

**The Shops and Establishments Law, 2016**  
**(The Pyidaungsu Hluttaw Law No. 18, 2016)**  
**The 1st Waning of Pyatho, 1377 M.E.**  
**(25th January, 2016)**

The Pyidaungsu Hluttaw hereby enacts this Law.

**Chapter I**

**Title and Definition**

1. This Law shall be called **the Shops and Establishments Law, 2016**.
2. The following expressions in this Law shall have the meanings given hereunder:
  - (a) **Shop** means any place used wholly or partly for wholesale or retail of goods or materials, in cash down, credit or installment. The hairdressing salon, beauty salon, fitness and beauty salon, smith business, radio, TV, telephone repair service, bookbinding, copying business, photo studio, pawn shop, packing shop, laundry, footwear repair shop, tailoring, repair and installation of computer and electronic equipment for commercial purpose and any place notified by the Ministry to be concerned in this Law are also included in this expression. Provided that the commercial establishment, establishment for public entertainment and factory or industrial establishment are not included in this expression;
  - (b) **Commercial Establishment** means an establishment performed the advertisement, commission, delivery agency of goods, and trade agency. The industrial establishment or commercial establishment, insurance company, company, private bank, agency, advertisement, private employment agency, services, private school, private hospital, private clinic, hotel, motel, guesthouse and travel agency, gymnasium, road pricing, toll road, toll bridge and a place notified by the Ministry as commercial establishment concerned in this Law are also included in this expression. Provided that, the shop or establishment for public entertainment is not included in this expression;
  - (c) **Establishment for Public Entertainment** means cinema, theater, club, entertainment hall, video hall, karaoke hall, high-tech playgrounds, recreation ground, park, garden and playground for kids;
  - (d) **Industrial Establishment** means any industrial business which is not applicable to the Factories Act, 1951;

- (e) **Establishment** means a commercial establishment and an establishment for public entertainment, an industrial establishment and other establishments notified by the Ministry as an establishment to be concerned with this Law;
- (f) **Employer** means the owner of a shop or an establishment, or manager or legal representative of the employer in a general supervising such shop or establishment, or the heir and a person legally obtained the share of the employer if he deceases;
- (g) **Manager** means a person who is legally appointed to make a decision in the matters of this Law on behalf of the employer in a shop or an establishment and whose name is given by the employer to the inspector;
- (h) **Employee** means a person wholly or principally employed in a shop or establishment. Moreover, the clerk, postman, cashier, guard, security guard, sanitary worker, driver, conductor and cook of such establishment are also included. Provided that, in this expression, the employer, employer's spouse, wife, son, daughter, parents, male siblings and siblings (full siblings ) who live together with the employer and depend on the employer are not included;
- (i) **Ministry** means the Ministry of Labour, Employment and Social Security of the Union Government;
- (j) **Department** means the Factories and General Labour Laws Inspection Department;
- (k) **Chief Inspector** means the Director-General of Factories and General Labour Laws Inspection Department;
- (l) **Inspector** means any inspector assigned by the Factories and General Labour Laws Inspection Department.

## Chapter II

### Objectives

3. The objectives of this Law are as follows:

- (a) to fix working hour of workers in shops and establishments;
- (b) to enjoy wages accurately;
- (c) to be safe at the workplace;
- (d) to safeguard the rights to health.

## Chapter III

### **Duties and Powers of the Chief Inspector and Inspectors**

4. The Ministry may appoint inspectors to implement the objectives of this Law in accord with the organizational set-up.
5. The Chief Inspector may exercise the following powers conferred to him under this Law as well as the powers of the inspector within the Republic of the Union of Myanmar:
  - (a) designating area and assigning duties to inspectors;
  - (b) issuing the permit to a shop, establishment, and establishment for public entertainment required to be opened 24 hours per day;
  - (c) giving sanction and assigning duties to any inspector for prosecution of any person who violates provisions of this Law.
6. Any inspector:
  - (a) may enter into the place where it is the reason to believe that it is the shop and establishment within the area assigned to him by showing his identity card for the matter of this Law. In case of entering the night time, the inspector shall enter into it together with two witnesses. The inspector shall examine the records, the documents, electronic records and notices in that place and may take photographs and video recording, copy and inquiry as necessary.
  - (b) may seize records, documents or other high-tech evidence of the shop and establishment concerned in this Law, if necessary, as exhibits by a search form together with two witnesses;
  - (c) shall, however, not be entitled to ask for an answer or evidence which can be punishable to any person under this section.

### **Chapter IV**

#### **Provisions for Working Hour**

7. An employer:
  - (a) shall ordinarily close shops and establishments between 11 p.m. and 5 a.m. Provided that a person who is waiting to buy or waiting for the service at 11 p.m. may be sold or serviced within the consecutive duration of 30 minutes after passing the said time;
  - (b) shall not violate the provision of subsection (a).
8. An employer shall:

- (a) close the establishments for public entertainment between 1 a.m. to 5 a.m. except theaters, entertainments and places held the funfair free of charge of the establishments for public entertainment;
- (b) not violate the provision of subsection (a).

9. An employer shall:

- (a) request the permission in advance to the Department for shops, establishments, and establishments for public entertainment required to open 24 hours per day, according to the nature of the work except the provisions of section 11;
- (b) not open 24 hours without permission under subsection (a).

10. If an employer open 24 hours per day the following shops, commercial establishments, and establishments for public entertainment according to the nature of work, he may operate them after notifying in advance to the Department:

- (a) shops located in the airports, ports, highway bus terminals, railway stations, and toll gates, hotels, motels, guesthouses, lodgings and clubs;
- (b) hospitals, clinics and medicines and medical equipments shop;
- (c) electricity or liquid gas or water supply services or communication services for the public as well as services and shops and establishments essential for the public exempted by the Ministry by notification.

11. (a) An employee working in a shop or an establishment shall not be worked more than eight hours per day or 48 hours per week. Provided that, the employee may be worked overtime more than eight hours per day or 48 hours per week with his consent in accordance with Law.

- (b) The total overtime hours shall not exceed 12 hours in any week. But if necessary as a special case it shall not exceed 16 hours. Moreover, it shall not be worked after midnight.

12. (a) Any employee working in any shop or establishment shall not be worked or allowed to work more than four hours consecutively without recess at least 30 minutes in any day. Moreover, the total recess and working hour shall not exceed 11 hours per day, including overtime and recess for an hour if they are for shops and commercial establishments and establishments for public entertainment.

- (b) watchman or security guards may not be given to the recess for the rest of subsection (a).

13. (a) Any person who has not attained the age of 14 years shall not be worked or allowed to work in any shop or establishment.

- (b) A person who has not attained the age of 16 years shall not be allowed to work overtime more than prescribed working hours in any shop or establishment.
14. (a) A person who has attained the age of 14 years, but not 16 years may be allowed to work with the permission of a doctor in charge who has the right to issue the fitness certificate to work. Provided that allow not more than four hours per day.
- (b) Any person who has attained the age of 14 years, but not 16 years shall not be compelled or allowed to work between 6 p.m and 6 a.m.
- (c) Any person who has attained the age of 14 years, but not 16 years shall not be compelled or allowed to work in any other shop or establishment if he has been working in any shop or establishment on the same day.
- (d) Any employee who has not attained the age of 18 years shall not be worked or allowed to work in a business or workplace which is prescribed as it is dangerous.
- (e) A person who has attained the age of 16 years, but not 18 years may be allowed to work in the safety work which may not affect growth and morale of them with the permission of a doctor in charge who has the right to issue the fitness certificate to work if he has passed vocational training courses for the respective work or he understands and follows the directives of the occupational safety and health or he is fit.
15. An employer shall:
- (a) fix at least one day in a week as a holiday for the employee in each shop and establishment;
- (b) not deduct from the entitled wage of the employee for a holiday in subsection (a).
16. An employer shall disburse the wage of an employee not later than seven days consecutively after the day to pay wages in each shop and establishment.
17. An employer shall:
- (a) calculate and pay the overtime pay in accordance with the stipulation for overtime work if it has to work overtime with the consent of employees in each shop and establishment;
- (b) not compel the employee without calculating and paying overtime pay under subsection (a).

## Chapter V

### Duties of Employees

18. An employee shall:

- (a) abide by the employment contract under the Employment and Skill Development Law;
- (b) maintain the goods, apparatuses used in the business not to destroy, lose, and waste.

19. An employee shall:

- (a) strive with might and main to fulfill and develop the prescribed workload for him;
- (b) systematically submit and claim the rights and entitlements to the respective employer in accordance with the Law.

## **Chapter VI**

### **Duties of Employer**

20. An employer shall send the inspector a notice with the copy of licence issued by the respective department and committee in the prescribed form within 10 days from the date of opening, transferring of place any shop or establishment or changing of business, extension of business, changing of employer, closing of business or appointing and changing of employee.
21. An employer for the matters of this Law shall:
- (a) arrange the document, statistics, instrument, evidence, forms, sample goods to be inspected by the inspector;
  - (b) submit the registration books, evidence for being employer or instruments related to the business kept in accordance with this Law and rule thereof in any shop or establishment when asked for by the inspector.
22. An employer shall hang notice of the period of work in the conspicuous place in the work place.
23. An employer shall notify the rights and entitlements of the employees.

## **Chapter VII**

### **Occupational Safety and Health**

24. An employer shall, in every shop or establishment, comply with the followings:
- (a) manage to be sanitation, free from bad smell, and hygiene;
  - (b) manage well ventilation and good lighting;
  - (c) manage not to exceed the prescribed noise;
  - (d) manage not to overheat and to take the fire safety precaution;
  - (e) manage sufficiently first aid box and medicines for employees in accordance with the stipulations.

## **Chapter VIII**

### **Offences and Penalties**

25. Any employer who violates any provision of sections 7 and 8 shall, on conviction, be punished with a fine from a minimum of one hundred thousand kyats to a maximum of five hundred thousand kyats.
26. Any employer who violates any provision of sections 9, 10 and subsection (a) of section 12 shall, on conviction, be punished with imprisonment for a term not exceeding three months or with a fine from a minimum of ten hundred thousand kyats to a maximum of thirty hundred thousand kyats or with both.
27. Any employer who violates any provision of sections 13 and 14 shall, on conviction, be punished with imprisonment for a term not exceeding six months or with a fine from a minimum of fifty hundred thousand kyats to a maximum of ten million kyats or with both.
28. Any employer who violates any provision of sections 15, 16 and 17 shall, on conviction, be punished with imprisonment for a term not exceeding three months or with a fine from a minimum of thirty hundred thousand kyats to a maximum of seventy five hundred thousand kyats or with both.
29. Any employee who violates any provision of subsection (b) of section 18 shall, on conviction, be punished with imprisonment for a term not exceeding three months or with fine or with both.
30. Any employer who violates any provision of sections 21, 22 and 23 shall, on conviction, be punished with imprisonment for a term not exceeding three months or with a fine from a minimum of three hundred thousand kyats to a maximum of five hundred thousand kyats or with both.
31. Any employer or employee who violates subsequently any prohibition of this Law or fails to comply with any duty shall, on conviction, be punished up to twice of the maximum punishment provided for such subsequent offence.

## **Chapter IX**

### **Miscellaneous**

32. (a) An employee may send a notice and complain to the inspector within three months from the date violated any provision of this law by the employer.
- (b) The inspector, if received the complaint under subsection (a), it shall be examined as may be necessary and if it is true, shall prosecute the employer with the approval of the Chief Inspector.

- (c) No court shall take action against any offence except the punishable offence complained by the inspector under this Law.
33. An inspector may prosecute an employer or a manager with the approval of the Chief Inspector if it is found that there are omission to comply with and violation the provisions of this Law, and rules and directives thereof.
34. This Law shall not concern with the followings:
- (a) road-side temporary stall;
  - (b) shop at the public exhibition held from time to time;
  - (c) establishment and shop for public entertainment displayed at an entertainment for temporary.
35. (a) Any shareholder or legally registered shareholder in a joint venture or a private shop or establishment who shall be deemed as an employer may be prosecuted under this law. However, one of the members of the joint venture or organization shall be deemed as an employer if he or she has been nominated for the matter of this Law by sending the letter by such joint venture or organization to the inspector until he or she received the cancellation letter from such inspector.
- (b) If a shop or establishment is a public company, any member of the board of directors or if it is not a public company, any member of the board of directors or any shareholder shall be deemed as an employer and may be prosecuted under this Law. Moreover, a member of the board of directors, before the inspector received the cancellation letter of not being or termination of being a shareholder, for the matter of this Law, shall be deemed as an employer.
36. If the original rights of employees under the other existing law in the date of enforcement of this Law or a contract or customs at any shop or establishment shall be enjoyed if it is better than the rights enjoyed by this Law.
37. The rules, notifications, orders, directives and procedures issued under the Shops and Establishments Act, 1951 may be continued to apply unless they are not contrary to the provision of this Law.
38. In implementing the provisions of this Law:
- (a) the Ministry may issue rules, regulations and bye-laws with the approval of the Union Government;
  - (b) the Ministry and the Department may issue notifications, orders, directives and procedures.
39. The Shops and Establishments Act, 1951 is hereby repealed by this Law.
- I hereby sign under the Constitution of the Republic of the Union of Myanmar.



----- Footnote -----

(1) Sec 2(i) the Ministry of Labour, Employment and Social Security = The Ministry of Labour, Immigration and Population

Myanmar Law Information System (MLIS)