. (foreigner) .....

Contact address .....

Phone or fax .....

E-mail address .....



**Notice of temporary or permanent closure of a shop or establishment**  
(Shops and Establishments Rule 5)

To  
Inspection Officer  
Factories and General Labour Law Inspection Department

.....

Subject: **Notice on the temporary or permanent closure of the ..... shop or establishment**

This is to notify that the..... shop or establishment or public entertainment establishment at ..... Region or State, ..... Township, ..... Street, ..... No. owned by U/Daw/Mr./Ms. .... will be closed temporarily/permanently and all payments and reimbursements to the employees working at this shop or establishment have been made as attached.

Signature .....

Employer .....

NRC no. ....

Passport no. (foreigner) .....

Contact address .....

Phone or fax .....

E-mail address .....



# LINCOLN LEGAL SERVICES (MYANMAR) LIMITED

Form (4)

## Notice on the same working hours (Shops and Establishments Rule 7)

Date:

The daily working hours that employees shall work are as follows -

Starting time -

End time -

Break time - from ..... to .....

Employees shall be provided with the following day as day off with full pay: .....

Signature .....

Employer .....

NRC no. ....

Passport no. (foreigner) .....

Contact address .....

Phone or fax .....

E-mail address .....



# LINCOLN LEGAL SERVICES (MYANMAR) LIMITED

Form (5)

## Notice of working hours (Shops and Establishments Rule 8)

The daily working hours of the employees are as follows -

No.	Employee's name	Starting time	End time	Break time	Day off

Note: The table can be adjusted as required.

Signature .....

Employer .....

NRC no. ....

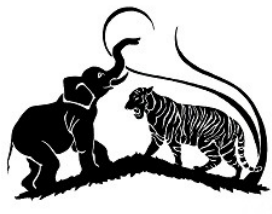
Passport no. (foreigner) .....

Contact address .....

Phone or fax .....

E-mail address .....





# LINCOLN LEGAL SERVICES (MYANMAR) LIMITED

Form (7)

**Application to operate 24 hours**  
(Shops and Establishment Rule 12)

To  
**Inspection Officer**  
**Factories and General Labour Law Inspection Department**

.....

**Date:**

Subject: **Application to operate 24 hours**

We would like to apply to be allowed to operate 24 hours due to the business character of the..... shop or establishment or public entertainment establishment at ..... Region or State, ..... Township, ..... Street, ..... No. owned by U/Daw..... with NRC no. .... and enclose the following documents:

- (a) License and permit obtained for the business
- (b) Notice of working hours

Signature .....

Employer .....

NRC no. ....

Passport no. (foreigner) .....

Contact address .....

Phone or fax .....

E-mail address .....



# LINCOLN LEGAL SERVICES (MYANMAR) LIMITED

Form (8)

**Government of the Republic of the Union of Myanmar  
Ministry of Labour, Immigration and Population  
Factories and General Labour Law Inspection Department  
(Shops and Establishment Rule 13)**

Letter No. ....

Date .....

To

**Employer/Manager**

.....

.....

Subject: **Permission to operate 24 hours**

Reference: **Your letter dated ...**

1. With regard to the matter above, the employees at your shop or establishment are permitted to work 24 hours according to form (5), irrespective of the provisions of sections 7, 8, 11 and 12, according to the power conferred by section 9(a) of the 2016 Shops and Establishments Law.
2. This permission shall be displayed next to your working hour notice.

Inspection Officer

**..... Township/District/Industrial Zone**

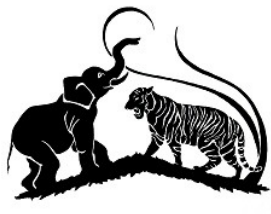
Factories and General Labour Law Inspection Department

CC:

**..... District/Region or State/Industrial Zone Factories and General Labour Law Inspection Department**







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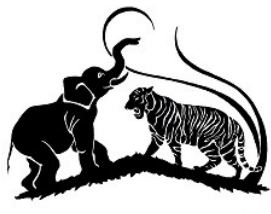
Form (10)

**Child labour registration book of ..... shop or establishment**  
(Shops and Establishment Rule 17)

No.	Name	Age	Father's name	Type of shop or establishment	Shift or rotation	Registration date and number given by the person in charge confirming suitability to work

Signature of the employer or manager

Name:



# LINCOLN LEGAL SERVICES (MYANMAR) LIMITED

Form (11)

## Evidence confiscation and search form (Shops and Establishment Rule 18)

Date and time of confiscation	Name and address of the shop or establishment	Name and registration number of the employer, manager or person in charge	Description of the evidence	Number of items
(1)	(2)	(3)	(4)	(5)

**Inspection Officer**

**Employer, Manager or Person in Charge**

**Factories and General Labour Law  
Inspection Department**

Signature

Signature

Name

Name

NRC no.

NRC no.

Address

Address

### Witnesses

1. Signature

2. Signature

Name

Name

Position/Department

Position/Department

NRC no.

NRC no.

Address

Address



## LINCOLN LEGAL SERVICES (MYANMAR) LIMITED

### About Lincoln Legal Services (Myanmar) Limited

Lincoln Legal Services (Myanmar) Limited provides the full range of legal and tax advisory and compliance work required by investors. We pride ourselves in offering result-oriented work, high dependability and a fast response time at very competitive prices. Please do not hesitate to contact us:

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