

MIGRANT LABOURS IN THAILAND: AN ANALYSIS OF CURRENT SITUATION AFFECTED BY THAI GOVERNMENT POLICIES

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World Map



Area

513,115 sq. km.

Population

68 million

Economy is the second largest in Southeast Asia and the twentieth largest in the world by gross domestic product (GDP) at PPP.

Map of Thailand

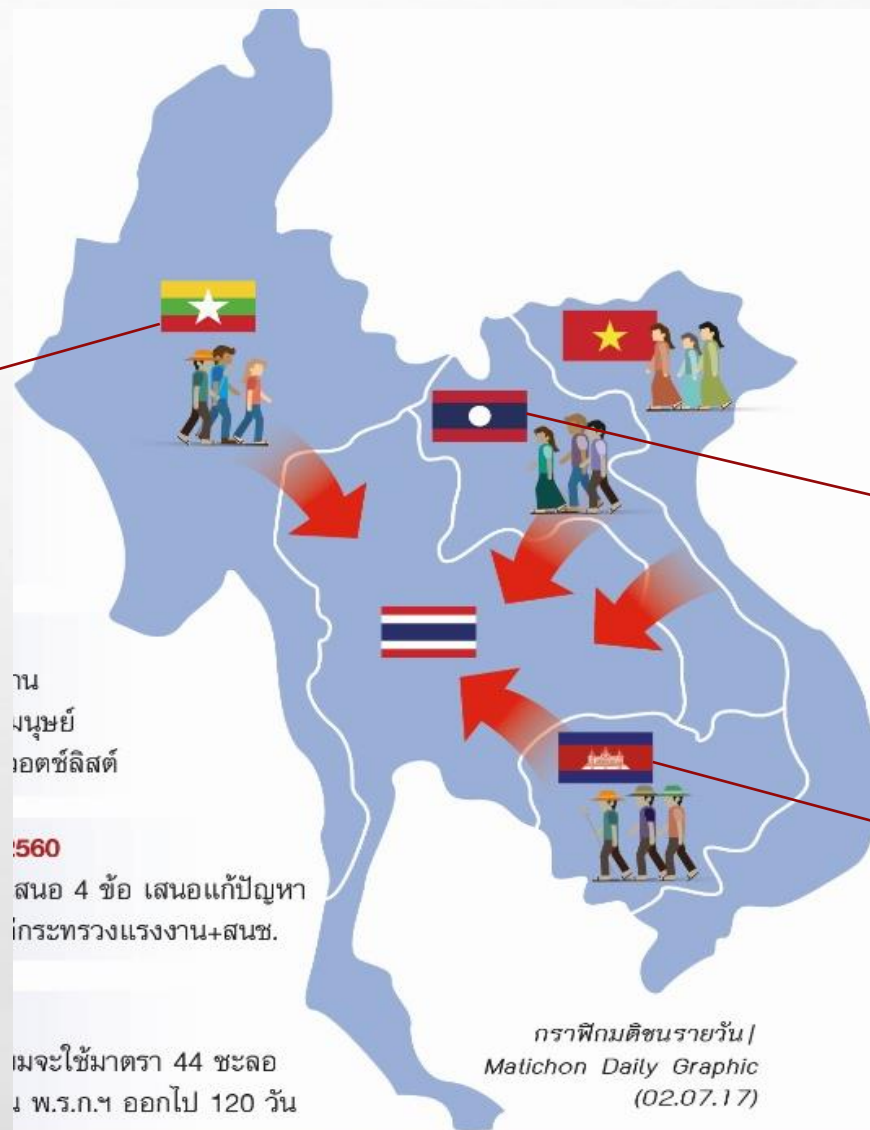


BRIEF HISTORY OF FOREIGN LABOUR MIGRATION TO THAILAND

- **1882 - 1898** **Chinese people migrated to Thailand for work
(Chinese population in Bangkok increased from 45,000 to 600,000)**
- **1970** **Rapid expansion of urban industrial sector → Demand for industrial labours
(Number of rural Thais migrated to work in urban areas)**
- **1990** **Economic boom → Shortage of Thai labours
(Imported foreign workers from neighbouring countries; Myanmar, Laos, Cambodia)**
- **1997** **Economic crisis → Repatriation of foreign workers back to their counties**
- **2001** **Foreign labourers returned to Thailand after economic crisis**
- **2015** **Number of migrant workers reached to more than 3,000,000
(6% of Thai population)**

Cross-border migrant workers from the three neighbouring countries of Thailand

Myanmar



Lao PDR

Cambodia

งาน
มนุษย์
ยอดช้ลิสต์

560
สนอ 4 ข้อ เสนอแก้ปัญหา
กระทรวงแรงงาน+สนช.

จะใช้มาตรา 44 ชะลอ
พ.ร.ก.ฯ ออกไป 120 วัน

กราฟิกมติชนรายวัน |
Matichon Daily Graphic
(02.07.17)

Push factors

- **Disparities in economic and social development**
- **Political situations in the migrant's' homeland**
- **High unemployment and low wage**

Pull Factors

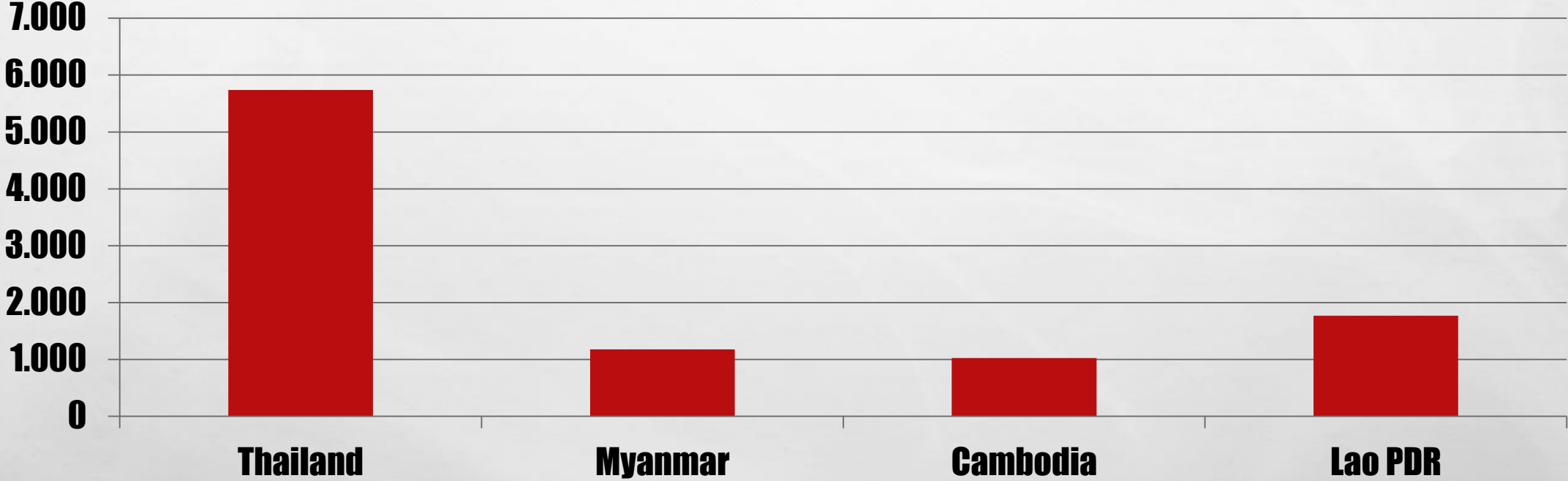
- **Higher income**
- **Better living condition**
- **High demand of labour market (3 Ds work)**

THAILAND GDP PER CAPITA 2010-2016



Comparison of GDP per capita in average from 2010 to 2016 (Thailand and three neighbouring countries)

USD



HOW MANY MIGRANT WORKERS IN THAILAND?

There are more than **2.2 million** migrant workers currently in Thailand.

Some **1,824,504** came to work in Thailand illegally but have registered and had their nationality verified.

Thanich Numnoi, deputy director-general of the Department of Employment, has said there are **408,507** legal migrant workers from Myanmar, Laos and Cambodia.

Meanwhile, almost **400,000** of the legal workers, who have worked in Thailand for four years, and the illegal workers are due to leave Thailand this year.



Source: The Nation

NATION GRAPHICS

TYPES OF MIGRANT WORKERS IN THAILAND

- 1. Registered migrants**
- 2. Unregistered migrants**
- 3. National Verification (NV) migrants**
- 4. MOU migrants**

POLICIES AND REGULATIONS

Terminology to be understood of migrants to Thailand

- Legal entry**
- Legal work**

**The scheme and its details by year
and work permit duration (1992 – 2016)**

Year	Type	Duration	Details
1992	Registration	1 year	Only for migrants from Myanmar in nine Thai-Myanmar border provinces
1996	Registration	2 years	Expanding to cover Laos and Cambodian workers from 39 (later 43) provinces
1998	Registration	2 years	Expanding to cover Laos and Cambodian workers from 39 (later 43) provinces
2001	Registration	1 year	All migrant workers from Myanmar, Lao PDR and Cambodia; cover all provinces and industries
2004	Registration	1 year	All migrant workers including their dependents from the 3 nations mentioned above register their residential status in the TR38/1 in all provinces
2002	Memorandum of Understanding (MOU)	2 years with extension of another 2 years	Thailand signed MOUs with Laos (October 2002), Cambodia (May 2003) and Myanmar (June 2003). Exporting of migrant workers with a maximum of working in Thailand is 4 years
2010	National Verification (NV)	2 years with extension of another 2 years	Thailand government agreed with Myanmar, Lao PDR and Cambodia to implement the process of national verification from the migrant workers' origin country. Existing undocumented migrant workers in Thailand who passed the NV receive a "temporary passport", which is valid for a maximum of 4 years
2014	One Stop Service Center (OSSC)	2 years	All migrant workers including their dependents from the 3 nations mentioned above are allowed to register their residences and workplaces. They will receive a "pink card"

ANNOUNCEMENT OF ROYAL DECREE 2017

WHY A NEW ROYAL DECREE IS
NEEDED?**

**** An order with the power of legislation issued by a ruler or other person or group with authority**

NEW ROYAL DECREE ON MANAGING THE WORK OF ALIENS B.E. 2560 (2017)

Address two issues previously covered under the Previous Legislations

- 1. Foreign employees working in Thailand (e.g. work permit issues)**
- 2. Hiring and bringing in migrant workers to work in Thailand**

Main objectives

- To tackle human trafficking issues**
- To solve the problems of foreign labours working in Thailand**
- To maintain the national security**

**Comparison of previous Alien's work act 2008
and New Royal Decree on Managing the Work of Aliens 2017**

Significant Changes	Alien's Work Act B.E. 2551 (2008)	New Royal Decree on Managing the Work of Aliens B.E. 2560 (2017)
Definition of "Work"	"Engaging in a work by exerting one's physical energy or employing one's knowledge, whether or not for wages or other benefits"	"Exerting one's physical energy or employing one's knowledge to perform a profession or perform works, whether or not for wages or other benefits" Notably, the new definition of "work" is narrower than that under the old Act.
Increased penalties and new penalties for various offences		
Employing a foreigner without a work permit	A fine from Baht 10,000 to Baht 100,000 per foreigner (USD 300 to USD 3,000)	A fine from Baht 400,000 to Baht 800,000 per foreigner (USD 12,500 to USD 25,000)
Employing a foreigner to work differently than the conditions specified in a work permit	A maximum fine of Baht 10,000 (USD 300)	A maximum fine of Baht 400,000 (USD 12,500)
Working differently than the conditions specified in a work permit	A maximum fine of Baht 20,000 (USD 600)	A maximum fine of Baht 100,000 (USD 3,000)
Working on an urgent and necessary basis without notifying officials	A maximum fine of Baht 20,000 (USD 600)	A fine from Baht 20,000 to Baht 100,000 per foreigner (USD 635 to USD 3,000)
Confiscating a work permit or identification document of a foreigner	None	A maximum of 6-month imprisonment and/ or a maximum fine of Baht 100,000 (USD 3,000)

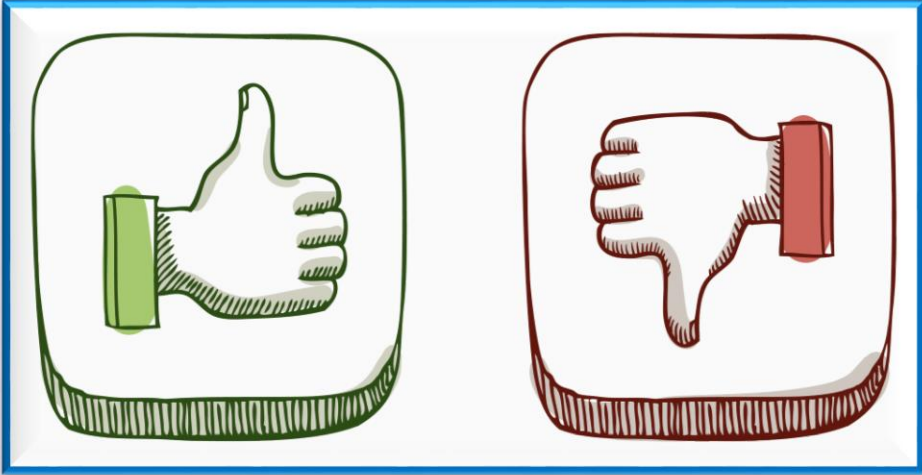
New Royal Decree on Migrant workers



Pros vs Cons

New Royal Decree on Migrant workers

Pros



Cons



Advantages	Disadvantages
Organizing migrant workers effectively	Huge burden to employers and migrant workers
Solving the problem of illegal workers for a long term	Labour shortages
Protecting the migrant workers; wages, benefits and other employment conditions	Disruptions to the Thai economy
Preventing the problem of human trafficking, labour exploitation and child labour	Humanitarian problems
Protecting the discrimination and violations of individual rights	Widespread corruption among law enforced officials

HUMAN TRAFFICKING AND EXPLOITATION



Human trafficking and exploitation

“On July 9, 2017, the two Yu brothers were among 21 migrants from Myanmar who left Phuket to return home. Each paid a border broker 13,000 baht (US\$390) to arrange transport and government documents to enable them to leave the Phuket province and return home. A broker gave them fake Thai documents, and when police pulled over the bus the migrants were travelling in, they arrested all 21 of them and took them to Phetchaburi prison. The Yu brothers now face fines of between 2,000 to 100,000 baht (US\$60 to US\$3,000) or a five-year prison sentence for forging official documents, despite not being able to read or write in Thai” (ASEAN Today, 2017).

Thailand: 60,000 workers flee over new labour laws

Workers return to Myanmar and other countries after government vows to crack down on unregistered foreign labourers.

3 Jul 2017



Cambodian migrant workers return from Thailand

Leonte Kijewski and Yon Sineat | Publication date 06 July 2017 | 06:55 ICT



Thailand: Migrant Worker Law Triggers Regional Exodus

Revise New Decree to End Disproportionate Penalties, Protect Rights



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Amy Sawitta Lefevre

4 MIN READ



BANGKOK (Reuters) - Tens of thousands of migrant workers, most of them from Myanmar, have fled from Thailand in fear after new labor regulations adopted by the military government, immigration officials said on Monday.

CONCLUDING REMARKS

New Royal Decree



**Solving the
problems of
illegal workers**

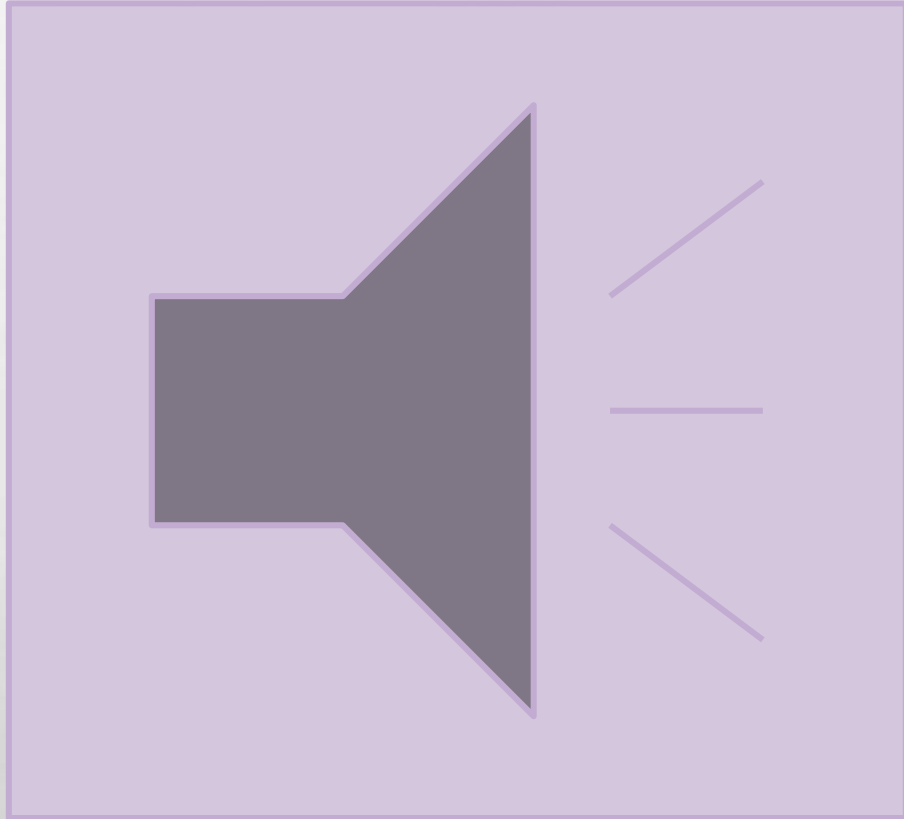


**Protection of
migrant workers
and their benefits**



**Tackling the
problem of human
trafficking**

Expensive Lesson



Sudden new law enforcement without any prior notification brought about problems

More effective and concise measures for legislation is essential

Public hearing to all parties involved should be done before publish the policies and law enforcement

Thank
you

