

The situation of migrant workers and refugees in Thailand: Policy recommendations and reform of concerned laws



By

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Current number of migrant workers with permits to work in Thailand as of April 2023

	Myanmar	Cambodia	Laos	Vietnam	Total
MoU	327,136	127,002	113,228	143	567,509
Border Employment (section 64)	4,761	10,354	-	-	17,612
Cabinet resolution (Annual registration)	1,543,355	274,287	92,301	2,088	1,912,031
Total	1,881,575	410,065	200,296	2,230	<u>2,494,166</u>

The current management of migrant workers

At present, Thailand's employments of migrant workers, particularly migrant workers from neighboring countries, can be divided into three formats;

1. Workers imported through MoU: They are the migrant workers from neighboring countries recruited to work in Thailand from the four neighboring countries including Myanmar, Laos, Cambodia and Vietnam under an agreement on employment. They are permitted to work two years at a time and their permits can be renewed once for another two years after which they are required to return to their countries of origin for 30 days and then can make a return to work again. At present, the number of such migrant workers is 567,509, albeit before the Covid-19 pandemic, their number has reached around one million.
2. Workers who are permitted to work pursuant to a cabinet resolution. Most of the migrant workers benefit from some kind of leniency and are allowed to temporarily work and stay in Thailand pursuant to certain cabinet resolutions. They are otherwise known as the pink card holders and have since undergone nationality verification with their countries of origin and received passports, visa stamps and work permit to

work in Thailand legally. The duration of their permit shall depend on each of the enabling cabinet resolutions (but up to two years at a time pursuant to the current laws). At present, they account for the largest number of workers at 1,912,031.

3. Migrant workers who are employed along the border and work as commuter or seasonal migrant workers: These workers come from neighboring countries that share the borders with Thailand and use their border passes to get across and apply for permit to work only along the border area. The workers shall be permitted to work up to 90 days at a time. At present, they come from two countries including Myanmar and Cambodia.

Problems and situation of the management of migrant workers benefiting from leniency pursuant to the cabinet resolutions

Until now, Thailand tends to adopt the management of migrant workers through offering leniencies by issuing a series of cabinet resolutions to allow the undocumented workers to continue to temporarily work and live in Thailand. It was around 2006-2008, when the Thai government have reached an agreement on labour with neighboring countries to import the workers to work in the country. Guidelines have been adopted to enhance the statuses of the workers registered pursuant to such cabinet resolutions to ensure they can attain a legal status. They are required to undergo nationality verification and to apply for travel documents in their countries of origin. Until now, the management of migrant workers through the MoU importation has been carried out along with the initiatives to allow migrant workers to get registered pursuant to various cabinet resolutions. The Covid-19 pandemic has, however, prompted Thailand to close down its borders and suspend the importation of workers through the MoU system. The government has since resorted to the management of migrant workers through issuing a series of cabinet resolutions to give reprieve and extend the deadline to apply for work permits and to extend their existing work permits in the past four years. Such short-term solutions have been carried out between 2020-2023 with as many as 18 cabinet resolutions on the management of migrant workers having been issued.

Table: The number of cabinet resolutions on the management of migrant workers between 2020-2023

Year	Number of cabinet resolutions	Guidelines of operation
2020	8	Fresh registration 2 times Renewal of permit of various groups 2 times Extending deadline 4 times
2021	5	Extending deadline 3 times Renewal of permit 1 times Fresh registration 1 times
2022	3	Extending deadline 1 times Renewal of permit MoU 1 times Fresh registration 1 time
2023	2	Renewal of permit of domestically registered 1 time Extending deadline and temporary MoU reprieve 1 time
Total	18	Extending deadline 9 times Fresh registration 4 times Renewal of permit of various groups 5 times

The latest round of fresh registration and renewal of work permits for workers benefiting from the cabinet resolutions was according to the cabinet resolution on 5 July 2022. It aimed to address the management of two categories of migrant workers. The first group is those previously permitted to work in Thailand pursuant to concerned cabinet resolutions and their

permits were about to end on 13 February 2023, about 1,766,215 of them. These workers shall benefit from the initiative to have their permits renewed and to continue working in Thailand for another two years after the expiry of their work permits. This can be subject to the timing of their visa stamps, however. The second group of migrant workers is those who have been working illegally for their employers. They shall be allowed to live and work in Thailand on a special circumstance although they are required to get registered. The number of the workers amounts to 700,347.

Nonetheless, the workers are required to complete all the procedures under this cabinet resolutions within 13 February 2023 from applying for work permits, obtaining visa stamps, to renewing their work permits and applying for the right to stay in the Kingdom (renewing visas). 2,466,562 migrant workers are required to complete the procedures under this cabinet resolutions. Some migrant workers have, however, failed to fulfill the requirements within the deadline even though another extension of deadline was granted pursuant to the cabinet resolution on 7 February 2023 to allow them to renew their work permits and obtain visa stamps within 15 May 2023. As a result, only 1,912,031 migrant workers have been able to act in compliance with the cabinet resolution following the deadline on 13 February 2023 and as many as 554,531 migrant workers have become unaccounted for in the work permit system.

The reasons for the migrant workers to become undocumented can be attributed to various reasons based on the information and reflection of migrant workers and employers as follows;

1. Transparency of the policy on the management of migrant workers without work permits

While the Ministry of Labour were proposing to the meeting of the cabinet to approve a fresh registration of undocumented migrant workers, it appeared some brokers have prepared a name list of aliens for the employers and informed them that the list can be submitted for the impending fresh registration. Such name list made reference to the Department of Employment (DoE) and had a seal of the DoE on the paper. The existence of such document raised

questions as to some privilege was given to some people to conduct such process or not. Initially, the DoE claimed the document was only a part of a survey. Still, it caused confusion among the employers and employees as to their vulnerability to miss out on the fresh and formal registration or not.

2. Centralization of the management of migrant workers

During the registration of workers, the Department of Employment (DoE) insisted that the submission of name list and applications for work permits could only be done online. The submission of such name list was required to be done within 15 days only consisting of two stages including the registration of employers or BNG to obtain access to the online system with approval from the DoE. Then for adding names, the name list had to be further submitted. Such applications can only be approved by the DoE in Bangkok. Such centralization caused delay in the review process and any correction of information had to be done through the DoE in Bangkok only. This has caused many problems for the employers including the requirement that a photo attached had to be taken with white backdrop. If this requirement could not be met, the employers would not be allowed to correct this step by themselves. Instead, they had to file an application to request for correction with the DoE again. As a result, some employers have not obtained the approval even five days after submitting the applications. It caused anxiety and confusion regarding such delay.

3. The registration procedure not meeting the timeframe required

In order to obtain access to use the online system, one needed to get registered and waited for 1-3 days for approval, while others had to wait for over one week. In addition, several employers who have successfully filed their name lists within the first week were later informed of the problems and faced a disapproval. There was no clear explanation from the DoE as to how they could correct their submission. On 9 August 2022, the MoE's registration system was shut down temporarily for improvement until 10 August 2022. Now, a new website was launched and the previous passwords of the employers were cancelled. The explanation only appeared on the webpages without any emails or other text messages sent to the employers' phones. As a result, several employers were unable to file the list of demand to hire migrant workers as

required by the cabinet resolution. Then, they waited until it exceeded the 15-day-deadline leaving the migrant workers to continue with their undocumented status. All along, the Department of Employment (DoE) has failed to announced the extension of the registration period, or the time when its registration website needed an overhaul. All these problems caused anxiety among the employers who were preparing to submit their applications or to wait for the approval. The DoE's registration manual published on its website also failed to answer the questions arising from such registration process.

4. The registration system is too complicated and incurs too much expense

The time-constraint procedure coupled with complicated nature of registration process, work permit renewal, or personal document applications and its lack of stability thereof has affected the ability of the employers and migrant workers to perform their duties by themselves. As a result, they have to hire a broker or a agent to help them which will cost them around 25,000 – 50,000 baht even though the actual expense should have been around 12,000 -15,000 baht. The extra cost lies with the fee paid to the brokers and other surcharges levied by the authorities in both Thailand and the countries of origin. The design of the system and the complicated procedure, the time restriction, and a lack of measures to review the charging of service fees related to the registration do not just affect the employers, but also the migrant workers who are made vulnerable to the cycle of debt bondage given the debt burden derived from unregulated expenses.

5. Loopholes for exploitation

Following the cabinet resolution, between 5 July 2022 and 9 August 2022, there was still no Notification of the Ministry of Labour and the Ministry of Interior to allow the migrant workers to continue to live and work in Thailand temporarily and to extend the deadline for the migrant workers who have previously been permitted to work until 13 February 2022 even though they had failed to obtain visa stamps within 1 August 2022. As a result, both groups of migrant workers technically became undocumented for over one week and could be vulnerable to prosecutions. Such delay in the implementation has directly impacted the employers and

hundreds of thousands of migrant workers and became a loophole for exploitation by certain officials.

6. Coordination glitches among agencies and confusion about the guidelines

The confusion about the guidelines and problems regarding the operation of concerned agencies including those involved with health examination and selling of health insurance as a requirement for renewing work permits are among the problems found. In addition, health facilities are found to sell health insurance not appropriate for the requirement to renew work permits as it requires the submission of health insurance documents as a document to renew work permits. As a result, many migrant workers have yet received the work permits and this has made them unable to proceed with other steps.

7. The problem applying for passport/C.I.

Delay in the issuance of passports in the countries of origin and failure to meet the deadline has happened. For example, regarding the application for Certificate of Identity (C.I.) in Myanmar, many migrant workers are still not able to reserve a queue to apply for C.I. from the service center since their personal information does not exist in the system and the database has to be updated constantly. Meanwhile, given its limited capacity, the C.I. centers could not meet the need of many migrant workers who were required to complete this process before 13 February 2023. It is estimated that around 700,000 migrant workers from Myanmar are still required to undergo the process, more than the number reported to the cabinet during the meeting to approve the extension of the deadline. The C.I. Centers' available queues were already later than 13 February 2023, the deadline approved by the cabinet.

Meanwhile, the management based on more than 18 cabinet resolutions in the past four years, or one cabinet resolution for every three or four months, reflects a lack of long-term strategies for the management of migrant workers. Rather, they have all been short-term responses to cope with immediate problems.

The situation of MoU migrant workers

The MOU recruitment process to bring in workers from Myanmar, Laos, Cambodia and Vietnam has been carried out under the Bilateral Memorandums of Understanding on collaboration in the recruitment and the Royal Ordinance Concerning the Management of Foreign Workers' Employment B.E. 2560, particularly in Chapter 3 on how to bring in aliens to work for employers in Thailand. According to the law, the persons allowed to bring in migrant workers to work in Thailand are an employer and a Foreign Worker Employment Agency (FWEA).

The employers must first inform an agency under the Department of Employment (DoE) of its intention to employ a migrant worker. They must be employers in the sectors permitted to do so only.

Key steps of the recruitment

1. An employer contacts a recruitment agency in the countries of origin (if the employer wants to bring in the worker themselves), or enters into a contract with a Foreign Worker Employment Agency (FWEA) to authorize them to bring in an alien to work in Thailand.
2. An employer or FWEA files an application to bring in an alien to work in Thailand at any Provincial Employment Office/Bangkok Employment Office with the jurisdiction.
3. Upon reviewing approval to bring in an alien to work, the Provincial Employment Office shall send a letter to an embassy of a neighboring country based in Thailand requesting for bringing in an alien from that country to work.
4. The country of origin shall receive the request to bring in an alien and instruct a recruitment agency to recruit and select a migrant worker and set up an appointment for the employer/FWEA to select the migrant worker and to prepare an employment contract with the presence of labour officials and to prepare a name list to be sent to the employer.
5. An employer files a name list to apply for work permits on behalf of their potential migrant workers.

6. The DoE approves work permit of the alien and sends a letter to the immigration checkpoint (the case of Myanmar)/Thai embassy in the country of origin (the case of Laos, Cambodia and Vietnam) to request to bring in an alien to work in Thailand.
7. The country of origin sends the worker over to apply for documents with the center to dispatch workers abroad to obtain visa stamps at the embassy or to apply for documents to travel to work abroad at the border offices. The employer travels to pick up the migrant worker at the border checkpoint to have the visa stamps examined and to receive training/apply for work permit at the Post-Arrival and Reintegration Center For Migrant Workers.
8. The worker can then travel inside and a notification has to be made to a local Employment Office within 15 days and a medical certificate must be submitted within 30 days since receiving the work permit.

Key steps to bring in MoU workers from Myanmar

Procedure in Thailand	Duration (days)	Procedure in Myanmar	Duration (days)
File an application to bring in an alien to work in Thailand at any Provincial Employment Office/Bangkok Employment Office, upon approval, a letter of request shall be sent to an embassy	3-7 days	1.The embassy reviews application to bring in migrant worker and sends to the Ministry of Labour for further review.	7-15 days
		2.Ministry of Labour reviews the application	15 -30 days (fresh imported worker)
		3. The employer or FWEA travels to select the workers and enters into a contract in the presence of the authorities in Myanmar.	1 day
			15 days

		4. Ministry of Labour prepares a name list.	Total 30 -60 days
Employer brings name list to apply for work permit on behalf of migrant worker	3-7 days (or up to 10 days)		
Send a letter to permit to bring in an alien to work in Thailand to the immigration checkpoint and Myanmar embassy in Thailand	3-5 days	Proceed to issue documents and arrange for the migrant worker to brought to the center to dispatch workers abroad at the border in Myawaddy or Koh Song	15 days
Employer travels to pick up workers, obtains visa stamps, receives training/applies for work permits at Post-Arrival and Reintegration Center For Migrant Workers	1 day		
File medical certificate within 30 days, notify the bringing in of alien worker within 15 days	1 day		

Regarding the MoU process, particularly the 45- 90 days in Myanmar depending if the migrant worker has previously worked with the employer, or a new migrant worker to be brought in from the country of origin. The procedures involve approval sought in both Thailand and the countries of origin and the complicated procedure. Therefore, the lengthy process is a key obstacle to bring in migrant workers from Myanmar.

Impacts on the management of MoU migrant workers during the Covid-19 pandemic

Due to the Covid-19 pandemic in 2020 and the disease prevention measures imposed by the government including the closure of border checkpoints between Thailand neighboring countries and a prohibition of gathering in public places and government offices, it affected the bringing in of migrant workers to work with employers incessantly. It also affected the migrant workers' ability to apply for passports as the embassy of the country of origin has stopped processing passports. This affects the management of migrant workers, particularly workers who came to work in Thailand based on bilateral agreement (MoU). The Myanmar's political situation also affects the import of workers and the travel to work in Thailand legally. Even after the relaxation of Covid-19 restriction measures, it is still not possible to resume the normal procedure to bring in workers, particularly from Myanmar.

From time to time, the Thai government, by the cabinet, has approved the Ministry of Labour's initiatives for the management of foreign workers to ensure they can continue living and working in the Kingdom amidst the spread of Covid-19. The migrant workers who have come to work with their employers in Thailand via MoU system are allowed to continue living and working for up to two years, and two times. This applies to the migrant workers who have completed their four-year-work-stint in 2021 and 2022, respectively. The situation in the countries of origin, particularly Myanmar, could be fairly unfavorable to the import of workers to work in Thailand. This has constantly given rise to an obstacle to bring in an alien to work in Thailand and the duration of recruitment which is lengthier than normal. In addition, the political violence has prompted the closure of the Thailand-Myanmar borders to now allow normal cross-border travel. This has compounded the impact on the import of migrant workers and the management of the demand of migrant workers among many entrepreneurs. It has also exacerbated safety and life of migrant workers from Myanmar who are required to return to undergo the recruitment process.

The Migrant Working Group has been receiving information regarding the registration problems from our member organizations, communities of migrant workers and entrepreneurs who have to rely on migrant workers. For a Myanmar migrant worker who passport has expired and needs to apply for a new passport from the country of origin, or Myanmar, via the embassy,

but the process to issue passports by the embassy can be done through advance appointments only. But since the embassy cannot set out the date of appointment to issue a passport to the worker within 1 August 2022 and it may refuse to process the application for passport. In addition, the closure of borders has made the workers unable to return to their country of origin to apply for travel documents. As a result, the migrant workers still lack a new passport which they can use to obtain permission to stay in the Kingdom of Thailand temporarily. These MOU workers have thus become undocumented unwillingly missing out on the registration of the Thai government. It has direct bearing on Thailand's economic development.

Meanwhile, an estimated number more than 500,000 migrant workers have been working in Thailand and their permits are due since 1 January 2023 including migrant workers who have failed to apply for passports in time. There are no cabinet resolutions to allow them to return to undergo the MoU process in their countries of origin. Coupled with the violence in their countries of origin, these migrant workers become concerned about their safety. As a result, these workers have found their work permits expired and their employment terminated by their employers.

In addition, regarding the import of migrant workers following the relaxation of Covid-19 pandemic restriction, when compared to the number of migrant workers imported via MoU between January–April 2023, there was only an increase of 1,235, or around 400+ per month.

The problems regarding the MoU import system at present

1. Delay in procedures due to change
2. The problem with the issuance of passports in the countries of origin, particularly Myanmar
3. The Thai caretaker government cannot issue a new policy to assist the workers whose work permits have expired.

4. Delay and complicated process has forced migrant workers to face an increase of expense under the MoU system.
5. The violence in countries of origin has impeded options for safe migration. **It has increased the occurrence of smuggling of migrant workers to work and an increase of the number of deaths and injuries.**

Refugees and their right to work

The asylum seekers and urban refugees migrate mostly by themselves or in a small group different from a plight of border flee fighting who have fled from armed conflicts. Thai people tend to be familiar with the latter groups of refugees including those who have fled from wars in Myanmar or Indochina. Nonetheless, the asylum seekers in urban area often invoke the need to seek international protection since they have come here to flee from persecution because of race, religion, nationality, membership of a particular social group and political opinion. They are often called asylum seekers, until they attained the status of refugee.

The number of refugees in Thailand

- Refugees in temporary shelters (border): 91,401
- Urban refugees (UNHCR): 5,155
- Persons vulnerable to international relations including the Uygur, Rohingya, Myanmar people after the coup: +20,000
- Persons under Screening/ Protected Persons under the Regulation of the Office of the Prime Minister

Most of the refugees are here without legal status. Despite being recognized as a refugee by UNHCR, several of them are still vulnerable to arrest and detention in the immigration detention centers for years for several people. Since the facilities are designed to hold in custody a person for a short period of time, it affects their health. Meanwhile, the bail procedure is still challenging as it may take up to 2-6 weeks and warrants as much as 50,000 baht/person for surety.

One problem for urban refugees is their lack of income to earn their living. Many have to look for jobs. Nonetheless, these refugees are legally not allowed to work. They are also vulnerable to arrest. Some employers refuse to employ them fearing the consequences. Based on discussion with some urban refugees, we have found most of them want to work and have the change to work, although they feel concerned having to travel long distance to work since it makes them vulnerable to arrest. As a result, some refugees choose to work as hire labour on a daily basis at a place close to their community or in the community people from the same ethnicities have already worked there. Some have decided to work in the province, particularly in the area where many foreigners are employed. Still, they are worried about applying for work permits. Meanwhile, according to some sources, some refugees do have work permits, although it is not possible to verify their authenticity. In addition, there was some interesting finding that women have a higher chance to look for jobs than men given their higher employability according to the refugees themselves. In addition, men are busy with coordinating to apply for refugee status or to contact with NGOs. As a result, women play a more prominent role in terms of their economic activity. By illegally working a job, the refugees are vulnerable to exploitation and violation of their labour rights since they dare not complain when facing any problem. They also have a problem accessing health and education services.

Policy recommendations for the management of migrant workers and implementations regarding the refugees

Recommendations for implementation in the first 100 days after forming the new government

1. Launch migrant worker registration to reinstate 700,000 migrant workers to the system including their dependents through the One Stop Service

Possible implementations

- There is an existing policy by the relevant committee to ensure the registration can proceed to cover any dependents not yet 18 years of age and to seek approval from the cabinet.

2. Extending for another two years work permits of MoU migrant workers who have completed their four-year or six-year work stint

This can address the delay of the MoU registration system or coordinating with countries of origin, particularly Myanmar, to encourage Myanmar workers to get recruited to work in Thailand through the MoU system (i.e., allowing them to submit their applications with the embassy or C.I. Center). As of now, they are allowed to stay until 31 July 2023.

Possible implementations

- Propose to the Policy Committee for approval since there exists already recommendations to address the problems of the groups of migrant workers by the Policy Committee. They can be further adapted and made more lenient in accordance with the current situation and proposed for the cabinet's approval.

3. Develop the Strategies for the Management of Foreign Workers' Employment

It is subject to the mandate of the Committee on Policies concerning the Management of Foreign Workers' Employment to establish a subcommittee to develop the draft strategies invoking power of the Policy Committee

4. Amend the Ministry of Labour's Regulation on the Criteria and Methods for Electing Representatives of Employers and Insured Persons to sit as Committee members in the Social Security Committee 2021

- Through the revision of eligibility of voters by rescinding provision in Article 16 (1) and promptly fixing date for the election of the Social Security Committee

5. Revise the Ministerial Regulation on the Payment of Old Age Benefit to Non-Thai Insured Persons 2017

- By rescinding provision in Article 1 of the Ministerial Regulation

Recommendations for implementation after first 100 days until the first year

1. **Promulgate/revise secondary laws which are redundant or restrict the rights of migrant workers** including the Ministerial Regulation on Labour Protection in Sea. Fishing Work (redundant with the Labour Protection In Fishing Work Act), the rights of workers in seasonal agricultural sector, domestic workers, the Ministerial Regulation on old age benefits of migrant workers, Notification of the Ministry of Labour on the Election of the Social Security Fund Committee, etc.

2. **Review the recruitment of migrant workers** including the MoU recruitment and the registration of workers in sea fishing sector

3. **Develop grievance mechanisms for migrant workers** by expanding channels to file the complaints by the migrant workers, migrant worker volunteers, increasing interpreters at the Office of Labour Protection and Welfare and Migrant Worker Assistance Centers (the ten of which are currently under the charge of the Provincial Office of Employment)

4. **Make available grievance mechanisms for employers and migrant workers** who apply for work permits and employment, publish manuals to give practical advice on how to use services of agencies under the Ministry of Labour, make available inspection of the operation of local authorities, review the Office of Employment's remuneration policy since the workers afford very low pay and low-security jobs.)

5. **Allow asylum seekers and those unable to return to their countries of origin to stay and work in Thailand temporarily**

Beneficiaries

- 1) Those unable to obtain personal documents from their countries of origin
- 2) Those fleeing from war who have been allowed to work in the nine temporary shelters along the Thailand-Myanmar border, 90,000 of them
- 3) Those who have sought asylum and protection from UNHCR, most of whom live in Bangkok, around 5,000 of them from 51 countries

4) Those whose plight is vulnerable to international relations including the Uyghur, Rohingya and those fleeing from Myanmar after the coup in 2021 and intending to seek temporary protection

5) Those who are considered “Person under Screening”, “Protected Person” pursuant to the Regulation of the Office of the Prime Minister On the Screening of Aliens who Enter into the Kingdom and are Unable to Return to the Country of Origin B.E. 2562

Possible implementation

1. Propose to the Policy Subcommittee to explore ways to offer a reprieve (registration) to the asylum seekers and those unable to return to their countries of origin to apply for permits to work.

- The Persons under Screening and those unable to obtain their personal documents are required to turn themselves in and to apply for work permits invoking Section 63 of the Royal Ordinance Concerning the Management of Foreign Workers' Employment. The permit shall be valid for up to one year and can be renewed subject to legal conditions.
- Those fleeing from war and asylum seekers who are under the review of UNHCR/refugees vulnerable to international relations, those Protected Persons pursuant to the NSM shall be allowed to apply for work permit invoking Section 63/2. Their permit shall be valid for up to two years and can be renewed subject to the cabinet resolution.

2. Propose to the Policy Committee to further seek approval from the cabinet.

Recommendations on the revision of law and promulgation of new law

1. Labour protection law

Repeal subcontract work, daily wage and leave days, ensure all groups of workers are protected by the labour protection law, revise Labour Protection In Fishing Work Act

2. Labour relations law

All workers are allowed to form a labour union. Rescinding requirement that founding member of a labour union must be a Thai national. Advocating for the ratification of ILO 87, 98 (Move Forward Party has already submitted a Draft Act to parliament)

3. Social security/Workmen's Compensation Fund

Allow all workers to get insured under Section 33. Elect members of the Social Security Committee (migrant workers have the right to vote for member). Rescinding eligibility requirement to receive old age benefit of migrant workers (Move Forward Party's policy).

4. Royal Ordinance Concerning the Management of Foreign Workers' Employment

Regarding the deduction of wage to cover expense incurred from recruitment, when changing an employer, document retention, and establish clear grievance mechanisms.

5. Immigration Act

Review requirement to report themselves of migrants, i.e., being required to report themselves every 90 days, screening mechanism before deportation, fixed duration of detention, less requirements when applying for bail

6. The Office of the Prime Minister Notification on National Screening Mechanism (NSM)

Review structure of the Committee, provide for clear protection measures including the recognition of their legal status, offering them social benefits and welfare, alternative to detention of children and their families

7. The Labour Code

All labour-related laws which are dissipated and redundant should be reformed and codified to provide for clear labour protection standards. Such draft labour code used to be proposed, but was rejected by the previous administration.

The international conventions to be consider for signing

1. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families 1990
2. ILO Convention 87, 98 on Freedom of Association and the Right to Organize and Collective Bargaining
3. ILO Convention 189, the International Labour Organization (ILO) Convention no. 189 on Decent Work for Domestic Workers
4. ILO Convention 190, the Convention on Eliminating Violence and Harassment in the World of Work 2019
5. ILO Convention 181, the Private Employment Agencies Convention 1997 and its recommendations
6. ILO Convention 143, the Migrant Workers Convention

Recommendations on the reform of the Ministry of Labour

A key challenge to the effort to address the problems and develop skills of workers including migrant workers is the reform of the Ministry of Labour's bureaucratic procedure.

Recommendations on operations

1. Establish a working committee on the management of migrant workers to support the work of the Minister of Labour
2. Establish a team to reform legislations concerning the recruitment and management of migrant workers to support the work of the House of Representatives' Standing Committee on Labour Affairs and the Move Forward Party's labour law team
3. Recruit representatives of workers and experts to sit in the Committee on Policies concerning the Management of Foreign Workers' Employment (pursuant to Section 17).