

The Occupational Safety and Health Law
(The Pyidaungsu Hluttaw Law No. 8, 2019)
The 10th Waxing Day of Tabaung, 1380 M.E.
(15 March 2019)

The Pyidaungsu Hluttaw hereby enacts this Law.

Chapter I

Title, Commencement and Interpretation

1. (a) This Law shall be called **the Occupational Safety and Health Law**.
(b) This Law shall come into force on the date, by notification, prescribed by the President of the Union.
2. The following expressions contained in this Law shall have the meanings given below:
 - (a) **Union Government** means the Government of the Republic of the Union of Myanmar;
 - (b) **Worker** means a person who works in any workplace related to this Law through his or her physical and intellectual ability;
 - (c) **Employer** means a person who is responsible to grant for the permitted rights of workers working in any industry or workplace and to perform the duties prescribed for an employer under this Law. This expression includes developers, main contractors and subcontractors, self-employed persons, legally administrative representatives, responsible persons to manage workers on behalf of an employer, successors of an employer, legal assignees of shares, and nominated persons registered to perform employer's duties prescribed under this Law in case of the company, corporation and joint venture industry;
 - (d) **Workplace** means any place where any industrial process mentioned in Chapter III is carried out;
 - (e) **Occupational accident** means any injury or fatality which results arising out of, or in the course of employment;
 - (f) **Council** means the Occupational Safety and Health Council comprising representatives of the Government, employers and workers formed under this Law;
 - (g) **Occupational disease** means any disease notified by the Council in consultation with the Ministry of Health and Sports as a disease contracted due to any exposure to risk factors in the course of employment;

- (h) **Occupational poisoning** means any poisoning notified by the Council as a poisoning caused by any exposure to risk factors in the workplace or in the course of employment;
- (i) **Dangerous occurrence** means any incident notified by the Council as it is potential to cause any injury or disease to people in the workplace or to the public;
- (j) **Hazardous material** means any material notified by the Council as hazardous material under this Law;
- (k) **Hazardous machinery** means any machinery notified by the Council as hazardous machinery under this Law;
- (l) **Hazardous work and workplace** means any work and workplace notified by the Council as hazardous work and workplace under this Law;
- (m) **Major accident** means any occurrence such as explosions, blasts, leakages, fires and collapses due to workplace processes or hazardous materials and machineries, which causes serious risk to people in or out of the workplace or the environment immediately or in a certain period;
- (n) **Ministry** means the Ministry of Labour, Immigration and Population of the Union Government;
- (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 inspector** means the Director General;
- (r) **Inspector** means any occupational safety and health inspector of the Department;
- (s) **Person in-charge for occupational safety and health** means a manager or an officer or a supervisor or a coordinator assigned for occupational safety and health in any workplace by an employer under this Law;
- (t) **Occupational Safety and Health Committee** means an Occupational Safety and Health Committee in any workplace formed by an employer for the purpose of occupational safety and health under this Law;
- (u) **Registered doctor** means any doctor holding a registration certificate issued by the Medical Council or Myanmar Dental Council;
- (v) **Certified doctor** means any registered doctor holding an occupational health certificate certified by the Ministry;

- (w) **Authorized examiner** means a person issued a certificate by the Director General as an authorized examiner, in accordance with the stipulations, to issue a safety certificate after taking safety tests and examinations on hazardous machinery;
- (x) **Training provider** means a person issued a certificate by the Director General to provide occupational safety and health training courses;
- (y) **Training center founder** means a person who provides finance, plots, buildings, materials, and furniture for the purpose of occupational safety and health training courses;
- (z) **Training center** refers to a training center issued the registration certificate by the Director General for the purpose of occupational safety and health training courses;
- (aa) **Registration certificate** means a certificate issued by the Director General to a training center met with prescribed qualifications;
- (bb) **Certificate** means any certificate issued by the Director General to an authorized examiner and a training provider met with prescribed qualifications;
- (cc) **Manufacturer** means a person who manufactures hazardous material or machinery to be used in any industry or workplace under this Law;
- (dd) **Importer** means a person who imports or sells hazardous material or machinery directly from overseas to be used in any industry or workplace under this Law;
- (ee) **Installer or Detacher** means a person who installs or detaches any hazardous machinery to be used in any industry or workplace under this Law;
- (ff) **Constructor or Demolisher** means a person who constructs or demolishes any building of factory in any industry or workplace under this Law;
- (gg) **Process** means any process carried out in any workplace applicable to this Law.

Chapter II

Objectives

3. The objectives of this Law are as follows:

- (a) to effectively implement occupational safety and health matters at each sector;
- (b) to designate duties to the stakeholders under this Law including employers and workers in order to reduce and eliminate occupational accidents and occupational diseases;
- (c) to prevent and protect the occupational risks and occupational diseases by employers, workers and stakeholders under this Law;

- (d) to ensure the occupational safety and health of workers and increase productivity for the prevention of occupational injuries and diseases;
- (e) to create safe and healthy workplaces by standardizing properly with national context in line with the international and regional standards on occupational safety and health;
- (f) to support research work for the development of occupational safety and health.

Chapter III

Application and Cancellation of Industries

4. This Law shall be applicable to the following industries owned by Myanmar citizens or foreigners of the government departments, organizations, cooperative, private or joint venture enterprises:
- (a) factories and warehouses applicable to the Factories Act, 1951;
 - (b) shops and establishments applicable to the Shops and Establishments Law, 2016;
 - (c) manufacturing industry;
 - (d) handicraft and industrialization industry;
 - (e) construction industry;
 - (f) engineering industries;
 - (g) mining and processing, gem extraction and processing;
 - (h) oil and gas industry;
 - (i) port industry;
 - (j) agriculture industry;
 - (k) livestock breeding industry;
 - (l) inshore and offshore fishing industry;
 - (m) educational services industry;
 - (n) healthcare services industry;
 - (o) communications industry;
 - (p) transportation industry;
 - (q) hotels and tourism industry;
 - (r) industries stipulated, by notification, by the Ministry, from time to time, with the approval of the Union Government in consultation with the relevant Ministries, Committees and organizations.

5. Regarding the applicable industries contained in section 4, the Ministry, in consultation with the relevant Ministries, Committees and organizations with the approval of the Union Government:

(a) shall issue the notification of the areas, types and sizes of industries;

(b) may amend, extend or cancel it.

Chapter IV

Establishment of the Council and its Functions and Duties

6. The Union Government:

(a) shall establish the Council as follows:

(i) Union Minister, Ministry Chairperson

(ii) Director General Member

Building Department,

Ministry of Construction

(iii) Director General Member

Public Health Department,

Ministry of Health and Sports

(iv) Director General Member

Department of Medical Services,

Ministry of Health and Sports

(v) Director General Member

Department of Mining,

Ministry of Natural Resources and Environmental Conservation

(vi) Managing Director Member

Myanmar Oil and Gas Enterprise,

Ministry of Electricity and Energy

(vii) Managing Director Member

Port Authority,

Ministry of Transport and Communications

(viii) Director General Member

Directorate of Industrial Supervision and Inspection,

Ministry of Industry

(ix) Director General Member

Myanmar Fire Services Department,

Ministry of Home Affairs

(x) Director General Member

Department of Agriculture,

Ministry of Agriculture, Livestock and Irrigation

(xi) Director General Member

Social Security Board, Ministry

(xii) Director General Member

Department of Technical and Vocational

Education and Training,

Ministry of Education

(xiii) Director General Member

Directorate of Hotels and Tourism,

Ministry of Hotels and Tourism

(xiv)	Three Representatives from Employer Organizations	Members
(xv)	Three Representatives from Worker Organizations	Members
(xvi)	Three Experts on Occupational Safety and Health	Members
(xvii)	Deputy Director General Department, Ministry	Joint-Secretary
(xviii)	Director General Department, Ministry	Secretary

(b) may re-form the Council established under subsection (a).

7. The functions and duties of the Council are:

- (a) to develop, evaluate, review and amend the national policies and work plans for the implementation of the provisions of this Law successfully;
- (b) to coordinate and cooperate with the relevant government departments and organizations, local and international organizations for occupational safety and health;
- (c) to publish the notification of occupational disease, occupational poisoning, dangerous occurrence, hazardous material, hazardous machinery, hazardous work and occupation list and risks level of hazardous materials;
- (d) to publish the compilation of list and information of occupational injury, outbreak of occupational disease, occupational poisoning, major accident, dangerous occurrences, and preventive measures;
- (e) to direct to add the occupational safety and health subjects in the curriculum of each education and training sector;
- (f) to establish the Appeal Committee and necessary Working Committees with the Council members selected by the chairperson for hearing the appeals filed under sections 44 and 45, and designate their functions and duties;
- (g) to submit the report relating to their functions and duties to the Union Government.

Chapter V

Registration

8. (a) A person who is currently operating and wishes to start any industry applicable to this Law shall register at the Department in accordance with the specifications for performing the occupational safety and health matters;
(b) The Department shall compile and record the statistics of registered industries under subsection (a).
9. A person who wishes to perform the following activities shall inform the Department for occupational safety and health:
 - (a) construction, extension, demolition of any establishment or building;
 - (b) laying out, installation, extension or alteration of machineries in accordance with the process.
10. Regarding the registered industries under subsection (a) of section 8, termination, decommissioning, transferring, and changing the type of industry or employer shall be reported to the Department.
11. The Department shall make cancellation from the registration for termination, decommissioning, transferring of industry and updating the registration for changing the type of industry and employer.

Chapter VI

Appointment of Persons In-Charge for Occupational Safety and Health and Establishment of Occupational Safety and Health Committees

12. The employer shall:
 - (a) appoint a person in-charge for occupational safety and health according to the type of industries to closely supervise the safety and health of the workers in accordance with the specifications of the Ministry;
 - (b) establish each Occupational Safety and Health Committee comprising equal number of employers and workers' representatives according to the types of industry without lessening the number of workers prescribed by the Ministry to be safe and healthy workplace, in accordance with the specifications of the Ministry. In establishing the Committee, occupational safety and health matters for female workers shall be considered according to the nature of work.
13. The functions and duties of any Occupational Safety and Health Committee are:
 - (a) to inspect the situations which may affect occupational safety and health regularly, and present their reviews to the respective Committee meeting;

- (b) to advise the employer on implementation of preventive measures and awareness for the prevention of the occupational accident;
 - (c) to promote cooperation between an employer and workers to ensure the provisions of training and facilities for the improvement of occupational safety and health conditions;
 - (d) to supervise the respective risk assessment on occupational safety and health;
 - (e) to perform the functions and duties of occupational safety and health prescribed by the Ministry and the Department.
14. The persons in-charge for occupational safety and health shall comply with this Law, and rules, orders, directives and, procedures issued under this Law to be safe and healthy workplace.

Chapter VII

Appointment of Inspectors and Powers and Duties of the Chief Inspector and Inspectors

15. The Ministry may appoint inspectors, as necessary, to implement the objectives of this Law.
16. The inspectors shall inspect the workplace under this Law for occupational safety and health, instruct the respective employer on the facts to be observed, and report to the chief inspector.
17. For the purposes of occupational safety and health in line with the code of conduct, inspectors are entitled to:
- (a) enter, inspect and examine any workplace applicable to this Law without a warrant by showing their identity cards at any time;
 - (b) inspect and copy all records, books, and documents relating to the workplace and process, and seize any of them as exhibits, if necessary;
 - (c) take photographs and video records of the workplace situations and processes which may be harmful to the occupational safety and health;
 - (d) assess and record the amount of impact and time on the workplace environment, due to noise, illumination, temperature, dust, fume and hazardous materials, with the assistance of an expert on the respective subjects, if necessary;
 - (e) inquire any person working at the workplace during working hours about contracting occupational diseases or potential situations with the assistance of a certified doctor;
 - (f) ask the responsible person from hospitals and medical clinics to confidentially send the medical report of a worker who is receiving medical treatment for injuring in a

workplace accident or suffering from an occupational disease or information about death or the autopsy report requested with the form prescribed by the Department.

18. The inspectors shall issue a temporary order to the employer for work stoppage partially or wholly with the approval of the chief inspector and inform the relevant departments, if necessary, if any occupational accident, disease, dangerous occurrence or major accident happens or is likely to happen due to any of the following facts:

- (a) impropriety to work continuously due to the unsafe workplace conditions, unsafe acts of workers, the existence of hazardous material and machinery at the workplace, or parts of machinery or laying out of machinery at the workplace, and working practices;
- (b) impropriety to work continuously due to violation of or failure to comply with any provision of this Law;
- (c) assumption to be harmful to workers at the workplace due to any act of negligence and carelessness or omission by any person;
- (d) necessity to evacuate workers for safety due to the imminent danger situation of the occupational injury;

19. The inspectors shall:

- (a) permit an employer to resume the temporary work stoppage wholly or partially if they find that the report of employer's compliance and implementation on the order issued under section 18 is justifiable;
- (b) inform the relevant departments and employer about the permission of resumption of the temporary work stoppage under subsection (a).

20. The chief inspector may:

- (a) take action, as necessary, to any person who fails to comply with the order issued under section 18 or assign this duty to an appropriate inspector;
- (b) permit the permissible industries by prescribing necessary conditions under the changing conditions, concerning a temporary stop-work order issued under section 18.

21. The inspectors:

- (a) may direct the employer in writing if there is any reason to believe that causing injuries to the worker or health hazards or damaging to the property is likely to happen to rectify them within the specified period;
- (b) shall represent the documents completely that the employer has complied with the directives under subsection (a) within the specified period;

- (c) may prohibit the employer from continuing the working process if failure to comply with the directives under subsection (a).
22. The chief inspector shall specifically assign the inspectors to compile the separate statistics of workplace where the hazardous materials are used, conduct special inspection, and prohibit and restrict the use of these hazardous materials.
23. An inspector shall instruct the employer to provide training for the workers regarding preventing the occupational risk at workplaces compiled statistics separately contained in section 22, the action plan and preventive measures for any emergency situation, firefighting and first aids.
24. The chief inspector may assign any inspector to prosecute any person who violates any provision contained in this Law at the relevant court.
25. The chief inspector and inspectors shall not operate in any factory, enterprise, industry or business related to them directly or indirectly.

Chapter VIII

Duties of Employers and Workers

26. Any employer shall:
- (a) arrange to assess the risk severity of material and machinery used in the workplace and process, if necessary;
 - (b) arrange to assess the risk of occupational factors, if necessary;
 - (c) arrange to conduct medical examination for workers by the certified doctor in accordance with the specifications whether occupational diseases are contracted;
 - (d) arrange to be safe and healthy workplace based on the findings of subsections (a), (b) and (c);
 - (e) provide the suitable personal protective equipment, things and facilities adequately prescribed and allowed by the Department to the workers with free of charge, and make sure them to wear at the workplace;
 - (f) take the preventive measures and emergency response preparedness;
 - (g) establish dispensary, appoint registered doctors and nurses, and provide necessary medicines and facilities at the workplace where the workers are not less than the number of workers prescribed by the Ministry;

- (h) cause to attend the training on occupational safety and health prescribed by the Ministry to the managers and workers from the respective type of work or branch including himself and members of the Occupational Safety and Health Committee;
- (i) arrange to give information immediately to the person in-charge for occupational safety and health or managers if any worker faces the situation which is likely to happen occupational injury or harm his life and health;
- (j) arrange to be safe and healthy for persons at the work place due to material and machinery used in the workplace or process, or wastes;
- (k) arrange to stop the process immediately, remove the workers from the workplace, and perform necessary evacuation and rescue procedures in case of imminent danger. If possible, workers are transferred to and worked at other suitable safety workplaces;
- (l) have instructions, warning signs, notices, posters and signage regarding occupational safety and health in accordance with the specifications;
- (m) arrange to follow the precautions in accessing to the restricted workplaces where may be harmful;
- (n) arrange to distribute or disseminate the manual and guidance regarding the occupational safety and health issued by respective Ministries to workers and persons related to the workplace for acquiring knowledge, technology and skills;
- (o) design the fire security plan and organize the fire-drills, and train to use systematically fire extinguishers and devices;
- (p) allow the chief inspector and inspectors to inspect the workplace, inquire, ask for documents or seize exhibits;
- (q) employ workers within the prescribed working hours at hazardous work and workplaces;
- (r) bear any expenditure regarding occupational safety and health measures.

27. No employer shall dismiss or suspend any worker due to one of the following reasons:

- (a) before obtaining the medical report of a registered doctor for being injury in the workplace or the medical report of a certified doctor for contracting occupational disease;
- (b) complaint about a matter of unsafe or health risk;
- (c) undertaking the functions and duties of the Occupational Safety and Health Committee;

(d) no longer working at the imminent danger situation or situation to be contracted the occupational disease.

28. The employer shall bear all expenses for medical check-up to determine the degree of reduction in ability to work and the class of disability in case the worker contracting occupational accident or occupational disease is not applied to the Social Security Law, 2012.

29. The employer:

(a) may restrict the employment of unfit workers based on the nature of work according to the registered doctor's medical report;

(b) shall, without delay, allow to resume the original work or any suitable workplace when the worker restricted under subsection (a) submits the document for recovery from his illness;

(c) shall arrange not to harm the health of pregnant or breast feeding women of the workplace.

30. Any worker:

(a) shall use systematically and properly any personal protective equipment, things and facilities supplied by the employer for occupational safety and health in accordance with the specifications of the Department;

(b) shall comply with the instruction and advice for the occupational safety and health directed by the employer, Occupational Safety and Health Committee or person in-charge for occupational safety and health under this Law and rules issued by this Law;

(c) shall comply with the instructions, conditions, signs, posters, notices and safety warnings on occupational safety and health;

(d) shall use systematically and properly the appliances, machinery, parts of the machinery, vehicles, electricity and other equipment provided at the workplace;

(e) shall ensure for adverse effect on the safety and health of himself and of other persons by his acts or omissions at the workplace;

(f) shall cooperate with the employer and person in-charge for occupational safety and health in performing their duties prescribed by this Law;

(g) shall report immediately to any employer or person in-charge for occupational safety and health or manager by himself or through the immediate supervisor if they found any situation, reason or event which can affect occupational safety and health;

- (h) may refuse to work continuously in case of the imminent danger situation, but shall not refuse to work at the safe workplace arranged by the employer;
- (i) may elect workers' representatives to communicate and coordinate with workers or other workers' organizations timely for safety and health of workers from the respective workplace.

Chapter IX

Duties of Manufacturers, Importers, Installers or Detachers and Constructors or Demolishers

- 31. A person who manufactures or imports the hazardous material to be used at workplaces and processes, or a person who manufactures, imports, installs or detaches the hazardous machinery shall obtain the approval for safety relating to the occupational safety and health from the authorized examiner or relevant Department.
- 32. Regarding the hazardous material and machinery, a manufacturer or an importer shall take responsibilities for:
 - (a) providing information on appropriate usage by means of safety and health;
 - (b) making a test for occupational safety and health and distributing the results to users.
- 33. An installer or a detacher, a constructor or a demolisher shall undertake his function without affecting on safety and health in accordance with the specifications.

Chapter X

Informing, Investigating and Reporting

- 34. An employer, in accordance with the specifications, is liable to:
 - (a) inform the Department in case of an occupational accident, dangerous occurrence and major accident;
 - (b) submit a report with the medical report of the certified doctor to the Department, in case of any worker contracted any of the prescribed occupational diseases or being or likely to be occupational poisoning due to any material or process.
- 35. If any registered doctor treats a person, who is working or had worked, is contracted any of the prescribed occupational diseases, he shall submit a report including the prescribed information to the relevant employer and the Department, and send a copy to the Ministry of Health and Sports.
- 36. (a) Inspectors shall investigate the occupational accident, dangerous occurrence, occupational disease, and occupational poisoning if they become aware of.

- (b) No person shall, without the permission of the chief inspector, remove, destroy, add or alter the whole or part of material, machinery, equipment, layouts, and documents related to the occupational accidents, dangerous occurrences, occupational diseases and occupational poisoning.
- (c) The prohibition of subsection (b) shall not be applicable to the activities necessarily for the safety of life and property, and rescue operations.
- (d) The chief inspector may allow to remove, detach, add and alter the material, machinery, equipment and layouts in case of causing adverse consequences due to the prohibition under subsection (b).
37. The Council may form and assign the Investigation Committee comprising the experts from relevant fields, if necessary, to investigate any dangerous occurrence, occupational disease and major accident.
- .8. Regarding investigation, the Investigation Committee formed under section 37:
- (a) is entitled to enter and inspect the relevant place for the purpose of investigation contained in section 37;
- (b) may summon and examine the persons related for investigation and take records;
- (c) may take necessary documents, statistics, contracts, evidence, forms and samples;
- (d) shall submit the report with findings, conclusions and suggestions to the Council within the specified date.

Chapter XI

Authorized Examiner, Training Provider and Establishment of Training Center

39. A person wishing to perform as an authorized examiner or a training provider who meets prescribed qualifications to obtain for a certificate, or a person wishing to perform as a training center founder to obtain for a registration certificate shall apply to the Director General in accordance with the specifications.
40. The Director General:
- (a) may grant or refuse to issue a certificate or a registration certificate after scrutinizing the application under section 39 in accordance with the specifications;
- (b) shall issue the certificate to the authorized examiner and training provider or the registration certificate to the training center founder by specifying the validity, and terms and conditions of the certificate and registration certificate when allowing under subsection (a), upon the payment of the prescribed fee;

- (c) shall register the authorized examiner or training provider issued a certificate, and training centers issued a registration certificate under sub-section (b).
41. (a) A person who holds a certificate or a registration certificate under sub-section (b) of section 40 shall apply to the Director General for renewal in accordance with the specifications within 30 days before the expiry.
- (b) The Director General, after scrutinizing the application under sub-section (a) in accordance with the specifications, may grant or refuse to renew the certificate and registration certificate. If granted, the certificate or registration certificate shall be renewed to the applicant when the fee prescribed by the Ministry has been paid.
42. (a) The authorized examiner shall issue a certificate for safety to the employer in accordance with the stipulations if he found safety after testing and examining the hazardous machinery for occupational safety and health matters.
- (b) The authorized examiner, the training provider or the training center founder shall comply precisely with the conditions prescribed by the Department.

Chapter XII

Administrative Action

43. The Director General shall:
- (a) send a notice of suspension to an authorized examiner, a training provider or a training center founder who:
- (i) makes false presentation in an application to perform as an authorized examiner or a training provider, or to establish a training center by a training center founder;
 - (ii) is no longer to perform as an authorized examiner or a training provider, or to establish as a training center;
 - (iii) violates any condition prescribed by the Department;
- (b) cause to explain an authorized examiner or a training provider or a training center founder regarding the notice of suspension contained in subsection (a), within the prescribed days after receiving the notice;
- (c) cause to pay a fine imposed by the administrative means, suspend or cancel the issued certificate or registration certificate by specifying the period if the explanation of an authorized examiner or a training provider or a training center founder is not sufficient according to subsection (b).

Chapter XIII

Appeal

44. (a) A person who is dissatisfied with the order under section 18 or the prohibition to stop work under subsection (c) of section 21 issued by inspectors may appeal to the Appeal Committee formed by the Council within 30 days from the date of the order or prohibition.
- (b) The Appeal Committee may approve, amend or cancel the order or prohibition issued by inspectors, after examining the appeal under subsection (a).
45. (a) A person who is dissatisfied with any administrative decision made by the Director General under section 43 may appeal to the Appeal Committee within 30 days from the date of the decision.
- (b) The Appeal Committee may approve, amend or cancel any administrative decision made by the Director General after examining the appeal under sub-section (a).
46. Regarding the appeal, the decision of the Appeal Committee is final.
47. An authorized examiner or a training provider or a training centre founder shall return the issued certificate or registration certificate to the Department within 7 days after 30 days from the date of the decision if he does not appeal for the decision on suspension or cancellation of the certificate or registration certificate under section 43, or within 7 days from the date of the decision, or the Appeal Committee approves the decision of the Director General under subsection (b) of section 45.

Chapter XIV

Prohibitions

48. (a) Any person who currently operates and wishes to operate any business under this Law shall not fail to register at the Department.
- (b) Any person who constructs, extends or demolishes buildings, or lays out, installs, extends or alters machinery at any industry under this Law shall not fail to report to the Department in accordance with the specifications to be operated by means of the occupational safety and health.
- (c) Any person shall not perform as an authorized examiner or a training provider without a certificate or as a training center founder without a registration certificate issued by the Director General.
49. Any employer shall not:
- (a) fail to comply with the temporary stop-work order issued under section 18;

- (b) fail to comply with the conditions prescribed under subsection (b) of section 20;
 - (c) fail to comply with the instructions issued by the inspector under subsection (a) of section 21;
 - (d) employ more than working hours prescribed under subsection (q) of section 26;
 - (e) fail to bear the expenditure on occupational safety and health under subsection (r) of section 26.
50. No one shall violate the provision of subsection (b) of section 36 without the permission of the chief inspector.
51. Any person who carries out the duty under this Law shall, while in service or after leaving the service, not disclose any functional secret which may come to his knowledge in the course of discharge of his official duties to any other person except witnessing at the court.

Chapter XV

Offences and Penalties

52. Any person in-charge for occupational safety and health who fails to comply with any provision of section 14 shall, on conviction, be punished with imprisonment for a term not exceeding three months or with a fine from a minimum of five hundred thousand kyats to a maximum of one million kyats or with both.
53. Any employer who fails to comply with any provision of section 12, sub-sections (a) to (p) of section 26, section 27, and subsections (b) and (c) of section 29 shall, on conviction, be punished with imprisonment for a term not exceeding three months or with a fine from a minimum of one million kyats to a maximum of five million kyats or with both.
54. Any worker who fails to comply with any duty prescribed in subsections (a), (b), (c), (d), (f), and (h) of section 30 shall, on conviction, be punished with a fine not exceeding thirty thousand kyats.
55. Any worker who violates intentionally any provision of subsections (e) and (g) of section 30 shall, on conviction, be punished with imprisonment for a term not exceeding three months or with a fine not exceeding one hundred thousand kyats or with both.
56. Any manufacturer, importer, installer or detacher, constructor or demolisher who fails to comply with any provision of sections 31, 32 and 33 shall, on conviction, be punished with

imprisonment for a term not exceeding three months or with a fine from a minimum of one million kyats to a maximum of five million kyats or with both.

57. Any employer who fails to comply with any provision of section 34 shall, on conviction, be punished with imprisonment for a term not exceeding one month or with a fine not less than two million kyats or with both.

58. Any registered doctor who fails to comply with the provision of section 35 shall, on conviction, be punished with a fine not exceeding five hundred thousand kyats.

59. (a) Any authorized examiner who fails to comply with the provision of subsection (b) of section 42 shall, on conviction, be punished with imprisonment for a term not exceeding three months or with a fine from a minimum of one million kyats to a maximum of five million kyats or with both.

(b) Any training provider who fails to comply with the provision of subsection (b) of section 42 shall, on conviction, be punished with a fine from a minimum of five hundred thousand kyats to a maximum of one million kyats.

(c) Any training center founder who fails to comply with the provision of subsection (b) of section 42 shall, on conviction, be punished with a fine from a minimum of one million kyats to a maximum of five million kyats.

60. Whoever:

(a) fails to comply with any provision of subsections (a) and (b) of section 48 shall, on conviction, be punished with a fine from a minimum of one million kyats to a maximum of five million kyats;

(b) violates any prohibition of subsection (c) of section 48 shall, on conviction, be punished with imprisonment for a term not exceeding three months or with a fine from a minimum of five million kyats to a maximum of ten million kyats or with both.

61. Any employer:

(a) violates any prohibition of subsections (a), (b) and (c) of section 49 shall, on conviction, be punished with imprisonment for a term not exceeding three months or with a fine from a minimum of three million kyats to a maximum of five million kyats or with both;

(b) violates subsequently the same offence after convicting him according to subsection (a) shall be punished with a fine for one hundred thousand kyats per day for the violated days.

62. Any employer who violates any prohibition of subsections (d) and (e) of section 49 shall, on conviction, be punished with imprisonment for a term not exceeding three months or with a fine from a minimum of two million kyats to a maximum of five million kyats or with both.
63. Whoever violates the prohibition of section 50 shall, on conviction, be punished with imprisonment for a term not exceeding three months or with a fine from a minimum of three million kyats to a maximum of ten million kyats or with both.
64. Any person performing the duty under this Law who violates any prohibition of sections 25 and 51 shall, on conviction, be punished with imprisonment for a term not exceeding three months or with a fine from a minimum of five hundred thousand kyats to a maximum of 1.5 million kyats or with both.
65. Whoever violates any rule, regulation or by-law issued under this Law shall, on conviction, be punished with imprisonment for a term not exceeding three months or with a fine not less than two million kyats or with both.

Chapter XVI

Managing Preventive Measures on the Occupational Safety and Health

66. To effectively implement the occupational safety and health for employers and workers, the Council shall use the budgets from the Ministry, and shall:
- (a) carry out campaigns and activities for the promotion of the occupational safety and health;
 - (b) do research and educational activities regarding the occupational safety and health;
 - (c) cooperate with local and international organizations for the occupational safety and health promotion.

Chapter XVII

Miscellaneous

67. The Union Government may, by notification, exempt any workplace related to all or any of the provisions of this Law by prescribing conditions within an appropriate period of time in case of occurring the State emergency.
68. The member of the Council, Working Committee, and Investigation Committee who are non-civil services personnel shall be considered to be the public servants performing their duties assigned by this Law.

69. The member of the Council, Working Committee, Investigation Committee and Appeal Committee who are non-civil services personnel have the right to enjoy allowance and remuneration allotted by the Union Government.
70. The Ministry shall appoint necessary staff in order to perform the Council's office work.
71. All expenses regarding Working Committees formed under this Law shall be borne by the Ministry's budget.
72. The Ministry may appoint the deputy chief inspector, if necessary, in order to perform the duty for the chief inspector.
73. In implementing the provisions of this Law:
- (a) the Ministry may, with the approval of the Union Government, issue rules, regulations and by-laws;
 - (b) the Council and Ministry may issue notifications, orders, directives and procedures;
 - (c) the Department may issue orders and directives.

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

(Sd.) Win Myint
President

Republic of the Union of Myanmar