



International
Labour
Organization

Myanmar Centre for
Responsible Business

Promoting Employment of People with Disability (PWDs) Multistakeholder Workshop

21st November 2017

Rose Garden Hotel, Yangon

CONCEPT NOTE & AGENDA

Background

The Rights of Persons with Disability Law was enacted in June 2015. By-laws are currently being drafted to put in practice the provisions in this Law to protect and promote the rights of persons with disability (PWDs), including in the workplace.

Article 36 (b) chapter 10 on “Employment opportunities for PWDs” states that employers need to employ PWDs who have the ability to work at suitable workplaces in accordance with the quota defined by the National Committee. The chapter also includes provisions on incentives and penalties such as giving tax exemptions to employers that employ PWDs more than the set quota; conversely, where the employer cannot meet the quota, they should contribute a designated amount to a fund for protection of PWD rights.

The objective of adopting a quota system is to establish employment opportunities for PWDs. However many outstanding issues need to be discussed relating to effective implementation of a quota system which has not previously been adopted in Myanmar. To avoid problems in introducing the system, including complaints from public and private sector employers, issues and parameters to be considered include:

- timing and/or phasing of introduction
- public service workers
- threshold company size
- categorization of degree of disability
- penalties
- use of funds, including measures to avoid corruption and mismanagement
- oversight, monitoring and review clause etc

To date, in-depth discussion with the private sector about quotas and other methods of promoting disability inclusion has not taken place.

The ILO and Myanmar Centre for Responsible Business therefore propose to support the Ministry in convening a multi-stakeholder discussion on how to effectively promote employment opportunities for

PWDs, including a discussion on quotas, what supporting measures are needed to make quotas a success, and alternatives to quotas, drawing on other countries’ experiences.

Both the ILO and MCRB have a mandate and interest in promoting employment, responsible business and labour rights issues. The ILO has global experience on disability rights in the workplace, convenes a global Business and Disability Network, and has included disability in its new Framework of Engagement in Myanmar. MCRB has since 2014 been encouraging businesses in Myanmar to adopt a disability inclusive approach, including through the production in 2014 with the Myanmar Deaf Community Development Association of a guide for companies on disability inclusiveness (currently being updated)¹. MCRB’s strategic partner in the UK, Business Disability International (bdi) has a global network dedicated to making businesses disability confident.

¹ <http://www.myanmar-responsiblebusiness.org/news/guide-on-csr-and-disability.html>

The ILO, through its work with employers and workers organisations, and MCRB through its contacts with Myanmar and international business, are able to link into the business community and bring them into the discussion.

Stakeholders include the Department of Social Welfare (DSW), Ministry of Labour, Ministry of Education, Disabled People Organisations (DPOs), individual PWDs, employers' organisations including Union of Myanmar Federation of Chambers of Commerce and Industry (UMFCCI) and individual businesses with experience of, or a commitment to, employing people with disabilities, and workers organisations. Since this is a requirement for all employers, including the public sector, other stakeholders might include the Union Civil Service Selection Board (UCSSB), development partners and international nongovernmental organisations.

Workshop objectives

- To facilitate a multistakeholder dialogue on how to combat discrimination and promote employment of PWDs in Myanmar, whether through quotas or other methods e.g. job coaching and matching, and capacity building for PWD, Technical, Vocational Education and Training (TVET) and business
- To provide inputs to the National Committee which has the mandate to set a quota in accordance with the 2015 PWDs' Rights Protection Law.

The workshop will be held in English and Burmese with interpretation and sign language/other support for PWDs.

Agenda

09:00 - 09:45	<p>Welcome by</p> <ul style="list-style-type: none"> Rory Mungoven, Liaison Officer, International Labour Organization <p>Introductory remarks by:</p> <ul style="list-style-type: none"> U Kyaw Kyaw Tun, Deputy Director General, Factories and General Labour Law Inspection Department, Ministry of Labour, Immigration and Population U Aung Ko Myint, Chairman, Myanmar Federation of People with Disabilities Vicky Bowman, Director, Myanmar Centre for Responsible Business
10:15– 10:30	Photo and Coffee break
10:30– 11:00	<p>Session II - Overview of Myanmar disability rights framework Speakers:</p> <ul style="list-style-type: none"> Daw Soe Moe Oo and Daw Khin Myo Su, EC Members of Myanmar Federation of People with Disabilities
11:00– 12:30	<p>Session III - Overview of international experience of workplace quotas and alternatives</p> <p><i>Moderated by John Honney, Legal Consultant</i></p> <p>Speakers:</p> <ul style="list-style-type: none"> Michael Jeewa, Joint Chief Executive, Asian People's Disability Alliance (APDA) - UK Cassandra Chiu, Director, The Safe Harbour Counselling Centre, Young Global Leader of the World Economic Forum Singapore Mr Esteban Trommel, Senior Disability Specialist, International Labour Organization (Geneva) Dr. Sanjukta Choudhury Kaul, Chevening Scholar, Faculty/SCC - International School of Business BINUS UNIVERSITY INTERNATIONAL, The Joseph Wibowo Centre (JWC) <p>Discussion</p>
12:30– 1:30	Lunch Break
1:30– 3:30	<p>Session IV Break-out groups - Quotas: Issues for initial consideration</p> <ul style="list-style-type: none"> Timing and phasing Thresholds of the size of business for the set quota? Classification of disability Exclusion of sectors Governance of fund

	<ul style="list-style-type: none"> • Monitoring and evaluation, Review • Grievance mechanism • Possible business participation in National Committee <p>Report Back</p>
3:30– 3:45	Break
3:30– 5:30	<p>Session V - Alternatives Approaches to Promoting Disability inclusion in Business</p> <p>Moderated by Vicky Bowman</p> <ul style="list-style-type: none"> - Existing initiatives of DPOs in capacity building and job coach - Challenges, opportunities and ways to overcome - Existing initiatives of businesses to help employ PWDs including creating job opportunities and vocational (TVET) or on job training, - Incentives for business for employing PWDs, what are challenges and opportunities, and how barriers and challenges can be overcome - How can business that are leading in this field help encourage other businesses disability confident <p>Speakers – Panel 1</p> <ul style="list-style-type: none"> • Daw Yamin Ohnmar, General Secretary, Myanmar National Association of the Blind • U Nay Lin Soe, Executive Director, Myanmar Independent Living Initiative • U Nay Htun, General Secretary, Myanmar Autism Association • U Kyaw Kyaw, Program Director, Myanmar Deaf Community Development Association <p>Speakers - Panel 2</p> <ul style="list-style-type: none"> • Daw Ma Ma Naing, Director of Human Resources, Sule Shangri-La Hotel • U Sett Hlaing, General Manager, Head of Legal and Compliance Department Kanbawza Bank Limited (KBZ Bank) • U Myat Thu Winn, President, Shwe Minthar Foundation; Member of Job Coaching Coalition Myanmar • Mr Esteban Trommel, Senior Disability Specialist, International Labour Organization (Geneva) <p>Discussion</p>