

## A Study of Migrant Workers in Surat Thani Province of Southern Thailand

Wisai Pattanapong and S. S. Narwade

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### Abstract

The present study attempts to understand problems faced by migrant workers from Myanmar, Laos and Cambodia in twelve districts of the Surat Thani Province of Thailand. The primary data was collected from 306 migrant workers. Most of these workers had migrated to Thailand due to political and economic instability and a lack of employment opportunities in their countries. According to these workers, the process of applying for a work permit was complicated. Also, while most of them worked eight hours per day, very few received minimum wages and payment against overtime work as per the laws. The study found that the employers had confiscated the passports and work permits of more than half of the workers. Social security measures were not available to all migrant workers. Half of the workers were denied free medical care. They were not granted annual holidays and vacations. Remittance fees were high. Simplifying labour import processes and compliance with labour laws applicable to foreign workers by Thai employers will make migration safe and rewarding.

**Key Words:** *International migration, social and legal security, Thailand, Myanmar, Laos, Cambodia.*

### Introduction

In Southeast Asia, the formation of a regional cooperation called the Association of Southeast Asian Nations or ASEAN proved a turning point in the emergence of 'tiger' economies. Thailand was the first country to have realised the importance of economic integration in

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Southeast Asia for economic growth and resolving contending issues in the region. As they are neighbours and their cultures and traditions are similar, forming an economic integration unit was convenient. Thailand, Malaysia and the Philippines jointly established a voluntary association (Association of Southeast Asia) in July 1961 for economic, social and cultural cooperation. Further, Thailand, Malaysia, the Philippines, Indonesia and Singapore participated in a conference held on 6 August 1967 at Bangsaen in Thailand and set up guidelines for ASEAN. The agreement document was called the “Spirit of Bangsaen”. These five countries became the founding members of ASEAN, joined later by five more countries: Negara Brunei Darussalam, the Socialist Republic of Vietnam, Lao People’s Democratic Republic, the Republic of the Union of Myanmar and the Kingdom of Cambodia, taking total membership to ten. The region has emerged as a large receiver of migrants (Testaverde et al. 2017). In Thailand, it has steadily increased since 2014. Foreign workers coming to work in Thailand totalled 4.9 million in the year 2018. They comprise more than 10 per cent of the total labour force in Thailand.

The migrant workers compensate for the shortage of labour in Thailand. The country attracted migrants, even before the formation of ASEAN, mostly from the three neighbouring countries of the Lao People’s Democratic Republic, the Republic of the Union of Myanmar and the Kingdom of Cambodia, to work in agriculture, construction, fishing and other industries (Government of Thailand 2017). Most of them were unskilled and entered Thailand illegally. However, the Government of Thailand allowed the free movement of labour across ASEAN countries in the spirit of the ASEAN labour mobility accord. It has a Memorandum of Understanding (MOU) with four neighbouring countries – Myanmar, Laos, Cambodia and Vietnam – for cooperation in keeping records of the names and nationalities of immigrants in Thailand and preventing trafficking. The government’s policies aim to protect the basic rights of workers – the right to work and the right to the safety of life and property. These policies are in place to ensure that immigrants work and stay in Thailand lawfully.

In fact, Thailand’s Labour Protection Act 2541 gives all foreign workers access to social security and prohibits discrimination between Thai and foreign workers. However, despite the Act, foreign workers continue to face exploitation.<sup>1</sup> The problems migrant workers face range from unpaid and underpaid work to long working hours and the lack of job security. They are frequently made to work beyond the legally mandated maximum of eight hours a day without overtime pay. There are few safety measures at the workplace to protect the workers during risky operations. Often workers are not allowed to leave the workplace. The operator takes away workers’ work permits, violating the said Act. They do not allow migrant workers to take sick leave and paid leave. No social welfare of any kind is provided to migrant workers.

Studies cite differences in economic and political conditions between Thailand and some under-developed ASEAN countries for continued migration to Thailand. These include

technological advancement and better wages in Thailand on the one hand and political instability, conflicts, and low economic development in migrants' source ASEAN countries on the other (Chirakietkun et al. 2017, Muenratch and Pardthaisong 2017, Sukanttha 2014).

This paper tries to study the nature and terms of employment of migrants in the Surat Thani province of southern Thailand, as the province attracts considerable numbers of migrants from Laos, Cambodia and Myanmar. It also tries to understand the causative factors behind migration. The paper is based on empirical research carried out during January-March 2020.

### **Field Research and Basic Data on Migrants**

Surat Thani province is located in southern Thailand. According to the Surat Thani Provincial Employment Office 2017, there were 122,526 workers (61% males and 39% females) with valid work permits from three ASEAN countries: Myanmar, Laos, and Cambodia. Of these, Myanmar accounted for almost 88 per cent, Laos 9.2 per cent, and Cambodia 2.8 per cent. These three countries constituted the majority of foreign migrants in the province. They (migrants) work in industries, fisheries, agriculture, tourism, and services.

The study collected primary data from 306 migrant workers (183 males and 123 females) from 12 districts of the Surat Thani Province. Of these, 153 were from Myanmar (50%), 92 from Laos (30%), and 61 from Cambodia (20%).

Age-wise, 43 per cent of migrants were in the age group of 31-40 years, followed by 32.5 per cent in the age group of 41-50 years. The rest, 24.5 per cent, were in the age group 20-30 years. Most of the migrant workers – 71.5 per cent were married. Education-wise, 46.7 per cent of migrant workers were illiterate, followed by 41.8 per cent having primary school education. Among non-literates, 57 per cent were males and 43 per cent were females. Only 4.3 per cent of migrants were holders of a bachelor's degree.

Industries were the main employers, recruiting about 81 per cent of migrants, followed by the service sector (11%). Eight per cent of migrants were employed as maidservants. While male migrants had a larger representation in industrial and service sector employment, female migrants had slightly more representation in housemaid services. Almost 80 per cent of them worked as labourers in various sectors.

As regards the longevity of their migration in Thailand, 37 per cent had been working for 1-2 years and 34 per cent for more than five years. Interestingly, 29 per cent of migrants were long-term migrants working in Thailand for 35 years.

Our data shows that 223 migrant workers (60%) had migrated to Thailand for work due to political instability in their country, which caused lower economic activities and earnings.

Most of the migrant workers, figures ranging from 97 per cent and 99 per cent, had migrated due to low wages and lack of employment opportunities in their home countries. Further, almost 99 per cent of migrants cited water scarcity-induced agrarian crisis and lack of investment as prominent reasons for dwindling livelihoods in their own countries.

### **Problems Faced by Migrant Workers**

All 306 migrant workers in the sample had legally migrated to Thailand for work in accordance with the Royal Decree on the Management of Foreign Workers Employment B.E. 2560 (2017). These migrant workers were thus protected under the Constitution of Thailand and given rights equivalent to those of Thai workers.

The study found that 82 per cent of migrant workers in our sample used the services of legally authorised agencies to emigrate as it made the process easier. The study also found that 57 per cent of migrant workers were helped by their employers to migrate legally. Though the Royal Decree prohibits employers from collecting fees from foreign workers, except for passport issuing, health check-up, and work permit fees, all of which have fixed rates endorsed by the Government, 198 (64.7 per cent) migrants complained that higher fees were collected from them. In the case of almost half of the migrants, their employers paid their fees initially which they deducted later.

223 migrant workers (73%) found the process of applying for a work permit complicated. An overwhelming 88.6 per cent of workers said that applying for work permits had taken them a long time because of the complexity of the application process. It was a lengthy process involving many steps. The documentation and health checkup processes were also complicated. 70.6 per cent of migrant workers reported using the services of One Stop Service in Thailand, which made the migration process faster and saved them time and money.

74.5 per cent of migrant workers had applied for employment in Thailand, and most of them (76%) had to take their recruiters' help during this process. 229 workers (79%) worked eight hours daily, complying with the Labour Protection Law. The rest had to work more than eight hours a day. Data also show that 95 per cent of migrants worked five days a week. The real problem was the payment of wages as per the Minimum Wages Act. They were not paid overtime or holiday wages as prescribed by the Labour Protection Law (Pollock and Aung 2010; Phansak 2016). In our study, only 124 workers (40.5%) reported being paid overtime.

A study on construction labourers regarding minimum wages in Nakhon Ratchasima found that the workers received less than the minimum wage of 300 Baht (Promsuk 2014). In the present study, only 13 per cent of migrant workers reported getting paid 300 baht per day,

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the statutory minimum wage rate. The monthly earnings of an overwhelming 74 per cent of migrants were between 10,000 and 15,000 baht, while 21 per cent earned merely 5,000 to 10,000 baht. Only 4.89 per cent of migrant workers earned more than 15,000 baht per month. Low earnings resulted in lower remittances by migrant workers.

The Law mandates designated holidays as rest days for employees and in case the employer requires the employee to work on a holiday, they must pay special wages for the day, more than a normal day wage. However, only 217 workers (71%) had received payment for working on holidays, though 60 per cent of them were not paid 'holiday overtime'. About three-fifths of the migrants in our sample, i.e., 181 out of 306 (59%), reported getting one day off per week. Working without weekend holidays drains and demoralises the workforce physically and mentally. These workers had no time for rest and socialising. Moreover, not giving employees a day off every week violates labour protection laws.

All migrant workers said their employers neither informed nor provided the mandatory thirteen traditional holidays in a year. They did not get the six days of annual leave. While close to 70 per cent of workers were allowed to avail of sick leave, the rest were not, often impacting the recovery process of sick migrants. This was a distinct disadvantage for the migrant workers compared to the local workers and stood contrary to the idea of equal treatment of workers.

A study by Piamphongsant, Pitiphat and Prasartse (2018) of Lao workers in Thailand found that employers had confiscated their passports and work permits. Thus, employees were prevented from leaving the workplace and opting for a new employer, which clearly violated the human rights of the workers. The present study shows that 33 per cent of workers reported confiscating their passports and work permits by employers. As a result, foreign workers could not leave the workplace even on holidays or outside working hours. This effectively amounted to the detention of the migrants by the employers, as the migrants could get arrested by the police if found without a passport or work permit and possibly repatriated. This action of the employers is a violation of the migrants' human rights as well as the law against human trafficking.

A study by Khotmanee, Leethongdee and Srathonghon (2016) on Health Security Funds for Migrants in the Udonthani Province found that migrant workers did receive social security benefits in Thailand. The present study shows that 79 per cent and 90 per cent of workers in the sample reported receiving free drinking water and restrooms at their workplaces, respectively. However, infirmary rooms were available only to one-fourth of the workers. Only 16 per cent of workers had access to nursing services and 12 per cent to a doctor at their workplaces. 52 per cent reported that their employers did not arrange for ambulances to take employees to hospitals in the case of an emergency. Importantly, half of the workers said their employer did not pay for their medical care, denying them free medical facilities as

mandated by the Social Welfare Act. Our data also reveals that only 193 migrant workers (63%) had access to medical care paid for by their employers. Over 47 per cent of workers reported receiving reimbursement of their medical bills from employers. Another significant finding was that 106 migrant workers (34.64%) in the sample reported receiving dangerous/hazardous assignments from their employers.

On the positive side, none of the workers reported sexual harassment by their employers. For an overwhelming 89% of migrants, apart from better income, Thailand provided safety of life and property, making it an attractive destination for migrants. The study shows that 257 migrant workers (84%) found the working environment to be good and conducive to meeting the goals set by the employers. An overwhelming 96 per cent gave credit to their employers for maintaining cleanliness in the premises. 244 workers (80%) migrants could open bank accounts, providing them a safe means for sending remittances and other financial transactions. A study by Woralaka and Thongyoub (2017) shows that migrant workers in Thailand could save money to remit to their families. In our studies, 95 per cent of migrant workers reported sending remittances to their families, though they had to pay high remittance fees. 60 per cent reported paying 150 baht per transaction. For others, remittance fees varied from 400 baht per transaction for 25 per cent of migrants to 500 baht for 10.5 per cent and as high as 800 baht for 4 per cent of migrants.

## **Conclusion**

This study reveals that Thailand's compliance with its own Labour Protection Act B.E. 2541 is weak. The Thai Government must ensure strict reinforcement of the provisions of the Act. The government should amend the Labour Protection Act, B.E. 2541, regarding the minimum wage rate by specifying additional information on foreign workers in Section 88. It should explicitly state that the minimum wage rate for both Thai workers and foreign workers working in Thailand must be equal. Also, the government should review state policy on importing foreign workers to make the labour import process easy and migrant-friendly, including lowering migrants' entry and other fees. Proactive measures by the Thai Government to make foreign workers aware of their rights and the grievance redressal mechanism available to them will help reinforce the Labour Protection Act.

## **Notes**

1. For a comprehensive overview of foreign workers' exploitation in Thailand, refer to the Human Rights Watch 2010 Report entitled "From the Tiger to the Crocodile: Abuse of Migrant Workers in Thailand".  
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