

## **International Labour Organization and Ministry of Labour, Thailand**

### **Summary of Capacity Building Workshop on Strengthening the Role of Labour Attachés in Thailand: Complaints Mechanism**

**12 February 2015**

**Landmark Hotel, Bangkok, Thailand**

1. This note reports the main discussions of the consultation workshop, jointly organised by the Ministry of Labour, Thailand and the ILO ASEAN TRIANGLE Project, and held in Bangkok, Thailand on February 12<sup>th</sup> 2015. The consultation workshop, the second of a series, brought together labour attachés and embassy officials from three major labour sending states: Cambodia, Laos PDR and Myanmar who are posted in Thailand for coordination in order to build their capacity to protect their migrant workers in Thailand, as well as government officials from the Ministry of Labour, Civil Society Stakeholders, employers' organization and trade union representatives, and labour attachés from the Government of Philippines and Indonesia. (see Annex I and II for the workshop agenda and the participant list).
2. The consultation workshop aimed at: (1) updating labour attachés and consular officials on changes in policies relevant to migrant workers in Thailand and discussing the role of labour attachés in facilitating migrant workers' access to complaints mechanisms; and (2) strengthening relationships, facilitating communication and developing synergies among the embassies, authorities, social partners and NGOs, with a view that greater cooperation among the various organizations involved in the provision of support services to migrants will increase efficiency and result in more positive outcomes for migrant workers. The expected outcomes of the workshop are: (a) catalogue of existing complaints mechanisms in Thailand and sending countries; and (b) manual outlining complaints mechanisms in Thailand and upon return, including complaints forms used in Thailand and CLM.
3. The consultation workshop was opened by the Ministry of Labour, Thailand Permanent Secretary, Mr Nakorn Silapa-archa; and Mr Nilim Baruah, Regional Migration Specialist, ILO Regional Office for Asia and the Pacific. Permanent Secretary Mr Silapa-archa noted the importance of fair and safe migration system in Thailand, in particular the migrant worker registration system and the implementation of MOUs. Mr Silapa-archa stated that his office commits to improve and strengthen migration system, in which migrant workers can legally work and be protected under labour protection law and regulation. It was noteworthy that Mr Silapa-archa mentioned the equal protection of migrant workers under law regardless of the workers' immigration status. ILO Regional Migration Specialist Mr Baruah pointed out that it is importance for migrant sending countries to appoint labour attachés or consular officials to major countries of destination in order to protect their migrant workforce. Mr Baruah emphasised a vital role played by labour attachés and consular officials in protecting migrant workers and developing effective labour migration policies.
4. Mr Manuel Imson, Senior Programme Officer, ASEAN TRIANGLE Project (ATP), and a former labour attaché of the Philippines presented the updates of ILO capacity building

programs for labour attachés. To begin with, Mr Imson identified the three challenges labour attachés are facing: language, irregular migration and recruitment process. Mr Imson, then, highlighted that the role of labour attachés has been recognized by ASEAN Member States and included in the recommendations of the 3<sup>rd</sup>, 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> ASEAN Forum on Migrant Labour (AFML). Several recommendations directly related to the role and function of labour attachés – showing the commitment of ASEAN to strengthen the labour attaché mechanism regionally. Mr Imson introduced the ILO sub-regional capacity building program for CLM-V countries. The program includes the strengthening of the role of labour attachés as one of four priorities for labour migration management. Mr Imson presented the framework of ILO capacity building program for labour attachés and the expected outcomes of this workshop.

5. 3 presentations from the Department of Employment and the Department of Labour Protection and Welfare, Government of Thailand, highlighted the role and function of labour attachés in labour migration management in Thailand. The overall condition of labour migration management in the country was introduced and it was identified that labour attachés play key role in facilitating the work-permit process and legal entry of migrant workers. For the current situation in Chiang Mai, the problem of the national verification process was pointed out. National Security Council estimates that there are more than 24,000 migrant workers in Chiang Mai who need to get through the verification process, but only 1,200 migrant workers have applied to the process so far due to language and other barriers. The Thai delegate also made a presentation on the complaint mechanism of Thailand including the issues of: 1) mandates, functions and duties of labour inspectors; 2) enforcement of labour law; 3) procedures of the complaint mechanism; and 4) dissemination of information on the rights and duties of employers and employees. It was confirmed here again that Thai labour protection law and regulation apply to all workers, regardless of their nationalities (whether Thai or foreigners) and irrespective of their legal status in the country (whether documented or undocumented).

6. Role of labour attachés and consulate officials and their experience in receiving complaints from migrant workers in Thailand from labour sending states, Cambodia, Lao PDR and Myanmar, were shared by their respective labour attachés and consulate officials.

#### **Cambodia:**

- i. In the midst of workers' exodus in June 2014, the Cambodian Embassy established three hotlines for Cambodian workers.
- ii. The Embassy provides Cambodian workers, whether documented or undocumented, with help and information whenever the workers are in need.
- iii. All the call-in complaints and problems are addressed and taken care of by the Embassy.
- iv. The press in both Thailand and Cambodia has been active in reporting the working and living conditions of Cambodian workers in Thailand, which has contributed to raising awareness of the situation of Cambodian migrant workers in Thailand.

#### **Lao PDR:**

- i. Lao consular officials and labour attachés in Thailand monitor the condition of Lao workers who have entered Thailand under the MOU process.
- ii. The consular officials and labour attachés, as Lao focal points, cooperate with their counterparts in Thai Government, especially for the national verification process of Lao workers who work illegally in Thailand.

- iii. The Lao Embassy receives the complaints directly from Lao workers. Upon the receipt of complaints, the Embassy informs the relevant Thai authorities for the settlement of disputes. The labour attaché highlighted that in the past 12 months, only 1 complaint has been received by the Embassy.

**Myanmar:**

- i. Myanmar labour attaché receives complaints, such as the withholding of passport, from Myanmar workers every day.
- ii. For Myanmar workers, the national verification process is the major concern. The workers face great difficulties to comply with the process in the given time period. It is beyond the capacity of Myanmar Government to issue the relevant documents necessary for the process (e.g. passports) to a massive number of Myanmar workers in a limited period. As an alternative, Myanmar Government plans to issue the certificate of identity, in place of passport, with a validity of 2 years.

7. The workshop facilitated regional sharing by inviting labour attachés from the Philippines and Indonesia.

**Indonesia:**

- i. Indonesia presented the flow of complaint at the Indonesian Embassy in Singapore. The Embassy is instrumental in protecting the complainants in that: 1) the Embassy accepts complaints through 24H hotlines; 2) the Embassy helps the complainants prepare necessary documents of complaint on their arrival at the embassy; 3) the Embassy takes the complainants to shelters; and 4) the Embassy contacts and coordinates with the relevant parties in Singapore (e.g. employers, police, hospitals, lawyers and the Ministry of Manpower) and in Indonesia (e.g. recruitment agencies, the Ministry of Employment, National Board of Employment and Protection of Workers, and insurance companies).
- ii. The duration of the settlement of disputes varies. For the cases involving criminal charges, they take minimum 6 months.
- iii. Indonesian authorities are able to revoke the licence of recruitment agencies that are involved in bad practices.
- iv. The Indonesian Embassy assists the complainants at court proceedings and funds their lawyers.
- v. CSOs provide the Embassy with the information concerned with complaints.

**Philippines:**

- i. The Philippines delegate identified the available grievance mechanisms to Philippine workers in Malaysia, including the nearest Philippine Overseas Labor Offices, Philippine Dep. of Labor (by letter and email), Philippine and Malaysian NGOs, the media, and Filipino community leaders.
- ii. The claims, issues, and complaints of Philippine workers in Malaysia include contract substitution, non-payment, underpayment, delayed payment, illegal dismissal, physical injuries, non-compliance with occupational health and safety standards, cancellation of work permit, forced repatriation, withholding of passport and/or work permit, overwork, not enough rest, not

- enough food, physical/verbal/sexual abuse, eviction from accommodation, detention, trafficking and forced labour.
- iii. The delegate presented the grievance handing and resolution process: 1) intake interview; 2) filling-up of the request for assistance; 3) issuance of the notice of conference; 4) conference; 5) settlement; and 6) quit claim and release.
  - iv. The delegates also pointed out the barriers in accessing grievance resolution mechanisms: 1) non-access to information and non-awareness of available mechanisms; 2) complexity of processes involved; and 3) tedious and lengthy grievance resolution process leaving the workers vulnerable both legally (violating immigration law) and financially (no income source).
  - v. The Philippine Embassy in Malaysia has a special unit for police cases. The unit assists Philippine workers' court proceedings with interpretation and funding for lawyers.
  - vi. For ordinary cases, the Embassy cooperates with Malaysian Bar Association to provide the workers with free legal aid. The Embassy also collaborates with Philippine regular missions in Sabah, Sarawak and other provincial areas and the leaders of 37 Philippine migrant community networks.

## 8. Summary of group work

### Group 1: Thai Ministry of Labour

1. Map the existing complaints mechanisms available to migrant workers in Thailand:  
Complaints mechanism is under responsibility of different Departments depend on type of grievances, as follows:
  - Complaint on labour protection under the Labour Law (under the Dep. of Labour Protection and Welfare);
  - Complaint on social security benefits under the Social Security Law (under the Social Security Office);
  - Complaint on employment and registration under the Alien Employment Act (under the Dep. of Employment).
2. Focal points on complaints in Thailand:
  - Hotline 1506, 1546, 1694;
  - Smart Job Center (SJC) of the Min. of Labour;
  - Damrongdhama Center of Ministry of Interior, Hotline 1567
  - Office of the Prime Minister, Hotline 1111
  - Ombudsman
  - Website (1) [www.sso.go.th](http://www.sso.go.th) (2) [www.mol.go.th](http://www.mol.go.th) (3) [www.labour.go.th](http://www.labour.go.th) (4) [www.doe.go.th](http://www.doe.go.th)
3. Recommendations to improve coordination with labour attachés of CLM:
  - To facilitate the work of Social Security Office, sending countries should provide the Identification Card/Household Registration of migrant workers for referencing with the Social Security System of Thailand;

- To facilitate the work of Dep. of Labour Protection and Welfare, sending countries should be able to confirm the ages of migrant workers, in order for the DLPW Office to better protect migrant workers;
- Detention system of undocumented migrants should be improved;
- Embassies should assign focal points and phone numbers.

## Group 2: Labour attachés from Cambodia

1. Map the existing complaints mechanisms available to Cambodian migrant workers in Thailand:
  - Formal procedure:
    1. Workers complain at the Embassy;
    2. The Embassy contacts (recruitment) agencies;
    3. The Ministry monitors (recruitment) agencies.
  - Informal procedure:
    - Workers complain at NGOs/CSOs in Cambodia and in Thailand (e.g FAR).
2. Focal points on complaints in Thailand:
  - For both documented and undocumented Cambodian workers, 098 4140 550 (Embassy) and 018 441 9872 (24hours/7days Hotline);
  - NGOs and CSOs, including Raks Thai, Stella Marris (for fishery workers), LPN, NCCM, Caritas Thailand.
3. Recommendations to improve coordination with labour attachés of CLM:
  - Increased involvement with Thai trade unions to focus on the protection of migrant workers from Cambodia (currently the MRC run by TTUC addresses only the needs of Myanmar workers);
  - Increased coordination and cooperation among stakeholders;
  - Implementation of the pre-departure and post-arrival orientation;
  - Further outreach of the labour attaché through community networks to reach Cambodian communities outside of Bangkok province.

## Group 3: Labour attachés from Laos

1. Map the existing complaints mechanisms available to Lao and Myanmar migrant workers in Thailand:
  - Lao workers:
    1. The Lao Embassy receives a complaint directly from Lao workers;
    2. The Lao Embassy contacts the relevant Thai authorities for the settlement of dispute.
2. Focal points on complaints in Thailand:
  - Lao workers:
    - The Lao Embassy in Bangkok;
    - The Lao Consular General in Khon Kaen.
  - Myanmar workers:
    - The Myanmar Embassy in Bangkok;



- The Myanmar Consular General in Chiang Mai;
  - Migrant Resource Center;
  - Myanmar Migrant Network – Thailand, Bangkok and Samut Prakan
3. Recommendations to improve coordination with labour attachés of CLM:
- Regular dialogue among the Min. of Labour, Embassies, trade unions, social groups of migrant workers to handle complaint;
  - The Min. of Labour should consider an arrangement for those migrant workers who have changed their employers while undertaking the national verification process;
  - Registration of undocumented migrant workers should be processed around the year, not only in the fixed period.
9. Next steps: All the recommendations presented by the three groups will be taken note of. Information given in the workshop will be put into (1) the catalogue of existing complaints mechanisms in Thailand and sending countries and (2) the manual outlining complaints mechanisms in Thailand and upon return, including complaints forms used in Thailand.

## Annex I: Agenda

Date: 12 February 2015

Time: 9.00am – 4.00pm

Venue: Sukhumvit 6, 3rd Floor, Landmark Hotel, Bangkok, Thailand

Time	Agenda Item
08.30-09.00	<p><b>MC:</b> Mr. Pholawat Chuentrakulvitaya, Foreign Relations Officer, Office of the Permanent Secretary, Ministry of Labour, Thailand</p>
09.00-09.15	<p><b>Registration</b></p> <p><b>Opening remarks</b></p> <ul style="list-style-type: none"> <li>- Mr. Nakorn Silapa-archa, Permanent Secretary, Ministry of Labour, Thailand</li> <li>- Mr. Nilim Baruah, Regional Migration Specialist, International Labour Organisation</li> </ul> <p>Group photo and introduction of participants</p>
09.15 -09.30	<p><b>Session 1: ILO updates on capacity building programs for labour attachés</b></p> <p>Manuel Imson, Senior Project Coordinator, ASEAN TRIANGLE Project, International Labour Organisation</p>
09.30 -10.30	<p><b>Session 2: MOL updates on Labour Migration Related Policy and Complaint Mechanism in Thailand</b></p> <p><b>Summary:</b> This session will provide labour Migration related policy updates and outline complaints mechanisms in Thailand</p> <p><b>Moderator:</b> Mrs Piengpahp Withyachumnarnkul, Senior Expert on International Cooperation, Office of the Permanent Secretary, Ministry of Labour, Thailand</p> <p><b>Speakers:</b></p> <ul style="list-style-type: none"> <li>- Mrs. Darupat Limprawanit, Labour Specialist, Professional Level, Office of Foreign Workers Administration, Department of Employment, Ministry of Labour, Thailand</li> <li>- Mr. Chakri Hoonpho, Labour Specialist Chiang Mai Provincial Employment Office, Department of Employment, Ministry of Labour, Thailand</li> <li>- Ms. Chamaiporn Sintuprasit, Director of Labour Protection Bureau, Department of Labour Protection and Welfare, Ministry of Labour, Thailand</li> </ul>
10.30-10.45	<p><b>Coffee and tea break</b></p>
10.45-12.30	<p><b>Session 3: Role of labour attachés in facilitating migrant workers' access to complaints mechanisms</b></p> <p><b>Moderator:</b> Manuel Imson, Senior Project Coordinator, ASEAN TRIANLGE Project, International Labour Organization</p> <p><b>Session Summary:</b> Speakers will outline the existing complaints mechanisms in sending countries, the nature of complaints received, referral mechanisms in place and resolution of complaints. Philippines and Indonesia labour attachés will be invited to share good practices from postings in Malaysia and Singapore.</p>

	<p>5 labour attaché speakers - Cambodia, Laos, Myanmar, Philippines and Indonesia – 15 minutes each; 30 minute question and answer</p> <ol style="list-style-type: none"> <li><b>Philippines</b>, Elizabeth Marie R. Estrada, Philippine Labour Attaché to Malaysia, Philippine Embassy, Malaysia</li> <li><b>Indonesia</b>: Sri Indah Wijayanti, Former Indonesian Labour Attaché to Singapore, Government of Indonesia</li> <li><b>Cambodia</b>: Mr Cheam Lamatin, Counselor in charge of Labor and Prisoner Affairs, Royal Embassy of Cambodia, Thailand</li> <li><b>Laos</b>: Mr Viengsonge Xayakeo, Second Secretary, Embassy of Lao</li> <li><b>Myanmar</b>: U Thein Naing, Labor attachés , Embassy of the Union of Myanmar</li> </ol>
<b>12.30 – 13.45</b>	<b>Lunch</b>
13.45-15.00	<p><b>Session 4: Group Work</b> Break out discussion on mapping of existing complaint mechanism in Thailand and upon return, measures to improve coordination among key stakeholders to resolve migrant workers’ complaints and actions to improve coordination.</p>
15.00 – 15.15	Coffee break
15.15 – 16.00	<p><b>Session 4: Group Work</b>  Plenary group work presentations and identification of next steps Moderator: ILO</p>
16.00	Closing remarks, MOL

## Annex II: List of participants

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## Annex III Group Work guide questions

### Group 1: Thai Ministry of Labour

4. Map the existing complaints mechanisms available to migrant workers in Thailand.
5. Identify the persons and numbers and emails that should be listed in a directory of focal points on complaints in Thailand.
6. Identify three recommendations to improve coordination with labour attachés of CLM to monitor and resolve complaints.

### Group 2: Labour attachés from Cambodia

1. Map the existing complaints mechanisms available to migrant workers in Cambodia
2. Identify the persons and numbers and emails that should be listed in a directory of focal points on complaints in Thailand
3. Identify three recommendations to more effectively coordinate with Thai authorities and social partners to monitor and resolve complaints.

### Group 3: Labour attachés from Laos

1. Map the existing complaints mechanisms available to migrant workers in Laos (and Myanmar)



2. Identify the persons and numbers and emails that should be listed in a directory of focal points on complaints in Thailand
3. Identify three recommendations to more effectively coordinate with Thai authorities and social partners to monitor and resolve complaints.