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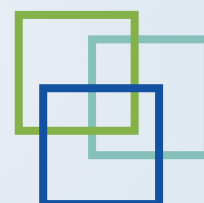
Travel smart – Work smart

A guide for migrant workers in Thailand



Promoting safe migration and protecting migrant workers

ILO Regional Office for Asia and the Pacific



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Printed in Thailand

Are you working or planning to work in Thailand?



The information in this booklet can help you feel more secure, work safely and profitably, and avoid exploitation and abuse.

The best person to look after **your** interests is **you!**



So Travel Smart – Work Smart!

Why be concerned?



Every day many people – just like you – enter Thailand for work. While most encounter no major problems, some are abused by their employers, have their wages withheld or find themselves virtual prisoners with no one to call for help.

There are ways to avoid this, and if you're being abused, there are people who can help you in Thailand.



You have rights

Regardless of your legal status, you are entitled to the respect and protection of your human rights – to live free from harassment and exploitation.

This guide will inform you about your rights – and your responsibilities – while you are working in Thailand. This information can help you protect yourself from people who want to take advantage of your situation as a migrant.

Know the following!



You should have a contract. If you are asked to sign a contract after arriving in Thailand, ask someone you trust for help to review this contract before you sign it. A contract is important because it is a legal document that states the duties and obligations of both your employer and you as a worker. Make sure you receive a copy of the contract and that you understand all the terms and conditions in the contract. At a minimum, the contract should include details of:

- * your name;
- * your work address;
- * your employer;
- * your duties;
- * your salary and benefits;
- * work hours (not over 12 hours a day, including overtime);
- * how overtime pay is calculated;
- * leave entitlements;
- * any deductions that are to be made; and
- * details about contract termination.



*** Check if any expenses or accommodation costs are being paid by the employer or the recruitment agency.** Ask if you are required to pay the costs back. Calculate how you will make these repayments. Get all of this information and any agreements in writing.

*** Tell your family the name, phone number and address of your employer.** Stay in regular contact with your family. Agree that if they do not hear from you within a certain amount of time they should seek help. Make sure your family has details and copies of your identification documents (like passport, visa number, and work permit) and your contract.



*** You can request to change your employer in the most necessary situations,** for example, if:

- *** Your employer dies.
- *** Your contract is cancelled due to lay-offs or the business closing down.
- *** You are abused by your employer.
- *** Your employer is not complying with the labour protection law.

Other than the conditions specified above, you may be allowed to change your employer at the discretion of the competent official at the Department of Employment, Ministry of Labour.

If you request to change employers based on one of these situations, your new employer must offer you the same kind of work. Your old employer must also sign a transfer form allowing you to work for another employer within 15 days.



Your rights as a migrant worker in Thailand

As a migrant of any age, and regardless of whether you are regular, registered or irregular, you have the right to complain and seek protection if any of your rights are violated or you have been abused by your employer. If you feel you have been cheated, wronged or treated in a way that discriminates against you because you are not Thai, your rights may have been abused – see the contact details at the back of the book and seek assistance.

As a migrant worker, you are entitled to the same rights at work as Thai workers. Women and men have the right to receive the same wages for the same work. Some of your rights are outlined below.



You have the right to keep your documents.

Keep your passport, visa and employment documents with you all the time. Do not give the originals to your employer or your recruitment agents even if they say they are for safekeeping. Make sure you photocopy all the documents and send copies to your family back home. Also keep spare copies with you.



You have the right to days off. Most workers, including domestic workers, have the right to 13 days off each year – these are the official Thai public holidays. If a holiday falls on a weekly rest day, the worker is entitled to take the following working day off. **You have the right to holiday pay if you are required to work on a Thai public holiday.**



Most workers, including domestic workers, are entitled to six days of paid annual leave after they have worked with an employer for one year without interruption.



Fishers have the right to 30 days of paid annual holiday each year. You have to negotiate this with the employer. Fishers are *not* entitled to 13 Thai public holidays.





You have the right to take medical leave.

For most workers, if the medical leave is for 3 working days or more, you must get a medical certificate from a registered doctor.



You have the right to receive your income during a period of illness.

Most workers, including domestic workers and fishers, are entitled to a maximum of 30 days of paid sick leave.



You have the right to be paid once a month. You have the right to be paid in cash.

You can negotiate with your employer for more regular payment if it is in your favour.



Your employer cannot restrict your movement to the workplace.

You have the right to go out of your workplace during your free time.



Your employer does not have the right to lock your room.

You have the right to lock your room from the inside.



You have the right to receive notification if your employer wishes to terminate your employment when no specific duration of employment is set out in your contract.

- * You have the right to get paid for work completed even if you are arrested, if you quit your job or if you are fired.** Your employer cannot withhold your wages under any circumstances. If in doubt, contact one of the organizations listed in this booklet for more help. Most workers have the right to claim for pay for unused leave days, calculated on a pro rata basis.



If you are a domestic worker, a fisher or an agricultural worker, some of the rights explained below may not apply to you. You need to negotiate these with your employer.

- * You have the right to 1 day off each week.** You can refuse to work on your day off. If you agree to work on your day off, you have the right to receive the holiday pay rate. Holiday pay rate will vary for different types of workers.

- * You have the right to the minimum wage in Thailand.** You are entitled to the same wage as Thai nationals doing the same job. From January 2013, the daily minimum wage is 300 Thai baht (THB) throughout Thailand.



- * You have the right to rest time of at least 1 hour per day during your shift.** This rest time must be offered at least 5 hours after you started work.

- * You have the right to refuse to work overtime.** The maximum working time is 48 hours per week. If you agree to work more than the normal working hours, your employer is required to pay you overtime (1.5 times your normal wage but total working time should not exceed 12 hours per day).



Your responsibilities as a migrant worker

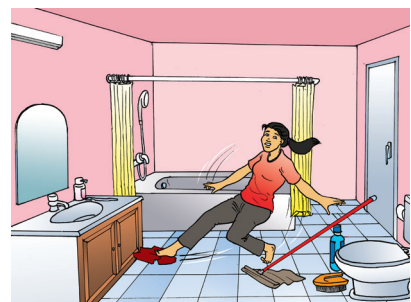
- * If you experience problems at work, talk to your family, a friend/colleague, your employer, or to the recruitment agency first. If the problem is not resolved, you should contact a Thai Government authority, an NGO, your embassy or a trade union for help. Some helpful contacts are included in this booklet.
- * If you want to take leave, make sure you inform your employer beforehand. Extended leave without telling your employer could be grounds for termination of your contract.
- * If you are sick and cannot go to work, inform your employer as soon as possible and get a medical certificate.
- * **To maintain your regular status, you must report to the nearest immigration office every 90 days** and complete a form with your current address. This is required by Thai law and it is your responsibility to complete this process which is free of charge. Failure to report will result in a fine of between 3,000 Thai baht (THB) and 20,000 Thai baht (THB).

Know your status

Am I a regular migrant worker?

A regular migrant requires a passport, visa and work permit. You will have this if you entered Thailand with a licensed recruitment agency.

You are also a regular migrant worker if you have entered Thailand irregularly but you have registered and completed the National Verification (NV) process and have a passport and work permit.



As a regular migrant worker:

- * **You have the right to travel anywhere within Thailand.** It is best to inform your employer if you plan to travel.

*** Check if you are insured under the Social Security Contributions Act (SSC),** in which case the Thai Government will make a 5% deduction from your monthly salary. This scheme will benefit you in the case of illness, injury, disability, unemployment, and pregnancy (including child allowance) and provision of old age pension. You are covered for health insurance after 3 months of contributions.

*** Check if you are entitled to the Workmen's Compensation Fund (WCF),** in which case you are covered if you suffer injuries and illness or death during or as a result of performing your work duties. Only regular workers, whose employers contribute to the WCF, are entitled to WCF benefits. A worker who does not fall into such category will not be compensated from the fund but rather from his or her employer.



Am I an irregular migrant worker?

*** You are an irregular migrant worker if you have entered Thailand irregularly (without a valid visa and work permit) and have not registered with the Thai Government.**

*** Even if you entered as a regular migrant worker, you may have become irregular if you did not renew your work permit in time, or if you changed your employer without going through the proper process or without permission.**

*** You are also considered an irregular migrant worker if you have registered with the Thai Government but have not completed the NV process. If you fall in this category:**

*** You will be required to pay 2, 200 Thai baht (THB) each year to obtain health insurance.** You can seek health care in a Government clinic or a designated hospital for 30 Thai baht (THB) per visit. If you have not paid for this coverage, you must pay in full for any treatment received.

*** You must live and travel only in the province where you have registered with the Thai Government.** Do not travel outside of the province where you work and live - unless you have permission from the Governor of the province.

Special notes for female migrants

- * **You are entitled to the same wage as male migrants** performing the same job.

If you are a female domestic worker, maternity protection does not apply to you. You should negotiate these rights with your employer.

- * **If you get pregnant**, you have the right to take up to 90 days of maternity leave, including 45 days of paid leave.

- * **If your work is hazardous or physically difficult during pregnancy**, and you obtain a medical certificate from a doctor stating that you are unable to continue to perform existing work duties, you have the right to ask that those duties be changed temporarily.

- * **You are legally entitled to work while pregnant and to receive special protection** from dismissal due to pregnancy.



Special notes for young migrants







- * **All children below the age of 15, including migrants, are not allowed to work in Thailand.** If you are underage and unaccompanied, seek help. Do not falsify your age if you are asked by the authorities.

- * **A migrant child between the ages of 15 and 17** is permitted to work but must not work more than 8 hours per day or 40 hours per week and must not work in hazardous employment or do night work.



Ways to keep safe

Be careful:

-  **Of anyone who befriends you with promises of an easy job with good pay** – they could be lying to you.
-  **Of anyone who offers to help you find other work or offers you a better job** – they might be earning a commission to recruit you and this could mean that your best interests are not their top priority.
-  **Of anyone who demands to keep your passport or identification documents** – this leaves you vulnerable because you need these documents in order to move around. Never leave your passport with a broker or an employer – your passport is your personal possession and you have the right to hold it yourself.
-  **Don't trust strangers!** Even friendly ones – male or female. However do try to make some friends in Thailand and meet other migrants from your country.
-  **Learn your way around.** Find the location of the nearest *wat*, temple, church or mosque, as well as police stations and hospitals. These places could offer sanctuary if you are in trouble.
-  **Do not trust a broker who tells you he/she can register you with the authorities or get you a work permit!** If you are already legally registered with your Thai employer and hold a valid work permit with that employer, it is your employer's responsibility to help you get a renewal.



Getting help

Phoning home

If you are living in Thailand and want to phone home, follow the instructions below:



Thailand - Cambodia

Dial <001><855><Your local area code and number>

First you have to dial an international access code <from Thailand dial 001> then your country code < 855 for Cambodia> and then your local area code and phone number.



Thailand – Lao People’s Democratic Republic

Dial <001><856><Your local area code and number>

First you have to dial an international access code <from Thailand dial 001> then your country code < 856 for Lao People’s Democratic Republic> and then your local area code and phone number.



Thailand - Myanmar

Dial <001><95><Your local area code and number>

First you have to dial an international access code <from Thailand dial 001> then your country code < 95 for Myanmar> and then your local area code and phone number.



Everyone is entitled to receive help – regardless of their situation!

If you do not understand anything in this booklet or if you need help but are afraid to approach the authorities, you may contact one of these organizations for help **without fear** of arrest or deportation.

Home country embassy in Thailand:

Cambodia	Lao People's Democratic Republic	Myanmar
Royal Embassy of Cambodia 518/4 Soi Ramkamheang 39, Pracha Uthit Road, Wang Thonglang, Bangkok 10310 Tel.: (+66) 2 9 57 58 51; (+66) 2 957 5852 Email: Camemb.tha@mfa.gov.kh	Embassy of Lao People's Democratic Republic 502/502/1-3 Soi Sahakarnpramoon, Pracha Uthit Road, Wang Thonglang, Bangkok 10310 Tel.: (+66) 2 539 6679; (+66) 2 539 6667; (+66) 2 539 6668	Embassy of the Republic of the Union of Myanmar 132 Sathorn Nua Road, Bangkok 10500 Tel.: (+66) 2 233 2237; (+66) 2 234 4698; (+66) 2 233 7250; (+66) 2 234 4789; (+66) 2 237 7744

Government authorities

Organization	Phone number
For immediate help* (Victim of trafficking)	1300
Police*	191
Labour rights violation, contact the Department of Labour Protection And Welfare, Ministry of Labour	1546
Work permit (Ministry of Labour)	1694

**This number is available 24 hours per day*

Non-governmental organizations (NGOs)

Organization	Contact address	Languages
MAP Foundation	<p>MAP Foundation – Chiang Mai 63/30 Umong Soi 4 Moo 8 Suthep, Muang Chiang Mai 50200</p> <p>Tel.: (+66) 53 811 202 Fax.: (+66) 53 271 551</p> <p>MAP Foundation - Mae Sot 1/5, Amina Uchit Rd, Mae Sot, Tak 63110</p> <p>Tel.: (+66) 55 536 381</p>	Burmese, Thai
Thai Allied Committee Desegregated Burma Foundation	<p>328/1 Phayathai Road, Ratchathewi, Bangkok 10400</p> <p>Tel.: (+66) 2 656 6541; (+66) 2 216 4463; Opening hours: 09:00 – 18:00</p>	Thai, English, Burmese
Home Net	<p>677/6 Soi Ladphrao 5/1 Chompon, Ladphrao Road Chatujak, Bangkok 10900</p> <p>Tel.: (+66) 2 513 9242; (+66) 2 513 8959</p> <p>Email: center@homenetthailand.org</p>	Thai
Human Rights and Development Foundation (HRDF)	<p>Suthisarnwinichai Road, Samsennok, Huaykwang, Bangkok 10310</p> <p>Tel.: (+66) 2 277 6882; (+66) 2 277 6887</p>	Thai, Burmese

Organization	Contact address	Languages
Labour Rights Promotion Network (LPN)	<p>25/17/18 Mahachai Muangthong Village, Sahakhon Road, Bang Yah Praek Sub-district, Muang District, Samut Sakhon 74000</p> <p>Hotline: 090 893 0766</p> <p>Tel.: (+66) 3 443 4726; (+66) 6 163 1390</p>	Burmese, Thai
Migrant Workers' Rights Network (MWRN)	<p>Samut Sakhon Office and Learning Center</p> <p>93/260, Soi 9, Moo 7, Tambon Thasai, Amphur Muaeng, Samut Sakhon 74000</p> <p>Tel.: (+66) 86 755 5337 Email: mwrn@gmail.com</p>	Burmese
Foundation for AIDS Rights (FAR)	<p>25/64 Wuttisarnsopon Road, Cheung Nern, Muang, Rayong</p> <p>Tel.: (+66) 38 871 236</p> <p>59 TermSap Village, Nern Phra, Muang, Rayong</p> <p>Tel.: (+66) 38 993 242 Hotline: (+66) 835 5433 608</p>	Khmer, Thai, English
Thai Trade Unions – Migrant Workers Resource Centre	<p>420/393 – 4 Tippawan Tepharak Road, Muang, Samut Prakarn</p> <p>Tel.: (+66) 2 384 0438</p>	Thai, Burmese, Lao
Labour Law Clinic	<p>14/12 Prasartwitheederm Road, Mae Sot, Tak 63110</p> <p>Tel.: (+66) 55 535 994 Fax: (+66) 55 536 015</p>	Burmese, Karen, Thai



You have rights – and responsibilities!

Knowing these can help you avoid abuse and make the most of your time in Thailand.

Be aware!

This booklet gives you advice on how to live and work safely in Thailand and what to do if you need help.

Travel Smart – Work Smart!



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Promoting safe migration and protecting migrant workers

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