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กรณีศึกษาบทบาทของคณะกรรมการสมานฉันท์แรงงานไทย



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**PROTECTION POLICIES FOR MIGRANT WORKERS IN THAILAND:  
A CASE STUDY ON THE ROLES OF THAI LABOR  
SOLIDARITY COMMITTEE**

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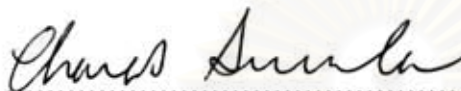
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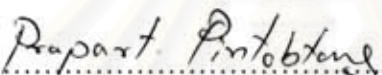
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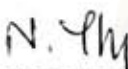
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งานวิจัยเชิงคุณภาพฉบับนี้มีวัตถุประสงค์เพื่อศึกษาขบวนการเคลื่อนไหวของคณะกรรมการสมานฉันท์แรงงานไทย (คสรท.) และองค์กรภาคีในเรื่องการคุ้มครองแรงงานข้ามชาติในประเทศไทย โดยมีการศึกษาโครงสร้าง และยุทธศาสตร์ ที่คสรท. เพื่อเคลื่อนไหวเรื่องการคุ้มครองแรงงานข้ามชาติ รวมทั้งมีการประเมินผลที่เกิดขึ้นจากการใช้ยุทธศาสตร์ต่างๆของคสรท. การเก็บข้อมูลในการวิจัยเป็นการสัมภาษณ์เชิงลึกกับกลุ่มเป้าหมายที่เป็นตัวแทนของคสรท. สหภาพแรงงานไทย และองค์กรพัฒนาเอกชน และตัวแทนแรงงานไทยและแรงงานข้ามชาติ

ผลการวิจัยพบว่าคสรท. ใช้แนวคิดเรื่อง “สิทธิมนุษยชน” ในการเคลื่อนไหวเรื่องการคุ้มครองแรงงานข้ามชาติ คสรท. มีโครงสร้างการบริหารที่ชัดเจน และมียุทธศาสตร์ในการขับเคลื่อนคือ การร้องทุกข์ การรณรงค์ให้ความรู้ การพัฒนาศักยภาพแรงงาน การเผยแพร่ข้อมูลทั้งในระดับชาติ และระดับท้องถิ่น และการสร้างเครือข่าย ซึ่งยุทธศาสตร์เหล่านี้ได้นำมาใช้ในการขับเคลื่อนเรื่องการคุ้มครองแรงงานข้ามชาติ

นอกจากนี้ยังพบว่าองค์กรพัฒนาเอกชนด้านแรงงานข้ามชาติที่เป็นสมาชิกของคสรท. มีบทบาทสำคัญ และส่งอิทธิพลต่อกิจกรรมเกี่ยวกับการคุ้มครองแรงงานข้ามชาติของคสรท. การที่มีองค์กรพัฒนาเอกชนที่มีศักยภาพเข้าร่วมเป็นสมาชิก และเป็นผู้เสนอข้อมูลด้านแรงงานข้ามชาติที่เพียงพอ ต่อเนื่องในการสร้างความรู้ ความเข้าใจแก่แรงงานไทย เป็นปัจจัยสำคัญอย่างหนึ่งในการกระตุ้นการขับเคลื่อนของ คสรท. ผลกระทบที่เกิดขึ้นจากการใช้ยุทธศาสตร์ต่างๆของคสรท. ในการขับเคลื่อนเรื่องการคุ้มครองแรงงานข้ามชาติมีอยู่ 3 ระดับ คือ ระดับนโยบาย ระดับท้องถิ่น และระดับองค์กร

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TASSANEE SURAWANNA: PROTECTION POLICIES FOR MIGRANT  
 WORKERS IN THAILAND: A CASE STUDY ON THE ROLES OF THAI  
 LABOR SOLIDARITY COMMITTEE. THESIS ADVISOR: NARUEMON  
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This qualitative research was aimed to study the movement of Thai Labour Solidarity Committee (TLSC) and its alliances on the protection of migrant workers in Thailand. In this research, TLSC's structure was examined as well as its strategies on the protection of migrant workers. There was the evaluation of those strategies in order to understand the impacts in different level. Data was collected from the in-dept interviews with the representatives from the leading actors of TLSC, Thai worker's union, labor related and migrant related NGOs, migrant workers and Thai workers.

The research found that TLSC had used "Human Rights" as the leading concept for their movement. TLSC had the clear structure in the administrative level. The main strategies of TLSC on labor movement in Thailand included petition, campaign and education, capacity building, information dissemination in national and local level and networking. All of these strategies had been used for the movement on the protection of migrant workers as well. The migrant related NGOs who were members of TLSC had played important roles and had influence towards TLSC's activities regarding the protection of migrant workers. The strong capacity of migrant related NGOs who participated in TLSC and the sufficient database about migrant workers situation provided to TLSC leaders and members by NGOs were the main factors motivating TLSC movement on the protection of migrant workers. The impacts of TLSC's strategies on the protection of migrant workers were in three different levels; policy level, local level, and organization level.

Field of study: International Development Studies Student's signature: *Tassanee Surawanna*

Academic year 2008

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สถาบันวิทยบริการ  
จุฬาลงกรณ์มหาวิทยาลัย

# CONTENTS

	<b>Page</b>
<b>ABSTRACT (THAI)</b> .....	<b>iv</b>
<b>ABSTRACT (ENGLISH)</b> .....	<b>v</b>
<b>ACKNOWLEDGEMENTS</b> .....	<b>vi</b>
<b>CONTENTS</b> .....	<b>vii</b>
<b>LIST OF TABLES</b> .....	<b>ix</b>
<b>LIST OF FIGURES</b> .....	<b>x</b>
<b>ABBREVIATIONS</b> .....	<b>xi</b>
<b>CHAPTER I INTRODUCTION</b> .....	<b>1</b>
1.1 Situational Background.....	1
1.2 Statement of Research Problem.....	5
1.3 The Conceptual Framework.....	8
1.4 Research Questions.....	9
1.5 Objectives of Research.....	9
1.6 Keywords.....	9
1.7 Research Methodology.....	10
1.8 Data Collection and Analysis.....	12
<b>CHAPTER II LITERATURE REVIEW</b> .....	<b>14</b>
2.1 Theoretical Perspectives Related to Social Movements.....	14
2.2 The Protection of Migrant Workers .....	19
2.3 Related Research.....	21
<b>CHAPTER III THE THAI LABOR SOLIDARITY COMMITTEE AND LABOR MOVEMENTS IN THAILAND</b> .....	<b>26</b>
3.1 The Labor Movement in Thailand.....	26
3.2 Background of Thai Labor Solidarity Committee.....	32
3.3 Structure of TLSC.....	38
3.4 The Strategies of LSLC on Labor Movement.....	44

<b>CHAPTER IV THAI LABOR SOLIDARITY COMMITTEE AND MOVEMENT FOR THE PROTECTION OF MIGRANT WORKERS IN THAILAND.....</b>	<b>52</b>
4.1 The Expansion of TLSC Movement on the Protection of Migrant Workers.....	52
4.2 Concept of the Movement on the Protection of Migrant Workers.....	59
4.3 Actors in the Movement on the Protection of Migrant Workers.....	63
4.4 Strategies of TLSC Movement for the Protection of Migrant Workers...	63
4.5 Impacts of TLSC's Strategies on the Protection of Migrant Workers...	66
<b>CHAPTER V CONCLUSION AND SUGGESTIONS.....</b>	<b>69</b>
5.1 Conclusion on Migrant Situation and TSLC Movement for the Protection of Migrant Workers.....	69
5.2 Theoretical Analysis of TLSC Movement on the Protection of Migrant Workers.....	72
5.3 Suggestion and Recommendation for Further Study and Improvement of Protection of Migrant Workers.....	78
<b>REFERENCES.....</b>	<b>81</b>
<b>APPENDICES.....</b>	<b>87</b>
Appendix A: List of Key informants.....	88
Appendix B: Key TLSC's Members and Alliances.....	91
Appendix C: Recommendation to Thai Government on the International Migrant Day 2007.....	96
Appendix D: Thai Workers Demands to the ASEAN Labor Ministers Meeting	99
Appendix E: Memorandum of Understanding between the Government of the Kingdom of Thailand and the Government of the Kingdom of Cambodia on Cooperation in the Employment of Workers.....	104
<b>BIOGRAPHY.....</b>	<b>112</b>



**LIST OF TABLES**

<b>Tables</b>	<b>Page</b>
1. Summary of migrant workers from countries of Burma, Cambodia and Lao PDR received work permit.....	3
2. The number of entrepreneurs and employers compared to the numbers of labor unions, separated by the areas .....	31



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จุฬาลงกรณ์มหาวิทยาลัย

**LIST OF FIGURES**

<b>Figures</b>	<b>Page</b>
1. Conceptual framework of the research.....	8
2. The administrative and working structure of TLSC.....	44
3. The cooperation structure of TLSC and its alliances on the movement for the protection of migrant workers.....	62



สถาบันวิทยบริการ  
จุฬาลงกรณ์มหาวิทยาลัย

## ABBREVIATIONS

<b>ANM</b>	-	Action Network for Migrants
<b>ASEAN</b>	-	The Association of Southeast Asian Nations
<b>CAR</b>	-	Center for AIDS Rights
<b>EEALU</b>	-	Electronics and Electric Appliances Labor Union
<b>FAR</b>	-	Foundation for AIDS Rights
<b>FES</b>	-	Friedrich Elbert Stiftung
<b>FoW</b>	-	Friends of Women Foundation
<b>FTUB</b>	-	Federation of Trade Union of Burma
<b>GOs</b>	-	Governmental Organizations
<b>HRDF</b>	-	Human Rights and Development Association
<b>IEC</b>	-	Information, Education and Communication
<b>ILO</b>	-	International Labor Organization
<b>IOs</b>	-	International Organizations
<b>IRC</b>	-	International Rescue Committee
<b>ITF</b>	-	International Transport Workers Federation
<b>ITUC</b>	-	International Trade Union Confederation
<b>MAP</b>	-	MAP foundation for the Health and Knowledge of Ethnic Labor
<b>MMSAWM</b>	-	Making Migrant Safety at Work Matter Project
<b>MoPH</b>	-	Ministry of Public Health
<b>MTUC</b>	-	Malaysian Trades Union Congress
<b>MWG</b>	-	Migrant Working Group
<b>NGOs</b>	-	Non Governmental Organizations
<b>NHRC</b>	-	National Human Rights Commission
<b>NLN</b>	-	Northern Labor Network
<b>OHS</b>	-	Occupational Health and Safety
<b>PHAMIT</b>	-	Prevention of HIV/AIDS among Migrant Workers in Thailand
<b>Raks Thai</b>	-	Raks Thai Foundation
<b>RTG</b>	-	Royal Thai Government
<b>TCLR</b>	-	Thai Center for Labor Rights

<b>TIWRU</b>	-	Textile Industrial Worker Relations Union
<b>TLC</b>	-	Thai Labor Campaign
<b>TLSC</b>	-	Thai Labor Solidarity Committee
<b>UDHR</b>	-	Universal Declaration on Human Rights
<b>WSA</b>	-	Worker Solidarity Association
<b>YCO</b>	-	Yaung Chi Oo Association



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## CHAPTER I

### INTRODUCTION

This chapter will provide information on general background of the research. The section in this chapter included situational background, statement of research Problem, the conceptual framework, research questions, objectives of the study, keywords, research methodology, and data collection and analysis. The detailed information of each section will be discussed as below;

#### 1.1 Situational Background

Thailand's development had made the country to be one of the most popular job destinations for migrant workers especially from the neighboring countries. Most of migrants who came to work in Thailand were from Burma, Cambodia and Lao PDR, respectively. The main reason that they cross into Thailand was that they wanted to get better income to support their family and for their future since the economic opportunities in their country were limited (Press, 2005). However, in order to make much money, many of them had to work in the dirty, dangerous and degrading condition. The majority of migrants were found working for agriculture, domestic work, construction, factories and fisheries (Department of Employment, 2005). These kinds of jobs were abandoned by Thai people because of the poor working condition and low payment. Migrants and their families were not only working and living in poor condition, but they also face other problems and struggles in their life because of their inferior status.

Many reports from different organizations had provided clear information about the problems that migrants were facing. According to Amnesty International report in 2005, migrants had to face many problems include the flaws in the registration implementation process; the Royal Thai Government (RTG)'s obligations under international law; and the general lack of labour rights for migrant workers including adequate pay and living and working conditions. This information was relevant with the report of Migrant Forum in Asia which has stated that;

*“Migrant workers especially in Asia are particularly vulnerable to violations of their right to health. Labour migration is fraught with dangers, abuses and oppressions, including dangerous living and working conditions, physical and sexual abuses, harassment by government and police authorities, social discrimination, alienation and loneliness, years of forced separation from their families and loved ones, and barriers to the access of health services. All these impact negatively on migrants’ health and quality of life.”* (Migrant Forum in Asia, 2004)

According to Amnesty International (2005), Thailand had not ratified several International Labour Organization (ILO) Conventions that could be used as a means of protecting both Thai and migrant workers. Those treaties impose a series of obligations on States parties to promote among other things *"sound, equitable, humane and lawful conditions"* for all migrant workers, whether documented or undocumented. Under the terms of those Conventions, migrant workers were entitled to protection of their basic freedoms including the right to life; the right to freedom from torture; the right to due process including freedom from arbitrary arrest and detention; the right to medical care that was urgently required and the right to equal treatment. Since Thailand had not ratified those migrant-related conventions, many existing policies in Thailand were still lead to the limitation and violation of migrant’s rights.

Recently, the provincial decrees were issued in several provinces of Thailand. These decrees had limited the rights of migrant workers especially from Burma, Laos and Cambodia. The examples of orders under this provincial were; migrant workers were not allowed to use mobile phone, to ride motorbike, and to assemble.

According to the ILO, the state of sending countries should play important role to help coordinating and negotiating with the receiving country for the protection of migrant workers from their countries. For irregular migrant workers in Thailand, it is much more difficult to get support from their own state and there was no proper law in receiving country to guarantee the protection of their labour rights.

In December 2008, the Department of Employment has reported that there were total of 501,570 registered migrant workers in Thailand. According this official data, those registered migrants were allowed to work in only two types of occupation which were labor work and domestic work. The table below showed the number of migrants working in different sectors.

**Table 1: Summary of migrant workers from countries of Burma, Cambodia and Lao PDR received work permit**

Type of Work	%	Grand total	Burmese	Laos	Cambodia
<b>Grand Total</b>		<b>501,570</b>	<b>476,676</b>	<b>12,800</b>	<b>12,094</b>
<b>1.Labor Work</b>	<b>89%</b>	<b>447,637</b>	<b>427,912</b>	<b>8,713</b>	<b>11,012</b>
Fishery	2%	9,836	8,022	233	1,581
Seafood Processing	12%	58,890	57,776	119	995
Agriculture and Livestock	18%	92,200	87,339	2,680	2,181
Rice Milling	1%	3,980	3,910	36	34
Brick Factory	1%	3,124	2,906	184	34
Ice factory	1%	3,369	3,131	116	122
Warehouse and marine transportation	0%	773	727	2	44
Construction	15%	76,206	73,227	1,027	1,952
Mining	0%	769	767	-	2
Others	40%	198,490	190,107	4,316	4,067
<b>2.Domestic Work</b>	<b>11%</b>	<b>53,933</b>	<b>48,764</b>	<b>4,087</b>	<b>1,082</b>

(obtained from Department of Employment, 2009)

This table showed that most migrant workers (40% of total registered migrants) were working in others types of work. The kinds of work under this category were not directly determined under migrant administration policy. The area of work under this category could be; the work related to industrial production in factory, Wholesales and retailed business, construction related occupation, service sectors and community services (Bandit, 2009).

However, according to the old record in 2005 there were 1,284,920 registered migrants. Therefore, it can be estimated that currently there are at least 2-3 million of both documented and undocumented migrants in Thailand (SLR, 2008). Migrants who were working in different sectors had to face the discrimination and violation in various aspects. The Subcommittee on Labour Rights of the National Human Rights Commission of Thailand (SLR, 2008) has revealed that the complaints about migrant's rights violation sent to the commission can be categorized into 6 dimensions as followed;

- 1) Labor protection law
- 2) Occupational Health and Safety (OHS)
- 3) Workmen's Compensation Fund
- 4) Rights and Freedom for group formation and negotiation
- 5) Private Rights
- 6) The claiming of national security and the provincial Decrees

The contributing factors of those migrant's rights violations include employers, Laws, and Thailand policy. In order to protect those migrant workers, it is crucial to think the possible mechanism to support and promote migrant's rights protection. One of the conventional mechanisms is the use of negotiating power of trade union. In many countries this mechanism is allowed and used for promoting migrant's rights but in Thailand there are many limitations according to law and policy.

Piper (2005) has analyzed the role of trade union in South East Asia on the protection of migrants and found that;

*“Trade union in developing countries have not shown much active interest in migrant workers mainly because their preoccupation of national issues; in country of origin, the dominant perception is that migrants are better of than local workers because they found employment abroad; from the viewpoint of local workers in the destination countries, migrant workers are perceived as*



*job-takers and as responsible for depressing wages. The void left by trade union has to some extent been filled by NGOs.”*

Additionally, Dennis Arnold (2008) has stated that nationalism is one of the ideas that obstruct the movement of trade union or national workers on the protection of migrant workers in Thailand. He claims that nationalism is used by certain government ministries and officials, also the employer and trade union for promoting themselves in order to get more investment, job and better skills. This has created the sense that they are acting in the interest of Thai people and the nation not their own interest as labour.

*“Thus, the state and its benefactors are able to promote and reproduce capital at the expense of a majority of workers in Thailand, regardless of ethnicity, while treating migrant workers as a security threat which need to be suppressed to appease those who have studied their history and are threatened by rising number of Burmese and other migrant workers in the country.”*  
(Dennis Arnold, 2008)

In Thailand, only 2 % of the overall workforce is unionized and 11% of industrial workers are unionized (MAP, 2006). Nowadays, it seems to be the phase that unions have been relegated to a less decisive role in labour relations. For movement of trade union in Thailand, they still focus on the protection of regular migrant workers or migrants in the formal sector not the informal sector. In the situation that migrant workers are not allowed to form any union, it is more difficult for those migrant workers to conduct any collective action to negotiate with Thai government in term of the better protection for their rights.

## **1.2 Statement of Research Problem**

Since there is no strong power of trade union to help promoting the rights of migrant workers, therefore, it becomes the role of labour NGOs, labour organization and networks to claim for the rights of migrant workers in Thailand. Nowadays, more

and more civil society groups are paying attention to migrant protection issue starting from the provincial to regional and national level.

In the provincial and regional level especially in the areas where majority of migrants are working such as in Bangkok, Samutsakorn, Mae Sot, Ranong and Chiang Mai, there are some movement of NGOs and labour network for the protection of migrant workers. Although most of the movement are leaded by the NGOs, in some provinces such as Chiang Mai and Mae Sot both the national and non-national labour network have participated in the movement. For example, in Chiang Mai, the Northern Labour Network which includes the labour from different sectors such as, home-based workers, service workers, construction workers, agriculture workers has been running the campaign, public forums and policy advocacy on the protection of migrant workers focusing on occupational health and safety issue.

In order to expand the network and create more negotiation power, those NGOs working on migrants have established the cooperative networks such as the Action Network for Migrants (ANM) and Migrant Working Groups (MWG). However, the small movement of only migrant related organizations still can not get much attention from the government. Therefore, there are more movements in the national level.

In the national level, the organization called Thai Labour Solidarity Committee (TLSC) is the main actor on the movement for labour protection. This committee currently consists of 28 labour organizations as the members including various trade unions, labour federations and congresses and NGOs. In the past the labor movement in Thailand was very weak and lack of unity, thus the labor groups had less negotiating power and got less attention from the government. As a result of this problem, TLSC has been established in 2001 with the cooperation of various labour organizations such as employee council, labor federation, industrial labor union, and NGOs working on labor issue in order to conduct the campaign and movement for the protection of Thai labor. The organization is aimed to create the success on movement for all labor, and to strengthen the labor movement.

Nowadays, TLSC is playing very important role for promoting the rights of all labors (TLSC Secretariat, 2007). At the beginning, the movements of TLSC have focused on the protection of Thai formal workers. After that there has been the expansion of movements to cover the protection of Thai informal workers. Later when there are more and more migrant workers coming to work in Thailand especially when Thai government has started the registration of migrant workers in Thailand in 2004 and found that there were 1, 162,013, million registered migrant workers in Thailand (Tik, 2007).

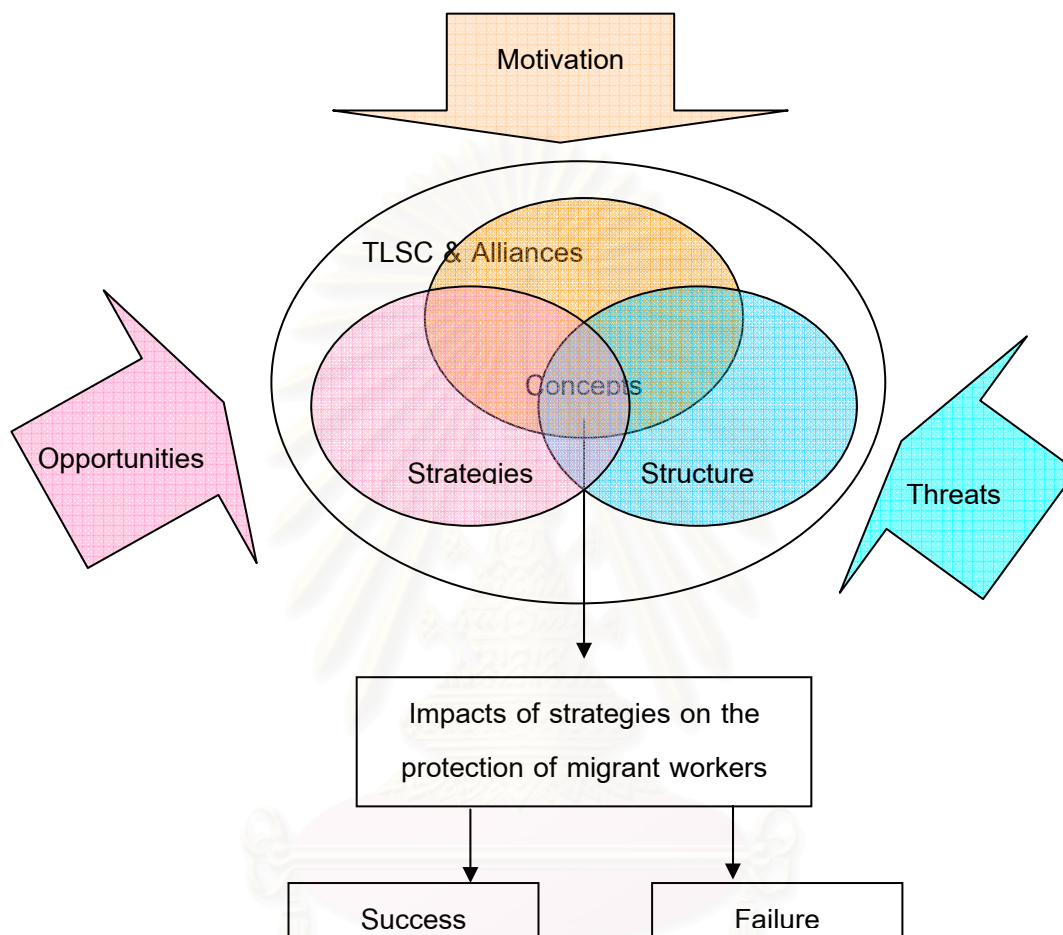
Since then, there are more and more concerns for the protection of migrant workers and TLSC become the main collective organization to oppose Thai government on migrant worker protection issue. With the expanding network and alliance of this organization, it has done many policy campaign and advocacy for the social change in Thai society. In the past, the movements has focused on the protection of Thai informal sector after that there are more and more concern for the protection of Thai Informal sector. In the past few years, TLSC has started to pay much attention on the movements for the protection of migrant workers at the same time with the campaigning for the rights of Thai labour.

On the International Migrant Labour Days in year 2006, Thai Labour solidarity Committee (TLSC) and their alliances, which are from different civil society groups, have proposed to the government about the protection of migrant workers and request for the permission to allow migrant workers to set up the labour union (Pongpan, 2006). Even though the movement of the group cannot be accomplished at that time but there are more and more activities and movement of NGOs and Labour organization on the protection issue for migrant workers in Thailand. In the year 2007, TLSC and all alliances have announced their intention on the issue “Labour Solidarity without Borders” to assert for the rights of all workers without discrimination of race or nationality.

This research will be conducted in order to study the movement of Thai Labour Solidarity Committee (TLSC) in term of the basis of their concepts, structure and strategies on the protection policies for migrant workers in Thailand and evaluate

the impacts of their activities on policy and social change towards the protection of migrant workers in Thailand.

**Figure 1: Conceptual framework of the research**



### 1.3 The Conceptual Framework

The research will try to investigate the concepts of TLSC in terms of protection of migrant workers in Thailand and also the internal and external factors that motivate the movement concepts for TLSC. Then there will be the investigation of the structure and strategies that the main actors under TLSC and their network or alliances use for the claiming the protection of migrant workers. The internal and external factors that motivate the movement of TLSC and the threat and opportunities such as some social, economic and political context regarding the protection migrant workers will be analyzed also. After that, there will be the study on the success and failure of the movement will be studies as well the impacts or consequences of the

movement on social change and policy change. In this research, the theories related to social movement and new social movement as well as some concepts on social capital and civil society will be used for analyzing the collected data. Figure 1 is illustrating the conceptual framework of this research.

#### 1.4 Research Questions

This research will try to answer the following questions.

- 1) Why does TLSC expand its purpose to the protection of migrant workers in Thailand?
- 2) How does TLSC create the movement for the protection of migrant workers; what are the strategies that they use, to which target?

#### 1.5 Objectives of the Research

There are two objectives for this research as followed;

- 1) To investigate the expansion of TLSC's movement to include the protection on migrant workers in Thailand
- 2) To evaluate the strategies of TLSC's movement and their impacts on the protection of migrant workers

#### 1.6 Keywords

Below are the definitions of the keywords used in this research.

- 1) **Protection of migrant workers** means the protection of migrant workers during the time of employment. For this research the focus will be on the occupational health and safety for migrant workers. However, other issues such as the freedom of movement, the rights to form union and wages will be partially discussed in case that they are related to the main issue.
- 2) **Thai Labour Solidarity Committee (TLSC)** means the collective organization of Thai Labor federation, unions, Thai NGOs and International NGOs. There are total of 28 organizations as the members of TLSC. This

research will emphasize on the main actors under TLSC which mostly participate on the movement for the protection of migrant workers in Thailand.

- 3) **Concepts, Structure and Strategies of TLSC** refers to the concept that TLSC used for the movement on the protection of migrant workers in Thailand that may be similar or partially different from the general concepts, structure and strategies of the whole group.

### **1.7 Research Methodology**

This research is the qualitative research to study on the Movement of Thai Labour solidarity Committee (TLSC) and alliances on the Protection of Migrant Workers in Thailand. The research methodology included the preparation for the research, data collection, data analysis and timeline for research conducting. The detailed information of each method is as followed.

Before conducting the research in the field, the researcher had created better understanding on the research topic by studying and reviewing the theories and concepts related to the topic as well as to review the existing research and studies on the issue. The knowledge and idea arisen from the literature review will be used for conceptualizing the framework of the research and data collection approach.

The snow-ball sampling technique is used for the selection of target group. There key informants were found out through the informal interview with the members of TLSC and the review of secondary information. After reviewing the secondary data and understand the structure of Thai Labour solidarity Committee (TLSC) and informal discussion with network members, the research is planning to collect in-dept data from the key informants. Those key informants have to include all involved parties in the movement of TLSC for the protection of migrant workers. The 21 key informants of this research can be categorized as followed (See more details from Appendix A: List of Key informants);

- 1) The Leaders and the organizing committee of TLSC;
  - Mr.Savit Kaewwan, the General Secretary
  - Mr. Sathien Tunprom, the organizing committee – also working for the Foundation for AIDS Rights
  
- 2) TLSC General members from the labor organizations
  - Ms.Sanguan Khunsang, the committee of Nakhorn Luang Textile Entrepreneur Worker Union (Om-Noi Labor Union)
  
- 3) TLSC General members from NGOs
  - Ms. Sathita Norpo, Program Coordinator of MAP Foundation
  - Mr.Adisorn Kerdmongkol, representatives of ANM
  - Mr.Bandit Panwiset, Friends of Women Foundation -Trafficking Division
  - Mr.Suchart Trakulhoothip, Friend of Women Foundation -Women Workers Division
  - Mr.Andy Hall, Coordinator of Making Migrant Safety at Work Matter Project (MMSAWM), the Human Rights and Development Foundation's (HRDF) - Representatives of ANM
  
- 4) The sub-members of TLSC under different unions and federations
  - Ms. Amornrat Bampenpan Chairperson of the Textile Industry Worker Relations Union (TIWRU)
  - Ms. Prakaidao Member of TIWRU
  - Mr. Srithon Pruengvichathorn, Chairperson of the Electronics and Electric Appliance Labour Union (EEALU) – Hoya Company
  - Mr. Akkaradej Chobdee, Vice Chairperson of the Electronics and Electric Appliance Labour Union (EEALU) - Hoya Company
  
- 5) The partner and alliances of TLSC
  - Ms. Rachanee Nilchan, Chairperson of Northern Labor Network(NLN)
  - Mr.Sakdina Chatrakul Na Ayudhya, Friedrich Elbert Stiftung

- The coordinator of The International Transport Federation (ITF)
  - Mr. Brahm Press, Migrant Program Specialist, Raks Thai Foundation
- 6) Other NGOs and unions
- Mr. Somsak Playoowong, Director of Thai Center for Labour Rights (TCLR)
- 7) The migrant workers
- Migrant Worker, Karen, Male age 24 Member of TIWRU
  - Migrant worker, Burmese, Female age 30+ Member of TIWRU
  - Migrant Worker, Karen, Male age 20 Textile Factory worker
  - Migrant worker, Burmese, Female age 22 Textile Factory worker

### **1.8 Data Collection and Analysis**

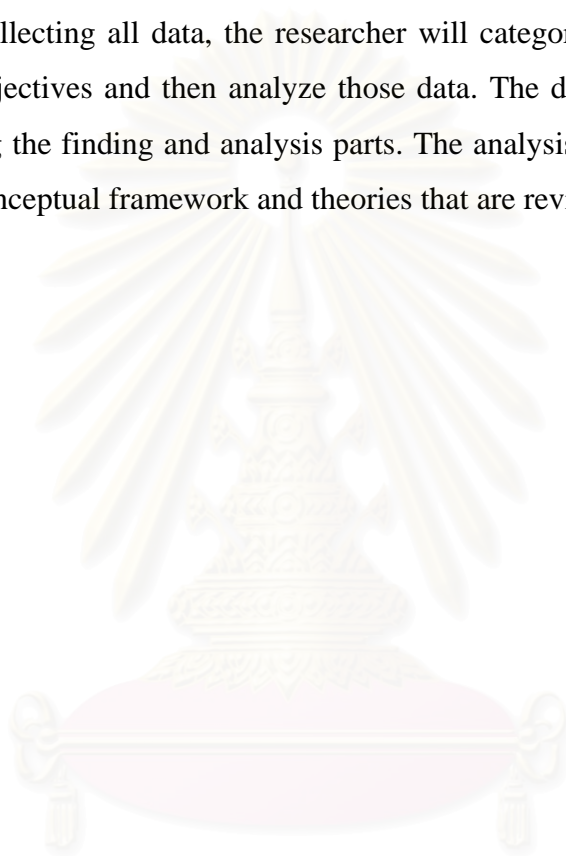
The researcher will use semi-structured interview for collecting data. The outline of the topics or opened questions will be set up. Also, the informal interview, in-dept interview, and non-participatory observation will be used for collecting data from key informants and other related target group. Note taking and recording will be used while the researcher is conducting the observation and interview in order to collect detailed and important information. Besides, some data from online resources will be used for additional information.

The data collection of this research will be divided into two parts including primary data collection and secondary data collection. The former one will be from the informal interview, in-dept interview and non-participatory observation. The later one will be from the review of existing documents related to the research topics. Those documents can be the meeting reports, statements, open letters, news, articles, documents from Non-Governmental Organization and Government Organizations, and electronic documents.



In order to get complete data according to the objectives of this research, the research will have to check all collected data and find out the missing information that have to be collected. The researcher will try to recheck the collected data at every process of data collection and analysis so that the research will contain maximum accurate data.

After collecting all data, the researcher will categorize the data according to the research objectives and then analyze those data. The descriptive method will be used for writing the finding and analysis parts. The analysis of collected data will be based on the conceptual framework and theories that are reviewed by the researcher.



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## CHAPTER II

### LITERATURE REVIEW

The researcher has studied and reviewed several books and researches that talk about the theories, concepts and case studies related to research topic. This section will be divided into three parts. The first part will discuss about the theories and concepts related to the research topic. The second part will discuss about the concept of migrant worker protection and experience from other countries. The third part will discuss about the related research regarding social movement, the protection of migrant workers and roles of trade union.

#### 2.1 Theoretical Perspectives related to Social Movements

The theoretical outline that will be use for determining the conceptual framework of this research is Social Movement theory. The followings are the critical review of related theories and concepts for social movement analysis.

Tarrow (1994) has defined the social movement as *“the collective challenges by the people with common purposes and solidarity in sustained interaction with elites, opponents, and authorities.”* He has explained the importance of those components including collective challenge, common purposes, solidarity, and sustaining collective action that;

Collective challenges are the most characteristic actions of social movement because the movement groups have to face the instability of their resource such as money, organization and access to the state while they are working to claim for their need. Thus, they have to use collective challenges in order to get more resource support as well as more attention from the opponents. According to Sydney the reasons that people gather into group and create some movement against the opponents or others is because they have common or overlapping interests and values as the basis of their common actions.

However, the movement will be created when the participants can recognize their common interest and the consensus are mobilized by the leaders. The deep-rooted feeling of solidarity and identity are mainly important to stimulate the collective action. Sidney had referred in his book that “*nationalism and ethnicity or religion has been more reliable bases of movement organization in the past than social class.*” It is likely that for sustaining the collective action, the movement groups have to face difficulties on how to sustain their collective challenge in the face of personal egotism, social disorganization and state repression. Thus, the sustainability of the movement has to depend on “*mobilizing people through the social networks and around identifiable symbols that are drawn from cultural frames of meaning.*” The types of collective actions can be in the form of violence, disruption, and convention. The new forms of action can be created to support the movement and on the other hand, the movement that continue to repeat the same forms of action can increase the risk of losing support and being ignored (Tarow, 1994).

For the concept of social movement, Porta and Diani (1999) has analyzed in their book that social movement consists of “*conflictual collective action, dense informal networks, and collective identity.*” These components also reflect the similar ideas as Sydney has mentioned in his book. Under the social movement that contains the conflictual collective actions or “consensus movements” the actors will share the solidarity and recognition of the problem that lead to the longer participation on the movement under that issue. As a result it will help to sustain the collective actions. (Porta and Diani, 1999)

There are many different theories to help explaining social movements. The important theories that will be used for studying the social movement of Thai Labour Solidarity Committee (TLSC) include;

## 1) Resource Mobilization Theory

This theory emphasizes the importance of resources in social movement development and success. Resources are understood here to include: knowledge, money, media, labour, solidarity, legitimacy, and internal and external support from power elite. The theory argues that social movements develop when individuals with grievances are able to mobilize sufficient resources to take action. The emphasis on resources offers an explanation why some discontented/deprived individuals are able to organize while others are not.

According to McCathy and Mayer (1993), the resource mobilization is the partial theory that takes as given of the complete theory of social movement. It focuses on both the societal support and the constraints of social movement phenomena and “*examines the variety of resources that need to be mobilized, the linkage of social movements to other groups, the dependence of movements upon external support for success and tactics used by authorities to control or incorporate movements.*”

The resource mobilization theory can help to explain the social movement in three different perspectives including support base, strategy and tactics and relation to larger society. For the support base, social movements may or may not be based on the grievances of presumed beneficiaries. The individual and organizational participants may provide the major supports. On the other hand, the supporters who provide money, facilities or labour may not have any commitment to the values towards the movements. In term of strategy and tactics, there are various tactics the social movements can created such as mobilizing the supporters, neutralizing and/or transforming the media, creating change in their target. For the relation to larger society, the social movement can use the infrastructure provided by the society in order to support their movement as well as the use of communication media, access to institutional centers, existing network, and etc.

Critics of this theory argue that there is too much of an emphasis on resources, especially financial resources. Some movements are effective without an influx of money and are more dependent upon the movement members for time and labour (e.g., the civil rights movement in the U.S.).

Pasuk Phongpaichit (2000) has stated in her paper that resource mobilization theory may not provide enough thinking that lead to the understanding of social movement in developing countries. However, this theory is useful for analyzing the administration and strategy of the organization, investigating the causes of success and failure of the movements, and analyzing the consequences of the movements towards the political change.

## **2) Political Process Theory**

This theory tends to emphasize different component of social structure that is important for social movement development especially the political opportunities. There are three important components for movement formation including insurgent consciousness, organizational strength, and political opportunities.

Insurgent consciousness can be the motivation for movement organization because this kind of consciousness is caused by the collective awareness of the deprivation and injustice in the society to the group. Organizational strength refers to the strong leadership and sufficient resources. This idea is similar to resource mobilization theory for using to analyze the social movement. Political opportunity refers to the receptivity or vulnerability of the existing political system to challenge.

The political process theory can be used for addressing the issue of timing or emergence of social movements. The three components are all important because it can have the effect on each other. For example, some groups may have the insurgent consciousness and resources to mobilize, but because political opportunities are closed, they will not have any success. Also, this theory can help to outline the way in which the political context facing movement actors intersects with the strategic

choices that movements make. Moreover, it will help for analyzing not only the success and failure of the movement but to help analyzing the consequences of the movements in term of the collective benefits as well (McAdam, 1982).

### 3) New Social Movement

Apart from the traditional perspectives of social movements, later there is the explanation of another type Social Movement called “New Social Movement. According to Alan Scott, the most prominent characteristics of new social movement are as followed. Firstly, “*the new social movements are primarily social.*” For example, the worker’s movement that assert for the labour rights by increasing for working class into political process through the formation of worker’s political parties and the legalization of the union can be consider the older movement because it concern the extension of citizenship and has the political aims. Thus, it can be understood as the political movement whereas the new social movement will has less concern on citizenship or political power. The new social movements will focus on the values and life styles and their aims are “*the mobilization of civil society not the seizure of power.*” Secondly, “*the new social movements are to be located within civil society.*” This movement is not aimed to challenge the state directly but to defend civil society against the violation from the increasingly technocratic state (Touraine, cited in Scott, 1990). Thirdly, new movements are the attempts to create the change through changing values and developing alternatives life-styles. The new social movement may not be achieved through the political system or the political action but through cultural innovation, the creation of new life styles and challenges. It also focuses on symbols and identity. Therefore, it can be said that new social movements are the attempts “to bring about the social change through challenging values and identities rather than the by more conventional and directly political action.” (Scott, 1990)

According to Touraine (Cited in Pasuk, 2000), there are three forms of collective action. Firstly, the collective action is set up as the defensive action. Secondly, the collective action is set up for the change of policy or the policy process

of the government. For Tourane, the first two types of action are not considered the social movement. The third types of collective action which is aimed for the change of major power relation can be considered the social movement.

In the context of Thailand, Pasuk Phonpaichit (2000) has discussed he two types of social movement; Social Movement and New Social Movement can happen at the same time. The first one is the movement based on class such as labour union. The second one is the new movements that connect people from different classes on different issues such as environmental movement, feminist movement, student movement and so on. This different from the European society where the two types of movement happen in different period of time. In the developing country, the movement is difficult to differentiate from each other because they have the connection through the participants and networking under the same social, economic and political context. Moreover, the social movements in western society usually focus on the quality of life rather the livelihood of grassroot or low class people and the movements are mostly conducted by the middle class people.

In the developing countries, majority of the participants in the movements are from the underprivileged groups, the marginalized groups, and the poor people. Many researchers who study the movements in developing countries, therefore, have used the term “Popular Movements” to explain the social movements in developing countries.

## **2.2 The Protection of Migrant Workers and Experience from Other Countries**

The International Labour Organization (ILO) has stated about the protection of migrant workers that there are three kinds of approaches including national, bilateral and multilateral. Under those three approaches, it seems that ILO mentions about the main role of the state of sending countries to coordinate and negotiate with receiving countries, and implement in different level in order to protect the migrant workers from their own countries (Bohning, 1999).

ILO has also created several numbers and titles of International Convention and Recommendations Concerning Migrant Workers. The major subject matters under those Conventions and Recommendations can be categorized into three parts. The first part is about the protection of migrant workers before leaving the home country and during the journey to the country of employment. It consists of information about working and living conditions, recruitment, contracts, facilitated departure, medical attention and free travel. The second part is the protection during employment abroad. It consists of protection issue on wages and other term of employment, working conditions, job security, health and safety, trade union rights, access to courts, access to other jobs and vocational training, freedom of movement, transfer of funds to home country, family reunification and visit and advisory services. The third part is about the protection in repatriation period. It consists of the appeal against arbitrary decisions, travel costs, assistance with arrangements and rights of returning migrants in home country (Bohning, 1999).

In this research, the main groups that play important roles for the protection of migrant workers are the labour network and civil society group. Therefore, the research will not focus much on the approaches or processes of state actors on bilateral or multilateral cooperation but rather looking at those approaches as the influential factors on social movement of the networks. However, the researcher will use ILO Migrant Workers Standards as the guideline to follow up the issues that the networks use for their movement. The focus of this research will be on the issues of protection during employment when migrants are working in Thailand.

There are some countries both the receiving and sending countries that have good implementation on protection of migrant workers from or in their countries. The country experiences reviewed in this section are as followed;

- 1) In Malaysia, the organization called Malaysian Trades Union Congress (MTUC) has developed the plan on migrant worker. Under this plan, the public will receive information about problems related to migrants in



Malaysia. MTUC also set up the supporting center for migrants and develop the agreement with trade union from the sending countries such as India regarding the protection of Indian migrants in Malaysia. (MTUC secretariat, 2007)

- 2) In the Philippines, the government has established the working team on policy regarding the oversea employment for the Filipino workers. The working team includes the representatives from government sector, labor councils, employers, and employment agency. Also the labor council of the Philippines has set up the coordination centers in Hong Kong and the United States to support those oversea workers when they travel to the receiving countries or return home. Those centers have been established for more than 20 years and the trade unions oversea have cooperated in the operation of the centers. (ILO, 2009)
- 3) In Germany, the German Trade Union for Building, Forestry, Agriculture and the Environment and a Polish trade union representing employees in agriculture has set up the supporting center for Polish migrants in Germany. They also work together to publish the bilingual information booklet for Polish seasonal workers in German agriculture. The publication aims to provide seasonal workers with a wide range of information on legal and trade union matters. (Dribbusch, 2003)

### **2.3 Related Research**

In order to acquire better understanding on the social movement phenomena and the method for analyzing the movements, the following researches and studies have been reviewed and synthesized for helping to shape the framework of this research.

The paper of Maria K. Dillard (2005) that examines the methodologies typically employed in social movement research and proposes a different methodology for studying social movement organizations. Using the project entitled “The Local Sector and Beyond: Movements within One North Carolina County”, the proposed methodology is discussed as it would be applied in research of social movement organizations. Research on social movements has historically been limited in focus and scope, due to the fact that it has mostly looked at the activity occurring on a national level. This project seeks to overcome such limitations by utilizing a triangulated methodology. The combination of the triangulated methodology and the inclusion of SMOs across all issue domains within a particular geographic area are innovative. The research design that has been developed for this project serves as an opportunity to assess the functionality and efficacy of these methods.

Helen Schenken (2003) has conducted research to study on the empowering political practices of the European network for migrant domestic workers called RESPECT and found that it has different empowering approach from other actors in which migrant domestic workers are presented as victims and in which the struggle is situated within the discourse of combating illegal immigration and trafficking in women. The distinction-between female migrant domestic workers constructed as victims of trafficking or as migrant women with subjectivity, voice, and agency is crucial in determining the type of advocacy strategy and (self-) representation of the women.

W. D. Kim (2007) has studied the Paradox of the Democratization Movement: NGOs for Migrant Workers in South Korea. The researcher has found that the NGOs’ activism for migrant workers, in which Christianity has played a leading role, illustrates a new, vibrant civil society after democratization in Korea. Their movement is successful in elevating the rights and status of migrant workers and contributing to the integration of migrant workers into Korea. However, it also indicates a lack of civility and undemocratic practices. The churches and the NGOs in this field are heirs of the democratic movement in the former period. The past movement has enhanced the strength of the NGOs, and also hindered the fostering of civility in the emerging

civil society. The research has presented that the civil society in Korea has developed, based on a “resistant” model opposing to the state with the main virtue of civil society. Consequently, the new democratic context requires a new model, in which civil society organizations are concerned with the state and other organizations. The new model can include the cooperation, pluralism, tolerance, and democratic negotiation in order to deepen democracy.

In Thailand there are many researched studying about the social movement but most of them focus on the movements of the local and national groups or networks to oppose government policy and assert for their rights. The examples of those researches include;

In 2001 Yuttitham Sirithen has conducted the research to study the Social Movements of Farmer’s Foundation in Thailand and found out that the movements of farmer group have been occurred for a long time and they have used different forms of action to campaign against the government according to different historical period and political period. In the past, since the farmer groups want to be free from the suppression by the higher class in the society, their movements are in the form of “Farmer Revolt”. After the political reform for democracy, the movements of farmers against the government are in the form of demonstration and protest. The causes of the movement at that time are related to development policies that have impacts on the livelihood of people. The groups also cooperate with other groups such as labours and students until they form a communist party and finally the groups are controlled by the government. After that period, the farmer movement has become less violent through the use of demonstration, and negotiation to get attention from the government. They also create more alliances from labour groups, student groups and middle class groups as well.

Mattana Gosoomp (2006) has studied about the social movement process of the group, called “Alliance for Chiang Mai”, against the Night Safari project during 2005-2006 in Chiang Mai. The research finding has shown that the movement of this

group has created the new path of movement collaboration that is different from the movement of other group in Chiang Mai that focus on narrower issues. They have used several main tactics and methods include campaigns, educational programs and information dissemination. Importantly, they try to increase people's understanding on popular politics, civil rights, community rights and freedom of expression and decision-making. Complaint filing, monitoring of state actions, using public media, and producing different types of media are the processes that have been used by the group. Moreover, they have been *“exercising the power of various discourses, and forging alliances with various potential groups including the middle class, students, and business groups as well as those directly affected by the Chiang Mai Night Safari. “The Alliance attempts to work with a wide variety of issues and groups in a pluralistic, collective way that encompasses but also transcends the local movement.”*

Most of the researches related to migrant workers in Thailand are on the investigation of problems related to the management of migrant workers, and the violation of the rights of migrants as well as the exploitative situation that migrant workers are facing.

The researches that talk about the problems on the management of migrant workers in Thailand are such as the research of Wanpen Kappetch (2005) that studies on the problems in controlling illegal immigrant labor in Chiang Mai Province and the research of Ruenkham Ornkhai. (2003) that studies on the problems on the registration process of illegal migrant workers in Chiang Mai.

The researches that are about the violation of migrant rights are for example; the research by Supang Chantavanich (2006) from the Research Center for Migration (ARCM) is on the Exploitative Situations of Migrant Workers in Thailand. Kunarak Charoensiri. (2005) has studied the violation on immigrant labour's rights problem.

Apart from the studies on the management problems and the rights violation, there are also some researches on the attitude of Thai people and authorities around migrant issue such as the research of Sompetch Toma. (2003) on the attitude of Government officers and Thai people toward Thailand policies for solving the problem on migrant workers in Chiang Mai and the survey of the ABAC Poll Research Center (2008) on the attitude of Thai people regarding foreign migrant workers in Thailand.



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## **CHAPTER III**

### **THE THAI LABOR SOLIDARITY COMMITTEE AND LABOR MOVEMENT IN THAILAND**

In order to answer the question on why the Thai Labor Solidarity Committee (TLSC) expanded their movement to include the issue of migrant workers protection, this chapter will explore the labor movement history and the role of TLSC in the present labor movement. This chapter will be divided into 5 sections. Firstly there will be the review on the changing situation of labor movement in Thailand and the weakness of labor unions that lead to the formation of TLSC. Secondly, the background of TLSC in terms of the formation of the organization, and its objectives will be examined. Thirdly, the type and structure of TLSC will be discussed. This is followed with an investigation of TLSC's labour movement strategies. Finally, there will be an analysis of the roles TLSC plays in the Thai labor movement and the expansion of its movement to the protection of migrant workers.

#### **3.1 The Labor Movement in Thailand**

This section will review the history of labor movement in Thailand at different prominent periods and explore the changing situation of labor movement in Thailand. The participation of workers in the labor movement and the weakness of labor unions will be examined furthermore.

Sakdina Chatrakul Na Ayudhya (2007) explained that the definitions of labor movements in Thailand may differ according the different historical periods. Currently, the labor movement was defined as the movement of only the formal or registered labor unions; however in the past the labor movement had the broader definitions which include the movement of informal or unregistered worker organizations.

The labor movement began prior to 1932. The beginning of labor movement was started before the year 1932. It was the movement of railway workers in Thailand. In 1922 they held a strike about the following concerns;

*“1) the nationalist idea among the workers toward the Chinese employer and the unfairness of Chinese employer, 2) the long length of working hour without overtime payment, and 3) the nationalist idea among the workers toward the manager from Denmark and the problem related to language communication and different culture.”*

According to Kanchada Pulpanich (2008), this strike could be considered as the first union movement in Thailand and was important for the labor history. Despite the fact that the workers were defeated several strikes had occurred before that time. This was because the movement had led to the formation of the worker group called “Worker Association” in 1932. In addition this strike had caused the cooperation between the workers and the journalists in 1932. This journalist group called themselves the “Labor Team” which was led by “Thawat Ritdej”. This team had transferred the knowledge and idea about the unionization of workers to the railway workers in Thailand. After the Political change in 1932, more and more workers groups from different sectors; railways, rice mill, taxi, barbers, rickshaws and so forth had taken part in protests, strikes, and petitions. The contributing factors for those movements were the economic crisis, and the spreading of political freedom. Under this condition in October 1923 the railway workers group could register as “Railway Workers Association of Siam” with the support from the “Labor Team”. There were two remarkable aspects related to the labor movement in this period. Firstly, the workers that participate in the labor movement were mostly from the service and business sectors, and only a few from production sector, Secondly, the leaders of the movement were largely individuals outside the labor sector. Most of them were journalists, and some politicians, who participated in the labor movement, for their own benefit. The “Labor Team” had become the unofficially core leader of workers in the labor movement.

During the period after the Second World War (WWII), there was more expansion of the industrial sectors. The workers had leveled up the labor organization into the national level and focused more on political issues. The leading organization at that time was the “Multi Vocational Labor and 16 Labor Units”. The labor

movement was influenced by the Communist Party of Thailand. The labor organization became stronger. However during the same time the government had used more violence in controlling this workers group, since they were suspected to be dominated by the Communist Party. Government used the patronage system to create loyalty from the workers and destroy the self-help concepts of the workers. The movement of workers in this period was different from movement before WWII in the sense that; the labor before WWII, the workers had fought for the better living by maintaining the good relationship between “Employer and Employee”. Whereas, the labor movement after WWII, the workers had fought for the changes of Labor Laws in order to gain the control over employers’ power (Kanchada, 2008).

In the year 1957 – 1971 there was more immigration of workers from other provinces near Bangkok. The feudalist idea had spread over by the civil system which created the inequality among people. As a result, there was more economic coercion and moral coercion to the employee. However, there were not many movements of workers against the employer since many workers tried to live in subsistence level and rely on families and relatives. According to Sangsit (2008) the petition is the main strategy that the workers were using for the protection of their benefit.

During 1972 – 1974, the political and economic crisis had many impacts on the well being of all workers. More and more worker demonstrations and strikes by had occurred. The workers from state enterprises and private sectors had more awareness on their rights protection. However, the movement of workers was scattered around in different sub-sectors. The state enterprise workers usually used demonstration and negotiation with their employer to request for the change in the management committee and welfare for workers. On the other hand, the workers in private sector usually organized the strike or protest to request for a better wage and welfare. The state enterprise workers held more unity because they had the same identity, status and life chance. There was no unity among the private workers because each different group had their own process and purposes in organizing the strike or protest within their own workplace. Some worker groups cooperated with the “students” to negotiate with the employer and government or rely on support from the authorities.



Sangsit Piriyarangsan (2008) had examined that only few worker groups relied on support from the labor unions. However, during this period one small worker group had cooperated with the “students” to establish “Labor Coordinating Center of Thailand” which was the center organization of workers. This center used ‘Confrontation’ as the strategy in their movement. They had followed the idea of Marxist-Leninist and Maoist political practice to induce social change by means of violence. The group tried to increase awareness of workers on the “Working Class” through the use of poems and songs. There was another organization established around this time. It was the center organization for workers in state enterprise and private sectors. This organization was called the “Labor Union of Thailand”. This organization was under the control of the official person; therefore, their movement was less offensive to the social system. The strategy this organization used was related to the “Collective bargaining” and negotiation between employer and employee.

During 1975 – 1976, the center organization of workers had received more control from the government. Different laws had been used to deal with the labor movement such as the protest of workers and the wage conflict were managed under the legal process or government’s control. The workers who participated in the strike could be punished if they broke the laws. Under this condition, all center organizations of workers and some worker groups had worked together to restructure the Labor Union of Thailand. They had created the solidarity among the workers in different sectors. Later an increasing amount of labor unions was established in Thailand. The number of union in private sectors was increased from 184 unions in 1976 to be 618 unions in 1989. The unions of state enterprise workers increased from 49 unions to 126 unions in the same period (Sangsit, 2008).

At present, the Labor Union in Thailand is still divided into two sectors which include state enterprise and private sector unions. Bandit (1998) had studied the Thai Labor movement and found that the bargaining power of labor unions in Thailand depended on the following six factors;

- a) *The size of the workplace*
- b) *The strategy and tactics adopted by the personnel management*
- c) *The educational level, training and skills of workers*
- d) *The efficiency of workers in consolidating their efforts and organizing among themselves*
- e) *Effectiveness in building up alliance or solidarity with other social forces*
- f) *The ability to recruit members*

Moreover, his study addressed the structural weaknesses of labor movements in Thailand. Even though his study had been conducted more than 10 years ago, many of his findings still reflect the weaknesses of labor movement at present. The main aspects related to weak labour movements are;

- a) *The employer lacked recognition of his/her basic and fundamental right to organize and form their own union*
- b) *The government did not have clear policy in promoting the worker's rights and to raise awareness of workers on the fundamental and basic democratic rights to organize and form their worker's organization*
- c) *The workers still found themselves at a disadvantaged position. This condition had limited the opportunity of workers to develop their skills and ability to become self-reliant or form effective organization.*
- d) *Company union membership was extremely low compared with the nation-wide labor force.*

Table 2 showed the current numbers of labor unions and union members in the state enterprise sector and private sector compared to the number of existing employers and employees in those two sectors. The proportion of union members compared to the overall number of employees in Thailand was still very low. Only 3.8% of worker in private sectors were union members.

**Table 2: The number of entrepreneurs and employers compared to the numbers of labor unions, separated by the areas**

Area/region	Number of Entrepreneur s/ employers	Numbers of Employees	Number of Labor unions (private sector)	members of Labor unions (private sector)	Number of State Enterprise Worker union	members of State Enterprise Worker union
<b>Grand Total</b>	<b>398,906</b>	<b>8,820,673</b>	<b>1,225</b>	<b>341,520</b>	<b>44</b>	<b>175,000</b>
<b>Bangkok</b>	<b>166,003</b>	<b>3,094,718</b>	<b>348</b>	<b>95,730</b>	<b>39</b>	<b>156,220</b>
<b>Region</b>	<b>232,903</b>	<b>5,725,955</b>	<b>877</b>	<b>245,790</b>	<b>5</b>	<b>18,780</b>
Center	98,614	3,986,540	809	N/A	4	N/A
North	42,193	574,115	7	N/A	-	N/A
Northeast	49,582	594,731	32	N/A	-	N/A
South	42,514	570,569	29	N/A	1	N/A

(obtained from the data of Welfare and Labor Protection Department as of December 2008).

- e) *The labor councils lacked coordination and consolidation to act in a concerted effort to create a strong and powerful bargaining position. The government could take advantage from the disunity among the labor councils to undermine the labor movement and created more splits and division among the councils.*
- f) *There was the lack of genuine participation by workers in formulating policy or making decision on the action and activities of labor movement as a whole.*
- g) *There was the lack of admin-management of labor organizations which was related to leadership and management skill of the leaders, the financial situation, and the commitment to prepare the potential leaders among younger workers and proper database to serve labor movement in Thailand.*
- h) *The existing Labor Relation Act had limited the rights of workers for example the rights to assemble, to organize and to submit demands.*

The findings of Bandit's research on the weakness of labor movement (1998), was in accordance with Sakdina Chatkul Na Ayuthaya's discussion about the weakness of labor movement (Interview, 26 April 2009). Sakdina worked with Friedrich Elbert Stiftung (FES), to mentor the Thai Labor Solidarity Committee (TLSC). The labor movement in Thailand was very weak because the unions lacked unity. Each union had their own goal in organizing the campaign and movement to protect their own rights. Therefore, the bargaining power of the fragmented union was weakened and vulnerable to collapse. The establishment of the TLSC was similar to the establishment of the center organization of workers in the past such as the "Labor Coordinating Center of Thailand" or "Labor Union of Thailand". However, the lesson learnt from past experience of weak labor movements encouraged to improve the solidarity of the TLSC.

### **3.2 The Background of Thai Labor Solidarity Committee**

This section explains why the TLSC was founded/organized and the movements missions.

#### **1) The Formation of the TLSC**

The TLSC members Charter of 2009 described the background-why this word? of the formation as;

*"The current labor related problems and changing labor situation had caused more exploitation of the workers. As a result, the workers were forced to fight against those exploitations by using various ways. The different ways of thinking and dealing had created the disunity among the worker groups. Consequently, the labor movement became weaker and lacked of unity among the workers.*

*In order to create a strong labor movement with the unity of thinking and movement, the workers thus had formed the organization called 'Thai Labor Solidarity Committee' to solve labor problems... "*

The TLSC was officially introduced to the public in 2002. The members of TLSC cooperated with each other in order to unify and strengthen labor movement in Thailand because at that time the labor movement was very weak, had no continuity on the monitoring of labor issue, and lacked of unity and clear work allocation among the labor groups. The weak labor movement could not create a powerful movement, therefore, many requests from the labor groups were not intentionally considered by the government at that time. TLSC was made up of labor organizations such as the worker's union, the worker's federation and labor-related non-governmental organizations. Those organizations were grouped together to do campaigning, claiming for labor rights and monitoring the labor protection issue.

## 2) The TLSC objectives

At the beginning of the TLSC formation, the committee agreed upon the following objectives which reflected the mutual needs of the workers. The Objectives of TLSC as stated in the Charter (2009), section 1 item 5 were;

- a. To create the unity and strength of Thai labor movement
- b. To create the representation of workers from diverse sectors and promote the participation of workers in Tripartite
- c. To prevent, protect and promote the labor rights
- d. To effectively solve the problems of workers
- e. To improve the quality of life of all workers
- f. To promote and support the provision of equal social welfare for all workers
- g. To promote the democratic, equal and justice society
- h. To be the coordinating center of the labor organization in national and international level

In order to respond to various problems related to the rights and well-being of all workers in Thailand as stated in the above objectives, the different mission of TLSC had been set up. This mission could be seen as the consensus among the committee that they agreed to work together to follow the mission. All of the action

plans under these three types of mission were derived from the result of the annual workshop which was regularly set up among all committee of TLSC. In the annual workshop, the sub-committee who were responsible for following up the progress of the plan under different mission would have a group discussion to review the situation, discuss their inputs and output and the future plan. Each responsible committee has to present the annual result on different issues to the remaining committee and reach a consensus on the mission and future action plan. The mission of TLSC is divided into three categories; immediate mission, long-term mission, and ongoing mission. The following information will provide the sample of various issues under the mission of TLSC in year 2008. The summary of each type of mission are as followed;

#### 1) Immediate mission

The immediate mission referred to the action that TLSC tried to accomplish within one year of the organizations' implementation. The important issues under this mission included; Labor Relation Legislation, the establishment of Institute of Occupational Health and Safety, Political reform and the constitution amendment, and Laws related to privatization. All of these issues needed the urgent response for better changes. The following paragraph will give example of some important action plan under this mission.

The Labor Relation Legislation was the important tool for the bargaining and negotiating between the employer and workers. Since TLSC realized about the weakness of labor movement in term of the limitation to form and organize the unions, the immediate action regarding this legislation had been proposed by the committee. Some of the action plans under this issue were; to promote and support the assembling of all workers, to promote the protection of union's organizing committee especially from the laid off, to improve election of labor council, and etc.

The action related the political Reform and Constitution Amendment was also important to the workers since the new constitution tended to benefit only the

politician but not the workers. TLSC has immediate action to follow up the following aspects; the law had to respond to the labor related problems, the workers should participate in the political reform and the administration activity, the gender equity should be clearly stated in the constitutions.

## 2) Long termed mission

The long term mission referred to the action that needed long period of time for the implementation and might not be able to accomplish within one year. The important issue under this long term mission were; social security, subcontract workers and labor protection, Informal workers, child center, women and children problems, ILO Labor convention 87 and 98, and the establishment and rehabilitation of worker's unions.

An example of one of the mission action plans was that the TLSC had demanded for restructuring the administration of Social Security Office (SSO) and proposed for the change of SSO to be the independent organization. It also promoted the participation of the self-secured person to increase participation in administration level of SSO and support the expansion of social security to cover the informal workers.

Another import issue under this long term mission was related to ILO Labor Convention No.87 and No.98. These two conventions were TLSC's key tools and the labor union used it for the promotion of worker's rights on assembling and negotiation. On May 8, 2009 TLSC and their alliances had submitted the demands to the ASEAN labor ministers regarding ILO Labor Convention No.87 and No.98 (See full statement from Appendix D: Thai Workers Demands to the ASEAN Labor Ministers Meeting).

Other important action was the establishment of worker's union rehabilitation. The TLSC always supported the unionization of workers in order to increase and strengthen the collective bargaining and negotiating power. However, there were still

many obstacles in organizing and forming the unions in Thailand. The first one was the control of labor organizations; all labor organizations were required to register and submit a list of rules and regulations, name list of executive committee for screening and approval from authorities. Secondly, any worker who participated in organizing or forming the union was not protected by existing labor laws. The union's executive committee could be terminated by the employer without any hearing before the termination. As a result of this situation TLSC considered that the change of Labor Relation Legislation was the immediate mission that needed to be achieved before this long term mission on the establishment and worker's union rehabilitation could be accomplished.

### 3) Ongoing mission

The ongoing mission was agreed by the TLSC committee that it was related to the regular issue that could be changed according to the different period of time and need the continuity of action in order to create the improvement on those issues. The main issues under this ongoing mission were related to; the minimum wages and waging structure, the tripartite, migrant workers, labor movement reform, HIV/AIDS, Free Trade Agreement, and the establishment of worker's political party. The following paragraph will give example of some important action plan under this mission.

Although TLSC was the informal labor organization but it also tried to promote the participation of TLSC representatives in the labor councils. Currently, the labor councils did not accept TLSC to participate in the committee of tripartite. According to Satien Tunprom, the organizing committee of TLSC, there was the disunity among the labor councils and they could not be the good representation of workers that created better protection. Therefore, TLSC tried to create opportunity of TLSC committee and women workers to participate in the council and reflect the labor related problem.



Another important issue was related to migrant workers. Most of the action plan of TLSC on migrant workers was firstly determined by the leading committee from migrant related NGOs. The action plan was usually the set up to deal with the current and ongoing problems of migrant workers in Thailand. The example of those action plans included; there were several campaigns and demand for the canceling of the provincial decrees in Samutsakorn and Chiang Mai Province, since those decrees had violated the personal rights of migrant workers, the education on migrant worker issue to Thai workers in order to create better understanding on migrants, the development of database used to serve the labor movement on migrant related issues, and etc. In Chapter 4 the TLSC action plan on migrant workers will be discussed in more detail.

Besides migrant worker issues, TLSC also supported the action plan to build capacity of union leaders on the labor movement. With the understanding on the weakness of labor movement in Thailand, TLSC as the center organization of workers tried to make all workers and leaders realize the importance of the labor movement and helped them in examining their own weaknesses and increase their capacity by using training and workshop. Moreover, some issues regarding health problem of workers were also issued under the ongoing mission since some HIV infected workers were forced to leave their job because of their health condition.

It is crucial to think about how the agenda under each mission is set up. Satien Tumprom of the organizing committee (Interview, 21 October 2008), from the Foundation for AIDS Rights (FAR), explained the setting up of the agenda that; some TLSC agenda are set up according to the interest of particular worker's group or labor or migrant related NGOs. For example, the issue on HIV/AIDS is initially from the interest of NGOs such as FAR and Friends of Women Foundation (FoW). The issue on migrant workers emerged since a high number of migrants sought work in Thailand. The first open registration on migrant workers was in 2004. At that time there was no active movement from the TLSC on migrant workers issue but only the discussion among the group. The first action plan regarding migrant workers is applied from the action plan the migrant related NGOs network rather than from the

worker unions themselves. The agreement upon each agenda usually depends on the rational data provided to the committee members. More discussion regarding the expansion of the TLSC mission to include migrant worker protection are included in Chapter 4.

For the allocation of duties and responsibility of the TLSC committee on different mission, the responsible committee members will be selected to take part in coordinating and following up on the related issues. The coordination center of TLSC is based in Bangkok with support from member organizations for the coordination in regional and provincial level. In order to achieve the goal under each mission, each responsible team will develop the implementing plan under each mission (See more details Appendices C: Summary of Implementing Plan under TLSC's Mission in 2008).

### **3.3 Structure of TLSC**

To understand how the TLSC organize and the relationship between the members, this section will examine the structure of TLSC which is composed of a membership structure and an administrative structure.

According to Voravidh Charoenloet (2003), since 1980s trade unions in Thailand had been characterized into two different types; “the formal form and the loose coordination center”. Under Thai labour laws, the workers’ organizations which had to be officially registered to the Ministry of Labour were categorized into four types: the labour union council, the labour union federation, the state enterprise labour union, and the private enterprise labour union. When the formal labor organizations were inefficient in defending the common interests of their members, then the informal form of labour organizations had been set up. *“These organizations did not register with any government agency, but were formed on the basis of mutual trust and independence among the union leaders who work in the same industry or the same industrial area/zone. Some organizations function as networks and also include labour-related NGOs as their members.”* (Voravidh Chroenloet, et. al., 2003)

The structure of TLSC could be explained in two different aspects; the membership structure and administrative structure.

1) The membership structure

TLSC had only one type of the members which is the “general member”. According to TLSC Charter (2009) in section 3 items 6, the general members refer to the formal labor organization, the informal labor organization, NGOs, and other civil society groups. For the income of the TLSC, all members have to pay THB 1,500 per year as the membership fee. This amount of money is used for the administration and management of the organization as well as for some campaign activities. In 2009, there are 32 organizations which are the members of Thai Labor Solidarity Committee (TLSC).

a. Formal labor organizations (18 members)

- i. Metalworker’s Federation of Thailand
- ii. Electrical Appliance and Electronics worker’s Federation of Thailand
- iii. Paper and Printing Worker’s Federation of Thailand
- iv. The Federation of Bank and Financial Worker's Unions of Thailand (FBFT)
- v. Federation of Thailand Automotive Worker’s Union (FTAWU)
- vi. Textile Industrial Worker’s Federation of Thailand
- vii. Phuket Federation of Hotel and Service Labour (PHSL)
- viii. Food and Beverage Worker’s Federation of Thailand
- ix. Petroleum Worker’s Federation of Thailand
- x. Toyota Worker’s Federation
- xi. State Enterprise Worker’s Relation Confederation
- xii. Labor Coordination Center
- xiii. Rang Sit Worker’s Union
- xiv. Om Noi Om Yai Worker’s Union
- xv. Prabadang Worker’s Union

- xvi. Birla Industrial Worker's Union
  - xvii. Eastern Worker's Union
  - xviii. Saraburi Worker's Union
- b. Informal labor organization (2 members)
- i. Informal Worker Network
  - ii. Learning and Development Center for Home Based Worker
- c. NGOs (7 members)
- i. Thai Labor Museum Foundation
  - ii. Thai Labor Campaign
  - iii. Foundation for AIDS Rights (FAR) – formerly named Center for AIDS Rights (CAR)
  - iv. Foundation for Labor and Employment Promotion (HomeNet Thailand)
  - v. MAP Foundation
  - vi. Friends of Women Foundation
  - vii. Paisan Thawatchainan Foundation
- d. other civil society groups (5 members)
- i. Thai Society Hong Kong
  - ii. Women Worker Unity Group
  - iii. Friend of People
  - iv. Action Network for Migrants (ANM)
  - v. The Council of Work and Environment Related Patients' Network of Thailand (WEPT)

From the participatory observation in the annual workshop among the TLSC committee on January 31 – 1 February, 2009, the researcher found that the issue on the type of members had been discussed among the committee at the workshop. In the workshop Sakdina from FES which was the mentoring organization of TLSC, had proposed for the change of TLSC charter regarding the TLSC member that “NGOs

should be categorized as the “contributing members” not the “general members”. The “contributing members” would have no the electoral participation but could exchange ideas within the committee groups. However, many TLSC members from NGOs disagreed with this idea and proposed to use only one category but could emphasize that they were from non-labor organization. Finally, the majority agreed to use only one member category as in the past.

TLSC also had many active partners from national and international labor related organizations and academic institutions such as Friedrich Elbert Stiftung (FES), Arom Pongpa-Ngan Foundation, The International Transport Trade Worker Federation and American Center for International Labor. (See more details from Appendices B: Key TLSC’s members and alliances)

For administration and management, TLSC had one full-time coordinator to support in the administration of the organization. Recently, there was a new technical staff hired to support in the development of database on labor movement and production of communication materials on labor movement issue to the Public. Most of the full- time staff of TLSC received support from the organization called the Union Network International (UNI). According to Sakdina (interview, 26 April 2009), this organization provided funding to TLSC in order to promote and strengthen the capacity on labor movement of Thai workers. UNI has the similar objectives as TLSC in term of the development of unity among the worker groups. Even though UNI was TLSC’s funding agency it had no influence on the decision making and working direction of TLSC which was mostly determined by the committee members.

## 2) Administrative structure

TLSC Charter, section 5 item 12, had stated about the administrative structure of TLSC that include;

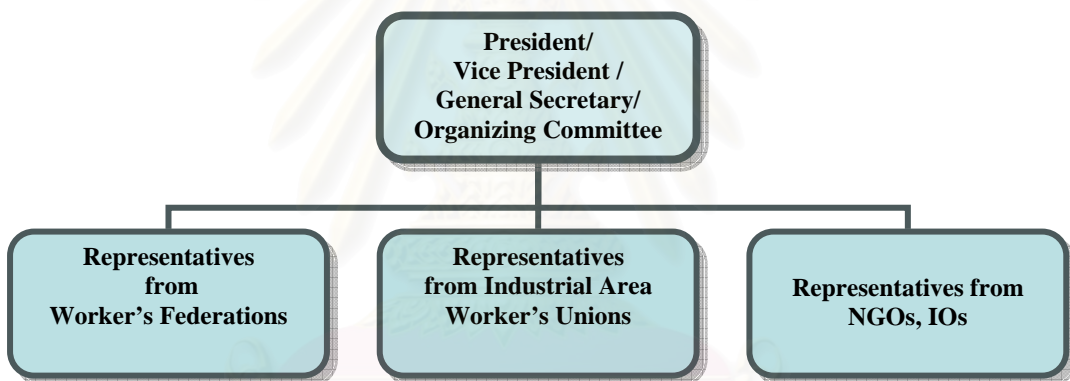
- a. President of TLSC – one person (Elected by the members from labor organizations)

- b. Vice President – two person (Elected by the members from labor organizations)
- c. General Secretary – one person (Nominated by the president and agreed by the members from labor organizations)
- d. Committee or administrative board committee – 7 person (Selected by the administrative committee)
- e. Administrative committee – 40 person (the Chairperson and vice chairperson from of the members which are the labor organization from 12 different industrial sectors )
- f. Working committee under different mission (Determined by the committee or administrative board committee)
- g. Type of labor organization under the twelve Industrial sectors;
  - i. Metal industry, electronic and electric appliances, and automotive
  - ii. Financial, banking, printing and services
  - iii. Textile and garment
  - iv. Transport
  - v. Hotel, food and beverage
  - vi. Petroleum, energy and chemical products
  - vii. Public services
  - viii. Wood and constriction
  - ix. Mass communication
  - x. Teaching and education
  - xi. Informal workers
  - xii. State enterprise and government officers

Even though TLSC was composed of the members from labor organization and members from NGOs, only committee members from labor organization were allowed to vote for the election of President, Vice President and General Secretary. NGOs could be the administrative committee if they were the leading representative of the member organization. Sakdina (Interview, 26 April 2009) had given the reason for keeping the electoral participation of labor organization in voting for their

executive committee that; though the TLSC had mixed members from labor union, labor or migrant related NGOs and other civil society group, the representation of the organization should still depend on the decision of the labor organization. NGOs could play other roles as the supporting team of labor organization and should avoid creating the dominant power over the workers. In his opinion, if NGOs could form their own unions, they could participate in TLSC as the labor organization to reflect their own problems as workers. If they participated in TLSC as the individual organization, they were not the genuine representatives of workers so they should be considered as the contributing members.

**Figure 2:** The administrative and working structure of TLSC



However, the representatives of migrant and labor related NGOs had argued that it was still important that NGOs could become general member especially NGOs working for the informal workers and migrant workers. According to the law, these two types of workers could not form any unions, as result they could lose their rights to participate in the labor organization. The participation of NGOs in TLSC as the representative of the informal workers or migrant workers could be the initial start that could lead to the participation of these two types of workers in labor union in the future.

According to the administrative structure of TLSC, only the leaders or executive members of the federation or large unions could participate as the members and could be selected to be the administrative committee of TLSC. The leaders of the small or sub –unions had less participation in decision making level.

TLSC had one officer working as the coordinator at Bangkok office. Though TLSC could be considered as the informal labor organization which lacks of legality, it can still play the important role in labor movement in Thailand and was accepted by government to participate in several national committees on labor and health issue (Interviewed with Savit Kaewwan, General Secretary of TLSC and State Enterprise Workers' Relations Confederation on August 4, 2008).

The Thai Labor Solidarity Committee (TLSC) was one of the unofficially labor organizations that played active role on labor campaign in Thailand. It has the clear administrative and management structure. Figure 2 has illustrated the administrative and working structure of TLSC. The leading team for TLSC includes the President, Vice President, General Secretary and Organizing Committee. The current President of TLSC is Wilaiwan Saetia. She is usually the main spokesperson and representatives of TLSC presented in any public events and negotiation process. The President of TLSC and other committee members will be the leading team to work with the representatives from the worker's federations, worker's unions, and NGOs to set up the annual workplan of TLSC. The monthly meeting among the members is regularly set up to follow up the progress of TLSC's work. Each responsible person and organization will be assigned to do tasks according to their capacity. The tasks that are assigned to the members are from all mission of TLSC.

### **3.4 The Strategies of TLSC on the Labor Movement**

To understand the strategies that TLSC used on the labor movement the researcher had reviewed many reports of TLSC from their previous meeting and activities in year 2007 and 2008. Also the news regarding campaign activities and events conducted by TLSC in the past time were collected. After reviewing all



collected data, the researcher had tried to categorize different types of activities implemented by TLSC and group them under different strategies as followed;

### 1) Unionization and Negotiation

The Rights of all people for unionization and negotiation is one of the important principles to create peaceful and equitable society. In the international level, there is the Universal Declaration on Human Rights that stated about the rights of people to express their opinion and to unionize in the Article 19 and 23. There are also many other international conventions that talked about rights to unionization and negotiation such as the International Convention on Economic, Social and Cultural Rights, The ILO Convention No.87 on the Rights to Unionization, and the ILO Convention No. 98 on the Rights to Unionization and Negotiation.

In Thailand, there are also several laws and legislation that contained related statement about the rights of people for unionization and negotiation, for example; The National Constitution in 2007 in the Article 37, 39, 44, 45, 48, 49, the Legislation on Labor Relation 1975, and the Legislation on State Enterprise Worker Relation 2000 (Malee and Chalit, ed., 2008).

TLSC has used the methods of unionization and negotiation as one of the main strategies to deal with the situation where the workers are suppressed by the employers and treated unequally by the authorities or get affected by government policies.

From the background history, it clearly showed that the unionization was the first strategies that TLSC use to help creating negotiating power of the groups. The different worker unions, associations and federation has worked together to form TLSC and become one of the powerful labor organization in Thailand.

TLSC is still using the strategy of unionization to help strengthening the worker unions in Thailand and develop different methods of negotiation. In 2008, TLSC has proposed for the establishment of Civil Servant Worker Unions.

## 2) Petition

Another strategy applied by TLSC in order to claim for worker rights and propose for improvement of labor protection in Thailand is to submit the request or statement of the responsible person/organizations. They can be the policy maker, government, parliament, local authorities and other independent organizations. This strategy is in accordance with the rights of people according to the National Constitution article 57, 58, 60, 61 and 62. Those articles have stated about the rights of people to receive information from the government office, state enterprise or local authorities, the rights of people to express opinion on the project and activities done by government and authorities, the rights of people to submit the complaints/request and receive the result in a timely manner. Below is the list of some statements and requests that TLSC submitted to involved authorities and organizations in 2008.

- a) Request for auditing the Social Security Office in term of the administration structure, the spending of Social Security Fund and the benefit for workers and self-insured people under social security system ( On 4 March 2008)
- b) Request for auditing the Tripartite Committee and rejecting the election result of the Tripartite Committee responsible for Social Security and the rights violation of self-insured people (On 4 March 2008)
- c) Proposal of the draft labor rRelation legislation (For Workers), draft legislation on the Occupational Health and Safety Institute (On 4 March 2008)
- d) Demand for the establishment of Civil Servant Workers Union (On 7 March 2008)

- e) Acceptance of draft law related to ILO Convention No.87 and 98 (On 1 and 7 May 2008)
- f) Proposal of the disagreement with Migrant Worker Legislation 2008 and Privatization Policy (on 1 May, 10 July and 17 November 2008)
- g) Request for fair wages and the protection of Informal workers, subcontract workers, and migrant workers (On 4 March, 1 May, 7 May, 10 July, 17 November 2008)
- h) Complaints on the impacts of global economic crisis on the workers such as the increasing prices of good and insufficient wages (On 1 May, 15 June, 10 July, 17 and 18 November 2008)
- i) Statement on TLSC 's view towards the political situation in 2008 (On 29 August 2008 )

TLSC and alliances had submitted the above request and complaints to the following people and organizations;

- Prime Minister
- Minister of Labor Ministry
- Committee on Auditing and Promoting Governance, Senator
- Senator Selection Committee
- The National Human Rights Commission
- The Commander of the National Police Office
- ASEAN Committee (See letter submitted to ASEAN committee in Appendix D)
- The General Secretary of the International Labor Organization

The leading team of TLSC and alliances from other NGOs, independent organizations usually cooperate in following up the labor situation and any situation affecting the well being of workers. TLSC acts as the representatives of all workers to express opinion and present the demand of all workers to the government or involved parties. This strategy is not only to help in presenting problems directly to the

responsible parties but it can also promote the visibility of the TLSC as the main representation of labor movement in Thailand. The continuity and frequency of TLSC meeting with government, authorities and other involved parties have steadily created the acceptance of TLSC as Worker representatives.

### 3) Campaign and education

Campaign and education are also important strategies to help the public and especially workers to understand more about the labor movement and labor situation. The leading teams of TLSC who are responsible for following up the implementation under each mission of TLSC have cooperated with the alliances from NGOs, IOs, and Independent organization to organize campaign activities, workshop, seminar and etc. The seminar and public forum that were organized and co-organized by TLSC and alliances in 2008 were the following;

- Seminar on “Labor Policy of the New Government: Women Worker?” (on 24 February 2008)
- Seminar on “The Impact of Economic Crisis on the Lay-off” (On 20 November 2008)
- Conference on “The campaign on Wages 2008: Power for Better Life of Workers, Now” (On 28 April 2008)
- TLSC Summit on the Restructure of Organization (On 23 November 2008)
- Meeting on the Strategy on Informal Worker issue (On 9 March 2008)
- Public forum on “The Reform of Social Security to be the Participatory Administration with participation of Self-Insured people and the Expansion of Social Security for the Informal Workers” (On 30 April 2008)
- The Mobile Campaign on Labor Rights (On 20 July and 16 August 2008)

- Labor History Discussion (Regional Level) on “Thai Labor is not without root” (On 15 – 16 July 2008)
- Workshop on “Roles of Labor Movement and Migrant Workers”(On 21 – 23 March 2008)
- Campaign on the International Migrant Days on 21 December 2008 (See more detail in Appendix C)

Most of the activities conducted often had proposes in the improvement of labor protection and delivering the policy message to the participants and the public. The leading team of TLSC and alliances from NGOs, IOs, academic and other workers unions worked together in following the labor situation. The responsible committee under different mission is responsible for collecting useful information for different events. The target participants of each workshop and events were varied from general people, the workers themselves, authorities, policy maker, law enforcement, government and the international organizations. Each activity can have different purpose such as to;

- Disseminate Information
- Educate people
- Promote law and policy change
- Brainstorm people’s opinions
- Raise awareness

#### 4) Networking and creating alliances

The last strategy which is also very important for TLSC movement is networking and creating alliances. In order to strengthen capacity of the organization and expand the negotiating power of the groups, the TLSC always forges relationships with different networks from different sectors. TLSC has close cooperation with the following organizations as the key alliances such as (see more detail from Appendices B: The brief information of brief Information of Key TLSC’s Members and Alliances);

- Migrant Working Group
- Informal Worker Network
- The International Trade Union Network, Thailand Office
- Choom Chon Thai Foundation
- Women Foundation
- People Network Coordination Center
- International Transport Worker Federation
- Work Related Patient Network
- Academic and Educational Institutions
- Etc.

Networking and creating alliances can help TLSC in expanding their concepts and idea on labor movements to other groups, exchanging ideas for better action on labor protection. The interaction and communication among TLSC and those networks can make other network understand the work of TLSC and on the other hand TLSC can understand the different circumstances that other types of workers are facing. With mutual understanding among the workers, TLSC and alliances then cooperate with each other in the labor movement.

Apart from the networking and creating alliances with other worker network, likewise, the TLSC has sought alliances with researchers, educational institutions and the international organizations. This group of people can help in spreading the analytical information and producing academic publication about labor issue to the public. The academic people can create linkage between the government sector and private or business sector with the development worker e.g. NGOs and worker groups through the organizing of open forum or seminar. With this open space the people from all sectors can exchange idea and discuss among each other about labor and can help transferring information from the field level to policy level.

In conclusion the formation of TLSC was motivated by the recognition of the Thai labor unions and labor related NGOs on the weaknesses of labor movement in Thailand. Although TLSC has a clear administrative structure the participation of

grassroot worker unions is still limited. The participation of NGOs in TLSC can have both positive and negative impacts. Since NGOs have higher capacity and skills compared to the workers, it is important to think about the dominant role NGOs play in decision making of workers. NGOs can offer a good support base for the workers in the labor movement by developing the skills of workers and providing information regarding the changing trend of labor issue inside and outside the country. However, their interventions may impact on the workers in terms of their decision making since some NGOs may have the hidden agenda in the participation of TLSC. The expansion of TLSC movement to include the protection of migrant workers is one of case of labor movement agenda that get main influence from the NGOs movement inside the organization. The next chapter will discuss more about the movement of the TLSC on the protection of migrant workers.



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## **CHAPTER IV**

### **THE THAI LABOR SOLIDARITY COMMITTEE AND MOVEMENT FOR THE PROTECTION OF MIGRANT WORKERS**

The discussion in this chapter will focus on the movement of TLSC for migrant worker protection in Thailand. The sections of this chapter compose of expansion of TLSC movement on the protection of migrant workers, concept of the movement, actors on the movement for migrant workers protection, strategies and activities of the movement, and impacts of TLSC's strategies on the protection of migrant workers.

#### **4.1 The Expansion of TLSC Movement on the Protection of Migrant Workers**

In order to understand why TLSC expands its movement to include the protection of migrant workers, this section will investigate the enabling environment for this expansion. This section will be divided into 3 different parts including; the concern of Thai workers towards migrants, the influence of the international organizations and international trade unions, and the participation of NGOs in TLSC.

##### **1) The Concern of Thai Workers towards Migrant Workers**

This part will explore the concern of Thai workers towards the increasing number of migrant workers in Thailand and try to answer why Thai workers start to pay attention on the protection of migrant workers.

Since Thailand economy mainly focuses on the industrial development which based on the labor - intensive production, therefore the large amount of cheap labor is needed in order to reduce the cost of production. As a result, there is more and more demand for the employment of migrant workers in the different types of industry such as textile, fishery, and agriculture industry. Moreover, many migrants are also employed in the service sector such as domestic work, restaurant and hotel. The high number of migrant workers in Thailand has increased the concern among Thai workers who are working those similar types of work. In term of the Thai worker's



attitude towards migrant workers, Sakdina (Interview, 26 April 2009) said that the concern of Thai workers regarding migrant workers was usually on the negative aspects of migrant. In the perception of Thai workers, migrant was the 'job taker' or 'competitor' of Thai workers. Some workers felt pity on the life of migrant workers, whereas some still had negative attitudes towards migrant workers.

Since many migrant workers are able to work in the same types of industry or even same factory as Thai workers, the Thai workers then start to realize about the discrimination against those migrant workers. Though working in the same types of work as Thai workers, migrant workers normally receive the lower wages than Thai workers.

The researcher finds that Thai workers in some areas have started to see the importance of migrant worker protection when the Thai workers who work in the similar types of job or the same factory as migrant workers feel fear about losing their job because migrants are going to replace their job. In the selfish way, some workers start to think that;

*“If migrant workers can get the same wages and same welfare as Thai workers, there will be no different payment between Thai and migrant workers. Therefore, there will be less competition between Thai and migrants. Though Thai worker and migrant workers can work for the same type of job, the employer may prefer Thai worker because they can speak Thai. As a result, Thai workers will not have to fear of losing job.”*

However, some worker union thinks that it is important to protect migrant workers and increase participation of migrant workers in the union because it cannot only reduce discrimination on migrants but also increase the collective bargaining power of the union. Nowadays many factories depend on the use of labor from migrant workers, thus the collective bargain power of migrant workers is also important for the negotiation between employer and employee.

From the interview with Amornrat Bampenpan (25 August 2008), Chairperson of TIWRU and Somsak Playoowong (17 August 2008), the Director of Thai Center for Labour Rights – TCLR, they talked about the movement of Thai worker's union claiming for the equal treatment of migrant industrial workers. The Textile Industrial Worker's Union of Thailand in Pang Boo District of Samutprakarn Province was one of the samples of union movement claiming for the labor protection of all workers including Thai and migrant in the textile factory. This union tried to negotiate with their employer until they agreed to provide the same wages and welfare for both Thai and migrant workers in the factory. It also enrolled migrant workers as the members and tried to include more migrant workers into the operation of the union. The union leader think that if Thai worker and migrant workers can group together, the group will have more bargaining power in order to claim for better labor protection from their employers. This union received direct support in term of knowledge and capacity building from TCLR. The movement of this union is not because of the direct motivation from TLSC but it is rather from the local NGOs in the area. Nevertheless, some members of this union also participated in the national campaign for migrant workers protection with TLSC because they were the member of Textile Industrial Worker's Federation of Thailand, the general member of TLSC.

However, for the consciousness of general Thai people regarding the protection of migrant workers, there are still some limitations in term of the attitudes of general Thai people towards migrant workers. According to the result of survey by the survey of Assumption University of Thailand on Thai Attitudes Regarding Foreign Migrant Workers in Thailand from 25 November – 1 December 2007 (ABAC, 2008), it showed that most of the respondents out of 4,128 people had negative attitudes towards migrant workers in Thailand. The highlighted data were;

- Sixty-seven percent of the respondents believed that migrant workers should not be able to apply for any job in Thailand.
- Nearly sixty percent of respondents believed that migrant workers should not be allowed to have freedom of expression.
- Half of the respondents believed that migrant workers should not have the same working conditions, under the Thai Labor Law.

- The majority of the respondents do not think that migrant workers were necessary for sustaining the Thai economy. The reason may coincide with the fact that more than half of the respondents do not believe that the Thai Government should admit more migrants to work in Thailand.
- Over 80% stated that they believe more migrant workers will have a negative impact on lower skilled or lower income Thai workers.

This shows that general Thai people have negative attitudes towards migrant workers in different aspects in term of their rights, the threat to labor security. Moreover, the government also uses the issue of national security claim in order to create stricter ways to manage those migrants.

When TLSC was established in 2001, even though TLSC leaders had acquired understanding on the need for the protection of migrant workers, there were still no clear strategies of labor movement towards the migrant issue at that time. This was because those leaders still lacked of skills, capacity and experience in developing strategies on the protection of migrant workers. TLSC leaders had started to show active participation on the protection of migrant workers when they get more stimulation from the international organization, international trade unions and especially migrant related NGOs. The next sections will discuss further about the influence of the international organization and trade unions towards TLSC movement.

## 2) The Influence of the International Trade Unions and International Organization on TLSC Movement

Since migrant issue has become the universal issue because of the large expansion of migrant workers all over the world, many international trade unions start to pay attention to migrant issue. As explained on Chapter 2 about the movement of trade unions in other countries on the protection of migrant workers, one of the main supports for domestic trade union movement can be from the international trade unions and the Global Union. Especially, the protection of migrant workers or oversea workers usually needed the cooperation between the trade unions in sending countries and receiving countries.

For Thailand, Thai government had signed MOU (See more detail in appendix E) with Cambodia, Laos and Myanmar regarding the employment of migrant workers from those countries. The migrant workers who came to work in Thailand through MOU process would get better protection than migrants with illegal entry to the country. However, there were not over 10% of migrants in Thailand who came through MOU process. This was because of the slow process and high cost of the admission fee. Moreover, the implementation of those MOU in term of the protection of migrant workers was still very weak. The followings are the articles of MOU between Thailand government and Cambodia government regarding the protection of migrant workers.

*“ARTICLE XVII: The Parties in the employing country shall ensure that the workers enjoy protection in accordance with the provisions of the domestic laws in their respective country.*

*ARTICLE XVIII: Workers of both Parties are entitled to wage and other benefits due for local workers based on the principles of non-discrimination and equality of sex, race, and religion.*

*ARTICLE XIX: Any dispute between workers and employers relating to employment shall be settled by the authorized agencies according to the laws and regulations in the employing country.”*

Since majority of migrant workers had come to Thailand through the irregular or illegal channel, most of them did not receive proper protection as stated in the MOU. Since the government of the sending countries could not help protection the rights of irregular migrant workers, the trade unions, international organizations and NGOs had taken the responsibility for the protection of those migrants.

The movement of the Federation of Trade Unions-Burma (FTUB) was one of the samples of trade unions movement for the protection of migrant workers. Since rebirth in 1991, the FTUB (See more details in Appendix B) has (8) affiliated unions

and reestablished the unionization, promoting freedom, democracy, trade union rights as well as human rights in domestically. In the international arena, FTUB is marching together with global and international labour movement towards social-justice, free and fair globalization. Names of its affiliated unions are:

- a) Agriculture Workers Union
- b) Food Processing Workers Union
- c) Handloom Workers Union-Burma
- d) Health, Education and Social Workers Unions- HESU
- e) Mine Workers Union
- f) Rubber Plantation Workers Union
- g) Seafarers' Union of Burma
- h) Transport Workers Union (TWU)
- i) Trawler Fisherman Union

The movement of FTUB was not only for the protection of Burmese workers in the country but also to protect Burmese migrants oversea. Since FTUB has become the member of the International Transport Federation (ITF) so they had been networked with some Thai worker unions which were the members of ITF such as Thai Railways Worker Union or Transport Worker Unions in Thailand. FTUB had raised their concern on the protection Burmese migrant workers who mostly working as seafarers to ITF members. Therefore ITF started to follow up on migrant issue and spread this interest to other members such as the Thai Railways Worker Unions. Because some of TLSC core leaders such as Somsak Kosaisuk were from Thai Railways Worker Unions, the members of ITF, therefore they got more information regarding migrant workers in Thailand. The exchange of information among ITF members from Burmese trade unions had created more attention of Thai worker union on the protection of migrants (Interview with Sakdina, 26 April 2009).

However, the influence of ITF and FTUB towards TLSC in the implementation level is still less. They could only raise the interest of the TLSC leaders on migrant workers protection but not yet leads to the development of any clear and active action plan. The important influence on TLSC's activities is from the

participation of several active NGOs in TLSC. The next section will discuss about the participation of NGOs especially migrant related NGOs in TLSC.

### 3) The Participation of Migrant Related NGOs in TLSC

From the worker side, the important reasons for including the participation of NGOs in TLSC is to prevent the overlapping, to avoid the unwanted impacts toward workers according to the incomprehensive action of NGOs and to scale up the current labor movement to be in the form of “Social Movement Unionism” in order to deal with the changing labor situation in globalizing period. The movement of TLSC is not the pure movement of labor organization but include other various organizations from NGOs and civil society groups in order to strengthen the labor movement. Also the inclusion of NGOs in TLSC has the positive impacts towards that labor movement that the workers can use capacity and skills of NGOs to support the workers. At the same time, NGOs will understand more about the labor movement and needs of the workers. This leads to the comprehensive interventions of NGOs to support workers.

From the NGO’s point of view, the core leaders of the Action Network for Migrants (ANM) and Migrant Working Groups (MWG) such as Adisorn Kerdmongkol, Satién Tumprom, and Satita Norpo try to promote the rights of migrant rights by using different strategies. One of the strategies that those NGOs were trying to promote was to encourage the worker unions to recruit migrants as their member so that there would be more collective bargaining power of migrants. According to the current law, migrant workers are not allowed to form their own unions, therefore ANM have started to participate in TLSC in order to initiate the opportunity for migrant to participate in the unions.

In the positive note, bringing a Thai labor organization speak out in favor of migrants publicly is a very good phenomena, for example on the Labor Days and the campaign on the provincial decrees. However, it is still important to think about the representation migrant workers in order to claim for their own rights.

The expansion of TLSC movement to include the protection of migrant workers is influenced by the following factors. The first one is that the core leaders of TLSC are very liberal minded so they can accept the idea on the protection of migrant workers. The second one is the personal relationship between NGOs and TLSC. There are many NGOs come across to work with TLSC on different issues. Since many NGOs are working across on different issue such as HIV/AIDS and migrant workers. Some other NGOs work on the labor issue broadly such as Thai Labor Campaign (TLC) also includes migrant worker issues in their field of work.

One of the major expectations of NGOs on the promotion of migrant worker's rights is to cooperate migrant and have them as members with the union membership. In turn, those migrant will have the bargaining power with employers. This is the good strategy to increase the collective bargaining power of migrant workers. Many of migrant related NGOs participating in TLSC are not the union organizer but they are working to encourage unionism and promoting migrant's rights to unionize. The challenge on this strategy is that the connection of TLSC with unions. Most of TLSC members are from the key 12 industrial sectors such as automobile, metal work, petroleum, electric and electronic appliances and etc., which have less migrant working in, whereas most of migrants are working in fishery, agriculture. The various occupations for migrants are in the informal sectors; therefore the unions under TLSC represent only the small proportion of migrant workers.

#### **4.2 Concept of the Movement on the Protection Migrant Workers**

In order to understand more on the expansion of TLSC expand to cover migrant worker and the concepts that TLSC used for their plan and action on this movement, the researcher have collected all related data such as the requests and statements that TLSC sent to Thai Government on the Labor Day and International Migrant Days. Some data are from the interviews with the key actors on this movement.

*“One of the motivations towards TSLC’s interest on migrant workers issue was from the concern of the Labor Council of Thailand on the higher number of migrant workers coming to work in Thailand. The Council was worried about the job security of Thai workers whom they had to protect. Therefore, they discussed with TLSC about what the organization could do in order to protect the labor security of Thai workers and how to manage those migrant workers.” (Interviewed with Mr. Sathien Thanprom, 21 October 2009)*

This initial motivation from Thai Labor Council has represented that many Thai labor leaders still misunderstand about the labor migration and migrant worker situation in Thailand. The leading team of TLSC who has advanced understanding on the labor migration have discussed and planned to work more migrant issue. At the beginning TLSC has to try to create better understanding among their members on migrant workers situation in the Thailand and labor migration trend. As a result, the first activities are mainly about gathering and managing information about migrant workers in Thailand in order to understand this issue in various perspectives. TLSC have also partnered with many migrant related NGOs and network in order to exchange information and experience. Finally those migrant related NGOs have become the member of TLSC.

The researcher has found that TLSC has used Human Rights as the leading concept for their movement. Under the Universal Declaration (UN, 1948), human rights include the rights to life, liberty, and security; the right to equality before the law without discrimination; freedom from torture and other cruel, inhuman or degrading treatment or punishment; freedom from arbitrary arrest, detention or exile and the right to a standard of living adequate for the health and well-being of her/himself and of her/his family. This concept can be applied for both Thai and migrant workers equally and has effect on the missions of TLSC that are not only about the labor protection in terms of the wages, decent work or labor laws but also about the well being or health issue. TLSC has created different themes for the campaign such as “Migrant Worker’s Rights are Human Rights” or “Migrant Workers are Human Beings” The theme such as “All Workers are Relatives” is created to overcome the idea of nationalism and develop the solidarity among the group of Thai



and migrant workers. The use of those themes is not aimed only to create public concern on migrant's rights but also to raise awareness of Thai workers themselves on mutual understanding towards migrant workers. Human Rights as the neutral concepts can become the common purpose in the movement of Thai workers and migrant workers.

On the Labor Day in 2008 TLSC has submitted the recommendation to the government regarding the protection of all workers. In this statement, the following is the request from TLSC in term of the protection of migrant workers;

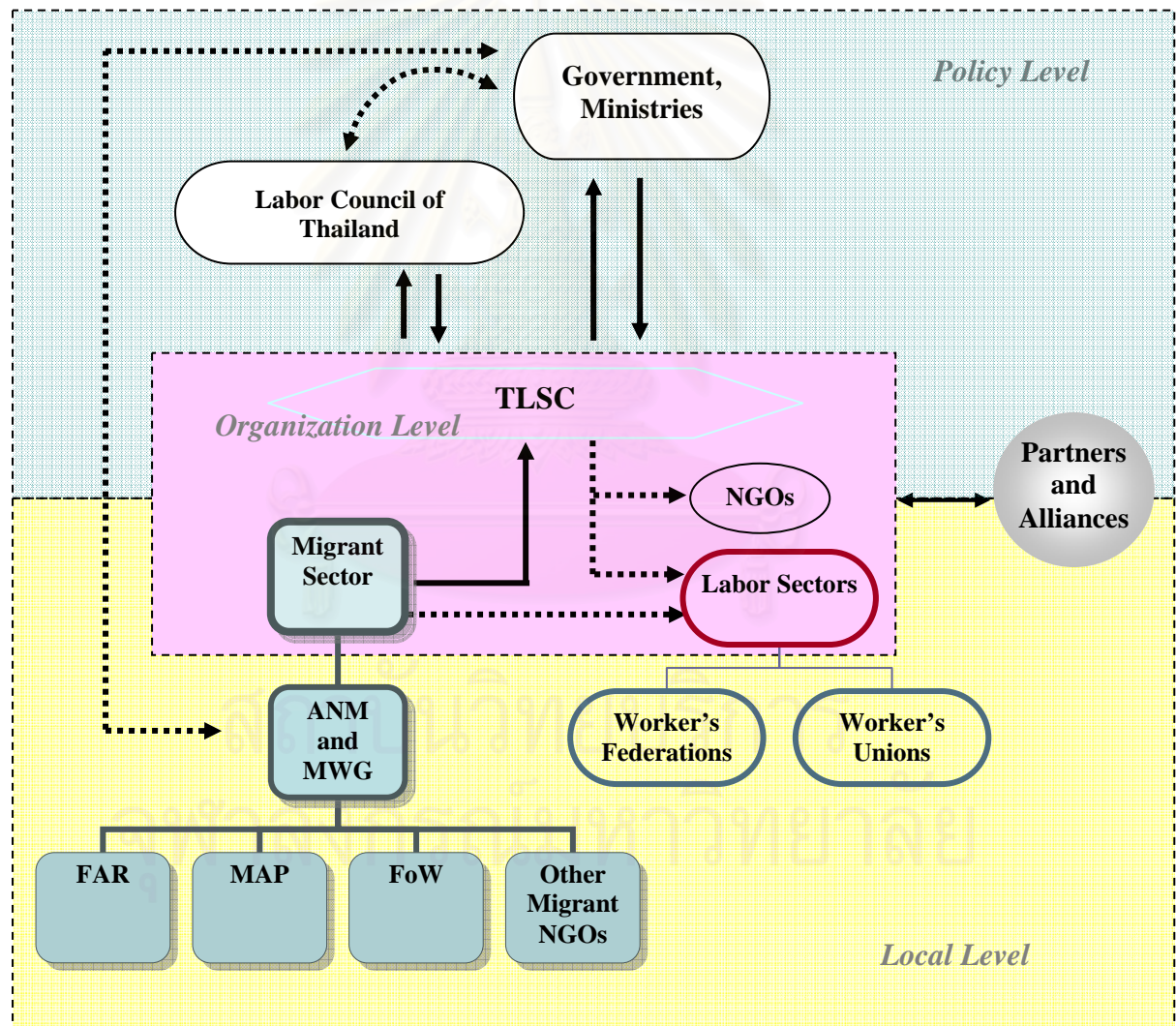
*“The government should have the standard in monitoring and protecting worker rights as well as the penalty in case of infringement. There should be an improvement on the protection mechanism for all workers from both formal and informal sector such as home-based workers, domestic workers, agricultural workers, drivers and etc. Furthermore, the protection of migrant workers should have the same standard as all workers which cover the fair wages, welfare, rights to assembling and negotiation and occupational health and safety. ” (Translated by author)*

Some of the content that TLSC use for the discussion among the labor groups is importance of migrant worker protection and its relation to Thai labor protection. The different level of labor protection between Thai and migrant workers has lead to the conflict among them. The improvement of migrant worker protection can lead to better quality of life for migrants and bring about the job security for Thai workers. More migrant workers can replace the Thai workers because Migrant workers can be paid with lower wage and can work in poorer condition. If migrant worker can get fair and equal treatment as Thai worker, there will be less discrimination from the employers towards migrant workers. Besides, since more and more migrants are working with Thai workers in the same place, both workers need to be more unionized in order to increase their negotiating power of workers with the employers.

However, in many areas the idea of Nationalism, National Security and Labor Security are still the great challenges for promoting the protection of migrant workers.

This is because individually some worker's federations and worker's union still feel concerned on national security and job security, though they have agreed to use Human Rights concept for the consensus movement in the center level. Apparently, only a few Federations and Union that show active roles on movement for the protection of migrant workers. The next section will discuss more about different strategies and activities that TLSC used for this movement.

**Figure 3: The cooperation structure of TLSC and its alliances on the movement for the protection of migrant workers**



### **4.3 Actors in the Movement for Migrant Workers Protection**

The actors in the movement for the protection of migrant workers were found mainly in two level; implementation level and policy level. Figure 3 has illustrated the cooperation structure among the members within TLSC and with the partners and alliances from outside. Each sector under TLSC has different duties and responsibilities in the implementation at policy level and local level.

In the center or policy level, TLSC as well as their members and alliances from migrant related NGOs had played leading role in the national campaign and negotiation with the government. The leading team of TLSC usually acts as the main representatives of the whole TLSC to propose the agreed request or requirement to the government, to do campaign and also claim for the rights of migrants. They will appear in all special occasions and days to lead the campaign for the protection of labor. However, some of them are not necessary to be the main implementators in the field of migrant workers. TLSC also uses another channel by participating in the labor council using the tripartite to negotiate with the government and motivate the labor council to support the movement for the protection of migrant workers. The rest of Thai labor-based organizations and other NGOs is the indirect supporter.

### **4.4 Strategies of TLSC Movement for the protection on Migrant Workers**

The main strategies of TLSC's movement include petition, negotiation, campaign, capacity building, and information dissemination in center and regional level. They got technical supports from academic institutions and international organizations and the main financial supports are from the membership fee collection and the grant from the international organizations for their activities.

The example of the movement by TLSC on policy campaign is as followed; On the International Migrant Labour Days in year 2006, TLSC and their alliances, which are from different civil society groups, have proposed to the government about the protection of migrant workers and request for the permission to allow migrant workers to set up the labour union (Pongpan, 2006). Even though the movement of

the group cannot be accomplished at that time but there are more and more activities and movement of NGOs and Labour organization on the protection issue for migrant workers in Thailand. In the year 2007 (Midnight University, 2007) TLSC and all alliances have announced their intention on the issue “Labour Solidarity without Borders” to assert for the rights of all workers without discrimination of race or nationality. On 18 March, 2007, TLSC and alliances had proposed the letter to the Prime Minister Surayut Julanon on issue of Labor Rights Protection for migrant workers in Thailand. Ms. Wilawan Saetia, from Thai Labor Campaign has requested the government to improve the registration system for migrant to be relevant with the real situation so that migrant workers can better deal the problems and can receive more support. Also, for the long-term, government should develop policy to protect both Thai and migrant workers and actively implement it.

In the implementation level, TLSC members that play active roles include all migrant related NGOs and network that participated in TLSC. They were such as the Foundation for AIDS Rights (FAR), MAP Foundation, Friend of Women Foundation, MAP Foundation and Action Network for Migrants (ANM). The representatives from these implementing organizations are working in the migrant sector under TLSC. They have the main duties in providing useful information related to migrant workers issues to TLSC members and committee as well as developing the plan of action for the movement. To create better understanding of Thai Worker’s Federations and Union towards migrant workers, the migrant sector and TLSC leading team have worked together to develop the mobile labor education and study tour for those Thai workers.

The previously implemented activities of working team for migrant workers sector included (TLSC, 2009);

- 1) The campaign for canceling the provincial decrees; the migrant related NGOs and Thai Labor union in different provinces such as Chiang Mai, Ranong, Samutsakorn had used the name of TLSC to propose to the governor for canceling the provincial decrees that limits the personal rights of migrants and their freedom of expression.

- 2) The campaign for canceling the order of Social Security office on Workmen Compensation Fund for migrant workers; The Human Rights and Development Foundation (HDRF) as one member of ANM under migrant sector of TLSC had play main roles in this movement with the cooperation from Thai Lawyer Council and the National Human Rights Commission
- 3) Movement for the revision of Labor Relation Legislation; there was the national campaign by TLSC on the Labor Days and Migrant Days for the revision of Labor Relation legislation regarding the permission for migrant workers to be the member of Trade union/ Worker union.
- 4) Education on migrant workers issue for Thai workers; The Foundation for AIDS Rights played main roles in organizing education session and study tour for Thai workers to make them understanding the living and working condition of migrant workers in Thailand.
- 5) Establishment of migrant worker association; MAP Foundation as the member of TLSC had supported one migrant worker group in Chiang Mai to establish the worker association since 2007.
- 6) Movement to push Thai worker union to enroll migrant workers as their members; The International Transport Worker Federation (ITF) as the partner and alliance of TLSC had started to enrolled migrant workers as the members of their union since December 2008.
- 7) Campaign on Labor Rights for migrant workers; ITF had organized the education session for migrant workers who worked as transport workers such as seafarers on labor rights issue.
- 8) Campaign to propose recommendation on migrant worker legislation; there was the national campaign by TLSC on the Labor Days and Migrant Days for the revision of migrant workers legislation.
- 9) Movement in case of the death of 54 migrant workers
- 10) Movement on the Rights to housing for migrant workers in Chiang Mai
- 11) Movement on the Rights of migrant workers to use motorcycle

In the site or implementing level, TLSC played the role as the supporter for the movement whereas the members and alliances in specific sites play the leading role and created different strategies for the labor movement. Since the movement for

the protection of migrant workers is not the mandatory implementation for all members. Each member and alliances could have their own specific policy and implementation.

As a result of those activities, TLSC movement can directly and indirectly create various impacts according to different level of implementation and strategies. The following section will discuss in details about the impact of the movement in different level.

#### **4.5 Impacts of TLSC's Strategies on the Protection of Migrant Workers**

The movement of TLSC and alliances had created different impacts according to different level of implementation and strategies. At the annual seminar of TLSC in 2009, the working team under migrant worker sector has reported the outcome of their activities as followed;

##### **1) Impacts on Policy Level**

- The canceling of provincial decrees in 2007 in national and regional level. However, in 2008 there were not many active movements since there was the changing political situation in Thailand and the government had less action on the controlling of migrant workers regarding the security issue.
- The order of Social Security office regarding the Workmen Compensation Fund for migrant worker was still utilized. However, there were 4 judicial cases on the process. The Ministry of Public Health had negotiated with Ministry of Labor requesting for the enforcement of measure to force employers to pay for medical treatment of work accident-related injuries.
- TLSC had written the report on the situation of migrant rights in Thailand since 2007 and disseminated to the media.

##### **2) Impacts on Local Level**

- ITF conducted the seminar to increase awareness and positive attitude of Thai workers towards migrant workers. Some transport worker union in

Om-Noi and Om-Yai Area had started to enrolled migrant workers as their member since December 2008.

- There were many movement campaigns in national level of TLSC regarding migrant workers protection on different special events such as Labor Days and Migrant Days.

### 3) Impacts on Organization Level

- The International Transport Workers Federation (ITF) had established the committee for the establishment of migrant worker union since December 2008. This committee would work with TLSC and labor related NGOs to support the establishment of migrant worker union in the future. The formation of migrant workers union in Samutsakorn was still in the process.
- MAP foundation supported the Shan migrant workers in Chiang Mai to an association called Worker Solidarity Association (WSA) since 2007. There are 57 members who come from different sectors such and construction workers, industrial workers and service workers. WSA tries to use the similar way of management as the workers' union and cooperate with Thai labor unions and organizations on labor protection campaign. The idea behind the formation of this group is arisen from the suggestion of TLSC leading team and migrant sector that want to increase the participation of migrant worker organization in labor movement. TLSC and alliances also provide technical support, leadership and capacity building training to the group. WSA is one of the experimental organizations of migrant workers that are empowered and can learn to develop their own labor movement to protect and increase capacity of their members.

In summary, TLSC campaign in the policy level had stimulated and increased concern of the government, media, public, and especially Thai workers on migrant workers issue but not yet lead to the creation of supportive policies for protection of migrant workers. The important impact is the understanding of the Workers' Federations and Workers' Unions on the importance of migrant worker protection. More worker group is participating in the national campaign for migrant worker

protection. Also, the media is paying more attention on migrant worker issue and helping in disseminating information to the public. Though many stakeholders understood more on migrant protection issue, there was still no proper mechanism both in regional and national level for migrant worker protection.

In the implementing level, the impacts still depended on the implementation of the responsible organizations in the area. Even though, in many areas Thai Worker's Union and Thai Worker's Federation, themselves did not show active implementation on the movement for the protection of migrant workers, there were some experimental progresses in the site level where Thai Workers and Migrant Workers had faced the common struggle and share mutual interest. The next chapter will try to analyze the movement of TLSC for the protection of migrant workers by using the social movement theory reviewed in Chapter 2 in order to understand different factors that influence the success and failure of the movement. Also, there will be some discussion and argument whether TLSC movement can be considered as new social movement.



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## CHAPTER V

### CONCLUSION AND SUGGESTIONS

From all of the finding and analysis in the previous chapters, this chapter will provide the conclusion and the suggestion regarding those findings. The chapter will include the following section; the summary review of migrant situation, the roles of TLSC on the movement for the protection of migrant workers, the theoretical perspectives towards TLSC movement, conclusion, and suggestion based the research process and findings.

#### **5.1 Conclusion on Migrant Situation and TLSC Movement for the Protection of Migrant Workers**

Currently there is the increasing number of migrant workers coming to work in Thailand. It is estimated that there could be around 2-3 million migrant workers in Thailand. Many of them are forced to be in the exploitative working and living condition. Also, their rights were violated without proper support from the government. The contributing factors towards the violation of migrant workers include employers, Laws, and Thailand policy. In order to protect those migrant workers, it is crucial to think the possible mechanism to support and promote migrant's rights protection. One of the conventional mechanisms is the use of collective bargaining power of trade unions. In many countries this mechanism is allowed and used for promoting migrant's rights but in Thailand there are many limitations according to law and policy.

In other countries there are the movement of NGOs and the formation of migrant worker as the union and network in order to claim for the proper protection and combating with the some problems related to migrants such as trafficking. The example of those movement are the European network for migrant domestic workers named RESPECT (Helen Schwenken, 2003), and the movement of civil society and migrant unions in South Korea (W.D. Kim, 2007).

In Thailand, the labor councils and trade unions have been relegated to a less decisive role in labour relations. Also, with the misunderstanding on migrant worker situation and weak roles on labor relation, many Thai trade unions do not show any interest on migrant worker protection. Since 2001, the Thai Labor Solidarity Committee (TLSC) had played very important role for promoting the rights of all workers (TLSC Secretariat, 2007). At the beginning, the movements of TLSC have focused on the protection of Thai formal workers. After that there has been the expansion of movements to include the protection of Thai informal workers. The next section will summarize the movement of TLSC for the protection of migrant workers in Thailand.

The strategies that TLSC used for the movement on the protection of migrant workers were; petition, campaign and education, dissemination of information, and networking and creating alliances. TLSC had used these strategies in the movement for the protection of migrant workers as well.

The example of the movement by TLSC on policy level is as followed; On the International Migrant Labour Days in year 2006, TLSC and their alliances, which are from different civil society groups, have proposed to the government about the protection of migrant workers and request for the permission to allow migrant workers to set up the labour union (Pongpan, 2006). Even though the movement of the group cannot be accomplished at that time but there are more and more activities and movement of NGOs and Labour organization on the protection issue for migrant workers in Thailand. In the year 2007 (Midnight University, 2007) TLSC and all alliances have announced their intention on the issue “Labour Solidarity without Borders” to assert for the rights of all workers without discrimination of race or nationality.

In the local level, TLSC members that play active roles include all migrant related NGOs and network that participated in TLSC. They were such as the Foundation for AIDS Rights (FAR), MAP Foundation, Friend of Women Foundation, and Action Network for Migrants (ANM). The representatives from these

implementing organizations are working in the migrant sector under TLSC. They have the main duties in providing useful information related to migrant workers issues to TLSC members and committee as well as developing the plan of action for the movement. To create better understanding of Thai Worker's Federations and Union towards migrant workers, the migrant sector and TLSC leading team have worked together to develop the mobile labor education and study tour for those Thai workers.

TLSC played the role as the supporter for the movement whereas the members and alliances in specific sites play the leading role and created different strategies for the labor movement. Since the movement for the protection of migrant workers is not the mandatory implementation for all members. Each member and alliances could have their own specific policy and implementation. As a result, TLSC movement can directly and indirectly create various impacts according to different level of implementation and strategies.

In conclusion, the roles of TLSC on the protection of migrant workers could be specified as followed;

- 1) TLSC acted as the center for the coordination between different network
- 2) TLSC and alliances had developed the key mission regarding migrant workers protection
- 3) TLSC and alliances acted as the mediation to stimulate the movement for the negotiation between government, employer, and migrant workers.
- 4) TLSC and alliances cooperated with each other to educate and exchange understanding among union members on migrant worker issue
- 5) TLSC and alliances conducted public campaign regarding migrant issue
- 6) TLSC and alliances educated migrant workers on labor movement and labor protection by using migrant language.
- 7) Member and alliances of TLSC, especially migrant related NGOs, acted as the center for collecting information regarding the problems of migrant workers. This information was disseminated to other members for more understanding.

## **5.2 Theoretical Analysis of TLSC Movement on the Protection of Migrant Workers**

In this section, the analysis of TLSC movement for the protection of migrant workers will be based on the theories related to the social movement which have been reviewed in Chapter 2. The following are the analysis of TLSC movement according the resource mobilization theory, political process theory and new social movement theory.

1) In terms of the Resource Mobilization theory, the TLSC movement on the protection of migrant workers will be analyzed by exploring the important resources in social movement development and success. Generally, the resources for social movement will include knowledge, money, media, labour, solidarity, legitimacy, and internal and external support from power elite. For the analysis of TLSC movement, the following types of resources will be analyzed since they have main influence towards the development of TLSC movement on the protection of migrant workers.

First is on the human resource of TLSC. One of the factors for motivating the movement of TLSC for the protection of migrant workers is the roles of core leaders of TLSC who have liberal mind. Also since those leaders have better understanding on migration situation, they can accept the idea on the protection of migrant workers. In term of the management structure, TLSC has the clear structure in the organization and there is the allocation of duty and responsibility for each different committee in order to support the labor movement (Details discussed in Chapter 3). Moreover, in term of the supporting staff, TLSC has the full time coordinator to help coordinating among the worker unions, the government, NGOs, OIs and Public. Also, currently, TLSC has hired one technical officer to support on the documentation regarding labor movement so that the organization can have useful database for its movement.

However, the current structure of TLSCs has still created the limited participation of small unions or sub-unions because only the federations and large union participate in the structure. As a result, many small unions of sub-unions do not

cooperate or actively participate in the labor movement. In 2008, TLSC had the meeting to discuss about their weakness and started to concern about the limited participation of small unions in the organization. Currently, it is in the process of restructuring the organization in order to gain participation of small union and increase bargaining power (Interviewed with Sakdina, 26 April 2009).

Secondly, it is the internal support from NGOs as a key factor of TLSC. It can be argued that there were some potentials and strong network on migrant related NGOs participating in TLSC and help in providing many useful information to increase knowledge and awareness of TLSC core leaders and committee members on migrant worker issue. Those NGOs has created a good database and information on migrant situation to be used for the campaign and media message. The information sharing among the TLSC members, thus create the better understanding on migrant protection.

However, there are still many challenges within TLSC organization since the attitude of Thai labor union in different industrial sectors towards migrant workers are mostly in the negative view. Therefore, most of Thai labor unions provided less attention to migrant worker issue. Moreover, since the current structure of TLSC provides less opportunity for small union or sub-union to participated, there is no cooperation from Thai labor union in different sites. Besides, the organization that plays main roles in the migrant sector of TLSC was only from the migrant NGOs without the participation of Thai worker union representative or even migrant worker representatives. This is because there are several difficulties in creating more participation of migrant worker representatives in TLSC because language barriers and limitation in traveling. In term of the capacity building for migrant workers themselves, there was the lack of Information, Education and Communication (IEC) materials for migrant workers in order to provide enough knowledge and understanding on labor movement. There was no IEC materials regarding the labor laws and labor protection produced in migrant languages.

Third is the external support from international NGOs and international trade unions from abroad. It can be seen from research fieldwork that there were many high potential organizations such as the International Transport Workers Federation (ITF) and Friedrich Elbert Stiftung (FES) and other academics to support the movement on migrant protection which has already been discussed in Chapter 4.

However, in term of the Thai society, migrant workers issue was still attached with National Security issue according the government vision and the general Thai society. The concern on national security has increase the negative attitude of public towards migrant workers in Thailand.

Fourth is the issue of budget for supporting the movement. Although TLSC does not receive direct financial support for the protection of migrant workers, the budget that TLSC receive from the International Trade Union Confederation (ITUC) can help facilitating the labor movement of TLSC. Currently TLSC receives some financial support from ITUC regarding the strengthening of labor union in Thailand. In term of the movement for the protection of migrant workers, several members of TLSC from NGOs will have their own budget for the promotion of migrant protection. The source of this budget is from many different international organizations which are interested in migrant related issues such as HIV prevention among migrant workers, labor protection, trafficking, occupational health and safety. The funding is mainly from the following agencies; the Global Fund, ILO, and European Commission.

Finally, it is the legitimacy of TLSC movement. Even though TLSC is the unregistered labor organization, it is recognized by the government as the representation of worker unions. TLSC tries to increase the legitimacy of the organization by developing the connection and close coordination with the government and ministry of labor. The information in Chapter 3 section 3.4 has shown that the different strategies that TLSC used has created the visibility of the organization among the government, media and public. TLSC has significant role in the labor movement in Thailand since it represents the key labor sectors in Thailand.

2) Another analysis can be defined from the Political Process theory. Under TLSC Movement, there are several enabling environment that provide opportunities for TLSC movement for the protection of migrant workers. Firstly, it is the increased interest and attention of all stakeholders from government, NGOs and even the public people towards migrant workers. Even though the different stakeholders may have negative attitude towards migrants, it can still be the motivation of TLSC to work on changing the attitude of people. This section will analyze the factor influencing the movement of TLSC by exploring the political opportunity for the movement as well as weakness of consensus among TLSC members.

Since migrant issue becomes one of the main concerns on the development of the country, Thailand has developed different policies for the administration and protection of those migrant workers. Thailand as a member of the United Nations and the country that has ratified several international conventions and treaties such as the Universal Declaration of Human Rights (UDHR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Racial Discrimination (CERD), Thailand has the duty to uphold the principles of those international treaties and created some laws and policies to support those principles. Nevertheless, Thai laws and policies cannot fully promote protection of migrant workers since there are some limitations on policy implementation.

Even though Thai state has become the member of those international treaties, they still do not fully and strictly implement them because of many reasons. One of the main reasons concerning the attitude of Thai state towards migrants workers. The Migrants Working Group which consists of representatives from academic institutions, legal institutions and civil society has criticized that Thai state discriminate the migrant workers especially from Burma, Cambodia and Lao PDR because the state do not consider them as the member of Thai nation. As a result, they have no rights to access 'membership goods' (Midnight University, 2007).

According to Amnesty International, Thailand has not ratified several core International Labor Organization (ILO) Conventions that can be used as a means of protecting both Thai and migrant workers. Neither, even though the United Nations (UN) International Convention on the Protection of Rights of All Migrant Workers and Members of Their Families entered into force on 1 July 2003 as an instrument of international law, Thailand has not apparently ratify it. For example, in Thailand migrants are not allowed to form a workers union; or can not gather into a big group for the cultural activities. This treaty imposes a series of obligations on States parties to promote among other things "*sound, equitable, humane and lawful conditions*" for all migrant workers, whether documented or undocumented. Under the terms of this Convention, migrant workers are entitled to protection of their basic freedoms including the right to life; the right to freedom from torture; the right to due process including freedom from arbitrary arrest and detention; the right to medical care that is urgently required and the right to equal treatment.

Moreover, the government also uses the issue of national security claim in order to create stricter ways to manage those migrants. Dennis Arnold (2008) has stated that Nationalism if used by certain government ministries and officials, also the employer and trade union for promoting themselves in order to get more investment, job and better skills. This has created the sense that they are acting in the interest of Thai people and the nation not their own interest as labor.

*“Thus, the state and its benefactors are able to promote and reproduce capital at the expense of a majority of workers in Thailand, regardless of ethnicity, while treating migrant workers as a security threat which need to be suppressed to appease those who have studied their history and are threatened by rising number of Burmese and other migrant workers in the country.”*

(Dennis Arnold, 2008)

Since Thailand has developed many good policies for the protection of migrant workers such as the education policy, health policy, and labor protection policy, there were still many limitations in term of the policy implementation. Those



limitations include insufficient human resource, lack of budget, irrelevant administration and management, no practical strategies and the stigma and discrimination from different level (Amornwan, 2007). According to those limitations, the movement of TLSC for the protection of migrant workers, therefore, does not mainly focus on the policy formation but rather to promote the policy implementation. The strategies that TLSC use in the movement is usually aimed for monitoring and following up the implementation of the government and authorities in order to guarantee the effective result from policy implementation.

3) Finally, the understanding of TLSC Movement can be considered as a new social movement. According to field research, it can be argued that the movement of TLSC and their alliances on the protection of migrant workers in Thailand is the mixed form of traditional and new social movement. The followings are the analysis on TLSC movement.

The movement of TLSC and alliances can be considered as the new social movement in the sense that the solidarity of the group is beyond the idea of nationalism or ethnicity. The group tries to create common purpose based on Human Rights concept in order to reduce the conflict of interest among the workers with different nationality and ethnicity. The group tries to create the common purpose and identity by using Human Rights concept for the theme of their campaign.

According to Porta and Diani (1999) the new social movement should contain the conflictual collective actions or “consensus movements”. This means that the actors will have to share the solidarity and recognition of the problem that lead to the longer participation on the movement under that issue. However, for the movement of TLSC on the protection of migrant workers, the consensus among the members is only set up in the executive level not among the other ordinary members from small unions. It is the challenge that the current TLSC’s structure still limits the participation of small unions and ordinary members. This leads to the fact that there are not many strategies on how to approach members of other union to get them to appreciate migrants as the ‘fellow workers’ rather than only as “migrants who are

threatened”. As a result, in term of the mutual recognition of problem among all members, TLSC movement can be considered as only the movement of interest groups without the real solidarity and consensus from all members.

In order to strengthen the movement of TLSC on the protection of migrant workers, it is important that key actors of TLSC have to think about how to increase the insurgent consciousness among the worker unions regarding the protection of migrant workers. The collective awareness will then be the motivation for the development of movement. As a result it will help to sustain the collective action of the organization.

#### **5.4 Suggestion and Recommendation for Further Study and Improvement on the Protection of Migrant Workers**

From the research finding on TLSC movement for the protection of migrant worker, there is the suggestion on further research and study that should be conducted in the future;

- 1) Assessment of Knowledge, Attitude and Practices of Thai worker unions towards the protection of migrant workers; this research will help to explain the level of knowledge and attitudes of Thai workers towards migrant protection issue. The information from this research can be used for development the appropriate strategies to reduce stigma and discrimination towards migrants.
- 2) Assessment on the need of migrant worker to participate in the labor movement; the research can be conducted in order to find out whether the labor movement can be the alternative way for promoting the rights of migrant workers.
- 3) Feasibility study on the recruitment of migrant workers to be the member of trade unions in Thailand; in order to explore the possibility in recruiting migrant workers as the member of trade union, this research will help find out

the factors that enhance the participation of migrant workers in trade unions and investigate the impacts of migrant participation in the unions.

- 4) The method and strategies for strengthening trade union in promoting the rights of migrant workers; since currently the trade unions still have passive roles in promoting the rights of migrant workers; this research will help to explore on how to strengthen the capacity of those unions.

Based on the research findings the following recommendations are provided for future improvement of movement for migrant worker protection;

- 1) Though TLSC can raise more public and government concern on the protection of migrant workers in Thailand, it have not yet met better success in stimulating active participation of many Workers' Federation and Workers' Union in the movement especially in the implementing level. Nevertheless, the movement in the implementing level has to be relevant with the movement in policy level.
- 2) Currently the civil society has played active roles to promote the rights of migrants, but there is no active and positive movement from the government side. For better achievement on the improvement of laws and policy for the protection of migrant workers, it is needed to have more collaboration between the government or parliament and civil society groups.
- 3) It is challenging for all migrant and labor related NGOs on how to increase the participation of both Thai and migrant workers from the grassroot level in the labor movement. Since there are some gaps between the progress in the policy level and implementing level. It is essential to make workers themselves understand the current situation of labor migration and the importance of labor movement so that they can participate more. Besides, the capacity and understanding on labor movement of many existing migrant workers' groups and organizations should be strengthened.

- 4) Since the cooperation between Thai and migrant workers is the new phenomena of labor movement in Thailand. The lesson learnt from the progress of some Workers' Union on the movement for the protection of migrant workers should be drawn out as the alternative model for the improvement for the future labor movement that needs to be changed accordingly to the labor migration trend .

From the movement of TLSC for the protection of migrant workers, there is more need for the cooperation and collective action among the unions. Since there are still many limitations in term of supporting laws and policy, it is also important to think about the power of the collective action, e.g. trade union, which can lead to the better reform of the policy for the protection of migrant workers. It is, therefore, a crucial concern how to network between Thai workers and migrant workers both regular and irregular migrants and also how to establish a wider coalition long term protection. This issue has represented a current challenge for NGOs working with migrant workers, trade unions and even the government of Thailand.

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สถาบันวิทยบริการ  
จุฬาลงกรณ์มหาวิทยาลัย



**APPENDICES**

สถาบันวิทยบริการ  
จุฬาลงกรณ์มหาวิทยาลัย

## Appendix A

### List of Key Informants

1. Ms. Sathita Norpo Program Coordinator of MAP Foundation  
(Interview, 23 July 2008)

She is supporting the organization of migrant workers group and strengthening the capacity of migrant workers as well building up leadership skill of migrants. She is also the advisor of the Worker Solidarity Association (WSA), the migrant workers group in Chiang Mai. MAP Foundation is a member of the Action Network for Migrant Workers (ANM) and also alliance of TLSC.

2. Ms. Rachanee Nilchan Chairperson of Northern Labor Network(NLN)  
(Interview, 11 July 2008)

NLN is the network of workers from different sectors in the north of Thailand. The coordinating center of NLN is in Chiang Mai province. NLN is one of the alliances of TLSC that support the labor movement by cooperating with TLSC and alliances in Chiang Mai to organize campaign events and propose request to the governor

3. Mr. Akkaradej Chobdee Vice Chairperson of the Electronics and Electric Appliance Labour Union (EEALU)  
(Interview, 28 July 2008)

4. Mr. Srithon Pruengvichathorn Chairperson of EEALU (Interview, 28 July 2008)

EEALU is one of the two labor unions in the North of Thailand. They support and cooperate with the Worker Solidarity Association (WSA) in the campaign on the labor protection of migrant workers.

5. Mr. Sawit Kaewwan General Secretary of TLSC (Interview, 4 August 2008)

He is one of the main leaders of TLSC who is advising and monitoring the operation of TLSC and support the campaign for the protection of migrant workers.

6. Mr. Bandit Panwiset                      Friend of Women Foundation -Trafficking  
Division (Interview, 15 August 2008)
7. Mr. Suchart Trakulhoothip              Friend of Women Foundation (FoW)  
-Women Workers Division (Interview, 15  
August 2008)

FoW is one of the main organizations working on labor movement for a long time in Thailand. FoW is the members of TLSC and cooperate closely with MAP Foundation and ANM in BKK also on the protection of migrant workers.

8. Mr. Adisorn Kerdmongkol              Officer of International Rescue Committee  
(IRC) -Policy Analysis and Research  
Department (Interview, 15 August 2008)

He is one of the founders and currently the advisor of the Action Network for Migrant Workers (ANM). ANM is the member of TLSC and collaborate with TLSC to promote the protection of migrant workers in Thailand.

9. Mr. Somsak Playoowong                Director of Thai Center for Labour  
Rights (TCLR) (Interview, 17 August 2008)

TCLR is the main organization which supervises Textile Industry Worker Relations Union (TIWRU) and help to network Thai labor union with migrant worker organization.

10. Ms. Amornrat Bampenpan              Chairperson of the Textile Industry  
Worker Relations Union (TIWRU) (Interview,  
25 August 2008)

11. Ms. Maneechan Amcheelong            Committee of TIWRU  
(Interview, 25 August 2008)

12. Ms. Prakaidao                              Member of TIWRU  
(Interview, 25 August 2008)

13. Migrant Worker, Karen    Male age 24                      Member of TIWRU

14. Migrant worker, Burmese Female age 30+                      Member of TIWRU

15. Migrant Worker, Karen Male age 20 Textile Factory worker  
 16. Migrant worker, Burmese Female age 22 Textile Factory worker

TIWRU is aimed to claim for the labor protection of all workers including Thai and migrant in the textile factory to get the same wages, welfare and other protection. TIWRU is now the first registered labor union in Thailand that accepts migrant workers to be the members and try to include more migrant workers into the operation of the union.

17. Ms. Sa-Nguan Khunsong Committee of Nakhorn Luang Textile Entrepreneur Worker Union (Om-Noi Labor Union) (Interview, 26 August 2008)

18. Mr. Andy Hall Coordinator of Making Migrant Safety at Work Matter Project (MMSAWM), the Human Rights and Development Foundation's (HRDF) (Interview, 15 March and February 2008)

HRDF networked with legal organization on the court challenges and policy issues and with labour organizations such as TLSC and alliances. HRDF also facilitate the organization of migrant workers group in the construction workers, industrial workers and service workers. WSA tries to use the similar way of management as the labor union and cooperate with Thai labor union and organizations on labor protection campaign.

19. Mr.Sathien Tumprom the project coordinator of the Foundation for AIDS Rights (FAR) (Interview, 21 October 2008)

He is the organizing committee of TLSC that is representative of NGOs.

20. Ms. Suthida, coordinator of The International Transport Federation (ITF) (Interview, 1 February 2008)

ITF is one of the trade unions that is trying to promote the rights of migrant workers by finding the ways to unionize migrant workers and enroll migrant workers as the member of their union.

21. Mr.Sakdina Chatkul Na Ayuthaya, Friedrich Elbert Stiftung  
 (Interview, 26 April, 2009)

## **Appendix B**

### **Key TLSC's Members and Alliances**

#### **1. Action Network for Migrants (ANM)**

Action Network for Migrants is a network of 15 NGOs working with Burmese, Laotian and Cambodian migrants to promote safe migration and fair work.

#### **2. MAP Foundation, For the Health and Knowledge of Ethnic Labour**

In 1996 thousands of migrants were working in Chiang Mai building the hotels, housing estates, and hospitals which now cover the city. At the time there were almost no services available to migrants and when they needed to go to hospital they faced difficulties with language and costs. Migrant Assistance Program (MAP) started to develop a group of migrants who could interpret in hospitals and provide some health education prevention and promotion on migrant work-sites, mainly construction sites. As MAP became part of the migrant community, the range of issues facing migrant workers became apparent and the activities of MAP expanded to respond to these issues.

In 2002 MAP became a registered Thai foundation, taking the Thai name: "Foundation for the Health and Knowledge of Ethnic Labour" but keeping the already English name MAP which had already become familiar with migrant communities.

Overall Objectives:

- for policies on migrant workers to be formulated and implemented from a human rights and labour rights perspective to facilitate local migrant worker communities to identify and respond to challenges
- to increase understanding of migrant workers situation in the host country and to reduce discrimination

Northern Labour Network

A group of NGOs working in northern part of Thailand comes together in order that

workers in informal sectors acquire and deepen understanding on labour rights, occupational health and safety, and social welfare system. The network also advocates for the protection for workers in informal sectors and appropriate policy development.

### **3. The International Transport Workers' Federation (ITF)**

The International Transport Workers' Federation (ITF) is an international trade union federation of transport workers' unions. Any independent trade union with members in the transport industry is eligible for membership of the ITF.

654 unions representing 4,500,000 transport workers in 148 countries are members of the ITF. It is one of several Global Federation Unions allied with the International Trade Union Confederation (ITUC).

The aims of the ITF are set out in its Constitution (see below). They are:

- to promote respect for trade union and human rights worldwide
- to work for peace based on social justice and economic progress
- to help its affiliated unions defend the interests of their members
- to provide research and information services to its affiliates
- to provide general assistance to transport workers in difficulty

Although the range of ITF activities is very wide, they can be best summed up under three key headings: representation, information, and practical solidarity.

The ITF represents the interests of transport workers' unions in bodies which take decisions affecting jobs, employment conditions or safety in the transport industry, such as the International Labour Organization (ILO), the International Maritime Organization (IMO) and the International Civil Aviation Organization (ICAO).

A major function of the ITF is informing and advising unions about developments in the transport industry in other countries or regions of the world. The ITF also maintains a specialist education department, dedicated to the development of strong and democratic transport unions.



The ITF organizes international solidarity when transport unions in one country are in conflict with employers or government and need direct help from unions in other countries.

The kind of solidarity needed can range from protest messages, demonstrations and political pressure, to direct industrial action in the form of strikes, boycotts etc. The ITF's worldwide campaign in the maritime industry against the use by ship owners of Flags of Convenience (FOCs) to escape from national laws and national unions is a good example of solidarity.

**Source:** ITF Handbook, 2:1 Overview

#### **4. The Friedrich-Ebert-Stiftung (FES)**

The Friedrich-Ebert-Stiftung (FES) was founded in 1925 as a political legacy of Germany's first democratically elected president, Friedrich Ebert.

Friedrich Ebert, a Social Democrat of working class background who rose to the highest political office in Germany, proposed the establishment of a foundation to serve the following aims:

- furthering political and social education in the spirit of democracy and pluralism;
- facilitating university access and research by gifted young people through scholarships;
- contributing to international understanding and co-operation.

In Asia the Friedrich-Ebert-Stiftung has been contributing to peaceful, just and stable development for almost 40 years. Over the years FES has been working to expand the understanding between Asia, Germany and subsequently Europe, reflecting the fact that global, regional and local political and social issues are closely interrelated.

From its beginning in the 1960's the focus of FES in Asia has been the promotion of democratic development and the social dimensions of economic development. Since

the 1990's, FES has emphasized international dialogue both within Asia and between Asia and Europe, as well as issues related to international crisis prevention.

The co-operation of the Kingdom of Thailand with the Friedrich-Ebert-Stiftung dates back to the 1970's. Since then FES has been engaged in the social development of Thailand. Close working relations have been developing with many organizations and institutions such as ministries, universities, national commissions, human rights institutions, social movements, trade unions, women's organizations and political institutions.

## **5. Federation of Trade Unions-Burma**

Federation of Trade Unions-Burma was formed in 1988 with together of the All Burma Labour Union (ABLU) at the "Htan-Ta-Bin High School, Helda Township, and Rangoon in September, 1988.

The Trade Unionists and leaders stood up demonstration and stopped work in accordance with the call of the student union in 1988 and have abolished the Burma Socialist Program Party of Gen. Ne Win.

Reformed in 1991, the Federation of Trade Unions-Burma (FTUB) by exiled democratic workers, students and activists who had participated in the popular so-called 8888 uprising and mainstream Burmese democratic political movement.

Since rebirth in 1991, the FTUB has (8) affiliated unions and reestablished the unionization, promoting freedom, democracy, trade union rights as well as human rights in domestically. In the international arena, FTUB is marching together with global and international labour movement towards social-justice, free and fair globalization. Names of affiliated unions are:

- 1) Agriculture Workers Union
- 2) Food Processing Workers Union
- 3) Handloom Workers Union-Burma
- 4) Health, Education and Social Workers Unions- HESU
- 5) Mine Workers Union

- 6) Rubber Plantation Workers Union
- 7) Seafarers' Union of Burma
- 8) Transport Workers Union (TWU)
- 9) Trawler Fisherman Union



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จุฬาลงกรณ์มหาวิทยาลัย

## Appendix C

### **Recommendation to Thai Government on the International Migrant Day 2007**

At Kor Sor Ror Tor 154/2550

18 December 2007

Subject: Recommendation to Thai Government on the International Migrant Day

To: Prime Minister of Thailand

Copied to: Minister of Ministry of Interior  
Minister of Minister of Labor  
Chair of the Alien Labor Management committee

Attachment: Recommendation on the International Migrant Day 2007

Every year, December 18 is designated as International Migrant Day, which United Nations adopted International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families in 1990. The purpose of this convention is to protect the interests of workers as dignified human beings; who are major actors in stimulating the macro and micro economy. Migration for remunerated activities is the global phenomenon. Meanwhile their right is abused due to transnational and cross cultural nature, lack of access to protection mechanism in receiving countries. Thailand is both sending and receiving country of labor. There are a large number of unskilled migrant workers in the country particular from Burma, Laos, and Cambodia. The main problem is deprivation of labor protection including lack of access to legal protection according to national labor laws and regulations.

In recent years, Thai Labor Solidarity Committee (TLSC), State Enterprises Workers' Relation Confederation and other civil society labor networks found out that Thai government has adopted national security principles, which closely linked to domestic politic situation, to be a key approach in migrant workers management. Apparently it is rather to control than considering the long-term solutions for solidarity and social integrity.

In the implementation level, such policy has more negatively affected migrant workers to be exploited by local officials; basic necessities such as health, education are hard to access. Meanwhile the existing labor protection mechanism does not facilitate the right of migrants in practice such as the workmen compensation fund, which majority of foreign workers could not access and it takes too long time for processing. In this regards, we are very concerned on the right protection of migrant laborers and would like to provide the recommendations to Thai government as followed:

- 1) The Government should provide the equal access of health facilities to migrant workers adhere to fundamental human rights standard to protect migrants, their families, and their dependents, including abolishing the deportation of pregnant workers to country of origin.
- 2) The Government should formulate the practical and tangible protection mechanism which could be equity accessed by all migrants, and based on non-discrimination principles.
- 3) The Government should have long term strategies for migrant worker protection by inclusive participation in all process, and those must be not violating the right of migrants.
- 4) The Government should ratify related conventions on migrant worker rights.
- 5) The Government should establish the hotline center for migrant workers by inclusive management.

More details are as attached.

Thereby we have submitted the recommendations for you to consider.

Sincerely yours,

Signatory persons

Wilaiwan Saetia	Chair, Thai Labor Solidarity Committee (TLSC)
Sawit Kaewwan	General Secretary, State Enterprises Workers' Relation Confederation
Sana Boon-ngok	Chair, International Transport Workers Federation: ITF-Thai

Boonsuang Sukatarat Deputy Chair, Union Network International

Rawai Pupaka General Secretary, International Federation of Chemical,  
Energy, Mine and General Workers' Unions (ICEM), Thailand

Sunthorn Komkham Deputy Chair, Public Services International (PSI )

Adisorn Kerdmongkol Coordinator, Action Network for migrants (ANM)



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## **Appendix D:**

### **Thai Workers Demands to the ASEAN Labor Ministers Meeting**

8<sup>th</sup> May 2008

#### **Thai Workers Demands to the ASEAN Labour Ministers Meeting**

Attn: ASEAN Secretary General/ ILO Director General

As far as we know, ASEAN member countries have not collaborated with a major aim to protect and promote human and labour rights in the ASEAN region since the ruling government in each member country has not paid much attention on the issue. Generally speaking, ASEAN member countries primarily focus on trade and investment for their mutual interest and to bargain with other regional cooperations. Meanwhile, member countries in ASEAN are quite different and have to compete among themselves under neoliberalism regime. This circumstance affects public sense in each state in the way that they are not aware of being united as ASEAN citizenship. Under globalization, each member country is facing a circumstance where no state is able to address problems alone. ASEAN member countries need to be in cooperation. We look forward to ASEAN that the cooperation should go beyond trade and investment and attempt to integrate human rights, labour rights, various cultures and public policy into ASEAN's agenda with an aim to solve the problem of the poor, especially the working poor who are now facing multiple problems in this region.

For over 40 years of ASEAN, the policy makers have never considered labour rights. Furthermore, capitalist representatives are playing their role in ASEAN. Since ASEAN structure must have government representation and generally capitalists and governments representatives are the same clusters of people. Thus, ASEAN structure is no difference to each country's structure. Accordingly, instruments to be set up to protect labour rights in ASEAN must be aimed to promote equality of labour rights protection for 570 million citizens in ASEAN and to be in line with the United Nation and International Labour Organisation missions to promote international labour standard.

*The network of labour organizations in Thailand, comprising of State Enterprise Workers' Relations Confederation (SERC) Thai Labour Solidarity Committee (TLSC), International Trade Union Confederation – Thailand Council (ITUC-TC), Union Network International – Thai Liaison Council (UNI-TLC), International Transport Workers' Federation (ITF) Thailand, International Federation of Chemical, Energy, Mine and General Workers' Unions (ICEM) Thailand, PTAC Thailand, Migrant Working Group (MWG) and Action Network for Migrants (ANM), is proposing demands to ASEAN on the following points.*

### **1. Ratification of ILO Conventions 87 and 98**

These two conventions are among eight core ILO conventions, as far as Thailand is a member state of ILO, Thailand must ratify these two conventions and provide labour policy for strictly enforcement. The general labour situation in Thailand is that workers are usually barred from exercising their right to freedom of association. Workers are always threatened by employers, some facing termination and some facing intimidation. And the Thai government always ignores these violations.

Accordingly, we ask ASEAN for your suggestions or jointly work to set up standards for ASEAN to ratify ILO Conventions 87 and 98 and all ASEAN member states are urged to ratify ILO Conventions 87 and 98. However, the ratification should be extended to all eight core ILO conventions.

### **2. Decent wage**

'Wage' is not just a reward indicator to a worker but also an indicator for products and services in the economy. Economics will be strengthened if a worker's wage has positive impact on other members in the society and then contribute to economic and social development.

Currently, wages in Thailand are very low and not enough to make ends meet. The labour movement in Thailand is advocating for fair wages so that workers and their families will have quality living. However, we have not yet received a response from the government.



The network of labour organizations in Thailand looks forward that ASEAN will set up a standard for wage equality in the region for works that create equivalent of value within ASEAN so that it will prevent relocation of production to seek cheaper labour cost. Because relocations have negative impact on workers, they will be unemployed in the place where productions are removed. This point shall be addressed on the basis of 'Decent Work' agenda, the strategy initiated by the ILO, to encourage ASEAN member states, employers' organizations and employees' organizations to promote and support 'Decent Work'.

### **3. Protection of informal workers**

Under current situation, informal economy has been grown up quickly due to free trade and fierce business competition. Entrepreneurs have to adjust themselves to increase productivity and reduce production cost, which means everyone is racing to the bottom. As a result, employment system has been changed as we have seen through various types of production and labour outsourcing and labour agency. The irregular employment is expanded around the world and has impact on labour standards, workers rights and job security. Workers in informal economy provide direct benefits to the economy of every country, but in reality, their rights as workers are not well protected and they are under unfair employment terms and conditions.

Therefore, the network of labour organizations in Thailand is demanding all ASEAN member states to provide legislation to protect informal workers rights on the basis of ILO standards and 'Decent Work' agenda. All ASEAN member states should extend healthcare services under the social security scheme to cover all informal workers under the same conditions and standards applied to formal workers. Informal workers should be allowed to pay their contributions to the social security scheme at the proper rate.

Furthermore, all ASEAN member states are urged to ratify ILO Convention 177 on Home Work. They must draw up a national policy on home work and promote equality between home based workers and other wage labourers by deeming the type of work performed at home and conditions applied for the same kind of work or similar work performance in other workplaces, where appropriate.

#### **4. Protection of the rights of migrant workers**

We have seen no development on the protection of migrant workers rights in ASEAN to be in line with the international labour standards even though ASEAN Declaration for the Protection and Promotion of the Rights of Migrant Workers is signed by ASEAN nations. In reality, there is double standard on working conditions and labour rights protection between migrant and local workers. And the regional committee for addressing this issue has not yet set up.

During this labour ministers meeting, the network expects that there will be decisions made or response concerning the policy on migrant workers. And the national policy of each ASEAN member state must be clear especially the implementation to protect migrant workers rights and equal treatment with local workers when migrant workers perform the same kind of jobs or in the same occupation. Also, equality in employment must include wages, legal rights protection, right to freedom of association, right to collective bargaining, and right to healthcare and occupational safety. All ASEAN nations must strictly enforce the same standard for migrant workers both in sending and receiving countries to handle with increasing workforce migration in the near future. Also, ASEAN is urged to set up mechanism to protect and promote migrant workers rights in concrete ways.

#### **5. Occupational Health and Safety**

The rate of occupational sickness and injuries is increasing as well as the degree of hazards. This causes economic and social loss to all ASEAN member countries. Since standards concerning safety, health and environment related to work have not yet widely implemented with effectiveness. In ASEAN, workers affected by occupational sickness and injuries are not treated properly and efficiently or receive no proper remedy. Thai government has not had any mechanism to raise awareness and understanding among entrepreneurs to set up workplace mechanisms to prevent occupational health and safety problems and protect workers from occupational hazards. The network of labour organizations in Thailand is urging the Thai government to solve the problem seriously and efficiently by campaigning for passing the bill to set up an institute to promote occupational health and safety and work

related environment initiated by the Thai labour movement. The institute to promote occupational health and safety will be an independent organization to directly address the issue.

To promote the same standard within ASEAN, all ASEAN member states are urged to have a requirement on national Ministry of Labour or other national Ministry, according to each country's government structure, to effectively deal with occupational health and safety problems. Also, it shall be deemed as a national agenda to protect workers lives and health.

With the need to see the strength of ASEAN's economic and community in parallel with the strength of citizens in the ASEAN region, the protection of human and labour rights is in dire need in all ASEAN member countries, It is certain that if ASEAN citizens are getting strong, they will contribute to the economic development in ASEAN for better competitiveness with other regions.

Sincerely Yours,

(Sawit Kaew-varn)

General Secretary (SERC)  
and ITUC-TC General Secretary

(Wilaiwan Sae-Tia)

President  
(TLSC)

(Chaisit Sooksomboon)

President  
(UNI-TLC)

(Rawai Poopaka)

President  
(ICEM Thailand)

(Sanarn Boon-ngorg)

President  
(ITF-Thailand)

(Saneh Tantisano)

President  
(PTAC Thailand)

(Satiean Tunprom)

(Action Network for Migrants)

(Adisorn Kerdmongkol)

(Migrant Working Group)

## Appendix E

**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE GOVERNMENT OF THE KINGDOM OF THAILAND  
AND  
THE GOVERNMENT OF THE KINGDOM OF CAMBODIA  
ON COOPERATION IN  
THE EMPLOYMENT OF WORKERS**

-----  
THE GOVERNMENT OF THE KINGDOM OF THAILAND AND THE  
GOVERNMENT OF THE KINGDOM OF CAMBODIA hereinafter referred to as  
"the Parties";

RECOGNISING the principles enshrined in "The Bangkok Declaration on  
irregular Migration of 1999";

BEING CONCERNED about the negative social and economic impacts caused  
by illegal employment;

DESIROUS of enhancing mutually beneficial cooperation between the two  
countries;

HAVE AGREED AS FOLLOWS:

### OBJECTIVE AND SCOPE

#### ARTICLE I

The Parties shall apply all necessary measures to ensure the following:

1. Proper procedures for employment of workers;
2. Effective repatriation of workers, who have completed terms and conditions of employment or are deported by relevant authorities of the other Party, before completion of terms and conditions of employment to their permanent addressed;

3. Due protection of workers to ensure that there is no loss of the rights and protection of workers and that they receive the rights they are entitled to;
4. Prevention of, and effective action against, illegal border crossings, trafficking of illegal workers and illegal employment of workers.

This Memorandum of Understanding is not applicable to other existing processes of employment that are already in compliance with the laws of the Parties.

#### AUTHORISED AGENCIES

##### ARTICLE II

For the purpose of this Memorandum of Understanding, the Ministry of Labour of the Kingdom of Thailand and the Ministry of Social Affairs, Labour, Vocational Training and Youth Rehabilitation of the Kingdom of Cambodia shall be the authorized agencies for the Government of the Kingdom of Thailand and for the Government of the Kingdom of Cambodia respectively.

##### ARTICLE III

The Parties, represented by the authorized agencies, shall hold regular consultations, at senior official and/or ministerial levels, at least once a year on an alternate basis, on matters related to the implementation of this Memorandum of Understanding.

The authorized agencies of both Parties shall work together for the establishment of procedures to integrate illegal workers, who are in the country of the other Party prior to the entry into force of this Memorandum of Understanding, into the scope of this Memorandum of Understanding.

#### AUTHORITY AND PROCEDURE

##### ARTICLE IV

The Parties shall take all necessary measures to ensure proper procedures for employment of workers.

Employment of workers requires prior permission of the authorised agencies in the respective countries. Permission may be granted upon completion of procedures required by laws and regulations in the respective countries.

The authorised agencies may revoke or nullify their own permission at any time in accordance with the relevant laws and regulations.

The revocation of nullification shall not affect any deed already completed prior to the revocation or nullification.

#### ARTICLE V

The authorised agencies may through a job offer inform their counterparts of job opportunities, number, period, qualifications required, conditions of employment, and remuneration offered by employers.

#### ARTICLE VI

The authorised agencies shall provide their counterparts with lists of selected applicants for the jobs with information on their ages, permanent addresses, reference persons, education, experiences and other information deemed necessary for consideration by the prospective employers.

#### ARTICLE VII

The authorised agencies shall coordinate with the immigration and other authorities concerned to ensure that applicants, who have been selected by employers and duly permitted in accordance with Article IV, have fulfilled, inter alia, the following requirements:

1. Visas or other forms of entry permission;
2. Work permits;
3. Health insurances or health services;

4. Contribution into savings fund as may be required by the authorised agencies of the respective Parties;
5. Taxes or others as required by the Parties;
6. Employment contracts of employers and workers.

Contract of the terms and conditions of employment shall be signed between the Employer and Worker and a copy each of the contract submitted to the authorized agencies.

#### ARTICLE VIII

The authorised agencies shall be responsible for the administration of the list of workers permitted to work under this Memorandum of Understanding. They shall keep, for the purpose of reference and review, the lists of workers who report themselves or have their documents certified to the effect that they have returned to their permanent addresses after the end of the employment terms and conditions, for at least four years from the date of report or certification.

#### RETURN AND REPATRIATION

#### ARTICLE IX

Unless stated otherwise, the terms and conditions of employment of workers shall not exceed two years. If necessary, it may be extended for another term of two years. In any case, the terms and conditions of employment shall not exceed four years. Afterwards, it shall be deemed the termination of employment.

A three-year break is required for a worker who has already completed the terms and conditions of employment to re-apply for employment.

#### ARTICLE X

The Parties shall extend their fullest cooperation to ensure the return of bona fide workers, who have completed their employment terms and conditions, to their permanent addresses.

**ARTICLE XI**

The authorised agencies of the employing country shall set up and administer a saving fund. Workers are required to make monthly contribution to the fund in the amount equivalent to 15 percent of their monthly salary.

**ARTICLE XII**

Workers who have completed their terms and conditions of employment and returned to their permanent addresses shall be entitled to full refund of their accumulated contribution to the savings fund and the interest by submitting the application to the authorized agencies three months prior to their scheduled date of departure after completion of employment. The disbursement shall be made to workers within 45 days after the completion of employment.

In the case of workers whose services are terminated prior to completion of employment and have to return to their permanent addresses, the refund of their accumulated contribution and the interest shall also be made within 45 days after termination of employment.

**ARTICLE XIII**

Temporary return to country of origin by workers whose terms and conditions of employment are still valid and in compliance with the authorized agencies' regulations shall not cause termination of the employment permission as stated in Article IV.

**ARTICLE XIV**

Procedures and documents required in the application for refund as stated in Article XII shall be set forth by the authorized agencies.

**ARTICLE XV**

The right to refund of their contribution to the savings fund is revoked for workers who do not return to their permanent addresses upon the completion of their employment terms and conditions.



**ARTICLE XVI**

The authorized agencies of the employing country may draw from the savings fund to cover the administrative expenses incurred by the bank and the deportation of workers to their country of origin.

**PROTECTION****ARTICLE XVII**

The Parties in the employing country shall ensure that the workers enjoy protection in accordance with the provisions of the domestic laws in their respective country.

**ARTICLE XVIII**

Workers of both Parties are entitled to wage and other benefits due for local workers based on the principles of non-discrimination and equality of sex, race, and religion.

**ARTICLE XIX**

Any dispute between workers and employers relating to employment shall be settled by the authorized agencies according to the laws and regulations in the employing country.

**MEASURES AGAINST ILLEGAL EMPLOYMENT****ARTICLE XX**

The Parties shall take all necessary measures, in their respective territory, to prevent and suppress illegal border crossings, trafficking of illegal workers and illegal employment of workers.

**ARTICLE XXI**

The Parties shall exchange information on matters relating to human trafficking, illegal immigration, trafficking of illegal workers and illegal employment.

## AMENDMENTS

### ARTICLE XXII

Any amendment to this Memorandum of Understanding may be made as agreed upon by the Parties through diplomatic channels.

## SETTLEMENT OF DISPUTES

### ARTICLE XXIII

Any difference or dispute arising out of this Memorandum of Understanding shall be settled amicably through consultations between the Parties.

## ENFORCEMENT AND TERMINATION

### ARTICLE XXIV

This Memorandum of Understanding shall enter into force after the date of signature and may be terminated by either Party in written notice. Termination shall take effect 90 (ninety) days following the date of notification. In case of termination of this Memorandum of Understanding by either Party, for the benefit of the workers, the Parties shall hold consultation on how to deal with employment contracts that are still valid.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Memorandum of Understanding.

DONE at Ubon Ratchatani  
on the Thirty First Day in the Month of May of Two Thousand and Three of the Christian Era in English language, in two original copies all of which are equally authentic.

FOR THE GOVERNMENT OF  
THE KINGDOM OF THAILAND

FOR THE GOVERNMENT OF  
THE KINGDOM OF CAMBODIA

(Suwat Liptapanlop)

(Ith Samheng)

Minister of Labour

Minister of Social Affairs,  
Labour, Vocational Training



สถาบันวิทยบริการ  
จุฬาลงกรณ์มหาวิทยาลัย

**BIOGRAPHY**

**Name and Surname:** Ms.Tassanee Surawanna

**Date of Birth:** 12 March 1978

**Address:** 16 Muh 4 Tambon Muangkaew  
Amphur Mae-Rim Chiang Mai Province

**Education Background:** 1996 High School, Dara Academy, Chiang Mai  
2000 B.A. Humanities, Chiang Mai University  
2005 M.A Man and Environmental Management,  
Chiang Mai University

**Working Experience:**

- 2005 Sustainable Alternative Development Association
- 2006 American Refugee Committee, International
- 2007 - Present Raks Thai Foundation

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