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Domestic workers in Thailand: their situation, challenges and the way forward

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Domestic workers in Thailand: their situation, challenges and the way forward

Prepared by Vachararutai (Jan) Boontinand

I. Introduction

In Thailand, like in most societies, the tasks of cleaning, cooking and taking care of the well-being of family members have long been assigned to women. As the Thai economy developed and expanded over the last four decades and more women are taking up full-time employment outside the home, there has been a greater demand for help in the household. Young girls were recruited from the Northeast and the Northern part of Thailand to come to work as domestic helpers in the cities. However, there has been a changing landscape with regard to people engaging in and the nature of domestic work in the past 10-15 years. With the change in social and economic structure and the expansion of education opportunity in Thailand, young Thai girls are no longer looking for work in the households. Nevertheless, demand for domestic helper has not only continued to be high but the functions and sites of domestic work seem to have expanded. There appears to be a greater need for child care and caretakers for elder family members in the household. At the same time, the housekeeping and cleaning tasks that were traditionally confined to the household are now being performed in non-household sites such as office buildings/units. Recruitment mechanisms for Thai domestic workers into such functions within or outside private homes have become more commercialized. Meanwhile, over the past 10 years there has been an increasing number of migrant workers who have been recruited to do domestic work in the Thai households.

Despite the demand for and contribution of domestic workers in the larger economy and general social good, domestic work is neither well recognized in the Thai society nor well protected by the Thai labour law. Domestic work is regarded as a form of informal sector work which has limited labour protection and social security coverage. The majority of migrant domestic workers are not only more vulnerable to labour and other form of exploitation than Thai domestic workers, but they also have little access to most of the labour protection under the Thai labour law.

This report reviews and analyzes the situation of both Thai and non-Thai domestic workers in Thailand, in particular those working in private households, by drawing on existing reliable information. It hopes to bring out key issues and recommendations which can contribute to the advocacy efforts of ILO and its partners in Thailand in their campaign on decent work for domestic workers.

Defining Domestic work

'Domestic work' has not been defined in the Thai Labor Law. Domestic workers are generally recognized as 'Look Jang Tam Ngan Ban' or 'employee for house work' whose tasks are understood to take place primarily in the household. The Thai Ministry of Labour considers domestic work as an informal sector work in which workers largely fall outside the country's social protection scheme.

Under the ILO's International Standard Classification of Occupations (ISCO), domestic work is recognized under two broad classification groupings. Classification 5 addresses commercial establishment, institutions and households. It covers two categories of domestic work i.e., i) housekeeping which includes housekeepers and related workers and cooks; ii) personal care and related workers, including childcare workers and home-based personal care workers.

Child care workers are defined as "those who take care of the employer's children and oversee their daily activities".¹ The tasks of childcare worker include:

- (a) assisting children to bath, dress and feed themselves;
- (b) taking children to and from school or outdoors for recreation;
- (c) playing games with children, or entertaining children by reading or storytelling;
- (d) maintaining order in children's bedrooms and playrooms;
- (e) taking care of schoolchildren at lunch or other school breaks;
- (f) taking care of schoolchildren on excursions, museum visits and similar outings;
- (g) performing related tasks;
- (h) supervising other workers

Home-based personal care workers are the ones who "attend to various personal needs and in general provide personal care for persons in need of such care at their own homes because of physical or mental illness or disability or because of impairment due to old age".² Their tasks include:

- (a) assisting persons in getting into and out of bed and making the appropriate change in dress;
- (b) changing bed linen and helping persons with their bath and toilet;
- (c) serving food – prepared by them or others – and feeding persons needing help;
- (d) giving or ensuring that persons take the necessary medicaments;
- (e) watching for any sign of deterioration in the person's health and informing the relevant medical doctor or social services;
- (f) performing related tasks;
- (g) supervising other workers.

¹ International Labour Office: International Labour Conference, 99th Session, 2010; *Decent Work for Domestic Workers*, p 30

² *ibid*

Classification 9 (913) speaks specifically of “domestic and related helpers, cleaners and launderers”. It covers private households, hotels, offices, hospitals and other establishments, as well as a variety of vehicles to keep interiors and fixtures clean. The classification includes domestic helpers and cleaners, as well as hand-launderers and pressers. Under classification 9131, domestic helpers and cleaners “sweep, vacuum, clean, wash and polish, take care of household linen, purchase household supplies, prepare food, serve meals and perform various other domestic duties”.³

Considering the above categories of domestic work by ILO, it may be understood that domestic work can take place in other establishments such as offices, hotels, hospitals etc. However, the types of tasks performed in these different establishments remain within the scope of “housekeeping” work.

Data on domestic workers in Thailand

To date, there is no systematic collection of data on the number of Thai persons employed as domestic workers, especially those working in private households. The 2007 Informal Employed Person Survey carried out by the National Statistics Office (NSO) classified informal sector workers according to 9 categories of industries including i) agriculture, ii) production, iii) Retail/wholesale, iv) Hotel/restaurant, v) Construction, vi) Transportation, vii) Education, viii) Services, Community, Social work, ix) others.⁴ According to Ministry of Labour, it is assumed that “ix) others” included domestic workers. Similarly, the monthly Labor Force Survey carried out by the National Statistics Office classified employed persons according to the International Standard for Classification of All Economic Activities (ISCI) which included classification according to occupations and industries. However, there was no detailed breakdown of different specific occupations in the occupation classification. Hence, it was difficult to identify if domestic workers were recorded in occupation classification. It was pointed out by an officer at the NSO that domestic workers are included in the category of “private households with employed persons” in the classification of Employed Persons by Industry. As stated in its explanatory note, the category of private households with employed persons includes “the activities of private households employing all kinds of domestic personnel such as maids, cooks, waiters, valets, butlers, laundresses, gardeners, gatekeepers, stable hands, chauffeurs, caretakers, governess, baby-sitters and tutors, secretaries, etc.” It excludes independent units (including individuals) providing services to households which would be classified according to their main activity.⁵ In this regard, the numbers of workers recorded under this category in the Thai Labour Force Survey which figured a little over 200 in each quarter,⁶ did not seem to include

³ *ibid*

⁴ http://service.nso.go.th/nso/nsopublish/themes/theme_2-2-4.html

⁵ ISCI Rev 3 code 9500: < <http://unstats.un.org/unsd/cr/registry/regcs.asp?Cl=2&Lg=1&Co=9500>>

⁶ www.nso.go.th/en/survey/lfs/lfs2008.htm

individual domestic workers who provide services to the households. However, it is also not very clear who are actually counted under “private households with employed persons” category.

With regard to non-Thai domestic workers, the Ministry of Labour started registering migrant workers in six categories of employments including domestic work in 1996. However, in the subsequent registration in 1999, there was no record of migrant domestic workers as no work permits were issued for this category of employment. In 2001, Ministry of Labour again allowed registration of migrant domestic workers, and from 2003 onward, data on registered migrant domestic workers became available in the annual report of the Office of Foreign Workers Administration.⁷

II. Situation of domestic workers

1. Thai child domestic workers

1.1 General trend

In 2001, ILO International Programme on the Elimination of Child Labour (ILO-IPEC) carried out a rapid assessment on the situation of Thai child domestic workers.⁸ The study included a sample of 115 cases of children aged 12-17 years working as child domestic workers in Bangkok. It was found that the majority of Thai child domestic workers were female, and most of them (66.1%) were in the age of 17. More than half of child domestic workers interviewed in this study came from the Northeastern region of Thailand. In terms of working condition, the study found that Thai child domestic workers generally worked more than eight hour a days and mostly without holidays. However, child domestic workers interviewed in this study did not perceive their work to be heavy or complicated. Their monthly salary ranged from 3,000- 5,000 Baht. Most of the Thai child domestic workers did not stay very long on their job: the study indicated that most of them work for one year and the holiday leave-taking often fell during the Songkran Festival and New Year, which is also a time of job change. This study concluded that general circumstances of Thai child domestic workers were not considered to be under the worst forms of child labour. It has been noted that communities of origin have developed mechanism and social networks to ensure confidence in the recruitment and conditions of their children into this labour market to a certain extent. Nevertheless, a study carried out by Foundation for Child Development (FCD) during the same period indicated that there were still young Thai domestic workers who were exploited, not so much by the employer

⁷ Office of Foreign Workers Administration: <<http://www.doe.go.th/workpermit/>>

⁸ ILO-IPEC: *Thailand Child Domestic Workers: A Rapid Assessment*, 2002

but by employment agencies who deducted their salary or charged for the services without the workers being fully informed about the conditions.⁹

It should be noted that at the time of these two studies, there was already a declining trend in young Thai girls working as domestic workers. The process and context in which Thai child domestic workers were recruited or employed have also changed quite significantly since the year 2000. One important factor contributing to the reduction of number of Thai child domestic workers and child labour in general has been the expansion of compulsory education from 6 to 9 years in 1999 under the new Education Act. The percentage of children aged 12-14 years who are in school increased from 86.6% in 2002 to 98.6% in 2007.¹⁰

Another factor for the declining trend in Thai child domestic workers has to do with the lack of appeals of the job itself. Both ILO-IPEC and FCD studies indicated that most children and young people do not find working as domestic workers an attractive option, especially when they have access to a higher level of education. Young Thai domestic workers interviewed found domestic work to be boring, repetitive and endless so they preferred to work in shops, restaurant or factories where they can have more freedom. Some of them also wanted to continue their education so that they could have a better and more secured job. The study by Foundation for Child Development pointed out that young Thai workers who took up domestic work were often first-time migrants with limited or no network and hence, they did not have much alternative for job choices. However, with the changing situation, it would be more difficult now to find Thai children below 18 for domestic work. In fact, one village leader in the IPEC study pointed out that domestic work will become the job for older women with little education since most of them would not have much alternative for other types of employment.¹¹ Beside this, there is also a clear trend that migrants have been replacing Thai child workers for domestic work.

2. Adult Thai domestic workers

There is almost no existing published study focusing solely on the situation and trend of adult Thai domestic workers. The Department of Labour Protection and Welfare of the Ministry of Labour published a report in 1999 on the situation of Thai domestic workers which has been used as a reference for other more recent studies on Thai domestic workers. A few studies/reports on informal sector labour including an unpublished report by Parichart Sivarak et al in 2005, and a

⁹ Foundation for Child Development: *Report from the Study on Child Domestic Workers, 2001* (in Thai) รายงานการศึกษาชีวิตของแรงงานเด็กทำงานบ้าน โดยมูลนิธิเพื่อการพัฒนาเด็ก (2544)

¹⁰ Ministry of Education: *Thai Education Year 2006-2007* (in Thai) สภาวะการศึกษาไทยปี 2549/2550 โดยสำนักงานเลขาธิการสภาการศึกษา กระทรวงศึกษาธิการ

¹¹ ILO-IPEC: *Thailand Child Domestic Workers: A Rapid Assessment, 2002*, p. 36

report by Thammasat University entitled Strategic Management Plan for Informal Labour Sector also contained general information on situation and problems faced by adult Thai domestic workers. There is an unpublished study which focuses on the providers of domestic workers entitled “*Roob Bab Lae Sapap Kan Hai Borikan Khong Nuay Ngan Hai Borikan Look Jang Tam Ngan Ban Nai Khet Krung Thep Mahanakorn*” (Forms and Service Conditions of Agencies Providing Domestic Workers in Bangkok Area). This study, which was carried out during 2004-2005 by Foundation for Child Development and Thammasat University provides useful insight into the different dimensions and the changing/expanding context of domestic work. There are also a couple of MA thesis which look at conditions and protection of domestic workers including in-depth interviews with a small number of Thai domestic workers. Most recently, the Social Research Institute at Chulalongkorn University published report of its research project which looked into situation and needs of workers in the informal sector including domestic workers. This project interviewed 155 adult Thai domestic workers from four regions of Thailand and those working in Bangkok. Considering the sample size, it is probably the largest project involving adult Thai domestic workers to date. The project report contains statistical information on general characteristic of Thai adult domestic workers, the types of their domestic function and some indication of working condition and earning. There is also information on perception and need of domestic workers with regard to their work as well as their need for protection and social security support. However, since this was a large scale research covering different groups of workers in the informal sector, some relevant detailed information on the situation of domestic workers interview was not available.

2.1 General trend & characteristics

While the trend of employing Thai children as domestic workers has been declining over the past decade, it is not clear how the number of Thai adults working as domestic workers has changed since there is no available data on this. The continued expansion of the urban centers in Thailand seems to suggest a continued demand for domestic helpers. The research by FCD indicated that while the high demand for Thai child domestic workers had largely been filled by migrant domestic workers, the demand for caretakers of children and the elderly continued to grow. Employers with higher income would prefer workers who are more knowledgeable and mature, instead of younger people to do the job. For this reason, there seems to still be a demand for adult Thai domestic workers to do the work of caring for children and elderly in private households.

The study on *Protection and Security System for Informal Labour* by Chulalongkorn University’s Social Research Institute¹² revealed that there is still a sector of Thai women who are engaging in different types of domestic work. The study which included interviews with 30 adult Thai domestic workers each from the Northern, Northeastern, Central and Southern region of Thailand, and 35 domestic

¹² Social Research Institute, Chulalongkorn University: *Project Report on Protection and Security System for Informal Labour, 2008* (in Thai) โครงการศึกษาวิจัยเรื่องระบบคุ้มครองและสร้างความมั่นคงสำหรับแรงงานนอกระบบ รายงานฉบับสมบูรณ์ (2551)

workers working in Bangkok indicated that about 84% of all the domestic workers interviewed were women. None of domestic workers in this study were below 20 years old and the majority of them were between 21-40 (58%) and 41-60 (38.7%). The rest were above 60 years of age. A large number of the domestic workers are married (67.1%), while 18.7% of them are divorced/separated/widow. Only 14.2% of the domestic workers was reported to be single.

In terms of their education, it was found that while more than half of domestic workers only have primary education (56.8%), there are quite a number of them who have lower secondary (25.2%) and upper secondary education (9.7%). The percentage of domestic workers who have either college or university education and those who did not have any education were about the same i.e., 4.8% and 3.9% respectively. Another study on Forms and Service Conditions of Agencies Providing Domestic Workers by Foundation for Child Development and Thammasat University also indicated a similar pattern with regard to age and education backgrounds of adult Thai domestic workers.¹³

In the Social Research Institute's study, it was found that about half of domestic workers working in Bangkok come from other places as they do not have their house registration in the city while almost all of domestic workers in the four regions are local people since they have their house registration in the same province where they work.

With regards to the different categories of domestic workers, the Social Research Institute's study made the following six classification: i) housekeepers (Mae Ban), ii) domestic helper (Khon Rub Chai Nai Ban), iii) gardener, iv) driver, v) caregiver for child, and vi) caregiver for elderly. According to the definition of domestic work in this study, all six categories of domestic workers were supposed to carry out their work for their employers in private households. The majority of domestic workers interviewed were classified as housekeeper (61.9%), while the second largest group was gardeners (13.6%). Caregivers for elderly and children made up 11% and 7.7% respectively. Those classified as domestic helpers only account for 4.5% of the total interviewees. Unfortunately, the study report did not provide further explanation with regard to the distinction between housekeepers ("Mae Ban") and domestic helpers ("Khon Rub Chai Nai Ban") categories. One possible distinction could be that the former were referred to daily domestic workers which recorded a higher number in this study while the latter could characterize live-in domestic workers

¹³ Foundation for Child Development and Thammasat University: Form and Service Condition of Agencies Providing Domestic Workers, 2005 (in Thai) รูปแบบและสภาพการให้บริการของหน่วยงานให้บริการลูกจ้างทำงานบ้านในเขตกรุงเทพมหานคร, 2548.

From the interview of 31 women in this study, it was found that the majority of were in the age group of 31-40, and 41-50. The youngest woman in this study was 21 and the eldest was over 50 years. About two-thirds had 4-6 years of primary education and one was illiterate. However, there were also those who completed lower and upper secondary education and one had completed a 2-year college program.

since it might have been more feasible to have access to and interviewed daily domestic worker. However, this information needs to be confirmed.

When considering regional trend, it is interesting to note that the number of interviewees in the South who work as housekeepers or “Mae Ban” was the lowest (26.7%) compared to 60% in Bangkok and an average of 74.5% in the Northern, Northeastern and Central region. Interviewees in the South seem to engage in more wide-ranging types of domestic workers than those in other regions.

While the Social Research Institute’s study is useful in providing an insight into general trend and characteristics of domestic workers, there are other studies which contained in-depth interviews with domestic workers including caregivers of elderly and children. One of such study is the research on Forms and Service Conditions of Agencies Providing Domestic Workers carried out by Foundation for Child Development which included interviews with 31 women who worked as domestic workers. However, the majority of the women interviewed in this study (19 persons) had a job as cleaners in office buildings or in offices belonging to the government or private companies. The second largest group was made up of live-in caregivers of elderly people (7 persons); three women worked as office helpers and only two of them were domestic helpers in private homes who had two roles, i.e. taking care of children or the elderly and doing domestic work (cleaning, laundering, etc.).¹⁴ Although this desk review focuses on domestic work in private households, it would be useful to understand the overall context and perception of women who have taken up the “housekeeping” and “caregiving” jobs as they are in the same continuum of informal sector work with possible movement from one type of work to another.

According to the FCD and Thammasat study, it was found that the women took up domestic and related work because their low level of education did not give them much opportunity for other types of jobs. They found that there could be a few options within the area of domestic work such as taking care of elderly persons, patients or children, or doing the housework. Some preferred to work as cleaners, or maids for offices since they did not have to live-in like the domestic workers or caretakers. However, some women perceived the live-in arrangement to be cost-saving. Two said that although they might have gotten more money from working in factories, their expenses would have also been high. They switched to domestic work since the live-in arrangement could help them save some money. Similarly, some women who used to do small trading businesses found it difficult to sustain, so they switched to domestic work. Others, including the one with a higher level of education, took up domestic work in their 30s or 40s because they had changed jobs several times and it was getting difficult for them to find office jobs as these required a lower entry age and computer skills.

¹⁴ *ibid*, p. 32

From this study, it appeared that most of the women got their jobs as domestic workers or caregivers through an agent, although reference to particular agents could have been made by the network of their friends and family. Women who found work through placement agencies would have received information of which agencies offered better payments and benefits. So, domestic workers who were unhappy with their employers or agents would look for a better opportunities through their social network. Women who were not well-connected or were seasonal or new rural-urban migrants might have found jobs through adverts in telephone booths, leaflets, newspapers or magazines. However, for those working as office building cleaners, it was found that most of them got their job by applying directly with cleaning companies.

Considering the above contexts, it can be seen that both demand and supply for Thai adult domestic workers remains to be high especially with regard to the specific work of caretakers. According to some of the women interviewed in this study, popular agencies have about 100 of women job seekers in their roster. However, the study also found that the women did not always find service and other arrangements between agents and themselves satisfying or fair. Working conditions were also varied depending on the types of work and the nature, attitude and treatment of employers.

2.2 Recruitment & work placement of Thai domestic workers

The study by FCD and Thammasat University looked into 10 agencies providing placement for domestic workers in Bangkok. They can be legally classified into four types of establishments: Training Center, Company Limited, Employment Agency, and Corporation. The study seem to indicate that the 2 companies under this study were mainly recruiting staff for cleaning services while the remaining establishments seem to focus on providing placements for domestic workers, caretaker of elderly and children. According to the study, all the 6 training centers have some arrangement to train or provide information relating to domestic and caretaking functions to women who come to look for a job. However, the training/ information session may be limited to 2-3 hours or 1-2 days. The cleaning companies also provide some training and guidelines for the new workers. But for employment agencies, there is usually no training provided.¹⁵ Most of the agencies also arrange for room and board for workers to stay during the training or while waiting for the job, especially for those who come from outside Bangkok area. Some agencies will also refund travel cost. They will also bring the workers to the employer's house and charge this transportation cost to the employer.

With regard to recruitment and placement of domestic workers including caregivers for children and elderly which is the focus of this review, three types of agencies namely training center, corporation and employment agency are most relevant.

¹⁵ *ibid*, pp. 25-26

- Training Centers and Corporations

According to this study, training centers and corporations which recruit and arrange for placement of domestic workers seem to have similar rules and arrangements between the agency, the employer and the domestic workers. The contract is normally made between the center/ corporation, the employer and the employee which specifies the type of work, holidays, salary, expenses for food for the employee, overtime payment and arrangement for payment for the center/corporation' services charged by the employee.

The employer is usually asked to pay one month advance salary to the center/corporation, the amount which would be refunded at the end of the contract or sometime it can be taken as the final month pay for the employee. Different centers/corporations have different arrangement for getting their service charge. In one case, the center deducts 10% of the monthly salary of the employee for three months. Then it will deduct 500 Baht from the employee's monthly salary until the employee quits the job. In another case, the center deducts half of the first month's salary, and continues to deduct 10% of the employee's monthly salary until she quits the job. The employer has to make salary payment through the center. Or in some cases where the employee has been working through the center for a long time, then they would be allowed to collect their salary from the employer directly. Then the employee will transfer the monthly charge to the center.

The center/ corporation normally allow the employee to change employer without an extra charge (usually for the maximum of three changes can be made). If the employee wants to quite the job without informing the center, and later want to get a job through the center again, then she will have to start over with the same arrangement in terms of paying the service charge.

- Employment agencies

There seem to be fewer rules and regulations for the employment agencies compared to the first two. According to the study, the 2 employment agencies interviewed did not make contract with the employees. They only arranged for the employee to be sent to the employer's place and did not specify work conditions including holiday and other entitlements for the employees. Such arrangements are left to the employer to decide. The employment agencies charge 300-500 Baht to the employer for their service fee. The agencies will also charge the employee for the service fee, which in this case is about 25% of the first month salary. Some agencies deduct 10% from the employee's salary for 2 months as their service fee. Under this arrangement, the employee will collect her salary directly from the employer.

2.3 Working Conditions

2.3.1 Caregivers for elderly

In the same study by FCD and Thammasat University, those who took up the job as caregiver for elderly indicated that they have to work 24 hours a day. The work load of the caregiver depended on

the conditions of the person under her care. Some elderly persons were paralysed or had Alzheimer; others needed to be fed through a feeding tube. Generally, caregivers to take care of the elderly persons' daily routine including giving them their bath/shower, arranging for food/ feeding, helping them to go to the toilet, etc. In some cases, the caregiver had to be on duty at night, as well. According to the study, the salary rates for the caregivers ranged from 5,500 Baht to 7,500 Baht per month. However, in more recently, the salary rate has gone higher: a few training centers/agencies that were checked during the time of preparing this report have the indicated that the starting rate for caregivers are now at 8,000- 9,000 Baht per month.

Most of the caregivers interviewed did not take a day off because there was no replacement support. They were entitled to an overtime payment in the amount of 300 -500 Baht for working on their holidays. This arrangement was included in the contract between the training center/ agency, the employer and the caregiver. The salary was also higher if placement was outside of Bangkok or if the person needing care was severely ill. Among the 8 women interviewed who worked as caregivers, two transferred their house registration to the address of the training center, and the center arranged for them to get the the 30 Baht- health card. The others were told by their agents that if they continued working for some time, the agents would arrange for social security benefits.

The caregivers did not have time-off for themselves. They contacted their family and friends using their own mobile phones and sent money home every month. In some cases, the women went home once a year during the festival period.

2.3.2 Caregivers for children

The FCD and Thammasat study only identified one woman who worked as caregiver for children. In this once case, the caregiver also performed other household duties including washing and ironing clothes. The working hours were also quite long i.e., from about 04:00 hrs to 22:00-23:00 hrs. In general, it can be said that the work situation of caregivers for children would be similar to those caring for the elderly, especially if the children were very young. Caregivers for children also get quite a high salary. For the case interviewed, the monthly salary was around 7,000-8,000 Baht. In addition, she had overtime payment for working on Sundays and received a daily food allowance of 80 Baht. However, her agency did not arrange for her to be registered under the social security system.

2.3.3 Live-in domestic helpers

Regarding the situation of Thai women who actually work as live-in domestic helpers in the home environment, there is a small scale study by Chantana Chareonsak¹⁶ who interviewed 5 Thai

¹⁶ Chantana Chareonsuk: MA Thesis entitled "*Guidelines on the Protection of Female Domestic Workers*", Thammasat University, 2006 (in Thai)

domestic workers (she also interviewed 5 migrant domestic workers). The 5 Thai women interviewed were in the age of 20-40. One of the older women, aged 37, did not have any schooling and one, aged 40, had 4 years of primary education. The other 3, in their early 20s and early 30s, finished primary education.

According to the study, the Thai domestic workers were on the job for more than 10 hours a day. (The migrant domestic workers interviewed in the same study worked even longer hours.) However, the women had more than one hour rest time. One domestic worker said that she had 3-4 hours rest time in a day. However, none had a clear arrangement for weekly days-off or annual holiday. Yet, the Thai domestic workers indicated that if they asked their employers to take leave, they were generally allowed to do so. Three of the Thai women said that they took home leave twice a year during the New Year holiday and Songkran Festival. Each time they would be gone for 5-7 days. It was also found that the employers generally allowed the Thai domestic helpers to go out to do their errands or take personal leave if they requested. As for the salary, the 5 Thai women interviewed received from 3,500 – 6,000 Baht per month. Three domestic workers mentioned that they received extra money from their employers during special occasions and/ or when the employers were satisfied with what they did. The employers also let them keep the changes from when they did some shopping for the employers.

Arrangements for room and board for live-in domestic workers varied. Two domestic workers said that they did not have their own room which the other 3 indicated that they had their private room. All the 5 women interviewed either eat with the employers, after the employers or were given money to buy their own food. If they fell sick, the employers normally arranged for them to take medicines or go to see a doctor. Other benefits were up to the employers to provide. The Thai domestic helpers were generally free to contact their family and friends. The study also found that domestic helpers did not have high occupation-related risks or health problems. Job terminations were initiated mostly by the workers themselves. Three Thai domestic workers mentioned that they also had the 30-Bath Health Card.

3. Migrant domestic workers

3.1 General trend

The trend of Thai women being employed as domestic working seems to have been declining. Young Thai women seem to prefer working in the industrial sector because of the better status, higher salaries and more freedom. Moreover, Paitoonpang¹⁷ suggested that the quality of Thai domestic workers has been declining in terms of their honesty, work performance and social conduct. However, since demand for domestic workers has remained high due to the economic

¹⁷ cited in Maliwan Khruemane: MA Thesis entitled “*Employment and health rights of female Burmese migrant workers*”, Mahidol University, 2003 (in English)

expansion and the growing middle class in Thailand over the past two decades, migrant workers have filled the gap. On the supply side, conflict situation and economic hardship in the neighboring countries of Thailand, particularly in Myanmar has pushed a large number of people to flee the country and migrate to Thailand (since late 1980s). However, most of these migrants were not entitled to a refugee status in Thailand since the country has not ratified the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol. Hence, the majority of them become undocumented migrants in Thailand. The Thai government only allowed registration of migrant workers to fill the country's labour demand in 1996. According to the report by CARAM Asia,¹⁸ 34,000 migrant domestic workers had register for work permit in Thailand in 1996. However, domestic work was not included in the subsequent registration. It was only in 2001 registration when domestic workers were again allowed to receive work permit and over 82,000 migrants registered as domestic workers. It was estimated that over half of migrant domestic workers are employed in Bangkok and the Central region.¹⁹

The number of non-Thai domestic workers registered with the Office of Foreign Workers Administration, Ministry of Labour indicated that the number of registered domestic workers from Myanmar, Laos and Cambodia increased from about 52,685 in 2003 to about 106,564 in 2009 (2nd quarter). Records of registered migrant workers from these 3 countries only became available in the annual report of the Office in year 2003.

¹⁸ cited in Panam et al: *Migrant Domestic Workers: From Burma to Thailand*, Institute of Population and Social Research, 2004, p. 15

¹⁹ No figures provided, cited in *ibid*

Table 1: Number of migrants registered as domestic workers (selected years)

Year	Total number of registered migrants	Total number of migrants registered as domestic workers ²⁰
1996	303,088 ²¹	34,000 ²²
1999	99,974 ²³	No registration for DW
2001	568,249 ²⁴	82,000 ²⁵
2003	288,780 ²⁶	52,685 ²⁷
2009	1,289,078 ²⁸	129,267 ²⁹

Statistics also showed that among all the registered domestic workers in 2009, the majority of them (101,509 persons) were from Myanmar, followed by 21,147 persons from Laos and 6,530 persons from Cambodia. There were 107,777 female registered domestic workers and 21,490 male registered domestic workers. ³⁰ According to a report by Foundation for Women, most of the migrant male domestic workers are employed to do gardening work. ³¹

²⁰ Since only adult migrants are allowed to register, it is difficult to have a clear understanding of the magnitude of migrant children under 15 involved in domestic work.

²¹ Caouette et al 2000 cited in *ibid*, p.13

²² CARAM Asia cited in *ibid*, p.15 footnote 90

²³ Caouette et al 2000 cited in *ibid*, p.13

²⁴ Paitoonpong 2002 cited in *ibid*, p. 15

²⁵ *ibid*, p. 16

²⁶ Office of Foreign Workers Administration, <http://115.31.137.7/workpermit/main/Stat/SYear/2546/2546.pdf>

²⁷ *ibid*

²⁸ As of October 2009; Office of Foreign Workers Administration; Report on number of Aliens remaining in Thailand, table 17; <http://115.31.137.7/workpermit/main/Stat/SMonth/2552/sm10-52.pdf>

²⁹ *ibid*

³⁰ *ibid*

³¹ Foundation for Women: *Policy and Laws Concerning the Rights of Foreign Domestic Workers in Thailand*, (unpublished report), 2009

Since the largest number of migrant domestic workers came from Myanmar, there have been a few studies on the situation of Burmese domestic workers in Thailand. To date, the largest study on migrant domestic workers in terms of number of respondents was carried out during 2002-early 2003. The research was carried out by the Institute for Population and Social Research (IPRS) at Mahidol University in collaboration with the Shan Women's Action Network and the Karen Women's Organization. Results of the research were presented in the research report entitled "Migrant Domestic Workers: From Burma to Thailand" which provides an extensive details on the situation of women from different ethnic groups from Myanmar who have migrated or trafficked into Thailand for work. This research covered 133 cases of in-depth interview and a total of 528 cases of survey respondents who were women between 13 and 30 years old, born in Myanmar and were employed as domestic workers either in Mae Sot district in Tak province or in Chiang Mai during the time of the study. Findings from this study were used and further analyzed in another study by ILO on human trafficking and labour migration in the Greater Mekong sub-region.³² The focus of the ILO study was on the aspect of labour exploitation, legal status, working conditions, child domestic labour and support mechanisms for migrants in various sectors including those in domestic work. However, the ILO study only considered research data pertaining to girls and women aged 13-24, hence focusing on the situation of the younger age group of the IPRS study. Furthermore, the ILO study included interviews with 62 employers of migrant domestic workers in Bangkok and five peripheral provinces, hence, providing useful information regarding attitude and knowledge of the employers in relation to migrant domestic workers. For the purpose of this document, analysis framework used in the ILO study is adopted here and important findings from the two studies are highlighted below:

3.2 Migration and recruitment into domestic work

Findings from the research revealed the difficult context that forced the women to leave their hometown in Myanmar and make their journey to Thailand where they hoped to find an employment. All of the women encountered various forms of abuse and exploitation by various people during their migration to Thailand including Burmese and Thai authorities and people who facilitated their travel. Most of the 133 cases interviewed in the IPRS study had to pay arbitrary fees for the costs of their trip and a number of them found themselves indebted to the brokers or the employers. The IPRS research indicated that the number of survey respondents who were in the age of 13-18 was higher in Mae Sot (25.9%) while Chiang Mai had a higher number of respondents aged over 30 (14.5%).

³² Sureeporn Punpuing et al and Elaine Pearson: *The Mekong Challenge, Underpaid, Overworked and Overlooked: The Reality of Young Migrant Workers in Thailand* (vol.2), (ILO), 2006

3.3 Working Conditions

- Working hour & time off

The working conditions of migrant domestic workers were poor: the majority (60.7%) was expected to work over 14 hours a day and about 61.9% of them did not have any day off. When comparing the two work sites,, it was found that nearly 70% of migrant domestic workers in Mae Sot had to work more than 15 hours a day, while the figure was about 46% in Chiang Mai.³³ Similarly, the percentage of migrant domestic workers who did not have any days off was higher in Mae Sot (68.8% compared to 54.1% in Chiang Mai). It was further pointed out in the ILO report that child domestic workers and unregistered domestic workers were more likely to work longer hours. A larger proportion of those below 18 and the unregistered migrant workers had no regular day off.³⁴

It is interesting to note here that the ILO's study on employer's attitude and knowledge of migrant rights indicated that the majority of employers interviewed (82.3%) felt that migrant domestic workers should have regular day-off. About 65% of the employers even understood that migrant domestic workers were actually entitled to regular day-off under the Thai law.³⁵ However, as seen in the figures above, less than half of migrant domestic workers were in fact allowed to take any day off.

- Payment

The same study indicated that salary for Burmese domestic workers varied between the two research sites. More than half of Burmese domestic workers in Mae Sot received less than 1,000 Baht per month, while only about 3% of Burmese domestic workers in Chiang Mai received wages below 1,000 Baht. Most Burmese domestic workers in Chiang Mai received between 2,001-3,000 Baht (45.5%) and 33.4% received more than 3,000 Baht. The difference in payment in seemed to be related to the unequal distance between these two places to the Myanmar border, with Mae Sot having a closer proximity, which means that the supply of migrant workers is more readily available. The ILO report further noted that most of the younger migrant domestic workers (below 18 years of age) receive between 400-1,000 Baht. The larger proportion of migrant domestic workers in Mae Sot receiving less than 1,000 Baht may also reflect the presence of a greater number of young migrant workers in Mae Sot area. It was also found that some migrant domestic workers did not receive their salary for many months.

With regards to overtime payment, the IPSR report indicated that 72.8% of the migrant domestic workers did not receive any compensation of overtime work. Again, a larger proportion (80.8%) of

³³ Panam et al: *Migrant Domestic Workers: From Burma to Thailand*, Institute of Population and Social Research (IPSR), 2004, p. 103

³⁴ Sureeporn Punpuing et al and Elaine Pearson: *The Mekong Challenge, Underpaid, Overworked and Overlooked: The Reality of Young Migrant Workers in Thailand* (vol.2), (ILO), 2006, p. 81

³⁵ *ibid*, p. 83

those working in Mae Sot did not receive any overtime payment compared to migrant domestic workers in Chiang Mai (63.3%).³⁶

- Freedom of movement & contact with others

According to the IPSR report, many of migrant domestic workers interviewed described leading restricted and isolated lives as they were either not allowed much contact with others or they were too busy. They feared arrest, were unfamiliar with the city and/or lacked friends or relatives to visit. About 60% of migrant domestic workers were allowed to send and receive mails, but less than half reported that their employers allowed them to go out to meet others or allowed others to visit.³⁷ The ILO's study on employers' attitude and knowledge on migrant rights indicated that 75% of them did not think that migrant domestic workers should be allowed to leave the premise freely outside of work hours. More than half of them were also of the view that migrants were not entitled to such a right under Thai law while about 30% of them felt that migrants were entitled to this right.³⁸

With regards to the use of telephone as a mean of communication, data from IPSR research indicated that only 21% of the migrant domestic workers interviewed said they were allowed to use the house phone to call someone. However, the ILO report noted that, since 2005 the majority of migrant workers began to possess their own mobile phone which has allowed them to keep in touch with their friends and family. It was pointed out that having regular contact with their network may also help to reduce problems of migrant domestic workers regarding exploitation and stress.³⁹

- Violence & abuse

All of the migrant domestic workers interviewed in the IPSR study reported to have encountered some forms of violence or abuse by their employers. More than half of them said that they were yelled at, and over one third of them were sworn at and/or threatened. The ILO report indicated that younger workers were much more likely to experience verbal abuse while those in the 15-17 and 18-24 age groups were more likely to have experienced sexual abuse and unsolicited touching.

³⁶ Panam et al: *Migrant Domestic Workers: From Burma to Thailand*, Institute of Population and Social Research (IPSR), 2004, p. 108

³⁷ *ibid*, p. 123

³⁸ Sureeporn Punpuing et al and Elaine Pearson: *The Mekong Challenge, Underpaid, Overworked and Overlooked: The Reality of Young Migrant Workers in Thailand* (vol.2), (ILO), 2006, p. 77

³⁹ *ibid*, p. 75

- Retention & control over ID

During the time of the IPSR study, it was found that about 57.6% of respondents registered for a work permit. About 34.5% of all respondents held original work permit. It can also be observed that a larger proportion of migrant domestic workers in Chiang Mai held original work permit (50%) compared to those in Mae Sot (21.3%). The proportion of registered migrant domestic workers was also higher in Chiang Mai.⁴⁰ Those who did not registered for a work permit may hold another card such as the Thai coloured card issued to ethnic minorities who are not recognized as being Thai citizens, or a Burmese identity card. In the ILO study of the 320 cases of migrants aged below 24 years, it was found that 25% of this group did not hold any form of card. The vast majority (90%) of children under 15 did not hold any kind of card.⁴¹

Considering the information on working conditions of migrant domestic workers as discussed above, it can be seen that many migrant domestic workers are in a vulnerable situation. A large number of them work for long hours without regular time off or any compensation for overtime work. Their salary is usually minimal and their freedom of movement is much more limited than that of the Thai domestic workers. Migrant domestic workers also experience more violations and abuse, and in some cases they have been victims of trafficking. In this regard, Foundation for Women (FFW), an NGO which has been assisting women who have suffered from violence and abuse, documented and provided support to 37 cases of migrant girls and women who have been trafficked into domestic work in 2008. The number of the cases of trafficking into domestic work was more than half of the total trafficking cases that FFW assisted during that year. Migrant children below the age of 18 were more vulnerable to trafficking since out of the 37 cases of trafficked migrant domestic workers, 34 involved workers younger than 18. In fact, 16 of them were girls below the age of 15.⁴²

A case study of female Karen Migrant working as domestic workers in BKK and adjacent areas by Maliwan Khrumanee provides data on eleven Karen migrant domestic workers. The study found that newly- arrived migrant domestic workers experienced more marginalization than those who had been working in Thailand for a long time. The latter had acquired Thai language skills and more negotiating skills for better wage and working conditions. They also had wider social network.⁴³

Another study by the same author was carried out as part of her MA thesis, and it aimed to evaluate the violation of employment and health rights of the female Burmese migrant domestic workers.

⁴⁰ Panam et al: *Migrant Domestic Workers: From Burma to Thailand*, Institute of Population and Social Research (IPSR), 2004, p. 142

⁴¹ Sureeporn Punpuing et al and Elaine Pearson: *The Mekong Challenge, Underpaid, Overworked and Overlooked: The Reality of Young Migrant Workers in Thailand* (vol.2), (ILO), 2006, p. 75

⁴² Foundation for Women: *Policy and Laws Concerning the Rights of Foreign Domestic Workers in Thailand* (unpublished report), 2009

⁴³ Maliwan Khruemane: MA Thesis entitled "*Employment and health rights of female Burmese migrant workers*", Mahidol University, 2003 (in English)

The research included 27 interviews with female Burmese domestic workers aged 14-44 years old; the majority were under 35 years. It was found that undocumented migrant domestic workers in general appeared to have very limited access to medical care. But they could rely on the social network and in some cases, the employers took care of them. But once they registered, they had to pay for medical insurance which entitled them to medical treatment.⁴⁴

III. Labour & Social Security Protection for domestic workers

Domestic work is neither clearly mentioned nor explicitly excluded in the Thai labour law. The Labour Protection Act of 1998 can be interpreted as applicable to domestic workers as a category of employees, hence their entitlement to labour protection is stipulated under this Act. However, a Ministerial Regulation was issued in the same year to exclude the application of certain protection clauses of the Labour Protection Act to workers engaging in household work without commercial or business activities. This Regulation has resulted in a lower level of labour protection extended to domestic workers.

Labour Protection Act 1998 (amended 2007)

Domestic workers are covered under the following relevant protections and entitlements within the Labour Protection Act.

- Protection under labour contract and practices under the civil and commercial law

The Labour Protection Act requires employers to follow the conducts stipulated in the Civil and Commercial Law or the Law on Labour Contract which include the following important protections/entitlements:

- The employer is required to give advance notice to the employees in case of termination of the contract as per the period stipulated by the law, otherwise, employers have to compensate the employees as per the law
- The employer is required to issue employment paper to the employee at the end of the contract period

The employer is required to cover the cost of return transportation if the employee has come from other areas and if termination of contract is not a result of any wrong-doing from the employee's side and that the employee travel back to her residence in a reasonable time period.

- Protection against sexual harassment

⁴⁴ *ibid*

The Labour Protection Act stipulates against employer, supervisor or controller committing sexual harassment to female or child employee. Violators of this clause are subjected to a fine of 20,000 Baht maximum. In addition, in case of rape and other serious sexual violations, violators would also be subjected to relevant criminal law.

- Annual holiday

Labour Protection Act stipulates that employer arrange for annual holiday leave of not fewer than 6 days for employees who have completed working for one year period. The arrangement can be made in advance or as agreeable between the employer and the employee. Holiday leave may be accumulated to be used in subsequent years. A fine of 20,000 Baht maximum is also imposed in case of a violation of this law.

- Salary payment

Labour Protection Act stipulates the following practices in relation to salary payment:

- Female employees are entitled to the equal amount of salary with the male employees
- The employer must make salary payment in Thai currency unless otherwise agreed with by the employees
- The employer must make salary payment to the employees at the work place unless otherwise agreed with by the employees
- The employer must make salary payment according to the timeline agreed with the employees, but payment must be made at least once per month

Violation of the first two clauses is subjected to a maximum of 20,000 Baht fine; violation of the third clause is subjected to a maximum of 10,000 Baht fine while violation of the last clause is subjected to a maximum imprisonment of six months or a maximum of 100,000 Baht fine.

- Complaint to Labour Officers

Employees can lodge a complaint to local Labour Officers if the employer violates the Labour Protection Law with regards to salary payment.

However, according to the Ministerial Regulation, there are a number of protections and entitlements which explicitly excludes domestic workers, including the following:

- Arrangement for basic welfare services

In general employment situation, the Labour Protection Act requires the employer to provide basic

services such as drinking water, arrangement for toilets and basic medical care for employees. However, this protection does not apply to domestic workers, which makes it up to the employer whether such basic services would be arranged for the employees.

- Number of work hours and days, including rest time

Provisions under the Labour Protection Act which stipulates that the employer must specify the number of working hours, working days including rest period for the employee do not apply to domestic workers. Hence, they are not protected in this regard.

- Days off and national holidays

Domestic workers are not entitled to (at least) one day off per week nor and the minimum of 13 national holidays which are provided to employees, in accordance to the Labour Protection Act. Thus, domestic workers depend on the employer for permission and arrangement for such days off and holidays.

- Other leave days

Similar to the above category, domestic workers are not entitled to other leave days provided under the Labour Protection Law including sick leave, personal leave, maternity leave or leave for personal development/training. Hence, such leave arrangement largely depends on agreement of the employers.

- Overtime payment

In general employment situation, overtime work has to be agreed upon by the employee except for the types of work for which the law grants employer the authority to ask the employee to carry out overtime work or work during holiday without prior agreement. In both cases, the employer must compensate the employee at least in the minimum amount as stipulated by the law. However, since domestic workers are not protected in terms of work hours and days, they are also not protected for overtime work.

- Lifting of heavy items

In general employment situation, the Labour Protection Law stipulates that employer can ask the employee to carry or pull heavy items with the following weight limits:

- 20 kg for female workers aged 15-18 years

- 25 kg for male workers aged 15-18 years
- 25 kg for female workers aged above 18 years
- 55 kg for male workers aged above 18 years

However, domestic workers are not protected under this provision.

- Protection for child workers

The Labour Protection Law stipulates special protections for child workers, which currently do not apply to child domestic workers as the following:

- No employment of children under 15 years of age
- Employers are prohibited to use child workers during 22:00 hrs to 6:00 hrs except if permission is granted by the Director General of the Department of Labour Protection and Welfare
- Employers are prohibited to ask child workers to carry out overtime work or to work on holidays
- Employers are prohibited to ask child workers to perform tasks that may be risky or unsafe, or to work in inappropriate workplace as stipulated by the law

- Minimum wage

Domestic workers are not protected under the Labour Protection Law with regards to the minimum wage. Thus, wage rate depends on agreement between the employers and employees.

- Wage deduction

In general employment situation, the Labour Protection Law prohibits employers to deduct wage of the employees except in the case and amount stipulated by the law. However, domestic workers are not protected by this provision and they may be subjected to wage deduction by the employers for different purposes.

- Occupational health and safety at workplace

Domestic workers are not covered under the provision in the Labour Protection Law which requires employers to ensure occupational health and safety at workplace.

- Compensation

The Labour Protection Law requires employers to compensate the employees in case of termination

of employment, unless such termination is due to the employee's negligence or his/her commission of a criminal offence. The compensation is calculated based on the employee's years of service and current salary consideration. Domestic workers are not protection under this provision.

In order to ensure greater labour protection for domestic workers, the labour groups and civil society network have been pushing for a Ministerial Regulation on domestic workers. The Labour Protection Division of the Department of Labour Protection and Welfare is then tasked to draw up a draft Ministerial Regulation on Domestic Work in consultation with the civil society network. Most recently, a consultation meeting with civil society network and labour groups was held on 15 December 2009 to discuss this draft document. There are a number of proposed protections for domestic workers, some of which include: ⁴⁵

- Weekly day- off (once per week)
- Minimum of 13 days of public holidays
- Minimum wage

In addition, it has been proposed that there be employment contract between the employer and the employee which clearly indicates salary amount and terms and condition with regards to overtime work (to be compensated in cash or in kind). It has also been proposed that the minimum age of employment for domestic work be in line with that stipulated in the Labour Protection Act. There has also been a proposal to develop a system to register domestic workers.

Social Security Coverage

There seems to be an understanding among some officers in the Department of Labour Protection that domestic workers are entitled to be registered for the social security scheme since the new regulation allows places of business with one employee to also register their worker under this scheme. However, the Social Security Act of 1990 (as amended in 1999) defined "employee" who would be entitled to coverage under the Act as "... a person agreeing to work for an employer in return for wages irrespective of designation but excluding an employee who is employed for domestic work which does not involve in business" ⁴⁶ Therefore, domestic workers are currently not eligible to be registered for the social security coverage ⁴⁷ which entitle ensured persons to a number of benefits including:

- Compensation in case of non-work related accidents or illness
- Maternity benefit

⁴⁵ Communication with Khun Kanokwan Moratsatien from Foundation for Child Development who participated in the consultation meeting on December 15th, 2009.

⁴⁶ Section 5, Social Security Act 1990; <http://www.sso.go.th/sites/default/files/Social%20%20security%20act.pdf>

⁴⁷ This information is also confirmed by officer at the Social Security Office

- Compensation for non-work related disabilities
- Compensation for non-work related death
- Child care benefit
- Old age benefit
- Unemployment benefit

According to the study on Protection and Security System for Informal Labours carried out by Chulalongkorn University,⁴⁸ the majority (87%) of the domestic workers interviewed wanted to receive social security benefits in case of accidents and illness. However, the study also revealed that the number of domestic workers who want to join the social security scheme and those who do not want to join is about half and half. Regional figures indicated the different interest of domestic workers toward the social security scheme: the majority of domestic workers in the Northeast (80%) want to join the society security scheme while only 33.3% of those in the North indicated that they would like to join the scheme.⁴⁹

Protection for migrant domestic workers

Thai Labour Protection Act 1998 and amendment 2007 stipulates an equal treatment of all employees, including migrant workers irrespective of their legal status. However, as seen in the earlier discussion, only limited protections under the Thai Labour Protection Act are extended to domestic workers. Furthermore, the minimal labour protections which are applicable to domestic workers are neither practiced nor enforced. In terms of healthcare, migrant workers who are registered for employment in Thailand have to pay a health insurance fee of 1,300 Baht which entitled them to receive basic medical care at designated public hospital. However, since a large number of migrants are not registered, they are not covered under this scheme.

Furthermore, the Thai policy on migrant workers has been implemented on short-term, ad hoc basis. Work permits which have been issued to migrant workers in 2009 will expire on 28 February 2010. The process of nationality verification for undocumented migrant workers from Myanmar, Laos and Cambodia which has been carrying out since 2005 by Ministerial Regulations is suppose to provide a more sustainable solution to the problem of undocumented migrant workers. However, this process, which would enable migrant workers to obtain their national passports and the Thai work permits on an annual basis, is seen to be complicated and costly, especially for migrants from Myanmar. Thus, it is not clear how many migrants would be able to go through and benefit from such a process.

⁴⁸ Social Research Institute, Chulalongkorn University; Report of the Project on Protection and Security System for Informal Labour, 2551 (in Thai)

⁴⁹ *ibid*

With regard to cases of labour exploitation or human rights violation of migrant domestic workers, there seems to be limited protection and assistance. The Ministry of Labour is permitted to investigate only alleged factories, excluding migrant labour exploitation in private homes. Furthermore, although migrant domestic workers who are trafficked or exploited could also be protected under the Trafficking Act 1997 (amended in 2008), or the Child Protection Act 2003 in case involving minors, the attitude and actual practice of law enforcement authorities is not always positive toward ensuring protection for the migrants.⁵⁰ According to the report by Foundation for Women, legal remedy for most cases of exploitation and human right violation of migrant domestic workers often reduced to wage claim law suit which workers will be compensated according to the number of working days. The migrant domestic workers are often asked to withdraw other charges of human rights violation inflicted by the employer if the case can be settled through wage compensation.

To ensure a greater protection for migrant domestic workers, it was suggested in the report by Foundation for Women that the new domestic violence act that came into force in 2007 may be used to help migrant domestic workers whose rights have been violated. The act authorizes the official who comes across domestic violence to enter the private household to restrain the suspect and investigate the case. The act also stipulates that individuals who encounter the domestic violence case have the duty to notify relevant authorities. It is expected that this mechanism can also enable migrant domestic workers who suffer from violence and exploitation in the homes to have access to assistance from police and service providers.

IV. Conclusion and recommendations

It is clear that there is a continued demand for domestic workers in Thailand. The trend of Thai children/young women working as domestic workers has been declining significantly due to the education and other work opportunities. However, older Thai women (30 years up) are still entering domestic work as there is still demand for mature and reliable workers to do the job of caring for children and elderly. Recruitment/employment agencies seem to have played an important role in raising salary standard and work condition for domestic workers especially those in the caretaking roles. Domestic workers who got their job through agencies feel that they have a bit more bargaining power with the employer. However, many domestic workers who work through agencies feel that the arrangement in terms of salary deduction by the agencies is not really fair. Employers also feel that they have to pay too much for domestic workers coming from agencies.

⁵⁰ For a detailed information and analysis on cases of trafficking and labour exploitation of migrant domestic workers, please see the report by Foundation for Women

At the same time, there are two emerging patterns of domestic work being extended beyond the household. The first one is the situation where domestic workers have to also work for the employee's commercial activities besides doing their jobs in the household. This pattern is particularly prevalent among migrant domestic workers. The second situation is where domestic workers are hired without a live-in arrangement. They may work part-time for more than one employer. Many Thai women with low level of education and family responsibility who cannot take up the job of live-in domestic work opt for this kind of work arrangement. Although most of domestic workers in this situation are Thai, they usually do not have benefits and protections of the Labour Protection and the Social Security Act. Nonetheless, it is encouraging to note that the process of ensuring a greater protection for domestic workers through the drafting and issuance of a Ministerial Regulation on domestic workers is progressing.

With regard to migrant domestic workers, the demand for and number of migrant domestic workers from Myanmar, Laos and Cambodia has been on the rise since their salary is lower than that of Thai domestic workers. However, migrant domestic workers are more vulnerable to exploitation than Thai domestic workers especially those below the age of 18. Some migrant domestic workers who have lived and worked in Thailand for a longer period may be in a better position as they are able to speak Thai and have developed supporting networks. According to some research information, the situation and working condition of migrant domestic workers differ between those living and working in border provinces and those in bigger cities.

Although the Thai Labour Protection Act of 1998 covers all the workers including domestic workers, both Thai and non-Thai, there are limitations in terms of scope of protection extended to domestic workers and the actual implementation of such protection. In most cases, both the employers and domestic workers themselves are not aware of their duties and rights under the Labour Protection Law. There is no documentation of how cases of employer's violation of the law with regard to Thai domestic workers have been pursued. In case of labour exploitation and human rights violation against migrant domestic workers, there are some documentation and lessons learnt which can be useful for the campaign for decent work for domestic workers.

Recommendations

- Overall, information on the number and situation of Thai domestic workers is quite limited. Although a large scale research on Protection and Security System for Informal Labour by Chulalongkorn University's Social Research Institute also includes a specific section on domestic workers, the research could not adequately capture specific context and situation of domestic workers since the questions need to also be comparable to other categories of informal labour in the same study. For example, the research did not clearly explain living arrangement of domestic workers – the aspect of work which is largely specific to domestic work and hence, significant for the well-being of the workers. It would be useful if there could be a further study which draws on information and target group from this research, focusing specifically on domestic workers. Since this research also included data from

different parts of Thailand, a more in-depth follow up study may reveal regional similarities or differences which can provide a better understanding into the overall situation of Thai domestic workers.

- It would also be useful to further look into how different types of employment agencies can be regulated so that they can systematically report on recruitment and placement of domestic workers. These agencies should also be inspected by relevant government authorities so that the working terms and conditions of domestic workers can also be monitored to ensure their labour and other protections.
- With regard to migrant domestic workers, there need to be migrant registration policy and mechanism that is responsive and practical to the need to both migrants and the employers so that more number of unregistered migrants can come forward. There should also be registration of dependent of migrants so that the number of young migrants can also be monitored.
- There should be programs to promote greater awareness and understanding of the public on domestic workers, and to recognize domestic work as work. Such programs, which can be done through different forms of media, should also raise awareness of the possible labour exploitation and human rights violation of domestic workers. Community can be encouraged to report on incidence of violence against migrant domestic workers.
- For both Thai and migrant domestic workers, it could be useful to have a better understanding of the need and expectations from the employers' side. Engaging employers in discussion and consultation forum on domestic workers can also help both sides to better understand each other's needs and concerns which can lead to a more practical strategy to ensure greater recognition and protection of domestic workers.

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