

Abstracts of Country Reports

Social Scientific papers

Japan

Overview of Thai Migrant Workers in Japan Recruitment and Problems of Thai Trainees in Japan

The paper consists of two major parts: "Overview of Thai Migrant Workers in Japan" and "Recruitment and Problems of Thai Trainees in Japan". The first part attempted to explore general trends and various issues in Thai labor migration to Japan. The important issues covered in the research include migration flows including documentation and analysis of statistical data with regard to the major tendencies of migratory movements, the present size, potential, numbers, and geographical distribution, the actual situation of the Thai-Japan migration, the problems and challenges that they face in Japan, and political and social structures that impact on Thai migrant workers in Japan. Our findings reveal that the typical Thai migrant workers in Japan are undocumented, worked in either manufacturing or service industries, had a relatively high educational level, paid high recruitment fees, had friends or relatives already in Japan, remitted a large portion of their income, and migrated to Japan not only for better income but also for wider experience and improved social status, though economic motivation was strong. Most evaluated their migration as positive although the study confirmed that there are severe problems and conflicts that Thai migrant workers, mostly female, face in Japan. The second part focused on Thai trainees in Japan in order to understand the recent trends of the trainees, and to examine the most important question "Are Thai trainees workers?", through careful assessment of each training recruitment process. The emphasis was on illustrating the cases of swindling and the conclusion points out the structural problems and flaws of the trainee channels which the Japanese government provide as a so-called "back-door policy" for migrant labor.

Taiwan

Working and Living Conditions of Thai Contract Workers in Taiwan

Based on data set from the 1999 Survey of Thai Migrant Workers in Taiwan, this paper describes the general characteristics of Thai contract workers and explores their working and living situations, including income expectation and adaptation issues. The findings are summarized as follows. The reason for migration is very straightforward: the pursuit of higher pay in Taiwan. The migration cost is very high (about 140,000 Baht), probably due to the burden of interest charged. In terms of personal characteristics, Thai workers were concentrated in northern Taiwan and were young males with limited education. Most Thai workers realized their migration expectations, as they enjoyed good pay in Taiwan. The median monthly income is close to NT\$ 25,000. Thai workers in the construction industry have a much higher income level than their manufacturing counterparts. In terms of job-expectation, however, the former are mostly dissatisfied while the latter mostly satisfied. In terms of satisfaction with income, construction workers tend to feel that they are paid fairly for their work. A higher proportion of manufacturing workers are either dissatisfied or highly satisfied. Most Thai workers do not fully understand their work contract and they tend to work overtime. About a half of them have some problems in the workplace and in health. In comparison to their manufacturing counterparts, construction workers seem to have more problems with their job, workplace, and health. The survey also indicates that there is not much difficulty in dealing with the Taiwanese. The psychic cost of Thai workers might be very high, as nearly all of them often feel very lonely.

Undocumented Thai Migrant Workers in Taiwan

Although the number of undocumented Thai workers in Taiwan is relatively small in comparison to the total Thai labor force in the country, recent statistics shows that more than a few thousands Thai workers, mostly male, are detained by Taiwanese authorities because of their illegal status. In this paper, interviews with undocumented Thai workers, both female and male, are illustrated in case studies. Some

of these workers have been deceived by recruitment agencies and brokers. This paper reveals the means to enter or re-enter the country illegally with regard to visas and passports, and the problems and difficulties the undocumented Thai workers face in Taiwan. The paper also describes the types of the assistance for the undocumented workers from various GOs, NGOs, and temples.

Malaysia

Thai migrant workers in Malaysia

The sample group was composed of 62% male laborers and 38% female laborers and the majority were 21-30 years old (52.7%). 37% were under 20 years old and some were older than 30 years old. 56.4% graduated from primary school, 26.4% graduated from secondary school. Families had an average income of less than 5,000 baht (48%); the rest had an income of around 5,000-20,000 baht (44%). 22.7% of the migrant workers were previously farmers, 15% were unemployed, 9% were businessmen, 11% were fishermen. Even though most of them were not farmers, they had 1-20 rai of family land to work on. Regarding the travel procedures and work in Malaysia, 40% of Thai migrant workers said that the reason that they came to work in Malaysia was because they could not find jobs in Thailand; 47% were not satisfied with their low income in Thailand. Most of the migrant workers entered Malaysia by using border passes and temporary working passes or were without any documents, for it was usual for Thai-Muslims to pass through the Thai – Malaysian border. Malaysians and Thais who lived near the border shared similar language and culture and had kinship ties for a long time. The main reason that Thais went to work in Malaysia was economic; 30% wanted to have working experience; 16.4% wanted to find better working opportunities, some followed their relatives or spouses, some went because it was nearby, some went because they used the same language, and some went because employers persuaded them to go. As for type of work and conditions, 42% of Thai migrant workers worked in restaurants, 16.4% worked in the agricultural sector, 10% worked as factory workers, 7.3% did fishery jobs. In terms of gender, women did not do jobs such as fishing, barbering, as coolies, as vendors and as masseuses. There is a cultural similarity between Thailand and Malaysia. In fact, 75.5% of Thai workers were able to understand the Malaysian language. 56% had new spouses in Malaysia. This is important data because their marital status had an influence on their staying in Malaysia. It was found that 73% of Thai migrant workers were not sure whether they would return back to Thailand or not. Only 21% answered that they would return to Thailand when their contracts ended and only 3.6% would return in 1-2 years. This shows the trend of Thai workers towards remaining in Malaysia for a long time or maybe permanently. The impact of the migration on Thailand and Malaysia can be drawn from the data that 74.5% of Thai migrant workers in Malaysia sent money home, 25.5% did not send any. The reason that there were less workers who sent money back home than workers who went to work elsewhere was because workers could go back and forth between Malaysia and Thailand as Malaysia bordered on Thailand. Workers who used a border pass that was valid for 14 days had to return back to Thailand and then went to Malaysia again; these workers could bring money back by themselves without sending back money through any system. The frequency of sending money back home was not the issue.

Singapore

The Regional Economic Crisis and the Migration of Thai Workers to Singapore

This paper reviews the general situation of Thai workers in Singapore, including the numbers, recruitment and employment, discusses the ongoing debates on immigration issues in Singapore, which also examine the labor market and illegal immigration in Singapore, explore the state of the art in migration research in Singapore, describe the political structure that impacts on migration issues in Singapore. The role of the Singapore government in directing the pattern of immigration will also be discussed to give fuller insight into the issues. Singapore's policy on migrant workers stress higher value added occupations and not labor intensive but capital driven manufacturing and knowledge-based industries. Therefore, they allow labor intensive migrant workers to come to work in only a 1: 5 ratio to the Singaporean work force. All migrant workers, no matter what their nationality, have to follow the law, especially the Immigration Law

and regulations as to duration of stay. In addition, the Singaporean government favors the hiring of skilled rather than unskilled laborers. All of migrant workers have to pass a Skills Evaluation Test (SET). The test is conducted both in the countries of origin and in Singapore by Singaporean officials. During the time of economic downturn, Singapore had a policy to reduce the impact of the economic recession by supporting big construction projects such as housing projects, schools and subways. This would enable migrant workers to continue working and the government would benefit from cheaper than usual construction costs. Finally, even though the Singapore government accepted the need to use migrant workers, they tried to reduce this dependency by improving their domestic industries to be more technologically oriented with improved standards of work. This improvement would encourage Singaporeans to work in such jobs and reduce the number of migrant workers.

Legal papers

Japan

Immigration Law and Foreign Workers in Japan

The Japanese Immigration Office is under the Ministry of Justice and has responsibility to supervise the immigration of 8 regional offices, 5 city offices, and 89 small city offices, including 3 alien detention centers. Japan used the immigration and naturalization law as their prototype. However, they do not have the policy of naturalizing alien workers to become citizens as in America. Japan had a policy of accepting alien workers who are professionals but is strict as to accepting unskilled laborers. Besides that, Japan allows aliens to stay only temporarily. The government follows a policy of bringing in trainees to solve the problem of the shortage of unskilled workers. Persons who have visas usually can stay in Japan for 90 days but could not work. Persons who want to come to work must follow the procedures of requesting permission at the Japanese embassies in the countries of origin. The Japanese embassy would issue a Certificate of Eligibility visa for 23 types of occupations such as diplomats, civil servants, university professors, artists, religious missionaries, newspapermen, investors, legal profession/ accountants, medical practitioners, researchers, teachers, engineers, humanitarian and international workers, employees in the companies who were transferred to work in other positions, entertainers, skilled workers, cultural affairs personnel, persons who come to visit temporarily, university and school students, trainees, persons who come to join their family etc. Persons who receive the first 16 types of visas are able to work while persons cannot work if they have the last 7 types of visas. Persons who overstay their visas would be sentenced to imprisonment of no more than 3 years or a fine of no more than 300,000 yen or both. (section 70 of the Immigration Law). The deportees have no right to return back to Japan within a 1 year period. The Ministry of Justice is preparing to amend this regulation to be extended for a period of 5 years. Workers who worked legally have the right to receive social security welfare benefits no matter what their nationality. For the workers who work illegally, they would not be able to receive these benefits as employers do not want to register these workers with the Office of Social Security (only companies that had more than 5 workers would be registered). In case of accidents incurred by illegal migrant workers, workers would have great difficulty in receiving compensation. There was a trend towards steadily increasing crime among foreigners from 1991 onwards. This resulted in an increasing number of cases that needed interpreters or special care for the accused. The problem of cultural adaptation of foreigners to Japanese society was chronic. As for local politics, some of the local governments started considering proposing foreigners to have the right to vote. However, this proposal had not yet passed through the legislative process.

Taiwan

Labor Code on the Employment and Management of Foreign Nationals in Taiwan

The major law for supervising foreign workers in Taiwan is the Employment Service Act or Labor law. The Employment Service Act of Taiwan has various sections which specify the regulations for employing foreign workers and the roles of employers and foreign workers. Also, they clearly specify punishments for employers and employment recruitment companies which make persons responsible if they violate the law and cause the government to lose benefits. The law applies to all parties including the illegal foreign workers who will be sent back to their home countries. Nevertheless, in reality there are problems in

enforcing the law such as in the case of Thai workers who flee from their employers to work in other jobs. When they come to give themselves up through NGOs, they have to pay their own plane fares (approximately 4,000 Taiwan dollars) to go back to Thailand.

Malaysia

Foreign Labor in Malaysia

The major laws of Malaysia are the Immigration Act 1959 (Amended 1963), the Employment Act (Amended 1998) and the Occupational Safety and Health Act 1994. The Immigration Act specifies that persons who enter country to work must have an employment pass which is issued by the Controller of Immigration and must also have an entry permit. There are 2 agencies that supervise these matters; the Immigration Division which is under Ministry of Interior and the National Police Department. The Office of the Attorney General would only be responsible for criminal cases involving persons who enter the country illegally. Foreign workers in Malaysia was a problem that the legal profession did not pay much attention to. As for the benefits, lawyers would earn less income than in other criminal cases. Nevertheless, non government organizations were interested in these matters. There were 2 organizations that provided assistance to foreign workers, the Women's Aid Organization and Tenaganita. These two organizations were unable to do much as the government strictly supervised them by using the internal security law to keep them under watch. The Women's Aid Organization assisted foreign workers by providing a refuge for Indonesian women who worked in domestic work and were physically and sexually abused by their employers. As for women workers who did domestic work, there was a penalty for employers who treated the foreign workers improperly (such as beating, abuse, etc) which was the prohibition for such employers to ever again hire foreign workers to do domestic work. Besides that, employers had to inform women workers of the type of job that the workers would do before hiring them as there were some jobs that women workers could not do as they would violate the precepts of their religion. The problem of illegal foreign workers and the business of inducing foreign workers to enter illegally leads to the problem of other crimes. They include encroachment on public and private property by foreign workers who were mostly Indonesian. As for Thai workers, the problems that occurred were drinking, gambling, and illegal sexual behavior. As for the opportunity of being naturalized as Malaysians, part of constitution regarding nationality stipulated that to be naturalized as Malaysians is very difficult as the problem of nationality is a very sensitive one for a country which has many ethnic groups. In the past, there had been an uprising due to dissatisfaction of certain ethnic groups in 1969. There is only a slim chance that foreign workers can be naturalized as Malaysians.

Singapore

Legal Issues Relating to Thai Migrant Workers

Two laws of Singapore regarding foreign workers are the Immigration Law and the Labor Law and the Singapore Immigration and Registration Agency is the agency which enforces the Immigration Law under the Ministry of Interior. As for the ones who came to work, most of the regulations are related to the employment pass and work permit which is issued by the Ministry of Manpower. As there has been an increasing number of persons who entered Singapore illegally to work, the punishment for such persons is becoming increasingly severe. However, as a matter of fact, very few people are penalized under this section as the officials cannot find evidence to prove that persons who are arrested are actually brokers or the ones who lure aliens into the country. Therefore, they can only be charged as persons who assist aliens to enter the country illegally. Labor law is composed of major laws such as The Employment of Foreign Workers Act 1991 and other 6 related laws. The law specifies that foreigners who are eligible to receive an employment pass are professionals who have at least a bachelor degree. From May, 1999, The Ministry of Manpower issued a work permit I.D. card; this I.D. card is a work permit card, border pass, and permit to enter Singapore. There would be a photograph and the fingerprints of the foreign worker on this card. In the past, the authorities prevented foreign workers from fleeing by holding their passport and work permit. Thus, they only have copies of these documents. However, copies of these documents can be easily falsified. The authorities therefore issued a new card which foreign workers have to carry with them all the time in order for the authorities to be able to check whether the workers have legal status or not. Also, they can prevent workers from falsifying documents. The Immigration law

forces all foreign workers to have their fingerprints on their cards and this data is put into the computer main frame that could be logged on. Consequently, the control of foreign workers and crime is more efficient. In the case of losing or damaging ones card, workers have to notify the authorities within 14 days so as to obtain a new I.D. card. If the authorities decide to end or cancel the work permit of any foreign worker, the employer has to stop hiring such a worker within 7 days after he has been notified, and the work permit of such worker has to be returned to the authorities within 7 days after the hiring of such worker stops. As for collecting the levy, the Singapore government applies the policy of collecting a levy in order to control the number of foreign workers so that it will not be too large. Besides that, there is a setting of proportional quotas so as to require employers to hire local workers as well. Employers must pay a levy for each foreign worker on a monthly basis. The levy rate depends on the type of job and the qualifications of the workers. If employers do not pay the levy in 14 days after the end of the month, they will be charged 2 to 5% interest in Singapore dollars.