

[Unofficial Translation]

**Occupational Safety and Health Law
(Pyidaungsu Hluttaw Law No 8 of 2019)**

15 March 2019

Pyidaungsu Hluttaw hereby enacts this Law.

Chapter I

Name, Effective Date and Definition

1. (a) This Law shall be called the **Occupational Safety and Health Law**.
- (b) This Law shall be effective on the date specified by the President by notification.
2. The following expressions in this Law shall have the definitions given hereunder:
 - (a) **Government** means the Union Government of the Republic of the Union of Myanmar;
 - (b) **Worker** means a person who makes a living by using his/her physical or intellectual skills in the Workplace to which this Law applies;
 - (c) **Employer** means a person who is responsible to undertake the duties prescribed for the Employer and benefits granted to Workers who work for a Workplace and Industry/Business to which this Law applies. This expression includes a founder of an Industry/Business, primary contractor or subcontractor, self-employed person, Employer's authorized managing agent, manager who acts on behalf of the Employer, successor of the Employer, authorized receiver of shares or a person who is registered to conduct the duties of the Employer in case of a company, corporation or partnership;
 - (d) **Workplace** means a place where Processes of any Industries/Businesses prescribed under Chapter III of this Law are carried out;
 - (e) **Occupational Accident** means an **occurrence** of death or injury due to work or while work is carried out;
 - (f) **Council** means the Occupational Safety and Health National Council formed under this Law by comprising the representatives of the Government, Employer and Worker;
 - (g) **Occupational Disease** means any type of disease determined by the Council by notification in coordination with the Ministry of Health and Sports as a disease which occurs due to exposure with any Hazardous Event while work is carried out;
 - (h) **Occupational Contamination** means any type of contamination determined by the Council by notification as contamination which occurs due to exposure with any Hazardous Event in the Workplace or while work is carried out;
 - (i) **Hazardous Event** means any events determined by the Council by notification that are likely to cause diseases or injuries to persons in the Workplace or public;
 - (j) **Hazardous Material** means any materials specified by the Council by notification under this Law as Hazardous Materials;

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- (k) **Hazardous Machine** means any machines specified by the Council by notification under this Law as Hazardous Machines;
- (l) **Hazardous Industry/Business and Workplace** means any Industries/Businesses and Workplaces specified by the Council by notification as Hazardous Industries/Businesses and Workplaces;
- (m) **Major and Serious Occupational Accident** means an explosion, scattering, leakage, combustion or collapse occurring due to a Process, Hazardous Material or Hazardous Machine that can impose grave and serious hazards to persons inside or outside of Workplace or its vicinity immediately or for a certain period;
- (n) **Ministry** means the Union Ministry of Labour, Immigration and Population;
- (o) **Department** means the Factories and General Labour Laws Inspection Department;
- (p) **Director General** means the Director General of the Factories and General Labour Laws Inspection Department;
- (q) **Chief Inspection Officer** means the Director General;
- (r) **Inspection Officer** means the Occupational Safety and Health Inspection Officer of the Department;
- (s) **Person In-charge for Occupational Safety and Health** means the manager, officer, supervisor or coordinator relating to Occupational Safety and Health who is assigned duties by the Employer under this Law for Occupational Safety and Health purposes;
- (t) **Occupational Safety and Health Committee** means the Occupational Safety and Health Committee formed by the Employer in accordance with the type of Industry/Business under this Law for Occupational Safety and Health purposes;
- (u) **Registered Doctor** means a person who is in possession of the registration certificate issued by the Myanmar Medical Council or Myanmar Dental and Oral Council;
- (v) **Recognized Doctor** means a person recognized by the Ministry who is in possession of the occupational health certificate;
- (w) **Authorised Examiner** means a person to whom the Recognition Certificate is issued by the Director General in accordance with stipulations to issue the safety certificate in relation to Hazardous Machines after testing them;
- (x) **Trainer** means a person to whom the Director General issues the Recognition Certificate after screening to teach and train Occupational Safety and Health subjects;
- (y) **Training Centre Founder** means a person who invests cash, land, building, property or furniture to open and train Occupational Safety and Health related courses;
- (z) **Training Centre** means a Training Centre to which the Director General issues the Registration Certificate to open and teach Occupational Safety and Health courses;
- (aa) **Registration Certificate** means the certificate issued and recognised by the Director General to a Training Centre that meets the stipulations;

- (bb) **Recognition Certificate** means the certificate issued by the Director General to those who meet the stipulations under this Law to act as an Authorised Examiner or Trainer;
- (cc) **Manufacturer** means a person who manufactures Hazardous Materials or Hazardous Machines to be used for any Industry/Business or Workplace to which this Law applies;
- (dd) **Importer and Seller** means a person who directly imports or sells Hazardous Materials or Hazardous Machines to be used for any Industry/Business or Workplace to which this Law applies;
- (ee) **Person Who Operates Installation or Dismantling** means a person who installs or dismantles Hazardous Machines to be used for any Industry/Business or Workplace to which this Law applies;
- (ff) **Person Who Operates Building or Demolition** means a person who builds or demolishes any factories or buildings in the Industry/Business or Workplace to which this Law applies; and
- (gg) **Process** means any processes carried out in any Workplaces to which this Law applies.

Chapter II

Objectives

- 3. The objectives of this Law are given hereunder:
 - (a) to implement Occupational Safety and Health matters effectively in the respective Industries/Businesses;
 - (b) to determine the duties of relevant persons applicable under this Law including Employers and Workers to lessen and mitigate occurrence of Occupational Diseases and Occupational Accidents;
 - (c) to cause relevant persons applicable under this Law, Employers and Workers to take precaution and prevention against occupational hazards and Occupational Diseases;
 - (d) to improve the productivity and health of Workers by preventing the occurrence of Occupational Accidents and Occupational Diseases for their safety;
 - (e) to create Workplaces that are safe and good for health by prescribing the Occupational Safety and Health standards relevant to the Union's status after considering international and regional standards; and
 - (f) to support and help research activities carried out for the development of Occupational Safety and Health matters.

Chapter III

Prescribing Eligible Industries/Businesses and Removing

- 4. This Law applies to the following Industries/Businesses owned by government departments or organizations, cooperatives, national citizens or foreigners in private or joint venture:
 - (a) factories, workshops and warehouses covered under the Factories Act 1951;
 - (b) Industries/Businesses covered under the Shops and Establishments Law 2016;

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|---------|--|-----------------|
| (iv) | Director General
Department of Treatment, Ministry of Health and Sports | Member |
| (v) | Director General
Department of Mines, Ministry of Natural Resources and Environmental Conservation | Member |
| (vi) | Managing Director
Myanma Oil and Gas Enterprise, Ministry of Electricity and Energy | Member |
| | (vii) Managing Director
Myanma Port Authority, Ministry of Transport and Telecommunications | Member |
| | (viii) Director General
Department of Industrial Supervision and Inspection, Ministry of Industry | Member |
| (ix) | Director General
Myanmar Fire Brigade, Ministry of Home Affairs | Member |
| (x) | Director General
Department of Agriculture, Ministry of Agriculture, Livestock and Irrigation | Member |
| (xi) | Director General
Department of Social Security, Ministry of Labour, Immigration and Population | Member |
| (xii) | Director General
Department of Technology, Vocational Education and Training,
Ministry of Education | Member |
| (xiii) | Director General
Department of Hotels and Tourism Administration,
Ministry of Hotels and Tourism | Member |
| (xiv) | Three representatives of Employers' Organization | Member |
| (xv) | Three representatives of Labour Organization | Member |
| (xvi) | Three experts in the field of Occupational Safety and Health | Member |
| (xvii) | Deputy Director General
Factories and General Labour Laws Inspection Department
Ministry of Labour, Immigration and Population | Secretary |
| (xviii) | Director General
Factories and General Labour Laws Inspection Department
Ministry of Labour, Immigration and Population | Joint Secretary |

- (b) The Government may re-form the Council formed under sub-section (a) as required.
7. The duties of the Council are given hereunder:
- (a) prescribing national level policies and procedures, reviewing, re-assessing and amending them for successful implementation of the provisions of this Law;
 - (b) coordinating with the relevant government departments, government entities, local and international organizations for Occupational Safety and Health purposes;
 - (c) prescribing the list of Occupational Diseases, Occupational Contamination, Hazardous Events, Hazardous Materials, Hazardous Machine, Hazardous Industries/Businesses and Workplaces and the level or grade of hazards thereof by notification;
 - (d) collecting statistics and information regarding Occupational Accidents, Occupational Diseases, Occupational Contamination, Major and Serious Occupational Accidents and Hazardous Events and announcing the precautionary actions to be conducted to prevent occurrence thereof;
 - (e) directing to include and teach Occupational Safety and Health related courses in educational and training sectors;
 - (f) forming the Appellate Committee and other required committees with the members of Council elected by the Chairman of the Council and determining the duties thereof to hear and inspect appeal cases filed under Sections 44 and 45; and
 - (g) submitting the report about the performance of its duties to the Government.

Chapter V

Registration

8. (a) Any person who is currently conducting or wants to conduct any Industry/Business to which this Law applies shall, in accordance with the stipulations, apply to the Department for registration to enable to conduct Occupational Safety and Health matters.
- (b) The Department shall record the list of Industries/Businesses registered under sub-section (a).
9. A person who wants to operate the following activities shall, for the purpose of Occupational Safety and Health, notify the Department: -
- (a) building, extending or demolishing a factory or building; or
 - (b) placing, installing, extending or changing the use of machines in accordance with the Process.
10. Notice shall be delivered to the Department if any Industries/Businesses registered under Section 8 (a) are closed or come to an end, or they are relocated, or their nature of businesses or Employers are changed.
11. The Department shall amend the register by removing any Industries/Businesses that come to an end or are closed and updating any Industries/Businesses whose business location, nature of business or Employer is changed.

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Chapter VI

Appointment of Person In-charge for Occupational Safety and Health and Formation of Occupational Safety and Health Committees and

12. The Employer shall, in accordance with the stipulations of the Ministry:
 - (a) appoint the Person In-charge for Occupational Safety and Health to closely supervise safety and health of Workers in line with the type of Industry/Business; and
 - (b) form the respective Occupational Safety and Health Committee in line with the type of Industry/Business comprising equal number of Employer and Worker representatives to become safe and healthy Workplace on condition that the number of Workers in his/her Industry/Business exceeds the number determined by the Ministry for that purpose. The Occupational Safety and Health of female Workers shall be considered according to the nature of Industry/Business when forming such Occupational Safety and Health Committee.
13. The functions of the Occupational Safety and Health Committee are given hereunder:
 - (a) regularly checking any conditions that can impair Occupational Safety and Health and reporting the review of them at the relevant Committee's meeting;
 - (b) advising the Employer to lay down precautionary and educational plans in order not to occur Occupational Accidents;
 - (c) improving the coordination between the Employer and Workers to get access to facilities and provide training for developing Occupational Safety and Health conditions;
 - (d) supervising the relevant risks assessment of Occupational Safety and Health management plan; and
 - (e) performing Occupational Safety and Health duties assigned by the Ministry and Department.
14. Persons In-charge for Occupational Safety and Health shall comply with this Law and rules, orders, directives and procedures made under this Law to make the Workplace to be a safe Workplace that is good for health.

Chapter VII

Appointment of Inspection Officers and Powers and Duties of Chief Inspection Officer and Inspection Officers

15. The Ministry may appoint Inspection Officers as required to implement the objectives of this Law.
16. Inspection Officers shall enter the Workplaces to which this Law applies and inspect Occupational Safety and Health conditions and direct Employers for their compliance and report the findings to the Chief Inspection Officer.
17. Inspection Officers have the powers to perform the following for Occupation Safety and Health in accordance with their codes of conduct: -

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- (a) the power to enter, inspect and inquire at any Workplaces related to this Law at any time by showing the Inspection Officer's identity without warrant;
 - (b) the power to look at, make copies of and seize as evidence as required documents and records in connection with Workplaces and Processes;
 - (c) the power to take photos and record videos in connection with Workplaces and Processes that may be harmful to Occupational Safety and Health;
 - (d) the power to assess and measure and take records of the extent of impairment and duration caused to the environment of the Workplace due to loudness, light, heat, coldness, particles, gas and Hazardous Materials, and obtain the assistance of the expert in the relevant field of study if required;
 - (e) the power to inquire of any person in the Workplace during working hours with the assistance of the Recognised **Doctor** to check any conditions that put or are likely to put Workers in contact with Occupational Disease; and
 - (f) the power to require responsible persons at clinics or hospitals to deliver, with the stipulated security grade, medical treatment records of the Worker who is under treatment or information relating to death due to Occupational Accident or Occupational Disease, or **autopsy** results asked by the Department in the stipulated form.
18. Inspection Officers shall, with the approval of the Chief Inspection Officer, order the Employer to temporarily close a whole or part of the Workplace, and notify the relevant Departments if required, if they believe that an Occupational Accident, Occupational Disease, Hazardous Event or Major and Serious Occupational Accident occurs or is likely to occur because:
- (a) it is not appropriate to continue doing the Industry/Business due to dangerous Workplace condition, or unsafe operation carried by Workers, or existence of Hazardous Materials and Hazardous Machines, or layout and function of Workplace, part of the machine or equipment;
 - (b) it is not appropriate to continue doing the Industry/Business due to breach or non-compliance with any of the provisions of this Law;
 - (c) it deems that Workers in the Workplace are in danger due to acts, omissions, negligence or carelessness; or
 - (d) it needs to evacuate Workers from hazards because an Occupational Accident or accident is about to occur.
19. Inspection Officers shall:-
- (a) approve the re-opening of the whole or part of the Workplace if they find out that the submission made by the Employer for his/her compliance subject to the order to close the Workplace temporarily made under Section 18 is complete and correct; and
 - (b) inform the relevant Departments and Employer of the approval to resume the Workplace under sub-section (a).
20. The Chief Inspection Officer may: -

- (a) take relevant action against any person who fails to comply with an order issued under Section 18 or assign the duty to the relevant Inspection Officer as required to take relevant action; and
 - (b) in connection with an order to temporarily close a whole or part of the Workplace issued under Section 18, grant the operation of certain activities by setting the relevant terms and conditions depending on changing or improving situation.
21. Inspection Officers:
- (a) may instruct the Employer in writing to repair and reform the condition within the specified timeline if they have a reason to believe that Workers are likely to be bodily injured or their health is likely to be at risk or any materials are likely to be damaged;
 - (b) shall cause the Employer to submit the compliance and completion of the instruction made under sub-section (a) within the specified timeline by showing complete records and evidence; and
 - (c) may prohibit the Employer not to continue operating the Industry/Business if he/she does not follow the instruction under sub-section (a).
22. The Chief Inspection Officer shall specifically assign Inspection Officers to make a list of Workplaces where Hazardous Materials are used, carry out special inspections if needed and prohibit or restrict the use of such Hazardous Materials.
23. The Inspection Officer shall direct the Employer to train his/her Workers to learn and observe first aid care, extinguishing fire, arrangements and systems to be applied in case of emergency, precautionary plans and likelihood of **occurrence** of hazards in the Workplaces that are listed pursuant to Section 22.
24. The Chief Inspection Officer may assign any Inspection Officers to prosecute a person who has breached the provisions of this Law at the relevant court.
25. The Chief Inspection Officer and Inspection Officers shall not engage in any factories, workshops, Industries/Businesses or establishments or any businesses that are directly or indirectly connected with them.

Chapter VIII

Responsibilities of Employers and Workers

26. The Employer shall be responsible to: -
- (a) arrange as required to assess the risks of Workplace, Process and machines and materials used thereat;
 - (b) arrange as required to assess the likelihood of **occurrence** of hazards at the Workplace and to the environment;
 - (c) arrange to have Workers medical checked-up by the Recognized **Doctor** in accordance with stipulations whether they suffer from any Occupational Disease;
 - (d) arrange to improve the Workplace until it is safe and good for health based on the findings as per sub-sections (a), (b) and (c);

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- (e) provide Workers with sufficient number of personal protective clothing, materials and facilities prescribed and approved by the Department on free of charge basis and cause Workers to wear them while working;
 - (f) prescribe precautionary plans and plans for emergency;
 - (g) provide a clinic, appoint the Registered **Doctors** and nurses and provide medicines and supporting equipment for any Industry/Business where the number of Workers is not less than the number determined by the Ministry;
 - (h) make necessary arrangements for managers, Workers and members of the Occupational Safety and Health Committee including (Employer) himself/herself to attend Occupational Safety and Health training courses stipulated by the Ministry in accordance with their departments or types of work;
 - (i) make necessary arrangements to enable immediate reporting to the Person In-charge for Occupational Safety and Health or manager in case where a Worker suffers an Occupational Accident or his/her life or health is likely to be in danger;
 - (j) arrange to prevent any persons in the Workplace from Occupational Safety and Health risks occurred due to materials, machines or wastes used in the Workplace or Process;
 - (k) immediately stop the Process, evacuate Workers and conduct necessary rescue plans if any Occupational Accident is about to occur. If possible, Workers will be relocated to another appropriate safe Workplaces;
 - (l) display Occupational Safety and Health instructions, danger signs, notices, posters and signage for directions in accordance with stipulations;
 - (m) arrange to be complied with precautions when entering restricted hazardous Workplaces;
 - (n) arrange to disseminate Occupational Safety and Health manuals and guidelines issued by the relevant Ministries for knowledge, technology, information and skills not only to Workers but also to related persons or raise their awareness or knowledge thereof;
 - (o) lay down the fire safety plan, perform fire drilling and train Workers to use fire extinguishers systematically;
 - (p) allow the Chief Inspection Officer and Inspection Officers to enter Workplaces, inquire, request documents and information or seize exhibits;
 - (q) cause Workers to work only for the specified working hours if they have to work in Hazardous Industry/Business and Workplace; and
 - (r) Incur the expenses for Occupational Safety and Health matters.
27. No Employer shall dismiss or demote a Worker: -
- (a) during any period before a medical certificate is issued by the Registered **Doctor** for occupational injury or by the Recognized **Doctor** for contact with Occupational Disease;
 - (b) because the said Worker has addressed a complaint for hazardous or health detrimental condition;

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- (c) because the said Worker has conducted the responsibilities of Occupational Safety and Health Committee; or
 - (d) because the said Worker has refused to work in any condition where an Occupational Accident or Occupational Disease is about to occur.
28. If any Worker who has been injured due to an Occupational Accident or contacted with Occupational Disease is not covered under the Social Security Law 2012, the Employer must pay for medical expenses to check the extent of capacity reduction and class of disability of such Worker.
29. The Employer: -
- (a) can prohibit or restrict any Worker to work if he/she does not meet the health standards due to medical check-up results done by the Registered **Doctor** in accordance with the needs and nature of the Industry/Business;
 - (b) must, without delay, employ any Worker who has been prohibited or restricted to work subject to sub-section (a) in his/her original position or at the relevant Workplace upon his/her submission of health improvement evidence; and
 - (c) must make necessary arrangements in the Workplace in order not to damage health of female Workers who are pregnant or breast-feed.
30. The Worker: -
- (a) must systematically use personal protective clothing and materials provided by the Employer in accordance with the stipulations of the Department for Occupational Safety and Health and systematically and correctly use machine and equipment;
 - (b) must comply with instructions and advice made by the Employer, Occupational Safety and Health Committee or Person In-charge for Occupational Safety and Health for Occupational Safety and Health purposes in accordance with this Law and rules made thereunder;
 - (c) must comply with Occupational Safety and Health instructions, conditions, signs, posters, notices, warnings and prohibitions;
 - (d) must systematically use and handle equipment, machines, parts of machines, vehicles, electricity and other materials used in the Workplace;
 - (e) must pay special attention in order not to damage safety and health of himself/herself as well as other Workers due to his/her acts or omissions in the Workplace;
 - (f) must cooperate with the Employer and Person In-charge for Occupational Safety and Health when they conduct their duties under this Law;
 - (g) must immediately report to the Employer, Person In-charge for Occupational Safety and Health or manager by the Worker himself/herself or via immediate supervisor if he/she finds out any condition or event that will have negative impacts on Occupational Safety and Health;

- (h) can refuse to continue working in any condition where hazards are likely to occur, but must not refuse to work if the Employer arranges and relocates him/her to work in the safe Workplace; and
- (i) can select representatives for timely cooperation and liaison with labour organizations or with Workers for Occupational Safety and Health of Workers in the respective Workplaces.

Chapter IX

Responsibilities of Manufacturer, Importer and Seller, Person Who Operates Installation or Dismantling or Person Who Operates Building or Demolition

- 31. A Manufacturer, Importer and Seller, Person Who Operates Installation or Dismantling or Person Who Operates Building or Demolition of the Workplace, Process and Hazardous Materials used thereat must obtain the safety certificate issued by the Authorised Examiner or relevant Department.
- 32. The Manufacturer or Importer and Seller shall undertake the following in relation to Hazardous Materials and Hazardous Machines: -
 - (a) providing information in relation to using them safely without impairing health; and
 - (b) conduct testing for safety and health purposes and disseminate testing results to the users.
- 33. A Person Who Operates Installation or Dismantling or Person Who Operates Building or Demolition must perform in accordance with stipulations for safety and health purposes.

Chapter X

Informing, Inspecting and Reporting

- 34. The Employer is responsible to undertake the following in accordance with the stipulations: -
 - (a) informing the Department in case of an Occupational Accident, Hazardous Event or Major and Serious Occupational Accident;
 - (b) if a Worker is in contact with a stipulated Occupational Disease or contaminated or likely to be contaminated due to materials or Process used, sending a report to the Department together with a medical report prepared by the Recognized **Doctor**.
- 35. The **Registered Doctor** who gives treatment to any former or current Worker who suffered from stipulated Occupational Disease must send the report including the stipulated facts to the relevant Employer and Department and a copy of the report to the Ministry of Health and Sports.
- 36. (a) Inspection Officers must perform inspection as required if any Occupational Accident, Hazardous Event, Occupational Disease or Occupational Contamination breaks out.
 - (b) No one shall, without consent of the Chief Inspection Officer, remove, conceal, add or change a whole or part of the materials, machines, equipment, layout, documents or signs relating to the **occurrence** of an Occupational Accident, Hazardous Event, Occupational Disease or Occupational Contamination.

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- (c) The prohibition in sub-section (b) shall not apply to rescuing and doing related activities required for saving life, property and safety of people.
 - (d) The Chief Inspection Officer can approve the removal, dismantling, adding or changing of materials, machine and equipment and layout if the prohibition under sub-section (b) is likely to cause subsequent negative impacts.
37. The Council can form the Inspection Committee comprising experts in the relevant fields of study to inspect the **occurrence** of Hazardous Events, Occupational Diseases and Major and Serious Occupational Accidents.
38. The Inspection Committee formed under Section 37: -
- (a) has the right to enter and inspect relevant places related with inspection for the purpose of inspecting the matter prescribed under Section 37;
 - (b) has the right to summon, inquire and take testimony of relevant people for inspection;
 - (c) has the right to acquire necessary documents, statistics, contracts, evidence, forms and samples; and
 - (d) must submit the report including findings, evaluation and advice to the Council within the stipulated period.

Chapter XI

Acting as Authorised Examiner or Trainer and Operating Training Centre

39. A person who wants to act as an Authorised Examiner or Trainer shall, if he/she meets the stipulated qualifications, apply to the Director General in accordance with the stipulations for the Recognition Certificate or for the Registration Certificate if he/she wants to act as a Training Centre Founder.
40. The Director General: -
- (a) can approve or refuse to issue the Recognition Certificate or Registration Certificate after screening the application made under Section 39 in accordance with the stipulations.
 - (b) must cause the applicant to deposit the fee determined by the Ministry if the applicant is approved subject to sub-section (a) and issue the Recognition Certificate to the Authorised Examiner or Trainer or Registration Certificate to the Training Centre Founder by laying down the terms and conditions of the Certificates.
 - (c) must register the Authorised Examiner and Trainer to whom the Recognition Certificate is issued or the Training Centre Founder to whom the Registration Certificate is issued under sub-section (c).
41. (a) A person who is in possession of the Recognition Certificate or Registration Certificate in accordance with Section 40 sub-section (b) must apply to the Director General for renewal within 30 days before expiry of the Certificate if he/she wants to continue as the Authorised Examiner or Trainer.
- (b) Director General shall screen the application submitted under sub-section (a) and can approve or refuse to renew subject to stipulations. If the application meets the criteria for

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renewal, Director General must cause the applicant to deposit renewal fee as determined by the Ministry and renew the Certificate.

42. (a) An Authorised Examiner must issue a safety certificate to the Employer after he/she has inspected the Hazardous Machines for Occupational Safety and Health purpose and discovered that they are safe.
- (b) An Authorised Examiner, Trainer or Training Centre Founder must strictly comply with the conditions set by the Department.

Chapter XII

Administrative Actions

43. The Director General shall: -
- (a) send a notice to the Authorised Examiner, Trainer or Training Centre Founder that his/her right to operate the business is suspended if: -
- (i) he/she submits incorrect information at the time of applying for the Certificate to act as the Authorised Examiner, Trainer or Training Centre Founder;
 - (ii) it discovers that he/she is not fit and proper to continue working as the Authorised Examiner or Trainer or operating the Training Centre; or
 - (iii) he/she breaches any conditions prescribed by the Department.
- (b) The Authorised Examiner, Trainer or Training Centre Founder shall be provided with the right to give explanation in relation to the notice of suspension of the right to operate the business as per sub-section (a) within **assigned period** from the date of receiving the notice.
- (c) The Director General must, after finding out that the explanation of the Authorised Examiner, Trainer or Training Centre Founder subject to sub-section (b) is not reliable or relevant, cause him/her to pay for the fine determined under administrative procedure or suspend the Recognition Certificate or Registration Certificate by fixing the period or remove it permanently.

Chapter XIII

Appeal

44. (a) Any person who is not satisfied with an order issued by Inspection Officers in accordance with Section 18 or any prohibition made by them for continuation of the Industry/Business in accordance with Section 21 sub-section (c) may appeal to the Appellate Committee formed by the Council within 30 days from the date of order or prohibition.
- (b) The Appellate Committee shall screen the appeal in accordance with sub-section (a) and may approve or amend or remove the order or prohibition made by Inspection Officers.
45. (a) Any person who is not satisfied with an administrative decision made by the Director General in accordance with Section 43 may appeal to the Appellate Committee within 30 days from the date of decision.

- (b) The Appellate Committee shall screen the appeal in accordance with sub-section (a) and may approve or amend or remove the administrative decision made by the Director General.
46. The decision of the Appellate Committee in relation to appellate cases shall be final and conclusive.
47. The Authorized Examiner, Trainer or Training Centre Founder shall return the Recognition Certificate or Registration Certificate to the Department within seven days after (30) days have passed during which he/she does not appeal against the decision that revokes or cancels the Recognition Certificate or Registration Certificate in accordance with Section 43 or within seven days after the Appellate Committee has approved the decision of the Director General in accordance with Section 45 sub-section (b) even though he/she appeals.

Chapter XIV

Prohibitions

48. (a) Any person who is currently operating or wants to operate any Industry/Business to which this Law applies shall not fail to lodge the registration with the Department.
- (b) No one shall fail to notify the Department in accordance with the stipulations that he/she will build, extend or restructure a building, place, install, extend or change the use of machines in respective Processes for the Industry/Business to which this Law applies in accordance with Occupational Safety and Health stipulations.
- (c) No one shall act as an Authorised Examiner or Trainer without Recognition Certificate or Training Centre Founder without Registration Certificate issued by the Director General.
49. No Employer: -
- (a) shall fail to comply with an order to close the Workplace temporarily in accordance with Section 18;
- (b) shall fail to comply with the conditions prescribed under Section 20 sub-section (b);
- (c) shall fail to comply with the instructions issued by the Inspection Officer in accordance with Section 21 sub-section (a);
- (d) shall ask Workers to work for more than the specified hours in accordance with Section 26 sub-section (q); or
- (e) shall fail to pay for Occupational Safety and Health expenses subject to Section 26 sub-section (r).
50. No one shall breach the provisions under Section 36 sub-section (b) without consent of the Chief Inspection Officer.
51. Any person who performs his/her duties assigned under this Law shall not, during his/her service or after retiring from office, disclose any confidential information known to him or her during his/her service except for court case.

Chapter XV

Offences and Penalties

52. Any Person In-charge for Occupational Safety and Health shall, on conviction of having failed to comply with the duty prescribed under Section 14, be punishable with imprisonment for a term of up to three (3) months or with a fine which may be at least five hundred thousand (500,000) kyats to maximum one million (1,000,000) kyats or both.
53. Any Employer shall, on conviction of having violated the provisions under Sections 12, 26 (a) to (p), 27, 29 (b) and 29 (c), be punishable with imprisonment for a term of up to three (3) months or with a fine which may be at least one million (1,000,000) kyats to maximum five million (5,000,000) kyats or both.
54. Any Worker shall, on conviction of having violated the provisions under Section 30 sub-sections (a), (b), (c), (d), (f) and (h), be punishable with a fine which may be up to thirty thousand (30,000) kyats.
55. Any Worker shall, on conviction of having violated the provisions under Section 30 sub-section (e) and (g) intentionally, be punishable with imprisonment for a term of up to three (3) months or with a fine of up to one hundred (100,000) kyats or both.
56. Any Manufacturer, Importer and Seller, Person Who Operates Installation or Dismantling or Person Who Operates Building or Demolition shall, on conviction of having violated the provisions under Sections 31, 32 and 33, be punishable with imprisonment for a term of up to three (3) months or with a fine which may be at least one million (1,000,000) kyats to maximum five million (5,000,000) kyats or both.
57. Any Employer shall, on conviction of having violated the provisions under Section 34, be punishable with imprisonment for a term of up to one (1) month or with a fine which may be at least two million (2,000,000) kyats or both.
58. Any Registered **Doctor** shall, on conviction of having violated the provisions under Section 35, be punishable with a fine of up to five hundred (500,000) kyats.
59. (a) Any Authorised Examiner shall, on conviction of having violated the provision under Section 42 sub-section (b), be punishable with imprisonment for a term of up to three (3) months or with a fine which may be at least one million (1,000,000) kyats to maximum five million (5,000,000) kyats or both.

(b) Any Trainer shall, on conviction of having violated the provision under Section 42 sub-section (b), be punishable with a fine which may be at least five hundred thousand (500,000) kyats to maximum one million (1,000,000) kyats.

(c) Any Training Centre Founder shall, on conviction of having violated the provision under Section 42 sub-section (b), be punishable with a fine which may be at least one million (1,000,000) kyats to maximum five million (5,000,000) kyats.
60. Any person shall:

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- (a) on conviction of having breached the provision under Section 48 sub-sections (a) and (b), be punishable with a fine which may be at least one million (1,000,000) kyats to maximum five million (5,000,000) kyats; or
- (b) on conviction of having breached the prohibition under Section 48 sub-section (c), be punishable with imprisonment for a term of up to three (3) months, or with a fine which may be at least five million (5,000,000) kyats to maximum ten million (10,000,000) kyats or both.
61. Any Employer shall: -
- (a) on conviction of having violated the provisions under Section 49 sub-sections (a), (b) and (c), be punishable with imprisonment for a term of up to three (3) months or with a fine which may be at least three million (3,000,000) kyats to maximum five million (5,000,000) kyats or both; and
- (b) if the contravention is continued after conviction in accordance with sub-section (a), be punishable with a further fine which may be up to one hundred thousand (100,000) kyats for each day on which the contravention is so continued.
62. Any Employer shall, on conviction of having violated the provisions under Section 49 sub-sections (d) and (e), be punishable with imprisonment for a term of up to three (3) months or with a fine which may be at least two million (2,000,000) kyats to maximum five million (5,000,000) kyats or both.
63. Any person shall, on conviction of having violated the provision under Section 50, be punishable with imprisonment for a term of up to three (3) months or with a fine which may be at least three million (3,000,000) kyats to maximum ten million (10,000,000) kyats or both.
64. Any person who performs his/her duties assigned under this Law shall, on conviction of having violated the provisions under Section 25 and 51, be punishable with imprisonment for a term of up to three (3) months or with a fine which may be at least five hundred thousand (500,000) kyats to maximum one million and five hundred thousand (1,500,000) kyats or both.
65. Any person shall, on conviction of having breached the rules or regulations made under this Law, be punishable with imprisonment for a term of up to three (3) months or with fine which may not be less than two million (2,000,000) kyats or both.

Chapter XVI

Managing Precautionary Actions for Occupational Safety and Health

66. The Council shall conduct the following actions by using the Ministry's fund to effectively implement Occupational Safety and Health of Employers and Workers: -
- (a) **campaign and activities** that develop Occupational Safety and Health;
- (b) research and educational actions in connection with Occupational Safety and Health matters; and
- (c) cooperation with local and international organizations that conduct the development and improvement of Occupational Safety and Health.

Chapter XVII

Miscellaneous

67. In any case of emergency of the Union, the Government may, by notification, exempt any Workplace from all or any of the provisions of this Law for such period and subject to such conditions as it may think fit.
68. The Council members, Working Committee members and Inspection Committee members who are not civil servants shall be regarded as civil servants when they perform their duties under this Law.
69. The Council members, Working Committee members, Inspection Committee members and Appellant Committee members who are not civil servants are entitled to allowances and emoluments approved by the Government.
70. The Ministry shall form the bodies and appoint the staff for administration of the Council and assigned duties to them.
71. The expenses of working committees formed under this Law shall be borne by the Ministry's fund.
72. The Ministry may appoint the Deputy Chief Inspection Officer is required to conduct the duties of the Chief Inspection Officer.
73. When implementing provisions of this Law: -
 - (a) the Ministry may, under the approval of Government, issue rules and regulations;
 - (b) the Council and Ministry may issue notifications, orders, directives and codes of practices; and
 - (c) the Department may issue orders and instructions.

I hereby sign in accordance with the Constitution of the Republic of the Union of Myanmar.

Sd.xxx

Win Myint

President

Republic of the Union of Myanmar