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# The Roles of Thai Labor Solidarity Committee and Alliances on the Movement for the Protection of Migrant Workers in Thailand <sup>1</sup>

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## **Abstract**

This qualitative research was aimed to study the movement of Thai Labor Solidarity Committee (TLSC) and its alliances on the protection of migrant workers in Thailand. In this research, TLSC's structure was examined as well as its strategies on the protection of migrant workers. There was the evaluation of those strategies in order to understand the impacts in different level. Data was collected from the in-dept interviews with 21 key representatives from the leading actors of TLSC, Thai worker's union, labor related and migrant related NGOs, migrant workers and Thai workers during October 2008 – April 2009.

The research found that TLSC had used “Human Rights” as the leading concept for their movement. TLSC had the clear structure in the administrative level. The main strategies of TLSC on labor movement in Thailand included petition, campaign and education, capacity building, information dissemination in national and local level and networking. All of these strategies had been used for the movement on the protection of migrant workers as well. The migrant related NGOs who were members of TLSC had played important roles and had influence towards TLSC's activities regarding the protection of migrant workers. The strong capacity of migrant related NGOs who participated in TLSC and the sufficient database about migrant workers situation provided to TLSC leaders and members by NGOs were the main factors motivating TLSC movement on the protection of migrant workers. The impacts of TLSC's strategies on the protection of migrant workers were in three different levels; policy level, local level, and organization level.

## **Situational Background**

Currently there is the increasing number of migrant workers coming to work in Thailand. In December 2008, the Department of Employment has reported that there were total of 501,570 registered migrant workers in Thailand. However, according to the old record in 2005 there were 1,284,920 registered migrants. Therefore, it can be estimated that currently there are at least 2-3 million of both documented and undocumented migrants in Thailand (Subcommittee on Labor Rights of National Human Rights Commission of Thailand, 2008). Migrants who were working in different sectors had to face the discrimination and violation in various aspects. The Subcommittee on Labor Rights of the National Human Rights Commission of Thailand has revealed that the complaints about migrant's rights violation sent to the commission can be categorized into 6 dimensions as followed; Labor protection law, Occupational Health and Safety (OHS), Workmen's Compensation Fund, Rights and Freedom for group formation and negotiation, Private Rights, and the claiming of national security and the provincial Decrees.

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<sup>1</sup> This paper is part of Master Thesis titled “Protection Policies for Migrant Workers in Thailand: A Case Study on the Roles of Thai Labor Solidarity Committee” submitted for Master of Arts Program in International Development Studies, Faculty of Political Science, Chulalongkorn University.

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The contributing factors of those migrant's rights violations include employers, Laws, and Thailand policy. In order to protect those migrant workers, it is crucial to think the possible mechanism to support and promote migrant's rights protection. One of the conventional mechanisms is the use of negotiating power of trade union. In many countries this mechanism is allowed and used for promoting migrant's rights but in Thailand there are many limitations according to law and policy.

In Thailand, the labor councils and trade unions have been relegated to a less decisive role in labor relations. Also, with the misunderstanding on migrant worker situation and weak roles on labor relation, many Thai trade unions do not show any interest on migrant worker protection. Since 2001, the Thai Labor Solidarity Committee (TLSC) had played very important role for promoting the rights of all workers (TLSC Secretariat, 2007). At the beginning, the movements of TLSC have focused on the protection of Thai formal workers. After that there has been the expansion of movements to include the protection of Thai informal workers. The next section will summarize the movement of TLSC for the protection of migrant workers in Thailand.

Piper (2005) has analyzed the role of trade union in South East Asia on the protection of migrants and found that;

*“Trade union in developing countries have not shown much active interest in migrant workers mainly because their preoccupation of national issues; in country of origin, the dominant perception is that migrants are better of than local workers because they found employment abroad; from the viewpoint of local workers in the destination countries, migrant workers are perceived as job-takers and as responsible for depressing wages. The void left by trade union has to some extent been filled by NGOs.”*

Additionally, Dennis Arnold (2008) has stated that nationalism is one of the ideas that obstruct the movement of trade union or national workers on the protection of migrant workers in Thailand. He claims that nationalism is used by certain government ministries and officials, also the employer and trade union for promoting themselves in order to get more investment, job and better skills. This has created the sense that they are acting in the interest of Thai people and the nation not their own interest as labor.

*“Thus, the state and its benefactors are able to promote and reproduce capital at the expense of a majority of workers in Thailand, regardless of ethnicity, while treating migrant workers as a security threat which need to be suppressed to appease those who have studied their history and are threatened by rising number of Burmese and other migrant workers in the country.”* (Dennis Arnold, 2008)

In Thailand, only 2 % of the overall workforce is unionized and 11% of industrial workers are unionized (MAP Foundation, 2006). Nowadays, it seems to be the phase that unions have been relegated to a less decisive role in labor relations. For movement of trade union in Thailand, they still focus on the protection of regular migrant workers or migrants in the formal sector not the informal sector. In the situation that migrant workers are not allowed to form any union, it is more difficult for those migrant workers to conduct any collective action to negotiate with Thai government in term of the better protection for their rights.

### **Statement of Research Problem**

Since there is no strong power of trade union to help promoting the rights of migrant workers, therefore, it becomes the role of labor NGOs, labor organization and networks to claim for the rights of migrant workers in Thailand. Nowadays, more and more civil society groups are

paying attention to migrant protection issue starting from the provincial to regional and national level.

In the provincial and regional level especially in the areas where majority of migrants are working such as in Bangkok, Samutsakorn, Mae Sot, Ranong and Chiang Mai, there are some movement of NGOs and labor network for the protection of migrant workers. Although most of the movement are leaded by the NGOs, in some provinces such as Chiang Mai and Mae Sot both the national and non-national labor network have participated in the movement. For example, in Chiang Mai, the Northern Labor Network which includes the labor from different sectors such as, home-based workers, service workers, construction workers, agriculture workers has been running the campaign, public forums and policy advocacy on the protection of migrant workers focusing on occupational health and safety issue.

In order to expand the network and create more negotiation power, those NGOs working on migrants have established the cooperative networks such as the Action Network for Migrants (ANM) and Migrant Working Groups (MWG). However, the small movement of only migrant related organizations still can not get much attention from the government. Therefore, there are more movements in the national level.

In the national level, the organization called Thai Labor Solidarity Committee (TLSC) is the main actor on the movement for labor protection. This committee currently consists of 28 labor organizations as the members including various trade unions, labor federations and congresses and NGOs. In the past the labor movement in Thailand was very weak and lack of unity, thus the labor groups had less negotiating power and got less attention from the government. As a result of this problem, TLSC has been established in 2001 with the cooperation of various labor organizations such as employee council, labor federation, industrial labor union, and NGOs working on labor issue in order to conduct the campaign and movement for the protection of Thai labor. The organization is aimed to create the success on movement for all labor, and to strengthen the labor movement.

Nowadays, TLSC is playing very important role for promoting the rights of all labors (TLSC Secretariat, 2007). At the beginning, the movements of TLSC have focused on the protection of Thai formal workers. After that there has been the expansion of movements to cover the protection of Thai informal workers. Later when there are more and more migrant workers coming to work in Thailand especially when Thai government has started the registration of migrant workers in Thailand in 2004 and found that there were 1, 162,013, million registered migrant workers in Thailand (Tik, 2007).

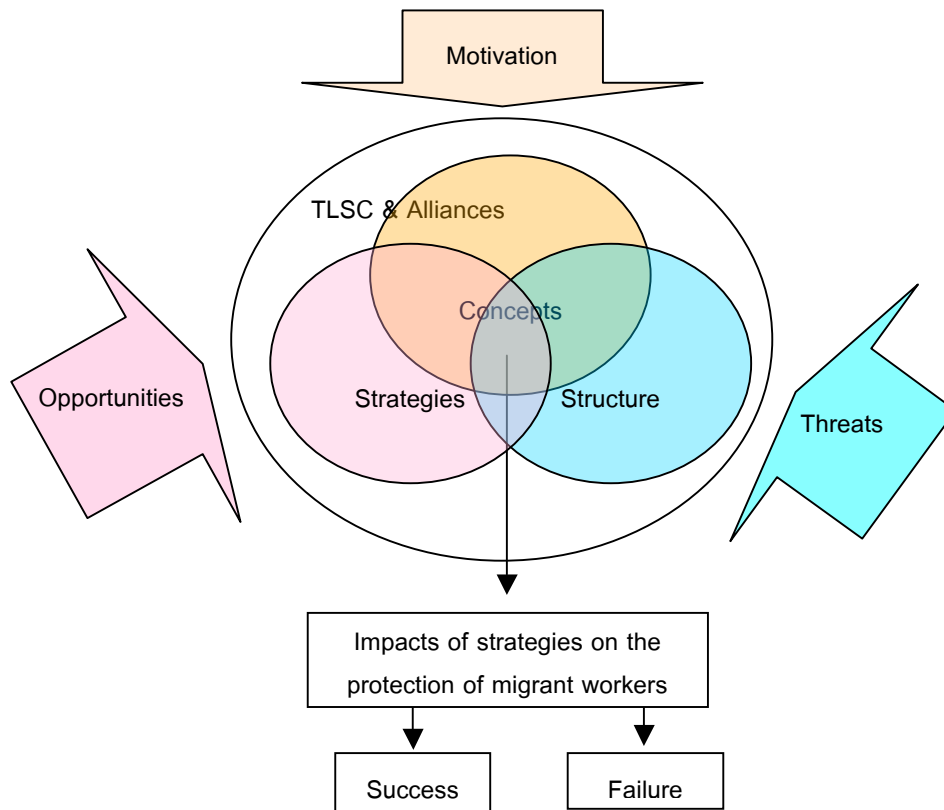
Since then, there are more and more concerns for the protection of migrant workers and TLSC become the main collective organization to oppose Thai government on migrant worker protection issue. With the expanding network and alliance of this organization, it has done many policy campaign and advocacy for the social change in Thai society. In the past, the movements has focused on the protection of Thai informal sector after that there are more and more concern for the protection of Thai Informal sector. In the past few years, TLSC has started to pay much attention on the movements for the protection of migrant workers at the same time with the campaigning for the rights of Thai labor.

On the International Migrant Labor Days in year 2006, Thai Labor solidarity Committee (TLSC) and their alliances, which are from different civil society groups, have proposed to the government about the protection of migrant workers and request for the permission to allow migrant workers to set up the labor union (Pongpan, 2006). Even though the movement of the group cannot be accomplished at that time but there are more and more activities and movement of NGOs and Labor organization on the protection issue for migrant workers in Thailand. In the year 2007, TLSC and all alliances have announced their intention on the issue “Labor Solidarity

without Borders” to assert for the rights of all workers without discrimination of race or nationality.

This research will be conducted in order to study the movement of Thai Labor Solidarity Committee (TLSC) in term of the basis of their concepts, structure and strategies on the protection policies for migrant workers in Thailand and evaluate the impacts of their activities on policy and social change towards the protection of migrant workers in Thailand.

**Figure 1: Conceptual framework of the research**



**The Formation of TLSC and its Structure**

The TLSC was officially introduced to the public in 2002. The members of TLSC cooperated with each other in order to unify and strengthen labor movement in Thailand because at that time the labor movement was very weak, had no continuity on the monitoring of labor issue, and lacked of unity and clear work allocation among the labor groups. The weak labor movement could not create a powerful movement, therefore, many requests from the labor groups were not intentionally considered by the government at that time. TLSC was made up of labor organizations such as the worker’s union, the worker’s federation and labor-related non-governmental organizations. Those organizations were grouped together to do campaigning, claiming for labor rights and monitoring the labor protection issue.

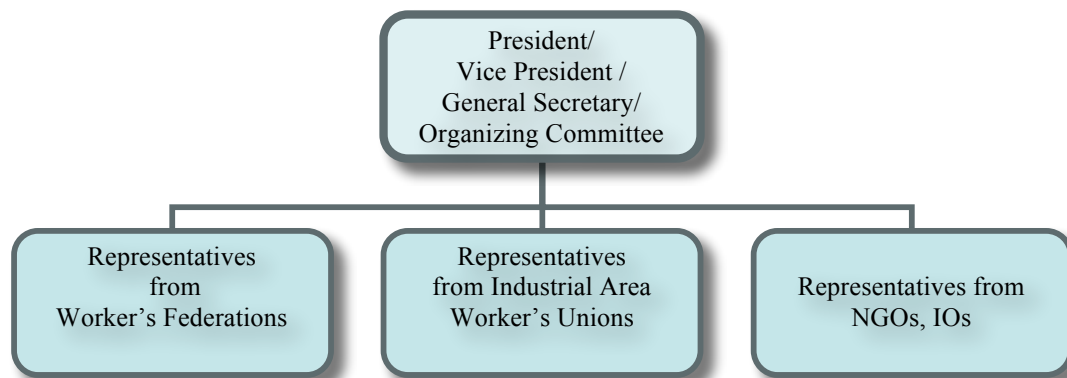
According to Voravidh Charoenloet since 1980s trade unions in Thailand had been characterized into two different types; “the formal form and the loose coordination center”. Under Thai labor laws, the workers’ organizations which had to be officially registered to the Ministry of Labor were categorized into four types: the labor union council, the labor union federation, the state enterprise labor union, and the private enterprise labor union. When the formal labor organizations were inefficient in defending the common interests of their members, then the informal form of labor organizations had been set up. “*These organizations did not register with*

any government agency, but were formed on the basis of mutual trust and independence among the union leaders who work in the same industry or the same industrial area/zone. Some organizations function as networks and also include labor-related NGOs as their members.” (Charoenloet, et. al., 2003)

TLSC had only one type of the members which is the “general member”. According to TLSC Charter (2009) in section 3 items 6, the general members refer to the formal labor organization, the informal labor organization, NGOs, and other civil society groups. For the income of the TLSC, all members have to pay THB 1,500 per year as the membership fee. This amount of money is used for the administration and management of the organization as well as for some campaign activities. In 2009, there are 32 organizations which are the members of Thai Labor Solidarity Committee (TLSC).

Even though TLSC was composed of the members from labor organization and members from NGOs, only committee members from labor organization were allowed to vote for the election of President, Vice President and General Secretary. NGOs could be the administrative committee if they were the leading representative of the member organization. Sakdina (Interview, 26 April 2009) had given the reason for keeping the electoral participation of labor organization in voting for their executive committee that; though the TLSC had mixed members from labor union, labor or migrant related NGOs and other civil society group, the representation of the organization should still depend on the decision of the labor organization. NGOs could play other roles as the supporting team of labor organization and should avoid creating the dominant power over the workers. In his opinion, if NGOs could form their own unions, they could participate in TLSC as the labor organization to reflect their own problems as workers. If they participated in TLSC as the individual organization, they were not the genuine representatives of workers so they should be considered as the contributing members.

**Figure 2: The administrative and working structure of TLSC**



However, the representatives of migrant and labor related NGOs had argued that it was still important that NGOs could become general member especially NGOs working for the informal workers and migrant workers. According to the law, these two types of workers could not form any unions, as result they could lose their rights to participate in the labor organization. The participation of NGOs in TLSC as the representative of the informal workers or migrant workers could be the initial start that could lead to the participation of these two types of workers in labor union in the future.

According to the administrative structure of TLSC, only the leaders or executive members of the federation or large unions could participate as the members and could be selected to be the



administrative committee of TLSC. The leaders of the small or sub –unions had less participation in decision making level.

TLSC had one officer working as the coordinator at Bangkok office. Though TLSC could be considered as the informal labor organization which lacks of legality, it can still play the important role in labor movement in Thailand and was accepted by government to participate in several national committees on labor and health issue (Interviewed with Savit Kaewwan, General Secretary of TLSC and State Enterprise Workers' Relations Confederation on August 4, 2008).

The Thai Labor Solidarity Committee (TLSC) was one of the unofficially labor organizations that played active role on labor campaign in Thailand. It has the clear administrative and management structure. Figure 2 has illustrated the administrative and working structure of TLSC. The leading team for TLSC includes the President, Vice President, General Secretary and Organizing Committee. The current President of TLSC is Wilaiwan Saetia. She is usually the main spokesperson and representatives of TLSC presented in any public events and negotiation process. The President of TLSC and other committee members will be the leading team to work with the representatives from the worker's federations, worker's unions, and NGOs to set up the annual workplan of TLSC. The monthly meeting among the members is regularly set up to follow up the progress of TLSC's work. Each responsible person and organization will be assigned to do tasks according to their capacity. The tasks that are assigned to the members are from all mission of TLSC.

The formation of TLSC was motivated by the recognition of the Thai labor unions and labor related NGOs on the weaknesses of labor movement in Thailand. Although TLSC has a clear administrative structure the participation of grassroot worker unions is still limited. The participation of NGOs in TLSC can have both positive and negative impacts. Since NGOs have higher capacity and skills compared to the workers, it is important to think about the dominant role NGOs play in decision making of workers. NGOs can offer a good support base for the workers in the labor movement by developing the skills of workers and providing information regarding the changing trend of labor issue inside and outside the country. However, their interventions may impact on the workers in terms of their decision making since some NGOs may have the hidden agenda in the participation of TLSC. The expansion of TLSC movement to include the protection of migrant workers is one of case of labor movement agenda that get main influence from the NGOs movement inside the organization.

### **The Expansion of TLSC Movement on the Protection of Migrant Workers**

In order to understand why TLSC expands its movement to include the protection of migrant workers, this section will investigate the enabling environment for this expansion. This section will be divided into 3 different parts including; the concern of Thai workers towards migrants, the influence of the international organizations and international trade unions, and the participation of NGOs in TLSC.

#### **1) The Concern of Thai Workers towards Migrant Workers**

Since Thailand economy mainly focuses on the industrial development which based on the labor - intensive production, therefore the large amount of cheap labor is needed in order to reduce the cost of production. As a result, there is more and more demand for the employment of migrant workers in the different types of industry such as textile, fishery, and agriculture industry. Moreover, many migrants are also employed in the service sector such as domestic work, restaurant and hotel. The high number of migrant workers in Thailand has increased the concern among Thai workers who are working those similar types of work. In term of the Thai worker's attitude towards migrant workers, Sakdina (Interview, 26 April 2009) said that the concern of Thai workers regarding migrant workers was usually on the negative aspects of migrant. In the

perception of Thai workers, migrant was the ‘job taker’ or ‘competitor’ of Thai workers. Some workers felt pity on the life of migrant workers, whereas some still had negative attitudes towards migrant workers.

Since many migrant workers are able to work in the same types of industry or even same factory as Thai workers, the Thai workers then start to realize about the discrimination against those migrant workers. Though working in the same types of work as Thai workers, migrant workers normally receive the lower wages than Thai workers.

The researcher finds that Thai workers in some areas have started to see the importance of migrant worker protection when the Thai workers who work in the similar types of job or the same factory as migrant workers feel fear about losing their job because migrants are going to replace their job. In the selfish way, some workers start to think that;

*“If migrant workers can get the same wages and same welfare as Thai workers, there will be no different payment between Thai and migrant workers. Therefore, there will be less competition between Thai and migrants. Though Thai worker and migrant workers can work for the same type of job, the employer may prefer Thai worker because they can speak Thai. As a result, Thai workers will not have to fear of losing job. ”*

However, some worker union thinks that it is important to protect migrant workers and increase participation of migrant workers in the union because it cannot only reduce discrimination on migrants but also increase the collective bargaining power of the union. Nowadays many factories depend on the use of labor from migrant workers, thus the collective bargain power of migrant workers is also important for the negotiation between employer and employee.

When TLSC was established in 2001, even though TLSC leaders had acquired understanding on the need for the protection of migrant workers, there were still no clear strategies of labor movement towards the migrant issue at that time. This was because those leaders still lacked of skills, capacity and experience in developing strategies on the protection of migrant workers. TLSC leaders had started to show active participation on the protection of migrant workers when they get more stimulation from the international organization, international trade unions and especially migrant related NGOs. The next sections will discuss further about the influence of the international organization and trade unions towards TLSC movement

## 2) The Influence of the International Trade Unions and International Organization on TLSC Movement

Since migrant issue has become the universal issue because of the large expansion of migrant workers all over the world, many international trade unions start to pay attention to migrant issue. One of the main supports for domestic trade union movement can be from the international trade unions and the Global Union. Especially, the protection of migrant workers or oversea workers usually needed the cooperation between the trade unions in sending countries and receiving countries.

For Thailand, Thai government had signed MOU with Cambodia, Laos and Myanmar regarding the employment of migrant workers from those countries. The migrant workers who came to work in Thailand through MOU process would get better protection than migrants with illegal entry to the country. However, there were not over 10% of migrants in Thailand who came through MOU process. This was because of the slow process and high cost of the admission fee. Moreover, the implementation of those MOU in term of the protection of migrant workers was still very weak.

Since majority of migrant workers had come to Thailand through the irregular or illegal channel, most of them did not receive proper protection as stated in the MOU. Since the government of the sending countries could not help protection the rights of irregular migrant workers, the trade unions, international organizations and NGOs had taken the responsibility for the protection of those migrants.

The movement of the Federation of Trade Unions-Burma (FTUB) was one of the samples of trade unions movement for the protection of migrant workers. Since rebirth in 1991, the FTUB has (8) affiliated unions and reestablished the unionization, promoting freedom, democracy, trade union rights as well as human rights in domestically. In the international arena, FTUB is marching together with global and international labor movement towards social-justice, free and fair globalization.

The movement of FTUB was not only for the protection of Burmese workers in the country but also to protect Burmese migrants oversea. Since FTUB has become the member of the International Transport Federation (ITF) so they had been networked with some Thai worker unions which were the members of ITF such as Thai Railways Worker Union or Transport Worker Unions in Thailand. FTUB had raised their concern on the protection Burmese migrant workers who mostly working as seafarers to ITF members. Therefore ITF started to follow up on migrant issue and spread this interest to other members such as the Thai Railways Worker Unions. Because some of TLSC core leaders such as Somsak Kosaisuk were from Thai Railways Worker Unions, the members of ITF, therefore they have acquired more information regarding migrant workers in Thailand. The exchange of information among ITF members from Burmese trade unions had created more attention of Thai worker union on the protection of migrants (Interview with Sakdina, 26 April 2009).

### 3) The Participation of Migrant Related NGOs in TLSC

From the worker side, the important reasons for including the participation of NGOs in TLSC is to prevent the overlapping, to avoid the unwanted impacts toward workers according to the incomprehensive action of NGOs and to scale up the current labor movement to be in the form of “Social Movement Unionism” in order to deal with the changing labor situation in globalizing period. The movement of TLSC is not the pure movement of labor organization but include other various organizations from NGOs and civil society groups in order to strengthen the labor movement. Also the inclusion of NGOs in TLSC has the positive impacts towards that labor movement that the workers can use capacity and skills of NGOs to support the workers. At the same time, NGOs will understand more about the labor movement and needs of the workers. This leads to the comprehensive interventions of NGOs to support workers.

From the NGO’s point of view, the core leaders of the Action Network for Migrants (ANM) and Migrant Working Groups (MWG) such as Adisorn Kerdmongkol, Satien Tumprom, and Satita Norpo try to promote the rights of migrant rights by using different strategies. One of the strategies that those NGOs were trying to promote was to encourage the worker unions to recruit migrants as their member so that there would be more collective bargaining power of migrants. According to the current law, migrant workers are not allowed to form their own unions, therefore ANM have started to participate in TLSC in order to initiate the opportunity for migrant to participate in the unions.

In the positive note, bringing a Thai labor organization speak out in favor of migrants publicly is a very good phenomena, for example on the Labor Days and the campaign on the provincial decrees. However, it is still important to think about the representation migrant workers in order to claim for their own rights.

The expansion of TLSC movement to include the protection of migrant workers is influenced by the following factors. The first one is that the core leaders of TLSC are very liberal minded so they can accept the idea on the protection of migrant workers. The second one is the personal relationship between NGOs and TLSC. There are many NGOs come across to work with TLSC on different issues. Since many NGOs are working across on different issue such as HIV/AIDS and migrant workers. Some other NGOs work on the labor issue broadly such as Thai Labor Campaign (TLC) also includes migrant worker issues in their field of work.

One of the major expectations of NGOs on the promotion of migrant worker's rights is to cooperate migrant and have them as members with the union membership. In turn, those migrant will have the bargaining power with employers. This is the good strategy to increase the collective bargaining power of migrant workers. Many of migrant related NGOs participating in TLSC are not the union organizer but they are working to encourage unionism and promoting migrant's rights to unionize. The challenge on this strategy is that the connection of TLSC with unions. Most of TLSC members are from the key 12 industrial sectors such as automobile, metal work, petroleum, electric and electronic appliances and etc., which have less migrant working in, whereas most of migrants are working in fishery, agriculture. The various occupations for migrants are in the informal sectors; therefore the unions under TLSC represent only the small proportion of migrant workers.

### **Concept of the Movement on the Protection Migrant Workers**

In order to understand more on the expansion of TLSC expand to cover migrant worker and the concepts that TLSC used for their plan and action on this movement, the researcher have collected all related data such as the requests and statements that TLSC sent to Thai Government on the Labor Day and International Migrant Days. Some data are from the interviews with the key actors on this movement.

*“One of the motivations towards TSLC’s interest on migrant workers issue was from the concern of the Labor Council of Thailand on the higher number of migrant workers coming to work in Thailand. The Council was worried about the job security of Thai workers whom they had to protect. Therefore, they discussed with TLSC about what the organization could do in order to protect the labor security of Thai workers and how to manage those migrant workers. ” (Interviewed with Mr. Sathien Thanprom, 21 October 2009)*

This initial motivation from Thai Labor Council has represented that many Thai labor leaders still misunderstand about the labor migration and migrant worker situation in Thailand. The leading team of TLSC who has advanced understanding on the labor migration have discussed and planned to work more migrant issue. At the beginning TLSC has to try to create better understanding among their members on migrant workers situation in the Thailand and labor migration trend. As a result, the first activities are mainly about gathering and managing information about migrant workers in Thailand in order to understand this issue in various perspectives. TLSC have also partnered with many migrant related NGOs and network in order to exchange information and experience. Finally those migrant related NGOs have become the member of TLSC.

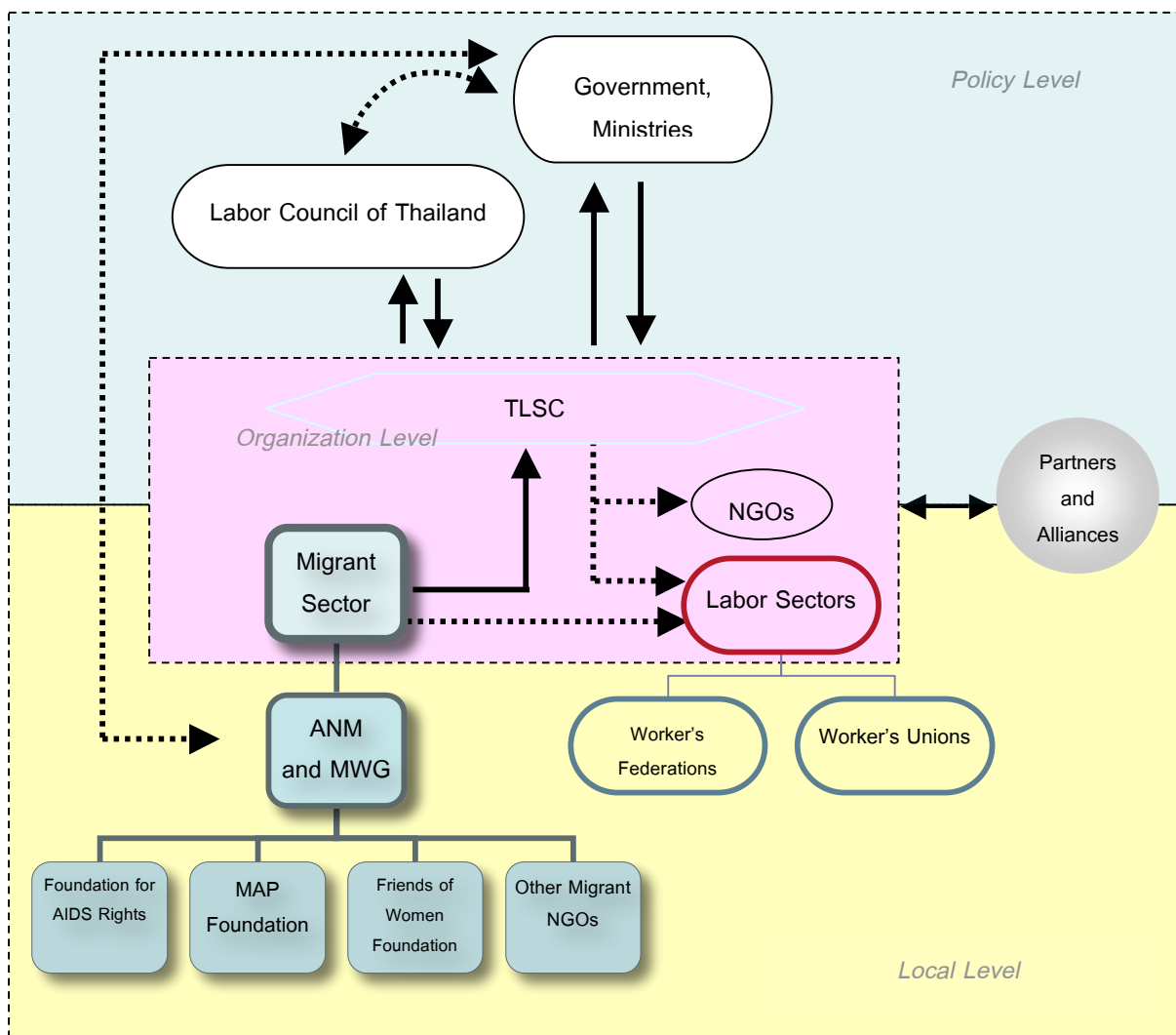
The researcher has found that TLSC has used Human Rights as the leading concept for their movement. Under the Universal Declaration of Human Rights (National Human Rights Committee, 2007), Human Rights include the rights to life, liberty, and security; the right to equality before the law without discrimination; freedom from torture and other cruel, inhuman or degrading treatment or punishment; freedom from arbitrary arrest, detention or exile and the right to a standard of living adequate for the health and well-being of her/himself and of her/his

family. This concept can be applied for both Thai and migrant workers equally and has effect on the missions of TLSC that are not only about the labor protection in terms of the wages, decent work or labor laws but also about the well being or health issue. TLSC has created different themes for the campaign such as “Migrant Worker’s Rights are Human Rights” or “Migrant Workers are Human Beings” The theme such as “All Workers are Relatives” is created to overcome the idea of nationalism and develop the solidarity among the group of Thai and migrant workers. The use of those themes is not aimed only to create public concern on migrant’s rights but also to raise awareness of Thai workers themselves on mutual understanding towards migrant workers. Human Rights as the neutral concepts can become the common purpose in the movement of Thai workers and migrant workers.

On the Labor Day in 2008 TLSC has submitted the recommendation to the government regarding the protection of all workers. In this statement, the following is the request from TLSC in term of the protection of migrant workers;

*“The government should have the standard in monitoring and protecting worker rights as well as the penalty in case of infringement. There should be an improvement on the protection mechanism for all workers from both formal and informal sector such as home-based workers, domestic workers, agricultural workers, drivers and etc. Furthermore, the protection of migrant workers should have the same standard as all workers which cover the fair wages, welfare, rights to assembling and negotiation and occupational health and safety. ” (Translated by author)*

**Figure 3: The cooperation structure of TLSC and its alliances on the movement for the protection of migrant workers**



Some of the content that TLSC use for the discussion among the labor groups is importance of migrant worker protection and its relation to Thai labor protection. The different level of labor protection between Thai and migrant workers has lead to the conflict among them. The improvement of migrant worker protection can lead to better quality of life for migrants and bring about the job security for Thai workers. More migrant workers can replace the Thai workers because Migrant workers can be paid with lower wage and can work in poorer condition. If migrant worker can get fair and equal treatment as Thai worker, there will be less discrimination from the employers towards migrant workers. Besides, since more and more migrants are working with Thai workers in the same place, both workers need to be more unionized in order to increase their negotiating power of workers with the employers.

However, in many areas the idea of Nationalism, National Security and Labor Security are still the great challenges for promoting the protection of migrant workers. This is because individually some worker's federations and worker's union still feel concerned on national security and job security, though they have agreed to use Human Rights concept for the consensus movement in the center level. Apparently, only a few Federations and Union that show active roles on movement for the protection of migrant workers. The next section will discuss more about different strategies and activities that TLSC used for this movement.

### **Strategies of TLSC Movement for the protection on Migrant Workers**

The main strategies of TLSC's movement include petition, negotiation, campaign, capacity building, and information dissemination in center and regional level. They got technical supports from academic institutions and international organizations and the main financial supports are from the membership fee collection and the grant from the international organizations for their activities.

The example of the movement by TLSC on policy campaign is as followed; On the International Migrant Labor Days in year 2006, TLSC and their alliances, which are from different civil society groups, have proposed to the government about the protection of migrant workers and request for the permission to allow migrant workers to set up the labor union (Pongpan, 2006). Even though the movement of the group cannot be accomplished at that time but there are more and more activities and movement of NGOs and Labor organization on the protection issue for migrant workers in Thailand. In the year 2007 , TLSC and all alliances have announced their intention on the issue "Labor Solidarity without Borders" to assert for the rights of all workers without discrimination of race or nationality. On 18 March, 2007, TLSC and alliances had proposed the letter to the Prime Minister Surayut Julanon on issue of Labor Rights Protection for migrant workers in Thailand. Ms. Wilawan Saetia, from Thai Labor Campaign has requested the government to improve the registration system for migrant to be relevant with the real situation so that migrant workers can better deal the problems and can receive more support. Also, for the long-term, government should develop policy to protect both Thai and migrant workers and actively implement it.

In the implementation level, TLSC members that play active roles include all migrant related NGOs and network that participated in TLSC. They were such as the Foundation for AIDS Rights (FAR), MAP Foundation, Friend of Women Foundation, MAP Foundation and Action Network for Migrants (ANM). The representatives from these implementing organizations are working in the migrant sector under TLSC. They have the main duties in providing useful information related to migrant workers issues to TLSC members and committee as well as developing the plan of action for the movement. To create better understanding of Thai Worker's Federations and Union towards migrant workers, the migrant sector and TLSC leading team have worked together to develop the mobile labor education and study tour for those Thai workers.

The previously implemented activities of working team for migrant workers sector included (TLSC, 2009);

- 1) The campaign for canceling the provincial decrees; the migrant related NGOs and Thai Labor union in different provinces such as Chiang Mai, Ranong, Samutsakorn had used the name of TLSC to propose to the governor for canceling the provincial decrees that limits the personal rights of migrants and their freedom of expression.
- 2) The campaign for canceling the order of Social Security office on Workmen Compensation Fund for migrant workers; The Human Rights and Development Foundation (HDRF) as one member of ANM under migrant sector of TLSC had play main roles in this movement with the cooperation from Thai Lawyer Council and the National Human Rights Commission
- 3) Movement for the revision of Labor Relation Legislation; there was the national campaign by TLSC on the Labor Days and Migrant Days for the revision of Labor Relation legislation regarding the permission for migrant workers to be the member of Trade union/ Worker union.
- 4) Education on migrant workers issue for Thai workers; The Foundation for AIDS Rights played main roles in organizing education session and study tour for Thai workers to make them understanding the living and working condition of migrant workers in Thailand.
- 5) Establishment of migrant worker association; MAP Foundation as the member of TLSC had supported one migrant worker group in Chiang Mai to establish the worker association since 2007.
- 6) Movement to push Thai worker union to enroll migrant workers as their members; The International Transport Worker Federation (ITF) as the partner and alliance of TLSC had started to enrolled migrant workers as the members of their union since December 2008.
- 7) Campaign on Labor Rights for migrant workers; ITF had organized the education session for migrant workers who worked as transport workers such as seafarers on labor rights issue.
- 8) Campaign to propose recommendation on migrant worker legislation; there was the national campaign by TLSC on the Labor Days and Migrant Days for the revision of migrant workers legislation.
- 9) Movement in case of the death of 54 migrant workers
- 10) Movement on the Rights to housing for migrant workers in Chiang Mai
- 11) Movement on the Rights of migrant workers to use motorcycle

In the site or implementing level, TLSC played the role as the supporter for the movement whereas the members and alliances in specific sites play the leading role and created different strategies for the labor movement. Since the movement for the protection of migrant workers is not the mandatory implementation for all members. Each member and alliances could have their own specific policy and implementation.

As a result of those activities, TLSC movement can directly and indirectly create various impacts according to different level of implementation and strategies. The following section will discuss in details about the impact of the movement in different level.

### **Impacts of TLSC's Strategies on the Protection of Migrant Workers**

The movement of TLSC and alliances had created different impacts according to different level of implementation and strategies. At the annual seminar of TLSC in 2009, the working team under migrant worker sector has reported the outcome of their activities as followed;

- 1) Impacts on Policy Level

- The canceling of provincial decrees in 2007 in national and regional level. However, in 2008 there were not many active movements since there was the changing political situation in Thailand and the government had less action on the controlling of migrant workers regarding the security issue.
- The order of Social Security office regarding the Workmen Compensation Fund for migrant worker was still utilized. However, there were 4 judicial cases on the process. The Ministry of Public Health had negotiated with Ministry of Labor requesting for the enforcement of measure to force employers to pay for medical treatment of work accident-related injuries.
- TLSC had written the report on the situation of migrant rights in Thailand since 2007 and disseminated to the media.

## 2) Impacts on Local Level

- ITF conducted the seminar to increase awareness and positive attitude of Thai workers towards migrant workers. Some transport worker union in Om-Noi and Om-Yai Area had started to enrolled migrant workers as their member since December 2008.
- There were many movement campaigns in national level of TLSC regarding migrant workers protection on different special events such as Labor Days and Migrant Days.

## 3) Impacts on Organization Level

- The International Transport Workers Federation (ITF) had established the committee for the establishment of migrant worker union since December 2008. This committee would work with TLSC and labor related NGOs to support the establishment of migrant worker union in the future. The formation of migrant workers union in Samutsakorn was still in the process.
- MAP foundation supported the Shan migrant workers in Chiang Mai to an association called Worker Solidarity Association (WSA) since 2007. There are 57 members who come from different sectors such and construction workers, industrial workers and service workers. WSA tries to use the similar way of management as the workers' union and cooperate with Thai labor unions and organizations on labor protection campaign. The idea behind the formation of this group is arisen from the suggestion of TLSC leading team and migrant sector that want to increase the participation of migrant worker organization in labor movement. TLSC and alliances also provide technical support, leadership and capacity building training to the group. WSA is one of the experimental organizations of migrant workers that are empowered and can learn to develop their own labor movement to protect and increase capacity of their members.

In summary, TLSC campaign in the policy level had stimulated and increased concern of the government, media, public, and especially Thai workers on migrant workers issue but not yet lead to the creation of supportive policies for protection of migrant workers. The important impact is the understanding of the Workers' Federations and Workers' Unions on the importance of migrant worker protection. More worker group is participating in the national campaign for migrant worker protection. Also, the media is paying more attention on migrant worker issue and helping in disseminating information to the public. Though many stakeholders understood more on migrant protection issue, there was still no proper mechanism both in regional and national level for migrant worker protection.

In the implementing level, the impacts still depended on the implementation of the responsible organizations in the area. Even though, in many areas Thai Worker's Union and Thai Worker's Federation, themselves did not show active implementation on the movement for the protection of migrant workers, there were some experimental progresses in the site level where Thai Workers and Migrant Workers had faced the common struggle and share mutual interest.



The next section will try to analyze the movement of TLSC for the protection of migrant workers by using the social movement theory in order to understand different factors that influence the success and failure of the movement. Also, there will be some discussion and argument whether TLSC movement can be considered as new social movement.

### **Theoretical Analysis of TLSC Movement on the Protection of Migrant Workers**

In this section, the analysis of TLSC movement for the protection of migrant workers will be based on the theories related to the social movement. The following are the analysis of TLSC movement according the resource mobilization theory, political process theory and new social movement theory.

In terms of the Resource Mobilization theory, the TLSC movement on the protection of migrant workers will be analyzed by exploring the important resources in social movement development and success. Generally, the resources for social movement will include knowledge, money, media, labor, solidarity, legitimacy, and internal and external support from power elite. For the analysis of TLSC movement, the following types of resources will be analyzed since they have main influence towards the development of TLSC movement on the protection of migrant workers.

First is on the human resource of TLSC. One of the factors for motivating the movement of TLSC for the protection of migrant workers is the roles of core leaders of TLSC who have liberal mind. Also since those leaders have better understanding on migration situation, they can accept the idea on the protection of migrant workers. In term of the management structure, TLSC has the clear structure in the organization and there is the allocation of duty and responsibility for each different committee in order to support the labor movement. Moreover, in term of the supporting staff, TLSC has the full time coordinator to help coordinating among the worker unions, the government, NGOs, OIs and Public. Also, currently, TLSC has hired one technical officer to support on the documentation regarding labor movement so that the organization can have useful database for its movement.

However, the current structure of TLSC has still created the limited participation of small unions or sub-unions because only the federations and large union participate in the structure. As a result, many small unions of sub-unions do not cooperate or actively participate in the labor movement. In 2008, TLSC had the meeting to discuss about their weakness and started to concern about the limited participation of small unions in the organization. Currently, it is in the process of restructuring the organization in order to gain participation of small union and increase bargaining power (Interviewed with Sakdina, 26 April 2009).

Secondly, it is the internal support from NGOs as a key factor of TLSC. It can be argued that there were some potentials and strong network on migrant related NGOs participating in TLSC and help in providing many useful information to increase knowledge and awareness of TLSC core leaders and committee members on migrant worker issue. Those NGOs has created a good database and information on migrant situation to be used for the campaign and media message. The information sharing among the TLSC members, thus create the better understanding on migrant protection.

However, there are still many challenges within TLSC organization since the attitude of Thai labor union in different industrial sectors towards migrant workers are mostly in the negative view. Therefore, most of Thai labor unions provided less attention to migrant worker issue. Moreover, since the current structure of TLSC provides less opportunity for small union or sub-union to participated, there is no cooperation from Thai labor union in different sites. Besides, the organization that plays main roles in the migrant sector of TLSC was only from the migrant

NGOs without the participation of Thai worker union representative or even migrant worker representatives. This is because there are several difficulties in creating more participation of migrant worker representatives in TLSC because language barriers and limitation in traveling. In term of the capacity building for migrant workers themselves, there was the lack of Information, Education and Communication (IEC) materials for migrant workers in order to provide enough knowledge and understanding on labor movement. There was no IEC materials regarding the labor laws and labor protection produced in migrant languages.

Third is the external support from international NGOs and international trade unions from abroad. It can be seen from research fieldwork that there were many high potential organizations such as the International Transport Workers Federation (ITF) and Friedrich Elbert Stiftung (FES) and other academics to support the movement on migrant protection which has already been discussed.

However, in term of the Thai society, migrant workers issue was still attached with National Security issue according the government vision and the general Thai society. The concern on national security has increase the negative attitude of public towards migrant workers in Thailand.

Fourth is the issue of budget for supporting the movement. Although TLSC does not receive direct financial support for the protection of migrant workers, the budget that TLSC receive from the International Trade Union Confederation (ITUC) can help facilitating the labor movement of TLSC. Currently TLSC receives some financial support from ITUC regarding the strengthening of labor union in Thailand. In term of the movement for the protection of migrant workers, several members of TLSC from NGOs will have their own budget for the promotion of migrant protection. The source of this budget is from many different international organizations which are interested in migrant related issues such as HIV prevention among migrant workers, labor protection, trafficking, occupational health and safety. The funding is mainly from the following agencies; the Global Fund, ILO, and European Commission.

Finally, it is the legitimacy of TLSC movement. Even though TLSC is the unregistered labor organization, it is recognized by the government as the representation of worker unions. TLSC tries to increase the legitimacy of the organization by developing the connection and close coordination with the government and ministry of labor. The information in previous sections has shown that the different strategies that TLSC used has created the visibility of the organization among the government, media and public. TLSC has significant role in the labor movement in Thailand since it represents the key labor sectors in Thailand.

Another analysis can be defined from the Political Process theory. Under TLSC Movement, there are several enabling environment that provide opportunities for TLSC movement for the protection of migrant workers. Firstly, it is the increased interest and attention of all stakeholders from government, NGOs and even the public people towards migrant workers. Even though the different stakeholders may have negative attitude towards migrants, it can still be the motivation of TLSC to work on changing the attitude of people. This section will analyze the factor influencing the movement of TLSC by exploring the political opportunity for the movement as well as weakness of consensus among TLSC members.

Since migrant issue becomes one of the main concerns on the development of the country, Thailand has developed different policies for the administration and protection of those migrant workers. Thailand as a member of the United Nations and the country that has ratified several international conventions and treaties such as the Universal Declaration of Human Rights (UDHR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Racial Discrimination (CERD), Thailand has the duty to uphold the principles of those international treaties and created some laws and policies to

support those principles. Nevertheless, Thai laws and policies cannot fully promote protection of migrant workers since there are some limitations on policy implementation.

Even though Thai state has become the member of those international treaties, they still do not fully and strictly implement them because of many reasons. One of the main reasons concerning the attitude of Thai state towards migrants workers. The Migrants Working Group which consists of representatives from academic institutions, legal institutions and civil society has criticized that Thai state discriminate the migrant workers especially from Burma, Cambodia and Lao PDR because the state do not consider them as the member of Thai nation. As a result, they have no rights to access 'membership goods' (Kerdmongkol, 2007).

According to Amnesty International, Thailand has not ratified several core International Labor Organization (ILO) Conventions that can be used as a means of protecting both Thai and migrant workers. Neither, even though the United Nations (UN) International Convention on the Protection of Rights of All Migrant Workers and Members of Their Families entered into force on 1 July 2003 as an instrument of international law, Thailand has not apparently ratify it. For example, in Thailand migrants are not allowed to form a workers union; or can not gather into a big group for the cultural activities. This treaty imposes a series of obligations on States parties to promote among other things "*sound, equitable, humane and lawful conditions*" for all migrant workers, whether documented or undocumented. Under the terms of this Convention, migrant workers are entitled to protection of their basic freedoms including the right to life; the right to freedom from torture; the right to due process including freedom from arbitrary arrest and detention; the right to medical care that is urgently required and the right to equal treatment.

Moreover, the government also uses the issue of national security claim in order to create stricter ways to manage those migrants. Dennis Arnold (2008) has stated that Nationalism if used by certain government ministries and officials, also the employer and trade union for promoting themselves in order to get more investment, job and better skills. This has created the sense that they are acting in the interest of Thai people and the nation not their own interest as labor.

*"Thus, the state and its benefactors are able to promote and reproduce capital at the expense of a majority of workers in Thailand, regardless of ethnicity, while treating migrant workers as a security threat which need to be suppressed to appease those who have studied their history and are threatened by rising number of Burmese and other migrant workers in the country."* (Dennis Arnold, 2008)

Since Thailand has developed many good policies for the protection of migrant workers such as the education policy, health policy, and labor protection policy, there were still many limitations in term of the policy implementation. Those limitations include insufficient human resource, lack of budget, irrelevant administration and management, no practical strategies and the stigma and discrimination from different level (Srichupiam, 2007). According to those limitations, the movement of TLSC for the protection of migrant workers, therefore, does not mainly focus on the policy formation but rather to promote the policy implementation. The strategies that TLSC use in the movement is usually aimed for monitoring and following up the implementation of the government and authorities in order to guarantee the effective result from policy implementation.

Finally, the understanding of TLSC Movement can be considered as a new social movement. According to field research, it can be argued that the movement of TLSC and their alliances on the protection of migrant workers in Thailand is the mixed form of traditional and new social movement. The followings are the analysis on TLSC movement.

The movement of TLSC and alliances can be considered as the new social movement in the sense that the solidarity of the group is beyond the idea of nationalism or ethnicity. The group tries to create common purpose based on Human Rights concept in order to reduce the conflict of

interest among the workers with different nationality and ethnicity. The group tries to create the common purpose and identity by using Human Rights concept for the theme of their campaign.

According to Porta and Diani (1999) the new social movement should contain the conflictual collective actions or “consensus movements”. This means that the actors will have to share the solidarity and recognition of the problem that lead to the longer participation on the movement under that issue. However, for the movement of TLSC on the protection of migrant workers, the consensus among the members is only set up in the executive level not among the other ordinary members from small unions. It is the challenge that the current TLSC’s structure still limits the participation of small unions and ordinary members. This leads to the fact that there are not many strategies on how to approach members of other union to get them to appreciate migrants as the ‘fellow workers’ rather than only as “migrants who are threatened”. As a result, in term of the mutual recognition of problem among all members, TLSC movement can be considered as only the movement of interest groups without the real solidarity and consensus from all members.

In order to strengthen the movement of TLSC on the protection of migrant workers, it is important that key actors of TLSC have to think about how to increase the insurgent consciousness among the worker unions regarding the protection of migrant workers. The collective awareness will then be the motivation for the development of movement. As a result it will help to sustain the collective action of the organization.

### **Suggestion and Recommendation for Further Study and Improvement on the Protection of Migrant Workers**

From the research finding on TLSC movement for the protection of migrant worker, there is the suggestion on further research and study that should be conducted in the future;

- 1) Assessment of Knowledge, Attitude and Practices of Thai worker unions towards the protection of migrant workers; this research will help to explain the level of knowledge and attitudes of Thai workers towards migrant protection issue. The information from this research can be used for development the appropriate strategies to reduce stigma and discrimination towards migrants.
- 2) Assessment on the need of migrant worker to participate in the labor movement; the research can be conducted in order to find out whether the labor movement can be the alternative way for promoting the rights of migrant workers.
- 3) Feasibility study on the recruitment of migrant workers to be the member of trade unions in Thailand; in order to explore the possibility in recruiting migrant workers as the member of trade union, this research will help find out the factors that enhance the participation of migrant workers in trade unions and investigate the impacts of migrant participation in the unions.
- 4) The method and strategies for strengthening trade union in promoting the rights of migrant workers; since currently the trade unions still have passive roles in promoting the rights of migrant workers; this research will help to explore on how to strengthen the capacity of those unions.

Based on the research findings the following recommendations are provided for future improvement of movement for migrant worker protection;

- 1) Though TLSC can raise more public and government concern on the protection of migrant workers in Thailand, it have not yet met better success in stimulating active participation of many Workers’ Federation and Workers’ Union in the movement especially in the implementing level. Nevertheless, the movement in the implementing level has to be relevant with the movement in policy level.

- 2) Currently the civil society has played active roles to promote the rights of migrants, but there is no active and positive movement from the government side. For better achievement on the improvement of laws and policy for the protection of migrant workers, it is needed to have more collaboration between the government or parliament and civil society groups.
- 3) It is challenging for all migrant and labor related NGOs on how to increase the participation of both Thai and migrant workers from the grassroots level in the labor movement. Since there are some gaps between the progress in the policy level and implementing level. It is essential to make workers themselves understand the current situation of labor migration and the importance of labor movement so that they can participate more. Besides, the capacity and understanding on labor movement of many existing migrant workers' groups and organizations should be strengthened.
- 4) Since the cooperation between Thai and migrant workers is the new phenomena of labor movement in Thailand. The lesson learnt from the progress of some Workers' Union on the movement for the protection of migrant workers should be drawn out as the alternative model for the improvement for the future labor movement that needs to be changed accordingly to the labor migration trend .

From the movement of TLSC for the protection of migrant workers, there is more need for the cooperation and collective action among the unions. Since there are still many limitations in term of supporting laws and policy, it is also important to think about the power of the collective action, e.g. trade union, which can lead to the better reform of the policy for the protection of migrant workers. It is, therefore, a crucial concern how to network between Thai workers and migrant workers both regular and irregular migrants and also how to establish a wider coalition long term protection. This issue has represented a current challenge for NGOs working with migrant workers, trade unions and even the government of Thailand.

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