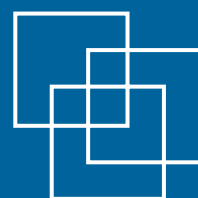




International
Labour
Organization

High rise, low pay

Experiences of migrant
women in the Thai
construction sector



High rise, low pay:

Experiences of migrant women
in the Thai construction sector

Rebecca Napier-Moore and Kate Sheill

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Foreword


Despite attention paid to employment conditions faced by migrant workers and increasing consideration of the construction sector as a site exposed to hazardous working conditions and decent work deficits, there has been little research on the experiences of women migrant workers in the Thai construction sector. This study was commissioned by the International Labour Organization (ILO) to begin to address this knowledge gap and in the hope that this exploratory study can pave the way for a broader sectoral assessment of the Thai construction sector.

In the past few years, the focus on working and living conditions of migrant workers in the construction sector has been increasing, with a spotlight on large infrastructure projects and other initiatives linked to global events. By participating in this report and remaining open to responding to the findings and the challenges of ensuring decent work, the Royal Thai Government leads the region in addressing this contemporary issue. By safeguarding the construction sector against instability caused by poor working conditions and mismanaged migration, increased growth in this sector can be ensured.

The focus on women migrant workers reflects the shared priority of the ILO, the Tripartite Action to Enhance the Contribution of Labour Migration to Growth and Development in ASEAN (TRIANGLE II) project, and the Australian Government Department of Foreign Affairs and Trade (DFAT). The TRIANGLE II project extends the cooperation between the ILO and DFAT on protecting migrant workers and enhancing development opportunities. TRIANGLE II aims to ensure that the benefits of labour migration are equally realized by men and women migrant workers, employers, and governments. In shifting the emphasis towards enabling the development potential of migration, TRIANGLE II aims to shape labour migration opportunities to support inclusive and sustainable growth in the ASEAN Economic Community (AEC). TRIANGLE II focuses on delivering in six countries (Cambodia, the Lao People's Democratic Republic, Malaysia, Myanmar, Thailand, and Viet Nam) and engages institutionally with ASEAN.

The purpose of this exploratory study was not to capture a representative sample, but to present a diverse picture of the sector and uncover issues affecting women migrant workers, including those that warrant further study – both qualitative in-depth research looking at nuances of particular problems or experiences, and quantitative research assessing their frequency and representation across the sector in Thailand. By considering the experiences of women migrant workers, this study situates women within the construction sector; examines the intersectional factors that shape the lived reality of work; and considers how women migrant workers can enjoy more positive migration and work experiences that enable a greater contribution to, and benefit from, development.

The findings from this study should help us to shape interventions that reflect women migrant workers' voices, needs, and experiences. Further, this study should encourage a broader sectoral assessment of Thailand's construction sector. It is crucial that knowledge be gathered about this high-risk sector to ensure that migration, employment, and occupational health and safety policies and practices are grounded in evidence. The report also concludes with recommendations that could improve conditions and rights protection for all workers in the Thai construction sector.



Maurizio Bussi

Director ILO Country Office
for Thailand, Cambodia, and the Lao People's Democratic Republic





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This research was conducted by Rebecca Napier-Moore and Kate Sheill. Many other people contributed to the final report. This study would not have been possible without the MAP Foundation, the Burmese Association of Thailand, and several independent researchers and interpreters who conducted interviews and contributed to the analysis of findings. The Ministry of Labour in Bangkok and its provincial office in Chiang Mai readily provided information on the implementation of labour policy as well as data on migrant workers in the construction sector. The Lawyers Council of Thailand assisted with analysis of details in migration and labour regulation. The Employers' Confederation of Thailand and the Workers' Solidarity Association provided invaluable tripartite perspective. Finally, thanks is due to the many people who gave up their time as interviewees – employers, recruiters, workers' group representatives, NGO representatives, international organization representatives, researchers, and especially migrant women and other construction workers.

The writers are especially grateful for the input of the peer review team who took time to consider initial drafts and through their considered comments, strengthened the final output. These included Brahm Press, Sebastian Boll, and Maria Gallotti, Edmundo Werna and Jacqueline Pollock from the ILO. The report was edited by John Maloy, with the technical support of Anna Olsen, Ben Harkins, Sabrina Kouba, Oliver Fisher and Max Tunon at the ILO Regional Office for Asia and the Pacific in Bangkok.

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Abbreviations

AEC	ASEAN Economic Community
ASEAN	Association of Southeast Asian Nations
BWI	Building and Wood Workers International
CoST	Construction Sector Transparency Initiative
ECOT	Employers' Confederation of Thailand
GMS	Greater Mekong Subregion
HRDF	Human Rights and Development Foundation
ILO	International Labour Organization
IOM	International Organization for Migration
MAP Foundation	Foundation for the Health and Knowledge of Migrant Labour
MOL	Ministry of Labour, Royal Government of Thailand
MOU	memorandum of understanding
MRC	Migrant Worker Resource Centre
NCPO	National Council for Peace and Order
NESDB	National Economic and Social Development Board
NGO	Non-governmental Organization
OSH	occupational safety and health
PPP	public- private partnership
SSO	Social Security Office
THB	Thai baht [currency]
TRIANGLE II	Tripartite Action to Enhance the Contribution of Labour Migration to Growth and Development in ASEAN
UN	United Nations
UN Women	United Nations Entity for Gender Equality and the Empowerment of Women
WSA	Workers' Solidarity Association
<i>WorLorPor</i>	Committee on Consideration of Unfair Gender Discrimination [Thai language]

Executive summary

Women migrant workers make a vital contribution to Thailand's construction sector. The Thai Government estimates there are 557,724 documented migrant workers in the construction sector, with nearly 40 per cent being women. About half of the documented migrant workers in construction are from Myanmar and half from Cambodia.¹ The additional number of undocumented migrant workers are unknown, but likely make up a significant proportion of the total workforce.

Despite being a crucial part of this sector, women migrant workers are marginalized within this male-dominated industry. For migrant women, the construction site is often a precarious working environment where they are not always paid or treated equally to men or Thai nationals. Nearly all migrant workers in the sector are day labourers, rather than salaried, casualizing a large section of the workforce. Both workplaces and workers are temporary; workers must move at the end of the particular build cycle for which they are working. The sector is further fragmented through multiple layers of contractors and subcontractors on any given project. These factors affect the ability of migrant workers to organize to advocate for better working conditions. Thailand has a union density rate of three per cent for all sectors, and though migrant workers can join, they are not allowed to take up leadership roles or form their own union.² The lack of collective organizing results in workers having no avenues for collective bargaining and few opportunities for pursuing complaints.

This exploratory study aimed to examine the working conditions of migrant women in Thailand's construction industry and identify specific decent work deficits and gender-specific challenges. While the study is not representative, the qualitative findings and centrality of workers' voices in the study design and findings shed crucial light on the lived experience of interviewees. Researchers conducted semi-structured interviews with 125 people between October and December 2015, including talking with 51 construction workers in Bangkok and Chiang Mai, 43 of whom were women. In addition to workers, interviewees included government officials, employers, NGO and international organization representatives, workers' group representatives, and recruiters.

The main – and perhaps unsurprising – finding of this report is that pay is a central concern to women migrants working in the Thai construction industry. Wages most clearly demonstrated the differential treatment of women migrant workers in the Thai construction sector. Women reported being paid less

¹ Data provided in meeting, Department of Employment, Bangkok, 13 Nov. 2015.

² Hayter, forthcoming. Thailand's Labour Relations Act 1975.

than men, even if they had more experience. Women also reported facing double discrimination, on the bases of gender and migrant status. This was further compounded by the fact that Thai nationals were often paid more than migrant workers. Furthermore, less than half of the fully documented workers that were surveyed in this study indicated that they were receiving the government-mandated minimum wage.

Thailand currently has a shortage of skilled workers. Skills training has been identified as an avenue for women migrant workers to pursue better pay, but also to provide continued and decent work. If skills training is to occur, migrant workers will need to be paid while attending as well be guaranteed that they will not lose their job or be penalized by their employer for attending. A lack of training and development opportunities may see women migrant workers forced out of the sector, or kept in low-paid labour. Without investment in skills training, it is not only women workers who remain at risk, but also the employment potential of the construction industry.

Although women provide cheap labour, many employers surveyed in this study hired women more through obligation, than through preference. Women are often employed alongside their husbands, and this ‘marriage requirement’ means that women construction workers are not being hired for their skills or quality of work, but instead tolerated because they arrive with their husbands. Women construction workers are often described as their husband’s helper, replicating the dominant view of marriage and the broader societal subordination of women as well.

Findings from this report can have direct impact in drafting more gender and migrant responsive legislation, policies and practice. This report underlines the potential of the sector (as it currently operates) as a platform for women’s empowerment. Many women surveyed were clear about the benefits of construction over other sectors they had worked in, including domestic work, plantation work and factory work. For many women, the sector is seen as the “least bad” option for working in Thailand. Women construction workers still face many dangers and discrimination in their workplace, and the fact that despite these dangers the construction industry is still seen as the “least bad” option, clearly highlights the need for increasing decent work options for women migrant workers.

Migrant women construction workers were clear in identifying two main priorities for improvement and change in the sector. Firstly, there is the need for equal and fair pay, as well as the real reduction in fees paid to brokers for the documentation process. The minimum wage should be a minimum, not a ceiling for migrant women. Secondly, there is a need for skills training in the construction and other sectors, in languages that are easily understood by workers. Reforms in migration governance and the sector should reflect these needs identified by the women migrant workers.

Gendered norms

While it was originally intended that this report focus on investigating the working conditions of women migrant workers, the engagement with this population resulted in striking findings that reflect gender norms as much as prevalent working situations. For example, the Labour Protection Act 1998 prohibits termination of employment due to pregnancy and provides for migrant women to receive 90 days of paid maternity leave. Some migrant women in this study reported company policies to dismiss pregnant women, while a number of women take it upon themselves to resign or “stop working” during pregnancy to avoid conflict with the employer. No women interviewed had received maternity leave or pay. While some women, primarily in Chiang Mai, had Social Security or Comprehensive Migrant Health Insurance that covered the majority of their health-care costs, other women reported paying high costs for reproductive or other health care.³ Many women reported returning to their countries of origin to give birth.

³ Unlike Social Security, Comprehensive Migrant Health Insurance does not cover maternity leave pay.

Although Thailand has long seen women working in this sector, the majority as labourers, the sector upholds rather than upsets cultural gendered norms. Marriage is a de facto requirement for women in the Thai construction industry, with husbands working in the sector being the main entry point for women manual workers to find jobs. Employers interviewed for this research indicated that women workers were of secondary status, employed as part of a “package” that primarily aims at securing the work of the husband. This diminishes and devalues the work of women in the industry and possibly provides some rationalization for the underpayment reported by the majority of women migrant workers in this study. Interviewees identified insecure living conditions, especially in the communal housing typically provided by the larger companies, as another reason for the marriage imperative for women workers, noting that single women would not be safe in the accommodation. This replicates the stigma in the migrant workers’ countries of origin against unmarried women and demonstrates significant shortfalls in the realization of workers’ right to adequate housing.

I Documentation

The complexity of Thailand’s visa, work permit, and social insurance processes necessitates dependence on brokers or employers to access migration and work documentation. Because of care responsibilities in their home countries and gender-based decisions about earning potential, this study found migrant women tend to have less secure documentation status and face more barriers to documentation than men. Short registration periods and high fees are particular deterrents, compounded by challenges such as employers holding documents, work permits “tied” to employers and work construction sites, little access to benefits, high broker fees, and (illegal) charges from officials who regularly visit construction sites. Among migrant workers in this study, only those who travelled through bilateral Memorandum of Understanding (MOU) schemes had employment contracts.⁴ The current limited registration periods and bureaucratic complexity also hinder employers from properly documenting migrant workers in the construction sector, resulting in greater reliance on a system of brokers who charge high fees. Documentation challenges limit the mobility of migrant workers across provinces within Thailand, and especially when returning home. These limitations on mobility are particularly experienced by women migrants, who have more care responsibilities in their home communities.

I Pay and overtime

Pay was the main concern for the workers interviewed for this study. More than half of the women migrant workers in this study were paid less than the official minimum wage, which consequently means they were also underpaid for overtime. Of the 42 women migrant workers who reported their daily wage in this study, 30 were not earning the minimum wage. Women consistently reported being paid less than men on the construction sites, indicating a highly gendered experience of the sector. Migrant workers and employers described systemic discriminations in the pay system, on the basis of migrant status and of gender – with those factors intersecting on some sites to the particular detriment of women migrant workers. Some managers reported pay structures that ensured the pay ceiling for migrant workers is about the same as the starting pay for nationals. Women did not report receiving the enhanced overtime rate for Sundays or holidays prescribed by Thailand’s Labour Protection Act 1998.

This sample showed the number of days’ work and possibilities for overtime are higher for workers in Bangkok than in Chiang Mai, possibly a factor of more interviewees in Bangkok working on larger construction sites. The imperative to earn money means migrant workers want and need overtime. As overtime rates are, or should be, proportional to regular pay rates, overtime pay reflects the gender and

⁴ Memorandum of Understanding between Cambodia and Thailand on cooperation in the employment of workers, 2003, Article XVIII. Memorandum of Understanding between the Government of the Kingdom of Thailand and the Government of the Union of Myanmar on cooperation in the employment of workers, 2003, Article XVIII. A new MOU on Labour Cooperation and Agreement on Employment of Workers was signed between the Governments of Thailand and Cambodia in December 2015, after completion of this research.

migrant discriminations in earnings. Most migrant workers in this study who reported their overtime pay received rates below the rate prescribed by Thai labour law.

| Safety on site

Women migrant workers in the study understood construction as inherently hazardous and many expressed fear of being hurt on site, particularly in relation to working at height. Few employers, particularly in smaller, subcontractor-run operations, provided safety equipment, or had enough for every worker. What equipment the workers had they often had to purchase themselves – with employers deducting it from their wages. Given that women received less pay than men, it follows that fewer women than men are able to purchase adequate safety equipment. However, where workers did have personal protection equipment, many admitted they often did not wear it – possibly for reasons related to equipment that may not necessarily reflect climate or gender.

Many of the migrant workers reported that safety was left to them – to warn and remind each other to be careful. However, on the better organized, usually larger, sites supervisors hold weekly meetings to reiterate safety messages. Meetings are good practice, but problems remain – such as whether the workers attend the meetings; the quality of the meetings, which often depends on the individual supervisor; issues of language; and whether adequate interpretation is provided. Labour inspectorates throughout the country are underresourced, resulting in inadequate protection of workers' rights and unsatisfactory safety at work across all labour sectors, including construction.

| Skills training and development

The concept of skills training was so alien to most of the migrant workers interviewed in this research that many could not understand or answer questions on the issue. Having never attended any training, they struggled to conceive what training might be useful to them, but several suggested training in life skills – including women's health and reproductive health, and labour rights – rather than any construction-specific skills. Migrant workers expressed concern about losing pay if they were to attend any external training programme. Women migrant workers who had gained skills during their time working on construction sites had learnt on the job, often from their husbands or other workers. While skills do appear to be linked to higher pay, there is no system for recognizing the ability or training of new workers. Everyone has to prove their worth on site, which gives supervisors considerable discretionary power to upgrade workers. Some migrant women perceived these opportunities to be affected by their supervisors' attitudes, for example, favouring men; younger, attractive women; or Thai workers. Various characteristics of the Thai construction sector – fragmentation, worker mobility, and the migrant workers' temporary migration status – likely undermine incentives for employers to invest in training, at a cost to the workers and to the development of the industry.

| Housing

Employer-provided housing is common in the sector, and can be considered an extension of the workplace. While women cited “free” housing as well as the ability to live together with their families as advantages to working in the sector, housing structures tend to be precarious, with little regulatory oversight to ensure that they are safe or that sanitation and basic amenities are adequate or maintained. Housing observed in this study varied from crowded temporary structures made out of concrete, corrugated metal, and plywood, or refashioned shipping containers; to houses (sometimes those under construction) or small apartments. Privacy and safety concerns noted at accommodation sites included open communal bathing areas, lack of lighting, and insecure locking mechanisms on doors or windows – all factors that increase women's risk of violence in the workplace and in their living environment. While a great cost-saving benefit for migrant workers, this employer-provided arrangement can allow employers to control workers:

substituting security for surveillance. Migrants' freedom of movement is restricted by their precarious migration status, the fear of arbitrary checks by law enforcement, and employers holding their documents. As such, many are also confined to housing areas when they are not at work, a factor that employers can use to justify the long working hours common in the sector.

Priorities for change

Though many women migrant workers identified labour rights and decent work deficits as priorities of change, this report asserts that generic issues need to be addressed in a manner that is gender-sensitive and gender-responsive, to allow women to equally enjoy the benefits of working in the construction sector. Women migrant workers identified problems with pay and high documentation fees as their top priorities for change. Discrimination in pay as well as systemic underpayment of women migrant workers must be tackled. Accessible, low-fee, and consistent systems for documentation need to be designed for all migrant workers in Thailand, but also need to respond to the particular needs of women migrant workers. Rules restricting changes in employer and work location need to be made more flexible, particularly to reflect the realities of workers with a high degree of work mobility in the construction sector. Interventions to improve working conditions for women migrant workers should prioritize broad systemic changes that realize environments where women are able to enjoy a fuller range of their rights: introduction of a non-discriminatory living wage; accessible and cheaper documentation processes; ending the culture of impunity and corruption that enables the exploitation of migrant workers; provision of adequate housing; implementation of occupational safety and health measures; and support for workers to organize.

Recommendations

A full list of recommendations emanating from this report can be found in the final chapter. The recommendations excerpted here are considered the most vital for immediate action by the stakeholders.

To the Governments of Thailand, Myanmar and Cambodia

- Improve women's access to migration through MOUs and ensure gender-specific social protection. Abolish restrictions on women migrating and eliminate informal costs.
- End excessive documentation costs for migrant workers: ensure costs for passports and other documentation are regular, reasonable, and transparent.
- Work to ensure migrant workers are guaranteed at least Thai minimum wage.

To the Thai Government

- Revise documentation procedures to be migration-sensitive and accessible to workers of different migrant statuses. Simplify, harmonize, and make accessible all documentation and social insurance procedures, in addition to procedures for migrant workers to become employers.
- In line with ILO Private Employment Agencies Convention, 1997 (No. 181) and Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203), amend the Employment and Job-seeker Protection Act 1985 to ensure workers do not bear the cost of recruitment. Address and penalize contract substitution.
- Inform migrant construction workers of the social insurance benefits to which they are entitled.
- Ensure women, regardless of migration status, have access to comprehensive, affordable, quality, gender-sensitive health services, encompassing rights-based, comprehensive, and integrated sexual and reproductive health information and services, including prevention and treatment of STIs and HIV; choice of a full range of contraceptives; maternal reproductive planning; and safe termination services. Enforce provision of paid maternity leave, and ensure redress for women who do not receive it.

- Establish firewalls between immigration enforcement and public services including police, health care, education and labour protection.
- Design and effectively apply appropriate wage protection measures in keeping with the provisions of the ILO Protection of Wages Convention, 1949 (No. 95). Ensure sanctions enforcement vis-à-vis companies that fail to honour payment of wages, benefits and allowances in a timely and accurate manner.
- End pay discrimination against migrant workers regardless of gender or legal status. Enforce equality in wages, overtime pay, and holiday pay, for work that has the same characteristics and quality.
- Repeal Section 38 of the Labour Protection Act 1998 to ensure women construction workers are not subjected to protectionist measures that may limit opportunities available to them.
- End impunity for companies that exploit their economic influence to absolve their responsibilities towards workers' occupational safety and health. Ensure that no migrant workers, or their families, are left without compensation due following injury or death at work.
- Increase the capacity and number of labour inspectors, including women labour inspectors, and ensure they are adequately remunerated, commensurate with their responsibilities. Ensure work site inspections are sufficiently frequent and rigorous, and expand the mandate and resourcing for labour inspectors to inspect quality housing for construction workers. End the culture of corruption that enables officials – and individuals posing as officials – to exploit migrant workers.
- Issue, implement, and monitor the expected legal instrument on the standards of workers' living quarters that includes accommodation for migrant workers, while simultaneously maintaining workers' privacy and avoiding surveillance.
- Support workers organization in the Thai construction sector generally, and particularly for migrant workers.
- Provide more complaint centres for migrant workers and provide gender training to duty bearers receiving complaints. Increase cooperation with NGOs as an entry point for migrant workers to issue complaints. Ensure migrant workers can raise concerns without need to fear repercussions.

To employers and employers' groups

- Ensure supervisors allocate tasks fairly without discrimination on the basis of gender, migrant status, or other factors. Set an example by employing and promoting a diverse workforce.
- Reduce informality across the construction sector - without discrimination against women workers'. Register all employees, ensuring they have documents enabling migrant workers to stay, work, and obtain social insurance in Thailand. Allow migrant workers to keep possession of their documents.
- Ensure women migrant workers are not barred from better-paid work due to stereotyped assumptions about their likes or abilities. Ensure supervisors and managers know not to discriminate against women migrant workers when they are assessing abilities or offering opportunities to upgrade.
- Ensure no worker is paid less than the Thai minimum wage, including migrant workers. End pay discrimination between nationals and migrant workers and between women and men doing work of equal value on site.
- Ensure any deductions from the pay of migrant workers are made clear in advance. Ensure prior agreement with workers for any deductions.
- Provide paid maternity leave and allocate light duties to pregnant workers in accordance with the labour law.
- Ensure all workers, including supervisors and security guards, are clear about the prohibition of harassment of or violence against women, including in the worker housing sites, and adopt and implement fair disciplinary processes against anyone reported to display such behaviour.

- Provide adequate safety equipment to all workers, including migrant workers, at no cost to the worker. Include occupational safety and health costs in the prime costs of any competitively tendered contract.
- Provide initial comprehensive safety training to all workers before they start work, in a language they can understand.
- Improve the standard of employer-provided housing, ensuring structural safety, fire and safety, environmental health, ventilation, lighting in the communal areas, drainage and sanitation/sewerage, access to potable water, adequate space per person, privacy, residents' personal safety and security, and upkeep of common areas. Provide secure, safe, and private gender-segregated bathing areas. Take responsibility for workers' security at housing sites, and respect workers' right to privacy and refrain from surveillance of workers.
- Improve reporting on work site accidents so that it is meaningful, accurate, and provides accountability, by sharing inspection results with appropriate authorities.
- Ensure that no workers are made to work at height if they are not comfortable doing so.

To unions, worker associations, international organizations, civil society and donors

- Research the wage spectrum for working conditions of migrant construction workers.
- Monitor the roll out of the new minimum wage framework to ensure that workers, including MOU and non-MOU migrant workers, in the highly mobile construction sector are being paid fairly.
- Explore the Committee on Consideration of Unfair Gender Discrimination (WorLorPor), established under the Gender Equality Act 2015, as a forum to pursue compensation for the gender discrimination experienced by women migrant construction workers.
- Work with employers to trial a mentoring system wherein experienced women migrant workers are paid to train and support other women workers.
- Work to improve occupational safety and health in the Thai construction sector, taking into account women worker-specific occupational risks and health needs.
- Strengthen the cooperation between civil society and unions to support the inclusion of migrant workers, including women migrant workers, in union membership and leadership. Strengthen the cooperation between unions, worker associations and the women's rights and migrants' rights movements.
- Ensure that women working in construction, including migrant women, have access to gender-sensitive support networks and organizations.





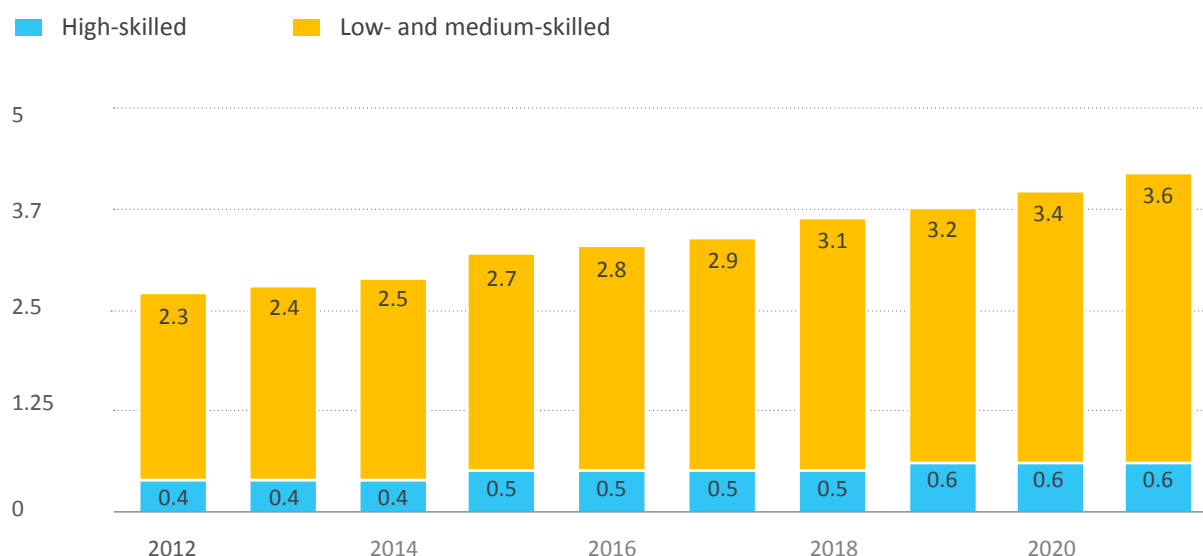
1. Introduction

There has been little research on the current working conditions of adult women migrant construction workers in major receiving countries in South-East Asia, such as Thailand. Specifically of interest in the context of migration and development programming are women's experiences in this male-dominated sector and the gender- and migration-specific challenges women migrants face in accessing decent work and effective enjoyment of their human and labour rights. Previous research in India and Pakistan has shown open inequality and discrimination against women in the construction sector (ILO, 2011; Vaid, 1999). Similarly, research in Thailand has documented gender discrimination throughout the sector (Kaewsri and Tongthong, 2011; Kanaganayagam and Ogunlana, 2008). More needs to be known about the specific experiences of migrant workers in particular sectors. This exploratory qualitative study complements future research and advances knowledge on gender inequalities and multiple grounds of discrimination in the world of work. The study can also ensure that any further research on migrant workers in the Thai construction sector is grounded in women's experience.

1.1 Migrant workers in Thailand

The National Economic and Social Development Board (NESDB) projects that the demand in Thailand for low- and medium-skilled workers will rise from 2.3 million in 2012 to 3.6 million in 2021 (see figure 1 below), and it can be expected that this demand will be met largely by migrant workers. With a contracting working age population and rising education levels, Thailand is experiencing a shortfall in national workers willing to take on low-paid, labour-intensive work (Tunon and Baruah, 2012). This sets up conditions where migrant workers enter the labour force, often without adequate protection or training (Abdul-Aziz, 2001). As one of the dominant economies within the Greater Mekong Subregion (GMS), Thailand is the primary destination for migrant workers from its neighbouring countries. This is in spite of the predominance of precarious work in Thailand, with unsafe workplace conditions, low wages, and little worker representation for workers generally (Hewison and Tularak, 2013).

Figure 1: Projected demand for migrant workers in Thailand, 2012–21 (millions)



Source: NESDB, 2014.

In 2013, it was estimated that there were over 3 million migrants in Thailand from neighbouring Cambodia, the Lao People's Democratic Republic, and Myanmar (Hugué, 2014).¹ These main countries of origin have insufficient and inadequately remunerated employment opportunities.² Despite negative public perceptions, migrant workers have a positive effect on the Thai economy (Sunpuwan and Niyomsilpa, 2012; Tunon and Baruah, 2012). Yet, once in Thailand their experiences, and the abuses they face, are well documented (see for example Human Rights Watch, 2010a; Pollock and Aung, 2010; Söderlund, 2015). Underpayment and the extortion of migrant workers are longstanding problems in Thailand of which the Government is fully cognizant, the previous Thai Administration noting:

However, law enforcement still needs to be strengthened to provide adequate protection for migrant workers, especially with regard to the minimum wage and work safety. Equal access to health services and justice for migrant workers is also an important issue that needs to be strengthened. Corruption, extortion and other mistreatment of migrant workers by law enforcement officials also needs to be seriously tackled by the agencies concerned (UN, 2011, para. 99).

Although women have always moved for work in this region, there is increased attention on their migration and their rights at work (Anderson, 2015). Migration and labour policy in the GMS, however, tends to be gender-blind or restrictive for women. The rights implications of this are heightened when women enter the workplace, where gender, class, migration status, and other factors intersect and result in discriminatory treatment. Working in construction, women migrant workers are building and developing Thailand. This study looks at whether working in the construction sector also benefits them.

¹ Of the estimates of between 3–3.5 million migrants, it is estimated that 2.7 million were working. Of those working migrants, it is estimated that 1.6 million lacked proper documentation, and that 1.1 million had acquired migration documents and work permission. (See Hugué, 2014, p. 2, for methodology and additional details.) Hugué adjusted for over-counting of documented migrants by taking 0.75 of official figures.

² According to the 2014 Myanmar census, for example, rates of employment for women in Myanmar are 51 per cent compared to 85 per cent for men. This gap narrows, however, in migration to Thailand, with women making up 43 per cent of reported migrants. In analysing these numbers, the ILO suggests women are underemployed in Myanmar (ILO, 2015a).

1.2 Women in the construction sector

Thailand, like other countries in the region, has many women working on construction sites. Women's presence in the sector, however, is often unacknowledged and women construction workers' specific needs unattended. Increasing women's participation in the construction sector and addressing the various socio-cultural challenges to their entry, experience, and advancement have been central concerns of research on women's experiences in the sector globally (for example, Amaratunga et al., 2005; Dainty et al., 2004; Gurjao, 2006; ILO, 2011; Munn, 2014; Ness, 2012; Watts, 2007; 2009; Wells, 1990; 2004; Worrall, 2012; Wright, 2013). Research repeatedly identifies the male-dominated and macho culture of construction work as a factor limiting women's participation (Agapiou, 2002; Aulin and Jingmond, 2011; Chan, 2011; Dainty et al., 2004; Iaccone, 2005; Menches and Abraham, 2007; Ness, 2012; Smith, 2013) and/or leaving women largely invisible in the sector. Addressing this situation is not just a gender equality imperative – it has a cost to the sector. However, the commodification and instrumentalization approaches taken in some research – viewing women as an “untapped resource” for the sector – will not resolve this without attention to women's human and labour rights (Fielden et al., 2000; Menches and Abraham, 2007; Powell et al., 2004). Decades of work on organizational diversity and gender equality have changed little, and women remain predominantly in low-wage, low-status occupations in the sector (Chan, 2011; Ness, 2012).

Women have long worked in the Thai construction sector, where workers often migrate as couples or families (Kanaganayagam and Ogunlana, 2008). In a study conducted in the late-1980s, Thailand was the only developing country of the 49 surveyed where women made up more than ten per cent of the construction labour force (Wells, 1990). These women in the Thai industry were also mostly (over 90 per cent) engaged in production-related (as opposed to clerical) work, albeit mostly as labourers rather than as skilled workers or in leadership roles (Wells, 1990). The marginal and precarious position women occupy is underscored by past employment growth rates for women construction workers fluctuating more widely than for men (Wells, 2004).

1.3 The Thai construction sector

Asia is the largest construction market worldwide, accounting for 44 per cent of global construction spending in 2013 (Sito, 2014). Thailand is well-placed as a key economic centre for the GMS and aims to build on this to become a hub for the ASEAN Economic Community (AEC). Nevertheless, analyses point to the political situation in Thailand having negative consequences for fiscal strength and investment. The construction sector contributes approximately 2.6 per cent of Thailand's gross domestic product and six per cent of its employment (World Trade Organization, 2015). In the first quarter of 2016, the construction sector expanded by 11.2 per cent, which was a slight contraction from the 23.8 per cent growth in the previous quarter. During this quarter, public construction increased by 14.9 per cent, and private construction by 7.0 per cent (NESDB, 2016, p. 29). In a recent study, near-term growth and profitability prospects for the sector in Thailand were viewed less positively than in other Asian countries, and the medium- to long-term prospects for the sector look uncertain (AECOM, 2014; BMI Research, 2014). Planned major infrastructure works, part of the Government's plan to become the regional hub of the AEC, may improve prospects for the sector (Attapich, 2015; Timetric, 2014). Thailand approved the Public Private Partnership (PPP) Strategic Plan in February 2015, through which it should be possible to adopt advanced construction techniques and consultation on technology applications (HKTDC Research, 2015).³

There is some concern about quality standards in the Thai sector. In one industry analysis, some construction clients were using local construction companies because they bid at low prices, even though they described

³ There may be, nonetheless, some industry reticence given that there have been past problems with large infrastructure projects financed by the private sector being subsequently taken over by State creditors (Yuthachai Charanachitta, President and CEO, ITALTHAI Group, in Oxford Business Group, 2014, p. 152).

these companies as “lack[ing] expertise and experience”, which had consequences for project management, productivity, and ultimately quality standards (Technavio, 2015; see also Makulsawatudom and Emsley, 2001). Literature on the construction sector in Thailand places considerable focus on productivity and professional-level jobs (for example, Makulsawatudom and Emsley, 2001; Kaewsri and Tongthong, 2011; Kokkaew and Koompai, 2012; Sunindijo and Hadikusumo, 2014).

The construction sector in Thailand, as elsewhere, contains multiple diversities. It is a fragmented industry, with many small businesses (ILO, 2010). The sector encompasses more than 80,000 Thai-registered construction companies (Oxford Business Group, 2014). In addition there are many unregistered companies and operators, some of which are small teams. There are differences in scale and type of construction and sources of financing (private, state, PPP). Particularly striking are the layers of companies, contractors, and multiple layers of subcontractors in lengthy supply chains providing materials and labour during different phases of the build. In addition to the diversities within the sector, there are the diversities amongst the workers: including in gender, nationality, ethnicity, status, and language.

Wages in the construction sector remain low, with a 2013 study by the IOM finding that about 60 per cent of migrants in Chiang Mai working in construction earned between 150–299 Thai baht (THB) per day. On top of this, wages are biased against women. Female migrant workers have reported lower levels of income than male migrant workers, and there are nearly twice as many females as males in the lowest levels of incomes (IOM, 2013).

1.4 A casualized and informal industry

Construction work is project-based, with informal hiring processes seeing most workers engaged on a temporary basis. This resulting fragmented labour sector presents a significant coordination and accountability challenge (ILO, 2001). For contractors it is a challenge to coordinate and secure a regular workflow for themselves and their workers (Kanaganayagam and Ogunlana, 2008). Some specialist (skilled) workers move from site to site as their skills are needed, and labourers move between sites as directed by their employer or in search of better working relations and conditions. There is a “long tradition of an itinerant and highly mobile workforce” in the sector (Clarke and Gribling, 2008, p. 1061), making it difficult for migrant workers to establish themselves in the destination country and secure social protection and other rights. The high degree of informality erodes job security, with most workers recruited on casual terms, that is, not contracted staff on a payroll, but as day workers. For workers, this can also mean little opportunity to build solidarity, frustrating workplace organizing and collective bargaining. This informality contributes to conditions in the sector unconducive to investment in occupational health and safety or training or skills development for the majority of the workforce (ILO, 2001). Further, the casualization means many aspects of the Thai sector meet the ILO definition of the informal sector.⁴ Accordingly, there are decent work deficits across the Thai construction sector: in the denial of rights at work; insufficient opportunities for quality employment; inadequate social protection; lack of social dialogue; and discrimination against women.

1.5 Development for work, work for development

There is often an assumption that the realization of human development, empowerment, and equality is – especially for women – through access to decent work. However, women’s experiences of work are not always conducive to increasing their agency. Arguably, much of the work completed by women further emphasizes gendered roles and norms.

⁴ Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), Para. 2(a)

But it is important to recognize that there is no automatic link between work and human development. Nor does every type of work enhance human development. Exploitative work... robs people of their fair share, their rights and their dignity. Likewise, work that is hazardous – work without safety measures, labour rights, or social protection – is not conducive to human development (Jahan, 2015).

Women need access to decent work in order to maximize benefit from work and the wider promise of inclusive and sustainable development. However, while decent work deficits are widespread for all workers in construction, women tend to face specific systemic barriers, including multiple discriminations that operate to prevent this promise from being realized. Pervasive structural and societal barriers to women experiencing the same benefit as men from decent work remain.

Economic structures are biased against women. Women have less access than men to land and resources, to social protection, and to decent work where they can achieve pay equality. They are expected to carry the burden of unpaid work within the home and of cuts to social services. From this socio-economic disadvantage, women also have to navigate a range of social norms that restrict their options and opportunities. The neoliberal model of development relies on a supply of low-wage and marginalized workers; systematically undermines the labour movement; and importantly for this study, is predicated on gendered roles within the heteronormative social order that position women primarily as unpaid workers: as mothers and wives. Women's contributions to the labour market and the economy are seen as secondary – both to their interests and in value to the developing state.

The ILO's Decent Work Agenda has been recently reaffirmed in the adoption of the 2030 Agenda for Sustainable Development (UN, 2015b), which includes the Sustainable Development Goals.⁵ Although the construction sector is an "employment spinner", generating jobs for those often marginalized from other work options, in many countries, including Thailand, the industry often does not meet the criteria for decent work (ILO, 2001). This study recognizes that while opportunities to expand women's employment in construction can be framed as a path to development that avoids gender stereotyping, the assumption that women will benefit from increased job opportunities in this sector should be investigated.

⁵ See Goal 8: Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all. "Transforming our world: the 2030 Agenda for Sustainable Development" is an intergovernmental set of aspiration Goals with 169 targets. The Goals are contained in Paragraph. 54 of United Nations Resolution A/RES/70/1 of 25 Sep. 2015



2. Research methods

This exploratory study investigated the working experiences of migrant women in the construction sector in Bangkok and Chiang Mai, Thailand. Researchers interviewed a total of 125 people, including migrant workers, employers, recruiters, government officials, NGO representatives, international organizations, and other stakeholders, with primary data collection taking place from 2 October to 1 December 2015.

2.1 Sampling and research methods

Data was collected through desk review, in-depth semi-structured interviews, and focus groups. The research primarily used opportunistic sampling – a method well-suited to a short time frame and where little is previously known about a subject – as well as secondary snowball sampling in a few sites. On two sites women migrant workers did not feel comfortable speaking alone, and researchers turned interviews on these sites into focus group discussions. Sampling decisions were dependent on contacts of the researchers, interpreters, and service providers. These methods gave necessary flexibility to the exploratory study and enabled the researchers and interviewers to reflect on and respond to initial findings. In one example, after interviewing on several sites but not finding any interviewees who had migrated through the regular channel – in this case, the Memorandum of Understanding (MOU) between Thailand and Myanmar – the researchers specifically sought migrant workers who had found work through the scheme. Some of the study's interviewees were known to participating service providers before the study, others were individuals who researchers and interviewers found at worker accommodation sites. In other cases interviewees referred the research team to other workers or employers to interview. Diary recordings of observations in housing sites supplemented interview and focus group data on housing.

Though the study could not be representative, it did roughly follow major known trends within the limited scope and research team availability. As 98 per cent of documented migrant workers in the sector are from Myanmar and Cambodia, the study sought research participants from those two countries.¹

2.2 Research questions

The research set out to gain knowledge of working conditions of women workers in a male-dominated sector and how the intersection of gender and migrant status shape specific challenges faced in accessing decent work and effective enjoyment of their human rights, including labour rights.

To answer these questions, researchers developed a questionnaire to use in in-depth, semi-structured interviews and focus groups (see Appendix I). Questions addressed certain themes or main lines of inquiry, with the flexibility to ask follow-up questions dependent on participants' responses and to shorten the interview when required for ethical reasons (see section 2.6 on ethical considerations). ILO staff and MAP Foundation, a migrants' rights NGO in Chiang Mai, advised on appropriate research questions. The research questions primarily focused on women's experiences of construction work and addressed issues of: documentation, the work women are doing on construction sites, working conditions, complaints, occupational safety and health, skills training, discrimination, housing, reproductive health, and their recommendations. Researchers also developed an interview guide for employers and other interviewees.

2.3 Research participants and study sites

In total 125 interviews informed the study. The largest group of research participants were construction workers (n=51).

Table 1: Construction workers interviewed for the research

Construction workers interviewed for the research (51 total)	Disaggregation by ethnicity of migrant workers
Women migrant workers (42 total)	
• In Bangkok	17 Khmer, 9 Burman, 1 Karen
• In Chiang Mai	12 Shan, 1 Karenni, 1 Padong, 1 Pa-O
Men migrant workers (7 total)	
• In Bangkok	3 Burman, 1 Khmer
• In Chiang Mai	3 Shan
Thai national workers (2 total: 1 woman, 1 man) In Bangkok	

Of the total workers, 43 participated in individual interviews, and eight in two focus groups. The research prioritized women migrant workers: researchers interviewed a total of 43 women and eight men. Participating migrant workers were aged from 18 to 59. Those interviewed in Bangkok came from Cambodia and Myanmar (Burman and Karen ethnicities); those interviewed in Chiang Mai came from Myanmar (Shan, Karenni, Padong, Pa-O ethnicities) (table 1).

¹ Data provided in meeting, Department of Employment, Bangkok, 13 Nov. 2015. See also *Appendix II*.

The research also included a limited number of men migrant workers and Thai national workers. Interviews with employers and others allowed triangulation and also provided significant insights about the sector. The study involved government officials in both research locations, from village head to central Government level; employers; other construction-related professionals; recruiters; NGO representatives; international organization representatives; workers' group representatives; researchers; and a non-working spouse of a construction worker (table 2). With regard to employers interviewed, the researchers spoke to a range of employers, some Thai nationals and some non-Thai contractors and subcontractors.

Table 2: Research participants

Research participants (125 total)	Number interviewed
Construction workers (see table 1)	51
Government officials	24
Employers	14
NGO representatives	15
International organization representatives	7
Workers' group representatives	4
Researchers	4
Recruiters	3
Other construction-related professionals	2
Non-working spouse of a construction worker	1

The research interviewed workers who worked on 23 unique construction sites. Workers interviewed on the same site did not always all work for the same employer. For the most part worker interviewees were part of private sector construction supply chains. Researchers also sought out a Government site and a public–private partnership build in Bangkok. In Chiang Mai, interviewees mostly worked on small builds, that is, constructing a house, a small hotel, or four or five-storey condominiums. In Bangkok, the range and scale of builds varied, and included a three-storey house, a factory, skyscrapers, high-rise condominiums, a university building, and public transportation infrastructure.

2.4 Research teams

As far as possible, interviews were conducted in participants' native language (Khmer, Shan, Burmese, Thai). All interviewing researchers and interpreters were women.

In Bangkok, the main researchers, assisted by two interpreters, conducted interviews and focus groups with Cambodian and Thai workers and employers, as well as government officials and other stakeholders. A second research team, comprising a representative of the Burmese Association of Thailand and a Burmese researcher, conducted interviews of workers in Burmese. The main researchers also conducted interviews in English where possible with employers and their representatives, researchers, and representatives from NGOs, unions, and intergovernmental organizations.

In Chiang Mai, staff from MAP Foundation, including one former migrant construction worker, conducted interviews with workers and employers in Shan language, and interpreted for interviews in Thai with government officials and a workers' association. Mekong Migration Network staff in Yangon, Myanmar, interpreted for an interview with a recruiter in Yangon.

2.5 Validation of findings

MAP Foundation's wider team provided invaluable insights into the analysis of findings from the Chiang Mai interviews and proposed targeted recommendations for the sector. In addition to triangulation of findings from various sources, a validation workshop in December 2015 involved a migrant workers' association, government officials, NGOs, and intergovernmental organizations. Researchers presented the study methodology and results with opportunities for all parties to give feedback. These suggestions and feedback informed the final report.

2.6 Ethical considerations

Researchers began the interviews with a process of informed consent: outlining interview topics; explaining interviewees' right to decline to answer any questions or end the interview at any time; ensuring adequate privacy for the interview; and giving assurances of confidentiality. Eight migrant workers explicitly declined to be interviewed after this process. The research questions were developed to be flexible for ethical considerations. As an exploratory study, researchers wanted to include a breadth of questions, but as a way to ensure that interviews could be kept short when women faced time pressures, some questions were given secondary priority. Researchers from the Burmese Association of Thailand and MAP Foundation were able to provide referrals if participants requested assistance or disclosed a need for protection. Researchers and researching organizations signed a confidentiality agreement. Interviewees were compensated for their time with a small payment or food gift for their contribution to the research.

2.7 Limitations

This study did not aim to be representative, and it is not possible to generalize from the findings. Although the aim of the research was to explore the diversity of issues faced by a range of migrant women in the sector, it was not possible within the parameters of the study to interview representative numbers of women and men Thai workers, men migrant workers, or migrant workers from other countries for comparison. Thus, the study is limited by a small sample size. Further, there were few sites where it was possible to interview workers from different ethnicities and nationalities for comparative analysis.

The study was further limited by the brevity of the research period, with interviews taking place over two months, encompassing rainy season in Thailand and some major Shan festivals. This meant some workers were not being given as much work or overtime as in other seasons, and some worker accommodation was well below peak capacity, as workers had returned to their countries of origin.

The terms of the study restricted research to Thailand's capital and second largest city, Bangkok and Chiang Mai respectively. However migrant women are employed in the construction sector throughout the country in other cities as well as rural areas, where living and working conditions may be different. Construction is a diverse sector in terms of types of builds, which range from dams and roads to malls and one-storey houses, as well as in terms of the exact work individuals are involved in, which ranges from carrying sacks of concrete to tiling to operating cranes. This study was not able to address differences in working conditions for migrant workers across the variety of construction work, nor was it mandated to look at the experiences of migrant construction workers in Thailand's Special Economic Zones.

Entry points biased the study to some extent, with some interviewees being found through service provider contacts (see Surtees and Craggs, 2010), a risk that is sometimes referred to as “gatekeeper bias”. The scope of the study focused questions primarily on working conditions. Much more could have been asked about the migration journey, health, and workplace violence particularly. Importantly, any future study on gender-based violence against women in the sector would require more time to build trust with participants through a qualitative study. Interestingly the findings are also limited by what respondents did not know, which in itself is revealing about the sector. Some did not know who their employer was, their rate of pay, exact deductions from pay, what payments to brokers were for, what documents their employers were holding for them, or to what branch of civil service or law enforcement they were paying bribes.



3. Gendered norms

Though their very presence in the male-dominated construction sector disrupts the gender norms around that work, women workers remain marginalized due to assumptions and stereotypes about their abilities and preferences. Previous studies have described an aggressive macho environment in the construction sector, attributed to the predominantly male workforce and the physicality of the work, and typified by sexist behaviour, alcohol consumption, and a dangerous bravado about occupational health and safety (Chan, 2011; Dainty et al., 2004; Iacuone, 2005; Ness, 2012; Watts, 2007). This creates a culture that asserts men's superiority over women and power to marginalize or exclude women (Ness, 2012). The construction sector both reinforces and challenges gendered norms for women: requiring marriage (a demand for heterosexuality given that Thailand does not recognize marriage equality) but resisting reproduction. The latter is common in many other labour sectors, where women migrant workers are penalised for pregnancy.

3.1 Pregnancy, maternity and reproductive health

Reproduction is de facto prohibited in the Thai construction sector, at times overtly through employer policies to terminate women's positions upon pregnancy. Employers in the sector do not provide maternity leave, and there are large gaps in the accessibility of reproductive health services. Migrant women in the construction industry thus pay a price for having children; a factor that does not apply to men in the sector. They lose jobs and/or pay, and many shoulder high costs for health care, or go without it.

I will not get paid if I am pregnant. That's why I use birth control pills. I have to pay for everything if I get pregnant. *Burman woman, Bangkok*

According to the Labour Protection Act 1998, women are entitled to 90 days of paid maternity leave, with 45 days paid by the employer and 45 days paid by the Government via social security benefits.¹ In this study, only one employer, a major contractor on a site in central Bangkok, reportedly gave women this paid maternity leave. None of the women workers interviewed for this study on other sites reported getting maternity leave themselves or that their employer would provide it if they did have a child. The law also protects women from termination of employment due to pregnancy.² Women in this study reported company policies to actively dismiss pregnant women, while some women said that they take it upon themselves to resign or “stop working”.

I use birth control pills. We will be dismissed if we are pregnant. The employer does not allow pregnant woman to work. However, they can come back anytime after the birth. *Burman woman, Bangkok*

The MOUs on migration for work between neighbouring countries and Thailand do not include gender-sensitive provisions, for instance, on paid maternity leave and social insurance or a prohibition on employers terminating women’s jobs upon pregnancy.³ While the Labour Protection Act does provide these protections, and should apply to women migrant workers, international good practice suggests that reiterating these standards in bilateral agreements will emphasize their applicability within labour migrants’ rights protection.

Pregnancies are actively discouraged in migration. One MOU recruiter in Yangon, Myanmar, reported intervening in migrant women’s pregnancies (in another sector) by facilitating and paying for abortions. Abortion is not legally available in Thailand except in very specific circumstances, meaning that safe options for women who wish to terminate pregnancies are extremely limited.⁴ Recruiter involvement in abortions has a high potential for coercion, threatening job loss unless a pregnancy is terminated. Safe abortion should be made available to women in Thailand who need it – this may include women migrant workers who risk unemployment if unable to access abortion.

Under Thai labour law, pregnant women are prohibited from some tasks common in the construction sector (using vibrating machinery or engines; lifting, carrying, pulling, or pushing any loads above 15 kg; work driving or riding on a vehicle).⁵ Similarly, the ILO Maximum Weight Convention, 1967 (No. 127), which Thailand has ratified, also calls for pregnant women not to carry loads unaided.⁶ Some employers in this study reported they gave pregnant women light tasks so that they could work and have an income for a few months of their pregnancies.

Women’s access to safe, affordable, and quality sexual and reproductive health services can be very limited for migrants in Thailand (Mekong Migration Network, 2015). Access to medical insurance through Thailand’s Social Security or Compulsory Migrant Health Insurance scheme is limited for many migrant workers (see Chapter 4 on Documentation). When migrant women do access care at hospitals, most face discrimination based on nationality and class. Women migrant workers in this study reported discriminatory fees or racist comments (see also Mekong Migration Network, 2015). Migrant women have also reported forced sterilization at hospitals after giving birth (MAP Foundation, 2012b; 2013).

¹ Entitlement to paid maternity leave requires women to have paid Social Security contributions for at least seven months before pregnancy. Labour Protection Act 1998, Section 41.

² Labour Protection Act 1998, Section 43.

³ Memorandum of Understanding between Cambodia and Thailand on cooperation in the employment of workers, 2003. Memorandum of Understanding between the Government of the Kingdom of Thailand and the Government of the Union of Myanmar on cooperation in the employment of workers, 2003.

⁴ See Article 305 of Thai Penal Code. Exceptions include cases when a pregnancy endangers the physical health of the mother or when the pregnancy is due to sexual offenses such as rape and incest.

⁵ Labour Protection Act 1998, Section 39 (as revised in Labour Protection Act (No. 2) 2008, Section 10).

⁶ ILO Maximum Weight Convention, 1967 (No. 127), paragraph.18: “No woman should be assigned to manual transport of loads during a pregnancy which has been medically determined or during the ten weeks following confinement if in the opinion of a qualified physician such work is likely to impair her health or that of her child.” The Convention is listed for revision. See further discussion in Chapter 7 on Safety on Site.

3.2 Marriage

Most of the women migrant workers interviewed for this research were married (39 of 44), although some of these were not legally-recognized marriages.⁷ Marriage is effectively a job requirement for women, especially migrant women, in the Thai construction sector. Unlike many other labour sectors, women's working environment becomes an extension of their marriage, just as their accommodation is an extension of their work site. This social control is both driven by and used to justify the poor standard of worker housing – when migrant women are married, this, in part, absolves employers' responsibility to provide housing that could meet international standards of adequate housing for single women (see Chapter 10 on Housing). It also constitutes direct discriminating against unmarried women (including divorced or widowed women), feeding stigma against single women.

Construction is a man's job, a single woman cannot stay in the camps. It's construction work culture for [men] workers to drink after work, and it's not safe for women. *Shan woman, Chiang Mai*

Both countries of origin are socially conservative States that impose an expectation on women to enter heterosexual marriage, and where the cultural premium placed on marriage leads to some marrying early; to women staying in bad marriages; and to women who do divorce or who are widowed often remarrying quickly (Belak, 2002; Surtees, 2003; Yagura, 2012). NGO workers reported this can lead to some child protection concerns in these new step-families.⁸ In addition to the concern for direct harm to the child, this impacts other child rights issues, such as their right to education. Even in this small exploratory study, one migrant woman reported such a situation:

He [husband] works in another place. [My daughter] goes to school. But if I have to stay late at work I take her with me [to the work site] because I don't want to leave her alone with her step-father. Then she misses school. *Shan woman, Chiang Mai*

Although women provide cheap labour (see Chapter 6 on Pay), employers in this study mostly felt they had to employ women, though they would prefer not to. The marriage requirement means women construction workers are not being hired for their ability and the quality of their work, but tolerated because they come with their husbands.

We have to recruit the couple: they come together. You have to find the job for her, otherwise they will not come. Both Thai people and foreigners have to come have to come with their wife. Thai people are coming from Isan [northeastern Thailand] mostly, so they are coming with their wives. *Non-Thai employer, Bangkok*

If [I can] choose between men and women, I will choose men. Why? Men can carry more, do more. *Thai manager, Bangkok*

Treating migrant women as workers in their own right, appears to disadvantage women in the workplace, as employers may not choose to hire them. Several employers described women migrant workers as their husband's helper – replicating the dominant view of marriage and wider societal subordination of women. Migrant women are often confined to support roles on site – carrying and cleaning. Some women migrant workers learned construction skills from their husbands but others reported their husbands would prevent them attending any training.

Although men are considered the head of the household, it is a cultural norm for women to run the household, including controlling the finances (Belak, 2002). While this denotes some status to women within the culture, it also functions as a burden of unpaid work.

⁷ Where the couple are not legally married, this constitutes another barrier to the partner accessing benefits, including in cases of injury or death (see discussion in Chapter 4 on Documentation).

⁸ Discussion with MAP Foundation, Chiang Mai, 17 Oct. and 17 Nov. 2015

Why do the women hold the money? Because if money is in my hand, I make sure there's food. If it's in men's hands, they drink. *Khmer woman, Bangkok*

Several women migrant workers in this research described how their domestic arrangements had changed with the migration to Thailand and to the construction sector, with the domestic work now shared between husband and wife. A group of Khmer women who participated in a focus group discussion in Bangkok described how men and women do the laundry together before work (at 5 a.m.). One woman reported her husband did the cooking for her and they rotate domestic chores: if she does laundry, he cooks. The other women in the discussion concurred.

While some migrant women talked about housing areas not being safe for women, none of the migrant women interviewed for this research described incidents of gender-based violence against women at the work site, housing, or on the transportation provided between the two – a sensitive issue that research focused on working conditions could not address. However there were a couple of reports of harassment of single women in the mass housing provided for construction workers:

Both our daughters do not work in construction. It's hard work. For single woman, they get blamed, teased, etc. When workers live in camp, it's not safe for single women. *Shan woman, Chiang Mai*

I do not feel safe sometimes, because others Burmese men sometimes harass verbally. There is no physical harassment. I stay silent and do nothing when they say bad words. I do not want to cause any problem. *Burman woman, Bangkok*

3.3 Multiple discriminations

Several women migrant workers in this study reported that the better tasks and opportunities went to Thai workers (see Chapter 5 on The work of women migrant workers). In many cases, women migrant workers were also aware that they were paid less than migrant men and less than Thai nationals (see Chapter 6 on Pay). For some this does not affect their working relationships, but in some cases this message of being worth less than others translates to actual or perceived discriminatory attitudes from other workers on site, particularly Thai nationals.

There are also Thai workers. Some of them look down on us. Most of them do not need to do general work. *Burman woman, Bangkok*

I also have to work with Thais. They are nice. *Karen woman, Bangkok*

Moreover, the differences in nationality/migrant status and gender did sometimes manifest in verbal discrimination.

When working with Thai workers, they say, "Migrants can't speak properly." "Women workers are too slow, hurry up." *Shan woman, Chiang Mai*

Thai men came and said that the Khmer men will rape our women. *Thai village leader, Bangkok, who allowed a construction worker camp to be established in the village*

Burmese men sometimes harass verbally... I stay silent and do nothing when they say bad words. *Burman woman, Bangkok*

Even if it is not expressed overtly, employers or supervisors holding discriminatory attitudes against women migrant workers (on the basis of their gender and/or nationality/ethnicity/migrant status or any other factor) are not likely to treat the workers fairly or afford them equal opportunities to develop their skills and gain a wage increase. One non-Thai employer interviewed for this research repeatedly referred to the workers at his site – Thais as well as migrant workers – as "monkeys", a classically racist term of abuse.

Given the multiple nationalities and ethnicities working across all levels of the Thai construction industry, it is not only migrant workers who may experience (direct or indirect) discrimination, and with such worker diversity within the sector, problems may arise from differences between workers from the same country with different ethnicities.

F..... Thai people they think they are superior because this is their country. For them, Cambodia and Myanmar are minor [inferior]. They don't mix. Thai people work for money, but if he doesn't like me, he can go. They accept I employ the foreigner [migrant workers], and they don't say anything. But they only speak to each other [minimally]. I have two labour camps in the company. Thai on this side [draws picture of site we are on], and in the back I have a labour camp of people from Myanmar and Cambodia. *Non-Thai employer, Bangkok*

Thailand's new Gender Discrimination Act 2015 allows any person to bring a case to the Committee on Consideration of Unfair Gender Discrimination (WorLorPor) for consideration, provided there is no pending court decision (though they may still pursue legal action for compensation).⁹ The Committee is empowered to instruct state and private actors to take appropriate actions to end and prevent the discrimination and to provide remedy including compensation.¹⁰ The Act also establishes a Gender Equality Promotion Fund for responding to these complaints and also to address broader objectives of promoting gender equality.¹¹

The 2016 Constitution, voted in by referendum on 6 August 2016, prohibits discrimination on grounds including origin and sex. Thailand's MOUs with Myanmar and Cambodia call for non-discrimination in pay and benefits for migrant workers under those schemes.

⁹ Gender Equality Act 2015, Section 18

¹⁰ Ibid. Section 20, see also Chapter 4

¹¹ Ibid. Chapter 5; for the funds objectives see Section 30

4. Documentation

The 49 migrant workers in this study had one of four types of documentation: five interviewees were documented through the Memorandum of Understanding (MOU) scheme, 20 through Nationality Verification, 13 through the Migrant Worker Card, and two through the Stateless Card. Finally, nine had no documents (see table 3).¹

Table 3: Types of documentation held by migrant workers in this study

Type of documentation	Number of migrant workers in this study with each documentation type		
	Women	Men	Total
MOU scheme	2	3	5
Nationality Verification	17	3	20
Migrant Worker Card*	12	1	13
Stateless Card ⁺	2	0	2
No documentation	9	0	9

* Also known as a registration or pink card

+ Also known as a Hilltribe card

¹ Of 51 workers interviewed for this study, 49 were migrants. Therefore, this section on migrant documentation is based on information from 49 respondents, of whom 42 were women and seven were men.

The MOU scheme Thailand established with neighbouring countries aims to register migrant workers before they leave their home countries. Migrants coming through this scheme should have a temporary passport, a visa to enter Thailand, a work permit valid for two years, social security, and an employment contract with an employer who has applied for workers.² The MOUs provide for equality of pay and benefits with Thai nationals “based on the principles of non-discrimination and equality of sex, race, and religion.”³ The Nationality Verification process is opened periodically, allowing migrant workers who have entered Thailand without documentation to register and be issued with a temporary passport. Migrants then are meant to acquire a work permit and Social Security. A third type of migration documentation available during certain periodic and short registration periods is the Migrant Worker Card (or Tor Ror 38/1 Card, also known as a Pink Card or Deportation Card). It provides temporary amnesty to undocumented migrant workers, giving them the right to work for a set period of time and access to the national health system. Finally some migrant workers in this study have Stateless Cards, sometimes known as Colour or Hilltribe Cards, which are no longer issued and under which current cardholders must seek permission to travel or work outside the zone in which they are registered.⁴

As this shows, the documentation process for migrant workers in Thailand is complex, and migrant workers in this study relied on brokers or employers to obtain immigration-related documents, work permits, and/or social insurance. Documentation ties workers to employers and work sites, meaning many migrant construction workers’ documents are quickly rendered invalid because of the high mobility in the sector. There are several points at which migrant workers must pay costs for documentation or pay fines for not having requisite documentation. In nearly all cases in this research, migrant workers bore the full costs for documentation, as well as official and non-official fees to government bodies and brokers.

Past reports have not found that more, or more formal, documentation necessarily results in better rights protection or is in migrants’ best interests. Some studies have shown that more formal documentation types result in increased contact with officials, increasing opportunities for bribe taking. Similarly migrant workers sometimes do not see the value in slower and more expensive formal processes and prefer to avoid debt and delay and start work sooner (ILO, 2015c; MAP Foundation, 2012; 2015).

4.1 Migrant documentation in the construction sector

Out of 557,724 documented migrant workers in the Thai construction sector, 38 per cent are women and 62 per cent are men.⁵ Disaggregated by country of origin, 50 per cent are from Myanmar, 48 per cent from Cambodia, and two per cent from the Lao People’s Democratic Republic.⁶ See table 4 and figure 2 for summaries by documentation type, country of origin and gender (see Appendix II for full details). These figures do not include undocumented workers. Most documented migrant workers from Cambodia have a Migrant Worker Card, and most documented migrant workers from Myanmar have a temporary passport that they obtained during the Nationality Verification Process, though a significant number have Migrant Worker Cards (figure 2). Representatives from the Thai Government suggested that numbers of migrant workers without documents may equal those with documents.⁷ If this is the case, there would be over 1 million migrant workers in the sector.

² This report refers to Social Security and Comprehensive Migrant Health Insurance as the two particular Thai Government schemes available to migrants. The report discusses “social insurance” as a category that includes both schemes. Migrants with MOU and Nationality Verification documents are meant to apply for Social Security, not the Comprehensive Migrant Health Insurance scheme.

³ Memorandum of Understanding between Cambodia and Thailand on cooperation in the employment of workers, 2003, Article XVIII. Memorandum of Understanding between the Government of the Kingdom of Thailand and the Government of the Union of Myanmar on cooperation in the employment of workers, 2003, Article XVIII.

⁴ For further details on documentation processes in Thailand, see Hall, 2012a; Hugué, 2014; ILO, 2015c; IOM, 2015; MAP Foundation, 2012a; 2015; Mekong Migration Network, 2013a; 2015; Rijken et al., 2015.

⁵ Data provided in meeting, Department of Employment, Bangkok, 13 Nov. 2015. See also *Appendix II*.

⁶ *Ibid.*

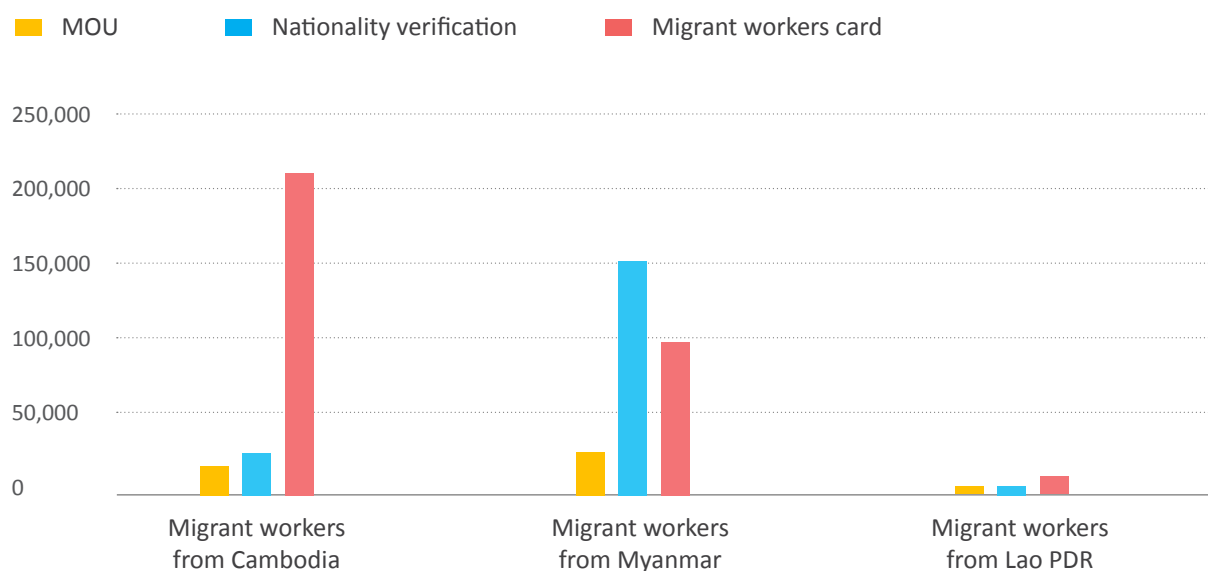
⁷ Interview, Department of Employment, Chiang Mai, 29 Oct. 2015.

Table 4: Migrant workers in the Thai construction sector, disaggregated by documentation type and gender, October 2015

Type of documentation	Total number of migrants with documentation type	Per cent with documentation type	Per cent women	Per cent men
MOU	54 270	10	25	75
Nationality Verification	180 545	32	39	61
Migrant Worker Card	322 909	58	39	61
Total Number of Migrants in the Construction Sector	557 724		38	62

Source: Data provided in meeting, Department of Employment, Bangkok, 13 Nov. 2015.

Figure 2: Documented migrant workers in the Thai construction sector, disaggregated by documentation type and country of origin, October 2015



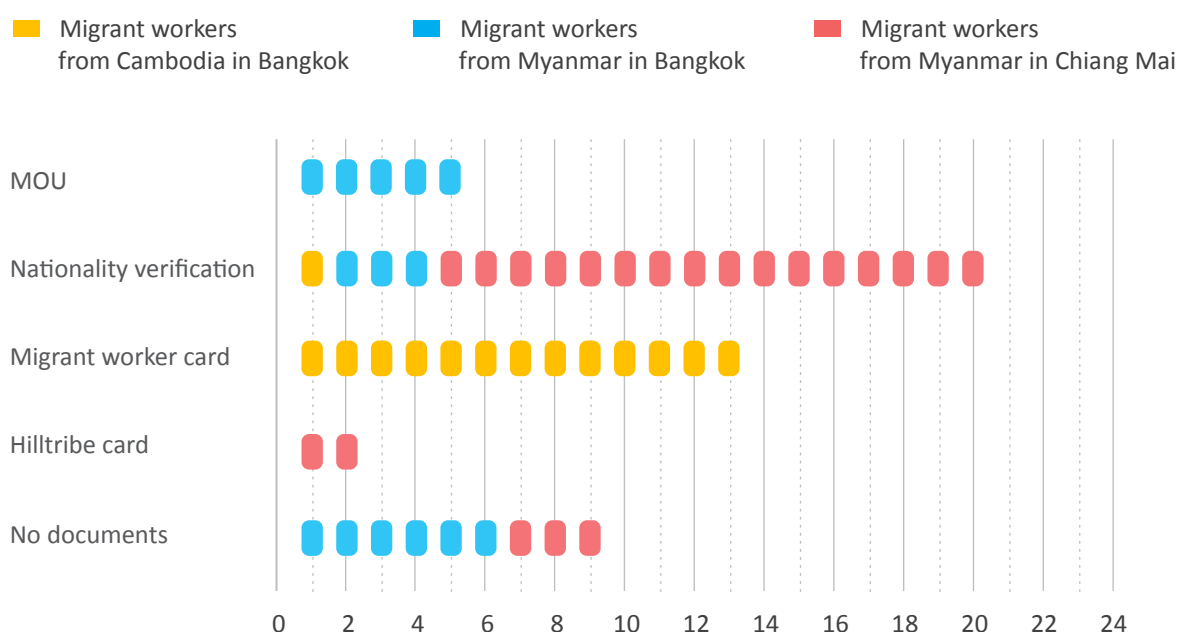
Source: Data provided in meeting, Department of Employment, Bangkok, 13 Nov. 2015.

There is some consistency between the research sample and the Department of Employment data trends, with most Cambodians in the study having Migrant Worker Cards and the majority of documented migrant workers from Myanmar having papers through the Nationality Verification Process (figure 3).

This study showed differences between migrant workers from Myanmar in Bangkok and Chiang Mai. Those in Chiang Mai tended to have Nationality Verification documents, while those surveyed in Bangkok were

more likely to be in irregular status or to have come through the MOU scheme. Migrant rights activists report it is easier for ethnic Burman migrant workers from Myanmar to access the MOU than it is for Shan or other marginalized ethnicities, as Burmans tend to have birth certificates and other requirements needed to register for the MOU, as well as the language needed to apply.⁸ Further, there are few recruitment agencies operating in Myanmar border areas populated by other ethnicities, and administrative processes for gaining official identification remain highly centralized. Migrants in Bangkok with MOU documents were working on large-scale construction sites, and, consistent with Department of Employment data, more men than women in this study had come through the MOU process. From the qualitative nature of this study, it is not possible to determine if women who are migrating under the MOU are travelling independently to take up opportunities in construction, or migrating with family and entering the sector at a later stage once a job has been identified.

Figure 3: Documentation held by interviewees, by nationality and location



4.2 Barriers to accessing documentation higher for migrant women

Women migrant workers in this study had less complete – or less secure kinds of – documentation than men. Albeit a limited sample, none of the men interviewed were completely undocumented, while about one-fifth (nine out of 42) of the women were. Similarly, the study found only two of 42 migrant women, and three of seven men with MOU documentation, which is the most formal documentation process. This is not unreflective of the broader migrant worker population in the sector, where those with MOU documents are 75 per cent men and 25 per cent women (table 4).⁹ There are a number of structural barriers to women migrant workers accessing the necessary documentation.

⁸ Interview, MAP Foundation, Chiang Mai, 17 Nov. 2015. Burmese language is required for government processes in Myanmar.

⁹ This can be compared to documentation through Nationality Verification and the Migrant Worker Card, where holders of the documents are 61 per cent men and 39 per cent women. Data provided in meeting, Department of Employment, Bangkok, 13 Nov. 2015. See also Appendix II.

4.2.1 Protectionist policies restricting women's access to documentation

The Government of Myanmar has imposed a practical (though not formalized) restriction on women migrating regularly: they can only move to workplaces where there are groups of five or more.¹⁰ This policy reinforces traditional gender stereotypes and restricts women's access to MOU documentation, which is the only way for low-skilled workers to enter Thailand to work legally. If women do not move under the MOU scheme, they have no choice but to enter Thailand without proper documentation. Other research has found that when women's movements are restricted, they will move anyway through irregular avenues (ILO, 2015b). This purportedly protective restriction limits women's opportunities for the most secure migration and working conditions in Thailand and diminishes the likelihood of obtaining the Thai minimum wage (see Chapter 6 on Pay).

4.2.2 Short registration windows and gendered unpaid care responsibilities

Several migrant workers interviewed complained about the short registration windows for various documents and hoped there would be future registration periods they could use. Employers also reported difficulties with these short registration timeframes.¹¹ For women migrant workers, this restriction is compounded by unpaid care responsibilities. Women reported returning to countries of origin with more frequency than their husbands to fulfil caretaking obligations. Two Khmer women in Bangkok reported their unpaid care responsibilities in Cambodia made accessing the brief opening of the documentation process impossible, leaving one without documentation and the other on a Migrant Worker Card (rather than a Nationality Verification temporary passport). One noted, "If my mother calls me or the kids are sick, I have to run back home." Policies need to take into account that migrant women in particular require flexibility to be able to return home, maintain family ties, and manage care responsibilities.

4.2.3 Gendered household decisions about documentation

One Khmer woman working in Bangkok reported she and her husband had decided only he would obtain documentation, because of the cost, noting she had "been here [in Bangkok] for two years, but never working because legal papers cost up to 10,000 Thai baht (THB) [US\$283]¹²". Other migrant women in the study described going into debt in order to apply for or renew documents. As migrant men are able to earn higher wages than migrant women, this can be a straightforward economic decision (see Chapter 6 on Pay).

4.3 Documentation-related challenges for women migrant workers in the construction sector

Challenges abound for migrant workers to acquire documents to secure full legal status in Thailand, and these challenges are especially felt by women migrant workers for a variety of reasons, including a higher proportion of women migrant workers being in informal work sectors or sites. A 2012 survey of migrant workers in Thailand found that 19 per cent of respondents who had entered the Nationality Verification Process had been rejected, and 45 per cent had experienced problems. Many reported their employer was not able to pay the fee, and others that their employer did not want them to apply for documentation at all (Migrant Working Group, 2012). It may be extrapolated that if women migrant workers are not valued as highly as men migrant workers, employers will be less likely to pay the fees necessary for regularization. In addition, if women's skills are considered inherent to their gender, women migrant workers may be considered more easily replaceable, and therefore it may not be deemed worthwhile to ensure their regular status. Generally, the temporary status conferred by migrant documentation may make employers in the sector reluctant to invest in workers' welfare, such as social insurance (Kanaganayagam and Ogunlana, 2008).

¹⁰ Interview, Department of Employment, Chiang Mai, 29 Oct. 2015; Correspondence, Myanmar Ministry of Labour, Employment and Social Security, 4 Dec. 2015.

¹¹ Interview, Employers Confederation of Thailand (ECOT), Bangkok, 1 Dec. 2015.

¹² At the time of the study, the exchange rate was THB1 = US\$0.0283

4.3.1 Documents tied to employers and work sites

All the documentation available to migrant workers tie workers to their employers as well as to limited geographical “zones” where their worksites are located – given that many forms of documentation limit movement to the province in which the permission was issued/the employer registered.¹³ This serves as a guarantee for employers, aiming to ensure that workers will not abscond. Though ostensibly in employers’ interest, these tied documents pose problems for both employers and migrant workers. Construction is a highly mobile sector, where workers with specialist skills move to new sites or new employers as often as every few weeks in response to the phasing of the construction, or where employers need to move workers between sites or take workers to new sites upon completion of the build where they are registered. Re-registering with every change in employer or location is onerous for both parties, and the requirement often deters employers and migrant workers from seeking documentation in the first place, as it can be quickly invalidated. A Thai construction employer reported that the restrictions left too many migrant workers without legal permission to work. The Employers’ Confederation of Thailand (ECOT) advises a regulatory change to give flexibility in location zoning would help employers keep migrant workers across their work sites.¹⁴

Responding recently to reports of exploitation in the fishing sector, the Government of Thailand eased zoning requirements for migrants working in that sector, greatly expanding the geographical area in which they can work to 22 provinces.¹⁵ High mobility in the construction sector warrants similar widening of geographical zoning. There is precedent for migrant workers in Thailand being issued documents not tying them to employers. In 2004, the Thai Government issued Tor Ror 38/1, a version of the Migrant Worker Card, which by some interpretations allowed workers the flexibility to change employer and register independent of an employer (Mekong Migration Network, 2014). Ultimately, the Tor Ror created a permission to be in Thailand deriving from the immigration system; whereas a work permit allows the migrant to legally participate in the workforce. Flexibility is vital for workers’ rights: research examining legal documents tying migrant workers to employers has consistently found high levels of exploitation under such schemes, as it gives employers power to threaten migrant workers with illegality and deportation if they complain or leave (Demetriou, 2015; Human Rights Watch, 2010b; Mantouvalou, 2015).

4.3.2 Employers hold documents and do not give contracts

If unable to produce identity documents, all foreigners in Thailand may face repercussions from authorities. Most migrants interviewed for this study in Bangkok did not have their documents in their possession: their employers held them. In Chiang Mai all 18 migrant workers interviewed reported holding their own documents. This was likely because migrant workers interviewed in Chiang Mai mostly worked for smaller operations and subcontractors, and Bangkok workers interviewed were mostly working on larger construction sites. One Khmer woman working in Bangkok reported needing to give her employer a week of notice and deposit THB5,000 (\$141) to get her passport from the employer, with the deposit considered a guarantee that she will return. Another Khmer woman reported a company policy of workers “earning” the right to hold their passport after a year of work.

Migrant workers with MOU documents reported having written employment contracts, though some had lost them. No other migrant workers in the study had contracts. Contracts offer clarity, accountability, and protection for both employers and workers, however, Ministry of Labour officials advise that contracts are not a legal requirement in Thailand.¹⁶ Contracts are not a requirement in the Labour Protection Act 1998. A Burman woman working under the MOU scheme in Bangkok reported that although she had a contract

¹³ In addition to migration papers, the Thai Government requires migrant workers on the MOU and Nationality Verification schemes also to have work permits. Migrant Worker Cards and Stateless Cards have work permission included along with an immigration visa in the same card.

¹⁴ Interview, Employers’ Confederation of Thailand (ECOT), Bangkok, 1 Dec. 2015.

¹⁵ Correspondence, International Labour Organization, 15 Jan. 2016.

¹⁶ Meeting, Ministry of Labour, Bangkok, 13 Nov. 2015.

with the employer, in her language (Burmese), the employer retained it. There is risk of a lack of employer accountability when workers are not able to refer back to contract conditions in the rare cases when they do have contracts. It is also worth noting that many employees in less formal workplaces, including migrant workers, will likely face challenges in negotiating or enforcing fair terms and conditions and may not see value in having a contract.

4.3.3 Migrant subcontractors not listed as employers on migrant documentation

One way of progressing in the construction sector is for some migrant workers, especially longer-term migrants, with a small amount of capital to choose to become subcontractors. They employ other migrant workers for specialized or general work. However it is very rare for migrant subcontractors to have been able to navigate the legal and administrative barriers to register as subcontractors. According to the Foreign Business Act 1999, aside from infrastructure, construction is a sector in which foreign investment is not limited; meaning that foreigners can set up construction companies.¹⁷ However, they must attain approval from the Foreign Business Committee, and the Director-General of the Department of Business Development must grant them a permit. Migrant workers are not likely to be able to navigate, much less resolve, this process. Without doing so, migrant employers cannot legally list their name on employees' work permits or Migrant Worker Cards, relegating their workers to irregular status and perpetuating the situation of undocumented workers unable to access benefits and realize their rights.¹⁸

4.3.4 Little de facto access to social insurance benefits

Not all migrant workers in this research were aware of the social insurance options or benefits to which they were entitled. Under Thai law, migrant workers with MOU or Nationality Verification documents should have social security after completion of the three-month qualifying period. However, some migrant workers with these types of documents reported they did not. Some with Nationality Verification documents had the less comprehensive Compulsory Migrant Health Insurance, which only has medical-related benefits. Of 19 migrant workers in this study registered through Nationality Verification, 12 had Compulsory Migrant Health Insurance, four had Social Security, and three had no social insurance at all.¹⁹ The Social Security Office reported migrant workers primarily access health and maternity benefits but rarely other benefits under Social Security.²⁰

Migrants with Compulsory Migrant Health Insurance also face obstacles in using it. Health-care access is restricted to a single hospital location, leaving migrant workers without health care if they work far from the named hospital. One Khmer migrant woman in Bangkok reported she was registered through Compulsory Migrant Health Insurance with a hospital so far away from her current work site she had to pay THB400 (\$11.30), more than a day's wage, each way for transportation for prenatal appointments. The intention of the social insurance scheme is that she pay only THB30 (\$0.85) per visit. However, with transport, food on the journey, and the THB30 fee, she paid THB1,000 (\$28.33) per visit. Due to pregnancy complications, she had about 20 visits to the hospital during her pregnancy, resulting in a total cost of THB20,000 (\$566.60) for prenatal care. Another Khmer woman was six months pregnant and unaware of any benefits she could claim on her Migrant Worker Card. She had not had a prenatal check and hoped that her employer would drive her to a hospital and pay the fees for the birth.

¹⁷ Foreign Business Act 1999, List 3(10).

¹⁸ MAP Foundation reported that in Chiang Mai some migrant subcontractors make an arrangement with a Thai subcontractor to be listed as the migrant workers' employer and arrange the workers' documents. In return, the migrant subcontractor will pay part of the contracted profits to the Thai counterpart. Interview, MAP Foundation, Chiang Mai, 17 Nov. 2015.

¹⁹ Of 20 migrant workers with Nationality Verification documents interviewed for this study, 19 provided information on their social insurance.

²⁰ Interview, Social Security Office, Chiang Mai, 28 Oct. 2015. For example, as migrant workers are made to leave Thailand seven days after they stop work, they are rarely able to claim other benefits, such as unemployment or pension benefits, of the Social Security scheme they pay into. Social Security officers are well aware of the contradiction in policies: "The Labour Office would help migrants to get a new job, but the time limitation is a barrier. Social Security will start paying on the eighth day of their unemployment. But the policy is that migrant workers have to leave the country within seven days of their jobs ending."

The Thai Government reported the transliteration of migrant workers' names from their native language into Thai or into English in various documentation processes was a significant challenge, often resulting in their names being spelled differently on various documents. Social Security Office in Chiang Mai staff reported, "It can be very complicated to prove it is the same person. The process needs translation but payment for translation is very high."²¹ This can present a critical barrier to accessing the benefits due to migrant workers, or to their families in the event of their death.

Thai policy entitles migrant workers, with or without Social Security and regardless of status, to access one of two worker compensation funds. Despite the *de jure* right to a compensation fund, lack of documentation, however, may create barriers or limit access to this compensation (see Chapter 7 – Safety on site).

On the other hand, researchers spoke with workers or employers on two construction sites that the Social Security Office had recently visited to offer awareness training of benefits. Workers and employers appreciated this and recommended the Ministry of Labour do this more often. A non-Thai employer explained, "Last week we had a first visit from Social Security. They did a presentation of what the Social Security is... The workers were surprised. The workers didn't know. It was very interesting for the workers. Social Security... could see the workers and talk to them and say there is a budget for them. The workers didn't know."

Thai social insurance processes are predominantly migration-blind, unresponsive to differences in opportunities and resource allocation for migrant workers compared with Thai nationals, with officials arguing they are being "fair" by treating everyone the same: "All the migrant workers who registered under the Social Security system can access the same benefits which the Thai workers receive."²² Thai authorities need to revise these procedures to be migration-sensitive, considerate of the unequal status of migrant workers. They must aim to ensure that immigration measures do not override access to social insurance and ensure portability so migrant workers are able to access benefits after returning to their countries of origin. Further, these social protections and services, as well as labour protections, need to maintain strict separation (firewalls) from immigration enforcement matters, as migrant workers may not trust that they can avail themselves of the services, claim compensation or other benefits, or make complaints against employers if there is a possibility that doing so will result in their arrest or deportation.²³

4.3.5 Brokers: "The pen is very expensive"

As an exploratory study, the scope of this research did not allow in-depth research on migration experiences and broker patterns. However, migrant workers, as well as recruiters, reported sectorally-focused chain migration, in other words, informal recruitment through family and home community networks. Through this migrant workers are often able to circumvent recruitment-related broker fees. Though some migrant workers use brokers for recruitment and job placement, many migrant workers in this study relied on brokers primarily to facilitate documentation. In Thailand there is no law specifically regulating recruitment of non-Thai workers. The Recruitment and Job Seekers Protection Act 1985 only explicitly covers recruitment of Thai workers. Migrants are not similarly legally protected and often pay excessive if not extortionate fees.²⁴ The ILO Private Employment Agencies Convention, 1997 (No. 181) requires that recruitment agencies "shall not charge directly or indirectly, in whole or in part, any fees or costs to workers" (Article 7). Thailand has not ratified this instrument.

One of the most frequent recommendations from the migrant workers in this research was the need to reduce brokers' high fees and for employers to at least share those costs.

²¹ Interview, Social Security Office, Chiang Mai, 28 Oct. 2015.

²² Social Security Office staff, Meeting, Ministry of Labour, Bangkok, 13 Nov. 2015. See also the Thailand Migration Report 2014.

²³ See UN, 2015a.

²⁴ Researchers note that there is a draft law proposing to regulate fees for migrant workers in Thailand.

I just spent 10,000 baht [\$283] to change my passport, and I don't know what the money is for. I don't want to have to use a broker. The registration is too expensive. I want to know what the costs are for, and it should be cheaper. *Shan man, Chiang Mai*

A Khmer recruiter reported recruitment fees through the MOU process range from THB16,000 to THB20,000 (\$453.40 to \$566.80) for Khmer workers, not including passports for THB4,233 (\$120).²⁵ The Cambodian Government had published information informing migrant workers that Cambodian passports would only cost \$4 (Channyda, 2014). The recruiter commented on this saying: "Yes, [Cambodian Prime Minister] Hun Sen said there would be \$4 passports, but when we go [apply for passports] they say that the \$4 machine is not yet ready, so it is \$120 for a passport."²⁶

One Bangkok employer reported he pays THB15,000 (\$425.20) per worker on the MOU scheme from Myanmar, but fees can be significantly higher. MAP Foundation's 2013 survey reported MOU fees for workers from all sectors averaging THB24,000 (\$680.30), which constitutes one third of a migrant worker's typical yearly wages (MAP Foundation, 2015). Brokers placing workers through the MOU system noted employers will often pay upfront costs and then deduct this from wages. In this study only one employer, in Bangkok, reported covering a small part of the recruitment and documentation costs.

For Cambodian workers, where private recruitment agencies are the primary agents facilitating the process at origin, migrating for work under the MOU requires approximately a three-month time period; a total expense of between \$560–620, which is typically borne by the migrant workers through a combination of upfront payments and payroll deductions; and the services of a Thai private employment agency to complete the bureaucratic hurdles on the receiving end (ILO, 2013a). In comparison, Cambodian migrants could migrate to border areas for as little as \$3 and be at work within the day, or move further into Thailand for a maximum of \$200 (Vutha et al., 2011).

In Myanmar, a recent study of migrants that had gone through the MOU process found that they often received services from unregulated agents or brokers to assist them, requiring from 14 to 50 days to complete the procedures, and with average expenses paid for the entire process between \$650–1,100. Costs and fees are incurred on both sides of the border, and are paid by the worker through initial payments and deductions from salary (Hall, 2012b).

When asked why recruitment fees are so high, a Khmer recruiter explained "The pen [arranging documentation] is very expensive", also noting "There is a lot of money under the table." Brokers also reported making unofficial payments. The Khmer recruiter reported "The fee at the [Cambodian] Ministry of Foreign Affairs is \$3; we pay 10. The fee at the [Cambodian] Ministry of Labour is \$5; we pay 10 to 20. All together it is 150 for documents, and passport fees are on top of that."²⁷

Though other forms of documentation may be more accessible, for instance in Thailand's One-Stop Service Centres, the MOU process is opaque enough that one Khmer recruiter observed, "It is impossible for migrant workers to do it by themselves... They do not know where to go for each step of the process."²⁸ Some migrant interviewees suggested that once in Thailand, they could not take time off work to go to government offices themselves, for main registration or for the periodic reporting required with some documentation types.

²⁵ Interview, Khmer recruiter, Bangkok, 3 Nov. 2015. Regardless of the legislated cost, those obtaining passports have reported paying vastly differing prices.

²⁶ Interview, Khmer recruiter, Bangkok, 3 Nov. 2015.

²⁷ Khmer construction workers in Bangkok also reported having to pay THB2,700 to 3,500 (US\$ 76.50 to 99.20) to retrieve their passports from the Cambodian Embassy after they had completed Nationality Verification.

²⁸ Interview, Khmer recruiter, Bangkok, 3 Nov. 2015. The Thai Government have established One-Stop Service Centres to increase accessibility of documentation processes.

4.3.6 Fines and corruption

Under Section 51 of the Alien Working Act 2008, a migrant working without legal permission is liable to a penalty of either up to five years' imprisonment or a fine of THB2,000 to THB100,000 (\$56.70 to \$2,834) or both. Authorities, however, described:

The reality is that the immigration police will deport people if they are close to the border. If they are far from the border, the migrant is put in the provincial court system and then after a jail term, the immigration police facilitate deportation. Employers also face sanctions of a fine of 10,000 to 100,000 baht [\$283 to \$2,830] per worker without a permit. Generally the case stops at 10,000 baht [\$283]. There is also punishment for providing accommodation to a [undocumented] migrant. It could be jail.²⁹

Although many migrant workers in this exploratory study reported encounters with immigration authorities, only one woman migrant worker reported having faced serious penalty:

Yes, I'm afraid of Immigration coming to the site because my registered place of work is not the place I'm working at. I pay immigration 2,000 to 5,000 baht [\$56.60 to \$141.50]. If we cannot pay, we have to stay in prison for one month. This happens often because my registration is not the same as my place of work. *Shan woman, Chiang Mai*

From time to time, the media reports on raids at construction sites (for example, *Bangkok Post*, 2015). A study by an NGO alliance reports construction workers being arrested and detained, as well as employers and undocumented workers paying bribes to various officials (Mekong Migration Network, 2013b). The advantage to workers of paying the bribes is that they can keep working and earning money. The disadvantage is that they pay a high proportion of their wages in these fines. Because migrant workers' employers rarely face official penalties, the employers have little incentive to register the migrant workers. The practice of employers avoiding punishment that is then meted out on the undocumented worker should be strongly discouraged, as it will not lead to improved migration governance.

In this study, officials wearing uniforms, but also sometimes individuals without uniforms, were reported to regularly take fairly standard amounts per undocumented worker. Migrant workers most often reported employers paying officials and then deducting the paid amount from their wages. Most commonly reported deductions amounted to THB600 (\$17.00) per month, but some reported higher amounts. In most cases migrant workers did not know to what branch of civil service or law enforcement they were paying money. In addition to facing bribe payments, a few migrant workers said they run to escape immigration officials, which is dangerous on a construction site. They can also lose work days and pay on these occasions.

I have to pay a police fee. I have to pay 300 baht [\$8.49] every half month. We have about 1,000 workers here. I think many of the workers have no documents. *Burman woman, Bangkok*

Yes, authorities come very often. So often I can't count. [Did you pay a fine?] Yes because my work permit work place is not the same as the actual place I'm working at. Last week we paid 1,000 baht [\$28.30] per person. *Shan woman, Chiang Mai*

Officials come twice a week. Sometimes I'm not sure they really are Immigration because they don't wear uniforms. But I don't need to pay because my work place is correct [on the work permit]. *Shan woman, Chiang Mai*

Some employers reported they are able to negotiate with authorities and pay them in-kind, examples cited included by sending workers to repair a house or the pavement outside a police station, or by building a beach villa for a supervisor. As construction companies, this is possible. One Bangkok employer reported he had "found a solution by doing work for the high-ranking officials... which also gives protection." Under

²⁹ Interview, Department of Employment, Chiang Mai, 29 Oct. 2015.

these circumstances, employers reported they no longer charge migrant workers on a per person basis for these unofficial transfers to authorities. Not all employers are able to reach these kinds of agreements, and many do not have financial means to do so. One Bangkok-based Thai employer on a Government building site noted that this system of payments to officials had been too much, and his company had taken a decision to only hire Thais, which is notable in a sector where few Thais want to work (see Introduction above). The employer reported that even when migrant workers had “complete [documents] and their Pink Cards were still valid, I still have to pay 200 to 500 baht [\$5.66 to \$14.15] per person. So I gave up and now use just Thais.” He explained that when he employed migrants, officials from four different agencies came to the construction site demanding payment: mobile emergency police (accessed via the emergency 191 number), immigration, the area local authority, and the municipality police. Now that he employs only Thai workers on site, only the latter two agencies demand payment.

Taking of payments from migrant workers is a practice that is arguably part of a deeply entrenched culture within the construction sector. Thailand is party to the UN Convention against Corruption, but in 2015 Thailand ranked 76th out of 168 countries in Transparency International’s Corruption Perceptions Index (Transparency International, 2015). According to the Governor of the Bank of Thailand, initiatives like the Construction Sector Transparency Initiative (CoST), which promote transparency in State enterprise projects, could help ameliorate the problem (Trairatvorakul, 2015).³⁰

³⁰ CoST is a country-centred multi-stakeholder initiative to promote transparency and accountability in publicly financed construction. Information about the scheme is available at <http://www.constructiontransparency.org/home> [22 July 2016]. The pages for Thailand were blank at time of writing (<http://www.constructiontransparency.org/thailand?forumboardid=88&forumtopicid=88>)

5. The work of women migrant construction workers

Few women workers interviewed for this research had migrated in search of construction work. Many migrant women reported they did not like working in construction. Several women spoke of wanting to move to factory work or domestic work.

I don't like construction, but I have no choice. I want a job where I can sit and work and use my brain. I'm so sad I didn't study enough. *Khmer woman, Bangkok*

There is nothing that I like about my work. I am just here to earn money in order to support my family. My whole family are farmers. I was a farmer, but the income does not cover [costs] for the whole family. That's why we decided to come to Thailand. I would like to return home and be with my family. I would go back if there is a job for us in Myanmar. *Burman woman, Bangkok*

Table 5: Types of work conducted by women in Thailand's construction sector in this study

All interviewees	Types of work	Number of women workers
Labourer	Tying iron bars for reinforcing concrete, building and working on scaffolding, carrying materials, assisting skilled workers, tidying the site	37
Skilled worker	Bricklaying, carpentry, masonry, welding	5
Additional	Construction factory worker, office cleaner (previously a labourer)	2

Most of the interviewees were manual construction workers (table 5). The migrant women described this work in terms of assisting duties – carrying materials for skilled workers, tying iron bars for reinforcing concrete structures, and on-site cleaning and maintenance duties. This appears to be a long-term situation: previous research found the vast majority of women in the Thai construction sector were working as unskilled labourers (Wells, 1990). In this study, some women reported working high on scaffolding despite this being against Thai labour law (see Chapter 7 on Safety on site). Skilled workers did bricklaying, masonry, carpentry, and welding. There is some gender divide: managers maintained that only men did welding, while finishing – doing the final, smooth wall coating – was skilled work frequently allocated to women.

The women give hands to the men. *Khmer woman, Bangkok*

Welding is for men. Tradition. *Non-Thai employer, Bangkok*

But the woman also does the finishes... what we call the skim coat is more [often done by] women. They get the skilled job because after the rough concrete you have to touch up and then you have to skim coat to make it smooth and uniform. The women are more skilled in this, and they can get more [pay]. *Non-Thai employer, Bangkok*

Employers from outside the region expressed surprise at the number of women manual workers in the industry. For example, in the United Kingdom men account for over 99 per cent of construction employees, even more in the skilled trades (Ness, 2012).

It's not like in Europe. [There] seeing a woman on site is strange. Here it's normal and natural. They can do everything on site. I saw a woman doing surveyor work, welding, and she's considered a normal person. *Non-Thai employer, Bangkok*

On sites where there were Thai and migrant workers, some migrant workers perceived a difference in the work allocation that favoured the Thai workers.

Cambodian and Burmese workers work on the same job, but Thais do not. Thais' jobs are usually easy, such as cleaning and making arrangements for the employer. *Burman woman, Bangkok*

There are also Thai workers here. Their jobs are not difficult and heavy. They get paid more even though they do not work. *Burman woman, Bangkok*

Although some interviewees reported gendered divisions in the on-site labour, typically that men do heavier work than women; other interviewees contradicted this. Construction work provides a constant reminder of the physical ability of the worker and this embodiment of labour is often strongly gender-segregated (Ness, 2012). Socialized to accept a secondary status in their conservative societies, some women construction workers have internalized this gendered view about their physical aptitude for the work, an issue also reported by professional Thai women in the sector (Kaewsri and Tongthong, 2011).

I think we [men] get paid more, and it is fair because we have to work more on heavy work. *Burman man, Bangkok*

The work is difficult. It's in the sunshine; it's heavy loads. We have to dig foundations, dig wells. *Shan woman, Chiang Mai*

I was surprised by the number of women on construction sites. The weird part is they are doing all the heavy lifting. They carry the tools, they carry heavy stuff. You see them in the staircases carrying heavy things. *Non-Thai project manager, Bangkok*

However, as labourers, most of the workers are allocated work by their supervisor and are therefore affected by any biases of that individual:

If it's a young pretty woman worker, he gives her easy jobs in the shade; if it's an older woman he sends her to work in the sunshine. *Shan woman, Chiang Mai*



6. Pay

Making the money makes me feel strong, to be supporting my family. *Khmer woman, Bangkok*

In this study, the construction workers – who are mostly daily workers – reported daily wages between THB190 and THB400 (\$5.40 to \$11.30). Most do not earn the Thai minimum wage of THB300 (\$8.50) per day.¹ About 40 per cent of workers interviewed (21 of 51 workers, migrant and Thai) reported earning the daily wage of THB300 or higher.² The migrant construction workers who reported how they were paid were all paid in cash. Workers are paid twice a month, or every 15 days, which they term “weekly”³, and the Labour Protection Act requires payment only monthly.⁴ The average day wage for the migrant workers interviewed for this research is THB282 (\$7.99) a day; for migrant women it is slightly lower at THB274 (\$7.77).⁵ In addition to this underpayment, the migrant workers in this study reported a range of differences and discriminations in the pay system (see Section 6.2 below).

Although many workers in this research were not receiving minimum wage, many migrant construction workers earn far below it – an issue that can be exacerbated by recruiters engaging in contract substitution

¹ This was the national minimum wage during the research. At the end of 2015, the Thai Government announced changes to the minimum wage from 2016 such that it will vary between the provinces.

² There were 51 workers (49 migrant workers) in this study who reported their day wage. As there is little data on the sector in Thailand, researchers included information on all workers interviewed here. See Section 6.2 on pay discrimination for gender disaggregated data and analysis.

³ Some workers and employers clarified that workers are typically paid five days after the completion of the 15-day work period, which one employer described as an effort to increase worker retention.

⁴ Labour Protection Act 1998, Section 70

⁵ Of the 21 workers who reported their daily wage, there were 19 migrant and two Thai workers.

(see box 1). Labourers on construction sites in Chiang Mai reported wages as low as THB160 per day (\$4.54).⁶ Migrant workers interviewed for this research did not report lodging official complaints about employers paying less than the mandated minimum wage, potentially because of limited access to complaints mechanisms and disincentives for irregular migrant workers to reach out to government officials.

Box 1: Contract substitution

Reports from a recruiter, migrant women, and researchers confirm that contract substitution – a term for when the work or conditions of work (e.g., pay) are not the same as promised – occurs in numerous migrant worker recruitments (ILO, 2013a). Recruiters who act responsibly respond to situations of employers substituting contracts by placing migrant workers with other employers who agree to uphold provisions in the original contract, though this study found that work sector may change: one recruiter moved workers from manufacturing to construction. Some recruiters, however, try to change the agreed pay upon arrival.

I have contract with this employer. It is a two-year contract. We have renewed it for another two years. They explained it in Burmese language before I signed.

I did have problem with the agent at the beginning. The agent tried to trick us with the wage. The agent said we would be paid 269 baht [\$7.61] per day, but asked us to tell the authorities that we get paid 300 baht [\$8.49] per day. It would have been 300 baht per day on paper, but 269 baht per day in reality. I told the agent that I would not be able to work if it is only 269 baht per day. I should be paid 300 baht per day. The agent asked other workers if they were willing to work for 269 baht per day. Some people followed the agent for 269 baht per day, but a few of us stayed behind and demanded 300 baht per day [until he placed us in the current construction sector job]. We get paid 300 baht per day. *Karen woman on the MOU scheme, Bangkok*

Money is one of the main rationales women migrant workers in this study gave for working in construction, which is consistent with previous studies (Ogunlana and Chang, 1998). It is also the most frequent complaint they bring to NGOs, particularly in relation to non-payment of wages.⁷ These are often due to financial difficulties within the sub/contracting chain or subcontractors absconding without paying workers. Both workers and subcontractors reported problems with late payment – with a previous employer or at their current workplace. Workers often choose to move site (and employer) in response to non-payment. Some of the women migrant workers interviewed reported that they had left their previous workplace for this reason. This can leave migrant workers in an irregular status, which inhibits their making any complaint, either to an employer or to the authorities (Chaisuparakul, 2015; Mekong Migration Network, 2013b). The Thai Government stress that the law allows “the authorities to place charges on every single sub-contractor who are involved and in the supply chain, even the main company responsible for building the construction”.⁸

The sector is known for not always paying its workers (UN-ACT, 2015). Liquidity problems and their effect on procurement is a significant problem in the Thai construction sector (Makulsawatudom and Emsley, 2001). Contractors paying their subcontractors late has consequences down the supply chain for workers as well as for the work more generally. In this study, the workers who reported being paid late were working on smaller sites, particularly for subcontractors several steps down the contracting chain. Some workers reported being able to obtain an advance on late wages or their employer arranging for them to be able to

⁶ MAP Foundation baseline survey (personal communication); interview with HRDF staff, Chiang Mai, 16 November 2015. It is striking that the same low wage was reported for unskilled temporary workers in the Thai construction sector in 2008 (Kanaganayagam and Ogunlana, 2008).

⁷ Information from MAP Foundation; interview with HRDF staff, Chiang Mai, 16 Nov. 2015.

⁸ Meeting with Ministry of Labour, Bangkok, 13 Nov. 2015

obtain food from a local store on credit until they were paid. One subcontractor in Chiang Mai described negotiating with their own creditors as well as with their workers to try to ensure essential needs were covered when full payment was delayed. Those working on larger sites reported that they were paid on time.

Some workers may have been making minimum wage as a gross figure, but receiving less as net pay due to deductions. Many workers did not know exactly how much was deducted or what the deductions covered and, as no one received pay slips or any documentation pertaining to their work, it is impossible to know.⁹ Interviewees reported employers were taking various deductions from their pay. Thai labour law specifies the deductions an employer is entitled to make from employees' wages: it does not include any of the deductions reported by workers in this study.¹⁰ These reported deductions covered costs such as housing, loans to set up home on arrival, uniforms, occupational health and safety equipment, documentation, and payments to authorities or others for working without proper documentation. Most of the workers in company-operated housing stated the accommodation was provided without charge. If that is the case, accommodation may offset some of the paid wage, in which case it would complicate any comparison between the pay situations of workers in company-provided versus private housing.

Despite these problems, working in the Thai construction sector remains a better financial option for many migrant workers from these neighbouring countries. The minimum wage has only recently come into effect in Myanmar, on 1 September 2015, though at 3,600 Kyat (\$2.78) per day it remains low compared with neighbouring countries (President Office, 2015). Furthermore, there are reports that women working in Myanmar's expanding and unregulated construction sector receive far less (Perria, 2016). Cambodia does not have a minimum wage for the construction industry, though there are an increasing number of construction jobs and it is viewed as the best-paying sector (Chaisuparakul, 2015; Rollet and Manet, 2015). The Thai Government reports a significant increase in construction employers paying the minimum wage.¹¹

6.1 Factors that impact pay

6.1.1 Skill level

In this study, the workers' own categorization of their work as skilled or unskilled was used, given that these workers are best placed to determine if their tasks require specific skill sets. Within this framework, categorization can vary, and being a skilled worker does not demonstrate receiving a guarantee minimum wage. Of the 40 migrant labourers in this study who reported their day wage, 12 (eight women and four men) earned over minimum wage, whereas two Khmer migrant women in Bangkok worked as bricklayers and described themselves as skilled workers but were reportedly paid less than minimum wage. One Khmer woman in Bangkok reported she was a team leader, supervising 40 to 60 other workers: however she was not remunerated for this extra responsibility. She received the same day wage as the rest of the team (THB280 [\$7.04]) but felt she gained status from the prestige of the role. Workers and employers described some advancement opportunities that do not offer any immediate increase in pay but an increase in job security, with a contract and associated benefits. A Thai site manager reported he paid workers based on skill, not gender. This correct, non-discriminatory practice only works if there is equity in access to opportunities to learn and demonstrate skills and have management recognize those skills. If a manager is biased against migrants or women in the workplace or to their advancement then they cannot benefit from this best practice – note the gendered pronoun used by one employer to refer to workers who can advance to a level where they are entitled benefits and a monthly salary:

⁹ The exception in this study were the five workers on the MOU scheme who received a written employment contract (See Chapter 4 on Documentation).

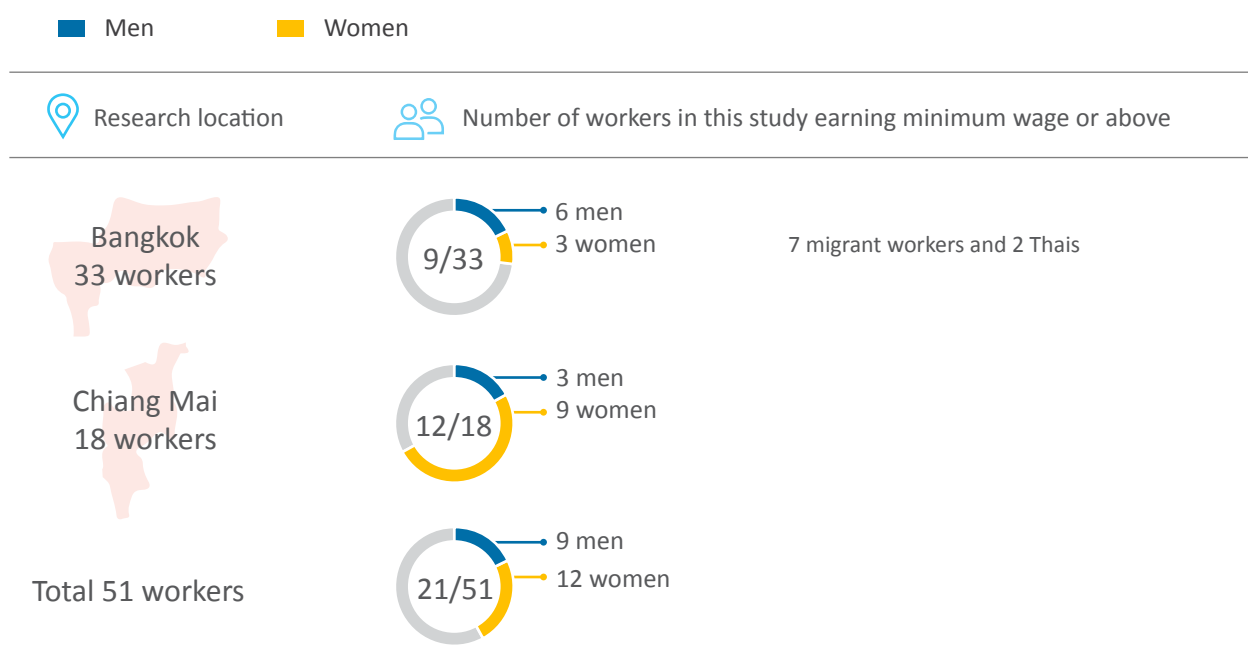
¹⁰ Labour Protection Act 1998, Section 76. Permitted deductions include income tax, trade union dues, and agreed payments to a savings cooperative. The law states that there must be prior written agreement between the employer and worker for any other deductions (Section 77).

¹¹ Research validation meeting, attended by representatives from the Ministry of Labour, Bangkok, 16 Dec. 2015

They can be staff when we promote them – after gang leader they are an assistant foreman, so as an assistant foreman, he can get a monthly salary. It's not a lot compared to the worker, but he can get holidays, medical insurance, something like this. They are invited to the company events. So it's a change for them, but not [a change] in the salary. The salary is almost the same. *Non-Thai employer, Bangkok*

6.1.2 Location

Table 6: Workers earning minimum wage or higher



In this study, a higher proportion of migrant workers in Chiang Mai earned minimum wage or higher compared to Bangkok: seven out of 31 migrant workers in Bangkok, 12 of 18 in Chiang Mai (table 6). This would suggest that migrant workers would be better off working in construction in Chiang Mai than Bangkok. However, women migrant workers in Chiang Mai reported fewer overtime opportunities (see Section 6.2.4 below), and some reported far fewer working days per month than those in Bangkok, resulting in a lower monthly take home pay. The Chiang Mai migrant workers interviewed for this study did not include any who earned the lower end of the reported wage scale. There are several possible reasons the Chiang Mai data is skewed towards better-paid workers. Some researchers for this study deliberately set out to interview skilled workers to learn from their experiences. Further, the workers interviewed for this study by the Chiang Mai research team were more established than many of the workers in Bangkok, several of whom were recent arrivals in the country, and had more time to gain the skills and experience to secure higher wages. Finally, working with subcontractors, which predominated in Chiang Mai, reportedly often pays better. Working in a big company is seen as less efficient, with more opportunities for workers to take breaks. However, larger companies are viewed as offering regular work; whereas working for a subcontractor likely means less regular work, periods when the worker has no job, but a better pay rate when they are in work.¹²

¹² Meeting with MAP Foundation, Chiang Mai, 17 Nov. 2015.

6.1.3 Documentation

Table 7: Migrant worker pay disaggregated by documentation

Type of documentation	Number of migrant workers holding each documentation type			Number of workers earning minimum wage or more		
	Total	Women	Men	Total	Women	Men
Highlander Stateless Card	2	2	0	1	1	0
Temporary Passport	20	17	3	11	8	3
With MOU	5	2	3	4	1	3
Migrant Worker Card	13	12	1	3	2	1
None	9	9	0	0	0	0

Given the range of documentation carried and pay rates received by the migrant workers in this exploratory study, it is not possible to draw conclusions about any effect of documentation type on wages. However, four of the five construction workers who had migrated under the MOU scheme, all of whom worked in Bangkok, received at least the minimum wage: one woman was paid less than minimum wage, in violation of the terms of the MOU (see Chapter 4 on Documentation). Looking at the migrant workers in this study who were on temporary passports outside of the MOU scheme, only about half, 11 of those 20 workers, were earning minimum wage or above. Less than a quarter of workers on Migrant Worker Cards (three of 13) earned at least the minimum wage. Given this option exists to provide migrant labour to Thai businesses, more research is needed to examine whether workers on this documentation type are being systemically underpaid even the minimum wage. None of the nine workers in the study without documentation were being paid minimum wage (see table 7). Workers on one site reported clear pay discrimination based on documentation, with undocumented women workers receiving less than documented women migrant workers and being denied overtime.

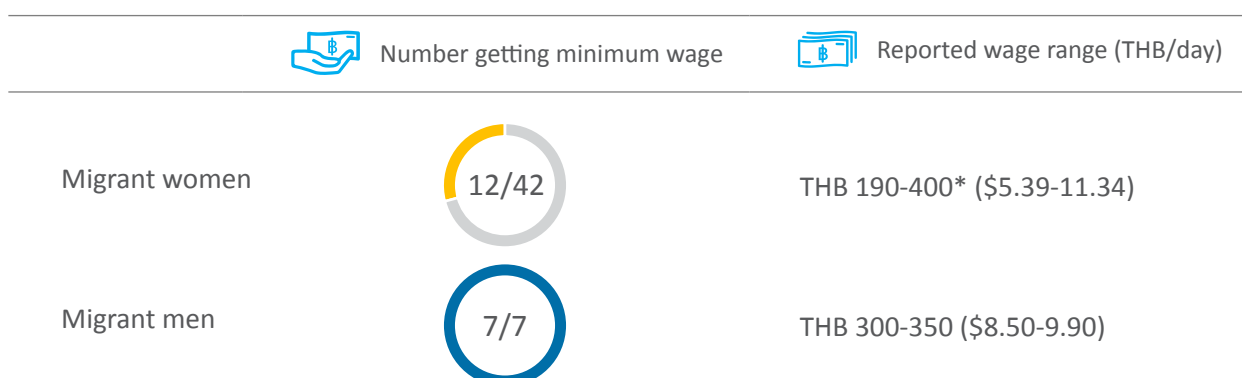
6.2 Pay discrimination

Wages was the working condition that most clearly demonstrated the differential treatment of women migrant workers in the Thai construction sector. This is a long-documented concern in the sector globally and in the Thai sector specifically (see ILO, 2001; Kanaganayagam and Ogunlana, 2008; Wells, 1990). Workers and employers reported systems of double discrimination – on the basis of migrant status and gender. Previous research has also shown a pay differential in the wages of construction workers in the formal and informal sectors of the Thai construction industry (Hewison and Tularak, 2013).

6.2.1 Pay discrimination against women construction workers

Men get paid more even when they have no construction experience. I think they get paid more because they are men. *Burman woman, Bangkok*

Table 8: Number of migrant workers receiving minimum wage, disaggregated by gender



*Only one migrant woman reported getting paid a wage of THB400

Of the 42 women migrant workers who reported their daily wage, 30 receive less than the Thai minimum wage (table 8). Although the men interviewed for the research earned minimum wage or higher, several women reported men on site, including their husbands, were earning below minimum wage. Due to the nature of the research, there is not sufficient data to draw meaningful conclusions about men's pay. Thai labour law requires workers to be paid "equitably for work which as the same characteristics and quality and when the amount of work is the same, regardless of whether those workers are male or female."¹³ However, the law does not adequately address the principle of gender equality in remuneration for work of equal value. Doing so would be an important first step towards recognizing the contributions of women and men doing different work that is nevertheless of equal value.¹⁴

Men have to work more on heavy tasks. They get paid more... Women get paid less than men. For instance, if a woman with no experience gets paid 240 baht [\$6.79] a day, a man with no experience gets paid 280 baht [\$7.92] a day. I get paid now 290 baht [\$8.20] a day, because I have been here for almost two years. There is no woman who gets paid equally. All of us are general workers. *Burman woman, Bangkok*

If we have the same responsibility, we should be paid the same. *Shan woman, Chiang Mai*

Women are inculcated with the normative gender hierarchy, as seen when some of the women interviewed concurred with the view that men workers deserved to be paid more as they do heavier work – though several workers and an employer reported that women also do heavy work on site (see Chapter 5 on The work of women migrant construction workers).

Previous research in five Indian cities, in a survey of 2,600 construction workers, found open inequality in pay, with women earning 10 to 20 per cent less than men for similar work (Vaid, 1999; see also Kanaganayagam and Ogunlana, 2008). A survey of over 5,000 Myanmar migrants across seven provinces of Thailand found that women were more likely than men to earn below the minimum wage, and men were more likely than women to earn above the minimum wage (IOM and ARCM, 2013). The sectoral practice of women workers being married to another worker on site may be used by managers as justification for underpaying women workers, knowing there is another, usually better, salary coming in (see further discussion in Chapter 3 on Gendered norms).

¹³ Labour Protection Act 1998, Section 53.

¹⁴ See ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) Observation - adopted 2014, published 104th ILC session (2015), *Equal Remuneration Convention*, 1951 (No. 100) – Thailand, http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3186692,102843,Thailand,2014 [22 July 2016].

The jobs women do and men do are different. I think it is good that they divide the tasks. Men need to climb higher places. I think men get to work on more heavy work, and their jobs are heavier. Women's jobs are not that heavy. Men get paid more. I think it is fair. *Burman woman, Bangkok*

I think the jobs for women and men are not different in construction. We all get to work on heavy jobs, and it is tiring. I think everyone gets paid differently. However, I think women get paid less. I don't know why. *Burman man, Bangkok*

6.2.2 Pay discrimination against migrant workers

One Thai manager in Bangkok reported a pay structure where migrant women were paid THB200 or THB220 (\$5.60 or \$6.24) per day as labourers, and up to THB250 (\$7.09) per day if they proved to be competent workers, with only migrant workers who were skilled workers earning THB300 (\$8.50). Thus the minimum wage was in fact the ceiling for migrant women at this site, whereas on the same site Thai labourers started on a salary of THB300, regardless of gender. The Cambodian migrant workers at this site were aware of this difference in treatment:

Thais get more. Thais do same jobs. I feel it is not fair, but it is OK because this is their country. *Khmer man worker, Bangkok*

Only women Thai workers get 300 baht [\$8.49], Khmer don't. Thais are paid more regular and OT [overtime] rates. Why do they treat us like this? I am not happy but don't know what to do, but I know this sector and this site are better than others. *Khmer woman, Bangkok*

The problem is cultural and wider than the sector, with the widespread perception that Thais will not tolerate equality with migrant workers.¹⁵ One Thai manager in Bangkok who professed a desire for equality for Khmer workers, and women, in the sector commented:

Thais are troublemakers – they will feel humiliated if they get the same wages as Khmers. *Thai manager, Bangkok*

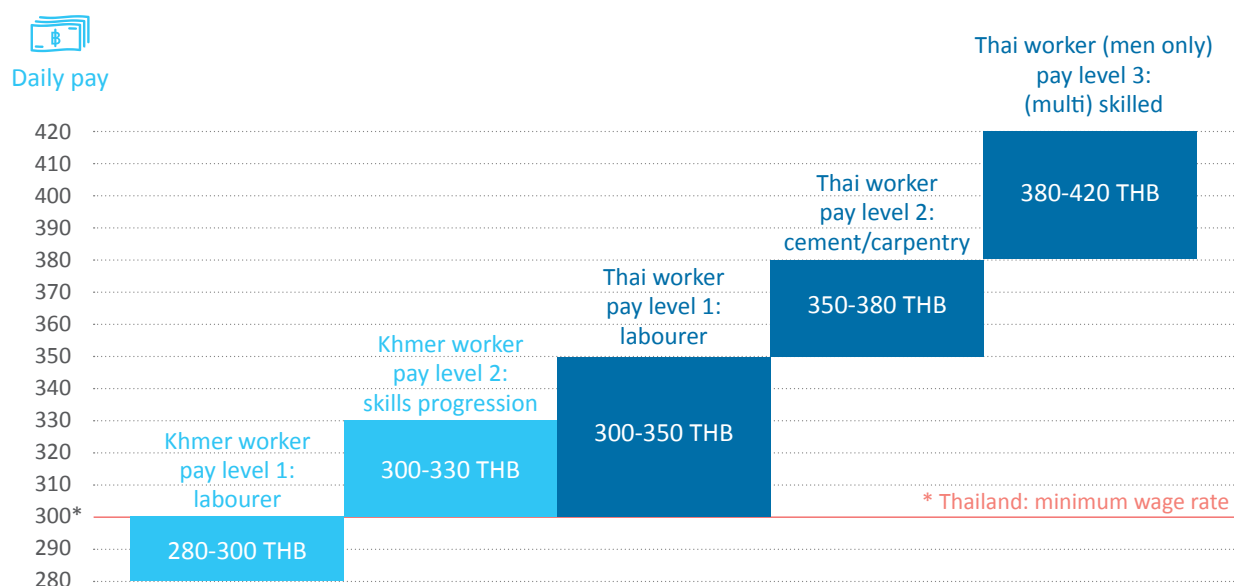
6.2.3 Intersectional pay discrimination

Another Thai site manager in Bangkok described a five-step pay hierarchy that laid out clear discriminations on the basis of migrant status and gender. Here Khmer migrant workers started below minimum wage but could progress to THB330 (\$9.36) per day over time as they demonstrated competency or skills. Whereas Thai workers started at the minimum wage of THB300 (\$8.50) per day and had the opportunity to progress through three further delineated pay steps commensurate with their skills: basic; one skill (carpentry or cement); both skills and/or welding. However, even the Thai workers on site were subject to pay discrimination on the basis of gender: any Thai women working on this site were limited to the first two steps of the Thai workers' pay scale. The manager asserted that women do not work as carpenters or welders.¹⁶ Again the ceiling for migrant workers is about the same as the lowest pay for nationals.

¹⁵ See Tunon and Baruah, 2012 for Thais' perceptions of migrant workers and their rights; also Chaisuparakul, 2015 on Thai managers' perceptions of migrant workers.

¹⁶ In this study, welding was repeatedly named as the most valued skill: a different (non-Thai) employer stated that welders could earn up to THB800/day (\$22.70).

Figure 4: Intersectional pay for daily workers as reported at one Bangkok site



6.2.4 Working hours and overtime

Most migrant workers in this study worked eight-hour days. The research locations in this study showed differences in opportunities for overtime, as well as the number of days per month the migrants worked. Although some Chiang Mai workers reported 56-hour weeks, others worked only a few days per week. Most Bangkok-based workers in this study reported working full-time seven days a week with no regular day off per week and with overtime.¹⁷ In both Chiang Mai and Bangkok some women reported that men were able to secure more working days than women. At one small site in Bangkok, the women migrant workers had worked only five out of 19 days so far during the month; the migrant men working on the site had worked 10. The women attributed this to the phase of the build and the gendered division of labour on site. Others echoed this:

I work 12 days per month, on average. Because there is not much work for women. Men always have work. I earn 3,600 baht per month. *Karenni woman, Chiang Mai*

Workers across a couple of sites in Bangkok reported that Sunday was the official day off, although other workers on those sites reported they were working seven days a week. A previous study reported the construction sector offered the best working hours of options available to Cambodian migrant workers in Thailand (UN-ACT, 2015).

Workers reported being able to take days off when they needed to, but this was at their discretion and not part of their working conditions: as day workers, their days off were not paid. Several interviewees compared working in construction favourably with factory work for its flexibility at work and the option of taking days off. The mobile and short-term contracts that characterize construction work may respond to women migrant workers' transnational care responsibilities better than other sectors.

¹⁷ In addition to limiting working hours to 48 per week (Labour Protection Act 1998, Section 23), Thai labour law requires employees to work a maximum of six days per week (Section 28). The 2008 revision to the law states further that workers engaged in "work which may be harmful to health and safety of the employees", which may cover some construction tasks, should have normal working hours not exceeding seven hours per day and a total working hours per week of 42 hours maximum (Labour Protection Act (No. 2) 2008, Section 9).

Because I have a child, so working in construction, I can take a day off easily to take care of my child. *Shan woman, Chiang Mai*

Migrant construction workers in Chiang Mai and Bangkok reported that their work was regularly interrupted or stopped due to rain. As day workers in a country with a marked rainy season, this can have serious consequences on their income. At one Bangkok site, the migrant women interviewed described how company practice had recently changed and they now lose the days' pay if work has to stop due to rain, even if they had already put in several hours' work. Fluctuating income or income shocks that can be experienced where salary expectations are not met has been linked to risk of labour rights abuses, including forced labour (ILO, 2014a).¹⁸

Most of the migrant workers interviewed lived near their work site. However some of Burman workers interviewed in Bangkok had to travel across town each day to reach the construction site and were picked up by the company at 4.45 a.m. Travel time is uncompensated. Overcrowded and unsafe travel conditions pose a further risk to migrant workers.

Many of the migrant workers interviewed reported wanting and often needing overtime pay to support dependents in Thailand and in countries of origin and some to repay debts. These were not always migration-related but were often the cause of the workers' migration – to pay debts accrued due to failing rice farms, or high hospital costs for elders. Overtime can account for most of construction workers' pay (Kanaganayagam and Ogunlana, 2008). One of the reasons it is so desired, and needed, by workers in this sector is that unlike migrant workers in some other sectors, migrant construction workers are not usually able to work a second job (for example, at night markets or restaurants) because of the physical hardship of the work combined with long hours and travel to and from site. One Shan woman in Chiang Mai did piecework sewing bags, and one Khmer man in Bangkok made fishing nets to sell in his spare time in the evenings; but on the whole, secondary work was rare.

This difference in overtime availability in the two research locations was likely a consequence of the interviewees in Chiang Mai working on smaller sites than most of those in Bangkok. The stage of the work and associated safety concerns also dictated overtime availability, as did season (see above and Chapter 2 on Research methods). For example, the early stages of a build, when workers are preparing the site and digging foundations, was associated with a lower number of workers and little or no overtime.

The reason there is no overtime is the work right now is very dangerous to do at night. The scaffolding is getting higher. It is dangerous even in the daytime. *Burman woman, Bangkok*

With the minimum wage set at THB300 (\$8.50) for a legal working day of eight hours, regular overtime pay (by law, equal to one and a half times the hourly wage) should be at least THB56 (\$1.59) per hour. In this study, only one interviewee, a Burman woman in Bangkok working with MOU documentation, reported she was paid the minimum wage and received this associated overtime rate. A minority of interviewees reported both their daily wage and overtime pay. Of those 20 migrant workers, 14 did not receive overtime at the rate prescribed in the Labour Protection Act 1998, with 11 workers not receiving even what should be the minimum legal overtime payment.¹⁹ The gender and migrant differences in daily pay rate translated in some cases to gendered differences in overtime pay where that was calculated as an hourly rate based on the individual's pay rate.

¹⁸ On the other hand, previous research on trafficking of Cambodian migrants in Thailand found the construction sector had the lowest incidence of trafficking of the labour sectors studied (UN-ACT, 2015). Further research would be needed to identify any link between low seasonal work availability in the sector and risk of labour exploitation in that or other labour sectors.

¹⁹ Labour Protection Act 1998, Section 61

Although migrant workers reported working on Sundays and holidays, none reported getting the extra overtime rate for these days prescribed by Thai labour law, of at least 1.5 and double rates respectively.²⁰ One site manager reported he paid these enhanced rates for overtime on national holidays though he did not pay overtime for working on the seventh day of the work week (workers received normal pay rates for working that day).

Given the desire for overtime opportunities, working the extra hours was mostly voluntary. However some of the workers in Chiang Mai did report their employers, all subcontractors in these cases, coerced workers to work the extra hours for no payment when they were pouring cement. As cement pouring is a task which has to be finished while the cement is wet and before sites are closed for the day, the employer is entitled by law to “require an employee to work overtime as necessary”.²¹ However, that requirement is still clearly framed as overtime and should be paid as such.

Sometimes he likes to ask workers to “help” do overtime. *Shan woman, Chiang Mai*

There is not OT [overtime]. If we have to wait all day for the cement to come, we have to finish when it comes. There is no extra pay, only whisky. *Shan man, Chiang Mai*

Migrant workers may want overtime but it is also necessary to many employers who rely on the extra working hours to meet their deadlines. One employer cited both completion commitments and the poor-quality living conditions of the workers to explain his company’s use of overtime.

They are doing a lot of OT [overtime]. They need it... but, yes, we can’t finish the job without the OT... So they average 12 hours per day. Four hours extra every day... if we try to stop the OT to save money, they [the workers] complain. And work seven hours on Sundays. They can’t have OT on Sunday [because] it’s expensive and they have to rest. We rotate who gets work on Sundays. [We] try to give them two Sundays off a month, but they are not happy. Because on Sundays [pay] is 1.5 times and over the seven hours on Sundays is three times. If you know their condition, you can understand why [they want OT]. For us, we can say we can have a rest on Sunday. But they live in the labour camp. They can’t go shopping or something. They can’t go to the city. They need a rest, but it’s not really a rest day for them. *Non-Thai employer, Bangkok*

Kanaganayagam and Ogunlana (2008) recommended limiting overtime hours, suggesting this would help move sector working conditions within the decent work framework. However they acknowledged such a move “will result in income inadequacy for living... [and] it is crucial for the employers to allow workers to work extra time and earn sufficient income” (p. 72, see box 2 below for more about workers’ ability to earn a living wage). This is not in workers’ interests, nor will it realize decent work in a sector with little or no social dialogue and collective agreements. While more regular working hours might benefit the worker, they will only do so if they generate sufficient income – something that will not happen when so many migrant construction workers are earning below minimum daily wage and often getting few days’ work. Kanaganayagam and Ogunlana (2008) acknowledge that the basic wage would have to increase for this to be feasible, but it requires more systemic changes. The poor quality of worker housing and the various actual and perceived threats limiting migrant workers’ mobility in Thailand are not conducive to any meaningful work–life balance (see further discussions in Chapter 10 on Housing).

²⁰ Ibid., Sections 62 and 63 on overtime pay; and the revision in Labour Protection Act (No. 2) 2008, Section 9

²¹ Labour Protection Act 1998, Section 24

Box 2: Living wage

Most of the workers interviewed for this study, even those who were paid minimum wage or more, reported that the money was not adequate to meet their needs. In addition to their own living expenses, migrant construction workers are often supporting family members in Thailand and in countries of origin; buying their own safety equipment (see Chapter 7 on Safety on site); paying broker fees and other migration-associated costs; and possible fines due to their irregular migrant or employment status (see Chapter 4 on Documentation). Some are also paying off significant debts incurred in their country of origin, which is what had prompted them to migrate for work.

A living wage is the wage for working a standard working week of no more than 48 hours per week, before benefits, bonuses, and overtime pay. It should cover the basic living costs of three units of consumption, which translates to one working adult, one child-caring adult and two children, for example, or one working adult and two elderly adults.²²

The Asia Floor Wage Allowance calculates the minimum amount needed for garment workers across Asia to live in dignity – a living wage. It takes into account that typically, a worker in Asia is supporting themselves and the equivalent of two other adults, counting two children as one adult.²³ It also includes food costs for the minimum amount needed to constitute a living wage and non-food costs including housing, clothing, health care (including maternity and child care), education, fuel, transport, and a small amount of savings. However the living wage (or floor wage) does not take into account the additional costs for migrant workers, such as documentation-related costs, remittance fees, and travel costs. Even without these migration-related costs, at THB13,359 (\$378.76) per month, the current Asia Floor Wage for Thailand greatly exceeds and in some cases is more than double the monthly take-home pay for migrant construction workers in this study.²⁴

Living wage

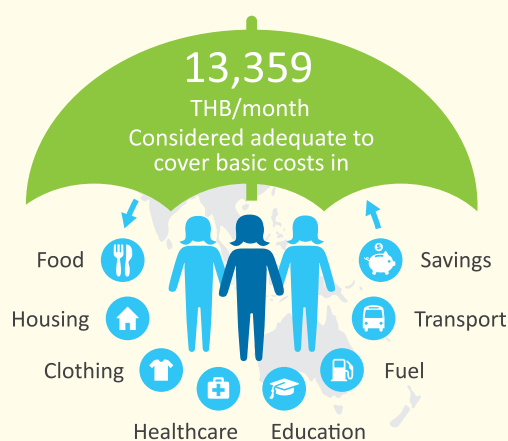


A living wage is enough to support 3 adults with the worker working less than 48 hours per week.



1 worker + 2 other adults or 1 adult + 2 children or 4 children

Asia floor wage allowance



²² <http://labourbehindthelabel.net/campaigns/living-wage/>

²³ The Asia Floor Wage Allowance is a growing international alliance of trade unions and labour rights activists. They have calculated the minimum amount needed for garment workers in countries across Asia: <http://asia.floorwage.org/5-steps>

²⁴ <http://asia.floorwage.org/what>



7. Safety on site

We have to really follow the workers, because it is not in their culture. They can work at the edge of a building without anything. They don't realize. They are not aware that they can fall. *Non-Thai employer, Bangkok*

Construction work is always very dangerous, if you are not careful, we can have an accident at anytime. We have to be careful all the time when working. If possible I'd rather not go up heights. I would like the employer to buy safety equipment. *Shan woman, Chiang Mai*

Many of the migrant workers interviewed for this study understood construction work as inherently dangerous and expressed fear of being hurt on site, particularly in relation to working at height. This fear was understandable as few employers, particularly on smaller sites (subcontractors), provided safety equipment, taught workers how to use it, or had enough for every worker who needed it. Construction work displays several characteristics, such as the high turnover of temporary workers bringing workers with little experience or training, that have consequences for workers' health and safety, and for how employers respond to those risks (ILO, 2001).

7.1 Health and safety risks

The health and safety risks from construction work are estimated to be three to six times greater in developing countries than in developed countries (ILO, 2013b). Several migrant workers in this study reported work-related injuries or health issues. In addition to aches associated with hard labour and carrying heavy loads, injuries reported by migrant workers in this study include workers being stabbed in the foot by a metal rod, trapping their hands between rods, stepping on nails, hitting themselves on the hand with a hammer, a dislocated shoulder from slipping on site, being hit by a sack of cement, getting cement burns on their hands and feet, eye pain after welding, falling off the build/scaffolding, and electrical shocks. Such injuries of course become more likely as workers tire under the effort of manual labour over often

long working hours in hot weather. Women construction workers also face gendered health risks including uterine prolapse, which can be associated with early marriage (see Chapter 3 on Gendered norms), lack of reproductive health care (see Chapter 4 on Documentation and Chapter 3 on Gendered norms), as well as hard labour including heavy lifting, and some of the workers and other interviewees alluded to experiencing this problem (Sultana et al., 2014). Workers usually reported that their employer paid for their treatment for work-related health issues. This was more common than employers registering workers for social insurance (see Chapter 4 on Documentation). In some cases the workers also reported that their employer continued to pay them, at full or half rate, while they recovered.

Several women migrant workers in this study reported their work included carrying heavy loads around the site (see Chapter 5 on The work of women migrant workers). International law recognizes gender differences in the amount workers can carry, pull, or push (see ILO Maximum Weight Convention, 1967 (No. 127) and the Maximum Weight Recommendation, 1967 (No. 128)). These call on States to ensure the loads women are required to carry are “substantially less than that permitted for adult male workers” (Convention Article 7, Recommendation Paragraph 15). The Recommendation further requires: “As far as possible, adult women workers should not be assigned to regular manual transport of loads” (Paragraph 16). The ILO further defines these gendered limits, recommending that women lift no more than 10kg on a regular basis, up to a maximum of 15kg if it is just an occasional task. It is notable that the limits for women are the same throughout their lifespan, from child workers (from age 15) to over 45, whereas for men it increases over this time from 20 kg to 55 kg (ILO, 1988). The Convention and Recommendation are listed for revision. Given developments in technology and gender relations since this was adopted in 1967, it would be useful for the ILO to revisit this gender-differentiation when it revises the standards: “In such a context, it would be possible to remove the gender-specific provision Convention No. 127 contains. Careful consideration should, however, be given to the necessity of maintaining the level of protection offered by this instrument” (ILO, 2003, para. 174). Any revisions should not be at the expense of workers’ health and wellbeing or protection of their rights. The Thai Government has issued a Ministerial Regulation prescribing the maximum weight to be carried by an employee, setting a 25kg limit for women workers.¹

Several women migrant workers in this study reported working on scaffolding at height. In addition to raising health and safety concerns, it is also against Thai labour law. The Labour Protection Act 1998 prohibits an employer from “permitting” women employees from working “on a scaffold more than ten metres from the ground or more.”² Yet it appears that this is routine on larger construction sites.

My work here is mainly on scaffolding and taking care of small stuff. I just have to climb up five or six storeys of scaffolding. *Burman woman, Bangkok*

I mainly have to work at building scaffolding and carrying metal for scaffolding. I sometimes have to go up six to seven storeys of scaffolding. Women sometimes get more heavy work. Scaffolding is heavy work and tiring. We have to carry heavy metal. *Burman woman, Bangkok*

Although the law is gender-specific on this point, the risks involved in working on scaffolding without adequate safety equipment and training affect all construction workers.

¹ Dated 23 April 2004, entered into force on 7 December 2004. Thailand ratified Convention No.127 in 1969. See ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR), Direct Request (CEACR) - adopted 2005, published 95th ILC session (2006) – *Maximum Weight Convention, 1967 (No. 127)* – Thailand, http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2259297 and ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR), Direct Request (CEACR) - adopted 2014, published 104th ILC session (2015) – *Maximum Weight Convention, 1967 (No. 127)* – Thailand [22 July 2016]. http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3186097,102843,Thailand,2014 for details on the discrepancies between the Convention’s standards and Thai standards [22 July 2016]

² Labour Protection Act 1998, Section 38(2) [22 July 2016]

There is nothing I like about my job. I have to work on what the employer tell me to do. I am afraid of working at heights, but I have no option. *Burman man, Bangkok*

Women working at height also contravenes the Burmese custom that holds that the lower parts of women's bodies should never be above men, which has direct implications for the work of women construction workers, who may then not be able to take on work above ground level (Belak, 2002).

Although no worker, regardless of gender, should be made to work at height if they are not comfortable doing so, this provision in the labour law should be repealed. It is misplaced protectionism that limits women's work opportunities in an industry where women already face gender discrimination that prevents their advancement and increased pay (see Kaewsri and Tongthong (2011) on this issue for Thai women professionals such as civil engineers in the industry). Furthermore, it could impede their access to training, safety equipment, and compensation for any accidents arising from scaffolding work, as companies may wish to hide their routine breaching of the law. However, as a prerequisite to repealing the gender-discriminatory provisions in the law, it is essential women are not put at risk with the change. Women, including migrant women, must have equal access to safety training and safety equipment, and safety trainings must be routine, understandable, and regulated.

Data on accidents on site are reported to be unreliable across the construction sector globally (ILO, 2001). However, at the global level approximately one in six fatal accidents take place in the construction sector, accounting for 60,000 deaths per year (ILO, 2015). Official Thai figures show that workplace accidents halved from 2005 to 2011 (Occupational Safety and Health Bureau, 2012). In figures from October to December 2015, the Thai Government report there have been about 2,000 inspections at various sites across the country, of which about half are construction sites.³ In Thailand, stories abound about companies going to considerable lengths to cover up accidents, especially fatalities, on site. If true, this likely stems from a desire to avoid paying compensation for deaths and compounded by reputational concerns and the high level of superstition in Thai society. Interviewees shared stories of accident figures not being published or not published accurately, journalists being paid not to report a death on site, and even the discovery of the body of migrant worker who died on site being found in the boot of a contractor's vehicle. And even when accidents are not covered up, securing adequate compensation to victims and their families often proves difficult, if not impossible (see box 3 below).

Box 3: Workmen's Compensation Fund

All workers, regardless of status, have the right to claim compensation in case of accident or injury at work through the Workmen's Compensation Fund. Although the law establishing the Workmen's Compensation Fund is adequate, there remain numerous barriers to its implementation (Human Rights and Development Foundation, 2015). All employers are obligated to pay into the fund, and may be liable under civil or criminal law if they do not. However, employer failure to make these contributions is a major barrier to workers obtaining the compensation they need (Human Rights and Development Foundation, 2015).

This is of particular concern in the construction sector, which is characterized by informality. The ILO, legal experts, and civil society actors reported difficulties in identifying workers' employers in order to pursue a case for compensation.⁴ This accountability gap must be closed. Many cases are settled out of court, although the compensation may be less than what the worker(s) originally claimed, because the company does not want bad publicity. However, the economic clout of some of the major construction firms can act as a disincentive to authorities acting on the case.⁵

³ Figures provided verbally by the Ministry of Labour, research validation meeting, Bangkok, 16 Dec. 2015

⁴ Information from MAP Foundation, Chiang Mai, and the ILO Triangle Project, Bangkok; Interview, Lawyers Council of Thailand, Bangkok, 2 Nov. 2015.

⁵ Interview, Lawyers Council of Thailand, Bangkok, 2 Nov. 2015.

7.2 Safety equipment

Previous research on the Thai construction sector has identified safety on site as one of the workers' key concerns (Ogunlana and Chang, 1998). In this study, the more established employers – those with government contracts and employers on larger private sites – were more likely to provide safety equipment, but often workers had to purchase it with their own money, the employer deducting the cost from their wages. For workers with MOU documentation, the equipment was provided initially, but workers reported they had to buy their own if it was lost or damaged.

Companies have limited influence on improving the safety culture in the Thai industry, although occupational safety and health issues negatively influence productivity in the sector (Abrey and Smallwood, 2014; Makulsawatudom and Emsley, 2001). One project manager interviewed for this research reported one large international company had difficulty recruiting contractors due to the strict safety policy all contractors on their sites must follow. Contractors allegedly turn down contracts with the company so as not to incur the costs of implementing the required safety standards. If this is the case it is unlikely companies could implement any safety or other labour rights measures that contractors viewed as reducing profits.

Certain features of the construction sector increase the likelihood of work accidents: language and communications barriers; the difficulty of coordinating often multiple subcontractors working on the same site; informalization and casualization of short-term workers; long working hours; and pressure to complete construction on time or early (ILO, 2001). In Thailand contractors reportedly are fined if they do not finish on time, and they can make a larger profit if they complete work early.⁶ Migrant workers reported they did not always know the identity of their employer amid the multiple layers of and overlap in companies, contractors, and subcontractors working on site. Further, migrant subcontractors may not have completed all the necessary paperwork to be legally recognized as an employer (see Chapter 4 on Documentation). This ambiguity becomes a critical factor as soon as a migrant worker needs any assistance, such as in the case of injury. Fatal accidents are three to four times more likely in the construction sector than in other labour sectors in industrialized countries (ILO, 2013b). The ILO has estimated that 95 per cent of serious accidents on construction sites involve workers employed by subcontractors (ILO, 2001). Migrant workers interviewed in this research reported they had not made any complaints or did not know how to make a complaint about conditions (see Section 9.2 on unions).⁷ Furthermore, Thailand has a very low rate of union membership and there is no significant union activity in this sector, leaving workers in a weak position to negotiate safer conditions (ILO, 2001; 2013; 2014b).

Thailand recently ratified the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), which will take effect in March 2017. The Government now aims to address work safety concerns by bringing national legislation up to ILO standards (Bangkok Post, 2016). However, Thailand has not ratified the ILO Safety and Health in Construction Convention, 1988 (No.167). This Convention states, “suitable personal protective equipment and protective clothing, having regard to the type of work and risks, shall be provided and maintained by the employer, *without cost to the workers*” (Article 30(1), emphasis added). Thai law adequately reflects this standard, making it the responsibility of the employer to provide safety equipment for their workers.⁸ However, implementation challenges remain; there appears to be a lack of industry ability or willingness to meet these obligations under the law; a situation not unexpected when enforcement and monitoring remain lax. The Labour Protection and Welfare Office in Chiang Mai claims it

⁶ Interview with the Labour Protection and Welfare Office, Chiang Mai, 29 Oct. 2015; Meeting with MAP Foundation, Chiang Mai, 17 Nov. 2015

⁷ The Thai Government operates a call centre to receive labour complaints (information from and ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR), Direct Request (CEACR) - adopted 2014, published 104th ILC Session (2015) – *Maximum Weight Convention, 1967 (No. 127)* – Thailand)

⁸ Occupational Safety, Health and Environment Act 2011, Section 22

strictly checks on this, issuing an order to any employer who does not provide equipment and pursues a criminal case against any employer who fails to provide equipment.⁹

I have to use the safety equipment at work. I usually have to wear hardhat, uniform and boot all time and wear the belt if I go to higher places. The equipment is free. There is no deduction from my wage. I just need to sign to get all the equipment and give back to the office at the end of the day. *Burman woman, Bangkok*

I have to buy all the safety equipment. It is compulsory. I do not need to pay right away if I do not have money. The employer deducts [the cost] from my payment. *Burman woman, Bangkok*

Under the law, employees are obligated to comply with health and safety provisions at work and should be stopped from operating until they do. However, even when safety equipment was provided, workers often chose not to wear it. Many workers only wear sun hats and scarves.

If you don't love yourself, don't put the helmet on, don't put the shoes on. *Khmer woman, Bangkok, reporting her supervisor's safety message*

Nobody wears hard hats or protection – me neither. I used to get skin burns from cement on my hands and feet because I don't use any protection. *Shan woman, Chiang Mai*

Employers and government officials repeatedly cited this as the biggest safety issue on site, and it was a recurrent theme in the interviews: workers reporting that their safety on site was their responsibility. This approach seeks to absolve employer of responsibility for structural safety and worker wellbeing.

One employer pointed out that some of the safety equipment was not suitable for use in this region, and several workers indicated that one reason they did not wear the personal protective equipment they had was due to the heat.

Before, we tried [providing] the safety shoes. They cannot fit! 20 or 30 years they work with the thong [flip flops/sandals]; they have feet like a duck. How can you do that [wear boots]? You cannot. The feet hurt. They walk like a duck [motions]. The big companies, they forget that. *Non-Thai employer, Bangkok*

7.3 Safety training

Thai occupational safety law obligates the employer to provide safety training for every employee before commencing work.¹⁰ On some of the better organized, usually larger sites, supervisors hold weekly meetings to reiterate safety messages. According to the Thai regulations on safety, any company with over 50 workers has to set up a committee to regularly inspect their work site and provide a report to labour inspectors every three months. This self-monitoring allows the labour inspectors to focus their inspections on the smaller scale construction sites.¹¹ In Chiang Mai, a couple of migrant workers interviewed for this study had received some safety training from MAP Foundation.¹²

The meeting is not regular. It can be monthly or every 15 days. I have not seen any safety meeting for two months. It takes about 15 minutes. I ask others if I do not understand. Some people follow the safety instruction seriously, but some do not. The meeting is not compulsory. *Burman woman, Bangkok*

⁹ Interview with the Labour Protection and Welfare Office, Chiang Mai, 29 Oct. 2015

¹⁰ Occupational Safety, Health and Environment Act 2011, Section 16

¹¹ Meeting at Ministry of Labour, Bangkok, 13 Nov. 2015. The Labour Protection and Welfare Office in Chiang Mai clarified further that any employer with at least two workers is supposed to provide trainings and to have a safety officer on site; sites with more than 50 workers need to have a safety committee, and sites with more than 100 workers need to have a professional level safety officer: Interview with the Labour Protection and Welfare Office, Chiang Mai, 29 Oct. 2015.

¹² MAP Foundation runs a project called Promoting Occupational Safety and Health (POSH), training migrant workers and providing them equipment in Chiang Mai and Mae Sot.

They all have to get safety training, but it's light. "This is the helmet. You put it on [motions]. Thank you." *Project manager, Bangkok*

Weekly safety meetings are a good practice, when followed, but there remain some issues that need to be addressed to ensure that they are effective. Workers' experience of these meetings varied: for some, the meetings were compulsory. It appears that the quality of the meetings, and whether they happen at all, often depends on the individual supervisor. One woman reported that attendance at the weekly safety meeting was compulsory on her site, and she would be deducted half a day's wages if she did not attend. A recurring concern was the lack of interpretation – a major oversight given the multiple languages spoken on site.¹³ Workers reported not understanding the meetings, sometimes asking co-workers to explain. Of particular concern is one migrant woman's experience of gender discrimination in occupational safety training:

Of course, I am scared of being hurt at work, but there is not another job for me outside of construction. There are safety instructions at work, and we have to gather every Wednesday morning to listen to the safety instruction talk. They talk about how to wear the safety harness when we go to high places and to beware of other dangers. They ask us to wear hardhats, boots, and uniforms on site. The talk takes about 20 minutes. They have a translator to interpret from Thai to Burmese. However, they do not provide any specific training. We have to wear hardhats, boots and uniforms on site. We also have to wear belt if we go high. We have to buy all the equipment from the employer. It is from our own money. Yes, there is equipment on site to deal with a fire. They only explain to male workers how to use it if there is fire and how to deal with gas. *Women are not included in those meetings. They do not show us how to use the equipment. Burman woman, Bangkok (emphasis added)*

Labour inspectors are empowered to stop work and even close down sites until adequate safety measures are put in place.¹⁴ The Thai Government has about 700 to 800 labour inspectors throughout the country (with 130 to 140 officers in Bangkok) focused on protecting workers' rights and ensuring safety at work across all labour sectors.¹⁵ In Chiang Mai construction is identified as the main risk sector. However, Chiang Mai has just three officers tasked with monitoring occupational safety and health across all sectors.¹⁶ The authority of labour inspectors is not extended to inspect the workers' housing, although this is an extension of the work site for many construction workers (see Chapter 10 on Housing). One (non-Thai) employer compared working in Thailand to working in Europe, where his experience was the authorities inspected work sites every week or month.

¹³ The ILO has produced a manual on occupational health and safety in low-technology construction that includes only pictures and no words and may be suitable for these multilingual sites (cited in ILO, 2013b).

¹⁴ Interviews at Labour Protection and Welfare Office, Chiang Mai, 29 Oct. 2015, and Ministry of Labour, Bangkok, 13 Nov. 2015.

¹⁵ Meeting at Ministry of Labour (MOL), Bangkok, 13 Nov. 2015.

¹⁶ Interview with the Labour Protection and Welfare Office, Chiang Mai, 29 Oct. 2015



8. Skills training and development

Thailand already has a considerable shortage of skilled workers across a range of industries including construction, attributed to the low wages and lack of prospects for career development, and this is expected to worsen with the onset of the ASEAN Economic Community (AEC) (*The Nation*, 2016).¹ A 2015 study found that the formation of AEC will only have a small impact on women in ASEAN in terms of changing the gender pattern of employment (types of jobs and sectors) and wages. For the AEC to benefit women, targeted interventions need to be undertaken. It would be necessary to bridge the education and skills divide in order to increase women's participation in trade-oriented sectors, among other measures (Jha and Shri Saxena, 2015). Similarly, the ILO and UN Women assess that improved recognition of women's skills, together with equal access to skills development and skilled opportunities in the male-dominated transport, construction, and infrastructure sectors, will ensure women migrant workers can take advantage of, rather than be disadvantaged by, the AEC (ILO and UN Women, 2015). As well as an avenue for securing better pay, skills training is one way to ensure continued work – and access to decent work – in a changing sector where the need for manual labour is expected to reduce with improved and less labour-intensive techniques. While training by the Skills Department of Thailand's Ministry of Labour is available to construction workers, training courses targeted at specific populations of migrant workers would be beneficial. A lack of training and development opportunities for women migrant workers will see them forced out of the sector or, at best, kept in low-paid manual labour as sector technology develops or with any constriction of

¹ As one example, the Office of the Vocational Education Commission reckons that schools produce just 20,000 welders each year, whereas more than 300,000 are currently needed (*The Nation*, 2016).

the industry during economic downturns (Pollock and Aung, 2010; ILO and UN Women, 2015; Wells, 2004). Skills training would advantage the workers beyond the subject of the training itself: it would also increase women migrant workers' levels of autonomy in and satisfaction from their work (Ness, 2012). Without investment in skills training it is not just women workers who are at risk, so is the development and employment potential of the construction industry (ILO, 2001).

The concept of skills training was unknown to most of the women migrant workers interviewed. Many could not answer questions on training because they could not imagine what it would be or understand what benefits training might offer. A small number of interviewees explicitly stated they did not want training. Several of the interviewees suggested that training in life skills – women's health, including reproductive health; labour rights; language training (literacy in their own language as well as Thai and other regional languages) – would be useful, rather than any construction-specific skills. One of the migrant workers interviewed pointed out the practical difficulty of obtaining training across the language barrier. Women migrant workers repeatedly identified being able to speak Thai as important to advance at work.

■ Would you like to be a skilled worker?

Yes, I want to earn more money and have big savings and go home and build a house. I would like to, but don't know how. *Khmer woman, Bangkok*

No, because I'd have to be on scaffolding, outside. *Shan woman, Chiang Mai*

Yes. Because I would learn things, and I would get paid better. *Shan woman, Chiang Mai*

I have never had training to do this work. I don't know what kind of training will be useful for me. I do not think there is an opportunity for skills training. I do not know what to say. *Burman woman, Bangkok*

In Bangkok, one non-Thai employer identified several areas where skills training for women workers would help him in his work, including finishing (working with concrete), skim coating (an advanced plastering technique), and painting. However, his assessment was still framed by a discriminatory view of women's capabilities: "It's not the heavy work. [Women] are quite skilled in this work." Similarly, Kaewsri and Tongthong (2011) in their research on the experiences of women engineers in the Thai construction industry suggested that some traits typically seen as "[f]eminine strengths, namely tact, honesty, tidiness and English proficiency" could mitigate the mistakes made by the men in their profession (p. 13). However, even if the gender stereotyping is overlooked here, these traits are not always valued in the work culture and rewarded financially.

Migrant workers who did answer the skills training questions also framed their responses in terms of their need to earn money. Many of those working as labourers expressed an interest in learning skills in order to be upgraded to skilled workers to earn more money at their current or future work sites or to gain skills they can use when they return home. This underscores one of the main findings of this research: pay as central concern. Any training would need to accommodate that – that is, migrant workers would need to be paid while attending the trainings for it to be a feasible option for them. They should also be guaranteed that they will not lose their job or be otherwise penalized as a result of taking time away to train.

I have never had training to do this construction work or I have never attended training. I would like to attend if there is one. I do not know whether we have an opportunity to attend skills training. I do not know what kind of training will be useful for me, because most of the work I do here is general work. I want to be a skilled worker to earn more money. I want to attend any kind of training that would help me for my livelihood. *Burman woman, Bangkok*

Although informal training is not reliable for improving quality of work and productivity (Kanaganayagam and Ogunlana, 2008), only one interviewee, a Shan man working as a labourer in Chiang Mai, reported being shown how to do the work by his employer. Women interviewed for this study gained skills and opportunities through their own initiative rather than any discrete training provided by the employer or supervisor. They learned skills from their husbands or relatives or other workers on site. Although these gave some women migrant workers some opportunities to gain skills, all of these on-site learning-by-doing methods offer limited learning opportunities on a narrow range of skills and do not provide for training in new techniques (ILO, 2001). Some women migrant workers in this research reported they had the confidence to demand from their employers opportunities to demonstrate, use, and be paid for the skills they had learned. For others, their supervisor spotted or encouraged their initiative and ability and upgraded them (gave them work of a skilled worker and increased their pay accordingly). Nonetheless, sometimes migrant women workers took on more responsibility without an increase in pay, benefitting only from a perceived increase in status.

I did not get training; I watched how other people worked and copied them. *Shan woman, Chiang Mai*

When I was a manual worker, I used to be paid 280 baht [\$7.92], but I talked to the employer many times and told him I work quicker than men, my work is better finished than theirs. After this I got a pay raise to 400 baht [\$11.32]. *Padong woman, Chiang Mai*

I saw the work and asked if I could try, said I'd like to try, and the boss said, "OK you can do it." *Khmer woman, Bangkok*

Although limited, systemizing this approach might be useful, in particular supporting women who are already working on site to mentor new women workers. Mentoring schemes have been suggested before (Worrall et al., 2010, looking at the professional level) but do not appear to be active for men or women workers.² Recognizing women as mentors would send a message to the women themselves, other workers on site, and their employers, that these workers have something other than just hard labour to contribute and they and their work should be valued. The women mentors would need to be appropriately remunerated for their efforts: supporting less experienced workers cannot be allowed to become another care burden on women.

Supervisors' discretionary power to upgrade workers may afford opportunities to deny women workers access to training and advancement in the informal system of rewarding effort and initiative on site. Discriminatory and hostile attitudes towards women are pervasive in Thai society (Chia, 2016) as well as in the sector: for example, Kaewsri and Tongthong (2011) note it is uncommon for women to hold senior positions over male workers. Managers and workers, including women migrant workers, repeatedly positioned women as incapable or uninterested in doing heavier work and not liking working outdoors, particularly in the sun. This may lead to the opportunities offered to women being lighter duties or working in the shade, for example in the equipment store. While these tasks will be preferable to some women workers, they are not better paid than general labouring duties and do not offer opportunities for further advancement. At a minimum, women should have access to the better-remunerated work (skilled, "heavy", or leadership work) if they want it. For some women migrant workers this gender discrimination is compounded by restrictions on their movement and autonomy imposed by their husbands (see Chapter 3 on Gendered norms).

² There are several limitations of a formal apprenticeship system that may make it unsuitable to this sector and its diverse labour force (ILO, 2001; Clarke and Gribling, 2008).

■ Can women upgrade to be a team leader or more?

Never ever. Workers gain skills over time, through many jobs, get the trust of the leader, then the leader will upgrade you. Because women follow their family, mainly the man becomes a skilled worker and is upgraded. [Women's] upgrade might be to work in the store room, which will be in the shade. Normally in a construction team, if a man is team leader, women are kind of protected so they don't push themselves, don't build skills. They are not motivated like a man. *Thai manager, Bangkok*

I was upgraded because of the quality of my work and because I have learned to speak Thai. It's the same money but a better job, in the shade. *Khmer woman, Bangkok, who secured work as an on-site office cleaner after working as a labourer*

Construction workers in developing countries have fewer opportunities to acquire the skills they – and the sector – need (ILO, 2001). No one interviewed reported any sense that migrant workers were particularly excluded from training opportunities compared to nationals, with one Shan woman commenting, “I can't see anyone getting opportunities, or any opportunities.” However, migrant workers did perceive that they were barred from advancement, for example to management positions, because they are not Thai. Migrant construction workers also need to overcome some cultural barriers: one Shan man working in construction in Chiang Mai explained why he did not want to be a subcontractor: “because it's a lot of responsibility. It requires investment, and if I can't pay the workers, I'm afraid to lose face” (see also the discussion on bureaucratic barriers to subcontracting in Chapter 4 on Documentation).

Employers in the Thai sector report a lack of loyalty in migrant workers based on them often moving site (Chaisuparakul, 2015); employers interviewed for this study repeatedly shared this perception.³ One manager reported his company preferred Thai workers in part because they are seen to be loyal, staying with the company for a long time. Little in the way the sector functions (for labourers and skilled workers) or the way that migrant workers are treated by the State (documentation, bureaucracy, and corruption) fosters loyalty to their employer, a cost to the Thai industry. The fragmentation of the sector, the lack of skills training or transparent and unbiased reward for effort or ability, and routine underpayment of basic and overtime pay do not support workers' seeing a future for themselves in the sector. This precarity undermines loyalty and commitment (Kleinknecht et al., 2015). Though some workers interviewed for this study recognized they were gaining skills they could use in future, they saw themselves using these skills back in their countries of origin. Improving the skill level of the industry necessitates a migration system that guarantees migrant workers more time, stability, and flexibility in the country of destination (see Chapter 4 on Documentation).

Makulsawatudom and Emsley (2001) also identify in-house training as a means to improve the selection of supervisors, addressing a problem identified in their research of incompetent supervisors negatively impacting the productivity of the Thai construction sector. Previous research has found “many workers and contractors see formal training as an unnecessary expense rather than an investment” (ILO, 2001, p. 38). Employers are interested in retaining good workers, but those interviewed for this research showed no interest in investing in worker development or the industry more widely, seeing it as onerous: “We have no choice; we have to train them.”⁴ One Thai employer laughed when asked about training for women migrant workers, and the reply of a non-Thai employer demonstrated a racist view of his workers:

First they have to complete the basic education... When you have that, you can do professional school. Sorry to be unfair, but a monkey cannot go to university. *Non-Thai employer, Bangkok*

Given this, it is unsurprising that some migrant workers expressed doubt that their employer would support training.

³ Interviews with: site managers during primary data collection; Project Manager, Bangkok, 22 Oct. 2015; ECOT, Bangkok, 1 Dec. 2015.

⁴ Interview, non-Thai employer, Bangkok

■ What training would be useful?

I don't know, I never attended a training. If I had the opportunity, I would attend training, but I am scared because I can't drive, and there is no one to pick me up. Also I'm afraid the employer would not allow me to go. *Shan woman, Chiang Mai*

The Employers' Confederation of Thailand (ECOT) advises training would need to be sector-wide and open to all workers, to minimize the burden on individual employers.⁵ This would also serve to overrule any reluctant employers.

Some non-Thai employers thought it would be good if workers were trained before they were employed on site. ECOT too suggested that pre-departure training in basic construction skills would be useful.⁶ Workers, having made the decision to migrate, do not usually want to stay in their home country any longer than necessary to be trained. Those migrating under the MOU scheme have to wait up to three months before moving, which may afford a training opportunity. However if the training offered is only in "basic skills" it will be of little benefit to women migrant workers who are already often limited to basic tasks on site. Given the reliance on migrant labour, it would also be limiting to the development of the Thai construction sector (see Clarke and Gribling, 2008). As in the quote below, migrant women were clear they were not willing to wait for trainings, extending the period during which they are not paid. Particularly as there is no guarantee that the trainings will afford them better wages. As migrant workers cannot afford to not have an income, a successful training programme would need to pay workers for their time and effort. Women migrant workers in particular may be less likely to invest in skills training or upgrade, given that the choice to migrate may have been primarily a family decision around short-term or immediate supplementary income. Throughout the region, families are less likely to invest in women's educational or vocational training opportunities.

Yes, I would have wanted skill training in Cambodia, but I would have wasted time not making money to send back to my mother and baby who's always hungry. *Khmer woman, Bangkok*

Certification can be a benefit to workers and employers, especially if the certification process includes safety training (ILO, 2001). In this study, only non-Thai employers saw value in providing certification for skills training, with Thai employers dismissing them as a Western concern, impossible to evaluate and easy to counterfeit.⁷ Any training certification scheme would also need to ensure employers could verify the claimed training standards (ILO, 2001). Site managers and employers in this research reiterated that they pay a worker a base rate before assessing their skills and attitude for themselves: workers who demonstrate their skills and ability, and their discipline, will be upgraded. Given the mobility of the sector – with workers moving between sites quite frequently, depending on the work they do, the conditions on site, and their relationship with their supervisor – workers may have to repeat that process of proving their skills over and over, needing time to get (re)upgraded each time. However the flexibility of a sector reliant on day labourers can also be an enabling factor:

I have never had training to do this work. I would like to attend the training if possible. I think the employer will allow me to attend if there is one. I can take a break from this work anytime I want. It will be without pay. I just need to let the employer know that I will be taking a break and going back home. I can come back and work anytime. Factory work is not like this. *Burman woman, Bangkok*

⁵ Interview, ECOT, Bangkok, 1 Dec. 2015

⁶ Interview, ECOT, Bangkok, 1 Dec. 2015

⁷ Such certification requirements exist in other countries (such as the Construction Skills Certification Scheme (CSCS) cards required on some builds in the UK, or the Construction Industry Development Board (CIDB) in Malaysia, and category-specific certification such as the ACTA (Airport Construction Training Alliance) passport, also in the UK (ILO, 2001; Clarke and Gribling, 2008)).

As pay should be linked to skills, skills training needs to result in an increased wage. Without adequate remuneration for acquired skills, workers are likely to move to other companies or even other countries in search of a fairer wage (ILO, 2001). However it is difficult to see employers being willing to pay more, or women migrant construction workers being able to break out of the discriminatory pay systems (see Chapter 6 on Pay).

Not all workers can be skilled workers. The sector relies on the work of labourers on site throughout the build. Some of this can be addressed through new technologies, but that would likely be at the cost of jobs, with migrant workers and migrant women probably most affected. A previous study reported women opposed the introduction of labour-saving technology in this sector, citing a hunger strike by women construction workers in Chennai, India, in late 2001 protesting the introduction of ready-mix concrete. They understood it would eradicate thousands of jobs (Wells, 2004).



9. Social networks and union organizing

9.1 Social networks

The wider effects of precarious employment relationships, such as the insecure and flexible work found in this study, include an “associated weakening of social relations” (Anderson, 2010, p. 303). The sector requires that workers uproot often, meaning they cannot embed themselves in a community. Some women migrant workers interviewed had access to the internet and to mobile phones, and some to shared smart phones with applications like Viber or Line that allowed them greater connectivity, even if they could not leave housing or work areas. A few women mentioned that only their husbands or sons knew how to use the technology.

In this study more women in Chiang Mai formed longer-term communities and social bonds than their Bangkok counterparts because they had been in Thailand longer, but there is also a perception that Chiang Mai is overall less anti-migrant than Bangkok. Workers interviewed in Chiang Mai also more frequently lived in private, rented housing for several years, enabling them to send their children to Thai schools. Respondents in Chiang Mai also talked about going to a temple during festival days and organizing performances.

9.2 Unions, worker associations and workplace grievances

While some women are able to network socially and even socialize outside work and accommodation areas, formal organizing either through social organizations or unions is extremely rare. The flexibilization and casualization of the industry make the need for collective action greater but also reduce the possibility of it occurring (ILO, 2001). Migrant workers often lack tools for collective bargaining and are virtually powerless to set or negotiate terms of employment, including safety (Lee et al., 2011). Unions organizing

in the sector would help hold employers accountable and ensure that employers are meeting minimum legal obligations. Unions would also help ensure that workers are able to voice complaints.

Migrant workers in this study reported they have little access to redress if they have a problem with employers or conditions.¹ Workers tend to leave jobs and find better working conditions rather than negotiate for better conditions with current employer. In a market with a shortage of workers, they have some power to do this, though they may not realize it.² However, finding the next job appears to depend heavily on social networks, which some reported to be limited.

Sometimes I complain but the employer says, “If you are not satisfied, go find work somewhere else.” *Shan man, Chiang Mai*

Some women migrant workers in this study had participated in labour rights trainings from MAP Foundation in Chiang Mai. Most, however, did not know there were migrants’ rights organizations.

I do not know any organization here. I do not know that there are organizations helping migrants. *Burman woman, Bangkok*

Union membership (as a percentage of total employment) in Thailand is three per cent (Hayter, 2015)³ and, given women’s overrepresentation in informal workplaces, it is likely the proportion for women is even lower. In part this low participation stems from the fact that union membership is traditionally drawn from salaried workers, and fewer than half of all workers in Thailand are salaried (Charoenloet, 2015). In the construction sector, only administrative staff and some Thai supervisors are salaried; day labourers are not. Under Thailand’s Labour Relations Act 1975 migrant workers are prohibited from establishing a union, but there is no restriction on their membership. While there is a global union federation, the Building and Wood Workers International (BWI), no construction workers interviewed in this study were members of a union. Allegations of corruption had ended previous efforts to strengthen construction unions, there is some evidence that flexible labour systems as seen in the construction sector may support solidarity organizing (Meardi, et al., 2012; Campbell, 2013).

There are a few labour associations supporting migrant workers in Thailand (Surawanna, 2011).⁴ This is potentially because the trade union movement, especially as an anti-migration stance has gained traction, may consider nationality a key requirement for membership, or that the struggles of national workers must be addressed before migrant worker issues.⁵ Not formally registered as a union, the Workers Solidarity Association (WSA) in Chiang Mai has only migrant members; 60 to 70 per cent are construction workers. With 164 members, the WSA works to fill very large gaps in worker representation, through outreach, lobbying, a worker fund for emergencies, and negotiations between migrant workers and employers. While the current WSA chair is a woman, the organization reported it struggles to attract women, primarily securing their participation only for cultural dance events. This suggests internalized patriarchy hampering women’s participation in workers’ rights efforts:

¹ A study conducted by the ILO (2014c) found that a large number of migrant workers in Thailand are “not able, willing, or aware of how to exercise their labour rights” (p. 1). In fact, an ILO survey of over 400 migrant workers carried out in four provinces established that 89 per cent – the vast majority of respondents – had never brought forward a complaint for a rights violation and that only one-third would consider contacting Thai authorities if their wages were withheld (ILO, 2014c).

² Interview, Employer, Bangkok, 4 Oct. 2015.

³ As a comparison in the region, the trade union density rate is 8 per cent in Malaysia and 16 per cent in Viet Nam (Hayter, forthcoming).

⁴ Interview, ILO ACTRAV, 31 Aug. 2015. Interview, Building and Wood Workers International, 18 Sep. 2015.

⁵ See especially the histories of unionization in the plantation sector in Malaysia, and examples from Singapore, and Australia in N. Piper, “Social Development, Transnational Migration and the Political Organising of Foreign Workers”, Contribution to the Committee on Migrant Workers, Day of General Discussion on the theme of ‘Protecting the rights of all migrant workers as a tool to enhance development, Office of the United Nations High Commissioner for Human Rights, 2005.

Most women members come because they are interested in culture dancing. They don't necessarily know about work about migrant worker rights... Maybe men are more interested in labour rights, women more interested in dancing and fun things. *Representatives from WSA, Chiang Mai.*⁶

Box 4 below provides some examples of how construction workers in Thailand engage in organized resistance or work stoppages to exercise greater control over their work sites.

Box 4: Resistance and work stoppage

A former migrant construction worker described some of the small, everyday sites of resistance or control (Scott, 1985) that workers have, particularly in the construction sector:

We have to put clothes on our head [as protection from the sun]. We can put cell phones inside [the head coverings] and talk to relatives until the battery is gone, and no one knows [i.e., the employer does not know]. You can't do this in domestic work. For men, they can smoke a cigarette and work. In agriculture, you cannot do this.⁷

One project manager in Bangkok also described a Saturday strike by Khmer construction workers, allegedly after some workers had been fired. The project manager was not directly involved in discussions with the workers, but he thought the workers had been successful.

⁶ Interview, representatives of the Worker Solidarity Association, Chiang Mai, 29 Oct. 2015.

⁷ Interview, Former migrant construction worker now activist with MAP Foundation, Chiang Mai, 30 Oct. 2015.



10. Housing

The Thai Government views living conditions as the greatest problem for women working in the construction sector.¹ An official sees the responsibility lying with the employers and proclaimed in April 2016 that construction companies “...need to step forward, and provide all legal documents necessary to establish that the camps occupied by their workers are legal. Fundamentally, the responsibility lies with the construction companies, because they have hired them and brought them here specifically for this work” (*Phuket Gazette*, 2016). There was no mention of the role of labour inspectors in regulating camp conditions.

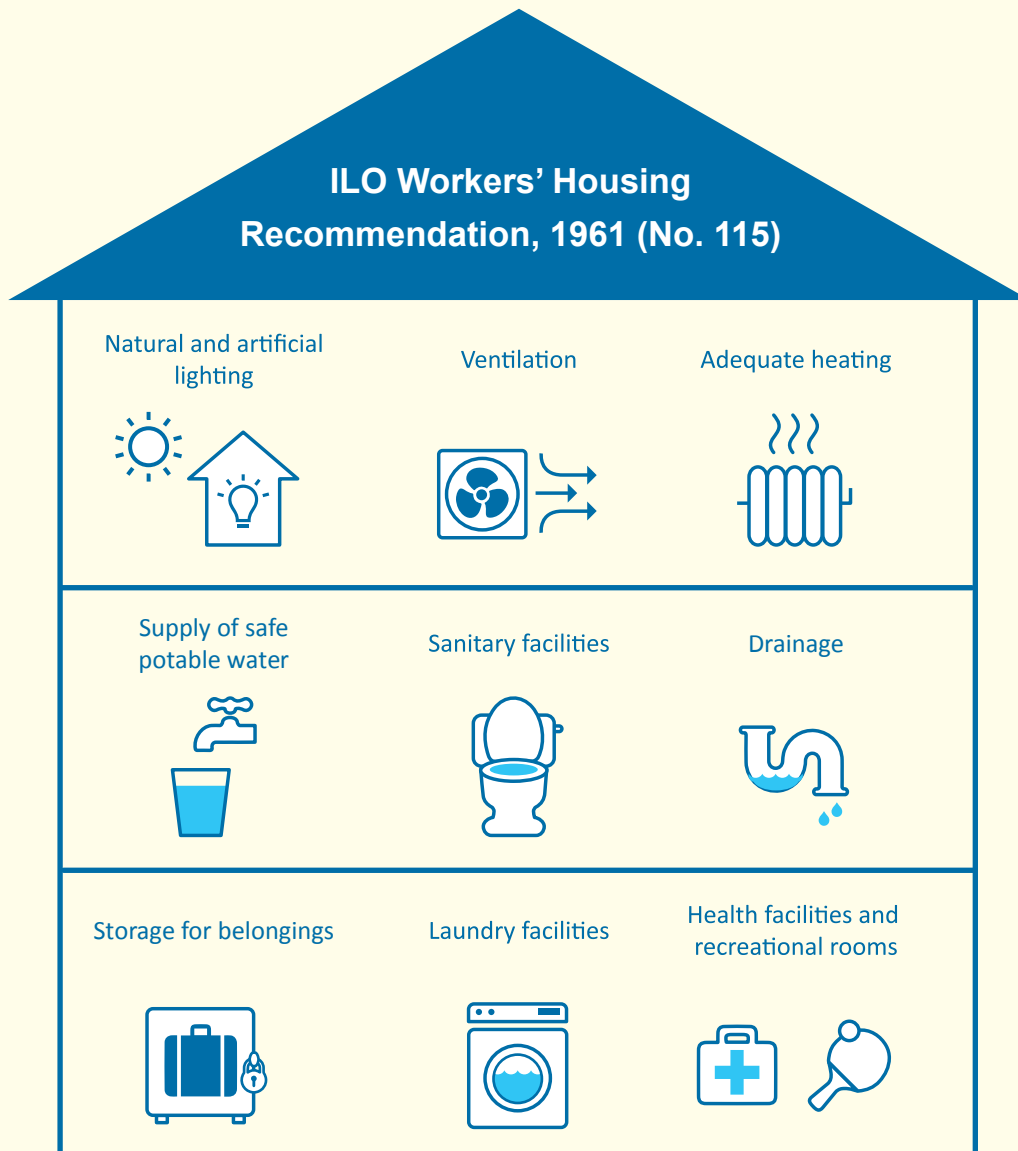
Housing is not currently inspected by Thai labour inspectors and lacks regulatory oversight, though the Thai Government is currently considering an official notification of the need to comply with ministerial standards on migrant workers’ living quarters (Ministry of Labour, 2015). Housing standards are clear at the international level – see box 5 below on the ILO Workers’ Housing Recommendation, 1961 (No. 115). ASEAN states have also set various standards. For example, under Singapore regulations housing must meet standards on land use, structural safety, fire and safety, environmental health, and drainage and sanitation/sewerage”.² The Singapore Ministry of Manpower has previously taken legal action against employers and ensured that over 24,000 workers in substandard housing were relocated over a three-year period (Humanitarian Organization for Migration Economics, 2011).

¹ Interview at the Department of Employment, Chiang Mai, 29 Oct. 2015. Further, “better accommodation” and “good welfare” emerged as the second and third ranked needs following “more pay” in the survey conducted by Ogunlana and Chang (1998).

² Singapore National Environment Agency, Code of Practice on Environmental Health, 2005. For international standards, see also International Finance Corporation and European Bank for Finance and Development, 2009.

Box 5: ILO Workers' Housing Recommendation, 1961 (No. 115)

The Workers' Housing Recommendation requires that housing should ensure "structural safety and reasonable levels of decency, hygiene and comfort" (Paragraph 6). Though the recommendation dates from the 1960s, some standards remain especially relevant to workers in this study, including:



Source: ILO Workers' Housing Recommendation, 1961 (No. 115)

For many workers in the sector, employers provide housing, but conditions are limiting and effectively “warehouse” migrant workers; that is, keep them in situations of dependency and restricted mobility (Smith, 2004). Women as well as employers view marriage as requisite in the sector to guarantee women’s safety in these large worker-housing sites (see Chapter 3 on Gendered norms). Security, safety, and privacy are lacking. Open communal bathing areas, lack of lighting, and insecure locking mechanisms to doors or windows are not conducive to women’s safety.

International human rights norms guarantee “the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing and to the continuous improvement of living conditions”; this is applicable to migrants regardless of status (UN, 2010).³ Most of the housing provided to migrant construction workers in Thailand fails to realize this standard.⁴ Violations of women’s right to adequate housing are often connected to acts of violence against women. Adequate housing is more than just shelter: it must protect occupants from threats to their safety (Farha, 2002) and provide a relative level of security of tenure. To realize this right, housing and transportation must both be regulated by Thai law as well as inspected during regular labour inspection procedures. However, labour inspectors currently can only inspect work sites. Ministry of Labour representatives note “they can provide some advice to the employers”.⁵ This advice lacks penalties, and indeed follow up from inspectors, rendering it most likely unheeded.

10.1 Migrant worker living conditions in the construction industry

In company-provided housing, families frequently live together in rooms just big enough to fit two mats on the floor at night. Thin metal sheeting separates each family’s rooms; this acts to trap heat inside rooms in Thailand’s hot season. In this study, a few larger companies in Bangkok adapted shipping containers into worker accommodation, stacking the containers upon each other to build moveable multi-storey housing blocks (AFP, 2015). One shipping container camp housing migrant construction workers in this study had capacity for over 1,000 workers.

A draft instrument on housing reportedly guarantees workers just one square metre per person in employer-provided housing,⁶ which is well below international norms. Minimum humanitarian emergency standards globally require a minimum of 3.5 square metres per person, with this number increasing in harsh weather conditions (SPHERE, 2011). Singaporean law requires 4.5 square metres per person, with additional requirements for recreation and commercial area space per person.⁷ International minimums for occupancy range from four to 5.5 square metres per person (International Finance Corporation and European Bank for Finance and Development, 2009). These benchmarks should serve as the minimum for migrant workers in Thailand.

Employer-provided housing is located on and off the work site. One Shan subcontractor in Chiang Mai lived with his team in the three-bedroom house they were building. Other arrangements include employers renting or owning land and allowing workers to build on it; or employers renting small houses for several couples or families to live in together. In this study all workers in Bangkok lived in employer-provided housing, mostly large sites. Many of the migrant workers in Chiang Mai had to live in private, rented accommodation (or had the option to do so), as many of the workers worked on smaller sites and had lived in Chiang Mai longer. Private rented accommodation has advantages, including increased autonomy, but it increases migrant workers’ costs:

³ International Covenant on Economic, Social and Cultural Rights 1966, Article 11(1). This is echoed across international human rights standards.

⁴ The ILO Workers’ Housing Recommendation, 1961 (No. 115) advises in Paragraph 12: “It is generally not desirable for employers to provide housing for their workers directly and employers should use alternatives where possible.” This caution bears out in light of employer restrictions on workers (see *Lack of freedom of movement* and figure 5). However, as Ogulana and Chang (1998) note, migrant workers typically cannot afford rental accommodation, particularly in cities; thus employers must provide them with accommodation.

⁵ Meeting, Ministry of Labour, Bangkok, 13 Nov. 2015.

⁶ Information from Ministry of Labour, Project Validation Meeting, Bangkok, 1 Dec. 2015.

⁷ Singapore Revised Amenities Provision Guidelines for Workers’ Dormitories, Circular No: URA/PB/2012/02-PPG, 6 Feb. 2012. Available at: <https://www.ura.gov.sg/uol/circulars/2012/feb/dc12-02.aspx>. For regulatory framework see: Singapore Foreign Employee Dormitory Act 2015. For critique of the Act see: Humanitarian Organization for Migration Economics: “HOME’s responses to new Foreign Employee Dormitory Act,” in *Online Citizen* (2015, 26 Feb), <http://www.theonlinecitizen.com/2015/02/homes-responses-to-new-foreign-employee-dormitory-act/> [22 July 2016].

Some workers rent rooms and they are able to select who they work for and to be in their communities. Rooms cost 2,000 or more baht [\$56.60] per month. You have your own free time. You can sleep late, early, find other employers, have wifi. You can go out and meet people. In a camp you don't have to pay, and you work with only one employer. You only leave [the camp] if it is Lent [a Buddhist holiday] or a special event.⁸

In terms of amenities, nearly all interviewees reported adequate access to clean water and electricity. However critically outsiders see these housing sites, for many workers they were an improvement on their living standards in countries of origin.

I'm happy because there is running water and plenty of it and electricity as much as I can use. *Khmer woman, Bangkok*

We have water [here]. In Cambodia there is not enough water. *Khmer woman, Bangkok*

However, one Bangkok migrant construction worker housing site observed did not have electricity, with workers lighting their rooms with candles. Some workers also described a lack of potable water available at their housing. On another site drainage was inadequate, and there was no provision for wastewater:

It's a row of rooms built on the land of the employer. The rooms are narrow. There is not much air. There are only four toilets for 20 people and a common bathroom. The wastewater does not go anywhere, so it is smelly. *Pa-O woman, Chiang Mai*

10.1.1 Cost and who pays

In this study over half of respondents (25 of 44) understood their accommodation was free and provided by the construction company or subcontractor.⁹ Of these 25 workers, four (out of 15) were in Chiang Mai, and 21 (out of 29) were in Bangkok. Six of the 44 respondents paid for water and electricity, which was either metred or ranged from THB150 to THB700 (\$4.25 to 19.85) per month. Another seven of the 44 might have also had free accommodation, but were unsure if the employer deducted housing costs from their pay.

I do not need to pay for housing, electricity and water here. I do not know whether they deduct the cost from our payment or not. They might deduct. *Burman woman, Bangkok*

One migrant in Bangkok and 11 in Chiang Mai paid full housing costs, ranging from THB800 (\$22.67) in a poorly kept camp in Bangkok, to THB3,000 (\$85.00) for a room in Chiang Mai. The average cost per month for those who paid for their housing was THB1,692 (\$47.95), with the cost for private rented accommodation in Chiang Mai in this study averaging THB1,772 (\$50.22) per month. These costs include utilities, but not necessarily maintenance.

We rent a room behind the temple. We pay 2,000 baht [\$56.60] [per month] including water and electricity. It is good because there is space around, but the roof leaks, and the septic tank is full. I told the owner we will get together and pay for it. *Shan woman, Chiang Mai*

Researchers in Chiang Mai reported one instance of a woman migrant worker being singled out for water and electricity charges as other workers resented her using employer-paid amenities after she had stopped work to have a baby.¹⁰

⁸ Interview, Former migrant construction worker now activist with MAP Foundation, Chiang Mai, 30 Oct. 2015.d

⁹ Forty-four of 51 workers interviewed for this study provided information on their housing costs.

¹⁰ Interview, MAP Foundation, Chiang Mai, 30 Oct. 2015.

10.1.2 Upkeep of communal spaces

In one of the mass housing sites for construction workers in this study, the construction company hired women to clean the common areas. This was an exception, and in other cases migrant workers reported communal efforts, such as rotas for sharing cleaning, were not dependable. For instance, on one site trash collected along the dirt paths between housing blocks. With no drainage on this site, water also collected in the paths. Water for bathing is communal and stored in large vats. The communal water must be taken care of, and one individual can easily make the water unclean for other users. The Human Rights and Development Foundation (HRDF) reported construction workers in Chiang Mai experienced skin problems when water was not clean, as well as mosquito infestations when water was allowed to pool on sites.¹¹ One former construction worker in Chiang Mai used the toilet at a petrol station for two and a half years because the bathroom area of the privately built camp she lived in was not cleaned.¹²

10.1.3 Living and working together

Different nationalities live together in construction housing in Thailand. Hiring practices of construction companies and their subcontractors determine compositions of work teams, as well as temporary “communities” housed together. One key informant living in a camp noted that different nationalities and ethnicities “mix like a village” in the camp in the evenings. However, two employers in Bangkok reported Thai and migrant workers did get along well at work or in housing areas.

Several interviewees reported the men construction workers drinking alcohol in housing areas after work:

There are lots of drunks, including my husband. If there are drunk they argue. My husband and I argue. *Pa-O woman, Chiang Mai*

Some women migrant workers reported it was not a problem where they lived because “men need to work the next day” or “they are here to send money home”. However, one NGO-paid teacher living in a large housing site said that men’s drinking is the biggest problem he sees in families on the site, and one non-Thai employer who lives on site with workers also spoke of drunk workers harassing his Thai wife. Other research studies confirm drinking is a problem in the sector (Iacune, 2005).

10.2 Safety, security, privacy

Often temporary and not meant to last more than the length of time of a build cycle, employer-provided housing on or off the work site is built quickly with low-quality materials and without regulatory oversight. Migrant workers in this research reported nails sticking out in walkways, lack of drainage or sewerage, corrugated metal walls not secured to plywood struts, and unsafe electricity fittings – many of the same safety and health risks as at work sites.

10.2.1 Security: Locks, guards, and husbands

We use metal wire to lock the door from inside. *Shan woman, Chiang Mai*

The door cannot be locked at night. I am scared someone will come. *Shan woman, Chiang Mai*

In some of these roughly-built worker-housing units a room’s “lock” can consist of the turning of a nail or similar across a sheet of tin, resulting in acute insecurity.¹³ In discussion to prepare the research questions for this study, one of the research team advised:

¹¹ Interview with Human Rights and Development Foundation, Chiang Mai, 16 Nov. 2015.

¹² Interview, Former migrant construction worker now activist with MAP Foundation, Chiang Mai, 30 Oct. 2015.

¹³ Interview, MAP Foundation, Chiang Mai, 16 Oct. 2015.

When we will ask interviewees “Is your room safe?”, people will answer: “Oh my god, I’m so glad I have a husband already”. *Shan community worker and researcher, Chiang Mai*

Her prediction was correct. Women said:

I feel safe because my husband is here with me. Most of the workers in my group are from Myanmar. We treat each other like a family. *Burman woman, Bangkok*

Women rely on their husbands for safety, and it is socially unacceptable for women to live in these camps alone, as both employers and migrant workers fear incidents of gender-based violence against women in the camps (see Chapter 3 on Gendered norms).

Many of the worker housing sites have company-employed security guards at the gates; only a few women migrant workers considered their presence as increasing camp security. Conversely, some were grateful that the guards in their particular camps did not harass them. Two Burman women in Bangkok reported the guards were there “to keep the place safe from the police”, though it is not clear what authority the guards would have to prevent police entering the housing site.

10.2.2 Lack of privacy

Privacy in most construction sector housing is inadequate, with people living in very close proximity to one another. With concrete or thin-metal-sided rooms side by side, neighbours can hear what happens inside rooms and in common areas. Privacy issues extend most acutely to public bathing areas, where women wear a sarong for bathing, typically using a bucket to scoop water at an open raised vat of water several metres wide.¹⁴

Drunk men sit around watching women wash.¹⁵

The bathroom is one big reservoir for both men and women to use for showering. There are no walls. It’s like a pond. *Shan woman, Chiang Mai*

No sites had gender-segregated bathing areas. The Ministry of Labour is considering mandating this in the planned ministerial regulation on migrant worker accommodation.¹⁶ One Bangkok manager noted it was a significant problem for the women he employed, but did nothing to remedy the situation. Women interviewed in the study said that unlit toilet areas posed a safety problem. A Chiang Mai NGO case worker reported she had followed a case of a woman construction worker who was followed to the toilet block by a man who tried to look in as she used it. She knocked him unconscious with a rock and called for help.¹⁷

Worker privacy can also be invaded by employers and supervisors, who sometimes engage in surveillance on worker accommodation as a means to control their workers (see box 6 below).

¹⁴ While in some areas in the region this type of bathing is common, concerns for women’s privacy and security remain.

¹⁵ Interview, Former migrant construction worker now activist with MAP Foundation, Chiang Mai, 30 Oct. 2015.

¹⁶ Information from Ministry of Labour, Project Validation Meeting, Bangkok, 1 Dec. 2015

¹⁷ Interview at MAP Foundation, Chiang Mai, 17 Oct. 2015.

Box 6: Surveillance and control

This study found supervisors, subcontractors, and top-level non-Thai company owners living with migrant workers in company-owned accommodation or next door to worker living quarters. Given that these accommodations are de facto extensions of the work site, it is probably appropriate for employers to take responsibility for them, with respect to facilities and maintenance. However, in some cases, employers interpret this responsibility as extending into surveillance. Migrant construction workers at one large Bangkok housing site were monitored by CCTV as well as one company representative living in the camp and subcontractors living in each housing subsection to keep watch over workers. At another Bangkok site, a non-Thai company owner and his Thai wife lived in an apartment next to worker accommodation blocks to control workers:

We try to control the drinking. The workers come back to the site at 6 o'clock, and between 6 and 7:30 I say nothing. They can relax. After 7:30 we close the door, and we take out the alcohol. I go down, and we fight.

I can do little, but I have to control them – for me; for the next work day. Otherwise they will stay in the room sick [if they drink too much]. My wife is upset when she must take care of the workers. The workers are like teenagers. They have finance problems between husband and wife, drinking, fighting. A woman worker comes to my wife, and my wife has to manage. If you don't take care of them, the problem gets worse worse worse. We have to take care to keep the workers in good condition. ... I live upstairs in my apartment. For confidentiality [privacy] it is not good, but it is good because we can take action faster. At any time, nighttime. *Non-Thai employer, Bangkok*

While social agreements are necessary for communal life, those in company-provided housing have little or no access to spaces that are outside company control. Workers at one Bangkok housing site in this study reported the employer who lived on site would call all the residents together and shame the individual he alleged had not followed the rules and not put waste in the proper bins.

10.2.3 Lack of freedom of movement

Employers regularly keep workers' documents, and this – as well as fear of deportation – has the effect of restricting workers' freedom of movement (see Chapter 4 on Documentation). This practice also has ramifications related to how workers access work- or non-work-related information, and keeps migrant workers spatially excluded from engaging in public life.

The situation is that the worker lives in the camp and the employer picks them up in the morning and takes them back. They don't go anywhere, don't get information, etc.¹⁸

The document [work permit] that my employer has is just to protect from the police. *Burman woman, Bangkok*

Sometimes the workers don't have the copy of the work permit, and they are arrested. (Interviewer: You hold the original?) Yes, passport and work permit. (Interviewer: Why?) Because the workers are the company's responsibility. If they get their passports and go somewhere else, it's our responsibility. We have to find them. Even for me – they hold my documents. The company keeps the workers' documents because [otherwise] they ask [want] to go back to Cambodia. (Interviewer: Can they get the documents when they want them?) Yes, but they need a reason. If it is not a valid reason, they will not get them. *Non-Thai employer, Bangkok*

As noted in Chapter 4, all foreigners in Thailand may face repercussions from authorities if unable to produce their identity documents when asked. And most migrant workers from Bangkok in this study said that their employer was holding their identity documents. Due to the threat of deportation facing migrant workers

¹⁸ Interview, Migrant rights activist, Chiang Mai, 30 Oct. 2015.

in an irregular status and widespread fear of police, many migrant workers in this study reported they self-restrict their mobility outside of work or housing areas (see Rosenhek, 2003). Many migrant workers end up relying, for instance, on vegetable sellers coming with carts directly to their accommodation or restrict their movement to nearby markets:

I have never been to other places in Bangkok. I only go to the market nearby. I am afraid to go alone, and I do not speak Thai language. *Burman woman, Bangkok*

ILO Workers' Housing Recommendation, 1961 (No. 115) is clear in this regard: "[i]n cases where housing is provided by the employer – the fundamental human rights of the workers, in particular freedom of association, should be recognized" (Paragraph 12).

Section 24 of Thailand's Alien Employment Act 2008 states: "A holder of [a work] permit shall keep the permit on himself or at the place of work during work in order that it may be readily shown to the competent official or registrar." The wording "at the place of work" could be interpreted to disadvantage the worker and justify employers holding documents. However, the ILO Multilateral Framework on Labour Migration identifies "retention of passports or identity or travel documents" as an "abusive practice against migrant workers" (ILO 2006). Retention of documents and restriction of movement can be indicators of forced labour (ILO, 2012).



11. Conclusions

The work available to migrant women in the Thai construction sector *that is analysed* in this research cannot be considered decent work. As it currently exists, construction work does not regularly offer opportunities for skills development or sustainable livelihoods for women migrant workers; migrants' rights as workers are not respected or protected; most workers are unable to access social protection and safe working conditions; and there are no strong and independent workers' organizations.¹ This undermines the potential of the sector as a vehicle for women's empowerment or for enabling women to benefit from development. Nonetheless, many of the women interviewed for this research were clear about the benefits of the sector over other options they had tried, including plantation work, factory work, and domestic work. From this exploratory study, it would appear to be one of the "least bad" options for a lot of migrant women working in Thailand.

11.1 Priorities for change

There are several changes that need to be prioritized for the sector to be more beneficial to women – and women migrant – workers. Migrant women were clear in identifying two main priorities for change in the sector: (1) equal and fair pay; and (2) real reduction in fees paid to brokers for documentation. Skills training in this and other sectors in the region is a targeted intervention to support women migrant workers. While skills training lends itself to tangible, concrete programming, migrant women in this study prioritized these broader systemic changes.

The multiple and intersecting pay discriminations, on the basis of gender as well as nationality/migrant status, must be addressed. The minimum wage should be a minimum, not a ceiling for migrant women. Introduction of a living wage would allow women migrant workers and their families to live in dignity. In

¹ See ILO Decent Work Agenda, <http://www.ilo.org/global/about-the-ilo/decent-work-agenda/lang--en/> [22 July 2016].

many cases women and men are doing the same work or work of equal value, but are not getting paid equally. In other cases, employer and supervisor biases prohibit women fully accessing equal work, and thus allow employers to further justify paying migrant workers less than nationals and women less than men, with migrant women at the bottom of any pay scale.

Documentation processes need to be consistent and accessible, and coupled with measures to ensure employers register workers. Employers and migrant workers need the Thai migration and work documentation processes to be straightforward and transparent, eliminating the reliance on migrant workers or employers paying bribes. Critically, migrant documentation needs to allow flexibility for migrant workers to change employers and work location. These changes will reduce migrant workers' dependency on brokers who charge high fees.

In addition to the issues of pay and affordable documentation prioritized by migrant women, the health and safety risks on Thai construction sites are not adequately mitigated. Employers must prioritize worker safety and consistently provide the appropriate personal protection equipment, at no cost to the worker. Training in using the equipment and in staying safe on site must be provided in languages easily understood by workers and particular efforts need to be made to ensure women are able to benefit from this training and equipment.

The prerequisite that women workers must be married to men working in the sector entrenches patriarchy and institutionalizes heterosexuality in the sector and limits opportunities for women workers. Replicating the societal discrimination against single women, it reduces the status of women working in the sector and their contributions, providing justification for their reduced pay and lack of opportunities for skills development. As lack of women's safety in employer-provided housing sites is often cited as the rationale for this requirement, the construction sector needs to change how it houses and ensures personal security for workers, in order to end this discrimination on the basis of marital status.

The pattern where the construction industry benefits – and employers profit – from a workforce of low-cost, precarious workers who are controlled by immigration and labour laws, discriminatory policing, and low pay, while evident in this research, is not unique to Thailand. Unable to move freely and needing to maximize their earnings, women migrant construction workers often work long hours in unsafe conditions, on a series of temporary projects. These factors harm the productivity of the sector and its workers. An important step in ameliorating the problems lies in supporting migrant worker organizing, among other steps to bolster labour and human rights in Thailand. As the construction sector is particularly fragmented, migrant workers, including migrant women, need concerted support to organize, freely associate, and make use of collectively bargaining tools in negotiations with employers. Without this and other accountability mechanisms, such as labour inspection, migrant women continue to face systemic underpayment and other discriminations.



12. Policy recommendations

To the Governments of Thailand, Myanmar and Cambodia

- Improve women's access to migration through MOUs and ensure gender-specific social protection. Abolish restrictions on women migrating and eliminate informal costs.
- End excessive documentation costs for migrant workers: ensure costs for passports and other documentation are regular, reasonable, and transparent.
- Provide pre-departure training in construction skills and gender-sensitive occupational safety and health for migrant workers moving to the Thai construction sector, including for women workers. Ensure costs are not passed on to the migrant worker and ensure transferability of skills.
- Work to ensure migrant workers are guaranteed at least Thai minimum wage.

To the Thai Government

- Revise documentation procedures to be migration-sensitive and accessible to workers of different migrant statuses. Simplify, harmonize, and make accessible all documentation and social insurance procedures, in addition to procedures for migrant workers to become employers. Consider that short and infrequent registration periods may result in gender-discriminatory outcomes. Develop documentation schemes appropriate to the needs of employers in the highly mobile construction sector. End the "zoning" restriction on migrant workers, reduce the ease with which workers' documents become invalidated, and ensure employers have the necessary flexibility to keep workers. Build flexibility into documentation options by allowing documentation to be independent of an employer, and take into account that migrant workers require flexibility to be able to return home, maintain family ties, and manage care responsibilities.
- In line with ILO Private Employment Agencies Convention, 1997 (No. 181) and Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203), amend the Employment and Job-seeker Protection Act 1985 to ensure workers do not bear the cost of recruitment. Address and penalize contract substitution.

- Inform migrant construction workers of the social insurance benefits to which they are entitled including by visiting construction sites and better regulate and enforce contributions from employers. Work with other governments towards portability of social security so that migrant workers who returned can access benefits of the schemes. Allow unemployed migrant workers to stay in Thailand for more than seven days after their employment has been terminated to enable migrant workers to secure a new employment contract. Provide local government offices with translation services.
- Ensure women, regardless of migration status, have access to comprehensive, affordable, quality, gender-sensitive health services. Encompassing rights-based, comprehensive, and integrated sexual and reproductive health information and services, including prevention and treatment of STIs and HIV, choice of a full range of contraceptives, maternal reproductive planning, and safe termination services. Ensure health workers do not discriminate against women migrant workers. Enforce provision of paid maternity leave, and ensure redress for women who do not receive it.
- Establish firewalls between immigration enforcement and public services, including police, health care, education and labour protection.
- Ensure no workers are receiving wages lower than the established minimum wage and work progressively to raise the minimum wage in line with the Thailand living wage for all workers, irrespective of status. Take action against employers who underpay their workers.
- End pay discrimination against migrant workers regardless of gender or legal status. Enforce equality in wages, overtime pay, and holiday pay, for work that has the same characteristics and quality. Ensure that all workers are paid overtime in accordance with the Labour Protection Act 1998. Amend Section 53 of the Labour Protection Act 1998 to ensure that legislation provides for equal remuneration for men and women not only for equal, same, or similar work, but also for different work which is of equal value.
- Revise Section 39 to ensure women workers are not discriminated against on the grounds of pregnancy and are allowed to take up any work that does not pose health-related problems. Review the rest of Chapter 3 in consultation with a cross-sectoral representation of women workers, including migrant women, to ensure it supports substantive gender equality for women workers.
- End impunity for companies that exploit their economic influence to absolve their responsibilities towards workers' occupational safety and health. Ensure no migrant workers, or their families are left without compensation due following injury or death at work. Amend the Occupational Safety, Health and Environment Act 2011 to make clear the cost of safety equipment should be borne by the employer. Ratify and implement ILO Safety and Health in Construction Convention, 1988 (No.167). Properly implement and enforce the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187).
- Increase the capacity and number of labour inspectors, including women labour inspectors, and ensure they are adequately remunerated, commensurate with their responsibilities. Ensure work site inspections are sufficiently frequent and rigorous, and expand the mandate and resourcing for labour inspectors to inspect quality housing for construction workers. End the culture of corruption that enables officials – and individuals posing as officials – to exploit migrant workers.
- Issue, implement, and monitor the expected legal instrument on the standards of workers' living quarters that includes accommodation for migrant workers, while simultaneously maintaining workers' privacy and avoiding surveillance. The regulation should address standards on land use, structural safety, fire and safety, environmental health, ventilation, lighting in communal areas, and drainage and sanitation/sewerage. It must provide adequate space per person at least meeting regional occupancy minimums of 4.5 square metres per person.
- Provide support for and simplify the requirements for migrant construction workers to legally register small businesses and act as employers, reflecting the realities of the sector and strengthening the link between migration and development.

- Support workers organization in the Thai construction sector generally, and particularly for migrant workers. Revise the Thai Labour Relations Act to enable those without Thai nationality to establish a union.
- Provide more complaint centres for migrant workers and provide gender training to duty bearers receiving complaints. Increase cooperation with NGOs as an entry point for migrant workers to issue complaints. Ensure migrant workers can raise concerns without need to fear repercussions; consider how firewalls between immigration and labour inspection can contribute to this goal.

To employers and employers' groups

- Ensure supervisors allocate tasks fairly without discrimination on the basis of gender, migrant status, or other factors. Set an example by employing and promoting a diverse workforce. Where possible make this non-discrimination a requirement in contracting agreements.
- Reduce informality across the construction sector - without discrimination against women workers'. Register all employees, ensuring they have documents enabling migrant workers to stay, work, and obtain social insurance in Thailand. Allow migrant workers to keep possession of their documents.
- Ensure women migrant workers are not barred from better-paid work due to stereotyped assumptions about their likes or abilities. Ensure supervisors and managers know not to discriminate against women migrant workers when they are assessing abilities or offering opportunities to upgrade. Support training for migrant women construction workers and ensure women migrant workers receive increased wage commensurate with skills acquisition.
- Ensure no worker is paid less than the Thai minimum wage, including migrant workers. End pay discrimination between nationals and migrant workers and between women and men doing work of equal value on site.
- Ensure any deductions from the pay of migrant workers are made clear in advance. Ensure prior agreement with workers for any deductions.
- Ensure no workers are required to work more than 48 hours per week as prescribed by the Labour Protection Act 1998 without the appropriate overtime pay. Ensure workers are paid in full for hours worked if work is stopped by rain.
- Provide paid maternity leave and allocate light duties to pregnant workers in accordance with the labour law.
- Ensure all workers, including supervisors and security guards, are clear about the prohibition of harassment of or violence against women, including in the worker housing sites, and adopt and implement fair disciplinary processes against anyone reported to display such behaviour.
- Ensure that no workers are made to work at height if they are not comfortable doing so.
- Provide adequate safety equipment to all workers, including migrant workers, at no cost to the worker. Include occupational safety and health costs in the prime costs of any competitively tendered contract.
- Provide initial comprehensive safety training to all workers before they start work, in a language they can understand. Convene regular safety meetings with all workers, including migrant workers and irrespective of gender, with the necessary interpretation. Ensure that workers can raise safety concerns at these meetings or elsewhere without fear of retribution. Resolve any concerns raised.
- Improve the standard of employer-provided housing, ensuring structural safety, fire and safety, environmental health, ventilation, lighting in the communal areas, drainage and sanitation/sewerage, access to potable water, adequate space per person, privacy, residents' personal safety and security, and upkeep of common areas. Provide secure, safe, and private gender-segregated bathing areas. Take responsibility for workers' security at housing sites, and respect workers' right to privacy and refrain from surveillance of workers.

- Improve reporting on work site accidents so that it is meaningful, accurate, and provides accountability, through sharing inspection results with appropriate authorities.

To the ILO

- Ensure the revision of ILO Maximum Weight Convention, 1967 (No. 127) and the corresponding Maximum Weight Recommendation, 1967 (No. 128) does not reinforce gender discrimination and marginalize women workers.
- Monitor the implementation of the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) and assist the Thai Government in bringing its national legislation in line with Convention No. 187.

To unions, worker associations, international organizations, civil society and donors

- Research the wage spectrum for working conditions of migrant construction workers in order to gain better understanding of differences, including those based on location, construction type, task or skill level, company size, type of migrant and work documentation, gender, marital status, and different countries of origin.
- Monitor the roll out of the new minimum wage framework to ensure that workers, including MOU and non-MOU migrant workers in the highly mobile construction sector are being paid fairly.
- Explore the Committee on Consideration of Unfair Gender Discrimination (WorLorPor), established under the Gender Equality Act 2015, as a forum to pursue compensation for the gender discriminations experienced by women migrant construction workers.
- Work to close the accountability gap in migrant workers' access to the Workmen's Compensation Fund.
- Work with employers to trial a mentoring system wherein experienced women migrant workers are paid to train and support other women workers.
- Coordinate and deliver an inclusive training programme for women migrant construction workers to provide training in a range of life skills as well as training in skills applicable to the sector. Ensure availability of the necessary interpretation or provision of the trainings in languages appropriate to the migrant workers. Work with the Employers' Confederation of Thailand (ECOT) and relevant sector bodies to build wide support for and participation in the programme. Ensure women migrant workers are able to attend the trainings without losing income.
- Facilitate consultation with construction workers – including women and migrants – in the revision of the ILO Maximum Weight Convention and Recommendation to ensure the revised versions meet their needs.
- Work with the Thai construction industry to increase organizing and collective bargaining, providing particular support to women migrant workers, adopting strategies that consider gender barriers to effective organization.
- Strengthen the cooperation between civil society and unions, to support the inclusion of migrant workers, including women migrant workers, in union membership and leadership. Strengthen the cooperation between unions/worker associations and the women's rights and migrant rights movements.
- Ensure that women working in construction, including migrant women, have access to gender-sensitive support networks and organizations.

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Appendices

Appendix I: Research questionnaire for women migrant workers

For interviewer to complete:

- A. Place & date of interview
- B. Interviewer
- C. Translator (if different)
- D. Work site name & location [FOR REFERENCE ONLY, Confidential]
- E. Short site description:
- F. Is there sufficient privacy and freedom from intimidation at the interview site? ☐ Yes ☐ No
(If no, can the interview be moved or rescheduled? Or consider omitting some more sensitive questions)
- G. Is the person being interviewed working in the construction sector on a building site? ☐ Yes ☐ No
(If no, interview ends here)
- (Interviewer presents information about the study and informed consent)
- H. Is the participant willing to participate in this study? ☐ Yes ☐ No
(If no, interview ends here)
- I. Is the participant ok if this interview is recorded? It will be kept confidential. ☐ Yes ☐ No
(If no, please take note)
- J. Does the participant have any concerns about carrying out this interview or questions about it? ☐ Yes ☐ No
(Please note)

Profile questions:

- A. Name
(ONLY if she wishes to include it, or please note participant's wish to remain anonymous)
- B. Age
- C. Township and country of origin
- D. Ethnicity
- E. Marital status
- K. What is your specific trade/job on site? [Skills/ duties performed]

How long have you been working in Thailand? [This may cover this particular migration or a longer period during which they have moved back and forth between Thailand and their home country. Please specify.]

Do you have a passport? Did you get it here or at home?

- Who has your passport right now?
- If you don't have it, can you move around freely (without it)? Do you have a copy of your passport?
- Do you think you could get it back when you want it? If no: when? [for example at end of contract or in the case of an emergency]

Do you have a medical card? Or Social Security card?

- Do you ever use it and get any of the benefits?
- Do you know what benefits you could get?

Please tell us about your experience working on site:

1. Had you worked in construction before – where and doing what?
2. Why did you decide to work in construction?
3. Do you work with your husband/partner on the site? With your children? If so, how old are the children who work and what do they do?
 - [if married/with partner] Where did you get married?
 - [If with family:] Do you see this as an advantage of working in construction? What's good/bad about it?
4. Do you work for a company or a subcontractor? Who is the supervisor – are they Thai or another nationality? Can you understand each other? Is your supervisor a man or a woman? Does that affect your work?
5. What are the jobs that only women do? Why?
 - What are the jobs that only men do? Why?
 - Are there jobs that both men and women do? What are they?
 - Are there any Thais working on the site? Do the workers from different countries do the same work as Thai workers?
 - In the construction work you have done, do you think the work that women do is equal to the work that men do?
 - [If there is work that women don't currently do] Do you agree that men and women should do different work?
 - Are there different rates of pay on site? What people get paid the most? Why? [gender/nationality?] Are there women who are skilled workers? Are they getting paid as skilled workers?
6. What do you like about your work?
 - What problems do you have working at this site/in construction?
7. Are you ever scared or afraid of hurting yourself on the site? If so, what changes need to be made to make you feel safe on site?
8. Have you had any training to do this work? Safety training or skills training? [doesn't need to be in this job, could be before they migrated or at a previous job] Has anybody/everybody?
 - Have you received any official certification for this training? If so: what, when?
 - Do migrant women have as many opportunities for skills training as other workers?
 - What training would be useful? Why? [Certification to prove qualifications/training; portability to different sites; more money, etc.]
9. What safety equipment do you wear/use at work? Did you have to buy the equipment yourself or did your employer buy it? [If the employer bought it:] Was the cost deducted from your pay?

- Is there equipment on site to deal with a fire? Do you know how to use it?
 - Do you know about working safely in high places?
 - Do you know if you can get compensation for an accident at work?
 - Do other workers on site take their – and your – safety seriously?
 - Have you or has someone you know been ill after working on site [because of something on site – dust, noxious substance, etc., - or from carrying heavy loads]? If so, did you/they get any treatment? Where?
 - Have you ever been in or witnessed an accident at site? If so, what happened?
10. Has anyone from immigration (or other Thai officials) been to visit or inspect the work site when you have been working here? What happened?

Please tell us about your work conditions:

1. Do you have a contract?
 - Do you have a written contract or employment agreement with your current employer? What language is your contract in? Who holds it?
 - Did you have to sign a blank contract or a contract you didn't understand or agree with? Do you have your own copy of your contract in your possession? Is the contract you have now the same as the one you signed originally?
2. Can you change your employer?
 - Would you still get your wages?
3. Who is your employer? What company or subcontractor are you working for? [Only if they wish to say this, please give participants an option.]
4. How many days per week do you work on this site?
5. How many sites does the employer have for you to work on at the moment? Can you explain how it works when you move site or work on different sites?
 - Are you moved within the same area or to different places in Thailand?
 - How does it affect your housing, journeys to and from work, children and their education?
6. Do you have periods of time when you are not working?
 - Has your employer ever told you in advance if there is no work/if the work was going to end?
7. How many hours do you normally work per day? Per week?
8. Wages: When/how often are you paid? [Note: Most are paid what they call 'weekly', which is actually fortnightly/every half month]
9. What is your daily wage? (Thai baht)
10. What do you usually earn each month, including overtime? (Thai baht)
 - Does your employer take money from your wages to cover other costs? What for? Are you charged for the payments your employer has to make to local officials [including police]?
11. Are you usually paid on time? / Are you usually paid as you should be?
12. Have you ever worked and not been paid? What did you do?
13. How many hours of overtime do you work on weekdays, weekends/public holidays?
 - How much do you get for overtime? On weekdays, weekends, public holidays?
 - Is overtime voluntary / do you get a choice?
 - Do you need to work overtime to meet your costs, send home, or pay off job- or migration-related debt?

14. How many people live with you or are you supporting at home? (both immediate and extended family that you support with money or direct caregiving)
 - How many are children (under 18 years old)?
 - How many live with you in Thailand?
 - How many people are you supporting with the money you send home?
15. Do you earn enough money / enough to get by? Can you save any? [In couples:] Who holds the money? Do you have the right to hold on to (control) the money?
16. As a woman, do you feel safe on site? If not, why not? What could be done to improve your safety and security?

Have you ever been harassed or called names or been segregated or experienced discrimination or violence because you are a woman or [Burmese/Shan/Khmer/etc] or because you are not married [if applicable] or because you are a migrant or any other factor?

What can you do if you have a complaint about your working conditions? Have you ever complained about your working conditions? If yes, to whom? What happened?

Have you ever asked to be reassigned to another employer/site?

Do you belong to or participate in any unions/associations/social or faith-based groups? Are you able to use social media (Facebook, Line, etc.)?

[In Chiang Mai changed to: Do you know WSA, are you a member? Do you belong to any other groups? If there's a festival or holiday do you participate regularly? Are you able to use social media (Facebook, Line, etc.)?]

Please tell us about where you live:

1. Where do you live? Do you pay for the housing? Who do you pay, or is rent deducted from pay? Who organized it?
 - Do you like where you are living? What is good / bad about it?
 - Do you feel safe where you live? Why / why not?
 - Do you have access to adequate toilet and shower/washing facilities? Are they clean? Are there any facilities for women only? Where does the water come from? Is it clean?
 - Is there lighting at night? Do they extend the lighting to the bathroom areas?
 - Is your room safe? Is the gate [to the camp] locked at night? At what time? What do you think about that?
 - [Only if there is trust in the interview and interviewee feels it is safe to ask] How much is drinking a problem at the camp? Are Yaba or other drug used? Is it mainly men or women that use alcohol and drugs?
2. [If they live off-site] How do you get to and from work? Is it safe? How long does the journey usually take? How much does it cost, who pays?
3. What activities do you do on your day off? Do you leave the camp? Where do you go? Is there anywhere you avoid?
4. Who keeps your home / housing clean, does the laundry, and prepares meals?
 - Do you work less (or work less overtime) than you want because you have to stop and do housework?
 - Does your husband/partner do any housework after construction work?

How is the health care here?

1. What sort of family planning do you use? Where? What? Do you have to pay for them?
2. Have you been pregnant since working in construction? Did you carry the baby to birth?
 - If no, do you mind sharing what happened?
 - If yes:
 - » Were you concerned that having the baby would have any impact on your job?
 - » Were you able to get antenatal care? Did you pay for it?
 - » Did you get maternity leave?
 - » Did you get maternity pay?
 - » You worked until you were how many months pregnant?
 - » Did you have the baby in Thailand? In a hospital? Somewhere else? [If at a hospital:] Who paid hospital fees? [Social Security? Medical card?]
 - » Did you keep the baby with you? Could you breastfeed?
 - » Did the baby get a birth certificate?

We would like to end the interview with some questions about your future plans and any suggestions or recommendations you have:

1. Do you want to return to [home]?
2. Do you think you will keep working in the construction sector in Thailand?
 - Do you want to be a skilled worker? [if they're not already]
 - Do you want to stay in Bangkok/Chiang Mai or go somewhere else [why/where else]?
3. What recommendations do you have for migration agents [if relevant], the Thai Government or your government that would help migrant women in construction work?
 - Would you recommend construction work to other migrant women looking for work?
4. Is there anything else about migrant women's experience of construction work in Thailand that you would like to tell us? / Is there anything else you want to say?

Appendix II: Migrant workers in the construction sector in Thailand, October 2015

Number and percentage of migrant workers holding different documentation									
		MOU ¹		Nationality Verification ²		Migrant Worker Cards ³		Total documented migrant workers ⁴	
		Number	% totals by country	Number	% totals by country	Number	% totals by country	Number	% totals by country
Myanmar	Women	5 202	17	59 470	39	36 237	37	100 909	36
	Men	24 674	83	92 521	61	62 757	63	179 952	64
	Total	29 876		151 991		98 994		280 861	
Lao PDR	Women	1 406	38	1 646	44	5 204	40	8 256	40
	Men	2 334	62	2 102	56	7 767	60	12 203	60
	Total	3 740		3 748		12 971		20 459	
Cambodia	Women	6 696	32	9 423	38	84 355	40	100 474	39
	Men	13 958	68	15 383	62	126 589	60	155 930	61
	Total	20 654		24 806		210 944		256 404	
Total number of workers	Women	13 304	25	70 539	39	125 796	39	209 639	38
	Men	40 966	75	110 006	61	197 113	61	348 085	62
	Total	54 270		180 545		322 909		557 724	
Percentage of total documented migrants			10		32		58		
Number of employers			3 275		23 081		30 158		56 514

¹ Number of migrant workers registered through the MOU process (Section 9 of Alien Employment Act 2008) as of October 2015

² Number of migrant workers through Nationality Verification as of October 2015

³ Number of migrant workers holding Migrant Worker Cards (Pink Card): Migrant workers registering between 1 April and 30 June 2015

⁴ Total documented migrant workers (MOU, NV & Migrant Worker Card) as of October 2015

Source: Data provided in meeting, Department of Employment, Bangkok, 13 Nov. 2015.

High rise, low pay

Experiences of migrant women in the Thai construction sector

This study presents the experiences of women migrant workers in the Thai construction sector and was commissioned to address the knowledge gap on the employment conditions of these workers. The hope of this exploratory study is to pave the way for a broader sectoral assessment of the Thai construction sector. Despite being a vital part of the construction sector, women migrant workers are marginalized within this male-dominated industry. Women work in a precarious working environment with inadequate documentation and where they are not paid or treated equally to men or Thai nationals. This paper identifies specific decent work deficits and gender-specific challenges, and the qualitative findings and centrality of workers' voices in the study's design and findings shed crucial light on the experience of migrant women workers in the construction industry.

Tripartite Action to Enhance the Contribution of
Labour Migration to Growth and Development
in ASEAN (TRIANGLE II)

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