



Resistance, harassment and intimidation

GARMENT WORKER ABUSE UNDER MYANMAR'S MILITARY RULE

“ There have been workers violations on many counts. Workers have to work overtime... and endure verbal harassment and abuse... To fulfil the impossible targets set, we do not even have time to go to the toilet... We want the brands to know that workers are pressured by the factory to say good words when they contact the workers. We want the brands to know the reality on the ground. There is no way the workers could make a proper living with... the current salar[ies]...”

Garment worker at [Huabo Times factory](#), March 2022

Myanmar's military illegally seized power on 1 February 2021. Since then, garment workers – mostly women – have been on the front line of the country's Civil Disobedience Movement, risking their lives and livelihoods to demand an end to the dictatorship and restoration of democracy in Myanmar. To maintain power, the military has responded to opposition and dissent with deadly force. It has been reported that at least 55 trade union activists have been killed and 301 union leaders and members of the labour movement have been arrested.¹ The military has conducted door-to-door searches in workplaces, hostels and homes. The right to freedom of association has been stifled. Almost all union leaders have been forced into hiding, while those still working in factories have been effectively silenced due to fear of repercussions. Factories have requested the presence of military or police to threaten workers and have used the dictatorship to roll back the hard-won labour rights and protections unions have fought for over the past two decades. In March 2022, the ILO established a [Commission of Inquiry](#) – its highest-level investigative procedure – to investigate the violation of international standards on freedom of association and the right to organise, and to prevent forced labour in Myanmar. Announcing its decision, the [Commission deplored](#) the “continued harassment, intimidation and arbitrary arrests and detentions of labour activists, trade unionists and others, including the Rohingya, in the exercise of their human rights.”

¹ Figures cited in speech by the Netherlands Trade Union Confederation (FNV) at the 2022 International Labour Conference.

Through collaboration with partners and allies inside and outside the country, Business & Human Rights Resource Centre (the Resource Centre) has been monitoring the significant increase in labour and human rights abuse experienced by garment workers across the country since the military takeover. This cooperation has enabled the creation of our [Myanmar Garment Worker Allegations Tracker](#) (tracker), which captures over 100 cases of alleged labour and human rights abuse perpetrated against at least 60,800 garment workers, revealing widespread and systemic abuse in international brands' supply chains.² These workers are employed at 70 factories which supply, or have recently supplied to at least 32 global fashion brands and retailers, including **adidas, Bestseller, C&A, Inditex** (Zara & Bershka), **Fast Retailing** (UNIQLO), **GUESS, H&M, Lidl, New Look, Next, Matalan** and **Primark**. These cases are likely the tip of the iceberg, given severe restrictions on civic freedoms and reporting under military rule and risk of reprisals for workers who speak out against abuse.

The data highlights the scale and scope of abuse in the 18 months since the military seized power and the widespread impunity enjoyed by perpetrators. It raises serious questions for apparel brands and their investors regarding their ability to source responsibly, conduct human rights due diligence and protect workers in their supply chains. Despite calls from local and international unions for international brands to withdraw from Myanmar until democracy is restored, only two companies (**Tesco** and **ALDI South**) have exited. Labour groups argue brands which remain in Myanmar are benefiting from labour rights repression under military rule and prioritising profits over human rights, in a jurisdiction where garment workers – 90% of them women – are now earning less than US\$2 a day. In these circumstances, apparel brands must remember inaction is not an option: at a minimum, they must undertake heightened, ongoing human rights due diligence to determine whether they are able to responsibly source from Myanmar suppliers; where they are not, responsible exit strategies should be considered to abide by international standards the brands have adopted.

² The Database captures publicly reported information on abuses against garment workers. Business & Human Rights Resource Centre does not independently verify the accuracy of allegations.

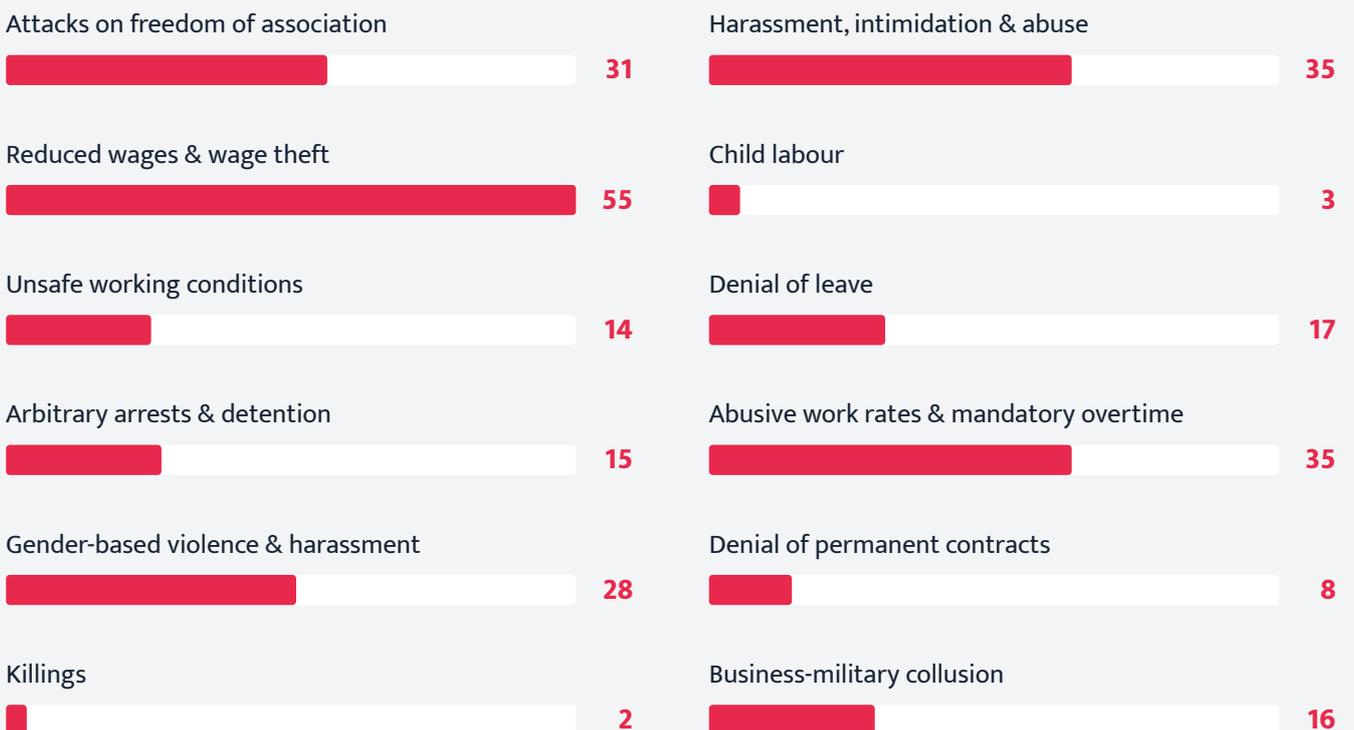


Our findings: Rampant and endemic abuse under military rule

Many of the alleged violations were perpetrated directly by brands' factory suppliers or by the military in collusion with those suppliers. In 15% (16) of cases, workers or unions explicitly stated or implied suspected business-military collusion, although the number of cases involving such collusion may be far higher, given garment factories and the military appear deeply intertwined. Many cases involved the military and police raiding factories to arrest workers they suspected of taking part in anti-coup protests. Garment factories have shared union member lists, contact information and photographs of union leaders with the military and police and, in many cases, union activists were targeted in their homes, on their way to and from work, or while peacefully protesting. It appears the perpetrators of abuse enjoy impunity and access to remedy is absent.

We analysed each of the 104 cases against a set of indicators for labour and human rights abuse. Wage theft, inhumane work rates and mandatory overtime, and attacks on freedom of association were most frequently reported. Many cases involved multiple types of allegations. We gave the 32 buyers linked to the factories the opportunity to respond to the alleged abuse of workers in their supply chains. Two-thirds (22) responded. **Inditex** (Zara & Bershka), **Lidl**, **H&M** and **BESTSELLER** are among the brands linked to the most cases of alleged abuse in the tracker. Below is a snapshot of some illustrative cases, company responses and non-responses and certain types of abuse captured in our database. The full list of cases can be found on our [tracker](#).

NUMBER OF ALLEGATIONS BY CATEGORY OF ABUSE



Killings, arrests and arbitrary detention of workers by the military

Our tracker recorded at least seven workers killed by the military and armed security forces and 15 cases of arbitrary arrest and detention of workers. According to reports, on 15 March 2021, six workers – including one woman union leader – from Xing Jia Footwear were [shot and killed](#) by the military and police after workers gathered outside the factory to request unpaid wages. An estimated 17 people were arrested, including women workers from the factory and their family members. Fourteen were released shortly after, however the remaining three were sentenced by a military court to three years' imprisonment on what rights groups say were [baseless charges](#). Days later, around three trucks of soldiers were deployed at Htee Hlaing Shin Housing – the location of a labour organisation which had organised a union at Xing Jia factory – allegedly searching for union officers. **Justin Brands**, which sources goods from Xing Jia, stated its “factory agents” have described the events at Xing Jia as “complete fabrication” but said it is [conducting an independent investigation](#) into the shootings.

Widespread attacks on freedom of association

The right to freedom of association is all but non-existent under military rule. On 2 March 2021, 16 labour rights organisations were [declared illegal](#). Almost a third (31) of cases in the tracker involved attacks against freedom of association, demonstrating the extent to which this right is threatened in the context of the coup. Factories have cancelled collective bargaining agreements, informed unions they are no longer recognised and warned employees they will be fired if they join a union or participate in any union activities. In many cases, workers reported their factories have been working with the military to crack down on the unions and arrest union leaders.

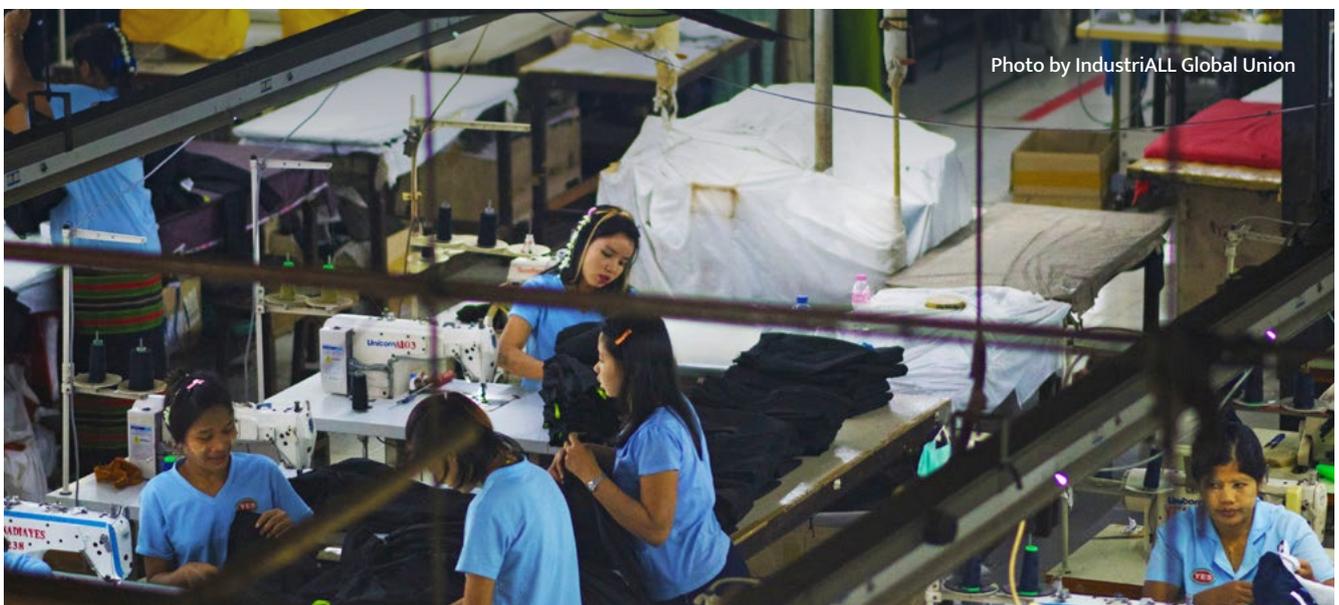


In May 2021, military and police raided Gasan Apparel factory to arrest workers they suspected had taken part in anti-coup protests. Prior to the raid, workers allegedly heard the factory's manager on the phone to someone believed to be an official from the military. Workers and unions claimed senior management colluded with the military, providing security forces with the names of union leaders. At the time, the factory was producing for **Inditex** and **Mango**. Following the incident, the brands [confirmed they cut ties](#) with the factory in May and September 2021, respectively. In October 2021, Ko Thwin Aung, President of the Gasan Apparel Garment Workers Committee, was sentenced to three years' imprisonment under Section 505(a) of the Penal Code, which rights groups have criticised as a sweeping law revised by the military to punish anyone who criticises the coup or the military. In early November 2021, security forces raided the factory again following strikes staged by 350 workers over pay cuts and benefit reductions. Unions and workers claimed factory management had been "acting as informants" for the junta for months and had called in junta forces to suppress the strike.

Wage theft and forced overtime without pay

Wages in Myanmar's garment industry are among the lowest in the world. Before the military takeover, garment workers could expect to make just US\$3.50 a day. Under the current regime, garment workers report earning even less, with factories taking advantage of the coup to cut wages while driving workers to meet increased production targets at abusive work rates. Over half (55) of the cases in our tracker involved wage theft, including non-payment and underpayment of owed wages and non-payment of severance pay. Further, almost a third (30) of cases involved workers being subject to mandatory overtime, mostly without pay. Alarming, many of these cases bear indicators of forced labour.

Another way factories reduce workers' wages is by dismissing permanent workers and replacing them with – or even rehiring them as – temporary workers on a daily wage (who are entitled to receive only 75% of the minimum wage, equivalent to less than US\$2 per day). Eight cases in our tracker involved the replacement of permanent workers with temporary workers or denial of permanent contracts. Worse still, children aged 17 and below are paid only US\$1.60 per day. Three of the cases in our tracker involved alleged child labour, with the ILO [recently warning](#) the current context will exacerbate child labour.



Rising gender-based violence and harassment

Unions have signalled gender-based violence and harassment (GBVH) is [on the rise](#) under the military regime. Women workers face greater risk both inside and outside the factory. The tracker recorded at least 28 cases of alleged GBVH, including sexual harassment and physical and verbal abuse of women workers. However, as the majority of Myanmar's garment workforce are women, almost all the abuses in the database constitute GBVH as [defined](#) by the Committee on the Elimination of Discrimination against Women. GBVH on the factory floor – largely driven by brands' purchasing practices – is a disturbing reality for women garment workers in the Global South, as our [previous research](#) has shown. This risk is likely further exacerbated in the current context.

In May 2022, it was reported factory managers and supervisors at Nadia Pacific Apparel Co. Ltd were subjecting women workers to physical, sexual and verbal abuse and harassment if they did not meet increased production targets. Women workers described being punched in the chest and head, being kicked, yelled at and referred to as “dogs”. At Hesheng Myanmar – which produces leather goods for **Moschino** and **GUESS** – a worker was raped on her way home from work in the middle of the night in March 2022 after allegedly being forced to work late, with the factory refusing to provide transportation home. According to workers, women are routinely required to work excessive overtime, often until midnight, and face harassment inside the factory. In [response](#) to the Resource Centre, **Moschino** said it expects its suppliers to respect human rights and comply with international human rights and labour standards. At the time of writing, **GUESS** had not responded.



Profits over human rights?

Myanmar's garment sector employs some 700,000 people. While brands such as **Primark**, **H&M** and **BESTSELLER** initially suspended orders in the wake of the military takeover, they have since resumed, citing the [protection of jobs](#) as a major factor in this decision. Yet, at the onset of the COVID-19 pandemic, some of [these same brands](#) – and many others sourcing from Myanmar – cancelled orders and requested retroactive discounts with little consideration for the workers in their supply chain, who were dismissed in their thousands without payment of owed wages when factories were forced to shut. While some garment workers reported [fear of losing their dwindling incomes](#) if orders dry up and factories close, labour groups have [accused](#) brands which remain in Myanmar of prioritising profits over human rights, and even benefiting from the military takeover and subsequent repression of labour rights.

In July 2021, the Myanmar Labour-Alliance – which through its 16 members represents [virtually the entire labour movement](#) in the country – began calling for all multinational companies and brands to withdraw responsibly from Myanmar until democracy is restored. The call has been [backed by a coalition](#) of over 200 organisations, which are also calling for the EU Commission to suspend Myanmar's access to European markets through its Everything but Arms trade programme in order to ensure the military can no longer profit from exports to the EU. The EU has so far ignored this appeal, as well as [repeated requests](#) made by its Parliament to suspend Myanmar's trade preferences.

“ We have tried hard to protect jobs and workers' rights. But with every passing month, we see the military dictatorship is not disappearing. On the contrary, they are trying to buy time to strengthen and consolidate their rule. It is important that we contribute to their immediate and permanent defeat... it is our moral duty to make difficult decisions that will shorten the suffering of our people.”

Khaing Zar, President of the Industrial Workers' Federation of Myanmar (IWFM)

Many brands were rightly quick to condemn the military takeover at the outset, issuing [statements](#) confirming their commitment to respect human rights and labour rights in their operations and supply chains. In December 2021, the ACT initiative on living wages and collective bargaining in the garment industry – whose members include brands such as **H&M**, **Inditex** and **Primark** – ceased operations in Myanmar after its local trade union affiliate, IWFM, withdrew because it could no longer operate freely. However, 18 months later, union calls for brands to withdraw from Myanmar go largely ignored, despite a deteriorating situation for labour and human rights. To date, **Tesco** and **ALDI South** are the only major apparel retailers to have withdrawn from the country. **Tesco** stated it [exited Myanmar](#) in Spring 2022 in line with advice from local and global unions, while ALDI South said: “Due to the unpredictable nature of carrying out our business activities in the country and the difficulty of fulfilling even the most basic human rights due diligence processes, it was decided in September 2021 to stop sourcing from Myanmar for the foreseeable future.” The many remaining brands must answer accusations they stand to profit from the repression of their mainly female garment workforce under military rule, and demonstrate their suppliers are not implicated in the abuse of workers who make their clothes and footwear.

Corporate human rights responsibilities in conflict

Our tracker raises serious questions for brands which continue to source from Myanmar – and their investors – about their ability to do so responsibly and to ensure workers' protection. In these circumstances, brands are obliged to undertake heightened and ongoing human rights due diligence: ensuring they understand the conflict, identifying their own adverse impacts of continuing to operate during the conflict and acting upon findings by ceasing, preventing or remedying harm. As the dictatorship persists and workers are silenced, heightened due diligence presents a serious challenge: it is unlikely brands and retailers can achieve genuine oversight of conditions in their supplier factories or ensure compliance with their own standards, nor fulfil their obligations under the UN Guiding Principles on Business and Human Rights (UNGPs) and the OECD Guidelines for Multinational Enterprises on responsible business conduct. Where the conclusion of a heightened due diligence exercise – or even its feasibility – leads brands to determine the protection of workers' rights is not possible, a responsible exit strategy is imperative.

In recognition of the UNGPs' explicit position that some of the worst human rights abuses involving business occur amid conflict, the UNDP and the UN Working Group on Business and Human Rights [recently counselled](#): *“[a] business contemplating exiting or suspending its operations in a conflict-affected context should consider whether: a) exiting/suspending could exacerbate tensions; and b) whether harms to people outweigh the benefits.”* Brands which choose to disengage must not cut and run, leaving workers who have made their clothes – and profits – high and dry. Brands leaving Myanmar must do so responsibly, by consulting with Myanmar's trade unions, implementing responsible exit plans, committing to transparency throughout and ensuring workers receive all wages, benefits and severance payments owed to them.

Given the significance of the tracker's findings and the lived experiences – and often violent repression – of garment workers in Myanmar under the military regime, “business as usual” is simply not an option. Brands must take, and communicate, appropriate action and must do so with urgency. Where brands are unable to guarantee, through effective due diligence, that workers enjoy decent work and essential dignities and freedoms, they must look to exit responsibly. Without doing so, they risk profiting from human rights repression, generating major reputational concern and building future civil liability risks under new and upcoming mandatory human rights due diligence legislation.



Business & Human Rights Resource Centre is an international NGO which tracks the human rights impacts of over 10,000 companies in over 180 countries, making information available on our 10-language website.

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ACKNOWLEDGEMENTS:

- ➔ **Industrial Workers' Federation of Myanmar (IWFM)**
- ➔ **Federation of General Workers Myanmar (FGWM)**
- ➔ **Freedom and Labor Activists Group (FLAG)**