CHAPTER IV

THAILAND GOVERNMENT POLICIES TO MANAGE MYANMAR MIGRANT WORKERS IN THAILAND

This chapter answer the research question in the first chapter and explain how the government solves the shortage labor, in which the content of Thai government policies and management of Myanmar migrant workers in Thailand, consisting of national protection of Myanmar migrant workers’ rights and social welfares to provide the facility of Myanmar workers. Including the role of Thai government as part of regional partnership initiative and bilateral or multilateral agreements with involving the organization in providing protection for Myanmar migrant workers in Thailand.

A. Protection of Labour right/social welfare

This section focuses on Myanmar migrant workers’ rights and social welfare, since Myanmar workers had already become a significant on Thai economy and also some of them has produce the negative impact. Meanwhile, Myanmar migration into Thailand comprises two main groups, documents migrants, and undocumented migrants. The Thai government has been a good faith developed a policy and attempt to regulate on Myanmar migrant workers which is allowed to obtain these protections right and social welfare. However, the Thai government allowed these Myanmar migrant workers to register as legal migrant workers for permits which giving them the right to live and work in Thailand.
1. Legal basis minimum wage

Minimum wages are an important and primary source of income for the workers. The workers who obtain a higher wage can provide the basic lifestyle than those who obtain a lower wage. However, minimum wages are important for the workers as result of immigration which is migrant workers to seek works abroad for improving their social economic barriers in which they cannot obtain in their own country.

Characterized the principal causes of immigration is to respond to the economic in destination countries which are wage condition and relatively favorable employment that encourage these migrant workers to immigrate. Meanwhile, an increasing number of developed and developing countries are introducing their minimum wage or improving minimum wage policies which aim to guarantee the minimum wage income for individuals. An increasing of the minimum wage in destination countries may affect the growing number of low-skilled migrant workers could expect to attain if they were to migrate. Thus, higher minimum wages in destinations countries are induced migrant workers from origin countries. It could be said that Myanmar migrant workers immigrate to Thailand where they have an opportunity in seeking employment and clearly motivate immigrate to Thailand with minimum wage condition in Thailand.

Currently, the minimum wage between Thailand and Myanmar are different which is a major factor growing among Myanmar migrant workers immigrate to Thailand. Myanmar’s economy is largely based on natural gas, oil and agriculture as the dominate Myanmar exports and other exports are vegetables, rice, rubber, and fruit. The main labor force by

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24 Giulietti, Corrado(2015), Do minimum wage induce immigration, Institute of Labor Economics(IZA)2015, P.2
occupation of Burmese is agriculture and minimum wage determined uniformly for the entire union of Myanmar without differentiation in respect of location or type of enterprise should to set the basic daily wage of the workers at 4,800 kyat, approximately 3.52 USD (U.S. Dollar) per day with eight working-hours and six days work week.²⁵

Meanwhile, Thailand is one of the wealthiest and strong countries in Southeast Asia and the country has successfully established itself as a regional hub for several key manufacturing industries such as food product, mining, and tourism. The main labor force by occupational of Thai is agriculture the same as Myanmar but different national minimum wage which is Thai government begins a nationwide minimum wage daily rate of 300 THB (Thai Bath), approximately 8.40 USD (U.S. Dollar) per day minimum wage to be adopted in all provinces nationwide throughout in 2013 and 2014.²⁶ Thus, the minimum wages increase in Thailand and it is positive impacts important to the country’s economy in the long run, both at the regional and international.

An obviously seen that the difference of minimum wage between Thailand and Myanmar has been an aspect to Myanmar workers decision to migrate into Thailand which the basis minimum wages of 300 baht per day in Thailand have been encouraged and might also influence incentive for growing of Myanmar low-skilled workers cross-border to Thailand.

Table 2: Number of document Myanmar migrant workers by 2011-2014

<table>
<thead>
<tr>
<th>Number of document Myanmar migrant workers</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>153,948</td>
<td>425,191</td>
<td>778,258</td>
<td>898,697</td>
</tr>
</tbody>
</table>


From table 2, it shows that the number of Myanmar migrant workers to Thailand is increasing every year. Since 2013, Thai government applied the policy of 300 baht per day minimum wage it is an attraction of Myanmar workers migrate to Thailand which seeks employment where they obtain higher wage and their families can enjoy a basic standard of living than their own country. Thus, 300 baht minimum wage is the cause of inflow Myanmar migrant workers to Thailand. Meanwhile, Myanmar workers who work in the border areas continue to migrate from border areas to urban areas to the point that which expected minimum wage in urban areas.

Myanmar migration has an impact on the employment and wage situation in Thailand which is Myanmar migrant workers have an effect on wages for unskilled Thai workers. To avoid this problem, Myanmar migrant workers guarantee to receive the same minimum wages as Thai workers and receive equal treatment under the Thai Labor Protection Act of 1998 require, the document migrant workers be paid the national minimum wage, for standard working day of 8 hours and there is on day off after every seven working days, paid sick leave, paid annual leave after one-year service, limitation on dangerous work for women and pregnant women. The Thai
Labor Protection Act prohibits of forced work on public holidays, forced or unpaid overtime. This Thai policy clearly states that all Thai labor law applies equally to document migrant workers and Thai population.27

2. Migrant workers Assistance Center

The Ministry of Labor has the policy to protect migrant workers who are work in Thailand include all areas in order to monitor and maintain their right to access their equal right in daily life under Thai law. Thus, the Ministry of Labor has established migrant workers assistance center to assist migrant workers in providing receive advice, counseling, providing dispute resolution and assistance to migrant workers who are having trouble on working in Thailand; for example, changing employer, occupations the workplaces, consultation compensation. In order to coordinate the assistance or forward to other agencies that have been related of the problem which prevents those migrant workers from employer for will not be happened of human trafficking, the migrant worker being exploitation, and assist migrant workers with the repatriation, etc. Migrant workers Assistance Center have been set up 10 provinces where the most migrant workers living and work are 6 provinces coastal province, including Ranong, Songkhla, Chonburi, Surat Thani, and Samut Prakan. 4 other provinces are located in the non-coastal province including, Khon Kaen, Chiang Mai, Tak, and Nakhon Ratchasima.

Meanwhile, many of Myanmar migrant workers are not accessible to the public services or equal right because of almost migrant workers from Myanmar have limited educations which is most of them do not to speak the local language or do not understanding local language as a result they are cannot

27 Myat Mon(2014), Burmese labour migration into Thailand: Governance of migration and labour rights, P.39
communicate with Thai people for what they want to communicate with Thai people, less of interpreters and volunteers for translator. As a result to Thai Ministry of Labor to provide the promoting accessible complaint or grievance channels in order to Myanmar migrant workers are the facility to receive advice and assistance them.

The promoting accessible compliant are:

a. The hiring of Interpreters: In the dimension of additional protection, due to Thailand has a problem of lack interpreters in Myanmar, Cambodia, and Laos which makes it difficult to communicate and understanding of Myanmar migrant workers want or need. In the fiscal year 2017, the Ministry of Labour allocated the budget for the hiring of interpreter for help those migrant workers in various channels; for example, Myanmar workers who work in fisheries sector must have a certificate identity to apply for the work permit which is the green card for the worker in the fisheries sector. So, all migrant workers who are work in the fisheries sector, the employer must to make the certificate of identity at PIPO center. Therefore, PIPO service center how to do in order to facilitate the service and they need to be able to communicate with Myanmar workers of the issue those Myanmar workers come to work without being deception, exploitation, etc.

In term of hiring an interpreter by seeking form migrant workers who can speak Thai language and their native language. Currently the total amount of 102 interpreters that have been hired its divide into 67 interpreters under the Department of Labour Protection and Welfare, and 35 under Department of Employment. 28 Moreover, the Ministry of Labour by Department of Labour Protection and Welfare was

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28 Ministry of Labour (2016), Operation on Tackling Labour Trafficking Issues, P.32
created MOU with Mae Fah Luang University which is to provide interpreter form the student of Mae Fah Luang University through the line application (LINE) to communicate and understanding the Myanmar workers. However, the result of MOU with Mae Fah Luang University helped the labor in direct communication with Myanmar migrant workers its gain more information about their problem and more convenient to operate it.

b. Hotline 1546/ 1694: The Ministry of Labour under Department of Labour Protection and Welfare to provide information via telephone hotline 1546/ 1694 both hotlines is available as option channel for both Thai and migrant workers to receive information for complaint on their employment and also both hotline are fast and convenient in receiving request form both Thai and migrant workers. The hotline of 1546 is to provide the total of 11 interpreters with 20 services lines who can speak English, Myanmar, and Cambodian to answer the question of migrant workers on the issues. The hotline of 1694 is to provide the total of 4 interpreters with 15 services lines in 3 languages which are 1 Cambodian, 1 Myanmar, and 2 English. Therefore, both of hotline the most issues about advice on termination of employment, vacation day, payment, the migrant without the permit, and working in the wrong sector of work.29

c. Created 6-language Website to Assisted Migrant Workers: The Ministry of Labour under the Department of Employment has developed the system to assist the migrant workers on issues by reporting on the website called DOE Help Me. Currently publicizing this website so that workers can be informed of an alternative channel for assistance which is

accessible in 6 different languages: Thai, Cambodian, Myanmar, Vietnamese, Lao, and English. Thus, both Thai and migrant workers can report their issues through the link http://www.doe.go.th/helpme. This website another channel for both Thai and migrant workers to access file complaints or information which is help to preventing the labor trafficking besides that this website also providing migrant workers to save time and expenses other than visiting the MOL offices and this website also efficient way for those migrant workers to receive relevant information. Presently, The Department of Employment has continued to promote this website through the public media which are both Thai and migrant workers can report their issues through DOE Help Me with the cooperation from neighboring countries embassy to inform the migrant workers including social media/ online media and local radio.30

3. Health care services

The health of migrants is an important issue for policymakers from a human rights perspective, a public health perspective and an economic perspective. From a human rights perspective, migrants should not be excluded from accessing basic health services. In terms of public health, migrants should not be excluded from the health system as they are mobile and could contract diseases and transmit them to the wider community. They are also often not immunized or rapidly treated when sick, which consequently not only puts them at risk but presents risks to the overall community as well. The economic perspective is that given the cost to employers of

30 Ministry of Labour (2016), Operation on Tackling Labour Trafficking Issue, P.37
recruiting, training and maintaining staff, migrants should have access to health services to safeguard a healthier workforce.  

Many health problems of Myanmar migrant workers come about after they leave their own country and their living condition is not good for them have affect getting a disease. Mostly Myanmar migrant worker live in areas of contaminated with industrial wasted and near marshy that have mosquito. Their accommodation tends to be overcrowded with poor ventilation and limited access to clean water. Moreover, Myanmar migrant workers in Thailand are exposing too many chronic diseases such as malaria and HIV/AIDS.

Providing health care to Myanmar migrant workers is important for Thai health policymaker. Thai government provides funding for a project of migrant health care which using national budget on the grounds that migrant workers make a major contribution to the wealth of Thailand. The main activity of the Ministry of Public Health in Thailand introduced a policy on migrant health which set up the migrant health insurance scheme for all documented migrants. The scheme has two policy goals: screening for and treatment of certain communicable diseases; and enabling access to health care for migrants

In applying for migrant health insurance requires the migrant to register at a specific hospital where they receive health screening. The screening includes chest x-ray and sputum confirmation for tuberculosis and tests for syphilis, malaria and leprosy. This policy has a full course of treatment is offered and this policy it enables to all document migrant access to health care at public facilities.

The Ministry’s role is extended which include preventing the spread of infectious diseases among migrant workers, promoting health, provide family planning, and develop health information system for all migrant workers and dealing with environmental health. Currently, document migrant workers that can access to the Thai health care system, while undocumented migrant workers are refuse access this right of the Thai health system. However, document migrant workers have the right to get health insurance card which would be entitled them access to the health care system.

4. The right to education for migrant children

Myanmar migrant children in Thailand are various groups which are different ethnic and age, as well as the legal status and the patter of cross-border of their parent. Thus, Myanmar migrant children can be dividing into 3 groups: Myanmar children who are migrate by themselves, Myanmar children who accompany their parents in migration to Thailand and Myanmar children who are born from migrant parents while in Thailand. However, the three groups have the same characteristic of living in limited legal status due to their parent’s pattern which results in their vulnerability and their attitude towards education.

Thailand’s education authority has played a key role in making education available to migrant children as a provision which opened up the education system to opportunities for migrant children access to the education. It could be said that as

one of the most successful of Thailand government has implements regarding migrant. The Ministry of Education (MOE) has implemented the regulation which provides education accessible to all people living in Thailand, including migrant children without their identity status and also directs the school to register of all students although they do not have proper identification documents.  

There is the government school which migrant children can register for access education and also non-governmental schools in which learning centers to migrant children access acknowledgment. Currently, more than 50 learning center in this provides the educational service to all migrant children in Thailand. Thus, these special learning centers or school benefits in providing those migrant children with the basic acknowledgment needed for their future lives either in Thailand or in their parent country origin.

The learning center program including the lesson in basic Thai languages and English, basic legal knowledge, vocational training in skills like using computers. Some classes follow the Burmese educational system in which using mainly English and Burmese as the language of instruction. The program is not just only including Thai classes and other academic projects but have instruction on cultural and ethnic traditions. Thus, these learning center programs provide for migrant children who are education low or do not speak Thai well which is restricts them from attending Thai schools.  

Except the school provide academic, including  

training for teachers, education authorities provide the enrolment in schools which is helped reduce misunderstanding and doubts of migrant children.

5. Supporting temporary shelter

Myanmar migrant workers in Thailand fled their homeland for a mixture of political and economic reasons and could face serious reprisals from the Burmese authorities if expelled from Thailand. Moreover, Myanmar migrant workers seeking work in Thailand but they are forcing by Thai employers being victims of human trafficking, particularly Myanmar men who were forced to work as fishermen in Thailand and Myanmar women who were forced to work in the sex industry.

Thai government officials have opened a new temporary shelter to support victims of human trafficking, who were rescued or have escaped, ensure that Myanmar migrant workers at the Thai-Myanmar border are safe from armed incursions. Thus, character of temporary shelter is maintained their protection and assistance needs, get food and medical treatment. The shelter located in Tha Song Yang District, approximately 8 kilometers from the Thai-Myanmar border and 57 kilometers from Mae Sot.36

The temporary shelter was constructed as multifamily longhouses, using mainly traditional materials (bamboo and thatch). Fire-retardant wallboard was used for the sides of the longhouses and for the internal divisions between individual

families because of a lack of space. Some reduction of space was achieved through a ‘checkerboard’ layout, with blocks of open space throughout the camp. This also allowed for additional shelters, if required. In the Sakeo extensions, the longhouses were grouped into four to eight houses around small internal squares. These were intended as private outdoor space or vegetable gardens for each grouping of Myanmar migrant workers. Later shelters were also improved by building them on stilts, to avoid flooding during the rainy season.  

Moreover, many of Myanmar migrant workers cross the border to Thailand for their children to get the opportunity to attend the school. Education an opportunity in temporary shelter is provided by Thailand’s education authority which is the school includes the Wide Horizons and Minmahaw GED programs in Mae Sot. As this opportunity is only available to a few students each year, mostly young adults are left with no means to pursue their dream of higher education. Some young adults becoming a nurse or a teacher in the camp. Some leave to find factory work in Bangkok or elsewhere in Thailand.

B. Thai Government Partnership with Involving Organization

This section is focuses on the Thai government role in partnership with various organizations in order to manage Myanmar migrant workers in Thailand. Thus, the Thai government has been cooperating with ILO and EU to protect labor right. Moreover, the Thai government has been signed

MOU on labor with Myanmar through cooperating with NGOs in managing Myanmar migrant workers.

1. Thai Ministry of Labour cooperation among ILO and EU

According to the most prominent labor organization, ILO (International Labor Organization), Thailand government has ratified 15 ILO Conventions, three of which are core conventions (C.100 on Equal Remuneration, C.138 on Minimum Age and C.182 on Worst Form of Child Labour). The latest ratification was C.159 Vocational Rehabilitation and Employment (Disabled Persons). The ILO work programmed to promote Decent Work in Thailand was designed within the 10th National Development Plan (2007-2011) and the UN Partnership Framework with the Kingdom of Thailand (UNPAF).

Thailand emphasis of migrant workers which is Thai has been attempt to solve the migrant worker’s problem in order to protect human right and labor right through promoting equal access to social protection and health insurance for migrant workers. Thus, The Ministry of Labour cooperates with European Union (EU) and International Labour Organization (ILO), held the project launching ceremony on ‘Combatting Unacceptable Forms of Work in the Thai Fishing and Seafood Industry’. The reason for this project came from our concern that there are many victims of child labor and forced labor had no chance no voice to escape from inhumanity and abuse.

Mr. Jesus Miquel Sanz as Head of Delegation European Commission and Ambassador to Thailand. The European Union is strongly committed to the promotion and protection of

Human Rights of the ‘2030 Agenda for Sustainable Development’ or so-called ‘SDGs’, leaving no-one behind.\textsuperscript{39} recognizes that international migration is of major relevance for the development of countries of origin, transit and destination, requiring coherent and comprehensive responses. In the Agenda, Governments pledged to “facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies. The 2030 Agenda also seeks to reduce remittance transfer fees, to promote labour standards for migrant workers, and to eliminate human trafficking.

Mr. Maurizio Bussi as director, ILO Country Office for Thailand, Cambodia and Lao PDR. In essence, ILO aimed at promoting the basic principles and right at work which involves responsibility to eliminate forms of work such a work that put at risk of living, freedom of work, wage protection, equality and social protection, safety and health that must be addressed. In simple words means that no forced labor, no child labor, and no discrimination in the workplace. \textsuperscript{40}

This project has purpose to promote the basic right of work, prevent of child labor, forced labor, and protection against the exploitation from workers and also assists the


vulnerability groups whether it is women, men, and children in order to escape from the victims of forced labor and worse situation of workers in all sectors. Furthermore, this project to enhance the ability of government officials, including labor inspection which is acting anti-trafficking and other labor rights violation. This project also to enhance access to support services for migrant workers, including children through participation and empowerment of civil society organizations and trade union.

Especially in the fisheries sector which is there is a new initiative to implement measures for achieving international practice in the fisheries sector by strengthening policy, the legal framework in the fisheries and seafood sectors by raising the standard of labor, their capacity for preventing and detecting labor right violation. The Thai government has also increased the number of labor inspectors to meet the ILO standard. 41

2. Bilateral Memorandum of Understanding (MOU) on Labour Cooperation, and Agreement between Thai and Myanmar

In recent year, Thailand has made significant progress in managing migrant workers through agreements with neighboring countries but it is necessary to do more at both regional and national levels to increase the efficiency of migrant workers in Thailand and Thai working abroad which is protecting their fundamental human rights.

41 Department of European Affairs, Thailand and ILO Conducted Training Courses to Protect Labour in the Fisheries Sector, Retrieved from: http://www.europetouch.in.th/main/FisheryDetail/thailand_and_il o_conducted_training_courses_to_protect_labour_in_the_fisheries _sector, (Accessed on 02-04-2018)
Thailand has made a Memorandum of Understanding (MOU) on Labour Cooperation between Thailand and Myanmar. The Agreements and MOU of both countries were first signed on 21 June 2003, after that MOU has been rectifying signed in 24 June 2016, following by the recent rectify of both sides agreement which is for lead to facilitate Myanmar migrant workers cross to Thailand by legally, reduce the problem of illegal smuggling, reduce labor exploitation, and prevent the problem of human trafficking. In recent rectify the MOU and agreement, there were 7 conferences which are 4 working committee and 3 for technical conferences. The significant collaboration was; 1) Thailand has requested to Myanmar that to accelerate the issuance of Certificate of Identity (CI) prosed to pay the fee through Counter Service or Bank., and the issuance of CI for Myanmar workers should be within 1 day. Myanmar was agreed with that then they signed MOU with Counter Service Company, which counter service has begun from 15 January 2016 in 5 provinces where most Myanmar migrant workers living are Ranong, Tak, Samut Prakan, Chiang Rai, and Samut Sakorn). 2) Establishing the DOE Help Me website is designed to give advice and help to communicate in 6 languages and also invitation Myanmar attaché for further advice and inform any suggestion. 3) Confirmed the proceeding of both hotlines which is 1546/1694 to guarantee the prompt and readiness of this channel.

3. Thai government cooperation with NGOs

Although Myanmar migrant workers are normally covered by Thai protection and other social welfare as nationals under Thai labor law but they are still often not possible to make use of their protection right to file a complaint while vulnerability occurs. For overcome this problem, the Thai

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42 Ministry of Labour, Operation on Takling Labour Trafficking Issues, P. 41
government has been cooperation with NGOs to improve access because many Myanmar migrant workers are not able to seek redress because of they are unaware of their right under Thai labour law due to most of Myanmar workers cannot speak Thai which is fear for making a complaint.

The numbers of Myanmar migrant workers are seeking assistance in order to solve their complaint tend to make use NGOs services, which is The Migrant Workers Rights Network (MWRN) is membership-based organization for migrant workers from Myanmar residing and working in Thailand. The aim MWRN is to promote and strengthen migrant workers from Myanmar who work in Thailand in which to improve the quality life of migrant workers itself through community empowerment by raising awareness, negotiation process with employers and promoting access to justice. MWRN has opened up an office in both provinces that has large Myanmar migrant workers live which are Samut Sakhon and Songkhla. MWRN startup cooperates with unions allies in Thailand including Thai Labour Solidarity Committee (TLSC) and the State Enterprise Workers Relations Confederation of Thailand (SERC) in order to protection for Myanmar migrant workers, solve the challenge of Myanmar migrant workers that has face while working in Thailand and encourage better policy on Myanmar migrant workers issues. Moreover, MWRN attempt to widen cooperation with Thailand and Myanmar government as well.

MWRN is representative of Myanmar organization which aims to work overcome challenges and making progress in changing condition of Myanmar migrant workers in Thailand. MWRN highlights the capacity of Myanmar migrant

43 Abby McGill(2016), Building a Rights Culture, International Labor Rights forum, P.11
44 Ibid
workers to improve workplace and their conditions of migrant workers by negotiating directly with employers. MWRN use the strategies to secure demonstrable improvements in Myanmar migrant workers conditions while working in Thailand, particularly in Thailand’s fisheries export sectors. Moreover, MWRN established the school for Myanmar migrant children in Samut Sakhon to address issues of child trafficking and child labor. MWRN has established a library for migrant workers which have a computer training course, English/Thai language training course.