April – June 2023

Key developments

Thailand's general election on 14 May saw the Move Forward Party (MFP) (an opposition party in the previous administration) win the majority of votes. A party representative asserted in a policy debate before the election that a win would be attributed to MFP’s progressive and democratic policies, their strong support to ratify ILO Convention 87 and 98 and their positive stance on Myanmar migrants who flee political and economic turmoil. Several analysts contend that Thailand's election has a strong impact on Myanmar citizens and others in the region, especially if MFP takes the lead in forming the new government of Thailand. However, the scenario of the party leading the new administration is far from certain, depending on support by Senators and Members of Parliaments. Thailand is expected to have formed a new government by August.

In May, two incidents sparked public tension and concerns in relation to migrant workers in Thai society. First, on 1 May, migrant workers joined rallies organized by Thai workers to celebrate May Day. A few migrant workers were photographed holding a sign suggesting reform to the Thai monarchy. Although this did not make headlines in most major Thai news outlets, the pictures caused a public outcry on social media, where anti-migrant sentiment was distinctly observable. The interim Minister of Labour recognized the matter by making a public Facebook post warning migrant workers, prompting the Department of Employment to send an urgent notification dated 3 May to governors of all provinces to monitor any migrant workers violating the lèse majesté law. This was followed by a statement from civil society to protest the Minister’s actions. The second incident took place after the election. Prime Minister Hun Sen of Cambodia was reported as criticizing the party's policy to expel migrant workers, especially those from Cambodia and Lao PDR. This led to a MFP’s statement debunking the rumor of their anti-migrant policy, affirming their intention to expand and improve regular pathways for migrant workers’ employment in Thailand.

On 30 May, the interim government issued a cabinet resolution to address concerns about migrant workers losing their documented status, putting them at risk of arrest Thai employers who hire the workers. The resolution allows firstly, migrant workers under the Memorandum of Understanding (MOU) who have reached the four-year term to continue residing in Thailand and, secondly, extends the time for migrant workers who failed to comply with the previous cabinet resolutions to obtain visas and work permit with their new passport by 31 July. Further, on 23 June, Thailand’s Ministry of Labour and Cambodia’s Ministry of Labour and Vocational Training agreed on using an online platform to serve MOU migrant workers from Cambodia who have completed their four years of employment in Thailand to process their documents. The migrant workers will also be exempted from to the requirement to leave Thailand for 30 days before readmission.
In the 2023 US State Department's Trafficking in Person report, Thailand retained its Tier 2 ranking. The report mentions insufficient protection for victims of forced labour in digital fraud. There have also been increasing reports of individuals rescued from the Myanmar-Thailand border. The Human Rights and Development Foundation (HRDF), TRIANGLE's MRC partner, reported cases referred in Mae Sot as victims rescued from the border area. The border is described as chaotic and lawless, providing an enabling environment for digital scam operations. In early June, Interpol warned that digital scamming taking place in the Mekong region is a global trafficking crisis. In Mae Sot, a Thai woman was arrested for supplying sim cards registered with migrant workers in Thailand to scamming operations in neighbouring countries.

On 26 June Thailand and Korea entered into an MOU for Thai workers to work in seasonal agriculture in Korea, with the Department of Employment as the sole recruiter. Language certification is not required.

**Main programme activities**

Responding to complaints filed at the end of March, throughout April – June HRDF provided legal assistance to more than a hundred Myanmar migrant workers who paid an informal brokering agency run by Myanmar citizens in Mae Sot to process so-called “stateless cards”. In general, migrant workers are not qualified to apply for the card. HRDF thus sent a letter requesting the local district's investigation into the matter. Also, HRDF is gathering evidence for the victims to file a report to the police.

On 3 April, TRIANGLE joined the Ministry of Labour’s (MOL) first meeting on Good Labour Practices for Informal Labour Protection (GLP). The meeting was focused on determining practical and suitable informal sectors for interventions. It concluded that the GLP would initially target two seasonal agriculture and the platform economy.

On 10 April, TRIANGLE met with civil society partners, including HomeNet, Migrant Working Group, HRDF and the MAP Foundation, to discuss highlights of 2022 work and the 2023 work plan of each organization. The meeting also discussed reporting issues and proposed solutions, as well as referral of cases, especially for HomeNet which has little legal aid experience compared to other partners.

On 18 April, TRIANGLE organized a field visit for Australian Ambassador to ASEAN, H.E. Will Nankervis and his team to a Migrant Resources Centre (MRC) in the Bang Bon area run by the Solidarity Group, supported by HomeNet Thailand. At the centre, HomeNet and Solidarity Group presented their work with domestic workers and home-based garment workers. Four migrant workers who have benefited from the MRC were present to share their experiences.

Also on 18 April, representatives of Mahidol Migration Center and Migrant Working Group, both TRIANGLE's partners, met with the Director of the Foreign Workers Administration Office, Ministry of Labour to discuss policy recommendations to improve recruitment and admission of migrant workers for the seasonal agriculture sector. The Office proposed that a follow-up discussion take place once a new government is formed.

On 23 April HomeNet hosted a Workshop on digital literacy and scamming awareness for migrant domestic workers to raise awareness of migrant domestic workers on various forms of digital scamming common in Thailand, as well as awareness on recent laws and regulations.
On 25 April, TRIANGLE, in partnership with the Department of Employment, Ministry of Labour and the IOM, co-hosted the Migrant Workers Assistance Centres (MWAC) workshop to support officials in providing assistance to migrant workers and to conduct operations concerning cases of human trafficking and forced labour. The workshop discussed how to improve and replicate the Mae Sot model as well as prevent and respond to forced labour and human trafficking cases using the recently established National Referral Mechanism. The workshop was attended by officials from ten MWACs as well as representatives of civil society from the Migrant Working Group (MWG), HRDF and HomeNet.

On 26 April, TRIANGLE welcomed the Australian Minister for Immigration, Citizenship and Multicultural Affairs, the Hon. Andrew Giles to the MRC in Mae Sot, Tak province. The Mae Sot MRC is operated by HRDF and focusses on providing legal support to migrant workers. During the visit, Minister Giles met with the HRDF team who shared snapshots of their work. The Minister also engaged with three migrant workers involved in the ongoing lawsuit against VK Garment Factory which produces garments for Tesco. Since 2016, the HRDF MRC has settled more than 126 legal cases (involving at least 1,000 migrant workers) and has secured Thai Baht 23,241,908 (approximately US$680,000) in compensation.

On 28-30 April, TRIANGLE MRC partner and domestic worker advocate HomeNet Thailand joined public events at the SEA Junction and Thammasat University to collect signatories on their call to support the inclusion of domestic workers in Section 33, Social Security.

In partnership with Care Economy Project, TRIANGLE jointly published the report Protection in Practice: Challenges and perceptions of domestic workers accessing social protection in Thailand, as well as a Thai language version. While most workers in Thailand are protected under Section 33 of the Social Security Act, domestic workers are limited to lesser benefits under other sections of the Social Security Act. Migrant domestic workers are exempt from all protections. This summary report outlines the experiences of domestic workers trying to access social protection in Thailand by using qualitative interviews with employers and Thai domestic workers and migrant domestic workers.

On 28 April, TRIANGLE met with Ms Saowalak Thongkuay, Member of the UN Committee on the Rights of Persons with Disability to discuss TRIANGLE’s efforts around disability inclusion and potential collaboration. If possible, she will join TRIANGLE’s National Project Advisory Committee this year.

On 1 May, the TRIANGLE MRC partner MAP Foundation and other members of the Northern Labour Network (a network of all types of workers based in the North of Thailand, including migrant workers, sex workers and platform workers), celebrated the May Day by organizing public forums and sending a petition with recommendations to the Chiang Mai Governor. Recommendations related to migrant workers include calls for equal social protection for all, one-stop-service for regularisation and allowing migrant workers to be employed by more than one employer to supplement wages.
On 7 May, TRIANGLE partner HomeNet organized training on saving, financial literacy and digital scamming. Around 86 migrant domestic women workers attended. TRIANGLE staff were invited to give a session on a new law on digital scamming and discuss potential risks pertaining to migrant workers and digital scamming.

On 9 May, TRIANGLE joined an online closed-door meeting organized by the Employers' Confederation of Thailand (ECOT) to share the subcontracting experience of migrant workers, legal frameworks and international frameworks. The meeting discussed why Thailand should or should not ban subcontracting of migrant workers. Participants included ECOT advisors, representatives of subcontracting businesses, and NPCs of ILO migration projects and IOM-Promise.

On 16 May, TRIANGLE organized an online Discussion and Presentation of Findings of the ILO research “Skilled to Care; Forced to Work: Recognizing the skill profiles of migrant domestic and care workers in ASEAN amid exploitation and forced labour.” The presentation was for delegates from Ministry of Labour only, ahead of the launch of the report in June. Seven participants (W:5; M:2) from four divisions, including the Department of Skill Development; Department of Employment; Department of Labour Protection and Welfare (Informal Labour Protection Division-ILPD), and the ILO attended. The ILPD outlined an initiative on inspection of private households as well as concerns on how to regulate the working hours of live-in domestic workers. This coincides with the TRIANGLE's plan to provide technical support to MOL on labour inspection for domestic work.

On 28 May HomeNet organized a meeting with domestic worker leaders, Thai and migrants, to evaluate relevant projects, including the Building Women's groups project. Migrant leaders reflected that the capacities which have gained most from the project were skills related to organizing, management, communication, and implementation of democratic values. There were 13 migrants and 20 Thai women leaders attending.

On 31 May, TRIANGLE met with the Department of Employment (DOE) to discuss upcoming joint work. It was agreed that TRIANGLE would undertake an assessment of the ten Migrant Workers Assistance Centres run by the DOE. TRIANGLE also agreed to organize a training session for DOE officials, including those from the DOE legal team, on the ILO General Principles and Operational Guidelines for Fair Recruitment, and the Definition of Recruitment Fees and Related Costs.

On 18 June, TRIANGLE staff participated in a Domestic Workers’ Day meeting with HomeNet and domestic workers, delivering a TED style talk reflecting on collaborating with the Network of Domestic Workers in Thailand over the years and the challenges and opportunities to come. Members of the audience included domestic workers. The event also marked the 12th anniversary of the network and Domestic Workers’ Day.

The MAP Foundation celebrated Domestic Workers Day on 25-26 June. On the first day, 45 migrant workers (W:43; M:2), including domestic workers, joined the discussion on the struggle of domestic workers in Thailand despite protections available under Ministerial Regulation No.14, and the importance of the ILO Domestic Work Convention, 2011 (No. 189). The event was highlighted as crucial in realizing domestic workers’ rights. The event also featured an exhibition, mainly created by migrant domestic workers leaders. On 26 June, worker representatives submitted their labour demands to the Chiang Mai Governor.
**Upcoming activities and key dates (July – September 2023)**

<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>September (TBC)</td>
<td>National Tripartite Preparatory Workshop for the 16th AFML</td>
<td>Bangkok</td>
<td>Tripartite stakeholders plus NGOs and civil society organizations</td>
<td>To take stock of stakeholders’ progress in implementing the recommendations of previous AFML and to adopt recommendations on the 16th AFML.</td>
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<td>September (TBC)</td>
<td>Mahidol's Policy Dialogues with the Ministry of Labour on Employment and Working Conditions of Agricultural Workers and their Management of Migrant Workers</td>
<td>Bangkok</td>
<td>Academics, representatives of the Migrant Working Group, representatives of various divisions of the Ministry of Labour</td>
<td>To propose policy recommendations that improve social protection and reduce the precarity of migrant workers in agriculture.</td>
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<td>September (TBC)</td>
<td>State Enterprises Workers’ Relation's Confederation training on domestic workers’ unionization</td>
<td>Bangkok</td>
<td>Thai and migrant leaders of the Network of Domestic Workers in Thailand and HomeNet colleagues</td>
<td>To improve domestic worker leaders’ understanding about workers’ unionization.</td>
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<tr>
<td>September (TBC)</td>
<td>Training on the ILO <em>General Principles and Operational Guidelines for fair recruitment and definition of recruitment fee and other related costs</em></td>
<td>Bangkok</td>
<td>Department of Employment</td>
<td>To enhance MWAC’s staff capacity and efficiency and promote local partnership.</td>
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### Media Coverage

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<tr>
<th>Date</th>
<th>Title</th>
<th>Media Source</th>
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<tr>
<td>5 April</td>
<td>Highway police arrest 89 Rohingya migrants crammed in 3 pickup trucks bound for south of Thailand</td>
<td>Pattaya Mail</td>
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<tr>
<td>6 April</td>
<td>Over 5000 refugees flee fighting in Myanmar and shelter in Thailand's Tak province</td>
<td>Thai PBS</td>
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<tr>
<td>11 April</td>
<td>Sacked Myanmar migrants in Thailand get compensation, help to return home</td>
<td>BNI online</td>
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<tr>
<td>13 April</td>
<td>Thai unions urge government to ratify ILO convention 87 and 98</td>
<td>Industrial-Union</td>
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<td>28 April</td>
<td>Two migrant labour brokers found stabbed to death</td>
<td>Bangkok Post</td>
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<tr>
<td>12 May</td>
<td>Myanmar designer struggles to build her business in Thailand</td>
<td>Frontier Myanmar</td>
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<tr>
<td>13 May</td>
<td>In Thailand's election Myanmar isn't on the ballot</td>
<td>Ministry of Labour</td>
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<td>19 May</td>
<td>Pregnant and displaced the plight of a migrant worker in Thailand</td>
<td>Frontier Myanmar</td>
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<td>8 June</td>
<td>Pita to protect migrant worker rights and dignity in Thailand</td>
<td>Thai PBS</td>
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<tr>
<td>16 June</td>
<td>Skilled, essential but undervalued</td>
<td>Bangkok Post</td>
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**Thailand at a glance**

Population: 70.1 million  
Labour Force: 38.7 million  
Source: ILOSTAT, 2022

**Migrants in Thailand**

Total number of documented workers: 2,494,308  
564,523 MOU migrant workers  
(Women = 255,839 / Men = 308,684)  
Myanmar = 332,444 (58.9%)  
Cambodia = 123,942 (22%)  
Lao PDR = 107,995 (19.1%)  
Viet Nam = 142 (0.03%)

17,612 migrant workers under Section 64 (Border employment)  
(Women = 9,437 / Men = 8,175)  
Myanmar = 5,776 (32.8%)  
Cambodia = 11,836 (67.2%)

1,912,173 migrant workers under the 7 February 2023 Cabinet Resolution  
(Women = 851,385 / Men = 1,060,788)  
Myanmar = 1,543,355 (80.7%)  
Cambodia = 274,287 (14.3%)  
Lao PDR = 92,301 (4.8%)  
Viet Nam = 2,230 (0.12%)

Source: Office of Foreign Workers Administration, Department of Employment, Ministry of Labour, Thailand (March 2023).

TRIANGLE in ASEAN delivers assistance directly to migrant workers and their communities through three Migrant Worker Resource Centres (MRCs) in Thailand. They are managed in partnership with civil society organizations and are based in Bangkok (with HomeNet), Chiang Mai (with MAP Foundation), and at Mae Sot (with Human Rights and Development Foundation). In addition, TRIANGLE provides MRC-like services with the CSO Migrant Working Group (MWG).

Since the start of the programme up until the end of 2022, TRIANGLE has reached 31,897 migrant workers (58 per cent women) through the Thai MRCs.

The 7 February 2023 Cabinet Resolution extends the deadline for migrant workers who have obtained a work permit which expires on 13 February 2023 and have not completed renewing their visa. The new deadline was 15 May 2023.

**Background information**

Over the last three decades, Thailand has become a key destination for migrant workers from neighbouring countries and increasingly from further afield across ASEAN. Women and men migrant workers make a substantial contribution to Thailand’s economic performance. According to a study by the ILO and OECD, migrants were responsible for 4.3 - 6.6 per cent of Thailand’s GDP in 2010, while representing 4.7 per cent of the employed population (ILO/OECD, 2017). These migrants are predominately employed in low-paid jobs, including fishing, agriculture, construction, manufacturing, domestic work, and other services. Thailand is also a country of origin for migrant workers. In 2022-2023, DOE has permitted a total of 113,186 outgoing Thai migrants. (Department of Employment, 2022).

Transitioning from a net-sending to a net-receiving country during the 1990s, Thailand’s labour migration governance framework has continually relied on bilateral agreements or cooperation with neighbouring countries. 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, up until recently, only a small proportion of migrants have entered Thailand under the MOUs due to the complicated, lengthy and expensive procedures involved. In 2015 and 2016, Thailand revised the MOUs to broaden cooperation on labour issues, including skills development and social protection and signed a new agreement with Viet Nam.

During 2016–18, Thailand developed a more comprehensive legal framework, including the adoption of the Royal Ordinance Concerning the Management of Employment of Migrants to manage labour migration in parallel with the implementation of the MOU processes. The Royal Ordinance sets out that the MOU process is the only official channel for migrant workers in 'elementary' occupations to enter Thailand. However, Section 64 of the Royal Ordinance offers one exception, known as the border employment regulation, which allows employers to hire migrants in border areas on three-month visas. Yet, due to the porous borders of Thailand, the complicated, time-consuming and expensive MOU processes, and the
limited functionality of the border employment scheme, many migrant workers enter Thailand irregularly. In response, and for the past two decades, the Royal Thai Government has been relying on periodic regularizations of migrants with irregular status. This is accomplished (in part) by declaring amnesties. Many migrants from Cambodia, Lao PDR and Myanmar have used these ad-hoc amnesties and registration windows to obtain legal status, though many others have continued to work irregularly, some due to the short registration window or the high corresponding fees for this registration.

**Key partners**
- Ministry of Labour (MOL)
- Employers’ Confederation of Thailand (ECOT)
- State Enterprise Workers’ Relations Confederations (SERC)
- Human Rights and Development Foundation (HRDF)
- HomeNet Thailand
- MAP Foundation
- Migrant Working Group (MWG)

**Target sites**
- Bangkok, Chiang Mai, Mae Sot

**Focal point**
- Chonticha Tangworamongkon, National Project Coordinator, tangworamongkon@ilo.org

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