

Occupational Safety and Health Law (Draft)

(The Pyidaungsu Hluttaw Law No ...)

The ... of 1378 M.E. (..th, 2017)

Chapter (1) Title, Commencement and Definitions

1. (a) This Law shall be called the Occupational Safety and Health Law.
(b) This Law shall come into force on the date prescribed by a Notification of the President.
2. The following expressions used in this Law are defined below:
 - (a) "Worker" means a person who makes a living from wages earned by his/her labour or intellectual ability in connection with any industry¹ or Workplace of any industry to which this Law applies.
 - (b) "Employer" means a person or a company who is responsible for paying wages; granting Workers' rights; and carrying out the employer's duties under this Law, in any activity or Workplace to which this Law applies. This expression includes the legal managerial agent of the Employer, and if the Employer dies, his/her heir or the legal successor of the **share**, or the principal contractor or sub-contractor.
 - (c) "Workplace" means a place, a building and any of the following in which any activity mentioned in Chapter 3 is carried out:
 - (1) any land, building or any part of a building;
 - (2) any vehicle, train, vessel or aircraft;
 - (3) any installation which is either inland or offshore, whether on or under the water, or temporarily or permanently fixed;
 - (4) any tent or movable structure.
 - (d) "Workplace Accident" means an occurrence arising out of, or in the course of, work, which results in death or injury.
 - (e) "National Council" means National Occupational Safety and Health Council formed under this Law.
 - (f) "Occupational Disease" means any disease, prescribed by the notification of the National Council in consultation with the Ministry of Health and Sport, contracted as a result of an exposure to risk factors while working.
 - (g) "Dangerous Occurrence" means an incident, prescribed by the notification by the National Council, with a potential to cause an injury or disease to the persons at work or to the public.

¹ In Burmese Louq-ngan

- (h) "Hazardous Substances and Machineries" means any substances and machineries prescribed by the notification by the National Council as hazardous substances and machineries for the purpose of this Law.
- (i) "Hazardous Work" means any work prescribed by the notification by the National Council as Hazardous Work for the purpose of this Law.
- (j) "Major Accident" means an occurrence of an explosion, blast, leakage, or fire as a result of a hazardous work activity or hazardous substances, which lead to serious danger to persons at work, to the environment and to the public, whether immediate or delayed.
- (k) "Ministry" means the Ministry of Labour, Immigration and Population.
- (l) "Department" means the Factories and General Labour Laws Inspection Department.
- (m) "Director-General" means the Director-General of the Factories and General Labour Laws Inspection Department.
- (n) "Chief Inspector" means the Director-General of the Factories and General Labour Laws Inspection Department.
- (o) "Inspector" means any Factory Inspector appointed under the Factories and General Labour Laws Inspection Department.
- (p) "Workplace Safety and Health Officer" means a Workplace Safety and Health Officer appointed by an Employer to perform duties related to occupational safety and health under this Law.
- (q) "Workplace Safety and Health Committee" means a committee formed by an Employer under this Law for the purpose of Workplace safety and health.
- (r) "Certified Doctor" means a doctor or a dentist, certified or licensed by the Medical Council or Dental and Oral Medicine Council of the Union of Myanmar, or registered as a doctor or dentist by the Ministry.
- (s) "Authorised Examiner" means any person or organization approved by the Director-General as an examiner for the purposes of carrying out safety and health measures for Hazardous Substances and Machinery which are used in any industry and/or industrial Workplace to which this Law applies, in doing so whether it is fee-based or free of charge.
- (t) "Permission" means a Permission issued under this Law to carry out safety and health measures.
- (u) "License" means a license issued for the purpose of safety and health measures.
- (v) "Certificate" means a Certificate accredited by the Director-General to a person or an organization meeting the required qualification to carry out any measures for the purpose of this Law.
- (w) "Training Provider" means any person or any organization accredited by the Director-General as a Training Provider to provide safety and health training courses for the purposes of this Law whether it is fee-based or free of charge.
- (x) "Work Process" means any Work Process which is being carried out in any Workplace to which this Law applies.

Chapter (2) Objectives

3. The objectives of this Law are as follows:
 - (a) to effectively implement measures related to safety and health in every industry;
 - (b) to establish the duties and responsibilities of those who are responsible under this Law, including Workers and Employers, so as to reduce Workplace accidents and Occupational Diseases;
 - (c) to work with Employers, Workers and others who are responsible under this Law to prevent accidents and Occupational Diseases in the increasing number of Workplaces as a result of economic growth;
 - (d) to set occupational safety and health standards which reflect the context of Myanmar while conforming with the **regional and internal ones** so as to create safe and healthy Workplaces.

Chapter (3) Notification and Cancellation of Industries to which This Law Applies

4. This Law shall apply to the following industries, any branches and Workplaces of the aforementioned industries which belong to government departments, organizations, co-operatives; private businesses; and joint-ventures, owned by Myanmar nationals or foreigners, throughout Myanmar.
 - (a) factories, plants and warehouses
 - (b) construction
 - (c) engineering
 - (d) mining and gems exploration, production and modification activities
 - (e) oil and gas exploration
 - (f) chemicals
 - (g) dock work and regular freight handling services
 - (h) agriculture and livestock breeding
 - (i) education and healthcare services
 - (j) communication and transportation
 - (k) industries and Workplaces of any industries which are stipulated by the Ministry with the approval of the Union Government from time to time as the industries and Workplaces to which this Law applies.
5. The Ministry shall-
 - (a) as deemed necessary[?], issue notifications of the detailed[?] list of the industries and Workplaces mentioned in Article 4.

(b) amend, extend or cancel the industries and Workplaces specified in Article 4 in light of the prevailing national conditions, after consultation with the most representative organizations of the Employers and Workers concerned.

Chapter (4) Formation of the National Occupational Safety and Health Council and Its Functions

6. The Union Government shall:

(a) establish the National Occupational Safety and Health Council, with the Vice-President as Chair. The Council shall comprise members from the relevant representatives of Ministries, Government Agencies, and Institutions; the Workers and Employers' representatives; and those who have sound knowledge on occupational safety and health;

(b) the vice-chair and secretary of the National Council must be appointed among the members;

(c) if necessary, the formation and the structure of the National Council established under subsection (a) can be amended accordingly.

7. The functions of the National Council shall be:

(a) to develop national policies and work plans; and periodically evaluate, review and amend them in order to successfully implement the provisions in this Law ;

(b) to co-ordinate and co-operate among concerned Government Agencies, Government Institutions; and in-country and overseas organizations for the improvement of working conditions and occupational safety and health matters;

(c) to set up the necessary working committees and to assign the tasks for these working committees;

(d) to develop codes of practice and approve them for notification;

(e) to prohibit or limit the processing[?] and use of biological agents, chemicals and radioactive materials which can impose serious health hazards;

(f) [to take steps to ensure that any dangerous situations which arise do not recur and inform the public of such dangerous situations]

(g) to ensure that lessons learned about occupational safety and health are taught at different educational and training sectors, including in technology, medicine, and vocational skills;

(h) to establish a technical working committee, as needed, with equal representation from unions, Employers and government;

(i) to establish an appeal committee to hear appeals under Articles 46 and 47;

(j) to submit a full report relating to the functions of the National Council to the Union Government.

Chapter (5) Permission and Licensing

8. (a) Anyone who wishes to begin establishing a business in any of the industries to which this Law applies shall apply for Permission, for the purposes of safety and health, to the Director-General in accordance with the prescribed requirements.
- (b) Anyone who wishes to construct a new building, extend or demolish an existing building, in accordance with the process therein, arrange machines according to the layout, to install, extend, or modify any machines[?] in any industries to which this Law applies, shall apply to the Director-General for prior approval with respect to occupational safety and health through the Region and State Offices of the Department in accordance with prescribed requirements.
- (c) After examining the applications submitted under subsection (a) and (b), the Director-General may give Permission, or refuse to give Permission if the application does not meet the prescribed requirements. If Permission is granted, the applicant shall pay the fee prescribed by the Ministry and the Permission Certificate may be issued to him/her under the prescribed terms and conditions.
9. (a) Anyone who wishes to start running a business in any of the industries under this Law shall apply for a license to the Director-General in accordance with the prescribed requirements.
- (b) After examining the application submitted under subsection (a), the Director-General may grant a license, or refuse to grant a license if the application does not meet the prescribed requirements. If the license is granted, the duration, terms and conditions of the license shall be prescribed and the applicant shall pay the prescribed fees for licensing.
- (c) The Department may keep records of licenses issued under **subsection (b)**.
10. (a) Anyone who obtained a license under Article 9 wishing to continue the same business shall apply for a renewal of the license to the Director-General in accordance with the prescribed requirements 30 days before the term of the original[?] license expires.
- (b) The Director-General may extend or refuse to extend a license after examining the application submitted under subsection (a). If the extension of license is approved, the applicant shall pay the prescribed fees for this extension of licensing.

Chapter (6) Establishment of Workplace Safety and Health Committee and Appointment of A Safety and Health Officer

11. All[?] Employers shall:
- (a) formulate an occupational safety and health management system which must be suitable and applicable to the nature of the industry to which his/her Workplace belongs and submit it to the Department at least 30 days before opening the business;
- (b) form a Workplace safety and health committee, reflecting the nature of the industry, in accordance with the prescribed requirements, with an equal number of representatives from Workers and Employers in every industry **where the number of Workers working is not fewer than the amount of the Workers prescribed by the Ministry**, with the intention of achieving safe and healthy Workplaces;
- (c) in forming the Workplace safety and health committee under subsection (b), carry out in accordance with the instructions of the Ministry regarding the structure and functions of the committee, as well as the selection, appointment and qualifications of its members.

12. The functions of the Workplace safety and health committee shall be:
- (a) to keep under regular investigation the conditions which may pose safety and health hazards and report the analysis on such conditions to the respective committee meeting;
 - (b) to advise the Employer to develop the necessary preventive plans in order to prevent Workplace accidents;
 - (c) to promote co-operation between the Employer and the Workers in order to secure the provision of training and facilities, with the purpose of improving working conditions so that they are safe and healthy[?];
 - (d) to supervise the implementation of the occupational safety and health management system;
 - (e) to inform and report cases which are beyond the capacity of the committee to the Director-General;
 - (f) to carry out the duties assigned by the Ministry and Department;
13. An Employer shall appoint a person, whose qualifications meet the requirements as notified by the Ministry, to act as a Safety and Health Officer with respect to the Workplace where **the number of Workers working therein is not fewer than the number of the Workers notified by the Ministry** in order to ensure the promotion of safety and health for the Workers.
14. A Safety and Health Officer shall closely supervise[?] the Workplace so that it shall be a safe and healthy Workplace and also carry out his/her assigned duties as well as the additional[?] tasks assigned by the Ministry.

Chapter (7) Appointment of Inspectors, Chief Inspector, Enforcement and Supervision

15. The Ministry may appoint any number of persons as Inspectors, as may be necessary, for the purpose of this Law.
16. The Chief Inspector may delegate the exercise of all or any of the powers conferred by this Law to any Inspectors to carry out inspections and take legal action accordingly with respect to the Workplaces.
17. The Inspectors shall:
- (a) accomplish his or her assigned duty;
 - (b) submit an inspection report to the Chief Inspector.
18. The Chief Inspector and any Inspectors shall not continue to hold any post directly or indirectly in a factory, plant, industry, establishment or in any process or business connected with any of them.
19. The Chief Inspector and Inspectors, for the purpose of safety and health at Workplaces, may exercise the following powers:
- (a) without any warrant, at any reasonable time, upon the production of his/her Certificate of authorization, enter, inspect and examine any Workplaces under this Law;

- (b) inspect and examine any machinery, tools, raw or finished materials, biological agents and chemicals in any Workplaces under subsection (a), and seize any substances, the use of which is limited or prohibited in the Workplace by the National Council, as evidence and take legal action accordingly;
 - (c) examine and inspect all records, books, and documents related to the Workplace and any Process occurring in the Workplace[?], and seize any of them as evidence;
 - (d) take photographs, video recordings, and documentation of the conditions in a Workplace and Processes carried out therein which may pose safety and health hazards;
 - (e) take photographs, video recordings, and supporting documents while investigating Occupational Diseases, Dangerous Occurrences, and Workplace Accidents;
 - (f) assess the levels of environmental pollution, radiation or harmfulness of hazardous substances and objects including temperature, noise, illumination, heat, dust, and fumes in any Workplace, as well as assess the amount of exposure and time which the persons at work have been exposed to such harm[?] and **take the necessary documents;**
 - (g) with the assistance of a certified doctor, inspect and interrogate any person who is working in a Workplace regarding the work-related health hazards;
 - (h) require any hospital or medical clinic, under prescribed confidential status, to provide the medical record of any person who was injured in a Workplace accident or suffered from an Occupational Disease and is receiving medical treatment, or in case of death, the autopsy of such person;
20. The Chief Inspector or Inspectors may issue a Stop-Work Order for the entire Workplace or part of it, where:
- (a) following an accident, death and or other Dangerous Occurrence due to the Workplace, part of the machinery, its layout or its way of operating, and the Inspectors consider it is inappropriate [or 'dangerous'?] for that Process or work to continue to operate;
 - (b) any of the provisions under this Law has been contravened or any duties imposed by this Law have not been observed, and they consider it is inappropriate for that Process or work to continue to operate;
 - (c) they believe that an action, inaction, carelessness or negligence of any person poses a risk to those working in the Workplace;
 - (d) it is necessary to evacuate Workers from imminent danger.
21. The Chief Inspector or the Inspectors:
- (a) where they find that the Employer has fully complied with instructions issued following the Stop-Work Order, shall allow the Employer to resume the Process or work.
 - (b) shall inform the Employer and the concerned Departments that work may resume.
22. The Chief Inspector may:

- (a) take action, as he/she may think fit, against any person who fails to comply with the order issued under Article 20 or if necessary, assign this duty to an appropriate Inspection Official;
- (b) in light of changing conditions, permit a return to whole or partial operation of a Workplace which has been subject to a Stop-Work Order issued under Article 20, while imposing any necessary conditions.
23. The Chief Inspector or the Inspectors may:
- (a) serve an improvement notice to the Employer, the Workplace, factory, plant, substance or any Process which is likely to cause bodily injury or can pose a health hazard to any person, or is likely to cause damage to any property, and impose a time-frame in which to comply.
- (b) prohibit the Employer from continuing his/her business if the Employer fails to comply with the improvement notice issued under subsection (a).
24. The Chief Inspector or Inspectors shall require the Employer to submit a report with evidence of full compliance with the improvement notice issued under Article 23 (a) within the prescribed time-frame.
25. The Chief Inspector shall assign duties to specific people[?], to make separate records of the Workplaces which use hazardous substances, and[?] if necessary, to carry out a special inspection to such Workplaces and to prohibit the use of such substances.
26. The Inspector shall instruct the Employer and Safety and Health Officer to evaluate the level of risks of hazardous substances and the level of risk of any Workplaces which use such substances; to take preventive measures related to them; and to provide trainings to the Workers in such a manner that the Workers can carry out rescue and first-aid measures in case of any accidents.
27. The Chief Inspector shall delegate the powers to any Inspectors to carry out legal proceedings at the court for those who have contravened any provisions under this Law.

Chapter (8) General Duties of Employers and Workers

28. To ensure the safety, health and welfare at the Workplace every Employer shall:
- (a) send a written notice in conformity with the requirements to the Department at least fifteen days before opening[?] the business and seek the approval of the Director-General;
- (b) evaluate the level of risk of machines, tools, any substances, and biological agents and chemicals that are used at the Workplace, and provide necessary protective measures so that the handling and use of any of them shall not impose any health hazards to the Workers. Such measures shall be carried out in line with the existing rules and regulations;
- (c) provide adequate and relevant personal protective equipment to Workers free of charge and make them wear it during work so as not to expose Workers to any serious Occupational Diseases or hazards;
- (d) develop a preventive plan and also a plan of action for any emergency situation;

(e) set up a clinic and appoint a certified doctor and nursing staff and provide necessary medicines and facilities in Workplaces where the number of Workers is greater than the number prescribed by the Ministry;

(f) arrange training and refresher training on safety and health relevant to the industry and the department for managers including himself or herself, and for Workers and their representatives;

(g) make the necessary arrangements so that any Worker can report to his/her Employer through the Workplace Safety and Health Officer if he/she encounters any Workplace accident, any occurrence which can seriously affect safety or health, or any situation which he/she has reasonable justification to believe that it presents such an imminent danger;

(h) regarding the implementation of safety and health measures, ensure cooperation among the managerial representatives of the Employer, the representatives of both the Employer and Workers, and all the Workers;

(i) make systematic arrangements for ensuring safety and the absence of health risks to persons at the Workplace and nearby, in connection with the use of machines, any parts of a machine, buildings, tools, substances, or handling and transportation of wastes relating to any Process or Workplace;

(j), stop the Process at once in case of imminent danger; evacuate Workers from the Workplace; carry out necessary rescue procedures; and direct the Workers to alternate work [or 'alternate Workplaces'?] where available;

(k) arrange and display occupational safety and health instructions, warning signs, notices, posters, and signboards;

(l) supervise and enforce restrictions on access to the Workplaces where dangers may be present;

(m) disseminate occupational safety and health information and provide safety and health manuals and guidelines published by the concerned Ministries not only to the Workers but also to any persons at work in order to raise awareness, and increase[?] technological knowhow, knowledge, and skills;

(n) formulate a fire prevention plan; arrange fire drills; and train Workers on the systematic use of fire extinguishers;

(o) allow the Chief Inspector and the Inspectors access to the Workplace to carry out inspections or investigations and provide them with documents and other forms of evidence on request;

(p) ensure that Workers who are engaged in any hazardous industries prescribed by the Ministry, work only the hours per day as specified.

(q) pay for any expenditure regarding occupational safety and health measures;

29. No Employer shall dismiss a Worker, or alter his/her position to his/her detriment only because the Worker:

(a) is injured in the course of work or contracts any Occupational Diseases, but before a registered medical practitioner's certificate has been obtained;

- (b) makes a complaint about a matter [or 'condition'?] which he/ she considers is not safe or is a risk to safety and health;
 - (c) carries out any of his/ her duties as a member of the safety and health committee;
 - (d) stops working where he/she believes that there exists any imminent danger of a Workplace accident or any Occupational Diseases.
30. If a Worker is injured or contracts any Occupational Diseases and he/she is not covered by the 2012 Social Security Law, the Employer shall bear all medical expenses incurred to determine his/her relevant class of disability and the degree of reduction in his/her ability to work.
31. Every Employer shall:
- (a) prohibit or[?] restrict the work of a Worker who is deemed not fit to work by a doctor's diagnosis;
 - (b) without delay, allow him/her to resume his/ her previous work or to undertake any suitable job when a Worker who has been prohibited or restricted from working under subsection (a), submits his/her health Certificate;
 - (c) ensure that pregnant or breastfeeding women do not perform work which may harm their health;
 - (d) assign any suitable duty to a disabled Worker whose disability was caused by a Workplace Accident if that Worker wishes to continue to work.
32. The Worker shall:
- (a) wear or use at all times any protective clothes, equipment and tools provided by the Employer for the purpose of safety and health;
 - (b) observe any safety and health instructions and advice from the Employer, the Workplace Safety and Health Committee, or the Workplace Safety and Health Officer, made under this Law or any regulations made thereunder;
 - (c) observe the instructions, rules, signs, posters, notices and warnings on occupational safety and health;
 - (d) properly and systematically use any equipment and tools, machines, any parts of the machines, vehicles, electricity and other substances being used at the Workplace;
 - (e) take reasonable care for the safety and health of himself/herself and of other persons who may be affected by his/her acts or omissions at work;
 - (f) assist and co-operate with the Employer and the Workplace Safety and Health Officer in carrying out their duties imposed by this Law;
 - (g) immediately report any situations, causes and incidents which could pose safety and health hazards that he or /she finds to the Employer or the Workplace Safety and Health Officer, either directly or via their immediate supervisor;
 - (h) not refuse any reasonable alternative duty in situations where the Workers have refused to work in the belief that there is imminent danger;

(i) have the opportunity to elect Workers' representatives so that they shall cooperate among the Workers or other Workers' organizations in a timely manner for the purpose of safety and health.

Chapter (9) Duties of Designers of Factories, Workplaces and Machinery, Manufacturers, Exporters, Suppliers, Importers and Persons who Erect, Install and Demolish factories [or buildings?]

33. Any person who designs, manufactures, exports, supplies, or imports Hazardous Substances and Machinery for use at Workplaces may seek the safety and health certifications from the relevant Authorized Examiners or the concerned Departments and may [or 'must'?] carry out the following:
- (a) ensure that the factories, machines and any machinery must be so designed and constructed so that they are safe and without risks to the health of the Workers when they are properly used;
 - (b) arrange the necessary measures in order to carry out such testing and examination whether the factories, machines and any machinery are being designed and constructed so that they are safe and without health risks under subsection (a);
 - (c) when put to that use so as to be safe and healthy all the times, to provide the necessary information and further information to the users;
 - (d) carry out any necessary research with a view to the elimination or minimization of any risk to safety or health to which the factories, machines and any machinery may give rise when properly used.
34. Any person who designs, constructs, installs or demolishes any factories, Workplaces, machines and machinery, shall take great care that there are no safety and health **issues** while installation and demolition of such factories, machines and machinery are being carried out.

Chapter (10) Notification, Investigation and Reporting of Accidents, Dangerous Occurrences, Occupational Diseases and Occupational Poisoning

35. It shall be the duty of the Employer to carry out the following tasks:
- (a) in case any fatal accidents, notify the Department under the prescribed conditions through reasonable means of communication within one hour; or, for remote and hard-to-reach areas, not later than 24 hours immediately following the accident;
 - (b) notify the Department of any accidents, in which the injured person is unable to resume his/her usual work for a period of forty-eight hours or more, within seventy-two hours of the accident in accordance with the prescribed conditions;
 - (c) submit a report, which includes the diagnosis of the certified doctor, if a Worker contracts any notified Occupational Disease or suffers from or is believed to be suffering from occupational poisoning due to any machines at the Workplace or any Process therein, to the concerned Departments within seven days following the incident. This report shall contain the following:
 - (1) name, nationality [or 'national'?] identification card number and full address of the Worker;
 - (2) name of the disease and its causes and extent;

- (3) name and address of the Employer, including the nature of the industry and other relevant details for whom the Worker is now working or had worked.
36. Any certified doctor attending to a person who is still working or had worked, whom he/she believes to be suffering from any of the notified Occupational Diseases shall submit such a report mentioned in Article 35 (c) to the respective Employer and the concerned Departments within forty-eight hours after he/she gave the treatment to that person.
37. (a) An Inspector shall investigate any Workplace Accidents, Dangerous Occurrences, Occupational Diseases, and occupational poisoning about which he/she has become aware.
- (b) No person shall, without the consent of the Chief Inspector, remove, destroy, add, replace or alter the whole or any part of the machineries, equipment, layout or substances which may have contributed to the occurrence of any accident, any Dangerous Occurrences, Occupational Diseases, or occupational poisoning.
- (c) Nothing in subsection (b) shall serve to interfere with rescue work or work necessary for the general safety of life and property.
- (d) The Chief Inspector shall allow the Employer to remove, alter, replace, add or modify any machinery, equipment, layout or substances which have a potential to cause a fatal Workplace accident or Occupational Disease.
38. The National Council may appoint an Inquiry Committee comprising the most reasonable persons to hold such an inquiry, if necessary, into any major accidents, Dangerous Occurrences, and Occupational Diseases.
39. The Inquiry Committee formed under Article 38 may for the purposes of their Inquiries:
- (a) enter and inspect the places which they believe are necessary to determine the issues established under Article 38;
- (b) require attendance of all such persons as they think fit to call before it, examine them, and require answers;
- (c) require and seize the production of all books, papers and documents which the Inquiry Committee considers important for the purposes of the inquiry; and
- (d) submit an Inquiry report within seven days upon conclusion of its Inquiry, which shall include its findings, analysis and suggestions to the National Council.

Chapter (11) Authorized Examiner and Training Provider

40. A person who wishes to act as an Authorized Examiner or a Training Provider, if he/she believes she/he meets the prescribed requirements, shall submit an application for approval to the Director-General under the prescribed conditions.
41. The Director-General shall:
- (a) scrutinize the application under Article 40 and grant the approval to work as an Authorized Examiner or Training Provider, or refuse to grant the approval if the application does not meet the requirements;

- (b) issue the applicant with a Certificate of approval to act as an Authorized Examiner or a Training Provider for such period and subject to such terms and conditions specified therein, following approval under subsection (a), upon payment of the prescribed fee;
- (c) keep records of Training Providers and Authorized Examiners licensed under subsection (b).
42. (a) Those who possess a Certificate of approval under Article 41 (b) who wish to continue to work as an Authorized Examiner or a Training Provider, shall apply to the Director-General to renew their Certificate of approval 30 days before expiration, in accordance with the prescribed terms and conditions.
- (b) The Director-General shall approve the renewal application under subsection (a) or refuse it if the application does not meet the requirements. If the renewal is granted, a renewal Certificate of approval shall be provided upon payment of the prescribed fee.
43. (a) The Authorized Examiner shall issue the safety Certificate to the Employer, in accordance with the terms and conditions as prescribed, after he/she has examined or tested the matters relating occupational safety and health and is satisfied that the Workplace[?] is safe and without any risks to health.
- (b) The Authorized Examiner or the Training Provider shall observe and fully comply with the rules notified by the Department.

Chapter (12) Taking Administrative Action

44. The Director-General shall:
- (a) revoke or temporarily suspend for a certain period of time the Permission approved under Article 8 (c) if it was found that the person who had received the Permission committed any of the prescribed terms and conditions;
- (b) temporarily suspend the license approved under Article 9 (b) if it was found that the person who had received the license committed any of the prescribed terms and conditions and inform him/her about such suspension;
- (c) within seven days after the person who had received the license receives the notice of suspension, call upon him/her to show cause why his/her approval for license should not be suspended;
- (d) if found that the Employer failed to show sufficient cause in accordance with subsection (c), make such Employer pay the fine imposed by administrative means; suspend the approval of the license for a certain period of time; or cancel it.
45. The Director-General shall (a) temporarily suspend the approval of a person as an Authorized Examiner or a Training Provider if it was found that he/she committed the following:
- (1) obtained his/her approval as an Authorized Examiner or a Training Provider by fraud or misrepresentation;
- (2) is no longer a fit and proper person to act as an Authorized Examiner or a Training Provider;
- (3) breached any terms or conditions subject to which the approval was granted by the Department.

(b) within seven days after[?] the Authorized Examiner or the Training Provider receives the notice of suspension, call upon him/her to show cause to the Director-General why his/her approval as an authorized person or a Training Provider should not be suspended;

(c) if it is found that the Authorized Examiner or the Training Provider failed to show sufficient causes in accordance with subsection (c), make such Authorized Examiner or the Training Provider pay the fine imposed by administrative means; suspend the approval of license to a certain period of time; or cancel it.

Chapter (13) Appeal

46. (a) Any person affected by a Stop-Work Order issued by the Chief Inspector or the Inspectors under Article 20, or by a prohibition notice not to continue to work under 23 (b) by the Chief Inspector or the Inspectors, may, within 30 days after the receipt of such order or notice, appeal to the Appeal Committee formed by the National Council.

(b) The Appeal Committee may reaffirm, modify, or cancel the stop-work orders or the prohibition notice by the Chief Inspector or the Inspectors after hearing such an appeal applied under subsection (a).

47. (a) Any person affected by the decisions of the Director-General made under Articles 44 or 45, may appeal to the Appeal Committee within 30 days after the receipt of such decisions.

(b) The Appeal Committee may reaffirm, modify or cancel the decisions made by the Director-General after hearing such appeal applied under subsection (a).

48. The decision of the National Council is final.

49. If anyone whose Permission or license issued under Article 44 whose approval as an Authorized Examiner or a Training Provider under Article 45 has been cancelled does not file an appeal, or does file and appeal ,and the Appeal Committee upholds the decisions of the Director-General under Article 47 (b), such person shall surrender his/her Permission or license or the Certificate of approval to the Department within seven days after he/she receives the notice of the cancellation.

Chapter (14) Restrictions

50. (a) No person, without the Permission granted by the Director-General, shall construct a building, or extend, repair or modify an existing building in any industry to which this Law applies.

(b) No person, without possessing a license issued by the Director-General, shall operate any business in any industry under this Law.

(c) No person, without possessing the Certificate of approval issued by the Director-General, shall act as an Authorized Examiner or a Training Provider.

51. No Employer shall:

(a) fail to comply with any a Stop-Work Order issued by the Chief of Inspector or the Inspectors under Article 20 in respect of the Workplace or any Process therein;

(b) fail to comply with the terms and conditions made under Article 22 (b);

- (c) fail to comply with any improvement notices by the Chief of Inspector or the Inspectors under Article 23 (a);
 - (d) fail to seek the approval of the Director-General within the time frame prescribed under Article 28 (a);
 - (e) with respect to a Worker who is engaged in an activity prescribed as Hazardous Work by the Ministry, shall permit him/her to work no more than the hours per day as specified under Article 28 (p);
 - (f) fail to pay any expenditure regarding occupational safety and health measures under Article 28 (q).
52. Under Article 37 (b), no one shall, without the consent of the Chief Inspector, remove, destroy, add, replace or alter to the whole or any part of the machineries, equipment, layouts or substances which may have contributed to the causes of any accidents or any Dangerous Occurrences or Occupational Diseases and occupational poisonings
53. Save for an inquiry for any court proceedings relating to the commission of an offence under this Law or any regulation made thereunder, no person shall, while in service or after leaving the service, disclose any matter including any commercially confidential information which has come to his knowledge or which he has acquired while performing his/her duties under this Law.

Chapter (15) Offences and Penalties

54. Any Safety and Health Officer who fails to comply with the duties imposed by the provisions of Article 14 shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding 1,000,000 kyats or not lower than 500,000 kyats or to both.
55. Any Employer who violates any prohibitions contained in Articles 11, 28 (b) to (o), 29 and 31 shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding 5,000,000 kyats or not lower than 1,000,000 kyats.
56. Any Worker who fails to comply with the duties imposed by the provisions of Article 32 except that of the section (c), and (g) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding 30,000 kyats.
57. Any Worker who fails to comply with the duties imposed by the provisions of Article 32 (c), and (g) shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding 100,000 kyats or to both.
58. Any person who designs factories, Workplaces, machines and equipment; who manufactures, imports, exports, or sells any of them; and any person who erects, installs and demolishes any of them who fails to comply with the duties imposed by the provisions of Article 33 and 34 shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding 5,000,000 kyats or not lower than 1,000,000 kyats or to both.
59. Any Employer who violates any prohibitions contained in Article 35 shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 1 month or to a fine not lower than 2,000,000 kyats or both.

60. Any certified doctor who fails to comply with the duties imposed by the provision of Article 36 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding 500,000 kyats.
61. Any Authorized Examiner or Training Provider who fails to comply with the duties imposed by the provisions of Article 43(b) shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding 5,000,000 kyats or not lower than 1,000,000 kyats or to both.
62. Any person or institution who or which violates any prohibitions contained in Article 50 shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 3 months and a fine not exceeding 5,000,000 kyats or not lower than 2,000,000 kyats or to both.
63. Any Employer who violates:
- (a) any prohibitions contained in Article 51 (a), (b) and (c) shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding 5,000,000 kyats or not lower than 3,000,000 kyats or to both.
 - (b) after sentencing under section (a), in the case of a continuing offence, to a further fine for 100,000 kyats for every day during which the offence continues after conviction.
64. Any Employer who violates any prohibitions contained in Article 51 (d),(e) and (f) shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding 5,000,000 kyats or not lower than 2,000,000 kyats or to both.
65. Anyone who violates any prohibitions contained in Article 52 shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding 100,000,000 kyats or not lower than 3,000,000 kyats or to both.
66. Anyone who is performing the duties under this law and violates prohibitions under Article 53 shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding 1,500,000 kyats or not lower than 500,000 kyats or to both.
67. Anyone who violates any provisions of any regulations, or orders or instructions made under this Law shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding 20,000,000 kyats or to both.

Chapter (16) Managing the Accident Prevention Measures

68. The National Council may, with funds from the Ministry, carry out the following tasks to support Employers and Workers in the effective implementation of Workplace occupational safety and health:
- (a) activities and campaigns which will promote safety and health;
 - (b) research and education activities regarding safety and health;
 - (c) cooperate with the institutions or organizations which promote safety and health.

Chapter (17) Miscellaneous

69. During a State Emergency, the Union Government may, by notification, exempt any Workplace under this Law from all or any of the provisions of this law for such period and subject to such conditions as they may think fit.
70. Those members who are not government employees of the National Council, its Working Committee Members, and its Inquiry Committee Members, shall be deemed to be public servants during[?] the course of their duty.
71. Those members who are not government employees of the National Council shall enjoy the allowances and grants approved by the Union Government.
72. The Ministry shall provide for the Secretariat for the National Council.
73. The Ministry shall bear all expenses related to the Working Committee and the Secretariat for the National Council.
74. No suit, prosecution or other legal proceeding shall be brought against any person for anything which is in done in good faith or intended to be done under this law.
75. Rules and regulations, practices, notices, orders, directions and instructions made under the provisions of the 1951 Factories Act and other related existing laws shall be applied unless there is any contradiction with this Law.
76. In implementing the provisions of this Law,
 - (a) The Ministry may issue necessary rules, regulations and bye-laws with the approval of the Union Government;
 - (b) The Ministry and National Council may issue necessary notifications, orders, directives and procedures and codes of practice and the Department may issue the necessary orders, notices and instructions.

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