



## A CASE STUDY ON STRENGTHENING MIGRANT PARTICIPATION IN THE PROVINCIAL LABOR PROTECTION SYSTEM ON THE USAID THAILAND CTIP PROJECT

### Introduction

While significant progress was made in countering trafficking in persons (CTIP) in Thailand over the past two decades, including standardizing victim identification processes, streamlining the prosecution of trafficking cases, strengthening victim-centered assistance programs, and increasing translation services and outreach into vulnerable communities, Thailand still experiences significant patterns of human trafficking and forced labor. Migrant workers are among the most vulnerable to human trafficking and despite widespread reports among civil society organizations and other groups that forced labor is prevalent in many industries in Thailand, very few victims of forced labor have been identified and referred to support services since the 2019 forced labor amendment to Thailand's Trafficking in Persons (TIP) statute.<sup>1</sup> It is well documented that many barriers remain to migrant workers accessing up-to-date information on immigration laws and accessing grievance mechanisms, including language barriers; a lack of incentives due to inadequate remedies; migrant workers' distrust towards government agencies; inaccessibility of grievance mechanisms; and limited engagement of civil society and private sector for outreach and (re)integration services. Discriminatory attitudes towards migrants and lack of information and services make migrants vulnerable to exploitation and trafficking. The RTG, private sector, and civil society all play major roles in curtailing TIP in Thailand, and better protocols, incentives, and collaboration are needed to achieve collective impact.



*"If you talk about us, then we should have the right to know and express our own opinions, right?"*

<sup>1</sup> <https://www.state.gov/reports/2021-trafficking-in-persons-report/thailand/>

USAID Thailand CTIP has two purposes: to reduce trafficking in persons in Thailand and better protect trafficked persons' rights. To fulfill these purposes, USAID Thailand CTIP employs a 5C strategy: community engagement, change agents, communication, collaboration, and continuity. The project supports change agents from the private sector, government, migrant groups, at-risk communities, and the media. In addition to the 5Cs, the project incorporates critical crosscutting factors into all activities. These factors include a gender equality and social inclusion (GESI) approach that mainstreams gender and social inclusion in all components and innovative, data-driven solutions—both technical and programmatic—to address emerging issues, research, and service delivery. USAID Thailand CTIP prioritizes areas with increased risk of human trafficking, including known trafficking routes and locations where migrants are most often found.



*Figure 1: February 2020, Chiang Rai, children of migrant workers discuss challenges and issues that they face in Chiang Rai. They spoke about problems of access to education and the difficulties of travelling across the border to see family in Myanmar, among other issues. These issues were presented by youth directly to local government officials and service providers to advocate for service delivery and policy to be more responsive to the children of migrant workers' needs.*

Under the USAID Thailand CTIP project, between 2020-2021, World Vision brought together service providers, civil society, employers, policymakers, and migrants, to make policy and service delivery more responsive to migrants' needs. World Vision and local partners hosted Roundtable Forums in Chiang Rai and Surat Thani for migrants, local government, CSOs, employers, community leaders, and youth to identify challenges in the migrant labor protection system and develop recommendations. Key challenges and recommendations were documented in formal reports and findings were presented to provincial stakeholders, including local government and service providers. In Chiang Rai and Surat Thani, provincial action plans were developed in response to the recommendations, with activities implemented by local government agencies, World Vision, USAID Thailand CTIP sub-grantees, including Raks Thai, The Freedom Story, FOCUS, and other CSOs. These activities served as an attempt to shift the approaches of policymakers and service providers towards recognizing the importance of migrant perspectives, with the goal of continued consultation and engagement of migrant voices beyond the scope of this project.

This case study highlights the Roundtable Forum process implemented in Chiang Rai and Surat Thani provinces, highlighting the activities implemented, results achieved, challenges and recommendations for strengthening migrant participation in local labor protection systems.

## **Methodology and Activities**

### **Roundtable Forums**

Under the USAID Thailand CTIP project, World Vision hosted Roundtable Forums to strengthen the voice of migrant workers in Chiang Rai and Surat Thani provinces. These forums, which took place between 2020 and 2021, targeted 125 participants, including migrant workers, youth, local government, CSOs, community leaders, and employers.

At each of the Roundtable Forums, a representative from the Provincial Governor's Office opened the meeting, citing the importance of joint efforts to tackle exploitation. The National Coordinator for the Migrant Working Group, Adisorn Kerdmongkol, followed this with updates on the latest labor policies and laws in Thailand with a high-level summary of challenges in both the national and provincial labor protection systems. Next, provincial stakeholders, including representatives of migrant workers, employers, civil society, and local government, held a panel discussion highlighting challenges and recommendations in labor protection. Finally, migrant workers, employers, local government, civil society, and youth participated in focus group discussions to highlight challenges and recommendations for improving the labor protection system. Groups presented challenges and recommendations back to the main group. A list of the key issues can be found in the table below.

<b>Key Issues identified by migrant workers at the Roundtable Forums</b>
<b>Notification of employment termination:</b> many migrant workers are not informed in advance when their employment is terminated, and employees can provide reasons for terminating employment without evidence. Usually, the notification is in Thai language, which the migrant worker cannot understand and therefore is unable to contest. In some cases, employers do not issue a formal termination notification, and so migrant workers are not able to find new work and change their employer.
<b>Employment contracts:</b> are often not provided, or when provided are written in Thai language and are not understood by the migrant worker.
<b>Knowledge of labor law and labor rights:</b> migrant workers have a limited understanding of the labor protection law and so do not know when labor violations are occurring. (For example, allowable deduction of expenses from their salaries, minimum wage, leave entitlements.) They do not understand the different health benefit systems and the differences between these.
<b>Distrust and bad experiences of interacting with government agencies:</b> many migrant workers have bad experiences dealing with government agencies, either because of language barriers, overly bureaucratic procedures, or discrimination.
<b>High regularization and processing fees:</b> the cost of preparing and processing documents for entering Thailand through the Memorandum of Understanding (MoU) process is a barrier for many migrant workers and often leads to irregular migration. During the COVID-19 border closures, fees for regularization were a barrier for many workers, who decided not to regularize or who were burdened financially because of the high costs associated with processing documents.
<b>Dependents:</b> child or elderly dependents have limited pathways to regularization in Thailand, with children and elderly people not eligible to migrate with migrant workers on under the MoU system. Many children of migrants born in Thailand are legally stateless with no personal identity documents.
<b>Wage inequity:</b> women migrant workers are paid lower wages than men for the same work at the same company.
<b>Minimum wage:</b> many migrant workers are paid less than the legal minimum wage; this is usually the case for irregular workers but many regular workers are also paid less than the minimum wage.
<b>Deduction of fees:</b> many migrant workers have social security payments deducted from their salaries, but many employers do not pay this into the social security fund. Or, when employers make late payments, the late payment penalty is deducted from a worker's salary. Pay slips often only show the total amount a migrant worker receives, without a line-item breakdown of deductions, hours worked, daily pay rate, etc.
<b>Travel restrictions:</b> even before COVID-19, irregular workers with local ID documents from the village chief or migrant workers with a Non-Thai ID card had severe restrictions on their movement and are not able to travel

outside of the local area without permission. This was cited as a problem, especially for women, who had young children whereby it would take 2-3 days to receive approval to bring their child to a health clinic/hospital.

**Funeral ceremonies for deceased migrant workers:** Burmese Buddhist funeral ceremonies are culturally significant, however, in many cases local temples will not perform the religious rites for the dead without a formal death certificate which authorities will not issue for migrant workers.

**Compensation for injury:** many migrant workers work in dangerous settings, but when they are injured at work there is no compensation. When injury is severe and they can no longer work, they struggle to return back to Myanmar.

## Present recommendations to provincial service providers



*Figure 2: September 2020, Chiang Rai: A migrant leader speaks about challenges in service delivery for migrants in Chiang Rai. Many of the IEC materials made by the government and civil society in Burmese use 'official' and 'formal' written language that basic readers of Burmese cannot understand. He suggested that when resources are made to communicate policy, regulations, rights and other information with migrant workers, that migrant workers should be involved in the process to ensure that the resources make sense and suit their needs.*

Following each of the Roundtable Forums, World Vision developed the challenges and recommendations into formal reports and presented these to provincial level service providers and policymakers. At these meetings, migrant worker representatives, service providers, and local policymakers discussed the challenges and recommendations, seeking to agree on key challenges that could be resolved through shared participation and collective action.

At these meetings, participants endorsed several recommendations, and developed action plans to respond to the recommendations which were assigned to the relevant agencies and/or CSOs. World Vision and partners monitored and supported the implementation of action plans, with several activities implemented in response to recommendations endorsed by the provincial government.

## Develop and implement action plans

Civil society and local government service providers endorsed, agreed upon, and implemented action points in response to the challenges and recommendations documented and presented back to provincial stakeholders. See Annex 1.

## Results

The implementation of the Roundtable Forum process, presentation of recommendations, and cross-agency action plans developed in Chiang Rai and Surat Thani provinces contributed to the following results:

- 590 labor violation cases were filed through Provincial Labor Protection and Welfare in Chiang Rai between 2020-2021. The majority of these complaints are associated with unemployment benefits not

being paid to migrant workers through the social security fund and migrant workers paid below minimum wage.

- 347 labor violation cases were filed through the Provincial Labor Protection and Welfare in Surat Thani, and 6,979,000 THB in compensation was paid out over the project period.
- 23 new translators trained and registered to translate on TIP cases with the Department of Anti Trafficking in Persons.
- 20 new IEC multimedia resources in migrant languages developed, including video, audio/radio broadcasts, pamphlets, and posters with 14,000 pieces disseminated by government and NGO service providers in Chiang Rai.
- Approximately 3,000 migrant workers received direct assistance through the migrant worker assistance center established by Mae Fah Luang University.



*“This was a great activity. It was an initiative for various agencies and migrant workers to participate and listen to the problems of migrant workers together. Not thinking or active alone without listening to them [migrant workers]. Even if this didn’t resolve all of the problems, it really was an activity that integrated our work together...I know that after this activity migrant workers were taken care of and that government agencies better understood them making migrant workers more comfortable to use government services.”*

*CSO Worker, Chiang Rai*

The roundtable-forum process saw the establishment of an ad-hoc provincial migrant assistance center to support migrant workers through the regularization process endorsed by the Ministry of Labor in 2021; increased the number of registered translators in the target provinces; contributed to increased knowledge of complaint/grievance mechanisms among migrant workers, specifically on filing complaints with the Department of Labor Protection and Welfare; and led to the participation of migrant workers in the development and distribution of IEC materials on labor rights.

Key informant interviews following the Roundtable Forum process in the target provinces showed that migrant workers, government service providers, and CSOs saw value in the process, highlighting that this was the first

time in both provinces that an event to share and understand all relevant perspectives in the local labor protection system has been implemented. Local labor agencies highlighted the value of working with CSOs to conduct outreach to migrant workers and employers on labor rights and grievance mechanisms and drew a causal link between this coordination and an increase in labor cases reported over the project period. Participants highlighted the need for ongoing integration between relevant agencies, civil society, and migrant worker representatives in strengthening the labor protection system. It was said that The Roundtable Forum process was an innovative approach to strengthen the voice of migrant workers in the target provinces, allowing them to advocate directly to decision-makers and service providers, to shift the power dynamics and change the attitudes of service providers to see migrants as members of



*“At the Roundtable Forum] us migrant workers were able to express our opinions and have an opportunity to speak. Previously we had no opportunity to speak about our rights at all. We want to be able to use our rights, like when we’re unwell or sick, we should be able to take sick leave. But in reality, we never get sick leave, we don’t get paid the legal provincial minimum wage. We want the opportunity to tell many people that this is the reality. Previously we’ve filed complaints with the Labor Protection and Welfare Office, but there’s no progress and we don’t know where else to go. But when there’s an activity like this, we know that there’s another way for us to make our complaints heard and to seek assistance. I want the relevant agencies and organizations to keep hosting events like this, in order to create change.”*

*Women Migrant Worker, Chiang Rai*

civil society with a right to participate in decisions that affect them.

## Challenges

While providing a platform for migrant workers to engage directly with provincial policymakers, service providers, employers, community leaders, and CSOs was positive; there were several challenges in implementing the Roundtable Forum process in the provinces. Firstly, migrant worker representatives were selected to participate based on convenience sampling; migrant workers were beneficiaries and/or community members known to CSO service providers working in the provinces. For that reason, migrant workers who participated in the Roundtable Forums were not necessarily representative of the entire migrant community, and it wasn't clear whether the challenges raised were representative across the migrant community in the provinces. Secondly, many of the challenges raised during the process were at the policy level, including well-documented challenges with the MOU process governing migrant workers in Thailand. While broad agreement on issues related to policy and legislation was agreed upon between provincial stakeholders, responding to these challenges at the provincial level in many cases was not possible, with policy advocacy at the central level required.

## Recommendations

- Continue efforts at the provincial level to allow migrant workers to advocate on their behalf, raise challenges in the labor protection system, and work with policymakers, service providers, and civil society on strengthening local protection systems.
- Ensure that there is a coordination body following local advocacy efforts to monitor the progress of shared action plans.
- Ensure migrant worker representatives' voices are supported with evidence through surveys and other research that can support the individual voices of migrants to improve policy and service provision.
- Strengthen provincial–national dialogues and ensure that evidence and perspectives from the ground are used in policy advocacy through participatory policy dialogues between central and provincial levels.
- Include the private sector and business owners in action plans responding to challenges in the migrant labor protection system, including supporting employers and business owners in compliance with the labor law.
- Conduct social behavior change approaches to capacity building with local service providers, focused on human rights-based approaches to service delivery, aiming to change the behavior and attitudes of service providers towards migrant workers.

## Annex 1:

Objective	Activities	Responsible Agencies
<p>Improve outreach in migrant communities and increase awareness and knowledge of labor rights and grievance mechanisms</p>	<ul style="list-style-type: none"> <li>• Consult migrant workers on knowledge gaps on labor rights and complaint mechanisms in migrant community</li> <li>• Develop print, audio, and visual IEC resources on labor rights and complaint mechanisms in migrant languages, with participation of migrant workers</li> <li>• Host provincial exhibition to launch the IEC materials among service providers, migrant workers, and employers</li> <li>• Disseminate and distribute IEC materials through outreach activities</li> <li>• Host a training for migrant worker community leaders on the DLPW labor complaint mechanisms</li> <li>• Migrant community leaders to share information on DLPW labor complaint mechanism with migrant workers</li> </ul>	<ul style="list-style-type: none"> <li>• Foundation of Child Understanding (FOCUS)</li> <li>• Raks Thai Foundation</li> <li>• The Freedom Story Foundation</li> <li>• ECPAT Foundation</li> <li>• World Vision</li> <li>• Provincial Labor, Chiang Rai</li> <li>• Provincial Labor Protection and Welfare, Chiang Rai</li> <li>• Provincial Labor Protection and Welfare, Surat Thani</li> </ul>
<p>Increase the number of registered translators available for TiP and labor violations/abuse</p>	<ul style="list-style-type: none"> <li>• Consult DATIP about hosting a DATIP TIP translator training in Chiang Rai and Surat Thani</li> <li>• Develop a national TIP fund proposal for hosting a DATIP TIP translator training</li> <li>• Recruit translators for the training</li> <li>• Host training</li> <li>• Register translators</li> </ul>	<ul style="list-style-type: none"> <li>• Department of Anti Trafficking in Persons</li> <li>• Provincial Social Development and Human Security, Chiang Rai</li> <li>• Provincial Labor Protection and Welfare, Chiang Rai</li> <li>• Provincial Social Development and Human Security, Surat Thani</li> <li>• World Vision</li> <li>• FOCUS</li> <li>• ECPAT Foundation</li> </ul>
<p>Increase the number of irregular migrant workers regularized through regularization processes</p>	<ul style="list-style-type: none"> <li>• Establish a network of agencies working in migrant communities</li> <li>• Consult Provincial Employment on regularization process</li> <li>• Conduct outreach on regularization process, including required documentation and fees</li> <li>• Directly assist migrant workers with their regularization applications</li> </ul>	<ul style="list-style-type: none"> <li>• Mae Fah Luang University, Chiang Rai</li> <li>• The Freedom Story, Chiang Rai</li> <li>• Provincial Employment, Chiang Rai</li> <li>• Provincial Labor, Chiang Rai</li> </ul>