

**SPECIAL NEEDS OF WOMEN WORKERS IN THE GARMENT
SECTOR: ANALYZING LABOUR POLICIES THROUGH
CRITICAL REALIST LENS**

CHO CHO HLAING

**MASTER OF ARTS
IN PUBLIC POLICY**

**วิทยาลัยการศึกษาระดับบัณฑิตยศาสตร์
CHIANG MAI UNIVERSITY
JUNE 2023**

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CHO CHO HLAING

**AN INDEPENDENT STUDY SUBMITTED TO CHIANG MAI UNIVERSITY
IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR
THE DEGREE OF MASTER OF ARTS
IN PUBLIC POLICY**

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GRADUATE SCHOOL, CHIANG MAI UNIVERSITY

JUNE 2023


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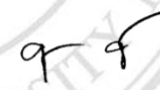
CHO CHO HLAING


THIS INDEPENDENT STUDY HAS BEEN APPROVED TO BE A PARTIAL
FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE OF
MASTER OF ARTS
IN PUBLIC POLICY


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1 June 2023

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หัวข้อการค้นคว้าอิสระ	ความต้องการแรงงานหญิงในอุตสาหกรรมสิ่งทอ: วิเคราะห์นโยบายแรงงานด้วยสำนันิยมเชิงวิพากษ์
ผู้เขียน	นางสาว โช โช เลียง
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บทคัดย่อ

ภาคธุรกิจเครื่องนุ่งห่ม ในฐานะที่เป็นเศรษฐกิจที่มีเพศภาวะ มีชื่อเสียงในด้านสภาพการทำงานที่มักจะถูกเอารัดเอาเปรียบ และนโยบายที่มีอยู่ไม่สามารถก่อให้เกิดการคุ้มครองสิทธิของแรงงานได้อย่างเพียงพอ แรงงานหญิงได้รับผลกระทบมากขึ้น สืบเนื่องมาจากประสบการณ์ทางเพศและการคุ้มครองนโยบายที่ไม่เพียงพอ งานวิจัยนี้กล่าวถึงความต้องการเป็นพิเศษของแรงงานหญิงในภาคส่วนตัดเย็บเสื้อผ้าด้วยทฤษฎีสตรีนิยมแบบแยกส่วนและการผลิตซ้ำทางสังคม และการวิเคราะห์นโยบายแรงงานผ่านความเป็นจริงเชิงวิพากษ์ พร้อมทั้งให้ข้อเสนอแนะเชิงนโยบายโดยใช้เครื่องมือการคิดแบบย้อนกลับ (back-casting tool)

คำสำคัญ เพศ เสื้อผ้า สตรีนิยมแบบแยกส่วน สตรีนิยมการผลิตซ้ำทางสังคม สำนันิยมเชิงวิพากษ์ การคิดย้อนกลับ เมียนมา

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Independent Study Title Special Needs of Women Workers in the Garment Sector:
Analyzing Labor Policies Through Critical Realist Lens

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Degree Master of Arts (Public Policy)

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ABSTRACT

The garment sector, as a gendered economy, is notorious for exploitative working conditions, and the existing policies cannot provide adequate protection of workers' rights. Women workers are more impacted due to their gendered experiences and inadequate policy protections. This research identifies the special needs of women workers in the garment sector with theories of intersectional feminism and social reproduction feminism. And then, labor policies are analyzed through critical realism, and policy recommendations are given by utilizing the back-casting tool.

Keywords: gendered, garment, intersectional feminism, social reproduction feminism, critical realism, back-casting, Myanmar

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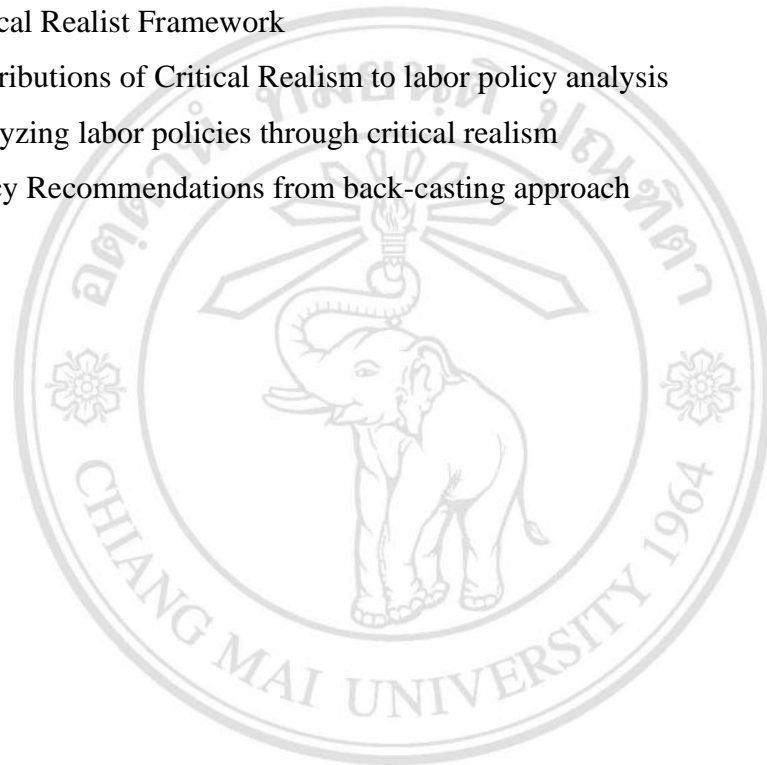
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CHAPTER 1

Introduction

Myanmar, a country that was governed by the military junta for many decades, has adopted state-mediated capitalism since 1988. The government also outsourced the economic projects, mainly in the extractive and construction sectors (Scurrach et al., 2015). After holding elections in 2010, the country transitioned from a direct military regime into a pseudo-democratic regime, and this political reform called for rapid economic reform (Jones, 2014). Along with this political and economic reform process, the labor market formalization process, which allows labor activism and the formation of trade unions, was also undertaken by the semi-civilian government (Campbell, 2019a). In 2011, a new Labor Organization Law was passed, and significant policy reforms were carried out by enacting the outdated labor laws and policies since the British administration. These include the minimum wage law, the settlement of labor dispute law, the social security act, etc. (Myo, 2017). Women workers are also granted the right to maternity leave by the Social Security Act (Park, 2014). The economic reform and labor policies attracted a large number of foreign direct investments in urban sectors, and the labor market shifted from subsistence to wage labor. Among them, the garment, textile, and footwear industry contributes to the major portion of the country's GDP by representing the second-biggest export sector (ILO, 2018).

The garment industry in Myanmar is experiencing significant growth between 2012 and 2020 due to cheap labor after the state-led economic reform. And the sector has emerged as a key factor in boosting the number of women entering the workforce. Myanmar Garment Manufacturers Association (MGMA) records around 600 member factories as of October 2021. Foreigners own approximately two-thirds of factories, most of them are Chinese, and Myanmar owns the rest. Most garment factories are concentrated in Yangon's industrial zones, and some are located in other areas, such as Bago, Mandalay, and Patheingyi (Kusakabe & Melo, 2019). The garment, textile, and footwear sector, associated with exploitative working conditions, employs 738,000 workers, half of

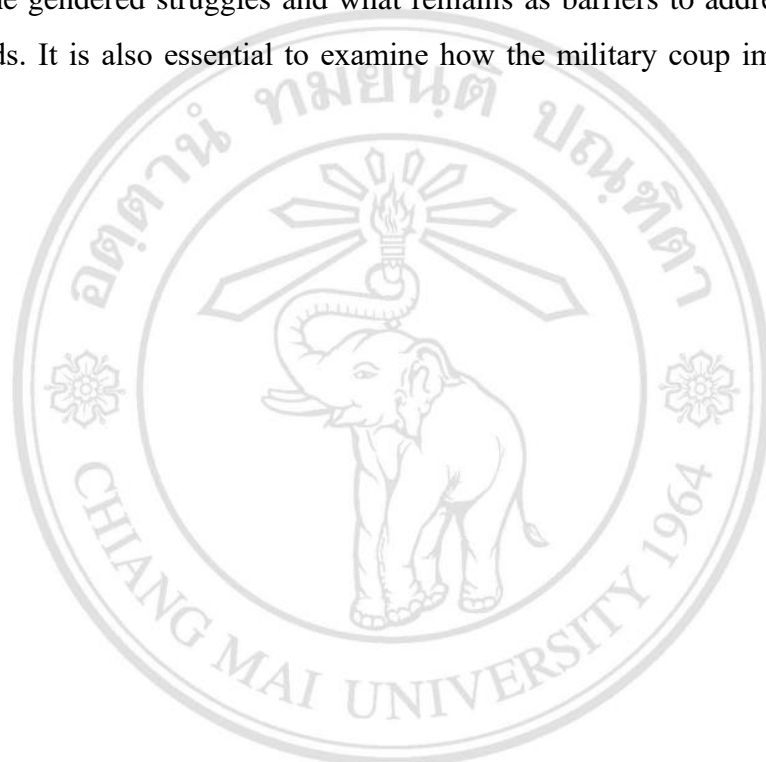
whom are employed in the garment sector (Huynh, 2016). 90% of the workers in the garment sector are women. Most factory workers are internal migrants from rural areas, especially the Ayeyarwaddy region, which is one of the country's poorest regions (Kusakabe & Melo, 2019).

In February 2021, the military junta staged a coup by overthrowing the democratically elected government, and the country returned to an absolute authoritarian state. The rule of the military regime for decades, which has always been associated with authoritarianism, sexism, hypermasculinity, and sexual violence, perpetuated a culture of gender inequality by preventing women's decision-making roles (Nixon, 2021). The garment sector was affected by the global pandemic and the military coup and saw a decline in its export value and job losses. Under the political instability, international brands such as H&M, Primark, Next, and Benetton withdrew their operations in the country (Ngwenya-Tshuma & Zar Ni Lin, 2022). Thus far, the military regime hasn't changed any labor laws or regulations. Labor activism is severely constricted, and the country's most prominent trade unions and labor organizations are declared illegal. Union leaders got arrested, and labor activists threatened to arrest (Ko Maung & Stephen Campbell, 2022).

Problem Statement

The garment sector, a gendered economy, which experienced rapid growth after the state-led economic reform, is often seen as an opportunity for women to earn an economic position by shifting from subsistence to wage labor. However, the garment sector, a labor-intensive industry that exploits cheap labor in the country, is notorious for exploitative working conditions. Despite some state-led labor policy measures, working conditions never improve. When the military staged a coup on 1 February 2021, labor activism was severely constricted, and trade unions were declared illegal. In the post-coup situation, the garment sector's working conditions worsened under political oppression. The existing literature explored the notorious working conditions in the

garment sector, including low wages, unpaid overtime, unmet social benefits, poor working conditions, unjust dismissal of workers, and sexual harassment (Harkins, 2021). Nevertheless, unpaid care work, covered mainly by women and the special needs of women workers under different oppressive systems, was not given enough attention. In addition, although some policies are in place, women workers' rights and needs are not adequately protected and addressed. It is important to analyze how the labor policies give attention to the gendered struggles and what remains as barriers to addressing women workers' needs. It is also essential to examine how the military coup impacts women workers.



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CHAPTER 2

Conceptual Framework

Feminist Theories to Assess the special needs of women workers

Saskia Sassen provided a conceptual landscape of how the government's alternative circuits for survival, which share the characteristics of profit-making and securing government revenue, became women's burdens under the expansion of economic globalization. Not only the households and communities but also the government depend on the earnings of women. She also explained how the garment sector became a gendered economy by employing most women and is reinforced by gender stereotypes and roles (Saskia Sassen, 2003). Under the rise of neoliberalism, highly gendered export-oriented markets such as garments and textiles have become predominant. The masculine developmentalist states assist them wherein gender norms and roles which depict women as docile and passive subjects are reproduced (Dae-Oup Chang, 2015). The political-economic reform and formalization of the labor market attracted many foreign direct investments in urban sectors, and the labor market shifted from subsistence to wage labor. The garment, textile, and footwear industry contributes to a significant portion of the country's GDP by representing the second-biggest export sector (ILO, 2018). The garment sector, a gendered economy, which is growing strongly under the expansion of foreign direct investment, employs 400,000 workers, of which 90% are women (ILO, 2018). Although it is seen as an opportunity for women to earn an economic position, the garment sector is notorious for exploitative working conditions. Based on the concepts of Saskia Sassen's feminization of survival, the experiences and specific needs of women workers and the burden that fell upon them will be identified. Feminist theories such as intersectional feminism and social reproduction feminism will be applied to identify the special needs of women workers.

Intersectional Feminism

Although Kimberlee Crenshaw, a feminist anti-racist and legal scholar, first coined the term “intersectionality” in 1989 and 1991, this intersectional thought existed long before. Crenshaw’s argument is centrally concerned with the distinct forms of marginalization dismissed by the antidiscrimination law cases encountered by Black Women (Duran & Jones, 2020). Unlike the first wave of feminism, which advocated the right to vote, the left wing of socialist feminists was active in the second wave of feminism. They criticized the traditional Marxist Theory, which proposed the oppression of workers by capitalism but neglected the oppression of women workers by patriarchy in both domestic and workplace spheres. However, intersectional feminism, advocated mainly by women of color, challenged the dual systemic oppression of capitalism and patriarchy. It proposes that racism, sexism, capitalism, nationality, and even the conception of nature are mutually determining (Matthaei, 2018). According to intersectional feminism, there is no shared experience of womanhood as unique oppressive systems oppress women. Therefore, although this concept was advocated particularly by women of color, the intersectional thought was considered to have emerged from the experiences of organizing groups of women from diverse backgrounds (Matthaei, 2018) and to be a helpful tool for understanding intersecting structures of domination (Duran & Jones, 2020). In Myanmar, garment factories are mainly located in urban centers. Most are concentrated in Yangon’s industrial zones, and some are in other areas, such as Bago, Mandalay, and Patheingyi.

Furthermore, Most factory workers are internal migrants from rural areas, especially the Ayeyarwaddy region, one of the country's poorest regions (Kusakabe & Melo, 2019). The struggles and needs experienced by the local women and the rural-urban migrants cannot be the same. In addition, male domination in trade unions and federations is also significant, although women workers show determination and skills in organizing strikes (Campbell, 2018). Therefore, factory workers share the same experience of exploitation as workers; the experiences of women and men workers will not be the same. By employing intersectional feminism, this study also identifies the needs of women workers in the garment factory, which are unique in terms of being

locals or migrants and the position in the factories. How the authoritarian regime with union busting and constricted labor activism impact the gendered struggles will also be identified.

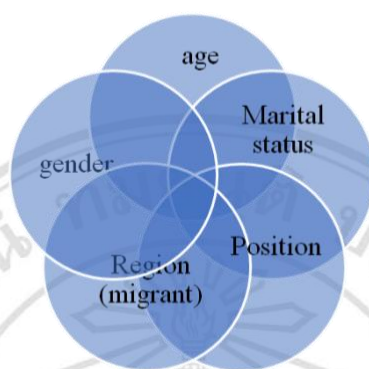


Figure 1 Intersectional Feminism

Social Reproduction Feminism

Another burden for women workers is the unpaid care work, mainly performed by women, which is normalized for the sake of love or virtue. Many feminists, such as Himani Banneri, Tithi Bhattacharya, Susan Ferguson, Nancy Fraser, and so on, contributed to social reproduction feminism (SRF). Nancy Fraser argues that social reproduction is crucial in creating and maintaining social bonds. She continued that the spheres of economic production and social reproduction were split under the rise of capitalism, which intensified the gendered division. Production moves to workplaces with wages such as factories and offices, which are considered economic. But reproduction was left behind in the domestic sphere, and unpaid work was considered naturalized and performed for the sake of love (Nancy Fraser, 2016). SRF challenges the marxist feminist view of social reproduction, which is separated into two spheres: the capitalist economy and the patriarchal household. A comprehensive concept that incorporates the value-producing waged labor and unpaid and domestic labor performed by women. According to SRF, unpaid labor, which encompasses giving birth and raising

children, who will participate in the workforce, contributes to the waged economy. Social reproduction is not simply a natural function but a product of unequal power structures and social relations (Ferguson, 2008). Although this domestic labor is covered by women, this work is not recognized as work. However, the job of raising children is not just an issue for the parents but has impacts on society as a whole (Lu Du Daw Amar, 1987)¹ if we perceive the children as future generations. According to world data, women cover unpaid care work by spending two to ten times more than men. Nevertheless, unpaid care work is missing while analyzing gender inequality and gender gaps in the labor outcomes (Ferrant et al., 2014). This indicates that stereotyped gender roles and gendered division of labor. By employing the concepts of social reproduction feminism, how the unpaid care work fell upon women workers and their needs will be explored.

	Direct Care Work	Indirect Care Work
Unpaid Care and Domestic Work	Caring for the elder persons, sick persons, children, and people with disabilities	House chores including cooking, cleaning, and so on
Paid Care Work	Employment in Health, Education, Home Care, Garment Sector and so on	Employment in domestic work

Figure 2 Inclusion and exclusion of unpaid care work and domestic work
(source-ESCAP)

Critical Realism as a Policy Analysis Tool

Critical Realism (CR) is a school of philosophy that diverged from Positivism, Empiricism, Hermeneutics, and Post-Structuralism and originated by English philosopher Roy Bhaskar, Margaret Archer, and others. Critical realism is a philosophical tradition concerned with Ontology (the study of being) and Epistemology (the study of knowledge). What is important about Critical Realism is that it can solve the debates concerning with rigidity of positivism and the position of hermeneutics. Instead of debating the supremacy of positivism or hermeneutics, or dualism, what Roy Bhaskar encompassed is the importance of both empiricism, which confirms reality and

knowledge with sensory observations, and constructivism, which claims that reality and knowledge are socially constructed and are also influenced by different interpretations. Ontologically, Critical Realism identifies three domains of reality: the empirical, the actual, and the real. The empirical domain can observe visible experiences through the senses, but not all events can be experienced in this layer. The events that occurred in the actual domain, wherein some are unobservable or unnoticed in the empirical layer, are the outcomes of mechanisms generated from the real domain (Jin Xue, 2022). The actual layer lies between the empirical and real layers, where the latter is a realm of mechanisms and causal powers that create the upper layers (Jeppesen, 2005). Unlike empiricism, Critical Realism considers the role of social relations and social transformation, which are shaping the reality (Ingen et al., 2020). By accepting the essential roles of empiricism and constructivism, this study will examine to what extent these labor policies address the unique needs of women workers, which can be apparent or sometimes unobserved. Employing critical realist analysis contributes to this study to delve into how existing labor policies address the unique needs of women workers by unpacking the power relations, beliefs, and political systems which determine the policy process. Thereafter, policy suggestions are provided by utilizing the back-casting tool.

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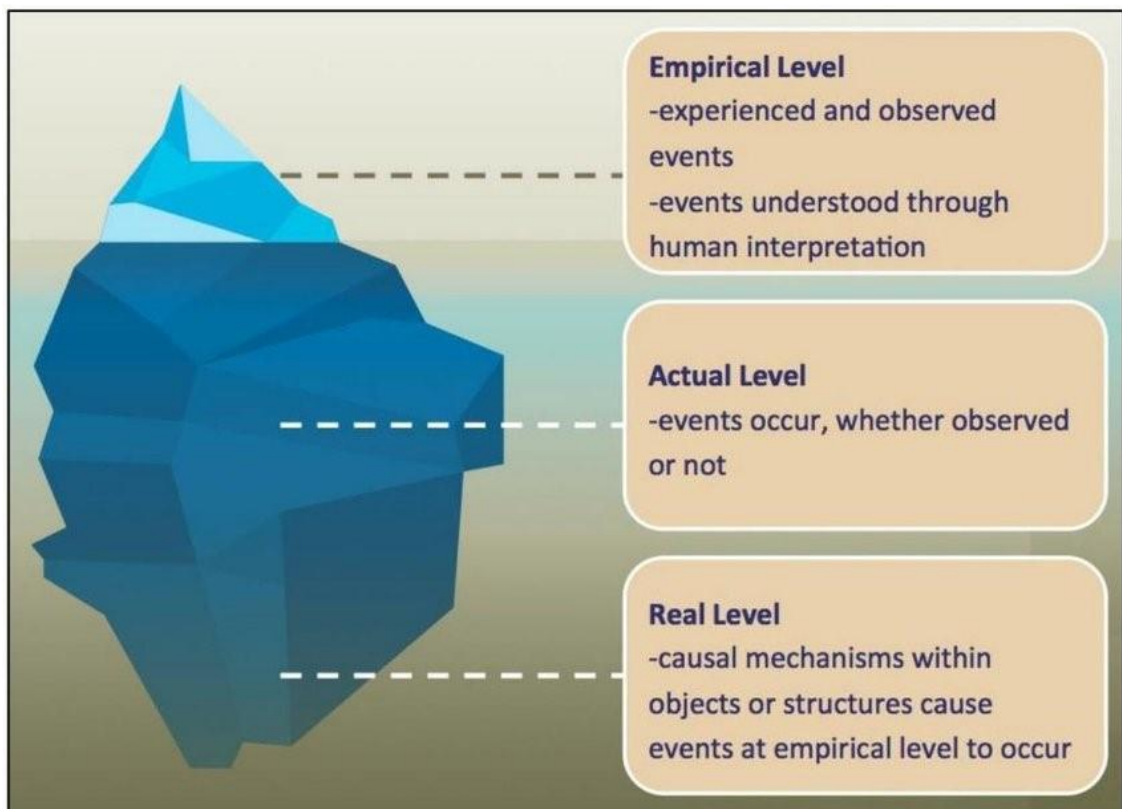


Figure 3 Critical Realist Framework
(image- Amber J.Fletcher)

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Why Critical Realism?

Philosophical Foundations	Contributions	Layer
acknowledge the importance of empirical evidence	What are the observed scenarios in the garment sector in terms of workers' rights and labor policies?	Empirical
acknowledge epistemological importance of empiricism and rationalism acknowledge ontological importance of postivism and constructivism there can be other realities out there which are unnoticed.	What is missing in labor policies to address women workers' unique needs? How do the policies work actually? What are the unnoticed events?	Actual
give attention to the mechanisms, power relations, ideologies and social structures which cannot be explored by empirical evidence	How do the power relations, belief systems and political systems shape the labor policy process?	Real

Figure 4 Contributions of Critical Realism to labor policy analysis

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Back-casting approach as a policy recommendation tool

The back-casting approach is an important method to analyze the future options, and it is mostly popular in energy future studies. It was first employed by Lovins in energy studies and later Robinson proposed the energy back-casting (Quist & Vergragt, 2006). According to Robinson, the important characteristic of back-casting is concerned with how a desirable future is obtained rather than with what futures are likely to happen. Back-casting works backward by looking forward to the desirable and sustainable future as end-point and policy measures were considered to reach this endpoint (Dreborg, 1996). Back-casting considers that future vision is the function of current policies. Back-casting approach is typically applicable to complicated and long-term issues and major societal problem (Dreborg, 1996).

Existing literature claims that the government's policy measures cannot adequately protect the workers wherein women workers are denied the right to maternity leave, menstrual leave, and other social security benefits (STUM, 2021). The government's enacted labor policies provided insufficient protections to workers since the laws were passed to attract foreign investors and to provide stable industrial relations without any disruptions (Campbell, 2019). When the military staged a coup in February 2021, the rule of law became disrupted, and labor rights violations deteriorated. By employing a critical realist approach, the existing labor policies and practices analyze why they failed to protect workers' rights and how women were marginalized in meeting their rights before the coup. The changes will be examined in the post-coup situation by considering different oppressive systems. And then, areas of improvement will be suggested. In addition, additional policies which can genuinely address women's struggles and burdens based on the findings derived will be recommended. The back-casting approach will be applied by creating a desirable future as an end-point and then considering the means to achieve this. So, long-term and short-term policies that include detailed activities for different stakeholders will be provided.

CHAPTER 3

Analytical Framework and Research Methods

Based on the general insights derived from Saskia Sassen's feminization of survival, this study aims to examine women workers' special needs in the garment sector with feminist theories. Moreover, this study also critically analyzes existing labor policies through critical realism, and then policy recommendations are given by using back-casting tool to address the needs of women workers and loopholes in the current policies. To achieve these objectives, the following research questions are answered;

1. What are the special needs of women workers in the garment sector of Myanmar? What are the changes in the post-coup situation?
2. How do the policies address their needs, and what are the barriers?

Research Method

This study employs a qualitative method to achieve these aims, starting with a desk and literature review. And then, data collection and analysis of qualitative data are conducted. To answer the determined research questions, interpretation is carried out.

Data Collection and Data Analysis

Secondary data are collected through documentary review of case studies, reports, published articles, interviews, news, and policy documents which are written in English and Burmese language. The data type is qualitative, and it includes perceptions, opinions, and narratives of garment workers, activists, unionists, labor scholars, and policymakers. Then, collected qualitative data are analyzed through content analysis to answer the predetermined research questions.

CHAPTER 4

Analysis and Finding

The garment sector, which has been expanding and contributing to the country's GDP, is associated with notorious working conditions. In addition to these general working conditions, the special needs of women workers, according to the gendered impacts, must be addressed.

Special Needs and Experiences of Women Workers

Harassment in the Workplace

One of the gendered experiences for women workers is sexual harassment which includes physical and verbal abuse. These forms of gender-based abuse are common not only in the factories but also on their way to or from the duty station (ILO, 2018). Sexual harassment encountered outside the factory is related to the lack of transportation arrangements by the factories. Inside the factories, sexual harassment is committed by male coworkers and supervisors, or managers. Sexual harassment committed by supervisors is mainly verbal assaults that involve words like “whore”, “dog,” “prostitute,” and “bitch” (Seik Nyan & Ye Yint Khant Maung, 2020). Nevertheless, the experiences of sexual harassment and verbal abuse are not taken seriously in the factories (ILO, 2018). It can be seen that sexual harassment or verbal abuse is committed not only by the male coworkers but also by the supervisors; most of them are female. Some cases of sexual harassment are unreported as the workers fear losing their jobs (Chaw Chaw, 2003). Not only one's gender but also unequal power relationships impact the individual experiences and their unique needs.

Maternity Leave and Social Benefits

Women workers in the garment sector are primarily of childbearing age². However, they are denied official maternity leave (STUM, 2021). In addition, the research conducted by Solidarity of Trade Union in Myanmar (STUM) in 2021 suggested that most women workers must take menstrual leave.³ Before being employed in the factories, women workers must undergo a pregnancy test and take a routine pregnancy test so that the factories can avoid granting 98 days-legal maternity leave with pay⁴. Such kind of rights violation endangers women's health and leads to harmful consequences. According to Myanmar Now, a pregnant woman worker informed the factory about her pregnancy with a doctor's note asking for leave, but her request was denied. This affected her pregnancy ending with miscarriage. This woman worker remembered;

“I don't bleed much at home. At the factory; however, physical activities that involve moving the lower body parts exacerbate bleeding”.⁵

In addition, women workers are also denied when they request to be assigned to lighter work because of their pregnancy. Women workers get stuck in the same quota in the sewing section, and a woman worker told Myanmar Now,

“I have to urinate frequently due to my pregnancy. But I only go to the bathroom twice because I fear missing the target.”

Unpaid Care Work

Another burden that fell upon women workers is unpaid care work, which is clearly gendered and done mostly by women workers even though they are also fully employed in the factories. According to research conducted in SEZs (special economic zones), child care is primarily taken care of by women workers, their mothers, or their mothers-in-law. For the women workers who live with families who need care, such as the elderly and children, the responsibility falls upon women workers and relatives who are women (Kusakabe & Melo, 2019). Nevertheless, this work is naturalized as a performed duty for the sake of love and care⁶. Not only in Myanmar but also in other

societies around the world, this work is considered the sole duty of a woman, but they are not paid. In addition, although this labor is not recognized as important, albeit playing an essential role in helping, feeding, and taking care of society (Lu Du Daw Amar, 1987).⁷ For working women, this domestic labor can be seen as a burden, making it challenging to balance paid and unpaid care work⁸. Regarding intersectionality, precarious garment women workers with low wages are more burdened than women employed in large corporations who can afford care work, whilst the government's policies to address this unpaid care work are lacking. According to a report produced by ESCAP in 2021, the public expenditures on social protection programs such as cash transfer, social assistance, and active labor market programs in ASEAN countries, whilst compared to the Asian-pacific and global levels, are relatively low. This report also suggested that expanding social assistance programs can facilitate women's participation in the paid workforce.

According to research conducted by ILO, most of the factories don't have childcare facilities. A human resource manager believes that;

“ It is unnecessary since the women workers leave their jobs after giving birth” (ILO, 2018). Women leave their jobs because they are forced voluntarily to resign once they become pregnant.⁹ Even if there is a facility, women workers are not planning to use it because the facilities provided are not good enough.

Remittance and Life of a Woman Migrant Worker

In Myanmar, garment industries are mainly located in the industrial zones of Yangon, the largest urban center in the country. Most of the garment workers in the country are internal migrants from the Ayeyarwaddy region, which is one of the poorest regions (Kyoko Kusakabe & Carli Melo, 2019). Internal migration is mainly due to the lack of job opportunities in the rural areas and the Nargis Cyclone that hit the region in 2008. In rural areas where paid work for women workers are rare, the breadwinner position of fathers and sons who hold the economic power reinforces power imbalance and gender hierarchies in the households (Chaw Chaw, 2003). For women workers, remittance is the major driver to earn a position in a society wherein patriarchal norms

are embedded. According to a report by Livelihoods and Food Security Fund, single and younger women workers send the remittance more than the older and married ones. Most of the migrant women workers have to live in precarious conditions by sharing a single room with others (Swe Zin Myint & Busarin Lertchavalitsakul, 2021). Inadequate minimum wage the garment workers currently gain and the rise of inflation rates and living costs can affect the workers' remittances. It can be compounded by the factory's lack of transportation and accommodation arrangements (Swe Zin Myint & Busarin Lertchavalitsakul, 2021) and wage deductions for the refusal of forced overtime ((Progressive Voice, 2016). Whilst remittance is a critical gendered determinant, reduction in it affects women workers, wherein migrant workers are more affected than local workers. It is impossible for local migrant workers to survive in urban areas if they don't have a consistent income. Unlike the women workers who are locals, they don't have any family or social support (Progressive Voice, 2016). In addition, the experience encountered by the women is not the same according to their marital status and age even though they are still women.

Women Workers and Leadership Role in Labor Unions

Although women workers led the strikes and fought at the frontline in pre-coup and post-coup situation, their participation in the labor unions or trade unions is still hindered. Stephen Campbell, who is a labor scholar, pointed out that;

“In Myanmar Garment Sector, over 90% of workers are women and they show determination and skills. However, men continued to dominate many trade union federations. The patriarchal practices of some union officials and male domination of union leadership positions led to splits” (HTML, 2018).

However, strikes that broke out before and after the coup and pro-democracy movements prove that women factory workers played an essential role in the labor movement. In addition to the patriarchal practices, women's double burden in unpaid domestic work and waged economic sphere affect their participation in unions and leadership positions.

Labor rights in the Post-Coup Situation

After the military coup, which is always associated with hypermasculinity and sexism, the working conditions worsened under constricted labor activism. Women workers are more impacted because of their gender and, sometimes, indecent minimum wage compounded by the country's political and economic instability. One of the apparent cases is two women workers in the Pakkhoku garment factory who committed suicide after they got raped by soldiers. 10

Women workers were dismissed when pregnant in some factories, which became common in post-coup Myanmar. A labor activist reported,

“Dismissal of workers as they are pregnant is the violation of the right to social benefit.”¹¹

The indecent minimum wage, which is 4,800 MMK and \$2.27 per day and needs to be reviewed in 2020, affects the remittance of women workers.

A woman worker from Yangon garment factory reported;

“In the post-coup situation with indecent minimum wage and exploited overtime, women workers end up working as sex workers.”¹²

According to the Confederations of Trade Union Myanmar (CTUM), workers' rights are violated in post-coup Myanmar. These violations also include sexual harassment in physical and verbal forms and violations of security benefits.¹³

According to Ayeyarwaddy Times news, women workers in a military-owned garment factory located in Hlaing Township, Yangon, are forced to entertain the soldiers.

A woman worker who was forcefully asked to work confirmed;

“We have to do household chores that include washing and ironing their clothes. Sometimes, we have to massage them, and they also commit sexual harassment.”¹⁴

Intersectional feminism considers not only gender as a determinant but also position holding power, age, marital status, region, class, and so on, shaping the struggles of

women workers. The theory also considers the military regime an oppressive system, but women are more affected due to militarism associated with sexism and patriarchy. Additionally, social reproduction theory helps identify the missing link of unpaid domestic labor that falls upon women whilst discussing their unique experiences.

How do labor policies address these needs, and what are the barriers?

Empirical layer -What can be observed?

In the empirical domain, what can be observed is that the garment sector in Myanmar is notorious for exploitative working conditions. According to the research conducted by Progressive Voice, exploitative working conditions in the garment sector include indecent wages, long working hours, forced overtime, unmet social benefits such as sick leave, holidays, health care provision, and so on, managerial harassment and strict toilet time (Progressive Voice, 2016). Regarding the policies, labor market formalization was carried out when the semi-civilian government was backed by the military in 2011. These legislative reforms include repealing outdated labor policies and enacting a new labor organization law, the settlement of labor dispute law, new social security benefits and minimum wage law, and so on (Jinyoung Park, 2014). However, learning about the strikes that broke out in the factories concerning indecent wages and factory mismanagement, such as the dismissal of labor unionists, labor policies cannot protect workers' rights. But what needs to be unpacked is what is still missing to address women workers' unique needs and how the current policies are giving enough attention to these needs.

Actual Layer -What are the unnoticed events?

In addition to notorious labor rights violations which can be observed in the empirical layer, the insignificant events which policies need to give more attention is the gendered struggles of women workers. Lack of transportation arrangements can worsen the sexual harassment experiences of women workers, which can also be found on their way back home. However, the officials and employers fail to acknowledge that sexual harassment in the factory is a big issue (Fair Wear Foundation, 2017). So, legislation to

handle sexual harassment and gender-based violence remains a big challenge. Moreover, the law is also silent to address the case of women workers undergoing pregnancy tests before and while they work in the factories. Since the need for women workers' right to maternity leave is declined, leaving their jobs becomes an inevitable option for them when they become pregnant.¹⁵ As the social security law 2012 suggested, workers are entitled to maternity benefits, including leave and expense, miscarriage benefits, paternity benefits, and so on (ESCAP, 2021). But workers' rights to access these rights and benefits are always declined. What is more invisible is unpaid domestic care work that is covered chiefly by women. According to the 1951 factories act, amended in 2016, factories with over 100 women workers who have under-five children must provide daycare facilities with the help of the Ministry of Social Welfare, Relief, and Resettlement. Instead of addressing the need for maternity leave and childcare services, the factories recruit more younger women who are not married. However, young women also lose their jobs when they become pregnant (Fair Wear Foundation, 2017). Sometimes, employers recruit workers as daily laborers or temporary workers in order to avoid the provision of such kind of facilities and other social security benefits.

Addressing the issue of unpaid domestic labor is more than sharing the household tasks and caring responsibilities between men and women. In developed countries, the governments provide financial support to help raise a child so that women don't have to face economic hardship. In Myanmar, however, there are no considerations for unpaid care work in legislative and institutional contexts. For instance, the National Strategic Plan for the Advancement of Women (2013-2022) doesn't give attention explicitly to unpaid care work despite its focus on several domains, such as violence prevention, women and child rights, and human rights, not excluding health, education, and livelihoods (ESCAP, 2021). The settlement of dispute policy that was enacted in 2012 in pursuit of protecting workers' rights doesn't work effectively. This is because employers barely follow the decisions of resolution bodies, and they are more accessible to legal support than the workers (Ediger, Laura, and Chris Fletcher, 2017). Although the labor relations before the coup is considered tri-partite conceptually, the interests of the state and the business are always aligned (Fincher et.al, 2021). In post-coup situations, employers are more likely to exploit workers amidst political oppression.

A co-president of the Federations of General Workers Myanmar (FGWM) claimed that;

“In post-coup situation, employers take advantage of current political turmoil and lack of rule of law to oppress the workers. They (employers) failed to conduct negotiations when strikes broke out, instead, they called the police to intimidate the workers” ([ALR, 2023](#)). In fact, the oppression of workers by employers with the support of military-backed thugs also happened in pre-coup Myanmar. One of the prominent cases is when workers who went on a strike were violently attacked by the thugs hired by the Chinese-owned factory in 2018.¹⁶

Although some gender-sensitive policies grant the rights to maternity leave and other social security benefits, as well as the settlement of dispute policy to protect these rights, the lack of law enforcement is a barrier to meeting these needs.

Real Layer-What are the structural problems?

Moving to the deepest domain by employing Critical Realism, the argument is on the top-down political and economic reform process resulting in the formation of labor policies. Myanmar transitioned from an authoritarian regime to a quasi-civilian regime in 2010, and this liberalization process resulted in the labor market formalization. Dennis Arnold and Stephen Campbell, 2017 argued that the labor regime in Myanmar is shaped by multiple forces which involve authoritarianism, democratization, and economic liberalization resulting in an upsurge of garment factories and labor activism (Kyoko Kusakabe & Carli Melo, 2019). Myanmar’s transition can be considered a top-down reform process (Benjamin Harkins, 2021) wherein the military generals and their associated elites and capitalists influenced the transition process (Arnold & Campbell, 2017; Jones, 2014, p. 201). The transition process of Myanmar can be understood in Gramsci’s sense of passive revolution, wherein the ruling class seeks to control power with “reforms” that ensure capitalists’ political power by subordinating the masses (Soe Lin Aung & Campbell, 2016). In the past, labor relations in Myanmar were too authoritarian, and labor activism was severely restricted (Fincher et.al, 2021). Therefore, the whole transition process resulting in a hegemonic labor market formalization

(Campbell, 2019) can be seen as a process led by the semi-civilian government backed by the military to maintain power. The top positions of the Ministry of Labor were appointed to the military (Benjamin Harkins, 2021). Another critical factor in explaining why the current labor policies failed to provide sufficient protection is the neoliberal economic agenda of the government. Dae Oup Chang, 2022 explains the power dynamics seen in neoliberalism, where the working class is subjected to unequal power relations between the state, capital, and labor. The neo-liberal government also works in favor of local and international capital at the expense of workers whilst strengthening their authoritarian power (Dae Oup Chang, 2022). Labor market formalization in Myanmar can also be considered the central process of the neoliberalism (Campbell, 2019a), and workers' rights were not considered in the neo-liberal economic agenda of the ruling semi-civilian government (Benjamin Harkins, 2021). Labor market formalization can be seen as part of the state-led reform process with the assistance of the International Labor Organization (ILO) to attract investors for the stable production process (Campbell, 2019). Ye Yin Khant Maung, a labor activist, argued;

“The aim of labor dispute mechanism legislated during the transition process can be understood to attract foreign direct investment and protect capital accumulation.”¹⁷

Thus, the top-down reform process and the state's neoliberal economic agenda are contributing to ineffective labor protections for workers, wherein women workers are more impacted due to their special needs.

Furthermore, the discussion explains how gendered norms and relations shape better working conditions and gender-sensitive policy enforcement in Myanmar. Traced back to the country's history, military rule for many decades is associated with authoritarianism, patriarchy, and sexual violence (Jessica Nixon, 2021). The garment sector itself is a gendered economy where employers prefer to recruit women workers by constructing that they are docile, manageable, and their labor is cheap (ILO, 2018). Patriarchal union practices and gendered division of labor like domestic labor, can hinder the union activism advocated on gender-sensitive policy initiatives and policy enforcement (Evans, 2017). Feminists who are critical of neoliberalism pointed out that its political rationality shapes the economic sphere and applies profit-maximization

principles, cutting social spending, cost-effectiveness, and promoting individual responsibility to other spheres (L'ubica Kobova',2016). Therefore, neoliberalism frames sharing household tasks as an individual responsibility rather than increasing social spending. In the post-coup situation, labor rights violations are exacerbated under the disrupted rule of law, and women workers are more impacted by gendered norms and stereotypes perpetuated by patriarchal practices and militarism.



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Critical Realist Perspectives	How do labor policies address these needs, and what are the barriers?	Discussion (Details can be seen in the report)
The Empirical Layer (What are the observed scenarios in the garment sector)	<ul style="list-style-type: none"> Exploitative working conditions in the garment sector Existing labor policies cannot fulfill the needs and protect workers' rights 	<ul style="list-style-type: none"> indecent wages, long working hours, forced overtime, unmet social benefits, managerial harassment and strict toilet time a new labor organization law, the settlement of labor dispute policy, new social security benefits and minimum wage policy, and so on cannot protect workers' rights
The Actual Layer (what is missing in labor policies, how do the policies work)	<ul style="list-style-type: none"> Gendered struggles of women workers are not given enough attention Insufficient policy enforcement (employers do not comply with the policies) Women workers' domestic labor is naturalized The interests of the government and business owners are always aligned Leaving their jobs becomes an inevitable option for them when women workers become pregnant 	<ul style="list-style-type: none"> maternity leave and sexual harassment are not protected by the existing policies no transportation arrangements the officials and employers fail to acknowledge that sexual harassment in the factory is a big issue law is silent upon the women workers undergoing pregnancy tests no considerations for unpaid care work in legislative and institutional contexts most factories have no child care facilities in post-coup situations, employers take advantage of the political turmoil to oppress workers
The Real Layer (How do the power relations, belief systems and political systems shape the labor policy process)	<ul style="list-style-type: none"> Top-down reform process resulting in labor market formalization Government's neo-liberal economic agenda Patriarchal practices and gendered division of labor Militarism associated with sexism and political oppression 	<ul style="list-style-type: none"> the military generals and their associated elites and capitalists influenced the transition process neo-liberalism works in favor of capital at the expense of workers neo-liberalist frame of sharing household tasks as an individual responsibility patriarchal belief such as unpaid care work is women's job no union activism advocated on gender-sensitive policy initiatives and policy enforcement gendered norms and stereotypes perpetuated by patriarchal practices and militarism

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Figure 5 Analyzing labor policies through critical realism

CHAPTER 5

Policy Recommendation

By employing a back-casting tool, the desirable future of a “safe working environment for women workers where their special needs are met” is seen as an end-point. And then, to achieve this end, policy actions to be undertaken in short and medium terms are recommended.

1. To adopt policies to address special needs of women workers

Medium-Term Actions

- To institute a menstrual leave officially by amending the Leaves and Holidays Act⁸
- To promote sexual and reproductive health (SRH) awareness at the workplace
- To include clear definitions and guidelines about sexual harassment and gender-based violence in the labor law

Immediate Actions

- To arrange transportation and accommodation for the workers and for those who have to do overtime
- To provide training to workers in terms of sexual harassment
- To adopt workplace policies to prevent the sexual harassment
- To ensure that workers meet their rights to maternity leave, paternity leave, maternity benefits, miscarriage benefits
- To allow the labor activism of women workers by increasing women’s participation in leadership positions of Trade Unions and Labor Unions (to the trade unions and labor unions.)

2. To ensure that burden that fell upon women due to stereotypes and gendered division of labor is reduced.

Medium-Term Actions

- To create social assistance program (for instance, the Maternal and Child Cash Transfer Program (MCCT) given to pregnant women ¹⁹). Focusing on unpaid care work is more than sharing household tasks. Creating social assistance programs can decrease the economic hardship of women and also facilitate their participation in the labor force (ESCAP, 2021).
- To focus unpaid care work as one of the main components in legislative and institutional contexts, e.g., National Strategic Plan
- To increase social expenditures

Immediate Actions

- To provide childcare facilities by the factories with the assistance of the Social Welfare Department according to the 1951 factories act
- To promote gender awareness programs by coordinating with INGOs, NGOs, CSOs, women's rights organizations, and media groups in order to break gendered norms and stereotypes
- To conduct research in order to explore the missing link of unpaid care work in gender studies

3. To establish a decent working environment that respects the workers' rights

Medium-Term Actions

- To conduct training programs for workers regarding their rights (especially for labor unions and trade unions)
- To inform the workers whenever new law or policy is enacted by working together with labor unions and trade unions
- To strengthen the international labor movements across Asia (to labor unions and trade unions) so that workers' experiences and how the labor policies work across the region can be learned. By establishing international solidarity, workers' rights can be demanded in a collective manner.

Immediate Actions

- To review the minimum wage that needed to be renewed since 2020 (Increased inflation rates and prices of commodities determine the remittance of women workers, which determines their economic position and power hierarchy in a household. Migrant women workers are more impacted due to the expenses of living in a city)
- To ensure that women workers meet social security benefits

4. To ensure that the factories comply with the national labor policies

Medium-Term Actions

- To ensure policy enforcement according to the settlement of dispute policy
- To amend the settlement of dispute policy by increasing the penalty for non-compliance and corruption. The current “500,000 MMK” fine is insufficient for employers to comply with the rules or the decisions.²⁰
- To reform the dispute resolution bodies and mechanisms
- To establish the independent and transparent dispute resolution mechanism

Immediate Actions:

- To conduct the frequent labor inspection unannounced to ensure that workers meet the social security benefits
- To assign the independent labor inspectors
- To consult with workers and unions for the policy reform process
- To allow labor activism and the formation of a workplace coordination committee (WCC) according to the settlement of dispute policy (According to the settlement of dispute policy, WCC should be formed with two representatives from workers and employers)

However, it is essential to note that some policy suggestions, such as policy reform or resolution bodies reform, are only feasible when the military regime is overthrown.



Figure 6 Policy Recommendations from back-casting approach

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CHAPTER 6

Conclusion

This study examines sexual harassment, denied maternity leave and social benefits, unpaid care work, struggle as a migrant worker, patriarchal union practices, and rights violations in post-coup situations as the struggles of women workers in the garment sector of Myanmar. By applying feminist theories such as intersectional feminism and social reproduction feminism, this study identifies that women workers' experiences are unique due to different oppressive systems wherein not only gender but also power relations, age, marital status, region, and class determine women's experiences.

To analyze labor policies, this study employs critical policy analysis, which provides not only the exploitative working conditions evident in the empirical domain but also insufficient attention of policies to the unique needs of women workers, which are sometimes invisible. It also unpacks the actual conditions of insufficient policy enforcement and policy mechanism that works in favor of employers. Furthermore, it delves into the structural problems such as the top-down reform process, neoliberal practices of the government, and patriarchal practices perpetuated by militarism in the real domain, which can be seen as generating mechanisms contributing to problems in the upper two domains.

By employing a back-casting tool, the desirable future of a "safe working environment for women workers where their unique needs are ensured" is seen as an end-point. And then, to achieve this end, policy actions to be undertaken in short and medium terms are recommended.

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