

# LABOUR MIGRATION FROM LAO PEOPLE'S DEMOCRATIC REPUBLIC A FACT SHEET



## NUMBER OF LAO MIGRANT WORKERS

- By mid-December 2004, 99,352 Lao workers had applied for a work permit as part of the Thai Government's initiative to register undocumented workers.
- According to the Lao MoLSW, since 1 January 2006, 7,521 Lao migrant workers have migrated through one of the nine licensed recruitment agencies in the Lao PDR.

## WHERE DO THEY WORK?

- According to data from the 2004 round of registration, most of the work permits were issued to Lao migrant workers who worked in Bangkok (37%), followed by a considerable proportion who worked in the Central region of Thailand (24%), the eastern region (15%), and the north-eastern region (12%).

**Application for work permits by eligible Lao workers in Thailand by mid-December 2004 (following the 2004 round of registration)**

Type of work	Number of registered workers	%
On fishing boats	2,634	2.7
Fish processing	1,013	1.0
Agriculture	16,795	16.9
Construction	8,442	8.5
Domestic Service	31,449	31.7
Other	39,019	39.3
Total	99,352	100

Adapted from World Bank (2006: 56)

## DEMAND FOR LAO WORKERS EXCEEDS SUPPLY

- Currently, the demand for Lao workers in Thailand is only partially met by the Lao recruitment agencies. The following table shows the distribution of requests for Lao workers across the construction, manufacturing and food-processing sectors, and the numbers of workers

that had been sent by June 2007 by the seven recruitment agencies interviewed as part of a recent report 'A Study of Formal and Informal Recruitment Practices of Lao Workers Migrating to Thailand'.

**Requests received and number of workers sent by recruitment agencies**

Recruitment Agency (state/pvt)	Received request for Lao workers	Lao workers sent to Thailand				Recruits migrants from following provinces: <sup>1</sup>
		Construction	Food-processing	Manufacturing	Total	
Deuansavan Employment Company (pvt)	0	0	0	0	0	All provinces
Inter-Labour (pvt)	1,000	0	692	0	692	CPK, KM, VTE, LP, XB, VTE-cap
Lanexang Labour State Employment (state)	1,395	60	41	20	121	SVK, XB
Lao State Employment Enterprise (state)	3,898	0	479	1,302	1,781	CPK, BLK, KM, SVK, SL, XK, AP, HP, VTE, LP, VTE-cap
Lao Labour Promotion (pvt)	2,500	0	450	600	1,050	All provinces
Sinxay Employment Company (pvt)	1,000	100	400	120	620	VTE, VTE-cap, CPK, SL
Xaya Employment (pvt)	2,000	48	236	0	284	CPK, SL, SVK, VTE-cap
<b>Total</b>	<b>11,798</b>	<b>208</b>	<b>2298</b>	<b>2042</b>	<b>4636</b>	



**NATIONAL LEGISLATION ON LABOUR RECRUITMENT**

**Prime Minister Decree 68/2002 on 'Export of Lao Workers Abroad',**

<sup>1</sup> CPK=Champassak; KM=Khammouane; VTE=Vientiane Province; VTE-cap=Vientiane Capital; LP=Luang Prabang; XB=Xayabouly; SVK=Savannakhet; BLK=Bolikhamsay; SL=Salavan; XK=Xekong; AP=Attapeu, HP=Houaphanh

**guidelines No. 2417/MoLSW ‘on Implementation of Decree on Export of Lao Workers Abroad’** and **document number 3824/MoLSW** establish the process of labour migration from the Lao PDR to Thailand.

**Ministerial Decree No. 3824/LSW dated 19 December 2002** prohibits Lao migrants from working in professions or locations that are illegal, toxic or ‘disgraceful’. Accordingly, Lao workers are not permitted to migrate to work as house maids and cleaners.



## **INTERNATIONAL AND REGIONAL INSTRUMENTS**

Lao PDR has ratified three of the eight **Fundamental ILO Conventions** about people’s rights at work: Convention 29 Concerning Forced or Compulsory Labour, Convention 138 concerning Minimum Age for Admission to Employment and Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

Lao PDR has not yet signed or ratified the **1990 UN Convention on the Protection of the Rights of all Migrant Workers and Members of their families**.

Lao PDR has not yet signed or ratified the **Convention No. 97 on Migration for Employment (Revised), 1949, Convention No. 143 on Migrant Workers (Supplementary Provisions), 1975 and Convention No. 181 on Private Employment Agencies, 1997**.

The Royal Thai Government and the Government of Lao PDR signed a **Memorandum of Understanding on Employment Cooperation** in October 2002. The MoU on Employment Cooperation initiated a two-phase process aiming to legalise employment of Lao workers in Thailand.

- The first phase concentrated on legalising irregular Lao workers already working in Thailand, and
- The second phase is the development of a formal system for recruiting Lao workers to migrate to Thailand to work legally.



## **THE RECRUITMENT PROCESS**

Currently, nine recruitment agencies operate in the Lao PDR. Three recruitment agencies are state-run enterprises and six operate as private businesses. All nine recruitment agencies are subject to the same regulations,

In addition to sending Lao migrant workers to Thailand the deputy head of the department of Labour at the Lao MoLSW explained that Lao recruitment agencies also work with requests for Lao workers from other Asian countries. Yet, the majority of requests for Lao workers come from Thailand (57%), followed by Malaysia (28.6%), with the remaining 14.3% from other Asian countries.



## KEY CHALLENGES

Recent research in Lao PDR and Thailand indicates that there are several key challenges for safe migrant recruitment in Lao PDR:

- Many migrant workers perceive formal recruitment as slow and expensive.
- Informal recruitment remains a popular alternative to formal recruitment channels.
- Formal recruitment through recruitment agencies does not guarantee an absence of exploitation, deception and mistreatment at any stage in the process of labour migration from the Lao PDR to Thailand.
- Both informal and formal recruitment can lead to a situation of indebtedness to the recruiter, which often leaves little alternative for indebted early returnees other than remigration.

## WORKING CONDITIONS FOR MIGRANT WORKERS

A 2005 study of migrants working in Thailand in the sectors of agriculture, domestic work, fishing boats/fish processing and small scale manufacturing found that many migrant workers experience exploitative working conditions.

- More than 40% of migrant domestic workers were paid only 1,000 Baht per month – or less. Nearly nine-out-of-ten (89%) received 3,000 Baht or less.
- Around 20% of migrants on fishing boats claimed they were forced to work.
- More than 90% of workers in three sectors had no written contract (the question was not asked of domestic workers). Less than half of them were in possession of their original identity documents.
- More than 75% of those registered to work in the fishing sectors did not have access to their documents which were held by their employers.
- Around 60% of migrant domestic workers weren't allowed to leave the premises to meet with others and 8% claimed they had been physically confined or 'locked up' by the employer

- Nearly half (45%) of those in the fishing sectors and about four out of every five (82%) domestic workers say they work more than 12 hours per day
- Nearly four-out-of-five domestic workers (79%) had no regular day off per month – and the same was true for more than two-thirds of migrant respondents in agriculture (67%)



## **RECOMMENDED GUIDELINES ON THE RECRUITMENT OF MIGRANT WORKERS**

Representatives from the Governments of China, Cambodia, Laos, Thailand and Vietnam, workers' organisations, employers' organisations and United Nations and international organisations have worked together to develop recommended guidelines on the recruitment of migrant workers.

The guidelines articulate agreed good practices for the recruitment of migrant workers in the Greater Mekong Sub-region. The guidelines cover the topics of:

- pre-departure procedures and services
- regulation of recruitment agencies
- fees for recruitment services, and
- working conditions and rights.