

MYANMAR CENTRE FOR RESPONSIBLE BUSINESS

ACTIVITIES ON DISABILITY RIGHTS AND BUSINESS

Introduction

According to the 2014 Myanmar Census report, 4.6% of Myanmar's 51 million population have a disability.¹ 53% have no access to school and only fewer than 2% are graduates.² Only 15% engages in any livelihood with less than 10% having access to health care.³

The major challenges PWD face concerning employment in Myanmar are: access to, and poor quality, education: lack of capacity and confidence to seek for a job effectively, lack of information, technical assistance and transportation; negative attitudes of employers or co-workers; lack of accessible workplaces; and lack of training facilities or capacity building programs for people with disabilities.

Myanmar ratified the Convention on the Rights of People with Disabilities in 2011. A Law on the Rights of the Persons with Disabilities was adopted in June 2015. Chapter 10 (Articles 35 and 36)⁴ cover "access to employment for people with disabilities". The Law mentions

¹ Department of Population, Ministry of Immigration and Population. (2015, May). Census_Highlights_Report_Eng_2015.pdf. Retrieved September 13, 2016, from http://www.themimu.info/sites/themimu.info/files/documents/Census_Highlights_Report_Eng_2015.pdf

² Educational Rights: Committee Acts For Learning Opportunity Of Disabled Children | Myanmar International TV. (n.d.). Retrieved September 13, 2016, from <http://www.myanmarinternationaltv.com/news/educational-rights-committee-acts-learning-opportunity-disabled-children>

³ Rights-of-persons-with-disabilities-myanmar.pdf. (n.d.). Retrieved from <http://www.sida.se/globalassets/sida/eng/partners/human-rights-based-approach/disability/rights-of-persons-with-disabilities-myanmar.pdf>

⁴ Article 35. *The National Committee shall*

- (a) *implement and supervise/ monitor the policies and plans by discussing with the relevant ministries for the persons with disabilities in order to have the right to work on an equal basis with others; to create the job opportunities; to prohibit discrimination in job appointment; to prevent and protect from the forced or compulsory labour; to enjoy the salary and benefits based on the working competency/skills in accordance with the existing law; to participate in the relevant labour organizations; to have the right to attend the vocational trainings and education; to set up one's own business; to have the right to work in the government departments, organization and private sectors; to work and commute with ease and convenience at workplace; to provide reasonable accommodation and arrangements, and rehabilitation;*
- (b) *carry out arrangements for opening the government and private special vocational training schools and government departments for the job opportunity for the persons with disabilities by discussing with the relevant Union Ministries;*
- (c) *discuss and arrange with the relevant Union Ministries, State and Regional Governments in order to enjoy the right to tax exemption and relief and import goods in accordance with the rules and regulation, practices of the existing Tax law, as follows:*
 - (1) *to enjoy the right to tax exemption for the donated money and properties for persons with disabilities from abroad;*

introducing quotas for companies to employ PWD (although the power of the National Committee to establish the quota is not clear within the Law). Failure to meet quotas would be accompanied by fines in the form of contribution to a fund for protecting the rights of PWD. The Law also suggests the possibility of tax incentives if an employer employs more than the quota of PWD.

However, bye-laws/regulations have yet to be discussed or adopted, including on the question of quotas. There is an ongoing global debate on the effectiveness of quotas in providing dignified jobs for people with disabilities. Myanmar could benefit from experience elsewhere when deciding its approach to this issue.

What is clear is that – as elsewhere and in particular, other developing countries - there are many barriers to employment of PWD, including education, accessibility, and culture. Some of these are will require long-term action, but there are also short-term measures which can be taken to increase inclusiveness.

Few development partners, even if they mainstream disability in their programmes (as per their CPRD obligations), address the question of disability and business/employment.

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- (2) *to enjoy the right to tax exemption for the non-profit imports of the aids and equipment, training equipment, communication devices, medicines, medical equipment and rehabilitation equipment for the persons with disabilities;*
 - (3) *to enjoy the right to tax exemption for the products for the persons with disabilities by the persons with disabilities and the organizations;*
 - (4) *to enjoy the right to tax relief in accordance with the number of employed persons with disabilities for the organizations, companies and private business people if it exceeds the quota for the number of people with disabilities;*
 - (5) *to enjoy the right to tax relief or exemption of the products of the business set up by persons with disabilities themselves.*

Article 36. The employer shall

- (a) obey and implement the policies and plans set up by the National Committee regarding with the job opportunities of persons with disabilities;*
- (b) employ the persons with disabilities with employability for appropriate work depending on the type of employment in accordance with the quota for the number of people with disabilities specified by the National Committee;*
- (c) choose and employ the persons with disabilities registered at Employment Exchange Offices in relevant townships and departments in accordance with the subsection (b);*
- (d) make appropriate arrangements including interviewing, the equal rights for interviewing salaries and opportunities, promotion, job security, access to the free vocational education and training based on employability of the persons with disabilities;*
- (e) pay the amount of money to the funds related to the rights of the persons with disabilities when impossible to employ in accordance with the quota for the number of people with disabilities as specified in the subsection (b);*
- (f) submit the list of the employed staff or workers with disabilities and the vacant positions to the Department and the Employment Exchange Offices in the relevant township in accordance with the subsection (b).*

MCRB Activities relating to Disability and Business

Since MCRB defines 'responsible business' as 'business activities that work for the long-term interests of Myanmar and all its people', a disability inclusive approach has been a part of our programme since inception. Activities to date have included

- Collaboration with the Deaf Resource Centre of the Myanmar Deaf Community Development Association (MDCDA) to adapt to the Myanmar context, translate in Burmese and distribute a **guide for businesses 'CSR-D'** on how to achieve greater inclusion of people with disabilities as employees and customers. This guide, launched at an MDCDA event in July 2014, was previously developed with EU funding for a European context. As of September 2016, 2500 hard copies of the Guide have been printed and 2300 distributed via business-facing events organised or attended by MCRB, through MGMA and through MDCDA's disability network and 583 copies have been downloaded from MCRB's website
- Providing feedback and advice on issues relating to disability and business to local Disabled People Organisations (DPOs) e.g. on fair trade (MDCDA); ILO initiatives (MILI) and providing them with contact details of business, and references for applications for funding (e.g. CityMart Foundation) and connecting them to other organisations e.g. Asian Peoples' Disability Alliance (UK)
- Presentations at events organised by local DPOs including the National Disability Forum (Jan 2014); Experience Sharing Workshop On Disability Inclusive Business In Mekong Countries (March 2014 organised by MILI); ABILIS/MDCDA workshop on job opportunities (July 2014); Research experience sharing coordinated by Myanmar Council of Persons with Disabilities (January 2016)
- Including disability in MCRB's Business and Human Rights Guide and sector-wide impact assessments, particular on ICT, and working with Myanmar ICT Development Organisation (MIDO) and Nirmita Narasimhan on e-accessibility (www.e-accessibilitytoolkit.org), and in follow-up on Universal Access with World Bank telecoms TA and Access for All Initiative (A4AI)
- Raising disability and inclusion as a human rights issue in panel discussions, training and other discussions with businesses (e.g. September 2016 Human Rights Policy training for Myanmar companies)
- Encouraging the ILO to offer technical assistance to the Department of Social Welfare on the bye-laws for the 2015 Law; and to include the law in the ILO's Labour Law Guide
- Using ad hoc opportunities to encourage organisations to promote rights and recognition of PWD e.g. 7 Day News annual citizenship awards; Myanmar Hotels and Tourism Ministry discriminatory language in Tour Guides rules; Coke in its State Department reporting; Ooredoo CSR spending

- Forming a ‘Strategic Alliance’ in August 2016 with Business Disability International (bdi) an organisation works on making businesses worldwide more ‘disability confident’⁵
- Ensuring MCRB’s website meets the Web Content Accessibility Guidelines⁶ Priority 1 level
- Encouraging development partners to ensure activity includes PWD in their programmes eg vocational training, support to the ILO
- Identifying funding opportunities from philanthropy/venture philanthropy and social investment for PWD

MCRB 2016-2018 Strategy

Based on experience and activities to date, and a recognition that with the adoption of the 2015 Law, there is now an opportunity to support the development of a credible framework, MCRB will seek to adopt a more proactive and strategic approach in 2016-2018 to promoting disability inclusion by business with the objectives of:

1. Promoting the business and human rights case for hiring people with disabilities⁷
2. Convening a national multistakeholder debate including DPOS, business and government on how - through legislative, policy and other means - to achieve an approach which is credible to both business and PWDs to supporting people with disabilities to access employment opportunities and ending discrimination, drawing on experience from other countries⁸
3. Encouraging initiatives by others including development partners which will increase job opportunities for PWD eg training, job placements
4. Supporting actions to reduce discrimination by business against all vulnerable groups, including PWD

Where the activity incurs costs beyond those envisaged already in the 2016-2018 MCRB Programme, MCRB will seek to cost share with development partners and businesses.

⁵ [“MCRB has entered into a ‘strategic alliance’ with Business Disability International \(bdi\).”](#)

⁶ <http://www.w3.org/TR/1999/WAI-WEBCONTENT-19990505/checkpoint-list>

⁷ <http://www.businessanddisability.org/index.php/en/boxes/114-the-business-and-human-rights-case-for-hiring-people-with-disabilities>

⁸ Examples might be Sri Lanka, Peru and Bangladesh. Australia, Mauritius, Indonesia and British Columbia experiences also interesting/emerging

MCRB Proposed Activities for 2016/2017

With business:

- Raising awareness of disability as a human rights issue (both for employees and for customers) with Myanmar and foreign businesses using:
 - materials from MCRB B&HR Guide (including using this as a platform for Myanmar good practice examples) as well as bdi, ILO, UNGC, CSR-D Guidebook,
 - fora such as
 - MCRB training for business
 - MBCA local offices
 - UN Global Compact Local Network (UMFCCI CSR Unit)
 - MCRB/ILO quarterly meeting of multinationals
 - Chambers of Commerce, including Australia-Myanmar Chamber Responsible Investment Working Group
- Identify significant employers (Myanmar and foreign) and:
 - Connect them to PDO leaders
 - encourage the formation of a coalition/national disability network of business leaders/companies interested in removing obstacles to PWDs' access to employment and move 'beyond compliance'
 - Encourage this coalition to proactively advise government (ideally via inputs into or a place on the National Committee)
- Encourage UMFCCI to seek support from ILO on this disability/inclusion

With DPOs

- Discuss with DPOs how to build network of PWD job or training candidates to respond to offers from business to train/recruit more PWD
- Discuss what MCRB can do to support existing and new training initiatives by and for PWDs fee-paid-for training by companies to be more disability confident and better understand discrimination; help DPOs to access e.g. venture philanthropy funding (NB new AVPN office)
- Contribute to business-related elements of UNCRPD Alternative Report

Multistakeholder

- Promote a multistakeholder discussion in Q4 2016 or Q1 2017 on removing obstacles to PWDs' access to employment
 - possibly link into 10th anniversary of signing of CRPD 3 March 2017?
- Use this to identify short-term legislation and policy changes and support measures needed to improve PWD access to the workplace (including credible measures in the Disability Law byelaws, but also e.g. building code, removing restrictions on access to professions and civil service, training, not-for-profit activity etc)
- Support advocacy to government and Parliament by both DPOs and business leaders
- Identify other short-term actions e.g. business-PWD training, exchanges

MCRB Publications

- Update CSR-D Guide with census data and new law (change title)
- Inclusion of Disability in **MCRB Briefing Paper on Discrimination (H1 2017)**

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Stakeholders

People with Disabilities Organisations (DPOs)

- Myanmar Federation of PWDs, MFPD ⁹
- Myanmar Independent Living Initiative
- Myanmar Deaf Community Development Association/ Deaf Resource Centre
- Yangon Deaf Association.
- Shwe Min Thar Foundation
- Myanmar Physically Handicapped Association
- Association of Myanmar Disabled Women Affairs (AMDWA)
- Myanmar National Association for the Blind
- Myanmar Christian Fellowship of the Blind
- Myanmar Autism Association
- Intellectual Disabled Children Family Network
- Disabled People Development Organization
- Eden Centre
- Myanmar Down Syndrome Association
- Others?

Other Myanmar Organisations

- Equality Myanmar
- Myanmar National Human Rights Commission esp Dr Nyan Zaw, U Sitt Myaing, Dr Daw Than New
- Myanmar Red Cross Society

Government

- National Committee on disability rights that has responsibility under the 2015 Law to ensure PWDs' equal access to employment opportunities and benefits (until recent time, still in the process of electing members, to be checked whether it's formed)
- Ministry of Social Welfare, Relief and Resettlement
- Ministry of Health
- Ministry of Labour
- Ministry of Transport and Communications
- Ministry of Construction
- Other relevant Ministry

Business

⁹ Elected April 2016 (1) Mr.Aung Ko Myint (Chair) (2) Mr Myat Thu Win (General Secretary) (3) Ms Nan San San Myint (Treasurer) (4) Ms Yadana Aung (5)Mr.Myo Min Htwe (6)Mr. Naing Lin (7) Mr.Wai Yan Phyo (8) Mr.Thein Zaw (9)Ms.Khin Myo Su (10) Mr.Moe Zin (11) U Gan Phan (12) Mr.Nay Myo Naing (13) Mr.Nay Htun (14) Ms.Soe Moe oo (15) Dr.Ko Ko oo (16) Mr. Aye Ko ko (17) Rev.Thein Lwin (18) Mr. Aung Lwin Oo (19) Dr.Myo Myat Maung (20) Ms.Aye Tinza Maung

- Myanmar Garment Manufacturers Association
- Myanmar Chefs Association
- Myanmar businesses: KBZ; Shwe Nan Daw Jewelry Shop; 1876 call centre; Soe San real estate; Asia Land real estate
- Foreign business: Telenor, Nestle, H&M, large hotels?
- UN Global Compact Local Network¹⁰
- Other interested businesses with large numbers of employees (NB number of employees can be seen from UNGC website where company is UNGC member)

Development Partners

- Action Aid
- AAR Japan (Salai David)
- Disability Rights Fund
- FHI360 (USAID)
- Handicap International
- HelpAge (LIFT)
- International Labour Organisation (ILO) (including ILO Business and Disability Network¹¹ which links global companies, national networks and employer federations who are active on disability)
- IPACE
- Leprosy Foundation (EU)
- Lutheran World Federation/ AZEECON¹²
- Nippon Foundation

Experts with whom MCRB has contact

- **Sai Kyi Zin Soe** (PhD Candidate University of Sydney researching disability inclusive development policy in Myanmar¹³, formerly Action Aid **Human Rights & Disability - Project Coordinator**; Leprosy Mission)
- **Shuaib Chalken** UN special rapporteur on disability rights until end of 2014. Hnin did an internship under his supervision in Cape Town, his home town in 2011. Contact of Hnin
- **Dr Tom Shakespeare** chair of the UK's central research committee for Drill (Disability Research on Independent Living and Learning) and senior lecturer in medical sociology at Norwich medical school, University of East Anglia. College friend of Vicky, wheelchair¹⁴
- **Jane Cordell**, Getting Equal, former FCO colleague of Vicky, deaf, trains PWD to be more confident to get jobs¹⁵

¹⁰ UNGC HQ is planning a Guide for Business on the Convention on the Rights of Persons with Disabilities and seeking case studies <https://www.unglobalcompact.org/take-action/action/disability>

¹¹ ILO Business and Disability Network

¹² <http://azeecon.org/towards-disability-inclusive-development/>

¹³ <http://sydney.edu.au/global-health/news-events/2016/news-story-24.php>

¹⁴ <https://www.theguardian.com/profile/tomshakespeare>

¹⁵ <http://gettingequal.com/>

- **Susan Scott-Parker**, Business Disability International
- **Michael Jeewa**, co-founder and joint CEO of the **Asian People's Disability Alliance (APDA)**, a UK based user-led organisation of disabled people (Burma born)
- **Katie Riley**, freelance disability/inclusion expert, recently arrived Yangon

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Capacity-Building and Training Initiatives for PWD by other organisations (to be added to)

- Job Coaching Coalition Myanmar – organised by Shwe Mintha Foundation
- 2014 project 6 months, French grant funding, 40 PWDs training in three batches by the Myanmar Garment Human Resource Development Center of the Myanmar Garment Association. Out of 40, 33 are being employed at 2 factories, mostly HK-owned, Myanmar managed AMG Garment Factory (received award for social service from President Thein Sein) organised by MDCDA
- Vocational School, Kyaikwaing, run by Japanese (AAR?) since 2000 in cooperation with the government. Training in sewing, haircut and computer. Weakness is absence of link to employment
- Myanmar Chefs Association has established pastry chef training centres for disadvantaged young people including the blind
- Mobile Phone Service and Training Centre organised by Mobile Phone Professionals Group, Mandalay (MPPG) (86th and 34th, 09-972575768)
- Myanmar Education Consortium? Focus on Education Sector only
- UNCRPD Alternative Report Writing Training - collaboration among World Learning, USICD, and MFPD funded by USAID through Fhi360.