



International
Labour
Office

Travel Smart – Work Smart A ‘smart’ guide for migrant workers in Thailand



Part of a campaign to promote safer migration and prevent human trafficking and labour exploitation within the Greater Mekong Sub-region

Are you working in Thailand or is it in your plans?
Are you working legally? Illegally?



The information in this booklet is vital to your safety and to ensure that your experience is both positive and profitable for you and your family!

Wherever you are and whatever your present circumstances ('legal' or 'illegal') you should read the following pages.

The best person to look after your own best interests is you!

So Travel Smart – Work Smart!

Important Facts for Migrant Workers (from the Royal Thai Government)

1. Every migrant worker must know that entry into Thailand without a valid passport and visa is illegal under Thai law and could result in a fine, imprisonment or both.
2. Every migrant worker must know that working in Thailand without a work permit is also illegal, and he/she will be arrested and possibly face fines, imprisonment or both.
3. Workers must not believe people who persuade them to come and work in Thailand under the impression they can be legally registered once inside Thailand. These claims are false and it is the migrant who will bear the negative consequences.
4. The Royal Thai Government has signed agreements (MOUs) with the governments of Lao PDR, Cambodia and Myanmar to enable workers from these three countries to legally travel to, and work in, Thailand. The Governments of these three countries have amended their domestic regulations to allow for this. Therefore, if workers wish to come and work in Thailand, they should contact the Ministry of Labour in their country **first** before traveling to Thailand.

Why should I be concerned?

Every day thousands of young people – just like you – leave home to work in another town or city. Often they cross international borders to neighbouring countries. Many encounter no major problems while earning money for themselves and sending some back home to their families. But others are abused by employers, tricked into jobs they did not want. Some have their wages withheld and in some cases they can find themselves virtual prisoners with no way to escape and no one to call for help.

Often these people are coerced or deceived by others – like job brokers or agents – but sometimes even relatives and friends can be involved. They are deceived about the work that awaits them and sometimes even ‘sold’ to employers for a commission. But often there is only one person involved – the new employer – who offers them a job – only to take further advantage of their precarious situation.

In any event, this is called human trafficking and it’s a crime.



Any employer is in a position of power over an employee. Migrant workers who do not have work permits to work legally are more likely to be treated badly – by being underpaid, overworked, sexually harassed and physically or verbally abused by employers and others. Though most employers are fair and good-hearted people, some can get away with exploiting young migrant workers because they know the migrants – especially those without work permits – are afraid to complain to the authorities about their mistreatment.

This happens every day – and it could also happen to you.

But you can avoid this kind of abuse by planning ahead – and by using common sense. Even if you are already in a situation where you are being abused, this booklet offers advice about places to go for help .

Planning Ahead

Working legally in Thailand:

There is only one way for a migrant from **Cambodia, Lao PDR or Burma** (Myanmar) to work legally in Thailand.

You must begin the process through the Ministry of Labour in your home country **before** crossing the border into Thailand. Thailand has a legal agreement with the Governments above to accept workers from these countries and Thailand makes occasional requests directly to their Ministries of Labour for people willing to come to Thailand to become domestic workers and labourers (e.g. fishing, manufacturing, construction and agricultural workers). This happens when Thai employers cannot find enough Thai workers to fill those jobs.

But the onus is on you – the migrant – to enquire about Thai vacancies with the Labour Department in your country **before** you leave home. The authorities in your country must first confirm your identity and provide you with a passport and other travel documents that are required by the officials in Thailand. **They must also give you a document confirming you are part of the quota being sent to Thailand to fulfill the Royal Thai Government's request for workers.** After you arrive in Thailand you will be given a two-year visa and the Thai officials will also match you up with a Thai employer. You will then get a work permit, a health check and you will be provided with health insurance. Be aware that even if a broker or a Thai employer pays the costs for this application fee, work permit and insurance, the employer or broker may try to deduct it from your wages later! Find out in advance if this is going to happen, find out how much it will cost – and get it all in writing!

Migrants who have already registered – and are presently working in Thailand legally – may be able to receive an extension beyond the present validity of their work permit and visa. To do so, they must ask their employers to accompany them to the Department of Employment where the application is made, and if approved, a one-year-extension is issued. Before applying for this extension, the worker must pass a new medical examination and must produce evidence of the required medical insurance. (The Thai government will consider allowing work permit extensions on a year-to-year basis.) The worker must apply for the extension **before** the permit expires, otherwise the permit will not be extended and he or she will lose the right to work in Thailand.

In the past, Thailand has occasionally offered amnesties to migrants already in Thailand who were working without work permits in order to get them to come

forward and register. But the Royal Thai Government has announced it has no plans to do this in the future.

The above processes are the only legal ways in which to work in Thailand – and are therefore the safest for foreign migrants. Since you would be working in Thailand legally, you would be less vulnerable to abuse and the threat of arrest and deportation – and less vulnerable to exploitation by some employers.

If you do not follow these procedures you will be more vulnerable to abuse by employers and others!

Staying Safe!

Registered or unregistered migrants – always remember:

Be suspicious:

*Of anyone who befriends you with promises of an ‘easy job with good pay’ – he or she could be lying to you and working for gangsters or pimps who would force you to work for little or no money far from home and prevent you from getting help

*Of anyone who offers to help you cross the border, or agrees to introduce you to an employer or job broker, at home or abroad – he or she could be earning a commission. You could become a virtual prisoner of your new employer, forced to pay back that money to the new boss, leaving you with little or no money of your own for months or even years to come

*Of anyone who works as a broker or an employer and demands to keep your passport or ID card – this leaves you very vulnerable, essentially becoming a hostage – because you would need these documents in order to travel home. Never leave your passport or ID cards with a broker or an employer even if they tell you it is for safe keeping – your passport, work contract and ID card are your personal possessions

*Of anyone who prevents you from contacting your friends or family upon arrival at your destination

1. Know the following!

***Passports:** A Passport is an official document that allows citizens to travel abroad to other countries including to Thailand. Make extra photocopies of your passport, work permit, registration documents and your ID card. Keep these in a private place and leave/send extra copies to your family. Call your embassy if your passport is lost/stolen.



***Migrant Registration:** This process should begin in your own country. The authorities there must confirm your identity and provide you with a passport and other documents that indicate you are coming to Thailand to fill a quota that Thailand has requested your Government to help fill. The Thai authorities will then give you a registration document, a work permit and arrange health insurance. If you have not been registered you

could be arrested, jailed and deported. Some employers refuse to hire registered migrants – which leaves those ‘illegal’ migrants more vulnerable to abuse. The employer can threaten to turn unregistered workers over to police and then withhold their wages and deny them the right to leave the workplace. Some are sexually and physically abused. Domestic workers are often exploited in similar ways.



***Find out as much as you can about your destination/employer.** Is it a safe place? Does it have a bad reputation for migrant exploitation? Where is your embassy (or consulate) in Thailand, and what is the phone number? Do you have any friends or acquaintances living nearby to whom you could turn to for help in time of need? Do you know how to get home from there?

***Confirm the employment offer** (personally if possible) and, if any travel expenses are being paid by someone else, ask if you are expected to pay them back. If so, know in advance how much you will owe, whether you will be required to pay interest, and how long it will take to pay it back – and get it all in writing. Also make sure your movements will not be restricted by your new employer and that you will not be asked to hand over your travel and working documents upon arrival. Do you get a day off each week? Are you allowed to leave the place of employment when you are not working? Again – get all of this in writing and send/leave a signed copy of this with your family

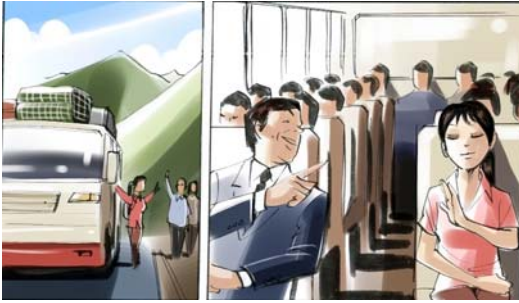


***Tell your family** the name, phone number and address of the employer **and stay in regular contact with your family** after you arrive at your destination. Agree that if they do not hear from you within a certain time to seek help (contact names/numbers in the back of this booklet) – keep that promise to contact your family!

***We are all naïve sometimes – but remember,** if a job offer sounds too good to be true it’s probably not a legitimate offer – even friends can cheat you and you could end up working in a place for little or no money – virtually a slave – with no one to help you!



2. Reduce risks while moving around and at the destination:



*** Don't trust strangers!** Even friendly ones – male or female! As obvious as it sounds, many young people are fooled by someone they meet during their travels who later betrays them. Many young people especially girls are tricked this way. Although the picture here is of a man approaching a girl on a bus, very often the trafficker is a woman!

***Learn your own way around.** During your travel and once you arrive, only ask people you trust for directions. Become familiar with your surroundings. If you ever feel uncomfortable, trust your instincts and leave. Find the location of the nearest Wat or temple, as well as police stations and hospitals. These places could offer sanctuary if you need to escape an employer or abuser. Never leave your passport or ID card with anyone – it's yours. Keep it with you at all times.



*** Do not trust an Employer who tells you he/she can register you!** An employer or recruiter does not have the ability to register you with the Thai authorities. This must be done before you leave home in your own country and by following the procedures above. However, if you are already legally registered with your present Thai employer, and hold a valid work permit with that employer, the employer may be able to help you obtain a renewal.

PHONING HOME: If you are living abroad and want to phone home, first you have to dial an international access code <from Thailand dial – 001> then your country code <855 for Cambodia> <856 for Lao PDR> <95 for Burma/Myanmar> and then your local area code and number.

3. Your Rights as a Migrant Worker In Thailand:

As a migrant working in **manufacturing** (including factories and seafood processing) you are entitled to the same labour protection laws as Thai workers. These include the following:

***The minimum wage** in Thailand is 143 Baht per workday. But in most areas of the country the rate is higher and varies from province to province (e.g. Bangkok and five neighbouring provinces have the highest rate = 191 Baht). Both migrants and Thai nationals are entitled to the minimum wage. If you agree to work longer than 8 hours per day you are entitled to overtime at a higher rate of pay.

***One regular working day must not exceed 8 hours.** The maximum is 48 hours per week. In hazardous jobs, the working hours must not exceed 7 hours per day or 42 hours per week. If you agree to work in excess of these normal working hours, then your employer is required to pay you overtime (1.5 times your normal working wage) You cannot be forced to work in excess of these normal working hours.

***You must be provided with rest time** of not less than 1 hour/day and this rest time must be offered not more than 5 consecutive hours after you have begun your working day.

***You must receive a minimum of 1 day off per week.** You have the right to refuse to work on your day off. If you agree to work on this day-off, your employer must pay you twice the normal rate you would receive on a normal working day. Your weekly day off is mutually agreed with your employer and can change from week to week.

***You must be offered not less than 13 working days off each year** (as official Thai public holidays). You have the right to refuse work on a Thai public holiday. Working on a Thai holiday shall result in overtime paid to you at **twice the rate of a normal working day**, and a rate of **three-times the hourly wage** normally paid on a working day should you be required to work beyond eight hours.

***You shall be entitled to take medical leave** in accordance with the actual extent of illness. For medical leave of 3 working days or more, you must obtain a medical certificate from a registered doctor (e.g. at a public hospital). You still have the right to receive an income during this period of illness either through your employer or migrant insurance (up to a maximum of 30 days).

***If you quit your job or are fired** you have seven days to find another employer before you must leave Thailand. Even if you find a new Thai employer who needs a worker under the migrant quota system, you may still need to leave the country and return on a new visa.

Special Notes for Women Migrants:

***Female migrant workers** are entitled to the same wages as male migrants performing the same job. Employers are entitled to base wage rates on an individual's performance as long as gender is not a factor – and must never pay below the minimum wage.

***Pregnant migrant workers** shall have the right to take maternity leave of not more than 90 days including 45 days of paid leave from their employer.

***If the work is hazardous or physically difficult during and after pregnancy,** and upon the presentation of a medical certificate from a doctor stating that you are unable to continue to perform existing work duties, you shall have the right to ask that those duties be changed temporarily before or after delivery.

***All female workers, are legally entitled to** work while pregnant and to receive special protection from dismissal due to pregnancy.

Special notes for young migrants:

NOTE: Because they are more vulnerable to human trafficking, labour and sexual exploitation, the Royal Thai Government warns migrants below the age of 18 that they should not attempt to travel to Thailand in search of work unless they are accompanied by a parent or legal guardian (e.g. not just an adult friend).

The following rules apply to the employment of migrants between the ages of 15 and 17:

***A migrant child below the age of 15 cannot work in Thailand.** A migrant over the age of 15 years can be employed – but the following conditions apply.

***When a child (youth) between the age of 15 and 17** is employed, the employer must report to the local Office for Labour Protection and Social Welfare within 15 days from the date on which the young person starts work.

***An employee between the ages of 15 and 17** must not work more than 8 hours per day and not more than 40 hours per week. He or she has a right to a rest period of not less than 1 consecutive hour/day after working for not more than 4 hours (1 hour earlier than adults). People in this age group are not allowed to work overtime. They are also not allowed to work on holidays.

***Dangerous and/or prohibited work** for children is forbidden including young people in this age group. This includes, but is not limited to, working late at night, or in confined spaces, or in entertainment establishments where alcohol is served and/or environments where there may be a threat to their morals.

As a migrant of any age, and regardless of whether you are legally registered to work, you have the right to complain and seek protection if:

***The above rights have been violated** by your employer.

***You have been unfairly dismissed** from your job and/or your employer has withheld your wages.

***You have been physically or sexually assaulted or harassed** by your employer, chief, supervisor, etc. Physical and sexual assault and sexual harassment are crimes.

***Your identity/work documents have been withheld** by your employer

***Your employer, or people working for your employer, have forced you to work or denied you your right to leave the premises during non-working hours**

FOR HELP CONCERNING WORK PERMITS, REGISTRATION, AND CONTRACT VIOLATIONS CALL 1506 (payphone/mobile) in Thai only.

IF YOU ARE IN IMMEDIATE DANGER CALL 1300 (payphone/mobile) in Thai only.
(Do not worry about your 'legal' or registration status. If you are in danger you will still be helped)

For other assistance, see the final pages of this booklet.

Health insurance and health care:

In Thailand, registered migrant workers automatically receive health insurance.

By showing the migrant ID and health insurance ID at the hospital, you will be eligible for medical assistance at no charge. With this health insurance, you are entitled to a check-up, thorough treatment and any required rehabilitation. Dental care and hospital in-patient care are also part of this insurance.

You will need to use hospitals that participate in the health insurance plan. In most cases, this would be the same hospital where you had your physical check-up and paid for the health insurance when beginning your new job. In the event of an accident, you may seek urgent treatment at the nearest hospital.

Other Cautions **(from the Royal Thai Government)**

Under Thai law, migrant workers may travel only within the province in which they are registered. If they do not obey this rule, the Thai government will immediately withdraw its permission to let them stay and work in Thailand and they may be sent back to their native countries. (Fishery workers and water transport workers may travel outside their registered province but they must travel only by boat and must stay only within the premises of the dock). Domestic workers may travel to other provinces but only in the company of the employer or the spouse of the employer. Migrant workers must show their ID cards to the authorities upon request.

A final thought..

In recent years attempts have been made to improve local job prospects in your home countries and provinces in order to help prevent labour exploitation and human trafficking. Have you tried to find out if any of these projects exist closer to home? You can make enquiries with the organization that gave you this booklet. Always bear in mind: “Being with your own family and working in your homeland will make you happier than risking a life of hardship in a foreign country.” This is well worth considering.

HELP AND ASSISTANCE:

If you need help in Thailand the following agencies and organizations may be able to offer assistance:

POLICE: 191 (in Thai only - any payphone or mobile)

TOURIST POLICE: 1155 (in Thai and English)

FOR HELP WITH CONTRACT VIOLATIONS CALL 1506 in Thai only.

IF YOU ARE IN IMMEDIATE DANGER CALL 1300 in Thai only.

(Do not worry about your 'legal' or registration status. If you are in danger you will still be helped)

LAO PDR CONSULATE IN BANGKOK:

02 539 6667-8 ext 109

CAMBODIAN CONSULATE IN BANGKOK:

02 957 5851-2 (office hours Monday – Friday)

02 957 5886 (Embassy contact for labour issues)

081 826 8551 (after hours and emergency only)

FOR BURMESE NATIONALS:

- Labour Rights Promotion Network (LPN): 034 434 726-7

- TACDB: 02 216 4463 (Bangkok – but with help in other areas too)

Hours: 09:00 – 18:00 – Office staff can speak Burmese languages.

The organization that gave you this booklet may also be able to give you advice or assistance

This publication is part of the Travel Smart – Work Smart campaign, an initiative of the ILO Mekong Sub-regional Project to Combat Trafficking in Children and Women.

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Working in Thailand, or Looking for Work?

Have you arrived in Thailand to look for work?
Are you already working in Thailand?

You have rights – and responsibilities!

Knowing these can help you avoid abuse and profit from your employment.

Don't Be Scared – But Be Aware!

This booklet gives you advice on how to work and travel safely in Thailand, how to avoid abusive agents and employers, and where to go if you need help

It's not too late – even if you face abuse now!

Travel Smart – Work Smart!

This guide is offered free of charge to migrants through the following partners:



www.childtrafficking.net



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