



International
Labour
Organization

The Mekong Challenge

Underpaid, Overworked and Overlooked

The realities of young migrant workers in Thailand (Volume 1)

Part of a series of studies on human trafficking and labour migration in the Greater Mekong Sub-region



The Mekong Sub-regional Project to Combat Trafficking in Children and Women

The Mekong Challenge

Underpaid, Overworked and Overlooked: The realities of young migrant workers in Thailand

Volume One

by

Elaine Pearson

for

Mekong Sub-regional Project to Combat Trafficking
in Children and Women

and

Sureeporn Punpuing

Aree Jampaklay

Sirinan Kittisuksathit

Aree Prohmno

of the Institute for Population and Social Research,
Mahidol University

International Programme on the Elimination of Child Labour
International Labour Organization

Copyright © International Labour Organization 2006
First published 2006

Publications of the International Labour Office enjoy copyright under Protocol 2 of the Universal Copyright Convention. Nevertheless, short excerpts from them may be reproduced without authorization, on condition that the source is indicated. For rights of reproduction or translation, application should be made to ILO Publications (Rights and Permissions), International Labour Office, CH-1211 Geneva 22, Switzerland, or by email: pubdroit@ilo.org. The International Labour Office welcomes such applications.

Libraries, institutions and other users registered in the United Kingdom with the Copyright Licensing Agency, 90 Tottenham Court Road, London W1T 4LP [Fax: (+44) (0)20 7631 5500; email: cla@cla.co.uk], in the United States with the Copyright Clearance Center, 222 Rosewood Drive, Danvers, MA 01923 [Fax: (+1) (978) 750 4470; email: info@copyright.com] or in other countries with associated Reproduction Rights Organizations, may make photocopies in accordance with the licences issued to them for this purpose.

Mekong Sub-regional Project to Combat Trafficking in Children and Women
The Mekong Challenge – Underpaid, Overworked and Overlooked: The realities of young migrant workers in Thailand (Volume One)
Bangkok, International Labour Office, 2006

92-2-119394-2 & 978-92-2-119394-4 English (print) 92-2-819394-8 & 978-92-2-819394-7 Thai (print)
92-2-119395-0 & 978-92-2-119395-1 English (web pdf) 92-2-819395-6 & 978-92-2-819395-4 Thai (web pdf)

The designations employed in ILO publications, which are in conformity with United Nations practice, and presentation of material therein do not imply the expression of any opinion whatsoever on the part of the International Labour Office concerning the legal status of any country, area or territory or of its authorities, or concerning the delimitation of its frontiers.

The responsibility for opinions expressed in signed articles, studies and other contributions rests solely with their authors, and publication does not constitute an endorsement by the International Labour Office of the opinions expressed in them.

Reference to names of firms and commercial products and processes does not imply their endorsement by the International Labour Office, and any failure to mention a particular firm, commercial product or process is not a sign of disapproval.

ILO publications can be obtained through major booksellers or ILO local offices in many countries, or direct from ILO Publications, International Labour Office, CH-1211 Geneva 22, Switzerland. Catalogues or lists of new publications are available free of charge from the above address, or by email: pubvente@ilo.org.

Copies of this publication can be obtained at:
ILO Mekong Sub-regional Project to Combat Trafficking in Children and Women
10th Floor, United Nations Building
Rajdamnern Nok Avenue, PO Box 2-349
Bangkok 10200 Thailand
Visit our project website at: www.childtrafficking.net

Cover Photo: ILO/T. Falise
Executive Summary: ILO/T. Falise
Chapter One: ILO/P. Deloche
Chapter Two: S.Punpuing
Chapter Three: ILO/T. Runcharoen
Chapter Four: ILO/T. Falise
Chapter Five: S.Punpuing
Chapter Six: ILO/T. Falise
Chapter Seven: ILO/J. Fung
Note: None of the individuals depicted in these photos are victims of trafficking.

Printed in Thailand

*This report does not necessarily reflect the views or policies of the Government of the United Kingdom and the United States Department of Labor, nor does any mention of trade names, commercial products, or organizations imply endorsement by the Governments of the United Kingdom and the United States Department of Labor.

FOREWORD

The Institute for Population and Social Research (IPSR) at Mahidol University is one of Thailand's leading population and social research institutes, particularly in the area of international migration.

The research for “Underpaid, Overworked and Overlooked: The realities of young migrant workers in Thailand” - a collaboration with the International Labour Organization's Mekong Sub-regional Project to Combat Trafficking in Children and Women - is a testament to IPSR's fulfilment of its mission. This report and its findings underscore the successful collaboration between ILO and Mahidol University in addressing sensitive and complex issues among a vulnerable migrant population.

Migration in the Greater Mekong Sub-region has a major impact on Thailand and other countries of the GMS. Research in this field requires an understanding of the dynamics of the migration process, and its consequences. This study has highlighted key indications of exploitation in terms of working conditions, constraints on freedom of movement, retention of identity documents and abuse among migrant children and young people in four sectors – domestic work, fishing, manufacturing and agriculture.

This research would not have been possible without the support from respondents of various ethnic minority groups working in Thailand, local community leaders and NGOs. It is the hope of all who were involved and who supported this research that the findings will prompt action and effect changes at various levels, gradually eliminating the labour exploitation currently facing children and young migrants in Thailand.

Associate Professor
Dr. Churnrurtai Kanchanachitra
Director
Institute for Population and Social Research
Mahidol University

The International Labour Organization, through its Mekong Sub-regional Project to Combat Trafficking in Children and Women, is committed to supporting new research designed to better understand the vulnerabilities young people – especially young women and children – face when migrating across the GMS.

When the second phase of this project was launched in 2003, the link between labour migration and human trafficking in the GMS was only beginning to be understood. However, since then, senior Government policy makers, academics, law enforcement officials, workers' and employers' organizations, NGOs and others – in both Thailand and across the GMS – have been making the connection. This collaborative effort with the Institute for Population and Social Research (IPSR) at Mahidol University is further evidence of this paradigm shift.

Many now accept that in order to prevent human trafficking at destination areas, a level playing field must be maintained where foreign migrants can work alongside employees from the domestic population to assure equal labour protection, equal remuneration, free from the fear of violence and intimidation and with the knowledge that they will be protected from unfair working conditions and practices. In short – reducing the demand for an ‘exploitable’ workforce by making it more difficult to exploit that workforce, is a pre-requisite to the elimination of both human trafficking and the worst forms of child labour.

It's both Thailand's challenge and a Mekong challenge. With the right commitment it's a challenge that can be met.

Thetis Mangahas
Chief Technical Advisor
International Labour Organization
Mekong Sub-regional Project
to Combat Trafficking in Children and Women

ACKNOWLEDGMENTS

This research and study would not have been possible without the support of the ILO-IPEC's Mekong Sub-regional Project to Combat Trafficking in Children and Women. In particular, the research team would like to thank Allan Dow, Anna Engblom, Thetis Mangahas and Taneeya Runcharoen for their thoughtful inputs and support throughout the research process and comments on the drafts of this report, prepared by Elaine Pearson. We extend thanks to Dr Kittaya Archavanitkul, the IPSR team consultant and Dr Churnrurtai Kanchanachitra, the IPSR Director for continuously providing useful suggestions and relevant information. We thank the many NGOs, individuals and government officials with whom we consulted to improve the research methodology and in drafting the final report and recommendations. The research team would also especially like to thank the staff and volunteers of the Labour Rights Protection Network for their assistance in conducting field research in Samut Sakhon, and members of Tambon Administrative Organization in the districts of Sampran, Nakhon Chaisri, and Muang in Nakhon Pathom province for their assistance in arranging meetings between local farm owners and the research team during the field survey. Finally we would like to thank the many unnamed employers and migrants who contributed to this report, and who gave up their valuable time in order to answer our many questions.

CONTENTS

FOREWORD	iii
ACKNOWLEDGEMENTS	iv
RESEARCH TEAM	vi
LIST OF ABBREVIATIONS	vii
LIST OF TABLES	viii
GLOSSARY OF KEY TERMS	x
EXECUTIVE SUMMARY	xv
SUMMARY OF MAIN RECOMMENDATIONS	xxv
CHAPTER 1: OBJECTIVES AND BACKGROUND TO THE STUDY	1
CHAPTER 2: CONTEXT OF DESTINATION FACTORS RELATING TO EXPLOITATION	5
CHAPTER 3: METHODOLOGY	11
CHAPTER 4: ANALYSIS OF FINDINGS ACROSS THE FOUR WORK SECTORS	21
CHAPTER 5: RECRUITMENT FINDINGS	67
CHAPTER 6: SUMMARY OF FINDINGS IN INDIVIDUAL SECTORS	81
Fishing in Samut Sakhon	83
Domestic work in Chang Mai, Mae Sot, Bangkok and neighbouring provinces	89
Manufacturing in Bangkok and neighbouring provinces	95
Agriculture in Nakhon Pathom	100
CHAPTER 7: RECOMMENDATIONS	107
ANNEXES	117
ANNEX 1: Model Questionnaire for migrants	118
ANNEX 2: Model Questionnaire for employers	132
BIBLIOGRAPHY	143

THE RESEARCH TEAM

Research Director

Elaine Pearson, ILO-IPEC TICW consultant

Principal Researchers

Dr Sureeporn Punpuing –Domestic Work sector

Dr Aree Jampaklay – Fishing sector

Dr Sirinan Kittisuksathit – Manufacturing sector

Dr Aree Prohmno – Agriculture sector

Research Assistants

Saowapak Suksinchai, IPSR Researcher

Malee Sunpuwan, IPSR Ph. D Student

Claire Henderson, ILO-IPEC TICW Support Officer

Field Research Supervisors

Sompong Srakaew

Nipon Darawutimaprakorn

Amornrat Srikot

Waeodao Nambut

Technical Editor

Allan Dow

LIST OF ABBREVIATIONS

FCD	–	Foundation for Child Development
FTUB	–	Federation of Trade Unions of Burma
GDP	–	Gross Domestic Product
GMS	–	Greater Mekong Subregion
ICFTU	–	International Confederation of Free Trade Unions
ID	–	Identification
ILO	–	International Labour Organization
IOM	–	International Organization for Migration
IPEC	–	International Programme on the Elimination of Child Labour
IPSR	–	Institute for Population and Social Research
LPA	–	Labour Protection Act 1998
LRA	–	Labour Relations Act 1975
LPN	–	Labour Rights Protection Network
KWO	–	Karen Women Organization
MOL	–	Ministry of Labour
MOU	–	Memorandum of Understanding
NGO	–	Non-Governmental Organization
OT	–	Overtime
PATH	–	Program for Appropriate Technology in Health
RTG	–	Royal Thai Government
SIMPOC	–	Statistical Information and Monitoring Programme on Child Labour
SPSS	–	Statistical Package for the Social Sciences
SWAN	–	Shan Women Association Network
TAO	–	Tambon Administrative Organization Office
TICW	–	ILO-IPEC Mekong Sub-regional Project to Combat Trafficking in Children and Women
UN	–	United Nations
UNIAP	–	United Nations Inter-Agency Project to Combat Trafficking in Women and Children in the Mekong Sub-region

LIST OF TABLES

Table 4.1:	Employers by sex and type	23
Table 4.2:	Migrant ethnicity	24
Table 4.3:	Migrant sex	24
Table 4.4:	Migrant age	25
Table 4.5:	Migrant educational level	26
Table 4.6:	Migrant ability to speak Thai	26
Table 4.7:	First time in Thailand	27
Table 4.8:	Registration (legal) status	28
Table 4.9:	Reasons for not registering	29
Table 4.10:	Forced labour in practice	31
Table 4.11:	Forced to work in the current job (by sector)	32
Table 4.12:	Forced to work in the current job (by age)	33
Table 4.13:	Forced to work in the current job (by registration status)	33
Table 4.14:	Forced to work previously	34
Table 4.15:	Constraints on leaving current job (by sector)	36
Table 4.16:	Constraints on leaving current job (by age)	37
Table 4.17:	Possession of original identification (ID) documents (all migrants)	38
Table 4.18:	Possession of original identification (ID) documents (registered migrants)	39
Table 4.19:	Access to original identification (ID) document/s	39
Table 4.20:	Living arrangements	40
Table 4.21:	Can't refuse to live on-site	41
Table 4.22:	Freedom of movement	42
Table 4.23:	Why migrants cannot go outside the workplace	42
Table 4.24:	Employers views on 'we should lock migrants in at night to prevent their escape'	44
Table 4.25:	Employers views on 'migrants should/are entitled to go outside the workplace without permission (outside working hours)'	44
Table 4.26:	Abuse by employer	46
Table 4.27:	Type of job different to that told	47
Table 4.28:	Working conditions different to that told (by sector)	47
Table 4.29:	Working conditions different to that told (by age)	47
Table 4.30:	Monthly wage	49
Table 4.31:	Payment deductions, delays and irregularities	50
Table 4.32:	Working hours	51
Table 4.33:	Enough time to rest or sleep	51

Table 4.34:	Enough breaks during work time	52
Table 4.35:	Regular days off per month (without pay)	52
Table 4.36:	Migrants have written contract with the employer	53
Table 4.37:	Employers' attitudes towards migrant workers	55
Table 4.38:	Preference for ethnicity of migrant worker	55
Table 4.39:	Preference for migrant worker aged 18-25 years	56
Table 4.40:	Preference for migrant worker aged below 18 years	57
Table 4.41:	Migrants should have equal rights to Thai workers	58
Table 4.42:	Migrants should have right to join trade union	58
Table 4.43:	Who migrants talk to when they have problems at work	59
Table 4.44:	Support when sick	60
Table 4.45:	Contact with others in the community (outside of work)	61
Table 4.46:	Who helps migrants contact their family at home	62
Table 4.47:	Method of sending money home	62
Table 4.48:	Members of the group	63
Table 4.49:	Focus of the group/club	63
Table 4.50:	Interest in joining a group	64
Table 4.51:	Can go to school	65
Table 4.52:	Currently attend formal or non-formal education	65
Table 5.1:	Migrants still owe money to person who found them a job	72

GLOSSARY OF KEY TERMS

Agriculture: Fruit, vegetable, flower or animal farms.

Agricultural migrant/worker: A non-Thai male below 21 years of age or female below 26 years old, registered or unregistered, and currently working in agriculture for at least two months. Also a farm worker.

Burman: A person who is a member of the largest ethnic group of the country of Myanmar, especially as distinguished from the Shan, Karen, Mon, Kachin, Karenni, and other ethnic peoples.

Burmese: Any person originating from the country of Myanmar, without reference to the ethnic origin of that person.

Carrier: See transporter.

Child: As defined under the UN Convention on the Rights of the Child, a male or female under 18 years of age.

Demand: ‘Demand’ means the desire or preference of people [employers, consumers or third parties] for a particular kind of person or service. In this context, we are interested in looking at why the demand is met by trafficked migrants or forced labourers.

Destination factors: Also ‘demand side’. The economic, cultural, social, legal and policy factors affecting employers and recruiters. For a more detailed explanation of destination factors and demand refer to the ILO IPEC report, *Human Trafficking: Redefining Demand, Destination Factors in the Trafficking of children and Young Women*.¹

Domestic work: Work that takes place in the home. Household duties include cleaning, cooking, looking after children and/or elderly and other tasks.

Domestic worker: A non-Thai female below 26 years of age (or male below 21 years), registered or unregistered, who is currently working (or previously worked) in an employer’s household for at least 2 months. In this research no male domestic workers were identified.

Employer: A person who manages, hires or pays a migrant to perform labour or services under their supervision. This includes labour subcontractors. Employers must currently (or previously) hire migrant workers for at least 2 months.

¹ See <http://www.childtrafficking.net/>

Fishing: Includes two sub-sectors of fishing boats and fish processing areas/factories. See fishing migrant/worker.

Fishing boats: The sub-sector of fishing related to work off-shore on boats performed by seafarers and fishermen.

Fishing migrant/worker: A non-Thai male below 21 years of age or female below 26 years old, registered or unregistered, who works offshore as a fisherman or seafarer (fishing boats), or who works onshore in fish processing and production (fish processing) and has done so for at least 2 months (including registered and unregistered workers).

Fish processing: The sub-sector of fishing performed on-shore such as cleaning, peeling and sorting fish and manufacturing fish products in formal or informal workplaces.

Forced labour: Article 2 of ILO Convention No. 29 on Forced Labour (1930):

“Forced or compulsory labour” shall mean all work or service which is extracted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”

Under this definition, a lack of consent to work plus the menace of a penalty are the essential elements of forced labour.

Manufacturing: Limited to small and medium sized companies (employing less than 50 staff) engaged in textile production only. Fish processing is dealt with under fishing rather than manufacturing.

Manufacturing worker: A non-Thai male below 21 years of age or female below 26 years old, registered or unregistered, who is currently working in a small to medium-sized textiles factory (employing less than 50 staff) and has done so for at least 2 months.

Median: Relating to or constituting the middle value in a distribution.

Migrant worker: Any male below 21 years or female below 26 years of age who is not a Thai national, and one who has been engaged in a remunerated activity in Thailand for at least two months. Includes registered and unregistered migrant workers.

Recruiter: Those who facilitate migrant workers to find employment.

Registered migrant: A migrant worker who has registered their presence with the Thai Government during one of the organized registration periods, and therefore is legally entitled to stay and work in Thailand. See ‘registration’.

Registration: A process whereby undocumented migrant workers from Myanmar (Burma), Cambodia and Lao PDR have periodically been able to legalise their status in Thailand by registering their presence with

local authorities (organized by the Ministry of Interior). This operates like an ‘amnesty’ for migrant workers. According to the Immigration Regulations, when the Royal Thai Government permits registration (usually for a period of 30 days) then undocumented migrants should report first for a residence card, undergo a health examination and finally register for a work permit with a specific employer. The most significant registration of migrants took place in July 2004, where more than 1.2 million migrants registered for residence documents. Of these 814, 000 applied for work permits. In the most recent registration period in 2005, these migrants who had previously registered were permitted to extend their work permits by one year until 30 June 2006. Approximately 630, 000 workers and their dependents registered. The Thai government has also allowed a further registration to take place in June 2006, which enabled new migrants to register as well as those who have registered previously.

Third party: See Recruiter.

Trafficking: Article 3 of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000): ²

- “(a) ‘Trafficking in persons’ shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;
- (b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
- (c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered ‘trafficking in persons’ even if this does not involve any of the means set forth in subparagraph (a) of this article;
- (d) ‘Child’ shall mean any person under eighteen years of age.”

This definition considers trafficking as the facilitated movement of a person by means of deception or coercion, etc. into conditions of exploitation, be it sexual exploitation, forced labour, slavery or slavery-like practices or servitude. As far as children are concerned, there is no need to prove that deception and coercion were used. The evidence of movement into exploitation is considered enough to define a child as “trafficked”.

Despite the fact that the UN Trafficking Protocol is attached to a Convention on organized crime, using this definition solely from a context of organized crime can be misleading. Many cases of trafficking do not fit within the organized crime model,³ such as cases of child domestic workers who are trafficked by one or two persons, by a family or community member rather than by a syndicate.⁴

² Supplementing the UN Convention Against Transnational Organized Crime (2000), hereafter referred to as the UN Trafficking Protocol.

³ This refers to a transnational organized criminal group of three or more persons.

⁴ Dottridge, M. *Kids as Commodities? Child trafficking and what to do about it*, International Federation Terre des Hommes, Lausanne, May 2004.

Transporter: An agent involved in the movement of migrants from one place to another (usually across the border). Also ‘carrier’.

Unregistered migrant: A migrant who has not registered themselves with the Thai Government during any of the previous registration periods and therefore whose presence working in Thailand is illegal. See registration.

Worst forms of child labour: Article 3 of ILO Convention Number 182 on the Worst Forms of Child Labour (1999):

The ‘worst forms of child labour’ comprise:

- (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

ILO Recommendation 190 provides a more detailed description of the work that countries should consider when they are defining their own list of hazardous work that can be classified as the worst forms of child labour under part (d).⁵

⁵ Paragraph 3 of Recommendation 190 states in determining the types of work referred to under Article 3(d) of Convention 182, and in identifying where they exist, consideration should be given, inter alia, to:

- (a) work which exposes children to physical, psychological or sexual abuse;
- (b) work underground, under water, at dangerous heights or in confined spaces;
- (c) work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads;
- (d) work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health;
- (e) work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer.



EXECUTIVE SUMMARY

“I worked for two years, but never received any payment. I had to work all day. I couldn’t go to bed until 2 am, but would then have to get up again at 5 am. I didn’t have enough sleep. The employer was evil-minded, not only did he not pay me any money, he also slapped, hit and pinched me. His wife laughed while he slapped me. She never tried to help. Their three children also hurt me, they were always telling lies to their parents and getting me into trouble.” (Migrant DO, 17 year old female, Cambodian, domestic worker)

‘We work all day and all night on the boat. During working hours, we are not allowed to rest. If we do rest, we risk punishment. We try to be diligent and do our work without rest, but if we must {rest}, we make sure that no one is around because stealing just one second of work time to look out at the sea means that we will be yelled at. Neither of us has been physically beaten – only yelled at. But we are scared because we have seen some crew members thrown off the boat or beaten with hooks and anchors that weigh close to one kilo and are as long as our arms. The crew who were beaten with these sharp and heavy objects bled profusely, especially when the sharp end of the hooks grabbed onto their skin. They could crack your skull open if they hit you too hard.’ (Migrant FA, 14 year old male. Mon, fishing boat worker and FB, 15 year old male, Mon, fishing boat worker)

EXECUTIVE SUMMARY

Many migrants from Thailand's neighbouring countries leave home in search of a better life – often crossing borders into Thailand in search of new horizons in this new and economically expanding frontier. But as this study discovers, rather than leading to a brighter future, the journey for cross-border migrants often leads down a one-way road to misadventure at a destination where deceit and exploitation await.

The following report has studied and found evidence of both human trafficking and labour exploitation of migrants in Thailand. It is one of the first of its kind to examine the exploitation in terms of the demand created in four employment sectors for “exploitable” labour (agriculture, fishing boats and fish processing, manufacturing and domestic work) and how in many cases that exploitation is also definable in terms of forced labour.

In fact, of all the countries of the Greater Mekong Sub-region, Thailand has emerged as the number-one destination in the cross-border trafficking of children and women. Most of these trafficking victims, as well as other cross-border migrants, come from neighbouring Myanmar (Burma), Lao PDR and Cambodia.

They are often prohibited from leaving their place of employment - they are effectively imprisoned and indentured slaves.

Trafficked or not – these migrants, especially children and young women, are an invisible yet integral part of the Thai economy in the agriculture, fishing and manufacturing sectors.⁶ Still others toil behind closed doors in residential neighbourhoods providing domestic household services to a growing number of Thai middle-class families.

It must be pointed out that many migrants work in Thailand without encountering serious problems, however a significant number of younger migrants in the abovementioned four sectors face exploitation ranging from non-payment or underpayment of wages, a requirement to work excessive hours sometimes involving the use of hazardous equipment – to even more serious violations of forced labour and trafficking. They are often prohibited from leaving their place of employment – they are effectively imprisoned and indentured slaves.

⁶ The term ‘fishing’ refers to both work on fishing boats and work in fish processing factories. For a more detailed analysis of each of the sub-sectors refer to Chapter 4 on Fishing.

This exploitation is commonplace and widespread. Among the findings:

- 20% of males working on fishing boats stated they were ‘forced to work’.⁷ The vast majority of those forced to work were between 15-17 years of age.
- 60% of domestic workers (all ‘live-in’) stated their employers did not allow them to leave the house to meet with others or receive visitors.
- 82% of domestic workers, 45% of fishing workers and 19% of manufacturing workers worked more than 12 hours per day.
- About half of employers across all sectors agreed with the statement that ‘we should lock migrants in at night to make sure they don’t escape’.

Why does such exploitation of young migrants occur and what can those involved in workplace protection do about it?

Most research into human trafficking and cross-border migration has focused on the ‘supply’ side – especially the economic and social conditions at home that drive women and children to leave in the first place. But what about the conditions at the destinations? What about the hazardous working conditions in the work places where these migrants end up – the factories, the farms, the fishing boats and the domestic kitchens? Do they contribute to trafficking – or indeed do these conditions and the employers who allow them to prevail equate to traffickers by their very definition? Why do these conditions exist and when labour standards are being violated why don’t the Thai authorities take action?

Is it legal, political, socio-cultural or purely economic reasons that drive employers and consumers to demand goods and services provided by migrant workers, especially young and female migrants?

Is it legal, political, socio-cultural or purely economic reasons that drive employers and consumers to demand goods and services provided by migrant workers, especially young and female migrants? To what extent do these ‘demand’ factors play a role in either actively encouraging or tacitly accepting the ongoing exploitation of workers?

This one-year research study sets out to answer these questions. It focuses less on the movement of young migrants and victims of trafficking and places greater emphasis on where most of the exploitation occurs – at the workplace.

The primary objective of this research was to examine the level of labour exploitation occurring in the four sectors: agriculture, domestic work, fishing (fishing boats and fish processing) and manufacturing (textiles), and to determine, to the extent possible, how much of it is actually forced labour and trafficking. Secondly, the study set out to examine the profile and attitudes of employers and recruiters who engage migrants⁸ to

⁷ Refer to page 3 for what constitutes ‘forced to work’ i.e. forced labour.

⁸ The term ‘migrant’ here is used to refer to men below the age of 21 and women below the age of 26, not of Thai nationality.

work in these sectors. Such employers and recruiters could either be parties to the exploitation or indeed partners to stop it from occurring.

The Research:

Primary research was conducted with migrant children and young people, employers and recruiters in each sector in various geographical sites in and around Bangkok and its vicinities; Nakhom Pathom was the study site for agriculture and Samut Sakhon for fishing. A total of 376 migrants were surveyed with the same questionnaire in three sectors (agriculture, fishing and manufacturing). Domestic work relied on a comparison with quantitative data from a previous IPSR study interviewing 320 migrant domestic workers in Chiang Mai and Tak Provinces. Across all four sectors, some 316 employers were surveyed in Bangkok and its neighbouring provinces through questionnaires. In addition to this quantitative material, in-depth interviews were carried out with 97 migrants, 44 employers and 10 recruiters. Field work was conducted from June to October 2005.

Some limitations should be mentioned when considering the findings of this research. Migrants interviewed in this study were not among those in the most exploitative or hidden conditions of work, since their workplaces were open enough to enable them to be interviewed. It is difficult to ascertain trafficking cases based purely on interviews with migrants who are currently working, especially if respondents were interviewed on-site.⁹ Migrants might have been reluctant to reveal the truth about their working conditions due to fear of what could happen to them as a result and/or a mistrust of the researcher. The employers and recruiters who agreed to be interviewed were clearly not traffickers. Despite these limitations, a clearer picture emerges about the realities of work, restrictions on mobility and exploitative working conditions faced by many migrants in Thailand.

Major Research Findings:

Migrant Profile:

Most of the migrants surveyed were Burmese, with a small number of Lao and Cambodian migrants included in the manufacturing and agriculture surveys. Of those born in Burma, the main ethnic groups identified were Burman, Mon, Karen and Shan. Overall, 75% of the sample was female, with all females in domestic work and all males on fishing boats. In the remaining sectors, slightly more female workers than males were surveyed in agriculture, manufacturing and fish processing. 5% of migrants were below 15 years, 20% were aged 15 – 17 years and 75% were aged 18-25 years. The majority of migrants were registered (i.e. had legal status to work in Thailand) across all sectors.

⁹ As was the case for most of the interviews carried out in agriculture and manufacturing and about two thirds in domestic work. No interviews in the fishing sector were carried out on-site.

Employer Profile:

All employers were Thai nationals, though a small number were of different ethnic origin (between 3-7%). More female employers were interviewed in domestic work and manufacturing, yet more males in agriculture and fishing. For agriculture, manufacturing and fishing, the employers interviewed included business owners, managers and subcontractors.

Recruiter Profile:

Ten informal recruiters were interviewed, all Burmese males, most of whom had previously been migrant workers themselves. Recruiters were identified as those who facilitate migrants to find employment, rather than 'transporters' who assist migrants to cross the border.

Key Aspects of Recruitment:

Anti-trafficking efforts tend to focus on recruiters as 'traffickers'. Only about 10% of migrants across all sectors used recruiters to find their current job. This recruitment was via informal agents rather than formal recruitment agencies. Findings from the recruiters' perspective are only anecdotal (due to the small sample size) but instructive nonetheless. These intermediaries often provide additional services to migrant workers such as sending remittances or arranging communication with families back home. Such services mean that recruiters often have an on-going relationship with migrants post-recruitment, and a vested economic interest in ensuring migrants do not face exploitation or forced labour situations. The less exploited migrants become, the more money they can earn, and thus the more they are able to spend on the services of the recruiter to remit greater amounts home or to call their family more often.

Many recruiters were not interested in knowing the conditions in which they were placing the individuals, but some recruiters did indicate a responsibility toward the migrants they had recruited and to the employers. This could even be seen in some cases as almost a duty to protect migrant workers as some recruiters removed migrants from situations of exploitation and had found them alternate work, or negotiated wages or improved working and/or living conditions for the migrants. This opportunity for recruiters to offer protection of migrant workers is somewhat undermined by the fact that there is a large supply of migrant labour willing to work for low wages and under poor conditions.

Still, this finding suggests that the emphasis on recruitment and recruiters as the main abusive element in trafficking is misplaced. While some in the anti-trafficking movement believe that recruiters and recruitment agencies should be the focus of trafficking prevention work, this study has found that recruiters are only one piece of the jigsaw, and that perhaps more should be done to improve recruitment practices than simply encouraging migrants not to use them at all.

Key Indications of Exploitation

Various factors regarding working conditions were examined to measure the extent of forced labour in the worksites. A small but significant number of young migrant workers are working under conditions that are tantamount to forced labour. 'Force' can be interpreted in a myriad of ways, from mere economic compulsion to 'force' where threats are used, to actual violence and enslavement. Under ILO Convention No. 29 on Forced Labour, the key aspects of forced labour are 'lack of consent' and 'menace of penalty'. These aspects are evident especially in the fishing and domestic work sectors – when one considers the levels of violence found, constraints to leave, restricted freedom of movement, lack of access to ID documents, excessive work hours and insufficient time to rest. A lower incidence of forced labour was found in both manufacturing and agriculture. Though a small number may be in conditions equivalent to forced labour, much larger numbers of migrants in all sectors had other labour rights violated and suffered from substandard working conditions including underpayment of wages (below minimum wage), forced overtime, long working hours and lack of rest days.

- **Forced to work:** 20% of those interviewed on fishing boats and 9% of those interviewed in fish processing stated they were 'forced to work' compared with only 2% in agriculture and 1% in manufacturing. This was in response to a broad question, 'Are you forced to work by someone who is not in your family?' On its own, this finding might not be significant due to the vague nature of 'force'. However it becomes significant when one looks at other indicators of exploitation which show a pattern of abuse and exploitation more widespread amongst fishing boat and fish processing workers than workers in agriculture and manufacturing.
- **Constraints preventing a migrant from leaving their job:** 5-7% of migrants in agriculture, fishing and manufacturing identified constraints preventing them from leaving their current job that related to some form of coercion by their employer.¹⁰ Such coercion included employer retaining ID documents (for registered workers), lack of documents (for unregistered workers) fear of employer using violence, fear of employer reporting them to the authorities and debt to the employer.
- **Freedom of movement:** 8% of domestic workers reported they had been confined or 'locked up' by their employers. 60% of domestic workers stated their employers did not allow them to leave the house to meet with others or receive visitors.

More than half of employers in agriculture, domestic work and manufacturing felt migrants should not leave the premises outside of working hours without permission. About half of employers across all sectors agreed with the statement that 'we should lock migrants in at night to make sure they don't escape'. Such employers feel the Thai policy of migrant registration obligates them to restrict migrants' freedom of movement to protect their financial investment in workers (having paid registration fees upfront) and to prevent workers from changing employers.¹¹ Despite perhaps some

¹⁰ This question was not asked of migrants in domestic work due to the different methodology.

¹¹ Most employers pay approximately \$US100 per migrant worker in registration fees and recoup these costs by deducting the payment from workers over time. If workers abscond, they lose the money paid in fees as well as the ability to hire more migrant workers.

legitimate concerns of employers wanting to safeguard their economic interests, in doing so, they clearly violate migrant worker's rights to liberty and this increases the realm for exploitation.

10% of migrants in agriculture, fishing and manufacturing could not leave the workplace or living area outside of working hours when they wanted to – the predominant reason being fear of harassment by authorities. Thus beyond employer control, fear and mistrust of the authorities is also a key aspect of why migrants stay in exploitative conditions of work.

- **Retention of ID documents by employers:** Only 35 -50% of migrants in agriculture, fishing and manufacturing had possession of their original ID documents. Unregistered (undocumented) migrants clearly lacked any ID documents at all. Where registered migrants are concerned, 36-43% of workers in these three sectors did not have possession of their original ID documents. They usually held a photocopy only, which was not recognised as valid identification when confronted by authorities. Some migrants and employers asserted the employers held their documents for 'safe-keeping'. To address this issue, migrants were asked if they could access documents when they wanted to. More than three-quarters of those in fishing could not access their documents when they wanted to or did not know if they could access their documents (as they had never asked their employer).¹² This is compared with only 21% in agriculture. Registered migrants working in the fishing industry are far more likely to be bonded to their employer and the worksite than registered workers in agriculture or manufacturing, due to their inability to obtain their identification documents.
- **Violence:** High levels of physical violence were recorded. Between 7-9% of workers in fishing, manufacturing and domestic work had faced physical abuse at the hands of their employers. More than half of the workers in fishing and domestic work had faced verbal abuse from their employers.
- **Payment violations:** Payment of wages is difficult to calculate since many workers in these sectors work on piece rates. However, 89% of domestic workers and 38% of agricultural workers are paid 3,000 baht (\$US 75) or less per month. Some 41% of domestic workers receive 1,000 baht (\$US 25) or less per month. Although some of these workers receive lodging and food, such in-kind payments are rarely assigned a specific monetary value and under Thai law, should be regarded as additional to, but not substitutes for, cash payments. In-kind payments are not authorised under Thai labour law.¹³ Fishing and manufacturing workers are paid higher wages, but still only about 60% of the minimum wage they are entitled to, if the number of hours worked, overtime and lack of days off are taken into consideration.

Almost half of all workers in fishing experienced delayed payment and 40% of fishing industry workers had pay deducted for 'mistakes' made such as taking a day off (even when ill), damaging stock

¹² Actual breakdown: 43% could not access the documents when they wanted to and 33% did not know.

¹³ The Labour Protection Act 1998 makes no mention of payments in kind. In 2002/2003 the Government officially reported to the ILO that wage payment in kind is *not authorized* under existing labour laws (Communication, ILO Labour Standards Specialist, Sub-Regional Office, Bangkok, 13 March 2005).

or equipment or being late to work. In manufacturing, 25% of workers faced delayed payment and 15% had to pay for mistakes made. In-depth interviews indicate that a number of such deductions are unreasonable: “When I make mistakes, the employer forces me to pay for the trousers at 180 baht (\$US4.50) each. Some people make 10 mistakes so that’s 1,800 baht (\$US45). Some of the trousers are so cheap, they only sell for 50 baht (\$US1.25).” Migrant MB, 18 year old male, Karen, manufacturing worker.

- **Working hours:** Excessive work hours was common in three sectors, a massive 82% of domestic workers, 45% of fishing workers and 19% of manufacturing workers worked more than 12 hours per day. A third of workers in fishing reported insufficient time for breaks in the day. Under the Thai Labour Protection Act, the standard work day is eight hours per day. However, 43% of agricultural workers, 75% of fishing workers (100% of those working on fishing boats), 84% of manufacturing workers and 98% of domestic workers regularly worked more than eight hours per day.
- **Days off:** 79% of domestic workers and 67% of agricultural workers did not have any regular day off per month (though in agriculture this was put down to the seasonal nature of the work). 21% of fishing workers and 13% of manufacturing workers had no regular day off per month. Since days off are generally unpaid, or in some cases, ‘fines’ are deducted for taking days off, most migrants in these sectors are reluctant to take days off work.
- **Written Contracts:** More than 90% of workers in each of the sectors of agriculture, fishing and manufacturing do not have a written contract of employment.

Trends by Age:

More children (under 18 years of age) were found working in fishing and domestic work than in agriculture and manufacturing. Children working in these sectors worked long hours, faced more constraints preventing them from leaving their job and were more likely to be unregistered than adult workers in these sectors. Particularly boys aged 15-17 working on fishing boats were considered to be in a worst form of child labour.

Trends by Sex:

In agriculture and manufacturing no strong patterns emerged regarding differential treatment or levels of exploitation between female and male workers. In domestic work all respondents were female. In fishing, male workers on fishing boats were more vulnerable to forced labour than workers (male or female) in fish processing. Female fish processing workers were generally lower paid than their male counterparts, despite working longer hours and being less able to refuse overtime.

Trends by Registration (legal) Status:

Generally unregistered workers (those without the right to work and reside in Thailand) suffered worse working conditions, worked longer hours and lacked freedom of mobility when compared with registered

workers. However the fact that many registered workers did not hold their own identity documents meant that a significant number faced restrictions on their freedom of movement and harassment by authorities. This indicates that one of the desired impacts of registering workers so they would feel safer and protected in Thailand has not been achieved. Rather, employers are often circumventing the protection offered by the registration system by holding onto workers' documents.

Legal and Political Factors:

Laws and policies play a significant role in how employers treat migrant workers. The absence of labour protection laws to protect the rights of workers in some of these sectors certainly facilitates their exploitation. Since most of the protections under the Labour Protection Act 1998 do not apply to workers in agriculture, domestic work and fishing boats (local or migrant), there is little incentive for employers in these sectors to apply minimum labour standards. There is a need for the Government to enforce international labour standards and improve labour protection of informal workplaces under the law, in order to send a clear message to employers that exploitation of migrant workers is not tolerated.

The migrant registration policy seems to reinforce notions of ownership in the relationship between the employer and the migrant. 75% of employers of domestic workers, 66% of farmers, 56% of manufacturing employers and 24%¹⁴ of fishing employers believed that migrants are not entitled under Thai law to leave work premises outside of work hours (without permission). Qualitative interviews with employers across all sectors showed that employers felt justified in restricting freedom of movement of workers and withholding their documents as a way of protecting their own economic investment given the costs incurred to legally register the workers (e.g. employers who paid the upfront costs of registration).

Employers lack an accurate understanding of their responsibilities and obligations to migrant workers under Thai labour laws and under the migrant registration policy. This lack of awareness seems to be an important factor causing some employers to exploit workers.

Social-cultural Factors:

In terms of employers' preferences for workers, the research found employers demand for migrant workers in these sectors is first and foremost intrinsically related to supply i.e. the availability of young migrants of certain ethnicities willing to work for low wages and under poor conditions. By contrast, Thai workers tend to be unwilling to work in such sectors not only because they are low-paid, difficult and dangerous, but because these sectors are largely unprotected (by labour laws). Thai workers have the added advantage that they can work in other sectors where minimum wage provisions are in force – giving them a wider range of possibilities. But social and cultural factors also come into play because employers

Employers' attitudes commonly reflected that foreign migrants did not deserve the same rights as Thai workers and therefore they needed to be controlled.

¹⁴ An additional 33% of fishing employers responded they did not know if migrants were entitled to leave the premises freely outside of work hours or not.

clearly stated a preference for workers perceived to be cheap, obedient and young (stronger or faster workers than older ones).

Employers' attitudes commonly reflected that foreign migrants did not deserve the same rights as Thai workers and therefore they needed to be controlled. Discrimination seems to be a key factor in why some migrants are exploited more than others. Migrants of certain ethnicities were perceived to be easier to control and more obedient than others. Racial stereotypes also play a role in employers' preferences for specific ethnicities, especially in the case of domestic work, where certain migrants are perceived 'cleaner' than others.

Economic Factors:

All of these sectors with the exception of domestic work, rely on cheap labour as a competitive edge, which is why employing migrant workers is so popular (Thais will not work for such low wages). The research was unable to determine exact labour costs in relation to the profitability of the specific sectors. However, clearly migrant workers in these sectors were paid significantly less than the geographically-prescribed minimum wage.¹⁵ In the two sectors (fish processing and manufacturing) where minimum wage should apply, wages received were substantially higher than in the other unregulated sectors. In agriculture and domestic work, about two thirds of employers agreed that migrants were good for Thailand because they were cheap, but much fewer employers agreed in fishing and manufacturing. Whilst employers frequently complained about the cost of registering migrants, in fact these costs are ultimately borne by the migrants and are usually recouped by employers through salary deductions.

Whilst employers frequently complained about the cost of registering migrants, in fact these costs are ultimately borne by the migrants and are usually recouped by employers through salary deductions.

Support at the Workplace

Migrants in these workplaces, with the exception of domestic work, are not as isolated from others as might seem. A significant proportion of migrants across all sectors live with immediate family or relatives and these are the first lines of support when migrants face problems at work or fall ill. The informal nature of the work – lack of written contracts and lack of labour protection under Thai law mean that many workers in these sectors lack opportunities for redress when they are exploited and are unlikely to seek help from government officials. Not enough workers associations, NGOs and government offices such as local Labour Departments are actively reaching out to migrants in these sectors in these geographical areas. For instance neither NGOs nor Labour Departments

Despite the plethora of organisations supposedly working against trafficking in Thailand, organisations do not seem to be effectively targeting or assisting migrants in these sectors in these geographical areas

¹⁵ Which varies from province to province, though the minimum wage does not apply to sectors such as agriculture, domestic work and fishing boats.

were mentioned as a point of support when migrants suffer problems at work. Despite the plethora of organisations supposedly working against trafficking in Thailand, organisations do not seem to be effectively targeting or assisting migrants in these sectors in these geographical areas – with the exception of the NGOs who facilitated this research. Workers associations are not responsive at all to migrant worker issues. Worker associations and NGOs could be more active in these areas through providing education, health and services and play a key role in linking migrants to sympathetic Labour offices and other suitable government services.

Monks and religious persons were identified by migrants as the main external source of comfort for migrant children and young women outside the workplace (apart from family and friends). Most migrants expressed interest in joining/participating in a community group, although very few of them currently were members of groups/clubs. Migrants were especially interested in groups with an education focus, health and learning Thai language.

Scope for Further Research

Action-oriented research at destination is needed with local migrant groups offering services to workers in order to be able to identify more workers in hidden and exploitative workplaces who might be trafficked or in forced labour.

Research in relevant countries of origin with migrant worker returnees is required to validate (or challenge) the findings at destination.

Research to understand informal recruitment mechanisms and how these may be potential mechanisms of protection for migrant workers.

International comparative research with other countries to assess how regulation of these four sectors of work contributes to improving labour protection and reducing incidences of trafficking and forced labour.

SUMMARY OF MAIN RECOMMENDATIONS

A Adequate Labour Protection

- The Royal Thai government should review the Labour Protection Act to provide protection to categories of workers currently excluded from protection under the Act, namely workers in agriculture, domestic work and on fishing boats. (Recommendation 1)¹⁶
- The Ministry of Labour should ensure adequate labour protection for informal sector workers covers minimum working age, rights to a regular day off, minimum wage, maximum amounts for salary deductions, regular working hours, voluntary overtime, paid holidays, sick and maternity leave and the right to form and join associations. The Ministry of Labour should devise standard contracts for each sector covering each of these specific areas (in Thai and migrants' languages). (Recommendation 2)
- The Royal Thai Government, especially the Ministry of Labour should facilitate the role of civil society and workers' and employers' organizations in protecting migrant workers in practice. (Recommendation 3)

B. Exploitation and Freedom of Movement

- The Royal Thai government should draft, publicise and enforce a guideline informing employers of migrant workers' rights and of the responsibilities of employers to ensure freedom of movement of the migrant workers they employ. (Recommendation 5)
- The Royal Thai Government should draft, publicise and enforce a guideline informing law enforcement officials, including police and immigration officers, about their responsibilities when dealing with migrant workers and the rights of the migrant workers themselves. (Recommendation 6)

C. Complaints Mechanism

- The Ministry of Labour should develop simple but effective complaints mechanisms for migrants to report exploitation in the workplace, with staff fluent in migrants' languages or using interpreters in order for migrants who do not speak Thai to be able to communicate with government officials. (Recommendation 10)
- The Ministry of Labour should strengthen collaboration between local labour inspectors, workers' organizations and NGOs to reach out to employers and migrants. (Recommendation 11)

D. Empowering Migrants

- The Royal Thai Government in conjunction with non-governmental or international organizations should conduct a mapping of migrant support networks in specific geographical locations where large

¹⁶ The bracketed recommendation number refers to the recommendation number from the full set of Recommendations

numbers of migrants live and work to identify who provides specific services, and make this information readily available to migrants in their own languages. (Recommendation 12.b.)

- The ILO, ICFTU and other international trade unions should engage with Thai trade unions to encourage them to actively promote membership of migrant workers in these sectors and promote their protection of informal sectors of work. (Recommendation 13)
- In the absence of active labour unions, the ILO, ICFTU and other international trade unions should promote and strengthen existing informal worker associations of migrants in Thailand by providing them with training in organising, documenting and monitoring worker violations and fighting exploitation. (Recommendation 14)

E. Education

- The Ministry of Education should establish schools or learning centres near migrant informal workplaces with flexible time schedules so migrants can attend classes, especially on their days off. (Recommendation 16)
- The Ministry of Education should work with Royal Thai Police to ensure police are aware of migrant children's legal right to attend school despite their undocumented status. (Recommendation 19)

F. Recruitment

- Workers and employers associations, international organizations and NGOs should mobilize migrant communities (and therefore informal recruiters) to be more vigilant in negotiating minimum conditions of work to safeguard the interests of migrant workers. Mobilisation must include training so that migrant communities can determine minimum conditions of work that they would agree to. (Recommendation 21)

G. Role of Employers

- The Ministry of Labour in conjunction with employers' and workers' organizations and non-governmental organizations should develop innovative campaign materials to educate employers in specific sectors about the rights of children and migrants. For example, this could be through film and/or series of mobile seminars for employers of migrant workers. (Recommendation 22)

H. Attitude towards Migrants

- Employers' and workers' organizations should conduct public awareness campaigns aimed at the Thai community about Thailand's shortage of migrant workers and ways in which migrant communities can live with Thais in positive, peaceful and nurturing ways that benefit both locals and migrants. Innovative ways of doing this should be explored such as through film, television shows, comics and the public education system. (Recommendation 25)

I. Encouraging Safe and Legal Migration

- The Ministry of Labour, together with the ILO, employers' and workers' organizations and NGOs should annually monitor and evaluate the impact of policies and programmes on labour migration in Thailand. (Recommendation 30)



1

1. OBJECTIVES AND BACKGROUND TO THIS STUDY

Background

OHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking (2002):

Guideline 7: Preventing trafficking

Strategies aimed at preventing trafficking should take into account demand as a root cause....

States, in partnership with intergovernmental and non-governmental organizations and where appropriate, using development cooperation policies and programmes, should consider:

1. Analysing the factors that generate demand for exploitative commercial sexual services and exploitative labour and taking strong legislative, policy and other measures to address these issues.

In recent years, policy instruments and public debates on trafficking have increasingly emphasized the importance of having a better understanding of the demand side of trafficking. Despite these calls, and for several reasons, comprehensive research on the demand side of trafficking continues to lag behind.¹⁷ One of the reasons is conceptual, given the continuing contentious debates around the issues of commercial sex and prostitution – if there is such an emphasis on the ‘sex’ side of human trafficking then tackling demand generally refers to the need to address clients’ ‘demand’ for sexual services. Yet what does demand mean in the context of trafficking for labour exploitation?

To overcome these difficulties, the International Labour Organization’s Mekong Sub-regional Project

to Combat Trafficking in Children and Women (TICW) developed a conceptual framework to study ‘demand’, explained in the ILO report, *Redefining Demand*.¹⁸ It recommends that a systematic approach in destination areas should be undertaken and that the research should incorporate measurable factors that a “demand side” or destination research should take into consideration.

The conceptual framework underpinning this ILO initiative, sought to characterise demand in terms of the economic, social and cultural forces that promote – or permit – trafficking to occur. It also sought to examine the legal framework affecting trafficking and migration as well as the profiles of the individuals and organizations involved.

¹⁷ A notable exception would be Anderson, B. and O’Connell-Davidson, J., *Trafficking – a demand led problem?* Save the Children Sweden, 2002.

¹⁸ Pearson, E., *Human Trafficking: Redefining Demand: Destination factors in the trafficking of children and young women in the Mekong sub-region (Abridged)*, ILO Mekong Sub-regional Project to Combat Trafficking in Children and Women, Bangkok, 2005.

The conceptual framework notes that there is no demand for trafficked labour *per se*, but rather demand for migrant *workers* in these sectors. Sometimes a demand for migrants of specific ages, ethnicities and with certain skills or attributes is evident and this demand sometimes results in labour exploitation. As a result, this research on the demand side focuses on the causal factors in different sectors of work – and how these factors can come together to create a critical mass of migrants vulnerable to exploitation.

Objectives

To put this conceptual framework into practice, the ILO-IPEC Mekong Project to Combat Trafficking in Children and Women, together with Mahidol University's Institute for Population and Social Research in Bangkok, undertook a major research initiative to better understand the vulnerabilities to trafficking and labour exploitation of children and young women at points of destination.

Thailand has emerged as the major country of destination in the cross-border trafficking of children and women in the Mekong region, and as such, the country becomes the primary focus of research in the Mekong delta. The research assesses economic, legal, social and policy factors affecting four sectors where trafficking is known or reasonably suspected to occur in Thailand: agriculture, domestic service, fishing (fishing boats and fish processing) and textile manufacturing (small and medium sized companies). These sectors have been chosen by stakeholders during a national stakeholders' consultation process. The sex industry has not been chosen as a sector due to the amount of existing and on-going research on this sector in Thailand.

This labour-focused research sought to further examine the profile of employers who engaged

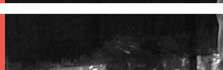
children and young women in these four sectors as well as the third parties involved in bringing them to the workplace, namely recruiters. It looked at how different socio-economic, developmental labour and migration issues act in shaping the environment of exploitation and the overall state policy, legal and socio-cultural context that allows and nurtures the use of victims of forced labour and other exploitation.

Structure of this report

This report presents results from research on the four work sectors: agriculture, fishing (fishing boats and fish processing), domestic work, and manufacturing. Primary research was conducted with migrants, employers and recruiters. Therefore, Volume One of the report is presented as follows:

- Chapter 1 – Objectives and background to the study
- Chapter 2 – A contextual overview of the issues underpinning the research
- Chapter 3 – Describes in more detail the research methodology and its limitations
- Chapter 4 – A comparative analysis of the main research findings across all sectors
- Chapter 5 – Describes the findings related to recruitment
- Chapter 6 – A summary of the findings of each of the four sectors
- Chapter 7 – List the main recommendations from the findings of this research
- Annex – Model questionnaires i.e. the original survey instruments for employers and migrants adjusted to overcome any difficulties experienced in the research process.

Detailed findings from each of the four individual sectors is available in Volume Two of this report.



2

2. CONTEXT OF DESTINATION FACTORS RELATING TO EXPLOITATION

While some cross-border migrants are fleeing persecution or abject poverty, others have left behind family break ups or are coping with a sudden financial shock – like a death or serious illness in their family. Many have family members who have remained behind in their home countries and who will rely on money sent back by the migrants for their survival.

Under pressure to help relieve their financial burdens, many of those on the move are young, often female and vulnerable to human trafficking and exploitation – especially after arriving at their destination in Thailand. This exploitation appears to have no minimum age requirements, and many of these young people are actually children. Some have travelled with family members, while others have come alone or with friends. Indeed, previous research has indicated that these young people are most vulnerable during this ill-prepared migration in search of employment. And while the standard cliché of a victim of trafficking is one who winds up in prostitution, it is now beyond doubt that many if not more young people are in fact trafficked into situations of labour exploitation in Thailand and elsewhere. Previous research has often focused on so-called ‘root causes’ of migration and trafficking, yet much less so on the demand for migrant labour and factors causing exploitation at destination.

The previous report released by the ILO TICW project, *Human Trafficking: Redefining Demand, Destination Factors in the Trafficking of Children and Young Women*¹⁹ provides the detailed contextual

While the standard cliché of a victim of trafficking is one who winds up in prostitution, it is now beyond doubt that many if not more young people are in fact trafficked into situations of labour exploitation in Thailand and elsewhere.

background and literature review for the current study. Readers are invited to refer to that publication for an analysis of the various social, economic, legal and cultural factors in Thailand affecting migrants working in these work sectors. This section simply highlights some of the main contextual issues to be borne in mind when reading the primary findings in the subsequent chapters. The following two sections are based on excerpts from the previous report and have been updated where necessary.

Thailand and relevant ILO conventions

Thailand has ratified 14 ILO Conventions,²⁰ which includes five of the eight fundamental conventions.²¹ Relevant to this study, Thailand has ratified ILO Convention No. 182 on the Worst Forms of Child labour, ILO Convention No. 138 on Minimum Wage, ILO Conventions No. 29 and No. 105 on Forced Labour.

¹⁹ See <http://www.childtrafficking.net/>

²⁰ <http://webfusion.ilo.org/public/db/standards/normes/appl/appl-ratif8conv.cfm?Lang=EN>

²¹ The eight fundamental Conventions are The Forced Labour Convention, 1930 (No. 29); The Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); The Right to Organise and Collective Bargaining Convention, 1949 (No. 98); The Equal Remuneration Convention, 1951 (No. 100); The Abolition of Forced Labour Convention, 1957 (No. 105); The Discrimination (Employment and Occupation) Convention (No. 111); The Minimum Age Convention, 1973 (No. 138); and The Worst Forms of Child Labour Convention, 1999 (No. 182).

Though Thailand ratified ILO Convention No. 182 on the worst forms of child labour, Thailand has not drafted a list of what comprises hazardous work. A National Committee has been established to monitor Thailand's implementation of Convention 182 and met for the first time in July 2006. In ratifying ILO Convention No. 138, Thailand has set the minimum working age to be 15 years. Furthermore, the Royal Thai Government has agreed that this minimum working age shall apply to mining and quarrying; manufacturing; construction; electricity; gas and water; sanitary services; transport; storage service and communication; and plantations and other agricultural undertakings mainly producing for commercial purposes, *with the exception of family and small-scale holdings producing for local consumption and not regularly employing hired workers.*²²

Thailand has not ratified three of the eight ILO fundamental Conventions – namely Convention No. 87 on Freedom of Association and Protection of the Right to Organize (1948),²³ Convention No. 98 on the Right to Organize and Collectively Bargain (1949) or Convention No. 111 on Discrimination (Employment and Occupation) (1958). However, even without ratifying them, as a member of the ILO Thailand is obliged to uphold these fundamental conventions. The right to freedom of association, collective bargaining and freedom from discrimination are customary rules of international law and binding upon all countries.²⁴ All of the rights enshrined in the fundamental conventions apply to migrants as well as citizens.

The right to form and join trade unions is further protected under Article 8 of the UN International Covenant on Economic, Social and Cultural Rights

(which has been ratified by Thailand). Article 30 of Thailand's Constitution gives protection from discrimination and the Constitution also includes the right to associate. Whether Thailand's constitutional provisions can be applied to non-Thai citizens has yet to be challenged.²⁵

Thailand has not ratified the ILO Migration for Employment Convention (Revised), 1949 (No. 97), the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) or the UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

Thailand has ratified Convention No. 122 on Employment Policy (1964), which is considered one of the ILO's 12 priority conventions.²⁶ Under Article 3 of Convention No. 122, employment policies (including migration for employment) should be designed with the fullest involvement of employers' and workers' organizations "with a view to taking fully into account their experience and views and securing their full cooperation in formulating and enlisting support for such policies".²⁷ This is a key principle of the ILO. That migrant workers in Thailand are prohibited by law from forming their own associations or precluded in practice from joining existing workers' organizations means they are excluded from participating in the development of such employment policies – in contravention of Convention No. 122.

Labour protection laws

Thailand's Labour Protection Act 1998 (LPA) sets out basic labour protection for workers including an eight hour work day (Article 23); overtime work

²² <http://www.ilo.org/ilolex/english/>

²³ Neither has Myanmar, Lao PDR or Cambodia.

²⁴ Muntarbhorn, V. *Employment and Protection of Migrant Workers in Thailand: National Laws/Practices versus International Labour Standards?*, ILO, Bangkok, 2005, p.22.

²⁵ Muntarbhorn, V., p.29.

²⁶ The priority Conventions include the eight fundamental Conventions and four other Conventions: Convention No. 81 on Labour Inspection (1947), Convention No. 122 on Employment Policy (1964), Convention No. 129 on Labour Inspection (Agriculture) (1969) and Convention No. 144 on Tripartite Consultation (International Labour Standards) (1976).

²⁷ De Meyer, T., *Briefing Note: Migration Law and Practice in Asia and the Pacific in the Context of International and ILO Instruments*, Sub-regional Training Workshop on Labour Migration Policy and Management, Ayutthaya, 2-6 August 2004, p.5.

only with prior consent of employee (Article 24); prohibition on requiring work on public holidays (Article 25); requirement to provide one day off in seven (Article 28); paid annual leave after one year of work (Article 30); paid sick leave (Article 32); overtime and holiday pay (Articles 61, 62, and 63); protections against types of hazardous work that can be done by females (Article 38); maternity leave (Article 41) and prohibition on terminating a female employee because of her pregnancy (Article 43); requirement to pay not less than the minimum wage (Article 90); creation of an employee complaint/grievance procedure in establishments with more than 10 workers (Article 109); and payment of severance pay in cases of termination (Article 118).²⁸ Employment of children younger than 15 is prohibited.²⁹ Those aged between 15–18 years are permitted to work under certain protective conditions (to bring the law in line with ILO Conventions 138 and 182).³⁰ Amongst these conditions, children must be provided at least a one hour break after he/she has continuously worked for four hours and cannot work from 10 p.m. to 6 a.m., unless the employer has received prior permission from the Ministry of Labour. Children are not permitted to work overtime, or on holidays and employers are prohibited from collecting deposits of any type from child workers, and are prohibited from paying a child worker's remuneration to any person other than the child worker.³¹

It is important to bear in mind that despite the comprehensive protections offered by the LPA, both local and foreign workers in agriculture, on fishing boats and domestic work are not fully protected by the Act. Agricultural and fishing boat workers are fully excluded from any of the provisions and

only in matters of wages, annual holidays and sexual harassment are domestic workers protected.³² Therefore in terms of the sectors of this report, the LPA should apply to migrants in manufacturing and fish processing. Results show that despite the legal protection offered, in practice migrants in these two sectors are not fully protected at work. Under the Labour Relations Act 1975, the right to organize is denied to workers in agriculture, domestic work and on fishing boats, whether migrant or local. It is against Thai law for migrant workers to form trade unions.³³ While they are allowed to join trade unions as members, in practice, existing worker organizations have not expressed willingness to represent the interests of migrants.³⁴ Migrant workers also currently see little tangible benefit from joining Thai trade unions.

Anti-trafficking law

Thailand has signed (but not yet ratified) the UN Trafficking Protocol. It has a law criminalizing trafficking in women and children for sexual and labour exploitation³⁵ and it is in the process of adopting a new anti-trafficking law to bring it in line with the Protocol.

Migration to Thailand and Registration of Migrant workers

This section looks at the policies of the Royal Thai Government with regard to migrant workers. Disparities in economic development and wages as well as political instability and weak social support structures have led many people from Myanmar, Lao PDR and Cambodia to seek work in Thailand.³⁶

²⁸ FTUB and Robertson, *Working Day and Night: The Plight of Migrant Child Workers in Mae Sot*, ILO TICW, Bangkok, 2006, unpublished draft, p.24 quoting Natee International Law Office Limited, *Labour Protection Act B.E. 2541 (A.D. 1998)*

²⁹ Section 44 Labour Protection Act (1998).

³⁰ Section 45 Labour Protection Act (1998).

³¹ FTUB and Robertson, *Working Day and Night: The Plight of Migrant Child Workers in Mae Sot*, ILO TICW, Bangkok, 2006, unpublished draft, p.24.

³² For the exact list of sections excluded from domestic work refer to Amparita, M., *Study on the Legal Protection of Child Domestic Workers in the Asia-Pacific*, ILO/Japan/Korea Asian Meeting on Action to Combat Child Domestic Labour, Chiang Mai, 2–4 October 2002, p.63.

³³ Section 100 Labour Relations Act (1975).

³⁴ Interview, ILO workers specialist, Bangkok, 6 August 2004.

³⁵ Traffic in Women and Children Act B.E. 2540 (1997).

³⁶ Huguet, J., and Punpuing, S., *International Migration in Thailand*, International Organization for Migration, Regional Office Bangkok, Thailand, 2005, p.5.

To deal with the large numbers of undocumented migrants entering the country during the last decade the Royal Thai Government has adopted a series of measures to legalize the employment of migrant workers in various sectors including agriculture, fishing, manufacturing and domestic work.

The Royal Thai Government established an erratic registration system for migrant workers from Myanmar (Burma), Laos and Cambodia to deal with undocumented migrants already in the country (to enable them to register and stay legally to work especially in certain sectors perceived have a greater demand for migrant workers such as agriculture, domestic work, manufacturing and fishing). The registration policy is one of control on all fronts; controlling the number of migrant workers, controlling their movements and controlling any perceived damage they might do to the Thai workforce and national security. Despite the narrow focus of the policy, the development of this migrant registration system does provide workers with a legal framework and makes provision for some benefits.³⁷ The Royal Thai Government initiated a particularly important migrant labour registration process in 2004, where more than 1.2 million migrants from Myanmar (Burma), Cambodia and Lao PDR registered. This was the first registration period where migrants could register directly with the government rather than via an employer and not for work in specific sectors.

During the 2004 registration period, dependents of migrants were also able to register and 93,100 migrant children aged 15 years or below did so. In most cases, the children were not enrolled in school and did not have any health insurance.³⁸ These migrants who registered for residence were invited to register for health care too (insurance under the 30 baht (\$US0.75) treatment scheme), following which

– if they were deemed healthy – they could register for a work permit. However, of the approximately 1.2 million migrant workers who registered with the Ministry of Interior in July 2004, only 814,000 obtained a work permit. In terms of geographical location, the largest numbers of migrants registered in Bangkok, the neighbouring Province of Samut Sakhon and Tak Province.³⁹

With this ongoing registration process, since 2002, the Royal Thai Government has tried to establish a system of longer-term ‘managed migration’ whereby Royal Thai Government signed Memorandums of Understanding (MOUs) on Employment Cooperation with neighbouring countries – Myanmar, Lao PDR and Cambodia. The MOUs aim to legalize and regulate migration flows from these countries and provide migrant workers adequate protection. The Lao and Cambodian MOUs were initiated through a verification process whereby the migrant worker’s country of origin is verified and they are issued travel documents. Workers are allowed to work in Thailand for two years with a possible extension of a further two years. However implementation of the MOUs with Lao PDR and Cambodia has been slow, due to delays in the verification process. The first groups of migrants admitted to Thailand under the MOUs from these two countries occurred in December 2004.⁴⁰ Meanwhile the agreement with Myanmar has not become operational.

As a result of delays in implementing the MOUs, the government passed a Cabinet resolution in 2005 and again in 2006 to allow mainly previously registered workers to renew their work permits. The total registration costs for a worker is 3,800 Baht per year (\$US95), and includes the costs of issuing the work permit and medical insurance. Most employers pay the registration fees upfront for the migrants they

³⁷ Vicary, A., *Policy governing migrant workers in Thailand: An examination of policy and its critics*, Proceedings of a seminar on “Reviewing Policies and Creating Mechanisms to Protect Migrant Workers”, Chulalongkorn University, Bangkok, 21 February 2003.

³⁸ action_migrants@yahoo.com.

³⁹ action_migrants@yahoo.com.

⁴⁰ Thai Department of Employment, *Collaborative Action Against Human Trafficking: Promoting Safe Migration and Addressing Abusive Recruitment Practices*, Presentation to 4th session of Sub-regional Advisory Committee (SURAC) of Mekong Project to Combat Trafficking in Women and Children (TICW), Cambodia, May 2006.

hire and then deduct it from their wages. Despite the avenue of protection open to workers under the registration policy, registered migrant workers still remain extremely vulnerable to exploitation, particularly to extortion and physical abuse, especially at the hands of employers and the local police.⁴¹

The link between trafficking, migration and labour protection

Why conduct a study examining the conditions of migrant workers in Thailand as part of an ILO Project to Combat Trafficking in Children and Women?

This research was undertaken with four assumptions in mind:

1. Trafficking of children and young women in the GMS takes place within the greater context of labour migration. In Thailand, there are large numbers of children and young women from three neighbouring countries (Myanmar, Lao PDR and Cambodia) working in the agriculture, domestic work, fishing and manufacturing sectors. Thailand is the major receiving country for migrants in the GMS.
2. Preventing trafficking is about preventing the exploitation that takes place rather than necessarily preventing the movement of people. Therefore preventing trafficking is about preventing forced labour, or in the case of children, worst forms of child labour from taking place.
3. There are anecdotal claims of abuse and some reporting of trafficking and forced labour cases amongst young migrants in each of these four areas of work in Thailand. However there is a research gap in so far as accessing migrant

children and young women currently working in these situations to substantiate the veracity of such claims.

4. There is a demand by employers for cheap migrant labour in these four sectors, since there are insufficient numbers of Thais prepared to work in these sectors for such low wages. Thai workers are also less willing to work in agriculture, domestic work and on fishing boats because these sectors of work are not protected by the Thai Labour Protection Act 1998 (LPA).

The question then became in terms of the final assumption (4.), how does the demand for migrant labour result in exploitation akin to forced labour? In order to investigate this further the research team firstly needed to ascertain the vulnerabilities to forced labour in each of the sectors – namely whether the issues were restricted to the freedom of movement of workers, long working hours for little or no pay, debt bondage, withholding of documents or physical/psychological coercion. Researchers also needed to interview employers and recruiters to understand the extent to which social-cultural, economic, legal and/or political factors determined employer behaviour with regard to the treatment of migrant workers. This was particularly relevant to finding indications of exploitative work. In understanding these aspects better, interventions targeting migrants, employers, recruiters and the Royal Thai Government to prevent exploitation from taking place will be more effective and grounded in the reality of the working situation for migrants, from both migrants and employers perspectives, in each of these four sectors. This study shows the interplay of how government policies, employer attitudes as well as the attitudes of Thai society in general provide a context in which exploitation can take place.

⁴¹ Amnesty International, *Thailand: The Plight of Burmese Migrant Workers*, AI Index: ASA, June, 2005



3

3. METHODOLOGY

The research methodology used to understand factors at destination affecting migrant children and women was both quantitative and qualitative in nature. The methodology was designed jointly by ILO TICW and IPSR.

1. Target population

Since the focus is on exploitation at destination, data was collected at various workplace destinations for each sector. The study focuses on young women and children. The target populations for migrants were females aged below 26 years and males aged below 21 years and as well as employers and recruiters in the four sectors. Fieldwork was carried out predominantly in Central Thailand, which is a major destination for migrants. Although initially the target group for males regarded children, researchers felt that perhaps male children would not tell the truth about their age, out of fear that they might be reported to authorities. Another consideration is that in Burmese culture, it is common to state one's birthday from the date of conception and so as one year older than when measured from date of birth. As a result, the decision was taken to raise the age limit to a maximum of 20 years for males.

2. A conceptual framework and secondary research

The ILO-IPEC/TICW report "Human Trafficking: Refining Demand, Destination factors in the trafficking in children and young women in the Mekong sub-region" included a literature review of key research related to demand-side of trafficking available in English. The complete (unabridged) report included background information on each of the four sectors in Thailand and was used by the research team in order to determine the priorities for the primary research. In addition, IPSR conducted a

desk review of additional literature available in Thai language. The conceptual framework was completed by December 2004 and various meetings held between ILO and IPSR in the year 2004.

3. Quantitative approach:

Two structured questionnaires were developed to interview migrants and employers, designed to be administered within 30 minutes. All surveys were conducted face-to-face with the migrants, though for some employers such as in domestic work, the surveys were conducted by telephone. The surveys were deliberately kept as short as possible so that workers and employers would be more willing to participate. Overall, some 376 migrants were surveyed with the same research instrument in three sectors (agriculture, fishing and manufacturing). For the migrant survey in domestic work, there is a comparison with quantitative data from previous research conducted by IPSR interviewing 320 migrant domestic workers in Chiang Mai and Tak Provinces. Where the previous domestic work survey did not include an analysis of specific issues considered here, conclusions are drawn from in-depth interviews undertaken with domestic workers specifically for this research. The quantitative and qualitative field work was carried out from July to October 2005.

4. Qualitative approach:

In-depth interviews were used to obtain data and information from the migrants, employers, recruiters and other key informants as necessary. Each in-depth interview took about 1-2 hours. Workplace observations including observations of atmosphere and the working environment, migrant/employer relationships were done simultaneously with the surveys and interviews and recorded in observation notes.

5. Target of study population and sample size

The summary of the target study population and sample size is presented below:

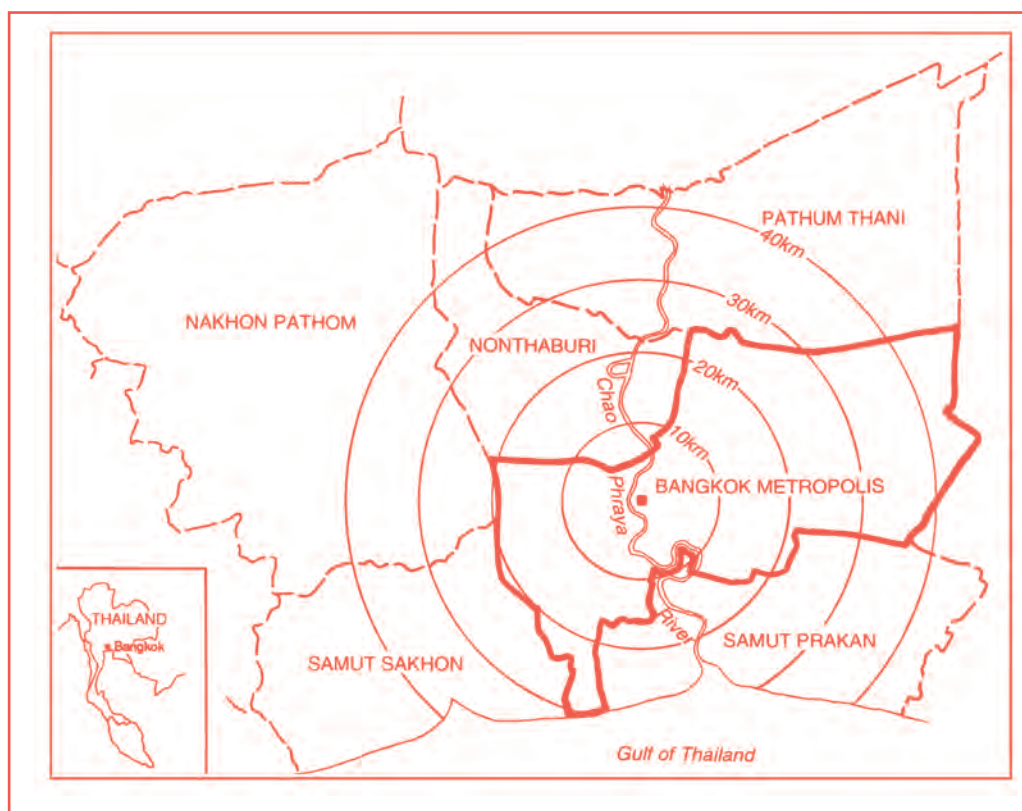
Sector	Employers	Recruiters	Migrants	Sample size Survey	Sample Size Indepth Interview
1. Domestic work	Employers	Those who find jobs for migrants	Non-Thai female below 26, registered or unregistered	Employers: 62 Migrants: 320*	Employers: 15 Migrants: 65*
2. Manufacturing	Owners and managers of textile factories employing less than 50 people	Those who find jobs for migrants	Non-Thai male below 21 and non-Thai female below 26, registered or unregistered	Employers: 80 Migrants: 130	Employers: 10
3. Agriculture	Owners and managers of plantations, fruit and animal farms	Those who find jobs for migrants	Non-Thai male below 21 and non-Thai female below 26, registered or unregistered	Employers: 92 Migrants: 129	Employers: 13 Migrants: 13
4. Fishing	Fishing boat captains and fish processing factory owners or managers	Those who find jobs for migrants	Non-Thai male below 21 and non-Thai female below 26 registered or unregistered	Employers: 82 Migrants: 117	Employers: 6 Migrants: 9
				Total Employers: 316 Total Migrants: 696	Total Employers: 44 Total Migrants: 97 Total Recruiters: 10

* Source: IPSR (2004) Migrant domestic workers from Burma to Thailand.

6. Geographical Coverage of the Research

IPSR selected Bangkok and its vicinities as primary research sites as it was felt a research 'gap' existed in regard to the conditions of migrants working in and around the city. Bangkok, as the capital of the

country, is the most attractive destination for foreign migrants in Thailand. Several anecdotal reports of trafficking and forced labour in and around the Bangkok area have also appeared in the mass media. The reason for choosing each geographical site for each sector is described below.



a) Domestic work:

The previous survey conducted amongst migrant domestic workers was conducted in Chiang Mai and Mae Sot (Northern Thailand) in 2002 to 2003. The employers' survey and additional in-depth interviews with migrants, employers and recruiters were conducted in Bangkok and its vicinities alongside the field work for other sectors from July to October 2005. Economic development, especially in Bangkok and its environs has meant a transformation of family structures from extended to nuclear families, and increasing levels of education. Many newly established middle class families, where the couple is working outside the home, rely upon domestic workers to take care of household chores and children. Large numbers of migrant domestic workers have been recorded in recent registration periods. Serious exploitation of migrant domestic workers in Bangkok is known to exist and has been documented by various NGOs.

b) Manufacturing:

The study was conducted in Bangkok and its environs including Nonthaburi, Nakhon Pathom, Samut Prakarn, Pathumthani and Samut Sakhon. These predominantly industrial areas of greater Bangkok attract a high number of registered migrant workers according to the July 2004 registration. Cases have also been recorded of migrant children working in garment factories under forced labour conditions in Bangkok.

c) Agriculture:

The study was conducted in Nakhon Pathom, a province located west of Bangkok. The province's economy is predominantly dependent on the agriculture sector and especially fruit and vegetable farms, flower and animal farms for pigs and poultry. A preliminary discussion between IPSR and key informants raised the issue that exploitation may be occurring on agricultural farms in this area. In

addition, very little was known about conditions and likelihood of forced labour and exploitation in agriculture in general in Thailand.

d) Fishing:

The study was conducted in Samut Sakhon, a coastal province near Bangkok whose main economic sector depends largely upon the fishing industry. The province is located at the source of Thachin River in the southwest of Thailand. Numerous fishing ports and fishery related factories in Samut Sakhon have made the province the centre of the seafood trade, especially for shrimp. While 30% of the workers in Samut Sakhon are local, the remaining 70% are migrant workers, a lot of whom come from Myanmar. Preliminary discussions with key informants in the province raised the issue that some cases of forced labour of children and women under 26 years have occurred in the province.

7. Design of Research Tools

A consultant was contracted by the ILO to draft the initial survey questionnaires for employers and migrants by January 2005. These were then modified by the team at IPSR and the research tools were translated into Thai. The ILO and IPSR organized a workshop with academic researchers, government officials and NGOs to explain the aims of the research and present the proposed research tools for discussion in February 2005. Feedback was obtained from participants on how to improve the questionnaires and interview guidelines and also how to safely identify and access migrant children and women, employers and recruiters in these sectors, especially to gain access to workplaces where children are working. NGOs and government officials were asked to provide information about known workplaces where the research could be conducted.

a) Pre-test

For each sector, an IPSR researcher and research assistant pre-tested the questionnaires and in-depth interview guidelines for both employers and migrant workers in Bangkok and Nakhon Pathom in March

and April 2005. The questionnaires and in-depth interview guidelines were tested three times per sector. After each test, there were meetings among the research team. The IPSR research team, in close consultation with ILO, revised the tools again on the basis of the pre-test and initial data run. Following the pre-test, the finalised research instruments were translated into Burmese.

b) Organising field data collection teams

Data collection teams were organized for each sector. Each consisted of a researcher, supervisor and approximately 10 interviewers, both Thai and migrant (or able to speak relevant migrant languages). To recruit appropriate field interviewers and supervisors IPSR advertised through the university as well as using contacts including migrants who had previous experience as research assistants at IPSR. All the supervisors selected had previous field data collection experience. The IPSR research team conducted five supervisor and interviewer training sessions in June 2005. Separate training was held for Thai supervisors/ interviewers to prepare them for interviews with Thai employers and non-Thai speaking interviewers who would then interview migrants in their native language. Training for the qualitative data collection (in-depth interviews) was organized separately from the survey training because it required more experienced research assistants who had a solid understanding of the objectives of the study. Both Thai and non-Thai speaking research assistants were trained for a further two days in qualitative methods for the in-depth interviews. The training covered access and ethical issues, safety of the respondents and interviewers, awareness of gender and age differences (especially when interviewing children) as well as practicing appropriate interview technique and data entry.

c) Sampling Technique

i) **Survey:** The list of migrants and employers who registered with the Ministry of Interior in 2004 was used as the initial sampling frame. The sample selections were based on both probability and non-probability sampling techniques. Simple random

sampling and probability sampling techniques were employed for registered employers. In order to reach unregistered migrants and employers, the snow ball or non-probability technique was employed.

ii) **In-depth-Interview:** Some of the migrants who responded to the survey questionnaires, and who were suspected to have experienced trafficking, forced labour, or other exploitation were purposefully selected as key informants for in-depth interviews. In the case of recruiters, a snow-ball technique was used to identify them, some traceable through the information provided by the survey of migrant workers and additional employers. Other key informants – including local level government officials, social service providers, non-governmental organizations and individuals working on these issues were also interviewed.

8. Data collection

Each sector employed slightly different methods to collect the data, but the study of domestic work relied on the use of some previous data of migrant domestic workers gathered separately by IPSR in 2002-2003.. The different approaches in collecting data are discussed in each of the individual sector reports. To head off any major obstacles or flaws in data collection, the joint ILO-IPSR research team conducted a mid-term appraisal of the data collection to identify and alleviate any problems.

Consent of respondents:

Respondents were informed about the purpose of the study, the process of interviewing, the confidentiality of the data and their rights to participate or to refuse any questions or participation in the interview process. Respondents who did participate in the survey and in-depth interviews signed a consent form.

Employers:

In approaching employers, IPSR issued an official letter to employers explaining the study's objectives and expected outcomes. Large factories usually require a formal approach to ask for interviews, whereas many small factories are closed compounds and outsiders are not usually permitted. The field supervisor made appointments with the eligible respondents before going to interview them face-to-face. Many employers did not want to give any face-to-face interview, though some of them agreed to be interviewed over the telephone. The data collection period was extended because of the low response rate, in part due to the difficulty to access respondents. The data collection period varied from sector to sector. The agriculture sector took approximately one and a half months to complete. Manufacturing, domestic work and the fishing sectors took nearly four months.

Migrants:

As far as possible, migrants were interviewed in their own languages. However the research instruments were not translated in writing into Lao and Khmer (bilingual interviewers orally translated the Thai versions). Interviewers conducting the migrant surveys used project assistants who could speak the same language as the migrant or the interview was carried out in Thai if the migrant was capable of doing so. Migrants were interviewed predominantly at the workplace or their living quarters – though for those in the fishing sector all the interviews took place off-site since the research was coordinated by a local NGO, the Labour Rights Protection Network. For domestic work, interviews took place both on and off-site (see more below, under Research Challenges).

Recruiters:

The snowball technique was used for accessing recruiters for this study. The researchers initially approached eligible employers and workers to ask for contact details of any recruiters. During the research process, the team developed a strong rapport and after some time some of the non-Thai interviewers revealed that they knew some recruiters. On this basis, ten recruiters were found for in-depth interviews across the four sectors.

9. Data Analysis

The sample size of about 100-150 migrants per sector was sufficient for the uni-variate and bi-variate analysis through SPSS (Statistical Package for the Social Sciences). Descriptive statistics were employed for the quantitative data. Qualitative data was analyzed using several types of content analysis including analytic comparison to construct patterns and the underlying factors related to the theme of recruitment.

10. Research challenges

a) Access to worksites

Regarding employer respondents, the researchers encountered a number of issues using the employer registration information. Among the challenges was out of date information, changes in the address of some employers, others who no longer employed migrants and/or the age of migrant workers had fallen outside the study's target population since registration. In addition, at the time of the field work, there was a growing demand for migrant workers. Many employers who had not previously registered were simply not included in the list. Therefore, the snowball or non-probability technique was used.

The very fact that researchers were able to interview these employers and migrants seems to indicate they are unlikely to be involved in trafficking or in forced labour situations since they agreed to be interviewed.

Many workplaces refused to allow researchers access and therefore the findings from the migrants working there are not included here. It was especially difficult to access employers of domestic workers due to the isolation and invisibility of the workplace and the fact that such employers did not regard themselves as employers. The team did conduct some interviews by telephone in this sector.

b) Migrant interviews being conducted 'on-site'

Migrant interviews for agriculture and manufacturing all took place 'on-site' i.e. at the workplace as did some of the domestic worker interviews. However steps were taken to try and ensure that employers were not present during the interview. For example, to distract the employer's attention, Thai interviewers interviewed the employer at the same time whilst migrant interviewers interviewed the migrants. Migrants interviewed on-site are probably less likely to complain about their working or living conditions.

c) Difficulty in reaching respondent 'targets' in limited time frame

The targets set were too ambitious for the limited time frame. Given the fact that in most sectors, the researchers were not members of the community obtaining sensitive information became more problematic. The following groups were especially difficult to access:

Recruiters: Initially it was conceived that 8-10 recruiters would be interviewed per sector. However it proved extremely difficult to interview any recruiters at all, since they were operating illegally and did not want to draw attention to their activities. Perhaps unsurprisingly, none of the employers or workers were willing to disclose details of recruiters. As a result, the methodology was changed so that 10 recruiters across all sectors were interviewed. Since these individuals recruited workers into various sectors anyway, this was not a major problem, though

it would have been more meaningful to have a larger sample size of recruiters.

Unregistered workers and employers: Although initial attempts were made to target more unregistered workers and employers (target was 50% per sector so as to gain a clear comparison of the impact of legal status on exploitation and working conditions) in fact it was not possible to meet these targets. Unregistered employers consistently declined to be interviewed. Employers have been more willing to allow registered migrant workers to be interviewed, but were less willing to allow unregistered workers (at the same workplace) to talk to researchers.

Fishing boats migrants: A larger sample of fishing boat migrants was initially planned (50% of the entire fishing migrant sample). It was very difficult to interview a larger sample of fishing boat workers since they were often at sea, and only those back 'on land' could be interviewed.

Cambodian and Lao migrants: Initially the research methodology aimed to represent migrants in the sample in the same proportions as the amounts of migrants registered by the Thai Government in the July 2004 registration period (i.e. approximately 71% Burmese, 15% Laotian and 14% Cambodian). However, due to difficulties in accessing Cambodian and Laotian migrants the end result was that the survey was conducted primarily with Burmese workers in Thailand. Access to nationals of the other two countries was difficult because it was initially presumed by the research team that Cambodian and Laotian migrants may speak Thai well enough to communicate with the Thai researchers. However this did not appear to be the case, and there was an additional problem since the research teams had more interviewers speaking various languages of ethnic groups from Burma than Thai or Lao. Therefore it was not possible to interview many Laotian and Cambodian migrants. Additionally in some geographical areas, such as Samut Sakhon, not

many Laotian and Cambodian migrants could be found working.

Suggestions to overcome these difficulties:

- Allow longer time frame for data collection
- Involve local community members such as NGOs and service providers as interviewers as they may be able to access more hidden workplaces and unregistered workers and employers
- At least one member of each sector research team should speak Cambodian, Burmese, Shan, Mon and Lao.

d) Ensuring safety for respondents

Researchers need to be discreet in conducting the interviews so as to ensure the migrants' safety at all times. For example, in the agricultural sector, researchers initially approached the farms to conduct interviews using a university van. A day later police came to the farm and asked questions of the employer and the farmer's neighbour about the presence of the researchers. It is not clear who told the police about the researchers, however the research van may have attracted attention to the farm because it was unusual that strangers should be in the area. The police wanted to know why the researchers were there, and what questions were asked of the employer and the migrants. Based on the interviews with employers and migrants, it was thought that possibly the police were worried that migrants may inform about police involvement in recruitment and extortion from unregistered migrants. A subsequent interview with police to discuss the issue was declined.

Suggestion:

- Researchers should be as discreet as possible and must be careful even if they think they are not being observed.

e) Time constraints of migrants

Despite limiting the survey to 30 minutes, some workers still found it difficult to find enough time to answer the questions, and some of those migrants paid

by piece rate seemed to respond very quickly, perhaps simply to answer the questions as fast as possible to avoid losing more time (and money). Hence as far as possible, the interviews were conducted during break times and rest periods.

Suggestion:

- As far as possible, researchers should try to conduct all interviews outside of working hours of migrants or on their day off.

f) Migrant Age

The distinction between maximum age of males and females was somewhat arbitrary and made it more difficult when analysing the findings and compare conditions between the sexes.

Suggestion:

- To have covered both males and females using same age limits i.e. below 26 years of age.

g) Language

The migrant instruments were translated twice (from English to Thai to Burmese) and employer instruments from English to Thai. This also required some of the data (summaries of interviews) and data sets to be translated back from Burmese to Thai to English, and the SPSS data sets had to be translated back from Thai to English. In the process of translation, some errors and inconsistencies were found, which meant the process to check the accuracy of data results took much longer.

11. Limitations and considerations when analyzing the research findings

This research study was different in that it attempted to attain information about trafficking by going directly to sites of exploitation. An attempt was made to retain maximum objectivity by using the random sampling frame. However practical difficulties in contacting migrants who fit the criteria meant the

sample was not truly objective. The fact that a local migrant support NGO carried out research in the fishing sector, rather than more academic researchers in other sectors may also have affected the results.

Past research by ILO⁴² seems to indicate that migrants who are currently working are not willing to reveal much about the true exploitative nature of their work. They are more inclined to say that 'things are ok'. Migrants are especially unlikely to admit any major problems with their employer if the employer is permitting them to take part in the research and knows about it, as migrants do not know how the information will be used. This is why a range of different questions was asked regarding exploitation and working conditions indirectly in order to try and build up a clear picture of the reality of the working situation e.g. questions on force to work, constraint to leave and freedom of movement (to indicate whether employer coercion was a factor).

In reality, while some migrants appeared happy to take part in this research; others were scared and thought they might be sent back to Myanmar. It does not seem to be a coincidence that in the two sectors where at least some interviews took place off-site (domestic work and fishing) and without the knowledge of employers, the conditions and exploitation suffered by migrants appeared to be much worse. Migrants need to feel safe in order to speak out about exploitation and poor working conditions, and it is unlikely that migrants interviewed in the workplace felt safe to talk that way to strangers.

Despite attempts to explain the research aims and objectives to both employers and migrants, it is possible that some employers or migrants simply told the researchers what they thought the researchers wanted to hear. To overcome this problem, the quantitative survey results were compared closely to the in-depth interviews where it was believed that respondents would be more relaxed to speak openly to the researchers. Also in the in-depth

⁴² For example ILO, *Trafficking for forced labour and service from Romania: Rapid assessment*, ILO SAP-FL, Geneva, 2003.

interviews, researchers were more experienced to guide the interview in certain directions and analyse the veracity of the responses. Some employers may also have been afraid to admit that they employed child workers because they feared they would be investigated if they were to reveal the truth.

In this study, one specific geographical site was chosen per sector and there is no comparison between treatment of migrants in these sectors elsewhere in

Thailand. For instance whilst there does not seem to be forced labour in agriculture in Nakhom Pathom that does not mean migrants are not exploited in agriculture in other provinces in Thailand.

These limitations are critical to bear in mind when considering the findings of this research. Indeed they tell us that the situations of migrants found in these sectors may indeed be far worse than what is portrayed here.



4

4. ANALYSIS OF FINDINGS ACROSS THE FOUR WORK SECTORS

This section compares the quantitative and qualitative data presented for each of the four sectors: agriculture, domestic work, fishing and manufacturing. Interviews with recruiters are not considered here but can be found in the separate chapter on recruitment. This chapter compares the situation across sectors, and where relevant, also looks to see if there is any correlation between age, sex or registration status. In this chapter the fishing boats and fish processing results are mostly aggregated under the broader category of fishing. For an analysis comparing the two fishing sub-sectors refer to the Chapter 6 summary of fishing and Volume 2 Fishing Sector Report. For ease of analysis, except if otherwise indicated, the survey results always present the percentage of the total number of respondents in that sector.⁴³

1. Findings and discussions

a) General characteristics of employers⁴⁴

Most of the workplaces in the sample were small to medium size. All the employers surveyed across

the four sectors are Thai nationals. Small numbers of employers within the fishing, manufacturing and domestic work sectors indicated that they were from another ethnic group (between 3-7%) – this was usually Chinese. The sex of the employer varied between sectors, with a majority of female employers in domestic work and manufacturing, yet the reverse in agriculture and fishing.

The vast majority of employers surveyed in agriculture, fishing and manufacturing owned their business. Most of the manufacturing employers were also sub-contractors. Sub-contracting was also quite prevalent in the fishing sector, with 39% of employers acting as sub-contractors.

In terms of educational background, the majority of employers who employed domestic workers had attended university. One-third of employers in the manufacturing sector had this level of tertiary education. Employers in the fishing and agricultural sectors had the least education.

⁴³ For example, 46% of fishing workers feel there are constraints that prevent them from leaving their job, and 20.5% of fishing workers overall stated this was because they feared harassment by the authorities. This was because it seemed misleading to present equal percentages if we are comparing 46% of fishing workers when compared with much smaller percentages in other sectors – like 13% in agriculture.

⁴⁴ For general characteristics of recruiters please refer to Chapter Five Recruitment.

Table 4.1 – Employers by sex and type (%)

EMPLOYER RESPONSES	AGRICULTURE N=92	FISHING N=82	MANUFACTURING N=80	DOMESTIC WORK N=62	AVERAGE (%)
Sex of Employer					
Female	46.7	32.9	62.5	64.5	50.6
Male	53.3	67.1	37.5	35.5	49.4
Type of employer					
Owner	84.8	90.2	77.5	N/A	70.1
Manager	13.0	2.4	11.3	N/A	9.1
Sub contractor ⁴⁵	16.3	39.0 ⁴⁶	73.8	N/A	41.7
University education	15.2	22.2	34.6	52.5	29.3

b) General characteristics of migrants

Nationality and ethnicity

Most of the migrants surveyed were Burmese, with a small number of Laotian and Cambodian migrants included in the manufacturing and agriculture surveys. Only in the agricultural sector were there significant numbers of Thai-born ethnic minorities (9%) as well as migrants born in countries other than those neighbouring Thailand (12%). Discussions with the researchers found that most of those in the 'other' category were actually born in China. Laotians were found more commonly in agriculture (8%) and manufacturing (4%) and Cambodians (the minority nationality in the overall survey) were concentrated mostly in agricultural work (5%).

In the fishing and domestic sectors, the migrants interviewed were all Burmese (with the exception of one Lao migrant in fishing). Samut Sakhon is well-known as an area of predominantly Burmese workers. Since the prior survey used for domestic work specifically selected respondents from Myanmar, migrants from other countries are not included except for the additional in-depth interviews.⁴⁷

In comparing the ethnicity of migrant workers to various sectors where they worked, the fishing sector was made up predominantly of Mon people, followed by Burman, whereas manufacturing was split quite evenly between Burman, Mon and Karen as the major ethnicities employed. Agriculture had mostly Karen and hill tribe people or other (Chinese born) migrants. Domestic work was a sector predominantly occupied by Burman and Shan migrants.

⁴⁵ Some of the business owners were also sub-contractors which is why the total is more than 100%.

⁴⁶ Refers to fish processing only.

⁴⁷ Additional in-depth interviews were conducted with 5 Lao migrants and 2 Cambodian migrants.

Table 4.2 – Migrant ethnicity (%)

MIGRANT RESPONSES	AGRICULTURE N=129	FISHING N=117	MANUFACTURING N=30	DOMESTIC WORK N=320	AVERAGE (%)
Burman	12.4	35.0	29.2	40.9	32.4
Mon	24.0	53.0	25.4	5.6	20.7
Shan	2.3	0.9	16.2	30.6	17.7
Karen	24.8	9.4	25.4	6.6	14.0
Other ⁴⁸	23.3	0.9	0.0	16.3	12.0
Laos	7.8	0.9	3.8	0.0	2.3
Cambodian	5.4	0.0	0.0	0.0	1.0

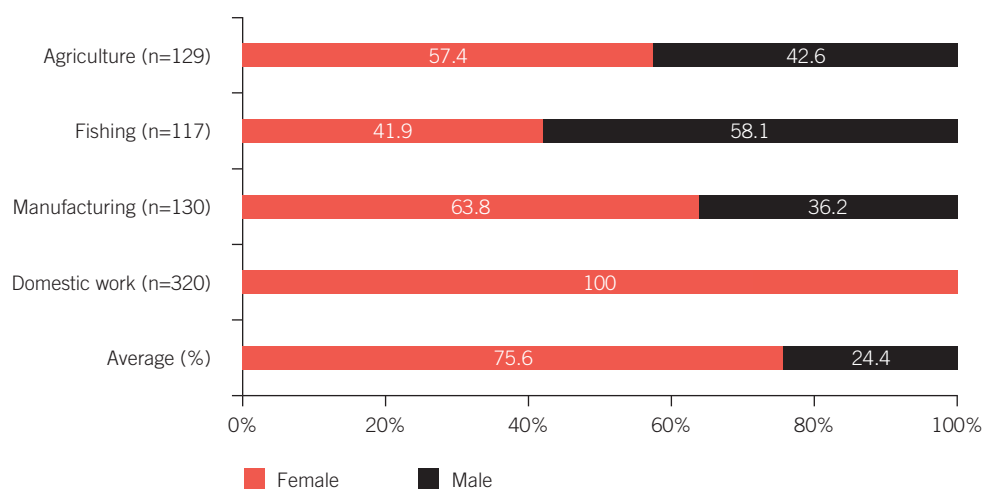
Sex

All migrants interviewed in domestic work were female, and slightly more females than males were interviewed in agriculture and manufacturing. In

fishing however slightly more males than females were recorded. All of those surveyed working on fishing boats were male.

Table 4.3 – Migrant sex (%)

MIGRANT RESPONSES	AGRICULTURE N=129	FISHING N=117	MANUFACTURING N=30	DOMESTIC WORK N=320	AVERAGE (%)
Female	57.4	41.9	63.8	100.0	75.6
Male	42.6	58.1	36.2	36.2	24.4



⁴⁸ For agriculture the 'other' group was local hill tribe people and those from other countries. For domestic work, another ethnic group from Burma, Pa-O was 14.7% of migrants interviewed.

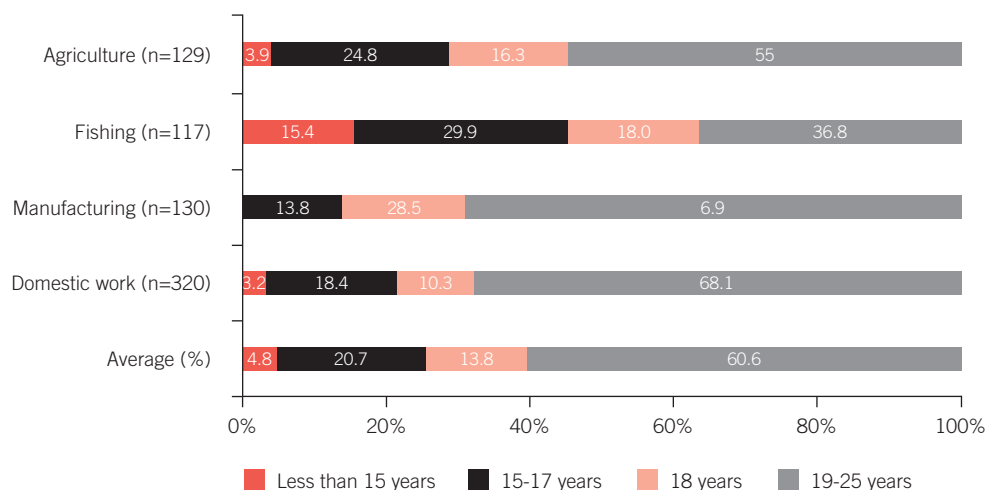
Age

Child workers (below 18) were most common in the fishing industry (almost half of those interviewed), with the smallest proportion of children interviewed in the manufacturing sector. This may reflect that in both fishing and agriculture, it is more common for children to work alongside their parents, whereas in domestic work and manufacturing children are not generally accompanied by their parents. As for

those below 15 years of age - the legal working age in Thailand and the minimum age for employment as specified in ILO Convention 138- compared to only 3-4% in agriculture and domestic work and none at all in manufacturing. The majority of respondents in agriculture, domestic work and manufacturing sectors were aged 18 years or more (more than 70%).⁴⁹

Table 4.4 – Migrant age (%)

MIGRANT RESPONSES	AGRICULTURE N=129	FISHING N=117	MANUFACTURING N=130	DOMESTIC WORK N=320	AVERAGE (%)
Less than 15 years	3.9	15.4	0.0	3.2	4.8
15-17 years	24.8	29.9	13.8	18.4	20.7
18 years	16.3	18.0	16.9	10.3	13.8
19-25 years	55.0	36.8	69.3	68.1	60.6



⁴⁹ However, it is important to remember that in Burmese culture it is common to count age as one year older, since the new year of age is attained from the date of the birthday i.e. one turns 18 on one's 17th birthday, since one has entered the 18th year of their life. Hence some child respondents who stated they were 18 years old could actually be 17-year old children when considered under Thai law and the Convention on the Rights of the Child.

Education

Education levels were low across all four sectors, with the majority of migrants in all sectors having only attended 1-6 years of school. Agricultural workers had the lowest education levels, with a large

number not completing any schooling at all - 42% of agricultural workers, compared with 7-14% across the other sectors. In agriculture, fewer than 10% of the migrants had completed more than 6 years of school.

Table 4.5 – Migrant educational level (%)

Question: What level of education have you completed? (Number of years)

MIGRANT RESPONSES	AGRICULTURE N=75	FISHING N=117	MANUFACTURING N=118	DOMESTIC WORK N=320	AVERAGE (%)
0 years	41.9	11.1	7.1	14.1	15.5
1-6 years	48.8	65.0	63.0	55.6	57.9
7-9 years	8.5	18.0	19.7	23.8	20.0
10+ years	0.8	6.0	10.2	6.6	6.6

Speaking in Thai

Respondents were asked about their Thai language skills to determine their ability to communicate with their Thai employers and also with others in the community who could potentially assist them if they suffered problems in the workplace. About half of the migrants across all sectors spoke some

Thai words – with slightly less recorded in fishing (39%). Interestingly, in fishing and domestic work more than a quarter of migrant workers spoke no Thai at all. Workers in these sectors must find it extremely difficult to communicate with members of the Thai community unless service providers can communicate in their language.

Table 4.6 – Migrant ability to speak Thai (%)

Question: How would you rate your ability to speak Thai?

MIGRANT RESPONSES	AGRICULTURE N=129	FISHING N=117	MANUFACTURING N=130	DOMESTIC WORK N=320	AVERAGE (%)
None	17.1	27.4	12.3	26.6	22.3
Little	7.0	24.8	12.3	0.0	7.8
Some Thai words	43.4	39.3	46.9	56.5	49.4
Very well but not as Thai	24.8	7.7	23.8	0.0	10.3
Fluent like Thai	7.8	0.9	4.6	16.9	10.2

First time in Thailand

For more than 80% of migrants across three sectors

(excluding domestic work) it was their first time in Thailand.)

Table 4.7 – First time in Thailand (%)

Question: Is this the first time you have come to Thailand?

MIGRANT RESPONSES	AGRICULTURE N=129	FISHING N=117	MANUFACTURING N=130	DOMESTIC WORK N=320	AVERAGE (%)
Yes	93.8	76.5	79.2	N/A	83.4

c) Legal status of migrant workers

The majority of migrants across all four sectors have obtained legal status to work in Thailand. Almost 80% of workers in manufacturing had registered (i.e. had legal work status, compared to almost two thirds of migrants working in agriculture and fishing). Domestic work had the largest proportion of migrants who had not registered (45%) and were therefore working illegally in Thailand. This is probably because the domestic work survey had been conducted prior to the 2004 registration period.⁵⁰ Great disparity was noticed when breaking down the fishing sector from fishing boats to fish processing. Only 34% of males working on fishing boats were registered. In agriculture, there was a substantial percentage of migrants ineligible to register because significant numbers in the sample were from ethnic minority groups in Thailand or from countries other than Myanmar, Laos and Cambodia.

In Thailand the registration process usually runs for a period of 30 days and then closes. Since the workers on fishing boats were often at sea for extended periods, they were therefore likely to be at sea during the registration process. Most workers confirmed in the survey that the reason for not registering was that they missed the registration period.

More children tend to work in this sector. But children under the age of 15 years are not permitted to register for work with the Ministry of Labour. Age is therefore probably an important factor in terms of whether migrants register across any of the sectors. The sector with the highest number of registered migrants (manufacturing), was also the sector dominated by older migrants. For workers on fishing boats and in domestic work,⁵¹ another reason for the low registration rate is because workers had no time (as mentioned in the case of fishing boat workers) or did not know about the registration process. Indeed, the reason some migrants, particularly children, opted for work on fishing boats and in domestic work was because they had not registered previously and this type of work was less-regulated than working in factories – in other words, although they were more vulnerable to abuse through less scrutiny, it also meant they were less likely to be discovered by the authorities and declared ‘illegal’ – a move that would lead to deportation. Several domestic workers and boys on fishing boats also mentioned that their employers did not allow them to register.

Despite the fact that approximately two thirds of migrants across all sectors were registered, only one third of them had actually obtained all three types of

⁵⁰ In 2004, far more migrants registered than ever before, since it was the first time that migrants could register directly with the Thai Government, rather than via employers.

⁵¹ Verified in domestic work through in-depth interviews but not through the survey results as this question was not asked.

cards that registered migrants are entitled to; namely a residence paper, health card and work permit. All registered migrants who are working should possess each of the three cards. According to the Immigration Regulations, undocumented migrants should report first for the residence card, then undergo a health examination and finally register for the work permit. Through the in-depth interviews it

was found that migrants and their employers often did not understand the process very well. They did not know about how to obtain cards other than the residence permit. Some migrants had changed jobs and therefore never obtained the other documents. The costly and time-consuming nature of the process made some employers reluctant to help workers obtain all the cards.

Table 4.8 – Registration (legal) status (%)

Question: Are you registered with the Royal Thai Government?

MIGRANT RESPONSES	AGRICULTURE N=129	FISHING N=117	MANUFACTURING N=130	DOMESTIC WORK N=320	AVERAGE (%)
Registered worker	62.0	63.2	78.5	54.7	62.2
Not registered	16.3	35.9	18.5	45.3	33.1
Ineligible to register ⁵²	21.7	0.9	3.0	0.0	4.7



⁵² Migrants from ethnic minority groups and from countries other than Burma, Laos and Cambodia were ineligible to register.

Table 4.9 – Reasons for not registering⁵³ (%)

Question: If not registered, why not?

MIGRANT RESPONSES	AGRICULTURE N=129	FISHING N=117	MANUFACTURING N=130	AVERAGE (%)
No time	34.7	30.2	60.7	42.3
Did not know	20.4	16.3	32.1	23.2
Missed registration time	0.0	48.8	0.0	15.2
Not allowed by employer	2.0	4.7	7.1	4.6
Other reasons e.g. too young, too expensive or not on land (for fishing workers)	0.0	14.0	0.0	4.4
Move around too much	8.2	0.0	3.6	4.1

* Respondents could select more than one response

d) Workers and Employers Attitudes towards registration

Generally, most registered migrants in agriculture, fishing and manufacturing felt positive towards the migrant registration process because they could find jobs more easily and they felt more secure and safe when going outside the workplace (75-95%). However, about 13% of migrants across all sectors felt that the registration had made their life more difficult. Qualitative interviews indicate that despite workers being legally entitled to stay and work in Thailand, a number continue to face harassment by the Thai authorities. Registered migrants often do not hold the original copy of their residence card or work permit and this causes problems if they go outside the workplace.

The vast majority of employers agreed that there should be a process to facilitate migrants to come to Thailand to work legally, however in practice the migrant registration process was seen to be quite time-consuming and costly. Over 76% of employers agreed with the statement that the Government should allow more migrants to come and work in Thailand legally. But about one third of employers

in agriculture, manufacturing and fishing sectors agreed with the statement that the registration process is complicated and it is better to avoid it. More employers of domestic workers (almost half) agreed with the statement than employers in other sectors. However, two thirds of employers in all sectors (average 69%) agreed that registration had improved their business. This may indeed be the other two-thirds of employers who show quite the opposite response and seem to enjoy benefits of registration.

e) Indicators of exploitation

i) Forced labour

“I worked for two years, but never received any payment. I had to work all day. I couldn’t go to bed until 2 am, but would then have to get up again at 5 am. I didn’t have enough sleep. The employer was evil-minded, not only did he not pay me any money, he also slapped, hit and pinched me. His wife laughed while he slapped me. She never tried to help. Their three children also hurt me, they were always telling lies to their parents

⁵³ Migrants could list more than one constraint hence the total exceeds 100%.

and getting me into trouble.” (Migrant DO, 17 year old female, Cambodian, domestic worker).

“I sew the seams on jeans –I will usually begin work at 6 or 7 o’clock in the morning. I don’t get a break for lunch and I have to work straight through until 5 pm before I can rest. So I eat only 2 meals per day, one in the morning before work and one in the evening after work. I receive approximately 4,500 Baht (\$US112.50) per month. My boss pays according to how much I sew – if I sew one side, I get 25 satang⁵⁴ and if I sew both sides of the pant I get 30 satang.

My boss gives me a place to stay but he deducts 250 Baht (\$US6.25) for accommodation and 130 Baht (\$US3.25) for water and electricity expenses. He also deducts 500 Baht (\$US12.50) per month as the job assurance fee. He will deduct this fee every month for a total of 10 months which is equivalent to 5,000 Baht (\$US125). Once I have reached that 5,000 mark I still cannot receive this money from my boss until I have worked there for 2-3 years. If there is ever a time that I fall sick, he will take me to the local clinic but I have to pay for all of the expenses myself.

We get one day of rest every two weeks and do not receive money for those days. I cannot speak Thai very well so I haven’t been able to look for a new job. Besides, my boss threatened that if I were to leave he would have the police come and arrest me. I would have to try and escape during the night” (Migrant MB, 18 year old male, Karen, manufacturing worker)

It is difficult to measure the extent of forced labour when interviewing migrants who are currently working, especially if they are being interviewed inside their workplace.⁵⁵ Migrants are often unwilling to state the extent of their bad working conditions and it is possible they did not trust how the information they were giving the researchers would be used, despite the best efforts of researchers to explain the purposes and confidentiality of information disclosed. Other research by World Vision has found that migrants interviewed in Thailand are much less likely to complain about working conditions (if currently working) when compared to what they say once they have come home (research conducted in Myanmar).⁵⁶ Nevertheless, migrants were asked a range of factors related to working conditions to ascertain the extent to which they might be working in conditions of forced labour.

The study used the definition of forced labour, under ILO Convention 29, ‘all work of service which is extracted under the menace of any penalty and for which the said person has not offered themselves voluntarily’. The two key aspects are therefore the lack of consent to work and the menace of a penalty (the means of keeping someone in forced labour). The ILO Global Report on Forced Labour (A Global Alliance against Forced Labour), developed a list to help identify forced labour in practice:

⁵⁴ 100 satang is one baht. 25 satang is equivalent to US 0.0065 cents.

⁵⁵ Migrants were interviewed in the workplace in agriculture, manufacturing and in almost two thirds of domestic work interviews. Although never directly in the presence of the employers, in some cases employers may have been in earshot. Migrants may have worried that employers were listening in to the interview conversations.

⁵⁶ Interview with World Vision project officer, 31 March 2006, Bangkok comparing unpublished research by World Vision in the two countries.

Table 4.10 – Indications of forced labour in practice⁵⁷

Lack of consent to work	Menace of a penalty Actual presence or credible threat of:
<ul style="list-style-type: none"> • Birth/descent into “slave” or bonded status • Physical abduction or kidnapping • Sale of person into the ownership of another • Physical confinement in the work location – in prison or private detention • Psychological compulsion i.e. an order to work, backed up by a credible threat of a penalty for non-compliance • Induced indebtedness (by falsification of accounts, inflated prices, reduced value of goods or services produced, excessive interest charges, etc) • Deception or false promises about types and terms of work • Withholding and non-payment of wages • Retention of identity documents of other valuable personal possessions 	<ul style="list-style-type: none"> • Physical violence against worker or family or close associates • Sexual violence • (Threat of) supernatural retaliation • Imprisonment or other physical confinement • Financial penalties • Denunciation to authorities (police, immigration etc) and deportation • Dismissal from current employment • Exclusion from future employment • Exclusion from community and social life • Removal of rights or privileges • Deprivation of food, shelter or other necessities • Shift to even worse working conditions • Loss of social status

Whilst the research instrument was designed prior to the Global Report being released, the list illustrates a number of the specific factors considered in this research such as constraints preventing one from leaving their current job, violence, control over documents, very long working hours with insufficient rest periods, too little or no pay and restrictions on freedom of movement. These factors are discussed in detail below.

With regard to the direct but very broad question, ‘Are you forced to work in your present job, by someone else, who is not in your family?’, not surprisingly very few respondents answered that they were indeed ‘forced’. However in fishing the number was comparatively high – 11%. Note the further breakdown between fishing boats - 20% who stated they were ‘forced’ compared to fish processing – 9%. In agriculture it was only 2% and 1% in manufacturing. A larger proportion of those

migrants who currently work in fishing (14.5%) also stated they had been previously forced to work in other jobs in Thailand.

When comparing registration status, almost double the number of unregistered workers (7%) stated that they were currently forced to work. When comparing adults to children, about 19% of children stated they were currently forced to work, compared with only 3% of adults. These results mainly reflect the fact that it was often male unregistered children working on fishing boats who stated they were forced to work. By contrast, among migrants in agriculture and manufacturing sectors, it was the older and female migrants who stated experiences of forced labour.

Clearly this result on its own is not enough to be an indication of forced labour outright. What constitutes ‘force’ can be interpreted in different ways, from mere economic compulsion to ‘force’ via threats, violence

⁵⁷ ILO, A Global Alliance Against Forced Labour, International Labour Conference 93rd Session, Geneva, 2005, p.6 at http://www.ilo.org/dyn/declaris/DECLARATIONWEB.DOWNLOAD_BLOB?Var_DocumentID=5059

and withholding of payment. However when one takes into consideration the results from a series of other questions (below) regarding the context of exploitation (freedom of movement, constraints to leave the workplace, control over documents, violence, working hours etc) a distinct pattern emerges. Those on fishing boats work under significantly worse conditions and face far more restrictions preventing them from leaving their work, than those say in agriculture or manufacturing. Of the migrants working on fishing boats, 67% did not hold their original documents and 62% worked more than 12 hours a day. One third of migrants working on fishing boats (7 migrants) felt constraints prevented them from leaving their current job of which half such constraints related to direct forms of coercion

by their employer such as debt, threats of violence or non-payment. This tends to indicate that indeed a higher proportion of those working on fishing boats are in forced labour, when compared to the responses of migrants working in other sectors.

For domestic work, there was no exact indication of forced labour through direct survey questions, though certainly some indication that it exists from the in-depth interviews and questions around other kinds of abuse. For example, 8% of domestic workers reported they had been confined or ‘locked up’ by their employers. Fish processing workers also suffered from worse working conditions, more confinement and constraints related to employer coercion than workers in agriculture or domestic work.

Table 4.11 – Forced to work in the current job (by sector) (%)

Question: Are you forced to work (against your wishes) in this job by someone other than your direct family?

MIGRANT RESPONSES	AGRICULTURE N=129	FISHING N=116	MANUFACTURING N=130	AVERAGE (%)
Yes	2.3	11.2	0.8	4.5

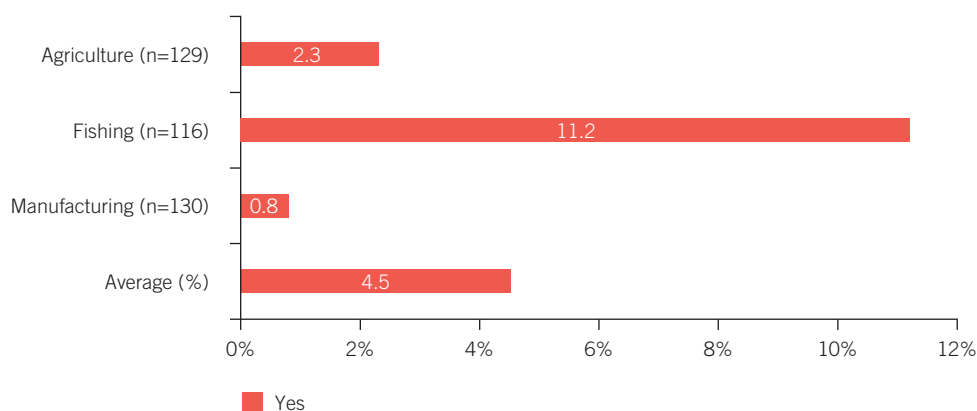


Table 4.12 – Forced to work in the current job (by age) (%)

MIGRANT RESPONSES (DOMESTIC WORK NOT INCLUDED)	BELOW 15 YEARS N=33	15 - 17 YEARS N=144	18 - 25 YEARS N=518	AVERAGE (%)
Yes	13.0	6.0	3.4	4.5

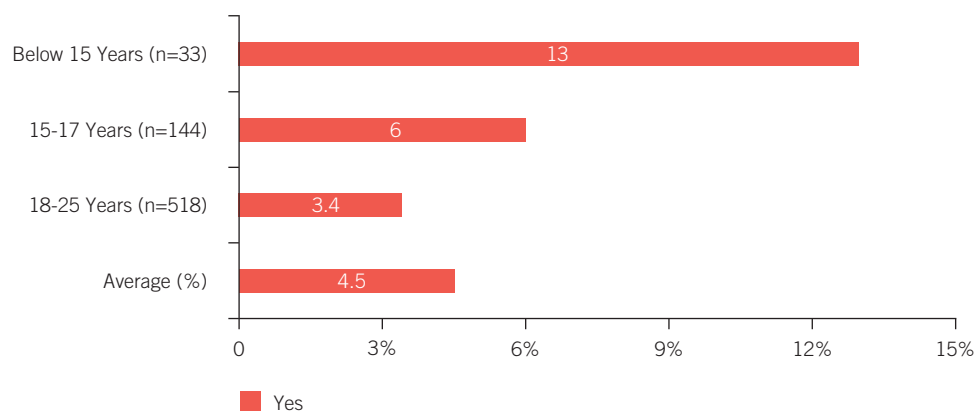


Table 4.13 – Forced to work in the current job (by registration status) (%)

MIGRANT RESPONSES (DOMESTIC WORK NOT INCLUDED)	REGISTERED N=432	UNREGISTERED N=263	AVERAGE (%)
Yes	3.5	6.7	4.5

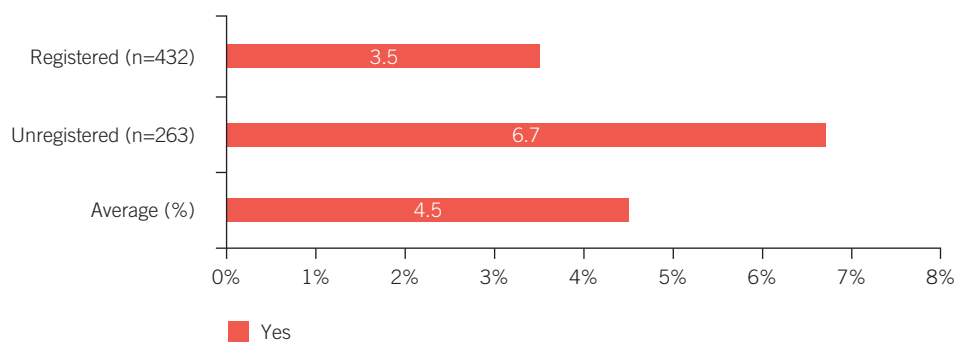


Table 4.14 – Forced to work previously (%)

Question: Have you ever been forced (against your wishes) to work by someone that wasn't in your family?

MIGRANT RESPONSES	AGRICULTURE N=129	FISHING N=117	MANUFACTURING N=130	AVERAGE (%)
Yes	1.6	14.5	2.3	5.9

Constraints on leaving the current job

Beyond the question of being forced to work or not, lies a more significant question of what prevents a migrant from leaving their workplace. Is it simply because they will not be able to find another job, or is the constraint more directly related to pressure inflicted from the employer or others? Almost half of the workers in fishing, a third in manufacturing and 15% in agriculture felt there were constraints that prevented them from leaving their current job, most of the common constraints identified by migrants actually related to fear of arrest by authorities and difficulty in finding another job.

In about 5-7% of cases, migrants mentioned constraints that pointed to more direct forms of coercion by employers.⁵⁸ This is a closer indication of trafficking or forced labour. Those in fishing generally felt they faced these kinds of constraints the most, and more workers in fish processing felt constraints prevented them from leaving their jobs than migrants working on fishing boats. The fact that employers held workers' documents was a constraint preventing them from leaving for 11% of workers in manufacturing and 7% in fishing (only 3% in agriculture). 9% of workers in fishing were worried if they left their job, the employer would report them to the authorities. 7% of those in fishing felt unable to leave due to the fact that they were in debt to their employer. Other than this example, indebtedness to employers, recruiters or others did not feature heavily and was only mentioned in isolated cases across the

other sectors. A small proportion of migrants in fishing did fear that the employer might use violence against them – 3% if they tried to leave their job.

Regarding age, almost half of migrants under the age of 15 (44%) felt there were constraints that prevented them from leaving their current job. Children under the age of 15 were more afraid than older migrants of being arrested by the police (22%). 17% of children believed they would find it difficult to find another job and 9% worried the employer might report them to the authorities. Children were more afraid that the employer might use violence against them (4%) than adults. For adult migrants, one of the key constraints that prevented migrants from leaving their current job was that their employer held onto their documents (8%). Interviews with employers also validated this argument.

“Most employers, including myself, don't let the migrants hold on to their registration cards for two main reasons. First of all, we are the ones who pay more than 3,000 Baht (\$US75) per person per year (for their registration). Secondly, if they keep their cards it makes it easier for them to get a factory job. Employers are afraid that the workers will go work somewhere else then they [the original employers] will have paid the fee for nothing. In my opinion, it is not an employer's responsibility to keep the migrant labourers' documents; however, by doing so, it ensures that the migrants will not leave and go work at another job. I always keep the original registration

⁵⁸ Migrants could list more than one constraint.

card and give them copies. If there is ever a time that the migrant asks to keep the card himself, I will refuse because I am scared that he will take it and leave" (Employer G, female, 24 years old, Agriculture (crop farm))

A worker's legal status had a direct impact on feelings of constraints, yet whether the legal status had a positive or negative impact varied between sectors. Unregistered migrants in agriculture felt there were more constraints to prevent them leaving a place of employment than registered migrants. This was mainly because they feared their undocumented status could lead to arrest and also because they would have no where else to go. The opposite was

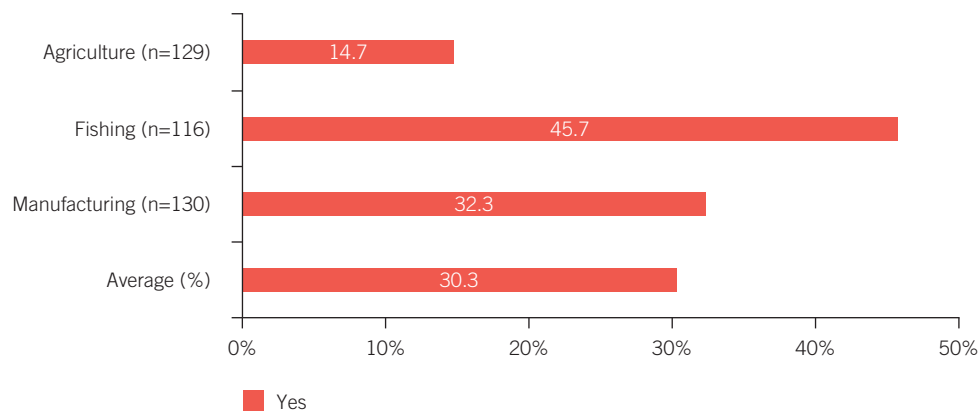
true in fishing where registered migrants felt more compelled to stay in their jobs than those who were unregistered. For example, half of the registered migrants in this sector felt constraints prevented them from leaving, compared to 37% of unregistered migrants. This is probably due to the fact that those who were registered could not gain access to their documents. Indeed even when registered, fear of arrest and fear that their employer could report them to the authorities were two main constraints identified by a large proportion of registered migrants in the fishing sector. This is a clear indicator that simply legalising the status of migrants is not sufficient to afford them protection in the workplace.

Table 4.15 – Constraints on leaving current job (by sector)¹⁷ (%)

Question: Are there any constraints on you leaving this job if you want to? If yes, what are the reasons?

MIGRANT RESPONSES	AGRICULTURE N=129	FISHING N=116	MANUFACTURING N=130	AVERAGE (%)
Yes	14.7 N=19	45.7 N=53	32.3 N=42	30.3
Afraid of being arrested by police	6.2 (8)	20.5 (24)	10.8 (14)	12.2
Difficult to find other jobs	3.1 (4)	12.8 (15)	10.8 (14)	8.8
Employer has my documents	3.1 (4)	6.8 (8)	10.8 (14)	6.9
Nowhere else to go	4.7 (6)	8.5 (10)	6.9 (9)	6.6
Employer might report me to authorities	0.8 (1)	8.5 (10)	9.2 (12)	6.1
Afraid of being sent home	3.1 (4)	1.7 (2)	7.7 (10)	4.3
Debt to employer	1.6 (2)	6.8 (8)	0.0	2.7
Registration means I have to stay with this employer	0.8 (1)	5.1 (6)	0.0	1.9
Employer owes me money	0.0	1.7 (2)	2.3 (3)	1.3
Employer might use violence against me	0.0	3.4 (4)	0.0	1.1
Employer might use violence against those close to me	0.0	2.6 (3)	0.0	0.8
Debt to recruiter	0.8 (1)	1.7 (2)	0.0	0.8
Personal debts	0.0	0.9 (1)	1.5 (2)	0.8
I will not be paid for the work I have done	0.0	1.7 (2)	0.0	0.5
Other	4.7 (6)	3.4 (4)	13.1 (17)	0.5

* The actual number of workers is shown in brackets, for example 8 agricultural workers were afraid of being arrested by police.

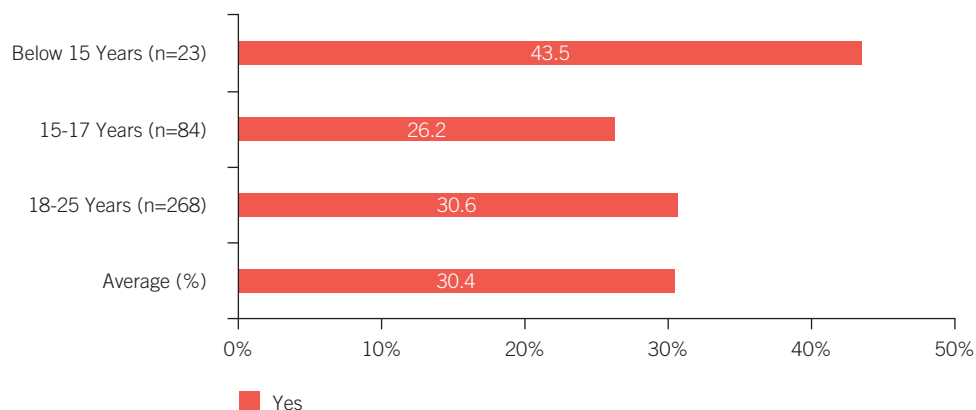


¹⁷ The number of migrants who responded is listed in brackets beside the %.

Table 4.16 – Constraints on leaving current job (by age) (%)

MIGRANT RESPONSES (DOMESTIC WORK NOT INCLUDED)	BELOW 15 YEARS N = 23	15-17 YEARS N = 84	18 – 25 YEARS N = 268	AVERAGE (%)
Yes	43.5 N=10	26.2 N=22	30.6 N=82	30.4
Afraid of being arrested by police	21.8 (5)	15.5 (13)	10.4 (28)	12.0
Difficult to find other jobs	17.4 (4)	10.7 (9)	7.5 (20)	8.6
Employer has my documents	4.4 (1)	4.8 (4)	7.8 (20)	7.0
Nowhere else to go	4.4 (1)	8.3 (7)	6.3 (17)	6.6
Employer might report me to authorities	8.7 (2)	3.6 (3)	6.7 (18)	6.2
Afraid of being sent home	4.4 (1)	3.6 (3)	4.5 (12)	4.3
Debt to employer	0.0	3.6 (3)	2.6 (7)	2.7
Registration means I have to stay with this employer	0.0	2.4 (2)	1.9 (5)	1.9
Employer owes me money	4.4 (1)	0.0	1.5 (4)	1.3
Employer might use violence against me	4.4 (1)	0.0	1.1 (3)	1.0
Employer might use violence against those close to me	0.0	0.0	1.1 (3)	0.8
Debt to recruiter	0.0	1.2 (1)	0.7 (2)	0.8
Personal debts	0.0	0.0	1.1 (3)	0.8
I will not be paid for the work I have done	0.0	0.0	0.7 (2)	0.5

* The actual number of workers is shown in brackets, for example 8 agricultural workers were afraid of being arrested by police.



Retention of (and control over) identity documents

The inability to hold onto the original copy of their identification documents sets in motion a negative chain of events for migrants. Those who are registered, and thereby have the legal status to stay and work in Thailand, still fear arrest if they leave the workplace without their documents. This leaves them effectively confined to their work place.

Only between 35 -50% of all migrants in agriculture, fishing and manufacturing had possession of their original identification (ID) documents. As cited in Section 18 of the Working of Aliens Act 1978⁶⁰ registered migrants are required to personally retain their original work permit – this was relevant to two thirds of the overall sample size. Despite this, more than one third of registered migrants across all sectors stated they did not hold their original documents (between 36 – 43%). In nearly all cases, the migrants' card was held by their employer. In the fishing sector, males working on fishing boats were less likely to have access to their documents than those working in fish processing. Employers confirmed in interviews that the reason they held the cards was to prevent workers from changing jobs or running away:

In some cases, employers and migrants explained that holding the card was for the migrants' own

“We’d better keep (the original copy). If it is with them (workers), they would change jobs. They would think they were the same as Thais, and could go anywhere independently.” (Employer C, female, 30 years old, fish processing)

protection, in case they are harassed by corrupt local authorities who could simply confiscate or destroy their card or seek extra bribes. To address the issue of whether employers could be holding the document for ‘safe-keeping’, migrants were also asked if they could obtain their documents (from their employer) if they wanted them. Migrants working in fishing have the most limited access to their original documentation, with 43% stating they could not access the documents when they wanted to and 33% not knowing if they could or not (since they had never asked their employer). Registered migrants working in the fishing industry are far more likely to feel bonded to their employer and the worksite, due to their inability to obtain their identification documents. This trend was not so marked in either agriculture or manufacturing, however, still a significant 22% of migrants in manufacturing and 14% in agriculture were unable to access their documents when they wanted.

Table 4.17 – Possession of original identification (ID) documents (all migrants) (%)
Question: Do you hold your original ID document/s?

MIGRANT REPONSES	AGRICULTURE N=129	FISHING N=114	MANUFACTURING N=130	AVERAGE (%)
No	35.7	25.2	27.7	29.8
Yes	35.7	40.0	50.0	42.1
Did not have any ID documents	27.1	34.8	22.3	27.9

⁶⁰ The employment of migrant workers, including those under the current registration scheme, is regulated by the Working of Aliens Act 1978. This is clearly stated by Muntarbhorn, V., The Mekong Challenge: Employment and Protection of Migrant Workers in Thailand: National Laws/Practices versus International Labour Standards, International Labour Organization, Bangkok, 2005.

Table 4.18 – Possession of original identification (ID) documents (registered migrants only) (%)
Question: Do you hold your original ID document/s?

MIGRANT REPOSES	AGRICULTURE N=81	FISHING N=72	MANUFACTURING N=101	AVERAGE (%)
No	43.2	38.7	35.6	39.0
Yes	56.8	61.3	64.4	61.0

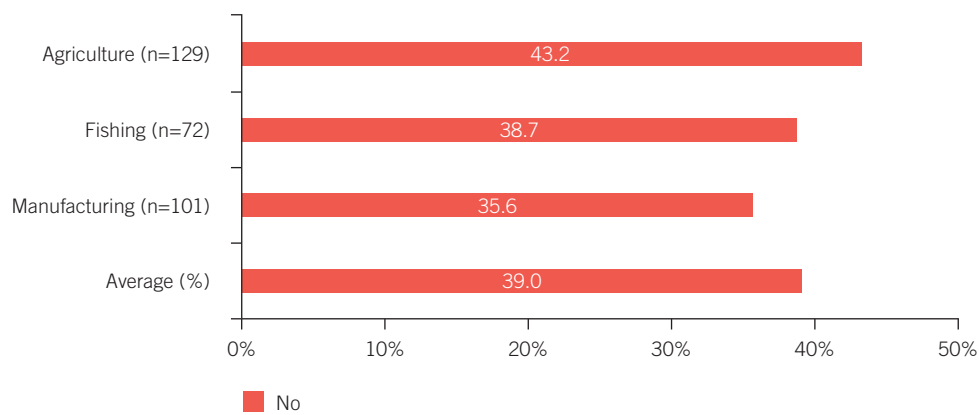
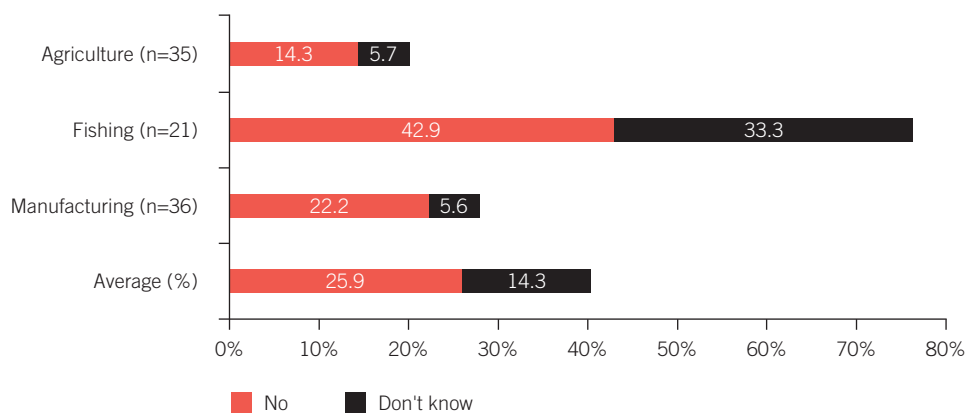


Table 4.19 – Access to original identification (ID) document/s (%)
Question: If no (to above), can you get the ID document/s when you want them?

MIGRANT REPOSES	AGRICULTURE N=35	FISHING N=21	MANUFACTURING N=36	AVERAGE (%)
Yes	80.0	23.8	72.2	59.8
No	14.3	42.9	22.2	25.9
Don't know	5.7	33.3	5.6	14.3



Freedom of movement

The majority of migrant workers surveyed indicated that their employer arranges accommodation for them, with the exception of fishing where this was slightly less than half of all workers. Where the employer arranges the accommodation, this is nearly always accommodation on-site i.e. at the workplace. Of these, a significant number (on average over two thirds across the three sectors) felt that they were unable to refuse to live on-site. This has significant implications for migrants' freedom of movement, ability to contact with others outside the workplace (access to support mechanisms) as well as their working hours – workers 'on-site' frequently are at the 'beck and call' of employers.

Those living on-site frequently have restrictions placed on their movement. For example, the majority of domestic workers – some 60% - stated their employer did not allow them to leave the house to meet with others nor to accept visitors. The ability to receive visitors is significant if they cannot go out, particularly considering many domestic workers live with their employers (62%). Even more than lacking the ability to go outside the home (workplace), many were prohibited from even communicating with others. One third of domestic workers were not permitted to send or receive mail. This

Those living on-site frequently have restrictions placed on their movement. For example, the majority of domestic workers – some 60% - stated their employer did not allow them to leave the house to meet with others nor to accept visitors.

information was supported by in-depth interviews with employers who stated they discouraged their workers from communicating and going out for fear that they would get in trouble or cause problems in the household.

By comparison, between 7-13% of migrants in agriculture, fishing and manufacturing stated they could not go out (in their time off) when they wanted to. The main reason related to fear of arrest due to a lack of identity documents (either because they were unregistered or their documents were held by employers). A small number of migrants in all three sectors stated that their employer did not allow them to go out (between 2-3%). In fishing and agriculture, a small number indicated that the employer had told them not to go out because they might get in trouble (2%).

Table 4.20 – Living arrangements⁶¹ (%)

Questions: What benefits do you receive from your employer? (Housing was one option)
Do you live in the workplace (on-site)?

MIGRANT RESPONSES	AGRICULTURE N=129	FISHING N=117	MANUFACTURING N=130	DOMESTIC WORK N=320	AVERAGE (%)
Employer arranges accommodation	96.9 (125)	43.1 (50)	78.5 (102)	100.0	85.8
Live on-site	96.9 (125)	38.0 (41)	71.5 (93)	100.0	83.7

⁶¹ The number of migrants who responded is listed in brackets beside the %

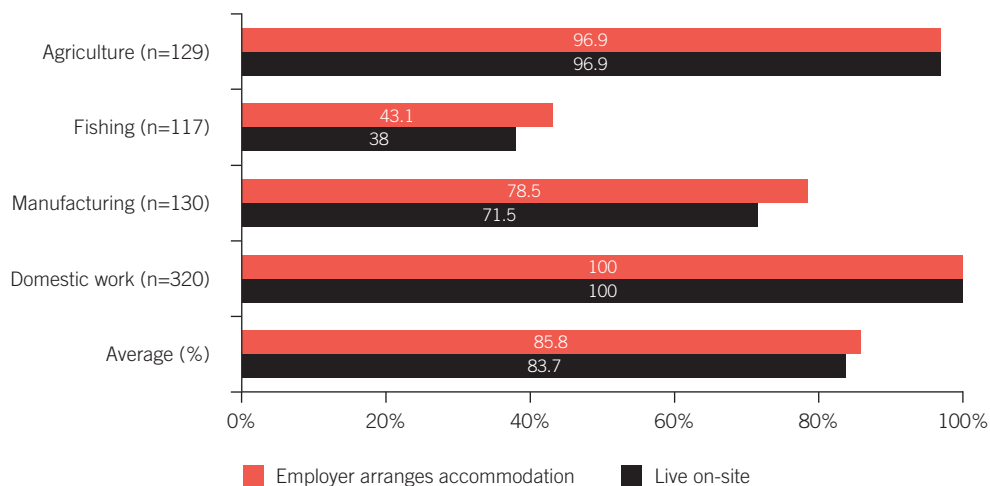
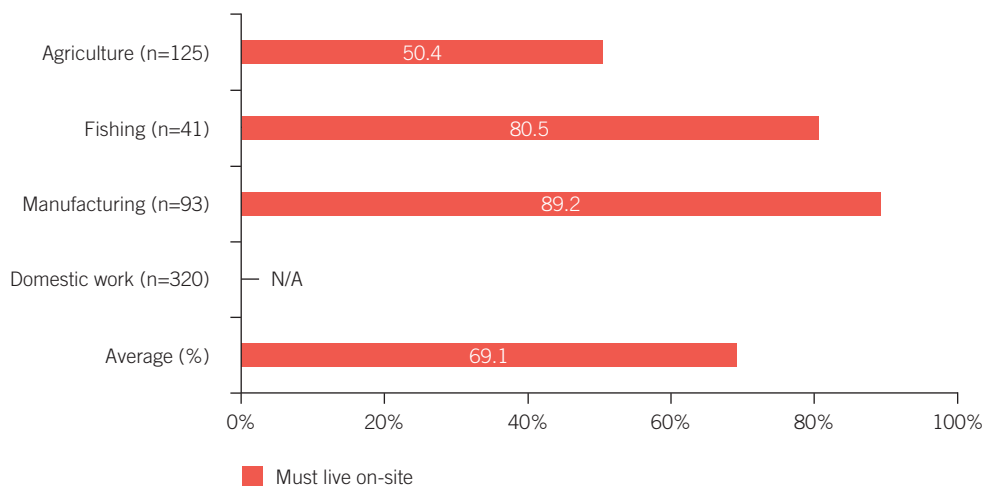


Table 4.21 – Can't refuse to live on-site⁶² (%)
Question: Can you refuse to live on-site?

MIGRANT RESPONSES	AGRICULTURE N=125	FISHING N=41	MANUFACTURING N=93	DOMESTIC WORK N=320	AVERAGE (%)
Must live on-site	50.4 (63)	80.5 (33)	89.2 (83)	N/A	69.1

* The actual number of workers is shown in brackets.



⁶² The percentages are reflected as a percentage of the total who do live on-site, for example it is 80% of the 41 workers who live on-site.

Table 4.22 – Freedom of movement. (%)

Question: If you live on-site, can you go out whenever you want to (outside of working hours)?

MIGRANT RESPONSES	AGRICULTURE N=129	FISHING N=115	MANUFACTURING N=130	AVERAGE (%)
No	10.9	6.8	13.1	10.4

Table 4.23 – Reasons why migrants cannot go outside the workplace (%)

Question: If you cannot go out or 'do not know' if you can (above), why not?

MIGRANT RESPONSES	AGRICULTURE N=129	FISHING N=115	MANUFACTURING N=130	AVERAGE (%)
Scared of harassment by authorities because no ID card	7.8 (10)	4.3 (5)	9.2 (12)	7.2
Not allowed by employer	3.1 (4)	2.6 (3)	1.5 (2)	2.4
Employer says might get in trouble	2.3 (3)	2.6 (3)	0.0	1.6
Other	0.0	1.7 (2)	2.3 (3)	1.3
Scared of harassment even with ID card	0.0	0.0	1.5 (2)	0.5
Someone else says not to go out	0.8 (1)	0.0	0.0	0.3
Never asked employer if can go out	0.0	0.0	0.0	0.0
Employer won't allow me as I still owe money	0.0	0.0	0.0	0.0

* The actual number of workers is shown in brackets.

Employers views on freedom of movement

The question of freedom of movement was also raised to employers in terms of whether workers should be allowed to leave the workplace outside of working hours. The employers were also asked whether Thai law provided such an entitlement.⁶³ A substantial proportion of employers in all four sectors stated that workers should not leave the premises without permission. As expected, this was most prevalent in domestic work - 75% of cases, but also common in agriculture (66%) and manufacturing (56%). With regard to actual rights, a majority of employers in manufacturing and domestic work stated that, under Thai law, migrants did not have that right (to leave work premises in time off without permission) In

fishing, a third of employers stated they did not know whether migrants were entitled to go out under Thai law, whilst a quarter stated they did not have the right. This was less prominent in agriculture – approximately 20% of cases.

“I just don't think that migrants should have the same rights as Thai workers in general. I think that we should not let migrant workers out at night to make sure that they don't try to escape during that time. It's a rule in my house that the migrant workers can't leave at night; in certain situations, I will let them go if they ask first” (Employer I, male, age unknown, domestic work)

⁶³ This is relevant where the worker lives on-site which was common across all sectors, 84% of 696 workers live on-site.

“I keep the migrants’ original documents because they are not able to speak the language well. If they were to be questioned by authorities, they wouldn’t be able to understand what is going on or speak for themselves. Also, if I were to give them the original documents to keep, they will be able to come and go as they please – I cannot have this in my business” (Employer D, female, 46 years old, agriculture (crop farm))

A further question also confirms that the majority of employers in all sectors believe they should restrict freedom of movement of workers. In response to the statement, ‘we should lock migrants in at night to make sure they don’t escape’ from half to two thirds of employers surveyed agreed with the statement. This was highest in agriculture and manufacturing. This indicates that the majority of employers in these sectors see no problem with physically restricting their foreign employees’ mobility nor violating a migrant worker’s basic right to freedom of movement.

Some employers were under the impression that they were legally responsible for the migrants who register with them, in the sense that if they absconded, the employer would be punished. In fact, this is not the case. It is true that if a migrant worker does abscond and the employer has paid their fees up-front, the employer’s economic ‘investment’ in the worker is lost. However there is no penalty nor anything to prevent the employer from obtaining new migrant workers. The fact that employers interpret the registration policy to justify physical confinement of migrants is extremely worrying. If Royal Thai Government policy imposed financial bondage arrangements between a worker and their employer, this would further serve to validate employers’ actions in confining workers.⁶⁴ The Government registration policy puts employers in a quandary, because it imposes this unequal financial arrangement between migrant and employer.

While in principle, an employer who pays the registration fees up-front for workers who cannot afford to pay is actually providing a benefit to the employee, some employers then unnecessarily restrict the freedom of movement of the new employee because they fear the new worker will leave the job before paying back the money owed. This begs the question ‘if workers were content in their current workplace, and salary and working conditions satisfactory, why would they be so eager to leave?’ Usually, the answer is that there is a problem with their current work situation (like they are being exploited) or because they receive a better offer, with more pay and/or better working conditions. This was acknowledged by an employer herself in an in-depth interview:

“I let the migrants hold on to their own documents – it’s only right. I think that if I am nice to them, they will want to stay and continue to work for me. I know that I might run the risk of them leaving when they want, but then again, that is totally up to them. If there is an emergency or they miss their parents and want to visit home, they will need their documents” (Employer A, female, age unknown, manufacturing)

Therefore, an unequal ‘bondage’ style relationship between employer and migrant, in some ways reminiscent of the slave and slave-owner relationship of times past, is an unfortunate result of the Royal Thai Government’s migration registration policy which in practical terms ties workers to their employers. In order to rectify this, the Royal Thai Government needs to take steps so that migrants are not unnecessarily restricted by their employers. It also needs to send a clear message to employers that registering migrant workers does not entitle an employer to restrict freedom of movement of their employees.

⁶⁴ As proposed under the Thai Mobile Cabinet Resolution on 20 December 2005, but then the requirement for the payment of the bond was waived under a subsequent Cabinet Resolution on 16 May 2006.

Table 4.24 – Employers views on ‘we should lock migrants in at night to prevent their escape’ (%)
Question: Please indicate if you agree or disagree with the following statement: ‘We should lock migrants in at night to make sure they don’t escape’

EMPLOYER RESPONSES	AGRICULTURE N=92	FISHING N=82	MANUFACTURING N=80	DOMESTIC WORK N=62	AVERAGE (%)
Yes	66.3	47.6	63.8	56.5	58.9
No	31.5	47.6	35.0	43.5	38.9
Don't know	2.2	4.9	1.3	0.0	2.2

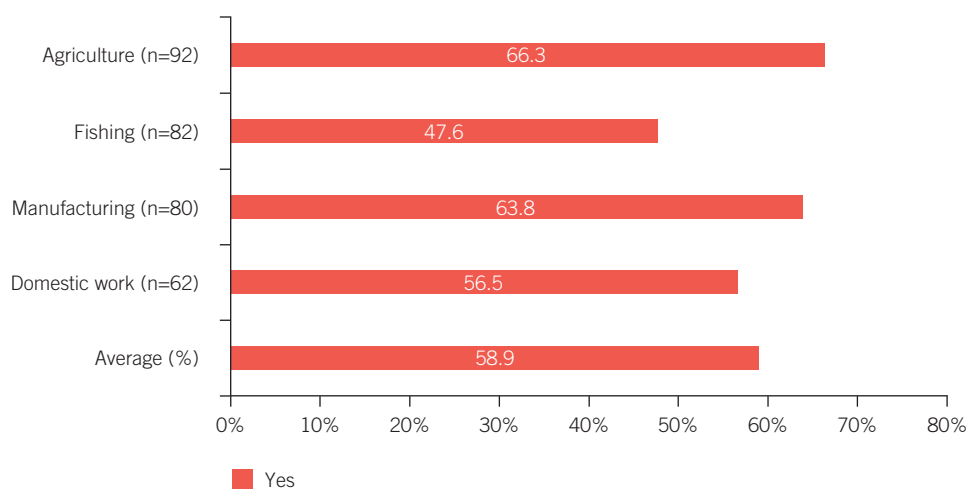
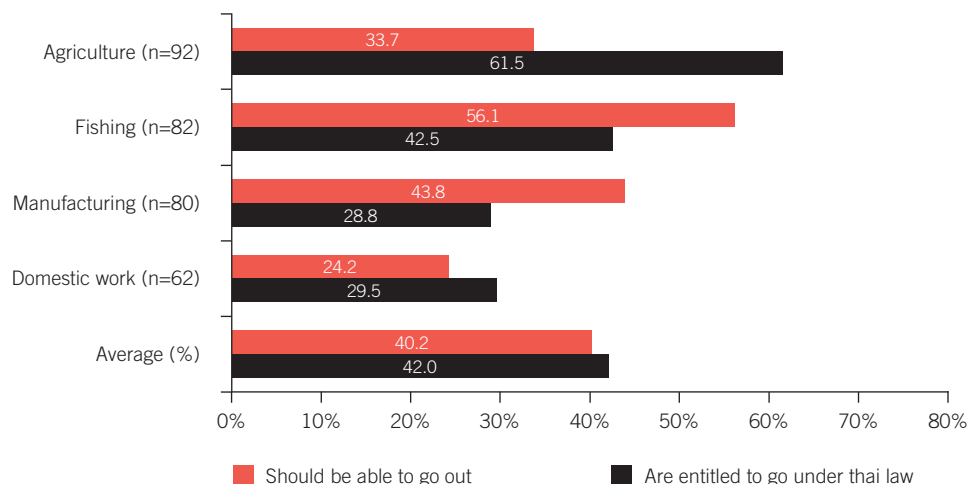


Table 4.25 – Employer views on ‘migrants should/are entitled to go outside the workplace without permission (outside working hours)’ (%)

EMPLOYER RESPONSES	AGRICULTURE N=92	FISHING N=82	MANUFACTURING N=80	DOMESTIC WORK N=62	AVERAGE (%)
Should be able to go out	33.7	56.1	43.8	24.2	40.2
Should NOT be able to go out	66.3	41.5	56.2	75.8	59.2
Are entitled to go out under Thai law	61.5	42.5	28.8	29.5	42.0
Are NOT entitled to go out under Thai law	19.8	23.8 ⁶⁵	58.8	54.1	37.5
Don't know if entitled to go out under Thai law	18.7	33.8	12.5	16.4	20.5

⁶⁵ An additional 33% of fishing employers answered they did not know whether migrants were entitled under Thai law to go outside the workplace without permission during their free time.



Violence in the workplace

“We work all day and all night on the boat. During working hours, we are not allowed to rest. If we do rest, we risk punishment. We try to be diligent and do our work without rest, but if we must we make sure that no one is around because stealing just one second of work time to look out at the sea means that we will be yelled at. Neither of us has been physically beaten – only yelled at. But we are scared because we have seen some crew members thrown off the boat or beaten with hooks and anchors that weigh close to one kilo and are as long as our arms. The crew who were beaten with these sharp and heavy objects bled profusely, especially when the sharp end of the hooks grabbed onto their skin. They could crack your skull open if they hit you too hard.” (FA, 14 year old male. Mon, fishing boat worker and FB, 15 year old male, Mon, fishing boat worker).

Violence in the workplace is another indication of forced labour, because migrants feel under psychological or physical compulsion to work. Thus regardless of whether they have actually been beaten by an employer, if they are threatened or they are aware of stories about other migrants being beaten it can create a climate of fear in the workplace. Migrants in domestic work and fishing were more likely to face varying forms of violence than in other sectors. Some 14% of fishing boat workers –had been physically abused by employers. Such physical abuse was reported in about 7-9% for migrants in domestic work and manufacturing sectors, but not at all for those working in agriculture.

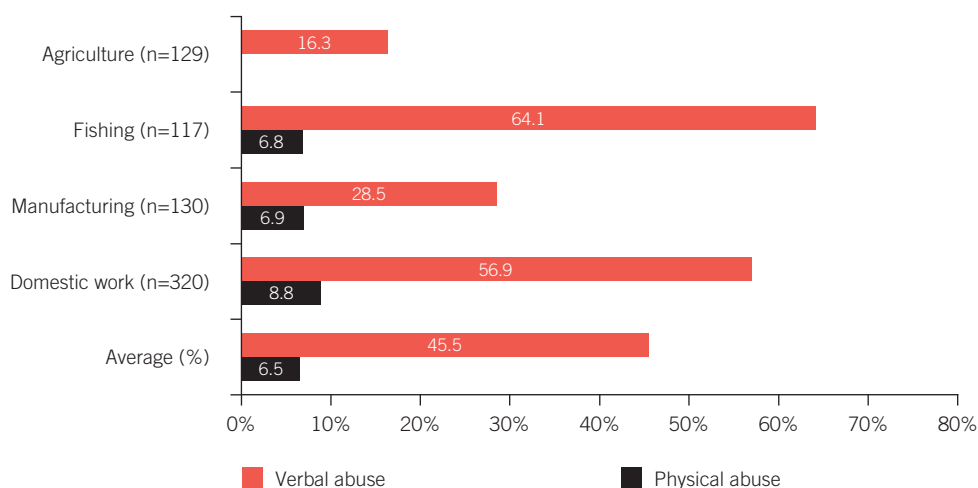
In all sectors, the most common form of abuse was verbal, such as scolding or yelling. This was experienced by more than half of workers in fishing (64%) and domestic work (57%). One-third of domestic workers had been threatened by their employers, 17% had been touched without their consent and 8% touched in a sexual way.

Table 4.26 – Abuse by employer (%)

Question: Which of the following have you experienced in the workplace?

- (1) Verbally abused or shouted at by employers/senior workers?
- (2) Beaten/Physically abused by employer/senior worker

MIGRANT RESPONSES	AGRICULTURE N=129	FISHING N=117	MANUFACTURING N=130	DOMESTIC WORK N=320	AVERAGE (%)
Verbal abuse	16.3	64.1	28.5	56.9	45.5
Physical abuse	0.0	6.8	6.9	8.8	6.5



False information about type of work and working conditions

False information about type of work and working conditions was not as widespread as might have been expected. This was because, for many migrants (and backed up in interviews with recruiters) they simply did not ask about the type of job or working conditions, 'any job would do'. It was only later, that migrants might consider changing jobs if they found the conditions were not what they expected. Of course, if one ended up in situations of trafficking or forced labour it might not be so easy to extricate oneself from the workplace. This finding indicates more could be done to provide information to migrants to know more about their job before they start. This is important not only for preventing trafficking and forced labour, but also more generally to improve

work relations and ensure workers and employers have clear expectations about the job. This might prevent the fast turnover of migrants that employers sometimes complained about, because migrants later found they could work for higher wages or under better conditions elsewhere. Those below 15 years of age were particularly *less* likely to ask for information about their job or working conditions – probably because they relied on their parents and had less working experience.

Some migrants, predominantly in fishing and manufacturing, stated their present job, and/or the conditions in which they worked, were not as described upon recruitment. During in-depth interviews some of the migrants in these sectors said they were not told the truth about the hours of work involved or the actual rate of payment.

Table 4.27 – Type of job different to that told (%)

Question: Is the type of job different to that you were told?

MIGRANT RESPONSES	AGRICULTURE N=129	FISHING N=117	MANUFACTURING N=130	AVERAGE (%)
Yes	1.0	12.8	17.7	11.2
Not told about job	13.2	23.1	12.3	16.0

Table 4.28 – Working conditions different to that told (%)

Question: Are the working conditions different from that you were told?

MIGRANT RESPONSES	AGRICULTURE N=129	FISHING N=116	MANUFACTURING N=130	AVERAGE (%)
Yes	7.8	15.5	16.2	13.1
Not told about job	10.9	24.1	6.2	13.3

Table 4.29 – Working conditions different to that told (by age) (%)

MIGRANT RESPONSES (NOT INCLUDING DOMESTIC WORK)	Below 15 years N=23	15-17 years N=84	18 – 25 years N=267
Yes	0.8	2.5	9.9
No information	34.8	14.1	11.2

Payment

Migrants in agriculture, fishing and manufacturing all stated they received some cash payments in return for their work, thus complete non-payment of wages was not an issue – except in some cases of domestic work. It is difficult to compare wages across the sectors when considering that different means of pay are used, according to productivity (piece rates in manufacturing and fishing), by day or by month and with varying degrees of ‘in-kind’ benefits of unspecified economic value provided by some employers. However it is clear that for the number of hours worked, most migrants in all sectors are dramatically under-paid when compared with what they would receive if the minimum wage was applied.

It is clear that for the number of hours worked, most migrants in all sectors are dramatically under-paid when compared with what they would receive if the minimum wage was applied.

Of the four sectors, domestic workers receive significantly less monthly pay than workers in the other three sectors. 89% of domestic workers receive a monthly wage of 3,000 baht (US\$75) or less, of these, some 41% receive 1,000 baht (\$US25) or less per month. Most agricultural workers received between 3000 – 4000 baht (\$US75 - \$US100) per

month, although more than one third are paid less than 3,000 baht (\$US75) per month. Domestic and agricultural workers receive less pay than other sectors because food and lodging is usually additional to, rather than deducted from wages. Yet the exact value of these 'in-kind' payments of food and lodging are never calculated by employers and communicated to the worker. In 2002/2003, the Royal Thai Government officially reported to the ILO that 'in kind' wage payments are not authorised under existing labour laws. In this respect payments 'in kind' by employers should therefore be regarded as additional to rather than substitutes for payments in cash and should not be used as a justification for paying below minimum wages.⁶⁶

The average wages were highest in the manufacturing sector (median 4,500 baht/month (\$US112.50)), followed by fishing (median wage 4,395 baht/month (\$US109.90)). Calculated monthly wages varied a lot between individual migrants in fishing because rates were commonly by piece rather than by month. Even within the manufacturing and fishing sectors, the wages are still well below the minimum wage when the long work hours and lack of days off are factored into the net payments. Using the relevant minimum wage as a base and then factoring in the average number of hours worked (therefore overtime payments) and days off per month, manufacturing workers should receive a monthly wage of 8,025 baht

Child workers and unregistered workers in general received significantly reduced wages when compared with adult or registered workers.

(\$US200.65), an amount considerably more than the median wage of 4,500 baht (\$US112) received by workers in the current sample.⁶⁷ Likewise, for fish processing where the minimum wage should be applied, fish processing workers should receive a monthly wage of 7,748 baht (\$US193) per month based on the average number of hours worked, days off and overtime payments.⁶⁸ Instead the median wage for fish processing workers is 4,500 baht (\$US112.50) in the current sample. Thus migrant workers in both sectors are being paid on average about 60% of the minimum wage. Even if deductions are made for accommodation and food, this would rarely be 40% of the monthly wage.

Child workers and unregistered workers in general received significantly reduced wages when compared with adult or registered workers. In some cases, such as fishing, children worked significantly fewer hours. In domestic work however, children worked just as long or sometimes longer than adult domestic workers but for greatly reduced pay.

⁶⁶ Internal Communication, ILO Labour Standards Specialist, Sub-Regional Office, Bangkok, 13 March 2005.

⁶⁷ For the precise calculation, please refer to Chapter Six Manufacturing Summary.

⁶⁸ For the precise calculation, please refer to Chapter Six Fishing Summary.

Table 4.30 – Monthly Wage (%)

Question: How much cash are you paid on average baht/month?

MIGRANT RESPONSES	AGRICULTURE N=129	FISHING N=92	MANUFACTURING N=129	DOMESTIC WORK N=307
3000 baht or less (\$US75 or less)	38.0	15.2	15.7	88.9 ⁶⁹
3001 – 4000 baht (\$US75 - \$US100)	46.0	31.5	21.8	8.5
4001 – 5000 baht (\$US100 - \$US125)	13.2	28.3	38.2	2.3
5001 – 6000 baht (\$US125 - \$US150)	2.4	15.3	16.5	0.3
6001 – 7000 baht (\$US150 - \$US175)	0.8	7.6	7.8	0.0
More than 7000 baht (\$US175 or more)	0.0	2.2	0.8	0.0

Delayed payment and deductions for mistakes

Looking only at the wage rates would present an unbalanced picture of the lives of many migrants since they face problems in terms of actually receiving their pay and incur further deductions relating to ‘mistakes’ such as damaging stock or equipment, being penalized for late arrival at work, not working quickly enough or taking a day off (even when ill). Employers making deductions for mistakes made is not always unjust, but it depends on whether they are a reasonable reflection of the ‘mistake made’.

Almost half of respondents in the fishing sector experienced delays in being paid and had pay deducted if they made mistakes. This was slightly less in manufacturing, where just over a quarter of workers were paid late and 15% had to pay for mistakes made. The in-depth interviews indicate that some of the deductions were not reasonable.

“When I am sick, I still have to work, and we all do actually get sick because we have to work such long hours. One time I was forced to work overtime every day even though I was sick, there is hardly any rest. It got worse so I had to take a day off to recover. I did not want to do that because then my boss takes away 500 baht (\$US12.50) for every day that I am sick.” (Migrant FY, 17 year old male, Mon, fish processing worker)

“When I make mistakes, the employer forces us to pay for the trousers at 180 baht (\$US4.50) each. Some people make 10 mistakes so that’s 1,800 baht (\$US45). Some of the trousers are so cheap, they only sell for 50 baht (\$US1.25).” (Migrant MB, 18 year old male, Karen, manufacturing worker)

“It is normal to have workers who do things during work hours that they are not supposed to. This includes talking when they should be working,

⁶⁹ 41% of domestic workers earned less than 1000 baht (\$US25) per month.

purposely working at a slow pace or coming to work late. When I catch my workers doing any of these, I usually give them a warning the first time it happens. If it happens again, I will deduct 50-100 Baht (\$US1.25 - \$US2.50)⁷⁰ from their pay for each time that I catch them not working; I feel that if I don't do this, they will end up taking advantage of me" (Employer A, female, 30 year old, agriculture (crop farm))

Generally, workers in agriculture faced less problems in both regards. Although issues of delayed payment and payment for mistakes were not measured quantitatively in domestic work, a significant number of domestic workers stated they faced non-payment,

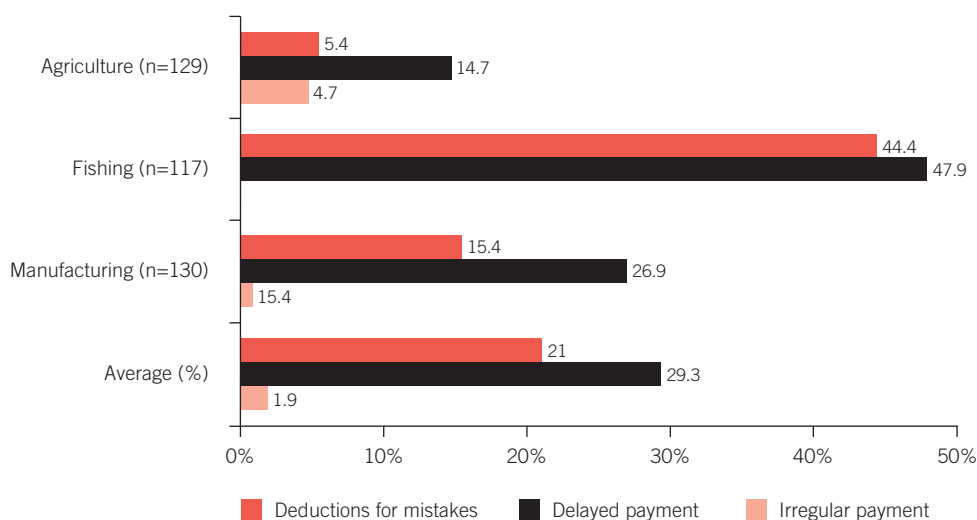
reduced payment, delayed payment or irregular payment of wages. In the case of DT below, although the domestic worker does receive a specified cash payment monthly it is sometimes late. The amount deducted for days off does not reflect what would be her daily wage (which would be 90 baht (\$US2.25), and so can be regarded as a penalty to discourage taking days off.

"Now I am employed as a domestic worker. The salary is 2,700 Baht (\$US67.50) per month. I do get paid every month but sometimes it's late. I can go out but if I don't work a day, they will cut my pay by 150 Baht (\$US3.75)." (Migrant DT, 19 year old, Shan domestic worker)

Table 4.31 – Payment deductions, delays and irregularities (%)

Question: Have you experienced any of the following: deduction of payment for mistakes made, delayed payment, irregular payment?

MIGRANT RESPONSES	AGRICULTURE N=129	FISHING N=117	MANUFACTURING N=130	AVERAGE (%)
Deductions for mistakes	5.4	44.4	15.4	21.0
Delayed payment	14.7	47.9	26.9	29.3
Irregular payment	4.7	0.0	0.8	1.9



⁷⁰ The minimum wage in Nakhom Pathom in 2005 is 177 baht (\$US4.50) per day (although not applied to agricultural workers).

Working hours and rest periods

“On a typical day, our schedule consists of a lot of work and little rest time. [On the fishing boat] we begin work just past midnight and then work straight through until 11 am. At that point we are given an hour to rest and eat lunch. We must start work again at 12 noon and we will either work until 1:30 pm, on days when we don’t catch much fish, or until 5 pm on days when we catch a lot. We are then given another hour to eat and rest. Work starts back up again at 6 pm until 10:30 pm. We finally have time to sleep after that last shift; however, they only give us two hours and we begin work all over again at 12:30. During these two hours, we really don’t get to sleep because the boat’s engine is so loud. We are then required to work for the rest of the morning. This is the cycle that we have to follow everyday.”

(Migrant FA, 14 year old male, Mon, fishing boat worker and Migrant FB, 15 year old male, Mon, fishing boat worker)

Generally, domestic workers faced by far the longest working hours, followed by those in fishing, then manufacturing and lastly agriculture. The majority of agricultural workers (57%) worked a maximum eight-hour-day, compared to only 2% of domestic workers. The vast majority - 82% of domestic workers worked more than twelve hours, followed by almost half (45%) of those in fishing and a fifth (19%) of those in manufacturing (but only 2% in agriculture). Those in fishing and domestic work reported starting work very early in the morning, even before 6 am which contravenes the LPA provisions in respect of child work. Child workers in fishing and domestic work in particular faced excessive working hours each day (as reflected in the quote above).

Table 4.32 – Working hours (%)

Question: How many hours do you usually work per day?

MIGRANT RESPONSES	AGRICULTURE N=129	FISHING N=117	MANUFACTURING N=129	DOMESTIC WORK	AVERAGE (%)
1-8	57.4	24.8	16.3	1.6	18.6
9-12	41.1	30.1	64.3	16.0	32.0
13-14	1.6	14.2	11.6	17.0	12.7
15-16	0.0	17.7	4.7	29.9	17.6
17-18	0.0	6.2	2.3	32.7	16.5
19+	0.0	7.1	0.8	2.8	2.6

Approximately one third of workers in fishing reported insufficient time for breaks during the day as well as insufficient breaks for rest/sleep when not

working. This was less significant for workers in manufacturing, and virtually a non-issue for those in agriculture.

Table 4.33 – Enough time to rest or sleep (%)

Question: Do you have enough time to rest/sleep?

MIGRANT RESPONSES	AGRICULTURE N=129	FISHING N=115	MANUFACTURING N=130	AVERAGE (%)
No	1.6	37.9	16.2	17.9

Table 4.34 – Enough breaks during work time (%)
Question: Do you have enough breaks during work time?

MIGRANT RESPONSES	AGRICULTURE N=129	FISHING N=115	MANUFACTURING N=130	AVERAGE (%)
No	0.8	35.7	11.5	15.2

Workers engaging in manufacturing (87%) and fishing (79%) generally enjoyed at least one day off work each month. However, only a fifth of domestic workers, and a third of agricultural workers, reported having one or more regular days off per month. In these two sectors, workers were usually required to negotiate time off in advance with employers. In the agricultural sector, some workers were irregularly allocated time off. This was apparently due to the seasonal nature of the work and because there are frequent periods where there is insufficient work to do. Regardless of sector, days off tend to be unpaid, indicating the casual nature of the working environment. As a result, and even if it is allowed, many workers do not want to take a day off because of the perception that they can earn ‘extra’ money.

From the employers’ perspective, the majority of respondents in all sectors agreed that workers should have days off and indeed were entitled to have regular days off each month under Thai law. Interestingly, 65% of employers of domestic workers stated migrants are entitled to regular days off. However, the in-depth interviews reflect a different story. Many employers stated that migrant did not deserve the same rights as Thai workers.

“Migrants should not have rights as Thai workers because they are not Thai. If they had the same rights Thailand would be over-run with migrants. Migrants and Thai workers should not have the same rights in terms of days off and holidays. Only Thai workers should have these rights.” (Employer G, male, age unknown, domestic work)

Table 4.35 – Regular days off per month (without pay) (%)
Question: Do you have regular days off per month? (without pay)

MIGRANT RESPONSES	AGRICULTURE N=129	FISHING N=115	MANUFACTURING N=130	DOMESTIC WORK N=319	AVERAGE (%)
Yes	32.6	78.6	86.9	20.7 ⁷¹	65.7
No	67.4	21.4	13.1	79.3	34.3

⁷¹ This is the total number of workers who have regular weekly rest days (6.9%) and those who have regular monthly rest days (13.8%).

Written contracts

“Migrants should not have written contracts because that way the employer can change the worker if they are not satisfied with them. (Employer G, male, age unknown, domestic work)

More than 90% of workers in agriculture, fishing and manufacturing do not have a written contract specifying the terms and conditions of work. Likewise from the interviews with domestic workers it seems most domestic workers do not have written contracts.

The majority of employers in all sectors stated they believed migrants *should* have a written contract of employment (employers of domestic workers ranked lowest at 53% followed by fishing at 62% who believe migrants should have written contracts). With regard to whether this is actually a worker's right under Thai law, not all employers believed this to be the case. In fact, employers are required to produce simple contracts i.e. a document regarding payment of wages and holiday pay that should be signed by the employee (Ministerial Regulation No. 2 issued under the Labour Protection Act (1998). Fewer employers in manufacturing than any other sector believed that workers are entitled to a written contract with their employer under Thai law.

The fact that most employers stated migrants should have the rights to written contracts and regular days off may indicate that they are not entirely resistant to the notion of protecting basic labour rights of migrant workers, but do not apply it in practice.

The fact that most employers stated migrants should have the rights to written contracts and regular days off may indicate that they are not entirely resistant to the notion of protecting basic labour rights of migrant workers, but do not apply it in practice. Indeed, most of the in-depth interviews seem to indicate that employers do not believe in equal rights for Thai and migrant workers.

“They [migrants] should be entitled to rights such as healthcare, as long as they enter Thailand legally; however, they should not have too many rights. If they have too many rights, they will think that they are equal to Thai workers and strong enough to resist authorities - they won't be scared of anyone or any rules. I pay both Thai and migrant workers 3,000 Baht (\$US75) per month; however, the Thai workers will have more rights and benefits than migrant workers” (Employer D, female, 46 year old, domestic work)

Table 4.36 – Migrants have a written contract with the employer (%)
Question: Do you have a written contract with the employer?

MIGRANT RESPONSES	AGRICULTURE N=129	FISHING N=114	MANUFACTURING N=130	AVERAGE (%)
No	92.2	93.0	95.4	93.6

Employers' preferences for migrant workers: focus on ethnicity and age

Since this is a study of factors at destination, considerable attention was paid to the employers' perspectives regarding aspects of forced labour, migrants' rights and particular preferences for workers. Aspects of this have already been considered in the discussion above where relevant (i.e. employers' perspective on registration, migrants' rights to freedom of movement, written contracts and rest days). This section covers more general aspects of employer preferences to ascertain if a specific demand exists for a particular *type* of migrant worker, and if so what qualities do they possess: in short what do employers consider when they employ workers.

Other demand-side research, such as the study by IOM, *Is Trafficking in Human Beings Demand Driven? A Multi-Country Pilot Study*, and the ILO Regional Project on Combating Child Trafficking for Labour and Sexual Exploitation (TICSA - II) study, *Demand Side of Human Trafficking in Asia: Empirical Findings*, have reported that the demand for migrant workers in various sectors is first and foremost intrinsically related to supply. Employers in all sectors consistently stated that the reason for employing young migrant workers of these ethnicities is because they were available and willing to work for the wages offered. This leads to the conclusion that Thai workers tend to be unwilling to work in such sectors that are difficult, dangerous, low-paid and largely unprotected (by labour laws).

However, when employers were asked about their attitudes towards migrant workers and their preferences for migrant workers generally, they responded with specific preferences based on ethnicity and age. Employers in the domestic work

sector also felt strongly that migrant workers were easier to control than Thais (over 74%), as did the vast majority of employers in agriculture and manufacturing. The personal nature of the employer – worker relationship in domestic work is significant in this regard.

About two thirds in agriculture and domestic work agreed that migrants were good for Thailand because they were cheap, while not as many employers in fishing (22%) and manufacturing (26%) agreed. This is not surprising when we remember that migrants in agriculture and domestic work are paid significantly lower wages when compared to the other two sectors.

Employers in the domestic work sector also felt strongly that migrant workers were easier to control than Thais (over 74%), as did the vast majority of employers in agriculture and manufacturing.

Some of the responses from employers in the fishing sector reflect slightly different attitudes, almost half of employers in fishing considered migrants a threat to national security which was by far the largest response across all sectors, and slightly less than half of fishing employers considered migrants easier to control (compared with the vast majority of employers in other sectors). This raises an issue of why the employers in this industry have different views. Is it because of the nature of the work? Is it because of the social-cultural background of the migrant workers? To consider these issues, researchers also delved into more personal attributes desired in workers.

Table 4.37 – Employers' attitudes towards migrant workers (%)

Question: Please indicate if you agree or disagree with the following statement? (table shows extent to which respondents Agree)

EMPLOYER RESPONSES	AGRICULTURE N=92	FISHING N=82	MANUFACTURING N=80	DOMESTIC WORK N=62	AVERAGE (%)
Migrants are easier to control than Thai workers	63.0	45.1	57.5	74.2	59.2
Migrants work harder than Thai workers	46.7	54.9	42.5	53.2	49.1
Migrants are good for Thailand because they are cheaper workers	64.1	22.0	26.3	69.4	44.6
Migrants are a threat to national security	37.0	48.1	35.0	33.9	38.7

Preference by Ethnicity

Employers were asked which ethnicities of migrant workers they hired and were encouraged to provide their own reasons for their hiring preferences. Overall, the repeated characteristics that drive employers to hire particular workers from one ethnicity or another was the fact that workers of that ethnicity were available and that they were easy to control.

For domestic work, ethnic preference may be more significant factor than in the other sectors. Employers preferred to hire Karen or Lao workers. These two ethnic groups are more similar to Thais in terms of culture and language. This was reflected by employers when stating their reasons for employing Karen and Lao workers, for example, that Karen workers were 'honest' and 'clean' and 'more similar to Thais'.

Table 4.38 – Employers' preference for ethnicity of migrant workers (%)

Question: Which ethnicity of migrant do you employ the most?

EMPLOYER RESPONSES	AGRICULTURE N=92	FISHING N=82	MANUFACTURING N=80	DOMESTIC WORK N=62	AVERAGE (%)
Burman	9.8	41.5	33.8	16.1	25.3
Mon	22.8	50.0	8.8	11.3	24.1
Karen	25.0	7.3	11.3	32.3	18.4
Laos	6.5	1.2	31.3	24.2	14.9
Others	23.9	0.0	0.0	0.0	7.0
Cambodian	5.4	0.0	11.3	3.2	5.1
Shan	3.3	0.0	3.8	11.3	4.1
Other ethnicities from Myanmar	3.3	0.0	0.0	1.6	1.3

Preference by Age

The vast majority of employers (80-90%) preferred to hire migrants aged between 18 and 25 years. The two overwhelming reasons across sectors were that 18 to 25 year olds work harder and are more obedient. However for the minority of employers who did not like to hire this age group, they stated cost as the main concern, especially mentioned by employers in the fishing sector.

Far fewer employers preferred to employ children. Though this was not as true in domestic work – 19% of domestic worker employers (or 12 employers in total) preferred workers under 18 years of age. All 12 employers stated the reason was because children were more obedient. This is compared to a preference for child workers reflected in 10% in manufacturing employers, 9% in agriculture and 4% in fishing. This is somewhat ironic, since the largest numbers of child migrants interviewed (45%) were found in the fishing sector. The majority of employers overall who preferred hiring children generally again stated this

was because children were more obedient (though interestingly, no employers in fishing stated this as a reason). The reason preferred most by fishing employers was that children are more hard-working. Although only a small proportion of employers in the survey stated they preferred child labour, preferences to hire children were expressed more through the in-depth interviews. This was especially evident among employers in the fishing sector who indicated it was fine for children to work alongside their parents in the same workplace. Therefore the children were being employed, not so much through a specific ‘demand’ for their labours, but rather their availability – since it was the adult workers (the parents) with whom the children were accompanying.

Many more employers in the sample preferred not to hire children. They gave various reasons such as it is illegal, they are too young, they cannot do the kind of job assigned, they will not stay in the job long-term and as well as being *less* responsible and less obedient.

Table 4.39 – Employers’ preference for migrant workers aged 18 – 25 years⁷² (%)

Question: Which age group of migrant workers do you prefer to employ and why? (Reasons given as listed in the table below)

EMPLOYER RESPONSES	AGRICULTURE N=92	FISHING N=81	MANUFACTURING G N=80	DOMESTIC WORK ⁷³ N=62	AVERAGE (%)
Yes	90.2 (83)	80.2 (65)	87.5 (70)	85.5 (53)	86.0
Work harder	62.7 (52)	82.3 (51)	47.1 (33)	9.6 (5)	52.8
More obedient	30.1 (25)	35.5 (22)	44.3 (31)	50.0 (26)	39.0
More skilled	10.8 (9)	32.3 (20)	48.6 (34)	7.7 (4)	25.1
More experience	12.0 (10)	6.5 (4)	25.7 (18)	19.2 (10)	15.7
Cheaper	4.8 (4)	6.5 (4)	4.3 (3)	3.8 (2)	4.9

* Multiple responses permitted

⁷² The number of migrants who responded is listed in brackets beside the %.

⁷³ Other significant reasons for preferring 18-25 year olds in domestic work was because they were more responsible and logical (43.4%).

Table 4.40 – Employers' preference for migrant workers aged below 18 years⁷⁴ (%)

Question: Which age group of migrant workers do you prefer to employ and why/why not? (Reasons given as listed in the table below)

EMPLOYER RESPONSES	AGRICULTURE N=92	FISHING N=81	MANUFACTURING N=80	DOMESTIC WORK N=62	AVERAGE (%)
YES	8.7 (8)	3.7 (3)	10 (8)	19.4 (12)	9.8
More obedient	3.2 (3)	0.0	7.5 (6)	14.4 (9)	5.7
Work harder	0.0	2.5 (2)	2.5 (2)	1.6 (1)	1.6
Cheaper	0.0	0.0	1.25 (1)	1.6 (1)	0.6
More skilled	0.0	0.0	2.5 (2)	0.0	0.6
NO	91.3 (84)	96.3 (78)	90.0 (72)	80.6 (50)	90.2
Cannot do this work	46.4 (39)	41.0 (32)	5.6 (4)	16.1 (8)	28.7
Illegal	2.4 (2)	50.0 (39)	33.3 (24)	21.0 (10)	22.5
Too young/ play a lot	7.1 (6)	0.0	44.4 (32)	37.1 (19)	20.6
Don't work long-term/ change job often	7.1 (6)	15.0 (12)	0.0	3.2 (2)	6.0
Not responsible enough	21.4 (18)	0.0	16.7 (12)	8.1 (4)	12.0
Less obedient	10.7 (9)	0.0	4.2 (3)	1.6 (1)	4.2
Must go to school	0.0	0.0	4.2 (3)	1.6 (1)	1.4

* Multiple responses permitted

Equal rights and the right to form or join trade unions

Under the law, migrant workers should be able to avail of labour protection in Thailand in the same way as local workers without discrimination. In practice, however few migrants are able to exercise these rights, especially if they are undocumented. About half of the employers in all sectors were sympathetic to the notion that migrants should have equal rights to Thai workers. Evidently though, this also means about half the employers did not believe in equal rights between migrant and Thai workers.

Under the law, migrant workers should be able to avail of labour protection in Thailand in the same way as local workers without discrimination. In practice, however few migrants are able to exercise these rights, especially if they are undocumented.

⁷⁴ The number of migrants who responded is listed in brackets beside the %.

“Although migrant workers work very hard, I don’t think that they should be entitled to the same rights as Thai workers. If that is the case, then more migrants will try to find a job here and all the Thai workers will lose their jobs since it will be hard to compete with the pool of migrant workers who work hard and are willing to accept cheap wages” (Employer O, female, 39 year old, domestic work)

As mentioned, migrant workers theoretically can join trade unions, but cannot occupy any formal positions in the union. The vast majority of employers in all

sectors did not believe that migrants should have the right to even join a trade union. This view was prevalent in fishing and manufacturing (80 %) and for domestic work (71%) with a slightly more ambivalent response in agriculture, though still nearly two thirds of employers also disagreed with allowing migrants to join unions (64%).

“I don’t want migrants to establish a labour union because I’m afraid of the future problems which migrants might cause” (Employer A, female, age unknown, domestic work)

Table 4.41 – Employers views regarding migrants equal rights to Thai workers (%)

Question: Please indicate if you agree or disagree with the following statement: ‘Migrants should have the same rights as Thai citizens’

EMPLOYER RESPONSES	AGRICULTURE N=92	FISHING N=82	MANUFACTURING N=80	DOMESTIC WORK N=62	AVERAGE (%)
Agree	53.3	50.0	56.3	50.0	52.5

Table 4.42 – Employers views regarding the right of migrants to join trade unions (%)

Question: Please indicate if you agree or disagree with the following statement: ‘Migrants should have the right to join trade unions’

EMPLOYER RESPONSES	AGRICULTURE N=92	FISHING N=81	MANUFACTURING N=80	DOMESTIC WORK N=62	AVERAGE (%)
Agree	35.9	21.0 ⁷⁵	20.0	29.0	26.7

Support mechanisms

Support mechanisms were a key aspect of the destination side research in determining to whom migrants would turn when they encountered problems such as problems at work, falling ill, communicating with family at home and even in terms of contact with local community members. It was also designed to gauge the ease of access to existing support

mechanisms and who could potentially be mobilised further to provide support in the future. The findings indicate that migrants in all sectors except domestic work are not as isolated as one might expect. A large proportion of workers in all three sectors live with immediate family or relatives. Workers in these sectors tend to rely on family, friends, workmates and even employers to resolve difficulties they face and for support.

⁷⁵ 14% of fishing employers stated they ‘did not know’ whether migrants should have this right. For other sectors and for the issue of equal rights, “do not know” was the response of only 1-5% of employers.

Domestic workers however are far more isolated and lack support mechanisms due to their restricted freedom of movement. As stated earlier, the fact many employers restrict the ability of domestic workers to leave the premises, receive visitors, use the telephone or even receive mail means that they often have no one to turn to, especially when they have problems at work. A recent positive development in terms of support is the growing use of mobile phones amongst migrant domestic workers. Now a significant number of domestic workers can use their mobile telephones to contact other migrant workers.

“I have been here for one year... I don’t often meet other Karen women since I do not have regular holidays but occasionally I have been to Suan Benjasiri⁷⁶ in Bangkok on public holidays. I do have several friends that I talk to on my mobile phone. Some of them I have never met, but I got their phone numbers from my other friends. They are also domestic workers or work in factories here.” (Migrant DB, 18 year old female. Karen, domestic worker)

Contacts with outsiders in the local community are far more limited for all four sectors. There is a lack

of frequent contacts with outsiders such as workers associations (not mentioned at all), NGOs, Labour Department officials and medical personnel. Despite the existence of so many organisations with a mandate to fight human trafficking in Thailand, very few of them (apart from those assisting in research) seem to target migrant workers in and around Bangkok. Therefore much more needs to be done in this area to provide outreach, support and information to migrant workers in these areas to ensure they know their rights and can take steps to prevent exploitation from occurring.

Problems at work

When migrants face problems at work, those in agriculture, fishing and manufacturing generally turned to relatives and workmates to discuss their problems. Significant numbers of migrants, particularly in fishing and agriculture would speak directly with their employer if they had problems. Friends were also key support figures for all three sectors. NGOs and Labour Offices were not mentioned at all as a support mechanism for work-related problems in any of these three sectors, and recruiters only very marginally in agriculture (2%).

Table 4.43 – Who migrants talk to when they have problems at work (%)

Question: If you have problems at work, who do you talk to? (Tick all that apply)

MIGRANT RESPONSES	AGRICULTURE N=129	FISHING N=117	MANUFACTURING N=130	AVERAGE (%)
Relatives	62.0	42.7	30.0	35.6
Workmates	20.9	29.9	32.3	27.6
Employer	27.1	38.5	17.7	27.4
Friends	11.6	25.6	12.3	16.2
Others	2.3	2.6	22.3 ⁷⁷	8.5
Recruiter	1.6	0.0	0.0	0.6
Labour Office	0.0	0.0	0.0	0.0
NGO	0.0	0.0	0.0	0.0

⁷⁶ A well-known park in Bangkok where many migrant workers congregate, especially from Burma.

⁷⁷ Many manufacturing workers sought support from religious figures including local monks.

Sickness

When a migrant falls ill, once again it is a relative, friend and fellow workmate that is most likely to offer assistance. Health workers on site were also important figures of support for 26% in manufacturing. Employers, however, figured prominently when

migrant workers in agriculture fell ill (28%), but only nominally in manufacturing (15%) and recognised marginally in fishing (3%). Again NGOs did not feature prominently nor did medical professionals, though perhaps when interpreting this question, migrants did not include severe illness, disease or accidents.

Table 4.44 – Support when sick (%)

Question: If you fall sick, who takes care of you? (Tick all that apply)

MIGRANT RESPONSES	AGRICULTURE N=129	FISHING N=117	MANUFACTURING N=130	AVERAGE (%)
Relatives	68.2	73.5	40.0	60.9
Friends	16.3	20.5	21.5	19.4
Workmates	10.9	14.5	25.4	17.0
Employer	27.9	3.4	14.6	15.7
Health worker in community/on-site	0.0	0.0	25.5	8.8
Others	0.0	1.7	11.6	4.5
No one	3.9	2.6	5.4	4.0
Labour office	0.8	0.0	5.4	2.1
Agent	1.6	0.0	1.5	1.1
Recruiter	1.6	0.0	0.0	0.5
NGO	0.0	0.0	0.0	0.0

Community contacts (outside of work)

Migrants were also asked about their contact with other figures in the community in which they live. The purpose was to better understand the extent to which migrants can link up with others in the community as well as the frequency of the contacts. Although medical staff, Labour officials and police were all commonly cited by migrants across all sectors as individuals that migrants had come into contact with, when one looks at the frequency of such contact, it appears likely that they met medical and labour personnel purely as a result of the registration process. For police, whilst they may have also come into contact with police during registration, it also seemed from the in-depth interviews that some migrants had suffered harassment by police in the

community. Most migrants had only met medical staff, police and Labour officials one or in some cases two times.

Contact with other people tended to involve monks or religious persons (35-64% across the three sectors) and to a lesser degree teachers (5-14% across sectors). In these cases, it can be seen that the contact was more frequent than one-off meetings. One can assume that a proportion of migrants were attending classes somewhat regularly. With religious persons, this may have been during festival periods or visits to temples. The high level of contact with monks or religious persons illustrates a possible avenue for support that could perhaps be mobilised to provide additional information to migrant workers facing exploitation. Whilst NGOs were mentioned as a

contact by almost half of the fishing respondents, it must be remembered that the research in that sector was indeed conducted by an NGO, the Labour Rights Protection Network.

For domestic workers, their isolation and frequent confinement to the family home, except when accompanying members of the employers' household, meant they lacked the kind of social contacts mentioned

by migrants in other sectors. From the in-depth interviews with domestic workers it became apparent that informal recruiters, who were sometimes the relative or friend of the domestic worker, played a key supporting role. This is because they are located here in Thailand and often have the ability to visit domestic workers regularly (largely because they earn commission from remittance payments made by the workers).

Table 4.45 – Contact with other in community (outside of work) (%)

Question: Have you ever been in contact with people from any of the following groups since you have been working here?

MIGRANT RESPONSES	AGRICULTURE N=129	FISHING N=117	MANUFACTURING N=130	AVERAGE (%)
Medical staff	67.4	59.8	67.4	65.1
Monks or religious persons	34.9	64.6	40.3	45.8
Labour Officials	59.7	22.4	43.1	42.4
Police	31.8	40.2	39.5	37.1
NGO	2.3	48.2	3.1	16.6
Teachers	4.7	13.9	7.8	8.6
Lawyers	0.0	6.9	2.3	2.9

Communication with family at home

Overall a small proportion (about 5%) of migrants have never contacted their family at home. This probably indicates those migrants who have not been in Thailand very long (though all migrants interviewed had worked in Thailand for at least two months) or who have no family members left in the country of origin. Compared with other sectors, recruiters⁷⁸ in the fishing sector played a much more significant role in facilitating communication with families back home. 28% of migrants in fishing used recruiters to contact family members at home

(the second most favoured means of contacting family after relatives – 43%). In manufacturing and agriculture, the majority of migrants contacted their families directly themselves. The second most favoured method was via relatives. For both sectors, recruiters were the third most preferred method but not frequently used, by only 13% in agriculture and 5% in manufacturing. This seems to indicate that workers in manufacturing and agriculture are more independent, having more freedom and means to contact their families on their own, whereas fishing workers are more dependent on informally established mechanisms of contact.

⁷⁸ In this sense 'recruiters' refers to not only those who facilitate employment but recruiters who provide other migrant services also. More accurate terminology might refer to them as 'agents', however in the surveys, migrants identified such people as 'recruiters' without a clear indication of whether all of them provided employment services or not. From the in-depth interviews it does appear that most of the 'recruiters' who provided remittance and communication services did also facilitate employment

Table 4.46 – Who helps migrants to contact their family at home (%)

Question: If you need to contact your family, who helps arrange this? (Tick all that apply)

MIGRANT RESPONSES	AGRICULTURE N=129	FISHING N=117	MANUFACTURING N=130	AVERAGE (%)
Myself	50.4	15.4	75.4	48.1
Relatives	21.7	42.7	10.0	24.3
Agent	13.2	27.4	5.4	14.9
Others	10.1	9.4	0.0	6.4
Never contacted	4.7	6.0	3.8	4.8
Friends	4.7	5.1	0.8	3.5
Workmates	0.0	2.6	4.6	2.4
Employer	3.1	0.0	3.1	2.1
NGO	0.0	0.0	0.0	0.0

Sending money home

Recruiters were the primary group used to send remittances for all three sectors (excluding domestic work – not asked), and used by the vast majority of fishing and manufacturing workers, and almost half

of all agricultural workers. Relatives were the second most commonly used method in all three sectors. 8% of manufacturing workers and 11% of agricultural workers relied on their employers to send money home compared to none in fishing.

Table 4.47 – Method of sending money home (%)

Question: How do you send money home? (Tick all that apply)

MIGRANT RESPONSES	AGRICULTURE N=129	FISHING N=117	MANUFACTURING N=130	AVERAGE (%)
Agent	40.3	68.4	60.0	55.9
Relatives	18.6	23.1	14.6	18.6
Others	8.4 ⁷⁹	11.1	6.9	8.7
Bank	9.3	1.7	13.1	8.2
Employer	10.9	0.0	7.7	6.4
Don't know	3.1	7.7	3.1	4.5
Self	10.8	0.0	0.0	3.7
Friends	4.8	0.9	0.8	2.1
Workmates	0.0	0.0	1.5	0.5
NGO	0.8	0.0	0.0	0.3
Post office	0.0	0.0	0.8	0.3
Formal remittance service	0.0	0.0	0.0	0.0

⁷⁹ For agricultural migrants the 'other' category includes never sending money home and living with family

Social networks, groups and associations

Few migrants are involved in social associations, networks or groups. This is not surprising given the restrictions faced on freedom of movement, long working hours and lack of regular days off. Only 5% of manufacturing workers were members of a group, compared to 13% in fishing and 23% in agriculture. Since the numbers are small, the table reflects the number of migrants who are members

of specific groups in addition to the percentage. In terms of group participation, most groups involved only migrants or more specifically migrants from one ethnic group. Interestingly, a considerable number of those in agriculture belonged to a group that did discuss work-place problems. How this group has been formed and the extent to which it negotiates for workers' rights was not discussed but would warrant further investigation.

Table 4.48 – Members of the group (%)

Question: Do you belong to any formal or informal groups in the community here in Thailand? If yes, please describe what type of people join the group?

MIGRANT RESPONSES	AGRICULTURE N=116	FISHING N=129	MANUFACTURING N=130	AVERAGE (%)
Yes (I belong to a group)	22.5	12.8	4.6	13.3
Types of people in the group				
Children only	22.5	12.8	0.0	11.7
Migrants of my ethnicity only	20.9	3.4	0.8	8.5
Migrants only	0.0	7.7	0.8	2.7
Others	1.6	0.0	3.1	1.6
Migrants and Thai people	0.8	1.7	0.0	0.8
Workers in my industry	0.8	0.9	0.0	0.5
Workers in other industries	0.0	1.7	0.0	0.5

Table 4.49 – Focus of the group/club⁸⁰ (%)

Question: Please describe what the group does. (Tick all that apply)

MIGRANT RESPONSES	AGRICULTURE N=29	FISHING N=15	MANUFACTURING N=5
Problems in workplace	25	1	1
Health issues	14	3	2
Thai language	7	1	1
Problems in Thailand	6	0	0
Reading/Writing in native language	5	0	2
Vocational training	6	0	0
Legal issues	1	1	1

⁸⁰ The figures in this table represent the numbers of migrants involved in each group, rather than the percentage. Migrants could select more than one response.

Migrants were also asked about their interest in joining a group to discuss particular issues important or relevant to them. The vast majority expressed their interest in joining a group. Health, education

and Thai language ranked as the top three topics of interest. There was also significant levels of interest in groups to discuss social issues, the registration process and literacy (reading/writing) classes.

Table 4.50 – Interest in joining a group (%)

Question: Would you like to join a group that discussed any of the following issues? (Tick all that apply)

MIGRANT RESPONSES	AGRICULTURE N=129	FISHING N=117	MANUFACTURING N=130	AVERAGE (%)
Education	62.8	50.4	69.2	61.2
Health	60.5	61.5	47.7	56.4
Thai language	60.5	10.3	63.8	46.0
Social issues	29.5	41.9	44.6	38.6
Registration	48.8	21.4	43.8	38.6
Reading/writing	44.2	14.5	49.2	36.7
Teach me some skills	36.4	9.4	50.8	33.0
Laws in Thailand	36.4	6.8	36.2	27.1
Workplace problems	37.2	9.4	20.0	22.6
Problems in Thailand	25.6	0.0	30.0	19.1
Racism	13.2	0.9	21.5	12.2
Other	14.0	8.5	5.4	9.3

Education

Only a small proportion of migrants (between 9-18%) indicated that their employer permitted them, or workers under the age of 18, to attend school. The numbers were particularly low in the agriculture sector, with less than 10% able to attend school, despite the fact that 25% of the working population were aged below 18. In the fishing sector, over 45% of workers were aged below 18, yet only 17% of migrants in fishing indicated that child workers could attend school.

In terms of actual classes, between 1 - 9% of migrants in the three sectors attended education classes (formal or non-formal), with the highest proportion in fishing and manufacturing, presumably because in these two sectors more migrants had regular days off. Information from the in-depth interviews indicates that these are usually migrant schools set up by NGOs/migrant communities in the community that operate on Sundays such as the English and the Thai-teaching Burmese school in Bangkok. Only one migrant in agriculture attended school.

Table 4.51 – Can go to school (%)

Question: I am going to read you a list, can you tell me if you have these in your work, can go to school? (Or for those in your workplace who are under 18)

MIGRANT RESPONSES	AGRICULTURE N=120	FISHING N=84	MANUFACTURING N=105	AVERAGE (%)
Yes	9.2	16.7	18.1	14.2

Table 4.52 – Currently attend formal or non-formal education (%)

Question: Do you currently attend any type of non-formal or formal education?

MIGRANT RESPONSES	AGRICULTURE N=129	FISHING N=117	MANUFACTURING N=130	AVERAGE (%)
Yes	0.8	6.0	9.2	5.3



5. RECRUITMENT FINDINGS

Background

In the initial conceptual framework underpinning this research on factors at destination, recruiters were recognised as one of three levels relevant to the ‘demand side’ of trafficking. Recruiters (or third parties) were deemed to be those who knowingly participate in the process of trafficking, the other levels of demand being generated by employers and consumers (who buy goods or use services produced by migrants under conditions of exploitation). In recognizing that recruitment into conditions of forced labour takes place within a broader context of recruitment of migrant workers in general, this research therefore aimed to obtain more detailed information about general recruitment practices in the four sectors concerned.

Under the UN Protocol definition of trafficking, ‘recruitment’ is the very first element listed. Various other means follow i.e. ‘recruitment, transportation, transfer, harbouring or receipt of a person’.... Its place at the start of the list shows the strong connection that exists in the minds of most people between a ‘trafficker’ and a ‘recruiter’. The trafficker is traditionally seen as the recruiter i.e. a person who comes to the village, offering to arrange safe passage and a good job to villagers, only to lure people into massive debt and exploitative conditions of work at destination.

Of course, not all people who recruit others to work abroad and facilitate their travel and employment arrangements are traffickers. The ten recruiters interviewed in this study certainly are not traffickers. Yet the current political attention to the trafficking issue has meant those recruiters who find jobs for migrant clients in sectors where people are at risk of trafficking are coming under intense scrutiny. It

is therefore useful to know exactly what kinds of services recruiters provide, their relationship with both employers and the migrants and what their recruitment ‘service’ consists of. The research aimed to interview recruiters, not as potential traffickers, but to ascertain to what extent and for what reasons recruiters could be complicit in exploitative work practices at destination. Alternatively, what kind of informal and irregular recruitment practices could actually prevent situations of forced labour and trafficking?

Definition of Recruiters and Methodology

The definition of a recruiter *initially proposed* for this study was:

‘Those who facilitate migrant workers to find employment in the four sectors and who receive payment for this service’.

Researchers found it extremely difficult to find available subjects to interview who fit the above definition of ‘recruiter’. Whilst it would have been possible to interview formal recruitment agents and licensed recruitment agencies, young migrants rarely use these agencies for finding work in the four sectors. It was more relevant to interview informal recruiters and agents. Many such persons were reluctant to be interviewed due to fears of being identified and possibly arrested (due to their own undocumented status) and not understanding the reasons behind this research.

What also became apparent was that in reality many informal recruiters do not charge a fee for the service of finding employment for migrants. Instead they earn commission fees later when the worker wants to remit money or send goods home, if they want to travel home or contact their family at origin. Of

the ten recruiters interviewed (all of whom facilitate employment for migrant workers), five considered their main job to be assisting migrants to send remittances back home.

Most of the recruiters did not actually call themselves ‘recruiters’. They referred to themselves as ‘intermediaries’ or said they simply helped friends and relatives obtain employment without payment. Therefore to fit the actual context of recruitment in Thailand, the working definition of ‘recruiter’ had to be broadened to cover situations without payment:

‘Those who facilitate migrant workers to find employment in the four sectors’.

The findings from the chapter are based on a very small sample of interviews, and thus should not be used to generalize the situation of migrant recruitment in Thailand. Information gathered from the interviews does however provide a snapshot of specific recruitment experiences in the four sectors, from which some useful inferences can be drawn. Whilst this chapter reports what recruiters say they do, it should also be remembered that this might not necessarily be an accurate reflection of what they really ‘do’. Their self-interest in perpetuating their business may have easily resulted in them portraying themselves and their relationship with migrants in a more positive light than is actually true. This should be borne in mind when interpreting the results. In any case, this chapter provides an interesting comparison of perspective regarding similar issues discussed by both employers and migrants.

Use of recruiters to find jobs in the four sectors

The first myth to be dispelled in terms of young migrants considered vulnerable to exploitation in Thailand while seeking work is the notion that

the use of recruiters (from country of origin to destination) is widespread. Interviews with migrants found that only 10% of respondents found their present jobs through an agent who brought them from their home country. In other words, only one in ten workers in agriculture, fishing or manufacturing had relied on an agent or broker. 62% of migrants found their job through the assistance of friends or relatives, 15% had the job arranged by their parents and only 2% found their job through an agent once they had already arrived in Thailand. The majority of domestic workers in this study came to Thailand using informal agents like relatives or someone they or their families knew.

The first myth to be dispelled in terms of young migrants considered vulnerable to exploitation in Thailand while seeking work is the notion that the use of recruiters (from country of origin to destination) is widespread. Interviews with migrants found that only 10% of respondents found their present jobs through an agent who brought them from their home country.

Actually only slightly more than half (57%) of young migrants in this study entered Thailand through the assistance of a transporter/carrier.⁸¹ The second most common method was to travel with friends or relatives (22%) and parents (17%) – only 2% came to Thailand unaccompanied. This is slightly different to findings in a previous study by World Vision that interviewed more than 1,100 Burmese migrants (of all ages) living in three border areas in Thailand. That study found that in terms of crossing the border, 84%

⁸¹ For clarity the term ‘transporter’ is being used when referring to those agents involved in simply the movement of migrants from one place to another (usually across the border). ‘Recruiter’ is used to refer to the agents who facilitate employment.

of migrant workers came to Thailand by themselves or with family and friends and only 7.5% through the services of a transporter.⁸²

Both of these studies indicate that transporting migrants across the border, as well as recruitment for employment is largely informal. Many ‘recruiters’ and ‘transporters’ may indeed actually be friends or persons known to migrants. This is further confirmed by interviews with key informants who have conducted research in this area. An official from PATH who has done research on Cambodian, Laotian and Burmese migrants in the agriculture, fishing and manufacturing sector also confirmed that more workers arrive at Thai workplaces through the assistance of friends rather than through use of recruiters.⁸³ Where migrant communities exist, the community tends to support new young migrants in the area to find jobs. Burmese migrants use agents more than Cambodians or Laotians due to difficulties in leaving their country, but even they are using agents less.

Looking at the responses of employers in the four sectors, one can also see that use of recruiters was not the main method by which employers recruited workers—it ranked only 13% in terms of popularity as a method of recruiting workers. This is in comparison to other methods; the most common way employers found new workers was via current workers (58%), followed by workers coming on their own (54%), friends of employers (26%) or parents or relatives of the worker bring them to the workplace (23%).⁸⁴

General characteristics of recruiters interviewed

Ten recruiters were interviewed in-depth for the study. All of them are Burmese men of varying ethnicities – seven are Karen, two Burman and one Mon. They are aged between 28 to 39 years. They generally have about 7-8 years of experience in recruitment.

Recruiter history

The recruiters interviewed had generally worked as migrant workers themselves in various industries such as manufacturing, on fishing boats and in fish processing, at food stalls and in construction before becoming recruiters. Several of them stated the reason they became recruiters was because they had been working in Thailand a long time and knew the local context well (i.e. different workplaces, employers, other recruiters, the geography and Thai language). In several cases, other migrant workers or relatives and friends started asking them for advice on how to travel to Thailand, where to find a job or even how to escape from current employers if they were already in Thailand. After assisting individual migrants to obtain jobs, they then started providing recruitment (and in some case remittance services) on a more regular basis. Two recruiters (Recruiter 9 and 11) currently also work in other jobs (in a factory and in construction) in addition to providing recruitment services.

Means of recruitment

“I send migrants through my friends who are other recruiters. They are in charge of taking migrants to Bangkok. If things happen, like they get arrested, they would be responsible for that. Usually I don’t need to find jobs for migrants. My friends (other recruiters) would do it.” (Recruiter 4: Karen, aged 39, recruiting into domestic and factory work)

All of the recruiters interviewed work in Thailand, but a few travel to Myanmar to transport the migrants. They mostly work in networks on both sides of the border rather than individually providing the entire service from point of origin to a workplace destination. Some recruiters transport migrants from the border areas to the final employment workplace (e.g. from Tak to Bangkok). Migrants themselves usually

⁸² World Vision Foundation of Thailand, *Research report on migration and deception of migrant workers in Thailand*, in collaboration with Asian Research Centre for Migration, Chulalongkorn University, 2004, p.90.

⁸³ Interview, Program for Appropriate Technology in Health (PATH), February 2006, Bangkok.

⁸⁴ The total percentage exceeds 100% because employer respondents could choose more than one response.

contact recruiters directly and know of them through the networks. Some recruiters leave their contact information (telephone number) at places near the border where migrant workers will congregate upon arrival in Thailand. Most workers want to find jobs in Bangkok and surrounding provinces particularly Samut Sakhon, Nakhon Pathom, Nonthaburi, Pathom Thani and Samut Prakarn. These areas are perceived as easier to reach and move around, easy to contact recruiters and places that pay relatively well. Some recruiters make their services known to their home communities when they return to Myanmar. Mostly migrants or their parents approach recruiters themselves if they are seeking transportation and employment in Thailand.

Payment for services

Whether a recruiter receives payment from workers and employers for finding the job varies. Some recruiters receive payments from employers (such as 200 – 500 baht (\$US 5 - \$US 12.50) per worker, others receive no payment at all from employers. In terms of migrants, fees vary from 100 to 40,000 baht (\$US 2.50 - \$US 1,000) but the average cost is 5,750 baht (\$US 144) (transportation costs from Myanmar included). One recruiter (no. 9) stated he never asks migrants to pay for his service in finding them a job, but employers sometimes pay him a fee. This recruiter stated he was proud to help migrants find better jobs, especially if they were having problems in their current employment.

According to the interviews with migrants themselves, 23% in agriculture, fishing and manufacturing paid the person who helped them find their current job. Only 2% stated they still owed money to the person who found them the job, though a large number answered that actually they did not know whether they still owed money to the person or not. When domestic workers were asked about how they came to Thailand, 17% of respondents indicated that they were in debt to a recruiter. 35% of migrants in the three sectors (not domestic work) were still in contact with the person who brought them to the job. In only 9% of cases did the migrants' family receive advance payment in return for the migrant accepting the job.

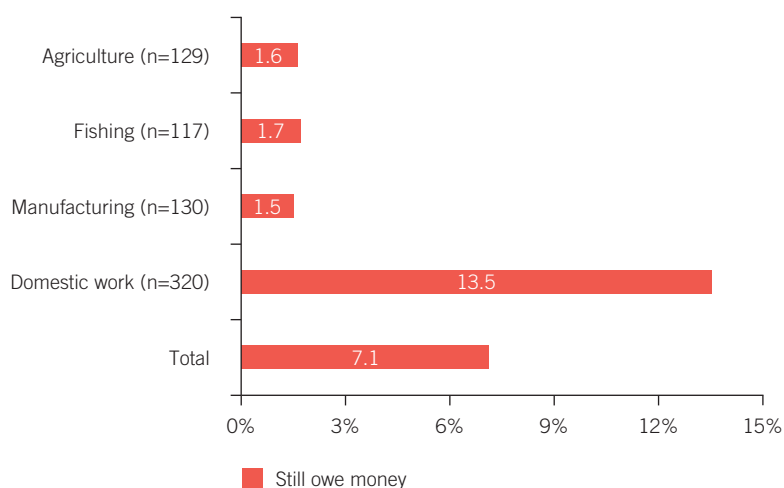
According to the employers interviewed for all four sectors, 17% pay the person who recruits workers for them. The amounts varied dramatically from 100 baht to 15,000 baht (\$US 2.50 - \$US 375) (presumably depending on what exactly was covered i.e. including transport costs or not) – though 20% of employers stated they paid recruiters 500 baht (\$US 12.50) for providing a worker. Slightly more than one fifth, or 22% stated they were regularly in contact with certain recruiters. In terms of how employers prefer to recruit workers, the results also indicate that the majority of employers prefer to employ workers through current workers or workers coming on their own.⁸⁵ Only 9% would prefer to use a formal agent or recruitment service and 21% through an individual agent.

⁸⁵ 55% of employers prefer current workers to bring new workers, 50% through workers coming on their own, 25% through parents or relatives of the worker, 20% prefer friends of the employer to bring them (multiple responses allowed).

Table 5.1 – Migrants still owe money to person who found them a job (%)

Question: Do you still owe money to the person who brought you to this job?

MIGRANT RESPONSES	AGRICULTURE N=129	FISHING N=117	MANUFACTURING N=130	DOMESTIC WORK N= 320	TOTAL
Still owe money	1.6	1.7	1.5	13.5	7.1



Police involvement in recruitment

Another interesting finding from the migrant surveys relates to the involvement of police officers in the recruitment process. In response to the question “did you pay anyone to get this job”, a number of migrants in three sectors (agriculture, fishing and manufacturing) indicated that they paid a police officer. The numbers were highest for migrants working in agriculture and manufacturing. In agriculture, 18 migrants indicated that they had paid a police officer and one remained in debt to a police officer. In manufacturing, 16 migrants had paid the police and one remained in debt to them. This finding is also supported by the in-depth interviews with migrants. A number of migrants stated that they had travelled to Bangkok with police officers and paid them some money in exchange for transportation and/or finding them a job.

In agriculture, 18 migrants indicated that they had paid a police officer and one remained in debt to a police officer. In manufacturing, 16 migrants had paid the police and one remained in debt to them.

“I told my uncle that I wanted to try working in Bangkok so he said that I could go and he would pay for my recruitment fee and ride which was 6,000 Baht (\$US 150). I was able to get from Tah Song Yan [in Thailand near the Burmese border] to Bangkok by riding in a pick-up truck that belonged to a police officer. He was a Thai police officer who was also a recruiting agent. He was not in uniform that day, but he was the one who

drove the pick-up truck to take us to Bangkok. There were two other migrants in the car as well. We were squished in the back-seat and whenever we came to a police check point, the police officer had us lay on top of each other in the backseat and he put a black blanket over us. We ran into many police checkpoints and therefore were required to hide like this many times – this made the trip very difficult.” (Migrant ME, 19 year old male, Karen manufacturing worker)

Attitudes towards migrant workers

“I am not a recruiter. I only want to help the people who are in trouble. That’s all. I’ve never demanded money from my clients. It is up to them to give to me. Some do but some don’t pay me at all. Money is not important to me. I am very proud of myself to be able to help my fellow people.” (Recruiter 9: Burman, aged 36, recruiting into domestic work and manufacturing)

As already mentioned, it is significant that many recruiters do not identify themselves as such. Usually they know the worker or their family through the migrant network and some workers come from the same villages as the recruiters. For full-time recruiters, their work involves not only facilitating travel to Thailand and employment, but also assistance to send money and other possessions home. Most workers tend to use the same recruiter to arrange for them to send money home. The more clients, especially workers, that they have, the more money they earn. Therefore, the recruiters need to establish trust with the workers and their families, if possible, to proof their efficiency in delivering the services.

“I have been involved in this business for about 8 years. My entire income is money paid by from migrant workers in return for bringing them to work in Thailand and sending money to their families. So far, it is good and I have expanded my network and know lots of people. I will continue working as long as I can. I do my best

to show my clients especially workers’ parents that I am trustworthy and capable to help them. I always attend to telephone calls from workers who need help. I only collect the minimum costs for transport when bringing the workers to the workplace.” (Recruiter 10: Karen, aged 28, recruiting into manufacturing, domestic work and fishing)

Knowledge about workplace and working conditions

“I have never been inside the factory that I put migrants in. I dare not go in.” (Recruiter 7: Burman, aged 31, recruiting into fishing)

“Some employers don’t let me in the house and in a few cases the employer asked me to bring the worker to a meeting point so I don’t know where they are”. (Recruiter 5 and remittance sender: Karen, aged 34, recruiting into manufacturing and domestic work).

In general, recruiters have scant knowledge about the workplaces. Some do not even know the employers directly and perceive their work as simply transporting migrants to the workplace. Most recruiters find out at least what type of job is available, the approximate wages/salary and whether the migrant will be provided accommodation or not. Beyond this, only a few recruiters will obtain more detailed information on the actual working conditions. Recruiters interviewed stated that this is not because they do not care about the well being of migrants they send there, but because migrants are usually willing to accept any job, with the view that it is better to work in Thailand than be at home without a job.

“For someone who just came to Thailand, they would just take whatever they are offered. They (migrants) ask me how much they would get and what kind of work they need to do.” (Recruiter 6: Karen, aged 35, recruiting into domestic work)

“What could we do? They [migrants] have to accept whatever employers would give. It is very difficult to find jobs. They need to be patient. Employers tell me orally how much they would pay the migrant but no contract is made. I ask the migrant, ‘Is it okay?’. The employers say the wages will increase in about 2-3 months. They [employers] say if it is okay, come to work, if it is not, don’t come.” (Recruiter 5: Karen, aged 34, recruiting into manufacturing and domestic work)

Some recruiters do go further in assessing working conditions for clients. One recruiter physically visits the workplace and discusses with employers the type of work to be done before contacting migrants and asking if this is acceptable.

“I go to the factory, see what type of work is available, how many positions, female or male. Then I ask (migrants) would you like to do this? It’s a shrimp processing job, or it’s construction work. Usually they accept, they say any work will do and I will bring them to apply for that job.” (Recruiter 7: Burman, aged 31, recruiting into fishing)

In a few cases, the recruiters interviewed said they vet workplaces before sending migrants there. For example, one recruiter only sends migrants to employers that he knows about either through direct contact or through what other migrants have said:

“If the employers are someone I don’t know, I don’t send migrants to them. Most of my friends are factory workers. When their employers need more workers, they call me to take migrants to them.” (Recruiter 6: Karen, aged 35, recruiting into domestic work)

In some cases, they play a more active role of informing both migrant and employer about the job, expectations and conditions of work such as rest days and working hours.

“Before taking migrants to employers, I tell employers about migrants’ age, gender, ethnicity, married or single, if they can speak Thai, experienced or not, how is s/he like. I also tell the migrants what the employers will ask them to do... I tell them about payment, how they will live, rest time, work hours, and days off. If they work as a housemaid, I let them know whether they get days off or not. They need to ask for permission from employers. I explain everything.” (Recruiter 10: Karen, aged 28, recruiting into manufacturing, domestic work and fishing)

Comparing exploitation and abuses between migrants who used recruiters and those who did not

An attempt was made to analyse the migrant data in agriculture, fishing and manufacturing comparing the level of exploitation and support between those who used recruiters and those who did not. It should be remembered that in each of the sectors only about 10% or 12 migrants per sector stated they used a recruiter to find their job, compared to about 100 migrants who came in other ways. Thus the sample size for comparison is very small, and it is quite likely the results are not very meaningful. In fact, the analysis did not show very clear trends or significantly different patterns for either group (those who used recruiters or those who did not).

There were slight tendencies that showed those who used recruiters tended to have less information about the type of job they would do and the working conditions, a higher prevalence of stating they were forced to work as well as higher incidences of physical and verbal abuse experienced in the workplace. At the same time, migrants who came with recruiters also seemed to receive more assistance in terms of sending money home (not surprising given that many recruiters operate remittance lending services). Migrants using recruiters also seemed to work fewer hours per day and suffered less delayed payments than those who did not come with recruiters. The

variations however were not so large, for example, 30% compared to 11%, and given the very small sample size, these trends are probably not meaningful and so have not been included in the analysis. This would be an area for further research when using a larger sample size of those who did indeed use recruiters.

Relationship with migrants post-recruitment

After migrants are placed at work, whether or not the recruiter has an on-going relationship with the migrant varies from case to case and is largely dependent upon what other services the recruiter offers. Those recruiters who provide additional services like remittance sending, money lending or communication with the home country see their migrant clients regularly, while others do not see them again at all.

“I meet my clients especially who use my remitting services very regularly, every month or so because I have to collect money from them. So I know a bit about their working and living conditions. I also have a chance to see the employers too, but not all of them. In the large factories I only meet with a supervisor or a foreman, not the owner of the factories.” (Recruiter 1: Karen, aged 32, recruiting into domestic work and manufacturing)

“There are a lot of factories that I have never visited migrants after I put them in.” (Recruiter 2: Karen, aged 33, recruiting into manufacturing, domestic work and fishing)

“I don’t follow-up with them. I never have. I helped a lot of migrants. I don’t remember where they are.” (Recruiter 7: Burman, aged 31, recruiting into fishing)

It should also be noted that in some cases, access to migrants is not always easy for recruiters:

“When I go to migrants to get money, some employers allow me to go in, some do not. Some (employers) are nice. They invite me in and even serve me a glass of water. But some put on a face like they are not happy to see me. So, I don’t want to go in.” (Recruiter 5: Karen aged 34, recruiting into manufacturing and domestic work)

The extent of follow-up is also somewhat dependent on whether the migrants need further help from them. In this case, recruiters would play as the only supporting source for migrants.

“I go (to the workplaces) once every one or two months to see how they are doing, whether they can work, and if the employer likes them or not. Some migrants I never visit because they have relatives there, there is no problem for them.” (Recruiter 3: Karen, aged 35, recruiting into manufacturing, domestic work and fishing)

Migrants’ problems at work

Recruiters mentioned underpayment, delayed payment, confiscation of identity and registration papers, communication difficulties, lack of access to health care and verbal abuse as the most common problems they encountered in the workplace. Discrimination is seen as the main problem – they receive less pay and work under more adverse conditions than Thai counterparts. Some recruiters feel Thai workers (including child workers) are fully protected by labour laws and the public, but migrant workers are not. Migrants who register fare better than those who do not register, as the latter tend to be treated worse. They are less able to improve their situation or seek assistance.

“The registration of migrant workers and giving workers’ ID cards substantially helped to improve the working conditions of migrant workers. Before the registration, we had heard of many exploitative work situations and many workers

suffered a lot. At present, the workers feel much safer and feel at ease to work. Registration benefits the workers. They are treated as human beings. Before the registration, the workers lived in uncertainty, suffering, fear of arrest, and confined to the workplace. I genuinely thank the Thai Government for such a great effort.” (Recruiter 9: Burman, aged 36, recruiting into domestic work and manufacturing)

Beyond the common problems, a number of recruiters also mentioned lack of freedom of movement, forced labour, sexual harassment (especially in domestic work), physical and sexual abuse as issues in the workplace.

“There are a lot of problems the migrants tell me about: non-payment, verbal abuse, forced labour, overtime without pay, no health care when the worker gets sick if they don’t have a work permit and being forced to have no contact with family or relatives. Some have insufficient time to rest, too much work or a very poor living environment. Some migrants are raped by their employers. I wish I could report to the police some of the cases of badly treated workers such as beating, sexual abuse and exploitation. However, I am reluctant to do so because many of these workers are unregistered.” (Recruiter 10: Karen aged 28, recruiting into manufacturing, domestic work and fishing)

As mentioned, in some closed workplaces – in fishing, domestic work and manufacturing, recruiters cannot even access the migrants at the workplace and neither can they leave the workplace to meet the recruiter.

Protecting workers in the workplace

In the interviews, recruiters spoke about different ways in which they protect workers in the workplace. Some state they do not protect them at all, they simply provide the transport service and find them a job, but there the relationship ends. Indeed, some recruiters expressed regret that they could not provide more

protection to workers in exploitation but felt that as migrants in Thailand there are few options available and reporting a case to the authorities is not really an option. One recruiter did state he does not send child migrants into fishing or construction sectors of work as the work is too difficult and dangerous. However, recruiters did not seem to regard domestic work as either difficult or dangerous, which indicates a need for more education in this area amongst migrant communities and recruiters, given the high levels of exploitation in domestic work. The most common way of recruiters protecting workers from exploitative work situations is to assist them to leave the workplace and find them another job.

“I want to inform the police, but I can’t because some migrants do not have a card. They would be sent home. If exploitation occurs, I would take them out of that place and contact their family/relatives. If they want to go home, I would take them home.” (Recruiter 10: Karen, aged 28, recruiting into manufacturing, domestic work and fishing)

“The only thing I can do to help is to find another job for them. There are plenty of migrants coming here. If one leaves, others would replace them easily.” (Recruiter 6: Karen aged 35, recruiting into domestic work)

“I helped one migrant find another job after working for 4-5 days. His employer always scolded him and did not pay him for overtime work. So I helped him find a new job. I have never talked to employers about paying a proper wage. I dare not do that. I am Burmese, not Thai. I don’t have the nerve to speak out for that. I want to help but I am afraid.” (Recruiter 7: Burman, aged 31, recruiting into fishing)

Where the work situation is not so exploitative that the worker actually wants to leave, some recruiters will request better working conditions for migrants or try to negotiate with the employers, with varying degrees of success:

“I sometimes remind the employers to pay the workers regularly and ask to increase the salary for the workers who’ve spent long time working in the same places.” (Recruiter 1: Karen, aged 32, recruiting into domestic work and manufacturing)

“When I visited migrants and found out that they received a very small payment, I helped them by talking to employers, like ‘oh, she has stayed with you for many months, you should increase her wage. If you give her this little wage, she will not want to stay.’ I would tell employers this. I am not afraid to say it. I am a migrant helper. If they have any problem, I will help. When the payment is unfair or not enough food, I speak to employers. But usually there are no problems.” (Recruiter 5: Karen, aged 34, recruiting into manufacturing and domestic work)

“One migrant had only two days left to work to get a month salary. When she quit her employer did not pay anything. I asked for her payment, but failed.” (Recruiter 5: Karen, aged 34, recruiting into manufacturing and domestic work)

“I used to help migrants talk to employers when they didn’t get paid. I also used to talk to employers to let migrants go home when their parents in Myanmar are sick.” (Recruiter 3: Karen, aged 35, recruiting into manufacturing, domestic work and fishing)

As far as the recruiters are concerned in most cases, the migrants appeared satisfied with their conditions, and problems happen only in a small minority of cases. Yet from the interviews with migrants themselves, it does not seem that they frequently consider the recruiter to be a source of possible help in workplace relations. When migrants were asked, ‘whom would you turn to if you had problems at work?’, none of the migrants in fishing or manufacturing stated that they would contact their recruiter. Only 2% of migrants in agriculture said they would contact the recruiter. Instead, migrants seemed to prefer to talk to relatives (39%) about their problems, their employers directly

(27%), workmates (28%) or friends (16%). None said they would contact an NGO or Labour Office if they had problems at work.

One recruiter also stated that he helped sick migrants by taking them to hospital when they are sick:

“For some migrants, I need to take them to a doctor and explain their symptoms to the doctor.” (Recruiter 11, Mon, aged 31, recruiting into fishing)

However when referring to the migrant data, only 1% of migrants stated that recruiters would attend to them in they fell sick.

There does seem to be a clear correlation between the extent of protection or assistance provided by the recruiter and other services they offer such as remittance or money-lending services offered to workers. This makes sense, because not only is the recruiter establishing an ongoing relationship with the migrant and knows better their position and welfare, but it also remains in the recruiters’ best interests that the migrant be well-paid, or at least not underpaid. In most cases where recruiters have tried to negotiate with employers for better working conditions, it is generally because they have visited the worker regularly. For example one recruiter who also send remittances on behalf of workers states he does ask employers to increase payment for workers who remain in the workplace for an extended period and negotiates for those migrants who cannot speak Thai. He visits the workers and tries to build their trust and a good relationship so that they will use him to send money home. This therefore indicates that the recruiter – worker relationship can sometimes be a positive one, affording more protection to workers than those who simply find the job by themselves.

Remittance services provided by recruiters are the most common means migrants have of sending their money home. According to the interviews in three sectors, 56% of migrants send money home through recruiters, the next most popular way is through

relatives at 18.6%. Only 8.2% send money home through a bank. Likewise recruiters sometimes play an important role in ensuring communication with families in the origin country. In the interviews with migrant workers, 27% of those in fishing stated recruiters arranged contact with their families. However this was of much less significance in agriculture (13%) and manufacturing (5%). This may illustrate greater independence of migrants working in the manufacturing and agriculture sectors where more than half of migrants would contact their families directly themselves.

Beyond addressing the immediate problems migrants face in the workplace, recruiters do not seem to take much action to alleviate problems in the long term. However one recruiter did mention addressing common problems migrants face by establishing basic agreement between the employer and migrant on issues of payment and freedom to leave the job.

“I have some rules for employers to follow such as they have to let workers leave if the workers want to. They need to pay the amount we agreed. Other than that, it is between employers and workers. For workers, they need to ask for permission from employers to leave the job. This is to prevent from problems that might occur after.” (Recruiter 10: Karen, aged 28, recruiting into manufacturing, domestic work and fishing)

Recruiters provide little advice to migrant workers in terms of how to protect themselves or what to do in situations of exploitation. Instead advice to migrants tends to be more limited to working well, not complaining and keeping the employer happy:

“When workers first come, they stay with me. I teach them how to iron. I tell them to keep clean and tidy. They must be honest, no stealing, and not greedy, so they can stay long with the employer. I tell them that they may receive little at the beginning, but they will receive more later.” (Recruiter 3: Karen, aged 35, recruiting into manufacturing, domestic work and fishing)

“I tell them (migrants) that they have to behave well with employers, be honest, and don't steal because it will discredit me and employers may misunderstand about me and report it to the police [who will then] arrest me. If I can gain the employers' trust, we can keep our contact, in case they want more workers.” (Recruiter 5: Karen, aged 34, recruiting into manufacturing and domestic work)

Attitudes of employers: worker preferences

Recruiters seem well aware of the characteristics that employers prefer in workers, and that different work sectors prefer female or child migrants. Many recruiters stated employers prefer younger migrants because they are healthy, work harder, are cheaper and easier to control. Three recruiters stated that employers prefer good-looking female migrants (in fishing, domestic work and manufacturing). Young workers are especially in demand in textile manufacturing, domestic work, local shops or stores, and plantation work. Recruiters say this is in part due to the fact that Thai laws prevent Thai children from working and encourage them to attend school instead. Thai parents are also very supportive in terms of supporting their children to finish school. These businesses in turn hire migrant children partly because they are cheap labour and easy to control. Child workers are often unregistered so they are scared of getting into trouble. Employers threaten to call the police if they create problems.

“Employers at the larger Thai fish-processing factories like female workers. But employers of shrimp processing factories prefer male workers. None of the factories like old workers. About 20-30 years is preferred. Big factories will not take children under 15. In the small factories they don't mind child labour. Although children can't carry heavy loads, they can still peel shrimps.” (Recruiter 7: Burman, aged 31, recruiting into fishing)

“Employers prefer younger workers as they are more obedient and work hard, older workers are more difficult to control. Employers like workers who can speak Thai, aged 17-18, at most aged 30. For work in the factories some experience is needed.” (Recruiter 10: Karen, aged 28, recruiting into manufacturing, domestic work and fishing)

“Employers prefer migrants who are good looking or with fair skin, regardless of how hard-working they are. Employers prefer 16-17 years old with work experience. I think it is because the children are cheaper and easier to control.” (Recruiter 3: Karen, aged 35, recruiting into manufacturing, domestic work and fishing)

Conclusions

The interviews with ten recruiters may not be representative of general migrant recruitment practices in Thailand. More in-depth research is required to build up a complete picture of recruitment into the four sectors, and the extent to which recruiters may be complicit in the exploitation of migrant workers. However these interviews, backed up by data supplied by migrants and employers, do indicate the following key points:

1. Recruitment into agriculture, domestic work, fishing and manufacturing in Thailand is largely informal and based on migrant networks where the migrant, their family or the migrant community knows the recruiter.
2. Recruiters often provide other services to migrant workers such as sending remittances or goods home or arranging communication with families at home. Such services mean that recruiters often have an on-going relationship with migrants post-recruitment and a vested economic interest in ensuring migrants do not face exploitation or forced labour situations.
3. Some recruiters feel a responsibility towards migrants they recruit, as well as to employers,

and to varying degrees, this may even extend to a duty to protect migrant workers. This is shown through recruiters removing migrants from situations of exploitation and finding them alternate work, negotiating wages or improving working and/or living conditions for migrants.

4. This opportunity for protection of migrant workers is somewhat mitigated by the fact that there is a large supply of migrant labour willing to work for low wages and under poor conditions.

These findings are significant in terms of informing our interventions to prevent trafficking and forced labour in the four sectors. The informal nature of recruitment, namely that recruiters are often known to victims and regarded as friends or simply migrants rather than identified as ‘recruiters’, is important when considering effectiveness of awareness-raising activities, for example. Blanket warnings to children or young women not to travel with a recruiter, could actually have a negative impact, if it means more children and young women choose to travel independently and are therefore more vulnerable and isolated in the workplace. There is little use in targeting interventions at just ‘recruiters’ per se. If we accept the informal nature of recruitment, then the response should be to target migrant communities and long-term migrants in general.

The standard anti-trafficking law enforcement response has focused increasingly on penalizing recruiters, with insufficient distinctions made between those who are traffickers and those who are merely providing job placement services. Understanding that some recruiters are merely successful or long-term migrants settled in the destination country, and that they are not ‘bad’ people, means a re-thinking of how recruiters could actually be involved in protecting those vulnerable to forced labour, especially younger migrants. Could informal recruiters be mobilised to protect migrants? As experienced migrant workers who have lived for a

long time in the migrant communities wouldn't they actually be more vigilant in agreeing and accepting only minimum conditions of work to safeguard the interests of children? Can we empower recruiters to be partners in protecting vulnerable migrants (of any age) at destination?

The findings from this research indicate that this is indeed a possibility. It can be argued that it is in the economic interest of recruiters to ensure young migrants remain in safe conditions of work and thereby safeguarding their rights. Improving working conditions means at least that more migrants have more money to spend on remittances, communications with home and are able to travel home. Since their own self-interest and economic livelihood is at stake, there does seem to be some scope for further action.

A starting point would be campaigning in migrant communities to increase understanding of the vulnerabilities and difficulties children and young people face in these workplaces, and for communities themselves to identify what they consider to be unacceptable working conditions for children. This could lead to migrant communities developing specific information about how children should protect themselves in the workplace and how other members of the community can likewise protect them. Clearly the large supply of migrant workers and their desperation to accept substandard working conditions will remain a challenge to improving work conditions. However, providing information to migrant communities, making them aware of the problems and creating spaces for them to organize and fight for their rights may be the more effective way of preventing forced labour at destination.



6

6. SUMMARY OF FINDINGS IN DIFFERENT SECTORS

Fishing in Samut Sakhon

- Fishing workers are among the most exploited when compared with other migrant sectors. Working conditions on the fishing boats are even worse than those in fish processing. Being forced to work is not uncommon on fishing boats.
- Children generally work under worse conditions than adult migrants. Almost one-fifth of fish processing workers were children below 15 years of age and a further one-fifth were aged 15-17. Two thirds of fishing boat workers were aged 15 to 17. Work on fishing boats is hazardous and should be considered a worst form of child labour.
- Despite having legal status, the fact that large numbers of fishing migrant workers lack possession and access to their ID documents means they are often effectively bonded to their workplace. This is especially common for those who still owe money to their employer for the registration costs.
- 14% of fishing boat workers faced physical abuse by their employers, compared with about 5% of those in fish processing.
- Excessive work hours are the norm: 100% of fishing boat workers work more than eight hours per day (of which 62% work more than 12 hours per day). 76% of fish processing workers work more than eight hours per day (of which 39% work more than 12 hours per day).
- Employers lack knowledge about migrants' rights under the law – three quarters either do not know or do not feel migrants are entitled to leave the workplace without permission in their time off.

Background

The fishing sector involved research into both the situation of work on fishing boats and in fish-processing factories (formal and informal) in Samut Sakhon, a province bordering Bangkok and the Gulf of Thailand.

117 migrants were surveyed, 21 on fishing boats and 96 in fish processing. In-depth interviews were carried out with two migrant children working on fishing boats and nine workers in fish processing. 82 employers were surveyed, 40 from fishing boats and 42 in fish processing. Five in-depth interviews with employers in fish processing were conducted and one with an owner/boat captain of a fishing boat. In addition, 5 interviews with key informants were held. Research was carried out by the Labour Rights Protection Network (LPN).

Migrant profile

On fishing boats, all of the 21 migrants interviewed were male. Ages ranged from 15 to 19 years, with two thirds of the sample aged 15-17 years. In fish processing, the ages ranged from 10 to 25 years, with the majority of workers older than those on fishing boats. 19% of fish processing workers were under the age of 15, 22% aged 15-17 years and 59% aged 18 to 25 years. All workers in both sub-sectors except for one respondent in fish processing (a Lao male worker) came from Myanmar. The predominant ethnic groups for both fishing boats and fish processing were Burman and Mon.

Only one third of those on fishing boats were registered i.e. documented migrant workers whereas about two thirds of workers in fish processing were registered.

Fishing boat workers had less education and were less able to speak Thai than fish processing workers. 19% of workers on fishing boats had completed no school whatsoever, compared with 10% of female and 9% of male workers in fish processing. In terms of Thai language ability, 43% of those on fishing boats cannot speak any Thai at all, compared with 32% of male workers and 16% of female workers in fish processing. Registered workers had better Thai speaking ability, only 12% of registered workers were unable to speak any Thai whereas the majority of workers who were *not* registered could not speak any Thai.

Employer profile

The overwhelming majority of employers interviewed were Thai, with only 4% of another nationality (Chinese). On fishing boats, 90% of respondents were the boat owners, and 10% were boat captains. Of these employers, 93% were male (so only 3 female employers interviewed). In fish processing, 90% were owners, 5% were managers and 5% were 'other' staff in supervisory roles. Almost half of fish processing owners are subcontractors. In this sub-sector, more female (57%) than male employers (43%) were interviewed. Almost half of the employers (in both fishing and fish processing) were members of an employers association.

Recruitment process

For more than 70% of migrants in both sub-sectors it was the first time they had come to Thailand. The majority of fishing boat and fish processing workers entered Thailand through the use of informal agents, with little difference between sector or sex. In terms of finding their current job however, recruiters did not play such a significant role. About 10% of migrants found their job through a recruiter. However, more migrants on fishing boats (14%) used recruiters to find their job than those in fish processing (9%). A larger proportion – one-fifth of migrants paid money

to someone to get the job – usually the recruiter or friends/relatives. Almost half of all the migrants who did not find the job by themselves or with the help of their parents, are still in contact with that person who found them the job i.e. whether this person is identified as a recruiter or more informally – a friend or relative. This indicates the ongoing relationship that migrants have with informal recruiters.

Indicators of exploitation

Forced labour

20% of migrants on fishing boats stated they were forced to work in their current job, compared with 11% in fish processing. Likewise, when considering previous jobs, a higher number of fishing boat workers (25%) admitted previous experiences of forced labour compared with 15% of workers in fish processing. However, this broad question alone is insufficient to measure forced labour. Other indicators below do support the assertion that a significant number of migrants, both on fishing boats and in fish processing, are indeed working under conditions of forced labour.

Constraints to leave the job

Overall, large number of workers on both fishing boats and fish processing felt there were constraints that prevented them from leaving their job – half of workers in fish processing and a third on fishing boats felt such constraints. While the main constraints were more general – the fear factors of being a migrant (especially undocumented) in Thailand, difficulty in finding employment and nowhere else to go, 9% of workers in fishing (both sub-sectors) were concerned the employer would report them to the authorities if they tried to leave, 7% were still indebted to their employer (indicating debt bondage) and 7% felt that the fact that the employer held their documents prevented them from leaving.

Retention of identification documents

39% of registered fishing workers did not have possession of their original ID documents, however the situation was very different for those on fishing boats compared to fish processing workers. 71% of fishing boats workers did not hold their original documents, compared to 33% of male fish processing workers and 37% of female fish processing workers. In depth interviews show that employers hold onto the original documents of workers to prevent workers from changing jobs. Child workers in particular were less likely to possess their original ID documents.

Freedom of movement

46% of fish processing workers live in places arranged by the employer, compared to only 29% of workers on fishing boats.⁸⁶ Most of the places arranged by the employer are 'on-site' meaning they are at the workplace. About 20% of fish processing workers and 100% of those fishing boat workers who lived in employer-arranged accommodation stated they could not refuse to live 'on-site'. Clearly for workers on fishing boats this makes sense because there is no alternative at sea! However, for the fish processing workers, living on-site can also mean accepting restricted freedom of movement.

Overall, 20% of fish processing workers stated they could not go outside of the workplace when they wanted to (outside of working hours). Reasons for this varied from general fears - of arrest and harassment by authorities and fears of being late for work. 3 migrants stated the reason why because the employer did not permit workers to leave. At the same time, 40% of employers surveyed felt that migrants should not be able to leave the work premises when they want to. If workers' movements are being restricted

by employers and migrants do not consent to this, then it is a very clear indication of forced labour.

Violence

Physical abuse was very high amongst fishing boat workers. Some 14% of fishing boat workers faced physical abuse by their employers, compared with about 5% of those in fish processing. Verbal abuse, including scolding, swearing and threats was extremely common, experienced by over 80% of fishing boat workers, and more than half in fish processing. Violence, and threats of violence, can be considered a 'menace of penalty' under the definition of forced labour, because they instil fear into people to remain at work.

False information about type of job and conditions

About 13% of migrants in both sectors were given false information about the type of job and 16% were given false information about the working conditions. More female workers received false information than males. However, about a quarter of migrants in both sectors had no information at all about the type of job they would do. And more than a third of fishing boat workers had no information on the working conditions at all. This reflects the desperation of workers to find a job, and that they are willing to accept whatever conditions are offered.

'Prior to coming on board, we were not told, did not know and did not ask what the conditions and duties on the boat would be like. We were just excited and looked forward to the adventure that awaited us.' (Migrant FA, 14 year old male, Mon fishing boat worker and Migrant FB, 15 year old male, Mon, fishing boat worker)

⁸⁶ For fishing boat migrants, the answer to this question, "do you live in accommodation arranged by the employer?" probably was understood differently by workers. Since the fishing boat migrants were between trips and 'on land' at the time of interview, those who answered 'no' probably understood this question to refer to their 'on land' accommodation rather than on the boat. Whereas those who answered 'yes' probably referred to the boat, since 100% of the 'yes' respondents stated they could not refuse to live on-site and 83% stated they could not go out when they wanted to.

Working hours, overtime and rest periods

Given the extended working hours and workplace conditions, one can see clearly why work on fishing boats should be considered a worst form of child labour. 100% of fishing boat workers work more than 8 hours per day which is unacceptable for children. 62% of migrants on fishing boats work more than 12 hours per day, compared with about 39% of those in fish processing (76% work more than eight hours per day). Female workers in fish processing tend to work slightly longer hours than males. Almost 20% of the fishing boat respondents actually could not state the average number of hours worked, indicating the irregularity of the work, dependent on the catch. Overtime is more-or-less mandatory across both sub-sectors with all fishing boat workers stating they cannot refuse to do overtime, nor can most female fish processing workers (93%) and three quarters of males in fish processing. Where children are concerned, this clearly violates children's rights under the LPA since children should not perform overtime work. The fact that females work longer and are less able to refuse overtime indicates they are more compliant with employer demands in the workplace and thus employers use this to their advantage. Less than half of the employers surveyed believed migrants should be entitled to voluntary over-time.

Almost half the workers in fish processing start work extremely early, between 4-6 am., though this was less common for fishing boat workers (14%), some of those in the latter were required to work long hours and with very little sleep. Workers in both areas have little time for breaks. More than half of those on fishing boats have less than one hour's break, compared with a third of male fish processing workers and 37% of female fish processing workers.

Just over half of fishing boat workers had regular days off per month (either monthly, fortnightly or weekly), compared to three quarters of males in fish processing and 90% of females in fish processing.

Payment

Wage calculations are difficult since both fishing boat and fish processing workers tend to work on piece rates rather than daily rates. However, when one calculates the average income received, against hours worked it is clear that both fishing boat and fish processing workers are underpaid. Migrants on fishing boats receive a lower average wage of 4,000 baht (\$US 100) compared with 4,500 baht (\$US 112.50) earned by those in fish processing (based on the median of monthly wages). Generally males in fish processing receive approximately 500 baht (\$US 12.50) per month more than female workers – despite females working slightly longer hours.

Fish processing workers, who earn more than fishing boat workers still receive substantially less than the minimum wage. In the current sample, most migrants in fish processing work 12 hours per day with only 4 days off per month. Using the minimum daily wage for Samut Sakhon of about 170 baht (at the time of the survey), a worker would earn a base wage of 4,420 baht per month based on a standard 8 hour day, six days a week (26 days x 170 baht based on a 30 day month). However, this does not take into account the overtime payments that a worker should be paid for each hour worked over 8 hours. Under the LPA, overtime should be measured at time and a half (32 baht) that a worker should be paid for each hour worked over 8 hours.

For the majority of workers in this sample, the overtime should result in an additional payment of 3328 baht per month (based on an average work day of 12 hours and an average working month of 24 days – 4 hours overtime x 26 days x 32 baht). This would amount to a monthly wage of 7,748 baht (3328 + 4420), an amount considerably more than the median wage of 4,500 baht received by fish processing workers in the current sample. Therefore the average migrant fish processing worker is only receiving about 60% of the minimum wage that they should be entitled to.

Although a significant number of workers receive housing arranged by the employer, costs associated with rent are usually deducted from wages as is the case for any food given to workers (for food processing, but generally food and lodging is provided free of cost on fishing boats). Deductions for accommodation ranged from 200 to 2,000 baht per month (\$US 5 to \$US 50) and for food ranged from 25-100 baht per day (\$US 0.60 to \$US 2.50). The in-depth interviews indicated other coercive tactics used by some employers to encourage workers to buy food from shops on-site at inflated prices.

“Some workers went to the market and were picked up by the police for not having their documents, since the employer keeps them on our behalf. Our employer made an example of this, by placing their pictures up and stating those migrants were no longer welcome here. This made us scared to go outside the workplace to the market so we would have to buy everything from the shop here even though it is much more expensive” (Migrant FY, 17 year old male, Mon, fish processing worker)

Almost half of all fishing workers had their pay reduced for mistakes made or suffered delayed payment. The in-depth interviews indicated such penalties were often unreasonable, such as 500 baht per day (\$US 12.50) deducted for any day taken off, even if the worker is ill. This reflects far more than the minimum daily wage of 170 baht in Samut Sakhon per day (\$US 4.50).

Support mechanisms

A large proportion of fishing migrants live with their parents – some 37%. 36% live with other relatives, 33% live with their workmates and 18% live with friends; only 2% of fishing workers stated they lived with their employer – indicating the employer rarely lived in the compound where the migrants live. There may be some cross-over between these categories, so that those who live with parents may also live with workmates.

If they have problems at work, the majority of male workers on fishing boats talk to their workmates, just over a third talk to friends, followed by relatives. About 14% would speak directly with their employer. For fish processing, relatives and employers are the two main source of support for problems, for just over 40% of workers, regardless of sex. When they fall sick, almost half of fishing boat workers turn to workmates, whilst about a third would contact health support workers on-site and slightly less than one third would turn to relatives (presumably when back at shore). The vast majority of fish processing workers turn to relatives, with about a fifth turning to health workers on site, and less than 10% turn to workmates when ill.

No workers on fishing boats belong to any group or club, whereas 24% of males in fish processing do, compared with only 8% of female fish processing workers. Half of the migrants in a group/club stated the purpose of the group is to help other migrants (hence they are probably members of LPN). In terms of groups/clubs migrants would like to join and on what issue, the most popular issue was health (62%), followed by education (50%), social skills (42%) and information about registration (21%).

Only 6% of migrants currently attend school. Reasons given for not attending is mainly because they have too much work to do.

Social-cultural issues

48% of employers agreed with the statement that, ‘we should lock migrants in at night to make sure that they do not escape’. More than half of employers think migrants work harder than Thais, and almost half think migrants are easier to control. Three quarters of employers felt the Thai government should allow more migrants to come and work legally in the country.

In fishing, Mon and Burman were the two ethnicities of workers preferred by employers (reflecting the

dominant available migrant population in Samut Sakhon). Employers' main reasons for preferring to hire both groups were similar - relating to availability and a lack of Thai workers, willing to work hard and easy to control.

The vast majority of employers preferred to hire workers in the 18-25 years of age category because they are hardworking and more obedient. Despite the fact that more children were recorded in the sample working in this sector than any other, few employers stated a preference for child labour.

Employers tend to seek advice from other employers when they face problems related to the workers. However peer pressure is not as strong as one might expect given the fact that almost half of the employers are members of employers' associations. Only a third of employers would increase workers salaries if other employers did, and only a quarter discussed issues related to the migrants' welfare with other employers.

Legal issues

Workers on fishing boats are not covered by the Labour Protection Act, but those in fish processing are, and therefore are entitled to a minimum wage, written contract of terms and basic conditions of work including maximum working hours and overtime. Employers are not permitted to hire children under 15 years to work on fishing boats. However if the parent gives permission for the child to work, then children aged 15 years and older can be employed. In fish processing factories, the employer requires permission from the Department of Labour Protection to employ a child between 15 to 18 years of age.⁸⁷ However as the results show, many migrant workers do not receive the legal rights that they deserve.

Nor do employers agree with enforcing the labour laws with respect to migrants. Half of the employers agreed that the Thai government should give migrants equal rights to Thai workers, but only one fifth of employers believe migrants should have the right to join a trade union. Employers in fishing lack knowledge about migrants rights under the law, with a third not knowing whether the law permits migrants to leave the workplace outside of working hours without employer permission and a further quarter agreeing that this is not the case. The absence of any workers association or organisation to enable workers to fight for their rights, means that many employers are able to flout the law and are not compelled to offer decent working conditions.

Policy issues

With regard to the impact of the migrant registration policy, migrants in both sectors overwhelmingly agreed that the migrant registration has aided them to have a secure job, find jobs more easily and that they can go out safely. However for 10% of migrants, they felt that registration had made their life more difficult. Harassment is still a problem even for registered workers because of corrupt law enforcement officials. Whilst two thirds of employers agreed that registration had improved their business, still a quarter of employers (perhaps the remainder!) felt that the process was complicated and it is better to avoid it.

Economic issues

It is difficult to calculate the economic contribution of the fishing sector to the overall Thai economy since fish processing is subsumed under manufacturing and catching and fishing is also considered part of agriculture. In 2005, it was estimated that fishing (in terms of boats only) contributed just over 4% to Thailand's Gross Domestic Product whereas

⁸⁷ Nitiruangjaras, K., Pruettikitti, B. and Tantiseranee, P., *Research on Child Labour in Fishing Industry, Pattani province, Thailand*, Planned Parenthood Association of Thailand, 1998, p.7.

manufacturing in total was 38% (and agriculture 10%). There may be some scope to put more pressure on the fishing sector in terms of enforcing labour protection standards, because the sector is closely tied to exports, thus there is more of a need to keep up with international standards and codes of conduct. Only 22% of employers agreed with the statement that 'migrant workers are good for Thailand because they are cheaper. The Seafood Processors' association of employers in Samut Sakhon states their members pay more than minimum wage and their businesses are still profiting, yet clearly many other migrant workers in Samut Sakhon do not receive minimum

wage, taking into consideration overtime allowances. If labour costs reflected the true minimum wage, there are concerns that the fishing industry might lose its competitive edge. A report by ARCM states that employers admit they cannot afford to raise wages higher than what they are⁸⁸ Employers in the fishing industry cannot pay the minimum wage to all workers and retain current profits. If they could, many jobs in the fishing sector such as weighing and transporting might be replaced by machine. As it stands given the very cheap cost of migrant labour, it is not cost-effective to replace human labour with machines in this sector.

⁸⁸ Asian Research Centre for Migration, Institute of Asian Studies, Chulalongkorn University, *Case Study of Fisheries and Fish Processing Industry in Samut Sakhon, Thailand: Improving Migration Policy Management with Special focus on Irregular Labour Migration*, ILO and IOM, Bangkok, undated, p.20.

Domestic work in Chang Mai, Mae Sot, Bangkok and neighbouring provinces

- On average, domestic workers work the longest hours for the lowest rates of pay. 98% work more than eight hours per day, and 82% work more than 12 hours per day. 41% of domestic workers are paid less than 1,000 baht per month (\$US25) and 89% of domestic workers are paid 3,000 baht (\$US75) or less per month.
- 79% of domestic workers do not have a regular day off (even without pay) per month.
- Domestic workers suffer more restricted freedom of movement - 60% of domestic workers were not permitted by their employers to go outside the household to meet with others nor were they allowed to receive visitors.
- Social and cultural values and attitudes of employers are more influential in this sector due to the informal and personal nature of the working relationship, e.g. especially in justifying employer control over worker's freedom of movement. Many employers reflect paternalistic attitudes towards domestic workers, seeking to 'protect' them from bad influences by not allowing them to go outside and communicate with others as well as 'protecting' their original documents by holding onto them for the worker so they wouldn't be 'lost'.
- The fact that domestic work is not recognised as 'real work' under Thai law means that employers feel justified in not providing basic labour rights such as a minimum wage, maximum working hours and written contracts.

Background

The domestic work sector used a different methodology to collect information from migrants than the method used in the other three sectors. For the survey of domestic workers, relevant survey data collected by IPSR over 2002 and 2003 in Chang Mai and Mae Sot, Tak Province was used. This prior survey included

only Burmese workers, so no workers from Laos or Cambodia are included. Due to this different survey instrument, the data and analysis regarding migrants in the sector is slightly different. For employers, researchers from IPSR used the standard employers' survey used for other sectors. This survey was carried out mainly in Bangkok, with some additional surveys administered in neighbouring provinces of Nakhom Pathom, Nonthaburi, Patum Thani, Samut Prakan and Samut Sakhon. It is relevant to note that unlike the other sectors studied in this report, and because of the nature of the domestic workplace, the employers and migrants interviewed were not from the same workplaces or even the same geographical locations. Therefore there may be more valid reasons for discrepancy in the responses to questions posed to employers and migrants.

320 domestic workers were surveyed and some in-depth interviews from the previous research in Chang Mai and Tak Provinces were also used. An additional 19 in-depth interviews with domestic workers took place in Bangkok and its neighbouring provinces, including 8 at Baan Kret Tha Karn – a government shelter for trafficked migrant women and children in Bangkok. Some of the in-depth interviews were with Lao and Cambodian migrants. 62 employers of domestic workers were surveyed and 15 in-depth interviews with employers were conducted. In addition, 5 interviews with key informants were held. The research with employers and in-depth interviews with domestic workers in and around Bangkok were carried out by the academic researchers and post-graduate students from IPSR.

Migrant profile

All domestic workers were female and lived in their employer's house. Ages ranged from 13-25 years, with only 3% below the age of 15, 18% aged between 15 and 17 years and 78% aged 18 to 25 years. Approximately 40% of the 320 migrant domestic workers were Burman, one third were Shan and another third of 'other' ethnicities, but all originated from Myanmar.

Just over half of the domestic workers surveyed were registered with the authorities and entitled to stay and work legally in Thailand. There were more older workers registered than younger ones. Domestic workers who did not register stated various reasons such as they were too young, were newly arrived in Thailand or were not present in Thailand during the registration period. Others stated their employer did not permit registration. Approximately 14% of domestic workers have never attended formal school, and more than half have only completed primary education. About one-third of the domestic workers could not speak Thai – this rises to almost half of those domestic workers who are under the age of 18.

Employer profile

About two thirds of the employers interviewed in this sector were female, all employers (males and female) were Thai. Compared with the other three sectors of this report, employers in this sector had the best level of education with the majority holding a university qualification.

Recruitment process

Most of the workers found their jobs through friends or relatives, with a smaller proportion using informal recruiters who often deducted an amount from the salary in exchange for their services. Employers were also asked about how they recruit workers, the majority recruited via friends but about 15% used informal recruiters. The majority of employers did not pay for the service, but stated that recruiters tended to charge a fee directly to the migrants for finding them the job.

Indicators of exploitation

Forced labour

There were no direct questions asked of migrants regarding forced labour. Yet from various indications

and combined factors such as restricted freedom of movement and restricted communication with others outside the household, indebtedness to employers and recruiters combined with the extent of physical abuse and non-payment or underpayment of wages, one can see that a large number of domestic workers work in conditions tantamount to forced labour.

Retention of identification documents

About half of the registered domestic workers held their own identification documents, whereas the other half held a photocopy and the original was kept by the employer. As was the case in other sectors, in-depth interviews with employers of domestic workers confirmed that they often do this to prevent the worker from running away or changing jobs.

Freedom of movement and constraints to leave the job

All of the domestic workers physically lived in the household during their period of employment, which means these workers are more vulnerable to abuse due to their isolation and living in close proximity to the household, often not having any personal space of their own. A third of domestic workers in the sample did not have their own private room to sleep and had to share a room with other members of the household.

Three quarters of all employers interviewed believed migrants should not be able to leave work premises without permission outside of working hours. In some cases registered migrant workers had more limitations placed upon them than unregistered workers because they employer did not want them to run away after paying the registration fee. 8% of domestic workers had been physically locked up/confined by their employers. 60% of domestic workers were not allowed by employers to go outside the household to meet with others or to receive visitors. The overwhelming majority of employers (80%) do not allow their domestic workers to use

the telephone to make calls and half the employers did not permit migrants to receive calls either.⁸⁹ A third of employers do not allow domestic workers to send or receive mail. This information was consistent with what was presented by the employers in the in-depth interviews:

“Within the domestic work system, there are no days off for domestic workers. If they want to go out, it is up to the employer to decide. They should not go out every week. It is difficult to control. It is very dangerous, it is our responsible to protect the domestic workers as they come under us, we need to take care of them.” (Employer G, male, age unknown).

Debt

17% of domestic workers were in debt to a recruiter or transporter for bringing them to Thailand or for finding them the job. 3% (or 9 workers) were in debt to their employer. This aspect reflects that in domestic work more than in other sectors, that recruiters may play a more direct role in the exploitation of workers.

Violence

A fifth of domestic workers had unwanted physical contact by their employers, 8% had experienced sexual harassment (with physical contact) and 9% had been slapped, hit or pushed by their employers. Verbal abuse, including scolding and swearing, was experienced by more than half of domestic workers surveyed. More than a third had been threatened by their employers. Younger migrants were much more likely to experience verbal abuse, especially those below 15 years of age. However adult migrants were more likely to experience sexual harassment and undesired physical contact with their employers.

A third of all domestic workers have to massage their employers.

Cheating and deceit

14% of workers had been tricked by their employers (employer had told lies to them) and 12% had been cheated by them, meaning the employer had somehow withheld or taken back money belonging to the domestic worker.

Working hours, overtime and rest periods

82% of domestic employees worked more than 12 hours per day, more than half worked more than 14 hours per day. Domestic workers often have to start very early (before others in the household wake up), and finish late at night after others have gone to bed. About one third of domestic workers in the sample did not only have to perform domestic duties such as cleaning and taking care of children/elderly but were also required to work in the employers' business.

Rest periods were variable and depended on the amount of work to be done. Some domestic workers admitted they did have time to rest after completing all the household work, but complained that in their rest time they cannot do anything as they must stay in the house. Others stated they were too exhausted at the end of a 14-18 hour day to do anything but sleep or watch TV.

The vast majority of domestic workers have no regular days off at all. About 21% have at least one day off per month, while 17% declared they have regular days off annually i.e. certain public holidays and festivals each year such as the New Year.

Younger (i.e. under 18 years) and unregistered workers tend to work longer hours and receive less regular days off than older and/or registered workers.

⁸⁹ Though with the growing use of mobile phones this is now less of an issue than when the research was carried out in 2002/3.

Payment

41% of domestic workers in the survey received less than 1,000 baht per month (\$US,25). Another third receive between 1,000 and 2,000 baht per month (\$US,25 to \$US,50), while only 11% of domestic workers earned more than 3,000 baht per month (\$US,75). Although this survey was conducted in Tak rather than Bangkok and its neighbouring vicinities (so one would expect some costs to be lower), the vast majority of domestic workers are clearly underpaid. Not only that, but some were not paid at all – which may indicate forced labour or they received payments late or irregularly.

“After working for one month, I asked for my salary and the shop owner told me that somebody sold me here. I will never get paid. If I complain they will send me to the police. So I felt very disappointed.” (Migrant AT, 24 year old, female, Burman, domestic worker)

Employers stated they provided in-kind payments like housing and food. However the exact amount of the value of such in-kind payments is not calculated, nor do workers have any choice to ask for more money in lieu of food and lodging. Some employers admitted they withheld the salary of the domestic worker for ‘safekeeping’ and would instead only give ‘pocket money’ to the worker or on their request. Again this illustrates the danger of informal working relationships, where even well-intentioned actions can have the impact of reducing options for workers and thus become a constraint that prevents them from leaving the job.

“She [domestic worker] keeps all her salary with me... If her family is in trouble or wants to use the money, somebody will call. My domestic worker will ask for the money from me... it depends on her request.” (Employer N, female, 36 years old, domestic work).

Support mechanisms

Domestic workers have fewer support mechanisms than other workers since they are isolated in the employer’s household and have fewer opportunities to meet others. From the in-depth interviews it seems most domestic workers either rely upon members of the household for support, their recruiters or contacts with other migrants or their families at home via their mobile phones. Recruiters play a supportive role because some of them visit domestic workers in order to assist them to send remittances home (charging a commission for the service).

Mobile phones have made a big difference to the lives of domestic workers, in terms of providing many with a means to communicate with others. When migrants are sick and need medicine, the majority of employers provide them with medicine. Domestic workers expressed interest in studying and taking classes whilst working, yet it appeared employers were not always willing to permit domestic workers to take time off to study or join clubs or groups.

Social-cultural issues

More than half (57%) of employers agreed with the statement that, ‘we should lock migrants in at night to make sure that they do not escape’. Three quarters of employers agreed that migrants are easier to control than Thais, whereas just more than half felt that migrants work harder than Thais. Only a third felt that migrants represented a threat to national security.

Karen, Lao and Burman were the main ethnicities of the migrant domestic workers, and the availability of these ethnic groups seemed to be a main factor for their hiring. Other reasons given by employers varied from easier communication and easier to control (for Lao workers whose language is similar to Thai), to some Karen workers being perceived as

‘nice’ ‘honest’ and ‘clean’. Racial stereotypes seemed to play a more significant role in choosing workers of a certain ethnicity over others, which is not so surprising given the more personal nature of the working relationship.

Like other sectors, the vast majority of employers preferred to hire workers between the ages of 18-25. The overwhelming reason given was that the young women in this age group are more obedient. Other reasons for hiring people from this age range were perceptions that they work harder and were more responsible/logical.

Nearly one in five of the employers in the domestic work category preferred to hire children (workers below 18 years of age) around 19% (or 12 out of 62 employers). This was a much higher proportion than was found during research into other sectors. All 12 employers stated they preferred children because they were more obedient. Still, the majority did not prefer to hire children, stating that they were too young to work and because it is illegal (even though strictly speaking migrants aged over 15 are permitted to work in this sector).

Unlike the other sectors, employers of domestic workers do not always view themselves as ‘employers’. They regard the working relationship as informal and in Thai culture, the domestic worker is often considered as ‘part of the family’, rather than a household employee. Whilst this may sometimes be positive for workers if their employers are kind and caring towards them, in many cases the flexibility of being ‘part of the family’ is construed to mean flexibility from the employers’ side. Therefore the worker should adapt to changing needs of the family and be always ‘on call’ to work. The other negative effect of this attitude is that domestic workers are seen less as ‘holders of rights’ and more in a subordinate position (who can be told what to do

even in their own personal life) if they are ‘part of the family’. Thus even if employers are well-meaning in protecting their domestic workers by not permitting them to go out at night, this actually does impinge on their freedom of movement and does not reflect a reasonable request under an ordinary working relationship.

‘It is very dangerous, it is our responsibility to protect domestic workers... they should not go out every week. If they want to go out it is up to the employer to decide’ (Employer H, male, 74 years old, domestic work)

Legal issues

Domestic workers are only afforded protection under the Labour Protection Act (LPA) in a few very basic areas. They are protected in terms of rights to regular payment of wages, regular holidays (no less than six annual holidays per year) and the right to outstanding wages upon dismissal. None of the other rights under the LPA, such as the right to minimum wage, maximum working hours, voluntary overtime etc apply to domestic workers. This also means that child domestic workers are not protected from the provisions prohibiting hazardous work in the LPA.

The vast majority of employers felt that migrant workers should have a regular day off, however it is interesting to see that so few employers give monthly rest days in practice – more than 80% of employers do not provide domestic workers in the sample did not give monthly (or more regular) rest days. Only half the employers surveyed believed migrants should have equal rights to Thai workers, and less than a third felt that migrants should be able to join a labour union. Some employers stated migrants should have basic rights (like health care) but not other rights such as a minimum wage or rights to unionise.

Policy issues

In 2005 a horrific case of migrant domestic worker abuse made headlines in Thailand.⁹⁰ However this is the exception rather than norm. Since domestic work is not regarded as “work” in Thailand, and since it is a sector increasingly involving migrant women workers it carries very little political “weight”. With regard to migrant policy generally, 81% of employers felt the Government should allow more legal migrant workers to come to Thailand. But almost half of employers (46%) agreed with the statement the registration policy is complicated and it is better to avoid it, an attitude more prevalent in this sector than any other. Again the fact that neither the government nor employers recognize domestic work as employment – employers may simply be unwilling to take steps to register their domestic workers.

Economic issues

Two thirds of employers in domestic work agreed that migrants were good for Thailand because they are cheap. In this sector, employers were asked to provide information on household income. Almost half of all employers had a monthly income of more than 60,000 baht (\$US 1,500), however 43% earned *less* than 40,000 baht per month (\$US 1,000) showing quite large economic disparity in the sample. It is not only wealthy households who employ domestic workers. The domestic work sector differs from other sectors because the labour provided does not have a direct relationship with Thai GDP. Yet it has an invisible impact, by freeing up more members of the Thai workforce to engage in legally recognised and better-paid areas of work.

⁹⁰ ILO, *ILO Calls For Better Protection of Foreign Domestic Workers in Thailand After ‘Shocking’ Attack: Abusive Employers Need to Know They Will Face Consequences*, Press Release, ILO Sub-regional Office for East Asia, 4 May 2005.

Manufacturing in Bangkok and neighbouring provinces

- Negligible cases of outright stated forced labour, however 10% of manufacturing workers feel that the fact their employer holds their documents is a constraint preventing them from leaving their job and 9% of workers feel that the threat of the employer reporting them to the authorities also acts as a constraint.
- 7% of migrants have faced physical abuse from their employers
- 84% of migrants work more than eight hours per day.
- The average manufacturing worker only receives about two-thirds of what they are entitled to under Thai labour laws (the minimum wage) when the average daily working hours and days per month are considered.
- Fewer child workers identified compared to other sectors.
- Two thirds of employers agree with the statement that ‘migrants should be locked up at night to prevent them escaping’ and more than half of employers feel migrants both should not and are not entitled under Thai law to leave the workplace outside of work hours without permission.

Background

Research for the manufacturing sector was conducted around Bangkok in Nonthaburi, Nakhon Pathom, Samut Prakarn, Pathumthani and Samut Sakhon. The research focused on small scale garment and textile factories, employing less than 50 workers. 130 migrants were surveyed and in-depth interviews were carried out with 10 migrants. 80 employers were surveyed and ten were interviewed in depth. Interviews were also conducted with 5 key informants.

Research was carried out by a research team from IPSR, Mahidol University.

Migrant profile

The majority of migrants in manufacturing were female (64%). The vast majority were adults aged between 18 and 25 years. 14% were aged between 15 and 17 years. No migrants under 15 years of age were found in the sample. Most came from Myanmar – with Burman, Karen and Mon being the three main ethnic groups (the only other ethnic group represented was Shan workers). A small number (4%) of the sample were from Lao PDR. None were from Cambodia.

Registration levels in manufacturing were very high, over 78% of migrants having registered to stay and work in Thailand. There were some differences noted in terms of registration status between different ethnic groups, with Mon workers more likely to register than Karen workers. For migrants who did not register the main reasons related to lack of time or that they did not know about registration process.

Education levels of the migrants were relatively low with over two thirds having completing less than seven years schooling. 12% of manufacturing workers could not speak any Thai at all, however the majority could speak some Thai or spoke Thai well.

Employer profile

More female employers were surveyed within the manufacturing sector (63%). Most employers owned their own business (78%) and three quarters of employers were also sub-contractors. Education levels among manufacturing employers were also relatively high, with more than a third having tertiary education.

Recruitment process

Like other sectors, for almost 80% of migrants it was their first time in Thailand. Half of them had arrived in Thailand before they reached the age of 18. In terms of travelling to Thailand, two thirds came with a transporter and a third came with parents, relatives or friends.

For recruitment to the job, three-quarters of migrants used either relatives or friends to help them find the job. 14% used a recruiter which was slightly higher than other sectors. No clear sex, age or other differentials were noticed in terms of which migrants used recruiters. Overall 26% of migrants reported having paid someone for their job recruitment, interestingly the most prevalent figure paid for job recruitment were the police (67% of migrants who paid someone, paid a police officer).

The most popular method of recruitment that employers used was relying upon introductions from existing workers (64%), and to a lesser extent their own friends (25%) and relatives of their current workers (16%). Some manufacturing employers did use external sources to recruit their workers, 14% used job placement agencies and 8% used recruiters. Employers indicated they paid recruiters between 5,000 – 12,000 baht per worker (\$US 125 to \$US 300).

Indicators of exploitation

Forced labour

Only one migrant worker out of the sample of 130 stated they were forced to work in their current job (1%). 2% (or 3 workers) stated they had been forced to work in previous jobs. All four workers who stated they had been forced to work were female aged 15-17 years. However when one looks at other factors, one can see there are some potential indications of forced labour occurring since workers lack their documents and feel constrained from leaving, as well as having quite restricted freedom of movement in addition to being underpaid.

Constraints to leave the job

Overall, one third of manufacturing workers felt constraints prevented them from leaving their current job. This was more prevalent among males and older workers. The main reasons related to the employer holding migrants' original ID documents (11%), fear of being arrested (11%), difficulty in finding other work and that the employer might report the worker to the authorities if he/she tried to leave (9%).

Retention of identity documents

Just over one third of registered manufacturing migrant workers surveyed did not hold their original ID documents, for these workers – their documents were held by their employers and migrants held copies only. Of that number, 22% could not access their documents when they wanted to whilst 6% did not know whether or not they could access them, presumably because they had never asked their employer.

Freedom of movement

For migrants surveyed, a large number (79%) indicated that their employer arranged accommodation for them and 72% lived in accommodation on-site. Of these, 64% indicated their belief that living in the provided accommodation was mandatory, and they could not refuse to stay in the provided housing. Almost two thirds of employers were of the view that migrants should be locked up at night to prevent them from escaping.

13% of migrants stated that even during their time off they were not able to go out. The main reason for not being able to leave the workplace related to fear of harassment by the authorities (because migrants did not have any ID documents – or at least did not have the originals in their possession). Two migrants stated they did not go out because their employer did not allow it and two also stated they were scared of harassment by authorities despite

having their original ID documents. It is surprising that this number is not even higher given that more than half of manufacturing employers felt migrants were neither entitled (under Thai law) to leave the workplace (outside of work hours) nor should leave without permission.

Violence

In terms of physical abuse, some 7% of manufacturing migrants had experienced physical abuse from their employer or a senior worker and 2% had experienced physical punishment from people outside the workplace. Verbal harassment was fairly common, with almost a third of the sample having experienced verbal abuse within the workplace and 8% outside of work.

False information about type of job and conditions

Almost one-fifth of workers indicated the job itself was different to what they'd been led to believe at recruitment and 16% felt that the working conditions were also different. This was particularly prevalent amongst adult workers.

Working hours, overtime and rest periods

The overwhelming majority of workers worked more than the standard eight-hour day (only 16% worked less than 9 hours a day). Most worked between 9-12 hours per day and nearly one-fifth worked more than 12 hours per day. Registration status has a significant impact on the hours worked since 96% of unregistered workers worked more than eight hours per day. In the in-depth interviews, employers also reinforced the fact that workers were expected to work 12 to 14 hours daily. 16% of manufacturing workers stated they did not have enough time to rest/sleep and 11% felt that did not have enough breaks during work time.

"I will usually have to start working at 6 or 7 in the morning. I don't get a break for lunch, I have

to work until 5 pm and wait to rest then. We get one day of rest every two weeks and do not receive money on those days. I cannot speak Thai very well so I haven't been able to look for a new job. Besides, my boss threatened that if I leave he will have the police come and arrest me. If I were to leave, I would have to try and escape during the night" (Migrant MB, 18 year old male, Karen, manufacturing worker)

In terms of rest days, manufacturing workers were better off than workers in the other sectors. Two thirds of migrants get one day off per week (65%) or one day off each fortnight (30%). However, the vast majority (78%) did not have access to paid leave and only one quarter of workers had access to paid sick leave.

Payment

The majority of migrants in manufacturing earn between 3,000 – 5,000 baht per month (\$US 75 to \$US 125) (59%). Registered workers tended to earn higher wages. However this is far below what they are entitled to if their rights were protected in line with the Labour Protection Act. For example, within the current sample of migrants in the manufacturing sector, the majority of migrants work between 9-12 hours per day with only 2 days off per month. Using the minimum daily wage for Bangkok and surrounding provinces (184 baht (\$US4.60) per day), a worker would earn a base wage of 4,784 baht (\$US119.60) per month based on a standard 8 hour day, six days a week (26 days x 184 baht based on a 30 day month). However, this does not take into account the time and a half (35 baht) that a worker should be paid for each hour worked over 8 hours, nor the double time payment for work on Sunday.

For the majority of workers in this sample, the overtime and holiday work should result in an additional payment of 3241 baht per month (\$US81) (based on an average work day of 10.5 hours and an average working month of 28 days, 2 of them Sundays) (the overtime payment calculation is 2.5

hours overtime per day x 26 days x 35 baht = 2,275 baht. The Sunday calculation 10.5 hours Sunday x 2 days x 46 baht = 966 baht). This would amount to a monthly wage of 8,025 baht (\$US200.65), an amount considerably more than the median wage of 4,500 baht (\$US112.50) received by workers in the current sample. In other words, the average migrant worker in the manufacturing sector is being short-changed by up virtually half of the pay packet (56%) they are entitled to under Thai labour laws.

Employers often justified the low wages by indicating they provide food and accommodation to the worker. However migrants stated they often had salary deducted for the accommodation provided by employers. Many migrant workers start on a 'trainee' wage (1,200 – 3,000 baht per month (\$US 30 to \$US 75)) and it could take up to three years to obtain a 'full pay' salary.

15% of workers had experienced deductions for making mistakes. The deductions were often substantial enough to leave the worker with little money at the end of the month as indicated through the in-depth interviews.

Support mechanisms

The majority of migrants live with relatives (other than parents or spouse) (25%), friends (22%), employers (20%) and workmates (18%). There may be some overlap between the categories, so those living with friends also live in the same factory compound as the employer.

Migrants tend to rely on workmates (32%), then relatives (30%) and friends (12%) for support when they have problems at work. Some 18% stated they would turn to their employer if they faced problems at work. The same trends were reflected in relation to support when migrants fell ill. No workers mentioned turning to Labour Department officials, NGOs or recruiters when facing work-related or health-related issues, and workers had few contacts with such personnel. More than 60% of migrants

indicated they received some form of health service from their employers, this was mainly assistance to see a doctor.

Only a small number of migrants belonged to a social group (5%) and these generally discussed either health issues (2%) or literacy in native languages (2%). In terms of group membership, most social groups were comprised predominately of migrants of the same ethnic group. Most manufacturing workers were interested in joining a group with an education focus followed by Thai language, skills training, basic literacy in their mother tongue and health.

A slightly higher proportion of migrants in the manufacturing sector were currently attending formal or non-formal education (9%) than in other sectors – probably reflecting the more regular days off and therefore ability to join classes. Migrants who were not studying gave a range of reasons for not being able to attend further education classes including too much work to do, do not want to study, no school nearby and do not speak Thai. In addition, 18% of manufacturing workers stated those in their workplace, who so desired, could attend school.

Social-cultural issues

Almost two thirds of employers (64%) believed that 'we should lock migrants in at night to prevent them from escaping'. As was found in other sectors, many manufacturing employers expressed stereotypical attitudes about migrant workers including that they are easier to control than Thais (58%) and that they work harder (43%).

Regarding the hiring of specific nationalities or ethnic groups, in manufacturing a large number of employers hired Laotian (34%) and Burman workers (31%). The main reasons employers preferred to hire Laotian migrants was due to a similarity to Thai culture and Lao migrants were perceived as obedient, honest, nice and 'clean'. Burman workers were preferred because they were readily available and also because they were hardworking.

In terms of age, the vast majority of employers preferred to employ migrants 18-25 years old (88%) because they were more skilled, hard working and more obedient. Only 10% of employers preferred to hire children. Employers generally did not like to hire children because they felt they were too young (44%) and also because it was against the law (33%).

Although manufacturing appears to be a more formal employment sector, the manufacturing sample was made up of mostly small family-run businesses, and the employers were not particularly organised. Less than half of the employers would seek advice from other employers if they had problems with workers. Even fewer in terms of discussing issues of worker protection and payment.

Legal Issues

Manufacturing workers even in small enterprises are covered by the Labour Protection Act and Labour Relations Act and therefore should be afforded more protection at work especially regarding minimum wage, voluntary overtime and paid rest days. However since these workplaces are small in size (less than 50 workers) they are rarely inspected by Labour Department officials.

In terms of rights, just over half of employers felt migrants *should* have equal rights as Thais, but only one fifth felt migrants should have right to join a trade union. In terms of rights that migrants actually have under the Thai law, only one third of employers believed that migrants, in fact, held these legal entitlements. This displays a clear lack of knowledge about migrants' rights under Thai law – since

migrants in this sector can join a trade union and are entitled to rights equal to those of Thai workers.

Policy Issues

Two thirds of employers felt the registration process had improved their business whereas a third (perhaps the remaining third) felt it was complicated and better to avoid. This reflected similar attitudes to employers in the fishing sector. 83% of manufacturing employers felt government should allow more legal migration to Thailand.

Economic Issues

The manufacturing sector represents a significant component of the Thai economy. In 2005, manufacturing (which includes more than simply textile industry) comprised 38% of Thailand's Gross Domestic Product (GDP). Specific to the textile and garment exports, in 2004, this sub-sector generated US\$ 6.4 billion, according to the Thai Customs Department, representing approximately 4% of GDP.⁹¹ A significant component of the growth was due to higher export demand for textiles and wearing apparel. Manufacturing, in particular textiles, is therefore a highly important sector for the Thai Government, generating significant revenue. Given the high profits generated by the manufacturing sector, the Royal Thai Government should exert more pressure on employers to ensure that all workers are guaranteed at least minimum working conditions in line with the LPA. However only one quarter of employers agreed with the statement that migrants are good for Thailand because they are cheaper.

⁹¹ Thailand Investment Review, Focus on Thai Textiles and Garments. *"The Textile and Garment Industry Add Value and Increases Quality to Improve Global Competitiveness at BOI:*<http://boi.go.th>

Agriculture in Nakhon Pathom

- Working conditions on farms in Nakhon Pathom province do not indicate any widespread pattern of forced labour or severe labour exploitation.
- Few constraints prevent workers from leaving and few restrictions of freedom of movement – those that do occur tend to be as a result of fear of harassment from authorities rather than as a result of direct employer coercion.
- Underpayment, lack of regular (steady) working days and regular days off per month are the main problems faced by farm workers. These reflect the lack of protection under Thai labour law (LPA and LRA) and the seasonal nature of the work.
- More than a third of migrants are paid less than 3,000 baht per month (\$US 75).
- Workers in this sector had more support as the majority lived with other family members and this was seen as a source of protection.
- Two thirds of employers believed migrants were not entitled to leave work premises without permission outside work hours.

Background

The agriculture sector focused on research into two sub-sectors livestock and crop farming in Nakhon Pathom Province, located in central Thailand, 56 km west of Bangkok. 129 migrants were surveyed, 83 working on crop farms and 46 on livestock farms. In depth interviews were carried out with 13 migrants. 92 employers were surveyed; 64 from crop farming and 28 from livestock. In-depth interviews were carried out with 13 employers. The research was conducted by a team comprised of one field supervisor and nine interviewers. The interviewers were fluent in the migrant languages and included; two Burmese, a Mon, a Karen and a Laotian. The Mon speaking interviewer could also speak some Khmer.

Migrant profile

Slightly more than half the migrant farm workers were female (57%). Ages ranged from 11-20 years for males and 13-25 years for females. Only 4% of the survey were below the age of 15, 25% aged between 15 and 17 years and 71% aged 18 to 25 years. The majority of migrants were born in Myanmar (almost two thirds) and the main ethnic groups were Karen (25%) and Mon (25%). Hill tribe and stateless people born in Thailand made up a quarter of the migrants surveyed which is a higher proportion of the sample than for any of the other three sectors. 42% of migrants had no formal education. Almost a quarter could not speak any Thai at all.

Almost two thirds of the migrants had legal status to stay and work in Thailand (had registered), of those migrants who tended to register were more often males and those working in the crop sub-sector. For those who did not register, the main reasons were lack of time (35%) or lack of awareness about registration (20%).

Employer profile

All of the employers were Thai, with slightly more male than female employers interviewed. A much higher proportion of employers in livestock were male (78%), while just over half of the crop farm employers were female. The vast majority of employers owned their business (85%) and 16% were sub-contractors. Overall, education levels for agricultural employers were relatively low, with over two thirds having only completed lower secondary school. Education levels tended to be higher within the livestock sub-sector, with 21% having completed a tertiary education.

Recruitment process

For the vast majority of migrants in the agricultural sector (94%) this was their first time in Thailand. More than half of them travelled to Thailand with

relatives or friends and 45% used the services of a transporter. For actual recruitment to the farm, again the majority relied on relatives and friends to assist them in finding work. Only 10% used a recruiter, yet males were more likely to use recruiters, while females tended to come more often with their parents. A significant proportion of migrants stated that they found the job on their own (14%). Only 22% reported having paid the person who found them the job. Almost all of those who used recruiters paid this person for the service, while only 16% paid their relative or friends.

Most employers recruited workers through introductions by existing workers (75%), relatives of current workers (30%) or the employers' friend (29%). Consistent with the migrant responses, very few stated that they used a recruiter. In the in-depth interviews some employers indicated that they did not like to use recruiters as it meant having to accept any migrant worker whom the recruiter brings.

Indicators of exploitation

Forced labour

Only 2% of farm workers stated they had been forced to work in their current job by people outside of their family. The same proportion stated they had been forced to work in previous employment prior to working on the farm.

Constraints to leave the job

Overall, 15% of agricultural workers felt unable to leave their current job which was much less when compared to either manufacturing or fishing. Unregistered workers were more likely to indicate they felt unable to leave their job, with 20% stating they could not leave, compared with 11% of registered workers. Whilst the main reasons were general fears about arrest, not having anywhere to go and deportation, 3% felt constrained from leaving their job because their employer held their original ID documents and 2% stated that they were still in

debt to their employer. Some registered migrants indicated in the in-depth interviews that they felt financially obligated to their employer. During the in-depth interviews some employers noted that hiring unregistered workers was sometimes an advantage as they were less able to leave the employer.

“Registration allows migrant workers to move around freely. Once they are registered they won’t be afraid of being arrested. Unregistered workers will not dare to go out. Not having a card makes them work for me for longer than registered workers.” (Employer G, female, 24 years old, agriculture (crop farm)).

Retention of identification documents

One third of agricultural migrants did not hold their original ID documents, rather they were held by the employer. This trend was more prevalent amongst workers aged below 18 years. Migrants who did not hold their original documents were asked if they could access them when they wanted: 14% stated that they could not and 6% said they did not know, indicating they had never asked their employer. However, the majority of farm workers seemed to fare better than workers in the other sectors in this respect.

Some employers insisted it was their legal responsibility to keep the original workers' documents though some provided workers with a copy of their documentation. As with other sectors, the main reasons employers gave for keeping the original documents were: to prevent the worker losing the document, needing the documents for registration in the future and fear that workers might run away.

Freedom of movement

97% of farm workers indicated that their employer provided housing for them and of that number, almost half felt that they could not refuse to stay in the housing provided - even if they wanted to stay elsewhere. However this is also in part due to the nature of the job. Unlike some of the other sectors,

working on farms means it is not easy for workers to arrange their own accommodation and if they did so they would also need to arrange transport to/from the work site which is costly and inconvenient. Migrants also indicated that due to the language barrier it would be difficult for them to arrange their own housing so they preferred to stay on the farms. Some 11% of migrants stated that they were unable to go out when they wanted to (outside of working hours) – the main reason was fear of being harassed by authorities (10%). Only a third of employers believed migrants should have the right to leave premises without permission outside work hours.

Violence

In contrast to the other three sectors, none of the migrants working in agriculture reported any incident of physical abuse either by the employer or by others outside of the workplace. There were however some instances of verbal abuse, with 16% of migrants indicating they had experienced abuse from either their employer or senior workers. Females and those aged 18-25 were more likely to experience verbal abuse. Still the levels of verbal abuse were significantly lower than those experienced by workers in other sectors.

False information about type of job and conditions

There was not much misinformation about the type of work or working conditions, as much as a complete *lack* of information. Only 3% of migrants surveyed said the type of work was different to what they were initially told while 13% were not provided any information at all about the job. When asked if the work conditions were different from what they were told; 8% said they were different and 11% said they were not provided with any information about the working conditions.

Working hours, overtime and rest periods

Looking at working hours and rest periods one can see the casual and seasonal nature of the work. However this does not create such a realm for exploitation as might be expected, since the working hours are significantly shorter than in the other sectors. 41% of migrants worked between 9-12 hours a day and only 2% work more than 12 hours a day. This was more prevalent among males, workers aged over 18 years and those in crop farms. Those working longer hours did not report receiving any payment for overtime. Evidently, however, work outdoors in agriculture relies on daylight hours, and is most likely a factor in the difference between working hours in this sector when compared with others.

Two thirds of migrants indicated they did not have a regular day off. Of those who did most reported having only 1-2 days off a month. Those working on livestock farms were a third less likely to have regular days off. Over three quarters of migrants did not have any access to paid leave – this was even higher, 90% who worked in livestock farming.

Migrants in crop farming were sometime exposed to hazardous work environment – spraying chemicals without protective gear such as masks.

Payment

Agricultural wages were low. More than a third received less than 3,000 baht per month (\$US 75). The majority of workers (46%) were paid between 3,000-4,000 baht per month (\$US 75 to \$US 100). The average wage was 3,549 baht (\$US 89). The seasonal nature of work also has a significant impact on migrants' ability to earn, many stated that they did not receive payment if they could not work due to poor weather conditions. Interestingly, males received lower wages than female workers, and also

workers aged under 18 years in general received lower wages. Workers in crop farming tended to be better paid and registered workers generally received higher wages than unregistered ones. Only 5% reported receiving payments irregularly and likewise 5% had been punished by financial deductions for making mistakes. A more significant 14% had experienced delays in payment.

It may be argued that agricultural workers receive housing and other benefits such as food from their employers as payment 'in kind'. Of the 97% who received housing from their employers, only 5% had to pay for this through deductions from wages which ranged from 130 to 800 baht per month (\$US 3.25 to \$US 20). However as mentioned elsewhere in this report, payments in kind are to be treated as additional to, rather than substitutes for, payments in cash. Only a quarter of migrants reported receiving food from their employers. None had pay deducted for the food provided. However in the in-depth interviews, many migrants commented that their employers only provided very basic food e.g., uncooked rice and they bought all other ingredients.

Whilst two thirds of employers did cover the initial costs of registration, of this number, some two thirds of migrants were then required to pay back these costs themselves. The amounts paid varied enormously from 500 to 6,000 baht (\$US 12.5 to \$US 150), showing that in some cases some employers were overcharging workers for the actual registration cost (3,800 baht (\$US 95)).

Support mechanisms

Most farm workers live with relatives (36%), followed by living with their employer (27%) spouse (26%) and parents (23%). Far fewer migrants in this sector claimed to live with workmates or friends. There is some cross-over so that those who live with their relatives or spouse may also live with the employer.

If they face problems at work, farm workers mainly turn to their relatives (45%), followed by employers (27%), workmates (21%) and friends (12%). NGO and government staff did not feature as a source of support in this respect at all. Very few migrants had had any contact with NGO staff (2%), suggesting NGOs are not very active in reaching out to farm workers in Nakhom Pathom. A significant proportion of migrants in the agricultural sector had forms of support in terms of whom they lived with - 36% were currently living with relatives, 27% with a spouse and 23% with parents. Migrants aged below 18 years and males were more likely to stay with relatives, while females were more likely to live with a spouse. Only a small proportion were living alone - 4%.

Migrants relied on similar sources of support when they were sick. Many turned to relatives (47%), followed by their employer (28%), friends (16%) and workmates (11%). Like in the other sectors, although migrants mentioned they had contact with medical personnel and Labour Officials this seemed to be generally in regard to the registration process.

22% of migrant farm workers were members of formal/informal groups—a higher ratio of membership than in any of the other sectors. These groups were almost exclusively with migrants from same ethnic background and focused on issues such as workplace problems, health and Thai language. The fact that these migrants on farms had the ability to join groups and meet may suggest that they were better off in terms of being able to meet and discuss problems and therefore negotiate for their rights. However, more research would be needed to determine if this was indeed the case. Migrant farm workers also showed strong interest in being involved in groups in the future. Their main interests were education (63%), health (61%), Thai language (61%) and registration (48%).

Only a small percentage of farm workers were able to attend school (9%), this may again reflect the difficulties in attending school when living in rural areas. Migrants gave a range of reasons for why they could not attend school including having too much work to do (72%), the fact that there was no school nearby (12%), no desire to study (10%) or the costs of schooling were too great (9%).

Social-cultural issues

Two-thirds of employers believed that migrants should be locked up at night to prevent their 'escape' and also believed that migrants were easier to control than Thais. Employers mentioned that one of the advantages in hiring migrants over local workers was that they did not go home as often, this was particularly mentioned for Burmese migrants. Some 40% of employers felt migrants represented a threat to national security. Slightly less than half of the employers believed migrants work harder than Thais (though twice as many crops employers agreed with this statement than livestock employers).

With respect to preference for a particular ethnic group, most employers stated that they had no choice and simply employed those ethnicities that were available to work. Mon, Karen and other (namely Thai hill-tribe minorities) were preferred equally. There were however some variations in preference. The Mon workers were preferred largely because of their availability and also because they were seen as being hard working and responsible. Karen migrants on the other hand were preferred for being hard working and more obedient. Through the in-depth interviews, many employers stated that they were keen to employ Thais but that Thais were not interested in this kind of work.

With respect to age of workers, 90% of agricultural employers preferred migrants aged 18-25 years, the predominant reasons being that they are more hard working and more obedient. Only 8 out of 92 employers preferred hiring children, though all eight stated they liked hiring children because they were more obedient. Various reasons were stated by the other employers who did not like to hire children, though the main one was because they cannot do this kind of work (46%). Other reasons for preferring not to hire from this age group related to children not being responsible enough (21%) and being less obedient (11%), an interesting point given that this was also the key reason that employers, especially in other sectors, hired children.

There appears to be a strong informal network among employers since 84% of them would seek the advice of other employers if faced with problems in the workplace. Two thirds discussed among themselves the kinds of benefits that are given to their workers. In terms of pay – only 40% felt other employers would increase workers' pay if other employers gave a pay rise. Still this does indicate that organising employers to protect migrant workers rights may be easier in this sector than others.

Legal Issues

Agricultural workers are not covered by Thai labour laws and this is a main reason why Thais do not want to work in agriculture, because the pay is far below the minimum wage. Similar to the other three work sectors, just more than half of employers believed migrant should have same rights as Thais. More than a third believed migrants should have the right to join trade union, which was higher than for any other sector. However only 14% of employers agreed that workers should have voluntary overtime.

Policy Issues

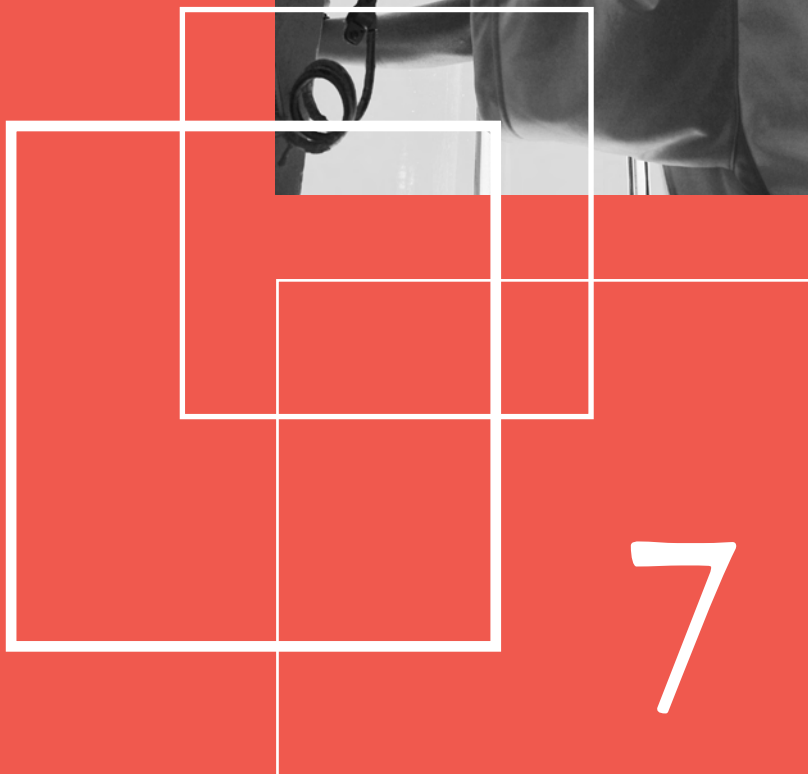
The overwhelming majority of registered farm workers agreed that registration had made their life easier in terms of ensuring safety when they go out (96%) and assisting them to finding work more easily (98%). Three quarters of employers felt that registration had improved their business, and this was even higher for crop employers but just over one third agreed with the statement that registration has many problems and is better to avoid it. These employers often attempted to bypass the registration because it only allows register workers from Myanmar, Laos and Cambodia and they were employing significant numbers of hill tribe migrants (who could not register). In the in-depth interviews the main reason employers seemed happy with the migrant registration was because they no longer needed to bribe police. Some employers felt they in effected 'owned; the worker for the period of

registration and that registered workers should only be allowed to leave their employer after completing a one year contract.

Economic Issues

Two thirds of employers agreed with the statement that migrants were good for Thailand because they are cheaper than Thai workers. Though still significant, agriculture is no longer as important a sector for Thailand's economy as it once was. By way of example, in 2000, agriculture generated approximately 11% of Thailand's GDP. In 2005 the figure had dropped to around 7%. This was partly due to a contraction in crops as a result of a prolonged drought⁹² as well as Thailand's rapid economic growth in other sectors such as manufacturing. It seems unlikely that the government could exert more pressure on farmers to pay workers more, when the profits from farming are reducing rather than increasing.

⁹² GDP: Q4/2005, Office of the National Economic and Social Development Board, Bangkok, 2006. Note: the GDP figure for agriculture includes agriculture, hunting, forestry and fishing.



7. RECOMMENDATIONS⁹³

A. Adequate Labour Protection

There are significant cases of migrant labour exploitation of young people in all four sectors, but more egregious violations are noticeable in domestic work and fishing (both fishing boats and fish processing). Common forms of exploitation include long and irregular working hours, forced overtime, irregular or no days off, underpayment (below the Thai standard minimum wage), restricted freedom of movement and lack of access to documents.

Unfortunately even Thai workers in most of these sectors lack protection of basic labour rights under the law, since many provisions of the Labour Protection Act 1998 do not apply to workers in agriculture, domestic work or on fishing boats. Indeed it is that very lack of protection that is one reason why Thai workers do not want to work in these sectors. Since many children are found in the fishing and domestic work sectors, there is an urgent need for effective labour inspection in these workplaces to ensure children above the age of 15 years can work with protection. It is therefore proposed that:

1. The Royal Thai Government should review the Labour Protection Act to provide protection to categories of workers currently excluded from protection under the Act, namely workers in agriculture, domestic work and on fishing boats.
2. The Ministry of Labour should ensure adequate labour protection for informal sector workers covers minimum working age, rights to a regular day off, minimum wage, maximum amounts for salary

deductions, regular working hours, voluntary overtime, paid holidays, sick and maternity leave and the right to form and join associations. The Ministry of Labour should devise standard contracts for each sector covering each of these specific areas (in Thai and migrants' languages).

3. The Royal Thai Government, especially the Ministry of Labour, should facilitate the role of civil society and worker's and employer's associations in protecting migrant workers in practice. More specific examples of how they can be involved are included in subsequent recommendations.
4. The Ministry of Social Development and Human Security should ensure laws such as the Child Protection Act apply to migrant children in practice, especially promoting provincial mechanisms to protect children. For example, by extending the mandate of Child Protection Committees to include migrant children.

B. Exploitation and freedom of movement

The withholding of workers' legal documents by employers is a major constraint preventing workers from leaving exploitative conditions of work and sometimes forced labour situations. Likewise harassment of migrants by law enforcement officials, including destroying or tampering with their ID documents, is reported as an ongoing problem in this report. This affects the ability of migrants to leave exploitative work situations and seek assistance.

⁹³ Bolded recommendations are priority recommendations and are listed in the Summary of Recommendations

To correct this, the Royal Thai Government needs to take steps to ensure that migrants are not unnecessarily restricted by their employers. Sending a clear message to employers that registering migrant workers does not entitle an employer to restrict freedom of movement of their employees would help. This could be done through developing guidelines for employers on mobility of workers as well as maximum amounts they can deduct from workers' pay.⁹⁴ Such guidelines should expressly apply to migrants in these sectors as well outlining the steps employers can take to recoup their payment (as well as what steps they must not take – notably not locking workers into their workplaces or withholding their ID documents).

5. **The Royal Thai government should draft, publicise and enforce a guideline informing employers of migrant workers' rights and of the responsibilities of employers to ensure freedom of movement of the migrant workers they employ.** This should clearly state that employers must not unnecessarily restrict the freedom of movement of employees outside of the working hours and that employers should not hold onto the original documents of workers without the consent of that individual. Appropriate penalties should be set and enforced for violating these guidelines (such as fines and prohibiting offending employers from hiring migrant workers in future).
6. **The Royal Thai Government should draft, publicise and enforce a guideline informing law enforcement officials, including police and immigration officers, about their responsibilities when dealing with migrant workers and the rights of the migrant workers themselves.** This guideline should clearly establish and enforce penalties against any officers breaching these rights, including harassment of workers with documents and

include an independent reporting mechanism so that migrants and their representatives can complain if their rights are violated by law enforcement officials.

7. The Royal Thai Government should amend Thai law making it a criminal offence to interfere with identification documents for the purposes of trafficking and/or forced labour. This criminal provision should be based on the USA's anti-trafficking legislation. Section 1592 of the US Code states that "whoever knowingly destroys, conceals, removes, confiscates or possesses any actual or purported passport or other immigration document, or any other actual or purported government identification document of another person, in furtherance of any of the crimes related to peonage and slavery in order to prevent or restrict (or attempt to) liberty to move or travel of a victim of severe form of trafficking, in order to maintain their labour or services is subject to a fine or imprisonment for a period of up to five years or both."
8. The Ministry of Labour, legal NGOs and international organizations should monitor and report on the enforcement of criminal and labour laws against employers accused of exploitation. Reporting to the National Human Rights Commission and the general public should take place on a biannual basis.
9. The Ministry of Justice, with support from relevant international agencies, should monitor and report on cases of corruption, exploitation, harassment or abuse of migrant workers by Government officials including police officers and ensure these offenders are punished accordingly. Such cases should be reported to the National Human Rights Commission and the general public on a biannual basis.

⁹⁴ The Thai Government has already taken some steps to address this in more formalised work sectors. Section 76 of the Labour Protection Act, 1998 restricts the freedom of the employer to make wage deductions to particular purposes, and to a total limit of 20 percent, unless consent has been obtained from the employee. However the Thai Government should take steps to ensure that this provision applies to workers in agriculture, domestic work and on fishing boats.

C. Complaints Mechanism

Migrant workers suffering exploitation lack information on where and how to file complaints. Migrants in Bangkok and the neighbouring provinces generally do not see Government authorities or non-government organizations as points of assistance when they suffer problems at work. More needs to be done to ensure these channels are open and accessible to migrants.

10. **The Ministry of Labour should develop simple but effective complaints mechanisms for migrants to report exploitation in the workplace, with staff fluent in migrant languages or using interpreters so migrants who do not speak Thai can communicate with Government officials.**

The complaints mechanism for migrants reporting exploitation should:

- a) Be handled by local Labour Offices who are mandated and equipped to accept labour complaints from migrants as well as from organizations representing them. This means Labour Offices should have the resources and ability to respond to complaints in various languages.
- b) Include an independent hotline staffed by those fluent in migrant languages so that migrants can register complaints directly and seek advice on how to deal with exploitation.
- c) Provide advice to migrants on where and how to obtain necessary social assistance safely such as lawyers, medical care, translators, emergency shelter etc.
- d) Be funded through a proportion of migrant registration fees
- e) Give priority to complaints in informal workplaces where migrant children are likely to be working

- f) Be widely-known by migrants. The Ministries of Labour, Foreign Affairs and Social Development and Human Security should advise migrant where and how they can report or file complaints about exploitation. For example, this could be through different media such as radio and television and should be both in origin and destination countries in migrants' native languages. Efforts must be made to assure undocumented migrants that they will not be immediately deported or detained if they report labour violations.
- g) Include a central system for complaints, so that complaints lodged at local level are monitored by an independent body, especially in areas where migrants may feel threatened by corrupt officials. This monitoring mechanism should consider complaints regardless of migrants' legal status. One way this could be established is under the National Human Rights Commission or via an independent non-governmental organization operational both at national and local levels.

11. **The Ministry of Labour should strengthen collaboration between local labour inspectors, worker associations and NGOs to reach out to employers and migrants.**

- a) Authorised worker associations and NGOs working on migrant and child rights should report to the Ministry of Labour about workplaces where migrant workers are vulnerable to trafficking and forced labour.
- b) Labour inspectors should work with approved workers associations and bilingual migrant NGOs to inspect and monitor workplaces.

D. Empowering migrants

Even if there is formal labour protection and an adequate complaints mechanism, gaps still exist regarding migrants' knowledge about the registration process, Thai laws affecting them, their rights and access to services. Many young migrants lack awareness that certain employment conditions are exploitative or illegal and are quite willing to submit to exploitative conditions of work. Elsewhere initiatives taken by both destination and origin Governments as well as non-governmental organizations and trade unions to inform migrant workers about their rights have met with success. For example, the Philippines consulate in Hong Kong conducts 'know your rights' mobile seminars in areas where migrants congregate on their regular day off. These seminars involve Hong Kong Labour Department officials, trade unions and NGOs as well as regular question and answer sessions on radio programmes aimed at migrant domestic workers. At an administrative and practical level, the local Ministry of Labour officials, worker associations and NGOs are more likely to be able to reach out to migrants and employers than central Government officials or international organizations.

Trade unions and informal worker associations in Thailand have not yet been adequately mobilised to protect migrant workers' rights. Currently there are no formal workers associations in Thailand willing to assist migrant workers in these sectors. Organising of Thai workers in these sectors is virtually non-existent. Trade unions can offer protection to migrant workers. For example, a Malaysian trade union gives basic orientation information to migrant workers e.g. introducing them to local unions, religious customs, taboos, work ethics, etc. It also informs migrants about skills enhancement opportunities to improve their working environment as well as ensuring migrants are better trained and more skilled when they eventually return home. The union also identifies errant and problematic employers and encourages the authorities to take all the available punitive action against them.

12. Governments of countries of origin and destination should empower migrants in the following ways:

- a) Governments of countries of origin should equip women and children over the age of 15 years with adequate information about working and living in Thailand and life skills to equip them with dealing with exploitation abuse and harassment. Such initiatives should especially target those not travelling through regular migration channels. This recognises that a large number of migrants continue to travel through irregular channels and these migrants are more vulnerable to trafficking and exploitation. They especially lack access to information to help them escape from such situations.
- b) **The Royal Thai Government in conjunction with non-governmental or international organizations should conduct a mapping of migrant support networks in specific geographical locations where large numbers of migrants live and work to identify who provides specific services, and make this information readily available to migrants in their own languages.**
- c) The Ministry of Labour together with embassies of countries of origin, non-governmental organizations and workers associations should encourage migrants to be aware of exploitative behaviour in Thailand and not accept it. This may be done through peer education organised by local Labour officials, workers associations and/or NGOs.
- d) The Ministry of Labour should ensure that the work permit and other identification documents state clearly on the document that this is the property of the migrant worker and should be carried by them at all times.

13. The ILO, ICFTU and other international trade unions should engage with Thai trade unions to encourage them to actively promote membership of migrant workers in these sectors and promote their protection of informal sectors of work.
14. In the absence of active labour unions, the ILO, ICFTU and other international trade unions should promote and strengthen existing informal worker associations of migrants in Thailand by providing them with training in organising, documenting and monitoring worker violations and fighting exploitation.
15. Workers' associations and NGOs with support from international organisations should:
 - a) Campaign in migrant communities to increase understanding of the exploitation and difficulties children and young people face in these workplaces, and for communities themselves to identify what they consider to be unacceptable working conditions for children.
 - b) Workers associations and NGOs should work with migrant communities to develop specific information about how children and young women should protect themselves in the workplace and how other members of the community can likewise protect them. Information should be disseminated in the migrants' own languages through mass media such as radio and television. As part of such awareness-raising amongst migrants, NGOs, employers and workers organizations should collect and use real-life situations of migrant exploitation to illustrate how to effectively resolve problems in the workplace.

E. Education

Only a small number of migrant children currently attend education classes. Major barriers are workload and that there is no available school nearby or not enough information about schooling. Centres for migrants can also play a valuable role in documenting exploitation.

16. The Ministry of Education should establish schools or learning centres near migrant informal workplaces with flexible time schedules so migrants can attend classes, especially on their days off.
17. The Ministry of Education together with NGOs should provide bridging programmes to migrant children and young people who lack formal education or lack sufficient Thai language skills to attend regular Thai schools.
18. The Royal Thai Government, in conjunction with non-governmental or international organizations, should provide free Thai language lessons to young migrant workers with an emphasis on practical Thai for living and working in Thailand.
19. The Ministry of Education should work with Royal Thai Police to ensure police are aware of migrant children's legal right to attend school despite their undocumented status.
20. NGOs and the Royal Thai Government with support from international organizations should establish informal groups/clubs regarding education and health issues in these geographical areas.

F. Recruitment

The informal nature of recruitment of children and young women into these sectors means that migrant communities and long-term migrants in particular (as potential recruiters) are partners in advocating for migrant protection.

21. Workers and employers associations, international organizations and NGOs should mobilize migrant communities (and therefore informal recruiters) to be more vigilant in negotiating minimum conditions of work to safeguard the interests of migrant workers. Mobilisation must include training so that migrant communities can determine minimum conditions of work that they would agree to.

G. Role of employers

Some employers have been involved in exploiting workers, however this is not always as a result of maliciousness but sometimes due to a lack of understanding of migrants' rights as well as a social-cultural context that justifies treatment of migrants in that way. Interviews with employers and key informants as well as the survey data shows there is little understanding of migrant rights and migrant exploitation amongst the Thai community. Exploitation is likely to continue despite legislative changes if employers do not recognize that migrant workers are entitled to the same rights as Thai citizens. Targeted information campaigns directed at specific groups of employers have been successful in some other destination countries. For example, in Singapore first-time employers of migrant domestic workers are required to attend a half-day employers' orientation programme. This aims to educate employers on their roles and responsibilities towards their domestic workers as well as foster a sense of respect and responsibility for their workers and in this way improve the employer – worker relationship.

22. The Ministry of Labour in conjunction with employers' and workers' associations and non-governmental organizations should develop innovative campaign materials to educate employers in specific sectors about the rights of children and migrants. For example, this could be through film and/or a series of mobile seminars for employers of migrant workers.

Educating employers is only part of the solution, at the same time those who do violate the law and exploit migrant workers need to be punished while those who protect the rights of workers should be encouraged and their efforts to do so promoted amongst employers.

23. Employer's associations should acknowledge those ethical employers who provide protection and equal treatment between Thai and migrant workers such as through providing awards or other incentives to such employers.

H. Attitude towards migrants

Attitudinal change is not only required amongst specific employers of migrants in these sectors but on a more broad-based level of changing socio-cultural perceptions of Thai society towards migrants, in general. Given that people tend to be more responsive to the rights of children, a starting point is to highlight the fact that the needs of migrant children are the same as those of children anywhere – and are a given right.

24. Employers' and workers' associations should conduct public awareness campaigns aimed at the Thai community about Thailand's shortage of migrant workers and ways in which migrant communities can live with Thais in positive, peaceful and nurturing ways that benefit both locals and migrants. Innovative ways of doing

this should be explored such as through film, television shows, comics and the public education system.

25. Employers and workers associations should encourage and facilitate cross-cultural community activities that include both local people and migrants and encourage migrants to participate in those community activities.
26. The Royal Thai Government together with worker's associations and NGOs should engage in campaigns targeting both Thai and migrant communities establishing the rights of migrant children. For example, the campaign should focus on increasing understanding within migrant communities about child rights especially as regards children and work.

I. Encouraging safe and legal migration

From the migrants' perspective, although legal status helps, it does not fully protect migrants from exploitative conditions and can become a further barrier to changing employers. This is especially where workers do not possess their residence or work documents. About a third of migrants interviewed had not registered and so were working illegally in Thailand. Although the majority of employers and migrants in the study expressed positive attitudes about registration, some felt the complex time-consuming nature of the process combined with its expense meant there was little incentive to register. Therefore to encourage higher registration of workers the process should be simplified to be more effective.

A concerted effort to firstly penalise employers who unnecessarily restrict freedom of movement of migrants must be matched by policy changes

which address the unequal financial arrangement imposed by the registration fees as well as easing the process for migrants to change jobs (and employers to employ newly registered workers). The Royal Thai Government might consider how to provide an alternate means for workers to pay the costs of their registration as that would prevent them from being dependent upon their employers. While the present practice has been to simply leave the employer and worker to develop their own arrangements to pay the fees, this has resulted in a form of debt-bondage and impinged on the migrant's freedom of movement - situations which cannot be tolerated or ignored.

27. The Ministries of the Interior and Labour should ensure rapid implementation of the Memorandums on Employment Cooperation that Thailand has signed with Lao PDR, Cambodia and Myanmar, especially with regard to workers in informal sectors. This is to ensure an effective long-term mechanism to manage migration coming to Thailand throughout the year.

28. Although the long term goal is an effective open managed system of migration measured by demand and supply of migrant workers, in the short term, fixed registration periods are likely to continue as far as workers from Myanmar are concerned.⁹⁵ Therefore the following recommendations addressed to the Ministries of Interior and Labour would make the registration process of migrants already in Thailand more effective:

- a) Extend the period of registration to three months (so more migrants can become aware of it and register.)
- b) Extend the period that a registered migrant may stay in Thailand to two years.

⁹⁵ Although a Memorandum on Employment Cooperation was signed between the Royal Thai Government and Myanmar, it has yet to become operational.

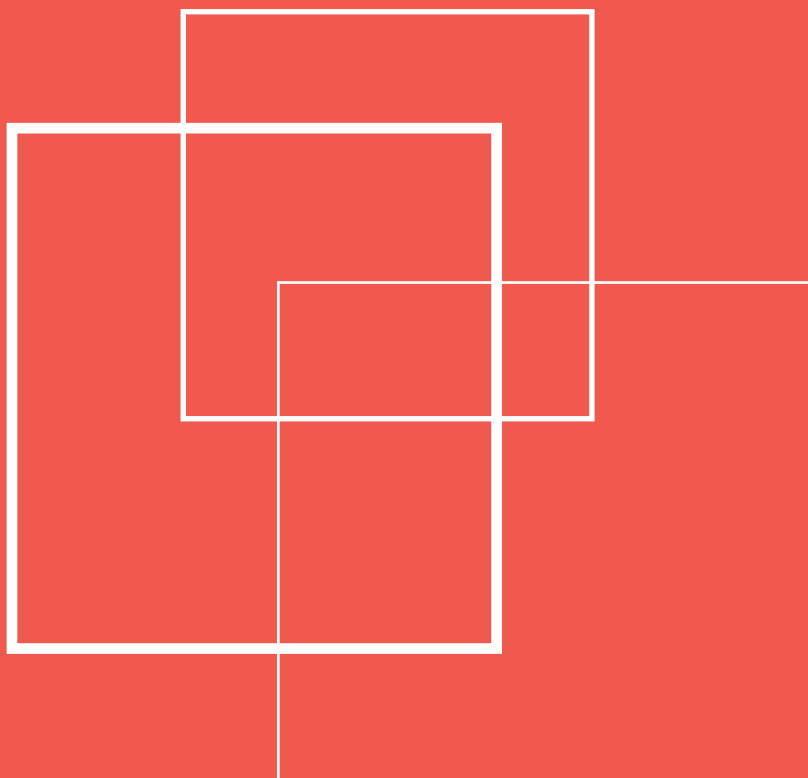
- c) Reduce the cost of the registration fees for migrants in these sectors of work, given that it represents approximately one month's wages for a non-exploited migrant in these sectors.
- d) Given the high costs of registration, establish a Government fund through which migrants may apply to in order to pay their registration fees rather than relying on employers to pay fees upfront.
- e) Simplify the process for migrants to change employers by waiving the requirement for permission from the previous employer for migrants who claim to have suffered exploitation. Additional costs for registered migrants who change employers due to circumstances of exploitation should also be waived. This distinguishes between workers leaving exploitative conditions of work and those workers who are changing jobs simply because they desire a different job/employer.
- f) Simplify the process for employers to hire new migrant workers outside of the registration periods.
- g) Ensure adequate training of staff who register migrant workers.
- h) Ensure translators are provided throughout the registration process.
- i) Create a database to facilitate the efficiency of registering workers (so employers can make appointments at fixed times to register workers).
- j) Work with local organizations such as the sub-district administrative organizations, municipal offices as well as NGOs to play roles in the registration process to facilitate and speed up the process.
- k) Prepare and disseminate clear information

about registration properly to both employers and migrant workers. In order for migrants to access the information, the information should be in Thai and migrants' languages and disseminated through various channels including community networks. Dissemination should be organised well in advance before the registration period takes place.

- l) Inform others in the community such as police and immigration officers about the registration process to reduce any possible negative interactions between migrants and law enforcement and enable migrants to travel freely in the province in order to register.
- m) Issue instructions to immigration and police to ensure that migrants in the process of registering who do not yet possess documents are able to move legally and safely, free of the possibility of arbitrary arrest and deportation. Penalties should be established and implemented against any officers found to be intimidating or harassing migrants in the process of registration.

29. The Ministry of Labour, together with the ILO, employer's and worker's associations and NGOs, should annually monitor and evaluate the impact of policies and programmes on labour migration in Thailand.

Annexes



ANNEX 1

Model Questionnaire for migrants

NB: This reflects the original survey instrument that was used, with some adjustments and recommended changes for researchers who are contemplating doing research into exploitative conditions of work. All changes are indicated in different coloured text – **bold** illustrates a new suggested question or re-phrasing, and text in *italics* indicates the original question that was included as well as a commentary explaining the reason for suggesting the change.

Questionnaire Number

--	--	--	--

Eligible migrants

- 1) **Male aged below 25 years**
- 2) Female aged below 25 years
- 3) Has worked in current job for at least 2 months
- 4) If manufacturing sector works in a small factory with fewer than 50 staff
- 5) Not a Thai national
- 6) Does not hold a Thai identity card (including 'coloured card')

Original Eligible migrants

- 1) **Male aged 20 or below**
- 2) *Female aged 25 or below*
- 3) *Has worked in current job for at least 2 months*
- 4) *If manufacturing sector works in a small factory with fewer than 50 staff*
- 5) *Not a Thai national*
- 6) *Does not hold a Thai identity card (including 'coloured card')*

Commentary: In the original questionnaire we made a distinction between males aged 20 and below and females aged 25 and below. This was because the ILO project has a mandate to look at children and women (under 25 years of age). However researchers feared many males below 18 years would not admit to being that age. However, it would have been more precise for the final data analysis to simply ensure that the age groups were the same for both sexes, as it makes it harder to determine gender differentials between the sector given the age differences.

Sector:

- ☐ Agriculture (specify type of farm: fruit and vegetable, animal or flower).....
- ☐ Fishing (specify: fishing boat or fish processing).....
- ☐ Informal Manufacturing in textiles or garments
- ☐ Domestic Work

Location:

Sub-district.....District.....

Province.....Tel:.....E-mail:.....

D/M/Y of 1 st interview	D/M/Y of 2 nd interview	D/M/Y of 3 rd interview
.....
Start time.....	Start time.....	Start time.....
End time.....	End time.....	End time.....
Total time.....	Total time.....	Total time.....
Name of Interviewer: _____ Signature: _____ Date: _____		
Name of Supervisor: _____ Signature: _____ Date: _____		

Informed Consent

Greetings! My name is I am an interviewer for a research project examining the employment conditions of migrant workers. The project is a collaboration between the Institute of Population and Social Research (IPSR), Mahidol University and the International Labour Organization (ILO). The findings of this research will lead to specific campaigns and programmes which should benefit workers by improving working conditions for migrants and assisting those in poor working conditions. As a migrant worker, this study should be of some interest to you.

We have a number of questions that we would like to ask you, please be assured that your responses will be kept strictly confidential. We do NOT need your name. The information that you give will be used solely for the purpose of this study. The interview will take approximately half an hour and we will note down your responses.

You can choose whether you would like to participate in the survey. If you do not want to answer a question, you can choose not to. In addition, you can end the interview at any point. We would like to encourage you to participate and assist us by providing honest responses to the questions. Your views are very important. If you have any further queries about the survey please let me know.

FILTERS:

Question: May I start the interview now?

1. Respondent agrees to be interviewed
2. Respondent does not agree to be interviewed

PROCEED

STOP

1. Background data

- 1.1 Sex (1) Male (2) Female
- 1.2 How old are you? (Age in years)
- 1.3 Where were you born?
(1) Thailand (2) Myanmar (Burma) (3) Laos (4) Cambodia (5) Other (specify).....
- 1.4 What is your ethnicity?
(1) Burmese → 1.1) Burman 1.2) Shan 1.3) Mon 1.4) Karen
(2) Laotian
(3) Cambodian
(4) Other (please specify)..... STOP IF THAI
- 1.5 Is this the first time you have come to Thailand?
(1) Yes
(2) No → How many times have you been here before?.....Times (Including the current stay but excluding short home visits)
- 1.6 At what age did you first come to Thailand? (Age in years)

1.7 Does your employer provide accommodation for workers?

- (1) Yes
- (2) No

Original question: What benefits do you receive from your employer?

Commentary: This was originally included in section 4 of the questionnaire and as a result was not clearly linked with questions 1.8 and 1.9, resulting in some inconsistent responses.

1.8 Do you live in employer provided accommodation (on-site)? (1) Yes (2) No → 1.11

1.9 Can you choose to live off-site (somewhere else not provided by your employer) and still work in this job?

- (1) Yes, can find own housing
- (2) No, must live on-site
- (3) Not applicable

Original question: Can you refuse to live on-site?

- (1) No (specify).....
- (2) Yes, can find own housing
- (3) Not applicable

Commentary: The way the question was worded was slightly confusing as it is a double negative ‘can you refuse to live there’ caused more confusion. In addition, the order of the responses differed from other questions, causing confusion at the point of data entry. To ensure the results were correctly recorded the possible responses should appear in the same order i.e. (1) yes (2) no and (3) not applicable. This has been modified for all of the proceeding questions

1.10. If you live on-site, can you go out when you want to?

- (1) Yes
- (2) No
- (3) Don't know
- (4) Not applicable

↓

↓

(4.11.1) If no or don't know then ask why not? (Tick all that apply, Do not read)

↓

Code for question 1.10

- 1) The employer will not allow me to go out
- 2) The employer will not allow me to go out because I still owe money
- 3) The employer tells me if I go out I might get in trouble
- 4) Someone else (besides employer) tells me not to go out
- 5) I am scared of being harassed by the authorities because I don't have my ID card
- 6) I have my ID card, but I am still scared of being harassed by the authorities
- 7) I have never asked my employer if I can go out
- 8) Other. Please specify.....

1.11 Do you pay for your accommodation?

- (1) Yes, if so how much Baht
- (2) No

1.12 Currently, who do you live with? (Tick all that apply)

- (1) Parents
- (2) Spouse
- (3) Friends
- (4) Employer
- (5) By myself
- (6) Co-workers
- (7) Other relatives

1.13 How would you rate your ability to speak Thai?

- (1) Cannot speak Thai
- (2) Can speak some Thai words
- (3) Can speak Thai very well but not as fluently as a Thai native speaker
- (4) Can speak Thai fluently

1.14 What level of education have you completed? (Education obtained in any country)

- (1) Did not attend school
- (2) Completed education level.....and year of leaving the educational institution.....

1.15 When did you start school? Age:.....Year

1.16 Do you currently attend any type of non-formal or formal education?

- (1) Yes
- (2) No → Why not? (Tick all that apply - Do not read)

↓

- | | |
|---------------------------------------------------------|--------------------------------|
| 2.1) I don't speak Thai | 2.2) There is no school nearby |
| 2.3) The Thai government won't let me go to school here | 2.4) It's too expensive |
| 2.5) I don't want to | 2.6) I don't need it |
| 2.7) Too much work to do | 2.8) Employer does not allow |
| 2.9) I have no card | 2.10) Other: specify..... |

1.17 Are you registered with the Thai government?

- (1) Yes

If yes, please indicate if you agree or disagree with the following statements

	Agree	Disagree	Don't know
Registration has helped me to find a job more easily			
Registration provides with greater job security			
Being registered means I feel safer going outside the workplace			
Registration has made my life more difficult			

(2) No → If no, why not? Do not prompt

- | | |
|------------------------------------------------|-----------------------------------------|
| 2.1) I didn't know about it | 2.2) I move around too much |
| 2.3) Employer didn't allow me to | 2.4) No time to register |
| 2.5) Don't think it would improve my situation | 2.6) I might be sent home if I register |

1.18 Currently, what type/s of identity documents do you hold?

(Please specify, for example cards issued by Thai government residence card, work permit card, health card)

- (1)
- (2)
- (3)
- (4)

1.19 Do you hold (possess) your original identity document/s?

- (1) Yes
- (2) No → Who has them?
 - 1) Employer
 - 2) Recruiter
 - 3) Other. Please specify

- Can you get them when you want them?
- 1) Yes 2) No 3) Don't know
- (3) Don't have any ID documents

1.20 What type of work do you do? (Make a list for each sector)

Example Domestic work sector e.g. for domestic work it could have been

- (1) Cleaning, sweeping
- (2) Washing and ironing clothes
- (3) Cooking
- (4) Gardening
- (5) Taking care of children
- (6) Taking care of elderly
- (7) Working in my employer's business
- (8) Shopping/errands
- (9) Other

Original question: 1.20 What type of work do you do? (Make a list for each sector)

- (1).....
- (2).....
- (3).....
- (4).....

Commentary: For each sector, a predetermined list of generic duties for that sector should have been determined during the pre-test to make it easier when analyzing data to compile and list the main jobs done per sector. This was recommended but did not actually happen.

2. Migration history

2.1 Have you worked other jobs in Thailand before you started your current job?

- (1) Yes (specify)..... (2) No → skip to question 2.4

2.2 Please rate the type of work (including your current job) you liked the most (1) to (X) the least liked. *Please only answer for the sectors you have worked in, for example if 3 sectors, then rate those 1 (most liked) to 3 (least liked). Do not prompt. Just tick all/any that mentioned*

Work sector or activities	How would you rate the sectors you have worked in? (most liked (1) to least liked)
1) Agriculture	
2) Fishing	
3) Fish processing	
4) Manufacturing	
5) Domestic work	
6) Construction	
7) Service worker (hot food shop, restaurant)	

8) Shop employee (convenience store, supermarket, gas station)	
9) Market salesperson/street vendor	
10) Entertainment (dancing, bar work, Karaoke)	
11) Sex worker	
12) Office work	
13) Begging	
14) Other (specify).....	

2.3 Have you ever worked in other countries?

(1) Yes, please specify countries

(2) No

2.4 Have you ever been forced to work in a job before?

(1) Yes

(2) No

Additional question:

Who forced you to work? (Do not prompt)

(1) My employer

(2) My recruiter

(3) My parents

(4) My spouse

(5) My brother/sister

(6) My relative

(7) Other (please specify)

Additional question:

In which country were you forced to work?

(1) In Thailand

(2) In home country

(3) Another country. Specify _____

Original question 2.4: Have you ever been forced (against your wishes) to work before, by someone that wasn't in your family?

(1) Yes

(2) No

Commentary: This question was a bit hard for migrants to understand, and also did not enable us to know who was forcing the migrant to work and also did not tell us if the forced labour was in the country of origin or elsewhere.

2.5 How did you travel to Thailand this time? (Excluding regular home visit)

(1) I came here on my own

(2) I came here with my parent/s

(3) I came here with friend/s or relative/s

(4) I came here with a transporter (arranged transport only)

(5) I came here with a recruiter (arranged transport and job)

(6) Other (specify).....

Original question: Included the term 'agent'

Commentary: The term 'agent' was changed to specify whether they were a recruiter – someone involved in assisting finding employment or transporter – someone involved in assisting with movement.

- 2.6 How were you recruited to your current job?
- (1) I came here on my own (skip to q 2.10)
 - (2) My parents arranged my work (skip to q 2.10)
 - (3) Friend/s or relative/s arranged my work
 - (4) A recruiter brought me from my country to this job
 - (5) I came to Thailand, and then used a formal (legal) recruitment agency (company)
 - (6) I came to Thailand, and then used an informal recruitment agent
 - (7) Other (please specify).....
- 2.7 Did you pay the person who arranged the job for you?
- (1) Yes → How much? Baht (2) No
 - (3) Don't know (4) N/A
- 2.8 Do you still owe money to the person who arranged the job for you?
- (1) Yes → How much? Baht. (2) No
 - (3) Don't know (4) N/A
- 2.9 Are you still in contact with the person who brought you here?
- (1) Yes (2) No (3) N/A (came with own family)
- 2.10 Did you or your family receive any payment in advance in return for you taking this job?
- (1) Yes (2) No (3) Don't know

3. Choices in worksite

- 3.1 Is the type of job (i.e. sector of work) different from what you were told?
- (1) Yes (2) No (3) Didn't have any information

Additional question:

Is the type of job worse than what you were initially told?

- (1) Yes (2) No

Commentary: This question was added since it was unclear whether in fact it was better or worse or simply that the job was different, and researchers had to then rely on the more limited responses from the in-depth interviews.

- 3.2 Are the working conditions different from what you were told?
- (1) Yes (2) No (3) Didn't have any information

Additional question:

Are the working conditions worse than what you were initially told?

- (1) Yes (2) No

Commentary: This question was added since it was unclear whether in fact the working conditions were better or worse or simply different, and researchers had to then rely on the more limited responses from the in-depth interviews.

- 3.3 Are you forced to work in this job?
- (1) Yes (2) No

Additional question:

Who forces you to work? (Do not prompt)

- (1) My employer
- (2) My recruiter
- (3) My parents
- (4) My spouse
- (5) My brother/sister
- (6) My relative
- (7) Other (please specify)

Original question 3.3: *Are you forced to work in this job by someone other than your direct family?*

Commentary: *This question was a bit hard for migrants to understand, and also did not enable us to know who was forcing the migrant to work.*

4. Conditions of work

- 4.1 How many hours do you usually work each day? hours
What is your start time?am / pm
What is your finish time?am / pm
How many hours or minutes rest do you usually have during work time each day?hours orminutes
- 4.2 Do you receive any payment in cash? (1) Yes (skip to 4.4) (2) No
- 4.3 Does any of this apply to you?
(1) I get food, clothing and shelter instead of a cash payment.
(2) I have to pay back a debt to my employer first.
(3) I have to pay back a debt to my recruiter first.
(4) The money gets sent to my family.
(5) The employer keeps my money until I need it.
(6) Other (specify).....
- 4.4 How much cash are you paid (on average)? Baht/month
- 4.5 On average, how often do you get paid? (Tick only one option)
(1) Every day (2) Every week (3) Every two weeks
(4) Every month (5) Irregularly (6) I do not know

4.6. What benefits do you receive from your employer?

Benefits	Yes, receive		No, I do not receive	Not applicable
	money deducted	no money deducted		
1) Uniforms/clothing				
2) Food				
3) Health services. Please specify:				
4) Remittances (Assistance to send money home)				
5) Registration costs				
6) Loans (please specify the interest rate)				
7) Leisure/recreation facilities e.g. TV, recreation area. Please specify:.....				
8) Other (specify).....				

4.7 Do you have days off with pay each month?

- (1) Yes. _____ days per month with pay
(2) No.

4.8 Do you have days off without pay each month?

- (1) Yes _____ days per month without pay
(2) No.

4.9 Are there any things that prevent you from leaving this job if you want to? (constraints)

- (1) Yes, If yes, what is the reason? (2) No

↓

Code for 4.9, If yes (tick all that apply)

2.1) Debt to employer	2.2) Debt to recruiter
2.3) Personal debts	2.4) Employer might report me to the authorities
2.5) I won't get paid for the work I have done	2.6) Employer might use violence against me
2.7) Employer might use violence against those close to me	2.8) Registration means I have to stay with this employer
2.9) Employer has my documents	2.10) Difficult to find another job
2.11) Afraid of being sent back home	2.12) Afraid of being arrested by police
2.13) Nowhere else to go	2.14) The employer owes me money
2.15) Other (specify).....	

4.10 I am going to read you a list; can you tell me if you have these in your work?

Condition	Yes	No	Some times	Don't Know	Not applicable
1) Paid maternity leave (If you have a baby, will you get some days off with pay?)					
2) Paid sick leave (If you are sick, can you take days off with pay?)					
3) Access to health care when I need it (If you get sick, can you get assistance to see a medical staff?)					
4) Do you have voluntary overtime? (only do overtime if you want to)					
5) Do you have enough food to eat?					
6) Do you have enough time to rest/sleep?					
7) Do you have enough break times during work?					
8) Do you have a written contract with your employer?					
9) Do you have regular day/s off each week?					
10) Do you have regular day/s off each month?					
11) Do you have annual paid holidays e.g. where you take holiday such as during New Year but are still paid by employer?					
12) Can you take annual holidays without pay? (and still come back to your job later)					
13) Can go to school? (or for those in your workplace who are under					

Original question 4.10 had these additional categories

Condition	Yes	No	Sometimes	Don't Know	Not applicable
14) Work permit (Do you have a work permit?) Commentary: Removed because already asked this question earlier					
15) Regular work hours (do you have regular (steady) working hours each week?) Commentary: Removed because does not indicate whether many or few hours worked					
16) Do you receive the minimum wage? Commentary: Removed because otherwise not calculated with overtime included					

4.11 Which of the following has happened to you at work? (Tick all that apply)

- (1) Verbally abused or shouted at by employers / senior workers
- (2) Employer swears at you (uses bad words)**
- (3) Beaten / slapped/hit/physically abused by employer /senior workers
- (4) Pushed by employer/senior workers**
- (5) Sexual harassment (talking in a way that I do not agree to)**
- (6) Sexual touching that I don't want/agree to**
- (7) Rape**
- (8) Verbally harassed by others outside the workplace
- (9) Beaten / slapped/hit /physically abused by others outside the workplace
- (10) My pay amount is reduced is I make mistakes or do something wrong (payment deduction for mistakes)
- (11) My pay is sometimes paid late (Delayed payment)

Original Question 4.11 Which of the following have you experienced in the workplace? (tick all that apply)

- (1) Verbally abused or shouted at by employers / senior workers
- (2) Beaten/physically abused by employer /senior workers
- (3) Verbally harassed by others outside the workplace
- (4) Beaten /physically abused by others outside the workplace
- (5) Payment deduction for mistakes
- (6) Delayed payment
- (7) Excessive hours of work
- (8) None

Commentary: 'Excessive work hours' is redundant since not clear what is meant by 'excessive' and we already ask the migrants the number of hours worked. More specific indications of the physical and verbal abuse would show the range of abuse more clearly. Sexual abuse was an omission due to lack of time to consider this in detail but would be useful to have data on this.

5. Support mechanisms at worksite

5.1 If you have problems at work, who do you talk to? (Tick all that apply)

- | | | |
|-------------------|----------------------|--------------------------|
| (1) No one | (2) Employer | (3) Recruiter |
| (4) Labour Office | (5) NGO (foundation) | (6) Friends |
| (7) Relatives | (8) Workmates | (9) other (specify)..... |

5.2 If you fall sick, who takes care of you? (Tick all that apply)

- | | | |
|------------------------------------|---------------------------|-------------------------------------------|
| (1) No one | (2) Employer | (3) Recruiter |
| (4) Labour Office | (5) NGO (foundation) | (6) Friends |
| (7) Relatives | (8) Workmates | (9) Doctor/health worker in the community |
| (10) Doctor/ health worker on site | (11) Other (specify)..... | |

5.3 If you need to contact your family, who helps arrange this? (Tick all that apply)

- (1) Don't know, have never contacted them
- (2) Myself
- (3) Employer
- (4) Recruiter who brought me to this job**
- (5) NGO (foundation)
- (6) Friends
- (7) Relatives
- (8) Workmates
- (9) Someone in community arranges this for others
- (10) Other (specify).....

Original Question 5.3 If you need to contact your family, who helps arrange this? (Tick all that apply)

- | | | |
|-------------------------------------------|---------------------|---------------------------------------------------|
| (1) Don't know, have never contacted them | (2) Myself | (3) Employer |
| (4) Recruiter | (5) NGO(foundation) | (6) Friends |
| (7) Relatives | (8) Workmates | (9) Someone in community arranges this for others |
| (10) Other (specify)..... | | |

Commentary: 'Recruiter' needs to be more specific to be sure it is the same recruiter who arranged the job for the migrant. Same for 5.4.

5.4 How do you send money home? (Tick all that apply)

- | | | |
|------------------------------------------------------------------------|---------------------------|--------------------------------------------------|
| (1) Don't know | (2) Through my employer | (3) Through recruiter who brought me to this job |
| (4) Through NGO (foundation) | (5) Through Friends | (6) Through Relatives |
| (7) Through Workmates | (8) Through Bank | (9) Through Post Office |
| (10) Through community (Someone in community arranges this for others) | | |
| (11) Through formal remittance service | (12) other (specify)..... | |

5.5 Have you ever had contact with people from any of the following groups since you have been working here? If yes, state approximately how many times you have been in contact with such people?

Group	Yes (how many times?)	No	Don't know
Police			
Labour officials/inspectors			
NGO or social welfare workers			
Medical – Doctors and nurses			
Lawyers			
Teachers			
Monks – religious persons			

5.6 Do you belong to any formal or informal groups in the community here in Thailand?

(1) Yes

(2) No

5.6.1) → If yes, Please describe what type of people join the group.

1) Migrants only

2) Migrants of my ethnicity only

3) Migrants and Thai people

4) Children only

5) Workers in my industry (state sector).....

6) People working in different industries

7) Other (specify).....

5.6.2) → If yes, please describe the main issue the group discusses:

1) School (we attend classes)

2) Discuss legal issues

3) Discuss problems in the workplace

4) Discuss problems in Thailand

5) Discuss health issues

6) Learn reading/writing in my language

7) Learn Thai language

8) Skills training

9) Money management (saving)

10) Other (specify).....

5.7 Would you like to join a group that discussed any of the following issues (Tick all that apply)

(1) Health

(2) Education – classes

(3) Social issues

(4) Racism

(5) Laws in Thailand

(6) Registration

(7) Workplace problems

(8) Problems in Thailand

(9) Thai language

(10) Teach me some skills

(11) Teach me to read/write in my language

(12) Other (specify).....

6. Leisure/closing question

6.1 What do you like to do in your time off? Do not prompt. (Tick all that apply)

(1) No time off

(2) Sleep

(3) Stay in my room/compound

(4) Play with other children

(5) Talk with others

(6) Visit friends/relatives

(7) Watch TV

(8) Listen to music

(9) Study

(10) Play sports

(11) Visit temple

(12) Visit market

(13) Go out (to entertainment place)

(14) Go out (from living/working place)

(15) Other (specify).....

Thank you very much

ANNEX 2

Model Questionnaire for employers

NB: This reflects the original survey instrument that was used, with some adjustments and recommended changes for researchers who are contemplating doing research into exploitative conditions of work. All changes are indicated in different coloured text – bold illustrates a new suggested question or re-phrasing, and text in italics indicates the original question that was included as well as a commentary explaining the reason for suggesting the change.

Questionnaire Number

--	--	--	--

Eligible employer

- 1) Has employed migrants for at least 2 months
- 2) Employs male migrant(s) aged 25 years and below and/or**
- 3) Employs female migrant(s) aged 25 years and below
- 4) If manufacturing: employs fewer than 50 staff

***Original** Eligible migrants*

- 7) Has employed migrants for at least 2 months*
- 8) Employs male migrant aged 20 years and below and/or**
- 9) Employs female migrant aged 25 years and below*
- 10) If manufacturing: employs fewer than 50 staff*

Commentary: *In the original questionnaire a distinction was made between males below 18 years and females below 25 years of age. This was because the ILO project has a mandate to look at children and women below 25 years of age. It would have been more precise for the final data analysis to simply ensure that the age groups were the same for both sexes, as it makes it harder to determine gender differentials between the sector given the age differences.*

Sector: <input type="checkbox"/> Agriculture (specify type of farm: fruit and vegetable, animal, flower)..... <input type="checkbox"/> Fishing (specify: fishing boat or fishing processing)..... <input type="checkbox"/> Informal Manufacturing in textiles or garments <input type="checkbox"/> Domestic Work		
Location: Sub-district.....District..... Province.....Tel:.....E-mail:.....		
1st Interview D/M/Y..... Starting time..... Completion time..... Total.....	2nd Interview D/M/Y..... Starting time..... Completion time..... Total.....	3rd Interview D/M/Y..... Starting time..... Completion time..... Total.....
Interviewer's name..... Date.....Month.....2005 Supervisor's name..... Date.....Month.....2005 Questionnaire editor..... Date.....Month.....2005		

Informed Consent:

Greetings! My name is I am an interviewer for a research project examining the employment of migrant workers. The project is a collaboration between the Institute of Population and Social Research (IPSR), Mahidol University and the International Labour Organization (ILO). The findings of this research will lead to specific campaigns and programmes which should benefit employers of migrant workers by improving government policy on migrant labour. As an employer of migrant workers, the study should be of some interest to you.

We have a number of questions that we would like to ask you, please be assured that your responses will be kept strictly confidential. We do NOT need your name or any information that can be used to identify you. The information that you give will be used solely for the purpose of this study. The interview will take approximately 30 minutes and we will note down your responses.

You can choose whether you would like to participate in the survey. If you do not want to answer a question, you can choose not to. In addition, you can end this interview at any point. We would like to encourage you to participate and assist us by providing honest responses to the questions. Your views are very important. If you have any further queries about the survey please let me know.

FILTERS:

Question: May I start the interview now?

1. Respondent agrees to be interviewed
2. Respondent does not agree to be interviewed

PROCEED
STOP

1. Background data

1.1 Sex:

- (1) Male (2) Female

1.2 Are you a sub-contractor?

- (1) Yes (2) No (3) Not Applicable (N/A)

1.3 What is your position?

- (1) Manager (2) Owner (3) Other (please specify).....

Question 1.4 for domestic work sector only

1.4 What is the size of your household? _____ person(s)

1.5 What is your nationality?

- (1) Thai
(2) Non-Thai
2.1) Burmese
2.2) Laotian
2.3) Cambodian
2.4) Other (please specify).....

- 1.6 What is your Ethnicity?
- (1) Thai
 - (2) Non-Thai
 - 2.1) Burman
 - 2.2) Shan
 - 2.3) Mon
 - 2.4) Karen
 - 2.5) Laos
 - 2.6) Khmer
 - 2.7) Other (please specify).....
- 1.7 What languages do you speak comfortably? (Tick all that apply)
- (1) Thai
 - (2) Burmese
 - (3) Laotian
 - (4) Cambodian
 - (5) Shan
 - (6) Mon
 - (7) Karen
 - (8) Other (please specify).....
- 1.8 What level of school did you complete?
- (1) Did not attend school
 - (2) Schooling year: ____ (circle primary or secondary)
 - (3) Technical college
 - (4) University
- 1.9 Are you a member of any formal or informal employers' association?
- (1) Yes. Please give the name.....
 - (2) No
 - (3) N/A
- 1.10 Are you a member of any community organisation?
- (1) Yes. Please give the name:
 - (2) No

Question 1.11 for domestic work sector only

- 1.11 Please indicate the level of monthly income of your household:

- ☐ Less than 20,000 baht per month
- ☐ 20,000 – 40,000 baht per month
- ☐ 40, 000 – 60,000 baht per month
- ☐ Above 60,000 baht per month

Please explain that the following questions should relate to migrants below 25 years of age

2. Migrant recruitment and preferences

2.1 What kind of work do migrants do for you? (Make a list for each sector)

Example: Domestic work sector it could have been:

- (1) Cleaning, sweeping
- (2) Washing and ironing clothes
- (3) Cooking
- (4) Gardening
- (5) Taking care of children
- (6) Taking care of elderly
- (7) Working in your business
- (8) Shopping/errands
- (9) Other.....

Original Question 2.1 What type of work do migrants do for you? (Make a list for each sector)

- (1).....
- (2).....
- (3).....
- (4).....

Commentary: For each sector, a predetermined list of generic duties for that sector should have been determined during the pre-test to make it easier when collating the responses from different respondents and compile and list the main jobs done per sector. This should have been consistent with the list of jobs for migrant interviews too.

2.2 How do you recruit migrant workers? (Tick all that apply, then rank those numbers according to most workers recruited by this method (1) to least used method ())

- ☐ Formal agent or recruitment agency ()
- ☐ Individual Recruiter (informal) ()
- ☐ Current workers of mine brought them ()
- ☐ Friend of mine brought them ()
- ☐ Worker came on their own ()
- ☐ Worker's parents or relatives brought them ()
- ☐ Other (please specify)..... ()

Original Question 2.2: included the term 'agent' under 2 instead of individual 'recruiter'.

Commentary: The term 'agent' was changed to recruiter, a more specific term to indicate those involved in assisting in finding employment.

2.3 Do you pay the person who recruits for this service?

- (1) Yes. How much? _____ Baht per person.
- (2) No

2.4 Are you regularly in contact with this recruiter?

- (1) Yes
- (2) No

2.5 How do most other employers in your business recruit workers? (Tick top 3 methods)

- (1) Formal recruitment agency
- (2) Individual recruiter (informal)
- (3) Current workers bring them
- (4) Friends bring them
- (5) Workers come on their own
- (6) Worker's parents or relatives brought them
- (7) Others (please specify).....
- (8) Don't know

3. Payment and benefits

3.1 How much do you pay migrant workers (on average)?

Average wage (when start)..... (Per piece /hour/day/week/month)

If per piece, approximately how much per day?.....Baht per day

3.2 Of the following list, which benefits do you provide to migrant workers?

Benefits	a) Do you provide?	b) Do you deduct money?
	1 Yes 2 No	1 Yes How much? 2 No
3.2.1 Housing		
3.2.2 Food		
3.2.3 Health services. Please specify		
3.2.4 Cash advance to family (money)		
3.2.5 Registration of worker		
3.2.6 Loans (please specify the interest rate.....)		
3.2.7 Leisure/recreation facilities e.g. TV, recreation area. Please specify:.....		
3.2.8 Travel/ recruitment costs		
3.2.9 Remittances		
3.2.10 Others (specify).....		

3.3 If migrant workers do not accept the housing on-site, what do they do?

- (1) Find their own housing
- (2) Employer helps them to find alternate housing
- (3) Worker must accept the housing as it comes with the job

3.4 Please indicate if you agree or disagree with the following statements (asking your OPINION)

Statement	Agree 1	Disagree 2	Don't know 9
3.4.1 Migrants work harder than Thai workers			
3.4.2 Migrants should have the same rights as Thai citizens			
3.4.3 The registration process has so many problems its better to avoid registration (not to register workers)			
3.4.4 The migrant registration process has improved my business			

4. Socio-cultural data pertaining to workers

4.1 What are the current ethnicities of the migrants you employ? (Tick all that apply)

- (1) Burman (2) Shan (3) Mon (4) Karen
- (5) Laotian (6) Cambodian (7) Other (please specify).....

4.2 Which ethnic group of migrants (in Q. 4.1) do you employ the most? (Select one)

- (1) Burman (2) Shan (3) Mon (4) Karen
- (5) Laotian (6) Cambodian (7) Other (please specify).....

4.2.1 What are the 3 main reasons you employ that ethnic group the most? (DO NOT PROMPT)

- | | | | |
|--------------------------------------------|-----------------------------------------------|---------------------------------------|------------------------------------------|
| <input type="checkbox"/> Hard-working | <input type="checkbox"/> Dark skinned | <input type="checkbox"/> Obedient | <input type="checkbox"/> Attractive |
| <input type="checkbox"/> Cheap | <input type="checkbox"/> Highly-skilled | <input type="checkbox"/> Friendly | <input type="checkbox"/> Young |
| <input type="checkbox"/> Clean | <input type="checkbox"/> Educated | <input type="checkbox"/> Independent | <input type="checkbox"/> Mature |
| <input type="checkbox"/> Well-dressed | <input type="checkbox"/> Uneducated | <input type="checkbox"/> Feminine | <input type="checkbox"/> Understand Thai |
| <input type="checkbox"/> Fair skinned | <input type="checkbox"/> Intelligent (sharp) | <input type="checkbox"/> Professional | <input type="checkbox"/> Easy-going |
| <input type="checkbox"/> Readily available | <input type="checkbox"/> Other (specify)_____ | | |

Original question: 4.2.1. What are the 3 main reasons you employ that ethnic group the most?

- 1.....
- 2.....
- 3.....

Commentary: Without the list, actually it was difficult to compare the exact qualities between sectors as the categories varied considerably, hence unlikely qualities were grouped together e.g. 'nice/clean' which are not necessarily the same thing. This list was proposed in the initial survey to be read out to employers to agree with which ones were important. However researchers were worried that employers might not feel comfortable with such a question. This might be alleviated if the question was not prompted.

4.3 Which age groups of migrant workers do you prefer to employ? (Select only one age category)

4.3.1 Below 18 years old	4.3.2 18 –25 years old	4.3.3 26 – 40 years old	4.3.4 More than 40 years old
Because	Because	Because	Because
1) Work harder	1) Work harder	1) Work harder	1) Work harder
2) Cheaper	2) Cheaper	2) Cheaper	2) Cheaper
3) More obedient	3) More obedient	3) More obedient	3) More obedient
	4) More skilled	4) More skilled	4) More skilled
	5) More experience	5) More experience	5) More experience
4) Others (specify)	6) Others (specify)	6) Others (specify)	6) Others (specify)
.....
.....

Original Question 4.3 Which age groups of migrant workers do you prefer to employ?

4.3.1 Below 18 years old	4.3.2 18 – 25 years old	4.3.3 26 – 40 years old	4.3.4 More than 40 years old
Because	Because	Because	Because
1) Work harder	1) Work harder	1) Work harder	1) Work harder
2) Cheaper	2) Cheaper	2) Cheaper	2) Cheaper
3) More obedient	3) More obedient	3) More obedient	3) More obedient
4) More skilled	4) More skilled	4) More skilled	4) More skilled
5) More experience	5) More experience	5) More experience	5) More experience
6) Others (specify)	6) Others (specify)	6) Others (specify)	6) Others (specify)
.....
.....

Commentary: The below 18's group should not have had the category 'more skilled' or 'more experienced' as this caused more confusion and some data errors. Also the employers should have been made to choose only one age category rather than multiple to be more precise. This was a misunderstanding between researchers and interviewers, since the original questionnaire document only required the employer to select one age category.

4.4 If you did not choose Q.4.3.1, why don't you prefer to employ migrants aged below 18 years?

(DO NOT PROMPT)

- (1) Against the law
- (2) Can't do this kind of work
- (3) Have to attend school
- (4) Other (specify.....)
- (8) N/A chose Q 4.3.2

4.5 If you did not choose Q.4.3.2, why don't you prefer to employ migrants aged 18 – 25 years?

(DO NOT PROMPT)

- (1) Lazy
- (2) Cause trouble
- (3) Costly
- (4) Other (specify.....)
- (8) N/A chose Q 4.3.1

4.6.1 Do you prefer to hire men or women?

- (1) Men (go to 4.6.2)
- (2) Women (go to 4.6.3)

4.6.2. If choose '1' why do you prefer to hire men? (DO NOT PROMPT)

(Tick only the three most important reasons)

- | | | |
|--------------------------|------------------------|----------------------------------------|
| (1) stronger | (5) more attractive | (9) more skilled |
| (2) faster | (6) more pleasant/nice | (10) more mature |
| (3) cheaper | (7) more obedient | (11) better educated |
| (4) talk less | (8) cleaner | (12) more men are available than women |
| (13) Other specific..... | | |

4.6.3 If choose '2' why do you refer to hire women?

(Tick only the three most important reasons)

- | | | |
|--------------------------|------------------------|----------------------------------------|
| (1) stronger | (5) more attractive | (9) more skilled |
| (2) faster | (6) more pleasant/nice | (10) more mature |
| (3) cheaper | (7) more obedient | (11) better educated |
| (4) talk less | (8) cleaner | (12) more men are available than women |
| (13) Other specific..... | | |

Commentary: Although this question had been recommended for inclusion, somehow it was accidentally omitted from the final questionnaires.

4.7 Please indicate if you agree or disagree with the following statements

	Agree 1	Disagree 2	Don't know 9
4.7.1 Migrants are a threat to Thailand's national security			
4.7.2 We should lock migrants in at night to make sure they don't escape			
4.7.3 Migrants are good for Thailand because they are cheaper than Thai workers			
4.7.4 Migrants are good for Thailand because they are more obedient workers			
4.7.5 Migrants should have the right to join trade unions			
4.7.6 The government should allow more migrants to come and work here legally			
4.7.7 Migrants are easier to control than Thai workers			

Commentary: 4.7.4 was accidentally omitted from the final version of the employer's questionnaire.

5. Payments and Benefits

5.1 Which of the following rights do you think migrant workers in your sector should be entitled to? Which of the following rights do they have under Thai law?

Right	Should have			Do have under Thai Law		
	Yes 1	No 2	Don't know 9	Yes 1	No 2	Don't know 9
5.1.1. Written contract of employment						
5.1.2. Regular days off						
5.1.3. Voluntary overtime						
5.1.4. Can leave the premises without permission outside work hours						

5.2 During the last year, how often did you have contact with the local Labour Office? (i.e. by telephone or in person)

(1) Never (Skip to Q 5.3)

(2) Ever

1) 1 time

2) 2 times

3) 3 times

4) More than 3 times

5.2.1 What was the nature of the contact (Tick all that apply)

1) Registration of workers

2) Problems with workers

3) Routine monitoring and labour inspection

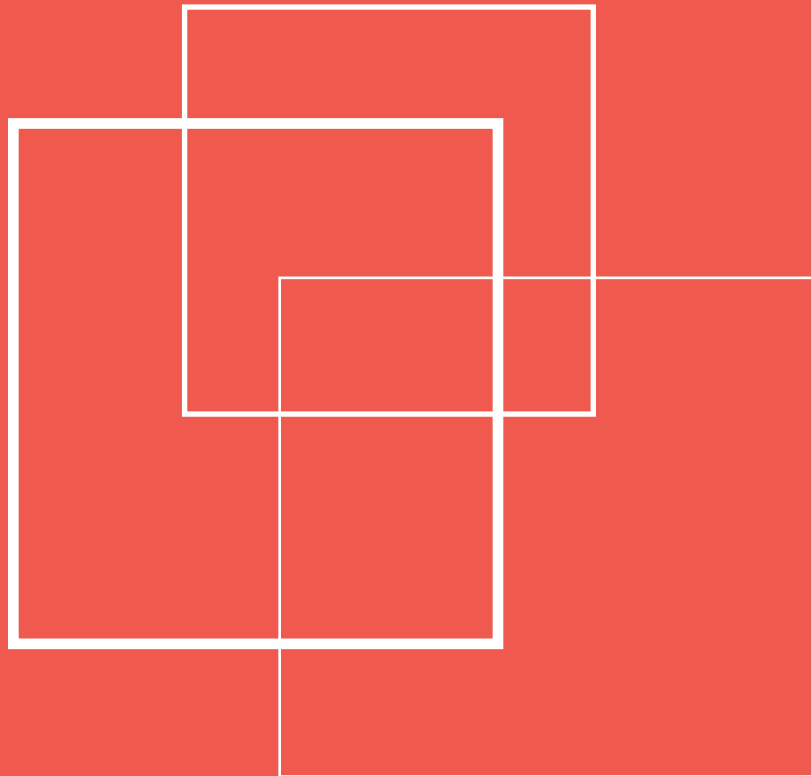
4) Others (Specify.....)

5.3 Please indicate if you agree or disagree with the following statements:

	Agree 1	Disagree 2	Don't know 9
5.3.1 If I have a problem in the workplace, I would ask other employers for advice			
5.3.2 All employers around here treat their workers in the same way			
5.3.3 If one employer gives a pay rise, other employers will usually follow			
5.3.4 Employers discuss together what kind of benefits we give to our workers			

Thank you very much

BIBLIOGRAPHY



BIBLIOGRAPHY

Asian Research Centre for Migration, Institute of Asian Studies, Chulalongkorn University, *Case Study of Fisheries and Fish Processing Industry in Samut Sakhon*, Thailand: Improving Migration Policy Management with Special focus on Irregular Labour Migration, ILO and IOM, Bangkok, undated.

Amnesty International, *Thailand: The Plight of Burmese Migrant Workers*, AI Index: ASA, London, 2005.

Amparita, M., *Study on the Legal Protection of Child Domestic Workers in the Asia-Pacific*, ILO/Japan/Korea Asian Meeting on Action to Combat Child Domestic Labour, Chiang Mai, 2-4 October 2002.

Anderson, B. and O'Connell-Davidson, J., *Is Trafficking in Human Beings Demand Driven? A Multi-Country Pilot Study*, Migration Research Series, International Organization for Migration, Geneva, 2003.

Anderson, B. and O'Connell-Davidson, J., *Trafficking – a demand led problem?*, Save the Children Sweden, Stockholm, 2002.

De Meyer, T., Briefing Note: *Migration Law and Practice in Asia and the Pacific in the Context of International and ILO Instruments*, Sub-regional Training Workshop on Labour Migration Policy and Management, Ayutthaya, 2-6 August 2004.

Dottridge, M., *Kids as Commodities?* Child trafficking and what to do about it, International Federation Terre des Hommes, Lausanne, May 2004.

FTUB and Robertson, P., *Working Day and Night: The Plight of Migrant Child Workers in Mae Sot*, ILO Mekong Subregional Project to Combat Trafficking in Children and Women, Bangkok, 2006, unpublished draft.

Huguet, J., and Punpuing, S., *International Migration in Thailand*, International Organization for Migration, Regional Office Bangkok, Thailand, 2005.

ILO, *A Global Alliance Against Forced Labour*, International Labour Conference 93rd Session, Geneva, 2005.

ILO, *Demand Side of Human Trafficking in Asia: Empirical Findings*, ILO Regional Project on Combating Child Trafficking for Labour and Sexual Exploitation (TICSA), Bangkok, 2006.

ILO, *ILO Calls For Better Protection of Foreign Domestic Workers in Thailand After 'Shocking' Attack: Abusive Employers Need to Know They Will Face Consequences*, Press Release, ILO Sub-regional Office for East Asia, 4 May 2005.

ILO, *Trafficking for forced labour and service from Romania: Rapid assessment*, ILO Special Action Programme Against Forced Labour, Geneva, 2003.

Muntarbhorn, V., *Employment and Protection of Migrant Workers in Thailand: National Laws/Practices versus International Labour Standards*, ILO Mekong Subregional Project to Combat Trafficking in Children and Women, Bangkok, 2005. (can be found at <http://www.childtrafficking.net/>)

Nitiruangjaras, K., Pruettikitti, B. and Tantiseranee, P., *Research on Child Labour in Fishing Industry, Pattani province, Thailand*, Planned Parenthood Association of Thailand, 1998.

Pearson, E., *Human Trafficking: Redefining Demand: Destination factors in the trafficking of children and young women in the Mekong sub-region (Abridged)*, ILO Mekong Subregional Project to Combat Trafficking in Children and Women, Bangkok, 2005. (can be found at <http://www.childtrafficking.net/>)

Thai Department of Employment, *Collaborative Action Against Human Trafficking: Promoting Safe Migration and Addressing Abusive Recruitment Practices*, Presentation to 4th session of Sub-regional Advisory Committee (SURAC) of Mekong Project to Combat Trafficking in Women and Children (TICW), Cambodia, May 2006.

Thailand Investment Review, *Focus on Thai Textiles and Garments*. “The Textile and Garment Industry Add Value and Increases Quality to Improve Global Competitiveness at BOI:<http://boi.go.th>

Vicary, A., *Policy governing migrant workers in Thailand: An examination of policy and its critics*. Proceedings of a seminar on “Reviewing Policies and Creating Mechanisms to Protect Migrant Workers,” Chulalongkorn University, Bangkok, 21 February 2003.

World Vision Foundation of Thailand, *Research report on migration and deception of migrant workers in Thailand*, in collaboration with Asian Research Centre for Migration, Chulalongkorn University, 2004.



Contact information:

**ILO Mekong Sub-regional Project
to Combat Trafficking in Children and Women**

United Nations' Building

P.O. Box 2-349

Rajadamnern Nok Ave.

Bangkok, 10200 Thailand

Tel: +662 288 2218 Fax: +662 288 3063

E-mail: prevention@childtrafficking.net

www.childtrafficking.net 

ISBN: 92-2-119394-2

978-92-2-119394-4