



Dream out of Reach: A Living Wage for Women Migrant Workers in Thailand



Summary

MAP Foundation conducted research with migrant women in Thailand about a living wage. The migrant women we reached explained that they were underpaid and that the frequent changes to migration policy made it difficult to stay documented. The cycle of rapidly-changing documentation requirements ate into the little pay they did earn and kept them insecure. Under these circumstances, a living wage was almost unimaginable - earning a proper minimum wage and stable documentation were more urgent issues. During the course of the research in June 2017, as if to prove the point, the Thai government issued a new Royal Decree on Foreign Workers Management B.E. 2560 (2017). Consequently, a new registration was put in place, forcing migrants women more into debt and disrupting their lives again.

Background

There are currently an estimated 3-4 million migrant workers in Thailand from Laos, Cambodia and Myanmar. The majority of workers (approximately 70%) are from Myanmar and an estimated 43% of Myanmar migrants are women. Women migrate from Myanmar due to on-going military conflict, pervasive poverty, and a lack of viable livelihood options. In Myanmar, women often have few livelihood options due to gender discrimination, and they bear the burden of responsibility for their families' well-being. This is particularly pronounced in conflict areas where men are involved in armed struggle, or areas where there is extensive drug use, which mainly affects men. Migrant women in Thailand mainly take jobs in factory work, including seafood processing and garment manufacturing, in the construction sector, and in the informal sector, which includes agriculture and the service sector such as domestic work and the entertainment industry.

Although employers in Thailand recognise the need to employ workers from neighbouring countries to fill labour shortages, Thai policy makers still see migrants as a threat to national security. So, they are only given temporary status to work as manual labourers. Although migrants are entitled to equal labour rights and protections Under the Labour Protection Act of 1998, they are also subject to conflicting policies which undermine decent work standards under the Working of Aliens Act B.E. 2551 (2008). The most significant restriction is on changing employers. Migrant employees can only request to change employers on the grounds of the employer's death, bankruptcy, or in the face of proven exploitation, and then they have only two weeks to find a new employer.

Migrant women face discrimination on a daily basis in terms of wages, working hours, freedom of movement, and reproductive rights. They face discrimination as migrants, and also as women. Their wages are significantly lower than men's and the work that women do is not recognised as work. This is particularly true in regards to domestic work and sex work. Yet, their living and working conditions back home in Myanmar are so poor, and the wages are so low, that women are practically forced to make the difficult decision to move to another country in order to find work to support their families back home.



“For our income and expenses, mostly we don’t have money. If we don’t have money, we have to borrow money and pay interest and we can’t send money home. We can’t do other work because our documents are registered under one employer.” Rubber plant worker.

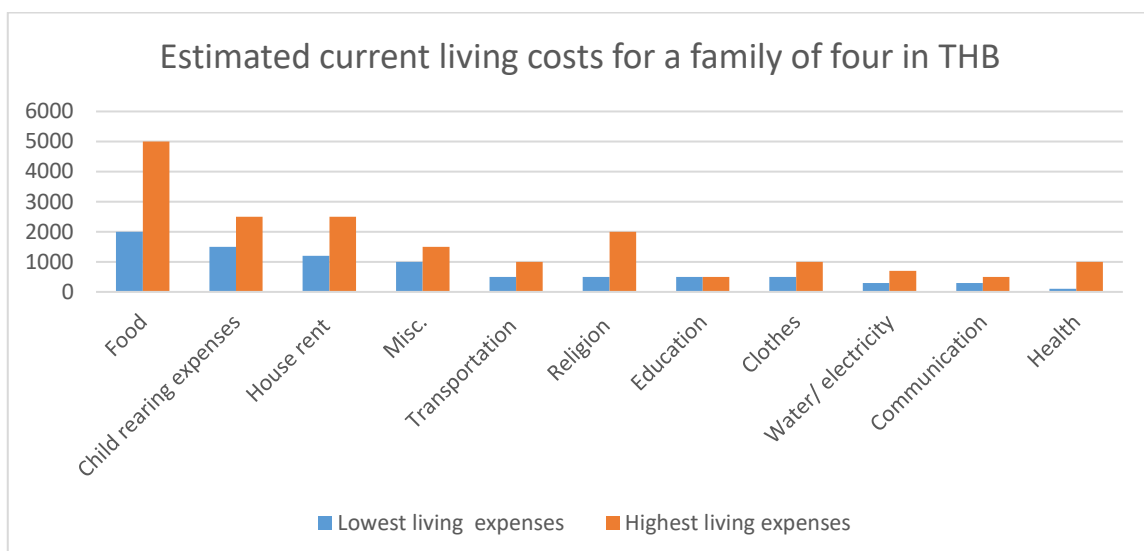
Feminist Participatory Action Research (FPAR) on a Living Wage

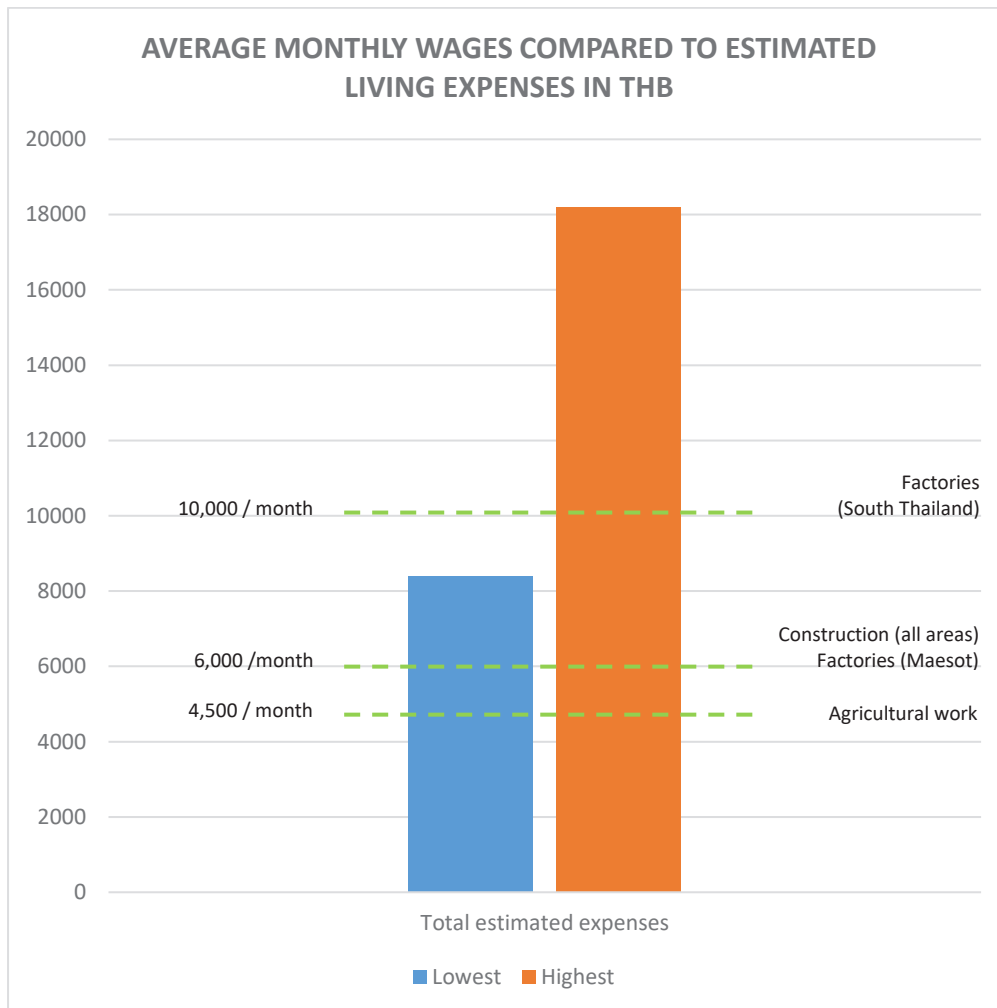
The majority of women workers in the Asia Pacific region work in devalued, low paid, and largely unorganised sectors such as agriculture, domestic work, service sector and garment factories. Across these industries, women are routinely denied key labour rights, paid poverty wages, and can therefore be considered exploited. This is also the situation in Thailand. Knowing this, we wanted to hear directly from women migrant workers what they thought they needed to improve their lives.

MAP Foundation initiated this project as a participant in the Feminist Participatory Action Research (FPAR) supported by Asia Pacific Forum on Women in Law and Development (APWLD). The aim was to learn more about how women migrant workers in Thailand perceive “a living wage” and what they see as obstacles to attaining it. Over the course of a year, through our regular “Women Exchange” activities with migrant women, MAP interviewed over 180 migrant women from Myanmar who are living in Thailand and working in various sectors and different areas of the country.

A living wage is a wage that allows workers to live with dignity. A living wage must be enough to enable workers to meet basic needs such as food, shelter, clothing, healthcare, savings and minimal recreation for workers and their families. A living wage is based on the calculation of (1) food consumption with enough calories for a family of four based on local dietary habits, and (2) non-food costs, including rent, utilities, children’s education, and savings. (www.asia.floorwage.org)

Through the course of our research, MAP came to realize that a living wage is a far off dream for many women migrant workers, and is practically inconceivable for most of the migrant women we interviewed. There are two main issues they identified as primary obstacles: migrant policies, especially as they relate to obtaining and maintaining documentation status, and enforcement of labour rights, especially as related to the payment of wages.





Challenges of Trying to Maintain Documentation Status

Instead of welcoming migrant women as employees greatly needed in sectors experiencing labour shortages, Thailand's migrant labour policy firstly treats migrant women (and all migrants) as a threat to national security, then as labourers that need to be controlled, and lastly, as people. The process to stay documented does not take into consideration the situation many migrant women have left behind which makes them more vulnerable to exploitation, nor does it consider the realities of the modern job market. The migrant labour policy is constantly changing, so migrant women must keep going through the time-consuming and expensive process of registering themselves again and again just to maintain their documentation status. Even while they try to follow the migration policy, many women find it difficult to make ends meet in one job with one employer, but the policy does not provide the flexibility to do other work. It locks people into one employer, one job.



"We earn between 3000-6000 Baht per month and pay 3000-6000 Baht for documents, but we can't live here without documents. If they (officials) come to check, and I didn't have documents, then I would get arrested. My employer would not take responsibility... People who get arrested, get deported. For people who have money, they can pay to avoid being deported back to Myanmar when checked by the police."
Rubber plantation worker

In order to work in Thailand in safety and without fear of arrest, migrant women must be documented, which is done through their employer registering them. This policy and practice leaves migrants at the mercy of the employer, which means they are dependent on the employer being honest and trustworthy. While many migrant women are registered by their employers, there are also many who face bad situations with their employers. For example:

- In some cases, employers do not want to waste time with registration and hire agents to handle the bureaucracy. Although convenient, it passes on the extra costs of broker fees to the workers, who have to pay back the employer without the guarantee of receiving correct papers. Repayment is often done through deductions from wages. Without proper records, employers can overcharge through excessive deductions.

- In some cases, the employer leaves the responsibility of registering to the migrant worker. In these cases, the worker must go through an agent at significant cost (3,000-10,000 Baht) and without guarantee that the agent will not procure fake papers. Some may provide inaccurate information to the authorities. Any inconsistency in personal data, including incorrect name of the migrant or employer, incorrect place of work, or type of work, can result in the migrant being susceptible to prosecution. Agents are not allowed to hire migrants or sub-contract them out either, meaning the employer in the registration needs to be a direct employer and cannot be the agent.
- There are also employers who do not register their workers at all. Without this registration, migrant workers are considered illegal by authorities, and are susceptible to arrest, payment of fines, imprisonment and deportation.

The Thai government policies are continually changing, so workers must apply for a new type of registration practically every year. In fact, there have been 30 rounds of registration over the last 20 years (including supplementary rounds for fishermen)! This means there are always new expenses to pay. Because the period during which employers can register migrant workers is short and complicated, it is difficult for workers and employers to respond in time. This pressure pushes workers to use brokers to expedite the process at additional cost, adding new debts to repay.

“We want to have our wages paid into our bank accounts every month. We want to be able to see and to show how much money is paid to us every month.”

Lack of Labour Protections for Migrant Women

*“The working hours are from 8am to 5pm, and overtime is from 6-9pm... I get only 2000B per month. I’m pregnant so I can’t do overtime. If they (employers) cut money for documents, I will get only 1000B per month... We rent this house, it cost 1300B per month plus utilities.”
Factory worker*

The ability to earn enough is further undermined by inadequate enforcement of labour protection laws for migrants in Thailand and the practice of migrant women being paid less than their male counterparts. Migrant women are commonly paid less than male workers for the same work, which is usually below the minimum wage, which is 300 baht (9 dollars) a day. The Labour Protection Act of 1998 states that all workers are to be paid the official minimum wage. The policy does not discriminate. The weakness is in the inadequate enforcement of the law. As a result, employers often take advantage of women migrant workers by making it obligatory to work overtime in order to receive what they are entitled to receive for an 8 hour day. It is also not uncommon that employers delay paying wages, sometimes up to several months or not at all, which are offences under the Labour Protection Act. Women migrant workers commonly put up with the exploitation when faced with the option of having to find a new job and risk losing their registration status. (As mentioned, it is difficult for migrants to change employers freely.) Legal channels for redress are available, but proving that an employer pays less than the minimum wage remains difficult as workers are often forced to sign employment contracts, which state they are paid the minimum wage, and pay slips that state the full amount.

Women migrant workers are covered under the same labour protection laws as Thai workers; however, the sectors migrant women workers usually participate in (agriculture, fisheries / seafood processing, domestic work, sex work) are excluded from protections under the labour laws. For these sectors, which are considered as informal or seasonal, exceptions are made in the Labour Protection Act, especially with regards to the minimum wage, working hours, social security and rest days.

Only migrant women who are registered workers and are employed in jobs in the formal sector, such as in factories, can apply to social security. Others can apply for migrant health





insurance. There are many ways that migrant women can end up without health coverage. For instance, even if they are eligible, the employer may decide not to register them or pay the fee, which violates the policy. There are also brokers who may cheat the migrant by bypassing the health insurance requirement without notifying her, even though she has paid the added cost. It comes as a shock to find out they have no health coverage when they need it. Undocumented workers are unable to apply for Social Security, and although a policy once said they can buy health insurance, it is rarely practiced. Without insurance, migrant women often cannot pay for medical care for themselves and will resort to self-treatment.

If registered to receive Social Security, after six months women are entitled to maternity leave benefits and child support, but it is rare for migrant women to receive these benefits. They must be well informed and assertive to claim their rights. Many pregnant migrant women may quit through pressure from the employer (which is illegal) or choose to leave on their own, thinking that they do not want to be a burden, without understanding that they are forfeiting their rights. When they return to work, many find their position gone and they are at the bottom of the wage scale again. Some will terminate the pregnancy using unsafe means to avoid being laid off.

“The 5900B I earn is for rent and utilities, food and social events. For food, we are only women, we share and only eat some fish and vegetables. I save money from doing extra work preparing fishing hooks. I can also make donations to the temple.” Seafood worker

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Although some migrant women say they are able to break even or save for a better life, many find it hard to save or even cover daily expenses with the very low wages they receive. This is coupled with the responsibility most bear for their families. It has been shown that although migrant women earn less than men, women remit the same amount as men, meaning they send a higher proportion of their income more regularly.¹ This raises the concern that migrant women are cutting down on their own nutrition and wellbeing to support their families. Women report that it is much easier to survive when there are two or more earners in the family. If there is only one breadwinner, if the woman is a single mother, or her children are sick or attending school, then it is unlikely that the family can earn enough to survive.

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“Before, I planted rice with my husband and we got 150B per day. It was not enough but we could eat. That’s when we both worked. When we had a child and only my husband could work, 150B was not enough anymore. We are paid daily which is enough for food but not for health care...Our child goes to school. We have to pay school fees, pocket money, and school bus fee at the end of the month.” Agricultural worker

¹ IOM, “Gender, Migration and Remittances” infosheet as accessed 11/28/2017: <https://www.iom.int/sites/default/files/about-iom/Gender-migration-remittances-infosheet.pdf>

Another Policy Change, Yet Again

“Now we have a temporary passport, it’s still valid, but they said we have to change it to a pink card... The pink card cost 7500B and the employer doesn’t help. The employer asked us to use a broker. We’re still paying off the 7500B, and we are told we have to apply for a Certificate of Identity (C.I.) now. Then they said we must apply for a work permit 50 days after we get the C.I. or the C.I. will be invalid. To get a work permit we have to get a document form the employer, but he did not give me the original, only a copy. So now I’m tired, and on Monday I’m not sure if I have to contact the broker... It cost 100B to apply for a work permit if we do ourselves and 2500B through a broker.” Worker in the South

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In June 2017, just after the US Trafficking in Peoples report (also known as the TIP report) came out, leaving Thailand on the Tier 2 Watch List for the second consecutive year, which can result in sanctions, the Thai government issued a new Royal Decree on Foreign Workers Management BE 2560 (2017). The Decree sought to punish employers hiring undocumented migrant workers, and force those migrants who had become improperly registered (meaning with wrong employer, location or job type) to register anew. The main action was the imposition of heavy fines for employers (400,000-800,000 Baht for each undocumented migrant) and improperly documented migrants (up to 100,000 Baht and five years in prison).

The result was that scared employers hurriedly dismissed scared workers, many of who did not receive due back-pay. Estimates put the number of undocumented migrant workers who fled to the border at over 60,000, with most from Myanmar. Prime Minister Gen. Prayut Chan-ocha was dismissive saying, “don’t worry, they will be back.” Under pressure from employers, the government suspended application of the new decree for 180 days. The announcement was then almost immediately followed with a new round of registration with only a two week window for employers to register their migrant workers; which was then immediately followed with an extended period of nationality verification process for migrants to obtain a Certificate of Identity (CI). The other choice was to go back across the border to get a full passport in order to return to Thailand through legal channels of recruitment under the MOU. In December 2017, the Thai government will announce the next step in the registration process and its cost. There are promising additions to the Royal Decree, but they need to be implemented, such as punishment for those who withhold migrants’ documents, and increasing the ease of changing employers.

Even if this new Royal Decree were to be enacted, it is difficult to see how it would improve women migrant worker’s lives. The registration process requirements are still in place with the additional threat of arrest and deportation if they fall out of the system. What migrant women really need is an inclusive labor protection law that is well enforced, and a documentation process that is more manageable for employers and employees alike. One problem not yet addressed is migrant workers who do not have Burmese National ID cards. This includes migrant workers who never received Burmese ID cards, who lost their documents when they fled Burmese military aggression, or who were born in Thailand. Currently there is no guideline for what to do with this group.





Recommendations

MAP Foundation interviewed women about a living wage, but what women told us is that they do not even get the minimum wage. They spoke of their daily worries about how to survive and support their families while facing constant threats to their personal security due to ever changing government policies on registration. Instead of talking about their own quality of life or pursuing their dreams, migrant women spoke about the lengths they go through to support others and how alarmed they are about paying for yet another round of registration costs.

What they want to say to policy makers is, “Migrant women are not expendable for the sake of ‘development.’ Why are our strengths and contributions undermined so it is impossible to escape the hand-to-mouth cycle? Why are we weighed down with exploitation and unfair policies when our energy and courage could bring wealth and peace to these countries? We disagree with the obstacles that we are burdened with and recommend the following measures to the governments of Thailand and Myanmar...”

1. **All women must be valued and recognized for their contributions to the economic growth and development of Thailand and Myanmar, while having their rights as women fully respected:**

- A. Abolish the wage gap and ensure that the wages women and men receive are equal for equal work - in policy and in practice;
- B. Recognize all work migrant women do and provide them with full labour and social protections to ensure it is decent work;
- C. Lift all bans on women migrating, whether it be based on occupation, country of destination, age or marital status;
- D. Ensure migrant women receive their maternity rights;
- E. Allow migrant workers to register their dependents.

“Please let us know how much exactly we should be paid. We need to know the daily minimum wage, we need to know overtime rates. We need our employers to know that we know so please give this information to us and our employers too in languages we can all understand.”

2. **Both governments must take responsibility in stopping exploitation by employers through the following measures:**

- A. Train female labor attaches, provide them with proper resources including networking with the migrant

community, and place them in consulates and one-stop service centers;

- B. Strengthen the complaint and redress mechanism, and make it more accessible to migrant workers who experience exploitation.

“We need to be able to report when we work and are not paid or when our wages are underpaid. We could do this by reporting in person to a ‘Wage desk’ at the Labour Protection Office, or by phone, using Viber, facebook, email or other apps.”

3. Both governments need to address corruption in the registration process:

- A. Assess brokers’ roles in the registration process and support a policy of “no recruitment fees”;
- B. Set up protections for whistle blowers who identify corruption;
- C. Expose and effectively deal with corrupt government officials in the registration process.

“At first, when they announced migrants have to make passports, the employers paid for the passports for us. It cost 6500B, so then the employer cut my wage by 200B per month... We have to get work permits ourselves through a broker” Seafood processing worker.

4. Both governments need to work together to simplify the documentation process and make it more accessible:

- A. Simplify the documentation process in both countries and make sure the policies allow maximum inclusion through accessible national identification, extended or open-ended registration periods, and by maintaining a consistent, long-term policy;
- B. Provide information on the documentation process steps, costs, deadlines, service point locations, and employer-employee responsibilities in ethnic languages.

“We want simple, low cost and consistent processes of registration. This would also help our employers.”

5. Both governments need to adjust recruitment and migrant worker policies to reflect the real needs of the labor market:

- A. Allow unskilled and low-skilled workers to move and live more freely across borders to fill sectors facing a shortage of workers;
- B. Implement a new, flexible registration system which could, for example, allow migrant workers to register themselves and work for more than one employer, or change employers more easily;
- C. Adjust the MOU between Myanmar and Thailand to include labour protections and standard employment contracts for domestic workers.

“If an employer does not pay workers according to the law, authorities should take immediate action. Employers who repeatedly ignore the law, they should be banned from employing migrant workers.”

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For more information about our Feminist Participatory Action Research, please visit www.apwld.org

