

Myanmar Migrant Workers in Thailand: Policies and Prospects

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1. Situation of Myanmar migrant workers in Thailand

1.1. Definition of Transnational migrant worker

It has been nearly 20 years since Myanmar migrant workers in Thailand have universally concerned people within and without the country. Studies show that today in Thailand transnational migrant worker issues have become the cornerstone of cross-border migration, although there are both internal and external migrants, forced movements of refugees, and displaced people at the same time. The term “transnational migration worker” is variously defined outside of the definition from the International Labor Organization (ILO). The definition from the *Magazine of the World of Work 2007* seems easiest to understand: “Transnational migrant worker” refers to a person who is to be engaged or is engaged in a remunerated activity in a State of which he (or) she is not a national (27).

However, enlightened by Professor Li Peilin from China Academy of Social Sciences, the term “Transnational Migrant Workers” here should also imply three other denotations in light of globalization and regional integration (though he meant internal migrants in China): 1) Geographically, a migrant worker moves to an urban or to a developed area crossing border lines from a rural or less developed area of his or her original country and moves to a relatively economically developed region from a less developed region of his or her country. 2) Professionally, a migrant worker is employed in factories or commercial fields or related non-farming industries. 3) In terms of social class division, a migrant worker flows into a higher paying professional class from an original lower income class (Lu, 2004: 307).

1.2. Demography of Myanmar migrant workers

At present, the number of transnational migrant workers residing and working in Thailand is not known with any precision but rough estimates may be made by combining accurate registration data from Thai authorities. A report by the Ministry of Labor of Thailand on 15 May, 2005 indicated that the estimated number of immigrants in Thailand was 2,824,925 persons, 1,284,920 or 45.49% are from Myanmar (921,492), Laos (179,887), and Cambodia (183,541). Registered Myanmar workers who have stayed in Thailand from 1—11 years number 63,154; 12—14 years 13,874; and over 15 years 844,464.

In 2007, the Myanmar Ministry of Labor confirmed that the Myanmar workers who were illegally working in Thailand numbered about 500,000 working in the agriculture sector, factories, and industrial sectors. About 91,000 workers are in Bangkok; about 144,000 in the middle areas of Thailand; 25,000 in the Eastern area; about 39,000 in the Western areas; 109,000 in Northern areas; about 41,000 in the Army District; about 42,000 in Chiang Mai; and about 12,000 in Chiang Rai ([http://www. D:/ss/transborder migration paper.](http://www.D:/ss/transborder%20migration%20paper.%20)).

So the Myanmar migrant workers in Thailand including legal and illegal workers are about 1,420,000. This number includes 65% of the farmers from rural areas of Myanmar and the displaced persons working in Thailand. Between 1945 and 1983, Thailand considered the ethnic minorities on the Thailand--Myanmar border who were fighting the central government in Yangon a buffer between Thailand and Myanmar, especially after Myanmar declared itself a socialist country in 1962. Burmese who fled to Thailand before 9 March 1976 were called "Displaced Persons of Burmese Nationality" and were allowed to work in certain areas of Thailand. But the concrete number is not clear; by 2005, about 130,000 Burmese refugees (95% from Myanmar) lived in 13 camps along Thai-Myanmar borders. Consistently, some persons have escaped from camps and get employed outside though this is prohibited by Thai government law (out of registration). After 1988, approximately 10,000 students fled to the jungle at the Thai-Myanmar border to seek refuge and were classed by the UNHCR as "persons of concern" and got employment in Thailand. And the numbers keep on rising (Chantavanich: 3-4).

So the whole number of Myanmar migrant workers in Thailand is estimated to be between 1,500,000 to nearly 1,600,000. Thai authorities tend to believe that the total number of Myanmar migrants in Thailand is more than this number, but the Myanmar government thinks otherwise. Apparently, two sides have different estimates of the numbers of migrant workers in Thailand.

1.3. Characteristics of Myanmar migrant workers

The characteristics of the Myanmar migrant workers are to be analyzed from several perspectives: age, gender, education, entry to Thailand, profession, positions in social strata structure, pull and push effects on young Burmese people from a sampling selection of 348 respondents in Northern Thailand.

1.3.1. Young and low-educated

Of all groups studied in Chiang Mai, Mae Hong Song, and Mae Sot, a simple size of 348 respondents revealed that 49.7% of Myanmar migrant workers were between 18 and 25 years old; ages between 26 and 50 were 45.5%; 3.8% between the ages of 14 and 17; and 1%

aged less than 14. 52.3% were females and 47.7% were males. 71.5% of survey respondents were Buddhist, 22.4% were Islamic, 4.1% were Christian, and others 2%.

The questionnaire on education indicates that 26.8% of Myanmar migrant workers have never received any school education. 27.2% of workers received 1-4 years basic education. 34.4% had 5-8 years of middle school education. 8.6% had 9 to 10 years, and 3% had more than 10 years education.

The survey by ethnicity shows that Burmese people accounted for the largest segment of the population at 38.5%, Shan people (Tai Yao) 20.4%, Dawei 12.8%, Mon 12.3%, Karen 8.6%, Rakhin 3.4%, and Hill tribes 4%. Most migrant workers in Mae Sot are ethnic Burmese from Mon State which is three times of those from Karen State. In Mae Hong Son, the largest number of migrant workers is Shan people mixed with uplanders (hill tribes). In Chiang Mai, all ethnic groups are found.

As seen from the above data, this group is fundamentally constituted of young people. Since they are at a young age, their own social economic statuses could be altered by geographical mobility. It is apparent that the push effect is not only on a certain single district or on a specific group in Myanmar but on all districts and groups, whatever religious beliefs or educational backgrounds. Ethnic minority people seem more vulnerable. Women are found more than men as northern Thailand presents more job opportunities that women can fill in.

1.3.2. Possess a certain “Flow Capital” (Social experience and small sum of money)

Most of the Myanmar migrant workers from Kachin, Chin, Rankin, Kayar and six other divisions (Ayeyawaddy, Taninthayi, Pegu, Magwe, Yagoon, Mandalay) initially move to Mon, Karen, and Shan States near the Thai-Myanmar border and stay there for a while before their entry into Thailand. Information about going to Thailand and job-hunting is offered by friends or relatives who have previous experience in Thailand. 39.5% respondents surveyed in Chiang Mai have been in Thailand for 2 years. 34% stayed 4-5 years, 10.4% stayed 10-15 years, and only 16.6 % have stayed less than one year. In sum, approximately 83% of the migrants in Chiang Mai, Mae Hong Son, and Tak have stayed more than one year, about 8% travel with brokers. Around 42% of Myanmar migrants possess border passes or other documents to pass ports safely. However, nearly 50% of migrants do not have any travel documents. In Mae Sot, Tak province, the most popular means of transportation during the rainy season to cross the Moei River is by boat, but in the dry season people can cross the river without any danger. Majority of Myanmar migrant workers arrived in Thailand by bus or automobiles, about 12% by foot, and only 3% arrived by plane. In Mae Hong Son province, the mountains between Thailand and Myanmar have become convenient passages for Myanmar migrant workers to Thailand.

After the migrant workers have accumulated sufficient social experience and money, they are brought to Chiang Mai, usually by brokers for a fee of about 10,000 Baht. Some people stay in Chiang Mai but more people move on to Bangkok and other areas of Thailand.

Owing to the long Thai-Myanmar border and relatively loose border management, Myanmar migrants have easier entry through border areas of Thailand. The survey indicates that Myanmar migrant workers, on the one hand, acquire “flow capital” -- accumulated life experience, widened knowledge, a small sum of money, and personal and work skills. But on the other hand, they fail to gain social status improvement by professional change. Most of them are at a state of horizontal professional movement, always filling in similar positions. Therefore, after staying some time in border areas they would try to move to central areas where they believe they could get better incomes.

1.3.3. Workers are at lowest positions of social structure

The status of Myanmar migrant workers could be identified as the following: 1) Professionally, the survey shows that over 65% of Myanmar migrant workers are farmers in their home country and the other 33% from other professions. They engage in limited factory or farm-related industries and commercial professions known as 3-D work (dangerous, difficult, and dirty) in Thailand, -- manufacturing, agriculture, fisheries, construction, mining, coal, and transportation. Of course, some skilled workers are granted non-immigration visas and work permits with sponsorship from an established Thai organization. 2) Nationally, in spite of working and living in Thailand, Myanmar migrant workers are not Thai nationals and get insufficient support from the Thai government. 3) In terms of relationships with employers, they are employed by private-owned enterprises, foreign enterprises in Thailand, or by individual workshop owners. The migrant workers are denied more professional selection and “bargaining” with employers as they are a surplus labor resource.

Social strata theories combining findings of other experts show that one’s professional status shares the same reputation height with his economic status (income level) or with his social status (social reputation) in industrialized and post-industrialized societies. Thai society may be classified into ten social levels (or social classes) from top to bottom by work division with the theory: Monks, national level managers (officials), private enterprises owners, managers in enterprises, skilled personnel, staff members, owner of small scale business, factory and commercial field workers, farming laborers, and the idle or unemployed (Lu, 2004: 307-309).

Myanmar migrant workers are mostly factory workers or commercial farming laborers near the bottom of the classifications. However, what is worth paying attention to is that they are not Thai and are not therefore entitled to the rights of Thai workers. In that case, their social statuses are lower than the last social class---idle or unemployed Thais -- because they cannot get protection from the Thai government.

Culturally, the transnational migrant workers are “kept away” by the Thai public due to their perceived impacts on urban traffic, public security, and Thai citizens employment. The latter has especially aroused panic and resentment against foreign migrant workers as

they have partly filled the spaces and represent a drain on the natural and social resources of Thailand. Transnational migrant workers are denied to access to “Thai circles” and they are consistently labeled as “foreign citizens” or “second class” by media through consistent negative propagation so that the Thai public tends to think “they are not Thai people”.

1.3.4 Economic poverty pushes them to Thailand

Owing to decades of political stability and consistent growth in economy, especially the success of economic reforms and its structure adjustments since the 1950s, the Thai economy has shifted from an agricultural to an industrial base. Industries such as manufacturing, agriculture, commerce, service (tourism), finance, communication and construction achieved significant growth, forming an export-oriented economy. On the one hand, the average annual growth rate of population in Thailand is slowly growing. Recent statistics shows the total population of Thailand in 2005-2006 was 64.76 million and the average annual growth rate was only 0.8%, much lower than any other country in this region. The labor-force age, 15-59 years, grew only a little from 66.1% to 66.7%, while the annual birth rate decreased to 1.4% (http://news.xinhuanet.com/world/2005-12/15/content_3926549.htm). On the other hand, Thai workers previously employed in agriculture moved to the plentiful and comparatively high paying and comfortable production positions in Bangkok and its vicinity, leaving “3-D”(dangerous, dirty, difficult) positions vacated.

Comparatively, Myanmar has been suffering from political ferment and hardships in economy since it achieved independence in 1948. Aside from this, population increase also plays an important role. According to statistics, Myanmar had a population of about 55.40 million in 2005, with an annual population growth of approximately 2.02%. The labor force (age 15 and above) is estimated at about 64% and of this 80.5% are male and 48.6% female. Over 56% of the employed population is in the agriculture sector.

Given its economic boom and its share of long-distance borderline with Myanmar (Burma), Thailand has become the most attractive land for Myanmar migrant workers even though they have to face a variety of hardships in the alien country. The survey has indicated the facts: Majority of workers, about 65%, were farmers in Myanmar growing wet rice before they came to Thailand; 21% were engaged in transportation, small business or other industries; 6% worked for factories; 2% in government officers; 2% students; and the remaining 4% had no stable jobs. For these workers, economic poverty and unemployment were main pushing powers to Thailand rather than political reasons. The survey also shows that 52% had families at home in Myanmar; 17% had no land of their own to farm; 12.5% lacked enough food to consume; 6.5% had debts from loan sharks; 4.5% were bothered by soldiers; and 6.5% were driven to Thailand to see “the world outside” and by the desire for material possessions.

But the most important reason for migration is that workers believe that farming or other low income work in Myanmar has no future. Their professional reputation as

transnational migrant workers in Thailand is much higher than that of farmers, transportation workers, babysitters, carriers, miners, and commercial farming workers in Myanmar. They wish to change their economic status to a higher paying class, thereby to change their social and economic status through transnational migration, as well as gain a good reputation among friends in Myanmar. So that migration, actually, is an up-level or up-class practice and attempt.

Generally speaking, in spite of the economic status and professional reputation of Myanmar migrant workers being higher than in Myanmar, compared with other social classes in Thailand, they are still at the lowest position. They are in 3-D work positions that Thais are reluctant to fill under “the same work, different payment”, “the same work, different work hours”, “the same work, different rights” situation. Without rights in policy-making and “bargaining” with employers, they live in simple and dirty factory dormitories provided by employers or in low steel-panel-roofed houses or leaf-roofed houses near their workplaces without clean drinking water and sanitation. As a group they are looked down upon and marginalized in society. Their individual freedom is limited neither do they enjoy equal welfare treatment.

Nevertheless, thousands and thousands of Myanmar migrant workers willingly work and live in Thailand though they suffer a lot. Thailand provides an opportunity and a hope to receive better education or support siblings after saving some money and accumulating experiences. In a regional perspective, the migration of Myanmar is in line with the demands of industrialization and urbanization of this region. The unbalanced development of countries in this region, existing institutional settings, and social institutional arrangements prevent them from shifting into equal industrial workers but turn them into transitional professionals. They are neither farmers nor real workers but are placed at the margins of the urban and the rural.

2. Thai government policy and functions

As described above, the mobility of Myanmar migrant workers in Thailand is an up-level or up-class practice despite their unaltered social status. Their present professional statuses are temporary and unstable. They are denied equal rights and have no access to the national social security system. The plight of transnational migrant workers today is the result of conflicts arising from the existing institutional and policy settings and conflicts between regional urbanization or industrialization and traditional national identity found in the policies of Thailand.

2.1. The basic immigration law for policy-making

The *1978 Foreign Employment Act* and the *1979 Immigration Act* are two guidelines for immigration policy-making. The *1979 Immigration Act* clearly indicates that when an immigrant enters the country without a visa and/or acts in breach of the immigration law, s/he is illegal and may be deported and/or penalized by other sanctions. The *1978 Foreign Employment Act* requires that an alien have a work permit to work in Thailand and s/he is allowed to work only in activities designated by law by the relevant authorities. So only a small number of skilled workers could be permitted to work in Thailand. Additionally, according to the *Royal decree of 1979*, 39 activities were prohibited to aliens. In spite of this, section 12 of the *Foreign Employment Act* provides flexibility for the authorities to allow migrant workers to work temporarily in some sectors as provided by law and cabinet decisions (Muntarbhorn, 2005: 13-14).

The two laws have clearly defined the borders of legal and illegal status for transnational migrant workers. Transnational migrant workers were limited to a very narrow professional space where further up-level movement was impossible. Similarly, it was also impossible for the larger number of alien workers to get employed in Thailand. However, faced with the influxes of a large number of transnational migrant workers and pressure from international communities, a series of new policies on immigration, registration, and the issuance of work permits were set in 1992. These policies regulate the ties of an individual transnational migrant worker to his society by means of policymaking from the perspective of the national institution.

2.2. Private Economy-based Policy (Documents from Ministry of Labor of Thailand 2006)

Thai private employers themselves are not policy makers, but owing to the important roles and contributions they make to the country's economic growth, they push and impose pressures on the Thai government to affect policymaking. In some sense, they have become the largest beneficiaries of immigration policy since 1992.

To meet the rising demand for cheap labor to keep economic prosperity and to alleviate the pressures on the private sector in early 1990s, unskilled migrant workers were permitted to register and work for a certain period of time in Thailand before they were deported back to their countries. Initially, 4 border provinces, later expanded to 9 provinces, were permitted for Myanmar migrant workers. By issuing "purple cards" from the Ministry of Interior, 101,845 undocumented migrants were allowed to work in garment factories on the border areas. Later, continuous private sector demand led to the employment of more unskilled workers in fishing, construction, agriculture, and some other industries. The Thai government adjusted the previous immigration policies to follow the demand. On insistent

request, the Thai fishery laws were changed to permit migrants to work on Thai fishing boats based in 22 coastal provinces if their employers registered them in 1993.

Subsequently, the business groups in other provinces complained of the scarcity of cheaper laborers and the imbalance in economic development. They claimed that an estimated one million migrant workers were needed to fill the vacancies. In 1996, therefore, another registration system was announced via a cabinet solution. It was expanded to cover Lao and Cambodian workers in labor and domestic work in 43 provinces within the 2 following years and the bond was decreased to 1000 Baht. 323,123 migrant workers came for the registration, 83,471 were hired in the areas that had been not allowed to use migrant workers though 239,652 were eligible to get work permits. In 1996, 239,652 migrant workers were granted work permits and were employed in the sectors of fisheries, fishing related industries, agriculture, husbandry, mining, construction, saw mills, rice mills, manufacturing, seals, food shops, transportation, and domestic work.

In 1997, a committee chaired by the National Security Council (NCS) was set up and an agreement was reached among the policy makers to supervise policy making at a national level to control the ever-enlarging migrant worker force. However, the financial crisis in 1997 severely hit Thailand's economy and led to an unemployment rate of 4.3% in 1998 compared with 1.15% before the crisis. To create more job opportunities for local people, the Thai government repatriated 300,000 migrant workers but few Thai workers replaced the deportees. As a result, a cabinet resolution had to launch a new registration of migrant workers in 1998. The geographical scope of labor job permits was expanded to 54 provinces instead of a few points along the border areas. By 2001, all sectors and all regions were opened to transnational migrant workers.

Private employers made great contributions to the shift of professional status of Myanmar migrant workers from agriculture to non-farming or industrial labor. They did so, however, for sake of their own economic interests and were not concerned with providing rights and entitlements to Myanmar migrant workers as to Thai workers. Faced with the sudden influxes of large numbers of Myanmar migrant workers, both private enterprises and government were in confusion and had difficulty making better policies overnight.

2.3. Government attempts at control and monitoring

For the sake of national interest including national security, the Thai government put alien migrant workers, especially workers from Myanmar, under their control and

management through the implementation of different policies. While Thailand needs transnational migrants work to enhance its economic power and be competitive in the international market, Thailand believes that it is not a developed enough country and to provide overall welfare to transnational migrant workers. Therefore, the purpose of policy-making in the initial phase was to put the transnational migrant workers under its control and monitoring rather than offer citizen status treatment. This phase focused on registration and work permit issuing. Later in the 1990s a more strict management policy was released:

“After November 3, 1999, Thai employers will face fines of up to 1,000,000 Baht and 10-year jail terms for hiring illegal foreign workers, and Thais who knowingly shelter illegal migrants will face fines of up to 60,000 Baht and three –year imprisonment. Hotel operators who fail to notify authorities within 24 hours of the presence of illegal aliens will face fines of 2,000 Baht to 20,000 Baht. Unauthorized foreigners can be fined \$5,000 or jailed for three months or both”.

But the situation did not get better, and on awareness of the problems arising from the previous registration policy, two other registrations for illegal workers were conducted, mainly singling out illegal workers from Myanmar, Laos and Cambodia, with a quota imposed to limit the numbers of the registered. The Thai government followed a recommendation from academics suggesting 106,684 people for registration. 99,974 out of 355,050 migrant applicants in 1999 and 99,656 out of 117,379 in 2000 successfully received work permits.

However, what is surprising are the drastic changes in the number of registered migrant workers. When the implementation was strictly enforced, the number registered rose, then fell down quickly after the “wind” went away. For instance, the highest number ever registered in 2001 was 568,000 after the open registration for migrant workers in all occupations. But the number of renewals dropped to 409,339 in the following year. It meant that at least 800,000 to 1,000,000 migrant workers were out of registration. In my analysis, there may be many reasons for this but the “Dual standards” policy is the main source of the problem. Migrant workers, who ought to be important stakeholders in policy-making, are not clearly identified and are least considered in policy-making. The assumption of the policy-makers was merely the “control” of migrant workers, especially Myanmar migrant workers, rather than their being equally woven into the Thai labor market. It is obvious that the registration system would become hard to enforce successfully without the cooperation of the migrant workers. Of course, overburdening registration fees and bails (5000 Baht in 1992, reduced to 1000 Baht since 1996), inadequate awareness of registration of employers and employees, a slow registration process, the worries of migrant workers also played roles in the lower registration rate.

2.4. More thoughtful policy-making in view of internal and external factors

Owing to the failure of Thai government registration policies and severe border control and deportation practices, Myanmar migrant workers became the focus of concern from international communities. Many international organizations and agencies criticized Thailand for violating the basic human rights of workers and violating the Conventions of the International Labor Organization (ILO) though Thailand had ratified 14 Conventions and had ratified three of the eight core Conventions, including C87 (Freedom of Association and Protection of Rights to Organize Convention) in 1948, No.98, and No.138 on Minimum Age in 2002.

The US State Department insisted that migrant workers, particularly from Myanmar, faced significant hardships and physical danger. Burmese factory workers, both legal and illegal, faced poor wage, safety, and health conditions. Community groups and NGOs alleged instances of physical intimidation and abuse by criminals employed by factory owners, and harassment and robbery by gangs of young men. There were several instances of sexual abuse of the primarily young and female Burmese migrants employed in textile production. Burmese labor activists alleged several incidents of Burmese commercial fishermen employed on Thai vessels who were killed at sea after disputes with their employers. Child domestic workers were at special risk of labor abuse.

Under the circumstances Thai government restated an urgent decree in 1997:

All persons are equal before the law and shall enjoy equal protection under the law...unjust discrimination against a person on the grounds of the difference in origin, race, language, sex, physical or health condition, personal status, economic or social standing, religious belief, education or constitutionally political view, shall not be permitted.

In April 2004, the Thai Cabinet imposed a new system of registration whereby migrant workers, their dependents, as well as employers were required to register themselves. A thirteen-digit ID number was given to each worker and dependent. For the purpose of better alien management, the registration was announced to bring as many migrant workers as possible to register with their employers before the Thai government specified quotas for some specific industries allowed for migrant employment.

In March 2005, the government announced an extension of work permits for registered migrant workers who come for re-registration. In December 2006, the Thai government announced the work permit renewal policy. According to the Administration

Council and the Ministry of Interior, those holding work permits expiring on 28th February and 30th June 2007 were approved the extension of a further year to 28th February 2008 and 30th June 2008. 668,566 workers from Myanmar, Cambodia and Laos got their permits renewed. The Thai government also announced that migrants registering with the same employer need not bring any documentation (Humane Approach to Migrant Labor, March 2007).

In 2007, the Ministry of Public Health issued information regarding health screenings and health insurance so that labor officials could monitor the working and living conditions of those on the work permit. The health check costs 600 Baht and health insurance 1300 Baht. Migrants who get work permits are strictly asked to enter into the verification of nationality process to change their status to enter the country legally. It is apparent that in recent years, the Thai government has started to pay attention to health care for migrant workers. In 1998, a cabinet resolution was launched for a compulsory health insurance that a worker was required to pay -- 700 Baht for medical exam fees and 500--1,200 Baht for a health card -- in order to conduct health management for the migrant workers.

3. Policy implementation

Though the Thai government has made efforts to improve the rights protection and welfare treatment of transnational migrant workers, the violation of these rights still happen quite often especially with respect to registration, work permit issuing, hours of work, payment of wages, medical access, leaves and holidays, freedom of movement, securities, compensation for injuries and death, and employment contracts.

3.1. Work and living conditions

A survey in Northern Thailand shows that majority of factories, for example, garment factories in Mae Sot, are located in the suburbs of Mae Sot Town with 200 to 400 workers aged from 14 to 50 in a factory. Most of workers, about 70%, are women, 95% are from Myanmar. Over 80% workers have work permits. In the workshop, hundreds of sewing machines and other machines are arranged in lines. In work divisions, workers are separated into many smaller groups with various payments. A number of technical workers earn 250-300 Baht each day, general skilled workers earn 145 Baht, and unskilled workers 40-50 Baht. Workers either live in dormitories of factories provided by employers or in low steel-panel-roofed houses or leaf-roofed houses near their workplaces in the suburbs; others in "hidden districts" away from busy streets, trying to stay out of sight of the police. Usually 15 to 25 male or female workers live in a 20 square meter room. Workers drink water pumped from underground with a manual pump and because employers are not willing pay for sewage

disposal facilities, dirty water and garbage are disposed into ditches near the houses where they live. Workers are required to work from 8 am to 5 pm and often work overtime from 6 pm to 10 pm and are paid 7-10 Baht an hour. For producing more products, workers are often required to work over 14 hours a day with or without payment.

3.2. Registration fee and wage payment

According to Thai government policy, registration and insurance fees should be paid for by private employers. However, employers are either reluctant to pay or expect the next employer to pay for them, so the fees are transferred to the workers and deducted from wages. The more illegal migrant workers are employed, the more benefits an employer can make. It happens, not quite often, that, to avoid paying wages, employers report illegal migrant workers or those without work permits or ID cards to the police just days before the payment deadline thus employers do not have to pay a baht for those taken away. It occasionally happens that employers claim that the products are not sold out and they cannot pay wages or cut the previously promised wages. Workers then have to accept whatever payment is offered or leave the factory without a baht. Disputes between employers and workers occur quite often and while workers complain to local authorities, these complaints ended in vain.

3.3. Difficult access to medical treatment

For the treatment of illnesses, a large number of migrant workers (42%) are not willing to turn to professional medical treatment -- they either take medicine given to them by their employers or brought with them from Myanmar (24.2%) or buy some medicines in drug shops themselves (16.3%). Only a small number of workers would go with employers to private clinics or public hospitals (14.5%). Some are sent to hospital by their friends in the event of sudden accidents or serious illness (2%) and the rest do nothing. The survey also shows that migrant workers in Mae Sot and Mae Hong Son tend to go to clinics opened by NGOs as workers think they can get better service there because they think they are treated as patients rather than as Burmese.

Some young people love each other and live together and as a result pregnancy happens quite often. Pregnant workers are reluctant to go back to Myanmar for help from family members for they think that would lose "face" and are also in fear of losing their present work, so they turn to Thai or Myanmar midwives with special traditional skills to induce abortions or go to clinics opened by NGOs. In Mae Sot and Mae Hong Son, workers usually go to the Mae Tao Clinic and other clinics. In Chiang Mai, workers go to public hospitals or community clinics.

3.4. Leave and holidays, freedom of movement

Usually, workers have one day off every week but they often stay where they work or

ask for more work from employers to earn more money. Some young friends drink beer together, chat and play a guitar brought with them from Myanmar. When the traditional festivals come, Myanmar migrants try to get together in their communities, in temples, churches, or mosques to present Burmese songs and performances. Workers seldom go outside of their factories, as there are many checkpoints in the streets. Workers could be at risk if checked and arrested at any time. Those who possess work permits also do not go to downtown often because original work permits are kept by their employers for fear they would escape from their factory. Only copies of work permits are at hand.

3.5. Injury and death compensation.

Usually, when a worker in a factory dies due to an accident or illness, employers would report this to the police. The police conduct an inquiry on the cause and consequence and simply issue a proof of death. The body is not taken back to Myanmar but to a temple nearby and burnt. The ashes are put in an earthen jar and buried there or taken back to Myanmar by relatives if there are any in Thailand. If a worker is injured his/her employer would send him/her to hospital. He/she would not get compensation afterwards and might even lose his/her job forever due to lack of efficient contracts.

3.6. Communication problems

Myanmar migrant workers have difficulty speaking the Thai language and difficulty in understanding Thai written policy. Usually, those who come from Shan State, Myanmar or have stayed over 5 years can speak the Thai language. However, since the Burmese language becomes a common language when they work together, the ethnic workers from Myanmar learn to speak Burmese and little daily Thai after they arrive in Thailand. Some young workers take Thai language classes opened by private schools. Proficiency in the Thai language often becomes a key factor in seeking better work and wages. That is one of reasons why workers from ethnic groups are largely pushed to plantations where the Thai language seems less important.

So, misunderstandings, for example between doctors and patients, happen quite often. Follow-up on treatments for some diseases such as leprosy and tuberculosis among the migrant population is not effective.

3.7. Community life counteracts Thai policy

Generally, migrant workers tend to work and live together in their communities and help each other face various challenges together. It has become a self-protection model since they cannot get essential support from normal channels of Thai society. Some of them refuse to accept the policies whether they are good or bad, so community life actually counteracts policy enforcement, in some sense. Other obstacles such as ever-changing policies create confusion among authorities and migrant workers. Some top to down policies are filtered by local government departments, by private employers, or by other organizations, and only a weak echo is heard by migrant workers. Migrant workers lack efficient channels to air their

problems (organizing labor unions is denied by Thai law). Since migrant workers are excluded from the welfare system, policy enforcement is very weakly supported by migrant workers.

3.8. Cooperation and coordination between Thailand and Myanmar

Unable to settle migrant labor difficulties on its own, the Thai government sought bilateral cooperation and the Memorandum of Understanding (MOU) on Cooperation in Employment of Workers was signed on 21 June 2003 among Myanmar, Laos, and Cambodia. Representatives from Thailand and Myanmar held discussions on 15th December 2005 in Yangon and from 22th June to 23th June 2006 in Bangkok on issuing temporary passports (valid only in the Kingdom of Thailand) to Myanmar workers illegally working in Thailand. At present, further human rights protection and welfare are under negotiations with international organizations and many improvements have been made. ([http://www.D:/ss/transborder migration paper](http://www.D:/ss/transborder%20migration%20paper))

4. Future Movement Directions

The Thai government has made great progress after over 10 years of efforts and has accumulated rich experiences in management and policymaking on migrant labor. However, Myanmar migrant workers themselves are still subject to traditional institutional obstacles. They are not real factory workers as Thai workers though they are in Thailand. It is not possible to get promoted to administrative or to managerial levels. What they could choose is to move to small-scale business, or, most probably, move back to original agriculture. Age and gender are two important factors in professional mobility. Increasing age decreases the possibilities of up-class mobility. Workers would then return to agriculture again or get involved in small businesses as vendors. In general, a female would mind more about her age and future than a male. Of course, some women would come back to their positions with their husbands or alone.

Since a transnational migrant worker is denied entering the upper class, the most important thing for them becomes making as much money as possible and move to any place they think can earn more money. They continue to stay in Thailand as illegals or even a few may fall into human trafficking or other criminals. The majority of workers interviewed proved the point: their focus is on saving money to obtain sufficient investment capital for establishing a small business back in Myanmar. A number of workers have strong feelings of obligation and responsibility to their parents and siblings, they work for financial support for them. A small part of workers wanted to save money for their own further education. Some work for better paying jobs or safer work environments.

5. Conclusion and prospects

Migrant workers mobility is a social practice pushed and pulled by the whole economic dynamics in this region. At present, Myanmar migrant workers occupy the lowest social and economic ranks in Thai society. The “Dual Labor Work Standards” or “Dual

Treatment System” in Thai government policy is the key problem of transnational migrant workers. So, Myanmar migrant workers in Thailand they have very narrow choices for their future: a) either they would have to go back to agriculture where they come from or be deported by Thai authorities when they reach a certain age; b) they could continuously stay Thailand with illegal status under the present policy framework; or c) they could engage in small scale businesses on the borders.

The study shows that most Myanmar migrant workers would not choose Thailand as their permanent residence. They are here just for better lives and are willing to go back to Myanmar once the situation in Myanmar gets better. In my understanding, it may be impossible for Thailand to provide all migrant workers with Thai citizenships at present, but Thailand would have to provide equal rights and welfare in the future reaching a balance among the incompatible factors relevant to migrant workers’ issues by working with governments in this region. Myanmar migrant workers and other alien workers form a new potential strength for future development. If the needs of an individual transnational migrant worker is satisfied and protected by government policy, it would result in endless creativities of workers that, no doubt, would benefit not only the labor receiving country but also the labor sending country, as well as the region. Of course, the efforts cannot only depend on the Thai government’s strength but should be upgraded to bilateral, sub-regional, and international cooperation. Therefore, reconstructing an equitable, reasonable, democratic, orderly, open contemporary social mobility module is necessary and should be the objective of policymaking in the future:

- 1) Continuously facilitate immigration policy reform, eliminating system obstacles on national status identity, employment, human rights protection and welfare-giving, exploring social mobility channels, speeding up social mobility so that every member has an opportunity to contribute his/her strength to the development of a country, and of the region in his/her position, realizing the shift of farmers or low income class to Second and Third industrials.
- 2) Induce a creative mechanism to policies so that individual capability and effort is fully respected and encouraged, facilitating an equal competition mechanism, fostering a new middle class strength through establishing an equitable, reasonable, democratic, orderly and open society.
- 3) Introduce a new public resource allocation system to immigration policies. Equally sharing public resources is the key of all problem-solving, while reasonability of public allocation is not only reflected on efficiency of work of an individual worker but also on sharing benefits from equal public resource allocation, that is to say, one is entitled to enjoy equal competition opportunities.
- 4) Speeding up the pace of urbanization. One of important functions of urbanization is that it can absorb a large number of “surplus labor workers” into the Second and Third industrials smoothly.

To meet the objectives mentioned above, a collaborative cooperation is necessary at individual country, bilateral, sub-regional and international levels. Cooperation at present is as follows:

1. Individual country level:

- Signing Conventions of International Labor Organization (ILO) on human rights and labor protection.
- Properly harmonizing relations of stakeholders and policymakers within Thailand.
- Find good ways to communicate with transnational migrant workers and get their support on policymaking and enforcement.
- Promotion of borders administration and anti-human trafficking.
- Open up channels for transnational migrant workers to air grievances and solve problems

2. Bilateral level

- Open dialogues between sending and receiving governments to foster social welfare policies, a workable and mutually beneficial mechanism to manage migration development. The mechanism should be included in the government strategies, national action plans, and community level MOUs.
- Facilitate labor force resource information service, training the migrant community on health and education including language training, policy understanding, and basic knowledge of local customs
- Improve mutual partnership and collaboration to promote migrant communities, ensure that they have better work and living conditions. Ensure migrant workers and families have access to adequate, culturally appropriate public services, health and medical treatments in Thailand.

3. Sub-regional and international cooperation

- An agreement on Free-Labor-Flow Mechanism is signed among GMS countries.
- Policies on migrant workers need to be monitored regularly to be effective and the GMS governments need to be brought in frequently to discuss the urgency of new policy-making and implementation.
- E-Management put to use to recruit migrant workers for specific periods and fields of employment in GMS countries, motivating the deportation after completion of employment, labor protection (equality, medical, education, and security), dispute settlement, and measures against employment.
- A Labor Force Steering committee is needed to supervise, register and coordinate dispute settlement. To review and establish migrant-workers-oriented GMS-wide regulations and support programs to better coordinate and manage migration flow in the region.
- Need to establish basic or common labor standards that will ensure all the migrant workers of fair treatment, payment, and compensations.
- Improve policy enforcement and surveillance systems in the whole migration process with staffs from GMS and NGOs present

- Actions to ensure migrant workers and families have access to adequate, language, culturally appropriate public services, health and medical treatments in the destination countries.
- The migrant workers family related policies, job information, health services, social welfare are also reviewed and included in the policy dialogues of governments, NGOs among GMS, to ensure that the migrant workers and their families are adequately informed and they can gain access to health, education, and other services. Support activities can include: job trainings, raising the awareness on HIV/AIDS and other health concerns, reproductive training, micro-credit or loan programs, etc.
- Collaboratively facilitate the establishment of a democratic government in Myanmar and reach agreement among international communities to stop sanctions on Myanmar to develop its economy (<http://www.mekonginstitute.org>, 2007).

Transnational migrant workers mobility is a new challenge that all countries have to face, but it is also an opportunity for future development. Only when the old institutional obstacles in our way are cleared could we create a new future.

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