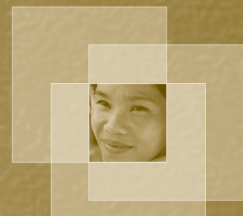




# Meeting the Challenge

Proven Practices for Human Trafficking Prevention in the Greater Mekong Sub-region



International Labour Organization

## THAILAND

### CONFRONTING EXPLOITATION

How a trade union helps educate migrant workers to challenge abuse

#### THE PROVEN PRACTICE:

A trade union with unique access to migrant workers supplies legal support and outreach assistance to an extremely vulnerable group of migrant workers in a foreign country to help them understand local labour laws and regulations – and claim their rights.

#### Labour law awareness and legal aid for Burmese migrant workers in Thailand

#### THE INITIAL CHALLENGE:

Cross-border migrants from Myanmar, especially children and young women, are an invisible yet integral part of the Thai economy, particularly in agriculture, fishing, manufacturing and domestic service. Many estimates put the figure of Burmese migrants in Thailand as high as 2 million. A significant number of them are exploited, ranging from non-payment or underpayment of wages, excessive work hours, use of hazardous equipment to forced labour or no freedom of movement. Lack of knowledge on their rights, as well as lack of channels to seek assistance, enables much of the abuse. Burmese migrant workers, as well as migrants from other countries, very rarely turn to the legal system to claim their rights and compensation. This is largely due to their, distrust of the legal system, fear of government officials, lack of resources and insufficient language skills.



Map courtesy of UNLAP



**THE RESPONSE:**

The Federation of Trade Unions-Burma (FTUB) collaborated with the Lawyers Council of Thailand (LCT), other Burmese ethnic trade unions and other ethnic migrant associations to inform migrant workers from Myanmar about Thai labour laws and regulations and migrant workers' rights and provide legal support to any migrant in distress.

As part of International Labour Organization's Mekong Sub-regional Project to Combat Trafficking in Children and Women (TICW), the project targeted Burmese migrant worker communities in nine provinces in Thailand from October 2007 to August 2008.

**THE PROCESS:**

Initially, the FTUB conducted focus group discussions with migrant workers to revise the *Travel-Smart Work guidebook for migrant workers* drafted by the TICW project. After being tested, the final version of the guide was printed in Burmese and Karen languages, along with other relevant materials, such as the Thai Labour Protection Act, the 44-page *Protection of the Rights of Migrant Workers and Members of their Families* hand book, and a leaflet on the *Rights and Duties of Employers and Workers*.

The FTUB and LCT also developed a Burmese-language training manual for migrant workers who would be groomed as peer educators. They in turn would reach out to other migrants in their communities and workplaces to inform them, through small workshops, about their rights and responsibilities and other relevant information for working in Thailand.

To select the initial trainees (227) who would become the project's peer educators, criteria such as educational and occupational background and geographical locations of the participants were developed. The training included a refresher course for the peer educators after the initial training.

Then in collaboration with ethnic unions and migrant groups, lawyers from the LCT conducted two-day workshops for the peer educator trainees, covering Thai labour laws, the migrant workers' law and migrants' rights within the Thai legal system.

The peer educators organized small workshops with other migrant workers to talk about workers' rights and Thai labour laws and hand out the guidebook and informational pamphlets, typically during their days off.

To provide legal aid, a telephone "hotline" was set up for migrant workers to contact FTUB or any of the partner groups to report on labour exploitation and trafficking and seek legal assistance if needed. Essentially, a FTUB staff

member who can speak Burmese and Thai from the Migrant Karen Labour Union (MKLU) maintains the contact telephone. That person works closely with the LCT lawyers and can access them at any time for advice or for urgent action. In addition, the telephone numbers for a contact person within the Migrant Affairs Department of the FTUB, the MKLU, and two LCT lawyers have been distributed in migrant communities through the information pamphlets.

A translator with both Thai and Burmese language working with the team to support the preparations and proceedings of the court hearings. A team of lawyers from the LCT works closely with the program coordinator in representing migrant workers.

The Thai lawyers have filed cases against employers on behalf of the Burmese migrant workers seeking compensation for unpaid wages. They are also working with migrants accused of murder, migrant parents taking action against a day care centre they believe responsible for the death of their 2-year-old, work permit fraud and helping the survivors of a high-profile, tragic smuggling/trafficking scheme (in which 54 migrants suffocated to death). They have also helped free a female teenager held in a domestic employment job against her will.

The LCT and FTUB have documented selected legal cases (migrants' background, their process of coming to Thailand and finding work, the form and degree of exploitation, the legal process and its outcomes). The LCT lawyers periodically publicize the progress and verdict of a specific case as a way to inform other employers that they can no longer get away with the abuse and to encourage other exploited migrants to come forward.

### **OUTCOMES:**

- A training manual in Burmese language covering Thai labour laws, migrant workers' law and migrants' rights within the Thai legal system.
- A pool of 227 (As of April 2008) male and female peer educators were trained and equipped with knowledge and tools to further disseminate awareness in their local communities and workplaces on Thai labour laws, migrant workers' law and migrants' rights within the Thai legal system.
- As of April 2008, the peer educators had reached some 28,650 Burmese migrants.
- 22,000 pamphlets and information kits were printed and disseminated.
- A "hotline" telephone contact was set up for migrant workers from Myanmar to report on labour exploitation and trafficking and seek legal support.
- The Lawyers Council of Thailand so far is assisting 50 migrants in 6 cases of legal assistance and 4 court cases (As of April 2008).



In pursuing assistance to the migrants accused of murder, the FTUB has achieved support and cooperation from the provincial police officers who acknowledged the work of the legal team as helping their law enforcement responsibility.

#### **EXAMPLES OF FTUB/LCT ASSISTANCE:**

In 2007, the brother of a 19-year-old woman from Myanmar received a plea for help from his sister through a telephone message. The sister had been taken from the Thai border town of Mae Sot to Bangkok by a Burmese man who was employing her. But after six months she became sick and unhappy with the working conditions. She told her employer she wanted to go home, but he refused to let her go. When the brother in Mae Sot received her message for help, he turned to the FTUB for assistance in rescuing her. An FTUB member contacted the employer, but he again refused to let her go. Then a lawyer from the LCT accompanied the FTUB member to meet with the employer, who then agreed to release the woman. The FTUB member took the woman to the Myanmar border where she could safely return home. She had been promised a paltry 500 baht (US\$16) a month wage but never received any payment from the employer.

In February 2008, a Mon couple from Myanmar legally working in Bangkok received a panicked phone call from the day care staff where they left their 2-year-old son that morning. The mother had a domestic service job and her husband was employed in construction. The day care worker claimed their child had choked on milk and had been rushed to a hospital. When the parents arrived at the hospital, they were informed the child was dead on arrival. The hospital authorities sought an autopsy on the child's death. The investigation revealed that the child had suffered a blow from a hard object to his abdomen. The force of impact broke his intestine, which caused his death. The day care owners and staff refused to take any responsibility for the boy's death. The parents contacted the FTUB to seek legal assistance because they didn't know what to do. The FTUB legal team is preparing legal action against the day care centre.

