

THE FIVE CORRIDORS PROJECT - CORRIDOR 1

Myanmar to Thailand: Fair recruitment in review

OCTOBER 2021



ABOUT THIS DOCUMENT

The Five Corridors Project is an initiative led by FairSquare Projects, which aims to identify key measures that governments can take to ensure that migrant workers can migrate safely and with dignity. FairSquare Projects is a non-profit human rights organisation that tailors rigorous research with communication and advocacy work to promote systemic change. The Five Corridors Project is supported by Open Society Foundations, Humanity United and Porticus. The organisations that funded this project played no role in the design or execution of the research, and our conclusions and recommendations may not necessarily reflect the viewpoints of Humanity United, OSF or Porticus.

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Cover photograph: Workers from Myanmar at a Mae Sot factory, 2020. © Jittapron Kaicome

Assessment against the Five Corridors indicators:

8. Information provided to workers

- 8.1** Do government websites contain relevant information regarding fair recruitment policies, legislation, regulation, and processes? Does the government conduct outreach, including publishing “how-to” guides online, public service announcements on radio and/or television; or webinars etc? _____ 97
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8. Information provided to workers

“Maybe we should ask Daw Aung San Suu Kyi to make a video clip for us on safe migration as she has done for the [Covid-19] wash-hands campaign. There are still many people we are not able to reach. A person like Daw Aung San Suu Kyi making a video clip - it would reach the whole country.” A TRADE UNION REPRESENTATIVE, SPEAKING BEFORE THE FEBRUARY 2021 COUP.

Summary

There is a lack of reliable and accessible information about migration in Myanmar, particularly in the rural areas where most of the prospective migrants are. Workers are therefore effectively pushed towards the ubiquitous broker, eventually resulting in higher recruitment costs. This is aided by a 1959 law prohibiting recruitment agencies from operating offices outside Yangon and MOLIP directives which forbid advertising by recruitment agencies. Although the latter is not strictly followed and some job-information is available on social media, websites are largely basic and often incomplete or out of date. The MOLIP ‘safe migration’ facebook page is a more useful source of practical information in Burmese for workers. A three-day pre-departure orientation carried out by recruitment agents is mandatory for migrants going to all countries, other than Thailand, because of the sheer scale of workers migrating there. This is ironic as these workers tend to be the least educated and experienced and would benefit the most from pre-departure training. Instead, all they receive is a basic session explaining the contract and working conditions immediately before the signing ceremony in Yangon, and a brief presentation on Thailand immediately prior to entering. In addition, trade unions and CSOs carry out their own training programmes but these are often limited in number and oversubscribed. CSOs and unions face restrictions and bureaucratic hurdles from local authorities, even when conducting their own outreach work. Increased cooperation between Government, CSOs and unions is therefore an obvious solution to improve information for workers.

Information made available by Thai authorities invariably focuses on those already in the country. Official websites provide some basic information, laws and regulations, cabinet resolutions, updates and detailed statistics, but these are mostly in Thai and thereby inaccessible to workers. Documents are also often outdated. Thai authorities do however produce material in various languages covering rights and duties of workers as also documents for irregular and undocumented workers already in the country. These include announcements about the regularisation process and warnings about registration deadlines. Similar information is also circulated via newspapers, internet videos and social media. Thai authorities have also collaborated extensively with the ILO, particularly on labour protection in the fisheries and seafood processing industry. There is good cooperation with NGOs who assist the ten Government Migrant Worker Assistance Centres, and the three ILO-supported Migrant Worker Resource Centres. In recent years, there has been increased collaboration in the fishing-seafood sector with NGOs also supporting the five Post-arrival and Reintegration Centres which also screened new workers and verified employment contracts. A number of seafarers’ centres have also been set up by NGOs and Government collaborating to provide advice and support to fishers. NGOs also often conduct their own events with migrants able to directly raise concerns with government officials. Many such ‘engagement’ events however tend to be proforma and/or symbolic.

Recommendations to the National Unity Government of Myanmar

- **Require that migrant workers to Thailand also receive the mandatory pre-departure orientation, which should be undertaken in consultation with workers groups and civil society groups and with recruitment agencies excluded.**
- **Increase cooperation with CSOs and unions ensuring that workers receive pre-departure and other necessary labour market information, including in rural areas so that they can make an informed decision to migrate.**

Recommendations to the Royal Thai Government

- **Ensure that all information relevant to migrant workers - including laws, guidelines, information on fees/costs, particularly related to the complex and lengthy MOU process - is available in Burmese and other languages used by workers.**

8.1 Do government websites contain relevant information regarding fair recruitment policies, legislation, regulation, and processes? Does the government conduct outreach, including publishing “how-to” guides online, public service announcements on radio and/or television; or webinars etc.

Myanmar

Some basic information regarding recruitment is available on the DOL/MOLIP website, including the 1999 LROE, but relevant Ministerial regulations and guidelines

including on fees are not available. The website also provides a 2019 list of licensed overseas agents, but the information on suspension and withdrawn licenses does not appear to be regularly updated. There are relevant news updates every few days according to one civil society activist.⁶⁴⁶ MOLIP has prepared guides on how to legally migrate to Thailand and Malaysia and how to apply for a passport and shared them on their website.⁶⁴⁷ A recent World Bank study however noted that information on the DOL website “is difficult to find, and some of it is out of date and incomplete. Most of the information is only available in the form of PDFs or pictures, which migrants tend to avoid because viewing them incurs data charges on their mobile phones.”⁶⁴⁸ A more relevant forum is MOLIP’s ‘Safe Migration’ facebook page - this practical migration information in Burmese and particularly useful given the wide prevalence and usage of facebook in Myanmar and Thailand.

A BBC Media Action radio-project (Yay Kyi Yar or ‘Towards clearer waters’) regularly interviews government and MOEAF officials or CSO representatives and former migrants to provide more information on the migration process and the risks and opportunities of migration.⁶⁴⁹ This however has limited reach.⁶⁵⁰ According to one union representative, the Government has done some outreach in collaboration with IOM - distributing pamphlets and through radio and tv, but the most effective is probably their facebook page. A civil society representative pointed out that the government is not able to reach out to the public adequately, not specifically on this matter but on the whole, and therefore they rely on ILO and CSOs. They recommended Parliamentarians also sharing accurate information on migration in their constituencies, often they are asked questions in public meetings and give wrong or misleading information.⁶⁵¹ Another civil society representative illustrated the poor spread of information - according to him most migrants in the Kayin state did not even know they could apply for a passport in the state capital and didn’t need to go to Yangon to do so.⁶⁵² A trade union representative, alluding to a recent successful campaign, suggested “Maybe we should

646. An MWRN official, Migrant Workers Rights Network, interview, 18 February 2020; Name and organisation withheld, remote interview, 25 February 2020.

647. MOLIP, “Curriculum books for migrant workers to prepare before leaving the country,” (undated) (Burmese).

648. Mauro Testaverde, Harry Moroz, Puja Dutta, “Labor Mobility As a Jobs Strategy for Myanmar,” (World Bank: 2020), 121.

649. “Yay Kyi Yar: Making the most of migration and money,” BBC Media Action, (undated).

650. Name and organisation withheld, 20 February 2020.

651. Name and organisation withheld, 25 February 2020.

652. Name and organisation withheld, presentation at FairSquare meeting in Yangon, 16 March 2020.

ask Daw Aung San Suu Kyi to make a video clip for us on safe migration as she has done for the wash-hands campaign. There are still many people we are not able to reach. A person like Daw Aung San Suu Kyi making a video clip - it would reach the whole country.”⁶⁵³

The inconsistency with respect to information is symptomatic of the broader lack of information sharing by ministries and government agencies in Myanmar, which had a first civilian government after decades of military rule, and has now returned to military rule. The National Plan of Action for the management of international Labour Migration (2018-2022), itself not a publicly available document, includes a specific aim to strengthen the Department of Labour’s website “for migrant workers and Recruitment Agencies including clear information on all aspects of recruitment.”⁶⁵⁴

Thailand

Websites of the Ministry of Labour and the Department of Employment list a number of relevant laws and regulations relating to recruitment and employment of migrant workers, cabinet resolutions and regulatory updates. Although there are some quasi-official translations of documents in English, most information is only in Thai. Few of the workers from Myanmar are likely to read either language.⁶⁵⁵ As a civil society group has noted, there are no official resources that clearly outline the complex and lengthy MOU process for migrant workers who wish to come to Thailand.⁶⁵⁶ The Thai authorities do however produce material in languages spoken by the main migrant communities, but the focus tends to be more on the workers already in the country, and not on the recruitment process. The informational material includes announcements/warnings about registration deadlines and extensions with respect to regularising workers already in Thailand,⁶⁵⁷ or explaining the rights and duties of

workers. E.g this manual for training foreign workers in Thailand (in Thai and Vietnamese) covers details on general knowledge about Thailand, contract and benefits, safety and hygiene, laws and prohibitions and getting help in Thailand.⁶⁵⁸ In 2016, the MOL produced pamphlets, including on worker rights and forced labour in four languages and also “disseminated information through various channels as newspapers, social media, information pamphlets, and press releases.”⁶⁵⁹ The Thai authorities have produced information aimed at Thai audiences, including a series of videos to promote migrant workers and explain the benefits for migrant workers.⁶⁶⁰ Following a 2017 notification whereby fishing workers were to receive wages only via bank transfers, the Ministry of Labour collaborated with the ILO in producing public relations leaflets and videos for fishing crews in three languages: Thai, Myanmar and Cambodian, with the aim of raising awareness among fishing crews on the benefits of wage payment via a bank account.⁶⁶¹

8.2 Does the government carry out effective pre-departure orientations, including providing training regarding workers’ rights and fair recruitment for potential migrants?

Myanmar

Currently, a free of charge three-day overseas employment orientation programme conducted by MOLIP is compulsory for workers heading abroad, except Thailand. According to the Director of the Migration Division of MOLIP, it includes “full information about their proposed employment, a valid contract, and cultural awareness, occupational safety health employment law, rights and obligations of both the worker and employer, and contact information for embassy and Labour] Attaché].”⁶⁶² According to a World

653. Name and organisation withheld, interview, 25 March 2020.

654. Government of Myanmar - Ministry of Labour, Immigration and Population, “Second Five Year National Plan of Action on The Management of International Labour Migration (2018-2022),” (undated): 24.

655. Ministry of Labour, <https://www.mol.go.th/en/>; Department of Employment, <https://www.doe.go.th/prd/>

656. Issara Institute, “Developing a Financially Viable Ethical Labour Recruitment Model: Prospects for the Myanmar-Thailand Channel,” (2018): 18.

657. E.g. Ministry of Labour, “Guidelines for managing foreign workers according to the cabinet resolution on January 16, 2018,” (undated), (Thai).

658. Ministry of Labour, “Manual for training foreign workers who are allowed to work in Thailand,” (undated), (Thai/ Vietnamese).

659. Royal Thai Government, “Thailand’s Country Report on Anti-Human Trafficking Response 2016,” (undated), 23.

660. Public Relations Division, “Foreign workers benefits,” (27 June 2018) and “Various benefits of foreign workers,” (26 June 2020)

661. Royal Thai Government, “Summary Thailand’s Country Report on Anti-Human Trafficking Response 2017,” (undated), 23.

662. Daw Aye Aye Moe, MOLIP - Migration Department, “Presentation - Impact of Existing Migration Mechanisms on Migrants’ Access to Social Protection,” (16 September 2019), on file.

Bank study, the Migrant Worker Division and the Skills Development Division (part of the Department of Labor) operate pre-departure training centers in North Dagon Township in Yangon and Mandalay. The Migrant Worker Division provides guidelines on the curriculum and is informed when workers want to attend the pre-departure orientation. The Skills Development Division provides the tutors for the training courses and support for curriculum development.⁶⁶³

For workers who intend to work in Thailand, there is no mandatory 3 day training but a shorter orientation. Officials of the Department of Labour/MOLIP along with representatives of the Myanmar recruitment agency and the Thai employer are required to explain the employment contract and working conditions prior to the contract being signed. Furthermore, immediately prior to entering Thailand, officials from the DOL and Department of Immigration also make presentations and talks covering “Do and Don’ts” and brief information for workers to follow while working in Thailand. The pre-departure orientation for workers going to Thailand is rather rudimentary according to civil society activists and union representatives.⁶⁶⁴ An ILO representative also agreed, stressing that the workers are often tired at this stage and cannot concentrate, having traveled long distances from different states and waiting for many hours.⁶⁶⁵

Although the MOEAF Vice-chairman acknowledges that the workers going to Thailand need the training the most, the reason it is not mandatory is the sheer scale. “There is no space big enough to provide this training for Thailand ... There are hundreds and thousands of workers. On the day, three or four agencies bring their workers to sign the contract on the same day, and they each bring one hundred or two hundred workers - there is not enough space.”⁶⁶⁶ Some recruitment agencies do however provide some training, particularly for factory workers. This can be rather basic, as one 39-year-old man explained, “they teach you Thai words, how to say food, how to say water, and a little bit about Thai culture.”⁶⁶⁷ In other instances, workers told us that the only training they received was by CSOs.⁶⁶⁸

The NPA acknowledges the importance of providing relevant pre-departure training for migrant workers.

It therefore seeks to review the effectiveness of the current scheme (timing, method of delivery, content and location (3.1.3) and develop a national standardized pre-departure curriculum (but with specific destination country information) covering cultural orientation, language training, working conditions, financial literacy, occupational safety and health, and HIV/AIDS, rights and responsibilities of migrant workers. Such curriculum to be adopted by MOLIP and MOEAF would be “delivered by a certified cadre of trainers at agencies independent from recruitment agencies.” (3.2.1). The NPA also envisages development of a “sector-specific training package, including on safe migration” in high outmigration areas along the border (3.2.2). Lastly, the introduction of “a system of trained counsellors based in MRCs, LEOs and other migrant advice centres and that support pre-departure programmes and provide advice at different stages of the migration cycle.” (3.2.3)

The importance of pre-departure information cannot be overstated. As one worker whose friends were arrested in Thailand for illegally working on ‘restricted jobs’ stressed, “I want to say before you come to Thailand make sure you study, you know the work, the recruitment company didn’t tell us clear information, the clear law, we didn’t know that you cant work certain jobs on the site. They just told us it’s a construction site, we thought we could work at everything on a construction site.”⁶⁶⁹

8.3 Does government encourage outreach to workers by employers, workers’ organizations, compliant labour recruiters and civil society groups

Myanmar

The NPA (2018-2022) acknowledges that there is a “lack of reliable and widely accessible information about migrating for employment, especially in more remote areas of Myanmar” and that such “absence of an environment that promotes informed decision-making on migration for employment creates personal

663. Mauro Testaverde, Harry Moroz, Puja Dutta, “Labor Mobility As a Jobs Strategy for Myanmar,” (World Bank: 2020), 105.

664. Name and organisation withheld, interview, 26 February 2020.

665. An ILO official, ILO Myanmar, interview, 11 March 2020.

666. Peter Nyunt Maung, MOEAF, remote interview, 1 June 2020.

667. Interview P8, Chiang Mai, 30 September 2020.

668. Interview P11, Myawaddy, 2 February 2020; Interview P13, Myawaddy, 2 February 2020.

669. Interview P9, Chiang Mai, 30 September 2020.

and social problems for workers”.⁶⁷⁰ It recognises that efforts have been made by the DOL, in collaboration with international organizations, NGOs and civil society groups to introduce significant measures to prepare migrants for overseas employment but notes “challenges in extending their reach to more remote areas of Myanmar and to migrants who migrate to Thailand through informal channels.”⁶⁷¹ It therefore aims to establish, “in close collaboration with CSOs, a pre-migration supporting and capacity building programme for households in high outmigration areas to improve household planning for employment abroad” (3.1.1), along with implementing public information campaigns aimed at potential migrants (3.1.2). Such campaigns would cover information on procedures, costs, rights and responsibilities and risks of irregular migration.

Recruitment agencies were generally unable to open offices outside Yangon until 2019.⁶⁷² MOLIP directives further restrict advertising, ensuring that rural residents are solely reliant on the local sub-agents of recruitments or brokers. The frontline service providers for outreach activities are the 91 Labour Exchange Offices (LEOs) in Myanmar which are also meant to provide information to potential migrants about migration,⁶⁷³ (along with services for migrants from pre-departure to return and reintegration).⁶⁷⁴ In addition, there are currently 15 Migrant Worker Resource Centres (MRCs) throughout the country. At least seven of these are supported by the ILO, while four are supported by IOM.⁶⁷⁵ The MRCs are operated either at the LEOs or operate in collaboration with those offices. According to MOLIP, the MRC are specialised centres “for local workers to know about the migration process and migrant workers to know the necessities in the whole process of formal migration, for job seekers who want to work abroad and prospective migrants to get the necessary information and job opportunities, for migrant workers to know their rights

and responsibilities to follow and apply, to protect and provide support to migrant workers through migrant resource centers.”⁶⁷⁶

The MRCs are not widely known by local people yet. According to a civil society organisation they are also not yet up to the task, “sometimes when workers go and ask at MRC, they cannot give concrete answers or no officer is in the office. The capacity of the government officers also needs to be built. The policy itself might be good, but the implementation is weak.”⁶⁷⁷ The Government of Myanmar appears to be aware of such shortcomings, the NPA plans to conduct capacity building of staff in LEOs, MRCs and MACs “to ensure effective factual and migrants friendly service provision”.⁶⁷⁸ An ILO representative told us that they provide technical support including training as well as materials such as computers, furniture.⁶⁷⁹ The ILO has also appointed a full time national consultant to work closely with LEO staff who are running the co-located MRCs.

Civil society organisations and trade unions are however dissatisfied with the Government’s interactions with them with respect to outreach work. As one union representative pointed out, although they did undertake some training programmes with DOL and commonly involved anti-trafficking police and local administration in their ongoing activities, they could do a lot more outreach as they already had representatives all over the country.⁶⁸⁰ Another union representative pointed out that not only did the government fail to encourage them in their outreach activity, but instead faced restrictions from the local administration in rural areas even when carrying out such activities on their own.⁶⁸¹ A civil society representative also told us that bureaucratic hurdles by local administration were common in granting permission for such activities in rural areas.⁶⁸² Another civil society representative suggested that one reason

670. Government of Myanmar - Ministry of Labour, Immigration and Population, “Second Five Year National Plan of Action on The Management of International Labour Migration (2018-2022),” (undated): 10.

671. Government of Myanmar - Ministry of Labour, Immigration and Population, “Second Five Year National Plan of Action on The Management of International Labour Migration (2018-2022),” (undated): 10.

672. Conversation with ILO representative (2021). The legal basis for this restriction, which ILO representations said was lifted in 2019, is not fully clear.

673. MOLIP, “Job and employment offices in regions and states,” (undated), (Burmese). According to a civil society network however the number is 96, Mekong Migration Network, “Safe from the Start”, (July 2017), 40.

674. ILO Myanmar, “Building Labour Migration Policy Coherence in Myanmar,” (2017): 19.

675. ILO, “TRIANGLE in ASEAN: Migrant Worker Resource Centres in Myanmar,” (undated).

676. MOLIP, “Services available at Migrant Support Centres,” (undated) (Burmese).

677. Name and organisation withheld, interview, 26 February 2020.

678. Government of Myanmar - Ministry of Labour, Immigration and Population, “Second Five Year National Plan of Action on The Management of International Labour Migration (2018-2022),” (undated): 27-28.

679. An ILO official, ILO Myanmar, interview, 11 March 2020.

680. Name and organisation withheld, interview, 25 March 2020.

681. Name and organisation withheld, interview, 26 February 2020.

682. Name and organisation withheld, 20 February 2020.

for this was that CSOs were seen as trouble-makers and were not popular with MOEAF and recruiting agencies.⁶⁸³ Following Myanmar's February 2021 coup, a number of unions and CSOs actively helping migrant workers were banned and their senior leadership targeted for arrest. The full extent of the impact of the ensuing political and economic crisis on Myanmar's migrant workers remains to be seen.

Thailand

In 2016, the Department of Employment (DOE) of the Ministry of Labour (MOL) established ten Migrant Workers Assistance Centers (MWACs). These were set up in provinces with a high migrant worker population, with an aim to protect and promote rights of migrant workers. Between 2016 and 2019, 124,515 migrant workers sought support from the MWACs - over half (73,034) of those who sought assistance were workers from Myanmar.⁶⁸⁴ According to an ILO study, approximately 60% of the workers sought general counselling advice and legal assistance (e.g. questions concerning living and working conditions), while 38% had "recruitment or employment-related requests, such as approval of the change of employment or renewal of a work permit".⁶⁸⁵

The Ministry works in partnership with NGOs to provide assistance and interpretation for migrant workers at ten Migrant Worker Assistance Centres.⁶⁸⁶ In fact, one ILO study found that most migrant workers became aware of MWACs only through local CSOs.⁶⁸⁷ In Mae Sot, the local MWAC and the Human Rights and Development Foundation (HRDF) have established a working group to improve collaboration by identifying key challenges and creating an action plan for the MWAC.⁶⁸⁸ Although one specific objective of the MWAC is to strengthen coordination with CSOs no budget is earmarked for this objective, which invariably limits the outreach work. The ILO has therefore recommended that the Government explore the possibility of providing financial support to

CSOs, including by a channel or mechanism by which they can apply for funding.⁶⁸⁹

8.4 Does the government make labour market information publicly available so as to inform decision making by workers, employers and labour recruiters?

Myanmar

Although there is a fairly evolved system of sharing labour market information for jobs within Myanmar, according to a World Bank study LEOs generally do not have much information about employment opportunities abroad. Instead, they act to link jobseekers with licensed overseas employment agencies.⁶⁹⁰ In a highly competitive market, the officials at MRCs/LEOs have to narrow down from a list of several hundred licensed agencies "by identifying those agencies that send the most migrants to the destination country of interest or those based on personal knowledge of reputable agencies", although an ILO-supported ranking system by MOEAF is also reported to be in use. State/region DOL offices also host job fairs to introduce jobseekers to overseas employment agencies. One recruitment agent told us that even though he did not send workers to Thailand, he would often get calls about it and would refer the person to other agencies who did so, "because I am worried that, if I say I don't know and they would get into brokers' hands."⁶⁹¹

Non-state agencies disseminating labour market information include IOM, through its regional IOM X campaign videos and its "Miss Migration" facebook page which includes Burmese language information about migration and a chat bot to answer queries.⁶⁹² One CSO intervention which is particularly promising, given the significant increase in mobile phone penetration, is

683. Name and organisation withheld, interview, 26 February 2020.

684. ILO, "Ensuring migrant workers access to justice: An assessment of Thailand's Migrant Workers Assistance Centers," (2020): 10.

685. ILO, "Ensuring migrant workers access to justice: An assessment of Thailand's Migrant Workers Assistance Centers," (2020): 11

686. Royal Thai Government, "Thailand's Country Report on Anti-Human Trafficking Response 2019," (undated): 47.

687. ILO, "Ensuring migrant workers access to justice: An assessment of Thailand's Migrant Workers Assistance Centers," (2020): 15.

688. ILO, "Ensuring migrant workers access to justice: An assessment of Thailand's Migrant Workers Assistance Centers," (2020): 17.

689. ILO, "Ensuring migrant workers access to justice: An assessment of Thailand's Migrant Workers Assistance Centers," (2020): 22-23.

690. Mauro Testaverde, Harry Moroz, Puja Dutta, "Labor Mobility As a Jobs Strategy for Myanmar," (World Bank: 2020), 119.

691. Peter Nyunt Maung, MOEAF, remote interview, 1 June 2020.

692. IOM, "Miss migration facebook page" (undated). Mauro Testaverde, Harry Moroz, Puja Dutta, "Labor Mobility As a Jobs Strategy for Myanmar," (World Bank: 2020), 120.

Issara's 'Golden Dreams' smartphone application. In addition to providing information on workers' rights and resources, news and changes in regulation, the app also provides job-postings along with the ability to see user-ratings and reviews of approved recruitment agencies.⁶⁹³ However technical issues (poor quality phones and slow internet) and local practice of commonly changing SIMs (requiring a fresh download every time) are reported to have limited the broader-use of the app.⁶⁹⁴

The significant gaps of information with respect to job availability pushes workers towards informal brokers or sub-agents of licensed recruitment agencies. According to the MOEAF vice-chairman, even they do not always get labour market data from the government although they are informed of changes in rules and regulations.⁶⁹⁵

The NPA seeks to identify and expand the labour market for Myanmar overseas workers. Amongst the plans is strengthening the "Research and Training Division of the DOL to conduct foreign labour market studies; collaborating with the private sector (MOEAF and others) to develop and implement a plan to increase employer demand for Myanmar workers abroad; and undertaking marketing study visits to help diversify the foreign labour market. At the same time, the Government will collaborate with its partners to identify skills that are in greatest demand in receiving countries and work to provide access to training in these skills set areas. This will be supported by increasing migrants' access to 'soft skills' training (such as language) and exploring mainstreaming skills development into national pre-departure training for migrants."⁶⁹⁶

Labour market information is also not shared with civil society groups and unions. A union representative said that they did not know where such information would be available.⁶⁹⁷ Similarly a civil society member told us that the only information available would be through interviews, which were often inconsistent.⁶⁹⁸ A migrant workers association representative suggested that

MOEAF was possibly better informed with respect to the labour market than the Government.⁶⁹⁹

Thailand

Labour market information is not made available by the Thai authorities. This makes workers and Myanmar agents wholly reliant on Thai recruitment agents for information on available jobs, further tilting the balance of power in the favour of Thai recruiters and employers. The Thai authorities routinely publish statistics on the number of migrant workers in Thailand through regular channels, including breakdowns of the various schemes they are hired under, the provinces where they work and the countries of origin.⁷⁰⁰ There is however no definitive number of irregular migrant workers in Thailand.⁷⁰¹ Such statistics are also politically sensitive and often contested by senior government officials.⁷⁰² The unwillingness of Thai officials to publicly acknowledge the scale of the migrant labour workforce in Thailand almost makes it challenging for migrant worker advocates to have a public dialogue with officials on issues relating to migrant workers.

8.5 Does the government collaborate with the ILO and the most representative employers' and workers' organizations to provide education and training and/or conduct awareness-raising campaigns?

Myanmar

Training and orientation programmes for migrant workers going to Thailand are often carried out by trade unions but as one representative explained these

693. Tandem Research, "Gig work on digital platforms, Case Study 4: Information-Sharing Platforms - Golden Dreams," (USAID: March 2020).

694. Mauro Testaverde, Harry Moroz, Puja Dutta, "Labor Mobility As a Jobs Strategy for Myanmar," (World Bank: 2020), 120.

695. Peter Nyunt Maung, MOEAF, remote interview, 1 June 2020.

696. Government of Myanmar - Ministry of Labour, Immigration and Population, "Second Five Year National Plan of Action on The Management of International Labour Migration (2018-2022)," (undated): 18.

697. Name and organisation withheld, interview, 26 February 2020.

698. Name and organisation withheld, interview, 25 February 2020.

699. An MWRN official, Migrant Workers Rights Network, interview, 18 February 2020.

700. Ministry of Labour, "Work statistics of aliens," (undated).

701. United Nations Thematic Working Group on Migration in Thailand, "Thailand Migration Report 2019," (2019): 161.

702. Max Tunon and Benjamin Harkins, "Addressing Irregular Migration and Violations of Migrant Workers' Rights" in *Safeguarding the rights of Asian migrant workers from home to the workplace* (ADB Institute: 2017), 39-62.

were limited in number and always oversubscribed - at times attended even by 200 in a training session designed for 35 workers.⁷⁰³ According to one civil society representative, the Government could address the shortage by greater collaboration with CSOs who also provide such training.⁷⁰⁴ He highlighted that local CSOs were working in all states and divisions and a Government scheme of 'Training of Trainers' certification along with collaboration by local administration or authorities could significantly help. This would also not place too much burden on the government.

Thailand

The ILO has also set up three Migrant Worker Resource Centres in Thailand - in Mae Sot, Chiang Mai and Bangkok with Homenet, MAP foundation and HRDF respectively.⁷⁰⁵ These MRCs offer legal aid when migrant workers' rights are abused at work or in the destination community, serve as an accessible link to the local authorities and deliver training. Thai authorities also collaborate extensively with the ILO, but with respect to migrant workers the focus has tended to be on labour protection, including in the fisheries and seafood processing industry (Ship to Shore project).⁷⁰⁶ Other areas of focus funded by the EU and US also include on trafficking and violence against women. Government officials also commonly participate in events organised by NGOs where migrant worker representatives are encouraged to voice their concerns in a town-hall

format. We attended one such event organised by the Labour Protection Network (LPN) in Mahachai in December 2019 and another in Mae Sot in February 2020.

There has been significant collaboration in the seafood sector, following international criticism over workers right issues. The Thai Government established five Post-arrival Reception and Reintegration Centres along the border to ensure migrant workers received adequate information about their rights and were screened to identify cases of human trafficking and verification of employment contracts. In 2017, 250,000 migrant workers attended the training courses at the Centres and received guidelines on life in Thailand, employment contracts, rights, safety, relevant laws and the complaint mechanisms.⁷⁰⁷ In 2018 Thailand also created a working group on labour promotion in fishing which included a number of leading NGOs.⁷⁰⁸ The Stella Maris Seafarers Centre was set up in Songkhla Province - in collaboration with the DLPW and the Fish Marketing Organization - along with Fisher's Welfare Centres in Chonburi, Rayong and Pattani Provinces to provide health and counselling services as well as information on their risks and rights. The Authorities also work with the LPN Fishermen Centre set up in 2017 at Samut Sakhon Fish Market to monitor exploitation of labour in the fisheries sector and provide assistance for Thai and migrant fishers who have suffered abuse. A Workers' Protection Network on the Line Smartphone Application has also been set up to receive complaints and share information.⁷⁰⁹

703. Name and organisation withheld, interview, 25 March 2020.

704. Name and organisation withheld, interview, 26 February 2020.

705. ILO, "TRIANGLE in ASEAN: Migrant Worker Resource Centres in Myanmar," (undated).

706. Royal Thai Government, "Thailand's Country Report on Anti-Human Trafficking Response 2019," (undated), 85-86.

707. Ministry of Foreign Affairs, "Thailand's Comments on Report on Labour Situation in Fishing Industry of Human Rights Watch," (25 January 2018).

708. Ministry of Foreign Affairs, "Thailand Joins Hands with NGOs Establishing Labour Network in Sea Fisheries Sector," 8 March 2018.

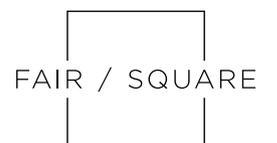
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