



International
Labour
Organization

Travel Smart - Work Smart

A 'Smart Guide' for Migrant Workers in Thailand

****Second Edition****



Part of a Campaign to Promote Safer Migration and
Prevent Human Trafficking for Labour Exploitation
within the Greater Mekong Sub-region

Are you a non-Thai working in Thailand?
Are you working here legally? Illegally?



The information in this booklet can help you avoid exploitation and abuse by employers and job brokers.

It can help you and your family feel more secure and help you work safely and more profitably!

Wherever you are and whatever your present circumstances ('legal' or 'illegal') you should read the following pages.

The best person to look after your own best interests is you!

So Travel Smart – Work Smart!

Important Facts for Migrant Workers

The Royal Thai Government continues to warn that all foreigners working in Thailand must hold a valid work permit. Foreign migrants found to be working without a work permit can be arrested and deported.

Employers who exploit or abuse undocumented migrants - or arrange their employment without proper documentation - are also subject to punishment.

You Have Rights

Regardless of your present legal status in Thailand, you are entitled to the respect and protection of your human rights - to live free from harassment and exploitation.

This guide will inform you about your rights - and your obligations - during your stay in Thailand. Most of all, this booklet is designed to help you protect yourself from people who want to take advantage of your situation as a migrant.

This booklet is provided free of charge.

Why Should you be Concerned?

Everyday many young people - just like you - cross the border into Thailand from neighboring countries hoping to earn money for themselves and to send some back home to their families.

Some however are abused by employers, tricked into jobs they did not agree to do, or not paid the amount of money that was agreed when they were hired.

Some have their wages unfairly withheld and in some cases they are not allowed to leave their places of work - with no way to escape and no one to call for help.

Often these people are coerced or deceived by others - like job brokers or agents - but sometimes even relatives, friends or boyfriends/girlfriends can be involved (to make money).

Sometimes an employer will try to take advantage of a migrants' precarious situation - especially if he/she does not have the proper documentation like a work permit.

When there is coercion or deception involved, and the abuse is serious (like refusing you the right to leave the premises, threatening you, assaulting you, sexually harassing you or refusing to pay you), it can be classified as human trafficking. This is a crime in Thailand. You are entitled to complain and the Thai authorities are obliged to act on your behalf. Migrant help groups (like the ones who gave you this book) may also be able to assist you.

These things are happening everyday - and they could also happen to you.

But there are ways to avoid this - and if you're already being abused - there are people who can help you - right here in Thailand.

Staying Safe with Common Sense!

Documented or Undocumented Migrants - always remember:

BE SUSPICIOUS OF:

*Anyone who befriends you with promises of an 'easy job with good pay' - he or she could be lying to you and working for gangsters or pimps who would force you to work for little or no money - and then prevent you from getting help.

*Anyone who offers to introduce you to a new employer or job broker. He or she could be earning a commission that you would have to pay back through salary deductions! This could leave you with little or no money of your own for months or even years to come until the debt is paid. Some employers will even lock up their workers who owe (or who they say owe) them money, making them virtual prisoners!



*Anyone who works as a broker or an employer and demands to keep your passport, work permit or ID card. Without these documents you could essentially become a prisoner as you need these documents to get home or sometimes even to leave the workplace. Never leave these items with a broker or an employer even if they tell you it is for safe keeping - these documents are your personal possessions and they are valuable and difficult to replace.

*Anyone who prevents you from contacting your friends or family upon arrival at your destination.

Know the Following!

***Find out as much as you can about your employer and the workplace before you begin working there.** Ask other people you trust. Is it a safe place? Does it have a bad reputation for working conditions or payments? If you are going through a broker, try to find out about the broker's reputation from people you know. Do you have any friends or people you know living nearby to whom you could turn to for help in time of need? Do you know how to get home from there?



***If you can confirm the employment offer** and if any travel expenses or accommodation are being paid by the employer or someone else, ask if you are expected to pay them back.

If so, know in advance how much you will owe, whether you will be required to pay interest, and how long it will take to pay it back - and get it all in writing.

Also make sure your movements will not be restricted by your employer and that you will not be asked to surrender your travel and working documents upon arrival. Do you get a day off each week? Are you allowed to leave the place of employment when you are not working (day off or after a shift)? Again - get all of this in writing and leave an extra photocopy of this with your family or another safe place.

***Tell your family** the name, phone number and address of the employer **and stay in regular contact with your family** after you arrive at your destination. Agree that if they do not hear from you within a certain time to seek help (contact names/numbers in the back of this booklet) - keep that promise to stay in **regular contact** with your family!

***We are all naïve sometimes - but remember,** if a job sounds too good to be true, it probably is. Anyone can be fooled especially by people they trust. Even friends can cheat you and you could end up working like a slave for little or no money with no way out.

When you are Moving Around and at The Destination - Here are some Ways to Keep Safe

***Learn your own way around.** During your travel and once you arrive, become familiar with your surroundings. If you ever feel uncomfortable, trust your instincts and leave. Find the location of the nearest Wat or temple, as well as police stations



and hospitals. These places could offer sanctuary if you need to escape an employer or abuser. Never leave your passport or ID card with anyone - it's yours. Keep it with you at all times.

***Don't trust strangers!** Even friendly ones - male or female! Many young people are fooled by someone they meet during their travels who later betrays them. Many young people especially girls are tricked this way.

***Do not trust an employer who tells you he/she can register you with the authorities or get you a work permit!** However, if you are already legally registered with your present Thai employer, and hold a valid work permit with that employer, the employer may be able to help you renew this.

PHONE HOME: If you are living in Thailand and want to phone home, first you have to dial an international access code <from Thailand dial - 001> then your country code <855 for Cambodia> <856 for Lao PDR> <95 for Burma/Myanmar> and then your local area code and number.

Your Rights as a Migrant Worker In Thailand:

As a migrant worker you are entitled to the same labour protection laws as Thai workers, even if you are a sub-contractor. These include the following:

***The minimum wage** in Thailand is 148 Baht per workday, but this figure is likely to rise in the future.

But in most areas of the country the rate is higher and varies from province to province (e.g. Bangkok and five neighbouring provinces have the highest rate = 203 Baht).

Both Thai nationals and migrants are entitled to the same minimum wage. If you agree to work longer than 8 hours per day you are also entitled to overtime at a higher rate of pay.



***One regular working day must not exceed 8 hours.** The maximum is 48 hours per week. In hazardous jobs, the working hours must not exceed 7 hours per day or 42 hours per week. If you agree to work in excess of these normal working hours, then your employer is required to pay you overtime (1.5 times your normal working wage). You cannot be forced to work in excess of these normal working hours.

***You must be provided with rest time of not less than 1 hour/day and this rest time must be offered not more than 5 consecutive hours after you have begun your working day.**



***You must receive a minimum of 1 day off per week.** You have the right to refuse to work on your day off. If you agree to work on this day-off, your employer must pay you twice the normal rate you would receive on a normal working day. Your weekly day off is mutually agreed with your employer and can change from week to week.



***You must be offered not less than 13 working days off each year (as official Thai public holidays).** You have the right to refuse to work on a Thai public holiday.

Working on a Thai holiday shall result in overtime paid to you at **twice the rate of a normal working day**, and a rate of **three-times the hourly wage** normally paid on a working day should you be required to work beyond eight hours.



***You shall be entitled to take medical leave** in accordance with the actual extent of illness. For medical leave of 3 working days or more, you must obtain a medical certificate from a registered doctor (e.g. at a public hospital). You still have the right to receive an income during this period of illness either through your employer or migrant insurance (up to a maximum of 30 days).



Workers *may* claim compensation in case of work related accident or disease. You have the right to work in safe and healthy workplaces. Employers must provide safety training and equipment to all workers so they can work safely and do not incur injuries, diseases or even die as a result of their work. If your employer does not comply, you have the right to complain to the Provincial Ministry of Labour Office.

***If you quit your job or are fired you are entitled to receive pay for the work you have completed. You may be entitled to more. If you have a written contract - check it!**



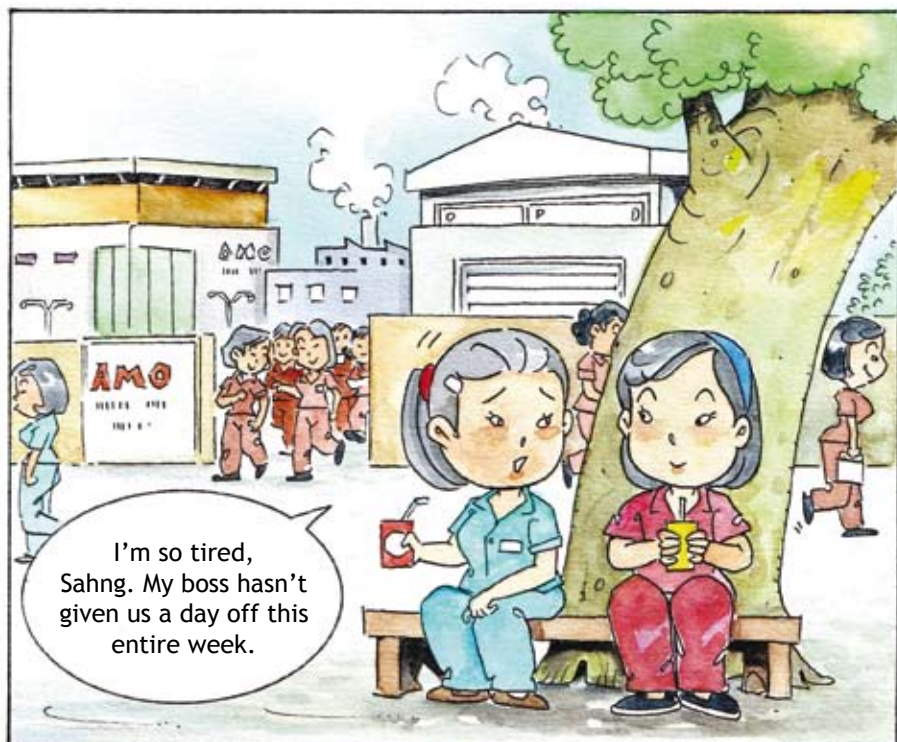
***If you are arrested, you still have the right to be paid for work you have completed! If in doubt, contact one of the groups listed in the back of this booklet for more help when you can.**

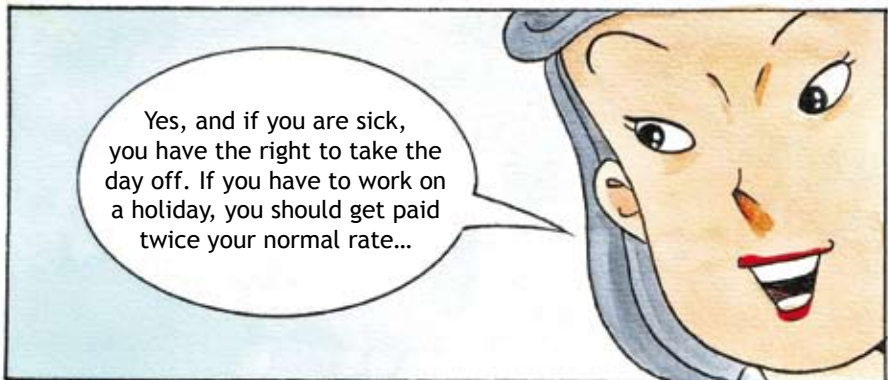
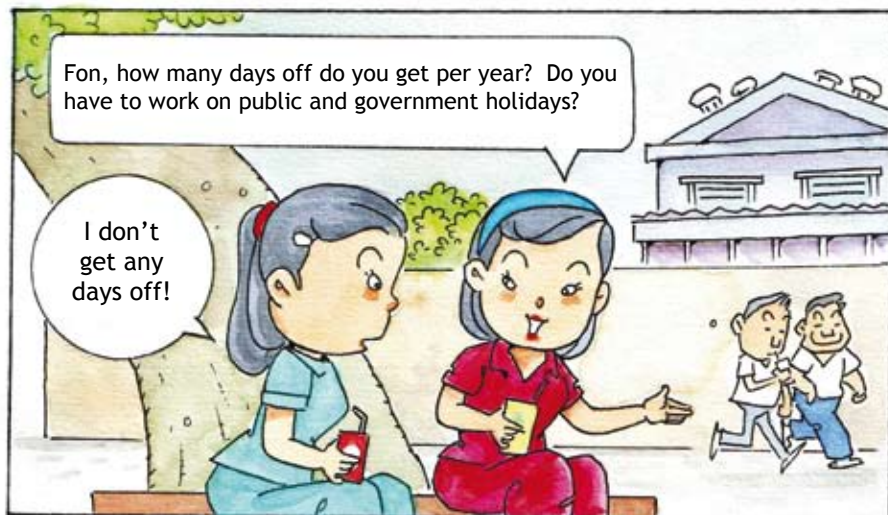


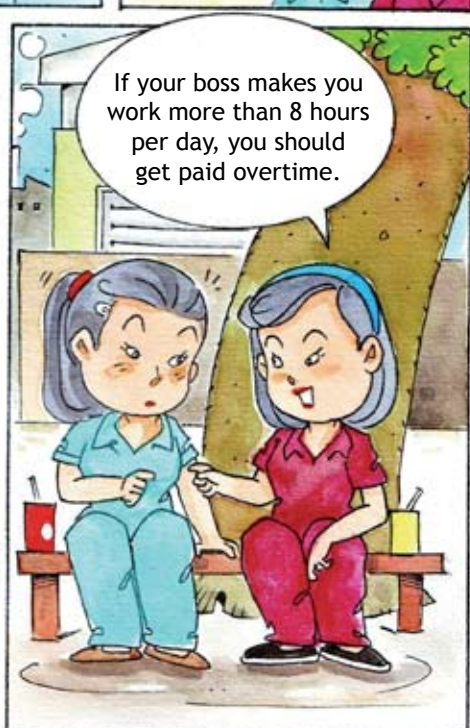
For other help and assistance, see the contact information near the end of this book.

I am a migrant worker,
but I have rights
too....

I deserve to be treated
fairly...aCCording to
the law...aCCording to
my human rights...









Special Notes for Women Migrants:

***Female migrant workers** are entitled to the same wages as male migrants performing the same job. Employers can pay wages based on a worker's performance so long as it is not based on whether the worker is male or female and that the pay is not below the minimum wage.

***Pregnant migrant workers** shall have the right to take maternity leave of not more than 90 days including 45 days of paid leave from their employer.



***Avoid work just before or just after pregnancy.** Get a medical certificate from your doctor stating that you are unable to continue hazardous or physically difficult work. You have the right to ask to change your work duties just before and after you give birth.

***All female workers are legally entitled to work while pregnant** and to receive special protection from dismissal due to pregnancy.

Special Notes for Young Migrants:

NOTE: Because they are more vulnerable to human trafficking, labour and sexual exploitation, the Royal Thai Government warns migrants below the age of 18 that they should not attempt to travel to Thailand in search of work unless they are accompanied by a parent or legal guardian (e.g. not just an adult friend).

The following rules apply to the employment of migrants between the ages of 15 and 17:

***A migrant child below the age of 15 cannot work in Thailand.** A migrant over the age of 15 years can be employed - but the following conditions apply:

***An employee between the ages of 15 and 17** must not work more than 8 hours per day and not more than 40 hours per week. He or she has a right to a rest period of not less than 1 consecutive hour/day after working for not more than 4 hours (1 hour earlier than adults). People in this age group are not allowed to work overtime. They are also not allowed to work on holidays.

***Dangerous and/or prohibited work** for children is forbidden including young people in this age group. This includes, but is not limited to, working late at night, or in confined spaces, or in entertainment establishments where alcohol is served and/or environments where there may be a threat to their morals.

As a migrant of any age, and regardless of whether you are legally registered to work, you have the right to seek help and assistance if:

***The above rights have been violated by your employer.**

***You have been unfairly dismissed** from your job and/or your employer has withheld your wages.

***You have been physically or sexually assaulted or harassed** by your employer, chief, supervisor, etc. Physical and sexual assault and sexual harassment are crimes.

***Your identity/work documents have been withheld** by your employer.

***Your employer, or people working for your employer, have forced you** to work or denied you your right to leave the premises during non-working hours.

FOR HELP ON WORK PERMITS, REGISTRATION, AND CONTRACT VIOLATIONS CALL 1506 (payphone/mobile) in Thai only.

IF YOU ARE IN IMMEDIATE DANGER CALL 1300 (payphone/mobile) in Thai only. (Do not worry about your 'legal' or registration status).

Health Insurance and Health Care

In Thailand, registered migrant workers automatically receive health insurance.

By showing the migrant ID and health insurance ID at a government hospital, you will be eligible for medical assistance at no charge. With this health insurance, you are entitled to a check-up, thorough treatment and any required rehabilitation.

You will need to use hospitals that participate in the health insurance plan. In most cases, this would be the same hospital where you

had your physical check-up and paid for the health insurance when beginning your new job. In the event of an accident, you may seek urgent treatment at the nearest hospital.

OTHER CAUTIONS

(From the Royal Thai Government)

Under Thai law, migrant workers may travel only within the province in which they are registered. If they do not obey this rule, the Thai government will immediately withdraw its permission to let them stay and work in Thailand and they may be sent back to their native countries. (Fishery workers and water transport workers may travel outside their registered province but they must travel only by boat and must stay only within the premises of the dock). Domestic workers may travel to other provinces but only in the company of the employer or the spouse of the employer. Migrant workers must show their ID cards to the authorities upon request.

Help and Assistance

Regardless of whether you are in Thailand legally or illegally, you are still entitled to receive help. It is your right as a human being.



NON-GOVERNMENTAL ORGANIZATIONS (NGOs)

If you need help but are afraid to approach the authorities, you may contact one of these organizations WITHOUT FEAR of arrest or deportation.

Organization	Phone #	Languages	Location
Labour Rights Promotion Network (LPN)	034-434-726 086-163-1390	Burmese, Thai	Central Thailand
Foundation for Child Development (FCD)	02-435-5281	Burmese, Lao, Thai	Central Thailand
Thai Action Committee for Democracy in Burma (TACDB)	02-216-4463 02-611-1211	Burmese, Thai	Central Thailand
Human Rights and Development Foundation (HRDF), Mahachai	034-414-087 086-756-0835	Burmese, Mon, Thai, English	Central Thailand
Human Rights and Development Foundation (HRDF), Chiangmai	053-223-077 081-595-7578	Burmese, Shan, Thai, English	Northern Thailand
Federation of Trade Unions - Burma (FTUB)	081-642-2296	Burmese, Karen, Mon, Thai	Nationwide

GOVERNMENT AUTHORITIES

If you are in IMMEDIATE DANGER, you should contact the following local Thai authorities for assistance.

Organization	Phone #	Languages
For Immediate Help*	1300	Thai
Police*	191	Thai
Tourist Police*	1155	Thai, English
Help with contract violations and work permits	1506	Thai
Lao PDR Consulate in Bangkok	02-539-6667-8 ext 109	Laotian, Thai, English
Cambodian Consulate in Bangkok	02-957-5851-2 (Monday - Friday) 02-957-5886 (labour issues) 081-826-8551 (after hours and emergency only)	Khmer, Thai, English

* This number is available 24 hours per day.

The organization that gave you this booklet may also be able to give you advice or assistance

This publication is part of the Travel Smart - Work Smart campaign, an initiative of the ILO Mekong Sub-regional Project to Combat Trafficking in Children and Women.

Working in Thailand or Looking for Work?

You have rights - and responsibilities!

Knowing these can help you avoid abuse and profit from your employment.

Don't Be Scared - Be Aware!

This booklet gives you advice on how to work and travel safely in Thailand, how to avoid abusive agents and employers, and where to go if you need help

It's not too late - even if you face abuse now!

Travel Smart - Work Smart!

This guide is offered free of charge to migrants through the following partners:



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www.childtrafficking.net



ISBN: 978-92-2-121307-9 [Print]
ISBN: 978-92-2-121308-6 [Web PDF]
ILO IPEC REF: RAS/03/04P/UKM