



No.0201/2022

26 January 2022

Subject: A request for meeting to discuss recommendations concerning the employment of migrant workers during the Covid-19 pandemic

Dear Minister of Labour,

The Covid-19 pandemic has greatly affected the employment of migrant workers with impacts from disease control measures including the partial lockdown of businesses since 2020. This has left a number of migrant workers jobless, a lack of income and has led to a high turnover of migrant workers. The border closure has made it impossible to process the import and entry of migrant workers causing an impact on the management of the need for migrant workers. There has been greater demand to apply for ID cards of migrant workers whose ID cards are going to expire while an increasing number of Covid-19 infections have been found among the migrant workers since early 2021 until now. This has led to an onslaught of consequences on the work and employment of migrant workers as a result of which the Thai government has come out with measures to give temporary reprieve including the extension of work permits and the registration of migrant workers during different times.

Nevertheless, the Covid-19 pandemic which continued unabated in 2020 has caused many problems to the management of foreign workers including;

1. The employers and the migrant workers who tried to act according to the 29 December 2020 cabinet resolution have failed to have access to Covid-19 testing within the deadline set out in the cabinet resolution since many medical facilities have refused to offer such tests to the migrant workers citing the implication from the latest outbreak. It is possible that right now there could be as many as 80,000 migrant workers being illegally employed.
2. The migrant workers who have been imported via the MoU system and whose work permits have expired after four years of work since 1 January 2022 are the groups which are excluded from the benefits of the 11 November 2020 cabinet resolution. As a result, they are not allowed to extend their work permits and have to return to their countries of origin and have to be reimported. Given the current Covid-19 outbreak and the implementation of the MoU import which cannot be fully made, the groups of migrant workers are being left in limbo and are prone to become illegal workers.

3. There is currently the demand of more than 1,000,000 migrant workers, while the process of MoU labour importation is lagging. The increasing steps and expenses from the procedure will likely not help to address the need of labour domestically.
4. Regarding the procedure to issue Certificate of Identity (CI) of migrant workers, even though some countries of origin including Myanmar have opened a center to process the application of personal documents in Thailand, there are problems stemming from restriction of movement of migrant workers in certain areas making it not effectively workable. Meanwhile, there is no measures to cap the recruitment expenses and as a result, some expenses are too high including the Covid-19 testing services which are too expensive and the unclear rate of the service expenses. There is also a lack of measure to issue CI to migrant workers from Myanmar who have never had any personal documents before. As a result, some workers are unable to apply for such personal documents.

To ensure a systematic management of migrant workers and to accommodate to the need of labour in business sector and of entrepreneurs in Thailand, the migrant workers management policy should be based on the prevention approach to ensure the current migrant workers will not become undocumented and to ensure the documentation of the migrant workers who have been missed out from the system. This will help to ensure systematic and effective labour import. We therefore have the recommendations as follows;

1. The Ministry of Labour should extend the period for Covid-19 testing and testing for other prohibition diseases to until 31 March 2022 or until the Covid-19 outbreak has eased up and medical facilities are ready to offer such testing services to the migrant workers. This will help to prevent the migrant workers who have tried to act in compliance with the cabinet resolution from being undocumented and becoming illegal workers.
2. The Ministry of Labour should impose a policy to allow the migrant workers imported via the MoU who have completed the four-year-work contract since 1 January until 30 June 2022 to apply to extend their work permits and visas to live temporarily in Thailand for at least another two years given the inability to import the workers via the MoU now and to prevent an impediment to the employment and manufacturing.
3. Discuss with the countries of origin asking them to facilitate the issuance of passport or Certificate of Identity (CI) in Thailand which should include both workers whose documents have expired and those who have never had their travel documents.
4. Discuss with the Centre for COVID-19 Situation Administration (CCSA) to determine measures to relax the restriction of interprovincial movement of migrant workers by changing the measures and guidelines regarding the travel across the provinces of the migrant workers. This can help to facilitate the issuance of passport and meet the need to employ migrant workers as well as prevent them from becoming undocumented for migrant workers who need to travel across the provinces.
5. The Ministry of Labour should impose measures to control the charging of recruitment expenses of agents who import migrants to work with employers in

- Thailand including expenses stemming from the application of passport or CI. Section 42 of the Royal Decree Concerning the Management of Foreign Workers B.E.2560 and its amendments can be invoked including Ministerial Regulations concerning the service fees of brokers which import migrants to work with employers which can be applied mutatis mundi. Otherwise, an effort should be made to ensure similar rates of fees chargeable by the brokers concerning the application for personal documents or work permits to prevent any overcharging which can become a financial burden and debts for the migrant workers. Also, only brokers which are registered with the Department of Employment should be allowed to offer such recruitment services.
6. The Ministry of Labour should review the direction of the import of migrant workers via MoU by streamlining the process and minimizing the expenses to encourage more labour import via MoU. Discussion should be made with the countries of origin to simplify the process and prevent any delay in the import and the risks of the infections. For example, the employers should be allowed to choose to enter into a contract directly with the migrant workers in the presence of government officials via an online platform. Also, alternative forms of quarantine should be considered beyond the border quarantine under the stringent disease control regime. This should help to facilitate the import of labour to better meet the need for labour in manufacturing sector. And some service fees should be reduced to minimize the expenses incurred to both the employers and the migrant workers.

Thank you for your attention.

Yours sincerely,



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**For more information, please contact:**

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