

Exploitation and Discrimination Experience of Migrant Workers in Five Provinces*

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INTRODUCTION

Migrant workers have become one of the important sources of labor in Thailand's economic system. They help overcome labor shortages in various industries and perform jobs that Thai workers are reluctant to do: the so-called "3D jobs," those are dirty, dangerous, and difficult. Various economic analyses have consistently revealed the significant contributions of migrant workers to the Thai economy, including increases in the country's gross domestic product (GDP) as long as the number of migrant workers coming into Thailand increases in tandem. Their contributions are valued at about 760 million baht in real national income per year. Yet Thailand still has not taken a strong stance in protecting the rights of migrant workers, such as by protecting their labor rights as well as their human rights. While various policies, laws, organizational systems, and frameworks exist that purport to empower migrant workers in the protection of their own rights, no real progress has been made over the past decade in terms of implementation. Today, migrant workers still have to deal with the same issues that they have been enduring ever since the government first started the registration system for migrants. A situation assessment and a Knowledge, Attitude and Practice (KAP) baseline survey were conducted in five selected provinces in Thailand where migrants work for local employers, in the hope that better evaluative criteria could be established for assessing the empowerment of migrant workers in the protection of their rights, and for filling the gaps that still exist in the country's labor protection policies, laws, mechanisms, and interventions. Many of these need to be revised and rectified in order to truly accommodate the numerous migrant workers in the country.

METHODOLOGY

The methodology was classified into two categories: qualitative and quantitative. For the qualitative category, a situation assessment of the exploitation of and discrimination against migrant workers in Thailand was conducted in five selected provinces, namely Samut Sakhon, Samut Songkhram, Samut Prakan, Nakhon Si Thammarat, and Surat Thani. The aim of this assessment was to gather data from stakeholders—employers, local authorities, and migrant workers—using face-to-face interviews and focus group discussions. Qualitative thematic analysis and force field analysis were also used: the qualitative thematic analysis for drawing out the preliminary findings from the situation assessment by categorizing information under common themes, and the force field analysis for evaluating the empowerment of migrant workers which involved setting up key criteria, including the driving forces that promoted empowerment and the restraining forces that worked against it. The indicators established for the force field analysis are presented in Table 1.

The result of qualitative data collection was used to create a KAP baseline survey for quantitative data collection. The baseline survey was divided into four parts: general characteristics; basic knowledge of related laws and regulations; experience with discrimination and exploitation; and accessibility of services and information. A total of 607 samples were collected in the target provinces. Data analysis included both quantitative and qualitative statistical analysis methods. The main variables were sex, nationality, age, occupation and marital status.

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Table 1 Indicators for the Force Field Analysis

Drivers	Restrainers
Existence of formal mechanisms and interventions	Lack of effective interventions and mechanisms at the local level
Awareness of problems and obstacles at the local level	Weak enforcement of national policies and laws due to the lack of decision-making power
Knowledge of the various forms of exploitation and discrimination	Insufficient resources experienced by all parties involved
Existence of local non-governmental organizations and informal systems	Labor shortages experienced by local employers
Participation in training and education initiatives	Competitive business environments affecting the balance of business costs, productivity and the social aspects of migrant workers
Efficient management systems in large employer organizations	Existence of the broker system that affects all parties involved
Sensitivity toward the human rights of migrant workers	Communication barriers in current systems and between all parties involved
Tacit understanding by migrant workers of their labor rights	Current trends in the exploitation of and discrimination against migrant workers
Willingness to change existing systems and adopt new management mechanisms	Negative attitudes toward migrant workers at the local level
Acknowledgement and understanding of the local economic contribution of migrant workers	Political and accountability pressures by national security authorities, negatively impacting the protection of migrant workers' labor and human rights

SITUATION REPORT

The situation assessment revealed some common problems across the five provinces, which were experienced by the local authorities, employers, and migrant workers when using the registration system and when abiding by the national policies and laws designed to protect the migrant workers. It was discovered that the local authorities experienced problems related to the management of the labor migration process, the registration process, and the enforcement of local policies and laws designed to protect the rights of migrant workers. Employers often complained about the lack of clarity in local policies and laws, the high risk of losing their migrant workers even after registering them, the lack of resources which pushed them to hire workers illegally, competitive business environments, labor shortages, the lack of training provided to their workers, the high dependence on the broker system, and problems related to extortion by local authorities. For migrant workers, the main problems encountered included the high fees prescribed under the registration system along with the system not being easily accessible; the dissemination of false information by local authorities, employers, and brokers; their high dependence on the broker system; their lack of access to legal mechanisms and interventions; their inability to work even after officially registering; their inability to fully access various social services and medical resources; their lack of access to local training and skill development; and their lack of national identity.

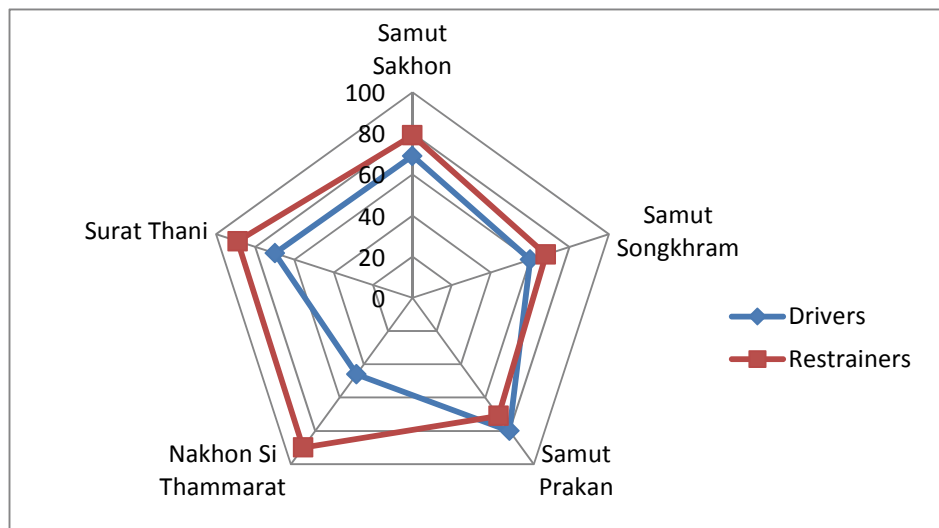
Common attitudes toward migrant workers across the five provinces were also identified. The study revealed that local communities, authorities, and employers often perceived migrant workers as being

without skills, and therefore fit only to work in labor-intensive industries offering 3D jobs. Moreover, although migrant workers were also perceived as closing the country's labor gaps in areas where Thai workers are in short supply, while contributing to the country's economic growth, they were still perceived as second-class citizens. Some people view them as a threat to Thailand's national security, referring to increasing social problems and the prevalence of non-endemic diseases in the country as a consequence of migration. Some local communities and workers invariably view migrant workers as having stolen local jobs and usurped business activities. With regard to the rights of migrants, the attitudes of Thais are generally positive, acknowledging that migrant workers are in fact entitled to the same rights as local workers, especially when they are viewed as being more hard working, dedicated, responsible, and loyal than local workers.

The result of the force field analysis showed that only in Samut Prakan Province did driver scores outnumber restrainers; in the other provinces restrainers outnumbered drivers. Figure 1 compares scores in the five provinces. Geography is another factor to be concerned, as Nakhon Si Thammarat and Surat Thani provinces have wider gaps between drivers and restrainers compared with the other provinces.

KNOWLEDGE, ATTITUDE AND PRACTICE OF MIGRANT WORKERS

As mentioned in the previous section, the number of samples in this survey totaled 607, that is, 184 from Samut Sakhon, 113 from Samut Prakan, 115 from Surat Thani, 117 from Nakhon Si Thammarat, and 78 from

Figure 1 Comparison of Scores in Five Provinces

Samut Songkhram. Most of the samples (542) were nationals of Myanmar, while the remaining 65 were nationals of Cambodia. The majority of the migrants were resident in Thailand for one to three years. They usually lived with family/relatives or a spouse; the data showed that most of them had relatives in Thailand. As for their working status, the migrants usually used the channel of family/relatives for their job search. Half of the samples replied that they had never previously changed their job; 80 percent of the sample had registered with the Thai authorities, and the majority of them usually paid between 4,501 and 6,000 baht per person in registration fees. For most of them, their income also ranged from 4,501 to 6,000 baht per month. Although the number of registered workers is large, the color-coded work permit used for different occupations seems not to match with the actual occupation of the migrants; for example, only three samples out of the 106 registered as fishery workers had the color-code blue on the back of their work permits and only two samples out of the 213 registered as fishery-related workers had the color-code orange on the back of their permits. These examples also show the failure of the government system to control the number of migrant workers registered for each of the occupations allowed.

With regard to compensation and benefit negotiations, the survey found that more than 85 percent of the samples never had any experience in collective bargaining; most of this proportion also had no experience in bargaining individually with their employers. From those who had experience in bargaining both individual and collective bargaining, majority of them ask for wage increasing; this was followed by issues concerning working hours. Reluctance in negotiations and collective bargaining can lead to discrimination in the payment of income from employers. The study found that more than 48 percent of the sample had experienced

a deduction in their salary without having been given advance notice; of that proportion, 21 percent received a late payment, and 17 percent no payment for the work that they had performed.

As for knowledge of related laws and regulations and other necessary information, the study discovered that the migrant workers who were younger than 15 years of age had no knowledge of the law. When comparing among the topics known, the Alien Workers Act B.E. 2551 (2008) ranked the highest, while the Royal decree B.E. 2522 (1979) describing the occupations and professions that are not open to aliens ranked the lowest. Most migrant workers gained knowledge via self-study and family/friends respectively. In accessing the necessary information, such as labor rights/standards, migration registration, national verification, and occupational health and safety, the average opportunity to assess such information was around 3.30, which means that one migrant had assessed at least three topics. Fishermen ranked the lowest in accessing information compared among the four occupations assessed. Non-governmental organizations (NGOs) were the major source of information for migrant workers. Furthermore, the information for nationals of Myanmar was usually provided in the Burmese language while that for Cambodians usually was in Thai.

As for the experience of exploitation and discrimination, the results of the study are listed below:

- Gender exploitation: The survey found that most pregnant workers were allowed to work in the same position in certain periods; however, some pregnant women reportedly were fired as result of maternity issues.
- Assessment of health and service: The majority of migrants received a physical examination, including blood and urine tests,

before being employed. In making comparisons among the four occupations, those working in the fishery sector had the smallest number of physical exams. Most migrant workers never received the result of their physical examination; moreover, some workers were fired because of the result of their physical examination, if it revealed HIV/AIDS, for example.

- Local police: Migrants revealed that the reason for being arrested was that they did not have work permits or related documents. Most of these were fishermen; however, they explained that for some of the migrants the reason for being arrested by the police was to get them to pay the fine from their own pocket, although some employers paid such fines.
- Local community: Of the five provinces, Nakhon Si Thammarat had the highest level of exploitation by the local community. Most migrants agreed that they were prevented from participating in public activities in that province.

Besides the above, the study also found several other types of abuse which are outlined below:

- Gender abuse: The highest level of gender abuse occurred in Samut Sakhon Province; most of the participants in that province stated that they had experienced abuse from their Thai manager/supervisor.
- Assessment of health care and health service: There was no result under this topic.
- Local police: The survey found that there were three migrant workers who had experienced abuse at the hands of local police.
- Employers: Abuse by an employer ranked the highest among other abuse-related issues. It was found that 18 participants had experienced physical abuse; 26 verbal abuse; and two sexual abuse.
- Local community: There are distinctly significant differences in occupational variables and provincial variables.
- Local authority: There was no result under this topic.

In considering the action that migrants might take to prevent being exploited and discriminated against, the survey discovered that 32.3 percent of the sample did not know what action should be taken when facing such situations, while 21.58 percent decided to seek help from NGOs.

RECOMMENDATIONS

- Migrant workers still receive unfair pay. Some of them never received any payment from their employers while others had amounts deducted from their pay without having been informed first. Such problems should be addressed by the relevant organizations, especially the government.
- The basic type of abuse, including physical, verbal, and sexual abuse, is different among areas and occupations. One of the reasons is the limitation of resources from government sectors; therefore, the government needs to collaborate with NGOs as well as local communities in order to identify cases of exploitation and discrimination that occur in each community.
- There should be collaboration between the government and NGOs in protecting migrants from various forms of exploitation and discrimination by employers, especially with regard to child labor issues. Migrants between the ages of 15 and 18 should be protected by the amended Thai labor law.
- The enforcement of national policies and laws should be improved by establishing better standards and criteria for evaluating the effectiveness of national policies and laws.
- Educating employers about the importance of providing decent work conditions for their employees should include information on the following: (1) fundamental principles of human rights, rights at work and international labor standards; (2) employment and income opportunities for workers; (3) social protection and social security for workers; and (4) social dialogue and tripartism.

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