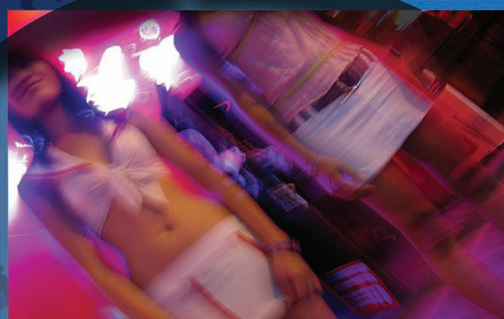


A case study of Thai migrant workers in Poland



International
Labour
Organization



Regional Office for Asia
and the Pacific

**Economic and Social Empowerment of Migrants, Including Victims of Trafficking
Returned from the European Union and Neighbouring Countries**

A Case Study of Thai migrant workers in Poland

By Chitraporn Vanaspong

International Labour Organization–European Union Project:
Going Back–Moving On: Economic and Social Empowerment of Migrants,
Including Victims of Trafficking, Returned from European Union and
Neighbouring Countries

2012

First published 2012

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A case study of Thai migrant workers in Poland / ILO Country Office for the Philippines. - Manila: ILO, 2012

1 v.

ISBN: 9789221262053; 9789221262060 (web pdf)

ILO Country Office for the Philippines

migrant worker / Thai / labour migration / international migration / workers' rights / migration policy / Poland

14.09.2

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Abbreviations and Acronyms

ARCM	Asian Research Center for Migration
DOE	Department of Employment
MOL	Ministry of Labour
NAT	Network Against Trafficking and Exploitation of Migrant Workers
TOEA	Thailand Overseas Employment Administration

I. Case study series

A Case Study of Thai Migrant Workers Exploited in Poland is one of the two case studies produced under the International Labour Organization–European Union project *Going Back–Moving On: Economic and Social Empowerment of Migrants, Including Victims of Trafficking, Returned from European Union and Neighbouring Countries* (2009–12). The project extended technical support to government and non-government service providers offering return and reintegration assistance to victims of labour exploitation and human trafficking.

One component of the project has involved producing publications that document the services provided and the processes used in that delivery for future benefit. The documentation includes case studies of Thai migrant workers exploited in Poland (reflected in this publication) and Sweden.

The objective of the case studies is to review workers' entire migration experience to draw lessons from the returnees that would be useful to improve the protection and service provision offered to other workers going to work overseas.

The case studies look at:

- socio-economic context of migration from Thailand
- pre-employment and pre-departure
- working life and on-site support in Poland and Sweden
- pre-return services: workers' needs and responses
- upon return – what happened next and who provided assistance
- good practices, lessons learned and recommendations.

II. The escalation of the labour exploitation of Thai migrants

Thailand's labour migration

Thai workers began migrating abroad for employment in response to the construction boom in the Middle East in the 1970s. Thousands of Thai workers, especially from the north-eastern region of Thailand, went to work in the oil-rich countries of Iraq, Kuwait and Saudi Arabia. According to the Network Against Trafficking and Exploitation of Migrant Workers (NAT), the migrant workers worked well, the companies in the hosting countries paid their travel and lodging costs and were grateful for the good work. Remittances from this first wave of migrant workers had a significant, positive impact on the well-being of their families, farms and villages (NAT, 2010).

Since then, the export of Thailand's migrant workers has become a large business. According to Ministry of Labour statistics (cited in NAT, 2010), from 1975 to 2010, 3.8 million people sought work abroad through the formal government channel. Some 70 per cent of them originated from the North-East, and 60 per cent of them had only a primary school education. According to the government data for 2010, of the 5.4 million families living in the 18 provinces that constitute Thailand's North-East, around 2.5 million had family members working abroad – 45 per cent of the region's 20 million population. This did not include those who travelled abroad outside government schemes, many of whom were tricked into paying large broker fees and then abandoned. This second group of people is estimated to have been as large as the official migrant group.

Government data as well as information from various banks indicate that over the past 20 years, Thai migrant workers abroad have made significant contributions to the Thai economy. According to the Bank of Thailand, for instance, Thai migrant workers abroad remitted around 50–60 billion baht per annum between 2000 and 2010 (55 billion baht in 2000, 53

billion in 2006, 56 billion in 2007, 63 billion in 2008, 56 billion in 2009 and 55 billion in 2010). From January to July 2011, remittances had already reached 43 billion baht (through banking channels), which did not include the cash they carried back home.

Conditions have changed considerably since the early days of overseas migration. Millions of rural Thais have been motivated to join the global labour market by the propaganda of recruitment agencies. In Thailand, there has for years been a constantly changing pool of 200–300 recruiting agencies registered with the Ministry of Labour that are responsible for sending out 90 per cent of the 150,000 Thais who are “legally” contracted each year.

For a short while, the Government aggressively promoted the phenomenon of working abroad by adopting within its Fifth National Economic Plan (1982–86) explicit provisions for the export of Thai workers. However, later national economic plans turned backed such provisions. According to the Asian Research Center for Migration (2010):

It became clear that Thai workers often experienced difficult circumstances abroad. In particular, private employment agencies charged high fees for workers and promised false high-paying jobs with good work conditions, but many workers later discovered that these promises would never come true. In some cases, they found that the jobs promised to them never even existed.

As the prominence of recruiting agencies grew, so too did the fees for their “services”. The fees now charged by the legal agencies as well as those not registered with the Government have led workers wanting to go abroad to mortgage their land, homes and belongings or to borrow funds at high interest rates in order to come up with the cash to cover the

upfront fees (NAT, 2010). Acquiring huge debt before they ever leave Thailand means workers must earn a tremendous amount to cover both their debt and their dreams. For many migrant workers seeking overseas employment these days, the money they can earn is no longer enough to cover even the recruitment fees, let alone improve the living conditions of their family.

Stories of fraud and exploitation are now commonplace. And yet, hundreds of thousands of rural Thais continue each year to take the risk and apply to be sent into what they want to believe will be a positive life-changing opportunity in a far-away land.

Factors facilitating labour migration

Personal motivations are typically complex, and this is true for people who decide to go abroad for temporary migrant work. According to Wickramasekera (2002, as cited in Kallstrom, 2011), the traditional explanation of migration as a movement from poor to richer countries has nowadays become too simplistic because both economic and non-economic factors, such as social networks of family and friends or a desire to explore or seek adventure and opportunity clearly also influence the decision to migrate.

The lure of higher wages in receiving countries remains a strong factor. In general, high levels of unemployment and poverty in source countries act as a push factor. This factor applies in the Thai context, according to Kusumal Rachawong, a National Project Coordinator with the International Labour Organization, who explains that most migrant workers tend to be economically disadvantaged farmers driven to look for greener pastures. Far more typical are workers seeking short-term seasonal work after a harvest season, often in Thai cities. But more and more struggling villagers are willing to go beyond the national borders.

Massey et al. long ago pointed out what appears to remain true still regarding their migration networks theory, in which such informal networks as community ties and mutual help in economic and social matters are prominent factors in decisions to migrate for work. As well, migration decisions are usually made not by the individual but by the family; and that group may decide to send one or more members to work in another region or another country to maximize income and survival chances. Most economic migrants are young and economically active and characterized as “target earners” who want to save up enough to improve conditions at home by buying land or improved housing, set up a business or pay for the education of siblings

with the income earned from overseas employment (Massey et al., 1993, cited in Kallstrom, 2011).

In the Thai context, the “family” and “community” are vital factors influencing individuals’ decision to work abroad. People who have migrated tend to pull along other family or community members eventually. Rachawong points out returning migrants often talk of beautiful and profitable experiences (whether true or not). Their stories of success may well be illustrated with a new house, a truck or other commodities as evidence, which then shines as a motivating charm to others.

According to Haas’ institutional theory (2007, cited in Kallstrom, 2011), when the international migration flow reaches a large scale, it induces a proliferation of profit and non-profit organizations, which can operate legally or illegally to benefit from the phenomenon. These organizations provide such services as labour contracts, documents, dwellings, legal advice or transportation for migrants. The large international migration flow thus becomes institutionalized. Generally, this theory refers to the role of private institutions that step in to assist the migration process, providing migrants with a source of social capital while they get established in destination countries.

In the Thai context, “recruitment agencies” have filled that role. The Thai Immigration Act of 1979 and the Employment Recruitment Act of 1983 allowed private entities to operate employment recruitment services that send Thai workers abroad if they register with the Ministry of Labour. Most workers find private recruitment agencies more proactive, faster and more efficient than government services in finding them a job abroad, despite the malpractice that some agencies are known to engage in.

According to the Thailand Overseas Employment Administration (TOEA), as of December 2009 there were 218 registered recruitment agencies (ARCM, 2010). Their operations for overseas employment are largely unregulated and thus market driven, with minimal input from government bodies. Most jobseekers comply with the agency demands and are willing to pay unnecessarily high recruiting fees to secure a job.

The role of recruitment agencies is illustrated in more detail in the following case of exploitation of Thai workers sent to Poland in 2009. The case study represents a common story of what many hopeful

jobseekers actually experience when going abroad anywhere. It describes the whole process, from recruitment to employment, the work conditions in Poland and how the workers fought for some justice upon returning to Thailand.

Many jobseekers are vulnerable to the exploitation and unfair conditions because they generally do not check the authenticity of the agencies; some workers patronize unlicensed job placement services, accept inordinate risk in the conditions required by some services and often do not report to any proper authority upon arrival in the destination country.

According to the Asian Research Center for Migration (2010), victims may go so far as to allow themselves to be duped repeatedly, paying more money each time on the hope of an eventually ‘decent’ and highly paid job. They tend to trust community-based recruiters more than they do representatives of big recruitment agencies or government labour officials who are regarded as outsiders; but it is the community-level recruiters who often lie to or mislead them. Rachawong (2011) attributes this to their lack of skill to analyse and synthesize information they receive from recruiters.

Institutional framework

The Government promotes outmigration through legislation and transnational commitments that provide the framework for management within Thailand. Legislation of outbound labour migration is grounded in the Recruitment and Jobseekers Protection Act of 1985, revised in 1994 and 2001. The Act, which regulates the employment and recruitment services for workers wanting to go abroad, calls for the protection of Thai workers overseas and sets the conditions for carrying out foreign employment services, including pre-departure examinations and training, the establishment of an aid fund for overseas workers and the provision of a written employment contract between jobseekers, employers and, when applicable, representatives of an employment agency. Additionally, the Act stipulates that recruitment agencies must be responsible for taking care of their workers and requires monitoring measures; it includes sanctions in the event of violations.

The Thailand Overseas Employment Administration, set up under the Department of Employment (DOE) of the Ministry of Labour (MOL), is the primary agency for managing outmigration.

Its functions include regulating the practices of private recruitment companies, centralizing overseas employment information, administering to Thai workers overseas, facilitating overseas employment opportunities and providing overseas employers with suitable and experienced Thai workers.

Five channels for going abroad to work

Under the Recruitment and Jobseekers Protection Act, there are five legal channels for Thai workers to go overseas for employment:

1. **Through private overseas recruitment agencies** – with permission from the Department of Employment, recruitment agencies can match Thai workers to jobs with foreign employers.
2. **Through the Department of Employment** – an overseas employer who wants to employ Thai workers may recruit Thai workers by authorizing the Department of Employment to recruit workers for them. The jobseekers are responsible for paying the expense of air tickets and appropriate visa, the Overseas Worker Welfare Fund fees and any other travel-related costs.
3. **Through self-arrangement** – Thai workers who have an employment contract with an overseas employer through personal connections must report to the Overseas Employment Administration Office with the certified employment contract at least 15 days prior to departure. Likewise, anyone extending their contract but wanting to make a visit home must also report to the Overseas Employment Administration Office once back in Thailand.
4. **Through local employers who send their employees to work overseas.**
5. **Through local employers who dispatch their employees to be trained abroad.**

These five channels are not well known to jobseekers. Most of them pay recruitment fees and leave their future in the hands of recruitment agencies.

Licensed agencies risk having their license suspended or revoked if they fail to meet the following TOEA criteria:

- Agencies must issue a receipt when they accept money from jobseekers.
- Agencies that receive payment from jobseekers must send workers abroad within a limited period

of time specified in their contract.

- To receive their license, agencies must deposit 5 million baht (US\$164,000) into an insurance fund with the TOEA; should money need to be used from that deposit to cover the costs of irregularities, the responsible agency must repay the money within 30 days.
- Agencies must register both their company and their employees with the TOEA.
- Agencies must not charge their clients more than double their monthly wage (based on the first month or the first 30-day period after work commences) for employment contracts of one year or longer. This amount is to cover only the service fee and does not include travel expenses or visa fees.¹

These stipulations also are not well known to jobseekers.

August Declaration

The Department of Employment and the National Committee to Combat Human Trafficking have acknowledged the need to regulate recruitment practices to better protect Thais from abuse and exploitation. In 2010, the MOL announced the 3 August Declaration for Work with Dignity, which aims to reduce recruitment costs, suppress unlicensed recruitment actors and protect the rights and welfare of migrant workers and members of their families.

Soon after this announcement, 87 recruitment agencies signed the Declaration; 100 individual brokers were registered, 50 officials participated in a training workshop on labour trafficking, a fast-track channel for migrant workers was opened at Suvarnabhumi Airport in Bangkok and a task force team was appointed to monitor possible incidents of labour trafficking. In addition, the Government began to review the protective legislation, with ensuing revisions proposed to the Recruitment and Jobseekers Protection Act.

In 2011, a Letter of Understanding under the

Cooperation Framework on Improving Recruitment Practices and the Protection of Migrant Workers between the Department of Employment and the International Labour Organization was developed. A technical working group was established to monitor and follow up on the letter of understanding. For the purpose of strengthening the legal and policy framework and ensuring its enforcement, the Department of Employment, with ILO support, organized a workshop to develop a code of conduct in sending Thai workers for employment abroad in compliance with international standards.

Support to Thai workers overseas

The Department of Employment deals with jobseekers in Thailand. When abroad, workers are the responsibility of the Bureau of Labour Inspection and Protection of Workers of the Ministry of Foreign Affairs. Migrants are supported by the Office of Labour Affairs, formed under the Permanent Secretary of the Ministry of Labour, in 13 offices in 11 countries and territories. The offices provide support services through the labour attachés, who have responsibility for helping to protect the rights of overseas Thai workers.

The Government recently increased the level of protection afforded to Thai workers overseas by setting up an MOU between the Department of Employment (within the Ministry of Labour) and the Department of Consular Affairs (within the Ministry of Foreign Affairs). This cooperative agreement, signed in 2010, aims to increase coordination between the two departments and achieve consistent standards in the levels of protection extended to migrants overseas.

The MOU encompasses a number of specific commitments, including: establishing a specialized committee to monitor the problems of Thai workers abroad and to act on those problems appropriately and promptly; the use of a range of media activities to raise awareness among migrants about the potential risks and dangers associated with working abroad; and to seek additional opportunities for Thais wanting to work abroad.

Problems in protecting migrant workers persist

Despite all efforts to protect migrant workers, Thai migrants continue to be exploited and deceived during multiple stages of the migration process; many experience difficulties upon their return to Thailand. The difficulties in managing and regulating

¹ This ceiling varies by: a) length of contract: in cases in which the contract is for a period of less than one year, the service fee is to be reduced in proportion to the contract duration; for an employment contract that last two years or more, recruitment companies cannot charge more than four times the first month's wage; b) destination country: for example, recruitment fees for workers going to Taiwan, China cannot exceed four times the first month's salary, primarily due to the fact that the territory is a very popular destination with a minimum wage considerably higher than other countries in Asia.

outmigration from Thailand stem from a number of factors, including the huge profits that can be made from exploiting the hopes of Thais seeking better employment opportunities abroad, the failure to sufficiently educate Thai jobseekers of their rights and responsibilities overseas and the risks involved; and inadequate enforcement of the law, particularly regarding the recruitment of workers in Thailand.

III. Thai workers in Poland

According to the Embassy of the Republic of Poland in Bangkok, several agencies recruited 430 Thai citizens to work in Poland in 2009. Information from the Embassy in Poland (2010) indicates that a number of Thais work in Poland as chefs, kitchen helpers, masseurs and spa therapists as well as in the agriculture sector.

Those who work as chefs are usually recruited directly by the restaurant's owners, who are also Thais residing in Poland, or through a network of friends. They usually are well paid and are entitled to satisfactory welfare benefits.

The kitchen helpers are recruited by Polish recruiting agencies, which usually delegate recruitment companies based in Thailand to look for Thais who want to work in Poland. These workers pay a large recruitment fee, approximately 170,000–200,000 baht per person. They typically are not paid a proper wage. The agent usually is paid by the employer as a lump sum for subcontracting the work and the agent pays the workers the Polish minimum wage. As a consequence, Thai workers generally have a conflict with their agents on the wage and work conditions because the wage that they receive from the agency is minimal, with a portion often deducted by the agents.

Masseurs are recruited directly by Polish employers whom they meet when the foreigners visit Thailand or through their network of friends who have already worked in a Polish workplace. They usually end up with good work conditions and are paid a fair wage. However, the ones who have experienced difficulties typically were those recruited by recruitment agencies. They not only paid an expensive recruitment fee to be sent to Poland but were forced to sign a second contract upon arriving at the destination that specified a much lower wage than what the business submitted to the Thai Embassy for approval.

This deceitful scheme is actually a common practice of recruitment agencies. In its research study on Thailand's labour recruitment business, the ARCM (2010) found that "it is not uncommon for employment agencies to prepare two sets of labour contract for job applicants to sign; with the unpublicized contract, the worker is at a distinct disadvantage compared to the terms and conditions specified in the contract shown to the authorities".

According to the Thai Embassy in Poland (2010), complaints from workers are frequently received requesting help in negotiating with their employers. Workers have reported that they agreed to sign another contract because they didn't understand the language or because they did not dare to oppose. Many cases wanted help from the Embassy in returning to Thailand.

There are two major recruitment agencies in Poland active in recruiting Thai workers: Puc Majster Co., which has a Thai partner who takes care of workers in the destination, and Bano Trade Polska (registered as NOBA Co.). These companies import Thai labour from mostly north-eastern provinces and send them to different employers across Poland. They operate as outsourcing services; the company is paid a lump sum from the employer, which in turns pays the Thai workers on the basis of the minimum wage.

The Thai Embassy in Poland reports that Thai workers it has helped have experienced the following problems:

- Recruiters made false claims, including "good work", "high pay" and "quick hiring and travel". After the jobseekers paid the recruitment fee to the

2 Royal Embassy of Thailand: *Thai migrant workers in Poland, background paper for the workshop From Vision to Action: Strengthening Network and Referral System for Thai Migrant Workers to and in Europe, Berlin, Germany, 30–31 October 2010.*

recruitment agency, they were connected to a client with a job that was not as good as they had been promised and the workers ended up in worse work conditions than told. Workers have requested help from the Embassy to facilitate bipartite negotiation. If an agreement was not reached, most workers asked to be sent home.

- Workers paid a large recruiting fee to a broker or recruitment agency and ended up heavily in debt to do so.
- Workers were not well prepared and oriented about the country of their destination, including information on socio-economic conditions, the weather, way of life and living conditions, which was extremely different from their origin. Culture shock and unrealistic expectations typically led to stress and depression.
- A number of Thai workers were reported as badly behaved and causing problems with their employers and colleagues. For example, Thai workers would drink excessively and fight with each other and then were unable to go to work the next day.
- Workers were exploited by their recruiting agency on the payment of wages, including: they were not paid the wage as specified in the contract, they were paid later than agreed and they did not receive the welfare benefits specified in the contract. Usually agents prepared two sets of labour contracts for a job applicant to sign, each with different terms and conditions; the more favourable contract was shown to authorities, but the less favourable version was used to pay the workers.

Victims of the NOBA recruitment company and its Bangkok-based Thai partner, Kitti Brothers, reported experiencing nearly all of those problems, as the following section explains.

IV. The exploitation of workers in Poland – the 2009 NOBA case

The recruiting company

After marrying a Thai woman Norbert Barloga, the owner of NOBA Co., established recruitment connections in Thailand through his wife's brother. NOBA operates as an outsourcing company that recruits workers from Thailand for jobs in different workplaces in Poland, including a leather bleaching factory, flower seedling farms, strawberry farms and mushroom farms. Each workplace pays the workers' wages to the company by lump sum; the company pays the workers less and thus makes a profit from the difference.

In 2008, Thai workers sued Barloga and his Thai partner, the Kitti Brothers, who act as local brokers, for charging excessive recruitment fees. Barloga later acknowledged that he needed money to cover the court-related expenses; this may explain why he did not pay the workers he recruited to work in Poland in 2009.

Pre-employment and pre-departure

A total of 73 workers each paid 250,000 baht in recruitment fee to the Kitti Brothers. This amount was broken down into two instalments: the first amount of 20,000–30,000 baht had to be paid upon filling in the application form as a deposit, and the rest was paid when they were ready to leave for Poland.

One of those workers, Ounjai Thiwong, recalled:

In March 2008, I paid the 30,000 baht deposit for the recruitment fee to the agency. I was working in Bangkok while waiting to be recruited. Finally, in September 2009 I received a phone call from the agency telling me that I should be ready to go to Poland by early October.

When I arrived at the company, I had to pay an additional 220,000 baht to cover all the costs. My aunt agreed to help me with the money. The

company only wanted cash or else they would not send me to Poland. My aunt and I kept resisting paying cash and wanted to transfer money to a bank account. The negotiations took a long time. My aunt would not pay cash no matter what. In the end, the agency company had to agree to take the money by bank transfer.

I thought that the agency company was reluctant about the bank transfer because they did not want to leave any trace behind in case of any trouble. I knew that the transaction record should be kept as evidence if any problem occurred.

Other workers, such as Saranya Puenprom, did not have the cash and paid the recruitment fee by handing over a land title as collateral:

I had no land of my own, but my mother did. My mother – who had seen what her other daughter gained from working abroad – supported me by giving her land title to secure the loan from the company to pay for the recruitment fee. This way, I did not pay any cash to the recruiting agency, but I suddenly had a debt of 320,000 baht.

According to Ounjai Thiwong and Saranya Puenprom, the company guaranteed workers that once in Poland they would be paid the equivalent of 40,000–60,000 baht per month, including overtime pay. Each contract was for one year of employment, they were told, but the work permit was good for ten years. Ounjai Thiwong recalled:

This was quite a good figure. I told myself no matter how hard the work was, I would not give up the job until I paid off my debt. My mission was that I would pay off all the debt. Then I would give to my parents 20,000 baht per month and keep 40,000

baht for myself. Even though it was a yearly contract, I would continue to work there for ten years. I started to calculate how much I would earn if I could save 40,000 baht a month – in ten months I would earn 400,000 baht. What if I worked two years or three years, how much would I earn?

However, according to the Polish Embassy in Thailand, the workers should have known how much they would get paid because they signed a contract specifying a monthly salary of no more than 14,640 baht. A letter from the Polish Embassy in Thailand to the president of the Migrant Workers Union Thailand, dated 20 March 2010, noted:

As part of the visa requirements, apart from the work permit, the Embassy requires applicants to submit the employment contract in English or Thai language, which needs to be signed by the employer and the employee. Both of the documents (work permit and contract) always state the salary wage, which in all the 94 cases has not been more than 1,300 zloty (14,640 baht).

The amount of monthly salary in the work contract presented to the Polish Embassy was much different from the amount the workers were told. This could be the case in which the agents made workers sign two labour contracts, with different terms and conditions specified in the contract shown to the authorities. Or it is possible the workers signed the work contract not knowing the content due to the language problem.

Before their departure, the workers participated in a half-day preparation training (compulsory for the recruitment agency to provide) that touched on the work conditions and how they should behave while working abroad. (These recruitment agency pre-departure trainings are criticized for not being comprehensive enough and not useful for workers.) Then in early November 2009, the hopeful Thai migrant workers flew to Poland in groups of around 15.

Working life and on-site support in Poland

The exact number of Thai migrant workers

sent to Poland through the Kitti Brothers is not known. In 2009, the Polish Embassy in Thailand, as the only office legally authorized to issue visas for the purpose of work for Thai citizens, registered 94 applicants who were granted a visa on the basis of the work permits submitted by the “NOBA Sp. z o. o. and East West Link” companies (Royal Embassy of Thailand, 2010). According to Wongkiatpaisan (2011), 73 Thai migrant workers who went to work in Poland through the services of the Kitti Brothers were entitled to compensation after returning to Thailand.

Upon arriving in Poland, the Thai workers were taken by bus to their workplaces. Due to the number of difficulties in the working and living conditions, they ultimately only stayed approximately four months.

Not well briefed or cared for by the agency

The NOBA case indicates that recruitment agencies in Thailand lack any mechanism to follow up with and assist workers once they are abroad. The vacuum, however, is attributed to their lack of enthusiasm towards assuming any responsibility for workers once they depart Thailand. This leaves workers with the necessity of having to fend for themselves and find solutions to the problems that arise without help from their recruiters.

Once in Poland, responsibility for the Thai migrant workers transferred from the Kitti Brothers to NOBA. However, the Polish company representative did not well inform the workers of the living and working conditions or care for them when they became sick or encountered other difficulties. As Ounjai Thiwong reflected:

When we got to Poland, a Polish man came to pick us up in a small bus. The bus ride took five to six hours. I had no idea where we were heading. No one told us and I could not read the Polish signs. It was dark by the time we arrived. My new work place was isolated, surrounded by pine trees, and there was a small gas station located in front of the factory.

There was no informal induction for the most

basic directions, Saranya Puenprom recalled:

The recruiting company had said that we did not need to carry cash with us because we could claim for necessities from the German agent, who was supposed to care for our well-being while in Poland. As it had happened, after the agent dropped us at the farm, we never saw him again. ... Because the agent was not with us, we could not communicate with our employers other than through body language. ... We were not oriented at all so that there was no way to know where we could find drinking water, where the canteen was and what time was the break.

Living conditions and extreme weather

Although the workers said that the accommodations provided to them were adequate, they were confronted with extremely cold weather without being prepared. They were not aware of the extreme European weather in winter and had not brought sufficiently warm clothes. As Ounjai Thiwong recalled:

It was very as cold, at some minus degrees Celsius, and there was not a single heater in the room. They only provided a hot water machine.

The workers complained how little food there was available to them. According to Ounjai Thiwong:

On the first few days of work, all of us had only boiled potatoes to eat, provided by the agent. We told the agency representative that we would like to eat some rice because if we ate only potatoes, we would not have any energy to work. The agency said that rice was expensive over there and it was hard to find.

Saranya Puenprom remembered:

There was a kitchen, with only six stoves for 200 workers. There was no chance for a Thai worker to use them because the European workers always took over the

whole kitchen. They cooked for long hours, boiling potatoes for almost half a night while the Thais relied on instant noodles and rice.

It took a long walk in minus 30–40 degrees to the place that we could buy food. It was a five- to six-hour round trip to go to the supermarket. Each way took two hours and I had to walk through the snow amid the fiercely cold weather to get there.

Work conditions

The workers were sent to different workplaces in Poland, mostly agriculture work. None could later specify the name of their location. According to the recollections of the returnees, they worked long hours each day, in some cases outdoors in the extremely cold weather. Saranya Puenprom explained:

My working day started at 6.30 a.m. and went until 6 p.m. There he [the employer] made the Thais pull out the seedlings in the minus 30 degree weather, which is definitely very cold for us. We dared not to resist the order out of fear of being sent back to Thailand. ... We were outside from morning till dusk feeling our blood frozen. The next day, five Thai workers fell sick because of the severe weather and they had to be absent from work. ... I had a cold all through those four months.

In most cases, the workers could take a day off only on the days that they had no work assignment; otherwise they would not be paid when they missed a day. But a day off brought little joy, recalled Ounjai Thiwong:

Most of my days off were spent in my room because I could not go out anywhere.

Workers also reported that they were sometimes transferred without any reason or prior notice. The transfer usually took place in the middle of the night. Some workers were transferred two or three times during the four months they were in Poland.

The Polish agent was to pay the workers on a monthly basis, in line with the country's minimum

wage. Being paid less than contracted is a common problem among migrant workers and often is attributed to the recruiting agency making false promises. In the NOBA case, while the monthly salary was less than was expected, the company then failed to pay the workers at all after the first month. Ounjai Thiwong reported that she earned 750 euros with overtime included, or about 25,000 baht, for the first month:

This was not very much, given all the expenses. And it was nowhere near the 50,000 to 60,000 baht the agency had guaranteed I would earn. The payment for overtime work was always less than it was supposed to be. The worst thing was that I was paid only for the first month. The agent did not pay us any more after that.

According to the contract, I would be paid on the 20th of each month. The agent did not show up for a week or two and later he didn't appear for months. When the workers asked the employer for our salary, he always said that he already had paid us through the agent.

After the NOBA representative disappeared failed to return to the worksite, one of the workers contacted the Kitti Brothers, the Thai agent, to take responsibility for their situation:

The agent just disappeared from the scene. He [NOBA representative] could not be contacted because his mobile was always off when we called. We reported this problem to the recruiting agency in Thailand but the agent there did not believe us. The company representative said that he was always in contact with our agent in Poland who reported that everything was fine.

The workers suffered during those months of hard work and no pay. Saranya Puenprom said they eventually pooled their pocket money to buy food to get by:

The only food we could afford was boiled rice seasoned with salt. A boiled egg or a pack of instant noodles might be the only

food we had for the whole day. Under this circumstance, our living condition as well as our willpower was continually weak.

Arrested and detained

The company knowingly assigned the workers to perform jobs other than those for which their work permits were issued, which resulted in the arrest and deportation of workers by the Polish Border Guard. When the workers were detained, the company failed to notify the Embassy so that officials there could render timely assistance to those workers.

According to the Royal Thai Embassy in Poland, on 19 February 2010, it was notified by Kitti Suriviriya, the owner of Kitti Brothers, that 20 Thai workers were arrested in Zielona Gora, a town located on the Poland–Germany border. Although some 43 Thai workers entered Poland legally because they had been granted work permits and a long-term visa for the purpose of work, according to the Polish Border Guard, they were found to be performing duties not stated in the work permit. The workers were arrested on 11 February and were ordered by the court to be deported. This was further explained in the letter from the Polish Embassy in Thailand to the president of the Migrant Workers Union Thailand:

On the basis of article 101 of the Foreigners Act, the workers have been detained. Working in a different zone than permitted by the Polish authorities, according to Article 88 section 1.2 of the Foreigners Act, may eventually result in expulsion -- what has already taken place in the 20 said cases, whereas in 4 [cases] the procedure is still pending. Against 12 of the 43 Thai citizens, Polish authorities have issued the decision obliging them to leave the territory of the Republic of Poland within the time frame indicated in those decisions. Lastly, seven persons were released from detention without the commencement of the expulsion procedure.

The Polish Border Guard informed the Thai Embassy that it would take around three months

before the Thai workers could be sent home. Thus the 20 unfortunate Thai workers were separated and confined in three towns – Krosno (close to the German border), Bialystok (close to the border with Belarus) and Biala Podlaska (two hours' drive from Warsaw). Their detention meant they earned nothing for that period. Later, as Saranya Puenprom remembered, other workers were investigated by the Polish Border Guard:

On the first of March, the police came to the farm and took me and other friends to the police station. There they checked our travel documents and work permit. We were later informed that 11 of us could go back to work, while the other 12 had to wait at the police station. I was in the second group. We waited until 2 a.m., then the police stamped a red mark on our passport and ordered us to leave Poland within seven days. The police then took us back to the workplace. I understood later that we held an invalid work permit.

On 6 March, the agent sent a car and a driver to take the 12 Thai workers to the airport and gave them their ticket to go home. By that point, they had had only water to drink without any food for two days.

The remaining workers were left confused by what was happening, as nothing was explained to them. They eventually heard from another worker that a group of 12 Thai migrant workers were arrested at the mushroom farm by the police and detained in jail. They also heard that the workers were then deported back to Thailand because of invalid work permits. Those who remained in Poland became worried and scared, as Ounjai Thiwing recalled:

Then the agency told us to take a break from work for 20 days. I spent most of that time in my room and was really stressed because there was no work and I did not get paid. I could not return to Thailand unless there was someone who could help me. We were living in bad conditions, with no money left and we had to share money

to buy food. Everyone was very depressed. When my sister or my parents called, I always cried. We were all scared of getting arrested by the police when we went out to buy food. Sometimes we wished that the police would just arrest us and deport us back to Thailand so we could finally go home.

The Thai Embassy stepped in to negotiate with Polish Border Guard to speed up the process so that the workers – both who were detained and those who requested to be sent home – went back to Thailand safely. The Polish Border Guard was intent on investigating the situation and collecting evidence to charge the NOBA Co. for violations of the Polish labour law. The Thai Embassy then wrote to the Department of Employment to consider terminating the permission of NOBA to recruit workers.

Pre-return services: Workers' needs and responses

As noted earlier, both the Ministry of Labour and the Ministry of Foreign Affairs are required to provide assistance to Thai workers who experience hardship abroad. The Department of Consular Affairs (in the Ministry of Foreign Affairs) liaises on complaints in countries where there is no Ministry of Labour office. In most cases, a Thai official seeks to arbitrate with related parties as the advocate of the Thai person or persons experiencing the hardship. If that fails, Ministry of Foreign Affairs funds are used to repatriate the worker or workers (ARCM, 2010).

According to the Saranya Puenprom, the workers in Poland encountered problems contacting the Thai Embassy and, unable to specify their location, they could not obtain help from the Embassy promptly:

We also tried to call the Thai Embassy and ask for help but we could not get through on the phone line. Luckily, the Thai Labour Campaign, after hearing of our exploitive situation through a friend of one of my co-workers stepped in to contact the Embassy for us. I felt like

heaven answered our prayer when a Thai Embassy official contacted us and said that food would be sent to our workplace. We waited for a month, and for some reason it never came.

The Thai Embassy did push the Polish Border Guard to speed up the process so that the first group of Thai workers could be sent home by the fourth week after their arrest and the last group by the fifth week rather than three months later.

On 27–28 February 2010, officials from the Thai Government, together with representatives of Kitti Brothers, travelled to Poland to visit the workers held in two detention centres in Bialystok and Biala Podlaska on the border with Belarus. One of the government officials reported that she consoled the workers, who thought they had been arrested and jailed for a crime; the official explained they were only being detained until they could be deported. She also received complaints from the workers on the outstanding wage payment and arranged for food and other necessities for the Thai workers.

After visiting the detained migrants, the representatives of the Kitti Brothers also visited the Thai migrants still working in the flower farm. As Saranya Puenprom recalled:

The Thai workers all reported the exploitive work conditions, including not being paid as agreed. We also asked the recruiting company to pay us the wages and compensation for damages, including the recruitment fee and outstanding debt. This was unfair to us. We had paid the fee to the agency as requested with the trust that we would be taken to work legally and properly. But instead – look what kind of situation we all ended up in and how much debt we had.

The Thai government officials then facilitated the request of 29 Thai workers who had not been arrested but wanted to go back to Thailand out of fear of being arrested and because they had not been paid.

Upon return to Thailand – Fighting for justice

The workers travelled back to Thailand in groups. Those who were told to leave the country immediately (the ones investigated by the Polish Border Guard and found to have the wrong type of work permit) returned home first. The rest followed. On arriving at the Bangkok airport, a group of returnees managed to negotiate with a representative of the Kitti Brothers to pay them the two months' outstanding salary. According to one of the workers, some media people met them at the airport along with the Kitti Brothers' representative and this presence, they believe, gave them more negotiating power to pressure the company to sign a cheque of 50,000 baht for each worker.

Recalled Saranya Puenprom:

And that was the first triumph! This was my big lesson learned in negotiating and putting pressure on the company – you will have the upper hand if you have the presence of media.

Stress and sorrow

The journey to Poland left the migrant workers with a huge loss of money and much mental anguish. Some lost their house and land. They were all heavily in debt from borrowing money to pay the recruitment fee and other expenses, such as the preparation of documents, buying clothes and other necessities. Most of them could find no way to earn any income in the first several months after returning from Poland. This affected their psychosocial well-being, as Saranya Puenprom explained:

I had to take sleeping pills to put me to sleep every night. In those days, I had not known how this was going to end. I had 320,000 baht debt, and my mother's land was mortgaged. It was the family land inherited from our ancestors. If it fell into the hands of others, how would I dare face my family?

I was then totally hopeless. I had not heard of a case in which a migrant worker who

had been deceived by the recruiting agency could claim the money back. What about me? To whom could I voice my suffering? Where could I do so? I was blinded.

Getting the money back

The workers had filed a complaint to the Department of Employment immediately upon their return to Thailand. The Department of Employment then issued an order to the Kitti Brothers to repay the damage to the workers, including the recruitment fee and other costs incurred. The group that had requested to return were called in to the recruiting agency to negotiate an agreement on compensation. According to Ounjai Thiwong:

The agency was trying to negotiate a pay out of around 80,000 to 90,000 baht for compensation. I thought that it was not enough to cover my debt. I paid the agency 250,000 baht and I needed it all back. I still had the bank transfer slip as evidence.

The workers were supported by the Thai Labour Campaign NGO through the whole journey of fighting back for the money they had paid to the recruitment agency. According to Siriwan Wongkiatpaisan, the lawyer representing the returnees from Poland, this was a case of a recruitment company that recruited workers and charged each of them a different amount for the recruiting fee. It then failed to meet the conditions as promised in the contract. Thus, according to the Employment Service and Job Seeker Protection Act, the company has to return the recruitment fee to those workers.

A second triumph came in the form of the workers' success in claiming back some of their compensation from the 5 million baht security deposit that the Kitti Brothers had paid to the Department of Employment to obtain their license. Typically, when litigation occurs and a licensed employment agency is found guilty and liable for damages, the Department of Employment deducts those damages to be paid to the complainant from this deposited amount.

However, the amount did not cover all the damages, considering each worker paid at least 250,000 baht for the recruitment fee – more than Thai law accepts as legal and proper (the limit in this case was not more than one month's salary). The 5 million baht had to be shared among 73 returnees though; so each received only around 80,000–100,000 baht. The Kitti Brothers refused to pay the fee in full, and the Ministry of Labour divided the agency's security deposit to refund the workers.

Court procedure

With the support of the Thai Labour Campaign, 16 of the returnees from Poland decided to take the next step by going to court to claim for the rest of the payment that the company refused to pay to the workers.

The lawyer filed a charge against the Kitti Brothers for failure to pay back the full amount of recruitment fees and the salary that the workers did not receive while in Poland. The Kitti Brothers responded by repeatedly postponing the court investigation (which is the first stage of the court process).

The stalling tactic took a toll on the workers, as the Kitti Brothers presumably hoped it would. Workers cannot afford to fight for a really long time, and they do not see how the struggle directly profits them, especially in the short term. They are burdened by their debt and the accruing interest and need to start repaying it. Typically in these types of cases, the workers' willpower to stay with the fight weakens, as Saranya Puenprom explained:

Those returnees who decided to pursue the court procedure to fight back for their money from the recruiting agency have had to bear with the prolong process because the company keeps requesting to postpone. People who are affected the most are those who live in the provinces. How can they afford to travel to and from Bangkok that frequently?

Although we had an advantage over the company and would likely win the case,

the bigger question was how long would it take to win? And even then, the recruiting company could always appeal for the reconsideration, which could take ten years.

As Ounjai Thiwong added:

From this experience, I learned that finding justice is very difficult. I had to go through so much to get only a portion of my money back. The others and I had to get together to pressure the Minister of Labour, lobby through the media and travel to Bangkok many times. The money that we received was little compared with all the expenses.

The struggle proved worthwhile though. In early March 2012, the court decided in favour of the workers. The judge ordered Kitti Brothers Co. Ltd. to pay back the full amount of recruitment fee and the unpaid salary to the 16 workers, totalling 3.9 million baht. This victory, hopefully, will set a new standard of labour law enforcement and

encourage migrant workers who are abused and exploited to take on similar action. However, as of 1 May, the company had not appealed the decision, but it also had not paid the workers. According to the government regulation, if the company does not pay the workers within 45 days of the court order, their lawyer must initiate the process to enforce the court order – such as seizing the company's assets if necessary.

V. Lessons learned

The exploitation of Thai workers in Poland in 2009 is only one situation (involving at least 73 cases) of countless similar abuse. The case study represents a typical situation in which hopeful jobseekers are lured by the promise of highly paid work abroad. It also reflects insights on the ways in which mistreatment so easily occurs:

- Registered agencies can be exploitive. According to an analysis of statistics over a five-year period (ARCM, 2010), unlicensed recruiters were responsible for a majority of the violations of the recruitment law. The Poland case study, however, illustrates how legally licensed recruitment companies can easily exploit workers as well.
- Awareness-raising campaigns may well be ineffective. ARCM (2010) notes in its latest research that public service announcements and warnings are not reaching the targeted audience as well as they should. Even if they are, the message conveyed may not be sufficient. For example, the Department of Employment recommends that jobseekers should:
 - o only apply for work at licensed employment agencies and job placement services, not with unverifiable “head hunters”;
 - o check with the DOE to confirm that a particular agency really has jobs available;
 - o never pay a job placement fee in cash; pay only into the registered business (bank) account of the employment agency or licensed independent agent.

These suggestions, however, seem to be ineffective to prevent jobseekers from being exploited, as Ounjai Thiwong, a worker who endured hardship and disappointment in Poland in 2009–10, explained:

I always did background checks on any company by calling the Department of Labour to find out if the company had a license. I also contacted the Department of Consular Affairs [in the Ministry of Foreign Affairs] to check if the job abroad that was advertised really existed. I thought I had done a thorough job checking the information to ensure there was nothing fraudulent. But I still blundered. This turned out to be an expensive lesson. I have now learned that even a recruitment agency that is legally registered can still deceive and take advantage of jobseekers.

In addition, pre-departure orientation seminars are lacking sufficient detail to properly prepare Thai workers before they depart for overseas jobs. Considering their length of only two to eight hours, it is not surprising. This amount of time is insufficient to give outgoing workers an in-depth understanding of the work or cultural conditions in their destinations, how to prepare themselves and how to conduct themselves while abroad.

- Recruitment companies have become highly competitive and resort to devious practices. Recruitment companies – licensed or unlicensed – usually hire local recruiters to help look for clients. These small-scale brokers include community residents as well as recruiters who are traveling representatives of the foreign employment loan services and language schools illegally engaged in recruiting. The number of recruiters has increased further with the prevalence of persons representing domestic and foreign employment agencies. They all are intent on the same goal: to build credibility within rural communities so that people believe that they are capable of placing workers in attractive foreign jobs.

- **False claims are commonplace.** The primary aim of labour recruiting agencies is, according to the Network Against Trafficking and Exploitation of Migrant Workers (2010), “to create the impression that there is, whether true or not, a vast overseas demand for migrant workers”. The labour-recruiting business is not based on how much a migrant worker can earn and is not tied to whether or not a worker can or cannot complete their contract. The objective is simply to recruit as many people as possible by developing the means to trick as many people as possible into signing up to an overseas work package.

False claims made by them include “good work”, “high pay” and “quick hiring and travel”, but this all comes at a price, wherein the client has to pay the commission quickly. After they are paid, they may connect a prospective client with a job that is not as good as was promised or they may not find any work for them at all.

- **There is a lack of mechanisms to follow up on and assist workers once they are abroad.** The agent in Poland demonstrated a complete disregard for looking after the workers once they had arrived in the country. This reduced the workers to fending for themselves. Being paid less than contracted is a common occurrence among migrants working abroad, and yet the Government has neglected to establish a channel of oversight and protection for workers who are abused, find themselves in unsafe or unfair work conditions or with unfair contracts. Reporting to the Thai Embassy is difficult for most workers.

Embassy personnel do not have specific skills on labour protection, human trafficking and related laws. They are not aware of government guidelines and procedures when providing assistance to cases in need. (For example, there are steps that Thai officials can take when receiving complaints from workers, especially on labour trafficking cases, which have special procedures identified according to laws and MOUs. But officials typically do not know all the laws and regulations that can be used when dealing with migrant workers.) As well, workers who have gone abroad for work do not notify their presence in the country to the Thai Embassy, making it difficult to monitor their situation (Rachawong, 2011).

- **The loopholes in the labour protection law almost enable the exploitation.** Although the

Recruitment and Job-Seeker Protection Act covers recruitment procedures for both local and overseas employment, it offers limited protect to jobseekers after they migrate. The law cannot protect Thais who act on their own cognizance or are recruited by other means, such as by an unlicensed recruiting agency (the Act allows private agencies to operate recruitment services). Penalties meted out for offences of illegal recruitment are not severe enough (ARCM, 2010).

- **Law enforcement and penalties imposed on recruitment companies appear ineffective.** According to the ARCM (2010):

The extent of this problem is reflected in the statistics on complaints and requests for assistance by workers abroad between the years 2004 and 2008. The ratio of complaints registered to the number of cases provided assistance are negligibly different. Of 15,964 complaints, 14,329 received assistance. But on claims totalling 1.07 billion baht in monetary settlements, funds actually recovered were less than half the sum demanded. The most common high-value complaint was one in which the recruiter had charged a large sum of money as a commission but had failed to arrange work abroad for the client.

In addition, the numbers of offenders who have been punishment is relatively small compared with the overall damage done by them. There have been cases of recruiting agencies that had their license suspended because of their infringement of the labour law. However, those companies found ways to re-open and to continue recruiting workers for jobs abroad.

The ARCM (2010) found two primary limitations within the Government’s ability to enforce the labour law: an inadequate number of personnel for preventing deception or fraud against jobseekers in provincial areas and a deficiency of assistance provided by government officials in destination countries, along with the unclear delegation of agency roles.

- Graft and corruption in job recruitment are characterized as widespread. Some government authorities have intentionally prevented severe penalizing or stricter control of recruitment agencies. There is concern that these recruiting agencies had a “good relationship” with the Ministry of Labour. According to ARCM (2010), corruption practices in the worker recruitment

business include those committed by:

- o high-level public officials who receive or collect money from recruitment agencies directly or become a consultant for recruitment agencies after retirement and use their connections within the government to influence state officials to overlook misconduct by the agencies;
 - o politicians who run their own recruitment agencies through a proxy owner for a recruitment agency in which they possess a controlling interest, collect money from recruitment agencies directly or who improperly use their position as members of the Labour Committee in the parliament;
 - o Politicians and high-ranking public officials who inappropriately intervene in the actions of state practitioners to oversee and discipline the operation of recruitment agencies.
- **Government agencies are limited in the protection they can provide.** There are limits to the Ministry of Labour's mission and responsibility that inhibits their ability to assist workers. The Department of Labour Protection and Welfare, for example, does not have a mandate to cover Thai workers working abroad. The TOEA does not cover workers once they are already outside Thai territory but only controls the channel in which they are exported.
 - **The agency deposit is too low to properly compensate workers.** The recruiting agencies are required to deposit only 5 million baht with the TOEA. The experience of the cheated migrant workers in Poland illustrates that the total amount claimed by workers exceeds 5 million baht, thus making a strong case that the deposit should be larger.
 - **Limitation of workers in the court procedure can pre-empt justice.** Workers do not have a thorough understanding of the law nor the resources to endure a long, drawn-out battle, which companies are too happy to provoke in order to wear down the fight in exploited workers. Sometimes they are discouraged by the slow and complicated process of testimony as well as the strong personality of judges. They need constant support from organizations.

VI. Recommendations

As a follow-up with the case study of exploitation among Thai migrant workers in Poland, a migration expert, academic, lawyer, government official and two returning workers in Thailand consulted for this case study have suggested various ways to better manage the migration process, leading to the following recommendations:

Stronger public awareness and information dissemination on job recruitment fraud

- Strengthen the dissemination of news and information via such channels as “labour volunteers”, seminars and door-to-door campaigns and seek cooperation from news publishers and broadcast media (including community radio stations) to reach jobseekers with warning information.
- Improve the quality of the disseminated information on foreign employment for the general public and include specific details about the process of finding jobs, legal channels for working abroad and an overview of relevant Thai laws that let prospective workers know what their rights are and how agencies are required to operate.
- Improve pre-employment training provided to prospective workers to ensure that they are more aware of the pitfalls of illegitimate recruiters and so that they make better-informed decisions to migrate abroad for work. For example, the different types of employment contracts should be explained and

the names of licensed recruitment agencies should be provided. The workers should also be provided with information on how to confirm the credibility of claims by recruiters (such as the name of a prospective employer and job positions available) as well as laws of the country of destination.

- Publicize a list of recruitment agencies found guilty of violating the labour laws and make it available to prospective workers. There are cases of these recruitment agencies still operating; for example, Kitti Brothers was reportedly working in Lampang Province even though it was sued by returning workers and ordered to pay compensation.

Management and control of recruitment agencies and recruitment process

- Improve the quality of licensed job placement services so that they perform in the international job market more competitively. Some recruitment agency staff suggest improving the rules and regulations so that agencies can access jobseekers directly with accurate information on jobs, thus reducing the need for local brokers (and thus reduce the recruitment fee).
- Blacklist recruitment agencies that violate the labour law and fair employment practice. Although they can open another company under a different name, at least there is a record of companies that have been sued by workers that prospective workers should have access to easily.

- Promote and acknowledge recruitment agencies with outstanding performance.
- Investigate the widespread evidence of corruption and pay-offs between the recruiting agencies and government agencies or officials.
- Promote and encourage jobseekers to access employment through the government-to-government recruitment channel.

Protection of workers going abroad

- Extend the pre-departure orientation seminar conducted for Thai workers before they depart for overseas jobs to several days to give outgoing workers an in-depth understanding of what they can expect, how to better prepare and their responsibilities while abroad. Language training should be offered. Workers must be made aware of the pitfalls and traps to better guard against exploitation by service providers in host countries.
- Harness the experiences and advice of Thai workers who have worked abroad and arrange forums in which they can meet with prospective migrants and talk about their work conditions, the difficulties encountered and how to negotiate for more fair compensation.
- Require all outbound workers join the Foreign Workers' Welfare Fund before leaving Thailand.

Effective law enforcement

- Increase the number of personnel within the Thai Labour Ministry offices abroad, especially legal experts, and establish labour offices in countries where the number of Thai workers has grown significantly.
- Enforce the labour laws swiftly and thoroughly. Prohibit bail on the more serious crimes due to the likelihood that suspects will flee to escape the punishment, given their international connections. Offenders should be placed on the

Department of Special Investigation blacklist to prevent their further involvement in the recruiting business.

- Increase the severity of punishments for labour code violations.
- Establish a fund to aid migrant workers caught in lengthy court procedures in which they are seeking compensation due to labour law violations in order for them to pay off their debt burden they acquired to pay for the recruitment fee and other expenses to migrate abroad; such assistance would enable them to continue with the court process.
- Provide legal experts who can advise returning migrant victims of labour law violations on how to seek fair compensation, especially considering the limits to pursuing compensation through a case in court.

Coordination and cooperation of service providers

- Establish a formal liaison between the Department of Employment, the Skills Development Promotion Division and the Department of Consular Affairs, with clear delineation of responsibility towards overseas migrant workers.
- Establish a channel for exchanging information between government agencies relating to labour exploitation and human trafficking.
- Establish a labour protection centre to liaise with relevant ministries and coordinate case conferences in which various parties work together to find the most effective solutions for workers.

Income generation alternatives for returnees

- Promote income-generating alternatives to working abroad, primarily within the

agriculture sector, because more than 50 per cent of the migrant workers own farm land. This includes developing efficient natural resource management for water supply and policies regarding guaranteed crop prices.

should be linked to existing trade unions in the country for networking and learning purposes. Provide financial support to enable them to get started, recruit members and exercise their collective bargaining right.

Self-empowerment

- Support migrant workers, returnees and jobseekers to organize themselves in the form of a union or association, where appropriate. They

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ISBN: 978-92-2-126205-3