



CONVENIENCE TRANSLATION - ACCURACY NOT GUARANTEED

Law Relating to Workplace Safety and Health

Pyidaungsu Hluttaw Law No. 8/2019

10th Waxing Day of Ta Paung, 1380

(15 March 2019)

The Pyidaungsu Hluttaw hereby enacts this law.

Chapter 1

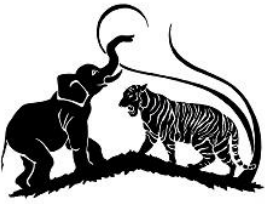
Name, entering into force and definitions

1. (a) This law shall be called the Law Relating to Workplace Safety and Health.
- (b) This law shall enter into force on the date specified by a notification of the president.
2. The expressions contained in this law shall have the meanings as hereunder –
 - (a) **“Government”** means the Union government of the Republic of the Union of Myanmar.
 - (b) **“Worker”** means a worker working at a workplace to which this law applies, using his or her physical or mental ability.
 - (c) **“Employer”** means a person responsible for providing the benefits specified for workers working at a workplace to which this law applies, and a person responsible for fulfilling the duties of an employer as specified. This term includes the founder of a business, main contractor, sub-contractor, self-employed person, legal management representative of an employer, a person managing employees on behalf of an employer, an heir of an employer, a person to whom shares were transferred and persons registered to fulfill the duties of an employer under this law for companies, corporations and joint ventures.
 - (d) **“Workplace”** means a location at which any process of a business specified in Chapter 3 is conducted.
 - (e) **“Workplace accident”** means any injury or death caused by the work or during the work process.
 - (f) **“Council”** means the Workplace Safety and Health Council formed under this law with representatives from the government, employers and workers.



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- (g) **“Disease relating to a workplace”** means any kind of disease specified by a notification of the Council in coordination with the Ministry of Health and Sports which is caused by the exposure to hazardous circumstances during the work.
- (h) **“Workplace contamination”** means any kind of contamination specified by a notification of the Council in coordination with the Ministry of Health and Sports which is caused by the exposure to hazardous circumstances during the work.
- (i) **“Hazardous incident”** means any kind incident specified by a notification of the Council which has the potential of causing an injury or disease to persons at a workplace or to the public.
- (j) **“Hazardous items”** means any kind of items specified as hazardous by a notification of the Council under this law.
- (k) **“Hazardous machines”** means any kind of machines specified as hazardous by a notification of the Council under this law.
- (l) **“Hazardous work and workplace”** means any kind of work and workplace specified as hazardous by a notification of the Council under this law.
- (m) **“Serious workplace accident”** means an explosion, shrapnels, leakage, fire and collapse caused by a work process, hazardous items or hazardous machines which can cause, immediately or during a certain period of time, a serious hazard to persons at a workplace, outside of a workplace or the nearby environment.
- (n) **“Ministry”** means the Ministry of Labour, Immigration and Population of the Union Government.
- (o) **“Department”** means the Factory and General Labour Law Inspection Department.
- (p) **“Director General”** means the director general of the Factory and General Labour Law Inspection Department.
- (q) **“Inspector General”** means the Director General.
- (r) **“Inspection Officer”** means a workplace safety and health inspection officer from the Department.
- (s) **“Person in charge of workplace safety and health”** means a manager, officer, supervisor or coordinator assigned duty concerning workplace safety and health by an employer under this law according to the workplace type.



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- (t) **“Workplace safety and health committee”** means a workplace safety and health committee formed under this law by an employer with the objective of workplace safety and health according to the workplace type.
- (u) **“Registered doctor”** means a person who has a registration certificate issued by the Myanmar Health Council or Myanmar Dental Council.
- (v) **“Recognised doctor”** means a registered doctor recognised by the Ministry who has a certificate concerning workplace health.
- (w) **“Person with the right to examine and inspect”** means a person who has a certificate with specified terms and conditions issued by the Director General for the examination and inspection of hazardous machines and the right to issue a safety certificate after the examination and inspection.
- (x) **“Trainer”** means a person who has a certificate issued by the Director General after scrutiny for the giving of lectures concerning workplace safety and health subjects.
- (y) **“Training school founder”** means a person who has invested money, land, buildings, goods or furniture with the objective of providing workplace safety and health training.
- (z) **“Training school”** means a school registered as a training school with a registration certificate issued by the Director General with the objective of providing workplace safety and health training.
- (aa) **“Registration certificate”** means a certificate issued by the Director General with which a training school meeting the requirements is awarded.
- (bb) **“Certificate of recognition”** means a certificate issued to a person fulfilling the requirements by the Director General which grants the right to act as a person with the right to examine and inspect or as a trainer.
- (cc) **“Manufacturer”** means a manufacturer of hazardous items or hazardous machines which will be used for work or at a workplace to which this law applies.
- (dd) **“Importer”** means a person engaging in the direct import or distribution of hazardous items or hazardous machines which will be used for work or at a workplace to which this law applies.



- (ee) “**Installer or remover**” means a person who installs or removes hazardous items or hazardous machines which will be or were used for work or at a workplace to which this law applies.
- (gg) “**Builder or demolisher**” means a person who builds or demolishes a work building used for work or as a workplace to which this law applies.
- (hh) “**Work process**” means any work process conducted at a workplace to which this law applies.

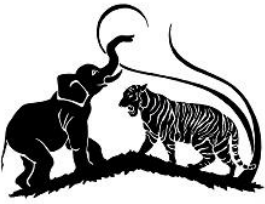
Chapter 2 Objectives

- 3. The objectives of this law are as follows -
 - (a) To implement workplace safety and health procedures effectively for different types of work;
 - (b) to specify the duties of persons to which this law applies, including employers and workers, in order to reduce workplace accidents and diseases relating to a workplace;
 - (c) to cause the persons to which this law applies to prevent workplace accidents and diseases relating to a workplace;
 - (d) to enable workers to work safely and healthily and to increase productivity by preventing workplace accidents and diseases relating to a workplace;
 - (e) to create a safe and healthy workplace by specifying workplace safety and health standards which are suitable to the situation of the country based on international and regional standards;
 - (f) to assist in research work concerning the development of workplace safety and health.

Chapter 3 Specification of businesses to which this law applies and removal

- 4. This law shall apply to the following businesses owned by citizens or foreigners in the form of government departments, organisations, cooperative societies, private enterprises and joint ventures -
 - (a) Factories, workshops and warehouses to which the 1951 Factories Act applies;
 - (b) businesses to which the 2016 Shops and Establishments Law applies;

- 4 -

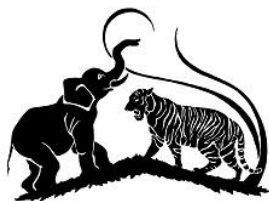


- (c) manufacturing business;
 - (d) industrial and handicraft business;
 - (e) construction business;
 - (f) engineering businesses;
 - (g) mining and processing business; gemstone excavation and processing businesses;
 - (h) oil and gas business;
 - (i) business related to a port;
 - (j) agricultural business;
 - (k) livestock business;
 - (l) fishery business near to or remote from the shore;
 - (m) educational service business;
 - (n) healthcare service business;
 - (o) communication business;
 - (p) transportation business;
 - (q) hotel and tourism business;
 - (r) businesses specified from time to time in a notification by the Ministry of Labour, Immigration and Population with the consent of the Union government as the result of coordination with the relevant ministries, committees and groups.
5. With the consent of the Government and after coordination with the relevant ministries, committees and organisations, the Ministry, with regard to businesses specified in section 4 -
- (a) shall, for inspection and supervision, issue notifications specifying the area, types of business and business size.
 - (b) May amend, add or remove.

Chapter 4

Formation of the Council and its functions

- 5 -

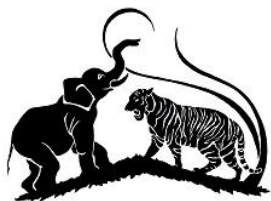


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6. The Government -

(a) shall form the Council with the following persons -

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|------|---|----------|
| (1) | Union Minister, the Ministry | Chairman |
| (2) | Director General, Building Department, Ministry of Construction | Member |
| (3) | Director General, Public Health Department, Ministry of Health and Sports | Member |
| (4) | Director General, Treatment Department, Ministry of Health and Sports | Member |
| (5) | Director General, Department of Mines, Ministry of Natural Resources and Environmental Conservation | Member |
| (6) | Managing Director, Myanma Oil and Gas Enterprise, Ministry of Electricity and Energy | Member |
| (7) | Managing Director, Myanmar Port Authority, Ministry of Transport and Communications | Member |
| (8) | Director General, Industrial Supervision and Inspection Department, Ministry of Industry | Member |
| (9) | Director General, Myanmar Fire Force, Ministry of Home Affairs | Member |
| (10) | Director General, Agricultural Department, Ministry of Agriculture, Livestock and Irrigation | Member |
| (11) | Director General, Social Security Board, Ministry | Member |
| (12) | Director General, Technical and Vocational Education and Training Department, Ministry of Education | Member |
| (13) | Director General, Directory of Hotels and Tourism, Ministry of Hotels and Tourism | Member |
| (14) | Three representatives from employers' organisations | Members |



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| (15) | Three representatives from workers' organisations | Members |
| (16) | Three workplace and health experts | Members |
| (17) | Deputy Director General, Department, Ministry | Joint-secretary |
| (18) | Director General, Department, Ministry | Secretary |

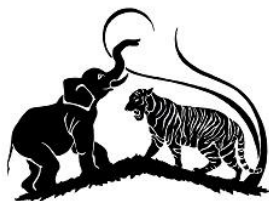
(b) The Council formed under sub-section (a) may be reconstituted as required.

7. The functions of the Council are as follows -

- (a) Issuance of national policies and procedures and analysing, reassessing and amending them with the objective of the successful implementation of the provisions of this law;
- (b) coordination with relevant government departments, government organisations and foreign and local organisations concerning workplace safety and health;
- (c) issuance of notifications specifying a list of diseases relating to a workplace, workplace contamination, hazardous incidents, hazardous items, hazardous machines, hazardous work and workplace; specifying hazard grades concerning hazardous items;
- (d) compiling data concerning workplace accidents, diseases relating to a workplace, workplace contamination, serious workplace accidents and hazardous incidents; announcing prevention plans;
- (e) instruction to place workplace safety and health subjects in the different sectors of education and training;
- (g) formation of an appellate committee formed from among the Council members appointed by the chairman for the examination of appeals filed according to sections 44 and 45; formation of working committees and assigning their duties;
- (h) submission of performance reports to the Government.

Chapter 5 Registration

8. (a) A person currently operating or wishing to start a business to which this law applies shall register with the Department in accordance with the specified terms for workplace safety and health matters.
- (b) The Department shall record a list of businesses registered according to sub-section (a).



9. Any person wishing to engage in the following activities shall notify the Department with the objective of workplace safety and health -
 - (a) construction, expansion or demolition of a workplace or work building;
 - (b) placing, installation, expansion or change of use of machines based on the work process types.
10. A business registered under section 8 sub-section (a) shall notify the Department of the completion of a business, closure of a business, the changing of the workplace, the changing of the type of work or the changing of the employer.
11. The Department shall remove businesses for which the completion of a business, closure of a business or the changing of the workplace was notified from the registration record and amend the registration record with regard to businesses for which the changing of the workplace, the changing of the type of work or the changing of the employer was notified.

Chapter 6

Appointment of persons in charge of workplace safety and health and assigning their duties; formation of workplace safety and health committees

12. An employer -
 - (a) shall appoint a person in charge of workplace safety and health in order to supervise the safety and health of workers in accordance with the specifications of the Ministry based on the type of work;
 - (b) with regard to businesses which have more than the minimum number of workers specified by the Ministry, shall form workplace safety and health committees with an equal number of representatives from the workers and the employers in accordance with the specifications of the Ministry with the objective of creating a safe and healthy workplace; when forming the committees, workplace safety and health concerns of female workers shall be considered.
13. The duties of workplace safety and health committees are as follows -
 - (a) Conducting regular examinations of potential situations which might affect workplace safety and health and reporting the findings at the relevant committee meeting;
 - (b) advising the employer to make prevention and awareness arrangements to avoid workplace accidents;



- (c) increasing the coordination between the employer and the workers with regard to the provision of training and assistance for the development of workplace safety and health;
 - (d) supervising the workplace safety and health hazard analysis of the relevant work;
 - (e) performing workplace safety and health duties assigned by the Ministry and the Department.
14. Persons in charge of workplace safety and health shall comply with the provisions of this law and the provisions of the rules, orders, directives and procedures issued under this law in order to create a safe and healthy workplace.

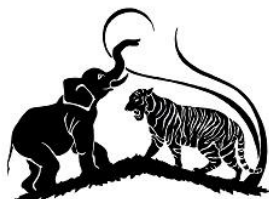
Chapter 7

Appointment of Inspection Officers; rights and duties of the Inspector General and the Inspection Officers

15. The Ministry may appoint Inspection Officers as required in order to implement the objectives of this law.
16. The Inspection Officers shall inspect workplace safety and health matters of the businesses to which this law applies, instruct the respective employer as to his or her duties and report to the Inspector General.
17. The Inspection Officer shall have the right to do the following in good faith concerning workplace safety and health matters -
- (a) Right to enter at any time, right to inspect and right to examine without a warrant any workplace of businesses to which this law applies, showing his or her Inspection Officer identification card;
 - (b) right to see, right to copy, right to confiscate as evidence if required the records, documents and evidence concerning the workplace and work processes;
 - (c) right to take photographs and audiovisual records of hazardous workplaces and work processes which might harm workplace safety and health;
 - (d) right to analyse and take records with the assistance of a relevant expert concerning the potential impact radius and period occurring to a workplace and its surroundings by noise, heat, cold, particles, gas and other hazardous items;



- (e) right to examine with the assistance of a recognised doctor any person working at a workplace during working hours concerning diseases relating to a workplace or potential transmission of such diseases;
 - (f) right to instruct with a form issued by the Department persons in charge at hospitals or clinics to - securely, as prescribed by standards - deliver information on medical treatment, the death or the report of an autopsy of a worker who is or was treated due to a workplace accident or a disease relating to a workplace.
18. If there is strong reason to believe that a workplace accident, a disease relating to a workplace, a hazardous incident or a serious workplace accident will or might occur for any of the following causes, the Inspection Officer shall order the temporary closure of the whole or part of the workplace with the approval of the Inspector General and, if required, notify the relevant departments -
- (a) It is not appropriate to continue the work due to a dangerous condition of the workplace, the workers working in a dangerous manner, the presence of hazardous items or hazardous machines or a dangerous location, placing or performance of machines or their parts;
 - (b) it is not appropriate to continue the work due to a violation of or non-compliance with a provision of this law;
 - (c) it can be assumed that workers at the workplace might be in danger due to an act, a failure to act, carelessness or negligence of a person;
 - (d) it is required to relocate the workers due to a workplace accident being imminent.
19. The Inspection Officer shall -
- (a) when satisfied with a check of a performance report filed by the employer concerning the temporary closure order issued according to section 18, allow the re-opening of the whole or part of the closed workplace;
 - (b) notify the relevant departments and the employer of the re-opening according to subsection (a).
20. The Inspector General -
- (a) may take action against a person who failed to comply with an order issued according to section 18 or assign duty to the Inspection Officer to take action against that person;



- (b) may allow to continue the operation of the business with regard to the temporary closure order issued according to section 18 if the situation is remedied.
21. The Inspection Officers -
- (a) may instruct the employer to remedy the situation if there is sound reason to believe that something may cause injury or health hazards to workers or damage to objects;
 - (b) may instruct the employer to report, within the specified period, with full evidence on the remedy of such situation as instructed according to sub-section (a);
 - (c) may suspend the work if the employer does not comply with the instruction according to sub-section (a).
22. The Inspector General shall assign, to the Inspection Officers, duties such as making a list of workplaces using hazardous items, conducting special inspections if required, or restricting or prohibiting the use of such items.
23. The Inspection Officer shall, with regard to a workplace listed according to section 22, instruct the employer to make accident prevention plans and arrangements concerning accidents, and to provide training to workers on matters like fire fighting and first aid.
24. The Inspector General may assign duty to any Inspection Officer to sue in court any person having violated a provision of this law.
25. The Inspector General and Inspection Officers shall not work at a factory, workplace, workshop or any other directly or indirectly related business.

Chapter (8)

Duties of employers and workers

26. The employer -
- (a) Shall arrange as required for the analysing of potential hazards with regard to the workplace, work process and items and machines to be used at work.
 - (b) Shall arrange as required for the analysing of potential hazards towards the environment surrounding the workplace.
 - (c) Shall arrange for medical check-ups performed by a recognised doctor for workers as to work-related diseases.



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- (d) Shall ensure that the workplace is safe based on the result of the analysis conducted according to sub-sections (a), (b) and (c).
- (e) Shall provide the workers free of charge with personal protection gear, equipment and aid as specified by the Department.
- (f) Shall make prevention and emergency arrangements.
- (g) Shall, with regard to businesses having a number of workers that is not lower than the number specified by the Department, provide a dispensary, appoint registered doctors and nurses and provide required pharmaceuticals and aid.
- (h) Shall himself or herself attend the safety and health training specified by the Ministry and send employees managing the relevant business or sections, workers and members of the Workplace Safety and Health Committee to such training.
- (i) Shall make arrangements so that a person in charge of workplace safety and health or a management employee is immediately notified concerning a workplace accident or a situation that is hazardous for the life or health of a worker.
- (j) Shall make arrangements for avoiding hazards to persons inside a workplace due to items or machines used, or [waste] disposals made, at the workplace or in work processes.
- (k) Shall, with regard to imminent workplace accidents, make arrangements for immediate cessation of the work, relocation of the workers and emergency rescue arrangements. However, he or she may instruct the workers to continue to work at another workplace if it safe.
- (l) Shall install and display workplace safety and health instructions, hazard signs, hazard notices, posters and direction signboards.
- (m) Shall ensure compliance with the instructions concerning the entry into restricted working areas.
- (n) Shall, with the objective of obtaining knowledge, technology and expertise concerning workplace safety and health, arrange the distribution to workers and other persons related to the workplace of workplace safety and health manuals and instructions issued by the relevant ministries and cause them to be understood.



- (o) Shall arrange fire drills according to the fire safety management plan and ensure that workers are able to systematically use the fire fighting equipment.
 - (p) Shall request [*workers*] to perform hazardous work or work at a hazardous workplace only within the specified time.
 - (q) Shall cover the expenses concerning workplace safety and health matters.
27. The employer shall not dismiss or demote any worker for any of the following reasons -
- (a) [*Dismissal or demotion within*] the period before the issuance of a medical checkup report by a registered doctor concerning a workplace injury or [*dismissal or demotion within*] the period before the issuance of a medical checkup report by a registered doctor concerning a workplace disease;
 - (b) filing a complaint due to a hazard or health effect;
 - (c) performing the office duty of a Workplace Safety and Health Committee;
 - (d) cessation of work due to an imminent workplace accident or workplace disease.
28. The employer shall cover the medical checkup expenses in order to find out the degradation of his or her ability to work and handicap level if a worker suffering a workplace injury or workplace disease is not within the scope of the 2012 Social Security Law.
29. An employer -
- (a) May restrain a worker in poor health according to a medical checkup conducted by a registered doctor from continuing to work.
 - (b) Shall allow to continue to work at the same position or at a different workplace if the worker restrained according to sub-section (a) can provide sufficient evidence that his or her health is restored.
 - (c) Shall make arrangements so that the health of pregnant or breast-feeding workers is not impacted.
30. A worker -
- (a) Shall systematically use the personal protection gear and equipment provided by the employer as specified by the Department for workplace safety and health.



- (b) Shall comply with the directions and instructions issued according to this law and the rules under this law by the employer, the Workplace Safety and Health Committee and the person in charge of workplace safety and health.
- (c) Shall comply with workplace safety and health directives, regulations, signs, posters, notices and warnings.
- (d) Shall systematically use the equipment, machines, machinery parts, vehicles, electricity and other objects at work.
- (e) Shall ensure that the safety and health of himself or herself and of other workers is not impacted by the worker's negligence or omission.
- (f) Shall immediately notify, himself or herself or through the immediate supervisor, the employer, the person in charge of workplace safety and health or a management employee if he or she has found a situation or cause which might impact workplace safety and health.
- (g) Shall not, irrespective of the right to refuse to work if there is an imminent workplace accident, refuse to work if the employer instructs him or her to work at another safe workplace.
- (h) May select representatives in order to coordinate among workers and workers' organisations with regard to workplace safety and health of different workplaces.

Chapter 9

Duties of manufacturers, importers, installers or removers, builders or demolishers

- 31. A person engaging in the manufacture, import, installation or removal, building or demolition of hazardous items or machines to be used at a workplace or in a work process shall obtain safety approval from a person with the right to examine and inspect or from the department concerned.
- 32. The manufacturer or importer of hazardous items or machines shall do the following -
 - (a) Providing an operating manual and operating information for the safe and healthy use of such item or machine;
 - (b) conducting a safety and health analysis of such item or machine and distributing the result of the analysis to the users.

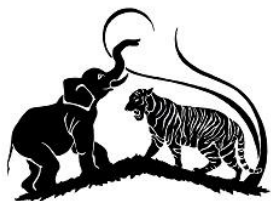


33. An installer, remover, builder or demolisher shall perform his or her work as prescribed to ensure safety and health.

Chapter 10

Notification, inspection and reporting

34. An employer is responsible for doing the following -
- (a) Notifying the Department concerning a workplace accident, hazardous incident or serious workplace accident;
 - (b) notifying the Department, enclosing the medical checkup report of a recognised doctor, if a worker suffers from a specified workplace disease or if a worker has been poisoned due to a work process or any items used at work.
35. A registered doctor treating a former or current worker suffering from a specified workplace disease shall make a report covering the prescribed items, deliver it to the respective employer and department and send a copy of the report to the Ministry of Health and Sports.
36. (a) The Inspection Officer shall conduct an inspection if he or she has become aware of the occurrence of a workplace accident, hazardous incident, workplace disease or workplace contamination.
- (b) Nobody shall, without the approval of the Inspector General, remove, destroy, add to or alter any items, machines, location or documentary evidence concerning a workplace accident, hazardous incident, workplace disease or workplace contamination.
- (c) The prohibition contained in sub-section (b) shall not apply to rescue operations for the preservation of life and safety.
- (d) The Inspector General may allow the removal, destruction, addition to or alteration of any items, machines or equipment which would otherwise be prohibited by sub-section (b) in order to prevent bad consequences.
37. The Council may, if required, form an inspection committee composed of experts from different sectors in order to inspect the occurrence of hazardous incidents, workplace diseases or serious workplace accidents.
38. The inspection committee formed according to section 37 -
- (a) Has the right to enter and inspect the relevant location for the exclusive purpose of inspection according to section 37.



- (b) Has the right to summon, examine and interrogate persons related to the inspection.
- (c) Has the right to obtain required documents, records, contracts, evidence, forms and samples.
- (d) Shall make a report covering the committee's findings, analysis and suggestions and submit it to the Council within the specified period.

Chapter 11

Acting as a person with the right to examine and inspect; acting as trainer; establishment of a training school

39. A person wishing to act as a person with the right to examine and inspect, to act as a trainer or to establish a training school shall apply to the Director General in order to obtain a certificate of recognition or a registration certificate.
40. The Director General -
- (a) May approve or reject the application for a certificate of recognition or a registration certificate made according to section 39 after having scrutinised it as prescribed.
 - (b) If the application is approved according to sub-section (a), the Director General shall, upon payment of the applicable fees, issue, together with the terms and conditions, the certificate of recognition to the person wishing to act as a person with the right to examine and inspect or as a trainer or the registration certificate to the person wishing to establish a training school.
 - (c) Shall register the persons with the right to examine and inspect, trainers and training schools to which certificates of recognition or registration certificates were issued according to sub-section (b).
41. (a) A person who has obtained a certificate of recognition or registration certificate according to section 40 sub-section (b) shall apply to the Director General for an extension within 30 days before the expiry of the registration term.
- (b) The Director General may approve or reject the application for an extension of the certificate of recognition or registration certificate made according to sub-section (a). If the application is approved, the Director General shall, upon payment of the fees specified by the Ministry, extend the term of the certificate of recognition or registration certificate.



42. (a) With regard to hazardous machines, a person with the right to examine and inspect shall issue a safety certificate to the employer after having examined workplace safety and health to his or her satisfaction.
- (b) The person with the right to examine and inspect, trainer or founder of a training school shall strictly comply with the terms specified by the Department.

Chapter 12

Taking administrative action

43. The Director General -
- (a) shall send a written temporary suspension notice to the person with the right to examine and inspect, trainer or founder of a training school if this person is found to have violated any of the following -
- (1) Providing a fraudulent statement with the purpose of acting as a person with the right to examine and inspect or trainer or being allowed to establish a training school;
- (2) sufficient reason is found to assume that a person should discontinue to act as person with the right to examine and inspect or as trainer or a training school should not stay open anymore;
- (3) violation of any terms specified by the Department;
- (b) shall order the person with the right to examine and inspect, trainer or founder of a training school who received a temporary suspension notice according to sub-section (a) to defend himself or herself within the specified period;
- (c) shall, if the defense made according to sub-section (b) is found to be without merit, impose a fine as specified on the person with the right to examine and inspect, trainer or founder of a training school, suspend the certificate of recognition or registration certificate for a certain period, or revoke it.

Chapter 13

Appeal

44. (a) Any person not satisfied with an order issued by the Inspection Officer according to section 18 or temporary closure notice issued according to section 21, sub-section (c)



- may appeal to the appellate committee formed by the Council within 30 days from the date of the order or temporary closure notice.
- (b) The appellate committee may, after hearing the appeal made according to sub-section (a), confirm, amend or cancel the order or temporary closure notice issued by the Inspection Officer.
45. (a) Any person not satisfied with an administrative order issued by the Director General according to section 43 may appeal to the appellate committee within 30 days from the date of the order.
- (b) The appellate committee may, after hearing the appeal made according to sub-section (a), confirm, amend or cancel the order issued by the Director General.
46. The decision of the appellate committee with regard to an appeal is final.
47. If a person with the right to examine and inspect, trainer or founder of a training school does not file an appeal within 30 days after the suspension or revocation of the certificate of recognition or registration certificate issued according to section 43 or the appellate committee confirmed the order issued by the Director General according to section 45 sub-section (b), the certificate of recognition or registration certificate shall be returned within 7 days from the end of the 30 days appeal period or from the date of the confirmation by the appellate committee.

Chapter 14 Prohibitions

48. (a) Nobody wishing to start engaging in or currently operating a business within the scope of this law shall fail to register with the Department.
- (b) Nobody shall fail to notify the Department as specified with regard to the construction, expansion, demolition or the placing, installation or relocating of machines at a business within the scope of this law and undertake safe and healthy performance.
- (c) Nobody shall act as a person with the right to examine and inspect or trainer without certificate of recognition, and nobody shall establish a training school without a registration certificate issued by the Inspector General.
49. No employer -
- (a) shall fail to comply with a temporary closure order issued according to section 18;
- (b) shall fail to comply with the terms specified according to section 20 sub-section (b);



- (c) shall fail to comply with an instruction issued by the Inspection Officer according to section 21 sub-section (a);
 - (d) shall request workers to work contrary to the specified time as prescribed in section 26 sub-section (p);
 - (e) shall fail to cover workplace safety and health expenses according to section 26 sub-section (q).
50. Nobody shall violate the provision of section 36 sub-section (b) without the approval of the Inspection General.
51. No person who, in the performance of his or her duty according to this law, has obtained knowledge of a business secret, shall disclose this business secret to anyone during his or her tenure or after retirement, except when testifying in a court.

Chapter 15

Offences and penalties

52. Any person in charge of workplace safety and health found to have violated any provision in section 14 shall be sentenced to imprisonment of up to 3 months or a fine from Ks. 500,000 to Ks. 1,000,000 or both.
53. Any employer found to have violated any provision in section 12, section 26 sub-sections (a) to (o), section 27 or section 29 sub-sections (b) and (c) shall be sentenced to imprisonment of up to 3 months or a fine from Ks. 1,000,000 to Ks. 5,000,000 or both.
54. Any worker found to have violated any provision in section 30, sub-sections (a), (b), (c), (d), (f) or (h) shall be sentenced to a fine of up to Ks. 30,000.
55. Any worker found to have intentionally violated any provision in section 30, sub-sections (e) or (g) shall be sentenced to imprisonment of up to 3 months or a fine of up to Ks. 100,000 or both.
56. Any manufacturer, importer, installer or remover, builder or demolisher found to have violated any provision in sections 31, 32 or 33 shall be sentenced to imprisonment of up to 3 months or a fine from Ks. 1,000,000 to Ks. 5,000,000 or both.
57. Any employer found to have violated any provision in section 34 shall be sentenced to imprisonment of up to 1 month or a fine of at least Ks. 2,000,000 or both.
58. Any registered doctor found to have violated any provision in section 35 shall be sentenced to a fine of up to Ks. 500,000.



59. (a) Any person with the right to examine and inspect found to have violated the provision in section 42 sub-section (b) shall be sentenced to imprisonment of up to 3 months or a fine from Ks. 1,000,000 to Ks. 5,000,000 or both.
- (b) Any trainer found to have violated the provision in section 42 sub-section (b) shall be sentenced to a fine from Ks. 500,000 to Ks. 1,000,000.
- (c) Any founder of a training school found to have violated the provision in section 42 sub-section (b) shall be sentenced to a fine from Ks. 1,000,000 to Ks. 5,000,000.
60. Any person -
- (a) found to have violated any provision in section 48 sub-section (a) or (b) shall be sentenced to a fine from Ks. 1,000,000 to Ks. 5,000,000.
- (b) found to have violated any provision in section 48 sub-section (c) shall be sentenced to imprisonment of up to 3 months or a fine from Ks. 5,000,000 to Ks. 10,000,000 or both.
61. Any employer -
- (a) found to have violated any provision in section 49 sub-sections (a), (b) or (c) shall be sentenced to imprisonment of up to 3 months or a fine from Ks. 3,000,000 to Ks. 5,000,000 or both;
- (b) found to have committed the same violation after having been sentenced according to sub-section (a) shall be sentenced to a fine of Ks. 100,000 per day for each day of violation.
62. Any employer found to have violated any provision in section 49 sub-section (d) and (e) shall be sentenced to imprisonment of up to 3 months or a fine from Ks. 2,000,000 to Ks. 5,000,000 or both.
63. Any person found to have violated the provision in section 50 shall be sentenced to imprisonment of up to 3 months or a fine from Ks. 3,000,000 to Ks. 10,000,000 or both.
64. Any person performing a duty according to this law found to have violated any provision in section 25 and 51 shall be sentenced to imprisonment of up to 3 months or a fine from Ks. 500,000 to Ks. 1,500,000 or both.
65. Any person found to have violated any provisions contained in any rules or regulations issued according to this law shall be sentenced to imprisonment of up to 3 months or a fine of at least Ks. 2,000,000 or both.



Chapter 16

Administering workplace safety and health preservation measures

66. The Council shall perform the following duties with the budget of the Ministry in order to efficiently ensure workplace safety and health preservation for the benefit of employers and workers -
- (a) Organising campaigns and activities with the purpose of improving workplace safety and health;
 - (b) conducting research and awareness campaigns concerning workplace safety and health;
 - (c) coordinating with domestic and foreign organisations which are working for workplace safety and health preservation.

Chapter 17

Miscellaneous

67. In a state emergency, the Government may, by notification, exempt any workplace from compliance with all or some of the provisions of this law for a certain period.
68. Members of the Council, working committees and inspection committee who are not public servants shall be considered to be public servants during their tenure.
69. Members of the Council, working committees, inspection committee and appellate committee who are not public servants have the right to a remuneration and allowances specified by the Government.
70. The Ministry shall provide required staff in order to perform the office duties of the Council.
71. The expenses for the working committees formed under this law shall be covered by the Ministry's budget.
72. The Ministry may appoint, if required, one deputy Inspector General in order to perform the duties of the Inspector General.
73. When implementing the provisions of this law -
- (a) The Ministry may issue rules and regulations with the consent of the Government.
 - (b) The Council and the Ministry may issue notifications, orders, directives and procedures.
 - (c) The Department may issue orders and directives.



LINCOLN LEGAL SERVICES (MYANMAR) LIMITED

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

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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