

them married locals. There were social networks of relatives and acquaintances in encouraging workers to go to work in Malaysia. However, they did not have to use the service of brokers or pay any service fees. Their income was higher but not much higher than what they had in Thailand. They received an average of 400-800 ringgit a month per person. There were those who worked in restaurants, the agricultural sector, factories, and fishery jobs; there was a tendency to live permanently in Malaysia. It is of interest that more Muslim women are going to work in Malaysia, and there is quite harmonious social and cultural integration of Thai workers into Malaysian society.

As for Thai migrant workers in Singapore, they were predominantly from the Northeastern and Northern regions of Thailand. Many of them were male and previously were farmers. They had legal status as they had employment contracts. However, they were unskilled laborers and had to pay high levies. Most of them were construction workers and almost half of them had worked abroad before. On an average, they were older. The majority of workers used the services of job placement agencies and had to pay service fees on an average of 47,000 baht.  $\frac{3}{4}$  of the workers worked on construction jobs. They received higher wages than in Thailand but not much higher. The average income per person was 731 Singapore dollars a month. More than half of them came to work after the economic recession. Most of them were able to send money back home annually, approximately 150,000 baht per person (6,500 Singapore dollars). Living conditions in Singapore were not that good. Very few Thai workers had new partners in Singapore; most of Thai migrant workers in Singapore worked for 2 years and returned home after their contracts ended.

Of the four countries, Taiwan had the highest number of Thai workers; there were more men than women. Most of workers worked in factories; next were construction workers;  $\frac{2}{3}$  of them had backgrounds as farmers. Most of them had never worked abroad and were sent to Taiwan by job placement agencies; almost all of them paid service fees on an average of 130,000 baht per person by borrowing money. Most of them worked legally and had employment contracts. They received an income of approximately 20,000-30,000 Singapore dollars which is equivalent to a sum of 26,000-40,000 baht and was higher than what they received in Thailand. A group of construction workers had higher income than what the factory workers received. However, they had the problem of deteriorating health. Most of the workers were lonely and missed home. There was some money sent back but the amount was unknown. After workers had worked for two years, most of them returned back to Thailand.

### **Chapter 3: Thai Migrant Workers Who Have Already Returned to Thailand**

The data in this chapter is based on interviews with Thai migrant workers who sought work in Japan, Malaysia, Singapore and Taiwan and returned to Thailand in 1998. 57 of those interviewed went to work in Japan; 158 in Malaysia; 122 in Singapore and 124 in Taiwan for a total of 461 workers. Interviews were undertaken in the hometowns of these workers. In Chiang Mai and Phayao in the north there were 105 workers interviewed; in Udon and Nakorn Ratchasima in the northeast there were 203 interviewed, and in Satun and Pattani in the south 153 were interviewed. For further details see Chapter 1. Aside from the above quantitative data was obtained from some workers and families of workers, those who were involved such as community leaders and those who had responsibility in the job placement process.

The data is divided into 5 parts: background of the workers; travel and job placement process; conditions of work and living abroad; impact of working abroad; and conclusion.

#### **3.1 Background of Thai Migrant Workers who went Abroad to Work**

As for Thai migrant workers who go abroad for work, there are those who do so legally and illegally in about the same number. There are more men than women migrant workers in every country.

In the sample group, men for the most part are in the range of 31-40 years. As for women, they are younger in the 21-30 -year old range. Thus, for the most part, they are all of working age. About 2 out of 3 have finished their primary education (73%). Only those who have gone to Japan to work have completed high school education (25%). Out of the total number in the sample group there were 40% who had studied in the temple with monks. As for marriage, 77% were married. The largest number of those unmarried went to work in Malaysia. 39% of the total number who went to Malaysia were unmarried. Of those with families, the average number of children was 1 to 2.

As for skills training before going to work abroad, there were only 14% who had received such training. For the most part, such training was in construction, factory work and farming. The training was provided by government agencies, especially the Department of Labor. Aside from the background in skills training, the economic and social background of the workers, including their status and family household income as well as personal income, and past occupations, were studied. Most in the sample groups viewed the status of their family when compared to their neighbors as about the same or better. However, when one considers family household income, most (43%) had an income of not more than 3,000 baht. On an average, family household income of the entire sample group was about 5,000 baht. 62% of the sample group were farmers; 12% were fisherman; 8% were construction workers and 3% were from the service sector. Most had worked in their family homes or in small enterprises with not more than 10 employees. As for income of the Thai migrant workers themselves, on average it was 3,700 baht. As for the length of stay abroad for Thai migrant workers, those who went to Japan stayed the longest, three to five years. Next was Malaysia with about the same length of stay. As for Taiwan and Singapore, the length of stay was only 1 to 2 years.

The reasons that pushed the sample group of Thai migrant workers to decide to seek work overseas were insufficient income in Thailand to live on and the need for a higher income than they earned in Thailand (74%). Another 36% gave the reason that they could not find employment in Thailand, and 24.5% spoke of the need to find income to repay debts (the total exceeds 100 as those replying cited more than one reason). Members of the family household and friends were those who had influence on the decision to seek work abroad, aside from the workers themselves. The sources of information used by the workers to obtain information before departing for work abroad were from relatives and friends in Thailand. Sources of information used by the workers were relatives and friends in the destination countries, as well as job placement agencies and job brokers. However, there were those who answered that they had no information at all before leaving for work abroad (22%). The network that gave information and support to the workers involved relatives and friends in the destination countries (40.8%). They helped in finding work, provided lodging, helped in providing food and even with household goods and cash. They also helped in negotiations with the authorities.

As for the impact of the declining economic situation, it must be recognized that these migrant workers went to work abroad prior to 1997 and returned to Thailand from 1998 onwards. Thus, the state of the economy did not have an impact on the decision of the workers to go abroad in the past. However, when asked whether the condition of the economy would be a push factor to seek work abroad again, 42% replied that they would not go for work abroad if the economy did not further deteriorate. 14% were uncertain but were already in the process of seeking work abroad. Another 13% said no matter what the economic condition was they already were committed to seeking work abroad. Thus, the improvement of the economy after the economic crisis had a significant impact on the decision of the workers for the most part; they do not want to go abroad for work. However, if the economy further deteriorates, then it might be necessary to go to work abroad. This impact is not an impact all of a sudden but rather a continuous one depending on the condition of the state of the improvement of the economy.

### 3.2 Travel and Job placement procedures

Travel to work overseas has several important steps such as receiving advice or encouragement; the choice as to means of travel; preparation of travel documents; signing of a hiring contract; test of one's skills; actual travel to destination country. The details of the various steps are as follows:

**3.2.1 As for receiving advice and encouragement,** almost all the migrant workers received advice and encouragement regarding going abroad for work. It is only those who have been abroad to work and have come back who can go ahead on their own with their preparations to go abroad for work. For the most part, the workers going abroad must rely on the network of those they know. It was found that 46% of the sample group relied on an unofficial network made up of relatives, friends or those who were living in the destination countries. These are the ones who contact and encourage the workers to come. In this group, friends are the ones who are in the largest number in terms of giving encouragement (24.3%); next come the father, mother or siblings (11%). 5.8% of the workers use the services of brokers in the destination country which is actually a service against the law; this is because work was not sought beforehand and this indicates that the migrant worker traveled abroad without having the status of an already hired worker. Nevertheless, migrant workers for the most part (50.5%) are legal, having been hired beforehand. They go abroad either with the job placement agency or the employer having arranged everything correctly i.e. the workers have received advice and encouragement through an official network.

**3.2.2 Choice of the means of travel:** Travel to go abroad for work is carried out in four ways. One can go by oneself; go with the job placement agency; with the employer (from abroad); or using the services of Department of Job Placement. The sample group in the survey mostly used the services of job placement agencies (47%); next, they went by themselves (44.7%). Only 7.8% had employers take them, and 0.4% went through the Department of Job Placement. In distinguishing the different destination countries, the majority of those going to Japan use the services of a job placement agency or rely on themselves. 81% of those going to Taiwan used the services of a job placement agency, and 64.7% of those going to work in Singapore similarly used a job placement agency. As for those going to Malaysia, the majority went on their own.

As to the initial decision to go to work abroad, 36.7% the sample group cited encouragement from a broker or contact; another 34.5% began on their own. It is of interest that one group of those who went on their own used irregular services (brokers finding illegal work and acquaintances helping and charging fees for their services). Another group went and received the help of close relatives without any charge. Whatever the method, there was a good chance that those who went on their own would most likely do so in an illegal manner. For the group that went on their own, it was likely that they were unable to help themselves, and it was not necessary for them to pay for expensive help. But this may mean they actually went illegally, except for those who went to Malaysia where it was not necessary to rely on irregular services. The service charge rate for Thai migrant workers going to work abroad has been set by the Ministry of Labor as follows: Taiwan not to exceed 56,000 baht, Malaysia not to exceed 16,000 baht; Singapore not to exceed 16,000 baht. For Japan there is no job placement.

Data from the sample groups that had previously gone to work in those four countries indicates that the majority (45%) spent 30,000-90,000 baht for services. Of the remainder, 15% spent more than

90,000 baht. Malaysia was the destination where the migrant workers spent the least for services. The majority going to Malaysia did not spend more than 10,000 baht and such expenses were for transportation rather than for broker fees. Japan had the highest service fees. 61% reported that they paid more than 90,000 baht in service fees. The next highest service expenses were for Taiwan with the majority of migrant workers paying between 60,000 to 90,000 baht (64%); but there were 24.4% who paid more than 90,000 baht. The majority of migrant workers in Singapore had lower service costs, somewhere in the range of 30,000 to 60,000 baht (70%) and there were almost another 20% who only paid 10,000 to 30,000 baht. In comparison, the service costs involved in using a job placement agency were more expensive than other means of travel abroad for work, reaching 90,000 baht. The rate of service costs referred to here is an old rate as those answering were workers who had traveled abroad for work several years ago and had returned to Thailand in 1998. At the very least, they had left Thailand four or five years ago in 1995 or at the beginning of 1996. Today, the rate of service costs is higher than before. Information from one job placement agency is that service costs to go to Taiwan in the year 2000 would be as follows:

1. Employment contract for one year, service cost 95,000 baht and above
2. Employment contract for two years, service cost 130,000 baht and above
3. Employment contract for three years, service cost 160,000 baht and above

As the majority of the Thai migrant workers want to work abroad for no less than two years, service costs to be paid amount to no less than 130,000 baht at this time.

For the sample group which paid lower service costs in the past, they used several means to raise the necessary funds to pay the service costs. 39% sought funds by borrowing 30,000 to 60,000 baht, but there were some who borrowed a great deal more, up to 90,000 or 120,000 baht. It is of interest to note that those who went to work in Malaysia and Japan rarely borrowed. In the case of Malaysia this was because expenses were minimal. As for Japan, some had sufficient funds themselves (30%). Another group (23%) had to borrow more than 120,000 baht to pay for service costs to go to Japan. The first group probably consisted of those who had previously gone to work in Japan and had returned to Thailand for a period of time to find a way to go again to Japan. Thus, they had savings to pay for service costs. As for the latter group who were going for the first time, those who went to Singapore borrowed money in an amount not less than that of those going to Taiwan. Important sources of borrowed funds were moneylenders (23%), relatives (15%) and banks (3%). At present, there are three banks that have programs to help migrant workers to borrow money to pay for expenses incurred in traveling to work abroad. These banks are the Krung Thai Bank, Bank of Ayuthaya and Bank for Agriculture and Agricultural Cooperatives.

1. The Krung Thai Bank allows the individual to borrow up to 90,000 baht at MRR.-3 rate. The collateral includes bank deposits, bank notes, land or land with buildings.
2. Bank of Ayuthaya allows the individual to borrow up to 150,000 baht at MRR. rate. Bank deposits, and land or land with buildings in or near the area that bank branch is located are needed as collateral.
3. Bank for Agriculture and Agricultural Cooperatives allows the individual to borrow up to 150,000 baht at MLR. rate. The bank requires the joint responsibility, guarantors, non-mortgaged real estate, government bond and other collateral that its committee approves.

However, not many use the services of the banks as they lack important specifications, notably the necessary collateral. In this research, there is a sample group with only 3% using the services of banks. Actually, such banking services would measurably help the migrant workers reduce their total costs in going to work abroad as the interest on their loans would be less than if they borrowed using irregular channels. If the government were able to solve the problem of collateral, this would significantly reduce the burden of the migrant workers.

In questioning the sample group of Thai migrant workers who had previously gone to work abroad, the majority indicated that they were more satisfied with the services of the private job placement agencies than they were with the Department of Job Placement. For the group that was so satisfied, the reasons given were speed of services (11.9%); the ability to find work to do without the necessity of a

work permit; better entrance into a job position in the destination country; received insurance and were well looked after. As for those who were satisfied with the services of the Department of Job Placement, they cited the reliability of credible information, being well looked after, inexpensive service costs and lack of fear of being deceived (8.5%). It can be seen that the Thai migrant workers are satisfied with the speed and ability of the private job placement services to find the loopholes in the laws and regulations, but they realize that the services of the government are more reliable and credible. However, as the government services are limited and do not reach down to the workers in their local areas as do the contacts of the private job placement agencies, the workers are not attracted to the government's services.

### 3.2.3 Preparation of travel documents

Some 24% of the interviewees answered that they had traveled without valid visas which means they traveled illegally. Another 64.6% had valid visas. The remainder did not have to use visas. The majority of the workers (33%) had no problems in requesting visas and another 28% did not know if there was a problem or not in obtaining the visas as they did not do so themselves. As for those who said there was a problem, the majority cited the inconvenience and time wasted in going to get the visas at the embassy and the visa fee. For those using visas, there are many types of visas: 40% obtained a temporary residence type and 0.43% obtained a trainee visa. These two types enable the holder to work. As for the remainder, they obtained other types of visas which did not allow them to work, such as tourist visas, student visas, visas as a spouse, and border permits. 16% traveled under a tourist visa; these people worked surreptitiously and illegally. The majority of these went to work in Japan and Malaysia. As for those with valid visas, they mostly went for work in Taiwan and Singapore. If we list the number of those possessing valid travel documents, workers in Taiwan would be the most and Singapore, Malaysia and Japan would follow in that order.

For those Thai workers in the sample group, the use of visas obtained through the channel of job placement agencies results in going to work abroad legally more than other means. Those who get visas on their own more than likely work illegally as they receive help from illegal brokers. The method of traveling on one's own with an illegal broker behind the scenes is used increasingly and causes more problems to arise because they are not within a system under the supervision of the Ministry of Labor.

### 3.2.4 Signing of Employment Contracts

The Job Placement Act of 1985 stated that those who travel abroad to work must sign an employment contract with an employer before traveling abroad. Data from the sample group indicates that only 49% signed such contracts as required by law. The other 51% did not sign such contracts. When considered from the standpoint of educational level, it was found that the majority of those who did not sign the employment contracts finished their education at the high school level. Thus, basic knowledge is not the factor in deciding whether to sign a contract or not. Of those signing a contract, 25.6% understand the entire contents of the contract; 15% only partly understood and 7.8% didn't understand the contracts they signed at all. Those who had the experience of previously having worked abroad are more likely ready to sign than those who have not worked abroad. The fact that many Thai migrant workers go to work abroad without advance contracts has a direct impact on those workers as they don't have the right to come under the protection of labor legislation in the destination country. Their illegal status has an impact on their lives and their psychological well-being. One may not observe the impact immediately but there might be long-term effects.

### 3.2.5 Testing the workers' skills

Usually, it is only workers going abroad to work as mechanics who must have their work skills tested. The Department of Job Placement permits job placement agencies to test the skill level of migrant workers before they leave for work abroad. In this research, only 12% of the workers were tested prior to their departure for work abroad. The remainder, 88%, received no such testing. This meant that this group travels abroad in the status of unskilled labor. Those who had their skills tested prior to departure abroad will, for the most part, go to Singapore and Taiwan. Those who did not have their skills tested prior to departure went to Japan and Malaysia. For those who passed their tests, the skills tests were in electronics, construction, welding, brick-making and wood-working. Data indicates that, for the most

part, the migrant workers are unskilled. This shows that the Thai government has not stressed developing and increasing the potential and value of the workers going abroad so that they would represent a higher level of human capital.

### **3.2.6 Travel to destination country**

When the workers have passed through the various steps prior to departure and are ready to leave for abroad, they must pass through the immigration controls. About 68% of the Thai workers in this sample group are able to arrange for their own passports, but only 4% are able to get visas on their own. However, there were Thai workers who went to Malaysia and did not have to use visas. When they passed through the steps necessary for departure from Thailand and arrived in the destination country, 87% of the interviewees stated they had no problem in getting through immigration control. The other 13% had problems. The major problem involved passing through customs. There were only a few who had a problem in passing the health check, check for possession of drugs, or having an invalid visa.

As for work permits, 54% of the interviewees had proper work permits for the destination country. Another 44% did not have any or such permits were unnecessary. Included in this latter group were those who went to work in Malaysia and didn't have to use such work permits.

### **3.3 Work and living conditions abroad**

Data on this subject includes reasons for choosing the destination country, legal status in the foreign country, the type and condition of the work, and living conditions abroad. Details are as follows:

#### **3.3.1 Reasons for choosing destination country**

70% of the sample group gave as the most important reason for choosing Japan, Malaysia, Singapore and Taiwan the desire for a higher income than at present or a good income. But there were 14.5% who gave the reason that they could not find work in Thailand. Another 13% said the reasons were poverty and debt burdens in Thailand. Even though the wage rates in the different destination countries may be higher or lower, the workers, whatever the country they choose, gave the same important reason, i.e. economic.

Aside from the economic reason, having a social network with friends and relations is another reason for choosing the destination country, especially for those who previously had gone to Japan. In the case of those going to Singapore, they stress the reason that travel and job placement costs are not too expensive when compared with other countries.

Thai migrant workers are about evenly divided between those who have legal and illegal status in the destination country. Regarding visas, in the sample group some of those who go illegally use a tourist visa, some do not have any visa and still others don't need to use a visa. About 80%-90% of those going to Taiwan and 64% of those going to Singapore have valid visas. Thus, for these countries those going illegally are fewer than those going legally. On the other hand, 90% of those workers going to Japan use a tourist visa or don't have any visa at all. As for those who go to Malaysia, the majority do not have visas because they do not need to use them.

#### **Work permits**

Data on work permits follows the same trend as data on visas. 54% of those who go abroad with valid visas also have valid work permits. Those who went to work in Taiwan and Singapore had work permits for the most part (87%). However, 86% of those workers going to Japan did not have work permits and 82% of those going to Malaysia similarly did not have work permits.

#### **Employment Contracts and Conditions of Work**

A large number of workers work in construction and industrial factories in every country abroad. But in Singapore the majority of workers do construction work. In Taiwan, 60% of the workers work in

factories, especially textile, chemicals, iron and electronics. Workers in Japan work in factories that produce food products. As for workers in Malaysia, they work in construction, factories, service work, farming and fishing. Those who go to work in Taiwan and Singapore receive an orientation before they go but those going to the other two countries do not receive any.

The majority of workers, especially those going to Japan and Malaysia, find work quickly by relying on relatives and those they know to help them.

### **Work Conditions**

For the most part, the workers work in medium- and large-scale enterprises in Singapore and Taiwan while those in Malaysia and Japan work in small enterprises. Workers who go to Singapore, Taiwan and Japan have employers who are citizens of those countries, but it is of interest to note that 20% of the workers who go to Malaysia have employers who are Thai residents in Malaysia.

From reports of the workers, there are not many workers who are injured while working and have to go to the hospital. There are many who are injured in Japan, Taiwan and Singapore in that order because a majority of the workers have an illegal status. Thus, the opportunity for such workers to receive protection against injury is very low.

### **Hours of work**

85% of those who work in three of the countries with well-advanced economies (Japan, Singapore and Taiwan) work 8 hours a day. However, in Malaysia, only about one third of the workers work an 8-hour day. The rest work more than 8 hours a day.

### **Holidays**

The majority of Thai workers have one day off a week. Those who work in Japan have more days off than in Singapore and Malaysia. Almost all do not have annual vacations. In the group that is able to have such annual vacation, it is in Taiwan where such vacation time is paid.

### **Skill and progress in work**

The majority of migrant workers do not have the proper skills in the work they do abroad. Thus, they must adjust themselves a great deal. 20% said they had great difficulty when they started their work, especially for those going to work in Taiwan and Japan. One problem was language communication in their work. Next was the problem of controlling the machinery used in their work. However, after adjusting themselves, 80% admitted they learned new work skills from their work abroad. The majority, 58%, learned from working; another 13% learned from their supervisors and co-workers.

Some who had previously worked in Taiwan and Singapore had entered skills training programs. After understanding their work better, those who worked in Singapore had their wages increased (especially for those who had passed training courses). Those who worked in Taiwan did not get any wage increase, and the majority did not get any promotion in their work.

### **Wages and Welfare**

Data related to wages should perhaps be considered as a trend rather than considered directly as wages because the wages were received by the Thai workers several years ago. Some who replied spoke of the wage rate at the beginning of the 1990s decade, some at the middle of the decade. Thus, what follows is a wage review on a comparative basis. In summary, those going to work in Japan received the highest wages. 75% of those working in Japan received a wage of about 30,000 baht per month. 42% of those who went to Taiwan received slightly lower wages, about 20,000 to 30,000 baht per month. For those who went to work in Taiwan and Singapore, there were deductions from their wages which were returned to the workers at the end of their contractual period. 74% were satisfied with their wages except for 24% of those who went to Singapore who said they were quite dissatisfied. As for welfare, there were



hospitalization care benefits which the workers felt were quite acceptable. There were only 2.4% of the workers who had industrial accidents. However, for those with illegal status it was difficult, if not impossible, for them to access such benefits. This was especially true for those working in Malaysia. The majority (60% and above) of those who got sick received no wages when they were absent from work due to sickness. Taiwan gave better welfare benefits than the other three countries in this study. It was found that 57% of the workers who went to Taiwan received their wages when absent from work due to illness. As for sickness that required hospitalization, Taiwan and Singapore provided welfare benefits to Thai workers through the employers defraying more of the expenses than in the two other countries. Other welfare benefits for accident insurance and life insurance were greater in Taiwan and Singapore as the workers for the most part had legal status.

As for travel expenses to take home leave or return home, 75% of the workers received the right to take home leave. However, as to returning home after completion of their employment contract, 41% of those workers in Taiwan received airplane tickets, which is a higher percentage than for other countries. Only 9% of those returning from Singapore were given such airplane tickets; 7% returning from Japan; and 3% returning from Malaysia.

The majority of Thai migrant workers said they did not receive equal treatment when compared to local workers of the destination country. 70% of the Thai workers in Taiwan received lower wages; sometimes they worked harder. In Japan there were only 37% and in Singapore 23% who received lower salaries. The majority of Thai workers in Malaysia felt they weren't treated any differently from local workers. Aside from the above, there is a group of workers in Malaysia who don't have local co-workers so no comparison can be made.

### 3.3.2 Living conditions abroad

The majority of workers will live in a hostel for workers. It is only in Japan where apartments for the workers were provided by the employers. In Japan and Malaysia, Thai workers would jointly rent a house with friends. Rarely are there instances of a worker having a spouse or family living together with the worker. Overall, the Thai workers are satisfied with their living conditions abroad (90% for Japan and Taiwan and 82% for Malaysia). It is only 30% of the workers who went to Singapore who complained that their housing was no good. This is because, for the most part, the workers do construction jobs, and they must stay in temporary housing near the construction site. The accommodation, for the most part, is rented by the employer.

As far as language was concerned, Thai workers who were in the sample group did not have many serious problems with the use of the local language in their daily lives, even though they did not understand the language well. They understood enough to get by. In their work, they used the local language mixed with Thai and English. In Singapore there are supervisors who are Thai and, thus, Thai is used there more than elsewhere. As for relationships with the local people, the interviewees said that, for the most part, they did not have a problem.

42% of the workers used their free time, for the most part, to rest, to watch TV and read. Another 21% used their free time to go shopping and to walk in the public parks (which were places to meet and talk with their Thai friends). There were very little athletics of any kind. There were some who said they did not have any free time. However, there were hardly any who complained that they missed doing any activity that they wanted to do. They would more than likely think that if they had any free time they might as well use it to work and get extra income as that was what they came for. Thus, 10% responded that they had secondary jobs while abroad.

As for keeping in touch or returning home on leave, those who went to Malaysia had more opportunity than in other countries. 94% of the Thai workers who had been to Malaysia had returned to Thailand for visits; 40% did so from Singapore; 39.5% from Taiwan and 10.5% from Japan; mostly for only one visit a year. However, those workers who went to Malaysia visited home on an average of three times a year.



Those who finally returned to Thailand gave different reasons for doing so. The majority, especially those from Taiwan and Singapore cited the end of their employment contract as the reason. Those returning from Japan said they returned because their passports had expired. Some said they were homesick; didn't like their work; had bad health; rarely did any say they returned because they had saved as much money as they wanted. This clearly shows that the workers would not have returned if their employment contracts had not run out. Besides that, it was found that 30% of the workers in the total sample group affirmed that they wanted to take the nationality of the destination country, especially in Japan where 50% so replied.

### **3.4 The Impact of Traveling Abroad for Work**

Traveling abroad for work has had an impact on Thailand both during the time the workers were abroad and after they returned.

From interviews with those workers who had returned not more than two years ago, data found as to the different impacts are as follows:

#### **3.4.1 Money sent back to Thailand and the ways such money is used**

90% of the Thai workers sent back money not less than once during their time abroad. Those in Japan sent back the most, those in Malaysia, the least. This is because the Thai workers in Malaysia most likely did not send the money back but brought it themselves when they returned. Others who did not send back money, did not do so because they had been cheated and thus, had no money to send. Money sent back from Japan and Taiwan was on average more than 150,000 baht per year; from Singapore, about 80,000 to 150,000 baht, and from Malaysia not more than 80,000 baht per year on an average. Usually, Thai workers sent back money every one or two months but some preferred to save up the money and send a large amount every three to six months. There were some who joined together in sending the money back as they wanted to reduce the service costs the banks charged. Aside from sending the money back through banks, money was sent back through friends, relatives, job placement brokers, employers or through irregular and unofficial channels. 58% of those sending money back sent it to spouses or to parents.

41% of those receiving money from the workers abroad use it to pay debts. Next, 12% use it to buy land; 10% to buy a house or repair their homes; 12% keep it for further use; 17% use such money for household expense; the remainder buy a car (2.7%); buy gold (1%); pay for education (2.2%) and invest (1.2%). It can be seen that, for the most part the money is gone often paying off debts or paying household expenses. This means that the money is spent without there being any return on it. Another amount is spent on buying a house and land which are assets that last long but does not generate any increase. Only 1.2% invested the money to seek a further return. The 12% who keep the money on hold may be following a wise and responsible plan, as some of the workers themselves may not be certain as to how the money should be used.

#### **3.4.2 Changing of Occupations**

16.8% of the Thai workers who return from abroad clearly change their occupation taking up business (before going abroad there were only 4.2% who engaged in personal business activities). This shows that working abroad enables the workers to save money to invest in starting a personal business, and it may be that business skills were learned during their stay abroad. 66.6% of those responding said they did agricultural work, though only 61% of workers had done farm work before they left for abroad. Thus, these are more working in agriculture than before. When one realizes that the majority of the workers go to work in construction jobs, industrial factory work and service sector work and then return to work in agriculture, it is clear that the occupation while working abroad does not have a significant impact on changing one's occupation upon return to Thailand. The percentage of those workers who were in industrial and construction jobs prior to going overseas was higher than the percentage of those working in these two occupations after their return to Thailand. This affirms that the occupations undertaken by the workers abroad did not have an impact on the jobs they undertook on their return.

Even in the service sector where there were 12.7% who had restaurants before they went abroad, only 4.4% did such work on their return.

In summary, we can divide Thai migrant workers who have returned into only three big groups. The biggest group (66.6%) is the one which returns to take up agricultural work; next are 16.8% who return and change their occupation and become self-employed using their own funds; and the last group is the one that scatters into different occupations in the industry and service sectors, but these are very few (only 8.9%). This is lower than the percentage of those in these latter sectors before they left for abroad (22.8%).

Data found as to the change of occupation might be the result of the state of unemployment after the economic crisis in 1997. This crisis caused those workers returning in 1998 to have difficulty in finding work. For the most part, they returned to farm work. This data might be confirmed by the length of time it took to find work after their return. 59% answered that after their return to Thailand, it took four months or more to find a job. Of this group 30% found work after seven months or more and only 41% got work within 3 months. The labor market at the time the workers returned to Thailand was quite tight. There were some workers who had skills who said it was not necessary for them to rush and find work after their return to Thailand because they had saved money or because some wanted to be selective in finding good work. This meant that the time to find new work took longer. Among those workers who returned from the four countries referred to above, those returning from Singapore used less time to find work than those from the other countries. Those returning from Japan tended to be slower in finding work, often taking more than one year.

Assumptions concerning the state of the economy received confirmation from the answers of the workers themselves. 41% said the reason for the difficulty in finding work was because of the economic crisis. Another 24% answered that it was because of their own low educational level. Thus, they didn't have the necessary qualifications to find employment in the jobs they wanted. Another 12% said the work they found was not what they were qualified for.

### 3.4.3 Change of Income

Income is an important subject because it shows whether the Thai migrant workers were successful in getting a higher income on their return or not. It was found that few in the sample group had a change in income after their return.

Income from work done in Thailand at this time is not much higher than income from work done previously before departure for abroad. A big increase in income can be found in the group coming back from Japan and Singapore. For those returning from Taiwan and Malaysia, there was only a little increase in income when compared to income earned before they left for abroad. However, any increase was quite small when one takes into account that income was not more than 3,000 baht a month. This may be because they were still in debt from having paid service fees in arranging to travel abroad for work.

As for increase in income, there was some increase at the 5,000-10,000 baht a month level. Comparing more before departure with income after their return, there was only 1.1% reporting a difference. 9.7% had this income prior to departure and 10.8% had such income after return. Thus, the difference was very small. As for those with an income of more than 10,000 baht a month, 5.6% had an increase in income when compared to the past.

As for those with an income of less than 5,000 baht a month, it was found that those who had returned to Thailand at this income level were a smaller number than before. This means that of those who previously had low incomes, one part (7%) had a higher income after their return from work abroad. The remaining, some 80%, had the same income, with no change. In summary, the majority of Thai workers who returned from work abroad were not successful in increasing their income after their return to Thailand.

A big part of their income came from salary earned while they were working abroad. This sum was sent back home before the workers returned, and it was only this sum that represented principal income. When the workers returned they had to return to work in jobs not much different than before they went abroad with about the same income. Change in occupation and income after return from work abroad was, thus, minimal. This led to a number of workers deciding to go abroad for work once more to get a large new sum of money. If they remained in Thailand, they would not have the opportunity to do this.

When asked whether the income of their households increases or not after return from work abroad, 42% answered that household income had increased; 28% saw no change in income. However, there were 23.5% who were of the opinion that household income had decreased. The proportion of those who returned from Malaysia, Singapore and Japan, who answered their income had increased, was more than the proportion of those returning from Singapore. In the reverse aspect, the proportion of those who returned from Taiwan saying their household income had decreased was more than the proportion of those who replied from other countries. In summary, those who returned from Taiwan are the most unsatisfied with their present household income. And when comparing income which the workers with that of the household data of the workers income, it can be shown that there was little increase when compared with incomes prior to departure, but data on households shows that there was an adequate increase. However, those who state that household income decreased or was about the same are a higher proportion than those reporting an increase. Thus, the direction of the data is consistent, even though the numbers are different between the data on individuals and the data at the household level.

#### 3.4.4 Intention and opportunity to work abroad again

61% of all those who responded affirm they definitely intend to seek work abroad again. Another 17% say they will go. Only 6.5% replied that they would not go again. The remainder were uncertain or had not thought about it. When one adds those who answered that they would definitely go again and those who said they would go, there is a total of 78%. This helps affirm the assumption at the beginning that returning to Thailand did not lead to the workers obtaining better work or a significantly higher income. Thus, they are impatient and struggle to go abroad again. When differentiated by countries, Japan and Taiwan have more who reply that they will definitely go there than the other two countries (84% and 83% respectively). The smallest number, 37%, reply that they will definitely go back to work in Malaysia and the highest number replying that they will not return (10.2%). Only 2.4% say they will go to Taiwan. Data relating to Taiwan may indicate that the majority of the workers were not satisfied with the working conditions and income in Taiwan so they do not want to go again. But, at the same time, it shows that workers believe in the myth that if one goes to Japan, they will get the highest income. Thus, they want to return to Japan the most. Nevertheless, Taiwan is the destination that the majority of the workers intend to go back to if they have the ability to do so once more.

As to the possibility of such an opportunity during the time of economic downturn, the data from those responding is opposite to their intention. 52% respond that the opportunity to return at this time is most difficult; another 24% respond that they have the opportunity; 11.7% are uncertain; 9% say there would be no difficulty in going and 3.3 answer that returning is very easy. In the group that answers that going back would be easy, they mostly have been to Japan and the fewest have been to Taiwan. In the group that views that going abroad would be most difficult, there are more who have been to Singapore than in other groups.

#### 3.4.5 Skills that have been learned

The majority of those responding (30%) said they had learned skills in construction work from working abroad. 9.6% learned skills in electrical work. The remainder was scattered among other skills, e.g. machinery, plastics, welding, woodworking, farming housework and seamstress work. There were not many in these different fields. An interesting point is that another 20.6% answered that they did not gain any specific work skills from their work abroad, but they did change their work habits and behavior, such as becoming more active; more disciplined, being on time which is also of use in one's work.

## Social Acceptance

Aside from the impact of the economy, something which will predictably occur after the workers return from abroad is also the impact in society. In the latter case, there may be an impact that is positive and of interest. 36% of those responding say that after their return, they have become more accepted than before. 29% report that their neighbors view the returnees' status as better than before. Another 31% view that their social status has not changed. Only 1.3% report that they are less accepted than before. The latter are mostly those who have returned from Japan. It may be presumed that they were less accepted because those responding had gone to work in sex service jobs. This resulted in their not being accepted. It is of interest to note that few of those returning from Japan had the same social status as before (only 3.5%). There are those who are not accepted (3.5%) or those who are more highly accepted (47%) and who are praised for their good status (44%). Those who went to Taiwan are generally more accepted than not; 42% are more highly accepted than before; and 26% are praised for their improved status.

Something which naturally results from improved social acceptance is being asked for advice and counsel by others. This helps to affirm the improved social status. More than half of the total sample groups said that others quite often came to seek their advice. Those who had been to Japan were asked for advice very often. Those who had been to Taiwan, Singapore and Malaysia were also often asked for advice.

Data from another aspect showing the change in social status is the role in community organizations in one way or another. It was found that those workers who had been abroad clearly had an increased role in community organizations. It was found that those who never had a role in community organizations were reduced from 92% to 80%. The proportion of those who previously had a role as leaders such as having been on village committees or committee members of the *tambon* administrative organization increased from 1.6% to 5.4%. As for those who had a role in joining in various community activities, such as savings groups, farmers groups, cremation groups and school committees, there was an increase in the role of the returned workers from 6% to 13%. It can be said that the returned workers took the initiative to get themselves involved in social and political activities at the local level to a greater extent than before they went abroad. However, such involvement is not yet at a very high level.

### 3.4.6 The disadvantages of working abroad

When we evaluate the advantages and disadvantages of working abroad, almost half of the sample group replied there were no disadvantages. Another half said there were. For those who said there were disadvantages, the greatest number, 17%, said the disadvantage was leaving home and being lonely. 9.3% said the disadvantage was getting into debt due to the service costs involved in going to work abroad. Another 9.3% said they had been deceived. 3.7% were sorry for the work done previously which they had to abandon. Another 2.4% said they were disappointed in their work abroad. There was only a small number, 0.7%, who answered that family problems were a disadvantage. Other disadvantages cited concerned difficulty in adjustment, becoming extravagant and loss of self-confidence. There was also a problem of language communication and the problem of having an illegal status while working abroad.

## 3.5 Case Studies of Migrant Labor Force

The data in this section is qualitative data gathered in the Northeast.

**Case study #1** Nang (fictitious name), female.

Nang is 35 years old with two children, one boy and one girl, aged 10 and 8 respectively. Nang went to work in a textile factory for 4 months. Nang paid 110,000 baht in service charges based on a verbal contract. The service costs included airfare and visa fee. After 4 months she was sent back (it was not clear whether this was because Nang was working illegally or if her employer laid her off). Nang returned and complained to the Department of Job Placement and gave testimony to the officials relating to her case three times. In the end she had 90,000 baht returned to her. She knew that there were 200

migrant workers who had been sent back at the same time because factories had to let workers go because of the economic crisis in Asia.

Before going abroad, Nang had worked in an automobile shop for 2 years and a carpet-weaving factory for another 3 years. While working in Taiwan she received a salary of 15,000 baht a month. She intended to change her name and find a way to go back to work in Taiwan again.

Nang felt life in Taiwan was good but there was a disadvantage in that Thai men and women workers worked together closely and sexual relationships developed easily. This occurred even though those involved had spouses back home. These workers, thus, changed their behavior compared to the past; they became more generous, become more extravagant, spent money on clothes and flirted with the opposite sex. This behavior probably resulted from the workers being far away from home.

Thus, there was a relaxation in sexual ethics. Life in Taiwan was very free; no worry about home. Barbecue parties were arranged and the workers got together to have fun. Those that were not previously familiar with such a way of life enjoyed themselves, and this new culture led to many getting divorced.

Those female workers who returned from work abroad showed themselves to be more independent on their return. Some divorced their husbands. This was because they felt they had their own money and now thought themselves to be more fashionable than before. Thus, their husbands should show them some consideration. Husbands facing such a situation had to go to their fathers-in-law and mothers-in-law or their own father and mother to mediate with their wives to bring about a reconciliation.

Even though Nang did not agree with such a life style, she nevertheless wanted to go back to Taiwan to get money to send back home. And life in Taiwan was fun and not boring. However, she felt sorry for her two children who would be lonely. She herself was uncertain how long she could bear the fun and games of such a life of freedom in Taiwan.

#### **Case study # 2 Porn (fictitious name), female**

Porn was also 35 years old; she had completed the third year of secondary school. She had returned from Japan seven years ago, having spent 4 years there. Porn went there as she had an uncle already there. Her uncle was a Lao refugee who had gone to Japan. Porn worked in an automobile assembly plant and had a monthly salary of 30,000-45,000 baht. Porn sent all her money home to her parents who built a house and bought a car. The money sent back home has all been used up. Now Porn is planning to go back to work in Japan once more. Porn met her husband who was a Thai worker in the same factory where she was working. Porn said that Thai men in Japan all had girlfriends because it was difficult. "Difficult" meant that the men were far from home; had no relatives there; there was no one to care and look after them and it was cold and lonely. Porn thought that Japan was a good place to work to get money because the Japanese people are nice to Thais. The Japanese are very polite. However, when asked would she still like to go back to Japan if she had a sufficiently large sum already, she replied in the negative.

#### **Case study # 3 Pricha (fictitious name), male**

Pricha is 37 years old. He went to Japan in 1998 using a tourist visa. Someone had come to invite him to work in Japan. Pricha went to work in a factory at a salary of 50,000 baht a month. He worked for 5 years and his salary increased to 90,000 baht per month, and he then returned home. While in Japan, Pricha met Porn and when they returned to Thailand they lived together in Korat. However, Pricha already had a wife in Chiang Rai and a 12-year old child. The wife in Chiang Rai did not know Pricha had a new wife.

Pricha said in truth he wanted to work again in Japan because the money was good. There was good discipline in the work system there, and one gained good experience. However, it was not like being at home. Even though the employer himself may be good hearted and polite, Pricha thought that the manners of the Japanese co-workers led to only casual relationships. They are not sincere. Generally, the Japanese view Thais as beneath them. Pricha felt the Japanese feared strangers and foreigners. When asked whether he would return to Japan, he answered he would go back because the money he had saved

and brought back to invest in setting up a construction company was all gone. This was due to the company losing money because of the economic downturn.

**Case study # 4 Narong (fictitious name), male**

Narong is 28 years old and worked in Japan for 8 years. He worked in a factory making computer parts with a salary of 50,000 a month. He came back in 1998 together with his wife who had a nervous breakdown. On their return, Narong took his wife to a psychiatrist at a provincial hospital to receive treatment. It took 13 months for her to be cured. They had one child. The problem that caused his wife to be sick in Japan was loneliness and homesickness, especially missing her parents. Though she worked in the same factory as Narong, they worked in different sectors, and Narong worked longer hours. Thus, they didn't have much time together. In addition, his wife did not have any close women friends she could talk to.

While in Japan, both husband and wife were able to save a large amount of money. However, they had large expenses, spending up to 200,000 baht for the funeral of Narong's wife's father and lending money to relatives to buy houses and cars. Actually, both felt satisfied that relatives came to ask for their assistance. At this time, Narong and his wife are investing in a new project changing their rice fields into an orchard.

Narong and his wife like Japan and want to return there even though the wife was lonely and had psychological problems there. In Thailand both did not use their skills relating to having worked in an electronics factory. However, they were satisfied in being self-employed so they did not work in a factory again. They did not use the skills they had learned in Japan but both were satisfied they were working in agriculture on land that their ancestors had left them as inheritance. However, Narong is looking for a way to go back to Japan once more. He complained that the weather in Thailand was too hot and Thais rarely were independent minded. As for not being independent, Narong says Thais are shy, lean on and depend on others and follow the dictates of society, not having ideas of their own. When asked if he would take his wife with him, Narong replied that he thought not. Narong said he would go alone and might even find a new girlfriend. However, he would always be responsible for his family remaining in Thailand. Thus, there should not be any problem. But when Narong was asked if his wife could act in a similar fashion, he said she could not do so as she was a woman.

In these case studies even though not all countries were covered, we might summarize the initial findings as follows. The Thai laborers in these four case studies were illegal laborers. They traveled in an illegal manner from the very beginning. Those who went to Japan were able to work surreptitiously for several years but those who went to Taiwan were quickly sent back after only 4 months. Those who went to Japan had a much higher income there than they had in Thailand. In Taiwan, the income of Thai workers was higher than at home but not as high as in Japan. When they put together their earnings, they had a large amount and were able to invest and start an independent business after their return to Thailand. The thing that all the case studies agree on is the social dimension of life abroad, especially the lack of strictness in following social rules and customs relating to relations between men and women among the Thai workers themselves. This part of the data is not found to any great extent in the quantitative research, as those answering might well not want to speak openly on such matters. However, this issue is clearly indicated in the qualitative data. Living both far away from home and from the social controls of one's birthplace leads to the male and female migrant labor force having sexual freedom. Even those with spouses back in Thailand find new girlfriends abroad. Some have temporary liaisons, some have longer term relationships. The latter hide such relationships from their old wives as was the case with Narong. Those who had no such experiences as the above, after observing such behavior, reply that they themselves might do the same as Nang. It is of interest that those that answer that they follow such behavior give the reason as the "difficulty" of being far away from home.

Thus, when viewed from the data of the case studies, we can see that going abroad for work has a large impact on family life.

As for the point of relations between men and women, aside from the issue of sexual relations, there is another issue which shows the impact of going abroad for work. The Thai female labor force which had tasted freedom and developed self-confidence had a problem of adjustment on return to

Thailand as they had money and knew what they wanted. They did not want to give in to their husbands as they had done in the past. If there were not any elders to help mediate, the possibility of divorce would increase.

In one case where a laborer tried to bring back the money saved to invest in his own business, he was unsuccessful and all the money was lost. The data is not clear whether the cause was a lack of skill in administering his own business or whether there were other reasons. But an initial summary indicates that, even though becoming self-employed is a dream for a large number of the labor force which goes abroad, and even if the occupations in question should demonstrate an upgrade of occupational status for the laborers who returned, the opportunity to realize such a dream is beset with difficulties. At the time of the economic crisis there are even fewer such openings. It is necessary to provide skills to those with such intention and there must be comprehensive planning to achieve this.

### 3.6 Summary

There were 461 migrant laborers in the sample group who returned from Japan, Malaysia, Singapore and Taiwan. They returned after the economic crisis, that is from 1998. The majority was male. The majority of the male and female labor force was in the working age range of 21 to 40 years, had finished primary education and were married. Only a small number had prior skills training before going to work abroad. As for the laborers themselves and their households, their income before going abroad did not exceed 5,000 baht a month. The majority of the labor force were farmers. Only a small number had previously worked in the service sector.

Those who went to Japan and Malaysia were likely to work for three to five years (those going to Malaysia went back and forth during that period as they were close to home). As for those who went to Taiwan and Singapore, they stayed only one or two years. The principal reason for going abroad for work was to get a higher income. Next was the inability to find work in Thailand. Not a few of the labor force used the network of their relatives as their source of information, to provide support in facilitating travel and in providing help in the destination country.

The economic crisis did not directly impact on the migrant labor force because they went to work abroad prior to the crisis. But this situation had an effect in so far as more than a half said they thought they would have to go to work abroad again especially if the economic condition further deteriorated.

The majority of the laborers received advice or encouragement from others to go abroad for work. Those who used the services of job placement agencies and those who went by themselves were about equal in number (47% and 45% respectively). The trend shows that there was large number who went to Japan and Malaysia did so mostly by themselves. A large number of those going to Taiwan and Singapore went by using the services of job placement agencies.

As for service expense, those who paid such costs did so at a higher rate than set by the Ministry of Labor. Those who went to Japan paid the most (more than 90,000 baht). Next was Taiwan (60,000-90,000 baht) and Singapore (30,000-60,000 baht). Those who went to Malaysia were likely to only spend not more than 10,000 baht on travel and minor expenses. More than half of the migrant workers borrowed money to pay for the service costs. They borrowed mostly from moneylenders, next from relatives. There were only a few who borrowed from banks. After using the private company services and those of the government, most were more satisfied with the private companies because of the speed and convenience when compared to government services.

As for the migrant workers, three out of four had visas but only 41% of these had visas valid for work; the remainder had tourist and other types which did not allow them to work. Adding those who did not have visas and those who had the wrong type of visa, there were more than half that went abroad illegally. The effect of this was that they did not sign proper employment contracts. Even in the group that did sign employment contracts, one in four did not understand the contracts they signed. Only one in twelve passed the skills test in mechanics prior to departure, the remainder went as artisans.



The choice of what country to go to was, for the majority, a question of income. However, there were other factors such as for those going to Japan the fact that they had many friends or relatives already there. Those who went to Singapore went there as travel and job placement costs were not too high. Those who went abroad without employment contracts did not have work permits. The majority of these were those who had previously worked in Japan and Malaysia. The majority of Thai workers went to work in construction and industrial factory work, such as textiles, chemicals, electronics and food products. The majority of those who went to Singapore and Taiwan passed through orientation courses before traveling abroad. The majority of workers going to Singapore and Taiwan worked in middle-sized enterprises but those going to Japan and Malaysia worked in small enterprises. For the most part, the workers worked 8 hours a day with separate overtime work. The interviewees said they initially had to adjust themselves when they started work as they did not have the skills that were necessary for their work. As for wages, those who went to Japan had higher wages than elsewhere, an average of 30,000 baht per month. Those who worked in Taiwan had a lower wage (20,000 to 30,000 baht). Those that went legally received welfare benefits according to the rights of workers which included payment for travel home and payment of wages during the time they stopped working.

As for housing, those working abroad were likely to live together in hostels which the employer had rented. The workers rarely got involved with the local citizens of the destination countries except for their employers and supervisors as they did not have much language capability. However, this did not present a problem. When they had free time, workers in the sample group usually rested, watched TV and read newspapers. Very few played athletic games. One part of the workers did not have free time as they did a lot of overtime work so as to get more income.

Those who went to work in Malaysia came back home for visits far more than was the case for other countries. The majority of those who returned for good did so because their employment contracts were finished. Not a few wanted to stay or and continue working. 30% wanted to get naturalized in the country where they were working. The number of those who wanted to be naturalized was particularly high in Japan.

While working abroad, almost all of the workers sent money home. Workers in Japan and Taiwan sent back on average more than 150,000 baht per person per year; from Singapore about 80,000 to 150,000 baht per person per year; and from Malaysia not more than 80,000 baht a year. More than half sent back the money to their spouses. Another one in three sent money to their parents. Money was sent back through regular and irregular channels. Those who did not have legal status were likely to use irregular channels as they did not have the necessary personal documentation required by the banks for sending money back to Thailand. Most of the money sent back was to repay debts, next it was used for household expenses, to buy land and build houses. There were only 13% who saved the money (either in cash or in gold) and 1.2% invested the money.

When the workers returned to Thailand, the majority of workers went to work in agriculture. There was very little change from the occupations pursued prior to departure and those after their return. There was no relation to and continuity with the occupation they followed while working abroad in the work they did on their return. Only 16.8% had the capability to change their occupation to become self-employed. This data shows that skills learned in working in industrial factory work and construction were not used in carrying out their jobs on return to Thailand. In part, this was due the economic downturn which led to a very tight labor market in Thailand. So there only remained the agricultural sector which had the capability to absorb the returning workers (66.6%). Another part of returnees had returned with money saved and were more selective in choosing work and did not feel rushed in finding new work. Thus, it was found that those returning from Japan had the tendency to start looking for work more than a year after their return.

Aside from not changing their occupations, income which the laborers received after they returned to Thailand and started working was not different from what they had earned before they left. 80% had an income not exceeding 5,000 baht a month. This resulted in the workers struggling to return to work abroad. 78% of the interviewees affirmed that they would return to work abroad with most wanting to go to Japan and Taiwan. But those responding in this way admitted that the possibility of doing so was not very great. Those who wanted to go to Japan felt the opportunity to do so was good;

those who wanted to go to Taiwan felt there was little opportunity to do so. Aside from the relatively small impact on occupations and income, in the area of increasing skill levels in their work abroad, two out of three learned skills in construction work abroad and there were five who reported they adjusted and improved their working behavior by becoming more active, being on time and being more disciplined.

As for social impact, more than half viewed that they were accorded more acceptance from neighbors and others. There were those who often asked them for advice and counsel. Aside from that, it was found that those who returned had greater involvement in social activities and politics at the local level that they previously had. The same applied as to their role as leaders and getting involved in activities, such as on the *tambon* (sub-district) administrative committee, village committee, savings group, farmers group, cremation group and school committees.

When the sample group considered the advantages and disadvantages of working abroad, half thought that there were no disadvantages. Another half believed that there were disadvantages. The important disadvantages were loneliness because they must leave home; the burden of debt incurred in finding money to pay for the job placement expenses, being deceived, and family problems. Even though those citing family problems are only 0.7%, data from the case studies indicates that problems relating to the family tend to be important, especially as to relations between husband and wife in the case where one or the other travels to work abroad. Living far from home and no longer under the social and cultural customary restraints of their home led them to be unfaithful to their spouses and to easily find new partners. As for female laborers, there is a problem of adjustment after returning from a life of freedom and not having to be dependent on a husband while abroad. Divorce among couples who go abroad for work is, thus, quite common. And as there are more women than men going abroad than before, the gender dimension of the impact of migration to go to work abroad is more complicated than before in the decade of the 1980s when it was mostly men who went to work abroad.

## Chapter 4: Laws and Regulations on Migration for Employment

Data in this part is composed of the details of three legal sources; these are Thai laws, laws of the destination countries that Thai migrant workers went to work in, namely Japan, Malaysia, Singapore, and Taiwan, and the last source, laws or regulations between countries that relate to this subject.

### 4.1 Thai legal system

Thai laws that relate to migration of Thai workers are the Immigration Act 1979, and the Law of Employment Recruitment and Protection of Job Seekers 1985, amended 1994.

1) Immigration Act 1979, Section 11 refers to persons who enter/depart from the Kingdom through immigration checkpoints or other channels, which the Minister of Interior stipulates. This Act has no impact on preventing Thai workers to go to work abroad.

2) Law of Employment Recruitment And Protection of Job Seekers 1985, amended 1994, Section 87 of this act requires workers who go to work abroad to depart through the job seekers checkpoint and present the particulars to the officials according to the process that the Director-General of the Employment Recruitment Department stipulates.

As far as these two laws are concerned, it can be seen that Thai law is not an obstacle to Thai workers going to work abroad. On the other hand, there are no laws that encourage migration to work abroad as in the case of assistance or protection for workers who went abroad.

As for the Employment Recruitment Act of 1985, it was promulgated because of the expansion of the business of sending people to work abroad. There was a lot of deception as well as excessive service charges. As a result, a law to strictly control such activities was needed. This law stipulates that the Employment Recruitment Department set up the Office of Employment Recruitment to seek jobs for people without any charge. Also, it permits people to form private employment recruitment businesses, and the business operators have to be juristic entities in the form of companies that had a surety of 5 million baht. If the one who receives the permission lacks the necessary qualifications, that has to be remedied according to the time limit set. Otherwise, the registrar (Director-General of Employment Recruitment Department) has the right to suspend permission for no more than 120 days a time. If the situation is not remedied in the time that is set, the permit must be revoked.

The government should supervise the employment recruitment company by supervising the boards of the companies, supervising the procedure of recruiting workers, and supervising the service given to workers. Besides that, the government established 2 special agencies in the form of committees; Committee of Employment Recruitment And Protection Of Job Seekers and Committee of Assistance Fund for Job Seekers. Employment recruitment companies have the responsibility to oversee the employment recruitment and employment contracts, check workers health, arrange for workers to have pre-departure orientation. After workers have arrived abroad, companies have to co-ordinate with the government agencies abroad to protect the workers. The law also specifies that employment recruitment companies are responsible in the case where workers are unable to work according to their employment contracts or receive wages lower than required and the job positions are not related to the provisions of the contract.

The Fund for Assistance to Job Seekers received contributions from the government and the employment recruitment companies. This Fund has the objectives of (1) arranging for workers who are neglected abroad to return to Thailand (2) aiding job seekers who went to work abroad (3) selecting and testing the skill of workers, training job seekers prior to their departure. There is a board to administer these matters composed of the Director General of Employment Recruitment Department as chairman of the board, and the Director of Office of Labor Affairs in foreign countries as a member of the board and as secretary.

## 4.2 Japanese Legal system

The Japanese Immigration Office is under the Ministry of Justice and has the 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 be their 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. Foreign workers in Japan consist mostly of Koreans, Chinese, and Brazilians. Illegal foreign workers in 1999 consisted of Koreans (52,387 workers), Filipinos (42,547 workers), Thais (39,513 workers), and Chinese (38,296 workers).

**Regulations on migration:** Japan does not permit foreign workers to come to work freely. Visa exemptions in entering Japan were agreed upon with 58 countries worldwide. In 1999, South Asian countries which used to have a visa exemption to come to Japan had their visa exemption cancelled. 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, religion 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. However, children and grandchildren of Japanese who immigrated to resettle in Brazil and Peru are able to enter Japan and work without any limit to their period of stay.

**Deportation / push back:** According to section 24 of the Immigration law, the following persons are designated for deportation from Japan.

- (1) Persons who enter the country without a valid passport.
- (2) Persons who enter the country without entrance permits.
- (3) Persons who enter the country with expired visas
- (4) Persons who enter the country and violate the regulations as to length of stay in Japan.
- (5) Persons who enter the country and violate the regulations of temporary stay in Japan.
- (6) Persons who assist and arrange for others to enter Japan illegally.
- (7) Persons who are sentenced to imprisonment due to violating the immigration law.
- (8) Juveniles who are sentenced to imprisonment for more than 3 years.
- (9) Persons who violate the narcotics control law.
- (10) Persons who violate the law and are imprisoned for more than 1 year.
- (11) Persons who are involved in commercial sex service.
- (12) Persons who are involved in violence and destruction.

(13) Persons who are a threat to the well being and national security of Japan.

In 1997, 49,566 foreigners were deported; 41,113 of these were deported for having overstayed their visas and 41,606 were illegal workers. 4,487 Thais were deported in the same year.

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.

As for the ones who assist or employ illegal migrant workers, they would be sentenced to imprisonment of no more than 3 years or a fine of no more than 2 million yen. This penalty included those who are outside Japan and who assist and contact illegal workers.

**Welfare benefits:** 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. The local government and private development organizations had to pay for the medical care of illegal workers who are sick or sustained injuries during their work. Illegal workers themselves also do not want to go into the Social Security system as the money to be received as compensation would be dispersed far in the future and they would have already returned home.

**Remittances:** Workers have to present their I.D. cards in order to remit funds to their home countries. If the remittances were for more than 5 million yen, workers have to fill out a form that specifies the receivers and the purposes of the remittances. This is to prevent money laundering. Alien workers, therefore, usually send their money back outside of the official system such as giving money to their friends or relatives to give to people in Thailand. They also remit to Thailand through 'underground banks'. The underground banks would charge fees of 0.3% to 1% of the amount of remittance. From 1997, 15 managers of underground banks were arrested. The amount of remittances through this underground system amount to 100 billion yen. Penalties for remittances outside the official system were imprisonment for 1-2 years and a fine of 700,000 yen. Nevertheless, as some of the illegal foreign workers had stayed for a longer period of time and some persons were joined by their relatives, the amount remittances per head decreased steadily from approximately 830,205 yen per person in 1980 to 173,329 yen in 1992.

There was a trend towards steadily increasing crimes 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.

#### 4.3 Malaysian Legal System

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.

At present, the Cabinet Committee on Foreign Workers which has the Deputy Prime Minister (who is also the Minister of Interior) as chairman is responsible for solving the problem of foreign workers.

In February 2000, the Committee resolved to permit foreign workers to work in all jobs excluding 138 reserved jobs (such as musical instruments maker, mechanic, technician, vendor, waiter, maid and social escort, etc). This was because there were demands to hire foreign workers to work in the construction sector, industrial factories and the agricultural sector. Besides that, the Committee also extended the period of employing foreign workers for 1 more year after the employers had hired foreign workers for 7 years until the present.

The Malaysian Employers' Federation expects that in the year 2000, there will be a demand for 200,000 foreign workers to work in the industrial factory sector. The Federation is interested in employing foreign workers with no less than 70% (140,000 workers) of them from Indonesia as the Indonesian workers have a similar language and culture. However, the Malaysian Trades Union Congress (MTUC) considered that the resolution of the committee that was announced was difficult to implement as there were problems of supervising the prohibition of foreign workers to work in the 138 reserved occupations; supervising and preventing employers who were permitted to employ alien workers not to bring those alien workers to work in the jobs that were prohibited; solving the problem of approximately 600,000 undocumented workers and clarifying as to whether the government would deport the illegal workers or let the employers continue hiring them.

The problem of 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 provide 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 physical 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 stipulates that to be naturalized as Malaysian is very difficult as the problem of nationality is a very sensitive one for a country which has many ethnic groups. In 1969, there had been an uprising due to dissatisfaction of certain ethnic groups. There is only a slim chance that foreign workers can be naturalized as Malaysians.

#### **4.4 Singapore Legal system**

Two laws of Singapore regarding foreign workers are the Immigration Law and the Labor Law.

The Singapore Immigration and Registration Agency was the agency which enforced the Immigration Law of Singapore. It was under the Ministry of Interior. Thais who wanted to go to Singapore did not need any visa but only travel documents which the Thai government issued. They could stay in Singapore for 14 days; if they wanted to stay longer, they had to ask permission from the authorities. As for the ones who came to work, most of the regulations were related to the employment pass and work permit which was issued by the Ministry of Manpower.

There was punishment for persons who entered the country illegally. As there was an increasing number of persons who entered Singapore illegally to work, the punishment for such persons is more severe than before. At present, the punishment is imprisonment of 6 months and being caned a minimum of 3 times. For the ones who leave the country illegally, they would be imprisoned for 3 months and fined 2,000 Singapore dollars.

The penalty for persons who used false passports is 2-5 years imprisonment, a fine of 10,000 Singapore dollars, and being caned. Persons who overstay their allowed period are penalized with a fine of 4,000 Singapore dollars and imprisonment of 3 years or both. The punishment for overstaying more than 90 days is being caned another 3 times and imprisonment of 6 months. If one is exempted from caning, they have to pay an increased fine of 60,000 Singapore dollars.

As for being caned, the criminal law specifies those women, men who were sentenced to death and men over 30 years old are not to be caned. Persons who lead and arrange for others to enter country illegally are penalized with 2 to 5 years imprisonment and being caned 3 times. 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, and the punishment is imprisonment of 6 months to 2 years and being fined 6,000 Singapore dollars, and also being caned 3 times.

The Immigration Law was amended the last time in 1998; a major detail was a check on diseases of foreigners who entered the country. Persons who did not have a disease-free card would be penalized 2,000 Singapore dollars and imprisonment of no more than 6 months. Also, their permit to enter the country would be cancelled. As for the ones who were HIV-positive, they would not be permitted to enter the country.

Besides that, there was an amendment to the law requiring a record be kept of fingerprints of migrant workers in Singapore in the computer mainframe. This computer mainframe could be logged on from the Ministry of Manpower computer mainframe which was online to all of the agencies that had the duty to implement and enforce the law. All foreign workers had to carry the I.D. card with their fingerprints on it.

Labor law was composed of major laws such as The Employment of Foreign Workers Act 1991 and another 6 related laws. The law specified that foreigners who are eligible to receive an employment pass are professionals who have at least a bachelor degree. They must receive an income of no less than 2,000 Singapore dollars. As for the foreign workers who are semi-skilled or unskilled workers who receive income less than 2,000 Singapore dollars, they will get work permits. This income does not include overtime wages or other benefits.

The duration of a work permits is 2 or 3 years. It is issued only to persons who graduated from high school and passed GCE level O and A.

The 2-year work permit is for workers who have less education than those mentioned above. They are hired to work in different types of jobs. Foreign workers who work as construction workers would receive work permits only after they have attended an orientation for half a day regarding safety while working in construction work. Thereafter, they would be issued a 2-year work permit. Workers cannot change their job or employers according to the work permit. 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 a 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 one's 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.

### 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.

The levy rate from 1 January 1999 only for unskilled workers is as follows:

Type of Job	Proportion of Singapore workers to foreign workers	Levy rate (Singapore dollars)	
		per month	per day
Factory	60.40	240	8
Construction	-----	350	12
Process maintenance			
Mower	-----	350	12
Domestic work	-----	345	12
Sea fishing	1.3	295	10

The levy rate for skilled workers is much lower, only 30 Singapore dollars a month or 1 Singapore dollar a day. This is because the Singapore government encourages skilled workers to come to work in Singapore.

### The punishment for employing illegal foreign workers

Employers who employ more than 5 illegal foreign workers are penalized with 6 months to 2 years imprisonment, a fine of no more than 6,000 Singapore dollars, and being caned. If one is not eligible to be caned (as is the case with women and those older than 50 years old), they will be fined 10,000 Singapore dollars.

The companies that employ illegal workers will be penalized by being fined 50,000-100,000 Singapore dollars. The officials who order or approve the hiring of illegal workers will receive the same punishment as the employers.

Policemen or employment inspectors have the right to arrest, without an arrest warrant, persons who are suspected of entering the country illegally. They have such rights as to search the workplace that is suspected of hiring illegal foreign workers, ask to examine I.D. cards and work permits, and take photographs of the workplace and the suspects. Persons who resist are penalized with imprisonment and fines.

The employers who are guilty for the first time of employing illegal foreign workers are penalized by being fined equal to the levy on a foreign worker for 24-28 months, or imprisonment for 1 year or both.

Persons who are owners of the places where foreign workers work are considered to be employers of illegal foreign workers. The owners who are remiss will be penalized by being fined an

equivalent of 24-28 months of the levy fees on one foreign worker. As for those who are found guilty a second time on the same charge, they will have to pay an increased fine equal to 48-96 months levy fees or be penalized with imprisonment of no more than 2 years or both.

Foreign workers who work without work permits are penalized with a fine of no more than 5,000 Singapore dollars or imprisonment of no more than 1 year or both.

Nevertheless, the law does not specify as to who will be responsible for paying the expenses of sending foreign workers back to their home countries.

### **Taiwan Legal System**

The major law for supervising foreign workers in Taiwan is the Employment Service Act or Labor law. There are specific sections focusing on the matter of foreign workers, i.e. Sections 41 and 68.

The law specifies that the use of foreign workers must not take away the opportunity of Singapore workers or be a threat to the social and economic security of the country. Section 48 sets out the types of jobs that foreign workers can do are unskilled work or professional jobs not forbidden by law. The law permits only 3 jobs that employers can hire foreign workers for.

1. Domestic work
2. Work which the government views as necessary for the rehabilitation or development of the society and economy.
3. Other work which the government views as necessary as Taiwanese workers do not want to do such work.

**Sections 49-50.** Employers can hire foreign workers for a period of no more than 2 years and the time of hiring can be extended 1 more year if necessary. However, unskilled workers and workers in the 2 other types of jobs as mentioned above can be employed for only 1 year and be extended for another year. (Later on, the duration that unskilled workers could be employed was extended to 2 years and could be extended for a further year – researcher)

**Section 51** The government has established a special fund and employers who employ workers to work in these types of jobs have to pay an employment stabilization fee into the fund in order that this money could be used to support employment in the country. Any employers who do not pay into the fund can have their permits to employ foreign workers revoked.

**Section 52** Employers must notify the local authorities or police in the following cases:

1. Employees who miss their work for more than 3 days without notification of their absence and are unable to be contacted.
2. Employees who have serious problems at their workplace with their employers.
3. Period of employment has ended.

**Section 53** Employers cannot do the following things:

1. Employ foreign workers without permission or the employment permits have expired.
2. Use their names to employ foreign workers but send workers to work for others.
3. Employ foreign workers by using names of other employers.
4. Order foreign workers to work in jobs not according to their employment permits.

**Section 54** As for foreign workers, their work permit will be confiscated if they are found guilty on the following charges:

1. Working for employers whose names are inconsistent with the names on the work permits.
2. Working on other jobs which are not consistent with those specified in the work permit.
3. Employees who do not undertake a disease control check or do not pass the check.

4. Miss work for more than 3 days without informing employers or lose contact with the employers. Employees who have serious problems at their workplace or their employment permits have expired.
5. Employment or travel documents are not valid.
6. Violate other laws of Taiwan which will cause damage. Workers whose work permits are terminated have to leave the country immediately and are not permitted to enter the country to work again.

**Section 55** Employers are responsible for paying the travel fees and the expenses of holding the workers until they are sent back to their home countries.

Money that is paid to the employment stabilization fee must be adequate to pay the expenses mentioned above. If employers neglect to pay or do not pay an adequate amount of money even though they are officially informed, they will be charged and put on trial in order to force them to pay such costs.

**Section 56** Prohibit the employment of foreign workers to do illegal work.

**Section 57** The officials and policemen or the ones who are given the responsibility in writing have the authority to search the workplaces that are suspected of hiring illegal foreign workers. In this case, the employers must not escape, resist, or obstruct the search.

**Section 58** The punishment for employers who are guilty according to Section 53. If employers hire one illegal worker, they are penalized with imprisonment of no more than 1 month with hard labor or are fined no less than 90,000 Taiwan dollars or both. If employers hire 2 illegal workers, they are penalized with imprisonment of no more than 2 years with hard labor or a fine of 300,000 Taiwan dollars or both.

As for the case of companies or juristic persons, there are penalties both for the ones who are guilty and those who are responsible according to the law.

**Section 59** Persons who are guilty according to section 56 are penalized with imprisonment for 6 months with hard labor, or a fine 150,000 Taiwan dollars, or both.

Persons who provide work to foreign workers expecting benefits are penalized with imprisonment for 3 years hard labor, or a fine of 600,000 Taiwan dollars or both.

Employment recruitment brokers who are found guilty a second time on the same charge are penalized more severely with 5 years imprisonment with hard labor, or a fine of 1,500,000 Taiwan dollars or both.

As for the case of companies or juristic persons, the punishment will be both for the ones who are guilty and those responsible according to the law.

**Section 61** Persons who are guilty according to section 57 (do not cooperate in the search or escape or obstruct the search). The penalties are a fine of no less than 15,000 Taiwan dollars but no more than 150,000 Taiwan dollars.

**Section 63** The business operations which are guilty of severe charges will have their employment permits revoked in some part of their operation or in all of it.

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. Besides that, Taiwan government stipulates the punishment for illegal foreign workers who give themselves up to authorities as follows:

Flee away for no more than 1 year	---- being fined 650 Taiwan dollars
Flee away for 1-5 years	---- being fined 10,000 Taiwan dollars
Flee away for over 5 years	---- being fined 15,000 Taiwan dollars

In some cases, there is also a punishment with imprisonment.

#### **4.6 Laws, Conventions, and Regulations among Countries which are Involved in the Migration and Employment of Migrant Workers.**

##### **1. Convention of the International Labor Organization**

There are all together almost 200 conventions; 7 of them have basic agreements as follows:

Convention number 29 Forced Labor Convention, 1930  
 Convention number 87 Freedom of Association and Protection of the Rights to Organize, 1948  
 Convention number 97 Migration for Employment  
 Convention number 98 Rights to Organize and Collective Bargaining  
 Convention number 100 Equal Remuneration, 1951  
 Convention number 105 Abolition of Forced Labor, 1957  
 Convention number 138 Minimum Wage, 1973

Thailand is a party to only Convention number 29 and is less active in taking steps to be a party to other conventions when compared to other countries. This is because Thailand is not sure whether being a party to other conventions is sufficiently beneficial to Thailand or not. There have to be many meetings and consultations before Thailand considers becoming a party to a convention; there also has to be a public hearing. Besides that, when a country decides to be a party to any Convention, it has to assure that its labor standards follow the stipulations of the Convention. If Thailand decides to be a member of any Convention which has an impact on Thai law, there must be the consent of parliament. As for academics and non-governmental organizations, they have tried to pressure Thailand to be a party to Convention number 97. However, the Thai Ministry of Foreign Affairs and the Ministry of Labor and Social Welfare have not yet proceeded on this matter.

##### **2. The International Convention on the Protection of the Rights of Migrant Workers and Members of their Families, 1990**

This Convention was presented to the United Nations in 1990 but only 4 countries approved, and there is not yet ratification of this Convention. The United Nations campaigned for all countries to ratify this convention but this has not happened yet. Thailand also has not yet verified this convention. Details in this Convention cover the definitions of the phase Migrant Workers, their human rights, labor rights, and rights of foreign workers in the destination countries. It mentions both legal and illegal migrant workers and the members of their families.

As for the ILO Convention Number 97 called Migration for Employment, it also specifies the rights of migrant workers. However, it only specifies the protection of the rights of migrant workers.

##### **3. Agreements according to the WTO framework**

According to the WTO framework, it is stipulated that there should be a tie between labor standards and international commerce, especially as related to the social clause. This was to protect laborers from being taken advantage of by using negotiations on the stage of international politics and setting universal standards in order that laborers are not only under the influence and control of the market mechanism. Nevertheless, agreement within the WTO has not yet resulted in clearly defined labor standards.

#### 4. International Law

Composed of an International Covenant on Civil and Political Rights and the ILO Declaration; there are 4 main subjects regarding the labor force as follows:

1. Freedom to organize and collective bargaining
2. Eradication of forced labor.
3. Eradication of child labor
4. Eradication of favoritism in employment and jobs.

These main subjects are enforced globally, in Thailand and in the destination countries where Thai migrant workers are working.

#### 5. Bilateral Agreements regarding the Protection of Laborers

At present, there are no bilateral agreements at the regional level regarding the protection of laborers between Thailand and the four destination countries where Thai workers are working, Japan, Malaysia, Singapore and Taiwan. This might be because the issue of the labor force is very sensitive in those four destination countries as there are large flows of migrant workers. It is up to government policy to indicate how to proceed. If there is an agreement on the protection of migrant workers, it might encourage more migrant workers to go to work in those countries as they would expect that the Thai government would protect them. There has been no further progress on this matter.

#### 4.7 Conclusion

The major law of Thailand is the Law of Employment Recruitment and the Protection of Job Seekers 1985 (amended 1994) which has major details regarding supervision of employment recruitment and protection of job seekers and Thai migrant workers. However, overall, this law does not encourage migration to work abroad and does not protect the Thai migrant workers when they are already in the destination countries. As for laws of the four countries which accept Thai migrant workers, the immigration and employment of migrant workers laws of Japan, Taiwan and Singapore are very strict. They do not encourage large numbers of migrant workers, especially unskilled workers, to go to work as one can see in the case of Japan and Singapore.

Japan does not encourage the employment of migrant workers. They have rather opened a channel for workers to come in as trainees which results in employers paying less remuneration than what migrant workers would receive. The Japanese government could closely supervise the quotas of the trainees, and trainees do not have rights to receive other welfare benefits as do migrant workers. As for Singapore, it applies the technique of collecting a high levy for unskilled workers and has pressed migrant workers to come to work as skilled workers who have already passed a skills test. Nevertheless, these two countries have been unable to solve the problem of migrant workers who illegally work in their countries. Taiwan is the favorite destination country of Thai migrant workers as its laws do not impede migrant workers as much as Japanese and Singaporean laws do. Also, it accepts the employment of a large number of unskilled migrant workers to work in the construction sector and industrial factories. Besides that, it tries to arrange for illegal foreign workers to continually come under a correct system under law. However, there is the problem that employment recruitment has to pass through many steps, i.e. the Taiwanese government approving jobs positions and then steps involving Taiwanese employers, agents of Taiwanese employers, Thai employment recruitment company, broker/ Thai contacts, and the workers themselves. Money is collected at each of these steps which make the overall costs of the employment recruitment to go to Taiwan to be as high as 130,000 baht. As for Malaysia, its labor law does not cover the matter of foreign workers. However, it has regulations and resolutions made by a committee or the cabinet. Those resolutions provide a broad opportunity to employ foreign workers. Nevertheless, there is insufficient data of the punishment and prohibitions involved for this research. Nevertheless, such conditions are not an obstacle for Thai Muslims from the south of Thailand who have similar language and culture to Malaysians to come and work in Malaysia. Overall, Taiwan and Malaysia, more than Japan and Singapore, are the destination countries where the legal system is most conducive to Thai migrant

workers.

As for International law, there are laws and agreements that have substantive aspects regarding foreign workers. However, those laws and agreements do not result in providing opportunity or protection to Thai migrant workers. This is due to the fact that those countries that employ Thai migrant workers and Thailand are not parties to or have not ratified those laws. In addition, Thailand has never had bilateral agreements on the matter of Thai migrant workers with those four destination countries.

## **Chapter 5: Summary Discussion and Recommendations**

### **5.1 Summary**

This research project on the Thai migrant labor market in East and Southeast Asia and the impact of the economic downturn at the end of the decade of the 1990s has as its objective an examination of the flows of Thai migrant labor to Japan, Malaysia, Singapore and Taiwan; considering the labor market that the Thai workers enter; the reasons influencing Thai workers to migrate; the advantages and disadvantages of working abroad; and the impact of the economic recession on the opportunity of Thai laborers to work overseas. The research was conducted by field research, interviews of a total of 535 migrant workers in the four countries where Thai workers had gone to work i.e. Japan, Malaysia, Singapore and Taiwan, and field research in Thailand involving 461 workers who had returned from the above countries. Interviews were conducted in Chiang Rai, Phayao, Udonthani, Nakhonratchasima, Satun and Patani. Collection of data was undertaken in April – July 1999. Aside from the above, there was document research and analysis of immigration laws, alien workers laws and laws and international agreements relating to Thailand and destination countries. The results of the research are as follows:

#### **Thai labor force overseas**

The sample group of Thai workers who went to work in the four destination countries, Japan, Malaysia, Singapore and Taiwan, has varied characteristics. In Japan, the majority of the Thai workers, except for trainees who work illegally, have a high proportion of women, have an occupational background in the service sector; are not agriculturists, and have very high costs in going to work abroad, an average of 140,000 baht. However, the income of the Thai workers in Japan is also high, amounting to about 50,000 to 75,000 baht. The workers are able to remit large sums to Thailand, on an average of 700,000 per person per year. The majority worked in the service sector, in general services, in entertainment sex services. Those working in Japan stay for long periods, some as long as ten years. The workers marry both Japanese and Thai, and there is a tendency to live in Japan permanently. However, the way of life in Japan is very stressful. Some have very severe problems because of their illegal status. Those who come as trainees may have a better status but have low income, and the length of their work period in Japan is shorter and is not sufficient to meet their needs. Also, they have to pay service costs to companies which act as middlemen between Japanese organizations and the Thai Department of Job Placement.

The workers in Malaysia are for the most part Thai-Muslims from southern Thailand. There are more men than women workers, and they go to work in Malaysia without any immigration control problems. There are both legal and illegal workers, but those who are illegal do not have as many problems as in Japan. They are under no pressure in their way of life. The majority of the workers enter and leave Malaysia all the time. The workers in Malaysia also marry locals as is the case in Japan. And, similar to Japan, there are networks of relatives and acquaintances who encourage the workers to come to Malaysia. The workers don't have to rely on job brokers or pay service costs. Income received is higher but not much higher than in Thailand, on an average 400-800 ringgits per month per person. There are those who work in restaurants, do agricultural work, work in factories and in fishery. There was a trend to live in Malaysia permanently. It is of interest that Muslim women are increasingly going to work in Malaysia. There is quite harmonious social and cultural integration of Thai workers to Malaysian society.

As for Thai Migrant laborers in Singapore, the majority come from Northeast and Northern Thailand and are mostly men with a background in farming. They have legal status as they signed employment contracts. However, as the laborers are unskilled, they have to pay high levies. Most all work in construction jobs. About half have worked in other countries. The majority use the services of a job placement agency and have to pay costs of about 47,000 baht on an average. Three out of four work in construction jobs with wages higher than those in Thailand but still not very high. The average income is about 738 Singapore dollars a month. About half of the workers just came to work in Singapore after the economic recession. The majority are able to remit money back to Thailand on an average of 155,320



baht (6,500 Singapore Dollars) per person per year. Living conditions in Singapore are not especially good. Very few have new partners. The majority work for two years and at the expiration of their contracts return home.

Of the four countries, Taiwan has the most Thai workers. There are more men than women. Most work in factories; the next largest number in construction jobs. Two out of three have backgrounds as farmers. Most have not worked abroad before. They come to Taiwan through job placement agencies. Almost all pay, on an average, 130,000 baht in service fees. The majority borrow money to pay these fees. Almost all have legal status as workers and have employment contracts. Wages are about 20,000-30,000 Taiwanese dollars, on an average. This is about 15,00 to 20,000 baht which is higher than their wages in Thailand. Those working in construction jobs get higher pay than those in factories but have deteriorating health. Most all of the workers are lonely and miss home. They remit money back to Thailand but the exact amounts are not known. For the most part, after working for two years, they return to Thailand.

### **Thai Workers Who Have Returned to Thailand**

Thai laborers in the sample group, in the number of 461, returned from Japan, Malaysia, Singapore and Taiwan after the economic recession, that is in 1998. The majority are men. Both men and women workers are in the working age range of 21 to 40 years old; have finished primary level education; and are married. There are few who have been in skills training programs before leaving for overseas work. Personal and household income before going overseas was low, not exceeding 5,000 baht a month. Most laborers were agriculturists. There were only a few who had previously worked in the service sector. Those who worked in Japan and Malaysia were likely to work for a period of three to five years (those working in Malaysia went back and forth during this period as they were close to home). As for these who worked in Taiwan and Singapore, they usually only stayed for one or two years.

The major reason for seeking work abroad is the desire for a higher income; next is the inability to find work in Thailand. Quite a few of the workers rely on networks of relatives and friends as sources of information to facilitate travel to work abroad and to help in the destination countries.

The economic downturn in Thailand did not have an impact on these workers as they left to work abroad before the crisis occurred. But this recession had an impact on more than half of those interviewed as they said they wanted to go abroad for work again especially if the economy deteriorated further.

The majority of the laborers had received advice or encouragement from others to go and work abroad. Those who relied on the services of job placement agencies and those who arranged their own travel were about equal in number (47% and 45% respectively). The trend indicates that there were a lot who went to Japan and Malaysia on their own while there were many who went to Taiwan and Singapore who used the services of job placement agencies. As for those who had to pay service costs, they did so at a rate higher than the rate fixed by the Ministry of Labor. Those going to Japan paid the most (more than 90,000 baht); next was Taiwan (60,000 to 90,000 baht) and Singapore, 30,000 to 60,000 baht. Those going to work in Malaysia spent not more than 10,000 baht for travel and other minor expenses. More than half of the workers borrowed money to pay for their service costs. They mostly borrowed from moneylenders and next from relatives. There were only a few who borrowed from banks. After using the services of private companies and the government, the majority said they were more satisfied with the services of the private companies as they were quicker and more convenient.

Three out of four of the sample group of migrant workers had visas. However, only 41% had valid work visas; the remainder had tourists and other visas which did not allow them to work. Thus, if we add the number of those who didn't have visas and those with the wrong type of visa, we find that more than half worked illegally. The result was they didn't sign valid employment contracts. Among

those that signed contracts, there were about one in four who didn't understand what they signed. Only 12% had passed a work skills test in mechanics. The rest went as artisans.

As for the choice of destination country, the majority answered that the major reason was income. But there were other additional factors.

Those who chose Japan did so because many had friends or relatives there. Those who went to Singapore said a factor was that service costs of job placement agencies and travel expenses were not too high. Those who went without contracts didn't have work permits either. This mostly applies to those who had previously gone to Japan and Malaysia.

As for work undertaken, the majority of workers worked in construction jobs and industrial factories. The industrial factories consisted of textile, chemical, iron, electronics and food products factories. The majority of those going to Singapore and Taiwan passed through orientation programs before traveling abroad.

The majority of workers going to Singapore and Taiwan worked in medium and large enterprises but those going to Japan and Malaysia worked in small enterprises. For the most part, the worker worked an eight hour day and had separate overtime work. The interviewees said they had to adjust themselves when they began their work because they didn't have the necessary skills for the work they had to do. As for wages, those who went to Japan received higher wages than elsewhere (an average of 30,000 baht a month); those who went to Taiwan received less (20,000 to 30,000 baht). Those who worked legally received welfare benefits according to the rights of laborers including home leave and receiving wages while they were on leave and not working. While working abroad, the migrant workers were likely to stay together in hostels which the employer had rented. The migrant workers didn't mix with the local population of the destination country except for their employer or supervisor. They didn't have much proficiency in the local language. However, this did not present a problem.

In their free time, the Thai laborers in the sample group were likely to rest, look at television and read newspapers. Very few played athletic games. A group of them had no free time as they worked long hours of overtime wanting to get more income.

Those who worked in Malaysia had more opportunity to visit home than those working in other countries. As for returning home, most returned when their contracts had ran out. However, quite a few wanted to stay on, there were some who wanted to be naturalized and become citizens of the destination country (30%). The figure for those who wanted to be naturalized was particularly high for Japan.

Almost all the migrant workers remitted money back to Thailand. Remittances from Japan and Taiwan were, on an average, more than 150,000 baht per year per person; from Singapore about 80,000-150,000 baht per person per year; and from Malaysia 80,000 baht.

More than half of the workers sent money back to their parents. Funds were sent back through regular and irregular channels. Those who had an illegal status were likely to use irregular channels to remit funds as they didn't have the personal documents which the banks required for remitting funds back to Thailand. The funds sent back were mostly used to repay debts, next was for household expenses, buying land and building houses. Only 13% saved money (in cash or gold). 1.2% invested the money saved. On returning to Thailand, the majority returned to agricultural work. There was little change in occupation from that they had before departure, and there was no continuity between their jobs abroad and the ones they had after their return to Thailand. There were only 16.8% who were able to change their occupation and income self-employed. This data indicates that skills learned in their work in industrial factories and construction jobs were not used in their jobs undertaken after their return to Thailand. This was partly due to the economic recession causing the labor market in Thailand to be quite tight. Only the agricultural sector remained able to take laborers (66.6%). There was also another group who had saved money and was more selective in choosing work than before; thus, they felt no need to

rush and find jobs. There was a tendency for those returning from Japan to take more than a year after their return to start looking for work.

Aside from the migrant workers' occupations not changing after their return, income levels also did not change on their return. The majority (80%) still had income of less than 5,000 baht a month. This caused such workers to struggle to return to work overseas. 78% of those responding affirmed they would go to work abroad again, wanting to go Japan and Taiwan more than elsewhere. However, the interviewees admitted that the opportunity to go to work abroad was not very high. In the present state of the economy those who said they wanted to go to Japan thought that they could do so easily but those wanting to Taiwan thought they would have little opportunity to do so. Aside from the impact of working overseas on occupations and income being minimal, as far as work skills learned abroad, two out of three said they had learned construction skills abroad, and one in five said they had learned to improve their work behavior such as being more active, on time, and disciplined.

As for social impact, more than half replied that they had been more accepted by their neighbors and others than before. There were quite a few who also came to them for advice and counsel. In addition, it was found that those who returned involved themselves in social and political activities at the local level to a greater degree than before. They acted as leaders and participants in such activities as members of the *tambon* administrative committee and village committee and had roles in savings groups, farmers groups, cremation groups, and as school committee members.

When the migrant workers weighed the advantages and disadvantages of working overseas, almost one half thought there were no disadvantages. Another half felt there were disadvantages. The major disadvantages were loneliness as workers were far from home; debts incurred because of job placement service costs; being deceived and family problems. Even though those citing family problems were only 0.7%. Data from case studies indicated a tendency for family problems to be quite important, especially in regard to husbands and wives in the case where one or the other went abroad. Being far from home and lacking the controls of customary behavior leads to unfaithfulness towards ones spouse and to easily finding a new partner. As for those workers who are women; there was a problem of adjustment after return from abroad where they had a life of freedom, not being dependent on their husbands. Thus, divorce often occurred among those who were married and went abroad for work. As more and more women are going to work abroad than before, the gender dimension of the impact on leaving to work abroad is more confused than previously in the decade of the 1980s when the majority of those going abroad were men.

#### **Laws and regulations relating to migrant workers going abroad for work**

The major Thai law is the Job Placement and Labor Protection Law of 1985, amended in 1994, which provides for control of job placement companies and protects the rights of job seekers and Thai workers who go abroad to work. But overall, the law does not promote going abroad for work and doesn't provide protection for those workers who have already gone abroad. As for laws in the four countries where Thai workers go to work, there are strict immigration laws and laws relating to foreign workers in Japan, Taiwan and Singapore. These laws do not encourage foreign workers to come and work in large numbers, especially unskilled workers.

This can be seen in the case of Japan and Singapore. Japan does not promote the hiring of foreign workers by using the strategy of opening a channel for foreign workers to work as trainees. In this way, employers are able to pay less than if foreign workers were employed. The government is able to closely control the quota of such trainees. Such trainees have no rights to welfare benefits unlike regular workers. As for Singapore, it uses the technique of requiring a very high levy to be paid for unskilled workers and applies pressure to have workers who come to work in Singapore to be semi-skilled workers who have already passed a skills test. This is done by providing for a higher wage rate for such workers. Nevertheless, these two countries have not been able to solve the problem of a large number of foreign workers coming to work illegally and secretly.

Taiwan, as a destination country for Thai labor, is of interest as the law there does not restrict foreign workers as is the case in Japan, and Singapore and Taiwan allow the employment of unskilled workers. There are many such workers in construction work and in industrial factories. Aside from that, the government has tried to set up a system wherein illegal migrant workers can, without interruption, enter into a legal system. However, the problem that arises is that the job placement process has many steps which must be gone through beginning with the Taiwan agency which approves work positions; companies which employ Taiwanese workers; brokers; companies recruiting Thai workers; Thai brokers contacts; and including the Thai workers themselves. As each step fees are collected, and this makes service costs in going to work in Taiwan quite high reaching 130,000 baht.

As for Malaysia the labor law does not yet control that part of labor that comes to work from abroad. For the most part such control is achieved through regulations and resolutions of regulatory boards or the Cabinet which lean towards giving a broader opportunity for the employment of foreign workers. However, there is not much data from this study concerning punishment and different prohibitions. Whatever the case, this situation does not seem to be an impediment to Thai Muslim workers from southern Thailand going to work in Malaysia as their language and culture are very similar to Malaysia. In summary, Taiwan and Malaysia are destination countries where the legal system provides a greater opportunity for Thai migrant workers to work than is the case in Japan and Singapore.

In the aspect of international law, even if there are laws or substantive agreements relating to foreign workers, such laws or agreements don't have an impact on opening up the opportunity for or protection of Thai workers. This is because the country that is employing the foreign workers and Thailand are not parties to the treaties or have not satisfied them. Thailand has never had any bilateral agreements with the four destination countries concerning Thai migrant labor going to work in these countries.

## **5.2 Discussion of findings according to the objectives of the research**

When the findings are complied to be in line with the objectives and assumptions of the research, they could be summarized to indicate that in the present state of an economy in recession traveling abroad for work would raise substantive matters to be discussed as follows:

1) **The pattern of worker flow:** Thai migrant workers will still travel continuously to work in East and Southeast Asia in numbers not less than before. The extent of the flow of workers from in 1995 onwards shows a trend towards a pattern of traveling abroad to work in this region in increasing numbers. There were 56,165 workers in 1994 increasing to 118,600 workers in 1995 (over a 100% increase). After that the numbers increased each year with 163,986 in 1999 (data from Ministry of Labor); this increase was maintained while the pattern of travel for work in other regions showed a trend towards a continuing decrease; especially for the Middle East and other countries.

The destination countries in the Asian region showed quite different characteristics. The labor markets are still likely to be large markets requiring a continuous influx of migrant workers for both industrial construction work and work in industrial factories. Thai workers going to work in these countries still will be able to go to work legally in these countries for not less than two to three years.

As for the labor market in Japan, even though there still is a large demand, especially in the service sector, the policy of the government is not supportive of migrant labor inflows. Thus, those who travel for work there must take a risk in doing so illegally. Aside from that they must go as trainees whose numbers are restricted to only 6,000 a year and are confined to only work in industrial factors. Thus, the pattern of the migration flow of workers to Japan has caused the Japanese government to intervene and adopt a strict policy so as to prevent migrant workers to come to work in Japan. The Thai workers are willing to take the risk as the wage rate in Japan is very high and they want to break into the service sector labor market, especially in caring for the elderly and in domestic service, by co-operating

and negotiating with the government sector and with private Japanese development agencies which are interested in these fields.

As for the labor market in Malaysia, it is overlooked by both the government and workers. In general, there is not sufficient awareness of the potential of this market. Actually, there has been a continual flow of Thai workers from southern Thailand for many years. But this flow is natural and spontaneous and relies on the workers having a common religion, (Muslim) kinship and language. Having these connections, the workers do not have to go through the process of the employment of foreign workers. There is a likelihood that the shortage of low level workers in Malaysia will continue as the labor supply from Indonesia does not reach to northern Malaysia which borders on southern Thailand. Thus, the opportunity of Thai workers to go and work in Malaysia is very high. The already established labor migration flow will continue and will do so for a longer period than the labor migration flow patterns for Singapore and Taiwan. The government merely helps to assure a more systematic process of migrant labor flows.

As for patterns of labor migration flows that will develop in the future, there is a trend towards an increase in female migration as there is need for such labor in the service sector. As for male labor, especially in the construction labor market, there will be a decrease in the need for such labor after another three years. Thus, the gender dimension is a dimension that must receive greater consideration as research findings indicate that travel for work abroad by women has an impact on family life and marriage.

## 2) The system of recruitment

The system of recruitment used at present is a system that is totally controlled by the labor market and the government has a minimal role in controlling and regulating job placement companies to carry out their services properly and honestly and at a fair price. This occurs because many of the workers join with the companies in shady activities, and there is also intervention by politicians who are engaged in this recruitment business. Nevertheless, this recruitment business does great damage to both the recruiters and the Thai migrant laborers because it is done on the backs of the poor. The service fees charged are far higher than the real costs involved. In sending one person to work abroad, a job placement company which is not cheating is still able to make a profit of 20,000 baht. If the company sends one group of 200 workers abroad, the company will thus realize a profit of 4,000,000 baht. This profit is almost totally net profit except for just the costs of the company in documentation and costs of contacts and workers. As for other costs such as costs of obtaining a passport, testing of skills, health examination etc., they are included in the service fees already (5,190 baht), together with the costs of buying job positions abroad which brokers, acting on behalf of employers, proceed to sell. For these reasons, job placement service costs are very high. There is a necessity for the government to intervene and establish a new system. If not, the policy of sending workers abroad will just be a policy of finding income for the job placement agencies and the moneylenders lending out money. This is because the wages that the workers get from working abroad will just be sufficient to pay off their debts that they incurred by borrowing from the money lenders and the service costs of the recruitment agencies.

Job placement services at present are both legal and illegal, the illegal services involve finding illegal jobs without proper permits from the Job Placement Department and the services of agencies which send workers abroad in an illegal manner. The illegal services in the first instance are difficult to regulate and punish as the companies are either illegal or don't exist at all. As for the second instance, the Department can more easily track down the illegal activities as the companies were legally established in the three year period (1996 to 1998) and have lured up to 15,000 workers to go abroad (only counting those who have made formal complaints). If we consider the amount of money lost, the figure is 463 million baht. The Department of Job Placement was able to track down those who cheated the workers and arranged to have them compensate the workers in the amount of 200 million baht. More than 80% of the cases of those cheated involved payment of services fees and then not being able to travel abroad for work. This data confirms that the government must proceed to establish a new recruitment and job

placement process rather than just tracking down cheats and forcing them to pay compensation to those workers who were cheated.

Aside from job placement agencies, there are personal networks which are used to seek work abroad. It was found that relatives and friends provide information, facilitate their travel to find work and actually find work, abroad for the migrant workers. Providing general information applies to all countries but facilitating travel abroad and finding jobs for the workers in the destination countries by relatives and friends occurs widely only in the case of Japan and Malaysia.

These networks operate both by charging fees and in providing such services free of charge. As for the cases where there are service fees charged, such networks are 'contacts' representing the job placement agencies at the local level. 'Contacts' are local people who entice and encourage people to work abroad and send them abroad by having the job placement companies proceed with the necessary arrangements. This is done by the companies finding illegal work and the worker going abroad by himself as an 'undocumented worker'. Actually, there are those who facilitate the process of sending workers this way and the 'contacts' are remunerated in amounts of about 8,000 to 10,000 baht. As for those networks where no payments are required, such as is case with relatives and good friends who give reliable help to those close to them in finding work overseas. There are both relatives and friends who help this way in both Thailand and the destination countries. As for the networks in the destination countries, they provide help in many aspects such as providing accommodation and food and finding jobs. It was found that such networks operate at the district, *tambon* and village level in the destination countries. This is the case for both commercial networks and networks of relatives and friends. Examples are the many workers from Bua Yai district in Nakhonratchasima going to work in Taiwan; workers from Maiya tambon subdistrict, Phayamengrai and Kosumphisai district in Mahasarakham going to work in Japan.

The job placement services of the Department of Job Placement are very good. They do not charge for their services and there is no risk regarding legal status. However, the services are minimal as they don't reach down to the local communities and to the workers themselves as the private job placement agencies are able to do. Thus, the workers either don't know of the service provided by the government or don't receive sufficient convenient assistance. The migrant workers are simply not able to travel from their villages and go through the time consuming steps required in finding work abroad as they don't know anyone and have nowhere to stay. Thus, the services of the private job placement agencies are more preferred even though the costs involved are very high.

There are also networks recruiting for illegal work abroad. These networks involve co-operation between networks in Thailand and in the destination countries and might include brokers representing the employer and employment middlemen and sometimes even the employers themselves being in the networks. An example is Taiwan and Japan where there are employers who close or reduce their business activities and take their workers to be hired by other employers or the employers don't have any real work at all but have job position quotas and, thus, basically sell the workers to other employers who wish to hire them. The penalty for such illegal activity in the destination countries is much more severe than in Thailand.

### 3) Laws and Regulations Concerning Thai Migrant workers Going Abroad

The relevant laws of Thailand are the Immigration Law of 1979 and the Law of Employment Recruitment and the Protection of Job Seekers of 1985, amended in 1994. These two laws do not prevent job migration out of Thailand but they also don't provide any protection for job seekers when they do migrate. As for the aspect of not preventing job seekers leaving the country, individuals are able to leave the Kingdom if they have valid travel documents. As for not preventing such travel, there might be certain disadvantages in the case where job seekers go abroad and work illegally because the job seekers' checkpoint does not have the authority to investigate every traveler but only examines workers who are traveling abroad. Thus, the immigration law does not provide protection against Thai workers going



abroad to work illegally. In some countries there are special regulations which specify the age or special qualifications of job seekers going abroad. For example, if a woman is going abroad to work as a domestic she must be over thirty years old and above (regulation of India); prohibition against women under thirty-five going to work abroad (Pakistan). The lack of protection of job seekers going abroad for work provides an opportunity for job placement agencies to give job placement service independently and arrange to send Thai migrant workers to work abroad without the workers availing themselves of government job placement services. The government only controls the performance of the job placement agencies. This law makes job placement a business where the job seekers must invest heavily to avail themselves of the opportunity to work abroad. At the same time they must take the risk of being cheated. The penalty for illegal job placement is not heavy and does not take into account the numbers cheated. Thus, if one cheats one person or fifty, the penalty is the same.

As for the laws of the destination countries, Japan, Singapore, Malaysia and Taiwan the legal provisions concerning immigration and labor law for migrant workers are more detailed, have more stipulations and have clearer penalties than in Thailand. (except for Malaysia which does not yet have a law covering foreign workers; there are only regulations following Resolutions of the Cabinet and the Foreign Workers Board). As for immigration law, all countries try to restrict the numbers who enter the country to work as alien workers and try to improve controls over the alien work force by bringing all the many agencies involved to be under one agency or jurisdiction so that there would be a unified policy. Japan has a variety of visas which differentiate in great detail the different categories of people who can enter the country. Singapore separates the categories of those who are professionals seeking work in Singapore and those who are laborers.

As for the alien labor force law Japan has a policy of not permitting unskilled migrant labor to work in Japan and tries to get around this by using trainees instead. This keeps wages low, and it is not necessary to provide welfare benefits. The government also strictly limits the number of trainees allowed in the country and the period of their employment. Nevertheless, Japan spreads the opportunity to work as trainees among many different countries in Asia and includes children and nephews and nieces of Japanese born abroad. Trainees are restricted to working only in industrial factories. Thus, the opportunity for Thai workers to come to work as trainees is quite limited, not more than 6,000 for any one year. This has very little meaning for a Thai labor force supply of 100,000 workers. As for the group of workers who goes to Japan to work in unskilled jobs, they mostly work secretly. There were arrests of Thais who had entered the country secretly and stayed on to work surreptitiously. The number of workers arrested and sent back to Thailand was 1,465, 1,457 and 1,181 in 1996, 1997 and 1998 respectively. There are probably about 37,000 Thais at present who are still in Japan working illegally.

This may be because in the Japanese police system, the immigration police and the local police are separated and under different jurisdictions. The local police do not focus on arresting alien workers. Thais who are working live in Japan illegally, and it is likely they will continue to do so. This may be especially so in those local areas where the local authorities have a policy to ease restrictions on foreign labor so as to solve the problem of a shortage of labor, crime and taking advantage of illegal workers. And there are Japanese private development agencies who press very strongly to have alien workers allowed to stay. Thais in those areas, thus, have a good opportunity to continue to work there and are able to register as foreigners in that locality and they are not arrested. Because of this, the majority of Thais in Japan are, thus, long stayers and a part of them have the tendency to establish residency there, this is especially true for those who marry Japanese. The important problem for this latter group is the legal status of the children born in such marriages.

As for Taiwan where there are the largest number of Thai migrant workers abroad, both Thailand and Taiwan have laws which permit the employment of unskilled migrant workers in three categories, i.e. domestic service, work which is necessary for the restoration and development of the economy and society, and work which Taiwanese won't do. In the end of the decade of the 1980s, Taiwan had a policy to let alien workers enter the country to work because the economy was expanding greatly and the wage rate for Taiwanese workers was high. This led to an alien labor force of significant



numbers working in Taiwan to the point that a condition of illegal alien workers occurred. Thus, it was necessary to find a way to set up a system by easing restrictions and allowing them to become legal. Officially, it is not likely that there will be a restriction on the number of foreign workers in industrial construction work. Nevertheless, from 1996 onwards officially there was a shift to a policy of controlling the employment of foreign workers to be limited to large-scale construction projects and industries with large amounts of investment so that production would be increased. The means was to reduce the wage rate below NT 16,470 and negotiate on allowing foreign workers to enter under a government to government system. This should be a good thing for Thailand because it will help reduce the price of buying work positions which the Taiwanese employers and brokers acting for employers have received officially and sold to Thai job placement companies at a very high price. This will result in the costs of job placement services being reduced by at least a third. Thus, the Department of Job Placement should quickly negotiate and ask for job positions on a state to state basis without any payment. Even though the law in Taiwan provides for welfare benefits for legal foreign workers, Thai construction workers who work very hard with long hours of overtime work have deteriorating health.

It appears that 54% of the construction workers have deteriorating health. Besides that, the policy of deducting partial wages of the workers and returning it to them when their contract has ended is a good policy which helps workers to save money and not be extravagant. Nevertheless, the process of paying the money back was very slow and some of the workers returned to Thailand without receiving this money. The deducted money should be sent in installments to workers' families in Thailand by transferring money into the workers' account which they had opened in Thailand. A thorough study of laws on migrant workers and regulations of the Taiwanese authorities which will be issued in the future will help Thailand in improving the protection of 100,000 Thai migrant workers in Taiwan.

Singapore has the strictest law on foreign workers and the strictest enforcement of all the four destination countries which were studied. Singapore has a policy of upgrading its national labor force to be skilled labor. Therefore, the authorities collect a high levy on unskilled workers. They encourage employers to have unskilled workers take tests to upgrade their status to be semi-skilled workers. This would result in employers paying less levy. Singapore also sends official to conduct skills tests abroad (a different test from what Thai employment recruitment companies give to mechanics). As 75% of Thai migrant workers in Singapore are construction workers, upgrading Thai migrant workers to be semi-skilled prior to departure is an urgent policy that the Employment Recruitment Department should conduct. As a result, Thai workers will receive higher wages and be in demand in the Singapore labor market. This skills test should involve cooperation with the Singapore government which should send their officials to systematically conduct the test in Thailand. The Thai government should urgently give skills training to the job seekers, especially construction workers, so that a large number of them would pass the skills tests. The employment recruitment companies are not likely to initiate such skills training as they would not benefit from it. As for the law on protection of foreign workers, the Singapore government recently started paying attention to creating a healthier working environment for foreign workers. For instance, sightseeing at Jurong Bird Park was arranged for foreign workers on Labor Day. Nevertheless, there are continual health problems for the foreign workers; there is still the Sudden Unexpected Death Syndrome among Thai migrant workers in Singapore. Health care services in Singapore should be focused on prevention, not just cure. Thai workers have a problem of language comprehension when they are sick. Medical services from Thailand in the form of joint medical teams might be worth the investment in Singapore and Taiwan.

As Thai migrant workers work in Malaysia without any regulations and control, there must be a study on the various dimensions of this migrant labor problem necessary for bilateral negotiations with Malaysian government so as to set up a systematic process of employment. Going to work in Malaysia involves the lowest costs of investment for Thai workers as there are no service charges of employment recruitment companies or if there are some, such costs are minimal. However, their wages are not that high but are higher than what they get in Thailand. The working and social environment is more friendly than in the other three destination countries. If there is good planning, Malaysia would be a very

favorable labor market for Thai workers. Also, there are broad opportunities in the Malaysian labor market.

**4) Impact of labor migration on Thailand.** There are both positive and negative impacts.

**Positive impact:** Economically, the Thai government is able to solve the problem of local unemployment as Thai workers can migrate to work abroad. Some of the Thai workers who go to work in Singapore and Malaysia cannot find jobs locally. Besides the employment aspect, the Thai government receives large remittances from overseas workers estimated annually at no less than 35 billion baht. Even though these remittances are not government income, they do help the families of migrant workers to have income continuously and have purchasing power which helps solve the problem of poverty in the rural areas.

As for workers, working abroad is an opportunity to gain a higher income and to remit money to Thailand. They can save huge amounts of money and are able to pay debts caused by recruitment fees and still have some left for savings. If they have a good investment plan, they will be able to switch their jobs on their return to work independently by having a small business. The workers' families will improve their living condition, have property (home and land along with electrical appliances and vehicles for themselves).

Socially, this research found that those who worked abroad are more accepted by their neighbors. People come to ask for advice or consultation. Besides that, some returnees (10%) are more active in social activities of the community where they live. The returnees engage in economic, social, political, and cultural activities at the local level such as being a member of the *Tambon* Administrative Organization, the village committee, the school committee, the savings group, the cremation group etc. Unfortunately, the skills acquired while working abroad especially in construction industry (such as the skills of controlling and repairing vehicles that are used in construction work) are not used in Thailand. (A worker stated that he used to drive a tractor abroad, so when he returned back to Thailand he was able to help neighbors to repair tractors) A migrating community (village / sub – district where there are a large number of overseas workers) does not take advantage of skills acquired by the returnees while they were working abroad to create new jobs and specialists in Thailand. In addition, it was found that female returnees become more self-confident and independent after they worked abroad.

**Negative impact:** Economically, the most negative impact which has to be urgently solved is the high costs of recruitment fees. Workers have to work 8-12 months to 1-year abroad just to break even. Sometimes workers are deceived and take a year to petition and get their money back. Besides that, some costs are paid to Thai brokers or brokers in destination countries who bring job positions to sell to the employment recruitment company in Thailand. Some of the money (perhaps as much as ¼ to 1/3 of all the service charges) flows out of Thailand. Another negative impact is that Thai migrant workers are mostly unskilled workers who receive low wages and are not welcome in the labor markets of Singapore and Japan. An indirect impact of this is that workers with high skills are likely to migrate to work abroad leaving unskilled workers to find work in Thailand. As a result, the Thai labor market is a market that has lower productivity.

A negative impact on society which is important is the social costs of migrant workers being away from their families for a long time. 31.8% of the sample group indicates that the major negative aspects of going to work abroad are loneliness and homesickness. Besides that, there are the negative impacts of poor quality of life, risk of deteriorating health (such as in the case of sudden unexpected nocturnal death syndrome). Workers who go to work illegally abroad do not receive any welfare benefits and suffer from deteriorating mental health as they have to continuously hide from the police. Some of women who are in the commercial sex business in Japan have serious mental health problems due to their not having legal status and the tension within their families when they have children with Japanese who do not recognize them. As a result, some of the migrant women have committed suicide or become mentally ill and have to come back to recover in Thailand. A female worker, one of the case studies, was

mentally ill due to being homesick. In regard to family life, to be away for a long period of time leads to workers having new partners or having extramarital affairs and taking minor wives or new husbands. According to the information acquired from informal interviews and the research study, it was found that there were many workers who got divorced from their spouses in Thailand. The 'Barbecue party' among Thai workers in Taiwan helps workers to ease their loneliness and to socialize with each other. However, it can lead to a break up of the family for the ones who are married.

Another negative impact is that workers cannot adapt themselves to the new working environment and social life abroad. This is due to an insufficient period of time for pre- departure orientation, only 2-3 hours of orientation before workers depart abroad. In addition, Thai workers have poor language skills, do not know local customs and traditions, do not have sufficient knowledge of the conditions of their work compared to workers from other countries.

Regarding the comparative costs and benefits of migration, which is a main key to justify the migration in practice, only Thai workers in Japan and Malaysia are better off while the others appear vulnerable. Though with the greatest economic as well as social cost of migration, those employed in Japan gain the highest net returns, the average of 53,787 baht per annum. However, for workers in Malaysia, the amount after excluding overall cost is much less as 7,287 baht per annum. Thai workers in Taiwan and Singapore are unlikely to achieve their economic goal due to very high fixed cost. Their net returns of migration eventually become negative, 45,129 and 20,229 baht respectively. In the case of the analysis of benefit and cost streams under a number of assumptions, based on calculation of 8% and 12% for discount rates, we found that benefit-cost ratios of five-year employment in Japan are the first positive rank, followed by that in Taiwan. This means that after taken the future opportunity cost of migration (in this case is 8% and 12% interest rate) into account, the possibility to migrate is still greater for this group of people as benefit outweighs cost. Nevertheless, situations are different when we consider benefit-cost ratios of Singapore and Malaysia cases. Employed in Singapore, Thai migrant workers receive almost the same economic status as previous (cost and benefit after working for five years are about the same proportion) whereas those in Malaysia are even poorer since their cost clearly exceeds benefit, resulted in 0.88 and 0.87 benefit-cost ratio.

When considering positive and negative impacts, the returnees are almost equally divided. Almost half of the returnees thought that there were more positive impacts while about half thought the opposite. There are just a few more who viewed the impacts negatively. The positive impacts are that they are able to go to work for a sufficient amount of time (2 years) to get enough income to pay their debts and save some money for when they return home. A while after they return, they can go back to work again. As for the negative impacts on society, they do not appear instantly especially as regards to the health aspect. Nevertheless, a bit more negative than positive impact is the short term assessment as the workers themselves do not yet consider why they have to struggle to go to work abroad again and again while they still have energy as the benefits are not as enduring as at present.

##### **5) Employment opportunity for Thai migrant workers during the economic downturn.**

The characteristics of labor markets in the 4 destination countries where Thai migrant workers work are different. There is still opportunity for Thai migrant workers under the following conditions:

**Japan**, the labor market in Japan must adapt to be a semi – skilled labor market especially in the service sector. As for the illegal unskilled labor market, this must be discouraged by preventing workers from going back to work illegally even though the income is very high. The Thai embassy and Office of Labor Affairs in Japan should open negotiations with the Japanese government to adjust the status of Thai workers in Japan to be a legal one, especially allowing Thai women workers who have Japanese husbands to gain permanent residence status. The Thai government should negotiate to slow down the process of deporting Thai illegal migrant workers to Thailand in order to prepare for systematically accepting these workers back to the Thai labor market as was done by the Philippine government recently. As for the trainees market, the trainees' channel should be broadened to cover the service sector

by having Thai workers train in programs at the NGO training center. This training will enable them to work in caring for the elderly and in domestic work. There is an organization called the Asia Nikkeijin Relief Center which trains Thais who are the children and grandchildren of Japanese in cooperation with the Bangkok General Hospital. After completing a 3-month training program, Class – 2 home-helpers certificates are awarded. Workers would be trained for 105 hours to be able to give a bath and dress the elderly. This Center is preparing to send women who have passed the training program in Thailand to be the first group to work in Japan in April 2000. The remuneration for these kinds of jobs is as high as 1,500 yen per hour. At present, there are 2.8 million elderly who need to be taken care of in Japan and the number will increase to 5.2 million people in the future while they are only 170,000 caretakers. The demand for caretakers will be increased to 580,000 people (data from Japan Times, 18 January 2000). This demand will not be changed even during the time of economic crisis.

**Malaysia:** The labor market in Malaysia is still wide open both in the industrial and service sectors such as in construction and restaurant work. 52% of the sample group work in these two sectors; only 24% work in the agricultural sector. There should be a study of the production sector in the northern states of Malaysia to learn what they produce as this area borders on Thailand. The northern region of Malaysia is easy to go into, and there might be work both in industrial and service sectors by working as day commuters or seasonal workers. There should be negotiations with the local governments in Malaysia in order to set up correct border controls and systematic work arrangements. At present, Thai workers can enter and stay for 14 days in Malaysia without visas. Some workers go in to work without work permits, and some people who live in the border area can go in and stay in Malaysia for 6 months by using a border pass. There should be a consideration as to which jobs are suitable only for Thai Muslims and what kinds of jobs workers from other regions of Thailand such as from the north or north east are best able to do. This will create more opportunities for the employment of Thai workers. There is no clear data which indicates that the impact of economic crisis has decreased the opportunity of employment of Thai workers in Malaysia. However, Thai workers indicate that they go to work in Malaysia as they cannot find jobs to do in Thailand as a result of the economic crisis.

**Singapore** The major industry in which Thai workers work in Singapore is the industrial construction sector, and it is expected that this sector will remain open for Thai migrant workers for another 2-3 years. This is due to there still being huge government construction project such as subways, government housing, and big private hospitals. Nevertheless, the Singapore government is pressing for more semi – skilled workers to go in to work. The Thai government has to prepare for skills training and coordinate with the Singapore authorities to arrange for as many as Thai workers as possible to pass the skills test. This test should be conducted by the Singapore government in Thailand prior to Thai workers' departure. This will result in a good outcome for both workers and employers. Construction work in Singapore after another 3 years will decline as big construction projects will have been finished. It will be difficult for Thai workers to find work in other labor market sectors as Singapore focuses on high technology production work which most Thai workers are incapable of doing. There has to be a skills development program for Thai workers prior to departure. Unskilled workers have to find other labor markets besides Singapore. There is a demand for some Thai women workers in the service sector especially to do domestic work. Nevertheless, there are women workers from Indonesia, Sri Lanka, and Bangladesh already working in the field. Besides that, employment standards are very low as employers used workers to do risky jobs; an Indonesian woman who had worked for one week, died from a fall from a building after her employer ordered her to clean the outside windows of an apartment on a very high floor in a residence building. If the Thai government cannot protect women workers abroad, it should not encourage them to do domestic work in Singapore.

**Taiwan:** The labor market in the industrial construction sector in Taiwan is similar to that of Singapore. However, there is not a focus on upgrading to semi – skilled labor as in Singapore. Thai male workers are still able to go to work as construction workers without having much skill. However, the construction work is going to end soon even though Taiwan has a policy of building big construction projects so as to create jobs even though such construction is not really necessary. After the big earthquake in 1999, there was much construction to do. Thus, the Taiwan labor market has a need for

Thai workers to stay longer than in Singapore, perhaps until 2004. Taiwan has a policy of accepting workers from many different countries instead of hiring mostly Thais as at present. The Thai government has to seriously try to negotiate with the Taiwanese government to maintain the quota of Thai construction workers in Taiwan. The industrial factory sector where there are twice as many Thais working than in the construction sector is also under the policy of employing workers from various countries. A trend of the labor market in this sector is towards splitting into two types. The first type is getting jobs in big industry as the Taiwan government will relax its policy only for big industry to employ foreign workers. Thai workers have to find a way to get such jobs (Thai employment recruitment companies must try to buy job positions quota) in big industrial factories. The second type is for some of the industries to move their production bases abroad in order to cut their production costs especially in the medium sized industries such as producing cellular phone batteries and IC components. Therefore, there will be an increase in the Thai local labor market if Taiwanese investors have Foreign Direct Investment in Thailand. This trend is one that Taiwanese academics support in order to solve the problem of the high expense of Thai workers going to work in Taiwan and there being too large a number of migrant workers in Taiwan. Opportunities for Thai workers in the second type of labor market where industries move their production base to Thailand involves planning for the promotion of investment in Thailand which is outside the jurisdiction of the Ministry of Labor and Social Welfare. Therefore, there has to be coordination with BOI and The Ministry of Industry. Thus, the promotion has to be concerned with the oversupply of too many foreign workers in the Thai labor market. One condition of this promotion is that the industries will have to be those which will hire Thai workers especially workers who used to work in such industries in Taiwan. This will actually be better for the returnees as they will not have to struggle to go back to work abroad.

As Taiwan is the biggest labor market for Thai migrant workers, the researcher group paid great attention to it. An important future trend is towards the Taiwanese government trying to reduce wages of foreign workers to encourage fewer migrant workers to work in Taiwan. The wage rate in Taiwan is usually not that high when compared to other countries; the wage rate is about 16,470 NT\$, and workers get more if they work overtime. Construction workers receive higher wages than workers in factories. If the wages are reduced, workers will receive lower income. Usually, workers have to work 8-10 months to earn a gross income of 130,000-160,000 baht per person. Workers have to work longer and can save only a little in order for them to break even considering the service expenses involved in getting employment abroad. As a result, the labor market in Taiwan has a high capital cost and lower remuneration than before. The Thai government has to consider ways to cut the capital costs such as negotiating to obtain job positions for Thai workers on a government to government basis as the Taiwanese government wishes to avoid the process of going through employers brokers. The Thai government should not let the policy of One China be an obstacle to negotiating with the Taiwanese government as at present. If the Thai government does not wish to do so, it can set up companies or private limited organizations to carry out this duty to protect Thailand's benefits and the opportunities of Thai workers. The Thai government should make bilateral agreements with the Taiwanese government on the subject of obtaining jobs for Thai workers directly; the partial wages of the workers that have been deducted by their employers to be returned to them before they return home; maintaining quotas; the number of Thai workers, and the support from the FDI of Taiwan if it wants to employ Thai workers who have worked in Taiwan before. Another way to reduce capital costs is for the Thai government itself to provide more employment recruitment services to assist Thai workers to go to work in Taiwan.

### 5.3 Recommendations

Overall, there are both positive and negative aspects of migrating to work abroad. Thailand, therefore, should not have a major policy of supporting the export of labor. The economic downturn should not be used as a major reason in supporting Thai workers to go to work in foreign countries. Nevertheless, the Thai government should not prevent Thais to go to work abroad. An appropriate policy should be a policy which promotes skilled workers who are wanted by employers abroad to go abroad under the best possible protective mechanism provided by the Thai government. Simultaneously,

alternatives for local employment should be provided. This research has recommendations for supporting workers who are ready to go to work abroad under the government's protective mechanism as follows:

### **Recommendations for the Ministry of Labor**

1. Study the overall labor market for Thai workers in order to develop a more concrete policy on the export of labor by stipulating the type of jobs to encourage Thai migrant workers to work in, the skill level of workers, and the destination countries to encourage Thai workers to go to work in.
2. Co-operate with the Ministry of Foreign Affairs to negotiate on a government to government level to increase and upgrade the types of jobs in which Thai migrant workers are allowed to work (work in service sector), to define characteristics of employment (employ as trainees), to increase the quotas of the number of Thai migrant workers to be employed, to develop ways to regulate the illegal employment of Thai migrant workers in some countries (such as Japan and Malaysia).
- 3 Intervene in the present recruitment system where job seekers are being taking advantage of and deceived to a great degree. The Employment Recruitment Department should urgently provide more and speedier employment recruitment services to Thai job seekers going to work abroad. Brainstorm ideas from all sides for the establishment of an independent organization to administer Thai labor abroad; negotiate to get job positions abroad that are vacant to be distributed directly to job seekers so as to indirectly force employment recruitment service fees of private companies to go down; consider collecting a levy from private employment recruitment companies and allocate a partial amount of the levy to be used for welfare benefits in the area / provinces where many migrant workers originate.
4. Urgently upgrade migrant workers' skills so they may become semi – skilled workers (especially in Singapore) and arrange to have skills tests with the employers' agents or agencies abroad which are responsible for conducting the skills tests to come to conduct these tests widely in Thailand.
5. Arrange low cost lodging in Bangkok for job seekers from upcountry who come to take skills tests, attend a skills training program or orientation, and make contacts to facilitate their preparation to go to work abroad etc. It should be a one step service.
6. Improve the pre – departure orientation program to last as long as possible (at least a 1 week program) to cover language skills, important legal knowledge, and understanding of the customary practices and behavior of the destination countries. A separate manual for each major destination country should be prepared and distributed to Thai workers.
7. Revise and adjust the role of the Office of Labor Affairs in foreign countries to focus on the protection of legal and illegal Thai migrant workers. Increase the branches and staffs of the Office of Labor Affairs in Taiwan. Revise the role of the Office in Japan; establish an Office in Malaysia; increase the role of all the Offices to demand rights for the Thai migrant workers according to laws of those destination countries (such as Thai migrant workers who pass the skills tests in Singapore should get a raise in their wages), stress the importance of following the employment standards especially the occupational health aspect for Thai construction workers (especially in Taiwan and Singapore), to follow up the timely return of money which employers had previously deducted from workers' wages to those workers preparing to come back to Thailand or to those who had already returned home.
8. Amend the Employment Recruitment and Protection of Job Seekers Law to have more substance regarding the protection of workers; stress the protection of female workers and those lured into working abroad; strictly supervise female migrant workers; increase the punishment of unlicensed employment recruiting companies and traffickers.
9. Cooperate with the Ministry of Health and Ministry of Foreign Affairs to send joint medical teams to offer medical services to Thai migrant workers in major destination countries.



10. To proceed with an Assistance Fund for Job Seekers to offer low interest loans to workers with the Employment Recruitment Department to be the guarantor. This is so that workers who have to pay high employment recruiting fees will not have to go and borrow from money lenders outside the banking system as they do not have necessary collateral required by the commercial banks. Besides that, the Fund might lend money to pay the expenses of upgrading workers' skills or the expenses for other activities beneficial to the workers.

11. Develop a database of all Thai overseas workers; compile information on swindling, publicize cases where workers have been cheated in order to prevent more workers from becoming a prey of those rackets.

12. Promote the local labor market in Thailand to be able to employ more workers so as to reduce their dependency on the labor market abroad. Cooperate with the media to promote job seekers to find work locally. Coordinate with the Ministry of Industry and BOI to promote investment of entrepreneurs abroad who employ Thai migrant workers to come to invest in Thailand and hire Thai workers, especially those who used to be employees of such businesses abroad.

13. Develop and operate a plan to reintegrate returnees into the economic and social system in Thailand. Economically, promote and train those who are interested in investing their savings to become self - employed and be successful; encourage returnees to utilize their acquired skills in their work in Thailand and transfer those skills to others; facilitate returnees to obtain jobs with a reasonably good income; and ensure they have a suitable livelihood so as to prevent remigration to work abroad.

Socially, men and women returnees should be facilitated in re - integrating and adjusting themselves to their families after being separated for 1- 2 years. Arrange for mechanisms for the returnees to restore their family and married life, have the returnees use their acquired skills and experience to be leaders or to transfer their skills to others in their local communities.

Encourage families of migrant workers to use the remittances more productively to increase production by using tax exemption incentives or other mechanisms such as SME skills training and stress agricultural production or agricultural food production.

#### **Recommendations for the Immigration Office**

There are both male and female Thai migrant workers who go to work illegally abroad by using tourist visas or going by themselves. Also, female workers have been continually lured to provide sex services from the decade of the 90's until now. The Immigration Office should cooperate with the Ministry of Labor and Social Welfare to improve labor control checkpoints to be more efficient in protecting job seekers; consult with humanitarian NGOs and various embassies to cooperate in developing measurements to screen persons who are leaving the country and might well be illegal migrant workers or those who are being lured to go abroad. This applies especially to Thai female workers who are going to specific countries such as Japan, Germany, Netherlands, Australia etc. by using tourist visas or going to get married.

#### **Recommendations for the Ministry of Foreign Affairs.**

1. Set a policy for embassies to provide assistance to both legal and illegal Thai workers and their family members in foreign countries. Embassies should have a data base on Thai overseas workers who request assistance so as to better monitor and coordinate the assistance provided.

2. Coordinate with Thai commercial banks to open more branches abroad and provide services for remittances of Thai migrant workers back to Thailand. Also, banks should provide a service to transfer money which the employers of Thai migrant workers have deducted from the workers' wages. The



money deducted should actually be returned to the workers just before they go back to Thailand. However, in most cases this is not done in time. There should perhaps be a proposal to administer this money in the form of a fund from which migrant workers and their families could borrow.

3. Cooperate with the Ministry of Labor to initiate bilateral agreements with destination countries which are major labor markets for Thai migrant workers such as Taiwan, Singapore, Malaysia, and Brunei. The agreements should be on various subjects which the research group recommended to the Ministry of Labor; urgently solve diplomatic problems involved in making agreements with the Taiwanese government; negotiate and bargain with countries from which Thai illegal workers will be deported back to Thailand for the workers to be returned in an orderly matter. This is necessary so that the workers would be able to protect their rights before returning to Thailand in such matters as receiving money that was deducted by their employers before they return; suing the persons who deceived them or employers who swindled them out of their wages; dealing with their children and assets etc. The process to send back Thai workers should be by sending one small group of workers at a time in order that the Thai government would have time to be able to reintegrate those returnees into the Thai economic and social system on a long term basis so as to prevent workers from migrating again.

4. Provide services to and cooperate with NGOs to disseminate news about Thailand to as many Thai overseas workers as possible such as by issuing newsletters; providing information and distributing entertainment software to Thai migrant workers such as videos, music cassettes etc.; arranging activities and places for Thai workers to socialize constructively focusing on sports; providing non - formal education; legal advice; and arranging activities on important religious days and cultural festivals as widely and continually as possible.

5. Seek new labor markets for semi – skilled workers and also in the service sector which require higher skills; stress discouraging women to work in the entertainment and sex service sectors; negotiate to set up regulations of employment in some countries such as in Malaysia so as to create a more efficient and stable labor market; promote producers in major destination countries to have production bases in Thailand and employ Thai workers. This especially applies to the destination countries where their governments have a policy of reducing unskilled migrant workers as in Singapore and Taiwan and in other countries which have industrial factories such as Korea and Japan. Thailand has adequate basic services; a better geographical location than Vietnam and China for transporting goods by sea to markets in the Middle East, Europe, and Africa. Thailand has lower wages than Malaysia and is more politically and economically stable than Indonesia, Vietnam, and Kampuchea. In addition, Thailand should negotiate to retain quotas of the number of Thai workers who are allowed into destination countries (in order for those countries not to give the quotas to other workers), and negotiate on a government to government basis to ask for job positions that are vacant without having brokers as middlemen as in the case of Taiwan.

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