

Recommendations for International Migrants Day 2016

Address to: The Governor of Chiang Mai, The Royal Government of Thailand, Consulate – General of the Republic of the Union of Myanmar in Chiang Mai and the Government of The Union of the Republic of Myanmar

19 December 2016

Every December 18 we celebrate International Migrants' Day. It is on this day in 1990 that the UN adopted the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. It is a convention which takes into account human rights principles to set out rights protections for migrant workers and their families in country of origin as well as country of destination, without discrimination based on nationality, religion, skin colour, or gender.

On this occasion, the Northern Labour Network comprised of 15 Civil Society Organizations that promote migrants' right, academics in Chiang Mai, and migrant workers representatives joined collectively discuss the situation of migrant workers in the Northern region of Thailand in a seminar held on 18 – 19 December 2016, at UNISERVE Chiang Mai University, Chiang Mai, Thailand. A result was identifying that labour exploitations and lack of access to labour protections remained major problems faced by migrant workers, namely not receiving minimum wages, long working hours, no paid days-off or holidays, no paid overtime, and working weekends. Additionally, migrant workers continued to be unable to access proper safety equipment at the workplace and unable to benefits from Social Security due to their employers not enrolling them under the system, and due to a lack of clear measures for making claims from the fund. Limitations on the rights to mobility and being extored remain major problems experienced by migrant workers.

Accordingly, over 170 migrant workers and members of the Northern Labour Network gathered at the above mentioned meeting and proposed the following recommendations to the Governor of Chiang Mai, The Ministry of Interior, The Royal Government of Thailand, and the Government of The Union of the Republic of Myanmar:

To the Governor of Chiang Mai Province:

- The Governor of Chiang Mai Province should order the Chiang Mai Multi-Service Migrant Assistance Center to urgently and efficiency resolve the problems of migrant workers through participation of migrants and other stakeholders to address problems that migrant workers still have accessing their full rights which are prescribed by law, such as not being paid the minimum wage or overtime, limited paid days off or holidays, and working on rest days, and other problems. The center should report to the governor on progress every three months and prosecute those who violate migrants' labour rights. We request the governor of Chiang Mai Province to have a policy that government officers implement the law and relevant policies by protecting migrant workers' rights regardless of documentation status.

To the Ministry of Interior:

- Have the Ministry of Interior resolve the regulations which limit the mobility of migrant workers' who have no registration status and those with Non-Thai citizen card such as the highlander cards to enable them to have freedom of movement, the same as other nationalities.

To the Royal Thai Government:

1. Have the Royal Thai Government urgently open a new round of registration for migrant workers to allow migrants who are currently undocumented to be able to properly register and get a work permit. We suggest allowing no less than four months period for the registration, and recommend decreasing the complexity of the process and making the costs affordable and appropriate, considering that previous registrations required many documents making it bureaucratic and expensive.
2. Have the Royal Thai Government ratify ILO Convention 87 on Freedom of Association and Protection of the Right to Organize and No. 98 on the Right to Collective Bargaining, as well as the ILO Convention No. 189 on Decent Work for Domestic Workers.
3. Have the Royal Thai Government recognize sex workers, domestic workers, workers in the informal sector and those in agriculture who do not have work all year round as occupations that should be covered under the full protections of every labour law.
4. Have the Royal Thai Government amend the Working Of Alien Act B.E. 2551 to allow migrant workers to be employed in any occupation according to their abilities; allow migrants to terminate their employment contract according to the terms stipulated in the Labour Protection Act without needing the former employer to submit a cancellation form; and extend the amount of time a migrant is allowed to search for a new employer to 30 days while extending the age that migrant workers can be employed to 60 years.
5. Have the Royal Thai Government accelerate the regulations to allow all workers in all occupations enroll in and benefit from the Social Security system fund equally without discrimination and reform the Social Security policy regarding accessing old age pension fund by allowing workers to elect to either receive the fund in a lump sum or by having a pension.
6. Have the Royal Thai Government allow migrant workers to officially receive vocational skills development and a diploma certifying their skills, as well as ensuring their right to actually apply these skills in their chosen occupation.

To the Government of the Republic of the Union of Myanmar:

1. Have the Labour Attache for the Republic of the Union of Myanmar stationed in Thailand become more directly involved in the monitoring of labour conditions for migrant workers from Myanmar in Thailand by receiving complaints from all migrants who are from Myanmar without discriminating by ethnicity or immigration status.
2. Ensure that workers who return to the Republic of the Union of Myanmar have access to their various rights such as household registration, access to education, public health and occupational health and all civil rights.

Proposals to the Governments of Thailand and the Republic of the Union of Myanmar

1. Have both the Governments of Thailand and the Republic of the Union of Myanmar comply with Convention ILO 181 on Private Employment Agencies in accordance with Article 7 which stipulates that private employment agencies shall not charge directly or indirectly, in whole or in part, and fees or costs to workers.

Northern Labour Network

Migrant Workers Federation (MWF)

Workers Solidarity Association (WSA)

Migrant Workers Federation (MWF)

MAP Foundation

Human Rights and Development Foundation
(HRDF)

Shan Youth Power (SYP)

Mekong Migration Network (MMN)

Shan Women Action Network (SWAN)

EMPOWER

MPlus Foundation

Gabfai Community Theater

Sankhampang Informal Worker Group

BEAM