



Brokers and Labor Migration from Myanmar:

A Case Study from Samut Sakorn

Sompong Sakaew
Patima Tangpratchakoon



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FAX. 02-870-7603



Preface

It has been almost ten years that I have been involved with the issue of migrant workers and their migratory process in Thailand, particularly on migrant workers and the families from Myanmar in Samut Sakhon Province. The rate of Samut Sakhon's economic growth is, although, considered to be among the fastest growing economies in Thailand, however, it is often criticized on the alarming issue of migrant workers. Due to scarcity of Thai labour force in fishery sector, some entrepreneurs have to resort to workforce from other countries. Many business owners, especially in marine food-processing and downstream fishing industry, ranging from small to large-scale factories, have to rely on migrant labour as an alternative. Most of these workers are illegal migrants with a special permission to work in Thailand for a certain period of time appointed by the government or in accordance with the most recent cabinet resolution, passed on December 18, 2007, in which allows them to work on a year-to-year basis or up to two years. In spite of this, business owners continue to employ both documented and undocumented migrant workers. Allowing undocumented migrant workers to work in the factory causes many employers to avoid an arrestment by the officers. The problem of managing and controlling the flow of migrant workers has become one of the main concerns for Samut Sakhon province. Committee for Migrant Workers Management and other business sectors, including the Federation of Thai Industries, the Chamber of Commerce, and other actors in Samut Sakhon have



been pressing the Government to response to the problem of labour shortages and the issue of legal registration of undocumented migrant workers in Thailand.

However, an issue which is not often mentioned by the public, as it links to the problem of labour exploitation, is the issue of brokerage or agency system and the migratory method of migrant labour from the origin to the destination, and from transiting in Thailand to other countries. This issue has become one of the main factors contributing to the management problem of migrant workers in Thailand. In the past two years, Labour Rights Promotion Network (LPN) has posted many questions related to the mechanisms of 'agents'. Without the agency network, how can migrant workers easily migrate into the country? Without a support from someone in Thailand, how can foreign agents (Burmese) operate pass the legal inspection or border control? What are the types and forms of network of these 'agents'? Why do migrant workers have to rely on the agents for their care and protection during their migratory process into Thailand? Lastly, as the agent network has become the major contributor in attracting more migrant labours to work in Thailand more than the government can control, what should the government do to tackle this problem?

As a consequence, the Labour Rights Promotion Network (LPN), with the support from the American Center for International Labor Solidarity (ACILS), has conducted an in-depth study on the topic of agency network. The aim of this study is to establish a clearer view and a mutual understanding to the situation of migrant workers in Thailand, in order to find



the right measures to reduce the problems related to migrant workers. These problems include human right violations, exploitation of migrant workers, human trafficking, for instance. In 2005, the LPN and the Pattanarak Foundation had made a study on the situation of human trafficking from Sangklaburi (origin) to Mahachai (destination), which has helped in forming a better picture of the process of human trafficking and the connection between agents and migrant workers. We hope that this research will become beneficial to those who are interested and/or those who have been involved and tried to find solutions to the question of migrant workers and marginalized workers.

The Labour Rights Promotion Network would like to thanks Mr. Paul Buckley, Mr. Francis Romano and Miss Patarin Khaochan in providing technical and academic support. We appreciate cooperation and suggestions from both domestic and international organizations who have been involved in the labour migration issue in providing and disseminating the knowledge on this topic to the public. We also would like to express our gratitude to all government officials and state agencies in Samutsakhon in providing useful information to this study and also to every agent who gave us the time for interviewing and sharing their experiences to us. Finally we would like extend our special thanks to all migrant workers for telling us the current situation of migrant labour in Thailand.

Sompong Sakaew

Patima Tangpratchakoon

Labour Rights Promotion Network (LPN)

August 2009



Foreword

The research study on “Broker and Labour Migration from Myanmar: A Case Study from Samut Sakorn” is a collaboration between a civil society group namely the Labour Rights Promotion Network (LPN) and the academic institution including Chulalongkorn University Social Research Institute (CUSRI) and the Asian Research Center for Migration (ARCM) both within Chulalongkorn University. We are pleased to present findings from this in-depth study which can provide rich information for researchers and policymakers in the field of labour migration. Through the work cooperated by an NGO and the academia, the study should lead to better management and policy formation to protect migrant workers in Thailand

Surichai Wungaeo
Chulalongkorn University
Social Research Institute

Supang Chantavanich
Asian Research Center
for Migration

August 2009



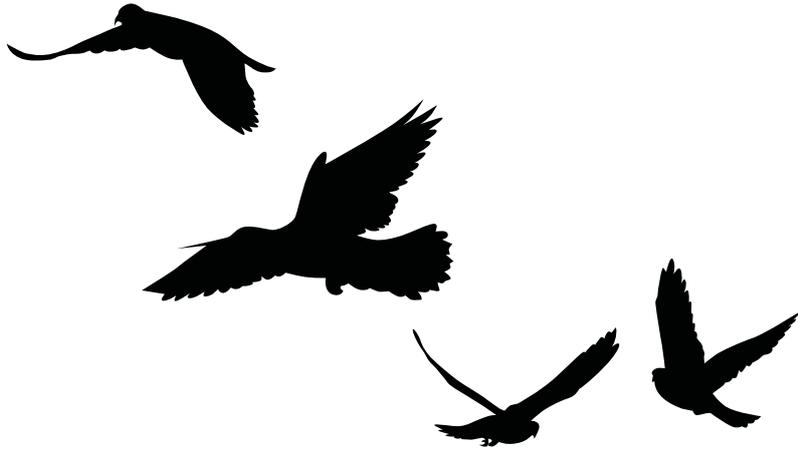
Content

Chapter I	Introduction	I
	Background and rationale	1
	Objective	3
	Research questions	3
	Population and Sampling groups	4
	Research scope	6
	Method	7
	Methodology	7
	Research duration	7
	Conceptual Framework	8
Chapter 2	Labour Situation and Related Economic, Social and Political contexts in Samut Sakhon	9
	Contexts and Situation of Migrant Labour in Samut Sakhon	9
	Labour scarcity and labour demand in local area	11
Chapter 3	Agents and Migration of Migrant Labour in Samut Sakhon	15
	Immigration of migrant labour (Burma) and recruitment process in Samut Sakhon	15
	Agents and exploitation of migrant labour in Samut Sakhon	17
	Roles of various types of agents and their relations	31



Chapter 4 Summary, Recommendations and Suggested Solutions	59
Solutions for problems	59
Bibliography	63
Appendix	65







Chapter 1

Introduction

1. Background and rationale

Labour Rights Promotion Network (LPN) is a labour non-governmental organization working to promote quality of life of labour, help protecting their rights and enable them to live harmoniously with others in Thai society. Collaborations are made with partner organizations from both governmental and private sectors, and other related NGOs who are working on the subject of transnational labours from neighboring countries such as Burma, Laos, and Cambodia. In the past two years, it is evidence that most migrant workers suffer from the treatment of the labour agents. Many of them have been made into forced labour and victims of human trafficking. More than 70 victims have been rescued, including women and children, from one of the shrimp peeling factories in Samut Sakhon. These labours were forced to work and were underpaid. Although many of these workers have managed to obtain work permits, they are still subject into the cycle of forced labour, commonly known as “sweatshop labour” (being confined to the workplaces, physically injured, and forced to work without rest and without holidays, while getting their wages deducted unfairly). Many blame employers as the cause of these exploitations, even though recruiting agents have much to contribute to the suffering of these labours.

Apart from migrant labour found in workplaces, many of them are hired in fishery boats, fishing inside and outside Thai waters. Many of them suffer from labour exploitation and have been made victims of human trafficking. According to rescue work by LPN, it was found that migrant workers



have suffered a great deal from the action of labour agents who are part of the process to aid and abet human trafficking in Samut Sakhon and in Thailand as a whole.

For migrant labour, they refer to “agents” in both negative and positive ways. Some agents are instrumental in arranging for their travel into Thailand, voluntarily and involuntarily through natural channels, and they are forced and victimized as forced labour and left to face human trafficking. Samut Sakhon boasts one of the most dynamic places in terms of labour migration and this has been made possible by agents who are either Thai or foreign nationals. They work as a network to exploit migrant labour, child labour and their families in various ways.

A number of migrant workers have sought help for problems caused by the agents from LPN’s Labour Centers (LPN-LCs).¹ Many cases, however, cannot be solved through available legal process alone. These migrant workers have been exploited by recruitment process from the point of origin, during the transit and at the receiving end, i.e., being charged exorbitantly in order to be registered as alien workers (Tor Ror 38/I), to get health examination, health insurance, and to obtain work permit (Tor Thor 14). In addition, all migrant workers who arrive here after 2004 are barred from applying for work permits. As a result, they technically become illegal residents. These migrant workers cannot escape from being subject to endless exploitative recruitment process due to the provided protection of these agents, as they can help the workers avoid being arrested by the authority. Thus, agents are seen as one of the factors that cause the mismanagement and the inefficiency of the migrant labour management system

¹ LPN-LC stands for LPN Labour Center which provides counseling and help for labour including legal advice and litigation.



Understanding conditions and contexts that explain the reason for migrant labours and families to rely on the recruitment process and studying exploitations caused by agents on migrant labour will shed light on how migrant workers live in Thailand; what their obstacles are; and how they have become victims of human trafficking. It also helps to identify government policy that gives rise to the recruitment process which exploits workers by taking advantage of the legal loopholes.

This study aims to explore roles, networks and how agents in Samut Sakhon work in order to understand the severity of labour rights violation and the perception of the agents toward the issues faced by the workers.

2. Objective

- ⊕ To come to terms with situations of migrant labour, severity of the issues and extents of exploitation of recruitment process in Samut Sakhon;
- ⊕ To explore roles and practice of agents and their agencies and to identify measures to ease problems among migrant labour in Samut Sakhon;
- ⊕ To explore how agents in Samut Sakhon work in light of the state policy and in real situation in local area.

3. Research questions

3.1 Policy context concerning migrant labour and its situation and how this has affected the recruitment process and how it is related to the issues of migrant labour?

3.2 What are factors that make migrant labour become dependent on agents for their survival?

3.3 How do agents function with regard to and exploit migrant labour?

3.4 What are legal framework and protection mechanisms that can be implemented to assist cases of exploitation faced by migrant labour and their families?

4. Population and sampling groups

The qualitative study and data collection was conducted by LPN through personal interviews of 20 migrant workers, 16 group discussions with 64 migrant workers, and personal interviews of 15 agents, as well as in-depth interviews of 10 people working on migrant labour from both governmental and non-governmental organizations with the following detail:

4.I I3-Groups and agencies working in Samut Sakhon

State sector

1. The Fourth Marine police station, the Marine Police Division 4, Office of Marine
2. Office of Harbour Region 3, Samut Sakhon
3. Social Development and Human Security Office, Samut Sakhon
4. Provincial Labour Office, Samut Sakhon
5. Labour Welfare and Protection Office, Samut Sakhon
6. Employment Service Office, Samut Sakhon
7. Chief of the Security Affairs Branch, Samut Sakhon
8. Vice Governor, Samut Sakhon
9. Muang District Provincial Police Station, Samut Sakhon



Business sector

1. Samut Sakhon Fishery Association (business sector)
2. Thai Overseas Fisheries Association (business sector)

Non-governmental organization

1. Rakthai Foundation, Samut Sakhon (NGO)
2. National Catholic Commission on Migration (NCCM) (NGO)

4.2 Groups of labour agents who favor or exploit migrant labour

1. Oversea money transfer agents
2. Agents smuggling workers into Thailand
3. Job placement agents working with migrant labour
4. Agents helping migrant workers to get work permit/health insurance cards
5. Agents working to mediate with police
6. Sub-contactor agents
7. Agents supplying workers to fishery boats and factories

Notes Human trafficking agents, loan shark and agents helping with hospital referral refused to give interview to the study team. Information about them was derived from testimonies given by the complainants.

4.3 Migrant labour community among Thai community

1. Wat Kamphra community

2. Mahachai Niwet community
3. Talad Kung community
4. Krokkrak Nok/Nai communities
5. Wat Hong community
6. Narongmitra community
7. Koh Samuth community
8. Keytoom community
9. Ypraek community
10. Klongkru/Villa community
11. Bangpla community
12. Wat Khoke community

5. Research scope

5.1 Topical scope

The study shall cover the following issues;

- ⊕ Labour situation and related economic, social and political contexts
- ⊕ Emergence or origin of agent: Their evolution, roles, category and forms of exploitation of migrant labour
- ⊕ Impacts caused by agents on migrant labour
- ⊕ Suggested solutions for local issues and policy recommendations

5.2 Geographical scope The study focuses on migrant labour from Burma (ethnically Burman, Mon, Karen and Tavoyian) and concerned persons in Muang district, Samut Sakhon



6. Method

6.1 Data collection through formal and informal interviews

6.2 Participatory observation

6.3 Data collected from those seeking advice and help from LPN during 2006-2007

7. Methodology

LPN employs qualitative study approaches and participatory observation including interviews of key informants. The analysis is done through inductive research with open-ended questions.

The analysis relies partly on the review of lessons and problems faced by sampling groups and affected parties in human trafficking by LPN.

8. Research duration

The study was conducted for three months and 15 days starting from August – 15 November 2007.



Chapter 2 Labour Situation and Related Economic, Social and Political contexts in Samut Sakhon

1. Contexts and Situation of Migrant Labour in Samut Sakhon

There are currently more than 400,000 migrant workers in Samut Sakhon, or four times of the local population. Most of them are employed in fishery sector, downstream fishing industry, agricultural and service sectors. Samut Sakhon boasts a very high demand of labour. Entrepreneurs, particularly in oceanic fishery sector, are in drastic need of both Thai and migrant workers. Many workers are employed in food processing including the prawn exportation.¹

Samut Sakhon's economic growth in the past decade has expanded by leap and bound, particularly, in the marine food processing industry and one of the main marine food exporters both within and outside the country. The stronger Thai currency, however, affected the growth of prawn export in 2007. Samut Sakhon has become the largest hub of prawn market in Asia and its prices are dependent on various factors including baht value and supplies in Mahachai market. At present, the country earns several billion baht from prawn export and it is poised to increase rapidly. The three major

¹ Various food processing facilities employ migrant workers in much higher numbers than Thai labour. One reason is most Thai workers shun this kind of work and cannot bear with the employment conditions.

importing countries/regions include USA, Japan and Europe. 90% of prawn supplies are fed into food processing facilities for exportation, and the rest 10% for domestic consumption. All prawn supplies are managed through the prawn trader association. The price of prawn may fluctuate due to various factors including feeding prices, fuel prices, political situation, climate change, and wages. One of the most influential factors is, however, the stronger value of Thai baht.² According to one exporter, supplies for food exporting industry come from various sources – for canned mackerel, the raw material mostly comes from importation, while most prawns are raised domestically. Last year, however, due to high prices of world fuels, fishery boats outside Indonesian waters were forced to stop fishing for 3-4 months to get adapted to the change. It has given rise to scarcity of supplies and soaring prices. There are seven factors affecting marine food export, which are the capital, outreach to raw material, food processing technology, labour, production cost, marketing and currency exchange risk.³

The oceanic fishing industry procures supplies for food processing facilities. Thus more technologies have been lately developed to enhance oceanic fishing outside Thai and Indonesian waters and the importation of fish. This has brought about huge export volume. But one major factor in the investment is labour cost. Due to scarcity of labour force in fishing sector, some entrepreneurs have to resort to workforce from other countries. Efforts have been made to provide for

² “Monitoring of prawn market in Mahachai 2007” from *Mahachai Post*, Vol. I, No. 4, September 2007

³ According to Dr. Wiset Sirichai-ekkawat, advisor to the Fishery Association of Thailand reflected in an interview “Thai Economy: Samut Sakhon Economy” published in *Muang Sakhonburi* magazine, No. 3, April 2007

legal labour registration through collaboration and agreements signed between the states including formal arrangements between Thailand, Laos and Cambodia. Despite that most of the migrant workers here are found to have come from Burma.⁴

2. Labour scarcity and labour demand in local area

Based on the above information, it could be construed that, firstly, in order to tackle labour shortage, entrepreneurs have to rely on different ways to procure enough workforces in their facilities. Even though some entrepreneurs in oceanic fishery sector attempt to recruit Thai workers, but it is not easy. They eventually have to resort to the use of migrant workers. Lately, it was found that most labour in the coastal fishery and commercial fishery come from Burma followed by Cambodia and Laos.

Entrepreneurs in oversea fishing industry apparently are struck by Thai labour scarcity, and have to rely chiefly on migrant labour. Similarly, entrepreneurs in downstream fishing industry have to rely on migrant labour except a few which manage to employ Thai people for most of their labour forces. It has been made possible by their outstanding management. This labour shortage in Samut Sakhon has inevitable given rise to other issues in labour recruitment and human trafficking, particularly in oversea fishing industry. A number of crew in Thai fishery boats are migrant workers, many of whom have been lured or forced to work by agents. Many of them are deceived right at the Morchit Bus Terminal (North and

⁴ According to employers and procurers of labour to feed into marine fishing facilities and downstream industry

Northeastern Bus Terminal) and are detained in a location in the city of Samut Sakhon and then forced to board fishery boats to go to Indonesia. They are virtually forced to go fish in deep sea waters. Many of them are deceived through the recruitment process from the sending area and then mistreated by agents at Mahachai, Samut Sakhon, again. Forcing the workers to board fishery boats, the agents can reap benefits off both the workers themselves and the owners of the fishery boats. These agents are also given monthly salary by the entrepreneurs during the time the workers are still working on fishery boats for 2-3 years before they could find ways to return. Some, however, die overseas, or some are rid of by the recruitment rings before reaching back to the shore.⁵

According to a business person in oversea fishing sector,⁶ “human exploitation happens as the abusers benefit from the actions, i.e., by tricking and forcing workers to work in fishery boats. We have to look at the process as to who are involved, how they work, and their recruitment process. Each factory has to pay for each migrant worker, and now the price reaches about 20,000 baht per worker. We are aware of the process manipulated by the agents who deceive people from the Bangkok’s main railway station, or from Sanam Laung, where many people gather. They are often promised with good work and promising income. Some agree to do so only to find themselves trapped in human trafficking. The problem was not very serious before. Now, it has been exacerbated and the deception happens at different levels from the employer to the employee. The situation worsens as now many of such workers are abducted. They are forced to board a minivan, drugged and

⁵ Interview a former agent in Burmese worker community who has had direct experience 4-5 years ago.

⁶ Dr. Charn Sirichai-ekawat comments on human trafficking in employment.



transferred to the fishery boats. In many cases, the employers may not be aware of the process, but simply benefit from it. Some employers, however, do not pay wages up to the level they have promised.”

The extreme labour scarcity, labour demand and the direst need of labour have made it inevitable to resort to employing illegal migrant labour. The process has been facilitated by agent network to supply labour forces to various businesses.







Chapter 3 Agents and Migration of Migrant Labour in Samut Sakhon

1. Immigration of migrant labour (Burma) and recruitment process in Samut Sakhon

The migration of migrant labour, their families and dependents (Burmese nationality) involve various factors and appear in various forms. Many workers and many families have been working here longer than 6-8 years, until the entire family has moved to work in Thailand. The pushing factors include civil conflicts in the sending country, their economic recession, poverty, scarcity, harsh living condition and insufficient income, all of which force them to migrate for jobs. They are brought here through the mechanisms of agents who procure and place them in various employments. Expenses charged for getting to work here by the help of agents can vary from case by case;

1) For the case where workers have to cover expenses from traveling from the sending point it is likely that they will be given the best treatment en route. However, this means that some of them have to sell their paddy fields or cattle to raise travel expenses. In certain cases, whereby workers do not have money to pay, it could be agreed that the agents will collect the money from their relatives who have settled in Mahachai once they arrive in Samut Sakhon.

2) The case where migrant workers want to migrate for work, but have no agent fee, the agents will propose that the workers can come first and pay later. The exploitation in this

category is very high and some workers are subject to sexual exploitation in return for their safety and survival. This group will likely end up working in sweatshops, and if they are male workers, they will be forced to board fishery boats. Basically, the agents at the sending point, the transit point and the receiving end will negotiate for desirable prices. The agents at the receiving end will make double gain from putting down the prices at the sending point, and charging more when supplying labour to either the factory or fishery boats.

In both cases, it could be interpreted that the workers come at their will and they may be joined by their children and other dependents. In the second case, however, even though they may be willing to come, they could be deceived and ended up being victims of human trafficking.

3) The case where workers are persuaded by people of the same ethnicity or nationality including Burman, Mon and Karen, some of whom are government officers in the sending country. They know the business and have good connections and thus persuade the potential workers to migrate for work claiming that they will cover all expenses and promise them good work. Some agents get orders to recruit workers to address labour shortage. If they are female, they are mostly forced to work as sex workers in restaurants, or karaoke, or traditional massage parlors. In some cases the whole family is lured to work here; while the males are forced to board fishery, the females are kept as labour in the farms.⁷

⁷ The case study of Mr. Ko who was lured by an agent to work in a fishery boat and then he managed to escape, whereas his wife was forced to work in a coconut plantation in Damnoen Saduak district, Ratchaburi province

In conclusion, there are both voluntary and involuntary migrant workers. For the latter case, chances are very high that they will be subject to physical abuses and extortion. Nevertheless, most workers found working in Samut Sakhon have arrived here at their will, due to various pushing factors at the sending country and a number of pulling factors including labour scarcity. All migrant labour or alien children here do not want to be arrested by the police and do not want to be repatriated, as they want to find some work here. Therefore, it is natural that workers who have arrived here after 2004 constantly look for information as to when the labour registration will be open, and if they are eligible to apply. Therefore, more than 90% of migrant labour or migrant children want to get registered. But when arriving here in Thailand, they are mostly subject to the abuse of agents; many of whom claim they can help them to obtain the work permit or Tor Ror 38/I card. Some workers have to pay up to 3,000-8,000 baht many cases just waste a lot of money and get nothing in return. They could not ask for the refund as there is no receipt issued to prove for the money they give. Some workers even have no clue which agents are helping them to get the document. If they inquire too much, the agents may threaten to alert the police. The complexity of the issue has become a major challenge for labour management in Samut Sakhon.

2. Agents and exploitation of migrant labour in Samut Sakhon

Questions

- 2.1 Definition of agent
- 2.2 Emergence and evolution of agent and their exploitation nature

2.3 Various agents in Samut Sakhon

2.4 Types of agent in Samut Sakhon

2.5 How do agents contribute to human trafficking?

2.1 Agent: The definition

According to the Royal Institute's Thai dictionary, an agent means a person who offers help or facilitation for the two parties to come to an agreement.

As to the definition in this practical research, an agent can be;

1. A person who is a migrant worker himself/herself, but has been working in the area for a long time and has connections with influential people and government officers (some are corrupt officers) and works to procure workers for workplaces at the approximated cost around 8,000-15,000 baht per head.

2. A Thai national who works to facilitate the smuggling of workers into Thailand including colluding with government officers to make false documents, coordinating between the employers and the government officers, etc., in order to facilitate the entry. Many of them work to exploit workers taking legal loopholes to extort workers.

3. A network of at least two agents which works for the same mentioned purpose to either exploit or favor the workers.

2.2 Agents' emergence, origin and forms of exploitation

Agent is a commonly used term in Thai society. It is also used for agents involved in bringing in migrant labour or migrating workers from neighboring countries, particularly Burma, Laos and Cambodia. They are involved in the entire process of the smuggling, the exploitation and abuse of those who are in subordinated position, those naïve ones who want to find work abroad, as well as forcing them to work in an area they do

not wish for. These workers cannot escape from this unpleasant cycle.

How did agents originate?

Firstly, migrant workers are not able to communicate in the language spoken at the receiving country, and thus they have to rely on help from agents who assist them as an intermediary to, i.e., apply for work permit, apply for official documents, apply for work, etc.

Secondly, migrant workers have no understanding of labour protection law and the government also continues the short-term policy which extends their work permit year by year. All these have made it possible for agents to exploit the workers by falsely promising to the workers that the Thai government is going to accept the application for work permit.

Thirdly, the complex procedure of labour registration forces employers to resort to services of agents. They work on all documents for the migrant labour on behalf of the employers. In addition, the agents are assigned to intervene in the case where the migrant workers are arrested by the officers. In this case, the agents earn monthly salary from the employers and even work as sub-contactor to procure labour forces. Their work makes the verification of who are the real employers and the contracts most difficult.

Fourthly, there is no need for the employers to apply for work permit by themselves. They can authorize the agents to work on their behalf and the agents will earn from the difference. For example, if the registration fee costs 3,800 baht, the agent may charge per head 4,500-15,000 baht, and he earns the difference which is a good bargain in exchange for providing the protection services of the workers for the duration of one year.

In reality some agents falsely claim themselves as employers and earn the labour quota (some employers who have no real production, but claim to have one to apply for quota to employ migrant labour). They may simply register themselves as employers without having any real enterprise. Then they will supply migrant labour in their quota to various enterprises and earn the per head fee as if they were real employers. Each of this kind of sub-contractor agents may have up to 50-100 workers in his/her quota. Some even have as high as 500-1,000 workers in his/her quota.

Fifthly, recruitment is a well coordinated process from the sending point to the receiving end at the factory. It is a large network and involves huge and lucrative benefits including the overcharge of the 3,8000 baht registration fee. Some workers have to pay the agents 5,000-15,000 baht each. Each agent who exploits workers through the legal loophole may earn up to 100,000-200,000 baht per month.²

Name/ Alias	Race	Sex	Age/ ปี	Educa tion	Role
I. Mr. Ong	Bur man	male	-	High school	1. Supplying workers to fishing boats 2. Mediating with officials 3. Procure workers' accommodation

² Interview LPN staff working in research of the roles of agents and human trafficking

Name/ Alias	Race	Sex	Age/ ปี	Educa tion	Role
2. Ms. Lili	Karen	female	44	Primary school	1.Registering for Tor Ror 38/I 2.Mediating with officials 3.Smuggling workers into Thailand
3.Ms. Muay	Mon	female	43	Fourth grade	1.Smuggling workers into Thailand 2.Procure workers' accommodation
4.Ms. Dao	Thai	female	-	-	1.Registering for work permit 2.Health insurance card 3.Mediating with officials
5.Ms. Suay	Thai	female	39	-	1.Registering for work permit 2.Sub-contactor
6.Mr. Su	Mon	male	28	High school	1.Money transfer to Burma
7.Mr. Mida	Mon	male	45	-	1.Smuggling workers into Thailand 2.Supplying workers to factories
Name/	Race	Sex	Age/	Educa	Role

Alias			ปี	tion	
8.Ms. Ta	Bur man	fema le	40	-	1.Supplying workers to factories 2. Registering for work permit /Tor Ror 38/I 3.Mediating with officials 4.Job transfer
9.Mr. Mida	Mon	male	32	-	1.Mediating with officials 2.Registering for work permit
10. Mr. Yai	Thai	male	40	-	1.Mediating with officials 2.Supplying workers to factories 3.Registering for work permit

Table I Detail of interviewed agents

2.3 Agent rings in Samut Sakhon

The agents can be divided into three major categories;

Group I: Thai agents³ who capitalize on legal loopholes to aid the migrant labour. Most important among them are the sub-contractor agents. When the government invites employers to propose their labour demand, this kind of agents also propose the

³Some Thai agents are former government officers who take legal loopholes to work for benefits. Others are just ordinary people who have skills in contacting government offices.

quota they want through some manipulation and help from the real entrepreneurs. In reality, some sub-contractor agents are given the labour quota up to 500-1,000 workers and are entitled to arrange for many procedures including labour procurement, document preparation, licensing and registration, pick-up of workers, job transfer, and feeding workers to enterprises in need of labour. The Thai agents manage on systematic network and good cooperation with the factories. They have their own staff who works as leaders among migrant workers to supervise the workers. The Thai agents are also given monthly salary for their protection services. Thus, this kind of agents can earn from both the entrepreneurs and the workers on a weekly basis (during the first two weeks that workers are placed in factories) or on a monthly basis. An estimate goes that each of them can earn up to 35% of the actual wage each worker is paid by employer.

Taking advantage of legal loopholes, in case where the workers are transferred to other jobs, these Thai agents can help to fill in new workers for the same jobs by simply replacing the identities of the former workers. Many employers use this service as it can help them to quickly replenish their workforces.

Group 2: Thai and foreign agents⁴ work in concerted efforts. They have networks in various communities of migrant labour, and some of the groups have connections with criminal rings and may threaten national security. Their exploitations include exhorting money for preventing the intervention of police. If some illegal migrant workers got into problem with the police, they can help to mediate and clear the charges. When the migrant workers are arrested at their living places, workplaces, or during

⁴ Most foreign agents have good connections with government officers or former government officers.

their travel, the foreign agents will help to translate and contact the workers' immediate friends or relatives who have to pay each foreign agent up to 5,000-15,000 baht in order to get the workers released. The foreign agents can earn both ways from the state officers and from the workers' relatives. On one hand, they can earn from giving the officers tipoff where the illegal migrant workers live and take the officers to arrest them. On the other hand, they can extort money from the migrant workers who have been subject to body search and found that their belongings have been taken away. At present, some foreign agents can drive cars during their operation. Otherwise, they can use motorcycle or cars purchased for them by Thai nationals, and there is no monitoring of the situation by state officers.

Example: For the case of daily fee paid by worker,⁵ according to an interview with a migrant worker “yesterday, I was arrested by the police and had to pay 3,000 baht to get myself released” (If every day, ten workers are arrested, the fee extorted from workers can top up to 30,000 baht.) The extorted money is divided up among Burmese agents who help to intervene in communicating and bargaining the price with the officer. For example, if the officer asks for 3,000 baht, the agent will charge the worker 3,500 baht. The worker has no other choices, but to pay. These illegal migrant workers rather pay this amount of money to the officers, because if he was repatriated and had to try to return here, he would have to pay more than 10,000-15,000 baht. As one former agent said “I help the police by keeping my eye on the workers and giving them tipoff on narcotic trade, i.e., if there are any workers who are involved with drug smuggling. Sometimes, I

⁵ Source: interview of workers arrested by police, and the case was mediated, on 26 August 2007

am called by police to come and help to interpret when migrant workers are arrested, and I am asked to give opinion if any of the workers may be involved with some illicit crime”.⁶

This group of agents has developed protection system for illegal migrant labour. And the migrant workers themselves feel they owe to them as they get used to with the corrupt system and thus are willing to pay. During late 2007, some agents issue them a labour protection card⁷ with their photo, ID number, symbol of type of business. They can keep it for safety during their travel. The agents are on a watch list of security agencies as they have caused many problems to the management system and may affect the overall national security. In other word, the agents have developed themselves into complex and highly advanced criminal rings and work with huge vested interest from the agents at the sending point, the transit and the receiving end.

Group 3: Exclusively foreign agents – these agents work mostly in secret and avoid contacting networks with agents from Group 2. They supply labour to fishery boats, factories, and food processing facilities. They also help to transfer money from workers back home. They often cause no harm to anyone. It should be noted that agents in Group 3 can likely upgrade themselves into Group 2 or are forced to upgrade themselves. They are a kind of new agents who try to accumulate more experiences and connections in order to increase their exploitation.

⁶ Interview with an agent on 20 August 2007

⁷ The labour protection card is developed from the Tor Ror 38/I card. The laminated hard card is issued by Burmese agents who convince the workers to buy it for protection. Each month, the card holder has to pay from 500-800 baht for protection and the money is divided up among state officers and the Burmese agents.

2.4 Type of agents in Samut Sakhon

The Thai and foreign (Burmese) agents can be divided into two major categories including (1) agents who help to facilitate with the travel, work and money transfer and do not exploit the workers that much, and mostly work on the willingness of the workers; and (2) agents who behave exploitatively and ripped off the migrant labour with no consideration for the suffering they inflict on them and other infringement on personal rights, life, body and belongings of the migrant workers. The study team divides the agents into 10 types.

1. Agents smuggling workers are those who contact and help to bring the workers across the border into Thailand. They arrange for the travel and may charge from 10,000-15,000 baht for each worker depending on how difficult the route is. Their operation is obviously illegal and involves various people at various points of entry including;

I.1 Agents at sending point who help to procure potential workers in various villages

I.2 Transit agents who receive the workers after they have crossed the border

I.3 Agents at receiving end who take the workers to the final destinations and rendezvous points before supplying them to various facilities

2. Agents supplying workers to factories are those foreign agents who have long been settling in Thailand and have connections with the employers. They know the area well, speak Thai fluently and can act as local liaison to help to feed labour into various enterprises. They charge around 2,000-15,000 baht for each worker depending on the type of business. Some worker has to pay the agent up to 20,000 baht to get to work in medium to large factories where they earn 191 baht per day and are provided with 35 baht for OT.

3. Agents working to mediate with police are those who have connections with some state officers and are known among migrant labour community. They can help to mediate and negotiate with the officers to get the workers released. For example, if the workers are arrested, both legally and illegally, and any prosecution might ensue, the agents will offer to mediate and bribe the officers to get the workers released. They charge about 5,000-10,000 baht for each worker.

4. Agents helping migrant workers to get work permit/health insurance cards are those who have knowledge and experience in applying for documents such as work permit, Alien Registration Form (Tor Ror 38/I) and health insurance card. Most of them are Thai nationals as it is required that they know Thai language to help them to contact officers and sign the official forms. They charge 1-2 times of the actual fee. For example, if the fee for work permit and health insurance card amounts to 3,800 baht, each worker who seeks the agent's help has to pay 5,000-10,000 baht each. There are cases where the worker may not get any document at all, or get false document.

5. Repatriation agents are those who have good connections with government offices involved with the repatriation of migrant workers. Any worker who wants to return home can inform them and pay 2,000-3,000 baht for the travel (depending on the baggage they want to carry back). At present, some Thai agents can arrange for the repatriation.

6. Agents helping with hospital referral are those who have a good command in Thai language or are Thai nationals who live in the same community as migrant labour. When a migrant worker wants to go to hospital, but he or she is unable to speak Thai and has no idea about the required procedure, then the agent can offer to help. They may charge 500 baht for one hospital visit.

In addition, they may charge for visiting the patients at hospital (as relatives of the patients are illegal workers and have no Thai nationality, thus they are unable to travel to hospital by themselves.) The charge will depend on relationships between the agents and the patients' relatives.

7. **Loan shark agents** are those well off Thai or foreigners who offer credits to migrant labour at 20-30% interest rate.

8. **Oversea money transfer agents** are those foreigners or migrant workers who have sound financial status and have mobile phones at the sending country and at the receiving country. They can offer to arrange for the transfer of money from workers back to their families for daily expenses or for house construction. In each transfer, the agents will call up their colleagues in the sending country asking them to bring money to the recipient, and then they charge for the amount from the workers. They also charge by the phone rate for 25-35 baht per minute, the fee for notifying workers to receive the phone for 40-50 baht per time, and charge another 10-20 % on top of the amount transferred. At present, there are more than 200 money transfer agents, and they also earn from the difference of exchange rate in the black market.

9. **Sub-contractor agents** are those working to procure and feed workers to various factories. Most of them are Thai nationals who have connections with the employers. They can supply labour to various facilities and help to arrange for documents of workers. They work just like construction sub-contractors who bring over the workers from site to site. In some instances, they may operate with the same nature as human traffickers, and they may refuse to pay workers wages, fake their work permits, not allow workers to have their work permits, and charge exorbitantly for arranging for the work permit, etc.

10. **Human trafficking agents** are those helping to aid and abet the abusive procurement of workers and place them in abusive

work such as being forced to work as a sex worker to pay up the debts, or being forced to work even though they are not physically ready, as well as, being physically abused and assaulted. This kind of agents in Samut Sakhon will bring over migrant workers to feed the coastal fishery boats or oceanic fishery boats. They may have closed accommodation for workers, like, a closed sweatshop with 3-4 meter high fences. The workers are not allowed to go outside. They are forced to work non-stop and without food. The agents get paid for the work done by the workers and deduct it from the expenses they claim to have used during the smuggling of these workers into Thailand. Sometimes, the agents have no real employment and simply sell the workers off to factories or fishery boats.

2.5 How do agents contribute to human trafficking?

1. The exploitation and reaping off benefit from migrant labour, by overcharging them, makes many workers trapped in huge debts. Some workers who want to change to other jobs and are tricked by the human traffickers may find themselves end up being sold to work in fishery boats.

2. The agents deceive the workers by promising that they would prepare for work permits for them in Thailand. But upon arrival, they do nothing and the workers have to avoid arrest by officers. They have to live in hiding and in many instances, they are sold to sweatshop factories and become forced labour. Eventually, they may have to decide to work in fishery boats as they have no work permit and want to avoid police harassment.

3. Some employers ask the agents to operate on their behalf for labour registration and renewal of work permits, as well as, for paying monthly wages, travel arrangement and accommodation of the workers. With negligence from the employers, the agents are encouraged to reap even more benefits

from the vulnerable workers including withholding their wages, charging more money from worker for document arrangement, or for the renewal of work permits. In many cases, they just take the money and do nothing and when asked by the workers for the documents or for the due wages, the workers may be subject to physical abuse. Some are handed over to the police for making illegal entry or are transferred to even worse off sweatshops or to work in fishery boats (each worker is sold for 20,000-30,000 baht).

2.6 Exploitation of migrant labour by agents in various forms

The agents exploit the migrant labour by capitalizing on their ignorance, a lack of knowledge, and fear of state authority. Their social relations can be explicated and used for categorizing them as follows;

- 1) Agents who rely on the power structures and authority of officers to aid and abet the discreet and unlawful operation
- 2) Agents who rely on connections with influential groups in their exploitative operation, and some have to rely on connections with certain entrepreneurs
- 3) Agents who rely on social relationships with the community of migrant labour. They may have connections with another agent in the sending country. Most of them are well-off agents and have connections from the sending point to the receiving end and know well how to reap benefits off migrant labour
- 4) Agents who have been settling in Thailand for a long time and have connections and experience. Many of them have upgraded themselves from migrant workers to become agents

3. Roles of various types of agents and their relations

3.I Agents helping migrant workers to get work permit (work permit agents)

In the study, the agents are found to play important roles in the bargaining and matching demands of employers/entrepreneurs and migrant workers. Most of the interviewed agents are Thai nationals as they are capable of arranging for most of legal documents.

The agents can be related to employers/entrepreneurs as relatives, siblings, clerks in the factories, supervisors, etc. Independent agents have to make their own connections with various facilities or trade organizations in Samut Sakhon. The fee the agents receive is the difference between the nominal fee of application and the actual expenses. For example, if the registration fee costs 3,800 baht, the agents will top up another 400-3,200 baht per head with the breakdown as follows;

⊕ For registration, in case where there is the change of employer, the worker has to pay more. The agent may simply take the case and refer it to a more powerful agent to handle. In some instances, they are responsible for looking for new employers for the workers as well. The agents may have to rely on help from government officer to get the workers registered. Bribes of officers in labour registration are common.

⊕ The fee depends on the after-registration services. For example, for higher fee, the agents may provide protection after the registration, i.e. by mediating with the officers when the workers are arrested, preventing the factories from being inspected, etc.

Example

According to an interview with a work permit agent, “if I have to take care of the worker for the whole year, I will charge 700 baht. For the amount, when the police come to make the arrest, I will show up the proof of the work permit to the officer. I also help with the renewal of the permit. If the worker falls ill, I will take him or her to hospital. I will help with change of employer, as well. I do all this work to help these poor workers, these ethnic Mon workers. No one knows how vulnerable they are. I help them out of sympathy for more than ten years now.”⁸

For standard enterprises, the migrant labour will simply pay 3,800 baht for the registration, plus the travel cost for 50-100 baht.

Analysis of work permit agent

1. Some work permit agents who honor the contract made between employers and migrant workers can be praised for helping to make the arrangement easier for both parties. But if they fail to respect the agreement and simply look to exploit others, this will impact both the workers and employers negatively. For example, workers who pay for the registration do not get the work permit and they are arrested and later repatriated by officers. Similarly, some employers are deceived by agents who take away a lot of money intended for use in labour registration.

2. This kind of agents can exist due to the complicated procedure of labour registration. In addition, the employers or entrepreneurs simply avoid all their responsibilities. According to law, the employers have to pay for the registration fee, but in

⁸ Interview with an work permit agent at prawn market, 5/07/07

reality, in most cases, the workers themselves have to pay, and all the fees are deducted from their monthly wages as follows;

⊕ Work permit fee is deducted 500 baht every 15 days, or twice a month. All workers' wages are deducted for renewal of work permits, regardless of how long they have been employed. Even when the workers arrive at the time the registration is not available yet, the agents will simply deduct the fee from their wages. The government policy allows the renewal of work permit only to those who have the possession of the permit before. Thus, the fee deducted from some workers' wages will never be used for the registration. In some cases, the migrant workers may get fake work permit, or just a photocopy of it from the agents. In sum, the fee is deducted by the agents from migrant labour's wages for other expenses such as for bribing the police when the workers are arrested.⁹ There are also other fees charged from migrant labour. Some of them find their wages deducted 3,800 baht for the work permit, but other find the deduction as high as 4,200-5,000 baht or even 15,000 baht. And the agents /employers have failed to inform the workers breakdown of the fee. If inquired by the workers, the agents will simply say that the fee is for annual renewal and the deduction will go on ceaselessly.

⊕ If the workers are arrested by officers for making illegal entry, the agents are supposed to establish the work permits and to get the workers out of the detention center for workers pending the repatriation. Sometimes, the agents may charge the

⁹ Interview with a migrant worker, who is under the charge of sub-contractor agent. In the voucher of monthly wage, the list shows deduction for work permit arrangement, but detail of the deduction date. One worker said in an interview that he has been working for nine months already, and each month his salary was deducted and the whole deduction came to 9,000 baht. But in reality, the total fee for labour registration is only 3,800baht.

transport and mediating cost for 500 baht or if the officer demands bribes, then the migrant workers will only see their wages being deducted more and they might have to resort to borrowing money to pay for their freedom and the right to continue living in Thailand.

⊕ Fee charged for travel and coordination with the Employment Office and hospital for the registration including photo taking, medical checkup, photocopying. The work permits are then withheld by the agents. Only a few migrant workers are given the work permits. Most of them now have in possession expired permits. If they are arrested, the agents /employers will contact the officer and establish the permits to get them out of custody. The reason that the workers are not allowed to hold the work permits is, firstly, there is fear that the workers may simply go and work for some other employers, and secondly, the work permits may be issued late, and the agents have no intention to withhold the permits, thirdly, the agents fear the workers will lose the paper as there are cases where the arresting officers simply destroy the papers; and fourthly, the agents have never really made the registration for the workers.

Recommendations concerning work permit agents

1. There should be efforts to keep in order the operation of the agents and employers, as far as the registration of migrant labour is concerned.

2. The complicated registration procedure should be simplified. Relevant regulations should be reviewed every year for the sake of transparency and accountability of the registration of migrant labour.

3. The migrant labour should be allowed to register by themselves without having to seek help from the agents.

3.2 Sub-contractor agents

Similar to construction sub-contractors, sub-contractor agents move their workers to other places after work at one site is done. The sub-contractor agents look after the workers from the registration and reception of wages from the employers/entrepreneurs. Their wages are deducted for various fees including;

- ⊕ The entrepreneurs/employers may extract certain percentage of the wages to give to sub-contractor agents
- ⊕ Around 3-7 percents of the migrant labour's monthly wages are deducted to pay the sub-contractor agents.

For example, if an agent looks after 100 migrant workers, and 3 percents are deducted from each of the worker's 4,500 baht monthly wage, in each month, the agent will earn $(4,000 \times 100) \times 3\% = 13,500$ baht/month. If the wages are deducted at 7%, the agent will earn 31,500 baht/month. And in one year, the agent will earn 378,000 baht. Even the employers pay directly to the agent, the agent may still charge more from the workers if he is the person responsible for dispensing the wages.¹⁰

Sub-contractor agents may have two roles including (1) working on behalf of employer to arrange for work permit and (2) procuring and placing workers in factories and charging some fee from that. The agents repeatedly said in the interview that they are facing labour scarcity and competition among themselves. For example, if new factories are open and offer to pay higher fees than previous factories, there will be competition among the sub-contractor agents. This will unfortunately lead to more infringement on the workers' rights, as the agents fear the workers will move to other factories and they have to lose benefits.

¹⁰ Information from a focus group meeting of 10 workers on 6 May 2007 concerning the employment through sub-contractor agents

Conflicts among agents arise from scarcity of legal workforces. As the government only allows the registration of the existing migrant workers, there are fewer legal workers and a growing number of illegal workers.

In addition, the change of jobs requires consent from the previous employers or the agents who help to arrange for the work permit. If the worker fails to get the consent and simply goes to work with a new employer, after seven days, he or she will become an illegal worker and will not be allowed to renew the permit.

One agent said¹¹ “we of course want to procure a lot of legal workers, but there are now very few legal workers. Many of them work illegally. The factories are in direct need of labour, but if they employ illegal workers and the factories are raided by the police, they will have to pay a lot of money to the police. I was once caught by the police and my car was confiscated as it was used for transporting the workers. I had to pay them more than one hundred thousand baht to get my car out. If I did not bribe them, my husband could have been implicated as he was driving the car. Working like this is also difficult. We just earn enough to live by. I always organize some parties for my workers every year. But this year, I was told not to do so, as the authority does not want anyone to organize a cultural event attended by many migrant workers. Otherwise, you would be on their watch list.”

Migrant workers with work permits are thus in high demand for agents /employers. Some workers who have gone home in Burma will lose their permits. New workers have to be persuaded to come and replace them and are given with false promise that the labour registration is still possible. There are at least 50 new workers coming to work in Samut Sakhon, and thus the number of illegal migrant workers has been rising and is

¹¹ Interview with a Thai agent who looks after 500- 800 workers and based on the situation of migrant workers as of October 2007

subject to more exploitation including being given faked work permits. The workers thus continue to be exploited and extorted by government officers.¹²

Analysis of sub-contractor agents

1. Due to legal loopholes, the sub-contractor agents do not have to have their enterprises, but are allowed to have labour quota. This practice has made it possible for employers to push away their obligations to provide for welfares and other benefits of their employees. Also, it makes migrant labour more vulnerable to the exploitation including getting unfair wages, getting their wages deducted for unknown reasons, getting no records of the wages, and having no flexibility to change jobs. But if the agents or employers want to move them to other workplaces, they can do so at their will and the workers are treated just like commodity. Eventually, they may end up being subject to forced labour and human trafficking.

2. Employment through sub-contractor agents makes the state unable to identify the persons who are directly responsible for migrant labour. It works as if the employers simply authorize the agents to take all charges and the employers cannot be held liable if they commit any legal breaches. The employers can simply claim the workers are not employed by them, but the agents. Also, the employers cannot be held liable for any legal wrangle as a result of being found to have employed illegal migrant workers. All these have contributed to violation of laws and the sub-contractor agents keep exploiting the workers by deducting from their wages all risk fees, i.e., risk from being arrested, monthly bribes paid to officers to avoid the arrest, etc. Worse, some government officers simply work as sub-contractor agents and according to existing laws, they cannot be held

¹² Focus group meeting with migrant workers, 29 July 2007

accountable. There are no rules and regulations concerning the roles of sub-contractor agents and thus the migrant labour have no recourse to claim their rights.

3. Most sub-contractor agents are local influential people, who the local people fear and do not want to bother with them. Some capitalize on their connections with government officers to exploit the workers, for example, when the migrant workers are physically abused/when they succumb to occupational health/and when they are subject to the use of forced labour/have no freedom to change to another employer. If they change to work for another employer, they can be arrested, pressed with charges and sent back home, even though they have been given legal permission to work here for one year.¹³

Recommendations

1. Rules and regulations to control sub-contractor agents and to promote access to labour rights among migrant labour should be issued.

2. The state must minimize the roles of sub-contractor agents in their procedure and there should be monitoring by state agencies to ensure quality of life among migrant labour.

3. The government policy concerning registration of migrant labour should be reviewed to provide for more effective management to protect the benefits the state is entitled to. The benefits should not be reaped off by just a few groups of people, whereas the state has to take major responsibility such as the Ministry of Public Health, Ministry of Education, and Ministry of Social Development and Human Security.

3.3 Roles of agents smuggling workers into Thailand

¹³ Assistance provided for those seeking help from LPN, 16 August 2007

According to interviews of agents smuggling workers into Thailand, most of them have been working in Thailand at least for five years. They know all the connections here well. Most importantly, they have the ability to communicate excellently in Thai. Every time the agents come back from visiting their hometown in Burma, they will bring along illegal migrant workers with them, many of whom are their relatives or neighbors in the same village. They may charge 3,000-5,000 baht for the travel and often take the route through Ranong province. One agent has this to say "I sympathize with them as in Burma it is difficult for one to earn living. There is nothing to do, but rice farming. Otherwise, they might be forced to serve the Burmese army. Life is extremely difficult there. So when anyone approaches me for help, I just have to help them. I want them to have a better life". Most agents often explain that they are working in services of others, and avoid mentioning the exploitative part.

For agents smuggling workers into Thailand, their roles include arranging with agents at the sending point, transit agents and the receiving end agents. The study covers those agents involved the sending point to crossing the border into Thailand and then proceeding to Samut Sakhon. About 5-7 persons are smuggled each time. They are taken by pickup truck to the Thailand border, and the agents will help them to continue to meet their relatives at the final destination. One agent has this to say "I just bring along those who afford to pay for the travel costs. I do not bother to collect from them later when they work here. If they run away, I will have my debt defaulted."

Agents that charge exorbitantly for the travel are often those who have advanced the payment. They will deduct from the workers' wages later. Some agent receives from the employer 5,000-10,000 baht per each worker brought to them. This kind of smuggling can likely become part of human trafficking as most

workers cannot afford to pay the travel costs and cannot bargain with the agents. Most workers deceived to come here have no relatives in Thailand. Many become victims of human trafficking, and for instances, the whole family. For example, if two parents and one child want to come here but have no travel costs, the agent may offer that “you can just come and pay me later. When you arrive in Thailand, you can work for three months to write off the debts and then you are free to go anywhere”. The agents in this category are most likely involved with human trafficking.

There could be some mistake during the smuggling. For example, there might be betrayal among the agents, and thus the agents and the workers are intercepted at the checkpoint. Some workers are simply poisoned and die in the forest en route, there is a risk that they may be chased after by the officers, or they may risk of losing their lives, for example, if the trucks on which they travel from have accident. Many workers are smuggled in a freezer truck and by having to stay in there for a long period of time can make them suffocate and die.

According to the agents smuggling workers into Thailand who we had an interviewed with, there are two major ways of bringing the labour in:

Method I: 10-15 workers

From a village inside Burma -----bus ride-----boat ride-----spend
2-3 days in Koh Song-----Ranong-----pickup truck ride-----
Mahachai, travel cost *5,000 kyat* or 2,000-4,000 baht

Method 1 If there is anyone in my village who are interested to come and work in Thailand, out of pity, as I know they have nothing to do back home, I offer to help them to come and work in Thailand. I do not charge too much from them, just enough for the travel expenses, around 4,000 baht. Some sell their

gold or rings to raise enough money to come to Thailand. After an agreement has been reached, we will ride a bus together. (According to Ms. Ma-ae), If there are many of us, we might go by car. Then we ride the boat to Koh Song where we spend a couple of nights while waiting to hear from checkpoint. Once we are informed it is clear to travel, we continue until we arrive in Ranong and then are transported further by a pickup truck, which charges us 2,000 baht per worker. Once we arrive in Mahachai, we pay the truck another 2,000 baht, then the driver will give me back 500 baht per worker, or the amount we both agree.”

Method 2 From a village inside Burma -----bus ride-----
boat ride-----spend 2-3 days in Koh Song-----Ranong-----bus
ride-----Mahachai

If there are just 5-7 workers, they will travel to Ranong province, and are taken to ride a bus. Each of them has to pay 500 baht to the bus driver plus the ticket. Then they will arrive in Mahachai and will be provided with accommodation.

Services for migrant workers

- ⊕ Border cross
- ⊕ Accommodation: 100 baht/day
- ⊕ The employers will give varying amounts of fee when they are given the workers
- ⊕ If the employers do not pay wages, the agents will help the workers to run away and only charge for transportation costs.

An agent like Ma-ae does not overcharge the workers and is sincere to help them. The workers get no harm from the operation of the agent. This is different from the case of the 2nd broker, a Karen woman, whose workers have been abused and exploited from her action, according to the interview with them. Here is the statement referring to her exploitative action:

Roles of agents: The case of the smuggling of by a female Karen broker

⊕ I help to in transporting people, who want to work as domestic workers, from Burma into Thailand. Each of them has to pay me 15,000 baht for the transportation. After crossing the border, we board a garbage truck from Maesot district to Kampaengpet Province, after which, we change to a pickup truck or a minivan. Arriving in Pathumthani province at the Seemummuang Market, we separate to ride into different taxis, i.e., to the fish peeling factory in Mahachai where the employers are waiting to pick them up. Many of them work as domestic workers for employers who work as physicians or nurses, and high ranking officers. Some employers agree to pay the agent all expenses to bring the workers over from Burma including the 500 baht fee, 1,000-2,000 baht for transportation. In one year, an agent may manage to smuggle in 20-30 workers. Apart from placing them in various houses, the agents may also perform other roles including;

⊕ Apply for Alien Registration Form (Tor Ror 38/I) and the worker is charged 2,000 baht each by the agent. The agent claims to have connection with some high ranking police officer in Samut Sakhon. In addition to applying for Tor Ror 38/I, she also claims to be able to renew the work permits and charge 7,000 baht from each worker. Yet, none of the 54 workers have received the permits, and they have paid to the agent altogether 109,000 baht. When asked about the work permits, the agent simply keeps promising to bring them soon. She even threatens to report the presence of these illegal migrant workers to the police. The tricked workers dare not report the cases to the police fearing the arrest and meanwhile they cannot hold the

agent accountable. If the agent continues the practice, there will be more affected parties.

⊕ To place workers in plastic factory, the agent contacts human resource department of the factory and asks among the workers who want to work there. She charges 1,000-2,000 baht for the fee to help the workers to apply for the job and the human resource manager pays her another 500 baht per worker.

⊕ An agent offers to mediate with the police when illegal migrant workers are arrested by the police. As she knows some high ranking police officers well and if any worker is arrested, she would offer to help get the worker released by bribing the police. Each detained worker has to pay the agent 5,000-10,000 baht to clear the charges. The agent also would receive a payment from the officer as well.

⊕ Analysis of agents smuggling workers into Thailand ⊕

I. The operation of agents smuggling workers into Thailand is obviously against the laws. They receive cooperation from Thai nationals and work as a network. The first agent, Ms. Ma-ae, works with an intention to help her fellow workers to get jobs here and to attain a better living condition. Her services are based rather on mutual help.

But it is obvious that the second agent, a Karen woman, here took advantage of legal loopholes. She even claims to know influential people and government officers and always make threats to the workers.

2. The roles of agents, if intended to exploit workers, can be categorized as human traffickers. Threats are constantly made to extort money from the workers, some of whom are confined to a location. Further, the agent may not place the workers in workplaces as they promised. The workers themselves have no bargaining power to negotiate with the agents. The exploitation

can exist based on collaboration between the Burmese agents or agents who can communicate with the workers and the government officers.

3. Workers arriving in Thailand might not have been informed of information or tricks made by the unscrupulous agents. Their lack of knowledge of Thai laws and their illegal status makes them unable to have any recourse. When they clash with the agents, they often have no evidence to hold the agents accountable and thus become their victims. Sometimes, it is interpreted that there is no breaches of human trafficking laws, since the victims agree to come to Thailand. It is also likely that the workers may get sexually or physically abused before arriving in Thailand, and then are sold to factories. Worse, they may not get their wages and are not allowed to go outside the factories.

4. There are no laws to control the operation and to hold the agents accountable for their fraud in work permit application, false promise in job placement, and bribes made to the police when the workers are arrested. The workers may face wage exploitation and they may find it almost impossible to change their jobs. If they change their jobs without obtaining prior consent from the previous employers, they can be arrested by the police.

Recommendations

1. Laws should be issued to hold the agents accountable.
2. Migrant workers should be educated and assisted to protect themselves, stay ahead of the tricks of agents, obtain skills to negotiate with the agents and understand the terms and conditions of working in Thailand.

3.4 Roles of agents supplying labour to fishing boats

Many of the agents supplying labour to fishing boats have some relationships or used to work as boat crew before. They are

asked by the employers to recruit workers to work in the boats and the agents are given 2,000-30,000 baht for each worker.

To recruit workers for employers, the agents have to explore in migrant labour communities, particularly looking for male and new workers. They often promise the workers that working in the boat helps to avoid the police arrest. And in the sea, each crew can earn 2,000 baht per month which they can transfer to their relatives. If they stay long enough, they may get another 150-200 baht per day and the work is not so hard. On the day the boat is starting to go off shore, each of them is told to receive 2,000 baht in advance. The amount is supposed to be used for purchasing personal belongings. Some migrant workers are put up at the house of the agent waiting until there are enough to supply to the employers. If the workers work under a good boat commander (“*Tikong*”), then their life would not be so difficult. On the other hand, if they have to work under a bad boat commander, their life can be awfully miserable. They can be physically abused, or resold to other boats, and may never return ashore again.

“Su” (pseudonym) said in an interview with us that “I supply the workers to the boats as they have nothing to do here. But I only recruit those who are willing, and never force anyone to do it. I never charge them when I take them to the boats. Sometimes, the workers may pay me if they are happy with my services and when they receive the 2,000 baht advance. Some may pay for my transportation and coordination for 300 baht. My workers hardly face any problem. And in a year, I only manage to supply just 20-30 workers to the boats, and most of them work in Indonesian waters. The owners of the boats often call me up when they are in need of labour. It depends on how many workers they want.

“In addition, to supply workers to the boats, I help to provide accommodation to workers who have no place to stay and even help those who have no work permit to apply for it. I help to transfer money back to Burma only among those I trust and am acquainted with. Another job of mine is to give the police tipoff on narcotic trade. I also help to translate when the Burmese workers are arrested. Sometimes when I mediate with the police and the police ask for more money, I never charge extra to the workers. But some workers may tip me, or the police officers may give me 300-500 baht per worker. I never propose the price. It is always subject to their discretion”.

Analysis of agents supplying labour to fishing boats

1. The agents are related to the employers in some way, i.e. used to be their employees.

2. Supplying labour to fishing boats command high fee, thus the agents are motivated to recruiting people to work in the boats. Also, there is high demand for labour in the fishery sector.

3. Being employed in fishery sector means the workers have to take high risk and have to stay away from home for a long time. But for some migrant labour, boarding the fishery boats can help them avoid police arrestment and the agents find their ways to convince migrant labour to work in fishery boats.

4. Migrant workers are neither informed in advance name of the fishery boat they are going to work, or name of the employer. The workers have no way to cross check if the boat is secured and safe as claimed by the agents, and they do not need to have documents to work as a boat crew. 95% of the migrant workers working in foreign waters hold fake Thai seaman

books.¹⁴ Thus, when they get into trouble, without evidence, they cannot hold the employers' or boat commanders' accountability.

5. As the agents work as part of extensive networks and cartels with strong connections of influential people, to hold them accountable for their crime is very difficult. Apart from the complicated relationships, there is no law to provide for protection of migrant labour.

6. Some agents are in fact government officers. They may supply illegal migrant labours to various employers/fishery boats, and these labours are often being forced to work in the boats. In other words, if the migrant labours are forced to do so involuntarily, this could be treated as human trafficking.

7. There is only one governing law on fishery boats working in Thailand and overseas, namely, the Ministerial Regulation No. 10 (1998) issued by the virtue of the Labour Protection Act (1998). The law provides protection particularly to the crew and for the boats which go overseas for the duration of less than one year. But in reality, most fishery boats go overseas for longer than three years in a row. Thus the crews who have gone aboard longer than one year are not protected by this law. In addition, the agents barely inform the workers in advance how long the boats will be gone for. Many workers have never returned ashore as they have been sold and transferred to other boats while getting near to the bay mouth. Knowing one would never get to the land again, some crew decided to jump into the sea or escape to islands in Indonesia. Of course, they have never returned.¹⁵

¹⁴ Interview with a crew in Thai fishery boats and his experience in being lured to board the fishery boats and to take on fake Thai ID cards or seaman books, August 2007

¹⁵ Interview with crew from oversea fishery boats who have escaped and survived from the deception of the agents, August 2007

Recommendations on agents supplying labour to fishing boat

1. There is a need for a review of the regulation concerning the issuance of seaman books or ID cards for the boat crew. The system should be made accountable and provides for verification of the status of the actual crew to prevent the faking of Thai identities. Also, there might be an interview and medical checkup as well as profiling of workers who want to board the overseas fishery boats.

2. Welfares should be provided to the crew including social security, life insurance and other welfares for the crew's families as a motivation for them to work.

3. The penalty for agents who commit unlawful acts by forcing workers to board the fishery boats and faking the official documents should be made more severe.

4. There should be serious efforts to closely monitor and arrest human trafficking agents who force people to work in fishery boats.

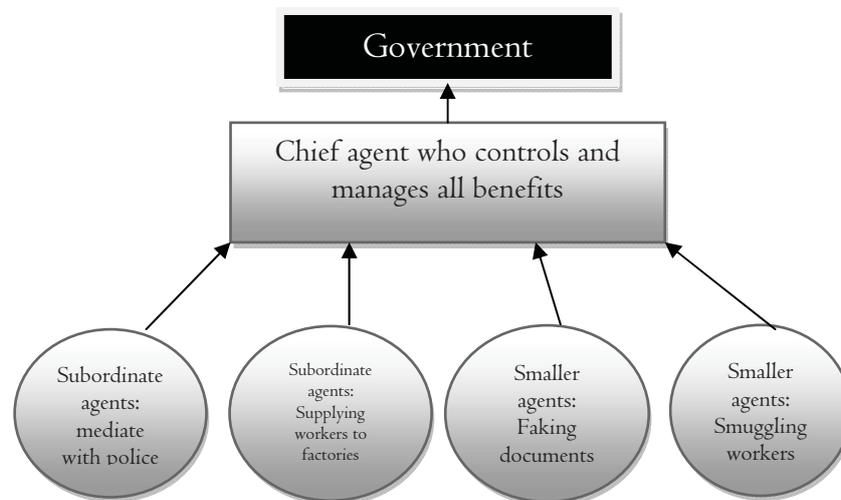
3.5 Roles of agents working to mediate with officials

Most of this kind of agents is Burmese who can communicate with the migrant workers. Government officers need to communicate through them to ask for and negotiate the bribes in order to get the arrested workers released including both legal and illegal workers. According to interviews with the agents, they often define their work as providing assistance to the officers to create public order such as to monitor narcotic and crime incidence and provide tipoff to the officers. As for when the migrant labour gets arrested, the agents will offer to help to negotiate for the release. One agent said "we work in services of our brothers and sisters to prevent them from repatriation." This

kind of practice is well known among state officers, the agents and the migrant labour.¹⁶

The fee the agents receive and use to bribe officers can be paid monthly by the entrepreneurs/employers.¹⁷ Otherwise, the agents can get paid for each intervention, or some of them may demand the 500 baht protection fee per month. The 500 baht fee is known as the “500-baht card” which implies that each migrant worker is supposed to pay the protection fee to the agent 500 baht every month. The recruitment process has expanded so extensively and roles of different actors can be described as follows;

Network of agents working to mediate with officials



¹⁶ Interview with a Thai agent who comments on the Burmese agents, August 2007

¹⁷ One employer who owns a food processing facility in Mahachai told the study team the experience while the officers raided his factory in June 2007.

The smaller agents disperse through the province of Samut Sakhon and carry all illicit activities. There are at least 50 of them operating in the areas of Muang district, Samut Sakhon.

⊕ Their duty is to generate income for the chief agent, and if there is any problem, the chief agent will intervene.

⊕ How does it operate? If workers are arrested by officers, the agents will be alerted and asked to come to negotiate. The officers will ask if the detainees have any relatives who can bring money over to get them released. If so, the officers will request for about 500-15,000 baht for each worker depending on how much the workers can afford. Their precious personal belongings such as gold necklaces and purses are taken away by the officers. The checkpoint is set up almost everyday, particularly during weekend and night time. The workers are intercepted while commuting to work or when staying in their accommodation. Many of the raids have been carried out unlawfully with merely one or two officers. The agents are mostly notified and wait in hiding around the places where the raids take place. They can instantly turn up to offer help to negotiate and get the workers released.

⊕ Some agents are stationed at the police station to help to negotiate the bribes. The officers explain that these agents provide assistance to the government by giving interpretation services and helping in various legal cases concerning the illegal workers.

⊕ Each agent has his or her own unique roles, but it is typical that they often claim to know someone high up and use the connections to extort money from the workers. Each agent will not cross-operate in other areas and they divide up their

territories effectively to generate enough to supply their chief agent.¹⁸

An agent has this to say “we simply try to help those ethnic Mon and Burman workers. We know the officers well, and they simply ask us to buy them some prawn and liquor. Then they will release the workers.” But this word stands, however, contrast to that of the workers. “As soon as we are arrested, some Mon or Burman agents turn up to offer help. They told us we have to pay them 4000-10,000 baht each, and we will be released.” Findings from the research are affirmed by testimony of the following migrant child worker. “I have my card, and when the police make the arrest, I show them the card. The police just said they want 200 baht, and my mother just paid them the sum. I sympathize with the police for how poor they are and they do not even have enough to live by. Thus they have to ask for my money”. The word comes from a child worker who has made proper registration, yet has to face body search and intimidation by officers.

Analysis of agents working to mediate with officials

1. The agents have connections with government officers and together work to exploit migrant workers for their mutual benefits.

2. The network of agents has expanded based on corruption of the officials and by taking the legal loopholes. They reap off benefits at the expense of national security and public order.

3. The roles of the agents make it impossible for the government to develop systematic management of migrant labour.

¹⁸ Interview with a former agent and data compiled from complaints raised to the LPN staff during 2007

This results in an ineffective management which exclusively benefits certain groups at the expense of public interests.

Recommendations on agents working to mediate with officials issue

1. Stringent measures must be made to control corrupt officers who reap off benefits from migrant labour.

2. Interpretation services should be provided for registered migrant labour. The services will be of use to the government agencies as well. Every agency dealing with migrant labour should provide interpretation services at the operational level.

3. Rules and regulations concerning the management of migrant labour should be publicized in Thai and the languages spoken by migrant labour to ensure that they have good understanding of their labour rights and duties while working in Thailand.

4. Rules to provide for setup of checkpoint and raids on accommodations of migrant labouror should be reviewed. Any raid conducted during night time has to be authorized by the warrant of search and the officers must show their cards to the workers every time, to prevent the incidence where people come in disguise of officers to extort money and violate the workers' rights. Also, traffic police who behave inappropriately must be punished.

5. The payment of fine by migrant labour for the charge of not carrying with them the work permits must be made with a receipt. Until now, the fines are just dropped into a donation box.

3.6 Roles of oversea money transfer agents

Some agents are migrant workers who have relatives living at the Thailand-Burma border and can contact them by telephone. They have some cash and can help to transfer money

of the workers to their families back home. For example, if a migrant worker wants to send money home, he would contact the agent and uses the agent's phone to call back his relatives in Burma about the transfer of, say, 2,000 baht. Then he pays the agent 2,000 baht, and then the local agent in Burma will bring the sum of 2,000 baht to his family in Burma. After the worker calls back and find out that his family has received the sum, the agent will charge the phone service for 30-40 baht per minute. Then the agent at the receiving end will get the fee for getting the worker's relatives to receive the phone and will get the fee, like, 10-20 % of the amount sent.

The money transfer agents do not have to have connections with government officers. But they have to have sound financial status and a good cash flow. Of course, they must have the phone to call overseas. This kind of agents is not very exploitative to the workers. But if they are local agents inside Burma who lend the workers money for travelling to Thailand, they mostly extort a lot of money from the workers and in many instances are collaborating with human trafficking agents.

According to the money transfer agents, they live a normal life and their clients get to know them by word of mouth. They may give away some name card to introduce themselves and offer the service to transfer the money back home.

Analysis of oversea money transfer agents

1. The money transfer agents act just like capitalists who facilitate the transfer of money to Burma. They may not be related to those exploitative agents and often work on mutual agreement with the workers.

2. There are more than 300 money transfer agents in Samut Sakhon, and the occupation becomes a way of earning life among some migrant workers. They work in service of the

workers and help as a conduit to send support back to their families.

Recommendations on oversea money transfer agent

I. Efforts should be made to register workers who offer to provide money transfer services in order to prevent money laundering and the transfer of illegal income outside the country such as profits from narcotic trade.

3.7 Roles of agents helping migrant workers to get health insurance cards

This kind of agents works closely with those working to apply for labour registration. Many of them are just from the same group. Most of them are Thai nationals, as in order to apply for health insurance, coordination must be made with hospitals. The study team has not interviewed directly the agents, but have the chance to talk to migrant worker volunteers who help to interpret for the workers at the hospital in Samut Sakhon. According to the volunteers, “the hospital is told by the agents that there will be about 3,000 migrant workers to apply for health insurance with the hospital, but they ask to pay the fees later. Then the agents have always failed to deliver the promise. And when some migrant workers are severely ill and needs to be hospitalized, they will not be eligible to have health insurance. Some workers are tricked to make false health insurance cards with the agents. Some workers hold the cards that bear different names from their own, or bear the same names as other workers. The hospital eventually has to shoulder all burden. Every year, a large sum of money has been spent for the medication. The hospital staff attempts to contact the agent asking him pay the insurance fee. Sometimes, the agent pays just 150,000 baht to the hospital even though he has collected 1,300 baht from each of

3,000 workers who wanted to apply for health insurance. In other word, the agent earns 3,900,000 baht, but only pays a small amount to the hospital.” As a result of abuse by the agent, migrant workers are not eligible to health insurance scheme. They are simply deceived by the agents. Most importantly, both the state and private hospitals have to end up shouldering the burden causing a lot of expenses for the state.

Normally, the workers who apply for work permit have to have medical checkup and then apply for health insurance. When they want to renew their permits, they have to produce the health insurance cards to the officers. However, in reality, some workers have successfully renewed their work permits without having to produce the health insurance cards. Thus workers in many factories have no health insurance cards or they may hold health insurance cards faked by the agents. And the cards do not help them to get the services. Another major issue is the workers cannot choose hospitals located nearest to their workplaces. In some instances, an agreement is made between the agent and the hospital for the agent to pay by installment for health insurance. But the agent many simply refuse to honor the debts and when the worker gets ill and needs to be hospitalized, the hospital has to take the burden alone.

Some agents simply keep the workers’ health insurance cards with themselves. When the workers get ill, they are not taken to hospital and some succumb to the ailment. Some workers suffer chronic diseases and without treatment, the disease spread throughout the body. Some workers have to pay for their own medical expenses even if they have already paid for health insurance cards. The agent has failed to apply for the cards for them. Some workers lose their rights to medication as the agents have failed to renew the cards for them, even though the agents keep collecting the fee every year.

The work permit and health insurance agents reflect well the failure of labour registration system. Exploitations and corruption have been made without considering the burden borne by the state. Without efforts to keep in order the operation of the agents, the management of migrant labour will keep failing. And with the presence of agents permeating throughout the entire process, the hospital will eventually has to bear with the burden which costs millions baht per annum.

Analysis of agents helping migrant workers to get work permit/health insurance cards

1. The work permit and health insurance agents bargain with hospitals and reap the economic benefits for just themselves.

For example, if there are 50,000 workers who apply for health insurance every year, the hospitals are supposed to earn 65 million baht. And if in one year, about 30% of the workers come for the treatments which cost the hospitals 19,500,000 baht, then the hospitals still make 45,500,000 baht profit. But since the hospitals fail to collect all the fees, they have to face problems. In addition, the burden will increase with the growing number of illegal migrant workers who seek health services. The government has to spend a lot of money for the treatment and services to provide for both legal and illegal migrant workers.

2. The loose registration system has been capitalized by the agents to reap benefits. And the burden occurs affects the whole public health system.

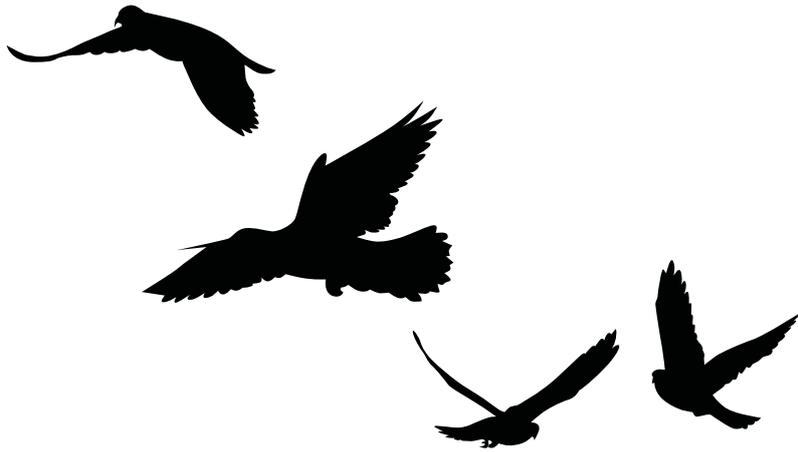
3. The labour registration process lacks transparency and accountability. Some workers who have failed to produce health insurance cards are allowed to renew their work permits. Thus many of the migrant workers in reality cannot access public health services. Left without effective treatment, their communicable diseases may get exacerbated. Some employers or agents take the

workers for medical checkup, but they cannot access the service as they have no health insurance cards. But the agent has deducted from the workers' wages for the fee to apply for health insurance already.

Recommendations on agents helping migrant workers to get work permit/health insurance cards

1. In the health insurance cards, the migrant workers should be allowed to choose hospitals nearest to their living places or workplaces and the hospitals should provide for interpretation services. Workers should also be allowed to apply for health insurance cards by themselves.

2. Dependents of migrant labour should be entitled to apply for health insurance.





Chapter 4 Summary, Recommendations and Suggested Solutions

Solutions for problems

Addressing agent issues

I. Labour registration system

- The system must be made transparent and accountable and the process should be made simple to make it possible for the workers to apply for the work permits by themselves without having to rely on agents.

- Information concerning the registration should be publicized in the languages spoken by the migrant workers as well.

- Punitive measures must be put in place to prevent the unlawful withholding of work permits by either the employers or the agents.

- The employers should take responsibility to undertake the registration themselves and allow workers to apply for work directly. The job openings should be made in the languages spoken by the migrant workers and the each factory should have an interpreter.

- Workers should be educated on labour rights and proper labour registration according to the laws.

- The employers must be held legally liable should they fail to register their workers, or should they infringe on the workers' rights. The penalties must be strong enough and effectively enforced.

- Laws must be provided for the criminalization of both Thai and foreign agents who offer illegal job placement services and falsifying documents for workers.
- There must be punitive laws against the exploitative agents and entrepreneurs.
- Coordination must be effectively made at the international policy level to address human trafficking, particularly, among migrant labour.
- Some kind of center should be set up to provide preparation and orientation for new workers so that they get to learn about basic working conditions in Thailand.
- Survivors of human trafficking should be provided with support to prevent them from returning to the cycle of human trafficking. They should be allowed to choose to either remain working in Thailand or to be safely repatriated.

Recommendations to address agents and their exploitation of migrant labour issues

Short-term policy

1. Stringent legal measures to tackle the issues of agents reaping off benefits from migrant labour must be in place.
2. Migrant workers should be educated about labour rights and basic laws that they should know.
3. Peer support groups should be set up among the migrant workers to help to address the issues of labour rights violation.
4. Punitive measures must be put in place to hold agents and employers accountable for failing to register their workers properly.

5. All concerned government agencies should have standard interpretation services which are credible and independent.

6. Government officers must be trained to get to understand languages spoken by the migrant workers so that they can directly communicate with the workers.

Long-term policy

1. Legal amendment to provide for accountable labour registration system and the procedure which is simplified to make it possible for migrant workers to apply for the permits by themselves (without having to rely on agents).

2. The yearly renewal policy should be replaced by long term alien labour laws.

3. Some agencies should agree to host the efforts to address issues of migrant labour, They should function to integrate cooperation among various agencies to address the problems effectively and concretely.

4. Public awareness should be raised to instill good understanding about the issues of migrant labour and create good attitude to provide for treatment of migrant labour as fellow human beings.

5. The 2007 Prevention and Suppression of Human Trafficking will contribute to the effective prevention and suppression of human trafficking among all concerned targets, particularly, among the Thai and migrant labour. It will pave the way for the development of MoUs at the provincial, regional and international levels.

International policy

1. Cooperation must be made at the international level to address the issue in earnest.



2. Awareness raising efforts must be made in the sending country concerning issues of migrant labour.

3. The MoUs to combat human trafficking should be effectively developed and put in place.





Bibliography

Document

The study of human trafficking from the sending area (Sangkhla Buri) and receiving area (Mahachai) in Samut Sakhon with support from UNAIP in 2005

Newspapers/interviews

“Monitoring of prawn market in Mahachai 2007” from Mahachai Post, Vol. 1, No. 4, September 2007



Dr. Wiset Sirichai-ekkawat, advisor to the Fishery Association of Thailand reflected in an interview “Thai Economy: Samut Sakhon Economy” published in *Muang Sakhonburi* magazine, No. 3, April 2007



Dr. Charn Sirichai-ekkawat comments on human trafficking in employment.

Reports

A summary report of interviews with 348 Burmese migrant labour by LPN, 2006

A summary report of survivors of human trafficking. LPN, 2007

The case study of Mr. Ko who was lured by an agent to work in a fishery boat and then he managed to escape, whereas his wife was



forced to work in a coconut plantation in Damnoen Saduak district, Ratchaburi province

Report of victims who have sought for assistance from LPN, 16 August 2007

Interviews of key informants

One employer who owns a food processing facility in Mahachai told the study team the experience while the officers raided his factory in June 2007.

Interview with a crew in Thai fishery boats and his experience in being lured to board the fishery boats and to take on fake Thai ID cards or seaman books, August 2007

Interview with a former agent and data compiled from complaints raised to the LPN staff during 2007

Interview of leaders who receive complaints from workers affected by the operation of agents, September 2007



Appendix

Questionnaire 1

Agents: Facilitators of migrant labour

Personal data

- 1) Age 2) Sex 3) Nationality and domicile/Burma 4) Race
- 5) Religion
- 6) Education 7) Marital status Married/Single
- 8) Number of family members in Burma, Number of family members in Thailand 9) Languages spoken
- 10) Personal status in Thailand (have ID card, have work permits, etc.)

Background

11) How long have you been living in Thailand?
Which provinces have you lived?

12) Why did you decide to come to Thailand and how did you manage to get in here? Were you assisted by an agent and how?

Work as an agent

13) What are your services for the workers, and what are you doing exactly?

14) When did you begin to work as an agent, and how?

15) What do you promise with the workers?

16) How much do you charge for the service?

17) Do you know most of the migrant workers?

18) How do you make yourself trustable by the workers?

19) How many workers have you been helping?
(How have you contacted the employers who are in need of

labour?) (How do you approach and offer your services to the employers?)

20) Have you come across any factory that is known to mistreat the workers? If you know they mistreat the workers, will you still supply workers to them?

21) Have there been any factory that has failed to provide fair wages to the workers, any factory that prevent workers from leaving the factory and simply keep the workers inside? Please describe.

Network system and relationships of the agents

22) How much are you acquainted with people of the same ethnicity in Thailand and in Burma?

23) Do you have (formal or informal) connections with the employers?

24) Do you have connections with government officers, i.e. police officers, immigration officers, employment officers (how are the connections, names of the officers the agent is in contact with, how does the agent make payment to the officers, through cash or bank transfer?)

25) Do you have connections or get to know the network of agents or not?

26) Could you describe relationships in your network?

27) What are other networks of agents you know of and how do they operate?

Ending

28) What are challenges and obstacles in your attempts to help out the client workers?



29) What is your guidance or personal belief for being a good agent?

30) What else about yourself or your work that you want to tell us? Any question that we have failed to ask and any further information that helps us to understand the issue better?



Questionnaire 2

Burmese migrant labour in Samut Sakhon

General information (worker)

- I. Place where the data is collected
 - I.1 Name/Last Name
 - I.2 Ethnicity
 - I.3 Sex/Age
 - I.4 Religion
 - I.5 Education
 - I.6 Marital status
 - I.7 Number of family members in Burma
 - I.8 Number of family members in Thailand
 - I.9 Domicile/Burma
 - I.10 Thai language fluency
 - I.11 Personal status in Thailand

2. Entry into Thailand

- 2.1 When did you get into Thailand?
- 2.2 Through which part of the country?
- 2.3 Have you been assisted by agents?
- 2.4 Detail of how the journey has been made until you have reached your workplace, and for the change of job, do you need to reply on services from the agent or not, and how much do you pay each time?
- 2.5 Expenses for making the travel into Thailand, how much do you pay the agent each time?

3. Detail of the agents you know of

- 3.1 How do you get to know the agents, how do you contact them?



- 3.2 What are the terms and conditions you agree to?
- 3.3 What is your impression on the operation of the agents?
- 3.4 Why do you trust the agents?
- 3.5 Why some agents offer better terms and conditions than others?
- 3.6 Have the agents delivered as they had offered to you earlier?
- 3.7 What is your impression about the conditions set by the agents, i.e. the fee charged, the kind of assistance and how they treat the workers?
- 3.8 What are techniques and approaches used by each type of agent?

4.Types of agents

- Helping with travel inside and outside Thailand
- Job placement/job change
- Document arrangement, i.e. applying for work permit, Alien Registration Form (Tor Ror 38/I), hospital card, discharge form, etc.
- Oversea money transfer
- Negotiation with government officers
- Hospitalization
- Others.....

- 5. When you are in trouble, who do you think of for help?
When will you reach out to agents for help?
- 6. What are the relationships between you and the agents?
- 7. How do you bargain with the agents who fail to honor their word?

Question guidelines 3

Focus group discussion with migrant labour

1. How long have you been in Thailand? How did you come here? How much do you have to pay the agent?
 - Tell us in one minute your background
 - In the course of your work in Thailand, what impresses you or makes your most proud?
2. How do you have to rely on the agents, on what issues, and how do you find the roles of agents?
 - Delivering services to workers
 - How do they make themselves credible for the workers?
 - What are the issues between the agents and the migrant labour?
 - What are the actions by the agents that upset you?
 - How do the desirable agents look like?
3. Is any of your acquaintance or relative works as an agent to help the workers? If so, how you feel about him or her?
4. Have you been informed of human trafficking carried out by the agents, and how?
5. Have you been informed of the incidence in which the agents exploit or abuse your fellow workers? How? Please give examples.
6. What are your recommendations to Thailand or Burma, and how do you want them to treat you?
 - Economically
 - Socially
 - Politically
7. What are your most pressing needs, what are your obstacles in your family life?



Questionnaire 4

Organizations and agencies working on human trafficking

1. How do you understand human trafficking?
2. According to your understanding or your direct experience, what do you think about human trafficking process in Samut Sakhon?
3. How do you view the situation of human trafficking in Samut Sakhon?
4. How do you find assistance and solutions provided by relevant agencies to tackle the issue so far?
5. What are your recommendations for short term and long term solutions?
6. What are your organization's roles as far as human trafficking is concerned?
7. What are challenges and obstacles in rescuing victims of human trafficking?
8. What are the causes of human trafficking?
9. How are agents involved in the human trafficking process? (according to your opinion)
10. Supposing you come across a victim, how will you help to address his or her problems?