Background Information

Over the last two decades, Thailand has become a key destination for migrant workers from neighbouring countries, and increasingly from further afield in ASEAN. Estimates suggest that there are currently 3.25 million migrants working in Thailand, comprising approximately 8.5 per cent of the country’s labour force. These migrants are predominately employed in low-skilled jobs in fishing, agriculture, construction, manufacturing, domestic work and other services, with the comparatively higher wages offered being the main pull factor. Thailand is also a sending country for migrant workers. In 2015, 117,291 Thai nationals departed for work abroad, primarily to other countries within Asia.

Despite transitioning from being a net sending to a net receiving country during the 1990s, Thailand’s labour migration governance framework remains largely ad hoc. In 2002 and 2003, the Royal Thai Government signed Memoranda of Understandings (MOUs) on employment cooperation with the governments of Cambodia, Lao People’s Democratic Republic (Lao PDR) and Myanmar, which established a channel for regular labour migration to Thailand from neighbouring countries. However, only a small proportion of migrants enter Thailand through the MOU process due to the complicated, lengthy and expensive procedures involved. In 2015, Thailand initiated the revision of the MOUs to broaden the cooperation on labour issues, to include skills development and re-employment. Cambodia, Lao PDR and Myanmar all concluded the second version of the MOUs with Thailand and Viet Nam has also completed an agreement. The MOUs with Cambodia, Myanmar and Lao PDR have not been operationalized as sectors enabled for employment under each MOU are yet to be determined.

Because the previous MOUs were relatively ineffective in regularizing migration to Thailand, registrations for irregular migrants were carried out on a semi-regular basis. Issued by cabinet resolutions, these policies provide short-term amnesty to migrant workers in violation of Thailand’s immigration laws. This registration does not grant full legal status to migrants, in essence allowing employers to request a temporary reprieve from deportation. Completion of a lengthy nationality verification process allows registered migrant workers to receive temporary passports from countries of origin and provides access to social security benefits (excluding several informal sectors of employment such as domestic work) and other rights. Regardless of status, many migrant workers remain vulnerable to exploitation in Thailand. In recent years, increasing reports of forced labour and other unacceptable forms of work, particularly in the fishing sector, have been met by concern from the international community, and the International Labour Organization.
Main Activities (January – March 2017)

- The Thailand migration team participated in the TRIANGLE in ASEAN project team meeting in Bangkok on 18 – 19 January, presenting key challenges and achievements in 2016 and the workplan for 2017.

- On 24 January, the validation workshop of the gap analysis, in coordination with Ship to Shore, concerning Protocol to ILO Convention 29 and Thai laws was held. The ILO shared the findings to the technical working group that consists of tripartite members and Civil Society Organizations (CSOs). The technical working group provided comments to the draft report. The key findings were the lack of a clear definition of forced labour and cooperation amongst concerned agencies on victim identification that hinder enforcement against all forms of forced labour. In addition, a standalone forced labour offence should be considered as part of Thailand’s legal development. The ILO revised and submitted a final report in the middle of February 2017.

- On 6 February, TRIANGLE in ASEAN undertook a mission to Aranyaprathet Srakaeaw Province to observe the operation of the migrant reception and reintegration centre and the government’s border employment centre. The team was informed of the MOU process under the Royal Ordinance on Bringing Migrant Workers to Work with Employers in Thailand that enshrines the ‘zero fee’ principle. Discussion with workers from Cambodia, found that high fees (around US$ 600) are still paid, workers do not know what other costs are involved, nor their job description. These initial findings will be used as part of designing intervention activities in Thailand.

- On 22 February, the TRIANGLE in ASEAN NPC was invited to attend the sub-committee meeting on the development of the draft law on the Management of Migrant Worker Employment. The plan is to consolidate the Alien Working Act and the Royal Ordinance on Bringing Migrant Workers to Work with Employers in Thailand. Proposed provisions include imposing a levy on employers who use migrant workers, abolishing the repatriation fund and establishing a ‘migration management fund’ that allows the CSOs to request for activity support. However, the provision of social security benefits gives executive power to the Minister to regulate the benefits that may be different from those available to Thai workers, including the rate of social security contributions borne by workers and employers.

- On 28 February, the Project Advisory Committee (PAC) meeting was convened. The PAC introduced the TRIANGLE in ASEAN Framework and a draft work plan for 2017. Technical comments and feedback were
provided to a draft work plan and proposed activities to fit with the needs of the country. The PAC endorsed the work plan for 2017. The next PAC meeting will be scheduled during the last week of August 2017.

- On 6 March, the NPC undertook a mission to Chiang Mai to observe the Women’s Exchange Get Together event organised by MAP foundation. The event was conducted in Burmese and the NPC from Myanmar was invited to be a speaker. NPCs from both countries shared and discussed the current policy on labour migration and possible changes. Bilateral dialogues between Thailand and Myanmar on the enhancement of recruitment and employment practices should be supported by the TRIANGLE in ASEAN to ensure policy coherence.

Key Developments

In January, the *Anti-Trafficking Act (3rd Revision)* was adopted by adding more indicators under the definition of forced labour. The Act now includes that confiscation of a person’s identification documents debt bondage fall under forced labour definition under the Act. The Act took force from 27 January 2017.

On 1 March, the Government of Thailand and the Government of the Lao People’s Democratic Republic signed an agreement on labour cooperations that will be attached to the MOU signed in 2016.

Upcoming Activities and Key Dates (April – June 2017)

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
<th>Location</th>
<th>Attendees</th>
<th>Purpose</th>
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<tbody>
<tr>
<td>April</td>
<td>Bilateral dialogues on enhancement of recruitment and employment practices</td>
<td>Mae Sot, Tak</td>
<td>Thailand and Myanmar government officials and programme partners</td>
<td>Discuss key strategies to enhance cooperation on recruitment processes and practices between the two countries and monitoring the application of the zero fee policy.</td>
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<tr>
<td>May</td>
<td>Workshop on gender equality</td>
<td>Bangkok</td>
<td>Tripartite constituents</td>
<td>Build capacity of partners on gender equality and mainstreaming.</td>
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<tr>
<td>June</td>
<td>Conduct an assessment of a migrant assistance centres selected</td>
<td>Bangkok, selective provinces</td>
<td>Programme staff and programme partners</td>
<td>Field visits and data collection on the operation of migrant’s assistance centres.</td>
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The TRIANGLE in ASEAN programme extends the cooperation between the International Labour Organization (ILO), the Australian Department of Foreign Affairs and Trade and Global Affairs Canada on protecting migrant workers and enhancing development opportunities. TRIANGLE in ASEAN aims to ensure that the benefits of labour migration are equally realised by men and women migrant workers; employers and governments. In shifting emphasis towards leveraging the development potential of migration, TRIANGLE in ASEAN aims to shape labour migration opportunities to support inclusive and sustainable growth in the ASEAN Economic Community. TRIANGLE in ASEAN engages institutionally with ASEAN and focuses on delivering in six countries (Cambodia, Lao PDR, Malaysia, Myanmar, Thailand, and Viet Nam).