

Recommendations of the Thailand National Tripartite Preparatory Workshop

16th ASEAN Forum on Migrant Labour:
“Enhancing the effectiveness of legal pathways for labour migration in ASEAN”

19 September 2023

Sub-theme 1: Improving labour migration programmes in ASEAN

1. Collaborate with countries of origin in streamlining and simplifying migration processes, including MOUs, border employments and regularisation schemes. In addition, Thailand and countries of origin should remove administrative barriers to make regular migration channels attractive and accessible for migrant workers without compromising the rights protection of migrant workers.
2. Collaborate with countries of origin to digitize recruitment, deployment and admission processes, and regulate maximum processing time for each step, to make the migration processes faster. Ensure that face-to-face options are available as well, as not everyone can access digital processes. Provide necessary information on the digital recruitment channels for both employers and workers in languages understood by both parties. Put in place measures to ensure data privacy and prevent personal data leak and data exploitation.
3. Enact and enforce legislation and formulate policies to prohibit charging of recruitment fees and related costs on migrant workers through all recruitment channels including MOUs, border employment and regularization schemes. Make this ban on worker-paid recruitment fees and costs clear in laws, policies, and MOUs. The Thai government should reduce state-issued documents including passports, visa, work permit and other documents to reduce migration costs for both employers and migrant workers
4. Enact and enforce legislation related to recruitment and put in place mechanisms to regulate and monitor recruitment agents - individuals and companies - in all recruitment procedures, including the MOUs, border employment and regularization schemes. Apply sanctions for those that overcharge workers or otherwise violate the rights of migrant workers or their employers. For instance, when agents faking their identity as employers so as to recruit migrant workers, there must be a mechanism to detect this. The Ministry of Digital Economy and Society should have a role in implementing this recommendation.
5. Regulate processes to enable migrant workers to change employers without consent from their previous employer and enable renewing of visas from within countries of destination. Allow migrant workers, whose contracts end, a grace period of 60 days to find new employment.

6. Ensure that migrant workers recruited and employed through one of the three channels (MOUs, border employment, and regularization) are legally allowed to work with more than one employer. Ensure that this arrangement will not negatively affect migrant workers' rights to social protection.
7. Ensure that regular migrant workers and their dependents, employed in all sectors of the economy, enjoy full respect for their labour rights including comprehensive and effectively enforced labour law protection, comprehensive social protection, access to organizing, support services and legal redress to incentivize regular migration.
8. Collaborate with countries of origin in ensuring that regular migrant workers can access the social security fund and the workmen's compensation fund by removing barriers relating to required supporting documents issued by both governments. Specifically, Thailand should accept informal procedures of countries of origin in issuing and certifying their state-issued documents and Thailand should negotiate with countries of origin in facilitating producing the supporting document required by Thailand.
9. Ensure that migrant workers and their dependents in irregular situations enjoy protection for their basic human rights and rights arising out of past employment as regards remuneration, social security and other benefits. Take into account whether or not they become irregular migrant workers through no fault of their own.

Sub-theme 2: Ensuring legal migration pathways that are inclusive and responsive to the labour market

10. Improve data collection on labour demand and match quotas for admission of migrant workers to meet the labour demand. Digitize the database for easily access by both employers and workers, and to ensure accountability. Explore the relevance of Labour Market Testing approach to assess skill demand.
11. Consider establishing procedures to certify different skill levels required for occupations needed in Thailand. Consider labour migration programmes of different skill levels required in sectors in Thailand. The programmes should grant visa with a corresponding length to the time needed to perform the work they will be hired for.
12. Remove discriminatory gender requirements and health requirements that are not inherent to the work with a view to enable more women and men, including those with disabilities, to apply for employment overseas. Remove duplicative medical tests to make the recruitment process faster and cheaper.
13. Consider establishment of programmes for long-term immigration to address long-term labour and skills demands resulting from aging and other structural labour market shifts.