

BURMA I

Social Security

The Social Security Act 1954. No. LXVII of 1954. Dated
22 October 1954.

1. (1) This Act may be called the Social Security Act 1954.
(2) It shall come into force on such date or dates as the President may, by notification¹, appoint in this behalf, and different dates may be appointed for different areas or for different types of establishments or for different classes of employees.

2. In this Act, unless there is anything repugnant in the context,—

- (i) "Board" means the Social Security Board formed under this Act;
- (ii) "industrial establishment" means an establishment engaged in extraction, transformation or manufacturing in any form, whether using power or not, but excluding building construction;
- (iii) "employer" means a person or body of persons, whether incorporated or not, the managing agent of an employer, or the legal representative of a deceased employer, with whom an employee insured under this Act has entered into a contract of employment or apprenticeship;
- (iv) "employee" means a person who is employed, whether permanently or temporarily, in or upon an industrial or other establishment covered by and specified in this Act;
- (v) an "employment injury" means—
- (a) industrial accidents arising out of or in the course of employment or in close connection with employment, including work on salvage operations or other activities carried out for the purposes or for the benefit of the employer; and
- (b) acute or chronic diseases or poisonings (occupational diseases) inherent in the nature of the work in which insured persons are employed and produced by specified substances used in processes of industries in which they are engaged;
- (vi) "wages" and "salaries" mean all remuneration paid or payable in cash or in kind, in accordance with a contract of

Note: The present translation was supplied by the social security officials in Burma.

¹ The first notification, dated 17 October 1955, appointed 1 January 1956 as the date of commencement in Rangoon and six other areas.

employment or apprenticeship, to an employee insured under this Act;

- (vii) "contribution" means the sum of money periodically payable to the Board by an employer, employee or the State for purposes of the Act and in accordance with its provisions.
- (viii) "insured person" means an employee who is liable to be insured under this Act in respect of a particular week and in respect of whom a contribution is payable by himself and by his employer;
- (ix) "rules" and "regulations" mean rules and regulations made by the President to carry out the purposes of this Act.

CHAPTER I. SCORE

3. This Act shall apply to the following establishments:

- (a) industrial establishments in which at least ten workers are employed, or have been employed since the coming into force of this Act: Provided that when an establishment has not employed more than four workers on any day in the preceding financial year, it shall cease to be covered by this Act;
- (b) railways under the Union of Burma Railway Board;
- (c) public industrial and transport establishments of or under the Union Government or any local authority, or of or under any Board constituted by Act of Parliament or by order of the Union Government or a local authority;
- (d) ports as defined in the Rangoon Port Act and in the Ports Act²;
- (e) mines as defined in the Mines Act³;
- (f) oilfields as defined in the Oilfields Act;
- (g) stevedoring establishments covered by the Dockworkers Act⁴;
- (h) the Board with regard to its own employees;
- (i) any other establishment as may be notified by the President from time to time.

4. The President may exempt from the sickness, maternity and death insurance (to be called hereinafter "general insurance") provisions of this Act, for not longer than one year at a time, establishments referred to in clause (c) of section 3, as long as they are providing their employees, under special rules recognised by the President as satisfactory, with protection in case of sick-

² Legislative Series, 1922 [Ind. 3].

³ Assam Labour Laws (I.L.O., New Delhi, 1951), Burma 1.

⁴ Ibid., Burma 7.

ness, maternity and death which is more favourable than that provided under this Act.

5. All persons employed by an establishment to which this Act, in accordance with section 3, applies shall be compulsorily insured in accordance with the provisions of this Act, whether they are wage earners or salaried workers and irrespective of the type of their employment (permanent or temporary), the nature of the work they perform (manual or non-manual), and the amount and form of their remuneration.

CHAPTER II. CONTINGENCIES COVERED

6. This Act governs the provision of benefits in respect of the following contingencies:

- A. General insurance:
- (1) sickness;
 - (2) maternity;
 - (3) death.
- B. Employment injuries insurance:
- (1) employment accidents;
 - (2) occupational diseases.

CHAPTER III. BENEFITS

7. Insured persons shall be entitled, in the conditions laid down by the provisions of this Act, to the following benefits:

- (I) *Medical care*, which shall be provided free of charge in cases of—
- (a) morbid condition, whatever its cause;
 - (b) pregnancy and confinement; and
 - (c) employment injury.
- (II) *Cash benefits*:
- A. sickness benefit during their incapacity for work;
 - B. maternity benefit during absence from work of insured women before and after confinement;
 - C. hospitalisation benefit during their stay in hospitals, maternity institutions or other medical institutions where they receive board and lodging free of charge;
 - D. funeral grant in case of the death, whatever its cause; employment injury benefits:
 - E. (a) temporary disability benefit when they are temporarily incapable of working;

- (b) permanent disability pensions in case of permanent incapacity for work, whether partial or total;
- (c) survivors' pensions in case of their death arising out of an employment accident or occupational disease; and
- (d) grants paid in lieu of the pensions referred to in (b) and (c).

CHAPTER IV. MEDICAL CARE

8. (1) Medical care shall be given to an insured person for the duration of sickness: Provided that it shall not be given for more than 13 weeks from the date on which treatment first began.
 - (2) Medical care shall, however, not be suspended while sickness or maternity benefit continues to be paid.
 - (3) Regulations may determine the maximum duration of medical care in case of recurrent sickness or where several independent cases of sickness arise in the course of the same period.
 - (4) Regulations may also prolong the maximum duration of medical care in cases of sickness considered of special importance from the point of view of general health interest.
9. (1) Medical care for an insured person in case of an employment injury shall be given without any limit as to its duration.
 - (2) Such medical care shall cover also, in conditions defined by regulations, services given by specialists.
10. Medical care for an insured woman in case of pregnancy and confinement shall be laid down by regulations.
11. (1) The Board shall have power to conclude agreements with public agencies and, in exceptional cases, private agencies, under which medical care or supply of medicines of a prescribed standard would be provided to insured persons through their medical institutions.
 - (2) Under such agreements, a determined number of beds may be reserved in such institutions for insured persons, if necessary, against payment of a contribution by the Board towards the cost of such service or towards an extension of their existing facilities for the exclusive use of insured persons.
12. There shall be no reimbursement of expenses incurred by insured persons outside of medical care services granted under this Act.
13. Sickness benefit shall be granted to insured persons who are incapable of work as a result of a morbid condition due to causes other than pregnancy and confinement or employment

CHAPTER V. SICKNESS BENEFIT

- accident and occupational disease, and involving suspension of earnings.
14. Sickness benefit shall be payable only if the insured person had at least 17 weeks of contribution in the 26 weeks immediately preceding the start of his incapacity (qualifying period).
 15. An insured person shall be eligible for sickness benefit only after his incapacity for work has been duly certified by a medical practitioner employed or approved by the Board.
 16. (1) Insured persons eligible for sickness benefit under this Act shall be entitled to receive such benefit from the fourth day of incapacity for work (waiting period).
 - (2) Employers covered by the Leave and Holidays Act 1951 shall provide employees who are admissible to leave on medical certificate, in accordance with section 6 of that Act, with sick leave during the initial period of three days by paying them half of their usual pay or wages.
 - (3) Apart from the obligation referred to in subsection (2), employers covered by this Act shall be exempt from any other obligation resulting from section 6 of the Leave and Holidays Act 1951 to grant sick leave to their insured employees.
 - (4) Regulations shall specify the circumstances in which, when a subsequent spell of sickness follows at a short interval a spell of sickness for which sickness benefit has been paid, sickness benefit will be paid from the first day of the new spell of incapacity without any waiting period.
 17. The amount of the sickness benefit shall be fixed by regulations.
 18. (1) Sickness benefit shall be paid in weekly instalments in arrears (or, if the incapacity does not cover a whole week, in daily instalments) in respect of each day of incapacity for work except Sundays and holidays.
 - (2) Sickness benefit shall be paid so long as incapacity continues: Provided that it shall not be paid for longer than 13 weeks.
 19. Payment of sickness benefit shall be suspended if an insured person engages in work for which he has been certified to be incapable or in any other equivalent gainful activity.
 20. If an insured person willfully provokes his own illness, or becomes ill as a result of a criminal act, or fails without sufficient reason to avail himself of medical care or to follow the instructions of medical practitioners, payment of sickness benefit may be suspended in whole or in part.

CHAPTER VI. MATERNITY BENEFIT

21. Maternity benefit shall be granted to insured women in cases of pregnancy and confinement which involve suspension of earnings.
22. Maternity benefit shall be granted to insured women during their absence from employment for a period of six weeks before and six weeks after confinement: Provided that the total duration of the benefit shall in no case exceed 12 weeks.
23. (1) The grant of maternity benefit shall be subject to the condition that the female employee has fulfilled a qualifying period of 26 contribution weeks in the last 52 weeks preceding confinement: Provided that regulations may introduce further qualifying conditions.
- (2) The payment of maternity benefit shall be suspended during any period in which a beneficiary engages in gainful activity.
24. (1) The amount of the maternity benefit shall be the amount fixed by regulations.
- (2) Maternity benefit shall be paid in weekly instalments (or, if the absence from work does not cover a whole week, in daily instalments) in respect of each day of absence from work except Sundays and holidays.
25. In case of miscarriage (excluding criminal abortion), the duration of the payment of maternity benefit after the event shall be determined in each case, subject to a maximum of six weeks, on the basis of a certificate issued by a medical practitioner employed or approved by the Board which indicates the length of absence from work required by the condition of the insured woman.

CHAPTER VII. HOSPITALISATION BENEFIT

26. In case of the admission of an insured person to a medical institution where he receives lodging and board free of charge, he shall be entitled to receive hospitalisation benefit at the rate fixed by regulations:
- Provided that (1) if the insured person is responsible for the support of members of his family (prescribed under section 43) he shall be entitled to such higher rates of hospitalisation benefit as may be fixed by regulations; (2) insured persons shall not receive another cash benefit while receiving hospitalisation benefit; (3) regulations shall also prescribe the detailed conditions under which it is payable.

CHAPTER VIII. FUNERAL GRANT

27. (1) A funeral grant shall be paid, in case of the death due to any cause of an insured person, to surviving members of his family or to such other persons as incur the expenses of his funeral.
- (2) The amount of the funeral grant shall be 200 kyats if it is paid to the widow or orphans of the deceased.
- (3) The amount of the grant shall equal the actual expenses duly certified as having been incurred for the funeral, if paid to other surviving relatives or other persons by whom the expenses were incurred: Provided that it shall not in any case exceed 200 kyats.
- (4) Regulations may prescribe conditions to be satisfied for the grant to be payable.

CHAPTER IX. EMPLOYMENT INJURY BENEFITS

28. (1) Benefits shall be granted in cases of employment injury (employment accident and any occupational disease specified in Schedule III (Lists A and B) to the Workmen's Compensation Act 9).
- (2) The President may revise the Schedule mentioned in subsection (1) by adding or deleting diseases specified therein as occupational diseases, determine a minimum period of exposure to the risk of occupational disease or modify the list of employments specified in List A of the said Schedule.
29. The Board shall provide and repair or renew, subject to conditions and within limits determined by regulations, orthopaedic and prosthetic appliances required for the rehabilitation of insured persons or for the reduction of their incapacity for work.

Part I. Temporary Disability Benefit

30. Temporary disability benefit shall be granted to insured persons who, by reason of an employment injury, are incapable for work and consequently suffer a loss of earnings.
31. Insured persons qualified for temporary disability benefit in accordance with section 30 shall be entitled to receive such benefit from the fourth day of incapacity for work (waiting period).
32. The amount of the temporary disability benefit shall be fixed by regulations.

^e *Asian Labour Laws, Burma 2, Schedule III, as amended, will be found in Legislative Series, 1951 (Bur. 3).*

33. The temporary disability benefit shall be paid in weekly instalments in arrear (or, if the incapacity does not cover a whole week, in daily instalments) in respect of each day of incapacity for work except Sundays and holidays.

34. (1) Payment of a temporary disability benefit shall be suspended when the medical treatment is terminated but in any case after 52 weeks.

(2) If the incapacity for work continues after 52 weeks, the temporary disability benefit shall be converted into a permanent disability pension in accordance with Part 2 of this Chapter.

35. The provisions of sections 15, 19, 20 and 25 shall, in so far as relevant, apply to temporary disability benefit.

Part 2. Permanent Disability Pension

36. (1) A permanent disability pension shall be granted to insured persons who, owing to an employment injury, have suffered a partial loss of capacity which is likely to be permanent (permanent partial disability pension) or are incapable of any remunerative work (permanent total disability pension).

(2) There shall be no mandatory classification of particular types of employment injuries deemed to result in permanent partial or permanent total disability.

(3) In order to facilitate assessment of pensions and to guarantee uniform handling of similar cases the Board shall, where appropriate, base the assessment of pensions on the percentage evaluations contained in Schedule 1e.

37. Permanent disability pensions shall be paid monthly, in advance.

38. (1) Permanent disability pensions may be replaced by the payment to the beneficiary of a single capital grant in the following circumstances:

(a) if the pension is less than such amount as may be prescribed by regulations; or

(b) if the beneficiary requests a capital grant and the Board is satisfied that the utilisation of the capital grant will be advantageous for the beneficiary.

(2) In cases to which clause (a) of subsection (1) applies and where the degree of incapacity is less than 20 per cent., the capital sum shall be equal to three annual instalments of the permanent disability pension.

(3) In all other cases the capital sum shall be equal to the capital value of the pension calculated on the basis of Schedule I.

39. (1) The amount of the permanent total disability pension shall be fixed by regulations.

(2) A supplement equal to 25 per cent. of the pension shall be added to the pension if the condition of the disabled person is such that he requires the constant attendance of another person.

40. (1) The amount of a permanent partial disability pension shall be such proportion of the pension which would be due in the event of permanent total disablement under section 39 as corresponds to the proportion of loss of earning capacity caused by the employment injury.

(2) If an insured person who is in receipt of a permanent partial disability pension suffers another employment injury, his pension should be fixed afresh, in conditions determined by regulations, by taking into account the whole of the loss of capacity suffered.

41. The provisions of sections 15 and 20 shall, in so far as relevant, apply to permanent disability pensions.

Part 3. Survivor's Pension

42. Survivors' pensions shall, under such conditions as may be prescribed by regulations, be paid to members of his family who were dependent on his earnings in case of the death of an insured person resulting from an employment injury.

43. (1) The President may, by regulations, prescribe the members of the family eligible for survivors' pensions and the amount of the pension payable to each.

(2) The provisions of sections 35 and 36 shall, in so far as relevant, apply to survivors' pensions.

Part 4. Other Employment Injury Insurance Provisions

44. The Board, under conditions to be prescribed by regulations, may organise—

(a) occupational re-education and retraining programmes for victims of employment accidents, in order to facilitate their rehabilitation and re-employment, and insured persons receiving cash benefits shall not refuse, without sufficient reason, to participate in such programmes; and

(b) educational industrial safety campaigns for employers and employees, in connection with which the Board shall maintain close co-operation with the Factories Inspectorate and other interested public and private agencies, with regard to measures of industrial safety and hygiene to be taken in order to prevent employment accidents and occupational diseases.

45. (1) Employers covered by this Act shall be exempt from other legal responsibilities for the consequences of employment accidents and occupational diseases, arising out of civil law and the Workmen's Compensation Act.

(2) Nevertheless, the provisions of subsection (1) shall not apply to any employment injury for which the employer is criminally responsible or which is due to his wilful action or to an offence committed by him.

(3) All expenses incurred by the Board in connection with an employment injury referred to in subsection (2) shall be borne by the employer concerned.

(4) An insured person who has suffered an employment injury referred to in subsection (2) or his surviving dependants may claim from the employer all damages due under the ordinary law, without prejudice to their rights under this Act.

46. (1) Employers shall report to the Board, under procedures to be prescribed by regulations, all accidents defined in such regulations as serious.

(2) The Factories Inspectorate shall report to the Board all employment accidents and occupational diseases observed in the discharge of its functions.

47. The President may, by notification, require establishments covered by this Act which are above a certain size, as evidence by their average number of employees, to reserve a minimum proportion of vacant jobs for victims of employment injuries who have a diminished working capacity due to the physical impairment caused by such injuries.

48. Rights to permanent disability and survivors' pensions shall lapse if the employment accident or occupational disease is not reported to the Board or the pension is not claimed within 52 weeks after the injury occurs.

CHAPTER X. PROVISIONS COMMON TO ALL BENEFITS

49. The average class for assessing the amount of benefits shall be determined by the average of basic wages in the previous 17 contribution weeks or, as far as employment injury insurance benefits are concerned, on the average of basic wages in the actual number of contribution weeks, if it is less than 17.

50. (1) The following benefits shall not be payable simultaneously to an insured person:

- (a) sickness benefit and maternity benefit;
- (b) sickness benefit and temporary disability benefit; or
- (c) maternity benefit and temporary disability benefit.

(2) In cases in which two of the above benefits are payable but their amount is different, the beneficiary shall receive the larger of the two benefit amounts.

51. (1) Persons who have ceased to be insured because they have been dismissed by their employer, and who are certified to be unable to find new employment shall be entitled, under conditions to be prescribed by regulations, to receive during the duration of their involuntary unemployment, but for no longer than 26 weeks, the benefits to which they would have been entitled if the contingency had occurred at the moment of their dismissal.

(2) Certificates attesting to their involuntary loss of employment and to their continued unemployment shall be issued by an employment exchange.

52. The right to payment of benefits mentioned in section 7, (II) A, B, C, D and E (a), (b) and (c) for a specified time unit (month, week or day) shall lapse if not claimed without good reason within eight weeks after they fall due.

53. (1) During any period in which an insured person is in receipt of sickness benefit, maternity benefit, hospitalisation benefit or temporary disability benefit, or is under medical treatment granted under this Act, his employer shall not dismiss him or reduce his wage or salary.

(2) A notice of dismissal or discharge given to an employee during the period specified in subsection (1) shall not be valid.

54. Regulations shall fix the conditions under which, if an employer pays the urgent expenses of an employee in case of his disablement due to sickness, maternity or employment injury, he may be reimbursed by the Board within the limits of the benefits to which the employee concerned is entitled.

55. (1) Employers paying wages or salaries to their employees for a period in respect of which the latter are receiving sickness benefit, maternity benefit, hospitalisation benefit or temporary disability benefit shall inform the Board of such payment if, when added to the cash benefit payable, the total exceeds the wages or salaries normally paid to the employees.

(2) In the cases referred to in subsection (1), the Board may deduct the amount by which the total exceeds normal wages or salaries from the cash benefit otherwise payable.

(3) Employers shall not reduce the wages or salaries of their employees by reason of their liability for contributions payable under this Act.

56. (1) Employers covered by this Act who, on the basis of their specific rules and regulations or on a merely voluntary basis, are on the date of its commencement maintaining medical

care facilities for their employees or their dependants (such as hospitals, dispensaries, medical services given by their own practitioners, etc.) shall not suspend such services without giving notice to the Board at least six months in advance of such suspension.

(2) Regulations shall define the conditions under which such services will be operated in close co-ordination with the medical care referred to in Chapter IV of this Act, and shall establish principles to govern agreements concluded between the Board and employers who maintain such services.

(3) Under the agreements referred to in subsection (2) the Board may contribute to the cost of extending and developing the facilities and services referred to in subsection (1).

57. An insured person or his survivors shall be entitled to receive the benefits provided in this Act in respect of employment to which this Act applies, even if contributions have not been paid by his employer or the employee's contribution has not been deducted from his wages or salaries. The full cost of benefits payable in such a case shall be borne by the employer, in addition to the payment of delinquent contributions due in conditions referred to in section 63.

58. (1) Benefits granted in conformity with this Act shall not be liable to attachment or assignment.

(2) Such benefits shall be inalienable.

(3) No taxes or duties shall be levied on benefits.

59. If a beneficiary dies during a period in which he is entitled to a cash benefit, the amount of any such benefit which is due but unpaid up to the day of his death shall be paid to the person nominated by him prior to his death or, if there is no such nomination, to his heirs.

CHAPTER XI. CONTRIBUTIONS AND STATE SUBSIDY

60. The Board shall levy contributions, in accordance with the provisions of this Chapter, in order to defray the cost of the benefits in cash and in kind provided to insured persons and their survivors, the other activities carried out under this Act and the administrative expenses.

61. Contributions shall be paid to the Board in respect of each employee of an establishment covered by this Act, and the rates of contributions payable by employers and employees shall be determined by regulations.

62. Where minimum wages are established under the Minimum Wages Act 1949⁷ or under other legal provisions, the wages

⁷Chapter 7
Legislative Series, 1949 (Bur. 1).

considered in the assessment of contributions shall not be lower than rates of minimum wages in force.

63. (1) An employer who fails to pay contributions when they are due shall pay an additional 10 per cent.

(2) Interest, the rate of which shall be determined by regulations, shall also accrue for each day of arrear, without prejudice to the penal sanctions provided in section 98.

64. If an employer pays a contribution to any credit, pension, provident or other fund which has been or may subsequently be set up for his employees, or maintains medical services on their behalf, he shall not be entitled to deduct such contributions or expenses from contributions due under this Act.

65. A week shall normally be the unit in respect of which contributions are assessed.

66. (1) Payment of contributions shall be effected in monthly instalments not later than ten days after the end of the respective month.

(2) The number of weekly contributions to be paid in monthly instalments shall be equal to the number of Saturdays falling in the respective month.

67. There shall be two types of contributions:

(a) contributions for sickness, maternity and death (funeral grant) insurance, hereinafter called "general insurance contributions"; and

(b) contributions for cash benefits under employment injury insurance.

68. The contributions payable under this Act shall be recoverable as if they were arrears of land revenue.

69. (1) The Board may require employers or other persons or authorities to maintain and furnish it with records, accounts and reports, for the purpose of determining whether contributions are being paid in accordance with the provisions of this Act and for fixing the amount thereof, as well as for determining eligibility for benefits and their amount, and for other purposes, in such form and within such time limits as may be prescribed by regulations.

(2) If an employer fails to comply with the provisions of subsection (1), the Board, without prejudice to penal sanctions under section 98, may fix the amount of contributions due from the delinquent employer or rectify returns and declarations made by the employer as it considers appropriate.

70. Contributions due to the Board shall have priority over other unsecured debts in cases of insolvency of employers to whom this Act applies.

*Part I. General Insurance Contributions
and State Subsidy*

71. General insurance contributions shall consist of—
- (a) contributions payable by the employer (hereinafter referred to as "employer contributions");
 - (b) contributions payable by the insured person (hereinafter referred to as "employee contributions"); and
 - (c) state contributions.
72. Save as otherwise expressly provided by this Act, the employer contribution shall amount to seven-tenths, the employee contribution to two-tenths, and the state contribution to one-tenth of the total general insurance contribution.
73. The President shall fix the rate of the general insurance contribution referred to in section 71 from time to time.
74. (1) Employers shall deduct employee contributions from the wages and salaries of their employees, add their own contribution thereto, and pay the whole to the Board.
- (2) Employers shall bear all expenses for the assessment and remittance of both types of contributions referred to above.
 - (3) All sums deducted by employers under this section shall be deemed to have been entrusted to them by their employees exclusively for the purpose of paying contributions to the Board.
75. The Union Government shall pay, in accordance with the rules made in this behalf, an annual state contribution equal to one-half of the total amount of employee contributions payable by all employees to whom this Act applies in the preceding financial year.
- Part 2. Employment Injury Contributions*
76. Contributions for financing cash benefits under employment injury insurance shall be paid only by employers.
77. The rate of the employment injury contributions shall be fixed by regulations.
- CHAPTER XII. OTHER FINANCIAL PROVISIONS**
78. In order that the Board may be able to exercise its powers and discharge its obligations, the Union Government may make loans to it in accordance with rules which it considers to be suitable.
79. The Board shall maintain a fund, which shall be known as the Social Security Fund, and there shall be credited thereto all monies received by the Board under this Act.

80. (1) The Social Security Fund shall be administered by the Board in a manner to be prescribed by rules.
- (2) The Board shall deposit all monies of the Social Security Fund which are not immediately required in the Union Bank of Burma.
81. In addition to contributions and the state subsidy, the revenue of the Social Security Fund shall include—
- (1) interest on deposits and investments of the Fund;
 - (2) amounts paid as penalties under section 94, 92 or 93; and
 - (3) grants, donations and gifts from the Union Government, state governments, local authorities, public corporations, or any individual or body, for all or any of the purposes of this Act.
82. The Board may acquire and dispose of movable or immovable property under conditions to be determined by rules.
83. (1) The Board shall maintain three separate accounts in the Social Security Fund—
- (a) general insurance account (sickness, maternity and death insurance);
 - (b) employment injury insurance account; and
 - (c) administrative expenses account.
- (2) Rules shall determine the maximum limit of administrative expenditure as well as the proportion in which it shall be paid through transference from the accounts mentioned in (a) and (b) of subsection (1) to the account mentioned in (c).
84. (1) The Board shall prepare budget estimates showing the probable receipts and expenditure which it proposes to incur during the following year.
- (2) Such budget estimates shall be subject to the approval of the President.
85. (1) After the close of each financial year the Board shall submit to the President, for his approval, a detailed annual report, which shall contain a systematic summary of its operations, information regarding its policies and the working of the Act, and accounts of its income and expenditure, accompanied by an audit report of the Auditor-General of Burma.
- (2) The Board shall not be liable to pay any taxes, whatever their character and incidence.
86. (1) The Board shall establish, under conditions and for purposes determined by rules, a special reserve fund in the general insurance account.
- (2) The Board shall also establish, under conditions and for purposes determined by rules, a special reserve fund in the employ-

ment injury insurance account, which shall be equal to the prospective value of all benefits arising from employment injuries occurring before the end of each financial year.

87. (1) All accounts of the Board shall be audited, under conditions to be prescribed by rules, by the Auditor-General of Burma.

(2) The Auditor-General shall have access to all accounts, books and documents of the Board and shall be entitled to acquire from it such information as he may consider necessary for the performance of his duties.

CHAPTER XIII. ADMINISTRATION

88. (1) For the administration of this Act a body corporate shall be constituted with the name of "Social Security Board".

(2) The Board may sue and be sued as the Social Security Board.

89. (1) The Board shall consist of the following members:

(a) the Minister of Labour (ex-officio chairman);

(b) the Director of Labour or a Deputy Director nominated by him (ex-officio member);

(c) the Chief Inspector of Factories, or a Deputy Chief Inspector of Factories nominated by him (ex-officio member);

(d) the Director of the Medical and Health Department, or his Deputy nominated by him (ex-officio member);

(e) the Executive Officer of the Union Insurance Board, or his Deputy nominated by him (ex-officio member);

(f) six workers' representatives appointed by the President from a list presented by the Trade Unions Congress (Burma), which list should be sufficiently large to permit selection of the necessary number of suitable candidates;

(g) six employers' representatives appointed by the President, of which three shall represent government enterprises and three shall represent private enterprises;

(h) one representative of the Burma Medical Council, who shall be a private practitioner.

(2) An executive officer, to be appointed by the Board with the prior approval of the President, shall be the Secretary of the Board.

90. (1) Rules shall determine the procedures of the Board.

(2) The term of office of members of the Board (other than the ex-officio members) shall be three years.

(3) Rules shall determine which orders and decisions shall be authenticated by the signature of the chairman.

91. A standing committee of the Board shall be established, under conditions determined by rules, consisting of seven members of the Board to be nominated by the Board.

92. (1) Under the general control of the Board, the standing committee shall administer the current affairs of the Board.

(2) The committee shall hold meetings at least once in each month.

93. Special councils may be established and rules may be prescribed for their membership and functions.

94. (1) Subject to the general control of the President, the Board may appoint such officers and other employees as may be necessary to enable the Board to carry out efficiently its duties, powers and functions:

Provided that before the Board is duly constituted under this Act the President may appoint such officers and other employees as he may deem fit.

(2) The salaries and allowances and other conditions of service of the officers and other employees of the Board shall be such as the Board may with the approval of the President prescribe.

CHAPTER XIV. ADJUDICATION OF DISPUTES.

95. All disputes arising out of the application of this Act shall be outside the jurisdiction of the civil courts.

96. (1) The President shall, in accordance with the rules, constitute appeal tribunals for the adjudication of all disputes which may arise between the Board and insured persons or their dependants in the application of this Act.

(2) Appeals by insured persons or their dependants against decisions of the Board shall be presented to the appeal tribunal within two months after receipt of notice of the decision which is contested.

(3) All expenses of the appeal tribunals shall be borne by the Board.

CHAPTER XV. PENALTIES.

CHAPTER XVII. MISCELLANEOUS PROVISIONS.

100. Certificates or other documents presented by insured persons or their dependants for obtaining benefits or for any other purpose in connection with this Act shall be exempted from all taxes, fees and stamp duties.

101. Employment accidents which have occurred, or occupational diseases which have been found to exist prior to the commencement of this Act (including cases of worsening of the physical state of victims with consequent review of their benefits) shall continue to be governed by the Workmen's Compensation Act.

102. The President may exempt any establishment or any person or class of persons from all or any of the provisions of this Act.

103. For the purpose of fulfilling any qualifying period required under this Act, periods of employment before its commencement shall be taken into account for persons insured under this Act, as if the employment had been included within the scope of this Act.

104. (1) The President may make rules and regulations to carry out the purposes of this Act.

(2) Such rules and regulations shall be subject to previous publication.

105. The employers covered by this Act shall be required to establish and maintain wage registers of their employees, in accordance with instructions issued by the Board.

106. The provisions of any other law for the time being in force shall, in so far as they are inconsistent with the provisions of this Act, cease to have effect.

BURMA I

Social Security (Amendments)

The Social Security (Amendment) Act 1955. No. I of 1955.
Dated 12 October 1955.

1. This Act shall be called the Social Security (Amendment) Act 1955.
2. In section 1, subsection (2), of the Social Security Act 1954¹, hereinafter referred to as "the said Act", after the words "different dates may be appointed" the words "for different sections or" shall be inserted.
3. In section 2, subsection (viii), of the said Act, the words "in respect of a particular week and in respect of whom a contribution is payable by himself and by his employer" shall be deleted.
4. After section 5 of the said Act, the following shall be inserted as section 5A:
"5A. (1) Apprentices or trainees, whether remuneration is paid to them or not, shall be compulsorily insured under the Act.
(2) Persons mentioned in subsection (1) who are not receiving any remuneration shall, subject to the conditions and limitations prescribed by Regulations, be eligible for benefits under the provisions of this Act."
5. [*Applies to Burmese text only.*]
6. At the end of section 12 of the said Act, the following proviso shall be inserted, namely:
". Provided that, in exceptional cases of extreme urgency to be defined by Regulations, medical care expenses incurred by insured persons, duly documented and corresponding to the treatment necessary in such cases, may be reimbursed to them within limits determined for each case in conditions set out by Regulations."
7. In section 20 of the said Act, the words "committed by the insured person" shall be inserted after the words "criminal act".
8. After section 25 of the said Act, the following shall be inserted as section 25A:
"25A. Employers covered by this Act shall be exempted from any other obligations relating to maternity leave with full pay based on awards of the industrial courts."

¹ Legislative Series, 1954 (Bur. 1).

9. In the first sentence of section 26 of the said Act, the words "entitled to sickness benefits, maternity benefit or temporary disablement benefit" shall be inserted after the words "insured person".

10. In section 34, subsection (2), of the said Act, the words "incapacity for work" shall be substituted for the words "medical treatment" and the following shall be inserted as subsection (3):

"(3) The temporary disability benefit may be converted into a permanent disability pension before 52 weeks of payment of that benefit have elapsed in cases where the permanent incapacity of an injured insured person can be assumed and his medical treatment is terminated at an earlier date."

11. In section 35 of the said Act, the figures "16 (2) and (3)" shall be added after the figure "15".

12. In section 54 of the said Act, the words "an insured person for medical care" shall be substituted for the words "an employee in case of his disablement due to sickness, maternity or employment injury", and the words "within the limits of the benefits to which the employee is entitled" shall be deleted.

13. For the words "at least 6 months" appearing in the last line of section 56 (1) of the said Act, the words "at least 12 months" shall be substituted and the following shall be added to the last sentence of subsection (3):

"or assume full financial responsibility for the cost of their operation where they are used according to such agreements for granting medical care also to insured persons other than employees of employers concerned."

14. After section 75 of the said Act, the following shall be inserted as section 75A:

"75A. (1) The general insurance contribution shall be supplemented, for the specific purposes mentioned in subsection (2), by a temporary state subsidy.

"(2) The temporary state subsidy shall be devoted to financing of construction and equipment of social security dispensaries as well as other medical institutions considered necessary for furnishing medical care provided under this Act.

"(3) The amount of the temporary state subsidy shall be determined from time to time in such a way as to enable the Board to operate such number of duly equipped dispensaries in buildings specially constructed therefor as is considered necessary for rendering medical care to insured persons in areas covered by this Act.

"(4) The temporary state subsidy shall be paid to the Board in two equal instalments, on 1 October and 1 July in each financial year."

15. In section 80, subsection (2), of the said Act, the words "which are not immediately required" shall be deleted and the words "or in any other state banks" shall be added at the end of that section.

16. After section 96 of the said Act, the following shall be inserted as section 96A:

"96A. Appeals by employers who are not satisfied with the decisions of the Board in disputes arising out of the application of this Act may be made to the President of the Union."

17. In section 100, the existing section shall be numbered as subsection (1) and the following shall be added as subsection (2):

"Certificates or other documents referred to in subsection (1) shall be furnished by all state, municipal and other public authorities free of charge."

18. The following shall be substituted for the provisions of section 102 of the said Act:

"The President may exempt from insurance any class of persons."

19. Section 103 of the said Act shall be deleted.

20. Sections 104, 105 and 106 of the said Act shall be re-numbered 103, 104 and 105.

BURMA I

Social Security (Amendments)

The Social Security (Amendment) Act 1956. No. VIII of
1956. Dated 5 March 1956.

1. In section 16 of the Social Security Act 1954¹, hereinafter referred to as the "said Act"—

(a) in subsection (2) the words "the pay or wages as provided in that section" shall be substituted for the words "half their usual pay or wages";

(b) subsection (3) shall be deleted and the following substituted therefor:

"3. An employer covered by this Act shall be entitled to deduct the amount of the sickness or hospitalisation benefit for which the employee is eligible under this Act from—

- (i) the salaries or wages payable by the employer to the employee under section 6 of the Leave and Holidays Act 1951²; or
- (ii) the sick pay or wages due to the employee under contractual or other arrangements where the provisions of the Leave and Holidays Act 1951 do not apply."

2. Section 25A of the said Act shall be deleted and the following substituted therefor:

"25 A. The employer covered by this Act shall be entitled to abate from the obligations to an employee in respect of maternity leave, whether based on the Leave and Holidays Act 1951, awards of the industrial courts, or contractual or other arrangements, the amount of the maternity or hospitalisation benefit to which the employee is entitled under this Act."

¹ *Legislative Series*, 1954 (Bur. I), 1955 (Bur. I).
² *Ibid.*, 1952 (Bur. I).