The Rights Deprivation of Cross-Border Workers in the Industrial Sector

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Abstract

This article is part of a study on human rights of cross-border workers in the industrial sector in Tambon Phatong, Hat Yai District, Songkhla Province. The objectives of this study were: to investigate characteristics of human rights problems faced by cross-border workers in the industrial sector, and to find solutions to the human rights problems of the cross-border workers in the industrial sector. The study area was Tambon Phatong, Hat Yai District, Songkhla Province where there are small, medium and large factories. The field data of this qualitative study were collected through informal in-depth interviews, non-participatory focus group interviews with cross-border workers who entered the country legally and had work permits.

The results of the study revealed that they did not receive the full amount of pay in the agreement. For the rights to have safe and appropriate working conditions, some of them worked in high risk factories. Regarding the rights to receive compensation in terms of vacation or official holidays, some of them had to work on holidays as ordered by their employers, and had to do various kinds of work that were not their regular work. For the rights to establish or to join a labor union, it was found that there was no labor union for cross-border workers in Tambon Phatong. To solve the problems, all related organizations should manage to find the way of making the same standards of rights for cross-border workers in factories of all sizes.

Keywords: human rights, cross-border workers, industrial sector
Background

Thailand had always been an agricultural country for a long time. In the past, most of the population had occupations in agriculture and primarily used their own domestic labor. Later when the government implemented the National Social and Economic Plans, the country began to develop from being an agricultural society to an industrial society that caused rapid changes. Urbanization has taken place; small communities have become larger with construction of hotels, shopping centers and industrial factories. There have also been migrations from rural areas to towns and cities to work in the industrial sector. As a result of the government policy in development into the industrial sector, seven specific skilled professions have been emphasized: engineering, nursing, architecture, surveying, medicine, dentistry and accounting. However, in the industrial sector, there is still a lack of labor force, especially for work that primarily needs labor.

The lack of labor has resulted in needs for cross-labor workers from neighboring countries such as Laos, Cambodia and Myanmar from which imports of labor have been increased. Even though Thailand does not have an open policy for cross-border workers to come in to work in the country due to national security and social order reasons, economic needs for low-skilled labor have brought in cross-border workers because they can be hired with lower wages than their Thai counterparts, are more patient and with more perseverance or because of many other reasons. Cross-border workers have been problems for Thailand for more than a decade. The causes of the problems have stemmed from the country’s expansion in economy, industry, and services which have grown rapidly all along the period of time increasing the needs for labor followed by more employments and migrations of labor force to the industrial and service sectors.

The nationalities of cross-border workers from the neighboring countries are: Myanmar, Lao, and Cambodian. They work in many provinces of Thailand. However, as cross-border workers, their equality has often been overlooked. Discriminations often take place and their basic human rights are also often deprived even though they are humans who should have the rights and dignity of being humans without being discriminated regardless of their race, skin color, gender, age, language, religion, physical status, political belief, and other beliefs which depend on their social background. Nevertheless, their human rights cannot be inherited or transferred to others.

Songkhla Province is one of the provinces where cross-labor workers come to work, especially in Tambon Phatong which is an economic source of Hat Yai District because it is
an area where production has been expanded with many industrial factories of all sizes from small to large. It is also an area which is very convenient for export transportation to a neighboring country as it is near the customs office and the border. Thus it is also convenient for cross-border workers to migrate to the area and the number has been increased everyday. Some of them enter the legally while others entered illegally. Most of them work in the industrial production sector, construction sector or other sectors that need labor for work that Thai workers do not want to do. Business operators, therefore, have to employ cross-border workers to do it instead.

“Phatong” is the name of a Tambon where many rivers flow through and along the river banks there is a kind of tree growing abundantly called “Phaitong”. When the administrative division took place, it was therefore, named “Tambon phaitong” and the vowel of the first syllable has been shortened to “Phatong” as it is now called. When Phatong has been prosperous economically because industry has been expanded to this area, the needs for labor force has emerged and consequently both Thai and cross-border workers migrate to the area followed by problems related to labor. There are all sizes of industrial factories in Phatong from small to large ones. The rights provided by each factory are different according to their characteristics under the Thai labor law.

**Objectives**

1. To investigate the characteristics of the problems of human rights for cross-border workers in the industrial sector in Tambon Phatong, Hat Yai District, Songkhla Province
2. To find solutions to the problems of human rights for cross-border workers in the industrial sector in Tambon Phatong, Hat Yai District, Songkhla Province

**Expected benefits**

The results of the study on the problems of human rights of cross-border workers in the industrial sector in Tambon Phatong, Hat Yai District, Songkhla Province can be beneficial in the following aspects:

1. It is a reflection of cross-border workers in the industrial sector in Tambon Phatong, Hat Yai District, Songkhla Province.
2. It can be used as guidelines for forming policy in management planning, and solutions to the problems of human rights for cross-border workers for Tambon Phatong Municipality as well as other related organizations.

**Definition of terms**

1. **Human rights** refers to the basic rights of cross-border workers in the industrial sector that they should receive appropriately and equally as they also have dignity in being humans regardless of their race and social class, and these rights cannot be transferred to others. These rights are protected by law and consist of four aspects as follows:

   1.1 The right to receive wages refers to the money paid to the cross-border workers for the work they do in the industrial sector.

   1.2 The right to have safe and appropriate working conditions refers to the workplace of the cross-border workers in the industrial sector.

   1.3 The right to receive compensation refers to compensation in money, health care or vacation of the cross-border workers in the industrial sector.

   1.4 The right to establish and join a labor union refers to an establishment of or a gathering into a labor union for negotiations with employers of the cross-border workers in the industrial sector.

2. **Cross-border workers** refers to workers in the industrial sector whose nationalities are Myanmar, Lao, and Cambodia who work in Tambon Phatong, Hat Yai District, Songkhla Province and entered Thailand legally and have work permits.

3. **Industrial sector** refers to the production sector in industrial factories of all sizes from small to large ones in Tambon Phatong, Hat Yai District, Songkhla Province.

**Research methodology**

This qualitative study selected Tambon Phatong as the study area because in the future, it is expected to expand along Kanchanawanit Road, on Thesaban 4 Road, and on Thesaban 49 Road. There are 16 factories in the municipality including large factories like Siam Sempermed Corp., Ltd., Safeskin Corporation (Thailand) Ltd., Panel Plus, Co., Ltd., Dynea Krabi, Co., Ltd., and Siam Fiber Board, Co., Ltd. There are approximately 15,000 employees. The major industries are processed rubber products such as rubber gloves, blocked rubber, and rubber concentrate. Some medium factories include Southern Concrete Blocks, Co., Ltd., Parawood furniture factories, and garbage processing factories while small
factories are for example, josse sticks factories. These are export industries and income promoting industries.

**Key informants** were cross-border workers with the nationalities of Myanmar, Lao, and Cambodian who:

1. Entered the country legally and had work permits.
2. Spoke and understood the Thai language from a little to much.
3. Worked in a small or medium or large factory in Tambon Phatong only.

**Secondary informants** were people related to cross-border workers, namely cross-border workers employment service agencies, business owners, and government officials.

**Instrument:** A structured interview form with questions written by the researcher to meet the objectives of the study. The data were collected from small, medium, and large factories classified according to the Factory Act of the Thai law.

**Data collection:** Field data were collected from the places where legal cross-border workers lived and spent their daily lives in Tambon Phatong, Hat Yai District including the following: Speaking to them at their living quarters, the food shops in front of the factories, the markets near the factories in order to conduct informal interviews, non-participatory focus group interviews, and observations by the researchers. In addition, the researcher request permission from the factory owners to collect data. The researcher also talked to employment service agents in Tambon Phatong. Moreover, related documents, websites, and research reports were reviewed.

**Data analysis:** The data from the study on the problems of human rights of cross-border workers in the industrial sector in Tambon Phatong, Hat Yai District were analyzed. Content analysis was carried out for data collected from documents, observations, and interviews. They were classified into two categories according to the objectives of the study before they were interpreted. The two categories of the data are:

1. The data collected from related documents were classified into issues according to the objectives of the study.
2. The data collected from the interviews and observations were analyzed by classifying into issues according to the objectives of the study, interpreted, decoded, and then concluded and presented in the descriptive style.

Findings

The problems were being despised by their employers or their Thai counterparts who used impolite or violent words with them, and not being accepted by the Thai society.

Discussions

The results of the study on the problems of human rights of cross-border workers in the industrial sector in Tambon Phatong, Hat Yai District, Songkhla Province.

For the right to receive wages, it was found that the cross-border workers did not receive the full amount of wages as had been agreed upon. For the right to have safe and appropriate working conditions, they had to work with high risks in some factories. For the right to have compensation, especially compensation in vacation or public holidays, most workers had to work according to the order of their employers, and they had to do many kinds of work in addition to their regular work. For the right to establish or join a labor union, there was no labor union for foreign workers.

A research report of the Institute for Population and Social Research, Mahidol University on “The Mekong Challenge. Underpaid, Overworked and Overlooked: The realities of young migrant workers in Thailand” investigated the employment methods and working conditions of cross-border workers in four important sectors in Thailand: agriculture, household work, fishing boats and fish processing, and production. It was found that more than half of the household workers, and more than one in five of the fishing boat workers were not allowed to go out or were forced to work as if they were slaves. Human rights of young cross-border workers were violated in various ways such as bodily injury, being forced to work, being confined to a limited area, child labor in risk work which is one of the most severe cases of child labor, and being tortured psychologically and physically.

One solution to these problems is that all related organizations should find a standard in providing rights to cross-border workers regardless of the factory size they work in.
Recommendations

For social peace in Phatong as well as in other places of Thailand, cooperation is needed from all parties to look at cross-border workers as equal to Thai workers so that there will be no more problems of rights deprivation of cross-border workers. Equality of people in society will bring benefits to all parties equally.

References