

# *Bakery, Confectionery, Tobacco Workers and Grain Millers International Union*

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DAVID B. DURKEE  
INTERNATIONAL PRESIDENT

March 12, 2019

Lt. Gen. Kyaw Swe  
Minister of Home Affairs  
Office No. 10, Nay Pyi Taw  
Republic of the Union of Myanmar

Dear Minister:

The Bakery, Confectionery, Tobacco Workers and Grain Millers International Union (BCTGM) represents workers throughout North America. We are members of the IUF, an international federation of trade unions of workers employed in food, agriculture, hotels, restaurants, catering and tobacco production and processing. The IUF represents over 10 million workers in 128 countries, including Myanmar.

The IUF is committed to defending trade union and democratic rights as an integral part of its commitment to improving members' working and living conditions. We are therefore extremely concerned to learn of the conviction of 6 members and leaders of the IUF affiliate HLOB by the Nyaung Oo court on March 1. The 6 trade union members, including union chairman Ko Nay Myo Win, were unjustly found guilty of offenses under Article 19 of the Peaceful Assembly and Peaceful Procession Act and sentenced to one month's imprisonment, which they began serving immediately after the verdict.

These proceedings, and the unjust sentences, are the latest in a series of attacks in your country on the universally recognized human right of workers to freedom of association, the right to freely form and join trade unions.

In November 2015 the IUF filed a formal complaint with the ILO Committee on Freedom of Association over the government's failure to adequately protect the rights of union members at the Bagan Hotel River View. In its June 2016 recommendations, the Committee recalled that "The Government is responsible for preventing all acts of anti-union discrimination" and that "the basic regulations that exist in the national legislation prohibiting acts of anti-union discrimination are inadequate when they are not accompanied by procedures to ensure that effective protection against such acts is guaranteed." The Committee continues to review the government's response to its recommendations.

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Unfortunately, attacks on freedom of association continue in the Bagan region. In December 2018, the IUF filed a new complaint over the government's failure to adequately respond to anti-union practices at the Bagan Hotel Tharabar Gate, where workers formed and registered their trade union in February 2014 but have found their rights under continuous attack. The union chairman was terminated in August 24, 2018, along with two members of the union executive and 7 active union members despite the union's willingness to negotiate solutions to a downturn in occupancy. The union has received no effective response to its requests to the relevant authorities to assist in finding a solution which respects the rights of the union and its members.

Deeply frustrated by the government authorities' ongoing failure to enforce their international obligations concerning freedom of association, the Hotel Tharabar Gate workers and HLOB held a series of peaceful protests in Bagan to draw attention to their situation. On October 12, 2018 the union members, together with family members and supporters, established a protest camp on public space outside the hotel property. The camp was continuously maintained until the early morning of December 11, when some 100 persons, only some of whom were wearing police uniforms, destroyed the camp. The operation was conducted under order of the Nyaung Oo Township Administrator and carried out by the Nyaung Oo District Police Department.

On December 12, the HLOB attempted to hold a march from the Hotel Tharabar Gate to the Mandalay Region Government Office to protest this attack on a peaceful expression of freedom of assembly and freedom of association. Armed police dispersed the rally and arrested 13 people, including union members and officers from Hotel Tharabar Gate.

The ILO has repeatedly confirmed the right to peaceful assembly and protest as a right protected under the right to freedom of association.

The speed of the March 1 sentencing and immediate imprisonment of 6 trade unionists who were peacefully engaged in a labour dispute, raises serious questions about the political motivations behind the court's ruling.

We note as well that the government of Myanmar is seeking recognition of the Bagan region as a designated UNESCO World Heritage Site. We believe that this status is incompatible with efforts by the courts and the local government authorities to criminalize trade union activity in the Bagan area.

We therefore call on your Ministry to ensure that the March 1 sentences against the 6 trade union members are unconditionally reversed and that they are released immediately. Rather than imprisoning trade unionists, the government must take effective action to assist in resolving the dispute at the Hotel Tharabar Gate in a manner which

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protects the rights of all trade union members and officers at the establishment, commencing with the unconditional reinstatement of the union members and officers unfairly dismissed in August 2018, recognition of the rights of the union and its members and good faith negotiations between HLOB and the hotel management.

We will continue to monitor the situation and look forward to an effective response on your part.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'David B. Durkee', with a long horizontal flourish extending to the right.

David B. Durkee  
International President

DBD/mjs

cc: International Secretary-Treasurer Steve Bertelli  
IUF General Secretary Sue Longley