

THE RIGHT TO DECENT WORK OF MYANMAR MIGRANT LABORS WORKING IN THAILAND: A CASE STUDY OF PHANG-NGA¹

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Abstract

This study investigates three areas as follow: Section 1 investigated the demographic characteristics, socio-economic characteristics if those Myanmar citizens migrating into Phang-Nga Province, as well as their motivation for migrating. Section 2 investigates the key exploitation indicators used, combined with the minimum availability of decent work. Section 3 investigates the expenditure patterns of the Myanmar migrants, so as to ascertain whether a minimum wage could cover their living expenses and those of their family.

The Myanmar migrants in this study worked in four sectors of employment: fishing, construction, shrimp farming and rubber plantation, and most were male. It was found that the migrant workers have migrated due to the poor economic situation in their place of origin. Migrants working in the construction sector suffered the most in term of retention of original ID document by their employers, and not being able to obtain them when needed which has under the minimum standard of no passport or ID. Myanmar migrants in tow sectors: rubber plantation and fishing, worked excessively long working hours without receiving overtime payments. Myanmar migrant workers in all four work sectors were living in unhygienic surroundings. Migrants working in fish processing were found to have the lowest earnings in relation to their living expenditure, based on the income they received from the minimum wage.

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1. Introduction

When the military took power in 1988, Myanmar's economy turned into open-door policies (Monique and Wilson, 2008). After 1988, the politicians who fled arrest by the military government migrated to neighboring countries. Due to the economic crisis and political turmoil in Myanmar, people lacked job opportunities and sufficient income to survive and they migrated to neighboring countries. Thailand has remained one of the most open economies in Asia during the period of increasing globalization which has resulted in large flows of international migration (Huguet and Punpuing, 2005). In addition, high demand for bottom level and cheap labor force caused waves of migrants to move into Thailand. Myanmar, Laos and Cambodia have the highest migrant populations in Thailand.

In table 1 Myanmar migrant workers stand the highest 95% of total number of document migrant workers in Thailand 2008 compare with Laotian, 2.6% and Cambodians, with 2.4%.

Table 1: Number of Documented Migrant Workers (Myanmar, Cambodian and Laotian) in Thailand (2008) (Unit: %)

<i>Migrant Workers</i>	<i>2008</i>
Myanmar	95.0%
Laotian	2.6%
Cambodian	2.4%

Source: Map Foundation (2008)

In Southern Thailand, before the tsunami, thousands of Myanmar migrant workers in Phang-Nga province were suffering daily from local authorities' restrictions, maltreatment, sexual abuse and negative discrimination from the local Thai community according to in-depth interview with one of the Grassroots Human Rights Education (GHRE) officer. When tsunami hit Thailand, Myanmar migrant workers suffered heavy casualties. Some were arrested by Thai police and repatriated. The source of this crackdown was that some of them were undocumented, or some had lost their ID and work permit and some were workers whose employers were killed when tsunami waves struck (ANM, 2005)

In Southern Thailand, the number of Laotians and Cambodians is apparently lower than that of Myanmar migrants. As we see in Table 2, among the five highest numbers of migrant work permits in Southern Thailand in 2008, Phang-Nga has the second lowest number of Laotian and Cambodian migrant workers even though it has the fifth highest number of migrants in Southern Thailand.

Table 2: The five provinces with the highest number of migrant work permits in Southern Thailand in 2008 (Unit Person)

Province	Total	Myanmar	Laotian	Cambodian
Phang-Nga	12,452	12,417	35	0
Phuket	29,431	29,336	91	4
Ranong	18,494	18,488	0	6
Songkla	14,460	13,550	309	601
Suratthani	30,123	29,455	621	47

Source: Map Foundation (2008)

The occupations of Myanmar migrant workers in Phang Nga Province are working on fishing crews, in the seafood processing industry, in hotels or as farmers and as construction workers for meager subsistence wages (The NGOs, 2005).

The establishment of NGOs has decreased some discrimination and maltreatment of Myanmar migrant workers by the local Thai community. Thereby, Myanmar news has begun to bring up the issues of trafficking and exploitation of Myanmar migrants e.g., from the Inter Press Service news, *"the victims of 54 dead bodies were found in the truck among the group of 122 Burmese who had slipped into Thailand to secure jobs in the resort areas of Phang-Nga and Phuket"* (IPS, 2008).

On 10th June 2009, Grassroots Human Rights Education (GHRE) news said *"many Burmese women who come and work as house maids in Thailand are often faced with grave dangers of sexual and other forms of abuse, violence, exploitation, and are often totally isolated from the outside world"* (GHRE, 2009).

Thus, the objectives of the study are:

- To investigate the demographic characteristics and socio-economic characteristics of Myanmar migrant and their reasons for migration.
- To analyze the decent work of Myanmar migrant by analyzing the level of key indicators of exploitation in four sectors (construction, rubber plantation, shrimp farming and fishing) in Phang Nga Province.
- To examine migrants' expenditure in order to examine whether their minimum wage covered the living expenses of themselves and their family members.

2. Theoretical Perspective

2.1 Migration Theory

Migration is selective process affection individual with certain economic, social, educational, and demographic characteristics, the relative influence of economic and non-economic factors. On economic characteristics, most migrants were poor, landless, and unskilled individuals whose opportunities were for the most part non-existent in the place of origin. (Todaro, 1997). Another aspect of migration which will study is motivation for migration. The decision to move and the choice of destination are affected by a number of natural, social and economic factors. The economic factors were the differences of the existence of income or employment opportunities between the place of origin and of destination (Jansen, 1970). The most important variable driving international migration is migration networks, or contacts with family members and possibly neighbors who have previously migrated. The reason is that migrants sent home not only remittances but also information about how to migrate (Taylor, 2006).

2.2 Exploitation Theory and Decent Work

In February 2009, United Nation has identified the tools for victims of labor exploitation by People who have been trafficked for the purposes of labor exploitation are typically made to work in sectors such as the following: agriculture, construction, entertainment, service industry and manufacturing.

People who have been trafficked for labor exploitation may:

- Live in groups in the same place where they work and leave those premises infrequently, if at all
 - Live in degraded, unsuitable places, such as in agricultural or industrial buildings
 - Not be dressed adequately for the work they do: for example, they may lack protective equipment or warm clothing
 - Be given only leftovers to eat
 - Have no access to their earnings
 - Have no labor contract
 - Work excessively long hours
 - Depend on their employer for a number of services, including work, transportation and accommodation

- Have no choice of accommodation
- Never leave the work premises without their employer
- Be unable to move freely
- Be subjected to insults, abuse, threats or violence
- Lack basic training and professional liceneces (UN, 2009)

The subjects of the international ILO Conventions on Decent Work defined as;

Work and wages: employee should be entitled the minimum wage, regular pay and compensation overtime.

Work and holidays: three weeks paid holiday is the yearly minimum. National and religious holidays not included.

Work during holidays and weekends: should be entitled to paid leave during national and officially recognized religious holidays. The right of compensation holidays and weekend work compensation also acquire.

Work and sickness: the rights of protection income when sick, be entitled to 6 months of 60 per cent of the minimum wage, 6 months of job security when sick and disability benefit due to an occupational disease or accident.

Fair treatment at work: equal pay for men and women for work of equal value, sexual intimidation, equal training opportunities and help incase of freedom to complain.

Forced labor: employers have to allow employee for freedom to change jobs. No passport or ID should be hold by employers. Fully paid back the personal loan provided by employer when employee do not receive any pay (ILO, 2009).

Decent work attributed to secure work, ensured minimum labor rights, labor bargaining power, social security at work and the right to sufficient income for unskilled labors.

3. Research Design and Methods

This research is an exploratory research study on Myanmar migrant workers from an economic point of view. The research was designed to record Myanmar migrant worker's demographics, reasons of migration, exploitation levels and expenditures. Migrants of Myanmar origin will be considered in this study.

The five key informant interviewees were comprised of one community leader, one education project officer, two Myanmar migrants' project officers from NGOs and one

Myanmar migrants' key person (who helped by offering staff and a living place to migrants when the tsunami hit and currently help them in the case of their socio-economic status).

The actual data regarding numbers of Myanmar migrants in Phang-Nga, as well as their socio-economic and demographics, is hard to get from both the Thai government and the NGOs since migrants are a highly mobile population. Furthermore, the secondary data on the number of Myanmar migrants is less reliable. Thus, primary data was gathered and used in this study.

3.1 Target Population and Sample Size

Fishing, construction, rubber plantations and shrimp farming were the target groups of this research. The target population is the people of Myanmar origin, aged 15 and above who were currently working in these four particular sectors for at least two months. Primary data was gathered and used in this study. Data was collected at various workplaces for each sector. Fieldwork was carried out in Phang-Nga province. The target of the study population and sample size is presented as registered migrant who is Myanmar origin male and female age 15 and above. The research questionnaires survey these four sectors with 170 sample sizes (50 sample size each in rubber plantation, fishing and construction, 25 sample sizes in shrimp farming) of Myanmar migrants currently working in these four particular sectors for at least two months.

3.2 Sampling Method

Researcher was relying on "snowball sampling" with referrals from Myanmar migrant workers themselves. The key person for Myanmar migrant workers was very important in order to support this sampling method as well as to gain trust and obtain reliable answers from respondents. In some instances, the researcher conducted surveys over the telephone. This method was also reliable in the case of some places where employers did not allow outsiders and visitors to approach them. The rest was conducted face-to-face with the migrants. The surveys were deliberately kept as short as possible to allow respondents to be more willing to participate.

3.3 Operationalisation of Variables

3.3.1 Migration

The study of migration examined migrants who have migrated to Thailand. The reasons for migration may be different from one region to another and from one country to another. The study examined Myanmar migrants' socio-economic characteristics, demographic characteristics and motivation for migration.

Motivation for migration is defined as the individual decision to move caused by of non-economic factors, such as social, cultural, natural disaster or political factors, or by economic factors such as income and employment. If given the choice between two places, migrants would prefer going to one where they already had relatives or friends or even acquaintances of their own friends (Jansen, 1970).

Demographic characteristic: included age, sex and marital status.

Socio-economic characteristic: included occupation, education, ethnicity and their place of origin.

Migration information: included reasons that migrant decides to move and their association in Thailand.

3.3.2 Decent Work

This distinction was adopted in order to better investigate to different degrees, the international ILO Conventions on Decent Work, and analysis of the level of key indicators of exploitation during employment is crucial. Firstly, the study explored the level of the key indicators of exploitation. Secondly, it examined whether Myanmar migrant workers in Phang Nga had met the minimum level of 'decent work' from the result of the analysis of the key indicators of exploitations.

Furthermore, to signify severe labor exploitation, the ILO has considered this situation under the definition of 'forced labor'. Forced labor has been defined by the ILO Forced Labor Convention, 1930 (No. 29) as follows:

"All work or service which is exacted from any person under the menace of penalty and for which the said person has not offered himself voluntarily (Art.2.1)."

The 'menace of penalty', as mentioned in the definition, is seen to include not just penal sanctions, but may also take shape of the loss of rights or privileges (ILO, 2003).

To meet the subjects of decent work the study will examine the characteristics of key indicators pertaining to exploitation by ILO (2006) which are crucial to this study, such as, a)

being forced to work, b) constraints preventing a migrant from leaving their job, c) freedom of movement, d) retention of ID document by employers, e) violence, f) payment violations, g) working hours, h) days off and i) written contracts. In order to get clear understanding of these indicators, the UN's tools of trafficking for labor exploitation (2009) express as follow:

Forced to work: includes migrants belief that they are forced to work against their will or will be forced to work under certain conditions. The question was asked 'Are you forced to work by someone (employer, recruiter, spouse or parents) in this job?'

Constraints preventing a migrant from leaving their job: include migrants unable to leave or show fear or anxiety. A broad question was asked; 'Is there anything preventing you from leaving this job if you wanted to?'

Freedom of movement: include the condition of being unable to move freely, migrants are unable to leave their work environment or never leave the work premises without their employer or show signs that their movements are being controlled or they allow others to speak for them when addressed directly. A series questions have to ask in order to know migrants were unable to move freely. Firstly, should know whether migrants were live in the work place (on-site). If migrants live in work place, the following question should be asked 'Can you go out when you want to?'

Retention of ID documents by employers: migrants were afraid of revealing their immigration status, or they were not in possession of their passports or other travel or identity documents, as those documents were being held by someone else, or they lacked basic training and professional licenses. The questions were included 'Do you hold your original ID document?'. If migrants do not hold original ID document, the associated question have to ask: 'Who hold your original ID document?'

Violence: included the being subject to insults, abuse, threats or violence, being subjected to violence or threats of violence against themselves or against their family or suffering injuries that appeared to be the result of an assault. A broad question was asked that 'Are there any violence or abuse, happen to them?'

Payment violations: included receiving little or no payment, being under the perception that they were bonded by debt, being disciplined through punishment by payment deduction and having no access to their earnings. Consequence questions were asked such as: 'Do you receive payment in cash? If 'No', what did you get instate of cash payment?'

Working hours: work excessively long hours over long periods. Question included hours of migrants' work daily including overtime payment.

Days off: migrants having no days off. The question included 'do migrants have regular day off each week / each month and annual holiday with pay?'

Written contracts: included migrants having no labor contract with their employers. An additional indicator based on the UN's labor exploitation indicators is migrants living condition. Question included 'Do you have written contracts with employer?'

Living condition: included migrants living in groups in the same place where they worked and leaving those premises infrequently, if at all, living in degraded, unsuitable places, such as in agricultural or industrial buildings, or having no choice of accommodation.

3.3.3 Expenditure

This study of expenditure has the purpose of indicating whether migrants' wages met the minimum wage as per the description on ILO convention of decent work. Expenditure was surveyed by looking at household expenses of migrants.

Since migrants had no bargaining power with their employer, they had to accept the wage rate which employers offer and adjust their expenditure by this particular wage rate. This study can indicate migrants' real poverty or sustainable spending with their real low wages. The study on migrants' expenditure includes durable goods, non-durable goods and services.

Non-durable goods: corresponds to all spending on both food and non-food items and including rent payment. The expenditures for food include spending on meals eaten regularly. Non-food items include fuel, personal products, textiles, clothing and footwear.

Durable goods: correspond to items such as electronic equipment, furniture, and vehicles.

Services: correspond to transport, social work, health care, education, child care and public utility such as water, electric power and telecommunications.

Finally, while migrants had no bargaining power, they expected higher earning at a new job or current job or from their household members, or an expected decrease in household expenditures due to children leaving the home after graduating or an expected decrease in expenditures on certain goods etc.

3.4 Analysis of Data

On empirical analysis, descriptive statistics will be employed. Uni-variate analysis will mostly apply in this study in the comparison of Myanmar migrants per sector of force labor/ exploitation, migration and expenditure behavior by percentage through excel soft ware.

4. Empirical Result

4.1 Migrant Characteristics and Motivation for Migration

Demographic characteristics: Myanmar migrants in four employment sectors (rubber plantation, fishing, shrimp farming and construction) in Phang-Nga province showed that 81.2% were male. Most Myanmar migrant workers in this study were in the 26-50 year old productive age group.

Table 3: Migrant Gender (%)

Migrant Responses	Rubber Plantation (N=50)	Fishing (N=50)	Shrimp Farming (N=20)	Construction (N=50)	Average (%)
Male	72.0	92.0	100.0	72.0	81.2
Female	28.0	8.0	0.0	28.0	18.8

Source: Field survey (2009)

Socio-economic characteristics: in the four sectors, the major ethnicities working in Phang-Nga province were Mon and Dawei⁴. The majority of Myanmar migrants in this study had a primary education level and this level provided them with sufficient ability to read and write Myanmar language only. Over half of them were unable to speak Thai well, which cause them much trouble in their workplace.

Table 4: Migrant Ethnicity (%)

Migrant Responses	Rubber Plantation (N=50)	Fishing (N=50)	Shrimp Farming (N=20)	Construction (N=50)	Average (%)
Mon	52.0	14.0	25.0	40.0	34.1
Dawei	34.0	66.0	65.0	48.0	51.2
Other	14.0	20.0	10.0	12.0	14.7

Source: Field survey (2009)

Motivation for migration: The factors that motivated Myanmar migrants to come to Thailand were poverty and unemployment. The major source of association in Thailand for Myanmar migrants migrating to Phang-Nga province was family association and relative association. This fact correlates with Taylor's (2006) theory; migration networks are the most important variable driving them to migrate. This fact also responds to Jansen's (1970) theory; if the choosing between two places, migrants would prefer to chose the one where their relatives or friends are already living.

⁴ Dawei is Burma sub-ethnic who live in Tenasserim Division, the Southern Part of Myanmar.

Table 5: Reason for Migrating to Thailand (%)

Question: What cause you migrate to Thai?

<i>Migrant Responses</i>	<i>Rubber Plantation (N=50)</i>	<i>Fishing (N=50)</i>	<i>Shrimp Farming (N=20)</i>	<i>Construction (N=50)</i>	<i>Average (%)</i>
Insufficient income	50.0	54.0	35.0	18.0	40.0
unemployed	28.0	18.0	35.0	42.0	30.0
For higher income	8.0	14.0	20.0	30.0	17.6
Other	14.0	14.0	10.0	10.0	12.4

Source: Field survey (2009)

4.2 Decent Work

This research examined the comparison of key indicators of exploitation and decent work. All migrant in this study were documented migrant workers.

Force to work: In ILO research, 'force to work' has focus on migrants age 25 and below by the question of 'Are you forced to work by someone (employer, recruiter, spouse or parents) in this job?'. The majority of this study did not mainly focus on migrants' age groups. None of them were force to work my employers or by their spouse or by others. On the other hand, most migrants aged below 25 years old were married except some on the fishing boats. By of the nature of being married they were willing to work because of the responsibility of being a household head. For those single status migrants in the fishing boat sector, they work by their own free will.

Constraints Preventing a Migrant from Leaving Their Job: with regard to the very broad question, 'Is there anything preventing you from leaving this job if you wanted to?' A slight number of migrants in all sectors from the sample size 25.3% had constraint on leaving their current jobs that related to some form of coercion by employer. Such coercion included no payment from the work they have done, employer retention ID document and the employer owes them money. Thus, 25.3% of them have not met the minimum standard from the International ILO Convention on Decent Work, the sub-title of 'fair treatment at work', called 'freedom to complain'⁵ according with sub-title of force labor called 'freedom to change job'⁶.

⁵ Whenever you ask questions about discrimination or file a complaint you shell feel protected against intimidation and against being dismissed.

⁶ Means employers have to allow you to look for work elsewhere. If you do, you should not be shortened on wages or threatened with dismissal.

Retention of ID Documents by Employers: Firstly, migrants were asked 'Do you hold your original ID document?'. Only this question alone insufficient to explain migrants was retention of their original ID by someone. The supporting question must as 'If you do not hold your original ID who had them?'. 38.2% of all migrants in the four sectors (rubber plantation, fishing, shrimp farming and construction) did not hold their original ID documents. And all 38.2% stated that their original ID document was hold by employer. However, some of them stated they can get their original ID when needed. As cited in International Labor Standard, Section 18 of the Working of Aliens Act 1978⁷ registered migrants were required to personally retain their original work permit. On the other hand, the International ILO Convention of Decent Work cited "'No passport or ID' indicated as you should hold your own passport or ID. Not your employer. (One of the indicators of forced labor is whether the worker can freely use their passport or ID. Too often still, especially in the context of migration, the employer confiscates this personal document. Whenever this happens it is a matter of forced labor.)" (ILO, 2009). Fishing and construction migrants are far more likely under the minimum standard of 'No ID and passport' than other two sectors.

Table 6: Retention of ID Document by employer (by sector) (%)

Question: Do you hold your original ID document?

Migrant Responses	If (No) who had them? 1) employer 2) Recruiter 3) Other				Average (%)
	Rubber Plantation (N=50)	Fishing (N=50)	Shrimp Farming (N=20)	Construction (N=50)	
No	12.0	68.0	15.0	44.0	38.2
Employer	12.0	68.0	15.0	44.0	38.2

Source: Field survey (2009)

Freedom of movement: The question of do you live in the workplace alone is in significant in proving that migrants were unable to move freely. The subsequent questions might include 'Can you choose to live off-site?'. Although 'decent work' did not explain about this subject, substantial numbers of workers (80% of rubber plantation and 100% of shrimp farming workers) were unable to choose to live off-site. Conversely, migrants in the fishing sector were free to choose to live off-site. Even if they cannot choose to live off-site, this alone does not mean migrants were controlled by their employer. Thus, the following

⁷ The employment of migrant workers, including those under the current registration scheme, is regulated by the Working of Aliens Act 1978. This is clearly stated by Muntarbhorn, V., *The Mekong Challenge: Employment and Protection of Migrant Workers in Thailand: National Laws/Practices versus International Labor Standards*, International Labor Organization, Bangkok, 2005.

question might ask 'If you live on-site, can you go out when you want to?' Only shrimp farming workers answered substantially that they cannot live on-site when they want to. The consequence of it was the condition of work. Shrimp must be paid attention to 24 hours a day or else they will die and employers will lose profit.

Table 7: Freedom of movement (by sector) (%)

Question: Can you choose to live off-site?

If you live on-site, can you go out when you want to?

<i>Migrant Responses</i>	<i>Rubber Plantation (N=50)</i>	<i>Fishing (N=50)</i>	<i>Shrimp Farming (N=20)</i>	<i>Construction (N=50)</i>	<i>Average (%)</i>
Can you choose to live off-site?					
No and Not applicable	80.0	16.0	100.0	44.0	52.9
If you live on-site, can you go out when you want to?					
No	0.0	0.2	100.0	0.0	11.8

Source: Field survey (2009)

Violence: Violence indicated the existing of subject to insults, abuse, threats or violence, be subjected to violence or treats of violence against themselves or against their family, suffer injuries that appear to be the result of an assault (UN, 2009). Migrants in this study met the minimum standard under International Convention of Decent Work called 'forced labor'⁸. Minimal numbers of migrants in all sectors, 10.6% on average, have been verbally abused or shouted at by employers/senior workers. 12.9% were exposed to employers swearing at them (using bad words). The sector with the most substantial number among all sectors was construction, with 24% who were verbally abused or shouted at by employers/ senior workers, and 28% who had employers swear at them (use bad words).

Table 8: Violence in the workplace (by sector) (%)

Question: Which of the following has happened to you at work?

<i>Migrant Responses</i>	<i>Rubber Plantation (N=50)</i>	<i>Fishing (N=50)</i>	<i>Shrimp Farming (N=20)</i>	<i>Construction (N=50)</i>	<i>Average (%)</i>
Verbally abused or shouted at by employers / senior workers	0.0	12.0	0.0	24.0	10.6
Employer swears at you (uses bad words)	4.0	12.0	0.0	28.0	12.9

Source: Field survey (2009)

⁸ It is work one has to perform under treat of punishment: forfeit of wages, dismissal, harassment or violence, even corporal punishment. Forced labor means violation of human rights.

Payment violations: 'Payment violations' signified receive little or no payment, be under the perception that they are bonded by debt, be disciplined through punishment by payment deduction, have no access to their earnings (UN, 2009). The Table 9 was focus on the question that migrants have not obtained payment in cash. But they obtained other services instate of cash payment. Respondents in fish boat and construction 8%, and fish processing 12% reported that their monthly wages were violated by employers. Instead of monthly wages, they received loan payments when they need money. Their total amount of loans had never been explained by employers. The most significant number of payment deduction for mistakes among all sectors was in fish processing 32%. Delayed payment frequently occurred in construction. Above all, migrants in fish processing had the most significant occurrence of payment violations.

Table 9: Payment Violations (by sector) (%)
 Question: What did you received instate of cash payment?

<i>Migrant Responses</i>	<i>Rubber Plantation</i>	<i>Fish Boat</i>	<i>Fish Processing</i>	<i>Shrimp Farming</i>	<i>Construction</i>	<i>Average</i>
	<i>N=50</i>	<i>N=25</i>	<i>N=25</i>	<i>N=20</i>	<i>N=50</i>	<i>%</i>
Yes	0.0	8.0	12.0	0.0	8.0	5.3
I got food, clothing instead of a cash payment	0.0	0.0	8.0	0.0	0.0	1.2
I have to pay back a debt to my employer first	0.0	0.0	4.0	0.0	0.0	0.6
I got loan payment instate of salary	0.0	8.0	12.0	0.0	8.0	5.3
Payment deduction for mistakes	0.0	0.0	32.0	0.0	8.0	7.1
Delayed payment	0.0	0.0	0.0	0.0	30.0	8.8

Source: Field survey (2009)

Working hours: Except shrimp farming and construction, migrants working in rubber plantation and fishing were worked more than 12 hours a day. None of them has received overtime payment. These two sectors were under the minimum standard of 'decent work' called 'compensation overtime'; working overtime is to be avoided. Whenever it is unavoidable, extra compensation is at stake – minimally the basic hourly wage plus all additional benefits you are entitled to.

Days off: Shrimp farming workers reported they had no access to days off. They were entitled to take time off, only if they had someone who could take their place at work. In the fishing industry, a slight amount of migrants 32% in the fishing boat sector had no access to regular day/s off each month. Unlike the fishing boat sector, 84% of fish processing workers had no access to regular day/s off each month. Shrimp farming and fish processing

sectors have not met the minimum standard of 'Weekend work compensation'⁹. Migrant workers were not only under the minimum standard of 'weekend work compensation', but also over half of all respondents in the four sectors have no entitlement to annual holidays and a return back to their current job after the holiday. If they desire to visit their country of origin, they must quit this current job. This issue was significantly high in construction 74% compared with the other three sectors.

Table 10: Annual holiday without pay (by sector) (%)

Question: Can you take annual holiday without pay? (and still can come back to your job later)

Migrant Responses	Rubber Plantation (N=50)	Fishing (N=50)	Shrimp Farming (N=20)	Construction (N=50)	Average (%)
No and Sometime	52.0	58.0	45.0	74.0	59.4

Source: Field survey (2009)

Living condition: 'Living condition' signified migrants live in groups in the same place where they work and leave those premises infrequently, if at all, live in degraded, unsuitable places, such as in agricultural or industrial buildings, having no choice of accommodation (UN, 2009). Migrants (averaged 86.5% across four sectors) lived in the workplace (on-site). Workers who lived on-site were automatically violated under the issue of living in degraded, unsuitable places, such as in agricultural or industrial buildings. On the other hand, 100% of shrimp farming, 80% of rubber plantation, 44% of construction and 16% of fishing have no choice to live off-site. They are violated under the issue of no choice of accommodation. Regarding the issue of migrants living in groups where they work and leaving those premises infrequently, construction workers tended to exist in this issue. Although 84% of them stayed with their spouse, their residents were infrequently depend on employers' project sited. However, migrants preferred that employers provided accommodation because they could save money on rental cost.



Types of Migrants' Accommodation in Phang-Nga Province

⁹ if you have to work during weekends, you should thereby acquire the right to a rest period of 24 uninterrupted hours instead, not necessarily in the weekend, but at least in the course of the following week.

4.3 Expenditure

Expenditure was surveyed by looking at household expenses of migrants since migrants were spending as a household rather than as an individual. Number of consumer and number of earners were described to provide supporting information of migrants' sustainably spending. Expenditure was divided into three parts: housekeeping expenses, children and grandchildren expenses and personal expenses. Housekeeping expenses included electricity, gas, water rates, solid fuel, food and oil, housing rental cost and other expenses. Children and grandchildren expenses include clothing and foot wear, education, pocket money and other children's expenses.

Items under personal expenses were divided into two parts: necessary and non-necessary items. Necessary items included clothing and foot wear, partner's clothing and foot wear, the workers own uniform, the partner's uniform, personal care products and services, personal healthcare, public transportation, taxes and debt payment. Non-necessary items include cigarettes, alcoholic beverages, eating out and wedding/ birthdays/ funeral expenses and festival expenses, among other things.

From the research findings which shown in table 11, construction workers spent more than other sectors with 75.7% spent on housekeeping expenses although total number of consumer in this sector less than rubber plantation. Over half of construction workers had to pay electricity and some of them had to pay housing rental costs. Although the number of consumers in this sector was lower than in the rubber plantation sector, their expenses in housekeeping were the highest, especially spending on food and oil items. In shrimp farming, migrants spent more 73.7% even though they got the benefit of monthly rice offered by their employer. Conversely, the highest number of consumers, in the rubber plantation sector, spent the lowest on housekeeping expenses.

Expenditure of migrants in the rubber plantation sector was the most sustainable among four sectors. The highest spending on non-necessary items across the four sectors was fishing 19.4%. The first non-necessary item was phone call charges, the second highest was cigarettes and tobacco and the third was alcoholic beverages. In construction, workers spent more on non-necessary items than on necessary items. The highest amount of spending on non-necessary items was the cost of phone calls, unlike fishing.

Table 11: Expenditure of Four Sectors (%)

<i>Background</i>	<i>Rubber Plantation</i>	<i>Fishing</i>	<i>Shrimp Farming</i>	<i>Construction</i>
Number of consumers	165	112	51	152
Number of earners	113	86	32	95
<i>Items</i>				
Housekeeping Expenses	62.7	69.7	73.7	75.7
Children and Grandchildren Expenses	9.0	3.7	2.8	10.1
Person Expenses				
Necessary Items	19.2	7.2	13.1	6.0
Non-Necessary Items	9.1	19.4	10.4	8.2
Total	100.0	100.0	100.0	100.0

Note: The percentage of expenditure was calculated from the number of absolute money term that migrants spend from the survey done in the month of December, 2009.

Source: Field survey (2009)

The third objective of this study is whether migrants' expenditures can meet their' minimum wages'¹⁰. The minimum wage rate in table 12 was calculated from the lowest wage rate migrant in Phang-Nga province earned by sector taken from the survey done in the month of December in 2009. The minimum wage rate for males and females was different. The highest demand for workers, especially migrant workers, was on rubber plantations. Its minimum wage rate was 269 Baht per day which was higher than local Thai minimum wage rate 173 Baht per day. Females in fish processing earned the lowest only 73 Baht per day, 100 Baht different from Phang-Nga local Thai minimum wage rate. However, fish boat workers' minimum wage rate was 83 Baht per day which was the lowest among the migrants male wage rate although they received incentive payment. Thus, their expenditure was insufficient. In construction, the female minimum wage rate was 45 Baht lower than the male migrants since they work in the same position. It has violated the subject of fair treatment at work. Above all, only rubber plantation and construction male minimum wage rates were higher than Phan-Nga local Thai minimum wage rate.

¹⁰ 'Minimum wage' signified that the minimum wage must cover the living expenses of the employee and his/her family members. Moreover, it must relate reasonably to the general level of wages earned and the living standard of other social groups.

Table 12: Compare local Thai and Myanmar Migrant Workers' Minimum Wages (Baht/day) in Phang-Nga Province

<i>Phang-Nga Province</i>	<i>Rubber Plantation</i>	<i>Fish Boat</i>	<i>Fish Processing</i>	<i>Shrimp Farming</i>	<i>Construction</i>
(Jan/2010)	(Dec/2009)	(Dec/2009)	(Dec/2009)	(Dec/2009)	(Dec/2009)
Male/Female	Male/Female	Male/Female	Male/Female	Male/Female	Male/Female
173	269	83	100/73	110	220/165

Note: Migrants' minimum wage rates were calculated from the lowest wage rate migrant earned by sector from the survey done in the month of December, 2009.

Source: Field survey (2009) & Office of Wage Committee, Ministry of Labor (2010)

From the survey findings, expenditure in construction was insufficient although their minimum wage rate was higher than fishing and shrimp farming. Also, their wage rate was paid daily and they had irregular working days, another fact which causes difficulties in spending.

5. Summary and Conclusion

The Myanmar migrants in this study worked in four sectors of employment: fishing, construction, shrimp farming and rubber plantation, and most were male. Most of them were in the age range 26–50; a productive age and most were of Mon and Dawei ethnicity. It was found that the migrant workers had migrated due to the poor economic situation in their place of origin. They migrated due to an association with family, friends or relatives, rather than an association with others.

Migrants working in fishing sector were the most significantly lower than the minimum standard of the International ILO Convention of Decent Work. Especially on the subject of constrain of leaving the current job, retention ID document by employer, violence and payment violation. Myanmar migrants in tow sectors: rubber plantation and fishing, worked more than 12 hours a day without receiving overtime payments. In fish processing, 75% of female wages were less than 3,000 baht and 57.1% of females working in construction compared with males who did the same job as them. They were discriminated against in terms of equal pay. Although Myanmar migrant workers in all four work sectors were living in unhygienic surroundings, they preferred that employers provided accommodation because they could save money on rental cost.

Except for workers in the rubber plantation sector and male migrant workers in construction, the rest of the sectors (fishing, shrimp farming and female migrants in construction) were below the standard of 'minimum wage' compared with the statistics concerning the minimum wage rate in Thailand, Phang-Nga Province. Construction workers were the highest spenders on housekeeping expenses. Fish processing migrants had the most substantial incident of insufficient living cost due to their minimum wage rate. Migrants with a higher number of males in the productive age range could better meet family living costs.

In conclusion, the further researcher who working on migrants development project should be pay more attention on the Myanmar migrants working in fishing sector for improving their minimum labor standard. Equal paid among migrants male and female workers need to be solved. The three sectors (fishing, shrimp farming and female migrants in construction) of minimum wage rate should be adjusted on the provincial minimum wage level. Income enterprises program could support migrant workers who expected additional income. On the other hand, this program could imitate solve the problem that migrant workers who run out of work during a short period. Royal Thai government should take serious on gender wage discrimination.

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