



Report on the situation of migrant workers amidst the pandemic and Covid-19 restriction measures Focusing on Samut Sakhon from 19 December 2020 – 31 March 2021

Disease control measures have been imposed in Samut Sakhon when it was declared a maximum and strict control zone on 19 December 2020. It took immediate effect including (1) closure and lockdown of central shrimp market and Sri Muang Apartment, (2) temporary closure of entertainment parlors, restaurants and drinking places, only takeaways allowed while weekend/fresh markets open not more than six hours, (3) migrant workers barred from leaving the province, (4) Bubble and Seal policy, etc. When the situation has become more manageable, the authorities have relaxed the measures and on 1 March 2021 have downgraded them to maximum control zone. All the restriction measures imposed for the entire period have taken their toll on the employment and livelihood of migrant workers on the following key aspects;

1. On employment

- Workers in service sector For those employed in restaurants, markets, and shops, most of them have been shut down or open at certain hours according to the maximum and strict restriction measures. Some employers decided to close their businesses voluntarily fearing the spread of Covid-19 and the trade climate was rather sloppy. Most of the workers are daily wage earners and the impact on their income is immediate due to the closure of the businesses or restriction of opening hours. Some have been laid off left unemployed and without income. Some continued to stay with their employers and therefore do not have to pay rent. Some have received food support while others may not receive any help from their employers.

- Small and medium factories A number of workers have been affected by the temporary closure of businesses as a result of the declaration of the maximum and strict control zones. Some employers pay their employees severance pay at half a month or the entire month of their salaries, although many have received no support from their employers.

As to workers in service sector and small and medium factories, when restriction measures are relaxed, some of them have resumed their normal work, while others are still left unemployed or have no stable jobs since several businesses have yet to resume their operation.

It is expected that some businesses have closed down indefinitely or for good due to the protracted economic problem since the first surge of Covid-19 pandemic countrywide.

Workers in central shrimp market-Sri Muang Apartment and Thalay Thai Market Most of them are daily wage earners who can be divided into two groups including the first group who are piece-rate workers or freelance workers to change from employer to another without regular employers and the second group who are the minority and have regular employers and a few of them are even insured persons.

These workers face a sudden layoff upon the order to shut down the central shrimp market-Sri Muang Apartment and the Thalay Thai Market. It took the heaviest toll on the workers in the shrimp markets and the Sri Muang Apartment in terms of employment. A number of them have been losing their jobs since the closure of the market and the apartment on 19 December 2020 until now.

For workers in the central shrimp market, upon the order to shut down the markets which has led to the closure of other related businesses, a number of fishing boats and suppliers and merchants have changed to sell and buy their products outside the central shrimp market including moving to the Thalay Thai Market. The employers thus employ new workers to replace their existing employees who have since been quarantined. After the reopening of the central shrimp market, many buyers and sellers are still too afraid to do their business at the central shrimp market fearing any possible outbreak of Covid-19. As a result, the workers remain jobless or have less work. Employees who are regular workers may be paid in full only on working days while the piece-rate workers see a drastic decrease of their income due to the lower volume of work or at 200 baht/day in average. It becomes harder for women workers to land any job as the employers tend to employ men who are supposed to be able to handle hard work and lift heavier load than women.

Apart from the immediate loss of job and stable income, a number of workers in the central shrimp market and Sri Muang Apartment including several service sector workers in factories or small and medium enterprises, in a long run, tend to be vulnerable to heavy economic impact and entrenched indebtedness due to the extra fee they have to pay to apply for special work permits during the Covid-19 pandemic. They have to shoulder interests incurred from informal debts they have to take out to apply for work permits and to cover their daily expenses. They are

also vulnerable to become illegal workers as they may not find a new employer in time and not afford to pay to apply for the work permits as required by the state.

- Workers in fishing sector Most fishing vessels can still go out fishing given their compliance with disease prevention measures. There is barely any extra control imposed on vessel leaving for the sea. The workers are, however, subject to restriction measures when the vessels run ashore. Overall, the fishing sector currently suffers from a shortage of labor. Nevertheless, there is at least one fishing vessel which cannot go out to fish for nearly three months during the Covid-19 pandemic. The crew members have lost their income while their employers allow them to draw out advance money or to borrow money for use and to repay once the fishing vessel can go out again. It could be deducted from their pay later as well.

- Large-scale factories Almost none have them have to shut down. Some no longer offer overtime pay (OT). A lack of OT has taken its toll on the market liquidity and basic expenses of the workers since most of them earn merely 332 baht/day at the minimum rate. For large factories with more than 5,000 employees, almost none of them have slashed OT. On the contrary, one large factory has been suffering from a shortage of workers since the first surge of Covid-19 pandemic since a number of employees who had returned to their countries of origin have yet been able to return here. The shortage of labor is attested to by job opening for Thai workers which has not been the case for a long time as well as the recruitment of illegal workers who may apply for special permits to work during the Covid-19 pandemic.

2. Social security

Employees under Section 33 of the Social Security Act 1990 can tap into financial relief if they become unemployed, are unable to work or their employers prohibit them from working due to quarantine requirement or surveillance of communicable disease, or if they are unable to work due to their employers shut down the operation in part or in whole due to the temporary closure instructions from the authorities to prevent the spread of harmful disease and they are employees who fail to receive any wage during the time. They have access to unemployment benefits at 50% of their daily wage for the entire time of their quarantine or surveillance of communicable disease or during the time the closure order remains active, but altogether not more than 90 days. To register for the unemployment benefits, (1) the employee has to download an unemployment benefits form and fill it out including with their contact phone

numbers and a copy of their savings account, (2) submit the documents in (1) to the employers to have the data added into the E-services¹ along with a certificate of employment suspension due to the shutdown or quarantine orders, (3) the employers send documents in (2) via the post to the Social Security Office's local chapter within three working days since the data registration. If all data is verified as correct, the worker should receive the transfer into their account within five working days. But in practicality, a number of workers are denied access to the benefits or face delay in obtaining the benefits due to three major factors.²

- Factor 1 The workers are not insured persons since their employers have not registered them with the SSO including employees in the central shrimp market, one of the red zones. Of more than 3,000 workers in this area, 80% are not insured while about 300 others have no work permits.

- Factor 2 Employees are deprived of their benefits as they are forced by their employers to sign a voluntary resignation form as a result of which they are not eligible to apply for force majeure compensation. Some employers have even asked them to stop working without either informing them of the dismissal or the possibility to apply for force majeure compensation.

The procedure to apply for the force majeure unemployment benefits has to rely on the employer's help to issue a letter to certify the suspension of work due to the official order for closure or quarantine. Then, information has to be filled out via the E-services and documents compiled and submitted to the SSO. A number of employers neglect their obligation to help their employees in their document processing. For example, in the case of the fishing workers, their employers would lend them money while the boats run ashore instead of having them apply for unemployment benefits. There are also cases of subcontracted workers whose documents indicate the name of their employers which are different from their de facto employers. When their de facto employers could no longer supply them work, the workers would be sent back to the recruitment agencies according to the name of the employer in the document. The employees therefore will not be notified of the official dismissal but are only informed that there is

¹ The employers who use the system for the first time are required to get registered.

² The ministerial regulation on unemployment benefits in the event of force majeure arising from the outbreak of dangerous diseases under the Communicable Disease Act.2020. (30 December 2020). Government Gazette Vol. 137

no work to do now. The agencies would only send the workers to their workplaces again when requested for by the employers.

- Factor 3 The employers intend to apply for unemployment benefits for their employees, but face problems concerning the acquisition of a letter to certify the suspension of work due to the official order for closure or quarantine and force majeure, which requires signatures of local administration organizations when an order has officially been issued to temporarily shut down a workplace. For example, regarding the shutdown of the central shrimp market, it is easy to obtain such letter of certification similar to how a sick worker who needs medical treatment in a public hospital or a public hospital with medical certificate. As to the workers who are required to have self-quarantine or workplaces which to be shut down as part of the disease control measures but are not so well known or do not have many infections, local administration organizations are often reluctant to sign the letter. Without the letter of certification, the workers are not able to apply for the force majeure unemployment benefits. According to civil society organizations, the officials who refuse to sign the letter of certification for self-quarantined workers often claim they have no idea if and how the self-quarantine has actually taken place. Even quarantine service in field hospitals of the factories cannot issue a letter of certification since it is considered a self-quarantine. As to businesses which have shut themselves down without being specifically requested to do so by the authorities are required to have their motive to shut down assessed, whether it has anything to do with the restriction measures and the prevention of harmful communicable diseases according to the law or not. In such cases, it is most likely that a letter of certification shall not be issued.

As to subcontracted workers, it depends on the help of the de facto employers. But in practicality, it is most likely that the workers are not able to apply for the benefits since the letter to certify the temporary suspension of the work or the self-quarantine certificate due to force majeure shows the name of their employers in their social security registration and work permits which are different from their de facto employers.

The workers are thus deprived of their access to the force majeure unemployment benefits, particularly those working in small and medium scale factories, markets., shops and general workplaces such as the central shrimp market, Thalay Thai Market, etc. They hardly have access to any support from their employers. The workers have to rely on support for food

and basic necessities donated by agencies or individuals. Nevertheless, the workers are still obliged to pay for their room and other daily expenses. Most workers have no savings since in normal time, their wage is equal to or slightly higher than the minimum wage. Many have lost their income during the Covid-19 pandemic and become unemployed even now. Some have received support from CSOs in terms of their rent and other expenses. Some have asked their families in the countries of origin to send them money. The workers from Myanmar are now facing more problems due to the political instability which makes money transfer across the border not possible since the end of February. Financially, many have to bankroll themselves by sourcing from informal lenders who charge high interest rates in order to obtain money to cover their daily expense and to apply for work permits.

3. Impacts from the disease control measures

3.1 Quarantine

- Almost all workers in small and medium factories, markets, shops and general workplaces including the central shrimp market and Thalay Thai Market, etc. are required to conduct self-quarantine to observe their condition in their rooms. Most of them have received no compensation from their employers for the suspension of their work and have hardly received any support from their employers in terms of accommodation and food during the quarantine. Some who stay in the accommodation provided by their employers are not required to pay the rent and have received food and drink. Some have received support from their employers for the entire time of quarantine, while others for sometimes.

The rooms in which the workers quarantine themselves are rented rooms shared among several of them, as many as four in certain rooms. The workers cannot afford to have personal rooms to isolate themselves. In normal time, the workers share their rooms juggling between staying the rooms and leaving them for their fellow workers while they are at work. Some members in a room may work different shifts, morning and night. But during the Covid-19 time, everyone is confined to their rooms. In some dormitories at the central shrimp market, for example, they continue to share their toilets and shower rooms which lack hygiene. The crowded environment has simply made standard quarantine and social distancing impossible. In certain cases, low risk persons have to share the rooms with high-risk persons, and they barely receive any attention from public authorities.

At one seafood processing factory, the employers have ordered workers who stay outside the accommodation provided for by the factory to quarantine themselves at a designated place where the workers are made to pay their own rent. It has thus incurred them double expense on top of the rent they have to pay for their normal accommodation. Food and supplies around the quarantine facilities are sold at higher than the market price and the workers are not paid for their wage or compensation during the quarantine. These workers agree to quarantine themselves as instructed by their employers simply because they fear they would lose their jobs and at present, they have been reinstated in their jobs.

A garment factory orders the employees to stop working and quarantine themselves and to have a medical checkup afterwards. If they have no money, they can ask for help from the employers who agree to give them advance money. They are charged 4,000 baht for the test, even though the actual test costs lower. The employees are required to produce a medical certificate to prove they test negative for Covid-19 in order to be able to resume their work. A CSO contacted for help by these workers have thus reached out to the Department of Social Development and Welfare asking them to address the issue. The Department of Social Development and Welfare has thus informed the employers that if they ask the workers to test for Covid-19, they have to be held responsible for the testing expense. The employers are prohibited from ordering or forcing the employees to have the tests since they cannot test it for free due to their belonging to low-risk groups.

- Fishing workers: Late December 2020 – January 2021, the fishing crew members were hardly allowed to disembark on the shore. The employers tried to keep the crew in the vessels until they are free of Covid-19. The boats simply floated offshore and the crew members spent their time on board with small boats bringing them supplies. According to a CSO, some of such boats have not enough food and drinking water. Some vessels were kept ashore in some areas where the pandemic was not intensive or where Covid-19 disease control measures were not strictly enforced. Until February 2021, it became more relaxed, and the fishing crew were allowed to come to shore through the screening of the officials before disembarkation. If one of the crew members is found to test positive for Covid-19, the rest of them will be ordered to quarantine on the boat for another 14 days. Then, they shall undergo the testing and if they test negative, they will be allowed on shore.

- Large factories: Some employees who are required to self-quarantine are paid by their factories for the loss of income at certain percentage, i.e. 70% or 50% of their wage. Some allow them to take leave days during the quarantine. Most factories, particularly the ones that employ more than 5,000 workers provide accommodation and food to their employees during the quarantine. Nevertheless, some shops in the quarantine facilities sell food and supplies at a higher price to the workers in some factories and they do not feature diverse products and the food does not quite match the taste of the workers.

3.2 Bubble and Seal policy

The measure was imposed from 1 February – 10 March 2021 with large factories with more than 5,000 employees aiming to prevent the spread of the disease to outside community.

Bubble is a policy that requires that factories have to provide transportation for their workers to commute between their places and factories and they shall be prohibited from stopping or detouring along the route. For workers living far away from the factories, they have to install an application. For workers living nearby, they are brought to the factories by the factories' transportation and their supervisors would hold a flag leading them from the starting point to the end. Food vendors are allowed to sell inside the premises of the factories. By asking workers from a CSO, we have found that some workers start to feel frustrated with the rather strict restriction measures. They also want to stray here and there. They also want to pick and choose the ingredients to cook for themselves. But almost all workers comply with the measures and want to see the end of the pandemic. The factories also inform them in a rather compelling manner that any worker who fails to act in compliance will face suspension or dismissal.

Seal is a policy that requires workers to stay in the accommodation provided by their workplaces or to live within the premises of their workplaces. Although this policy restricts the right to freedom of movement and their lifestyle, similar to the Bubble policy, it creates even more impact since they have to live separately from their families. Any married workers including women workers with children, have to live separately in the accommodation provided by the factories. They are not allowed to live with their families and not allow to bring their families to live with them. A CSO staff member informs us an account of a women worker who used to rotate with her husband and juggle between their shifts to take care of their children. Now, she has to stay in her factory due to this measure while her husband has to stop working to tend to their

children. Every day, she has to drop food boxes over the factory's gate for her husband and children.

3.3 Obstacles to movement

- A number of workers without work permits have missed out from the system while attempting to renew their work permits or have lost their jobs during the first surge of Covid-19 pandemic. These workers dare not leave their places fearing the arrests and the police are campaigning on the crackdown of illegal workers.

- Migrant workers are barred from leaving Samut Sakhon while the central shrimp market-Sri Muang Apartment are laid siege with the installation of barbed wire. By confining fishing workers on board the boats and preventing them from coming to shore until they test negative for Covid-19 and the Bubble and seal policy, they are all measures in breach of their rights and freedoms and they have been imposed with discrimination with very strict enforcement against the migrant workers.

4. The Worker Welfare Committee

During the Covid-19 pandemic, the Worker Welfare Committee helps with disease surveillance, distribution of PPE, informing the workers of news and guidelines, and functions as an intermediary between the employers and the employees. It helps to receive complaints and address the problems concerning catering and other general living conditions during the time the Bubble and Seal policy is imposed. It generally does not engage with the employers in terms of consultation, negotiation and any management. During the Covid-19 disease control measures, the Worker Welfare Committee works closely with the employers more than with the employees. This is partly due to that the Worker Welfare Committee assumes it is not within its powers and duties to cope with the immediate crisis and does not give enough weight to the rights of workers, but the Covid-19 disease control. The employees fear the spread of the disease and any punishment by their employers. They are concerned that if anyone in their factories is found to test positive, their factories will be shut down and their clients will lose their confidence in them and it will hamper employment. Thus, they do not question anything and are willing to act in compliance with the restriction measures imposed by the employers.

5. Covid-19 testing and treatment

During the initial outbreak of Covid-19 in the central shrimp market, the screening, the proactive testing, the medical treatment and the quarantine were not well organized. Many people who have been screened and tested have not been informed of the result. Workers who have no work permits have access to the screening, but not the testing due to the limited testing resources and quota and an arrangement has to be made in advance between the public health authorities and the employers who hire illegal workers. Nevertheless, initially, high risk people, people who are yet to be tested, low risk people, people who have been tested, and people who await the testing results are forced to share the same compound causing mistrust among them. Representatives of the workers have met and shared this concern with CSOs and the issue has been raised and discussed in the meetings of the Provincial Committee to mete out proper measures. This has led to free testing being given to workers, both legal and illegal. And after the field hospital has been set up, workers who test positive are sent there to receive the treatment with no charge.

Small and medium workplaces/factories identified among risk groups are offered free Covid-19 testing and treatment services at the field hospital. Workers who are insured persons are entitled to the right of Covid-19 testing and receiving treatment at the hospital they are registered with. Those who are not insured and do not live in risk area or are unable to identify the risk from getting close contact are required to pay for their testing and for medical treatment should they be hospitalized including workers at a market who test positive for Covid-19 and receive treatment from a public hospital, they are required to pay 500 baht per day for 14 days.

Therefore, a number of workers who do not belong to risk groups and not insured persons barely seek to have themselves tested since they cannot afford it and receive no support for seeking such services.

Apart from not having access to testing, the workers without work permits are vulnerable to being left stranded at some place by their employers who want to avoid the arrests from employing illegal workers which may occur during the proactive testing scheme.

For large factories with more than 5,000 employees, provincial public health authorities offer mobile testing units to get the workers tested on site. The expenses are shared by the factories and the workers need not pay. Field hospital can be organized within the premises of the factories as well.

CSO staff members concur that even though things did not get much organized in the beginning and an emphasis was exclusively placed on restriction measures, but later after the field hospitals have been set up, the Samut Sakhon provincial authority was successful in making available public health and treatment services in response to the Covid-19 crisis. One concern is cast on the proactive testing measures which are conducted randomly, not thoroughly even though it is clear there are a number of infected persons in local area show no symptom. The outbreak prevention measures are also lax. For example, a market requires that workers who have got tested, and test negative have to wear a certificate showing the testing result while at work. It has turned out that several workers take turn to wear the same sign.

Another issue is about the improvement of the living condition of workers which may impact the prevention and enhancement of health standards in a long run, particularly in the crowded central shrimp market. The workers from morning shift and night shift rotate to work and share the same rooms while the buildings are in dilapidated condition without garbage disposal system and poor sanitation. They have to share toilets and shower rooms and most toilets are not in proper condition. For example, at some toilet with ten rooms, only two actually work.

6. Registration / work permit application

It is expected that Samut Sakhon is home to 239,752 migrant workers of all categories being permitted to work in Thailand (as of November 2020, Alien Administration Office).³ Combined with illegal workers, the overall number of migrant workers in the area could exceed 400,000.⁴ The 29 December 2020 cabinet resolution allows migrant workers to get registered in a special circumstance during the Covid-19 pandemic. They shall be allowed to continue their stay and their work for another two years until 13 February 2023.⁵ It is expected that not many migrant workers have chosen to get registered pursuant to the cabinet resolution since it requires lots of registration expenses, contrary to the dwindling income of the most workers

³ Prachachat Turakit. (22 December 2020). "The top ten provinces with the most migrant workers" available from prachachat.net/csr-hr/news-579770

⁴ Nanchanok Wongsamuth. (JANUARY 8, 2021, in Reuters. "Migrant workers suffer as coronavirus cases surge in Thailand" available from: <https://www.reuters.com/article/us-thailand-migrants-workers-trfn/migrant-workers-suffer-as-coronavirus-cases-surge-in-thailand-idUSKBN29D11T>

⁵ Ministerial Regulation of the Ministry of Interior on permission for certain categories of alien to stay in the Kingdom on a special circumstance amidst the Covid-19 pandemic pursuant to the 29 December 2020 cabinet resolution (30 December 2020), Government Gazette, Vol. 137

during the Covid-19 pandemic. Both workers with employers and without are required to pay equally at the rate 8,580 baht and the fishing workers at 8,680 baht. Such expense includes Covid-19 testing at 2,300 baht as well.⁶ Although a number of workers have been tested and received the treatment, but they are not allowed to use such medical certificate. They are required to have a fresh Covid-19 test.

Expense	Covid-19 test	Medical checkup	Two-year health insurance	Work permit	Registry record	Pink card	Seabook	Total
General workers	2,300	1,100	3,200	1,900	20	60	-	8,580
Fishing workers	2,300	1,100	3,200	1,900	20	60	100	8,680

That too few workers have got registered as migrant workers pursuant to the 29 December 2020 cabinet resolution could be attributed to a lack of clear communication and the complicated and inaccessible online registration system, particularly for workers without employers who have processed the documents themselves. They are required to fill in a web-based online form which is not always accessible and easy to do for workers, particularly when the content of the website is not available in the languages understood by the workers.⁷ Even though the Department of Employment sets up tables to accept registration at the central shrimp market, but almost none of the workers have applied since many of them think they have to pay 8,000 baht up front during the registration. But in reality, there is no charging of such fee.

CSOs have expressed their concern about this issue on three main aspects including (1) the charging of expensive fee and employers are not required to share part of the expenses leaving the employees to shoulder it themselves. Given a lack of stable employment and protracted unemployment, a lot of workers would be forced into a debt bondage cycle and to have to seek informal loans to pay for the registration to continue living and working here. (2) By charging exorbitant fee beyond the affordability of the workers. It has prompted them to avoid applying for legal work permits. Rather, they would opt for paying bribery to protect themselves

⁶ Prachachart Turakit (26 January 2021). "Change of medical checkup for migrant workers in the midst of Covid-19" available from: https://www.hfocus.org/content/2021/02/21034?fbclid=IwAR06zLiMySxKS9OCS7i_oHlUkeOW9z-mVInyfl-7eXFXVavzSvl_ffdmfkl

⁷ The online work permit registration for workers from three countries, available from: <https://e-workpermit.doe.go.th/>

from the crackdown. Otherwise, they can apply for a 'police card' by paying 500 baht per year.

(3) If the state fails to restore the registration of the workers, they shall be pushed out from health and welfare protection and other labour rights.

A staff member from a CSO also mentions the expiry or near expiry of passports of several workers and how they can get registered to continue their living and working in Thailand and how. For workers from Myanmar, apart from the Covid-19 pandemic, a military coup was staged on 1 February 202, and it is unclear if the Myanmar Embassy would facilitate the renewal of passports for the workers. And since most workers are opposed to the coup, will they accept the implementation under a military regime?

7. กรณีศึกษา

- Worker Welfare Committee in one large downstream fishing factory

"At first, the workers were so scarred and stressful. They had no idea who got infected and who did not. We need to keep raising the awareness.

The factory is equipped with prevention measures including body temperature check, the use of hand sanitizer, distributing face masks. Covid-19 tests are conducted frequently, and at-risk people are told to quarantine for 14 days during which they are paid 332 baht. People who quarantine themselves also receive survival boxes and sick patients are taken care of at the field hospital while uninfected persons can work as normal.

During 1 February – 10 March, the Bubble and Seal policy was imposed, and workers who live far will get shuttle bus service and get tracked through Thai Chana app and the factories' own apps. The workers are required to report when they leave their home, when they stop their daily work, and those accommodated in dormitories closer to their factories are required to walk in line to their rooms.

During that time, they were allowed to buy stuff just within the premises of the factories. Vendors will get in to sell things which cost more than stuff outside. Some complain about the expensive Roselle drink, the expensive petrol and we need to tell the sellers to lower their prices.

Some may wonder why they have to keep it so strict like this. The employers and the Committee have to explain to the workers as to what happens, and some appreciate help from

the employers who look after them during the Covid-19 pandemic and many workers want to work every day at the factories since they are safer than their dormitories.”

- A courier worker at the central shrimp market who has an employer and is a regular and insured worker

“It happened all of the sudden. No time for preparation. When the market was first closed, we lined up to buy food and water for our supplies. Our boss sent us some food during the quarantine, but it was not enough. Some workers get paid every tenth day, and the lockdown was imposed on the 19th day, and their employers are too afraid to bring them the money. Later, more survival boxes and other donated items have been received and these helped reduce the pressure

The market was closed down on 21 February and only opens on 1 March 2021. But most employers were too afraid to start purchasing and selling their products at the market. Many have turned to the Thalay Thai Market but did not bring along their previous employees. They recruited new workers. It has led to the loss of jobs among workers at the shrimp market. Perhaps, they are afraid of people here, but we have been tested for Covid-19 every one of us. I took the test on 19 December, and another time on 27 December, 30 December, 22 January and 27 January.

I rent my room for 4,200 baht inclusive of utilities. The four of us, me, my wife, my younger sister and younger brother, all worked at the shrimp market. Everyone lost their jobs all of a sudden. People who lived here but worked outside also found themselves jobless since the market was closed down for two months and people could not work. The employers recruit new workers and face many problems. For some, when the market is open, the landlords come collect outstanding salaries. At first, we were told we did not have to pay the rent but have to pay utility bills.

I am registered with the SSO and someone just gave me company to apply for the unemployment benefits late January. As of now [late March], I have not received the money since the employers have failed to submit an application for us. Some workers never have in possession bankbooks and they only welcome cash. As we need to quickly apply for the benefits before the opening of the market. Some have no employers, and when they apply for the relief the application will be sent back to the brokers.

On 24 January, I had no money to renew my visas. Many had to turn to loans or ask for remittance from their homes, but it was difficult to transfer money from Myanmar then. They had to rely on informal loans. And to apply for visas, they are required to have a fresh Covid-19 test. They don't accept testing certificate issued from the shrimp market.

Nowadays, I only got to work a couple days a week. The produce is supplied to the shrimp market every day after moving to the Thalay Thai market. My younger brother had no employers. He went out from his room every day and got work to do only on certain days. The shrimp market is safe. Some people did not quite understand if they come to the shrimp market, they might need to quarantine themselves for another 14 days or not. Thus, supplies did not bring their produce there and there were no buyers. My boss also struggles. We mutually sympathize with each other. Before, we used to buy tens of tons for sale every day, now it has gone down to a couple of tons per day.

- One women shrimp peeler with no social security, married to fishing worker

"I stopped working during the Covid-19 outbreak as I was about to deliver my child. My child was born on 29 January 2021. I was a daily wage earner. If I did not work, I had no money. I had no social security and had to pay for my child delivery. While having no jobs, I had to rely solely on income from my husband who worked as a fishing worker.

While it was near term, my husband was working at sea. I delivered the child by myself. Even after the boat has come to shore, my husband could not come visiting me due to Covid-19 prevention, and he was barred from disembarkation. I raised my child alone then. It was only 20 days after the birth that the father has got to hug the baby. But it ran short as he had to quickly boarded the boat to deep sea again. Then, he died as the boat capsized on 20 February.

After the passing of my husband, some agencies approached me to help negotiate with concerned persons to address my need. The Myanmar Embassy came to help in the beginning. But the SSO has refused to pay compensation. The employers paid funeral expense. SSO asked me to produce marriage certificate, but I could not and asked his parents to sign to authorize me. But it was difficult to contact anyone in Myanmar then. Now the Embassy has disappeared. Once, I completed the process to obtain compensation for my husband, I would return home to live with my mom in Myanmar."

One staff member of a CSO added for the above case that “prior to the Covid-19 outbreak, to apply for SSO’s compensation for death and injury related to work, it did not require so many documents like this. If the original copies cannot be issued from the countries of origin, a photocopy one certified by the Embassy in Thailand is acceptable. Worse still, in this case, if the compensation is approved, it will be paid in installments, instead of a lump sum in normal circumstance.”

8. Recommendations on the management, support and disease control among migrant workers

8.1 Establish a provincial committee to address the needs of migrant workers A working committee should be established composed of representatives from the Ministry of Public Health, Department of Employment, Department of Social Development and Welfare, and Social Security Office to initially run a center to support migrant workers led by the DoE. It should offer grievance mechanism and ensure coordinated effort among concerned agencies for an effective management of workers and the retention of documented workers in the system. Workers who have missed out or have become illegal during the Covid-19 pandemic should be reinstated in the legal employment system along with an effort to enhance health security and protection of labour rights.

8.2 Recruitment In Samut Sakhon where there are unemployed workers and employers in need of labour, an effort should be made to develop job recruitment system to publicize job openings and recruit workers, i.e., by setting a kiosk for people to apply for jobs in the workers’ communities. Facilitation should be offered to the employers including large factories which have a high demand of labour to match with the unemployed workers in the central shrimp market-Sri Muang Apartment to ensure their direct communication without the role of brokers.

8.3 Worker registration during Covid-19 pandemic The government should minimize the recruitment fees to ensure workers retain their legal employment status including by;

(1) Reduce expenses for workers whose work permits do not yet expire and may not need to renew them. The Department of Employment should adjust the requirement for employer change making it more flexible and responsive to the Covid-19 pandemic. The employees whose work permits do not yet expire but have become unemployed since the first surge of Covid-19 should be allowed to change to a new employer without having to produce the discharge form issued by the previous employer. The workers should be allowed to produce

photos showing the shutdown of their workplaces or oral or documentary evidence supporting their case in order to apply for the change of employer in lieu of discharge form. If the workers' discharge forms have expired, they should be allowed to change their employers while being charged for the change of employer and the extension of work permits just for the remaining time before its expiry in two years.

(2) Reduce expense of workers who are yet to have employers. They should be allowed to register with the alien depository and follow other procedure including the purchase of three-month health insurance which has to be renewed every three months until they are insured with the social security system without having to apply for work permits, pink cards and Seabook. All the fees should not be collected until they manage to find an employer.

(3) Reduce expense of workers with employers by issuing a notification to hold employers and employees responsible for registration fee during the Covid-19 pandemic. Detail of the procedure should be spelled out and penalties be imposed for a breach of the procedure., for example;

Expense responsible by workers including medical checkup, work permits, registration fee, pink card fee, Seabook fee and three-month health insurance purchase which has to be renewed every three months, until they are insured with the SSO.

Expense responsible by employers including Covid-19 test and other expense related to the registration of workers during the Covid-19 pandemic

(4) Covid-19 test: For all the above conditions, if the workers have been tested and received treatment with medical certificate and the negative result certificate, they should not be required to have a fresh test.

If the workers have no medical certificate to prove their negative result, the employers should be held responsible for the expense. If the employers are unable to pay for the testing fee, the government may consider drawing out from the fund for the management of migrant workers while having the employers apply for financial support from the Fund and submitting a name list online or applying for money from the Fund while filing document for employer change or the notification of arrival of new employees.

For workers without employers, money from the Fund should be drawn out to subsidize the testing of the workers by submitting the application and registering them with the alien depository.

For the expense of dependents, it should be borne on the workers. But if the workers are not able to shoulder the expense, they may apply for help from the Fund.

8.3 Social security Between the force majeure unemployment benefits and normal unemployment benefits

- To tap into the force majeure unemployment benefits, the SSO should set up a committee composed of representatives from the employers, employees and local CSOs to review and approve the application for the benefits retrospectively. It should be done urgently to address the need of the workers as follows;

(1) Employees and workplaces which have yet applied for the force majeure unemployment benefits should do so. Meanwhile, the criteria to approve the application should mainly adhere to the benefits of the employees. For example, they should focus on verifying if the workplaces were really shutdown during the time or not.

(2) To address the obstacle stemming from the employers' refusal to proceed to ensure the employees can apply for the force majeure unemployment benefits, the criteria should be made flexible by adhering mainly to the benefits of the employees.

(3) If the applications have been submitted but the review is yet completed, an effort should be made to accelerate the review and make the criteria more flexible by adhering mainly to the benefits of the employees.

(4) If the application gets rejected, a committee should be formed to verify the facts and approve the retrospective payment. The criteria should be made more flexible by adhering mainly to the benefits of the employees.

(5) For the uninsured workers, the employers should register them and pay contributions retrospectively. The matter should be raised to the attention of the Committee to consider giving the force majeure unemployment benefits retrospectively.

- To tap into normal unemployment benefits: Once the disease control measures got relaxed and the pandemic ease up, but if the factories are still not able to reopen and the employees remain unemployed, it should be considered on a case-by-case basis. For example,

if the employers have suspended the work arbitrarily invoking the Labour Protection Act 1998 or are compelled to do so as a result of the Social Security Act.

8.4 Quarantine and disease control measures Despite in compliance with freedoms, they can be imposed based on consultation and clear supporting plans. The employees should not be charged for the rent of the following quarantine facilities;

(1) Where the employers are responsible for providing food and utensils to the employees during the quarantine in a place provided by the employers adequately and properly.

(2) While being quarantined in the facilities provided by the employers, the employers should ensure the employees have access to their families and other people and offer protection to the families of the employees.

(3) If vendors from outside are allowed to sell within the quarantine area, the prices should be capped below prices in local markets.

(4) If they are self-quarantined at home/dormitory, the employers should bring them food and supplies adequately and properly as well as to impose public health services.

(5) If the employers rent their own rooms for self-isolation, the employers must be held responsible for the rent.

(6) If the employees are compelled to test for Covid-19 before resuming their work, the employers must be held responsible for the fee.

(7) If the employers fail to pay the workers' wage during the quarantine, the Provincial SSO should pay the employees the loss of income compensation immediately after an order is issued to impose quarantine by screening agencies or by the employers without having to wait for the workers or employers to apply for help and then approve.