

Thailand (January-March 2016)

Key partners Ministry of Labour

Labour Congress of Thailand (LCT); Thai Trade Union Congress (TTUC); National Congress Private Industrial of Employee (NCPE)

Employers' Confederation of Thailand (ECOT)

Human Rights and Development Foundation (HRDF), HomeNet, MAP

Target sites Bangkok, Samut Prakan, Chiang Mai, Mae Sot

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Background information

For the last two decades, Thailand has been a key destination for migrant workers from neighbouring countries, and increasingly from further afield in the ASEAN region. Estimates suggest that there are currently 3.5 million migrants working in Thailand, comprising approximately nine per cent of 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 the main pull factor.

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 understanding (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. The signing of new agreements with Lao PDR and Myanmar is expected to be completed this year, which will expand the substance of the original MOUs to broader cooperation on labour issues, including skills development. Cambodia and Viet Nam concluded agreements in late 2015, though the Viet Nam MOU is not yet operational.

Because the MOUs have been relatively ineffective in regularizing migration to Thailand, registrations for irregular migrants have been carried out on a semi-regular basis. Issued through cabinet resolutions, these policies provide short-term amnesty to migrant workers for violation of Thailand's immigration laws. They stop short of granting 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 migrants to receive temporary passports from countries of origin and ensures access to social security benefits and other rights.

Regardless of legal status, many migrants remain vulnerable to exploitation in Thailand. During the last several years, increasing reports of forced labour and other unacceptable forms of work in the fishing sector in particular have drawn concern from the international community.

Thailand is also a sending country for migrant workers. In 2015, 117,291 Thais departed for work abroad, primarily to other countries within Asia. Due to gaps in the regulation of recruitment agencies in Thailand, both inbound and outbound migrant workers often face high recruitment fees, which can limit their ability to leave abusive employment situations and reduces the returns they receive from migration.

Thailand at a glance

 Population: 68.8 million

 Labour Force: 38.13 million

Migration to Thailand

- **MOU migrants:** 292,680
(February 2016)

Myanmar 49%

Cambodia 40%

Lao PDR 11%

- **Migrants completed
Nationality Verification:**
1,065,781 (February 2016)

Myanmar 86%

Cambodia 10%

Lao PDR 4%

- **Migrant registered through
One Stop Service Centres:**
1,010,391 (July 2015)

Myanmar 44%

Cambodia 42%

Lao PDR 14%

- **Migrant fishers registered:**
69,982 (2015–16)

- **Vietnamese workers
registered:** 1,569 (2015)

Source: Office of Foreign Workers Administration,
Department of Employment, Ministry of Labour,
Thailand, 2016

Main activities (January – March 2016)

- In February, ILO Technical Comments on the Draft Royal Ordinance concerning Rules on Bringing Aliens into the Kingdom of Thailand for Employment were submitted to the Ministry of Labour. The ILO also shared the technical comments with stakeholders at a tripartite workshop (F31:M29), although the draft of the law itself has not yet been made publicly available.
- On 21 March, the ILO assisted with training on labour inspection of fishing vessels organised by the Royal Thai Government. The eight-day training for 120 officers from various agencies was led by the Ministry of Social Development and Human Security and the Royal Thai Navy. The ILO provided information on international labour standards, including child labour, forced labour, human trafficking and other forms of exploitation.
- On 17, 24 and 29 March, the ILO participated in a Government-led technical working group, spearheaded by the Office of the Prime Minister, to discuss gaps in labour migration policy and the protection of fundamental rights at work for migrant workers in Thailand. An ongoing series of meetings will be organized on various thematic issues, including combatting child and forced labour, social security, immigration procedures and recruitment practices.

Key developments

- On 2 February 2016, the Cabinet extended the registration for migrant workers from Cambodia, Lao PDR and Myanmar in the fisheries sector and their children. A new round of registration for the 'pink card' will be open from 1 April – 29 July 2016. All migrant workers registered during this period will be permitted to work in Thailand from 1 April 2016 to 31 March 2018.
- Migrants registered to work in fishing during this period are permitted to work in Thailand from the day of permit issuance until 31 January 2017. For the seafood processing sector, the extension of registration for Cambodian, Lao and Myanmar migrant workers, is open from 23 February 2016 - 22 August 2016. Migrants registered during this period are permitted to work from permit issuance until 22 February 2017.
- While there has been some concern that the new processes restrict movement of migrant workers, the Migration Working Group (MWG) has observed that workers who have registered themselves and received the pink cards and work permits are allowed to travel outside the permitted area. More detail as to the regulation on their mobility are still to be worked out among the concerned agencies.

- The ILO in partnership with Thailand's Ministry of Labour and the Delegation of the European Union to Thailand launched a new project, 'Combatting Unacceptable Forms of Work in the Thai Fishing and Seafood Industry' on 17 March 2016 in Bangkok. The 42-month project is funded by the European Union (EU) and the ILO. It aims to address child labour and forced labour in the Thai fishing and seafood processing industry. The project will dovetail with the TRIANGLE II project on several issues.

Upcoming activities and key dates (April – June 2016)

Date	Event	Location	Attendees	Purpose
May	Workshop on development of a methodology for labour market assessment	Bangkok	Multi-stakeholders	To discuss the methodology for conducting a labour market assessment in Thailand
April/May	Consultative forum on cross-border cooperation on labour migration management in CLMVT	Bangkok	Tripartite constituents from CLMVT countries	To build cooperation on improvement of regular channels for labour migration
May/June	Project Advisory Committee meeting	Bangkok	Tripartite constituents	To set out theory of change for TRIANGLE II's work in Thailand and endorse a one-year work-plan

Media coverage

Date	Title	Media source
11 January 2016	Migrants, CSOs and the battle for labour rights in Thailand	ASIAN Correspondent
16 March 2016	DOE and ILO cooperation on legal development	DOE website
17 March 2016	Labour Ministry affirms Thailand seriously solves IUU problems	OANA – the organization of ASIA –Pacific New agencies
23 March 2016	Thailand partners with U.N's International Labour Organization for seafood labour rights project	SeafoodSource.com

The **TRIANGLE II** project extends the cooperation between the **International Labour Organization (ILO)** and **Australian Department Of Foreign Affairs and Trade** on protecting migrant workers and enhancing development opportunities. **TRIANGLE II** 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 II** aims to shape labour migration opportunities to support inclusive and sustainable growth in the ASEAN Economic Community. **TRIANGLE II** focuses on delivering in six countries (**Cambodia, Lao PDR, Malaysia, Myanmar, Thailand and Viet Nam**) and engages institutionally with **ASEAN**.