

**Roles for Employers' and Workers' Organizations in  
Addressing Forced Labour**

# The Experiences from MRC

Migrant Resource Center

Samutprakan

May 2012 to Oct 2013

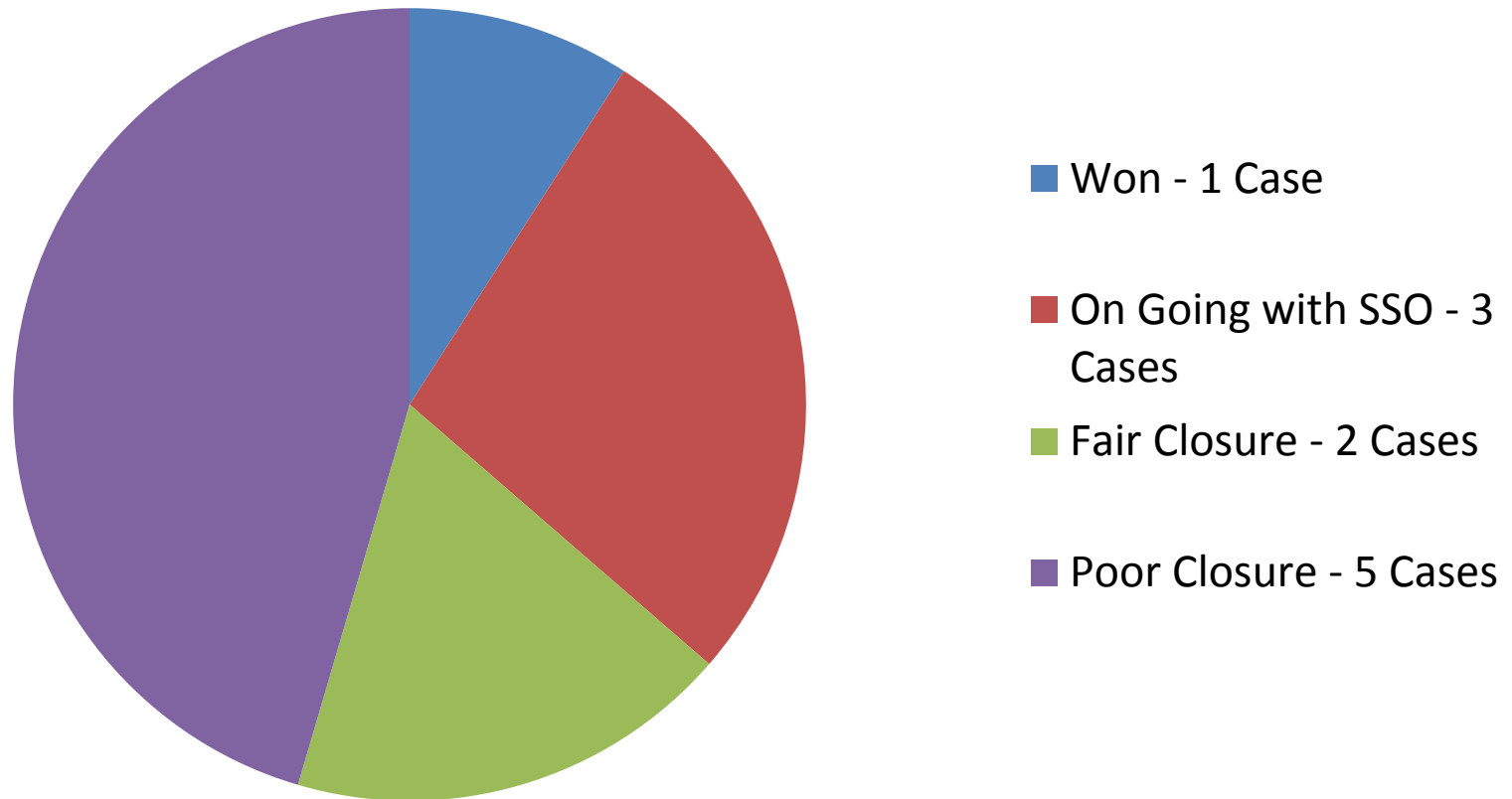
MRC is a Project under ILO Triangle Project carried out by Three Thai Trade Unions, Labour Congress of Thailand, National congress of Private Industrial Employees and Thai Trade union Congress.

- MRC's performance between May 2012 to October 2013

Cases/Year	Legal	Social	Education	No. of Beneficiaries
2012	6 53(24f,29m)	1 1(1f)	8 190(65f,125m)	15 244 (90f,154m)
2013	5 10(3f,7m)	5 7 (4f,3m)	1 25(0,25m)	11 42(7f, 35m)
Total	11 63(27f,36m)	6 8(5f,3m)	9 215(65f,150m)	26 286 (97f,189m)

# A Glance at 11 Legal Cases Handled by MRC

## Summary of 11 Legal Cases



# Brief Details of the 11 Legal Cases

Case	Type	Status
MRC#0001 (34,19f,15m)	34 Migrant workers were dismissed without any compensation.	<u>Won.</u> Successful negotiation with company management leading to compensation payment.
MRC#0009 (1, 1f)	Migrant girl, four fingers of left hand amputated by hydraulic press.	<u>Case on going</u> with Social Security Organization.
MRC#0020 (1,1f)	Migrant girl, right hand totally amputated by leather press machine.	<u>Case on going</u> with Social Security Organization.
MRC#0026 (1,1m)	Migrant Man, half upper body burned while clearing ash at stove for boiler.	<u>Case on going</u> with Social Security Organization.
MRC#0005 (1,1m)	Brother (age 17) of a Migrant man being sold to the fishing boat.	<u>Fair Closure.</u> The under aged worker was released by the fishing boat owner and returned to Myanmar.

# Brief Details of the 11 Legal Cases

Case	Type	Status
MRC#0013 (1,1m)	Migrant Worker detained by police for long time.	<u>Fair Closure</u> . The Migrant was released after intervention at police by MRC, Myanmar Embassy and Migrant's relatives.
MRC#0002 (14,4f,10m)	14 Workers being underpaid and payment withheld by employer. Workers left the company after working for 3 months without proper payment.	<u>Poor Closure</u> . All workers are illegal without Passport and Work Permit. They cannot provide the evidence of employment. Employer taken advantage over illegal status of the Migrants.
MRC#0010 (2,2m)	Workers faced heavy debt re payment for their Passport and Work Permit.	<u>Poor Closure</u> . Migrants decided not to pursue the case due to high anxiety over job security.

# Brief Details of the 11 Legal Cases

Case	Type	Status
MRC#0016 (2,2m)	There is no Social Security Benefit for workers despite SSO contribution was being cut from worker's salary.	<u>Poor Closure</u> . Migrants decided not to pursue the case due to high anxiety over job security.
MRC#0017 (4,2f,2m)	There is no Social Security Benefit for workers.	<u>Poor Closure</u> . Migrants decided not to pursue the case due to high anxiety over job security.
MRC#0018 (2,2m)	The employer seized all the personal documents such as Passport and Work Permit form workers.	<u>Poor Closure</u> . Migrants decided not to pursue the case due to high anxiety over job security. ***However, MRC and TTUC informed the case to the related Official from Dept of Labour for site inspection.

## Brief Details of 11 Legal Cases

- We are having 45% of Poor Case Closure due to Migrants' decision on not to pursue the case at related Governmental Agencies.
- This indicates the poor self confidence or high anxiety over job security in the Migrant Workers.
- The main reasons are, the level of Education (General Knowledge) of the Migrants, the Language Barrier and not trusting the Governmental Agencies as safe access for them.

# The Situations of the Forced Labour

Situation	Caused by
Migrants not having Legal Passport and Work Permit.	<ul style="list-style-type: none"><li>• This is a grave situation. MRC is not in position to help totally illegal migrants.</li><li>• Migrants cannot apply for their own Passport and Work Permit without any support by employer or Middle Men. This Governmental requirement make the application process very expensive.</li><li>• The high cost for making Passport and Work Permit cost around 12,000Bht to 15,000Bht at outside prices.</li></ul>
All personal documents of the Migrants ie., Passport and Work Permit are being kept /seized by the employer. The migrants cannot go anywhere.	<ul style="list-style-type: none"><li>• The migrants are in debt to the employer for making PP &amp; WP causing the employer to seize all documents till the employees could re-pay the debt.</li><li>• This debt is generally takes about 6 to 8 months for repayment and migrants was deducted many other costs incurred to the employer for this process.</li></ul>



# The situations of the forced Labour

Situation	Caused by
Migrants are not receiving the minimum daily wages of 300Bht/day.	<ul style="list-style-type: none"><li>• Some small scale employers still dodge this requirement because some Migrants do not have the legal employment documents (ie, not having Passport or having Passport but no Work Permit, etc) and realizing that the Migrant is still illegal, breach this requirement.</li><li>• Some medium and Large scale employers employ the Migrants under the Sub-contract system causing the Subcontractor to deduct multiple fees from the Migrants' daily wages.</li></ul>
Migrants do not receive SSO Benefits.	<ul style="list-style-type: none"><li>• The employer or the Sub contractor failed to enlist the employees to the SSO Scheme.</li><li>• The deduction for SSO fund was made form the payroll of the migrants but Migrants do not receive SSO Benefit.</li></ul>

# The Situations of the Forced Labour

Situation	Caused by
<p>Employers' malpractices do not get reported to the related Governmental Agencies despite MRC's offer for education and help.</p>	<ul style="list-style-type: none"> <li>• Migrants are in debt to their employers for their Passports and Work Permits.</li> <li>• Migrants are having very high anxiety over their job security.</li> <li>• Lack of knowledge over Labour Rights and language Barrier caused them not to fully trust the Governmental Agencies.</li> <li>• Migrants are very isolated from Labour rights news and news of the success stories over similar cases.</li> </ul>
<p>Migrants are suffering high anxiety over job security.</p>	<ul style="list-style-type: none"> <li>• In case of loss of job, the migrant is still in the mercy of the existing employer who would issue him the "Certificate of Dismission " from his current job. Without this certificate, the Migrant cannot find a new job elsewhere. Making life very difficult for them if the employer does not cooperate or is not fair.</li> </ul>

# Measures to Overcome Forced Labour

Requirements	Means to solve the problems
Require to educate the Migrants about the Labour laws, workers' duties and responsibly, rights and benefits.	By MRC out reach activities as Mobile Seminars to various Migrant Communities.
Need to form a network of Migrant groups to strengthen the morale and increase the self confidence of the Migrants.	By combining the existing Migrant Social Associations and CBOs to form a network of Migrants and develop regular communication channels.
Educating the Migrants about the benefits of joining the existing Thai Labour Unions and understand the power of collective bargaining with employers.	Mobile Seminars will be targeted to the Migrant communities who are employees of the companies where Thai Labour Unions exist.
Integrating Migrant workers to Thai Labour Unions and become affiliates.	MRC to coordinate between Migrant Worker groups and Thai Labour Unions to form the affiliation.