



International
Labour
Organization

► E-learning Programme on Child Labour Pack

Module 5. The role of labour inspectors

This module will help you to understand the role of the Myanmar legislative framework and labour inspectors in preventing and addressing child labour.

Happy learning!





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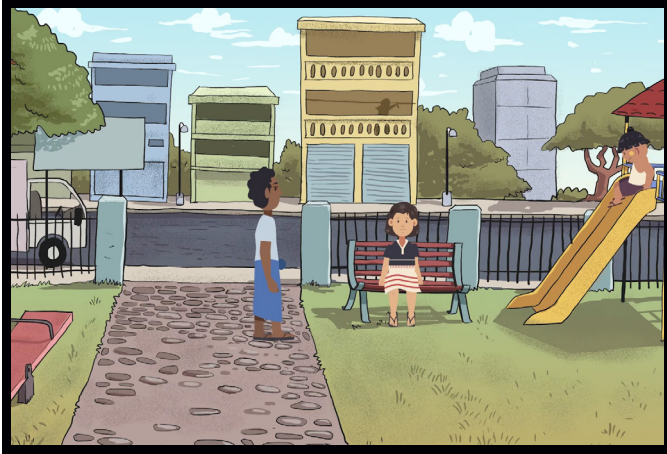
Lesson 1 of 6

► Who can we report a child labour case to?

How did Mohammed, Noe Noe and Phoe Wah rescue Aye Aye?

Read the story below.

Case study





Who should you report a child labour case to?

Lesson 2 of 6

▶ Learning objectives



Myanmar has several laws and regulations on child labour. The Ministry of Labour, labour inspectors and the general public all have a role to play to implement these laws. This module will help you to:

- ▶ Understand the responsibilities of the Ministry of Labour.
- ▶ Understand the role of and challenges faced by labour inspectors in Myanmar.
- ▶ Outline how labour inspection takes place in Myanmar.
- ▶ Understand the actions that can be taken if a labour inspector finds child labour occurring at a workplace.

Ready to begin learning?

Lesson 3 of 6

► Who does what?

Inspection by labour inspectors



Labour Inspectors are allowed to enter workplaces and inspect procedures, conditions and so on. In Myanmar, the inspectors in the Factories and General Labour Laws Inspection Department (FGLID) also carry out child labour inspections.

Woman and young children sitting in a garbage dump, Myanmar. © Marcel Crozet/ILO

Labour inspections may be announced in advance, but they can be unannounced when the purpose of the inspection is to investigate child labour. Unannounced visits enable the inspector to enter the inspected premises without warning the employer. This will help to prevent employers from:

- hiding child labourers during the inspection;
- sending child labourers home ahead of the inspection;
- removing child labourers from their regular hazardous duties on the day of the inspection.

Role of a labour inspector

A labour inspector should carry out specific actions during a child labour inspection, including:

- Securing the enforcement of the legal provisions related to the conditions of work and the protection of workers while engaged in their work, such as provisions relating to: hours, wages, safety, health and welfare; the employment of children and young persons; and other connected matters.
- Supplying technical information and advice to employers and workers concerning the most effective means of complying with the legal provisions.
- Bringing to the notice of the competent authority any defects or abuses not specifically covered by existing legal provisions.

There should be adequate penalties for violations of legal provisions, enforceable by labour inspectors, as well as penalties for obstructing labour inspectors in the performance of their duties – including for concealing violations from an inspector and/or hindering the inspector's investigation.

Labour inspectors are required to interview management and workers, especially children, in a confidential way to identify any hidden child labour cases.

Note: To learn about the key legislation on child labour in Myanmar, you can refer to the first module of this course: **Module 1. How important is it?**

Challenges faced by a labour inspector

Labour inspectors look for as much detail as possible when someone reports a case of child labour. This is because they face multiple challenges in performing their inspection role, such as:

- Looking for details just simply to understand and describe the case as much as possible.
- Difficulty in identifying and entering workplaces that are either in remote locations or hidden – and where child labour is common.
- Educating the employers by providing them with knowledge and skills to address child labour.

Learning milestone

Which of the following options are part of the role of a labour inspector in Myanmar?

Select the appropriate options below. You can view the correct answers at the back of this booklet, in the Answers Annex.

☐**A**

Checking workplace conditions.

☐**B**

Informing and advising employers and workers on how to comply with child labour laws.

☐**C**

Verifying the age of young workers.

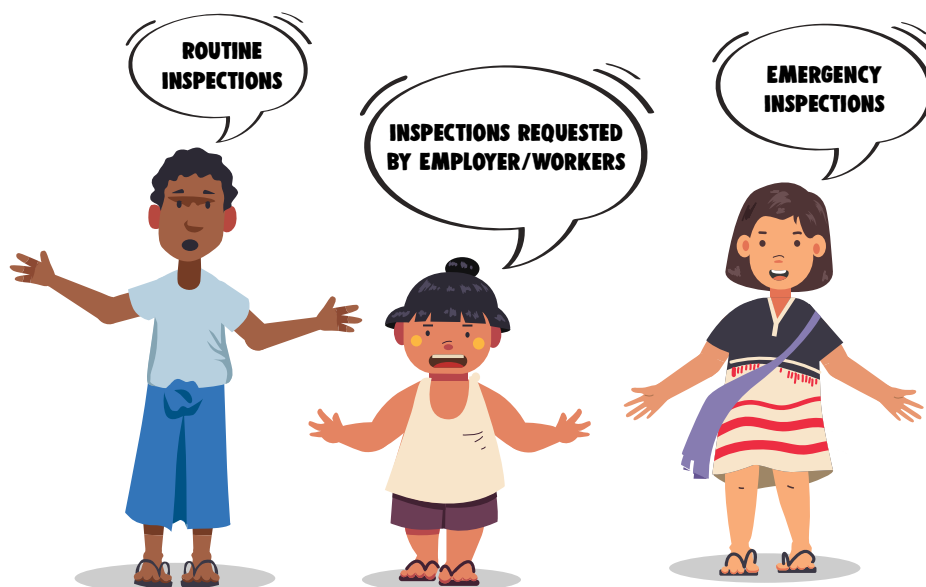
What happens during a labour inspection?

Lesson 4 of 6

► Actions by labour inspectors

How labour inspection happens

View the descriptions below the image to learn the three types of workplace inspections.



1. **Routine inspections:** The labour inspectors carry out routine inspections of workplaces according to a schedule. These inspections include checking the age of young workers and checking for other signs of child labour.
2. **Inspections requested by employer/workers:** Sometimes employers or workers request a visit from labour inspectors. This is when they need help to settle a dispute on the understanding of the laws, or if a complaint has been lodged. The complaints that are relevant to this training are those related to child labour.
3. **Emergency inspections:** Labour inspectors also carry out emergency inspections. This is done in cases such as the occurrence of an occupational accident at a workplace.

A mobile phone and a motorbike

This is a story of a 15-year-old Phoe Sanay, who dreams of becoming an engineer, but is bound to pounding stones. He works 13 hours a day and is saving money to buy a mobile phone and a motorbike.

What should a labour inspector do in Phoe Sanay's case?

Read the story below to learn Phoe Sanay's case.

Case study

A mobile phone and a motor bike

We start work at 5 in the morning. Our job is to break big stones into small pieces. My name is Phoe Sanay. It means “Mr. Saturday” because that’s the day of the week I was born on. I am 15 years old. I came to this quarry site near Hpa-an with my uncle’s family in 2014. We are originally from around Yangon. My uncle has a work contract here. We are a team of six.

We make 4,000 kyats for every 10-square-foot hole we dig. This amount of stones equals one truck. We fill 8 to 10 trucks every day. We split what we get equally, so I earn between 150,000 and 200,000 kyats a month. We finish work at 6 p.m. I am saving to buy a mobile phone and a motorbike. I would like to use the motorbike when I go back to my village during the rainy season and use the phone to listen to music and watch movies.

My dream is to become an engineer because I see them working as bosses on the road construction sites. But for now, I pound stones.

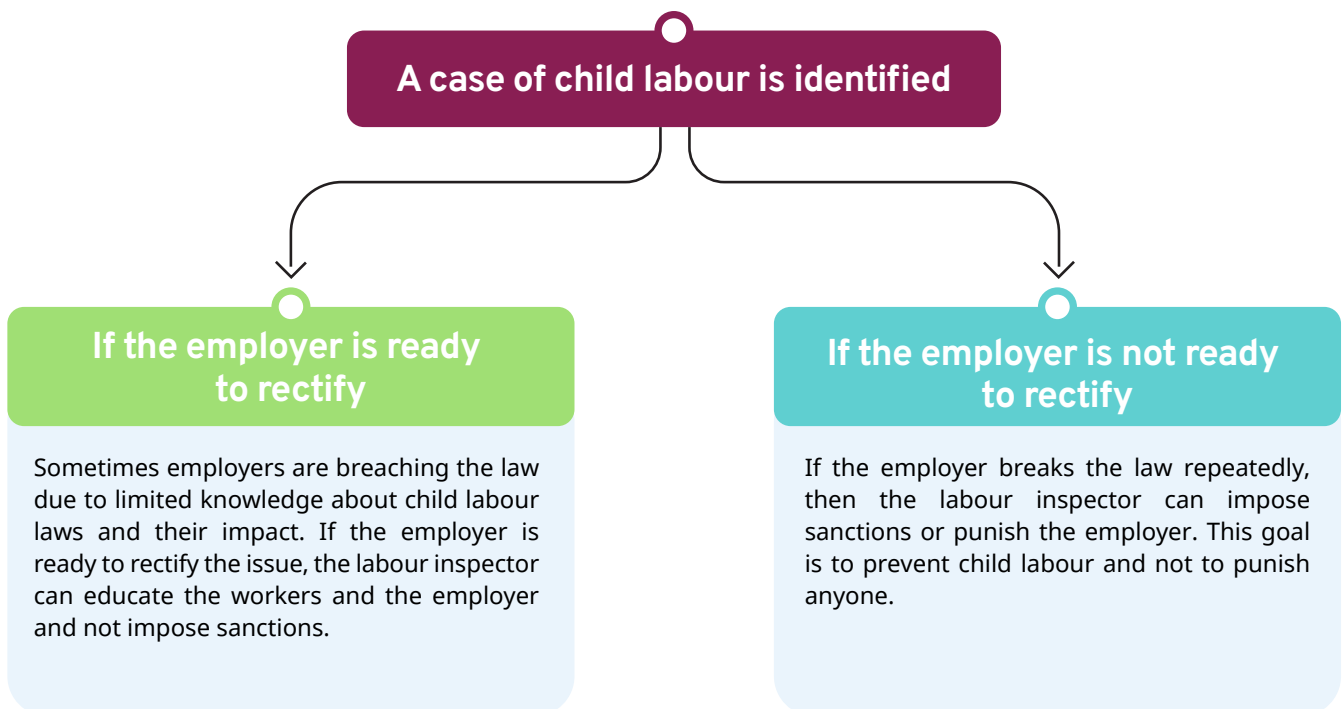
More than 1 million children in Myanmar are involved in child labour. Over half are engaged in hazardous work. Let’s end child labour together.

Authors: Khun Kyaw Kyaw and Khun Pan Aung

Proactive planning by labour inspectors

Labour inspectors need to engage in strategic compliance planning, which is helpful because proactive inspections are more likely to be effective than reactive ones that rely on waiting for complaints. Labour inspectors can prioritize enforcement actions in high-risk sectors based on their child labour profiles and the intelligence gathered from complaints, as well as from community information.

A child labour inspection



WFCL cases

You may recall what the worst forms of child labour (WFCLs) are from **Module 1. How important is it?**

Criminal investigation and prosecution are typically associated with WFCL cases, such as trafficking of children for labour or sexual exploitation. These are forms of abuse that are not only breaching child labour laws but also the Penal Code.

What do you think labour inspectors would do if they identify a case of WFCL?

**REMEMBER AYE AYE AND PHOE SAYAN?
WHAT ACTIONS CAN BE TAKEN TO
PROTECT THEM FROM CHILD LABOUR?**



If labour inspectors identify a case of WFCL, they:

- ▶ Must ensure that the child is removed from their workplace.
- ▶ May refer the case to the Social Welfare Department.
- ▶ May refer the case to the Police and the Public Prosecutor's Office for further investigation and possible criminal charges.
- ▶ May refer the case to both the Labour Inspectorate and the Police if the child is a victim of a criminal offense, such as trafficking.
- ▶ Must inform the nearest Ministry of Labour office.

Learning milestone

A labour inspector identifies a case of child labour at a factory. The child was not involved in hazardous work. The employer pleads that they weren't aware of the law and will rectify their mistake.

What actions should the labour inspector take?

Select the appropriate options below. You can view the correct answers at the back of this booklet, in the Answers Annex.

- | | | |
|--------------------------|----------|--|
| <input type="checkbox"/> | A | Educate the employer and workers about child labour and the labour laws. |
| <input type="checkbox"/> | B | Can ask the employer to pay a fine and take offenders to court in severe cases. |
| <input type="checkbox"/> | C | Call the Social Welfare Department if they think a young worker needs support. |
| <input type="checkbox"/> | D | Issue a notice of improvement/compliance order requiring the employer to correct the working conditions related to child labour. |

► Self-evaluation

Well done!

You've almost completed **Module 5: The role of labour inspectors.**

Here is a self-evaluation with questions specifically designed to help you identify any learning gaps. This is not a test, because while you will receive a score, there is no passing score. Use your score to identify what you may need to go back and re-review. You can attempt this self-evaluation as many times as you like!

You can view the correct answers at the back of this booklet, in the Answers Annex.

All the best.

Question 1 of 2

Hsar is 13 years old. He has completed primary school and wants to join secondary school. His father can't afford further education and sends Hsar to help his uncle at a motor-repair workshop. At the workshop, Hsar doesn't receive any formal training and assists mechanics there.

Somebody reports this to the Labour Department and a labour inspector is assigned to inspect the workshop. The employer refuses the labour inspector to access the workplace on the basis that they don't have a warrant/order.

What must the labour inspector do?

Select the appropriate options below.

☐
A

Announce the inspection date and time to the workshop owner.

☐
B

Issue the employer an enforceable undertaking that could include the requirement for Hsar to take motor repair classes at the local vocational training college.

☐
C

Verify Hsar's age, the type of work he's involved in, and his work timings.

☐
D

Help Hsar's uncle understand this situation by sending Hsar to get training or attends school/non-formal education.

Question 2 of 2

Hnin had to drop out of school after Grade 5 due to her father's death. She is now 16 years old and works full-time with her mother at the family's grocery store. She recently started taking evening classes to complete her primary education. Her mother supports Hnin's education by allowing her to leave early from the shop. Even the younger siblings help at home so that she can study. She hopes she might be able to join the secondary school at some point, as she would like to be an accountant one day.

You visit Hnin's shop and get to know about Hnin's situation. As a responsible citizen, what should you do?

Select the appropriate options below.

☐
A

Report a case of child labour to the Ministry of Labour office.

☐
B

Tell Hnin's mother that she should send Hnin to a full-time school.

☐
C

Appreciate Hnin's mother's support for her evening classes.

☐
D

Convince Hnin to go to full-time school, as evening classes are not enough.

Lesson 6 of 6

Summary

Before you close this module, here's a recap of the key learnings.

View each description below for important takeaways.

Labour inspection: Labour inspection can be routine or instigated because of a complaint or an accident. A labour inspector ensures that all labour laws are being followed at the workplace and checks for any signs of child labour.

The role of a labour inspector in addressing a case of child labour: If a case of child labour is reported or identified during an inspection, the labour inspector takes appropriate action according to the situation. Such actions may vary from educating employers and staff about labour laws, to reporting the matter to the Police. It depends on the severity of the case and the willingness of the employer to rectify it. A labour inspector deals seriously with matters involving WFCLs and in cases involving a criminal offence, such as child trafficking, with the latter being reported to the Police.

Anyone can report a case of child labour: Anyone who notices a case of child labour must report it to the Ministry of Labour or to the Labour Inspectorate. In the event of a severe case, you may report it to the Police as well.

References and resources

- ▶ ILO. 2015. *A Legal Review of National Laws and Regulations Related to Child Labour in Myanmar in Light of International Laws and Standards*.
- ▶ ILO. 2018. "Combatting Child Labour: A Course for Labour Inspectors".
- ▶ ILO. 2018. *Combating Child Labour in Myanmar: A Course for Civil Society - Supplemental Information*.
- ▶ ILO. 2020. *A Legal Review of National Laws and Regulations Related to Child Labour in Myanmar in Light of International Laws and Standards*.

**Thank you! We hope you found this
learning module useful.**

**This module can also be accessed online at
<https://ecampus.ilo yangon.org/>**

Answers annex

Lesson 3, Page 5

Learning milestone

Which of the following options are part of the role of a labour inspector in Myanmar?

If you selected all three options – (A), (B) and (C) – you are correct. Well done!

The role of a labour inspector in Myanmar includes checking workplace conditions; informing and advising employers and workers on how to comply with child labour laws; and verifying the age of young workers.

Lesson 4, Page 8

What actions should the labour inspector take?

If you selected options (A), (C), and (D), you are correct. Well done!

Since the child is not involved in hazardous work and the employer is ready to correct their actions, the labour inspector must educate the employer and workers about child labour and labour laws, and can call the Social Welfare Department if they think a young worker needs support. They can issue a notice of improvement/compliance order requiring the employer to correct the working conditions related to child labour.

Lesson 5, Page 9

Question 1 of 2

What must the labour inspector do?

If you selected options (B), (C), and (D), you are correct. Well done!

The labour inspector can issue the employer an enforceable undertaking that could include the requirement for motor-repair classes at the local vocational training college. Hsar's age, the type of work he's involved in, and his work timings must be verified. Hsar is 13 years old, so he shouldn't be working full time even if he has completed primary education. The labour inspector can help Hsar's uncle understand this situation by sending Hsar to get training or attend school/non-formal education.

Question 2 of 2

You visit Hnin's shop and get to know about Hnin's situation. As a responsible citizen, what should you do?

If you selected option (C), you are correct. Well done!

Hnin is 16, sending her to a full-time primary school at this age could make her uncomfortable. Though she was working full-time at the shop, her mother is now supporting Hnin's education, so reporting a case of child labour now would not be appropriate. The purpose of one's actions should be to help and create awareness, not to punish. You must appreciate Hnin's mother for understanding the importance of education and ensuring that Hnin gets her basic rights even though it has been delayed.

E-learning Programme on Child Labour Pack Booklet

Empowering Stakeholders and Community for Understanding and Combating Child Labour

In a world where millions of children are still deprived of their basic rights, education, and childhood, it's imperative to take a stand against child labour. The "Myanmar E-Learning Programme on Child Labour" offers a comprehensive e-learning course designed to shed light on the pervasive issue of child labour and equip learners with the knowledge and tools to combat it effectively.

Through engaging multimedia content, interactive modules, and real-life case studies, participants will explore the various forms of child labour, its root causes, and the profound impacts on children's lives, families, and societies. Delve into the complexities of supply chains, legislation, conflict and global initiatives aimed at eradicating child labour, and discover practical strategies for prevention and intervention.

Whether you're a concerned citizen, educator, inspector, teacher, policymaker, or industry professional, this course empowers you to make a difference. Join us in our mission to empower all stakeholders and community members to stop child labour, abuse, exploitation and ensure every child enjoys their fundamental right to a safe, nurturing childhood.

Together with us, become a champion for change in the fight against child labour.

In the current state of affairs in Myanmar, you are the most important individual fighting child labour.

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