



GOING BACK – MOVING ON: THAI MIGRANT WORKERS RECEIVE COMPENSATION FOR UNSATISFACTORY OVERSEAS EMPLOYMENT

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(Tak Province, Thailand) Auto mechanic Pirom Boonyorat carefully removes a brake drum from the rear axle of a pick-up truck. With a slight frown, he stands up, wipes the grease from his hands onto a sheet of newspaper and says he's glad to be working back home in his native Thailand.

Like many Thai men and women, Mr. Boonyorat spent several years working overseas; first in Israel, then three years in Japan and finally a year in Spain. In each case he needed to pay a Thai recruitment agency to arrange the work and travel. While the first two ventures were profitable, the trip to Spain turned out to be a financial disaster.

"I had to return home after just one year because there was no more work," said Mr. Boonyorat. "I paid the Thai recruiters 580,000 Baht (approximately 17,000 Euros at the time)," he adds. Expecting five years of work, he ended up with only 12 months. Despite repeated phone calls back to the recruitment agency in Thailand, the agency was either unable or unwilling to find him other work. After three months without any income and with his savings all but gone, Mr. Boonyorat returned to Thailand.

"I felt, the recruitment company only wanted my money," he said. "They took no responsibility for their promises. They promised five years and they should have kept their word. They should have tried their best to find new jobs. They should have shown more responsibility".

Thirty-three-year-old Oonjai Thiwong tells a similar story. She was deported from Poland after just a few months of working there, after having paid Thai recruiters 250,000 Baht (approximately 7,000 Euros at the time). All her papers were in order, but the company in Poland had tired of the immigration procedures for foreign recruits and all the Thai workers were sent home.

"I felt bad. I was in debt for brokerage fees plus personal expenses because I had borrowed all the money from a money lender," said Ms. Thiwong. "When I arrived home, I did not know where to get the money to pay back the lender".

Stories like these are not uncommon in Thailand where overly-eager recruiters, working on commission, often exaggerate the amount of money a migrant can earn in Europe, then demand thousands of Euros in up front payments for arranging the first job and travel. In both cases, the Thai recruitment agencies offered disproportionately small refunds relative to the expenses incurred and services received. However, with the help of an ILO project (supported by the European Commission) and a Thai NGO specializing in legal assistance, these and a number of other similar cases were brought before the Thai Labour Court.

The result has been a breakthrough in the way the Thai courts view the rights of workers who go abroad and the obligations of the Thai recruitment companies that send them there.

“More migrants are returning home and those who feel they were cheated are going to court,” said Siriwan Vongkietpaisan, a Thai lawyer working on behalf of both Mr. Boonyorat and Ms. Thiwong. “We’ve now helped migrants returning from two countries - Poland and Spain. I first helped them negotiate directly with their Thai recruiters but without success. So we took the cases to court and we won better settlements”.

Mr. Booyorat has now received a higher amount than the agency initially offered. For him, the experience has been an eye-opener and he’s now more confident to demand his rights.

“Through this help, I’ve learned that we have to create pressure ourselves. Without that pressure no one would have offered us compensation,” he said.

Ms. Vonkietpaisan also managed to get financial redress for Ms. Thiwong. In early 2012 the Thai Labour Court ruled in favour of her and 17 other Thai women who returned prematurely from Poland after their employer abruptly cancelled their contracts, thus voiding their work permits and visas.

“The ILO with the support from the European Commission has proved that the labour rights of migrant workers can be protected by national laws even when they are working abroad,” says Ms. Kusumal Rachawong, a coordinator for the ILO’s Economic and Social Empowerment of Migrants Project. “This is now recognized by the Thai courts”.

There is an even happier ending to this story. While Ms. Thiwat was pursuing her case she met Mr. Boonyorat. The two married and are expecting their first child. They have no current plans to work abroad again – though they say it is still an option, now that they are better informed and more aware of their rights.

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